



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 3  
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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

September 28, 2018

Marisa Lago, Director  
New York City Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Director Lago and City Planning Commissioners,

At its September 2018 monthly meeting, Community Board 3 passed the following resolution:

**VOTE: Deny Approval of the Proposed Minor Modifications to the Two Bridges Large Scale Residential Development (ULURP Nos: M 180507 C ZSM; M 180505 A ZSM; M 180506 B ZSM; N180498 ZCM)**

**WHEREAS**, on June 25, 2018, three separate land use applications seeking minor modifications to the Two Bridges Large Scale Residential Development (LSRD) were referred to Community Board 3 Manhattan for review; and

**WHEREAS**, the land use applications for proposed actions at 247 Cherry Street, 259 Cherry Street, and 260 South Street were filed separately by applicants Cherry Street Owner LLC, LE1SUB LLC, and Two Bridges Associates, LP, respectively, but are being considered together for the purposes of both environmental review and community board review, as all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period, and thus are considered to have cumulative impacts; and

**WHEREAS**, the proposed actions would facilitate the construction of four towers across three separate buildings with heights of 1,008 feet (80-stories), 798 feet (69-stories), 748 feet (62-stories), and 730 feet (62-stories); and

**WHEREAS**, the proposed projects would contain 2,527,727 gross square feet (gsf) of residential space spread across 2,775 new residential dwelling units (DUs); 10,858 gsf of retail space; 17,028 gsf of community facility space; and would introduce, conservatively, more than 5,800 new residents to the project area; and

**WHEREAS**, the proposed projects are extremely out of scale with the surrounding neighborhood and conflict with the objectives of the Two Bridges LSRD to insure better site planning and urban design that

does not unduly increase bulk and density, alter open space access, adversely affect access to light and air, or create traffic congestion to the detriment of residents; and

**WHEREAS**, the proposal for a mere 25 percent affordable units does not sufficiently advance the projects' stated goal and purpose, and the introduction of an additional 2,081 market rate units and the substantial environmental impacts associated with these proposed actions would place such a burden on the community as to produce more severe and acute district needs, particularly in regard to residential affordability and heightened residential displacement pressure; and

**WHEREAS**, despite the scale and nearly unprecedented nature of these proposals, the applications have been designated as minor modifications to the underlying LSRD controls pursuant to a determination by then City Planning Commission (CPC) Chair Carl Weisbrod, in a letter dated August 11, 2016; and

**WHEREAS**, Community Board 3 previously and explicitly requested that the CPC better explain and justify its decision on how the minor modification determination was made, both in a letter to the Department of City Planning dated May 25, 2017 and at the public scoping meeting for the Two Bridges LSRD Environmental Impact Statement (EIS), held on May 25, 2017, and has yet to receive an adequate explanation; and

**WHEREAS**, without further explanation, and given the massive scale of development and potential for significant adverse impacts that the proposed modifications to the Two Bridges LSRD site plan would facilitate, it would appear that the proposed actions should in fact warrant a Special Permit, which would ensure that the project would be subject to Uniform Land Use Review Procedure (ULURP) and provide the public with additional opportunity to review the proposed actions, as well as allow local elected officials to review them further and appropriately represent the interests of their constituents in the land use review process; and

**WHEREAS**, in a letter to Director of City Planning Marisa Lago dated June 21, 2018, Community Board 3 expressed concern with the project application process and public review timelines, as more than one year had passed between the close of the public scoping period for the Two Bridges LSRD EIS and the unexpected referral of project applications to the Community Board on June 25, 2018; and

**WHEREAS**, these unexpected referrals triggered a 60-day review period that coincided with the well-known community board recess that occurs annually in August, making sufficient community board and public review extremely challenging; and

**WHEREAS**, the CPC and Department of City Planning (DCP) ultimately acknowledged this issue and extended the review period through October 2018, this revised timeline nonetheless presented challenges for Community Board 3 and the public, as the review must take into consideration three separate land use applications and an unprecedented joint EIS of considerable size and technical detail; and

**WHEREAS**, as non-ULURP actions, these applications are not subject to robust public review and are required to have only one public hearing, despite representing the largest scale development the Two Bridges LSRD and surrounding area has seen in nearly half a century; and

