Towards a More Just Planning System

Equity, Community Input & the Limitations of the Status Quo

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What is planning?

Planning is a process that provides a **vision for a community**: how it will be laid out spatially; what institutions and resources it will have; how people will move around within the community; how and to what extent different aspects of the community will be funded, etc.

Ideally, the goal of planning is to further the welfare of community members by creating convenient, equitable, healthful, efficient and attractive environments. In this way, **planning is community building**.

Why does planning matter?

Planning determines many of the conditions that structure our lives

Planning can be a process of community building, but it can also be a process of community destruction

Planning determines the future

Who plans (on a city, county or regional level)?

- **Local residents** participate in planning in many ways, for example, submitting feedback on plans being considered for their neighborhood. Communities can also submit their own plans for their communities to their local governments.
- **Professional planners** get planning degrees and work, for example, as city officials in NYC's Department of City Planning.
- **Politicians** have decision-making power over plans for their communities. For example, the Mayor has power over the city budget.
- **Private interests,** in particular real estate developers, have a lot of influence over planning processes. They submit their own development plans to local governments.

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What is Zoning?

"A Resolution regulating the **height and bulk** of buildings and other structures, regulating and determining the **area of yards, courts and other open spaces**, and the **density of population**, and regulating and restricting the location of **trades and industries** and the **location of buildings designed for specific uses** within the City of New York, and for such purposes **dividing the City into districts**."
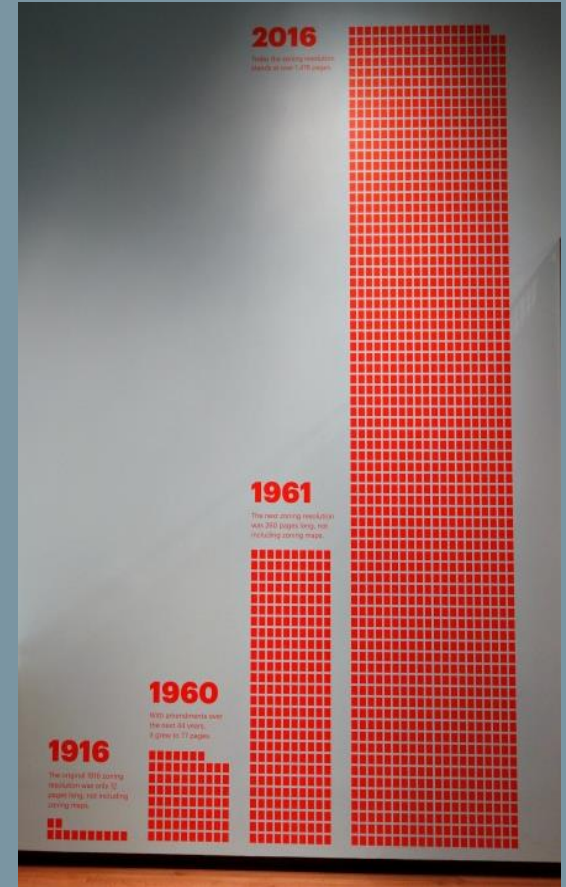
As-of-Right vs. Rezoning

As-of-Right

Development Matches Zoning, No Approval Needed Beyond Building Permits etc

- Since 2010, 50% of new housing in NYC has been built as-of-right

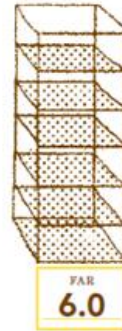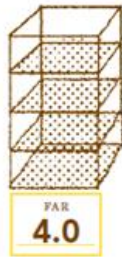- 30% has been built as-of-right, following a neighborhood-rezoning

Rezoning

A Proposed Change to the Current Zoning - must go through the Uniform Land Use Review Procedure (ULURP), requiring the approval of both the City Planning Commission (CPC) and the City Council

- Since 2010, 20% of new housing has been built following a site-specific rezoning

