

Small Business Health Report

Commercial Vacancies on the Upper West Side in 2017



Celebrating Zingone Brothers Grocery Store's 100th year, August 2017

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INTRODUCTION

One of the issues I hear most about from constituents is the ongoing closure of locally-owned businesses in our community. With every business lost, residents grow more concerned that the Upper West Side is losing part of its **unique character**, and perhaps even more importantly, its **sense of community**. Furthermore, when storefronts remain empty, they make our avenues and cross streets feel less safe.

The loss of local businesses impacts people's day-to-day lives in very concrete ways. **Seniors** benefit from nearby retail; when a local shop is lost, the alternative may not be easily accessible. Our **local public schools** are more likely to be supported (with donations, supplies, and team sponsorships) by independently-owned retailers compared to national chains. Of course, the loss of local businesses not only affects customers but also their **employees**.

This is a challenge faced by neighborhoods all across New York. Residents throughout the city watch with dismay as local businesses with long-standing links to the community close, and in many cases, are replaced by national chains. While residents have felt the loss of independently owned retail shops and other businesses for a long time, it feels like the **losses are accelerating**.

There are myriad reasons why independently owned businesses close, including soaring rents, changing consumer habits, and specific family circumstances. The story of the loss of local businesses is **evolving, complex, and multifaceted**.

Even as long-term businesses are closing, many other businesses are opening at the same time. Indeed, a recent report from the New York City Comptroller's Office found that the Upper West Side experienced **a 10% increase in the overall number of commercial establishments** (street-level and upper-story), from 5,947 in 2000 to 6,513 in 2015.

This report presents new data from the Upper West Side to provide context as policymakers and neighbors have this important conversation. It is not an exhaustive accounting of the reasons for the loss of any one business. But it explores several possible explanations and, critically, identifies potential policy steps for consideration as we take this issue on.

Sincerely,

A handwritten signature in black ink that reads "Helen Rosenthal". The signature is written in a cursive, flowing style.

Helen Rosenthal
Council Member, District 6

Our Research

To get the most up-to-date information possible about the reality of the commercial environment on the Upper West Side, my office conducted a comprehensive survey of the neighborhood. Over the course of the summer of 2017, staff from my office canvassed Broadway, Amsterdam and Columbus Avenues, along with numerous cross-streets. We documented street level commercial spaces (occupied and empty). We also looked at sanitation issues and electric bike usage across District 6 -- two other issues repeatedly raised by constituents.

Our **key findings** include:

- ☐ Eighty-eight percent of the 1,332 storefronts we surveyed this summer were active businesses;
- ☐ Twelve percent of storefronts (161) were unoccupied;
- ☐ Broadway had the largest number of empty storefronts;
- ☐ An estimated 67% of the street-level businesses along Broadway, Amsterdam and Columbus are independently owned small businesses; 24% are national chains; and 9% are local chains of some sort;
- ☐ Broadway had over three times the number of national chain businesses compared to Amsterdam or Columbus Avenues;
- ☐ According to a local news blog which tracks business openings and closings on the Upper West Side, 94 businesses have opened so far this year, and 63 businesses have closed.

Both the City Council and my office in particular have taken **steps to help locally-owned businesses remain** in the community. My office regularly works one-on-one with businesses who are having difficulties with City agencies, trying to resolve a dispute with a neighbor, or facing other challenges.

Since 2016 I have hosted regular clinics for our small businesses to help them connect with useful resources. Recent events have included: a restaurant management boot camp; a workshop on navigating government programs and regulatory requirements; and a New York City Department of Small Business Services (SBS) presentation on negotiating fair contracts.

My office also regularly connects business owners directly to SBS for in-depth, free assistance with various aspects of starting, operating, and growing a small business.

We are severely constrained, however, in terms of addressing soaring rents. Most businesses rent their spaces and are at the mercy of property owners and the real estate market. Given this complexity, the City needs to be creative and think outside the box.

We have implemented, or are examining the feasibility of, the solutions below. They are described further in the last section of this report.

- ☐ Commercial Rent Tax Reform (pending legislation)
- ☐ Support with Lease Negotiations
- ☐ Protective Zoning
- ☐ Collaboration between New York City and State, including State Legislation that Disincentivizes Empty Stores
- ☐ Technical Assistance for Small Businesses
- ☐ Succession Planning and Worker Cooperatives
- ☐ Civic Initiatives / Buy Local Campaigns

Please read on for more details about our findings, potential public policy solutions, and other next steps. I look forward to working with you on this very important issue which has implications for all of New York City.



COMMERCIAL VACANCIES

This summer, our team looked at storefronts on Broadway (62nd to 109th Streets), Amsterdam (54th to 96th Streets), and Columbus Avenues (63rd to 96th Streets).

