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Testimony before the City Council Land Use Committee

February 10, 2016

Dear Chair Greenfield and members of the Committee:

Thank you for holding these important hearings today. My name is Miho Watabe, and I am testifying on behalf of Class Size Matters, a citywide parent and public interest group that advocates for better schools and smaller classes in New York City and nationwide.

The proposals under consideration today, Mandatory Inclusionary Housing and Zoning for Quality and Affordability, would lead to increased rates of school enrollment at a time when our public schools are already bursting at the seams. According to the city's own data, there are over 556,000 students crammed into public schools that are overcrowded and our elementary schools are at an astonishing 104% capacity. Yet there is nothing in these proposals or in our zoning laws that would require that new schools be built at the same rate as these residential units.

According to the Department of Education's own estimates, the current school capital plan just released last month only funds about 59 percent of the 83,000 seats needed to alleviate current school overcrowding and projected enrollment – without even taking into account these new zoning proposals. Our estimates are that the real need for seats is over 100,000. Needless to say, the current capital plan will not be able to alleviate the accelerated growth that these proposals are likely to create.

We join with Make the Road by Walking and other groups to urge the City Council not to adopt any new rezoning proposals unless at the same time you make a commitment to fully fund at least the 83,000 seats that the DOE projects are currently needed. We also strongly urge you to create a Commission or Task Force to propose reforms to make the process of school planning and siting more effective and more efficient.

According to the DOE's own estimates, only 15% of the school seats that our public education system requires are sited and in the process of being designed. Indeed, there are overcrowded neighborhoods in which schools have been funded in the capital plan for a decade or more but have not been either sited or built. There are districts needing thousands of seats in which not a single school has been sited.

The school planning process is broken, and we need a better one, including reforms to ensure that school capacity keeps up with development rather than lagging decades behind. The City Environmental Quality Review (CEQR) formula that City Planning uses to estimate the impact of new construction on school enrollment is fundamentally inadequate. It is based upon census data from 1990-2000, and relies

on borough-wide data, with no differentiation for neighborhoods within boroughs. It fails to take into account significant changes in birth rates and family out-migration rates. Nor does it differentiate according to the size of the unit, as was previously the case.

The planning manual also sets unreasonable high thresholds for requiring mitigation. For example, in Brooklyn, no residential development is projected to have a “significant” impact on elementary schools unless it includes 121 units, and over one thousand units in the case of high schools. It must also cause locally zoned schools to exceed 100 percent utilization, and even then no specific mitigation measures are required. As a result, New York Lawyers for Public Interest and many Community Boards have called for reform of the review process, to ensure that development does not worsen school overcrowding.

Last spring, the Public Advocate wrote a letter to the Chancellor and the Mayor, along with twenty two Councilmembers, many parent leaders and Community Education Council members, urging an immediate expansion of the school capital plan and a Commission to fix the broken school planning process.¹ Fundamental reforms to the planning process are needed, including a revamping of the CEQR formula in light of more recent birth and census data, improvement in the DOE’s enrollment projections and utilization formula, a more transparent needs assessment, and a more responsive public process that better takes account of the need to build schools along with housing.

Impact fees should also be considered as exist in more than 83 percent of cities and counties, so that developers are obligated to pay into a fund for schools and other infrastructure improvements. All these steps should occur before any zoning changes are instituted that would accelerate the rate of residential development, which has already far outpaced the capacity needs of our public schools.

City officials have often said that their goal is not merely to ensure more housing is built, but also to create better neighborhoods. There cannot be better neighborhoods without a concurrent strategy to build schools along with housing, so that future generations of NYC children are not subjected to even more detrimental conditions.

¹ <http://www.classsizematters.org/wp-content/uploads/2015/06/061515-PA-Ltr-to-Chancellor-Farina-re-Capital-Plan-final.pdf>