- Half of those came through proposals from private developers, half came through proposals advanced by the City
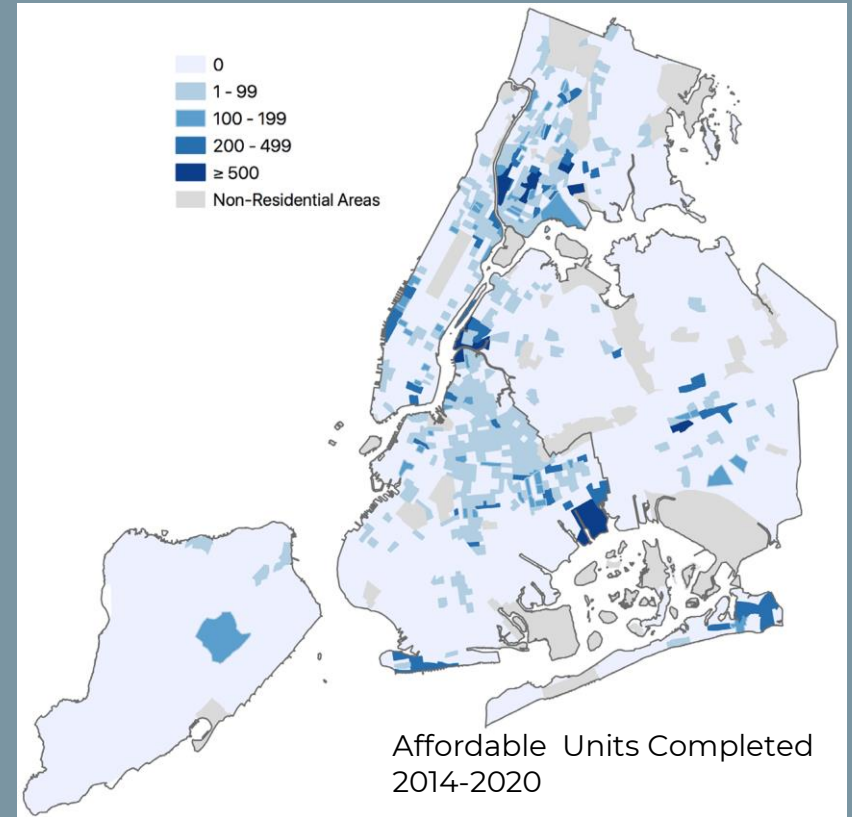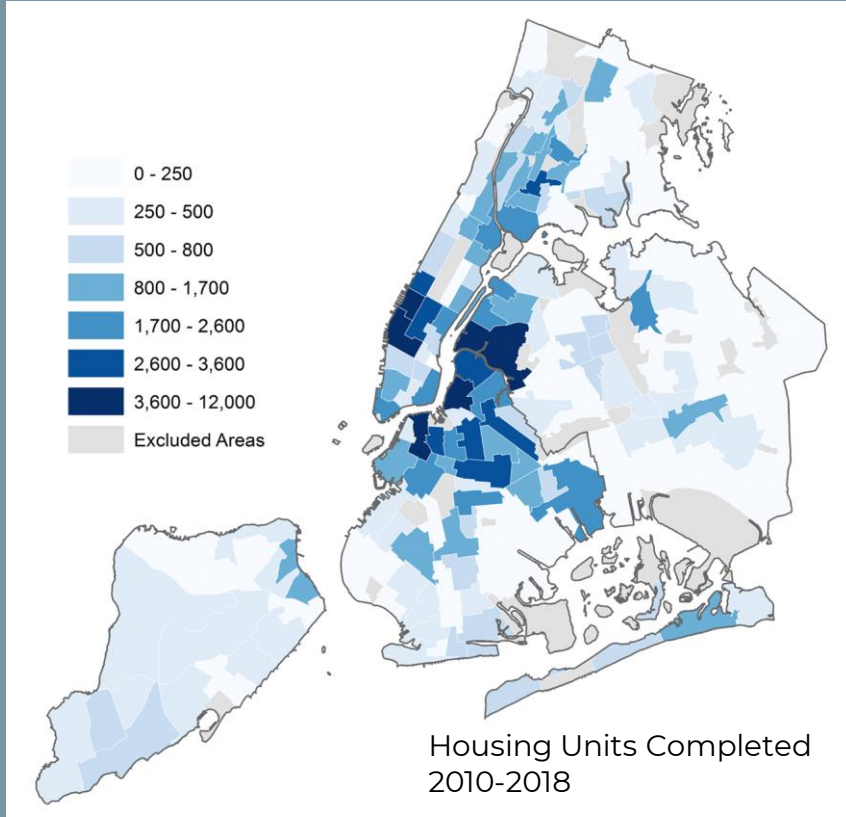
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Upzonings

If your lot has a maximum FAR of 6.0, say, then you can make a building with six times the square footage of your lot. The bigger the lot, the higher your maximum square footage.