We also surveyed 22 cross-streets throughout the district. See the Appendix for a complete list. All the data presented below was collected by staff and interns from our office between June 22nd and August 4th, 2017.

Of the 1,332 storefronts that we surveyed, we identified **1,170 active businesses -- 88%**.

Twelve percent of storefronts (161) were unoccupied. Please note that “unoccupied” includes recently closed businesses, as well as new spaces that were not yet leased.

Of the major commercial streets, Broadway and Amsterdam Avenue had the highest *percentage* of empty storefronts. Broadway had the largest *number* of empty storefronts (57), followed by Amsterdam Avenue (44) and Columbus Avenue (32).

Location	Number of storefronts	Empty stores	% of empty storefronts by street	Empty storefronts as a % of all empty storefronts in District 6	# of e-bikes found	# of standard bikes found
Riverside Drive / Riverside Blvd / Freedom Place	15	0	0%	0%	0	13
West End / 11th Ave	21	6	29%	4%	0	7
Broadway	422	57	14%	35%	25	86
Amsterdam Ave	325	44	14%	27%	10	93
Columbus Ave	293	32	11%	20%	11	106
Cross streets	256	22	9%	14%	13	43
Total/Avg	1,332	161	12%	100%	59	348

Methodology: How We Counted Businesses

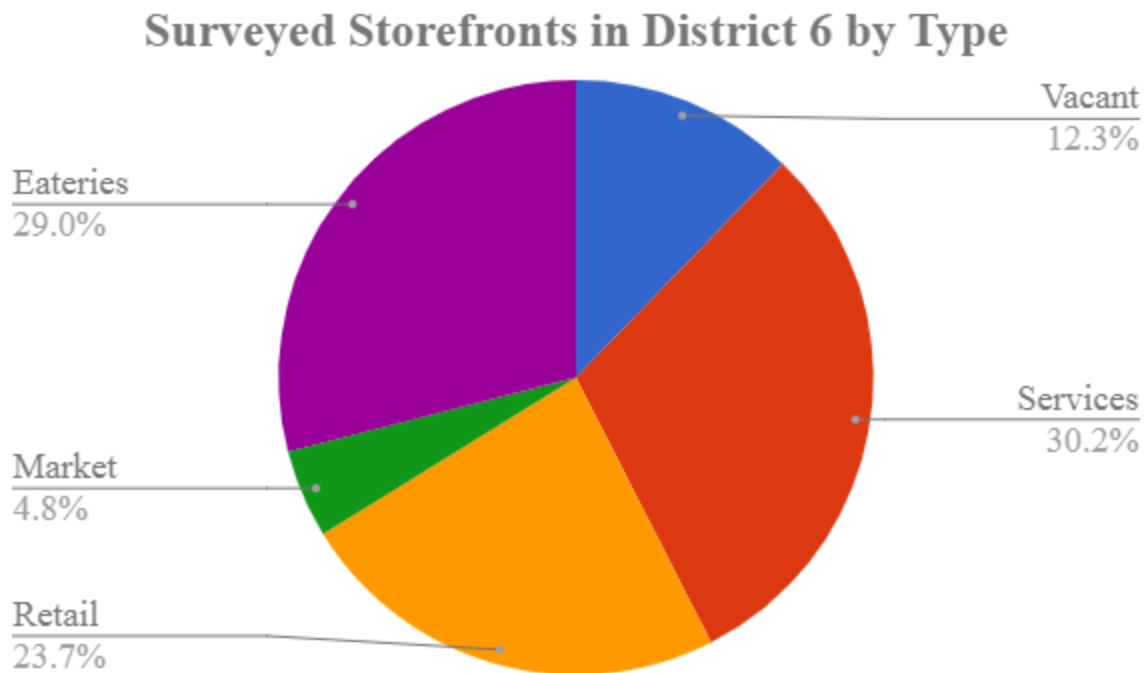
We counted street-level retail and food-service businesses in the district, ranging from small, family-owned shops and restaurants, to large chains. We also counted a wide-range of service businesses, such as laundries, dry cleaners, nail salons, health clubs, and bank branches.

We typically did not count upper story businesses.

Although optometrists' stores with retail sales were included in our survey, as well as some veterinarians and a few tax preparers, most other professional offices, such as doctors, dentists, psychologists, lawyers, etc., were not included. We also excluded educational and religious institutions.

Upper West Side Types of Businesses

Eateries, retail (non-food), and service businesses each occupied 25 to 30 percent of the storefronts found during our summer survey. Food markets made up another 5 percent of local businesses.

