

## **Appendix I: Comments on Scope of Work and DEIS**

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**I-1: Comments on Scope of Work**

**I-2: Comments on DEIS**

## **Appendix I-1**

### Comments on Scope of Work

**ALAN JAY GERSON**  
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**Testimony of City Council Member Alan J. Gerson  
June 25, 2007  
Scoping Session on the Draft EIS Manhattan Community Board #3 Rezoning**

I would like to begin testimony by expressing my appreciation for the work that the Department of City Planning (DCP) has performed in proposing a Lower East Side/East Village rezoning plan for both my council district as well as Council Member Rosie Mendez's district in Community Board #3, Manhattan.

I am also extremely appreciative of the hard work that Community Board #3, Manhattan has put into this proposal and the Departments efforts in working with the Board on building consensus. There has been an enormous effort to balance the goals of preservation, development, community context and affordability.

I am here this evening to give my full support to Community Board #3's 11-point plan and to make sure that it is thoroughly analyzed and incorporated in the Environmental Impact Statement. I would like to take the opportunity to highlight and underscore themes which I believe are most critical.

First of all, DCP must include anti-harassment and anti-demolition provisions. These provisions are absolutely critical given the hot real estate market in the Lower East Side and must be provided in the zoning text before any rezoning is finalized. We must protect the lower and moderate income residents and families who have built this community.

In order to maximize the amount of affordable housing in the plan Inclusionary Zoning (IZ) needs to be studied in greater depth. I recommend that Inclusionary Zoning be mapped more consistently to include, for example, Allen, Forsyth, Chrystie and Essex Streets in my district. Both the community and I insist on 30% affordable housing. The EIS should provide ample data to analyze the number of lower income units so that we could maximize the amount of affordable housing in the rezoning. I am concerned that the 80% of Area Median Income as established by HUD is unacceptably high. Any rezoning in the Lower East Side needs to take the income levels of its residents into account.

While I understand that this rezoning would prohibit community facility bonuses, I ask that provisions are implemented for single, long standing facilities that will positively impact our community.

Although the Sliver Law does not apply to an R7A district and its commercial equivalent, implementing the Sliver Law South of Houston Street would help protect existing buildings against future development. The current proposal may jeopardize the existing buildings because the base FAR exceeds many existing buildings and the allowable height proposed would exceed the Sliver Law constraints currently on narrow streets.

I am concerned about the potential uniformity of the street walls and setbacks particularly on Houston and Delancey Streets. I strongly urge variations in height and density so that it does not appear that my district has a wall around it.

Increasing the efficient use of energy, environmental and human resources by requiring green buildings provisions when tax abatements and government financing are implemented should be analyzed in the EIS.

Finally, I would like to take this time to commend all of the work that the Department of City Planning has done. I greatly appreciate the significant effort DCP has put into balancing the broad range of concerns that have gone into this plan.

**ROSIE MENDEZ**

CITY COUNCILMEMBER, DISTRICT 2

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MARITIME ISSUES

**Testimony of City Councilwoman Rosie Mendez**

**June 25, 2007**

**Scoping Session on the Draft EIS Manhattan Community Board #3 Rezoning**

It is a pleasure to be here this evening at the first step of the very important charter mandated public review process that we hope will lead to the adoption of a long awaited rezoning for a large segment of my district and that of my colleague Alan Gerson. I have been involved in this process since before I was elected to this office, and I am convinced that this effort is one of the most important that will occur during my tenure as City Councilmember in District 2.

This scoping session occurs nearly 6 years after CB #3, understanding the development threats that were facing this community, first initiated a rezoning effort. Approximately two years ago Department of City Planning (DCP) acknowledged the community's concerns and agreed to undertake the rezoning as a 197c plan. There is no question that on a broad basis DCP and the community share objectives for the plan, and the agency has shown a willingness to accommodate many of the community's concerns, especially with regard to preservation matters. In fact during the past two years, DCP has shown particular flexibility in revising the original plan by removing the recommendation for a commercial overlay on St. Marks Place and by reconsidering the FAR for the blocks directly south of Tompkins Square Park.

We all agree that contextual districts, height caps and the elimination of the community facility bonus will be a huge gain for our community. I am hopeful that during the next year or so - when we finally adopt new zoning provisions - we can come to full agreement on many if not all aspects of the plan.

