

## JEROME AVE ASKS FOR THE REZONING PLAN AND DRAFT SCOPE OF ENVIRONMENTAL REVIEW

The Bronx Coalition for a Community Vision has been working in the Southwest Bronx for over a year to gather feedback from residents about how the Jerome Avenue rezoning plan can benefit the local community and help our neighborhoods thrive. We have engaged thousands of residents over the course of dozens of meetings and hundreds of surveys, and collectively, we have identified several key principles that should guide the rezoning:

1. **Anti-displacement strategies for current residential and commercial tenants.** Current tenants and small business owners will not benefit from the rezoning if the rezoning increases rents, speculation, and the forces of displacement. The City should take steps to ensure that the people and businesses that are here now are protected and are able to stay.
2. **Real affordable housing.** All of the new housing built in the community should be at rent levels that reflect the need in the community.
3. **Good jobs, local hire & worker safety.**
  - New construction and businesses will mean a lot of new jobs in the area and the City should guarantee that those jobs create career opportunities for local residents. Developers should not be allowed to build unless they commit to using contractors that are part of a NYS certified apprenticeship program.
  - The City should ensure that worker safety is a top priority. There has been an alarming increase in construction worker fatalities and life changing injuries across New York City. 18 construction workers died in the field from the beginning of 2015 to date. The City must mandate provisions for worker safety and training to ensure our most vulnerable workers are protected.
4. **Real community engagement.** Residents need to have a say over what happens in the community, and the City should have long-term tools to ensure accountability for implementing commitments made during rezoning approval process, including a role for community in overseeing progress. The community needs this to ensure that the rezoning is actually part of a community plan that is effective and fully implemented.

As the City prepares to release its proposal for the Jerome Avenue rezoning, we urge the City to craft a plan that meaningfully advances the community's goals. Above all, we urge the City to examine not just the extent to which the proposed Jerome Ave rezoning may advance the City's *overall policy goals*, including the Housing New York plan, but also how much the rezoning advances these *local goals*. The rezoning of Jerome Ave should not just be thought of as a means to the end of advancing the Mayor's

affordable housing plan - the stakes for longtime community residents are high, and they should not be an afterthought. Instead, the plan should also be crafted and assessed based on the how much the rezoning will benefit *current residents*.

The City must also conduct its analysis in a manner that reflects the reality that the proposed rezoning will affect multiple neighborhoods, not just the “rezoning corridor” of Jerome Avenue. In general, to ensure that residents can understand the full impact of the rezoning on their community, the Department of City Planning (DCP) and related agencies should analyze each of the *neighborhoods* that will be affected by the rezoning, and

- Create a profile for each impacted neighborhood that shows the existing needs and capacity for the preservation and development of affordable housing, high-quality jobs, school seats, park space, transportation, sewage infrastructure, and other facilities and services
- Craft a rezoning plan based around meeting these existing needs, and heightened needs that will arise as a result of increased populations following the rezoning
- Include clear proposals, both in the zoning text and as proposed mitigation strategies, explaining how and when each neighborhood’s existing and future needs will be addressed

We believe that it is possible for rezonings to benefit local communities - but only if the City places the needs of current residents front and center at the beginning of the planning process, and long afterward. Below, we provide suggestions for specific analyses the City must conduct to assess the true impact of the rezoning, mitigation strategies we would like the City to disclose, analyze, and adopt to ensure that local residents are protected from potential residential displacement pressures, business displacement pressures, and overburdening of community facilities, and provisions we believe must be included in the zoning plan for the Jerome Avenue area.

In addition to creating a zoning plan that addresses the needs of the community and supports long-term development in line with those needs, the City should adopt a broad range of mitigation strategies to combat residential displacement and business displacement and mitigate the impact on local community facilities. These tactics are described more fully in the sections below.

We understand that different parts of the environmental review process and the land-use review process contribute in specific ways to the development of a neighborhood plan. From the community perspective, however, we understand that what happens to our neighborhood in the future is shaped by a Mayor and City Council that have multiple tools at their disposal to work in concert with land-use planning. Our recommendations call on the Mayor and the City Council not to advance land-use actions in isolation, and to only advance land-use actions that are accompanied by all the tools necessary to advance community goals.