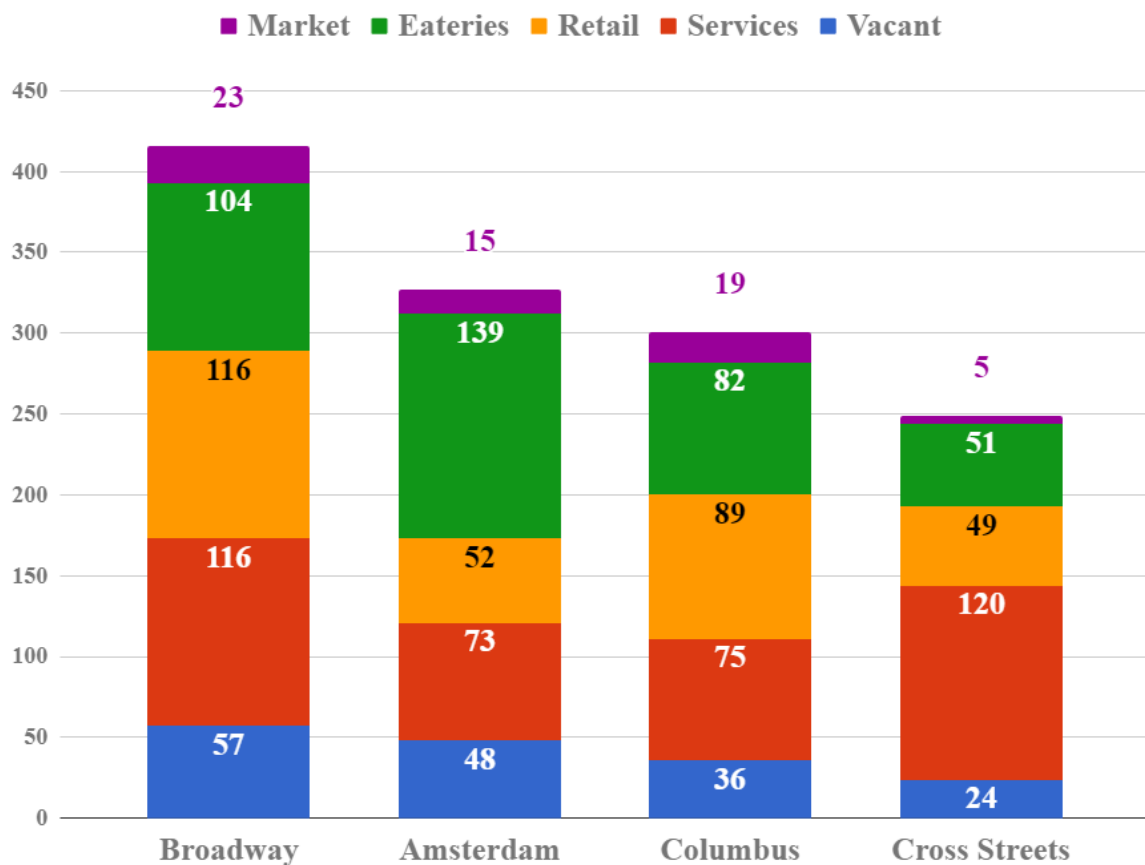


We compared the Upper West Side's avenues, and the 22 selected cross-streets, in terms of type of businesses found.

Amsterdam Avenue had the highest number of eateries. Broadway had the greatest number of retail stores and food markets, and the second highest number of service businesses.

Interestingly, the 22 cross-streets we looked at had the largest number of service businesses. Columbus Avenue also had a significant number of food markets and retail businesses.

