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Virtual city planning has muted community voices on zoning issues

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Public input is responsible for keeping the city a desirable place to live and work, but the mayor's new rules have prevented many residents from expressing their concerns about zoning issues that [affect the livability of the city](#).

By holding virtual meetings to approve zoning issues in defiance of the laws surrounding the [Uniform Land Use Review Process](#) , [Mayor Bill de Blasio](#) is changing the face of the city without hearing from the residents this action affects most.

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Residents have a different stake than developers and politicians when it comes to [city planning](#). They know firsthand how overcrowded local schools are. They know the strain on public transit and what a new warehouse, power plant or processing facility would do to their neighborhood.

Community members should have an opportunity to respond to projects that would fundamentally change their day-to-day lives, but the mayor is cutting many out of the process by allowing the City Planning Committee to meet and vote online.

An example of this is at the core of an Article 78 lawsuit brought against the mayor and several agencies by Neighbors United Below Canal, a community advocacy group I co-founded more than two years ago. A ULURP-mandated “scoping” hearing for the site of a jail in Chinatown was replaced by small closed-door, invite-only meetings, which have now been made even more exclusive by becoming virtual. What was mandated by law to be public and accessible to all has, like several other city-run outreach schemes, morphed

into a digital-access-only meeting of city reps and vetted participants.

About 18% of New Yorkers have no internet access at all, while nearly 40%—or 3.4 million people—lack either home or mobile connections, according to city data. De Blasio has promised since 2014 to close this gap, but so far those laudable efforts have come up short.

Now, as the pandemic continues to ravage the same communities that also lack internet access, poorer residents, students and communities of color have found themselves squeezed out of the digital “democracy” and unable to participate in the zoning process.

The process is also likely illegal. New York’s Open Meetings Law says residents must be “fully aware of and able to observe the performance of public officials” during policy-setting sessions. When one-fifth of the city lacks the ability to watch or join a meeting, it’s simply not an open meeting.

Proponents of advancing civic technology should consider how many end-users, who may need training and new equipment to access online applications, could feel left out and unable to participate.

The mayor allowed the move to online through an executive order made during the pandemic. And, of course, times like these require adjustments; I get that. Essential city services must move forward, and the government ought to take

steps to protect the people. Using the pandemic as a cover to force residents out of the zoning process, however, is a step too far—even for this mayor.

ULURP was put in place in 1975 to keep special interests and power from dictating the city's growth over the objections of residents. Since its inception, New Yorkers have relied on ULURP to protect their communities from projects that would diminish their standard of living or unnecessarily drain limited resources. For example, the number of hospital beds, school seats, social services available and so forth.

“Virtual ULURP is illegal, pure and simple” said Penn Rhodeen, an attorney who is representing a group suing the city over the Gowanus project. “ULURP was already tilted against the community prior to the pandemic. Now, the city tries to create a false sense of urgency for this rezoning in a shameful attempt to justify an even more watered-down approach to the public review that is guaranteed by the city's charter.”

New technologies hold great power to improve government, but they should be used to broaden access to public discourse, not limit it. Digital democracy cannot be our goal until all citizens have stable, reliable access to the internet.

The founder of the SoHo Alliance, Sean Sweeney, has this to say about the differences between in-person and online meetings “Public meetings are held in

public, not in 'the cloud.' For the city to argue otherwise is absurd. In public meetings, we can see who is present, we can carry placards, we can react and not be muted, we can feel the energy. . . . If Zoom was around in 1776, we'd still be bowing to the queen of England. Bureaucrats are not technocrats. Too often, technical problems arise, glitches, that prevent communication and input."

When ULURP is threatened, community voices are silenced and corruption creeps into the process. Instead, the City Planning Commission should delay all decisions until life has returned to normal and neighborhood residents who lack internet access can participate.

Jan Lee is a co-founder of Neighbors United Below Canal, an activist group that has successfully sued the city for violating the ULURP process in its effort to create four borough-based jails.

Inline Play

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