

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION

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March 21, 2019  
Start: 6:10 PM  
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HELD AT: Council Chambers - City Hall

B E F O R E: GAIL BENJAMIN  
Chairperson

COUNCIL MEMBERS:

Hon Al Salbanese  
Hon Jim Karass  
Hon Lasette Camilla  
Hon Paula Gavin  
Hon Allison Hirsch  
Hon James Voka  
Hon Carl Wysebroad  
Hon Sateh Nurry

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

Gail Benjamin  
New York City Charter Revision Commission

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

Anita Laremont  
Executive Director of Department of City Planning

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

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

## INVITEES - PRIVATE CITIZENS

Carmen Vega-Rivera  
Leader of Community Action for Safe Apartments

Beshawn Chap Provody - Architect Planner  
Architect Planner  
Professor at Columbia  
Former Director - Manhattan NY DCP (Post 911)

2 CHAIRPERSON BENJAMIN: Hello. Good  
3 evening and welcome to tonight's public meeting of  
4 the 2019 New York City Charter Revision Commission.  
5 I'm Gail Benjamin, the Chair of the Commission, and I  
6 am joined by the following members:

7 The Honorable, Sal Albanese on my far  
8 left; the Honorable Jim Karass on my near left, the  
9 Honorable Lasette Camilla on my south side, I  
10 believe, the Honorable Paula Gavin on my New York  
11 right, the Honorable Allison Hirsch on my far right  
12 -- beauty before age, and in between the two of them,  
13 the Honorable James Voka. Below to myself, east, is  
14 the Honorable Carl Wisebroad and to his east is the  
15 Honorable Satesh Nurry.

16 With these commissioners present, we have  
17 a quorum. Before I begin, I will entertain a motion  
18 to adopt the minutes of the Commission's meeting held  
19 on March 18<sup>th</sup> here at City Hall, a copy of which has  
20 been provided to all of the commissioners.

21 Do I hear a Motion?

22 Second?

23 COUNCIL MEMBER [MALE]: Second that.

24 COUNCIL MEMBER BENJAMIN: Discussion?

25 All in favor?

2 ALL COUNCIL MEMBERS: Aye.

3 COUNCIL MEMBER BENJAMIN: Opposed?

4 COUNCIL MEMBERS: [No Council Opposed]

5 COUNCIL MEMBER BENJAMIN: The Motion  
6 carries.

7 Today we will continue the commission  
8 series of expert forums on the focus areas we adopted  
9 in January. This evening we are privileged to be  
10 joined by a very distinguished set of panelists put  
11 together in consultation with my fellow  
12 commissioners, and they have generously agreed to  
13 speak to us about several land use related topics  
14 including ULURP and comprehensive planning.

15 How the city makes decisions relating to  
16 the use of land, one of its most limited resources is  
17 critically important to our future. The Commission  
18 has received many ideas for reforms of the ULURP  
19 process which governs many of the important land use  
20 decisions that are made in the city. We have also  
21 heard a lot about improving the city's approach to  
22 setting out a comprehensive approach to future growth  
23 and development that takes into account various  
24 competing needs and priorities. We are very much

2 looking forward to engaging with our panelists on  
3 these important issues.

4 As you can see, we have a lot to get to  
5 this evening so let's get started with our first  
6 panel which will be discussing ULURP.

7 Each panelist will have three minutes to  
8 introduce themselves and provide brief opening  
9 remarks and then we'll have 30 minutes for  
10 commissioner questions. It's a large group so it may  
11 be more than 30 minutes. If, however, there is not  
12 enough time and you still have questions, please let  
13 the staff know, and they will arrange for follow-up  
14 afterwards. On the first panel, and you might want  
15 to just indicate who you are: We have Marisa Largo,  
16 Current Chair; Anita Laremont; Beshawn Chap Provody;  
17 Andrew Lynn; Joe Rose, Former Chair; and Carmen Vega-  
18 Rivera. Who would like to start?

19 Go ahead Marisa.

20 MS. MARISA LAGO: Thank you. Good  
21 evening everyone. I'm Marisa Lago. I'm the Director  
22 of the Department of City Planning and Chair and of  
23 the City Planning Commission.

24 My remarks are going to focus on two  
25 topics: The importance of continuing to rely on as

2 of right development to meet the needs of our growing  
3 city and the necessity of having a workable ULURP  
4 process to create needed housing. In New York,  
5 unlike other large industrial era US cities, we're at  
6 all-time high in both population jobs. In 2000, we  
7 reached our previous peak set in 1970. Since then,  
8 we've added over 700,000 people, an entire city of  
9 Seattle, and we've become more ethnically diverse and  
10 we're continuing to grow. If we can't continue to  
11 make room for immigrants, for our children and for  
12 future generations of New Yorkers, we'll fail to meet  
13 the needs of our most vulnerable residents and we'll  
14 cease to be the diverse and welcoming city that has  
15 defined us through history.

16 As of Right Development is the lifeblood  
17 of our built environment. We should not threaten it  
18 by increasing the number and type of land use actions  
19 that are subject to ULURP. Over 80 percent of the  
20 new housing produced since 2000 has been built as of  
21 right. Without this development, approximately  
22 300,000 New Yorkers, an entire Pittsburgh, wouldn't  
23 have the homes in which they live today. If as in  
24 San Francisco every property had to go through a  
25 discretionary land use review, the number of housing

2 units in our city would be less, markedly increasing  
3 the pressure on our most vulnerable residents.

4           The existence of a sound workable ULURP  
5 process is indispensable to creating the capacity for  
6 future As of Right Development and to supporting the  
7 production of permanently affordable housing.

8 Since 2000 about 30 percent of the new housing that  
9 has been built occurred As of Right following a ULURP  
10 approved neighborhood rezoning that had increased the  
11 amount of housing that could be built. An additional  
12 20 percent of new housing has come through ULURP as  
13 site specific actions. About half of that is through  
14 applications by private land owners and about half  
15 through projects sponsored by the city. These city  
16 projects are typically 100 percent affordable  
17 housing. Underscoring the fact that producing  
18 affordable housing relies on a workable ULURP  
19 process.

20           The ULURP process is premised on local  
21 input. It gives community boards the opportunities  
22 to weigh in first during public review, and it  
23 culminates in the city council enabling the local  
24 council member to play a key role in the final  
25 decision. But to ensure that land-use decisions

2 promote a more equitable city, these local community  
3 perspectives must be balanced with broader city-wide  
4 views such as need to cite necessary infrastructure  
5 and to meet the housing needs of future generation of  
6 New Yorkers. Creating enough housing for our growing  
7 population is fundamental to addressing displacement  
8 pressures in neighborhoods.

9           If I might, I have just one more point  
10 I'd like to make?

11           CHAIRPERSON BENJAMIN: Go ahead.

12           COUNCIL MEMBER LAGO: Thank you, Chair.

13           Some express concerns that low-income  
14 neighborhoods bear the brunt of most new housing  
15 development. I share the passion for equity that  
16 underlies these concerns, but this administration's  
17 policies are in practice promoting equity by  
18 producing housing in high opportunity neighborhoods.  
19 Since 2005 the largest share of new housing  
20 production, a full 36 percent has occurred in the 25  
21 percent of neighborhoods with the highest median  
22 income. And about one-third of new affordable  
23 housing that's been completed under Mayor Diblasio's  
24 Housing New York Plan was built in the same high  
25 income neighborhoods.

2 My written testimony goes on to address  
3 additional topics, but in the interest of time, I'll  
4 thank you for the additional moments and end here.

