

APPENDIX I
WRITTEN COMMENTS



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

December 2, 2015

Carl Weisbrod
Chairman
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10007

Re: East New York Community Plan and Mandatory Inclusionary Housing

Dear Chairman Weisbrod,

I am writing to submit my analysis on the proposed East New York Community Plan and the Mandatory Inclusionary Housing text amendment. The City Charter clearly states that the Comptroller is responsible for advising on and safeguarding the fiscal health of the city, and maintaining our affordable housing stock is certainly critical to that mission.

The goal of the overall plan – to create more affordable housing – is both necessary and laudable, and zoning is an essential lever in the City’s fight to achieve this goal, particularly in neighborhoods that have the infrastructure to support additional density. But I have serious concerns about the unintended consequences of applying a one-size-fits-all approach to upzoning in communities across the five boroughs, including East New York.

In short, while there will always be powerful market forces that put renters at risk of displacement, a new, detailed analysis by my office, relying on the City’s own data, shows that the current plan could inadvertently displace tens of thousands of families in East New York, the vast majority of whom will be unable to afford the relatively small number of new units that will be built.

As a result, I urge the Commission to amend the proposal to address the concerns outlined below, as well as concerns expressed by many in neighborhoods across the city.

The proposed rezoning is grounded in the principle that increasing the supply of housing units is a central key to solving New York’s affordable housing crunch. And indeed, according to our analysis of the draft environmental impact statement (DEIS), the plan will increase the total number of housing units in the East New York rezoning area by 51 percent. This increase will inevitably serve to drive up rents and add new pressures on the current housing marketplace, without enough new, affordable units to sufficiently mitigate the impact on the community.

Adding to that pressure is the fact over the past seven years, the number of rent stabilized units in the 37th Council district (which includes part of East New York and the surrounding communities) fell by more than 14 percent—the eighth largest decline among the City’s 51

Council districts.ⁱ In short, while East New York is currently home to many apartments that are affordable to a wide variety of income levels, the neighborhood lacks the protections afforded by widespread stabilization and is thus particularly vulnerable to upward pressures in the rental market.

Specifically, according to my office's analysis, there are 21,788 unprotected units that are home to nearly 50,000 low-income residents in East New York and the surrounding communities.ⁱⁱ

As our analysis shows, the area median income (AMI) in East New York today is \$32,815. But to afford even the "affordable" units that would be created in new buildings under the rezoning, a family would have to earn \$46,620 a year. For that same family to move into a market-rate unit in that same new building, they would have to make upwards of \$83,484 – more than double the current AMI.

In short, our analysis shows that 84 percent of East New York residents and the surrounding communities will be unable to afford the proposed market-rate units created under the plan, and more than half—55 percent—will be unable to afford the proposed "affordable" units.

A deeper look at the amount of housing to be created also suggests that the current plan simply does not create an adequate number of units to absorb all those who will be displaced. The City's own calculations suggest that the current plan will produce 3,447 affordable housing units in the neighborhood, through a combination of mandatory inclusionary housing and a series of additional, still unspecified subsidies. Only half of these affordable housing units will have a community preference, netting as few as 1,724 affordable housing units for current residents.ⁱⁱⁱ

However, even that number might be overly optimistic. As the City has acknowledged, creating 3,447 affordable units will require subsidies from the City's Housing Preservation and Development Corporation that are separate and apart from any zoning proposal. To date, the subsidy plan has lacked specifics. For instance, aside from one city-owned lot, it is not clear which development sites will accept these subsidies.

Our analysis shows that if the new subsidies fail to adequately incentivize developers to build additional affordable housing and the city must rely on the rezoning alone, as few as 1,896 affordable housing units could be produced, with only half of those (948) set aside for residents of the local community.

Whether its 1,724 or 948, the bottom line is that the anticipated number of affordable housing units is simply not enough to mitigate the increased economic pressures. Indeed, even under the more optimistic scenario, if every affordable housing unit was reserved for those in the community, low-income residents in more than 20,000 units would still be at risk for displacement.

As a result, the plan amounts to an engine for displacement, rather than a vehicle for stability and affordability, in one of our City's neediest communities.

I therefore ask that the City amend the current proposal and chart an alternate course that promotes development on sites that are tailored to affordable housing and takes concrete steps to reduce the risk of displacement. Specifically, the City should:

- Abandon its one-size-fits all approach to rezoning and instead create a more targeted plan that upzones, or adds density, on a more limited basis. Specifically, the City should focus on upzoning development sites that have been identified in advance by HPD and developers to ensure that the City can increase the number of units that the community can afford.
- Establish clear, enforceable rules prohibiting harassment of existing tenants to reduce the threat of displacement, including but not limited to the “certification of no harassment.” This protection is already in place in other neighborhoods in the city, including Greenpoint/Williamsburg in Brooklyn and Hell’s Kitchen/Clinton in Manhattan, and severely penalizes landlords who have participated in harassment by requiring additional affordable housing to be developed.^{iv}
- Target the affordable housing income levels to the local community rather than a citywide standard. Under the current plan, 55 percent of residents in East New York and the surrounding communities cannot afford the so-called affordable housing units, which are pegged to citywide AMI thresholds. The City should create a more customized benchmark that more adequately reflects a community’s median income levels. There is nothing “affordable” about a housing plan that is beyond the reach of more than half the community.

I have attached our analysis of the DEIS, and I thank you in advance for your time and consideration. Please feel free to contact me at (212) 669-2571 if you wish to discuss these recommendations further.

Sincerely,



Scott M. Stringer
New York City Comptroller.

ⁱ <http://iquantny.tumblr.com/post/125485105679/rent-stabilized-housing-is-disappearing-fast>.

ⁱⁱ This includes the Primary and Secondary Study Areas likely to be affected by the proposed rezoning.

ⁱⁱⁱ City policy dating to the 1980s states that half of the apartments in a low-income housing development receiving city subsidies be rented to residents already living in the same community district. The Anti-Discrimination Center of Metro New York is currently challenging this “community preference.” See: <http://www.antibiaslaw.com/sites/default/files/Complaint.pdf>.

^{iv} Under the provisions of the Special Clinton District, if Housing Preservation and Development finds that tenants in a building have been harassed, the landlord is typically given the option of “curing” the act by setting aside 28 percent of residential floor area in the proposed development for affordable housing (at 60 percent AMI) or the same for offsite within the special district (in addition to any additional affordable housing requirements for new development). See: <http://bridginggowanus.com/housing-rec-2/>.



**THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER**

**MANDATORY INCLUSIONARY HOUSING AND
THE EAST NEW YORK REZONING:**

AN ANALYSIS

By

New York City Comptroller Scott M. Stringer

DECEMBER 2, 2015

I. Executive Summary

In an effort to address the City's ongoing affordable housing crisis, the New York City Planning Commission is currently proposing a series of zoning changes, including Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA), for potential application in communities across the city. One neighborhood targeted for significant redevelopment is the East New York/Cypress Hill area of Brooklyn. While many Community Boards have already expressed a variety of concerns about the proposed rezonings, the ultimate question comes down to this: does the proposal help or hurt the existing affordability crisis—in East New York and across the five boroughs?

To assess the potential impact on East New York, the Comptroller's office has examined the Draft Environmental Impact Statement (DEIS) for the East New York plan and the Housing and Development Corporation's Market and Financial Study of NYC Mandatory Inclusionary Housing.

In sum, while there will always be powerful market forces that put renters at risk of displacement, the City's own data shows that the current plan could inadvertently displace tens of thousands of families in East New York, the vast majority of whom will be unable to afford the relatively small number of new units that will be built.

Specifically, this report concludes that:

- 84 percent of residents in East New York and the surrounding communities will be unable to afford the market rate housing units proposed under the rezoning, and 55 percent will be unable to afford the affordable units.
- There are currently 21,788 market-rate units—non-NYCHA units that are not subject to rent stabilization—which are home to 49,266 low-income residents in East New York and the surrounding communities.¹ The rezoning would place these residents at an increased risk of displacement by creating new rental pressures on existing residents through the introduction of thousands of new higher income residents.
- The DEIS projects that the combination of mandatory inclusionary housing and a series of additional subsidies will produce 3,447 affordable housing units in the neighborhood. However, only half of these affordable housing units will have a community preference, netting as few as 1,724 affordable housing units for current residents.²

Under a more conservative estimate which focuses on the effects of rezoning alone, as few as 1,896 affordable housing units could be produced, with only half of those (948) set aside for residents of the local community through community preferences in the City's affordable housing lotteries.

¹ This includes the Primary and Secondary Study Areas likely to be affected by the proposed rezoning.

² City policy dating to the 1980s states that half of the apartments in a low-income housing development receiving city subsidies be rented to residents already living in the same community district. The Anti-Discrimination Center of Metro New York is currently challenging this "community preference." See: <http://www.antibiaslaw.com/sites/default/files/Complaint.pdf>.

Regardless of the methodology used, the anticipated number of new affordable housing units is simply not enough to mitigate the increased economic pressures on the residents of the neighborhood's 21,788 unprotected units. Even under the more optimistic scenario, if every affordable housing unit was reserved for those in the community, low-income residents in more than 20,000 units would still be at risk for displacement.

Rather than continuing on the current path, the City should rethink its current proposal and create a more well defined and targeted plan. The new plan should follow these basic principles:

1. Target density to sites primed for affordable housing

The City should abandon its one-size-fits all approach to rezoning and instead create a more targeted plan that upzones, or adds density, on a more limited basis. Specifically, the City should focus on upzoning development sites that have been identified in advance by HPD and developers to ensure that the City can increase the number of units that the community can afford.

2. Ensure affordability for existing, low-income residents

The majority of residents of East New York make less than 40 percent of the area median income (AMI)—a flawed metric that fails to take into account vast differences across the NYC metro area. The City should target the affordable housing income levels to the local community rather than a citywide standard. Under the current plan, 55 percent of residents in East New York and the surrounding communities cannot afford the so-called affordable housing units, which are pegged to citywide AMI thresholds. The City should create a more customized benchmark that more adequately reflects a community's median income levels. There is nothing "affordable" about a housing plan that is beyond the reach of more than half the community.

3. Protect existing residents from harassment and displacement

In neighborhoods like East New York and Cypress Hills, there are smaller percentages of rent-protected units due to the building types. The City should establish clear, enforceable rules prohibiting harassment of existing tenants to reduce the threat of displacement, including but not limited to the "certification of no harassment." This protection is already in place in other neighborhoods in the city, including Greenpoint/Williamsburg in Brooklyn and Hell's Kitchen/Clinton in Manhattan, and severely penalizes landlords who have participated in harassment by requiring additional affordable housing to be developed.

II. Review of Plan

1. Those At Risk of Displacement

In order to understand the potential impacts of new density in East New York/Cypress Hills, the DEIS makes assumptions about the population at risk of displacement from demolition and indirect displacement caused by rising rents in the neighborhood. The proposed rezoning will result in a comparatively small number of units directly demolished, with impacts reaching 53

units containing 158 residents. However, a greater number of units are at risk of indirect displacement due to the large number of market rate units in the area.

According to the DEIS, there are 1,742 rent regulated units in the primary study area and 1,681 rent regulated units in the secondary study area. These 3,423 units contain approximately 10,235 residents that may face increased harassment and pressures to relocate.³ Over the past seven years, the number of rent-stabilized units in the 37th Council district (which includes part of East New York and the surrounding communities) fell by more than 14 percent—the eighth largest decline among the City’s 51 Council districts.⁴ However, this analysis presumes that New York’s rent stabilization laws will help protect these tenants from displacement, so they were not included in the Comptroller’s analysis.

However, there are approximately 5,172 unprotected dwelling units in the rezoning area, containing approximately 12,635 low-income residents.⁵ In the surrounding neighborhood, there are an additional 16,616 unprotected units containing approximately 36,631 low-income residents. These residents are defined by the DEIS as not being able to afford to pay substantial rent increases.

In total, there are 21,788 unprotected units with 49,266 residents at risk of displacement. These units are non-NYCHA units and are not subject to rent stabilization. Therefore, they are subject to market-rate rental increases and do not have lease renewal rights.

In short, while East New York is currently home to many apartments that are affordable to a wide variety of income levels, the neighborhood lacks the protections afforded by widespread stabilization and is thus particularly vulnerable to upward pressures in the rental market.

2. Impact of Rents on Existing Population

To determine the potential impact of displacement, one must determine if existing residents will be able to afford the neighborhood’s market rate units or whether the rezoning will introduce new populations from outside of the neighborhood. Limited new development has occurred in East New York and therefore it is difficult to create a sample size of comparable rents based only on the local development.

However, the Market and Financial Study of NYC Mandatory Inclusionary Housing determined market rate rents in areas based on market strength and building type. The study identified Cypress Hill as Middle Market and East New York as Moderate. In these markets, buildings constructed after 2009 are assumed to have market rate rents based on the table below. The range in rents reflects the presence of low-rise buildings on the low end of the rent spectrum, and mid-rise buildings on the high end—the two general building types proposed in East New York Rezoning.

³ DEIS Chapter 3, Table 3-23

⁴ <http://iquantny.tumblr.com/post/125485105679/rent-stabilized-housing-is-disappearing-fast>.

⁵ The DEIS does not specify its definition of “low-income”. The Comptroller’s Office assumed any unit occupied by residents making less than 100 percent of the AMI were classified as “low-income.”

RENTS IN NEW CONSTRUCTION MIDDLE AND MODERATE MARKETS

Market type	Studio	1 Bedroom	2 Bedroom
Moderate	\$1,523-\$1,550	\$1,865-\$1,899	\$2,319-\$2,362
Middle	\$1,745-\$1,777	\$2,402-\$2,445	\$3,078-\$3,134

Source: Table 4 of the Market and Financial Study of NYC Mandatory Inclusionary Housing

The average household size of Community District 5, which covers East New York, is 2.99 residents. Therefore, many displaced households would most likely need a 2-bedroom apartment to avoid crowding. Assuming residents pay 30 percent of their yearly income on rent, which is a generally accepted threshold for housing affordability, the market rate 2-bedroom units in new buildings would be affordable to three person households earning \$83,484 to \$112,824. Reflected as a percentage of the City's Area Median Income (AMI), these income ranges are affordable to people making between 107% and 145% of the AMI.

The DEIS used Public Use Microdata Areas (PUMA) 4007 and 4008 to determine incomes in the neighborhood. Using City Planning's PUMA area summaries, the estimated income for East New York, Cypress Hills, and the surrounding community from 2008-2012 was:

INCOME LEVELS FOR STUDY AREAS

Household Incomes	Percent of AMI for Family of 3	4007	4008	Sum	Percent
Less than \$10,000	Less than 13%	9,328	10,415	19,743	21%
\$10,000 to \$14,999	13%-19%	4,725	4,255	8,980	10%
\$15,000 to \$24,999	19%-32%	5,704	6,206	11,910	13%
\$25,000 to \$34,999	32%-45%	4,761	5,678	10,439	11%
\$35,000 to \$49,999	45%-64%	5,647	7,215	12,862	14%
\$50,000 to \$74,999	64%-97%	5,439	7,967	13,406	15%
\$75,000 to \$99,999	97%-129%	2,994	3,310	6,304	7%
\$100,000 to \$149,999	129%-193%	2,441	3,669	6,110	7%
\$150,000 to \$199,999	193%-257%	687	632	1,319	1%
\$200,000 or more	Greater than 257%	382	436	818	1%
		42,108	49,783	91,891	100%

Source: http://www.nyc.gov/html/dcp/pdf/census/puma_econ_10to12_acs.pdf - bk05

Based on this data, 84 percent of the population of East New York, Cypress Hill or the surrounding community will not be able to afford the new 2-bedroom market rate apartments. As such, the new market rate units will do little to help in mitigating the indirect displacement, and instead will likely draw new populations to the neighborhood. Therefore, the only units that may prevent indirect displacement are the affordable housing units.

The Mandatory Inclusionary Housing for East New York assumes that 25% of the units will be affordable to people earning 60% of the AMI. The zoning allows the units to average 60% of the AMI and therefore theoretically some units could be affordable to people earning less than 60% and others to people earning more. For example, 50% of the affordable units could be set to 50% of the AMI, and 50% of the affordable units could be affordable for people earning 70% of the AMI.

However, for simplicity, the Comptroller's analysis assumes that all units will be made affordable to an average of 60% of the AMI (\$46,620 for a three-person household). These units will produce a rent of \$1,295. The median income in the study area was \$32,815.⁶ **Based on the income levels in the above chart, over 55% of neighborhood residents earn too little to afford the plan's affordable units.**

There is nothing "affordable" about a housing plan that is beyond the reach of more than half the community.

3. Total Units to be Created

The DEIS makes assumptions on which developments are most likely to move forward to determine the potential impacts of a rezoning. This is compared to the "no action scenario" that determines how much development will occur in the community if the rezoning does not move forward. In East New York, the DEIS assumed that 50% of all units will be affordable housing due to the inclusion of other programs other than Mandatory Inclusionary Housing. The potential number of newly constructed units proposed to be created with the rezoning compared to current as-of-right zoning is listed in the table below:

DEVELOPMENT ASSUMED IN DEIS

Unit Type	No Action	With Action	Net-difference
Market Rate	550	3,415	2,865
Affordable	0	3,447	3,447
Total Residential Development	550	6,862	6,312

Sources TABLE 1:2 East NY DEIS

However, even that number might be overly optimistic. As the City has acknowledged, creating 3,447 affordable units will require subsidies from the City's Housing Preservation and Development Corporation that are separate and apart from any zoning proposal. To date, the subsidy plan has lacked specifics. For instance, aside from one city-owned lot, it is not clear which development sites will accept these subsidies.

If the new subsidies fail to adequately incentivize developers to build additional affordable housing, and the City must rely on the rezoning alone far fewer affordable units may be produced.

Given this uncertainty, the City must assume that only the units solely attributable to the Mandatory Inclusionary Housing program will be built as affordable. In order to estimate the

⁶ Table 3-10 DEI

true minimum number of affordable housing units that will be required to be developed, the Comptroller's office has prepared a conservative estimate using DEIS data. Of the 81 potential developments, all but one was assumed to have 25% affordability as required by the zoning text amendment, with the exception of "Site A." "Site A" (Block 4142), a city-owned site, was assumed to be developed at 50% affordable, as is indicated in the DEIS.

DEVELOPMENT WITH INCLUSIONARY HOUSING ONLY

Unit Type	No Action	With Action MIH Only	Net-difference
Market Rate	550	4,966	4,416
Affordable	0	1,896	1,896
Total Residential Development	550	6,862	6,312

Even when assuming 50% affordability on Site A, the zoning regulations would produce only 1,896 affordable housing units. This is 1,551 fewer affordable housing units than assumed in the DEIS.

Approximately 14% of the neighborhood's population, the group most likely to afford a unit renting at 60% AMI, earned between \$35,000 and \$49,999. This cohort alone is large enough to consume all the affordable housing units.

The DEIS states that in the rezoning and surrounding areas, there are 21,788 unprotected units housing 49,266 low-income residents. As mentioned above, the DEIS does not state the maximum income limits used to determine "low-income." For a conservative analysis, the Comptroller's Office assumed that the DEIS held anything less than \$74,999 was "low income," which allowed the office to calculate the total number of unprotected units by income.

POPULATION OF STUDY AREA MAKING LESS THAN 100% of AMI

Household Incomes	Percent of AMI for Family of 3	Percent of Population	Low Income, Unprotected Units
Less than \$10,000	13%-19%	26%	5562
\$10,000 to \$14,999	19%-32%	12%	2530
\$15,000 to \$24,999	32%-45%	15%	3355
\$25,000 to \$34,999	45%-64%	13%	2941
\$35,000 to \$49,999	64%-97%	17%	3623
\$50,000 to \$74,999	97%-129%	17%	3777
Total		100%	21,788

Source: http://www.nyc.gov/html/dcp/pdf/census/puma_econ_10to12_acs.pdf - bk05

As stated earlier, the Mandatory Inclusionary Housing plan will produce only 1,896 affordable units. This is fewer units than would be at risk in the "45%-64%" AMI band. Therefore, it is possible that some community members in East New York could use those affordable housing units; however, it is too few units for even this income band.

However, lotteries for affordable housing units only have a 50 percent community preference. As a result, it is possible that only 948 units will be available for current neighborhood residents. This will leave 20,840 households in the community at risk of displacement.

Even if the city were able to achieve 3,447 units of affordable housing by working with developers and providing additional subsidy to target deeper levels of affordability, only 1,724 affordable units would be set aside for existing community residents— leaving low-income households living in 20,064 units at risk of displacement.

III. Recommendations: A Path Forward

Zoning is a blunt tool that can lift up neighborhoods and spur appropriate development or cause significant disruption to local communities if not appropriately implemented. Rather than continuing on the current path, the City should rethink its proposal and create a better-defined and targeted plan grounded in three basic principles.

1. Target density to sites primed for affordable housing

The City should abandon its one-size-fits all approach to rezoning and instead create a more targeted plan that upzones, or adds density, on a more limited basis. Specifically, the City should focus on upzoning development sites that have been identified in advance by HPD and developers to ensure that the City can increase the number of units that the community can afford.

2. Ensure affordability for existing, low-income residents

The majority of residents of East New York make less than 40 percent of area median income—a flawed metric that fails to take into account vast differences across the NYC metro area. The City should target the affordable housing income levels to the local community rather than a citywide standard. Under the current plan, 55 percent of residents in East New York and the surrounding communities cannot afford the so-called affordable housing units, which are pegged to citywide AMI thresholds. The City should create a more customized benchmark that more adequately reflects a community's median income levels. There is nothing “affordable” about a housing plan that is beyond the reach of more than half the community.

3. Protect existing residents from harassment and displacement

Neighborhoods like East New York and Cypress Hills have smaller percentages of rent-protected units due to the building types. The City should establish clear, enforceable rules prohibiting harassment of existing tenants to reduce the threat of displacement, including but not limited to the “certification of no harassment.” This protection is already in place in other neighborhoods in the city, including Greenpoint/Williamsburg in Brooklyn and Hell's Kitchen/Clinton in Manhattan, and severely penalizes landlords who have participated in harassment by requiring additional affordable housing to be developed.



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

**Testimony Before
The New York City Planning Commission
Regarding East New York Rezoning
(C 16035 ZMK, N 160036 ZRK, 160037 HUK, 160042 HDK, N 160050 ZRK)**

Thank you Chair Weisbrod and the members of the commission for the opportunity to testify on the East New York Rezoning.

The goal of the overall plan – to create more affordable housing – is both necessary and laudable, and zoning is an essential lever in the City’s fight to achieve this goal, particularly in neighborhoods that have the infrastructure to support additional density. But I have serious concerns about the unintended consequences of the large increase in density without robust protections in East New York.

I must express my opposition to the proposed plan absent meaningful changes to meet community concerns.

In short, while there will always be powerful market forces that put renters at risk of displacement, a new, detailed analysis by my office relying on the City’s own data shows that the current plan could inadvertently displace tens of thousands of families in East New York, the vast majority of whom will be unable to afford the relatively small number of new units that will be built.

Based on analysis by my office, the proposed rezoning has a potential significant impact on indirect residential displacement and the plan must be modified to eliminate or mitigate this impact. While the DEIS contends that there will not be a significant impact on indirect displacement, it’s conclusion is based on two assumptions: 1) there will be a large number of affordable housing units created; and 2) that there is already market pressures putting people at risk.

Based on my analysis, the proposed plan will produce too few units to mitigate the impact and the proposed rezoning will *increase* the displacement pressures, which is the true test per CEQR, by introducing a new population into the area.

Specifically, my analysis found:

- There are currently 21,788 market-rate units—non-NYCHA units that are not subject to rent stabilization—which are home to 49,255 low-income residents in East New York and the surrounding communities.¹ The rezoning would place these residents at an increased risk of displacement by creating new rental pressures on existing residents through the induction of thousands of new higher income residents.
- 84 percent of residents in East New York and the surrounding communities will be unable to afford the market rate housing units proposed under the rezoning, and 55 percent will be unable to afford the affordable units based on the MIH income requirements. These new units will increase the population of the rezoning area by over 50%.
- The DEIS projects that the combination of mandatory inclusionary housing and a series of additional subsidies will produce 3,447 affordable housing units in the neighborhood. However, only half of these affordable housing units will have a community preference, netting as few as 1,724 affordable housing units for current residents.²
- Under a more conservative estimate which focuses on the effects of rezoning alone, as few as 1,896 affordable housing units could be produced, with only half of those (948) set aside for residents of the local community through community preferences in the City's affordable housing lotteries.

Regardless of the methodology used, the anticipated number of new affordable housing units is simply not enough to mitigate the increased economic pressures on the residents of the neighborhood's 21,788 unprotected units. Even under the more optimistic scenario, if every affordable housing unit was reserved for those in the community, low-income residents in more than 20,000 units would still be at risk for displacement.

While I am pleased that HPD has committed to applying subsidies to create more deeply affordable units, to-date, a full plan on those subsidies has not been released. According to HPD's July 1, 2015, "Housing Strategies: Open House Boards" on East New York, the agency has only made a commitment for 1,200 affordable units (600 available for the community),³ while the DEIS calls for over 3,447 affordable units. However, we still do not know which programs will be used, the specific sites selected for the subsidy, or even which developers are committed to the subsidies has not been released.

Absent a comprehensive plan that indicates which sites are going to generate the affordable housing based on actual commitments or regulations that require the housing to be built, the goal of producing 3,447 affordable housing units must be seen as simply that – an aspirational goal. It

¹ This includes the Primary and Secondary Study Areas likely to be affected by the proposed rezoning.

² City policy dating to the 1980s states that half of the apartments in a low-income housing development receiving city subsidies be rented to residents already living in the same community district. The Anti-Discrimination Center of Metro New York is currently challenging this "community preference." See: <http://www.antibiaslaw.com/sites/default/files/Complaint.pdf>.

³ <http://www1.nyc.gov/assets/hpd/downloads/pdf/community/East-New-York-Boards.pdf>

is therefore appropriate that the DEIS acknowledge the potential for the current plan to cause secondary displacement. Further, the East New York plan must be revised to better balance the proposed density with affordable housing to prevent this significant impact.

Rather than continue on the current path, I recommend that the city work with the community to devise a plan that works with, not runs over the local community concerns. The Coalition for Community Advancement has made a thoughtful case for advancing their community plan, which includes ways to proactively advance community goals by increasing the amount of affordable housing, creating deeper levels of affordability, focusing on preservation of existing units, creating new opportunities for workforce development, improving infrastructure and reducing density to name only a few of the proposed changes.

I call on the city to review the coalition's proposed changes and adopt the recommendations where possible. If the city believes that the changes cannot be achieved, it should respond to the community members with both the reasoning and alternatives that meet or exceed the goals of the community.

Further, it is important that the city work to not only achieve these mitigations and revisions to the plan, but do so in an enforceable way. Administrations change and with them priorities may shift as well. History has shown that new administrations will walk away from mitigations that do not align with their goals.

Much of the community's plan, such as eliminating the R6A districts on the side streets and removing the MX districts can be achieved through standard zoning tools. Others such as creating deeper levels of affordability and introducing anti-harassment displacement could be done through the creation of a special district or a city-wide text change. Finally, tax abatement programs, school construction commitments and other proposals may require multiple bodies to approve and review. However, city agencies can begin their review of these changes now, which will allow bodies such as the city council to fully evaluate the programs concurrently with the zoning proposal.

I believe that working together we can chart a path forward that meets local concerns and avoids the unintended consequences such as secondary displacement.

Thank you for the opportunity to testify today.



Email/ Fax transmittal

TO: Community Districts 5 and 16 Distribution	FROM: Borough President Eric L. Adams
DATE: January 6, 2016	CONTACT: Olga Chernomorets – Land Use Coordinator Phone: (718) 802-3751 Email: ochernomorets@brooklynbp.nyc.gov
ULURP Recommendation: EAST NEW YORK REZONING 160035 ZMK/ 160036 ZRK/ 160037 HUK/ 160042 HDK/ 160050 ZRK	NO. of Pages, Including Cover: 61

Attached is the recommendation report for ULURP application 160035 ZMK/ 160036 ZRK/ 160037 HUK/ 160042 HDK/ 160050 ZRK. If you have any questions, please contact Olga Chernomorets at (718) 802-3751.

Distribution

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Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: EAST NEW YORK REZONING – 160035 ZMK/ 160036 ZRK/ 160037 HUK/ 160042 HDK/ 160050 ZRK

In the matter of the applications submitted by the Department of City Planning, pursuant to Section 197-c and 201 of the New York City Charter, for the amendments of the Zoning Map and Zoning Resolution that will introduce mid-density residential and commercial uses along the corridors of Fulton Street, Atlantic Avenue, Liberty Avenue and Pitkin Avenue, as well as contextual residential districts along the side streets, within portions of Cypress Hills, East New York, Ocean Hill and Brownsville sections of Brooklyn, in Community Districts 5 and 16. Amendment to the Zoning Resolution would establish Mandatory Inclusionary Housing Regulations and designated districts, create mandatory ground-floor retail districts, and create a special mixed-use manufacturing/residential district. Proposed actions also include amendment of the Dinsmore-Chestnut Urban Renewal Plan and disposition of the urban renewal site accordingly. The proposed actions would facilitate the East New York Community Plan.

COMMUNITY DISTRICTS NO. 5 and 16

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS

- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

December 30, 2015

DATE

**RECOMMENDATION FOR EAST NEW YORK REZONING – 160035 ZMK/ 160036 ZRK/
160037 HUK/ 160042 HDK/ 160050 ZRK**

The Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions to implement the East New York Community Plan (ENY Plan) and to create opportunities for housing. This includes affordable housing, community facilities, economic development and other services of an approximately 191-block area of the East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn, in Community Districts 5 and 16. Ocean Hill is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south. The proposed actions are anticipated to facilitate new residential, commercial, community facility and manufacturing development to result in the creation of 6,970 dwelling units, more than 900,000 square feet of commercial space, more than 27,000 square feet of manufacturing space, approximately 97,500 square feet of hotel space, more than 73,000 square feet of warehouse/storage space, and a decrease of approximately 137,000 square feet of auto-related space.

The ENY Plan aims to create more affordable housing and more diverse commercial uses, promote economic development and opportunity for residents, foster safer streets and generate new community resources. The proposed actions reflect DCP's ongoing engagement with Community Boards 5 and 16 (CB 5 and 16), local elected officials, community residents and stakeholders to achieve the following land use objectives:

- Create opportunities for new residential development with significant amounts of permanently affordable housing and preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs;
- Encourage mixed-use development on key corridors;
- Enhance and revitalize major thoroughfares through new economic development; and
- Protect neighborhood character of residential core and ensure predictable future development

On November 23, 2015, the Borough President held a public hearing on this text amendment and rezoning proposal. There were 28 speakers on this item, 23 in opposition and five neutral. Organizations represented by these speakers included: Metropolitan Council on Housing, Preserving East New York, Coalition for Community Advancement, Local Labor Union 79, Friends of Bushwick Inlet Park, Walmart-Free NYC, Local Development Corporation of East New York (LDCENY), Cypress Hills Local Development Corporation (CHLDC), Linden Plaza Tenant Council, Coalition of Cypress Hills, Coalition for Community Advancement, Future of Tomorrow, New York Community for Change, Pratt Center for Community Development, National Mobilization Against Sweatshops, and Faith in New York.

Speakers in opposition to this proposal voiced numerous concerns regarding:

- The affordability levels of the proposed affordable housing mostly exclude the current residents of the area;
- Steeply rising home values since the introduction of the proposed community plan, which result in increased tenant harassment by landlords interested in capitalizing on the plan;
- DCP underestimating the potential risks of displacement and not providing sufficient anti-displacement policies;
- The proposal not accounting for the existing homeless population and the existing strain on shelter capacity;

- The rezoning increase in housing density in manufacturing areas, which may not be appropriate for a residential environment;
- The proposal not including preference for veterans or existing residents and simply introducing new people to the area;
- The fear that the proposed housing will not be affordable for seniors in the area;
- This area's already high unemployment rates and low wages, and the inevitable exacerbation of the problem as the population is projected to significantly increase;
- The need for more union jobs to allow area residents to be able to work toward careers and improve their quality of life;
- The need for protection of the manufacturing sector and Draft Environmental Impact Statement (DEIS) underestimating the adverse rezoning impacts on industrial businesses;
- The fear of commercial displacement and need for protection/preservation of small and local retail businesses;
- The proposal not accounting for increased burden on already strained infrastructure, including transportation, utilities, emergency services and community resources such as schools, community centers and open space;
- The proposal including existing temporary school seats as permanent school seats, which does not fully represent the strain on the school capacity;
- The need to preserve the buildings and existing character of the area;
- Fears that the adverse impacts that resulted from the Williamsburg rezoning will repeat in this area as well;
- The proposal not accounting for pedestrian safety, amidst the proposed traffic increases, along already dangerous intersections

Speakers not taking a specific side on this proposal voiced numerous comments regarding:

- Existing housing, poverty and wage crisis in the area, and the potential for affordable housing creation
- The creation of jobs for the struggling local economy
- The provision of a new school for the community

Consideration

CB 5 voted to disapprove the application with conditions, seeking the following:

- Opportunities for recreational facilities, a cultural center, CUNY Campus and Innovation Lab;
- Funding for a business incubator;
- Residential and business real estate tax credits;
- Affordable local business space;
- Funds to renovate local businesses and relocate industrial businesses; and
- Commitment to good construction and manufacturing sector jobs

CB 16 voted to disapprove the application with conditions, seeking the following:

- Help for existing businesses and community organizations by developing a plan;
- Protection of existing manufacturing, especially at the ground level;
- Implementation of an anti-harassment program;
- Establishment of good local jobs;
- Further evaluation of Atlantic Avenue for safety improvements;
- More and better maintained community facilities and parks; and

- Change the proposed zoning map change from R7D zoning proposal to R6A zoning in order to keep with the existing context of the neighborhood

More than 6,000 new dwelling units are projected to be developed as a result of the proposed land use actions, over half of which the City is projecting to be regulated, affordable units. In order to facilitate and accommodate such growth, comprehensive initiatives were announced proposing strategies to vigorously protect existing rent-regulated housing, significantly invest in new affordable housing; launch new local economic development initiatives; build a new 1,000-seat school; improve and invest in the streetscape along Atlantic Avenue and other key corridors and improve existing parks and open spaces.

The proposed actions include amendments to the text of the "Zoning Resolution" to establish and apply a new mandatory Inclusionary Housing Program to portions of the proposed rezoning area where zoning changes are promoting new housing. DCP proposed to establish a Mandatory Inclusionary Housing program (MIH), which would require a share of the new housing to be permanently affordable. This text amendment mirrors the proposed city-wide text amendment and guarantees that affordable housing would be required in East New York in the event that the citywide MIH zoning text is not approved or is approved after the East New York rezoning is implemented. MIH would apply within the following districts: M1-4/R6A, M1-4/R7D, M1-4/R8A, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts within the rezoning area. Additionally, the proposed actions include the establishment of an Enhanced Commercial District and a Special Mixed Use District (MX) within the rezoning area.

An Enhanced Commercial District would be established along Atlantic Avenue, Pitkin Avenue, Fulton Street and Pennsylvania Avenue. In order to foster a safe and engaging pedestrian experience along these corridors, regulations would be established requiring non-residential ground floor use, transparency on the ground floor, limited curb cuts and required building setbacks to create wider sidewalks on Fulton Street.

The MX district is a special zoning district that is mapped in several locations throughout the City. It combines a light industrial (M1) district with a residential district, and permits a mix of selected light industrial, commercial, residential and community facility uses under the applicable regulations. The MX district permits mixed-use buildings, and includes an expanded definition of "home occupations," permitting a broader variety of live-work accommodations that is allowed in standard zoning districts.

The intent of the ENY Plan's proposed rezoning actions is to:

- 1) Promote mixed-use development along key corridors and near transit: Retail or community facility uses will be required at the ground floor along key corridors to create and activate streetscape and strengthen the retail environment;
- 2) Preserve the residential character of side streets: Side streets are characterized by two- to three-story row houses, single-family homes, and small apartment buildings. This existing character will be preserved with contextual residential districts. Long-standing residential uses west of Broadway Junction which do not conform to the existing manufacturing zoning designation, will be brought into conformance with new residential zoning districts; and,
- 3) Allow more diverse uses in industrial area: Industrial as well as residential and commercial uses will be allowed in areas that are currently home to a mix of uses, such as Liberty Avenue and parts of Ocean Hill.

The land use actions in tandem with comprehensive initiatives of the ENY Plan furthers the work of the Sustainable Communities East New York (SCENY) study, a federally-funded collaborative planning effort led by DCP, together with community residents, stakeholders, elected officials and local organizations from 2011-2013. This study examined opportunities for transit-oriented development, capitalizing on East New York's robust transportation assets, including a regional rail station, numerous city transit stations, particularly Broadway Junction, and several bus lines. The SCENY study recommended allowing moderate-density, mixed-use development with affordable housing along key corridors; preserving the low density character of residential side streets; cultivating a regional destination with larger-scale uses around Broadway Junction; promoting job and business growth in the Industrial Business Zone, and implementing streetscape improvements to make the area safer for pedestrians. Using an extensive community engagement process, the Mayor plans to build and preserve affordable housing throughout the City in coordination with strategic infrastructure investments in order to foster a more equitable and livable New York City.

Independent of the ENY Plan land use actions, DCP's Zoning for Quality and Affordability (ZQA) is undergoing public review for consideration of a series of text amendments to eliminate what it considers to be unnecessary obstacles to the creation of housing, especially affordable housing. As part of the ZQA text amendment, there are provisions that would allow a limited amount of additional building height in medium- to high-density districts for all new developments to accommodate greater floor-to-ceiling heights at the ground floor; to better accommodate quality space for commercial, community facility; and first floor residential uses, elevated from the level of the sidewalk. Other changes are intended to relieve certain setback requirements and coverage limitations to accommodate permitted floor area and allow greater flexibility for building envelop design. The proposed changes would allow additional height for buildings utilizing the higher floor area allowed in Mandatory Inclusionary Housing (MIH)-designated areas.

The amendment would eliminate off-street parking requirements for low-income housing or inclusionary housing within areas that fall within a "Transit Zone" encompassing areas well served by transit and with low car ownership and auto commutation rates. The entire ENY Plan area falls within the Transit Zone. Existing buildings with underutilized parking would be eligible to reduce or eliminate parking requirements by a Board of Standard and Appeals (BSA) special permit. Parking requirements for market-rate units within a mixed-income development could be reduced by authorization from the City Planning Commission, if necessary to facilitate the mixed-income development. No parking would be required for senior housing. Existing low-income senior housing developments would be able to reduce or eliminate their parking.

DCP held numerous workshops and events starting in the fall of 2014 through the spring of 2015 in partnership with other City agencies, including the Department of Transportation (DOT), School Construction Authority (SCA), Department of Education (DOE), Department of Parks and Recreation (DPR), Department of Small Business Services (DSBS), Economic Development Corporation (EDC), and HPD to identify current and future needs of the neighborhood. The engagement process solicited community goals and objectives. The community identified an extensive list of outcomes desired for the neighborhood, which are as follows:

- The development of housing, including significant amounts of new affordable housing, and housing accessible to area families at current community income levels;
- Protect low-income tenants in rent-regulated apartments;

- Safer and more active streets, and an improved streetscape, especially on Atlantic Avenue;
- Creation of more job opportunities, preservation of jobs, commercial and retail options, and new commercial services;
- Providing for open space improvements in an area to create better and more accessible parks and playgrounds; and
- New community centers offering recreation and youth programs

Based on the community identified objectives, DCP, in collaboration with other City agencies, developed a plan to achieve these goals through new zoning and other land use actions, expanded programs and services, and capital investments in the ENY Plan. The ENY Plan identifies strategies in four categories: housing, economic development, community resources and land use.

The construction of new housing has resumed with an improving economy and increased demand due to a rising City population. As a result of the City's housing programs, together with the private market home construction, the population of the East New York project area has rebounded from its low-point in 1980 of approximately 40,000 residents to 48,000 today, but still remains below its 1960 peak of 66,000 residents.

Current zoning in the neighborhood does not permit the full implementation of the ENY Plan. New residential development in key areas and along major corridors is not permitted. The existing zoning restricts new development to low densities that limit the production of substantial amounts of housing, particularly affordable housing, which limits the potential of the major corridors to become vibrant pedestrian destinations.

The intent of the proposed land use actions is to facilitate vibrant, inclusive residential neighborhoods with a wide variety of local and regional commercial options, job opportunities and attractive streets that are safe and inviting for residents, workers and visitors. Opportunities for new housing, including affordable housing along key corridors (particularly along Atlantic Avenue), would provide more housing choices for current and future residents. A growing residential population would restore population lost during the neighborhood's decline in decades past and expand the customer base for existing and new businesses such as grocery stores, pharmacies, and other neighborhood services.

It is the Borough President's policy to support land use actions that are not only compatible with surrounding land uses but also that provide beneficial amenities to the surrounding neighborhood, while providing much needed affordable housing opportunities. It is also the Borough President's policy to support land use actions that provide for development in proximity to public transit infrastructure, which provides for increased population density. The proposed ENY Plan has the potential to enhance the City's community revitalization efforts as well as create a large number of new affordable housing. The proposed ENY Plan would provide local community facility uses and commercial uses along accessible transit corridors, utilizing a number of underdeveloped lots that would otherwise not advance the community. The proposed development would also promote the health, safety, and welfare of the neighborhood by facilitating sound growth and development in an area with a strong demand for affordable housing, and with direct access to public transportation.

The low-density zoning found along key corridors in the area today discourages mixed-use development by restricting the total allowed development. Changes to the zoning to increase residential density and allow medium- to higher-density development in key corridors of Atlantic Avenue, Fulton Street, Pitkin Avenue, Pennsylvania Avenue and Liberty Avenue,

would promote mixed-use development with housing, commercial uses and community facilities. Increased residential density will reinforce demand in the neighborhood for a greater variety of local retail services such as grocery stores, pharmacies, banks, and restaurants, while supporting the growth of existing and new businesses, as well as creating local job opportunities.

The proposed rezoning would allow for both mixed-use residential and/or commercial development at higher densities in more areas of the neighborhood. Medium density development along key corridors served by transit is intended to significantly expand the supply of housing. The mapping of MIH-designated areas would promote the development of permanently affordable housing and facilitate mixed-income communities by requiring affordable housing units to be included in any new residential development, which is not required by zoning today.

The Atlantic Avenue corridor presents the greatest opportunity for substantial new development of affordable housing, retail, and other services. The width of the street, the access to transit and the presence of a large number of sites with potential for redevelopment provide this corridor with the capacity to support significant growth. The proposed zoning changes to allow residential uses would facilitate the construction of new housing and mixed-use development along the corridor, expanding the neighborhood's supply of affordable housing. Allowing higher residential density and a variety of job-generating uses on these sites would help bring a critical mass of residents to support a greater diversity of retail offerings and activate streetscapes and public spaces. Atlantic Avenue could transform into an urban boulevard offering a diversity of housing options, shopping, entertainment, jobs and services to the surrounding neighborhood as well as drawing visitors from the broader region.

Pitkin Avenue and Fulton Street are transit corridors with many vacant or underutilized lots and low-rise buildings. Changing the low-density zoning along Fulton Street, Pitkin Avenue, Liberty Avenue, and Pennsylvania Avenue to medium-density provides a means to realize the potential to see modest growth on the underutilized sites. Increasing the zoning floor area in combination with permitting residential use according to mandatory inclusionary zoning and enhanced retail zoning designations would enable the development of new mixed-use buildings with ground-floor retail, containing affordable housing, to be built along these corridors. Such growth would be supported by the corridor's existing transit network. For Liberty Avenue, allowing new residential development and local retail could significantly strengthen this corridor as a secondary neighborhood corridor.

The establishment of an Enhanced Commercial District within the rezoning area along the corridors of Atlantic Avenue, Pitkin Avenue and Fulton Street would foster a safe and engaging pedestrian experience. This would also provide flexibility along the transit corridors by establishing regulations governing ground floor use, transparency on the ground floor and limiting curb cuts, among other potential regulations. Requirements for non-residential uses on the ground floors of new buildings along these retail corridors would ensure that street life was active and create safety for all while providing for both retail as well as community facility space.

This proposal would also map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along corridors to prevent commercial uses from encroaching on residential side streets. Existing commercial overlays mapped at a depth of 150 feet would be removed on Fulton Street, Pitkin Avenue, and Liberty Avenue.

The investments, strategies and policies developed by City agencies during the creation of the ENY Plan acknowledge much of the challenges and opportunities presented by the proposed rezoning changes. The City's proposed strategic investments in infrastructure — including a new 1,000 seat school, improved parks, major streetscape and safety improvements to Atlantic Avenue, a new Workforce 1 Center and improvements in the Industrial Business District, if fully realized — would serve and improve the quality-of-life of existing residents and workers, as well as newly-added residents and workers.

The proposed ENY Plan includes actions for text amendments to the Zoning Resolution to establish a MIH program and apply the program to portions of the proposed rezoning area where zoning changes are promoting new housing. The regulations would require a share of as-of-right new residential development to include a permanently affordable component. This regulation would likely ensure that new development would facilitate mixed-income communities even in the event of future changes in the housing market that would make market-rate housing development for higher-income households feasible. Initially, new multifamily development would likely resemble recent multifamily development in the broader area, which has utilized public subsidy and been affordable to low-income households.

The ENY Plan estimates that about half of the projected dwelling units (assumed developed by 2030 in areas designated as MIH areas) would be affordable to lower income households, with the remaining housing affordable to moderate- or middle-income households, or higher-income households. A portion of this affordable housing will be set aside for community residents, and subsidized to meet local income bands by HPD policies. Residents added by the new housing would result in added customers for local businesses and may cause new businesses to open in the area, strengthening existing retail corridors and improving local retail options for current residents.

The Borough President is generally supportive of the intent of the proposed ENY Plan, though he understands and shares the concerns voiced by the neighborhood regarding: permanence of affordability above and beyond MIH requirements, risk of displacement, affordability levels, the MIH program, limited number of government sites, appropriate building height, supermarkets, big-box retail stores, development along elevated train lines, the need for sound economic development strategies, securing adequate community amenities and infrastructure, and accountability.

Permanent Affordability

Creating and maintaining affordable housing continues to be a challenge in New York City. The trend of losing such affordable housing to deregulated status continues to further escalate the challenge in maintaining an adequate supply of affordable housing. Today, more and more housing units are at risk for becoming deregulated, as they approach the end of their affordability agreements and looser regulations kick in, allowing landlords more leeway to raise the rents. In many cases, even before those restrictions are up, landlords are looking to buy these portfolios with the intention of getting the current low-income tenants out before the end of the affordability agreement.

The proposed rezoning creates new rental pressures on existing residents as thousands of new higher income residents are introduced into the area. This places the 49,266 existing low-income residents in East New York and the surrounding communities, currently living in 21,788 market-rate non-NYCHA units not subject to rent stabilization, at an increased risk for displacement. The risk for displacement is further increased as many units in East New York are within non-regulated small homes with nominal upzoning to R6B, neutral contextual

zoning to R5B. This is also true for areas immediately north and south of the rezoning, which remain designated as R4 and R5 because many properties are developed to approximately half or less of the allowable floor area. Such underdeveloped lots put those buildings at-risk for acquisition by developers for new infill development, when justified by the housing market. Even the handful of rent-stabilized buildings contain those significantly underdeveloped according to the zoning, which potentially places them at-risk for redevelopment, resulting in displacement. Therefore, it is important that all affordable housing units that are achieved through the ENY Plan be permanent.

While DCP has proposed permanently affordable housing in this area through the establishment of the MIH program, the initiative requires 25 percent of an overall new residential development in excess of 25 units to be affordable. Where a developer is willing to provide all of the units initially as affordable housing, there are no regulations in place to mandate permanent affordability for the remaining 75 percent of the units.

It is the Borough President's policy that affordable housing units remain "affordable forever" wherever feasible. The Borough President is concerned that too many affordable units are created with a limited regulatory term with regard to the number of years these units remain affordable. In his 2014 housing report, the Borough President called upon HPD to implement affordable-forever strategies so that future generations can benefit from the sound policy decisions of the current administration. The Borough President is concerned that the standard regulatory agreement used by HPD is typically between 30 and 50 years, and then loses affordability after the financing period is over. His concern is that as tenants move out after the expiration of such regulatory agreement, the units would revert to market-rate prices and no longer be an affordable housing resource. In areas where new developments can be realized on City-owned sites, it should be a policy of the City to minimize the loss of affordable housing by requiring such units to remain permanently affordable.

The Dinsmore-Chestnut Urban Renewal disposition site and the scattered NIHOP sites provide opportunities to advance the Borough President's "affordable forever" policies. In addition, the significant proposed rezoning from M1-1 to M1-4/R8A and apparent significant financial investment that would be required by the City towards the redevelopment of the former Chloe Foods sites, intended to be developed by Phipps Houses, warrants a commitment to have that development be permanently affordable.

Specific measures, when implemented, can ensure that units remain as affordable housing options for the City's residents. The Borough President believes that as the City proceeds to dispose of its land to developers, the land disposition agreement (LDA) would be an appropriate mechanism to ensure that affordable housing remains in perpetuity. This concern can be partially mitigated by the disposition of land for affordable housing opportunities to non-profit affordable housing development entities as a sound method to promote permanent affordability. A non-profit's core missions are to be an affordable housing provider and a strong advocate for affordable housing — not driven by financial considerations. The disposition of land to non-profits can usually provide a soft guarantee that the affordable units remain affordable for the duration a non-profit is in operation.

According to the DEIS, the proposed former Chloe Foods development site would generate approximately 1,054 affordable housing units. Although the non-profit Phipps Houses is involved, there is no way to guarantee permanent affordability and the ownership's intention at the end of a typical financial terms regulatory period.

For the Dinsmore-Chestnut site floor area developed as housing and for the HPD scattered site NIHOP RFP, the Borough President believes that disposition should be pursuant to a LDA

or Regulatory Agreement that requires all housing to remain permanently affordable. For the former Chloe Foods site, he believes that 100 percent permanent affordability should be achieved through either a mechanism recorded against the property or through the terms of the funding agreement.

The Borough President believes that it is imperative for the City Council to obtain such commitments in writing from HPD regarding the Dinsmore-Chestnut and NIHOP sites, to be memorialized in the LDA or Regulatory Agreement and from HPD and/or Phipps Houses memorialized in either the funding agreement or recorded against the property, prior to granting its approval to the requested modification to the Dinsmore-Chestnut Urban Renewal Plan, property dispositions, and the proposed rezoning affecting these properties.

Preservation and Anti-Displacement Measures

As one of the fastest growing communities in the New York metropolitan area, Brooklyn has experienced a renaissance that has ushered in a series of unforeseen changes, even from 10 years ago. Unfortunately, Brooklyn's success has led to displacement of longtime residents, who can no longer afford to live in their own neighborhoods. East New York has been a safe haven for many of those displaced in recent years as well as the long-term residents who have called this community their home for many years. Without rent stabilization protection, residents of, and in proximity to, the ENY Plan area are not likely to be immune from the pressures of the real estate market, as more people are drawn to the area. As a result, many residents are struggling to remain within the community as they exhaust their life savings just to keep up with day-to-day living.

While market forces that place renters at risk for displacement will always be present, the ENY Plan could inadvertently increase the risk for displacement beyond the estimated 158 residents, projected by DCP. Approximately 80 percent of the residents in East New York and the surrounding communities will be unable to afford the market rate housing units proposed under the rezoning, and 55 percent of the residents will be unable to afford the affordable units. The DEIS projects that 3,447 affordable housing units will be produced in the neighborhood but only half of these units would be set aside for community preference. Additionally, if a more conservative estimate is considered, where as few as 1,896 affordable housing units would be produced, the local preference would be even lower, with only 948 units set aside. Ultimately, a large majority of those displaced would not be able to afford the relatively small number of new units that are proposed to be built.

The more expensive residences that would be achieved through the higher 30 percent Area Medium Incomes (AMI) equivalent rents permitted through government financing or MIH requirements or through rents pursuant to the extent of the housing marketplace, are often perceived as making the surrounding area more attractive to those with more disposable income than those within the existing community. Such occupancy of the higher-cost rentals are viewed as factors in encouraging landlords to raise rents of unregulated units to rates supported by the market. The resulting displacement of a building's tenants and loss of the neighborhood's affordable housing stock are both of equal importance for affordable housing advocates.

Based on criteria developed to prepare the DEIS, a total of 187 development sites were identified within the rezoning study area; 81 projected sites, which are more likely to be developed within 15 years (2030), and 106 potential sites, which are less likely to be developed due to lot shape, size and activity. The DEIS disclosed that tenants in the ENY Plan identified potential direct displacement of 158 people, residing in 53 units on 19 of the 80 projected development sites to accommodate development pursuant to the proposed rezoning.

Strategies to Promote Preservation and Anti-Displacement

In response to concerns raised by the community and local elected officials regarding the increased risks for loss of affordable housing, and increased displacement, including those accounted for in the DEIS, the ENY Plan outlines strategies that are meant to preserve these units and protect existing residents.

In terms of preserving the existing affordable housing stock, HPD and other city agencies are dedicating resources to aggressively fight displacement by focusing on and expanding a series of financing and tax incentive programs in East New York to maintain affordability, and will strive to preserve all identified government-assisted housing whose affordability requirements are expiring. In addition, HPD recently launched a new Green Housing Preservation Program, which provides financing for private owners of small to mid-sized buildings to undertake energy efficiency and water conservation improvements, as well as moderate rehabilitation, to improve building conditions, reduce greenhouse gas emissions, and preserve affordability. HPD will streamline and expand small home repair loan programs for low to moderate income homeowners of one- to four-unit buildings, which comprise a significant portion of the building stock in East New York.

HPD will also target code enforcement to ensure housing quality. HPD's Division of Code Enforcement will inspect, issue violations if warranted, and refer properties with violations to the appropriate Housing Quality Enforcement Program.

In terms of protecting tenants from displacement, HPD strives for participation in neighborhood planning areas as it provides HPD with an opportunity to be more nuanced in developing new or increasing the deployment of existing resources to address the specific needs of a neighborhood based on building types, demographics, available data, and expressed community concerns. Each neighborhood is unique, and while there are anti-displacement strategies that can be applied across various neighborhoods, despite sentiment from various tenant advocates, there are experts that generally agree that the application and certification required in existing anti-harassment zones are not addressing core reasons for displacement. As such, HPD is convening legal and housing advocates and community development practitioners to assist in strengthening existing and/or developing additional anti-displacement tools.

The Administration has been assertive in its commitment to deploy anti-displacement resources, which will continue to evolve and be refined as better practices are identified in response to community concerns and the real estate market. A recent \$36 million commitment from the City in the ENY Plan is intended to provide free legal representation in housing court to all tenants in rezoned neighborhoods facing harassment, 47 percent of the overall citywide commitment to such purposes.

The City recently announced the creation of a Tenant Harassment Prevention Task Force to investigate and bring enforcement actions — including criminal charges — against landlords who harass tenants in East New York and other neighborhoods. The task force will address complaints that landlords are using a variety of tactics, including disruptive and dangerous renovation and construction projects, to force tenants into vacating rent-regulated apartments. The State's Housing and Community Renewal's Tenant Protection Unit, Attorney General, and the Department of Buildings (DOB) are currently conducting joint inspections citywide, following up on enforcement actions to combat such tenant harassment, which has already resulted in prosecutions. Additionally, this fall, the Mayor has signed three new measures into law (Intros. 757-A, 682-A and 700-A) to protect tenants from harassment and outlaw aggressive 'buy-out' practices used to force tenants out of rent-regulated apartments.

HPD also provides funding to local community-based development organizations for anti-eviction work and housing quality through its neighborhood preservation contracts to help meet the goals of stopping tenant displacement, improving housing quality, and generally encouraging property owners to enter into regulatory agreements with HPD.

While these initiatives can play an important role to avoid displacement, there needs to be accountability holding these initiatives in place and ensuring that they are sustained, at least until a substantial number of the probable and potential development sites identified in the DEIS are developed.

Risk for Displacement

Despite the intended initiatives, there remains much concern regarding the potential for displacement. There are several rent-stabilized buildings, which might be at risk for redevelopment given the extent of available development rights. Though such units have not been analyzed in the DEIS, the 2004 rezoning of Fourth Avenue in Park Slope is an example of such risk. Subsequent to the adoption of the Park Slope rezoning, certain buildings with occupied, rent-stabilized units were demolished. This included one particular redevelopment site where five adjoining buildings, between Butler and Douglas streets, were demolished and its tenants were displaced.

There are also concerns with regard to accommodating the current residents of Arlington Village, as 25 percent of apartments are still inhabited, of a total of 361 existing apartments, and this particular site is projected to yield 829 new units per City Planning's proposed zoning. The proposed zoning map change and MIH text does not provide any certainty that the residents of Arlington Village would remain and maintain their reasonable rental payments. Though the new owner has expressed such intent, there is nothing binding that guarantees such an outcome. The Borough President is very concerned about the long-term well-being of these tenants who have lived through a significant period of disinvestment under prior ownership.

There may be other reasons why the tenants might be displaced, which have nothing to do with upzoning. Even standard rent increases approved by the Rent Guidelines Board (RGB) could be enough of a burden to eventually lead to an inability to maintain the payment of rent. Furthermore, Major Capital Improvements (MCI) lead to much more substantial increases, which can result in displacement simply by the inability to afford such a jump in rent. Finally, there is always the risk of the residential building being sold to a developer for gut rehabilitation, where units are vacated in accordance with the DHCR Operation Bulletin.

There is concern over the small homes in the mid blocks, which are potentially at risk of displacement as the rezoning will create soft sites resulting from under built existing lots. For these mid blocks, the R5B rezoning would be a slight upzoning, only by about 10 percent, increasing from 1.25 FAR to 1.35 FAR, and the R6B rezoning would be an upzoning, by about 70 percent, from 1.25 FAR to 2.0 FAR.

The proposed contextual R5B and R6B zoning district designations are intended to seek to reinforce, preserve and enhance the existing character and context of the residential core. This would by require new development in the primarily residential central blocks to better match the form of existing buildings, by ensuring that new infill development complements the existing residential character by promoting consistent building height and size. Unfortunately, even with such nominal upzoning to R6B, neutral contextual zoning to R5B and areas immediately north and south of the rezoning remaining designated as R4 and R5, many properties are developed to approximately half or less of the allowable floor area. This

makes those buildings at risk for acquisition by developers for new infill development when justified by the housing market. But for the larger sites in the proposed R6B designated areas that tend to be part of more significant rezonings along Atlantic or Liberty avenues, the DEIS does not analyze potential displacement that would result from the upzoning to R6B and the sites that would not be gaining additional floor area or are outside the boundaries of the rezoning.

The Brooklyn Borough President's Office conducted an analysis of potential soft sites utilizing the existing built floor area ratio, as compared to the proposed allowable floor area ratio. The analysis concluded that by not downzoning, the ENY Plan proposal leaves a lot of the neighborhood vulnerable to displacement, as shown below.

Brooklyn Borough President's Office Analysis of Potential Soft Sites



One means to reduce the number of potential redevelopment sites is to reduce the amount of permitted zoning floor area. This would be accomplished through a zoning map change designation, which results in less floor area than the proposed R5B and R6B, and the adjacent R4 and R5 designated areas.

From this analysis of the potential soft sites, nine are likely rent stabilized buildings, which might provide some additional deterrents to displacement. The rest of the soft sites are at an even greater risk of displacement given the more limited regulatory role with private leases. However, the risk on rent stabilized sites is two-fold, if the building is not a soft site then the next level, besides landlord harassment, is preferential rent retraction and implementation of the much higher legal rent; in some cases this could mean up to 40 percent more than the last lease.

While the Administration has not embraced designating additional anti-harassment areas due to a belief that the application and certification required in existing anti-harassment zones are not addressing core reasons for displacement, plenty of tenant advocates have called for introduction of an anti-harassment area to Cypress Hills and East New York. Such areas can be established through a zoning text change, such as those established in the Special Clinton District and in Williamsburg and Greenpoint.

Implementation of such areas requires HPD to conduct investigations whenever the DOB receives a demolition request. Many affordable housing advocates believe that the potential

recourse resulting from an investigation that determines if harassment occurred (setting aside affordable housing in the resulting redevelopment) would minimize the number of situations in which the property owner would continue to pursue displacement, resulting from building demolition. Tenant advocates believe that the typical tenants benefitting from this process are those most vulnerable/unable to combat landlord harassment by themselves. These include: seniors, recent immigrants, the disabled, those with low literacy skills, and those with low incomes. This measure requires the City to be proactive.

In 2008, the City Council enacted the Tenant Protection Act (Local Law 7 of 2008) as a means of establishing a self-help course of action in housing court for a tenant to sue their landlord for harassment. As compared to the Anti-Harassment Area, the TPA shifts the emphasis from the City to the tenant to be proactive. If, after a hearing, the court finds that harassment has occurred, a judge can issue an order instructing the landlord to cease the harassment. The question is whether the fines ranging from \$1,000 to \$5,000 or the possibility of compounded fines for subsequent findings of harassment, are substantial enough — as compared to anti-harassment area penalties — to preemptively discourage the harassment of tenants broadly. Advocates believe that in order to make the best use of TPA for combating harassment, it likely requires that a tenant be knowledgeable enough and have the resources to initiate a pro se court (self-representation without Counsel) action and prove a pattern of harassment. Additionally, because such actions are tenant initiated, landlords who “successfully” displace their tenants through harassment escape sanction. Advocates believe that TPA was never conceived as a “cure-all” for the harassment of tenants and was certainly not meant to substitute for establishing more anti-harassment areas. The Borough President agrees with this position in seeking the establishment of more anti-harassment areas.

The Borough President believes that it is appropriate to implement measures that retain the City’s regulated affordable housing stock. As the Administration is not embracing the idea of establishing more anti-harassment areas, it is important that the City Council, on behalf of tenants, take appropriate actions to best protect tenants.

As the rezoning area and surrounding communities have been reported to have 49,266 existing low-income residents currently living in 21,788 non-rent regulated apartments, measures that have the potential to protect tenants, warrant further consideration. The Borough President believes that the City Council should review anti-harassment measures of Sections 23-90 and 93-90 of the Zoning Resolution and the TPA to determine the best means of protecting the tenants of the sections of Ocean Hill- Brownsville, Cypress Hills and East New York in the area to be rezoned from harassment that may arise as a byproduct of the threat of displacement, which may result from the adoption of this zoning map amendment. The City Council should then take appropriate action to protect tenants in these neighborhoods, including possible amendments to Local Law 7 and/or implementation of additional anti-harassment districts.

The Borough President believes that tenant protection measures can be a deterrent to displacement. However, given the displacement that happened along Fourth Avenue in Park Slope, he believes it is still possible that developers may decide that it would be more profitable to demolish one or more buildings and then construct the maximum allowable residential development.

The Borough President is aware that merely zoning from R4, R5 to R6A, R7A, R7D, R8A and their commercial zoning district equivalents does not result in immediate redevelopment. He recognizes that it can take several years to establish and engage in anti-displacement

measures to minimize displacement and provide adequate relocation resources for those displaced or at-risk for displacement.

Status, Accountability and Enhancement of Initiatives

The Borough President believes that there needs to be known status and accountability for such stated preservation measures and anti-displacement initiatives by the Administration, in order to achieve adequate success in the immediate years, as more affluent households are introduced into the neighborhood.

In terms of HPD's Green Housing Preservation Program (GHPP) and its efforts to expand small home repair loan programs by streamlining the application process as a means to preserve affordability, the Borough President believes that such rehabilitation loans should be funded at a borrowing rate of one percent to landlords willing to index lease renewal to RGB increases. HPD should provide a database of all eligible properties for the GHPP and small home repair program with a list of such properties within a half-mile radius of the proposed rezoning area, indicating owner's contact information, and status of outreach efforts to the owner and tenants. HPD should commit to providing an adequate number of brochures or other marketing materials and sustainable rounds of funding to neighborhood community-based development organizations (CBDO) such as CHLDC, LDCENY, Mutual Housing Association of New York, and Northeast Brooklyn Housing Development Corporation as well as area faith-based partners to assist in the canvassing of small property owners.

The Borough President believes that HPD should include in its menu of tax incentives such products that would be eligible for residential real estate tax credits, including tax exemptions and/or forgiveness on City collections subject to lien sales, such as water and sewer charges, real estate taxes, etc., for landlords willing to index rental unit lease renewals to RGB increases.

While HPD strives to preserve all identified government assisted housing whose affordability requirements are expiring, the Borough President believes that several steps should be implemented prior to the Council's hearing on the ENY Plan. These include providing the City Council with a list of such properties within a half-mile radius of the proposed rezoning area; indicating the year such affordability requirements would be expiring; owner's contact information, and status of outreach efforts to both the owner and tenants.

Regarding HPD's efforts pertaining to targeting of code enforcement through inspections, issuance of violations if warranted, and referral properties with violations to the appropriate Housing Quality Enforcement Program (HQEP), the Borough President believes that HPD must supplement 311 call centers to better canvas the reporting of possible violations. Tenants should be actively solicited to share what they perceive to be code violations. Efforts should include having HPD staff regularly dispatched to known places in the community where they would be available to collect such information worthy of inspection. HPD should also regularly participate in fairs sponsored by local elected officials, CBDOs and/or faith-based partners, to collect such information. In addition, HPD should use such potential code violation data collections to prioritize inspections and implementation of its HQEP, with ongoing quarterly report documenting such efforts.

HPD has expressed intent to enhance its efforts to protect tenants from displacement through convening legal and housing advocates, and community development practitioners. They would assist in strengthening existing and/or developing additional anti-displacement tools. As intent is not results driven, HPD should provide a status of progress with the convening of the advocates and practitioners.

Even if merely one landlord displays immoral and illegal behavior, it would be too many. The law should be a weapon for Brooklynites battling such landlords. Tenants who understand their rights are much less vulnerable to harassment and displacement. In order to increase knowledge to as many tenants as practical, the Borough President has held a series of tenant harassment hearings and anti-displacement legal clinics, which aim to educate tenants on their legal rights and provide free legal advice to those facing displacement threats. While empowering individual households is a component of a tenant support system, it is imperative that HPD provides ongoing funding to local CBDO for anti-eviction work, eviction prevention services and housing quality enhancements through its Neighborhood Preservation Contracts to help meet the goals of stopping tenant displacement. In addition, adequate resources need to be directed to HPD's Tenant Harassment Prevention Task Force to enable it to adequately investigate and bring enforcement actions — including criminal charges — against landlords who harass tenants within the ENY Plan study area and surrounding neighborhoods.

Even with all these comprehensive approaches, unfortunately legal resources will, at times, be necessary to respond to harassment and eviction proceedings. The \$36 million commitment from the City, to provide free legal representation in housing court to all tenants in rezoned neighborhoods facing harassment, is an important initiative. However, legal representation should also be extended to tenants of neighborhoods surrounding the rezoning, as the anticipated neighborhood enhancements improve the overall area's quality of life.

The Borough President believes that prior to the City Council's subcommittee on Zoning and Franchises hearing regarding the ENY Plan, it is imperative for the City Council to obtain commitments in writing from HPD regarding: the status of its expansion of a series of financing and tax incentive programs, lists and outreach regarding government-assisted housing with expiring affordability requirements; code violation data collections; the convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement – including possible establishment of additional anti-harassment areas; resources to enable such legal clinics to occur with regularity; ongoing funding to local CBDOs for anti-eviction work, eviction prevention services and housing quality enhancements; resources need to be directed to HPD's Tenant Harassment Prevention Task Force, and, free legal representation in housing court. Furthermore, the Borough President joins the Brooklyn Borough Board in supporting the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings. He urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings.

In addition, HPD should commit to the City Council that it would provide quarterly updates of such status reports that would be required to be submitted to Community Boards 5 and 16 and affected Local elected officials.

Marketing Known Affordable Housing Sites to CD 5 and 16 Residents and Ongoing Marketing Efforts

Due to the ongoing housing market trends, there is potential for direct as well as indirect displacement, for residents of both CDs 5 and 16, as a result of the anticipated development, pending the approval of the ENY Plan. For community residents to truly benefit from the City's ambitious housing plan, appropriate steps should be undertaken to make sure that CD 5 and 16 residents are able to qualify for housing opportunities as they arise. The Borough President believes that developments such as HPD's sites along Livonia Avenue, NYCHA's Van Dyke Houses, and the State's Brooklyn Development Center campus

have the potential to lend themselves as initial relocation resources. However, without adequate awareness and housing lottery readiness, such opportunities would be underutilized.

HPD sites are in various stages of being developed for affordable housing along Livonia Avenue, west of Pennsylvania Avenue. These developments are projected to yield 278 units as part of Livonia Commons and 288 units as part of the second phase. NYCHA's Van Dyke Houses campus has an affordable housing development of approximately 100 units underway by CAMBA. The State's Brooklyn Development Center campus at 888 Fountain Avenue has been conditionally designated to Fountain Seaview Limited Partnership according to a proposed General Project Plan. This project is anticipated to facilitate the construction of approximately 1,000 affordable housing units, 200 of which would be replacement units designated for people with intellectual and development disabilities, contemplated for construction in 2017, with all units completed by 2028. Excluding the 200 replacement units, along with the Phipps Houses redevelopment of the former Chloe Foods site and the City's Dinsmore-Chestnut site, the above mentioned developments should be strongly considered as a relocation resource for those CD 5 and 16 residents at risk for displacement. These developments should also be considered as a relocation resource for the thousands of households living in unregulated apartments.

It should be the City's mandate to assist neighborhood residents to be as qualified and educated as possible to reap the benefits of the City's affordable housing programs. Appropriate steps to market known and subsequent affordable housing units to residents of CDs 5 and 16 must be complemented by ongoing housing literacy initiatives as a critical component of the City's plans. There are many benefits to partnering with the HPD on these efforts including creating shared literature for distribution; hosting education forums, and partnering with CBDO, faith-based organizations and local elected officials.

HPD should work with and provide resources to CBDO and faith-based organizations to help with housing lottery readiness and lottery awareness. Prior to the City Council hearing, HPD should provide in writing to the City Council its intent to help provide the educational and outreach resources in place.

Arlington Village

Currently, Arlington Village is at 25 percent occupancy, with a total of 361 existing apartments. The proposed ENY Plan projects that this site will yield an additional 829 units in accordance with the rezoning. While the new owner expressed intent to maintain the existing residents at the reasonable rents, there are no legal mechanisms in place to guarantee such promises. Therefore, the Borough President remains concerned that the proposed upzoning of this property could result in a higher risk for displacement of these long-term residents.

The new owner has expressed interest of subsequently seeking a modification to the proposed zoning as a means to provide for more affordable housing. This is something that should be considered in consultation with the community, CB 5 and local elected officials. There might be opportunities to respectfully increase density by widening the depth of the proposed Atlantic Avenue, similar to what is being proposed for the west side of Berrimann Street. Consideration should be given to providing additional density only on the section of the north-south street that does not abut neighboring properties, as is the case with Aitkens Street. However, such consideration should not be entertained without providing certainty for the existing tenants to remain in place.

In order to provide certainty for these tenants, the Borough President believes that prior to the City Council hearing, the redeveloper needs to provide proof of a binding mechanism to the Council, as a means of ensuring that the residents would be seamlessly accommodated in the redevelopment of Arlington Village, at comparable rents. Otherwise, the Borough President believes that the City Council should exclude this portion of the study area from the upzoning, leaving this property as an R5 zoning district designation.

Addressing Displacement through Downzoning

According to the soft site analysis by the Borough President's Office, there are a substantial number of properties that would become soft sites or development sites in the proposed R6B and R5B zoning districts. The R4 and R5 districts surrounding the proposed rezoning area also contain a significant number of soft sites. These soft sites increase the risk for ongoing displacement as existing homes are demolished and properties are redeveloped one by one. Even properties where it might not make sense to demolish the building might contain enough excess development rights to result in developer-driven enlargements that would likely also be preceded by displacement. While the anti-displacement strategies have the potential to provide a pathway to achieve voluntary participation, by offering RGB leases in the one- to four-family buildings, a stronger pathway appears to be in reducing development opportunities through downzoning and/or zoning districts that require detached or semi-detached housing types.

The Borough President believes that it would be appropriate for DCP to undertake a rezoning study of the proposed R5B and R6B districts as well as the surrounding R4 and R5 districts as a means to better match the allowable zoning with both the predominant building type and built floor area. Such study should be undertaken in consultation with CB 5 and 16 and its local elected officials.

Prior to the City Council hearing, the Borough President believes that the Administration should commit DCP to undertake such a rezoning study as a follow-up corrective action, with a proposal produced within six month of adoption of the ENY Plan and an application certified within 18 months.

Addressing Displacement by Providing Additional Affordable Housing Development Opportunities

It is one of the Borough President's policies to support effective ways to create more affordable housing. He is committed to seeking out all opportunities to facilitate affordable housing. As part of the ENY Plan, HPD intends to prioritize the development of more than 1,200 units of affordable housing within the next two years, including the vacant City-owned Dinsmore-Chestnut site at Atlantic Avenue. Extending beyond those 1,200 units becomes challenging given the amount of City-owned land that has diminished, and today there is very little City-owned vacant land remaining in the area. This is addressed in the ENY Plan through a proposed amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal site. However, given the significant number of vulnerable unregulated units, there remains a critical need for increasing the supply of very-low and low-income affordable opportunities as a future resource for at-risk and displaced households.

Given that HPD's portfolio continues to decline in development sites, the Borough President released his housing report, Housing Brooklyn: A Road Map to Real Affordability for Brooklynites, in November of 2014. The report identifies possible affordable housing development sites that can assist in facilitating the much-needed development of affordable

housing in Brooklyn. Two such sites disclosed in the report are near enough to the ENY Plan area to serve as relocation resources for those households at risk for displacement or already displaced. These include the Grant Avenue Field municipal parking facility and the site recently considered to house the Brownsville Community Justice Center.

The Grant Avenue Field City-owned municipal lot represents an opportunity for future development as a potential affordable housing site while also preserving off-street parking for high-need areas. HPD should initiate a process to develop the site. Additionally, the RFP should phase development of the lot to allow at least the land on one side of the street to be available for use during construction. Developed in the right way, in consultation with CB 5, this site could be a welcome addition to the community.

First identified in the Borough President's August 2014 ULURP recommendation, the Brownsville Community Justice Center site could also contribute to the Mayor's Housing New York Plan as a permanent affordable housing development. The open space at the northwestern portion of this property, along Amboy Street, provides 133,060 square feet of available floor area. Though, the extent of determining appropriate height should be developed in consultation with CB 16.

NYCHA's NextGen Plan identifies unused development right opportunities that are available for consideration within their own campuses. The possibility of tapping these rights presents a great opportunity for developing affordable housing. The CAMBA development at Van Dyke Houses is a good start and the recent RFP for an additional site at Van Dyke Houses will make an important contribution in addressing the critical need for affordable housing. Additional consideration would be needed to determine what spaces within the campuses would need to be transformed to accommodate new housing. Such development will offer another opportunity for residents at-risk, or already displaced, to remain or return to the Ocean Hill-Brownsville and East New York communities. There remains potential to develop an underutilized parking lot, shared by Linden and Boulevard Houses, to complement the recent addition of affordable senior citizen housing. The collective challenge is to figure out the feasibility and location for additional buildings. This is challenging because using remaining available floor area involves rethinking parking lots, the location of play areas and green spaces, or building above, such as is underway at Ingersoll and Whitman Houses. The Borough President looks forward to working with NYCHA and other City agencies, in collaboration with CBs 5 and 16, and local elected officials to unlock the possibilities at the neighborhood's NYCHA campuses.

The amount of NYCHA air rights available can make a significant dent to the extent that they are appropriate to utilize. On the high end, Van Dyke Houses might have around 1,150,000 square feet of available development rights. Howard Houses might have 800,000 square feet of such rights. Cypress Hills Houses might have approximately 500,000 square feet. Howard Avenue. Park Place appears to have a little more than 400,000 square feet and Howard Avenue might have around 250,000 square feet. Then there is Brownsville and Low Houses with roughly 175,000 square feet, while Hughes Apartments, Fiorentino Plaza, and Woodson Houses all may have around 120,000 square feet. Ocean Hill Apartments appear to have 75,000 square feet. Even Brown Houses might have 90,000 square feet, while Ralph Avenue Rehab appears to have approximately 70,000 square feet. On the low end, Long Island Baptist and Belmont-Sutter might have approximately 17,000 square feet of available rights. To the extent that it would be appropriate to place any of these rights present an important opportunity to retain households in these communities.

In recognizing that City-owned land is a diminishing resource, the Borough President established his Faith-Based Property Development Initiative, in partnership with Brooklyn's

faith-based institutions, such as Kingdom Faith Developers. Many of these institutions have a social vision that involves advancing the development of affordable and supportive housing. While they may have excess development rights, often they lack the financial and technical capacity to advance these development rights. The Office of the Brooklyn Borough President has been engaging faith-based institutions and initiating zoning and development consultations. The Borough President has provided Capital Budget funding to advance the construction of affordable housing in partnership with the faith-based organizations. He has joined faith-based organizations in engaging public agencies toward advancing technical expertise and looks forward to continuing such efforts as a means of realizing as much affordable housing as is practical through excess development rights.

In addition to specific City-owned or controlled sites, the City should work with faith-based organizations to identify potential development possibilities. Through faith-based development, there is community involvement in the advancement of affordable housing. This should be performed in recognition that the City would be teaming up with organizations that provide services to the communities directly affected by the affordable housing shortage. Partnering with faith-based community groups can help the City maximize its return on investing in affordable housing. In return, we can help them overcome technical and financial hurdles so they can increase their impact within communities most at need.

In addition to City-owned properties, the faith-based community has property development rights in and around the ENY Plan area that can serve as a resource to advance the supply of affordable housing, enabling at-risks and displaced households to remain in place. These sites are eligible to be developed as qualifying MIH generating sites where it might make sense to build the affordable housing off site. In addition, financial capacity and technical support from government would advance the development of certain faith-based sites, furthering the agenda of achieving affordability to very-low income households.

One additional potential affordable housing site was identified by the Borough President during his land use review (ULURP) for the proposed Rescue 2 fire station site selection. There are three adjacent City-owned lots with likely excess air rights. These include the one-story annex to PS 178, along Park Place, which could become a mixed use school/affordable housing development site. Its available development rights could be augmented by the adjacent section of the city lot under the jurisdiction of HPD, which is earmarked for development as a neighborhood open space as part of the Housing Authority's (NYCHA) redevelopment of its former Prospect Plaza development. There appears to be additional excess air rights associated with the Rescue 2 fire station that could be included with a development on the annex site.

The annex lot is approximately 25,000 square feet. The HPD lot has nearly 44,000 square feet inclusive of the fire station. The combined site's R6 zoning provides for community facility floor area for mixed use buildings according to Zoning Resolution 24-162. Residential floor area could attain the height factor maximum calculation of 2.43 residential floor area ratio minus the 15,621 square feet for the fire house. At some future date it might appear to be in the City's interest to consider the PS 178 annex as a development site for both school and housing purposes. There appears to be ample opportunity to incorporate the annex at its present or even expanded size should neighborhood growth necessitate additional school seats. There might be an opportunity in the neighborhood of up to 150,000 square feet of residential development.

The Borough President is concerned with regard to the risk for displacement and the limited opportunity to depend on the private sector through MIH-designated area development to achieve housing affordable to those most in need. He believes this should be addressed

through providing as many opportunities to create additional affordable housing resources for very-low income households at-risk for displacement or to allow those displaced to return to these communities. The Borough President believes that through both creative use of government property and through the City's financial capacity and technical support. He believes the City should be transferring jurisdiction of existing Grant Avenue Field municipal lot to HPD with the understanding that affordable housing development would incorporate the public parking as part of site redevelopment. Also, the section of the open area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center should be transferred to HPD to allow for it to issue an RFP for the lot's unused residential floor area. HPD should be collaborating with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus, and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials. Financial capacity and technical support from government should be advancing the development of neighborhood faith-based sites with available development rights. Finally, the City should take steps necessary to develop a mixed use school/affordable housing building at the PS 178 annex, as part of a larger zoning lot that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity and the necessary number of classrooms should be in consultation with CB 16, District 23 Community Education Council, District 23 superintendent, the principal of PS 178 and local elected officials.

Prior to the City Council hearing, the City should provide a written framework to the City Council of its intent to undergo such steps.

Community Preference

Community preference is very important to ensuring that residents of a community are able to continue living in their community and not get pushed out due to increasing housing costs.

The residential neighborhoods of Ocean Hill-Brownsville, Cypress Hills and East New York, including areas within the ENY Plan rezoning and surrounding areas, contain a substantial amount of small buildings that are not subject to rent protection laws. While these communities have had stable residential populations in recent history, generally as more people consider relocating to a neighborhood, rents typically climb in the many unregulated apartments, ultimately displacing many long-time residents. There is a concern that such upward trend in market rents would be amplified by the anticipated developments resulting from the ENY Plan.

A percentage of the expected housing to be developed in CDs 5 and 16 would be affordable through a combination of City-owned sites, non-profit controlled property and MIH requirements. However, the provision of affordable housing alone does not sufficiently protect residents from neighborhood displacement. In recognition of those who might be displaced indirectly as a result of the effects on the current housing market, impacted by the anticipated redevelopment in the area, the City should replicate its policy of extending local community preference to displaced CD 5 and 16 residents, as it did for displaced residents of CD 1.

Therefore, prior to the public hearing of the City Council, HPD should provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CD 5 and 16 residents displaced since the certification date of the ENY Plan.

Affordability Requirements

New Yorkers at the 50 percent AMI level and below are by far the population most in need of affordable housing. The latest data shows that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest-income citizens, those making 30 percent of AMI or less (currently \$23,310 for a family of three). Among this population, well over 50 percent are not only rent-burdened, as a segment of the 55 percent of City renter households that are rent-burdened, but pay more than half of their income toward rent. More than a fifth of New York City households — over two million people — earn less than \$25,000 a year and almost a third make less than \$35,000. As the City's housing crisis gets worse, the burden falls most heavily on these low-income households, many of them senior citizens.

There is concern that the affordable housing likely to be provided would not contain a sufficient number of units affordable to the majority of residents living in or near the rezoning area. Without changes to the anticipated distribution and income tiers, there will not be an adequate supply of truly affordable units to address households at risk for displacement, including those living doubled up, those seeking to move on from shelters and those looking to form new households. In responding to those concerns, HPD expressed intent that on public sites, it will require developers to provide its deepest affordability levels. Unfortunately, beyond Dinsmore-Chestnut and NIHOP sites, there are no known public sites in HPD's portfolio in proximity to the ENY Plan that have not already been advanced with other affordability consideration based on financing. The Dinsmore-Chestnut site availability for affordable housing could possibly be balanced by accommodating the announced 1,000-seat school as well as the community's desire to have a recreation center realized.

In addition, on private sites, HPD expressed intent to require developers using HPD subsidy to create housing at deep affordability levels. The one anticipated site is the former Chloe Foods site waiting to be redeveloped by Phipps Houses. The DEIS assumes the Dinsmore-Chestnut site and the former Chloe Foods site as one site and projects the development of 1,054 housing units overall. Therefore it is difficult to project the exact number of deeply subsidized units that would be produced by each site. Arlington Village provides another potential for deeper affordability requirements, as the property owner has already expressed interest in redeveloping the property with the intent to retain existing residents and provide housing affordable to a number of local households. Subsequently, should the property be considered for further rezoning, there might be additional opportunities to leverage affordable housing, targeting the residents living in unregulated housing units who are most at risk for displacement.