Where possible we have done our best to try to sequence and highlight which actions can be specifically addressed through the Scoping process of the EIS and the drafting of the EIS, and which actions should be in the eventual zoning text. There are other recommendations that speak to the broader set of tools that the City can employ, such as citywide policy and legislation. We are calling for these tools to be recommended as strategies to mitigate impacts, where appropriate, and otherwise incorporated into the final plans and associated actions that will impact the area.

## I. RESIDENTIAL DISPLACEMENT

### A. ANALYZE

- **DCP should separately analyze preservation and creation of affordable housing.** Creation of new affordable housing does not protect existing residents of the community, many of whom will be displaced by the time the new housing is created.
- **In its analysis of potential displacement, the City should present both best- and worst-case scenarios for the direct displacement** that may be caused by the actions of private landowners who may seek to redevelop their sites after the rezoning. Although CEQR [City Environmental Quality Review] typically requires an analysis that illustrates a “conservative assessment of the potential effects of the proposed project on sites likely to be redeveloped,” we are concerned that for an area-wide rezoning of this magnitude, a “conservative assessment” will paint an inaccurately mild picture of potential displacement. Therefore, the City should present both best- and worst-case scenarios so the community can have a better understanding of the full range of possible outcomes in terms of direct displacement.
- **DCP should conduct a detailed analysis of direct residential displacement, even if DCP’s initial assessment suggests that the amount of direct displacement falls below the threshold that requires a detailed analysis.** This detailed analysis would require DCP to examine prevailing trends in vacancies and rental and sale prices in the area... DCP should also conduct a detailed analysis of indirect residential displacement.
- **The City must analyze both the extent to which the rezoning may cause indirect residential displacement, and the degree to which it may accelerate displacement** that is already occurring.
- **The City’s analysis should expressly address the potential displacement risk of vulnerable populations in the area,** including:

- Tenants in unregulated apartments
  - Tenants in rent stabilized apartments
  - Tenants who are rent burdened
  - Tenants in apartments where regulatory agreements for affordability are expiring
  - Shelter, halfway house, and three quarter house residents
  - Residents of cluster site housing
  - Section 8 voucher holders
  - People of color
- **The City should analyze and disclose the impacts of past rezonings of similar magnitude as the proposed Jerome Ave rezoning.** As part of this, the City should disclose and analyze demographic information suggestive of displacement, including changes (pre and post rezoning) in:
    - Racial demographics
    - Local area median income
    - Educational attainment level of residents
    - Average rent levels in market-rate units
    - Number of rent-stabilized units
    - Percentage of non-English speaking populations
- **The City should *not* assume that developers will continue to accept HPD subsidies throughout the 15-year period following a rezoning.** Instead, the City should analyze and disclose the impacts of the rezoning based on
    - A scenario in which developers accept HPD subsidies for the entire period
    - A scenario in which developers accept HPD subsidies for only 5 years
    - A scenario in which developers accept HPD subsidies for only 10 years
    - The zoning text alone
- **The City should also look into past rezonings and examine housing market shifts after these rezonings,** for the purpose of determining the length of time during which developers are likely to seek HPD subsidies and the point at which interest in such subsidies will cease due to improved market conditions
- **The City should analyze and disclose the income levels of the households that stand to be displaced, then compare those figures to the amount of affordable housing expected to be made available at those income levels under the rezoning,** in order to net loss or gain of affordable housing for current residents. The City should consider scenarios both with and without the 50% community preference. If the City's analysis demonstrates that new construction will be inadequate to address the needs of current residents, the City should alter its plans.

- **The City should disclose the amount of affordable housing that could be created on public sites and through the zoning text alone**, since HPD subsidies may not always be available and developers may not always take them.

## B. MITIGATE

The City should analyze, disclose, and adopt a broad range of mitigation strategies for residential anti-displacement, including:

