



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

**New York City Council
Committee on Land Use
Oversight – Privately Owned Public Spaces (POPS)
Testimony by Diana Switaj, Director of Planning and Land Use
Committee Room, City Hall
Wednesday, June 29, 2016, 1:00PM**

Good afternoon. I am Diana Switaj, Director of Planning and Land Use for Manhattan Community Board 1 (CB1). Thank you for the opportunity to comment on Int. No. 1219 to amend the charter and the administrative code of the city of New York, in relation to reporting on the compliance statuses of privately owned public spaces (POPS) by the Department of City Planning (DCP) and the Department of Buildings (DOB).

This bill would require DCP to provide a report to the City Council twice per year about every POPS, including whether the space is required to file a periodic compliance report, whether the report was filed, and whether the filing was in compliance. DCP would also be required to create an online map displaying that information, to be updated twice per year. DOB would be required to provide an annual report to the City Council about the compliance status of every POPS. The report would include the number of complaints filed about each space, whether enforcement action was taken by DOB for a violation of the City's Zoning Resolution for each space, and whether DOB authorized any closure due to an unsafe condition construction.

Community District 1(CD1) has a concentration of POPS in 1.5 square miles. With limited outdoor open recreational space, we place a high value on these public spaces. Our Board conducts its own research on the status and health of the POPS in our district, but we have limited resources and are unable to do this regularly. We believe that the regular collection and dissemination of data on POPS would be an invaluable resource to us and to other Community Boards throughout the City.

With dozens of POPS in our district, we have had issues with non-compliant POPS, portions of POPS being illegally used for a commercial purpose, or POPS being poorly maintained. However, DOB is already overburdened and under-resourced, and it is difficult or timely to get such issues resolved. We therefore have concerns about the ability of DOB to undertake such a large task of the regular monitoring and reporting of the status of every POPS throughout the City. We are further concerned that stretching already limited resources at DOB may affect the ability of DOB to address existing issues in our district.

CB1 supports the concept of regularly collecting and reporting on POPS data, but is left with the following concerns and suggestions regarding this proposed legislation:

- CB1 requests that the Council clarify the purpose and intent of this legislation.
- Will the adoption of this legislation prompt an increase in funding for DOB and DCP?
- The issue of enforcement must be addressed in the legislation, including which agency is responsible for enforcement, and it must include strict penalties that will ensure POPS are kept in compliance.
- Maintenance of POPS must also be addressed in the legislation.
- CB1 requests that DCP and DOB report to Community Boards annually on the data collected on POPS in each district, so Boards can provide a qualitative balance to the technical data gathered with the goal of creating a more comprehensive report on the overall health of these public spaces.

Thank you for the opportunity to comment today on this important proposed legislation.