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2018 NYC CHARTER REVISION COMMISSION
PUBLIC HEARING

3

PRATT INSTITUTE
144 West 14th Street, Room 213
New York, New York 10011

4

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1:22 P.M.

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8 A P P E A R A N C E S:

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10 COMMISSIONERS:

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12 CESAR PERALES, Chair

13 RACHEL GODSIL, Vice Chair

14 CARLO A. SCISSURA, Secretary

15 MARCO CARRION

16 DALE HO

17 UNA CLARKE

18 ANNETTA SEECHARRAN

19 KYLE BRAGG

20 MATT GEWOLB, Executive Director

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1 MR. PERALES: My name is Cesar Perales and I
2 have the pleasure and the honor of serving as
3 chair for the New York City Charter Revision
4 Commission in 2018. I'm about to introduce the
5 other commissioners, but let me just make a
6 couple of opening comments. As you know, the
7 Charter Revision Commission was appointed by
8 Mayor DeBlasio. Mayor DeBlasio, like other
9 mayors before him, felt strongly that there was a
10 need to examine the entire City Charter. He had
11 a particular interest and that was to see if
12 there are ways of expanding democracy in our
13 City. And that's not just limited to the way
14 elections are conducted, but it also goes to the
15 issue of Community Boards and other vehicles that
16 exist for citizens to express their views to our
17 government.

18 We've held hearings in each of the five
19 boroughs. We've had neighborhood hearings.
20 We're going to continue to hold hearings. But we
21 wanted very much to have an opportunity to
22 discuss the issues that have been raised at these
23 community hearings with experts. And so today,
24 we will be having expert testimony, enough to
25 educate the members of the Commission and to give

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1 the members of the Commission an opportunity to
2 ask questions. The theme is Community Boards and
3 Land Use in New York City. We will have one more
4 expert forum, if I can use that term, on
5 Thursday. And that forum is going to relate to
6 City Engagement and Redistricting. The meeting
7 is being live streamed; the record is being made.
8 We obviously have a sign language interpreter.
9 And there is a lot to cover today.

10 So with that, let me ask the
11 commissioners -- and I'll start on my right with
12 Kyle and ask him to introduce himself.

13 MR. BRAGG: Good afternoon. I'm Kyle Bragg.
14 I'm secretary treasurer of SEIU 32BJ. It's been
15 an honor to serve on this Commission.

16 MR. SCISSURA: Good afternoon. Carlos
17 Scissura. I serve as secretary of the
18 Commission. Currently serve as president of the
19 New York Building Congress. And prior to that,
20 ran the Brooklyn Chamber of Commerce. And before
21 that, served as chief of staff to Borough
22 President Marty Markowitz, where I actually
23 oversaw Community Boards and Land Use. So I'm
24 excited to be here and I'm a former Community
25 Board 11 member in Brooklyn.

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1 MR. PERALES: As I stated, my name is Cesar
2 Perales. I am a Former Deputy Mayor for New York
3 City. I more recently served as Secretary of
4 State of New York. I have a long history in
5 government, both in Federal, State and City
6 levels. And I'm an attorney who spent much of
7 his career doing civil rights work, including
8 voting rights and other efforts of democracy.

9 MS. GODSIL: Good afternoon. My name is
10 Rachel Godsil. I'm the vice chair of the
11 Commission. I'm happy to be here. I'm a law
12 professor at Rutgers Law School. My primary area
13 of interest in teaching is property, Land Use and
14 environmental justice. And prior to entering
15 academia, I tenured as a lawyer working on
16 environmental justice issues, land use and
17 environmental issues, including working with
18 Brooklyn community activists in East New York as
19 well as writing a great deal of my work on issues
20 of adorability, representation and ways to
21 protect the community and protect against
22 displacement in communities. Prior to this, my
23 only other work in City government was then as
24 the Chair of the Rent and Guidelines Board for
25 two years from 2014 to 2015.

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1 I just want to say and apologize, I have a
2 meeting that I have to go to at 2. I feel awful,
3 this is an area of great interest and want to
4 hear from all of you. So I will be physically
5 absent for a period and I will listen carefully
6 to everything you say on live stream. And I'm so
7 grateful for all of you here contributing all of
8 your expertise. So thank you.

9 MR. HO. Good afternoon. My name is Dale
10 Ho. I work at the American Civil Liberties
11 Union, where I am the director of voting rights
12 public affair, which primarily focuses on trying
13 to ensure equal and open access for everyone to
14 voter registration and the ballot box. I also
15 have to leave a little bit early this afternoon.
16 But I also assure you, I'll be watching the
17 stream when I get an opportunity to do so. I'm
18 very grateful for everyone's participation and
19 attendance today.

20 MR. CARRION: Good afternoon. My name is
21 Marco Carrion. I currently serve as commissioner
22 of the Mayor's Office of Community Affairs. In
23 that role, I do a fair amount with both Community
24 Boards and land use issues. I'm very interested
25 in hearing what all of you have to say today.

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1 MS. SEECHARRAN: Hello and good afternoon,
2 everybody. My name is Annetta Seecharran. I am
3 the executive director of Chia Community
4 Development Corporation, when I'm not doing this.

5 MR. PERALES: I will now introduce Matt
6 Gewolb, who's our Executive Director and he will
7 briefly state the ground rules for today.

8 MR. GEWOLB: Thanks, Mr. Chair. So before
9 we begin, just very, very brief background on
10 Community Boards for those who may be unfamiliar,
11 though many of you are. For each of the City's
12 59 community districts, the Borough President
13 appoints up to 50 Community Board members for
14 staggered two year terms. And at least half of
15 these appointees must be nominees of City Council
16 members. Established by the Charter, Community
17 Boards function throughout a range of
18 authorities, including State Law, the Charter
19 itself, the City's Administrative Code and the
20 rules of the City of New York. Although the
21 roles of the Community Board is advisory in
22 nature, they play an important role in many
23 governmental decision making processes by
24 allowing communities to share their views on
25 matters of public importance. Thus far, the

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1 Commission has heard many comments from the
2 public regarding Community Boards, particularly
3 regarding the appointment process, the potential
4 use of term limits and the availability of
5 resources to the Boards.

6 So Mr. Chair, for the ground rules, we will
7 conduct -- we'll have each of the panel make
8 statements of about five minutes. With about one
9 minute remaining, I will give you a one minute
10 warning and let you know. Then we'll conduct a
11 very brief Q&A after each speaker with questions
12 that are particular to that speaker. And a
13 longer and broader Q&A session after all the
14 panelists have spoken.

15 So again, because we have a lot of speakers
16 and a lot of material to cover, we are asking
17 that after each speaker, the Q&A will be solely
18 on clarifying and understanding what that
19 particular speaker has said and saving broader
20 questions till the end.

21 MR. PERALES: Let me begin by introducing
22 the members of our first panel. The first panel
23 will be joined by Scott Stringer, the City
24 Comptroller, who should be here in a little
25 while. I have Elena Conte, Director of Policy at

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1 the Pratt Center. Ebenezer Smith, District
2 Manager of Community Board 12. Shah Ally, Board
3 Member of Community Board 12 Manhattan. Myphuong
4 Chung, Land Use Chair of Community Board 3.
5 Rachel Bloom, Director of Public Policy at the
6 Citizens Union. Tom Angotti, Professor Emeritus
7 at Hunter College Urban Policy and Planning
8 Development. And with that, I will begin. I
9 suspect I should follow this order. So let's
10 again with Elena Conte.

11 MS. CONTE: Good afternoon. I am Elena
12 Conte. I'm Director of Policy at Pratt Center
13 for Community Development. Thank you very much
14 for the invitation to speak with you all today.
15 I'm as interested in the conversation with all of
16 you, than in giving any particular remarks,
17 especially with regard to Community Boards.
18 Because I have to say, what I'm offering today is
19 based out of my experience at the Pratt Center
20 for Community Development, where we work with
21 community based organizations on other planning
22 issues. And I have five years previous
23 experience working for a community based
24 organization in the South Bronx.

25 And so what I'm offering today are not

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1 specific recommendations on behalf of our
2 organization, but general thoughts and
3 reflections about the role of Community Boards in
4 general and topics for sort of attention or
5 further discussion. So I think the first key
6 point that I wanted to make is that when we think
7 about the function of Community Boards, we often
8 narrowly go to the function in the Land Use
9 review process. And of course, Land Use is
10 certainly an essential role on Community Boards
11 and consideration of applications. But the theme
12 I want to talk about now as well in the second
13 panel is that planning is much more than land use
14 in community boards -- should be much more than
15 Land Use. They're and Community Boards should be
16 much more than Land Use. They're there to
17 represent the community and serve as a vital link
18 between marginalized communities and government
19 and vice versa. And they should be the place
20 that helps people understand the relationship
21 with local institutions, conditions and
22 structures. And as such, they should be the
23 place of access for education and of debate. And
24 Boards, as they're structured in the City, have
25 this great potential. I think we would be hard

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1 pressed to find folks that feel like their
2 current Boards are at that potential. And I
3 think part of the considerations or concerns
4 around that are related to -- the questions of
5 representation are often seen through the lens of
6 how the boards will interact with the Land Use
7 process. So obviously, the prompt of the Boards
8 is built around adequate representation and that
9 includes especially the marginalized communities
10 to be represented. They should be able to
11 reflect demographic changes sooner than the
12 political establishment and not the other way
13 around. There should standardized rules and
14 requirements for representation that allow for
15 flexibility, but that actually ensure that
16 there's an alignment of who's living in the
17 community and working in the community and who is
18 active on the board. And part of that would
19 include having pathways to joining Boards that
20 are not dependent on vetting by the Council
21 member, by the borough president. So if this is
22 supposed to be the first place of democracy, the
23 quasi-governmental structure where neighborhood
24 meets government, there should be mechanisms that
25 allow for folks to access that space, learn and

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1 grow and develop leadership in that space, but
2 most importantly, represent folks that are new to
3 the community, who are not already familiar in
4 the structure of the community, alongside with
5 those who might. And I would say that the
6 strongest argument against imposing some type of
7 limit on the term that members can serve that
8 I've heard is about the citizen capacity that has
9 developed many years of serving. And I think
10 it's an important consideration about how well
11 Community Boards are supported in the work.
12 Obviously Boards are understaffed and don't
13 necessarily have the structure that can support
14 this vision of an educational place of debate and
15 real engagement in actions and issues before the
16 Boards. And so to address that, I think the
17 answer is in supporting professional planning
18 staff. And that means not just folks who
19 understand land use, but who have an influence in
20 issues beyond that, who have a clear
21 understanding of the interconnectiveness (sic) of
22 issues at the community level and how the
23 structures and systems and policies of the City
24 interact there and where that Board sits in the
25 ecosystem of the larger city.

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1 MR. GEWOLB: You have about one minute
2 remaining.

3 MS. CONTE: Thank you. So not wanting to
4 allow for any of my points to end up muddled,
5 perhaps I will summarize in the following: There
6 are absolutely needs to be a more systemized way
7 to address representation in Community Boards,
8 because even though there have been recent
9 reforms, it's still largely at the discretion of
10 the Borough Presidents and the Council members
11 and there isn't a consistency that encodes what
12 our aspiration is for representation at the
13 Boards. There needs to be increased staffing
14 support for the Boards in and beyond Land Use, so
15 that the Boards can manifest their relationship
16 with the community based organizations and really
17 be this portal or link to the neighborhood. And
18 that creating pathways for there to be turnover
19 in the development of new leadership on the
20 Boards is of paramount importance if we're going
21 to truly utilize this function. Thank you.

22 MR. PERALES: Thank you. Just a very quick
23 question from me: I'm somewhat confused. It
24 seems to me that there may be some conflict in
25 your saying you're not supportive necessarily of

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1 term limits and yet, you do want to see turnover
2 and you do want to see rapidly changing
3 communities represented by the people. Could you
4 respond?

5 MS. CONTE: Thank you for your clarifying
6 question, Mr. Perales. That would be an instance
7 of the muddling of the point that I feared took
8 place. So I am in favor of term limits for
9 Community Board members. It got confused with
10 the point that -- the strong argument against the
11 point that I'm making, which is being in favor,
12 is that folks develop a capacity. And I think
13 that that capacity should be ongoing and
14 supported by staff. So thank you for that
15 clarifying question.

16 MR. PERALES: Anyone else have questions?
17 With that, we want to move along very quickly,
18 Shah Ally.

19 MR. ALLY: Thank you, Mr. Chair. Good
20 afternoon. Good afternoon to the commissioners
21 and thank you to the Commission for the courtesy
22 of letting me go out of order. I have to return
23 to work. I'm an attorney by day and attorney by
24 night and I have court at 2:00. Which segues
25 perfectly into that Community Boards are

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1 volunteers. Whenever I'm asked to help, my
2 answer is always yes, because I think that it's
3 our moral obligation to help one another and I
4 love Community Boards. I think Community Boards
5 are absolutely necessary. Any Charter Revision
6 should always be made to strengthen the uses of
7 Community Board. I'm the chairperson of
8 Manhattan Community Board 12, which covers the
9 dynamic neighborhoods of Washington Heights and
10 Inwood. I'm sure I'll get in trouble by saying
11 this to Mr. Carrion, but Washington Heights 12 is
12 the best Community Board in the City. I'm
13 slightly biased, but why not? Why not say it? I
14 love Community Boards so much, that I wear it on
15 my chest. I think the Chair said, on my heart I
16 wear the Community Board. We should do
17 everything to strengthen the resources of the
18 Community Boards. Community Boards are our local
19 level of democracy. I've been asked several
20 times as a chairperson, "what can we do to get
21 more involved?" I say, "go to Community Boards."
22 You go to a Community Board meeting and you will
23 understand the issues of your community and you
24 will come out of there with one good idea.
25 Community Boards are the incubators of ideas.

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1 The Executive Director laid out the
2 functions of the Community Boards and the
3 vocation of the Community Boards. I encourage
4 everyone to read Section 2800 of the Charter to
5 understand Community Boards. The roles of a
6 chairperson, I have -- I play two functions.
7 One, you're CEO; one, you're chair leader. You
8 promote the good work you're doing in your
9 neighborhood. You also run the functioning of
10 your particular board.

11 There are some challenges that boards face
12 and this Revision offers that opportunity to
13 address those challenges. I'm particularly
14 excited by this topic; that is of Community
15 Boards and Land Use. When asked now what are the
16 quick topics that Community Board 12 is facing,
17 I'll say Land Use, Land Use and I forget the
18 third. Because we are dealing with Land Use.
19 Community Board 12 is dealing with the Inwood
20 rezoning, which is the fifth, I believe, in the
21 City and we just went through our ULURP process,
22 which is again, another area that Community Board
23 12 did a good job in. There was also some work
24 that we could have done in strengthening our
25 position. We are advisory; I think everyone gets

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1 that. But we have something much more powerful
2 than just an advisory role. We have the power of
3 persuasion; we have the power of the people.
4 Even though someone tells me I'm advisory, I say
5 look, we have the power of the people. The power
6 of the people to network, advisory, we give our
7 roles.

8 The way I started on the Community Board is
9 the quintessential issue. If you ask anyone on
10 the Community Board the two issues that will span
11 the entire City that everyone complains about is
12 noise and dog poop. I was awoken one night and
13 my wife said -- I said to my wife, "I wish
14 someone would do something about the noise from
15 the local bar." She can, "you could wish someone
16 would do it or you could do it yourself." Five
17 years later, fast forward, I'm chairing the
18 board. So the joke's on her or the joke's on me.

19 In terms of democracy, every member of our
20 community has a right to be at a Community Board
21 meeting. They're open to the public. What I
22 remind people is that you don't have to be a
23 member to be involved. You show up. 80 percent
24 of the success is showing up.

25 I do believe that we could empower the

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1 Boards more by giving more resources. Resources
2 meaning money. We have our District Manager; our
3 District Manager of Community Board 12 is
4 Ebenezer Smith. We have a staff of three and
5 they handle everything. We have ten subject
6 matter committees on Community Board 12. And at
7 any given time, all ten are open to those who
8 want to advance that role. If we increase the
9 staff and we increase the funding, then we
10 increased the ability to handle the decision of
11 complaints. We'll have topics that we'll have to
12 deal with which are heavy, like, affordable
13 housing, which I'm not sure we can answer, or
14 we're missing a garbage can on the street. If
15 we're able to succeed with that, then we've done
16 something for our community.

17 I do believe that the appointment process
18 could have a little bit of work to do. I'm not
19 sure what the other option is, but I can tell you
20 that our members of Community Board 12 are
21 absolutely independent regardless of who appoints
22 them. The term limits are another issue. Each
23 term is two years. I think it takes a couple of
24 years to try to figure out how write a
25 resolution, how to understand City government. I

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1 also don't think you can be a member of the Board
2 for 30 years either. There is some merit to
3 institutional knowledge. There's also merit to a
4 new voice and I do respect a good time limit as
5 chairperson.

