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Before the  
**2018 City Charter Revision Commission**  
**Community Board and Land Use Committee**  
**Juneteenth, 2018**

Dear Colleagues,

The year I graduated from high school and entered architectural school, bus segregation in the United States was ended. Until the Montgomery Bus boycott Americans accepted the fact that African-Americans had to sit in the back of the bus and whites in the front and when a white person entered the bus, and there were no empty seats, a black person had to get up and yield their seat to that white person. Today we acknowledge that outrageous wrong. Except when it comes to land use and development decisions.<sup>1</sup>

Displacement of residents because of their class or race has become commonplace in every community in this city and in too many cities across this nation. This in large part is because we allow our land use decisions to be guided by marketplace principles and 'highest and best use' principles.

The Appraisal Institute defines highest and best use as follows: "The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value." We allow concepts such as

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<sup>1</sup> Based on a lecture by Carl Anthony, an African American architect, regional planner, social justice activist, author and friend.

'highest and best use' when we engage in market- and developer-driven land use, zoning and development decisions, all of which dictates how land use decisions are made in this city. Highest value is assessed purely in market terms and not based on a set of human scale determinants or on a shared vision of our city, as a city of social, economic and cultural diversity-- a city of inclusion and opportunity. We ignore the phrase in the definition "legal use of" which can and should include factors such as social and economic integration and other values that can result from engaging in a planning process to achieve constitutionally guaranteed rights and collectively desired objectives.

Instead, we engage in land use decisions predicated on policies to attract the creative class, middle income families and to maximize the return on real estate speculation. When we do this we are telling low, moderate, and often, middle-income residents, new immigrants and people of color, that they are to yield their seats to those of higher income and to those that generate more wealth for a select few. Fifty-three years after Montgomery we use the same principle of racial segregation in a sophisticated way to sort out and segregate our society -- not in buses but in our neighborhoods.<sup>2</sup> We all are victims of that policy. We all pay for the resulting disparities.

This city needs to stop a land use policy driven by development and instead adopt a policy based on principles of "inclusion and opportunity" coupled with community-based planning.

Planning must precede land use and zoning actions. Planning, if properly undertaken, would include social, economic, environmental, educational and transportation factors at the outset. It should be comprehensive and integrative not separating our needs into silos but weaving together a strategy that leads to qualitative and viable places. Planning needs to be people-centered not driven by speculative or narrow economic concerns.

Specifically, I'd like to refer you to the testimony of Paula Segal that outlines some important steps that need to be taken and that should be an integral part of any proposed charter change. I also would suggest that you read and reread, the report entitled "The Inclusive CITY -strategies to achieve more equitable and predictable land use in New York City' and meet with members of the Working Group that produced that report. In large part their recommendation are an outgrowth of the experience and deliberations of two dozen of New York City's civic organizations dedicated to

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<sup>2</sup> Based on the writings and discussions with Mindy Fullilove, a clinical psychiatrist, author, friend, mentor, colleague, collaborator and civil rights activist.

the health, vitality and qualitative growth and development of this city. Indeed, there are communities in New York City, especially environmental justice communities, many who have worked with the NYC-Environmental Justice Alliance who have been engaged in their own inclusive, proactive, comprehensive planning for a long time with neither assistance nor support from the city. They are a blueprint for the type of planning called for in an inclusive and just city.

Today is Juneteenth, a day - Freedom Day-- that commemorates the announcement in Texas of Lincoln's emancipation proclamation ending slavery throughout the former Confederacy, issued two years earlier. Unfortunately, the legacy of slavery and the Jim Crow laws that followed have not all been eliminated, indeed many of them continue in a sophisticated way and are perpetrated by too many in our profession, in the way we develop our land use and zoning policies and in the development that they spawn. This commission has the opportunity, indeed the obligation, to craft a charter that sets a new direction. Please seize the opportunity to reject the land use policies of today and engage in 'planning first policies' that, in turn, lead to the land use and zoning policies necessary to create an equitable and sustainable city of opportunity. One based on principles of social, economic and environmental justice.

Thank You.