

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NYC CHARTER REVISION COMMISSION

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March 21, 2019
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HELD AT: Council Chambers - City Hall

B E F O R E: GAIL BENJAMIN
Chairperson

COUNCIL MEMBERS:

- Commissioner Sal Albanese
- Commissioner Dr. Lilliam Barrios-Paoli
- Commissioner Lisette Camilo
- Commissioner James Caras
- Commissioner Eduardo Cordero Sr.
- Commissioner Stephen Fiala
- Commissioner Paula Gavin
- Commissioner Lindsay Greene
- Commissioner Alison Hirsh
- Commissioner Rev. Clinton Miller
- Commissioner Sateesh Nori
- Commissioner Dr. Merryl Tisch
- Commissioner James Vacca
- Commissioner Carl Weisbrod
- Commissioner Antonio Reynoso

A P P E A R A N C E S (CONTINUED)

Marisa Lago
Director of Department of City Planning and Chair of
City Planning Commission

Anita Laremont
Executive Director of Department of City Planning

Vishaan Chakrabarti
Associate Director of Practice at Columbia
University's School of Architecture

Andrew Lynn
Former Executive Director of the Department of City
Planning and former staff member to the 1989 Charter
Revision Commission

Joe Rose
Former Chair of New York City Planning Commission

Carmen Vega-Rivera
Leader of Community Action for Safe Apartments

Anita Laremont
Executive Director of Department of City Planning

Howard Slatkin
Deputy Executive Director of Department of City
Planning

Vicki Been
Former Commissioner of Housing & Preservation
Department

Patrice Carroll
Representative of Seattle Office of Planning and
Community Development

Sandy Hornick
Former Director of Strategic Planning at Department
of City Planning

New York City Council Progressive Caucus
(NEW: Council Member Antonio Reynoso)

Elena Conte
Director of Pratt Institute

Maulin Mehta
Senior Associate at Regional Planning Association

Tom Angotti
Professor of Urban Planning at City University of
New York

Jessica Katz
Executive Director of Citizens Housing & Planning
Council

2 [background comments][gavel]

3 CHAIRPERSON BENJAMIN: Hello. Good
4 evening and welcome to tonight's public meeting of
5 the 2019 New York City Charter Revision Commission.
6 I'm Gail Benjamin, the Chair of the Commission, and I
7 am joined by the following members: The Honorable,
8 Sal Albanese on my far left; the Honorable Jim Caras
9 on my near left, the Honorable Lisette Camilo on my
10 south side, I believe; the Honorable Paula Gavin on
11 my New York right, the Honorable Alison Hirsh on --
12 beauty before age -- on my far right, and in between
13 the two of them, the Honorable James Vacca. Below,
14 to my southeast, is the Honorable Carl Weisbrod and
15 to his east is the Honorable Sateesh Nori. With
16 these commissioners present, we have a quorum.
17 Before I begin, I will entertain a motion to adopt
18 the minutes of the Commission's meeting held on March
19 18th here at City Hall, a copy of which has been
20 provided to all of the commissioners. Do I hear a
21 Motion?

22 COMMISSIONER WEISBROD: [Raises hand]

23 CHAIRPERSON BENJAMIN: Second?

24 COMMISSIONER CARAS: Second that.

25

2 CHAIRPERSON BENJAMIN: Discussion? All
3 in favor?

4 COMMISSIONERS: Aye.

5 CHAIRPERSON BENJAMIN: Opposed?

6 COMMISSIONERS: [No Commissioners
7 Opposed]

8 CHAIRPERSON BENJAMIN: The Motion
9 carries. Did somebody say "pst" to me? Today we
10 will continue the commission series of expert forums
11 on the focus areas we adopted in January. This
12 evening we are privileged to be joined by a very
13 distinguished set of panelists put together in
14 consultation with my fellow commissioners, and they
15 have generously agreed to speak to us about several
16 land use related topics including ULURP and
17 comprehensive planning. How the city makes decisions
18 relating to the use of land, one of its most limited
19 resources, is critically important to our future.
20 The Commission has received many ideas for reforms of
21 the ULURP process which governs many of the important
22 land use decisions that are made in the city. We
23 have also heard a lot about improving the city's
24 approach to setting out a comprehensive approach to
25 future growth and development that takes into account

2 various competing needs and priorities. We are very
3 much looking forward to engaging with our panelists
4 on these important issues. As you can see, we have a
5 lot to get to this evening so let's get started with
6 our first panel which will be discussing ULURP. Each
7 panelist will have three minutes to introduce
8 themselves and provide brief opening remarks, and
9 then we'll have 30 minutes for commissioner
10 questions. It's a large group so it may be more than
11 30 minutes. If, however, there is not enough time
12 and you still have questions, please let the staff
13 know, and they will arrange for follow-up afterward.
14 On the first panel, and you might want to just
15 indicate who you are: We have Marisa Largo, current
16 Chair; Anita Laremont, Vishaan Chakrabarti, Andrew
17 Lynn, Joe Rose, former Chair, and Carmen Vega-Rivera.
18 Who would like to start? [laughter] Go ahead,
19 Marisa.

20 MARISA LAGO: Thank you. Good evening
21 everyone. I'm Marisa Lago. I'm the Director of the
22 Department of City Planning and Chair and of the City
23 Planning Commission. My remarks are going to focus
24 on two topics: The importance of continuing to rely
25 on as of right development to meet the needs of our

2 growing city and the necessity of having a workable
3 ULURP process to create needed housing. In New York,
4 unlike other large industrial era US cities, we're at
5 all-time high in both population and jobs. In 2000,
6 we reached our previous peak set in 1970. Since
7 then, we've added over 700,000 people, an entire
8 city of Seattle, and we've become more ethnically
9 diverse and we're continuing to grow. If we can't
10 continue to make room for immigrants, for our
11 children and for future generations of New Yorkers,
12 we'll fail to meet the needs of our most vulnerable
13 residents and we'll cease to be the diverse and
14 welcoming city that has defined us through history.
15 As of Right Development is the lifeblood of our built
16 environment. We should not threaten it by increasing
17 the number and type of land use actions that are
18 subject to ULURP. Over 80 percent of the new housing
19 produced since 2000 has been built as of right.
20 Without this development, approximately 300,000 New
21 Yorkers, an entire Pittsburgh, wouldn't have the
22 homes in which they live today. If as in San
23 Francisco every property had to go through a
24 discretionary land use review, the number of housing
25 units in our city would be less, markedly increasing

2 the pressure on our most vulnerable residents. The
3 existence of a sound workable ULURP process is
4 indispensable to creating the capacity for future As
5 of Right Development and to supporting the production
6 of permanently affordable housing. Since 2000 about
7 30 percent of the new housing that has been built
8 occurred As of Right following a ULURP approved
9 neighborhood re-zoning that had increased the amount
10 of housing that could be built. An additional 20
11 percent of new housing has come through ULURP as site
12 specific actions. About half of that is through
13 applications by private land owners and about half
14 through projects sponsored by the city. These city
15 projects are typically 100 percent affordable
16 housing. Underscoring the fact that producing
17 affordable housing relies on a workable ULURP
18 process. The ULURP process is premised on local
19 input. It gives community boards the opportunities
20 to weigh in first during public review, and it
21 culminates in the city council enabling the local
22 council member to play a key role in the final
23 decision. But to ensure that land-use decisions
24 promote a more equitable city, these local community
25 perspectives must be balanced with broader city-wide

2 views such as a need to cite necessary infrastructure
3 and to meet the housing needs of future generations
4 of New Yorkers. Creating enough housing for our
5 growing population is fundamental to addressing
6 displacement pressures in neighborhoods. If I might,
7 I have just one more point I'd like to make?

8 CHAIRPERSON BENJAMIN: Go ahead.

9 MARISA LAGO: Thank you, Chair. Some
10 express concerns that low-income neighborhoods bear
11 the brunt of most new housing development. I share
12 the passion for equity that underlies these concerns,
13 but this administration's policies are in practice
14 promoting equity by producing housing in high
15 opportunity neighborhoods. Since 2005 the largest
16 share of new housing production, a full 36 percent
17 has occurred in the 25 percent of neighborhoods with
18 the highest median income. And about one-third of
19 new affordable housing that's been completed under
20 Mayor de Blasio Housing New York Plan was built in
21 the same high income neighborhoods. My written
22 testimony goes on to address additional topics, but
23 in the interest of time, I'll thank you for the
24 additional moments and end here.

2 CHAIRPERSON BENJAMIN: Thank you very
3 much. I'm just going to take a minute as Chair to
4 acknowledge that Commissioner Cordero and
5 Commissioner Paoli have both arrived and to ask if
6 they would like to join in voting on the adoption of
7 minutes from the 18th.

8 COMMISSIONER CORDERO: Yes.

9 CHAIRPERSON BENJAMIN: So noted. Anita,
10 would you like to go next?

11 ANITA LAREMONT: Good evening,
12 Commissioners. I'm Anita Laremont. I'm the
13 Executive Director of the Department of City
14 Planning. Together with community boards, ULURP was
15 established in 1975 as part of a set of charter
16 revisions that discarded top-down master planning and
17 established the locally responsive land use decision
18 making process. ULURP was amended in 1989. It was
19 then that the city council's role was expanded to
20 amplify the voice of communities in the city's land
21 use process. ULURP today has three essential
22 ingredients: balance, predictability, and
23 transparency. Balance ensures that both neighborhood
24 and city-wide perspectives are given weight in the
25 ULURP process. Community boards and borough

2 presidents comment first, ensuring that decisions are
3 informed early on by local perspectives. Decisions
4 are made by entities by the city planning commission
5 and the city council with responsibilities to the
6 whole city. Decisions are informed, but we hope not
7 dominated by local voice. Balance also refers to the
8 shared power of the executive in the city council
9 that emerges from ULURP. The 1989 Charter gave the
10 executive a one-vote majority on the commission, but
11 it gave the city council the final word on every
12 ULURP application. The council itself balances its
13 role as a city-wide body against its practice of
14 giving a dominant voice to the local number on land
15 use matters. As such, local perspectives and the
16 views of the council are strongly represented and
17 increasingly decisive in ULURP. While some local
18 voices feel that the ULURP process does not give them
19 a strong enough voice, we hear from affordable
20 housing developers, fair housing advocates and others
21 who see that local concerns are frequently winning
22 out over the wider needs of families, immigrants and
23 others among the city's most vulnerable.

24 Predictability refers to access to the process with a
25 finite timeline. This seven-month process provides

2 opportunities to elicit and consider information that
3 can and does affect the outcome up to an including
4 the decision of whether not to approve a project.

5 ULURP ensures that the city cannot, as in Chicago,
6 sit on applications forever, nor can the city rush
7 projects through in a week. We strongly urge caution

8 around proposals that would allow non-applicants to

9 introduce amended applications during ULURP or that

10 would significantly broaden changes that can be made

11 at the very end of the process. This will undermine

12 predictability and deter many from entering ULURP in

13 the first place. Transparency refers to ULURP's

14 requirements for public notice and information. The

15 process informs the public and ensures the rights of

16 all parties including applicants to due process and

17 the opportunity to be heard on changes that may

18 affect them. In making its decisions, the commission

19 responds to all relevant comments and elaborates on

20 the grounds for its decisions in a public report. We

21 see this basic process as sound and caution -- just a

22 few more lines -- and cautions strongly against

23 changes that undermine its balance and

24 predictability. We are, however, mindful of ways to

25 make the process more transparent. We are already

2 making more information easily accessible to the
3 public earlier on in the process. Among are many new
4 transparency tools, I will simply point to our ZAP
5 portal which maps all applications and will soon make
6 full applications to all online. We commit to
7 working towards ever greater transparency as we move
8 forward. Thank you for your time.

9 CHAIRPERSON BENJAMIN: Thank you Anita.
10 Andy, or would you like to --

11 ANDREW LYNN: That's fine.

12 CHAIRPERSON BENJAMIN: Okay. Mr. Lynn?

13 ANDREW LYNN: Thank you for inviting me
14 to come here tonight. I've participated in the land
15 use process in a number of roles as an attorney in
16 private practice, lawyer for the 1989 Charter
17 Revision, Land Use Council to the City Council,
18 Executive Director of the City Planning Department.
19 I worked with a private company, allied with the
20 community to oppose a major facility the city wanted,
21 and the Director of Planning at the Port Authority.
22 I'm now at the WSP, a global engineering firm. The
23 starting point of this charter revision is strikingly
24 different from where things stood in 1989. That
25 effort was fundamental restricting of city government

2 after the Supreme Court found the Board the Estimate
3 unconstitutional. Because it came from the top down,
4 the commission's deliberations proceeded from first
5 principles to a specific process. In the ULURP the
6 commission sought a balance between the executive and
7 the legislative, the city-wide and the local; the
8 professional and the political. The current reform
9 effort is driven by ideas largely proposed by people
10 immersed in the processed. Many of them feeling
11 varying levels of frustration. If there's a general
12 theme, it might be multiple stakeholders who want a
13 larger bite of the apple. It is not surprising that
14 in the contention land use arena a variety of
15 participants think there is need for improvement. A
16 properly balanced process for deciding controversial
17 issues will leave many people with somewhat less than
18 what they want. The challenge for you is to find the
19 right framework for evaluating these proposals.
20 Often on land use matters, there's a vocal local
21 minority directly affected by an action whose
22 interest may conflict with those of a larger, quieter
23 city-wide constituency that has a stake in the action
24 and others like it but may not show up at the
25 hearing. It will be important to get beyond the

2 voices of the impassion few to understand the
3 interest of the many. These seems particularly true
4 at a time when the city faces a dawning array of
5 city-wide challenges, many of which play out
6 incrementally in bits and pieces in the land use
7 process. Examples include; the need to repair and
8 build affordable housing at a scale not seen in
9 decades; the need to generate jobs particularly for
10 those at or near the poverty level; the need to
11 address sea level rise, storm surge and climate
12 change. My suggestion is that you focus on how the
13 proposed charter changes would affect the ability of
14 this city to take action on big city-wide priorities.
15 Think about who in city government should be
16 responsible and accountable for addressing these
17 challenges. Be mindful that the more inclusive the
18 decision making the more difficult it becomes for
19 city leaders to advance or define vision and for
20 voters to hold leadership accountable. Look at the
21 makeup of the MTA board and its difficulties if you
22 need an example of muddied accountability. Consider
23 whether each proposed charter change might
24 unintentionally do harm. Will it make the process
25 longer, more complicated, more expensive, more

2 vulnerable to legal challenge. Most fundamentally,
3 how will the propose change affect the action needed
4 on the big issues. Thank you.

5 CHAIRPERSON BENJAMIN: Thank you, Andy.
6 Commissioner Rose?

7 JOE ROSE: Thank you for --

8 CHAIRPERSON BENJAMIN: You've forgotten
9 how to turn the mic on?

10 JOE ROSE: This -- turn the mic on,
11 sustain the three minutes, this all the -- the irony
12 is all deeply appreciated.

13 CHAIRPERSON BENJAMIN: [Laughter]

14 JOE ROSE: Thank you for the opportunity
15 to appear before you. My name is Joe Rose, Former
16 Chairman of the City Planning Commission and Director
17 of the Department of City Planning. I've also served
18 as Community Board Chair for three years for
19 Manhattan's Community Board 5. I've been an
20 applicant in ULURP. I've played every role or many
21 of the roles in the ULURP process over the last 36
22 years. For the last decade, I've been working with
23 cities around the country, mayors and legislatures
24 working on land use procedures with the goal in
25 conjunction with National League of Cities and the

2 Urban Land Institute to work on excellence in land
3 use decision making because that's where the real
4 action happens. I agree with many of the things that
5 have been -- almost everything that's been said by my
6 colleagues and predecessors here and no doubt, with
7 some of the things that will be said. I know the
8 time is short and there's a lot say. I'm just going
9 to go with some bullet points, and we can go into
10 them greater in depth if you want on some of the
11 issues that you actually called out. I think
12 establishing a pre ULURP mechanism would be a
13 mistake. I think that defined time periods of ULURP
14 make sense. The problem of having pre-negotiated
15 things that already appear with everybody signing on
16 it in advance actually detracts from the opportunity
17 for a full public discussion. All materials should
18 be available to be reviewed in the process but
19 actually having some kind of prior negotiation
20 period, I think, is problematic. I think a parallel
21 application that was mentioned in some of the
22 materials for borough presidents or others to have
23 companion alternative pieces would make it
24 potentially confusing process even more confusing so
25 streamlining I think make sense. I agree with the

2 required notion requiring accountability in reporting
3 on mitigation requirements that have appeared on
4 applications. That's something that needs to be
5 done. Follow up and accountability are critically
6 important. In terms of the time of the ULURP
7 process, I think the time generally works well, but
8 there are certain kinds of applications that either
9 because of their complexity, the various numerous
10 moving parts of them or sometimes just the outright
11 controversy requires a little more time at the
12 community level. And rather than have every
13 application be granted additional time, I think there
14 should be a process whereby petition a community
15 board can apply for an extra 30 days for an
16 additional hearing or an additional discussion. I
17 don't think that's -- that would be problematic and
18 some places would simply and be warranted. In terms
19 of the universal projects that are covered under
20 ULURP, I think it's by and large correct except I do
21 think some of the individual dispositions -- I'll be
22 quick and wrap it up. Some of the individual
23 dispositions of small properties for -- pursuant to
24 zoning for affordable housing can be taken out. It
25 would still require probably council approval, but

2 there's no reason to require, I think, a full ULURP
3 process for individual properties that don't meet a
4 certain threshold. I think the staying within scope
5 and having that scope, in terms of modifications in
6 the process is extremely important. The hyper
7 politicization of land use decisions is a real
8 danger. It's why the planning commission was created
9 in the first place in the 1930s and the power was
10 taken away from the Board of Estimate. I think that
11 it's appropriate for the council to play an active
12 role, but it should be within parameters as
13 established by scope. At the same time, in terms of
14 the major minor modification issue, I think the
15 criteria used are basically sound ones now in terms
16 what the threshold for what is automatically -- what
17 goes to the council and what doesn't. But there are
18 issues, especially regarding expired renewal plans
19 where there's such a disparity between what was
20 approved and what needs to be -- what subsequent
21 requests are that there things, once again, at a
22 certain threshold do warrant perhaps automatic
23 referral to the city council. In closing, I just say
24 there are two areas that there not directly related
25 to ULURP but they involve circumventing ULURP and

2 sometimes are taken as flaws of ULURP. The Board of
3 Standards and Appeals and the Administration of the
4 Zoning Resolution by the Buildings department are
5 areas that I think you really need to look at. The
6 City Planning department drafts and the City Planning
7 Commission adopts the zoning, but the Building
8 department administers and interprets and enforces
9 it, and there's a big gap. I think a lot of the
10 problems especially in terms of air tight transfers,
11 what's permissible and not permissible within the
12 parameters of ULURP; things like mechanical space
13 violations. If you had the City Planning department
14 and Commission playing a more active role in the
15 enforcement and interpretation of zoning and
16 overseeing BSA's actions, you would have a lot less
17 problems than we now have. Thank you.