I fully support my hard working friends at CB#3 and my dedicated and concerned neighbors who are members of the Lower East Side Coalition for Accountable Zoning (LESCAZ). I am extraordinarily proud of the work that they have done in developing the 11 point plan, and I must say I am more than a bit intimidated by the expertise they have acquired in FAR's, IZ's, EIS's, Use Groups, and A, B, C and X districts.

However, I have one very serious and important purpose in appearing here tonight – that is to strongly advocate for a full EIS analysis of the community's 11-point plan. I am convinced that the community's plan achieves the right balance of all of the sometimes contravening goals of this zoning effort. The scope of the EIS must include the full evaluation of all alternatives necessary to maximize the goals of preservation, contextual design and affordable housing without displacement, according to the balance struck by the community. I fear that the adoption of the Draft Scope as prepared and distributed by DCP in the last weeks, will not permit us to fully implement the community's vision when the ULURP process has been completed and the final zoning proposal comes before me and my colleagues at City Council next year.

The work of CB #3 and LESCAZ has been phenomenal. I am very aware of how hard scores of residents have worked to cooperatively think through all of the factors and develop a delicately crafted plan of specific recommendations for zoning districts, height caps, inclusionary provisions, commercial uses etc. Many elements and considerations had to be weighed and measured to achieve this consensus mix of 11 important recommendations. Because of the importance of the balance, I regret that I can only mention some of elements in my remarks tonight. I support all 11 and believe that that they will best serve the community if they are studied and adopted as a package. However, in the interest of time and all of our attention spans at this late hour, let me emphasize a couple that I consider most critical. I know you have heard and will continue to hear testimony from scores of my CB#3 and LESCAZ neighbors covering all of the points that need to be mentioned.

First, because New York City has been thus far unwilling to adopt mandatory inclusionary zoning, there is clearly a balance that must be struck between preservation/contextual development and affordable housing based on density incentives. I regret that that is our current policy, but it is reality. Because housing is the number one priority of this community, which has and continues to suffer from dramatic displacement of its low and moderate income residents, we can not afford to undertake this rezoning effort without maximizing the opportunity to

reinstate a sizeable number of affordable housing units lost over the past years. The mixed income character of this community is at stake, and government intervention is critical to seeing that the heritage of the Lower East Side does not completely disappear.

Probably the most glaring difference between the DCP plan and the community plan is the degree to which each provides for achieving affordable housing as a goal. According to the draft scope, DCP only calls for inclusionary housing to be mapped in 10% of the area and anticipates the development of a mere 343 units of affordable housing - only 9% of the units projected. On the other hand, the community plan calls for an upfront goal of 30% affordable housing, which if the draft scope projection of development are accurate would yield about 1,100 units. The community plan calls for the implementation of inclusionary housing on all streets or avenues of 75 foot width or more. That would more than double the area included. These alternative must be studied.

DCP has stated that there is no need to include IZ along these 75' wide streets because there are few potential development sites in these areas. I believe that the definition of potential sites used in the draft may be too conservative. Market conditions in my community are very strong, and I have been stunned by the pace and location of development that is already underway. I believe the definition of potential sites used to determine the worst case scenario in the EIS should be reconsidered.

The Draft Scope blithely states that tenement buildings are not included as potential sites because tenant protections prevent these buildings from being cleared. Although that is the intention of such protections, but every day in my office we get a call from a rent regulated tenant who is being forced out of his or her home either lawfully or unlawfully to make way for development. The community's plan for anti-harassment and anti-demolition provisions must be implemented. Whatever studies are necessary to assure that these provisions can be included in the plan that is ultimately adopted must also be part of the EIS scope.

I personally would like to see inclusionary zoning at reasonable density studied as an alternative throughout the area. Also, because the soon to be passed 421a legislation in Albany will establish a tax incentive to build 20% affordable housing in any new construction, I firmly believe that the inclusionary zoning implemented here should require a higher percentage of affordable units to also take advantage of a density bonus. That alternative should be studied. I believe that this

community is uniquely suited to developing a more aggressive income mix through inclusion. Income integration has characterized this neighborhood for decades and the diversity of the community is one of the features that actually attracts people here in the first place.

