



Statement of Jon Kaufman, Chief Operating Officer of the Department of City Planning, before the Land Use Committee of the City Council, on Intro 1132

June 7, 2016

Good afternoon Chair Greenfield and distinguished members of the Land Use Committee. I thank you for the opportunity to be here today to testify regarding Intro 1132. This proposed legislation would make it easier for the public to track the commitments made by the City as part of any City-sponsored application subject to the Uniform Land Use Review Procedure (ULURP). I am joined by colleagues from the Department of City Planning (DCP) and the Mayor's Office of Operations, with whom we have worked collaboratively on this issue.

We are whole-heartedly supportive of the idea of creating a commitment tracker and pleased to be here today to discuss this legislation with the Council. We agree that tracking commitments promotes transparency, in addition to elucidating the detailed planning work done across all Agencies. The Administration recognizes that with City-sponsored re-zoning actions in particular, disseminating information about specific zoning-related commitments is important to maintain public trust and confidence in plans whose outcomes may be realized over the course of years. Having a public process for tracking the outcomes of our re-zoning planning work will also serve to enhance accountability and help ensure the Administration's commitments around important projects and programs are fulfilled. We are very interested in talking more with this committee about how best to realize these goals.

Consistent with the Mayor's housing plan, the Department's focus on housing

creation is coupled with a deep commitment to ground-up, integrated neighborhood planning. By 'ground-up', we mean we are more robustly and pro-actively engaging neighborhood residents, community groups, local representatives and other institutions for regular, broad input, to bring about healthier, more inclusive, and more vibrant neighborhoods. By 'integrated', we mean our Department staff works in close collaboration with all relevant agencies to ensure the overall neighborhood plan has been orchestrated sensibly, and we have aligned our collective strategic planning priorities with that individual community's needs. Planning in this more integrated fashion, with key agencies and partners such as the Department of Housing Preservation and Development, Department of Small Business Services, Economic Development Corporation, Department of Transportation, School Construction Authority, Department of Parks and Recreation, Office of Management and Budget (OMB), and the Mayor's Office, results in more effective regulatory and land use changes as well as neighborhood plans that are more thorough and better able to address the most pressing needs of a given neighborhood.

Historically, we are aware that plans that increase new housing capacity have sometimes been approved without fully securing the investment in corresponding infrastructure. We're doing a few things differently to address this. The Mayor established a \$1 billion capital fund to help ensure that infrastructure (such as parks, streets and public amenities) keeps pace with increases in housing and population as neighborhoods go through zoning changes. In addition to the \$1 billion fund, we're also contributing to the MTA capital fund to help ensure that its 5-year capital plans align with the need to accommodate growth in these neighborhoods. Another example of more integrated planning across the City is our Department's more substantial involvement in co-crafting the 10-year Capital Strategy with our partners at OMB. We believe that all of these changes will result in a capital budget more

aligned with our land use strategy, which many of you might remember is how the City used to operate during the heyday of city building. We're trying to get back to that tradition, which will ensure sufficient focus on the types of investments that create vibrant, sustainable neighborhoods.

This spring, the Council adopted a modified zoning proposal for the first DCP sponsored neighborhood rezoning in this Administration. Department staff, together with the community and our colleagues in many other agencies, developed a ground-up, integrated plan to facilitate expanded programs and services, and capital investments, related to this rezoning. These strategies, while not specifically part of the proposed land use actions that the Council is considering, are essential for achieving this comprehensive vision of a thriving and sustainable neighborhood.

Our goal from the beginning of our neighborhood planning processes is to ensure that we create a clear set of commitments that can be tracked by stakeholders. For the benefit of neighborhood residents, we believe it is important to ensure that those commitments are delivered upon in a clear and transparent way. To this end, our aim is to assemble commitments with clear timelines and measurable outcomes in one place, easily viewed by the public.

To this end, tracking commitments is something we have already started thinking about with Deputy Mayor Glen's office and the Mayor's Office of Operations. We are working collaboratively with the relevant agencies to develop a tool that will track the progress made on each commitment and make this information available online for the public. Our intent is that following City Council approval of any DCP-initiated neighborhood rezoning, a list outlining City commitments will be posted on the City website for easy public access. The Mayor's Office for Operations would post an annual progress report online reflecting how the Administration is following through on those commitments. This annual report would contain brief commentary

for each commitment, noting current status and major milestones achieved. This tracker would not only serve as a critical tool to maintaining transparency, but also be a means by which we will monitor our own progress. This is our vision and we welcome the opportunity to discuss how it can contribute to this legislation.

We very much appreciate the Council taking up this issue of tracking commitments, as it is one we are deeply committed to. We look forward to further developing an approach that will achieve our shared goal of greater transparency and accountability.