5 CHAIRPERSON BENJAMIN: [Inaudible-09:14]

6 Thank you very much. I'm just going to  
7 take a minute as Chair to acknowledge that  
8 Commissioner Cadero and Commissioner Paolli have both  
9 arrived and to ask if they would like to join in  
10 voting on the adoption of minutes from the 18<sup>th</sup>?

11 MALE SPEAKER: Yes.

12 CHAIRPERSON BENJAMIN: So noted.

13 Anita, would you like to go next?

14 MS. ANITA LAREMONT: Good evening,  
15 Commissioners. I'm Anita Laremont. I'm the  
16 Executive Director of the Department of City  
17 Planning.

18 Together with community boards, ULURP was  
19 established in 1975 as part of a set of charter  
20 revisions that discarded top-down master planning and  
21 established the locally responsive land use decision  
22 making process. ULURP was amended in 1989. It was  
23 then that the city council's role was expanded to  
24 amplify the voice of communities in the city's land  
25 use process. ULURP today has three essential

2 ingredients: balance, predictability, and  
3 transparency.

4           Balance ensures that both neighborhood  
5 and city-wide perspectives are given weight in the  
6 ULURP process. Community boards and borough  
7 presidents comment first, ensuring that decisions are  
8 informed early on by local perspectives. Decisions  
9 are made by entities by the city planning commission  
10 and the city council with responsibilities to the  
11 whole city. Decisions are informed, but we hope not  
12 dominated by local voice. Balance also refers to the  
13 shared power of the executive in the city council  
14 that emerges from ULURP.

15           The 1989 Charter gave the executive a  
16 one-vote majority on the commission, but it gave the  
17 city council the final word on every ULURP  
18 application. The council itself balances its role as  
19 a city-wide body against its practice of giving a  
20 dominant voice to the local number on land use  
21 matters. As such, local perspectives and the views  
22 of the council are strongly represented and  
23 increasingly decisive in ULURP. While some local  
24 voices feel that the ULURP process does not give them  
25 a strong enough voice, we hear from affordable

2 housing developers, fair housing advocates and others  
3 who see that local concerns are frequently winning  
4 out over the wider needs of families, immigrants and  
5 others among the city's most vulnerable.

6           Predictability refers to access to the  
7 process with a finite timeline. This seven-month  
8 process provides opportunities to elicit and consider  
9 information that can and does affect the outcome up  
10 to an including the decision of whether not to  
11 approve a project. ULURP ensures that the city  
12 cannot, as in Chicago, sit on applications forever,  
13 nor can the city rush projects through in a week. We  
14 strongly urge caution around proposals that would  
15 allow non-applicants to introduce amended  
16 applications during ULURP or that would significantly  
17 broaden changes that can be made at the very end of  
18 the process. This will undermine predictability and  
19 deter many from entering ULURP in the first place.

20           Transparency refers to ULURP's  
21 requirements for public notice and information. The  
22 process informs the public and ensures the rights of  
23 all parties including applicants to due process and  
24 the opportunity to be heard on changes that may  
25 affect them. In making its decisions, the commission

2 responds to all relevant comments and elaborates on  
3 the grounds for its decisions in a public report. We  
4 see this basic process as sound and caution -- just a  
5 few more lines -- and cautions strongly against  
6 changes that undermine its balance and  
7 predictability. We are, however, mindful of ways to  
8 make the process more transparent. We are already  
9 making more information easily accessible to the  
10 public earlier on in the process. Among are many new  
11 transparency tools, I will simply point to our ZAP  
12 portal which maps all applications and will soon make  
13 full applications to all online. We commit to  
14 working towards ever greater transparency as we move  
15 forward. Thank you for your time.

16 CHAIRPERSON BENJAMIN: Thank you Anita.  
17 Andy, or would you like to --

18 MR. ANDREW LYNN: That's fine.

19 CHAIRPERSON BENJAMIN: Okay. Mr. Lynn?

20 MR. ANDREW LYNN: Thank you for inviting  
21 me to come here tonight. I've participated in the  
22 land use process in a number of roles as an attorney  
23 in private practice, lawyer for the 1989 Charter  
24 Revision, Land Use Counsel to the City Council,  
25 Executive Director of the City Planning Department.

2 I worked with a private company, allied with the  
3 community to oppose a major facility the city wanted,  
4 and the Director of Planning at the Port Authority.  
5 I'm now at the WSP, a global engineering firm.

6           The starting point of this charter  
7 revision is strikingly different from where things  
8 stood in 1989. That effort was fundamental  
9 restricting of city government after the Supreme  
10 Court found the Board the Estimate unconstitutional.  
11 Because it came from the top down, the commission's  
12 deliberations proceeded from first principles to a  
13 specific process. In the ULURP the commission sought  
14 a balance between the executive and the legislative,  
15 the city-wide and the local; the professional and the  
16 political. The current reform effort is driven by  
17 ideas largely proposed by people immersed in the  
18 process. Many of them feeling varying levels of  
19 frustration. If there's a general theme, it might be  
20 multiple stakeholders who want a larger bite of the  
21 apple.

22           It is not surprising that in the  
23 contention land use arena a variety of participants  
24 think there is need for improvement. A properly  
25 balanced process for deciding controversial issues

2 will leave many people with somewhat less than what  
3 they want. The challenge for you is to find the  
4 right framework for evaluating these proposals.  
5 Often on land use matters, there's a vocal local  
6 minority directly affected by an action whose  
7 interest may conflict with those of a larger, quieter  
8 city-wide constituency that has a stake in the action  
9 and others like it but may not show up at the  
10 hearing. It will be important to get beyond the  
11 voices of the impassioned few to understand the  
12 interest of the many.

13           These seems particularly true at a time  
14 when the city faces a dawning array of city-wide  
15 challenges, many of which play out incrementally in  
16 bits and pieces in the land use process. Examples  
17 include; the need to repair and build affordable  
18 housing at a scale not seen in decades; the need to  
19 generate jobs particularly for those at or near the  
20 poverty level; the need to address sea level rise,  
21 storm surge and climate change. My suggestion is  
22 that you focus on how the proposed charter changes  
23 would affect the ability of this city to take action  
24 on big city-wide priorities. Think about who in city  
25 government should be responsible and accountable for

2 addressing these challenges. Be mindful that the  
3 more inclusive the decision making the more difficult  
4 it becomes for city leaders to advance or define  
5 vision and for voters to hold leadership accountable.  
6 Look at the makeup of the MTA board and its  
7 difficulties if you need an example of muddied  
8 accountability. Consider whether each proposed  
9 charter change might unintentionally do harm. Will  
10 it make the process longer, more complicated, more  
11 expensive, more vulnerable to legal challenge. Most  
12 fundamentally, how will the propose change affect the  
13 action needed on the big issues. Thank you.

14 CHAIRPERSON BENJAMIN: Thank you, Andy.  
15 Commissioner Rose?

16 COMMISSIONER ROSE: Thank you for --

17 CHAIRPERSON BENJAMIN: You've forgotten  
18 how to turn the mic on?

19 COMMISSIONER ROSE: This -- turn the mic  
20 on, sustain the three minutes, this all the -- the  
21 irony is all deeply appreciated.

22 CHAIRPERSON BENJAMIN: [Laughter]

23 COMMISSIONER ROSE: Thank you for the  
24 opportunity to appear before you. My name is Joe  
25 Rose, Former Chairman of the City Planning Commission

2 and Director of the Department of City Planning.

3 I've also served as Community Board Chair for three  
4 years for Manhattan's Community Board V. I've been  
5 an applicant in ULURP. I've played every role or  
6 many of the roles in the ULURP process over the last  
7 36 years. For the last decade, I've been working  
8 with cities around the country, mayors and  
9 legislatures working on land use procedures with the  
10 goal in conjunction with National League of Cities  
11 and the Urban Land Institute to work on excellence in  
12 land use decision making because that's where the  
13 real action happens.