I must also note that the DCP proposal calls for a text change to extend the currently established regulations for qualifying uses in existing R7-2 districts to those same uses in R8B districts, thereby allowing most non-conforming commercial establishments to return to mid-blocks areas even after discontinuance. This discontinuance provision has led to the rampant proliferation of bars on quiet residential streets. I would strongly recommend that before that text change is implemented, the EIS should evaluate whether this provision has been used disproportionately by bars and restaurants, or if it has accomplished what I consider to be its original purpose of encouraging a healthy mix of neighborhood retail uses.

And lastly I can not bring myself to conclude this testimony without mentioning my disappointment that the 3<sup>rd</sup> to 4<sup>th</sup> Avenue corridor is not included in the study area. This area is undoubtedly under huge real estate pressure by developers in general and particularly those that would build community facilities. It is a shame that CB#3 has been forced to undertake a study of that area without DCP's assistance and that, at the very minimum; the implementation of that rezoning will be delayed.

Developing a zoning proposal is a very delicate task. The provisions that are finally adopted will have profound ramifications for the design and density of individual buildings. They will also dictate the overall architectural character of the community and its socio-economic profile. It is not easy to evaluate all of these factors in advance, but only through the implementation of a thorough, comprehensive and professional analysis of all alternatives can we feel well informed about the potential outcomes. We must make sure that the zoning allows for sensible development that does not threaten existing residents, but redresses the devastating loss of low and moderate income housing which we have sustained in the last several years. This is the time to do the detailed projections and to ask all of the right questions, so that when the final proposal is adopted we will be confident that we have struck the best possible balance to find the delicate balance between preservation and affordable housing. I hope that the EIS scope will be defined in a manner that allows for the full evaluation of the 11 point plan developed by CB#3 and supported by LESCAZ. I thank you for your time and attention.





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DEBORAH J. GLICK  
Assemblymember 66<sup>th</sup> District  
New York County

Testimony of Assemblymember Deborah J. Glick  
To the New York City Planning Commission  
At the Public Scoping Hearing for the East Village / Lower East Side Rezoning

June 25, 2007

As the State Assemblymember representing parts of the proposed area to be rezoned in the East Village and the Lower East Side, I am grateful for the opportunity to testify at this scoping session.

I am glad that the City is looking seriously at increasing zoning protections for this neighborhood whose essential character is threatened by massive overdevelopment. I am glad that DCP recognized that this neighborhood is worthy of further protections than it has under the current zoning and seemingly understands that the transformation of the Lower East Side and East Village towards a neighborhood that looks more like the Upper East Side would not be acceptable. Height caps are clearly a necessary measure with regard to this end.

However, I am deeply concerned that, without anti-harassment and anti-demolition provisions in the new zoning, that the City will only succeed at protecting the aesthetic character of the neighborhood and not its human character which includes a mix of different people with varying income levels. This particular concern arises because for many sites, DCP's plans will allow for an increase in allowable bulk. In situations such as this, where DCP perceives that a slight increase in allowable FAR would not have a dramatic visual impact and will not impact air and light, escalating real estate prices could encourage some owners to seek to demolish existing buildings in order to build only slightly bulkier buildings. The impacts that actions such as these could have on tenants, and particularly on rent regulated tenants, could lead to many low and middle income tenants losing their homes. Furthermore, if apartment buildings with rent regulated tenants are demolished in order to build larger or even similarly sized buildings, the City will not be able to create affordable housing at the rate at which it is being lost.

One can not help but notice that the development pressure that has come to bear on the East Village and the Lower East Side usually leads to the development of luxury housing which is not affordable for the neighborhood's current residents. Although community based non-profits such as Cooper Square Mutual Housing Association have provided much affordable housing, we can not expect them to be the only source of affordable housing in the neighborhood.

I therefore, strongly urge DCP to include anti-harassment and anti-demolition provisions in the Lower East Side / East Village rezoning.