- **Ensure that 100% of new housing reflects the needs of current neighborhood residents**. This includes:
  - *Subsidies and a programmatic commitment to build housing at affordability levels and apartment sizes that reflect the need of the existing residents of the neighborhood.* As part of this, HPD should create a new term sheet to ensure that HPD-subsidized projects are affordable at levels reflective of the current community. The more closely new housing matches the current income and rent levels, the less likely it is that new development will trigger gentrification and displacement.
  - *Requirements that new housing prioritize people with disabilities, single parents, veterans, youth, and people who are currently homeless.*
  - *Conversion of “cluster-site” shelter units back to permanent housing to help significantly reduce the number of homeless families*
  - *Adjust City and State rent subsidies to allow families in “cluster-site” units that meet Section 8 quality standards to secure leases for the same apartments in which they already live.*
- **Create new requirements for developers seeking public subsidies**. Public funds come with public responsibility. Tax payer funded subsidies used by developers and contractors to build affordable housing should provide good wages to help the community create more middle class jobs; require utilization of the State Department of Labor Registered and Approved Apprenticeship Program and demand the highest level of safety training available to ensure safe working site and communities. The City should establish criteria for which landlords/developers are allowed to use public subsidies (HPD-administered subsidies), based on their:
  - Track record of maintaining buildings;
  - Track record of building affordable housing;
  - Track record of local community engagement;
  - Track record of working with contractors with a proven record of safety for 5 years, who don't have a record of wage theft, job misclassification or any other labor law violations, including all subcontractors, going back 5 years;

- Track record of working with contractors who don't have a record of construction quality complaints or determinations, including all subcontractors, going back 5 years.
- **Reduce barriers to tenant eligibility for affordable units.** The City should pass legislation limiting the requirements that HPD uses to determine which tenants qualify to be able to move into affordable housing. For example, people should not be turned away from affordable housing because of credit checks.
- **Enact policies that create incentives that prevent speculation and displacement and promote affordable housing development.**
  - *Pass and fund Intro 214*, providing a right to a lawyer for tenants facing the loss of their homes.
  - *Pass and fund Intro 152-A*, which would create citywide "Certificate of No Harassment" requirements, preventing landlords who have harassed tenants from getting certain permits from the Department of Buildings unless they agree to set aside part of the building as permanently affordable housing. Landlords often do renovations on apartments and buildings in order to raise rents for new tenants. This law would prevent landlords who have a history of harassment from getting the permits they need to do those renovations unless they agree to set aside a certain share of the floor space in the building as permanently affordable housing (above what might be required by Mandatory Inclusionary Housing or as a condition of receipt of any tax abatement). This model has been locally effective in the Special Clinton District, and should be expanded by requiring that DOB and HPD put a similar policy in place across the city. In addition, the policy should apply to a larger set of DOB permits.
  - *Require "landlord licenses,"* creating strict rules for which landlords or developers are allowed to operate in NYC. HPD or another city agency would determine whether a landlord can get a license based on a set of qualifications (e.g.: number of violations in other buildings they own, unpaid taxes and fees owed to the city, other buildings in foreclosure). The license would enable landlords to acquire property. If a landlord is not in compliance, the landlord would not be eligible to receive another permit and therefore unable to purchase more buildings.
  - *Publicly grade landlords and publicly display that grade in their building lobby.*
  - *Amend the Alternative Enforcement Program (AEP) to allow tenants to get a rent reduction and use a City-run escrow account when their building is in bad repair.* This is modeled on a program in LA, called the Rent Escrow Account Program. When there are violations that haven't been fixed, the city would be able to reduce tenants' rent and allow them to pay their rent into an escrow account, monitored by the city. The Landlord would not get the money until the City verifies that repairs have been done.
  - *Create a disincentive for landlords to buy buildings with the intent of selling them quickly (speculative flipping) by applying a graduated flip fee, structured like the mortgage recording fee.* The City should also help facilitate stable long-term New York City homeownership by

increasing the New York City Real Estate Transfer Taxes on all transfers to non-owner occupied (investor purchased) 1-4 family homes.

