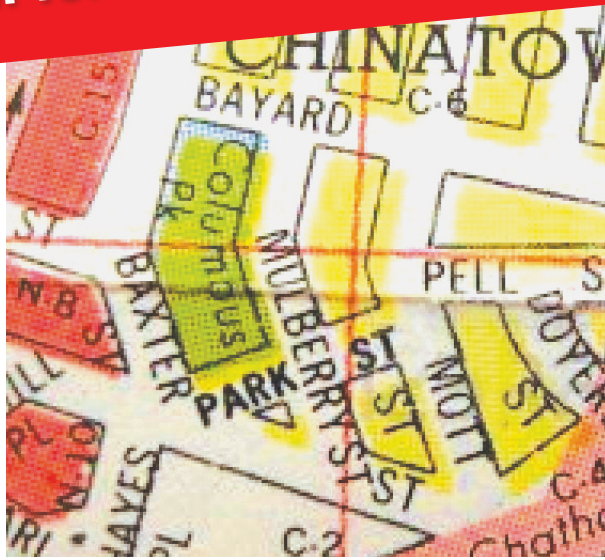


REIMAGINING REZONING

A Chinatown for Residents is a Chinatown for All



A report of CAAAV Organizing Asian Communities and the
Community Development Project of the Urban Justice Center

ABOUT THE AUTHORS

CAAAV Organizing Asian Communities (formerly known as the Committee Against Anti-Asian Violence) was founded in 1986 as one of the first organizations in the United States to mobilize against racially motivated violence against Asian communities. CAAAV works to build grassroots community power across diverse poor and working-class Asian immigrant and refugee communities in NYC. Through an organizing model constituted by five core elements, base-building, leadership development, campaigns, organizational development, and alliances, CAAAV organizes communities to exercise self-determination and participate in a broader movement for racial and economic justice.

Over time, CAAAV has broadened its work to focus on a wide range of issues affecting working-class Asian immigrant and refugee communities, including concentrated urban poverty, displacement and gentrification, detention and deportation, worker exploitation, police violence, and criminalization of youth and workers. CAAAV's strategy is guided by a global analysis of migration, labor, and poverty, and how these experiences are shaped in the U.S. by nationality, immigration status, gender, race, and class. In 2005, CAAAV created the Chinatown Tenants Union in order to organize immigrant residents of Chinatown to fight the increasing gentrification and displacement that was occurring in the neighborhood.

The Community Development Project (CDP) of the Urban Justice Center strengthens the impact of grassroots organizations in New York City's low-income and other excluded communities. CDP partners with community organizations to win legal cases, public community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical assistance in support of their work towards social justice. CDP's Research and Policy Initiative partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a "participatory action research" model in which low-income and excluded communities are central to the design and development of research and policy.

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Glossary¹

Area Median Income (AMI): Average income in a certain area. For New York City, it is calculated based on a very large area that includes New York and New Jersey suburbs like Westchester County. This skews the average income much higher than it actually is in smaller neighborhoods like Chinatown.

Density: The maximum number of dwelling units permitted on a zoning lot.

Downzoning: When an area is rezoned to limit additional development, primarily by decreasing the floor to area ratio.

Floor Area Ratio (FAR): The ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot. For example, if the FAR is 3.00, a developer can build three stories on the whole property or 6 stories on half the property.

Lot or Zoning Lot: A tract of land comprising a single tax lot, or two or more adjacent tax lots within a block.

Rezoning: Changing the zoning designations for an area to facilitate policy initiatives, such as preserving neighborhoods and promoting economic development around transit hubs.

Uniform Land Use Review Process (ULURP): Public review process, mandated by the City Charter, for all proposed zoning map amendments, special permits and other actions.

Upzoning: When an area is rezoned to allow for larger and taller buildings, primarily by increasing the floor to area ratio.

Zoning: A method of land-use planning used by local governments.

I. INTRODUCTION

One of the most widespread tools used to shape our modern towns and cities are zoning rules and regulations that are set forth by local municipalities. Local governments wield enormous power over the use and development of land, which can significantly impact local communities, particularly when zoning laws are changed through a rezoning. Rezoning has been used to protect the needs of residents and businesses, preserve historic communities, encourage affordable housing development, increase neighborhood employment opportunities, and expand transportation options. While rezoning an area will not solve all the complex problems facing communities, it remains a critical way that communities can fight gentrification and promote housing and employment opportunities. When rezoning is undertaken with community residents' needs and priorities at the forefront, it can be a powerful tool to ensure that development is responsive to the needs and interests of residents. Unfortunately, this often does not happen, particularly in working-class communities of color.

Local leaders, like those in New York City, are increasingly using their rezoning powers to benefit corporations, developers and the wealthy. Since Mayor Michael Bloomberg took office in 2002, his administration has aggressively used rezoning as a tool to reshape the City, pushing through more than 100 rezoning plans that cover 20 percent of the City's land.² According to some observers, "[this administration] has done more to reshape New York City than Robert Moses."³ More than any other previous administration, Bloomberg has used his power, through the Department of City Planning (DCP), to initiate changes to zoning regulations and advance his pro-business economic development agenda.

