



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**BURT LAZARIN**  
Chair

**JESSE R. BODINE**  
District Manager

March 14, 2019

Gail Benjamin  
Chair  
2019 Charter Revision Commission  
250 Broadway, 26<sup>th</sup> Floor  
New York, New York, 10007

Ed Atkin  
Executive Director  
2019 Charter Revision Commission  
250 Broadway, 26<sup>th</sup> Floor  
New York, New York, 10007

**Re: Manhattan Community Board 4 Charter Proposals**

Dear Chair Benjamin and Executive Director Atkin,

Attached are Manhattan Community Board 4's (MCB4) proposals for changes to the New York City Charter. MCB4 appreciates the efforts that you, your fellow commissioners, and your staff have made to make this one of the most transparent and welcoming processes. MCB4 has conducted its own multi-month public process to collect and finalize a set of New York City Charter Proposals for the Commission to review. At its March 6<sup>th</sup>, 2019 Full Board meeting, by a vote of 38 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, the Board voted to approve the attached proposals.

The process began in October 2018 with Commissioner James Caras attending MCB4's Executive Committee to present on the Commission's review process. Each of MCB4's committees then placed the topic on their agenda for two months. The committees were tasked with reviewing the Commission's reports and voting on a set of recommendations. The recommendations were then collected and organized and presented back to the Executive

Committee. This process was led by Board Member Brett Firfer, AICP, who deserves the majority of the credit for organizing and drafting the attached set of proposals.

MCB4 believes these proposals fall under the Commission's four focus areas of Elections, Governance, Finance, and Land Use. We hope these proposals will further help you to select a final set of charter revision proposals.

Thank you for your attention to these issues and we look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Burt Lazarin", with a long horizontal flourish extending to the right.

Burt Lazarin  
Chair  
Manhattan Community Board 4

Enclosure

cc: Hon. Corey Johnson, Speaker of the New York City Council  
Hon. Gale A Brewer, Manhattan Borough President

## **1. SPECIFY AND CONSOLIDATE SIDEWALKS UNDER DEPARTMENT OF TRANSPORTATION**

### *Improve Communities*

#### **Recommended revision:**

Consolidate sidewalk rules, regulations, and enforcement under Department of Transportation by explicitly adding sidewalks to the jurisdictional responsibilities of the Department of Transportation (Chapter 71, Section 2903(a)).

#### **Reason for recommendation:**

Presently there are no less than three City departments who share responsibilities for establishing rules and policies governing sidewalks, including the Department of Buildings (see Section 234(a)(5)(i)) and the Department of Sanitation. The multiplicity of jurisdictions has resulted in conflicting guidelines, and enforcement by so many agencies is onerous and thus not effective. As a result, many sidewalks include obstructions from unauthorized street furniture, building construction (permanent and seasonal), and other obstructions ranging from nuisances to public safety and endangerment to pedestrians. Consolidating jurisdictional responsibility to a single department would enable to the City to plan and enforce rules and regulations effectively. Designating the Department of Transportation as the responsible department would allow for sidewalks to be effectively integrated into the larger transportation system and create a safer holistic transportation for all street and sidewalk users.

## **2. CO-TERMINALITY OF SERVICE BOUNDARIES**

### *Improve Communities*

#### **Recommended revision:**

Require New York City Police Department precincts to be co-terminus with community district boundaries (Chapter 69, Section 2703).

#### **Reason for recommendation:**

Community boards must have constructive working relationships with local precincts as they serve as a very important bridge between neighborhoods and police on a multitude of issues, including law enforcement and improving quality of life. In order for community boards to work efficiently and effectively with NYPD precincts, community districts and NYPD precincts should share common boundaries to best align local community and law enforcement goals and communication between communities and residents within each district.

### **3. ELIMINATE REDUNDANCY OF COMMUNITY ENGAGEMENT**

#### *Improve Community Board Effectiveness*

##### **Recommended revision:**

Eliminate the Civic Engagement Commission

##### **Reason for recommendation:**

The roles, responsibilities, and jurisdiction assigned to the Civic Engagement Commission are already the responsibility of other departments and entities within the City Charter's structure, most of which are chronically underfunded. Rather than allocating budgetary resources to this new Commission, it would be more effective to reassign funding to these other resources. Powers and duties given to the Civic Engagement Commission include: participatory budgeting, which is a responsibility of City Council representatives and the Mayor's Office of Management and Budget; community partnerships and public outreach, which should be part of most City departments' and community boards' respective missions; language access for City services and poll site, which are requirements for all City department public-related functions and the Board of Elections; and assistance to community boards, which is part of the Borough Presidents' responsibilities. With regard to this last matter with community boards, it is our firm opinion that community boards would be dramatically better served with funding for additional professional staff to help community boards better advocate for community needs, rather than rely on City-wide resources that may not understand local needs. Furthermore, budgeting for augmented community board staff positions will help community boards retain better continuity of knowledge and experience, whereas a mostly Mayoral-appointed Commission will change with every new administration.