- *Fully assess a development or redevelopment project's potential displacement impact and require associated mitigation plans and fees.* The City can model this off of the California Environmental Quality Act, which currently requires an assessment of displacement related impacts for development projects above a certain threshold.
- *Track public investment at the neighborhood level and use this information to improve equity in budgeting decisions.* This can be modeled off of Portland's budget mapping initiative.
- *Strengthen the obligations of marshals in avoiding eviction of "at-risk tenants."* Right now there are provisions for elderly, sick, and disabled tenants. These provisions should be extended to include families with children under 3 and families with 2 or more children.
- *Pass Intro 3-2014, which allows the City to sue landlords for relocation expenses.* If a building is vacated by DOB, the landlord should be required to pay relocation costs.
- *Implement a "No Net Loss" policy at the City level.*
  - Conduct a baseline assessment of affordable housing units within the city, broken down by neighborhood and affordability level (by income bracket). This inventory should include information on number of units, rent level of units, household size and income of inhabitants. A moratorium on demolition, conversion, etc. should be in place until this assessment is complete and a plan to address the city's need is in place.
  - Based on the inventory, neighborhoods should set goals for preservation within each bracket by neighborhood and for the city as a whole.
- *Advocate at the state level for the creation of a good neighbor tax credit* to stabilize the hidden supply of affordable housing in our small-homes neighborhoods by offering a real estate tax abatement to owners of owner-occupied small homes who rent an apartment at below-market rates because of longstanding community ties.
- **Increase oversight of landlords and be more proactive in identifying and targeting bad acting landlords.**
  - *Monitor housing court cases, particularly in high risk displacement areas* and refer to community organizations and/or legal aid/legal services who will do additional outreach to help determine if the case is part of a larger harassment pattern.
  - *HPD should notify all owners of "zero tolerance" for harassment and poor building conditions* (meaning that the City will take legal action against the owner for either). This includes, but is not limited to:
    - HPD should send a letter to all landlords informing them of the zero tolerance policy.
    - HPD should ensure that oversight is in place so that owners of rent stabilized apartments properly register the rent, do not charge more than the legal amount, do not harass tenants

or encourage tenant turnover as a way to increase rents, and properly maintain the building.

- HPD should aggressively follow up once a determination is made that a building is physically distressed and/or tenants are being harassed – this includes aggressive and effectively targeted litigation against bad owners as well as effective use of the emergency repair program. (agency rules and regulations)
- HPD should not negotiate with landlords to reduce fines in HP or 7A cases, unless there is an equivalent monetary benefit to tenants. (agency rules and regulations)
- **Support outreach and ‘know your rights’ education by community groups to local residents.**
  - *Fund community groups to develop and carry out an outreach and information campaign to all neighborhoods, teaching tenants how to organize and form tenants associations. The funds should focus on neighborhoods currently at highest risk of harassment and displacement.*
  - *Develop materials so tenants know their rights and understand what is available to them in terms of assistance and recourse.* These materials include but are not limited to:
    - Information about 311 and the process to call regarding harassment and building conditions
    - A “what is harassment” fact sheet
    - Explanation of what rent histories are and how tenants can get them
    - Information on rent regulation and tenant’s rights
    - Information on “right to counsel”
- **Improve communication with tenants about their rights.**
  - HPD and DOB should notify residents when inspectors will be out to inspect their buildings.
  - These agencies should notify residents when HPD is taking legal action against a landlord.
- **Improve the various building inspection systems.**
  - Require building inspectors to respond to calls within 24 hours.
  - Ensure that 311 calls, particularly if multiple calls are documented, lead to a comprehensive inspection of the property by an inspector (not just isolated visit regarding the individual complaint).
  - The City should create protocol and systems for tenants to evaluate individual inspectors.
  - Implement stronger emergency repair protocol to prevent serious violations from lingering. For instance, if an inspector finds that a “C” violation still exists when they return to re-inspect, HPD should automatically send a repair team to fix the condition and should bill the repairs to the building owner.



- **Make key neighborhood data publicly available and easily accessible.**
  - Create a comprehensive list of evictions. Eviction rates should be tracked by building and by or owner.
  - Track housing-related 311 calls and identify patterns by building, neighborhood, and owner;
  - Develop a referral process from 311 calls, similar to the Legal Aid/Legal Services hotline, where tenants reporting concerns are referred to community organizations in their neighborhood for follow up service.
  - Create a comprehensive list of distressed buildings by neighborhood, with all public information such as building ownership, management, and most recent sale date.
  