FAR
0.5
2.0
4.0
6.0
10.0
15.0

Source: Center for Urban Pedagogy (CUP)

Affordable Housing Production

Housing Units Completed
2010-2018

Legend (left map):
- 0 - 250
- 250 - 500
- 500 - 800
- 800 - 1,700
- 1,700 - 2,600
- 2,600 - 3,600
- 3,600 - 12,000
- Excluded Areas

Affordable Units Completed
2014-2020

Legend (right map):
- 0
- 1 - 99
- 100 - 199
- 200 - 499
- ≥ 500
- Non-Residential Areas

Source: NYC Department of Housing Preservation & Development (HPD)

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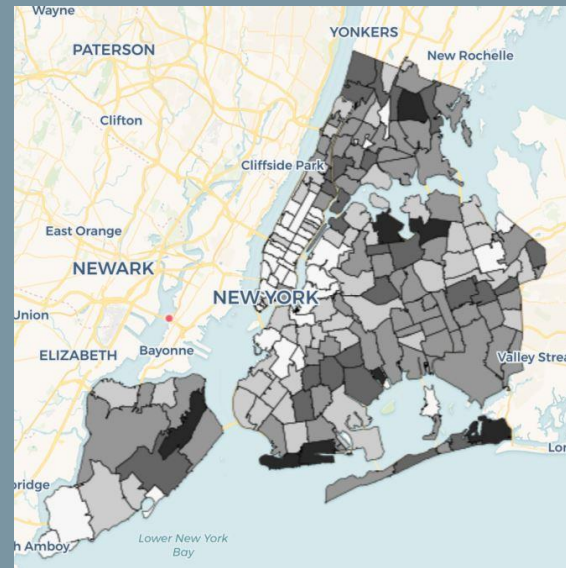
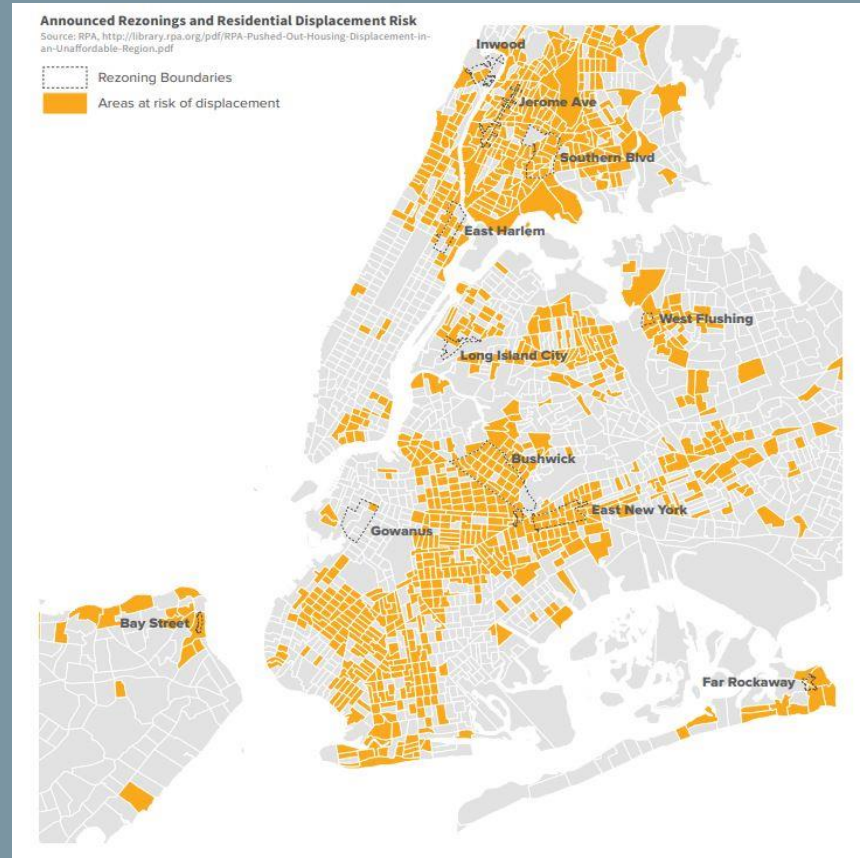# *Inequity*
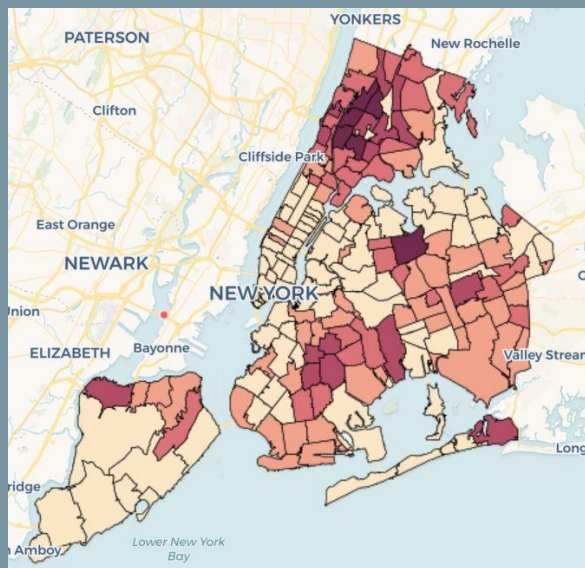
Eviction filing rate
