

December 15, 1998

Hon. Joe Rose
Chairman, N.Y. City Planning Commission
22 Reade St.
New York, NY 10007-2116

Dear Chairman Rose:

On behalf of the Queens Civic Congress an umbrella organization of over ninety civic groups throughout Queens, we take this opportunity to testify and comment on:

RE: Cellar Text Amendment ULURP No. N990178ZRY

We support the proposed text amendment to amend the definition of "floor area" in Section 12-10 of the Zoning Resolution. This amendment would clarify the past practice of including dwelling space in a cellar into the FAR calculations.

As you know I wrote the *amicus* brief supporting the city's position in the Court of Appeals case, *Rartitan v. Silva*, which reversed the long standing practice of including the cellar dwelling space in the FAR calculations. This text amendment will close a significant loophole created by the *Rartitan* decision.

RE: Concession Rules

The CPC's recently proposed rules on determining the threshold of what constitutes a major concession for the purpose of triggering ULURP is a starting point. We, however, believe that the time to comment before action by the CPC on December 21st is far too short. Therefore, we ask that the CPC delay its vote on this proposal for 45 days to permit detailed analysis and comment.

Our initial examination of the proposed rules reveals some serious concerns that the threshold levels are so high as to put most concessions beyond the review of ULURP.

The exemption under Section 7-03 (d) of renewals and extensions from ULURP denies citizens the right to comment or suggest changes. Under Section 7-03 (b) the exclusion of "for fee" facilities especially the larger ones such as golf driving ranges, ice rinks also denies citizens the right to comment especially on projects such as these which will have a major impact on open space.

With respect to the thresholds set forth in Section 7-01 we suggest the following alternatives as being more reasonable numbers to permit comment pursuant to ULURP:

- (a) Marinas: 50 slips
- (b) Buildings in or without a park: 10,000 square feet
- (c) Open space use in a park of 20,000 square feet
- (h) Remove the square foot requirement and use a 25% square foot percentage instead of 15%

The ability to comment pursuant to ULURP provides government the best opportunity to hear the public's comments before making important decisions on sensitive issues.

Truly yours,
SEAN M. WALSH
President