

CIVIC ALLIANCE TO REBUILD DOWNTOWN NEW YORK
Minutes

Regulatory Framework
Monday, March 11, 2002
8:30 AM
Merrill Lynch
Four World Financial Center
Conference Room A

1. Bob Yaro, President of Regional Plan Association welcomed us to the meeting and observed a moment of silence to remember the victims of September 11, on the six month anniversary of the terrorist attacks.
2. Jim Tripp, of Environmental Defense introduced the work of Regulatory working group of the Civic Alliance, co-chaired by Deborah Beck and Jim Tripp.
 - 2.1. The regulatory group is examining ways to ensure a robust, transparent regulatory review process for Lower Manhattan: a decision making process that is rich with opportunities for public participation, but without indefinite delays.
 - 2.2. Different regulatory reviews that redevelopment may need to undergo include the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA) and eventually an Environmental Impact Statement (EIS). The EIS process is designed to report the impacts of the proposed project, and present reasonable alternatives.
 - 2.3. Different issues the Regulatory working group is looking at include:
 - 2.3.1. Public actions: What projects or approvals will be proposed or required;
 - 2.3.2. Segmentation: How will these be considered – together or separately;
 - 2.3.3. Scoping Process: What impacts are expected;
 - 2.3.4. Timing: Different projects such as transportation, sub-station, etc.;
 - 2.3.5. Judicial review: How can this process be expedited.
 - 2.4. The New York Bar Association has set up a task force on Downtown Redevelopment that is meeting bi-weekly to examine these issues. The regulatory working group has met with them and reviewed several proposals by Dave Puggett, Rick Lehman, and Michael Gerrard.
 - 2.5. In framing how we might expedite the process of the regulatory review, the part most likely to be truncated is the judicial review. However, we would need an assurance that the administrative process would still provide adequate accountability to the public.
3. Deborah Beck of the Real Estate Board of New York, and the co-chair of the Regulatory working group of the Civic Alliance spoke next, echoing Jim's sentiments that the goals critical to this working group are assurances of a transparent and robust regulatory process.
 - 3.1. What is a robust process? A: Well detailed information.
4. Stephen Kass, chair of the New York Bar Association Special Committee on Downtown Development.
 - 4.1. We will be meeting with the LMDC, Port Authority, City of New York, and others.

- 4.2. Evan van Hook chairs the NY Bar Association sub-committee on environmental review and permitting. The work of these committees will:
 - 4.2.1. Identify all permits required
 - 4.2.2. Identify the review process
 - 4.2.3. Think about what form the public outreach should take.
- 4.3. In doing so, the committee will look at what property interests exist (who has rights to the property); there are many layers of property interests making this quite complicated.
- 4.4. We propose that the public should be engaged before a plan is formulated.
- 4.5. Other questions: who will be the lead agency for the EIS?
 - 4.5.1. Will the EIS be generic or segmented?
- 4.6. There is an opportunity to really screw this up. The 42nd street redevelopment was done extremely well, and it still took ten years of litigation. It is important to show the public that this will not be held up the way things usually are in New York.
5. Evan van Hook, New York Bar Association
 - 5.1. We are looking at what will trigger the environmental review process and permitting hearings.
 - 5.1.1. The matrix of issues makes environmental review very complicated.
 - 5.1.2. Layers of city, state, bi-state and federal review.
 - 5.2. Can we reduce the amount of review in any way? Possibilities include:
 - 5.2.1. Eliminate redundancies.
 - 5.2.2. Appeal to the appellate division
 - 5.2.3. Eliminate any NEPA based review
 - 5.3. But if any part of the review process is reduced, it must be balanced by the other side both in terms of “trading” less judicial review for a more front-end process, as well as more substance.
 - 5.3.1. Public input on substantive design criteria; i.e. public approves design criteria that can be used through out.
 - 5.3.2. Before we trade off some of the review process, we need to know what the compensation will be.
 - 5.4. Our goal is to simplify and create a pathway for all interests to be represented early.
6. Eric Goldstein, Senior Attorney, Natural Resources Defense Council (NRDC)
 - 6.1. Objective for the Regulatory working group of the Civic Alliance: Ensure that environmental laws and rules are applied in a way that serves downtown community, city and region. Goals:
 - 6.1.1. Definition of the problem with respect to environmental laws and rules
 - 6.1.2. Seek broad agreement or overall principles related to redevelopment
 - 6.1.3. Get agreement on process of review that while expedited, allows for proper public participation.
 - 6.2. Problem: Difficulties of review process are at the end of the process (judicial review.) We are willing to consider reforms to the judicial review process.
 - 6.3. What is the scope of the project? Should it be the 16 acres, or south of Houston, etc.