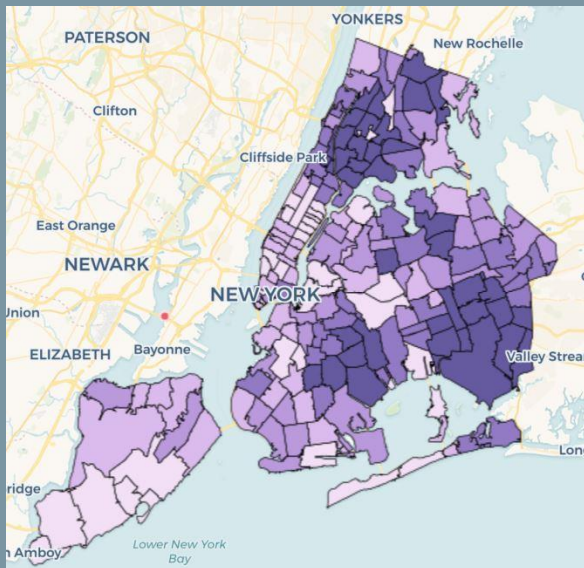
Percent people of color

Death rate from Covid 19

Graphics by the Association for Neighborhood & Housing Development (ANHD)

Rezonings Under de Blasio

Announced Rezonings and Residential Displacement Risk
Source: RPA, http://library.rpa.org/pdf/RPA-Pushed-Out-Housing-Displacement-in-an-Unaffordable-Region.pdf

Rezoning Boundaries

Areas at risk of displacement

Inwood

Jerome Ave

Southern Blvd

East Harlem

West Flushing

Long Island City

Bushwick

East New York

Gowanus

Bay Street

Far Rockaway

Source: Regional Plan Association (RPA)

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Mandatory Inclusionary Housing