According to a study issued in March 2010 by the Furman Center for Real Estate and Urban Policy at New York University, the impact of rezoning has been dramatic, and has tended to increase development pressures in low-income neighborhoods where people of color live, while limiting development in white, wealthy neighborhoods.⁴ By downzoning – decreasing the amount of building space (and thus limiting the height of new buildings) – in wealthier, whiter neighborhoods and by upzoning – increasing the allowable height and density of new buildings – in poorer neighborhoods of color, the Bloomberg administration has in essence opened up neighborhoods such as Harlem and Greenpoint/Williamsburg to private developers eager to build new hotels and luxury apartments, while protecting neighborhoods such as Brooklyn Heights from similar overdevelopment.

Chinatown, which has long been the physical, economic, and cultural center for Chinese immigrants who move to the neighborhood to live, work and play, has not been immune to the forces of gentrification spreading from nearby recently rezoned neighborhoods. Chinatown's location in Manhattan and proximity to luxury neighborhoods like Soho, the Financial District, and the rapidly gentrifying Lower East Side also make it increasingly attractive to developers looking to build hotels and luxury housing, as well as new businesses catering to a newer, non-immigrant clientele.

What is Zoning?

Zoning is a method of land use planning used by local governments. Typically, zoning regulations determine what kinds of uses can occupy a specific plot of land. For example, a plot of land can be zoned as commercial, residential, industrial, or as mixed use.⁵ There are many different types of zones that allow for different types of development, regulate how high buildings can be built and impose a number of other important regulations.⁶ Zones vary primarily according to density, the total number of dwelling units permitted on a zoning lot, and Floor to Area Ratio (FAR), the ratio of total building floor to the area of its zoning lot. Generally, zones are named using a letter and then a number (e.g. "R6"). Letters correspond to a type of development: "R" is for residential areas, "C" for commercial areas, and "M" for manufacturing areas. Numbers indicate different types of density within that type of development. Generally a higher number indicates a higher rate of density allowed. An area is rezoned when local leaders change what types of development are allowed in that area. If the area is upzoned to allow for increased development, it usually spurs some significant development. Conversely, a neighborhood can be downzoned to limit additional development.

As a result, thousands of Chinese families and small, family-owned businesses have been displaced in recent years. The Census 2010 numbers illustrate in broad strokes how gentrification has impacted the neighborhood: Chinatown lost 17 percent of its Chinese residents, or some 6,000 Chinese New Yorkers, over the past decade.⁷ Forced evictions and the subsequent loss of affordable housing units (primarily rent stabilized housing) have been central causes of this displacement. Chinatown also continues to suffer the economic impact of the loss of the garment industry following the September 11th attacks, which severely affected small businesses as well as caused many residents to move away from the neighborhood.



Yet these changes are not inevitable. Rezoning Chinatown could help protect the rights of existing residents and businesses to remain in the neighborhood that they call home. And there is momentum building to rezone the neighborhood, especially in the wake of the Lower East Side/East Village rezoning, which passed in 2008. In the aftermath of that rezoning, the three Community Boards that make up Chinatown and many neighborhood advocates and organizations (including CAAAV) saw the need for Chinatown to be rezoned as well, and created the Chinatown Working Group, one of whose goals is coming up with a new zoning plan for the neighborhood. In particular, the CWG was formed in response to concerns raised by many groups that the LES/East Village rezoning would spur more overdevelopment in Chinatown, which was not included in the rezoning.

The following report lays out principles for an equitable rezoning and specific rezoning policies that would fulfill the principles. Both the principles and rezoning policy recommendations were developed with and by Chinatown residents and business owners, and through numerous discussions with the Chinatown Working Group's Culture, Affordability, Preservation, and Zoning (CAPZ) committee.

Methodology

In order to determine and document the priorities and needs of the Chinatown community in a possible rezoning process, CAAAV and the Community Development Project of the Urban Justice Center engaged in a participatory action research project. From June to August 2011, CAAAV staff and members, with research support from the Community Development Project, collected 451 surveys, conducted a canvass of 140 area businesses in a targeted region, conducted a focus groups with nine tenants, interviewed five youth and business owners from Chinatown and conducted a review of existing literature and data on rezoning in New York City. The quantitative and qualitative data found within this report is generated from these research methods and informed the policy recommendations. Please see the appendix for more information about the methodology.

II. REZONING PRINCIPLES



CAAAV's comprehensive and participatory research further highlights the need for a new vision of rezoning—one that support sustainable and just neighborhood development and is rooted in community residents' vision and priorities. To ensure rezoning promotes equitable development, CAAAV believes the following principles must be upheld by the City when rezoning neighborhoods.

1. Rezoning should benefit residents. CAAAV believes that any rezoning of the Chinatown area should, first and foremost, benefit the long-time community residents. Too often rezoning benefits outside developers that work to transform the neighborhood until it is no longer recognizable. Increased development following a rezoning often leads to unaffordable housing prices, increased landlord harassment, and the displacement of long time residents. It is therefore imperative that the Chinatown rezoning include protections for long-time residents so that they can remain in the community.

- *70.1% of respondents think the rezoning should benefit Chinatown residents.*

"I think a new plan should benefit us, all of the people who live in the neighborhood. We're the ones who are impacted the most, and any rezoning needs to think of what we need."