18 CHAIRPERSON BENJAMIN: Thank you, Chair
19 Rose. Mr. Chakrabarti?

20 VISHAAN CHAKRABARTI: Good evening. My
21 name is Vishaan Chakrabarti. I'm an Architect
22 Planner, a Professor at Columbia and the Former
23 Director of the Manhattan for the New York DCP in the
24 years following 911. I'm testifying tonight as a
25 private citizen. I've reviewed many of the proposed

2 changes to the land use section of the charter and
3 must respectfully oppose the calls for significant
4 revisions to ULURP including the proposal for
5 additional layers of so called comprehensive
6 planning. While the intention of trying to improve
7 equity and affordability is laudable, I'm convinced
8 these proposals would do the exact opposite because
9 they would hinder our capacity to serve our
10 population growth and diversify our economy. The
11 statute in our harbor cannot say give me your tired,
12 your poor, your huddled masses but only after we're
13 done with our analysis paralysis. Our lack of
14 affordability does not stand for ULURP. To the
15 contrary, ULURP works because it has the holy
16 democratic tendency to make everyone somewhat unhappy
17 which is the hallmark of balance. Many meritorious
18 projects have gone through ULURP with community
19 support such as Domino or Essex Crossing, both of
20 which I was involved with; and we hope to achieve
21 similar results with our plan for over 2000
22 affordable housing units at the Christian Culture
23 Center. New York's lack of affordability stems from
24 a far simpler issue. The demand for housing in our
25 city wildly outstrips our supply. We are out pacing

2 our growth protections, but given our land scarcity,
3 we simply can't keep up unless we expand the
4 production of both affordable and market rate
5 housing. The fantasy that less growth will lead to
6 equity is irresponsible rhetoric that willfully
7 ignores both our population projections and our
8 history as a city of welcoming newcomers. Part of
9 the role of our elected executive branch is to plan
10 for future New Yorkers, a role that would be a
11 conflict of interest for council members who by
12 definition must instead protect the interest of their
13 local constituents. This is why the authority to
14 plan for New York's growth firmly rest with the
15 mayor's office and should continue to do so. The
16 most successful cities around the world are the ones
17 in which mayors can take strong actions to address
18 social ills, infrastructure and climate change. We
19 now face an existential threat from climate change
20 which is why we should not confront that with years
21 of infighting of a process just as Rome burns. As a
22 planner, I believe in concepts like strategic
23 planning, but worry that a cumbersome comprehensive
24 plan every decade would not be agile enough to meet
25 our dynamic needs. As the mayor's office illustrated

2 with their recent resilience proposal for lower
3 Manhattan, the function of depoliticized planning
4 rests with our elected executive branch which is
5 already obligated under current law to solicit local
6 input and obtain binding council approval. My
7 experience after 911 taught me that today's concerns
8 of gentrification and congestion may well give way to
9 unforeseen challenges as our client changes and our
10 infrastructure fails. So rather than retrench, the
11 times require us to do what our predecessors did; to
12 have the temerity to build an infrastructure of
13 opportunity that will create both social mobility and
14 environmental resilience in this city that we love.
15 Thank you.

16 CHAIRPERSON BENJAMIN: Thank you very
17 much. Ms. Vega?

18 CARMEN VEGA-RIVERA: Hi. Good evening.
19 My name is Carmen Vega-Rivera, and I'm a tenant
20 leader with the Community -- CASA, Community Actions
21 for Safe Apartment as well as a member of Thriving
22 Communities. Due to the Jerome Avenue re-zoning, my
23 experience with the land use process and ULURP were
24 extremely frustrating as a community member. Some of
25 the problems that currently exist is that there isn't

2 a regular or a public process in place to make
3 changes to the secret manual which allow the city to
4 ignore a comprehensive analysis of displacement.

5 Many residents, including myself, have concerns about
6 the city's analysis of residential displacement, but
7 our concerns were often dismissed on the account that
8 the hearings were about the proposed study and not
9 the proposed methodology. Some examples were that
10 the secret manual excluded the consideration of
11 illegal displacement tactics, therefore, the city did
12 not appropriately assess the displacement pressures
13 for tenants. It also excluded an analysis of legal
14 tactics that landlords currently use to displace
15 tenants. In addition, the manual directs that a
16 detail assessment of direct residential displacement
17 should be conducted only if a preliminary analysis
18 shows that more than 500 hundred residents would be
19 directly displaced. Because the city only identify 45
20 projected development sites in the study area and
21 only four were residential sites, the city concluded
22 that only 18 residents would be directly displaced.

23 These examples underscore the problem that current
24 land use methodology or the process used by the city
25 and ultimately putting in question the credibility of

2 the city and its ability to thoughtfully create a
3 plan that reflects the actual needs and concerns of
4 New Yorkers. What are asking for? One, the charter
5 shall require a secret technical manual revision
6 process that occur at a minimum, every five years.
7 Two, the charter shall create a separate space for
8 community concerns to be heard about the actual
9 methodology. For example, they can have a common
10 period or a public hearing. Three, the changes to
11 the SEQRA are taken out of the complete discretion of
12 the mayor and that the process shall be overseen by
13 an appointed commission utilizing an expert panel to
14 review and propose updates that the commissioner are
15 appointed equally. In other words, no one has more
16 power over the other. And lastly on that area, as we
17 believe the charter shall require a detailed
18 displacement both direct and indirect analysis
19 anytime an environmental impact study is required.
20 Lastly, currently, there is no requirement that the
21 impact found in the environmental review process
22 actually be dealt with. In the Jerome Avenue re-
23 zoning, the city projected adverse impacts to
24 commercial tenants like the auto workers. Along the
25 corridor and also for schools in the district.

2 However, the mitigation the city offered were not
3 comprehensive enough and were also left to local
4 elected officials to negotiate with the city. What
5 we're asking for is for every impact study, that city
6 puts out there, there should also be a mitigation
7 plan. The charter should require that the final
8 mitigation plan be legally binding, enforceable, and
9 timely. Thank you.

10 CHAIRPERSON BENJAMIN: Thank you very
11 much, Ms. Rivera. With the opening statements
12 finished, I will entertain question from the members.
13 Sal, you have the first question followed by Jim
14 Vacca and then Paula Gavin.

15 COMMISSIONER ALBANESE: Good evening.
16 Just to follow up with what Ms. Rivera pointed out.
17 All great cities have to have space across the
18 economic class and what we've seen with the zoning
19 proposals is very stiff opposition on the part of
20 many communities around the issue of displacement.
21 Where poor folks and working-class folks get driven
22 out of those communities as prices skyrocket. The
23 question I have is how do we achieve that balance,
24 that balance of growth, but at the same time making
25 sure that folks that have lived in communities for

2 long periods of time and that working class and poor
3 have the ability to stay in New York City.

4 CARMEN VEGA-RIVERA: One of the things is
5 that the analysis and the study has to be done, and
6 it isn't being done. When these zonings come into
7 the community as they did in Jerome Avenue, the
8 issues arise as the planning phase is coming to a
9 close, and so you have to do an actual analysis; what
10 are the households? Who's in the household? You
11 have to deal with the race issue. You have to deal
12 with priority of the community. I happen to be a
13 tenant fighting not to be displaced in my community.
14 I am a volunteer with CASA so I experience this every
15 day. No one has knocked on my door to assess my
16 situation as a person with disability and how I
17 remain in my community alone with my neighbors. So
18 priority has to be given, but you have to understand
19 who makes up the community. Why are we being
20 displaced if we've been there 10, 20, 30 years? A
21 better job has to be done and ascertaining that
22 information, a net loss policy has to be developed.
23 So there has to be initial work at the front level
24 before you get to the end level to then make the
25 decision that we should have done a better job.

2 COMMISSIONER ALBANESE: What does City
3 Planning have to say about this?

4 MARISA LAGO: I'd be glad to kick it off.
5 I'm glad that included in your question was the
6 premise that growth is occurring because we know that
7 we are at an all-time high in population, and we're
8 projected to continue growing yet we have the exact
9 same land mass. So even without any re-zoning, these
10 pressures -- these gentrification pressures and
11 fears are real. And doing nothing, only makes the
12 situation that much harder. When we look at issues
13 of concerns about displacement, we need to look at it
14 through the lense of what zoning and land use tools
15 can do. They can spur the development of more
16 housing and transit rich neighbors in neighborhoods
17 and in particular permanently affordable housing, but
18 the City also has available to it, a suite of
19 additional tools. In any re-zoning, we work with an
20 alphabet soup of other city agencies, but I would say
21 first among them is the Department of Housing
22 Preservation and Development. They have developed a
23 number of programs, a Certificate of No Harassment
24 Pilot in re-zoning areas. Providing free legal
25 assistance to tenants who believe that they are under

2 threat, that they are being a harassed, a Tenant
3 Ambassadors program. I should mention, in addition
4 to the Department of Housing Preservation and
5 Development, we also work in re-zonings. A
6 neighborhood plans very closely with the Department
7 of Small Business Services because another part of
8 what defines a neighborhood is the small businesses
9 that meet the retail needs that meet the needs of a
10 neighborhood. So it is the combination of the
11 entirety of tools that are available to the city
12 which go well beyond land use.

13 COMMISSIONER ALBANESE: How do you --

14 CHAIRPERSON BENJAMIN: Wait, wait. Joe,
15 I thought you wanted to --

16 JOE ROSE: I just want to say very
17 quickly -- a critical part of this is the law of
18 supply and demand and the economic impact scarcity
19 and their needs to be a calculation when you do re-
20 zonings. There's up zonings and there's down
21 zonings. The previous administration made a lot of
22 reference to all the land that had been rezoned. A
23 substantial amount of that re-zoning had a net affect
24 of reducing the number of housing units available for
25 production in places where it could have been

2 reduced. One of the problems with the land use
3 review process is it puts great burdens on anything
4 that allows for increased housing production but has
5 a lower review threshold on things that contract. I
6 think paying -- making sure the process pays
7 attention to where you're limiting supply as well as
8 expanding it is critically important part of the land
9 use review process.

10 COMMISSIONER ALBANESE: How do you
11 explain that there are 60,000 people in shelters in
12 New York City and many of them have jobs. They
13 simply can't afford to pay the rent. They simply
14 can't afford housing so something is out of sync.

15 MARISA LAGO: I'm glad you raised the
16 issue of housing for the homeless. I would expand it
17 even to supportive housing. Frequently land use
18 applications that are producing housing for more
19 vulnerable populations are highly, highly
20 controversial, but the 60,000 homeless that you
21 mentioned, that is a constituency that doesn't show
22 up at the hearings. That is where a city-wide
23 prospective becomes so important because
24 understandably communities are afraid of change and
25 frequently are opposed to a city action to create

2 this type of supportive housing and that's why we
3 believe that the composition of the commission, the
4 City Planning Commission is so helpful in bringing a
5 broader city-wide perspective that gives voice to
6 those who otherwise might not turn up at public
7 hearings.

8 CHAIRPERSON BENJAMIN: Sal, any --

9 COMMISSIONER ALBANESE: Second round?

10 CHAIRPERSON BENJAMIN: Yeah. Jimmy
11 Vacca, then Paula Gavin, and then Jim Caras. I have
12 you Alison.

13 COMMISSIONER VACCA: I want to thank you
14 all. And Commissioner Rose, I was before the
15 commission when you were chair. I was District
16 Manager years ago --

17 JOE ROSE: I remember.

18 COMMISSIONER VACCA: -- so I thank you
19 all for your service. I know you have concerns about
20 where we're going with land use and ULURP and what
21 issues or aspects of it the commission may consider.
22 Several points you brought up, and there's several
23 points I wanted to bring up. Right now when the City
24 Planning Commission has a Pre ULURP item, there are
25 inter agency meetings that take place with commission

2 staff before the item is certified. Those meetings
3 sometimes take a year to a year and a half; then the
4 item is certified and it goes the community board.
5 I've requested and continued to do so as a Former
6 District Manager that the district manager of the
7 Board representing that agency, the "Board" namely
8 should be at those meetings. Community boards feel
9 that they are omitted from the process, and they feel
10 that they are engaged only during the ULURP 60-day
11 clock period. I think engaging sooner would be to
12 your benefit and to the city's benefit and doing it
13 sooner rather than later makes for a better process,
14 number one. Number two, I do believe I comprehensive
15 planning so much so that years ago when I was
16 district manager, I wanted to do a 197A plan. I
17 wanted to do it until I found out that it took two
18 years of work and that the plan is only advisory and
19 that other boards had done it and basically it didn't
20 amount to much not even what was written on paper.
21 The question I have, of course, is how do we have
22 meaningful community planning if we now have a 197
23 process, 197A and it's only advisory -- and it has no
24 teeth and local neighborhoods don't feel engaged. I do
25 know that you mentioned the political process,

2 Commissioner Rose. I think you mentioned the
3 political process, and I know you were alluding to
4 the New York City council, but I do want to know that
5 the Planning Commission of the City of New York is
6 controlled by the mayor and some communities feel
7 that that is a political process that the City
8 Planning Commission members were in majority
9 appointed by the mayor do what the mayor's planning
10 intended from the very beginning. And that it's only
11 in the council that local neighborhoods have an
12 option because members can modify or defeat items
13 here at the council. EIS and EAS statements
14 basically rubberstamp whatever the intent of the
15 proposal is. Those issues concern me. These are
16 long-standing issues, nothing new. It's not a charge
17 against this administration. It's gone on for years.
18 And the last thing, again Commissioner Rose, I happen
19 agree with you. The Building Department enforcement
20 is terrible, but it's been terrible for years. So we
21 do all the down zonings and re-zonings and yet
22 enforcement is lacking, and we keep saying that the
23 Building Department is terrible yet it continues to
24 be terrible; and local neighborhoods don't have
25 anyone protecting them, they feel. Permits are given

2 in error constantly. People question this and ask
3 about this. So let me go back to my first point.
4 Where do you stand on having Community Board District
5 Managers as representing those agencies, involved in
6 the very beginning, and number two, do you any of you
7 have any ideas regarding strengthening 197A Planning?

8 MARISA LAGO: I'd be glad to take that
9 on. I think that there is a lot of misconception
10 about what goes on in the discussions that proceed
11 the filing of an application. Applicants come in,
12 and they have an idea for a project. Depending upon
13 the sophistication of the applicant, they may have
14 already retained land use council and have a project
15 that is even in the realm of the possible. Others
16 are land owners who will come in and say, I'd really
17 like to do -- get a significant up zoning, but I
18 don't want to do MIH, things that are just entirely
19 out of keeping. The process is a technical review,
20 not a negotiation, not a political review to assure
21 that the application that is given to the public is
22 not one necessarily that the Department of City
23 Planning supports but rather is one that has the
24 information available that has the analysis done so
25 that what is presented to start the ULURP process

2 complete and accurate description. I will say that
3 the first time an applicant is in contact with us,
4 our uniform advice is to go and to speak to the
5 community board and to speak to the elected officials
6 who represent the community because we know that,
7 that makes for a better process and for a better
8 project for both of them. I do, however, do not
9 think that it is advisable to bring outside of the
10 executive which is responsible for making sure that
11 the applications are complete and accurate to do that
12 at that phase. With respect to the 197A Plan, if I
13 could turn that over to you, Anita.

14 ANITA LAREMONT: The 197A plans are
15 advisory as you say. I think that there has been
16 historically a great deal of deviation and how they
17 are addressed and handled at the community board
18 level, and to the extent that they are informed and
19 robust, they are things that actually do give some
20 sort of grounding to what the community board and the
21 City Planning Commission consider in those areas.
22 They're not universally done in that robustive way, I
23 think partly that may be, as you said, due to the
24 fact that they are not binding. On that issue, I
25 think we have a view that they cannot stand instead

2 of the planning that we do. They certainly can give
3 us a sense of what a community is looking for, but
4 that we have to work in New York City which is a very
5 dynamic environment where people are coming and
6 going, and we have this crisis of growth that we have
7 to deal with right now in the immediate moment. So
8 that a plan that takes several years to develop can't
9 actually stand instead of the Commission's decision-
10 making authority relative to proposals that are
11 before it. So we think that they serve as a good
12 guide, but we certainly do not endorse the notion
13 that they should have weight that would stand in the
14 stead of the decision-making process of the City
15 Planning Commission.

16 MARISA LAGO: If I might address --

17 Commissioner Vacca also raised questions about the
18 City Planning Commission itself and its operations.
19 The Commission is comprised of 13 members, 7
20 appointed by a mayor, 5 appointed by the borough
21 presidents and 1 by the public advocate. If you were
22 to look at the votes of the Commission, they're
23 overwhelmingly unanimous. If you were to look at
24 instances in which there were only one abstention or
25 a "no" vote, that is the vast majority. In my two

2 years, there has never been a 7 to 6 vote, and Anita
3 informs me throughout this administration, there has
4 not been a 7 to 6 vote. I can't remember where there
5 was one. This is not because of a group thing. I
6 think it is a testament to the ULURP process, that by
7 the time something comes to the Commission, it has
8 been informed by the community board, by the borough
9 president. It has been informed by, first, a public
10 hearing, at which the members of the public, in
11 addition to the representatives of the community
12 board and the borough president testify. The fact
13 that the Commission in public, and at this point
14 because of technology, we live stream our
15 deliberations. We're required to produce a report.
16 In the report, we address all of the comments, pro
17 and con, that we have received. I also think that
18 the fact that the Commission votes in this way is a
19 testament to the work of the department in preparing
20 applications so that the information that is out
21 there is complete and robust enough to be able to
22 make an informed decision. I know I can speak for
23 the Commission that I currently have. It is a very
24 thoughtful deliberative but also a collegial body
25 that is looking to do the right thing for the city.

2 I think that the borough commissioners would each
3 tell you, they are not the city planning commissioner
4 for their borough. They are city planning
5 commissioners who have to balance equities of
6 individual neighborhoods plus the entire city.

7 CHAIRPERSON BENJAMIN: Joe --

8 COMMISSIONER VACCA: I appreciate very
9 much your seniority, and I know the hard work you and
10 the effort you put in. But from a local neighborhood
11 perspective, I have to say that communities fully
12 expect that when the borough offices, known as the
13 Commission, when the borough offices send a ULURP
14 application to the community board, they fully expect
15 the planning commission to vote yes. So that step is
16 almost assured once your offices completes the
17 paperwork and make sure that the application is
18 accurate and technically correct and you give it to
19 the Community Board, Community boards fully expect
20 that after they vote yes or no, the Commission will
21 vote yes based on it; because it would not have
22 reached that level at the Community Board if the
23 Commission was going to give it the "hi" sign up
24 front.

2 MARISA LAGO: Commissioner, if I might
3 address that. We will certify and application of it
4 is complete, if the information is accurate, but I
5 personally have made statements at the time of
6 certification that the department does not support
7 the application. Some applicants knowing that the
8 director of the department sitting as the chair of
9 the Commission has that view, may not choose not to
10 go forward. Others have chosen to go forward, and
11 they do it at their peril.

12 CHAIRPERSON BENJAMIN: Thank you. I
13 think we have Joe and then Vishaan next.

14 JOE ROSE: I just want to say first of
15 all, I think -- I remember a few 7 to 6 votes, and I
16 think descent among the Commission and collegiate
17 discussion with debate is a health thing. I think
18 diversity of opinion, and there should be votes that
19 are not unanimous. There are plenty that are as
20 there are in the community board as well. A certain
21 amount of balance between consensus and agreement but
22 also healthy disagreement is a worthwhile thing.
23 Just for the 197A Plan, I want to address that.
24 First of all -- good planning takes a lot of hard
25 work. So, yeah, two years for a 197A Plan that's

2 meaningful strikes me as a realistic timeframe, and
3 sometimes perhaps even ambitious. Under the charter
4 as it exists, the 197A Plan have a status. Every
5 action taken pursuant to an approved 197A Plan
6 requires a comment and attention by the city agencies
7 acting within it. Now, if the 197A Plan calls for
8 things that don't have budget allocations or don't
9 implement themselves, yes, they are advisory and they
10 are competing in conflicting give and takes that
11 happen on the council and at the commission and
12 within every city agency. One of the reasons for
13 that -- I don't want to say it's a trial by fire, but
14 it's certainly not easy and it's not easy for the
15 department when it does its own plans is that once a
16 plan is adopted whether it's a 197A or a plan by the
17 Department of City Planning, it has to be paid
18 attention to and there are illegal hurdles to
19 ignoring it or disregarding that are serious. It
20 doesn't implement itself, but they are taken
21 seriously by the department and by the commission.

22 CHAIRPERSON BENJAMIN: Okay, Vishaan will
23 be the last and then Paula.

24 VISHAAN CHAKRABARTI: I just want to
25 quickly say, Commissioner -- on the first issue, I

2 just wanted to corroborate. Our office has four
3 major projects going through ULURP right now. In
4 every instance, the department has asked us to have
5 discussions with the local community board. We have
6 done that. It has been a more fruitful process so in
7 no instance do I know of that the Community Board
8 hasn't seen the application until certification rolls
9 around. That may happen, but it certainly not
10 happened in my experience. I just want to say on the
11 197A Plan, and to just back up what Joe was saying, I
12 do think they are taken very seriously, but imagine
13 the converse. Imagine if every 197A Plan was binding
14 and every community in the city said they wanted
15 little to no new housing in their community, we
16 would then have a situation where instead of 60,000
17 people in homeless shelters, we could have 120,000
18 people in homeless shelters. I think that is the
19 fundamental problem, and it's the balance that we're
20 all trying strike.

21 COMMISSIONER VACCA: You are right. I
22 think what I'm looking for is something in the
23 middle, not just that it's advisory. I know it
24 cannot be binding, but I do think there has to be
25 something -- I don't know what it is, but there has

2 to be something that tells communities if you put in
3 all this work, we're listening to you. Right now,
4 there's not that feeling, and I certainly don't want
5 boards to say no to everything because then they're
6 not looking at a city-wide need so I understand your
7 point.

