



## To Prevent Worsening Inequality, Put Affluent Neighborhoods on NYC Re-Zoning List

Moses Gates

*Mandatory Inclusionary Zoning is meant to boost the affordable housing supply and create more economically integrated and more equitable neighborhoods. But in New York, it matters crucially how – and where – the program is applied. Moses Gates argues that if Mayor Bill de Blasio is unwilling to rezone affluent neighborhoods as well as poorer ones, he won't make a dent in the city's inequality problem.*

In the days of our current housing crunch and focus on transit-oriented development, there are some things one would think would be no-brainers. One of these would be to bring 32 blocks' worth of suburban-style development up an to urban-style level of density, if it happened to be within spitting distance of a four-line express subway stop with a 20-minute ride to Midtown.

Yet, for the foreseeable future, people will be able to take an F, M, R, or E train to the 71<sup>st</sup> Street stop in Forest Hills, Queens, walk a block north, and not be faulted if they think they have wandered into Great Neck. While the six-story apartment buildings and postwar towers typical of most of Forest Hills support a thriving, walkable commercial district with a variety of urban amenities, there remains a 32-block enclave north of Queens Boulevard still zoned exclusively for single-family, very low-density housing. The actress Michelle Williams, who recently bought a \$2.45 million, eight-bedroom Colonial Revival-style fixer-upper<sup>1</sup> in a similar type of neighborhood in Brooklyn, is quoted<sup>2</sup> (albeit by hearsay) as summing up the appeal of these areas as follows: "I love living somewhere that feels like the suburbs but is next to an express train."

Well, of course. We all would love the best of the suburbs and city together: well-funded public schools and spacious backyards, together with express trains and 24-hour grocery stores down the block. But this raises a particular question: during an affordable housing crisis, should our public infrastructure, designed for dense neighborhoods and paid for by city taxpayers, go toward subsidizing best-of-both-worlds, suburb-in-the-city enclaves for wealthy households? Instead of having our urban amenities drive multimillion-dollar house sales, why not upzone these kinds of neighborhoods and allow more, and more diverse, people to access them? This is, after all, a stated priority of Mayor Bill de Blasio – to create more equitable neighborhoods, partially through the application of its new Mandatory Inclusionary Zoning (MIZ) policy. But because de Blasio is choosing to apply MIZ almost exclusively in lower-income neighborhoods and not in places like Forest Hills, he is missing a huge opportunity to create both affordable housing and more inclusive communities.

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<sup>1</sup> See: [www.nydailynews.com/life-style/real-estate/michelle-williams-moving-ditmas-park-article-1.2275332](http://www.nydailynews.com/life-style/real-estate/michelle-williams-moving-ditmas-park-article-1.2275332).

<sup>2</sup> See: [http://ny.curbed.com/archives/2015/06/29/michelle\\_williams\\_just\\_bought\\_this\\_crumbling\\_brooklyn\\_house.php](http://ny.curbed.com/archives/2015/06/29/michelle_williams_just_bought_this_crumbling_brooklyn_house.php).

**Figure 1. Queens Boulevard & 71<sup>st</sup> Street, Forest Hills, Queens, New York City**



Photo © Moses Gates.

### **The logic of inclusionary zoning**

Inclusionary zoning, as a project, is meant to counter “exclusionary zoning”, a practice many wealthy suburban jurisdictions have engaged in to keep themselves exclusively high-income. This strategy uses land-use regulation to disallow smaller homes or multifamily buildings. Density is often more profitable for a developer and more affordable for lower-income populations, but many residents in affluent communities view density negatively and see the prospect of economic diversity as a threat. Therefore, local government passes zoning laws that effectively require large, expensive, single-family homes. In the suburbs, inclusionary zoning means not standing in the way of the market – loosening restrictions and allowing developers to build as densely as they wish.

In the New York City context, where smaller apartments in multifamily buildings can still be counted upon to command steep rents or prices, inclusionary zoning has to go a step further and require developers to set aside a portion of new housing as affordable in exchange for permission to build bigger. The result is that lower-income housing gets built without government subsidy, neighborhoods are made more inclusive, and housing development is made more feasible. It’s a rare win-win-win: working for developers, working for low-income communities, and helping the city meet its housing goals.

But in order for this policy to work to its potential and generate more housing while reducing economic segregation, the added density needs to be in desirable, so-called “high-opportunity” neighborhoods. Opinions vary on what exactly constitutes “high-opportunity” – good public schools, access to transportation, low crime, and an existing higher-income population are usually the main indicators – but, regardless of definition, only by also creating opportunities for density in these high-opportunity neighborhoods can the de Blasio administration make the most of the progressive potential of MIZ.