- Focus Group Participant #4

2. Rezoning should benefit small, family-owned businesses. A Chinatown rezoning plan should also protect the many family-owned, small businesses in the neighborhood. Rezoning often spurs the development of commercial spaces and opens the door for development of big-box stores and large retail chain stores that quickly price small, local stores out of business. This increased competition for storefronts typically leads to a sharp increase in commercial rents, something many small businesses cannot afford. Many times these businesses are forced to close or relocate, which is what happened in Downtown Brooklyn, after the Atlantic Yards rezoning, and in Harlem after the rezoning of 125th Street.⁸ A Chinatown rezoning plan needs to include protections for small, family-owned businesses.

- *64.5% of respondents want small businesses in Chinatown.*

3. Rezoning should promote affordability. The cost of goods and services in a neighborhood usually increases in the wake of an upzoning and the resulting development boom. Often, new stores cater to wealthier customers that move into neighborhoods after an upzoning. Affordable businesses are the backbone of local economies and need to be protected. A rezoning plan for Chinatown must include protections for businesses that serve low-income community members and provide basic goods at an affordable price.

- *64.3% of respondents want low-cost goods to be available in Chinatown*

4. Rezoning should involve community participation. Community members particularly low-income and immigrant residents are often left out of the debate about rezoning. The public review process, called the Uniform Land Use Review Procedure (ULURP), relies heavily on community boards that, while they include key stakeholders, are not always representative of the views of many community residents. Furthermore, rezoning is often initiated by developers, politicians, and other outside special interests with their own agenda that may or may not be in line with the needs of residents. Many rezoning plans are therefore not developed to benefit community residents and businesses. CAAAV strongly believes that any plan to rezone Chinatown should be generated by Chinatown residents, who should be involved in every stage of the rezoning process.

“We need a new rezoning plan because there’s too much development in Chinatown, and it’s not for me or for other poor immigrants.” – Focus Group Participant #2

These rezoning principles, if applied, are a first step toward equitably shaping communities. While rezoning is not a magic bullet solution to the complex problem of gentrification and neighborhood transformation, it remains a tool that, when wielded with the interests and participation of community residents at the forefront, can be used to ensure New York City remains a diverse and vibrant city.

Resident Profile: Jeffery Louie, 19 years old



Chinatown has primarily been a place to play, eat, and gather together with friends. Even though I don’t live in Chinatown, my visits to Chinatown have increased over the years simply because I have invested so much of myself in the community—my dad works in Chinatown, I go to Transfiguration Church sometimes and I spend a lot of time at local parks like Columbus Park and different restaurants. Since my dad works in Chinatown, and business has been slowing down, my family has felt the need to tighten our spending. I’m concerned that rezoning will increase the cost of living. I know many residents of Chinatown, and even non-residents, are struggling to get by, so if a rezoning happens and they are not taken into consideration, what will happen?

III. CHINATOWN REZONING PRIORITIES: CHINATOWN SPECIAL ZONING DISTRICT

Chinatown is rapidly losing not only its traditional character, but also losing the people who have built and maintained the community for decades. Long-time residents and businesses are under attack and cannot survive without one another. However, the gentrification of Chinatown is not inevitable: there is an alternative to real estate speculation and the development of Chinatown into a high-end luxury neighborhood.

An equitable development plan based on the principles laid out above would go a long way towards not only protecting and preserving the neighborhood, but ensuring its continued vitality. This section includes specific rezoning policies the City can implement to uphold CAAAV's rezoning principles and thereby protect and promote Chinatown residents and businesses. Case studies are also included to highlight other New York City neighborhoods where specific programs and protections have or have not helped to promote equitable development.

1. The Department of City Planning should create a Special Zoning District encompassing all of Chinatown that includes strong anti-demolition, anti-harassment and anti-eviction provisions as well as limits on the kinds of businesses that can open in the neighborhood.

“We should protect Chinatown’s special nature as an immigrant community with a lot of history but also as a community where a lot of immigrants still live.” – Focus Group Participant #9

For over a century, Chinatown has been the center of the Chinese community in New York, a hub for both old and new immigrants who gravitate to the neighborhood for its housing, jobs, and vibrant culture. Despite this history, during the past ten years, it has increasingly become unaffordable for residents and small businesses. Similar to the Clinton example (see case study 1), this designation, with all of its provisions, would protect residents and businesses from encroaching gentrification and displacement.

A. Protections for Residents

“Our landlord, in order to evict us, intentionally didn’t make repairs, and then took us to court. Later on, the landlord lost in court, and we were able to move back home. But he removed a lot of our things. Now, our walls don’t even go up all the way to the ceiling.” – Focus Group Participant #5

The Special Zoning District around Chinatown, similar to the Clinton Special Zoning District, should include strong anti-demolition, anti-harassment and anti-eviction provisions. Specifically, it should:

1. Prohibit demolition of structurally sound buildings.
2. Prohibit City agencies from issuing construction permits to buildings where there has been documented harassment of tenants.
3. Require the one-for-one replacement of rent stabilized housing in instances where buildings and apartments are structurally damaged, such as in a fire.