### **4. ASSIGN A CITY PLANNER TO COMMUNITY BOARDS**

#### *Improve Community Board Effectiveness*

##### **Recommended revision:**

Augment the NYC Charter (Chapter 8, Section 191(b)(5)), which already includes the requirement for the Department of City Planning to "provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter (Chapter 8, Section 191(b)(5)", to designate and assign an urban planner to each community board to provide community boards with the necessary help to review complex land use proposals, as well as help in preparing neighborhood plans.

##### **Reason for Recommendation:**

Community boards are typically underfunded for the important work that community boards must do as community advocates. A community board that represents an appropriate cross-section of a diverse NYC community is likely to be comprised of people from a variety of educational and professional backgrounds. However, an effective community board needs to have a clear understanding of issues directly related to urban planning, such as land use and transportation planning. To ensure this occurs, the Charter should require the Department of City Planning to assign an urban planner to each community board as a means for providing a continuity and consistency of service to community boards.

## **5. INCREASE COMMUNITY BOARD REVIEW TIMES IN ULURP AND BSA VARIANCE**

### **PROPOSALS**

#### *Improve Community Board Effectiveness*

#### **Recommended revision:**

For any application triggering ULURP, or application for a variance to the Board of Standards and Appeals (BSA), that is certified between June 1 and July 31, and between November 1 and December 31, increase the required review time for community boards from 60 to 75 days.

#### **Reason for Recommendation:**

Most community boards are not required to meet in July and August, and typically do not hold monthly meetings throughout the summer. As a result, community boards have difficulty meeting the mandated 60 day review period during the summer months. Similarly, community boards often face scheduling challenges because of November and December holidays and meeting a 60-day review period deadline. It is very important for community boards to have adequate time to thoroughly and thoughtfully review and comment on applications.

## **6. RESTRICT THE CITY PLANNING COMMISSION FROM OVERRULING LOCAL STAKEHOLDERS IN ULURP VOTING**

#### *Improve Community Board Effectiveness*

#### **Recommended revision:**

As recommended by the Comptroller's Office: "The City Charter should be amended to require that any City Planning Commission approval of an application that has previously been disapproved by the local community board and borough president be approved by a supermajority of commissioners." (*A New Charter to Confront New Challenges*, September 2018)

#### **Reason for Recommendation:**

We agree with NYC Comptroller Scott Stringer that a Commission comprised of a majority of members appointed by the Mayor puts community boards and Borough Presidents at an extreme disadvantage if a community opposes a land use application supported by the Mayor's Office, since the Planning Commission has the ability to override recommendations put forth by both more locally-focused stakeholders in the ULURP process. Requiring a supermajority to approve an action opposed by a community and Borough President would lessen the Mayor's control over the ULURP process and empower community boards to negotiate compromises more favorable to their communities.

## **7. ELIMINATE TERM LIMITS FOR COMMUNITY BOARD APPOINTEES**

### *Improve Community Board Effectiveness*

#### **Recommended revision:**

Remove the limit on the number of consecutive terms a community board member may serve (Chapter 70, Section 2800(a)).

#### **Reason for Recommendation:**

Term limits were recently imposed on community board members with the rationale that senior members of a board are obstacles to progress and diversity of representation, while downplaying the inevitable loss of institutional knowledge and memory. On the contrary, our community board is on the front lines for progress: we are strong advocates for affordable housing, alternative modes of transportation, and sustainable environmental policies. We support responsible development in our community, which has been the faster developing district in the City with growth in the Hudson Yards and all surrounding neighborhoods. And our board strongly encourages public engagement from all of our diverse community. It cannot be overstated how important it is to our communities for a community board to have the ability to advocate for the good of the residents and local businesses, and there is no better weapon in a community board's arsenal than the knowledge for how to navigate the City's complex system of rules and politics that comes from the experience of serving on the board. If community board members are forced to leave their respective boards due to term limits, our community defenders will suddenly find themselves vulnerable to the developers and city policy makers who operate in a world without term limits, and this would present a danger to our neighborhoods bereft of comparably experienced fighters, and this would not be a fair fight.

## **8. DIVERSIFY LANDMARKS PRESERVATION COMMISSION MEMBERSHIP**

### *Improve Communities*

#### **Recommended revision:**

Require that the chair be appointed by the mayor, while the remaining commissioners be appointed by borough presidents and the city council, all for limited terms requiring renewal (Chapter 74, Section 3020(a)(10)(a)).

#### **Reason for Recommendation:**

LPC Commissioners are currently all appointed by the Mayor, effectively carrying out the Mayor's policy on preservation. However, issues on landmarks and preservation should reflect greater diversity in ideas and allow for a Commission that is free to act with greater independence.