June 8, 2016

Good Morning, council members. My name is Julia Watt-Rosenfeld and I am here to represent the Coalition for Community Advancement: Progress for East New York/Cypress Hills. We think that Intro 1132 is a good start at calling for transparency for commitments made through neighborhood re-zoning. We believe that there are ways to make it a more powerful tool for monitoring and enforcing commitments to East New York and future re-zoned neighborhoods.

Based on our experience with the East New York re-zone so far, these are the concerns and recommendations we have on how to improve Intro 1132. We urge the Council to consider these four additional mechanisms.

1. DCP issued zoning changes that are enforceable. The Deputy Mayor's office issued a separate "side letter" of commitments to the neighborhood, including \$267 million in capital and expense funding, and these are not enforceable in this form. In the best case scenario, according to the letter, HPD, SBS, EDC, DoE, SCA, DCP, DoT, and Parks will roll out funding and activities in East New York in the next two years, bringing unprecedented neighborhood improvements. In the worst case scenario, none of these commitments will be coordinated or implemented. For this reason, we continue to recommend that the City create a Mayor's office to coordinate the re-zone activities of all of the City agencies involved, create and publicize project benchmarks and progress toward them, and to ensure the timely implementation of the re-zone plans. Community members want to see detailed plans from each City agency regarding their timetables for implementing projects, status of budgets, progress towards benchmark goals, and activities of

their staff working in the neighborhood. An office of the Mayor could do this.

2. In East New York we expect that the new housing that will be built won't be affordable to a third of residents who have incomes below 30% AMI. Community members call on the City to track the demographic changes and to collect data about residential and commercial displacement. We ask the City to use the indicators spelled out in the Mayor's One New York plan—equity, health and well-being, and sustainability—to measure the short-, intermediate- and long-term impact of the East New York re-zone. We want the City to hold itself accountable to making sure that in 15 years, East New York is a more equitable, sustainable, healthy and economically strong community than it was before the re-zone. The City should have the courage to measure what happens and to report on it.
3. We ask that Intro 1132 include a stronger mechanism for community participation in the oversight of re-zone activities and impacts. We ask that community stakeholder working groups serve as empowered advisory boards to collaborate with City agencies on neighborhood initiatives. To this end, we ask that Intro 1132 include funding to staff and support the creation and effective functioning of these stakeholder groups. We ask that these groups be the direct recipients of annual progress reports on re-zone commitments. And, we ask that this group receive data on neighborhood-specific changes, such as: total number of affordable residential units; median rent; employment rates; school enrollment; and demographics that include race, income, rent-burdened and overcrowded households.

4. And lastly, the East New York re-zone Plan was approved before the likely passage of Intro 1132. So that East New York residents can benefit from this tracking tool, we are asking that 1132 include language to clarify that it will apply to commitments already made in April's approved East New York Plan.

In conclusion, Intro 1132 is a good start. It can be made stronger and more effective if it includes a Mayor's office to coordinate and monitor the hundreds of millions of dollars in multi-agency, multi-year re-zone work; requiring agencies to publicize benchmarks, metrics, and progress for each project; ensuring that neighborhood stakeholder groups are informed and effectively engaged in meaningful oversight; and that East New York is included in its purview.

Thank you



NAG Statement

Regarding Int. No. 1132 - In relation to establishing a publicly accessible tracking database of all commitments made by the city as part of any city-sponsored application subject to the uniform land use review procedure

My name is Ward Dennis and I am a board member and past chair of Neighbors Allied for Good Growth (NAG), North Brooklyn's leading advocate for sensible planning, access to the waterfront and open space. I am also a member of Friends of Bushwick Inlet Park and a past member of Community Board 1, where I served on the Greenpoint-Williamsburg Rezoning Committee and chaired the Land Use Committee. My testimony today is on behalf of both NAG and Friends of Bushwick Inlet Park.

I would like to start by thanking Speaker Mark-Viverito and Public Advocate James for proposing this important piece of legislation, and the City Council for taking it up and holding this hearing.

Our neighborhoods - the Williamsburg and Greenpoint waterfronts - are, sadly, Exhibit A for why this legislation is necessary. In the early 2000s, the Department of City Planning began the process of rezoning of 185 blocks of our formerly industrial and mixed-use waterfront. That rezoning was approved by the City Council in May of 2005. NAG was one of the leaders in the community response to the 2005 rezoning, and we have been closely monitoring the progress of the rezoning and the promises that came with it ever since.

The City's 2005 rezoning came with many promises. These promises were made as part of the environmental review (EIS) and as part of a community benefits package (the so-called Points of Agreement) that was negotiated between the Mayor's office and the City Council as the rezoning was being passed.

