

Editorial: Getting developers to listen to the community

A new approach asks developers to outline benefits to a community

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So many suburban communities see the same types of blockbuster building proposals: A big-name developer offers to "revitalize" a community or downtown with a mix of retail (chain stores), restaurants (chains) and condos or rentals that will attract millennials (young professionals are not part of chains, but are often spoken of as if they desire the same things and behave the same way).

The developer dangles jobs and tax revenue to win permits to build what they want. Local officials, through zoning controls and tax breaks, court development they believe will benefit their municipalities. Often left out of the conversation: the members of the community whose day-to-day lives will be impacted by any development.

Enter "community benefits agreements," a potentially fresh approach to development planning that seeks to clarify what a developer can and should deliver for a community. The creation of such an agreement can be a direct way to hear out and address community concerns and -- if a developer is well-meaning and savvy -- a smart way to head off the sort of conflict that often accompanies zoning changes and other municipal approvals.

We're seeing CBAs -- long a part of development plans on the West Coast -- pop up in our communities. New Rochelle's city leaders are pushing for CBAs when certain variances are needed; in Port Chester, local community members are the ones pushing for a big developer to get on the CBA bandwagon.

Amid nascent post-Great Recession growth, other Lower Hudson Valley localities would be wise to look at CBAs, if they are not already considering some form of the planning tool. For example, Nyack is now looking at community benefits as it weighs the proposed TZ Vista complex on one of the village's last remaining undeveloped Hudson waterfront plots.

CBA's can differ from the usual development tradeoffs (like Payment in Lieu of Taxes, or PILOT agreements and zoning variances) in a key way: the community drives the discussion with the developer.

Different Approaches

In New Rochelle, city officials want to require the creation of a CBA when developers seek to build higher than zoning codes allow. Developers could be expected to promise the kinds of benefits that communities generally want: green space; community facilities for the arts and other things; affordable housing; job training; and so forth.

The big test: a potentially game-changing, 10-year downtown development project that could add up to 5,500 residential units and increase the city's population by 15 percent.

Julian Gross, a California lawyer who specializes in CBA's and is serving as a consultant to New Rochelle, said the Queen City is on the cutting edge of promoting community benefits because of this systematic approach to outlining what developers have to deliver.

In Port Chester, meanwhile, a very different approach *may* be taking form. A grassroots community group, ***Sustainable Port Chester Alliance***, wants to negotiate a CBA with Starwood Capital, a developer that has proposed a \$300 million project that could create up to 730 residential units at the former United Hospital site.

But the village has been mum, so far, on the effort, and the developer has not responded to the alliance's CBA requests.

Gross told the Editorial Board that CBA's are not always well received. "Developers want to do things the way they have always done things," he said.

Sustainable Port Chester Alliance is asking for community protections that appear to be quite reasonable:

- Jobs with fair compensation and training, including a portion reserved for Port Chester residents.
- Proper funding for Port Chester's schools, which already face overcrowding.
- An independent monitor to supervise cleanup of hazardous materials at the hospital site.
- Rent hike protections for Port Chester's restaurants and shops.
- 20 percent of housing units reserved as affordable for working families.

You can't blame Port Chester residents for seeking to protect their and their village's interests. It's disconcerting that Starwood, which has been doing plenty of marketing of the project, appears to be taking a defensive stance. These requests sound like a fine starting point for talks.

A Different Lens

Municipal leaders can have a different agenda than regular residents when it comes to weighing a building proposal.

Government leaders can view development as a fount of more property taxes and more sales tax revenues. Officials, of course, will advocate for the good stuff that longtime residents want -- an art gallery or two, community theater, an outdoor summer musical event, maybe even a few locally owned bars and coffee shops. (Such amenities can draw more homeowners, or at least more shoppers, and that means more tax dollars.)

Community members, meanwhile, are often left to wonder who really benefits, especially when new housing brings higher enrollment in schools, greater demand for local government services and potentially higher tax bills. What, they wonder, will new development bring them: Any *decent* jobs? Any new housing that working people can afford? Who really wants another Buffalo Wild Wings?

Some municipalities champion residents' concerns when weighing growth; but many falter. As well, a poorly drawn-up CBA can shortchange the needs of current residents. In an era when big developers often wield significant power over communities, a community benefits agreement can be an effective, transparent way to get a developer to acknowledge local concerns and to agree to address at least some.