CASE STUDY 1: Hell's Kitchen/Clinton

The Neighborhood Before the Rezoning

The late 1960s and early 1970s in New York were characterized by landlord harassment and negligence, spurred by a large financial crisis in the City. In the Clinton/Hell's Kitchen area, many landlords simply abandoned their properties and tenants were left without heat or water and living conditions deteriorated quickly. To fight back, tenants learned how to maintain the properties themselves and fought for new ownership of the buildings. Throughout this time, the City was also considering a significant rezoning of the area to encourage the development of office space, residential and commercial areas that would have drastically changed the character of this historically low-rise neighborhood. Residents worked with each other and with community based organizations, like the Housing Conservation Coordinators, to push for a rezoning that would instead benefit residents by addressing the housing crisis and providing protections for tenants.

The Rezoning

In 1974, the City created the Clinton Special Zoning District, the first of its kind.⁹ Since then, "special zoning" districts have been used to preserve and protect historic areas of the City from overdevelopment.¹⁰ The Clinton Special Zoning District includes many important provisions to protect the pre-existing buildings and tenants, including anti-demolition, anti-harassment and anti-eviction provisions. A strong anti-demolition provision prohibited any structurally sound building from being demolished (in later years, due to push back from developers, the provision was weakened to one disallowing the City from granting any permits that will decrease residential floor area by 20%, though exemptions may be granted in special circumstances).¹¹ Developers do not qualify for an exemption if there is any history of harassment at the building as determined by the Department of Housing Preservation and Development (HPD).¹² Under HPD's definition, harassment is "intent to cause a person lawfully entitled to occupancy of a dwelling unit... to vacate such unit."¹³ To get any construction permits, regardless of demolition activities, developers must obtain a "Certificate of No Harassment" from HPD.¹⁴ If the developer evicts tenants as a part of the construction, developers have to submit a relocation plan to HPD.¹⁵ The Clinton Special Zoning District rezoning provisions have served as the leading model for all subsequent Special Zoning District designations.

The Neighborhood After the Rezoning

In the Clinton Special Zoning District, the new protections against overdevelopment ensured that neighborhood residents kept their affordable apartments.¹⁶ Before the rezoning, there was a long history of landlord harassment and landlord negligence that had led the neighborhood to a crisis point, similar to what is happening now in Chinatown.¹⁷ Only because of the rezoning did tenants have the legal tools to fight landlord negligence and harassment alongside HPD. Just a few years after the rezoning, tenants of 715 Ninth Avenue filed a lawsuit against the landlord for refusing to make necessary repairs. Because of the rezoning's anti-harassment clause, residents were able to withhold rent from the landlord and eventually take ownership of the building.¹⁸ In the past several decades, the lasting protections put in place by the Clinton Special Zoning District designation, despite the fact that they have been significantly weakened over the years, have proved central to protecting the neighborhood from overdevelopment that has plagued other neighborhoods. While not immune to neighborhood change and broader economic forces that have changed the demographics of the neighborhood, many believe that the Clinton Special Zoning District was a primary reason the neighborhood and its residents were able to resist overdevelopment for decades.

These measures are desperately needed. Over the past decade, landlord harassment has become commonplace in Chinatown, and housing conditions have deteriorated. In 2010, there were 81.8 serious housing code violations per 1,000 rental units, compared to only 67.3 serious housing code violations per 1,000 units in 2009.¹⁹ Harassment is often a deliberate tactic by landlords to force out long-time residents so that the apartments can be leased for more money. Data from CAAAV’s survey confirm that harassment is taking place:

- 36.1% of respondents that live in Chinatown have had problems getting repairs completed;
- 17.1% of respondents that live in Chinatown have had their utilities turned off;
- 13.4% of respondents that live in Chinatown have been verbally harassed by their landlord;
- 20.2% of respondents that live in Chinatown have been threatened with eviction.

These documented landlord activities are an intentional attempt to harass and intimidate tenants into moving out of their homes. A Special Zoning District, and the protections that come with it, while not a cure-all solution, will help protect Chinatown residents from landlord harassment and displacement.

B. Protections for Business Owners

“There are a lot of changes that have happened. You can see this in Chinatown - a lot of small businesses that used to be here are gone.” –Focus Group Participant #9

Small, family-owned businesses are central to the Chinatown economy. Often the businesses are the only place in the City where Chinese-speakers can access goods and services in their primary language. Family-owned businesses also tend to sell more affordable goods, which is particularly important for the many low-income Chinatown residents.

Table 1: Chinatown Business Canvass Data	
Total Businesses Canvassed	140
Average Rent for Businesses	\$5,169
Average Years in Business	11
Percent of businesses that have had their rent increased in the past 5 years (most on an annual basis)	80%

Table 1 shows data from CAAAV’s canvass of 140 businesses in Chinatown. This data indicates that over the last several years, small businesses have been significantly impacted by the changes in the neighborhood. Specifically, as renters, small businesses are vulnerable to fluctuations in the commercial rental market and are therefore at high risk for displacement. Encroaching gentrification and development have pushed up rents to unaffordable levels, and many small businesses have been forced to consider relocating or shutting down. Many businesses are also losing their customer base as residential rents increase and long-term residents relocate to other parts of the City. Survey data exposes further evidence of this problem:

- **22.2% of respondents that live in Chinatown are worried about not being able to afford groceries in the neighborhood.**

Creating a Special Zoning District around Chinatown will protect these businesses by preventing increased competition for store fronts and helping commercial rents stay affordable. Our recommendations are to:

- 1. Limit the development of big box stores and chain stores by requiring special permits for businesses with more than 10 locations in New York City;**
- 2. Limit new hotel construction by implementing a cap on the number of new hotels that can receive building permits every year.**

Chinatown Businesses



This “Chinatown Businesses” map shows the type of businesses in the canvassed region and whether or not the business caters to long-time Chinatown residents. The map demonstrates the intermingling of expensive businesses with more affordable businesses used by low-income Chinatown residents. This map highlights the encroachment of outside businesses, which has led to increased competition for storefront space and higher rents. Higher rents are particularly affecting small, family-owned businesses that are at risk of being displaced. Protections from a Special Zoning District would help fight back against the encroaching development.

