

NEW YORK CITY COUNCIL
SPEAKER ADRIENNE E. ADAMS

Planning and Land Use Guidelines & Application Toolkit

DECEMBER 2022



NEW YORK CITY COUNCIL
PLANNING AND LAND USE DIVISION

SPEAKER
ADRIENNE E. ADAMS

The New York City Council is seeking to elevate the role of planning in the land use process.



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Speaker Adrienne E. Adams

Far too often, New York City's current process of decision-making on land use and development occurs on an ad-hoc basis, lurching from project to project with little grounding in the long-term needs, perspectives, and visions of communities, the City and region. As a result, the full array of cohesive policy tools that can help us achieve our shared goals to address the City's housing crisis and advance inclusive solutions for neighborhoods is underutilized. I am seeking to change this dynamic and elevate the role of planning in the land use process.

For nearly the past year, the Council has approved 40 land use applications that will result in over 12,000 projected new housing units, of which over 63 percent are affordable. In our aggressive pursuit to create more housing, we have encountered challenges with the current land use process and have since identified several planning principles and recommendations to guide community stakeholders, land use applicants, and Council Members to effectively advance inclusive and successful housing development projects.

Our findings are clear: planning must be at the forefront of the land use process. Planning means understanding the conditions and challenges facing our city and its neighborhoods, identifying shared goals and principles, and applying the policies to address and achieve them. Planning means being intentional about our future and making sure that our decisions collectively align with these goals. And last but not least, planning requires meaningful and deep engagement of communities in this work. To reflect these values, the City Council's Land Use Division will now be known as the "Planning and Land Use Division."

This "Planning and Land Use Guidelines and Application Toolkit" seeks to provide guidance to Council Members, city agencies, developers, and local communities for an improved land use process. While not exhaustive, the toolkit lays out comprehensive goals for addressing the citywide planning challenges facing New York, such as the need to increase housing production, affordability, and equity, while also identifying ways in which projects can be shaped to better serve local community needs and priorities.

Not all of the ideas presented here will be appropriate for every neighborhood or potential project. Nor is this a substitute for systemic reforms to New York's planning process that continue to be discussed. Nevertheless, it is my hope that this document can help promote a more hopeful, productive, and equitable dialogue around development and the future of our great city.

As Speaker of the New York City Council, I have been committed to leading us to confront the challenges facing our city with a focus on delivering relief to everyday New Yorkers, especially in communities that have historically experienced underinvestment. We will continue to work with stakeholders across the City to advance equitable and sensible planning that helps address the housing crisis and needs of neighborhoods across our city.

Sincerely,


Speaker Adrienne E. Adams

Citywide Planning Challenges:

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Community
Engagement
and Address
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Challenge #1

Elevate Community Engagement and Address Citywide Needs

Challenge #1

Elevate Community Engagement and Address Citywide Needs

The Challenge:

- ▶ Planning in New York—whether initiated by the City or through private applications—often fails to provide a structure for authentic, inclusive, and sustained local community participation;
- ▶ From the early stages of identifying issues and generating visions, to developing plans and proposals, and monitoring outcomes, our planning and public review processes do not generate sufficient opportunities for the public to give meaningful input to shape plans and the future of our communities. While deeper engagement and participation is paramount, community priorities must be balanced with citywide needs, because planning and land use matters often have both local and citywide implications.



Principles:

- ▶ We must seek to expand participation and input from diverse stakeholders at the neighborhood level—in frequency, depth, and inclusivity—but also recognize that local input must be balanced with consideration of long-term citywide goals and needs that must be fairly addressed by all communities;
- ▶ Local stakeholders should be intentionally diverse and inclusive rather than limited to solely those who are most often empowered in traditional public engagement processes;
- ▶ We must elevate the role of planning for communities and the entire city beyond specific projects and initiatives;
- ▶ Developers and city agencies should engage with local Council Members and stakeholders early in the process of plan development to offer a full opportunity for meaningful input. This engagement should occur well before the start of the public review process and be conducted through both traditional and non-traditional engagement venues and outlets.

