

The People vs. Big Development

A growing number of New York neighborhoods have thwarted or stalled redevelopment efforts — and more fights are brewing.



By Stefanos Chen

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Bushwick. Inwood. Two Bridges.

They are invoked by protesters across New York City, regarded as the front lines in a battle against what some communities see as misguided plans to create more housing.

In recent months, the three neighborhoods have thwarted or stalled both private and public efforts to develop thousands of new apartments, the majority of which would be too expensive for local residents, and have energized like-minded campaigns all over the city.

The resistance might not have mattered a few years ago, when the real estate industry was flying high with ambitious luxury projects and tacit support from elected officials. Now, with a glut of empty luxury apartments and the industry's waning influence in Albany, momentum is building for neighborhood groups that are pushing back against new building projects because they believe such plans offer little community benefit. And they're winning.

Tall towers that critics say exceed height limits are being held up in litigation. Zoning loopholes that enabled skyscrapers on mid-rise blocks are being scrutinized, and could even result in the shortening of some towers. And in neighborhood rezoning battles, mostly in lower-income communities of color, opponents are fighting efforts to spur new and largely market-rate construction that they say would displace longtime residents.

After a decade of seemingly endless construction of high-end condos and rentals, neighborhood groups that have long pushed for more affordable housing are finally being heard. And these aren't merely symbolic victories, the groups say, but decisions that could change what gets built in the city, and how, for years to come.

Battle Lines Drawn

Community groups are opposing both private and public redevelopment projects across the city that they say will spur displacement, among other concerns.



- Current or proposed city-led rezoning
- Large private development seeking city approval
- Individual buildings

By The New York Times

Amid the blowback against new development, the need for housing remains dire. New York City built only 163,000 units of housing in the 2010s, fewer than the 205,000 created in the 1930s, during and after the Great Depression, according to a city report. From 2009 to 2018, the New York metro region added 0.5 units of housing for every new job, down from 2.2 units per job in the previous decade.

But opponents say that simply building new housing, even with a mandatory share of below-market-rate units, will not stem the continued loss of affordable housing for average New Yorkers.



Alicia Boyd, at the head of the table, speaks to supporters from her home in Crown Heights, where some residents oppose the construction of several towers near the Brooklyn Botanic Garden. Stefano Ukmar for The New York Times

A Model in Inwood

In December, a New York Supreme Court judge annulled the city's rezoning plan for Inwood, a low- and middle-income neighborhood in Upper Manhattan with some of the lowest rents in the city.

"The Inwood victory was like, whoa, the tide is turning," said Alicia Boyd, a retired teacher in Crown Heights, Brooklyn, who leads the local activist group Movement to Protect the People. The organization is opposed to several new towers in the area, on the grounds that the resulting apartments would be too expensive for locals and cast shadows on the nearby Brooklyn Botanic Garden. The decision in Inwood has given the group hope for a similar outcome.

The Inwood plan would have increased the allowable height and density in parts of the neighborhood, which could have brought 3,900 new units to the area, including 1,600 below-market apartments, according to the Department of City Planning. The city is appealing the decision.

The judge agreed that the city's environmental review process, which aims to measure the impact of development, did not adequately study a number of concerns, including the risk of racial displacement and the effect of speculative development on local businesses, many of which can be more valuable to landlords as land sales.

Since 2013, when the rezoning plan was first announced, investors bought more than \$610 million in properties, according to a New York Times analysis.

"They don't have to study the racial impact? That's ridiculous," said Michael Sussman, the petitioners' attorney, who argued that speculation would have an outsized impact on minority residents in the area, many of whom live in rent-regulated apartments.

The coalition included a cross-section of the neighborhood: a climate scientist, engineers, academics, a Chinese takeout restaurant owner, an auto repair shop owner and a pharmacist.

"It sounds like the nerds were the ones to make it happen, but that's not true," said Paul Epstein, a retired

management consultant and one of the leaders of the coalition. “This suit had 15 petitioners, which helped show the judge we’re not a couple of angry people — this is a whole community.”



Jon Yeung, an owner of U Like Chinese Takeout in Inwood, opposed the city’s effort to rezone the neighborhood, because he fears developer speculation will raise the rent and force him to move the business. Stefano Ukmar for The New York Times

Jon Yeung, an owner of U Like Chinese Takeout, who immigrated as a child from Fuzhou, China, said this was the first time his family had gotten involved in local politics, after more than 20 years working in Inwood. “I’m just afraid that when the lease is up, then things will be different,” he said. Around 2003, he said the monthly rent on the restaurant’s other location tripled, from \$3,000 to \$9,000, forcing the owners to shut it down.

Karla Fisk, a member of the group Inwood Legal Action and a green-building consultant, noted that the bulk of the new construction would be luxury apartments and that most of the below-market units created by the city’s plan would still be too expensive for longtime residents. The median household income in the neighborhood is about \$51,000, compared with almost \$80,000 across Manhattan, according to census figures.