8 CHAIRPERSON BENJAMIN: Paula?

9 COMMISSIONER GAVIN: Thank you. Thank
10 you all for being here. I want to do a follow up
11 question no governance since that is the basis of the
12 charter and specifically thinking about the
13 principles of growth and equity. What is the real
14 difference between the Commission and the City
15 Planning Department, and how does that really
16 structure and help the governance in the
17 accomplishment of goals?

18 MARISA LAGO: Thank you for the question
19 because while they are very closely linked, they are
20 distinct roles. The Department of City Planning is
21 an expert agency staffed by planners of unparalleled
22 expertise. They provide the rigorous evaluation that
23 informs land use initiatives. I've worked around the
24 world, and I've headed the Planning Department for
25 another major city, and I can tell you that New York

2 City's Planning Department is unlike any other
3 municipal agency in the breathe of its expertise and
4 professionalism. I think probably one example that
5 stands out is our Population Division. Our
6 Population Division gives us information about who
7 are population are, what their needs are, what
8 languages they speak, what ages they are. That
9 information informs our planning. Our chief
10 demographer was the key witness in our state attorney
11 general's lawsuit against the US Census Bureau
12 challenging the addition or the proposed addition of
13 a citizenship question. I also know the quality of
14 the staff from working with them but also by the fact
15 that Department of City Planning staff have been
16 rated to head the Planning Department of Los Angeles,
17 Pittsburgh, Seattle, among other cities. We
18 submitted, in addition to Anita's and my testimony,
19 some additional materials. These are fact sheets,
20 information briefs that the staff routinely produces
21 on top of the political issues of the day. They are
22 not political documents. They are policy analytical
23 documents, and so I firmly believe that the Planning
24 Commission could not do the high quality work that it
25 does without being informed by the analytical work of

2 the department. I'll also note, though, that under
3 this administration and taking advantage of
4 technology, we have made incredible strides in
5 increasing transparency and taking information that
6 was available in PDFs in a whole host of other city
7 agencies and mapping it, making it available for
8 free. Our zoning resolution is now available for
9 free. It used to require printing 1,500 pages and
10 paying \$750. It is now online and searchable. So it
11 is the mission of the department to continue both
12 doing high-quality analysis but also making it
13 available to the public so that every land use
14 decision, every community board interaction is more
15 informed.

16 ANITA LAREMONT: Could I just add to
17 that, that the department in its relationship to the
18 Commission is responsible for providing the under
19 plannings of the land use rationales for the decision
20 that the Commission ultimately makes, and I that
21 regard, they actually do a first-class of developing
22 proposals such as mandatory inclusionary housing.
23 Things like, what is the right parking that we should
24 require. Grounded in true analysis and facts, and
25 you could not have the Commission make responsible

2 decisions about these very important and significant
3 and impactful issues without that kind of analysis
4 and that's the kind of professional staff that the
5 department is and that's the value that they provide
6 to this process.

7 JOE ROSE: Just to take a slight
8 elaboration. The Planning Commission is a -- ideally
9 a political but expert legislative body on land use
10 matters, and the Planning Department is a mayoral
11 agency, an executive agency, that among its
12 functions, in addition to doing the demographics and
13 all sorts of planning with other agencies' staffs and
14 supports the Planning Commission as well. It is
15 embodied -- they come together. The two entities
16 come together, and the Chair of the Planning
17 Commission whose also the Director of the Department
18 of City Planning which is an unusual construct in
19 most governing entities, but I think it's a very
20 important one. It allows some real teeth and oomph
21 into the -- both ways. One point I wanted to make,
22 and I will be submitting a more elaborate written
23 testimony. I won't bore you with it here, but
24 planning by its very nature is the most
25 entrepreneurial of governmental activities. Most

2 city agencies, most activities are caught up in the
3 day-to-day crisis, the political exigencies, budget
4 constraints and the like. To actually plan, you
5 know, the metaphor, the analogy "is you have to
6 paddle faster than the current in order to be able to
7 steer" requires mobilizing other city agencies
8 outside of just the professional staff at City
9 Planning or the views of the Planning Commission and
10 that's why it's important to have the interaction
11 between the mayor and the chair of the planning
12 commission/Director of the Department be really
13 healthy and one that's not, I think, tampered with
14 too much because it's a hard enough job as it is.

15 CHAIRPERSON BENJAMIN: Thank you. Paula,
16 do you have more?

17 COMMISSIONER GAVIN: No, thank you.

18 CHAIRPERSON BENJAMIN: Jim?

19 COMMISSIONER CARAS: Thank you very much.

20 I agree that, you know, this is an area we have to be
21 really careful and deliberate. In looking at
22 exploring changes, so I want to focus on just sort of
23 one bucket of projects or land use applications, and
24 that's when we have large city-sponsored re-zonings
25 or significant impactful land use actions either by

2 City Planning or EDC that can have a significant
3 impact on a neighborhood and in those there clearly
4 is a Pre ULURP process. And I think I go along with
5 what Jimmy Vacca said. It's just that not everyone
6 feels included in that Pre ULURP process so why not
7 look at surgical changes we can make. And in my
8 experience, maybe sometimes more when EDC is the lead
9 than when City Plan is the lead, that certain
10 communities feel like they have been left out of the
11 process. Why not look at those for the ability to
12 have something doing the precertification process
13 where it can be opened up a bit to stakeholders,
14 elected officials and the type of things that Chair
15 Largo was talking about. Other agencies can be
16 brought in. Other programs can be brought in.
17 Determinations can be made that if SBS doesn't have
18 the ability to deal with something, maybe this piece
19 of the proposal should be changed or taken out. I
20 think it's worked in our workings with the City when
21 we have engaged in such a process. I'm hoping that
22 we could look at that and try to come up with some
23 modest proposals around that, and I'd like to hear
24 what you all have to say.

2 ANITA LAREMONT: I would just say Jim
3 that it strikes me that what you're talking about is
4 actually, in fact, what has happened on every single
5 large land use city sponsored re-zoning that has
6 occurred, at least since I've been at City Planning.
7 Even ones that EDC was responsible for. They all
8 have had tremendous public outreach, stakeholder
9 engagement long before those projects were actually
10 certified helping to shape what the role of the
11 various agencies would be and what, in fact, the
12 proposal would be. So I'm a little bit confused
13 because I'm not aware of a single instance and maybe
14 you could share one with us where that has not been
15 the case. Why those have not all been in the form of
16 a sort of formal engagement in the way that we did
17 for the Greater East Midtown Re-zoning, they are
18 still none the less been those kinds of engagements.

19 COMMISSIONER CARAS: I would say two
20 things to that. Most of our experiences with you
21 guys in the last five years have been good. That
22 doesn't mean that it will stay that way under a
23 different administration. Also, there have -- I'll
24 give the example of the garment center where we felt
25 like we had to drag the administration kicking and

2 screaming to the table on that, the text amendment
3 was about to be dropped when we insisted on a
4 stakeholder group. We had been told that significant
5 outreach had been done to ever constituency group
6 imaginable, but when we talked to people, we got
7 different answers from them. I think for better or
8 worse, I think that if we hadn't stepped in, there
9 would have been such an outcry which we saw at the
10 first Community Board meeting that it probably would
11 never have happened so why not formalize that in some
12 way.

13 MARISA LAGO: I would just echo what
14 Anita said that, "It is the city-sponsored
15 initiatives" and in particular, major neighborhood
16 changes be it a garment center or a neighborhood re-
17 zoning that are preceded by years of interaction.
18 But one size doesn't fit all. Some communities
19 prefer to have a very informal process; in other
20 instances, a steering group. I do think it's
21 important, given the diversity of our city and its
22 neighborhoods not to have a one-size fits all
23 approach to how a pre-certification process works on
24 city-sponsored initiatives. The other thing I'd note
25 is that again technology is very much changing our

2 ability to reach out to a broader array of
3 stakeholders. As proud as we are of ULURP and it's
4 very formalized of series of public hearings, we know
5 that there are interested folks in the community who
6 may not be able to get out to a community board
7 hearing, and we are increasingly using online tools
8 to solicit feedback. We are in the midst of working
9 with Council Member Lander on the Gawannis Re-zoning
10 and are receiving input from community voices who are
11 not showing up at our community public events, and I
12 do think that, that makes the planning all the
13 richer.

14 CHAIRPERSON BENJAMIN: Alison?

15 COMMISSIONER HIRSH: Thank you,
16 Chairperson. I have a couple of sort of unrelated
17 questions, I suppose. You mentioned the exact portal
18 with the -- where the applications are available.
19 Are those applications available only post-
20 certification or the pre-app -- are they available
21 during the pre-application process so that
22 individuals know what projects are in conversation?

23 ANITA LAREMONT: If an application has
24 actually been filed, it would be available, so yes.

2 COMMISSIONER HIRSH: So the pre-
3 application process --

4 ANITA LAREMONT: Would be, if its filed.

5 COMMISSIONER HIRSH: If it's filed.

6 ANITA LAREMONT: Mm-hmm.

7 COMMISSIONER HIRSH: Okay, before
8 certification.

9 CHAIRPERSON BENJAMIN: But there is no
10 requirement that it be filed any period of time, and
11 sometimes particularly on major developments, a
12 developer will go into the pre-certification to talk
13 with both the department and other interested
14 individuals and won't file an actual application
15 until much later in the process.

16 COMMISSIONER HIRSH: I was wondering
17 hoping that any of the City Planning, either current
18 or past City Planning staff and leadership would
19 answer the questions that Ms. Vega-Rivera asked about
20 the SEQRA process? I think that the issues of
21 displacement is development and the lack of sort of a
22 deep socio-economic analysis in the SEQRA, something
23 that, you know, I've consistently heard and seen.
24 I'm interested in your feedback on that.

2 ANITA LAREMONT: I would like to tackle
3 that first and certainly others can jump in. First
4 of all, I think it's always good to remind everyone
5 what SEQRA is and what it isn't. Secret is a
6 document that discloses potential impacts in order
7 for decision makers to be informed when they're
8 making their discretionary determinations. I think
9 that over time, it has come to be considered as
10 something much more than that in terms of being
11 considered something that will lay out a sort of
12 pathway to cure a number of ails. We certainly very
13 seriously take the risk of displacement as something
14 to be considered when we are doing our re-zonings but
15 the imprecision of what is causing displacement in a
16 particular situation where we have neighborhoods that
17 are already influx. It's very hard for us to know
18 that a re-zoning action is actually exacerbating
19 displacement or not. That leads us to say that we
20 have to be careful about how we look at this. In
21 terms of the factors that our considered, everyone
22 should understand that the SEQRA manual is simply the
23 cities technical guidance in terms of implementing
24 state law which is the state environmental quality
25 review act, and that's the state law that we're

2 actually implementing when we do our secret analysis.
3 So we have to yield to what analysis that says should
4 be done and what we do in the technical manual,
5 because we have to many city agencies and our reviews
6 are complex, is try to define in a robust what's an
7 appropriate methodology in order to meet the
8 requirements of that state statute. So we actually
9 are not in a position to make modifications to that
10 underlying act. That would have to be done in state
11 law. And as to displacement methodology and socio-
12 economic factors, we understand that over time, there
13 may be needs to take some look again at how we are
14 doing that analysis. We have to be able to find
15 reliable data that we can use in that regard and in
16 regards to housing data, we have some constraints in
17 terms of the availability of data from the state that
18 we can use in making those analysis. So the
19 suggestion that we possibly look at what any
20 individual actors in that arena are doing is probably
21 not something that can be done through the SEQRA
22 technical analysis. But as Marisa mentioned, the
23 city has developed many robust tools to address those
24 issues, both in neighborhoods that we're re-zoning
25 and the neighborhoods that we're not re-zoning in

2 terms of anti-displacement efforts, but the city will
3 look at what is the appropriate role that we should
4 actually be playing in terms of changing the secret
5 methodology. But because it's really a highly
6 technical role, we would suggest that to have that be
7 something that is waiting on or considered, with the
8 public at large, would not be appropriate because
9 it's actually really a technical analysis that we're
10 doing. The other point that I would respond to in
11 terms of the suggestions that were made with respect
12 to every five years looking at review of this is to
13 say that over time, from the time SEQRA started to
14 today, every time that there's been a technical
15 manual revision, it has added hundreds of pages to
16 significant environmental impact statements that I
17 would suggest that people need to think about whether
18 or not the information that is being developed is
19 actual useful to decision makers. It's defensive in
20 large measure because it's really now more a
21 litigation document that what it was really intended
22 to be, and there may be other approaches that we need
23 to look at to address this issue which we absolutely
24 know is undeniable, but I'm not sure that doing it
25 through the SEQRA technical manual is the right tool.

2 JOE ROSE: And just to follow up on the
3 issue. SEQRA is a disclosure, a discussion document
4 as Anita said pursuant to very technical
5 requirements, and those technical requirements, and
6 those technical requirements have to comply, but they
7 can certainly be reviewed. I want to go to the point
8 -- it was in the materials submitted in terms of what
9 you're looking at in terms of ULURP. The mitigation
10 measures that are -- when an impact or a potential
11 impact is identified and, therefore, called out for
12 mitigation in the context of an approval under the
13 ULURP process. Whether it's displacement or some
14 other different kind of identified environmental
15 impact, the follow up on the implementation of those
16 mitigation measures is something that I think does
17 require attention and certainly reporting on by the
18 involved agencies and the lead agencies to the
19 decision makers in terms at some point; what was
20 done, what was the impact and what were the steps
21 taken to mitigate it because that's a -- and I'm sure
22 I'm going to get abuse from some people for having
23 said this. That's a question -- it's all fine at the
24 point of which a decision is made, but what then is
25 the impact accountability for following and what's

2 the record that needs to be done. That's something
3 that does warrant some attention and discussion.

4 CHAIRPERSON BENJAMIN: Thank you. Andy,
5 I had a question for you. Since you were part of the
6 1989 Charter Revision, one, would you agree that how
7 land is used in any particular place is always a
8 political act, and has political implications, no
9 matter who making the decision?

10 ANDREW LYNN: I'm not sure I would agree
11 with that actually.

12 CHAIRPERSON BENJAMIN: Okay.

13 ANDREW LYNN: I think there's a lot of
14 sort of what I would call professional planning
15 analytical expertise that gets brought to bear on
16 those decisions and that maybe science isn't the
17 right word for it, but when you look at a city like
18 New York and you look at the housing situation that
19 it does lend itself to looking at numbers and doing
20 an analysis Based on that coming in some conclusions
21 about what on a city-wide basis would be a good
22 policy and a good action to take at any given
23 context. Now, it is political in sense is that
24 elected officials, if it's going through the land use
25 process or going to vote on it and make a decision.

2 CHAIRPERSON BENJAMIN: I don't mean
3 political with a capital "P". I mean that to the
4 effect that decision making affects people. One can
5 make this decision or that decision or another
6 decision. The choice of decisions is in and of
7 itself political. Whether it's where you spend
8 your -- whether you go to Dunkin Donuts or whether
9 you make your own donuts or whether you allow
10 superstores or not. That's a political decision, not
11 with a capital "P", but it's not just ones and zeroes
12 either.

13 ANDREW LYNN: Yeah, fair enough, fair
14 enough.

15 MARISA LAGO: Madame Chair, I might note
16 that the considerations that you have laid out point
17 to the fact that land use decisions are frequently
18 controversial and that decisions can have
19 allocational ramifications, but I'm not sure that,
20 that equates to political.

21 CHAIRPERSON BENJAMIN: Do you think the
22 effects are political, that people and communities
23 feel them as political.

24 MARISA LAGO: I would stick with the fact
25 that I believe that they are controversial because

2 rarely do communities speak with one voice, there are
3 multiple stakeholders, and so I would harken back to
4 what Andy indicated that at the department we look at
5 --

6 CHAIRPERSON BENJAMIN: I didn't say the
7 department. I didn't ask about the department or the
8 commission or any particular or any actors indeed in
9 the land use process. I was not asking a question
10 about the land use process but just the very nature
11 of the issue. I think you were next, Carl.

12 COMMISSIONER WEISBROD: Well, this is --
13 maybe this is a clarification of what you were
14 saying Madame Chair, but --

15 CHAIRPERSON BENJAMIN: Be careful about
16 mansplaning, Carl. [laughter]

17 COMMISSIONER WEISBROD: I'm sorry?
18 [laughter]

19 CHAIRPERSON BENJAMIN: I said be careful
20 about the possibility of mansplaning. [laughter]

21 COMMISSIONER WEISBROD: I'm building on
22 what you said, Madame Chair. And this is, I guess,
23 to a theme that all of you in one way or another
24 noted which is that we live in an extremely dynamic
25 complicated city and perhaps many ways, the most

2 complicated city on earth. People's lives are being
3 affected in lots of different ways all the time
4 without the intervention of government. It's just
5 the nature of the marketplace that's happening, and I
6 just really wanted to at least clarify or understand
7 something that Anita said with respect to the SEQRA
8 process which is that, to make -- I think make it
9 clear that what SEQRA is looking at is not whether
10 displacement is taking place in the neighborhood or
11 what's happening in a neighborhood specifically, but
12 whether the action that's before the Planning
13 Commission or ultimately the City Council, the
14 Community Board, what the effect of that particular
15 action will be and whether it will, in fact,
16 accelerate the case of displacement, accelerate
17 displacement, reduce displacement, accelerate other
18 impacts on the environment as opposed to whether
19 those impacts are existing or ready which in many
20 neighborhoods for all the reasons that all of you
21 have indicated is happening in this dynamic city.

22 ANITA LAREMONT: That is exactly right.

23 You know, when we look at displacement, what we look
24 at is sort of what is the amount of regulated housing
25 stock that there is in the particular area and

2 whether or not there are a number of units are at
3 jeopardy of being eliminated or displaced as a
4 consequence of new development that will occur
5 through our actions. We have a limited amount of
6 data that we can use to make those determinations.
7 One of the large issues in that regard has to do with
8 preferential rent because that's with respect to
9 units where individuals are not paying market rent in
10 certain neighborhoods. It's below the rent regulated
11 rents that the state allows to be charged, and so
12 those units don't really get captured in this
13 analysis, but those are still people that are
14 vulnerable. But we don't have any actual way of
15 taking that into account because it's very hard for
16 us to understand or know all of the data. My main
17 point there was simply that there is a distinction
18 between what our action is causing and those things
19 that are occurring naturally. They're not really
20 natural things but that are occurring without our
21 action, and I think in the public discussion, those
22 two things get very blended. And it's really hard
23 for, I understand, the public to really parce out the
24 fact that displacement is occurring in many
25 neighborhoods in this city where we're not taking any

2 action. We actually do believe that when we do take
3 action, we can have a positive effect on those
4 situations because of the fact that part of what
5 we're doing is ensuring that there are permanently
6 affordable housing units created in those
7 neighborhoods.

8 CHAIRPERSON BENJAMIN: And I sorry, Carl.
9 I did not mean to suggest that you would, in any way
10 attempt to explain me better than I did myself.
11 [laughter]

12 COMMISSIONER CARAS: Especially with you,
13 Madame Chair. I would be extremely careful.

14 CHAIRPERSON BENJAMIN: Sal?

15 COMMISSIONER ALBANESE: I have two
16 questions. I notice on the Board of Standings and
17 Appeals that it has to be, as part of the membership,
18 an experienced architect, the planner, an engineer.
19 What is your view, any of you, that a certain
20 percentage of people that sit on the City Planning
21 Commission should be urban planners?

22 JOE ROSE: How much time have you spent
23 with trained urban planners? [laughter] I think
24 the --

2 CHAIRPERSON BENJAMIN: You make it sound
3 like trained seals.

4 JOE ROSE: I think it's critically
5 important. I think it's critically important that
6 these departments be staffed by a professional
7 trained staff. I think if you look at the history of
8 the Planning Commission over the eight decades and
9 the diversity and the judgement, it's important, and
10 there is now and has been for quite some time the
11 confirmation requirements in terms of qualifications
12 by the council for people nominated. Some of the
13 most valuable, I would say in my experience and
14 observation, the most insightful experienced,
15 valuable members of the Commission have not been
16 trained planners. They have been people from all
17 sorts of different professional qualifications and
18 experience. It doesn't mean that there shouldn't be
19 planners involved, but the kinds of judgements and
20 decisions that are involved really are -- to go to
21 the Chair's point, someone political, some
22 governmental. They're not just professional planning
23 decision.