Toolkit for Applications:

Pre-Certification

- ▶ **Understand Communities:** Potential applicants should review and understand any existing local community plans or community priorities, such as those expressed in community boards' statements of needs and other neighborhood planning processes;
- ▶ **Exploratory Outreach:** Potential applicants should conduct and document outreach to local stakeholders in advance of certification;
 - Conduct outreach and discuss proposals with local stakeholders and neighbors;
 - Use a broad variety of communication methods for outreach to the community, and translate materials as needed;
 - Meet and substantively engage with local stakeholders early and often;
 - Present preliminary plans to the local Council Member, Community Board, and other stakeholders to allow opportunities for feedback that informs revisions to proposals.

During Public Review

- ▶ **Environmental Review Mitigation & Transparency:** Applicants should begin discussions on environmental review mitigations early and increase transparency about them;
- ▶ **Language Access:** Applicants should ensure language access by providing quality translations of all materials into common languages and hiring interpreters for public hearings and meetings;
- ▶ **Continuous Outreach:** Community engagement should continue throughout the ULURP process in a meaningful and robust manner.

Post-Approval

- ▶ **Follow-Up & Accountability:** There must be established protocols for follow-up and accountability related to any commitments made during ULURP.

Proactive Planning

Council Members are encouraged to work with the various communities and stakeholders throughout their districts on planning initiatives. These plans can take many different forms, from locally-tailored Planning & Land Use Principles similar to this document, to specific recommendations for zoning changes, public site development, and affordable housing production, among other goals.

Challenge #2

Advance Fair Housing and Increase Affordability

Challenge #2

Advance Fair Housing and Increase Affordability

The Challenge:

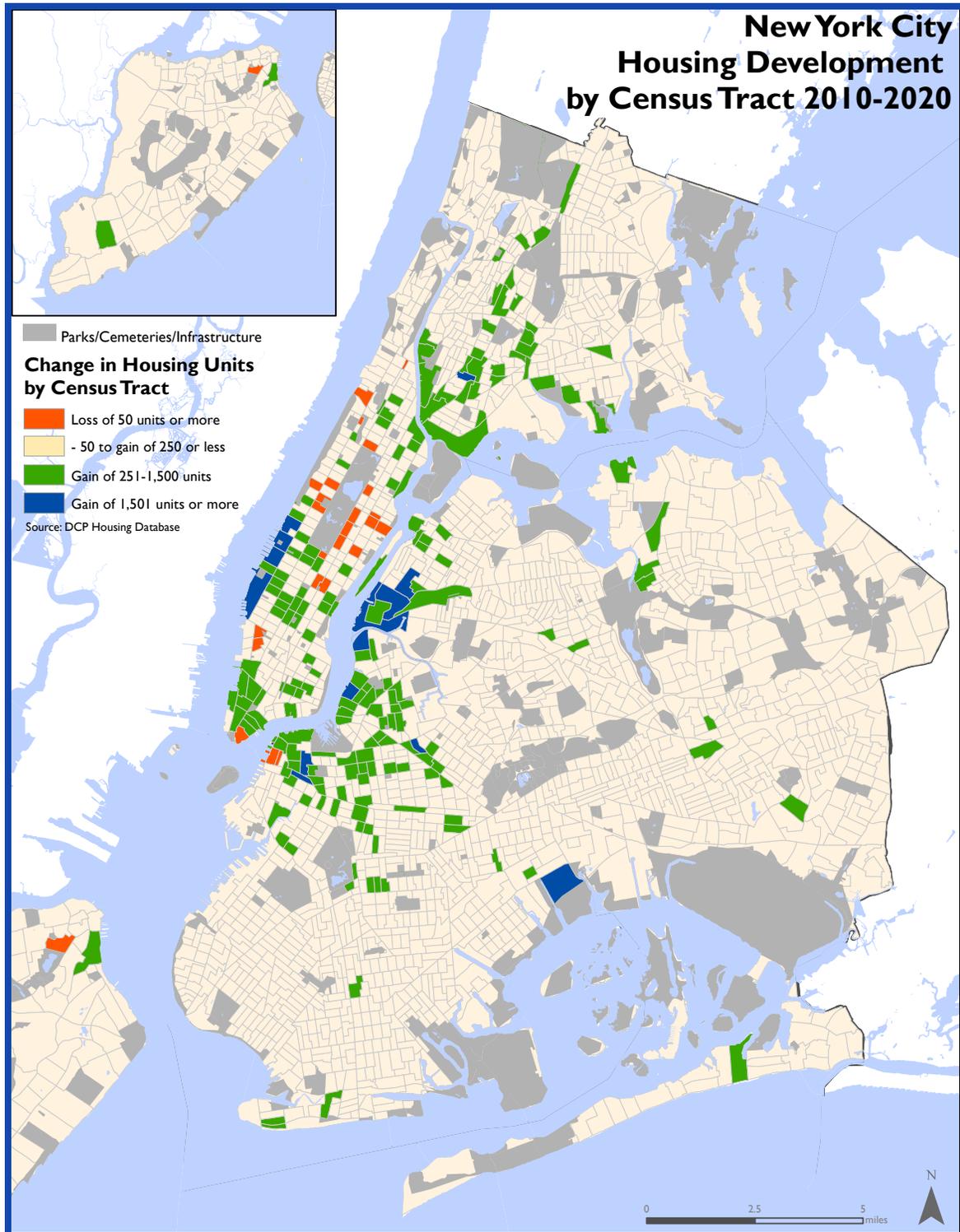
- ▶ Citywide housing production is not keeping pace with the demand for housing;
 - Only about 200,000 new housing units were built from 2010-2020, while the City gained nearly 630,000 new residents and nearly 1 million jobs;¹
- ▶ Many neighborhoods with good access to jobs, services, schools, and public transportation ("high opportunity neighborhoods") have seen little affordable housing development due to restrictive or outdated zoning and high land values;
- ▶ Housing Crunch = Housing Crisis
 - Median rent is higher than ever and now greater than \$3,000 a month in many neighborhoods, making the City increasingly unaffordable to working and middle class New Yorkers;²
 - Over half of the City's renters are now rent-burdened—paying more than a third of their income towards rent;
 - From 2008-2021, NYC lost 500,000 low-rent (under \$1,500/month) apartments;³
 - The affordability crisis falls hardest on Black and Latino households.

Principles:

- ▶ Every district must participate in solving our city's housing crisis with affordable housing development;
- ▶ Housing development should be fairly distributed throughout New York City, and we must especially build more in "high opportunity neighborhoods";
- ▶ Housing development must balance local and citywide affordability and unit size needs;
- ▶ Affordability should be maximized, but not all developments can feasibly be designated as 100% affordable (below market rate). New market-rate housing can contribute to helping address our housing shortage and affordability crisis;
- ▶ Preservation of existing affordable housing, including NYCHA, must be prioritized, and preservation programs must have sufficient capital and staff resources to be effective;
- ▶ Preservation outreach and resources are especially important within neighborhoods facing the highest risks of displacement.

▼ New York City is neither building enough new market-rate housing to keep up with demand, nor building enough deeply affordable housing for those who need it the most.

▼ Many neighborhoods with strong access to opportunity and infrastructure have built little housing as new development has concentrated in only a handful of areas.