14 I agree with many of the things that have  
15 been - almost everything that's been said by my  
16 colleagues and predecessors here and have dealt with  
17 some of the things that will be said. I know the  
18 time is short and there's a lot say. I'm just going  
19 to go with some bullet points, and we can go into  
20 them greater in depth if you want on some of the  
21 issues that you actually called out.

22 I think establishing a pre ULURP  
23 mechanism would be a mistake. I think that defined  
24 time periods of ULURP make sense. The problem of  
25 having pre-negotiated things that already appear with

2 everybody signing on it in advance actually detracts  
3 from the opportunity for a full public discussion.  
4 All materials should be available to be reviewed in  
5 the process but actually having some kind of prior  
6 negotiation period, I think, is problematic. I think  
7 a parallel application that was mentioned in some of  
8 the materials for borough presidents or others to  
9 have companion alternative pieces would make it  
10 potentially confusing process even more confusing so  
11 streamlining I think make sense. I agree with the  
12 required notion requiring accountability in reporting  
13 on mitigation requirements that have appeared on  
14 applications. That's something that needs to be  
15 done. Follow up and accountability are critically  
16 important.

17 In terms of the time of the ULURP  
18 process, I think the time generally works well, but  
19 there are certain kinds of applications that either  
20 because of their complexity, the various numerous  
21 moving parts of them or sometimes just the outright  
22 controversy requires a little more time at the  
23 community level. And rather than have every  
24 application be granted additional time, I think there  
25 should be a process whereby petition a community

2 board can apply for an extra 30 days for an  
3 additional hearing or an additional discussion. I  
4 don't think that's -- that would be problematic and  
5 some places would simply and be warranted.

6 In terms of the universal projects that  
7 are covered under ULURP, I think it's by and large  
8 correct except I do think some of the individual  
9 dispositions -- I'll be quick and wrap it up.

10 Some of the individual dispositions of  
11 small properties for -- pursuant to zoning for  
12 affordable housing can be taken out. It would still  
13 require probably counsel approval, but there's no  
14 reason to require, I think, a full ULURP process for  
15 individual properties that don't meet a certain  
16 threshold. I think the staying within scope and  
17 having that scope, in terms of modifications in the  
18 process is extremely important. The hyper  
19 politicization of land use decisions is a real  
20 danger. It's why the planning commission was created  
21 in the first place in the 1930s and the power was  
22 taken away from the Board of Estimate. I think that  
23 it's appropriate for the council to play an active  
24 role, but it should be within parameters as  
25 established by scope. At the same time, in terms of

2 the major minor modification issue, I think the  
3 criteria used are basically sound ones now in terms  
4 what the threshold for what is automatically --  
5 what goes to the council and what doesn't. But there  
6 are issues, especially regarding expired renewal  
7 plans where there's such a disparity between what was  
8 approved and what needs to be -- what subsequent  
9 requests are that there things, once again, at a  
10 certain threshold do warrant perhaps automatic  
11 referral to the city council.

12 In closing, I just say there are two  
13 areas that there not directly related to ULURP but  
14 they involve circumventing ULURP and sometimes are  
15 taken as flaws of ULURP. The Board of Standards and  
16 Appeals and the Administration of the Zoning  
17 Resolution by the Buildings department are areas that  
18 I think you really need to look at. The City  
19 Planning department drafts and the City Planning  
20 Commission adopts the zoning, but the Building  
21 department administers and interprets and enforces  
22 it, and there's a big gap. I think a lot of the  
23 problems especially in terms of air tight tranfers,  
24 what's permissible and not permissible within the  
25 parameters of ULURP; things like mechanical space

2 violations. If you had the City Planning department  
3 and Commission playing a more active role in the  
4 enforcement and interpretation of zoning and  
5 overseeing BSA's actions, you would have a lot less  
6 problems than we now have. Thank you.

7 CHAIRPERSON BENJAMIN: Thank you, Chair  
8 Rose. Mr. Chuck Provody?

9 MR. VISHAAN CHAKRABARTI: Good evening.  
10 My name is Beshawn Chuck Provody. I'm an Architect  
11 Planner, a Professor at Columbia and the Former  
12 Director of the Manhattan for the New York DCP in the  
13 years following 911. I'm testifying tonight as a  
14 private citizen.

15 I've reviewed many of the proposed  
16 changes to the land use section of the charter and  
17 must respectfully oppose the calls for significant  
18 revisions to ULURP including the proposal for  
19 additional layers of so called comprehensive  
20 planning. While the intention of trying to improve  
21 equity and affordability is laudable, I'm convinced  
22 these proposals would do the exact opposite because  
23 they would hinder our capacity to serve our  
24 population growth and diversify our economy. The  
25 statute in our harbor cannot say give me your tired,

2 your poor, your huddled masses but only after we're  
3 done with our analysis paralysis. Our lack of  
4 affordability does not stand for ULURP. To the  
5 contrary, ULURP works because it has the holy  
6 democratic tendency to make everyone somewhat unhappy  
7 which is the hallmark of balance. Many meritorious  
8 projects have gone through ULURP with community  
9 support such as Domino or Essex Crossing, both of  
10 which I was involved with; and we hope to achieve  
11 similar results with our plan for over 2000  
12 affordable housing units at the Christian Culture  
13 Center.

14           New York's lack of affordability stems  
15 from a far simpler issue. The demand for housing in  
16 our city wildly outstrips our supply. We are out  
17 pacing our growth protections, but given our land  
18 scarcity, we simply can't keep up unless we expand  
19 the production of both affordable and market rate  
20 housing. The fantasy that less growth will lead to  
21 equity is irresponsible rhetoric that willfully  
22 ignores both our population projections and our  
23 history as a city of welcoming newcomers. Part of  
24 the role of our elected executive branch is to plan  
25 for future New Yorkers, a role that would be a

2 conflict of interest for council members who by  
3 definition must instead protect the interest of their  
4 local constituents. This is why the authority to  
5 plan for New York's growth firmly rest with the  
6 mayor's office and should continue to do so. The  
7 most successful cities around the world are the ones  
8 in which mayors can take strong actions to address  
9 social ills, infrastructure and climate change.

10 We now face an ex [Inaudible-24:50]  
11 threat from climate change which is why we should not  
12 confront that with years of infighting of a process  
13 just as Rome burns. As a planner, I believe in  
14 concepts like strategic planning, but [Inaudible-  
15 25:02] we're entering a cumber comprehensive plan  
16 every decade would not be agile enough to meet our  
17 dynamic needs. As the mayor's office illustrated  
18 with their recent resilience proposal for lower  
19 Manhattan, the function of depoliticized planning  
20 rests with our elected executive branch which is  
21 already obligated under current law to solicit local  
22 input and obtain binding council approval.

23 My experience after 911 taught me that  
24 today's concerns of gentrification and congestion may  
25 well give way to unforeseen challenges as our client

2 changes and our infrastructure fails. So rather than  
3 retrench, the times require us to do what our  
4 predecessors did; to have the temerity to build an  
5 infrastructure of opportunity that will create both  
6 social mobility and environmental resilience in this  
7 city that we love. Thank you.

8 CHAIRPERSON BENJAMIN: Thank you very  
9 much. Ms. Vega?

10 MS. CARMEN VEGA: Hi. Good evening. My  
11 name is Carmen Vega-Rivera, and I'm a tenant leader  
12 with the Community -- CASA, Community Actions for  
13 Safe Apartment as well as a member of Thriving  
14 Communities.