Business Profile: Mr. Huang, Owner of S&J Grocery, Inc.

I’ve been running my grocery store in Chinatown for the last 11 years, during which time most of my customer base was Asian. In the past 5 years, there have been more white customers coming to my store. But it’s becoming more and more unaffordable to run my business, mainly because my rent has increased a lot, which makes business here harder and harder. We really need to fix the rent situation—it increases too fast and by too much.

2. The Department of City Planning should include mechanisms to create affordable housing in any rezoning.

“Right now, rents in Chinatown are too high, and even with [current housing programs], it’s still too expensive, and many Chinatown residents no longer can afford the burden.” –Focus Group Participant #7

For more than a decade, Chinatown residents have been fighting encroaching gentrification that has spread from nearby luxury neighborhoods like SoHo and the Financial District, especially with the rise of the latter as a residential neighborhood. The amount of new development is staggering, with building permits increasing from 40 per year in 1990 to 970 in 2006.²⁹ This new development is rapidly and fundamentally changing the types and prices of residential units available. The Department of City Planning has a unique opportunity to rezone the Chinatown neighborhood to spur affordable housing development, but they must act now to ensure important mechanisms are included in any rezoning plan.

Table 2: The Need for Affordable Housing 2009³⁰	CD 3
Median Sales Price per Unit (5+ units in building)	\$183,333
Median Monthly Contract Rent	\$835
Notices of Foreclosure Rate (per 1,000 families)	13.1
Poverty Rate	25.9%
Unemployment Rate	9.3%

A rezoning plan that includes an affordable housing creation mechanism, like the Inclusionary Zoning Program, would go a long way in addressing the dearth of affordable housing in Chinatown (see Table 2). In 2009, the average resident living in Community District 3, which includes Chinatown and the Lower East Side, contributed 30.6 percent of their income toward rent.³¹ With housing prices some of the highest in the City, most residents are forced to pay increasingly unaffordable rents to stay in the neighborhood they have lived in for years. To combat these housing problems, CAAAV has developed the following recommendations for a rezoning plan for Chinatown.

A. The Department of City Planning should use a local Area Median Income (AMI) when calculating rent for affordable housing units.

Inclusionary Zoning Program

Program Basics

The primary goal of the Inclusionary Zoning program is to stimulate private development of affordable housing. This is done by offering a floor area bonus to developers that dedicate at least 20 percent of total units in a new building as affordable apartments. Often, this allows developers to construct taller buildings than otherwise would be allowed, offering the chance for greater profits. Unfortunately, the program has created far fewer affordable units than projected.

Program Problems

There are three primary reasons the Inclusionary Zoning program has been unsuccessful in creating a significant number of affordable housing units in New York City: (1) the program is voluntary; (2) the Area Median Income (AMI), which is used to determine “affordability,” is not based on the median income of a specific neighborhood, thus making the rent of most of the “affordable” units out of reach of current residents; and (3) oftentimes, most of the affordable units are built off-site. In addition, because most (80 percent) of the units are typically market-rate luxury apartments, the IZ program often further contributes to the gentrification and displacement occurring in a neighborhood.

Firstly, since the program is voluntary, many developers choose not to participate, despite the subsidy incentives. In some cities, like San Francisco, inclusionary zoning is mandatory. This has been proven to increase the number of affordable housing units created and overall increase the effectiveness of the program.²¹ Secondly, the AMI that is used to calculate family income to determine “affordable” rents for units is calculated based on New York and its suburbs, which significantly skews the real median income in low-income neighborhoods. In the end, this means that the units are not affordable to low-income residents and the units are sold or rented to medium-income or even high-income residents. Finally, since the program allows for units built off-site to count toward the developer’s quota, about 60 percent of the units built following New York City rezoning were built off-site and not actually in the rezoned neighborhoods.

Currently, New York City's Area Median Income (AMI) is calculated based the entire metropolitan area including high-income New York suburbs that skew the true average income of small local neighborhoods, where the median income is usually much lower. The current AMI for a family of four in New York is \$78,300.³² In comparison, Chinatown's median household income in 2009 was \$41,254.³³ This skewed median income is then used to determine the income limits for families qualifying for "affordable housing." In practice, this means that many of the "affordable" units go to middle-income and even high-income people. Rents for affordable housing should be relative in price to that of the surrounding neighborhood and calculated individually by zip code. The City should amend the Inclusionary Zoning Program to calculate the AMI locally, which will ensure that "affordability" is determined by local conditions and needs. Specifically in a Chinatown rezoning, the City should include a local AMI as one of the provisions in the Special Zoning District.