Finally, the ENY Plan will utilize the Option One of MIH, which states that 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Area Median Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI. However, the Borough President believes that at least 15 percent of the residential floor area should be provided to households with incomes at or below 40 percent of AMI. While, there is no way of guarantying which other pending developers would seek HPD subsidies, this concept would at least provide a means to achieve units affordable to a segment of the area's households. Therefore, the Borough President believes that the Zoning Resolution section of the proposed zoning text amendment should include specific language, mandating not less than a 15 percent requirement for the MIH units to have rents set affordable to households earning not more than 40 percent of AMI.

Because so many households living in the ENY Plan study area and surrounding communities are of low- and very-low income, these households are often rent-burdened. A strict rent to income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged neighborhood households from the affordable housing lotteries. Unfortunately, as a result, these households do not meet the housing lottery's minimum household earnings because too often these rent-burdened households are already paying the same rent, or in excess, of the rent stated for the affordable apartment. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and paying more than 30 percent of their income towards housing. The Borough President believes that it is time to finally break the mold in which families already paying too much rent for substandard housing are disqualified. The Zoning Resolution should be amended to allow for exceptions to the 30 percent of income threshold so that households who are burdened, though paying the same or more rent than what the housing lottery offers, would be eligible to live in newly-produced quality affordable housing accommodations.

Therefore, the Borough President seeks for the proposed MIH section of Zoning Resolution pertaining to ENY Plan MIH-designated areas to be adopted with a requirement that no less than 15 percent of the affordable housing be targeted to rents affordable to households not exceeding 40 percent AMI. As a means to expand the number of eligible households the City should ensure, through government regulated housing lotteries, rent-burdened households should receive the maximum opportunity to secure regulated, affordable housing units. The Borough President seeks to qualify rent-burdened households for eligibility for selection through the housing lottery process. This should be achieved by amending the Zoning Resolution to adjust the AMI qualifications, which should include such households that would maintain or reduce their rent burden, through action taken by the City Planning Commission or City Council.

Deep Affordability/More Affordability

In order to have MIH withstand constitutional challenges, it must have consistency for advancing public purpose. Though, in doing so, the proposed MIH rezoning creates more development opportunity for the blocks proposed for R8A, as compared to those proposed for R6A or R7A. Property owners rezoned from R5 would not similarly benefit financially from the proposed ENY Plan public action that is intended to leverage affordable housing as a public benefit. Thus, the rezoning would make development sites in the R8A nearly twice as enriched with market rate floor area than its R6A counterpart and more than 50 percent as compared to properties zoned R7A, without any added public benefit.

The Borough President believes that significant upzonings should be yielding more and affordable housing, including at deeper levels of affordability, that rezonings that do not provide as much increase in density. As rectifying this inequity cannot be achieved directly through MIH, he believes that equity can be advanced in a manner that blends the voluntary inclusionary designated area affordable housing bonus as a means to achieve the maximum permitted floor area. The Borough President believes that maximizing the number of affordable units while lowering the levels of household affordability can be achieved by blending what is required according to the proposed MIH with a voluntary special bulk permit.

Specifically, under this scenario, for the R8A outside the MX boundaries, the Borough President believes that if developers do not choose to exceed the MIH requirements, such sites should be developed according to R7A MIH regulations 4.6 FAR. For developers seeking to use the additional 2.6 FAR and height available in the R8A designated areas, such

additional floor area would have a requirement that 30 percent of its floor area be affordable based on rents averaging 50 percent of AMI.

By linking a substantial amount of market rate floor area (1.82 FAR) to the bonus, it provides a much greater incentive for a developer to use the zoning bonus and thus provide the publicly desired affordable housing.

Therefore, the City Planning Commission or City Council should modify the proposed R8A between to Bradford Street and Montauk Avenue to R7A and prior to the public hearing of the City Council, DCP should provide a written commitment to establish a zoning text amendment to permit a voluntary affordable housing bonus to permit R8A bulk and FAR, provided that of the additional 2.6 FAR, 30 percent is affordable to no less than 50 percent AMI average rent.

Location of MIH Affordable Housing Units – Preserve Existing Apartments to Preclude Displacement

Unlike the Voluntary Inclusionary Housing program, the MIH proposed zoning text does not permit qualifying units to be provided off site in existing apartments. Without a mechanism for preservation of affordable units, the proposed MIH program misses out on an opportunity to prevent displacement of area residents. Residents of the several rent-stabilized buildings in the study area would remain vulnerable to displacement if developers deem there is sufficient unused floor area to justify purchasing and demolishing the apartment building. An example of such vulnerability was observed in Park Slope, on the Fourth Avenue redevelopment site, where five adjoining buildings between Butler and Douglas streets were demolished and a large number of tenants were displaced. However, there is still a risk for displacement even in cases insufficient available development rights to compel a complete demolition, because the building could be sold for gut rehabilitation and the units vacated in accordance with the DHCR Operation Bulletin. Furthermore, the landlord has the right to undertake a MCI to achieve much more substantial increases that can result in displacement simply because tenants may not be able to afford the rent increase. There are also residents who have been displaced through illegal harassment.

Regardless of the displacement circumstances, MIH lottery units do not guarantee lottery selection or for such households to have the proper income to be eligible for such units. The Borough Board seeks to expand eligibility to a preservation option so that more tools are available to keep residents permanently in their apartments, according to rent-regulated protection. Therefore, the Borough President believes that it is most important to have MIH modified to qualify the permanent preservation of existing units in the community as an additional tool to preclude displacement. He seeks for the Zoning Resolution to be amended accordingly by modification through the City Planning Commission or City Council.

Establishing Appropriate Limits for the Board of Standards and Appeals to Modify MIH requirements

In cases of hardship, in which MIH requirements would make development financially infeasible, developers would be enabled to apply to the Board of Standards and Appeals (BSA) for a special permit to reduce or modify the requirements.

The preamble of what BSA might modify merely defines income levels without any accommodation for rent-burdened household equivalents. Furthermore, there are no set parameters as to what extent BSA may modify the MIH income levels for qualifying households. According to the proposed zoning text, for BSA to determine that finding (a) has been made, BSA is not required to consider whether there has been any demonstration that the City has not been provided adequate opportunity to enhance its subsidies. Further,

the finding does not adequately define reasonable return in the context of what would be the rate of return prior to the property being rezoned according to MIH.

For buildings in excess of 25 units, in which payment in lieu is not permitted to meet the requirements of MIH, the Borough President believes that BSA should be seeking out a demonstration that the City is not prepared to provide enhanced subsidies. Furthermore, he seeks that the zoning text is amended to clarify that the qualifying households would include rent-burdened AMI equivalents and preclude the conversion of AMI restricted housing to market rate housing. The Borough President believes that it is reasonable to limit the scope of the extent that BSA might modify the 60 percent average rental basis of the MIH's affordable housing. The zoning text should limit the authority of BSA so that it could not lift the rental basis average to not exceed 90 percent AMI, with maximum eligibility maintained at no more than 130 percent AMI and its rent-burdened equivalent. This would effectively limit the available market rate floor area, and its commercial equivalent, to the equivalent 75 percent of the maximum MIH as-of-right permitted Floor Area Ratio (FAR). Should BSA determine that no affordable housing would be provided in order to make a development financially feasible, BSA should be mandated as a condition of precluding any provision of mandatory affordable housing, to reduce the allowable height in recognition of the reduction of provided floor area. The Borough President supports the Brooklyn Borough Board's Resolution regarding MIH that would restrict a market rate only housing development's height per the Brooklyn Borough Board Zoning for Quality and Affordability Height Recommendation per proposed Zoning Resolution section 23-662(b), which reduces permitted height for Voluntary Inclusionary Designated Area developments not utilizing the affordable housing zoning bonus. Finally, when determining what should be a reasonable rate of return, BSA should take into consideration what was the reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS adjusted by the Consumer Price Index.

The Borough President seeks for the Zoning Resolution to be amended accordingly, to establish appropriate limits and consideration by BSA through the City Planning Commission or City Council.

Payment in Lieu of Option Extended to Smaller Developments

The MIH program provides developers with projects over 10 units or 12,500 zoning square feet to 25 units or 25,000 square feet with an option to make a payment to an affordable housing fund in lieu of directly providing affordable housing to low- or moderate-income households. Developments, enlargements or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area would be exempt from the requirements of the program.

There are many small lots, approximately 2,000, square feet that would eventually become desirable for redevelopment when upzoned through the ENY Plan, which would otherwise not be redeveloped; for example, upzoning from R5, with 1.25 FAR, to districts with allowable FARs of 3.6, 4.6 and 5.6. Where 2,500 square feet could be developed without the rezoning, such sites could be developed with between 7,200 to 11,200 square feet, enough of an increase that the Borough President believes should not be exempted from the proposed affordable housing obligation. Given the 25 percent MIH affordability standard for average income of 60 percent AMI, the Borough President believes that it would be appropriate to extend applicability of the payment in lieu of option to the developments with at least four dwelling units. The Zoning Resolution should be amended accordingly by the City Planning Commission or City Council.

Bedroom Mix – Promoting Family-Sized Units

A recent report identified that the rent-burden households which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized unit types. Therefore, the Borough President shares the concerns of the community regarding the mix of the proposed affordable housing units not reflecting the needs of CD 5 and 16's low- to middle-income communities, not seeking senior housing units.

The Borough President believes that using the affordable housing floor area for right-sizing the bedroom distribution is more important than maximizing the number of affordable housing units. As drafted, there is not sufficient leverage/flexibility to provide for a greater number of bedrooms for the affordable units as part of mixed-income buildings. The Borough President is concerned that new development might not reflect unique needs of the communities within the ENY Plan area.

The Borough President also believes that the Zoning Resolution should reflect such right-sizing affordable housing bedroom distribution. The Dinsmore-Chestnut Urban Renewal site and the former Chloe Foods site also present opportunities to achieve family-sized units for non-elderly, or supportive housing units.

The Borough President seeks to have the proposed zoning amended in order to require a minimum threshold for non-independent residences for seniors and non-supportive housing to accommodate family-sized apartments. The amendment would stipulate that the bedroom mix of affordable housing units have at least 50 percent of the affordable housing units contain two or more bedrooms and at least 75 percent of the affordable housing units contain one or more bedrooms. Additionally, such requirements should be memorialized in the LDA or regulatory agreement between a designated developer and HPD for the Dinsmore-Chestnut Urban Renewal site disposition as well as in the funding agreement with HPD for the former Chloe Foods site.

Therefore, prior to the public hearing of the City Council, HPD should provide a written commitment to codify this minimum threshold for the bedroom mix for the Dinsmore-Chestnut and former Chloe Foods property.

More Appropriate Building Height and Density

CB 16's recommendation called for changing the proposed zoning map from R7D (bounded by Fulton and Somers streets and Mother Gaston Boulevard and Sackman Street) zoning proposal to R6A zoning in order to keep with existing context of the neighborhood in CD 16. The area is surrounded on three sides by blocks zoned R6 and on the fourth side by a proposed R6A zoning district. R6A, and its R6 Quality Housing contextual equivalent, permit a maximum height of 70 feet. R7D permits up to 100 feet, though if the proposed Quality and Affordable Zoning is adopted, permitted height would increase to 125 feet, if certain provisions are met. Given that the DEIS only identifies one potential site (assumed to be developed after 2030) in this area, the Borough President believes it is appropriate to eliminate a few potential affordable housing units in order to respect CB 16's recommendation and maintain the surrounding context.

The proposed ENY Plan is intended to be implemented pursuant to the proposed MIH and ZQA zoning regulations. Therefore, the Borough President supports providing additional height to guarantee that developments would be able to accommodate the permitted floor area. Additional height would assure feasibility to promote development and to maximize affordable housing floor area. Though, he is concerned that the proposed maximum height and number of stories are, in most instances, more than what might be deemed appropriate

increased height to accommodate allowable FAR permitted for the MIH-designated area. The proposed heights of certain districts result in such districts being less-welcomed by the host communities. This is especially true when the upzoning is integrated as part of a neighborhood-wide contextual rezoning that includes contextual, preservation-minded rezoning, as in the case of the ENY Plan.

The Borough President believes that it is appropriate to reduce the proposed maximum height for R7A and R7D districts and their commercial equivalents to be consistent with the Zoning for Quality and Affordability recommendations, adopted December 1, 2015 by the Brooklyn Borough Board.

The Borough President also believes that it is not necessary to propose uniform height and density along the R7A and R8A corridors along Atlantic and Pitkin avenues as each block has different proximity to paid transit stations and north-south bus routes. Though, specific consideration of any changes should be made in consultation with the affected council member and the community.

Therefore, the Borough President seeks for the proposed R7D zoning district within CD 16 to be changed to R6A. For the ENY Plan, he seeks for the proposed Maximum Height of Building with qualifying ground floors, where second floor is at least 13 feet above the sidewalk, in the R7A MIH, to be reduced to 95 feet (and to 90 feet when the second floor is elevated to less than 13 feet) and to 115 feet (110 feet where the second floor is less than 13 feet) in R7D MIH. In both instances, the number of stories should be restricted to nine and 11.

Supermarket

It is one of the Borough President's policies to review all appropriate land use applications to determine whether a supermarket site would realize a significant increase in floor area based on the proposed land use actions. The Borough President is concerned with the limited access to affordable fresh food stores in many neighborhoods. In order for all of Brooklyn to flourish, it is imperative that the Borough's residents have an adequate supply of supermarkets and grocery stores in their neighborhoods to access fresh and affordable foods. Access to healthy food options, whether creating more options and/or maintaining access to healthy food options, has been a top priority for the Borough President.

The ENY Plan area and surrounding communities are significantly underserved by quality, fresh food options and are designated as food deserts. In response, the Zoning Resolution recently established FRESH program incentives and City financing made available through its FRESH initiative. These incentives are meant to encourage the development of grocery stores that sell fresh food by enabling the operation of more healthy food options within these neighborhoods. The program allows up to 20,000 square feet of floor area to be essentially exempt from zoning requirements and reduces or eliminates parking requirements according to the specific zoning district. This, along with financial incentives, might induce a redevelopment to contain a supermarket. However, the FRESH zoning does not guarantee a replacement supermarket as there is no mandate to retain an existing supermarket, should such property be pursued for valuable development rights. Therefore, rezonings that place food stores at added risk of being shut down warrant close scrutiny.

The ENY Plan's DEIS indicates that there are two supermarkets on lots that are significantly underdeveloped when compared to the proposed zoning and thus have potential to be redeveloped. These include the 13,250 square feet C-Town on Fulton Street between Barbey and Jerome streets, which would be rezoned from R5 to R6A/C2-4, more than doubling its residential potential and 18,000 square feet C-Town on Pitkin Avenue between New Jersey

Avenue and Vermont Street, would be rezoned from R5 to R7A. Lack of a sufficient guarantee for retaining these FRESH spaces would result in loss of the much needed supermarkets. Should these sites redevelop and not include a food store, despite zoning and financial incentives, it would be an unfortunate circumstance for a community already lacking access to fresh food.

The Borough President believes that redevelopment of a site with an existing supermarket should not be rewarded with significant upzoning unless it includes a comparably sized supermarket. Such measures have the potential to improve the likeliness that a replacement supermarket would be incorporated within the new development. He believes that the Fulton Street site should be limited to R5B and the Pitkin Avenue site be limited to R6A MIH, unless such developments incorporate new supermarkets of comparable floor area according to the FRESH initiative.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text of both the floor area ratio and FRESH section as warranted as a corrective action.

Prohibiting Big-Box Stores

The Borough President supports the expansion of quality retail stores for Brooklyn residents. The Borough President notes residents' concerns that certain chain retailers have had questionable employment practices, including minimizing work weeks to avoid qualifying employees for various benefits and inconsistent work shifts provided on short notice. Certain larger chain stores are also known for low-wages.

The proposed zoning district designations of C4-4L (along Broadway between the Eastern Parkway Extension and Van Sinderin Avenue), C4-4D (Atlantic Avenue between Sheffield Avenue and Bradford Street and between Montauk and Fountain avenues, and Pitkin Avenue between Pennsylvania and New Jersey avenues) and C4-5D (south side of Atlantic Avenue between Sackman Street and Van Sinderin Avenue), within the ENY Plan, permit retail stores of all types without a restriction on size.

In order to preclude large stores from operating as-of-right in these locations, the Borough President believes in limiting the maximum square footage to 80,000 square feet per establishment. Larger stores should be pursuant to a zoning use special permit.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text for retail uses as warranted as a corrective action.

Minimizing Noise, Vibration, Light and Air Impacts of Developing Adjacent to Elevated Train Structures

The proposed rezoning intends to allow buildings to minimize the impact of the elevated train on Fulton Street and Broadway by providing additional flexibility for street wall on upper floors and by mandating a setback at the street level. This would be achieved through an innovative zoning envelope established along a section of Broadway, as part of the Bed-Stuy North rezoning. This C4-4L commercial zoning district is a variation of the C4-4A, which allows multiple floors of commercial use and residential use on upper floors. While C4-4A carries a height limit capped at 80 feet, the C4-4L, within 125 feet of Broadway, permits heights of up to 100 feet. Such height allows for a redistribution of floor area should a development be set back further from the elevated rapid transit structure. Openness would be provided by essentially extending the sidewalk area five feet into the building site with a required street level setback. Such setback provides useful clearance between the retail facades and subway structures, like pillars and stairs, to promote pedestrian navigation along

this important shopping street. An optimal setback of 15 additional feet, while not required, provides an opportunity for more light and air to reach pedestrians as well as an added buffer of distance from the noise, vibration and other environmental factors from passing subway cars.

The five-foot setback at grade extends to at least a height of 30 feet, though not more than 65 feet, at which point the building is permitted to setback an additional 15 feet. Should a developer choose to setback at 30 feet, then there would be the added public benefit of light and air to a street that is often in the shadow of the elevated train structure. In addition, residential occupants on floors between 40 and 65 feet would be further buffered from noise and vibrations associated with the trains. While no sites were assumed to redevelop along Broadway, the DEIS assumes 22 sites could possibly redevelop along Fulton Street. This is in addition to multiple properties — as part of the 26 clusters of underdeveloped sites identified by the Brooklyn Borough President's Office — that have the potential to be redeveloped subsequent to adoption of the proposed rezoning.

Developers might utilize the added volume without the 15 foot setback by including more floor to ceiling height, increasing the cost of construction and the developer's expectation of how much more an apartment might sell for. Excessive ceiling height could lead to subsequent illegal construction of mezzanine space. The Borough President believes that developers do not need to be rewarded with the extra height when not providing the added benefits of quality-of-life for residents, of apartments along the elevated train, and pedestrians, walking along Broadway and Fulton Street.

The concept of providing the developer with extra height should be more about compensating the developer for a decision to set the building back the additional 15 feet above the height of 30 feet. As proposed, the developer can keep the full volume below 65 feet in height and yet still add the extra height of 20 feet. Again, this allows a developer to market cubic feet as an enticement to charge more for the units without providing a benefit of light and air at the pedestrian realm, or additional environmental buffering for residents between the heights of 30 and 65 feet.

The Borough President has concerns with leaving the street wall setback height to developer discretion, especially where there are so many potential sites that might be redeveloped along Fulton Street, over time. There are several examples of new residential construction fronting Broadway that are built to the lot line (Picture 1 & 2). The images show that even if a setback of five more feet is provided per the proposed rezoning, the buildings are still too close to the train station.



Picture 1



Picture 2

The Borough President believes that government has an obligation to promote both the interest of the public, in terms of light and air, and to best protect its citizens in their homes from environmental factors such as noise and vibrations. The elevated Broadway structure is not a uniform set of conditions. The range of structural variations includes station houses (Picture 3), where the structure is without the voids of transparencies when track ties reduce the sense of light to the street level. Instead, the structure becomes very solid due to mezzanines, partially enclosed stairs, and local station platforms, which significantly reduce the standards clearance between the buildings and the structure.



Picture 3



Picture 4

The provision of an alternate means of mechanical ventilation allows people to achieve interior climate comfort when windows are closed but such windows would need to be rated to achieve an interior wall construction assembly that reduces external noise to acceptable levels. While the Borough President appreciates the fact that development along Broadway and Fulton Street would be required to provide alternate means of mechanical ventilation, he believes that the setback should not be discretionary where such exterior wall contains the sole window for habitable space.

The window attenuation will not address vibration to the same extent that it can mitigate noise. Bringing ample light and air to pedestrians, especially where there are subway stations with mezzanines and solid areas where platforms exist, is more important than providing discretion to developers of what height the setback should occur. Placing building facades in proximity to the subway structure — especially when the structure is a partially-enclosed platform, stairwell or mezzanine — should not be promoted. Habitable rooms with primary window openings should not be located within five feet of a street line bordering an elevated train structure. Construction near Gerry Street demonstrates the visual benefit on mandating a setback above 30 feet (Picture 4).

The Borough President believes that buildings containing residents, characterized by a single loaded corridor with residential apartments oriented toward the rear of the lot, is an acceptable solution to not mandate a setback of 15 feet as long as proportioned windows aligning the street faced. Though, habitable rooms at street corners, where a living room or bedroom has at least one window face the side street, should not require a setback. Common spaces such as elevators, stairwells, hallways, management offices, common laundry, and meeting rooms would be appropriate to locate without additional setback. Therefore, for residential sections of developments where the street wall contains the only window wall frontage for habitable rooms, he seeks for such wall to be required to be

setback 15 additional feet at no more than 30 feet in height and the minimum street wall be at least one story.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text for revising the street wall provisions along elevated trains, along Broadway and Fulton, as warranted as a corrective action.

Averting Commercial Displacement

Fulton Street is an important shopping and dining destination for the surrounding Cypress Hills community. The DEIS assumes 22 sites could possibly redevelop along Fulton Street, with half disclosed as being more likely to be developed by 2030. The Brooklyn Borough President's Office identified multiple properties, as part of the 26 additional clusters of underdeveloped sites that have the potential to be redeveloped subsequent to adoption of the proposed rezoning. Such potential redevelopment could directly displace many existing businesses. Additional businesses might be displaced due to ongoing market forces that have nothing to do with upzoning, where more substantial increases can result in displacement simply by the inability to afford such a jump in rent. Such sentiment might become more widespread as more affluent households are introduced to the area as a result of the rezoning. There is also the risk of commercial buildings or mixed-use buildings being sold to a developer for gut rehabilitation, ultimately with resulting displacement.

The Borough President believes that DSBS should explore the possibility of establishing incentives and/or credits and low-cost financing products for landlords who seek to maintain longtime small businesses. DSBS should include in its consideration business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages.

DSBS is intent on delivering programs that help residents grow businesses by launching an East New York focused FastTrac Growth Venture Course. DSBS intends to provide education, assistance, tools to help businesses with leases, and to make the retail market more transparent. Additional targeted support would be provided through WNYC to help women operate and grow their business. The Small Business First program would help businesses in the neighborhood navigate government regulations. By extending expertise regarding technical and legal assistance to help improve the fiscal operations of small businesses, such as improving compliance with regulations to avoid fines, businesses would improve their profit margins and thus sustain rent increases.

There is additional risk of business displacement due to excessive available development rights. One means to reduce this risk is to decrease the extent of the upzoning by retaining R5 along certain stretches of Fulton Street. Another means to reduce risk is to propose alternative designations, such as R5B and/or R6B in lieu of R6A, east of Bradford Street, and R5B, R6B or R6A in lieu of C4-4L, west of Bradford Street. Supported by a study, such efforts and specific block eligibility should be determined through coordination by CBs 5 and 16 and local elected officials.

Therefore, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to explore various possibilities of incentives and financing initiatives and of delivering its programs. Furthermore, in consultation with DCP, CPC or City Council should modify the proposed zoning text map to any combination of a more neutral and/or more modest upzoning along Fulton Street.

Strengthening Retail Corridors

The ENY Plan would likely result in a transformation of existing commercial corridors through the introduction of new buildings, intertwined with existing buildings, and a shift from the current automotive focus and haphazard state of these streets. This presents an opportunity to strengthen the commercial corridors while promoting diverse retail uses to compliment both the longtime area residents and those new to the neighborhood. Additional density would provide consumer spending to support for new and existing businesses. The proposed Special Enhanced Commercial Districts would provide for new buildings with active ground floors, ensuring that new development would not diminish retail continuity and in certain locations actually fill the gaps along these pedestrian-oriented retail corridors. There is a proven means to enhance these retail streets through supporting the creation of Business Improvement Districts and/or merchants associations to further support retail growth along these corridors.

DSBS has expressed intent to work with local partners in East New York to conduct a commercial district needs assessment that sets the stage for developing a community retail plan. Study findings would inform a request for proposals and the selection of service providers for a broad menu of commercial revitalization services, which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation. The Borough President believes this is an appropriate strategy that should be implemented with ongoing interfacing as these retail streets transition in order to enhance outcomes.

Therefore, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to work with local partners in East New York to conduct a commercial district needs assessment to develop a menu of commercial revitalization services, which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation.

Promoting Locally-Based Entrepreneurs and Start-Up Business Opportunities

There is a concern that as commercial rents rise, chains would be out-competing locally-based entrepreneurs and making it that much more challenging to start up a business.

As noted above, DSBS programs that help residents grow businesses are often applicable to start ups. In addition, EDC is seeking to improve opportunities at the East Brooklyn Industrial Business Zone (IBZ). Coordination of improvements to City-owned buildings and incentives from the Industrial Development Agency (IDA), EDC is working to set the stage for new businesses to open their doors in this section of the neighborhood. EDC also intends to perform a study of possible opportunities to make the IBZ a thriving center for jobs.

While initiatives provided by DSBS and EDC are an important component of the solution, the Borough President believes that City property and City funding provide that opportunity to set aside retail space and space within the IBZ for discounted commercial rents that would be earmarked as affordable local business space. He believes that the Dinsmore-Chestnut Urban Renewal site and the former Chloe Food site provide such opportunities. Other private sites seeking significant government funding should also be compelled to set aside affordable commercial space. Having such space master-leased to locally-based non-profits such as the LDCENY and/or CHLDC would ensure long-term affordability.

Therefore, prior to the public hearing of the City Council, EDC should provide written commitments of its intent to pursue improvements to City-owned buildings, coordinate incentives from the IDA, and status of its study of the IBZ. Additionally, HPD should provide written commitments regarding setting aside affordable local business space as part of the

Dinsmore-Chestnut Urban Renewal site, the former Chloe Food site and other private sites seeking significant government funding.

Preserving, Promoting and Strengthening Industrial Use – Use Group Restrictions

While the ENY Plan promotes the reduction of much lot area available to uses that require C8 and M zoning district designations, there are likely various circumstances that contributed to the extent of utilization of some of the properties and blocks governed by these designations, resulting in the underutilization of many properties.

The proposed MX zoning districts allow existing light industrial businesses to be retained as well as expanded to the maximum permitted commercial floor area. At the same time, these districts encourage the redevelopment of vacant and/or underutilized land and lofts with residential uses, permitted to include commercial and industrial use as part of the redevelopment. However, such districts do not specifically require manufacturing uses and previous MX designations have generally resulted in residential development that in some projects included commercial uses, as permitted by a commercial district. An exception has been the resulting night clubs, permitted under the MX designation, but not always conducive to the buildings containing residential uses.

According to the DEIS, the MX district in CD 16 is projected for development after 2030. Although, even if the warehouse buildings were to remain in the interim, they are at risk of being converted to retail use, should the market support such investment. Another proposed MX section is along Atlantic Avenue, from Logan Street to Euclid Avenue, projected by the DEIS for development after 2030. However, this section contains the Dinsmore-Chestnut Urban Renewal site, likely to be developed as a school and other non-commercial uses, and the former Chloe Foods site, pending development of a significant number of affordable housing. Therefore, having zoning that permits use groups 16, 17 and 18 might have no impact in terms of promoting or retaining industrial use.

As for Liberty Avenue, extending from the mid-block east of Pennsylvania Avenue to Barbey Street, the M proposed MX district is already interspersed with low-rise residential uses. Though, this section also contains scrap yard uses that would certainly not enhance mixed commercial and residential development should this corridor successfully redevelop. According to the Coalition for Community Advancement's community plan, there appears to be approximately 10 businesses that require a manufacturing designation to be in conformance with use regulations. The DEIS indicates that approximately 600 feet of this 3,400 square feet of frontage might redevelop by 2030, with 1,100 feet of frontage believed possible to one day redevelop. Analysis by the Borough President's Office assume, that an additional 900 linear feet of frontage is likely to, one day, be redeveloped according to the proposed rezoning.

While conventional consideration might not warrant a continuation of manufacturing use groups, considering several other streets are being earmarked for retail expansion and enhancement, there does not seem to be a need to limit sections of Liberty Avenue to just another retail corridor. In addition, industrial use would likely retain a presence at various block fronts along sections of this corridor. Therefore, the Borough President believes that there is an opportunity to build on the efforts of local groups, such as Arts East New York and the creative entrepreneur start-up spirit of Brooklyn, to transform this section of Liberty Avenue to an artisanal haven, including food and beverage production.

The Borough President believes that this can be aided through zoning changes that mirror the Special Enhanced Commercial Districts (SECD) in terms of requiring non-residential uses on the first floor, and standards on fenestration and roll down window grilles. In addition,

there should be use restrictions that might restrict size, location and specific uses altogether. A location restriction for certain retail uses might specify a maximum street frontage, and/or have a size limitation to the extent that such use might be located on the ground floor, and/or have a specified limit to how much space a use might have within, for example, 30 feet or 50 feet of the street wall. A possible example might be that a large pharmacy should be primarily located on the second floor, with the exception of their lobby, or beyond 30 feet from the street line.

Warehouse and storage uses are examples of uses that would not complement such an artisanal cluster of uses and should not be permitted. Consideration should be given to size limitations for commercial establishments depending on their specific location within the building or their orientation within the first floor. An exception should be made for co-working locations, such as studio spaces, which are consistent with artisanal uses, including producers of crafts, jewelry and other artisanal products, in which each producer has their own booth and/or display area.

Protection of existing manufacturing within the East Brooklyn IBZ could become more challenging with the adoption of the ENY Plan, as it enables upzoned properties to be developed as residential. The DEIS projects more than 6,312 new dwelling units added by 2030, which could add nearly 18,800 additional residents, many with disposable income. In addition, the ongoing residential displacement that could possibly accelerate, as the neighborhood becomes more desirable, would add even more consumer spending power.

Though there would be more retail floor area brought to the neighborhood, as mandated by SECD, there is nothing in the Zoning Resolution that precludes property owners from securing change of warehousing and manufacturing uses to retail use. The sole protection is that certain destination retail uses, known to be typically larger than 10,000 square feet in the 1970s, are not permitted to exceed 10,000 square feet per establishment, though, certain destination uses that did not exist in the 1970s, such as hardware stores, remain as-of-right. Seven blocks (between Atlantic and Pitkin avenues and Sheffield and Alabama avenues, plus the middle block extending west to Williams Avenue) of the IBZ are in an M3-2 zoning district. These blocks are protected from hotels and health facilities, requiring approval under Article 28 of the Public Health Law, ambulatory diagnostic treatment health care facilities, and houses of worship, with potential to price out the existing warehouse, construction, transportation and manufacturing related uses that exist in this IBZ. However, the vast majority of the IBZ is located in an M1-4 district where medical facilities, hotels, banquet halls and houses of worship are as-of-right. Additionally, the permitted FAR for medical facilities and houses of worship is 6.5 as compared to the 2.0 FAR for the industrial uses. The added population from residential growth, permitted through adoption of the ENY Plan's rezoning, could significantly encourage the marketplace to provide medical facilities and houses of worship in this IBZ as an affordable means to be near the residents.

The Borough President believes that there is an opportunity to place use restrictions that support the IBZ. Such use restrictions might be given consideration in terms of intensity of jobs. There may also be opportunities to increase floor area for certain permitted uses, such as office floors occupied by those firms that are likely to pay enough rent to cross-subsidize lower value production uses, especially if such uses were master-leased to a CBDO. Given the extent of the permitted floor area for health-based uses and houses of worship, there could be consideration to restrict the applicability to use any community facility floor area unless a minimum amount of commercial floor area is part of the development.

The City should also promote urban agriculture given the extent of flat roofs that would not impede access to sunlight for greenhouses. The Zoning Resolution identifies agricultural use

as an open use community facility, use group 4B, and includes uses such as greenhouses, nurseries and truck gardens. Currently, state-of-the-art urban farming practice includes, but is not limited to, hydroponic farming and aquaponics. To be consistent with modern practices, especially given the extensive community facility FAR of 6.5 in the M1-4, there should be consideration to redefine agricultural uses to also be determined as enclosed uses. For the M3-2 district, there should be consideration to modify rooftop greenhouses as a permitted obstruction pursuant to section ZR 75-01 (b) to expand the use beyond the cultivation of plants, to also include aquaponics cultivation. The East New York IBZ's M3-2 district should also permit additional floor area for community facility use limited to urban farming use.

In addition to zoning text enhancements, the City should earmark low-cost financing to assist property owners with upgrading buildings within the East New York IBZ and to assist in retention of appropriate uses, otherwise facing displacement by development achieved through the City Council adopting the ENY Plan. According to the Coalition for Community Advancement's community plan, within the ENY Plan area, there appears to be approximately 100 businesses that would require a manufacturing designation to be in conformance with use regulations. To the extent appropriate, the Borough President believes that consideration should be given to assisting these uses with relocation to the East New York IBZ. He believes that EDC and DSBS should inventory and evaluate such uses in consultation with CBDO, including those that assist businesses and property owners in the IBZ, to determine where relocation might be appropriate.

In order to craft text for the Liberty Avenue section of the proposed MX district, the Borough President believes that DCP should commit to undertaking a collaborative process with CB 5, Council Member Espinal and other local elected officials as well as local CBDOs and local arts, artisans and artisanal entities.

In order to craft text for the East New York IBZ's M1-4 and M3-2 zoning districts, the Borough President believes that DCP should commit to undertaking a collaborative process with CBs 5 and 16, local elected officials, CBDO and advocates such as the Association for Neighborhood Housing Developers, East New York Farms, and other urban agriculture entities, including hydroponic and aquaponics technologies.

Given that residential development is not likely to be transforming the ENY Plan's intended residential corridors for the next several years, beyond the former Chloe Foods site, the Borough President believes that having the City Council adopt a well-thought out zoning text amendment proposal within three years should preclude the East New York IBZ from being undermined by surrounding residential development.

Prior to the public hearing of the City Council, EDC and DSBS should provide written commitments of each's intent to provide technical and financial resources to relocate appropriate ENY Plan area industrial businesses to the IBZ.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities. Double-digit unemployment is a pervasive reality in many of Brooklyn's neighborhoods, and more than half of our community districts have suffered poverty rates of 25 percent or higher, according to averaged data from 2008 to 2012. Prioritizing local hiring is integral to addressing this employment crisis. In addition, promoting Brooklyn-based businesses — including those that qualify as Minority- and Women- Owned Business Enterprises (MWBE) and LBE — is a key component of the Borough President's

economic development agenda. It is also important to provide community residents with resources to not only find good paying quality jobs within their neighborhood, but to also provide the necessary training that will help to improve their overall quality of life.

New construction provides opportunities for the future developers to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation). The Borough President believes in cementing additional avenues to advocate for bringing jobs and careers to borough residents. The proposed ENY Plan has the inevitable potential to result in a large number of new construction projects. Such opportunities are essential to providing community residents with employment and the ability to remain in place as the neighborhood grows. The Borough President believes that such requirements should be incorporated where at least the City has direct role as a means to ensure that local residents will be able to benefit from the added job capacity in the area. Such roles would occur in the implementation of Capital Budget initiatives such as the reconstruction of Atlantic Avenue, the construction of schools, refurbishment of parks, and the disposition of the Dinsmore-Chestnut Urban Renewal site as well as the significant financing role with the potential redevelopment of the former Chloe Foods site.

The Borough President acknowledges that it is HPD's intent to promote local economic opportunity according to development of sites, fostered through the adoption of the ENY Plan, through affordable housing development. When HPD subsidizes new development in the affected area, it intends to work to ensure that small businesses and community facilities are integrated into the lower floors of the building to ensure ongoing employment. HPD expressed intent to work toward increasing opportunities for MWBEs to participate in the development process and connecting local residents to career training.

The Borough President encourages responsible development and good practices by contractors and subcontractors. He believes that workers should be able to work in a non-threatening environment while promoting his agenda for achieving employment for Brooklynites through such discretionary land use actions.

At 19 percent, East New York's unemployment rate is three times higher than the City overall. The proposed ENY Plan acknowledges the struggle of the community in terms of employment, and outlines efforts in which to provide resources to help the community. According to the ENY Plan, DSBS proposes to open a Workforce 1 Career Center in the neighborhood to connect residents to career opportunities. The intent would be to connect qualified candidates to employment opportunities in New York City, using a unique combination of recruitment expertise, industry knowledge, and skill-building workshops to strengthen candidates' employment prospects, while providing local employers with a pipeline for talent. The agency also intends to work toward informing residents of its Community Partners program to increase the capacity of the City's public workforce development system and establish new industry partnerships in the retail, hospitality, manufacturing, and construction sectors.

The Borough President believes that it is imperative for the Workforce 1 Career Center to be located in a central location, easily accessible by public transit. Therefore, he believes that the Long Island Rail Road (LIRR) former sub-station building would be an ideal location for these purposes. The LIRR sub-station building is located within the IBZ, at Atlantic Avenue (service road) and Snediker Avenue. The building is accessible by multiple modes of transportation and is large enough to be able to adaptively reuse its entire space for a variety of much-needed community benefits. The City should explore acquisition of this

building and the economic feasibility of providing it as a public use, so that the Workforce 1 Center could possibly occupy a section of the building.

In addition to a physical presence by having an operational Workforce 1 Career Center in the community, the Borough President believes that there should be ongoing funding to CBDO for job training, including an initiative with East New York Farms for agricultural activities consistent with the Borough President's urban agriculture agenda.

The Borough President believes that CB 5's interest for introducing a college campus warrants consideration by CUNY, as institutions of higher learning are increasingly viewed as important engines of growth for their local communities. They not only provide direct economic impacts, as money is primarily spent within their local areas and staff is sourced locally, these institutions also help to raise the skills of an area's workforce. By educating potential workers, the institution of higher learning increases the supply of human capital for the community as well as the region. Perhaps less obviously, these schools can also raise a region's demand for human capital by helping local businesses create jobs for skilled workers. The higher-education sector also tends to contribute stability to a region since it's less susceptible to downturns than other sectors.

Additionally, creation of an Innovation Lab, run in conjunction with New York City College of Technology and local business organizations, can help to provide pre-screening services, job placement and training for the local residents. An Innovation Lab would provide training for basic computer coding, technology and vocational training programs targeted to business growth needs, entrepreneurship and cooperative training programs helping with starting small cooperative businesses, and continuing education programs. Providing such services can help to address the high unemployment rates in the area. Such initiative provides businesses with a trained local workforce as well as the local students with opportunities to build their experience and move on to the next level in their careers. The Borough President encourages CUNY to consider supporting such endeavors in coordination with the Borough President's Office and the area's local elected officials.

The Borough President believes that the Administrative Code and Local Law standards regarding MWBE and LBE participation should be memorialized in the Land Disposition Agreement (Dinsmore-Chestnut site) or Regulatory Agreement (such as with Phipps Houses in redeveloping the former Chloe Foods site) between the various developers and HPD. Prior to the public hearing of the City Council, HPD should provide written commitments of its intent to ensure that small businesses and community facilities are integrated into the lower floors of the building and guarantee ongoing employment. HPD expressed intent to work to increase opportunities for MWBEs to participate in the development process and connect local residents to career training. HPD should provide for quarterly updates to CBs 5 and 16, and local elected officials to demonstrate its monitoring and performance.

Prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to facilitate the opening of the Workforce 1 Career Center, and including the possibility of acquiring and retrofitting the LIRR sub-station, and commitment to ongoing funding to area CBDOS for job training and East New York Farms for agricultural activities. CUNY should provide a written commitment of its intent to investigate the possibility of establishing an institute of higher learning, possibly in collaboration with an Innovation Lab.

Broadway Junction

Although the ENY Plan does not propose rezoning the blocks immediately around the Broadway Junction transit hub, the Borough President believes that this area presents a wonderful opportunity to promote City-tenanted office development. Such efforts are

guaranteed to amount to a tremendous stimulus for economic and retail development. With the office vacancy rate in Downtown Brooklyn reaching a new low of 3.4 percent, there is a major need for office space to harness the demand in that section of Brooklyn. One approach for the City to accommodate demand for office space opportunities in Downtown Brooklyn is by relocating City agencies to the Broadway Junction, as tenants in privately-developed office buildings. This would not only resolve the office space demands in Downtown Brooklyn but would essentially improve public access to civic services within the East New York, Ocean Hill, and Brownsville communities. Additionally, relocating such offices to Broadway Junction has the potential to stimulate the private sector to provide supportive retail, destination retail, and restaurants for office workforce and visitors, providing additional benefits to area residents.

City agency relocation could be achieved through any combination of either vacating agencies from municipal buildings and/or identifying Downtown Brooklyn landlords who believe it is more lucrative to mutually terminate leases with the City. By relocating offices to Broadway Junction, the City would potentially improve public access to civic services and stimulate the private sector by providing supportive retail, including destination retail and restaurants for office workforce and visitors, which would also serve area residents.

The Borough President is concerned that part of the ENY Plan's proposed rezoning is in conflict with his development vision for Broadway Junction. The conflict concerns one whole block and half of a block as part of a proposed C4-5D zoning district. If left unchanged, the C4-5D would permit conflicting residential development, which has a R7D residential equivalent FAR of 5.6 and a commercial floor area of 4.2 FAR. He believes that it is not appropriate and will potentially undermine the Broadway Junction office development potential by otherwise having zoning adopted that permits contrary residential development. Neither blocks are indicated in the DEIS as projecting development so it does not appear to be contrary to the Mayor's goal of facilitating affordable housing through the ENY Plan to remove these areas from the rezoning proposal.

Therefore, the Borough President believes that the boundaries of the ENY Plan should be consistent with DCP's Sustainable East New York report's maximum development assemblages. This would be done by retaining the existing M1-2 zoning until a subsequent rezoning is undertaken as part of land use actions to implement the Borough President's vision for Broadway Junction as an office hub. He calls on the City Planning Commission or City Council to eliminate the proposed C4-5D zoning district north of Atlantic Avenue and east of Havens Place, retaining the M1-2 district.

As a follow-up action, he believes that DCP, in conjunction with EDC, should develop a series of land use actions to implement an upzoning of the existing 2.0 FAR blocks along with street map changes, commercial use restrictions and acquisition actions, if needed, toward facilitation of such office hub in consultation with CBs 5 and 16 and local elected officials.

Community Facilities

Currently, East New York has multiple underlying issues with the existing community facilities and resources available to its residents. Schools within the rezoning area are overcrowded and provide insufficient space for learning, in many cases utilizing "temporary" trailer classrooms. Not only is there no community center within the rezoning area that offers comprehensive services for children, young adults, parents and the elderly, a few existing community centers are also often under uncertainty of lease duration. Additionally, according to the DEIS, the area does not meet the NYC neighborhood open space standards, resulting in a lack of accessible green/open space.

School Seats Deficiencies

The Brooklyn Borough President's Office reviewed data for the existing school capacity as well as future capacity needs for East New York. Although the DEIS does not identify significantly adverse impacts on school capacity, numerous testimony received from the community, as well as review by the Borough President's Office, reveal that there is an immediate need to address existing Transportable Classroom Units (TCUs) and future school services.

Currently, several schools in the area accommodate students utilizing TCUs, which are a temporary solution only meant to be utilized for a period no longer than 10 years; however, these units are not counted in the DCP's impact analysis. Therefore, many of the schools have a "Target Capacity," that does not include TCUs and is significantly lower than the "Actual Enrollment," which includes these temporary units. There are seven schools that are listed as having students enrolled in TCUs, totaling 1,032 enrolled students: East New York Family Academy, IS 302, PS 7, PS 159, PS 202, PS 214, and PS 290. Replacing these temporary school seats, currently housed in TCUs, with permanent spaces and addressing electrical and technology deficiencies is warranted.

Acknowledging the area's need for additional school capacity, the City has committed to building a new school by 2020-2021, which would accommodate 1,000 students, 682 students in PK-fifth grades and 318 students in sixth to eighth grades, in District 19. HPD has proposed an amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal sites and accommodate the new school. A site selection by SCA is reportedly forthcoming.

The schools that identify as having available capacity total approximately 810 elementary school seats and 1,560 intermediate school seats. It should be noted that high school seats are not taken into account because they are not geographically restricted and are therefore counted for the entire borough, resulting in 12,453 available school seats. According to the DEIS, the proposed ENY Plan would introduce a net increment of 3,471 total students — 1,830 elementary, 757 intermediate and 884 high school. Excluding the high school seats, the net increment is 2,587 students.

Taking into consideration the existing available 810 elementary seats, plus the proposed 682 seats, and subtracting the 1,830 elementary students projected by the DEIS, there might still be a shortfall of 338 elementary school seats. Additionally, the estimated shortfall for elementary school seats does not take into consideration approximately 560 existing elementary school seats within TCUs. Taking into consideration the existing available 1,560 intermediate seats, plus the proposed 318 seats and subtracting the 757 intermediate students projected by the DEIS, there is a surplus of 318 intermediate school seats. However, such considerations do not include an estimated 370 existing intermediate school seats within TCUs. While further investigation would be required to determine the exact number of TCUs per grade level, it is clear that there is great potential for a shortfall in school seats for both elementary and intermediate school seats, to result from significant additional population within the area.

While the Borough President applauds the City's efforts to alleviate projected school capacity needs, an additional 1,000 school seats might not sufficiently provide for a growing population, at the scale at which it is proposed in the ENY Plan.

The Borough President believes that appropriate planning for school capacity must include the phasing out of the TCUs. Taking into consideration the number of students occupying

TCUs and the new students projected by the DEIS, it would be a more responsible strategy to plan for the future. As Brooklyn is not known for the availability of vacant and significantly undeveloped land, creative solutions must be considered.

In that regard, the Borough President's Office identified existing school sites to determine the extent of unused development rights. The review identified two underbuilt school sites within the proposed ENY Plan area and five underbuilt school sites just outside the rezoning area, which may be within the school catchment areas or near enough to warrant consideration. In order to utilize such development rights, building enlargements might be feasible within the footprint of existing TCUs. Consideration should be given to determining the appropriateness of reducing open area on the school grounds, including whether to reduce the amount of school yard to achieve a functional addition. The Borough President believes that SCA and DOE should evaluate these seven schools to determine the appropriateness of constructing enlargements and their projected capacity, should the enlargements be feasible.

In addition to public sites, there should be consideration of inducing the development of school capacity within new developments. The City may pursue sites through the SCA's acquisition process, though doing so merely recaptures development opportunities promoted by the ENY Plan to address the City's critical need for expanding the supply of affordable housing. In non-MIH-designated areas, there would be an additional 0.5 FAR available for R8A-designated lots (Atlantic Avenue between Bradford Street and Montauk Avenue). On a typical Atlantic Avenue frontage, this would have represented an opportunity to provide 10,000 square feet of community use floor area, clearly not sufficient to house a school. The exceptions are where the depth of the R8A mapping is to a depth beyond the standard 100 feet. This occurs on the north side of Atlantic Avenue between Van Siclen Avenue and Hendrix Street, where approximately 20,000 square feet of community facility floor area is available, and on the south side between both Schenck Avenue and Barbey Street, where approximately 15,000 square feet might be available, and Shepherd Avenue and Berriman Street, where approximately 17,000 square feet might be available. The Van Siclen-Hendrix (DEIS Site 24), Schenck-Barbey (Site 37) and Sheppard-Berriman (Site 43) sites have all been identified in the DEIS as probably being developed by 2030. While Arlington Village has its R8A depth at 100 feet, because the new owner may be contemplating further zoning action and is directly to the east of a section where the R8A is mapped to a depth of 165 feet, it may present an opportunity to leverage available community facility floor area if a zoning text change were to make such floor area available.

The Borough President believes that it is appropriate to introduce community facility floor area to facilitate school capacity in the vicinity of anticipated development according to the ENY Plan. A zoning text amendment was adopted in 2013 that would modify height and setback, lot coverage and yard controls for a public school for a parcel at Dupont and Franklin streets in Greenpoint. It allows for floor space used by the school, up to a maximum of 120,000 square feet, to be exempt from the definition of floor area. Applicable yard and lot coverage requirements were modified to permit a building that entirely covers the lot. This this precedent provides an example of a state-of-the-art zoning approach to creating floor area for public schools.

In addition to the Atlantic Avenue sites, other large sites are worthy of consideration. There are properties along the north side of Liberty Avenue between Vermont and Wyona streets (DEIS Site A59), and the south side, between Wyona and Bradford streets (Site A26), both zoned M1-4/R6A, which were not assumed to be developed until after 2030. The property on the north side of Liberty Avenue between Schenck Avenue and Barbey Street, zoned R6A, was not envisioned by the DEIS for development. In a standard M1-4 district community facility use would permit 6.5 FAR, though a school would need to meet the findings of the

BSA in order to be permitted. Along Pitkin Avenue there are properties, which were not assumed to be developed until after 2030, on the north side between Pennsylvania and New Jersey avenues (Site A73), with a proposed zoning of C4-4D, and between New Jersey Avenue and Vermont Street (Site A28, though it contains a supermarket, which should be deemed as an equal public priority and, therefore, does not make sense to incentivize for school purposes), along with the following sites with a proposed zoning of R7A, including Fountain Avenue and Crystal Street (Site 81), which was assumed to be developed by 2030. In addition, a larger site exists on the south side between Jerome and Warwick streets; while not depicted in the DEIS, might be attractive for development according to analysis by the BBPO. Within the CD 16 section of the ENY Plan there are sites (DEIS Site 2) along Broadway between Somers and Truxton streets, proposed for C4-4L zoning and site 1 along the north side of Pacific Street between East New York Avenue and Sackman Street, proposed for C4-5D zoning.

The Borough President believes that DCP should study the aforementioned sites to determine the appropriateness of developing a zoning text amendment that might pattern the text applicable in Greenpoint, where such public school floor area was exempt from zoning floor area. This is already the case in CDs 5 and 16 for a FRESH food store up to 20,000 square feet. Another option would possibly be to establish a community facility floor area only applicable to public schools when such developments also satisfy the MIH requirements. Such study and draft of a possible zoning text amendment should be undertaken in consultation with CBs 5 and 16 and its local elected officials. In addition, DOE and SCA should maintain contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. The agencies should maintain contact with such entities to access interest in redeveloping such sites on a quarterly basis. The DOE/SCA should provide quarterly update to CBs 5 and 16 and local elected officials on the status as well as intent to provide financial resources in DOE's Capital Plan for school construction as a means to act promptly when property owners are contemplating redevelopment.

The Borough President believes that prior to the City Council hearing, SCA should provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the 1,000-seat school. Furthermore, SCA and DOE should provide a written commitment of its intent to evaluate the seven schools in proximity to the ENY Plan to determine the appropriateness of constructing enlargements, and the projected capacity — should enlargements be feasible — should include elimination of the TCUs. DCP should provide a written commitment of intent to undertake a study of these sites for the appropriateness of developing a zoning text amendment to establish a community facility floor area only applicable to public schools undertaken in consultation with CBs 5 and 16 and its local elected officials. In addition, DOE and SCA should provide a written commitment of intent to compile contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. The agencies should provide quarterly update to CBs 5 and 16 and local elected officials on the status of these properties being developed, as well as intent to include in DOE's Capital Plan.

Community Centers, Child Care Centers and Senior Centers

In order to have healthy communities, residents should be provided with adequate community amenities. The community has expressed concern regarding the status of the lease of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center. Without this facility there might be a community impact. As for child care, there are 69 publicly-funded child care centers within a two-mile radius (three directly within the study area) with a total capacity of 5,942 slots, operating at 88.8 percent utilization with 588 available slots. By 2030 the DEIS anticipates another 614 children, under the age of six, eligible for publicly funded

child care, which in consideration with background growth might result in a shortfall of 187 slots. Proposed mitigation listed in the DEIS suggests that there are other alternatives for those in need of child care including: using ACS vouchers for private child care; homes licensed to provide child care; parents enrolling children outside the study area, since no restrictions exist to enrolling within a specific geographic area, and the possibility that overall demand would spur development of more child care centers. As for community centers, area residents believe there is a pressing need to provide a dedicated community center for this section of Brooklyn.

The nearest of such programs, in the form of Beacon schools, are located at the Van Siclen Community Middle School, run by CAMBA, and at PS 271. While both schools are out of the ENY Plan's DEIS study area, they still offer a degree of accessibility via public transit or walking. Van Siclen Community Middle School is located just south of the study area, at Van Siclen Avenue and Linden Boulevard, approximately 10 minutes walking distance to the nearest site within the study area. This school is accessible by an 11- to 15-minute bus ride along the B20 or B83 bus routes, to the nearest stop affected by the proposed rezoning, at Pennsylvania Pitkin avenues. PS 271 is located just west of the study area, at Herkimer Street and Saratoga Avenue, approximately a 10-minute walk to the nearest site proposed to be rezoned. This school is accessible by a five-minute bus ride along the B25 Fulton Street bus route, where it reaches the proposed rezoning area at Fulton Street and Eastern Parkway. This school is also accessible by the C train, located several minutes walking distance, where several C train stations provide access from sections of the rezoning area to PS 271. Such commutes are not ideal for lower grade youths and there is a limit to the number of additional users that these nearby Beacons can readily accommodate from a growing population resulting from additional development. Therefore, this community should be supported in its quest for its own community center.

Major challenges to establishing a community center include securing a site and identifying funding for construction and operation of the center. Obtaining a site owned by the City reduces the amount of Capital Budget funds required to construct such a facility. The Dinsmore-Chestnut Urban Renewal site provides such an opportunity. This site's proposed M1-4/R8A floor area likely offers ample zoning floor area to provide a school to accommodate 1,000 school seats, while also realizing a community center. In addition, school spaces such as cafeterias, auditoriums, and gymnasiums could be shared with a community center and, likewise, community centers with swimming pools could benefit schools. Though, including a community center at this location would reduce the amount of zoning floor area to achieve affordable housing on this site.

While not in City-ownership, the LIRR former sub-station building might also have the potential to provide such opportunity for the section that would not be required to accommodate a Workforce 1 Career Center. Located at Atlantic Avenue (service road) and Snediker Avenue, the building is accessible by multiple modes of transportation and appears to be large enough to be able to adaptively reuse its entire space for a variety of much needed community benefits.

The Borough President believes the Dinsmore-Chestnut site and the LIRR former sub-station building would be great opportunities for community, cultural, and/or recreational centers. He believes that the Administration should approach the LIRR to discuss the possibility of acquisition by the City.

The Borough President believes that prior to the public hearing of the City Council, DFTA and DCAS should provide a written commitment regarding status to extend the lease of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center. He believes that ACS should

provide a written commitment to monitor child care needs annually and report its findings to CBs 5 and 16 and its local elected officials, including whether funding should be provided as part of a joint community center/public school/day care center at the Dinsmore-Chestnut site. Finally, in coordination with local elected officials and CBs 5 and 16, the Administration should provide a written commitment to facilitate the development of a community center within the Dinsmore-Chestnut Urban Renewal site and to investigate acquisition of the LIRR former sub-station building, including the status of Capital Budget commitment.

Open Space Deficiencies

According to its DEIS, the ENY Plan area has a lack of accessible, green, open space. There is one large park at the northernmost section of the neighborhood, Highland Park, and two playgrounds within the actual study area. The open space is in dire need of regular maintenance.

According to CEQR standards, a neighborhood should provide one and one half acres of open space per 1,000 residents. The proposed actions would significantly decrease total open space per 1,000 residents from .688 to .563 acres, which yields a -8.31 percent change. Such a decrease would exceed the five percent threshold, especially considering that, for already burdened areas such as East New York and Ocean Hill-Brownsville, even a one percent change is considered an adverse impact. In recognition of such open space deficiencies, the DEIS disclosed mitigation measures in the form of: expanding and improving existing parks; creating new open space; encouraging large lots to create open space; establishing pedestrian plazas; making school playgrounds in the community accessible after hours. Funding, identification, and governance to undertake implementation would need to be addressed.

DPR is envisioning new recreation opportunities at City Line Park. It intends to lead a community design process to re-envision a large asphalt ball field in City Line Park as a new, green resource for the community. With funding from Councilman Espinal, DPR intends to improve existing parks, including repairing and revitalizing the basketball and handball courts in Sperandeo Brothers Playground, and installing new, modern play equipment in Lower Highland Park.

While identifying new parkland is challenging in a built up neighborhood such as East New York, the Borough President believes that upzoning creates more air rights for open space utilization. He also believes that it is possible to increase utilization of the open space where there is potential for converting grass/dirt playing fields to second generation artificial turf such as FieldTurf, and adding light to extend the number of hours of operation. In addition, there may be opportunities to maximize the hours of school yards and explore closing of certain streets in combination with traffic islands to create meaningful plazas. Oversized traffic islands of the Conduit's mall should also be given consideration for active recreation, though limited to teenager and adult programming in recognition of traffic volume.

In addition to what has been identified as DPR intent, the Borough President has been informed that there might be opportunities for park upgrades. Such opportunities include: funding to finish upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms so it can accommodate school groups and summer camps; installing synthetic turf field for Grace Playground; expanding of the Schoolyard to Playground program to PS 72 and PS 345; establishing a pedestrian plaza at Fulton Street and Norwood Avenue, and establishing a public space at Pitkin and Euclid avenues. Smaller initiatives should include the integration of more adult fitness equipment throughout the neighborhood. In addition, embarking on a graffiti removal initiative at Highland Park would convey a level of respect to the community that upkeep matters to DPR. Finally, DPR should

investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use.

In order to demonstrate adequate commitments, the Borough President believes that prior to the public hearing of the City Council, DPR should provide a written commitment regarding status of: its intent to lead a community design process to re-envision a large asphalt ball field in City Line Park; its intent to repair and revitalize the basketball and handball courts in Sperandeo Brothers Playground, and installation of a new, modern play equipment in Lower Highland Park; its intent to consider funding remaining upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms, and synthetic turf field for Grace Playground; its intent to collaborate with, DOE for the expansion of the Schoolyard to Playground program at PS 72 and PS 345; and its intent to collaborate with DOT, for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue, and a public space at Pitkin and Euclid avenues; its intent to integrate more adult fitness equipment throughout the neighborhood; its intent to establish a graffiti removal initiative at Highland Park, and, its intent to investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use.

Based on the above, the Administration should make a Capital Budget commitment of at least an additional \$20 million for park improvements to further advance addressing deficiencies in the adequacy of neighborhood open space.

Streets and Transit

While the ENY Plan calls for strategic infrastructure investments, such as possible streetscape and safety improvements along Atlantic Avenue and other key corridors, and provision of increased transit service and connectivity, the Plan would seemingly produce more adverse impacts than proposed mitigation efforts.

Streets

The City has expressed a commitment to make Atlantic Avenue a great street. DOT intends to redevelop this central spine of the neighborhood with safer crosswalks, a newly-landscaped median, more than 100 new street trees, and new sidewalks complete with public benches and bike racks at regular intervals. This project is intended to advance Vision Zero for pedestrian safety while also helping to set the stage for new development along the Atlantic Avenue corridor. The resurfacing, repaving, and rebuilding of streets with more stop control and crosswalk pedestrian crossings, along with other forms of traffic calming such as neck-downs, would be a tremendous asset to the community.

Similar consideration, per a DOT assessment of conditions, should be considered for connecting the IBZ to the adjacent neighborhoods. Further evaluation of Atlantic Avenue for safety improvements should extend westward through CDs 2, 3, 8 and 16.

The ENY Plan also seeks to improve connectivity throughout the neighborhood, particularly around transit. DOT intends to complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex, where Broadway and Jamaica Avenue intersect, making the area safer while also adding new amenities for pedestrians and bus passengers. New bike lanes have already been added to Pitkin Avenue, extending the existing bike network in Brownsville into East New York.

Such improvement strategies need to extend to the East New York LIRR station. Gaining access to the platform requires traversing an area that is dark, dirty, unsafe, and, therefore, underutilized. Immediate renovations and upgrades, including wayfinding and signage, are

needed as part of an initiative to entice the community to take advantage of this important transportation resource.

Transit

The Borough President is aware of the significant deficiencies in the existing area's public transit service and that the community has growing concerns regarding any additional strains on the already lacking service. Seventy percent of East New York residents rely on public transportation to get to their jobs and, in most cases, their commute times exceed 60 minutes. The B12 bus route was discontinued along Liberty Avenue in 2010 and has resulted in inadequate service along this corridor. Overall north/south connectivity is very challenging in this area and results in traffic jams, unsafe pedestrian conditions and noise and air pollution. The J/Z trains break down more often than average, and C trains break down more than any other in the MTA system.

In addition to the existing strains on public transit, the DEIS identified significantly adverse transit impacts that would result from the proposed rezoning and subsequent growth in ridership. According to the DEIS, approximately 983 to 1,445 new bus trips will be generated, resulting in the Q8 bus route having a shortfall of 17 seats during evening peak hours

Service on the B12 bus route should be restored in order to adequately service existing, as well as new residents and businesses along Liberty Avenue, as it is one of the commercial corridors proposed for increased density and mixed uses. In order to increase connectivity in the area, north-south transit bus routes that cross Atlantic Avenue should have more buses added to those routes to reduce wait times. Bus routes should also be analyzed for opportunities to expand Bus Rapid Transit.

Expanding bicycle infrastructure through designated routes, signage, appropriate pavement markings, and parking infrastructure can also mitigate traffic congestion and improve street safety. There should be consideration of expanding the Citi-Bike program as a means of providing more transit options.

As for rapid transit, NYC Transit's (NYCT) proposed 2015-2019 Capital Plan includes a very limited pool of funds for improvements at selected stations, to support the City's economic development and affordable housing strategies. Adequacy and availability of funds for such purposes will depend on the cost of necessary improvements such as at Broadway Junction, and the competing priorities at other eligible stations. It is not clear to what extent of identified need that funding would become available to address all projected impacts, especially considering that none of the subway stations within the rezoning area are ADA-accessible, which will require additional costs.

On a positive note, a recent capital budget proposed by the NYCT has the potential to help enhance public transit in the already growing area by connecting Livonia Avenue and Junius Street on the L and 3 lines in Brownsville. Currently, riders, most likely already struggling to make ends meet, have to walk along a desolate stretch and pay a second fare. The proposed budget will realize this long-awaited connection, and make the station ADA-accessible, improve accessibility and extend transit service for many residents. Until such efforts are realized, the Borough President continues to advocate for the MTA to at least implement free MetroCard transfers between the Livonia Avenue L train and Junius Street 3 train.

There may be other lower-cost improvements at the subway stations that would greatly improve service delivery. In particular, NYCT should identify opportunities to re-open any

inactive entrances/exits, and examine whether there are opportunities to upgrade capacity through the installation of HEET fare control elements.

While connecting Livonia Avenue and Junius Street stations, the possibility of more access points connecting to station platforms would be system enhancements. The MTA has reported concern that, in consideration of development pursuant to ENY Plan rezoning, the convergence of the three separate subway lines at Broadway Junction was not adequately considered. NYCT projects that the Broadway Junction station complex would result in an additional 450 transfers of customers within the station complex, following the rezoning due to the new population that would be entering and exiting at other stations within the rezoning area near new development. An NYCT study evaluated the impacts on the already congested stairways and passageways and concluded that, as a result of the rezoning, there would be significant adverse impacts on the Manhattan-bound A/C platform stairs, the Queens-bound A/C platform stairs, and the Manhattan-bound J/Z platform stairs.

As for train service, the DEIS disclosed that the southbound J/Z train would exceed the guidelines during morning peak hours, which could be addressed by increasing service and frequency, though this is dependent on NYCT resources. The Borough President believes that NYCT should prioritize increasing frequency for both the J/Z and A/C train service and improve quality and accessibility in order to provide adequate service for the community.

One possible solution to both the station transfer crowding and the capacity deficiencies appears to be implementation of New York City Transit Riders Council's *Freedom Ticket* proposal for transit riders. In Brooklyn, the *Freedom Ticket* presents an opportunity to support neighborhood growth and development of the ENY Plan and the Borough President's vision for Broadway Junction. It takes only 10 minutes on the LIRR to travel from the East New York station to Atlantic Terminal; however a peak hour ticket is \$8.25, a great sum for those living in some of the poorest census tracts in New York State. It takes more than twice as long to travel via the subway from Broadway Junction to Atlantic Terminal. MTA data shows that nearly 3,500 seats were available during peak-hour service from Jamaica to Atlantic Terminal. Implementing this service could have benefits for A line riders who would want to transfer to subway service at the Atlantic Avenue Barclay's Center station for 2, 3, 4, 5, B, D, N, Q and R service. Today, such riders must take either local C service to Franklin Avenue to get to the 2, 3, 4 or 5 at Eastern Parkway, or the B and Q at Prospect Park. For D, N and R service, it requires staying on the A line until Jay Street-MetroTech for the R line, with B and N service requiring an additional transfer at Pacific Street. For J and Z riders, having service from LIRR's East New York station directly to Jamaica would not only be faster in route, but would divert A and C riders from the congested connection to J and Z service.

In order to demonstrate adequate commitments, the Borough President believes that prior to the public hearing of the City Council, DOT should provide a written commitment regarding: its status of funding, designing and implementing the reconstruction of Atlantic Avenue; an intent to assess conditions for connecting the IBZ to the adjacent neighborhoods; to undertake an evaluation of Atlantic Avenue for safety improvements to extend westward through CDs 2, 3, 8 and 16; to complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex; describe the role it might play to improve access to the East New York LIRR station such as wayfinding, signage and crossing Atlantic Avenue service road, and to expand bicycle infrastructure.

In terms of transit improvements, the Borough President believes that NYCT should: restore service on the B12 bus route; add more buses to increase north-south service for routes that cross Atlantic Avenue; analyze opportunities to expand Bus Rapid Transit; implement free MetroCard transfers between the Livonia Avenue L train and Junius Street 3 train stations;

identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of HEET fare control elements, including to reopen presently-closed Broadway Junction station access on Broadway and the L-train access on the south side of Atlantic Avenue; increase frequency for both the J/Z and A/C train service, and, to implement *Freedom Ticket* with service applicable at LIRR's East New York station along the Atlantic Branch.

Advancing Sustainable and Resilient Energy and Storm Water Management Policies

It is the Borough President's sustainable energy policy to promote opportunities to utilize solar panels, blue/green/white roofs and Passive House design principles. He encourages developers to coordinate with the Mayor's Office of Sustainability, NYSERDA and/or NYPA at each project site. The Borough President also encourages developers to incorporate permeable pavers and/or establish bioswales that would help to advance the Department of Environmental Protection's (DEP) green-water storm-water strategies. Such modification would reduce the development's carbon footprint and reduce energy costs.

In addition, blue/green roofs, permeable pavers, and bioswales would defer storm-water from entering the City's water pollution control plants. According to the NYC Green Infrastructure 2014 Annual Report, green infrastructure plays a role in addressing water quality challenges as well as provides numerous environmental, social, and economic co-benefits. DEP is developing its Jamaica Bay Tributary and Long Term Control Plan (LTCP), which is affected by the ENY Plan's resulting development's waste- and storm-water. East New York and Ocean Hill-Brownsville are within the 26th Ward Water Pollution Control Plant (WPCP). Therefore, by incorporating bioswales, permeable pavers, and green/blue roof strategies, future developments within the area would be consistent with the LTCP.

Currently, the study area suffers flooding of subway stations, roads, and basements during rainstorms due to combined sewer overflow (CSO). CSO already contributes 63 million gallons of untreated sewage and stormwater to the Fresh and Hendrix creeks. Because the City's combined sewer system relies primarily on gravity to convey flow, low-lying areas become more vulnerable to flooding. East New York is located upland of already sewer-stressed communities such as Canarsie, East Flatbush, and Flatlands. Therefore, an increase in the area's population without adequate storm-water storage capacity improvements throughout the drainage area would result in an increase of sanitary system wastes. Such increases would not be adequately captured by the WTCP during extending periods off intense rainfall. As a result, there would be an increase in contamination of nearby water bodies connected to the outflow of the 26th Ward drainage area.

The study area is a part of the Brooklyn/Queens Demand Management Zone, an area whose infrastructure has been identified by Con Edison as inadequate to support current energy demand. ConEd has determined that the area will require a new substation within the next two years. Considering the significant amount of additional demand that will be generated by the growing population, as a result of the rezoning, there is an immediate need for large scale energy retrofits and upgrades of existing residential stock. Additionally, there is a need to mandate stringent requirements for energy efficient, green, and healthy construction in new developments.

Harnessing sunshine to save on electricity is a powerful thing for families living paycheck to paycheck, but for many, solar and other renewable energy options historically haven't been on the table, due to cost or lack of access. New York recently announced 'shared renewables' policy moves the city closer to changing that, allowing families or businesses that cannot put solar on their roof to band together and reap the benefits of renewable

energy. Those who stand to benefit most from lower-cost solar energy are families struggling to make ends meet. Burdened with some of the highest electricity rates in the US, growing numbers of New Yorkers are forced to choose between paying their utility bills, putting food on their tables, or taking care of health care needs. Nearly 277,000 households in New York City saw their electricity service cut off last year due to nonpayment.

With innovating financing options, it is now possible for some homeowners install rooftop solar panels and save on electricity bills from day one. Yet, most disadvantaged families in New York City are renters who do not control their roofs. Even for low-income homeowners out there, solar financing options typically require a good credit history, disqualifying many. The newly-approved shared renewables program is changing that by prioritizing applications for projects where one-fifth of the members are low-income households. Brooklyn is moving quickly to bring this policy into reality, starting with the Renewable and Sustainable Energy Taskforce (ReSET). For example, in Sunset Park, two local non-profit Organizations — UPROSE and Solar One — are coming together to help local low-income families save on energy bills with pollution-free sunshine.

The Borough President believes that in order to really transform the energy system, the borough needs projects like this in every neighborhood. He calls on the local organizations, such as CBDOs, including those with relationships with the many property owners in the IBZ featuring buildings with flat roofs, to step up and organize these projects, in partnership with the solar experts to make sure these projects serve disadvantaged families. However, it is up to the policymakers to follow through on their promise to create mechanisms that make shared solar work for low-income households, including those who are unable to pay upfront costs or meet traditional credit requirements.

The Borough President believes that HPD should attempt to leverage its financing to have developers give consideration to using the building's roof for any combination of solar, blue, green and/or white roof improvements. Incorporating roof-top renewable energy features, to harness direct sunlight, would be an advantageous usage of this project's roof surfaces, considering the relatively low height of surrounding structures, in order to generate sustainable energy.

HPD should encourage developers to utilize the subsidies provided to engage the appropriate government agencies, such as the Mayor's Office of Sustainability, NYSERDA and/or NYPA, possibly with the guidance and assistance of the LDCENY, to offset costs associated with solar installation.

HPD should also encourage such developers to advance DEP green-water storm-water strategies by engaging the appropriate government agencies, such as the Mayor's Office of Sustainability and DEP, to give consideration to government programs and grants that might further the sustainability and resiliency of a development. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction from City property taxes of \$4.50 per square foot of green roof, a savings of up to \$100,000. DEP's Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process.

The Borough President believes that prior to the City Council hearing, HPD should commit in writing to encourage developers to consider using the building's roof for any combination of solar, blue, green and/or white roof improvements and to advance DEP's green-water stormwater strategies.

DEP should also investigate known locations for flooding in the IBZ area, by undertaking assessments of sewers and catch basins where flooding is frequent. It should fund, as warranted, the rebuilding of sewers and catch-basins per above referenced assessment study and incorporate bioswales.

Follow-Up Corrective Land Use Actions

The Borough President is aware that some of his requests are beyond the scope of the extent that the City Planning Commission or City Council is permitted to modify the applications, as certified for public review. He expects that additional land use actions will be required in order to ensure his recommendations regarding: subsequent preservation-based rezonings; deeper affordability bonus; supermarkets; restriction of size of retail establishments; environmental factors pertaining to the elevated train structure; Liberty Avenue MX and the East New York IBZ use restrictions; text change to promote urban agriculture; Broadway Junction rezoning, and public school community facility floor area text. In order to accomplish the best possible plan for Cypress Hills, East New York and Ocean Hill-Brownsville, the Borough President urges the Administration to commit to the City Council that the Department of City Planning would certify, at various points within the next three years, applications to amend the zoning map and text in order for the City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President, which are technically beyond the scope of review for application numbers 160035 ZMK and 160036 ZRK.

Tracking of the Commitments by Appropriate Government Agencies, Through Accountability and Measured Deliverables,

The land use process provides no mechanism to ensure incorporation of stated commitments beyond the adoption of zoning text, zoning map changes, urban renewal plan amendments, and site disposition. It is also unclear where the ENY Plan lives after gaining approval of land use actions.

Though the Borough Presidents seeks, in many of his concerns, to have the City Council receive written commitment from the Administration and various City agencies, his intent is to ensure follow up expressed through Capital Budget commitments and actual construction for physical improvements to demonstrate certain deliverables. Other items regarding availability of agency staff, policy initiatives, and expense budget allocations, can be more challenging to assure follow-through. In order to establish the best environment to achieve the complete implementation of efforts to fully realize the ENY Plan, the Borough President believes that an accountability infrastructure should be established to track all commitments and measurable deliverables. Setting such community partnerships in motion provides the best guarantee that the succeeding administrations would follow through with commitments made to the City Council on behalf of the community.

In addition, agency efforts to comply with many of the Borough President's concerns regarding interactions with constituents should be handled to the extent practical within the community.

Currently, a model in place is that facilitated by the Bed-Stuy Campaign Against Hunger, in which various agencies have been bringing laptops to the facility to bring services to constituents and enter information from constituents directly into a City database. HPD, in collaboration with the Community Preservation Corporation and the Enterprise Community Partners, Inc.'s Neighborhood Preservation HelpDesk is another such model. This initiative assists owners of small rental buildings in becoming informed with regard to funding for repairs and upgrades, resources to save on operating and energy costs, and tax exemption programs. The HelpDesk is a user-friendly, one-stop shop model to bring information about various

resources directly to those who need it most, within their own neighborhoods. In order to allow people to connect directly with the appropriate government agencies and receive guidance (housing or job placement for example), there should be adequate resources provided for City agencies to mirror this model to open remote sites for legal and technical assistance, and intake services. Locations for remote sites should be sufficiently promoted through CBDO, CBs 5 and 16, local elected officials, faith-based entities, and other community based organizations.

The Borough President believes that the Administration should commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs and representative community organizations as recognized by the affected City Council members. Such meetings should not be fewer than quarterly, or more frequently than required. He offers Brooklyn Borough Hall as a regular meeting space for this body. Furthermore, the Administration should be promoting remote sites for agency staff to provide various services to neighborhood residents and businesses.

The Borough President believes that prior to the City Council hearing, the Administration should commit in writing to establish an interagency body with regularly occurring meetings with local elected officials, CB 5 and 16 and community representatives, and to promote remote agency accessibility.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council disapprove of the land use action requested according to the following conditions:

1. That there be permanent affordability commitments for 100 percent of the housing units within the Dinsmore-Chestnut and NIHOP sites and the former Chloe Foods site, memorialized in the property records, through mechanisms such as a LDA, Regulatory Agreement, funding agreement or other equivalent measures, prior to granting its approval to the requested modification to the Dinsmore-Chestnut Urban Renewal Plan, property dispositions and the proposed rezoning affecting these properties.
2. That prior to the City Council's subcommittee on Zoning and Franchises hearing regarding the ENY Plan, it is imperative for the City Council to obtain such commitments in writing from HPD regarding:
 - a. The status of its expansion of a series of financing and tax incentive programs, and include in its menu of tax incentives and workouts such products that would be eligible for residential real estate tax credits including tax exemptions and/or forgiveness on City collections subject to lien sales, such as water and sewer charges, real estate taxes, etc., for landlords willing to index rental unit lease renewals to RGB increases;
 - b. Lists and outreach regarding government assisted housing, the affordability requirements of which are expiring;
 - c. Code violation data collections;
 - d. The convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement – including possibly establishment of additional anti-harassment areas;
 - e. Resources to enable such legal clinics to occur with regularity;

- f. Ongoing funding to local CBDO for anti-eviction work, eviction prevention services, and housing quality enhancements;
- g. Resources need to be directed to HPD's Tenant Harassment Prevention Task Force;
- h. Free legal representation in housing court, and,
- i. Resources to provide educational and outreach resources to CBDOS and faith-based organizations to help with housing lottery readiness and lottery awareness regarding the 278 units as part of Livonia Commons first phase, 288 units as part of the second phase; the NYCHA Van Dyke Houses campus development of approximately 100 units underway by CAMBA and approximately 1,000 units according to the proposed General Project Plan regarding the State's Brooklyn Development Center campus at 888 Fountain Avenue, as well as subsequent MIH developments

In addition, HPD should commit to the City Council that it would provide quarterly updates of such status reports that would be required to be submitted to Community Boards 5 and 16 and affected local elected officials.

3. That for Arlington Village, prior to the City Council hearing, the redeveloper provides proof of a binding mechanism to the Council as a means of ensuring that the residents would be seamlessly accommodated in the redevelopment at comparable rents. Otherwise, the City Council shall exclude the combination upzonings of R8A along Atlantic Avenue, R6A along Liberty Avenue and R6B along the mid-blocks from the rezoning, leaving these blocks as an R5 zoning district designation.
4. That prior to the City Council hearing, the Administration commits for the DCP to undertake a rezoning study, in consultation with CBs 5 and 16 and its local elected officials, of the proposed R5B and R6B districts as well as surrounding R4 and R5 districts. This is a means to better match the allowable zoning with both the predominant building type and built floor area with proposed boundaries presented within six months of the date of ENY Plan adoption and a rezoning application certified within 18 months.
5. That prior to the public hearing of the City Council, HPD shall provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CD 5 and 16 residents displaced since the certification date of the ENY Plan.
6. That in order to establish AMI equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent through the leasing of MIH lottery units, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
 - a. ZR 23-154 (d)(3) (i)(ii) and (iii) of the Inclusionary Housing provisions;
 - b. ZR 23-91 General definitions – income bands, income index, low income household, low income limit, middle income floor area, middle income household, moderate income floor area, moderate income household, moderate income limit, qualifying household, to be modified to clarify that

that the AMI income index and income bands, have an equivalent for allowing those rent-burdened households that would be able to pay the same or have a reduction in their rent to lease such mandatory unit also be deemed a qualifying household for eligibility;

- c. ZR 23-912 Definitions applying to rental affordable housing – maximum monthly rent to reflect the equivalency of income bands as a measure to accommodate rent-burdened households; and,
 - d. ZR 23-961 (a)(1) and (c)(2) Additional requirements for rental affordable housing – Tenant selections and Income, to reflect the rent-burdened low, moderate and middle income households as qualifying households, and that the administering income shall verify the household's rent history in lieu of income for rent-burdened households affordability requirements
7. That in order to establish a requirement setting at least 15 percent of the MIH units at rents affordable to households earning not more than 40 percent of Area Medium Income, and its rent-burdened equivalent of ENY Plan MIH lottery units, the City Planning Commission or City Council shall require Section 23-154 (d)(3)(i)(ii) of the Zoning Resolution to note such obligation.
 8. That in order to provide affordability to more households at a lower AMI, the City Planning Commission or City Council shall modify the proposed R8A along Atlantic Avenue, between Bradford Street and Montauk Avenue, to R7A and prior to the public hearing of the City Council, DCP shall provide a written commitment to establish a zoning text amendment to permit a voluntary affordable housing bonus permitting R8A bulk and FAR, provided that of the additional 2.6 FAR, 30 percent is affordable to not less than 50 percent AMI average rent.
 9. That in order to make applicable the Voluntary Inclusionary Housing program's preservation option to MIH so that more tools are available to keep residents permanently in their apartments, according to rent-regulated protection, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
 - a. ZR 23-91 General definitions – Preservation affordable;
 - b. ZR 23-94 (a) Methods of Providing Affordable Housing, to allow preservation affordable housing to be applicable to satisfy the requirements in Mandatory Inclusionary Housing areas;
 - c. ZR 23-961 (d)(3)(1) Additional Requirements for rental affordable housing – affordable housing plans and MIH applications to include preservation affordable housing
 10. That for buildings in excess of 25 units seeking modifications of MIH program requirements through the Board of Standards and Appeals, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
 - a. That there be a demonstration that the City is not prepared to provide enhanced subsidies;
 - b. That qualifying households be further defined to include a rent-burdened AMI equivalent;

- c. That BSA be precluded from converting the 60 percent AMI average income rental basis-restricted housing to not exceed 90 percent AMI, with maximum eligibility remaining at no more than 130 percent AMI and its rent-burdened equivalent;
 - d. That market rate floor area, and its commercial equivalent, be limited to 75 percent of the as-of-right permitted Floor Area Ratio (FAR);
 - e. That as a condition of precluding any provision of MIH mandatory affordable housing, the BSA would be mandated to reduce the allowable height in recognition of the reduction of provided floor area based on providing market rate only floor area, per Brooklyn Borough Board Zoning for Quality and Affordability Height Recommendation per proposed Zoning Resolution section 23-662b;
 - f. That a reasonable return shall consider what was a reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS, adjusted by the Consumer Price Index.
11. That to modify the payment in lieu of the option from 11 units to four units, the City Planning Commission or City Council shall require the amending of Section 23-154 (d)(4)(i) of the Zoning Resolution.
12. That a minimum threshold of family-sized units be not less than 50 percent of the affordable housing units containing two or more bedrooms and 75 percent of the affordable housing units containing one or more bedrooms, for non-independent residences for seniors and non-supportive housing, as a means to accommodate family-sized apartments, that:
- a. The City Planning Commission or City Council shall require the amending of Section ZR 23-96 Requirements for Generating Sites or MIH Sites (c)(1) of the Zoning Resolution; and,
 - b. HPD shall provide a written commitment prior to the public hearing of the City Council to codify this minimum threshold for the bedroom distribution that:
 - i. The Dinsmore-Chestnut Urban Renewal site disposition shall meet at least that standard of bedroom distribution through memorializing this in the LDA or regulatory agreement between a designated developer and HPD; and,
 - ii. The former Chloe Foods site to be developed by Phipps Houses shall meet at least that standard of bedroom distribution, memorialized in its funding agreement with HPD
13. That to achieve additional opportunities to provide affordable housing for those at risk for displacement, already displaced, and of very-low income, prior to the City Council hearing, the City should provide a written framework, to the City Council, of its intent to undergo such steps as follows:
- a. Transfer jurisdiction of the existing Grant Avenue Field municipal lot to HPD with the understanding that affordable housing development would incorporate the public parking as part of site redevelopment;

- b. Transfer jurisdiction to HPD to allow for it to issue an RFP for the lot's unused residential floor area, the section of the open area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center;
 - c. For HPD to collaborate with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus, and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials;
 - d. Provide financial capacity and technical support from appropriate government agencies to advance the development of neighborhood faith-based sites with available development rights; and,
 - e. To take steps necessary to develop a mixed use school/affordable housing building at the PS 178 annex, as part of a larger zoning lot that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity and the necessary number of classrooms, which should be in consultation with CB 16, the District 23 Community Education Council, the District 23 Superintendent, the principal of PS 178, and local elected officials
14. That the City Planning Commission or City Council modifies the proposed zoning map and text amendments as follows:
- a. That the proposed R7D zoning district within CD 16 be changed to R6A; and
 - b. That for the Zoning Resolution section pertaining to Maximum Height of Building with qualifying ground floor, the proposed maximum height of building means the second floor would be at least 13 feet above the sidewalk; 95 feet in MIH R7A and 115 feet in R7D, with heights reduced to 90 feet and 110 feet when the second floor is placed less than 13 feet above the sidewalk. In both instances, the number of stories should be restricted to nine and 11 for these districts
15. That in order to better guarantee that redevelopment of supermarket sites would include a FRESH Food Store, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text of both the floor area ratio and FRESH section warranted as a corrective action to amend Zoning Resolution Section 35-23 (a). The amendment would state that on the effective date of this rezoning, existing supermarkets located on sites with maximum development standards of R6A and R7A, or its commercial equivalents, shall require development be pursuant to ZR 63-00, Special Regulations Applying to FRESH Food Stores. The replacement supermarket would be required to contain no less than the existing food market zoning floor area on the effective date of the rezoning, and as further modified by recommendations for Section 35-24 Table A. Otherwise, any subsequent redevelopment shall be developed as follows:
- a. Where designated as R6A MIH, pursuant to R5B; and
 - b. Where designated as R7A MIH, pursuant to R6A

16. That in order to restrict the size of as-of-right retail establishments to not more than 80,000 square feet in C4-4L, C4-4D and C4-5D zoning districts, established pursuant to the ENY Plan, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted as a corrective action to amend Zoning Resolution Section 32-10 Uses Permitted As of Right.
17. That in order to minimize noise, vibration, and light and air impacts of developing adjacent to elevated train structures, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text for revising the street wall provisions along elevated trains along Broadway and Fulton. This is pursuant to Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district and R6A district along Fulton Street, as follows:
 - a. That the minimum required street wall be one story;
 - b. That setback above 30 feet shall not be required where such window fenestrations are not the primary window opening for habitable spaces such as living rooms and bedrooms;
 - c. That setback of 20 feet from the street line above 30 feet shall not be discretionary for sections of window walls where fenestrations are the primary windows for habitable space; and
 - d. Residential developments set back starting at or below 30 feet shall obtain two additional floors allowable through rezoning
18. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits, and low-cost financing products for landlords who seek to maintain longtime small businesses, DSBS shall provide a written commitment prior to the City Council hearing of its intent to give consideration to business real estate tax exemptions and/or forgiveness on City collections subject to lien sales such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages.
19. That in order to ensure the DSBS's technical expertise and legal assistance is provided in a timely and ongoing manner, and is aimed to improving the fiscal operation to preclude commercial displacement of businesses due to higher rents, DSBS shall provide a written commitment prior to City Council hearing of its intent on delivering programs, which will help residents grow businesses:
 - a. Launching an East New York-focused FastTrac Growth Venture Course;
 - b. Providing education, assistance, and tools to help businesses with leases;
 - c. Initiating efforts to make the retail market more transparent;
 - d. Targeting support provided through WNYC to help women operate, and grow a business; and,
 - e. Targeting its "Small Business First" program to help businesses in the neighborhood navigate government regulations

20. That in order to minimize the risk of business displacement due to excessive available development rights- attributed to the proposed rezoning along certain stretches of Fulton Street- in consultation with DCP, CPC or City Council shall modify the proposed zoning text map to any combination of a more neutral and/or more modest upzoning along Fulton Street, as warranted, as follows:
 - a. In lieu of R6A, to R5B and/or R6B, to the east of Bradford Street, and,
 - b. In lieu of the C4-4L west of Bradford Street to R5B, R6B or R6A.
21. That in order to strengthen retail corridors, prior to the public hearing of the City Council, DSBS shall provide a written commitment of its intent to work with local partners in East New York to conduct a commercial district needs assessment and develop a menu of commercial revitalization services. These could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation.
22. That in order to promote locally-based business start-ups through affordable local business space, prior to the public hearing of the City Council, written commitments shall be provided as follows:
 - a. By EDC of its intent to pursue improvements to City-owned buildings, coordinate incentives from the IDA, and a status of its study of the IBZ; and,
 - b. By HPD as part of the Dinsmore-Chestnut Urban Renewal site disposition through a LDA, the former Chloe Food site, and other commercially zoned private sites seeking significant government funding, through funding agreements.
23. That in order to promote the Liberty Avenue section of the proposed MX district as a corridor for artisans and artisanal establishments, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 123-20, Special Use Regulations and 123-30 Supplementary Use Regulations, to undertake a collaborative process with CB 5, Council Member Espinal and other local elected officials as well as local CBDOs and local arts, artisans, and artisanal entities.
24. That in order to preserve existing industrial-conforming uses, appropriately restrict non-industrial uses, and promote appropriate urban agriculture use — inclusive of hydroponic and aquaponics technologies — in the East New York IBZ's M1-4 and M3-2 zoning districts, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 22-14 Use Group 4B. Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 Maximum floor area ratio for community facilities and ZR 75-01 (b) Greenhouse Certification, to undertake a collaborative process with CBs 5 and 16, local elected officials, CBDO and advocates such as the Association for Neighborhood Housing Developers, East New York Farms and other urban farming entities.
25. That in order to provide technical and financial resources to relocate appropriate ENY Plan area industrial businesses to the IBZ, prior to the public hearing of the City Council, EDC and DSBS should provide written commitments of each other's intent.