15 Due to the Jerome Avenue rezoning, my  
16 experience with the land use process and ULURP were  
17 extremely frustrating as a community member. Some of  
18 the problems that currently exist is that there isn't  
19 a regular or a public process in place to make  
20 changes to the secret manual which allow the city to  
21 ignore a comprehensive analysis of displacement.  
22 Many residents, including myself, have concerns about  
23 the city's analysis of residential displacement, but  
24 our concerns were often dismissed on the account that

2 the hearings were about the proposed study and not  
3 the proposed methodology.

4           Some examples were that the secret manual  
5 excluded the consideration of illegal displacement  
6 tactics, therefore, the city did not appropriately  
7 assess the displacement pressures for tenants. It  
8 also excluded an analysis of legal tactics that  
9 landlords currently use to displace tenants. In  
10 addition, the manual directs that a detail assessment  
11 of direct residential displacement should be  
12 conducted only if a preliminary analysis shows that  
13 more than 500 hundred residents would be directly  
14 displaced. Because the city only identify 45  
15 projected development sites in the study area and  
16 only four were residential sites, the city concluded  
17 that only 18 residents would be directly displaced.  
18 These examples underscore the problem that current  
19 land use methodology or the process used by the city  
20 and ultimately putting in question the credibility of  
21 the city and its ability to thoughtfully create a  
22 plan that reflects the actual needs and concerns of  
23 New Yorkers.

24           What are asking for? One, the charter  
25 shall require a secret technical manual revision

2 process that occur at a minimum, every five years.

3 Two, the charter shall create a separate space for  
4 community concerns to be heard about the actual  
5 methodology. For example, they can have a common  
6 period or a public hearing.

7 Three, the changes to the [Inaudible-  
8 28:12] seeker our taken out of the complete  
9 discretion of the mayor and that the process shall be  
10 overseen by an appointed commission utilizing an  
11 expert panel to review and propose updates that the  
12 commissioner are appointed equally. In other words,  
13 no one has more power over the other.

14 And lastly on that area, as we believe  
15 the charter shall require a detailed displacement  
16 both direct and indirect analysis anytime an  
17 environmental impact study is required.

18 Lastly, currently, there is no  
19 requirement that the impact found in the  
20 environmental review process actually be dealt with.  
21 In the Jerome Avenue rezoning, the city projected  
22 adverse impacts to commercial tenants like the auto  
23 workers. Along the corridor and also for schools in  
24 the district. However, the mitigation the city  
25 offered were not comprehensive enough and were also

2 left to local elected officials to negotiate with the  
3 city. What we're asking for is for every impact  
4 study, that city puts out there, there should also be  
5 a mitigation plan. The charter should require that  
6 the final mitigation plan be legally binding,  
7 enforceable, and timely, Thank you.

8 CHAIRPERSON BENJAMIN: Thank you very  
9 much, Ms. Rivera.

10 With the opening statements finished, I  
11 will entertain question from the members. Sal, you  
12 have the first question followed by Jim Voka and then  
13 Paula Gavin.

14 HON AL SALBANESE: Good evening. Just to  
15 follow up with what Ms. Rivera pointed out. All  
16 great cities have to have space across the economic  
17 class and what we've seen with the zoning proposals  
18 is very stiff opposition on the part of many  
19 communities around the issue of displacement. Where  
20 poor folks and working-class folks get driven out of  
21 those communities as prices skyrocket.

22 The question I have is how do we achieve  
23 that balance, that balance of growth, but at the same  
24 time making sure that folks that have lived in  
25 communities for long periods of time and that working

2 class and poor have the ability to stay in New York  
3 City.

4 MS. CARMEN VEGA-RIVERA: One of the  
5 things is that the analysis and the study has to be  
6 done, and it isn't being done. When these zonings  
7 come into the community as they did in Jerome Avenue,  
8 the 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, net loss policy has to be developed. So  
23 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 HON AL SALBANESE: What does City  
3 Planning have to say about this?

4 MS. MARISA LAGO: I'm glad that included  
5 in your question was the premise that growth is  
6 occurring because we know that we are at an all-time  
7 high in population, and we're projected to continue  
8 growing yet we have the exact same land mass. So  
9 even without any rezoning, these pressures -- these  
10 gentrification pressures and fears are real. And  
11 doing nothing, only makes the situation that much  
12 harder.

13 When we look at issues of concerns about  
14 displacement, we need to look at it through the lense  
15 of what zoning and land use tools can do. They can  
16 spur the development of more housing and transit rich  
17 neighbors in neighborhoods and in particular  
18 permanently affordable housing, but the City also has  
19 available to it, a suite of additional tools. In any  
20 rezoning, we work with an alphabet soup of other city  
21 agencies, but I would say first among them is the  
22 Department of Housing Preservation and Development.  
23 They have developed a number of programs, a  
24 Certificate of No Harassment Pilot in rezoning areas.  
25 Providing free legal assistance to tenants who

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

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

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

15 MS. 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 HON AL SALBANESE: Second round?

10 CHAIRPERSON BENJAMIN: Yeah. Jimmy Voda,  
11 then Paula Gavin, and then Jim Karass. I have you  
12 Allison.

13 HON JAMES VOKA: I want to thank you all.  
14 And Commissioner Rose, I was before the commission  
15 when you were chair. I was District Manager -- .

16 COMMISSIONER ROSE: I remember.

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

2 sometimes take a year to a year and a half; then the  
3 item is certified and it goes the community board.  
4 I've requested and continued to do so as a Former  
5 District Manager, that the district manager of the  
6 Board representing that agency, the "Board" namely  
7 should be at those meetings.

8           Community boards feel that they are  
9 omitted from the process, and they feel that they are  
10 engaged only during the ULURP 60-day clock period. I  
11 think engaging sooner would be to your benefit and to  
12 the city's benefit and doing it sooner rather than  
13 later makes for a better process, number one.

14           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.

25           I do know that you mentioned the  
political process, Commissioner Rose. I think you

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

2 in error constantly. People question this and ask  
3 about this.

4 So let me go back to my first point.

5 Where do you stand on having Community Board District  
6 Managers as representing those agencies, involved in  
7 the very beginning, and number two, do you any of you  
8 have any ideas regarding strengthening 197A Planning?

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

2 has the analysis done so that what is presented to  
3 start the ULURP process complete and accurate  
4 description. I will say that the first time an  
5 applicant is in contact with us, our uniform advice  
6 is to go and to speak to the community board and to  
7 speak to the elected officials who represent the  
8 community because we know that, that makes for a  
9 better process and for a better project for both of  
10 them. I do, however, do not think that it is  
11 advisable to bring outside of the executive which is  
12 responsible for making sure that the applications are  
13 complete and accurate to do that at that phase.

14 With respect to the 197A Plan, if I could  
15 turn that over to you, Anita.

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

2 fact that they are not binding. On that issue, I  
3 think we have a view that they cannot stand instead  
4 of the planning that we do. They certainly can give  
5 us a sense of what a community is looking for, but  
6 that we have to work in New York City which is a very  
7 dynamic environment where people are coming and  
8 going, and we have this crisis of growth that we have  
9 to deal with right now in the immediate moment. So  
10 that a plan that takes several years to develop can't  
11 actually stand instead of the Commission's decision-  
12 making authority relative to proposals that are  
13 before it.

14           So we think that they serve as a good  
15 guide, but we certainly do not endorse the notion  
16 that they should have weight that would stand in the  
17 said of the decision-making process of the City  
18 Planning Commission.