Similar legal strategies are working in Crown Heights, where Ms. Boyd and other petitioners recently won a temporary restraining order that has effectively blocked construction of two projects near the Brooklyn Botanic Garden, on the basis that the Department of City Planning should have conducted a more thorough review of the buildings’ impact.

Carmel Partners, the developer of one of the projects, said its 16- and 17-story buildings would have “over 140 affordable units.” The developer would not say how many market-rate units would be built.

“People are no longer accepting the idea that this is going to solve the housing crisis,” Ms. Boyd said of the planned affordable units, which she said would be out of reach for current renters, who have a median household income of about \$56,000 a year— a number that already reflects the recent influx of more affluent renters.



The construction site at 931 Carroll Street in Crown Heights, where a judge decided to temporarily halt construction until a more thorough review of the plans could be conducted. Stefano Ukmar for The New York Times

Stalemate in Bushwick

In January, years of efforts by community groups in Brooklyn’s Bushwick neighborhood and city planning officials to address housing needs unraveled, after the local city councilman rejected the city’s rezoning plan.

The city’s proposal could have added about 5,600 apartments to the neighborhood, of which 1,680 would be reserved as below-market-rate units. But community groups balked at the proposal, which they say ignored a community-led plan that would have created about 2,000 new units, with a more balanced ratio of market-rate to affordable units.

Critics point to the troubling outcomes of past rezonings. Greenpoint and Williamsburg, two Brooklyn neighborhoods rezoned to allow more building in the mid-2000s, lost about 15,000 Hispanic residents between 2000 and 2015, while the overall population rose 20,000 in the same period, according to a census analysis by Churches United for Fair Housing, a nonprofit community services group.

Williamsburg and Greenpoint also had the highest median rent increase of the decade, from \$1,207 in 2010 to \$1,854 in 2018, a 54 percent jump, according to the N.Y.U. Furman Center.

Alexandra Fennell, the network director at Churches United for Fair Housing, said that Mayor de Blasio’s proposed rezoning efforts would repeat some of the same mistakes, in that most of the targeted areas are low-income neighborhoods of color.

“Why hasn’t the city done this in white communities?” she asked, citing a recent city proposal for the affluent neighborhoods of NoHo and SoHo in Manhattan that emphasizes new retail, not housing.

That idea has the backing of Open New York, a pro-housing group that has proposed adding about 3,400 new units to SoHo and NoHo, about 700 of which would be affordable — available to a family of three making about \$38,000 a year, for instance. “If there is any place that should allow more density, it’s SoHo,” said Will Thomas, a member of the group.

Vicki Been, the deputy mayor for housing and economic development, said “everything is on the table” when it comes to the possibility of adding residential density to SoHo. But she said that the focus of the mayor’s rezoning efforts has been in lower-income neighborhoods like Bushwick because they are transit-rich and have the capacity to create and preserve the most affordable housing. Denser and more affluent areas, like the Upper East Side, have far less opportunity for growth, she said.

“The notion that we can freeze a moment in time is a fallacy,” Ms. Been said, adding that the affordable units that would be created by the city’s proposed rezoning efforts, including those out of reach for some local residents, would still be a relief to middle-income New Yorkers.

But the prospect of no zoning change for Bushwick is also concerning, said Chris Walters, a land-use expert with the Association for Neighborhood & Housing Development, which supports the community-led plan. Developers can currently build about 6,000 new units there as of right, without seeking special permission, with little to no below-market-rate mandate. The median annual household income in Bushwick was \$53,360 in 2018, compared with \$63,799 citywide, according to census figures, and almost a third of households spent more than half their income on rent.



The nearly finished tower at 200 Amsterdam, on the Upper West Side, could face consequences — perhaps even the removal of some high floors — for using what critics call a “gerrymandered” zoning lot to achieve its height and bulk. Stefano Ukmar for The New York Times



The developers of a tower at 1059 Third Avenue, on the Upper East Side, were forced to redesign elements of the building after community groups argued that its size exceeded local zoning. Stefano Ukmar for The New York Times

Tower Scrutiny

In prime Manhattan markets, where residents are weary from years of luxury development, community groups are pushing back against towers that they believe have abused zoning loopholes.

At 200 Amsterdam, on the Upper West Side, community members won a significant victory last March, when a State Supreme Court judge called into question the legality of the 668-foot tower's zoning lot. Developers often purchase the unused development rights of adjacent buildings to add height and bulk to their buildings. In this case, the opponents argued that the developers, Mitsui Fudosan America and SJP Properties, created a "gerrymandered" 39-sided zoning lot to take advantage of the development rights from a number of tenuously adjacent lots. The building is over twice the height of nearby towers, and the tallest north of 61st Street.

"If everyone can put together 39-sided zoning lots, then chaos is going to ensue," said Elizabeth Goldstein, the president of the Municipal Art Society of New York, which is involved in the suit.