24 COMMISSIONER ALBANESE: We have thirteen
25 members, right. So why -- as I said, the Board of

2 Standings and Appeals has three -- three of the
3 appointees have to be experienced professional. So
4 out of the 13 members, why can't five or four be
5 urban planners? You have a lot of brain power in
6 this city, a lot of people from Nackademia that
7 really have a great vision for planning. And I'm not
8 saying that we shouldn't have people who don't have
9 that experience. I'm saying a mix would be helpful
10 if we codified that in a Charter.

11 MARISA LAGO: If I could take that on, I
12 think the beauty of the Commission is the diversity
13 of its members, and the fact that people who don't
14 have planning degrees, bring incredible experience.
15 I think many here will have known our very, very long
16 serving Commissioner, Irvin Kanter.

17 CHAIRPERSON BENJAMIN: Irvin Kanter.

18 MARISA LAGO: Exactly, who sadly passed
19 away. He was the Representative of the Queens
20 Borough President.

21 COMMISSIONER ALBANESE: Who's that?

22 MARISA LAGO: Irvin Kanter.

23 CHAIRPERSON BENJAMIN: Irvin Kanter.

24 MARISA LAGO: He was one our nation's
25 most storied structural engineers. We have people

2 who have expertise in the brokerage community. We
3 have on the Commission, a retail specialist, people
4 who undertake economic development who may not have
5 AICPA behind their name who may not have taken a
6 planning degree but who bring the wealth of
7 experience. I also think the structure of the
8 Commission having multiple different appointing
9 authorities is yet another guarantee of having a
10 diversity of viewpoints. Just by noting that
11 planning is so broad, that's part of the delight of
12 working in the planning profession. It encompasses
13 housing. It encompasses industrial jobs. It
14 encompasses open space, transportation and so having
15 the ability of seven different appointing authorities
16 to appoint people who they think will best take on
17 this city-wide mantle would say is the way to go.

18 COMMISSIONER ALBANESE: So you would be
19 opposed to having a fixed number of urban planners on
20 the Commission?

21 MARISA LAGO: I would think it
22 inadvisable.

23 COMMISSIONER ALBANESE: It's inadvisable;
24 okay. We respectfully disagree.

2 CHAIRPERSON BENJAMIN: Vishaan -- one
3 quick and then one --

4 VISHAAN CHAKRABARTI: I just want to
5 quickly respond on that. I agree with my fellow
6 panelist that a mix is very important. I think the
7 Commission did receive written testimony from the
8 American Institute of Architects that spoke somewhat
9 to this issue. The City of Los Angeles has appointed
10 now a Chief Design Officer. This isn't just about
11 architecture, but I do think a lot of people are
12 concerned a lot new development is atrociously ugly.
13 I think that should be an advisory role. I'm not
14 sure it has to be a legally binding thing, but I do
15 think there are concerns in the City about the
16 quality of new construction.

17 COMMISSIONER ALBANESE: Okay, good.
18 Thank you for that. I was in government for a number
19 of years, and I've seen some appointees to the
20 Commission that were clueless in my opinion about
21 urban planning, but that's another issue. One final
22 question. New York City has an authority property
23 undergoing a lot of development, a lot of proposals
24 out there. Should they be subject to ULURP?

2 MARISA LAGO: I don't believe so. Our
3 nitro properties operate under an extensive web of
4 federal regulation, and that is what determines how
5 they get developed. I think it not appropriate to
6 bring them within ULURP.

7 CHAIRPERSON BENJAMIN: Thank you. I'm
8 going to ask the last question here, and Andy it's
9 you again. Although I would add, my council just
10 found the dictionary definition of political
11 [laughter], meaning "of, for or related to citizens;
12 civil, civic; belonging to the state". But, that's
13 not my question. [laughter] My last question for
14 you Andy, as a member of the 1989 Charter Vision
15 Commission Staff, is in looking at what you intended
16 in 1989 and how land use processes are operating now,
17 is it what you thought it would be? Is it what you
18 hoped it would be?

19 ANDREW LYNN: Yes. It is what I thought
20 it would be, and what to some extent, we hoped it
21 would be. I guess a key issue is the way the city
22 council functions, and I think that's evolved over
23 time for a number of reasons. One of the concerns
24 when the Charter Revision was enacted was that how
25 would the legislative body act in this world; how

2 much deference would be given to individual council
3 members over their disciplines. And how much --

4 CHAIRPERSON BENJAMIN: You're going to
5 have to speak more into the mic. I'm told you're not
6 getting picked up. The button has to be red.

7 ANDREW LYNN: Oh, okay. I'm sorry. The
8 question is how would the legislative body, the city
9 council operate? How much deference to the local
10 council member on items in their districts and how
11 much of an ability, the rest of the council, the
12 leadership in particular to modulate control or
13 affect that? One thing that I found very interesting
14 was certainly in about the first ten, fifteen years
15 of the council's involvement, I was very impressed
16 with the strength of the leadership and the balance
17 that was struck there. Then, in the course of that
18 time period, term limits were brought in, and that
19 really changed the whole dynamic of the council and
20 it's evolved over time. I've been watching, and I'm
21 a little less close now to what's going on in the
22 council than I was, but I have a sense that there's
23 just a different approach now and a little more
24 deference to the individual council member. I think
25 in a certain way that's kind of inevitable in a

2 legislative body. I don't know exactly what can be
3 done about it, but to me that is perhaps the most
4 important issue and how it works, how that balance is
5 struck, what role the leaders of the council play in
6 that dynamic. So that's the area that I'd watch with
7 greatest interest and concern, but I think the
8 results have been reasonably good on that front.

9 CHAIRPERSON BENJAMIN: Thank you very
10 much, and I'd like to thank the whole panel. Seeing
11 no further questions, and I would like to thank you
12 all for coming here sharing your expertise and your
13 thoughts but also ask that if you have additional
14 thoughts or you want to educate us about anything
15 that you do so. We would love to receive written
16 comments or if you'd like to call us or any other way
17 that you want to communicate, we would like to hear
18 from you. And particularly as this process moves
19 along, we'd love to be able to call upon you again.
20 So thank you very much for coming. Thank you very
21 much for sharing, and we appreciate it.

22 PANEL 1: Thank you.

23 CHAIRPERSON BENJAMIN: Grab a seat.
24 We're going to start our second panel. Our second
25 panel will be discussing Comprehensive Planning for

2 which we will be joined by Howard Slatkin from City
3 Planning with the assistance of his Director Anita
4 Laremont, Vicki Been from CHPC -- sorry. No, I'm
5 sorry, Vicki. I'm sorry Vicki; Patrice Carroll is
6 joining us via Skype and Sandy Hornick. Please go
7 ahead and introduce yourselves since I have mangled
8 the whole thing and share any initial comments you
9 may have each of you. Once again, we'll have
10 approximately three minutes, and then we will engage
11 in a question and answer -- question and reflection
12 period, hopefully robust conversation. Vicki, do you
13 want to start? You have to return it. It has to be
14 red.

15 VICKI BEEN: I'm sorry. My name is Vicki
16 Been, and I'm the boxer family Professor of Law at
17 NYU Law School and I'm a Faculty Director of the Firm
18 in Center for Real Estate and Urban Policies. So
19 that's my identification. I also had the pleasure of
20 serving as the City's Commissioner of Housing
21 Preservation and Development for 2014 through 2017.
22 So I very much appreciate all of the incredibly hard
23 work and good thinking that the Commission is putting
24 into this process. I know better than many, since
25 I'm serving on the City's Commission to reform the

2 city's property tax system just how much work is
3 involved. So thank you very much for all you're
4 doing and thank you for having me. So I want to make
5 a couple of points tonight. I've submitted much more
6 detailed testimony in writing, but I want to make a
7 couple of points. First, I'm not sure that we're all
8 on the same page about what is meant by comprehensive
9 planning. And I think that our charter mandate for a
10 comprehensive plan is just really empty platitudes
11 without much more detail about what is meant by
12 comprehensive planning, how exactly it differs from
13 what we do now, what affect the process and any plan
14 developed will have on how land use housing,
15 infrastructure and other decisions are made. Without
16 much more definition, voters asked to approve a
17 charter amendment requiring a comprehensive plan
18 simply can't know what they are voting for, what it's
19 costs and benefits are and how it is likely to affect
20 the issues that they care about. A survey of
21 everyone in this room would reveal an enormous range
22 of views about what a mandate for comprehensive
23 planning even means. To some, it means that each
24 neighborhood will be required to allow enough
25 affordable housing, for example, to meet some minimum

2 that the city as a whole determines. To others, it
3 means self determination by which each neighborhood
4 would get to determine how much affordable housing
5 should be allowed in that neighborhood. To others,
6 it means that each neighborhood will get to determine
7 the preconditions that must be met before any
8 additional housing capacity is authorized. To
9 others, it's an opportunity to widen the scope of who
10 has input into the process and to decrease the power
11 of the homeowner's preservationists and other
12 interests groups that now dominate community board
13 processes. We're likely to have at least 20 more
14 versions of what it means as well if we just ask
15 people in this room. That's dangerous. Indeed, it's
16 irresponsible to submit such an ambiguous concept to
17 a vote. It just means that we've avoided the tough
18 political choices by using weasel words. Words that
19 sound specific and indisputable, but that are, in
20 fact, evading the hard political and policy questions
21 that the issue raises. Until we have a much more
22 specific proposal, voters will have no idea what
23 they're voting for except that comprehensiveness and
24 planning sound reasonable like apple pie. If I can
25 just make one last point, Charter Revision should do

2 no harm, and a mandated comprehensive plan could
3 bring benefits to the city. It could also do
4 considerable harm by making it all the more difficult
5 for the city to achieve equitable growth needed to
6 ensure housing affordability and thriving
7 neighborhoods. There's a growing consensus across
8 land use and urban policy experts, and I've detailed
9 all that in my testimony that land use regulation,
10 including planning and planning consistency
11 requirements is limiting growth in productive cities
12 like New York in ways that have very negative
13 consequences for equity and inclusion. A mandate for
14 a comprehensive plan could make an already lengthy
15 unpredictable and costly land use process even more
16 onerous. And that's coupled with the fact that
17 there's relatively little evidence about the affect
18 of comprehensive planning has on housing
19 affordability. Again, I've detailed that evidence in
20 my written comments, but the evidence suggests that
21 comprehensive planning at best is not very helpful in
22 achieving housing affordability. It bears noting,
23 for example, that many of the city's most
24 unaffordable -- many of the nation's most
25 unaffordable cities: Los Angeles, San Francisco,

2 Seattle, Miami, Washington DC all have comprehensive
3 plans. In some, there's just too much at stake to
4 adopt an ambiguous mandate for a costly and time-
5 consuming process that has failed to help cities far
6 less complicated than New York to build fairer, more
7 affordable and more livable cities. We should have a
8 constructive debate about how to achieve more
9 equitable development in the city, but the proposed
10 mandate attempts to short circuit that debate by
11 promising a panacea that is ill defined and contrary
12 to the evidence. Thank you.

13 CHAIRPERSON BENJAMIN: Thank you. Sandy?

14 SANDY HORNICK : Good evening. My name
15 is Sandy Hornick. I'm an Urban Planner in private
16 practice, but I spent 38 years the Department of City
17 Planning in various capacities. During my years
18 there, there were a series of charter mandates that
19 sought to create a more rational and equitable
20 planning process. The list of possible revisions in
21 your report reminds me how hard it is to achieve
22 these goals. Periodically, the charter is revised
23 because people feel the process is not open enough,
24 and after a few years, we find ourselves back looking
25 to open up the process again. I think there is a

2 larger issue involved which is attention between
3 local desires and city-wide needs. New York is
4 already a very crowded place, and after half a
5 century with a population barely penetrated the 1950
6 level, it is getting more crowded all the time,
7 adding in just 16 years, six times the population
8 gain and a million more jobs than in the previous 50
9 years. This has driven up the cost of housing, made
10 subways that were already crowded, more crowded, etc.
11 What is important to have open participation in the
12 decision-making process, it is at least equally
13 important, if not more so, to have a voice at the
14 table for the future. The people who will be
15 competing for housing, employment, recreation,
16 transportation, and so on, 5, 10, or 20 years from
17 now. I do not think it is accidental that the 1976
18 Charter Revision, which created ULURP to involve
19 communities and planning also removed the then
20 unfulfilled 40-year old charter mandate for a
21 comprehensive plan. Comprehensive planning is
22 inherently a planning exercise with a top-down
23 emphasis beginning with regional needs, then
24 municipal, then attempting to fit these into local
25 context. Past charter revisions sought to evolve

2 these conflicts by requiring the issuance of a series
3 of reports and policy restatements and by creating a
4 fair share process. But except for the officials who
5 issue a particular document, the public and other
6 elected officials have largely ignored these. Over
7 the years, I've come to think that a more valuable
8 and more achievable approach in a dense built-up city
9 is for the city to identify issues of strategic
10 importance to provide a context for planning
11 decisions. A comprehensive plan that takes years to
12 accept by one administration, assuming there is
13 consensus, is not necessarily going to be accepted as
14 a guide by the next one. It may be better have, for
15 example, a healthy discussion on the city's housing
16 needs, which you've heard much about today, than a
17 plan for where all the housing is going to go. I
18 would employ the commission to preserve one mechanism
19 for insuring a transparent process. Scope is a
20 mechanism for insuring a transparent process. Scope
21 is a mechanism for insuring that everyone has the
22 opportunity to comment during the process by limiting
23 review to those changes that been advertised for
24 public hearing. Determining "scope" is a
25 determination of fact. It is not a political

2 gesture. Zoning rules that are proposed to be
3 changed are complicated and require technical
4 expertise that reside at city planning. Finally, I
5 note that there was a good chance that among the
6 members of the current council, sit one or more
7 future executives of this great city. I would
8 encourage you in any charter revisions that you
9 proposed to keep mind that whomever may rise to run
10 this future city, have the appropriate authority to
11 do this effectively.

12 CHAIRPERSON BENJAMIN: Thank you, Sandy.
13 Howard and Anita?

14 HOWARD SLATKIN: Good evening,
15 Commissioners. My name is Howard Slatkin. I'm the
16 Deputy Executive Director for Strategic Planning at
17 the Department of City Planning. The history of land
18 use planning in the city charter traces an ark from
19 traditional static notions of comprehensive planning
20 to a practice of strategic planning that supports
21 timely responses to a rapidly changing environment.
22 The most recent attempt, as some have noted, to
23 create a city-wide comprehensive plan was the 1969
24 plan for New York City. It was undertaken in part to
25 enable the city to qualify for federal public housing

2 funds but outdated by the time it was complete,
3 widely criticized and ultimately never adopted. It
4 was following the failure of the 1969 plan that the
5 1975 Charter Revision Commission, as Sandy noted,
6 eliminated the requirements in the Charter Foremaster
7 plan. And in its place established ULURP and
8 community boards to decentralize the land use
9 decision-making process. These changes reflected the
10 planning perfection's broader shift away from
11 comprehensive plans and other master planning tools
12 such as urban renewal during that period. In 1989,
13 Charter Revisions established a strategic planning
14 function to help prevent the land use decision
15 process from becoming overly politicized and driven
16 by short-term considerations. Instead of a master
17 plan, the aim was to supply facts, analysis and
18 consistent objectives to help anchor decisions and
19 clear planning rationales. The city has used this
20 strategic planning model in a range of ways in recent
21 years through one NYC the city has articulated
22 principles and priorities for sustainable and
23 equitable growth, including city-wide goals for
24 housing production. City planning regularly
25 undertakes initiatives to advance city-wide

2 strategies that address planning issues and pressing
3 significance. Recent examples, of course, include
4 mandatory inclusionary housing, zoning for quality,
5 and affordability, and zoning for flood resiliency.
6 By using the internet and a wide variety of
7 interactive tools, which the 1989 Charter
8 Commissioners certainly could not have imagined, the
9 department today makes far more data and analysis
10 available both to decision makers and to the public
11 than it has ever before. There is sometimes a view
12 expressed that if we already had a city-wide master
13 plan, that the individual decisions that can be so
14 challenging and contentious would become easier or
15 perhaps even unnecessary. But it's important to
16 recognize that there is no comprehensive plan that
17 could be adopted that would obviate the need for
18 informed insensitive decision-making based on
19 detailed consideration of specific facts and local
20 conditions. In implementing the objectives of one
21 NYC or of any plan of such scale, goals and
22 objectives often have inherent intentions and must be
23 balanced. Take for instance the question of whether
24 a plot of city-owned land within a neighborhood
25 should be used for open space or for affordable

2 housing? There is no city-wide plan that can
3 predetermine an appropriate and equitable local
4 outcome for that kind of situation. This is, of
5 course, the job of ULURP which allows officials to
6 balance competing equities based on sound information
7 and consideration of all views and voices. I'll just
8 have one more thought if I can wrap up?

9 CHAIRPERSON BENJAMIN: Keep going.

10 HOWARD SLATKIN: A nimble and practical
11 approach to city-wide strategic planning can support
12 timely and equitable decision making. But approaches
13 that would require every land use decision to be made
14 twice or divert substantial resources away from
15 action would detract from ability to undertake
16 responsive planning for New York City's dynamic
17 environment and present needs. Thanks you.

18 CHAIRPERSON BENJAMIN: Thank you very
19 much. Now, we have Patrice -- hold on one minute;
20 Patrice Carroll who is with the Seattle Office of
21 Planning and Community Development. Patrice?

22 PATRICE CARROLL: Good evening.
23 Greetings from Seattle. I was asked to share a
24 little bit about the planning framework that we use
25 here in the City of Seattle. It really starts with

2 the state. We do have a statutory and a mandatory
3 comprehensive plan, and that comes from our state
4 good match map which adopted in the early 1990s.
5 This requires that there are 13 state-wide goals,
6 very high level, really borne of a time when there
7 was a lot of smog in Washington State and this was
8 the state's attempt to have a more rationale future
9 land development system. So there are substantive
10 requirements within in the Growth Management Act for
11 local planning. There's also procedures set out for
12 the adoption of plans, how to amend plans, how often
13 plans have to be updated. There are also rules that
14 are established that are monitored by the Department
15 of Commerce so all of the plans are certified at the
16 state level; and then these comprehensive plans
17 really -- they set the requirements for, in part, the
18 zoning that each -- that each place would adopt. It
19 also provides for an appeal process. There's
20 something called a Growth Management Hearing Board so
21 if plans are adopted, they can be challenged, and the
22 Growth Management Hearing Board establishes the case
23 law that guides those decisions. So in addition to
24 those state growth management plans, there is also --
25 we have regional, Metropolitan Planning and

2 Organization. In our region there is one. It's the
3 Puget Town Regional Council, and it, too, has a
4 comprehensive plan. They're just updating theirs now
5 for 2050. Because Seattle is within Bend King
6 County, we also have the King County Growth
7 Management Council, and they are the ones that take
8 the estimates from the state that are promulgated for
9 growth management planning and then that council kind
10 of figures out what's the best distribution or what
11 sort of estimated growth we should look at in our
12 individual plans throughout the region. And then we
13 come to the Seattle Comprehensive Plan which just
14 really applies to our city. We adopted our first
15 comprehensive plan in 1994 under the Growth
16 Management Act. We updated it in 2004 about ten
17 years later, and then we just had our most recent
18 update was in 2015. According to state law, we're
19 supposed to update these plans every eight years, but
20 there's often extenuating circumstances like the
21 Great Recession when we didn't really have the --

22 CHAIRPERSON BENJAMIN: Please continue.

23 PATRICE CARROLL: -- resources to do
24 comprehensive planning, so sometimes those timelines
25 have been elongated. For now, we're already

2 beginning to think about our next update which is
3 going to be due in 2023. Our comprehensive plan --
4 our current comprehensive plan called Seattle 2035
5 is our vision for how our city will grow and change
6 over the next 20 years. We are planning for a growth
7 of 70,000 housing units and 115,000 more jobs. We
8 have something here in Seattle called the Urban
9 Village Strategy, and that is the strategy that was
10 introduced in our first comprehensive plan under
11 Growth Management, and it's one that we still use;
12 and it's identifying the areas within our city where
13 we'd like to see growth that's close to transit,
14 that's close to retail, where we can have higher
15 density development. So there are kind of these many
16 growth centers scattered about. There are 30 of them
17 that are designated within our city. The areas that
18 we really focus on that have been the focus of growth
19 and change over time and where we -- as we've built
20 out our transit system. We're still building our
21 railway system here in Seattle. These are the places
22 that are our priority for those transit services for
23 high capacity transit and other kinds of public
24 investments. We also have a set of policies that
25 within our plan that promote industrial uses and

2 serves to guide our policies around industrial land.

