



COMMUNITY DEVELOPMENT PROJECT

Testimony of Adrien A. Weibgen Before the 2018 City Charter Revision Commission: Land Use Panel

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My name is Adrien Weibgen; I am a staff attorney at the Community Development Project (CDP), a non-profit legal services organization that works with grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. My practice, Equitable Neighborhoods, works with directly impacted communities to respond to City planning processes and private developers, helping to make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of “progress.” We work together with our clients to ensure that residents in historically under-resourced areas have stable housing they can afford, jobs to make a good living, and other opportunities that allow people to thrive. I have had the honor of working with some of the smartest community organizers in the City, and I will devote my testimony to highlighting several of their concerns regarding the City’s current land use processes and opportunities for reform within the charter.

Improve Transparency and Increase Community Planning Prior to the Uniform Land Use Review Procedure (ULURP)

I have worked extensively with neighborhood coalitions in East New York, the southwest Bronx, Gowanus, and other areas slated for rezonings by the de Blasio administration. These rezonings are a key part of the City’s plan to build and preserve 300,000 apartments by 2026 – and they are almost universally opposed by my clients. Time and again, organizers and residents in communities targeted for rezonings have urged the City to create more housing that is affordable to current community members, to take seriously the risks of displacement that massive upzonings cause, and to ensure that rezonings bring high-quality job opportunities to longtime residents. Many clients, or their families were displaced from other communities as a result of

urban renewal, highway construction, and gentrification triggered by prior rezonings of neighborhoods such as Williamsburg – earlier harms caused by earlier plans that the City passed over the objections of the low-income communities of color that were most directly impacted by these schemes.

Despite this long negative history that leaves few reasons for optimism, my clients have engaged fully in the City’s recent planning processes and have succeeded in securing significant policy victories prior to, or alongside the rezonings – the historic Right to Counsel for tenants in housing court, the creation of a Certificate of No Harassment pilot program, and recent progress toward legalizing basement apartments in exchange for affordability are just a few of these wins. But every rezoning has brought huge losses, as well – most significantly, the passage of massive residential upzonings that bear little resemblance to what community members have said they want. In each case, organized residents engaged with the City’s charter-mandated land use review process in every way possible, and then some – by participating in City Planning open houses, by reaching out to agencies to request that they address specific concerns, by engaging in grassroots community planning processes, by submitting highly detailed comments on the City’s plans, and by turning out in droves to testify at every single hearing. But no matter how organized and how involved residents were, it was virtually impossible to shift the City’s land use plans. Many residents left these processes feeling even more demoralized than when they began, convinced that the City’s supposedly participatory process is little more than window dressing to waste residents’ time and justify rezoning plans that are already long done before any ULURP process begins.

We can, and must do better. CDP and many of its partners and clients have suggested a variety of strategies to improve the ULURP process in the *Inclusive City* report issued in January 2018, and I urge the Commission to consider these requests carefully. Among other strategies, the City should:

- (1) Create and fund an independent Office of Community Planning to help residents envision their own futures for their neighborhoods;
- (2) Add timelines and disclosure requirements to the pre-ULURP process, including disclosure of all Department of City Planning pre-application meetings with developers

or other agencies, so that community members can know what is planned before it's too late to meaningfully influence what happens; and

- (3) Require that when the City initiates a neighborhood rezoning, it develop and disclose early on the impacts of alternative scenarios that align with the community's goals. Although alternative scenarios are disclosed within the City's environmental review process, there is no requirement that any alternative scenarios comport with suggestions created by the community, and the late stage at which these scenarios are developed generally makes meaningful consideration of different plans impossible. Community members, community board members, and local elected officials should all have the opportunity to fully consider different plans before the ULURP process begins – including plans that more closely align with the local community's goals.

Make Development on NYCHA Land Subject to ULURP

CDP has been working with residents at Wyckoff Gardens, LaGuardia Houses, and Cooper Park Houses – three of the sites where NYCHA and HPD intend to construct half-market rate and half below-market housing under the NextGen Neighborhoods program. The program is an ambitious one; NYCHA and HPD anticipate that the City will eventually seek to build between 30 and 40 of these 50/50 buildings, and an additional 50-60 fully affordable buildings on NYCHA land across the City, generating over 10,000 units of housing on existing NYCHA campuses. Our clients have voiced many concerns with this program, most prominently that it will bring incredible burdens to NYCHA residents with very little benefit to them. Many of the issues are problems with the program's design and beyond the scope of charter reform. But one key concern can and should be addressed in the charter: *all infill developments on NYCHA land should be subject to public review under the ULURP process.*

Today, residents of campuses that require zoning changes to permit construction of new buildings have an opportunity to voice their concerns within the ULURP process, and their local councilmembers can push for modifications or even vote projects down if they decide that the proposals do not meet the community's needs. Imperfect though it is, the ULURP process creates transparency around proposed projects and allows for open discussion of concerns and potential

solutions before projects move forward. But where the current zoning of a NYCHA campus already allows for the construction of an additional building, NYCHA residents and their elected representatives are denied the opportunities for input that the ULURP process affords.

Section 197-c(a) of the Charter currently enumerates 11 specific categories of actions that require ULURP. By adding NYCHA land to this list, the Commission can help to ensure that all NYCHA residents and their elected representatives have a say in the development of public housing authority land.

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