Survey results show the high need for truly affordable housing units. Changing the AMI calculation will increase access to the program for the community's extremely low-income residents:

- 83.1 percent of respondents that live in Chinatown that have had their rent increase in the past 3 years;
- 65.1 percent of respondents that live in Chinatown are concerned about housing affordability.

B. The Department of City Planning should amend the Inclusionary Zoning program to ensure that "affordable" units developed through a rezoning are given to very low-income and extremely low-income community residents.

The City has the authority to amend the existing Inclusionary Zoning program to prioritize very low-income and extremely low-income residents for newly developed affordable housing units. Currently, developers are required to create and rent units for residents that make 80 percent of AMI or less, which for a family of four is \$62,640 or less per year.³⁴ However, since this is the only requirement, most developers rent units to residents that make exactly 80 percent of AMI, which allows them to charge a higher rent than if they rent to someone that makes a smaller percentage of AMI, excluding many extremely low-income community members. Affordable units should be provided for families or individuals who are very low-income or extremely

CASE STUDY 2: Greenpoint-Williamsburg

The Neighborhood Before the Rezoning

Over the past two decades the Greenpoint-Williamsburg neighborhood has changed drastically, with most of the changes occurring along the L subway line. Between 1998 and 2006 the Bedford Avenue and Lorimer Street stops experienced a 72 percent and 81 percent increase in annual ridership, respectively.²² Household median income increased 12 percent during this same time period, as wealthier and whiter residents moved in. All this development hurt the long-time residents who saw their rent increase; in 2004, more than one-fifth of area residents spent more than half their income on rent.²³

The Rezoning

With so much development and interest in the area, in 2005 the City decided it was time to rezone Greenpoint-Williamsburg, primarily to increase the area available for commercial and residential development, but also to promote the development of affordable housing, using the City's Inclusionary Zoning Program. However, the City made some key changes to the program first. Just before the Greenpoint-Williamsburg rezoning, the Inclusionary Zoning Program was expanded to allow developers access to additional subsidies like Low-Income Housing Tax Credits and tax exemptions, like the 421-A program. The program was also amended to allow for more units to be built off-site, meaning the units did not have to be built in the Greenspoint-Williamsburg neighborhood. The developer could build the units on the other side of the City, but it would count toward their required number of affordable units. All of these changes limited the effectiveness of the Inclusionary Zoning Program.

The Neighborhood After the Rezoning

After the rezoning, the median sales prices per unit increased from \$139,899 in 2000 to \$279,690 in 2009.²⁴ The neighborhood median rent increased from \$825 in 2005, to \$1,036 in 2009.²⁵ Foreclosure notices also went up to 11.6 per 1,000 properties in 2009, a significant increase from 4.4 per 1,000 properties in 2000.²⁶ Many residents were displaced due to rising housing costs, the demolition of their buildings, and landlord harassment.²⁷ The City projected that 3,548 units of affordable housing would be produced through the Inclusionary Zoning program, but, to date, only 858 units have been created or are currently under construction.²⁸ Shockingly, this is the City's most "successful" Inclusionary Zoning Program, since it produced the most units. However, the fact that only 24 percent of the projected units were created highlights the ineffectiveness of the Inclusionary Zoning program as it operates now.

low-income (i.e. tenants who have an annual income of \$20,000 or less). This can be done by creating graduated requirements, like requiring half of the affordable units go to residents that make 30 percent or less of AMI and the other half to go to residents that make 50 percent or less of AMI.

“The definition of affordable is often too vague, so, we should have a definition of affordable that is suitable for Chinatown.” –Focus Group Participant #7

Very low-income and extremely low income residents should be prioritized for these programs because their need is the greatest and oftentimes they are unable to access other affordable housing programs, that prioritize higher-income residents. Our survey shows that too many households are at serious risk for homelessness: 43.7 percent of respondents that live in Chinatown are worried about losing their home and 17.4 percent of respondents that live in Chinatown are concerned about displacement. Tailoring the Inclusionary Zoning program to prioritize low-income communities would greatly reduce this risk.

C. The Department of City Planning should mandate that all developers set aside a minimum of 50 percent of units in new developments for affordable housing (under the new definition laid out above).

“We don’t need more luxury development like hotels or condos – we need better living conditions in affordable apartments.” – Focus Group Participant #2

Currently, the City’s primary rezoning program for affordable housing development, the Inclusionary Zoning program, aims to encourage privately financed affordable housing. However, thus far it been a resounding failure (see case study 2 for additional information). Inclusionary Zoning and other market-based incentive programs have historically been unsuccessful in part because the programs do not mandate affordable housing development. Only when affordable housing development is mandatory, like it now is in San Francisco, has it been effective in creating a significant number of affordable units.³⁵ If the City required developers in Chinatown to set aside 50 percent of new units as affordable, it would greatly help to ensure the development of sufficient numbers of affordable units. Survey respondents overwhelmingly felt that the City should implement this policy; many even thought the City should require more than 50 percent of the units be affordable:

- 66.3 percent of respondents that live in Chinatown think that new development should be AT LEAST 50 percent affordable.
- 36.1 percent of respondents that live in Chinatown are worried the rezoning will increase gentrification and luxury development.

THE FUTURE OF CANAL STREET
The Department of City Planning should rezone the industrial areas around Canal Street.