Toolkit for Applications:

- ▶ **Racial Equity Reports:** Use Racial Equity Reports to inform how a project’s proposed housing relates to local and citywide needs;
- ▶ **Prioritize Development in High Opportunity Neighborhoods:** The City must prioritize new housing development in “high opportunity neighborhoods,” especially for affordable housing, and many of which have experienced relatively little development in recent decades;
- ▶ **Expand Affordability:** Projects can explore increased affordability beyond Mandatory Inclusionary Housing (MIH) by encouraging HPD involvement through term sheet (100% affordable), tax abatement, or vouchers (feasibility varies widely depending on factors such as size, land cost, etc.);
- ▶ **Reduce Parking to Increase Affordability:** In areas with access to transit, applicants should consider reducing the on-site provision of parking as a lever to potentially increase affordability;
- ▶ **Local Affordable Housing Lottery Partner:** Consider designating a local community-based organization as affordable housing administering agent for lottery outreach, readiness, and administration;
- ▶ **Anti-Displacement Support:** In neighborhoods with high-risk of displacement, consider targeted resources for tenant organizing and anti-displacement efforts.

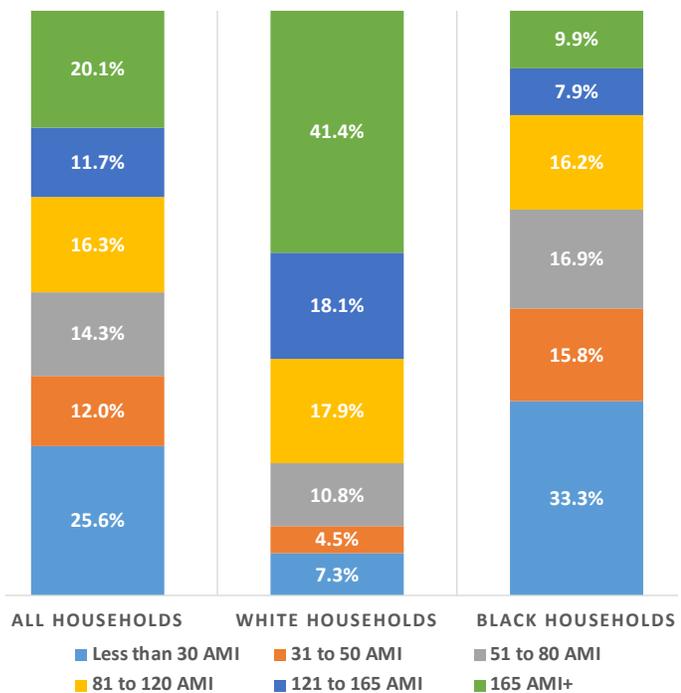
Proactive Planning

Council Members are encouraged to work with the Planning and Land Use Division to identify and support opportunities for the development of 100% affordable/supportive/senior housing on city-owned land or on land owned by non-profits or other institutions.

Council Members can coordinate with HPD and local nonprofit housing advocates on outreach to property owners who may be interested in entering into or renewing affordable housing preservation programs.

Household incomes by race in Brooklyn CB 8

(AMI = Area Median Income)



▲ **Racial Equity Reports can help reveal severe disparities and answer the common question “Affordable to Who?”**

Challenge #3

Support Equitable Economic Development

Challenge #3

Support Equitable Economic Development

The Challenge:

- ▶ New York remains a city with deep, persistent economic inequality that is especially severe along racial and ethnic lines—as reflected in disparities in household income, educational attainment, and employment;
- ▶ New York City's economic recovery from COVID-19 remains ongoing, with employment in service sectors like hospitality and retail lagging, and unemployment significantly higher than the nationwide average;
- ▶ The industrial sector employs a workforce of nearly half a million New Yorkers, 80% of whom are people of color. It offers pathways to middle class wages and career advancement, and is essential for our city's infrastructure and supply chains. But in a



city with limited land, industrial uses can often be pushed aside by other priorities;⁴

- ▶ Federal funding, available through the recent Infrastructure, Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA), could provide notable industrial job and project opportunities that the City may miss without adequate planning.

Principles:

- ▶ Development should be inclusive and expand opportunities for all by increasing economic opportunity and access to good-paying jobs as an additional path to increasing housing affordability;
 - Planning policy should support sectors like industrial and construction that offer living wage jobs for a workforce that is largely comprised of people of color and recent immigrants, while also seeking to increase equity and opportunity across the economy through workforce development programs and access to entrepreneurship;
- ▶ Construction and building maintenance jobs should offer living wages, benefits, and opportunities for local community members to participate and learn trades to develop careers;
- ▶ Development should seek to provide expanded amenities and employment opportunities in areas with relatively high rates of poverty.