26. That in order to require developers, on public property and/or with substantial public financing, to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to coordinate the monitoring of such participation and reporting of such performance, HPD shall compel the Administrative Code and Local Law standards regarding MWBE and LBE participation as follows:

- a. Through a Land Disposition Agreement for Dinsmore-Chestnut site;
- b. Regulatory Agreement with Phipps Houses pertaining to its redeveloping the former Chloe Foods site; and
- c. Regulatory Agreements between the various developers seeking substantial government financing and HPD

Prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to increase opportunities for MWBEs to participate in the development process; connect local residents to career training, and to provide for quarterly updates to CBs 5 and 16, and local elected officials, to demonstrate its monitoring and performance.

27. That in order to ensure ongoing employment opportunities in newly constructed buildings on the Dinsmore-Chestnut Urban Renewal site and for sites where HPD would be providing substantial financing, such as the former Chloe Foods site, prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to ensure that small businesses and community facilities are integrated into the lower floors of such buildings pursuant to zoning.

28. That in order to ensure the development of the Workforce 1 Career Center and commitment of ongoing funding to area CBDs for job training and East New York Farms for agricultural activities, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to facilitate, including the possibility of acquiring and retrofitting the LIRR sub-station and of job training funding.

29. That in order to consider the possibility of establishing an institute of higher learning, possibly in collaboration with an Innovation Lab, prior to the public hearing of the City Council, CUNY shall provide a written commitment of its intent to investigate.

30. That in order to be consistent with the intent to facilitate an office hub at Broadway Junction, the City Planning Commission or City Council shall eliminate the proposed C4-5D zoning district north of Atlantic Avenue and east of Havens Place, retaining the M1-2 district.

31. That in order to facilitate an office hub at Broadway Junction, in consultation with CBs 5 and 16 and local elected officials, as a follow-up action, prior to the public hearing of the City Council, the City shall provide a written commitment of its intent to have DCP, in conjunction with EDC, develop a series of land use actions including rezoning the existing M1-1 and M1-2 blocks, street map changes, commercial use restrictions, and acquisition actions, as needed.

32. That in order to facilitate the expansion of the number of public school seats, prior to the City Council hearing:

- a. SCA shall provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the 1,000 seat school;
 - b. Furthermore, SCA and DOE shall provide a written commitment of its intent to evaluate the seven schools in proximity to the ENY Plan and determine the appropriateness of constructing enlargements and their projected capacity, should enlargements be feasible, including elimination of the 630 school seats in the East New York Family Academy, Public Schools 7, 159, 202, 214 and 290, and 159, and IS 302 TCUs;
 - c. DCP shall provide a written commitment of intent to undertake a study of these sites for the appropriateness of developing a zoning text amendment to establish a community facility floor area applicable only to public schools, and undertaken in consultation with CBs 5 and 16 and their local elected officials; and
 - d. DOE and SCA shall provide a written commitment of intent to compile contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. Also, to provide quarterly update to CBs 5 and 16 and local elected officials on the status of these properties being developed, as well as intent to include in DOE's Capital Plan
33. That in order to facilitate the long-term status of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center, prior to the public hearing of the City Council, DFTA and DCAS shall provide a written commitment regarding status to extend the lease.
34. That in order to ensure that there is adequate availability of child care slots, prior to the public hearing of the City Council, ACS shall provide a written commitment to monitor child care needs annually and report its findings to CBs 5 and 16 and their local elected officials, including whether funding should be provided as part of a joint community center/public school/day care center at the Dinsmore-Chestnut site.
35. That in order to facilitate the development of a community center, prior to the public hearing of the City Council, the Administration shall provide a written commitment:
- a. Regarding the status of its Capital Budget commitment for within the Dinsmore-Chestnut Urban Renewal site; and
 - b. To investigate acquisition of the LIRR former sub-station building
36. That in order to facilitate the parkland improvement and to increase the supply of open space in the neighborhood, prior to the public hearing of the City Council, DPR shall provide a written commitment as follows:
- a. Status of DPR's intent to lead a community design process and re-envision a large asphalt ball field in City Line Park;
 - b. Status of intent to repair and revitalization of the basketball and handball courts in Sperandeo Brothers playground;
 - c. Status of intent to install new, modern play equipment in Lower Highland Park;
 - d. Consideration of funding:
 - i. Remaining upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms; and
 - ii. Synthetic turf field installation for Grace Playground

- e. Status of engaging;
 - i. With DOE for the expansion of the Schoolyards to Playgrounds program to PS 72 and PS 345; and
 - ii. With DOT, for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue, and a public space at Pitkin Avenue and Euclid Avenue
- f. To undertake the integration of more adult fitness equipment throughout the neighborhood;
- g. Embark on a graffiti removal initiative at Highland Park; and
- h. Investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use

The Administration shall make a Capital Budget commitment of at least an additional \$20 million for park improvements.

37. In order to facilitate street improvements, street safety, and advance bike use, prior to the public hearing of the City Council, DOT shall provide a written commitment as follows:

- a. Regarding its status of funding, designing and implementing the reconstruction of Atlantic Avenue;
- b. Intent to assess conditions for connecting the IBZ to the adjacent neighborhoods;
- c. To undertake an evaluation of Atlantic Avenue for safety improvements, which should extend westward through CDs 2, 3, 8 and 16;
- d. To complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex;
- e. Describe the role it might play to improve access to the East New York LIRR station such as wayfinding, signage and crossing the Atlantic Avenue service road; and
- f. Intent to expand bicycle infrastructure

38. That in order to facilitate using the building's roof for any combination of solar, blue, green, and/or white roof improvements, and to advance DEP green-water/storm-water strategies, prior to the City Council hearing, HPD should commit in writing to encourage developers to incorporate such measures.

39. That in order to address street flooding, prior to the City Council hearing, DEP should commit in writing to investigate known locations for flooding in the IBZ area, by undertaking assessments of sewers and catch basins where flooding is frequent, and fund as warranted the rebuilding of sewers and catch-basins per above referenced assessment study and incorporate bioswales.

40. That in order to address implementation, the Administration shall commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs and representative community organizations, as recognized by the affected City Council members of regular meetings occurring no less than quarterly, monitoring the tracking of all commitments, timing of deliverables, budget funding, and operational logistics, etc.

41. That in order to allow people to connect directly with the appropriate government agencies, adequate resources shall be provided for City agencies to open remote sites

for legal and technical assistance, and intake services, mirrored after the current Neighborhood Preservation HelpDesk initiative.

42. The Borough President believes that prior to the City Council hearing, the Administration should commit, in writing, to establishing an interagency body with regularly occurring meetings with local elected officials, CB 5 and 16 and community representatives, and to promote remote agency accessibility.

Be it further resolved:

1. That the City Council and the Mayor adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings
2. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits and low-cost financing products for landlords who seek to maintain longtime small businesses, the Independent Budget Office analyze business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages
3. That NYCT should undertake the following initiatives: restore service on the B12 bus route; add more buses to increase north-south service for routes that cross Atlantic Avenue; analysis for opportunities to expand Bus Rapid Transit; implement free Metrocard transfers between the Livonia Avenue L train station and Junius Street 3 train station; identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements, including the reopening of presently closed Broadway Junction station access on Broadway and L train access on the south side of Atlantic Avenue; increasing frequency for both the J/Z and A/C train service, and implement *Freedom Ticket*, with service available at LIRR's East New York station along the Atlantic Branch
4. That the Administration shall commit to the City Council to have the Department of City Planning certify, between one and three years, applications to amend the zoning map and text in order for the City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President, which are technically beyond the scope of review for application numbers 120294 ZMK and 120295 ZRK



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

Testimony Delivered by:

Deputy Brooklyn Borough President Diana Reyna

On behalf of:

Brooklyn Borough President Eric L. Adams

Wednesday, January 6, 2016

Good morning.

My name is Diana Reyna and I'm the Deputy Brooklyn Borough President, here to testify on behalf of Brooklyn Borough President Eric L. Adams. Together, we represent the 2.6 million Brooklyn residents who call this great borough home.

I want to thank the New York City Planning Commission for giving me the opportunity to provide comments at this public hearing on the East New York Community Plan.

On December 30th of last year, Borough President Adams submitted a Uniform Land Use Review Procedure (ULURP) recommendation to disapprove with conditions of an application submitted by the New York City Department of City Planning (DCP) to amend the zoning of approximately 200 blocks in the neighborhoods of Cypress Hills, East New York, and Ocean Hill. The response was issued following months of dialogue with local stakeholders and community activists, including a public hearing he held in the courtroom of Brooklyn Borough Hall on Monday, November 23rd. Borough President Adams has recommended a number of measures to ensure the proposal achieves a meaningful creation and preservation of affordable housing, including greater resources to combat resident displacement as well as increased efforts to build very-low and low-income units on previously unstudied lots. Additionally, his recommendations address the need to document the City's commitment to the holistic community development outlined in their plan, including the establishment of a post-approval follow-up body with local representation.

Recognizing the added rental pressures that the proposed rezoning will have on existing residents living in housing not subject to rent regulation, Borough President Adams has expressed the importance of achieving permanent affordability for affordable housing units created through the East New York Community Plan, beyond the proposed 25 percent requirement of any new residential development with more than 25 units. In particular, he has focused on achieving agreements of permanent affordability at the City-owned Dinsmore-Chestnut Urban Renewal

disposition site and scattered New Infill Homeownership Opportunities Program (NIHOP) sites, as well as the City-financed former Chloe Foods site.

Borough President Adams has called for accountability to put in place and sustain the anti-displacement initiatives the City has proposed in their East New York Community Plan, including code enforcement by the New York City Department of Housing Preservation and Development (HPD) and funding for free legal representation in housing court for all tenants facing harassment. He has also expressed concern regarding the potential for displacement on additional sites — identified through an analysis by our office — which may be attractive for future development. Efforts he proposes include the potential implementation of anti-harassment areas, creation of tax incentive options for small property owners in return for indexing rental unit lease renewals to increases by the Rent Guidelines Board (RGB), and cataloguing of government-assisted housing with expiring affordability requirements to proactively protect affordable housing units.

In addition, Borough President Adams has recommended implementing further measures to address the current and potential future displacement of local residents. He has outlined a proposed commitment of 50 percent preference for new area housing to residents of Community Districts 5 and 16, inclusive of former residents who were previously displaced, with targeted educational resources and marketing outreach. He has also encouraged the City to increase the supply of very-low and low-income affordable housing through new opportunities that have not been under consideration thus far, including the Grant Avenue Field municipal parking facility, the site previously considered for the Brownsville Community Justice Center, as well as development rights possessed by local NYCHA properties and the PS 178 St. Clair McKelway annex. Borough President Adams has highlighted that this effort should be extended to houses of worship with development rights, following the successful engagement with clergy across the borough as part of his Faith-Based Property Development Initiative. His anti-displacement strategy also includes zoning text amendments to encourage deeper and more flexible bands of affordability in new housing, a study of proposed residential districts to better match the allowable zoning — including the potential for targeted downzoning to combat displacement — as well as a codification of the minimum threshold for family-sized units on HPD-owned and HPD-financed sites.

Regarding commercial development related to the rezoning proposal, Borough President Adams has reiterated his general displacement concerns and asked for an assurance of access to Food Retail Expansion to Support Health (FRESH Zone) grocery stores, ensuring that any lost supermarkets are replaced on site. His recommendations highlight the need to support local entrepreneurs and artisans who provide quality local jobs, impacting his call for a restriction on big-box retail in the rezoned area and financial incentives to prevent commercial displacement. In particular, he has noted the need to strengthen and preserve the East New York Industrial Business Zone (IBZ), inclusive of promoting new urban agriculture uses and financing industrial development fund for the East New York IBZ. In keeping with his past ULURP recommendations, Borough President Adams has articulated the importance of local hiring and the retention of Brooklyn-based contractors and subcontractors, especially those who are designated locally-based enterprises (LBEs) and minority and women-owned business enterprises (MWBES).

Because a number of the holistic community development measures outlined in the East New York Community Plan are not directly stipulated in the City's land use application, Borough

President Adams has advocated for the documenting of efforts to address issues that will accompany an increased population, such as access to jobs, sufficient school seats, quality open space, reliable transportation, and upgraded stormwater/wastewater green infrastructure. Other strategies that he has offered are the neighborhood-based siting of a new Workforce1 Career Center and a potential CUNY Innovation Lab, the establishment of remote locations for local access to City agency services, as well as his previously stated proposal to relocate government offices from Downtown Brooklyn to Broadway Junction, which would subsequently result in improved commercial development and quality of life initiatives.

To ensure accountability for these efforts, in addition to other aspects of the final plan, Borough President Adams is calling for a post-approval follow-up body to be established that would include appropriate agencies, Community Boards 5 and 16, local elected officials, community-based development organizations, and representative community organizations.

The Office of the Brooklyn Borough President plans to monitor this process closely. We look forward to working with the residents and stakeholders of East New York to make sure the aforementioned recommendations are upheld as well as hold the administration accountable. As the stewards of this great City, we must demand what will not only be beneficial to the environment, our local and regional economy and our quality of life, but an East New York Community Plan that will benefit generations to come.

Thank you.

###



BROOKLYN COMMUNITY BOARD 5

THE CITY OF NEW YORK

ERIC ADAMS, BOROUGH PRESIDENT
ANDRE T. MITCHELL, BOARD CHAIRMAN | WALTER CAMPBELL, DISTRICT MANAGER

“ONE COMMUNITY, ONE VOICE”

November 30, 2015

Application # C 160035 ZMK. The application was **disapproved** on November 18, 2015 at Community Board # 5 regular meeting with the following twelve (12) Modifications/Conditions:
Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160036ZRK. Disapproved with Modifications/Conditions:
Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160050ZRK. Disapproved with Modifications/Conditions:
Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160037HUK. Disapproved with Modifications/Conditions:
Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160042HDK. Disapproved with Modifications/Conditions:
Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Modifications/Conditions

1. The community does not want a storage facility on the corner of Pitkin and Pennsylvania Avenue also known as block 3721, lot 1.
2. The community would like to reclaim the Old Traffic Court building known as 127 Pennsylvania Avenue, corner of Liberty Avenue also known as block 3687, lot 1. The Community Board office is located in the building and the community would like to see this building restored to a recreation facility for community use. Approximately three million dollar is needed to repair the build. This would increase productivity and moral for community board members and staff to effectively address the economic development needs of the community. Additionally, community residents would benefit from this investment.
3. The community would like for the city to acquire the Long Island Railroad sub-station building located at Atlantic Avenue (service road) and Snediker Avenue. This building is location on block 3680. This building will be used as a Cultural Center for the residents of East New York and Brownsville.

4. We would like a CUNY campus in the rezone area. This would allow for long-term economic sustainability for all of East New York and neighboring communities.
5. We would like an Innovation Lab – a job-placement and training center run in conjunction with New York City College of Technology and local business organizations that would train young people to do basic computer coding; and helps locals start small cooperative businesses; and help find jobs for adults.
6. We would like approximately \$20 million dollars or more investment from NYC Economic Development Corporation (EDC) in East New York for Business Incubators in the IBZ and Innovation Labs throughout Community Board #5 (Note: 2014 EDC invested \$316,396 in East New York). This much needed investment would address the high unemployment in CB#5.
7. We need a 30 year Tax-Credit for long-term East New York homeowners and businesses to ease the property tax burden due to rezone changes.
8. The City should finance the creation of lower cost rental space for local small businesses.
9. We need multi-year, robust support for strengthening local business focusing training and business planning, including topics such as purchasing properties, meeting increased and differing demands for services and preparing your business for changes, etc.
10. We want to make sure that the merchants in the community request is in placed which is: assistance in the preservation/repair of mixed use properties and down-payment assistance made available to support local businesses in buying mixed-use buildings.
11. We need a City commitment to save East New York manufacturing and provide relocation fund for industrial businesses that need to relocate.
12. We need a City commitment to create good living wage jobs for East New York residents in construction and manufacturing and other growth sectors.

Mandatory Inclusionary Housing and Zoning for Quality and Affordability Disapproved.

Mandatory Inclusionary Housing. N160051ZRY

In Favor: 6 # Against: 16 # Abstaining: 1

Zoning for Quality and Affordability: N160049RFX

In Favor: 8 # Against: 15 # Abstaining: 1

Community Board #16 Recommendation on Application #C160035ZMK

Brooklyn Community Board #16 is concerned that the rezoning text does not address ability for current businesses and community organizations to maintain affordability and withstand the changing housing market due to new market-rate construction. *The Community Board seeks to develop a plan for retail and community organizations, including discounted rentals, technical assistance, and tax breaks for owners of mixed-use buildings who maintain long-time businesses and community organizations.*

Brooklyn Community Board #16 is concerned that residential developments as a result of new mixed-use zoning will threaten existing manufacturing businesses. These existing businesses are a vital part of the community and should be protected from rising rental costs and threat of being converted to residential development. *The Community Board seeks to allow the mixed manufacturing and R7D zoning, but with measures that will protect existing manufacturing, especially at the ground level.*

Brooklyn Community Board #16 is concerned that the opportunity to develop market rate housing will threaten existing low-income residents out of their homes. *The Community Board seeks to implement an Anti-Harassment program (based on the Special Clinton District in Hell's Kitchen) that would require a permit from HPD prior to altering, demolishing, or changing any sound development.*

Brooklyn Community Board #16 is concerned that the building technology and process of new development construction will exclude many community members while benefitting people from outside the community. *The Community Board seeks to establish a working relationship between the City and local contractors and workers to employ local workers for the rezoning. The plan should link mandatory local hiring requirements to government subsidy programs, including housing and economic development subsidies.*

Brooklyn Community Board #16 is concerned that the focus of transportation safety issues is focused only Atlantic Avenue. While Atlantic Avenue is in need of safety improvements, a recent (Nov. 3, 2015) fatality of a woman crossing the street at Fulton Street and Sackman Street demonstrates that other streets of Ocean Hill must be considered under the rezoning. *The Community Board seeks that DCP work with NYC DOT to evaluate Atlantic Avenue and other streets of Ocean Hill for safety improvements.*

Brooklyn Community Board #16 is concerned that the increase in population due to new residential developments will place a burden on the existing community facilities and resources. Currently, the only available open space resource is Callahan-Kelly Playground located at Fulton Street and Eastern Parkway. *The Community Board seeks to incorporate more consideration for community facilities, such as youth and senior centers, into the rezoning area. In particular, the park should be well-maintained as usage is likely to increase.*

Brooklyn Community Board #16 is concerned that many smaller, low-density side streets are proposed to be rezoned in higher densities. This goes against contextual planning and will lead to higher densities where it is not appropriate. R7D, in particular, is very out of context on Eastern Parkway, where buildings are low-rise. Higher densities would be more appropriate on a large thoroughfare such as Atlantic Avenue. *The Community Board seeks to change the zoning text from areas designated as R7D zoning to R6A zoning. This change allows for new development while keeping in context with the neighborhood.*



Response to Draft Environmental Impact Statement

East New York Rezoning Proposal

CEQR No. 15DCP102K

December 2015



Response to the Draft Environmental Impact Statement for the East New York Rezoning

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**COALITION FOR COMMUNITY ADVANCEMENT: PROGRESS FOR EAST NEW
YORK/CYPRESS HILLS’ EAST NEW YORK NEIGHBORHOOD RE-ZONING COMMUNITY
PLAN**

**EAST NEW YORK REZONING: SUMMARY COMPARISON OF COALITION PLAN, CITY’S
PLAN, AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

INTRODUCTION

For generations, East New York/Cypress Hills (ENY/CH) has been a haven for working-class families in the City. ENY/CH has welcomed both new immigrants and those migrating to New York for the first time, including Black Americans who came from the South during the Great Migration, Puerto Rican families who moved to New York City in the 1950s, and waves of immigrants from Haiti, Dominican Republic, Guyana and Bangladesh and many others countries in the decades that followed. Today, ENY/CH is a vibrant, ethnically diverse community where over half of residents are Black, over a third are Latino, and roughly one third are foreign-born.¹² As other neighborhoods throughout the City have become increasingly unaffordable, ENY/CH's central importance as a community accessible to lower-income residents, immigrants, and people of color has only grown. For example, the foreign-born population of ENY/CH has increased by over 17% since 2000, more than double the citywide increase.³ Similarly, as the population of Black residents of Manhattan, Queens and Brooklyn has fallen significantly over the last decade, it has risen by over 13% in East New York,⁴ with the community absorbing many residents who have been priced out of other neighborhoods.⁵

Despite the neighborhood's many assets, it faces challenges, as well. As a low-income community that has withstood years of divestment and neglect, ENY/CH is lacking in many of the advantages that other communities take for granted. To overcome these challenges, we have long advocated for more affordable housing, better and more schools, good-paying local jobs, more open space, increased access to fresh food, and transportation improvements in ENY/CH.

ENY/CH residents deeply understand the need for development in the neighborhood and embrace that development – but only if it is development designed to meet the needs of the community and does not displace existing residents. Recent real estate speculation, the dramatic

¹ STATE OF NEW YORK CITY'S HOUSING AND NEIGHBORHOODS 92, NYU FURMAN CENTER (2014), <http://furmancenter.org/research/sonychan> (data on Brooklyn Community Board 5).

² East New York is one of the top 20 New York City neighborhoods of residence for foreign-born people, with a foreign-born population of 30.7% as of 2011. The foreign-born population of East New York has increased by over 17% since 2000, in contrast to a citywide increase of just under seven percent. THE NEWEST NEW YORKERS: CHARACTERISTICS OF THE CITY'S FOREIGN-BORN POPULATION 24-25, NEW YORK CITY DEP'T OF CITY PLANNING (2013), http://www.nyc.gov/html/dcp/pdf/census/nny2013/nny_2013.pdf.

³ *Id.*

⁴ Between 2000 and 2010, the Black population of Manhattan fell by 13%, and the Black populations of Queens and Brooklyn fell by 6%. In that same period, the Black population of East New York increased by 13%. NYC 2010: RESULTS FROM THE 2010 CENSUS: POPULATION GROWTH AND RACE/HISPANIC COMPOSITION 22, NEW YORK CITY DEP'T OF CITY PLANNING (Mar. 2011), <http://www.nyc.gov/html/dcp/pdf/census/census2010/pgrhc.pdf>.

⁵ Joseph Tepper and Erin Durkin, "Black Population Surges in East New York As It Drops Across Borough and City," N.Y. DAILY NEWS (May 10, 2012), <http://www.nydailynews.com/new-york/brooklyn/black-population-surges-east-new-york-falls-borough-city-article-1.1076068>.

increases in land prices since the City announced its rezoning plans, and increased levels of tenant harassment – both in ENY/CH, and in other formerly working-class communities that have been rezoned – show that the threat of displacement is real and preservation strategies for a range of housing types are critical. We do not support the adoption of a rezoning plan that significantly increases displacement risks and heightens impacts on already-overburdened local infrastructure without adequate mitigation strategies. **Unless the City can adopt concrete measures to build more deeply affordable housing, preserve existing housing for low-income residents, protect small businesses and bring a significant number of living wage jobs, improved community infrastructure, and other essential amenities to the community, the City should not proceed with the rezoning at all.**

Throughout the Draft Environmental Impact Statement (DEIS), the City fails to thoroughly analyze and disclose the full impact of the Proposed Actions, often beginning its analysis with presumptions that mask the realities of life in ENY/CH and the market dynamics that are likely to be created by a dramatic upzoning. For instance, in its analysis of the displacement the rezoning may cause, the City fails to openly acknowledge displacement pressures that are caused by increases in land values and real estate taxes. Similarly, in its analysis of the potential impact of the rezoning on the neighborhood's already-overcrowded schools, the City has refused to account for the presence of charter schools, even though such schools occupy a large and growing share of the existing school buildings in ENY/CH. The City also does not acknowledge the existing waitlist for childcare centers in determining the extent to which the Proposed Actions may burden such centers, ignoring the current unmet needs of ENY/CH residents and focusing exclusively on those the rezoning will bring.

Time and again, the City cuts corners and fails to analyze or disclose the full impact of the Proposed Actions, painting a rosy picture of the rezoning that seems designed not to address the community's concerns, but to provide support for actions that the City regards as a foregone conclusion. We do not share the City's view that the transformation of ENY/CH from a welcoming, working-class enclave to a community that is unaffordable to the vast majority of current residents is inevitable. If the City cares to take the effort necessary to address the true impacts of the rezoning, develop plans that maximize opportunities for ENY/CH residents, mitigate negative impacts to the greatest extent possible, and adopt mechanisms to guarantee – not merely promise – local benefits, we believe that the rezoning could help to make ENY/CH the neighborhood of opportunity we have fought so long for.

The ENY/CH rezoning is just the first of fifteen rezonings that Mayor Bill de Blasio's administration has planned to advance its affordable housing agenda, and the stakes are too high to proceed with a plan that gets development wrong. Throughout our response to the DEIS, we identify a range of strategies that could ensure that the rezoning brings a greater amount of truly affordable housing to the neighborhood while better meeting the needs of ENY/CH residents and mitigating the impact of the Proposed Actions on the community. To advance equitable

development in East New York/Cypress Hills, the Coalition feels it is especially critical for the City to:

- Adopt an HPD subsidy plan that better reflects the community's needs, including the need for housing at 15% AMI or below. In total, the City should plan for the creation of at least 5000 units of deeply affordable housing in the community (or almost 80% of all new construction units, assuming that the rezoning produces approximately 6300 new units in total).
- Develop meaningful preservation strategies to protect low-income tenants, homeowners, and businesses. These strategies must include both strategies to protect rent-regulated tenants, including the adoption of a Certification of No Harassment requirement in the zoning text, and unregulated tenants, including tax credits to make it more affordable for small homeowners to keep low-income tenants and the legalization of basement units in exchange for affordability guarantees for such units.
- Create, and adopt for this rezoning, a “deep affordability” Mandatory Inclusionary Housing option that requires developers to set aside 30% of new construction as housing permanently affordable at 30% AMI. These affordability levels should be put in the zoning text – not just achieved with HPD subsidies – to guarantee that low-income people will be able to call ENY/CH home for generations to come.
- Create a special purpose district that ensures that residents get the schools, community centers, senior centers, and other vital community facilities that the neighborhood needs as the population increases. The City has previously adopted measures to pace residential construction with the construction of vital neighborhood facilities, and it should do so in ENY/CH and every subsequent rezoning neighborhood.
- Generate economic opportunities for community residents by supporting small businesses to stay and grow, preserving the manufacturing sector inside and outside of the IBZ, attracting high road retailers to parcels being up-zoned to destination commercial, and devising strong local hiring mechanisms for construction, retail and manufacturing employment opportunities generated by the rezoning.
- Establish an Office of Neighborhood Development, adopt a Neighborhood Cabinet, and create an Evaluation Tool to ensure the effective and timely implementation of the rezoning plan, coordinate the efforts of all city agencies in relation to the rezoning and neighborhood plan, and measure impact throughout the implementation of the rezoning.

If the City identifies, analyzes and adopts a wider range of mitigation strategies, we believe that the rezoning could present an important step forward for ENY/CH – but the City must act with care. We urge the City to carefully consider the solutions we have offered throughout our response, and to work with us and all residents of ENY/CH to ensure that this rezoning creates the equitable neighborhood, and City, all of us deserve. What follows below is the coalition’s response to the chapters outlined in the Draft Environmental Impact Statement for the East New York Rezoning Proposal.

CHAPTER 2: LAND USE, ZONING & PUBLIC POLICY

The Coalition appreciates the City’s decision to conduct a detailed land use assessment for this area-wide rezoning, and we share the City’s feeling that a rigorous analysis is necessary in order to adequately inform the impact of the Proposed Actions on several other Chapter areas addressed within the DEIS. The City fails to provide thorough analyses of whether the Proposed Actions will advance or undermine the goals of two key housing policies: the Housing New York plan, and the proposed Mandatory Inclusionary Housing policy. Although the DEIS addresses both policies, the City does not closely examine whether the Proposed Actions advance the preservation goals of the Housing New York plan and the goal of the Mandatory Inclusionary Housing policy to advance equality of opportunity for low-income New Yorkers. The Coalition feels strongly that advancing the rezoning as currently proposed and without further mitigation strategies will irreparably damage the people of ENY/CH and set a troubling precedent for other rezoning areas throughout the City.

A. Housing New York

As stated in the DEIS, Housing New York is “a five-borough, ten-year strategy to build *and preserve* affordable housing throughout New York City ... to foster a more equitable and livable New York City ...”⁶ (emphasis added). The plan’s five guiding policies and principles include both “building new affordable housing for all New Yorkers” *and* “preserving the affordability and quality of the existing stock.”⁷ Importantly, the preservation goal of the Housing New York plan accounts for 120,000 of the total 200,000 affordable units the City hopes to build and preserve in the coming years - a significant majority of the total.

1. The Proposed Actions Fail to Adequately Advance the Preservation Goals of Housing New York

Despite the City’s emphasis on the preservation of affordable housing, to date Mayor de Blasio’s administration has failed to develop a comprehensive policy to prevent the displacement of low-income people, which is happening at an alarming rate across the City.⁸ The failure to

⁶ East New York Rezoning Proposal Ch. 2, Land Use, Zoning, and Public Policy, pg. 2-13.

⁷ *Id.*

⁸ Taylor Wahe Roschen, “Residential Displacement in Gentrifying Urban Neighborhoods: A Statistical Analysis of New York City’s Housing Characteristics,” CALIFORNIA POLYTECHNIC STATE UNIVERSITY, pg. 12 (examining data on vacancy rates, monthly rent increases, and the annual renewal of households and concluding that gentrification and displacement are readily observable in the boroughs of New York City).

meaningfully address the problem of displacement extends to the plans for ENY/CH, which include little substantive discussion of how the displacement of low-income tenants, particularly those in unregulated apartments, will be prevented – both in the short- and long-term. As discussed further in our response to Chapter 3, Socioeconomic Conditions, the Department of City Planning’s (DCP) proposed mitigation strategies for potential displacement - the creation of substantially more housing, much of it unaffordable to residents of the study area, and funding for legal services in the study area - are not sufficient to stem the likely significant amount of displacement the rezoning will cause or accelerate. The Coalition believes that the City’s analysis misrepresents the impact of displacement to the extent that the City suggests that the creation of new affordable housing units, which will be available to a small number of low- and middle-income people from across the City, is an adequate substitute for the dislocation of the people who have made ENY/CH their home for generations. The creation of new affordable housing, while an important and worthy goal, is a *different* goal than the preservation of existing affordable housing - by which we mean housing that is affordable to low-income people, both regulated and unregulated. It is troubling, then, that when the City analyzes the extent to which the Proposed Actions support the goals of the Housing New York plan, the City appears to conflate the goals of creation and displacement, citing the development of new affordable units as the *only* way in which the Proposed Actions will meet the goal of “preservation.”⁹ It is critical that the City conduct a more rigorous analysis of the extent to which the Proposed Actions will advance or potentially undermine the *preservation* goals of Housing New York, taking care to keep separate strategies that address the creation and preservation of affordable housing. As discussed further in our response to Chapter 3, Socioeconomic Conditions, we urge the City to analyze as an Alternative a rezoning plan that would incorporate anti-displacement strategies into the zoning text, as has been done in the Manhattan Special Clinton District and elsewhere. We also urge the City to analyze several additional mitigation strategies for displacement that would more adequately respond to local conditions, in particular the significant number of unregulated rental apartments in small homes throughout the neighborhood – homes where tenants have few rights and cannot be significantly benefitted either by anti-harassment zoning text, or the anti-displacement legal services the City plans to offer in rezoned areas. The development of strategies to mitigate displacement of both regulated and unregulated tenants is especially critical since we believe that the City significantly underestimates the likely displacement effects of the rezoning, and, by extension, the degree to which the Proposed Actions advance the preservation goals of the Housing New York plan.

⁹ See East New York Rezoning Proposal Ch. 2, Land Use, Zoning, and Public Policy, pgs. 2-41, 2-42 (concluding that “The Proposed Actions are a direct result of the goals and principles outlined in Housing New York and support this public policy” because an estimated 3,447 net affordable units would be developed within the primary study area).

As the Housing New York plan states, “The most effective preservation strategies will depend upon neighborhood characteristics and needs.”¹⁰ We fully agree. East New York/Cypress Hills needs a rezoning plan that will move the neighborhood forward without leaving behind the people who have made the area the vibrant, diverse community it is today. Preservation strategies are at the core of ensuring that the Housing New York plan will create the “equitable and livable” city we need, and because ENY/CH is only the first of fifteen communities the City intends to rezone in order to advance the goals of Housing New York, the stakes are too high to get the preservation piece wrong. In their current form, the Proposed Actions do not sufficiently advance the preservation goal of Housing New York, and we urge the City to adopt additional measures to ensure that the area’s vulnerable affordable housing is protected.

2. The Proposed Actions Fail to Advance the Equity Goals of Housing New York

The East New York DEIS describes *Housing New York* as “the Mayor’s plan to build and preserve affordable housing throughout New York City ... to foster a more equitable and livable New York City,”¹¹ and the *Housing New York* plan declares that “we must take decisive action to build a just, equitable, inclusive and prosperous city.”¹² Will the Proposed Actions advance these equity goals? The City states that they will, noting several times in the DEIS that the proposed zoning is intended to “foster a more equitable East New York.”¹³ Describing the earlier Sustainable Communities East New York initiative, the City writes that, “DCP developed a framework of short and long-term strategies for changes to regulations and public investments that promote a sustainable, equitable and inclusive future for the Cypress Hills and East New York neighborhoods in Brooklyn.”¹⁴ Equity, it appears, is at the core of the City’s plans for ENY/CH.

Given New York’s landscape of extreme neighborhood inequality and the many government policies that have helped to create this landscape – urban renewal, investment in highways at the expense of core urban neighborhoods, and “planned shrinkage,” to name only a few – the City’s apparent focus on equity concerns is a refreshing one. A rezoning aimed at achieving equity is one the people of ENY/CH would welcome with open arms. We are concerned, though, that the City fails to define what it means when it says “equity.” Without a working definition of equitable development, it is impossible to determine whether the City’s definition of “equity” matches that of the residents of ENY/CH, and impossible to assess whether the Proposed Actions would advance the City’s vision of “equity” or not.

¹⁰ Housing New York: A Five-Borough, Ten-Year Plan, pg. 49.

¹¹ East New York Rezoning Proposal, Notice of Completion, pg. 3.

¹² Housing New York: A Five-Borough, Ten-Year Plan pg. 27.

¹³ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg. 3-64 and Notice of Completion, pg. 24.

¹⁴ Housing New York: A Five-Borough, Ten-Year Plan pg. 32.

Since the East New York DEIS, *Housing New York* plan, and Mandatory Inclusionary Housing policy study all fail to define “equity” or “equitable development,” we have looked to other sources to define what “equity” means and to assess whether or not the Proposed Actions advance equitable development goals. Based on our analysis, we believe the Proposed Actions will not make ENY/CH a more “equitable” neighborhood, but may instead further marginalize residents of ENY/CH and undermine efforts to make New York an equitable city where all people can grow and thrive.

B. Defining Equity

PolicyLink, a national research and policy institute dedicated to advancing economic and social equity, defines equity as:

just and fair inclusion into a society in which all, including all racial and ethnic groups, can participate, prosper, and reach their full potential. Equity seeks to counteract the barriers and systemic exclusions (historic and current) that prevent people from realizing their potential. Attaining equity requires understanding those barriers and working to proactively ensure [that] each individual’s circumstances . . . provide [the person] with the optimal opportunity to thrive.¹⁵

Some definitions of equitable development focus more specifically on problems that limit the opportunities of marginalized groups. For instance, Corridors of Opportunity, a federally-funded initiative designed to promote equitable transit-oriented development in the Twin Cities, defines equitable development as development that “creates healthy vibrant communities of opportunity where low income people, people of color, new immigrants and people with disabilities participate in and benefit from systems, decisions, and activities that shape their neighborhoods.”¹⁶ Other definitions of equitable development describe it not merely in terms of overall goals, but as a set of practices, naming specific features that planning and development processes must have in order to be truly equitable. For example, United Neighbors in Defense Against Displacement (UNIDAD), a coalition of community-based organizations in South Los Angeles, defines equitable development as follows:

- People of color and low-income folks driving the intentions and results of the investment
- Organized groups of impacted residents are involved at all phases of development, including the financing stages
- Stability of housing is advanced for existing residents

¹⁵ “All-In Cities: Building an Equitable Economy From the Ground Up” pg. 6, PolicyLink.

¹⁶ “Definition and Principle of Equitable Development,” Corridors of Opportunity, <http://www.corridorsofopportunity.org/sites/default/files/Definition-and-principle-of-equitable-development-adopted-November-30-2011.pdf>.

- New affordable housing for local residents is created
- Economic opportunities for impacted residents is central
- Existing local businesses are protected and supported
- New businesses and services are accessible financially and culturally to impacted residents¹⁷

Equitable economic development has been defined by the Association for Neighborhood and Housing Development as:

the grassroots efforts by community organizations to improve neighborhood conditions through support for job creation, small business development, and employment readiness. This is typically in the form of incentives that support small businesses' operations or capacity; physical or aesthetic improvements to local commercial corridors and industrial/manufacturing zones to make them more attractive or accessible; advocacy for land use and regulatory policies that support industrial retention and growth; and workforce training that provides skills for jobs in various fields.¹⁸

Despite their differences, all of these definitions of equitable development share an acknowledgement that inequity results from systemic problems and must likewise be addressed through systemic solutions that place the interests of marginalized and historically excluded communities at the forefront of the process.

Although every American city has been shaped by a long history of inequity, “inequities in cities are not inevitable: they are created and perpetuated by the actions, investments, policies, and decisions of society’s most powerful institutions, including local governments.”¹⁹ Inequity, in other words, is not a fact of life; it is a present choice, and cities dedicated to achieving equity can rewrite their stories, if they so choose. As PolicyLink explains, cities that are genuinely committed to equity “transform themselves from within, analyzing all of their decisions and practices with a racial equity lens (asking: Who benefits? Who pays? Who decides?), and using their power and influence to remove barriers and expand opportunities.”²⁰ In the realm of housing, strategies to promote equity include “prevent[ing] displacement and secur[ing]

¹⁷ “UNIDAD: Organizing for ‘Better Neighborhoods, Same Neighbors,’” United Neighbors in Defense Against Displacement (Oct. 27, 2015).

¹⁸ “Roadmap for Equitable Economic Development: Expanding the Toolkit of the Community Development Movement,” ASSOCIATION FOR NEIGHBORHOOD AND HOUSING DEVELOPMENT (Nov. 2013), pg. 7, <http://www.anhd.org/wp-content/uploads/2011/07/ANHD-Roadmap-for-Equitable-Economic-Development-final.pdf>.

¹⁹ “All-In Cities: Building an Equitable Economy From the Ground Up” pg. 7, PolicyLink.

²⁰ Id. at 7.

vulnerable renters and homeowners in gentrifying neighborhoods through services, legal protections, and rent stabilization policies.”²¹

1. *Inequity in East New York/Cypress Hills*

Under these definitions of “equity,” the Proposed Actions fail to advance equitable development. As discussed more fully in our response to Chapter 3, Socioeconomic Conditions, the City’s plans fail to adequately disclose, analyze, and plan for the displacement pressures that the rezoning is likely to accelerate. The plans also fail to create a significant amount of housing affordable at the levels most needed by members of the ENY/CH community. Protections for small local businesses are virtually nonexistent, and the City does not disclose whether or how the Proposed Actions will create a significant number of new and career-track jobs for ENY/CH residents. More fundamentally, it is clear that the agenda behind the Proposed Actions is not one that has been directed and created by the residents of ENY/CH. Instead, the City appears to regard ENY/CH as little more than a means to an end. No matter how good the City may believe its plans to be, it is telling that thousands of low-income residents of ENY/CH and other areas slated for rezonings have come out in opposition to the City’s current rezoning plans. Instead of listening to ENY/CH residents and making meaningful alterations to its plans to better address community concerns, the Mayor has dismissed critics as “doubting Thomases” who are negatively disposed to development per se.²² Does the City believe that it “knows what’s best” for these communities, despite what residents themselves have to say? If yes, that is a story that low-income people of color in this neighborhood have heard many times – too many times – before.

As it is, too many neighborhoods in New York City are off-limits to low-income people, for the simple reason that they cannot afford to live there. Within that context, communities like ENY/CH play a critical role because they offer low-income people a place to call home and a chance to access all of the opportunities that the City has to offer. The City often refers to ENY/CH as a neighborhood of concentrated poverty, but this overlooks both the strong moderate and middle class homeownership base of the neighborhood, and the role the community has always played in supporting immigrants, who may begin in poverty in advancing economically.

Although the City’s stated goal of creating more affordable housing is one that the Coalition supports, we do not share the City’s view that dramatic upzonings in low-income communities – to provide thousands of units of market rate housing, “affordable” housing at levels far beyond

²¹ Id. at 16.

²² Will Bredderman, “Bill de Blasio: Community Boards Opposing My Housing Plan are ‘Doubting Thomases,’” THE OBSERVER (Nov. 30, 2015), <http://observer.com/2015/11/bill-de-blasio-community-boards-opposing-my-housing-plan-are-doubting-thomases/>.

what local people can afford to pay, and with few meaningful strategies to prevent displacement – are the appropriate means of achieving the goals the City has set out. The City has suggested that ENY/CH residents and others opposed to the current rezoning proposals believe that their neighborhoods “should just remain poor,”²³ but that is not so. We just do not share the view that pushing out poor people in favor of wealthier ones is the appropriate path to neighborhood uplift. Instead, we believe that equitable development in ENY/CH would mean investing in affordable housing, improving educational opportunities, and generating more high-quality jobs – in the manufacturing sector, small business, and construction – for the people who live here. The Coalition feels strongly that equitable development means ensuring that current residents can have more opportunities for advancement – opportunities that other, better-resourced neighborhoods take for granted. Equity does not mean adopting a plan that invites neighborhood “economic diversity” via gentrification and massive displacement.

The Deputy Mayor for Housing and Economic Development, Alicia Glen, has suggested that those who oppose the City’s rezoning plans “are pissed ... [because] they have been conditioned to the fear of change. I don't like it when my dry cleaner changes ownership ... It stresses me out. I don't like change.”²⁴ But we do not fear change. Instead, we fear that too many of us will not be around to benefit from the changes that are coming, because the City’s view of “equity” differs so fundamentally from our own.

In response to the City’s Draft Scope of Work, Council Member Rafael L. Espinal, Jr. underscored that, “Broadly speaking, we cannot operate within a CEQR framework which simply tries to mitigate impacts created, we need to invest in East New York in a way that addresses decades of disinvestment and truly creates an economically vibrant, socially equitable, and livable community.”²⁵ To this, DCP responded only that, “This issue is outside the scope of CEQR.”²⁶ If the point of the Proposed Actions is to advance *Housing New York*’s goal of a “just, equitable, inclusive and prosperous city”²⁷ and to “foster a more equitable East New York,”²⁸ we do not see how questions of equity can fall outside CEQR’s scope. Indeed, we believe they go to the heart of the matter. We urge the City to disclose, analyze, and adopt new strategies to support local economic development, prevent displacement of low-income people and small businesses, and create affordable housing that better meets the needs of this area. If the current ULURP

²³ Sally Goldenberg, “De Blasio: Housing Critics Want Poor Neighborhoods ‘To Remain Poor’,” POLITICO NEW YORK (Aug. 19, 2015), <http://www.capitalnewyork.com/article/city-hall/2015/08/8574706/de-blasio-housing-critics-want-poor-neighborhoods-remain-poor>.

²⁴ Peter Moskowitz, “Can New York Save Itself from Out-of-Control Rents?” VICE (Nov. 8, 2015), <http://www.vice.com/read/we-asked-experts-if-nyc-can-be-saved-from-gentrification-111>.

²⁵ Council Member Rafael L. Espinal Jr., Response to Draft Scope of Work for an Environmental Impact Statement, East New York Rezoning Proposal (CEQR No. 15DCP102K) (Mar. 12, 2015).

²⁶ East New York Rezoning Proposal, Response to Comments on the Draft Scope of Work, pg. 62.

²⁷ Housing New York: A Five-Borough, Ten-Year Plan pg. 27.

²⁸ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg. 3-64 and Notice of Completion, pg. 24.

timeframe would not afford the City the opportunity to seriously address these equity goals, we urge the City to delay its adoption of any rezoning in ENY/CH.

C. Mandatory Inclusionary Housing

The Coalition shares the City’s commitment to ensuring that a significant portion of all new development be established and maintained as permanently affordable housing, and we are glad that a new Mandatory

Inclusionary Housing (MIH) policy would improve upon the existing voluntary program by making the construction of affordable housing part a requirement in rezoning areas around the City. However, we have concerns about the way the City envisions rolling out MIH in ENY/CH, and in particular, the City’s willingness to proceed with the ENY/CH rezoning absent detailed information about how many apartments will be affordable at what income levels, and for what period of time. We reiterate a concern raised in our comments to the Draft Scope of Work: the EIS should address, in detail, *all aspects* of the Mandatory Inclusionary Housing program ... [including] permanent affordability, how affordability would be defined (i.e. levels of affordability based on income), and how it would impact CHENY [Cypress Hills/East New York]...”²⁹. As we discuss more fully in our response to Chapter 3, Socioeconomic Conditions, the current proposal fails to specify the amount of housing that will be built at levels affordable to families with median incomes reflective of those in ENY/CH - leaving room for significant doubt about the extent to which the Proposed Actions will meet the needs of local residents.

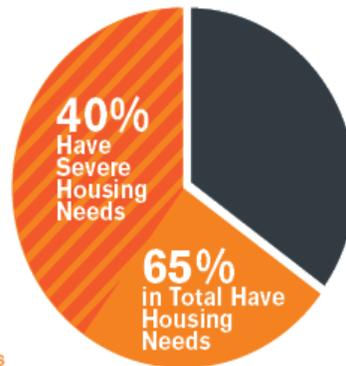
Of the 13,053 Households within the DCP Rezoning Area:

Severe Housing Needs Include:

- 4,611 People with Housing costs that are > 50% of their income
- 243 People Entering Homeless shelters
- 392 People in Severely Overcrowded Residences

Total Housing Needs Also Include:

- 3,030 People with Housing costs that are between 30%-50% of their income
- 783 Overcrowded Residences
- 1,839 Severely Overcrowded Residences



Source: Association of Neighborhood and Housing Development, Inc. (ANHD)

In its response to our comments on the Draft Scope, the City stated that the MIH program in ENY/CH will “require that all new medium-density residential development ... include a portion

²⁹ Coalition for Community Advancement’s Comments on Draft Scope of Work, Comment 2.6.

of permanently affordable units for households with a specified income range.”³⁰ The DEIS specifies that the ENY/CH rezoning will utilize MIH Option One, which requires that 25% of the residential floor area be targeted as housing affordable to households at an *average* of 60% of the Area Median Income (AMI), with no unit targeted at a level exceeding 130% of AMI. Although this offers some informative parameters, it still fails to establish the precise amount of housing that will be available at the local AMI level of \$34,520, equivalent of 40% of the citywide AMI. This question is of enormous significance to the residents of ENY/CH, and is a vital component of the analysis of the impacts of the Proposed Actions. The answer means the difference between a plan that is intended to be and is responsive to the needs of the community that the plan seeks to alter, and a plan that is beyond the reach of that community. The precise breakdown under the Proposed Actions with MIH is all the more important in light of the City’s disclosure that “approximately 70 percent of the anticipated No-Action Developments would introduce affordable DUs into the study area ... [such] that a substantial portion of the new population would have similar incomes relative to the existing population ...”³¹ More information about MIH is necessary to permit meaningful comparisons between the With-Action and No-Action conditions and their likely impacts on local socioeconomic conditions overall.

We request that the City develop and analyze the impacts of a new “deep affordability” MIH Option that requires a significant share of new units, 30%, at 30% AMI or below. We believe that such an Option would create a firmer foundation for the ENY/CH rezoning by *guaranteeing* a larger share of apartments that would be *permanently* affordable at income levels reflective of the current community (unlike HPD-subsidized units, which may result in fewer affordable units than the City currently expects and the affordability of which will expire in time). We believe that this Option would better advance the overall affordability goals of the MIH program and better address the housing needs in this community. Because the citywide MIH program has yet to be approved, we believe that this “deep affordability” option can be fully compatible with the final MIH program, as the City can and should amend the overall MIH program to include this new Option. Doing so would ensure that the MIH program includes an Option for all future neighborhood rezonings that better addresses the needs of low-income people and communities.

We are especially concerned about the implementation of MIH in ENY/CH because of what we regard as an unexamined and unresolved tension between two core goals of MIH: its desire both to “provide a substantial supply of housing affordable to low- and moderate-income households,”³² and to promote “economically diverse neighborhoods” that will “mitigate many

³⁰ Response to Comments on the Draft Scope of work for the Draft Environmental Impact Statement for East New York Rezoning Proposal; response to comment 2.6.

³¹ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg. 3-48.

³² “Mandatory Inclusionary Housing: Promoting Economically Diverse Neighborhoods,” Department of City Planning, City of New York, pg. 8.

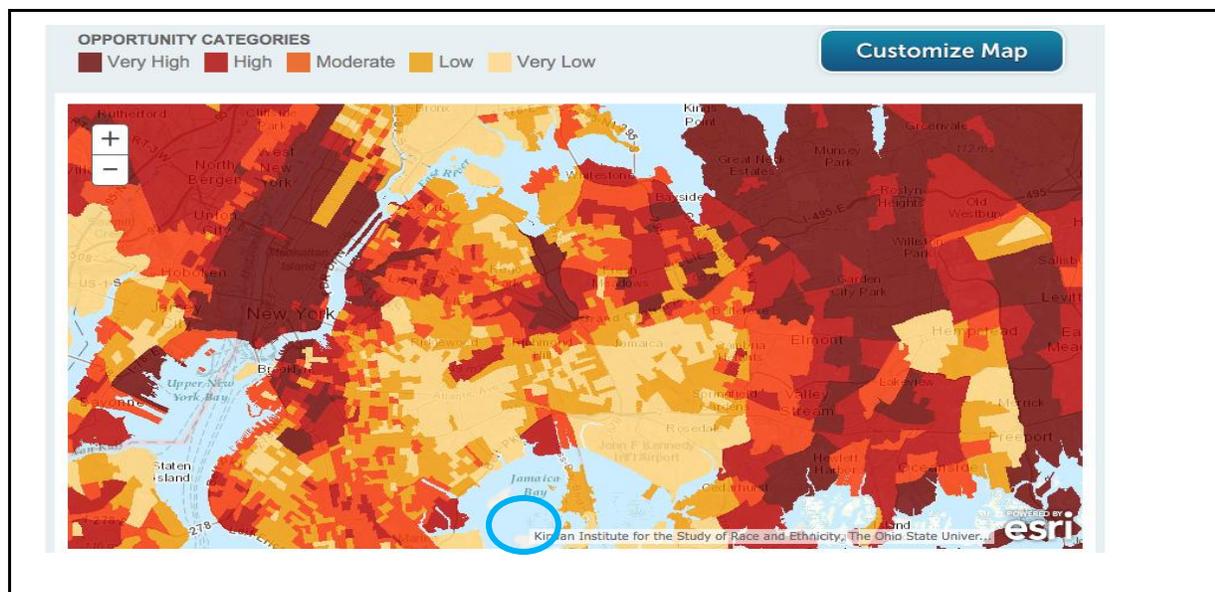
of the negative neighborhood effects associated with concentrated poverty.”³³ The Coalition believes strongly that the people of ENY/CH have too long been neglected, and we welcome additional investment in this area that will provide opportunities for our residents to grow and thrive. We are concerned, however, that the research the City has relied upon in developing its MIH policy is wholly inadequate because it focuses exclusively on programs that permitted a small number of low-income people to access housing in wealthier, better-resourced areas. These programs include “the nation’s first mobility experiment ... the court-ordered relocation of Chicago Public Housing Authority residents from racially segregated, high poverty neighborhoods to communities with a higher degree of racial and economic integration,”³⁴ a program found to increase adult employment rates and improve high school graduation rates; the HUD-sponsored Moving to Opportunity program, which “found that among households that moved to neighborhoods with lower poverty rates, adults had both physical and mental health improvements” and young girls had significant improvements in health and other outcomes, even years later;³⁵ and a 2010 study of “the academic performance of students living in publicly-owned inclusionary housing units in Montgomery County, Maryland - one of the wealthiest counties in the nation and home to the country’s largest and oldest inclusionary housing program,”³⁶ which found that students who attended the most advantaged schools far outperformed those who attended the least advantaged schools. These findings are important and valuable, and they do much to underscore the importance of creating affordable housing for low-income families in high-opportunity neighborhoods in the City, including many of those in Manhattan and the inner-ring neighborhoods of Brooklyn and Queens. However, these findings have little bearing in ENY/CH - a low- and moderate-income community very unlike those discussed favorably by the City in its Mandatory Inclusionary Housing policy study.

³³ *Id.* at 9.

³⁴ *Id.* at 48.

³⁵ *Id.* at 48.

³⁶ *Id.* at 49.



Opportunity map showing health & environmental, social & economic, and educational opportunities to children. Map shows the rezoning area (in blue) as providing very low opportunities across all categories, in contrast to moderate, high, and very high opportunities available in much of Manhattan and the portions of Brooklyn and Queens nearest to Manhattan. Source: DiversityDataKids.org, a project of the Kirwan Institute.

Indeed, the City’s studies seem relevant only if one assumes that ENY/CH will soon become a majority-wealthy area where poor people will be able to access opportunity only if they are among the lucky few who have been able to stay. Is this what the City is planning for? Does the City find it impossible to imagine that opportunities for existing and new residents of ENY/CH could be increased without such drastic turnover? If yes, we implore the City to do better and to take the time to consider whether it is proper to advance the goal of “economic diversity” in a manner that may threaten, rather than increase, housing opportunities available to the City’s lowest-income people, disproportionate numbers of whom are people of color. As part of this, the City must identify or conduct greater and more thorough research assessing the long-term effects of neighborhood rezonings on longtime low-income residents, rather than simply assuming that the findings from studies of poor people relocated to wealthy areas are applicable in this drastically different context.

Again, though the Coalition fully supports the goal of creating permanently affordable housing opportunities in all new developments, we feel strongly that implementing the Proposed Actions without meaningful anti-displacement protections and at MIH affordability levels that do not reflect local need will further reduce the housing opportunities available to low-income people in this neighborhood and this City. Ultimately, while the Proposed Actions may advance one goal of MIH - increasing “neighborhood economic diversity,” in this case via gentrification - the current proposal does not sufficiently advance the core purpose of MIH - creating greater opportunities for low-income people. However, if the City adopts meaningful anti-displacement

strategies, carefully crafts the MIH policy to better address the need for deep affordability, and strategically leverages both public sites and HPD subsidies to create more and more deeply affordable housing, we believe that MIH could be a powerful tool to ensure permanent affordability in ENY/CH and other low-income communities. In ENY/CH, the Mandatory Inclusionary Housing policy should require permanent and deep affordability of 30% of all units at 30% AMI. Such a policy would both meet the needs of current residents, and guarantee that ENY/CH will remain a truly mixed-income area accessible to low-income people for years to come.

D. Preservation of Industrial Land

The DEIS concluded that there would be no significant adverse impact on land use, zoning, or public policy as the Proposed Actions “would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy...” Also, the DEIS states that the rezoning would not “create land uses or structures that would be incompatible with the underlying zoning or conflict with public policies...”

The Coalition asked that the DEIS consider the limitations of MX zoning for retaining and expanding industrial business over time due to its tendency to facilitate market pressures that are likely to cause eventual conversion to majority-residential/commercial districts. The City’s response in the DEIS was overly simplistic: that MX zoning allows existing industrial businesses to continue operations and/or expand and allows for new industrial businesses to set up shop. This inadequate response merely states that industrial uses are as-of-right in MX zones and completely disregards the Coalition’s point that the real estate economics dictate that industrial uses are at a disadvantage in MX zones. Evidence shows that MX zoning puts manufacturing businesses and future development at risk and disproportionately favors future residential and/or commercial development. In fact, in the 15 MX districts the City has mapped since 1997 there has been a 41% loss of industrial lot square footage and a 71% increase in residential and mixed residential-commercial lot square footage.³⁷ To avoid the slippery slope of MX zoning, the FEIS should address this issue and explore alternatives that include other zoning tools for achieving genuine, balanced mixed-use zoning districts.

³⁷ “Making Room for Housing and Jobs,” PRATT CENTER FOR COMMUNITY DEVELOPMENT, 2015.

CHAPTER 3: SOCIOECONOMIC CONDITIONS: POPULATION, HOUSING, AND ECONOMIC ACTIVITY

We appreciate that the City expanded the secondary land use study area from a quarter-mile boundary from the rezoning area to a half-mile, as the Proposed Actions are likely to have far-reaching effects. The *CEQR Technical Manual* provides that, “[w]hen other, more indirect effects may also occur” – as is likely with “large scale, high density development” – a study area of a half mile or more from the boundaries of the Proposed Actions is appropriate.³⁸ As this proposed rezoning is only the first step in a process that will likely result in further action (i.e., additional rezonings and more density in the area surrounding ENY/CH), we appreciate that DCP elected to use a ½ mile study area for its consideration of impacts within the Socioeconomic Conditions chapter.

However, DCP fails to fully analyze and disclose the likely residential displacement effects of the Proposed Actions, overstating the amount of affordable housing the Proposed Actions are likely to create and the extent to which such housing will serve the current residents of ENY/CH. The City’s analysis of business displacement and the impact of the Proposed Actions on specific industries is also flawed and inadequate. We urge the City to conduct more rigorous analyses of both residential and business displacement, and to consider and adopt a wider range of mitigation strategies to address impacts in these areas. The Coalition for Community Advancement has developed a wide range of suggested mitigation strategies that will help to ensure that the ENY/CH rezoning will concretely benefit the area’s residents – not push them out – and we urge the City to analyze and disclose the feasibility of these strategies as part of the Final Environmental Impact Statement.

A. Residential Displacement

1. Direct Residential Displacement

i. The analysis underestimates the amount of direct displacement that is likely to occur.

The City has found that, as compared with the No-Action scenario, “the Proposed Actions have the potential to directly displace approximately 53 dwelling units on 19 projected development sites,”³⁹ which, at an average household size of about 3 per unit, translates to potential displacement of approximately 158 residents.⁴⁰ Because the *CEQR Technical Manual* states that “direct displacement of fewer than 500 residents would not typically be expected to alter the socioeconomic character of the neighborhood” and the City has concluded that no significant portion of the study area population would

³⁸ CEQR Technical Manual, Chapter 4, p. 10 (stating that “secondary impacts can occur within a radius of 0.25 to 0.5 miles from the site of a proposed project. These general boundaries can be modified, as appropriate, to reflect the actual context of the area by including any additional areas that would be affected by the project or excluding areas that would not be ... Due to the specific characteristics of certain projects and the potential for geographically dispersed effects, even larger study areas may sometimes be appropriate.”).

³⁹ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-11.

⁴⁰ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-12.

be displaced, the City has found that “the Proposed Actions would not result in a significant adverse direct residential displacement impact and no further analysis is warranted.”⁴¹

The Coalition is concerned that the City’s analysis of direct displacement does not sufficiently account for direct displacement that is likely to be caused by the actions of private landowners who may seek to renovate or redevelop their sites after an upzoning.⁴² Past rezonings, including the 2005 rezoning of the Greenpoint-Williamsburg area, significantly and quickly changed local housing markets, creating strong incentives for landlords to remodel or completely redevelop their buildings. In each case, census data suggests that the rezonings caused significantly more displacement than the City’s formal analyses had indicated. For instance, the Final Environmental Impact Statement for the Greenpoint-Williamsburg rezoning estimated direct displacement of just 9 residents⁴³, and indirect displacement of approximately 2510.⁴⁴ However, the Latino population *alone* decreased by almost 2,500⁴⁵ between 2002 and 2013. During the same period, median household incomes rose from \$46,255 to \$71,325, median gross rents jumped from \$949 to \$1,603 per month, and the number of housing units renting for more than \$2,000 a month increased by 687%.⁴⁶ Harassment of rent-stabilized tenants in Williamsburg continues to this day, with landlords employing both legal⁴⁷ and illegal tactics to drive out their long-term tenants.⁴⁸

We are extremely concerned that the same will happen here, and that certain assumptions that undergird the City’s analysis - for instance, the assumption that church sites and sites smaller than 7,500 sf and occupied by existing residential development are unlikely to be redeveloped, and should therefore be excluded from the City’s count of “soft sites” in the area⁴⁹ - will soon prove to be false. As the *CEQR Technical Manual* notes, for area-wide rezonings, “the precise location and type of development may not be known because it is not possible to determine with certainty the future projects of private property owners... Therefore, sites are analyzed to illustrate a *conservative assessment* of the potential effects of

⁴¹ Id.

⁴² The CEQR Technical Manual Ch. 5, Socioeconomic Conditions, para 110, states that, “(F)or a project covering a large geographic area, such as an area-wide rezoning, the precise location and type of development may not be known because it is not possible to determine with *certainty the future projects of private property owners*, whose displacement decisions are tied to the terms of private contracts and lease terms between tenants and landlords existing at the time of redevelopment” (emphasis added). Therefore, the actions of private landowners are contemplated under direct displacement analysis.

⁴³ Greenpoint-Williamsburg Rezoning Final Environmental Impact Statement (03/04/2005), pg. 3-5. Available at <http://www.nyc.gov/html/dcp/html/greenpointwill/eis.shtml>.

⁴⁴ Id., pg. 22-1.

⁴⁵ Leo Goldberg, “Game of Zones: Neighborhood Rezoning and Uneven Urban Growth in Bloomberg’s New York City,” Dep’t of Urban Studies and Planning – MIT (June 2015), pg. 51.

⁴⁶ Id. Figures related to median household income and median gross rent are adjusted for inflation.

⁴⁷ Ian Marsh, “Pressured to Move, Low-Income Tenants Resist Buy-Outs,” CITY LIMITS (May 17, 2014), <http://citylimits.org/2014/05/27/pressured-to-move-low-income-tenants-resist-buyouts/> (describing buy-out offers to tenants in rent-regulated apartments).

⁴⁸ Martin S. Needleman, Shekar Krishnan, and Samuel Chiera, “Throw the Book at Crooked Landlords,” NEW YORK DAILY NEWS (Dec. 1, 2014), <http://www.nydailynews.com/opinion/needelman-krishnan-chiera-lock-crooked-landlords-article-1.2025320> (describing a Williamsburg landlord who “compromised the structural stability of his building by illegally removing a large portion of the basement wall ... then shut off water, sewage and electrical services, forcing the city to vacate the building”).

⁴⁹ East New York Rezoning Proposal Ch. 1, Project Description, pg.1-22.

the proposed project on sites likely to be redeveloped...⁵⁰ (emphasis added). In this case, we are concerned that the City’s conservative assessment paints an inaccurately mild picture of the direct displacement that is likely to occur. We are especially troubled as the City’s analysis so far demonstrates that “all of the residential units that have the potential to be directly displaced are in low-rise buildings containing between one and five residential units,”⁵¹ a housing type that is extremely prevalent in the rezoning area, accounting for more than 3,300 residential units⁵² or more than 70% of all residential units.⁵³ At three residents per unit, nearly 10,000 people live in these vulnerable housing types - fully 28% of all residents in the primary study area.⁵⁴ Because such residents lack the protections afforded to those in rent-regulated housing and can be displaced through entirely legal means – landlords need only raise the rents to push low-income tenants out – the potential impact on these residents is devastating.

We reiterate our request that the City assess the effects of past rezonings, including those of Greenpoint-Williamsburg and of North and South Park Slope, in part to determine whether the assumptions that underlie the assessment of the direct displacement likely to occur from this rezoning are sound. We further request that DCP exercise its discretion to conduct a more detailed analysis of direct displacement resulting from the Proposed Actions. As the CEQR manual notes, “Impacts from residential displacement may occur if the numbers and types of people being displaced would alter the socioeconomic character of a neighborhood and perhaps lead to indirect displacement of remaining residents.”⁵⁵ We believe that such an analysis is warranted under the circumstances, notwithstanding DCP’s initial assessment that the amount of direct displacement will fall below the threshold of 500 displaced representing at least 5% of the study area. Although in general a more detailed analysis is conducted only if direct residential displacement is greater than 500 and represents more than 5% of the population of the study area and the average income of the displaced is markedly lower than the average income in the study area as a whole, “the lead agency may determine that lower ... thresholds are appropriate under certain circumstances.”⁵⁶ Here, we believe that the significant amount of unregulated housing in the community creates a substantial risk warranting more detailed analysis. This detailed analysis would also require DCP to examine the prevailing trends in vacancies and rental and sale prices in the area, allowing DCP to identify the extent to which displaced residents might be able to relocate within the area and whether the project will result in a significant change in the neighborhood’s socioeconomic character.⁵⁷ This analysis is particularly significant in light of the City’s planned implementation of the Mandatory Inclusionary Housing policy and its apparent assumption that the rezoning will bring a sizable number of higher-income residents to the area.

ii. The City should disclose, analyze, and adopt additional mitigation measures to combat direct displacement.

⁵⁰ CEQR Manual Ch. 5, “Socioeconomic Conditions,” para. 110.

⁵¹ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-11.

⁵² Id.

⁵³ Id. p.3-10.

⁵⁴ Based on 2010 Census data showing the residential population of the rezoning area at 35,384 residents.

⁵⁵ CEQR Technical Manual Ch. 5, Socioeconomic Conditions, para. 321.1.

⁵⁶ CEQR Technical Manual Ch. 5, Socioeconomic Conditions, para. 321.1.

⁵⁷ CEQR Technical Manual Ch. 5, Socioeconomic Conditions, para. 331.1.

We request that DCP disclose, analyze, and adopt additional mitigation measures to combat direct displacement within the rezoning area. The DEIS states that “any displaced residents could apply for new affordable housing developed as a result of the Proposed Actions,”⁵⁸ but such units may not become available until long after residents are displaced, and former ENY/CH residents will be forced to compete with hundreds of hopeful applicants from across the City for each available slot. For example, in 2014, nearly 60,000 people applied for just 105 affordable housing units in a mixed-use development in Greenpoint – nearly 700 applicants per unit.⁵⁹ Nor was this number exceptional; a study of affordable housing lotteries dating back to July 2013 showed an average of 696 applicants for every affordable apartment offered by the City.⁶⁰ Although these figures underscore the depth of the affordable housing crisis in New York City as a whole, they provide little comfort for ENY/CH residents who fear displacement from their community and underscore that new affordable housing is *not* a meaningful way to mitigate displacement. The City also suggests that the newly-created Tenant Harassment Prevention Task Force will assist rent-regulated tenants and help protect them from displacement,⁶¹ but such individualized legal representation is not sufficient to address building- or neighborhood-wide patterns, or to significantly assist renters whose units are unregulated and do not offer lease renewal rights or protections from skyrocketing rents – a group that DCP itself identifies as the most vulnerable. The Coalition requests that the City disclose, analyze, and adopt additional mitigation strategies to combat direct displacement, including those proposed by the Coalition at the end of this section.

Because the 50% community preference for new affordable housing is currently the subject of a legal challenge⁶², we also request that the City provide an analysis of the extent to which new affordable housing would be accessible to ENY/CH residents in the absence of that community preference.

2. Indirect Residential Displacement

The City’s analysis identifies the potential for significant indirect residential displacement, noting that the Proposed Actions may result in the indirect displacement of up to 12,635 residents from the primary area, and as many as 36,361 residents from the secondary area.⁶³ Given the size of the population potentially subject to displacement, we appreciate DCP’s decision to undertake a detailed analysis of indirect residential displacement – an analysis that underscores the vulnerabilities of the ENY/CH community.

⁵⁸ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-12.

⁵⁹ Reuven Blau, “Nearly 60,000 people apply for 105 affordable units in Greenpoint building,” DAILY NEWS (Aug. 20, 2014), <http://www.nydailynews.com/new-york/60-000-people-apply-105-affordable-units-greenpoint-building-article-1.1911061>.

⁶⁰ Reuven Blau, “Exclusive: Affordable housing through lottery shows huge demand in New York,” DAILY NEWS (Aug. 3, 2015), <http://www.nydailynews.com/new-york/exclusive-odds-slim-finding-affordable-housing-ny-article-1.2312553>.

⁶¹ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-12.

⁶² “New York City Outsider-Restriction Policy Challenged,” Anti-Discrimination Center (July 7, 2015), <http://www.antibiaslaw.com/orp>.

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However, DCP ultimately concludes that “the Proposed Actions are not expected to result in a significant adverse impact with respect to indirect residential displacement.”⁶⁴ The City’s rationale is two-fold: first, displacement would occur even in the absence of the Proposed Actions; and second, indirect residential displacement can be offset by the creation of HPD-subsidized affordable housing and, “[a]s the housing market evolves,”⁶⁵ the requirements imposed by the new Mandatory Inclusionary Housing policy.

The Coalition feels strongly that the City’s analysis of indirect displacement is deeply inadequate. First, the City does not sufficiently explore potential displacement under the No-Action condition, instead ignoring how its own actions may have triggered speculation in ENY/CH and offering conclusory statements that gentrification in ENY/CH is inevitable with or without a rezoning. Second, the *creation* of new affordable housing does little, if anything to offset the displacement of *existing* residents, and any assertion that it does fundamentally misunderstands the nature of displacement. Simply put, low-income residents are not interchangeable, and unless current residents are guaranteed to be first in line for all new affordable units – which is not possible both because current residents will be given preferred status for, at most, half of the new units – new units will *not* serve to mitigate displacement. Third, to the extent that new affordable units may serve to rehouse existing residents, such new units serve to mitigate indirect displacement only if offered at income levels affordable to current residents. If the new “affordable” apartments are not affordable to the people who currently live in ENY/CH, they cannot reasonably be construed as mitigating the displacement impact on current residents, because they will not meet the local housing needs. In addition, we feel that the City’s plan fails to mitigate the significant impact on ENY/CH residents in part because the City overstates the number of affordable units likely to be generated by the Proposed Actions, relying too heavily on the use of HPD subsidies that are voluntary and do not offer permanent affordability. The proposed Mandatory Inclusionary Housing policy also fails to guarantee a significant number of units affordable to very low income people, instead guaranteeing the permanence of “affordable” apartments that will be unaffordable to most current residents of ENY/CH. For these reasons, the Coalition requests that the City revisit its analysis of indirect displacement and disclose, analyze, and adopt additional mitigation strategies to offset the significant impacts we believe will occur as a result of the Proposed Actions. As described more fully in the Alternatives section, we also urge the City to develop, analyze, and consider the adoption of an Alternative that would create housing more in line with current neighborhood incomes and needs.

i. The analysis of the No-Action condition is flawed and inadequate.

DCP discounts the impact of the Proposed Actions relative to the No-Action condition by stating that the neighborhood is already experiencing significant market pressure, which would likely displace low-income residents even absent a rezoning. This analysis is flawed and inadequate because it fails to account for the effect of the rezoning announcement itself on local market conditions - even though DCP’s own facts suggest that the impact of the rezoning announcement has been significant.

⁶⁴ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-51.

⁶⁵ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-50.

The City states that “the residential market in East New York had been relatively stable until about 2012-2013, when home sales prices started to steadily rise. For example, two-family homes are currently selling for about \$600,000, whereas in 2012-2013, similar properties would have only sold for up to \$450,000.”⁶⁶ Indeed, interest in the area was so great that “‘flipping’ accounted for nearly ten percent of the sales activity in East New York and Cypress Hills in 2012 and 2013.”⁶⁷ DCP also notes that median and average home sale prices spiked again between 2014 and 2015: “Between the first quarters of 2014 and 2015, the median home sales price for Brownsville/Ocean Hill increased by nearly 63 percent, in Cypress Hills by approximately 55 percent, and in East New York/Spring Creek by approximately 17 percent as compared to the borough overall, which increased by approximately 14 percent.”⁶⁸

How does the City explain these trends? The City cites the fact that Brooklyn is “the place to be” and notes that the increases in home sale prices in the study area are “reflective of the considerable increases experienced in the nearby neighborhoods of Bedford Stuyvesant, Bushwick/Wyckoff Heights, and Crown Heights, which increased by approximately 22, 40, and 21 percent, respectively, during this timeframe.”⁶⁹ Although it is possible that East New York has simply been subject to the market forces sweeping the borough as a whole, the City does not explore any relationship between the sudden increase in home sale prices beginning in 2012-13 and the extensive, federally-funded, high-profile planning effort that took place in the study area between 2011 and 2013: Sustainable Communities East New York.⁷⁰ That study “identified opportunity for the development of mixed-income housing ... and envisioned Broadway Junction as a regional destination with commercial and institutional uses”⁷¹ - proposals that may well have signaled to savvy investors that big changes were on the way in ENY/CH. Similarly, the City does not discuss the very real possibility that the selection of ENY/CH as the first of the de Blasio administration’s major rezoning neighborhoods may have caused prices to leap from early 2014 to early 2015, even though there are strong indications that speculation in the area has increased since the announcement of the rezoning. Pre- and post-announcement, the number of sales in the rezoning area increased by 17% overall, with significant increases on several key rezoning corridors. For instance, the number of sales on Fulton Street, Pitkin Avenue, and the Pennsylvania border increased by 63%, 84%, and 157% respectively in the 18 months before and after the Mayor’s announcement of the East New York rezoning in May 2014. Average sales prices have been increasing significantly as well. In Community District 5 as a whole, average sale prices of walkup rental buildings increased by 67%, while in the rezone area, prices increased 201%. For industrial properties, there has been a 191% increase in sales prices in Community District 5, as compared to an increase of 298% in the rezone area. For vacant land, there has been a 64% increase in sales prices in Community District 5, and 266% in the rezone area.⁷²

⁶⁶ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-36.

⁶⁷ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-36.

⁶⁸ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-35.

⁶⁹ Id.

⁷⁰ East New York Rezoning Proposal Ch. 2, Land Use, Zoning and Public Policy, p.2-14.

⁷¹ Id.

⁷² New York City Department of Finance and Department of City Planning MapPLUTO.

The timing of these price spikes and rent increases is both suggestive and troubling. If the commencement of a rezoning study triggers speculation, thereby modifying the market conditions and baseline No-Action analysis, how can the City ever assess the true impact of a proposed neighborhood-wide rezoning? What would the market in ENY/CH be like tomorrow if the City were to halt the rezoning process, or consider as an Alternative a development plan that would require a greater percentage and depth of truly affordable housing? Could DCP stop the speculative land grabs its studies may have helped to set off? These questions are difficult, and DCP does not even attempt to address them. Instead, ignoring the role its own actions may have played in fueling speculation in the community, the City concludes that, “Demand for housing in the study area is expected to continue to increase given its relative affordability compared to the surrounding areas and its relatively convenient location and proximity to transit.”⁷³

Offering no ballpark figures about the number of households likely to be displaced under the No-Action condition, the City makes a generalized statement that “it is likely that low-income renter households living in rent-unprotected units would continue to experience indirect residential displacement pressures in the No-Action condition and ... decrease in proportion to other households.”⁷⁴ These generalities are not sufficient to accurately assess the extent of displacement pressure under the No-Action condition - though it is difficult to believe that a No-Action condition resulting in a 4% population increase,⁷⁵ with “a substantial portion of the new population ... [with] similar incomes relative to the existing population,”⁷⁶ could possibly have a displacement effect comparable to the proposed rezoning, which stands to increase the residential population by over 50%⁷⁷ and introduce many higher-income residents to the area.

The Coalition requests that DCP conduct a more detailed and rigorous assessment of the likely level of displacement under the No-Action condition, and if the impacts of the Proposed Actions are determined to be significant relative to the No-Action condition, that the City adopt the additional mitigation strategies we describe here. We further request that the City analyze and disclose the likely displacement effects of an Alternative that includes higher proportions of affordable housing at deeper affordability levels, as discussed more fully in our response to the Alternatives chapter.

We also emphasize that the CEQR analysis requires the City to assess not only the extent to which the proposed rezoning may “cause” displacement effects not seen with the No-Action condition, but also the extent to which the Proposed Actions may *accelerate* such displacement trends.⁷⁸ Even if one accepts the

⁷³ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-48.

⁷⁴ Id. at 3-49.

⁷⁵ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-48 (noting that under the No-Action conditions, the primary study area would experience a 4% increase in the residential population by the year 2030).

⁷⁶ Id.

⁷⁷ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-24 (noting that the Proposed Actions would create a 51% increase in the residential population in the primary study area).

⁷⁸ CEQR Technical Manual Ch. 5, Socioeconomic Conditions, para 320, states that, “[t]he purpose of the preliminary assessment is to determine whether a proposed project has the potential to introduce or *accelerate* a socioeconomic trend” (emphasis added). Likewise, paragraph 322 states that “[t]he objective of the indirect residential displacement analysis is to determine whether the proposed project may either introduce a trend or

City's premise that the proposed rezoning will not "cause" residential displacement, in that some displacement would likely occur even absent the rezoning, that does not absolve the City of its obligation under CEQR to analyze any potential acceleration of a displacement trend. However, DCP makes no attempt to conduct such an analysis. The Coalition requests that DCP conduct a rigorous assessment of the extent to which the With-Action condition may accelerate displacement relative to the No-Action condition. If the Actions are determined to significantly accelerate displacement, we request that the City disclose, analyze, and adopt additional mitigation strategies to stem the displacement effect.

ii. The City's analysis of indirect residential displacement does not sufficiently address several vulnerable populations in ENY/CH.

- a) The City fails to conduct a rigorous analysis of the likely displacement from small homes in the area, and its proposed mitigation strategies are inadequate.

As we noted in the comments on the Draft Scope, ENY/CH's housing stock is primarily made up of two- and three-family homes. Despite DCP's acknowledgment of the prevalence of small homes and unregulated rental housing in the area, the City's analysis of potential displacement of low-income homeowners and tenants living in small homes is cursory at best. DCP devotes only a few sentences to potential solutions for displacement of tenants from small homes, noting that the creation of larger mixed-use residential buildings in an area currently populated by smaller residential buildings "could potentially create two distinct markets for housing," with the result that the Proposed Actions would be "less likely to have any effect on market conditions in smaller buildings."⁷⁹ Alternatively, the City suggests that new multi-family housing could "relieve the indirect residential displacement pressure that unregulated units in small residential buildings would experience"⁸⁰ absent the rezoning. However, each of these ideas seems to be based on speculation rather than past experience and/or rigorous analysis of current market conditions. DCP does not, for example, base its conclusion about the effect of multi-family construction in areas characterized by small homes on studies of other neighborhoods that have been rezoned in that manner. Despite the numerous rezonings undertaken during the Bloomberg era, DCP again fails to draw or even seek any lessons from its past experiences, acting as though it is undertaking a rezoning for the first time and leaving the City to offer two unsupported and contradictory guesses about the impact of introducing significant amounts of multi-family construction to a neighborhood characterized by smaller unregulated homes. The Coalition requests that DCP identify rezonings of small homes neighborhoods comparable to ENY/CH and analyze and disclose the true impact of multi-family construction on rental units in small homes. In particular, we request that DCP perform this analysis in order to confirm whether either of DCP's current hypotheses is correct, or whether adding significant density may have the effect of driving rents upward across the neighborhood, in all home types. We also ask that DCP disclose, analyze, and consider the adoption of a broader range of additional strategies to help forestall

accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change" (emphasis added).