Surveyed Storefronts by Type on Commercial Avenues and Cross Streets



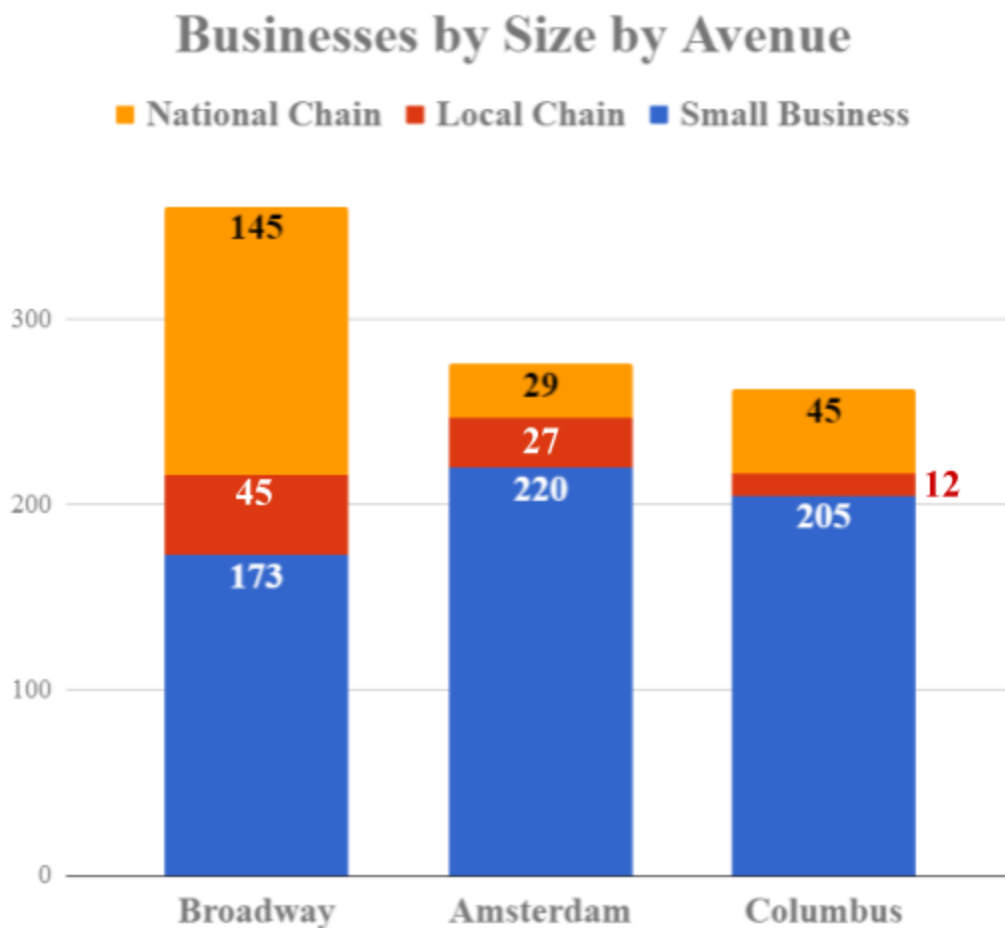
Chain Stores

We also attempted to ascertain how many businesses along Broadway, Amsterdam and Columbus Avenues were independent as opposed to one location of a larger chain. We made our best effort to categorize the businesses we surveyed as part of a national or local chain, or as stand-alone, independently owned businesses.

Based on these categories, we estimated that two-thirds (67%) of the street-level businesses we surveyed along Broadway, Amsterdam and Columbus are small, independent establishments; 24% are national chains; and 9% are local chains of some sort.

Interestingly, the number of large chains varies by street on the Upper West Side. We found that Broadway has over three times the number of national chain businesses compared with Amsterdam or Columbus Avenues.

Amsterdam Avenue had the largest number (220) of independently owned businesses, closely followed by Columbus Avenue.



The percentage of national chains found on the Upper West Side appears to have increased considerably in the last decade. When comparing our data from this summer to results from a 2007 Community Board 7 survey (which used a somewhat different methodology), we estimated that the percentage of national chains had more than doubled, increasing from roughly 17% to 40% along Broadway, from 4% to 11% along Amsterdam Avenue, and from 6% to 17% along Columbus Avenue.

The Center for an Urban Future reports that the number of chain store locations across New York City has increased for the last eight years in a row. There has been a recent decline in the number of chains in Manhattan, but Manhattan still has the largest share (37%) of national chains of any borough, says CUF. It also has the highest concentration of chain stores at 115 locations per square mile.

It's worth noting that in 2016, the overwhelming majority (98%) of businesses in New York State had fewer than 100 employees. Over 40 percent of the state's workforce is employed in firms with fewer than 100 employees.

Making Sense of a 12% Commercial Vacancy Rate

There are many reasons why businesses open and close in our community — major rent increases being a central one. A recent report from the office of State Senator Brad Hoylman cites two separate studies, one estimating that the average commercial rent in Manhattan increased by 34% from 2004 to 2014; and another showing that rents jumped by 42% in Manhattan from 2012 to 2015.

Our office is also aware of instances where building owners have plans to re-develop their properties and are not interested in renting to commercial tenants in the short term.

Another issue is the changing habits of shoppers. As is happening throughout the country, more and more Upper West Siders are shopping on-line. Some local brick-and-mortar shops are adapting their businesses to the on-line, on-demand trend of shopping, providing delivery service for goods rather than in-person shopping. Other local shops face challenges making this shift--they may lack the technical expertise or provide goods and services not well suited towards this aspect of the market. This, too, affects the ability of a business to survive.

An added challenge throughout our city is the fact that a significant number of family-owned businesses do not have a successor ready to take over when the owner is ready to retire. Earlier this year, the New York City Public Advocate released a policy brief which reported that an estimated 3,700 businesses across the state close each year due to an owner's retirement -- leading to the loss of over 13,000 jobs annually.

Commercial vacancies are an issue throughout Manhattan. *The New York Times* reported this summer that sections of Broadway in SoHo had vacancy rates as high as 20%.

Earlier this year, Senator Hoylman's office examined sections of First, Second and 8th Avenues below 23rd Street, as well as Bleeker Street, and reported a 10% commercial vacancy rate.

