



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

November 20, 2013

Amanda M. Burden  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Proposed rule designating 13 actions as Type II, which will not require environmental review under City Environmental Quality Review**

Dear Madame Chair:

Manhattan Community Board 4 (MCB4) has been granted the opportunity to comment on a proposed rule designating 13 actions, in accordance with the requirements of section 1043 of the NYC Charter, by written statement or public testimony on November 20, 2013. Thus, MCB4 writes in support of the proposed rule change except proposed changes to actions 5, 11, 12 and 13, as discussed below.

The four actions to be exempt from environmental review that MCB4 does not support without changes are:

1. (5) Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution;
2. (11) Special permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution;
3. (12) Special permits for public parking garages and public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the Zoning Resolution; and
4. (13) Special permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the Zoning Resolution.

MCB4 has two issues with these four actions and both relate to the use of a hard number. The issue is related both to the percentage of the increase and to the possible cumulative effect.

### Use A Percentage And Not A Hard Number

We can see the argument of how ten residential units and 85 parking spaces could be de minimus or never an environmental issue under the present rules of review, but we think that it should depend on how many units or parking spaces are there now. For example, if a public parking garage presently has 85 spaces and there is then a proposal to double the size to 170 spaces we would believe that these new 85 spaces should be reviewed since doubling the size will clearly have an effect and if negative we need to know how negative. The same is true for a residential development that has ten units and wants to add another ten units. Thus, we feel a percentage should be used in lieu of a hard number. We suggest that any additional units or parking spaces that constitute a 25% increase or more should not be exempt.

### One Bite At The Apple

MCB4 has serious concerns that given the failures of CEQR and SEQRA to take a more holistic view in its analyses that this new rule change could then be used as an end run around review. In theory an applicant could continue to add parking spaces year after year without a review as long as it is always 85 or fewer spaces. The same is true with the residential proposal. MCB4 requests that the rule be changed to impose a condition that you can only avoid review once and if you come back again for a further increase than the present and prior increase be reviewed together as one.

We thank you for your consideration.

Sincerely,



Corey Johnson  
Chair



Jean-Daniel Noland, Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

cc: Wesley O'Brien, Mayor's Office of Environmental Coordination  
Edith Hsu-Chen, Frank Ruchala - DCP  
Gail Benjamin, Danielle DeCerbo – City Council Land Use Division  
Melanie LaRocca - NYC Council Speaker Christine Quinn  
Brian Cook, Michael Sandler – Manhattan Borough President Scott Stringer  
NYS Senator Brad Hoylman  
NYS Assemblyman Richard Gottfried  
US Congressman Jerrold Nadler  
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