Eleven years later, our community has seen massive change. Based on NAG's analysis, over 17,000 new housing units have been created in CB1. At least that many new units are planned for the waterfront in the next ten years or so. By

the time the development of the Greenpoint and Williamsburg waterfront is complete, our community will have added something on the order of 75,000 new residents.

When the rezoning was enacted, promises were made for new parks and open space, for affordable housing, for tenant protections, for industrial retention, and for additional schools and better transportation access. We have 40,000 new residents, but most of those promises are unfulfilled - we are not even close.

Of the 39 acres of open space promised as part of the 2005 Greenpoint-Williamsburg Waterfront Rezoning, only 8 acres (20%) have been built. At Bushwick Inlet Park, the centerpiece of the open space mitigation in the EIS, almost a third of the proposed park has yet to be even acquired by the City.

According to data compiled by St. Nick's Alliance, as part of the Points of Agreement in 2005, 1,345 units of affordable housing were promised on City-owned sites or partner land. As of 2015, 19 of those units have been built. Remember that the Points of Agreement was a commitment made by the Mayor's office with the City Council.

Whether it was mitigation required under the EIS or a negotiated concession from the Points of Agreement, the planning elements of the 2005 rezoning have been slow to materialize. But the zoning part of it is in full swing.

As it stands, there is no publicly-accessible information about the promises that the City made in 2005 or that private developers made in the many smaller rezonings before and since. Promises and commitments are scattered throughout EISs, EASs and CBAs. Knowing what promises have been made and the status of these promises is a very important step, and we thank the Council for taking up this initiative.

But this is only a first step. We strongly encourage the Council to go further and take concrete steps to ensure that promises are not just tracked but kept. The best way to do that is to tie new development to the fulfillment of promised mitigation and benefits. If development gets too far ahead of planning, there should be a time out - a moratorium on new development.

**TESTIMONY OF JONATHAN FURLONG, BEFORE
THE LAND USE SUBCOMMITTEE OF THE NEW YORK CITY COUNCIL**

June 7th, 2016

Good morning--Thank you to the members of the subcommittee for the opportunity to testify today.

My name is Jonathan Furlong and I am the Zoning Technical Assistance Coordinator for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of New York City neighborhood-based housing and economic development groups, CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers.

ANHD would like to voice its support for Intro 1132, and applaud the Speakers office and members of the council for taking a proactive step towards ensuring communities are able to monitor commitments made during a rezoning process. We believe that the passage of such legislation would provide a baseline for improved oversight and transparency among the many neighborhoods throughout the city grappling with the final decisions of a neighborhood rezoning and what it means for their particular community.

There are some critical questions about the legislation that ANHD would like to raise, specifically about the process and role of the Council in providing the agency overseeing the online database with the initial content. Currently there is little detail that guides this process, and so it is unclear--for example--how soon after a rezoning is voted on the council would submit content. Additionally, are there any other agencies or entities besides the councilmember that will decide what makes up a 'commitment' or 'agreement' that must be tracked in the database? Will the councilmember of a rezoned neighborhood coordinate with neighborhood organizations or agencies to decide this, or to ensure that the content within the database is comprehensive? There is also a question of which agency or Mayoral office will house the database, and which agency or office will be responsible for updating the information within it. Though there are significant details left to develop, we hope that shaping this legislation can be a collaborative process and look forward to working with the Speaker's office and the council on the ideas and questions that remain.

The passage of this legislation would be an important first step -- establishing transparency, and ensuring that 'commitments' and 'agreements' made during a rezoning are tracked and monitored adequately. However, we urge the council to build on this legislation with additional measures to ensure accountability for and enforcement of the City's commitments to local communities. There is a long history in the city of unfulfilled agreements and promises made to local communities in the context of land-use actions.



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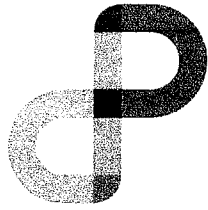
Given this, in addition to the application of Intro 1132, ANHD would like to take this opportunity to advocate for the creation or designation of a special Mayoral office that would provide coordination between, and oversight of, the various agencies responsible for implementing neighborhood commitments made during a rezoning. While this office could be a new entity established via citywide legislation, it could also be housed within an existing office with the resources, staff and flexibility to take on the following roles:

- The office should create goals and benchmarks for each rezoned neighborhood, based on the community's stated priorities and commitments made in the zoning plan. The office should then conduct ongoing assessments for each rezoned neighborhood and compile an annual progress report to track progress towards goals and benchmarks.
- In addition to maintaining a publicly accessible online database and producing annual progress reports on commitments per Intro 1132, the office should regularly update key metrics related to the implementation of the rezoning plan. This information should be available on the office's website and should also be regularly shared with each community. The office should also ensure that community members receive the appropriate training and education so that they can understand and process the data.