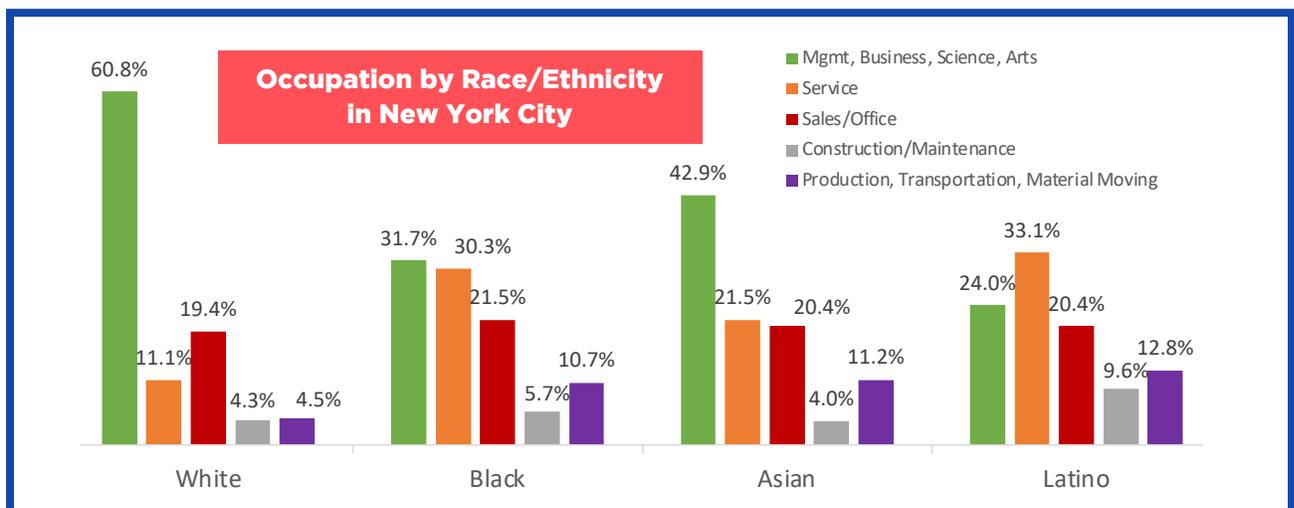
Toolkit for Applications:

- ▶ **Local Jobs:** Use Racial Equity Reports to inform how a project's proposed jobs relate to the local workforce and develop robust local hiring plans for construction and building operation/maintenance jobs;
- ▶ **Living Wage Jobs:** Projects should provide good jobs with living wages and benefits in construction, building operations, and maintenance;
- ▶ **Commercial Tenant Relocation:** New developments should provide relocation assistance for displaced commercial tenants to mitigate negative economic impacts on small businesses;
- ▶ **Reserve Commercial Space for Local Businesses:** Commercial spaces within a new development can and should accommodate local small businesses. Applicants should work with community stakeholders and elected officials to identify potential community-based small business tenants;
- ▶ **Close Neighborhood Retail Gaps:** Work with local stakeholders to identify "retail gaps" in the area, such as supermarkets, pharmacies, or bank branches, and seek to meet the retail or commercial space needs of the neighborhood;

- ▶ **Preserve Industrial Business Zones (IBZs):** The City should maintain the principle of avoiding rezoning to residential in Industrial Business Zones (IBZs), which are essential to preserve for economic development and infrastructure. Any proposals to add commercial (office/retail) density to IBZs should include an industrial economic development component;
- ▶ **Workforce Development:** If development proposals involve commercial space, measures to ensure a diverse and inclusive workforce, such as funding for workforce development programming, should be explored and considered;
- ▶ **M/WBE Commitments:** Proposals should include M/WBE participation commitments in construction, architecture, and engineering and other predevelopment activities.

