

FEATURE

# East Harlem's Future is Focus of Intense Debate Over Rezoning Bid



The intersection of 116 Street and 3rd Avenue, one of the thoroughfares that figures into rezoning proposals.

BY ABIGAIL SAVITCH-LEW

The Department of City Planning (DCP)'s proposed rezoning of East Harlem has entered the seven-month public review process known as the Uniform Land Use Review Procedure (ULURP)—touching off a period of intense debate over whether the City Council should adopt the de Blasio administration proposal, choose one backed by Council Speaker Melissa Mark-Viverito or, as some advocates hope, do neither.

East Harlem is the third of about a dozen potential neighborhood rezonings that the de Blasio administration has taken into the formal land-use review process. East New York was rezoned a year ago and a plan to rezone Downtown Far Rockaway is in the pipeline now.

City Hall says the rezonings will drive investment into neighborhoods, improving public infrastructure and creating new housing—some of it income-restricted—to alleviate the affordability crunch. But skeptics believe rezonings might exacerbate the housing crisis by creating an incentive for property owners to displace low-income people.

In East Harlem, the recently released Draft Environmental Impact Statement states that the rezoning is expected to encourage the creation of 3,488 units of housing and 1,543 permanent jobs in an area roughly bounded by East 104th Street, East 132nd street, 2nd Avenue and Park Avenue.

The document also notes that those totals are even higher when you add in the 100 percent rent-restricted development planned for the city-owned 111th Street Ballfields site, which is slated to bring another 655 units and 531 jobs to the rezoning area. The site-specific development proposal also entered ULURP late last month.

According to DCP planners at a presentation to the City Planning Commission on April 24, the rezoning aims to address multiple objectives: Relieve real-estate pressures in the area by creating rent-restricted housing through the application of the city's mandatory inclusionary housing policy, promote economic development especially near transit nodes, preserve the character of certain blocks, create a zoning framework that makes provisions for future infrastructure needs, and use

“urban design controls”—a set of nuanced regulations—to meet a variety of neighborhood goals.

The mandatory inclusionary housing rule requires developers who take advantage of a rezoning restrict rents on a set share of the new apartments, so that particular income groups can be served.

The Draft Environmental Impact Statement found that the rezoning would not have a “significant adverse impact” on direct or indirect residential and business displacement. But critics say the city's environmental review method underestimates the number of sites that could be demolished for development and the potential for rising rents.

DCP emphasizes their proposal is the result of careful consideration of the East Harlem Neighborhood Plan, a comprehensive, multi-topic proposal crafted by a team of steering committee members appointed by City Council Speaker Melissa Mark-Viverito. The Neighborhood Plan calls for allowing buildings higher than are now permitted but lower than what the mayor wants, 100-percent rent-restricted housing on public sites and various initiatives to preserve affordability in existing housing.

The Neighborhood Plan has the support of key stakeholders like the Manhattan Borough President, Gale Brewer, and Community Voices Heard—although CVH has pushed for the Neighborhood Plan to be more aggressive in serving lower-income people.

But some organizations support neither plan. El Barrio Unite calls instead for both preservation efforts and the creation of deeply affordable housing. Movement for Justice in El Barrio has laid out a 10-point agenda calling for tougher enforcement of the housing code, more efforts to make tenants aware of the protections that exist and better oversight of the city's code enforcement agency, HPD.

In the end, Mark-Viverito will have the final vote on the future of East Harlem before she is termed out of office at the end of 2017.

A key point in the discussion comes on Tuesday, May 16, at a public hearing called by Community Board 11. The meeting is at 6:30 p.m. at the Siberman School of Social Work at Hunter College, 2180 3rd Avenue.

# The Rezoning Debate: A Citywide Story



## WHAT IS ZONING?

Zoning is a set of laws that govern the size, use and design of buildings. Every square inch of land in New York City is zoned. A rezoning is when the city changes the zoning rules for a particular area .

The de Blasio administration is planning to rezone a dozen or more city neighborhoods to permit denser development — and, City Hall says, create more affordable housing.

Some community groups have called for rezonings, and others have resisted them, saying they will trigger displacement of low-income tenants.

Last year, the city passed an East New York rezoning (#9) and withdrew a proposal to rezone Flushing West (#7). The land-use review process, explained in the chart below, is underway in East Harlem (#4) and Far Rockaway (#8) while discussions continue in the other areas.

