



New York City's Comprehensive Plan

by John West
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Should New York City have a comprehensive, well-considered plan?

Yes.

A comprehensive, well considered, plan should be good for everyone.

- It would involve all of us in the creation and maintenance of a shared vision for our city and its neighborhoods.
- It would provide predictability for communities, property owners, developers, elected officials, and municipal and state agencies.
- It would provide an agreed plan on which to base the expeditious adoption of regulations such as zoning.
- It would make it easier to base actions on the intention, and not just the words, of a regulation, such as zoning.
- It would promote coordination among agencies at neighborhood, community, borough, city, and regional levels.
- It would allow for more rapid approval of projects and proposals consistent with the plan.

Is the Zoning Resolution New York City's comprehensive, well-considered plan?

Yes and No.

New York State law requires New York City to base its land use regulations on a comprehensive plan. However, the law allows two versions of a comprehensive plan: statutory and common law. (See [Zoning and the Comprehensive Plan](#) for a discussion of the distinction between the two approaches.) The statutory approach calls for the adoption of a defined comprehensive plan on which zoning is based; the common law approach accepts the existing regulations and their history as the comprehensive plan. The latter approach allows the City to treat the zoning resolution as its comprehensive plan.

Using the Zoning Resolution as a comprehensive plan is, therefore, legally permissible but fundamentally wrong. Why?

- Zoning is but one tool in a regulatory regime intended to implement a common vision for our urban environment. Other tools include the City Map, the building code, the State Multiple Dwelling Law, street design standards, park design standards, landmark designations, development incentives such as J51 and 421a, inclusionary housing programs, industrial retention programs, measures to deal with residential displacement, the capital budget, and more.
- The Zoning Resolution addresses only a portion of our urban environment and is therefore not comprehensive. It deals only with land use and building density and form. It does not address matters outside of zoning, such as providing schools or parks or subways. A comprehensive plan would address much more than the Zoning Resolution does.

What might a comprehensive plan for New York City look like?

In 1969, during the Lindsay administration, New York City's Department of City Planning published [Plan for New York City](#).

The plan was in six volumes: the first volume addressed the general vision for the city and the following five volumes spoke to what was happening in each of the five boroughs.

The borough volumes had a chapter for each community district and additional chapters for special planning and urban design projects. The document was part vision and part inventory. (See [CityLand for a discussion of the creation of the plan with former CPC chair Don Elliott.](#))

More recently the Bloomberg administration published *PlaNYC* and the de Blasio administration publishes *OneNYC*. Both offer a counterpart to the vision volume of the 1969 document without offering counterparts for the community chapters.

A comprehensive plan for New York City should include both a city-wide vision and community-centric plans. The city-wide vision rightly comes from the administration after consultation with all. The community-centric plans are provided for by section 197a of the City Charter, which encourages local groups, including community boards and borough presidents, to offer plans.

A comprehensive plan needs to comprise at least three dimensions:

- One, it needs to address the full range of issues that concern a location.
- Two, it needs to address the issues at the appropriate geographical levels – community, county, city, region.
- And three, it needs to address the issues as they evolve over time.

(See [Planning One Great City for All.](#))

For example?

Supertall residential towers, using gerrymandered zoning lots, mechanical voids, and stilts to increase their heights (see [San Gimignano](#)), have raised questions about the intention of our zoning regulations.

Currently one looks to the Zoning Resolution and reads that mechanical space does not count as zoning floor area. This suggests that a mechanical space in a building, no matter the height of the space, does not count as zoning floor area; which allows even tower-on-a-base buildings to loft the expensive apartments to extraordinary heights. However, if one reads the City Planning Commission reports on tower-on-a-base development or the Special Lincoln Square District one sees that the buildings were intended to be no more than approximately 33 floors and approximately 330 feet tall.

If one were to treat these City Planning Commission reports, rather than the text of the Zoning Resolution, as the comprehensive plan there would be a basis to disapprove a building under tower-on-a-base or Special Lincoln Square District rules taller than approximately 330 feet.

Therefore, a well-considered comprehensive plan would be a better basis than the text of an actual regulation to understand what the regulation was intended to accomplish.

Is a comprehensive plan too difficult for New York City?

Maybe.

The 1969 Plan for New York City was not submitted to the Board of Estimate or City Council for approval and neither PlaNYC nor OneNYC were submitted to the City Council for approval, as required by the statutory approach to establishing a comprehensive plan.

One anticipates that preparing and adopting such a plan would be contentious and procedurally difficult. However, one hopes that the process would be constructive for all involved, fostering democratic deliberation and giving citizens, municipal employees, and elected officials experience with better governance. One also hopes that achieving a shared vision for the future of our city would facilitate the implementation of the plan and expedite the review of projects consistent with it.

Should New York City's Charter be amended to require a real comprehensive plan?

Yes.

The current Charter Revision Commission should recommend that the City Charter be amended to create and maintain a living comprehensive plan. This should include provisions that:

- The city-wide parts of the plan be prepared by the City administration in consultation with all interested parties and that the community-centric parts of the plan be prepared jointly by the applicable community board, borough president, and the City Administration.
- The plan, and its parts, should be revised frequently to keep it current with evolving conditions and goals.
- Zoning and other regulations be amended to be consistent with the plan.
- Agency actions be consistent with the plan.
- Actions that are consistent with the plan qualify for expedited approval including abbreviated land use review (ULURP) and community/environmental impact (CEQR).