6 So I'll wrap it up by saying that the end
7 product of all the testimony you should have is
8 not to minimize or to keep the powers of the
9 Community Board, but to increase it. One of the
10 success stories we have at Community Board 12 is
11 that we saved a supermarket. We were able to
12 save a supermarket from being closed. And that
13 started with someone saying, "you have to staff
14 our supermarket." So the power of persuasion and
15 the power of network is real and it's prompt and
16 it belongs at the Community Board level. Thank
17 you.

18 MR. PERALES: Let me quickly ask a question.
19 The question that came up in our community
20 hearings had to do with the lack of capacity for
21 land use. As you pointed out it's Land Use, Land
22 Use, Land Use and whatever you forgot. And that
23 that is a major issue with lots of people. You
24 as a chair of Community Board 12, what's your
25 response to that?

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1 MR. ALLY: We certainly could use an
2 independent Land Use expert. Land Use is one of
3 these things that's highly technical. You can't
4 sort of fake it until you figure it out. Someone
5 who understands the steps, especially the ULURP
6 steps, would be highly valuable. I think
7 appointments should be made of members with
8 specialization with certain expertise. We have
9 those on our board who are experts in this area
10 and they're valuable. But the scary part to a
11 chair is without that mandate for them to be
12 there -- so if they're absent one day, we're
13 without the expertise. So if we have someone who
14 is a salaried employee, then there's a reliance
15 that that person is there. I can turn to that
16 person. I'm not an expert. I can turn to that
17 person and say -- I ask the questions. Are we
18 doing the right thing? And we have that person
19 to answer. So I think you need to put someone on
20 staff.

21 MS. CLARKE: I'm sorry to be late. I'm Una
22 Clarke. I'm a former member of the New York City
23 Council and I'm a trustee for the City University
24 of New York. And I'm pleased to serve on the
25 Commission.

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1 MR. PERALES: Kyle.

2 MR. BRAGG: Good afternoon, Mr. Ally. Thank
3 you for coming here and testifying for the
4 Commission. I failed to mention, but I am a
5 Community Board member of Community Board 13 in
6 Queens. And I'm interested in hearing from you
7 again, your thoughts on term limits. I think
8 that my particular Community Board might be the
9 exception versus the rule in regards to diversity
10 and representation. And I would like to hear
11 from you about your feelings on term limits, so
12 that you can ensure continued diversity and
13 representing that ever changing populations in
14 those Community Boards and also the turnover of
15 leadership and your opinion on that. And not
16 only diversity of culture, but diversity of age.
17 A lot of young folks who have been excluded from
18 serving on the Community Boards because of the
19 current rules on how you're appointed. And I
20 would like to hear your opinion that.

21 MR. ALLY: Thank you for that question.
22 Each board as 50 volunteers. At Community Board
23 12 we just received 10 new appointments. So at
24 one point, 20 percent of our board are new. So
25 my opinion is that we need a term limit that -- I

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1 actually favor term limits. But the middle
2 ground is between term limit/no term limit; what
3 is that term limit? Long enough to allow someone
4 to understand the scope of work that they're
5 doing, but not so long that they're riding on the
6 laurels of, "I've been here for 20 years, so
7 that's what I'm going to rest on."

8 What we've recently started doing is -- and
9 I've answered the most honest way I could when
10 reappointments happen every two years. I've told
11 my members that it's never personal; it's
12 business. You have to earn your reappointment.
13 So even if you've been on the board for 20 years,
14 if you've done nothing to earn that
15 reappointment, I cannot support you. We've
16 actually had two folks removed for that. So I
17 can say we have to find that magic number between
18 the years you don't know what's happening versus
19 you've been there too long. And I don't know
20 what that looks like, but it might be five, six,
21 seven terms. While I do believe that multiple
22 terms is great and it is great, a different voice
23 also could be -- so maybe staggering how
24 appointments are made. I'm actually in favor of
25 term limits, but I'm actually more encouraged to

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1 see that that's being discussed -- the turnover
2 of leadership. I'm of the belief that you don't
3 need to be on the board X number of years before
4 you can be put to leadership. I'm of the
5 philosophy that if you put someone in leadership,
6 people will respond to it. So I've recently
7 appointed people who have been on the board for
8 six months or a year into leadership positions,
9 because we all come in with subject matter
10 expertise. We don't leave out expertise at the
11 door. In fact, we want to have experts on the
12 board. So it would be a shame -- it would be a
13 missed opportunity by any chair, not to identify
14 the experts that coming in and putting them to
15 leadership positions. So you can be on the board
16 for 30 days. I will identify how we can extract
17 your leadership abilities. So again, that answer
18 has to be do we have a chair who understands that
19 that -- so our chair is a representative who
20 understands.

21 In terms of diversity, we absolutely have to
22 diversify and make sure that all the boards
23 reflect the composition. In Washington Heights
24 and Inwood we're balancing among -- someone asked
25 me when I went to run for chair, "how could you

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1 possibly run for chair in a district that's 60
2 percent Hispanic?" And I'm Indian. I said,
3 well, why not? Diversity helps everybody. It
4 has to be promoted. It has to start from the top
5 from the ground level. Our borough president,
6 our Council members have to say, we need to
7 diversify. Diversifying reflecting our
8 composition, diversifying to reflect the cultures
9 of our neighborhoods and I hope that answers your
10 question.

11 MR. PERALES: Seeing no more questions, then
12 I would move immediately to Ebenezer Smith, who
13 will continue.

14 MR. SMITH: Thank you, Mr. Chairman. And
15 thank you for inviting me to participate in this
16 conversation. As a District Manager, I am
17 responsible of the implementation of the
18 day-to-day work of the Community Board. As
19 directed by the executive committee and by the
20 board. So I am responsible to make happen
21 everything that the board wishes to happen. And
22 it's not an easy job, because sometimes you have
23 requests coming from board members or chairs of
24 the community that are not according with the
25 reality of the City's functionality. As a

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1 District Manager, I am a City employee and I need
2 to deal with the City Charters and City Agencies
3 and work as the City agencies work. I define my
4 job that I need to be like an ambassador and deal
5 with a lot of diplomacy between the community,
6 the Community Board and the City agencies and the
7 elected officials. And try to accomplish what I
8 am being asked to do in a meaningful way with the
9 resources that the City agency or the
10 organizations that I have been asked to work with
11 can provide to me.

12 One of the day-to-day challenges that I have
13 is a finding locations for particular meetings.
14 My chair just spoke about the Inwood rezoning
15 that we had in the beginning of this year. And
16 when we went planning the executive committees to
17 work with that ULURP process, I was asked, "we
18 need a location in Inwood large enough to hold
19 1,000 people at once." In Inwood, we don't have
20 that location and it has to be for free and it
21 has to be from 7 through the time we finish. The
22 only location I was able to find was a school --
23 a very old school that is not accessible. But it
24 can hold close to 1,000 people at once and we can
25 have it as long as we want, because of the

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1 relationship that we have with the leadership
2 from the school. A former chair of the board
3 works there and another board member works there,
4 so they were able to help me. And the day that
5 we decided was on the spring break and people
6 were upset. How will we manage that? And it was
7 not accessible. Many people was outside. We
8 were at full capacity. We had to close the door
9 at a certain point because the Fire Department
10 came, "you reached capacity. You cannot continue
11 letting people in." And you have all that
12 pressure and you're needing to make things
13 happen. And in the meantime, the board office,
14 the phone is ringing because somebody has a
15 problem with a barcode or a streetlight that is
16 not working or a lady is asking for Section 8,
17 how can we help and all the walk-ins, I need
18 immigration paper and how you can help me? That
19 happens all at once on a given day. And I only
20 have two people working with me and I need to
21 train them how to answer, because you can't say I
22 don't know, is what I told them. I tell them
23 anyone that comes here for help, we need to refer
24 them to the person. If you don't know, if I am
25 not here, please take the contact information of

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1 that person, so when I come back, I can try to
2 figure it out how to refer them. Many times the
3 directions and the demands from the board members
4 and the executive community are in conflict with
5 the day-to-day operations, because when you see
6 the City Charter, the district managers are
7 responsible to process community complaints. And
8 when you got a complaint that, I have no water in
9 my apartment; what's going on? Or I have a
10 compliant for the landlord that doesn't provide
11 the heat and I have a demand to put a meeting
12 together with two people, if one calls in sick or
13 is not there, how are we going to manage these
14 things? Everything is an emergency for someone.
15 If I have someone at my desk, this is the one
16 that's going to go first for whatever reason.
17 And my main emergency is when we have a meeting
18 is going to happen today at 7 P.M., it's ready
19 with the location with the -- all the information
20 that needs to be distributed, all the invitations
21 and everything is ready for that meeting, and
22 that takes priority. At the end of the day, 100
23 people going to come to that meeting and they
24 need to be served.

25 MR. GEWOLB: One minute remaining.

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1 MR. SMITH: The question also that we have
2 for the City Charter is sometimes it's very
3 vague. The District Manager works at the
4 pleasure of the board and that is interpreted --
5 the pleasure of the board, what that means. And
6 you need to serve according to the standard of
7 the board. Sometimes the standard of the board
8 is not a reality that it is the managers job and
9 you need to manage that.

10 And the last question that I'm going to talk
11 about is the time limit. It's very complex one.
12 It needs to be fixed in one way. You need to
13 preserve the institution of the memory, but at
14 the same time, you need to give opportunity to
15 new residents and members of the community to
16 serve. I will say that probably a cap of years
17 of service will be good. How many years? I
18 don't know, 10, 12, 14. Because members of the
19 board, they serve two year limits. It has to
20 find a way not to pry away progress that may be
21 going forward if a cap is placed to limit the
22 term in service. Thank you.

23 MR. PERALES: Thank you. I'm going to ask
24 you a question, if I might, and I would hope
25 Ms. Chung when she speaks, will also respond to

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1 it. The question has to do with something I
2 asked the chair, which relates to the capacity of
3 Community Boards to address the issue of Land
4 Use, zoning and planning in general. Are any of
5 your staff members expert in that area? Are you?
6 Or do you get any opportunity to provide expert
7 support to the members of the Community Board on
8 those issues?

9 MR. SMITH: I am a lawyer by training. I've
10 learned about ULURP and read ULURP from the City
11 Charter and when someone asks me a question, my
12 normal response is I was working for DOT before
13 in the legal department and I learned some part
14 of the process for the ULURP. However, I am not
15 a technician in Land Use. We are blessed at
16 Community Board 12, that our chairperson is an
17 architect and is an expert on Land Use and ULURP
18 process. And we have the wealth of institutions
19 that we can figure that out. But I am not an
20 expert. And yes we will benefit from a
21 professional in planning that be in the office
22 working with us and the public residents come
23 more with the board. Sometimes we get particular
24 question that I need to tell this person, give me
25 your contact information. I will call you back

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1 and then I will have to do the research to
2 provide answers to that person.

3 MS. SEECHARRAN: Just to clarify: Are you
4 the only paid staff?

5 MR. SMITH: I have two more paid staff with
6 me.

7 MS. SEECHARRAN: And then some of the
8 responsibilities or duties that you described for
9 you and your team seems to me are similar to what
10 a local Council member's office would address.
11 How do you see the difference in residents
12 choosing to go to you to address concerns versus
13 the local Council member? And what is the sort
14 of relationship in addressing issues? I'm not
15 sure I'm being clear in my question. It sounded
16 like there was some overlap in roam --

17 MR. SMITH: What I hear from your question
18 is how people prefer me as the District Manager
19 than a Council member to go to solve the problem?
20 Is that the question?

21 MS. SEECHARRAN: I mean, I hear that the
22 role you're playing is --

23 MR. SMITH: It's very similar.

24 MS. SEECHARRAN: And I think that there
25 seems to be some arguments thus far about

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1 strengthening the Community Boards. So I'm just
2 wondering if Community Boards were to be
3 strengthened, how then would that either overlap
4 in the role that the local Council members play
5 and their offices play or not? And what is the
6 sort of relationship there?

7 MR. SMITH: Many times the Council member
8 will refer people to me to solve the problem.
9 And why people choose the Council member over me
10 is because the Council member have the title and
11 have the more dues, political connection to solve
12 the matter. That's the only way I can word it.
13 But then the office of elected official they
14 refer the people to me to solve the problem when
15 the new Council member came to my district, his
16 staff, they used to call me three or four times a
17 day, how can I deal with that matter? How can I
18 explain it more to you? Well, if I can control
19 issues that take a lot of time for me to figure.
20 Find a room to have my executive meeting every
21 month. My board wants that the meeting be around
22 the district. I need to have a room with a
23 capacity at least 100 people, has to be free and
24 we need it from 6:00 to 10. But one of the
25 problems is the meeting never finish at 10. And

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1 then, "I thought you said 10." It's now 11:45,
2 those persons say, "you told me at 10 and what
3 happened?" And how am I going to go back to
4 those people right away. They need to cool down.
5 That's a hell of a job to find location every
6 month. When we have a special meeting, we need
7 to find a location. It has to be free. It has
8 to be accessible. And the other day I got in
9 trouble from everyone because I find a location
10 that was not accessible and people tell me they
11 don't want it and we have to change. We changed
12 location three times and people were very upset.
13 I had to get a location that was suitable for the
14 meeting. That is a lot of time consuming that
15 when people call me with an issue, I need to put
16 it on the side. Because at that time I need to
17 resolve the location of that meeting.

18 MR. PERALES: Are there any other questions
19 from the board?

20 MS. CLARKE: Mr. Chairman, it's not so much
21 a question. I just want to place something.
22 While I was on the City Council, there was
23 members of the City Council, especially those in
24 Queens, who felt that the Community Boards just
25 confused their constituents as to where to go for

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1 service. So I would like to clarify for you what
2 issues that would come to you that you would call
3 the Council member and say, "I'm sending a
4 constituent to you, because this is not an issue
5 for Community Board."

6 MR. SMITH: When somebody wants some type of
7 legislation or some type of change that we're not
8 able to pass that. But the day-to-day delivery
9 of service that come to my office we resolve.
10 Remember, as a District Manager, I chair district
11 service meeting that deals every month with the
12 agencies' representative which I have a very good
13 connection. And I resolve issues with Parks
14 Department, Department of Transportation, Con
15 Edison, et cetera, et cetera. So those issues
16 related to delivery of service, I am very able to
17 resolve with those people. But when somebody
18 call me that they sidewalk repair or they want a
19 liquor license, that's according to the rules
20 cannot be passed and you need to change the
21 legislation to get what they want, I need to
22 refer them to the City Council to introduce
23 legislation.

24 MS. CLARKE: Would you surmise, if not
25 knowing, does each Community Board operate the

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1 way yours works or you are unique in terms of
2 your orientation towards your community and the
3 service?

4 MR. SMITH: Definitely not. Each Community
5 Board is an independent community agency and that
6 all depend on the notices of the District Manager
7 and the chair. It happens that I worked for
8 Parks Department ten years and I worked for DOT
9 ten years and I work for the Community Board 12
10 ten years. So I have 30 years of experience in
11 work that I can guide people in the right
12 direction.

13 MS. CLARKE: That's why I asked are you
14 unique? And for us who are making the decision
15 here, who wants to make to the recommendation to
16 make sure that every community is equal in terms
17 of the kind of interface and impact that
18 Community Boards have; what would you recommend?

19 MR. SMITH: The quality of District Manager
20 and the experience of the District Manager. If
21 the District Manager doesn't have City of New
22 York government experience, would not be working
23 well at any given time because they're going to
24 be confused.

25 MS. CLARKE: Whom would you say you're

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1 accountable to? Are you accountable to whom
2 within the City for the kind of work that you do?
3 To whom are you accountable? Your chairman and
4 your chairman to whom? How does it work?

5 MR. SMITH: I am accountable to my
6 chairperson. That's my immediate supervisor.
7 Then the executive committee and the Community
8 Board members. We are under the umbrella of the
9 borough president. When the borough president's
10 office indicates something, we need to follow
11 that direction. And ultimately, we are directed
12 by the mayor's office as well. But also we're
13 accountable to the community in many different
14 sects of my district. If they demand service, I
15 need to deliver it to them.

16 MR. PERALES: Okay. Thank you very much.
17 Well we move on to Ms. Chung.

18 Will you wait for just a moment. Would you
19 like to hear Ms. Chung, Mr. Stringer?

20 MR. STRINGER: Yes.

21 MR. PERALES: All right. There's a chair at
22 your disposal. Ms. Chung, you've got the floor
23 for five minutes and then we'll ask you
24 questions.

25 MS. CHUNG: Thank you Mr. Chair and everyone

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1 on the Commission for the opportunity to speak
2 today. My name is Myphuong Chung. I am
3 currently chair of Land Use for Community Board 3
4 Manhattan, which encompasses the Lower East Side,
5 East Village and Chinatown. First, I'll get
6 straight to the point: I'm generally not in
7 favor of term limits.

