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NYC's Comprehensive Plan

The City Club, through its Urban Design Committee, is considering whether the City of New York should be required to have a comprehensive plan. The discussion has addressed both the process and the content, or at least the character of the content, of such a plan. The process of establishing and maintaining a comprehensive plan needs to be open and fair, recognizing that each participant brings knowledge, experience, and dedication that needs to be reflected in the content of the plan.

The zoning resolution is not a plan. It is a regulatory document that should effect some elements of a plan. A comprehensive plan should include a wide range of social, economic, environmental, and spatial and non-spatial factors including location of burdensome and beneficial uses, transit, education, and health issues -- all issues not covered by a zoning resolution. The process of planning done correctly and honestly with the community is in itself a community building process worthy of engaging in. The process of planning is one that has the ability and the obligation to implement policies to achieve equity, equality, and inclusion.

Below is a summary of the issues that have been addressed by the committee.

Should NYC 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 NYC's comprehensive, well considered, plan?

Yes and No.

NYS law requires NYC 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 https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf .) 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 would be included in a comprehensive plan?

Everything.

- Sustainability
- Environmental justice.
- Fair Share.
- Transportation.
- Economic development.
- The Capital budget
- The City Map, including changes to the City Map to elevate or discontinue flooded streets.
- Community facilities, such as libraries, schools, hospitals, jails, courts, fire houses, and municipal buildings.
- Open space, such as parks, school yards, shared streets, and POPS (Privately Owed Public Space).
- The zoning resolution, including land use, density, bulk, open space, parking and other provisions.
- Housing, including programs for affordability, constraints on eviction, conversions of commercial buildings, and other approaches.
- Historic preservation.
- Infrastructure, such as streets and utilities.
- And more.

What might a comprehensive plan for NYC look like?

In 1969, during the Lindsay administration, NYC's Department of City Planning published *Plan for New York City*. (<https://digitalcollections.nypl.org/items/c42cb93f-8f3d-ca65-e040-e00a18064e5c/book?parent=8b252450-c603-012f-14f1-58d385a7bc34#page/595/mode/2up> .)

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 an overview of the borough and a chapter for each community district. It also had 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: <https://www.citylandnyc.org/former-cpc-chair-discussed-1969-plan-for-new-york-city/> .)

More recently the Bloomberg administration published *PlaNYC* (http://www.nyc.gov/html/planyc/downloads/pdf/publications/planyc_2011_planyc_full_report.pdf) and the de Blasio administration published *OneNYC* (https://onenyc.cityofnewyork.us/wp-content/uploads/2018/05/OneNYC_Progress_2018.pdf .) Both offered a counterpart to the vision

volume of the 1969 document without offering counterparts for the borough volumes and community chapters.

A comprehensive plan for NYC should include a city-wide vision, borough views, and community centric plans. The city-wide vision rightly comes from the administration after consultation with all. The borough views, led by the borough presidents, provide the interface between the City vision and the community plans. The community centric plans (which are currently provided for by section 197a of the City Charter which encourages local groups, including community boards and borough presidents, to prepare plans) reflect the special circumstances of each community district.

It is essential that the comprehensive plan not be, or be perceived to be, a top-down process. It is essential that all parties – mayoral administration, borough presidents, and communities – have responsibility for their tiers of the plan.

A comprehensive plan needs to comprise at least three dimensions:

- It needs to address the full range of issues that concern a location.
- It needs to address the issues at the appropriate geographical levels – community, borough, city, region.
- It needs to address the issues as they evolve over time.

A well considered comprehensive plan needs to coordinate horizontally as well as vertically: horizontally among the many categories of planning – land use, transportation, education, economic development, social services, housing, environment, and more – and vertically among the various levels of planning – community, borough, city, and region.

See *Planning One Great City for All*: <http://cityclubny.org/planning-one-great-city-for-all/>

For example?

The city tier of the plan might establish a policy to have bicycle parking at transit stations to encourage the use of both modes; the borough tier might determine how much parking to provide at which stations; and the community tier might identify where to put the bicycle parking and how to operate it – self parking in part of an adjacent car parking lot, attended parking in the station, and so on.

The city tier might determine that school playgrounds should be open for neighborhood recreation when not being used by the school; the borough tier might establish which playgrounds are where more recreation is most needed; and the community tier might say what types of recreation should be provided and how each school yard might need to be redesigned.

The city tier might establish goals for the amounts and types of additional housing needed for the existing and future population; the borough tier might identify neighborhoods that could accommodate additional housing; and the community tier might designate sites and areas appropriate for various kinds of housing.

Is a comprehensive plan too difficult for NYC?

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.

A potential advantage of this being a legislative initiative of the City Council is that the council members may feel a responsibility to adopt the plan when it reaches the Council.

Should the lead agency for the comprehensive plan be the Department of City Planning or OLTPS (the Mayor's Office of Long Term Planning and Sustainability)?

The lead agency needs:

- To have the capacity to do the planning, coordination, and other work to assemble the plan and keep it current.
- To be effective at the city, borough, and community tiers and at regional coordination.
- To be controlled enough by the mayor to have his or her confidence and at the same time independent enough to have the confidence of the borough presidents and the community boards.

One approach might be to combine the resources of the two agencies under the review of the City Planning Commission while making the commission more independent.

Consider:

- Expand the commission from the current 13 members to 15 members, five appointed by the mayor, one each by the borough presidents, and five by the City Council.
- Commissioners to serve five year staggered terms (three terms to start each year).
- Commissioners to not serve beyond the end of their term, unless reappointed.
- The chair of the commission to be elected by the commissioners, rather than appointed by the mayor.

Should community boards be changed to better represent their communities?

Yes.

The members of a community board should be selected to better reflect the composition of the community. It would also be helpful to have some members of each board qualified in relevant professions, such as city planning, architecture, urban design, historic preservation, and municipal management.

Each community board should also have its own resources – staff and/or consultants – to prepare its part of the comprehensive plan.

Should the City Council require a real comprehensive plan?

Yes.

The recent Charter Revision Commission failed to recommend that the City Charter be amended to create and maintain a living comprehensive plan. The City Council is now proposing legislation to require such a comprehensive plan. Such legislation should provide that:

- The plan should have three tiers: the city-wide parts of the plan to be led by the City administration in consultation with all interested parties, the borough-wide parts of the plan to be led by the borough presidents in coordination with the City administration and the borough's community boards, and the community centric parts of the plan be led by the applicable community board in coordination with the borough-wide and city-wide parts of the plan.
- 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 ULURP and CEQR.

The City should also seek binding agreements with New York State, New Jersey, and the Port Authority that their initiatives will be coordinated with the comprehensive plan.

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