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Public Policy - Highway Task Force

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Lower East Side, Union Square  
Brooklyn, Greenpoint, Town  
Brooklyn, Downtown, Waterfront Plaza  
Brooklyn, Bay Ridge, Flatbush, Downtown



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July 3, 2007

Mr. Robert Dobruskin  
Environmental Assessment & Review Division  
22 Reade Street, Room 4E  
New York, NY 10007

Dear Mr. Dobruskin:

Enclosed you will find my testimony regarding the draft scope of work for the environmental impact statement for the proposed East Village/Lower East Side rezoning. Thank you for your consideration of my comments.

Sincerely,

Brian Kavanagh

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**Testimony of New York State Assemblymember Brian Kavanagh  
To the New York City Department of City Planning  
Regarding the Draft Scope of Work for an Environmental Impact Statement  
For the East Village / Lower East Side Rezoning**

CEQR No. 07DCP078M  
Hearing Date: June 25, 2007

My name is Brian Kavanagh and I represent the 74th Assembly District, which includes parts of the Lower East Side, Union Square, Gramercy, Stuyvesant Town, Peter Cooper Village, Waterside Plaza, Kips Bay, Murray Hill, and Tudor City.

I would like to thank the Department of City Planning for working with Community Board 3 and many other community members on the important proposal to rezone much of the Lower East Side, and for offering me the opportunity to provide testimony regarding the Draft Scope of Work for the proposal's Environmental Impact Statement.

As you know, the proposed rezoning would cover about 111 blocks. I represent about 40 of these blocks, as well as the areas immediately to the north and east, whose residents would be substantially affected by the proposal.

I strongly favor rezoning the proposed area because I believe that rezoning offers a necessary step toward protecting the community from increasing development pressures that threaten to destroy its physical and human character. I especially support those facets of the proposal that reflect the goals articulated by members of the community through the thoughtful work of Community Board 3, such as the implementation of height caps, the extension of mid-block Sliver Law protections, and the exclusion of a commercial overlay on St. Marks Place. As you know, the Community Board has put forth an "11-point plan" that also advocates for anti-demolition and anti-harassment measures; a survey of historic resources in the community, which currently has few landmark designations notwithstanding its extraordinarily rich history; and specific provisions for affordable housing in the inclusionary zones along Houston Street, Delancey Street, and Avenue D. I believe that each of the Community Board's stated principles merit careful study and I encourage you to include all of them in the final scope of work for the Environmental Impact Statement.

I am particularly concerned over the lack of anti-demolition and anti-harassment measures in the proposed rezoning. The increase in allowable density in parts of the rezoning area would likely

exacerbate the already serious problem of harassment of rent regulated tenants and spur the demolition of sound buildings, as developers seek to maximize the number of market-rate apartments they can build. The resulting loss of existing affordable apartments would be irreparable and would offset the laudable efforts embodied in other aspects of the plan to create new affordable apartments. Anti-harassment and anti-demolition provisions, as modeled in the Special Clinton District, would strengthen the protections for rent regulated tenants and protect the people that shaped the character of the community. I strongly urge you to include these kinds of measures in the final scope of work for the Environmental Impact Statement, and ultimately, in the rezoning.

Thank you again for the opportunity to offer testimony and for your consideration of my comments.



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David McWater, Board Chair

Susan Stetzer, District Manager

Written Testimony from Community Board 3, Manhattan, for Lower East Side Rezoning Scoping Session  
July 5, 2007

I believe the principles speak for themselves. They are the attempts by a community, essentially unchanged economically or architecturally for over a century to a decade of wholesale change. They were designed to protect the community from the rapaciousness of greed and the out dated zoning that allowed for such unfettered development.

Over the next year our Task Force worked diligently, meeting with DCP, reading studies, listening to and hiring experts to help us, and in December of 2006, 18 months after the principals were formed, CB3 came out with an 11 point plan in response to the DCP plan as a way of improving their solid plan. It is our belief that a task force made up of so many stakeholders, representing so many constituents has very valuable practical knowledge of the very streets we are attempting to rezone, as such our tweaks to the plan could be invaluable.

The 11 points plan we voted unanimously to support comes entirely from our original guiding principles. Some of it, DCP has already included in their new revised plan. We are very grateful for this. Many of the points are simply requests for items to be studied in the EIS. Please remember, this area has not been rezoned in over 40 years, we do not believe the EIS can be too comprehensive.