8 MR. PERALES: Generally or in this
9 particular situation?

10 MS. CHUNG: In this particular situation. I
11 am for the most part not in favor of term limits.
12 I'll give you a little bit of background of my
13 personal experience on the board and talk about
14 CB3 specifically and then why I feel the way I do
15 about term limits. So I started serving on my
16 board in 2010. I'm an architect. So in 2010, I
17 was towards the beginning/middle of a very
18 demanding career in New York City. So I was
19 working all the time basically and I basically
20 had no time to serve on the Community Board or I
21 thought I had no time. I had different
22 priorities as a young person in New York City.
23 So in 2010 I started serving on CB3 first, as a
24 public member. I did that for a year before I
25 was appointed onto -- not my first choice

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1 committee, but a committee that I served on and
2 learned a lot of about how important that
3 committee was. As an architect, I had my heart
4 set on the Land Use committee and of course the
5 Land Use committee is one of the most coveted
6 committees in any board. So I served on the
7 transportation committee and learned so much more
8 about communities in general. My community and
9 how all the different committees are interrelated
10 and how you really need to establish a good
11 working professional relationship with all 50
12 Community Board members in order to do your job
13 even on your specific committee. That, given the
14 fact that the Community Board membership is a
15 volunteer position and most of the members on the
16 board are really trying to just patch together
17 the hours necessary to become an effective member
18 of their community. There are already so many
19 structural barriers to fulfilling our service. I
20 feel like adding a term limit is another somewhat
21 unnecessary barrier. And I think partially
22 because of the structure of the Community Boards,
23 the fact that they're on a volunteer basis and
24 it's not even a job that you have the luxury of
25 putting in the equivalent of a part-time job.

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1 You know, 10 or 12 years of service on a job such
2 as the Community Board, is not the same as 12
3 years of service in the publically appointed and
4 compensated position. People are already
5 overcoming so many barriers to serve and --

6 MR. PERALES: Is there an argument for not
7 enough chair members? I'm not sure I understand.

8 MS. CHUNG: I think in order to amass the
9 not just technical part, but practical expertise
10 of being on the board it takes longer. So
11 because you can only put in a few hours here and
12 there to learn a very, very complicated City
13 process, to learn how government and agencies and
14 electives work together and there's still
15 confusion about how those different segments
16 coordinate and work together it takes time. I
17 think it's vital that Community Board members
18 have time enough to grow into their roles and get
19 to know all their fellow board members to
20 establish working relationships and agencies and
21 electives that we have to work together with. I
22 also would like to say -- so after I joined in
23 2010, after a few more years, I was appointed to
24 Land Use and then became chair of Land Use. So
25 all of this took quite a bit of time to grow into

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1 the role and become comfortable in that
2 leadership position. I think Community Boards
3 provide a unique opportunity for people with
4 different backgrounds and expertise to serve
5 their communities who wouldn't otherwise go into
6 public service. The fact that you don't have to
7 campaign for this job, I think, opens it up to a
8 much wider variety of people, who don't have to
9 go out and socialize and glad hand and go out
10 there --

11 MR. GEWOLB: You have about one minute
12 remaining.

13 MS. CHUNG: Thank you. So and also I
14 personally rely a great deal on the members of
15 board who have been very, very long serving
16 members. Not just because of their life
17 experience, but specifically their Community
18 Board experience. Some of the projects that we
19 work on take many, many years, especially the
20 Land Use projects. Over 10 years sometimes to
21 build consensus from the greater community to
22 push these actions through all the agencies that
23 we need to work together with different agencies
24 and electives to get -- to enact. And it's very
25 hard to find good candidates that are, you

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1 know -- that become good members of the board.
2 And I feel like term limits are a very blunt rule
3 that cuts out as many good people as it does bad.
4 And in terms of having a process for increasing
5 turnover and diversity, I agree, diversity is a
6 problem and we need to make more efforts to make
7 sure our boards represent the community. But I
8 feel like that should happen on the front end;
9 not the back end. I think that's what term
10 limits do. I think we need to increase our
11 outreach process, improve the -- have a more
12 vigilant appointment and reappointment process.
13 I think we already have a structure in place to
14 make sure that boards have adequate turnover and
15 provide more opportunity. And I think that's
16 really just strengthening the process we have
17 today.

18 MR. PERALES: Let me interrupt you with two
19 questions that I have: One, has to do with
20 whether you would accept or advocate for term
21 limits if you could come back on? That is go off
22 for a --

23 MS. CHUNG: Right. Well, I think that could
24 be a good way to balance the competition. Being
25 able to step away for two years, could be a good

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1 way not only to open up the opportunity, but also
2 for a long serving member --

3 MR. PERALES: My second question is about
4 capacity in terms of Land Use. Given your own
5 expertise and experience, do you think that there
6 should be greater capacity provided to Community
7 Boards to address questions of Land Use.

8 MS. CHUNG: I think we absolutely need more
9 technical expertise. And I think it's really
10 hard to rely on the members themselves to provide
11 that. I'm an architect and I have worked on
12 several different ULURP applications in my
13 professional capacity. But it's different. You
14 play a different role as an architect than you do
15 as a Community Board member. As an architect, I
16 am versed in certain aspects of ULURP, but not in
17 the aspect where Community Boards participate.
18 So I -- yes, we definitely need more --

19 MR. PERALES: Thank you.

20 MS. SEECHARRAN: Can you say some more about
21 the process that you have in place to ensure
22 turnover and that there's diversity?

23 MS. CHUNG: We currently have two year term
24 limits. We currently serve for two year terms
25 and then there's a reappointment process. So I

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1 think that process could be --

2 MS. SEECHARRAN: But does it work to
3 increase diversity.

4 MS. CHUNG: The reappointment process? I
5 think that's one way it could help. Another way
6 is to it do more targeted outreach to people in
7 the community and get the word out. And frankly,
8 that's something the Community Boards need to do
9 better in general, just to let the community know
10 who we are and what we do. I think there are
11 tools in place and if we use them properly, that
12 should take care of the issue.

13 MS. SEECHARRAN: What are some of those
14 tools?

15 MS. CHUNG: Like having -- well first,
16 having targeted outreach, which is a tool that we
17 haven't really -- we aren't using enough. I
18 think there's -- there's a reappointment process
19 and that seems to change and evolve with new
20 borough presidents. Sometimes it's an interview.
21 Sometimes it's an interactive workshop. I'm not
22 privy to the actual decisions being made about
23 who gets appointed and why. I understand that
24 the board chairperson can help influence that
25 process, but the rest of the Community Board

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1 members and community chairs as far as I know,
2 don't have a formal role in advising the borough
3 president and the Council members of the types of
4 members that are needed.

5 MR. PERALES: Thank you, Ms. Chung. I would
6 like to move on now to the New York City
7 Comptroller, Mr. Stringer.

8 MR. STRINGER: Good afternoon, Chair
9 Perales, and members of this distinguished
10 Charter Revision Commission. Many of you I know
11 very well, so it really is great to present to
12 you especially on some very favorite topics of
13 mine, both when I was Manhattan Borough President
14 from 2006 to 2013 and in the beginning of my
15 political career at the age of 16, when Percy
16 Sutton appointed me as the youngest teenager ever
17 to serve on a Community Board, way back in 1977.
18 For the record, that appointment made front page
19 news in the New York Times below the fold and it
20 changed my life. Little did I know, when I
21 became Borough President, I would play a role
22 with our Community Boards. But I do think it's
23 important that you convene this forum on
24 Community Boards and Land Use. And I'm going to
25 submit formal testimony, but if you bear with me,

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1 I just want to give you a sense of my experience
2 when I served as Borough President.

3 The first thing I want you to know is that
4 the Community Boards play a central role in
5 shaping neighborhood development and in advising
6 government on the needs and interests of our
7 communities. I do commend you again for
8 examining ways to strengthen and support
9 Community Boards in fulfilling their mission and
10 I think it's important to know the history of
11 Community Boards. They were originally
12 established as community planning boards by
13 Manhattan Borough President, Robert Wagner, back
14 in 1951. And that was to conduct comprehensive
15 community-based planning for the growth of
16 Manhattan. In 1975, the Charter Revision
17 Commission extended Community Boards Citywide
18 with 59 Community Boards representing the same
19 number of districts. The Charter Revision aimed
20 to centralize service delivery back then and make
21 the new Community Boards into what Mayor John
22 Lindsay had called little City Halls.
23 Mr. Perales, I think you remember that very well.
24 And Dr. Clarke, I know you know this. It ensured
25 at the time that service delivery, such as Parks

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1 and Sanitation, were consistent among Community
2 Boards. Established for the first time, district
3 service cabinet, and officially created the
4 district service manager position. In addition,
5 it gave Community Boards other advisory
6 functions, such as, budget analysis, capital
7 needs recommendations, oversight of City service
8 delivery and the creation of district needs
9 assessment.

10 When the Charter laid the groundwork for
11 local planning through the creation of ULURP and
12 197A planning, it really wasn't until 1989, when
13 the Charter Revision back then, really expanded
14 those powers. Specifically, that Charter
15 required the City Planning Commission to actually
16 adopt and define rules regarding the review of
17 197A. It did at that time give Community Board
18 representatives the right to attend meetings
19 regarding the environmental impact of proposed
20 Land Use proposals and gave Boards the power to
21 make recommendations relating to the opening and
22 closing of City facilities. And most
23 importantly, the new structure highlighted the
24 role of Community Boards in ULURP as the local
25 nucleus for responding to zoning changes.

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1 While the Community Boards had a dual
2 mandate and many tried to focus on both service
3 delivery and community based planning, due to
4 limited resources, proactive planning often took
5 a backseat to service delivery. However, at the
6 same time, many elected officials began to
7 professionalize their operations going back to
8 1974 in the Post-Watergate era. So suddenly
9 where the Community Board at that time was the
10 service delivery agent, now you had the local
11 Assembly member with a district office, the local
12 Council member, the Congress member. You'd get
13 elected to office and suddenly you had different
14 offices in the cabinet area delivering those
15 services.

16 That was expanded back in 2007 with the
17 beginning of 311. So we had to move and we
18 should move Community Boards from service
19 delivery to planning. And I believe we should,
20 rather than focus on those constituent services,
21 we should be empowering Community Boards to
22 fulfill their intended role as neighborhood
23 planning bodies. So I do think you should call
24 these boards, not Community Boards, but Community
25 Planning Boards. I think that's critical because

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1 the current development boon reaches deeper into
2 the boroughs. Affordable housing has become
3 increasingly scarce and our Transit system is
4 bursting at the seams. Neighborhood based
5 planning that takes the diverse needs of local
6 communities into account is now more essential
7 than ever. With Community Boards working as
8 partners, the City might have an easier time
9 passing zoning, citing shelters and moving
10 forward on a host of other initiatives, to help
11 our City stay fair and affordable for the people
12 who helped build the very neighborhoods that they
13 are now targeting for development.

14 Community Boards however, have historically
15 lacked the resources, capacity and expertise to
16 fulfill their community planning role in a
17 consistent meaningful way. That's why Community
18 Board reform was the signature effort of my eight
19 years as Manhattan Borough President. Our vision
20 was to restructure the appointment and training
21 process, to ensure Community Boards were
22 comprised of well-qualified members and equipped
23 with the skills and knowledge necessary to
24 navigate the complex issues facing their
25 communities.

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1 Our reform initiatives had positive results
2 and they form my recommendations for this
3 Commission to strengthen and empower Community
4 Boards. One of the simple responsibilities of
5 Community Boards is to enable community based
6 planning and make recommendations on Land Use.
7 However, Community Boards face challenges in
8 their ability to adequately review and analyze
9 Land Use matters, due to a lack of resources and
10 expertise. Most boards do not have trained urban
11 planners on staff and must therefore rely on
12 their volunteer members to analyze Land Use
13 proposals and develop recommendations. And yet,
14 we expect them to argue their positions against
15 the 800 -- I think it's now \$1,000 an hour
16 lawyers, hired by major developers in front of
17 the City Planning Commission. It's just not a
18 level playing field.

19 In an attempt to level the playing field,
20 when I was borough president, our office created
21 the Community Planning Fellowship Program, which
22 at the time placed graduate urban planning
23 students in Community Boards offices. It was the
24 Urban Peace Corps. The program enhanced the
25 ability of Community Boards to undertake

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1 research, analysis and mapping, allowing them to
2 better evaluate development proposals and provide
3 more sound recommendations. During my time as
4 Borough President, these urban fellows created a
5 community based zoning proposal for the East
6 Village in Community Board 3, analyzed the
7 residential conversion of Class D office space in
8 Community Board 5 and helped Community Board 10
9 in Central Harlem update their 197A proposal.

10 The fund for the City of New York has
11 continued the program in select areas. But it
12 should be expanded to benefit every Community
13 Board in the City. As valuable as this program
14 is, it was developed as the substitute for what
15 is truly needed; a full-time urban planner on the
16 staff of every Community Board. The sole
17 responsibility of this planner would be to
18 support the Board's analysis in developing
19 recommendations on Land Use matters and to
20 coordinate community-based planning activities.
21 Expertise of the urban planner would better
22 enable Community Boards to conduct comprehensive
23 community planning. So I ask you today that you
24 require that Community Boards appoint a full-time
25 urban planner, with a degree in urban planning,

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1 architecture, real estate development, public
2 policy or similar disciplines and include the
3 necessary budget for creation to fund this
4 position. A community planner would be a game
5 changer in communities that experience
6 extraordinary Land Use applications and quite
7 frankly, they don't have the expertise and
8 they're at a tremendous disadvantage.

9 Now in addition to creating this fellows
10 program, my office invested in training and
11 continuing education for Community Board members.
12 Once appointed, new members were required to
13 attend trainings on the New York City Zoning
14 Code, ULURP, Land Use actions and planning
15 concepts. Returning members were also encouraged
16 to regularly attend these trainings to refresh
17 their skills. This continuing education, helped
18 their knowledge, better prepared them for work of
19 the office. And I have to tell you, people
20 couldn't get enough of Urban Planning 101 and
21 102. People went to these courses. It was quite
22 extraordinary. I couldn't believe people who had
23 jobs and responsibilities couldn't wait to go.

24 Now communities were able to successfully
25 advocate for meaningful changes in spite of

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1 development. Some of the issues they had
2 attacked during my tenure was Columbia
3 University's expansion in West Harlem, the City
4 sponsored development by Suaz Park urban renewal
5 area and a whole host of different development
6 project, NYU expansion, Fordham University
7 expansion. The advocacy around these projects
8 just resulted in a better relationship between
9 what the community needed and what these
10 universities needed. All recognizing that
11 skylines change, but they cannot change without
12 our community. So based on this fruitful
13 experience, I would ask you to think about the
14 City requiring that we do provide training,
15 support and educational opportunities in all of
16 these disciplines for Community Board members.
17 And really codify this in a more holistic way;
18 not just based on who the Borough President is,
19 but really create a five borough agenda in this
20 area. That is something that I'd ask you to do.

21 And finally it is about recruitment. We
22 have got to do more to recruit people to serve on
23 Community Boards. Now under our administration,
24 our outreach and improvement strategy was
25 comprised of four components: Individualized

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1 recruitment plans for each community, Community
2 Board, broad outreach to community organizations,
3 public information sessions and we used all forms
4 of traditional social media to reach the public.
5 We also examined Census data for each district.
6 This allowed our office to create targeted plans
7 to recruit advocates and we wanted very much to
8 recruit diversity in our Community Boards. So
9 this was something I thought was interesting: In
10 the 2000 Census, well, that showed there were 3.2
11 percent of Community Board 3 identified as Asian
12 American or Pacific Islander. That's 35 percent.
13 Yet in 2006, only 8 percent of the board or 4 out
14 of the 50 members were Asian American. This
15 meant that the recruitment strategy for Community
16 Board 3, needed to focus on outreach within the
17 Asian American community. As a result of our
18 focused approach, we were able to steadily
19 increase Asian American representation on the
20 board, tripling it to 24 percent or 12 members by
21 2011. We took the same approach to tackle the
22 lack of LGBTQ representation on boards outside of
23 Greenwich Village and Chelsea. The lack of Black
24 and Latino representation on boards South of 96th
25 Street on the Upper West Side and the Upper East

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1 Side and by the way, almost no Caucasian
2 representation in Central Harlem. So to ensure
3 quality, transparency and diversity, we want the
4 Charter to set additional standards for Community
5 Board recruitment and make it possible to
6 actually tackle diversity, which is so critical
7 to rounding out the different opinions of
8 communities.