### LEGEND

- 1. JEROME AVENUE
- 2. SOUTHERN BOULEVARD
- 3. INWOOD
- 4. EAST HARLEM
- 5. CHINATOWN
- 6. LONG ISLAND CITY
- 7. FLUSHING
- 8. FAR ROCKAWAY
- 9. EAST NEW YORK
- 10. BUSHWICK
- 11. GOWANUS
- 12. BAY STREET

## What is ULURP?

THE CITY DECIDES WHETHER TO DO A REZONING THROUGH ITS UNIFORM LAND-USE REVIEW PROCEDURE OR ULURP

**1** BEFORE THE ULURP PROCESS BEGINS, the administration must launch a separate process of environmental review. Once the Environmental Assessment Statement is complete and, if warranted, a draft Environmental Impact Statement is prepared, ULURP can begin.

**2** THE LOCAL COMMUNITY BOARD considers the plan first. It holds a public hearing and has 60 days to vote on the idea. The vote is only advisory.

**3** THE BOROUGH PRESIDENT then has 30 days to render a recommendation—which, again, is only advisory.

**4** NEXT, THE CITY PLANNING COMMISSION—where most members are appointed by the mayor—takes up the plan. It has 30 days to vote on it. Even if the CPC votes no, the plan can still go to the Council under some circumstances.

**5** THE CITY COUNCIL ACTS NEXT. First the Zoning Subcommittee, then the Land Use Committee and finally the full Council votes on the proposal. The Council can pass, reject or modify the plan. By custom, the member in whose district the proposal falls usually has decisive sway. The Council has 50 days to act.

**6** IF THE COUNCIL MODIFIES THE PROPOSAL, it goes back to the Planning Commission for 15 days to review and vote again— unless so much changes that ULURP has to start over.

**7** NOW IT'S THE MAYOR'S TURN. He can accept or veto the Council's zoning decision. He has only five days to make the call.

**8** IF THE MAYOR VETOES the Council's decision, the Council can override that veto with a two-thirds vote. It has 10 days to try.



# THE CITY'S EAST HARLEM REZONING PROPOSAL



The de Blasio administration's plan for East Harlem involves a complex set of changes to the neighborhood's existing zoning. Here are some highlights:

In preservation zones, zoning would be tweaked to try to protect what is there, the city says.

Residential density would be increased along avenues. Buildings on Third Avenue and much of Park Avenue are expected to rise to as much as 30 or 35 stories.

Heights along other key byways would also increase, but to a lesser degree.

Some new housing would be permanently rent-restricted. The City Council can select one of two options to impose on developers building new density in the area:

- 1) setting aside 25 percent of the building for households with incomes averaging \$51,540 for a family of three

or

- 2) setting aside 30 percent of the building for households with incomes averaging \$68,720 for a family of three.

The City Council can also decide to offer, but not require, that developers use one of two voluntary options involving different income mixes. The city has also committed to funding more (non-permanent) rent-restricted units on public sites and affordable housing preservation initiatives.

READ THE ALTERNATIVE PROPOSALS AT [ZONEIN.ORG/EHDOCS](http://ZONEIN.ORG/EHDOCS)

## TAKE ACTION!

### UPCOMING EVENTS

CB11 PUBLIC HEARING ON PROPOSED REZONING  
 Tuesday May 16, 6:30 p.m. , Silberman School of Social Work at Hunter College, 2180 3rd Avenue

OTHER COMMUNITY BOARD REZONING DISCUSSIONS:  
 May 10, May 18, June 1, June 14, June 15  
 All meetings 6 pm at Bonifacio Senior Center 7 E 116th Street

### KEY DOCUMENTS

[ZONEIN.ORG/EHDOCS](http://ZONEIN.ORG/EHDOCS)

### KEY CONTACTS

COUNCIL SPEAKER MELISSA MARK-VIVERITO  
 212-828-9800 // [mviverito@council.nyc.gov](mailto:mviverito@council.nyc.gov)

MANHATTAN COMMUNITY BOARD 11  
 212-831-8930 // [mn11@cb.nyc.gov](mailto:mn11@cb.nyc.gov)

EAST HARLEM NEIGHBORHOOD PLAN  
[www.eastharlemplan.nyc](http://www.eastharlemplan.nyc)

EL BARRIO UNITE!: <http://www.elbarriounite.org>

COMMUNITY VOICES HEARD: 212-860-6001

MOVEMENT FOR JUSTICE IN EL BARRIO  
[facebook.com/Movement-for-Justice-in-El-Barrio-54775959685/](https://facebook.com/Movement-for-Justice-in-El-Barrio-54775959685/)

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MAIL us at City Limits, 394 Broadway, 5th floor, New York, NY 10013 and tell us what's on your mind.

