

Opinion Piece

by Saran A. Nurse

Affordable for Whom?....Beneficial for whom?

The first apartment I ever bought in New York City was in Prospect Heights, Brooklyn, during the late 1990s. A few years later, increased demand for real estate, coupled with escalating housing prices allowed me to sell my apartment for double what I had bought it. It also helped that my apartment was on the top floor of the building and had a gorgeous view of the Manhattan skyline. Now, whenever I pass by that building, I'm quite happy I sold the apartment at that time. What allowed for that great view of the city was that the apartment building had been located next to a two-story commercial building which has now been replaced by a towering 15 story building that completely obstructs any views of the Manhattan skyline. But these types of issues have become a by-product of New York city's mandatory inclusive housing amendment laws. In 2016, despite opposing votes from 52 of 59 community boards, city council voted on an amendment that allows developers 33% more building space if they make at least 25% of the units 'affordable'. Developments have become bigger and taller. The passing of this amendment raises a question - communities may have voice but do they really have power? A few weeks ago, I attended a community meeting hosted by Movement To Protect the People, a community organization that has been protesting 960 Franklin Avenue, a planned development where developers Bruce Eichner of Continuum Company LLC, and Joel Bergestein of Lincoln Equities, have manipulated mandatory inclusive housing policy for their own benefit, and possibly to the detriment of the local community. The meeting provided fodder for some questions I've pondered regarding inclusive zoning: what exactly is affordable housing and who does it benefit? And, is housing really 'affordable' if it is located in an unaffordable neighborhood?

960 Franklin Avenue would consist of two 39 story mixed use towers along Franklin Avenue between Montgomery Street and Sullivan Place. The development would have close to 1600 units with half designated as affordable. There would also be space allocated for a FRESH establishment, an indoor community area, a courtyard, and a parking garage. At 483 feet, and 39 stories high, this development would be the largest and tallest in Crown Heights. Much of MTOPP's ammunition in its battle against the development has been the potentially negative environmental impacts. Located within proximity of the Brooklyn Botanical Gardens, 960 Franklin Avenue, is expected to cast shadows, and its glass exterior will produce enormous sun glare. MTOPP explained that 90% of window construction in the USA has

energy efficient windows that can reflect sunbeams up to 200 degrees Fahrenheit. There have been numerous cases of people, cars, and rooftops being burned, and fires started, when sunbeams reflect from these windows. The sun glare also threatens bird mortality. Every year 90,000 to 230,000 birds die in New York City from building collision blinded by sun glare. The towers will also create 17 acres of shadows onto the Brooklyn Botanical Gardens (thus the development has become pejoratively known as the shadows project), which will jeopardize the garden's self-propagation system. Without a self-propagation system, the Brooklyn Botanical Gardens will lose half of plant life within 10 years. Yet the Brooklyn Botanical Gardens (BBG) has done little to oppose this development. MTOPP has tried, unsuccessfully, to meet with the board of BBG and, according to MTOPP, the BBG has refused to meet with the community. MTOPP states that the developers as well as BBG have made light of their concerns. Given the potentially detrimental impact on what seems to be, the survival of the gardens, why wouldn't the BBG be a more vocal opponent against this development? A look at the composition of the Board of Directors of the BBG may provide some indication – the BBG board is composed of bankers, lawyers, and others who work for developers.

The 960 Franklin Avenue development is supposed to provide over 700 hundred units of affordable housing. The developers argue that in the battle of shadows versus affordable housing, there needs to be a trade-off, and there is a greater benefit from having affordable housing. But who are these really housing units affordable for? As I learnt at this meeting, affordable housing income requirements are not based on the average median income (AMI) for the Crown Heights area but for the entire New York City. According to the developer's affordable housing calculations, 20 % of the 'affordable' units would be for rent burdened (rent that is 30% more than household income) which works out to an income requirement \$52,150. And, 30% of affordable units would be allocated to people who are severely rent burdened (rent is 50% more than household income). The income requirements for this group is \$135,590 to \$179,095. The AMI for Crown Heights South is \$40,000. This means that the typical Crown Heights resident would not qualify to live in this development. Moreover, New York City's definition of upper class is household income level starting at \$165,413. Given this categorization, some of these supposedly 'affordable' units will only be accessible to upper class households.

Another argument that the developers have advanced to buttress their plans is that the development will contain a FRESH establishment. Several studies have revealed that low-income communities are 'food deserts', lacking access to fresh food. With the FRESH program providing incentives to both the developers and retailers to establish retail spaces for the sale of groceries and

fresh food products, several mixed-use inclusive housing developments now include FRESH establishments. However, accessibility for low-income residents to fresh food is not only a matter of physical proximity but also of economics. For a retailer located in a building like 960 Franklin where the majority of tenants (and primary customers) would be affluent, what would be the incentive to price products within the reach of lower-income customers? If a lower-income individual must choose between spending \$1 at the dollar store for an entire frozen pizza or that same \$1 for an apple, it is not obvious that he/she will choose the latter, even if the FRESH food store is more physically accessible than the dollar store. Thus, even if low-income residents are able to afford homes in these new luxury developments, will they be living in a neighborhood where retail options are priced out of their reach? In other words, will they be living in an affordable home but in an unaffordable neighborhood?

The sociological dynamics of the meeting were quite interesting. An hour into the meeting, the language of the gentile woman who had been leading the meeting had deteriorated to an expletive ridden rant; another member of the panel stated that if these 'rich' people think they can move into 'our' neighborhood with their luxury cars and park on our street – we should key their cars!!! But despite all the emotion, the group did have a plan to fight the developers. There was going to be a series of protests in front of the house of the chairwoman of the Brooklyn Botanical Gardens, and in front of councilwoman Laurie Cumbo's office. Their strategy was to publicly call out these elected officials who they believe have been complicit. MTOPP has also been quite adept at filing lawsuits. They stated that an environmental assessment report had not been done for the 960 Franklin Avenue development; on those grounds they were going to file an injunction that week. It turns out that MTOPP did indeed score a victory. On April 19th 2019, a judge issued a temporary restraining order stopping construction at the sites until an environmental impact study is completed. But this victory will probably only be temporary. The community may have input, they may have voice, but in New York City, in the battle of communities and developers, who really has the power?