9 Now finally, I want you to focus on the
10 notion that we should create annual reports
11 issued by each Borough President on the
12 composition of Community Board membership and
13 strategies used to conduct outreach and
14 recruitment. Our office not only focused on
15 attempts to reform the Community Board
16 recruitment process, but also on reforming the
17 appointment process. Now Community Boards have
18 historically been governed by the same appointees
19 year after year, allowing limited room for new
20 voices and views. Dozens of vacancies and
21 conflict of interest among board members really
22 presented very interesting challenges. Now the
23 centerpiece of what we did was the creation of an
24 independent screening panel comprised of leaders
25 from government groups, civic associations and

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1 community based organizations. Our panel, our
2 independent screening panel, helped to ensure the
3 public and all who were concerned, that
4 appointments were merit-based and helped to
5 recruit applicants from their organizations and
6 communities essentially serving as ambassadors to
7 what we called Community Board reform. All
8 applicants, including those who had previously
9 served on the board, were required to complete an
10 application and come into the office to be
11 interviewed, effectively ending automatic
12 reappointments. We endeavored to appoint
13 committed candidates. We made sure that there
14 were no vacancies on the Boards. We left very
15 few vacancies. Our policy was to fill every
16 vacancy in 30 days. We had a list of
17 panel-approved candidates that met our very high
18 criteria. We basically took the politics out of
19 Community Board appointing. One of the things
20 that we did, much to my chagrin, was this whole
21 notion that it didn't matter who you supported
22 for Borough President, it didn't matter whose
23 friend you were, because like the judicial
24 selection process, if you weren't approved by the
25 independent panel, we couldn't help you. And I

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1 will never tell you the stories of people who
2 were not reappointed that are still mad at me
3 today.

4 So what was the proof in the pudding? Over
5 eight years, 715 new appointments were made to
6 the Boroughs 12 Community Boards. We gave
7 hundreds of New Yorkers the chance to participate
8 in shaping the future of their neighborhoods. So
9 in ensure this momentum, the Charter should set
10 additional standards for a Citywide process and
11 timelines for Community Board appointments.

12 And lastly, I just want to say --

13 MR. PERALES: But this one is lastly?

14 MR. STRINGER: Yes. Well, I was only going
15 to come today to this chair if I could give you
16 my stem winder, because if you're going to tinker
17 on the edges, don't tinker at all. You need to
18 have, in my view, with all due respect, a
19 comprehensive look at Community Boards or we're
20 going to get into the narrow discussion of term
21 limits/not term limits and not address five
22 borough Community Board reform. So I will stop
23 there, because I see you're a little chagrined.
24 But thank you.

25 MR. PERALES: I am not chagrined and I do

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1 appreciate your very thoughtful presentation and
2 we're looking forward to getting your written
3 proposal.

4 MR. STRINGER: Thank you.

5 MR. PERALES: Again I'm going to cheat my
6 fellow members and ask this sort of two point
7 question. There's two things you said that
8 intrigued me. One had to do with those 800 or
9 \$1,000 an hour lawyers. And then your solution,
10 it seems to me, is to hire a recent graduate from
11 an architectural school or something. And do you
12 think that will even out the process?

13 MR. STRINGER: So the point I was making is
14 when -- when I became Borough President, we
15 realized that most Community Board members, even
16 with the board members who had specific Land Use
17 experience, could not begin to compete with the
18 resources that a developer would have at their
19 disposal. They obviously had the best lawyers in
20 town. They were proposing to build \$100 million
21 developments. Think about just in Manhattan
22 alone at that point. You had Columbia
23 University, Fordham University, NYU. Their
24 budget for engaging the community was unlimited.

25 MR. PERALES: I understand that.

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1 MR. STRINGER: What we were able to do was
2 create an Urban Planning Fellowship that began
3 this process of getting expertise, people who
4 actually would graduate students in urban
5 planning, into these Community Boards, so that we
6 could at least give them some ray of expertise on
7 an ongoing basis. What that experience proved to
8 me was that, yes we cannot rely on graduate
9 students to stem that tide. So why not hire or
10 mandate that every Community Board should have a
11 professional urban planner working full-time on
12 Land Use issues.

13 MR. PERALES: I was being a devils advocate.
14 Obviously I agree the idea of greater resources.
15 It's just that I'm trying to come up with a
16 vehicle where there's even stronger than one
17 person attached to the office. And that was the
18 reason I was poking fun at the \$800 an hour
19 attorney.

20 The other question you didn't answer is term
21 limits. I think you're term limited. Lots of
22 people are term limited and develop expertise in
23 that particular job. Would you be for term
24 limits for Community Boards?

25 MR. STRINGER: So I respect certainly the

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1 will of the voters who have now spoken at the
2 ballot box, that there should be term limits
3 Citywide elected officials. And I would never
4 seek to change that, nor would you.

5 MS. CLARKE: What?

6 MR. STRINGER: Dr. Clarke says that could
7 actually happen. But Hearing that I do think we
8 should recognize, that whether it's -- when you
9 have term limits, you also have a lame duck
10 status that sets in. We're going to see that
11 with people who are now in their fifth year,
12 wondering what office they're going to run for
13 next. And I dare say, you're going to see a lot
14 of musical chairs and people thinking about the
15 future; not necessarily the focus of the job in
16 front of them. And that's just the reality of
17 elected term limits.

18 I think one of the things our process showed
19 was when you have an independent screening panel
20 that looks at the evidence, evaluates people
21 based on merit, it creates a system where the
22 appointed process is not automatic. The data I'm
23 submitting to you shows that over eight years, we
24 created -- we put on the boards, 715 new people.
25 We upped the diversity of the Manhattan Community

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1 Boards by 40 percent. So by going to a
2 nonpolitical merit based process, it wasn't about
3 term limits. We had the benefit of keeping the
4 long term Community Board member who does a great
5 job and at the same time -- and that individual
6 should stay, but we also put new blood on the
7 Community Boards. People with fresh perspective
8 and different points of view.

9 I will say to you that during our Community
10 Board process, there was one Community Board
11 member that had been very cruel to my mother when
12 she ran for City Council back in the 1970s. And
13 the same individual was equally unpleasant when I
14 ran for Borough President. And I'm the first to
15 admit that during my campaign for Borough
16 President, when it was 95 degree weather outside,
17 I did think about the first thing I would do is
18 throw him off the Community Board. I have to
19 admit this; I know this is something you
20 shouldn't say at a hearing. And then when we
21 engaged Community Board reform, I did say, "hey,
22 remember that guy? He probably doesn't have
23 Good attendance. Check it out." Came back and
24 said wow, this guy has never missed a meeting in
25 20 years. "Well, what's his evaluation say?"

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1 Came back to me and said he's perfect. He's the
2 perfect board member. I said, "he's never missed
3 a meeting in 20 years? He does all of this? Who
4 does that on a Community Board?" And I
5 reappointed him. And once we reappointed him, we
6 basically said the politics of Community Boards,
7 we're done with that. We're going to create a
8 merit-based system. You have the opportunity of
9 creating a system that will elevate the borough
10 presidents and the new ones by 2021 and you will
11 make Community Boards something that's even more
12 attractive to people who want to access potential
13 public service.

14 MR. PERALES: Kyle.

15 MR. BRAGG: Thank you, Mr. Chair. Thank
16 you, Mr. Comptroller for being here. You've been
17 an innovator throughout your political career on
18 how the constituents access and participate in
19 government. I want to thank you for that.

20 There's a couple of things that I want to
21 ask and I want to make sure it comes out clear as
22 I speak it in my head. Ms. Chung actually made a
23 statement that the Land Use Chair is one of the
24 most coveted positions in the Community Boards.
25 But as you had mentioned, there's 59 Community

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1 Boards throughout the City and new development is
2 not particularly equal throughout those Community
3 Boards. And I think over the last 20 years,
4 there's been a huge increase of development in
5 the City and overwhelmingly in a new communities
6 throughout the City. So there are other issues
7 that are very important to Community Boards that
8 are not going through Land Use or the ULURP
9 process on a regular overwhelming basis. And so
10 you had suggested that each Community Board
11 receive or be given an expert on those issues and
12 I'm not sure if through your experience in the
13 past, if you think that each board actually needs
14 one. And I know geographies changes and the
15 interest in our communities change, but I think
16 currently, the vast majority of these Community
17 Boards have not experienced that
18 overwhelming having to face ULURP as happens in
19 Manhattan and parts of Queens and Brooklyn that's
20 currently taking place. And so I'm interested in
21 knowing whether or not you think that each
22 Community Board actually needs that expert or
23 needs access to someone who is an expert. And
24 then I'd say that -- well let me ask that.

25 MR. STRINGER: That's a very fair question

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1 and I don't mean to suggest that every
2 neighborhood is facing the same particular
3 issues, although I do think that gentrification
4 now knows no bounds. And I think what's
5 happening in many communities is that there are
6 changing skylines and there are unique problems
7 that we have to face both globally as a City and
8 also locally. So let's think about what an a
9 urban planner with some great expertise could do
10 to assist the Community Boards. It's not with
11 dealing with a ULURP application. There's a
12 whole issue now on that we see throughout the
13 City on closing storefronts and vacant property.
14 And doing analysis to figure out why that's
15 happening in our unique neighborhoods, I think,
16 is something that we should do. There are bike
17 lanes and transportation issues in every
18 community. We need an urban planner who could
19 lead on some studies unique to that community.
20 We also need people who have that kind of
21 background to sort of think about what would a
22 Community 197A plan we? What would the community
23 like to see in terms of development? There's a
24 whole issue that we struggle with every day. The
25 huge undertaking by this administration on

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1 affordable housing plans and how you grapple with
2 what would we do to up-zone on one block but
3 down-zone on another block? Give us what that
4 would look like; not just from the City Planning
5 Commission's perspective, but what's the
6 community perspective? And then work to try to
7 align whether the community and City government
8 can find common ground. So I think there's a
9 huge potential here.

10 But the real potential is -- or the real
11 discussion should be, what do you think the
12 Community Boards are about in 2018? I would
13 argue that the Community Board is less about
14 being a service delivery operation. Only because
15 we have so many elected officials, 311, filling
16 potholes, thinking about policing. We've built a
17 whole mechanism around that. What is missing is
18 Wagner's -- Wagner created Community Boards in
19 1951. We've called them Community Planning
20 Boards for a reason, because we wanted to give
21 people in communities a say in what their
22 neighborhoods would look like. I think that's
23 more relevant today, than it was 60 years ago.
24 How we get to that change, I think is unique. I
25 testified at a Charter Revision Commission back

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1 in 2010. My testimony was longer back then.

2 MR. SCISSURA: I can attest to that.

3 MR. STRINGER: Carlo was weary to testify
4 after me. But one of the things that they talked
5 about is well, is this a proposal that's unique
6 to what your office did and maybe what you were
7 doing in Manhattan is just not what the entire
8 City would want. And I thought that was a fair
9 question. And I think for you, the question is:
10 What should a Community Board be about in the
11 next ten years, let's say? And I do think it's
12 about Land Use and zoning and it's about doing
13 the critical analysis for Community Board members
14 who really want to have more bandwidth to look at
15 the unique issues in their neighborhood.

16 MR. BRAGG: I have just one follow-up: So
17 this, I think, is related to term limits and
18 turnover of leadership, especially considering
19 that there's going to be a lot of new development
20 and a lot more ULURP going on. And I'm concerned
21 too that our City government is based on checks
22 and balances. We have on some Community Boards,
23 folks who've served as chair in Land Use, and I'm
24 not casting the portion against as anyone, but it
25 appears to me that it lacks a checks and balances

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1 that allows people to be maybe a little too cozy
2 with developers who come before them over and
3 over again and are successful. And so I -- I
4 lean toward the question of: How do we create
5 checks and balances to ensure that the process is
6 both a fair representative of the people that
7 they're serving? And then in regards also to the
8 turnover, my particular Community Board,
9 Community Board 13 in Queens, has had the highest
10 number of marijuana stops and arrests in the
11 City. And we're a very diverse Community Board,
12 but it appears that only half of that Community
13 Board is the one that's responsible for those
14 numbers. And so it's only recently that we had
15 new blood on the Community Board that this has
16 been brought up as an issue in challenging the
17 local commander about these practices. And so
18 it's because of the turnover and new blood on the
19 Community Board that challenged our local
20 commander and politicians on this issue. And so
21 to me it kind of says something about whether or
22 not people have been on a little too long. And
23 I'm not advocating for any particular term limit,
24 but I think at some point in time, there needs to
25 be opportunity for a rotation of both thoughts

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1 and concepts on Community Boards.

2 MR. STRINGER: So we set up an independent
3 screening panel. We had in-office interviews
4 with longtime members of the Community Boards.
5 We looked at attendance records at board
6 meetings, but also looked at committee
7 representation. We had a screening panel of
8 experts, independent of my office, who did that
9 kind of recruitment and then we created a list of
10 the most qualified people based on their
11 different experiences. And then we sat down with
12 the Community Board chair and other stakeholders
13 and said so, for example, what do you need in
14 your Community Board? What are we missing? Well
15 you know, we don't have architects on the
16 Community Board. We don't have that expertise.
17 But there's a new member who's now working in an
18 architecture firm. So why don't we go recruit
19 her? We're missing -- you know, don't have
20 enough attorneys to look at some litigation
21 issues of the Community Board or best practices.
22 So here's a guy who seems ready to serve. Let's
23 go get that person. And then we had longtime
24 members who didn't come out of the screening
25 panel. People who were well connected. I'm not

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1 saying that they're not qualified or good people,
2 but they just in comparison to what the board
3 needed or what they could provide, the screening
4 panel gave us the opportunity to only focus on
5 the people we believed were the best based on
6 merit. It doesn't mean -- it's hard when people
7 who are connected or politically active, don't
8 make the Community Board. And sure, that
9 certainly can hurt politically. But, hey, at the
10 end of the day, you have a screening panel and
11 that model was basically -- I based it on a
12 judicial screening panel. So people select
13 judges. If you want to be a judge in this town,
14 in most of the City, you've got to come out of a
15 screening panel. There's nothing we can for you
16 unless you are found most qualified. And that
17 was the model we used.

18 So what's the proof? 715 new appointments
19 in eight years. That's a complete turnover of
20 Community Boards without term limits. And then
21 you look at well, what happened there? 40
22 percent in Manhattan -- 40 percent of the people
23 we appointed, were people of color. 40 percent.
24 And equally important, we integrated the
25 Community Boards. Right? So why should LGBT be

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1 focused in the Village? Think about how silly
2 that is. We tried to create that integration
3 throughout. We now have Caucasian people on
4 Community Board 10, but we also have African
5 Americans and Latino people in some of the
6 Whitest areas of Manhattan, the Upper East Side
7 and the Upper West Side. And you know what? The
8 entire community is served better, because we got
9 people to believe that there was buy-in and
10 reform and a different approach.

11 Also I think in your study of this -- and I
12 know we will continue to talk about offices -- I
13 do think that we have really some great Borough
14 Presidents. I've served with some amazing
15 Borough Presidents and I think the more we can
16 create a Citywide holistic view of Community
17 Board empowerment, I think that also enhances the
18 role of the Borough President and the Council
19 members and the community, as well.

20 MR. PERALES: I'm going to have two
21 commission members with brief questions,
22 Dr. Clarke and Carl on my right. I think that
23 will be it.

24 MS. CLARKE: I just -- my question concerns
25 the uniformity of the City in terms of the

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1 boroughs and the values of each Borough President
2 and the politics of each Borough President
3 towards their constituents and who may serve or
4 may not serve. And then the role of the Council
5 member who may tokenly be asked to name somebody
6 that somebody else wants on the Community
7 Planning Board. How do we get around all of
8 those issues to make it what you're talking
9 about? And I'm also -- because I'm an immigrant,
10 I just want to put it out there that for the
11 immigrant communities, there's always somebody
12 who says, "well, you don't have to do that much
13 over there, because they're not aware of what's
14 happening in the community." How do we put a
15 level playing field, so all communities feel
16 empowered and feel that they can participate?

17 MR. STRINGER: So one of the crucial
18 complaints of what we did over eight years,
19 Dr. Clarke, was recognize that our goal was to
20 diversify our Community Boards. And it wasn't
21 always easy to go into communities and find
22 people, because usually the people who were most
23 active, were people who knew the system. And I
24 can further break it down as you make your
25 decisions, on where we were successful in

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1 creating diversity. 40 percent over eight years
2 is a pretty good record, but we worked at it.
3 Because diversity is something you have to work
4 at every day. That was a key component of the
5 Community Board process.

6 The other thing -- and again, I would ask
7 you to wrestle with this -- is as Borough
8 President, Council members recommend half of the
9 Community Board appointments. Under the Charter,
10 I believe, Mr. Chair, it's a recommendation that
11 the Borough President can either take or not.
12 And for the most part, my work with the Council
13 member was, "you appoint your half; I'll appoint
14 my half. But we all have to agree that the
15 people who we appoint will come out of
16 independent screening panel." So I said to them,
17 "we should only appoint on our list."

