



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

**DCP Testimony on Intro 2186**

**February 23, 2021**

Good morning, Chairs Cabrera, Rosenthal and Salamanca, and members of the Committees. I am Marisa Lago, Director of the Department of City Planning and Chair of the City Planning Commission. Thank you for the opportunity to testify at this hearing on Intro 2186, requiring a comprehensive long-term plan.

I am pleased to have the opportunity to testify this morning on the subject of sound land use planning – a subject that we agree is of great importance to the city’s future.

It is critical to have a healthy discussion about how New York City’s planning process, including the Uniform Land Use Review Procedure, can be made more effective in meeting the needs of the city, and how to do so more equitably.

We agree strongly with the importance of providing sound data and analysis to guide decisions. DCP’s initiatives under *Where We Live NYC*, the City’s plan to advance Fair Housing, include

Marisa Lago, Director  
NYC Department of City Planning  
120 Broadway – 31<sup>st</sup> Floor, New York, N.Y. 10271  
(212) 720-3200 FAX (212) 720-3303  
[www.nyc.gov/planning](http://www.nyc.gov/planning)

increasing the already considerable data and analysis that we make available to the public about community conditions, and changes in housing and neighborhoods across our city.

We also agree that a main purpose of planning is to support **action** to promote equitable growth. Our neighborhood initiatives in SoHo/NoHo and Gowanus address the urgency, highlighted in *Where We Live*, of creating more mixed-income housing in high-opportunity neighborhoods – an absolutely vital need before and especially since COVID-19 struck.

**While it is encouraging to hear discussion of the importance of meeting the city’s needs for equitable growth, we oppose this bill because of concerns about its feasibility, its costs, and its ultimate impact.**

**We do not believe that it is feasible to achieve all of this bill’s goals through a single one-size-fits-all process, not without glossing over key priorities or shortchanging community input. To attempt to do so would cost an incredible amount of money. We estimate that the environmental review alone would cost on the order of half a billion dollars, with significant increases in staffing needed on top of that.**

**And we are concerned that the ultimate impact of that time and money would be counter to our shared goals—that it would make it more difficult, not easier, to build affordable housing or site essential City facilities if these priority projects were subjected to an additional layer**

**of bureaucracy. The practical effect of the bill would be to reinforce the political incentives to inaction that exist today and that drive exclusionary and inequitable outcomes.**

### **Feasibility**

The bill provides just nine and a half months for the central planning office to create 177 distinct land use plans – three options for each of the City’s 59 Community Districts. Each would contain a level of detail comparable to that of an individual neighborhood rezoning, which is typically created over years and involves scores of community meetings. These three scenarios would then be presented to Community Boards, which would then have to pick one as a recommended option to submit to the Council. It would be impossible for this type of top-down planning to achieve quality or equity, or be responsive to community input.

The bill also underestimates the importance of focused, topic-specific planning efforts – such as those for the waterfront, greenhouse gas emissions reduction, environmental justice, food policy, or resiliency. By trying to roll planning for all issues into a single, concurrent process and document, the bill would muffle the voices and priorities of important constituencies who help shape planning for each of these issues, and dilute the ability to address each issue thoughtfully and equitably. Recent, more focused planning efforts have allowed us to address significant issues, as we have with the Zoning for Coastal Resiliency proposal that is currently in ULURP, following years of community engagement.

The cornerstone of citywide strategic planning efforts today is the quadrennial long-term plan required by Local Law 84 of 2013, most recently known as OneNYC 2050. This citywide long-term planning effort identifies key challenges facing NYC and strategic priorities to meet those challenges. The plan acts as a framework to mobilize City government to advance critical and timely priorities.

Since 2007, when this planning process began in partnership with the Council, it has been the basis for adopting ambitious greenhouse gas emission reduction strategies, promoting transit-oriented growth, preparing for the risks of climate change, embedding environmental justice into the City's decision-making, and setting the first-ever poverty reduction targets. Annual reports measure progress towards goals and serve as a public accountability tool. We believe that OneNYC serves as a better model for strengthening our planning efforts than this bill.

**Cost:**

We are concerned about the extraordinary cost of the bill.

The most expensive component by far is the requirement for a Generic Environmental Impact Statement (GEIS) to accompany the 177 land use scenarios. We estimate that the GEIS would cost on the order of **half a billion dollars** of tax levy funding.

This \$500 million figure is not hyperbolic. Rather, it reflects the unprecedented scope and scale that this GEIS would require – covering every inch of the city's 303 square miles, analyzing not

just land use but also transportation, infrastructure, public facilities and more, and analyzing the countless combinations of land use scenarios that could be adopted across 59 Community Districts. It would be the largest EIS on record, by a long margin.

What is more, the benefits of this GEIS would be limited, not meaningfully reducing the burden of review required under State environmental regulations for subsequent land use actions.