- **Ensure local hiring, because no apartment is affordable without a job.**
  - *The City should adopt the Floor Area Affordability Bonus* described in the last section of this document.
  - *City agencies (such as HPD) and the Economic Development Corporation (EDC) should make local hiring a requirement of projects they fund.* The City should pass legislation to require this citywide, or at minimum adopt it as a policy in the rezoning communities, where the City is investing a lot of money, where the risk of displacement is high because of increased development interest, and where the existing need for jobs is great. The City currently has local hiring requirements for projects backed by the City in Sandy-impacted neighborhoods; they should do the same for the neighborhoods they are rezoning.
    - When City agencies or the EDC start projects, they put out Requests for Proposal (RFPs) for developers who want to build the projects. These RFPs must include specific local hiring standards and state that developers who are prepared to meet those requirements will be given preference in the selection process.
    - These standards should build on the standards and requirements set in the Build It Back Sandy recovery RFP:
      - *Targeted hire standards:*
        - 30% of work hours conducted by local residents
        - 15% of work hours conducted by disadvantaged local residents
        - 10% of work hours conducted by women
      - *Local Hiring Plan.* Requirement that the Contractor develop a plan that
        - Clearly demonstrates the proposer’s plan and capacity for ensuring compliance with the hiring requirements, and
        - Identifies local organizations that the Contractor will work with to establish job pipelines and career opportunities on each project.

- *Dedicated Staff.* The Contractor must provide at least one full-time staff member dedicated to tracking daily hiring at the job sites and ensuring implementation of the requirements of the Plan.
  - *Reporting Requirements.* The Contractor must comply with, in the least, monthly reporting requirements in line with Local Law 140 of 2013, known as the Sandy Tracker Bill.
- **Guarantee good wages for jobs created by the rezoning.**
  - *Pass a Community Benefits Ordinance requiring developers who receive a certain amount of subsidy or public land to negotiate a Community Benefits Agreements (CBA) with local community groups,* and condition receipt of the subsidy or land on successful negotiation of a CBA. These CBAs could be used to secure a range of community benefits, including local prevailing wage jobs.
  - *Provide real transparency on prevailing rate jobs.* When prevailing wage jobs are available, signs should be posted throughout the neighborhood, and especially in front of the job site. The notices should explain what prevailing wage is, and should be in the top 6 languages spoken in the community.
- **Provide Job Training & Education to local residents.**
  - Fund GED programs in rezoned neighborhoods to ensure local residents are eligible for NYS certified apprenticeship programs. The city must also conduct outreach so people know about training programs.
  - Provide stipends, childcare and other support to residents so they can access NYS certified apprenticeship programs.
  - Allocate funding to enable community-based organizations to provide sector-specific workforce training. The city should fund local Bronx organizations to provide training for industries with a strong presence in the Bronx. Focus trainings on fields that offer high-quality, highly skilled jobs.
  - HRA and SBS should also have job training programs and transitional job programs that train residents for jobs in the sectors where new jobs are being created.
- **Assist with job placement for local residents in need of employment by creating and funding a Local Employment Network.**
  - The City should provide funding to local community-based organizations to develop a network and hire a local coordinator to engage with developers in the neighborhood, provide trainings for local residents, screen candidates for positions in upcoming projects,

and make referrals. This would be similar to the Lower East Side Employment Network, which emerged as a result of a development boom on the LES.

- The City should list Jerome Ave Local Employment Network as the preferred hiring source for its projects.

## II. BUSINESS DISPLACEMENT

The proposed rezoning corridor is a complex economic ecosystem that includes tenant businesses, subtenant businesses, and a large workforce with high percentages of immigrants who derive their livelihoods in a variety of arrangements, including full time, part time, and “per job” commissions. These conditions are poorly captured by traditional data sets. When considering the analysis of business and worker displacement, it will be essential for the scope of the DEIS and the DEIS not to rely on standard methods of “behind the desk” data sets and to instead incorporate field data that is reflective of the reality of businesses and workers in the rezoning corridor.

### A. ANALYZE

- **The City should work with the Bronx Coalition for a Community Vision to identify the appropriate data methods to use** when assessing the number of businesses and associated jobs within the Jerome Avenue corridor and how to measure impacts on them.
- **The Scope of the DEIS should explicitly include that its commercial analysis will incorporate the data, findings and key takeaways from the currently underway Commercial District Needs Assessment** (funded by Department of Small Business Services).
- **The Scope and DEIS should reference surveys conducted of actual businesses when conducting analysis on numbers of firms and jobs within rezoning area.** Surveys conducted by organizations such as CASA, UAMA, WHEDco, and Davidson that have been conducted as part of the Commercial District Needs Assessment should be utilized by DCP.
- **The Scope and the DEIS should include an explicit quantitative analysis of the number of auto-related businesses and jobs that are currently located in the “retention areas” and the number and of auto-related businesses and jobs that are currently located in the corridor outside of those retention areas.**
- **The DEIS should analyze the *change* in the number of auto-related businesses and workers in the corridor since DCP’s initial field study** and incorporate those trends into its displacement analysis.