18 And I have to tell you, in the beginning
19 there were Council members who had their view of
20 Community Board reform and what they wanted to
21 do. And so I recollect that in year one and two
22 it was a very bumpy journey. But I will tell you
23 at the end of the day, we would sit and decide
24 the Community Board appointments and every
25 Council member in Manhattan, from Washington

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1 Heights to the Lower East Side, would sit with
2 our screening panel recommendations and would
3 look with me and say, yes, I need another
4 architect. Yes, we need a public school teacher.
5 Wait a minute, you mean, that person hasn't shown
6 up to Community meetings all year? No. We were
7 able to focus on the merit of the need of the
8 neighborhoods and not the parochial view of who
9 should be on the Community Board. It wasn't
10 always perfect. And by the way, there were
11 people who I personally wanted to see on the
12 Community Boards -- I'm human too, right? And if
13 they didn't make the list, they weren't going to
14 be on a Community Board and we held to that in
15 every single case.

16 MR. SCISSURA: Thank you. Good afternoon,
17 Comptroller. Always good to see you. Two quick
18 questions. First of all, I think this is
19 obviously very well thought out. It's something
20 that when I worked with the Brooklyn Borough
21 President, boy, did I try. But we weren't ready
22 back then and maybe the time has come. But I
23 have two questions about the independent "closed
24 screening panel" and the process as to who
25 appoints that in your way of doing it? And then

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1 the second question is: What if the independent
2 screening panel appointed the Community Board
3 members and there was no Councilman or
4 Councilperson and there's no Borough President
5 and it was a true independent process? I'm
6 curious to get your thoughts on that.

7 MR. STRINGER: In essence that's very
8 well -- that's almost like a logical extension to
9 be considered. I do think at the end of the day,
10 the elected official should play a role, because
11 that elected official does have a pulse of the
12 community. And sometimes there's no one who
13 thinks reform and Community Board reform -- no
14 one believes Community Board reform is important
15 more than I do. I really believe in it. But I
16 felt that the Borough President and the Council
17 member should continue to have that role. That
18 if you left it only to an independent screening
19 panel, it could runaway with the practicality of,
20 you know what, you're the elected official.
21 You're responsible. We hold you accountable.
22 And if you create a system that theres no
23 electoral accountability, you could have
24 something that creates a whole new bureaucracy
25 and you're at the end of the day, the only one

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1 accountable. You don't run for Community Board,
2 right? So you don't have to land handle, you
3 don't have to run for election. But elected
4 officials have to be out in the communities. And
5 if that panel is really not meeting the needs of
6 the community, then electorally, you're going to
7 explain that at a Community Board meeting and be
8 held accountable from your constituents.

9 MR. SCISSURA: Who appoints --

10 MR. STRINGER: The Borough President.

11 MR. PERALES: I want to thank you,
12 Mr. Comptroller, for taking the time and
13 providing your testimony. It's been very, very
14 helpful.

15 MR. STRINGER: Thank you, everybody. It's
16 great to be here. Thank you.

17 MR. PERALES: With that, I'm going to move
18 onto Rachel Bloom from the Citizens Union.

19 MS. BLOOM: Hi. I will try and be brief;
20 definitely within, my five minutes. Good
21 afternoon, Chairman Perales, and distinguished
22 members of the New York City Charter Revision
23 Comission. It's nice to see you again today.

24 I'm the Director of Public Policy and
25 Programs for Citizens Union and I thank you for

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1 inviting us here today and giving us the
2 opportunity to publicly share our recommendations
3 with you. Together our positions on Community
4 Board reform seeks to strengthen Community
5 Boards, providing them with additional resources,
6 while also ensuring that there's a more rigorous
7 selection process and open process for
8 appointment of members. Most of what we will say
9 is things that are things that you've heard
10 earlier, but sometimes we'll give a bit of a
11 different perspective.

12 We believe that a mechanism should be
13 created that provides available pool of urban
14 planners, independent of the Borough Presidents
15 offices, that can be accessed by Community
16 Boards. We now heard why this is critical to
17 provide meaningful and important input on Land
18 Use decisions and to develop 197A plans. We
19 envision these urban planners to be connected to
20 one or more boards, as needed. Thereby,
21 establishing relationships with those boards and
22 the larger communities they serve. While housing
23 urban planners with the Borough President to
24 align with their current responsibilities to
25 establish and maintain the planning office for

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1 new development or improvement of land located in
2 the fir, while under Section 82 Chapter 4 of the
3 City Charter. It could become problematic when
4 the Borough President may disagree with the
5 Community Board on a land development issue,
6 which we have all seen happen. Given the role of
7 ULURP and past instances in which Borough
8 Presidents have sought to remove Community Board
9 members who have not aligned their votes with
10 that of the Borough President on Land Use
11 proposals. It is essentially that the
12 independence of the Community Boards and the
13 urban planners that serve them, be maintained.

14 We recommend reforming the process for
15 selecting members to Community Boards. Community
16 Boards are often plagued by vacancies or not any
17 turnover. To professionalize and open the Boards
18 to the communities they serve, we believe, much
19 like we just heard in great detail, a formal
20 standardized and transparent process should be
21 created for filling Community Board positions, as
22 was first done by Comptroller Stringer when he
23 was Manhattan Borough President.

24 While there have been some more formalized
25 procedures for filling vacancies among the

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1 Borough Presidents, they vary enormously from
2 borough to borough. And you just -- all of them
3 have their applications on their website to apply
4 to be on their Community Boards for their borough
5 and it's worth taking a look. Some are one page
6 and some are seven pages and the questions they
7 ask really run the gamut and there's no
8 consistency from one borough to the other. We
9 recommend one formal appointment process to be
10 used throughout the City, like which should be
11 added to the City Charter that requires written
12 applications and interview of all appointees or
13 re-appointees by the Borough President. This
14 establishes a reasonable deadline for filling
15 vacant positions and requires Borough Presidents
16 to issue an annual report detailing their
17 outreach efforts, whom they notified of the
18 process, member reviews and the demographics of
19 those serving on the Community Boards in
20 comparison to the communities that they serve.

21 We also recommend that Community Boards
22 receive an independent budget allocation that is
23 not at the discretion of the Mayor or Council.
24 We believe that there are current insufficient
25 funding and greater resources are essential for

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1 Community Boards to carry out their Charter
2 mandated responsibilities. So in that, Community
3 Boards should be provided enough funding to be
4 able to hire staff for Land Use and/or budgetary
5 expertise.

6 And we recommend that the Community Boards
7 is to be linked to that of the Borough Presidents
8 office, which we also believe should have an
9 independent budgeting. But I realize that that's
10 not something that you're looking as part of this
11 Charter Revision Commission.

12 And finally, we recommend that Community
13 Boards have term limits, serving five consecutive
14 two year terms. This limit of terms should be
15 phased in effectively, to ensure that there's not
16 a mass exodus of institutional knowledge, as we
17 have heard a Community Board member discuss
18 today. This will ensure that representation on
19 boards can keep pace with the changing
20 demographics of communities and does not become
21 inaccessible to the communities that they serve.
22 Thank you very much for this opportunity.

23 MR. PERALES: Thank you. I'm particularly
24 pleased that you were so clear and direct as to
25 your recommendations. But we are drawing late.

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1 I'm going to move to Tom Angotti as quickly as
2 possible. Your prior presenter took a little but
3 more time than he was supposed to.

4 MS. BLOOM: I was happy to give my time to
5 the Comptroller.

6 MR. PERALES: Tom.

7 MR. ANGOTTI: Thank you. I'll also try to
8 be as brief as possible, since I can double down
9 on the next panel, which I sit on as well. My
10 background is, aside from being a retired
11 professor of urban planning for Hunter College
12 and prior to that, Pratt and yes, CUNY. I worked
13 for eight years in City government as a senior
14 planner, so I see some things from the inside and
15 continue to see them from the inside. And I do
16 agree with Scott Stringer, that we don't need to
17 tinker around the edges anymore. It's time to do
18 a fundamental revision of the Charter to empower
19 Community Boards. They were created almost 50
20 years ago and there's been no fundamental
21 revision of the role of Community Boards since
22 then and so much as changed in New York City.
23 But one thing that hasn't changed is communities
24 don't have a strong voice in planning for their
25 futures. And that's universal. That's all 59

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1 community districts. There's not one where
2 district where people don't care about what their
3 community is going to look like. Gentrification
4 and displacement are occurring all over the City.
5 Every community cares about who's going to get to
6 stay and who's not going to be able to afford to
7 stay. So Community Boards are really key.

8 The one thing sort of basically, since I've
9 studied the history of this, and you're free to
10 check out my best selling books, New York for
11 Sale and a recent book about zoning. Community
12 Boards we created as a result of the Civil Rights
13 Movement. In the 1960s, there was a demand for
14 community control. And it came out of
15 neighborhoods that were mostly underserved and
16 with people with low incomes; mostly Black and
17 Latino neighborhoods. It was a step ahead, but
18 right from the start, it started with so many
19 limitations placed on it that it couldn't really
20 truly serve them. And there was one revision
21 since 1975. 1989, which was also the result of
22 the Civil Rights Movement, when the City was
23 taken to court and forced to get rid of the Board
24 of Estimate Board, because it failed the
25 constitutional rule of one person/one vote. And

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1 at that time, the revisions were -- there was
2 testimony for a revision by the Civil Rights
3 Movement and with great support from
4 environmental justice advocates who were fighting
5 to control unwanted land uses in their
6 neighborhoods, in their backyards.

7 But there's one philosophy that has
8 continued all through this almost 50 years: That
9 Community Boards are dysfunctional. And I hear
10 this all the time from within City government,
11 "oh, you want to give Community Boards more
12 power? You want to give them money?" It comes
13 from within City government and it comes from
14 developers. It is actually good to have
15 dysfunctional Community Boards, because you can
16 then keep them dysfunctional. Now we've grown an
17 awful lot and Community Boards have become much
18 more proficient on their own. But what has
19 resulted is the kind of inequalities across the
20 board. I've been in the five boroughs. I've
21 been in many Community Boards all over the five
22 boroughs and some have excellent track records
23 and have boards who are fully participant in the
24 decisions that are made and are capable of
25 confronting serious Land Use issues. But there

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1 are many who are helpless. And it coincides with
2 those neighborhoods where people are working two
3 or three jobs. They can't go to Community Board
4 meetings. It coincides with the fact that the
5 most functional Community Boards have an excess
6 of lawyers and architects who can volunteer to
7 sit on Community Boards and provide that
8 expertise that many of the Community Boards just
9 don't have. So this requires a Citywide solution
10 and a major responsibility on behalf of the City
11 as a whole, to make sure that the original
12 purpose of Community Boards --

13 MR. PERALES: Let me ask you something: Do
14 you have some specific recommendations as to how
15 we would accomplish what you're asking?

16 MR. ANGOTTI: Yes. So one of the first
17 things is to stop saying that Community Board
18 votes are only advisory. That's a good way to
19 put them down. Community Boards have to have --
20 revise the ULURP process, so that the Community
21 Board vote is equal to the vote of the Mayor.

22 Full-time planners -- by the way, it's
23 already in the Charter. It was passed in 1989,
24 but the Council to the City Planning Department
25 made a ruling that they would fulfill their

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1 Charter obligation by assigning a City Planning
2 Department planner to Community Boards who needed
3 it. That is not the intention of the Charter
4 Revision. Every Community Board needs to have a
5 full-time planner on their staff. And that can
6 be changed without changing the Charter or you
7 can clarify it in the Charter.

8 No more conditional votes by the Community
9 Boards. Because one of the ways you express your
10 weakness is to say, "our vote is only advisory
11 and community based, so we're going to vote yes
12 or we're going to vote no but with conditions."
13 And then they have no weight. So that's it.

14 I think finance -- budget. Also the budget
15 process. Community Boards participate in a
16 budget process, which is inadequate. There's one
17 Borough-wide budget hearing every year and a
18 number of other local budget hearings. Every
19 Community Board should have participatory
20 budgeting, but for a significance of the budget
21 that affects those communities.

22 MR. SCISSURA: Any questions from the
23 commissioners? Okay. Thank you very, very much.
24 We appreciate you sitting here through this panel
25 and look forward to hearing more information in

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1 the coming weeks.

2 Should we go right into the next panel?

3 Okay. So our panel will be on Land Use in
4 New York City. And I'm going to introduce, David
5 Karnovsky, who's a partner at Fried Frank.
6 David, thank you. And Mr. Karnovsky is going to
7 give us a short overview on Land Use in New York
8 City just so we have a context. Jessica Katz,
9 Executive Director for the Citizen Housing
10 Planning Council. Tom, you're not going too far.
11 Moses Gates, Vice President, Housing &
12 Neighborhood Planning for the Regional Plan
13 Association. Ron Shiffman, Professor Emeritus
14 for Pratt Graduate Center for Planning and the
15 Environment. Elena Conte, Director of Policy,
16 Pratt Center for Community Development. And
17 last, but not least, Adrien Weibgen, Staff
18 Attorney, Equitable Neighborhoods Practice,
19 Community Development Project, Urban Justice
20 Center.

21 I'm going to turn it over to our Executive
22 Director now. And we're going to ask if you can
23 really hit your points. I know many of you have
24 given us testimony in writing, but given the time
25 and nature of this afternoon, if you can give us

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1 your points and then we'll follow-up with
2 questions today or in the coming week or two.

3 So, Matt, would you like to take it from
4 here?

5 MR. GEWOLB: Thank you very much,
6 Mr. Secretary. We don't have additional
7 substantive comments except to reenforce our
8 format, which is the five minute presentation for
9 our panelist. I'll give you the one minute heads
10 up. And then from the Commissioners, we'll ask
11 clarifying questions for each panelist and then
12 try to hold broader questions for the end of the
13 panel, if we can.

14 MR. PERALES: I'm back. Let's begin in the
15 order I've been given. We'll start with David
16 Karnovsky.

17 MR. KARNOVSKY: Good afternoon. I'm David
18 Karnovsky from the firm of Fried Frank. I'm not
19 here representing the firm. I'm here to -- as an
20 individual. I served as the General Counsel to
21 the Department of City Planning for 10 years
22 before joining the law firm. I was asked to
23 provide an overview of the Land Use in New York
24 City in ten minutes, which is impossible. Five
25 minutes is truly impossible, so I'll see what I

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1 can do.

2 I thought that rather than focus on Land Use
3 in general, it's useful to think about what the
4 role of the City Charter is in Land Use
5 specifically. Obviously, the Charter establishes
6 all the various agencies that are players in the
7 process and I don't have to list them; you know
8 them. But the most important task, at least I
9 think, it establishes the procedures by which
10 decisions, principally in form the Uniform of
11 Land Use Review Procedure, ULURP. The Charter
12 identifies players in the process, it establishes
13 the pre-procedures that are followed. But
14 significantly, it doesn't express a point of view
15 or perspective about what those policies and
16 decisions should consist of.

17 So to illustrate, obviously, while the
18 Charter creates the process for the review of
19 zoning determinations, it doesn't address the
20 content of the zoning resolution, that vast
21 document, which has been compared unfavorably to
22 the Internal Revenue Code, at all. It doesn't
23 address topics like waterfront zoning or
24 development rights, inclusionary housing. That
25 is not its function. Rather its importance is to

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1 establish the legal, procedural and positioning
2 the framework within which decisions are made by
3 community planners and elected officials. And
4 the principle way which it does so, of course, is
5 ULURP.

6 So onto ULURP. I think it's important to
7 understand ULURP in the context of what led to
8 its origination in 1975 by a State-appointed
9 Charter Revision Commission. That it was
10 appointed at a time when the City was in fiscal
11 crisis and the State was exercising heightened
12 scrutiny of the City. And it was also against
13 the backdrop, I think, of an increased call for
14 community control and community involvement, as
15 well as, the end of the infamous Robert Moses era
16 of planning. What the Commission at that time
17 identified was a series of issues. First, it
18 identified the problem of insufficient community
19 participation in the process. And at that time,
20 the involvement of Community Boards was really ad
21 hoc. They were involved in some actions and not
22 in others and it was kind of an irregular system.
23 Secondly, fragmentation and lack of
24 accountability. The Commission observed that
25 there were too many procedures and too many

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1 different kinds of actions and that undermined
2 public confidence. And third was delay. They
3 observed that there was a lot of delay in the
4 process with no way of resolving conflicts and
5 that they festered for a long time.