“It’s also very difficult to find a job in the community.” – Focus Group Participant #3

Much of Canal Street in Chinatown is currently zoned for manufacturing and industrial uses.⁴⁶ This underutilized space should be rezoned to support the Chinatown community, either through employment opportunities or additional housing. These areas could be rezoned to build housing such as SROs (single room occupancy apartments) and other forms of transitional housing. Alternatively, if the areas must be maintained for industrial uses, employment opportunities at industrial and manufacturing businesses along Canal should be prioritized for local residents and immigrants.

Resident Profile: Yan Chen, 19 years-old, Chinatown Resident



Chinatown is an important place for a lot of Chinese people and it’s a place where a lot of people live. It’s more convenient to shop and live here. Without Chinatown, people will lose a lot of conveniences. I would feel uncomfortable if Chinatown is gone. But, the more things cost, the harder it is to live. My [rezoning] concerns are about higher rents and less housing, which would result in making living harder and harder here in Chinatown.

3. The Department of City Planning should limit the height of new buildings in Chinatown by reducing the floor to area (FAR) ratio throughout the neighborhood.

“I want Chinatown to still feel like Chinatown.” –Focus Group Participant #8

The recent development boom in Chinatown has produced many buildings that are far taller than the surrounding and pre-existing buildings. If this type of development continues, it will fundamentally change the character and appearance of the Chinatown neighborhood, as well as increase already strong displacement pressures faced by current residents.

The City needs to intervene now to curb the development of out-of-scale luxury buildings and preserve the physical character of Chinatown. Instituting height limits for new buildings can ensure that development is in line with the existing neighborhood. Residents overwhelmingly support keeping building heights low and maintaining the style that is already in place, as the survey results highlight:

- 69.0 percent of respondents that live in Chinatown prefer smaller tenement buildings to larger, taller buildings;
- 54.4 percent of respondents that live in Chinatown think the City should limit the heights of new buildings.

Our recommendation is: to limit the building of large, out-of-scale buildings in Chinatown, the City should reduce the neighborhood floor area ratio (FAR) by downzoning the area, thus ensuring new development is in line with existing structures.

The FAR dictates how many stories can be built on a given zoning lot (see glossary for more comprehensive definition). As the height of buildings is always limited by the amount of floor area that can be built, it makes more sense to reduce the FAR rather than institute straight height caps.

CASE STUDY 3: Brooklyn Heights

The Neighborhood Before the Rezoning

Brooklyn Heights is one of the oldest neighborhoods in Brooklyn and has historically played an important role in development, trade and commerce along the waterfront.³⁶ The neighborhood became New York’s first suburb with the Fulton Ferry for daily commuting.³⁷ After World War II, the neighborhood experienced a boom and attracted many veterans and their families.³⁸ With all the new people moving into the neighborhood, Brooklyn Heights residents wanted to protect their neighborhood from overdevelopment and preserve the historic look of the neighborhood. Residents, along with community organizations like the Brooklyn Heights Association (established in 1910), fought for a rezoning to protect their neighborhood.³⁹

The Rezoning

In 1965, the neighborhood won a big victory Brooklyn Heights was designated as New York’s first Historic District (though this did not impact the area’s zoning).⁴⁰ During this time, the neighborhood also succeeded in getting a part of the neighborhood rezoned to limit building heights to 50 ft.⁴¹ Since then, parts of Gramercy Park, the Upper East Side and Cobble Hill have been rezoned as limited height districts.⁴² To date, no exceptions have been granted to the height limit in Brooklyn Heights.⁴³

The Neighborhood After the Rezoning

When the City rezoned Downtown Brooklyn in 2004, height protections put in place for Brooklyn Heights years before successfully prevented major development despite its proximity to major commercial and residential development. In recent years, the protections even helped limit landlord harassment in Brooklyn Heights, as housing code violations decreased from 2008 to 2010, while rising in surrounding neighborhoods during that time.⁴⁴ Residents of Downtown Brooklyn were not as lucky, where new high-rise development has reshaped the skyline and decreased the units of affordable housing.⁴⁵ While the height caps in Brooklyn Heights primarily helped white and wealthy residents, height caps could also be used to protect lower-income communities of color in other areas of the City, such as Chinatown.

IV. CONCLUSION

This report, based on extensive resident input, illustrates the need for City agencies, particularly the Department of City Planning and the Mayor's Office, to take local residents' needs and input into account when undertaking a rezoning.

When land use decisions are made with the needs of residents and with the goal of preservation and sustainable development at the forefront, healthy and vibrant communities are the result.

It is clear that a new vision for rezoning is needed in this City, and is urgently needed in Chinatown if we wish to preserve, protect, and revitalize the neighborhood and ensure it remains a vibrant immigrant community for the decades to come. While change is inevitable, gentrification is not – and the recommendations in this report, if implemented, will do much to ensure that development is accountable and appropriate to the existing character of the neighborhood.

We urge the City to take the recommendations in this report and use them as the foundation for a new rezoning plan for Chinatown.



V. APPENDIX: FULL METHODOLOGY

In order to determine and document the priorities and needs of the Chinatown community in a possible rezoning process, CAAAV and the Community Development Project engaged in a participatory action research project, utilizing a variety of research instruments.

