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## **Zoning Instead of Planning in Williamsburg and Greenpoint**

**by Tom Angotti**

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Once again, the city is zoning without a plan.

About five years ago, after hundreds of meetings and more than a decade of work, community groups in the Brooklyn waterfront neighborhoods of Greenpoint and Williamsburg reached consensus on plans to revitalize their decrepit industrial waterfront. The Greenpoint and Williamsburg 197-A Plans (after Section 197-a of the City Charter that allows communities to submit plans for official approval) proposed a mix of low- to mid-rise housing more or less like the three and four story buildings in the neighborhood, so it would be affordable to tenants in this working class neighborhood. This kind of contextual development became more critical as the neighborhood began to face intense development pressures. The 197-a plans proposed that the mix of industry and housing be brought down to the waterfront, but without the noxious industries like waste transfer stations that have concentrated in the area in recent years. And they wanted public access to the waterfront. The Department of City Planning studied the community plans, made a lot of changes, and then the plans were approved by the City Planning Commission and City Council.

The massive rezoning of Greenpoint and Williamsburg that the City Council just approved bears little resemblance to the community plans. Ever since the City Council voted for the Greenpoint and Williamsburg plans in 2001, they have failed to lift a finger to implement them. City agencies went into hiding. There were no budget requests to create public access on the waterfront, no initiatives to preserve industry, and no new housing. Instead, the city turned the other way as developers illegally converted industrial properties to unaffordable lofts, and did little to stop the legal conversions.

Now the City Planning Commission and City Council have approved a sweeping rezoning of the industrial waterfront that opens the way for 10,000 units of high-rise housing, conversion of industrial properties to residential use, and a 54-acre waterfront park. The final rezoning does have some elements that meet plan objectives, but they are in there because community activists fought a long, hard battle with the city from the first day the proposal was launched to get some affordable housing, lower the towers on the waterfront, protect industries, and guarantee public access to the waterfront.

But community activists aren't uncorking the champagne. The distance between the rezoning and the community plans is still gaping. Brooklyn's Community Board One and the Brooklyn Borough President voted against the rezoning, and Public Advocate Betsy Gotbaum opposed it. In the end, the city made a few concessions that help relieve the pain: thirteen mostly industrial blocks were taken out of the rezoning to protect the industries, five more acres of park were thrown in, and future developers got more incentives to create affordable housing units. But while the end result may be applauded by Manhattan Mike Bloomberg, it's left many disappointed souls on the other side of the East River.

### **Rezoning Without A Plan**

The Greenpoint-Williamsburg rezoning follows the city's well-established policy of using zoning instead of planning to govern land use policy. In many cities and towns across the country, it's just the opposite. The legal basis for zoning is usually some kind of reasonable plan: government develops a plan and shapes the zoning to fit the plan. This is elementary land use planning. In New York City, ever since the City Planning Commission refused to approve the city's first and only master plan in 1970, planning itself has become an idle pastime -- at both city-wide and neighborhood levels. The bulk of the officially-sanctioned (197-a) plans, and scores of other community plans, have been produced by community planners with little help from the city. To the extent that the city produces plans at all, they are usually studies aimed at justifying zoning changes, not comprehensive proposals that look at all city policies that affect the economic and social livelihood of communities.

### **Mixed Use and Industry**

According to Mayor Bloomberg, the rezoning "protects the fabric of inland neighborhoods, preserving their mixed-

use character, preventing noxious, heavy industrial uses and further out-of-scale development.” This is done mostly by establishing mixed-use zones where housing and industries can coexist. The problem is that the city’s “MX” zones are set up in a way that individual landowners make the decision about whether housing or industry will prevail. Now, if you owned a plot of land in a rapidly gentrifying neighborhood like Williamsburg and you have a choice of getting rent from residential tenants that is five times the amount you could get from industrial tenants, which way would you go? The end result of this “mixed use” zoning will be de facto conversion of viable industrial properties for use as housing. The MX zones in Greenpoint-Williamsburg actually replace the Northside Special Mixed Use District and Franklin Special Mixed Use District, which did a pretty good job since the 1970s of stabilizing this classical mixed-use neighborhood because they limited the options of residential developers.

While the city eventually removed 13 industrial blocks from the rezoning, according to Adam Friedman, director of the New York Industrial Retention Network, “these 13 blocks were pretty important but there are around 40 blocks that have significant job clusters.” Friedman praised the creation by the city of a \$20 million fund to support non-profit business creation (which he attributes to the work of City Council members David Yassky and Diane Reyna, with the help of Speaker Gifford Miller), and the establishment of a 22-block Industrial Business Zone. However, he feels that there should have been “a more balanced mixed use policy.”