6 So in thinking about how to create a system,
7 they had to address a bunch of issues. First of
8 all, how to balance local Borough-wide and
9 Citywide interests in the process. And there's a
10 really interesting quote from that report; it
11 says, "The dilemma for the Charter Commission is
12 how to give local communities a say in shaping
13 important Land Use policies without granting them
14 veto power over the public's welfare." In other
15 words, how to strengthen, not balkanize the
16 City's neighborhoods and communities. What they
17 concluded was that there is actually no way to
18 distinguish between purely local issues and
19 purely Citywide issues. That all issues have
20 elements that are local and elements that are
21 Citywide and if there wasn't this category of
22 action where the local voice should have veto
23 power.

24 So it was decided that the best way to deal
25 with this was to give the Community Boards first

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1 action on all Land Use issues that affect their
2 area, allowing them to shape the proposals in the
3 early stages and influence the decisions made at
4 a later stage by the City Planning Commission and
5 at that time, the Board of Estimate.

6 In terms of predictability and consistency,
7 they decided to establish the Uniform process --
8 this is where we get the word uniform out of
9 ULURP -- a single process for all major Land Use
10 actions, under which a zoning change goes through
11 the same process as let's say, disposition of
12 City property. And in terms of delay, they
13 prescribed a time clock. A time clock for action
14 by each of the parties from the Community Board
15 to the Borough President, to the Planning
16 Commission, to the Board of Estimate, with no
17 ability of any party to stop the clock. And they
18 also looked very carefully at the balance between
19 the professional role and the political role
20 recognizing the Planning Commission as the
21 planning body as an important role, but that the
22 last stop should be the Board of Estimate as the
23 political body.

24 So the end result of all of this was a
25 system that provides for a graduated sequence of

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1 public review under mandated time periods that
2 moves from the most local level to the regional
3 level to the Citywide level. The underlying
4 thesis of all of this was that a Land Use
5 application, as it moves through the process, is
6 shaped in ways that produce a better decision.
7 That the local input at the early changes
8 influences the other decision makers. That the
9 projects changes and responds to comments and
10 that the decision makers modify the project as it
11 moves along all within this prescribed time
12 clock.

13 Moving along to 1988, you have the abolition
14 of the Board of Estimate and a whole lot of
15 decisions that have to be made about how to deal
16 with that in terms of ULURP. The first big
17 question of course is, what's the role of the
18 City Council? The Charter Commission at that
19 time -- and I had the pleasure to attend all of
20 their meetings as a young lawyer -- had to decide
21 what jurisdiction they should have. Should it be
22 the same as the Board of Estimate? And the big
23 question was, are there some actions that
24 shouldn't even go to the City Council? The
25 legislative actions like zoning, of course. They

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1 are legislative in nature. But there are many
2 administrative actions in Land Use and they
3 wrested with it. But they concluded that just as
4 in the case of this distinction between local and
5 Citywide, that there really wasn't a clear
6 distinction between purely legislative and
7 administrative. You have an administrative
8 action, which in a locally community are so
9 important, and have so much potential impact,
10 that they decided that everything should be
11 capable of going to the City Council. And they
12 created a process around it by which some items
13 are automatically going to the Council, while
14 others are within an elective jurisdiction. The
15 Council has to decide to review them. That was
16 their solution to that dilemma. They had to
17 worry about the Borough Presidents, since the
18 Borough Presidents were on the Board of Estimate
19 and they had a lot of power and now they were
20 disempowered; the Council was empowered. And
21 they created a review role of the Borough
22 Presidents, which was advisory. But the theory
23 was that the Borough Presidents would use their
24 ability to achieve change in these projects. And
25 the prior procedure of the Comptroller was to

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1 ensure the role of the Borough Presidents was
2 communicated.

3 Then there was the big question about what
4 should be the composition of the Planning
5 Commission. The Commission, up until that time,
6 was purely mayoral and the question was, should
7 they try to recreate the Board of Estimate within
8 the Commission by giving the Borough Presidents a
9 role there as well as the public advocates?
10 Ultimately they came down in favor of a balance
11 of power between the Mayor and the Council, where
12 the Planning Commission was nominated by the
13 mayoral appointees with some appointments by the
14 Borough Presidents as well. So that's the system
15 we have today.

16 ULURP applies 12 categories of actions and I
17 can't go through them all. But just to highlight
18 some important ones within the theme: With
19 respect to zoning, changes in zoning maps, it's
20 simple to change from manufacturing district to
21 residential district, let's say. Those all go
22 through ULURP and there are two types of
23 applications generally speaking. One application
24 is made by the private party for their property
25 and secondly, applications made by public

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1 parties, like the Department of City Planning,
2 for larger areas. Then you have categories of
3 actions that are commonly applied for by private
4 parties -- developers, owners -- like special
5 permits, when someone is trying to modify the
6 regulations that apply for a particular building
7 that they'd like to develop, whether it's the
8 height, the height and setback, the use. Those
9 are predominantly the private applications. And
10 then you have applications, which are by nature,
11 City-driven like site selections. Those are
12 applications made by City agencies in the case of
13 a site selection, which is a vow to establish a
14 new City facility, whether it be a new Sanitation
15 garage or a new waste water treatment plant.
16 Those are obviously applications for capital
17 projects made by City agencies. And so ULURP is
18 kind of a montage of those different types of
19 applications.

20 I think you understand -- and I'm not going
21 to go in detail of how the process works and how
22 it marches through the sequence -- but basically
23 you understand that there's 60 days with the
24 board, 30 days with the Borough President, 60
25 days at the Planning Commission and 50 to 65 days

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1 at the City Council.

2 One of the questions of course is, well,
3 where is the Mayor in all of this? What happened
4 to the Mayor? And the answer is that the Mayor
5 has a veto power over the Council's action and
6 the Council can override the Mayor's decision.
7 Veto, like in the case of local legislation. But
8 the Mayor's veto is not a line item veto and so
9 it's rarely used. Let's just assume City
10 Planning proposes a big rezoning like East
11 Midtown. The City Planning Commission approves
12 it, the City Council approves it, but it adds
13 modifications that the Mayor doesn't like. If
14 the Mayor vetoes, he's vetoing the entire
15 project. He can't single out the modification.
16 That's the way it works. And as a result, the
17 veto is extremely rare. And as a practical
18 matter, Council is the last say.

19 So in conclusion, this is a very intricate
20 process. It's guided by a set of objectives that
21 were identified in 1975. They were reenforced by
22 changes made by the Fritz Schwarz Commission in
23 the '80s and that continue in place today. And
24 those objectives in role remain as important
25 today as they were back then.

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1 No process is perfect and ULURP is by no
2 means perfect. And no process guarantees a
3 particular result either. But I think overall
4 that it has stood the test of time. I would
5 suggest that major changes and adjust to ULURP
6 should not be made without a huge amount of
7 study, a very significant investigation, so that
8 we can ensure that some of the values that were
9 vetted in in 1975 and used today are maintained
10 and that we don't lose them. Thank you.

11 MR. PERALES: Thank you. That's been very,
12 very instructive for those of us on the
13 Commission who are not planners.

14 I'm going to ask that you all go through
15 your presentation. We took too long in the last
16 panel. So it's five minutes for each and then
17 the Commission can get at you. Is that fair?

18 With that, Jessica Katz.

19 MS. KATZ: Hi, how are you? Thank you. I
20 want to thank the members of Charter Revision
21 Commission and for this important discussion and
22 for asking me to speak here today. My name is
23 Jessica Katz. I'm the Executive Director of the
24 Citizens Housing and Planning Council, CHPC.
25 Founded in 1937, we began our mission as a civic

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1 organization, which was to develop and advance
2 practical public policies to support the housing
3 staff of the City of New York. We're a Council
4 of 90 leading professionals across all aspects of
5 the housing and planning sectors.

6 Prior to joining CHPC this year, I spent 12
7 years at the New York City Department of Housing
8 and Urban Development -- of preservation and
9 development, where I held various positions. But
10 for most of my time with City government, I was
11 responsible for the City's Supportive Housing
12 Pipeline to create homes for chronically homeless
13 and disabled New Yorkers throughout New York
14 City's neighborhoods. I'm very proud of the
15 communities and strategies that we have built in
16 the supportive housing sector and will say that
17 it was only by engaging in a robust community
18 process, that we have been able to create so many
19 successful supportive housing projects throughout
20 New York City.

21 I'm here today in my capacity as Executive
22 Director with CHPC, eager to engage in a
23 discussion about how to include the quality of
24 our public discourse and ensure a better decision
25 making process to guide Land Use decisions in our

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1 complicated ever changing City.

2 And on a personal note and as a policy nerd,
3 I'm very envious of your role as members of the
4 Commission. You have the opportunity to reform
5 the circulatory system and the skeleton of the
6 New York City government and I hope you're all
7 enjoying the process and I'm happy to be in the
8 conversation.

9 CHPC has been working over recent years to
10 change the City's approach to Land Use issues.
11 We want to make it easier for community members
12 to say yes to local Land Use actions that they
13 support and not simply easier to say no. That
14 means having a more streamlined review process
15 that incorporates community feedback,
16 environmental reviews and input from government
17 agencies in a way that is collaborative instead
18 of adversarial. Rather than simply putting more
19 potential roadblocks in the hands of those who
20 would oppose any change, the City should make
21 adjustments to its planning procedures to make a
22 new housing a positive asset for communities and
23 their existing residents.

24 Community input is a core value of our
25 democracy. But not all community processes are

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1 created alike. We must ensure and secure that
2 the community process can incorporate both local
3 and Citywide needs and drive the creation of
4 affordable housing, rather than act as a
5 deterrent. Community planning rather than
6 new-deism (sic) should rule the day.

7 City Charter reform creates an opportunity
8 to make meaningful change, but it also runs the
9 risk of handing the keys to those who resist the
10 creation of much needed affordable housing or
11 give too strong a voice to a local few, while
12 those most in need are shut out of the process.

13 Now, I would like to put forth five key
14 recommendations. First, a predictable timeline,
15 which is critical. The ULURP process currently
16 has as a well defined timeline in its ritual.
17 That should not change and any discussion of
18 lengthening that process, must be bound against
19 the costs of doing so. Second, the process must
20 find a way to balance Citywide needs against
21 neighborhood goals. Third, we need to start by
22 establishing our goals for the land use process.
23 Community input and participation is a valid view
24 and a goal in itself, but New York City has many
25 other planning and development goals. Creation

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1 of affordable housing, returning City owned land
2 to productive use and neighborhood
3 revitalization, among others. Fourth, the
4 Department of City Planning must have the
5 resources, so they can better process Land Use
6 actions and provide more robust technical
7 assistance to Community Boards. Fifth, we must
8 create a process that gives voice to the
9 voiceless. Currently the only people who don't
10 have a vote in the ULURP process, are those who
11 may someday live in the new housing proposed.
12 For an example that is near and dear to my heart,
13 there are 60,000 homeless people in New York City
14 and they do not have for the most attend
15 Community Board meetings. And yet, it's both our
16 legal and moral responsibility to ensure that
17 their needs are met.

18 And to wrap-up, I just want to say, the
19 ULURP process as it currently stands is long,
20 it's technical and it's messy. Communities
21 complain their voices are not heard. Developers
22 complain that their needs are not being met. The
23 pre-ULURP process is used for productive
24 negotiations and as a stall tactic. In the
25 course of your public hearings, you will hear

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1 complaints that the process is too rigid and at
2 once too open-ended. That there's too much
3 community input as well as not enough. So where
4 I started my testimony today with all the reasons
5 why ULURP reform is needed, there will be no
6 perfect solution that satisfies everyone. And it
7 just may be that like any good negotiation, we
8 know we've succeeded when all parties walk away
9 unhappy with the result. It may be that the
10 ULURP process for all its faults is simply a
11 reflection of how difficult these Land Use
12 choices are and that the controversy is not a
13 reflection of a broken process at all, but of a
14 productive push and pull among stakeholders.
15 Thank you, again for inviting me to continue to
16 be part of the discussion and I'm happy to answer
17 any questions.

18 MR. PERALES: Well, we'll have questions
19 after we've heard from everybody.

20 Tom, we're going to go to you next.

21 MR. ANGOTTI: I think one big problem is not
22 the ULURP process or the length of the ULURP
23 process itself. I'm not suggesting lengthening
24 it or shortening it. It goes through necessary
25 steps. The problem is pre-ULURP. All of those

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1 discussions that go on, side discussions,
2 agreements that get made behind closed doors are
3 part of the undemocratic process that precedes
4 ULURP. And it's followed by a series of public
5 hearings at the Community Board level, at the
6 Borough President level, at the City Planning
7 Commission level, at the City Council level,
8 which are more theater, than true democracy.
9 Why? Because we're stuck in a method for
10 participation that is bankrupt. I've attended
11 many of these and have heard people upset because
12 they have to wait eight hours, ten hours to give
13 a three minute presentation to a panel that's
14 absent. There's only a stenographer and there's
15 one or two people on the panel that happen to be
16 there with their eyes open. This is broken. We
17 need true democratic participation and dialogue
18 between the people who are going to make those
19 decisions and -- and perhaps we need to have
20 public advocates or perhaps the public advocates
21 office getting involved in structuring a truly
22 democratic process.

23 The other thing that's broken is the
24 environmental review process. It occurs mostly
25 before a ULURP application is certified and goes

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1 through ULURP. It's done in a very highly
2 technical language that most people don't
3 understand, including many elected officials, who
4 have to take the vote. And in the meantime, the
5 environment suffers because the real
6 environmental issues that we need to be addressed
7 when you have massive development, go through a
8 process of environmental review that is only
9 geared toward disclosing potential negative
10 impacts and not necessarily mitigating them and
11 not necessarily changing the way the City does
12 business, so that future Land Use actions don't
13 have negative environmental impacts. So
14 environmental reviews have a disclosure process.
15 It does not require anybody to do anything. And
16 there's no follow-up. Even when there's a
17 promise of a mitigation, there's no follow-up ten
18 years down the line, to see if that school was
19 built.

20 So there have been several proposals for
21 changing this pre-ULURP process. Community
22 benefit agreements, memorandums for understanding
23 written coming out of the Mayors office or other
24 offices in City government. But they don't --
25 they disappear very quickly. The Williamsburg

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1 rezoning in 2005 was followed by a memorandum of
2 understanding of about 30 pages coming from the
3 Mayor's office, that nobody can seem to find
4 today. There's nothing in it that requires the
5 City absolutely to provide the financing
6 components that were promised in that memorandum
7 of understanding.

8 MR. GEWOLD: You have one minute remaining.

9 MR. ANGOTTI: So my recommendations are
10 basically sunshine for the pre-ULURP process.
11 Make it out in the open, public and don't let it
12 be negotiating behind closed doors, because then
13 people get to the ULURP process and say all the
14 deals have been made. We can't change anything.
15 The applicants are reluctant to make any
16 significant changes, because it might set them
17 back and they might have to do another
18 environmental review and start all over again.
19 Change participation. Make it a truly democratic
20 participatory engagement, so that people can
21 engage with the issues at hand. Community Boards
22 again need the financing provisions to have the
23 professional help and also to be able to provide
24 information to the citizens and the people who
25 participate in the ULURP process.

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1 I do think Community Boards need to be
2 elected and more representative and again, that's
3 very uneven. There are many Community Boards,
4 particularly in the new immigrant communities,
5 that are multi-laboral and conduct all of their
6 business in one language, English.

7 Training, paid for by the City, of Community
8 Board members in the areas that they are engaged
9 with. And I do think the Community Boards are
10 old and mature enough now that their votes could
11 be equal to the Mayor's votes. "Not in my
12 backyard" exclusionary thinking is not only a
13 thinking that resides in neighborhoods; it
14 resides in government as well. It takes a
15 different form. So lets attack new-deism
16 wherever it may occur and let communities have a
17 real stake in the ULURP process.

18 Just in the last year, I've attended many
19 Community Board hearings, Land Use community
20 hearings, where hundreds of people -- as a result
21 of rezoning that's very popular. Hundreds of
22 people turnout to demonstrate and loudly and
23 disrupt and close down the meetings. That's a
24 symptom of a lack of power. It's not power.

25 And finally, I have one other detail I think

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1 that should be reconsidered, are the fair share
2 requirements that were in the 1989 Charter
3 Revision and are extremely unique. This is that
4 every community should get no more than its fair
5 share of burdensome land uses by City facilities.

6 MR. PERALES: Your time is up. We'll get a
7 chance to ask you some follow up questions.
8 Thank you very, very much.

9 Our next name on the list is Moses Gates

10 MR. GATES: Thank you and I do apologize. I
11 have a 4:00 meeting downtown and I have to leave
12 after this. My name is Moses Gates. I'm the
13 Vice President for Housing and Neighborhood
14 Planning and the Regional Planning Association.
15 And we work not just in New York City, but in the
16 kind Tri-State area, Connecticut, Hudson Valley,
17 Long Island and Northern New Jersey.