The enormous environmental review would also open up countless opportunities for litigation, which would delay not only the plan, but also the implementation of all actual projects that it might envision.

In addition to the cost of the GEIS, the proposed planning process would be extremely expensive – at a time when the City is still under a financial crunch and hiring freeze. These costs would include staffing new offices and a second 13-member commission for planning.

**Impact:**

While we recognize that the intention is to promote equitable growth and proactive planning, in practice the results would be the opposite. This bill would create – rather than remove – bureaucratic obstacles to projects that address pressing needs. It would increase – rather than decrease – the ability of affluent communities to reject projects that have broader benefits for the city.

We do not believe that the bill would make it easier to accomplish important land use actions. For a start, the plan would be non-binding. The bill suggests that Council Members would often decline to “call up” actions determined by the City Planning Commission to be aligned with the plan. This is implausible. ULURP actions provide a useful forum to air and negotiate key project details, including maximum permitted densities and building heights, as well as aspects of the project that are not directly part of the land use approvals. Council members today call up essentially every optional item, and can be expected to continue to do so. This means that the bill would effectively add an additional veto point.

The process of creating the plan itself would reinforce, rather than dismantle, inequities in the land use process. The bill would give the Council final authority to set district-level targets for housing, jobs, public facilities, and more. For instance, when it votes on the plan, the Council would have the ability to change the Community District-level targets to include more school seats and less housing, or eliminate a proposed sanitation garage. This flies in the face of a data-driven planning process, and further empowers already-powerful communities with the resources to resist new housing or facilities needed to create an equitable city.

A planning process that takes four years – an optimistic estimate – would divert the attention and capacity of numerous City agencies away from their important public services. There would also be significant pressure not to advance any large proposal until the plan has been adopted.

There would never be a good time for New York City to take a hiatus of four years or more from important land use actions, but the need to recover from the COVID-19 pandemic and economic shock makes this a uniquely inopportune time to do so.

By putting too much emphasis on a single all-encompassing process, this bill would limit our ability to respond nimbly to a changing landscape. When events such as 9/11, Superstorm Sandy, or the pandemic occur, we need to be able to learn, adapt, and take appropriate action promptly – not wait until the next major comprehensive plan revision. Imagine if we had set quantitative Community District-level targets for retail space in 2018. They would be of little use today.

We appreciate the intention of the bill. But we do not think it is the right approach for New York City. Our sheer scale makes it hard to compare this bill with other cities' comprehensive planning efforts. Minneapolis and Seattle are often cited as models. Minneapolis has fewer residents than Staten Island, but their comprehensive plan still took three years to create. Even Seattle has only half the population of the Bronx. Both cities are much less complex than ours, being comprised largely of suburban-scaled neighborhoods.

The legal structure in which these other cities operate also differs meaningfully. Both of these cities are mandated to meet growth targets established by state or regional authorities, which are empowered to override their City Council's land use authority if these growth targets aren't met. **In New York City, there is no similar authority, nor does the Council propose one.**

The bill would contain none of the checks or limitations on the legislature's authority that exist in other cities to ensure that a citywide planning system addresses exclusionary practices. It would add a new, huge and costly process, but without altering the fundamental dynamics of land use decisions.

**We continue to share an interest in working with the Council to identify ways to improve the planning process.** But the process must be one that helps us address the key challenges before us, and not divert us from them.

We need to provide safe housing for all of our residents; we need enough housing for all income levels, ages, household types, and lifestyles. People who grew up here should be able to stay and raise their kids, watch them move into a place of their own, and have a comfortable place to grow old – all while we continue to welcome and support people from around the country and the globe.

We need to support the recovery and growth of our economy, the availability of good jobs for all workers, the vibrancy of our diverse neighborhoods, and the vitality of the commercial centers that power our region's economy, as well as our local and State budgets.

We need to address the challenges that face us today while preparing for what comes next, whether expected or unexpected – the needs of a zero-carbon future, the implications of rising sea levels, the reality of post-pandemic life, and abrupt shifts in the economic environment.

The roles and authority for planning and land use decision making set forth in the Charter are an important foundation for our city's growth and development. Considering changes to them is a worthy topic, but it is a weighty matter that requires significant deliberation. We look forward to further discussions with the Council and a range of stakeholders about how these processes can be improved.

Thank you. I welcome your questions.

I am also joined by Anita Laremont, Executive Director; Susan Amron, General Counsel; Jon Kaufman, Chief Operating Officer; and Howard Slatkin, Deputy Executive Director for Strategic Planning from the Department of City Planning; colleagues from OMB, Deputy Director Tara Boirard and Associate Director Paul Tymus; and Chief Climate Policy Advisor and OneNYC Director Daniel Zarrilli.