## Where opportunities lie

As an exercise, I constructed a simple methodology to see which areas of New York City might be good candidates for this “high-opportunity” upzoning. I took neighborhoods zoned for the top elementary schools,<sup>3</sup> which had a median household income of over \$50,000,<sup>4</sup> and which were within 1 kilometer (0.6 miles) of mass transit. I then stripped out areas un conducive to more residential density – historic districts, some special districts, Industrial Business Zones, and lots already zoned or built for significant density.

The end result was wholly unsurprising – I was left with mainly middle-class to wealthy, predominantly white neighborhoods: Murray Hill, parts of the Upper East Side, and the West Side in Manhattan; Bay Ridge, Manhattan Beach, Sheepshead Bay, and parts of Midwood in Brooklyn; much of the mid-island area by the Staten Island Railway in Staten Island; and Long Island City, Queens Village, large swaths of Bayside, and, of course, Forest Hills in Queens. But only one of these areas – Long Island City – is currently being considered for Mandatory Inclusionary Zoning by the de Blasio administration. The rest have not even been at the outskirts of the conversation.

The entire 32 blocks of north Forest Hills is zoned as a subset of R1, the city’s least dense designation. It also is zoned for PS 196,<sup>5</sup> one of the highest-performing public elementary schools in the city. PS 196 is 3% African-American and 16% Hispanic, with 22% of students qualifying for free lunch – in a citywide public school system that is 28% Black and 40% Hispanic, and where 78% of students qualify for free lunch. By upzoning this area and applying MIZ rules, the city could add hundreds of housing units, 25%–30% of them affordable, in an area with excellent transportation, a variety of commercial amenities, and great local public schools. But no one has proposed upzoning Forest Hills. And the reason for this is also wholly unsurprising: its residents want to preserve their suburb-in-the-city enclave through strict limits on density and development.<sup>6</sup>

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<sup>3</sup> I included all schools that scored at least 8/10 in each category on the latest available school survey, yielding 144 out of 844 schools.

<sup>4</sup> The median income for New York City as a whole is \$52,214.

<sup>5</sup> PS 196: public school number 196. In New York City, public elementary schools are numbered, although some numbers are repeated in different boroughs. In this particular case, PS 196 corresponds to Great Central Parkway elementary school in the east of Forest Hills, Queens.

<sup>6</sup> The area did undergo a rezoning in 2009, from R1-2 to R1-2A (see: [www.nyc.gov/html/dcp/html/cord\\_meyer/cordmeyer3.shtml](http://www.nyc.gov/html/dcp/html/cord_meyer/cordmeyer3.shtml)). But instead of allowing for more residents or affordable housing, this zoning codified the area as being exclusively for large single-family homes. The Department of City Planning describes this zoning as “leafy, low-density neighborhoods of large, single-family detached homes on spacious lots (see: [http://www1.nyc.gov/html/dcp/html/zone/zh\\_r1.shtml](http://www1.nyc.gov/html/dcp/html/zone/zh_r1.shtml)). Resembling many suburbs...”. At 500 square feet (46 m<sup>2</sup>), the allowable space for a garage is larger than the typical New York studio apartment.

**Figure 2. Single-family home at 112<sup>th</sup> Street & Jewel Avenue, Forest Hills, Queens, New York City**



Under a different zoning designation, six apartments could be constructed in the same building envelope.  
Photo © Moses Gates.

One might argue that introducing more high-density housing would decrease the desirability of the neighborhood, except for the fact that the surrounding neighborhood is already home to large amounts of high-density upmarket housing. In fact, just outside of the R1 area, a brand new 17-story luxury development called “The Aston”<sup>7</sup> was recently constructed, with sales prices averaging well over \$1,000 per square foot (€10,000 per square meter), and rentals going for an average of over \$3,000 a month<sup>8</sup> – the type of building that can support an affordable housing component without needing government subsidy. Another argument – one that has been made in Forest Hills before<sup>9</sup> – is that affordable housing itself will necessarily bring down the appeal of the area. While the best argument against that is simply that it has already been proven wrong in Forest Hills (low-income housing was built just north of the R1 area in the 1970s, and the neighborhood remained as desirable as ever), another is that many neighborhoods in Manhattan and wealthy areas of the outer boroughs have supported significant amounts of mixed-income buildings substantially similar to MIZ schemes through the 421-a program for decades.

Yet a third argument is that low-rise neighborhoods are worthy of preservation for urban design reasons. Regardless of the fact that we have a separate mechanism – Historic District Designation – to facilitate this, preservation is not what is happening in north Forest Hills. On the contrary, no less than 46 new-building permits have been filed in the R1 area since the 2009 rezoning, with many for buildings in excess of 7,500 square feet (700 m<sup>2</sup>). A quick walk through the neighborhood reveals several houses under construction, all of which are significantly larger than their neighbors.<sup>10</sup>

<sup>7</sup> Website: [www.theaston.com](http://www.theaston.com).