The office should convene regular meetings both on the citywide and neighborhood level with agency representatives to ensure inter-agency coordination and cooperation in implementing commitments. The Office should also coordinate communication between agencies and respective neighborhood monitoring committees.

Lastly, ANHD would like to recommend that an oversight agency be designated to track and monitor capital spending as part of the fund set aside within the executive budget for rezoned neighborhoods. We encourage the city to do everything in its power to ensure that funds are not misused or misspent, and actually benefit the neighborhoods they were intended to serve.

Thank you.



PRATT CENTER

FOR COMMUNITY DEVELOPMENT

Fulfilling Planning Promises: Neighborhood Commitment Plans and their Context

**Testimony to Committee on Land Use
Hon. David Greenfield, Chair
Adam Friedman, Director
June 7, 2016**

Chair Greenfield, Council Members, thank you for the opportunity to testify today. We offer remarks in support of Intro 1132, highlight key considerations around implementation of the Intro, and recommend complementary measures that are needed to work with the Intro in order for it to best fulfill its goals of enhancing transparency and accountability in land use and planning actions.

Pratt Center for Community Development works for a more just, equitable, and sustainable New York City by supporting low and moderate income communities to plan for and realize their vision. In the service of this mission we have partnered with and provided technical assistance to more than a dozen community-based organizations and coalitions to engage in rezoning conversations during the Bloomberg administration alone. These include Greenpoint-Williamsburg, Gowanus, Coney Island, Crotona Park East, Hunters Point South, Willets Point (in 2008 and 2013, the Kingsbridge Armory, and the USTA expansion into Flushing Meadow Corona Park. Our support of communities to navigate land use processes continues under the de Blasio administration, with partnerships in East New York, the Jerome corridor in the Bronx, East Harlem, Flushing West, and Bay Street in Staten Island.

The problem

In our experience, despite the diversity of these neighborhoods and land use actions, a few realities invariably hold during rezonings –

1. communities work intently to learn about the process, to educate community members, and to organize and mobilize to participate, exerting tremendous effort in a limited time frame, in a process that feels stacked against them
2. at the time of City Council vote, regardless of how the community views the rezoning overall, commitments have been made throughout the process that communities wish to see honored
3. in the period following the vote, it becomes difficult to impossible for communities to get a clear record of what was promised and by whom, and as time passes, the energy behind those initial promises fades and it becomes increasingly challenging to ensure that commitments are fulfilled

The frustration that many communities experience is not simply about broken promises from a rezoning, but about the gaping disconnect between the holistic planning that communities call for and the narrow limitations of land use review. In many instances, community groups had developed their own plans (whether 197-a or not) in advance of land use changes proposed by the administration. East New York, Gowanus are two immediate instances. The disconnect is deeply disillusioning to communities, erodes faith in the process and fuels distrust that makes future planning and land use conversations more difficult.

1. **Intro 1132 provides an important and much needed opportunity to jump-start conversations with the Council, the administration, and the public regarding not just the recording of agreements, but the quality of those agreements, the degree of enforceability, and even more importantly, the relationship of rezoning actions to larger issues of planning and public participation.**
2. **Intro 1132 takes an important step forward in addressing the disturbing lack of transparency around land use agreements that currently exists.** The range of ways that commitments are currently “recorded” – restrictive declarations, side letters, FUCAs (follow-up corrective actions), press releases, to name a few – are labyrinthine, difficult to obtain, and because commitments are housed in so many different places, it becomes nearly impossible to decode the ways the agreements will work together to impact a community, and easy for commitments to go unfulfilled. In the face of the 15 rezonings that the de Blasio administration has proposed to advance Housing NY, a tracking system is needed now more than ever.
3. **More detail around the parameters of commitments, the content of the database, and the process for recording commitments is needed**

3a. Commitments

The language in Intro 1132 for “commitment” is broad, and we would not seek to limit it. However, the breadth of the language allows for a wide interpretation. Below, we seek to more clearly define the meaning of a commitment with a preliminary list of the types of promises that merit tracking. *If there is anything listed below that the Council or the administration do not consider to be eligible as a “commitment” it would be useful for that to be indicated now.*

Overall, it is essential that there be a single, comprehensive, publicly accessible document/database that accounts for all commitments. This would include a summary of all commitments made, even if the commitments appear elsewhere in other official documents, such as a restrictive declaration, the Environmental Impact Statement and/or through a change to the zoning text that is adopted late in the process.

Commitments as considered by communities, include (but are not limited to): commitments of capital funding; commitments of programmatic and maintenance funding; wage, labor, apprenticeship, and hiring agreements or targets; environmental mitigations; commitments to create space for schools, community facilities, and/or other goals; commitments to change land uses on public sites and/or to purchase land; commitments to create funds dedicated for a specific purpose (business relocation, creation of affordable housing); staffing commitments and/commitments to new agency actions related to enforcement.