19           MS. ANITA LAREMONT: [S 43:36] If I  
20 might address -- Commissioner Voka also raised  
21 questions about the City Planning Commission itself  
22 and its operations. The Commission is comprised of  
23 13 members, 7 appointed by a mayor, 5 appointed by  
24 the borough presidents and 1 by the public advocate.  
25 If you were to look at the votes of the Commission,

2 they're overwhelmingly unanimous. If you were to  
3 look at instances in which there were only one  
4 abstention or a "no" vote, that is the vast majority.  
5 In my two years, there has never been a 7 to 6 vote,  
6 and Anita informs me throughout this administration,  
7 there has not been a 7 to 6 vote. I can't remember  
8 where there was one. This is not because of a group  
9 thing. I think it is a testament to the ULURP  
10 process, that by the time something comes to the  
11 Commission, it has been informed by the community  
12 board, by the borough president. It has been  
13 informed by, first, a public hearing, at which the  
14 members of the public, in addition to the  
15 representatives of the community board and the  
16 borough president testify. The fact that the  
17 Commission in public, and at this point because of  
18 technology, we live stream our deliberations.

19 We're required to produce a report. In  
20 the report, we address all of the comments, pro and  
21 con, that we have received. I also think that the  
22 fact that the Commission votes in this way is a  
23 testament to the work of the department in preparing  
24 applications so that the information that is out  
25

2 there is complete and robust enough to be able to  
3 make an informed decision.

4 I know I can speak for the Commission  
5 that I currently have. It is a very thoughtful  
6 deliberative but also a collegial body that is  
7 looking to do the right thing for the city. I think  
8 that the borough commissioners would each tell you,  
9 they are not the city planning commissioner for their  
10 borough. They are city planning commissioners who  
11 have to balance equities of individual neighborhoods  
12 plus the entire city.

13 CHAIRPERSON BENJAMIN: Joe?

14 MR. JOE ROSE: I appreciate very much  
15 your seniority, and I know the hard work you and the  
16 effort you put in. But from a local neighborhood  
17 perspective, I have to say that communities fully  
18 expect that when the borough offices, known as the  
19 Commission, when the borough offices send a ULURP  
20 application to the community board, they fully expect  
21 the planning commission to vote yes. So that step is  
22 almost assured once your offices completes the  
23 paperwork and make sure that the application is  
24 accurate and technically correct and you give it to  
25 the Community Board, Community boards fully expect

2 that after they vote yes or no, the Commission will  
3 vote yes based on it; because it would not have  
4 reached that level at the Community Board if the  
5 Commission was going to give it the "hi" sign up  
6 front.

7 MS. ANITA LAREMONT: Commissioner, if I  
8 might address that. We will certify and application  
9 of it is complete, if the information is accurate,  
10 but I personally have made statements at the time of  
11 certification that the department does not support  
12 the application. Some applicants knowing that the  
13 director of the department sitting at his chair of  
14 the Commission has that view, may not choose not to  
15 go forward. Others have chosen to go forward, and  
16 they do it at their pace.

17 CHAIRPERSON BENJAMIN: Thank you. I  
18 think we have Joe and then Beshawn next.

19 MR. JOE ROSE: I just want to say first  
20 of all, I think -- I remember a few 7 to 6 votes, and  
21 I think descent among the Commission and collegiate  
22 discussion with debate is a health thing. I think  
23 diversity of opinion, and there should be votes that  
24 are not unanimous. There are plenty that are as  
25 there are in the community board as well. A certain

2 amount of balance between consensus and agreement but  
3 also healthy disagreement is a worthwhile thing.

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

2 doesn't implement itself, but they are taken  
3 seriously by the department and by the commission.

4 CHAIRPERSON BENJAMIN: Okay, Beshawn will  
5 be the last and then Paula.

6 MR. VISHAAN CHAKRABARTI: I just want to  
7 quickly say, Commissioner -- on the first issue, I  
8 just wanted to corroborate. Our office has four  
9 major project going through ULURP right now. In  
10 every instance, the department has asked us to have  
11 discussions with the local community board. We have  
12 done that. It has been a more fruitful process so in  
13 no instance do I know of that the Community Board  
14 hasn't seen the application until certification rolls  
15 around. That may happen, but it certainly not  
16 happened in my experience.

17 I just want to say on the 197A Plan, and  
18 to just back up what Joe was saying, I do think they  
19 are taken very seriously, but imagine the converse.  
20 Imagine if every 197A Plan was binding and every  
21 community in the city said they wanted little to no  
22 new housing in their community, we would then have a  
23 situation where instead of 60,000 people in homeless  
24 shelters, we could have 120,000 people in homeless

2 shelters. I think that is the fundamental problem,  
3 and it's the balance that we're all trying strike.

4 MR. BESHAWN PROVODY: You are right. I  
5 think what I'm looking for is something in the  
6 middle, not just that it's advisory. I know it  
7 cannot be binding, but I do think there has to be  
8 something -- I don't know what it is, but there has  
9 to be something that tells communities if you put in  
10 all this work, we're listening to you. Right now,  
11 there's not that feeling, and I certainly don't want  
12 boards to say no to everything because then they're  
13 not looking at a city-wide need so I understand your  
14 point.

15 CHAIRPERSON BENJAMIN: Paula?

16 HON PAULA GAVIN: Thank you. Thank you  
17 all for being here. I want to do a follow up  
18 question no governance since that is the basis of the  
19 charter and specifically thinking about the  
20 principles of growth and equity. What is the real  
21 difference between the Commission and the City  
22 Planning Department, and how does that really  
23 structure and help the governance in the  
24 accomplishment of goals?

2 MS. ANITA LAREMONT: Thank you for the  
3 question because while they are very closely linked,  
4 they are distinct roles. The Department of City  
5 Planning is an expert agency staffed by planners of  
6 unparalleled expertise. They provide the rigorous  
7 evaluation that informs land use initiatives. I've  
8 worked around the world, and I've headed the Planning  
9 Department for another major city, and I can tell you  
10 that New York City's Planning Department is unlike  
11 any other municipal agency in the breathe of its  
12 expertise and professionalism.

13 I think probably one example that stands  
14 out is our Population Division. Our Population  
15 Division gives us information about who are  
16 population are, what their needs are, what languages  
17 they speak, what ages they are. That information  
18 informs our planning. Our chief demographer was the  
19 key witness in our state attorney general's lawsuit  
20 against the US Census Bureau challenging the addition  
21 or the proposed addition of a citizenship question. I  
22 also know the quality of the staff from working with  
23 them but also by the fact that Department of City  
24 Planning staff have been rated to head the Planning

2 Department of Los Angeles, Pittsburgh, Seattle, among  
3 other cities.

4           We submitted, in addition to Anita's and  
5 my testimony, some additional materials. These are  
6 fact sheets, information briefs that the staff  
7 routinely produces on top of the political issues of  
8 the day. They are not political documents. They are  
9 policy analytical documents, and so I firmly believe  
10 that the Planning Commission could not do the high  
11 quality work that it does without being informed by  
12 the analytical work of the department. I'll also  
13 note, though, that under this administration and  
14 taking advantage of technology, we have made  
15 incredible strides in increasing transparency and  
16 taking information that was available in PDFs in a  
17 whole host of other city agencies and mapping it,  
18 making it available for free. Our zoning resolution  
19 is now available for free. It used to require  
20 printing 1,500 pages and paying \$750. It is now  
21 online and searchable. So it is the mission of the  
22 department to continue both doing high-quality  
23 analysis but also making it available to the public  
24 so that every land use decision, every community  
25 board interaction is more informed.

2 HON PAULA GAVIN: [S 53:50] Could I just  
3 add to that, that the department in its relationship  
4 to the Commission is responsible for providing the  
5 under plannings of the land use rationales for the  
6 decision that the Commission ultimately makes, and I  
7 that regard, they actually do a first-class of  
8 developing proposals such as mandatory inclusionary  
9 housing. Things like, what is the right parking that  
10 we should require. Grounded in true analysis and  
11 facts, and you could not have the Commission make  
12 responsible decisions about these very important and  
13 significant and impactful issues without that kind of  
14 analysis and that's the kind of professional staff  
15 that the department is and that's the value that the  
16 provide to this process.