⁷⁹ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-51.

⁸⁰ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-51.

displacement from small unregulated homes because – again – creating new affordable units is not synonymous with preventing displacement of existing low-income residents.

DCP’s analysis of indirect displacement from small homes not only fails to address the realities of tenants living in such homes; it also fails to take into consideration long-time *owners* of these homes. Although many families in ENY/CH have achieved home ownership, they are extremely vulnerable, and there is a foreclosure notice rate of 45.3% in Community Board 5.⁸¹ Last year, there were approximately 1,000 foreclosure actions filed in our zip codes, or about 19 per week. Although the DEIS acknowledges that, “Eastern Brooklyn ... has some of the City's highest rates of foreclosure,”⁸² DCP does not offer any substantive analysis of the impact of the Proposed Actions on foreclosure rates, despite the fact that Comment 18.2 on the Draft Scope of Work expressly requested that the City “assess the Proposed Actions’ impact on foreclosure rates, property tax increases, and how those impacts will change ENY/CH’s neighborhood character.”⁸³ In response, DCP stated that the mapping of contextual districts would require new development matching “the density and form of the predominant building types found in the neighborhood today,”⁸⁴ but this narrow answer ignores both the clear concern of the Coalition’s comment to the Draft Scope – the *people* who currently own homes in the area – and the mandate of the CEQR Technical Manual, which requires the City to consider indirect displacement as “the involuntary displacement of *residents*, businesses, or employees that results from a change in socioeconomic conditions created by the proposed project”⁸⁵ (emphasis added).

DCP’s failure to consider the impact of the Proposed Actions on these vulnerable homeowners is especially troubling in light of the heightened pressures such homeowners may face when a neighborhood rapidly changes. As the Executive Director of the Center for New York City Neighborhoods explains, in “newly hot communities like East New York that are targeted for development, the influx of real estate speculators seeking to capitalize on rising property values, combined with the tens of thousands of homeowners struggling to pay property taxes or seeking to avoid foreclosure, presents a ‘perfect storm’ of displacement for vulnerable homeowners.”⁸⁶ Private equity firms may purchase distressed mortgages in bulk from the federal government and “seek to displace current homeowners in hopes of taking advantage of rising prices.”⁸⁷ Longtime homeowners may have trouble keeping up with their tax bills as local property values increase, placing them at risk of having their tax debts purchased by private investors through the City’s annual tax lien sales. According to the Independent Budget Office, East New York

⁸¹“State of New York City’s Housing and Neighborhoods in 2014,” The Furman Center, <http://furmancenter.org/research/sonychan>.

⁸²Chapter 3, Socioeconomic Conditions, page 3-37

⁸³ Response to Comments on the Draft Scope of Work, Comment 18.2, p.54.

⁸⁴ Id. at 55.

⁸⁵ CEQR Technical Manual, Chapter 5: Socioeconomic Conditions, para. 110, p.5-1.

⁸⁶ Christie Peale, “Some Forms of Displacement Are Beyond Criminal,” ROOFLINES (Nov. 24, 2015), http://www.rooflines.org/4318/some_forms_of_displacement_are_beyond_criminal/.

⁸⁷ Id.

homeowners are already disproportionately likely to end up in the tax lien sale pipeline⁸⁸, and the Coalition is concerned that the proposed rezoning will only help to accelerate this trend, which can lead to a downward spiral and eventual foreclosure when investors saddle the homeowners with usurious interest rates and fees.⁸⁹ Real estate speculators may also swoop in outside of the tax lien context, offering all-cash deals to homeowners struggling with their mortgage or tax payments and acquiring homes from desperate and unsuspecting long-time residents for substantially below their true market value. People who have long been part of the fabric of the community can disappear overnight. Though deeply unethical, all of these tactics are entirely legal, placing them squarely within the scope of appropriate CEQR review.⁹⁰ The City *must* analyze and disclose the full extent of indirect displacement that may be caused by the Proposed Actions, including displacement of longtime homeowners that may be caused by the market dynamics we discuss here. If the City’s analysis reveals a greater risk of displacement than that contemplated by the DEIS, the City must analyze, disclose, and adopt additional mitigation strategies to combat such displacement. At the end of this section, the Coalition suggests numerous ways the City could mitigate displacement of both low-income homeowners and their tenants, and we urge the City to analyze and adopt these strategies to the greatest extent possible.

- b) The City fails to clearly address the shelter, halfway house and three quarter house population in the neighborhood – people with significant unmet housing needs.

The Coalition is concerned that the City’s indirect displacement analysis fails to consider an extremely vulnerable population in the neighborhood: residents of halfway houses, shelters, and three quarter homes. While other communities have failed to accommodate their fair share of homeless shelters, East New York has welcomed a significant number of the City’s homeless people and families, and there are many homeless shelters in the area. ENY/CH also has a high concentration of halfway houses – supportive homes that “serve inmates nearing the completion of their sentences and are typically affiliated with the State, a church, a social service agency, or some other type of non-profit organization” – as well as three quarter homes: private, for-profit facilities that rent beds to single adults, usually illegally.⁹¹ Many residents of the area’s halfway houses, shelters, and three quarter homes live in these transitional facilities for long periods of time and come to call East New York home, often seeking permanent housing within the community. However, because residents of such facilities lack permanent addresses in

⁸⁸ “Delinquencies For Sale: City’s Annual Lien Sales Trigger Payments From Owners, Often Exceeding Original Amount Owed,” NEW YORK CITY INDEPENDENT BUDGET OFFICE (June 2014), <http://www.ibo.nyc.ny.us/iboreports/2014taxlien.html>.

⁸⁹ Christie Peale, “Some Forms of Displacement Are Beyond Criminal,” ROOFLINES (Nov. 24, 2015), http://www.rooflines.org/4318/some_forms_of_displacement_are_beyond_criminal/.

⁹⁰ The CEQR Technical Manual provides that “the assessment of indirect displacement assumes that the mechanisms for such displacement are legal.” CEQR Technical Manual, Ch. 5: Socioeconomic Conditions, para. 110, p.5-2. Although the Coalition feels that limiting the inquiry to *legal* displacement tactics is unreasonably short-sighted in light of the numerous *illegal* tactics that are used to displace tenants in gentrifying neighborhoods – a flaw we address in more detail in the final chapter of this response – it is clear that the City must at minimum consider the full range of legal tactics that may result in the involuntary displacement of residents from the community.

⁹¹ THREE-QUARTER HOUSES: THE VIEW FROM THE INSIDE, John Jay College of Criminal Justice Prisoner Re-Entry Institute (Oct. 2013), p.5 (defining halfway houses and three-quarter homes) and p.10 (stating that there is a high concentration of three-quarter homes in East New York).

the community, it is unclear whether the City has fully accounted for these people in its analysis.⁹² The Coalition strongly believes that these individuals and families must have the opportunity to benefit from the revitalization of the community; the City must ensure that the community's most vulnerable residents are included in the process. Because the DEIS does not specifically address the needs of these populations, we request that for the FEIS the City analyze and clearly disclose the needs of shelter, halfway house, and three quarter house residents as part of its analysis of both the current neighborhood need for affordable housing and the likely extent of residential displacement. We believe that the City will find that the risk of displacement of such residents is significant, as the City leases, but does not own most of the halfway houses and shelters it operates in ENY/CH, and the private owners of such facilities and of three quarter houses may well be inclined to convert their operations to ordinary market-rate housing as market rents in the community rise. The City should assess the ability of shelter, halfway house, and three quarter house residents to afford housing and establish permanent residency in the community, and should include all such residents as part of the City's assessment of whether the proposed mitigation strategies for displacement are adequate to meet the local need. If not, the City should analyze and adopt additional mitigation strategies to ensure that the needs of ENY/CH's most vulnerable residents are met.

- c) The City fails to consider potential displacement of Section 8 voucher holders, who will not be able to remain in the community if market rents exceed the Section 8 rent guidelines.

Section 8 vouchers represent a crucial tool that protects affordability in the community. However, because Section 8 vouchers are income-restricted and tenants can only use such vouchers in private apartments with rents below a certain threshold, Section 8 voucher holders may be priced out of the community if market rents rise beyond what they can afford to pay based on their income and voucher payments. As it is, Section 8 voucher holders cannot afford to live in many neighborhoods in Brooklyn and throughout New York City, and the Coalition is concerned that the Proposed Actions may push ENY/CH out of reach as well. The FEIS must disclose HPD data about the number of Section 8 voucher holders within the primary and secondary areas – information that is readily available to HPD, but not to the general public – and analyze and disclose the potential displacement of such voucher holders. The City should also analyze and disclose additional mitigation strategies to combat such displacement, including the possible expansion of Section 8 vouchers – both in terms of the number of vouchers available, and the amount of rent each voucher pays.

- d) The City fails to examine the specific effect of the Proposed Actions on people of color and fails to disclose whether or not the rezoning will advance the City's obligations under the Fair Housing Act.

⁹² The CEQR analysis relies on data from the U.S. Census and the New York City Housing and Vacancy Survey to establish the number of residents of the community. Although people in certain types of shelters or facilities should be counted as residing at those facilities, they are frequently undercounted because the process of collecting and documenting information about homeless people differs markedly from and offers unique challenges relative to counts based on residence. See e.g. Brendan Kearns, *DOWN FOR THE COUNT: OVERCOMING THE CENSUS BUREAU'S NEGLECT OF THE HOMELESS* (http://www.nationalhomeless.org/publications/DownfortheCount_CensusReport.pdf).

The East New York DEIS fails to examine the impact of the Proposed Actions on the people of color of ENY/CH. Over half of the residents of Community Board 5 are Black and over one third are Latino,⁹³ but the City is silent about the potential impact of the rezoning on these residents and other people of color in the community. The Coalition believes that this is a major failing of the City’s analysis under the DEIS – a blind spot that violates both the City’s obligations under CEQR, and its duties under the federal Fair Housing Act (FHA).⁹⁴

The *CEQR Technical Manual* requires the City to analyze “whether the proposed project may either introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population,”⁹⁵ and the Coalition feels strongly that this provision obligates the City to examine the impacts of the rezoning on people of color in the community. At the same time, as a recipient of federal housing funds, the City has an obligation under the FHA to affirmatively further fair housing (“AFFH”) when rezoning or developing housing. This AFFH duty imposes affirmative obligations upon the City to promote integration through its actions and to avoid causing or perpetuating residential segregation.

In its comments on the Draft Scope of Work for the DEIS, the Coalition urged the City to amend the scope to include an analysis of the fair housing repercussions of the proposed rezoning. The City responded to the Coalition's comments on this issue by stating:

The City is not required, pursuant to federal, state or local law or regulation, to include an assessment of the Proposed Actions’ compliance with federal fair housing laws and regulations in the EIS. As a recipient of federal housing funds, the City does, and will continue to comply with federal law, rules and regulations to assess the impact of its zoning and land use actions on its obligation to affirmatively further fair housing.⁹⁶

The Coalition disagrees with the City's position and urges the City to address fair housing issues surrounding this rezoning in the Final Environmental Impact Statement.

The potential perpetuation of residential segregation under a proposed rezoning falls squarely within the proper scope of the environmental impact statement. As part of the required CEQR analysis, the City is specifically assumed to incorporate census data and other socioeconomic data about the existing population of the study area, along with information on the existing housing stock and any regulations or statutory protections regarding the affected housing stock. Indices of neighborhood segregation are tightly correlated with and informative of issues of poverty and housing insecurity. The exacerbation of residential segregation is a prime example of the kind of trend contemplated by the *CEQR Technical Manual* because, if accelerated by the proposed rezoning, it would undoubtedly result in the further displacement of vulnerable populations—fundamentally changing the socioeconomic character of the

⁹³ STATE OF NEW YORK CITY’S HOUSING AND NEIGHBORHOODS 92, NYU FURMAN CENTER (2014), <http://furmancenter.org/research/sonychan> (data on Brooklyn Community Board 5).

⁹⁴ 42 U.S.C. 3608(e)(5).

⁹⁵ CEQR Technical Manual, Ch. 3: Socioeconomic Conditions.

⁹⁶ Response to Comments on the Draft Scope of Work for the Draft Environmental Impact Statement.

neighborhood. Furthermore, prohibitions against residential discrimination in the federal Fair Housing Act and other anti-discrimination laws are regulations affecting residential housing stock, and thus essential to a proper analysis of indirect displacement under CEQR.

An analysis of the fair housing implications of the proposed action is *required* under federal law. Section 808(e)(5) of the FHA requires the Secretary of the Department of Housing and Urban Development to “administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of [the Fair Housing Act].” Under HUD regulations, this affirmative obligation is imposed upon state and local government actors which receive federal housing funds. As a recipient of such funds, the City’s “strategies and actions must affirmatively further fair housing.”⁹⁷ To affirmatively further fair housing is defined as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”⁹⁸ While the relevant federal regulations describe at length specific assessments that local actors must report to HUD, the AFFH duty generally “extends to all of [the City’s] activities and programs relating to housing and urban development.” In light of Brooklyn’s long history of residential segregation and the broad scope of the City’s proposed action in historically segregated communities, it would be a clear violation of the City’s AFFH obligations to fail to consider the impacts of the proposed action upon residential segregation. Additionally, HUD regulations contemplate “meaningful public participation”⁹⁹ in the conduct of required fair housing analyses. To the extent that the amelioration of segregation should be an important goal of any rezoning, excluding the issue from an EIS and thus prohibiting meaningful public discourse upon the issue prior to approval of the proposed action would violate HUD regulations.

Prior to undertaking this major rezoning, it is required that the City study its impact on residential segregation and the way in which it will be addressed. This analysis of the proposed rezoning under the FHA falls squarely within the scope of the EIS under the *CEQR Technical Manual*, is required by federal regulations, and should be included in the Final Environmental Impact Statement. The Coalition urges the City to include in this analysis consideration of historic and existing patterns of residential segregation in the communities affected by the proposed action and discussion of mitigations that would affirmatively further fair housing.

iii. The mitigation measures the City disclosed and analyzed in the DEIS are insufficient.

- a) Creating new units does not prevent displacement of existing residents.

The City argues that the affordable units created as a result of the Proposed Action “would expand housing options available to low- and moderate-income residents in the study area, protecting them against any indirect displacement pressure...”¹⁰⁰ However, this is not how displacement works. Even if additional units are created, there is no guarantee that any significant number of them will go to people

⁹⁷ 24 C.F.R. s 5.150.

⁹⁸ 42 C.F.R. s 5.152.

⁹⁹ 24 C.F.R. s 5.158.

¹⁰⁰ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, p.3-51.

who are *currently* living in ENY/CH under threat of displacement. As described above in response to the City’s analysis of direct displacement, about 700 people apply to every affordable housing unit put on the market in New York City. Although the current community preference policy grants preferred access to people from within the area, that policy has recently been challenged and may no longer be in place by the time many of the affordable units are built in ENY/CH, severely limiting the possibility that current residents at risk of displacement will be able to access any affordable units built.

By emphasizing the displacement of affordable *units* rather than the *people* those units are meant to serve, the City’s analysis underestimates the specific losses that will be borne by people who currently live in ENY/CH. DCP’s analysis suggests that if people are pushed out of their homes and replaced with other low-income people, no net loss will have occurred — despite the significant damage displacement can cause. Troublingly, “[n]o government agency — not the U.S. Census Bureau, not City Hall, not the local community board, not even the Department of Education — keeps statistics on relocation within specific neighborhoods,”¹⁰¹ making it extremely difficult to determine even the short-term impacts of rezonings on displaced populations, much less the long-term consequences. The Coalition feels strongly that the City should develop the means to more effectively analyze the impacts of displacement, and that its failure to do so effectively precludes the City from conducting the detailed displacement analysis that CEQR requires. As we discuss in more detail in our Conclusion, we believe that the City’s inability to answer one simple question – what happens to the individuals who are displaced by its actions? – is a fundamental flaw of the CEQR review process as it currently stands. Notwithstanding the limitations of the currently available relocation statistics, we reiterate our request that the City conduct rigorous analyses of past rezonings to develop its understanding of what neighborhood rezonings of the magnitude proposed for East New York really mean to low-income New Yorkers. If it is not possible to determine the fates of specific people displaced by past rezonings, the City should disclose and analyze demographic information suggestive of displacement, including changes in racial demographics, local area median incomes, educational attainment levels of residents, average neighborhood rent levels in market-rate units, and the number of rent stabilized units in each area pre- and post-rezoning. Taken together, this information will provide valuable context for the Proposed Actions and inform the analysis of the extent to which the rezoning may drive displacement.

If the City concludes that the risk of displacement is greater than contemplated in the DEIS, the Coalition urges the City to adopt additional mitigation strategies that will help keep *today’s* East New York residents in their homes. These strategies could include a requirement that developers receive a Certification of No Harassment before proceeding with certain renovations or demolition, a provision that would help to protect rent-regulated tenants; tax credits to enable and incentivize small homes landlords to keep on longtime low-income tenants; and strategies to link the current residents of the community to the new career-track jobs the rezoning will bring to the area, allowing residents to participate as true partners in the community’s development and enabling them to keep up if the local housing market

¹⁰¹ Neil deMause, “Displaced, Dispersed, Disappeared: What Happens to Families Forced Out of Bushwick?” CityLimits.org (May 6, 2015), <http://citylimits.org/2015/05/06/displaced-dispersed-disappeared-what-happens-to-families-forced-out-of-bushwick/>.

changes. As it is, many low-income New Yorkers have been displaced to East New York, finding refuge in this area as one of the last neighborhoods that remains affordable to low- and middle-income people. Where will these people go if the majority of East New York becomes unaffordable to them?

- b) ***Even if creating new units mitigated displacement, the City overestimates how many new affordable units will be created and fails to disclose the mismatch between its proposed affordability levels and the levels needed most in the community.***

HPD subsidies, while important, are voluntary, and as such, they are not a guaranteed means of creating affordable housing, especially as neighborhood conditions change.

The Coalition is concerned that DCP significantly overestimates the amount of affordable units that will be created by the Proposed Actions and related initiatives. DCP repeatedly claims that half of all units built will be affordable to low- and middle-income people, stating, for instance, that “The Proposed Actions would result in the development of 6862 DU [dwelling units] ... in the study area with the 2030 With-Action condition, of which approximately half would be affordable ...”¹⁰² However, HPD’s East New York Housing Plan provides for the construction of just 1210 units of affordable housing on publicly-owned sites¹⁰³ – some of which fall outside of the rezoning area – and the MIH Option the City currently plans to adopt for this rezoning will require just 25% of new construction on private sites to be permanently affordable (at 60% AMI, an income level far above that of most residents of the rezoning area, where the median income is just 40% AMI). Therefore, the City’s “half” affordability figure can be reached only if a significant number of private developers accept HPD subsidies for affordable housing development throughout the study period. In other words, the City is not guaranteeing that close to 3,500 affordable units will be affordable; instead, it has only firmly committed to 1210 units of affordable housing and is setting a *goal* of half affordability based on the current market conditions for market-rate housing in ENY/CH and the assumption that significant numbers of private landowners will elect to receive HPD subsidies in order to build. This is a dangerous assumption given that participation in HPD subsidy programs is voluntary and it is likely that fewer landowners will continue to take HPD subsidies as the local housing market strengthens.

HPD has acknowledged in its meetings with community members that developers are likely to accept HPD subsidies primarily in the period immediately following the rezoning, and DCP briefly acknowledges in its description of the project that HPD subsidies provide no firm guarantees, stating that, “It is possible that by the time of the analysis year, changes in the housing market may result in this type of construction [multi-family] occurring [without HPD subsidies]. In this event, the proposed MIH program as discussed above will ensure that a share of new housing is affordable.”¹⁰⁴ But having raised the uncomfortable possibility that the Proposed Actions may generate as little as half the number of affordable units the City has repeatedly promised to the community, DCP immediately moves away from

¹⁰² East New York Rezoning Proposal: Notice of Completion (Sept. 18, 2015), p.26.

¹⁰³ EAST NEW YORK HOUSING PLAN 13, Office of Neighborhood Strategies, NYC Dep’t of Housing Preservation & Development (Sept. 15, 2015).

¹⁰⁴ East New York Rezoning Proposal Ch. 1, Project Description, p.1-23.

this issue, stating that the “immediate future” is all that need be considered, that HPD subsidies are sufficient to achieve the requisite amount of affordable housing: “for the immediate future, it is anticipated that new multifamily development will resemble recent multifamily development in the broader area, which has utilized public subsidy and been affordable to low-income households ... Overall, it is estimated that about half of the projected dwelling units would be affordable to lower income households.”¹⁰⁵ Ignoring its own acknowledgment that the rezoning may cause the market to change in a manner that makes subsidies much less appealing, DCP declares that, “The environmental review will assume that 50 percent of all units created, in the aggregate, will be affordable to low-income households ...”¹⁰⁶

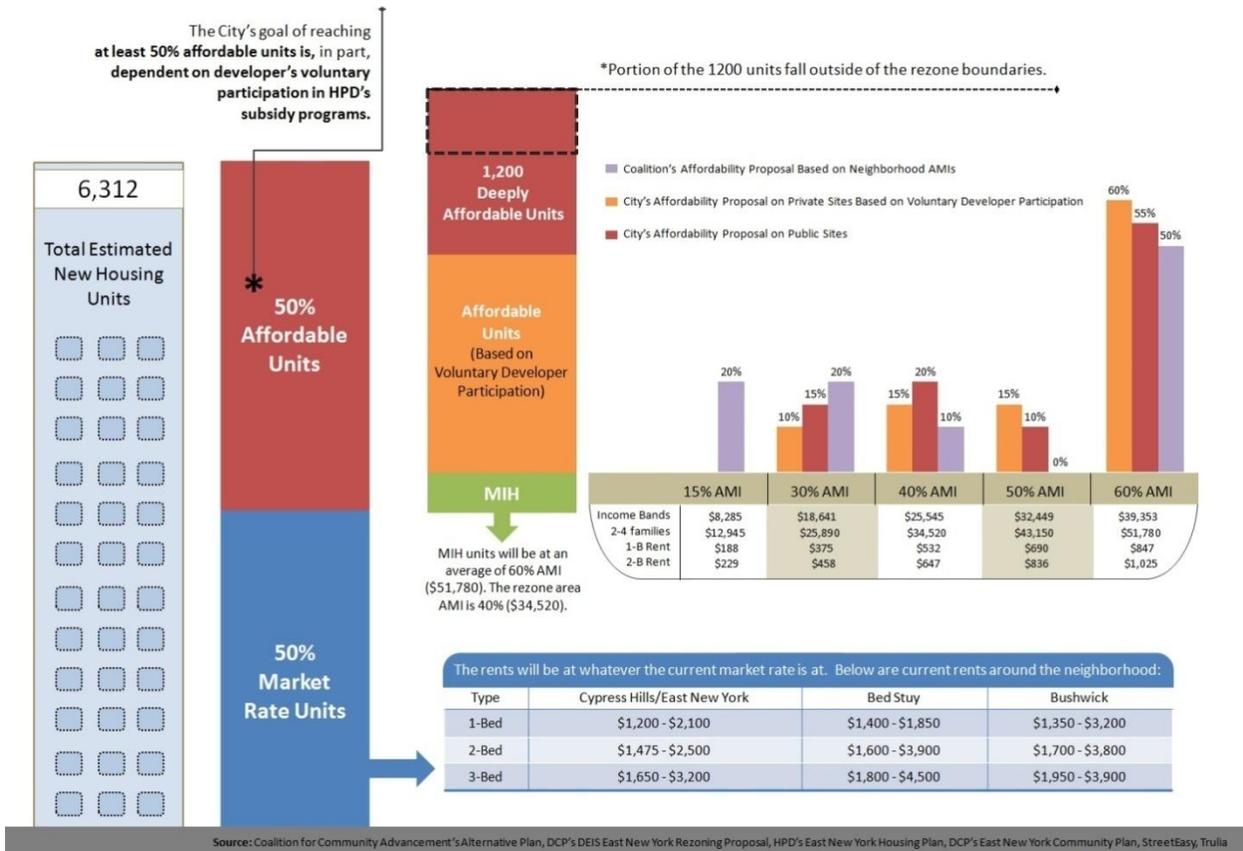
This is a huge, largely unsubstantiated and dangerous assumption, and DCP fails to analyze the effect of changing market conditions on developers’ willingness to take HPD subsidies over the entire 15-year study period. This assumption is especially troubling given DCP’s argument, in its analysis of the No-Action condition that the housing market in the study area is already accelerating significantly and will continue to do so with or without the Proposed Actions. Put simply: which is it? Is the market so weak that HPD subsidies will be required to build anything, or is it so strong that landowners will seek to redevelop whether or not the City intervenes?

The Coalition requests that DCP look to the effects of past rezonings to determine the speed at which housing markets shifted in comparable neighborhoods following rezonings, and the point at which interest in HPD subsidies began to decline. We believe that the housing market may change significantly not in 15 years, the study period of the DEIS, but within 10 or fewer years – a hypothesis the City can and should explore by examining development patterns in other areas after comparable rezonings. The City should analyze the amount of affordable housing that is likely to be developed if this occurs in ENY/CH, i.e. if the ENY/CH housing market develops in a manner that leads developers to take fewer HPD subsidies beginning in 10 or fewer years, not 15. The City should not assume static market conditions over the 15-year study period, but should instead grapple with the evolving market realities that will follow a rezoning.

¹⁰⁵ East New York Rezoning Proposal Ch. 1, Project Description, p.1-23.

¹⁰⁶ East New York Rezoning Proposal Ch. 1, Project Description, p.1-23.

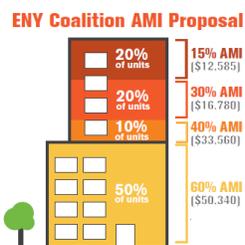
East New York Rezoning Housing Proposal Breakdown



The City's current proposals for affordability on HPD-subsidized sites do not match the community need.

The Coalition appreciates the importance of HPD subsidies in securing deeply affordable housing in our community. However, we believe that the City's proposed affordability levels for HPD-subsidized projects do not match the local needs. As a result, we believe that the DEIS has overstated the extent to which new construction will serve to mitigate potential displacement of community residents.

The Coalition requests that the City analyze and disclose the income levels of the households that stand to be displaced, which are likely to be Extremely and Very Low Income households. We then ask that the City compare those figures to the amount of affordable housing expected to be made available at those income levels under the East New York Community Plan, in order to more accurately assess the extent to which new construction may mitigate displacement of residents. When considering the extent to which additional affordable housing might house the displaced population, the City should consider scenarios both with and without the 50% community preference, as the policy is currently being challenged in court and may no longer be in place by the time new affordable housing is constructed.



If the City's analysis demonstrates that new construction will be inadequate to mitigate the anticipated displacement of residents at 50% AMI or below, we urge the City to adopt as a mitigation strategy plans for HPD-subsidized private sites that more closely mirror the community need. Specifically, we propose that the

plan for HPD-subsidized sites provide for 20% of units at 15% AMI (i.e. a maximum income of \$12,585 – an income level the City’s current plans leave out); 20%, not 10%, of units at 30% AMI (or \$16,780 in income); 10% of units at 40% AMI (\$33,560 maximum income); and 50% of units at 60% AMI (\$50,340 in income). Although additional subsidy dollars may be required to maintain new construction at these income levels, we believe that more deeply affordable units are required for such units to in any way mitigate the displacement of current residents, and that the community needs and deserves this level of investment after so many years of neglect by the City.

HPD subsidies may not always be available.

The City has repeatedly assured the community that Mayor de Blasio is a new kind of mayor, and that he, unlike his predecessor, is genuinely committed to ensuring that New York City remains a place where low-income people can afford to live. We are grateful for this commitment, and trust that many within HPD, DCP, and otherwise have every intention of investing significant amounts of HPD subsidy into East New York in a manner that will help to keep the community affordable. Unfortunately, HPD subsidies are dependent on budgeting decisions and political processes over which the current administration has little control. Even if we trust the intentions of every single actor in the city government and city agencies today, that does little to guarantee that their promises will be kept tomorrow, or ten years from now.

Because of this uncertainty, the Coalition feels strongly that it is insufficient for DCP to base its entire analysis of displacement on the presumption that developers will continue to take HPD subsidies, and subsidies will continue to be available, indefinitely. Instead, the City must *also* disclose the amount of affordable housing that will be produced over the course of the study period through methods over which the City has more direct control – namely, affordable units that will be created on public land, plus the units that will be produced through MIH, as enshrined in the zoning text. If this analysis demonstrates that the City’s current plans to create permanently affordable housing fall short of the current and anticipated need, the Coalition urges the City to analyze, disclose, and adopt additional mitigation strategies to increase the amount of affordable housing the rezoning is guaranteed to generate, including a new MIH “deep affordability” Option of 30% of units at 30% AMI, AMI breakdowns on public sites that more closely mirror the community need, the exclusion from the upzoning of large sites that could support greater amounts of affordable housing than will be required by the rezoning, and the end of tax lien sales, which squander the City’s opportunities to secure affordable housing.

HPD subsidies do not guarantee permanent affordability.

The Coalition also thinks it is important for the City to disclose and analyze the long-term impacts of its reliance on HPD subsidies. In the near term, we agree that HPD subsidies are an important way of securing a greater number of affordable units at deeper affordability levels than the MIH program alone would provide –though we again urge the City to adopt the Coalition’s model for HPD-subsidized projects to address the need for more housing below 50% AMI. The mismatch between the affordability levels the City proposes to create in HPD-subsidized projects and the needs of the community and the possibility that the pool of funding available for HPD subsidies will dry up are immediate concerns for residents of ENY/CH, but there is a longer-term issue as well: the affordability requirements of HPD-subsidized units on private development sites, unlike the requirements attached to MIH units, will

eventually expire. If the local housing market has changed considerably by the time subsidies expire - as the City assumes will happen - this will cause a sudden sea change in the ratio of affordable versus market-rate apartments, as has happened in many other neighborhoods.

We urge the City to take a long view of the housing market in ENY/CH and to plan for more permanent affordability in the area reflective of the income levels of current residents. As part of this, the City must consider the adoption of MIH zoning text that includes a substantial share of deeply affordable housing (30% of units at 30% of AMI). Inserting more rigorous affordability requirements into the zoning text would guarantee permanent and deep affordability reflective of the needs of the existing community, unlike reliance on HPD subsidies, which are subject to market shifts.

Mandatory Inclusionary Housing will not create a significant number of units affordable at the income levels most needed in the neighborhood, but instead at higher income levels. The City should consider creating and adopting an MIH “deep affordability” Option that better reflects the need of the ENY/CH community.

It is laudable that the City is seeking to put in place a MIH policy that will make a certain number of units permanently affordable and that will require affordable housing construction, unlike the current Voluntary Inclusionary Housing program. However, because the current proposed MIH only describes *average* affordability levels beginning at 60% AMI and does not specify the income bands developers must create to meet these averages, it is unclear how much, if any of the housing will ultimately be affordable at the levels most needed in this community. Affordable units under the MIH policy will be priced to be affordable to households with an average of 60% AMI (\$51,780), even though the median income in the rezoning area is just 40% AMI (\$34,520). The creation of new units that are beyond the reach of current residents cannot reasonably be considered to mitigate displacement of those residents, since it will be impossible for them to take advantage of apartments they cannot afford.

Although the City commissioned a comprehensive market and financial study of its proposed MIH policy, we are troubled that the City failed to study the feasibility of an MIH policy that would address the income levels where the need for housing is greatest, instead limiting itself to the consideration of policies that will create housing affordable at 60% AMI or above.¹⁰⁷ The City also failed to study possible MIH scenarios with density increases above 130%, even though the proposed ENY/CH rezoning would involve density increases of 188% along Fulton Street, and 260%-620% along Atlantic Avenue.¹⁰⁸ The failure to study such high-density scenarios is significant because such higher-density rezonings may create conditions where buildings are financially feasible even with deeper levels of affordability and/or a greater share of affordable units.¹⁰⁹

¹⁰⁷ “Mandatory Inclusionary Housing: Financial Feasibility and the Current City Proposal” 8, Association for Neighborhood and Housing Developers (Nov. 2015).

¹⁰⁸ Id.

¹⁰⁹ Id.

The Coalition requests that the City compare the income levels of the households that stand to be displaced from the study area to the amount of affordable housing expected to be made available at those income levels under the MIH option the City currently plans to adopt for East New York. This analysis should focus solely on the proposed zoning text amendments, and not include HPD subsidies, to permit an evaluation of the extent to which the MIH units alone may mitigate displacement. Assuming the City's analysis confirms the mismatch we have identified, we urge the City to consider as an Alternative the creation and adoption of a "deep affordability" Mandatory Inclusionary Housing Option that is a better fit to the local ENY/CH need. Although we appreciate that the City intends to use HPD subsidies to reach affordability levels that are more reflective of the community, because such subsidies are voluntary in nature and expire, they are not sufficient to ensure permanent affordability in this community. Instead, we urge the City to consider creating and adopting a "deep affordability" MIH option that can be adopted in East New York and other communities to guarantee that the MIH program as a whole reaches the New Yorkers who need affordable housing most. This new MIH option would require developers to set aside 30% of all units as permanently affordable housing at 30% AMI.

3. *The City should analyze, disclose, and adopt additional mitigation measures for residential displacement*

The Coalition believes that the potential for residential displacement, both direct and indirect, is significant, and that the City's proposed mitigation strategies are insufficient to counteract the effects of the displacement pressures the rezoning is likely to generate or accelerate. Therefore, we request that the City consider the following as additional mitigation strategies, in addition to those already identified throughout this section:

i. Anti-displacement strategies and preservation of low-income housing

- *Pass citywide anti-harassment legislation or adopt zoning text based on the Special Clinton District*, which requires owners of multiple-dwelling buildings to apply for a Certification of No Harassment from HPD prior to seeking a DOB permit to alter, demolish, or change the shape or layout of a building. Developers of sites where harassment has occurred would not be permitted to proceed with renovations or demolition unless they agreed to set aside a significant portion of the building as permanently affordable housing (above the share otherwise required by MIH, 421(a), or other programs).
- *Fund local community-based organizations* to support tenant outreach and organizing.
- *Protect existing affordable multi-family housing* by recapitalizing, restructuring, and requiring permanent affordability of 100% of the units coming out of their regulatory period.
- *Support responsible developers*. HPD must actively seek out responsible developers with strong ties to the community to implement new developments. HPD should not finance projects of landlords/owners and developers who have violated the Tenant Protection Act for at least 5 years
- *Good Neighbor Tax Credit*. Provide a property tax credit to incentivize modest protections for tenants in unregulated small homes. The City could provide property tax credits to landlords of low-income tenants who are willing to provide tenants with a one-year lease at below-market rents. In exchange, the landlord would receive a property tax credit equal to 50% of the difference between the market rent and the actual rent or 50% of the tax bill, whichever is lower.
- *Investor Purchaser Transfer Tax*. Increase the transfer tax on all transfers to non-owner occupied/investor-purchased units.

- *Investor Landlord Tax Classification.* Reclassify investment-purchased small homes (1 to 4 units) as Class 2 properties to increase property tax rates.
- *Retrofitting and basement conversion programs* that require homeowners sustain low-income tenants.
- *Expand Section 8,* both in terms of the number of vouchers available in the community, and the amount of rent each voucher pays.

ii. *Support low-income homeowners and their tenants*

- *Expand education, housing counseling and loan packaging services for low income and senior homeowners and property owners in the foreclosure pipeline* who are most vulnerable to deed thefts and other scams to preserve their ownership and the tenancy of any low income renters.
- *Create a fund for capital upgrades for low-income homeowners* to finance roof replacements and energy efficiency measures to offset rising housing costs. At the same time, develop the retrofit and small home repair market for local contractors.
- *Explore ways that the City can lower the rates for water and sewer bills* for long-term, low-income owner-occupants of 1 to 4-family homes.
- *Extend the tax exemptions of homeowners who purchased subsidized homes through HPD* in East New York through the Neighborhood Homes Program.
- *Allocate \$4.5 million to fund both legal services and community organizing to protect tenants and homeowners from scams or abuse* fueled by speculation. Explore tools such as a payment in lieu of taxes (PILOT) fund to support such services long term.
- *Legalize basement units in exchange for affordability.* Explore the creation of a pilot program in East New York where the City provides financing to homeowners to pay for legalization of basement apartments in exchange for affordability requirements.
- *Establish the Community Restoration Fund* to initiate the mission-driven purchase of distressed mortgage notes in East New York and other NYC neighborhoods, allowing homeowners to stay in their homes while keeping properties out of the hand of private investors and real estate speculators.
- *Establish a moratorium on tax lien sales.*

iii. *New construction of affordable housing*

- *Create at least 5000 units of deeply affordable housing.* The severe need for deeply affordable housing may exceed even this amount – our research has shown that the number of people entering homeless shelters, who are severely overcrowded, or who pay rents more than half their income is over 5000 in the study area alone, and the market pressures caused by the rezoning will only increase the need for affordable housing in the community. Still, the Coalition believes that firm plans to create 5000 units of deeply affordable housing would go a long way to mitigate the existing and future need. To ensure that East New York/Cypress Hills remains accessible to low-income people for generations to come, HPD’s regulatory agreements should require affordability for a period of 60 years or more, and as great a share as possible of all new units built should be permanently affordable (on publicly-owned sites and through MIH).
- *Ensure that new HPD-subsidized housing development reflects neighborhood housing needs and AMI levels.* Specifically, HPD should adopt plans that require 20% of units to be affordable at

15% AMI (i.e. a maximum income of \$12,585 – an income level the City’s current plans leave out); 20%, not 10%, of units at 30% AMI (or \$16,780 in income); 10% of units at 40% AMI (\$33,560 maximum income); and 50% of units at 60% AMI (\$50,340 in income).

- *Create a dedicated construction fund of \$525 million to be used as HPD subsidy* to finance the development of new, deeply affordable, family-sized housing units (5,000 units at \$105,000 each).
- *HPD must aggressively pursue owners that have acquired property in the last two years to incentivize affordable housing development* and services.
- *The City should develop and adopt for this rezoning a “deep affordability” MIH option that guarantees that 30% of all units remain permanently affordable at 30% AMI.* This will ensure that significant share of new units will stay permanently affordable at the income levels currently prevalent in the community. The MIH program should also guarantee no poor doors, equal apartment typologies across the development, and access to all public/building amenities.

iv. Foster homeownership

- *Fund and support a Homeownership Opportunity & Preservation Center* with counseling services to help homeowners modify mortgages, apply for financing retrofits, access whole home retrofit programs, and home repair loans.
- *Expand the Home First Down Payment Assistance Program* and target it to East New York to support the ability of long-time renters to achieve homeownership.

v. Create high-quality local jobs

Because no home is affordable without a job and the rezoning stands to bring many new employment opportunities to the community, the Coalition believes that the City should explore job creation strategies as a means of combatting residential displacement in ENY/CH. In particular, we urge the City to:

- *Create mandatory local hiring requirements for government subsidy programs*, including, but not limited to, housing and economic development subsidies. The influx of subsidies into the community, including HPD subsidies, presents a valuable opportunity to link community members to career-track jobs, which will help existing residents secure the financial stability they will need to stay in the community.
- *Hire community-based construction trades or construction suppliers*, which already hire locally and can help amplify the local benefits of construction.
- *Implement a MWBE program.* Businesses that are city certified MWBE firms and are local should receive preference for selection. There is no reason that a business cannot be given a specific certification based on location and that it not be as cumbersome as obtaining the city’s MWBE certification.
- *Establish local hiring goals for non-local firms hired for construction.* The targets for number of local people hired should be in proportion to the size of the labor contract.
- *Increase the capacity of the Carpenters’ Union Building Works program* and other similar programs to serve young adults from our community.
- *Prepare residents for both union and non-union construction jobs and retail jobs by engaging with the largest developers/owners of affordable housing and retail establishments* in the

rezoning area – before, during, and after the ULURP process –to assess their hiring and training needs. Require commitments for local hiring, training and career advancement/living wage career paths.

- *Provide technical assistance – including help in licensing and securing MWBE status – to support local contractors, suppliers, and other construction related industries/businesses to take advantage of new opportunities that may arise after the rezoning.*

Create legally enforceable standards that require developers to hire locally and provide training and career advancement/living wage career path.

B. Business Displacement

The DEIS concluded that there will be no significant adverse impacts on existing businesses in each of the three areas of concern that CEQR requires it to consider: direct business displacement, indirect business displacement, and adverse effects on specific industries. However, many of its analyses are inconsistent and inadequate.

1. The City’s analysis of direct and indirect business displacement is inconsistent and inadequate.

i. Direct business displacement

Despite disclosing that 88 businesses and institutions (that employ about 584 people or 13% of employment the primary study area’s workers) could be directly displaced by the rezoning, the DEIS concluded that this does not constitute a significant adverse impact. The DEIS reasoned that these businesses do not provide products or services that are essential to the local economy and that they could find other properties in the vicinity, Brooklyn, or the City. It went on to say that the rezoning intends to increase the amount of space for businesses and that directly displaced businesses can find new space in new development. Finally, it reasons that the net increase of 3,710 jobs (that the rezoning will induce) will more than make up for the 584 workers who could be displaced.

ii. Indirect business displacement

The analysis of indirect displacement concluded that the rezoning would not cause significant adverse impacts because it “would not introduce new uses or economic activities to the study area that could change existing economic trends,” and it “would not add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns.” The DEIS describes the current land use and development trends that it expects to continue in a No-Action scenario as “...a mix of uses, including residential, commercial, industrial, and storage uses.”¹¹⁰ This description is self-serving, being so overly generalized that it would require a radically different scenario (i.e., transforming the entire rezoning area into an exclusively industrial area) to be able to claim that existing economic patterns and trends would be altered.

¹¹⁰ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg.3-47.

The DEIS went on to say that the rezoning would not create “new types of retail uses”, such as destination retail. Rather, the DEIS expects new businesses to be primarily “local-scale commercial activity to support anticipated residential development” (page 3-4). However, the DEIS omits an analysis of the impact of the C4-4D and C4-4L zoning districts proposed for each of the four corners of the East New York rezoning area and the fact that they are designed to foster regional commercial centers. This completely contradicts the DEIS’ assertion that the rezoning would not create new types of retail uses. The DEIS also omits the fact that not all locally-serving retail has the same customer price points and, relatedly, affordable rent levels. This leaves out a consideration of the likely scenario that more upscale local retail could create upward rent pressures on existing local retail outlets.

The Coalition asked that the DEIS analyze the impact on small or family-owned businesses and their potential to be displaced, but the DEIS’ analyses (of both direct and indirect displacement) did not indicate which existing businesses are family-owned. While the analysis of the particular businesses that could be potentially *directly* displaced stated the number of employees per economic sector, it did not provide the number of employees per business. The assessment of the potential for indirect business displacement did not identify any businesses that could be vulnerable (i.e., renters, family-owned businesses); it merely provided a breakdown of business establishments in the primary and secondary study areas by economic sector. The indirect business displacement assessment also omitted a soft site analysis that would have identified buildings where owners would have had an incentive to redevelop their property, raise rents, and replace the previous retail stores with more upscale retail.

The Coalition asked that the EIS measure and disclose the potential impact that new commercial and commercial overlay zoning districts will have on existing small retail businesses, including an analysis of the impacts of chain stores on local businesses and the potential displacement impact of rezoning actions including the larger commercial footprints that it is likely to create. As previously stated, the DEIS concluded that there would be no significant adverse impact on small retail businesses, but the assessment did not distinguish between independent and chain stores and also failed to analyze the impacts that larger commercial footprints – which national retailers are more likely to desire and be able to afford – would create on the ability of small, independent businesses to locate there. The aforementioned proposed C4 zoning districts are designed to foster regional commercial centers, which completely contradicts the DEIS’ assertion that the rezoning would not create new types of retail uses such as destination retail.

Also, in claiming that there will be no significant adverse impacts on indirect business displacement, the DEIS invokes the law of supply and demand and states that the rezoning would increase the overall amount of space for businesses and therefore limit rent pressure on pre-existing businesses.

Finally, the DEIS partially bases its conclusion that there will be no significant adverse indirect business displacement on the influx of residents and employees to the study area who will add to the area’s existing customer base, thereby creating more demand for pre-existing businesses. Again, many aspects of this analysis assume that local retail, or “neighborhood goods and services,” have the same price points across different socioeconomic/demographic groups. As such, while it acknowledges that new residential “...market-rate units would likely include a large portion of households at higher incomes than the majority of the study area’s existing population,” it fails to analyze if new, high-end neighborhood retail

establishments to serve this demographic will be able to afford higher rents than existing businesses and therefore create upward pressures on existing commercial rent levels.

In summary, the analysis leading to the conclusion that retail and other types of businesses won't be directly displaced (or not significantly) does not seem to be based on any actual data other than assuming that: a) new neighborhood services will be consistent with existing uses and won't alter existing economic patterns; and b) the increased supply of commercial space will counteract any upward pressures on rents. The Coalition feels that the DEIS' approach to analyzing displacement impacts is significantly inadequate because of its over-reliance on the assumption that new businesses will be similar in type to existing businesses and its complete disregard for other indicators of the vulnerability of existing businesses such as being small renters and family-owned.

2. *The City should consider additional mitigation measures to combat business displacement.*

Given the strong presence of factors that could lead to indirect business displacement, the City should analyze, disclose, and adopt additional strategies to mitigate the business displacement that the rezoning will induce, including:

- *Establish a Good Neighbor Tax Credit* for property owners who maintain commercial tenants at a currently affordable rent.
- *Institute set-asides of 25% of commercial space in new mixed-use, City-subsidized developments* for small, independently-owned businesses at deeply affordable commercial rents.
- *Expand anti-harassment legal services and organizing* to include legal counsel for small businesses and merchant organizing.
- *Fund renovation and rehabilitation of existing mixed-use buildings* on Fulton Street, Atlantic Avenue, Liberty Avenue and Pitkin Avenue that benefit the tenancy of long-time commercial tenants.
- *Provide grants and low- and no-interest loans* for storefront renovations and small business expansion.
- *Develop a down payment assistance program for merchants to help them purchase their mixed-use buildings.*
- *Provide a special homeownership education program tailored to purchasing and maintaining mixed-use buildings* and provide low-cost legal counsel on mixed-use leases.

- *Fund capital improvements on the commercial corridors for streetscape and lighting upgrades, façade work and pedestrian plazas.*

Provide help for child care businesses and child care agencies to expand the number of day care centers and licensed care in community. Target HRA vouchers to licensed family day care providers and provide low interest loans for providers. Take advantage of the strong network of at-home providers and set aside City capital funds for development of new UPK and child care centers and other start-up help for other home-based businesses.

C. Adverse Effects on Specific Industries

1. The City understates the likely impact on industrial businesses.

The analysis of adverse impacts on specific industries also concluded that there would be no significant adverse effects. The DEIS reasoned that businesses that might be directly displaced vary in type and size (i.e., there is no concentration of a particular sector among these businesses). This is inaccurate and contradicts the findings of a 2013 study that found out of the 206 total industrial and light manufacturing firms in a study area almost co-terminus with the East New York rezoning area, 75 of them were automotive-related businesses.¹¹¹ This study found that the majority of auto shops in East New York are located long Atlantic Avenue, Liberty Avenue, and the western end of Fulton Street in areas contained within the rezoning area.

Also, the DEIS claims that since retail and auto-related businesses (such as the ones currently found in East New York) are common throughout the borough and City, many of these local businesses are not tied to the local economy or community. This overly narrow conclusion disregards the fact that land use changes have already been displacing auto-related businesses in other parts of the City, such as Willets Point. Future rezonings like that of Jerome Avenue in the Bronx are also poised to eradicate a significant concentration of auto-related businesses there. Also, the DEIS does not consider the impacts of the loss of jobs on the local economy.

The DEIS also concludes that despite the proposed elimination of all industrial zoning districts in the rezoning area (including C8 districts), there will be no significant adverse impact on industrial and manufacturing businesses. Its reasoning for this is that the industrial firms that might be displaced don't provide essential products for the local economy, but this narrow line of argument completely disregards the impacts of people losing their jobs. It also undermines the NYC Economic Development Corporation's projection that there will be an increase of 15,000 to 35,000 industrial jobs. This projection will not be realized if the City's supply of industrially-zoned land continues to shrink. The DEIS also claims that the rezoning would "follow," not "induce" the trend of manufacturing's multi-decade decline across the City. This reasoning does not account for the "pull-push" nature of manufacturing's historic

¹¹¹ *Light Industrial & Manufacturing Study Cypress Hills & East New York*, Cypress Hills Local Development Corporation, 2013.

decline. It implies that global economic conditions are moving a lot of manufacturing activity off-shore (i.e., the “pull”), but it does not acknowledge the role that local land use policy -- such as the direct displacement of 88 businesses and the reduction of industrially-zoned land in New York City, i.e., the “push” -- plays in perpetuating this trend.

Also, DCP does not substantiate its claim that manufacturing businesses “can largely be located elsewhere in the City” and that the proposed MX zoning districts will “facilitate” the retention and growth of existing industrial businesses. This logic equates the fact that industrial uses are *allowed* as-of-right in MX districts with their being *facilitated* to be there. Although the industrial businesses that are now in manufacturing districts will become legal, non-conforming uses in new residential districts, the DEIS has not included an alternative that would establish an industrial relocation fund to assist displaced companies to relocate in the East New York IBZ. This fund could also be used to help businesses that are displaced (via rising rent pressures) from MX zones. Evidence shows that MX zoning puts manufacturing businesses and future development at risk and disproportionately favors future residential and/or commercial development. In fact, in the 15 MX districts the City has mapped since 1997 there has been a 41% loss of industrial lot square footage and a 71% increase in residential and mixed residential-commercial lot square footage.¹¹²

The DEIS also inconsistently applies the law of supply and demand. It acknowledges that industrial rents are rising and vacancy rates are falling, but it doesn’t acknowledge that reducing the supply of industrial land (via the Proposed Actions) will exacerbate the challenge of rising industrial rents. This contradicts its other (previously described) assumption that an overall increase in commercial space will reduce rent pressures for existing businesses by creating more supply.

The Coalition asked that the EIS include a full inventory of existing industrial businesses (including number of firms, number of jobs, and wage levels of those jobs) in any area where the proposed rezoning plan changes a district from manufacturing to residential or to “MX” zoning, to identify which ones are vulnerable to displacement. Again, the DEIS did not include a full inventory of existing businesses, only those that could potentially be *directly* displaced.

2. The City should consider any additional mitigation measures to combat displacement of industrial businesses.

The City must include the Coalition’s proposals in order to mitigate the displacement of industrial businesses that the rezoning will induce, including:

- Preserve existing industrial zoning (M1 and C8 districts); do not map MX districts in the rezoning area.
- Increase the industrial capacity of the East New York Industrial Business Zone (IBZ) and strengthen it by not allowing non-industrial uses to be located there as-of-right.

¹¹² Source: “Making Room for Housing and Jobs,” Pratt Center for Community Development, 2015.

- Establish an industrial relocation fund to assist displaced companies to be reestablished in the East New York IBZ.

3. DEIS Response to Other Coalition Comments on the Draft Scope of Work

The Coalition asked that the DEIS study the feasibility of relocating displaced businesses in or near the neighborhood. Presumably because it concluded that there would be no significant adverse impact, it did not actually assess the feasibility of relocation, simplistically stating merely that, “In many cases displaced businesses would be able to relocate to new retail space being created in the study area.”¹¹³ This logic fails to consider that displacement could occur *prior* to the availability of new commercial space.

The Coalition asked that the DEIS a) disclose the economic opportunities that will be created (including timeframe, sectors, wage levels, and required skills/degrees); and b) describe “how DCP intends to execute a plan that would enable residents to participate in the growth and prosperity” of East New York.” In the Final Scope of Work, the City responded to the former point by saying that its analysis would be based on the incremental increase in development that the Proposed Actions would create and that this would provide a measure of how they would “alter current trends or allowable development.” This vague response is reflected in the DEIS which states that there will be a net increase of 3,710 jobs after the rezoning and then (instead of actually describing the employment opportunities that will be created) merely goes on to inadequately disclose that most of these workers are expected to be employed in retail, office, and community facilities. Regarding the Coalition’s question about how DCP intends to enable residents to be able to economically participate in the community’s growth, the City responded that this is outside the scope of CEQR.

The Coalition also asked the City to determine if business displacement will alter “an important part” of neighborhood character. The City is not concerned about this: in addition to concluding that there will be no significant adverse impacts on existing businesses, the DEIS states that new land uses are “foreseen as a continuation of current established land use trends in a manner sensitive to the surrounding land uses and built form.”

Finally, the Coalition asked the City to create an inventory of local businesses and to “speak with the community to get an in-depth understanding of its needs,” and it narrowly responded that it will analyze the potential for *direct* business displacement on *identified projected development sites*, which will entail surveying and identifying existing businesses located on those sites. While the DEIS did indeed inventory existing businesses on projected development sites, it did not create an inventory of *all* local businesses (whether or not they are located on a projected development site). Thus, the City neglected to disclose all businesses that may be affected as a result of future development on sites not currently projected as

¹¹³ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg.3-63.

development sites or that may be subject to indirect displacement as a result of increased rental or ownership prices.

4. Retail Attraction and Retention Strategy

In the comments on the draft scope of work, the Coalition bemoaned the City's lack of a retail attraction and retention strategy for the rezoning area, and it is pleased that since then the Department of Small Business Services has made commitments to develop a Retail Plan for the commercial corridors in the rezoning area and to serve job seekers through launching a local Workforce1 Career Center satellite. However, these SBS initiatives, part of the East New York Community Plan, are somewhat inconsistent with the DEIS' conclusion that there will be no significant adverse impacts on existing businesses. This contradiction supports the Coalition's belief that the DEIS' claim that there will be no significant adverse impacts on local businesses is understated and based on an inadequate analysis. Mitigation strategies that need to be studied are outlined by the Coalition in its Alternative Plan and include setting aside spaces in new mixed-use developments at current commercial rental levels for neighborhood small businesses and start-up entrepreneurs, coordination between the City's housing and small business agencies to not locate new retail in direct competition with existing small businesses, the Good Neighbor Tax credit, and attraction of high road retailers¹¹⁴ to destination retail locations.

¹¹⁴ See "Taking the High Road: How the City of New York Can Create Thousands of Good Retail Jobs Through Neighborhood Rezoning," WALMART FREE NYC (Spring 2015), <http://walmartfreenyc.org/files/2015/06/FINAL-Taking-the-High-Road-Paginated.pdf>.

CHAPTER 4: COMMUNITY FACILITIES

A. Public Schools

With regard to Community Facilities – Public Schools, the City has acknowledged that the Proposed Actions will have a significant adverse impact. The City took many of the Coalition’s comments into consideration in its DEIS and analyzed the impact on public elementary, primary and high schools according to *CEQR Technical Manual*.

The Coalition has requested that the City use the “Target Calculation Method” of the NYC Department of Education (DOE) and NYC School Construction Authority (SCA) per the SCA Capital Plan Management Report (and not the “Historical Calculation Method”). According to the DEIS, the utilization will be determined using the “Target Calculation Method” used by the DOE for capital planning purposes.¹¹⁵

The Coalition also asked that the DEIS break out enrollment and utilization data by subareas of Community School District (CSD) in the study area. The analysis in the DEIS was broken out between CSD 19, Sub-districts 1 and 2 and CSD 23, Sub-districts 1 and 2. The analysis for high schools was done on a borough-wide basis per CEQR guidelines. The DEIS broke out the enrollment and utilization analysis by sub-areas of CSDs and concluded that: CSD 19, Sub-district 2 will have a significant adverse impact on elementary and intermediate schools; CSD 19, Sub-district 1 will have a significant adverse impact on elementary schools but that impact will be temporary on the assumption that the With-Action PS/IS school (projected development site 66) is completed in academic year 2020-2021; and CSD 23, Sub-districts 1 and 2 and the Brooklyn borough high schools will not have will have a significant adverse impact.¹¹⁶ The analysis appears to comply with the thresholds set forth in the *CEQR Technical Manual*. In the DEIS, the construction of this school is listed as the means of avoiding significant adverse impact to CSD 19, Sub-district 1 elementary school but it recognizes that construction will not be completed until 2020-2021 academic year.¹¹⁷ The DEIS explains that there are a number of projected development sites that would be completed and occupied before the school’s completion generating 457 elementary students and 189 intermediate students into CSD 19, Sub-district 1.¹¹⁸

The City should document in the FEIS (1) what legally enforceable safeguards and financing commitments will be put into place by the City to assure the projected 1,000 seat PS/IS school at

¹¹⁵ Final Scope of Work for an Environmental Impact Statement Ch. 4, Public Schools, Second Bullet.

¹¹⁶ East New York Rezoning Proposal Ch. 4, Community Facilities, pgs. 4-1, 4-2, 4-6.

¹¹⁷ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-1, 20-8.

¹¹⁸ East New York Rezoning Proposal Ch. 4, Community Facilities, pg. 4-21

projected development site 66 in the With-Action condition¹¹⁹ will in fact be added to the CSD sub-district capacity; (2) how the City plans to address the temporary significant adverse impact to CSD 19, Sub-district 1 elementary schools prior to the estimated completion date of the new school in academic year 2020-2021; and (3) the identification of a mitigation strategy in the event the development is not completed by the academic year 2020-2021.

The Coalition had also commented that the utilization analysis consider NYC DOE's Portfolio Planning division's plans for new schools to be sited in CSD 19 school buildings. The Final Scope of Work for an Environmental Impact Statement, Public Schools, states that the conditions that would exist in the No-Action condition for both elementary and intermediate schools will take into account projected changes in future enrollments, including those associated with other developments in the affected sub-districts, using SCA's *Projected New Housing Starts* as per *CEQR Technical Manual*.¹²⁰ Plans to alter school capacity either through administrative actions by DOE or by new school construction prior to the 2030 analysis year will be identified and incorporated into the analysis. However, planned new capacity projects from the DOE's 2015-2019 *Five Year Capital Plan* will not be considered in the quantitative analysis unless site preparation or construction has commenced. The DEIS states that the future conditions for No-Action are predicted based on enrollment projections and proposed development projects.¹²¹

However, by its own admission, the City states that due to the parameters of the *CEQR Technical Manual*, the 13 charter schools that serve elementary students in the study area and the 6 charter schools that serve intermediate students, which are all located in DOE buildings were *not considered* in the quantitative analysis.¹²² The capacity and space needs of these charter schools appear to be ever increasing in the study area and if they will remain in DOE school buildings that space implication needs to be factored into the planning of available space to accommodate the increased demand of public school seats resulting from the Proposed Plan.

Similarly, two other concerns of the Coalition were not addressed in the DEIS. According to the City it is outside of the scope of CEQR¹²³ to take into account input from CSD Superintendent, local Community Education Council, community education activists and socials service and health providers operating in school buildings on the growth patterns in the impacted schools in the study area. The DEIS simply does not address or seem to account for the space needs of neighborhood anchors in the schools (i.e., Beacon, school based health clinics, etc.) in the DEIS

¹¹⁹ East New York Rezoning Proposal Ch. 4, Community Facilities, pg. 4-7.

¹²⁰ Final Scope of Work for an Environmental Impact Statement Ch. 4, Public Schools, Third Bullet

¹²¹ East New York Rezoning Proposal Ch. 4, Community Facilities, pg. 4-6 citing to the SCA's *Projected New Housing Starts* for the 2014-2019 Capital Plan.

¹²² East New York Rezoning Proposal Ch. 4, Community Facilities, pgs. 4-7, 4-10.

¹²³ Final Scope of Work for an Environmental Impact Statement, Response to Comments on the Draft Scope of Work, Comment 4.14.

space calculations. These anchor neighborhood resources in the existing schools in the study area is easily confirmed by the City and their continued existence are aligned with the goals of the Proposed Actions. The FEIS should study the space implications of these resources in the planning of additional space for increased school seats. Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase (a goal that the Proposed Actions recognizes), the City must address as a part of the Proposed Actions how it will proactively acquire sites for community facility development. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket.

The Coalition has stated that the DEIS should include new school seats at the education levels needed, including a timetable for the production of those seats, with priority given to already overcrowded areas. The Final Scope of Work for an Environmental Impact Statement, Public Schools, stated that if impacts are identified, mitigation will be developed in consultation with SCA and DOE and that the number of seats needed to mitigate any identified impacts, as well as timing when impacts would occur will be provided.¹²⁴ The DEIS does discuss in detail the new school seats that will be needed in the CSD Sub-districts that will be subject to a significant adverse impact, however, other than a tentative time line for the one new IS/PS school at projected development site 66, it provides no timeline or firm commitment as to how and when the additionally needed new seats will be produced.

The Coalition had asked that the DEIS address the elimination of use of transportable units at PS 7, IS 302, PS 214 and PS 159. Chapter 4 of the Final Scope of Work for an Environmental Impact Statement, Public Schools, Third Bullet, states that in accordance with *CEQR Technical Manual* guidelines, the capacity of transportable classrooms, mini-schools, and annexes will not be included in the future conditions analysis and the DEIS does not include same. However, the DEIS does include transportable classrooms in the utilization rates outlined in the existing conditions analysis of study area elementary school enrollment.¹²⁵ All proposed action plan utilization analysis includes the existing transportable classroom space in calculations. The City should not treat the transportable classroom seats as permanent and should adjust utilization rates in the existing conditions and proposed action sections to reflect this. Any City action to relieve congestion on schools in ENY/CH as part of the rezoning plan should include plans to eliminate existing transportable seats by adding seats to existing facilities or through new construction. Though a strict reading of the *CEQR Technical Manual* may justify this admission from the analysis, the qualitative study of school needs should consider the use of arguably sub-standard

¹²⁴ Final Scope of Work for an Environmental Impact Statement Ch. 4, Public Schools, Fifth Bullet,

¹²⁵ East New York Rezoning Proposal Ch. 4, Community Facilities, Table 4-3.

school spaces in the existing schools and in the proposed additional school space produced as part of the Proposed Action.

The first mitigation strategy posed in the DEIS is to reduce the DU to be developed in CSD 19, Sub-district 2 to 1,301 (a decrease of 1,624 DU or 55.5%) to avoid the significant adverse impact to elementary school and to decrease the DU to be developed to 1,295 (a decrease of 1,630 DU or 55.7%) to avoid the significant adverse impact to intermediate school.¹²⁶ This strategy may rectify the significant adverse impact of the Proposed Plan, but severely undermines the goals of the Proposed Plan of producing affordable housing.

The second mitigation strategy posed in the DEIS, suggests an additional 454 elementary seat and 183 intermediate seats would be needed to lower the impact threshold under 5%.¹²⁷ The FEIS should identify the site(s) needed for this expansion proposal, and the enforceable City approvals and financing commitments, which will be put in place to ensure that this mitigation is accomplished. The mitigation set forth in the FEIS must identify, earmark and include large development sites (over 50,000 sq. ft. footprint) in the NYC Department of Education's Capital Plan for school construction as part of the rezoning. Specific sites in the study area should include, but not be limited to, Arlington Village, Chestnut-Dinsmore/EDC site, and the former Chloe Foods site.

Additionally, the FEIS should set forth the specific proposals of the City with regard to the other mitigation strategies posed for greater capacity: restructuring or reprogramming existing school space; relocation of administrative functions to another site; constructing new schools, building additional capacity to existing school buildings, or leasing additional school space. All of these measures will be explored between DEIS and FEIS.¹²⁸ It notes that any new school facility would be subject to its own site selection process and separate environmental review.¹²⁹ An additional mitigation measure that should be added to the FEIS is the identification of public incentives for school construction as part of mixed-use development projects planned as part of the rezoning.

The mitigation strategy should also create and map a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for the provision of needed community facilities, services and/or infrastructure within or as an accessory to new developments now and well into the future. This initiative should be supported by a payment in lieu of taxes (PILOT) fund (and other funding mechanisms) in order to permit the construction of much needed community needs. For new

¹²⁶ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-1, 20-7.

¹²⁷ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-7, 20-8.

¹²⁸ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-1, 20-8.

¹²⁹ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-8.

higher density residential development, prior to construction, the rezoning plan should require City Planning Commission certification that sufficient supporting community facilities, services and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for specific needed community facility, service and/or infrastructure.

There appears to be an inconsistency in conclusions in the DEIS. In the Alternatives chapter of the DEIS, it states that the adverse school impact of the Proposed Actions could be fully mitigated under the Lower Density Alternative (but recognizes that the Lesser Density Alternative doesn't mitigate all adverse impacts identified in the DEIS and achieves to a lesser degree the Proposed Actions' goals).¹³⁰ However, under Community Facilities and Services, the DEIS states *contradictorily* that the Lower Density Alternative would result in significant adverse impacts to public schools (though slightly less than under the Proposed Actions).¹³¹ This inconsistency should be addressed in the FEIS.

Lastly, under the No-Action Alternative, the DEIS recognizes that there would still be capacity issues in CSD 19, Sub-district 1 elementary schools and CSD 19, Sub-district 2 intermediate schools but that it would be under the threshold for significant adverse impact. This is despite the fact that under the No-Action Alternative, no new 1,000 seat PS/IS school would be constructed.¹³²

B. Libraries

The City acknowledges that the Cypress Hills and Arlington branch library, both within a ¼ mile radius of the ENY/CH rezoning area, would experience a significant adverse impact due to an increase in population of more than 5% in each catchment zone in accordance with guides outlined within the *CEQR Technical Manual*. The Arlington Branch library is expected to see a 30.8% increase in population under the Proposed Action Plan.

However, the City has stated that because many residents within the affected libraries' (Cypress Hills and Arlington) sub catchment zones live within other libraries' sub catchment areas, the significant adverse impact will be mitigated because residents could access other libraries in the area.¹³³ However, the Coalition finds this statement to be untrue based on the following.

The significant adverse impact on the Cypress Hills and Arlington libraries will be unmitigated by residents' abilities to go to libraries with overlapping catchment areas because Arlington and

¹³⁰ East New York Rezoning Proposal Ch. 21, Alternatives, pg. 21-4.

¹³¹ East New York Rezoning Proposal Ch. 21, Alternatives, pg. 21-22, 21-23.

¹³² East New York Rezoning Proposal Ch. 21, Alternatives, pg. 21-7.

¹³³ East New York Rezoning Proposal Ch. 4, Community Facilities, pg. 4-2.

Cypress Hills branches catchment areas only overlap with each other and the New Lots branch. The conclusion that the two impacted libraries sharing catchment zones with each other plus an additional library will ease the demand on library services is unrealistic. This is not acknowledged by the City and greatly undermines the claim that residents will have easy access to other libraries in the area, thus distributing the need for library services more broadly. Regarding the Arlington Library specifically (which is expected to see the largest demand increase), the City does not take into account physical barriers, such as crossing Atlantic Avenue, into its analysis of residents accessing different library zones. Further, the City focuses its analysis on a library's holdings-to-population ratio as the only measure of analysis to be used in determining a library's utility and completely disregards the services libraries provide in terms of community space and educational access. Including these measures into the DEIS would reveal that overlapping catchment areas and access to an inter-loan library system hardly make up for undersized and under-programmed libraries. Additionally, nowhere in *CEQR Technical Manual* is it stated that overlapping library catchment zones are a mitigation for a significant adverse impact.

In sum, the rationale used by the City to determine there will be no significant adverse impact on the libraries in the ENY/CH rezoning area is not only contradictory but also has no backing or precedent within CEQR and therefore should be dismissed.

While the Brownsville Branch Library will not experience a significant adverse impact according to CEQR guidelines, it will see a 1.7% increase in population under the rezoning. The Coalition has commented that the Brownsville Branch library renovation has been a budget line item since 2009. If this library is to adequately serve an increased population, renovations required to serve the existing population must be taken immediately.

As a next step, the City should conduct a study of significant adverse impact on the Cypress Hills and Arlington library branches as outlined by CEQR. The City should also review library catchment zones in relation to proposed development sites so as to better understand where the heaviest concentrations of new population will exist within existing Census tracts (it is reasonable to expect the population of these Census tracts will increase size once more residential development occurs in the area, but until that time, proposed development sites would be a more accurate means of understanding population growth than existing Census tracts). The City did not address comments from the Coalition regarding the upgrade of existing area library branches or the need for a central library or other type of research center to serve the growing area population. Further, the Coalition has made clear in the scope of work comments that there is a serious need for flexible community spaces for recreation and educational uses that upgraded library facilities could provide. The City should also take steps to see that the Brownsville branch renovation has a clear timeline, plan, and budget.

Once the FEIS takes into account the significant adverse impact on Arlington and Cypress Hills branch libraries and the upgrades to the Brownsville branch library it should propose mitigation that includes meeting the community's needs for additional community space, job training programs, and educational services for youth. This could be done through mapping a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for the provision of needed community facilities (including library upgrades), services and/or infrastructure within or as an accessory to new developments now and well into the future supported by a payment in lieu of taxes (PILOT) fund (and other funding mechanisms) to fund the construction of much needed community needs. For new higher density residential development, prior to construction, the rezoning plan should require a City Planning Commission certification that sufficient supporting community facilities, services and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for specific needed community facility, service and/or infrastructure.

C. Child Care Facilities

The City correctly finds that childcare facilities will experience a significant adverse impact. The analysis based on CEQR guidelines uses the number of affordable housing units as a multiplier for potential families requiring publicly funded childcare services. The City's analysis was done within a two-mile buffer around the ENY/CH rezoning area and found that with the proposed action area childcare services' utilization rate would increase by 10.3% thus triggering a significant adverse impact. While the City did review enrollment rates at all ACS-funded childcare facilities, no information regarding waitlists was included, something the Coalition clearly asked for. The City should review waitlist information to better understand to what degree which childcare facilities are already seeing more demand than they can accommodate.

While the City has identified a significant adverse impact on childcare facilities, the identified mitigation strategy is concerning. The City states that reducing the number of affordable housing units in the rezoning area by 20% could be an approach to mitigation.¹³⁴ The reduction of affordable housing units as part of the rezoning plan would be very concerning to Coalition members as this would further displace local residents who cannot afford market- rate housing. The alternative scenario of funding 187 additional ACS seats is better than the reducing affordable housing, but this still may be insufficient to meet demand in the area without an understanding of waitlists at existing ACS sites. If those 187 additional seats go to those currently on waitlists for ACS seats, then there still may be additional unmet demand for publicly funded childcare seats.

¹³⁴ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-2.

The mitigation strategy also states that there is a potential that the significant adverse impact on childcare facilities may not be able to be addressed, thus resulting in an unmitigated significant adverse impact. The Coalition's comments have clearly outlined the need for additional childcare service in the area as have previous studies undertaken by local organizations such as the Cypress Hills LDC "Promise Neighborhood Plan." The City should adopt recommendations from the study -- such as the development of a Children's Community Classroom as well as planning for the development of new sites for child care facilities -- to avoid an unmitigated significant adverse impact.

Development new childcare facilities could be facilitated through a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) mapped onto the rezoning area to require set aside FAR for the provision of needed community facilities (such as publicly supported childcare services), services and/or infrastructure within or as an accessory to new developments now and well into the future supported by a payment in lieu of taxes (PILOT) fund (and other funding mechanisms) to fund the construction of much needed community needs. For new higher density residential development, prior to construction, the City Planning Commission would have to certify that sufficient supporting community facilities, services and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for specific needed community facilities, service and/or infrastructure.

D. Fire Protection

Per *CEQR Technical Manual*, the estimated 24,455 residents and workers that the rezoning will bring to the area will not "create a sizable new neighborhood where none existed before" and thus an assessment of potential indirect impacts to fire protection is not warranted. Nevertheless, the Coalition continues to request that the FEIS include such an assessment. This threshold is unreasonably high and is a seemingly impossible criterion for any rezoning proposal to meet given the built-up nature of New York City; the Coalition strongly believes that the size of the Proposed Actions merits at least some level of assessment in the FEIS.

In addition, since both Engine 236 and Engine 332/Ladder 175 are located directly adjacent to proposed development sites within the rezoning area, the Coalition asked that the DEIS assess how developing these sites would potentially physically impact or inhibit access to these facilities. The Coalition is pleased that these concerns were heard, as reflected by Chapter 19 (Construction Impacts) being updated in the FSOW. However, the DEIS concluded that no construction impacts would be expected and that response times would "not be materially affected by construction due to the geographic distribution of the police and fire facilities and their respective coverage areas."

E. Police Protection

Similarly to fire protection, the Coalition asked that the DEIS to assess what additional NYPD patrols, personnel, and facilities will be needed to serve the estimated 24,455 new residents and workers. The request was also rooted in the fact that the 75th police precinct is one of the geographically largest in the City. The City's response was the same as its response to the request to study indirect impacts on fire protection: the rezoning "will not create a sizable new neighborhood where none existed before" and is therefore unwarranted according to CEQR. Again, similarly to fire protection, the Coalition strongly believes that the size of the Proposed Actions merits at least some level of assessment in the FEIS.

The Coalition also specifically asked that, especially given the 75th police precinct's large catchment area, response times for emergencies in Highland Park be assessed given the increased demand for emergency services generated by the estimated 20,763 new residents in the community. The City responded that the issue is outside the scope of CEQR, presumably based on the no "sizeable new neighborhood" argument. As with fire protection, this threshold is unreasonably high, and is a seemingly impossible criterion for any rezoning proposal to meet given the built-up nature of New York City; the Coalition strongly believes that the size of the Proposed Actions merits at least some level of assessment in the FEIS.

CHAPTER 5: OPEN SPACE

With regard to Open Space, the City has acknowledged in the DEIS that the Proposed Actions will have significant adverse impacts to both passive and active open spaces in the residential study area based on the finding that the rezoning would reduce the open space ratio and increase the burden on existing facilities in an area already underserved by open space.¹³⁵ The City took many of the Coalition's comments into consideration in the DEIS, which analyzed the impacts of the Proposed Action on publicly accessible, publicly- or privately-owned land that is available for play, or sports, or serves to protect or enhance the natural environment according to the *CEQR Technical Manual*.¹³⁶ The City has acknowledged that the Proposed Action would facilitate the development of new residential units, increasing the population by an estimated 18,801 residents, and therefore decreasing the open space ratio of both active and passive open space facilities per 1,000 residents.¹³⁷ The estimated decrease in the open space ratio is beyond the five percent threshold defined by the *CEQR Technical Manual* and is a significant adverse impact and described in the DEIS.¹³⁸

The Coalition requested that green and open space, as well as active community gardens be analyzed in the Environmental Impact Statement (EIS). Chapter 5 of the Final Scope of Work (FSOW) for the EIS was revised to include an inventory of all existing open spaces within the ¼-mile and ½-mile open space study areas, including community gardens. The City states that due to limited access or limited hours, there are 43 community gardens located within the ¼-mile open space study area that were included in the qualitative analysis, but were excluded from the quantitative analysis.¹³⁹ As described in the *CEQR Technical Manual*, publicly accessible open space is defined as facilities open to the public at designated hours on a regular basis, and must be assessed for impacts using both quantitative and qualitative analysis.¹⁴⁰ These criteria are met by community gardens throughout New York City, and in ENY/CH the Coalition has identified all of them as critical community and open space resources, stating the environmental and social benefits including food production. Given the definition outlined by the *CEQR Technical Manual*, and the finding that the rezoning area is located within an area that is currently underserved by open space according to the *CEQR Technical Manual* guidelines, the City must not exclude these open space resources, but include them for both quantitative and qualitative analysis in the EIS.

¹³⁵ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-1.

¹³⁶ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-1.

¹³⁷ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-2.

¹³⁸ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-1.

¹³⁹ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-18.

¹⁴⁰ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-7.

The Coalition has identified school playgrounds as an important open space resource within the rezoning area and requested that they be included in the scope, and that both conditions and community access be analyzed. The City did include school playgrounds in the quantitative analysis of open space resources, and using the *CEQR Technical Manual* guidelines evaluated the condition and usage of the existing facilities. In noting the substandard quality of many of these critical open spaces, the Coalition specifically named the basketball courts at IS 302 as being in a state of disrepair. However, the City arrived at a different finding for the same facility, here named Sperandeo Brothers Playground, describing the site amenities as having a condition of good.¹⁴¹ The mitigation measures put forth by the City include the expansion of the Schoolyards to Playgrounds program to make these spaces accessible to the public after school hours in attempt to improve the amount of open space in the area, and also generally to improve existing open space facilities.¹⁴² The City has committed to refining these potential mitigation measures, but given the significant adverse impacts to existing and already insufficient open space resources, the City must also identify all appropriate schoolyard sites within the rezoning area for improved public access and improved conditions, and commit resources to these sites in the FEIS.

The Coalition asked that the detailed open space analysis described in the Draft Scope be performed in accordance with all of the procedures specified and outlined in the *CEQR Technical Manual*, including at least two field visits, at least one of which is at peak hour of use and in good weather. Further, the Coalition asked that information regarding the appropriate timing of a field visit should be obtained through conversations with community groups and facilities operators, and that the names of the community groups and facility operators consulted be named in the DEIS. The Response to Comments on the Draft Scope of Work, the City names the lead agency, the Department of City Planning (DCP), as the only consulting party.¹⁴³ Additionally, nowhere does the City commit to more than one field visit for passive open space, though in accordance with the *CEQR Technical Manual* guidelines, the City conducted field surveys of active open spaces during both midweek midday hours and peak weekend hours. Though the City has confirmed significant adverse impacts due to the Proposed Actions to all open spaces in the rezoning area, the usage and conditions data collected may be inaccurate without local consultation informing the field visits. The City must be sure that the usage data is accurate in the FEIS to fully measure the additional burden or demand that may be placed on existing facilities, further exacerbating a deficiency in open space resources.

¹⁴¹ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-10, Table 5-3.

¹⁴² East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-2.

¹⁴³ Response to Comments on the Draft Scope of work for the Draft Environmental Impact Statement for East New York Rezoning Proposal; pg. 20.

In previous public workshops the City identified Highland Park as a critical community asset and a large open space resource. The Coalition requested that the City evaluate some of the barriers to access that exist for this facility, including gang activity and unwanted nighttime uses. The Coalition requested that the City visit Highland Park at multiple times of day and in nighttime hours to accurately evaluate usage. In the DEIS Highland Park was evaluated as part of the DSOW for Chapter 5 “Open Space” using the *CEQR Technical Manual* guidelines to determine the impacts of the Proposed Action using both quantitative and qualitative considerations. As such, the usage or utilization rates were collected during peak hours of use and in good weather, but not also during the nighttime hours requested. The Coalition requested the nighttime and non-peak observations because criminal activities or the perception thereof affect usage rates and need to be understood if the facility is to be considered a community asset or open space resource. The City must determine to what degree this barrier to access exists and how to mitigate this in the FEIS. In the DEIS, the City identifies one mitigation measure for open space impacts that connects with this data collection request from the Coalition: improving open spaces to increase their utility or capacity to meet identified open space needs in the area.¹⁴⁴

Two other concerns of the Coalition were not addressed in the DEIS: the impacts of increased traffic along the Jackie Robinson Parkway, which cuts across Highland Park, on noise and air quality within Highland Park. In the DSOW and the Response to Comments on the Draft Scope of Work, the City describes the evaluation methods for determining the effects of increased traffic, and proposes to study the impacts at locations with the worst potential for automobile idling and traffic congestion, i.e. intersections, determined by data obtained from the traffic analysis. The City must also obtain noise and air quality data from within the park where individual exposure to these noxious outputs is sustained for longer periods, and include these impacts in the FEIS. The *CEQR Technical Manual* guidelines must be revised to include a measure of analysis that reflects the increased risk of exposure to particulates sustained by athletes or other recreational users in NYC Parks for whom the hazards caused by air pollution are increased. The City must measure air and noise quality within Highland Park, along the Jackie Robinson Parkway, and evaluate the impacts the Proposed Action will have on public health in the rezoning area.

The Coalition determined that the estimated ratios of residents to open space listed in the quantitative assessment are not representative and some open space resources should be excluded from such analysis. In particular, in the Draft Scope of Work, the Coalition commented that the ratio of residents to open space was skewed by the inclusion of the total acreage of Highland Park, much of which falls outside of the rezoning area. In order to obtain an accurate ratio, the Coalition petitioned to exclude from the quantitative evaluation the portion of Highland Park that

¹⁴⁴ East New York Rezoning Proposal Ch. 20, Mitigation, pgs. 20-9, 20-10.

falls beyond the ½-mile study area. The City did adjust the total acreage and in the DEIS lists only the southern portion of Highland Park, which is the section that falls within the ¼-mile and ½-mile radii of the study area. The DEIS quantitative analysis therefore accurately indicates that for the purposes of the measuring the impacts to existing open space resources by the Proposed Action, the burden will fall to a portion of Highland Park, the 53.04 acres closest to the rezoning area, rather than the total 148 acres that constitute the entirety of the park.¹⁴⁵

On the other hand, the DEIS quantitative analysis also includes the 13.68 acre Mount Hope Cemetery, listing the facility as the second largest quantified open space resource in the study area.¹⁴⁶ The Coalition finds that the inclusion of Mount Hope Cemetery in the quantitative analysis is inappropriate, as access to this resource is extremely limited. Including the cemetery in calculating the ratio of residents to existing open space is incorrect. First, the cemetery is located on the northeastern edge of the ½-mile study area and has only one entrance, located at the intersection of Crescent Street and Jamaica Avenue. Second, Mount Hope Cemetery is closed on weekends,¹⁴⁷ rendering it inaccessible during peak hours. Third, while Mount Hope Cemetery may technically fit the *CEQR Technical Manual*'s definition of passive open space, this resource lacks the amenities needed to draw the majority of ENY/CH community residents and/or workers in the area to the distant location. Fourth, there are strong religious and cultural reasons why many residents of ENY/CH, in particular many Latino and African American residents, do not perceive or use cemeteries as places of recreation. The DEIS indirectly acknowledges the shortcomings of counting cemeteries as “open spaces,” and the underutilization created by barriers to access, by excluding from the quantitative assessment other cemeteries within the ½-mile radius including Holy Trinity, Salem Field Cemetery, the Evergreens Cemetery and National Cemetery.¹⁴⁸ In conclusion, in the FEIS, the City must evaluate Mount Hope Cemetery using a qualitative analysis rather than quantitative assessment, which would further diminish the open space ratio in an area that is already underserved by open space. The City must include the resulting new calculations in the adverse impacts assessment of existing open space resources, and determine the new amount of additional open space acreage required to offset the impacts of the Proposed Actions.

The Proposed Actions are expected to introduce 18,801 residents to the ½-mile residential study. To avoid a significant adverse open space impact, the City would have to provide approximately 4.69 acres of additional open space (including a minimum of 2.18 acres of passive open space

¹⁴⁵ East New York Rezoning Proposal Ch. 5, Open Space, Table 5-3.

¹⁴⁶ East New York Rezoning Proposal Ch. 5, Open Space, Table 5-3.

¹⁴⁷ Maimonides Cemeteries, 2015-2016 Hours and Dates, <http://maimonidescemetery.weebly.com/2015-2016-hours-and-dates.html>

¹⁴⁸ East New York Rezoning Proposal Ch. 5, Open Space, pg. 5-14, 5-15.

and a minimum of 2.4 acres of active open space) to the study area.¹⁴⁹ The DEIS further describes several mitigation measures that will be considered to offset the significant adverse open space impact: expanding existing parks; creating new open space on publicly-owned sites; pursuing opportunities to encourage owners of large privately-owned sites to create open space as part of their redevelopment; making playgrounds accessible to the community after school hours through the Schoolyards to Playgrounds program; establishing new pedestrian plazas in streets through the City's Plaza Program, and/or improving existing parks to allow for more diverse programming and enhanced usability.¹⁵⁰ By the City's own admission, with the exception of creating new open space, the other measures would only partially mitigate the significant adverse impacts that the Proposed Action would create.¹⁵¹ Additionally, the City describes the opportunities to create the amount of new publicly-accessible open space as too limited to meet the impacts that the Proposed Action will create, and that an unavoidable significant adverse impact to open space would occur in the area.