The document should also include commitments to perform studies that may lead to future land use actions. Additionally, communities are often promised that a concern they raise will be addressed by citywide programs or projects that will be implemented in the area. These commitments should also be recorded so that the Council and community have the opportunity to evaluate the actual impact of such programs.

3b. Content of the database

The format by which commitments are recorded will influence the way that the mayoral office, the Council, and communities are able to follow-up on commitments, and the design of the database is an opportunity to enhance the success of progress reporting.

At a bare minimum, the database should include fields for a) the action the City is planning to take; b) the expected timeline that implementation of the commitment will take; c) the budget for the commitment and the funding source; d) which agencies will be involved in carrying out the commitment and which has the primary responsibility.

The database, since it will include a comprehensive list of commitments, also presents an opportunity to assist the public in distinguishing between “guarantees” and “goals.” Including the mechanism of enforceability for items that are legally bound could be useful for the public to understand. For commitments that are dependent on a number of variables, such as the actions of parties external to the City (state level agencies, private actors), it may also be useful to explicitly disclose those variables. Finally, commitments are made in response to needs articulated by local stakeholders, and those needs merit an articulation in a tracking document. While unforeseen circumstances may sometimes interfere with the ability to deliver a commitment as originally intended, listing the need that a commitment is intended to address alongside the commitment in the database may assist future conversations about fulfilling promises, and may assist in evaluating whether the promised commitment did in fact address the need to which it was intended.

More information about the proposed design of the database should be shared with the public, and Council staff should engage in conversations with highly engaged stakeholders to shape the database’s development.

3c. Process for recording commitments

The Intro does not make explicit what the process will be for compiling commitments and delivering them to the mayoral office for entering into the database, and unfortunately, this exercise is likely not as straightforward as it would appear. There should be a clear way, throughout the rezoning process, for community stakeholders, Community Boards, and Borough Presidents, to submit commitments that they have received to Council staff for compilation with commitments that come later in the process. Council staff should have the responsibility of summarizing the content that appears in other official paperwork linked to the rezoning for inclusion in the compilation. In the 30 days following the vote, entities that submitted agreements to the compilation should have the opportunity to review the content of what will be transmitted to the mayoral office. The process for submitting context into the compilation should be made clear and accessible to the public before the onset of ULURP.

1132 can be most effective when it works in concert with a system designed to integrate promises, create clear lines of accountability, and to create ways for not just the City Council, but also community stakeholders to have a role in ensuring that commitments are fulfilled.

4. Role of the mayoral office

To truly support an accountability system, a mayoral office with the mandate and resources to provide agency coordination and accountability for fulfilling the commitments made during the rezoning process is needed. The number of agencies that play key roles in implementing rezoning commitments, and the degree of coordination required among them to successfully carry out those commitments is extensive. To ensure that the task of fulfilling commitments does not get lost among other agency priorities, an overarching presence with the power to direct agencies that is focused on those commitments is necessary.

This mayoral office, whether new or existing, should create goals and benchmarks for each rezoned neighborhood, based on commitments made in the zoning plan, and goals stated by the community throughout the process. These benchmarks should form the basis of progress assessments that are shared with neighborhood monitoring committees (see below) and the Council.

5. Community members, not just the City Council, should have an ongoing role in monitoring progress on commitments and troubleshooting issues that arise, through Neighborhood Monitoring Committees.

The local expertise and dedication that community stakeholders bring to rezoning processes are assets to any government seeking to fulfill its commitments in the face of unforeseen obstacles. These contributions should be tapped and supported, and neighborhood monitoring committees create the mechanism for effectively accomplishing this.

A reasonable threshold can be established to identify the land use actions of greatest significance that should be accompanied by a neighborhood monitoring committee. These committees should be comprised of key stakeholders from the rezoning process, should also directly receive the progress report from the mayoral office indicated in Intro 1132, and should otherwise be supported by that mayoral office to make sure they have the access to city agencies, data, and information they need to participate in overseeing the commitments in their neighborhood.

- 6. Establish metrics to evaluate neighborhood change in key areas of concern and need.** The City should work with neighborhood monitoring committees to establish a set of metrics by which to evaluate changes in rezoned neighborhoods over time. This information will give communities and the City concrete information about neighborhood changes, which will allow the City to refine its plans and strategies to address unmet needs, and to assess the impacts of land use actions locally, and on a borough and citywide scale.
- 7. Future City Council actions should expand this Intro to include land use agreements that are reached when the applicant is a private entity, and to include commitments made by private entities.**

There is as much, if not more, need to document these agreements, since there are fewer levers available for the public to hold private entities accountable. Examples of private land use applications that would be excluded from this database include:

- o The USTA expansion into Flushing Meadows Corona Park
- o The Crotona Park East Rezoning
- o SL Green's 1 Vanderbilt Development

8. Ensure that Intro 1132 applies to the recent East New York rezoning

Although we understand that it is the Council's intention for Intro 1132 to apply to the recent East New York rezoning, our reading of the text does not indicate that it would apply. It should be amended to explicitly cover the set of commitments made during and at the end of that process in April 2016.