Proactive Planning

Council Members are encouraged to work with the Planning and Land Use Division to understand local workforce and business strengths and weaknesses and identify potential opportunities to support economic development in the district.



Challenge #4

Adapt to Climate Change and Transition to Green Energy

Challenge #4

Adapt to Climate Change and Transition to Green Energy

The Challenge:

- ▶ Climbing temperatures, sea level rise, and storms of growing frequency and severity pose serious risks to the health and safety of New Yorkers;
- ▶ Buildings generate 70 percent of New York City's greenhouse gas emissions. Transportation—mainly passenger cars and trucks—is responsible for another 25 percent;⁵
- ▶ New York's supply chain and infrastructure remain overly dependent on fossil fuels, aging highways, and truck traffic, exacerbating air pollution, emissions, and congestion. These burdens are unfairly concentrated in certain neighborhoods, raising major environmental justice issues.

Principles:

- ▶ New developments should maximize green infrastructure on and off site that:
 - Reduces the urban heat island effect, the buildup of excessive heat caused by lack of shade and trees and overabundance of asphalt and concrete;
 - Prevents environmental and infrastructural harm due to coastal/tidal flooding and storm surges;
 - Absorbs and detains stormwater to reduce local flooding and mitigate sewer overflow;
- ▶ New residential density should be prioritized in public transit-accessible areas to encourage its use and reduce traffic congestion;
- ▶ New developments should promote sustainable transportation by:
 - Increasing pedestrian and bicycle safety;
 - Minimizing new parking infrastructure in neighborhoods with access to transit, prioritizing electric vehicle charging and car-share systems, and including bicycle parking;
 - Facilitating efficient loading and delivery;
- ▶ New developments should meet or exceed new building energy requirements established by Local Law 97 and seek to eliminate any use of fossil fuels;
- ▶ As New York City grows and extreme weather demands additional power, we must reduce fossil fuel energy dependency, transition to renewable sources, and build a sustainable energy grid;
- ▶ The City must incentivize and increase local energy storage from clean power sources, phasing out expensive and polluting gas-fired "peaker" plants;
- ▶ Our core industrial areas, with large sites and access to maritime and rail freight infrastructure, should be preserved for industrial and infrastructure uses that can help facilitate transition to sustainable green energy and a greener, more efficient supply chain.

Toolkit for Applications:

- ▶ **Building Energy Standards:** Advocate for new development to include plans to meet or exceed NYC building energy standards;
- ▶ **Minimize Storm Water Runoff:** Advocate for new development to comply with the 2021 Unified Storm Water Rule (USWR) to minimize the storm water runoff that contributes to overloading our combined sewer system and discharging pollution into our waterways during heavy rain events.
 - The 2021 USWR applies strict standards to lots that are at least 20,000 square feet. Smaller sites can and should be encouraged to voluntarily agree to meet these higher standards for stormwater retention and detention.
- ▶ **On-Site & Public Right-of-Way Green Infrastructure:** Advocate for new development to outline efforts to include green infrastructure and stormwater management features on-site or in the public right-of-way, especially prioritized for buildings in flood zones and low-lying areas prone to flooding;
 - Large buildings can incorporate on-site wastewater treatment;
 - Site plans should maximize permeable surface area to mitigate and control stormwater runoff and produce a natural filtration process that most effectively eliminates water contaminants and pollutants;
 - Rain gardens and enhanced tree pits should be utilized in the public right-of-way (as well as on-site), in coordination with the Department of Transportation (DOT), Department of Environmental Protection (DEP), and/or Department of Parks and Recreation (DPR).
- ▶ **Resiliency & Ecological Restoration:** Advocate for new development to include natural features to increase resilience and restore ecological function:
 - Green roofs with native plant species are one important option to provide habitat for wildlife in tandem with energy and water benefits;
- ▶ **Environmental Shoreline Design:** Shoreline design should address storm surge and flooding, ecological restoration, and water access:
 - Shorelines can be resilient and allow water access if designed to sustain frequent and extreme flooding;
 - Where possible, tidal/salt-marsh plantings to provide marine habitat (with adequate planning for maintenance by experienced professionals) should be incorporated;
 - Allow opportunities for public interaction with water and tidal ecosystems by designing waterfront open space that integrates public accessibility with tidal ecosystems;
- ▶ **Environment-Friendly Transportation Options:** Encourage applicants to consider including facilities for electric vehicle charging, car share programs, and secure bike parking on- and off-site;
- ▶ **High-Density Development near Public Transit:** The City should prioritize consideration and support for higher density development with reduced or eliminated parking in areas with strong access to public transportation.

