



**STATEMENT BY MARISA LAGO, CHAIR OF THE NYC CITY PLANNING COMMISSION AND THE DIRECTOR OF THE NYC DEPARTMENT OF CITY PLANNING TO 2019 CHARTER REVISION COMMISSION**  
**March 21, 2019**

Good evening. My name is Marisa Lago. I am the Director of the Department of City Planning and Chair of the City Planning Commission.

My testimony will focus on three topics: the importance of continuing to rely on as-of-right development to meet the needs of a diverse and welcoming city, the necessity of having a workable ULURP process to create capacity for growth, and the role of the City Planning Commission and the Department of City Planning.

In New York, unlike other large, industrial-era U.S. cities, we are at all-time highs for both population and jobs. In 2000, we matched our previous peak, set in 1970. Since then, we have added over 700,000 people – an entire Seattle – and become far more ethnically diverse. And, we are continuing to grow.

If we cannot continue to make room for immigrants, for our children, and for future generations of New Yorkers, we will fail to meet the needs of our most vulnerable residents, and we will cease to be the diverse and welcoming city that has defined us through history.

**As-of-right development** is the lifeblood of our built environment. We should not threaten it by increasing the number and type of land use actions that are subject to ULURP.

- Over 80 percent of new housing produced since 2010 has been built as-of-right. Without this development, approximately **300,000 New Yorkers** – an entire Pittsburgh – would not have the homes in which they live today.
- If, as in San Francisco, every project had to go through discretionary review, the number of housing units in our city would be far less, markedly increasing the pressure on our most vulnerable residents.

The existence of a sound, workable **ULURP** process is indispensable to creating the capacity for future as-of-right development, and to supporting the production of permanently affordable housing.

- Since 2010, about 30 percent of the new housing that has been built occurred as-of-right, following a ULURP-approved neighborhood rezoning that had increased the amount of housing that could be built.
- An additional 20 percent of new housing has come through ULURP as site-specific actions, about half through applications by private land owners and about half through projects advanced by the City.
- These City projects are typically 100% affordable housing, underscoring the fact that **producing affordable housing relies on a workable ULURP process.**

The ULURP process is premised on local input. It gives Community Boards the opportunity to weigh in first during public review, and it culminates at the City Council, enabling the local Council Member to

play a key role in the final decision. But, to ensure that land use decisions promote a more equitable city, these local community perspectives must be balanced with broader, city-wide views, such as the need to site necessary infrastructure and to meet the housing needs of future generations of New Yorkers.

- Creating enough housing for our growing population is fundamental to addressing displacement pressures in neighborhoods across the city. If our economic success continues, but we fail to provide housing for a growing population, we will become a city where housing is only accessible to the most fortunate.
- The City is doing more than ever to keep low-income tenants in their homes. In addition to a record commitment to fund legal services for tenants, HPD has preserved more than 83,000 affordable homes since 2014.
- While stronger rent regulation is part of the strategy, without sufficient new housing the size of our housing crisis – and the inequality of its distribution – will only grow.

Some express concerns that low-income neighborhoods bear the brunt of most new housing development. Others allege that our growth only serves the most fortunate. I share the passion for equity that underlies these concerns. But this Administration's policies are, in practice, promoting equity by producing housing in high-opportunity neighborhoods:

- Since 2015, the largest share of new housing construction (36%) has occurred in the 25% of neighborhoods with the highest median incomes.
- And about one-third of the new **affordable** housing that has been completed under the Mayor's Housing New York Plan was built in these same, high-income neighborhoods.

Finally, the **Department of City Planning (DCP)** is an indispensable resource to the **City Planning Commission (CPC)**, enabling this deliberative body to make informed decisions in the ULURP process.

- I have worked broadly around the world and have led the planning department in another major U.S. city. I can vouch that DCP is in a class by itself among municipal planning departments.
- The unique quality of our expertise is perhaps best epitomized by our Population Division, which has been the analytical backbone of the multistate legal challenge to the U.S. Census Bureau's proposal to add a citizenship question to the 2020 Census.
- DCP's expertise is also evidenced by the fact that other major U.S. cities routinely raid DCP staff to head their planning departments (Los Angeles, Pittsburgh, and Seattle, among others)
- The link between DCP and the CPC is vital to ensure that planning decisions are guided by sound information and analysis that is informed by both deep community knowledge and a necessary city-wide perspective.

Thank you.



**STATEMENT BY ANITA LAREMONT, EXECUTIVE DIRECTOR, NYC DEPARTMENT OF CITY PLANNING TO  
2019 CHARTER REVISION COMMISSION**

**March 21, 2019**

Together with Community Boards, ULURP was established in 1975 as part of a set of Charter revisions that discarded top-down master planning and established a locally responsive land use decision making process.

ULURP was amended in 1989. It was then that the City Council's role was expanded to amplify the voice of communities in NYC's land use process.

ULURP today has three essential ingredients : **Balance, Predictability, and Transparency.**

**Balance** ensures both neighborhood and citywide perspectives are given weight in the ULURP process.

Community Boards and Borough Presidents comment first, ensuring decisions are informed early on by local perspectives.

Decisions are made by entities – the City Planning Commission and the City Council -- with responsibilities to the whole city. Decisions are informed but, we hope, not dominated by local voice.

**Balance** also refers to the shared power of the executive and the City Council that emerges from ULURP.

The 1989 Charter gave the executive a 1-vote majority on the Commission, but it gave the City Council the final word on every ULURP application.

The Council itself balances its role as a citywide body against its practice of giving a dominant voice to the local member on land use matters.

As such, local perspectives and the views of the Council are strongly represented and increasingly decisive in ULURP.

While some local voices feel the ULURP process does not give them a strong enough voice, we hear from affordable housing developers, Fair Housing advocates, and others, who see that local concerns are frequently winning out over the wider needs of families, immigrants, and others among the City's most vulnerable.

**Predictability** refers to access to a process with a finite timeline. This seven-month process provides opportunities to elicit and consider information that can and does affect the outcome, up to and including the decision whether or not to approve.

ULURP ensures that the City cannot, as in Chicago, sit on applications forever; nor can the City rush projects through in a week.



We strongly urge caution around proposals that would allow non-applicants to introduce amended applications during ULURP or that would significantly broaden changes that can be made at the very end of the process. This will undermine predictability and deter many from entering ULURP in the first place.

**Transparency** refers to ULURP's requirements for public notice and information. The process informs the public and ensures the rights of all parties, including applicants, to due process and the opportunity to be heard on changes that may affect them.

In making its decision, the Commission responds to all relevant comments and elaborates on the grounds for its decisions in a public report.

We see this basic process as sound, and caution strongly against changes that undermine its **balance** and **predictability**. We are, however, mindful of ways to make the process more **transparent**.

We are already making more information easily accessible to the public earlier in the process. Among our many new transparency tools, I will point to our ZAP portal, which maps all applications, and will soon make full applications available to all online.

We commit to working toward ever greater transparency.

Thank you.



**NYC Department of City Planning**  
**Attachment to Written Submission to the 2019 Charter**  
**Revision Commission**

**Examples of “Info Briefs” Providing Publicly Available Data**  
**and Analysis**

# How much housing is built as-of-right?

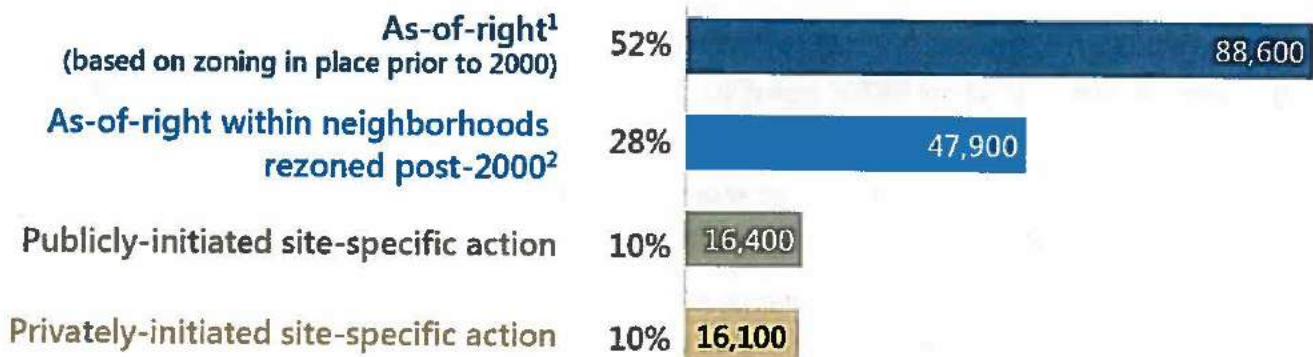
- Since 2010, 80% of all new housing production, and nearly 90% of construction on privately-owned land, was as-of-right.
- Half of units requiring actions from the City Planning Commission were City-sponsored.
- About 28% of all new units were built in neighborhoods rezoned after 2000 to allow for more housing.

To better understand the role of land use review in facilitating new housing, the Department of City Planning analyzed the share of new housing completed from 2010 to 2018 that was built following site-specific discretionary approvals by the City Planning Commission (CPC). The analysis also considered how much new housing was built as-of-right – requiring no action from the CPC – including in areas where neighborhood rezonings adopted since 2000 increased housing capacity. The findings include:

**As-of-right development is critical to new housing production in New York City.** About 20% of new housing units completed since 2010 required CPC site-specific discretionary approvals. The other 80% of new housing units were built as-of-right, amounting to 136,500 units.<sup>1</sup>

**Neighborhood planning is important to sustaining as-of-right housing production.** Neighborhood rezonings<sup>2</sup> of the past two decades have contributed significantly more new housing (28%) than all site-specific approvals (20%).

## Housing Units Completed 2010 - 2018



### As-of-right development<sup>1</sup>

New housing that complies with existing zoning regulations can be built as-of-right – requiring no action from the CPC – by filing for building permits with the Department of Buildings (DOB).

### As-of-right within neighborhoods rezoned post-2000<sup>2</sup>

To plan for NYC's growing population, the City conducts neighborhood planning initiatives, which include rezoning appropriate areas to increase opportunities for new housing. Where a neighborhood rezoning since 2000 increased the permitted density of housing, it allowed for more new housing construction to proceed as-of-right.

### Site-specific actions

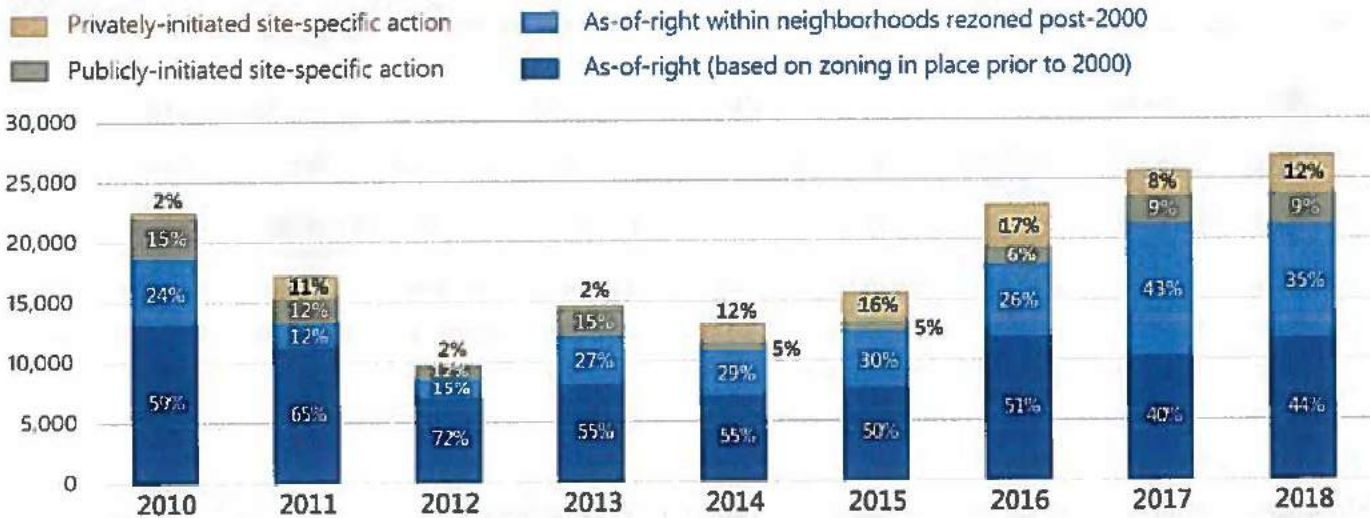
Some land use actions enable the construction of a specific project. In such a case, an application to the CPC modifies zoning regulations for a limited area or grants certain special permissions. Site-specific CPC applications are typically also required for the sale or lease of City-owned land, for instance to allow for development of affordable housing. Thus, the applicant for a site-specific action may be a public entity, such as the Department of Housing Preservation and Development (HPD), or a private property owner.

1. All units that did not require CPC site-specific discretionary approvals are labeled "as-of-right" though they may have required other ministerial or discretionary approvals by the Board of Standards and Appeals, the Landmarks Preservation Commission or another City or State entity.

2. Analysis includes only those specific areas within rezoned neighborhoods where the residential density was increased.



## Completed Housing Units, by Year and Type of Land Use Action



### Other Findings

- Housing development on City-owned land, which typically consists of affordable housing, is subject to CPC approval through publicly-initiated site-specific actions.
- Considering only housing construction on privately-owned property<sup>3</sup> (which excludes units completed as a result of publicly-initiated site-specific actions), 89% of new housing units completed between 2010 and 2018 were built as-of-right.
- Neighborhood rezonings have played a significant role in supporting new housing creation: 28% of all new housing completed since 2010, about 48,000 new units, has been built as-of-right in areas where housing capacity was increased through a neighborhood rezoning post-2000.
- Neighborhood rezonings that have resulted in the most new housing units were in Long Island City, Greenpoint/Williamsburg, Downtown Brooklyn, Hudson Yards and West Chelsea.
- In recent years, the number of units built as-of-right in recently rezoned neighborhoods has increased, while other as-of-right production has not exceeded its 2010 level.
- While all housing production is related to economic cycles, the production of units from privately-initiated site-specific actions varies more widely during market cycles than other categories of housing development.

3. Privately-owned property encompasses all property that is not City-owned, including property owned by non-profit institutions.

### Methods and Sources

The Department of City Planning created a spatial join between three databases:

- A housing database (version January 2019) of DOB Applications and Certificates of Occupancy data from 2010 to 2018, compiled by DCP. Units completed are based on the year of issuance of the first Certificate of Occupancy (Temporary or Final). The analysis is limited to New Buildings, Alterations or Demolitions are not included. The time period covered by this database defined the time frame of the analysis.
- A database of select site-specific discretionary actions approved by the CPC between 2000 and 2015 (900 records), including Urban Development Action Area Projects and other dispositions, zoning map changes, certain Special Permits and Authorizations, and certain Modifications of Special Permits or Restrictive Declarations.
- A database of City-led area-wide rezonings approved between 2000 and 2015 (130 records for area-wide actions), where the change in permitted residential density was evaluated on a lot by lot basis, based on permitted residential density before and after the zoning change, per MapPLUTO. The analysis only considered housing completions with permits issued after approval of the site-specific or area-wide land use action.

#### About the Department of City Planning

The Department of City Planning (DCP) plans for the strategic growth and development of the City through ground-up planning with communities, the development of land use policies and zoning regulations, and its contribution to the preparation of the City's 10-year Capital Strategy. For more information, go to [nyc.gov/data-insights](http://nyc.gov/data-insights)

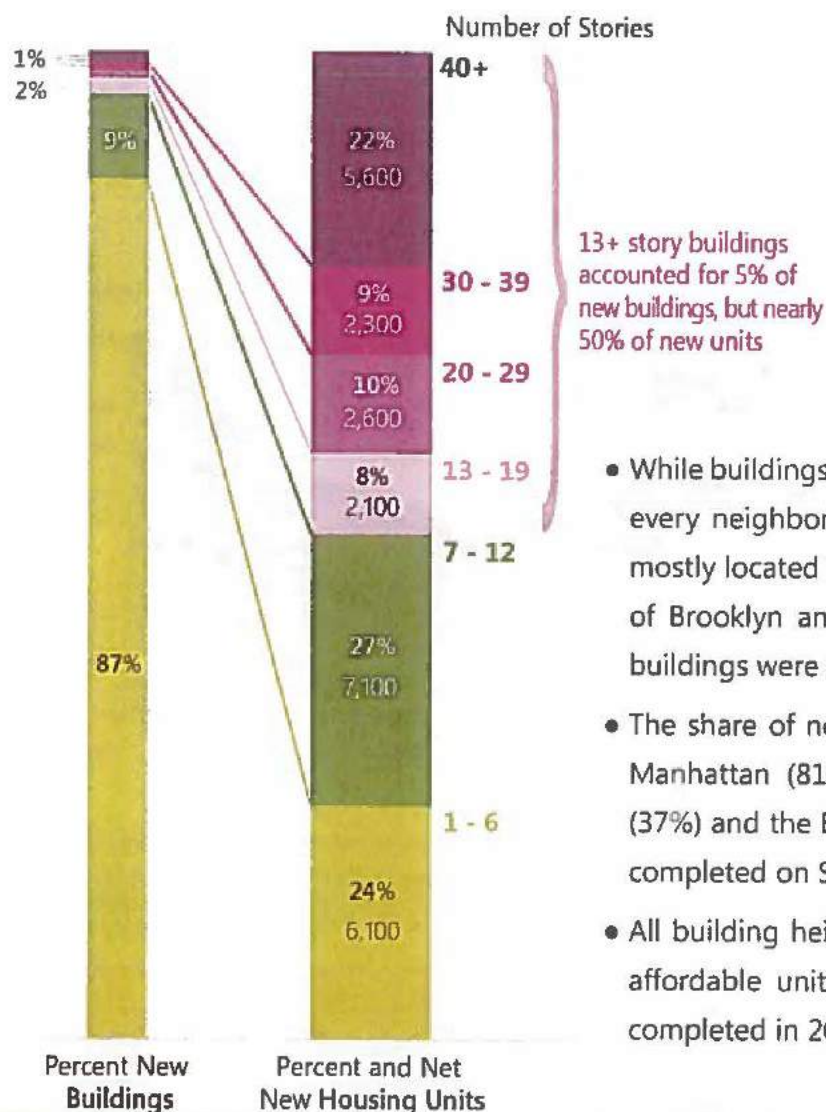


- In 2017, 13+ story buildings accounted for five percent of new buildings, but almost half of new housing units.
- Taller buildings were concentrated in transit-accessible neighborhoods in Manhattan, Brooklyn and Queens.
- In the past decade, taller buildings have become increasingly important to producing new housing.

As the city's population continues to grow, housing construction is increasingly occurring in central locations and in buildings of more than six stories. This represents the continuation of a trend that began in the mid-2000s. All building height categories described in this info brief play a role in producing new affordable as well as market-rate housing.

Figure 1

**New Housing Units and Buildings in 2017 by Building Height**



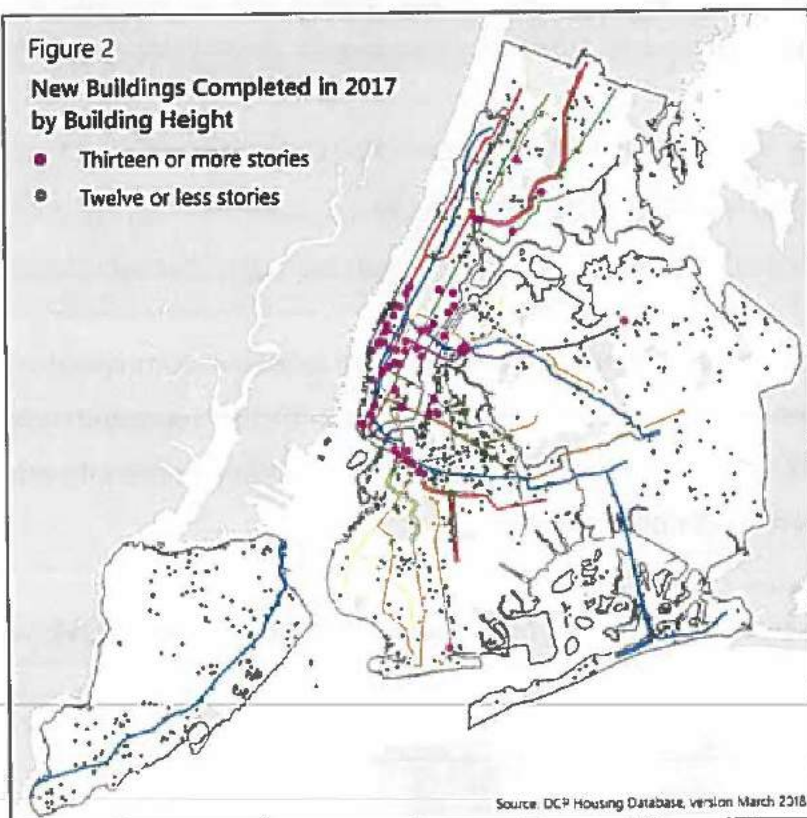
**2017**

- Almost 50 percent of the 25,800 units completed in 2017 were in buildings of 13 or more stories. These units were all in transit-rich neighborhoods.
- New units in one- to six-story buildings represented 87 percent of new buildings and 24 percent of new units, whereas buildings of 40 or more stories represented just one percent of new buildings, but 22 percent of new units.
- While buildings of 12 or fewer stories were completed in almost every neighborhood, buildings of more than 13 stories were mostly located in Manhattan south of 96th Street and portions of Brooklyn and Queens near Manhattan. All of these taller buildings were near mass transit.
- The share of new units in 13+ story buildings was highest in Manhattan (81%) and Queens (54%), followed by Brooklyn (37%) and the Bronx (23%). There were no 13+ story buildings completed on Staten Island.
- All building height categories included market-rate as well as affordable units. For instance, new buildings of 40+ stories completed in 2017 included close to 1,300 affordable units.

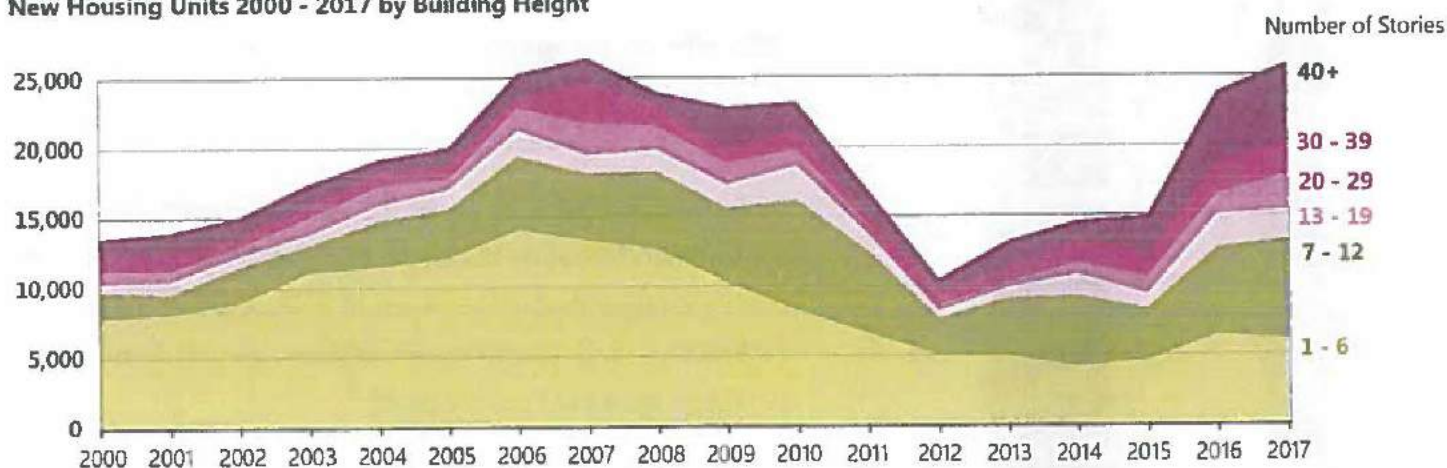


## Building Height Trends: 2000 - 2017

- New units in one- to six-story buildings have decreased substantially since peaking in 2006, when they were 56 percent of new units; in 2017, they represented 24 percent. This is likely due to several factors, including shifts in the market, the 2006 sunset of a State tax exemption for one- to three-family homes, and building code changes.
- Every year since 2009, the majority of new units have been delivered in buildings larger than six stories. In 2016 and 2017, this share exceeded 70 percent of new units.
- Since 2015, 40+ story buildings have been an important contributor to new housing production in transit-rich neighborhoods, with a handful of large buildings accounting for about one-fifth of new units each year.