The Coalition has proposed several possibilities for increasing the amount of open space in the rezoning area in the 2015 *East New York Neighborhood Rezoning Community Plan*.¹⁵² The City must analyze, disclose, and potentially adopt a greater range of possible mitigation measures for the projected significant adverse impacts of the Proposed Actions on open space resources, including:

- *Earmark small, city-owned lots that are not conducive to affordable housing development or aggregation to be used for park, garden, urban farm, cultural, or other community uses.* Although affordable housing construction is a critical goal, sites in the community that are overly challenging for building affordable housing due to their small scale lot constraints and dimensions, must be reassessed for other uses. For example, the current New Infill Homeownership Opportunity Program (NIHOP) RFQ lists many small sites that would require excessive subsidy to build a limited amount of affordable housing, an inefficient use of tax payer dollars for a small reward. The City must consider preserving these and other City-owned sites that are currently being utilized and cared for by the community as community gardens and impromptu public spaces. The City must commit to meeting the community's many land use needs, not only its housing needs.
- *Require developers of new housing to include open and green space amenities like tenant gardens on sites within the rezoning area*
- *Upgrade and increase access to existing school playgrounds.*

¹⁴⁹ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-9.

¹⁵⁰ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-10.

¹⁵¹ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-10.

¹⁵² 2015 *East New York Neighborhood Rezoning Community Plan*, pg. 12.

- *Identify appropriate sites and develop new essential community facilities and resources including community gardens, public markets/ Farmers' Markets, and sites for urban agriculture.*

The Coalition also requests that the City consider community gardens as existing parts of the open space inventory, and that the FEIS make allowances for how they will be preserved and protected. In addition to alleviating some of the significant adverse impacts, the Coalition has named these strategies to ensure that the long-term changes to ENY/CH include comprehensive development and the necessary services to support existing residents and newcomers. Given the City's admission that the opportunities to create new publicly accessible open space resources are limited, and that there are unavoidable significant adverse impacts, it is critical that each Coalition proposal is evaluated by the City in the FEIS.¹⁵³

¹⁵³ East New York Rezoning Proposal Ch. 22, Unavoidable Adverse Impacts, Mitigation, pg. 22-2.

CHAPTER 6: SHADOWS

With regard to Shadows, the City has acknowledged that the Proposed Actions will result in incremental shadow coverage on 25 total resources, including 20 open space resources and five historic resources. The city states that project-generated shadows will not affect the utilization or enjoyment of any sunlight-sensitive resources and all open spaces would continue to receive a minimum of four hours of direct sunlight throughout the growing season, with the exception of the Holy Trinity Russian Orthodox Church, as described more fully below.¹⁵⁴

The Coalition had requested that twenty community gardens on city owned property be included in the assessment. We appreciate that the City assessed shadow impact on open spaces and community gardens in the DEIS, and we are relieved to hear that the City has determined that Proposed Actions will not have significant shadow impacts on these resources.¹⁵⁵

We are also concerned about the City's finding that the Proposed Actions will have a significant adverse shadow impact on Holy Trinity Russian Orthodox Church, located at the corner of Pennsylvania and Glenmore. The DEIS found that project-generated shadows would reach eight out of the church's twenty-two stained glass windows for limited periods on four days per year. The city states that while these shadows will not result in the elimination of direct sunlight on this historic resource, the shadows may have the potential to affect the public's enjoyment of this feature, an assessment with which we agree.¹⁵⁶ The City states that a potential mitigation measure could be the use of artificial lighting to simulate the sunlit conditions. As per the *CEQR Technical Manual*, potential mitigation strategies include, but are not limited to, the use of artificial lighting to simulate the effect of sun-light on features such as stained glass windows. The provision of indirectly mounted lighting could simulate lost sunlight conditions at the affected stained glass windows of this resource. The City states that this and other feasible and practicable mitigation measures for this potential significant adverse impact will be explored by DCP in consultation with the New York City Landmarks Preservation Commission (LPC) between the DEIS and FEIS.¹⁵⁷ It is not clear, however, what the mechanisms would be to address the cost and coordination of mitigating for this impact. The FEIS should further develop the proposed mitigation strategy and include details about how the City will ensure the coordination and funding required to mitigate the adverse impact on Holy Trinity.

¹⁵⁴ East New York Rezoning Proposal Ch. 6, Shadows, pg. 6-1.

¹⁵⁵ East New York Rezoning Proposal Ch. 6, Shadows, pg. 6 -2.

¹⁵⁶ East New York Rezoning Proposal Ch. 6, Shadows, pg. 6-19, Fig 6-5.

¹⁵⁷ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-2, 20-3.

In its examination of Alternatives to the Proposed Actions, the City states that it could potentially eliminate incremental shadows on the Church by reducing the maximum building heights of three potential development sites (A25, A27, and A73) to 50, 55, and 75 feet, respectively (compared to maximum heights of 105, 105, and 145 feet, respectively, under the Proposed Actions). According to the City's analysis, such a reduction in height would substantially limit the development potential on these three sites and be inconsistent with the urban design goals of the Proposed Actions, in particular the location of higher bulk along the rezoning area's primary corridors and preservation of lower scale side streets.¹⁵⁸ Although we do not think that a possible break in the high bulk that will otherwise characterize this corridor is, on its own, problematic, we agree with the City's assessment that an unmitigated shadow impact on the church for, at most, 4 days per year does not warrant modifying the City's plan for the sites that would cause such impacts.

¹⁵⁸ East New York Rezoning Proposal Ch. 21, Alternatives pg. 21-2.

CHAPTER 7: HISTORIC AND CULTURAL RESOURCES

The Coalition is pleased that the DEIS included P.S. 108 – a New York City landmark and on the State and National Historic Registers – in its analysis of impacts on historic and cultural resources, as the City was required to do per CEQR.¹⁵⁹ The DEIS concluded that the rezoning would not directly or indirectly impact P.S. 108 in the realm of construction or shadow impacts.¹⁶⁰ The DEIS states that there are no projected/potential development sites in close proximity (400 feet) of P.S. 108.

The DEIS also made the following conclusions in this chapter’s two main CEQR-mandated sections and sub-sections of concern, archaeological resources and architectural resources.

A. Archaeological Resources

There would be no significant adverse impacts to archaeological resources. LPC reviewed the identified projected and potential development sites that could cause new/additional in-ground disturbance if they were to be developed, and it concluded that none of the lots that make up those sites have any archaeological significance.

B. Architectural Resources

1. Direct (Physical Impacts)

Projected Development site 37 contains the S/NR and NYCL-eligible Empire State Dairy Building. This building could be demolished depending on how the site is redeveloped, thus creating a significant adverse impact.¹⁶¹ We are grateful that the City has indicated that it will explore the possibility of designating this resource as a New York City landmark between the DEIS and the FEIS, since this valuable site is already listed for sale as a mixed-use development and is thus already in immediate danger of being demolished.¹⁶² As the City’s analysis suggests that all of the FAR on the site could be realized even if the building were preserved,¹⁶³ the

¹⁵⁹ “According to CEQR Technical Manual guidelines, impacts on historic resources are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus an approximate 400-foot radius around the rezoning area ...” East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg. 7-1.

¹⁶⁰ East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg. 7-25.

¹⁶¹ Incidentally, the DEIS claims all of the FAR could be realized even without demolishing the building. East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg.7-17.

¹⁶² 2840 Atlantic Ave., DOUGLAS ELLIMAN REAL ESTATE, <http://www.elliman.com/new-york-city/2840-atlantic-avenue-brooklyn-pmfdbuq>.

¹⁶³ Incidentally, the DEIS claims all of the FAR could be realized even without demolishing the building. East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg. 7-17.

Coalition feels that a landmark designation would be an important way of protecting a valuable architectural resource in the community.

2. Indirect (Contextual Impacts)

The City has concluded that twelve “historic resources” in close proximity (400 feet) of projected/potential development sites would not be significantly adversely impacted because the Proposed Actions would not, “alter the relationship of any identified historic resources to the streetscape,” “eliminate or substantially obstruct significant public views,” “eliminate or substantially obstruct significant public views,” or introduce “incompatible visual, audible, or atmospheric elements.”¹⁶⁴ The Coalition agrees with the City’s analysis that these sites are not at risk.

C. Construction Impacts

The City has identified ten eligible, but non-designated historic resources located less than 90 feet from projected/potential development sites. These resources do not have the added special protections that official designation provides. As such, these sites may be adversely impacted by nearby construction if they are not designated before it begins. The Coalition requests that the City disclose the details of these ten sites and explore the possibility of officially designating these sites in between the DEIS and FEIS to protect these community resources before it is too late to do so.

D. Shadow Impacts

The stained-glass windows of Holy Trinity Russian Orthodox Church could be significantly adversely impacted by shadows created by three nearby potential development sites. The DEIS states that without identifying and implementing a realistic mitigation measure, this could result in an unmitigated significant adverse shadow impact on the church. Specifically, incremental shadows would be cast on a maximum of eight of the church’s twenty-two stained glass windows and may impact “the public’s enjoyment of this feature,” for approximately 36 minutes on March 21, 45 minutes on May 6, 49 total minutes on June 21, and one hour and 59 minutes on December 21.¹⁶⁵

Again, we agree with the City’s commitment to exploring, in partnership with New York City Landmarks Preservation Commission, potential mitigation measures for this adverse impact, including the possible use of artificial lighting to stimulate the sunlit conditions.¹⁶⁶ We encourage

¹⁶⁴ East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg. 7-18.

¹⁶⁵ East New York Rezoning Proposal Ch. 7, Historic and Cultural Resources, pg. 7-21.

¹⁶⁶ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-3.

the City to analyze and disclose details about how the City will ensure the coordination and funding required for such mitigation strategies.

CHAPTER 8: URBAN DESIGN & VISUAL RESOURCES

The Proposed Actions would result in greater density than currently permitted as of right, representing a considerable change in the urban design character of the study area. The City states that the changes would be an improvement for pedestrians and would not constitute a significant adverse urban design impact. According to the City, development anticipated in the With-Action condition will revitalize designated commercial corridors by replacing underutilized and vacant lots with new buildings and active ground floor uses. First floor transparency requirements, street walls, restrictions on curb cuts and parking location restriction will enhance the pedestrian environment.¹⁶⁷

While the Coalition acknowledges that the proposed and projected development has the potential to improve the pedestrian character of the neighborhood, we request that the City take into account that ENY/CH currently lacks certain other types of useable public space that contribute to successful urban design: plazas, small gathering spaces and market spaces. The addition of 20,442 residents and 5,708 works as a result of the Proposed Actions will only increase the need for this type of useable public space.¹⁶⁸

For the FEIS, the City should analyze and disclose the impact of the Proposed Actions on useable public space, and analyze, disclose, and adopt additional mitigation strategies to account for the increased need for such space. In particular, the City should analyze and disclose potential locations for the insertion of public plazas and small gathering spaces and explore establishing incentives for the creation of such spaces in order to address the dire lack of useable public space in ENY/CH.

¹⁶⁷ East New York Rezoning Proposal Ch. 8, Urban Design & Visual Resources, pg. 8-1.

¹⁶⁸ East New York Rezoning Proposal, Final Scope of Work for an Environmental Impact Statement, pg. 27.

CHAPTER 9: HAZARDOUS MATERIALS

Exposure of hazardous materials as a result of excavation during construction is a major concern of the community as many proposed and projected development sites have former uses that may have left behind contaminated materials, soil, and groundwater. The City's response to allocate E-Designations to all projected and proposed development sites is a good measure to ensure that development does not create health hazards to the community. The Cypress Hills LDC conducted a Step 2 BOA in 2012 and identified several sites for redevelopment that are not included in the city's projected or proposed sites. The City should allocate E-Designations to those sites in accordance with recommendations made by the Coalition in response to the Draft Scope of Work.

CHAPTER 10: WATER AND SEWER INFRASTRUCTURE

The analysis provided within the DEIS is not sufficient to understand whether the proposed rezoning will create a significant adverse impact. CEQR states that an infrastructure analysis should be undertaken if a project will generate 400 residential units or 150k sq. ft. of commercial, public facility, and institution, and or community facility space in the Bronx, Brooklyn, Staten Island, or Queens.¹⁶⁹ As the rezoning's RWCDS is projected to create approximately 6312 Dwelling Units and more than 1 million sq. ft. of combined commercial, public facility, and community facility uses the need for an evaluation of the areas sewer infrastructure is clear. The Coalition has submitted comments indicating that flooding from sewer backups is already a major concern along throughout the rezoning area and has called on the City to conduct and assessment of the condition of sewer pipes and catch basins within the area. The response within the Final Scope of Work was that this would be out of scope of CEQR. However, this assessment is within the scope of the CEQR Technical Manual and it is warranted given the massive amount of projected development in the area.¹⁷⁰

The community has also advised that since the rezoning area is within the Jamaica Bay watershed special consideration must be given to how the city plans to mitigate any additional pollutant runoff that might be caused by the proposed rezoning. The DEIS states that the RWCDS would produce up an additional 4.55 million gallons of combined sewer overflow per year, all of which would flow into tributaries of Jamaica Bay and further degrade this sensitive ecosystem due to nitrogen and pollutant loading.

CEQR states that any project within the Jamaica Bay watershed that will increase the amount of impervious pavement by 2% over existing conditions should undergo further analysis by the Department of Environmental Protection.

¹⁶⁹ CEQR Technical Manual Chap. 13, Water and Sewer Infrastructure, para. 220.

¹⁷⁰ CEQR Technical Manual Chap. 13, Water and Sewer Infrastructure, para. 220.

CHAPTER 11: SOLID WASTE AND SANITATION SERVICES

With regard to Solid Waste and Sanitation Services the City has not found a significant adverse impact associated with the rezoning RWCDS. The *CEQR Technical Manual*¹⁷¹ states that while very few projects will generate a significant adverse impact on Solid Waste and Sanitation Services because of the size and scale of the city's waste system, the addition of trucks by both DSNY and the Commercial Carting services should be evaluated in other technical areas of analysis – namely Air Quality, Transportation, and Noise. There was no inclusion of the impacts that increased sanitation services would cause on these areas within the East New York DEIS. The external impacts of increased sanitation services should be evaluated within the DEIS of the above mentioned sections.

The DEIS states that the RWCDS would only add a total of 11 DSNY truck loads and 9 commercial carting truck loads per week. This total number of trucks added is misleading as it does not take into account the number of truck routes that would need to be added in order to accommodate the increased amount of waste in the area. Waste needs to be picked up far more often than once a week for commercial businesses and logistics of the DSNY routing system may require multiple truck routes to be added at different intervals in order to accommodate this increase in waste production especially in areas where commercial / industrial zoning is being changed to residential. DCP should consult with DSNY¹⁷² and the Business Integrity Commission to estimate the number of added truck routes that would need to be added and then evaluate the impacts of those added truck routes on Noise, Transportation, and Air Quality within the rezoning area.

¹⁷¹ CEQR Technical Manual Chap. 14, Solid Waste and Sanitation Services, para. 312 .

¹⁷² The Coalition requested the DSNY be consulted in preparation of the DEIS in comments submitted to the East New York Rezoning Proposal, Final Scope of Work for an Environmental Impact Statement, pg 423, comment 11.1.

CHAPTER 12: ENERGY

A. General Comments

The finding of no significant adverse impact in regards to Energy is based on an incomplete and inaccurate analysis of the area's energy system. The City must evaluate alternative on-site generation and localized distribution systems as part of the FEIS as the rezoning area is within a Con Edison distribution zone where the peak energy demand is expected to exceed consumption within one year of this document being written. The Con Edison BQDM program is designed to help reduce peak demand to a point that is within the Brownsville Substations (the substations that serve the rezoning area are Brownsville 1 and Brownsville 2) transmission capacity.

In the DEIS, DCP has incorrectly assessed the energy systems in the ENY/CH area by focusing its analysis on energy **generation capacity** and energy **consumption**. To accurately evaluate the impact of the proposed rezoning on the area's energy infrastructure and fulfill the requirements of the *CEQR Technical Manual*, the City must conduct an assessment of **transmission capacity** and **peak demand**. We demand that the City conduct this assessment, disclose the results, and, if the impact of the Proposed Actions on Energy is greater than stated in the DEIS, analyze, disclose, and adopt additional mitigation strategies for the FEIS.

The DEIS states no significant adverse impact because the total annual energy consumption of the proposed rezoning RWCDs would only represent .6% of the City's forecasted annual energy requirement of 179 trillion BTU in 2024. As stated within the Con Edison BQDM RFI Q&A Section¹⁷³ the challenge within the Brownsville Substations zone is demand capacity, the point of constraint being the sub-transmission service going into the substation. The Brownsville Substations 1 & 2 can only handle a certain amount of area demand, a sum of 763 MW at any given time¹⁷⁴. Therefore, the statement that the estimated annual consumption of the proposed rezoning areas RWCS only accounting for 6% of the city's annual energy consumption has no bearing on whether or not the Brownsville Substations will be able to handle **peak demand** - the instantaneous point where system users are pulling the most **demand** on the system.

The Department of City Planning stated that it would consult with Con Edison in preparation of energy impact analysis and also that it would evaluate whether available energy supply is anticipated to be sufficient to accommodate the additional demand generated by the Proposed Actions.¹⁷⁵ The Department of City Planning should be held accountable to providing an

¹⁷³ Request for Information, http://www.coned.com/energyefficiency/Documents/BQDM_Preliminary_QA.pdf

¹⁷⁴ Request for Information,

http://www.coned.com/energyefficiency/Documents/Demand_Management_Project_Solicitation-RFI.pdf

¹⁷⁵ East New York Rezoning Proposal, Final Scope of Work for an Environmental Impact Statement, pg. 424.

accurate assessment of the energy system by evaluating transmission capacity with estimated peak demand generated under the RWCDs.

Additionally, the Department of City Planning has lumped Commercial Uses together broadly and should adjust its energy demand calculations to reflect Con Edison's network profile as seen within the BQDM RFI Document¹⁷⁶.

B. Mitigations

We ask that the City analyze, disclose, and adopt additional mitigation strategies if a more thorough analysis of Energy impacts reveals greater effects than those anticipated in the DEIS. In particular, as peak demand is the chief issue in terms of a reliable energy network in the rezoning area the City should evaluate alternative energy distribution and generation systems as part of the DEIS. The City should:

- *Install microgrids and distributed generation systems* to ensure reliable energy transmission for residents of ENY/CH. Microgrids and DG systems can act both to reduce peak demand and to ensure reliable energy distribution in the event of a grid power failure.
- *Mandate that all sites with E-designations be equipped with Solar PV generation systems to reduce peak energy demand within the rezoning area.* The Hazardous Waste and Air Quality sections already call for all of the proposed and projected development sites to be given E-designations, which will require developers to meet certain remediation as well as building equipment standards in order to ensure there are no significant adverse impacts on community health. Because E-designations allow the City to mandate any environmental mitigation they think appropriate- including specifications for certain types of building equipment for new constructions – the City should also require Solar PV generation systems for E-designated sites.
- *Support large-scale energy retrofits and upgrades of the existing residential stock.* Whole house retrofits can help to reduce energy consumption and improve public health outcomes.

¹⁷⁶ Request for Information, pg. 12,
http://www.coned.com/energyefficiency/Documents/Demand_Management_Project_Solicitation-RFI.pdf.

CHAPTER 14: AIR QUALITY

The finding of no significant adverse impact as related to the Air Quality section of the DEIS is not satisfactory. The assessment is missing several key areas of study that the Department of City Planning must include in order to accurately evaluate the impacts of the ENY/CH rezoning project on the community.

In our response to the DEIS, the Coalition specifically asked that an assessment of air quality be undertaken on Pitkin Ave. The DEIS studied air quality at 4 locations, none of which were south of Liberty Ave within the rezoning area. The Transportation section of the DEIS makes clear that the intersection of Pennsylvania and Pitkin Ave will experience a Significant Adverse Impact in terms of traffic increase. Therefore, the City must analyze and disclose air quality at this (Pennsylvania and Pitkin) intersection to assess the health impacts associated with an increase in traffic, particularly given the location of a major health care provider, East New York Diagnostic & Treatment Center, at that intersection. The *CEQR Technical Manual* cites that 3-4 receptor sites should be chosen to study mobile air impacts, however this number of sites is insufficient given the physical size of the ENY/CH rezoning area and the potential number of additional vehicle trips per day. The DEIS only studied intersections in cluster areas 1 and 5, as defined in the Transportation chapter of the DEIS. While those areas will experience some of the highest amount of development the impacts of increased traffic at those sites will ripple throughout the neighborhood and must be examined. Receptor sites along Pitkin Ave will be critical in better understanding air quality impacts for current residents of the area. East New York has the 9th highest¹⁷⁷ rate of child hospitalization rates due to asthma, and a great number of its adults also have asthma. Additional traffic could further burden an already impacted environmental justice community.

The Coalition has also requested that air pollution be monitored at schools, community facilities, and within parks and open spaces. The City responded to this comment that the EIS will consider potential sites as requested. However, there is no mention of any analysis done at these types of existing facilities within the DEIS itself. The City must take steps to understand the sum impact of stationary, mobile, and industrial pollutants on air quality at existing facilities within the ENY/CH community. As stated above, this area is already impacted by poor air quality as exhibited by high asthma rates. New development should not add burden to the community's environment.

Specifically, Coalition asks that the Highland Park be evaluated for additional air pollutants as the Jackie Robinson crosses through the park, and it is expected the Jackie Robinson will see an

¹⁷⁷ Environmental and Health Data Portal, NYC HEALTH, <http://a816-dohbesp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=85,4466a0,11,Summarize>

increase in use as a result of the rezoning. Studies¹⁷⁸ have shown that air pollution has a greater impact on health when respiration rates are higher – for example when someone is exercising. It can be assumed that because users of the park may be exercising, they will be at increased risk for adverse impacts of air pollution caused by mobile sources, and therefore a study of the increase in air pollution in the park must be undertaken. CEQR calls primarily for the evaluation of mobile receptor sites at intersections where concentrations of pollutants caused by vehicle combustion will be the highest; however, when taking into account increased vulnerability due to high respiratory levels, it is critical to evaluate spaces that are used for active recreation, such as Highland Park.

Additionally, there is no evaluation of the impact of waste removal vehicles, either DSNY or commercial carters, on air quality in the area. CEQR states that the impacts of additional sanitation vehicles should be evaluated within the Air Quality, Transportation, and Noise sections of the DEIS¹⁷⁹. The City must disclose and analyze the impact of sanitation vehicles for the FEIS.

In sum, the Coalition feels that the City is required under CEQR to conduct a more thorough analysis of the impact of the Proposed Actions on Air Quality. If the City concludes as a result of this analysis that the impacts on Air Quality will be greater than those disclosed in the DEIS, we urge the City to analyze, disclose, and adopt additional mitigation strategies to address these impacts.

The use of E-Designations to mandate certain equipment parameters such as low NOx burners or mandating certain height / setback requirements for vents is acceptable for stationary uses.

¹⁷⁸ Gretchen Reynolds, “Air pollution holds risks for athletes who exercise outdoors,” N.Y. TIMES (July 12, 2007), http://www.nytimes.com/2007/07/12/health/12iht-air.1.6628800.html?_r=0.

¹⁷⁹ CEQR Technical Manual Ch. 14, Air Quality, para 312.

CHAPTER 15: GREENHOUSE GAS EMISSIONS & CLIMATE CHANGE

A. General Comments

The finding of no significant adverse impact in regards to Greenhouse Gas Emissions is incomplete and requires further analysis. We do agree that the various local laws would result in the development of more efficient building stock. However, the findings are incomplete in suggesting that the proposed actions would only result in approximately 66,205 total metric tons carbon dioxide equivalent from building operations and 38,241 metric tons from mobile source for an estimated annual total of 104,446 metric tons. Since these estimates are based on table 18-3 of the *CEQR Technical Manual*¹⁸⁰, it fails to accurately represent the reasonable worst case development scenario (RWCDs) since it fails to account for the marginal emission rates¹⁸¹ that may result from the proposed actions.

The New York Independent System Operator (NYISO) typically dispatches energy generation resources to match the demand. As demand increases, more generating capacity is activated to meet the demand. Least expensive generators are typically dispatched with higher priority and more expensive generators are then activated when demand exceeds the supply capacity of the less expensive generators.¹⁸² Therefore, it is safe to assume that an increase in demand following the proposed actions, could lead to increased frequency in use of the more expensive generators, which tend to have higher emissions. For this reason, it is important to analyze the impact of the proposed actions, on the operational hours of the older, more expensive marginal generators with higher GHG emissions. The City's analysis is based on the total annual GHG emissions from all sectors in 2008 as reported in the City's Inventory of New York City Greenhouse Gas Emissions.¹⁸³ This data may not accurately assess the GHG emissions resulting from an increase in the baseline and subsequently the peak demand, which could increase the use of marginal generators that may have higher GHG emissions. This data also **does not** take into account the GHG emissions in a severe weather scenario similar to the 2013-2014 Polar Vortex. During this

¹⁸⁰ CEQR Technical Manual Ch. 18, Greenhouse Gas Emissions and Climate Change, para 311.

¹⁸¹ Nick Martin, "Carbon-Tuning New York's Electricity System: Uncovering New Opportunities for CO2 Emissions Reductions," PACE UNIVERSITY SCHOOL OF LAW, PACE ENERGY AND CLIMATE CENTER, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={71565283-0500-4C27-839A-CEC4354C696D}>

¹⁸² Power Trends 2015 – Rightsizing the Grid, NEW YORK INDEPENDENT SYSTEMS OPERATOR, http://www.nyiso.com/public/webdocs/media_room/press_releases/2015/Child_PowerTrends_2015/ptrends2015_FI_NAL.pdf.

¹⁸³ CEQR Technical Manual Ch. 18, Greenhouse Gas Emissions and Climate Change, Table 18.3.

event, States in the Northeast became increasingly more dependent on fuel oil fired generation¹⁸⁴ and experienced higher CO2 emissions.¹⁸⁵

In New York City, the local generators consist of 78% dual fuel generators (oil + gas), 5% oil, 17% gas.¹⁸⁶ Approximately two-thirds of the local generation plants are over 40 years old and equipped with technology that has lower efficiency and thus higher GHG emissions than modern facilities.¹⁸⁷ By regulation, 80% of the **forecasted peak demand** has to be supplied by capacity located in the City.¹⁸⁸ It is safe to assume that an increase in development would have an impact on the **peak demand** and thus impact the operation hours of the local peak generators. Severe weather could also have an impact on the carbon emissions as dual fuel generators typically shift to liquid fuels in response to increased natural gas demand.¹⁸⁹ An analysis of this impact should be taken into consideration when assessing the proposed actions compliance with the City's GHG reduction goals.

B. Recommendations

In summary, sole use of the *CEQR Technical Manual* Table 18-3 calculations would diminish the City's potential for maximum GHG emission reductions. Use of a severe weather and marginal emission rate analysis would allow for the following actions:

1. *Complete RWCDs analysis with potential impact of the proposed actions during severe weather events* - Severe weather events such as the polar vortex that was experienced in Dec 2013 to Jan 2014 have a documented, direct impact on carbon emissions.¹⁹⁰ In order to determine the RWCDs, it is important to assess the GHG impact of the proposed actions in relation to a severe weather event scenario. This would allow the RWCDs to achieve its intended goal of ensuring the project's impacts would be no worse than those considered in

¹⁸⁴ Market Digest: Natural Gas (2013-2014), U.S. ENERGY INFORMATION ADMINISTRATION, http://www.eia.gov/naturalgas/review/winterlookback/2013/#tabs_Consumption-2

¹⁸⁵ Bobby Magill, "Polar Vortex Spiked U.S. CO2 Emissions in 2013," CLIMATE CENTRAL, <http://www.climatecentral.org/news/polar-vortex-spiked-us-co2-emissions-in-2013-18214>.

¹⁸⁶ Power Trends 2015 – Rightsizing the Grid, NEW YORK INDEPENDENT SYSTEMS OPERATOR, http://www.nyiso.com/public/webdocs/media_room/press_releases/2015/Child_PowerTrends_2015/ptrends2015_FINAL.pdf.

¹⁸⁷ A Stronger More Resilient New York, Ch. 6 Utilities, pg. 108, http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_6_Utillities_FINAL_singles.pdf

¹⁸⁸ Public Safety Answering Center II, Ch. 11 Energy, pg. 11-3, http://www.nyc.gov/html/nypd/downloads/pdf/psac2_feis/11_chapter_11_energy.pdf

¹⁸⁹ A Stronger More Resilient New York, Ch. 6 Utilities, pg. 120, http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_6_Utillities_FINAL_singles.pdf

¹⁹⁰ U.S. Energy Related Carbon Dioxide Omission 2013, U.S. ENERGY INFORMATION ADMINISTRATION, http://www.eia.gov/environment/emissions/carbon/pdf/2013_co2analysis.pdf

the environmental review.¹⁹¹ Use of the 2014 Inventory of New York City Greenhouse Gas Emissions could be more appropriate as it would account for the polar vortex experienced during that year.

2. *Develop Distributed Energy Resource markets and programs to ensure maximum GHG reductions* – Distributed generation is a key resource that could have significant GHG reduction among other benefits. The significance of the GHG reduction is dependent on the location and time of resource deployment. Marginal emission rates also vary during the course of the day and are typically higher when demand increases.¹⁹² An analysis of the Proposed Actions with a focus on GHG reduction could inform the State as it undertakes the Reforming the Energy Vision proceedings. This would allow the Public Service Commission and New York State Energy Research and Development Authority to create DER markets with the appropriate price signals and incentives for DER that would have the highest GHG reduction potential specific to the challenges and opportunities of the proposed area. Providing the market with the appropriate information ahead of time could also have a positive impact on more capital intensive DER such as geothermal systems as they have various site factors such as: land availability, geology and load profile that would affect the applicability of the technology.¹⁹³ Appropriate time sensitive price signals could also increase the feasibility of these technologies for retrofit projects by reducing the upfront costs. This would also allow the City to ensure that the current and future incentives (RGGI and Clean Energy Fund) are fully used to support renewable energy capacity as stated in Vision Three (Our Sustainable City) of the One City plan.¹⁹⁴ Information gathered during an analysis of the potential marginal emission rates could inform NYSERDA and the PSC as they shape DER programs and incentives.
3. *Inform the NYISO in an attempt to change market rules to facilitate faster implementation of newer, and more energy efficient generators* – The One NYC plan calls for closer collaboration between the City and NYISO to break down barriers and provide incentives for

¹⁹¹ RWDCS, CEQR Glossary, NYC Mayor’s Office of Sustainability,
<http://www.nyc.gov/html/oec/html/ceqr/glossary.shtml>

¹⁹² Nick Martin, “Carbon-Tuning New York’s Electricity System: Uncovering New Opportunities for CO2 Emissions Reductions,” PACE UNIVERSITY SCHOOL OF LAW, PACE ENERGY AND CLIMATE CENTER,
<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={71565283-0500-4C27-839A-CEC4354C696D}>

¹⁹³ Geothermal Systems and their Application in NYC (Feb. 2015), pg. 4,
http://www.nyc.gov/html/planyc/downloads/pdf/publications/2015_Geothermal.pdf

¹⁹⁴ One New York – The Plan for a Strong and Just City, pg. 160,
<http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>

the development of more efficient generating capacity.¹⁹⁵ This analysis would further this goal by providing the NYISO with valuable information to incorporate in their future planning efforts. The current NYISO market allows dual fuel generators to run on whichever fuel has the lowest cost during peak and off-peak times.¹⁹⁶ Undertaking this analysis ahead of time would allow the City to influence the market rules in order to maintain its 80 by 50 goal.

These actions could significantly increase the adoption of distributed generation technologies while reducing the GHG emissions of the proposed actions.

C. Mitigations

If the City's analysis reveals greater impacts than those initially anticipated, the Coalition asks that the City analyze, disclose, and adopt additional mitigation strategies. These could include the development of Distributed Energy Resource markets and programs to ensure maximum GHG reductions, as described above; potential changes to market rules to facilitate faster implementation of newer, and more energy efficient generators, as explained above; as well as the following strategies:

1. Implement large-scale energy retrofits and upgrades of the existing residential stock. *Stringent requirements for energy efficient, green, and healthy construction must be mandated for new developments.* Whole house retrofits have these added benefits: reducing housing costs, making homeownership more affordable and preventing foreclosure; improving health by repairing roofs, thereby eliminating leaks and mold – a common cause of asthma, and; creating a demand for construction skills training and placements for local residents.
2. Designate East New York/Cypress Hills as a Solar Empowerment Zone with a variety of *incentive programs and new construction requirements* that encourage the use of solar thermal and photovoltaic systems on large businesses and institutions and shared solar power systems on residential buildings.
3. Create an Evaluation Tool that tracks sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation. This same tool can be used to track Public Health indicators, as described in our response to the chapter on Public Health.

¹⁹⁵ One New York – The Plan for a Strong and Just City, pg. 170,
<http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>

¹⁹⁶ Power Trends 2015 – Rightsizing the Grid, NEW YORK INDEPENDENT SYSTEMS OPERATOR,
http://www.nyiso.com/public/webdocs/media_room/press_releases/2015/Child_PowerTrends_2015/ptrends2015_FI_NAL.pdf.

CHAPTER 16: NOISE

Chapter 16 of the DEIS analyzed the noise impacts of the Proposed Actions. In its response to the Coalition's comments on the draft scope of work, the City dismissed one of the Coalition's two concerns. For a separate issue (i.e., that the Coalition did not identify) the DEIS acknowledged a significant adverse noise impact, and it describes mitigation for the increased noise level on Richmond Street between Fulton Street and Dinsmore Place caused by the Proposed Actions and commits to further examining mitigation strategies between the DEIS and the FEIS.

The Coalition is concerned about adverse noise impacts caused by increased use of the Jackie Robinson Parkway as it cuts through Highland Park. They requested that the DEIS assess this. The City acknowledged this request very vaguely in the FSOW and said in a standardly worded response they would evaluate the noise effects of increased traffic levels caused by the Proposed Actions. But the DEIS did not assess noise impacts of the Jackie Robinson Parkway. In fact, none of the receptor sites are located in Highland Park because the park falls outside of the study area. It would have been helpful for the City to indicate at an earlier point that noise impacts on Highland Park would not be studied instead of giving the vague, misleading reply to the Coalition's concern that it did. Its phrasing implied that this specific issue would be studied in the DEIS, whereas CEQR actually does not require it to be studied.

The Coalition also requested that the DEIS examine the noise impacts of increased ridership on the J subway line resulting from the Proposed Actions and to consider the noise impacts of frequency changes resulting from proposed MTA capital improvement projects. However, the City declined to do so, saying that the Proposed Actions would not result in a doubling of J train service and therefore would not create adverse noise impacts. This is an inadequate and possibly inaccurate response. The Coalition cannot find wherein Chapter 19 (Noise) of the *CEQR Technical Manual* it is indicated that a doubling of train service would create adverse noise impacts. As such, the Coalition requests that the FEIS confirm that this threshold for adverse noise impacts from increased train service is indeed accurate.

Since MTA capital improvement projects are separate processes from the Proposed Actions, the City claimed that assessing the impacts of frequency changes resulting from proposed MTA capital improvement projects are out of scope.

The City points out that the Proposed Actions would result in "readily noticeable" noise impacts along Richmond Street between Fulton Street and Dinsmore Place.¹⁹⁷ But they also stress that field observations showed that almost all residences close to this block appear to have double-

¹⁹⁷ East New York Rezoning Proposal Ch. 16, Noise, pg. 16-11.

glazed windows and alternate means of ventilation. According to the DEIS this would lead to an attenuation of 25dBA.¹⁹⁸ Nevertheless, the City acknowledges that this would still not be considered acceptable according to *CEQR Technical Manual* criteria. Chapter 20 of the DEIS, Mitigation, states that “with respect to upgrades at the residential units, there are no further practical or feasible mitigation measures that would fully mitigate the significant adverse noise impact at these locations”(i.e., along Richmond Street between Fulton Street and Dinsmore Place).¹⁹⁹

Since the City admits in the DEIS that these measures (i.e., double-glazed windows and alternate means of ventilation) will not lead to a fully acceptable situation, between the DEIS and the FEIS, it will further examine potential measures to fully mitigate the noise impacts at these locations. They state that this might even include “rerouting traffic where feasible.”²⁰⁰ The Coalition looks forward to learning of these further potential measures to mitigate what the DEIS identified as a significant adverse impact.

¹⁹⁸ East New York Rezoning Proposal Ch. 16, Noise, pg. 16-11.

¹⁹⁹ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-6.

²⁰⁰ East New York Rezoning Proposal Ch. 20, Mitigation, pg. 20-6.

CHAPTER 17: PUBLIC HEALTH

Note: See also Chapter 18 – Noise, where the city determined that the Proposed Actions would result in a significant adverse noise impact on Richmond Street between Fulton Street and Dinsmore Place, with predicted noise level increases of 4.9 dBA at this location.

A. Full Analysis

As per the City, the proposed actions would not result in unmitigated significant adverse impacts in the areas of air quality, water quality or hazardous materials, as they relate to public health. Significant adverse noise impacts were detected at 12 existing sensitive receptors. However, the City states that these noise levels are significantly lower than the public health-based CEQR noise threshold of 85 dBA and that the Proposed Actions are not anticipated to cause excessive high chronic noise exposure. Furthermore, while some periods of construction could result in significant adverse impacts related to noise, the overall impact has been determined to not be a significant noise impact as it relates to public health. Overall, the City makes no finding of significant adverse impact for public health.²⁰¹

However, given that ENY/CH residents suffer from a higher vulnerability to health issues such as heart disease, obesity, diabetes and high blood pressure as compared to the rest of New York City, the FEIS must include a *full* public health assessment, with a focus on potential exacerbation of existing health conditions caused by actions put forward by rezoning (e.g. construction, increased traffic and psychological impacts caused by displacement).²⁰²

The *CEQR Technical Manual* states that, “In unusual circumstances, a project may have potential public health consequences that may not be related to the issues already addressed in other technical analysis areas in CEQR reviews. The lead agency, therefore, may determine that a public health assessment is warranted.”²⁰³ The existing health issues facing residents merit a full public health assessment, and the City’s decision to conduct such an assessment should not be solely dependent on other areas of the CEQR analysis.

B. Additional Mitigation Strategies

If, following its more complete assessment of the public health consequences of the Proposed Actions, the City determines that the rezoning is likely to generate significant impacts on public

²⁰¹ East New York Rezoning Proposal Ch. 17, Public Health, pgs.17-1, 17-3.

²⁰² Final Scope of Work for an Environmental Impact Statement, Response to Comments on the Draft Scope of Work, Comment 17.1.

²⁰³ CEQR Technical Manual Ch. 20, Public Health, para. 200.

health, the Coalition requests that the City analyze, disclose, and adopt additional mitigation strategies to help counteract such impacts.

The Coalition requests that the City analyze and disclose the current and future capacity needs of the health clinics located throughout the proposed rezoned area – an analysis that must take into account the risk of displacement of the Medisys Health and East New York Diagnostic and Treatment Centers.²⁰⁴ Residents of the study area already have significant public health needs, and the addition of 20,442 residents to the ENY/CH area will only increase the already high demand for health services. In its response to the Coalition’s comments on the Draft Scope of Work, DCP stated that an assessment of whether clinics located within a half-mile radius of the rezone area are able to care for both new and existing residents is out of scope for the purposes of CEQR review. We disagree; as such an assessment is required for the City to determine the capacity of these clinics to mitigate the public health impacts of the Proposed Actions.

If existing facilities are not sufficient to mitigate public health impacts, the Coalition proposes that the City analyze, disclose, and adopt the following mitigation and public health strategies for this rezoning:

- *Include a comprehensive public health assessment* that includes the potential size, type and need of additional facilities triggered by a large increase in population and identification of potential sites for expansion of health facilities should be carried out and include an analysis of the impact of actions on Medisys Health Center and East New York Diagnostic and Treatment Center.
- *Create an Evaluation Tool that tracks demographic data* and is based on equity, health and well-being, and sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation.

Adopt Community Facility zoning. Create and map a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for needed community facilities, including health facilities, either within or as an accessory to new developments. Before developers could receive permits for new, high-density residential development, the City Planning Commission would need to certify that existing community facilities, services and infrastructure were sufficient to support the new residents the development would bring. If not, as a condition of receiving

²⁰⁴ Final Scope of Work for an Environmental Impact Statement, Response to Comments on the Draft Scope of Work, Comment 17.1.

construction permits, the developer would be required to project provide an easement or restrictive declaration allowing for the allocation of space for specific needed community facility, service and/or infrastructure. In order to avoid penalizing property owners when space is allocated for needed community facilities, the floor area occupied by the facilities would not count against the permissible FAR on the site. The operation of any such community facilities would be financed by the relevant City agency, and construction could be supported by a payment in lieu of taxes (PILOT) fund dedicated to the construction of much-needed community facilities.

- Site acquisition: Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase, the City must act now to pro-actively acquire sites for community facility development such as a health center. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket
- Energy retro-fits and upgrades: Large-scale energy retrofits and upgrades of the existing residential stock must be implemented. Whole house retrofits have these added benefits: reducing housing costs, making homeownership more affordable and preventing foreclosure; improving health by repairing roofs, thereby eliminating leaks and mold – a common cause of asthma, and; creating a demand for construction skills training and placements for local resident. Since retrofits could help reduce leaks and mold, a common cause of asthma, these programs are a health mitigation for the asthma issues in the neighborhood.

CHAPTER 18: NEIGHBORHOOD CHARACTER

A. Introduction

The *CEQR Technical Manual* requires the DEIS to identify the “defining features” of the neighborhood and then “evaluate whether the project has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in relevant technical analysis areas.” As per the *CEQR Technical Manual*, the relevant technical analysis areas are: A. Land Use, Zoning, and Public Policy, B. Socioeconomic Conditions, C. Open Space, D. Historic and Cultural Resources, E. Urban Design and Visual Resources, F. Shadows, G. Transportation, and H. Noise.

The *CEQR Technical Manual* states that impacts on neighborhood character are rare, and the DEIS goes on to conclude that the defining features of the primary study area’s constituent neighborhoods would not be affected.

The Coalition disagrees with this finding. The City’s DEIS wrongfully concluded that the Proposed Actions would not result in any significant adverse impacts in the areas of land use, zoning, and public policy, socioeconomic conditions, and urban design and visual resources. The significant adverse impacts in those technical areas warrant a neighborhood assessment. Furthermore, the City’s stated significant adverse impacts and possible combinations of moderate adverse impacts of the plan on open space, historic and cultural resources, shadows, transportation, and noise may in fact alter the defining features of ENY/CH. As a result, the City needs to conduct a more rigorous neighborhood assessment with regards to those technical areas.

B. Defining Features of ENY/CH

The DEIS does an inadequate job of describing ENY/CH and its defining features. The DEIS describes the study area as including “parts of the following neighborhoods: Ocean Hill; East New York; Cypress Hills; City Line; Brownsville; and Broadway Junction/East New York Industrial Business Zone (IBZ). The East New York study area is characterized by the presence of multiple disconnected neighborhoods, physically separated by the presence of vehicle-dominated major roadways and major transportation infrastructure. While the majority of the study area is characterized by residential uses, particularly on the side streets, a variety of uses are found along the major roadways that often create a disjointed streetscape, and pockets of industrial and auto-related uses. East New York is also characterized by its transit accessibility, with multiple subway stations located within the study area.”²⁰⁵

²⁰⁵ East New York Rezoning Proposal, Notice of Completion, p. 43.

Such a description does not do justice to the neighborhood. The NYC Department of City Planning in its Sustainable Communities Report did a more apt job of describing the neighborhood's physical landscape:

The compact street network has laid the foundation for a walkable community where shopping corridors are in close proximity to residential areas. Rowhouses in the area are typically set back a short distance from the street, creating a consistent streetwall that frames the sidewalks and is inviting to pedestrians. Fulton Street and Pitkin Avenue are traditional retail corridors and portions of these streets retain an intact streetwall and active ground floor uses.²⁰⁶

In addition, as noted in our comments to Chapter 3, Socioeconomic Conditions, the neighborhood is known for its housing stock of primarily two- and three-family homes.

However, a mere physical description of the study area does not truly exemplify its neighborhood character. Many of the most defining features of the study area do not relate to its physical attributes but rather to the people who live there and the opportunities that the neighborhood provides to those residents.

As stated in our comments to the Conclusion, “(a)lthough the *Technical Manual* does invite inquiry into whether a proposed action threatens the ‘defining features’ of a neighborhood...the guidelines focus primarily on physical assets within the neighborhood, not the individuals who live there.” By focusing on the area’s physical characteristics and not its residents, the CEQR guidelines suggest that “neighborhood character” is defined primarily by how the physical space looks, not the people who make the community home.

We adamantly disagree with such a focus. The true importance of the ENY/CH area is that it “has long been a NEIGHBORHOOD OF OPPORTUNITY – a place that welcomes immigrants and gives residents a ‘leg-up’ to climb the economic ladder.”²⁰⁷ As stated in our comments to the Introduction, “(a)s other neighborhoods throughout the City have become increasingly unaffordable, East New York’s central importance as a community accessible to lower-income residents, immigrants, and people of color has only grown.”

As a result, the Proposed Actions should be measured with respect to their impacts on both the physical and non-physical defining features of the study area.

²⁰⁶ NYC Department of City Planning, *East New York and Cypress Hills Subarea, Sustainable Communities*, pg. 43, available at

http://www.nyc.gov/html/dcp/pdf/sustainable_communities/east_ny_report/east_ny_cypress_hills_subarea.pdf

²⁰⁷ East New York Community Rezoning Plan, pg. 16.

C. General Comments

The DEIS does not include a discussion of how residential encroachment may impact local industrial uses. While it does acknowledge rising rents as a potential cause for displacement as well as disruption of other businesses or attractions that make certain types of businesses viable in areas, physical and operational compatibility issues are not included in the DEIS.

Physical and operational compatibility are serious issues for industrial businesses ranging from auto shops to manufacturers, to transportation and wholesale businesses. Examples from Red Hook, Williamsburg, and other neighborhoods that have transitioned from heavily industrial to more residential have seen conflicts emerge between new residents and longtime existing businesses. The changing land uses in the rezoning area will bring new residential development in direct proximity to existing industrial businesses (which in some cases will become legal, non-conforming uses in newly created residential zoning districts). If residents complain about noise, traffic, loading/unloading, or other aspects necessary to business operation this may discourage owners from continuing to operate in the area in addition to creating divides within the community.

The City should closely evaluate locations of existing industrial businesses within the rezoning area in relation to proposed development sites and incorporate strategies to mitigate any potential conflicts of uses. This could be done by retaining contiguous stretches of C8 or M zoned land that currently house active businesses.

D. Land Use, Zoning and Public Policy

The DEIS concluded that there would be no significant adverse impacts on land use, zoning, or public policy. The DEIS stated that the Proposed Actions “would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy.”

As discussed in detail in our comments to Chapter 2, Land Use, Zoning and Public Policy, the City’s analysis failed to consider many important factors. For example, the City did not consider whether the Proposed Actions will advance or undermine the preservation goals of the Housing New York plan and the goal of the Mandatory Inclusionary Housing policy to advance equality of opportunity for low-income New Yorkers. In addition, the City failed to truly consider the limitations of MX zoning for retaining and expanding industrial business over time due to its tendency to facilitate market pressures that are likely to cause eventual conversion to majority-residential/commercial districts.

DCP should conduct a more detailed analysis of the effects of the Proposed Actions on land use, zoning, and public policy since the Proposed Actions may have significant adverse impacts that warrant a detailed assessment of neighborhood character.

E. Socioeconomic Conditions

The DEIS concludes that the Proposed Actions would not result in any significant adverse socioeconomic impacts. As discussed in detail in our comments to Chapter 3, Socioeconomic Conditions, the DEIS fails to properly take into account the impact of the rezoning on the direct and indirect displacement on low-income residents, particularly unregulated tenants, low-income homeowners, and people of color. The City fails to truly consider the displacement of residents of shelters, halfway houses, three quarter houses as well Section 8 voucher holders. DCP's proposed mitigation strategies for potential displacement, which are heavily reliant upon HPD subsidies, are not sufficient to stem the likely significant amount of displacement the rezoning will cause or accelerate.

In addition, the DEIS fails to take into account the impact of the rezoning on the direct and indirect displacement of businesses as well as the adverse impact on specific industries such as the auto industry in ENY/CH.

The City should conduct a more detailed analysis of the effect of the Proposed Actions on the displacement of residents and businesses. That outcome may warrant a detailed assessment of neighborhood character.

F. Open Space

As discussed in detail in our comments to Chapter 5, Open Space, the Coalition appreciates the City's acknowledgement that the Proposed Actions would have significant adverse impacts to the study area's open space. However, the City's detailed assessment was flawed because it did not consider all of the potential impacts to open space and it prematurely concluded that the Proposed Actions would not affect a defining feature of the neighborhood.

In fact, the City's assessment may be inaccurate since the usage and conditions data collected by the City did not analyze all open spaces and the assessment was completed without local consultation informing the field visits.

The City must be sure that the data it relies on is accurate to fully measure the additional burden or demand that may be placed on existing facilities, further exacerbating a deficiency in open space resources.

The Proposed Actions have the potential to affect the defining features of the neighborhood and thus a more detailed assessment pursuant to the recommendations in Chapter 5 should be pursued.

G. Shadows

The DEIS concludes that some of the shadows from the Proposed Actions would cause a significant adverse impact. The DEIS notes that project-generated shadows would reach eight out of the twenty-two stained glass windows of the Holy Trinity Russian Orthodox Church resulting in a significant adverse impact. The DEIS asserts that this impact could be mitigated. It is not clear, however, what the mechanisms would be to address the cost and coordination of mitigating for this impact. The FEIS should further develop the proposed mitigation strategy and include details about how the City will ensure the coordination and funding required to mitigate the adverse impact on Holy Trinity.

The Proposed Actions may affect a defining feature of the neighborhood and thus the City should further develop its proposed mitigation strategy.

H. Historic and Cultural Resources

The DEIS concludes that the Proposed Actions could result in significant some significant adverse impacts on the study area's Historic and Cultural Resources.

The DEIS notes there the shadows created by three nearby potential development sites may cause a significant adverse impact on the stained-glass windows of Holy Trinity Russian Orthodox Church. The DEIS asserts that this impact could be mitigated. The Coalition requests that the City further develop the proposed mitigation strategy and include details regarding the coordination and funding required for it.

In addition, the DEIS notes that the Projected Development site 37 contains the S/NR and NYCL-eligible Empire State Dairy Building, which could be demolished as a result of the Proposed Actions. Such a demolition would cause a significant adverse impact.

As discussed in our comments to Chapter 7, Historical and Cultural Resources, in addition to the above potential significant adverse impacts, the Coalition believes that expected construction may adversely affect ten eligible but not-yet designated historic resources.

These combined impacts may rise to the level of affecting defining features of the neighborhood without proper mitigation. Thus, a more detailed neighborhood character assessment is necessitated.

I. Urban Design and Visual Resources

The DEIS concludes that the Proposed Actions would not result in significant adverse impacts on the study area's Urban Design and Visual Resources.

As discussed in detail in our comments to Chapter 8, Urban Design, the Proposed Actions would result in greater density than currently permitted as of right, representing a considerable change in the urban design character of the study area. ENY/CH currently lacks useable public space

that contributes to successful urban design. The addition of 20,442 residents and 5,708 workers as a result of the Proposed Actions will further contribute to the lack of useable public space.

The Proposed Actions may affect the defining features of the neighborhood. The City must conduct a more a more detailed assessment of the impacts of the Proposed Actions as well as adopt additional mitigation strategies to account for the increased need for useable public space.

J. Noise

As discussed in detail in our comments to Chapter 16, Noise, while the City acknowledges that the Proposed Actions would have significant adverse impacts to the neighborhood's noise levels, it fails to adequately consider all the noise impacts that the Proposed Actions may have. In addition, it incorrectly concludes that the noise will definitively not have an effect on the neighborhood's character.

While acknowledging that the Proposed Actions would result in "readily noticeable" noise impacts along Richmond Street between Fulton Street and Dinsmore Place, the City failed to fully consider the noise impacts caused by increased use of the Jackie Robinson Parkway as it cuts through Highland Park as well as noise impacts that will result from increased ridership on the J subway line.

The Proposed Actions may cause a significant adverse impact on the noise levels in the study area to such an extent that it affects the defining features of the neighborhood. A more detailed assessment of all the noise impacts is warranted.

CHAPTER 19: CONSTRUCTION

The coalition is pleased that the Final Scope of Work acknowledged its requests for:

1. Conceptual Construction schedule as well as dates and times that construction would take place. Timelines for each projected development site will also be included.
2. Construction schedule with estimated dates of construction, assessment of construction impacts on socioeconomic conditions.
3. A comprehensive qualitative analysis of construction noise impacts and air quality issues.
4. Quantitative analysis of potential transportation impacts during construction

The City's analysis determined that construction-related operational trips would have no significant adverse impacts on traffic, transit, pedestrians, parking, and air quality. It also found that construction would not create significant adverse impacts from vibrations. It concluded that constructing the 80 projected development sites would not result in significant adverse impacts on land use, neighborhood character, socioeconomic conditions, open space, historic and cultural resources, or hazardous materials. Additionally, none of the projected and potential development sites expected to be developed as a result of the Proposed Actions were found to have archaeological significance.

A detailed construction noise analysis was performed on three large sites to quantify the magnitude of construction-related noise exposure for two analysis periods (February 2018 and August 2023) representing worst-case construction noise conditions. It predicted that noise level increases would exceed the noise impact threshold criteria and lead to a potential significant adverse noise impact. An evaluation of construction noise during a representative two-year time period for these large development sites will be completed between DEIS and FEIS.²⁰⁸ If the analysis finds that a significant adverse construction noise impact would occur, mitigation measures will be explored and presented in the FEIS. Since construction noise is a significant quality of life issue (as has recently been demonstrated in other neighborhoods with intensive construction activity), the Coalition strongly requests that if a significant adverse impact is found, practical and viable noise-related mitigation measures must be implemented. This is particularly important given the City's claim that there is no alternative to scenarios that create an unmitigated significant adverse impact. In order for there to be such an alternative, the Proposed Actions would have to be modified to a point where their principal goals and objectives would not be realized.²⁰⁹

²⁰⁸ East New York Rezoning Plan Ch. 19, Construction, pg. 19-3.

²⁰⁹ East New York Rezoning Plan Ch. 21, Alternatives, pg. 21-3.

The City's analysis determined that there are ten non-designated eligible historic resources located within 90 feet of one or more projected or potential development sites, whose development could potentially result in construction-related impacts to them since they are not afforded the added special protections under DOB's TPPN #10/88 policies and procedures. The historic sites that could be impacted are:

1. The Empire State Dairy Building,
2. St. Michael's R.C. Church,
3. Our Lady of Loreto R.C. Church
4. The Former East New York Savings Bank
5. Grace Baptist Church
6. The Magistrates Court
7. The Church of the Blessed Sacrament,
8. 1431 Herkimer Street
9. Prince Hall Temple,
10. Firehouse Engine 236

The additional protective measures afforded under TPPN #10/88 would only become applicable if the eligible resources are designated prior to the initiation of construction. Absent designation these historic sites may be adversely impacted by development.²¹⁰ In order to make TPPN #10/88 or similar measures applicable to historic resources in the absence of site-specific approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP will explore the viability of this mitigation measure between the DEIS and FEIS.²¹¹ The Coalition looks forward to reviewing this mitigation measure and also requests another one be considered: that these ten eligible historic resources be at least calendared for review by the NYC Landmarks Commission, as this will trigger a higher level of scrutiny when nearby construction occurs.

²¹⁰ East New York Rezoning Plan Ch. 19, Construction, pgs. 19-4, 19-5.

²¹¹ East New York Rezoning Plan Ch. 20, Mitigation, pgs. 20-29, 20-30.

CHAPTER 20: MITIGATION

As described elsewhere in this response, the Coalition urges the City to analyze additional mitigation strategies to reduce the impacts it has thus far characterized as “unavoidable” in the areas of Community Facilities, Open Space, Shadows, Historic and Cultural Resources, Transportation, Noise, and Construction. For many of the remaining chapter areas, the Coalition believes that the City has conducted incomplete analyses and wrongly concluded that the Proposed Actions will not have adverse impacts warranting mitigation. We reiterate our request that DCP conduct more thorough analyses in these sections, disclose the impacts based on those analyses, and identify, analyze, and adopt additional mitigation strategies as appropriate, including those we have identified throughout this response. We summarize those mitigation strategies below.

A. Land Use, Zoning and Public Policy

- The City should adopt a range of preservation strategies to better advance the housing preservation goals set forth in the *Housing New York* plan. These strategies, described in more detail in our response to Chapter 3, Socioeconomic Conditions, will serve to mitigate the displacement we believe the Proposed Actions will otherwise cause.
- The City should adopt a range of strategies to better advance the equity goals of the *Housing New York* plan. Specifically, the City should consider new strategies to support local economic development, prevent displacement of low-income people and small businesses, and create affordable housing that better meets the needs of this area. These equity-focused strategies will help to mitigate the displacement and other negative impacts that the Proposed Actions would otherwise generate.
- The City should adopt Mandatory Inclusionary Housing text for the ENY/CH rezoning that is more reflective of the needs of the community and requires that a larger share of all new construction remain permanently affordable. Specifically, the City should create a “deep affordability” option for MIH that would guarantee that 30% of new construction units be permanently affordable at 30% AMI. Such a policy would help to mitigate displacement in the community by limiting the influx of market-rate housing that may spike in price over time, instead *guaranteeing* a larger share of apartments that would be *permanently* affordable at income levels reflective of the current community (unlike HPD-subsidized units, which may result in fewer affordable units than the City currently expects and the affordability of which will expire in time). Such an MIH policy would better advance the overall affordability goals of the MIH program and be fully compatible with a citywide MIH program, as the citywide MIH program should include this “deep affordability” option as well.

B. Socioeconomic Conditions

1. Residential Displacement

The City should disclose, analyze and adopt the mitigation strategies outlined in our response to the Socioeconomic Conditions chapter, including:

- *Pass citywide anti-harassment legislation or adopt zoning text based on the Special Clinton District*, which requires owners of multiple-dwelling buildings to apply for a Certification of No Harassment from HPD prior to seeking a DOB permit to alter, demolish, or change the shape or layout of a building.
- *Establish a Good Neighbor Tax Credit* to encourage and enable the owners of small homes to retain unregulated low-income tenants.
- *Expand education, housing counseling and loan packaging services for low income and senior homeowners and property owners in the foreclosure pipeline* who are most vulnerable to deed thefts and other scams to preserve their ownership and the tenancy of any low income renters.
- *Fund legal services and community organizing* to protect tenants and low-income homeowners from scams and abuse fueled by speculation.
- *Modify HPD subsidy levels to better match community need*, especially the need for affordable housing below 50% AMI.
- *Adopt an MIH deep affordability option* to ensure that 30% of new housing is permanently affordable at 30% AMI.
- *Fund and support a Homeownership Opportunity & Preservation Center* with counseling services to help homeowners modify mortgages, apply for financing retrofits, access whole home retrofit programs, and home repair loans.
- *Create mandatory local hiring requirements for government subsidy programs*, including, but not limited to, housing and economic development subsidies. The influx of subsidies into the community, including HPD subsidies, presents a valuable opportunity to link community members to career-track jobs, which will help existing residents secure the financial stability they will need to stay in the community.

2. Business Displacement

- *Establish a Good Neighbor Tax Credit* for property owners who maintain commercial tenants at a currently affordable rent.
- *Institute set-asides of 25% of commercial space in new mixed-use, City-subsidized developments* for small, independently-owned businesses at deeply affordable commercial rents.
- *Expand anti-harassment legal services and organizing* to include legal counsel for small businesses and merchant organizing.
- *Fund renovation and rehabilitation of existing mixed-use buildings* on Fulton Street, Atlantic Avenue, Liberty Avenue and Pitkin Avenue that benefit the tenancy of long-time commercial tenants.

- *Provide grants and low- and no-interest loans* for storefront renovations and small business expansion.
- *Develop a down payment assistance program for merchants to help them purchase their mixed-use buildings.*
- *Provide a special homeownership education program tailored to purchasing and maintaining mixed-use buildings* and provide low-cost legal counsel on mixed-use leases.
- *Fund capital improvements on the commercial corridors* for streetscape and lighting upgrades, façade work and pedestrian plazas.
- *Provide help for childcare businesses and child care agencies to expand the number of day care centers and licensed care in community.* Target HRA vouchers to licensed family day care providers and provide low interest loans for providers. Take advantage of the strong network of at-home providers and set aside City capital funds for development of new UPK and child care centers and other start-up help for other home-based businesses.
- *Attract high road retailers*²¹² to destination retail locations within the community.

3. **Adverse Effects on Specific Industries**

- *Preserve existing industrial zoning* (M1 and C8 districts); do not map MX districts in the rezoning area.
- *Increase the industrial capacity of the East New York Industrial Business Zone (IBZ)* and strengthen it by not allowing non-industrial uses to be located there as-of-right.
- *Establish an industrial relocation fund to assist displaced companies* to be reestablished in the East New York IBZ.
- *Establish coordination between the City’s housing and small business agencies to avoid locating new retail in direct competition with existing small businesses.*

C. Community Facilities

- *Community Facility Zoning:* Create and map a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for the provision of needed community facilities, services and/or infrastructure within or as an accessory to new developments now and well into the future supported by a payment in lieu of taxes (PILOT) fund to fund the construction of much needed community needs. For new higher density residential development, prior to construction, require City Planning Commission certification that sufficient supporting community facilities, services and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for specific needed community facility, service and/or infrastructure.

²¹² See “Taking the High Road: How the City of New York Can Create Thousands of Good Retail Jobs Through Neighborhood Rezoning,” WALMART FREE NYC (Spring 2015), <http://walmartfreenyc.org/files/2015/06/FINAL-Taking-the-High-Road-Paginated.pdf>.

- Specific sites would include, but not be limited to Arlington Village, Chestnut-Dinsmore/EDC site, and the former Chloe Foods site.
- In order not to penalize property owners when space is allocated for needed community facilities, it would not count in the calculation of permitted FAR.
- *Identify and earmark a community center development site* as part of the rezoning.
- *Site acquisition.* Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase, the City must act now to pro-actively acquire sites for community facility development. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket.
- *School construction.* Large development sites (over 50,000 sf footprint) must be identified, earmarked and included in the NYC Department of Education’s Capital Plan for school construction as part of the rezoning.
- *School and subsidized day care center construction must be incentivized* as part of mixed-use development projects.
- *Additional police, fire, sanitation, and health care facilities* must be planned for, increasing capacity and improving current quality of services.
- *Grocery store development must be encouraged and incentivized:* require full-service grocery stores as part of City-owned mixed-use development sites; go beyond the FRESH program with subsidies and additional incentives to ensure grocery store development on private sites.

D. Open Space

- *Upgrade and increase access to existing school playgrounds.*
- *Require developers of new housing to include green and open space amenities, such as tenant gardens.*
- *Earmark for park, garden, urban farm, or other community use* small, city-owned lots that are not conducive to affordable housing development at scale and are not suitable for aggregation.
- *Consider community gardens as existing parts of the open space inventory, and make allowances in the FEIS for how these gardens will be preserved and protected.*

E. Shadows

The City should fully develop the proposed mitigation strategies for the significant adverse impact on Holy Trinity Russian Orthodox Church, including the use of artificial lighting. The FEIS should include details about how the City will ensure the coordination and funding required to implement these mitigation strategies.

F. Historic and Cultural Resources

The City should disclose the ten eligible, but non-designated historic resources located less than 90 feet from projected/potential development sites and potentially designate these sites to protect these resources.

G. Urban Design and Visual Resources

The City should analyze, disclose, and adopt additional mitigation strategies to account for the increased need for useable public space in the community. In particular, the City should analyze and disclose potential locations for the insertion of public plazas and small gathering spaces and explore establishing incentives for the creation of such spaces in order to address the dire lack of useable public space in ENY/CH.

H. Hazardous Materials

The Coalition supports the City's decision to mandate E-designations for all proposed or potential sites in order to minimize exposure to hazardous materials. We suggest that the City allocate further E-Designations to the sites identified for redevelopment by Cypress Hills LDC in its 2012 Step 2 BOA.

I. Water and Sewer Infrastructure

The Coalition believes that DCP has not sufficiently disclosed and analyzed the impact of the Proposed Actions. We reiterate our request that DCP conduct more a thorough analysis in this section, disclose the impacts based on those analyses, and identify, analyze, and adopt additional mitigation strategies as appropriate.

J. Solid Waste and Sanitation Services

The Coalition believes that DCP has not sufficiently disclosed and analyzed the impact of the Proposed Actions. In particular, we request that the City complete a more accurate analysis of truck trips per week instead of total waste amount in aggregate, which is misleading and uninformative. We reiterate our request that DCP conduct more a thorough analysis in this section, disclose the impacts based on those analyses, and identify, analyze, and adopt additional mitigation strategies as appropriate.

K. Energy

- *Install microgrids and distributed generation systems to ensure reliable energy transmission for residents of ENY/CH. Microgrids and DG systems can act both to reduce peak demand and to ensure reliable energy distribution in the event of a grid power failure.*
- *Mandate that all sites with E-designations be equipped with Solar PV generation systems to reduce peak energy demand within the rezoning area.* The Hazardous Waste and Air Quality sections already call for all of the proposed and projected development sites to be given E-designations, which will require developers to meet certain remediation as well as building equipment standards in order to ensure there are no significant adverse impacts on community health. Because E-designations allow the City to mandate any environmental mitigation they think appropriate – including specifications for certain types of building equipment for new constructions – the City should also require Solar PV generation systems for E-designated sites.
- *Support large-scale energy retrofits and upgrades of the existing residential stock.* Whole house retrofits can help to reduce energy consumption and improve public health outcomes.

L. Transportation

1. Public Transportation

- Re-establish B12 bus route along Liberty Avenue and increase the frequency of bus routes running the corridors of Cypress Hills and East New York.
- Public transportation improvements including increased frequency of J/Z and C trains and upgrading C train cars and also expanded north/south connectivity must be included in the rezoning action.
- Renovate and upgrade the ENY LIRR station immediately, so that community members may take advantage of this important resource.
- Invest in increased accessibility at key subway stations – elevators, escalators and/or ramps to expand accessibility to vulnerable populations (i.e. seniors, pregnant women, small children), improve the flow of commuter traffic, and increase station safety.

2. Parking

- Explore ways to address the lack of parking spots, including but not limited to reduce alternate side parking to once a week, allow parking in currently restricted spaces, and provide free parking near major transit hubs (i.e. ENY LIRR and Broadway Junction) to encourage use of public transportation.

3. Bike Paths

- *Create new bike lanes north of Pitkin Ave.* DOT's plans for 8.7 miles of new bike lanes in ENY do not include the northern part of the neighborhood.

- *Launch a joint DOT-DOH campaign to encourage bicycle use with helmet giveaways, bike riding lessons, and incentives for landlords who provide secure bike storage.*
4. **Streets and connectivity**
- *Increase number of north/south streets that cross Atlantic Avenue to increase connectivity and decrease congestion on residential side streets.*

M. Air Quality

The Coalition believes – as discussed more fully in our response to this chapter – that DCP has not sufficiently disclosed and analyzed the impact of the Proposed Actions on Air Quality. We reiterate our request that DCP conduct more a thorough analysis in this section, disclose the impacts based on those analyses, and identify, analyze, and adopt additional mitigation strategies as appropriate.

N. Greenhouse Gas Emissions and Climate Change

- *Development of Distributed Energy Resource markets and programs to ensure maximum GHG reductions, as described in more detail in our response to the GGE&CC chapter;*
- *Changes to market rules to facilitate faster implementation of newer, and more energy efficient generators, as explained in that section;*
- *Implement large-scale energy retrofits and upgrades of the existing residential stock. Stringent requirements for energy efficient, green, and healthy construction must be mandated for new developments. Whole house retrofits have these added benefits: reducing housing costs, making homeownership more affordable and preventing foreclosure; improving health by repairing roofs, thereby eliminating leaks and mold – a common cause of asthma, and; creating a demand for construction skills training and placements for local residents.*
- *Designate East New York/Cypress Hills as a Solar Empowerment Zone with a variety of incentive programs and new construction requirements that encourage the use of solar thermal and photovoltaic systems on large businesses and institutions and shared solar power systems on residential buildings.*
- *Create an Evaluation Tool that tracks sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation. This same tool can be used to track Public Health indicators, as described in our response to the chapter on Public Health.*

O. Public Health

- *Community Facility zoning*: see description in the “Community Facilities” section above.
- *Create an evaluation tool that tracks demographic data and is based on equity, health and well-being*, and sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation.
- *Energy retro-fits and upgrades*: Retrofitting can help reduce leaks and mold, a common cause of asthma.

CHAPTER 21: ALTERNATIVES

In the Draft Environmental Impact Statement, the City considers three alternatives to the Proposed Actions: a No-Action Alternative, a No Unmitigated Significant Adverse Impacts Alternative, and a Lower Density Alternative. However, the Coalition feels strongly that the City should have identified and evaluated at least one more Alternative: a proposal that would have included (1) an equivalent amount of density as the Proposed Actions, but with a greater share of deeply affordable housing for new construction and permanent affordability levels more closely aligned with those in the community; preservation strategies for existing (2) low-income residents and (3) small businesses; (4) mechanisms to ensure improved community infrastructure, including the creation of a special district that would tie residential construction to the creation of community facilities; (5) more public land dedicated as open space to ensure that the community's open space needs are met; and (6) the exclusion from the rezoning of large potential development sites (over 50,000 sq. ft.), where the owner is not pursuing affordable housing, to preserve the potential to secure these sites for affordable housing and difficult-to-develop community resources that require large footprints, such as schools, community centers, and grocery stores. As we have stated throughout this response, the Coalition and other residents of ENY/CH are not opposed to development per se – we ask only that the development that comes be designed to meet our needs. Given the magnitude of the changes the City is proposing and the many suggestions the City received from community members prior to its identification and evaluation of the Alternatives to the Proposed Action, the City should have identified and evaluated an Alternative that more closely reflected the community's goals while advancing the City's stated goal of constructing affordable housing. The Coalition demands that the City identify and evaluate such an Alternative for the Final Environmental Impact Statement.

The *CEQR Technical Manual* provides that “[t]he EIS should consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts and that are feasible, considering the objectives and capabilities of the project sponsor. If the EIS identifies a feasible alternative that eliminates or reduces significant adverse impacts, the lead agency may consider adopting that alternative as the proposed project.”²¹³ Although “[t]he only alternative required to be considered is the No-Action alternative ... the lead agency should exercise its discretion in selecting the remaining alternatives to be considered.”²¹⁴ In this instance, DCP should have exercised its discretion to select an Alternative more reflective of the community's goals. This is especially so as DCP had access to a wide range of ideas presented by the Coalition and other community members and advocates in response to the Draft Scope of Work – ideas that could easily have served as the basis for a fourth Alternative. Our suggestions included (1) the implementation of “permanently affordable housing that is pegged to the incomes of current residents;”²¹⁵ “affordability [levels tied] to the area median income (‘AMI’)”

²¹³*CEQR Technical Manual*, Ch. 23: Alternatives, 23-1.

²¹⁴ *Id.*

²¹⁵ Comments on Draft Scope of Work for Proposed East New York Rezoning, Coalition for Community Advancement, p.2.

of CHENY residents and not city-wide AMI;²¹⁶ strong preservation strategies to prevent the displacement of (2) CHENY residents²¹⁷ and (3) small businesses²¹⁸; the preservation of all industrial land²¹⁹, an idea the City evaluated only within the context of the No-Action Alternative rather than as part of an Alternative that could have advanced affordable housing goals while retaining industrial uses; (4) the creation of “new and expanded community facility space,”²²⁰ a goal that could be advanced through the adoption of the community facility zoning we have discussed throughout this response; (5) an analysis of the community-owned gardens on city-owned property within the area covered by the Proposed Actions, and preservation of such gardens as part of a broader strategy to ensure the community’s open space needs are met²²¹; and (6) the exclusion of Arlington Village “from the rezone area, particularly because of the strategic nature of this site.”²²²

Even if the City ultimately declined to select such an Alternative in lieu of the Proposed Actions, the City’s failure to even identify and evaluate an Alternative more closely aligned with the community’s goals forecloses the possibility of any meaningful discussion about the feasibility and consequences of the community’s ideas. Instead, the City concludes that the No-Action, Lower Density, and No Unmitigated Significant Adverse Impacts Alternatives would not sufficiently advance the Proposed Actions’ goals, including the goal “of promoting affordable housing development by increasing residential density and establishing Mandatory Inclusionary Housing.”²²³ By limiting the universe of Alternatives in this way, the City sets up a false choice – *either* ENY/CH can take no- or low-density actions, minimizing significant adverse impacts but at the expense of critical affordable housing and economic development, *or* the community can accept the Proposed Actions – actions that, in their current form, stand to have a devastating long-term impact on ENY/CH as we know it. We do not believe these are the only options. If the City takes seriously the concerns that the Coalition and other community residents have raised, we believe it is possible for ENY/CH to support a significant amount of new residential development *while also* avoiding the residential and business displacement, overburdening of community facilities, and other adverse impacts that have characterized past rezonings.

The Coalition requests that the FEIS include an evaluation of an Alternative designed to advance the four key goals we have identified here – (1) permanently affordable housing at levels reflective of the current community, measures to prevent the displacement of (2) existing residents and (3) small businesses, and (4) the creation of new community facility space timed to residential development – as well as other community objectives identified in our response to the Draft Scope of Work and throughout this response to the DEIS. We suggest that the City use the Coalition’s Alternative Plan – developed over the course of many months and with feedback

²¹⁶Id at 4.

²¹⁷Id at 6.

²¹⁸Id at 5.

²¹⁹ Id.

²²⁰Id. at 9.

²²¹ Id. at 12.

²²² Id. at 4.

²²³ East New York Rezoning Proposal, Chapter 21: Alternatives, p. 21-4.

from thousands of community members – as the basis for this fourth, community-oriented Alternative. Finally, we request that the City consider adopting this Alternative rather than the Proposed Actions as the basis for the rezoning. Such a choice would create a true partnership between the City and the ENY/CH community, uplifting both local and citywide goals for the proposed rezoning.

CHAPTER 22: UNAVOIDABLE ADVERSE IMPACTS

As described elsewhere in our response to the DEIS, we believe the City should identify, analyze, and disclose the effect of additional mitigation strategies to reduce the impacts it has thus far characterized as 'unavoidable' in the areas of Community Facilities, Open Space, Shadows, Historic and Cultural Resources, Transportation, Noise, and Construction. For many of the remaining chapter areas, the Coalition believes that the City has conducted incomplete analyses and wrongly concluded that the Proposed Actions will not have any adverse impact, much less an "unavoidable" one. We reiterate our request that the City conduct more thorough analyses in these chapter areas, disclose impacts based on those analyses, and identify and disclose the impact of additional mitigation strategies, in particular those we have identified throughout this response, summarized in our response to Chapter 20, Mitigation.

CHAPTER 23: GROWTH-INDUCING IMPACTS OF THE PROPOSED ACTIONS

The *CEQR Technical Manual* requires the City to examine “‘secondary’ impacts of a proposed project that trigger further development. Proposals that add substantial new land use, new residents, or new employment could induce additional development of a similar kind or of support uses (*e.g.*, stores to serve new residential uses). Projects that introduce or greatly expand infrastructure capacity (*e.g.*, sewers, central water supply) might also induce growth.”²²⁴

In its analysis of the Proposed Actions, the City concludes that although the Proposed Actions would result in more intensive land uses, “it is not anticipated that the Proposed Actions would generate significant secondary impacts resulting in substantial new development in nearby areas...”²²⁵ The City explains that because the area already has “a well-established residential market and a critical mass of non-residential uses ... the Proposed Actions would not create the critical mass of uses or populations that would induce additional development outside the rezoning area.”²²⁶ Similarly, the City asserts that the Proposed Actions do not include the introduction or expansion of infrastructure capacity and will not introduce “new economic activity that would alter existing economic patterns in the study area.”²²⁷

The City’s analysis is incomplete in several respects. First, the City fails to disclose any standards guiding its determinations, concluding without explanation that a residential population increase of over 51% in the primary study area²²⁸ is not “substantial.” Absent any explanation of what “critical mass” *is* likely to induce additional development, it is difficult to assess whether the City’s conclusion on this point is sound. Second, the City fails to disclose any analysis that may have led to its conclusion that a population increase of this size will not trigger additional development. Did the City base this conclusion on the effects of past rezonings of similar neighborhoods? On a careful analysis of the surrounding markets? Or is this a conclusory assertion, unsupported by any analysis at all? The City does not say, and again, in the absence of full disclosure, it is impossible for the community to gauge whether the City’s analysis is complete or not. We demand that the City fully analyze and disclose the impact of the 51% increase in residential population in the primary study area on surrounding markets, including by carefully analyzing 1) the existing housing markets in each of the surrounding neighborhoods, and 2) the secondary effects of past neighborhood rezonings with comparable projected population increases. In addition, because the Proposed Actions will result in an influx of

²²⁴ CEQR Technical Manual Ch. 24, EIS Summary Chapters, para. 400.

²²⁵ East New York Rezoning Proposal Ch. 23, Growth-Inducing Aspects of the Proposed Actions, p.23-1.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg. 3-24.

residents with incomes far above those of current residents – as discussed more fully in our response to Chapter 3, Socioeconomic Conditions, even the “affordable” housing is not affordable at the income levels currently prevalent in the community, and most of the housing that will result from the rezoning will be market-rate and likely to increase in cost significantly over time – the City should fully analyze and disclose the potential secondary impacts of that higher-income population. Although we agree with the City that the residential market in the area is well-established, the residential market for *higher-income* housing is currently almost nonexistent. The potential secondary impacts of that higher-income population must be analyzed and disclosed, because it is more financially feasible and attractive for developers to build market-rate housing at higher rents. Therefore, it is reasonable to conclude that a significant increase of higher-income market-rate housing in the study area may lead to secondary impacts in neighboring communities, even though the existing residential development in ENY/CH has not had such an effect.

The Coalition also requests that the City thoroughly analyze the potential of the Proposed Actions to trigger additional development of “support uses (*e.g.*, stores to serve new residential uses).”²²⁹ Although we agree with the City’s assessment that the study area already has a critical mass of non-residential uses, the City fails to disclose the potential impact on support uses of residential development *geared toward higher-income populations*. This is a major oversight as the businesses currently in ENY/CH serve primarily low-income populations, and such businesses have often closed as local income levels increase, as a result of rezonings or otherwise. For instance, the 2004 rezoning of Downtown Brooklyn radically transformed the neighborhood from an area filled with small, independent businesses serving low- and moderate-income families²³⁰ to “a shopping mall” where chain stores are dominant.²³¹ Indeed, recent studies have shown that “Although isolated chain stores chip away at mom-and-pop shops, the most substantial displacement of independently owned business occurred in areas that were rezoned by the city and rebuilt by private developers. In these neighborhoods, commercial turnover was less of a ‘slow burn’ than a slash-and-burn.”²³² Nor is this phenomenon restricted to the rezoned areas themselves – often, “longstanding mom-and-pop shops outside of rezoned

²²⁹ CEQR Technical Manual Ch. 24, EIS Summary Chapters, para. 400.

²³⁰ OUT OF BUSINESS: THE CRISIS OF SMALL BUSINESSES IN REZONED DOWNTOWN BROOKLYN 2, Families United for Racial and Economic Equality (FUREE) and the Community Development Project of the Urban Justice Center (July 2008), https://cdp.urbanjustice.org/sites/default/files/oob_31jul08.pdf.

²³¹ Janet Upadhve and Nikhita Venugopal, “Chain Stores Surge into Downtown Brooklyn,” DNA INFO (May 8, 2014), <http://www.dnainfo.com/new-york/20140508/downtown-brooklyn/chain-stores-surge-into-downtown-brooklyn>

²³² Mike Owen Benediktsson, Brian Lamberta and Erika Larsen, “The Real Small Business Killer,” N.Y. DAILY NEWS (Oct. 12, 2014), <http://www.nydailynews.com/opinion/benediktsson-lamberta-larsen-real-small-business-killer-article-1.1970620>.

areas were displaced by a flood of new bars and restaurants.”²³³ For instance, “In a twenty-square block area of central Williamsburg, 90% of the 52 bars and restaurants are less than 10 years old, as a thriving food and nightlife scene emerged in less than a decade.”²³⁴ Though the Coalition is not opposed to new business development if the businesses serve and employ local people, we feel strongly that the City has prematurely dismissed the possibility that the Proposed Actions will result in an influx of support uses radically different than those currently within the study area and surrounding communities, particularly as the City’s plan proposes a significant amount of new “destination retail” for the area.²³⁵ We request that the City analyze and disclose the secondary impact of the Proposed Actions on support uses, including by carefully analyzing and disclosing 1) the existing support uses in each of the surrounding neighborhoods and the extent to which their services are marketed toward people at the income levels the Proposed Actions will introduce, and 2) the secondary impact of past rezonings of similar magnitude on support uses, including but not limited to local retail, with a particular focus on the extent to which support uses may have shifted not only in number, but also in type, including target demographics served.

The Coalition also questions the City’s assertion that the Proposed Actions will not introduce “new economic activity that would alter existing economic patterns in the study area.”²³⁶ The construction of multi-family housing and destination retail will be a major new economic activity in the area, a fact the City acknowledges in its analysis of indirect displacement, where the City notes that the Proposed Actions “would introduce market-rate housing into the area”²³⁷ and potentially “create a distinct market” for multi-family housing.²³⁸ In addition, given the massive amount of housing the Proposed Actions stand to create, it is foreseeable that the rezoning will bring significant numbers of construction, retail, and other jobs to the community. Indeed, the City has promised as much in its many presentations on the Proposed Actions as a way of garnering community support for the rezonings. Given this, it is critical that the City fully analyze and disclose the impacts of all such “new economic activity.”

Finally, we request that the City re-examine its assertion that the rezoning will not expand infrastructure capacity in a manner likely to trigger additional development.

²³³ *Id.*

²³⁴ *Id.*

²³⁵ “The Future of East New York,” NEW YORK CITY DEP’T OF CITY PLANNING, p.130 (stating that “Broadway Junction’s robust transit resources create a unique opportunity to establish a regional destination with retail [uses] ... to serve as an economic engine”),

http://www.nyc.gov/html/dcp/pdf/sustainable_communities/east_ny_report/east_ny_future_eny.pdf.

²³⁶ East New York Rezoning Proposal Ch. 23, Growth-Inducing Aspects of the Proposed Actions, pg. 23-1.

²³⁷ East New York Rezoning Proposal Ch. 3, Socioeconomic Conditions, pg. 3-51.

²³⁸ *Id.*

CONCLUSION: GOING BEYOND CEQR – THE NEED FOR TRUE COMMUNITY PLANNING

Throughout our response, we have identified many shortcomings in the City’s analysis under CEQR. We believe that with more rigorous analysis of likely impacts and a broader range of possible mitigation strategies, DCP could address and allay many of the concerns the ENY/CH community has raised throughout this process. But CEQR review presents two more fundamental problems: it is inherently flawed, and it is not a replacement for true community planning and meaningful community involvement. Although CEQR is the formal process by which city agencies analyze and disclose the impacts of proposed land use actions, including environmental, economic, and social impacts, the boundaries of CEQR review are limited, and the process also fails to assess many impacts that are of critical importance to local communities as they envision the future of their neighborhoods. These shortcomings are especially apparent when the CEQR process is applied to large, area-wide rezonings.