**WHEREAS**, due to the limited opportunities for public review, Community Board 3 voluntarily hosted a public hearing on August 14, 2018 to allow members of the community to voice their opinions on the proposed actions; and

**WHEREAS**, at this public hearing, more than 100 members of the public attended and more than 60 members of the public provided testimony opposing the land use applications, with only a single member of the public providing testimony in support of the project applications; and

**WHEREAS**, the Two Bridges LSRD Draft Environmental Impact Statement (DEIS) was issued on June 22, 2018 and includes analysis, findings, and proposed mitigations that Community Board 3 considers inadequate; and

**WHEREAS**, a number of Community Board 3 requests made during the Two Bridges LSRD EIS Public Scoping period were left wholly unaddressed or insufficiently resolved upon issuance of the DEIS; and

**WHEREAS**, due to the inadequacy of the *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a number of significant environmental impacts are under-measured in the DEIS; and

**WHEREAS**, even in instances where significant adverse impacts are identified in the DEIS, a number of these impacts are inexplicably left unmitigated; and

**WHEREAS**, several proposed mitigations that have been identified thus far nonetheless appear insufficient in being able to offset the significant adverse impacts the proposed actions would generate; and

**WHEREAS**, a number of potential additional mitigations that are being considered are having details withheld until the completion of the Final Environmental Impact Statement (FEIS), barring them from sufficient public review; and

**WHEREAS**, under the terms of the now-expired Two Bridges Urban Renewal Plan (TBURP) and the active Two Bridges LSRD, the area has been, since 1961, governed by regulations requiring the provision of low- and middle-income housing and site planning to facilitate the best possible housing environment, requiring the distribution of bulk and open space to create a better design for the LSRD and surrounding neighborhood than would otherwise be possible; and

**WHEREAS**, the project applications would likely facilitate the construction of up to 694 affordable residential dwelling units (DUs), it remains unknown at what affordability levels these DUs will be made available and how long the terms of their affordability will remain in place for; and

**WHEREAS**, the affordability program that would likely be applied to these projects, 421-a Tax Exemption - Option E, would set affordability levels at income thresholds that are higher than the existing median household income in the Two Bridges area, which is currently \$30,771 for a household of three, or roughly 30% of the Area Median Income (AMI) for the New York City region, making even the affordable units the proposed actions would generate inaccessible for the majority of current area residents; and

**WHEREAS**, despite the introduction of 694 "affordable" units to the Two Bridges LSRD, the proposed actions would likely be unable to meet the growing local need for deeply affordable, high-quality housing,

and would also introduce 2,081 DUs of market-rate housing to an area that has historically consisted of primarily rent regulated housing; and

**WHEREAS**, Community District 3 already has the second highest income disparity—the gap between our lowest income and highest income residents—of all Community Districts in New York City; and

**WHEREAS**, given that both the affordable and market-rate units the proposed actions would generate would be unaffordable for the majority of current area residents, it is likely that the proposed actions would heighten the risk for residential displacement; and

**WHEREAS**, for both fiscal years 2019 and 2020, Community Board 3 identified the need for affordable housing and the growing risk of residential displacement as issues of premier importance in Community District 3 when creating annual District Needs Statements; and

**WHEREAS**, local not-for-profit Henry Street Settlement, after conducting a number of focus groups and hosting an annual town hall meeting in October 2017 to identify Lower East Side residents' primary concerns, similarly found that residents "fear being displaced from the neighborhood due to rising rents, insufficient affordable housing, and a rising cost of living" and that "new developments are extremely expensive and cater to wealthy newcomers," with affordable units being "too few—and too costly"<sup>1</sup>; and

**WHEREAS**, the changing demographics generated by the proposed actions are likely to affect retail and small businesses in the area that currently respond to local residents' needs, including culturally and linguistically appropriate businesses that cater to linguistically isolated populations nearby; and

**WHEREAS**, the neighborhood previously lost an important local food resource with the closure and demolition of Pathmark in 2012 to facilitate the construction of One Manhattan Square, and will temporarily lose access to an important remaining food resource in the Stop 1 Food Market during the proposed construction period; and