**Figure 3**  
**New Housing Units 2000 - 2017 by Building Height**



### Sources and Notes

This analysis builds on another info brief called *2017 Housing Production Snapshot*, available at: <http://www1.nyc.gov/site/planning/data-maps/nyc-economy.page>

The data is derived from Department of Buildings (DOB) Applications and Certificates of Occupancy data, which is compiled by DCP (version March 2018). The analysis is limited to New Buildings; units created through Alteration or Change of Use are not included. Where DOB lacked information regarding number of proposed stories, it was supplemented with DCP PLUTO data. Completed buildings are buildings containing units that received a temporary or final Certificate of Occupancy in any given year.

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- **About 25,800 housing units were completed in 2017, nearing peak levels of recent decades.**
- **Brooklyn led all boroughs, gaining one-third of the 141,000 units built citywide between 2010 and 2017.**
- **Over 79,000 permitted units are not yet completed, suggesting significant new housing completions for upcoming years.**

New housing completions have increased every year since hitting a low of 10,000 new units in 2012, when the last ripple effects of the 2008 recession were felt in the NYC housing production market. A nearly unprecedented spike in housing permits in 2015, spurred by changes to the 421-a tax exemption program, kicked off a period of strong housing production. In 2016 and 2017, housing completions exceeded 20,000 units, nearing peak levels during the prior decade.

### 2017

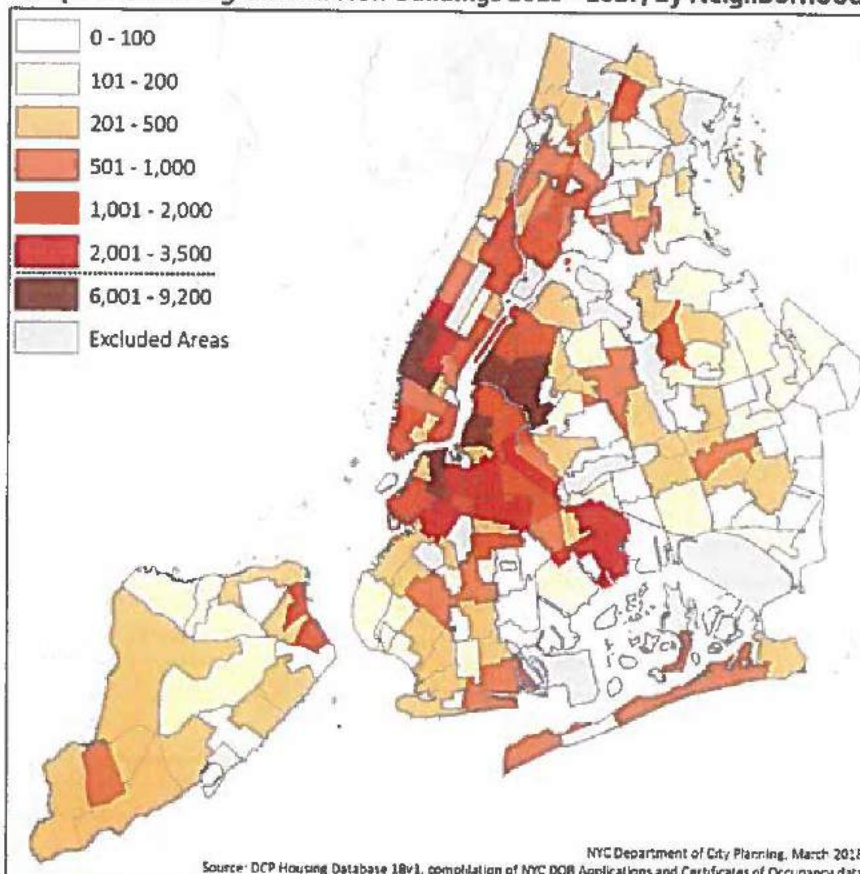
- In 2017, 25,800 new housing units were completed. This is comparable to the last peak of 26,400 units in 2007.
- In Brooklyn, 11,000 units were completed in 2017, more than in any other year for the borough since 1964.
- Long Island City led all neighborhoods with 2,800 completed units in 2017.

### 2010 - 2017

- Between 2010 and 2017, 140,800 new housing units were completed. Over one-third of completed units were located in Brooklyn (35%), followed by Manhattan (27%), Queens (20%) the Bronx (14%) and Staten Island (4%).
- Despite high completions in 2016 and 2017, the long-term pace of housing completions is still slower than during the preceding eight years: between 2002 and 2009, 170,000 units were completed.
- The neighborhoods that added the most new units since 2010 include Long Island City (9,150 units), Williamsburg (8,200 units), Hudson Yards/Chelsea (7,350 units), Hell's Kitchen (7,100 units) and Downtown Brooklyn (6,300 units).

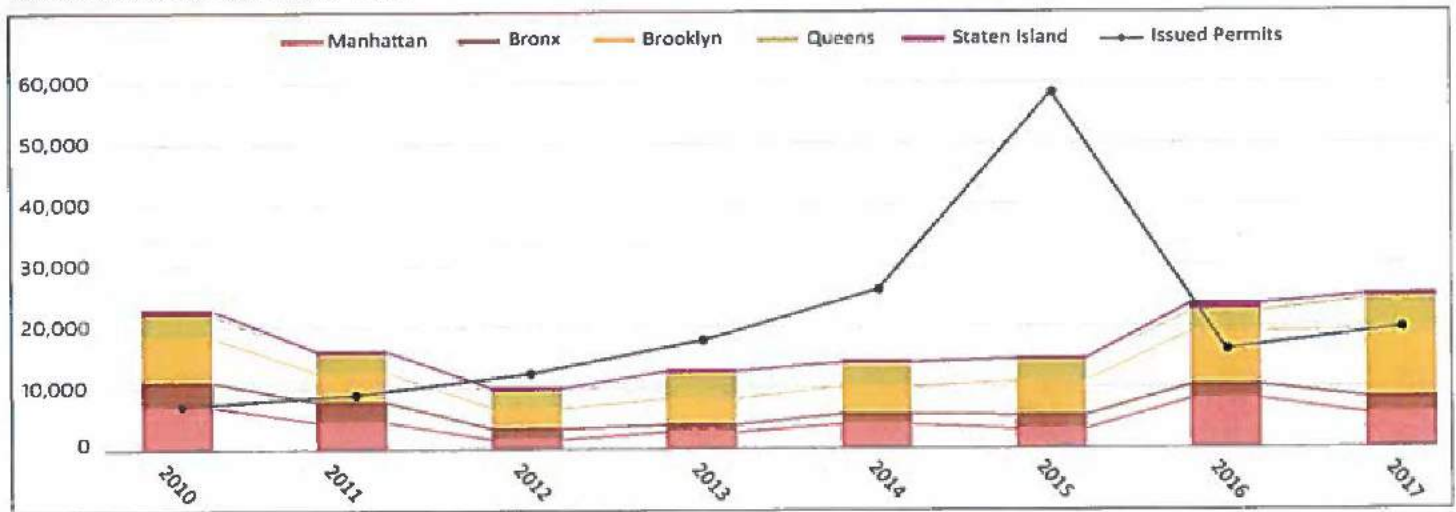
Figure 1

**Completed Housing Units in New Buildings 2010 - 2017, by Neighborhood**

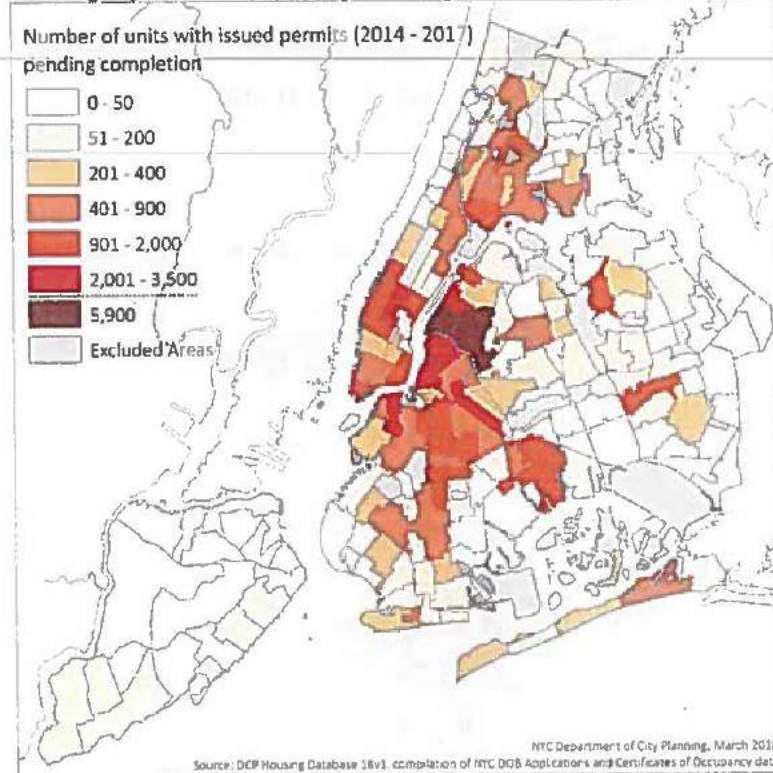




**Figure 2**  
**Completed Housing Units in New Buildings by Borough**  
**and Permits Issued from 2010 - 2017**



**Figure 3**  
**Housing Pipeline as of January 2018, by NTA**



### Housing Pipeline

- Citywide, over 79,000 housing units have been issued permits but have yet to be completed. These units represent the housing pipeline.
- In 2015 alone, permits for 57,600 units were issued – a spike spurred by changes to the 421-a tax exemption program. Only 30 percent of permits issued in 2015 have been completed as of the end of 2017.
- In 2017, 19,600 new housing units were permitted. This is an increase of about 3,500 units over 2016.
- Long Island City is the neighborhood with the most extensive housing pipeline: 5,900 units in total. It is followed by Williamsburg (3,200 units), Bushwick South (3,000 units), Greenpoint (3,000 units) and Central Midtown (2,600 units). Many neighborhoods in NYC have a negligible housing pipeline.

### Sources and Notes

The data in this info brief stems from Department of Buildings (DOB) Applications and Certificates of Occupancy data, which is compiled by DCP (version March 2018). The analysis is limited to New Buildings; units created through Alteration or Change of Use are not included.

The housing pipeline is calculated based on the number of job applications with permits that have not yet been completed. The estimate only includes units that were permitted after January 1, 2014. Units permitted pre-2014 that have not yet reached completion, or units that have not yet been permitted, were excluded.

The 421-a program allows property tax exemption benefits for new residential construction. For more information, see: <http://www1.nyc.gov/site/hpd/developers/tax-incentives-421a-main.page>

### About the Department of City Planning

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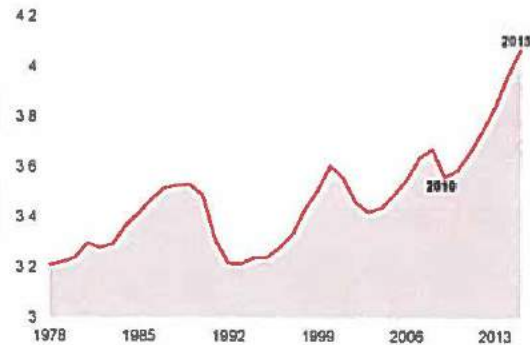


**Background:** Employment has been growing in all five boroughs. This info brief summarizes portions of a larger report from the NYC Department of City Planning containing quantitative research on economic growth. This work is intended to inform land use planning, policymaking, and the public generally. For more information and a list of data sources, go to: [nyc.gov/nyc-economy](http://nyc.gov/nyc-economy)

## Overview

- New York City **gained 500,000 private-sector jobs** between 2010 and 2015. This rapid growth in employment has outpaced the nation, with total employment reaching an all-time high of 4.1 million jobs in 2015.
- Private-sector job growth in all industry sectors has **fully replaced job losses** from the 2008 financial crisis.
- Health care, education, retail, and professional and other services lead other sectors in growth and total number of jobs.
- Non-manufacturing industrial sectors**, such as construction and wholesaling, remain a significant source of employment.

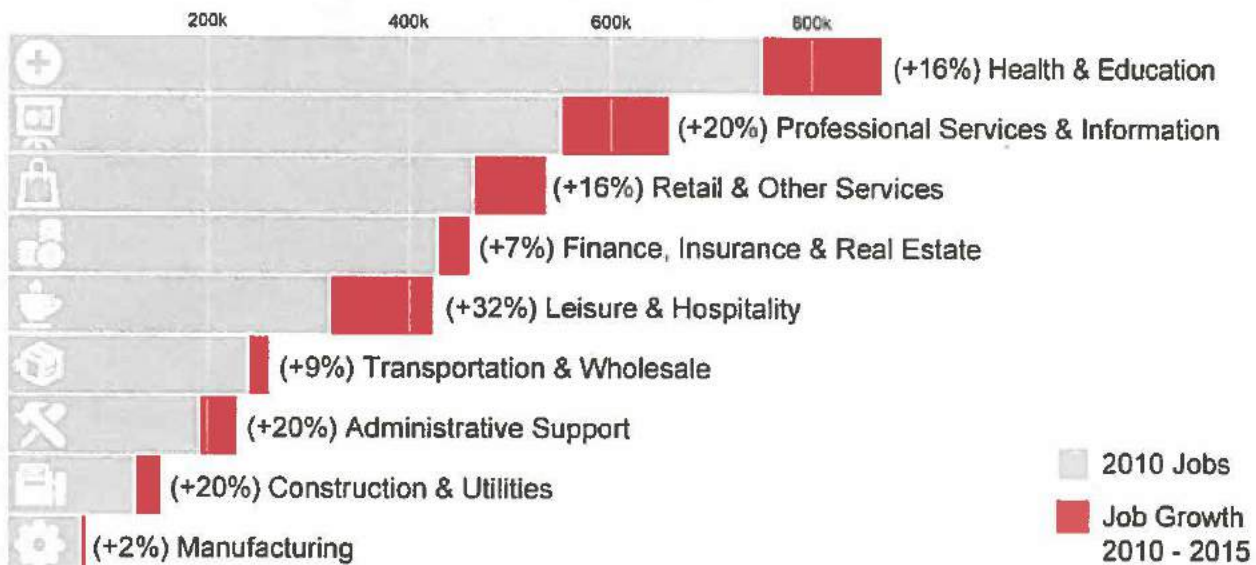
## NYC Annual Average Employment, 1978-2015



Source: NYSDOL QCEW 2000-2015 and ES-202 historical estimates 1978-1999

## Private Employment by Sector, 2010 and 2010-2015 Change

Job growth is occurring in all sectors, and continues to diversify the economy



Source: NYSDOL Current Employment Statistics, 2010-2015

- Industries are defined according to the North American Industry Classification System (NAICS), a standard used by Federal statistical agencies to classify business establishments.
- Businesses in Professional Services typically require a high degree of expertise and training, such as legal advice, accounting, engineering and design services, computer services, or scientific research.
- Other Services include activities not classified elsewhere, such as equipment and machinery repair, grantmaking, advocacy, laundry services, and personal or pet care services.

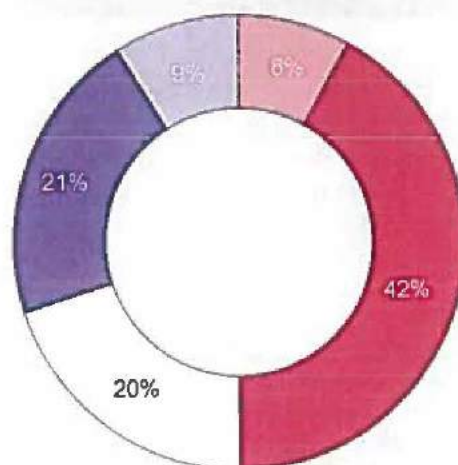


## Location of Job Growth

An analysis of which zoning districts saw job growth illustrates how each of these districts has contributed to meeting the needs of businesses and populations.

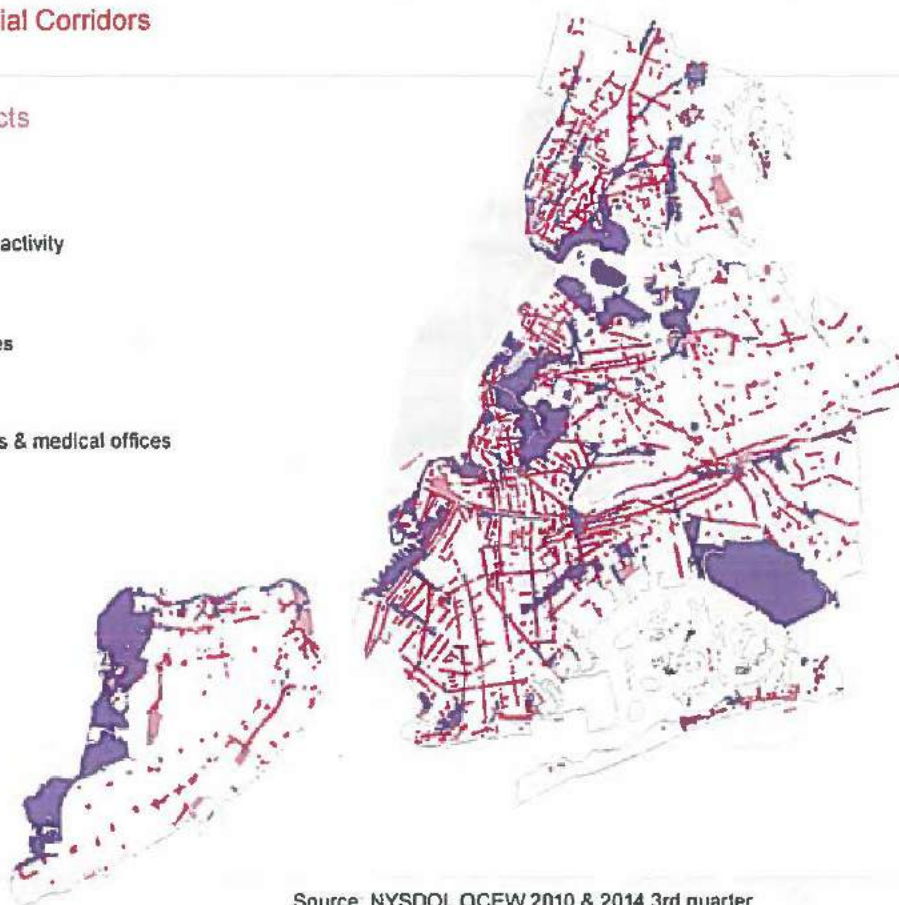
- High-density commercial districts in Midtown absorbed much of the job gains, but the boroughs outside Manhattan accounted for over **40 percent of job growth**.
- Growth in **health care and restaurants** fueled job gains on local commercial streets and in residence districts close to growing populations.
- Job gains in manufacturing districts included both **industrial and non-industrial jobs**.
- There was growth in the **office-based jobs outside Manhattan**, but this represented a small share of new jobs.

## Job Gains By Zoning District Outside Manhattan, 2010-2014



Source: NYSDOL QCEW 2010 & 2014 3rd quarter

- Neighborhood Commercial Corridors**  
allow for local retail & services
- Major Commercial Districts**  
allow for office & regional retail
- Manufacturing Districts**  
allow for industrial & commercial activity
- Mixed-Use Districts**  
allow for wide range of businesses
- Residential Districts**  
allow for facilities such as schools & medical offices



Source: NYSDOL QCEW 2010 & 2014 3rd quarter

### About the Department of City Planning

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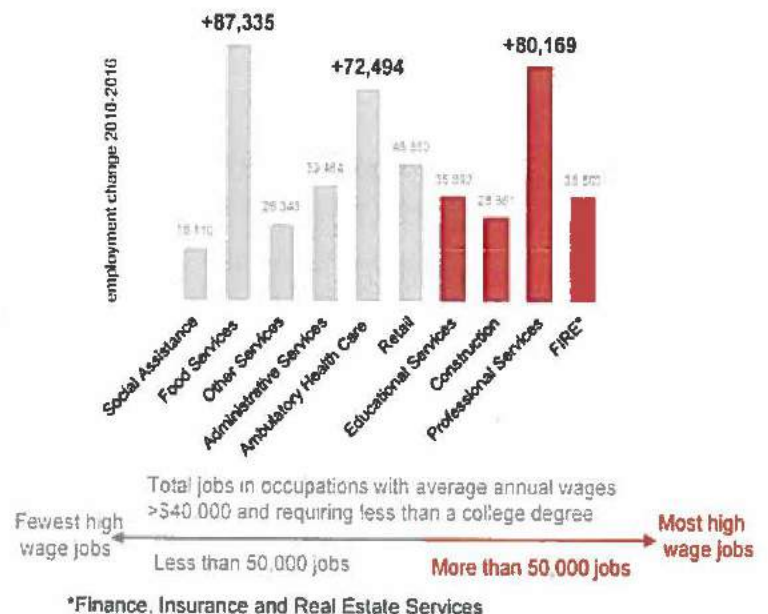
New York City has 2.9 million resident workers without a college degree. In support of efforts to improve economic opportunities for all New Yorkers, this Info Brief presents the major findings of an analysis of occupation and wage data that provides detailed information on the employment and wage opportunities across different economic sectors for workers with different levels of education.

## Overview

- Private employment in New York City reached an **all-time high in 2016**. The largest gains were in sectors in which employment is concentrated in lower wage occupations – food services and ambulatory health care – as well as in highly paid professional services jobs. (See Figure 1).
- Several fast-growing sectors are a good source of jobs in occupations not requiring a college degree and paying decent wages (greater than \$40,000).
- Of the nearly 4 million jobs in New York City, 1.7 million (43 percent) were in occupations that typically require only a high school diploma or less.
- Average annual wages for **these occupations across all industries** was **\$33,580**. (See Figure 2).
- Food services (restaurant) and retail jobs** accounted for over **one-third of all the jobs** available to workers with less education. Wages were below average in these sectors.

