



Slow and Steady Wins the Race: Reducing the Scale of the Proposed Jerome Avenue Rezoning to Safeguard the Community's Future

Testimony of Adrien A. Weibgen to the New York City Council
Sub-Committee on Zoning and Franchises

Wednesday, February 7, 2018

Good morning. My name is Adrien Weibgen; I am an attorney at the Community Development Project (CDP) at the Urban Justice Center. CDP works with local coalitions to foster responsible, equitable development and help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress." We work together with our clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive. We have worked with almost every neighborhood being rezoned by the de Blasio administration.

I have worked with the Bronx Coalition for a Community Vision for over three years around the proposed rezoning of Jerome Avenue. In that time, the Department of City Planning's plans for a dramatic upzoning have remained virtually unchanged, despite the Coalition's pleas for a more modest and responsible plan that better reflects the needs of current residents. Today, I ask the Council to heed the Coalition's call to cut the scale of the proposed rezoning in half so that it brings 2000 new apartments to the community, not 4000. A more modest rezoning will create room for more affordable housing with a lower risk of speculation and displacement.

The Department of City Planning (DCP) has sought to sell this upzoning, and every upzoning it has undertaken by promising that it will increase housing supply, reduce local rent pressures, and bring a significant amount of affordable housing to the community. **DCP claims that rents are rising anyway, and that undertaking an upzoning with Mandatory Inclusionary Housing is a way to get ahead of, and help fight, gentrification. But DCP's argument ignores what research has proven to be the impact of upzonings and manufacturing-to-residential conversions. Studies have shown that when the City undertakes these strategies in low-income communities of color, as it did time and again during the Bloomberg era, local rent pressures do not go down; they increase.** Though rents then as now were increasing citywide, rents in communities upzoned by the Bloomberg administration went up by 43% on average, as compared to 23% in the city as a whole. In other

words, the rent increase was almost *twice as much* in communities that were upzoned or faced significant manufacturing to residential conversions.¹

The Jerome Avenue area is very vulnerable to similar changes. The community includes one of the poorest Congressional districts in the country, and median income is less than \$30,000 a year. Today, rents are lower than in most neighborhoods, and rising at a rate slower than the City as a whole. But DCP's proposed upzoning could change all of that - more quickly than the City predicts.

That's why a massive upzoning is such a dangerous idea. As long as the local housing market stays similar to what it is today, developers are likely to want to continue partnering with the City to build affordable housing, as they have successfully been doing in recent years in partnership with HPD. But this calculus will shift if Jerome becomes a "hot" neighborhood. Developers will not want to bind themselves with decades-long affordability commitments if they believe local rent levels are on a major upswing. And once developers stop taking subsidy, the only "affordable" apartments new construction will bring are those mandated by the MIH program, which are out of reach for most current community members.

No one can know for certain when this turning point will come. **That's why it's critical that the City not "give away the store" now. If the City passes a massive upzoning, all future developers will be able to build as of right - whether affordable or luxury housing.** DCP predicts that the shift will come around the midway point, when about half of the projected 4000 new apartments have been built. In other words, in DCP's *best-case scenario*, only about half of everything that's built will be affordable by any measure, and half will be completely unaffordable. The community rejects this deal, because a tiny handful of units affordable to families making the least does not justify a massive upzoning that puts everything else at risk.

In contrast, a more modest upzoning could create room for roughly 2000 new apartments without triggering a major shift in the local housing market. This would allow HPD to continue its successful track record of partnering with developers to build housing that better meets the neighborhood need, while generating less risk of displacing existing residents & businesses.²

There is precedent for the Council to scale back the rezoning in this way. In the East New York rezoning, the City originally proposed a rezoning that would bring 6500 apartments to the community, a figure that was cut by almost 10% in the final stages of ULURP. For the more recent East Harlem rezoning, the Council significantly reduced density - by about 25% - through

¹ For information about the impact of rezonings undertaken during the Bloomberg era, see "Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg's New York City" (Leo Goldberg, Massachusetts Institute of Technology Department of Urban Studies and Planning, June 2015). Online at <http://hdl.handle.net/1721.1/98935>.

² Under the proposed rezoning, only about 200 of the new apartments - 5% of the total - would be for families making below 30% AMI, even though almost half of the families in the Jerome Avenue rezoning area make below that amount. In contrast, in recent years, 35% of new affordable units in the area have gone to households making below 30% AMI.

lowering zoning designations or maximum floor-area ratio (FAR) available on certain sites, provisions that were included in that rezoning's special district text. The Council could cut the proposed Jerome rezoning by 50% through a combination of strategies, including cutting certain sites out of the rezoning (leaving current zoning as-is), lowering zoning designations, or limiting the maximum available FAR on specific sites.

Adopting a scaled-back rezoning plan now creates room for growth without gambling the community's future. And if in the future the City decides that more building is needed after all, it can always come back to add density later.

The Bronx burned once, and tenacious residents rebuilt their community despite decades of divestment and official neglect. The City should not throw fuel on the flames of gentrification by passing an aggressive zoning that ignores residents' needs and puts their future at risk.

For further information, contact:

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Attachment: "How Much Housing Could Get Build - And Who Could Afford It - Under Different Scenarios," Center for Urban Pedagogy and Association for Neighborhood & Housing Development, 2017