The CEQR disclosure process is not a replacement for true community planning, and if the current timeline for the rezoning in ENY/CH is insufficient to address the concerns we have identified throughout our response and engage the community in the important, necessary, and difficult work of planning, we urge the City to put a brake on its plans before it’s too late. ENY/CH and other low-income communities of color in this City have been railroaded too many times in the past, but there is still time to rewrite the story. We urge the City to engage in detailed community planning with residents and other stakeholders of Cypress Hills/East New York, even if doing so requires changing the timeline the City has so far envisioned for this rezoning.

A. Shortcomings of CEQR Review

1. The CEQR analysis relies on unrealistic assumptions.

The *CEQR Technical Manual* provides that study sites are “analyzed to illustrate a *conservative* assessment of the potential effects of the proposed project on sites likely to be redeveloped” (emphasis added),²³⁹ even though rezonings have often triggered dramatic market shifts, displacement, and other consequences far exceeding the City’s initial expectations.

The CEQR analysis also paints an unrealistic picture of displacement because “[i]n keeping with general CEQR practice, the assessment of indirect displacement assumes that the mechanisms for such displacement are legal.”²⁴⁰ As low-income tenants and homeowners know all too well, the sudden change in home values following a rezoning puts many longtime residents at risk of displacement through numerous illegal tactics, including harassment of rent-stabilized tenants by landlords are desperate to replace such tenants with higher-paying newcomers, and deed theft

²³⁹CEQR Manual Ch. 5, “Socioeconomic Conditions,” para 110.

²⁴⁰ CEQR Technical Manual, Ch. 5: Socioeconomic Conditions, para. 110, p.5-2.

scams that prey disproportionately on elderly homeowners, people of color, and those at risk of foreclosure. Because the City completely ignores these realities, it effectively forecloses conversation about much of the displacement that is likely to occur and makes it virtually impossible to consider, much less adopt, mitigation strategies to prevent illegal displacement tactics.

2. CEQR does not look at proposed actions in a broader context.

One critical shortcoming of CEQR is that Environmental Impact Statements only examine development within a designated “study area,” foreclosing analysis of further-away effects that may nonetheless have significant impacts on a community.²⁴¹ This practice is particularly troubling in the case of area-wide rezonings, which are likely to have spillover effects far greater than individual site developments. For example, the City significantly underestimated the infrastructural impacts that the 2005 Greenpoint-Williamsburg rezoning would have.²⁴² As a result, the rezoning caused severe overcrowding on the L subway line, which continues to this day.²⁴³

The CEQR analysis also fails to fully analyze and disclose the cumulative impacts that proposed actions will have in conjunction with other projects pursued by the City and property owners.²⁴⁴ Even if proposed actions alone do not trigger the thresholds for preliminary or detailed analysis as defined by CEQR, the cumulative impacts can nonetheless be overwhelming. For example, the cumulative effects of several neighboring rezonings can cause significant strain on infrastructure and community facilities, resulting in unacceptable levels of service.²⁴⁵ But “[t]he combination of limited cumulative impacts analysis with tightly drawn study areas is to focus environmental review on the definite, local impacts of a development and away from macro-level analysis.”²⁴⁶ In other words, CEQR loses the forest for the trees, encouraging a myopic focus that obscures the big picture of development and its true impact on New York City neighborhoods.

CEQR also grants the City discretion to determine the analysis period for its actions, in a manner that forecloses conversations about impacts beyond that period. To its credit, the *CEQR*

²⁴¹Noah M. Kazis, *Note: Environmental Review as an Incentive for Parking Provision in New York and California: Moving from Conservatism to Conservation*, 41 *Transp. L. J.* 157, 181.

²⁴²Tom Angotti, *Land Use and the New York City Charter* (Aug. 10, 2010), pg. 13, available at <http://www.hunter.cuny.edu/ccpd/repository/files/charterreport-angotti-2.pdf>.

²⁴³Leo Goldberg, *Game of Zones: Neighborhood Rezoning and Uneven Urban Growth in Bloomberg’s New York City*, DEP’T OF URBAN STUDIES AND PLANNING – MIT, (June 2015), page 21.

²⁴⁴Letter between Richard S. Bashner and Robert Dobruskin, RE: CEQR No. 08DCP033K (Mar. 24, 2008), available at http://www.brooklyncb6.org/_attachments/2008-03-24%20363-365%20Bond%20Street%20Scoping%20Testimony.pdf.

²⁴⁵Letter between Richard S. Bashner and Robert Dobruskin, RE: CEQR No. 08DCP033K (Mar. 24, 2008), available at http://www.brooklyncb6.org/_attachments/2008-03-24%20363-365%20Bond%20Street%20Scoping%20Testimony.pdf.

²⁴⁶Noah M. Kazis, *Note: Environmental Review as an Incentive for Parking Provision in New York and California: Moving From Conservatism to Conservation*, 41 *Transp. L. J.* 157, 181.

Technical Manual suggests that actions “that would facilitate large-scale development over a significant geographic area may sometimes warrant build years beyond a ten-year horizon.”²⁴⁷ In this case, the City used a 15 year study period, based on the City’s belief that the development is likely to be “gradual and is expected to occur over a 15-year period by private developers on a site-by-site basis, rather than all at once with the full effects being reached in 2030.”²⁴⁸ Still, even a fifteen year study period seems inadequate when the City is making decisions today that will continue to impact the landscape of East New York for generations to come. For instance, development projects that receive 421(a) tax breaks and HPD subsidies will be built within the study period, contributing to the affordable housing stock during that time. But these units will not be permanently affordable, and as buildings exit their regulatory agreements – an event that will occur more or less simultaneously for all of the buildings constructed at the same time – the neighborhood will experience a massive loss of affordability. Though this is a predictable long-term consequence of the City’s decisions, because these events will transpire after the 15-year window, they are not of central importance to the City.

3. The City uses old, inadequate data to assess the effects of proposed actions.

Portions of the CEQR analysis invite incorrect conclusions about project impacts, in part because of reliance on outdated information and/or failure to differentiate between population patterns in different communities that would result in differential impacts. For instance, CEQR requires the City to predict how many school-age children will live in newly-built units, and a project that adds more than 50 students to a local school is deemed to have an adverse impact on that school, for which DCP must explore mitigation strategies. Although this calculation varies by borough – for instance, new residential units in the Bronx are calculated to produce a population increase of school-age children three times the size of the comparable increase triggered by new units in Manhattan - the equation relies on fifteen-year-old data, and does not differentiate between neighborhoods within a given borough.²⁴⁹ As a result, CEQR does not account for dramatic changes in housing patterns that have occurred within each borough, and across different neighborhoods over the last 15 years.²⁵⁰ Because of these shortcomings, in certain neighborhoods, the CEQR analysis is likely to consistently underestimate the impact of new development on local schools.²⁵¹

In other instances, the problem is not simply that the data is old, but rather that the City has failed to develop systems to keep track of the relevant information. For example, even though CEQR requires a rigorous analysis of displacement impacts, there are few data sources that

²⁴⁷ CEQR Technical Manual, Ch. 2, Establishing the Analysis Framework, B. para. 100.

²⁴⁸ DEIS, Notice of Completion, pg. 26.

²⁴⁹ Lindsay Fritchman, *Request for reform of CEQR Analysis of Impacts on Public Schools*, New York Lawyers for the Public Interest (April 2014), p. 4-5.

²⁵⁰ *Id.* at 7.

²⁵¹ Corey Johnson & Robert J. Benfatto, Jr., *Statement of District Needs*, Manhattan Community Board No. 4 (Fiscal Year 2014), available at <http://www.nyc.gov/html/mancb4/downloads/pdf2012/32%20BTF%20Statement%20of%20District%20Needs%20FY%202014.pdf>.

permit the City to effectively assess displacement. As a recent article on gentrification in Bushwick explains:

The Census Bureau’s annual American Community Survey asks residents where they moved from since the previous year — but only tracks that to the county level, meaning it’s impossible to separate out those who relocate from Bushwick from those who migrate from Park Slope or Coney Island. The Internal Revenue Service likewise keeps records of who moves where, but only releases it aggregated by county. On the city level, meanwhile, only the Department of City Planning has attempted to investigate migration from gentrifying neighborhoods, and so far only by crunching the existing Census data, meaning detailed migration information isn’t available. The Department of Education, which could examine school registration records, doesn’t release data on movement of school-age children between districts.²⁵²

Though city officials frequently try to reassure community members that their fears about displacement are unfounded, the truth is that the city simply does not know what happens to people after they leave a neighborhood. This creates a lopsided view of the effects of any city land use action, obscuring those who may have been painfully pushed out as a result of the city’s actions and leaving the residents who remain or newly move to the area as the sole judges of the actions’ success.

4. The CEQR process does not take into account the human experience of living in a community – and losing it.

The CEQR guidelines are inadequate to address the effects of an action on “neighborhood character.” The *CEQR Technical Manual* defines neighborhood character as an amalgam of various elements that give neighborhoods their distinct “personality,”²⁵³ but New York City residents define their neighborhood by many elements not expressly stated in this narrow and generic list, including, critically, the types of people who live in their neighborhoods.²⁵⁴ As discussed in our response to the Socioeconomic Conditions chapter, we believe that CEQR requires the City to disclose the impact of Proposed Actions on certain vulnerable demographic groups, including people of color . We do not believe that CEQR precludes such an analysis – and indeed, that the Fair Housing Act demands it. Nevertheless, because an analysis of impacts on people of color, specific racial or ethnic groups, immigrants, seniors, and other local populations is not expressly required by the *Technical Manual*, DCP has generally failed to conduct any such analysis, and courts have not faulted them for it.²⁵⁵ As a consequence, the City has proceeded with many rezonings that have dramatically changed the cultures and racial and

²⁵² Id.

²⁵³ CEQR Manual Ch. 21, “Neighborhood Character,” para 100.

²⁵⁴ Katherine Ghilain, *Improving Community Character Analysis in the SEQRA Environmental Impact Review Process: A Cultural Landscape Approach to Defining the Elusive “Community Character”*, 17 N.Y.U. Envtl. L.J. 1194, 1198.

²⁵⁵ See *Matter of Chinese Staff & Workers Assn. v Bloomberg*, 26 Misc 3d 979, 989 [Sup Ct, NY County 2009].

ethnic compositions of neighborhoods without ever analyzing the likely impact of such shifts or mitigation strategies to limit disproportionate impact on certain marginalized groups. For example, the 2005 Greenpoint-Williamsburg rezoning caused the Latino population of these neighborhoods to plummet by 2,500 people, while the white population increased by more than twice that number.²⁵⁶ The City's failure to even consider the impacts of proposed rezonings on low-income people of color is galling, especially in the context of the many earlier development policies that have helped make New York City one of the most segregated and unequal metropolises in the U.S. today. The City's insistence that consideration of racial impacts falls outside the purview of CEQR, coupled with its failure to provide for any meaningful opportunity for community input outside of CEQR, has dire consequences. The City has made it impossible to seriously discuss – much less address – historic and present patterns of segregation, divestment and inter-group inequality in the city planning process.

Although the *Technical Manual* does invite inquiry into whether a proposed action threatens the “defining features” of a neighborhood – a process that goes beyond the areas enumerated and analyzed in the initial assessment of neighborhood character²⁵⁷ – the guidelines focus primarily on physical assets within the neighborhood, not the individuals who live there. For example, the CEQR guidelines suggest that a neighborhood character assessment may consider whether a particular type of housing defines an area and whether displacement of that type of housing would affect neighborhood character.²⁵⁸ The *Technical Manual* likewise suggests that neighborhoods may be described “by the regularity of street grid, building form, site planning and configuration, parking, and streetscape, as well as by predominant land use(s).”²⁵⁹ By focusing on physical characteristics of an area and not its residents, the CEQR guidelines suggest that “neighborhood character” is defined primarily by how the physical space looks, not the people who make the community home. However, the CEQR guidelines should be interpreted more broadly. As per CEQR, a significant adverse impact in one of the technical areas that contributes to a neighborhood's character serves as an indication that neighborhood character should be examined. In the case of ENY/CH, if the Socioeconomic Conditions analysis shows that there will be significant displacement affecting the residents of the community, a defining feature of ENY/CH, then a neighborhood character assessment is warranted.

CEQR also does not provide a space where the City can consider the human impact of displacement – not simply the number and type of people displaced, but the many individual experiences of displacement and disruption rapid neighborhood change can cause. Significant research from other jurisdictions documents the profound long-term losses suffered by those who are displaced – a cost that CEQR is ill-equipped to measure. As one example, interviews with people forced to relocate from Boston's West End found that the psychological harms inflicted

²⁵⁶ Leo Goldberg, *Game of Zones: Neighborhood Rezoning and Uneven Urban Growth in Bloomberg's New York City*, DEP'T OF URBAN STUDIES AND PLANNING – MIT, (June 2015), page 51.

²⁵⁷CEQR Manual Ch. 21, “Neighborhood Character,” para 320.

²⁵⁸CEQR Manual Ch. 21, “Neighborhood Character,” para 320.

²⁵⁹CEQR Manual Ch. 21, “Neighborhood Character,” para 331.2.

by forced displacement went far beyond the initial disruption caused by the move itself. Instead, “for the majority it seems [accurate] to speak of their reactions as expressions of *grief*,” and feelings of loss persisted for years. “In response to a series of questions concerning the feelings of sadness and depression which people experienced *after* moving, many replies were unambiguous: ‘I felt as though I had lost everything,’ ‘I felt like my heart was taken out of me’..., ‘I lost all the friends I knew’...”²⁶⁰ Likewise, studies of the urban renewal period - another major policy initiative rooted in the notion that development and displacement must go hand in hand - have concluded that rapid neighborhood change can destroy the social networks upon which people depend, and “by forcing people to rebuild their lives separately amid strangers ... slum clearance [came] at a serious psychological as well as financial cost to its supposed beneficiaries.”²⁶¹ We are concerned that the City’s actions, however well-intentioned, may in time prove to be as painful and costly as the City’s land use decisions during urban renewal.

B. The Need for Meaningful Community Planning

As a whole, the CEQR process amounts to little more than an exercise in disclosure. There is no single City agency in charge of promoting the use and understanding of the CEQR process, and the process is “limited to narrow disclosure objectives, more geared towards protecting applicants against future lawsuits than stimulating awareness of potential impacts.”²⁶²

If the rezoning proposal for ENY/CH is approved, we are confident that the Department of City Planning will tell compelling stories about its success in engaging community members in the process. As representatives of many local organizations who have worked in the community for years, we are here to say that those will be stories – nothing more. Many, if not most residents of ENY/CH lack adequate information about the proposed rezoning, in part due to many access barriers that have characterized DCP’s planning process. As we noted in our comments to the Draft Scope, most of the visioning events held by DCP in the fall and winter of 2014 – billed by DCP as “listening sessions ... to identify local needs, challenges and opportunities”²⁶³ – failed to provide simultaneous Spanish translation²⁶⁴, even though almost half of ENY/CH residents are Spanish speakers. For several meetings, DCP provided some translation services, but in a manner

²⁶⁰Marc Fried, 151, *Grieving for a Lost Home*, in *THE URBAN CONDITION: PEOPLE AND POLICY IN THE METROPOLIS*, ed. Leonard J. Duhl. Basic Books: New York, 1963.

²⁶¹Herbert J. Gans, 541, *The Failure of Urban Renewal*, in *URBAN RENEWAL: THE RECORD AND THE CONTROVERSY*, James Q. Wilson, ed. M.I.T. Press: Cambridge, MA, 1966.

²⁶²Tom Angotti, Land Use and the New York City Charter (Aug. 10, 2010), pg. 11, *available at* <http://www.hunter.cuny.edu/ccpd/repository/files/charterreport-angotti-2.pdf>.

²⁶³“East New York Community Planning: The Process,” Dep’t of City Planning,

http://www.nyc.gov/html/dcp/html/east_new_york/east_new_york4.shtml.

²⁶⁴DCP did not provide simultaneous translation for public meetings on September 20, October 2, October 16, October 29, November 15, November 20, or December 18.

inadequate to meet the needs of monolingual Spanish speakers.²⁶⁵ DCP also failed to provide Bengali translation for most, if not all of its meetings, despite the significant presence of Bengali speakers in the community. Most of DCP's meetings were also inaccessible to parents, and especially single parents, in the neighborhood as DCP failed to provide child care for evening or Saturday public meetings, despite repeated requests from community organizations. This failure is especially distressing given that 26% of homes in Community Board 5 are headed by single parents. DCP also failed to provide reasonable notice for its public meetings, often sending out flyers to community organizations just a few days before critical events. Despite our best efforts to get the word out, this simply was not enough time in many cases. By way of contrast, the Coalition begins to advertise its community meetings a month in advance, and continues to conduct outreach in the weeks leading up to a meeting date. The Coalition also provides food and devices for simultaneous translation at all of its meetings – important tools to make meetings more accessible to a wide range of community members, and tools that the City, with its vast resources, should have deployed at along.

The East New York Community Plan that is currently being considered for approval was released by the City in late September and certified for ULURP that same day. Since then, we and other community advocates in ENY/CH have been doing everything in our power to review the plan, craft our responses, and engage community members to participate in what remains of the process – but the clock is quickly running down. If the City is truly interested in incorporating community feedback into its plans for ENY/CH, we urge the City to stop the clock to permit meaningful consideration of the omissions and inaccuracies we have raised and a full analysis of the Alternative Plan the community has developed.

C. Oversight and Accountability

If the City forges ahead with the rezoning despite significant community opposition, we strongly urge the City to adopt the modifications and mitigation strategies we have proposed throughout our response. Too many communities have been promised great things by developers and City officials alike, only to realize that pledges made at zoning hearings,²⁶⁶ promises made to Council Members,²⁶⁷ and even agreements worked out by the City²⁶⁸ are rarely enough to secure

²⁶⁵ As noted in our comments to the Draft Scope, for several meetings, DCP provided a staff person who speaks Spanish but is not proficient in simultaneous translation with headsets. DCP failed to provide adequate accommodations for monolingual Spanish speakers even after Cypress Hills Local Development Corporation, Inc. (CHLDC) provided both a referral for a proficient, professional simultaneous interpreter and interpretation equipment.

²⁶⁶ Erik Engquist, "As Jehovah's Witnesses cash in, former councilman lashes out," CRAIN'S NEW YORK BUSINESS (Dec. 17, 2015), http://www.crainsnewyork.com/article/20151217/BLOGS04/151219858#utm_medium=email&utm_source=cnyb-morning10&utm_campaign=cnyb-morning10-20151217.

²⁶⁷ Serena Dai, "New Rheingold Developer Won't Commit to Affordable Units, Locals Say," DNAINFO (June 23, 2015), <http://www.dnainfo.com/new-york/20150623/bushwick/new-rheingold-developer-wont-commit-affordable-units-locals-say> (describing a developer who refused to honor a commitment to affordable housing made by a prior owner of a site, who had received an upzoning of the site in part on the basis of that promise).

meaningful community benefits. This is why we have urged the City to modify its plans to enshrine more commitments within the zoning text, including the creation of a Mandatory Inclusionary Housing Option that will guarantee permanent and deep affordability of 30% of all new construction at 30% AMI, the protection of existing manufacturing uses, and a special district that includes community facility zoning, anti-harassment protections, and provisions for a Payment in Lieu of Taxes (PILOT) fund to help meet future community needs.

To ensure ongoing oversight and accountability around all elements of the rezoning, including the full range of mitigation strategies we believe are necessary to make this rezoning a success, it is critical that the City adopt policies that will permit improved oversight and greater community involvement going ahead. We ask that the City:

- *Establish an Office of Neighborhood Development charged with ensuring the effective and timely implementation of the rezoning plan and related mitigation strategies, as modified by the Coalition’s input. This office would work much like the Office of Recovery and Resiliency, serving as overall coordinator of all city agencies in relation to the rezoning action and related neighborhood plan. The office could ensure that the community receives the protections, investments, infrastructure and services it has been promised.*
- *Establish a Neighborhood Cabinet to serve as an empowered advisory board to work together with the City agencies on neighborhood planning policies and initiatives.*
- *Ensure meaningful and ongoing opportunities for community engagement throughout the implementation of the rezoning plans, led by community members in partnership with the City.*
- *Create a set of financing tools and incentives to encourage private developers to work with community-based organizations to meet local needs and priorities – similar to the Brownfield Tax Credit that kicks in for developers in State-designated Brownfield Opportunity Areas who “meet the goals and priorities” established by the community.*
- *Create an Evaluation Tool that tracks demographic data and is based on equity, health and well-being, and sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation. Indicators spelled out in the One New York plan should be adjusted to include re-zoning specific indicators (e.g. community inclusion in major land use decision making processes) and used to evaluate progress alongside baseline demographic data.*

The people of East New York are eager to work with the City to ensure a bright future for the community. We hope that the City is ready to collaborate with us as true partners.

²⁶⁸ For instance, the Bloomberg administration worked extensively with the City Council around the 2005 Greenpoint-Williamsburg rezoning to reach “Points of Agreement” regarding the rezoning, including agreements to secure significant amounts of affordable housing and a public park. *See* “Points of Agreement: Williamsburg Rezoning” (May 2, 2005), <http://www.scribd.com/doc/93709602/Points-of-Agreement>. More than ten years later, only a fraction of the promised affordable housing has been built, and the promised park has yet to be delivered.

APPENDIX

Coalition for Community Advancement: Progress for East New York/Cypress Hills' East New York Neighborhood Re-Zoning Community Plan

East New York Rezoning: Summary Comparison of Coalition Plan, City's Plan, And the Draft Environmental Impact Statement



EAST NEW YORK NEIGHBORHOOD RE-ZONING | COMMUNITY PLAN

*COALITION FOR COMMUNITY ADVANCEMENT:
PROGRESS FOR EAST NEW YORK/CYPRESS HILLS*
STEERING COMMITTEE MEMBER ORGANIZATIONS:

Arts East New York, Cypress Hills Local Development Corporation, Local Development Corporation of East New York, Highland Park Community Development Corporation, Muhammad Mosque 7c, North Brooklyn YMCA, Sabaoth Group, St. Peter's Lutheran Church, United Community Centers, COFAITH Church, local houses of worship, residents, and business owners
(list in formation)

REPORT PREPARED BY:



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EAST NEW YORK NEIGHBORHOOD RE-ZONING COMMUNITY PLAN | EXECUTIVE SUMMARY



East New York/Cypress Hills residents deeply understand the desperate need for affordable housing in our neighborhood. At the same time, the threat of displacement is real – evidenced by recent speculation and tenant harassment. We are not willing to trade an historic projected influx of new residents and the consequent impact on already inadequate local infrastructure for a small percentage of affordable units. East New York/Cypress Hills is our home – we have long advocated for better and more schools and community facilities, good, local jobs, transportation improvements, more open space, and increased access to fresh food. Those priorities must be proactively and concretely addressed in any rezoning. We look to the City to work with us to create a Neighborhood of Opportunity, where increased density results in increased affordability, living wage jobs, improved infrastructure, and essential amenities.

HOUSING

The City has committed to 50% mandatory affordability for future housing development. HPD has set aside funding to build 1,200 subsidized units over the next two years. These are tremendous victories for our community, and evidence of the Administration's commitment to current East New York residents and the long-term development of our neighborhood. There is still more work to be done.

CHALLENGES

The existing local need for affordable housing – evidenced by rent burden, homelessness, illegal conversions, and overcrowding – far outstrips the number of projected and potential affordable units generated by the rezoning.

Home values within the study area have risen by more than 150% since 2012. The result has been increased tenant harassment by landlords.

The AMI of East New York homeowners is significantly lower than the citywide average, making local homeowners and their tenants more vulnerable to housing market changes.

SOLUTIONS

- Create a dedicated construction fund of \$525 million to finance the development of 5,000 new, permanently affordable units at \$105K/unit.
- Mandatory Inclusionary Zoning (MIZ) should provide for 50% of units in new developments to be permanently affordable and locked into current neighborhood incomes (up to \$50,340/year) without any additional bonus granted to the developers for MIZ units.
- Institute strong anti-displacement policies such as a Good Neighbor Tax Credit and an Investor Purchaser Transfer Tax to incentivize tenant protections by their landlords and discourage speculation.
- Fund both legal and organizing services to combat tenant harassment with a payment in lieu of taxes (PILOT).
- Create a fund for capital upgrades for low-income homeowners to finance roof replacements and energy efficiency measures to offset rising housing costs, improve health indicators associated with indoor air quality, and develop a retrofit and small home repair market for local contractors.

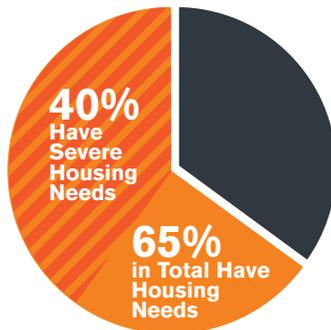
Of the 13,053 Households within the DCP Rezoning Area:

Severe Housing Needs Include:

- 4,611 People with Housing costs that are > 50% of their income
- 243 People Entering Homeless shelters
- 392 People in Severely Overcrowded Residences

Total Housing Needs Also Include:

- 3,030 People with Housing costs that are between 30%-50% of their income
- 783 Overcrowded Residences
- 1,839 Severely Overcrowded Residences



Source: Association of Neighborhood and Housing Development, Inc. (ANHD)

East New York Home Sales Prices Between Nov 2012 and Mar 2015



8 months average duration between sales
Source: zillow.com

ECONOMIC + WORKFORCE DEVELOPMENT

Unemployment in East New York is more than 3X that of NYC overall



CHALLENGES

Existing small and local retail and services (mom and pop shops) are the commercial lifeblood of the Cypress Hills/East New York community and there is no protection for these businesses via commercial rent stabilization or other policies.

Evidence shows that MX zoning puts manufacturing businesses and future manufacturing development at risk and disproportionately favors future residential development.

At over 19%, East New York has one of the highest rates of unemployment in the City and in the country.



SOLUTIONS

Develop a retail plan for the rezoning area, including set asides of discounted commercial rentals for Mom & Pop businesses in new developments, small business technical and legal assistance and tax breaks for owners of mixed-use buildings who maintain long-time small businesses.

Preserve portions of existing industrial zoning and strengthen the ENY Industrial Business Zone by not allowing non-industrial uses to be located there as-of-right. Research shows that MX zoning threatens manufacturers and manufacturing jobs by encouraging residential development. It does not belong in East New York.

Establish a Workforce 1 Satellite Center and a Youth Development Opportunity Center in East New York to prepare residents for local placements in construction, manufacturing, and service jobs.

Link mandatory local hiring requirements to government subsidy programs, including, but not limited to, housing and economic development subsidies.

INFRASTRUCTURE - TRANSPORTATION + MOBILITY

CHALLENGES

70% of ENY residents rely on public transportation to get to their jobs and commute times are very long (60 to 90 minutes). J/Z trains break down more often than average, and C trains break down more than any other in the MTA system.

The B12 bus route along Liberty Avenue was discontinued in 2010, removing an important public transportation route for local residents and workers.

North/south connectivity in the neighborhood is extremely challenging, with only four streets and one bus route that cross more than a 1.5 mile section of Atlantic Avenue. This results in frequent traffic jams, unsafe pedestrian conditions, noise and air pollution and elevated stress.

ConEd has determined that East New York infrastructure is inadequate to support current energy demand.



SOLUTIONS

Increase frequency and improve quality and accessibility of A/C and J/Z service.

Re-institute the B12 bus line along Liberty Avenue.

Improve connectivity by increasing the number of north/south streets and bus routes that cross Atlantic Avenue.

Large-scale energy retrofits and upgrades of existing residential stock must be implemented. Stringent requirements for energy efficient, green, and healthy construction must be mandated for new developments.

COMMUNITY FACILITIES + RESOURCES

Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase, the City must act now to pro-actively acquire sites for community facility development. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket.



Cypress Hills Community School/P.S. 89

CHALLENGES

Currently, schools in and around the rezoning area are overcrowded and provide insufficient space for learning – evidenced by “temporary” trailers in parking lots. →

There is no community center in the rezoning area that offers comprehensive services for children, young adults, parents and the elderly. →

SOLUTIONS

We applaud the City’s commitment to develop one new school on Atlantic Avenue as part of the rezoning effort. However, the population growth as projected by DCP will result in a projected deficit of more than 3,400 school seats – or anywhere between 4 and 7 new schools. Large development sites must be identified, aggregated, earmarked and included in the DOE’s Capital Plan for school construction now.

A community center development site must be identified and earmarked as part of the rezoning.

ZONING + LAND USE

CHALLENGES

Increased population density will increase demand on already overburdened community facilities and resources, including schools, health centers, grocery stores, police, fire, and sanitation services, among others. →

Increased density should be encouraged in areas where it is most appropriate, including major east-west corridors and near subway stations. →

SOLUTIONS

Create and map a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for the provision of needed community facilities, services and/or infrastructure within or as an accessory to new developments now and well into the future supported by a payment in lieu of taxes (PILOT) to fund the construction of community facilities and resources.

Keep existing zoning designations on side streets in order to balance out significant increases in density on the major east-west corridors. R6A on side streets between Atlantic and Liberty Avenues is unacceptable.

GOVERNANCE

East New York residents have invested many years into the growth and development of their neighborhood over the years. They also have put a lot of time and energy into gathering input from their neighbors and crafting recommendations preceding and throughout the most recent Neighborhood Plan process. ENY residents need to know that their input is taken seriously, how it will be incorporated into the rezoning plan to be approved by the City Planning Commission, and who they will work with in the future to ensure implementation meets clearly stated community needs and priorities.



CHALLENGES

Currently, no mechanism exists to ensure that community input is incorporated into the final Neighborhood Plan and Rezoning action. Further, where the Plan lives after it is approved, how it is implemented, and how the impact of the zoning action and Plan is tracked remain open questions.



SOLUTIONS

Establish an Office of Neighborhood Development charged with ensuring the effective and timely implementation of the re-zoning plan, to serve as overall coordinator of all city agencies;



Establish a Neighborhood Cabinet to serve as an empowered advisory board to work together with City agencies on neighborhood planning policies and initiatives;



Create an Evaluation Tool based on changing demographic information - equity, health and well-being, just city and sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation.

NEXT STEPS

East New York/Cypress Hills has long been a **NEIGHBORHOOD OF OPPORTUNITY** – a place that welcomes immigrants and gives residents a “leg-up” to climb the economic ladder. New York City must preserve and invest in these kinds of communities to ensure that residents can advance out of poverty in greater numbers. That kind of proactive neighborhood development requires an integrated approach to change – planning not only for increased density for deeply affordable housing, but also for equitable economic development, excellent schools, and needed community resources.

Our neighborhood is our home and we expect to enjoy the change that we have fought so long and hard for over the years.





INTRODUCTION

The Coalition for Community Advancement: Progress for East New York/Cypress Hills is a coalition of community and civic organizations, small businesses, houses of worship and local citizens working together to advocate for affordable housing, new and good jobs, and a voice in the future of our neighborhood.

East New York/Cypress Hills is undergoing major land use and policy changes that threaten to displace long-time residents and businesses unless strong and innovative anti-displacement policies are developed and implemented now. The City has proposed to rezone the northern part of the neighborhood to allow for major physical changes that, in turn, will facilitate a significant population increase. Anticipation of these changes has led to speculation that threatens the possibility of building affordable housing on key sites that have long been identified for affordable housing by the community. With the community's future at stake and the City's community engagement process found wanting, the Coalition for Community Advancement formed to lead a grassroots community planning process focused on developing a comprehensive neighborhood plan.

What follows is the Coalition's vision for the future of East New York/Cypress Hills based on four years of extensive, community-led visioning. The report consists of six sections focused on Housing, Economic and Workforce Development, Infrastructure, Community Facilities and Resources, Zoning and Land Use, and Governance. Key points include:

Housing – We provide framework to ensure that new affordable units meet the community's great need for housing and are tailored to the neighborhood's income levels. Innovative anti-displacement and harassment policies to preserve the existing affordable housing stock are laid out.

Economic + Workforce Development – Manufacturing is a crucial economic development tool that provides living wage careers for immigrants and people of color – a majority of East New York/Cypress Hills residents. In addition, small businesses are crucial to the fabric of our community and their protection must be a priority.

Infrastructure – Current infrastructure – from power to water to transportation – is inadequate and must be upgraded to improve connectivity and the basic functioning of the existing community and for any future population increase.

Community Facilities + Resources – The community has long advocated for a community center and other necessary community facilities. We must take advantage of zoning as a tool to meet these needs.

Zoning + Land Use – Through a special purpose district, zoning will ensure that future residential development is linked to the development of much needed community facilities.

Governance – The City must keep the community engaged throughout the implementation of the East New York Community Plan and proactively address alarming demographic shifts.

The Coalition has taken on the many challenges of rapid change and a massive projected increase in population in our neighborhood – more than twice the current population – and worked hard to develop innovative and implementable solutions to those challenges. We look forward to additional solutions that the City must provide.

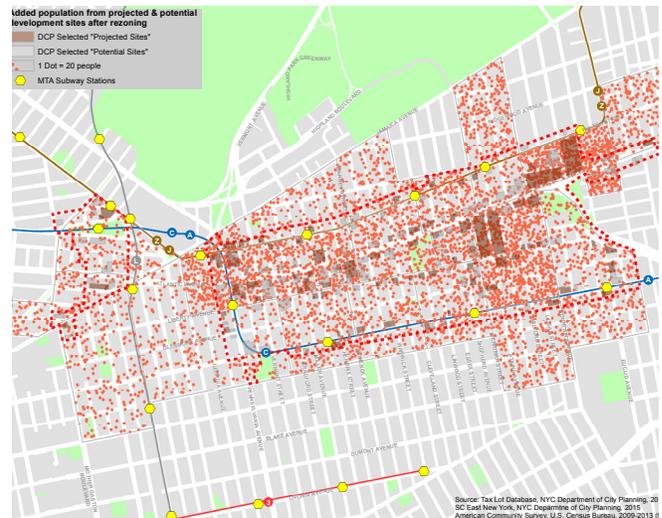
Projected Population Density Increase in Proposed Rezoning



Population Density in East New York, 2010

2010 Population in Study Area: 54,000

source: 2010 Census, based on census tract



Population Density from projected and potential development sites after proposed rezoning

Future Population Estimates After Rezoning: 82,000 to 123,000

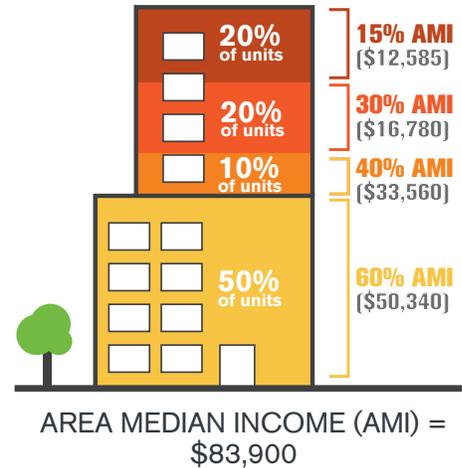
source: DCP Draft EIS for the rezoning. DCP identifies 9600 dwelling units from Projected Sites and 7,600 from Potential Sites. Assuming each household is 3.5 people and each unit is 1000 sq ft.

1. HOUSING

CHALLENGES

- The existing local need for affordable housing -- evidenced by rent burden, homelessness, illegal conversions, and overcrowding -- far outstrips the number of projected and potential units generated by the rezoning.
- Two-thirds of residents within the zoning area are rent burdened, severely rent burdened, overcrowded or homeless.
- Increased land values are escalating the amount of City subsidy that will be needed to achieve the City's desired number of affordable units.
- There are approximately 40,000 rental units in CD 5: 22,000 rental units (54%) are NYCHA-owned, rent regulated or government assisted. The remaining 18,000 units (46%) are vulnerable to extreme rent fluctuations. Of the 22,000 of regulated units, an estimated 780 units are currently at risk of losing their affordability because of a government program or regulatory agreement that is set to expire in the next five years.
- Home values have risen by more than 150% since 2012. The result has been increased tenant harassment by landlords and a demographic shift between long-time and new homeowners.
- The average median income of homeowners in Cypress Hills/ East New York is significantly lower than the citywide average, making local homeowners more vulnerable to housing market changes.
- The foreclosure crisis is significant in East New York: between February 2011 and early 2015 there were over 3,500 *Lis Pendens* filings in zip codes 11207 and 11208.

ENY Coalition AMI Proposal



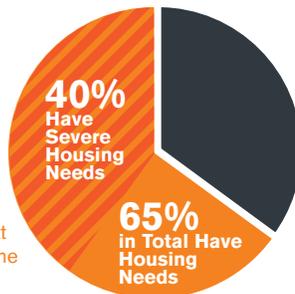
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Total Housing Needs Also Include:

- 3,030 People with Housing costs that are between 30%-50% of their income
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- 1,839 Severely Overcrowded Residences



Source: Association of Neighborhood and Housing Development, Inc. (ANHD)

East New York Home Sales Prices Between Nov 2012 and Mar 2015



8 months average duration between sales

Source: zillow.com

SOLUTIONS

Mandatory Inclusionary Zoning (MIZ)

- Developers must not be allowed an additional buildable space bonus in exchange for building MIZ units, maintaining zoning heights.
- 50% of the units in each development must be set aside as affordable units.
- The levels of affordability of the MIZ units must be pegged to the neighborhood's AMI levels.
- The MIZ units must be permanently affordable, without any possibility for transition to market-rate units, and locked to current AMI levels up to 60% AMI or a family earning \$50,340/year.
- Developers using subsidies must either build more affordable housing or build at deeper affordability levels.
- No poor doors, equal apartment typologies across the development, and access to all public/building amenities.

New construction of affordable housing

- New housing development must reflect neighborhood AMI levels.
- Create a dedicated construction fund to be used as HPD subsidy to finance the development of new, permanently affordable, family-sized housing units (\$525 million for 5,000 units at \$105,000 each).
- Large potential development sites (over 50,000 sf) where the owner is not pursuing the development of affordable housing must be excluded from the re-zoning. By not utilizing these properties for much needed and City-sought affordable housing, we are forfeiting what amounts to a once in a lifetime opportunity to maximize limited developable land, and take advantage of true economies of scale to develop large amounts of affordable units, as well as difficult-to-develop community resources that require large footprints (e.g. schools, community centers and grocery stores).
- HPD must aggressively pursue owners that have acquired property in the last two years to incentivize affordable housing development and services.
- Exclude Arlington Village from the rezoning. At well over 300,000 sf, multiple community facilities and hundreds of deeply affordable units could be developed on this site alone. The poor condition of the buildings on this site have long been a blight both on the community at large and on Arlington Village residents themselves. Multiple elected officials and non-profit developers have tried over decades to purchase the site for affordable housing and community facility development. The rezoning should not offer the owner the ability to make a windfall profit in exchange for market rate housing after years of willful neglect.

Anti-displacement and preservation of regulated and unregulated housing

- Protect existing affordable multi-family housing by recapitalizing, restructuring, and requiring permanent affordability of 100% of the units coming out of their regulatory period.
- Create and implement tools to prevent speculation, tenant harassment, and displacement, including but not limited to:
 - Good Neighbor Tax Credit – property tax credit to incentivize modest tenant protections by providing an un-regulated, month-to-month tenant a one-year lease. In exchange, the landlord would receive a property tax credit equal to 50% of the difference between the market rent and the actual rent OR 50% of the tax bill, whichever is lower.
 - Investor Purchaser Transfer Tax -- increase the transfer tax on all transfers to non-owner occupied/investor-purchased units.
 - Investor Landlord Tax Classification – reclassify investment-purchased small homes (1 to 4 units) as Class 2 properties to increase property tax rates.
 - HPD must actively seek out responsible developers with strong ties to the community to implement new developments. HPD should not finance projects of landlords/owners and developers who have violated the Tenant Protection Act for at least 5 years.

- Citywide anti-harassment legislation based on the Special Clinton District, which requires owners of multiple-dwelling buildings to apply for a Certification of No Harassment from HPD prior to seeking a DOB permit to alter, demolish, or change the shape or layout of a building. (See the Appendix for more information.)

Support low-income homeowners (and their tenants)

- Create a fund for capital upgrades for low-income homeowners to finance roof replacements and energy efficiency measures to offset rising housing costs. At the same time, develop the retrofit and small home repair market for local contractors.
- Explore ways that the City can lower the rates for water and sewer bills for long-term, low-income owner-occupants of 1 to 4-family homes.
- Extend the tax exemptions of homeowners who purchased subsidized homes through HPD in East New York through the Neighborhood Homes Program.
- Establish the Community Restoration Fund to initiative the mission-driven purchase of distressed mortgage notes in East New York (and other NYC neighborhoods), allowing homeowners to stay in their homes while keeping properties out of the hand of private investors and real estate speculators.
- Allocate \$4.5 million to fund both legal services AND community organizing to protect tenants AND homeowners from scams or abuse, fueled by speculation and explore tools such as a payment in lieu of taxes (PILOT) to fund the services long term. Explore the creation of a pilot program in East New York where the City provides financing to homeowners to pay for legalization of basement apartments in exchange for affordability requirements.
- Establish a moratorium on tax lien sales.

Foster homeownership

- Fund and support a Homeownership Opportunity & Preservation Center with counseling services to help homeowners modify mortgages, apply for financing retrofits, access whole home retrofit programs, and home repair loans.
- Support the ability of long-time renters to achieve homeownership by expanding the HomeFirst Down Payment Assistance Program and targeting it to East New York.

CASE STUDY: HOUSING TRUST FUNDS

Housing Trust Funds are established by city, county or state governments and funded by ongoing dedicated sources of public funding to support the preservation and production of affordable housing. Housing Trust Funds systemically shift the funding of affordable housing from annual budget allocations – which can vary due to changes in Administration – to the consistent commitment of dedicated public revenue. They are not public/private partnerships, nor are they endowed funds operating from interest and other earnings. Most housing trust funds award funds through a competitive application process, but have numerous priorities and requirements to ensure the funds are used as intended, including requirements that the funds be used to benefit those below a targeted income and often include continued affordability requirements.¹

Philadelphia uses recording fee revenues to support housing production and preservation, home repair, and homelessness prevention.² Other innovative funding mechanisms include Developer Impact Fees (employed in New Jersey, Massachusetts and California)³ + Transient Occupancy Taxes (California). Transient Occupancy Taxes are imposed on hotel and motel guests who stay for a period of thirty consecutive calendar days or less. This is possibly a tool to ensure that Air BnB rentals benefit the entire city, not just property owners in gentrified or gentrifying neighborhoods.

1 <http://housingtrustfundproject.org>

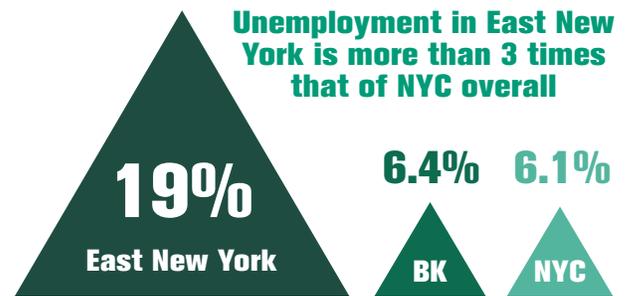
2 <http://philadelphiahousingtrustfund.org/>

3 City Housing Trust Funds, Dedicated Revenue Sources, 2013 Summary. <http://housingtrustfundproject.org/wp-content/uploads/2013/09/City-htfund-revenue-sources-final-wodollars-2013.pdf>

2. ECONOMIC + WORKFORCE DEVELOPMENT

CHALLENGES

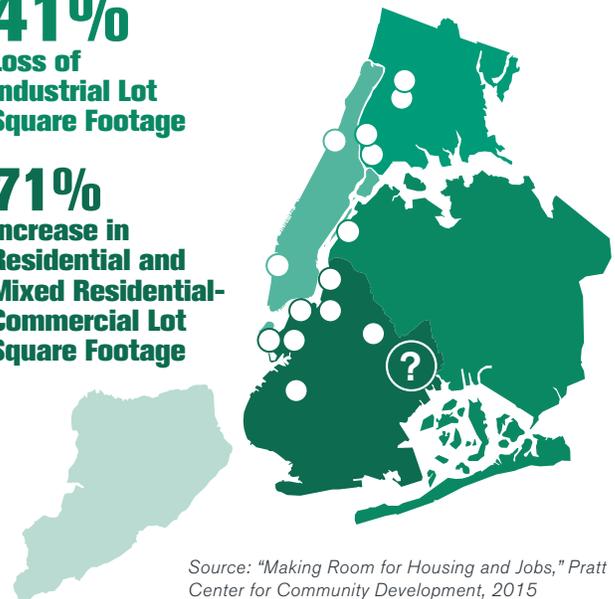
- Existing manufacturing/industrial businesses and the possibility for future manufacturers and manufacturing jobs are crucial to current and future equitable economic development in Cypress Hills and East New York.
- Evidence shows that MX zoning puts manufacturing businesses and future development at risk and disproportionately favors future residential development.
- At over 19%, East New York has one of the highest rates of unemployment in the City.
- Future development is likely to put pressure on real estate prices, which will threaten to displace existing small, independent businesses.
- Existing small and local retail and services (mom and pop shops) are the commercial lifeblood of the Cypress Hills/East New York community and there is no protection for these businesses via commercial rent stabilization or other policies.



Within the 15 MX Districts Mapped Since 1997:

41%
Loss of Industrial Lot Square Footage

71%
Increase in Residential and Mixed Residential-Commercial Lot Square Footage



SOLUTIONS

Preserve and expand industrial businesses

- Preserve existing industrial zoning (M1 and C8 districts) – do not change to MX zones. We do not want to see residential development in current M-designated areas. Manufacturing plays far too important a role in the creation of living wage jobs for current residents, and for future populations of immigrants, people of color and low and moderate income newcomers to put those businesses at risk.⁴
- Increase the industrial capacity of the East New York Industrial Business Zone (IBZ) and strengthen it by not allowing non-industrial uses to be located there as-of-right.⁵
- Establish an industrial relocation fund to assist displaced companies to be reestablished in the East New York IBZ.

Preserve existing and attract needed retail and other business types

- Develop a retail retention and attraction plan for the rezoning area: survey local residents about their shopping preferences; develop strategies for attracting retail and services that match community needs while preserving existing, long-standing local businesses.
- Deploy commercial revitalization funding for local CDCs/LDCs/CBOs that can support merchant organizing and one-on-one business counseling and education, loan packaging, and legal advice and representation.

4 Cross-referenced with the Zoning + Land Use section.

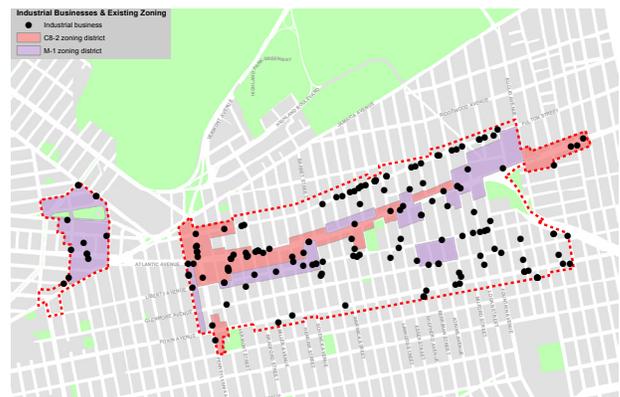
5 See above.

- Establish a “Good Neighbor” tax incentive for property owners who maintain commercial tenants at a currently affordable rent.
- Institute set-asides of 25% of commercial space in new mixed-use, City-subsidized developments for small Mom & Pop businesses at deeply affordable commercial rents.
- Expand anti-harassment legal services and organizing to include legal counsel for small businesses and merchant organizing.
- Fund renovation and rehabilitation of existing mixed-use buildings on Fulton Street, Atlantic Avenue, Liberty Avenue and Pitkin Avenue that benefit the tenancy of long-time commercial tenants.
- Provide grants and low- and no-interest loans for storefront renovations and small business expansion.
- Develop a down payment assistance program for merchants to help them purchase their mixed-use buildings. Provide a special homeownership education program tailored to purchasing and maintaining mixed-use buildings and provide low-cost legal counsel on mixed-use leases.
- Fund capital improvements on the commercial corridors for streetscape and lighting upgrades, façade work and pedestrian plazas.
- Provide help for child care businesses and child care agencies to expand the number of day care centers and licensed care in community – target HRA vouchers to licensed family day care providers and provide low interest loans for providers. Take advantage of the strong network of at home providers and set aside City capital funds for development of new UPK and child care centers and other start-up help for other home-based businesses.

Workforce development and local hiring

- Establish a Workforce1 Satellite Center and a Youth Development Opportunity Center in East New York focused on local job placements, including construction.
- Increase the capacity of the Carpenters’ Union Building Works program and other similar programs to serve young adults from our community.
- Prepare residents for both union and non-union construction jobs and retail jobs by engaging with the largest developers/owners of affordable housing and retail establishments in the rezoning area -- before and during ULURP -- to assess their hiring and training needs and require commitments for local hiring, training and career advancement/living wage career paths.
- Provide technical assistance to support contractors, suppliers, and other construction related industries/businesses to take advantage of building boom that may occur in ENY post-rezoning, including help in licensing and securing MWBE status.
- Create legally enforceable standards that require developers to hire locally and provide training and career advancement/living wage career paths.
- Link mandatory local hiring requirements to government subsidy programs, including, but not limited to, housing and economic development subsidies.

Existing Industrial M1 & C8 Zoning with Locations of Industrial Businesses



Proposed MX Zoning



Source: National Establishment Time-Series (NETS), 2014. Types of industrial businesses are manufacturing, wholesale, transportation, and warehousing.

3. INFRASTRUCTURE

CHALLENGES

Public Transportation

- 70% of ENY residents rely on public transportation to get to their jobs and commute times are very long (60 to 90 minutes).
- J/Z trains break down more often than average, and C trains break down more than any other in the MTA system. ⁶
- The B12 bus route along Liberty Avenue was discontinued, removing an important public transportation route for local residents and workers.
- The ENY LIRR station is dark, dirty, and unsafe and therefore, underutilized. It requires immediate renovation and upgrade so that community members may take advantage of this important resource.
- None of the subway stations within the study area are ADA accessible. This requires disabled residents to rely on the Access-A-Ride system, and presents challenges for seniors, pregnant women, parents with small children, and anyone who is carrying heavy loads (laundry, groceries, etc.).

Parking

- Many car owners are burdened by the severe lack of parking spaces in ENY.

Bike Paths

- Bicycle use is very limited in the neighborhood, due in part to unsafe routes and lack of safe storage options. There is only one designated bike path within the rezoning area and oftentimes apartment buildings do not allow tenant storage in basements or hallways.

Power and Broadband Network

- The study area is part of the Brooklyn/Queens Demand Management Zone, an area whose infrastructure has been identified by Con Edison as inadequate to support current energy demand. ConEd has determined that the area will require a new substation in the next two years.
- Access to high speed internet facilitates connections to education, employment, culture, and commerce. Some consider the internet the fourth essential utility. Yet, almost one third of households (32%) in East New York do not have access to broadband internet at home.⁷

Sewage System

- The neighborhood suffers flooding of subway stations, roads, and basements during rainstorms due to combined sewer overflow (CSO). Combined sewer overflow already contributes 63 million gallons of untreated sewage and stormwater to Fresh and Hendrix Creeks. Because the City's combined sewer system relies on gravity to convey flow, low-lying areas become more vulnerable to sewer backups and street flooding. ENY is located upland of already sewer-stressed communities such as Canarsie, East Flatbush and Flatlands. Therefore, an increase in the ENY population will exacerbate flooding issues not only in ENY, but also in adjacent, low-lying neighborhoods and increased contamination of nearby water bodies.



Sewage-Related Incidences in East New York/Cypress Hills 2012-2014

SOLUTIONS

Public Transportation

- Re-establish B12 bus route along Liberty Avenue.
- Public transportation improvements including increased frequency of J/Z and C trains and upgrading C train cars and also expanded north/south connectivity must be included in the rezoning action.
- Renovate and upgrade the ENY LIRR station immediately, so that community members may take advantage of this important resource.
- Invest in increased accessibility at key subway stations – elevators, escalators and/or ramps to expand accessibility to vulnerable populations (i.e. seniors, pregnant women, small children), improve the flow of commuter traffic, and increase station safety.

Streets and connectivity

- Increase number of north/south streets that cross Atlantic Avenue to increase connectivity and decrease congestion on residential side streets.

Parking

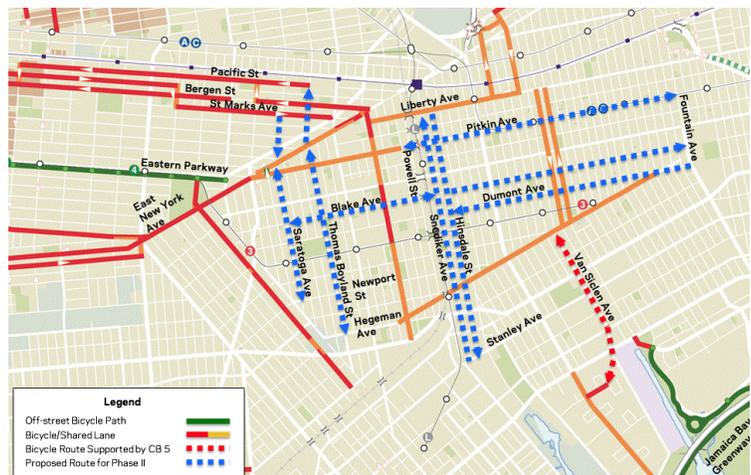
- Explore ways to address the lack of parking spots, including but not limited to reduce alternate side parking to once a week, allow parking in currently restricted spaces, and provide free parking near major transit hubs (i.e. ENY LIRR and Broadway Junction) to encourage use of public transportation.

Bike Paths

- DOT's plans for 8.7 miles of new bike lanes in ENY do not include the northern part of the neighborhood.⁸ In addition to creating new bike lanes north of Pitkin Ave, DOT, in conjunction with DOH should conduct a campaign to encourage bicycle use with helmet giveaways, bike riding lessons, and incentives for landlords who provide secure bike storage.

Power Network

- Large-scale energy retrofits and upgrades of the existing residential stock must be implemented. Stringent requirements for energy efficient, green, and healthy construction must be mandated for new developments. Whole house retrofits have these added benefits: reducing housing costs, making homeownership more affordable and preventing foreclosure; improving health by repairing roofs, thereby eliminating leaks and mold – a common cause of asthma, and; creating a demand for construction skills training and placements for local residents.



Proposed DOT ENY Bike Lane Network



ENY green job training program participants analyzing local rooftop for solar installation.

- Cypress Hills/East New York should be designated a Solar Empowerment Zone with a variety of incentive programs and new construction requirements that encourage the use of solar thermal and photovoltaic systems on large businesses and institutions and shared solar power systems on residential buildings.
- Even as consumption is reduced through retrofits and increased use of solar energy, ensure that a new Con Ed substation is built to manage increased load due to increased population.

Sewage System

- Implement green infrastructure – green and blue roofs, rain gardens, permeable paving, and bioswales – on City-owned property (streets, sidewalks, schools, and public housing). Incentivize and mandate green infrastructure on new and existing housing and other developments.
- Designating the ENY rezoning area as a zero stormwater runoff zone would not only mitigate future impacts on the areas combined sewer system but would help stop current issues in the area such as sewer backups and street flooding. During a 1” storm event a zero stormwater runoff zone would stop more than 8 million gallons of water from ENY alone from entering the already burdened sewer system in the area.



Green roof on permanent affordable housing in Brownsville, Brooklyn.

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- 6 State of the Subway Report Card, NYPIRG Straphangers Campaign, Summer 2014. <http://www.straphangers.org/statesub14/Cprofile.pdf>
 - 7 Internet Inequality: Broadband Access in NYC, Office of NYC Comptroller Scott M. Stringer, Bureau of Policy and Research; December 2014
 - 8 Brownsville & East New York Community Bicycle Network Phase II, NYC Department of Transportation, June \ 2, 2014: <http://www.streetsblog.org/wp-content/uploads/2014/06/2014-06-brownsville-bk-cb16.pdf>

4. COMMUNITY FACILITIES + RESOURCES

CHALLENGES

- Currently, schools in and around the rezoning area are overcrowded and provide insufficient space for learning – evidenced by “temporary” trailers in parking lots, some of which have been there for more than 10 years.
- Population growth as projected by DCP will result in a projected deficit of more than 3,400 school seats – or anywhere between 4 to 6 new schools.
- The demand for vital city services – police, fire and sanitation – outstrips the capacity of existing infrastructure.
- There is no community center in the rezoning area that offers comprehensive services for children, young adults, parents and the elderly. The Beacon Youth Center at IS 302 – a crucial community resource for children and their families – is under threat of relocation because of overcrowding at the school.
- Health care services are at capacity for the current population.
- East New York is a qualified food desert – fresh, healthy food is very hard to come by.
- Local art is a crucial tool for protecting and preserving neighborhood culture in Cypress Hills/East New York.
- East New York suffers from a lack of accessible, green/open space. With only 1 very large park in the northernmost section of the neighborhood – Highland Park (140 acres) – and 2 playgrounds within the study area, Cypress Hills/East New York does NOT meet NYC neighborhood open space standards, according to the New Yorkers for Parks Open Space Index. Some sample standards not met in the study area include: 1 playground/1,250 children; 2.5 acres of open space/1,000 residents; 100% of residents within a 10 minute walk (1/2 mile).
- Open and green space that does exist is often difficult to access, or in need of regular maintenance. For example:

- IS 302 basketball and handball courts on Liberty Avenue are in disrepair;
- Ridgewood Reservoir – 50 acres of “accidental wilderness” on the northern border of the neighborhood, it is home to a broad diversity of plants insects, reptiles, and animals including 148 species of birds. Access to and within the reservoir is extremely limited, isolated, and unsafe. Though the Parks Department proposed further renovations last year, none of the plans have been funded to date.⁹

SOLUTIONS

- A community center development site must be identified and earmarked as part of the rezoning.
- Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase, the City must act now to pro-actively acquire sites for community facility development. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket.
- Large development sites (over 50,000 sf footprint) must be identified, earmarked and included in the NYC Department of Education’s Capital Plan for school construction as part of the rezoning.

Full Service Grocery Store Area per Person:

NEW YORK CITY 
1.5 SF

EAST NEW YORK 
0.2 SF

Avg Full Service Grocery Store Size:

NYC: 15,860 SF

ENY: 5,800 SF

Source: “NYC Full Service Grocery Store Analysis,” NYC DOHMH and AECOM, 2010

9 New York City Audubon. <http://www.nycaudubon.org/issues-of-concern/keeping-ridgewood-reservoir-green>

- School and subsidized day care center construction must be incentivized as part of mixed-use development projects.
- Additional police, fire, sanitation, and health care facilities must be planned for, increasing capacity and improving current quality of services.
- Grocery store development must be encouraged and incentivized: require full-service grocery stores as part of City-owned mixed-use development sites; go beyond the FRESH program with subsidies and additional incentives to ensure grocery store development on private sites.
- Existing art and cultural sites and institutions must be preserved and community art space planned for and supported.
- Upgrade and increase access to existing school playgrounds.
- Require developers of new housing to include green and open space amenities like tenant gardens.
- Small, city-owned lots that are not conducive to affordable housing development at scale and are not suitable for aggregation must be earmarked for park, garden and urban farm development or other community use.

ESSENTIAL COMMUNITY FACILITIES + RESOURCES

The following is a list of the community facilities and resources that must be included in any long-term East New York/Cypress Hills neighborhood plan to ensure comprehensive development and necessary services for long-term residents and newcomers. The development of these resources must be linked to both current and future community need.

SCHOOLS/EDUCATION

Public Schools – Elementary, Middle School, and High School
 Non-profit Technical School (satellite CUNY)
 Higher Education

CHILD CARE

Day Care – 0-3 years old
 Pre-K – 4-5 years old

MEDICAL/SAFETY

NYPD, Fire, EMS
 Urgent Care Facility
 Hospital

COMMUNITY CENTER

with the following uses:
 Youth recreation (indoor/outdoor)
 Youth Training
 Arts and Culture
 Multi-service, multi-generational community service

OUTDOOR/OPEN SPACES

Community Garden
 Public Market/Farmers' Market
 Urban Agriculture

COMMUNITY RESOURCES

Library
 Senior Center
 Food Pantry
 Informational/Service Centers (Health Benefits, SNAP, and Workforce, and SSI)

COMMUNITY COMMERCIAL SPACES

Supermarkets/Fresh Food Store (affordable)
 Commercial Space for Neighborhood Merchants at discounted rates
 Small Business Incubator
 Credit Union/Bank

5. ZONING + LAND USE

CHALLENGES

- Many of East New York’s community needs such as schools, pre-K programs, and health facilities are currently either unmet or functioning at or near capacity.
- Increased density should be encouraged in areas where it is most appropriate, including major east-west corridors and near subway stations, however, with a large influx of new population, complementary land uses and facilities – additional schools, community and cultural facilities, and retail uses, as well as transit, parks, and other infrastructure -- will be needed to meet community needs for all.
- Provisions should be established in the zoning to assure that commitments to build needed infrastructure, amenities, and space for community facilities and desired uses are binding and will be fulfilled over the multi-year course of the residential build-out.
- The MX zoning districts being proposed to replace portions of what is currently zoned as M1 have served as slippery slopes (that favor residential and/or commercial development) in other parts of the City and therefore will not create long-term stability for existing or future industrial businesses and those they employ.

SOLUTIONS

- Create and map a special area-wide zoning designation (a Special Purpose District or a Density Growth Management Area) onto the rezoning area to require set aside FAR for the provision of needed community facilities, services and/or infrastructure within or as an accessory to new developments now and well into the future supported by a payment in lieu of taxes (PILOT) fund to fund the construction of much needed community needs. For new higher density residential development, prior to construction, require City Planning Commission certification that sufficient supporting community facilities, services and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for specific needed community facility, service and/or infrastructure.
- Specific sites would include, but not be limited to Arlington Village, Chestnut-Dinsmore/EDC site, and the former Chloe Foods site.
- In order not to penalize property owners when space is allocated for needed community facilities, it would not count in the calculation of permitted FAR.
- Promote sustainable development and a sustainable neighborhood by incorporating goals related to green/open space, access to fresh food, and public art;
- Map R5B on all side streets in order to balance out significant increases in density on the major east-west corridors. R6A on side streets between Atlantic and Liberty Avenues is unacceptable.
- Preserve portions of existing industrial zoning (M1 and C8 districts), and strengthen the East New York Industrial Business Zone.

PROPOSED DEVELOPMENT SITES FOR COMMUNITY FACILITIES/RESOURCES

CHESTNUT/DINSMORE - 3269 Atlantic Ave

CHLOE FOODS - 3301 Atlantic Ave

ARLINGTON VILLAGE - 3100 + 3124 Atlantic Ave

PITKIN + CLEVELAND - 2388-2400 Pitkin Ave

CH/ENY Coalition's Selected Comments on DCP Zoning Proposal

Zoning designations of City-owned and large parcels such as Arlington Village should guarantee future development of needed community facilities, resources and infrastructure, as well as affordable housing.

Precedent: New Settlement Community Campus combines 2 public schools, a health clinic, outdoor play spaces, an aquatics center, dance studio, green roof, and cooking classroom.

Manufacturing zones are essential for current and future businesses and the living wage jobs they provide and must be preserved. Research shows that MX zones lead to residential development at the cost of manufacturing. Manufacturing, community facilities, commercial and residential uses can and do co-exist.

Precedent: Rotterdam RDM; Former shipyard that houses businesses, STEM and vocational training, arts + culture programming, and research adjacent to a mix of housing in Rotterdam.



Higher density zones should be mapped on major commercial corridors near subway stops. The proposed density for current M-zones can be housed on large R-zoned sites (i.e. Arlington Village) and near transit hubs on Pitkin Avenue.

Image: 830 N Milwaukee Avenue, a transit oriented development in Chicago, source bKL Architects

Side streets should remain low-density to preserve the character of Cypress Hills as a small homes neighborhood.

Image: Small, owner-occupied homes in Cypress Hills

6. GOVERNANCE

Long-time East New York residents have invested many years into the growth and development of their neighborhood. They also have put a lot of time and energy into gathering input from their neighbors and crafting recommendations preceding and throughout this most recent Neighborhood Plan process. ENY residents need to know that their input is meaningful -- how will it be incorporated into the rezoning plan to be approved by the City Planning Commission, and who will they work with in the future to ensure implementation meets clearly stated community needs and priorities.

CHALLENGE

- Currently, no mechanism exists to ensure that community input is incorporated into the final Neighborhood Plan and Rezoning action. Further, where the Plan lives after it is approved, how it is implemented, and how the impact of the zoning action and Plan is tracked remain open questions.

SOLUTIONS

- Establish an Office of Neighborhood Development (much like the Office of Recovery and Resiliency) charged with ensuring the effective and timely implementation of the re-zoning plan, to serve as overall coordinator of all city agencies in relation to the rezoning action and related neighborhood plan.
- Establish a Neighborhood Cabinet to serve as an empowered advisory board to work together with the City agencies on neighborhood planning policies and initiatives.
- Ensure meaningful and ongoing opportunities for community engagement throughout the rezoning process, led by community members in partnership with the City.
- Create a set of financing tools and incentives to encourage private developers to work with community-based organizations to meet local needs and priorities – similar to the Brownfield Tax Credit that kicks in for developers in State-designated Brownfield Opportunity Areas who “meet the goals and priorities” established by the community.
- Create an Evaluation Tool that tracks demographic data and is based on equity, health and well-being, and sustainability indicators to ensure ongoing accountability and to measure impact throughout implementation. Indicators spelled out in the One New York plan should be adjusted to include re-zoning specific indicators (e.g. community inclusion in major land use decision making processes) and used to evaluate progress alongside baseline demographic data.¹⁰

CASE STUDY: PORTLAND, OREGON – THE PORTLAND PLAN

Created by the City of Portland, concerned with gentrification and displacement, The Portland Plan works to evaluate and better manage potential gentrification impacts of policies and programs in changing neighborhoods. An assessment tool created for the Plan includes three components: 1) a Vulnerability Analysis; 2) Gentrification + Displacement Study, and; 3) Gentrification Risk Assessment Maps. The Portland Plan “sets an expectation that an equitable city should be proactive about the inequitable impacts that neighborhood change and gentrification can have on vulnerable households.”¹¹

10 One New York: The Plan for a Strong and Just City, <http://www1.nyc.gov/html/onenyc/index.html>, pp. 262-265

11 The City of Portland Gentrification and Displacement Study, <https://www.portlandoregon.gov/bps/62635>

NEXT STEPS

Neighborhood of Opportunity

East New York/Cypress Hills has long been a NEIGHBORHOOD OF OPPORTUNITY – a place that welcomes immigrants and gives residents a “leg-up” to climb the economic ladder. New York City must preserve and invest in these kinds of communities to ensure that residents can advance out of poverty in greater numbers. That kind of proactive neighborhood development requires an integrated approach to change – planning not only for increased density for deeply affordable housing, but also for equitable economic development, excellent schools, and community resources.

The East New York/Cypress Hills rezoning offers an historic opportunity to ensure equitable development for community residents who have long worked to overcome the consequences of disinvestment – including redlining, high crime rates, substandard housing, overcrowded schools and a lack of green space and fresh food. **Our neighborhood is our home and we expect to enjoy the change that we have fought so long and hard for over the years.**



Hundreds rally in East New York/Cypress Hills for deeply affordable housing and a community-based Neighborhood Plan.

East New York Rezoning: Summary Comparison of Coalition Plan, City's Plan, and the DEIS

Building new affordable housing

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Prioritizing housing development with HPD subsidies in next 2 years -- number of units	5,000 units	1,200 units	<p>Potential for indirect displacement: 12,635 residents from the primary study area (from 5,172 dwelling units) and 36,361 residents from the secondary study area (from 16,616 dwelling units)</p> <p>Despite this there would be no significant adverse impact for two reasons: 1) secondary displacement would be likely to occur even without the re-zone; and 2) affordable housing created in the area will be available to anyone who is displaced</p>	None	<ul style="list-style-type: none"> • Analysis underestimates amount of direct displacement likely to occur • 28% of primary study area residents live in vulnerable, unregulated low-rise housing • DEIS incorrectly states that these are significant mitigation measures for indirect displacement: public land, private sites, MIH, HPD financing • City assumes that 50% of units will be affordable to current residents, but there is no guarantee of this. Regardless, creating new affordable units doesn't prevent displacement of existing residents • No analysis on rezoning's effects on low-income homeownership, foreclosure rates • City should conduct rigorous analyses of past re-zonings to develop its understanding of what displacement really means to low-income New Yorkers
Prioritizing housing development with HPD subsidy in next 2 years -- affordability levels	At neighborhood AMI levels: 20% at 15% AMI (\$8,285-\$12,945), 20% at 30% AMI (\$18,641-\$25,890), 10% at 40% AMI (\$25,545-\$34,520), and 50% at 60% AMI (\$39,353-\$51,780)	Higher than local incomes: 10% at 30% AMI (\$18,641-\$25,890), 15% at 40% AMI (\$25,545-\$34,520), 15% at 50% AMI (\$32,449-\$43,158), and remaining 40-60% of units will serve up to 60% AMI (\$39,353-\$51,780) with an option that 20% of remaining units may be set aside up to 90% AMI (\$77,670)			
Prioritizing housing development with HPD subsidy in next 2 years -- attracting private landowners	City to aggressively pursue owners that have acquired property in the last 2 years to incentivize affordable housing development	Not included			
Unscrupulous landlords	HPD should not finance projects with landlords who violated the TPA within the past 5 years	HPD will not finance landlords who have violated the TPA within the past 3 years without corrective action; it will also require disclosure of all cases of human rights, rent stabilization, and other law violations in last 10 years.			
Dedicated construction fund	\$525 Million for 5,000 permanently affordable units	No dedicated fund-existing housing plan citywide			
Permanent affordability for subsidized units	Permanent affordability for subsidized units (not just MIH units)	Permanent affordability only for MIH units			
MIH Policy re: affordability	30% of units at 30% AMI	25% of units at average of 60% AMI			
MIH Policy re: equal access	No poor doors and equal access to building amenities	Affordable units must share the same street entrances but equal access to common areas is still not clear			
MIH Policy re: size of affordable units	Require "equal apartment typologies across the development"	General HPD unit size requirements will be used			

Preserving existing affordable housing

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Anti-harassment	Citywide anti-harassment legislation based on the Special Clinton District	Not included			
Affordable housing with expiring subsidies	Preserve affordable housing with expiring subsidies	HPD to <i>try</i> to preserve all housing coming out of regulatory period but offers no details on how it will do this and no details on how HPD or HUD will prevent HUD-assisted buildings from opting out			
Anti-displacement	Good neighbor tax credit	Not included			
Anti-displacement	Investor purchaser transfer tax	Not included			
Anti-displacement	Investor landlord Tax Classification	Not included			
Anti-displacement/ supporting low-income homeowners and their tenants	Explore ways to lower rates for water and sewer	HPD to continue conversations with DEP to explore ways to reduce water and sewer charges	See page 1	See page 1	See page 1
Anti-displacement/ supporting low-income homeowners and their tenants	Establish a Community Restoration Fund to purchase distressed mortgage notes, allowing residents to stay in their homes and keeping properties away from private investors and real estate speculators	HPD to explore the issue (no other details provided)			
Legal services for at-risk tenants and homeowners	Allocate \$4.5 million for legal services and organizing for tenants and homeowners	There is an existing fund for legal representation for tenants in rezoning neighborhoods facing harassment but no mention of funding for organizing and no mention of homeowners			

Community Facilities

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Public schools	Identify and earmark large sites (over 50,000 sq ft) to include in DOE capital plan for school construction	Not included; just a commitment to build one new school	<ul style="list-style-type: none"> • Significant adverse impact on elementary and intermediate schools in CSD 19, Sub-district 2 • Temporary significant adverse impact (assuming that the proposed new PS/IS school is completed in academic year 2020-2021) on elementary schools in CSD 19, Sub-district 1 • No significant adverse impact on schools in CSD 23, Sub-districts 1 and 2 or in the Brooklyn high schools 	For impact in CSD 19, Sub-district 2: <ul style="list-style-type: none"> • Restructure or reprogram existing school space • Relocate administrative functions other sites to create space for classrooms • Increase capacity through: construction of new school(s), building additional capacity at existing schools or leasing additional space (as part of projected development within CSD 19, Sub-district 2) 	<p>The City should document in the FEIS: 1) what legally enforceable safeguards and financing commitments the City will put into place to assure projected 1,000 seat PS/IS school will be built; 2) how it will address the temporary significant adverse impact to CSD 19, Sub-district 1's elementary schools prior to new school's estimated completion date; and 3) mitigation strategy in case school is not completed by 2020-2021</p> <p>Much less room for new students in existing schools than DEIS claims: current school overcrowding not acknowledged; doesn't count the presence of 18 charter schools and CBO programs in school buildings in analysis of school building utilization rates</p> <p>City should acquire sites for schools before land prices skyrocket</p>
Child care services	Incentivize construction of schools and child care centers in mixed-use developments	Not included	Significant adverse impact: <ul style="list-style-type: none"> • Analysis found that childcare services' utilization rate would increase by 10.3% • Potential that the significant adverse impact on childcare facilities may not be able to be addressed, thus resulting in an unavoidable significant adverse impact 	<ul style="list-style-type: none"> • Reducing affordable housing units in the rezoning area by 20% could be a form of mitigation • FEIS to describe possible mitigation measures developed in consultation with ACS 	<ul style="list-style-type: none"> • Analysis excludes existing waiting lists for child care centers in their utilization rates and predicted impact of the rezoning. • Creation of new child care facilities could be facilitated through a special zoning tool (e.g., Special Purpose District or a Density Growth Management Area) mapped onto the rezoning area to require set aside FAR for the provision of needed community facilities, services and/or infrastructure within or as an accessory to new developments now and well into the future
Community facilities (including but not limited to schools)	Map a special zoning tool to ensure that new housing cannot be built unless it has been shown that there are adequate community facilities (e.g., schools)	Not included	<ul style="list-style-type: none"> • DEIS looks at impact on: public schools, libraries, child care services, police & fire protection (not community facilities more broadly) • No significant impact on Cypress Hills and Arlington branch libraries because many residents of the two libraries' catchment areas also live in the catchment areas of other nearby libraries 	None	Conclusion of no significant impact on libraries is inadequate and unrealistic.
Community facilities (including but not limited to schools)	City to acquire sites for development of community facilities	Not included	Not applicable	Not applicable	Not applicable

Community Facilities, cont.

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Grocery stores	Incentivize creation of grocery stores, going beyond existing FRESH program to ensure food stores are built on privately-owned land	FRESH program to incentivize grocery store development but nothing more	Not applicable	Not applicable	Not applicable
Police, fire, and health care facilities	Increase the capacity of police, fire, and health care facilities	Not included	Estimated 24,455 residents and workers that rezoning will bring to the area will not "create a sizable new neighborhood where none existed before" and therefore does not warrant an assessment of potential indirect impacts to police and fire protection	None	CEQR threshold for what constitutes a "sizeable new neighborhood" is unreasonably and seemingly impossibly high.
Open space	<ul style="list-style-type: none"> • Earmark small, city-owned lots that are not conducive to affordable housing development or aggregation to be used for park, garden, or urban farms • Require developers of new housing to include open and green space • Upgrade and increase access to existing school playgrounds • Identify appropriate sites and develop new essential community facilities and resources like community gardens and public/farmers' markets 	Create new green space at City Line Park, Improve Lower Highland Park, and revitalize Sperandeo Brothers Park	Population increase will create an unavoidable significant adverse impact due to the decrease in ratio of residents to active and passive open space	<ul style="list-style-type: none"> • Measures such as expanding existing parks, creating new open space in publicly-owned sites, improving existing parks to allow for more diverse programming and enhanced usability, etc. to be refined between DEIS and FEIS • Admission that opportunities to create more open space resources in sufficient amounts within the study area are very limited and will possibly create unavoidable adverse impact 	<p>What the City should do in the FEIS:</p> <ul style="list-style-type: none"> • Ensure (through local consultation to inform field visits) that open space usage data is accurate • Determine to what degree gang activity and other threatening uses create barriers to access to Highland Park • Assess impacts on users of Highland Park due to exposure to noxious outputs from increased traffic on Jackie Robinson Parkway • Move Mount Hope Cemetery from quantitative to qualitative assessment and therefore determine new amount of additional open space required to offset impacts of the rezoning • Community gardens to be part of a quantitative (not just qualitative) analysis. • Identify all appropriate schoolyard sites for improving public access and conditions

Economic Development

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Industrial zoning	Preserve portions of existing industrial zoning districts (M1 and C8) and do not map MX (mixed industrial-residential/commercial) districts	All existing manufacturing districts (M1 and C8) to be rezoned to MX or residential	<ul style="list-style-type: none"> • Direct displacement of 88 businesses and institutions and 584 employees (13% of total employment in the primary study area) 	None	<ul style="list-style-type: none"> • Many of its analyses are inconsistent and inadequate • Analysis does not seem to be grounded in anything other than claiming that: 1) new neighborhood services will be consistent with existing uses and won't alter existing economic patterns; and 2) the increased supply of commercial space will counteract upward pressures on rents. • Analysis doesn't include potential impact of new commercial zoning districts (i.e., C4) that are intended to foster regional – not just neighborhood-serving -- commercial centers. • Fails to consider impact of upscale retail on rents • Overestimates ability of industrial firms to thrive in MX zones or relocate to other M-zones
Relocating displaced manufacturing firms	Establish an industrial relocation fund to help firms relocate to the ENY Industrial Business Zone	Not included	<ul style="list-style-type: none"> • Despite this no significant adverse impacts related to direct business displacement, indirect business displacement, and adverse effects on specific industries 		
Small business retention	Create a Good Neighbor Tax Credit for property owners who maintain commercial tenants at affordable rents	Not included	<ul style="list-style-type: none"> • Indirect business displacement will not be significant because: 1) new uses or economic activities won't be created; 2) existing economic patterns and trends won't be altered; 3) newly created commercial space will counteract upward pressures on rent; 4) influx of new residents will add to existing customer base; 5) current industrial firms don't provide "essential" products for the local economy; 6) industrial firms can be located elsewhere, including the new MX zones that will be created. 		
Small business retention	Expand anti-harassment legal services to commercial tenants	SBS to provide commercial lease support services to businesses (including lease clinics with pro-bono lawyers)	<ul style="list-style-type: none"> • Businesses that could be directly displaced vary in type and size (i.e., no concentration of a particular sector), so no significant adverse effects on specific industries 		
Small business expansion	Set aside 25% of commercial space in new mixed-use City-subsidized at affordable rents	Not included	<ul style="list-style-type: none"> • Since retail and auto-related businesses can be found throughout the City, they are not tied to the local economy. 		
Local hiring	Link mandatory local hiring to public subsidy programs	HPD to explore opportunities to connect local residents to career centers and job opportunities but nothing about legally enforceable standards			
Workforce development	Open a Workforce1 Career Center in East New York	SBS will open a Workforce1 Center in East New York/Brownsville			
Workforce development	Increase capacity of Carpenters' Union Building Works Program and other similar programs	Not included			

Governance & Accountability

Topic	Coalition's Alternative Plan	City's Plan	DEIS finding & summary of its analysis	DEIS mitigation	Coalition Response to DEIS
Coordination of City agencies	Create Office of Neighborhood Development to ensure effective and timely implementation of City's plan an to coordinate city agencies in doing so.	Not included	Not applicable	Not applicable	None
Community participation	Ensure meaningful and ongoing community participation throughout the rezoning process	Lip service paid but to date outreach and opportunities for meaningful participation have been seriously lacking			
Local involvement in plan implementation	Establishment of Neighborhood Cabinet to serve as empowered advisory broad	Not included			
Ongoing monitoring and evaluation to assess if community needs being met	Create evaluation tool to track demographic data and sustainability indicators to measure impact throughout implementation of City's plan.	HPD to track and publish demographic and housing trends every 3 years and determine if policy refinements or new tools needed			

Coalition for
Community
Advancement



Progress for East New York/Cypress Hills

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Good Morning/Afternoon City Planning Commissioners,

The Coalition for Community Advancement: Progress for East New York/Cypress Hills is deeply committed to preserving Cypress Hills/East New York as a neighborhood of opportunity where low and moderate income residents, new immigrants, and peoples of diverse racial, ethnic, and religious backgrounds can come together to advance educationally and economically. Our Coalition members include community-based organizations that collectively serve 50,000 residents annually and have been the engines of revitalization in our neighborhood.

Our Coalition also includes houses of worship that are over 150 years old that are on the front lines of serving the most vulnerable in our community. Lastly, our Coalition includes active and involved residents like me who want to see responsible development happen in Cypress Hills and East New York.

In other words, we are legitimate stockholders with deep roots in the community. Our major concerns about the East New York Plan are:

- 1) The proposed affordability of the housing to be constructed is not deep enough.
- 2) The anti-displacement measures currently promised in the plan are weak.
- 3) There is an unmet need to address current and future residents' needs for services and community facilities, including schools.
- 4) Our vision for economic development in the neighborhood is not adequately reflected in the current version of the Plan.
- 5) And, the Plan doesn't include a strong accountability mechanism to ensure the commitments made in the new East New York Plan are realized.

The affordability of the proposed housing to be built does not match the incomes of current residents. The City has stated that 50% of the housing will be affordable and 50% will be market rate. Unfortunately, only 1,200 units of the proposed 6,000 affordable units have been identified

and we fear that since the announcement of the rezoning land speculation has risen so much that we may never get the additional units. Further, the 50% market rate might as well be luxury housing in our community - - it is so unobtainable and unaffordable for neighborhood residents. The 50-50 ratio needs to change: we need more affordable housing and have consistently advocated for 5,000 units to be constructed.

The Coalition has put forward over a dozen proposals for strengthening anti-displacement policies including implementing an Anti-Harassment Zone in East New York - - we need action and commitment on these proposals. We have documented the severe shortage in school seats that will be created by the rezoning. We already have an overcrowded public school system - - we need additional commitments on school seats and all of the critical services that make a community livable, healthy, and strong. That is why we have proposed a Special Purpose District that would support the development of new services throughout the life of the East New York Plan.

The creation and preservation of small businesses, manufacturing businesses and living wage employment is very important to residents and although we've made some progress with the City in addressing these concerns - - we still have a long way to go.

Lastly, Coalition members have spoken repeatedly about the need for an accountability mechanism that lies in the Mayor's office. We need to know that the commitments made in 2015 and 2016 will still be valid in 2025 and 2030. The Coalition calls upon you, the City Planning Commission, to stand with the community and reject the current proposed East New York Plan until our legitimate concerns are addressed.

You will hear from many members of the Coalition for Community Advancement today. They will address failures in the City's DEIS and testify to the importance of components of our community-driven Alternate Plan. They will also join me in this very clear message:

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We are here today to urge you to vote NO on the City's East New York Plan, unless the community's *Alternate Plan* is implemented.

Thank you

SECTION I: ACCOUNTABILITY

Good Afternoon City Planning Commissioners,

My name is Michelle Neugebauer and I am the Executive Director of the Cypress Hills Local Development Corporation and a member of the Coalition for Community Advancement: Progress for East New York and Cypress Hills. Our Coalition includes community-based organizations, houses of worship and residents and small business owners that collectively represent 50,000 residents of Cypress Hills and East New York.

We are legitimate stakeholders with deep roots in the community. Our major concerns about the East New York Plan are: 1) there are not enough deeply affordable housing units proposed in the Plan, 2) the anti-displacement measures currently in the Plan are insufficient, 3) service needs of current and future residents are not adequately addressed, 4) economic development aspects of the Plan need to be strengthened and 5) there are few accountability mechanisms in place to ensure the commitments made today are kept for the long-term.