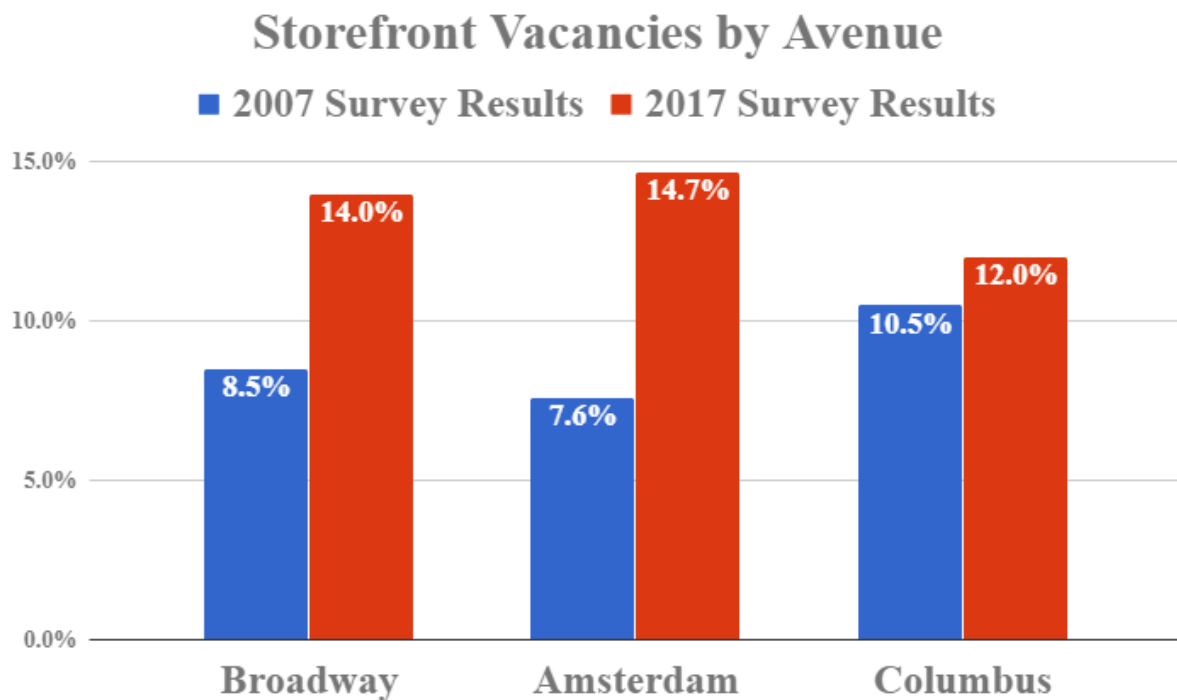
Are commercial vacancies worsening on the Upper West Side? Many residents say yes. In the CB7 survey of local businesses in 2007--albeit one with a different methodology--surveyors found lower vacancy rates on the major avenues. See chart below.

A forthcoming study of the Upper West Side by the City Council's Land Use Division --which also had its own, distinct methodology--found a 9% commercial vacancy rate on Amsterdam and Columbus and a 12% vacancy rate on Broadway.

We do have some limited information about the factors leading to recent business closures, but much more data is needed. According to the *West Side Rag*, a local news blog which tracks business openings and closings on the Upper West Side, 94 businesses have opened so far this year, and 63 businesses have closed.

The *West Side Rag* provided some anecdotal details about slightly under half of the 63 closings -- the reason cited most often (16 instances) was a rent hike or some other type of dispute with a landlord. A general lack of competitiveness was cited as a reason in five cases.

More data is clearly needed. An excellent place to start would be for the City to conduct a systematic assessment of commercial vacancy rates across the five boroughs. This would provide some badly needed context for our own vacancy rate.



COMMUNITY IMPACT

The loss of local businesses impacts people's day-to-day lives in very concrete ways. Certain goods and services -- whether it is affordable groceries or laundromats-- are sometimes no longer available close by.

As Senator Hoylman's report notes, the impact of long-term businesses leaving is two-fold: first, residents are forced to shop elsewhere; and second, "as stores pay higher and higher rents, the neighborhood pays higher and higher costs."

The change of commercial character becomes far more than an aesthetic issue; it relates fundamentally to purchasing power and who can truly afford to live in a community. This, in turn, has a profound impact on neighborhood identity and quality of life. Can long-term residents afford vital goods and services in their own communities, or must they go farther and farther afield to get what they need?

A key example of this trend is the loss of supermarkets. The Upper West Side has lost at least three such markets in recent years: a Food Emporium at 69th and Columbus; another Food Emporium at 90th and Broadway; and a Gristedes at 96th and Broadway.