- 6.4. Do we wish to reform the review process legislatively, or administratively?
(Preference for administrative reform.)
- 6.5. Reluctant to tamper with NEPA & SEQRA because of the ramifications on other projects.
7. Questions from the Floor:
 - 7.1. Where is the need to expedite anything? The EIS planning process should be done well and carefully. I challenge the working group to identify where we need to expedite things and what needs to be expedited. There is however a need for immediate attention on the following items:
 - 7.1.1. Transportation infrastructure
 - 7.1.2. Utilities: electricity and communication infrastructure
 - 7.1.3. West Street (will determine the face of Lower Manhattan)
 - 7.1.4. Building Seven.
 - 7.2. In SEQRA, you're supposed to define a proposed action. What if instead, we move planning forward in a meaningful way, develop principles that everyone can agree upon, and then propose four alternate plans of equal merit.
 - 7.3. Ed Blakely: At Presidio, (in San Francisco after the Earthquake) we developed six alternate plans and the public had the opportunity to comment on them all.
 - 7.4. I am concerned about waiting for environmental triggers: what if they don't happen? As a person representing low income communities, we want to be involved from the beginning, not at the end after all decisions have already been made, as often happens.
 - 7.5. We would like to see a planning process that sets the precedent for the future: not just disclosure, but real engagement of the citizens around the City and the local community.
 - 7.6. There is a website being developed that will allow architecture students from around the world to participate in a design exercise around the rebuilding of downtown. For information, email info@rippleeffects.org.
 - 7.7. Nancy Owens: I have been discouraged that a lot of wheels are turning and we are not going anywhere with all these meetings, but then I went to LMDC's advisory board meeting on development, and in comparison, I feel we have actually accomplished a lot! Maybe the next step is really doing some physical planning and mapping.
 - 7.8. Gail Miller, NY Lawyers for the Public Interest: I am concerned that the reform of SEQRA could have major implications for the review process throughout the state.
 - 7.9. Jim Tripp: Michael Gerrard's proposal (which we are only considering) has a sunset clause for reform to SEQRA so that it only applies to this site.
 - 7.10. To what extent have we looked at the Transfer of Development Rights (TDR)?
 - 7.10.1. Response: We haven't thought in those terms yet because we are thinking about how LMDC will use its authority, but we should look into TDR.
 - 7.11. There should be an Employment Impact Statement.
 - 7.12. LMDC has announced that it will put forth planning principals. In the absence of principals, they may adopt the principals of New York New Visions.

7.13. We should look at the impact to communities in Queens and other boroughs if there will be a dispersal or decentralization of the financial services sector.

8. The meeting adjourned at 10:00 AM.

Attendance:

Acker, Ruth	Women's City Club
Ball, Jonathon	Cleary, Gottlieb, Steen and Hamilton
Beck, Deborah	REBNY
Bell, Rick	AIA
Blumenfeld, Carol	NESC
Bradley, Michael	Riverside South Planning Corporation
Brainard, Gabrielle	Kiss Cathcart Associates
Brightbill, Peter	
Buga, Joseph	HSDC, Inc.
Chin, Rocky	
Colton, Tara	Center for Excellence in NY City Governance
Craft, Carter	Metropolitan Waterfront Alliance
Damiani, Bettina	Good Jobs New York
Earisman, Peggy	Rebuild with a Spotlight on the Poor
Elston, Paul	NY League Conservation Voters
Epstein, Paul	Epstein & Fass Associates
Ernest, Ethan	Ripple Affects
Fried, Arthur	Center for Excellence in NYC Governance
Goetz, Bernie	
Goldberg, Arielle	
Goldstein, Eric,	Natural Resources Defense Council
Herman, David	
Herz, Roger	TIME
Hornick, Sandy	NYC Department of City Planning
Hughes, Margaret	Good Old Lower East Side
Jones, Chris	RPA
Kahn, Karen	PANYNJ
Kallick, David	Fiscal Policy Institute
Kass, Stephen	NY Bar Association
King, Ellie	Women's City Club
Lai, Charles	Asian American Federation
Lane, Rob	RPA
Miller, Gail	NOW Legal Defense Fund
Miller, Kimberly	Citizens Housing & Planning Council
Nicholson, Jan	RPA
Owens, Nancy	Community Board One
Penesis, George	
Pino, Parkinson	
Pirani, Rob	RPA

Ream, Amanda	Hotel Workers Union
Rosen, Bruce	NYC Department of city Planning
Rutherford, Phillip	Land Air Project Resources
Ryan, Ellen	MAS
Saunders, Melissa	University of Pennsylvania
Schmidt, Kate	Manhattan Borough President's Office
Schuman, Gail	NY Lawyers for the Public Interest
Sheffer, Ethel	APA New York Chapter
Shiffman, Ron	PICCED
Shiller, Peggy	National Parenting
Slippen, Dan	Pace University
Soffin, Jeremy	Jasculca Terman
Strauss, Mark	Fox & Fowle
Todorovich, Petra	RPA
Tripp, Jim	Environmental Defense
Van de Walle, Carla	
Van Hook, Evan	NY Bar Association
Weber, Steve	RPA
Williford, Toya	RPA
Willis, Beverly	RDOT
Yaro, Bob	RPA
Zupan, Jeff	RPA