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# East Harlem Views: To Rezone (and if so, how?) or not to Rezone

## EAST HARLEM NEEDS A COMMUNITY-LED REZONING

BY DAVID NOCENTI, GUS ROSADO AND RICHARD BERLIN

East Harlem is in the midst of change. While much of the recent residential development has been marketed to higher income earners, the community still has many low-income residents, requiring support and resources. As new buildings are developed, opportunities to include affordable housing are being missed, and current residents are being displaced. Our ability to provide real affordable alternatives is key to protecting the character of our community.

We are members of the local Steering Committee, convened by Speaker Melissa Mark-Viverito, Manhattan Borough President Gale Brewer, Community Board 11 and Community Voices Heard, which helped create a vision—the East Harlem Neighborhood Plan—for the future of our community that responds to the needs of existing residents.

The current situation is untenable. Existing zoning allows new buildings to be developed without any affordable housing. We are advocating for a modest increase in building height and density to trigger the new Mandatory Inclusionary Housing program, which will require affordable housing on all sites developed in the rezoning area. Almost all the extra height and density will be used as affordable housing. The Department of City Planning's proposal unfortunately includes a larger up-zoning on Third and Park Avenues that will alter the character of the community. We believe our plan achieves a better balance.

We also need to use our city-owned properties, where we can more directly control outcomes, to maximize the development of deeply affordable housing, helping our lowest income households who are most vulnerable to displacement. East Harlem also has more public housing than any other community, with 1 in 3 residents residing in NYCHA housing. These developments are in desperate need of both major capital improvements and repairs to individual apartments.

Funding also is required to incentivize landlords to keep existing housing affordable, while at the same time protecting tenant who are being harassed by unscrupulous landlords. Preserving the existing community also means embracing its existing culture, including support for our thriving arts community.

Our neighborhood plan includes investments in people, in every season of their lives. Early childhood services must get our kids kindergarten-ready, our schools need to offer students multiple pathways to succeed, and those looking for employment need help accessing local jobs.

Our Steering Committee will continue to work with a wide range of city government agencies to implement the goals of our neighborhood plan. There's a lot of work still left to come, but we're expecting positive outcomes and will continue to advocate for the needs of our community and help plan for a better tomorrow.

*David Nocenti, Gus Rosado and Richard Berlin are the executive directors, respectively, of Union Settlement, El Barrio Operation Fightback, and DREAM*

## A REZONING TROJAN HORSE FOR EAST HARLEM

BY ROGER HERNANDEZ, JR.

In the ancient tale Aeneid of Virgil from the time of Augustus, an invading force of mercenaries arrived at the gates of Troy in a large wooden horse posed as a gift to gain favor with the residents to enter into and take over the unsuspecting populace.

Today, the Trojan Horse known as the mayor's Rezoning, MIH and ZQH Plan is posing as a silent gift at East Harlem's gate. This plan allowing much larger buildings with a tradeoff for unspecified "affordable housing" allowances, targets El Barrio with a publicly financed real-estate builder's dream of displacing an otherwise unsuspecting poor low income neighborhood.

Mayor de Blasio's plan for constructing an additional 300,000 apartments for the city's growing future is hidden under the fact that the NYC's Homeless population has grown along with the administration's false promises to provide real affordable housing to NYC's vulnerable households. The disparity between rich and poor was a highlight of campaign speeches gravitating popular support to the current administration as a compassionate progressive movement.

The mayor's definition of "affordable housing" is far beyond the grasp of the city's lower-income communities—especially the general populace of East Harlem, where the majority of residents earn far less than the minimum income of \$32,500 necessary to qualify for a unit under his plan.

The East Harlem Rezoning Plan will permit building three times the size (30 stories) allowable without it. Very little of those units will be available to neighborhood households, who are now rent-burdened by the rental-market rise exacerbated by the speculation created by a plan most residents of El Barrio will not be able to afford. Little of the money behind the plan will be allocated to meet the needs of neighborhood households. Beware of Geeks bearing gifts.

East Harlem has been under constant rental pressure since the last rezoning-induced building boom which created an approximate 17,000 apartments, allowing what were once six-story tenement buildings to go up 12 stories in 2003. Many buildings were soon vacated and demolished and reconstructed as modern taller buildings catering to a more affluent influx of gentrifying newcomers. Promised preservation and tenant protections did little to protect the interests of East Harlem's poor as 11 percent of the African American and 9 percent of East Harlem's Hispanic population disappeared since the 2003 rezoning changes.

Consequently; the rental market got hotter and rents rose, with more than 50 percent of current residents now rent-burdened and having to pay more than they can otherwise afford to stay and live within their own communities.

The community doesn't need it, and the community will disappear if it accepts.

*Roger is a 1987 MS Urban Affairs Graduate of Hunter College who is a lifelong, 3rd generation resident of the neighborhood, and is coordinating El Barrio Unite opposition to rezoning in East Harlem.*