Many people will testify on various aspects of the 11 point plan today, but I will take this opportunity to read them into the record now;

1. Anti-harassment set forth in the Special Clinton District and anti-demolition of sound residential buildings provisions provided for in the zoning text for the entire rezoning area. Special enforcement and oversight provisions to prevent harassment, displacement and demolition for all IZ developments. Displacement analysis and evaluation in EIS for all rezoning area.
2. CB3 and the City of New York agree that at least 30% of the floor area developed of the projected increase in built residential FAR will be for permanently affordable housing available to households at or below 80% of the area median income under a tiered system where lower income households will also be accommodated in fair proportion. If mutually agreed upon estimates of the private development that is likely to occur under this zoning indicates that this minimum will not be achieved, the City will make available development or preservation sites in the study area to achieve this overall percentage;
3. Zone R7A base FAR of 3.45 [with overlay, but not commercial equivalent] with 4.6 FAR Inclusionary Zoning [IZ] for 1<sup>st</sup> and 2<sup>nd</sup> Avenues, Avenues A, C and D; Forsyth, Essex and Allen Streets [on all wide streets (width of 75' or more), north and south of East Houston Street, except East Houston Street, Delancey Street, and Chrystie Street];

4. No commercial overlay on St. Marks Place;
5. Zone R7B [not commercial equivalent] on all narrow streets [less than 75' width] north and south of East Houston Street. IZ not supported/favored in these areas [given existing information], but we request that the EIS provide sufficient data to fully analyze the number of lower income units that could be produced in these regions if the area(s) were zoned for IZ.
6. Zone East Houston and Delancey Streets with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of East Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone.
7. Zone Chrystie Street with a base FAR of 6.0 with an IZ bonus to 8.0 and a height cap of 150' [R8X] or as a R8A with IZ as DCP proposed [compare and evaluate both options in EIS in regards to benefits and adverse impacts].
8. Commercial Zoning south of East Houston Street: The EIS should include and provide detailed information regarding the location and extent of current commercial and retail use below East Houston Street so that appropriate use regulations be developed in accordance with areas that contain commercial establishment uses that provide living wages, but curbs the current proliferation of commercial hotels and nightlife establishments.
9. Landmark survey of rezoning area.
10. Energy efficient and green building (LEED compliant) requirements when Government financing or tax abatement used. Provision for green building sustainable development legislative and programmatic instruments to be included at time of certification, or groundwork in EIS for a follow-up ULURP action.
11. Legal service fund for enforcement of anti-harassment and anti-demolition provisions and prevent illegal evictions.

One can tell, even from that cursory reading, that the 11 Points really focus on architectural preservation and the development of NEW affordable housing stock. Since we passed the 11 Point plan, DCP has altered their original plan to address many of the preservation issues.

However, the CB is greatly troubled by the affordable housing data provided in the draft Scoping document. The Draft Scoping document estimates that only 343 units of new affordable housing will be generated by this massive 111 block re-zoning. Only 3 units per block, or less than one half of one percent of the population of the area slated for re-zoning.

Certainly no one is to blame for this, the estimate is a realistic appraisal of soft sites and the new zoning plan. We believe, however, that including the items in our 11 point plan in scoping will allow for us together to find ways to create far more than 343 new units.

The mayor's goal is 165,000 citywide, and CB3, the East Village and the Lower East Side would be excited to put a much bigger dent in that number. We are ready and willing for more units, and believe that there are kernels of wisdom in the 11 point plan that will make us ABLE to have more units.

Finally, I would like to again thank DCP and the City of New York for working so diligently with us on this, especially the great speed with which the zoning proposal has been developed. As we are literally inundated with new out of context luxury development every day, speed is perhaps our greatest ally.



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David McWater, Board Chair

Susan Stetzer, District Manager

Department of City Planning Public Scoping Meeting  
June 25, 2007—oral testimony

My name is David McWater and I am the chair of Manhattan Community Board 3. Before I begin, I would like to take this opportunity to thank the Department of City Planning for all of the hard work they have done on this zoning proposal and for listening to, and working with the community since we asked for a rezoning in July of 2005.

As the Real Estate development boom exploded over the last decade, it became apparent to even the most casual observer that a zoning change is one of the few ways of saving a way of life, saving a community in CB3.