Proactive Planning

Council Members are encouraged to work with the Planning and Land Use Division to identify potential opportunities for larger scale sustainability and resiliency projects in their districts.

Challenge #5

Improve Open Space and Streets for All New Yorkers

Challenge #5

Improve Open Space and Streets for All New Yorkers

The Challenge:

- ▶ Low-income communities and communities of color disproportionately lack access to open space, green space, and safe streets;⁶
- ▶ As New York City welcomes new residents and businesses in the form of new residential development and increased or expanded businesses, there is a greater need for high quality open spaces;
- ▶ Outdated zoning in many areas lacks requirements for active ground floors, wider sidewalks, and other urban design best practices;
- ▶ “Vision Zero” to eliminate traffic deaths remains a lofty goal in name only as hundreds of New Yorkers continue to die annually from traffic crashes, with thousands being injured.⁷

Principles:

- ▶ New Yorkers of all ages, races, genders, and abilities deserve equal access to high-quality open spaces for active and passive use. Special attention should be paid to neighborhoods with a relative shortage of open space per resident;
- ▶ Development should expand and enhance open space and the public realm wherever feasible through high-quality, publicly accessible open spaces on-site, capital improvements in neighborhood parks,

public plazas, and pocket parks (small green areas accessible to the general public);

- ▶ Development should maximize trees, plantings, permeable surfaces, and green infrastructure solutions in order to improve air quality, reduce heat, prevent waterway pollution, and increase quality of life;
- ▶ Development should incorporate access improvements to adjacent or nearby transit stations where appropriate and feasible, and utilize the “Zoning for Accessibility” tools passed by the Council in 2021, where applicable;
- ▶ The City must plan holistically for open space, streets, and the public realm—encouraging greater coordination between DOT, DCP, DPR, DSNY, DOB, and other city agencies—on a neighborhood-wide level;
- ▶ High-density residential development should include active ground floor uses, such as retail or community facilities open to the public;
- ▶ To improve conditions for communities and pedestrians, new development should seek to containerize waste and utilize on-site storage between pick-ups, minimize curb cuts and locate them on lower-traffic streets, and work with DOT to designate loading zones for deliveries that will not routinely interfere with street safety.



Toolkit for Applications:

▶ Green & Inclusive Open Spaces:

Privately-owned public open space and the design of sidewalks surrounding a building should be inclusive, useful, and green.

- Maximize green infrastructure on-site and have clear rationale for any proposed reduction of tree or planting design requirements;
- Encourage planting of native species with ecological benefits whenever possible;
- Waterfront public access connections should prioritize pedestrians and inclusivity and not be designed as driveways for private development;
- Consider opportunities to incorporate public art and/or historic interpretation features into open space design.

▶ Prioritize Pedestrians & Bicyclists:

Pedestrian and bicycle safety and convenience should be considered and promoted in applications.

- The quality of access to new open space from the street and adjacent sites should be a major consideration in applications;
- Curb cuts should be minimized and located on low-traffic side streets, where possible;
- Identify and include safety treatments at crossings and intersections in collaboration with DOT, including bulb

outs that extend the sidewalk to provide additional pedestrian space;

- ▶ **Active Ground Floors:** Active ground floor uses and quality pedestrian environments should be encouraged including increasing transparency of ground floors.