Thank you for the opportunity to testify today in support of Intro 1132 and we look forward to continuing to work with our local partners, with the City Council, and the administration to craft evermore effective ways to support planning that leads to a more just, equitable, and sustainable city.

For further information, contact: Elena Conte, Director of Policy, econte@prattcenter.net, 718-399-4416

To: *City Council Speaker Melissa Mark-Viverito; City Council Land Use Committee Members: Council Member David Greenfield, Chair; Council Member Vincent Gentile; Council Member Annabel Palma; Council Member Inez Dickens; Council Member Daniel Garodnick; Council Member Darlene Mealy; Council Member Rosie Mendez; Council Member Ydanis Rodriguez; Council Member Peter Koo; Council Member Brad Lander; Council Member Stephen Levin; Council Member Jumaane Williams; Council Member Ruben Wills; Council Member Donovan Richards; Council Member Inez Barron; Council Member Andrew Cohen; Council Member Ben Kallos; Council Member Antonio Reynoso; Council Member Ritchie Torres and Council Member Mark Treyger*

From: *Association for Neighborhood and Housing Development (ANHD); Center for Urban Pedagogy; Coalition for Community Advancement: Progress for East New York; Community Action for Safe Apartments (CASA); Community Development Project at the Urban Justice Center; Community Voices Heard; Fifth Avenue Committee; Flushing Rezoning Community Alliance; Hester Street Collaborative; Neighbors Helping Neighbors; Pratt Center for Community Development*

Subject: *Proposal for Citywide & Local Monitoring & Oversight for Rezoned Neighborhoods*

Date: *June 7, 2016*

As the City continues to roll out the plan to rezone multiple neighborhoods across New York City in order to build more housing, community members are working hard to ensure that their voices are heard and priorities are included in their neighborhood's rezoning plans. Several communities, including those in East New York in Brooklyn, East Harlem in Manhattan, Jerome Avenue in the Bronx and Flushing West in Queens, have embarked on deeply participatory processes that have engaged tens of thousands of neighborhood stakeholders to create community-based plans and policy platforms to articulate their priorities.

Accordingly, we are calling for a comprehensive and coordinated approach to documenting, monitoring, overseeing and enforcing all public and private commitments made during the rezoning processes. This approach, outlined below, should include a citywide and a neighborhood-based, community-led component and should build off and fill the gaps of the various proposals put forth by the City.

While we continue to organize and push for our communities' priorities to be adopted as part of the various rezoning processes, we have seen too often that the commitments made during a rezoning are not kept or enforced. We also know that some commitments are not enforceable, such as promised expenditures in future years. We are deeply concerned about what this means for our communities and neighborhoods and hope to work with the City to ensure that the community's priorities are implemented and enforced.

The City's Proposals

To address the need for oversight and enforcement of commitments and agreements made during rezoning processes, the City (including the City Council and Mayor's office) have put forth several proposals. While we are encouraged that the City is thinking about the need to record and monitor commitments, we have some outstanding questions and concerns about these proposals.

- **Intro 1132**, a bill co-sponsored by City Council Speaker Melissa Mark-Viverito, Public Advocate Letitia James, Council Members Rafael Espinal and Debi Rose. The bill would require an agency of the Mayor's choosing to maintain a publicly accessible online database tracking all written commitments made by the mayor or any mayoral agency as part of any City-sponsored application subject to ULURP.
 - *Outstanding questions/concerns: This is limited to public commitments and does not include commitments made by private developers. It is also not clear from the legislation how "commitment" is being defined and in what format the database will be maintained. It is also unclear how accessible this database will be to local residents. It is not clear which mayoral agency will monitor the commitments or how these commitments will be monitored or enforced. It is also unclear which entity in power will oversee the fiscal decisions related to rezoning.*

- **Role of Mayor's Office of Operations:** As part of the Mandatory Inclusionary Housing (MIH) agreement, the Administration committed to develop an approach to report annually its commitments for City-initiated neighborhood rezonings through the Mayor's Office of Operations. All Neighborhood Development Funds will be incorporated in these reports.
 - *Outstanding questions/concerns: It is unclear how the Mayor's Office of Operations will publicly report out on progress made on commitments and whether this office will have any interaction with community-based stakeholders. It is also unclear if this office will coordinate all the agencies taking part in implementing the commitments made. If this office is not responsible for making sure the commitments are actually implemented, then who is?*