High rises went up obliterating the skyline and destroying the very feel of the neighborhood. With these buildings came high income residents, (the likes of which had never been seen in our neighborhood) their presence inspired landlords who did not have bright shiny new buildings to either build them, or simply try to get rid of their long term tenants in favor of this new income class. Wholesale displacement of households, and even great pressure on tenants resulted. Eventually these buildings brought in high end retail as well, effectively destroying the Mom and Pop business culture that has flourished in the CB3 area since before the Civil War.

When CB3 convened its 197 Task Force in July of '05 it set about working to solve these problems. We decided to work with the City on a rezoning, instead of going it alone and we decided two other things:

1) that we would include as many major stakeholders as possible on the committee. As such we asked Good Old Lower East Side, The GVSHP, The EVCC, LESPMHC, Cooper Square Committee, City Lore, The LES TM, and several individuals with planning experience to join the task force. All of those groups will give testimony here today, and I am proud to say that this blue panel group along with 10 CB3 members managed to vote unanimously on every single proposal they had over a two year period.

2) we selected guiding principles, they were;

- Preserve the residential character of the neighborhood;
- Preserve its current scale and mid-rise character;
- Establish a district more in keeping with current planning principals of contextual design;
- Preserve the mixed income character of the neighborhood through the use of inclusionary zoning;
- Eliminate the opportunity for community facility overdevelopment allowed under the current zoning.

Later we added another one: that we did not want more commercial overlays, especially on St. Mark's. DCP has been especially sensitive to this and for that I thank them wholeheartedly.

I believe the principles speak for themselves. They are the attempts by a community, essentially unchanged economically or architecturally for over a century to a decade of wholesale change. They were designed to protect the community from the rapaciousness of greed and the out dated zoning that allowed for such unfettered development.

Over the next year our Task Force worked diligently, meeting with DCP, reading studies, listening to and hiring experts to help us, and in December of 2006, 18 months after the principals were formed, CB3 came out with an 11 point plan in response to the DCP plan as a way of improving their solid plan. It is our belief that a task force made up of so many stakeholders, representing so many constituents has very valuable practical knowledge of the very streets we are attempting to rezone, as such our tweaks to the plan could be invaluable.

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6. Zone East Houston and Delancey Streets with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of East Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone.



7. Zone Chrystie Street with a base FAR of 6.0 with an IZ bonus to 8.0 and a height cap of 150' [R8X] or as a R8A with IZ as DCP proposed [compare and evaluate both options in EIS in regards to benefits and adverse impacts].
8. Commercial Zoning south of East Houston Street: The EIS should include and provide detailed information regarding the location and extent of current commercial and retail use below East Houston Street so that appropriate use regulations be developed in accordance with areas that contain commercial establishment uses that provide living wages, but curbs the current proliferation of commercial hotels and nightlife establishments.
9. Landmark survey of rezoning area.
10. Energy efficient and green building requirements when Government financing or tax abatement used. Provision for green building sustainable development legislative and programmatic instruments to be included at time of certification, or groundwork in EIS for a follow-up ULURP action.
11. Legal service fund for enforcement of anti-harassment and anti-demolition provisions and prevent illegal evictions.

One can tell, even from that cursory reading, that the 11 Points really focus on architectural preservation and the development of NEW affordable housing stock. Since we passed the 11 Point plan, DCP has altered their original plan to address many of the preservation issues.

However, the CB is greatly troubled by the affordable housing data provided in the draft Scoping document. The Draft Scoping document estimates that only 343 units of new affordable housing will be generated by this massive 111 block re-zoning. Only 3 units per block, or less than one half of one percent of the population of the area slated for re-zoning.

Certainly no one is to blame for this, the estimate is a realistic appraisal of soft sites and the new zoning plan. We believe, however, that including the items in our 11 point plan in scoping will allow for us together to find ways to create far more than 343 new units.

The mayor's goal is 165,000 citywide, and CB3, the East Village and the Lower East Side would be excited to put a much bigger dent in that number. We are ready and willing for more units, and believe that there are kernels of wisdom in the 11 point plan that will make us ABLE to have more units.

Finally, I would like to again thank DCP and the City of New York for working so diligently with us on this, especially the great speed with which the zoning proposal has been developed. As we are literally inundated with new out of context luxury development every day, speed is perhaps our greatest ally.

