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Testimony of the Manhattan Borough President for the Charter Revision Commission

Good Evening. Thank you to Gail Benjamin and to each Commissioner for taking on this enormous role – and welcome to Manhattan! I am delighted that the legislation I sponsored with the Speaker and Public Advocate calling for a Charter Revision Commission has resulted in this illustrious group coming together.

There is much to talk about; with my time today I will present an overview of those items I would like this Commission to consider. My full testimony will cover these items more thoroughly and it will be available next week. (I hope you will post all submitted testimony on your website so the public can access it.)

Real estate plays the most critical role in the physical shape of our city, so let me start with my suggestions for changing land use procedures, some of which were derived from the excellent work done by the Inclusive City Working Group.

Pre-planning must be built into ULURP. Input from community boards and elected officials must be considered before a project is certified. With pre-planning we can do more than merely react—we can shape a project.

Similarly, Borough Presidents should be allowed to submit amended applications with their ULURP recommendations when a city agency or local development corporation is the applicant or co-applicant, which would put important potential zoning changes in scope for the City Council. During the Inwood rezoning, everyone but DCP wanted storefront size limits. If I could have submitted an alternative application during ULURP these storefront size limits could have been adopted by the City Council.

There needs to be a citywide comprehensive plan every ten years. This planning process could distribute new development equitably across the city, rather than concentrate rezonings in communities of color.

Additionally, the Zoning Resolution itself should be reviewed every 10 years and this should include Use Group reform, as some uses and use restrictions are outdated and others need to be added.

For changes to special permits, such as the Two Bridges project, there must be a new ULURP for modifications that differ from what was presented during the initial ULURP. Also, the City Council must be solely authorized to determine whether a modification to a proposal is within the scope of the original application and the environmental review.

Lately we have seen a proliferation of super-tall buildings. Without getting into my own feelings about these, I recommend that at a minimum we make requests for zoning lot mergers, easement agreements, and development rights publically accessible through an online map portal.

I would also like to address the role of the Landmarks Preservation Commission. I appreciate the presence of architects and planners, but there must also be at least two trained preservationists on the commission. Commissioners should also receive a stipend (as do City Planning Commissioners).

Next I will turn to budgeting as another key part of governance.

In the last major charter revision, the New York City Council was given a robust role in setting spending priorities. But the Council does not currently have access to the “units of appropriation” that would enable it to make more informed decisions. By providing details of what the Council is being asked to approve—including a reconciliation of year-over-year changes—and by prohibiting an agency from categorizing all of its spending in one unit of appropriation, the Council could actually play a role in the most basic form of governance – determining exactly how and when the taxpayers’ money should be spent.

Similarly, requiring service-level information and performance measures for each unit of appropriation in the budget would add to transparency and, therefore, to more-informed decision making.

Lastly, with regard to budget matters, the Charter should require that the Mayor provide final revenue estimates earlier than is currently mandated. Then the

Charter would further empower the city's legislative body to make better informed decisions regarding the budget.

Our ability to govern is also determined by the independence of our oversight bodies. The Office of the Corporation Counsel provides legal guidance not only to the Mayor but to city government as a whole, including other elected officials and agency heads. The position of Corporation Counsel should not continue to be solely a Mayoral appointment. I recommend that the appointment of the Corporation Counsel require the advice and consent of the City Council. Similarly, the Mayor currently appoints all five members of the Conflicts of Interest Board and designates the Chair. As one of our most sensitive offices, we must never allow even a perception that the Board is unduly influenced by any sitting Mayor. Therefore, I recommend that the City Council appoint at least two members of the Conflicts of Interest Board.

The Civilian Complaint Review Board (CCRB) needs some changes in order to fulfill its role in ensuring the public has effective recourse when there are complaints about police conduct. The current Memoranda of Understanding (MOUs) that provide for the Administrative Prosecution Unit and that set forth the New York Police Department's (NYPD) duty to cooperate with the Board, need to be codified and made permanent.

Most importantly, the CCRB's budget should be 1% of the NYPD budget. By tying the two budgets, we ensure that as NYPD's resources grow or change, the CCRB is able to do the work needed to investigate and pursue new issues that arise.

I am a strong believer in our most local form of government: Community Boards. I have worked hard to make these bodies the best that they can be. My office has developed online applications and thorough and impartial interviewing practices. My advocacy has enabled the appointment of 16 and 17 year olds on the boards. We match appointments to the demographics of the neighborhood, and in my five years as Borough President we have had a 60% change in membership through robust outreach, natural turnover, and attention to attendance. And my office has instituted in-service training for board members on everything from land use to data science to parliamentary procedure.

Community Boards are our first line of OFFense in promoting neighborhood planning and our first line of DEfense in protecting neighborhoods from developers who seek only maximum profit from their work in our communities. Longtime members build up the knowledge and expertise that enable boards to negotiate effectively with very seasoned developers and lobbyists.

(This is why I oppose term limits for CB members and, should that measure pass on the ballot this fall, I urge this Commission to reverse this policy—which will only benefit developers, and not local communities or the city as a whole.)

Finally, in the 1989 Charter Revision, when the Board of Estimate was abolished, a funding formula for Borough Presidents to disburse capital funding to the community was established based on the land area and population of each borough. It's an important role, and my office has funded park renovations, street improvements, and other infrastructure projects. But according to a recent NYU study, Manhattan's population doubles each day as an additional 2 million commuters from the entire tri-state area flock to Manhattan and wear out its infrastructure. This dramatic daily population spike is not reflected in the funding formula for Borough Presidents, and it should be. We bear what is now a hidden cost to mitigate the impact on city infrastructure and provide amenities (from parks and pedestrian plazas to street safety improvements) that benefit millions of daily commuters and 60 million tourists per year.

Thank you for the opportunity to testify tonight. Again, I will submit my written, much longer testimony shortly.