<sup>8</sup> See, for example: <http://streeteasy.com/building/the-aston>.

<sup>9</sup> See: [www.nytimes.com/1988/09/15/nyregion/forest-hills-from-rage-to-tranquillity.html](http://www.nytimes.com/1988/09/15/nyregion/forest-hills-from-rage-to-tranquillity.html).

Regardless, city administrations – of all stripes – are reluctant to challenge local land-use desires, which remain firmly anti-density. The result is an area which stays economically homogeneous and exclusionary, but with the added injustice that it also continues to benefit from the density of the surrounding neighborhood for transportation, services, jobs and more. Meanwhile, poorer communities suffering from overcrowding and rent burdening are often more tolerant of new development as long as there’s an affordable component. The result is that, instead of seeking to upzone areas like Forest Hills for MIZ, the de Blasio administration has focused its attention almost exclusively on low-income neighborhoods. And instead of the policy working both socially and economically, it’s now suffering on both levels.

### **Income diversifying upward: the effects of MIZ in poorer neighborhoods**

The administration has announced seven neighborhoods as being on the agenda for MIZ, with at least eight more to come<sup>11</sup>. If we aggregate the incomes of these neighborhoods, we obtain a median income of \$37,036 – less than 200% of the poverty line. It is also less than 50% of the HUD<sup>12</sup> area median income (AMI). To put this in context, the affordable component of the inclusionary housing policy is meant to serve a variety of “low- and moderate-income” populations averaging out to 60% or 80% of AMI.

While the exact affordability levels can be set in many different ways, the practical result of these rezonings is that 85% to 100% of the housing created under MIZ in these neighborhoods will actually be too expensive for the average resident of the neighborhood. Instead of being used to build more low-income housing in wealthier neighborhoods, the policy is being used to drive more housing for wealthier residents in poorer neighborhoods. And, economically, the weak local markets in most of these areas means the city has to put more, not less, subsidy into constructing the low-income component of any inclusionary housing.

To the administration’s credit, the recent East New York zoning has promised more than just housing – a new school, street improvements, and a budget boost to counter displacement are all part of it – although it hasn’t legally guaranteed them by writing them into the zoning code, like the increased density will be. But in formerly neglected neighborhoods like East New York, these civic improvements are long overdue. They should not be givebacks in exchange for more development. It’s in the richer neighborhoods that both possess these amenities and have room for more growth where more density and affordability should be prioritized. Any comprehensive rezoning plan that does not also look at areas like Forest Hills won’t make a dent in our city’s inequality problem.

We have a simple choice. We can be politically bold, seek a broad policy of more economically mixed neighborhoods across the board, and rezone low-density, high-opportunity neighborhoods in an inclusive, urban, and financially sustainable way, or we can continue to seek to not rock the political boat in these neighborhoods, and retain exclusionary “suburbs-in-the-city” zoning, maintaining the best of both worlds for those able to afford it.

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<sup>10</sup> There are multifamily zoning districts in New York City that would allow several times the housing units in the exact same building envelope as currently permitted by the R1 zoning. And a well-constructed multifamily zoning district – even one which added density – could actually produce housing that is less out-of-context with the neighborhood than that permitted by the 2009 rezoning, whose only effect was to encourage a slightly less garish type of McMansion.

<sup>11</sup> The seven already announced are: East New York in Brooklyn; the Jerome Avenue Corridor in the Bronx; Downtown Flushing and Long Island City in Queens; East Harlem and Washington Heights in Manhattan; and the Bay Street Corridor in Staten Island. Only two of these areas – Long Island City and Bay Street – can remotely be described as even middle-class, and the Bay Street rezoning is very small and not expected to produce much in the way of additional housing.

<sup>12</sup> HUD: United States Department of Housing and Urban Development.

**Moses Gates**, AICP (American Institute of Certified Planners), is a Visiting Assistant Professor of Urban Planning at the Pratt Institute, and the author of the memoir *Hidden Cities: Travels to the Secret Corners of the World's Great Metropolises; A Memoir of Urban Exploration*.

Follow him on Twitter: @MosesNYC

**To quote this article:**

Moses Gates, "To Prevent Worsening Inequality, Put Affluent Neighborhoods on NYC Re-Zoning List", *Metropolitiques*, 17 November 2015. URL: <http://www.metropolitiques.eu/To-Prevent-Worsening-Inequality.html>.