18 And the first thing I kind of want to
19 acknowledge is that compared to many other
20 municipalities, ULURP is more transparent, more
21 community involved and more predictable for
22 developers than many, many other Land Use
23 processes in the region. I think we need to
24 start by kind of acknowledging the parts that are
25 good as well as the parts that need improvement.

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1 In our experience, the symptom of kind of
2 the conflict, the theme of the conflict
3 throughout most of ULURP process that can stop
4 good things from happening and also not give
5 communities the power over unneeded or unwanted
6 uses, is a sense that there's no ability to
7 proactively community plan. That unless you're
8 able to put forth a positive vision that has some
9 oomph behind it and some ability to be
10 recognized, that the only option you're left with
11 is an option of obstruction or an option of
12 essentially trying to go through the process and
13 make the best of what might be perceived as a bad
14 deal. And I think the Charter Commission has a
15 really interesting opportunity to kind of revisit
16 that and make things a lot more predictable for
17 the development community as well as a lot better
18 for other communities that are going through
19 this.

20 I would say that the biggest thing in terms
21 of Community Board Reform and we've kind of
22 discussed that, there are many, many tools and
23 processes. One I want to point out is a civic
24 engagement tool that was actually developed by
25 the government of Madrid, called Console, which

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1 is kind of an open-source software tool. When I
2 was a tour guide routinely working till around
3 11:00 at night, I was not able to attend any
4 Community Board meetings and I actually really
5 wanted to at that point in my life. If you work
6 nights, if I can't get childcare, if you are
7 otherwise kind of have life obstacles, you are to
8 a large extent kind of shutout of the community
9 process, even though we've advanced to the point
10 where there are other tools, other than going to
11 a weekly evening meeting every alternative
12 Tuesday, to kind of give our influence and have
13 communities give thoughts as to the Land Use
14 process and we're long overdue to embrace those.

15 The other thing that we can do as an able
16 community is to kind of proactively plan for
17 their neighborhoods, which is again, starting to
18 happen a little bit in a very interesting way.
19 The ULURP process is essentially a disclosure
20 process in decision making. It's more or less a
21 tri parte negotiation process between the
22 relevant City Council person, the administration
23 and whoever is proposing the project. And if
24 you're proposing the project, you kind of have a
25 seat at the table. And what communities are

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1 starting to learn is that if they propose a
2 project, it might not come out the other side as
3 they are envisioning, but they're able to drive
4 the discussion and they both have a seat at the
5 table. Because in the ULURP process, anyone is
6 able to propose a rezone. If it is legal and
7 meets all the requirements, you're able to put it
8 in and legally City planning needs to move
9 forward with it. What is happening and what
10 we're seeing is that communities are doing this,
11 but only communities that have the financial
12 resources and social capital to be able to do it.
13 For instance, the rezoning process on the Upper
14 East Side, that was done essentially to try to
15 knock some height off of a proposed tower. That
16 was able to be done because of the finances and
17 social capital of the community on the Upper East
18 Side that --

19 MR. GEWOLB: One minute remaining.

20 MS. GATES: An office of community based
21 planning that would be able to both give
22 resources and assist communities in developing
23 kind of a proactive framework, would be very
24 interesting. Not necessarily a rezoning
25 framework, because I don't think that addresses

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1 most community needs. But communities were able
2 to put forth a positive vision that included --
3 and I must stress this -- included fair share
4 provisions; not just for infrastructure, but for
5 housing development and affordable housing
6 development and that was part of what was worked
7 out with the administration. You'd be able to
8 kind of create a blueprint that developers would
9 be able to work within and have a lot more
10 understanding and be able to kind of move through
11 the process with a lot less resistance if there's
12 a little more definition of what the community is
13 looking for both in terms of development and also
14 in terms of any kind of added amenities that
15 might result in the development process. So we
16 want to stress kind of the office of community
17 based planning that can kind of help facilitate
18 this, as well as more modern tools for civic
19 engagement, which will allow a much, much greater
20 voice of people to be present in the development
21 process, as opposed -- and I must stress, more
22 voices, does not necessarily lead to a different
23 outcome than less voices. I think that's fairly
24 neutral in the outcomes that might happen. And
25 thirdly, some form of fair share process. But a

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1 fair share process that also acknowledges a
2 community's need to meet housing obligations and
3 meet the affordable housing obligations in kind
4 of a growing and increasingly expensive City as
5 well as new community amenities and
6 infrastructure obligations.

7 MR. PERALES: Thank you very much, Mr. Gates
8 and I hope you make your meeting.

9 MR. GATES: I will give it my best shot.

10 MR. PERALES: Ron Shiffman.

11 MR. SHIFFMAN: Thank you very much and thank
12 you for inviting me, commissioners and dear
13 colleagues. I'm Ron Shiffman. I'm Director
14 Emeritus for the Pratt Center for Community
15 Development, which I founded in 1964. I also was
16 Chair of the Planning Department of Pratt for a
17 number of years and a Professor Emeritus there.
18 I served on the City Planning Commission between
19 1990 and 1996.

20 I want to step back a little bit, because I
21 think a lot of the decisions to be made have to
22 be made within a framework. The year I graduated
23 from high school, then developed an architectural
24 school, bus segregation in the United States was
25 being vigorously challenged and eventually ended.

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1 Until the Montgomery Bus Boycott, Americans
2 accepted the fact that African-Americans had to
3 sit in the back with Whites in the front. And
4 when a White person entered the bus if there were
5 no empty seats, a Black person had to get up and
6 yield their seat to a White person. Today we
7 acknowledge that outrageous wrong, except when it
8 comes to Land Use and development decisions.
9 Displacement of residents because of their class,
10 race or income or place of origin has become
11 commonplace in every community in this City and
12 in too many City's across the nation. This is in
13 large part because we allow Land Use decisions to
14 be guided by marketplace principle and the
15 highest and best use principle. The appraisal
16 institute defines highest and best use as the
17 following, the reasonable, probable and legal use
18 of land for an improved property that is
19 physically possible, appropriately supported,
20 financially feasible and that results in the
21 highest value. We allow concepts like highest
22 and best use when we engage in market and
23 development for Land Use and development
24 decisions, all of which dictates how Land Use
25 decisions are made in the City. Highest value is

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1 a purely a marketing terms and not based on a set
2 unique scale alternatives for a shared vision of
3 our City. A City of social, economic and
4 cultural diversity. A City of inclusion and
5 opportunity. We ignore the phrase of the
6 definition, legal use of, which can and should
7 include factors such as social, economic
8 integration and other values that can result in
9 engaging their planning process to achieve
10 constitutionally numerical rights and
11 selectively desired outcomes. Instead, we engage
12 in Land Use decisions predicated on policies to
13 attract the creative class, middle income
14 families and to maximize the return of the
15 ordinance speculation. When we do this, we're
16 telling more impoverished, low income residents,
17 new immigrants and people of color that they are
18 to yield their seats to those of higher income
19 and to those that generate more wealth for a
20 select few. 53 years after Montgomery, we use
21 the same principal of racial segregation in a
22 sophisticated way to sort out and segregate our
23 society; not in buses, but in our neighborhoods.
24 We are all victims of that policy. We all pay
25 for the resulting disparities. This City needs

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1 to stop the Land Use policy driven by development
2 and instead adopt a policy based on principles of
3 inclusion and opportunity coupled and driven by
4 community based planning. Planning must precede
5 land use and associated action. Planning
6 properly undertaken would include social,
7 economic, environmental, education and
8 transportation factors at the outset. It should
9 be comprehensive and integrated; not separating
10 our needs into Cylos, but weaving together a
11 strategy that leads to qualitative and viable
12 places. Planning needs to be people centered;
13 not driven by speculative, narrow economic
14 returns. Specifically, I would like to refer you
15 to the testimony of Paula Segal, that outlines
16 some steps that need to be taken and that should
17 be an integral part of any proposed Charter
18 charge. I would also suggest that you read and
19 re-read the very important title, "The Inclusive
20 City: Strategies to Achieve More Equitable and
21 Predictable Land Use in New York City," and meet
22 with members of that working group that produced
23 that report. In large part their recommendations
24 are an outlook of the experience and the
25 deliberation of two dozen of New York City's

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1 political organizations dedicated to the healthy,
2 vitality and qualitative growth and development
3 in the City. Indeed there are many communities
4 in New York City, especially environmental
5 justice communities, many of whom have been
6 engaged with the New York City Environmental
7 Justice Alliance and engaged in their own
8 inclusive proactive comprehensive command for a
9 long time with neither assistance for support
10 from the City.

11 MR. GEWOLB: One minute.

12 MR. SHIFFMAN: -- the impact the planning
13 for inclusive and just City. Today is June 19th.
14 A day, Freedom Day, that commemorates the
15 announcement in Texas of Lincoln's Emancipation
16 Proclamation ending slavery throughout the former
17 confederacy issued two years before that.
18 Unfortunately, the legacy of slavery and the Jim
19 Crow Laws that followed have not all been
20 eliminated. Indeed, many of them continued in a
21 sophisticated way and are perpetrated by too many
22 in our profession in the way that we develop our
23 Land Use and zoning policies and in the
24 development that basically won. This Commission
25 has the opportunity and indeed the obligation to

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1 craft the Charter that sets a new direction.
2 Please seize the opportunity to reject the Land
3 Use policies of today and engage in a planning
4 first policy that in turn leads to the Land Use
5 and zoning policies necessary to create an
6 equitable and sustainable City of opportunity.
7 One based on principles of social, economic and
8 environmental justice. I think through that kind
9 of framework, then the details fall into place.
10 We had a City Planning Commission like a
11 Community Planning Board that has no longer word
12 the word planning. There are Zoning Commissions,
13 there are Land Use Review Commissions. They're
14 not looking at planning. They're not looking at
15 the totality of what we do in our City that comes
16 to rest in the neighborhoods where our people
17 live. And I think it's about time that we began
18 to reinstitute the planning process. We stripped
19 away from the Planning Commission years ago, the
20 right to review the capital budget. And with
21 that, we also stripped away any creativity of
22 that agency to go out and work with communities
23 in a true and honest way. Missing are the
24 community initiated efforts to begin to see how
25 the people can craft and develop their

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1 neighborhoods. Sure we need a predictable
2 timetable. Sure we need more affordable housing.
3 But our affordable housing strategies are such
4 that they're creating greater displacement in the
5 communities while it's bringing in more
6 affordable housing for a different income group.
7 The people on the local level are not stupid.
8 They know what's happening when the area is
9 changing. They know what's happening when their
10 schools are overcrowded and they don't see a new
11 school in the pipeline. We've got to reinstitute
12 the 197A planning process, which is a community
13 initiated planning process that has teeth. That
14 engages the community and the developers and
15 others in predictable forms that can take place
16 today. But unless we think about the words and
17 at processes and the framework of justice, then
18 we're going to be failing on this Charter
19 Revision.

20 MR. PERALES: Thank you. We appreciate your
21 comments.

22 Elena.

23 MS. CONTE: Thank you. Good afternoon later
24 in the afternoon. Thank you again for the
25 opportunity to speak and listen. Again I'm with

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1 begin with the Pratt Center Development. I'm a
2 spring chicken compared to Ron and Tom. I have
3 about 15 years of experience in this and what I
4 didn't say last time was that I really appreciate
5 the openness of this Commission to really
6 interrogate us, even though it wasn't an official
7 formal charge. I think it's a really critical
8 time in the City to be considering this. Things
9 are at a fever pitch in terms of the development
10 battles in the City and the consideration of
11 what's happening on a neighborhood level.

12 The overarching point that I want to make is
13 that planning is more than Land Use. Right? It
14 properly considers the systems and structures
15 into which Land Use sticks. Right? It's about
16 the social, environmental and economical change
17 and land use is not just planning. Right? And
18 so I think we're asking the wrong questions about
19 Land Use procedures about government,
20 stakeholders, developers and communities is that
21 too much is being lumped onto the process
22 unfairly. Right? Communities feel as though the
23 structural issues that are related to employment
24 and right to stay, access to quality education,
25 environmental health and quality, all of these

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1 things are being ignored through the Land Use
2 process and that Land Use changes have impacts on
3 those things that are not being addressed. And
4 on the flip side, government agencies and private
5 actors feel as though they're being asked to
6 address questions that are outside of their
7 jurisdictional responsibility, that are outside
8 the bounds of the Land Use process. And in
9 government, they either question the connections
10 that community members are making about cause and
11 effect or even if they are inclined to trust
12 those connections, they are without the tools to
13 incorporate them into work. I'm sorry. Not a
14 professional testifier fire. And the response
15 that communities often looks like, we need to
16 oppose this in order to get less of what I don't
17 want. Right? And often times, Council members,
18 especially in lower income and communities of
19 color, are saying, I need to embrace or invite
20 this in order to get more of what we deserve in
21 terms of structural investment. And all of that
22 just puts too much on Land Use. Land Use can't
23 do all of that. Right? But planning can do more
24 of that. So again, I'm a spring chicken, but I
25 still have coauthored in 2010 for the last

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1 Charter Revision Commission. I'm going to
2 reference it and followup here -- again, very
3 short, it says we need to plan comprehensively.
4 It says we need to strengthen community based
5 planning, we need to address fair share and we
6 need to track commitments. Right? All of those
7 things are still true. There's been lots of
8 progress with neighborhood commitments, although
9 little has been done about tracking specific
10 commitments. But honestly, that's the smallest
11 piece. The biggest piece, the structural cause,
12 the root of it all is that we're not planning
13 comprehensively as a City. Right? So we've got
14 a bunch of different polices, Next Gen, Lead by
15 50, One New York City, Turning the Tide Against
16 Homelessness, The Capital Planning Process, the
17 Neighborhood Development Fund, 100,000 Good Jobs.
18 There's lovely policies or many policies that we
19 can repeat or vote, right? But they don't speak
20 to each other. Right? They're not Tom's
21 reference, right? The relationship of that to
22 the planning that's happening on the ground is
23 unclear. I think a lot of times people brand
24 communities as stupid in terms of thinking that
25 the Land Use process can address all of these

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1 problems. They just don't understand that that's
2 not how it works. I think folks very well do
3 understand that all of the action, attention
4 political capital and energy is being placed into
5 the Land Use process and there's vacuum of energy
6 around consistent policymaking that treat the
7 social, environmental and economic needs of the
8 community and they are going right to where the
9 action is in order to get needs met, because
10 system around it is deficient, the planning
11 system.

12 MR. GEWOLB: One minute.

13 MS. CONTE: Wow, all right. So quickly, the
14 zoning resolution is not a well considered plan.
15 Environmental review is certainly insufficient,
16 but the same thing about ULURP applies to
17 environmental review. We're debating the
18 displacement characterization and we should and
19 we should reform that. But we're doing that
20 because that's essentially the only place in the
21 City of New York where displacement is being
22 discussed in terms of real policy. We have an
23 opportunity with the way we do this process, but
24 it's not letting us tackle it. So if there's one
25 thing that the Commission addresses, it would be

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1 this vacuum around comprehensive planning. 197A
2 planning should not be advisory and actually
3 planning in general shouldn't be advisory. DCP
4 says we need a credible plan to accompany the
5 rezoning that are in displacement studies and yet
6 it's unclear to me what standing those plans
7 actually have if the commitments in those plans
8 aren't listed in a tracker bill. They're getting
9 actually a systematic way to go back and check
10 and see if those things happen or to see how
11 other community displacement. And it
12 disadvantages us on the State level as well,
13 right? There's an example happening right now in
14 the South Bronx where there was a tremendous
15 planning process that was done by the City and
16 now the State is proposing something
17 substantially different in terms of a highway
18 plan and there isn't actual standing for that
19 plan. So we need to strengthen community based
20 planning and planning at the same time. And I
21 will submit more in terms of further
22 recommendations in writing. So thank you.