Median Household Income of CDs Where City Has Mapped MIH = $39,688.29 (Very Low Income)
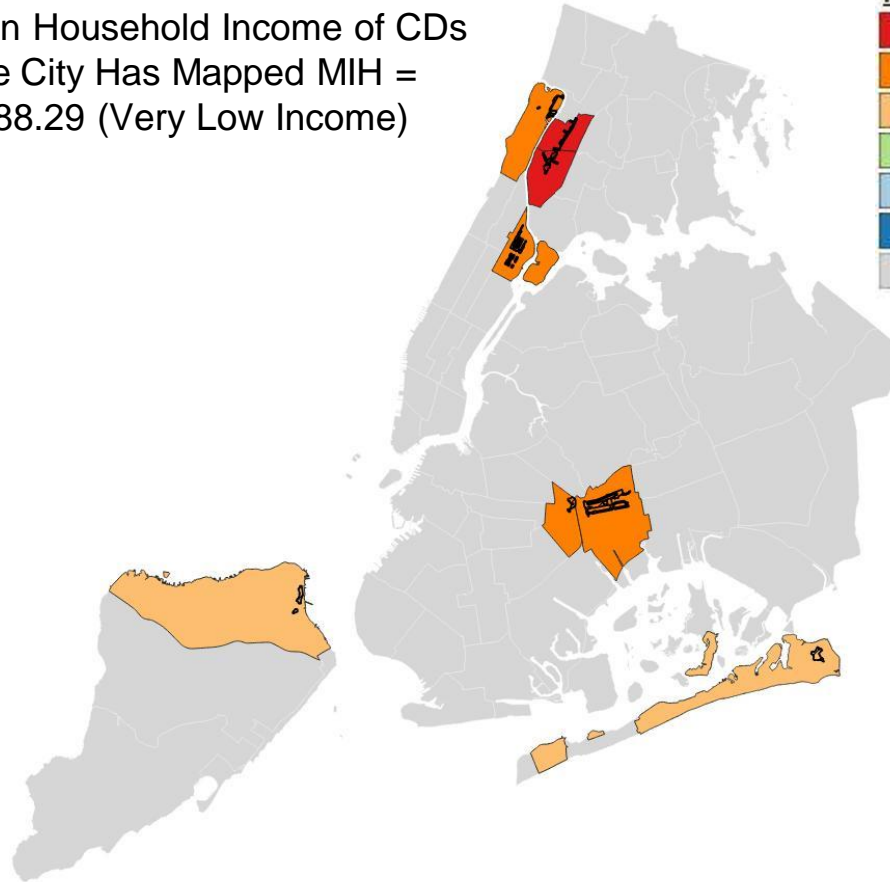
Median AMI Level of CDs (for household of 3)
- ELI - 0-30% AMI; approx. $30K
- VLI - 30-50% AMI; approx. $50K
- LI - 50-80% AMI; approx. $75K
- MOD - 80-120% AMI; approx. $125K
- MID - 120-165% AMI; approx. $150K
- Over - over approx. $150K
- Non-residential

Graphic by ANHD

anhd | **Association for Neighborhood & Housing Development**

Mandatory Inclusionary Housing

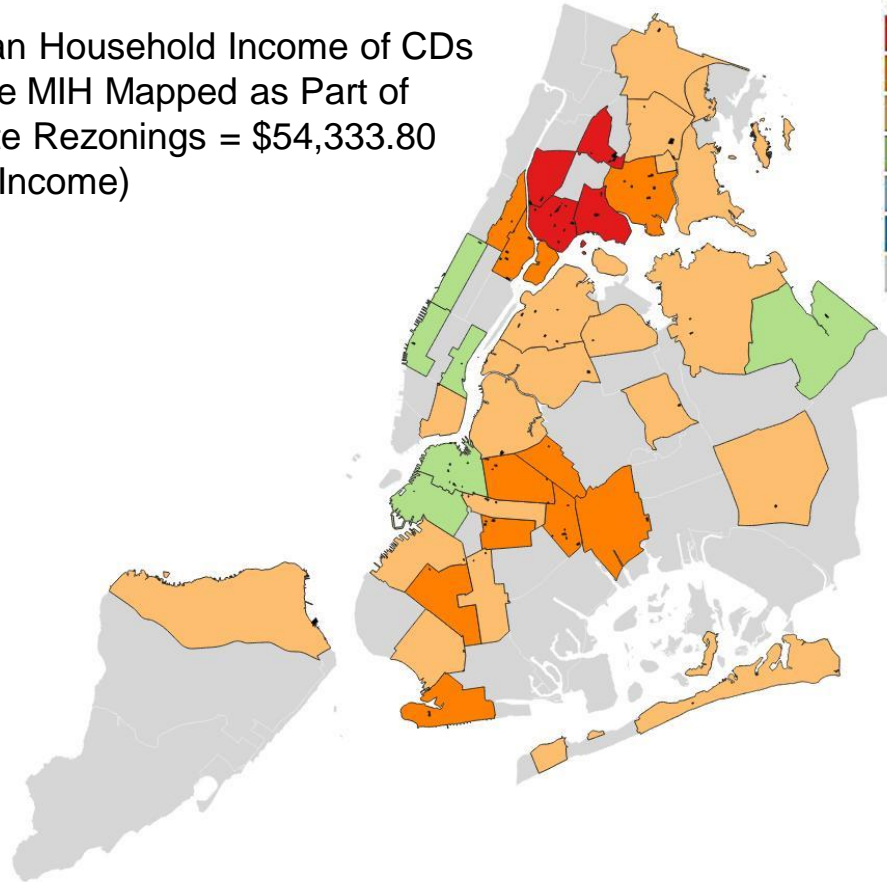Median Household Income of CDs Where MIH Mapped as Part of Private Rezonings = $54,333.80 (Low Income)

