De Blasio confident Inwood ruling will be overturned

By Janaki Chadha

12/20/2019 04:58 PM EST

Mayor Bill de Blasio said Friday he's confident a court decision striking down his administration's rezoning of Inwood will be reversed by a higher court — as experts agree the ruling would have far-reaching implications if it's upheld.

A state Supreme Court judge annulled the rezoning of the northern Manhattan neighborhood on Thursday, citing the administration's handling of the environmental review process that accompanies major land use changes.

Judge Verna Saunders sided with a coalition of community activist groups who launched the case, writing that the city's review process failed to consider critical factors such as the rezoning's impact on racial displacement and real estate speculation. She additionally agreed the City Council did not have adequate time to review the findings of this process.

"I believe this is an absolutely wrong-headed decision by this judge. There was a 100 percent thorough, public, legal process," de Blasio said on WNYC's "The Brian Lehrer Show." "The studies that were done absolutely conformed with the law and with precedent, so I believe that when this goes forward on appeal, it will be — the judge's ruling will be overturned."

The decision represents a rare win for activist groups fighting a city-led rezoning plan, which are continually met with fierce neighborhood opposition on the grounds that land use changes displace existing residents.

Land use lawyers and other observers agreed the case could have significant implications on future rezonings — pointing in particular to the parts of the decision that called for the city to study a broader range of issues in an environmental impact statement, or EIS.

"Saying that [the City Environmental Quality Review process] requires an EIS to address an issue simply because it's been raised by a community group, or by anyone else for that matter ... is troubling — it opens the door to requiring that the document consider anything, no matter how trivial," said Paul Selver, a land use specialist at the law firm Kramer Levin.

"It's kind of a Pandora's box, if you open that box, nobody knows where it's going to lead or even how to do those kinds of analyses," said Howard Goldman, a partner at the land use firm Goldman Harris. "The original intent of the environmental review process was to look at quantitative things like air quality, traffic and mass transit — things that could be counted. I don't know how you measure the things that the court is talking about and I don't know that anybody does."

Asked about any similar cases in past years, both Selver and Goldman pointed to a neighborhood challenge of a city-issued special permit in Chinatown under the Koch administration.

The state Court of Appeals ruled in favor of the Chinese Staff and Workers Association, a local group, in a 1986 decision — holding that the city's environmental review for a proposed condo project hadn't sufficiently considered the impacts of the land use change on the surrounding neighborhood. The city ended up broadening the requirements of its review process.

Tom Angotti, a Hunter College urban planning professor and critic of the city's land use practices, said the ruling was a vindication of "all of the complaints that all of the neighborhoods" have lodged over the city planning process and has the potential to change the course of how land use fights play out between City Hall and neighborhoods around the five boroughs.

"It's an important ruling that is timely and could change the public discussion about rezonings," he said. "It's going to influence future proposals — community groups will insist on environmental analysis that looks at the racial and economic impacts and the city may well decide that its easier for them to do it than to face another potential court challenge."

The de Blasio administration has faced pushback from critics who say City Hall has focused neighborhood-wide rezonings in communities of color. That trend has spurred legislation in the City Council that would require the city to study the displacement impacts of past rezonings, and incorporate the study of a plan's racial impacts into future proposals.

"Rezonings have had a net effect of speeding up gentrification," Public Advocate Jumaane Williams, lead sponsor of the bill that would require a "racial impact" study, said earlier this year. "If people are going to be gentrified out, that should be paid attention to and studied."

De Blasio said the case, and other critiques of his land use efforts, focus too much on "process" while failing to grasp the alternatives to a rezoning plan.

"Everyone loves the process argument, we should be talking about what's actually happening to human beings," he said in the radio interview Friday. "If you don't come in and have the government intervene, I guarantee you it will end up worse because the market right now, it's been very, very consistent. If the market is the only element on the playing field, you will get less and less affordable housing; people will be displaced in huge numbers."

He pointed to the Brooklyn neighborhoods of Bushwick and Bedford-Stuyvesant, which have seen rapid gentrification in recent years without neighborhood-wide rezonings.

"Where we have had rezonings, we've actually been able to guarantee the creation of a certain amount of affordable housing, the preservation of a substantial amount of affordable housing," he said.

Meanwhile, community groups who filed the lawsuit gathered on Friday morning to celebrate their victory. They were joined by elected officials including City Comptroller Scott Stringer and Rep. Adriano Espaillat.

"We all know that rezoning is about race and wealth. In Harlem and Williamsburg, rezoning has meant that black and brown people move out and white people move in," said Ava Farkas, executive director of the Metropolitan Council on Housing, and a member of the leadership council of the group that filed the lawsuit. "[This ruling] shows that when people stand up and fight together they can win."