**THE COUNCIL OF THE CITY OF NEW YORK**



**OFFICE OF THE GENERAL COUNSEL**

Jason Adolfo Otaño**,** General Counsel

**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Karen Koslowitz, Chairperson**

**March 28, 2019**

**Council Chambers**

**City Hall**

***New York City Planning Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council)***

* **David Burney** **[M-140]**

Pursuant to the *New York City Charter* (*“Charter”*) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [*Charter* §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [*Charter* §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [*Charter* §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest)*,* CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)] There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of $214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of $65,121. The other CPC members receive an annual salary of $54,150.

CPC is responsible for the following:

* CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];
* CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs.* [*Charter* §192(f)];
* CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8). [*Charter* §192(e)];
* Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC’s Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [*Charter* §192(f)]; and
* CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [*Charter* §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

* It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“*ULURP*”) applications, which includes providing specific time periods for pre-certification review. [*Charter* §197-c (i)];
* The criteria associated with the selection of sites for capital projects is also established by CPC. [*Charter* §218 (a)];
* CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [*Charter* §197-a (b)]; and
* CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession,* as it relates to the act of City Agencies granting concessions. [*Charter* §374 (b)].

Mr. Burney is scheduled to appear before the Committee on Rules, Privileges, and Elections on Thursday, March 28. If appointed to the CPC, Mr. Burney, a resident of Brooklyn, will succeed Cheryl Cohen Effron and serve the remainder of five-year term, expiring on June 30, 2019. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

**PROJECT STAFF**

Charles W. Davis III, Chief Compliance Officer

Andre Johnson Brown, Legislative Investigator

Elizabeth Guzman, Counsel