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Over the last year, city government and public agencies launched an unprecedented number of bold plans that could transform the face of New York City for decades to come. In the midst of the excitement and fascination with these plans in the local press, there is little recognition that most of these developments could bypass the process that was set up for public debate, discussion and decision making. Despite a more open environment at City Hall ushered in by the Bloomberg administration, some of the most important decisions about the future of the city are being made behind closed doors.

THE NEW PLANS

Mayor Michael Bloomberg has a new plan for lower Manhattan. Also planned downtown is the winning design by architect Daniel Libeskind for the World Trade Center site. There is the ambitious plan for the 2012 Olympics, which includes a new stadium on Manhattan's west side, an expanded Jacob Javits Convention Center, a 4,400-unit apartment complex in Hunters Point, Queens, and dozens of other projects in the five boroughs. The Olympics plan overlaps with the recently-announced plan for Midtown West, which would allow up to 40 million square feet of new office and residential space over the next 30 years and extend the #7 subway line from 42nd Street. All together these projects could cost upwards of \$10 billion in public money.

THE PUBLIC APPROVAL PROCESS

The city has two procedures for approving major plans that are set out in the city charter. One is the Uniform Land Use Review Procedure (ULURP). This process involves public hearings and votes by community boards (there are 59 in the city), borough presidents, the City Planning Commission and the City Council. The mayor plays a powerful role because he appoints the majority of the members of the City Planning Commission and has veto power over City Council actions.

The second procedure, also established in the city charter, is for approving plans. It calls for a review process similar to ULURP, and follows planning guidelines set by the Department of City

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by {ga=tangotti}

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Planning. Since authority for these plans is to be found in Section 197-a of the city charter, they are often called "197-a plans." All official city plans, whether initiated by city planning or community boards, are 197-a plans.

ULURP was set up in the mid-1970s to give neighborhoods a voice in decision making. Before that, the city's neighborhoods had no way of systematically taking part in decisions that would affect their futures. In the 1960s, many neighborhoods rebelled against official top-down urban renewal plans that wiped out whole blocks and displaced thousands of people. They successfully fought giant projects like the Lower Manhattan Expressway through grassroots organizing and protest. And disenfranchised African American neighborhoods rose up to demand community control of neighborhood schools. Under ULURP, neighborhoods now get to review and vote on most major land use changes, including urban renewal plans, zoning changes, and the acquisition and sale of city-owned land.

Responding to neighborhood demands for a greater role in planning, the charter was revised in 1989 to give explicit authority to community boards to introduce their own plans. Community boards were also promised professional planning assistance, a charter principle that has yet to be put into practice.

EVADING THE PUBLIC PROCESS

Officials have a treasure chest full of legal devices for evading ULURP and the 197-a planning process should they choose to do so. One of these devices is the independent authority set up under state law. Authorities like the Empire State Development Corporation, and the Metropolitan Transportation Authority, for example, can override ULURP and local plans, and thereby ignore local zoning and development rules. The bi-state Port Authority of New York & New Jersey, which owns the World Trade Center site, has similar powers.

The Lower Manhattan Development Corporation (LMDC) is a subsidiary of the state's Empire State Development Corporation, and effectively operates outside local planning procedures. In the Midtown West and Olympics 2012 proposals, many of the major projects, including the stadium and transit expansion, could be accomplished through independent authorities. State government and the authorities, quite understandably, have never made a commitment to use ULURP or 197-a as instruments to gain local approval of their plans.

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But neither has City Hall protested very much or demanded that planning follow the procedures set out in the city charter. Instead, the mayor's office seems to be satisfied by issuing its own plans and negotiating with the authorities behind closed doors. While the mayor has stated his desire to gain more local input in the planning of lower Manhattan, now controlled by the state-dominated Lower Manhattan Development Corporation, the new input would apparently be tightly controlled by the mayor. Thus, instead of launching a 197-a plan for lower Manhattan that would have to involve broad participation, the mayor chose to cook up his own plan.

As Jennifer Steinhauer noted recently in *The New York Times*, Mayor Bloomberg's background as a successful corporate chief executive officer has led to a style in City Hall favoring "private talks and public silence." Even when the proposals may have laudable qualities, and some of them certainly do, many people wonder whether they respond just to the interests of the insiders and leave out those for whom access to government has always been an issue.

The public participation process can be loud and messy, and produce unexpected results. But so can negotiating in the mayor's smoke-free rooms. And isn't an open and transparent political process what distinguishes democracy from autocracy? When the Civic Alliance, a coalition of 85 civic and community groups, organized *Listening to the City*, a gathering that brought over 4,000 people to the Javits Convention Center in July of last year, the participants gave a giant thumbs-down to the Lower Manhattan Development Corporation's proposals for Ground Zero. It is no wonder that the corporation, fearing another slap in the face by the public, turned down the Civic Alliance's proposal for a repeat performance to discuss the recent design competition. But why isn't the mayor proposing a 197-a planning process for lower Manhattan that would give all New Yorkers and interested parties a chance to contribute their ideas and energies to this strategic rebuilding effort?

There is another route used to evade ULURP and city planning. It is the Board of Standards and Appeals, a semi-administrative body that helps developers skirt zoning rules in a way that can transform entire neighborhoods without any recourse by the public. But that exercise in undermining democracy we will leave for a future column.

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