- **Department of City Planning's Division of Capital Planning and Infrastructure:** Cited in a memo from Mayor de Blasio, this new unit would work with budget officials on implementing rezoning plans.
 - *Outstanding questions/concerns: We do not have any further information about this unit or whether it is currently operational. It is also unclear how this unit will interact with Intro 1132, the monitoring function of the Mayor's Office of Operations and Housing Preservation and Development's enforcement function of MIH. We would like to know more about this unit, how it will be staffed and resourced, what its mandate will be and how it will coordinate with other City agencies and with local stakeholders and residents.*

- **Local Law to Permit Department of Housing Preservation and Development (HPD) to enforce Mandatory Inclusionary Housing requirements:** As part of the MIH agreement, the Mayor's office committed to enacting a local law to empower HPD to enforce MIH.
 - *Outstanding questions/concerns: MIH is just one aspect of the many agreements made during rezoning. How will HPD interact with other agencies that are also responsible for implementing commitments to make sure that holistic neighborhood plans are being implemented and enforced? What are the accountability mechanisms in place to ensure HPD is transparent in its enforcement of MIH?*

Our Approach

We propose that a specific mayoral office work with local neighborhood monitoring committees in each rezoned neighborhood in order to uphold the commitments made during the rezoning process and coordinate the many stakeholders and agencies that are part of the process. This approach builds off of and fills the gaps of the various proposals already put forth by City officials for monitoring and enforcement of rezoning commitments. Below we lay out a proposed structure, role and powers of the mayoral (citywide) and neighborhood bodies. We look forward to working with the Mayor's Office, the Speaker and the City Council to further develop this proposal.

1. Mayoral Office: Providing Citywide Oversight, Data Sharing and Agency Coordination for Rezoned Neighborhoods

Overseeing the large public investment of subsidies associated with Housing NY and the Neighborhood Development Fund while supporting the ongoing, equitable growth and development in rezoned neighborhoods will require an integrated approach absent from previous rezonings. The proposed tasks below reach beyond the purview of any one agency or existing Mayoral office and will require a high level of interagency coordination.

Accordingly, we believe that a specific mayoral office is needed to provide overall agency coordination, oversight and accountability for the implementation of commitments made to communities during the rezoning process. This office could also oversee the spending of zoning-related investments, direct spending to fulfill community priorities, and implement commitments on a clear and measurable timetable. This Mayoral office could also absorb the zoning-related reporting tasks that the City's proposals have assigned to the Mayor's Office of Operations, as well as fill roles envisioned in the City's proposals that do not yet have an office to execute them, such as maintaining the database proposed in Intro 1132. While this Mayoral office could be a new office established via citywide

legislation, it could also be housed within an existing office with the resources, staff and flexibility to take on the following roles.¹

We propose that a coordinating Mayoral office do the following:

- **Coordinate Agencies:** The office should convene regular meetings both on the citywide and neighborhood level and mandate the attendance of relevant city agency representatives including (but not limited to) HPD, SBS, EDC, DOE, DEP, DCP, DOT, SCA and DOB to ensure inter-agency coordination and cooperation in implementing commitments. The Mayoral office should also coordinate communication between agencies and respective neighborhood monitoring committees. For example, if a new school is included in a “commitment plan” this office will coordinate all the agencies that would be involved in making sure the school is built and operationalized.
- **Support Neighborhood Monitoring Committees:** The office should ensure the establishment and operation of local monitoring committees and provide funding to those committees to support operating expenses for areas such as language access, outreach and engagement, materials creation and meeting facilitation. Local monitoring committees will be composed of neighborhood residents as well as agency representatives and other stakeholders (see pg. 5-6 for more information on the proposed committees).
- **Report on Progress:** Building off of Intro 1132, in coordination with the neighborhood monitoring committee, the office should create goals and benchmarks for each rezoned neighborhood, based on the community’s stated priorities and commitments made in the zoning plan. The office should then conduct ongoing assessments for each rezoned neighborhood and compile an annual report to track progress towards goals and benchmarks. The office could also track the funding status for all commitments made during the rezoning process and ensure projects are completed on a clear timeline, and, in consultation with neighborhood monitoring committees, propose solutions and alternatives to problems that may arise. Local neighborhood monitoring committees should be the direct recipients of the assessments and annual progress reports.
- **Manage and Share Data:** In addition to maintaining a publicly accessible online database and producing annual progress reports on commitments per Intro 1132, the office should regularly update key metrics related to the implementation of the rezoning plan. This information should be available on the office’s website and should also be regularly shared with each community.