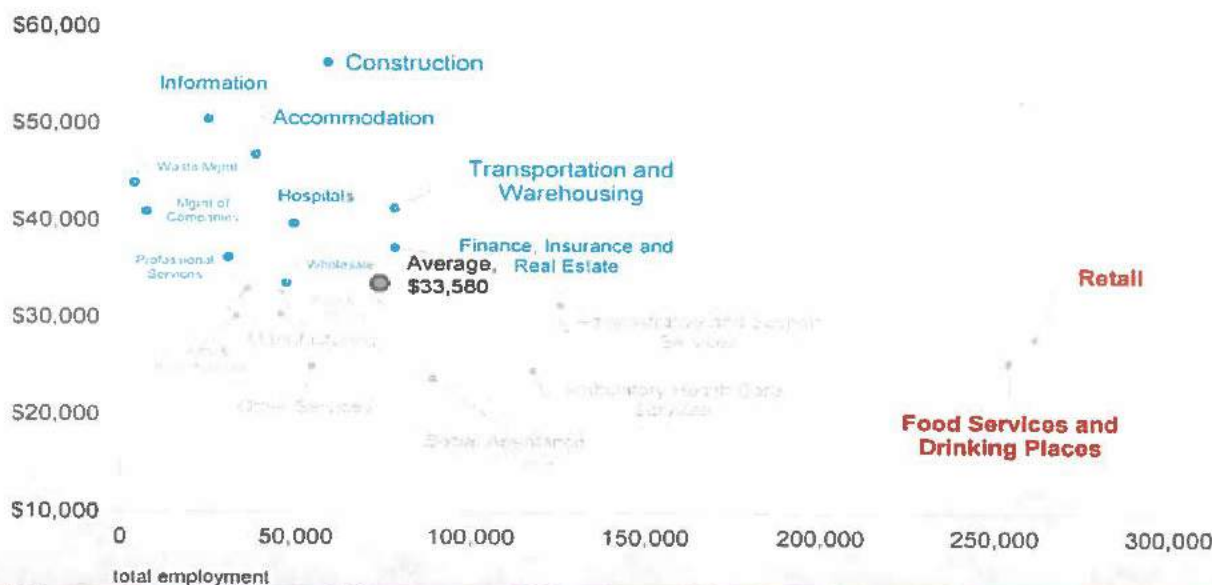
**Figure 1: High Growth Sectors and Middle Wage Jobs**

Change in NYC employment in top 10 fast-growing sectors, 2010-2016



**Figure 2: Occupations Requiring a High School Diploma or Less**

Average annual wages and total employment by sector





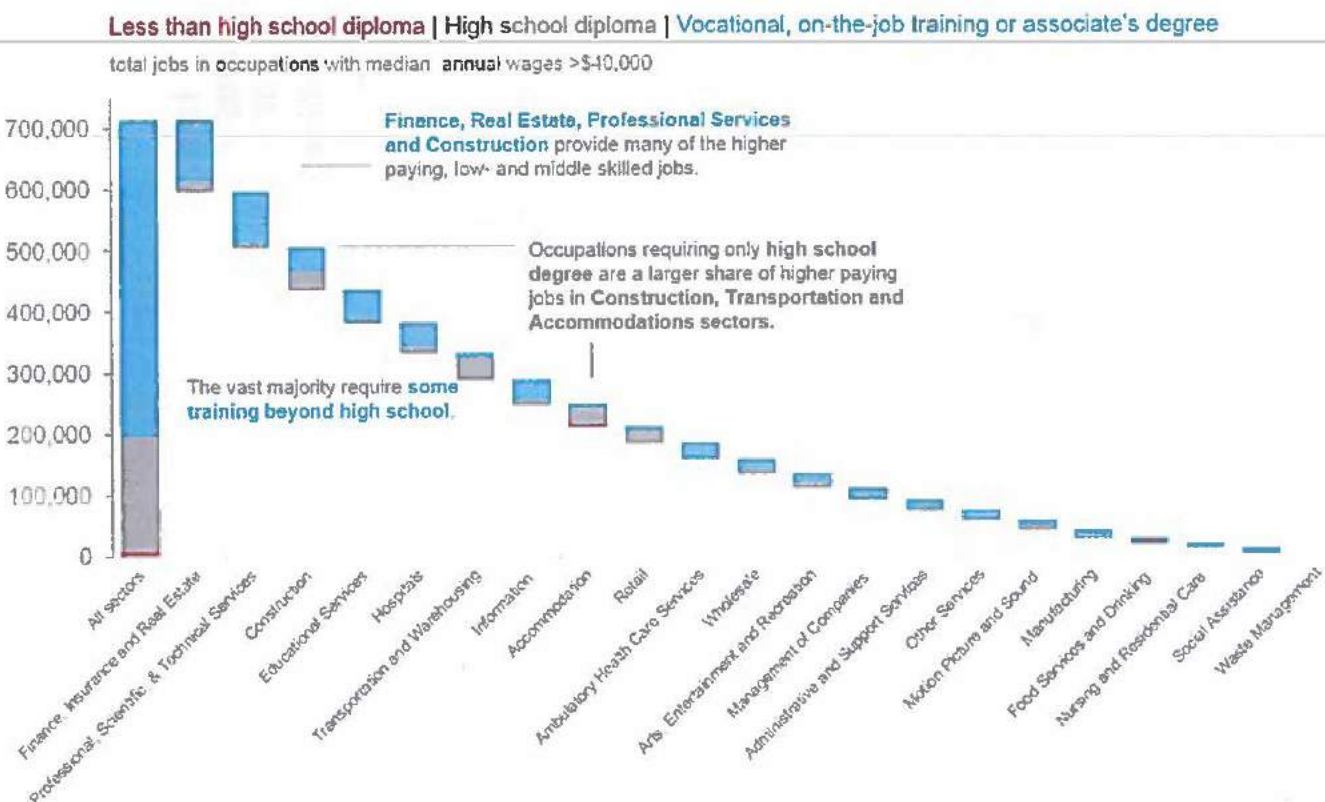
## Middle wage job opportunities

This analysis defined “middle wage” jobs as those in occupations requiring less than a four-year college degree and paying average annual wages of \$40,000 or higher. The total numbers of middle wage jobs were aggregated by common industry classifications to identify sectors providing the greatest number of middle wage jobs.

- Jobs requiring less than a college degree and paying average wages of \$40,000 or more accounted for **approximately 715,000 jobs**, representing about one-fifth of the city’s total private employment.
- The vast majority of middle wage job opportunities are in **occupations requiring some training beyond high school**, such as a vocational school, an associate’s degree or on-the-job training.
- Approximately **40 percent of all middle wage jobs** were in the following three major sectors: finance, insurance and real estate services; professional, scientific and technical services; and construction.
- Educational services and hospitals** were also a significant source of opportunity, providing over 14 percent of all middle wage jobs.
- Manufacturing accounted for two percent of middle wage jobs in New York City.

**Figure 3: Middle Wage Jobs**

By sector and educational attainment



Data sources: Employment and wage data are based on a special tabulation from NYS Department of Labor of the Occupational Employment Statistics (OES) survey for New York City businesses. The survey collected information in 2011, 2012, 2013 and 2014, and adjusted for 2015 dollars. Typical educational requirements are based on standards from O\*Net, an occupational database sponsored by the U.S. Department of Labor. Employment change numbers in Figure 1 are based on New York City data from the Quarterly Census of Employment and Wages from NYSDOL for 2010 and 2016.

### About the Department of City Planning

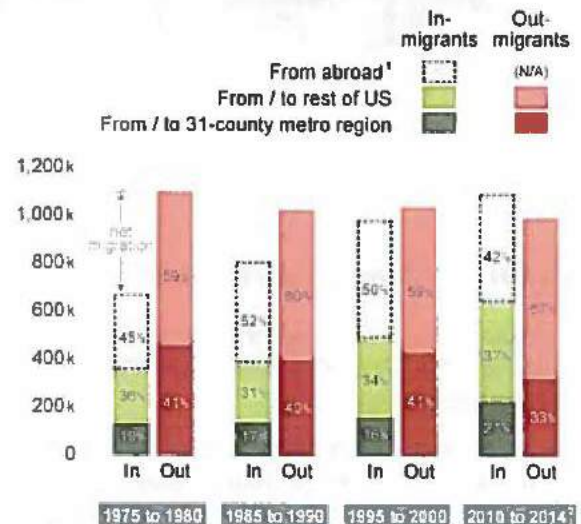
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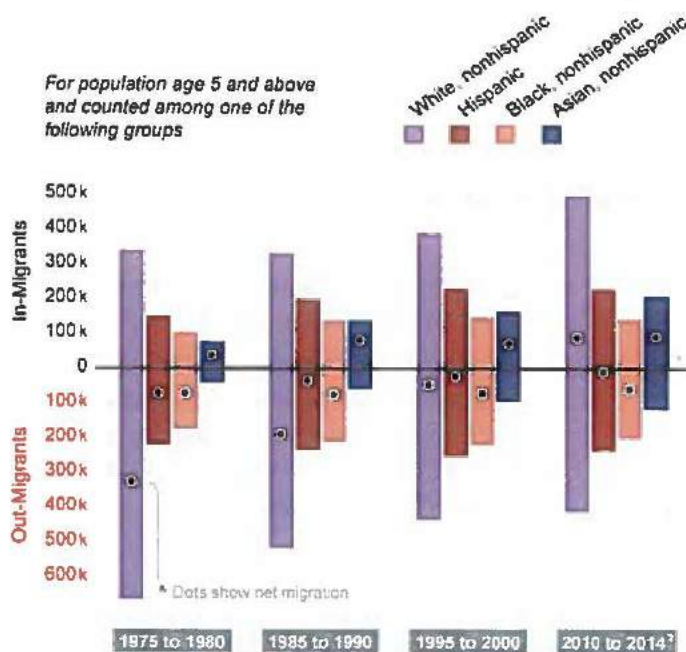
Populations change in two ways: through migration and natural increase (births minus deaths). Migration is of particular interest to planners in NYC, as the flows of different groups drive the changing composition of the City's population. This Info Brief analyzes historical migration to and from NYC to show how its dynamism shapes the size and characteristics of the population, and how it relates to larger socioeconomic trends.

### Historical Migration Flows to and from NYC

- Since 1975, out-migration from NYC has remained consistently high whereas in-migration has increased steadily, resulting in large net outflows of the 1970s turning to net inflows in 2010-2014.
- During 1975-80, amidst NYC's fiscal crisis, 1.1M people migrated out and only 671k migrated in, resulting in a net migration loss of 429k that shrank NYC's total population.
- By the 1980s and 90s, increasing in-migration helped NYC grow again. The majority of in-migrants during this period came from abroad, a cumulative effect of the 1965 Immigration Act. Today, national reurbanization trends are evident in the record numbers of domestic migrants coming to NYC.
- Following decades of suburbanization, flows between NYC and the rest of the metro region are beginning to equalize. During 1975-80, 453k NYC residents migrated out to the region and were replaced by only 130k in-migrants from the region, resulting in a net loss of 322k. Today the net loss to the region is only 99k, a historic low.



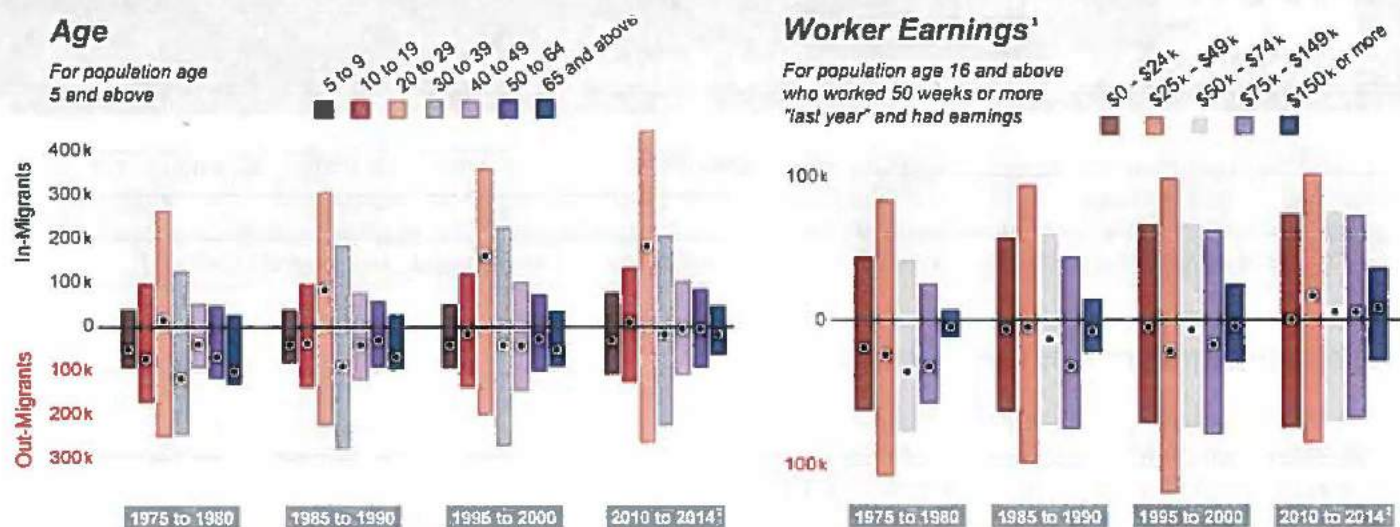
### Migration Flows by Race and Hispanic Origin



- Each race/Hispanic group shows unique migration patterns since 1975, which has significant impacts on the City's ethnic composition. Natural increase (not shown) mitigates migration losses for all groups, particularly blacks and Hispanics.
- The 1970s saw a dramatic net outflow of whites, but this outflow ebbed in subsequent decades, with net migration turning sharply positive today.
- The black population has shown consistent net outflows since the 1970s, a reversal of the earlier 20th century trend that saw a surge in net inflows, especially from the south. Today, blacks are the only group with meaningful migration losses from NYC.
- Hispanics have also experienced net migration losses since the 1970s, but losses have been pared back and were close to zero in 2010-2014.
- Asians are the only major group to have positive net migration since the 1970s, due primarily to immigration.

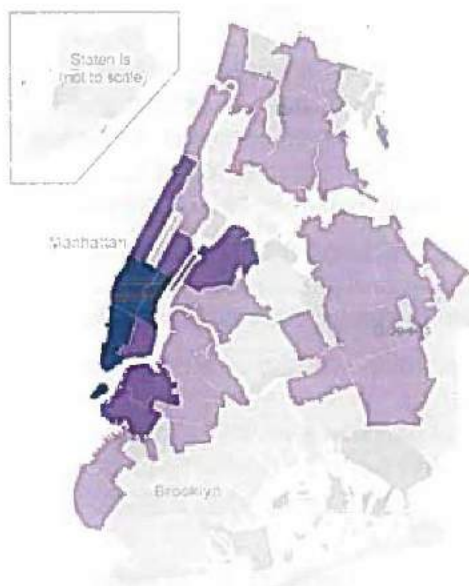
<sup>1</sup> Data are available for all in-migrants entering NYC and for all NYC out-migrants who settle in the US or PR. Out-migrants to the rest of the world cannot be estimated.  
<sup>2</sup> 2010 - 2014 ACS migration data has been adjusted to be comparable to historic migration data derived from the long form census.





### Migration Flows by Age and Worker Earnings

- Throughout the last 40 years, migrants have been disproportionately young adults, unmarried, and holding high-skilled jobs (not illustrated in this Brief), reflecting that these groups often have more flexibility and resources to move.
- Age is one of the best predictors of migration. NYC consistently attracts large numbers of people in their 20s, and generally sees net migration losses of people in all other age groups. This is tied to a common pattern whereby young single people move to the City, and some residents move out after family formation.
- The net inflow of people in their 20s has dramatically increased since 1975. Moreover, the most recent period has seen a reduction in net outflows of other age groups due to the overall increase of in-migrants.
  - Following the 2009 recession, NYC has captured a large portion of the region's job growth, which is reflected in worker migration. For the first time since 1975, NYC now has net migration gains of workers in all earnings groups, particularly in the \$25k to \$49k range.
  - Current data show historically high net migration gains for workers making \$75k and over. Higher earners are coming to the City in larger numbers than previously and are likelier to stay.



### Gateway Neighborhoods for In-migrants

2011-2015 annual average

Percent of resident population who migrated to NYC within the "last year"



- At the neighborhood level, the Manhattan CBD and surrounding areas are far more affected by in-migration than others.
- In some Manhattan neighborhoods 1 in 7 residents is a new arrival. Residents in these areas tend to subsequently settle deeper into the boroughs.

<sup>3</sup> In constant 2014 US dollars. Earnings may change considerably when a person migrates, and these data represent only the amount a worker earns at their destination. Sources: IPUMS-USA: 1940 1% Sample, 1980 5% State, 1990 5%, 2000 5%, 2010-14 American Community Survey, U.S. Census Bureau, 2011-15 ACS Summary Files

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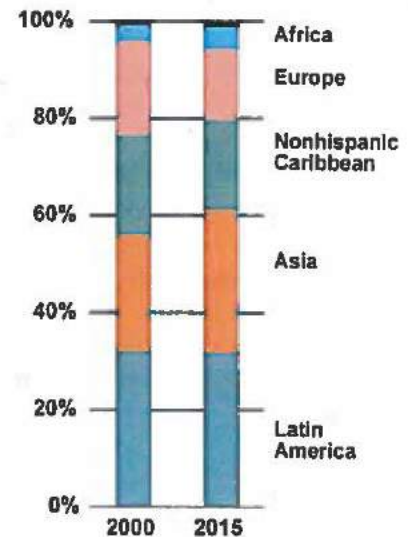


In 2015 the city's immigrant population stood at 3.21 million, up 12% from 2.87 million in 2000. If New York's foreign-born were an independent city, it would be larger than Chicago. The foreign-born represent a global microcosm and account for 38% of the city's population and 46% of its resident labor force. This info brief provides a demographic, social, and economic portrait of the city's foreign-born and highlights changes between 2000 and 2015.

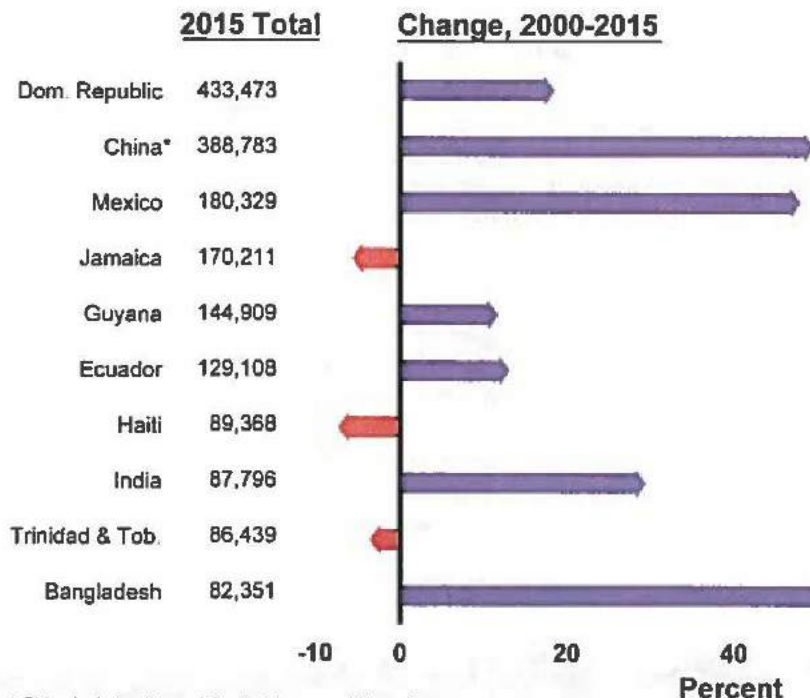
### Area of Origin

- Latin Americans accounted for 32% of the foreign-born. Increasing from 919,800 in 2000 to 1.02 million in 2015, they retained both their share and position as the largest area of origin.
- Asians, with a 29% share, increased from 686,600 to 945,000. If this growth persists, Asia would become the city's top area of origin.
- The share of the nonhispanic Caribbean was 18%, down 2 percentage points, with their total foreign-born (590,000) remaining virtually unchanged from 2000.
- Those born in Europe now account for 15% of all immigrants, down from 19% in 2000.
- While immigrants from Africa comprised the smallest share (5%), they were the fastest growing, increasing by over one-half in 15 years.

### Foreign-born by Area of Origin



### Change in Top Foreign-born Groups, 2000 to 2015



The ranking of foreign-born groups remained fairly stable since 2000, masking vibrant trends.

- The Dominican Republic remained in 1st place, sustained by sizable growth (up 17%). Mexico surged 47% and leaped from 5th to 3rd place.
- Ranked 2nd, China was the 3rd fastest growing country (49%), surpassed only by Bangladesh (92%) among the top 10.
- While Guyana grew by 11%, all other nonhispanic Caribbean countries declined.
- No European country was in the top 10, and all saw declines. Russia, the last European country to be in the top 10 in 2000, fell to 15th place in 2015.

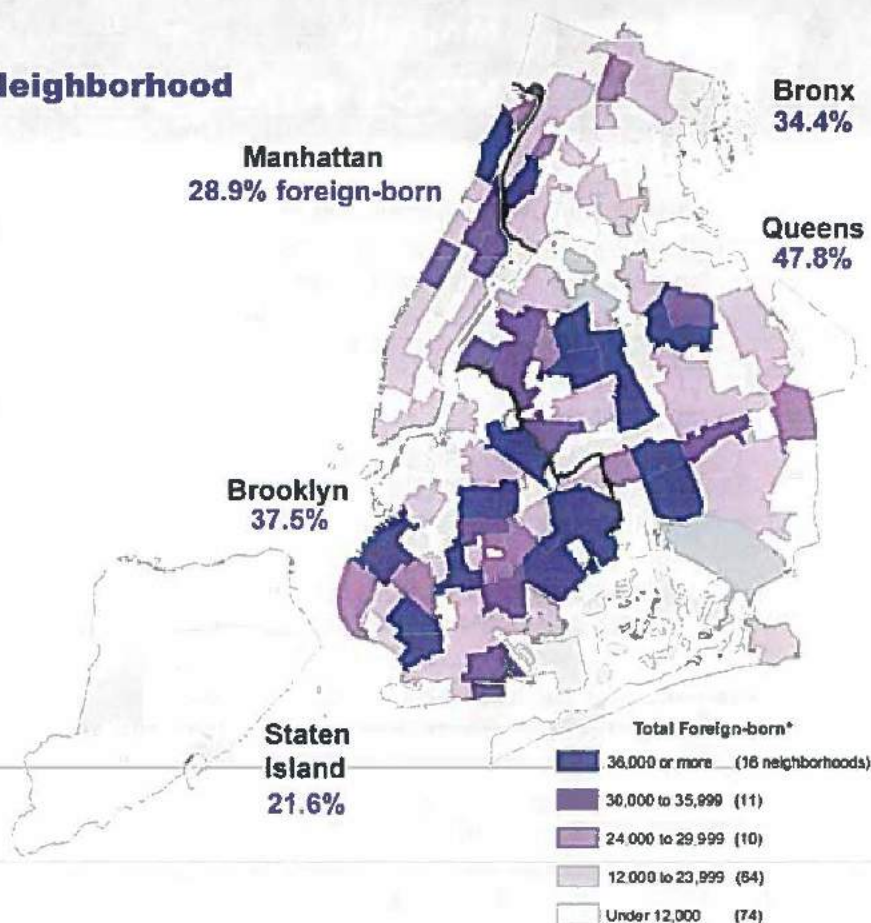
\* China includes the mainland, Taiwan, and Hong Kong

Data in this Info Brief come from the following U.S. Census Bureau sources: 2000 Census SF 3; 2015 and 2011-2015 American Community Survey-Summary Files; 2015 American Community Survey-Public Use Microdata Sample.



## Foreign-born Settlement by Neighborhood

- Queens was home to 1.1 million immigrants, and another 972,300 resided in Brooklyn, together accounting for two-thirds of the city's foreign-born.
- The top immigrant neighborhoods were Bensonhurst (BK), Washington Heights (MN), Elmhurst (QN), and Corona (QN), with a combined foreign-born population exceeding 300,000.
- Three immigrant-dense neighborhoods saw substantial foreign-born declines: Greenpoint (BK), decreased 49%, and Astoria (QN) and Chinatown (MN) each declined approximately 30%.
- While Staten Island's neighborhoods had relatively fewer immigrants, its overall foreign-born population increased the fastest. In 15 years it gained 41% more immigrants, concentrated primarily along the North Shore.



## Selected Socio-economic Characteristics of Top Groups, 2015

Foreign-born groups spanned the socioeconomic spectrum. When compared to the native-born, the foreign-born population had lower educational attainment, but higher labor force participation and lower poverty.

	Median Age	% Limited English Proficient <sup>1</sup>	Educational Attainment <sup>2</sup>		Labor Force Participation <sup>3</sup>		Income and Poverty		% Owner-occupied
			% High School Graduate or Higher	% College Graduate or Higher	Number	Rate	Median Household Income	Poverty Rate	
Total	36.0	22.8	80.9	36.8	4,439,927	64.0	\$55,200	19.4	31.7
Native-born	28.0	5.6	88.5	44.2	2,431,949	63.2	\$61,700	19.8	32.1
Foreign-born	46.0	48.8	72.6	28.7	2,007,978	64.9	\$49,800	18.7	31.2
Dominican Republic	46.0	70.5	55.1	12.2	255,961	62.2	\$29,300	31.8	9.2
China	48.0	76.6	60.7	27.2	220,549	59.1	\$44,000	22.3	45.2
Mexico	36.0	77.8	48.7	6.9	131,786	75.6	\$37,900	24.3	6.8
Jamaica	49.0	0.5	78.3	18.0	121,090	70.6	\$51,900	12.4	40.4
Guyana	50.0	2.1	72.9	17.3	90,453	68.0	\$60,000	10.3	51.8
Ecuador	42.0	73.7	59.3	10.3	98,051	74.3	\$43,100	19.2	19.1
Haiti	51.0	53.3	79.1	20.1	57,328	67.3	\$60,000	12.8	34.1
India	40.0	42.8	84.3	53.8	56,525	68.1	\$79,050	10.7	40.8
Trinidad & Tobago	51.0	2.0	84.8	17.9	55,180	65.7	\$51,000	16.9	30.6
Bangladesh	36.0	64.1	78.3	36.2	44,568	61.2	\$40,700	19.6	28.1

<sup>1</sup> Persons 5 years and over    <sup>2</sup> Persons 25 years and over    <sup>3</sup> Persons 16 years and over

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New York City is highly vulnerable to flooding from coastal storms due to its intensively used waterfront and its extensive coastal geography. Floods have the potential to destroy homes and businesses, impair infrastructure, and threaten human safety. With climate change and sea level rise, these risks are expected to increase in the future, but will most adversely affect low-lying neighborhoods.

