



Legislation Text

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Res. No. 87

Resolution calling upon the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning and all other relevant City agencies to review and amend the CEQR process to include consideration of community concerns earlier in the process

By Council Member Reynoso

Whereas, In response to the shortage of affordable housing in New York City, in 2014, Mayor de Blasio announced *Housing New York*, a comprehensive plan to build or preserve 200,000 affordable units over the next decade; and

Whereas, A key initiative of the Mayor's housing plan is a Mandatory Inclusionary Housing ("MIH") program, which requires through zoning actions a portion of new housing to be permanently affordable to low- or moderate-income households in order to ensure diverse and inclusive communities; and

Whereas, Under the New York City Planning Commission's current land use application review process, affected community members have little, if any, opportunity to engage in shaping development proposals until the application is certified for public review pursuant to the Uniform Land Use Review Procedure ("ULURP"); and

Whereas, By the time land use applications reach ULURP, many of the substantive decisions about how the development will look and what affordable housing it will include have been made; and

Whereas, The lack of meaningful community input in shaping development proposals can result in negative outcomes in terms of affordable housing creation; and

Whereas, In August of 2016, for instance, the New York City Council's Land Use Committee voted against the proposed Sherman Plaza project in Inwood, which would have provided 175 apartments under the

MIH program, due to community concerns about affordability, displacement and the impact of gentrification on the community; and

Whereas, According to the New York City Planning Commission, the Sherman Plaza proposal was certified for ULURP with no previous community input; and

Whereas, Article 8 of the New York State Environmental Conservation Law and related regulations require New York City to incorporate environmental quality review procedures into planning and decision making processes for projects that the City plans to undertake or give discretionary approval to; and

Whereas, New York City accordingly has adopted the City Environmental Quality Review (“CEQR”) process for evaluating any project that is directly undertaken by a City agency or requires discretionary approval from a City agency; and

Whereas, Before undergoing ULURP, land use applications are subject to CEQR to identify any potential adverse environmental effects, assess their significance and propose measures to eliminate or mitigate significant impacts; and

Whereas, Depending on the type and scale of the project, CEQR review may involve several stages of study and evaluation, including 1) a determination of whether the action is the kind that requires any significant environmental review or instead has been identified by state or local rule as requiring no environmental study, 2) an Environmental Assessment Statement (“EAS”) to help identify any impacts the proposed project may have on the environment and whether those environmental impacts may be significant and adverse, and 3) if significant adverse impacts may result, preparation of a detailed Environmental Impact Statement (“EIS”), which requires a public scoping meeting to solicit comments on the scope of topics to be covered in the EIS; and

Whereas, Consideration of community concerns and priorities earlier in the CEQR process would allow the community to shape proposals and raise potential issues before project details are codified, potentially avoiding conflict and opposition to proposals later in the land use application process; and

Whereas, Accordingly, CEQR analysis should be expanded to take into account other potential impacts, including the cumulative effects of rezonings in surrounding areas, compliance with federal fair housing regulations, the number of jobs a project would create in specific industries and whether employees would be hired locally, the amount of economic benefit that the developer would obtain from rezoning, and any community benefits being provided; and

Whereas, CEQR should also be amended to require that if a community-based plan or set of principles exists for the affected area, a development scenario that fits into the parameters of such plan should be identified in the EIS as a possible alternative to mitigate or eliminate significant impacts of the proposed development; and

Whereas, Mayor de Blasio's *Housing New York* plan includes a review of the CEQR process to make it more efficient and make EISs more comprehensible to the general public and affected communities, as well as an examination of how environmental reviews are undertaken in other jurisdictions in order to incorporate best practices into New York City's process; and

Whereas, The environmental review updates identified in the *Housing New York* plan should be prioritized and include a robust public process to solicit feedback from New Yorkers; and

Whereas, Strengthening the role of communities in shaping development plans will ultimately improve planning outcomes for neighborhoods and help to solve the affordable housing crisis in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning and other relevant City agencies to review and amend the CEQR process to include consideration of community concerns earlier in the process.

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