

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.

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.
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- 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. We strongly encourage the Charter Commission to adopt this Comprehensive Planning proposal.