17 MR. BESHAWN PROVODY: Just to take a  
18 slight elaboration. The Planning Commission is a --  
19 ideally a political but expert legislative body on  
20 land use matters, and the Planning Department is a  
21 mayoral agency, an executive agency, that among its  
22 functions, in addition to doing the demographics and  
23 all sorts of planning with other agencies' staffs and  
24 supports the Planning Commission as well. It is  
25 embodied -- they come together. The two entities

2 come together, and the Chair of the Planning  
3 Commission whose also the Director of the Department  
4 of City Planning which is an unusual construct in  
5 most governing entities, but I think it's a very  
6 important one. It allows some real teeth and umth  
7 into the -- both ways.

8           One point I wanted to make, and I will be  
9 submitting a more elaborate written testimony. I  
10 won't bore you with it here, but planning by its very  
11 nature is the most entrepreneurial of governmental  
12 activities. Most city agencies, most activities are  
13 caught up in the day-to-day crisis, the political  
14 exigencies, budget constraints and the like. To  
15 actually plan, you know, the metaphor, the analogy  
16 "is you have to paddle faster than the current in  
17 order to be able to steer" requires mobilizing other  
18 city agencies outside of just the professional staff  
19 at City Planning or the views of the Planning  
20 Commission and that's why it's important to have the  
21 interaction between the mayor and the chair of the  
22 planning commission/Director of the Department be  
23 really healthy and one that's not, I think, tampered  
24 with too much because it's a hard enough job as it  
25 is.

2 CHAIRPERSON BENJAMIN: Thank you. Jim --  
3 Paula, do you have more?

4 HON PAULA GAVIN: No, thank you.

5 CHAIRPERSON BENJAMIN: Jim?

6 HON JIM KARASS: Thank you very much. I  
7 agree that, you know, this is an area we have to be  
8 really careful and deliberate. In looking at  
9 exploring changes, so I want to focus on just sort of  
10 one bucket of projects or land use applications, and  
11 that's when we have large city-sponsored re-zonings  
12 or significant impactful land use actions either by  
13 City Planning or EDC that can have a significant  
14 impact on a neighborhood and in those there clearly  
15 is a Pre ULURP process. And I think I go along with  
16 what Jimmy Voka said. It's just that not everyone  
17 feels included in that Pre ULURP process so why not  
18 look at surgical changes we can make. And in my  
19 experience, maybe sometimes more when EDC is the lead  
20 than when City Plan is the lead, that certain  
21 communities feel like they have been left out of the  
22 process. Why not look at those for the ability to  
23 have something doing the precertification process  
24 where it can be opened up a bit to stakeholders,  
25 elected officials and the type of things that Chair

2 Largo was talking about. Other agencies can be  
3 brought in. Other programs can be brought in.  
4 Determinations can be made that if SBS doesn't have  
5 the ability to deal with something, maybe this piece  
6 of the proposal should be changed or taken out. I  
7 think it's worked in our workings with the City when  
8 we have engaged in such a process. I'm hoping that  
9 we could look at that and try to come up with some  
10 modest proposals around that, and I'd like to hear  
11 what you all have to say.

12 MS. ANITA LAREMONT: I would just say Jim  
13 that it strikes me that what you're talking about is  
14 actually, in fact, what has happened on every single  
15 large land use city sponsored re-zoning that has  
16 occurred, at least since I've been at City Planning.  
17 Even ones that EDC was responsible for. They all  
18 have had tremendous public outreach, stakeholder  
19 engagement long before those projects were actually  
20 certified helping to shape what the role of the  
21 various agencies would be and what, in fact, the  
22 proposal would be. So I'm a little bit confused  
23 because I'm not aware of a single instance and maybe  
24 you could share one with us where that has not been  
25 the case. Why those have not all been in the form of

2 a sort of formal engagement in the way that we did  
3 for the Greater East Midtown Re-zoning, they are  
4 still none the less been those kinds of engagements.

5 HON JIM KARASS: I would say two things  
6 to that. Most of our experiences with you guys in  
7 the last five years have been good. That doesn't  
8 mean that it will stay that way under a different  
9 administration. Also, there have -- I'll give the  
10 example of the garment center where we felt like we  
11 had to drag the administration kicking and screaming  
12 to the table on that, the text amendment was about to  
13 be dropped when we insisted on a stakeholder group.  
14 We had been told that significant outreach had been  
15 done to ever constituency group imaginable, but when  
16 we talked to people, we got different answers from  
17 them. I think for better or worse, I think that if  
18 we hadn't stepped in, there would have been such an  
19 outcry which we saw at the first Community Board  
20 meeting that it probably would never have happened so  
21 why not formalize that in some way.

22 MS. MARISA LAGO: I would just echo what  
23 Anita said that, "It is the city-sponsored  
24 initiatives" and in particular, major neighborhood  
25 changes be it a garment center or a neighborhood re-

2 zoning that are preceded by years of interaction.  
3 But one size doesn't fit all. Some communities  
4 prefer to have a very informal process; in other  
5 instances, a steering group. I do think it's  
6 important, given the diversity of our city and its  
7 neighborhoods not to have a one-size fits all  
8 approach to how a pre-certification process works on  
9 city-sponsored initiatives.

10           The other thing I'd note is that again  
11 technology is very much changing our ability to reach  
12 out to a broader array of stakeholders. As proud as  
13 we are of ULURP and it's very formalized of series of  
14 public hearings, we know that there are interested  
15 folks in the community who may not be able to get out  
16 to a community board hearing, and we are increasingly  
17 using online tools to solicit feedback. We are in  
18 the midst of working with Council Member Lander on  
19 the Gawannis Re-zoning and are receiving input from  
20 community voices who are not showing up at our  
21 community public events, and I do think that, that  
22 makes the planning all the richer.

23           CHAIRPERSON BENJAMIN: Allison?

24

25

2 HON ALLISON HIRSCH: Thank you,  
3 Chairperson. I have a couple of sort of unrelated  
4 questions, I suppose.

5 You mentioned the exact portal with the  
6 -- where the applications are available. Are those  
7 applications available only post-certification or the  
8 pre-app -- are they available during the pre-  
9 application process so that individuals know what  
10 projects are in conversation?

11 MS. ANITA LAREMONT: If an application  
12 has actually been filed, it would be available, so  
13 yes.

14 HON ALLISON HIRSCH: So the pre-  
15 application process --

16 MS. ANITA LAREMONT: Would be, if its  
17 filed.

18 HON ALLISON HIRSCH: If it's filed.

19 MS. ANITA LAREMONT: Mm-hmm.

20 HON ALLISON HIRSCH: Okay, before  
21 certification.

22 CHAIRPERSON BENJAMIN: But there is no  
23 requirement that it be filed any period of time, and  
24 sometimes particularly on major developments, a  
25 developer will go into the pre-certification to talk

2 with both the department and other interested  
3 individuals and won't file an actual application  
4 until much later in the process.

5 HON ALLISON HIRSCH: I was wondering  
6 hoping that any of the City Planning, either current  
7 or past City Planning staff and leadership would  
8 answer the questions that Ms. Vega-Rivera asked about  
9 the SEQRA process? I think that the issues of  
10 displacement is development and the lack of sort of a  
11 deep socio-economic analysis in the SEQRA, something  
12 that, you know, I've consistently heard and seen.  
13 I'm interested in your feedback on that.