3 We also have a chapter that deals with our

4 shorelines, that again is very closely tied to some

5 state law, and there's policies that specifically

6 applied to our shorelines. This planning process is

7 led by our Planning Department. It does require the

8 participation of many, many departments throughout

9 city government. So this is the way -- this is one

10 way that we can kind of do that collaborative,

11 coordinated planning work together so this is a time

12 at least where we run major updates every eight years

13 that we do kind of bring together or brain child from

14 across the city to look at things more holistically.

15 Our updates are generally drafted by city staff,

16 although we sometimes use outside consultants to do

17 some of the technical work on special topics. In our

18 last update, equity and displacement was a big issue,

19 and so we did bring in some folks from outside to

20 help us think about that. It's a seven-year process.

21 Our last plan was about a four-year process, and that

22 created extensive, extensive community engagement and

23 also an environmental process so we haven't yet

24 processed that kind of parallel when we were looking

25 at alternatives for growth for the future. We have a

2 set of -- within the state framework, there are
3 certain elements that our required: land use,
4 shoreline management, housing, economic development.
5 We have a container port here, capital facilities,
6 transportation, utilities, sort of the typical topics
7 that one addresses in a plan. But we hand out all
8 other topics and the City of Seattle has chosen to
9 have a more -- have a broader comprehensive plan that
10 also addresses environment, parks and open space,
11 community well being, arts and culture and we've also
12 included some specific policies for some of those --
13 for those 30 urban villages that are designated. So
14 there's an abbreviated set of policies for each of
15 those areas.

16 CHAIRPERSON BENJAMIN: Okay. Do you
17 think you could begin to sum up --

18 PATRICE CARROLL: -- neighborhoods known
19 to be to -- to sort of need their imprint in the
20 comprehensive plan, if you will. Our amendment
21 process --

22 CHAIRPERSON BENJAMIN: Excuse me, Ms.
23 Carroll --

24 PATRICE CARROLL: -- in fact, we do major
25 updates every eight years, but we can go in and amend

2 it once a year so that is the process that allows us
3 to make some minor changes in between --

4 CHAIRPERSON BENJAMIN: Ms. Carroll, do
5 you think you could --

6 PATRICE CARROLL: -- so I think I'll
7 leave it there --

8 CHAIRPERSON BENJAMIN: Ms. Carroll, do
9 you think you could --

10 PATRICE CARROLL: -- and look forward to
11 your questions.

12 CHAIRPERSON BENJAMIN: Ms. Carroll?
13 Thank you very much. The first person I have is Carl
14 and then Sal.

15 COMMISSIONER WEISBROD: Than you Ms.
16 Carroll. I have I think, two questions for you.
17 One, the system you described is certainly starting
18 with a state comprehensive plan is a very top-down
19 system, and I don't know if you heard the testimony
20 of Sandy Hornick here who said, among other things,
21 that a comprehensive plan is almost by definition, a
22 top-down rather than a bottom up plan. And I do note
23 that at least a few years ago, Seattle just basically
24 eliminated its neighborhood councils that were the
25 more or less equivalent of our community boards, so

2 I'm -- I guess my question to you is -- first
3 question is whether this is a top-down approach, and
4 I know there's been a lot of criticism about it from
5 some neighborhoods in Seattle?

6 PATRICE CARROLL: I feel like the goal is
7 that the state sets are so high level that each
8 individual city does, and even counties, they -- the
9 plan still is very different from different places.
10 So I think there is flexibility within that broader
11 framework. But it -- and we certainly do have a lot
12 of bottom up planning in Seattle as well. We have the
13 30 neighborhood plans that again are a part of our
14 comprehensive plan. They still get updated every
15 eight years so that's, that's a bit of a struggle for
16 us, but I think that there is enough room that we
17 can. I think it's an opportunity for us as a city to
18 kind of take a broader view. So often times
19 neighborhood plans can be very focused on things that
20 are happening in a particular neighborhood, and I
21 think it's also important for us to come together as
22 a city and think about the city as a whole. So I
23 haven't felt it as to top-down. There are some
24 things that they are thinking of changing. There are
25 some topics that are very important now that when the

2 Growth Management Act was written back in 1994 were
3 not as important and so there is some work being done
4 at the state level now to sort of refresh the Growth
5 Management Act a little bit and bring in some more of
6 the more relevant topics around climate change and
7 displacement and equity into that framework. We also
8 have the opportunity to do work beyond what the
9 Growth Management Act requires as I said we did with
10 a lot optional elements in Seattle, and those are
11 things that are important to our citizens in our
12 city. We also -- there are IDF processes coming very
13 similar to yours, a pretty standard process to look
14 at impact but again perhaps doesn't consider things
15 like of the risk of displacement, and so we also --
16 in our last comprehensive plan, we did a separate
17 analysis to look at that and have a better
18 understanding of that when we thought about where
19 growth -- where we wanted to guide growth within the
20 city over the next 20 years. I think there is
21 flexibility within the growth management framework to
22 accommodate those adjustments and changes.

23 COMMISSIONER WEISBROD: Thank you, and
24 I -- on your last point, a question as well that is
25 both to you and the panel. I was here just listening

2 to the panel talking about comprehensive planning and
3 thinking about our last panel and the challenges of
4 environmental review, just thinking about the -- at
5 least given New York's rather expansive environmental
6 review process and the thought of a city-wide
7 environmental review is sort of mind boggling for me,
8 and my understanding is, and I don't even know how
9 long it would take or how much it would cost, but it
10 would be -- given how just in limited areas,
11 environmental review is pretty time consuming and
12 expensive. I assume it would be -- that alone would
13 be quite significant. But my understanding is in
14 Seattle the environmental review for the
15 comprehensive plan is a very light one and then as
16 you look at actions within that comprehensive plan, a
17 more elaborate environmental review. Is that
18 basically the way it's done?

19 PATRICE CARROLL: Again, it depends on
20 the degree of change. In our 2004 update, we did an
21 internal assessment and decided not to do a full
22 environmental impact statement so that was a lighter
23 touch. In this last update, we did decide to do a
24 full environmental impact statement again to look at
25 some different rates of growth and different

2 alternatives. We also wanted to look more closely at
3 our transportation system because we got lots of --
4 always a pinch point here in Seattle. So that
5 technical work was helpful in looking at some of the
6 alternatives that we were thinking about. It may not
7 be quite as extensive as the process that you have in
8 New York because what we do here is we have, we call
9 it a "programmatic review". So again, it's not the
10 level of detail of detail as if you're doing an
11 actual re-zoning because there isn't any immediate
12 zoning change that happens when you adopt the
13 comprehensive plan. Initially zoning regulations
14 stay in effect until they until they change. The
15 comprehensive plan provides direction for where those
16 changes can happen; but until those changes are made,
17 permanent decisions are made on whatever the current
18 regulations are so that's how that works here and
19 that transition between comprehensive plan policy and
20 zoning regulations.

21 COMMISSIONER WEISBROD: Thank you.

22 CHAIRPERSON BENJAMIN: Sal?

23 COMMISSIONER ALBANESE: Yep.

24 Ms. Carroll, first let me say that I'm a big fan of
25 Seattle. I am -- we had two of your fellow citizens

2 testify a couple of weeks ago on democracy vouchers
3 which I think is the gold standard for campaign
4 finance so just as an aside. The question I have is,
5 in general, has the comprehensive plan in Seattle
6 made the land use process lengthier and more
7 expensive?

8 PATRICE CARROLL: Um, I wasn't here in
9 Seattle when they didn't have a comprehensive plan so
10 I'm not sure I can make that direct comparison. But
11 I think because we look to the current regulations to
12 guide permitting decisions, that it hasn't made it
13 longer. Although there are some folks who if they
14 kind of see a process happening and that there might
15 be some changes, they might choose to wait and see
16 they'll be future zoning changes before they make a
17 decision about their properties. I can say that for
18 some of the land use categories we do have a future
19 land use map which is kind of generalized zoning map
20 in our comprehensive plan. In order to change zoning
21 in our manufacturing and our designated manufacturing
22 industrial centers, so in order to change a zoning
23 designation from industrial to non-industrial use
24 within those areas, it does require a change in the
25 comprehensive plan so that does add an extra step to

2 somebody looking for -- to request to print zoning,
3 to make a zoning change. Either if the city wants to
4 initiate that change or a private party does, so that
5 does add an extra step to the process. Also, we
6 have -- we still have created some pretty strong
7 policies around single family areas, and so those are
8 also another place where it may be more difficult to
9 make those zoning changes as quickly as you could in
10 a mixed-use or commercial area.

11 CHAIRPERSON BENJAMIN: Thank you.

12 Sateesh, I believe you're next.

13 COMMISSIONER NORI: Thank you all. My
14 first question is for Mr. Slatkin. I've read this a
15 few times, this statement, and I can't get a sense;
16 maybe it's late, where exactly do you come down on
17 the issue of comprehensive planning? Is it that we
18 already to this to some degree? Is it that we have--
19 so if you could just answer that particular question,
20 and especially in light of what's been described as
21 Seattle's planning process. So if you could weigh in
22 on that?

23 HOWARD SLATKIN: Sure. With respect to
24 comprehensive planning, we prefer to consider this in
25 terms of strategic planning. Rather than sort of a

2 multi-year process that's based on determining --
3 laying out a future condition of the city, that we
4 would then reach through a series of future
5 decisions, we look at the condition of the city
6 today, the issues that are pressing, including the
7 ones that we hear about directly from the public as
8 well as what we learned through analyzing data about
9 land use, development, housing, throughout the city
10 and set priorities and undertake strategic
11 initiatives based on that information. You'll see
12 that there are documents such as, in this
13 administration, One NYC and in the prior
14 administration Plan YC that lay out some of the
15 consistent themes and planning objectives of, for
16 instance, how we approach growth and transit oriented
17 development. In this administration, they increased
18 focus on equity and creating economically diverse
19 communities through planning. And those are
20 principles that we then apply through the initiatives
21 that we undertake and those are themes that are
22 articulated for others to undertake land use action.
23 So when, for instance, the City Planning Commission
24 reviews a proposal, it can hold it up against some of
25 those broader principles and identify whether it

2 seems to be consistent with the broader way that
3 we're thinking about these issues. So I think the
4 issue is really one of sort of scale and process, and
5 what we are doing is strategic planning on a kind of
6 ongoing basis and refreshing it regularly. I think
7 that another important thing is also, as this
8 commission is thinking about the charter the
9 structure of the charter that you are -- it is
10 important to hold elected officials accountable for
11 the decisions and the priorities they set and,
12 therefore, it's important to allow -- enable newly
13 elected mayors, borough presidents to articulate
14 their priorities for the direction, the issues that
15 they see as pressing and important in order to enable
16 actions to be taken to advance addressing those
17 issues. I would say that I don't want to impugn
18 anything that Seattle does. I think Seattle is a
19 wonderful city, too. It's different from New York.
20 That's one of the great things about different cities
21 is that we each have our own sort of unique
22 characteristics and qualities, I think. Not only are
23 we different in our scale of something on the order
24 of 12 times the population, I think of the city of
25 Seattle, but also we have a very different sort of

2 administrative contacts. For instance, a
3 relationship with the state law. We don't have state
4 and regional planning consistency requirements, sort
5 of the kind of top-down framework that does exist in
6 some other states. It means that New York City in
7 essence has to lay out its own strategies more
8 independently, and we do that and we have
9 consistently done that.

10 COMMISSIONER NORI: [Inaudible] Thank
11 you.

12 CHAIRPERSON BENJAMIN: Alison?

13 COMMISSIONER HIRSH: So, this question is
14 for Mr. Slatkin. You mentioned the ongoing strategic
15 planning work that the department does and each
16 individual administration does, One NYC or Plan YC or
17 what have you, and in the very comprehensive briefing
18 document that the staff put together for us before
19 this hearing, I think I counted no less than one,
20 two, three, four, five, six, seven sort of various
21 reports or processes that one could, to Commissioner
22 Been's [sic] point, consider a comprehensive plan.
23 So, maybe this question is not solely for you, but
24 for the whole panel. Is there anything that can be
25 done under the current planning constructs that exist

2 to make them more accessible to the public; to make
3 them more understandable and to have them relate to
4 one another at a more comprehensive way that could
5 better inform the department, the city council, the
6 administration in terms of the zoning and land use
7 process?

8 HOWARD SLATKIN: Right. I will start and
9 others may be interested in adding to what I have to
10 say. I think that in essence what you've seen in
11 recent years with things like One NYC is an effort to
12 do that and to, you know --I think when I -- in my
13 remarks, I refer to the motivations and the
14 intentions of the 1989 Charter Commission and trying
15 to create a function that enabled professional
16 expertise and objective information to be brought to
17 bear on the process not to dominate the process and
18 not to exclude community input or other kinds of
19 public participation but to make sure that it is
20 brought to bear on decision making. The exact
21 instruments by which that was laid out in the charter
22 and with great specificity have proven not to be the
23 most effective or relevant mechanisms. I think you
24 can go back and explore some of the strategic policy
25 statements and other reports that were produced in

2 the early years following the '89 Charter, and I
3 think as Sandy said, "They were -- we have them in
4 our library, but they're not widely used or seen."
5 And I think in part because they're not very
6 accessible. They're highly technical and somewhat
7 obscure documents, and I think that effort that
8 you've seen with things like One NYC is to make sure
9 that there is a document that lays out these
10 priorities and strategies in a way that is accessible
11 and that does make linkages across so it's not a
12 bunch of individual plans for, you know, not just a
13 plan for the waterfront and a plan for housing, and a
14 plan for -- but how these plans relate to one another
15 and talk about how transit oriented development
16 involves both planning for housing and planning for
17 jobs that people can reach from that housing, and
18 transportation that helps people get to all those
19 destinations and integrating that. So I think that
20 what we have done in the spirit of strategic planning
21 under the current charter has been to try to create
22 better instruments for doing that, and I think it is
23 also something as the commission thinks about how to
24 lay out processes in the Charter, to be mindful that
25 when you're doing something for the first time, you

2 may or may not have exactly all the steps in the
3 process figured out, and that it's important to allow
4 the parties assigned the responsibility for doing
5 this work to figure out the best and most effective
6 and appropriate ways of executing it.

7 ANITA LAREMONT: I would -- I'm sorry. I
8 was just going to add to what Howard said that I do
9 think that there are certainly room for improvement
10 in the sort coherence of the message that is given
11 about what the comprehensive vision of the city is in
12 this administration and any other administration.
13 And so, I think, we might suggest that rather than
14 thinking about imposing a new comprehensive planning
15 requirement, that we look at articulating how we want
16 to enhance the mechanisms that we already have to be
17 better and more effective at articulating it is that
18 we want to do. So, I think your question there was
19 right on point.

20 VICKI BEEN: If I can just add to that on
21 the basis of the work that I did on Housing New York.
22 I think that a great deal of what you are asking
23 about, Commissioner Hirsh is actually already being
24 done. So when we developed the Housing New York
25 Plan, we involved more than 20 different agencies.

2 There was an enormous amount of cross fertilization
3 and collaboration and an understanding of how what we
4 were doing with Housing New York affected what city
5 planning was doing, what transportation was doing,
6 etcetera, right? The other thing is that there is a
7 way of tying it together and making it more
8 accessible and insuring accountability which is the
9 Mayor's Manager Report feeds off of all of those
10 strategic initiatives, all of those strategic plans,
11 and so we reported every year; I think actually every
12 six months how we were doing on all of things that
13 were laid out in those strategic plans, and that's
14 all online. It's very accessible, and it -- you
15 know, it does tell people how this all fits together
16 and what it's all working towards. So, I'm sure
17 there are ways to improve it, but there's a great
18 deal already being done.

19 SANDY HORNICK: I just wanted to -- I'm
20 sorry. I just want to add an observation as I listen
21 to this. Each time one of these reports gets out, I
22 think people learn a little more about improving the
23 process and trying it. But I think there's an
24 underlying tension that always results in people
25 being disappointed. This administration, which I'm

2 not a part of and I have no stake in other than as a
3 citizen, has the most aggressive affordable housing
4 program in the nation. You will not attend a
5 community meeting where -- and let me just say,
6 thanks to the people on either side of me and others,
7 they're achieving their goals. But you won't find at
8 a public meeting on housing people saying "you're
9 solving the housing problem". Because the housing
10 problem is bigger than their ability to solve it.
11 People turn to the process and say well there's a
12 fault in the process. You know, if the tools that
13 are available, the amount of money that are available
14 are not as big as some of the problems we face, and
15 that could apply to subways; it applies to the school
16 system; it applies to children's services; it applies
17 all across the board. And a lot of what, I think,
18 people here is the inability of the people who have
19 to sit at these tables from the government side to be
20 able to give people things that they legitimately
21 need and maybe deserve, but you know, the city spends
22 all the money it collects, at the end of the day, it
23 doesn't have more money to spend.

24

25

2 COMMISSIONER HIRSH: Great. Thank you
3 very much. I have one follow up question if that's
4 okay, Chairperson.

5 CHAIRPERSON BENJAMIN: Yep.

6 COMMISSIONER HIRSH: One issue that's
7 come up a number of times in the public comments
8 prior to this hearing around comprehensive planning
9 is the need for a more equitable fair share of
10 policies across the city. And the, you know --
11 while the move in the 1975 Charter and 1989 Charter
12 was towards local engagement in the zoning process
13 which is laudable and make sense, it also potentially
14 helped exacerbate the idea that certain communities
15 get more than their fair share of waste transfer
16 stations, homeless shelters, etcetera and so my
17 understanding, and I guess we'll hear more in the
18 next panel, that one of the proponents of a
19 comprehensive plan see expanding the fair share more
20 equitably that sort of burdens more equitably across
21 communities. So I would say, my understanding is
22 you're sort of -- all of you are advocating for the
23 system "as is" more than a broader comprehensive
24 plan. Are there any ways that you can speak to under
25 the current system ensuring that those kinds of

2 homeless shelter sightings, waste transfer stations,
3 etcetera are more equitably distributed across the
4 city?

5 VICKI BEEN: Let me dive in there, and
6 then we can have a broader discussion. I think part
7 of the tension and part of the reason why
8 comprehensive turn out to be disappointing in the end
9 is that defining what is fair is actually very, very
10 difficult, and that is a political question with a
11 capital "P" and a small "p". That's a discussion
12 that we need to have. There was somewhat of a
13 discussion around the fair share criteria about what
14 fairness actually meant and how things get
15 distributed equitably, but that's a conversation that
16 is first of all incredibly controversial and
17 incredibly fought and incredibly difficult. And
18 there's no reason to believe that comprehensive
19 planning would actually make any progress on that
20 question. Right? Much of the criticism of the fair
21 share criteria is that they are like an environmental
22 impact review, all you have to do is show that you
23 considered the fairness of the distribution. You
24 don't have to meet any numerical or other target
25 because one wasn't set because it's too difficult of

2 a question for most -- it's too difficult of a
3 question. Right? And so there's no reason to
4 believe that moving the question into what we call a
5 comprehensive planning system would accomplish
6 anything other than what is accomplished in the
7 conversation about fair share.

8 SANDY HORNICK: I'd like to jump in here,
9 too. So, if you were to think of what would share
10 fair mean in terms of the various things? And
11 actually, there was an attempt to do homeless
12 shelters --

13 CHAIRPERSON BENJAMIN: Numerical system.

14 SANDY HORNICK: -- right? I believe of
15 all the shelters that were proposed, one for 100-room
16 apartment was opened. All of the others were not
17 before it. But let's just take waste transfer
18 stations; so we put them in end zones, the city.
19 We -- I shouldn't say "we" anymore, but the city puts
20 them in end zones, and there were a very limited
21 number of those. So you could either say well, we
22 won't put them in the end zone anymore because the
23 end zones already have all kinds of things that
24 people don't like, which means we're going to have to
25 put them in other zones where even more people live.

2 And I would venture to say that, that is a political
3 question with a bigger capital "P" and one that's not
4 likely to happen. And that's what happened with
5 homeless shelters. It wasn't that communities
6 disagreed with the distribution of homeless shelters
7 that already existed, it was that the communities
8 that didn't have homeless shelters felt they had lots
9 of -- they already had too many things in their
10 community, whether they were drug treatment, whether
11 they were, whatever they were, that they were already
12 overburdened. And so the notion that fair share is
13 somehow going to solve the problem of what people are
14 willing to accept as an inconvenience use of their
15 neighborhood, they're concerned about crime. They're
16 concerned about what it's going to do to their
17 property values. They're concerned about all kinds
18 of things, some of which we might feel are valid and
19 some of which you might feel an invalid; but in the
20 political process, all those things come out? So the
21 charter mandate doesn't really wind up distributing
22 things in a way that some people would like and you
23 wind up with -- what fair share does do, which is
24 provide an explanation. It makes you look at what
25 the other options are and it provides you an

2 explanation for why those particular choices were
3 chosen. And then the political process decides if
4 those two -- if they're going to abuse those sites
5 that get selected.