## Flood Risks

**Hurricanes, tropical storms, nor'easters, intense rain storms, and even extreme high tides are the primary causes of flooding in NYC.**

**For building code, zoning, and planning purposes, flood risk in NYC is represented on FEMA's 2015 Preliminary Flood Insurance Rate Maps (PFIRMs).**

- PFIRMs show the extent to which flood waters are expected to rise during a flood event that has a 1% annual chance of occurring. This height is denoted as the Base Flood Elevation (BFE) on the maps.
- The 1% annual chance floodplain is sometimes referred to as the 100-year floodplain. However, this term is misleading since these floods can occur multiple times within 100 years. In the 1% annual chance floodplain, there is a 26% chance of flooding over the life of a 30-year mortgage.

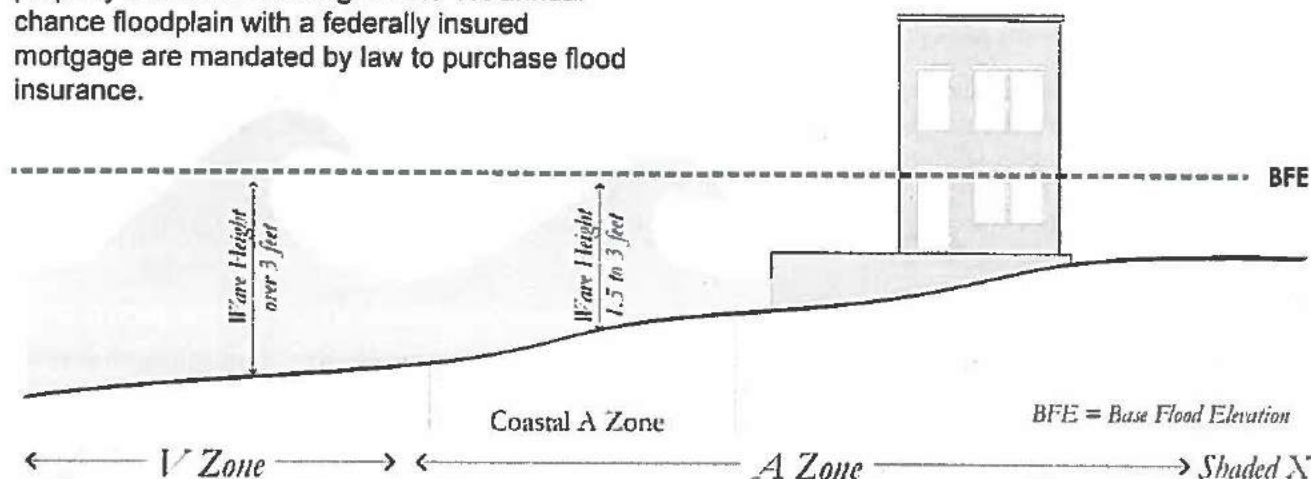
**For flood insurance purposes, refer to FEMA's 2007 Flood Insurance Rate Maps (FIRMs).** All property owners of buildings in the 1% annual chance floodplain with a federally insured mortgage are mandated by law to purchase flood insurance.

### Approximately who and what is affected by the 1% annual chance floodplain?\*

Residents	400,000
Jobs	291,000
Buildings	72,000
1-4 Family Buildings	53,000
Multifamily Buildings	5,000
Residential Units	183,000
Floor Area (Sq. Ft.)	532M

The number of New Yorkers living in the city's floodplain is higher than the entire population of Cleveland, OH, Tampa, FL, or St. Louis, MO.

\* These numbers are based on FEMA's 2015 PFIRMs. In October 2016, FEMA announced that the City won its appeal of the PFIRMs and has agreed to revise New York City's flood maps. For now, the 2015 PFIRMs are in use for building code, zoning, and planning purposes, while the 2007 FIRMs remain in use for flood insurance. For more information on the appeal visit [www.nyc.gov/floodmaps](http://www.nyc.gov/floodmaps).



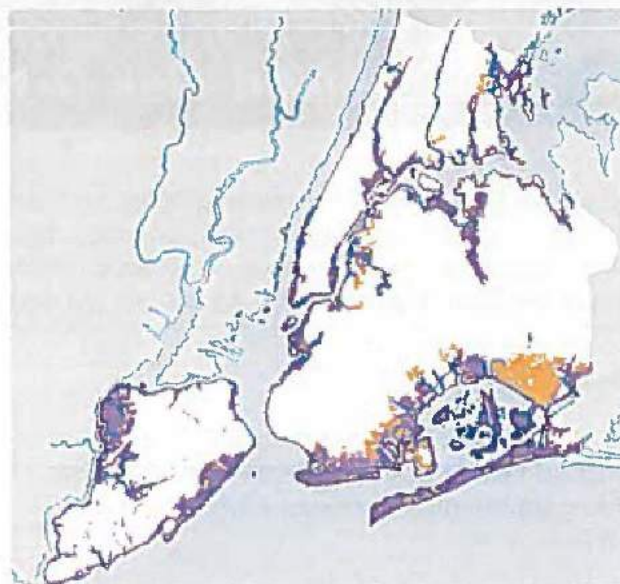
The 1% annual chance floodplain is divided into three areas—the V Zone, Coastal A Zone, and A Zone—and each has a different degree of flood risk. V and Coastal A Zones are vulnerable to waves, while the rest of the A zone is vulnerable to flooding but not wave damage. The maps also show the 0.2% annual chance floodplain, denoted as the Shaded X Zone, which has a lower annual chance of flooding than the A Zone.



## Future Flood Risks

With climate change, the risk of coastal storm surges, intense rain, and high tides will increase.

- Sea levels in NYC have already risen a foot over the last 100 years.
- According to the New York City Panel on Climate Change, sea levels are expected to increase between 8 to 30 inches by the 2050s, and as much as 15 to 75 inches by the end of the century.
- Sea level rise will lead to frequent, potentially daily, tidal inundation in some especially low-lying neighborhoods. This type of flooding causes less damage than extreme storms, but can be a nuisance and has significant long-term impacts on public safety and City services.



2015 PFIRMs 1% annual chance floodplain

2050s projected future 1% annual chance floodplain

**Higher sea levels mean the future 1% annual chance flood will cover a larger area and affect more people.**

- By the 2050s, the number of people living in the 1% annual chance floodplain could more than double.
- The annual chance of major storms will also increase. What is a 1% annual chance storm today will have nearly a 3% annual chance of occurring in the 2050s.

Data Sources: Current floodplain impacts based on 2015 FEMA PFIRMs and NYC MapPLUTO version 13. Future flood risk data and information from the New York City Panel on Climate Change (2015); analysis of future flood zone impacts based on 90th percentile projections for SLR and MapPLUTO version 13.

## Terms to Know

**1% Annual Chance Floodplain:** the area that has a 1% chance of flooding in any given year, as designated on FEMA's Flood Insurance Rate Maps.

**Base Flood Elevation (BFE):** the computed elevation in feet to which floodwater is anticipated to rise during the 1% annual chance storm as shown on FEMA's Flood Insurance Rate Maps.

**Coastal Storm:** includes nor'easters, tropical storms, and hurricanes.

**Low-lying Neighborhoods:** neighborhoods that have a low elevation relative to sea level and are particularly vulnerable to flooding.

City Planning is working with communities throughout the floodplain to identify zoning and land use strategies to reduce flood risks and support the city's vitality and resiliency through long-term adaptive planning. To learn more, visit [www.nyc.gov/resilientneighborhoods](http://www.nyc.gov/resilientneighborhoods).

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Flood resilient construction reduces potential damages from flooding and can lower flood insurance premiums. New buildings in the floodplain are required to meet flood resilient standards. Existing buildings can reduce their risk by retrofitting or rebuilding to meet these standards, or can take partial, short-term measures to address safety concerns.

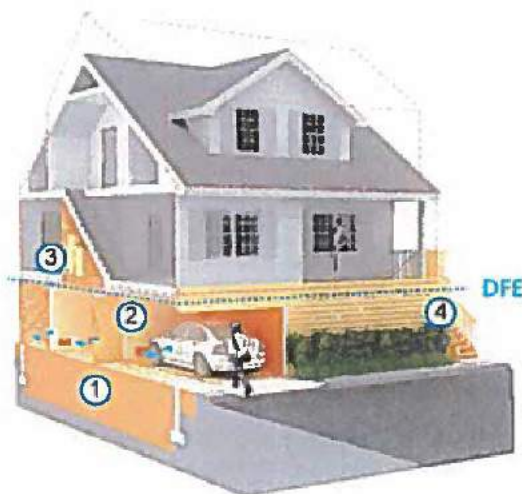
## Overview

There is a wide range of accepted flood resilient construction practices for buildings to better withstand floods and reoccupy more quickly following a storm. These include:

- Elevating the lowest floor.
- Elevating mechanical equipment such as electrical, heating, and plumbing equipment.
- **Wet floodproofing** by utilizing water resistant building materials and limiting uses below the Design Flood Elevation (DFE) to parking, building access, and minor storage. This allows water to move in and out of uninhabited, lower portions of the building with minimal damage.
- **Dry floodproofing** sealing the building's exterior to flood waters and using removable barriers at all entrances below the expected level of flooding in mixed-use and non-residential buildings.

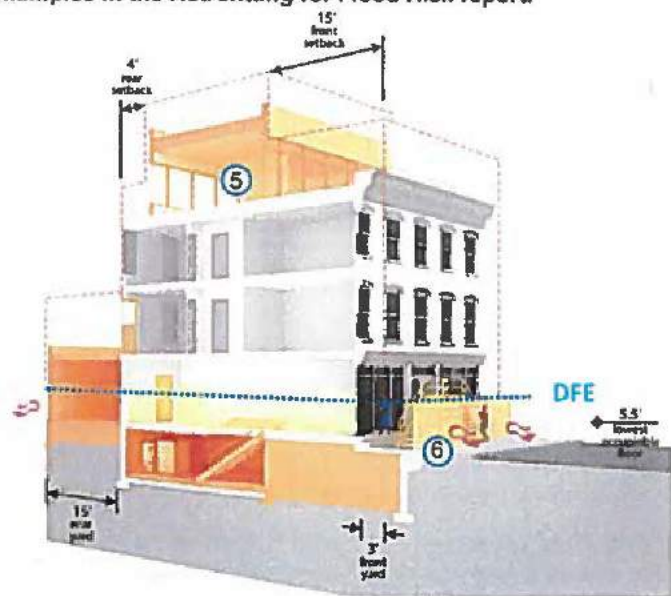
## Examples of Flood Resilient Construction

Visit [www.nyc.gov/resilientneighborhoods](http://www.nyc.gov/resilientneighborhoods) to see more examples in the *Retrofitting for Flood Risk* report.



**Wet floodproofed residential building**

- ① Site is filled to the lowest adjacent grade
- ② Space below the DFE is for parking, building access or minor storage
- ③ Mechanical systems are above the DFE
- ④ Plants and stair turns improve the look of the building from the street



**Dry floodproofed mixed-use building**

- ⑤ Rooftop addition replaces lost below grade space
- ⑥ Commercial space is dry floodproofed with removable barriers



## Requirements for New Buildings

NYC Building Code requires that all new buildings or substantial improvements within the 1% annual chance floodplain\* meet federal requirements for flood resilient construction.

- Residential buildings must elevate living spaces and may only use space below the DFE for parking, storage or building access. Mechanical systems must be elevated and enclosed walls must be wet floodproofed.
- Within the V Zone, which denotes areas subject to wave hazards, the space below the DFE must be either kept open to accommodate wave action or designed to break away during a storm.
- Mixed-use or non-residential buildings can either elevate and wet floodproof or dry floodproof.

\*Per the more restrictive of the 2007 FIRMs or 2015 PFIRMs.

## Flood Insurance

NYC is required to enforce these standards through building code to participate in FEMA's National Flood Insurance Program. Buildings that do not comply with flood resilient construction standards are at risk for both flooding and increased flood insurance rates. See the Info Brief on Flood Insurance for more information.

## Requirements for Existing Buildings

Retrofitting buildings will significantly reduce their vulnerability to damage from flooding, and could save homeowners thousands of dollars annually in flood insurance premiums. Buildings that are substantially improved must also meet flood resilient construction code.

For buildings that are not substantially improved, lower cost, short-term adaptation measures can help reduce risk to damages caused by flooding. For example, elevating mechanical equipment to minimize damage or installing backflow valves can prevent water from flowing in the reverse direction (back up through pipes). However, such measures may not reduce premiums.

## Zoning

The **Flood Resilience Zoning Text Amendment**, a temporary measure enacted by the City after Sandy to support storm recovery, removes regulatory barriers that would hinder or prevent the reconstruction of storm-damaged properties. It also ensures that flood resilient buildings maintain neighborhood character and plants and stair turns improve the look of the building from the street. A future update of this text, guided by community input, will aim to make the text permanent and to incorporate lessons learned during the recovery and rebuilding process.

## Terms to Know

**Design Flood Elevation (DFE):** the minimum elevation to which a structure must be elevated or floodproofed, determined by adding the specified amount of freeboard, an additional height for more safety (usually 1 to 2 feet depending on building type), to the Base Flood Elevation—the anticipated elevation of a flood during a 1% annual chance storm.

**Substantial Improvement:** any repair, reconstruction, rehabilitation, addition, or improvement with a cost equaling or exceeding 50% of the current market value of the building.

City Planning is working with communities throughout the floodplain to identify zoning and land use strategies to reduce flood risks and support the city's vitality and resiliency through long-term adaptive planning. To learn more, visit [www.nyc.gov/resilientneighborhoods](http://www.nyc.gov/resilientneighborhoods).

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The Flood Resilience Zoning Text (the "Flood Text") is one part of a wide range of efforts by the City to recover from Hurricane Sandy, promote rebuilding, and increase the city's resilience to climate-related events, including coastal flooding and storm surge. To learn more about the Flood Resilience Zoning Text and other terms used here, visit: [www.nyc.gov/floodtext](http://www.nyc.gov/floodtext).

## Overview

**NYC's zoning seeks to enable and encourage flood resilient building construction throughout designated floodplains.**

In 2013, the Flood Resilience Text Amendment modified zoning to remove regulatory barriers that hindered or prevented the reconstruction of storm-damaged properties by enabling new and existing buildings to comply with new, higher flood elevations issued by the Federal Emergency Management Agency (FEMA), and to comply with new requirements in the New York City Building Code. It also introduced regulations to soften the effects flood resilient construction may have in the public realm.

The text was adopted in 2013 on a temporary, emergency basis. Therefore a future update of this text is necessary to make the text permanent. As part of this process, the Department is soliciting community input and is seeking to incorporate lessons learned during the recovery and rebuilding process.

## Where is the Flood Text Applicable?

**The Flood Text is available to buildings located entirely or partially within the 1% annual chance floodplain\*.**

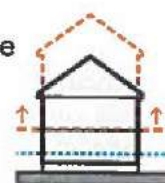
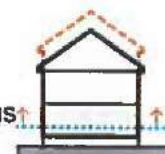
These rules can be found in Article VI, Chapter 4 of the Zoning Resolution and, if utilized, typically require the building to fully comply with flood resilient construction standards found in Appendix G of the New York City Building Code. However, some provisions, such as elevation of mechanical spaces, are available to all buildings located in the floodplain, even if not fully compliant with Appendix G.

\*This includes areas that are in the 100-year floodplain on either the 2007 FIRMs or 2015 PFIRMs.

## Summary of the Flood Text

### Height

The Flood Text recognizes flood resistant construction requirements in Building Code and allows buildings to measure height from the flood level to ensure they can fit their permitted floor area above the flood elevation. Where flood elevations are moderate, a few feet of additional height are allowed for usable space (parking, storage, and access).



### Access

Additional flexibility is provided for stairs, ramps, and entry areas as needed, in order to allow the access of elevated spaces.



### Ground Floor Use

For existing buildings located in lower-density commercial areas, active, dry floodproofed commercial spaces are encouraged by not counting them toward limits on floor area.



### Parking

More flexibility is allowed for the accommodation of off-street parking above grade.



### Mechanical Systems

More flexibility is allowed for locating mechanical systems above flood levels.



### Streetscape

Design elements are required when the first occupiable floor is elevated above moderate heights, in order to improve the way buildings are perceived at the street level.



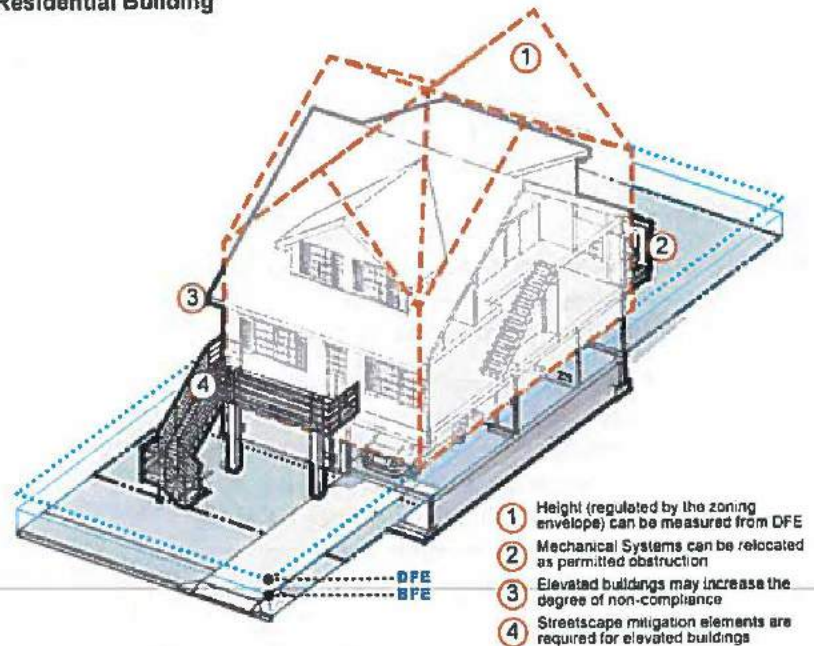


## Examples of how the Flood Text can be enable resilient construction

### Existing Buildings

The Flood Text provides special allowances to facilitate the retrofitting of existing buildings, which can often be more complex than building a new, flood resilient building. For example, zoning allowances are provided to existing single- and two-family homes to elevate in place, even if they do not match the current zoning envelope. These rules also allow the building to be shifted back on the lot to provide adequate space in the front yard for stairs, ramps, or lifts. In addition, mechanical systems can be relocated to portions of the rear or side yard as permitted obstructions. If a building is elevated, it must comply with requirements for streetscape mitigations, to soften any effects at the street level.

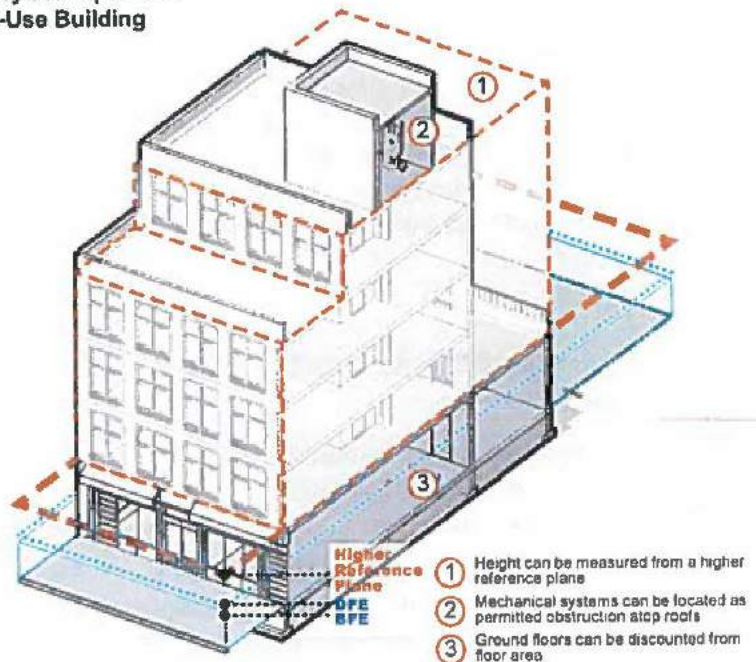
Retrofitted Wet Floodproofed Residential Building



### New and Existing Buildings

The Flood Text recognizes that buildings in the floodplain often cannot have subgrade spaces, such as basements or cellars. In residential buildings, ground-floor space is limited to parking, storage or access, since this space has to be wet floodproofed. Zoning also takes into consideration the high cost of dry floodproofing, which is generally the preferred option for commercial or mixed-use buildings, since it allows active uses to remain at grade and therefore encourages street-level activity. The Flood Text allows additional flexibility for buildings that meet flood resistance standards in order to help neighborhoods in the floodplain remain vibrant.

New Dry Floodproofed Mixed-Use Building



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Flood insurance covers damages to property or personal contents from flooding caused by excessive rainfall, tidal flooding, or wind-driven storm surges. Changes to flood maps and reforms to the National Flood Insurance Program will lead to increases in flood insurance rates over time. In addition to flood resilient construction, insurance is another strategy for reducing flood risk.

## Why is Flood Insurance Important?

- **Floods can cause significant damage** to your most valuable asset: your home or business.
- Even properties far from the coast may be at risk of flooding.
- Homeowner and property insurance do not cover damage by flooding. You must buy a separate policy.
- Federal assistance is not guaranteed in the event of a flood.
- Many property owners are **required by federal law to purchase and maintain flood insurance** if the property is located in a high-risk flood zone of the 2007 FIRMs (see map to right), has a federally backed mortgage, or has received federal disaster assistance.

## How Much Flood Insurance Must a Homeowner Purchase?

**Properties with a federally backed mortgage in a high-risk flood zone and those that have received federal disaster assistance** must maintain flood insurance up to the NFIP coverage limits, or the outstanding mortgage balance, whichever is lower. Failure to do so may lead mortgage servicers to purchase a policy for the property—possibly at a higher price—and pass on the cost through monthly mortgage bills.

**Homeowners without a federally-backed mortgage or outside a high flood risk zone** can carry up to the maximum policy limit of \$250,000 with additional contents coverage available up to \$100,000 for owners or renters. Co-ops, larger multifamily buildings and business properties can be covered up to \$500,000. Business owners and tenants can also purchase up to \$500,000 in contents coverage.

## How Are Flood Insurance Policies Purchased?

Most flood insurance policies are administered by the National Flood Insurance Program (NFIP), a federal program run by the Federal Emergency Management Agency (FEMA). NFIP policies are separate from homeowners or property insurance, but are often sold through the same agents. A few private insurers also offer flood insurance, but these policies tend to be more expensive and less available.



- 2007 FIRMs high-risk flood zone
- 2015 PFIRMs high-risk flood zone

Purchase of a flood insurance policy is required for buildings in the floodplain as shown on the 2007 FIRMs, but may expand based on updated FIRMs. The 2015 PFIRMs, the best available data for planning purposes, are depicted above for comparison. Coverage for buildings outside of the 2007 FIRMs is available at a lower cost.

*In October 2016, FEMA announced that the City won its appeal of the PFIRMs and has agreed to revise New York City's flood maps. For more information on the appeal visit [www.nyc.gov/floodmaps](http://www.nyc.gov/floodmaps).*

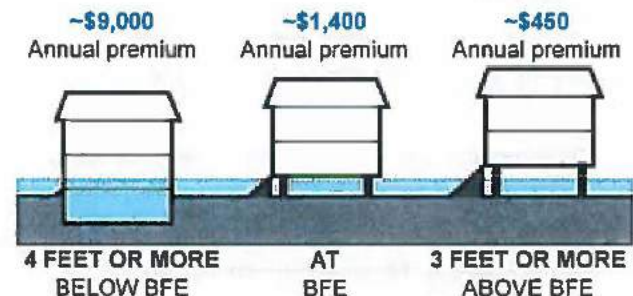


## What Determines a Flood Insurance Premium?

- **Flood Zone:** The higher risk your flood zone, the higher the flood insurance base premium will be.
- **Building Type:** Single-family homes, two- to four-family homes, apartment buildings, and other non-residential buildings may have different base rates.
- **Elevation of Lowest Floor:** The higher the lowest inhabited floor (any floor not used solely for storage, access, or parking) is elevated relative to the Base Flood Elevation (BFE), the lower the premium may be.
- **Amount of Insurance:** The more insurance coverage you buy, the higher your premium.
- **Deductible:** A higher deductible may lower your insurance premium.