¹ *This approach builds off of various models for cross-agency coordination and government accountability for major investment, including the Mayor’s Office of Recovery and Resiliency (ORR) as well as the Mayor’s Office of Criminal Justice Public Housing Neighborhoodstat program.*

The office should also ensure that community members receive the appropriate training and education so that they can understand and process the data.²

Housing these various roles in a single, specialized, mayoral office would ensure that sufficient capacity and focus can be dedicated to overseeing the many moving parts of implementing rezoning commitments, and establish a clear responsible party with the authority to direct agency actions. Coupled with the below local monitoring component, this approach would also enable participation from local residents and stakeholders who are needed to maintain strong communities.

2. Local Neighborhood Monitoring Committees: Providing Real Participation and Oversight to Local Residents

Community members work tirelessly to ensure their voices are heard and priorities incorporated into the rezoning processes in each neighborhood. Accordingly, these community members must be able to continue to participate in the monitoring and decision-making related to the changes in their neighborhood. Neighborhood monitoring committees should be established via citywide legislation to ensure that any commitments made during a rezoning process (of a certain size) are implemented, and that implementation decisions are made in a way that supports community priorities. We propose that funding is made available for operating expenses and staffing for the committees.³

A. While each neighborhood should decide on their own scope of work and structure, we offer some proposed roles for the committee.

- ✓ **Monitor Neighborhood Commitments** that will be documented in the online public database established via Intro 1132. Neighborhood committees will work with the coordinating mayoral office to identify a timeline and implementation plan for commitments in each neighborhood that are in line with each community's priorities. The committee will then meet regularly with City officials to track progress on these commitments.
- ✓ **Problem-solve and Advocate:** Work with the Mayor's office and various City agencies to ensure that the commitments and communities' priorities are being fulfilled.

² *This data sharing and community education can be based on the model of the Office of Criminal Justice Neighborhoodstat program.*

³ *A model of a successful local oversight body is the Hunts Point Monitoring Committee, which grew out of the expansion of the Wastewater Treatment Plant. In that case, DEP funded an agency liaison, a Committee coordinator, and a consultant to support the research and writing needs of the Committee.*

- ✓ **Inform:** Create opportunities for regular updates to the larger community and for feedback on the implementation of various public and private commitments made during the rezoning.
- ✓ **Agency Collaboration:** Agencies should be mandated to attend regular meetings of the neighborhood monitoring committees. These agencies should provide information and data to ensure that the committee is informed about the implementation of all zoning-related agreements and projects.
- ✓ **Evaluate:** Work with the coordinating mayoral office to establish a set of metrics by which to evaluate the impact of rezoning actions – both before and after implementation. Some metrics to consider might be changes in employment rates/fields to assess promised job creation, high-road business development, changes in demographics (including racial demographics, changes in local incomes, share of non-English speakers, share of rent-burdened households, etc), and change in/loss of affordable housing units.⁴

B. These committees may take different forms depending on the neighborhood. Each will be composed of neighborhood residents and other local stakeholders; will develop their own scope of work; type of committee composition, selection systems for committee members, voting powers, committee leadership, and the role of agency representatives, amongst other things.

3. Moving Forward

While we are encouraged by the proposals put forth by the City Council and the Mayor’s office to monitor commitments made during the rezoning, we believe a stronger, more coordinated approach is needed to ensure that commitments made during the rezoning process are implemented and operationalized. This approach includes both a centralized mayoral office and local neighborhood monitoring committees working together. We believe this approach will go further in ensuring that our long term residents are protected from displacement and that our communities are able to participate in the changes that are taking place. We look forward to working with you on implementing this critical proposal.

⁴ This is modeled off of the Portland Plan, created by the City of Portland, Oregon, which works to evaluate and better manage potential gentrification impacts of policies and programs in changing neighborhoods. An assessment tool created for the Plan includes three components: 1) a Vulnerability Analysis; 2) Gentrification + Displacement Study, and; 3) Gentrification Risk Assessment Maps. The Portland Plan “sets an expectation that an equitable city should be proactive about the inequitable impacts that neighborhood change and gentrification can have on vulnerable households.”

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I represent: _____

Address: _____

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Name: Julia Watt - Rosenfeld

Address: 2966 Fulton St Bk 11208

I represent: Coalition for Community Advancement

Address: same

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Name: Adam Friedman

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I represent: Pratt Center

Address: 200 Willoughby Ave Bkfc

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Name: ADRIEN WEIBGEN

Address: 123 WILLIAM ST 16th Fl

I represent: URBAN JUSTICE CENTER CDP

Address: as above

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I represent: ANHD

Address: 50 Broad St. Ste. 1402 NY NY 10004

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Name: WARD DENNIS

Address: 68 GRAND ST

I represent: NAG / FBIP

Address: 110 Kent Ave.

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Name: Lina Lee

Address: 169 16th Street Brooklyn

I represent: Brooklyn Legal Services Corporation A

Address: 260 Broadway Suite 2 Brooklyn NY

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