6 ANITA LAREMONT: I would just add that in
7 listening to this conversation, it really strikes me
8 that, you know, we've seen tonight sort of the
9 dichotomy of what is being requested here. On the
10 one hand, people are looking for more community
11 control over decision making which actually we know
12 will lead to more problems in regards to citing
13 things that people don't want in their neighborhoods.
14 And this notion that somehow on the other hand if we
15 can do comprehensive planning that we will solve
16 these problems. What I would really submit is that,
17 that is not correct, and that in order to come to a
18 consensus about comprehensive planning, we will have
19 the exact same dynamics that we have in terms of
20 neighborhoods desiring to ensure that they get
21 exactly what they want in their neighborhood as
22 opposed to thinking city wide. So, for me that
23 really goes back to what I think is essential is to
24 remember that the prior balance of power that was
25 struck was struck in part to ensure that the city

2 executive had the ability to take a city-wide view in
3 terms of how things got cited that people in
4 parochial neighborhoods may not be interested in
5 having cited; and to just not believe that to say
6 that we're going to empower community engagement and
7 neighborhood involvement and then have comprehensive
8 planning is going to solve this problem because I
9 just don't see any reason to think that's true.

10 CHAIRPERSON BENJAMIN: Commissioner
11 Vacca?

12 COMMISSIONER VACCA: Yes. Very quickly.
13 I appreciate everything that you've just stated. I
14 think that deciding what is fair is difficult,
15 subjective. Deciding when there is a saturation
16 point, every neighborhood will say they are
17 saturation. Every neighborhood will say they are
18 treated unfairly. I just do want to note yesterday,
19 speaking from my borough, the Bronx, that a report
20 came out that we are number 62 out of 62 counties in
21 the state we are the unhealthiest county. This is
22 like the 10th year, the 12th year we've been rated so
23 low. Every health variable, every type of education
24 variable is like out of whack in the Bronx so we're
25 not talking fairness or saturation. We're talking

2 inequality just as much as we're talking, and how do
3 you measure it? Well, planners have to look at
4 reports like this, and then say, "Are we going to put
5 another marine transfer station in the Bronx? Are we
6 going to continue to dump someplace where
7 traditionally these things have been placed that can
8 no longer take?" Manhattan has one of the highest
9 life expectancies in the state, Manhattan at 85.4.
10 The Bronx is number 62 out of 62. We're at 80. Wow,
11 you live five years more living in Manhattan than you
12 would in the Bronx. This is just -- this survey --
13 I'd like you all to see this because you're in a
14 position, planners. I think this is a problem of
15 inequality in my borough and inadequate access, but I
16 think that rather than talk about fairness and
17 saturation because we cannot define it, we cannot
18 define it. I think we have to talk of studies that
19 are in place that give you facts before we start
20 citing facilities. These studies are not subjective.
21 This is the reality, and we've already had this
22 information at our fingertips, and we don't use it
23 when we plan. We plan in a vacuum.

24 CHAIRPERSON BENJAMIN: Carl? We have
25 another panel.

2 COMMISSIONER WEISBROD: This is a very,
3 hopefully recently quick question to Sandy Hornick.
4 I finally found someone who is at the Department of
5 City Planning when City Planning and the Office of
6 Management and budget did the capital plan together
7 at the same time. When we think about planning,
8 frequently we think about, you know, where are the
9 resources of the city allocated? Where are capital
10 investments and our infrastructures are made
11 recognizing that, that's a big issue for
12 neighborhoods just the sighting of growth, but also
13 the ability of our infrastructure to keep pace with
14 that growth. And I'm wondering -- you've cited and
15 Howard and others have cited a number of plans and
16 programs, comprehensive programs, that the city has
17 undertaken. Would a stronger relationship between
18 the office of management and budget and city planning
19 on the creation of the ten-year capital strategy or a
20 ten-year capital plan that took much closer
21 cognizance of issues of where growth is occurring,
22 where communities, as Commissioner Vacca indicated,
23 are suffering, are lagging in terms of health and the
24 like and planning was a greater factor in that ten-
25 year capital strategy. Would that address concerns

2 about comprehensive planning, and would that make for
3 a more effective city, going back to when you started
4 at City Planning when that was done jointly?

5 SANDY HORNICK: Well, um -- I started in
6 1975 during the height of the school crisis. There
7 was no capital budget to speak of so there was no
8 capital -- [laughter]

9 COMMISSIONER WEISBROD: Maybe that's why
10 they could do it together. [laughter]

11 SANDY HORNICK: -- which by the way is
12 why, I think, and not that he consulted me Bobby
13 Wagner, when he was Chair, was willing to give it up
14 because we had no capacity to do it, and there wasn't
15 much going on in the budget anyway. It certainly
16 would help to have more ability to target resources
17 cause I know in the Bloomberg administration we did
18 re-zonings. We dealt with OMB. Basically, the
19 deputy mayor and the mayor made those kind of things
20 happen to an extent. Although I learned later that,
21 you know, agencies would get kudos forcibly but make
22 a commitment to resources, but they were often
23 committing the same resources over and over again
24 because, in fact, the budget wasn't actually getting
25 bigger. So, it's like playing SimCity which I did 20

2 years ago. You know, you can only spend the money
3 that you have. The other thing about being involved
4 in it, City Planning was always a junior partner, and
5 I'm always reminded what somebody said "George
6 Steinberg is junior Steinberg is junior partner on
7 the Yankees, which is there's nothing more junior
8 than being George Steinberg as junior partner; and
9 that was also true of City Planning and OMB. You
10 know, to the extent that one can really shape where
11 those budgetary resources come, it's very difficult
12 because in the end -- and I'm curious actually. How
13 many people work in the Seattle Department of City
14 Planning?

15 CHAIRPERSON BENJAMIN: Patrice?

16 PATRICE CARROLL: So we have -- we have a
17 staff of about 50 and that also includes some staff
18 that supports our planning commission, and we also
19 have our design commission that reviews the Design of
20 Public Projects.

21 SANDY HORNICK: Okay, so that's a little
22 higher than our ratio. When we had a capital budget,
23 what we had were a handful of people who were expert
24 in each item so we had one person, you know, who was
25 a school expert. We just never had the kind of depth

2 that either the agencies themselves had naturally or
3 that OMB had so it's a lot of resources that you need
4 to be able to do that fully, but I do think you're
5 right. It would help to have that kind of
6 coordination better.

7 VICKI BEEN: Can I just make a point that
8 ties Carl, your question back to Commissioner Vacca's
9 point, and that is that there is another process
10 that's going on in order to address the equality
11 question, which is the fair housing conversation
12 that's going on; the process that HPD is using with
13 many, many of the agencies. It's called Where We
14 Live. It's designed to exactly address the question
15 of what are the inequalities and why are they there
16 and how do they map onto race and all kinds of other
17 things. And it includes the question of where our
18 capital budget dollars are being spent and where
19 money is pouring into a community or not pouring into
20 a community. That's the kind of strategic planning
21 initiative that the city does in many, many ways, and
22 I think is a much more effective and targeted way to
23 approach those kinds of questions.

24

25

2 HOWARD SLATKIN: And I know that the
3 question was not directed to me, and I've only logged
4 19 years at City Planning so I'll try to keep my --

5 CHAIRPERSON BENJAMIN: You're such a
6 child, Howard. [laughter]

7 HOWARD SLATKIN: Yes, I know. [laughter]
8 I'll keep my response to at least no more than half a
9 length of Sandy's response.

10 CHAIRPERSON BENJAMIN: And you're from
11 Brooklyn, so I'm not sure you can address a Bronx
12 question. [laughter]

13 HOWARD SLATKIN: I'm from New York City.

14 CHAIRPERSON BENJAMIN: [Laughter]

15 HOWARD SLATKIN: They city-wide
16 perspective. I do want to put in a plug for
17 something that my colleague, John Kaufman, described
18 on a previous panel before this commission which is
19 the role that City Planning has been taking with OMB
20 in crafting and drafting your capital strategy and I
21 actually encourage people to look at the recently
22 released draft of the 10-year Capital Strategy which
23 does identify -- it does take advantage of all that
24 data and resources that City Planning has at its
25 disposal to look at where are the neighborhoods that

2 have been experiencing the most rapid housing unit
3 growth recently, and obviously will add to that
4 population growth when new census data become
5 available. But to take that information to supply it
6 not only to OMB but also to the capital agencies that
7 need to make use of that data in a timely way so that
8 you can have really -- you know, essentially real-
9 time use of data where growth is happening and where
10 the next five years and the next ten years are going
11 to require investment.

12 CHAIRPERSON BENJAMIN: Carl, then Paula?
13 Or did you just --

14 COMMISSIONER GAVIN: So this is a little
15 bit of a repeat, but I'd like to ask, "Do we need in
16 the Charter to codify better that One NYC is our
17 strategic plan, and that we should be tying other
18 plans to it and that the management report should tie
19 to it?" Is there a need to strengthen that?

20 HOWARD SLATKIN: Well, I think one thing
21 is that, you know, it's -- to the extent that the
22 current reports mandated in the charter our not
23 particularly helpful or informative in the forms that
24 they're specified. You know, we like to adhere to
25 the letter of the charter where possible but in this

2 instance I think that there are better practices. I
3 think there is -- I would recommend that the
4 Commission proceed with some caution though in terms
5 of specifying the exact form that, that plan or
6 planning process should take because there are
7 probably different ways to address it, and certainly
8 there have been different approaches to determining
9 the precise scope and the subject matter of the plan.
10 But one thing that is useful that is embedded in the
11 charter in the plan, the long-term sustainability
12 plan requirements, not in the 1989 Charter provisions
13 is specifying that long-term planning is conducted
14 based on a timeframe and a set of projections for
15 population growth or population change that is
16 sufficiently long term to make a practical vision for
17 the foreseeable future for the city. So I think the
18 idea that planning should occur with that type of
19 time horizon and based on projections for what future
20 conditions are likely to be in the city, I think it
21 is a valuable notion.

22 COMMISSIONER GAVIN: Thank you.

23 CHAIRPERSON BENJAMIN: I don't see any
24 further questions, so I would like to thank all of
25 you for your participation and hope that we can call

2 upon you again with both potentially proposals or to
3 get more information from you as we further examine
4 this whole area of planning. Thank you very much.

5 CHAIRPERSON BENJAMIN: Finally, we have
6 our third panel, and we'll be joined by Council
7 Member Antonio Reynoso, Tom Angotti, Elana Conte,
8 Jessica Katz, and Maulin Mehta. Please go ahead and
9 introduce yourselves. Share any initial comments you
10 may have. Each of you will have three minutes, and
11 then there will be time provided for questioning by
12 the Members of the Commission. Thank you very much
13 for joining us all, and you can decide amongst
14 yourself who should proceed.

15 ANTONIO REYNOSO: Good evening, panel.
16 I'm very happy to be here. I think it's the first
17 time I'm testifying on this side of the table.

18 CHAIRPERSON BENJAMIN: How does it feel?

19 ANTONIO REYNOSO: It's, it's scary.

20 CHAIRPERSON BENJAMIN: [Laughter]

21 ANTONIO REYNOSO: You have so much
22 control. Take it easy on me, Carl. I just, I guess
23 I have this testimony that I have here that I'll
24 leave to you to read in time, but after hearing the
25 last panel, I just felt like I needed to address some

2 concerns that I have. First, you know, it would be
3 hard pressed to think of the last panel as planners.
4 I feel like the Grinch stole the little planning
5 heart. [laughter] I just feel that a lot of the
6 case being made is so uninspired, and I think that we
7 as a city are anything but that. And challenges that
8 do arise we're so good at being able to tackle them
9 or address these issues, so just to hear them speak,
10 was concerning. What we've come to become as a city
11 is an unaffordable, economically and racially
12 segregated city who can be under water in a few
13 decades. These are crisis that are not being
14 addressed, and if they are being addressed, by
15 limited piece-meal planning. Equity, we talk about
16 waste transfer stations and why they're not -- it's a
17 political game for my district. One district in the
18 City of New York handled 40 percent of the city's
19 trash. It was piece-meal planning, a non-
20 comprehensive plan that thought one district could
21 handle 20,000 tons of trash. That was their plan,
22 not comprehensive planning. There is no plan for the
23 Bronx. You're regulated to the status quo unless you
24 contribute significantly to gentrifying development
25 or you grow in political influence. It's the only

2 way that you can affect change in the City of New
3 York at this moment. That's why we've come to tell
4 our communities that truly want to have significant
5 influence in how your community is planned, you
6 either need to be affluent or have extremely
7 significant, again political influence, and I don't
8 think that, that's necessarily true. I think that as
9 a city we can do better. I think that we can tell
10 communities that everyone is responsible for taking
11 care of New York City. Everyone is responsible for
12 taking on burdens that are to bare like waste
13 transfer stations, like homeless shelters, like
14 affordable housing. Those things need to happen. I
15 played a political game in this city council for five
16 years to address the issue of capacity in waste
17 transfer stations. The Upper East Side fought for
18 four years through lawsuits because they had the
19 money fighting against 800 tons of capacity in their
20 district and my district had 20,000 tons. That's not
21 how we should planning in the city. It shouldn't
22 happen one step at a time. It shouldn't happen one
23 council member at a time. We should have thoughtful
24 process and truly believe that we can plan as a city,
25 that planning is real; and I believe that we can do

2 that, and that is why we're standing here today
3 because there has to be a better way. Because as of
4 now, the planning that exists, has left us an
5 unaffordable racially-segregated, economically-
6 segregated city in a climate crisis. So thank you.

7 CHAIRPERSON BENJAMIN: Red light on, it's
8 on.

9 ELANA CONTE: It's on. Okay, great.
10 Good evening and thank you so much for the
11 opportunity to testify. My name is Elana Conte, and
12 I am the Director of Policy at the Pratt Institute
13 for Community Development which has been working with
14 the Thriving Communities Coalition. I have more than
15 15 years of experience working for and with
16 community-based organizations in low-income
17 communities of color, and my organization has been
18 dedicated to supporting the planning and
19 implementation efforts of these communities for close
20 to 60 years. That description doesn't do justice to
21 what the work is. A community-based plan is both
22 process and product that elicits and then codifies a
23 collective set of values into a practical roadmap to
24 manifest them. Pratt center believes that
25 comprehensive planning framework has the potential to

2 mirror this process at a city-wide level, and my
3 mission tonight is to describe how such an effort by
4 actively engaging local communities throughout
5 represents our only real promise to achieve the city-
6 wide goals of equity and justice. Our comprehensive
7 planning framework respects the expertise of local
8 communities to determine and articulate their own
9 needs and also charges and trust them with
10 contributing to the betterment of the city as a
11 whole. This is a radical departure from our current
12 adhoc system which is dominated by as-of-right land
13 use actions and review. It is ineffective polarizing
14 and disempowering to most communities. Much of the
15 contention in local land use battles can be traced to
16 one, longstanding unmet needs unaddressed; two, the
17 lack of genuine engagement in the process, where
18 instead of being asked to co-create plans,
19 communities are pushed into reactionary positions and
20 in some cases; three, exclusionary tendencies.
21 Comprehensive planning addresses each of these. It
22 provides for one, an acknowledgement and assessment
23 of the impact of previous planning practices,
24 including [racist Inaudible 3:38] investment in
25 redlining through a statement of principles and

2 values to guide the framework, a comprehensive data-
3 driven needs assessment that provides greater
4 information about neighborhoods and their
5 relationship to others across the slate of critical
6 measures including residential displacement risks and
7 economic and educational opportunity and an emphasis
8 on investing in areas of greatest need and budgetary
9 alignment of commitments for capital project and
10 problematic expenditures. It can also, too, create
11 the opportunity to participate in and co-create the
12 city-wide equity based collective goals that guide
13 the framework. This would be instead of goals that
14 are solely determined by the mayor and announced in
15 variances as we've heard, and sometimes conflicting
16 which we didn't hear, policy documents by different
17 agencies, all of which have different or non-existing
18 reporting requirements. And third, it would create
19 the responsibility and opportunity to engage in
20 neighborhood based planning that contributes to the
21 well being of the whole city and the reduction in
22 inequality. The current system not only allows but
23 encourages neighborhoods to only consider the local
24 impact of a proposal giving them a free pass from
25 grappling with the hard questions, how to balance our

2 interconnectedness and interdependence; questions
3 they are fully capable of tackling when properly
4 supported to articulate a pro-active vision. At the
5 same time, neighborhood level planning that has
6 official standing will increase participation,
7 generate new ideas, and organize the community around
8 a vision. In sum, a comprehensive planning framework
9 is the way to repair our broken piecemeal system by
10 integrating and aligning, planning, policymaking and
11 the budget in an intentional way to achieve our
12 equity goals. A planning framework, just like the
13 budget that should be attached to it is an expression
14 of our values. Failing to create a comprehensive
15 framework for our city has fostered our dramatic
16 failure to address inequality. We [Inaudible-audio
17 03:41] do much better. Me and our partners have
18 worked extensively on concrete proposals for how to
19 achieve these goals, and we look forward to working
20 closely with you to craft a proposal for the ballot
21 and also to following up with more extensive written
22 testimony. Thank you.

23 CHAIRPERSON BENJAMIN: Thank you, very
24 much. Professor Agnetti [sic]. Angotti; I'm sorry?

2 PROFESSOR ANGOTTI: Thank you. I'm Tommy
3 Angotti, Emeritus Professor of Urban Planning at
4 Hunter College in the Graduate Center, formerly a
5 Senior Planner at the City Planning Department. I've
6 been a Professional Planner for 50 years and a
7 Community Planner for more than 50 years. First of
8 all, the way you win a debate in debating in high
9 school is you set up a straw man. So if you want to
10 win a debate on comprehensive planning, all you have
11 to do is project that comprehensive planning is this
12 time-consuming wasteful exercise that produces
13 nothing of value. The other thing you can do is
14 engage in a little magical thinking which is that the
15 problem we have today is all about growth. What the
16 city has to do is grow, and anything that interferes
17 with growth is wrong; and you know what gets our
18 neighborhoods, our communities, our citizens angry,
19 is when you don't listen to all of the other things
20 they care about besides growth. So I have a written
21 testimony which you will see. It's a short summary,
22 three pages, but I'm going to go through them very
23 quickly. Yes to comprehensive planning. It's long
24 overdue in New York City and stop giving me excuses
25 why New York can't do what other cities around the

2 world do. Let's go to Amsterdam. After all, this
3 was New Amsterdam. They're still doing comprehensive
4 planning, but I'm against comprehensive planning
5 without community-based planning because that is what
6 you need to inform a real plan that is rooted in the
7 reality and the everyday life and problems and issues
8 that people feel in the city. If you're sitting in
9 an office in the City Planning Department and are
10 trying to dream up a scheme for the long-term future
11 of the city by yourself, what you wind up is an
12 agency strategic plan but not a real plan that's
13 going to help guide political decision-making for the
14 long-term future. So we need community-based
15 planning. It's broken. There's a long history of
16 community-based planning. I was one of the founders
17 of the task force and campaign on community-based
18 planning which was strongly back by the Environment
19 Justice Movement. Why? Because communities of color
20 were being dumped on all the time and fought in order
21 to rid themselves of noxious facilities; and as soon
22 as they did so, the land values and rents went up and
23 they faced displacement. Already?