## Why are Flood Insurance Rates Increasing?

FEMA is in the process of updating the city's FIRMs, which designate flood zones and the BFE. Once these maps are adopted, properties may have higher flood insurance premiums over time. In addition, the federal reforms to make NFIP more financially stable will cause steady increases in premiums until the policies reflect the full risk to flooding. Property owners can reduce their insurance premiums by utilizing certain flood resilient construction methods.



Projected rates for premiums based on the BFE shown here for illustrative purposes only.

## What Should I Do?

The Mayor's Office of Recovery and Resiliency provides the following guidance to property owners seeking to understand their flood insurance options.

### Learn about your risk and flood insurance requirements:

- Identify your property's flood zone on FEMA's Flood Insurance Rate Maps (FIRMs) by visiting [Region2Coastal.com](http://Region2Coastal.com) or [FloodHelpNY.org](http://FloodHelpNY.org). Users can also use the second link to get an estimate by using FloodHelpNY's rate calculator.
- Request an Elevation Certificate by hiring a licensed engineer or surveyor to determine the height of the lowest occupied floor relative to the BFE.

### Purchase flood insurance:

- Call at least 3 agents listed on [floodsmart.gov](http://floodsmart.gov) or by call (888) 435-6637 for quotes. Homeowners or property insurance does not cover damage from floods and federal assistance is not guaranteed in the event of a flood.
- Call the FEMA National Flood Insurance Advocate's Office for other questions: (202) 212-2186

**In the event of a flood or flood warning, move your valuables to high ground and follow evacuation orders.** For more information on locating a storm evacuation center, please visit [maps.nyc.gov/hurricane](http://maps.nyc.gov/hurricane)

City Planning is working with communities throughout the floodplain to identify zoning and land use strategies to reduce flood risks and support the city's vitality and resiliency through long-term adaptive planning. To learn more, visit [www.nyc.gov/resilientneighborhoods](http://www.nyc.gov/resilientneighborhoods).

### About the Department of City Planning

The Department of City Planning (DCP) plans for the strategic growth and development of the City through ground-up planning with communities, the development of land use policies and zoning regulations, and its contribution to the preparation of the City's 10-year Capital Strategy. For more information, go to: [nyc.gov/data-insights](http://nyc.gov/data-insights)



## **NYC Department of City Planning**

### **Examples of Electronic Planning and Information Resources for the Public**

- Community Portal – Community District-level data resources  
<https://communityprofiles.planning.nyc.gov/>
- ZoLa – Zoning and Land Use application  
<https://zola.planning.nyc.gov/>
- ZAP Portal – zoning and land use applications  
<https://zap.planning.nyc.gov/projects>
- Population Factfinder – Census data access and mapping tool  
<https://popfactfinder.planning.nyc.gov/>
- NYC Facilities Explorer – interactive map of community facilities  
<https://capitalplanning.nyc.gov/facilities>
- NYC Street Map – status and history of City streets  
<https://streets.planning.nyc.gov/about>
- NYC 3D model by Community District  
[https://www1.nyc.gov/site/planning/data-maps/open-data.page#3d\\_data](https://www1.nyc.gov/site/planning/data-maps/open-data.page#3d_data)



March 19, 2019

To the Commission:

I am Vishaan Chakrabarti, an architect and planner, a professor at Columbia University, and the former Director of the Manhattan Office for the New York Department of City Planning in the years following 9/11. I am testifying today as a private citizen, not on behalf of any group.

I have reviewed many of the proposed changes to the Land Use section of the Charter and must respectfully oppose the calls for significant revisions to ULURP including the proposal for additional layers of so-called comprehensive planning. While the intention of trying to improve equity and affordability is laudable, I am convinced these proposals would have the opposite effect and exacerbate our worst social and environmental problems because they will further limit our capacity to serve our population growth and diversify our economy.

The statue in our harbor cannot say "Give me your tired, your poor, your huddled masses...but only after we are done with our analysis paralysis."

Our lack of affordability does not stem from ULURP. To the contrary, ULURP works because it has the wholly democratic tendency to make everyone somewhat unhappy, which is the hallmark of balance. Many meritorious projects have gone through ULURP with community support, such as Domino or Essex Crossing, both of which I helped to plan and design, and we hope to achieve similar results with our plan for over 2,000 affordable housing units in East New York at the Christian Cultural Center.

New York's lack of affordability stems from a far simpler issue: the demand for housing in our city wildly outstrips our supply. We are outpacing our growth projections but given our land scarcity, we simply can't keep up unless we expand the production of both affordable and market rate housing. The fantasy that less growth will lead to equality is irresponsible rhetoric that willfully ignores both our population projections and our history as a city of welcoming newcomers.

Part of the role of our elected executive branch is to plan for future New Yorkers, a role that would be a conflict of interest for council members who by definition must instead protect the interests of their local constituents. This is why the authority to plan for New York's growth firmly rests with the Mayor's office and should continue to do so. In my experience, the most successful cities around the world are ones in which the Mayor can take strong actions to address social ills, infrastructure and climate change.



We now face an existential threat from climate change, which we should not confront with years of infighting about process just as Rome burns. We should not respond by forcing the growth of our city into sprawl because we don't have thechutzpah to build densely near mass transit or near emerging employment hubs outside of Manhattan.

As a planner I believe in concepts like strategic planning, particularly in the face of climate change but worry that a cumbersome comprehensive plan every decade would not be agile enough to meet our dynamic needs. As the Mayor's office illustrated with their recent resilience proposal for Lower Manhattan, the function of depoliticized planning rests with our elected Executive Branch, which is already obligated under current law to solicit local input and obtain binding council approval.

My experience after 9/11 taught me that today's concerns of gentrification and congestion may well give way to unforeseen challenges as our climate changes and our infrastructure fails. Our best defense is in the strength of our communities and our economy, which must grow smartly in order to rebuild our infrastructure while still welcoming newcomers, newcomers who have no political voice.

Rather than retrench, the times require us to do what our predecessors did, to have the temerity to build an infrastructure of opportunity that will create both social mobility and environmental resilience in this city we all love.

Thank you for the opportunity to testify.



Vishaan Chakrabarti, FAIA  
Founder, Practice for Architecture and Urbanism  
Professor of Practice, Columbia University



**Charter Revision Commission “Expert Panel” on Land Use - Thriving Communities Coalition**

**1. Mandate a regular and public process to make changes to the CEQR Technical Manual.**

- **Issue/ Problem:** Right now, the charter has no specific requirements updating the CEQR Technical manual there is no opportunity for public input, there isn't even a requirement for how often it should be updated
  - **Example:** When the city released the Draft Environmental Impact Study (DEIS) for Jerome Avenue it severely underestimated the risk of residential displacement. New development for tenants with higher incomes allows for displacement tactics to thrive in neighborhoods.
  - However, guided by the CEQR Manual to exclude the consideration of illegal displacement tactics – the city did not appropriately assess and in fact ignored the displacement pressures for tenants. It even excluded an analysis of legal tactics that landlords currently use to displace tenants.
  - The Manual directs that a detailed assessment of direct residential displacement should be conducted only if a preliminary analysis shows that more than 500 residents would be directly displaced. Because the city only identified 45 projected development sites in the study area and only four were residential sites the city concluded that only 18 residents would be directly displaced.
  - When concerns were brought up by community members throughout ULURP process, they were often dismissed on the account that the hearings were about the proposed study and not the process/ methodology.
  - These examples underscore how the current Land Use methodology/process used by city doesn't accurately consider the consequences for community members nor does it allow for communities to voice these concerns. Ultimately putting in question the credibility of the city and its ability to thoughtfully create plans reflect that actual needs/concerns of community members in order to create a more equitable city.
- **Possible Solutions: Mandate a regular and public process to make changes to the CEQR Technical Manual.**
  - The charter should require a CEQR Technical Manual revision process occur at minimum every five years in order to reflect/ address changes and needs in communities in a timely manner.
  - Right now, there is nothing in the charter about how or who changes the manual and so it is completely at the discretion of the Mayor. A possible solution is that the process should be overseen by an appointed Commission, utilizing an expert panel to review and propose updates.
  - In addition - commissioners should be appointed by elected officials including the Mayor, Borough President, City Council Speaker, and Public Advocate, with no elected official appointing a majority of the total seats.



- The charter should create a separate space for community concerns to be heard about the actual methodology. For example, the public should be able to participate in the revision process via a comment period and public hearings.
  - Example: The city is now holding task force groups meetings to address concerns around housing, public health, when these concerns should have been addressed in the initial planning.

## 2. **Require a Detailed Analysis of Direct and Indirect Residential Displacement in every EIS**

- **Issue/ Problem:** Currently there are thresholds that must be met before a detailed analysis of direct and indirect residential displacement is required in an EIS. That means a detailed displacement analysis is often not done.
  - **Example:** Same as example in point 1: The Manual directs that a detailed assessment of direct residential displacement should be conducted only if a preliminary analysis shows that more than 500 residents would be directly displaced. Because the city only identified 45 projected development sites in the study area and only four were residential sites the city concluded that only 18 residents would be directly displaced.

- **Solution:** We believe the charter should require a detailed displacement analysis any time an EIS is required.

## 3. **Require an Enforceable Mitigation Plan Following an EIS**

- **Issue/ Problem:** Currently, there is no requirement that impacts found in the environmental review process actually be dealt with.
  - Example: in the Final Environmental Impact Study (FEIS) the city foresaw “adverse impacts” to elementary and intermediate schools in the neighborhood. However, city council member Gibson and Cabrera were only able to secure two new schools, and the city did not provide substantial mitigations to address these impacts.
  - Example: In the study of Jerome Avenue, the city projected that commercial tenants specifically many auto-shops would be directly displaced by the rezoning. The city then provided a modest relocation grant fund but once again did not provide substantial/ enforceable mitigations.
- **Solutions:** The Charter require that a comprehensive mitigation plan be drafted and publicly shared following a DEIS.
  - The draft mitigation plan should identify all negative impacts to a proposed rezoning
  - The draft mitigation plan should propose a plan, or several options, to fully address those impacts
  - The Charter should then require that a final mitigation plan be put in place at the same time as any land use change.
  - They should be legally binding and enforceable.





**STATEMENT BY HOWARD SLATKIN, DEPUTY EXECUTIVE DIRECTOR FOR STRATEGIC PLANNING,  
NYC DEPARTMENT OF CITY PLANNING TO 2019 CHARTER REVISION COMMISSION  
March 21, 2019**

Good evening, Commissioners. My name is Howard Slatkin, and I am the Deputy Executive Director for Strategic Planning at the Department of City Planning.

The history of land use planning in the City Charter traces an arc from traditional, static notions of comprehensive planning to a practice of strategic planning that supports timely responses to a rapidly changing environment, and informs a robust public land use review process with data and consistent objectives.

The most recent attempt to create a citywide comprehensive plan was the 1969 Plan for New York City. Undertaken in part to enable the City to qualify for Federal public housing funds, it was outdated by the time it was complete, widely criticized, and never adopted.

Following the failure of the 1969 Plan, the 1975 Charter Revision Commission eliminated the requirement for a master plan, and established ULURP, to decentralize the land-use decision making process. The changes reflected the planning profession's broader shift away from comprehensive plans and other master-planning tools such as Urban Renewal.

In 1989, Charter revisions established a strategic planning function to help prevent the land-use decision process from becoming overly politicized and driven by short-term considerations. Instead of a master, or comprehensive, plan, the aim was to supply facts, analysis, and consistent objectives to help anchor decisions in clear planning rationales.

The City uses the strategic planning model today in a range of ways. Through OneNYC, the City has articulated principles and priorities for sustainable and equitable growth, including citywide goals for housing creation. DCP regularly undertakes strategic initiatives to advance citywide strategies that address planning issues of pressing significance. Recent examples are Mandatory Inclusionary Housing, Zoning for Quality and Affordability, and Zoning for Flood Resiliency. By using the Internet and a wide variety of interactive tools (the Community Portal, ZoLa, etc.), which the 1989 Charter commissioners could not have imagined, the Department today makes far more data and analysis available to both decision makers and to the public than ever before.



There is sometimes a view expressed that if we already had a citywide master plan, the individual decisions that can be so challenging and contentious would become easier or even unnecessary. But it's important to recognize that there is no comprehensive plan that would obviate the need for informed and sensitive decision making based on detailed consideration of specific facts and local conditions. (It's also worth keeping in mind that local constituencies frequently ask that citywide programs, such as MIH and ZQA, be tailored and customized to address local priorities.)

In implementing the objectives of OneNYC, or any plan of such scale, goals and objectives often have inherent tensions and must be balanced. Take, for instance, the question of whether a plot of City-owned land within a neighborhood should be used for open space or affordable housing. There is no citywide plan that can predetermine an appropriate and equitable local outcome. This is the job of ULURP – it allows NYC officials to balance competing equities, based on sound information and consideration of all views and voices.

A nimble and practical approach to citywide strategic planning can support timely and equitable decision making, but approaches that require every land-use decision to be made twice or divert substantial resources away from action would detract from our ability to undertake responsive planning for New York City's dynamic environment and pressing needs.



Testimony of Vicki Been<sup>\*</sup>  
Before the New York City Council's 2019 Charter Revision Commission  
March 21, 2019

My name is Vicki Been, and I am the Boxer Family Professor of Law at New York University School of Law, where I teach, research, and write about land use and housing policy. I also am a Faculty Director of the NYU Furman Center, which is an interdisciplinary research center dedicated to improving knowledge and public debate about housing, land use, and urban policy. I had the privilege of serving the city as Commissioner of Housing Preservation and Development (HPD) from 2014 to 2017.

I am acutely aware, given my membership on the Commission to Reform New York City's Property Tax System, of the hard work and thoughtfulness that members of the Charter Revision Commission are devoting to the critical issue of whether and how to amend the City's Charter to require changes in the City's land use processes. I am grateful for the invitation to speak with the Commission, and will focus my testimony on proposals to add a requirement to the City Charter that the City prepare a comprehensive plan, and given my background, will focus especially on the implications that proposal may have for the City's efforts.

The City engages in an enormous amount of planning and should (indeed, must) continue to do so. Since the Bloomberg Administration released PlanNYC, for example, the City has put out detailed and comprehensive plans for affordable housing (Housing NY, and Housing NY2.0); for NYCHA (NextGen NYCHA); for homelessness (Turning the Tide on Homelessness); and sustainability (Lower Manhattan Coastal Resiliency (LMCR) project), among other critical issues. The City has pulled much of that together in a plan to become the most resilient, equitable, and sustainable city in the world – OneNYC. An update of OneNYC is in the works, and other planning processes are underway – HPD is now working with many other agencies to draft what is essentially a fair housing plan in their Where We Live Initiative, for example. The City also issues a ten-year capital plan, and the City Planning Department has taken on an expanded role in integrating the capital plan with its zoning work and in ensuring that all the agencies are working together to coordinate their work with the capital plan.

**So, what exactly would be required by a mandate for a comprehensive plan?**

It is unclear exactly what the proposals for comprehensive planning have in mind beyond all the planning that already takes place. My first point, therefore, is that a mandate for comprehensive planning is meaningless unless the proposed amendment specifies in considerable detail what exactly is required. But that level of detail is not appropriate for a

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<sup>\*</sup> These comments do not represent the institutional views (if any) of NYU, the NYU Furman Center, NYU's School of Law, or NYU's Wagner Graduate School of Public Service.

charter, which should be a statement of principles, a constitution, and not a statute or a rule or a regulation.

Comprehensive planning processes vary dramatically across the country – some states mandate very detailed requirements as to what plans must contain; others provide only vague guidance about what comprehensive planning actually means. California, for example, has since 1969 mandated that each local government draft a comprehensive plan that addresses seven elements: land use, transportation, conservation, noise, open space, safety, and housing.<sup>1</sup> California requires considerable detail in the local governments' plan – much more detail than most comprehensive plans in place in major cities across the country, and a daunting level of detail for a city as large as New York City. Each "housing element," for example, must contain:

(a) An assessment of housing needs and an inventory of resources and constraints . . . [which shall include the following]:

(1) An analysis of population and employment trends and . . . a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need . . .

(3) An inventory of land suitable and available for residential development, . . . and an analysis of the relationship of zoning and public facilities and services to these sites . . .

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels . . . , and for persons with disabilities . . . including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need . . . and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters . . . .

(b)(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing . . .

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation . . . that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision

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<sup>1</sup> Cal. Gov't Code § 65300 (West 2019) (requiring local governments to "adopt a comprehensive, long-term general plan for the physical development of the county or city").



of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available . . . [T]he program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning . . . <sup>2</sup>

(A) Where the inventory of sites . . . does not identify adequate sites to accommodate the need for groups of all household income levels . . . rezoning of those sites, including adoption of minimum density and development standards, . . . shall be completed no later than three years after [the earlier of certain specified actions] . . .

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing . . . <sup>3</sup>

California's comprehensive planning requirement is reinforced by a mandate in the state's zoning enabling act that local governments consider the effect of their zoning ordinances and other regulatory activities on the housing needs of the region,<sup>4</sup> and also is reinforced by California's least-cost zoning law, which requires local governments to "zone sufficient vacant land for residential use with appropriate standards . . . to meet housing needs for all income categories as identified in the housing element of the general plan."<sup>5</sup> Compliance is also either a requirement for participation in various funding programs or results in extra points in the competition for funding.<sup>6</sup>

At the other end of the spectrum, where many, if not most, comprehensive plans can be found, is Charlottesville's comprehensive plan. It states goals and strategies with far more generality than New York City already provides in the various plans I mentioned earlier. For example, it lists as one of its housing goals: "Grow the city's housing stock for residents of all income levels." The strategies it lists for accomplishing that goal are:

- Continue to work toward the City's goal of 15% supported affordable housing by 2025.

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<sup>2</sup> The regional need to which the planning requirement refers is established by the California Department of Housing and Community Development, which determines the state's need for housing for households of various income levels and allocates that need among the various regions within the state; the Council of Governments for each region then allocates the region's share to municipalities within the region. *Id.* at § 65584.

<sup>3</sup> *Id.* at § 65583.

<sup>4</sup> See, e.g., *id.* at § 66412.3.

<sup>5</sup> *Id.* at § 65913.1.

<sup>6</sup> Cal. Dep't of Hous. and Cmty. Dev., *Incentives for Housing Element Compliance* (2009), [http://hcd.ca.gov/community-development/housing-element/docs/loan\\_grant\\_hcompl011708.pdf](http://hcd.ca.gov/community-development/housing-element/docs/loan_grant_hcompl011708.pdf).

- Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.
- Achieve a mixture of incomes and uses in as many areas of the City as possible.
- Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications.
- Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.
- Promote housing options to accommodate both renters and owners at all price points, including workforce housing.<sup>7</sup>

Those goals and strategies are so vague and general that it is hard to imagine how they inform, guide, or constrain future housing, land use, or capital budgeting actions in any way. None of the strategies is measurable today. Each of them is subject to multiple interpretations. All but one are not time-limited, and none specifies who is responsible and should be held accountable for their implementation.

Where on the continuum from specificity to vagueness should a comprehensive plan mandated by a revision to the Charter fall? Without further detail about what exactly is being required, it is hard to have an intelligent discussion about the requirement. A myriad of questions need to be answered before the Commission, policy experts, or any citizen can evaluate a proposal to add a comprehensive plan requirement to the Charter. What exactly is required? At what level of detail? By what date? On what budget? What happens in the interim – do agencies go on with their work as before, or are certain things going to be delayed until the plan is finalized? Who will draft the plan? What role will borough presidents, community boards, and local residents each play in the planning process? Will the plan be 59 neighborhood plans merged in the same document? 59 neighborhood plans plus a citywide plan? Only one citywide plan? Who must approve the proposed plan – the City Council’s proposal envisions that it will approve the plan, but must there be some form of cross-acceptance process between the neighborhoods and the City as a whole, for example? Must the plan be approved by, for example, the MTA, given the relationship between its transit strategies and the City’s plans? Must the plan go through environmental impact review? ULURP? As the City Council considers the plan, can it amend the proposed plan before adopting it, or will the plan have to be sent back to the City Planning Commission (or borough presidents, community boards, or others) before amendments can be introduced? Will council members defer to objections from an individual council member that the plan is not consistent with what the council member or his or her constituents want, allowing the so-called councilmatic veto that is the rule and not the exception in the City Council? What happens if the plan isn’t approved? If approved, can the plan be amended, and if so, how and under what circumstances? If it can be amended relatively easily, what real force will it have? Must agencies prove that each of their decisions is consistent with the plan? If so, what does

<sup>7</sup> Charlottesville 2013 Comprehensive Plan, Ch. 5, available at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/comprehensive-plan/comprehensive-plan-2013>.



“consistent with the plan” mean? Can people who don’t like an agency’s action sue claiming that the action is not consistent with the plan? What kind of review will courts give in such actions? What are the remedies that courts might impose?

A survey of everyone in this room would reveal an enormous range of views about what a mandate for a comprehensive plan means. To some, it means that each neighborhood will be required to allow enough affordable housing to meet some minimum that the City as a whole determines. To others, it means that each neighborhood will get to determine how much housing it will allow. To others, it means that each neighborhood will get to determine what preconditions must be met before any additional housing capacity is authorized. Still others may think it means that neighborhoods and the city as a whole will engage in a cross-acceptance process whereby they negotiate to a compromise. Yet others will view comprehensive planning as a threat to the power of homeowners, preservationists, and other interest groups that now dominate community board processes, because it may widen the scope of those who have input into the process. We’d likely have 20 more versions of what it means as well. That’s dangerous.

Indeed, it’s irresponsible to submit such an ambiguous concept to a vote. It just means that we’ve avoided the tough political choices involved by using “weasel words” – words that sound specific and indisputable, but that are in fact evading a direct and transparent statement or position. Comprehensive planning can mean more or less neighborhood control, depending on how it’s interpreted. It can mean longer land use processes as we debate whether the proposal is consistent with the plan, or it can mean that once a proponent shows that the project is consistent with the plan, the project should be subject to less scrutiny. It can be a ceiling imposing an upper limit on what is developed in a neighborhood, or a floor below which the neighborhood loses control or suffers penalties. It can be a broad vision, or it can be a series of very specific, measurable, accountability-focused, and time-limited goals.

To evaluate the requirements of a comprehensive plan, we need to know the answers to the questions I’ve raised and no doubt many more. We need to understand what we are talking about. But that’s not a job the Charter Revision Commission can realistically take on in the time allotted. The Charter Revision Commission is working extremely hard, but is addressing a wide range of complex issues under a tight deadline, and is unlikely to be able to tackle this issue with the level of specificity required.

Nor should the Commission: a charter is not meant to be legislation; it is supposed to be guiding principles. A charter should articulate the City’s values, allocate power and responsibility among government actors, and establish the processes and checks and balances required to ensure that power and responsibility are used to achieve the stated values. It should not detail how exactly the City ought to formulate its goals and strategies, in part because that detail will need to change based upon experience and in response to evolving challenges.

But without a more detailed proposal, voters cannot give the issue the level of attention

required for a change that could have major consequences for every neighborhood and for every issue that would be affected (from how much affordable housing is built, to how the city would address the need for homeless shelters, schools, and fire stations, to name a few, to how the city will provide room for job growth). November 2019 is an off-year election; the only other issue likely to draw much attention is the public advocate's race. Only about 400,000 people turned out to vote in the special election for public advocate earlier this year, less than 10 percent of the 5.2 million people registered to vote (which unfortunately is not all those eligible to vote).<sup>8</sup> The decision to adopt a charter revision to mandate comprehensive planning thus is likely to be made by a very small number of people, yet could affect the future of the city and its residents in profound ways. And unless we have a much more specific proposal, those voters will have no idea what they are voting for, except that comprehensiveness, and planning, sound reasonable – like apple pie and teddy bears.