Surveys: CAAAV members and staff administered surveys to 451 Chinatown stakeholders, including residents, students, business owners and former residents. Many of the surveys were administered at community events and during CAAAV outreach activities in June, July and August of 2011. Surveys were distributed in written Chinese, and verbally administered in Mandarin, Cantonese, and Fujianese as appropriate. In this report, some of the statistics are taken from the full survey sample and some are taken just from surveyed Chinatown residents; this is specified as needed.

Focus Groups: CAAAV staff facilitated a focus group in early September, conducted in Mandarin. Nine long-time Chinatown residents participated and discussed how rezoning Chinatown would affect them and their families.

Business Canvass: CAAAV also conducted a canvass of local businesses, collecting information on the type of stores, the average prices of goods, and the primary clientele. Specifically, CAAAV collected this data from a targeted neighborhood with Grand Street as the northern boundary, East Broadway and Canal Street as the southern boundary, Clinton Street as the eastern boundary and Allen Street as the western boundary. CAAAV chose to canvass this particular area because of their good relationships with many businesses and their knowledge of increasingly unaffordable rents in the area. The Community Development Project trained canvassers, who collected data through observations and conversations with business owners and workers.

Interviews: CAAAV staff also conducted interviews with three Chinatown youth and two business owners to gather in-depth qualitative data about recent development in the area, its impact on the community, and a possible rezoning of Chinatown. Interviews were conducted in Mandarin during September 2011.

Table 3: Demographics of Survey Respondents		Percent
Gender	Male	53.7%
	Female	46.3%
Relationship to the Chinatown Community	Live in the area	71.2%
	Work in the area	24.2%
	Own a business in the area	1.8%
	Go to school in the area	10.0%
	Access services and programs in the area	13.7%
Nationality	Chinese	86.4%
	Other Asian	8.5%
	Black/African American	1.0%
	Latino	1.7%
	White/Caucasian	2.2%
	Mixed Race/Other	0.2%
Primary Language	Chinese	71.9%
	English	11.9%
	Fujianese	13.7%
	Other	2.4%

Table 4: Demographics of Survey Respondents	Survey Respondents	All Chinatown/LES Residents ⁴⁷
Mean Years Involved in the Community	11.29	N/A
Median Age	39.5	38.3
Live in Zip code 10002	65.2%	N/A
Median Monthly Household Income	\$1,500	\$3,173
Mean Household Members	3.8	2.25

VI. ENDNOTES

- ¹ The Department of City Planning has a comprehensive online glossary that can be accessed at <http://www.nyc.gov/html/dcp/html/zone/glossary.shtml>. Most of the definitions in this glossary are from the city planning website. For the legal definitions of these terms, see the City Zoning Resolution available online at <http://www.nyc.gov/html/dcp/pdf/zone/art01c02.pdf>.
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- ⁸ "Downtown Brooklyn's Detour: The Unanticipated Impacts of Rezoning and Development on Residents and Businesses," The Pratt Center for Community Development and Families United for Racial and Economic Equality, July 2008. Available online at: <http://prattcenter.net/sites/default/files/publications/Downtown%20Brooklyn%20Detour.pdf>
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- ¹⁰ Special Zoning Districts have been established in Lower Manhattan, Hudson Yards, Sheepshead Bay, 125th Street, West Chelsea, Madison Ave and a few other issue specific areas. See Article IX of the NYC Zoning Resolution for a complete list and complete zoning regulations available online at: <http://www.nyc.gov/html/dcp/html/zone/zonetext.shtml>
- ¹¹ Zoning Resolution, the City of New York. Article IX, Chapter 6, Section 108. Available online at: <http://www.nyc.gov/html/dcp/pdf/zone/art09c06.pdf>
- ¹² Zoning Resolution, the City of New York. Article IX, Chapter 6, Section 110. Available online at: <http://www.nyc.gov/html/dcp/pdf/zone/art09c06.pdf>
- ¹³ Zoning Resolution, the City of New York. Article I, Chapter 2, Section 10 (Zoning Definitions). Available online at: <http://www.nyc.gov/html/dcp/pdf/zone/art01c02.pdf>
- ¹⁴ Zoning Resolution, the City of New York. Article IX, Chapter 6, Section 110. Available online at: <http://www.nyc.gov/html/dcp/pdf/zone/art09c06.pdf>
- ¹⁵ Zoning Resolution, the City of New York. Article IX, Chapter 6, Section 24. Available online at: <http://www.nyc.gov/html/dcp/pdf/zone/art09c06.pdf>
- ¹⁶ "Our History." Housing Conservation Coordinators Website. <http://www.hcc-nyc.org/> Accessed 11/1/11.
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- ¹⁹ "State of New York City's Housing and Neighborhoods 2010." The Furman Center for Real Estate and Urban Policy. Available online at: <http://furmancenter.org/files/sotc/SOC%202010.pdf>
- ²⁰ To determine whether or not a business catered to the Chinatown Community or not, we examined our business canvass data in the following order (if data contradicted, favored in this order).
 1. Observed primary ethnicity of customers
 2. Reported primary customer base (Chinatown resident vs NYC residents/tourists)
 3. Additional notes (all signs in English, expensive menu, etc)
 4. Goods and Prices (shirt=\$60, grilled cheese =\$11.25, etc)
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