24 CHAIRPERSON BENJAMIN: Nope. Keep going.

2 PROFESSOR ANGOTTI: Unless you have
3 planning, you can't really solve the problem, and
4 that's why community-based planners and the
5 Environmental Justice Movement are in the forefront
6 of community-based and comprehensive planning. I
7 just want to add a couple of things. You need long
8 term and middle-range planning, not just the 20, 30,
9 40, 50-year plan for the future. Comprehensive
10 planning is not just a product, it's a process. It
11 has to be inclusive, exhaustive, deliberative, and
12 just. Those are goals. Will we achieve them?
13 That's up to us. You have to look at multiple
14 scenarios, not just one. You have to balance growth
15 and preservation and each of the agencies that has
16 the name planning in it, and the plan commission as
17 well, need to be restructured and re-oriented to a
18 different way of doing planning. I think we have to
19 change the culture that all we can do is plan for the
20 next development; and all we can do is plan for the
21 next wave of growth, which by the way, after every
22 single growth spurt in the history, study the
23 figures, study the data. Homelessness goes up.
24 Instead of -- you build all these housing units, and
25 we still have huge housing deficits for the people

2 who need it the most and so you need affordable
3 housing programs that are truly affordable. So the
4 final point I think is comprehensive planning does
5 not homogenize, should not. It should actually help
6 us to deal with our differences, our diversity, our
7 cultural racial diversity. And then finally, I think
8 we have to think about the region because we are the
9 largest municipality in the region.

10 CHAIRPERSON BENJAMIN: Thank you,
11 Professor. Mr. Mehta?

12 MAULIN MEHTA: Thank you for giving us
13 the opportunity to talk to you today, and thank you
14 for all the work you guys have been doing. My name
15 is Maulin Mehta. I'm a Senior Associate at the
16 Regional Planning Association. RPA is a nearly 100-
17 year old non-profit civic organization that conducts
18 advocacy, research and planning for improved
19 opportunity, mobility and sustainability in the New
20 York City Metropolitan Region. Our fourth regional
21 plan provides a blueprint for shared prosperity
22 developed through a values drive approach. We work
23 with a range of stakeholders, including community
24 groups, governments and business leaders to create a
25 comprehensive vision for 31 counties across three

2 states. This big-picture approach should never
3 replace the hard work of community planning, that
4 when done right, creates partnership between
5 communities and decision-makers to implement
6 projects, programs and policies to address immediate
7 and long-term needs. However, the reactionary nature
8 of planning in the city today has led to a breakdown
9 in accountability, predictability, and equity in the
10 planning process. We've reached a situation where
11 wealthy communities with power and marginalized
12 communities with decades of neglect are united in
13 blocking investments in their neighborhoods because
14 they no longer trust the objectivity and the process.
15 We need to get away from silent frameworks and do
16 something different. Comprehensive planning
17 undertaken by most big cities in the US will move us
18 to a proactive approach in developing our city. Done
19 right, it would objectively and equitably establish
20 city-wide targets based on shared values and show a
21 plan for both existing and new communities and give
22 more deference to community plans. Local planning,
23 development, and policies would align the city-wide
24 goals established through a comprehensive evaluation
25 of existing and future needs. We could do this in a

2 few ways. Some examples [Inaudible-audio 3:51] align
3 plans by fast-tracking development and requiring
4 parties that object to certain projects to prove that
5 alignment is not happening. We could also ensure
6 that decisions on capital and expense budgeting align
7 with the comprehensive plan while still allowing
8 flexibility to address urgent or unanticipated needs.
9 We've heard concerns that this type of a plan could
10 be outdated by the time it's completed. Across the
11 pond, the London Plan, is successfully cycled through
12 multiple administrations and is regularly updated to
13 provide a framework for strategic development. This
14 plan is required by their governing charter which
15 lays out some basic values and limitations that need
16 to be taken into account by each subsequent mayor.
17 One of the biggest concerns about that plan is how it
18 coordinates with capital budgeting since the mayor
19 has little control over the biggest investment
20 resources necessary to implement plan
21 recommendations, and we share similar concerns for
22 the city. However, comprehensive planning can still
23 be a functional framework for us. We can set rules
24 so that a portion of capital dollars are set aside
25 for addressing disinvestment and other inequities as

2 the Parks Department has done through their community
3 parks initiative. Unfortunately, we see evidence
4 that the city is moving further and further from
5 comprehensive planning. For example, the city has
6 been relying more and more on smaller re-zonings,
7 doubling the frequency of map amendments since 2016
8 compared to the prior 15 years for areas that are on
9 average six times smaller. Often times, community
10 boards do not have strict requirements and resources
11 for robust engagement when formulating their needs
12 assessments which is not seen as a thorough
13 representation of local needs and goals by a lot of
14 community groups. The new charter reform should
15 either establish an independent body to carry out
16 robust community engagement and transparent data
17 gathering and analysis or enforce that existing
18 bodies be independent. This independent body can
19 also be tasked with regulated assessing and changing
20 technical processes and track mitigation enforcement
21 to be more predictive of policy and land-use decision
22 impacts. The process should be transparent, easily
23 updatable and accessible by everyone. Charter reform
24 should focus on simplifying our land use process and
25 implementing value-driven requirements that align

2 planning, expenditures, and processes that would be
3 used to create a holistic roadmap for the city. This
4 roadmap should be flexible in accommodating existing
5 populations on addressing the new generation of
6 infrastructure and investment. Thank you again for
7 your time, and we intend on submitting formal written
8 testimony in the coming days, and we're happy to
9 include written comments to any questions that you
10 have.

11 CHAIRPERSON BENJAMIN: Thank you very
12 much, Mr. Mehta. Ms. Katz?

13 JESSICA KATZ: Hi. Hello Chair Benjamin
14 and fellow commissioners. Thank you for inviting me
15 to testify here today. My name is Jessica Katz. I'm
16 the Executive Director of the Citizens Housing and
17 Planning Council. Since our founding in 1937, CHPC
18 has sought to advance practical public policies to
19 support the housing stock in New York City by better
20 understanding New York's most pressing housing and
21 neighborhood needs. New York City's Land Use and
22 Planning process while imperfect is far more robust,
23 transparent and predictable than the majority of its
24 counterparts in other cities. While it is often
25 reviled by developers, city agencies and community

2 activist alike, as the old saying goes, you've heard
3 this a few times tonight, "the mark of a good
4 compromise is when all parties are equally unhappy".
5 Our city's land use process is by no means perfect,
6 but it stood the test of time. So any changes should
7 be weighed carefully and CHP commends the Commission
8 for its diligent work on this herculean task. CHPC
9 believes that our planning process should meet the
10 following goals: balance local and city-wide
11 perspectives, incorporate accurate data, address the
12 needs of both current and future residents of New
13 York, be decision driven, and provide better ways for
14 neighbors and communities to participate and stay
15 informed. Any improvements to our current system
16 should make it easier for New Yorkers to say yes to
17 local land use actions they support, not simply
18 create new ways to say no. This means raising our
19 standards for how we inform communities about
20 planning and finding better ways for New Yorkers to
21 express their needs and preferences. Our current
22 system tends to amplify only the voices of those who
23 have the time and the temperament to testify at
24 hearings. Decisions on the individual projects can
25 seem to lack context or data and too many

2 stakeholders feel excluded from the process. Our
3 system rests on the premise that building more has an
4 impact, but we often fail to consider the
5 consequences of doing nothing. As some of you know,
6 my background is in supportive housing so I'm
7 particularly concerned about the 60,000 homeless
8 people who tend not to show up to community board
9 meetings but whose needs are clearly not well met by
10 our current system. Other cities have interesting
11 mechanisms in place to encourage the development of
12 more affordable housing such as the Chapter 40B
13 process in Massachusetts. It's a delight to be here
14 tonight among the planning nerds of New York City
15 [laughter] to discuss these issues, and I truly
16 believe that many of the panelists share more values
17 than we might expect. But here's the bad news; we at
18 CHPC don't see any evidence that comprehensive
19 planning would help achieve these goals or advance
20 these shared values. CHPC is concerned that Charter
21 Revision is not a nimble enough to engage in this
22 type of comprehensive planning which has not been
23 undertaken at this scale or intensity. A
24 comprehensive plan would take enormous time and
25 resources. The plan would be outdated before the ink

2 was dry, and while we can write a plan into the
3 Charter, New York City is already replete with plans,
4 and the Charter cannot guarantee that a comprehensive
5 plan would be useful, meaningful or taken seriously.
6 One of the other recommendations submitted to this
7 commission is radical in its simplicity, and I think
8 provides a wonderful framework for us to assess the
9 charter revisions themselves. I actually don't know
10 who submitted this, but I just want to state for the
11 record, I would like to buy that person a beer. The
12 recommendation is as follows: Require that all
13 legislation identify (a) the problem is intended to
14 solve, the means by which it addresses such a
15 problem, the metrics that will be used to determine
16 its success or failure, and the appropriate grounds
17 for sunset. At CHPC we wish we had thought of this
18 ourselves, and we're not convinced that comprehensive
19 planning passes such a test. So while we're always
20 in search of new ideas to improve our system for
21 housing and planning, Charter Revision is too blunt a
22 tool to make such a change in such a short period of
23 time. Thank you.

24 CHAIRPERSON BENJAMIN: Thank you. The
25 first person I have is Sal. Anyone else? Sateesh?

2 COMMISSIONER ALBANESE: Professor
3 Angotti, welcome. You've heard all the criticism and
4 feedback about the negatives of comprehensive
5 planning tonight. It's too costly. It's lengthy.
6 By the time the ink is dried, it's outdated. Have
7 you done any analysis of comprehensive planning
8 across the country or across the world? You
9 mentioned Amsterdam. How do they do this, is the
10 criticism that this could cripple development in the
11 city fair?

12 PROFESSOR ANGOTTI: Well, the cities that
13 have comprehensive planning continue to grow and
14 develop. I don't see them limiting or constricting
15 development. Although they do help to shape
16 development. They also help municipalities, regional
17 governments to plan for infrastructure that is needed
18 in order to support growth and in order to address
19 existing problems of public health in the
20 environment. Of course, we're becoming a little bit
21 like Amsterdam because portions of the city are going
22 to be under water in the not too distant future.
23 There is a lesson there for us, because if we don't
24 begin to do long-term comprehensive planning, four or
25 five decades and more ahead, we are going to be

2 facing crisis in the long-term future. Amsterdam
3 dealt with it over its entire history but, of course,
4 there are many other cities around the world, we
5 could have a very long discussion about; and there
6 are many examples of comprehensive plans that are
7 useless, no question about it. So it really depends
8 on how you approach it. Is it just to produce a
9 piece of paper, or is it to engage in a process that
10 allows for an open democratic participatory process
11 where you can get out on the table all of the
12 potential scenarios, all of the potential
13 possibilities and in which you invite citizens to
14 participate? So it isn't just a plan that's invented
15 in the cabinet or by a group of technocrats.
16 Although there are many technocratic plans that are
17 actually quite good and are implemented. It's better
18 to have one that your citizens can believe in and
19 participate and participate in, and by the way, if
20 environment is one of the top concerns, those
21 concerns are coming from the grassroots from
22 environmental organizations, neighborhood
23 organizations that are dealing with contamination and
24 environmental hazards on a day-to-day basis and are
25 putting the big solutions on the table. The first

2 major revision of the city's long-range solid waste
3 plan was the result of over a decade of organizing by
4 a coalition of environmental justice groups that
5 demanded a more equitable distribution of waste
6 transfer stations around the city, and they were
7 successful in part, in large part. And so, yes,
8 comprehensive planning it has many possibilities, but
9 it depends on how -- what we do with it, and if we do
10 depend only on the technicians and the professionally
11 trained planners, and there are many good
12 professionally trained planners, but they alone
13 cannot do it. So I am very concerned about a process
14 that's constricted to the inner workings of the
15 planning agency, which by the way doesn't do any
16 planning. They do zoning. Zoning is not planning.
17 Zoning is a very weak tool for land use control, and
18 that's a universal principle that most planners
19 outside New York City will agree. Zoning is a weak
20 tool for getting housing built. There's -- you can't
21 build low-income housing without deep public
22 subsidies. Zoning can help, but by itself, it does
23 not do it. So that's comprehensive planning.

24 COMMISSIONER ALBANESE: Have you reviewed
25 other charters where the city documents that include

2 comprehensive planning in their charter, in their
3 constitution, anyone of you? What I'm driving at is
4 are we the proper vehicle as was pointed out to drive
5 the comprehensive planning strategy? Is this the way
6 to -- is the charter way to do it, or is it
7 legislation that's needed, what have you?

8 PROFESSOR ANGOTTI: The state mandates
9 comprehensive planning. Most of the large
10 municipalities in New York State do it. New York
11 City has gotten away with not doing it through a
12 slight of hand. They say the zoning resolution is
13 our comprehensive plan. That on the face of it is
14 absurd. It's a neat little legal argument to get the
15 city out of a bind of doing something they don't
16 really want to do and give up the control over
17 development. So we are perfectly --

18 CHAIRPERSON BENJAMIN: I'm not sure that,
19 that's actually quite fair. I think what the city
20 says is that the Comprehensive Plan is contained in a
21 number of documents including the Zoning Resolution,
22 the Housing Plan, the 10-Year Capital Plan and a
23 number of other documents that Howard spoke about
24 earlier.

2 PROFESSOR ANGOTTI: That's very clever.

3 [laughter]

4 ANTONIO REYNOSO: And just politically,
5 to allow it go through a legislative process, Sal,
6 you know better than anyone how politics works in the
7 City of New York, and if you ever wanted to remove,
8 you know, antidotes and personal experiences from
9 doing a good job by pushing a comprehensive plan,
10 then the legislative process isn't the way to go.
11 You don't want council members negotiating against
12 themselves to build something out that would be
13 meaningful. You want that to happen through other
14 means so I wouldn't want it to come to our body. To
15 go through that process, I don't think we would be
16 able to do it the right way. I actually do feel that
17 this is the only way we can get change done in a
18 meaningful way.

19 COMMISSIONER ALBANESE: That's fair
20 enough.

21 CHAIRPERSON BENJAMIN: Sateesh is next,
22 and the Honorable Jimmy Vaaca, and then Alison Hirsh.

23 COMMISSIONER NORI: Thank you all for
24 your testimony. I walked in here without a said view
25 on this topic, but after hearing from your prior

2 panelist and from all of you, my question is very
3 simple. What is the mechanism or what is it that we
4 would put into the charter that would help accomplish
5 these goals which I think share? We all want these
6 things for New York City, but what is it that we
7 would put -- and I want to refer to Professor Been's
8 statement about being on this continuum of from
9 specificity to vagueness. Where do we land on that,
10 and how do we make sure that this works and
11 accomplishes these goals? That's what I'm missing?

12 ELANA CONTE: All right. Let me try.
13 It's a big question, and I want to offer that I think
14 that a lot of the statements that were made with
15 regard to considering comprehensive planning
16 framework this evening by folks who are not in favor
17 of it are very true statements; right. So I think we
18 are -- it's absolutely accurate that we have to be
19 very smart and specific about what actually should go
20 in the charter, right; and we're not writing up a
21 whole mandate for a plan, right? There's a role for
22 technocrats. There's a role for the mayor, but there
23 are certain key elements, and we're happy to talk a
24 lot more with staff. I don't how well this can get
25 answered in this forum, but I will say that there are

2 certain components that I think do make sense, right?

3 And also to Commissioner Albanese's question, yes,

4 lot's of charters have language about comprehensive

5 planning, and they often all include a statement of

6 principles about what it is geared towards, right;

7 and that's Jessica was talking about. Like, what are

8 we aiming at? Why are we doing this, right? So

9 that's one component of it. There are others.

10 Obviously, it's the creating it. I think it's also

11 strengthening the role of community boards and the

12 standing of community plans, right as one part of

13 feeding into the setting of city-wide goals, right?

14 So we are all talking, I think on this panel, at

15 least about the importance of community-based

16 planning in a comprehensive planning framework,

17 right, and no talking about a master top-down

18 comprehensive plan at all? So let's get rid of that

19 notion, lest it still be in air somewhere. And how

20 it relates to other pieces that are in the charter,

21 right? How it gets approved, is like a ULURP-like

22 process, right? What happens after that, right; and

23 how it aligns with planning and budget? Those are

24 sort of key pieces that feel appropriate to go in the

2 charter because they speak to the powers that are
3 dealing with it in the charter, but we can talk more.

4 PROFESSOR ANGOTTI: Can I just add one
5 thing? I think -- understanding and looking at our
6 history can help us answer some of these questions.
7 In 1975 ULURP was established because neighborhoods
8 were clamoring to get involved in land use decisions
9 and more. They wanted to be involved with schools
10 and where their kids go to school. They wanted to be
11 engaged. What we got was a half-baked reform. We
12 are told that community boards, their votes are
13 advisory. You know, how insulting that sounds to
14 people who are on community boards? Only advisory.
15 Just like the 197A Plan, and in 1989, the charter was
16 changed to allow communities explicit ability to
17 present their community-based plans for approval by
18 the City Planning Commission and then were told, "oh,
19 but their only advisory". The biggest tragedy is
20 that some of the most deep community planning
21 processes like the Williamsburg 197A Plan spent over
22 ten years doing that plan, and City Planning people
23 sat in on it. I was in on many sessions, and it was
24 very contentious. Yes, there were nebytes, but there
25 were also people who were welcoming development.

2 Yes, there were ethnic and cultural and racial
3 differences, but you know, people stood with it and
4 they came up with a consensus; and the consensus was
5 this is what we want. We don't luxury high-rise
6 buildings on the Williamsburg waterfront. Within two
7 years, the City Planning Department came back with a
8 zoning plan, the essence of which was luxury high-
9 rise on the waterfront and they wiped out
10 Williamsburg's mixed-use zoning which was a unique
11 original thing that Pratt had a lot to do with
12 establishing, by the way, in Williamsburg and look at
13 the result. The final note to this history is now we
14 have giant development on the Brooklyn Queens
15 waterfront when nobody knows exactly how many feet
16 the sea level is going to rise and how sustainable
17 all of that development is going to be. Whether
18 people are going to have to hitch their boats to the
19 ground floor or whether they'll be able to get out
20 and walk around. So, yeah, I think it's more
21 essential now than ever before.

22 COMMISSIONER VACCA: Yes, I want to --
23 first I want to tell Councilman Reynoso I'm going to
24 go easy on you today because you know what it is to
25 be queried in a very strenuous way.

2 ANTONIO REYNOSO: Thank you.

3 COMMISSIONER VACCA: I do want to say
4 that I'm in favor of comprehensive planning as a
5 concept. I do think that it needs formalization and
6 more thought. We are not -- I don't see a way how
7 comprehensive planning can be committed to because
8 comprehensive planning, by nature, is long term.
9 Mayors change, city council people change so my
10 concern about comprehensive planning is number one,
11 can it be something that's written in stone; and
12 number two, do we want something that's written in
13 stone? You mentioned inequality that the Bronx is
14 more unequal than anyone else. When I came to this
15 council, I came as a Community Board District
16 Manager, and when I came and I hear the presentation
17 from many of the Manhattan Community Boards, I heard
18 from doctors and lawyers. I saw the talent that the
19 Manhattan Community Boards had and that talent
20 reflects on the power of the Board. We, in the
21 Bronx, don't have those type of people serving on
22 community boards. We have activist, concerned
23 people, church people, but we don't have that type of
24 knowledge on our boards. The boards are only
25 advisory, but to be very honest, the boards have

2 formal power and informal power. The power of a
3 Community Board is how to use the informal power.
4 You're not going to change the city charter
5 overnight, but when you have informal power and you
6 know how to navigate and you have people on the Board
7 that can help the District Manager, that's power.
8 Don't forget the Community Boards were supposed to
9 get planners to level the playing field. Every
10 Community Board was supposed to get a planner, a
11 professional urban planner. They never did. What do
12 they get? They have the right to issue district
13 resource statements that don't mean the paper they're
14 written on. It would be laughable if it was not so
15 frustrating. How many years I wrote those statements
16 only to get something spit out that told me there's
17 no money. Thank you very much. I don't think a
18 bureaucrat anywhere even considered what the
19 Community Board advocated for. So I do think -- and
20 when we come back, of course, that when there is an
21 action on land use, you mentioned about
22 Williamsbridge [sic] Waterfront. When there is an
23 issue and you mentioned many of things, sir, that I
24 spoke about before, but when there is an action, we
25 depend on the Buildings Department for enforcement.

2 Well, we're dealing with one hand tied behind our
3 back. We, in this city, have \$1.2 billion in
4 building department and related dialations that are
5 not paid. So when you have a toothless agency to
6 begin with issuing fines that nobody pays and we
7 can't collect, well, then what are we talking about
8 comprehensive planning and why are we talking about
9 zoning, important issues to consider. I throw them
10 out to you. But my main thrust, of course, is that
11 comprehensive planning sounds good. I just don't
12 know a vehicle to enforce it and to make it real
13 especially since it's going to be long term. How do
14 we enforce a comprehensive plan, mandate what a
15 community finds they want done in a comprehensive
16 plan? That mechanism has not shown itself this
17 evening.