- **To the extent that the City references datasets, the City cannot rely solely on QCEW data to base its analysis regarding numbers of firms and numbers of jobs.** Due to large amounts of data suppression at small geographies, the City’s use of QCEW data at such a small geography may present a large margin of error and is likely to undercount both jobs and businesses in the area to be rezoned.
  
- When assessing displacement:
  - *The City should conduct a business displacement analysis for each of the sub areas identified by DCP.* These sub areas should include a buffer zone that is reviewed and accepted by the community as an accurate representation of breaks in commercial catchment zones.
  - *The City should conduct a soft site analysis that would show current land value in existing building conditions versus anticipated land value under fully built out conditions as determined by area rezoning.* This analysis should also provide an estimated price per square foot for renters under existing and future conditions since the cost of space is likely to determine what kind of business can exist in the new development.
  - *The City should take into account a full range of variables when assessing which businesses could be indirectly displaced by rezoning.* These variables should include business tenure and whether the business owns or rents.
  - *The EIS should evaluate the impacts of displacement of auto workers in the context of citywide trends and the shrinking availability of, and increased competition in, land that is zoned appropriately for auto uses.* It should evaluate prospects for relocation by considering actual vacancy rates and the competitive disadvantages that auto related businesses face against other uses that are allowed in C8, M1, M2, or M3 zones that can pay much higher rents.
  - *The City should disclose real job numbers for any businesses identified as being likely to be directly displaced by rezoning.*
    - *The City should explicitly disclose which businesses would be directly or indirectly displaced from rezoning are family-owned and operated versus which are chain store businesses.*

## **B. MITIGATE**

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:

- **The City should consider changes to its zoning plan to minimize the amount of displacement that businesses and workers experience.**
  - The DEIS should include a detailed description of the specific, quantitative goals of the “retention areas” in the plan and a breakdown by sector of number and types of businesses

that are located there now, number of workers, as well as a description of the range of uses that will be allowed to locate there as-of-right under the existing zoning

- The DEIS should include a detailed description of the as-of-right uses allowed in the designated retention areas, the typical rent levels that those uses can generate, and recommendations to how retention area zoning could be strengthened to achieve stated goals of retention areas.
- **The City should provide relocation support for those businesses that are displaced through the rezoning.** To do this the City should:
  - Include in the Scope of the EIS and the DEIS an analysis of City-owned, vacant, appropriately zoned, and otherwise suitable potentially viable sites for potential relocation, at various sizes, ranging from individual business level to sites that could accommodate a cluster of businesses and/or a vertical arrangement. These should be actual sites in the Bronx and/or Upper Manhattan and the analysis should include an evaluation of factors that rank the locations' viability.
    - Input from auto merchants in the area should be incorporated to identify criteria for collective relocation (such as size, distance from original location, building type, distance from transit).
  - Identify a suitable location based on mutually agreed upon criteria and sufficiently fund investments in the site and costs of business relocation.
  - Relocate businesses to nearby areas where housing is not being considered and manufacturing businesses have more protections, such as Industrial Business Zones in the Bronx (for example, Bathgate, Zerega, and Hunts Point).
  - Provide financial and technical assistance, including up front business loans, for local, small businesses in the rezoning area to help cover the cost and needs of relocation. This would apply to local retail and restaurants and auto related businesses.
  - Communicate with businesses in collective forums and groupings, recognizing cooperative structures.
- **The City should ensure that local, small businesses can be physically located in and thrive in the new, rezoned area.** To do this, the City should adopt the zoning text provisions described at the end of this document, and:
  - Limit increases in rents to no more than 5% in the rezoning area through all legal mechanisms, including requirements on developments that receive public subsidy, and throughout the City through citywide legislation.
  - Advocate with NYS to pass legislation that requires all property owners to give mandatory lease renewals for expiring leases.

- **The City should give preference for return to local businesses.** To do this, the City should create a system to offer existing, interested businesses in the proposed rezoning area a “right of first return” or preference in occupying new space(s) created by development. To support this policy, the City must consult with existing small local businesses and craft its zoning plan accordingly, as described at the beginning of this document.
  