These concessions, while important, are probably not going to be enough to stem the decline of industrial jobs prompted by real estate speculation. One of the great advantages for small industries in this neighborhood is the linkages they form with each other because of their proximity. The rezoning will balkanize industry into shrinking enclaves. And since over 80 percent of local industries hire local residents, they will now have more trouble finding local help among the tide of yuppies. While the mayor touts “the creation of 11,000 construction jobs and over 600 permanent jobs over the next 10 years,” the construction jobs are obviously short-term and tend to benefit disproportionately skilled workers living outside the city. In fact, it has now become a common scene to watch the hard hats demonstrate at the mayor’s mega-project ceremonies before they get in their SUVs and drive home to the suburbs.

Finally, in a tacit admission that they didn’t plan before rezoning, the City Planning Department now agrees they will go back and study the industrial areas in the neighborhood to see how zoning can help them! Also on the list of things the city agrees to do is to help relocate businesses to the Brooklyn Navy Yard enclave -- not an encouraging note for the community that wants to maintain its mix of industry and housing.

## **Affordable Housing**

Community coalitions fought the rezoning hard with the goal of mandating that 40 percent of all new housing units be affordable to low- and moderate-income households. What they got was a voluntary program driven by bonuses to developers that might make one-third of all units affordable. While this is better than the 23 percent the city originally proposed, to become a reality it all depends on a number of future events that may not happen. Meanwhile, the small group of waterfront landowners, and the much larger group of upland owners, are free to go ahead with development plans and tenants in the neighborhood will continue to face daily pressures to move.

“While we’re celebrating certain victories,” says Cathy Herman, director of Planning and Development for Los Sures, a local non-profit community development corporation, “we’re not completely content. Further market-rate development is a threat to the local low-income population.”

The new affordable housing depends entirely on whether or not developers will take advantage of the zoning incentives to build. Since the high density (R8) residential zoning that now goes into effect will give developers enough floor area to build profitable high-rise market-rate condos with precious waterfront views of the Manhattan skyline, there is good reason to doubt that much affordable housing will get built. Voluntary inclusionary zoning incentives have been in effect for decades in parts of Manhattan and have produced very few affordable units. Overlooked were proposals by the North Brooklyn Alliance, a coalition of some 40 groups, to make the affordability requirement mandatory, as it is in hundreds of other municipalities where it’s been successful. And no one in government ever raised the most fundamental question: Since the most dire housing need is among working people with modest incomes who make up the majority of Brooklyn households, shouldn’t the city’s goal be that the majority of the new units be affordable?

Over a third of the affordable units projected by the city would be on sites owned or controlled by the city and non-profit institutions. But these could be built without rezoning the rest of the neighborhood. While a few private

owners of waterfront property make the big bucks, the public sector still takes up a big part of the burden.

There are some clear victories, however, for community advocates. The city lowered the base as-of-right floor area ratio (FAR) from 4.3 to 3.7; this means that developers won't be able to build as much unless they take advantage of the inclusionary provisions. The city administration promised to support legislation in Albany that would make tax incentives available to local developers only if they provide affordable housing.

In yet another tacit admission that they didn't do the job right the first time, the city now says it will go back and study how they can use contextual zoning to protect some residential areas. They also say they will now rezone the gigantic Domino Sugar Property (located on the Williamsburg waterfront). If they did planning in the first place, they wouldn't have to keep zoning things piecemeal.

Perhaps the most blatant admission that the city is playing its usual catch-up game with development is the administration's promise to monitor the needs for community facilities and services only after 25 percent of the expected development has already occurred. In other words, they don't plan so the services are in place when people need them.

### **Waterfront Access and Open Space**

The rezoning includes a Waterfront Access Plan that mandates public access along the water's edge. In New York City, developers are only required to provide waterfront access in residential and commercial zones, not industrial zones, an unfortunate policy that only gives policy makers more of an incentive to push industry out.

In Greenpoint-Williamsburg, where 30 or 40-story towers will be going up along the waterfront, the problem is that the new housing will create a wall between the waterfront and the three or four-story walkups that dominate on the interior blocks.

The city believes that turning the required waterfront esplanade over to Parks Department's jurisdiction will help prevent this privatization from occurring. But even though Parks maintains the space, it can still function more as a back yard for luxury high rises than an amenity available to the whole neighborhood. And many developers will be just delighted to have the city pick up the tab for liability, even though they will have to contribute to a fund to pay for the maintenance.

### **The Future Without A Plan**

In sum, in exchange for a zoning bonanza that developers can cash in on now, the city is giving vague promises, not real plans with teeth in them, to Greenpoint-Williamsburg businesses and residents. A hand-picked Community Advisory Board involving city agencies and some community representatives is supposed to monitor progress. The city will go back to do more studies and more rezoning. The administration is committed to putting money in future budgets. But we're now in an election year and term limits guarantees a new cast of characters after another four years. Ten years from now, with a whole new administration and City Council, and no legally binding mandates, will anyone remember the fine rhetoric, capital budget commitments, and pledges of concern? The fate of public waterfront access, affordable housing and industrial retention in Brooklyn may wither as all the local diners become espresso bars.

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