The affordability of the proposed housing to be built does not match the incomes of current residents. The City has stated that 50% of the housing will be market rate and 50% will be affordable. In East New York, market rate housing might as well be luxury housing - - it is totally unaffordable for current residents. To date, only 1,200 units of the proposed 3,000+ affordable units have been identified and even those do not reach the deepest affordability levels that we need in our community. We need more deeply affordable housing and have consistently advocated for 5,000 units to be constructed.

The Coalition has put forward over a dozen proposals for strengthening anti-displacement policies including implementing an Anti-Harassment Zone in East New York - - we need action and commitment on these proposals.

We have documented the severe shortage of school seats that already exists and will be exacerbated by the rezoning. We need additional commitments on school seats and all of the critical services that make a neighborhood livable, healthy, and strong. That is why we have proposed a Special Purpose District that would support the development of new services throughout the life of the East New York Plan.

The Economic Development aspects of the Plan need to be strengthened with additional resources, preservation of manufacturing and stronger anti-displacement strategies to retain the 500+ Mom & Pop small businesses on the impacted commercial corridors. We also need firmer commitments on local hiring strategies which will result in living wage employment for East New York residents in the construction, manufacturing, retail and other neighborhood growth sectors. Furthermore, too many communities have been promised great things by developers and City officials alike, only to realize that pledges made at zoning hearings, promises made to Council Members, and even agreements worked out by the City are rarely enough to secure meaningful community benefits. This is why we have urged the City to modify its plans to enshrine more commitments within the zoning text and commit to high level coordination, accountability and an Evaluation Plan.

We believe to make this rezoning a success, it is critical that the City establish an **Office of Neighborhood Development** charged with ensuring the effective and timely implementation of the rezoning plan and related mitigation strategies. The City also needs to establish a **Neighborhood Cabinet** to serve as an empowered advisory board to work together with the City agencies on neighborhood initiatives.

In our outcomes driven world, an initiative as important as the East New York Plan and the rezoning of 15 neighborhoods in New York City merits an **Evaluation Plan** and an

Evaluation Tool that tracks demographic data, displacement data and is based on equity, health and well-being (**all of the principles this City stands for**) to ensure ongoing accountability and to measure impact throughout implementation. In addition to the overarching goals of the East New York Plan, the community deserves to see specific, detailed plans from each implementing agency regarding their timetables for implementing projects, that funding is included in capital and expense budgets, that targets are set, quantified and measured that there are staff “on the ground” to implement these initiatives.

East New York has long been a NEIGHBORHOOD OF OPPORTUNITY – a place that welcomes immigrants and low and moderate income residents of all races and ethnicities and gives residents a “leg-up” to climb the economic ladder. New York City must preserve and invest in these kinds of communities and ensure that its land use actions are not destroying that core character of these neighborhoods.

At a baseline we need to know in 15 years that East New York is a more equitable, sustainable, healthy and economically strong community than it was in 2016 and that the current residents were not displaced because of City actions or at the very least, we should have the courage and openness to measure what happened and report on it.

We are here today to urge you to vote NO on the City’s East New York Plan, unless the community’s *Alternate Plan* is implemented.

Thank you!

Good afternoon City Planning Commission,

My name is Joseph Brown III. I've lived in Cypress Hills since 2001, became a Cypress Hills homeowner in 2003 and proudly still live in the Cypress Hills community. Before I ask of you to vote No on the City's East New York Plan please allow me a few moments to tell you why I decided to live in this area. When I decided to move here with my family, it wasn't because the area was cheaper than other parts of Brooklyn, it was because I saw a vision that this area was up and coming. I saw the potential and the hope of things to get better within this locale. Ten years have passed and now the vision of re-zoning is becoming clearer than ever. While I welcome the re-zone, I am concerned that the influx of new residents to this community will negatively alter the need for affordable housing, schools, child, senior and health care facilities, and safe spaces for youths within this community if we don't work as one.

Over the years I have seen gentrification transpire in Williamsburg, Bushwick, Bed-Stuy, downtown Brooklyn and Harlem. These neighborhoods have endured rapid changes in their neighborhood personality which resulted in shattering losses in affordable housing. As you may know, Cypress Hills/East New York community is a diverse working class demographic with low to mid income working class citizens. With the re-zone about to take place landlords will find ways to increase their revenue by dispelling tenants that have lived within this community for years out of the City and possibly the State in exchange for folks that can pay their increased rents. Your constituents deserve better than that.

Now I have thoroughly read the Coalition's plans and agree with it. The services we ask for I believe are no different from any other neighborhood with the exception that we require strong accountability and commitments from the City to see this neighborhood grow and thrive. This neighborhood needs:



- 5,000 units of deeply affordable housing offered to its current residents first.
- A clever anti-displacement, anti-harassment and anti-demolition policy that will protect current, local residents, small homeowners and businesses.
- We want a Special Zoning Tool that will ensure stable, consistent funding for important facilities such as for emergency services, first-rate roads, health care, early childhood, and elementary, junior high and high schools.
- A commitment to the preservation of manufacturing land, businesses and job opportunities.
- A respectable resident employment stratagem.
- Your pledge means a lot to the residents of this neighborhood. Therefore, we require concrete commitments to the funding and timeline for East New York's development. We also ask for acceptable city and community coordination for monitoring of the re-zone.

With those commitments we can look forward to the day of seeing new, local businesses, jobs created and offered to local residents, truly deeply affordable housing, and endless positive civic opportunities.

My point is we the community, are looking for your unwavering support, passion and strength to make our community, **"THE COMMUNITY"**. With your support, we can be the model benchmark other boroughs, cities and states to marvel at for many years to come. Help create an environmental and economical legacy here in Cypress Hills and stand with us. As our advocates, help us, here and now, and vote Yes to adopt the Coalition for Community Advancement's Alternative Plan. Show the people of Cypress Hills/East New York that that we matter. Thank you so much for receiving me.

SECTION II: 5,000 RESIDENTIAL UNITS

Good Morning/Afternoon City Planning Commissioners,

My name is Jamel Burgess. I am a lifetime resident of Cypress Hills, a youth organizer and a member of the Coalition for Community Advancement. I will testify today on the importance of ensuring that the East New York Re-zone guarantees 5,000 residential rental units that are affordable to current residents; that is, rents to be pegged to 30% of annual household income of current residents who now have a median household income of \$34,000 a year. Without commitment to deep and permanent affordability at this level and at this scale, the re-zone will result in mass displacement. For this reason, we are urging you to vote NO on the City's East New York Plan, unless it includes the community's *Alternate Plan* for housing affordability.

Within the proposed rezone area alone, there are a total of 5,246 households in severe need for affordable housing. This number includes families entering the homeless shelter system, families with rent burdens over 50%, and those living in severe overcrowding. While we acknowledge that the City has set aside funding and identified sites to build 1200 subsidized units over the next two years, we have serious concerns as to where the other affordable units will be sited given rampant real estate speculation and recent spikes in land values and whether private owners will sell at reasonable rates to make deep affordability possible. We urge the City to use all tools at its disposal to secure additional sites so that 5,000 units of deeply affordable housing can be built and we urge the Planning Commission to reject the current Plan.

One of the reasons we urge the Commission to vote NO, UNLESS is that the City's DEIS fails to acknowledge the potential for significant residential displacement, and that the City's proposed

mitigation strategies are insufficient to counteract the effects of displacement pressures that the rezoning is likely to generate or accelerate.

The City's DEIS makes the false assumption that creating new units will prevent displacement of existing residents. If the new "affordable" apartments are not affordable to the people who currently live in East New York, then they will not meet the local housing needs, and can't reasonably be seen as preventing the displacement of current residents.

A second reason we urge the Commission to vote NO, UNLESS is that we believe that the City's plan overstates the number of affordable units likely to be generated by the Re-zone, relying too heavily on the use of HPD subsidies that are voluntary and do not offer permanent affordability. The proposed Mandatory Inclusionary Housing policy fails to guarantee a significant number of units affordable to very low-income people, instead guaranteeing the permanence of "affordable" apartments that will be unaffordable to most current residents of East New York.

And so, alternately, the Coalition urges the City to create at least 5000 units of deeply affordable housing. This would be almost 80% of all new construction units, assuming that the rezoning produces approximately 6300 new units.

The rents for these 5,000 residential units must be pegged to income levels of current neighborhood residents. Specifically, we propose that the plan for HPD-subsidized sites provide for:

- 20% of units at 15% AMI (i.e. a maximum income of \$12,585 – an income level the City's current plans leave out);
- 20%, not 10%, of units at 30% AMI (or \$16,780 in income);
- 10% of units at 40% AMI (\$33,560 maximum income);
- and 50% of units at 60% AMI (\$50,340 in income).

Although additional subsidy dollars will be required to maintain new construction at these income levels, we believe that more deeply affordable units are required to in any way

[Type text]



mitigate the displacement of current residents, and that the community needs and deserves this level of investment after so many years of neglect by the City.

Finally, to ensure that East New York/Cypress Hills remains accessible to low-income people for generations to come, HPD's regulatory agreements should require that these 5000 units be this affordable for a period of 60 years or more.

To close, we call on the Commission to vote NO, UNLESS the City commits to the creation of 5,000 residential units that are affordable to current East New York residents and are regulated to remain affordable for 60 years.

Thank you

SECTION III: ANTI- DISPLACEMENT STRATEGIES FOR SMALL HOMES

Good Afternoon City Planning Commissioners,

My name is Rene Arlain and I am a community resident and the Director of Housing Counseling at Cypress Hills Local Development Corporation. I will testify today on the importance of anti-displacement strategies for tenants and owners in small homes. We are urging you to vote NO on the City's East New York Plan, unless there are strong anti-displacement policies, programs and resources in-place as outlined in the community's *Alternate Plan*.

The City's Draft Environmental Impact Statement ignores the huge threat to displacement of low income renters in small, un-rent-regulated homes and to low income homeowners themselves. The DEIS states that the re-zone "would not result in a significant adverse direct residential displacement impact and no further analysis is needed." We disagree. Rezoning, without locking in affordable rental units in small homes and without preserving affordability for low income and senior citizen homeowners, will lead to massive displacement. Small homes, containing 1 to 5 units, is an extremely prevalent housing type in the ENY re-zone area, accounting for more than 3,300 residential units. At three residents per unit, nearly 10,000 people live in this vulnerable housing type.

The re-zone puts low-income renters at greater risk of losing their apartments to skyrocketing rents and homeowners at risk of losing their homes because of rising real estate taxes and increased pressures from scammers and speculators. The average median income of homeowners in Cypress Hills/East New York is significantly lower than the citywide average, making local homeowners more vulnerable to housing market changes. Home values in the area

have risen by more than 150% since 2012. The increase in property taxes and raises rents. We are proposing ways to prevent displacement in these homes.

As part of a long list of anti-displacement strategies that the Coalition is proposing, we are calling for specific ones for small homes: incentives to keep property taxes and rents low and disincentives to speculation. The Coalition has proposed a Good Neighbor Tax Credit and a Flip Tax. The Good Neighbor Tax Credit would be a property tax credit to incentivize tenant protections by requiring leases, tenant protections and affordable rents, in exchange, for a real estate tax credit. The “Flip Tax” would be an *Investor Purchaser Transfer Tax* and would increase the transfer tax on transfers to non-owner occupied/investor-purchased units. In addition, the Coalition is calling for the creation of an *Investor Landlord Tax Classification*, which would reclassify investment-purchased small homes (1-4 units) as Class 2 properties to increase property tax rates. We have also asked the City to examine a lower water and sewer rate for low income homeowners and explore a variety of preservation strategies for small homes that would provide deep rehabilitation subsidies in exchange for affordability for renters.

Our neighborhood needs these tools!

In conclusion, the City must include in the Final Environmental Impact Statement:

- an accurate assessment of the threats to owners of small homes and their tenants
- commitments to mitigate these threats
- and specific commitments to protect owners and tenants from displacement

The City must use all the tools it can to ensure that the ENY re-zone keeps current residents in their homes and in their community.

Because the City’s plan has failed to do this, we urge the City Planning Commission to Vote No on the City’s Plan, unless the City adopts the Community’s Plan.

SECTION IV: ARLINGTON VILLAGE

Good Morning/Afternoon City Planning Commissioners,

My name is Maria Julia Echart. I am a tenant organizer in Cypress Hills and a member of the Coalition for Community Advancement. I will testify today on the importance of removing the Arlington Village housing development from the East New York Re-zone Plan. Arlington Village is in the heart of the re-zone area, including four square city blocks and well over 300,000 square feet for development. It has the potential to house hundreds of low-income residential units and multiple much-needed and difficult-to-develop community facilities, such as schools, community centers and gardens and fresh food supermarkets. We are not opposed to development per se, we ask only that the development that comes be designed to meet the needs of the East New York community for deeply affordable housing and services.

Arlington Village encompasses 212 units of low-income housing built in the 1940s. It is home to about 40 families, most of which have lived there for 30-40 years. The poor condition of the buildings and the warehousing of vacant units on this site have long been a blight both on the community at large and on Arlington Village residents themselves. Over decades, multiple elected officials and non-profit developers have tried to purchase the site for affordable housing and community facility development. This parcel of land, from Atlantic to Liberty Avenues was bought for \$30 million earlier in 2015 by the Bluestone Group, a group that has made at least \$1.6 billion in acquisitions in the past two years and, the City has said, has been trying to sell the parcel for \$60 million. The rezoning should not offer the owner the ability to make a windfall profit in exchange for market rate housing. Arlington Village is such a pivotal parcel in our community that it merits its own, stand-alone public review process where the residents of East New York, Community Board 5 and the City Planning Commission can fully vet the owners'

plans.

In the Draft Environmental Impact Statement, the City fails to acknowledge the re-zone's threat to residential displacement, direct and indirect. If Bluestone is allowed to develop hundreds of market rate units at Arlington Village not only will it displace current tenants who are currently paying roughly \$800 for two-bedroom in rent stabilized apartments and will not be able to find comparable housing anywhere, but put intense pressure on nearby rents and property values. If this owner is not required to set aside a large footprint for community facilities, then the City will be able to claim that there aren't sufficient parcels in the neighborhood to build more than one school for the neighborhood even after it sees an increase of 25-50,000 residents.

Already, Bluestone has harassed elderly, Spanish-speaking tenants to move without any legally binding relocation agreements. They have made shoddy renovations resulting in already one electrical fire in a "renovated" unit. In the FEIS, the City should consider an alternate re-zone plan that excludes Arlington Village. Such an exclusion could prevent further speculation and development of unaffordable units on a site where deeply and permanently affordable units and much needed community facilities can and must be built.

In conclusion, the Coalition urges the Commission to vote NO on the East New York Plan UNLESS Arlington Village is cut out of the re-zone area, and the other components of the *Alternate Plan* are implemented.

Thank you

SECTION V: COMMUNITY GARDENS

Good Morning/Afternoon City Planning Commissioners,

My name is Aida Castillo and I am lifelong resident of Cypress Hills as well as an employee of Cypress Hills Local Development Corporation. My parents own a home in the neighborhood as well. I am here to talk about creating and preserving green spaces, specifically community gardens.

Though the city has very beautiful botanical gardens, many families in my community lack the extra money to pay for public transportation and the admission fees to visit these wonderful spaces. Also visitors to these spaces are prohibited from using their senses of taste and smell to fully experience the flowers and plants.

In 2010, a group of community residents tired of living near vacant lots filled with trash, debris, weeds, and rodents joined forces with the Cypress Hills Local Development Corporation to obtain the necessary permits to clean and convert the lot to a community garden. While we had many residents, we lacked the financial resources to build as it costs a lot of money to purchase soil, compost, lumber, etc. However, with the leadership and guidance of the Cypress Hills Local Development Corporation, we were connected to organizations such as Greenthumb, GrowNYC, New York Restoration Project, & East New York Farms who provided us with funds, materials, and/or additional labor to build out this site and several others.

Fast forward to 2016 and residents are gardening in five new community gardens that are providing residents with a green space to grow food to feed their families, thus stretching their income and increasing their overall health. They are spaces to meet neighbors, make new friends, and even get away from the hectic and stressful moments to recharge mentally. Our children

have learned about nutrition, botany, carpentry, mural painting, and even about raising chickens and enjoying their eggs within hours of being laid.

As a community gardener, I have met new neighbors and formed new friendships in the safe space that is the garden. The community garden has forced me to venture to the other side of Atlantic Avenue, which can be daunting to cross. As long as I grow tomatoes, peppers, eggplant, and basil in the plot, the family is happy and the rest of the space has been used to grow vegetables uncommon and unknown in the neighborhood such as kale, Swiss chard, tomatillos, and collard greens. When in the garden, I can be quietly there with the plants and the chickens, tending them, and in turn receiving nutrients for my body, color for my mind, and peace for my soul.

We request the Commission of City Planning consider the following.

- Low income communities, such as East New York don't have the economic capacity to implement urban gardening projects That should not be an impediment to having and enjoying green spaces on public land.
- We need more green spaces in this neighborhood so people can interact, and children and learn about the importance and relationships we enjoy with plants, and also develop social skills.
- Not every parcel of land needs to be developed into a building. Green is more pleasing and relaxing to the eye and mind than grey concrete slabs.
- We ask that you consider converting vacant lots too small for development into community gardens.
- We request that you preserve the land of the current community gardens but also helping with the maintenance or expansion of existing gardens.

To close, we call on the Commission to vote NO, UNLESS the City commits to adopting the East New York Community Plan.

Thank you

SECTION VI: EMERGENCY SERVICES

Good afternoon City Planning Commission,

My name is Ana Aguirre and I am the Executive Director of United Community Centers in East New York. We are proud members of the Coalition for Community Advancement. I am testifying on the need for the City to plan for more emergency services as part of the East New York Plan. We are urging you to vote NO on the City's East New York Plan, unless it is the Coalition's Alternative Plan.

The City acknowledges that the re-zone will bring about 24,455 residents and workers to the area. But, it says that the re-zone will not "create a sizable new neighborhood where none existed before" and so there is no need to assess the potential impacts to fire protection. It seems impossible, given the density and built-up nature of Brooklyn and the population increase, that our neighborhood wouldn't need additional fire protection services. The Coalition continues to request that the final environmental impact statement include an assessment of the potential impacts to fire protection.

In addition, since both Engine 236 and Engine 332/Ladder 175 are located directly next to proposed development sites within the rezoning area, the Coalition asked that the Draft Environmental Impact Statement assess how developing these sites would potentially impact or inhibit access to these facilities. The Coalition is pleased that these concerns were heard, however, the DEIS concluded that no construction impacts would be expected and that response times would (and I quote) "not be materially affected by construction due to the geographic distribution of the police and fire facilities and their respective coverage areas." We believe there would be a serious impact that would threaten the safety of all of us.

Like with fire protection, the Coalition asked that the Draft Environmental Impact Statement assess what additional NYPD patrols, personnel, and facilities will be needed to serve the estimated

24,455 new residents and workers. The request was also based in the fact that the 75th police precinct is one of the geographically largest in the City. The City's response was the same as its response to the request to study indirect impacts on fire protection: the rezoning (and I quote) "will not create a sizable new neighborhood where none existed before" and is therefore is not needed. Again, similarly to fire protection, the Coalition strongly believes that the size of the re-zone and the population increase merits assessment in the Final Environmental Impact Assessment.

The Coalition also specifically asked that, especially given the 75th police precinct's large catchment area, response times for emergencies in Highland Park be assessed given the increased demand for emergency services generated by 24,455 new residents in the community. The City responded that the issue is outside the scope of assessment, probably because they believe that no "sizeable new neighborhood" will be created. Just like with fire protection, this seems impossible. The Coalition strongly believes that the size and impact of the re-zone merits assessment in the Final Environmental Impact Assessment.

This plan must be more than a housing plan. It must address the needs of existing community members, especially our needs for emergency services. Because the City's Plan fails to identify our neighborhood's increasing needs for emergency services and mitigate threats to public safety, we urge the City Planning Commission to vote **no** to the East New York Rezoning Plan and advocate for the adoption of the Alternative Plan presented by the Coalition for Community Advancement.

SECTION VII: EXPAND STUDY AREA

Good Afternoon Commissioners,

My name is Donna Stone. I am a leader with the Linden Plaza Tenant Council, and we are a member of the Coalition for Community Advancement. I will testify today on importance of expanding the study area to consider threats of displacement and other negative impacts a half mile around the re-zone area. We are urging you to vote NO on the City's East New York Plan, unless it is the community's *Alternate Plan*.

The Draft Environmental Impact Statement ignores the huge threat to displace tenants. The City says that the re-zone “would not result in a significant adverse direct residential displacement impact and no further analysis is needed.” We disagree with this. We are deeply concerned about displacement and urge the City to study the impact of re-zoning on displacement in other areas, such as Park Slope and Williamsburg, in order to develop its understanding of what re-zoning will really mean to low-income East New Yorkers. Throughout the years, we have seen gentrification in Williamsburg, Bushwick, Bed Stuy and Harlem covered up by “urban renewal” projects. These same neighborhoods have seen tremendous loss in affordable housing and a rapid change in neighborhood character. The real estate index in neighborhoods like Bed Stuy, Park Slope and Fort Green has increased by more than 26% from 2008 to 2014--that's only six years. Most low income and working class New Yorkers cannot afford to live in this city. As the cost of living has risen, the income index has not. While many landlords continue to find ways to increase their revenue, New Yorkers are being pushed out of their homes. Over the years, the affordable housing stock continues to be depleted as rent stabilized and Mitchell Lama units are being taken off the market.

The City has studied the possible negative impact of the re-zone on the re-zone area and ¼ mile around it. But, let's be real. We know that rents and taxes are going to go up to the north and to the south of the re-zone. There will be ripple effects, there will be pressure, and there will be displacement. We call on the City to study the potential negative impact on at least the surrounding half mile, and by this we mean the South side.

In the DEIS, the City doesn't look at the possible impact on south side schools, businesses, homes, apartments, transit, parking, sewage, power, and emergency services. If they were to look, they would see that there is a need for real protections for many more tenants, homeowners, businesses, workers, and families.

The Coalition has proposed a long list of anti-displacement strategies:

- incentives to keep rents low
- disincentives to speculation
- an anti-harassment district
- support for low-income homeowners
- grants to legalize basement apartments
- a Homeownership Opportunity and Preservation Center with counseling services
- and down payment assistance grants.

The Coalition's plan is full of community-generated ideas that are good for the neighborhood. So far the City has said either NO or maybe to all of these ideas. The City must all the tools it can to ensure that the ENY re-zone keeps current residents in their homes and in their community. Because the City's plan has failed to do this, we urge you to Vote No on the City's Plan, unless the City adopts the Community's Alternate Plan.



SECTION VIII: FAIR HOUSING & EQUITY

Good afternoon Commissioners,

My name is Brother Paul Muhhamad, and I am an East New York homeowner, represent Mosque 7C of East New York, and we are members of the Coalition for Community Advancement. I will testify on the concerns we have about the rezoning in regards to fair housing and equity. We are urging you to vote NO on the City's East New York Plan, unless it is the community's Alternate Plan.

Victor Hugo once said that there is nothing in the world more powerful than an idea whose time has come. The dynamic idea whose time has come today is the quest for freedom and human dignity. The Coalition formed in September of 2014 in response to the announcement for the Re-Zone of East New York. We are a dynamic group of houses of worship, community based agencies, residents - - homeowners and renters, and small businesses; together we serve and represent 50,000 residents. Our members have faithfully participated in the all of the outreach sessions held by the Department of City Planning and we understand the City's timetable is a fast one. Unfortunately, we have yet to hear specific and definite plans for deep affordability levels and what the City is proposing for infrastructure, services and anti-displacement policies. We have very specific concerns that we want to discuss and ask for your support on advocating for the East New York/Cypress Hills community.

The Coalition urged the City to amend the scope to include an analysis of the fair housing repercussions of the proposed rezoning. As a recipient of federal housing funds, the City has an obligation under the Federal Fair Housing Act to affirmatively further fair housing when rezoning or developing housing. An analysis of the fair housing implications of the re-zone is required under federal law. Before undertaking this major rezoning, it is required that the City

study its impact on residential segregation and the way in which it will be addressed. The City hasn't done this.

The City's response was "The City is **not** required, pursuant to federal, state or local law or regulation, to include an assessment of the proposed action's compliance with federal fair housing laws and regulations in the EIS." The Coalition disagrees with the City's position on this issue and urges the City to address fair housing issues surrounding this rezoning in the Final Environmental Impact Statement.

Throughout the years, we have seen gentrification in Williamsburg, Bushwick, Bed Stuy and Harlem covered up by "urban renewal" projects. These same neighborhoods have seen tremendous loss in affordable housing and a rapid change in neighborhood character. The real estate index in neighborhoods like Bed Stuy, Park Slope and Fort Green has increased by more than 26% from 2008 to 2014--that's only six years. Most low income and working class New Yorkers cannot afford to live in this city. As the cost of living has risen, the income index has not. While many landlords continue to find ways to increase their revenue, New Yorkers are being pushed out of their homes. Over the years, the affordable housing stock continues to be depleted as rent stabilized units are being taken off the market.

The Coalition has proposed a long list of anti-displacement strategies: incentives to keep rents low, disincentives to speculation, an anti-harassment district, support for low-income homeowners, grants to legalize basement apartments, a Homeownership Opportunity and Preservation Center with counseling services, and down payment assistance grants. The Coalition's plan is full of community-generated ideas that are good for the neighborhood. So far the City has said either NO or maybe to all of these ideas.



Does the City believe that it “knows what’s best” for our community, despite what residents have proposed through the Community Plan? If yes, that is a story that low-income people of color in this neighborhood have heard many times – too many times – before.

Because the City has heard our ideas and refused to put them in their plan, because the entire district is at risk of gentrification and displacement, because the City’s plan fails to identify threats and mitigate them, and because we refuse to allow this assault on our neighborhood, the Coalition for Community Advancement urges the City Planning Commission to Vote No, unless the City adopts the community’s Alternate Plan.

SECTION IX: GENTRIFICATION

Good afternoon Commissioners,

My name is Roy Frias. I am a member of East New York Farms a program of United Community Centers and we are a member of The Coalition for Community Advancement. I stand before you today as a concerned citizen and community resident. The truth is the reason our community has not stood behind this rezoning plan is because this plan is not the way you invest into our neighborhood.

Throughout the years, we have seen Gentrification in Williamsburg, Bushwick, Bed Stuy and Harlem covered up by “urban renewal” projects, these same neighborhoods have seen tremendous loss in affordable housing (because the rent is already too high). At its very core gentrification (for us) is about those working families not being able to afford to live and raise families anymore. We lived and stayed in these places despite our struggles because we believed this was the right place to be and we continue to invest our lives into this study area. We may not be able to invest the millions of dollars developers used to make more millions from the community, but we speak from a place of understanding that the rates this plan is calling for will bring gentrification to our neighborhood.

The real estate index in neighborhoods like Bed Stuy, Park Slope and Fort Green has increased by more than 26% from 2008 to 2014, that’s only six years. As the cost of living has risen, the income index has not. While many landlords continue to find ways to increase their revenue, New Yorkers are being pushed out of their homes. Over the years, the affordable housing stock continues to be depleted as rent stabilized units are being taken off the market.

While one goal of rezoning parts of East New York and and other New York City neighborhoods is to develop additional affordable housing, we need to prioritize maintaining the

affordable housing that already exists in our community. We want to ensure first and foremost that the people who live in this community now can stay in their homes as long as we welcome with open arms a new community of “housing refugees.” In East New York, half of all households earn less than 30 Thousand dollars a year. We want 100% of what the city builds here in our neighborhood to be built for the people who live here.

Historically, East New York saw redlining deny mortgages. We’re a neighborhood that is already under attack, and we want a plan that will support us more. Give us the rates that will allow the community to stay, give us housing that families making \$34,000 can afford.

We demand that the City help us negotiate to create jobs for our community. We demand that the City work with our community to create programs for skills that will help build a self-sustainable people. We demand a training and workforce development center, support for small businesses and preservation of manufacturing jobs and good, with living wage jobs with a future.

Community Board 5 in East New York has voted no. The Brooklyn Borough President has voted no. Now it’s up to you. I thank the city for all the work they have done, and I hope this conversation ends with community interests at heart. Vote NO, unless it’ the Coalition’s Alternate Plan.

SECTION X: MANUFACTURING

My name is Bill Wilkins and I represent the Local Development Corporation of East New York and we are members of the Coalition for Community Advancement. I will testify today on the impact that the rezoning will have on manufacturing businesses in the area.

The City has proposed changing the zoning of almost all existing manufacturing properties in the rezoning area to MX zoning. These industrial properties are currently zoned M- 1 and are located on Atlantic Avenue and Liberty Avenues. Businesses in the current M-1 zone include metal fabricators, bakeries, sign makers, and producers of plastic and paper products as well as transportation companies, wholesalers and suppliers and auto repair and sales shops. We are very concerned about the manufacturing sector in our community which has long been the backbone of an otherwise bleak local economy. Manufacturing jobs pay an average of \$50,934 annually: good, living-wage jobs that East New Yorkers desperately need and deserve.

The MX zoning districts being proposed allow for industrial, residential and commercial development. But in fourteen other neighborhoods of the City, MX zoning has failed to promote a real mix of uses or to preserve land for manufacturing. As documented by the Pratt Center for Community Development

(http://prattcenter.net/sites/default/files/making_room_for_housing_and_jobs_may_5_2015_0.pdf), without exception, the MX designation has resulted in a loss of industrial land. They have found that a total 41% of industrial space in MX zones, which represents over 4.2 million square feet, was lost by 2014 and other uses increased by 71%. The simple reason is that both retail and residential uses generate much higher profit.

We have started to see this trend already prior to the East New York rezoning even being approved. The former Borden's Dairy Factory at 2840 Atlantic Avenue is being sold for \$12 million

or \$157 a square foot for mixed uses and residential development

(<http://www.loopnet.com/xNet/MainSite/Listing/Profile/Profile.aspx?LID=19424998&SRID=6535852140&StepID=101>) - - at this cost prohibitive acquisition price, the neighborhood will neither preserve good manufacturing jobs nor get the deeply affordable housing it needs. We call upon the City to preserve as much existing manufacturing land as M zones as possible while they simultaneously strengthen the East New York IBZ.

Indeed, the City's own Draft Environmental Impact Statement (DEIS) states that there will be a net decrease of 27,035 square feet of industrial uses. We find it implausible that the DEIS concludes that despite the elimination of all industrial zoning districts in the rezoning area, there will be **no** significant adverse impact on industrial businesses. It states that the rezoning would "follow" the trend of the decrease of manufacturing firms across the City. This reasoning does not acknowledge the role that local land use policy plays in perpetuating this trend. The

DEIS also wrongly reasons that manufacturing businesses "can largely be located elsewhere in the City" and that the proposed MX zoning districts will "facilitate" the retention and growth of existing industrial businesses. This logic equates the fact that industrial uses are *allowed* as-of-right in MX districts with their being *facilitated* to be there. Particularly because of the industrial businesses that are now in manufacturing districts and will become legal but non-conforming uses in new residential districts, the City should establish an industrial relocation fund to assist displaced companies to relocate in the East New York IBZ. The DEIS also inconsistently applies the law of supply and demand. It acknowledges that industrial rents are rising and vacancy rates are falling, but it doesn't acknowledge that reducing the supply of industrial land (via the re-zone) will exacerbate the challenge of rising industrial rents.

The Coalition asked that the DEIS consider the flaws of MX zoning for retaining and



expanding industrial business over time due to its tendency to facilitate market pressures that are likely to cause eventual conversion to all-residential/commercial districts. The City's response was that MX zoning allows existing industrial businesses to continue operations and/or expand and allows for new industrial businesses to set up shop. This inadequate response merely states that industrial uses are as-of-right in MX zones and completely disregards the Coalition's point that the real estate economics dictate that industrial uses are at a disadvantage in MX zones. The Final Environmental Impact Statement should address this issue and explore other zoning tools for achieving genuine, balanced mixed-use zoning districts.

Because of these concerns about the displacement of manufacturers from the rezoning area and the lack of a relocation fund in the City's Plan, we urge the City Planning Commission to vote **no** to the East New York Rezoning Plan and advocate for the adoption of the Alternative Plan presented by the Coalition for Community Advancement.

SECTION XI: RETAIL PLAN

Good Morning/Afternoon City Planning Commissioners,

My name is Robert Santiago and I am the Executive Director of the Highland Park Community Development Corporation, and we are members of the Coalition for Community Advancement. I will testify today on the importance of a retail plan to strengthen the commercial corridors of the rezoning area and the need to implement anti-displacement policies for small businesses in Cypress Hills/East New York.

The Department of Small Business Services should be commended for its commitment to conducting a Commercial District Needs Assessment for the commercial strips in the rezoning area. There are roughly 500 small, Mom & Pop retail and service shops on these commercial strips that can benefit greatly from City investments in business attraction and retention services, storefront and building improvements, merchant organizing and small business technical assistance. The Commercial District Needs Assessment will identify the longer term projects that the City will implement to preserve these commercial corridors. We need commitments that the financial resources for these strategic interventions will be available in the following fiscal years.

The potential displacement of small business is a major concern of the Coalition which has not been adequately addressed. In the DEIS, the City concludes that the direct displacement of 88 businesses (that employ about 584 people) does not constitute a significant adverse impact. It also states that the rezoning intends to increase the amount of retail space for local businesses and that directly displaced businesses will be able to find space in new developments. We question these assumptions. We doubt that newly constructed retail spaces without significant public subsidies can match what small businesses are paying now on Fulton Street and Pitkin Avenue and we ask: *where in Brooklyn will these businesses go?*

Furthermore, there is contradictory projections in the DEIS about future retail growth in East New York. The DEIS says that the rezoning would **not** create “new types of retail uses”, such as destination retail. Instead, the DEIS expects new businesses to be primarily “local-scale commercial activity to support anticipated residential development”. However, the DEIS omits an analysis of the impact of the C4-4D and C4-4L zoning districts proposed for each of the four corners of the East New York rezoning area and the fact that they are designed to foster regional commercial centers that will compete will local merchants and drive rental prices up.

The Coalition asked that the DEIS measure and share the potential impact that new commercial and commercial-overlay zoning districts will have on existing small retail businesses, including an analysis of the impacts of chain stores on local businesses and the potential displacement that larger commercial footprints will likely create.

Mitigation strategies that need to be studied are outlined by the Coalition in its Alternate Plan and include:

- Setting aside spaces in new mixed-use developments at current commercial rental levels for neighborhood small businesses and start-up entrepreneurs
- Coordination between the City’s housing and small business agencies in implementing the Retail Plan and **not** locating new retail in direct competition with existing small businesses
- The Good Neighbor Tax credit to create incentives for owners of mixed-use buildings to keep rents affordable
- Storefront improvement grant and building repair loans/ grants that could incentivize owners to keep long-term commercial tenants
- and attraction of high road retailers to destination retail locations or down-sizing the amount of current proposed destination retail.

Because the City’s plan has failed to acknowledge the threats to current retail businesses and has failed to generate sufficient mitigation strategies, we urge the City Planning Commission to Vote No on the City’s Plan, unless the City adopts the Community’s Alternate Plan.

SECTION XII: SCHOOLS

Good afternoon City Planning Commission,

My name is Natisha Romain and I coordinate adult education programs in Cypress Hills. I am also a proud member of the Coalition for Community Advancement. I am testifying on the need for the City to plan for more public schools as part of the East New York Plan and to include parents, the District Superintendent and the Community Educational Council in this planning. We are urging you to vote NO on the City's East New York Plan, and adopt the Coalition's Alternative Plan.

We commend the City for including in the East New York Plan, a commitment to build a new 1,000 seat school that would open in the 2020-2021 academic year. We urge the City of New York to document in this commitment in the final environmental impact statement to assure that the projected new 1,000 seat school will be built by September 2020. We also request that the City make plans now as to how they will alleviate the temporary and significant overcrowding that will occur prior to the completion date of the new school and come up with alternatives in the event that the school is not ready by the academic year 2020-21.

In the Draft Environmental Impact Statement, the City also identifies the need for an additional 454 elementary public school seats and 183 intermediate school seats. We believe this is a **tremendous** under-counting of the number of seats needed. The City has not taken into account the 13 charter schools that serve elementary students in the study area and 6 charter schools that serve intermediate students - - all of which are all located in DOE buildings! Charter schools were *not considered* in the quantitative analysis. The seats taken by charter schools need to be deducted from local school capacity estimates.

Furthermore, the City should not treat the school seats in trailer classrooms as permanent and should adjust their utilization rates to reflect this. Any City action to relieve overcrowding in schools in East New York, as part of the rezoning plan, should include plans to eliminate existing trailers by adding seats to existing facilities or through new construction. The plan should also preserve treasured community services in school buildings like the East New York Diagnostic & Treatment Center clinic and the Beacon at the IS 302 campus.

The final plan should identify the sites needed for expanding public school seats and clearly state the financing commitments which will be made. The mitigation measures set forth in the Final Environmental Impact Statement must identify, earmark and include large development sites (over 50,000 square foot footprint) in the NYC Department of Education's Capital Plan for school construction as part of the rezoning. Given the scarcity of large developable sites and the need to provide comprehensive community services for the current community and for any future population increase (a goal that the Re-zone recognizes), the City must address as a part of the Re-zone how it will proactively acquire sites for school. The City must use all of the tools at its disposal, including eminent domain, to acquire sites before the rezoning is complete and land prices skyrocket.

Because of these concerns about the method for calculating current and future need for school seats, concerns about the lack of clear, on-time construction of the one school in the City's Plan, and concerns about timely identification of sites for additional schools, we urge the City Planning Commission to vote **NO** to the East New York Rezoning Plan and advocate for the adoption of the Alternative Plan presented by the Coalition for Community Advancement.

SECTION XIII: SMALL HOMES

Good afternoon,

My name is Valerie Mast. I am a long-time homeowner in East New York, and I am a member of the Coalition for Community Advancement. I am testifying on the need for the City to help the owners of 1-4 family homes preserve their housing and create protections for our renters.

Small homes (with one to four apartment units) are the predominant housing type in the rezone area, accounting for more than 3,300 units. Most of the small homes in the area are over 100 years old and need major systems repairs, including new roofs and energy retrofits. Furthermore, a large percentage of the small homes in the community contain basement apartments. Many of my fellow homeowners are low income, long-time homeowners - - some are senior citizens and most rent at affordable levels to their tenants. We want to keep our tenants but we also need to afford our homes in the long-term as property taxes and water rates increase. Complicating matters even further, there continues to be a foreclosure crisis in Community Board 5 with over 1,000 foreclosure actions filed in our zip codes last year. Our homeowners are already vulnerable and the rezoning has made them more so! All of these factors: the age of the homes and the need for repairs and retrofits, the continuing foreclosure crisis, and the low incomes of many homeowners - - make our neighborhood ripe for speculators who prey on my fellow homeowners in deed theft and loan modification scams and harass them to sell their homes at below market rates.

Homeowners are being constantly being barraged by harassing phone calls and in-person visits to sell their homes for cheap prices. We urge the City to stop these attacks by creating and enforcing rules/laws on these unscrupulous small businesses, realtors and mortgage brokers;

bringing criminal charges if fraud is committed and ensuring that the City Commission on Human Rights is investigating fair housing practices in the buying and selling of homes.

The Coalition proposes policies that would assist owners of small homes to support low and moderate income homeowners and to keep rents low for tenants. We urge the city to implement them:

1. Good Neighbor Tax Credit-property tax credit to incentivize owners keeping rents affordable in small homes; 25
2. Retrofitting and basement conversion programs that require homeowners to sustain low income tenants;
3. Creating a fund for capital upgrades for low-income homeowners to finance roof replacements and energy efficiency measures to offset rising housing costs;
4. Explore ways that the City can lower the rates for water and sewer bills for long-term, low-income owner-occupants of 1 to 4-family homes.
5. Extend the tax exemptions of homeowners who purchased subsidized homes through HPD in East New York.
6. Allocate funds for community organizing to homeowners from scams or abuse, fueled by speculation and housing counseling services to prevent mortgage foreclosure.
7. Establish a moratorium on tax lien sales of 1-4 family homes.

Although the City currently offers grants for homeowners to fix boilers and roofs, the income requirements are quite restrictive, in my opinion, and many of the residents that I referred to the program did not qualify. We need grants available to current residents to help preserve small homes.

In conclusion, the City must pioneer new preservation tools to preserve low and moderate homeownership in our neighborhood and protect the low income tenants that live in our small homes. The City's housing agency has stated they will investigate and research these proposals but to date, we have no firm commitments. Until those commitments are made we believe the City Planning Commission should vote NO the City's rezoning plan and work with the City to adopt the Coalition's Alternative Plan.

Thank you

[Type text]





SECTION XIV: SPECIAL PURPOSE DISTRICT - Adrien A. Weibgen

Testimony of Adrien A. Weibgen of the Urban Justice Center Community Development Project

Good morning, City Planning Commissioners. My name is Adrien Weibgen, and I am an attorney at the Urban Justice Center Community Development Project, which is working with the Coalition for Community Advancement to support equitable development in East New York. The proposed rezoning will create a huge risk of displacement, and the preservation strategies the City has proposed are completely inadequate. The City needs additional anti-displacement strategies for both regulated and unregulated tenants, and it should not proceed with the rezoning without these strategies. We urge you to vote NO on the City's East New York Plan, unless the City adopts the proposals in the community's *Alternate Plan* as alterations or mitigations.

East New York has long been a home to many low- and middle-income New Yorkers, including people of color and immigrants. CDP is concerned that the City's plan risks displacing thousands of low-income people, as has happened with many of the City's past rezonings. East New Yorkers do not fear change. They fear that they will not be around to benefit from the changes that are coming.

The City says that rents in Brooklyn are rising and that there is a risk of displacement with or without the rezoning. But the City does not address the fact that the rezoning will *increase* the risk of displacement by inviting huge amounts of new housing, which will drive up rents and land values in the community. By way of comparison, the proposed rezoning would

increase the residential population of the area by over 50%, with many people at income levels far above those of current residents. In contrast, if the City did not rezone East New York, the residential population would increase by only 4% and many residents would have incomes similar to today's residents. It does not make sense to say that the risk of displacement is the same with or without the rezoning. The rezoning will add fuel to the fire.

The City claims that preservation of affordable housing is at the heart of its plans for the area, but legal services alone are not enough to break the profit motive that drives landlords to harass rent-stabilized tenants, and HPD subsidies will not help tenants of unregulated apartments in small homes. The City must adopt additional mitigation strategies to combat the risk of displacement. I will highlight two proposals from the Coalition's *Alternate Plan*.

Anti-Harassment Zoning Text Provision

First, the City should protect rent-stabilized tenants by requiring landlords seeking certain permits from the Department of Buildings to obtain a Certification of No Harassment. Landlords who have harassed tenants should not be able to receive building or alteration permits – *unless* those landlords agree to build new, permanently affordable housing. This requirement was put into the zoning text in the Special Clinton District in Hell's Kitchen, and it works in two ways. First, it *stops* harassment because landlords do not want to have to make parts of their buildings permanently affordable. Second, if landlords harass tenants despite the new rule, they have to *create* new, permanently affordable housing. This anti-harassment provision has worked in Hell's Kitchen, and it would work in East New York, helping low-income people can stay in East New York even as it changes.

Good Neighbor Tax Credit

The second proposal is a Good Neighbor Tax Credit, which will support tenants in small, owner-occupied homes. Many live-in landlords in the community give low-income tenants below-market rents because they are more interested in supporting their neighbors than maximizing their profits. But as land values and property taxes go up, it will become harder for these landlords to maintain low rents. A Good Neighbor Tax Credit could protect unregulated affordable housing by providing a tax break to landlords of 1-4 family homes who offer one-year leases to low-income tenants at below-market rates.

Dramatically upzoning a low-income community with huge amounts of unregulated housing is a dangerous gamble, and the City should not play games with people's lives. If the City cannot or will not do more to ensure that the current residents of East New York will be able to stay and benefit from the changes the rezoning will bring, the City should not proceed with the rezoning at all. Again, we urge the Planning Commission to Vote No on the City's Plan, unless the City adopts the proposals in the community's *Alternate Plan* as alterations or mitigations. Thank you.



SECTION XV: SPECIAL ZONING DISTRICT

Special Zoning Districts that Prescribe Specific Uses, Design Treatments, or Both: Precedents for an East New York Special District

There are many Special Zoning Districts in New York City; generally their regulations are written to more tightly restrict building uses and/or bulk than the underlying zoning would do. Some require the creation of specific public spaces, or mandate easements to allow for future construction by public entities (the Special Transit Land Use District created by Article 9, Chapter 5 requires new buildings to set aside space in specific locations that will eventually be needed for construction of stations and stairways to access the Second Avenue Subway.)

The Special Districts listed below are more prescriptive, and provide for the creation or preservation of specific uses for the purpose of enhancing the quality and attractiveness of an area. They use various mechanisms to do this – special design controls, exemption of desired uses – including schools! – from FAR, requirements for inclusion of certain uses.

In the “Purpose” section of many Special Districts, language like “...to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes” acknowledges that the zoning’s overarching goal of promoting the “highest and best use” may be trumped by other, locally-defined objectives.

So there is ample precedent for using zoning to privilege, or even to mandate very specific desired uses, and to more tightly restrict undesirable uses than the basic R / C / M designations normally do.

Article 8, Chapter 3, Special Limited Commercial District

<http://www.nyc.gov/html/dcp/pdf/zone/art08c03.pdf>

83-00

GENERAL PURPOSES

The "Special Limited Commercial District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity.

These general goals include, among others, the following specific purposes:

(a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;

(b) to improve circulation patterns in the areas in order to avoid congestion arising from the movements of large numbers of people;

(c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing; and

(d) to promote the most desirable use of land in these areas and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

83-02

General Provisions

#Special Limited Commercial Districts# may only be mapped in

#Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

Article 8, Chapter 7, Special Harlem River Waterfront District

<http://www.nyc.gov/html/dcp/pdf/zone/art08c07.pdf>

87-00

GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) maintain and reestablish physical and visual public access to and along the waterfront;

(b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(d) encourage well-designed development that complements the built character of the neighborhood;

(e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;

(f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms;

and

(g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront.

87-22

Special Retail Floor Area Requirement

(a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a) (1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a) (2) of this Section.

[JB note: the uses listed in paragraph (a) (1) are typical commercial uses, mainly Use Group 6. The uses in (a) (2) are Use Groups 1 – 4 (all residential and community uses) plus Use Groups 5A, 6B, and 8A.) The Special District thus ties the development of as-of-right commercial space to a requirement that an equal amount of space also be developed for a specific set of residential, community, and commercial uses deemed to be desirable to achieve the goals of the Special District. There are also other provisions typical of waterfront special districts, governing public access, views, ground floor uses, etc.

It is probably worth noting that not a lot of new development has happened since this district was designated in 2011, though this is probably more due to the larger economic factors affecting development in NYC than to these specific regulations.]

Article 8, Chapter 8 - Hudson Square Special District

<http://www.nyc.gov/html/dcp/pdf/zone/art08c08.pdf>

88-311

Special floor area regulations in Subdistrict A

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; no #floor area# bonuses shall apply.

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

Any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

(a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or

(b) a charter school, subject to the New York State Education

Law, pursuant to an agreement with a charter school organization.

Article 9, Chapter 5 - Special Transit Land Use District

<http://www.nyc.gov/html/dcp/pdf/zone/art09c05.pdf>

JB note: This Special District was created to require developers of sites where future stations of the Second Avenue Subway will be located to preserve easements that will allow stairways and escalators to provide access to those stations to be built within their property lines. This chapter includes a list of specific station locations – but the text was written in language that made it potentially applicable to additional Special Transit Districts that might be mapped in the future. The chapter does not make any other provisions or references to Transit Oriented Development; its only purpose is to ensure that access can be developed to future stations when needed.

Transit Easement

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

(a) the integration and relating of subway station design to surrounding development;

- (b) the introduction of light and air to stations and mezzanines;
- (c) the reduction of conflict between pedestrian movements and station facilities on the #street# level;
- (d) the provision of weather protection for subway entrances;
- (e) the relation of subway entrances to #commercial# and other transit facilities;
- (f) the provision of maximum visual exposure of subway entrances from public areas; and
- (g) the elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

Article 9, Chapter 6 - Special Clinton District

<http://www.nyc.gov/html/dcp/pdf/zone/art09c06.pdf>

[JB note: the anti-harassment and anti-demolition provisions of this district have been discussed and are referenced in comments on the Draft Scope for the EIS]

96-00

GENERAL PURPOSES

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity.

Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary

to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

(a) to preserve and strengthen the residential character of the community;

(b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;

(c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;

(d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;

(e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;

(f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special Hudson Yards District#;

(g) to provide amenities, such as street trees, to improve the physical environment;

(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and

(i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

Article 13, Chapter 2 - Special Enhanced Commercial District

<http://www.nyc.gov/html/dcp/pdf/zone/art13c02.pdf>

132-00

GENERAL PURPOSES

The "Special Enhanced Commercial District," established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

(a) in "Special Enhanced Commercial District" 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;

(b) in "Special Enhanced Commercial District" 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;

[JB note – these regulations apply specifically to Amsterdam Avenue between 73rd and 110th Streets, and Columbus Avenue between 72nd and 87th Streets.]

(c) in "Special Enhanced Commercial District" 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;

(d) in "Special Enhanced Commercial District" 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; and

(e) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

*[JB note – The four designated “Special Enhanced Commercial Districts” are Fourth Avenue, Brooklyn, Amsterdam and Columbus Avenues in Manhattan, Broadway between 72 and 110 Streets in Manhattan, and Broadway between Sumner Place and Monroe Street in Brooklyn. Each has its own specific set of regulations, all of which mandate commercial uses on ground floor street fronts, require minimum percentages of glass on street walls, etc. But the rules for District 2 specifically set a minimum percentage of ground floor space that **must** be used for sale of fresh food, **and** mandate that ground floor retail space must be broken up into spaces occupied by small retail establishments; Districts 2 and 3 also limit the amount of street frontage that can be occupied by banks.*

These regulations are relevant to CHENY because they are a clear precedent for regulating uses much more prescriptively than the underlying zoning, for the purpose of maintaining desired neighborhood qualities. In this case, it’s to ensure a “lively and engaging pedestrian experience,” but other goals could also be defined and then codified in zoning.]

132-22

Mandatory Ground Floor Uses

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building’s ground floor level# fronting upon a #designated commercial street#.

(a) Minimum percentage of #commercial uses#

Mandatory #commercial use# regulations shall apply to an area of a #building’s ground floor level# defined by an aggregate width equal to at least 50 percent of a #building’s street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall#

along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(6/28/12)

132-23

Minimum Number of Establishments

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall have an average depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#.

However, such depth requirement may be reduced where necessary

in order to accommodate a vertical circulation core associated with a #residential# lobby.

132-24

Maximum Street Wall Width

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

(c) #Residential# lobbies

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any #ground floor level

[Type text]



residential# lobby shall not exceed 25 feet, as measured along the #street line# of a #designated commercial street#.

SECTION XVI: SPECULATION

Good Morning/Afternoon Commissioners and Happy New Year,

My name is Rose Martinez and I am a Morgan Stanley/Association for Neighborhood and Housing Development Community Development Fellow placed at the Cypress Hills Local Development Corporation, who is a member of the Coalition for Community Advancement: Progress for East New York/Cypress Hills. I will testify today on the property sales research I have conducted for the Coalition. Using the Department of City Planning's Map PLUTO land use and geographic data, and the Department of Finance's property sales data, I investigated to see if there has been an increase in the average property sales price in Community District 5 and within the rezone area boundaries from the 18 months before and after the Mayor's announcement of the East New York Rezoning and Housing Plan made in May 2014.

In Community District 5, the average property sales price has increased for mixed-use, industrial, and vacant properties. Mixed-use properties have increased 146%, industrial 113%, and vacant 64%. Focusing on industrial properties, the average sales price for industrial properties before the rezoning announcement was \$895,828 and \$1,906,785 after the rezoning announcement. This is a \$1,010,957 difference which corresponds to a 113% increase. When looking only at factories, the average sales price before the rezoning announcement was \$1,104,091 and \$4,018,615 after the rezoning announcement. This is a \$2,914,524 difference or a 264% increase.

In the rezone area, the average sales price for multi-family walkups, industrial¹ and vacant properties is significantly much greater than average sales price found for Community District 5. Multi-family walkups have increased 201%, industrial 298%, and vacant 226%. The average sales price for multi-family walkups before the rezoning announcement was \$483,250 and \$1,452,558 after the rezoning announcement. There is a \$969,308 difference which corresponds to a 201% increase. The average sales price for industrial properties before the rezoning announcement was \$546,451 and \$2,172,501 after the rezoning announcement. There is a \$1,626,050 difference which corresponds to a 298% increase which is alarming.

My analysis strongly indicates that there has been an increase in speculation in the rezone area since the announcement of the rezoning. Residents of unregulated units are currently vulnerable to harassment and displacement from speculators seeking a return in their investment. To prevent the displacement of these residents, the Coalition proposes the Flip Tax, which increases the transfer tax on all transfers to non-owner occupied/investor-purchased units and to implement citywide anti-harassment legislation based on the Special Clinton District. The Special Clinton District requires owners of multiple-dwelling buildings to apply for a Certification of No Harassment from HPD prior to seeking a DOB permit to alter, demolish, or change the shape or layout of a building.

In conclusion, we ask the Commission to vote NO, UNLESS the City commits to the implementation of the Coalition's Alternative Community Plan. Happy to answer any questions.

Thank you!

¹ For the rezone area, the number sales of factories and warehouses are too low. Averages calculated for factories and warehouses may not be representative and skewed.

Property Sales												
	Entire Community District 5						Rezone Area					
	Before Rezoning		After Rezoning		Difference		Before Rezoning		After Rezoning		Difference	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
TOTAL # of SALES	2038		2040		2	0.1%	760		891		131	17.2%
Total # of \$0 Sales	710	35%	670	33%	-40	-6%	256	34%	287	32%	31	12.1%
Average Sale Price												
1-3 Family	\$329,553		\$369,676		\$40,123	12%	\$316,309		\$357,523		\$41,215	13%
Walkup Rental	\$604,793		\$1,012,861		\$408,068	67%	\$483,250		\$1,452,558		\$969,308	201%
Rental 4-10 Units	\$284,548		\$699,225		\$414,677	146%	\$286,081		\$691,909		\$405,828	142%
Coops & Condos	\$234,049		\$238,723		\$4,674	2%	\$254,666		\$146,367		-\$108,300	-43%
Industrial	\$1,472,564		\$2,602,565		\$1,130,001	77%	\$2,223,051		\$2,172,501		-\$50,550	-2%
Factories	\$1,104,091		\$6,926,014		\$5,821,923	527%	\$438,750		\$18,162,000		\$17,723,250	4039%
Warehouses	\$3,195,828		\$2,725,769		-\$470,058	-15%	\$4,379,394		\$1,055,000		-\$3,324,394	-76%
Commercial Garages	\$506,814		\$636,181		\$129,366	26%	\$233,750		\$422,854		\$189,104	81%
Commercial	\$973,816		\$1,151,471		\$177,655	18%	\$893,483		\$705,400		-\$188,083	-21%
Facilities	\$316,927		\$1,741,689		\$1,424,762	450%	\$1,000		\$400,000		\$399,000	39900%
Other	\$349,444		\$334,132		-\$15,313	-4%	\$210,000		\$294,125		\$84,125	40%
Vacant	\$199,183		\$327,325		\$128,142	64%	\$93,695		\$342,945		\$249,251	266%
Average Sale Price/Land SF												
1-3 Family	\$168		\$184		\$15	9%	\$160		\$182		\$21	13%
Walkup Rental	\$198		\$219		\$22	11%	\$172		\$193		\$21	12%
Rental 4-10 Units	\$249		\$314		\$65	26%	\$194		\$320		\$126	65%
Coops & Condos	-		-		-	-	-		-		-	-
Industrial (All)	\$153		\$148.39		-\$4	-3%	\$114		\$111		-\$3	-3%
Factories	\$156		\$263		\$106	68%	\$93		\$93		\$0	0%
Warehouses	\$208		\$132.67		-\$75	-36%	\$305		\$239		-\$66	-22%
Commercial Garages	\$113		\$104.60		-\$9	-8%	\$60		\$99		\$39	64%
Commercial	\$175		\$225.57		\$50	29%	\$122		\$224		\$103	84%
Facilities	\$89		\$152.48		\$63	71%	\$0.33		\$155		\$155	46412%
Other	\$84		\$90.59		\$7	8%	\$84		\$124		\$40	47%
Vacant (All)	\$92		\$86.47		-\$5	-6%	\$43		\$67		\$25	57%
Vacant Commercial	\$139		\$75.40		-\$64	-46%	\$41		\$60		\$19	47%
Tax Class 1 Vacant	\$77.35		\$87		\$10	13%	\$43		\$71		\$28	65%

Increase in sales price after rezoning

*Removing two outlier sales (~~\$25,695,450~~ & ~~\$36,000,000~~):

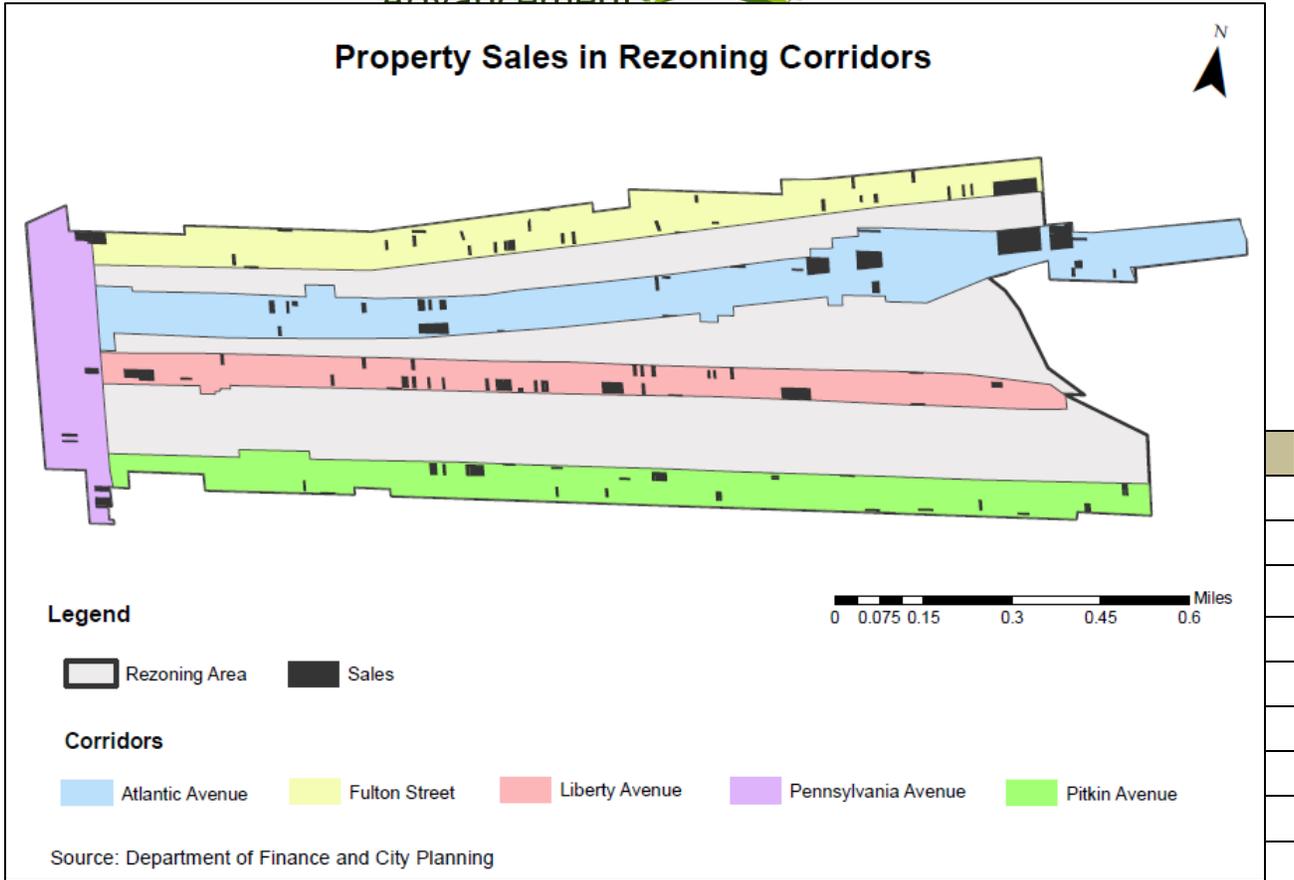
Average Sale Price	Entire Community District 5				Within Rezoning Boundary			
	Before Rezoning	After Rezoning	Difference		Before Rezoning	After Rezoning	Difference	
Industrial	\$895,828	\$1,906,785	\$1,010,957	113%	\$546,451	\$2,172,501	\$1,626,050	298%
Factories	\$1,104,091	\$4,018,615	\$2,914,524	264%	\$438,750	\$18,162,000	\$17,723,250	4039%
Warehouses	\$1,320,859	\$2,725,769	\$1,404,910	106%	\$826,718	\$1,055,000	\$228,282	28%
Avg Sale Price/Land SF	Before Rezoning	After Rezoning	Difference		Before Rezoning	After Rezoning	Difference	
Industrial	\$125	\$147.65	\$22	18%	\$103	\$111	\$8	8%
Factories	\$156	\$270	\$114	73%	\$93	\$93	\$0	0%
Warehouses	\$116	\$132.67	\$17	14%	\$138	\$239	\$101	73%

** Factors affecting averages:

- Large sales price for industrial ~~\$25,695,450~~ - Small sample size - Included \$1-\$1,000 sales (excluded \$0 sales)

CB 5 Averages				
Before Rezoning		After Rezoning		
Sample Size	Low-High Range	Sample Size	Low-High Range	
Warehouses	13	\$44,562- \$25,695,450	13	\$500,000 - \$8,000,000
Facilities	3	\$1,000-\$625,000	4	\$10,000-\$1,735,000

Rezone Area Averages				
Before Rezoning		After Rezoning		
Sample Size	Low-High Range	Sample Size	Low-High Range	
Coops & Condos	1	\$254,666	4	\$97,666-\$202,800
Factories	5	\$10,000-\$950,000	2	\$324,000- \$36,000,000
Warehouses	7	\$44,562- \$25,695,450	2	\$500,000-\$1,610,000
Facilities	1	\$1,000	1	\$400,000
Other	1	\$210,000	12	\$60,000-\$650,000



Rezoning Corridors	Number of Sales		Difference	
	Before	After	Count	Percent
Fulton Street	32	52	20	63%
Atlantic Avenue	32	42	10	31%
Liberty Avenue	34	40	6	18%
Pitkin Avenue	31	57	26	84%
Pennsylvania Avenue	7	18	11	157%

SECTION XVII: ZONING & MIH – Jonathan Furlong

Good morning--Thank you to the members of the City Planning Commission for the opportunity to testify today.

My name is Jonathan Furlong and I am the Zoning Technical Assistance Coordinator for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of New York City neighborhood-based housing and economic development groups, CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have nearly 100 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units.

In each of the neighborhood rezonings that have been announced, the city has talked about the development of new affordable being central to each. However, there is serious concern that this new housing will not meet community needs and be largely unaffordable to longtime residents. ANHD would like to comment on the levels of income within the East New York study area, relative to the levels of affordability the city is proposing, as well as the implementation of strong anti-displacement policies to protect existing units. The City's plan says it will provide affordable housing in 2 ways: through subsidies and through the new proposed Mandatory Inclusionary Housing program. However, neither of these methods, as currently proposed, would meet the needs of the local area's existing residents.

Within the study area, over half of the residents in Community Board 5 make less than 50% of AMI, with a median income of \$34,146. Of the 50,704 total households, 26,869 (53.0%) pay more than 30% of their income in rent or costs associated with homeownership. Nearly 30% of households (15,096) experience Severe Cost Burdened (pay more than 50%+ in rent or homeownership costs). Within Community Board 16 the median household income is just \$27,866.

The current MIH proposal does not guarantee housing for households making less than 60% of AMI, or \$51,780 for a family of 4. The subsidy proposed by the City, while welcome, does not fully solve the problem. Under the ELLA program, 60% of the units constructed would be available for families making 60% of the Area Median Income or \$50,000 a year. 15% of the units would be for families making \$42,000 a year, another 15% would be for families making \$33,500 per year, and 10% of the units would be marketed to people making \$25,000 per year.

Furthermore, there is no way to guarantee that private developers will take city subsidy. Unlike affordable units that will be required under MIH, which will be guaranteed across the board for new developments in the area, developers can choose case by case whether to participate in HPD subsidy programs. While many developers might be likely to because the current local market makes it difficult to construct housing without government assistance, this could also change as the market changes.

While units created under MIH will be permanently affordable, those built under HPD subsidy programs will be only for a particular period of time. Under the current proposed plan, there is no way to guarantee that the subsidy commitment will remain into the future, as administrations and priorities shift.

While the vast majority of housing units within the study area are in small un-regulated buildings, there are approximately 3,000 units of rent-regulated housing which represent a vital commodity for any neighborhood. The city must incorporate strong anti-displacement measures into ANY land-use action to ensure that these units are not lost through speculation or tenant harassment. The preservation of these units is critical, given that the new housing being proposed may not be affordable to current residents under the potential threat of displacement. To date, the city has not unveiled any concrete plans or policy ideas to address this critical issue.

In closing, even with both MIH and subsidy commitments combined, the proposed rezoning and accompanying housing plan would not serve the needs of many local residents. At the same time, the construction of large amounts of new housing is likely to increase rent burdening and displacement pressures on existing residents. ANHD has been proud to work with the Coalition for Community Advancement in developing an alternative plan for the East New York rezoning. Absent the adoption of the coalition's plan for creating and preserving housing that meets the need of community residents, ANHD urges the commission to vote no on the current proposals.

SECTION XVIII: COMMUNITY RESOURCES AND FACILITIES

**Testimony of Paula Crespo, Senior Planner
New York City Planning Commission Public Hearing
East New York Rezoning Proposal
January 6, 2016**

Hello. My name is Paula Crespo, and I am a planner at the Pratt Center for Community Development, one of several technical assistance providers to the Coalition for Community Advancement.

The community resources and facilities that exist in East New York today -- schools, child care centers, spaces for youth, etc. -- are at capacity and are not sufficient in number to meet the needs of the *current* population. This rezoning is designed to lead to housing for tens of thousands of new residents in the neighborhood. However, there is nothing in the plan that outlines a strategy or policy that will ensure that as these new residents come to the area community facilities will be built to support them.

Schools, senior centers, and community centers are essential ingredients for healthy, sustainable places to live, and we cannot just naively assume that enough of them will be built to meet the needs of a growing community. Therefore, provisions should be established in the zoning to ensure that commitments to build needed infrastructure, amenities, and space for community facilities are binding and will be fulfilled over the multi-year course of residential development. We ask that the City consider mapping a special area-wide zoning tool onto the

rezoning area to accomplish this goal. Such a tool could include but is not limited to a Special Purpose District or a newly designed Density Growth Management Area so that developers of housing over a certain size are required to set aside additional FAR for the creation of community facilities. Alternatively, the City could add easement and certification requirements directly into the zoning text chapters. The key point here is not about the particular zoning *tool* but rather the *concept* that the development of community facilities should be codified into the zoning. Since the City is deploying zoning as a tool to meet its ambitious housing creation goals, it should also be using zoning to deliver the community facilities that existing and new residents will need.

This is not a radical or new idea. There is ample precedent in New York City for using zoning to privilege, or even to mandate very specific desired uses. For example, some regulations require the creation of specific public spaces, or mandate easements to allow for future construction by public entities. I will submit a memo that describes many of these precedents as part of this testimony.

Finally, we also recommend that the City to use a tool called a PILOT, or payment in lieu of taxes, to create a dedicated fund to pay for the construction of community facilities.

As a technical assistance provider to the Coalition, I strongly urge the City to genuinely and meaningfully consider using the power of zoning to ensure that the build-out of community facilities keeps up with the significant increase in population that this rezoning is intended to spur.

Thank you.

SECTION XIX: GENERAL IMPACT

Good afternoon members of the City Planning Commission,

My name is Emily Van Ingen and I am the Director of Programs for the Cypress Hills Local Development Corporation- a member of the Coalition for Community Advancement and one of the largest employers in the East New York Rezone Area. I will testify today on the impact that the rezoning will have on a community I care deeply about and have dedicated the last 20 + years of my life to. I am urging you to vote NO on the City's East New York plan, unless it is the Coalition's Alternative Plan.

One of the reasons we urge you to vote No unless the Alternative Plan is accepted is based on the deep concern we have about the depth affordability articulated in the Mayor's plan. What is included in the Mayor's plan does not go far or deep enough for the current residents of our community. Two thirds of our residents living within the East New York zoning area already are rent burdened, severely rent burdened, overcrowded or homeless. In an effort to respond to our current needs and prepare for the future we are advocating for the creation of 5,000 deeply and permanently affordable housing units be created that are aligned with community board 5's AMI numbers not New York City's AMI figures. When you compare the two sets of AMI numbers you will see there is a significant difference in turns of what people currently living in the neighborhood can afford vs the averages of those city wide.

The Coalition recognizes and appreciates that the City has already included in the East New York Plan a commitment to build one new school building that would accommodate 1,000 students. This unfortunately will not satisfy the need for adequate education facilities in the community. The East New York zoning area, especially on the north side of East New York is

already facing overcrowded schools and this is before an estimated 24,000 new residents move into the neighborhood. Cypress Hills Local Development Corporation has been the lead agency for the Cypress Hills East New York Beacon program at the IS 302 campus since 1993. Our Beacon program serves over 1,100 community residents yearly in over 20 program activities- including many free indoor recreation opportunities for both adults and young people. Our center also includes an ACS sponsored foster care prevention program that supports 45 families at risk of losing their children to the foster care system. The IS 302 school building which is in the heart of the East New York plan is currently facing serious space challenges that could result in the elimination of our Beacon program. We are urging the city to develop a plan that includes committing to the construction of at least two new additional school buildings as well as a comprehensive plan to deal with the current overcrowding situation in our local schools and allows us to maintain critical community services.

In addition to an insignificant number of seats for incoming students in the plan there are other gaps in community services that we are deeply concerned about; specifically, crime prevention. The East New York zoning area is currently served by the 75th precinct which is one of the geographically largest in New York City. We are concerned given the precinct's large catchment area coupled with an increase in density and residents that the current resources allocated to the 75th precinct will be grossly inadequate. We are asking that the Draft Environmental Impact Statement assess what additional NYPD patrols, personnel and facilities will be needed. We strongly believe that the size and impact of the East New York re zone merits additional attention in the Final Environmental Impact Assessment.

Lastly the coalition is urging you to vote NO unless the Alternative Plan is accepted because we are deeply concerned about the tremendous threat to tenant displacement. The City

says that the rezone “would not result in a significant adverse direct residential displacement impact and no further analysis is needed”. We completely disagree with this. We have already begun to see an increase in tenants coming in to our Housing office because their landlords have either dramatically increased their rents or told them they need to move out. We have already begun to see land price rise significantly and homeowners report receiving numerous calls, letters, flyers regarding offers to buy their homes- all cash! This is all before the rezone is even finalized yet. We anticipate this activity only increasing in intensity. The Coalition has created a comprehensive list of anti-displacement strategies; incentives to keep rents low, disincentives to speculation, an anti-harassment district, support for low income homeowners, grants to legalize basement apartments, a Homeownership Opportunity and Preservation Center with counseling services, and down payment assistance grants. The City must use all the tools it can to ensure that the Mayor’s Rezone keeps our current residents in their homes and in their communities. We are urging the city to conduct a more detailed and rigorous assessment of the probability of displacement if the City’s Plan is implemented.

Again, I am urging you to vote NO on the City’s East New York Rezone plan unless it is modified to be the community’s alternate plan. Thank you for your time.

**In response to one of the commissioner’s questions regarding possible sites for a second school as we are requesting: over the last 15 years there have been 3 new schools building built in Cypress Hills. All three have been built as a result of community organizing and advocacy and all three have been built on private land acquired by either the SCA or Cypress Hills LDC. When asked if the Coalition has identified a site for a second school, to my knowledge we have not identified a specific site but as they have in the past the SCA should be responsible for this element of the work and has significant experience in doing so.



Metropolitan Transportation Authority

State of New York

VIA EMAIL AND MAIL

December 7, 2015

Mr. Carl Weisbrod
Chairman
New York City Planning Commission
120 Broadway 31st Floor
New York, NY 10271

Ms. Anita Laremont
General Counsel
Department of City Planning
120 Broadway 31st Floor
New York, NY 10271

Re: East New York Zoning Proposal, CEQR No. 15DCP102K

Dear Mr. Weisbrod and Ms. Laremont:

I write to provide comments from the Metropolitan Transportation Authority and New York City Transit ("NYCT") on the Draft Environmental Impact Statement ("DEIS") for the East New York Zoning Proposal (the "Proposed Actions"), issued September 18, 2015.

The DEIS should have adhered to the CEQR technical manual and included a detailed analysis of the impact of the Proposed Actions on the Broadway Junction station complex due to the increased number of customers who will transfer within the station complex following the rezoning. Furthermore, the City should commit to fully fund the necessary improvements so that the residents that rely on a functional subway station will not be left with unmitigated significant adverse impacts.

NYCT and the City have a shared interest in an efficient subway system that meets riders' expectations. This is possible only with realistic planning and an appropriate commitment of resources to infrastructure improvements needed to mitigate the impacts of the Proposed Actions.

DEIS Fails to Analyze the Impact of Transfers and Omits Full Impacts of Zoning Proposal

Residents and workers in East New York benefit from the area's exceptional subway access. The ability to transfer at Broadway Junction means all residents of East New York have relatively

equal access to Downtown Brooklyn and Manhattan's west side (via the A/C), the Lower East Side (via the J/Z), and Union Square (Via the L). Due to the convergence of three separate subway lines at Broadway Junction, there are far more customers transferring between lines within the complex than entering or exiting. As noted in the Department of City Planning's own 2008 study of Broadway Junction, over 80% of the customers in the station complex are transferring between lines. Many of these transferring customers start their journey at subway stations in the proposed rezoning area in East New York, such as the Cleveland St (J) or Van Siclen Av (C) stations. Increased entries and exits at these feeder stations translate into more transfer movements at Broadway Junction.

Given the significance of transfers to subway riders generally, and specifically at Broadway Junction to people who live and work in East New York, the City's DEIS should have included an analysis of the additional passenger transfers. To assure that all impacts would be identified and disclosed, NYCT went ahead and evaluated the impacts of the Proposed Actions on the already congested stairways and passageways at Broadway Junction. This analysis found that the Proposed Actions would generate over 450 additional transfers at the Broadway Junction station complex during the peak hour, resulting in a significant impact to the Manhattan-bound A/C platform stair in the AM peak hour, the Queens-bound A/C platform stairs in the PM peak hour, and the Manhattan-bound J/Z platform stair in the AM peak hour.

The City declined to include the analysis of transfer-related stair impacts at the Broadway Junction station complex provided by NYCT, taking the position that (1) a detailed station analysis is triggered under CEQR only when there are at least 200 additional *entries or exits* at a station during a peak hour, and (2) the number of additional transfers is irrelevant. This interpretation is not in compliance with the CEQR manual (*see attached legal analysis of applicable sections of the CEQR Technical Manual and SEQR regulation*). Moreover, ignoring the impact of transferring riders is not good planning policy.

The CEQR process must include an accurate and complete assessment of transit conditions, an understanding and consideration of the direct, cumulative impacts of the proposed actions, and appropriate mitigation measures such as infrastructure improvements to stairways and passageways. City Planning's approach to the CEQR review process, which looks only at station entries and exits to determine whether additional analysis is required and does not consider transfers, cannot provide this accurate and complete assessment, and thus will not include the appropriate mitigations.

City must commit to funding improvements to mitigate the rezoning's impacts

NYCT's proposed 2015-2019 Capital Plan includes a limited pool of funds for improvements at selected stations, including Broadway Junction, to support the City's economic development and affordable housing strategies. However, the adequacy and availability of funds for such purpose will depend on the cost of the necessary Broadway Junction improvements (including the cost of providing ADA accessible elevators) and the competing priorities at other eligible stations. Therefore, it is not reasonable to assume that the funding in the NYCT's Capital Plan will be sufficient to pay for the mitigations necessary to address the impacts from transferring

passengers. It is also likely that more of these impacts from transferring passengers – and the need for mitigation for such impacts -- will result from other City rezoning proposals. It is important that the CEQR analysis for such proposals also include both the transferring passenger impacts of those proposals and identify the feasible measures and funding required to mitigate those impacts.

We look forward to working with you to ensure the transit system is equipped to handle the needs of growing neighborhoods and a growing City.

Sincerely,



Jerome F. Page
General Counsel

cc:

Brooklyn Borough President Eric Adams
Council Member Rafael Espinal
Council Member Inez Barron
Robert Dobruskin, Department of City Planning

Attachment

Attachment: Legal Analysis

There is no legal basis for the City's position that it may ignore evidence of a significant impact. City agencies are required to comply with SEQRA as well as CEQR, and the standard articulated by the Court of Appeals (and consistently enforced for thirty years) has held that SEQRA requires agencies to "employ[] a rule of reason, take a hard look at and consider mitigation measures."¹ Before approving any action, SEQRA requires agencies to certify in SEQRA findings that "adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable."²

Moreover, the City Environmental Quality Review (CEQR) CEQR manual is advisory, and compliance with its literal terms is not sufficient when there is an obvious potential for impacts to be overlooked.

In any event, CEQR Technical Manual, as revised by the current administration, in March 2014, supports the analysis of additional transfers that will occur at the Broadway Junction station, and their impact on stairways and platforms.³ Chapter 16 of the Manual, section 351 (Subway/Rail and Bus Transit Study Areas) provides at 351.1 that:

For large-scale projects or projects that affect several neighborhoods, it may be necessary to analyze the cumulative impacts of the project at key locations *or at major passenger transfer locations* within both the line haul and subway station analyses. ...

The subway station analysis must encompass all station circulation and fare control elements, whether in the free-zone or paid-zone, that would have an *increase in ridership* resulting from the project, *such as all affected stairs, escalators, elevators, fare arrays, platforms and passageways*.

...

There are instances where an analysis of an existing station is appropriate, and the lead agency, in consultation with NYCT, should determine the appropriateness of a *platform analysis*.

The City also revised the CEQR guidance with respect to the assembly and collection of passenger and pedestrian volumes within stations to assess existing conditions, which now states, at 352.1.2, that "required actual counts" may be required for "*movements on the street, mezzanine or platform*" in addition to that in stairways, escalators, and platforms. The 2014 revisions deleted the limitation that such counts will "depend[]" on whether these elements are part of the transit study area."

¹ *Jackson v. New York State Urban Development Corporation*, 67 N.Y.2d 400 (1986).

² 6 NYCRR 617.11(d)(5).

³ CEQR Technical Manual Changes, March 2014 Edition, pp. 21-22, at http://www.nyc.gov/html/oec/downloads/pdf/2014_ceqr_tm/2014_ceqr_tm_whats_changed.pdf.

While the CEQR Technical Manual “generally” does not require a detailed analysis if a threshold of 200 additional riders is not met, under the circumstances, given Broadway Junction’s location and importance as a transfer point, a detailed analysis of the station is warranted. In any event, as noted above, the Technical Manual is merely advisory, and data provided to the City by NYCT demonstrates that there will be an impact. SEQRA and CEQR do not allow the City to disregard such information.



Metropolitan Transportation Authority

State of New York

East New York Re-Zoning – MTA Testimony – January 6, 2016

Good morning. I'm Lou Oliva, MTA Deputy General Counsel, representing the MTA.

My testimony this morning is in addition to written comments the MTA submitted in December.

Residents and workers in East New York benefit from the area's exceptional subway access.

The ability to transfer at Broadway Junction means all residents of East New York have relatively equal access to a diverse set of destinations throughout the City, from the Lower East Side to Manhattan's west side.

The Department of City Planning makes frequent mention of East New York's good transit access in materials related to the rezoning, and targets areas near transit for mixed-use and higher density development in the proposed rezoning, leveraging this great transit asset. However, the City is failing to ensure this asset will continue to meet the needs of existing and new customers.

The DEIS being considered today should have adhered to the CEQR technical manual and included a detailed analysis of the Broadway Junction station complex due to the increased number of customers who will transfer within the station complex following the rezoning. As David Haase, NYCT's Director of Station Planning will explain in his testimony, NYCT forecasts that the Proposed Action will lead to more than 450 additional customers transferring during the peak hour at the Broadway Junction station complex.

However, when NYCT presented the City an analysis of transfer-related stair impacts at the Broadway Junction station complex, the City took the position that:

- (1) A detailed station analysis is triggered under CEQR only when there are at least 200 additional *entries or exits* at a station during a peak hour, and therefore
- (2) the number of additional transfers is irrelevant.

This interpretation is not in compliance with the CEQR manual, as the CEQR process must include:

- o An accurate and complete assessment of transit conditions;
- o An understanding and consideration of the direct, cumulative impacts of the proposed action; and
- o Appropriate mitigation measures such as infrastructure improvements to stairways and passageway

Specifically, Chapter 16 of the manual, section 351 (Subway/Rail and Bus Transit Study Areas) provides at 351.1 that:

“For large-scale projects or projects that affect several neighborhoods, it may be necessary to analyze the cumulative impacts of the project at key locations *or at major passenger transfer locations* within both the line haul and subway station analyses . . .

The Subway station analysis must encompass all station circulation and fare control elements, whether in the free-zone or paid-zone, that would have an *increase in ridership* resulting from the project, *such as all affected stairs, escalators, elevators, fare arrays, platforms and passageways . . .*”

City Planning’s approach to the CEQR review process, which looks only at station entries and exits to determine whether additional analysis is required and does not consider transfers, cannot provide this accurate and complete assessment or understanding of the impacts, and thus will not include the appropriate mitigation measures.

Before this action is approved, the EIS must include a detailed analysis of the Broadway Junction station complex due to the increased number of customers who will transfer within the station complex. There must also be appropriate mitigation for those impacts.

NYCT’s proposed 2015-2019 Capital Plan includes a limited pool of funds for improvements at selected stations, including Broadway Junction, to support the City’s economic development and affordable housing strategies. However, the adequacy and availability of funds for such purpose will depend on the cost of the necessary Broadway Junction improvements (including the cost of providing ADA accessible elevators) and the competing priorities at other eligible stations. To ensure that the residents that rely on a functional subway station will not be left with unmitigated significant adverse impacts, the City should commit to fully fund the necessary improvements to mitigate those impacts.

MTA and the City have a shared interest in an efficient subway system that meets riders’ expectations. This is possible only with realistic planning and an appropriate commitment of resources to infrastructure improvements needed to mitigate the impacts of the Proposed Action.

Thank you.



New York City Transit

East New York Rezoning – New York City Transit Testimony January 5, 2016

Good Morning. My name is David Haase and I am director of the Station Planning unit at New York City Transit. The unit is responsible for analyzing passenger flows in subway stations and determining if there are – or will be – circulation problems. We then recommend solutions.

The proposal to rezone sections of East New York is projected to generate about 3,200 new subway trips during the morning peak hour and almost 4,000 trips during the evening peak hour. These trips will be spread out over eleven stations on the JZ, AC or L subway lines. These lines all converge at the aptly named Broadway Junction station complex.

Broadway Junction is a very busy place with over 11,300 passenger moves during the morning peak hour. Only 1,700 of these moves are entering or exiting. The rest – 85% – are all subway-to-subway transfers – clearly the critical flow at Broadway Junction. Over 15% of the new subway trips generated by the rezoning will transfer at Broadway Junction, with over 450 new moves during peak hours. Knowing many circulation elements in the station are currently at or over capacity with little room for ridership growth, NYCT staff undertook analysis of the station itself.