- **The City should provide training for workers and owners of local businesses.** To do this, the City should:
  - Increase funding for outreach and training programs that help auto businesses in the area obtain the necessary licenses and meet environmental standards. The City should partner with NYS Department of Environmental Conservation and build on existing pilots programs to accomplish the goal of environmental compliance and improved environmental performance.
  - Offer trainings in the dominant language of the workers and support the development English language skills.
  - Provide training in business planning and development, as well as trainings that will equip workers to adjust to changes in auto repair technology.
  - Provide training in the development of worker cooperatives, which are a legal way for undocumented immigrants to earn a living.
  
- **The City should develop a citywide policy approach that adopts best practices to support the auto sector as a whole.**
  - Conduct a study of the auto sector corridors throughout the five boroughs that assesses the real needs of workers and owners and the unique challenges that they face. The study should be advised by a Steering Committee that includes auto business owners and workers, and conducted by an entity that can fairly value the contributions of the sector to the city as a whole, including the necessary service it provides to consumers and as part of the city’s infrastructure system, the entrepreneurship and employment pathways it creates, and economic contribution.
  - Develop a coherent policy that addresses the sector’s current needs, plans for and equips workers and businesses for industry changes, and makes recommendations for citywide land-use policies that address those realities.
  - This study should take into account citywide trends and the shrinking availability of, and increased competition in, land that is zoned appropriately for auto uses.
  
- **The City should pass legislation making it illegal to harass small businesses and other non-residential tenants.**

### III. COMMUNITY FACILITIES

#### A. ANALYZE

- **The City should evaluate future impact of proposed changes on each neighborhood.** For each neighborhood that will be affected by the rezoning, DCP and related agencies should create a profile that analyzes and addresses increased demand for community facilities and services that the rezoning will create. Each neighborhood profile should:
  - Explain the impact of a proposed zoning change on housing, schools, parks, transportation, and other facilities and services in the area.
  - Include clear proposals of how and when the future needs will be addressed, with details specific to each neighborhood.
- **Schools: the City should carefully analyze the impact of the rezoning on schools.**
  - *The City should not take into account school seat capacity within the DEIS for projects under the DOE five year capital plan unless site preparation or construction has commenced for those projects.*
  - *The City should account for the space being consumed by charter schools within public school buildings and increased need for charter school space due to proposed rezoning project and should adjust estimates.*
  - *The City should take into account input from the 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.*
- **General Facilities:**
  - *The City should take into account space needs of neighborhood anchors that operate within schools in addition to the school seats themselves (i.e., Beacon, school based health clinics, etc.).*
- **Libraries:**
  - *The City should expand its library analysis beyond the current holdings-to-population ratio as the only measure of analysis to be used in determining a library's utility.*
  - *The City should incorporate metrics into its analysis that display the services libraries provide in terms of community space and educational access.*
- **Child Care:**

- *In assessing significant impact on childcare facilities, the City should review waitlist information to better understand to what degree which childcare facilities are already seeing more demand than they can accommodate.*

## **B. MITIGATE**

The City should analyze, disclose, and adopt mitigation strategies to ensure that community facilities are properly developed and funded, including:

- **Community facility zoning**, as described more fully in the next section of this document.
- **Subsidies and programmatic commitment** to support the development of new community facilities and neighborhood amenities.
- **PILOT fund**, as described more fully in the next section of this document.
- **A Community Benefits Ordinance** that would require developers who receive a certain amount of subsidy or public land to negotiate a Community Benefits Agreements (CBA) with local community groups, and condition receipt of the subsidy or land on successful negotiation of a CBA. These CBAs could be used to secure a range of community benefits, including additional amenities, open spaces, schools, and local jobs.

## **IV. PROVISIONS TO BE INCLUDED IN THE ZONING TEXT**

The Scope of the EIS and the EIS itself are a part of the land use review process that contributes to developing the ultimate plan and zoning text for the neighborhoods that will be affected by City action. To the greatest extent possible, the City should include provisions to advance community interests within the zoning text, to ensure that the needs of current residents, low-income tenants, and small local businesses are protected long into the future. The Bronx Coalition has already submitted its Zoning Text Asks to the Department of City Planning, and we ask that the City’s plan for this area include the following critical provisions:

- **Choose the MIH Option that best meets the need of the current community.** The City should choose the MIH Option that provides for 25% of new construction units at 60% AMI, as this is the only Option that mandates a deeper affordability band (10% of units at 40% AMI). The City should also make available the 20% of units at 40% AMI alternate, and require that the developers of any sites subsidized by HPD elect this MIH option.
- **Create a special purpose district** that:
  - Offers developers a Floor Area Affordability Bonus in exchange for building deeply affordable housing - a minimum of 50% of total units - that reflects the specific rent needs of our



communities and requires developers to hire 30% of workers from the local community, utilizing state-certified apprenticeship programs to ensure well-trained and safe workers. To make sure that developers will take the deal, the City should limit the amount of additional residential density permitted as-of-right, which will leave developers with a greater incentive to take a density bonus option. Implementing the FAAB bonus for the Jerome Avenue rezoning is especially important given the fact that MIH will not reach income levels reflective of the current community needs - even 40% AMI is above our neighborhood median income - and HPD subsidies, though a critical way of reaching deeper affordability in the years immediately after a rezoning, are voluntary, and developers are unlikely to take them as the local housing market shifts.

- Creates a Certificate of No Harassment requirement to curb harassment of rent-stabilized tenants. This should be incorporated into the zoning text, as it is in the Special Clinton District in Hell’s Kitchen, if a strong citywide anti-harassment policy has not been passed by the time the Jerome Avenue zoning text is finalized. To effectively counter the profit motive behind harassment, this CONH requirement must include an affordable housing “cure” that requires developers who are found to have harassed tenants to build deeply (below 30% AMI) and permanently affordable housing, above what they are required to build by MIH or as a condition of receipt of tax abatements or City subsidies. If a future citywide policy does not include a “cure” provision, such a provision must be included in the Jerome Avenue zoning text.
- Ties the creation of necessary community facilities to increases in residential density. The City should require developers who want to build additional housing to set aside space for schools, community space, senior centers, open space, and other necessary community facilities to ensure that the neighborhood has enough of what it needs when new residents come in. This type of zoning has been adopted in other communities before, and it would help ensure that the City’s funds for community facilities go further by eliminating the City’s costs to purchase new sites for necessary facilities (see attachment).
- Establishes a Payment in Lieu of Taxes (PILOT) fund to ensure that the economic benefits of development stay within the rezoning area, rather than going to the City’s general coffers. This fund will help address local needs, including the need for anti-displacement initiatives, deeply affordable housing, and community facilities (see attachment).
- **Ensure that local, small businesses can be physically located in and thrive in the new, rezoned area.** To do this, the City should consider a variety of zoning tools, including:

- Identify existing interested business tenants and document their needs to shape the design and implementation of a small business “right of return” system. Having a strong understanding of the space needs of current local businesses will help the City craft zoning text provisions that ensure that appropriate spaces are incorporated as part of the new zoning text.
  - Adopt Special Enhanced Zoning Districts that limit commercial uses to the types commonly used by local residents, such as grocery stores.
  - Limit the size of new commercial spaces in order to create opportunities for local small businesses and not just large, corporate chain stores. This can be achieved through frontage requirements, which can require a minimum number of storefronts in an area (effectively reducing the size of the establishments) and can limit the size of the storefront for certain uses, like banks.
  - Create a preference for locally-owned businesses and attach a requirement for new construction over a certain size to set aside a portion of its retail space for that retail.
- **Select an area in the proposed rezoning area where auto-related businesses— including auto parts, security and audio stores—can remain and be protected.** To do this the City should, in consultation with the community:
    - Develop the reasoning and criteria for selecting the size and location for this protected area.
    - Identify the best mechanism for protecting and strengthening this area, considering a Special District designation, and taller heights for commercial buildings.
    - Clearly define the total amount of commercial space that should take place in this area.
    - Prohibit specific uses that would otherwise be permitted by the current zoning uses but that would compete with the intended goals of the area (such as hotels).

Thank you for your consideration of our suggestions, which we feel are vital to adequately assess the full impact of the proposed rezoning and ensure that the current community benefits from the changes to come. If you have any questions about our suggestions, we are happy to provide additional information upon request.

**DOCUMENTS ATTACHED TO THIS LETTER:**

- **Zoning Text Asks document (previously sent to DCP)**
- **Document Describing Community Facility Zoning**
- **Document Describing Proposed Community Benefits Ordinance**
- **Document Describing Use of PILOT Fund**