As mentioned earlier, we are also seeing shifting market trends affect the way our community shops, with a real impact on residents' quality of life. Fresh Direct trucks can be seen traveling up and down our streets, and we can expect food shopping to be further changed by delivery services.

From a policy standpoint, we must investigate the obstacles that local and chain grocery stores face, and how they impact the prices that residents see when shopping. Similarly, on a personal level, we must reflect on our own shopping habits and consider whether they are in line with what we hope to see in a vibrant neighborhood.

Further impacting our community, two self-serve laundromats have closed recently, causing considerable difficulty for residents, especially seniors and the disabled, who must carry their laundry outside of their homes.

Finally, as more national chain stores come to the Upper West Side and other New York City neighborhoods, there are troubling implications for our local economy. National chains reinvest profits within local communities at profoundly lower rates (three to four times less, according to a 2012 study by Civic Economics) than locally owned businesses.

PUBLIC POLICY RECOMMENDATIONS

To a certain extent, the Upper West Side's and New York City's small business challenges are the result of large, national trends. But the City and State are not powerless; it is possible for us to move the needle. While some prominent proposals like commercial rent control would face an uphill legal battle, there are a number of levers policymakers can pull now to support local independent businesses.



Council Member Rosenthal with Commissioner Lorelei Salas of the Department of Consumer Affairs visiting a local business.

Commercial Rent Tax Reform

Perhaps the most pressing opportunity for New York City is reform of the Commercial Rent Tax.

Currently, businesses below 96th Street in Manhattan, with annual rents of \$250,000 to \$500,000, are required to pay a 3.9% surcharge on top of their rent. I am a co-sponsor of legislation that would exempt businesses with annual rents less than \$500,000 from the tax.

The CRT effectively costs these small businesses \$10,000 to \$20,000 annually -- money that could instead go toward rent, salaries or other benefits for employees, or growing a business.

Borne out of the bad-old-days of persistent fiscal crises, the Commercial Rent Tax was enacted in the 1960s to raise revenue by charging a direct tax on the rent paid by businesses--this, on top of property taxes that are also typically passed down to business tenants. New York City is one of

just two jurisdictions in the United States to impose such a tax. What's more, it is applied unevenly; while the tax was originally citywide, in the 1990s the outerboroughs and uptown Manhattan were exempted.

While some detractors have minimized the benefits of CRT relief, consider the 2012 study by Civic Economics which found that on average, small businesses reinvest 47.7% of profits in their local community, compared to 13.6% from national chains or "formula retail."

Because of small businesses' high level of local reinvestment, the multiplier effect of CRT relief would be substantial. Almost 5,000 shops and other local businesses in Manhattan stand to benefit from CRT relief, meaning that millions of additional dollars could be pumped into the local economy annually.

Better Zoning -- Impact of 2012 Zoning Overlay

Many residents have expressed concern about the replacement of small, independently-owned businesses in our area with large chains. In an attempt to reduce building owners' incentive to rent to chains, then Council Member Gale Brewer successfully advocated for an Upper West Side zoning overlay in 2012. This overlay limited the size of commercial storefronts along sections of Amsterdam and Columbus Avenues, with minimal restrictions along Broadway.

On Broadway, the zoning overlay added limits on the frontage of new banks and residential lobbies. There are also "retail transparency" (big window) requirements for new buildings.

On Columbus and Amsterdam Avenues, the overlay added limits on the frontage of most stores and residential lobbies, as well as retail transparency requirements for new buildings.

The end result is that on Columbus and Amsterdam, building owners can no longer combine storefronts for a new, larger store (with limited exceptions, like groceries.) On Broadway, building owners can combine storefronts, but these larger storefronts cannot be used by banks.

Has the 2012 overlay helped? As noted earlier, we found this summer that Broadway had over three times the number of national chain businesses than Amsterdam or Columbus Avenues, implying that the more comprehensive zoning on Amsterdam and Columbus has made a difference. Other neighborhoods have expressed interest in the overlay implemented in our community. The City could explore other possible zoning restrictions on chain, "formula retail" as well.

Collaboration Between New York City and State

Supporting our small business community is an area where the City and State can work hand-in-hand. Owners of vacant commercial space are able to claim certain income tax deductions that are available to all property owners, such as the depreciation of property and

operating expenses. Senator Hoylman recommends that the State consider phasing out these exemptions. This could be done on a sliding scale, he says, for building owners who leave retail spaces vacant for over one year.

Hoylman cites other possible tax incentives, credits, and penalties that the State (and perhaps the City) could employ to dis-incentivize leaving stores vacant. The City of London apparently provides three months of tax relief to commercial building owners with empty space. The relief then expires, even if the store is still vacant.