14 MS. ANITA LAREMONT: I would like to  
15 tackle that first and certainly others can jump in.  
16 First of all, I think it's always good to remind  
17 everyone what SEQRA is and what it isn't. Secret is  
18 a document that discloses potential impacts in order  
19 for decision makers to be informed when they're  
20 making their discretionary determinations. I think  
21 that over time, it has come to be considered as  
22 something much more than that in terms of being  
23 considered something that will lay out a sort of  
24 pathway to cure a number of ails. We certainly very  
25 seriously take the risk of displacement as something

2 to be considered when we are doing our re-zonings but  
3 the imprecision of what is causing displacement in a  
4 particular situation where we have neighborhoods that  
5 are already influx. It's very hard for us to know  
6 that a re-zoning action is actually exacerbating  
7 displacement or not. That leads us to say that we  
8 have to be careful about how we look at this.

9 In terms of the factors that our  
10 considered, everyone should understand that the SEQRA  
11 manual is simply the cities technical guidance in  
12 terms of implementing state law which is the state  
13 environmental quality review act, and that's the  
14 state law that we're actually implementing when we do  
15 our secret analysis. So we have to yield to what  
16 analysis that says should be done and what we do in  
17 the technical manual, because we have to many city  
18 agencies and our reviews are complex, is try to  
19 define in a robust what's an appropriate methodology  
20 in order to meet the requirements of that state  
21 statute. So we actually are not in a position to  
22 make modifications to that underlying act. That  
23 would have to be done in state law.

24 And as to displacement methodology and  
25 socio-economic factors, we understand that over time,

2 there may be needs to take some look again at how we  
3 are doing that analysis. We have to be able to find  
4 reliable data that we can use in that regard and in  
5 regards to housing data, we have some constraints in  
6 terms of the availability of data from the state that  
7 we can use in making those analysis. So the  
8 suggestion that we possibly look at what any  
9 individual actors in that arena are doing is probably  
10 not something that can be done through the SEQRA  
11 technical analysis. But as Marisa mentioned, the  
12 city has developed many robust tools to address those  
13 issues, both in neighborhoods that we're re-zoning  
14 and the neighborhoods that we're not re-zoning in  
15 terms of anti-displacement efforts, but the city will  
16 look at what is the appropriate role that we should  
17 actually be playing in terms of changing the secret  
18 methodology. But because it's really a highly  
19 technical role, we would suggest that to have that be  
20 something that is waiting on or considered, with the  
21 public at large, would not be appropriate because  
22 it's actually really a technical analysis that we're  
23 doing.

24 The other point that I would respond to  
25 in terms of the suggestions that were made with

2 respect to every five years looking at review of this  
3 is to say that over time, from the time SEQRA started  
4 to today, every time that there's been a technical  
5 manual revision, it has added hundreds of pages to  
6 significant environmental impact statements that I  
7 would suggest that people need to think about whether  
8 or not the information that is being developed is  
9 actual useful to decision makers. It's defensive in  
10 large measure because it's really now more a  
11 litigation document that what it was really intended  
12 to be, and there may be other approaches that we need  
13 to look at to address this issue which we absolutely  
14 know is undeniable, but I'm not sure that doing it  
15 through the SEQRA technical manual is the right tool.

16 HON JIM KARASS: And just to follow up on  
17 the issue. SEQRA is a disclosure, a discussion  
18 document as Anita said pursuant to very technical  
19 requirements, and those technical requirements, and  
20 those technical requirements have to comply, but they  
21 can certainly be reviewed. I want to go to the  
22 point -- it was in the materials submitted in terms  
23 of what you're looking at in terms of ULURP. The  
24 mitigation measures that are -- when an impact or a  
25 potential impact is identified and, therefore, called

2 out for mitigation in the context of an approval  
3 under the ULURP process. Whether it's displacement  
4 or some other different kind of identified  
5 environmental impact, the follow up on the  
6 implementation of those mitigation measures is  
7 something that I think does require attention and  
8 certainly reporting on by the involved agencies and  
9 the lead agencies to the decision makers in terms at  
10 some point; what was done, what was the impact and  
11 what were the steps taken to mitigate it because  
12 that's a -- and I'm sure I'm going to get abuse from  
13 some people for having said this.

14 That's a question -- it's all fine at  
15 the point of which a decision is made, but what then  
16 is the impact accountability for following and what's  
17 the record that needs to be done. That's something  
18 that does warrant some attention and discussion.

19 CHAIRPERSON BENJAMIN: Thank you. Andy,  
20 I had a question for you. Since you were part of the  
21 1989 Charter Revision, one, would you agree that how  
22 land is used in any particular place is always a  
23 political act, and has political implications, no  
24 matter who making the decision?

2 MR. ANDREW LYNN: I'm not sure I would  
3 agree with that actually.

4 CHAIRPERSON BENJAMIN: Okay.

5 MR. ANDREW LYNN: I think there's a lot  
6 of sort of what I would call professional planning  
7 analytical expertise that gets brought to bear on  
8 those decisions and that maybe science isn't the  
9 right word for it, but when you look at a city like  
10 New York and you look at the housing situation that  
11 it does lend itself to looking at numbers and doing  
12 an analysis Based on that coming in some conclusions  
13 about what on a city-wide basis would be a good  
14 policy and a good action to take at any given  
15 context.

16 Now, it is political in sense is that  
17 elected officials, if it's going through the land use  
18 process or going to vote on it and make a decision.

19 CHAIRPERSON BENJAMIN: I don't mean  
20 political with a capital "P". I mean that to the  
21 effect that decision making affects people. One can  
22 make this decision or that decision or another  
23 decision. The choice of decisions is in and of  
24 itself political. Whether it's where you spend  
25 your -- whether you go to Dunkin Donuts or whether

2 you make your own donuts or whether you allow  
3 superstores or not. That's a political decision, not  
4 with a capital "P", but it's not just ones and zeroes  
5 either.

6 MR. ANDREW LYNN: Yeah, fair enough, fair  
7 enough.

8 MS. MARISA LAGO: Madame Chair, I might  
9 note that the considerations that you have laid out  
10 point to the fact that land use decisions are  
11 frequently controversial and that decisions can have  
12 allocational ramifications, but I'm not sure that,  
13 that equates to political.

14 CHAIRPERSON BENJAMIN: Do you think the  
15 effects are political, that people and communities  
16 feel them as political.

17 MS. MARISA LAGO: I would stick with the  
18 fact that I believe that they are controversial  
19 because rarely do communities speak with one voice,  
20 there are multiple stakeholders, and so I would  
21 harken back to what Andy indicated that at the  
22 department we look at --

23 CHAIRPERSON BENJAMIN: I didn't send a  
24 department. I didn't ask about the department or the  
25 commission or any particular or any actors indeed in

2 the land use process. I was not asking a question  
3 about the land use process but just the very nature  
4 of the issue.

5 I think you were next Carl.

6 HON CARL WYSEBROAD: Well, this is --  
7 maybe this is a clarification of what you were saying  
8 Madame Chair --

9 CHAIRPERSON BENJAMIN: Be careful about  
10 [Inaudible-1:13] Carl. [Laughter]

11 HON CARL WYSEBROAD: I'm sorry?  
12 [Laughter]

13 CHAIRPERSON BENJAMIN: I said be careful  
14 about the possibility of [Inaudible-1:13].  
15 [Laughter]

16 HON CARL WYSEBROAD: I'm building on what  
17 you said, Madame Chair.

18 And this is, I guess, to a theme that all  
19 of you in one way or another noted which is that we  
20 live in an extremely dynamic complicated city and  
21 perhaps many ways, the most complicated city on  
22 earth. People's lives are being affected in lots of  
23 different ways all the time without the intervention  
24 of government. It's just the nature of the  
25 marketplace that's happening, and I just really

2 wanted to at least clarify or understand something  
3 that Anita said with respect to the SEQRA process  
4 which is that, to make -- I think make it clear that  
5 what SEQRA is looking at is not whether displacement  
6 is taking place in the neighborhood or what's  
7 happening in a neighborhood specifically, but whether  
8 the action that's before the Planning Commission or  
9 ultimately the City Council, the Community Board,  
10 what the effect of that particular action will be and  
11 whether it will, in fact, accelerate the case of  
12 displacement, accelerate displacement, reduce  
13 displacement, accelerate other impacts on the  
14 environment as opposed to whether those impacts are  
15 existing or ready which in many neighborhoods for all  
16 the reasons that all of you have indicated is  
17 happening in this dynamic city.