23 MR. PERALES: Thank you. Adrien Weibgen.

24 MS. WEIBGEN: Hi, good afternoon. Thank you
25 for the opportunity to testify. My name is

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1 Adrien Weibgen. I'm a staff attorney at the
2 Community Development Project in Equitable
3 Neighborhoods Practice. We work directly with
4 impacted communities to further assist in
5 prejudicial, racial, economic and social
6 oppression. And in particular, we work with
7 communities to respond to City planning processes
8 and project developers and make sure that folks
9 who lived in those neighborhoods for a long time
10 aren't forced out in the name of progress. So I
11 have little to add to the excellent
12 recommendations you already heard from the
13 remainder of the panelists all of whom are very
14 big players, which I am not. But I do want to
15 offer some perspective from the work that CDP
16 does with community based organizations
17 throughout the City, many of which have become
18 the targets of neighborhood rezonings and next
19 generation neighborhood development. My main
20 objective is sort of to offer the perspective of
21 why it's so essential to -- similar to the
22 recommendations that the panelists have spoken
23 about in particular -- the need for transparency
24 in the pre-ULURP process and clear timelines.
25 And the support for community based planning,

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1 which is most certainly not the departments -- is
2 not mandated and not what they do. And also to
3 ensure there are ways to allow communities to
4 have a meaningful voice without involving
5 incident new-deism and segregation and other
6 efforts to be used as forms of local control. So
7 as I mentioned, we have done a lot of work along
8 with Elena and others on this panel on keeping
9 communities that are being displaced throughout
10 the City. And the reason it's so essential to
11 have independent support for planning within the
12 communities is that when the City comes to you, a
13 neighbor rezoning process that is not a process
14 that's initiated by the community almost ever and
15 it's a process that's in furtherance of a goal
16 that the City has set Citywide, that may be a
17 worthy goal. I think many of us on this panel
18 really disagree with the answer to the
19 affordability crisis plan which is just make more
20 houses. But to me, that's a plan designed to
21 create more affordable housing that, which is a
22 goal that many of my clients share. But because
23 the orientation of the plan is to say essentially
24 because the administration to meet the demand of
25 300 units of affordable housing, that we have to

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1 build a reserve. They have set a goal that's
2 based on the number of units, but it is not a
3 goal that was set by the most directly impacted
4 communities. It's not a goal that is supported
5 by anyone in the affordable housing communities
6 or any of the organized communities that I work
7 with nor any of the people it purports to
8 benefit. Be that as it may, that's the goal that
9 doesn't set the driver of neighborhood
10 rebuilding. It to a great extent is helping to
11 meet that goal and that is also too true of plans
12 to develop in-full projects on NYCHA land where
13 again, the City plans with NYCHA to build between
14 80 and 100 NYCHA campuses around the City. NYCHA
15 Housing is of course a demand of deeply
16 affordable housing in the City and also of
17 largely a Black and Brown population that does
18 not have its needs met and will not have the its
19 needs met by the program that's being proposed.
20 In the face of all of that, my clients have an
21 unending amount of optimism that I respect them
22 for tremendously, because in many cases, they and
23 their families have been displaced by previous
24 planning processed be it a rezoning in
25 neighborhoods such as Williamsburg or earlier

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1 initiatives for urban renewal. I have clients
2 from the South Bronx who were displaced from
3 Harlem as part of an urban renewal. As Elena
4 alluded to, the issues with the highways in the
5 South Bronx that have been going on for quite a
6 long time. We also have clients who were
7 displaced by various Robert Moses projects to
8 build highways. So all of our clients have
9 witnessed over and over the City initiating
10 planning processes that from the perspective of
11 the City seemed like a really excellent idea and
12 almost always are enhanced by lay planners who
13 think they have really great ideas for the low
14 income communities of color that they want to go
15 in and fundamentally change. So despite all of
16 this extremely negative history that our clients
17 are very aware of from their personal experiences
18 from being displaced and yet they engage in the
19 City's formal ULURP process in every possible way
20 that they can and then some. So they send
21 letters to agencies before the process even
22 starts telling them what they want. They make
23 certain community plans and hopes that is going
24 to influence what the City does. They turn out
25 in droves to every single hearing, as Tom was

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1 pointing out -- at least all of the hearings that
2 I have been at, if it was an any sort of voting
3 process based on what community members say they
4 want, not one of those neighborhood rezoning that
5 this administration has advanced, would have
6 passed. And think --

7 MR. GEWOLB: One minute.

8 MS. WEIBGEN: So this is just to say that
9 the support for community planning are absolutely
10 essential, because there's nothing worse for
11 democracy than when people actually go through
12 the process and participate and they turn out in
13 droves and they do absolutely everything they
14 can, only to at the end of just say, that was a
15 just waste of my time. And there is a real
16 opportunity today to say it's not of waste of
17 peoples' time if they know that chicken is not
18 cooked when it's put in the over already. Like
19 if they can have an opportunity to participate in
20 the earlier portions of the planning, if the City
21 is required to disclose several different options
22 when it proposing a neighborhood rezoning; not
23 here's what we're presenting, take it or leave
24 it. Which is by and large what is happening.
25 But instead, here's one version of what we think

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1 and here's why. And we understand that you all
2 have different goals, so heres what that would
3 look like and here and the impacts of that
4 alternative. There's some very inadequate
5 version of this in the City's environmental
6 review process, but it comes way too late to
7 allow anyone to meaningfully consider, which of
8 these alternatives would meet the goals of the
9 Community Board. In my waiting ten seconds, I
10 also want to make a quick pitch for NYCHA
11 development. All NYCHA development to be subject
12 to ULURP. At the moment, some of the development
13 that takes place on NYCHA campuses is not subject
14 to the ULURP, which completely disenfranchises
15 NYCHA residents in the process. There have been
16 a lot of recommendations on Land Use. What I'm
17 asking today is that that is a relatively simple
18 one that would make a huge impact specifically as
19 the City planning between 80 and 100 in-full
20 projects around the City of up to 10,000 units of
21 affordable housing, which will have a huge impact
22 on NYCHA residents. And today many of them have
23 absolutely no say in the matter and their Council
24 members don't either and the Borough Presidents
25 don't either and that is something that could be

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1 addressed by the Commission.

2 MR. PERALES: Thank you very much. Let me
3 tell you what my problem is. We're supposed to
4 put something clear and concrete before the
5 voters in November. We're not decision makers
6 here. We're here to determine what are the
7 issues that you think should be addressed in a
8 revision of the City Charter. And if you have
9 the opportunity or are so inclined, maybe you can
10 go back and send us something that will help us
11 to digest, better understand what your positions
12 are on what we can do about Land Use with what
13 are going to be relatively modern changes in the
14 City Charter. Remember, you don't want to go
15 into a voting booth and have to review a three
16 page referendum that this Planning Commission put
17 before you. So we have a tough job. And while
18 we have been persuaded by many of your comments,
19 I'm not so sure we understand what to put before
20 the voters.

21 One question I have is actually David
22 Karnovsky -- either I missed it or you didn't say
23 it -- but there have been lots of issues around
24 or disappointment dissatisfaction with something
25 called pre-ULURP process. Can you take a minute

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1 and tell me what it is?

2 MR. KARNOVSKY: Sure. Okay. The pre-ULURP
3 process is fundamentally about two things from an
4 applicant's standpoint, whether it's a City
5 applicant or private applicant and then I'll talk
6 a bit about the interaction with stakeholders
7 during that same period. It's about preparing
8 the application and preparing the environmental
9 review. Getting everything in order to the point
10 where it's ready for public review.

11 MR. PERALES: There are no time limits for
12 this?

13 MR. KARNOVSKY: Well there were no time
14 limits for a long period of time and there were
15 lots of complaints and the Department of City
16 Planning, towards the end of the Bloomberg
17 administration, promulgated some rules that were
18 designed to systemize this whole process and
19 create not absolute timelines but cycles of
20 review within the department to try to ensure
21 timely response by the department through
22 submissions by applicants. So for example, if
23 you prepare a draft application or a draft
24 environmental review document, you submit it to
25 the department. The department comments on it,

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1 sends it back to you within a period of time.
2 You go through a period of processes to the point
3 where the department says this is complete and
4 ready for review. So there's no absolute
5 timeline. No one can say it takes only this
6 number of months. But there is a sequence that's
7 followed and it's standardized now and the
8 intention of the department is to create some
9 order in this process that didn't exist before.
10 And I think it's been relatively successful. The
11 overall timeline is long, but there is more
12 certainty about how you do it, what steps you
13 have to go through, who you have to talk to and
14 all of that sort of thing. I think what was
15 discussed by others here has more to do with
16 what's going on between an applicant -- between a
17 private applicant perhaps but also the department
18 which goes on an area wide rezoning during that
19 time period in terms of interaction with the
20 community with the local electives the Community
21 Board and so forth and so on. That interaction
22 takes place, which refers to dissatisfaction
23 about some aspects of it. But I'll tell you from
24 the point of view of private applicants, those do
25 not engage in that kind of consultation are

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1 making a huge mistake and they do it, because
2 they're never advised or they ignore those
3 parties, because you can't go into the ULURP
4 process and expect to come out with any form of
5 success if you haven't touched base and had those
6 discussions. Now, the transparency of that
7 process is something that Professor Angotti has
8 talked about and written about and those are some
9 potential questions and issues. But it takes
10 place because applicants want to improve their
11 proposals and better assure that they will get
12 support when the process is actually launched.
13 So that does take place, whether it be a
14 Community Board or the Council member or the
15 Borough President. The Department of City
16 Planning obviously does the same thing in its own
17 ways. So that's that whole chunk of time.

18 MR. PERALES: That helps. Other
19 Commissioners have questions?

20 MS. SEECHARRAN: So I was also interested in
21 the pre-ULURP process and I wonder, Professor
22 Angotti, if you could share with us some very
23 concrete recommendations for increasing
24 transparency? And I also wonder if any of the
25 panelists could comment on the Office of

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1 Community Based Planning that was recommended by
2 Moses, if that would be an opportunity to address
3 some of the recommendations that you share and
4 that second question is really for anybody.

5 MR. ANGOTTI: I would suggest an Office of
6 Community Based Planning should exist, but not
7 within the City Planning Department as it exists
8 today. In fact, there was at one time a
9 Community Planning Office and it did not really
10 engage with communities. It didn't have the
11 resources, the capacity nor did it have the
12 administrative support that's needed in 59
13 community districts. So I think it should be --
14 the problem is the Department of City Planning is
15 misnamed. It's a zoning department. They do
16 zoning. They don't do planning. I think the
17 biggest single reform could be a Charter
18 requirement that every ULURP action be consistent
19 with a 197A plan, with a community based plan.
20 And a community based plan that is also done with
21 the support, financial and technical support, of
22 City government in different agencies. Every
23 zoning should be based on a well-considered plan.
24 In fact, the State Constitution requires that.
25 Unfortunately, we have an historic blank here.

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1 The City Planning Department considers the Zoning
2 Resolution to be a well-considered plan. It is
3 not. It's a regulatory mechanism controlling
4 building size, height and so forth. But people
5 in communities want real planning. They want to
6 know ten years from now, are we going to have
7 enough school seats? Are we going to have better
8 health services? These are our problems. Our
9 problems aren't that we need more housing only.
10 That's what planning is. So I would say section
11 197A of the City Charter was revised in 1989
12 specifically to -- and it was a response to
13 community based organizations that were doing
14 their own plans. And it specifically allowed
15 them to do their plans, be considered by the City
16 Planning Commission and voted on. Well since
17 then, there have been only 17 approved. And Ron
18 and I know because we worked with many of the
19 neighborhoods and communities. They stopped
20 doing them. Why? Because the City Planning
21 Department votes on them, it approves them and
22 then they store them and put them on a shelf.
23 It's the classical planning problem --

24 MR. PERALES: Tell us, Ron --

25 MR. ANGOTTI: I say making that a

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1 requirement and making it a hard requirement in
2 the Charter and also clarifying the language on
3 having a professional City planner.

4 MR. SHIFFMAN: First of all, I'll give you a
5 quick point that I submitted in my written
6 testimony but amended to it a set recommendations
7 that I would like you to review and I think they
8 make sense, so I'll have to simplify them in
9 some way so they can be put on a ballot. I agree
10 very much with the fact that we need some form of
11 community based planning in the City of New York.
12 However. We have to be careful. Once we mandate
13 it, a 197A plan that becomes actual law, it also
14 has to go through an environmental review process
15 and it needs the resources by which to get that
16 through the process. So we might wind up with
17 having that as a law but there is no resources to
18 pay for the environmental impact statement if it
19 doesn't come through. And I think it's really
20 important to do that. The other thing is we
21 really have to get to the root of the
22 environmental impact analysis. What we do is now
23 the reason there's so much constant complaining
24 is that because all of the environmental
25 considerations are done once a developer or the

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1 City has an idea of a project they want. And
2 it's a project that's already fixed in their mind
3 and so they go about doing it. Planning is
4 setting down the principles that you want,
5 developing the framework that you want to achieve
6 and then you develop the projects. So it's in my
7 mind the environmental impact statement is at the
8 end of the pipe when it should guide. It should
9 be principle by which a plan is developed. No
10 displacement. No environmental adverse effects.
11 A whole variety of other issues. Once you do
12 that, then you make it predictable for the
13 developer and the community has a say upfront.
14 What we do now is the developer comes with -- and
15 I represented the community and worked with
16 Community Board 9 and the neighborhood was on the
17 other side of the fence around the Columbia
18 University expansion. And so all we could do is
19 work around what those developers had proposed as
20 opposed to saying we want to allow Columbia to
21 expand into the community, rather than takeover
22 the community and these are the principles we
23 want them to achieve. But it came after. It
24 came after Columbia developed their plans. After
25 they spent thousands upon thousands of dollars.

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1 So what they did is they brought in a whole
2 barrage of attorneys and the only person who had
3 any background in planning was myself and many of
4 the Community Board members. I think it was 1
5 against 100. And I think it really is important
6 that we revisit how we do the environmental
7 impact analysis. That is that would be the
8 framework, so it's predictable, rather than
9 responding to each individual developer that
10 comes along.

11 MS. CLARKE: My question is going to go
12 directly to Mr. Shiffman, because I know him my
13 whole life in Brooklyn. And I just wanted you to
14 explain not only Myrtle Avenue in Brooklyn and
15 how that became alive as well Community Board 9
16 in Brooklyn, Rogers Avenue, and what kind of
17 input you had? If you were going to put
18 something on the ballot in a statement to make
19 sure that community fully participates, what
20 would it be?

21 MR. SHIFFMAN: Well, if I knew exactly what
22 you're talking about -- I think it boils down to
23 the fact --

24 MS. CLARKE: On Pratt and Lou Bryant as well
25 as Horace Williams worked with you.

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1 MR. SHIFFMAN: Absolutely. I think what
2 happened is that in every case, including we hope
3 this will occur in Williamsburg and Tom's Red
4 Hook and other places is when you really work
5 directly with the people. People want to see
6 development. They want to see change. They want
7 to see economic developments around their area.
8 That's the jobs it creates. They want to see
9 that community develop in a way that's
10 accountable to them. So that the opportunities
11 that are made available allow them to grow. We
12 worked with the people on Rogers Avenue. We
13 worked on Myrtle Avenue. We worked with the
14 Flatbush Development Corporation. They developed
15 plans that came out of the neighborhood. We
16 worked with the folks in Bed Stuy that gave root
17 to the first community development corporation in
18 the country. There are now 7,000 of those.
19 That's because we didn't know anything until we
20 met and worked directly with the people. The
21 relationship between the professional working
22 with the community creates a new entity. And
23 that new entity understands the nature of what
24 the plans that are necessary. And once the
25 community buys in and has the power and the

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1 capability to pursue the goals of that area plan,
2 even if it take 10 or 15 years, they do it. So
3 it took a long time for Myrtle Avenue to
4 revitalize after the L came down. It took a
5 while for Rogers Avenue after the 1972, whatever
6 it was, blackout to come back. People worked at
7 it day in and day out. The problem is -- the
8 problem in every community that we're working in
9 is that their success is now being used to allow
10 other developers to come in that are now pushing
11 the people out of the neighborhoods. The success
12 of the communities that saved the City is that
13 they're now being displaced by that same energy
14 that revitalized neighborhood after neighborhood.
15 CHPC and others in 1983 said New York City would
16 be a City of 5.3 million. Today we're close to 9
17 million. And what we need to do is not go by the
18 plan shrinkage policies that some promoted
19 earlier on and I don't mean to blame you -- but
20 what is the vision that we want for the residents
21 that are living here; for the new immigrants that
22 are coming into New York City. They see the City
23 as a place of opportunity and what we're doing is
24 stealing away that opportunity by thinking the
25 only we grow is by importing people from other

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1 places. We have to think about how we invest in
2 the people who live in this City who immigrated
3 to this City who are here, rather than trying to
4 attract the new creative class of the City. We
5 need policies that invest in our City, rather
6 than others. And that's what the people of each
7 of those opportunities that you referred to
8 worked on that and that's how they educated us.

9 MR. PERALES: I think that's the right point
10 to close this session. My thanks to all of you.
11 Its been very instructive. As you can tell,
12 we're trying to learn as much as we can, so that
13 at the end of the day, we can put something
14 before the voters in November. And we're very,
15 very pleased by your presentation. Thank you all
16 very much.

17 (Whereupon, at 4:21 P.M., the above matter
18 concluded.)

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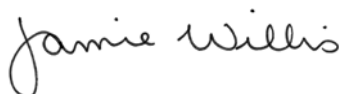
STATE OF NEW YORK)
 : SS.:
COUNTY OF RICHMOND)

I, JAMIE WILLIS, a Notary Public for and within
the State of New York, do hereby certify:

That the above is a correct transcription of my
stenographic notes.

I further certify that I am not related to any
of the parties to this action by blood or by marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 19th day of June 2018.



JAMIE WILLIS

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