- ▶ **Encourage Use of Transit Improvement Bonus:** The bonus that allows for increased density on eligible sites where accessibility improvements for nearby public transit stations are provided by a developer should be used more widely;

- ▶ **Community Input for Park Improvements:** Community input should be incorporated in the design process for neighborhood park improvements required as a result of environmental review.

Proactive Planning

Council Members are encouraged to work with the Planning and Land Use Division to identify opportunities for neighborhood-scale public realm improvement plans, street redesigns, park improvements, and/or creating new open space from streets (OpenStreets / Plaza program) and underutilized public spaces (i.e. under elevated tracks).

Challenge #6

**Ensure
Equitable
Access
to Healthcare,
Education,
and Essential
Services**

Challenge #6

Ensure Equitable Access to Healthcare, Education, and Essential Services

The Challenge:

- ▶ The COVID-19 pandemic revealed the importance of access to primary care and hospital capacity, and how inequities in this access and economic opportunity create vastly different health outcomes across New York City communities;
- ▶ Increased population demands an increase in city services and upgrades to infrastructure. Investments in city services and infrastructure have not always been equitable and some neighborhoods have suffered from lack of maintenance, outdated infrastructure and facilities, under-resourced schools, and a lack of emergency and other services.

Principles:

- ▶ We must proactively plan to increase access to healthcare and essential services across our neighborhoods, particularly in neighborhoods that have suffered from historic neglect or have high populations of residents with greater support needs, including seniors and those living in poverty;
- ▶ We must improve the City's ability to ensure that essential services, like healthcare and education, receive adequate investments. New development should be paired with swift and effective commitments to provide resources and support that avoids worsening inequities in communities;
- ▶ The City should seek to incorporate essential community services, such as primary care or childcare facilities, within new developments based on local needs.

Toolkit for Applications:

- ▶ **Identify Essential Service Gaps:** Work with local community stakeholders, city agencies, and others to understand the gaps in essential services within the area.
- ▶ **Expand Health Care Access:** In neighborhoods with outstanding health care access needs, focus on opportunities to site health care facilities within new development;
- ▶ **Increase Essential Services:** In neighborhoods with needs for other essential services such as childcare, senior centers, or schools, prioritize opportunities to incorporate new services within new development;
- ▶ **Closing Food Access Gaps:** Encourage new development to utilize the Food Retail Expansion Program to Support Health (FRESH) that provides incentives for the establishment and retention of grocery stores in underserved communities to site supermarkets in areas with low access to fresh food as part of development.

Proactive Planning

Council Members are encouraged to work with the Planning and Land Use Division to identify potential gaps and to plan for opportunities to bring needed services to their districts.

End Notes

¹ Department of City Planning. Net Change in Housing Units 2010-2020. December 2021. Available at <https://www.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/info-brief-net-change-housing-units-2010-2020.pdf> ; US Census Bureau, Census 2020 ; New York State Department of Labor. Current Employment Statistics 2010-2020. Available at <https://dol.ny.gov/current-employment-statistics-0>

² StreetEasy Data Dashboard, available at <https://streeteasy.com/blog/data-dashboard/>

³ U.S. Census Bureau and New York City Department of Housing Preservation and Development. New York City Housing and Vacancy Survey 2021. Available at <https://www.census.gov/programs-surveys/nychvs.html>.

⁴ New York State Department of Labor. Current Employment Statistics 2010-2020. Available at <https://dol.ny.gov/current-employment-statistics-0> ; U.S. Census Bureau, American Community Survey 2016-2020.

⁵ New York City Mayor's Office of Sustainability. Inventory of New York City Greenhouse Gas Emissions. Available at <https://nyc-ghg-inventory.cusp.nyu.edu/>

⁶ Troy Closson. The Disparities in Access to New York's Parks. The New York Times, May 27, 2021. Available at <https://www.nytimes.com/2021/05/27/nyregion/parks-access-nyc.html>

⁷ New York City Department of Transportation. Vision Zero Open Data. Available at <https://www.nyc.gov/content/visionzero/pages/open-data>

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