Source: Municipal Art Society of New York • By The New York Times

The litigation is ongoing, but under the most severe and unusual penalty, the developers could be forced to remove several floors from the top of the partially finished tower, where the priciest penthouse is listed for \$21 million. SJP, one of the developers, said they were in accordance with the zoning, and that they expected "to start delivering residences soon."

A few blocks away, at 50 West 66th Street, a would-be 775-foot tower remains unbuilt, held up by challenges from community groups that argue the developer created excessively tall mechanical rooms to add height — nearly 200 additional feet — to create a premium for its condo units on higher floors.



The construction site at 50 West 66th Street, where a planned 775-foot tower is being held up by challenges from community groups that argue the developer will build excessively tall mechanical rooms to add height — nearly 200 additional feet — to create a premium for its priciest condo units on higher floors. Stefano Ukmar for The New York Times

“We’re literally at the behest of developers’ whim,” said Sean Khorsandi, the executive director of Landmark West, a preservationist group, which narrowly lost a split decision at the Board of Standards and Appeals in January to revoke permits for the project. The group is exploring further legal challenges, he said.

Even so, the City Council passed a zoning amendment in May to effectively limit mechanical rooms to 25 feet high, making it harder for other developers to use the strategy. The developer of 50 West 66th Street, Extell, declined to comment.



Community groups in Two Bridges, a low-income neighborhood south of Chinatown, convinced a State Supreme Court justice this summer to halt development of three mixed-use skyscrapers ranging in height from 730 feet to 1,008 feet. The opposition was fueled, in part, by criticism of the luxury skyscraper One Manhattan Square, left, which towers over the neighborhood. Stefano Ukmar for The New York Times

A Legal Precedent

In Two Bridges, a mostly low-income immigrant community south of Manhattan's Chinatown, community groups won a huge victory when a State Supreme Court justice this summer halted development of three mixed-use skyscrapers, ranging in height from 730 feet to 1,008 feet, within about three blocks of one another. The lawsuit, brought by the City Council and Manhattan Borough President Gale Brewer, resulted in a hold on development until the projects undergo a lengthy public process called the Uniform Land Use Review Procedure.

The towers, proposed by four developers, would create 2,775 units, of which 694 would be offered below market rate to renters of different incomes. The developers would also improve infrastructure for nearby public housing and upgrade the local subway stop. They plan to appeal the decision.

But opponents are skeptical of the community benefits, and some have alternative proposals for the sites. Many are still angry that the city permitted the luxury condo skyscraper One Manhattan Square to be built nearby, without a more thorough public review.

"We always viewed the lawsuit as a delay tactic," said Melanie Wang, an organizer with CAAAV, a community group for a largely low-income Chinese membership. While the towers are postponed, she hopes the group can pass its own rezoning plan for Two Bridges, which would require half of all new units built to be affordable, among other guidelines.

Paula Segal, a lawyer with TakeRoot Justice who is representing some of the community groups in one of three lawsuits opposing the plans and on a community-led rezoning application, believes their victory sets a citywide

precedent. The hope is that more developers of large-scale residential projects will have to go through the full public review process.

“The developers are on notice that if they don’t work with communities to come up with plans that work with everybody, we’ll see them in court,” said Ms. Segal. She has already identified several other properties with the same zoning designation as the Two Bridges sites, where a similar argument for greater public review could be applied.

The Next Fight

Perhaps the next big land-use battle is brewing in western Queens, where the city is preparing its master plan for the 180-acre Sunnyside Yard, a sprawling active rail yard about six times as large as New York’s latest mega-development, Hudson Yards.

“We feel like it’s going to be another giveaway boondoggle for the rich, just like Hudson Yards,” said Emily Sharpe, a lawyer and founder of the Coalition to Stop Sunnyside Yards. There, too, opponents question the city’s commitment to truly affordable housing, with some arguing that nothing should be built on the massive site at all.

Farther east in Queens, resistance is building against a proposal for a 29-acre site along the polluted Flushing Creek to create 1,725 apartments — with fewer than 100 below-market-rate rentals.

The project, which has already been certified by the City Planning Commission, will include retail, office space, apartments and hotel rooms across nine buildings with a total of 13 towers. Construction could begin as early as this year.

But critics say the project was greenlit with little consideration for flood zone risks, the added infrastructure burden or the potential for displacement.

Flushing quietly became one of the fastest-growing for-sale markets of the last decade, with 3,075 new condos built there from 2009 to 2019, second only to Williamsburg with 3,201, according to StreetEasy. Prices have risen in kind: The median sale price was \$650,000 in 2019, up from \$350,000 in 2009, a nearly 86 percent jump.

“I think there is a growing sense of an urgent need for change,” said Tarry Hum, the chair of the Department of Urban Studies at Queens College, who is opposed to the project along Flushing Creek.

The success of the protesters in Inwood, who found themselves in similar circumstances, has been a popular topic at recent community meetings — and perhaps shows a way forward, she said.

“I think litigation is the only way to say: This is outrageous.”

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