**WHEREAS**, any adverse impacts generated by the proposed projects would have a disproportionate impact on a number of minority groups in the area immediately surrounding the proposed project sites, as:

- 1) 82 percent of residents overall are people of color;
- 2) 22 percent of residents in the area are 65 and older—and half of that senior population is living with a disability; and
- 3) 18 percent of all residents in the area are living with a disability; and

**WHEREAS**, the neighborhood where the proposed actions would be implemented is an important ethnic enclave, as:

- 1) 47.5 percent of residents in the area are Chinese and 23 percent are Hispanic/Latino;
- 2) 46 percent of residents are foreign born; and
- 3) 41 percent of residents have limited English proficiency; and

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<sup>1</sup> Henry Street Settlement. (April 2018). *Community Engagement, Public Policy, and Advocacy Findings from Focus Groups and the Community Town Hall*. <<https://www.henrystreet.org/wp-content/uploads/2018/04/Red-Book-2017.pdf>>

**WHEREAS**, nearly 30 percent of area residents live below the poverty line and the median household income for a family of three is just \$30,771; and

**WHEREAS**, all of these rates are considerably higher than the rest of Manhattan; and

**WHEREAS**, the proposed actions would involve the relocation of 19 senior residents of 80 Rutgers Slip during the construction period, pursuant to a regulatory agreement and relocation plan administered by the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, the regulatory agreement and relocation plan has not yet been disclosed to Community Board 3 or other local elected officials, and potentially includes the current warehousing of affordable senior units despite substantial need in the community and long wait lists; and

**WHEREAS**, the proposed projects are likely to have a significant adverse impact on public school utilization rates and no mitigations for this impact has been identified at this time; and

**WHEREAS**, the proposed projects would all be sited within the 2015 FEMA-identified floodplain, and despite some proposed resiliency elements attached to the projects, little analysis has been done to evaluate the potential impacts these measures would have on areas immediately surrounding the proposed projects in a flood scenario; and

**WHEREAS**, the proposed projects would decrease the already limited open space ratio in the surrounding area from 0.897 acres per 1,000 residents to just 0.831 acres per 1,000 residents, both below the City goal of 2.5 acres per 1,000 residents and the citywide median of 1.5 acres per 1,000 residents and does not facilitate the addition of any new open space in the area; and

**WHEREAS**, proposed mitigations to the accessibility and circulation at the F-line East Broadway station are not likely to be sufficient in offsetting the impacts that more than 5,800 new residents would have on subway line service, station accessibility, and pedestrian circulation; and

**WHEREAS**, Community Board 3 has previously resolved to support land use actions in the proposed project area that these applications would be incompatible with, and which represent a vision for the Two Bridges waterfront area that the proposed actions would be in direct conflict with; and

**WHEREAS**, Community Board 3 believes the proposed actions would represent a significant change to the underlying Two Bridges LSRD site plan and zoning controls and would have impacts that are inconsistent with the LSRD objectives, and therefore do not constitute minor modifications; and

**WHEREAS**, this change brings into question every Large Scale special permit issued since the establishment of the Two Bridges LSRD, as the Community Board 3 is not likely to have made the same decisions regarding prior special permits and modifications if they understood that they would not have an opportunity for review and negotiation through ULURP when future significant amendments were being proposed; and

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends to deny the approval of the proposed modifications to the Two Bridges LSRD; and

**THEREFORE BE IT FURTHER RESOLVED** that Community Board 3 asks that CPC find the proposed amendments to the Two Bridges LSRD to be so significant as to require review pursuant to ULURP.

Please contact the community board office with any questions.

Sincerely,



Alysha Lewis-Coleman, Chair  
Community Board 3



MyPhuong Chung, Chair  
Land Use Zoning, Public & Private Housing Committee

cc: Bob Tuttle, Department of City Planning  
Matthew Pietrus, Department of City Planning  
Tara Duvivier, Manhattan Borough President's Office  
Paul Leonard, Office of Council Member Margaret Chin  
Marian Guerra, Office of Council Member Margaret Chin  
Venus Galarza-Mullins, Office of New York State Senator Brian Kavanagh  
Laurence Hong, Office of New York State Assembly Member Yuh-Line Niou  
Ben Kleinbaum, Capalino+Company