Currently, most station circulation elements – stairs, escalators and connecting passageways – operate at LOS C or D. This means flows are at – or a little over – guideline capacity. In 2030, with build-out of the rezoning and background growth, circulation at station elements will degrade to LOS D, E and one F. Stairs to each of the six platforms will experience severe crowding during one or both of the peak periods. The escalator core will have significant queues at both top and bottom during both peak periods, even with all three escalators in service. By CEQR methodology, new trips generated by the rezoning will cause significant impacts at the two stairs serving the AC platforms and one of the stairs serving a JZ platform. For passengers, this means much greater crowding and delays in train service.

NYCT has begun a masterplan of circulation improvements, which in turn trigger ADA access. All six platforms at Broadway Junction would have additional stairs as well as ADA elevators. The center escalator core up to the JZ mezzanine would have additional escalators and an ADA elevator. We are looking at a brand new station entrance at the west end the AC platforms at Sackman Street. We will also look at the utility of re-opening street access directly to the JZ platforms near Eastern Parkway, which we could undertake only if these platforms are ADA accessible via the center core.

These improvements would allow all circulation elements throughout the station complex to operate at LOS C or better at 2030 ridership levels. The improvements will not be cheap and would be dependent on City funding. Additionally, the work to the AC platforms and escalator core would impact adjacent parkland. However, these station improvements are necessary if the subway is to continue to adequately serve East New York and all of southeast Brooklyn and Queens in the future. We know that jammed subway platforms contribute to train delays. We urge the City to not only include analysis of the Broadway Junction subway station in the FEIS, but that City fund the necessary station improvements. Thank you



Fifth Avenue Committee

Our Community. Our Future.

January 6, 2016

Re: East New York City Planning Commission Hearing

Dear City Planning Commission,

Thank you for the opportunity to submit comments to the East New York City rezoning proposal. Fifth Avenue Committee (FAC) is a 38 year old nonprofit comprehensive community development corporation in South Brooklyn that advances economic and social justice by building vibrant, diverse communities where residents have genuine opportunities to achieve their goals as well as the power to shape the community's future. To achieve our mission, FAC develops and manages affordable housing and community facilities, creates access to economic opportunities and ensures access to economic stability, organizes residents and workers, offers student-centered adult education and combats displacement caused by gentrification. Through direct tenant advocacy, FAC prevents the eviction of nearly 200 local households a year. We also organize tenants at both the building and neighborhood level against residential displacement and for citywide policies that protect tenants. Through this work we are acutely aware of the displacement pressures faced by long-term low and moderate income residents and rent regulated tenants and how land use actions, such as the rezonings in North and South Park Slope, have accelerated these pressures. With these multiple interests and stakeholders in mind, FAC is deeply committed to a comprehensive and equitable path toward responsible and accountable development and growth in Brooklyn that is sustainable, inclusive and just. With this shared vision in mind we submit the following comments around the East New York rezoning plan.

Protect the Existing Community

Rezoning and other land use actions have the ability to greatly accelerate displacement pressures brought by recent private development and speculative investment in the area or to proactively address them. Highly significant increases in both land values and potential tax revenues if sites in ENY are rezoned will continue to unlock tremendous land value and lead to continuing unprecedented displacement pressures. It is not only imperative that some direct benefits to local low and moderate income residents be realized in association with these significant economic investments, but also that residents are protected before land use actions or rezonings occur. Therefore, we must not uncritically accept rezonings or land use changes that raise land values as a given and then seek mitigations through the value created. The crisis of neighborhood displacement has reached a point where any land use action, rezoning or large scale development should be judged first and foremost by how it worsens or mitigates the affordable housing crisis.

Offering protection to those who are being harassed currently, particularly immigrants, and seniors, are of key importance. Both existing and new anti-displacement laws and regulations are only as effective as there is enforcement of them and to the degree that there is still a vulnerable community left to defend. We therefore also recommend increased funding for both tenant advocates and housing court attorneys focused on areas of ENY both prior to and after any rezoning or substantial land use change.

The City Environmental Quality Review Technical Manual (CEQRA) manual largely measures negative socio-economic impacts of land use actions based on the percentage of low-rent, market rate apartments that become unaffordable to long-term residents. By this metric, the mere speculation over the rezoning of ENY has already had a negative impact. Rezoning efforts must address this issue of how to mitigate the loss of low-rent unregulated housing and the displacement of long-term tenants, many of whom are seniors. The Association for Neighborhood and Housing Development (ANHD) is investigating a “good neighbor tax credit” model – which was first proposed by the Fifth Avenue Committee more than a decade ago - to subsidize the difference between “market” and “affordable” rents in such smaller buildings; a pilot program of this nature and other tools should be applied in ENY.

Thousands of families, mostly in 2-4 family homes, are without any protection from likely substantial rent increases. Though outside the scope of ULURP, reforming the Community Reinvestment Act (CRA), which is supposed to benefit low and moderate income people and neighborhoods, could also help to address lending that is feeding market rate and/or speculative investment by lending to property owners in traditionally low and moderate income neighborhoods who are then displacing tenants.

Finally, preservation and development of affordable commercial establishments and other amenities critical to low and moderate income households must also be considered and prioritized. South Brooklyn residents are currently experiencing a dramatic loss of laundromats, pharmacies, affordable grocery stores and produce markets, affordable restaurants, accessible health care and affordable childcare. The Downtown Brooklyn Rezoning Plan provides us all with a cautionary tale that affordable commercial establishments and other amenities critical to low and moderate income households must also be addressed in any rezoning.

Create Truly Affordable Housing

We appreciate and are enthusiastic about the strong support for preserving and developing affordable housing in east New York, but we understand deeper affordability is needed to ensure any new affordable housing is affordable at current median incomes of renters. Affordable housing should be for households earning between 30% to 50% of AMI and less, which is approximately the median income for renter households in ENY. We also support the efforts of ANHD to require at least 50% affordability in rezoning for Mandatory Inclusionary housing. One way to achieve more deeply affordable housing is to give preference to non-profit affordable housing developers over for-profit affordable housing developers.

Develop Manufacturing & Industrial zones with use groups and benefit to local residents in mind

We also would very much support and would welcome the opportunity to take advantage of incentives for nonprofit developers to develop and preserve manufacturing spaces and jobs, to ensure the property remains available for manufacturing use, and we believe there should be multiple mechanisms to preserve and develop manufacturing uses in ENY. For example, to ensure manufacturing use whenever a private owner makes improvements using City or EDC financing, or is granted a discretionary land use action. Similar to what has been done on inclusionary housing, we would propose there also be an option when there is a private developer or owner to require they have a suitable non-profit “Administrative Agent” that would review each new lease and lease renewal to ensure the property continues to be used for manufacturing use and generates jobs including jobs accessible to local residents. Redefining use groups within the M zones is also critical to preserving and creating manufacturing sector opportunities for local residents and businesses, otherwise the M

zones will become hotels, event and playspaces. While there is nothing inherently immoral about these uses it does become a similar encroachment like residential upon manufacturing space and further illustrates the issue that not all jobs benefit local residents equally.

As the Greenpoint-Williamsburg Industrial Business Zone has shown, traditional industrial businesses can be displaced not only by housing, hotels and bars, but also by more profitable creative class enterprises. This newer generation of maker spaces and other emerging industries such as technology, have yet to provide the same job pipeline out of poverty as traditional industrial firms, though there is significant opportunity to do so with the proper investments in workforce development and education. The importance of linking economic and workforce development opportunities supported by public policy decisions to decent jobs for local residents must be strongly considered not just in the potential MX zones but also in parts of ENY that are recommended to remain industrial. Concurrently, opening up “maker” or other emerging industries to existing unemployed residents, particularly residents of public housing, should be addressed in any planning process or rezoning.

Conclusion

FAC sees the usefulness of sharing our experiences and lessons learned across Brooklyn neighborhoods to ensure that the ENY community’s comprehensive needs are met. FAC and other non-profit Community Development Corporations and community based organizations across NYC are united in recognition of the need to establish city wide policies and principles to protect communities before any future large-scale land use actions or neighborhood rezonings transpire. We encourage all neighborhood stakeholders to join the ANHD Communities First coalition to work towards implementing equitable and sustainable policies and new planning tools to shape the future of NYC. We look forward to continue working with CPC, local elected officials, residents and stakeholders towards a more inclusive, sustainable and just Brooklyn.

Sincerely,



Sabine Aronowsky
South Brooklyn Accountable Development Initiative
Fifth Avenue Committee

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**Testimony Of Steven Banks, Commissioner Of The New York City Human Resources
Administration, at the New York City Planning Commission**

January 6, 2016

Good afternoon Chairman Weisbrod, thank you for this opportunity to discuss the work of the City's Human Resources Administration (HRA) and our focus on carrying out the Mayor's priority of fighting poverty and income inequity and preventing homelessness. With an annual budget of \$9.9 billion and a staff of 14,000, HRA provides assistance and services to three million low-income children and adults many of whom reside in and around the area considered within the East New York rezoning plan. This includes:

- Economic support and social services for families and individuals through the administration of major benefit programs (Cash Assistance, Supplemental Nutritional Assistance Program benefits (food stamps), Medicaid, and Child Support Services);
- Homelessness prevention assistance, educational, vocational, and employment services, assistance for persons with disabilities, services for immigrants, civil legal aid, and disaster relief;
- And for the most vulnerable New Yorkers: HIV/AIDS Services, Adult Protective Services, Home Care and programs for survivors of domestic violence.

Much of the work that HRA does aligns directly with what residents report are necessary interventions to preserve the community as well as improve the lives of residents of East New York.

Protecting affordable units in East New York for families and seniors and protecting tenants in small buildings is critical as the rezoning plan moves forward. HRA's legal services programs are aimed at achieving just that. This Administration's investment of \$46 million in this fiscal year for legal services to protect against harassment and unnecessary eviction will grow to over \$62 million next year. That is more than ten times the \$6.5 million spent in Fiscal Year 2013. It is by far the largest initiative of its kind in the nation, enough to provide more than 113,000 New Yorkers each year with legal services to protect against harassment and unnecessary evictions—which also has the benefit of protecting our affordable housing stock.

This Administration is committed to protecting tenants from displacement, preserving affordable housing, stabilizing neighborhoods and averting homelessness.

Homelessness Prevention Administration: Legal Services

To carry out the Mayor's longstanding priority of addressing poverty and preventing homelessness, HRA streamlined existing programs targeted at homelessness prevention and we

continue to enhance our ongoing efforts to provide low-income New Yorkers with access to legal assistance under HRA's new Homelessness Prevention Administration. These services are available regardless of whether individuals are HRA clients. These commitments to provide access to justice for low-income tenants are also complemented by other major initiatives to prevent homelessness. Among them is HRA's new Homelessness Prevention Administration, which includes an Early Intervention Outreach Team that seeks out families and individuals on the verge of losing their homes, and who can be helped by legal assistance or emergency rental assistance.

The importance of civil legal services cannot be overstated. By providing free legal representation to New Yorkers who would otherwise appear alone in court when other parties like landlords are represented, we give New Yorkers fair and equal access to our civil justice system, while working to fight poverty and inequality. These services help low-income New Yorkers, including those residing in East New York, to keep a roof over their heads, stabilize families, keep food in the kitchen, keep students in school, and preserve neighborhoods. We are working to help those who need it most to gain and maintain the security and dignity they deserve.

Investing in access to justice is also smart economics. The Chief Judge's Task Force's found that for every dollar invested in providing civil legal services, taxpayers see a return of more than six dollars in federal benefits, such as federal disability benefits. These benefits not only improve the living standards of the people who receive them, but help lift up local communities as more resources are put into neighborhood economies. Real neighborhood impacts include: declines in evictions; reductions in the loss of subsidized and rent stabilized housing; improvements to the housing stock such as addressing buildings experiencing lack of heat and hot water, and other essential services and lack of repairs; and the preservation of affordable rents.

Further, the City sees tremendous savings in averted shelter costs. Providing civil legal services also reduces the costs of litigation and increases court efficiency, which benefits all litigants, regardless of income level.

Our commitment to expanding civil legal services to more New Yorkers, and making those services more effective, can be seen in the actions and investments of this Administration over the past two years.

The Mayor's first budget, for July 2014 through June 2015, provided an unprecedented level of funding to civil legal services for low-income New Yorkers. During the course of that year we allocated a total of \$18.5 million to protect tenants facing eviction and harassment by unscrupulous landlords, which is a major cause of homelessness. The vast majority of landlords do follow the law and treat their tenants with respect. We are focused on the few that do not.

In Fiscal Year 2015, the Administration significantly expanded the anti-eviction tenant protection program, and made a \$5 million down payment on the creation of our new anti-

harassment program for rezoning areas, like East New York, which next year will grow to \$36 million. This program is focused on ensuring that more than 13,000 of our city's low-income residents can stay in the neighborhoods they built as those areas grow denser, and see considerable investment in the coming years. In the current FY16 budget, the City again increased the commitment to fund tenant protection legal services for low-income New Yorkers, helping prevent homelessness and disruption in the lives of thousands. This year's budget already included over \$33 million to help New Yorkers to stay in their homes. In September, the Mayor announced that we are further deepening this commitment, allocating an additional \$12.3 million to the anti-eviction legal services program, allocated among the providers already hard at work so we can reach more New Yorkers as quickly as possible. This brings the total investment in tenant protection legal services in the Administration's current budget to nearly \$46 million.

Tenant protection is the cornerstone of our initiatives to provide access to justice for low-income New Yorkers, but we are also working on many additional fronts, by investing:

- \$4.3 million for Executive Action legal assistance programs for immigrants, operated by HRA in conjunction with the Mayor's Office of Immigrant Affairs and CUNY;
- \$3.2 million for comprehensive immigration legal assistance (that will begin to be implemented through a new RFP process during FY16);
- \$2.1 million for civil legal services for seniors; and
- \$2.6 million for legal services to secure federal disability benefits.

When all of these programs are fully implemented in FY17, New York City will be allocating \$74 million annually in our baseline budget to provide access to justice for low-income New Yorkers.

We also want to recognize the deep commitment of City Council Speaker Melissa Mark-Viverito, and the entire City Council, to expanding access to justice. In FY16, HRA is overseeing \$19.1 million in discretionary funding added by the City Council during the budget process to support a diverse array of civil legal services, including family reunification immigration defense, assistance for domestic violence survivors and veterans, and anti-eviction and SRO legal services, and more.

No other municipality allocates even a small fraction of what New York City is committing to provide access to justice. This is one of the best investments we can make – because it can so clearly change lives for the better, as we are already seeing across the city. And specific to today's hearing, we are currently serving 65 buildings through our legal services programs in the East New York Community District representing 566 apartments.

We recognize that the challenges low-income and vulnerable New Yorkers are facing are complex and deep-rooted. But we know, too, that we have powerful tools at hand to address those challenges, and lift up our neighbors who need it most. Every family or individual who can

keep their home with the help of legal assistance is spared the trauma of homelessness, including the disruption of education, employment and medical care. The City is also spared the expense of emergency shelter services. And together, we become a stronger and more just city.

The Mayor's Action Plan (MAP) for Neighborhood Safety

Additionally, HRA has a presence in East New York at the following New York City Housing Authority (NYCHA) residences: Boulevard, Brownsville and Van Dyke Houses.

The Mayor's Action Plan (MAP) for Neighborhood Safety is a collaborative effort among NYCHA, eleven city agencies, community groups, and non-profits aimed at making New York City's neighborhoods and housing developments safer and stronger. As part of MAP, HRA launched an outreach initiative to assist NYCHA residents, in and around three East New York developments, with information about benefits eligibility and how to access benefits for which they may be eligible.

With locations in a senior center, a community center, and a management office, HRA Outreach Specialists provide support, information, and referrals to development and community residents who have questions about open cases or are seeking temporary assistance for the first time. We also conduct targeted outreach in the surrounding communities; our HRA team meets regularly with community stakeholders at community outreach events and workshops and partner presentations; and has a regular presence at community board and district cabinet meetings. Whether providing general information on HRA programs and services, assisting community residents with completing online applications for SNAP/food stamps and Public Health Insurance, facilitating referrals to program offices, or troubleshooting case concerns, our goal is the same: to provide support to New Yorkers in need.

Additionally, Outreach Specialists assist development and community residents who have unforeseen emergencies, which can lead to the loss of their home and all of the associated collateral damage, with information about emergency assistance through HRA. Through referrals to eviction prevention assistance and emergency rent assistance, the Outreach Team helps keep New Yorkers in their homes. We continue to build and maintain relationships within the East New York Community by participating in monthly community meetings and working closely with community stakeholders to provide comprehensive, wrap-around supports to families and individuals.

Jobs Plus: Brownsville

We've heard from residents about the importance of improving access to job training and career opportunities in the local community.

The Brownsville Jobs-Plus program, through our provider DB Grant Associates, provides comprehensive employment services and wraparound support to residents of NYCHA's Van

Dyke and Brownsville Houses. Since launching in November 2014, 770 residents have joined the program and 175 have attained employment. Now in its second year of operation, the program continues to expand upon initial success through integration with the City's Career Pathways approach, ensuring residents steadily advance into stable job opportunities with good pay, benefits, and career growth.

Employment services at Jobs-Plus include job-readiness assessments, career exploration, job preparation workshops, referral to education and training opportunities, job placement/retention, and career advancement. Jobs-Plus also offers one-on-one financial counseling to help residents to improve credit scores, reduce debt, open safe and affordable bank accounts, increase savings, and access work supports such as SNAP and health insurance. Eligible residents who attain employment may also receive a NYCHA rent incentive known as the Earned Income Disallowance (EID). Additionally, through targeted community engagement efforts, Brownsville Jobs-Plus has partnered with tenant association leaders, local health organizations, education providers, and employers to garner support for Jobs-Plus efforts and bring additional supportive services into the community.

The Brownsville Jobs-Plus program is not only aimed at breaking the cycle of poverty, but at alleviating crime and violence. A recent success story featured by Brownsville Jobs-Plus details the journey of a 32-year-old, married man residing in Van Dyke houses. He joined the Jobs-Plus program in July 2015 and, upon being assessed, revealed that he had been formerly incarcerated. Building upon the experience he gained as a laborer post-release, Jobs-Plus provided him with the assistance needed to complete welding training. Upon completion, he was connected to a Section 3 construction job opportunity through NYCHA where he presently earns \$55.75 per hour. Once employed, he began meeting regularly with the on-site financial counselor. Thus far, he has increased his credit score and is working on establishing regular savings. He represents one of many residents who have made meaningful connections to the Jobs-Plus program and who are continuing to work towards long-term self-sufficiency.

Jobs-Plus is a joint effort between several City agencies (the Human Resources Administration, Center for Economic Opportunity, New York City Housing Authority, and Department of Consumer Affairs' Office of Financial Empowerment) and community-based organizations to provide place-based services to residents. For more information on Jobs-Plus, including locations and target developments, you can visit <http://opportunitynycha.org/workforce-development/jobs-plus>.

HRA's programs and services address many of the concerns that community members have raised in response to the rezoning proposal of East New York. HRA looks forward to continue to work with the community to improve the programs and services we deliver. I thank you for the opportunity to testify today and look forward to any questions you may have.

**TESTIMONY BY
COMMISSIONER GREGG BISHOP
NEW YORK CITY
DEPARTMENT OF SMALL BUSINESS SERVICES
BEFORE THE
CITY PLANNING COMMISSION

WEDNESDAY, JANUARY 6, 2015**

Good morning members of the City Planning Commission. My name is Gregg Bishop and I am the Commissioner of the New York City Department of Small Business Services (“SBS”). At SBS, we seek to foster a thriving, equitable city by connecting New Yorkers to good jobs, creating stronger businesses, and building a fairer economy. I am pleased to testify today with my colleagues in government in support of the East New York Community Plan. Together with Commissioner Weisbrod and all of the City agencies here today, we have integrated the voices of local stakeholders to build a holistic strategy focusing not only on housing capacity but on the full host of infrastructure and City services to better support the neighborhood and people of East New York.

Today, I will discuss the economic development investments that SBS is making in East New York in close partnership with the local community-based partners and our partner City agencies. These investments were informed by 13 local workshops open to the community in which SBS participated, and more than 10 meetings to date with key stakeholder organizations to shape specific SBS commitments I will discuss in detail. After my testimony, I am happy to answer your questions.

SERVICES FOR NEIGHBORHOODS:

SBS is committed to working with local economic development corporations to support commercial corridors to ensure they have the resources they need to thrive and succeed. Based on the feedback we received from the community, SBS launched Neighborhood 360° East New York, which embraces ground-up community engagement and planning to identify, develop, and launch customizable, place-based commercial revitalization programs and services. SBS is working with three community-based organization partners – Cypress Hills Local Development Corporation, Highland Park Community Development Corporation, and the Local Development Corporation of East New York – to conduct Commercial District Needs Assessments of the Fulton, Atlantic, Liberty, and Pitkin Avenue commercial corridors. Through these assessments, a report and action plan will be developed with recommendations for how to best align City and SBS resources with the economic development needs of the neighborhood’s commercial corridors. Informed by these assessments, SBS will work with local community partners to implement strategic interventions to help businesses adapt to neighborhood change and sustainably build the organizational capacity of local partner organizations.

SERVICES FOR BUSINESSES:

Another core mission of SBS is supporting the more than 220,000 small businesses that serve as a driving force for the city’s economy. SBS operates seven NYC Business Solutions Centers across the five boroughs that offer a suite of free business services including pro-bono legal advising, financing assistance, business courses, selling to government support, and more to support these small businesses. Additionally, SBS supports businesses through the Division of Business Acceleration

("DBA"), which specifically helps businesses by coordinating license and permitting processes and making the regulatory environment more efficient. SBS also works with the Business Outreach Center Network ("BOCNET"), one of the city's seven Industrial Business Services Providers ("IBSPs"), to provide tailored assistance to industrial and manufacturing businesses in East New York.

Based on feedback we received from the community, SBS is launching several efforts to better meet the needs of businesses in East New York:

- We will launch a FastTrac GrowthVenture course that will provide small retail businesses with the knowledge and skills to grow their businesses in East New York. The curriculum will help businesses access capital, identify growth opportunities, build sales strategies, improve financial performance, and adapt to changing markets. On January 20, SBS, in partnership with Cypress Hills Local Development Corporation, will host an open house to provide additional information on these services and register business owners for the class beginning in early March 2016. The class will be offered in both English and Spanish.
- The City recognizes there is a real need for many businesses to better understand and negotiate commercial leases. To address this need, SBS has started offering workshops to teach New York City entrepreneurs about the components of a commercial lease and the implications of signing a lease. SBS is also offering clinics and workshops where business owners have the opportunity to speak one-on-one with a pro-bono lawyer to review their lease. Currently, SBS is working to identify community partners to host commercial leasing workshops in East New York this spring.
- SBS, in partnership with the Mayor's Office of Operations and more than 15 City agencies, is implementing 30 recommendations informed by the public to improve the City's regulatory environment as part of the City's Small Business First initiative. These recommendations seek to improve communication between business owners and City government, streamline licensing, permitting and tribunal processes, provide support and resources to help businesses understand and comply with City regulations, and ensure businesses have equal access to assistance. SBS is actively organizing Small Business First educational events in East New York with several partner City agencies to support local businesses.

SERVICES FOR JOBSEEKERS:

Another key pillar of the City's economic development strategy in East New York is to connect residents to good jobs and business owners to the city's talented workforce. This means ensuring that

as we support business growth, we are also unlocking the potential of all New Yorkers and connecting them to jobs with family-supporting wages and real career pathways. Based on community feedback, SBS is launching several efforts to better meet the needs of East New York residents:

- SBS is opening a Workforce1 Satellite Center in East New York where employers can access free recruitment services to find qualified talent, and jobseekers can receive a full array of employment services including job placement, skills training, career advisement and job search counseling. Beyond the standard employment services offered through Workforce1, this center is building strong partnerships with local community-based organizations operating in the neighborhood, including Cypress Hills Local Development Corporation, Community Solutions, and the Hope Program, so we can identify the needs of local residents and leverage these existing services to develop targeted solutions. SBS held the first of several programmatic visioning sessions for the new Workforce1 Center with 14 local community-based organizations to inform tailored workforce development services.
- In October 2015, the administration announced HireNYC, the largest and most impactful targeted hiring program in the nation, to help New Yorkers access training and jobs created through the City's purchases and investments. The City will leverage our economic development investments to connect more New Yorkers to jobs while helping ensure local businesses find the talent they need. Through HireNYC, businesses receiving City contracts are required to consider qualified Workforce1 candidates for open positions associated with those contracts.

We have much work ahead of us but I believe we have an extraordinary opportunity to leverage the efforts of our partner City agencies and the local community-based organizations on the ground so we can continue to serve the jobseekers, businesses and commercial corridors of East New York. Thank you for the opportunity to speak today and now I am happy to take your questions.

Lorna Blake

My name is Lorna Blake and I am a member of New York Communities for Change and RAFA. We are calling on the commission to reject the East New York Plan.

I have lived in East New York for over 21 years and what the Mayor is proposing is ridiculous. I cannot stand by and watch as me and my neighbors are pushed out to make room for the new Williamsburg. The income levels aren't affordable for Health care workers like myself. The majority of the affordable units are for people above the \$37,000 a year that my family makes and that's still above the average income of \$34,000 a year for East New York.

We are in an affordable housing crisis all across the city but the Mayor's plan will cause more people to be pushed out than the number of affordable apartments created. What are we going to do as we see luxury market rate towers going up that we can't afford to live in. Where are people going to go? East New York is one of the last affordable places to live in Brooklyn and even workers making \$15 an hour won't be able to afford this plan.

The commission must reject this plan unless significant changes are made. The plan must ensure that we don't give away density to developers without ensuring that a significant portion of affordable apartments are built for low income residents like fast food and health care workers. The plan must ensure that the construction and other jobs that are brought in hire locally and are union which guarantees living wages.

Help our East New York, don't kick us out!

Testimony regarding East New York Rezoning

City Planning Commission Public Hearing

1-6-16

Enrique Colon

CASA/New Settlement Apartments,
Bronx Coalition for a Community Vision

Hello everyone,

My name is Enrique Colon and I am the outreach coordinator at CASA (Community Action for Safe Apartments) the housing organizing initiative of New Settlement Apartments located in the South West Bronx. I am also a part of the Bronx Coalition for a Community Vision.

I have lived my entire life in the neighborhood being rezoned in the Bronx near Jerome Avenue.

I am here representing our coalition in the Bronx to let you know that we are watching and we are concerned. If housing is built but isn't for people in the neighborhoods who need it the most, then who is it for? If getting some housing leads to the displacement of thousands of black, brown and immigrant residents of our city, then in whose interest are we doing this? Your decisions about how to move forward in East NY will send a message not just to the residents here but to thousands of us in the Bronx about who we care about as a city, and whose lives we value the most.

The average income for families in East NY is \$33,000. How does this plan ensure enough housing for them? How does it prevent displacement? How does it paint a path towards union jobs and local hire? How does it reflect the needs and priorities that community members have outlined for you in their own plan?

We are concerned that our brothers and sisters in East NY are not happy with this plan. If they aren't happy--that means they haven't been respected.

What you decide to do has implications and will set the stage for the rest of the city. We hope that when we meet again in the Bronx, we will know that you take us seriously and respect the gravity of our work to create a more just city.

Respectfully,

Enrique Colon

718-716-8000 x 122

e.colon@newsettlement.org

January 6, 2016

Written comments re: East New York Rezoning in Brooklyn CD5 and 16, C 160035 ZMK

Dear Members of the City Planning Commission:

I am submitting the enclosed comments in opposition to the proposed East New York Rezoning, and in support of the plan offered by the Coalition for Community Advancement, because history has shown that the only plans we can trust will unfold in ways that truly benefit this community are a plans shaped and monitored by this community.

I worked in East New York with United Community Centers from 2003 to 2013, and have stayed involved as a volunteer and board member. Through my work with hundreds of dedicated gardeners, teenage interns, entrepreneurs, and health advocates, I developed a love for this community, such that when my husband and I considered buying a home this year, we looked first in East New York, specifically in Cypress Hills.

Our experiences have been disheartening. Of the dozens of properties we looked into, almost all had been "flipped." People who've made their homes in this community, and likely contributed to it in a number of ways, walked away from their properties bankrupt and possibly homeless, while investors who barely know where East New York is stand to make two, or three, or possibly four hundred thousand dollars almost overnight. Realtors who showed us two-family homes suggested we could get \$2,200 rent for a three-bedroom apartment. Given the average income in East New York, that would constitute 76% of the median family income. We watched these same realtors hand their cards to homeowners sitting on their stoops, telling them that they could pay all cash, encouraging them to consider selling.

But the tragedy is not that my husband and I are struggling to afford a home in the neighborhood we hoped to live in, but that people who have lived here for decades will now find it increasingly difficult to buy a property, build equity, and build wealth. And this is the situation that has emerged just from the suggestion of a rezoning.

The City's proposals that envision a more economically diverse community fail to recognize the awful fact that **the housing policies we have pursued and continue to pursue in the US do not encourage mixed-income communities that can be maintained over time**. Without extensive provisions for deep and permanent affordability, communities exist as mixed-income only during the transition between richer people replacing poorer people, which tends to overlap with whiter people replacing browner people, which is a sad reversal of 50-some years ago when white people – encouraged by housing policies – fled cities to take advantage of the opportunity to buy homes, and build wealth, in the suburbs, in developments that were at different times by law or by practice not available to non-whites.

The combined practices of redlining, restrictive covenants and blockbusting that created the above situation were especially damaging because they devalued not only places and properties but also people – asserting that certain neighborhoods were less desirable because the people in them were somehow less desirable, for no reason other than their race. These neighborhoods, like East New York spent the next several decades starved of public and private resources. The City Planning Commission cannot escape the fact that any decisions you make or plans you implement are affected by this historical injustice, and must consider how to address it. It will not be easy or cheap. **All of the improvements that the City has promised – Improved transit service, park upgrades, new schools – should not be offered as a condition of forcing upon East New York**

the primary responsibility of ensuring the Mayor can deliver on his promise of 200,000 affordable units. They should be made because East New York deserves them, and has been neglected for decades.

In the past two years I conducted an oral history project, interviewing people who lived in East New York in the 1960s, during the time when this community was transitioning from almost all white to almost all black and Latino. I learned about how disastrous this process was for so many people in so many ways. But what was really disturbing is how poised we seem to repeat the mistakes that my interviewees describe below.

Mary, East New York resident since the early 1960s

The real estate people were getting people to move into this community, and I guess they were telling the white families you can get this amount of money or that amount of money [to sell]...Not only were the people moving in getting battered, but people moving out got battered as well. And real estate people were the ones really making the money.

Richard, East New York resident from 1945 to 1967

The phone calls, my parents remember the phone calls coming all the time, and post cards. The Pearlbergs were first to sell their house, and it was like 8 months, maybe a year max [before his family, the last white family, sold their house].

This was just integrated into 'Well, this is what happens to neighborhoods, they change.'...But the more we understand about it, the more we understand that this kind of displacement has victims all over the place.

Gary, East New York resident since 1952

It was a money making scheme - it had nothing to do with what seemed to be the reality of race and class. It was about banking and real estate, and the City's collusion with them.

Toni, East New York resident from 1957 to 1972

I think it could have been a great place for a lot of people from a lot of different backgrounds. It could have been marvelous place because it was a neighborhood. I think it was purposefully damaged, and they might try to bring it back but they're damaging it in a different way now.

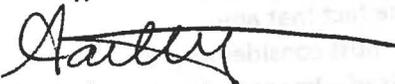
Johanna, East New York resident since 1960

[I was] born in Bedford-Stuyvesant and moved to East New York when I was six years old. It was a mainly Hasidic community. We were the third black family to move on the block. Everything was pretty nice...we were neighbors, and we behaved like neighbors. Slowly but surely, a lot of the people started moving. I think the adults at that time called it running...white folks started running, running away.

But people are running back now. If we were included, it would be ok, but nobody's really concerned about including us. They're not really. They'll live among us, and they'll tolerate us, but eventually we'll be priced out. We can't afford to be their neighbors...because there's an inequity. But on the whole, its unfair, it really is unfair."

Again, I urge the City Planning Commission to adopts the plan put forward by the Coalition for Community Advancement.

Sincerely,



Sarita Daftary-Steel
Board member, United Community Centers

**Testimony of Kim Darga, Assistant Commissioner of the
Department of Housing Preservation and Development Division of Preservation
Finance
City Planning Commission
January 6, 2016**

Good afternoon Chair Weisbrod and members of the City Planning Commission. I am Kim Darga, Assistant Commissioner of the Division of Preservation Finance at the Department of Housing Preservation and Development. I am testifying in support of the proposed East New York Community Plan. I understand that questions have been raised about whether the rezoning will result in displacement of families who have lived in East New York for many years and fear that they will no longer be able to afford the neighborhood if it is rezoned. To help answer these concerns, I would like to describe the work that HPD has been doing, and will do, to preserve the existing housing stock in the neighborhood.

The City defines preservation broadly, as preserving the quality, financial feasibility, and affordability of the existing housing stock. We work with owners of properties that are regulated by the City or other governmental entities, as well as those that are unregulated. Within the last 5 years, the City preserved the affordability of 168 buildings with 928 residential units in East New York.

HPD has a range of programs that provide assistance to owners of privately-owned properties, and most of HPD's preservation programs have limited eligibility restrictions, with the needs of the property determining which program is most applicable. The City assistance, typically a subsidy loan and/or tax exemption, provides an incentive to maintain affordability. Owners that receive assistance are required to enter into a regulatory agreement that imposes rent and income limitations for the duration of the benefits.

A large proportion of the housing stock in East New York is already protected affordable housing regulated by governmental agencies. We have preservation programs specifically designed to preserve this housing, and we do targeted outreach to owners of properties

with expiring restrictions. For instance, we invite owners of LIHTC properties reaching the end of their initial compliance period to attend a workshop on HPD's LIHTC Preservation Program. For HUD-assisted properties, we participate in a Taskforce with HUD and CBOs to discuss projects at risk of losing affordability.

We are also working to identify opportunities to preserve the affordability of unregulated buildings. We have expanded eligibility in existing finance programs and launched a new **Green Housing Preservation Program** so that we can assist more properties. In particular, the Green Housing Preservation Program, which targets smaller multi-family properties, provides no- and low-interest loans to enable owners to undertake energy efficiency and water conservation improvements in order to reduce operating costs.

Outreach and engagement with community partners and building owners is a critical part of our preservation strategy. The Division of Preservation Finance works closely with the Office of Neighborhood Strategies, as well as other parts of the agency on outreach and community engagement. Some recent initiatives include:

- Our new **Division of Community Partnerships** unit at HPD, which was created to coordinate HPD's strategic preservation work. The Division partners with local CBOs and CDCs in reaching out to owners to retain affordability.
- We recently issued a new **RFP for the Neighborhood Preservation Consultants** contract where local non-profit CBOs will be engaging in preservation work in concert with HPD, where the focus will be on tenant protection, housing quality and most importantly outreach to owners to preserve affordable housing.
- We started holding **Landlord Resource Fairs** where landlords and homeowners can meet City and non-profit agencies to receive assistance directly. Some of the agencies at these events include – HPD finance programs, NHS, CNYCN, Legal Services, DEP, DOF, and weatherization programs. As part of the Landlord Resource Fair, we are also providing **Neighborhood Preservation HelpDesks**, where HPD housing specialists are available to consult one-on-one with property owners interested in HPD financing.

- For **1-4 family buildings** we are increasing awareness of our small home repair programs, including the SCHAP (Senior Citizen Home Assistance Program), NHS (Neighborhood Housing Services Program), and HIP (Home Improvement Program), so low-income homeowners can make critical repairs to their buildings and resist pressures to raise rents or sell. We have worked with Councilmember Espinal and NHS to organize **weekly homeowner clinics** for small building owners that will begin in the coming months.
- This spring, the City, led by the Mayor's Office of Sustainability, will be launching the **Community-Based Retrofit Accelerator**, an outreach and technical assistance initiative related to energy efficiency improvements specifically targeting East New York property owners.

I support of the proposed East New York Community Plan, which, if approved, will decrease pressure on the existing stock by allowing more development to meet the demands for housing in the area, and because it will require at least 25% of all new construction buildings will be affordable, it will free up HPD resources for preservation of the existing housing stock and to meet the needs of the poorest families.

New York City Planning Commission
Public Hearing on East New York Community Plan and Rezoning
Brooklyn Borough Hall
Testimony by Martin Dunn, President, Dunn Development Corp.
January 6, 2016

My name is Martin Dunn and I am the founder and president of Dunn Development Corp., a Brooklyn based developer of affordable and supportive housing. I have been developing affordable housing for 23 years – initially as the director of a non-profit community development corporation in East New York – and have been involved in the development of more than 3,500 apartments including some of the most highly regarded affordable housing projects in New York City. I almost exclusively develop affordable housing - 99% of the units I've worked on have been affordable and only 1% market rate housing.

I have a long history of working in East New York going back to 1992 when I spent 5 years working for the East New York Urban Youth Corps, first as the Director of Housing Development and then as the Executive Director. After that, I consulted on affordable housing development with HELP USA and other non-profits working in the community and then later developed affordable housing through Dunn Development Corp.

At the East New York Urban Youth Corps we did numerous affordable housing projects in the rezoning area including multiple new construction buildings on Pitkin Avenue, a new construction project on Elton Street between Liberty Avenue and Glenmore Avenue and multiple rehabilitation projects. As a private developer I have completed multiple new construction affordable housing projects in East New York including one in the rezoning area.

We are interested in purchasing sites and developing new buildings in the rezoning area. Any sites we develop in the rezoning area will be deeply affordable – both because that is what we are committed to doing and because that is the only option. We cannot do development in East New York without City and/or State capital subsidies. And those capital subsidies require deep affordability.

In addition to badly needed affordable housing, East New York needs additional retail stores to serve the community as well as more community facility spaces for neighborhood services. Atlantic, Liberty and Pitkin are all well suited for this. Much of the automotive uses and fast food restaurants on Atlantic serve people just driving through. And Liberty and Pitkin will never attract strong retail without higher density

and reduced parking requirements. And Pitkin has the added challenge of it being expensive to build along the subway line as I know from experience.

And the one and two story taxpayers on Atlantic – and even on Pitkin – have real value to their owners under their current uses and without the significant density increases proposed, you will never get owners to sell their properties to allow for redevelopment.

I want to mention two projects which I think shed important light on the current proposals.

The first is Livonia Commons in East New York which has a lot of similarities to Pitkin Avenue: a subway line runs down it, it used to be a thriving commercial corridor and it defied previous attempts at revitalization. We completed a rezoning along 7 blocks of Livonia – converting R6 zoning with C2-3 overlays to R7A with a C2-4 overlay – exactly what is proposed for much of Pitkin. It enabled us to build higher density and it reduced parking requirements. The result – new affordable housing with deeply affordable units that meet neighborhood needs (almost 60% of the units serve households earning less than 40% and 50% AMI), high quality ground floor retail and community facility space (we've already signed up a pharmacy, a supermarket, a community arts center and a Catholic Charities program) and local jobs. Lots of local jobs. During the construction the general contractor and subcontractor made 51 new local hires of Community Board 5 residents with another 15 CB#5 residents being employed on the construction because they already worked for local subcontractors we hired. We also provided job training to 145 local residents, employed a local firm to manage the local training and hiring, and utilized multiple local suppliers and subcontractors. And for the maintenance jobs the management company has hired East New York residents too. That is what this new rezoning can accomplish too. Without higher residential density and reduced parking, Pitkin, Liberty and Atlantic will not attract the quality retail services and community facility services the neighborhood is looking for.

The second project is Liberty Apartments which we opened in 2010 in the rezoning area in partnership with Cypress Hills Local Development Corporation. The development site was 30,000 square feet of land – an assemblage of 2 private lots we purchased and 15 City owned lots. The whole end of the block – with three street frontages. On that 30,000 square feet of land, we were able to build only a three-story building with 43 apartments because of the R5 zoning. Under the current zoning proposal, the site would have generated more than 100 affordable housing units.

But the other thing I wanted to mention about Liberty Apartments is that we included 21% of the units for households earning less than 30% of AMI with the rest of the units at 60% AMI. The amount of capital subsidy from the City and State we needed to accomplish that was \$10.9 million, or more than \$253,000 per apartment. Not \$253,000 per apartment below 30% AMI – but \$253,000 for every apartment. And that is not including the value of the free land provided by the City of New York. And that was in 2009 when construction costs were much lower.

The reason I bring this up is because we need to be realistic about the %s of affordable units and the AMI levels that are required as part of the rezoning. We want this rezoning to result in the development of lots of new affordable housing and not be so cost prohibitive that no development happens or only very little development happens. And affordable housing is needed by existing East New York residents at a wide range of AMI levels – including units at 30% AMI, 40% AMI, 50% AMI, 60% AMI and above 60% AMI.

When we marketed the affordable apartments at Livonia Commons, we received 5,555 applications from Community Board #5 residents. As of the last census, there were 46,588 renter households in CB#5 (there were 60,390 total households, but 13,802 owned their own apartments/homes). This means that about 1 in 8 renter households from East New York applied. And the income levels of those applicants were well distributed across all of those AMI levels – 30% AMI, 40% AMI, 50% AMI, 60% AMI and even above 60% AMI. This tracks very well to the requirements of HPD's ELLA term sheets.

And let's be clear – the affordable housing created by the rezoning and the City's related preservation efforts may not address every housing need in East New York, but it is a far better option than doing nothing. Voting down the rezoning will not prevent gentrification from affecting East New York. But what it will mean, is that when gentrifiers do arrive, who can pay more to purchase or rent properties than existing local residents can, there will be no new affordable housing options that enable them to stay in the community. And that would be a tragedy.

I appreciate the opportunity to testify and would be happy to answer any questions.

From: Barry [<mailto:barry@manorny.com>]
Sent: Wednesday, October 07, 2015 1:10 PM
To: Maria Guevara (DCP)
Cc: 'Barry Gottehrer'
Subject: FOR: Mr. Weisbrod RE: East New York Re-Zoning Project

Dear Mr. Weisbrod,

I have seen a tremendous of give and take regarding property re-zoning in East New York.

Unless I missed something, virtually all of the arguments revolve around the possible displacement of the low income residents presently inhabiting the area, if they will be displaced, or not.

I have both developed and upgraded a number of properties in Harlem over the past ten years. We met a few years ago at HR&A when we were considering retaining your firm for a project, I believe in Staten Island. What happened in Harlem is exactly the same as can happen in East New York. There are an enormous number of properties that are vacant and underutilized. Even though we built brand new housing, it was from vacant, run-down buildings or vacant lots, no one was displaced. When we renovated multi-family properties, we renovated one or two units at a time, when people moved out voluntarily, no one was chased out. Just as I did, tens of other developers did the same, and thousands of new people moved into Harlem and at the end of the day, hardly anyone was displaced. Maybe that is stretching it, but you have the facts better than I do. I would venture to say that less than 5% were displaced and for a variety of reasons, not necessarily pure eviction.

I don't have time to look at the statistics for East New York, but I would just guess a number. There are probably 25,000 families living in that area. You are proposing to build at least 100,000 units over a number of years, of which at least 25% will be low income. This means there should be no loss for low income tenants. None of the middle income new tenants will be moving in at the expense of the low income tenants; they can all stay in some form.

Of course bringing in 75,000 new tenants, no matter their economic situation will create a tremendous need for new shopping, manufacturing, community services, and other services which will benefit everyone, including the present 25,000 low income residents who barely have any services to speak of at this moment.

With over 36 years in the Real Estate business, I have often wanted to get involved in the low income housing area. I spent thousands of dollars preparing site plans and other packages that were required under various RFP's, but the way I look at it, only the entrenched minority contractors from the neighborhood or the very well financed, larger, affordable developers ended up getting the projects, which is an absolute shame. There are so many small developers who would have been able to do an excellent job for the City and at the same time would have been able to grow their businesses and create more real employment for minorities.

I wish you a lot of luck with what you are doing, it is absolutely necessary and the right thing to do.

Sincerely yours,

Barry Gottehrer

President

Manor Properties Group LLC

Direct: 718-851-0011



**Catholic Charities Brooklyn and Queens
Catholic Charities Progress of Peoples Development Corporation
New York City Planning Commission
Hearing on East New York Community Plan
Written Statement
January 6, 2016**

Hello, My name is Claire Hilger and I am the Senior Vice President for Real Estate for Catholic Charities Brooklyn and Queens and the Director of Catholic Charities Progress of Peoples Development Corporation, the affordable housing arm for Catholic Charities.

Catholic Charities Brooklyn and Queens has been providing assistance to the residents of Brooklyn and Queens since 1899. We have over 160 programs with services as diverse as early childhood education for low-income families to senior centers and everything in between. Over the course of a year, approximately half a million people will have some significant contact with Catholic Charities Brooklyn and Queens.

In East New York we operate several programs focused on catering to the needs of the community. St. Malachy's Early Childhood Development Center on Atlantic and Hendricks promotes educational, social and cognitive development and a love of learning to children from low-income and homeless families. Hundreds of children are currently on the waitlist for the program. At the Dr. Elizabeth Lutas Center on Fulton and Shepherd, Catholic Charities has two critical programs focused on keeping East New York families together in East New York. Our Homebase Homeless Prevention Program works with East New York residents to try and prevent vulnerable families and individuals from becoming homeless. The East New York Family Support Program provides direct assistance to keep families together.

In 117 years of working in Brooklyn and Queens, Catholic Charities has witnessed sweeping changes. The Dr. Elizabeth Lutas Center in East New York is on the front lines of the changes that are coming to the neighborhood. Our staff work hard to prevent the displacement of hundreds of residents every year. Since 2013, the number of clients we are helping has more than tripled. Last year we worked with more than 1,500 individuals and families who were at risk of homelessness. Our staff see early signs of gentrification speeding towards us on the J train. Landlords are doing everything they can to get low-income East New Yorkers out of their apartments so they can charge higher rent. Single mothers in East New York are now struggling to find one bedroom apartments for \$1,500 per month. This is simply not affordable for a home health aide with three kids trying to make ends meet.

The current zoning in East New York has resulted in a neighborhood primarily made up of 1, 2 and 3 family homes. Homes of this size are not subject to rent stabilization, which means there are very few regulated



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apartments outside of NYCHA. Renters in the majority of East New York apartments have no protection against a landlord who wants to raise the rent.

Catholic Charities has developed over 3,000 units of housing for low-income seniors, families and individuals throughout Brooklyn and Queens. Recently we opened the Msgr. Anthony J. Barretta Apartments for 64 low-income families in Ocean Hill on Atlantic and Sackman. We received 5,000 applications for 45 apartments. Most of the applicants from the local community board had incomes that were too low to cover the rents set by the previous administration.

The current zoning in East New York has prevented us from developing more rent regulated apartments in the neighborhood. In the low density 1, 2, and 3 family home areas, zoning does not allow us to build enough apartments to cover our expenses. Across from the Barretta Apartments we wanted to build more apartments for low-income families, but the existing industrial zoning prohibited residential uses. Most of that block remains vacant to this day.

Catholic Charities supports rezoning East New York to encourage the creation of housing that is affordable to the people who live in East New York, and is regulated to protect East New Yorkers from the rising rents that are displacing the community. We applaud the administration for targeting lower incomes and providing greater subsidy. However, we agree with Borough President Adams and Council Member Espinal that the current proposal does not go far enough to protect the current residents of East New York as they outlined in their Crain's Op-ed today.

We urge the administration to provide greater resources to preserve existing housing, to commit to preferences for local residents in new housing, encourage deeper levels of affordability, provide greater capital and rental subsidy, and to preserve and encourage local small businesses. By strengthening the current proposal we can create a plan that will work for East New York.

Thank you for your time.

TESTIMONY BY

FIRST DEPUTY COMMISSIONER

JACKIE MALLON

NEW YORK CITY

DEPARTMENT OF SMALL BUSINESS SERVICES

BEFORE THE

CITY PLANNING COMMISSION

WEDNESDAY, JANUARY 6, 2015

Good morning members of the City Planning Commission. My name is Jackie Mallon and I am the First Deputy Commissioner of the New York City Department of Small Business Services (“SBS”). At SBS, we seek to foster a thriving, equitable city by connecting New Yorkers to good jobs, creating stronger businesses, and building a fairer economy. In support of Mayor de Blasio's workforce development strategy, *Career Pathways: One City, Working Together*, SBS is expanding Industry Partnerships, significantly increasing investments in training New Yorkers, and supporting HireNYC, a new set of policies that require companies doing business with the City to move New Yorkers to the front of the hiring line.

Through our network of 17 Workforce1 Career Centers across the five boroughs, SBS trains and connects jobseekers to employment opportunities, and offers businesses cost-saving recruitment services. We serve between 125,000 and 150,000 New Yorkers annually and connect roughly 25,000 to 30,000 people to jobs with an average wage of \$12.20 per hour. As Commissioner Bishop mentioned, we will be opening a Workforce1 Career Center in East New York and are working closely with a group of local community-based organizations to design services tailored to meet the needs of the community.

HireNYC, one of the largest and most impactful targeted hiring programs in the nation, will leverage the network of Workforce1 Career Centers to connect New Yorkers to open positions created through the City's purchases and investments. This is a key effort to ensure we are supporting the economic success of working families and our economy as a whole.

Now, I am happy answer any questions you may have on the administration's workforce development efforts in East New York.

Maria Masonnet

Hi, my name is Maria Masonnet, I'm a member of New York Communities for Change and RAFA. For the past 40 years, I grew up in East New York. As a single mother, I raised my son in East New York. I lived there when nobody wanted to come anywhere close. I love my East New York and want to remain a part of the community forever but with the Mayor's East New York, most of us won't be able to stay.

It is great seeing that the city wants to invest in my neighborhood but who is this investment for? Is it for current residents or future residents?

Even though the median income for us is about \$34,000 a year, only 27% of the affordable apartments will be for people making less than that. The majority of the "affordable" apartments will be unaffordable for the majority of East New Yorkers like myself. The amount of affordable apartments being built won't even be enough to counter the residents being pushed out due to gentrification caused by the rezoning.

The only jobs that can be found in East New York are low wage jobs. Even if we win the fight for a \$15 minimum wage, we will still not be able to afford housing in East New York. We need to not just bring in REAL affordable housing, but good, living wage, union jobs too!

We need RAFA's Real Affordable Communities Plan. We should not rezone East New York unless we get Deep levels of affordable housing that our community can afford and make sure that the jobs brought to our community are good jobs for us.

Mark Miley

Hi, my name is Mark Miley, I'm a member of New York Communities for Change and a member of RAFA (Real Affordability for All). We are in a housing crisis but the Mayor's plan isn't helping to solve it.

I have lived in Brownsville and been a tenant of 9720 Kings Highway for nine years. Conditions in my building have gotten worse and worse every year since it was bought by Yechiel Weinberger, the Public Advocate's 2nd worst Landlord, for about \$11 million in 2012. He refused to do any repairs to the holes everywhere throughout the building, rats infesting the hallways, broken elevators, broken mailboxes, mold...if you can think of a problem, we have it. As things got worse, most of the long term tenants like myself moved, not being able to deal with it anymore. This past November, as my area has started to become more gentrified, I found out Weinberger flipped our building for double what he paid for it!

Since the sale, conditions have remained the same except for increased tenant harassment. The new landlord claims to never have received any paperwork from the previous landlord and has been harassing me and my neighbors constantly while continuing to not do any repairs for our building. There are 119 apartments in my building and the majority of long term tenants have been pushed out by the old and new landlord. My landlord is doing this to vacate the apartments and move in new tenants who can pay higher rents.

I am a single father trying to provide for my two girls who are 9 and 11. With rents going up, I don't know where my family can afford to go! Under the Mayor's plan, the vast majority of the affordable housing that is planned for Brownsville and East New York is something that my family cannot afford. What my old landlord did is the same thing that is happening throughout East New York, which will result in thousands being pushed out of the neighborhood. Mayor de Blasio needs to do what's right for us and stop this giveaway to landlords. Build REAL Affordable housing for the people of Brownsville and East New York! Thank you

South
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Legal
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Legal
Services NYC

**TESTIMONY BEFORE THE NYC PLANNING COMMISSION
ON THE EAST NEW YORK COMMUNITY PLAN**

January 6, 2016

My name is Andrew A. Ortiz, and I am a law graduate awaiting admission to the New York Bar working on the Tenant Rights Coalition at Legal Services NYC (LSNYC), Brooklyn Program. LSNYC has a rich history of fighting poverty and seeking racial, social, and economic justice for low-income New Yorkers. For over 45 years, we have challenged systemic injustices and helped clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. Our neighborhood-based offices across the five boroughs service over 80,000 New Yorkers every year.

The current Administration has shown a great concern for the creation and preservation of affordable housing and homeless prevention. LSNYC applauds the Administration's efforts in this regard, particularly in the absence of support from the federal and state governments.

I am here today to testify about one such initiative: the proposed Mandatory Inclusionary Housing program, a vital part of the proposed East New York Community Plan. This proposed zoning text amendment would mandate the creation of affordable housing wherever up-zoning development takes place. Under the proposal, the affordability requirement can be 25% at 60% of AMI or 30% at

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80% AMI. While we support the creation of affordable housing units, the key question is whether said units are within the reach of low-income residents living in the rezoning neighborhoods. If they are not, the City's overall rezoning program (which includes MIH as well as various neighborhood-specific rezonings) has the potential of doing more harm than good, specifically as it pertains to speeding up the gentrification process.

We believe there are two main issues with the MIH program as currently proposed. First, the percentages for affordable housing mandated under the program are not sufficient to meet the demand in the communities that will likely see significant displacement resulting from the rezoning process itself. In East New York, the proposed rezoning has already resulted in the increase of property values, which primarily affects unregulated tenants, but has an impact as well in the eventual deregulation of rent-stabilized housing. Rents in the neighborhood are likely to continue increasing once the construction of thousands of new market rate units becomes a reality.

Second, as it stands, the MIH program defines affordability based on citywide AMI levels. However, median incomes in some of the City's poorer neighborhoods are significantly lower. This gap in the definition of affordability is of particular consequence in East New York. The citywide AMI for a family of three is \$46,620, whereas the same AMI in East New York is \$32,815. By design, many East New Yorkers do not stand to benefit from the current MIH program. Just last month, the City Comptroller published a report that, in essence, concludes that in East New York the rezoning plan stands to produce far more market rate housing than affordable housing, and even the latter will remain out of reach of half of the area's low-income residents. Considering the size of the unregulated housing stock in East New York, tenants forced out of these units will largely not be able to re-rent in the same neighborhood and will ultimately be displaced.

This is of great concern to our organization. In the past year, both LSNYC and the Legal Aid Society have received unprecedented City funding to increase our presence in the neighborhoods slated

for rezoning through hiring new attorneys and partnering with community based organizations. We have already had an impact on thousands of low-income residents, both through individual representation in housing court and through building-wide litigation and advocacy work. Unfortunately, our impact in these communities cannot extend to saving apartments for unregulated tenants who are lawfully taken to court once their leases expire. For this reason, we share the City Comptroller's view that the MIH program should result in the creation of affordable housing that is (1) sufficient in number to offset the displacement of low-income tenants from neighborhoods like East New York and Brownsville, and (2) within the economic reach of these families.

As an organization fighting day in and day out for low-income tenants living in the rezoning neighborhoods, we agree with the Administration's intention to promote and preserve affordable housing in these neighborhoods. We are deeply concerned, however, that this objective may not materialize based on the current MIH proposal. We are even more concerned that the unintended—yet foreseeable—result may be exacerbating gentrification pressures already in play. We see these pressures every day in our work.

Thank you.

Rachel Rivera

My name is Rachel Rivera and I am a member of New York Communities for Change and RAFA. I come to you today as a victim of the gentrification that is already beginning in East New York due to this rezoning plan.

I have already been going through so much over the past few years. After Sandy destroyed my home in Bedstuy, me and my 6 children had trouble finding anywhere affordable to live. After over a year of searching, I was finally able to find an apartment right in East New York that I could afford for me and my kids. Things were finally getting back on track.

After less than a year of being there, my landlord started to harass me and my neighbors. He began to take all of us to court for any little thing possible, making our lives living hells. He tried to do whatever he could to kick us out. This all started when East New York was set to be rezoned.

As a single mother making ends meet on just disability check, I don't know where to go. One of kids has tried to look for jobs but the only ones near by are paying minimum wage. All I want for my family is to have an affordable, decent and safe place to live without worrying if we'll be pushed out.

We need more affordable housing but we need housing that doesn't leave behind the over 700,000 low income new yorkers left behind by Mayor Bloomberg's plan. If we are going to Rezone East New York, we must ensure that we don't build tall buildings unless at least 50% of the apartments are affordable to low income New Yorkers from our neighborhood. We need good jobs so that my neighbors are able to afford to continue to live here. The Mayor's plan falls short for our community. We have only one chance at this. We need to build it right or else none of our families will be left to see what happens.



Brooklyn Chamber of Commerce

Wednesday, January 6, 2015

**Testimony respectfully submitted to New York City Department of City Planning,
by Rick Russo, Senior Vice President & Chief Operating Officer at the Brooklyn
Chamber of Commerce.**

Good morning,

My name is Rick Russo and I serve as Senior Vice President & Chief Operating Officer at the Brooklyn Chamber of Commerce. I am delivering testimony on behalf of Carlo A. Scissura, Esq., President and CEO of the Brooklyn Chamber of Commerce.

The Brooklyn Chamber of Commerce is a membership-based business assistance organization which represents the interests of over 2,200 member businesses, as well as other businesses across the borough of Brooklyn through our promotion, support and advocacy work.

The Chamber stands in strong support of any efforts to revitalize East New York. As such, we support Mayor de Blasio's and the New York City Department of City Planning's proposal for the rezoning of East New York, as proposed within the East New York Community Plan. It will sustain existing affordable housing, develop new affordable housing, connect residents to employment opportunities and revitalize commercial corridors by requiring active ground floor uses.

We believe the specific actions outlined in the Community Plan will further serve to advance East New York, and make it an attractive and safe place for existing residents. The changes will enhance transit infrastructure and facilitate the revitalization of retail, while promote new uses on the Atlantic Avenue, Pitkin Avenue, Fulton Street, and Liberty Avenue commercial corridors. The resulting land use recommendations of the rezoning are expected to generate more than 3,000 new, affordable housing units, 3,700 new jobs, and more than 800,000 sq ft of commercial space, which will directly benefit East New York residents.

As the voice of small businesses and job creation in Brooklyn, we welcome the efforts to provide workforce training and support small businesses through this plan, such as the opening of a Workforce1 Satellite Center to connect residents with jobs and the launch of the East New York FastTrac Growth Venture Course to provide training to business owners.

We believe this rezoning is critical to the long-term sustainability of East New York.

Thank you for the opportunity to testify at this hearing.

CAS/vs

Patrick Saunders

My name is Patrick Saunders and I'm a member of New York Communities Change and RAFA . I have already started to see the gentrification that the Mayor's housing plan has brought to Ocean Hill and East New York.

I have lived in Ocean Hill for the past 9 years and have started to see some huge changes since the Mayor's plan has been announced. In just the past few months, my new landlord has evicted 5 black families that have been my neighbors for years and has moved in white people to each of those apartments. After renovations, he raised the rents of those apartments up to \$2000! The Landlord is coming around harassing tenants and trying to buy people out on a regular basis. I'm afraid that once my lease is up, I'll be the next one to go.

This rezoning plan is pushing us out of our community that we love. For us tenants living in unregulated apartments there's only so much that lawyers can do. Over 50% of buildings in East New York and Ocean Hill are unregulated giving us no defense against gentrification What is Mayor de Blasio doing for us unregulated tenants? How will he protect us? 50% of East New York won't fit into the new affordable apartments. Vote no on the rezone unless there are protections against us getting pushed out.

Thank you



Testimony of Zulmilena Then, Founder of PENY
City Planning Commission Public Hearing
East New York Rezoning Proposal
January 06, 2016

Good morning City Planning Commissioners, my name is Zulmilena Then, I am the founder of Preserving East New York also known as PENY. PENY emerged as an initiative to advocate for the preservation of historic buildings and places within the communities of East New York and Cypress Hills. Through community support, PENY's goal is to create awareness to protect the communities' historic resources that are threatened by the Mayor's rezoning proposal.

I want to commend the City's holistic approach to this rezoning proposal by working with other agencies, such as DOT, Parks Department and SBS, to address the various strategic goals in the East New York Rezoning Plan.

But where is the Landmarks Preservation Commission in this conversation?

The absence of the Landmarks Preservation Commission has caused great concern within the community. There are many unprotected and potentially vulnerable landmark worthy buildings interspersed throughout the rezoning area. For example, the Community Center at 127 Pennsylvania Avenue is significant both architecturally and culturally. Did you know this beautiful Greek temple used to be the neighborhood's Courthouse? There is also the 75th Police Precinct Station House at 484 Liberty Avenue, a Romanesque Revival Style fortress which has been included in the National Register of Historic Places. These are just 2 buildings out of 33 that PENY believes are landmark worthy and have not been acknowledged in this plan.

As you know, NYC's Preservation Laws protect our history while also strengthening and empowering our communities. Preservation combined with sound planning and revitalization strategies drives economic growth which adds to the community's well-being.¹ Therefore, preservation will promote

¹ **Historic Preservation has significant and ongoing economic impact beyond the project itself.**

The rehabilitation of certain buildings certainly creates construction jobs. But the economic benefits of preserving historic resources go beyond the lot line of that building. The benefits accruing to a community are both direct and indirect. A few years ago the Advisory Council

growth opportunities for new and existing businesses and help create jobs while preserving and protecting existing structures, community organizations, small businesses and local residents.

Director Von Engel and fellow City Planning Commissioners, we urge you to consider preserving landmark worthy buildings located within the rezoning area. Preservation may not fit perfectly into the goals of this plan, but these buildings are a part of the heart which makes East New York, East New York and Cypress Hills, Cypress Hills. City Planning Commissioners, we can't revitalize our neighborhoods without protecting their history, character and identity. Without understanding these benefits, how can a neighborhood be effectively revitalized?

City Planning Commissioners you direct the agency that will be responsible for the lasting transformation of this neighborhood and the 14 others that will follow in this plan's footsteps. Can you please make sure that the East New York Community Plan serves as an effective model to follow?

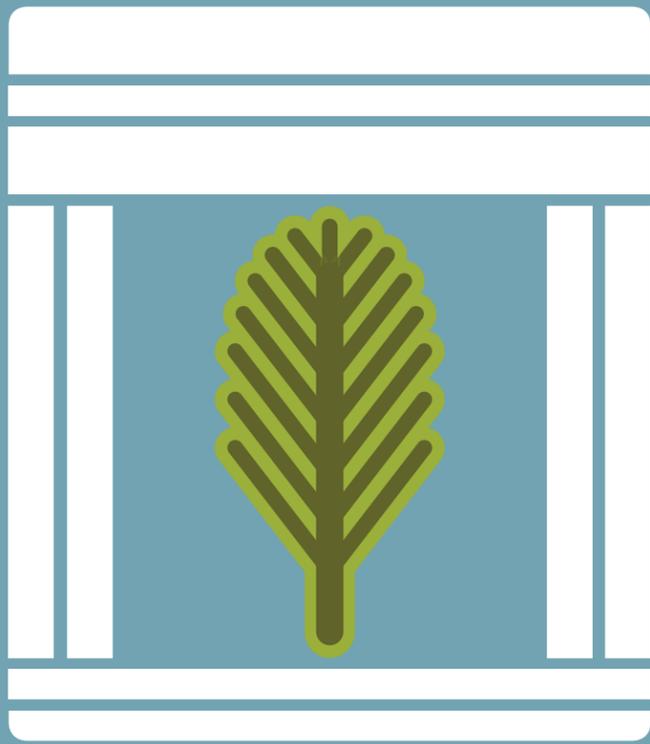
Thank you.

If you need more information about PENY please feel free to contact us at:

Email: peny.bk@gmail.com

Tel.: (347) 615-6240

on Historic Preservation identified some of those community benefits. The list included: 1) new businesses formed; 2) private investment stimulated; 3) tourism stimulated; 4) increased property values; 5) enhanced quality of life, sense of neighborhood and community pride; 6) new jobs created; 7) compatible land-use patterns; 8) increased property and sales taxes; 9) pockets of deterioration are diluted. Donovan D. Rypkema, *The Economics of Historic Preservation*, Page 13, published in 2014.



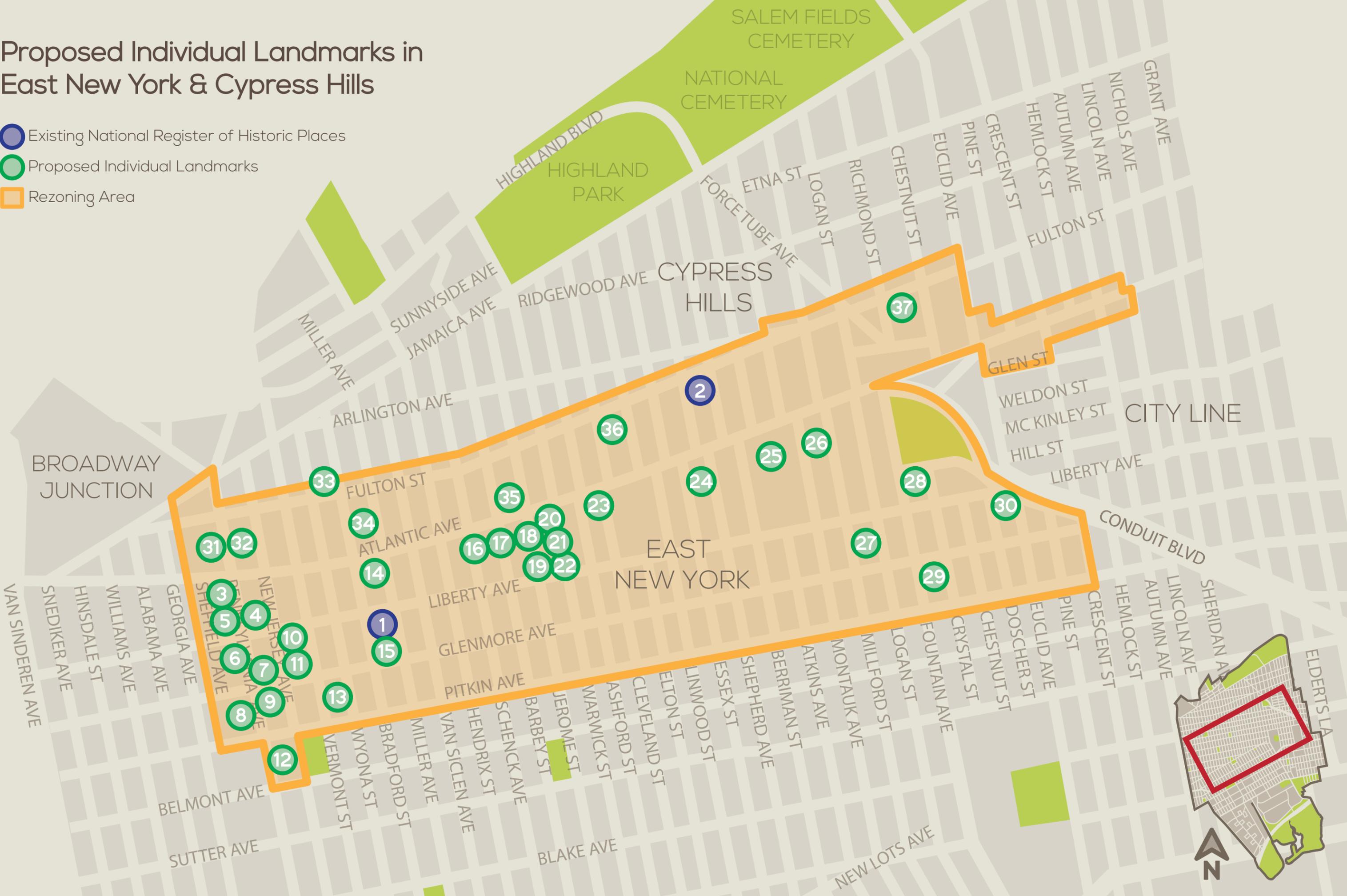
peny PRESERVING
EAST NEW YORK

PROPOSAL TO THE NYC CITY PLANNING COMMISSION
& THE NYC LANDMARKS PRESERVATION COMMISSION

for Additional Historic Resources to be included
in the **East New York Rezoning Proposal**

Proposed Individual Landmarks in East New York & Cypress Hills

-  Existing National Register of Historic Places
-  Proposed Individual Landmarks
-  Rezoning Area



List of Buildings

Existing National Register of Historic Places To Propose as Landmarks

- 1** 75th Police Precinct Station House
484 Liberty Avenue
- 2** BMT Substation #401
3046 Fulton Street

Proposed Landmarks East New York

- 3** Victorian Houses
130 & 132 Pennsylvania Avenue
- 4** Arnold & Marie Schwartz Community Center
f/k/a Magistrate's Court
135 Pennsylvania Avenue
- 5** Cornerstone Seventh-day Adventist Church
f/k/a/ Homestead Bank
138 Pennsylvania Avenue
- 6** Beaux-Arts House
164 Pennsylvania Avenue
- 7** William H. Maxwell High School
147 Pennsylvania Avenue
- 8** Apartment Buildings
214-222 Pennsylvania Avenue
- 9** Holy Trinity Russian Orthodox Church
400 Glenmore Ave
- 10** Grace Baptist Parsonage
f/k/a St. John's Evangelical Lutheran Parsonage
223 New Jersey Avenue
- 11** Grace Baptist Church
f/k/a St. John's Evangelical Lutheran Church
233 New Jersey Avenue
- 12** Fisher Building
249 Pennsylvania Avenue
- 13** Two Family Residence
277 Vermont Street

- 14** Mixed Residential & Commercial Building
2764 Atlantic Avenue
- 15** Second Calvary Baptist Church
f/k/a Agudath Achim B'nai Jacob
503 Glenmore Avenue
- 16** Empire State Dairy
2840 Atlantic Avenue
- 17** Borden's Dairy Factory
2840 Atlantic Avenue
- 18** St. Michael's Roman Catholic Church
225 Jerome Street
- 19** St. Michael's Convent
235 Jerome Street
- 20** St. Michael's Friary
282 Warwick Street
- 21** St. Michael's Boy's School
306 Warwick Street
- 22** St. Michael's School
625 Liberty Avenue
- 23** Con Edison
f/k/a Union Gas
2940 Atlantic Avenue
- 24** St. Rita's Roman Catholic School
260 Shepherd Avenue
- 25** Arlington Village
3100 Atlantic Avenue
- 26** Warehouse/Storage
22 Milford Avenue
- 27** Second St. James Church of Christ
f/k/a Ahavas Achim B'nai Abraham
94 Logan Avenue
- 28** Ninth Tabernacle
f/k/a Talmud Torah Atereth Israel
85 Fountain Avenue

- 29** Milford Tile
f/k/a Brooklyn Post Office
946 Glenmore Avenue
- 30** Engine Company #236
998 Liberty Avenue

Proposed Landmarks Cypress Hills

- 31** Atlantic Senior Center
f/k/a Tyrian Masonic Lodge
70 Pennsylvania Avenue
- 32** Garden of Eden Baptist Church
71 Pennsylvania Avenue
- 33** Glorious Church of God
f/k/a Christ Evangelical Reformed Church
2729 Fulton Street
- 34** Apartments
f/k/a New Lots Town Hall
109 Bradford Street
- 35** Vienna Flats
2883 Atlantic Avenue
- 36** Apartment Buildings
237 & 239 Cleveland Street
- 37** Mixed Residential & Commercial Building
211 Richmond Street

Selected

Photographs

1

75th Police Precinct Station House

484 Liberty Avenue

Year Built: 1886



Photo by Zulmilena Then

4 Arnold & Marie Schwartz Community Center

Formerly known as Magistrate's Court
135 Pennsylvania Avenue

Year Built: 1929



Photo by Matthew X. Kiernan | Flickr

5

Cornerstone Seventh-day Adventist Church

Formerly known as Homestead Bank
138 Pennsylvania Avenue

Year Built: 1920



9

Holy Trinity Russian Orthodox Church

400 Glenmore Avenue

Year Built: 1935



15

Second Calvary Baptist Church

Formerly known as Agudath Achim B'nai Jacob
503 Glenmore Avenue

Year Built: 1920



800-905-9505
a&e factory service
factory service
Photo by Zulmilena Then

23

Con Edison

Formerly known as Union Gas
2940 Atlantic Avenue

Year Built: Unknown



25

Arlington Village

3100 Atlantic Avenue

Year Built: 1946-1949



29

Milford Tile

Formerly known as Brooklyn Post Office
946 Glenmore Avenue

Year Built: 1918 (Approx.)



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Photo by Zulmilena Then

31 Atlantic Senior Center

Formerly known as
Tyrian Masonic Lodge
68 Pennsylvania Avenue

Year Built: 1906-1907



35

Vienna Flats

2883 Atlantic Avenue

Year Built: 1885-1890



37

Mixed Residential & Commercial Building

211 Richmond Street

Year Built: 1915



Photo by Zulmilena Then

CITY PLANNING COMMISSION PUBLIC HEARING
TESTIMONY OF MARIA TORRES-SPRINGER, PRESIDENT
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION

January 6, 2016

10:00AM

Introduction

Good morning, Chairman Weisbrod and members of the City Planning Commission. My name is Maria Torres-Springer, and I am President of the NYC Economic Development Corporation. It is our goal to make New York City the global model for inclusive innovation and economic growth, fueled by the diversity of our people and our businesses. We are dedicated to strengthening the City's economy and increasing economic opportunity for all New Yorkers. In all of our work, we aim to create **good jobs** and **strengthen neighborhoods** throughout the five boroughs, and we are pleased to be working on the East New York Community Plan, which aims to achieve the same goals.

Our Involvement

EDC has been coordinating closely with the Department of City Planning and our sister agencies over the past two years to help design the recommendations before the Commission today. Over the course of many months, we have also spoken with residents and stakeholders in the East New York community to better understand how we can work with local partners to accomplish the goal of supporting good jobs in this dynamic neighborhood.

The plan is a product of these discussions, and it includes a robust **economic development strategy for East New York** that builds upon some of the neighborhood's best assets: its great transit access and tightly-knit urban streetscape, its heritage as an industrial jobs center and its diverse people and dynamic entrepreneurs. Our

strategy, which complements the proposals to support local businesses that SBS Commissioner Bishop just shared, includes four parts:

- First, we want to encourage residential and commercial growth. We will achieve this through investments and zoning changes that will promote new, mixed-income housing and mixed-use development along key transit corridors in East New York , Cypress Hills, and Ocean Hill.
- Second, we plan to attract new businesses to the area by investing in and reimagining the use of public assets and increasing access to available tax credits and other financial assistance programs to bring new companies to the area.
- Third, we want to promote quality jobs, by catalyzing high-growth employment sectors and promoting innovation in traditional industries, particularly those in the East New York Industrial Business Zone.
- And finally, we hope to improve livability. This means enhancing public areas and improving safety and connectivity between the industrial area, Broadway Junction and the surrounding neighborhoods.

We will continue to work closely with our partners at the Departments of City Planning and Small Business Services to coordinate our strategies and deliver on what we've heard from residents is a priority: access to quality, local jobs.

The IBZ

To that end, an area of particular focus for is our work in the East New York Industrial Business Zone.

The East New York IBZ is an important cluster of well-paying, accessible jobs for local residents. Growing and supporting the IBZ will be central to our efforts in the area. The IBZ is home to 250 businesses and 3,000 jobs, with companies specializing in steel and metal fabrication, transportation, woodworking and other specialty trades. We are committed to helping these businesses grow and stay in East New York for decades to come, and

we recognize the opportunity to strengthen the IBZ and expand job access alongside residential growth in East New York, Cypress Hills, and Ocean Hill.

The East New York Industrial Business Zone is *not* being altered or rezoned as part of the East New York Community Plan, and we will be building off of the IBZ's strengths to grow existing jobs in the community and attract new innovative companies that offer real career pathways. We will work with local community groups and LDC's to ensure that industrial jobs that come out of these investments are easily accessible to local workers.

In November, the Mayor announced a bold new Industrial Action Plan for our city, outlining ways we will protect and grow the industrial spaces that allow New Yorkers to create, transport, repair, and maintain goods that are vital to our city. The Industrial Action Plan includes a \$150 million industrial fund to jumpstart industrial real estate development and better support growing manufacturing firms. The plan also includes specific measures to protect and preserve Industrial Business Zones from the pressures of the marketplace, in order to retain these vital spaces for their industrial function. These tools will be brought to bear in the East New York IBZ, and they build upon other investments EDC has made there.

To give you a little background on our work in the East New York IBZ, since 1997, EDC has sold 33 small City-owned vacant parcels in the IBZ, resulting in over 670,000 square feet of land available to support the expansion and relocation of over 20 industrial businesses. This has generated approximately \$33 million in private investment and development, and has helped to create and retain over 750 jobs.

More recently, we have invested in the IBZ by revamping the four East Brooklyn BID gateway signs with a new design and lighting repairs, signaling our dedication to improving the conditions for current businesses and residents in the area.

And since last summer, we have been busy working on a comprehensive planning study of the IBZ, in close coordination with Councilmember Rafael Espinal, the East New York Local Development Corporation, the

Business Outreach Center Network, the Cypress Hills Local Development Corporation, and other local stakeholders.

The Study takes a look at current land use and infrastructure conditions, market and employment trends. We have also conducted local business surveys to help develop strategies to make the IBZ even stronger. As part of the Study, we will develop a planning framework that provides recommendations to grow and strengthen the IBZ and ensure that it is better connected to local residents and the local workforce. We look forward to wrapping up the study over the coming months.

We are also actively working to attract new businesses to the IBZ and create good jobs for local residents. I am happy to report that we have helped recruit two companies to the IBZ:

Eastern Effects, a video and film production company, also based in Gowanus, secured a low-interest loan from the NYCIDA to help finance the purchase of a 25,000 SF warehouse on Georgia Ave between Belmont and Sutter Avenues. Eastern Effects is currently renovating the warehouse into new film studios, which will create approximately 5 new permanent jobs, all paying above living wage.

And in partnership with the Cypress Hills LDC, a mixed use development at Pitkin Avenue and Berriman Street will host a new grocery store that will bring fresh food to the East New York community. The project utilizes our Food Retail Expansion to Support Health, or FRESH, program, which promotes the establishment and retention of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to operators and developers.

And to continue attracting new business to the IBZ, we are continuing to invest in city-owned assets in the area. By investing in public buildings, we will send meaningful indicators to residents, businesses and property owners that investment is coming to the area. For instance, we have \$1.5 Million of City Capital allocated for renovations to the East New York Industrial Building located on the corner of Pitkin Avenue and Junius Street. This funding will help us make much needed interior and exterior improvements to the property, improving its

overall market appeal, and making it a better functioning industrial facility for existing and future tenants alike. Companies will be able to lease space to grow their businesses and employ more East New Yorkers.

Finally, we at NYCEDC are also focused on ensuring that City investments do not just create buildings and programs, but that they also create opportunity for New Yorkers from all backgrounds. The Mayor recently announced a major plan to help Minority and Women-Owned Business Enterprises expand their involvement in City housing and economic development projects. The Mayor's plan includes \$20 million in financing support and additional reforms to the bidding process. This builds upon training programs that SBS and EDC already run, like the Manage Forward program, which provides customized training to small business owners to help them grow, as well as a two-day nonprofit capital planning workshop to help local organizations undertake development projects in partnership with the City.

Meanwhile, the Mayor recently expanded the HireNYC program, which ensures that City services and development projects come with job opportunities for New Yorkers. HireNYC connects businesses to the City's public workforce development infrastructure, helping lower-income individuals gain access to permanent and construction jobs created by our development projects. Employers that create 10 or more new jobs on the site of a city economic development project in East New York will be required to participate in HireNYC and take a first look at job candidates through the local workforce center.

In closing, I want to reiterate that we are dedicated to working alongside local stakeholders in the years ahead to grow the economy in East New York, and to ensure that the local workforce has access to job opportunities.

We are fully in support of the East New York Community Plan, and are dedicated to growing and supporting the East New York Industrial Business Zone. Thank you again, and I'm happy to take any questions at this time.

Dolores Stallworth

Hi, my name is Dolores Stallworth and I am a member of New York Communities for Change and RAFA (Real Affordability for All). I live in Ocean Hill with my daughter. I agree with the need for affordable housing but this plan by Mayor de Blasio will leave so many of us out on the streets.

In 2014, after having to move from Clinton Hill, I was desperate to find a place to live for my daughter and I. After searching all over Brooklyn, I ran into a pastor who was willing to rent me an apartment in Ocean Hill near Broadway Junction at a price that I could afford though something seemed off about it. I couldn't find anywhere else that I could afford, so I took it even though I never received any lease or anything at first. After about a year of living there I found out that the Pastor was running a scam in which he was illegally moving tenants into apartments and charging rent, even though the building had been foreclosed on. Due to this scam, I could be forced out of my apartment any day now. Just to pay my rent and provide for my daughter, I'm already working two jobs! I've already started looking for housing down South because I don't know where I'm going to go.

The Mayor's plan will force me and thousands of my neighbors to fight for the little amount of truly affordable housing created under his plan. Most of us will be left in the streets if we don't build this right. Mayor de Blasio, We need Real Affordable Housing, not just a giveaway to developers.



**New York City Planning Commission
Public Hearing on the East New York Community Plan
January 6, 2016
Tupper Thomas, Executive Director**

Good morning. I am Tupper Thomas, Executive Director of New Yorkers for Parks. I want to thank the City Planning Commission for inviting me to speak today on an issue that is of great importance not only to residents of East New York, but to every New York City community.

Parks are critical to healthy neighborhoods. The Mayor seeks to increase affordability for New Yorkers in this community and elsewhere, a sentiment we support. We evaluate the East New York Community Plan with a critical eye on how well parks are planned and provided for amidst this potential change. The City's own analysis of the Plan shows that support for parks is lacking: in the Draft Environmental Impact Statement, the City identified that the Plan would create a significant adverse impact on open space in East New York.

The City's calculations show that current conditions in East New York are inadequate for parks and open spaces. A portion of the rezoning area is already identified as underserved by open space. In addition, the rezoning area does not meet the *City Environmental Quality Review Technical Manual* guidelines for open space: there currently exist only .69 acres of open space per 1,000 residents, compared to the 2.5 acres of open space per 1,000 residents recommended in the manual. An increase in residential density without an adequate corresponding increase in open space would significantly exacerbate this problem. Yet the Plan does not include any provisions for new open space. The City's guidelines recommend 2.5 acres of open space per 1,000 residents; the proposed actions under the rezoning proposal would leave East New York with only 0.56 acres per 1,000 residents, barely 1/5 of what the City itself recommends.

Additionally, East New York is losing a community garden which will be converted into affordable housing under a recent agreement made between the Department of Housing Preservation and Development and NYC Parks. This loss of community green space will be keenly felt by residents who are already severely underserved by parks and open spaces.

The Coalition for Community Advancement made excellent points in their response to the Draft Environmental Impact Statement. Among these were the recommendations to make schoolyards available to the community after school hours, and that new open space should be added to the neighborhood whenever possible. The proposed new school on Atlantic Avenue is a great opportunity to increase active open space by including a large playground open to the public.

New Yorkers for Parks supports the creation and preservation of affordable housing for New Yorkers, but not at the expense of all other essential infrastructure and services that make a neighborhood truly livable and healthy. Therefore we cannot support the East New York Community Plan as it currently stands.

To support the Plan we need to see an increase in parkland along with the increase in density, to meet the city-wide standard of 2.5 acres per 1,000 residents. Residents should live within a 10 minute walk to a park entrance, in keeping with the citywide standard.

We do hope that these changes will be made to the Plan so that New York can continue working to create vibrant, livable neighborhoods for all residents.

Thank you.