The State could be useful in other ways, Hoylman says, by helping to create a New York City “Legacy Business Registry”; conducting a statewide study on the economic impacts of small business vacancies; collecting sales tax on all online marketplace sales; and improving state resources for “mom and pop” businesses.

Technical Assistance

My office will continue to host Small Business Clinics to connect our local shops and restaurants with legal, technical and other resources they need to succeed.

After canvassing the neighborhood, my office has compiled a substantial email database of local small businesses which we use to regularly update them about clinics and other available resources. We have hosted small business clinics on lease renewals, restaurant management training, how to avoid costly violations and fines, and contract negotiation best practices. These clinics help businesses learn how to cut through red-tape, understand best-practices for starting and operating a new company, and access free legal advice.

Small businesses frequently cite the City’s regulatory framework as another burden to sustaining and growing their companies. My staff mediate disputes between local businesses and multiple City agencies, such as the Departments of Health, Sanitation, and Consumer Affairs, to make sure companies are aware of and fully understand regulations. This makes compliance far more likely.

I also actively support Comptroller Stringer’s proposals for regulation reform and the cutting of red tape. These include establishing clear timelines for the approval of permits and holding agencies accountable if timelines are not met; establishing Small Business Advocates in each City agency; helping business owners learn how to comply with City rules and regulations rather than relying on fines as a way to manage relationships with agencies; and making better use of technology.

Succession Planning and Worker Cooperatives

Another driver of the loss of legacy businesses is unavoidable: aging. As the Baby Boomers reach retirement, many successful businesses remain without a succession plan; across the

country, this phenomenon is known as the “Silver Tsunami.” Often, this lack of a succession plan results in the closure of a beloved neighborhood institution, as the next generation of a family-owned company proves either uninterested or unable to continue the business. The City should do more to ensure that business owners are prepared for retirement, and the Department of Small Business Services has started to offer more resources for such planning.

One exciting avenue for this support is through the Worker Cooperative Business Development Initiative (WCBDI.) As a Council Member, I have been a strong supporter of worker cooperatives, which empower workers by giving them direct ownership of their labor.

The WCBDI provides funding for nonprofit groups to help support the creation of worker cooperatives—including through the conversion of existing businesses. Across New York City, this initiative has already facilitated the conversion of many mom-and-pop small businesses into worker cooperatives, often preserving a local institution that would otherwise have closed and the jobs that come with it. Continuing to scale up support for this initiative in particular, and worker cooperatives in general, can help keep legacy businesses in our neighborhood for the long haul.

Civic Initiatives / Buy Local Campaigns

Local institutions, such as the Columbus Avenue Business Improvement District (BID) and the West Manhattan Chamber of Commerce, play a critical role in promoting local businesses and connecting them with technical assistance. The Columbus Avenue BID’s promotional *Neighborhood Map* is a good example. The City should actively support “Buy Local” campaigns across the five boroughs, as well as other initiatives that help local businesses expand their markets and connect with consumers.

Local government could also work with building owners to allow “Pop-up Shops” in vacant storefronts, both promoting businesses that may not be able to afford premium storefront space, and keeping the space active. Senator Hoylman has also proposed this. Finally, it is critical that businesses organize themselves at the local and state level so that they can advocate for themselves more forcefully.

Support with Lease Negotiations

I am working with several colleagues to improve and finally pass the *Small Business Jobs Survival Act*, which would mandate mediation support for commercial lease renewals. I also actively support Borough President Brewer’s separate proposal for lease renewal negotiation support.

NEXT STEPS

Upper West Side

- ☐ My office will begin to meet with and gather data from landlords who have commercial vacancies, as well as commercial real estate brokers, to better understand the reasons for these vacancies;
- ☐ We will also organize a roundtable with local business owners, BIDS and other stakeholders to learn more about why businesses are closing and how our office can be most helpful. We will explore conducting a more detailed on-line survey of local businesses, to get a better sense of their main product and markets, how long they have been in the neighborhood, their rent level, and what they feel their main challenges are.

Citywide

- ☐ The City MUST conduct a systematic assessment of commercial vacancy rates and commercial rent trends across the five boroughs. Currently, there is no consistent citywide data available;
- ☐ The City MUST pass a comprehensive legislative package for small businesses that includes Commercial Rent Tax reform and appropriate support with lease negotiations.

