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### NEW YORK

# Charter reform: Improving the land use review process



The N.Y.C. Charter is the legal framework for our city government. This spring, mayor Bloomberg launched a Charter Revision Commission that is reviewing the entire Charter, listening to public input and issuing recommendations to revise the Charter to increase government efficiency and effectiveness. Voters must approve any Charter changes in Nov.

While much of the discussion about the Charter has concerned elections and term limits for elected officials, REBNY has identified a number of Charter amendments that would improve the city's approach to approving development projects and zoning and land use changes. These amendments would affect three key areas: community input, zoning and landmarks preservation.

Most major land use changes go through a review process that includes local community boards. A simple change that would make these boards more diverse and more representative of the full spectrum of neighborhood interests would be

to require that one quarter of community board members represent businesses located in the district.

A second, urgently needed reform is to ensure that so-called "community benefit agreements" aren't part of the government review for land use changes. These agreements fail to achieve adequate community input because there is no way to ensure that those asking for the benefits actually represent the affected community. They aren't transparent and may not even be enforceable. The legally-mandated Uniform Land Use Review Procedure (ULURP) already provides for community input and can better align required developer benefits to impacts actually caused by the proposed project.

N.Y.C. continues to grow and we need to update the zoning to allow more density of housing and commercial space in appropriate locations. One way to do this and to ensure that the locations' infrastructure can accommodate the increase is to put the City Planning Commission in charge of developing the capital budget so that it can better coordinate citywide rezoning with needed capital investments.

Another way to find greater efficiency is to delineate which applications need review by a legislative body (the city council) and which are administrative and can be approved by the City Planning Commission.

Changes to the zoning map and text fall into the legislative category and should go before the city council. However, planning permits for individual sites, whose elements, such as a building setback, must be determined consistent with already approved zoning regulations, are best handled by the planning commission.

Preservation plays an important role in many neighborhoods. However, landmark and historic district designation need to be considered in the larger context of city planning. REBNY recommends that the Charter include designation criteria which balance economic factors, city growth and historic merit. Both the City Planning Commission and the city council should have expanded powers to review historic district designations to see if they are truly in the best interests of the city.

The Charter Revision Commission staff recently issued a report recommending that most changes to the land use process be postponed until next year when another commission could study them in greater detail. This is disappointing since improving land use policy is important to our economic well being and our quality of life. We look forward to continuing the discussion.

**Steven Spinola is the president of the Real Estate Board of New York, N.Y.**