### **The Dangers of a Comprehensive Planning Mandate**

Why should we worry about what a mandate for comprehensive planning really means? Why not just pass such a requirement and figure the details out later? Because comprehensive planning can foster and empower NIMBYism and can be an exclusionary tool. Depending upon the specifics of the comprehensive planning process, each neighborhood in New York City can seek a plan that protects that neighborhood's special character, its density, open space, student/teacher ratios, historic buildings, and so on. But if every neighborhood does so, it will become even harder than it is now to build the housing, infrastructure, and other projects that the city needs to ensure that people can afford to live here. The 1975 charter revision commission adopted ULURP, which has no requirement that the process include a comprehensive plan, to "give local communities a say in shaping important land use policies without granting them veto power over public welfare: in other words . . . to strengthen, not balkanize, the City's neighborhoods and communities." But comprehensive planning, again depending upon the specifics, can lead to precisely that kind of balkanization.

One of the city's most pressing issues is how to make housing more affordable for the 1.1 million households who are rent-burdened—paying 30% or more of their income for housing, so that they don't have enough left over for adequate food, health care and medicine, quality childcare, and other essentials—or for the nearly 600,000 households who are paying more than half of their income on housing. That requires multi-pronged strategies – to improve people's employment prospects and wages; to increase the supply of housing, especially the "missing middle" of unsubsidized housing affordable to moderate- and middle- income households; to provide and preserve subsidized affordable housing, improve and preserve NYCHA housing, and provide low-income tenants with rental assistance; and to provide protections against displacement for tenants such as rent regulation, limits on eviction, and legal assistance for tenants facing evictions.

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<sup>8</sup> Savannah Jacobson, *How Many Voters Will Turn Out for the Public Advocate Special Election?*, GOTHAM GAZETTE, Feb. 14, 2019; Jeffery C. Mays, *Pubic Advocate: Jumaane Williams Wins Special Election*, N.Y. TIMES, Feb. 26, 2019.



But neighborhood residents, and their elected officials, consistently do not want their neighborhoods to change significantly. They reject proposals that might affect their property values or their rents. They support affordable housing in theory, but the particular housing proposed is never just right – it's too tall, badly designed, targeted at the wrong incomes, on a site that would be better for something else, built by non-union workers, staffed by the wrong employees, operated by the wrong entity, etc., etc. That risk aversion, the rational desire to maximize the value of one's largest investment or to minimize one's own expenses, and the myriad of concerns that people express about specific proposals may all be well-meaning or understandable. But they too often add up to no new housing, even affordable housing; no housing for people with special needs; no homeless shelters; and no essential infrastructure to support the city's needs, such as sanitation, garages or police stations.<sup>9</sup> I wish I could believe the arguments that if only we had a comprehensive plan, people would come forward with great ideas about how to design and site such facilities and would see that they were only being asked to do what every other neighborhood is also doing and therefore take the burden of accommodating the city's needs on willfully. But those arguments defy decades of experience, reams of research, and, unfortunately, at least some of human nature.<sup>10</sup>

What does the evidence about comprehensive planning show? The evidence that comprehensive planning leads to equitable growth, and especially more affordable housing and better housing affordability in general is scant, and to put it charitably, even the two studies that are most favorable are quite weak. Let's go back to California, which not only has a state mandate that each local government have a comprehensive plan, but also has very detailed requirements each plan show how the locality will achieve the level of affordable housing the state and regional governments have mandated as the local government's share of the statewide need, and a system of sticks and carrots if the local government does not achieve those goals.

Nevertheless, almost three decades after the planning requirement was imposed, in

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<sup>9</sup> See Vicki Been, *City NIMBYs*, 33 J. LAND USE & ENVT'L L. 217 (2018); John Mangin, *The New Exclusionary Zoning*, 25 STAN. L. & POL'Y REV. 91, 91 (2014); Roderick M. Hills, Jr. & David Schleicher, Balancing the "Zoning Budget", 62 CASE W. RES. L. REV. 81, 85 (2011); Roderick M. Hills, Jr. & David Schleicher, *Planning an Affordable City*, 101 IOWA L. REV. 91, 93 (2015); Wendell Pritchett & Shitong Qiao, *Exclusionary Megacities*, 91 S. CAL. L. REV. (2018); David Schleicher, *City Unplanning*, 122 YALE L.J. 1670, 1675 (2013); Charles Joshua Gabbe, *Do Land Use Regulations Matter? Why and How?* (Jan. 1, 2016) (unpublished Ph.D. dissertation, University of California at Los Angeles) <https://escholarship.org/uc/item/6db0k1k5>. For classic studies of parochial opposition to new housing development, see WILLIAM A. FISCHER, *THE HOMEVOTER HYPOTHESIS: HOW HOME VALUES INFLUENCE LOCAL GOVERNMENT, TAXATION, SCHOOL FINANCE AND LAND-USE POLITICS* 18(2001); Richard Briffault, *Our Localism: Part I – The Structure of Local Government Law*, 90 COLUM. L. REV. 1, 3 (1990); Robert C. Ellickson, *Suburban Growth Controls: An Economic and Legal Analysis*, 86 YALE L.J. 385, 405–07 (1977).

<sup>10</sup> For evidence specific to New York City, see Vicki Been, Josiah Madar, & Simon McDonnell, *Urban Land Use Regulation: Are Homevoters Overtaking the Growth Machine?*, 11 J. EMPIRICAL LEG. STUD. 227, 238–40 (2014); Edward L. Glaeser, Houston, *New York Has a Problem*, CITY J., Summer 2008, at 62, 67; Edward L. Glaeser, Joseph Gyourko, & Raven Saks, *Why is Manhattan So Expensive: Regulation and the Rise in Housing Prices*, 48 J. L. & ECON. 331 (2005); see also Paul Krugman, Opinion, *That Hissing Sound*, N.Y. TIMES, Aug. 8, 2005, <http://www.nytimes.com/2005/08/08/opinion/that-hissing-sound.html>.

1996, only 58 percent of the local governments required to adopt the required housing element of a comprehensive plan had done so.<sup>11</sup> By 2018, nearly 50 years after the requirement was imposed, the share of local governments subject to the housing plan requirements that were in compliance had risen to 88%.<sup>12</sup> Nevertheless, almost 98 percent of the jurisdictions were failing to approve the housing the state had determined was needed.<sup>13</sup> The reasons for that failure are many, but one clear lesson from California's experience with comprehensive planning is that it does not overcome local resistance to the steps cities must take to achieve housing affordability.<sup>14</sup>

The evidence about whether comprehensive planning processes in areas outside California are associated with more housing affordability is mixed but very weak. In the words of a recent scholarly review of the evidence, "little is known about the outcomes of most plans, let alone the affordable housing component of local comprehensive plans [or about] the impact of various elements of plan quality on community outcomes or housing affordability . . . ."<sup>15</sup> The most recent study looked at 58 local comprehensive plans in the Atlanta and Detroit metropolitan areas, and evaluated whether the strength of those plans' housing elements was associated with reductions in the share of low-income households who were rent burdened (paying more than 30% of their income for housing). The research concluded that the number and mandatory nature of housing policies discussed in comprehensive plans was associated with improved housing affordability in the Atlanta metro, but not in the Detroit metro.<sup>16</sup> Of the three earlier studies looking at whether comprehensive plans in Florida were associated with more housing affordability, two concluded that they were not; the third study found that the

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<sup>11</sup> Nico Calavita et al., *Exclusionary Housing in California and New Jersey: A Comparative Analysis*, 8 HOUSING POL'Y DEBATE 109, 118 (1997). Although at least one court took tough measures against a recalcitrant community, enjoining it from approving any subdivision maps or rezonings until it had complied with the requirements, *Camp v. Bd. of Supervisors*, 176 Cal. Rptr. 620 (Ct. App. 1981), compliance still lagged. See Ben Field, *Why Our Fair Share Housing Laws Fail*, 34 SANTA CLARA L. REV. 35 (1993) (blaming failure on obstacles to litigation, limits of judicial expertise, and a judicial reluctance to intervene in local land use matters).

<sup>12</sup> Cal. Dep't of Hous. and Cmty. Dev., Housing Element Implementation Status Tracker (Dec. 4, 2018), [http://hcd.ca.gov/community-development/housing-element/docs/Housing\\_Element\\_Implementation\\_Tracker.xlsx](http://hcd.ca.gov/community-development/housing-element/docs/Housing_Element_Implementation_Tracker.xlsx).

<sup>13</sup> Cal. Dep't of Hous. and Cmty. Dev., S.B. 35 Statewide Determination Summary (2018), [http://www.hcd.ca.gov/community-development/housing-element/docs/SB35\\_StatewideDeterminationSummary01312018.pdf](http://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary01312018.pdf).

<sup>14</sup> For further analysis of California's planning approach, see Victoria Basolo & Corianne P. Scally, *State Innovations in Affordable Housing Policy: Lessons from California and New Jersey*, 19 HOUS. POL'Y DEBATE 741 (2008); Tej Kumar Karki, *Mandatory Versus Incentive-Based State Zoning Reform Policies for Affordable Housing in the United States: A Comparative Assessment*, 25 HOUS. POL'Y DEBATE 234 (2015); Paul G. Lewis, *Can State Review of Local Planning Increase Housing Production?*, 16 HOUS. POL'Y DEBATE 173 (2005); Matthew Palm & Deb Niemeier, *Achieving Regional Housing Planning Objectives: Directing Affordable Housing to Job-Rich Neighborhoods in the San Francisco Bay Area*, 83 J. AM. PLAN. ASS'N 377 (2017); Ngai Pindell, *Planning for Affordable Housing Requirements*, in LEGAL GUIDE TO AFFORDABLE HOUSING 3 (Tim Iglesias & Rochelle Lento, eds., 2011); Darrel Ramsey-Musolf, *Evaluating California's Housing Element Law, Housing Equity, and Housing Production (1990-2007)*, 26 HOUS. POL'Y DEBATE 488 (2016).

<sup>15</sup> Hee-Yung Jun, *The Link Between Local Comprehensive Plans and Housing Affordability*, 83 J. AM. PLAN. ASSN. 249, 254 (2017).

<sup>16</sup> *Id.*, at 258-259.



number of housing policies in a comprehensive plan was associated with great housing affordability in subsequent years, although the number of housing policies in a plan may bear little relationship to the number or quality of policies actually implemented.<sup>17</sup>

In short, then, the evidence suggests that mandating a comprehensive plan may, at best, do little to help New York achieve a more just and affordable city. At worst, depending upon how comprehensive planning is structured, implemented, and enforced, it may make it even harder for the City to achieve those and other goals. There is a growing consensus across land use and urban policy experts in academic institutions; public policy think tanks; and federal, state and local governments that land use regulation, including planning is limiting growth in productive cities like New York in ways that have very negative consequences both for those cities and for their states and the nation as a whole.<sup>18</sup> A mandate for a comprehensive plan could make an already lengthy, unpredictable, and costly land use process even more onerous by providing yet another veto point or opportunity for holdup to NIMBY interests. This would come at the expense of more equitable development for those who have been shut out of many neighborhoods and housing opportunities because of their income, race, or ethnicity.

New York is a city of neighborhoods, but it is one city, and we stand or fall as a whole. The balance between giving neighborhoods appropriate control over what happens to their neighborhoods and getting the things built that we need if we are going to thrive as a city is difficult to strike. Something that could upend that balance, which a comprehensive planning mandate would do, should not be undertaken lightly. I therefore urge the Commission to reject the calls to revise the Charter to mandate a comprehensive plan.

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<sup>17</sup> Compare J. Anthony, *The Effects of Florida's Growth Management Act on Housing Affordability*, 69 J. AM. PLAN. ASSN. 282 (2003); A. Aurand, *Florida's Planning Requirements and Affordability for Low-Income Households*, 29 HOUSING STUD. 677 (2014); R.C. Feiock, *The Political Economy of Growth Management*, 22 AM. POL. Q. 208 (1994).

<sup>18</sup> See Vicki Been, Ingrid Gould Ellen and Katherine O'Regan, *Supply Skepticism*, 29 HOUS. POL'Y DEBATE 25 (2018) (surveying literature); Been, *supra* n. 9.

CHARTER REVISION COMMISSION MEETING – MARCH 21, 2019 - COMMENTS BY SANDY HORNICK

Members of the Commission, Good Evening,

My name is Sandy Hornick, I am an urban planner now in private practice but for 38 years I was an employee of, or consultant to, the Department of City Planning. From 1991 to 1996, I had the privilege of serving as the Deputy Executive Director for Strategic Planning at the Department and then for another 7 years I performed virtually the same function as a consultant.

During my years at DCP, there was a series of Charter mandates that sought to create a more rational and equitable planning. The list of possible revisions in your Charter Revision Commission report reminds me how hard it is to achieve these goals. Periodically, the Charter is revised because people feel the process is not open enough and after a few years we find ourselves back looking to open up the process.

I think there is a larger issue involved which is the tension between local desires and Citywide needs. New York is already a very crowded place and, after half a century where the population barely penetrated its 1950 level, it is getting more crowded all the time adding, in just 16 years, six times the population gain and a million more jobs than in the previous 50 years. This has driven up the cost of housing, made crowded subway more crowded, etc. While it is important to have open participation in the decision making process, it is at least equally important to have a voice at the table for the future, the people who will be competing for housing, employment, recreation, transportation and so on 5, 10 or 20 years from now. Those voices need to be heard as well.

I do not think that it is accidental that the 1976 Charter revision which created ULURP to formally involve communities in planning also removed the unfulfilled 40-year old Charter mandate for a Comprehensive Plan. Comprehensive planning is inherently a planning exercise with a top-down emphasis: beginning with regional needs, then municipal and then attempting to fit these into a local context.

Past Charter revisions sought to resolve these conflicts by mandating a series of reports and statements every 4 years such as the planning and zoning report and strategic policy statements, and by creating a Fair Share process.

But, except for the officials who issue a particular document, the public and other elected officials have largely ignored these. The Dinkins administration plan to place future homeless shelters in the neighborhoods that did not already have them was met with vociferous opposition resulting, if I remember correctly, with the opening of a single, small women's shelter in Park Slope. The overall plan went nowhere. Communities without shelters felt that they had more than their fair share of other things that overburdened them.

As a planner, I strongly support a better understanding what problems confront us today and are likely to confront us in the future and developing plans to best address our future needs. Nevertheless, I am



concerned that the proposals as drafted are based on unrealistic expectations of what we can predict and may have the effect of justifying policies that would be directly contradictory to the problems that need to be addressed. I'd like to give one example.

Since undertaking, more than a decade ago, what became PlaNYC the Department of City Planning has been projecting population growth both City wide and then more locally in what are called PUMAs, roughly agglomerations of 2 or 3 Community Districts. In response to the projections of a population that would exceed 9 million in a decade or two, DCP conducted an internal estimate of the capacity of the City. At the time, DCP came up with a then current residentially capacity of about 10 million people. In theory, under the then current zoning, NYC could accommodate all its growth now projected until 2040 (now estimated to be just over 9 million.)

I think many people might conclude that there is ample capacity for growth and that they do not want this already crowded City to reach a population of 10 million.

The reality of site availability is quite different. Unlike suburbs or exurbs where farmland or forest can be turned into housing, very little land in New York City is vacant. It is used by housing, commercial or other uses that have relatively high values that tend to keep most of these sites from redevelopment at any one time. Encouraging more of these sites to be reused is really about changing the relative value of reuse and redevelopment versus the existing use. The problem is compounded because each time a site is redeveloped and thus removed from the inventory of available sites, there is additional pricing pressure on the remaining sites eventually pushing the price of these sites higher and increasing the land cost component of new housing.

If the City seeks to meaningfully halt the rise of the land cost component of new housing, it needs to increase the carrying capacity of the land by rezoning for more housing for households across a broad spectrum of incomes and providing the infrastructure and other supports that healthy communities need even while there is substantial theoretical zoned capacity remaining. As difficult as it may be to contemplate, rather than needing a fixed amount of redevelopment sites, the City needs an increasing supply of zoned development capacity. The more capacity we create, the lower the future land cost components will be and hence the ability for

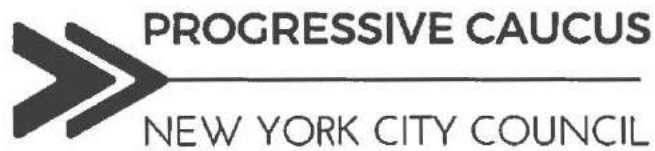
So I am concerned that what seems to be a well-intentioned effort to provide a basis for a broader consensus about how to of how much change the City should accommodate may provide the fodder for limiting such change.

Over the years, I have come to think that a more valuable and more achievable approach in a dense, built-up city is for the City to identify the issues of strategic importance to provide a context for planning decisions. A comprehensive plan that takes years to assemble by one administration, assuming there is consensus, is not necessarily going to be accepted as a guide by the next one. It may be better to have, for example, a healthy discussion of the City's housing needs than a plan for where all the housing is going to go.

I would implore the Commission to preserve one mechanism for ensuring a transparent public process. Scope is a mechanism for ensuring that everyone has had an opportunity to comment during the process by limiting review to those changes that have been advertised for public hearing. Determining scope is a determination of fact. It is not a political gesture. It does not benefit community or real estate interests. Zoning rules that are proposed to be changed are complicated and require technical expertise that resides at City Planning.

Finally, I want to note that there is a good chance that among the members of the current Council sit one or more future executives of this great city. I would encourage you, in any Charter revisions that you propose, to keep in mind that whomever among you may rise to run this future city, you will need the appropriate authority to do this effectively.





March 21, 2019

Council Member Antonio Reynoso Testimony on Behalf of the NYC Council  
Progressive Caucus

Good evening members of the Charter Revision Commission. Thank you for your service, and for this opportunity to testify. I am Council Member Antonio Reynoso and I will be testifying on behalf of the City Council's Progressive Caucus on our priorities for the Commission's consideration.

It is no secret that the City's land use and planning processes are deeply fraught. Controversies and opposition to recent rezonings have made quite evident that New Yorkers, grassroots organizers, elected officials and skilled practitioners alike share deep concerns about the lack of transparency, community engagement, and equity evident in our land use processes and outcomes. New York City's approach to planning has been primarily reactive for decades. The current system encourages ad-hoc planning, in which the City positions itself to be strictly reactive to private development proposals, devastating hurricanes, urgent needs for school seats, waste transfer stations, and other infrastructure needs. This reactive approach even extends itself to perhaps our most pressing crisis - housing and homelessness. We believe there's a better way.

With this Commission, we have an obligation to shift our planning processes away from short-term political goals and toward long-term planning that accounts for the realities of climate change and the needs of a growing coastal city. We need to reimagine how land use decisions are made to empower communities in the planning process to advance the *equitable* distribution of City resources, facilities and new development. We presently face challenges in addressing climate change and sea level rise, the City's housing affordability crisis, spatial inequality and segregation, aging infrastructure, and job growth. These issues will only increase in severity as we move toward the future and we simply cannot afford to ignore them any longer.

Numerous progressive cities, including Seattle, Minneapolis, and London, use comprehensive planning to set long-term goals and identify concrete steps for achieving them. With comprehensive planning, New York could set a strategy for growth that meets pressing community needs and long-term goals. It could balance neighborhood with city-wide priorities in a transparent and accountable way. It could ease the approval process for development that complies with the plan, and rationalize the capital budget. It could create a meaningful role for communities in shaping our future, and provide mechanisms for enforcing promises that are made to neighborhoods that have been often left out of decision making.

Over the past six months, we have been working diligently to explore how this process might work and we've thought through many of the mechanisms and processes that would be required to implement a comprehensive plan in NYC. The City, in partnership with communities, could produce a meaningful comprehensive plan based on updated data and community input through a 3 year process. We have outlined proposed steps in detail, which I'll summarize. The city would need to:

1. Evaluate existing conditions and establish citywide strategic goals;
2. Set community District Goals in partnership with community organizations;
3. Produce Scenario Plans balancing local and citywide priorities, and provide opportunities for public input;
4. Approve the final comprehensive plan;
5. Facilitate compliant development and discourage projects that do not comply.

We acknowledge this is a significant undertaking with real challenges. But these are challenges that we can no longer avoid if we expect our City to thrive in the coming years. Our city is successful today because we met the challenges of the past head on. It is our belief that in partnership with communities, the Commission, the Administration, and the Council, we can come up with a process to that will both plan for the future, while delivering on the present needs of our citizens. We look forward to working with you and would be happy to take any questions you have.



## **Introduction**

New York City's current land use process was established through the 1989 Charter Revision. The revisions made significant improvements to the prior structure, which heavily empowered the Board of Estimate to dictate the City's land use actions. The 1989 revision significantly increased the small-d democratic oversight of land use decisions by placing veto power with the City Council. However, with 30 years of hindsight, it is clear that significant shortfalls are present within the process. Fundamentally, the current regime is one of approval/disapproval of individual actions, lacking a mechanism to engage in long-term, holistic, rational urban planning. Furthermore, the practice of member deference has made it difficult for the City to address citywide needs in a fair and equitable manner. We are also witnessing a heightened level of conscientiousness and distrust around the land use process at a time when we are facing some of the greatest development challenges in a generation.

New York City is unusual in that it does not require some form of a long-term plan to guide the City's development and address its future needs. It is increasingly clear that we cannot meet the significant challenges the City faces without engaging in true long-term planning. A comprehensive plan will require the transparency, accountability, equity, and predictability that is currently lacking in the current land use process. Additionally, comprehensive planning will disincentivize the parochialism that has penetrated the current process and encourage a rational approach based on community engagement and data analysis. Requiring the City of New York to develop a comprehensive plan will reform our land use process for the better, ensuring that our decisions are not driven by politics, but rather a commitment to fairness and informed decision making. The process proposed in this document is a fundamental reorientation of our land use process away from reactionary measures and towards long-term, needs-based and fair share urban planning.

## **Current Challenges**

There are no shortage of planning and development challenges facing New York City. These challenges are shared by numerous constituencies; communities feel unfairly targeted by land use actions and distrust the process; developers have little ability to predict if a given project will ultimately be approved; the City lacks a framework through which to plan for and meet its long term needs. Below are failures of the current system that can be addressed through a comprehensive plan:

- The affordability crisis causing residential displacement across the city;
- An urgent need to focus on sustainability and resilience in the face of sea level rise & climate change;
- Aging infrastructure and no meaningful long-term planning for investment;
- Inequitable growth resulting in persistent socioeconomic and racial inequality and segregation
- A broken Fair Share system where resources and facilities are unevenly distributed throughout the City, with no process to redistribute (for the purposes of equity and fairness) over time;

- Lack of strategic, proactive planning resulting in neighborhood rezonings that leave communities feeling targeted, frustrated, and fatigued;
- Lack of overarching public framework driving land use decisions;
- A reactive, exclusive ULURP process that shuts residents out of the process until it is too late to affect decisions;
- Community benefit commitments resulting from rezonings that are difficult to enforce;
- Processes for evaluating and approving proposed development projects that are time-consuming, expensive, arcane and inefficient.

### **Why is action required through Charter Revision?**

While a number of components of this proposal could be achieved through legislative action, it cannot be accomplished in its entirety and much of its usefulness and intent would be lost through a piecemeal approach. The following outlines the most critical components of the proposed comprehensive planning process that must be included in the Charter:

- A comprehensive planning mandate that aligns with principles of equity and fairness, responsive and proactive planning, inclusiveness, sustainability and resilience, transparency and accountability.
- Reorganization of planning responsibilities among the various agencies and Mayor's office.
- A robust and proactive community engagement process.
- A mandated Equity Assessment that must be completed once every 10 years, including a citywide Displacement Risk Index and Access to Opportunity Index that will inform community decisions about growth and development for the decade.
- Incorporating the capital budget into the comprehensive planning process.

### **Comprehensive Planning Mandate:**

The City will be required to put together a comprehensive plan every 10 years in accordance with the following **principles**:

- Equity and Fairness
- Affordability
- Responsive and Proactive planning
- Inclusiveness
- Sustainability and Resilience
- Transparency and Accountability

### **Steps of Comprehensive Planning**

To be effective in both its planning and goal setting stages up to implementation, a city-wide long term comprehensive plan should include the following five steps.