Median AMI Level of CDs (for household of 3)

- ELI - 0-30% AMI; approx. $30K
- VLI - 30-50% AMI; approx. $50K
- LI - 50-80% AMI; approx. $75K
- MOD - 80-120% AMI; approx. $125K
- MID - 120-165% AMI; approx. $150K
- Over - over approx. $150K
- Non-residential

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Power imbalance - **Whose proposals make it to ULURP?**

- The current Zoning Resolution was written in 1961, but it is constantly being changed through zoning text and map amendments.

- Officially any resident ("taxpayer") or group can apply for changes in the zoning resolution.
- Since 2010, half of the site-specific rezonings came through proposals from private developers, and half came through proposals advanced by the City.
- Most private developers who bring rezoning proposals want to build something larger or more permissive than the zoning currently allows, and they have **the money and technical capacity** to take their projects through **the expensive and time-consuming environmental review process that accompanies ULURP.**
  - The Department of City Planning will work with them to craft a proposal that fits a public purpose and so can justify the zoning change (officially they can't just say, we want to make more money with a bigger building).

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HOW IS LAND USE PLANNING ACTUALLY DONE IN NEW YORK CITY?

ZONING RESOLUTION

Match

Change

As of Right

Rezoning

WHO GETS TO PROPOSE A REZONING?

The City (The Mayor, DCP, EDC, HPD)

Private Developers

The Community

When a community proposes a comprehensive plan, it is often ignored or co-opted.

ULURP

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ULURP

WHAT IS THE REVIEW PROCESS?

Stakeholders weigh in and vote:

BINDING

- NYC Council
- City Planning Commission

NON-BINDING

- Community Board
- Borough President

The Vote

WHAT ARE THE RESULTS OF THE VARIOUS VOTES?

YES
Zoning proposal becomes the new rule

YES WITH MODIFICATIONS
An amended vesion of the zoning proposal becomes new rule

NO
Existing zoning stays unchanged

Power imbalance - **Summary**

(1) ULURP is an expensive, time-consuming, and technically challenging process that requires sustained resources-- resources that community groups often do not have.

(2) Community groups' plans are often not approved to go through ULURP, while the City and private developers' plans overwhelmingly get the green light to initiate the process.

(3) Where there is conflict between a proposal and a community's priorities, the community is left to either accept projects they don't like in exchange for needed public benefits or to say no outright and be accused of being anti-development or against change.

What would a just system look like?
Discussion questions…

… About rezonings:

(1). What should be the process by which developers get approval from community members before they change the zoning in a neighborhood?

(2). Who should be able to decide whether or not a rezoning proposal gets approved? Politicians? Which offices? What should the decision-making process look like?

… About our planning system more generally:

(3). What principles should our planning system be grounded in? (Sustainability, reparation, etc.)

(4). What resources would you, your community group, and/or your community need to participate more deeply in city planning processes?