18 MS. ANITA LAREMONT: That is exactly  
19 right. You know, when we look at displacement, what  
20 we look at is sort of what is the amount of regulated  
21 housing stock that there is in the particular area  
22 and whether or not there are a number of units are at  
23 jeopardy of being eliminated or displaced as a  
24 consequence of new development that will occur  
25 through our actions. We have a limited amount of

2 data that we can we use to make those determinations.  
3 One of the large issues in that regard has to do with  
4 preferential rent because that's with respect to  
5 units where individuals are not paying market rent in  
6 certain neighborhoods. It's below the rent regulated  
7 rents that the state allows to be charged, and so  
8 those units don't really get captured in this  
9 analysis, but those are still people that are  
10 vulnerable. But we don't have any actual way of  
11 taking that into account because it's very hard for  
12 us to understand or know all of the data.

13           My main point there was simply that there  
14 is a distinction between what our action is causing  
15 and those things that are occurring naturally.  
16 They're not really natural things but that are  
17 occurring without our action, and I think in the  
18 public discussion, those two things get very blended.  
19 And it's really hard for, I understand, the public to  
20 really parce out the fact that displacement is  
21 occurring in many neighborhoods in this city where  
22 we're not taking any action. We actually do believe  
23 that when we do take action, we can have a positive  
24 effect on those situations because of the fact that  
25 part of what we're doing is ensuring that there are

2 permanently affordable housing units created in those  
3 neighborhoods.

4 CHAIRPERSON BENJAMIN: Sorry, Karl. I  
5 did not mean to suggest that you would, in any way  
6 attempt to explain me better than I did myself.

7 HON JIM KARASS: [Laughter] Especially  
8 with you, Madame Chair. I would be extremely  
9 careful.

10 CHAIRPERSON BENJAMIN: Sal?

11 HON AL SALBANESE: I have two questions.  
12 I notice on the Board of Standings an Appeals that it  
13 has to be, as part of the membership, an experienced  
14 architect, the planner, an engineer. What is your  
15 view, any of you that a certain percentage of people  
16 that sit on the City Planning Commission should be  
17 urban planners?

18 HON JIM KARASS: How much time have you  
19 spent with trained urban planners? [Laughter] I  
20 think the --

21 FEMALE SPEAKER: You make it sound like  
22 trained seals.

23 HON JIM KARASS: I think it's critically  
24 important. I think it's critically important that  
25 these departments be staffed by a professional

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

19 HON AL SALBANESE: We have thirteen  
20 members, right. So why -- as I said, the Board of  
21 Standings and Appeals has three -- three of the  
22 appointees have to be experienced professional. So  
23 out of the 13 members, why can't five or four be  
24 urban planners? You have a lot of brain power in  
25 this city, a lot of people from Nackademia that

2 really have a great vision for planning. And I'm not  
3 saying that we shouldn't have people who don't have  
4 that experience. I'm saying a mix would be helpful  
5 if we codified that in a Charter.

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

12 CHAIRPERSON BENJAMIN: Irvin Kanter.

13 MS. MARISA LAGO: Exactly, who sadly  
14 passed away. He was the Representative of the Queens  
15 Borough President.

16 HON AL SALBANESE: Who's that?

17 MS. MARISA LAGO: Irvin Kanter.

18 CHAIRPERSON BENJAMIN: Irvin Kanter.

19 MS. MARISA LAGO: He was one our nation's  
20 most storied structural engineers. We have people  
21 who have expertise in the brokerage community. We  
22 have on the Commission, a retail specialist, people  
23 who undertake economic development who may not have  
24 AICPA behind their name who may not have taken a

2 planning degree but who bring the wealth of  
3 experience.

4 I also think the structure of the  
5 Commission having multiple different appointing  
6 authorities is yet another guarantee of having a  
7 diversity of viewpoints. Just by noting that  
8 planning is so broad, that's part of the delight of  
9 working in the planning profession. It encompasses  
10 housing. It encompasses industrial jobs. It  
11 encompasses open space, transportation and so having  
12 the ability of seven different appointing authorities  
13 to appoint people who they think will best take on  
14 this city-wide mantle would say is the way to go.

15 HON AL SALBANESE: So you would be  
16 opposed to having a fixed number of urban planners on  
17 the Commission?

18 MS. MARISA LAGO: I would think it  
19 inadvisable.

20 HON AL SALBANESE: It's inadvisable;  
21 okay. We respectfully disagree.

22 CHAIRPERSON BENJAMIN: Beshwan --  
23 [Crosstalk] One quick and then one --

24 MR. BESHAWN: I just want to quickly  
25 respond on that. I agree with my fellow panelist

2 that a mix is very important. I think the Commission  
3 did receive written testimony from the American  
4 Institute Architects that spoke somewhat to this  
5 issue. The City of Los Angeles has appointed now a  
6 Chief Design Officer.

7           This isn't just about architecture, but I  
8 do think a lot of people are concerned a lot new  
9 development is atrociously ugly. I think that should  
10 be an advisory role. I'm not sure it has to be a  
11 legally binding thing, but I do think there are  
12 concerns in the City about the quality of new  
13 construction.

14           HON AL SALBANESE: Thank you for that. I  
15 was in government for a number of years, and I've  
16 seen some appointees to the Commission that were  
17 clueless in my opinion about urban planning, but  
18 that's another issue.

19           One final question. New York City has an  
20 authority property undergoing a lot of development, a  
21 lot of proposals out there. Should they be subject  
22 to ULURP?

23           MS. MARISA LAGO: I don't believe so.  
24 Our nitro properties operate under an extensive web  
25 of federal regulation, and that is what determines

2 how they get developed. I think it no appropriate to  
3 bring them within ULURP.

4 CHAIRPERSON BENJAMIN: Thank you. I'm  
5 going to ask the last question here, and Andy it's  
6 you again.

7 Although I would add, my counsel just  
8 found the dictionary definition of political  
9 [Laughter], meaning "of, for or related to citizens;  
10 civil, civic; belonging to the state". But, that's  
11 not question. [Laughter]

12 My last question for you Andy, as a  
13 member of the 1989 Charter Vision Commission Staff,  
14 is in looking at what you intended in 1989 and how  
15 land use processes are operating now, is it what you  
16 thought it would be? Is it what you hoped it would  
17 be?

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

2 individual counsel members over their disciplines.

3 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 MR. ANDREW LYNN: Oh, okay. I'm sorry.  
8 The question is how would the legislative body, the  
9 city council operate? How much deference to the  
10 local council member on items in their districts and  
11 how 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.

18 Then, in the course of that time period,  
19 term limits were brought in, and that really changed  
20 the whole dynamic of the counsel and it's evolved  
21 over time. I've been watch, and I'm a little less  
22 close now to what's going on in the council than I  
23 was, but I have a sense that there's just a different  
24 approach now and a little more deference to the  
25 individual council member. I think in a certain way

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

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

23 PANEL: Thank you.

24

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 17, 2019