1. Analyzing Existing Conditions & Citywide Goals
2. Establishing Community District Goals
3. Creating Draft Scenario Plans
4. Publishing a final 10-Year Comprehensive Plan with Associated GEIS
5. Incentivizing Rezoning that Comply with the Plan



## **Step 1: Existing Conditions & Citywide Goals**

**Goal:** To analyze city conditions, including existing plans and recent rezonings, to better understand current trends in the City, identify critical capital investments and project the City's future growth and needs, informed by data and community engagement.

**Key Actors:** Mayoral Office, Community Boards, General Public

**Timing:** This analysis should be synced with the Census process, to ensure the City has access to the most up-to-date data. The entirety of phase one should be completed within 12 months.

**1A. Community District Needs:** The Charter would require and standardize the process and contents of a Community Board's Needs Statement. Under this new process, a Mayoral office would create a standard survey, including both qualitative and quantitative questions for Community Boards to submit. Their response should also include public input, informed by Community Board meetings in which the public is invited to provide input and testify on local needs.

The Community Board would vote to adopt this District Needs statement and submit that statement to the Mayoral office.

**1B. Assessing NYC's Alignment with Principles:** A Mayoral office, in collaboration with City Agencies, would be tasked with doing an initial analysis of existing conditions which would include an assessment of critical indicators at the Citywide and Community Board level. In this process, the Charter should require this Mayoral office to complete an **Assessment of NYC's Alignment with the Principles** which shall include an assessment of:

- Equity and Fairness
- Affordability
- Inclusiveness
- Sustainability and Resilience

That assessment should also include:

- **A Displacement Risk Index**, with consideration of the following indicators: people of color, linguistic isolation, housing tenancy, housing cost-burden, educational attainment, proximity to transit, median rent, development capacity, proximity to civic infrastructure, proximity to high-income neighborhoods, among other factors;
- **An Access to Opportunity Index**, with consideration of the following indicators: school performance, graduation rate, access to college or university, proximity to employment, property appreciation, proximity to a location that sells produce, proximity to a healthcare facility, proximity to transit, among other factors.

**1C. Identifying Current & Future Needs:** Following this assessment of existing conditions, the Mayoral office would be tasked with identifying key challenges in the current system and future projected needs. This would include but not be limited to:

- Key challenges that a 10-year comprehensive plan would seek to address;
- Citywide population and job projections;
- Citywide targets for accommodating population and job projections, including affordable housing units and school seats;
- Infrastructure investments required to bring communities up to an appropriate level of service;
- Infrastructure investments required to support growth;

**1D. Feedback on Draft Existing Conditions:** The Charter would require these analyses to be released as a public draft report, followed by series of required, borough-based information sessions and opportunities for the public to provide feedback and suggested revisions online, in-person and in-writing.

**1E. Articulation of Goals & Publication of Final Existing Conditions:** The Mayoral Office would then articulate the citywide goals for the forthcoming Comprehensive Plan. Incorporating feedback from the public, the Mayoral office would publicize the final existing conditions & Equity Assessment report online.

**1F. Vote of the CPC & Council:** The CPC should vote to approve, approve with modifications or disapprove this document. Within 30 days, the full Council must also vote to approve, approve with modifications or disapprove this document.

## **Step 2: Establishing Community District Goals**

**Goal:** In collaboration a new Steering Committee, a Mayoral Office would establish targets for growth, investment, and fair share at Community District level.

**Key Actors:** Mayoral Office, Steering Committee

**Timing:** This phase should take 6 months to complete.

**2A. Steering Committee:** Informed by the key challenges identified in the Existing Conditions and Equity Assessment report, a Steering Committee would be appointed to provide initial feedback on the process moving forward. The Charter would require a Steering Committee of at least 15 members, appointed by the Chair of the CPC and approved by a  $\frac{3}{4}$  supermajority of the CPC.

**2B. Methodology & Community District-level Targets:** In collaboration with the Steering Committee and City Agencies, a Mayoral Office should define a method for how to set neighborhood-specific goals, which should include, but not be limited to:

- Existing conditions
- Principles (displacement risk & access to opportunity)
- Fair Share, with respect to facility sitings specifically
- Recent development & rezonings
- Market conditions / demand
- Community Board Needs Statements



Using this methodology, the Mayoral office will set 10-year community district targets for the following (no map):

- Affordable Housing, including depth of affordability
- Jobs
- City Facilities, as defined by Fair Share (e.g. parks, libraries, shelters)
- School seats
- Infrastructure investments necessary to bring existing conditions up to appropriate levels of service
- Infrastructure investments necessary to accommodate proposed growth

**2C. Steering Committee Review:** Prior to making these goals public, the targets must be approved by a vote of the Steering Committee.

### **Step 3: Draft Scenario Plans**

**Goal:** Based on the analysis and feedback gathered in Phase 2, develop a Community District level map that describes specific goals for growth and investments.

**Key Actors:** Mayoral Office, Department of City Planning, Community Boards, General

**Public Timing:** This phase should take 12 months to complete.

**3A. DCP generates and presents a number of potential scenarios** for meeting a districts' goals.

- This could encompass facility sitings in a number of different locations, transit oriented growth along different train lines, etc.

**3B. A round of community engagement** is done to establish preference for a given scenario, a blend of the given options, or an alternative.

- Engagement here should be done with both the CBs, as it pertains to their District Needs Statement, as well as the broader community. CB meetings, large public meetings, etc.
- Critical that quality informational materials are available at this step to illustrate the precise outcomes of a given scenario.

**3C. Draft 10-year capital plan:** In conjunction with the draft scenario plans, the City will develop its 10-year capital budget. The capital budget must account for potential needs associated with the implementation of the various draft scenarios (schools, parks, etc.) This will likely require the development of multiple capital plan scenarios to respond to the various draft plans, giving communities the opportunity to more fully understand the potential capital dollars associated with each draft scenario.

**3D. Community Board Vote on preferred scenario and finalization of the ten-year capital plan.** This should be done at a public meeting in which members of the General Public should be given the opportunity to speak. Lots of public meeting notice requirements.

#### **Step 4: Submit Final 10-Year Comprehensive Plan with Associated GEIS for Public Review**

**Goal:** Prepare a Generic Environmental Impact Statement (GEIS) and publish final comprehensive plan

**Key Actors:** Mayor's Office

**Timing:** 12 month GEIS process

**4a-- GEIS for Preferred Scenario** Preferred Scenario (now called "Comprehensive Plan") goes through a Generic Environmental Impact process (DGEIS, etc.)

**4b-- Community engagement** Public hearings and comment periods on GEIS

**4c-- Comprehensive Plan goes through ULURP process, final approval by City Council**

**4d--Issuance of final Comprehensive Plan** with companion capital budget. Plan should be available online. Future rezonings that align with the comprehensive plan benefit from the GEIS and only supply supplemental/technical memos as necessary.

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#### **Step 5: Incentivizing Rezonings that Comply with the Plan**

**Goal:** Implementation of the 10-year Comprehensive Plan

**Key Actors:** City Planning Commission, Department of City Planning, Community Boards, Borough Presidents, Council Members & Private Developers

**Timing:** Ongoing of subsequent Comprehensive Plan

- Upon filing documents with the Department of City Planning, the applicant is required to submit documents defining how the rezoning action **does** or **does not comply** with the comprehensive plan.
- Upon certification, the City Planning Commission shall **certify compliance or non-compliance** with the Comprehensive plan.
- If the applicant is **in compliance**, they need only submit any required **supplemental** environmental review analysis.
- 
- If the rezoning action **does not comply**, the application will go through ULURP as written currently in the Charter. (*Note: If the rezoning action does not comply, and they did not submit a full Environmental Review Statement, they will need to complete a full EIS prior to certification.*)
- If the application **does comply**, it will be subject to the following expedited process:
  - The application is sent to the City Council, Community Board and Borough President upon certification.
  - The Community Board and Borough President would have the option to hold a public hearing and notify the public within **30 days** (total/simultaneous, not one-after-the-other) of receiving the application.
  - If either the Borough President or Community Board hold a public hearing, they may submit recommendations directly to the City Council and CPC.
  - The CPC will approve, modify or disapprove the application within **30 days**.



- The City Council member(s) that represents the district in which the rezoning would be applied can initiate a “call up” within **30 days** of receiving the CPC’s decision. A call-up would require:
  - An analysis that is made available to the public, describing how the rezoning action either does not comply with the comprehensive plan, or making the case for why the comprehensive plan no longer meets the needs of the community.
  - Approval from at least 11 members of the Land Use Committee including the Chair of the Land Use Committee.
- Upon a call-up, the City Council would have **30 days** to hold a hearing and vote to approve, approve with modifications or disapprove.
- If the Council does not act, the CPC decision would be made final.

### **Conclusion:**

The Charter Revision Commission convened by the New York City Council provides a once in a generation opportunity to bring meaningful reform to our City’s land use process. However, it is not enough to simply reform a broken process - we must reimagine what urban planning looks like in our City. This proposal does not seek to create policy, but rather a process through which policy can be developed in an equitable, thoughtful, and efficient way. It is critical that we seize this moment to embed in our City’s constitution principles and processes that will aid us in meeting the significant planning challenges we face. Our current mechanisms for addressing the housing crisis, rising seas, overcrowded schools, and a broken transportation system are insufficient. A comprehensive plan is a significant undertaking, but it is also the only way we as New Yorkers can address our City’s many needs in a holistic, cohesive, equitable way. s. We strongly encourage the Charter Commission to adopt this Comprehensive Planning proposal.

# Planning for Equity, Growth, and Resilience

## A Proposal for Comprehensive Planning in New York City

NYC Council Members Brad Lander and Antonio Reynoso  
March 2019

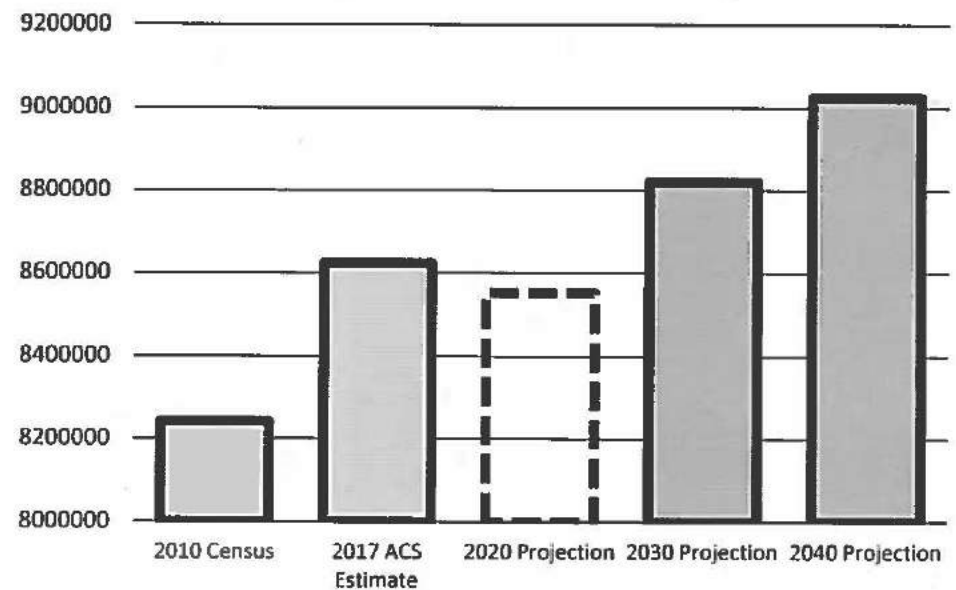


Is New York equipped for the challenges we will face in the coming decades?

## Population Growth

- We will likely need to accommodate more than 9 million people by 2040
- NYC population growing faster than projected
- Growth projected in all 5 boroughs

**Actual and Projected City-Wide Population Growth  
New York City, 2010- 2040**



Source: NYC Department of City Planning, 2013



## Climate Change and Sea Level Rise

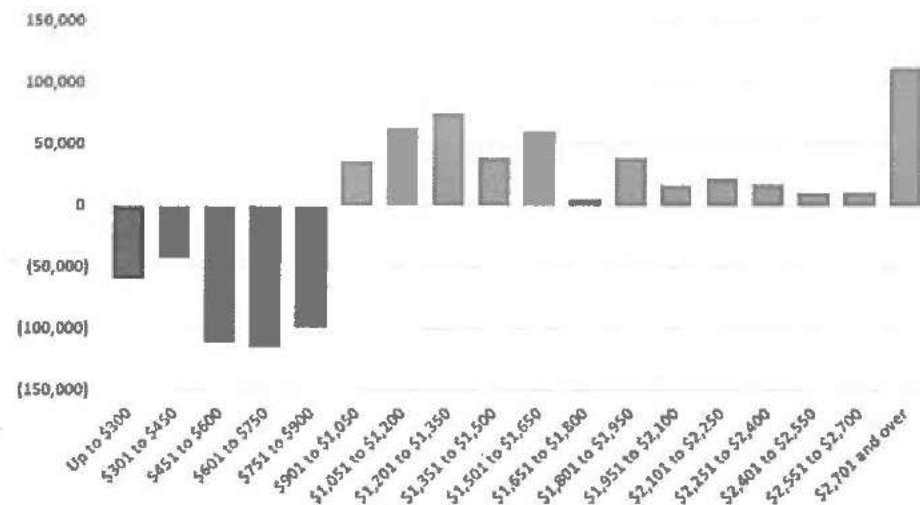
- Urgent need for investment in resiliency in coastal areas
- City must pursue comprehensive sustainability program to reduce waste and emissions
- At present, NYC's "OneNYC" plan for addressing climate change is separated from both our land-use planning and infrastructure budgeting processes



# Housing Affordability Crisis

- 1.4 million households at risk of displacement from highly accessible neighborhoods (walkable, with good transit)
- The supply of low-cost housing units is inadequate and declining
- During recent decades, population growth (11%) and job growth (16%) have significantly outpaced housing growth (8%)

Net Losses and Gains by Monthly Rent, 2005-2017  
Inflation-adjusted 2017 dollars



Source: NYC Comptroller, 2018



# Spatial Inequality and Segregation

- Schools and communities are highly segregated
- Severe disparities in health outcomes and economy opportunity along racial lines, predicted by geography

## Segregation by Income

Blue dots: incomes > \$150k, orange dots: < \$150k.



## Segregation by Race

Census Group  
Black (blue dots)  
Hispanic (orange)  
Asian (red)  
White (green)  
Others (purple)



## Aging Infrastructure

- Aging, sewer, water, gas infrastructure with no plan for investment
- Parks, schools, libraries, and other facilities require upgrades and maintenance
- Crumbling subways
- No coordinated long-term plan. The Ten-Year Capital Strategy does not function as long-term planning document as intended





## Job Growth

- Projected increase in skilled jobs in healthcare, technology, advanced manufacturing calls for stronger workforce development and education
- NYC needs high quality transportation to support job access for residents throughout the city
- Infrastructure investments should strategically support industry growth



What planning tools do we use now?



NYC's zoning code is the closest thing to a city-wide plan. This leads to reactive, not strategic, decision making.

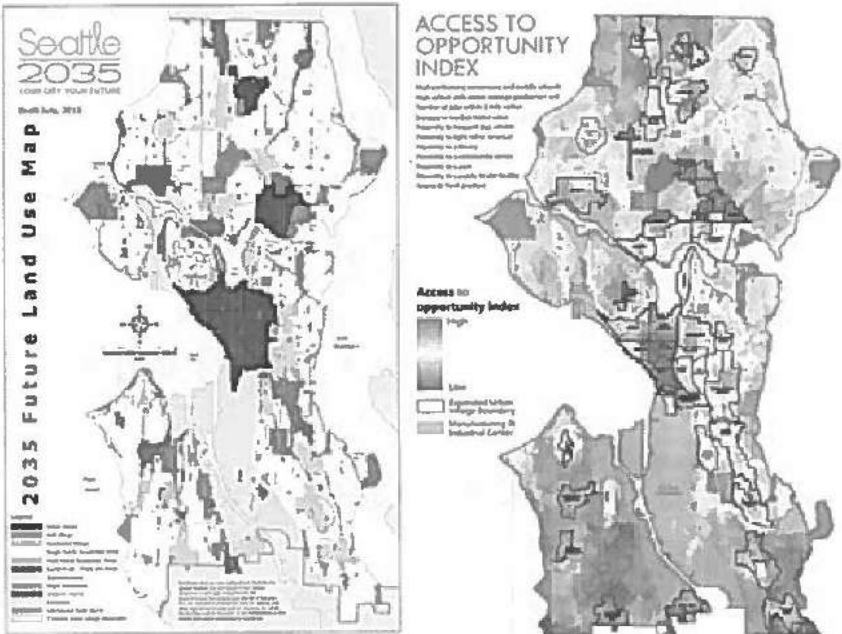
- Changes to the zoning code are made in a piecemeal way, driven by the proposals of individual developers, or by specific mayoral priorities, rarely connected to a broader vision.
- Individual project ULURP and environmental review offer no comprehensive analysis.
- Projects that are aligned with a broader strategic vision get no benefit or expediting. Projects that conflict face no extra hurdles.

## The current process lacks tools for:

- Transparency about decision making (for example: how neighborhoods are selected for rezoning)
- Balancing city-wide needs with neighborhood priorities
- Fairly allocating investment and facilities
- Streamlining approval of projects that are aligned with the City's strategic vision.
- Inclusive planning and meaningful public engagement
- Addressing development impacts with proactive investment and policy (instead of reactive, project-specific mitigation)

Many other cities use comprehensive planning to shape growth.

- Cities like Seattle, Minneapolis and London provide progressive models
  - Extensive citizen engagement
  - Explicit goals for the city
  - Guided by equity
  - Regional scope informed by communities



<https://www.seattle.gov/rsji/city-work-plans/seattle-2035>



## Comprehensive planning can and must include community planning.

- Past attempts to institute comprehensive planning in NYC were defeated by fear that top-down planning would stifle the economy and silence communities.
  - In 1938: Robert Moses defeated a proposal for comprehensive planning by the City Planning Commission by casting it as an abuse of government power that would impinge the free market and individual freedoms.
  - In 1969: Mayor John Lindsay's *Plan for New York City* was abandoned following community protest to a lack of public engagement in the plan's development.
- The Council's 2019 proposal for comprehensive planning meets neighborhood needs and citywide goals.

## Comprehensive planning would offer NYC:

- A plan to meet pressing community needs
- A strategy for equitable growth with transparency + accountability
- An predictable, easier approval process for land use and development that complies with the plan (expedited ULURP)
- A framework for balancing neighborhood priorities with city-wide needs and goals
- A meaningful role for communities in shaping growth
- Long-term capital budget priorities tied to the City's growth strategies
- A stronger way of keeping promises made to communities as part of the planning process

## Creating a Comprehensive Plan



## Comprehensive Plan Process Overview:

- Required every 10 years (with a process for amendment in-between)
- Developed through a time-bound process, to balance core values, citywide strategic goals, and neighborhood priorities
- Grounded in data & analysis, coordinated by new Mayor's Office of Long-Term Planning (to integrate NPCC, City Planning, OMB, and City agencies)
- Communities engaged from the start and throughout the process with multiple opportunities for engagement
- Plan ultimately goes through ULURP-like process for adoption
- After adoption, subsequent actions that are aligned with the plan are expedited
- Commitments made to communities through the plan are more enforceable

## Core Values for NYC Comprehensive Planning:

- Equity and Fairness
- Affordability/Protecting People in Place
- Sustainability and Resilience
- Inclusive Growth
- Livable Neighborhoods
- Fair Share of Public Goods/Services

## Step 1: Establish Citywide Strategic Goals

### Goal:

1. Assess existing conditions at citywide and neighborhood levels, according to key indicators and shared principles
2. Define city-wide strategic goals for the coming decade
3. Engage all stakeholders in this assessment

### Outcomes:

1. Existing Conditions report
2. Strategic Goals report
3. City Council votes to adopt Citywide Strategic Goals



<b>Step 1</b>	<b>9 Months</b>
<b>Establish Citywide Strategic Goals</b>	
<b>Step 2</b>	<b>6 Months</b>
<b>Community District Goals</b>	
<b>Step 3</b>	<b>12 Months</b>
<b>Scenario Plans</b>	
<b>Step 4</b>	<b>12 Months</b>
<b>Comprehensive Plan Adoption</b>	



## Step 2: Set Community District Goals

### Goal:

1. Translate Citywide Strategic Goals into Community District Goals (through a fair and transparent methodology)

### Outcomes:

1. Specific Community District framework, including targets for housing (broken down by affordability, with attention to displacement), jobs, city services, and infrastructure investments needed to sustain projected growth
2. Community Priorities Statement, enabling communities who agree to targets to insure strong commitments to address neighborhood impacts and needs

**Step 1** **9 Months**

**Establish Citywide Strategic Goals**



**Step 2** **6 Months**

**Set Community District Goals**

**Step 3** **12 Months**

**Draft Scenario Plans**

**Step 4** **12 Months**

**Adopt Comprehensive Plan**

## Step 3: Draft Scenario Plans

### Goal:

1. Create a series of potential scenarios to realize both Strategic Goals and Community District frameworks
2. Engage communities to assess scenarios

### Outcomes:

1. Three city-wide land use scenarios
2. City-wide capital investment strategy associated with each scenario

**Step 1** **9 Months**

**Establish Citywide Strategic Goals**

**Step 2** **6 Months**

**Set Community District Goals**



**Step 3** **12 Months**

**Draft Scenario Plans**

**Step 4** **12 Months**

**Adopt Comprehensive Plan**

## Step 4: Adopt Comprehensive Plan

### Goal:

1. Select a single scenario as the Comprehensive Plan
2. Provide more detail to infrastructure investments and Community District frameworks for selected scenario
3. Perform a Comprehensive General Environmental Impact Statement for this plan (CGEIS)

### Outcomes:

1. 10-year Comprehensive Plan
2. CGEIS
3. Ten-Year Capital Strategy (with detailed commitments including both infrastructure & promises made to the communities)

**Step 1** **9 Months**

**Establish Citywide Strategic Goals**

**Step 2** **6 Months**

**Set Community District Goals**

**Step 3** **12 Months**

**Draft Scenario Plans**

**Step 4** **12 Months**

**Adopt Comprehensive Plan**





## Ensure Ongoing Alignment with Plan:

- Expedite actions (both public and private) that are aligned with the Comprehensive Plan
- Discourage actions that conflict with the plan
- Insure that promises made to communities are kept. Commitments in Ten-Year Capital Strategy would automatically appear in that year's Preliminary Budget. Communities could more easily bring land-use actions aligned with the plan

<b>Step 1</b>	<b>9 Months</b>
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<b>Establish Citywide Strategic Goals</b>
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<b>Step 2</b>	<b>6 Months</b>
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<b>Set Community District Goals</b>
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<b>Step 3</b>	<b>12 Months</b>
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<b>Draft Scenario Plans</b>
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<b>Step 4</b>	<b>12 Months</b>
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<b>Adopt Comprehensive Plan</b>
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The 2019 Charter Reform process is our chance to create the planning process we need for the challenges of today.

- While a comprehensive plan could be required by Local Law, it would have no teeth. What is needed is a plan that has real weight on subsequent land use actions and capital investments.
- Our proposal would expedite the review process (ULURP and CEQR) for projects that are aligned with the plan, and mandate that capital budget promises made to communities automatically appear in the Preliminary Budget for the relevant year. Both of these steps require Charter revision.
- Our proposal would establish a Mayor's Office of Long-Term Planning, to work with City Planning, OMB, and City agencies.

## **Testimony to the New York City Charter Revision Commission, March 21, 2019 In Support of Comprehensive and Community Planning**

By Tom Angotti, Professor Emeritus of Urban Policy and Planning, Hunter College and  
the Graduate Center, City University of New York

I strongly support the proposal to mandate comprehensive planning in New York City, but only if it is coupled with a mandate for community-based planning. Comprehensive planning should be long-term as well as middle-range. We should also restructure ULURP to require consistency with comprehensive and community plans, and transform the mission, structure and culture of the City Planning Commission and Department of City Planning.

- **YES to comprehensive city-wide planning.** I was delighted to see the proposal to mandate comprehensive planning, something I have advocated for decades. New York City is the only major city in the US that has never adopted a long-range plan. The present crises of infrastructure, homelessness, low-income housing, sea-level rise and environmental contamination are in large part a result of the lack of comprehensive long-term planning.