18 CHAIRPERSON BENJAMIN: Alison?

19 COMMISSIONER HIRSH: I don't anything
20 else.

21 CHAIRPERSON BENJAMIN: Anyone else?

22 ELANA CONTE: Sir, I wasn't sure if that
23 actually was a question, but I'll respond to it if
24 that would be useful, Commissioner Vacca. How would
25 it work in this instance? And it's great that you

2 mentioned the Community District needs assessment,
3 right and the lack of consistency across boards, the
4 lack of a pathway for them to result in any dollars
5 that come into a community or any of those things
6 necessarily. Occasionally, they result in some
7 investments, but any of those things coming to pass,
8 right? And so the exercise being a challenging one
9 for boards and a frustrating one for boards. I think
10 as we envision, as I was talking about sort of the
11 bottom up and the top down together, these
12 assessments would be more standardized. They would
13 be part of a larger needs assessment that's databased
14 but also is based in a local qualitative knowledge,
15 and it would be the combination of these now more
16 detailed formal well supported local statements of
17 need with a city-wide look at needs that go beyond
18 the district that would together feed into the
19 creation of the city-wide goals that would then be
20 meted out by district. So again, I could go on and
21 on, and I know it is quite late so I won't sort of
22 exhaust folks with detailing the plan, but I would
23 like to assure all of the Commissioners that there is
24 a lot of thought that has been given to how it might
25 work, right? And that what we are talking about is

2 not a site by site, block by block plan. We're
3 talking about a framework that would guide both the
4 build environment and social needs, enable some
5 development to move faster when it's consistent,
6 right and also have systems that strengthen --
7 considering the things that are not consistent.

8 ANTONIO REYNOSO: And just on the
9 Williamsburg re-zoning, when you talk about
10 enforcement, there was an EIS done for the first
11 Williamsburg re-zoning, and the EIS is a joke if you
12 read it now about what it impacts. It assume the
13 impacts would be -- it has been re re-zoned. The
14 Domino portion of it was re-zoned again and a new EIS
15 was done but nothing was done in the interim to, I
16 guess, speak to the mistakes that were made in the
17 original EIS and plans for that. In a comprehensive
18 plan, they would be able to -- we would be able to
19 have an opportunity to look back at the mistakes or
20 the shortfalls of the first plan and how would modify
21 the new plan so that it could adjust those needs.
22 It's 12 years, the plan to build out the waterfront,
23 and the first -- it was going to happen in 2006, I
24 believe so we're maybe 14 years in -- about 14 years
25 in, and the EIS doesn't speak to the amount of

2 gentrification displacement that's happened in
3 Williamsburg and so forth. I just want you to keep
4 in mind that while we have no enforcement mechanism
5 right now or the Department of Buildings has a
6 limited enforcement mechanism is that the EIS'
7 themselves right now don't account for realistic
8 goals right now when it comes to impacts in the city.

9 CHAIRPERSON BENJAMIN: Alison asked to be
10 back on the list.

11 COMMISSIONER HIRSH: Sorry. I had tabled
12 my question, but now the council member made me ask a
13 different question. So you said that if there had
14 been a comprehensive plan in place, then the mistakes
15 and oversights that were made in the original
16 Greenpoint-Williamsburg re-zoning would have been
17 able to have been dealt with prior to the Domino re-
18 zoning, and I am intimately familiar with those
19 mistakes having read that EIS in depth over a very
20 long period of time? But, I guess my question is
21 how? Because what I don't understand about the
22 comprehensive plan and the balancing community
23 engagement and city-wide action is let's say it takes
24 a year to put together the initial comprehensive
25 plan. It then goes before City Council to be passed

2 which, I believe, would be its own level of politics,
3 but that's a different scenario. And then it's
4 passed and it's in place for ten years, right? Then
5 the proposal, as I understand it and as I read it in
6 the document that you and Council Member Belander
7 (sp) put together, said that any development that
8 falls within that comprehensive plan, there's some
9 kind of expedited process so I suppose that
10 development doesn't have to go through a new ULURP?
11 So let's say there's a development in Williamsburg on
12 year two of the plan, right; and then what you've
13 realized after year two is that really the
14 displacement and everything that was assumed in the
15 original comprehensive plan was really not that
16 accurate, and then in year six of the plan, there's
17 another development in the neighborhood that actually
18 fits one hundred percent with the original
19 comprehensive plan, but based on -- but doesn't
20 account for the fact that what we've realized was
21 that the comprehensive plan was actually -- didn't
22 plan accurately for the impacts. But that
23 development doesn't have to go through a process
24 because it fits with the original comprehensive plan,
25 it's expedited. So, I guess, how does that structure

2 help the real problem that you're trying to solve
3 instead of potentially exacerbating it?

4 ANTONIO REYNOSO: In year ten, you would
5 need to revisit -- you would need to have a new needs
6 assessment of what's happening in Williamsburg.
7 Right now, there is no assessment that needs to
8 happen relating to the re-zoning of 2005 in
9 Williamsburg. Again, whatever happened in the
10 impacts that were incurred by Williamsburg, we just
11 have to deal with it. Under the comprehensive plan,
12 we could say look, we didn't account for this much
13 displacement to happen. There needs to be a more
14 aggressive affordable housing plan that needs to be
15 implemented in Williamsburg to account for the
16 displacement that's happened. We could revisit that
17 and address it in a comprehensive plan in a way we
18 can't do through like spot zoning.

19 COMMISSIONER HIRSH: So using your
20 example, it would be we addressing it in a
21 comprehensive plan after both the original re-zoning
22 and the Domino sugar impact, it would then be re-
23 assessed?

24 ANTONIO REYNOSO: Yes, it would go
25 through that 10-year process, but I want you to put

2 it in perspective to the current time line. The
3 Domino has only built one building out of the six
4 that are supposed to be built in Williamsburg, and
5 they have a 12-year timeline which means by 2042.
6 They're supposed to be completing all these
7 buildings, and in none of those cases are we going to
8 be able to address any of the impacts that they would
9 produce for the community.

10 COMMISSIONER HIRSH: So sorry. I just --
11 one more question. So is the idea that if a
12 comprehensive plan changes mid development project,
13 that development project could then be halted or
14 changed, because I think the re-zoning -- you would
15 know this better than I do, obviously. The Domino
16 re-zoning happened within the 10-year window even if
17 the development itself post re-zoning will go on for,
18 you know, 20 years or whatever?

19 ANTONIO REYNOSO: No, the second re-
20 zoning happened like, I think it was in 2015, 2016?

21 CHAIRPERSON BENJAMIN: There were two
22 different re-zonings. There was the Williamsburg re-
23 zoning, and then there was a Domino Sugar --

24 ANTONIO REYNOSO: In 2006.

2 COMMISSIONER HIRSH: The Domino Sugar re-
3 zoning.

4 CHAIRPERSON BENJAMIN: -- and then there
5 was a Domino Sugar re-zoning which was in 2008 or so.

6 ANTONIO REYNOSO: I think 2006.

7 CHAIRPERSON BENJAMIN: No, no, no. Then
8 there was the second Domino --

9 COMMISSIONER HIRSH: Right.

10 CHAIRPERSON BENJAMIN: -- which was in
11 2014.

12 ANTONIO REYNOSO: '15.

13 CHAIRPERSON BENJAMIN: '14.

14 COMMISSIONER HIRSH: '14.

15 ANTONIO REYNOSO: Okay. So when we look
16 at that timeline, that's nine years, overall. So the
17 point that I guess that I'm making, yes, there's
18 going to be -- it's going to be difficult for us to
19 have like stop caps within the 10-year period. But
20 there is an opportunity to eventually address the
21 issues that came to bear because of the last
22 comprehensive plan. In this case, there's absolutely
23 no recourse a community can take on from a previous
24 development that happened no matter how long ago it
25 was. Right now, we just have to deal with whatever

2 we've been dealt with, which in Williamsburg to be
3 clear, is a 30 percent reduction in the Latino
4 population. My district is no longer a majority
5 minority district, and I can't be sitting here as the
6 last Latino representing that district in the city
7 council. That's called bad planning, I think.

8 CHAIRPERSON BENJAMIN: [laughter] I would
9 just like to ask a question that is -- often I look
10 at situations and realize that from much of what we
11 do, not just here, but that the good is the enemy of
12 the great. I've been really listening carefully all
13 night. I've spent my life in planning activities,
14 and it seems as if people are asking for a plan that
15 does all things for all people in all ways.

16 ANTONIO REYNOSO: No.

17 CHAIRPERSON BENJAMIN: Wait. I get to
18 talk too.

19 ANTONIO REYNOSO: Okay.

20 CHAIRPERSON BENJAMIN: That's what it
21 seems like to me. I think in my experience, we have
22 to really think about what it is we're trying to
23 achieve in a comprehensive plan before we can lay
24 out, if we do, a process of what a comprehensive plan
25 looks like. Maybe if each one of you could give me

2 30 seconds on what it is you want to achieve in a
3 plan? Jessica?

4 JESSICA KATZ: No. I think your issue is
5 exactly the one that we're concerned about is that we
6 don't know what problem the plan is trying to solve.

7 CHAIRPERSON BENJAMIN: Mr. Mehta?

8 MAULIN MEHTA: The idea behind the
9 comprehensive plan is we don't consider as something
10 that's be all end all for everything. We see it as a
11 strategic framework that allows for predictability of
12 certain goals that are established. That's why --
13 you know, in London, they've established principles
14 that help guide what the mayor is going to do when he
15 redevelops the plan. We think that that's a good
16 framework to go forward so it's not prescriptive, but
17 it allows for moving things forward in --

18 COMMISSIONER WEISBROD: By non
19 prescriptive, you mean aspirational?

20 MAULIN MEHTA: Aspirational.

21 COMMISSIONER WEISBROD: Thank you.

22 PROFESSOR ANGOTTI: I'd like to sort of
23 anchor it in what I hear in many neighborhoods who
24 have done comprehensive community plans and who
25 demand that the city do some comprehensive planning,

2 especially those that have been re-zoned. Why is
3 there no coordination with the capital budget? So
4 why do you have a re-zoning that postpones planning
5 for schools, daycare centers, parks, open space for
6 sometime in the future or leaves it to vague
7 promises? That's what, I think, a lot of people mean
8 by comprehensive planning. Let's break it down to
9 those things. It's very concrete. It's not
10 abstract. People are not looking for dreamy views of
11 the future. They're looking for the city to think
12 comprehensively. I discovered this in doing
13 community-based planning for decades. Some people
14 tend to look at the big picture and to look long
15 term. Some people tend to look very short term at
16 immediate results. You know what, some of them are
17 in City Planning offices, and some of them are in
18 communities. There are exclusionary people in City
19 Planning offices, and there are exclusionary people
20 in community boards so what I want people to do is to
21 open their eyes and listen to what people in
22 neighborhoods and communities who are demanding
23 comprehensive planning. This is not coming from
24 airheads in our universities. This is coming from
25 the grassroots. Why don't you think about all of

2 these long-term consequences when you initiate a re-
3 zoning, when you initiate a capital project.

4 CHAIRPERSON BENJAMIN: Thank you. Elana?

5 ELANA CONTE: Sure. So there are no
6 planners here, certainly not me. All right. It will
7 not be all things to all people. It will not remove
8 politics as you named it, you know, earlier tonight,
9 Chair Benjamin, This is inherently political. But
10 we cannot get what want without aiming for it so what
11 this will do will create a process that is more
12 transparent, integrated, participatory, aimed at
13 tackling inequality, although it will be imperfectly
14 defined, right; and accountable and aligned with
15 budgeting. That is what it will do.

16 CHAIRPERSON BENJAMIN: Carl?

17 COMMISSIONER WEISBROD: I'm sorry, cause
18 I go back to the question that, I guess, first posed
19 by Professor Been and then posed by several members
20 of this commission, starting with Commissioner Nori.
21 And I've heard from each of you very, very different
22 notions of what comprehensive planning is. So, just
23 in terms of -- I've heard from Mr. Mehta that it's
24 aspirational. I've heard from you, Elana, that it
25 must be prescriptive and that it's got to be actually

2 -- essentially in law, and that's very different from
3 the London plan, for example. You know, I think what
4 we're all struggling with is this notion of
5 comprehensive planning mean so many different things
6 to so many different people that us as a group that's
7 making recommendations for a charter that's to last
8 for a long time and to provide guidance really has
9 not gotten much in the way of guidance, at least a
10 consensus on guidance, on what that would be. That's
11 just more of an observation.

12 CHAIRPERSON BENJAMIN: Antonio, you did
13 not give your 30 seconds?

14 ANTONIO REYNOSO: Do no harm. I just
15 want us to reflect back on what we've done in this
16 city over the last 20 years, many great
17 accomplishments, and I won't take that away from who
18 we are. I'm very proud to be a New Yorker. But
19 where we are going is crisis-level issues, and we
20 need to match the crisis-level issues with the same
21 reaction and the current planning that we do does not
22 do that. It doesn't allow for us to match that
23 crisis level issues that we have so it's a challenge
24 to us to figure this out.

2 CHAIRPERSON BENJAMIN: Do you see it as a
3 way to build consensus around the crisis or is it a
4 way to build responses to the crisis?

5 ANTONIO REYNOSO: I think, I would --
6 another thing is, Gail, Carl, you're the foremost
7 minds in planning when it comes to the City of New
8 York. We've yet to, you know, be able to drill into
9 your brains about what you think this can happen.

10 CHAIRPERSON BENJAMIN: [Laughter]

11 COMMISSIONER WEISBROD: You notice I
12 didn't ask you any questions because I'm going to be
13 sitting there, and you're going to be sitting here so
14 I'm being very cautious, council member. [laughter]

15 ANTONIO REYNOSO: My point is, Carl. I
16 hear you, but my point being is that we have work to
17 do, but it concerns me only with how concerned we
18 are. Instead of rising to the challenge, we know we
19 have issues. Imagine the waterfront being fixed,
20 community, by community, by community, not just dealt
21 with in one real thoughtful way across the City of
22 New York. We can't allow for us to go through this
23 process. We are going to be in big trouble, and I
24 just want to meet it with that same type of urgency.

2 ELANA CONTE: Chair Benjamin, may I
3 respond to Commissioner Weisbrod, briefly?

4 CHAIRPERSON BENJAMIN: Very briefly.

5 ELANA CONTE: Okay. Professor Been's
6 point is a real point. I don't think we have that
7 difference here, but I think we define it and then we
8 do it. What I heard tonight is a moving target for
9 why we can't attempt this. Oh, it's too hard. Oh,
10 we're in too much of a crisis to actually do any
11 planning. Oh, but actually we're doing such a great
12 a job. Everything is working fine. And that is
13 not -- all three of those things can't be true,
14 right; as reasons why we can't do this. And I just
15 want to say that you cannot run participatory
16 processes that are split in seven different efforts
17 and actually expect them to be participatory, right?
18 The current way that we are satisfying the
19 requirement for our comprehensive plan is not fact,
20 and so let's use our great New York imaginations and
21 our great New York expertise to challenge it.

22 COMMISSIONER WEISBROD: Can I --

23 CHAIRPERSON BENJAMIN: Carl?

24 COMMISSIONER WEISBROD: I don't want to --
25 the purpose of these meetings is to elicit

2 information and not debate. Yes, we've heard a lot
3 of things about the challenges of the comprehensive
4 plan, and I think everyone would agree that we hardly
5 do planning perfectly. It's an imperfect -- we live
6 in a very dynamic city. It's really hard, and
7 there's always room for improvement. My concern is
8 that I really did hear very, very different things
9 from each of you as to what your idea of a
10 comprehensive plan is, and I think that's the issue
11 that I think we're, at least for me, I'm struggling
12 with. I certainly accept the objective that you all
13 have that I certainly share that we should do a
14 better job of planning. You know, we're never -- as
15 Chair Benjamin said, "We are not perfect by any
16 means." But to wrap the word "comprehensive" around
17 it, as if that will solve the challenge when each of
18 you and many others have somewhat different ideas of
19 what it means, I think is the issue we struggle with.

20 CHAIRPERSON BENJAMIN: Jim?

21 COMMISSIONER VACCA: Thank you. I've
22 been really quiet, and in part because these two
23 panels have made my head hurt, not in a bad way.
24 [laughter] I'm not trying to insult anyone. There's
25 so much to think about and so many different

2 consequences to think about so I don't know if I'm
3 allowed to give homework assignments. It sounds to
4 me like that, you know, that people are like that
5 having seven different documents doing seven
6 different things, changed by every mayor who comes in
7 is not the right way to go, but at the same time, I
8 hear people here saying it's gotta be from the ground
9 up. We have to start with community plans or we
10 can't have 27 different community plans for the
11 waterfront. We need one plan. So if maybe people
12 could talk to each other and come back to us in the
13 next couple weeks with some ideas about how binding
14 should this be and how top down, bottom up, what
15 would a process look like, and is there a way to sort
16 of integrate what we're doing now with a fair-share
17 component to all of it put in --

18 CHAIRPERSON BENJAMIN: Well, you're
19 really adding to the --

20 COMMISSIONER VACCA: You know, that's
21 where we should end up, but you know -- at any rate,
22 my head hurts. Thank you all.

23 CHAIRPERSON BENJAMIN: [Laughter]

24 PROFESSOR ANGOTTI: I applaud the use of
25 Seattle as an example because I think there is a

2 concrete example of how it works in a real city in
3 the United States. And is that the way it's going to
4 work in New York City? No, but it's a demonstration
5 of what can be done, and what I think should be done
6 in New York City. Why not? And I just want to end
7 by saying I was on a panel recently with Alex Garvin
8 who usually disagrees with me on everything, and we
9 wound up agreeing thoroughly that there was a lack of
10 foresight and vision in New York City when it comes
11 to infrastructure, when it comes to capital budget,
12 and he said restore capital budget, responsibility to
13 the City Planning Department. Well, that was his
14 idea of a first step, and it could be a very first
15 step. But it has to be more than that or it's going
16 to be taken away again.

17 CHAIRPERSON BENJAMIN: Sal and then, I
18 think, that's it unless you have response, Howard?

19 COMMISSIONER ALBANESE: Just quickly. I
20 get the gist of what comprehensive planning means.
21 There are different permutations, but I think in our
22 heads we -- it means planning ahead. It means having
23 a vision for the city. I think we're not going to
24 get that here tonight, but this is an information-
25 gathering process. And I think at the end of it,

2 with your help and help of others, if we plan on
3 going in that direction, we'll get it crystallized.

4 CHAIRPERSON BENJAMIN: Plan on going in
5 that direction? Do we need a plan for that?

6 [laughter]

7 COMMISSIONER ALBANESE: That's a short-
8 range plan. Professor Angotti says get short range,
9 long range, but I think that this is very valuable.
10 The feedback is great, and I hope that we can come up
11 with something concrete as we move ahead. Thank you.

12 CHAIRPERSON BENJAMIN: I think that's it;
13 and I'd like to thank the panelist. I think it was a
14 really great discussion. I hope you thought so, too;
15 and I hope you're willing to be more involved with us
16 as we continue down the road of investigating the
17 possibilities here. If any of you would like to
18 further engage or would like to send us written
19 comments or testimony about your thoughts about
20 either the last question or any of the questions
21 about what a comprehensive plan in your mind would
22 look like, or alternately what you would envision the
23 charter saying about a comprehensive plan just --
24 there shall be one, and laying out how that would
25 later be decided. There are a lot of things. We'd

2 love to hear from you. I mean, in one 45-minute or
3 hour session, we can't really get to all of the
4 questions that people have or the ways in which
5 people might want to engage, but I hope you see that
6 we would like to engage, and we want to hear both
7 from you and from City Planning about both the
8 practical and the real because those are real, too.
9 So Howard, I hope y'all also tell us what you think.
10 With that, is there anything -- Carl, is that your
11 hand up? Are you ready to second the -- is there a

12 COMMISSIONER WEISBROD: To adjourn.

13 CHAIRPERSON BENJAMIN: Is there a Motion
14 to adjourn?

15 COMMISSIONER WEISBROD: Yes.

16 CHAIRPERSON BENJAMIN: Is there a second?

17 COMMISSIONER: Yes, there is.

18 CHAIRPERSON BENJAMIN: Any discussion?

19 [laughter] All in favor?

20 COMMISSIONER: Aye

21 CHAIRPERSON BENJAMIN: Opposed?

22 COMMISSIONER: None.

23 CHAIRPERSON BENJAMIN: I will see you all
24 next Monday.

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 29, 2019