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Testimony on the Key Terms Clarification Text Amendment The Zoning Committee of CHPC December 15 2010

At the beginning of this year, the Department of City Planning asked the CHPC Zoning Committee, along with several other industry groups, to act as advisors for the extensive and complicated process of clarifying key terms throughout the entire Zoning Resolution. Our task was to go through each amended chapter and highlight any errors, oversights, lack of clarity in the language, or to bring up any unintended consequences that we believe could occur from the changes.

We would like to use this opportunity to applaud the skill and professionalism of all of the Department of City Planning staff who were involved in this complex task. The timeframe for this process was very tight and the scope was extensive but DCP's team, led by Tom Wargo and Chris Holme, were extraordinary project managers and they handled the process with maximum efficiency.

We offer our full support for this text amendment. The initial objective for this project was to clearly distinguish between the definition of 'building' and 'development' and we believe that this was achieved. We were privy to the analysis and the debate around the applicability of every reference to 'development', and 'building' - and other terms - throughout the Resolution and we believe that the final changes reflect careful consideration and zoning policy expertise. The revised definitions of these terms will be beneficial for the housing industry, and for the government agencies responsible for interpreting and utilizing the code.

DCP also clarified the definition of 'building' so that it would apply to one separate building in a row of buildings. This was the thorniest challenge in the process and faced long and thorough deliberation back and forth between the DCP staff and the industry groups. We believe that the final definition of 'building' does satisfy the objectives of DCP and was vastly improved by this process.

Moving forward, although the CHPC Zoning Committee and our colleagues from other organizations assessed and analyzed the text amendment for its practical implications, the changes were so extensive, and the text is often so complex, that there will undoubtedly be

some unintended consequences of the changes. We recommend that the Department of City Planning create a system for collecting comments from practitioners, as well as from the DOB and HPD, so that any necessary corrections can target the most important oversights and be readily shared.

We also urge DCP to establish a method of assessing the success of this text amendment. To undergo a process of this scale has taken a large amount of DCP resources and the efforts of all groups involved, so there should be a system to evaluate the achievement of this work. CHPC's Zoning Committee would be happy to help DCP staff in developing the metrics for this. We understand that the stated objectives were complicated and varied but we do believe that a suitable evaluation framework for this purpose could be put together. For example, one objective of this process was to clarify key terms to make it easier for the DOB to interpret zoning text so the development process will be simplified and application objections would be reduced. The success of this objective could be assessed by asking clients to complete a short survey after going through the DOB application process for permits.

Finally, we were delighted that DCP staff utilized the expertise of our members in order to debate the practical implications of these considerable changes. We very much hope that this collaborative process can be regularized, so that our industry members can work with DCP before text changes are drafted and the ULURP process has begun. Whenever it is required, the CHPC Zoning Committee will always offer the practical perspective of our members to aid the Department's work.

And, although this process was born from litigation, we hope that this could mark the beginning of regular 'clarification' amendments for the Zoning Resolution with the objective of making the text more straight-forward and up-to-date, and also making the Zoning Resolution easier for the public to understand and for practitioners and the Department of Buildings to decipher.