It is no longer viable for the city to uphold the outrageous fiction that the Zoning Resolution is the city's plan, thus fulfilling the mandate under state law that requires that zoning be consistent with a comprehensive plan. We should also beware of the absurd argument that master plans are useless documents that just sit on a shelf. They sit there when plans are seen as only end products and not part of an on-going process. While it is true that many plans have wound up on the proverbial shelf, many have not, in other US cities and in cities around the world. Furthermore, as urban populations exploded over the last half-century, cities became regions, requiring comprehensive planning at multiple scales.

- **NO to city-wide planning without COMMUNITY-BASED PLANNING.** I strongly oppose comprehensive city-wide planning unless there is a robust process of community-based planning that engages and empowers the city's diverse populations and neighborhoods. Every community board should have a community plan that is reviewed and approved by both the board and the City Planning Commission, and subject to updating requirements similar to those applicable to the city's comprehensive plan. The 197-a planning process is broken and can be fixed only when community boards have the resources and professional staff to fully participate in the planning and decision-making process. Community boards should be elected, the charter-mandated community board planners should be funded, and community board members should receive training, ideally in collaboration with our public university, CUNY.<sup>1</sup>

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<sup>1</sup> I have advised communities that produced approved 197-a plans, was a founding member and leader of the Campaign for Community-based Planning, a partnership with the Municipal Art Society. We catalogued some 100 community plans and advised many community boards and community-based organizations. The Campaign lost



- **Comprehensive planning should be both LONG-TERM and MIDDLE-RANGE.** Imagine if a century ago when the first subways, bridges and major roadways were built there had been more thought given to the ultimate size and shape of the city and region. Imagine if decisions had considered long-term environmental impacts when the streets were taken over by motorized vehicles and trolley tracks torn up in the last century. Middle-range planning may cover 5-15 years but long-term planning should look decades into the future, or as many as seven generations (as proposed by the Iroquois Confederation). I support the Commission's proposals requiring frequent reviews and updates of the city's comprehensive plan.
- **Comprehensive planning is both PROCESS and SUBSTANCE.** To guarantee good planning we have to get the process right. We don't need plans baked only by small groups of technocrats. Nor do we need the childish "participation games" the city uses to push through its rezoning plans. **The planning process should be inclusive, exhaustive, deliberative and just.** The city needs to adopt methods that engage people in deep processes of civic engagement, embracing and not submerging differences. The plan itself is as important as the process, and the process must be on-going.
- **Comprehensive plans need to consider not one but SEVERAL POSSIBLE SCENARIOS.** Using scenarios helps the public and planners select major alternatives and closely examine their potential consequences. Comprehensive planning should not be reduced to the projection of the present into the future, although that is usually one of many possible scenarios.
- **Comprehensive planning should seriously BALANCE GROWTH AND PRESERVATION.** The city's 2006 long-term sustainability plan, for example, was essentially a growth plan wrapped in green (and arguably neither long-term nor sustainable). It opened the door to massive rezonings and new development without reducing the city's carbon footprint or addressing deep needs and inequalities in the existing city. We should avoid debates that only focus on the growth vs. preservation binary, and many other binaries that fail to deal with the enormous complexities of life in the city.
- **Planning reforms will require major changes to the agencies now responsible for planning. THE DEPARTMENT OF CITY PLANNING (DCP) is essentially a zoning administrator and oversees ULURP. It should become the Department of Zoning and remain a mayoral agency. It should be required to update zoning rules every five years. THE CITY PLANNING COMMISSION should be an independent commission under the City Council and oversee the comprehensive and community planning processes. All plans should be**

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steam when the city undertook a massive rezoning of the city in the first decade of this century and relegated 197-a planning to obscurity. However, the interest in community planning remains powerfully present.

approved through the ULURP process. ULURP should be administered by an independent agency of trained facilitators capable of allowing all voices to be heard in a respectful and meaningful way. I support the requirement that a substantial proportion of commissioners be trained in city planning; however, I am concerned that the disproportionate lack of minority planners in the profession will perpetuate existing deficiencies in the relationship of planners with the city's diverse neighborhoods.

- **Comprehensive planning must place ENVIRONMENTAL AND PUBLIC HEALTH concerns at the heart of planning.** We should no longer relegate environmental concerns to the CEQR process, which is necessarily connected to individual development projects undergoing ULURP.
- I support the proposal to **open up the pre-ULURP** process to full participation by communities and the public at large. Too many decisions are made behind closed doors before the ULURP clock begins, making it extremely unlikely that they be changed during the ULURP process.

Beyond the charter, but critical to the fulfillment of charter objectives:

- **CHANGE THE CULTURE.** Just changing the structure and process of planning is not enough. We need to change the way of thinking about the future of the city, so we can all take responsibility for the future welfare of the city, region and the planet. This requires political courage and leadership.
- **ACKNOWLEDGE AND EMBRACE DIFFERENCES** – differences in places, races, ethnicities and all dimensions of human diversity. Planning must consciously allow spaces for real engagement by all sectors of the population, avoiding symbolic representations that do not result in real change. Planning must be multi-lingual and multi-cultural in this, one of the most ethnically diverse cities in the world. Notions of past, present and future are culturally imbedded and influenced by material interests claiming to be culturally neutral.
- **Think about THE REGION.** While there is no public agency responsible for regional planning, New York City is the largest municipality in the tri-state region and can play a leading role in promoting regional planning. Let us mandate a public alternative to the private Regional Plan Association. New York should be a leader in the overhaul and reorganization of regional transportation, services and infrastructure.

As New York City faces major climate-related challenges, comprehensive planning is more important now than ever before. This can be part of a Green New Deal that breaks the mold of incremental changes that have left the city and its population vulnerable to adverse climate conditions. The ongoing uncertainties about sea-level rise in the city and region require that planning for a resilient, sustainable, low-carbon future be thoroughly integrated with the city's and region's plans and policies at multiple scales.



**Testimony to 2019 Charter Revision Commission  
Chair Gail Benjamin  
March 21, 2019**

Good evening, and thank you for the opportunity to testify. My name is Elena Conte, and I am the Director of Policy at the Pratt Center for Community Development, which has been working closely with the Thriving Communities Coalition.

I have fifteen years of experience working for and with community-based organizations in low income communities of color, and my organization has been dedicated to supporting the planning and implementation efforts of these communities for close to sixty years. That description doesn't do justice to what this work is, however --- a community-based plan is both process and product that elicits and then codifies a collective set of values into a practical roadmap to manifest them.

Pratt Center believes that a comprehensive planning framework has the potential to mirror this process at a citywide level, and my mission tonight is to describe how such an effort, by actively engaging local communities throughout, represents our only real promise to achieve citywide goals of equity and justice.

As described in our longer written comments, which will be subsequently submitted, a comprehensive planning framework respects the expertise of local communities to determine and articulate their own needs and also charges and trusts them with contributing to the betterment of the city as a whole.

This is a radical departure from our current ad hoc system, which is dominated by as-of-right land use actions and review. It is ineffective, polarizing, and disempowering to most communities, even those whose wealth and privilege afford them disproportionately more



power than low income communities of color. It is not, however, a radical departure from how planning is done in other major U.S. cities.

Whether your perspective is that “not enough projects get ‘through’” or that “terrible projects are rammed down communities’ throats” – a comprehensive planning framework has something to offer. Much of the contention in local land use battles can be traced to:

1) longstanding unmet needs,

2) the lack of genuine engagement in the process, where instead of being asked to co-create plans, communities are pushed into reactionary positions,

and in some cases,

3) exclusionary tendencies.

Comprehensive planning addresses each of these. It provides for:

- 1) Acknowledgement and assessment of the impact of previous planning practices, including racist disinvestment and redlining, through
  - A statement of principles and values to guide the framework
  - A comprehensive, data-driven needs assessment of housing, transportation, health, education, jobs, and other needs at the local level. This provides greater information about neighborhoods and their relationship to others across a slate of critical measures – including residential displacement risk, and economic and educational opportunity.
  - An emphasis on investing in areas of greatest need, and budgetary alignment of commitments for capital project and programmatic (expense) expenditures.
- 2) The opportunity to participate in and co-create the citywide, equity-based collective goals that guide the framework

- This would be instead of goals that are solely determined by the Mayor, announced in various (and sometimes conflicting) policy documents by different agencies, with different or non-existent reporting requirements
- 3) The responsibility and opportunity to engage in neighborhood-based planning that contributes to the well-being of the whole city and the reduction of inequality
- The current system not only allows but encourages neighborhoods to only consider the local impact of a proposal, giving them a free pass from grappling with the hard questions of how to balance our interconnectedness and interdependence – questions they are fully capable of tackling when properly supported to articulate a proactive vision.
  - Neighborhood-level planning that has official standing will increase participation, generate new ideas, and organize the community around a vision.

In sum, a comprehensive planning framework is the way to repair our broken, piecemeal system by integrating and aligning planning, policy-making, and the budget in an intentional way to achieve our equity goals. A plan, just like the budget that should be attached to it, is an expression of our values. Failing to create a comprehensive framework for our city has fostered our dramatic failure to address inequality. We can and must do better. We and our partners have worked extensively on concrete proposals for how to achieve these goals and we look forward to working closely with you to craft a proposal for the ballot.

For more information, contact **Elena Conte, Director of Policy (718) 399-4416**, [econte@prattcenter.net](mailto:econte@prattcenter.net)

**NOTE:** This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.

**CHPC Testimony on 2019 Charter Revision**  
**March 21, 2019**

**Hello Chair Benjamin and fellow commissioners:**

Thank you for inviting me to testify here today. My name is Jessica Katz, I am the Executive Director of the Citizens Housing and Planning Council. Since our founding in 1937, CHPC has sought to advance practical public policies to support the housing stock in New York City by better understanding New York's most pressing housing and neighborhood needs.

NYC's land use and planning process, while imperfect, is far more robust, transparent, and predictable than the majority of its counterparts in other cities. While it is often reviled by developers, city agencies, and community activists alike, as the old saying goes, the mark of a good compromise is when all parties are equally unhappy. Our City's land use process is by no means perfect, but it has stood the test of time. Any changes should be weighed carefully and CHPC commends the Commission for its diligent work on this herculean task.

CHPC believes our planning process should meet the following goals:

- Balance local and citywide perspectives
- Incorporate accurate data
- Address the needs of both current and future residents
- Be decision-driven

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**Emerita**  
Frances Magee



- Provide better ways for neighbors and communities to participate and stay informed

Any improvements to our current system should make it easier for New Yorkers to say “Yes” to local land use actions that they support – not simply create new ways to say “No.” This means raising our standards for how we inform communities about planning, and finding better ways for New Yorkers to express their needs and preferences.

Our current system tends to amplify only the voices of those who have the time and temperament to testify at hearings, decisions on individual projects can seem to lack context or data, and too many stakeholders feel excluded from the process.

Our system rests on the premise that building more has an impact, but we often fail to consider the consequences of doing nothing. As some of you know, my background is in supportive housing, so I am particularly concerned about the 60,000 homeless people who tend not to show up for community board meetings, but whose needs are clearly not well met by our current system.

Other cities have interesting mechanisms in place to encourage the development of more affordable housing, such as the Chapter 40B process in Massachusetts.

It is a delight to be here tonight among the planning nerds of New York City to discuss these issues, and I truly believe that many of the panelists share more values than we might expect.

But here's the bad news:

We don't see any evidence that Comprehensive Planning would help achieve those goals or advance our shared values. CHPC is concerned that Charter Revision is not a nimble enough tool to engage in this type of Comprehensive Planning which has not been undertaken at this scale or intensity. A Comprehensive Plan would take enormous time and resources, the plan would be outdated before the ink was dry, and while we can write a plan into the Charter, NYC is already replete with plans, and the Charter cannot guarantee that a Comprehensive Plan would be useful, meaningful, or taken seriously.

One of the other recommendations submitted to this Commission is radical in its simplicity, and I think provides a wonderful framework for us to assess charter revisions themselves. The recommendation is as follows: Require that all legislation identify (a) the problem it is intended to solve, (b) the means by which it addresses such problem, (c) the metrics that will be used to determine its success/failure; and (d) appropriate grounds for sunset.

At CHPC, we wish we had thought of this ourselves! We are not convinced that Comprehensive Planning passes such a test, and while we are always in search of new ideas to improve our systems for housing and planning, Charter revision is too blunt a tool to make such a change in such a short period of time.



## **RPA Testimony on Comprehensive Planning**

**Maulin Mehta, AICP**

*Prepared for the 2019 Charter Reform Commission Hearing on Land Use*

*March 21, 2019*

Thank you for the opportunity to be here today to speak with you all. My name is Maulin Mehta, and I am a Senior Associate at Regional Plan Association.

RPA is a nearly 100 year old non-profit civic organization that conducts advocacy, research and planning for improved opportunity, mobility, and sustainability in the New York City metropolitan region. Our Fourth Regional Plan provides a blueprint for shared prosperity developed through a values-driven approach. We worked with a range of stakeholders including community groups, governments and business leaders to create a comprehensive vision for 31 counties across 3 states.

This big picture approach should never replace the hard-work of community planning that, when done right, creates partnership between communities and decision-makers to implement projects, programs, and policies to address immediate and long-term needs. However, the reactionary nature of planning in the City today has led to a breakdown in accountability, predictability, and equity in the planning process. We've reached a situation where wealthy communities with power and marginalized communities with decades of neglect are united in blocking investments in their neighborhoods because they no longer trust the objectivity of the process.

We need to get away from siloed frameworks and do something different.

Comprehensive planning, undertaken by most big cities in the U.S., would move us to a proactive approach in developing our City. Done right, it would objectively and equitably establish city-wide targets based on shared values, ensure we plan for both existing and new communities, and give more deference to community plans. Local planning, development and policies would align with city-wide goals established through a comprehensive evaluation of existing and future needs.

We could do this by:

- Incentivizing these aligned plans by fast-tracking development, and parties objecting to projects could be required to prove that alignment is not occurring
- Ensuring that decisions in capital and expense budgeting align with the comprehensive plan, while still allowing for flexibility to address urgent or unanticipated needs.





## Regional Plan Association

We've also heard concerns that this type of plan could be outdated by the time it's completed. Across the pond, the London Plan has successfully cycled through multiple administrations and is regularly updated to provide a framework for strategic development. This plan is required by their governing charter, which lays out some basic values and limitations that need to be taken into account. One of the biggest concerns about that plan is how it coordinates with capital budgeting, since the Mayor has little control over the biggest investment resources necessary to implement plan recommendations. We share similar concerns in New York City.

However, comprehensive planning can still be a functional framework for us. We can set rules so that a portion of capital dollars are set aside for addressing disinvestment and other inequities, as the Parks Department has done through their Community Parks Initiative. Unfortunately, we see evidence that the city is moving further from comprehensive planning. For example, the City has been relying more frequently on spot rezonings on a smaller scale - doubling the frequency of map amendments since 2016, compared to the prior 15 years, for areas that are on average six times smaller.

Oftentimes, community boards do not have strict requirements and resources for robust engagement when formulating their needs assessment, which is not seen as a thorough representation of local needs and goals. New charter reforms should either establish an independent body to carry out robust community engagement and transparent data gathering and analysis or enforce that existing bodies be independent. This independent body can also be tasked with regularly assessing and changing technical processes and track mitigation enforcement to be more predictive of policy and land-use decision impacts. The process should be transparent, easily updatable, and accessible by everyone.

Charter reforms should focus on simplifying our land use process and implementing values-driven requirements that align planning, expenditures, and processes that will be used to create a holistic roadmap for the city. This roadmap should be flexible in accommodating existing populations while addressing a new generation of infrastructure and investment.

Thank you again for your time. RPA intends on submitting formal written testimony in the coming days and I'd be happy to include written responses to any questions you may have.



**Testimony to the 2019 New York City Council Charter Revision Committee  
Submitted by the Supportive Housing Network of New York  
March 21, 2019**

The Supportive Housing Network of New York is grateful for the opportunity to submit testimony to this Charter Revision Commission on Land Use, and specifically, the Uniform Land Use Review Procedure (ULURP) and the City Environmental Quality Review (CEQR), and on Finance, specifically, comprehensive planning and procurement.

The Supportive Housing Network of New York is a membership organization representing over 200 nonprofit developers and operators of supportive housing statewide. Supportive housing is permanent affordable housing with embedded social services for vulnerable individuals and families, people who are homeless and living with disabilities and/or other barriers to maintaining stable housing. Thousands of New Yorkers who live with mental illness, substance use disorders, and HIV/AIDS rely on supportive housing. At the same time, thousands more languish in shelter or on the street until more units become available. We are extremely grateful for NYC 15/15, the City's commitment to create 15,000 new units of supportive housing over fifteen years. Moreover, we were thrilled when the City Council requested that the administration accelerate implementation of the plan by fast-tracking development from 500 to 700 units per year. Our members are now working hard to live up to this accelerated commitment and produce more of this desperately needed housing.

**LAND USE**

**Land Use Processes**

In order to develop new supportive housing, our developers must start by finding and/or purchasing a site. Then, in many cases – because the property is City-owned, needs spot rezoning, or requires a special permit – our members must go through lengthy environmental review and ULURP before they can start on the financing and construction of a project. These processes add 1-2 years to the timeline to create more homes for the most vulnerable New Yorkers. This delay means thousands are sleeping in shelters and our streets for that much longer, hindering our collective ability to lower the homeless census.

Our members work hard to gain communities' trust before constructing every residence. Including communities in planning is important and adds value to the development process and our members enter ULURP open and willing to engage with neighborhood stakeholders. At the same time, we understand that many concerned organizations and members of the public feel that community feedback is not adequately addressed or incorporated. We believe that changes can be made to the City's processes that both address these concerns and ensure we do not slow down the pipeline of supportive and 100% affordable housing.

Furthermore, we are aware of proposals to create additional ULURP triggers, such as total number of units or amount of City funding. We oppose these and any other changes to the City Charter that may slow our pipeline of affordable and supportive housing in the midst of a homelessness and affordable housing crisis.



We suggest expedited processes for environmental review and ULURP for affordable and supportive housing be incorporated into the Charter. Instituting time clocks on the city agency review of 100% affordable housing projects (including supportive) could be extremely effective in ensuring our pipeline of housing keeps moving. This timeline should be implemented for the pre-certification review, which is currently an indeterminate amount of time and can be quite lengthy. Additional agency capacity may be necessary to meet the mandated timeline; nevertheless, we feel that restricting the time for agency review is essential. Moreover, we believe there should be an expedited system for 100% affordable housing projects that would allow them essentially to move to the “front of the line” or have a separate line entirely when undergoing City agency review.

The Department of Buildings currently uses a similar model for their review of affordable housing projects. Dubbed the affordable housing unit at the HUB, one unit in DOB has a staff dedicated entirely to review of affordable projects. This staff has strict timeframes to review projects, which has helped speed the development process. A similar paradigm would be beneficial at other agencies participating in ULURP and environmental review. In order for this fast-tracking of affordable projects to be realistic and effective, the City must ensure that the reviewing agencies’ capacity is consistently proportionate to the workload.

Additionally, the Network asks that if the City is revising land use and environmental review, that we revise how we measure the impacts of taking no action. In CEQR, doing nothing, or the “no-action scenario,” is considered to have no impact. Yet we know this to be false. In a city with severe need for housing and an unrelenting homelessness crisis, preventing development in one neighborhood only intensifies the shortage in citywide supply and intensifies our reliance on shelters. We should require the impacts of downzoning or not allowing an increase in density on a site to be analyzed just as those of upzoning are, since its effects on local and citywide housing need can be just as significant.

### **Community Engagement**

In order for both land use processes and comprehensive planning to be truly reflective of the community, we must ensure the voices of historically marginalized groups, including the disabled and people with experience of homelessness are included in community conversations. Too often at Community Boards and other public meetings, discussions are dominated by a few voices, which may not be representative of the community. Anyone affected by a project yet absent from the hearing is excluded from consideration, including the people who are homeless, future residents of the project in question, and evening workers, among others.

If the Commission is considering venues for community participation in ULURP and comprehensive planning, the Community Board may not be the best option. Publicly hosted meetings by DCP could be a better alternative, or even smaller focus groups convened by DCP that strategically target groups like those living in shelter, or those who are disabled. Additionally, the City should consider both testimony from local residents and groups, as well as testimony from citywide subject-matter experts. The City Charter Revision Commission has used this approach to great success. The Commission has held public hearings, but also convened expert panels where data and context are presented to the Commissioners and to the public. This model process can be duplicated in land use review. ULURP should add panels that specifically seek out experts to testify to ensure the conversation includes a lens focused on citywide policy and perspectives.





The Network supports efforts to encourage more tracking, accountability and community participation in land use processes, while ensuring the expeditious production of supportive and affordable housing is maintained. We look forward to working with Commission and the City toward that goal.

## **FINANCE**

### **Comprehensive Planning and Capital Budgeting**

The Network and our members assert that if the city chooses to pursue comprehensive planning, it should focus on deeply affordable and supportive housing and ensure housing targets are met or exceeded. Comprehensive planning has the potential benefit of affirmatively furthering fair housing while also enabling us to meet the goals of Housing New York. By integrating capital budgeting into comprehensive planning, the city can ensure affordable housing is subsidized at an adequate level to develop in high opportunity areas. Ensuring that affordable and supportive housing is distributed more equitably around NYC will benefit the tenants who are able to live in high opportunity areas and prevent further concentration of poverty.

### **Procurement**

The City is currently putting unprecedented resources into homeless services and permanent housing for people experiencing homelessness, including supportive housing. It is critical to acknowledge that nonprofit organizations are at the heart of the response. Many of the Network's members operate both supportive housing and homeless services and make their budgets out of a patchwork of State and City government contracts, with emphasis on those from DHS and DOHMH. Because of this reliance on City funding, the Network has serious concerns about the rates of late contract registration.

We hear from nonprofit members that they have millions of dollars of outstanding receivables on their books and fiscally unhealthy reliance on lines of credit due to late contract registration and delayed payments. Outstanding receivables can lead to audit findings. Nonprofits can spend tens or hundreds of thousands of dollars on interest on lines of credit, which is not reimbursable. The negative financial impact left by late payments can make nonprofits appear to be a risky investment partner or borrower, hindering their ability to access the financing required to develop permanent supportive housing. In their fiduciary capacity, nonprofit boards of directors are also increasingly and understandably reluctant to approve new real estate development while their organizations are supporting structural deficits and bridging late payments from existing human service contracts.

Nonprofit organizations are on the front lines of the homelessness crisis, providing a continuum of services from street outreach, drop-in centers, safe havens, and shelters, to permanent supportive housing. The City will not turn the tide of the crisis without the dedicated work of these organizations. Fair contract rates, timely contract registration, and timely payment are crucial to the fiscal health of these organizations, as well as to the pipeline of permanent supportive housing that the City so desperately needs. Therefore, we echo the testimony by the Human Services Council (HSC) and the Lawyer's Alliance:

- **Timeframe for Contract Packages Submitted to Comptroller.** The City Charter creates a timeframe for the Comptroller to register a contract (30 days) and we believe a timeframe



should also be created for City agencies to deliver the contract package to the Comptroller. There are many steps from the announcement of the award to registration, and we would be open to working with the City to identify the best timeframe.

- **Interest on Late Payments.** There must be a mechanism to hold the City to a timeframe for registration. The Comptroller has 30 days to approve a contract package or the contract is deemed registered, but an incomplete contract package from a City agency would be rejected by the Comptroller and would not serve the public interest. We suggest that all contracts should be subject to interest if it is sent to the Comptroller's Office after 60 days. While the ultimate goal is that no contracts should ever start before payments are made, nonprofits should not bear the cost of any late payments.
- **Transparency.** Solving this late registration problem requires public access to information about which City agencies have the longest contract delays, and which types of contracts are delayed the most. The City Charter should be amended to require the Mayor to include in the Mayor's Management Report a statement of the number and percentage of client services contracts that are registered before the contract's start date and after.
- **Procurement Policy Board.** The Procurement Policy Board (PPB) is a critical regulatory body for contracting, and ensuring that regulations are relevant and effective. Yet there is no guidance on how often the PPB must meet, or any mechanism for transparency of PPB decision-making. Therefore, we recommend adding to the Charter a requirement that the PPB meet four times per year and hold public hearings.

The Network supports efforts to create more transparency and efficiency in the contracting process and we look forward to working with the Commission toward that goal. Thank you for the opportunity to testify.