Conclusion

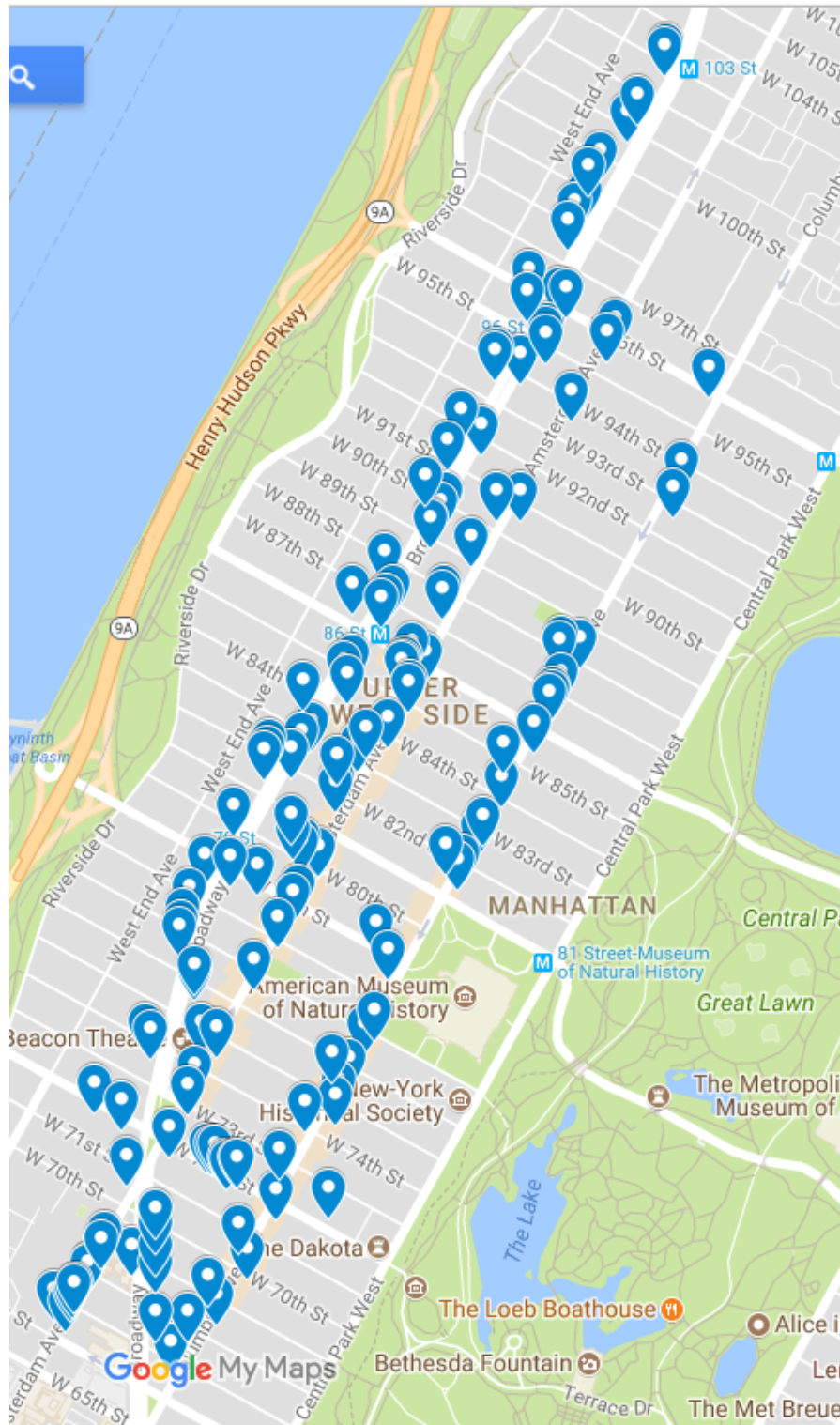
Small businesses remain a critical component of the Upper West Side's and New York City's local economy, providing goods, services and jobs to scores of New Yorkers. They are an integral part of our community fabric. While local government cannot control national (or global) trends, we can and must use every tool at our disposal to help these businesses stay in their communities and thrive. I look forward to working with the small businesses in our district, and welcome your feedback on this very important issue.

Special thanks for their hard work on this report are owed to:

Luis Cisneros
Aaron Snyder
Lucila Broide
Hannah Dula

APPENDIX

Unoccupied Commercial Spaces in District 6 in the summer of 2017.
Digital version available at HelenRosenthal.com.



Cross-streets included in our survey:

- 99th (Broadway-West End Ave)
- 96th
- 95th (Amsterdam-Broadway)
- 92nd (Amsterdam-Broadway)
- 89th (Amsterdam-Broadway)
- 86th
- 85th (Columbus-West End Ave)
- 84th (Central Park West-West End Ave)
- 83rd (Central Park West-Columbus)
- 82nd (Central Park West-Broadway)
- 80th (Amsterdam-Broadway)
- 79th
- 75th (Columbus-Amsterdam)
- 74th (Central Park West-Columbus)
- 73rd (Broadway-West End Ave)
- 72nd
- 71st (Central Park West-Columbus)
- 70th (Amsterdam-West End Ave)
- 68th (Central Park West-Columbus)
- 57th (10th-11th Aves)
- Riverside Blvd
- Freedom Place

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