# STATEMENT TO THE DEPARTMENT OF CITY PLANNING

June 25, 2007

## Lower East Side Rezoning/ Draft Scope of Work for EIS

To. New York City  
NYC Planning Commission  
Department of City Planning

Dear Commissioners

My name is Herman Hewitt, I am a member and First Vice Chairperson of Community Board 3, Manhattan. I am also a resident, and a Chairperson of a local not-for-profit Development organization which develop and provide housing for low income residents of Lower Manhattan. (Lower East Side People's Mutual Housing Association, Inc.)

I have spent over thirty years working through Community Board 3, and as member of two Community base housing organizations in the quest to preserve the Lower East Side, and at the same time improve the quality of life of its residents.

Yes, the residents, groups, and other institutions who together have succeeded in great measure to make the Lower East Side a vital and livable community, but in doing so has unleashed the economic viability of an area, that for many years only the adventurous, or very poor resident of New York City could find housing, even though the houses were considered substandard and unhealthy.

Today we have the opportunity to support a plan, which although not meeting all the expectation of our Lower East Side Citizens, will go a long way to continue the preservation of this historic area, while proposing sensible development, decent affordable housing, and responsible community and commercial facilities.

What we should not do, is allow the area to be irresponsibly developed, by the building of oversize structures either by for profit or the not-for-profit organizations. The scale of zoning which dominates the neighborhood at present, and those that is been proposed, should be the deciding factor on all new future developments. Any incentives for the development of large scale housing by the City should include permanent regulated and affordable housing units, community facilities that does not dominate or over saturate the neighborhood, and commercial facilities which provide real jobs.

Community Board 3 is supporting this 197 plan, which ideas was presented to the Department of City Planning by CB3, and which was debated with community participation. We hope that in those areas in which we disagree, we can find a ready solution as partners in a need to make the area a better place without major displacement of its citizens, its existing businesses, and community.

I would like to thank the staff of the Department of City Planning for their timely response and cooperation with Community Board #3 Man.

Herman F. Hewitt  
First Vice Chairperson Community Board #3 Man.

## **LOWER EAST BUSINESS IMPROVEMENT DISTRICT'S TESTIMONY: East Village/ Lower East Side Re-Zoning Proposal**

Roberto Ragone

Executive Director, Lower East Side Business Improvement District

June 25, 2007

Thank you for this opportunity to speak tonight. My name is Roberto Ragone, and I am the Executive Director of the Lower East Side Business Improvement District (LES BID), a non-profit economic development organization dedicated to revitalizing the Lower East Side while preserving its unique and diverse character. As one of the many stakeholders in the area, we have been eager to develop and articulate a perspective on the rezoning proposal and contribute to the discussion.

In general, the LESBID commends the work of the Department of City Planning, the Community Board and the community residents for their work so far. We recognize that a significant amount of analysis has gone into the zoning proposal, which in many regards, reflects an understanding of the existing built character of the East Village and the Lower East Side.

While the BID supports several facets of the proposed zoning--including its consideration of the existing character of the neighborhood as well as its encouragement of development opportunities and incentives such as affordable housing--as Lower East Side stakeholders, our focus has been on the potentially adverse impacts of the proposed rezoning on this particular neighborhood that are cause for concern. With the BID's mission in mind, we believe several modifications are needed that preserve the unique character of the Lower East Side and advance the goals of the LESBID:

- **The C6-1 area below Houston Street should be re-zoned to C6-2A. The C6-2A areas should be generally bounded by East Houston Street, Essex Street, Grand Street, and Chrystie Street. (East Houston Street, Allen Street and Delancey Street should be rezoned as a C6-2 district)** Although the C6-2A district is not the perfect district to advance the BID's goals, most of the district's regulations are appropriate for the Lower East Side. For example, unlike the proposed C4-4A district, the C6-2A district includes Use Group 11 (jewelry making, etc.), allows for a commercial FAR comparable to the current zoning, and establishes building height limits. The C6-2A designation does have a residential FAR of 6.02, which we believe may be too high for the narrow streets in the Lower East Side. It is worthwhile to explore a Special District which would permit the appropriate FAR.<sup>1</sup>
- **Treat Allen Street as a wide street** and keep the building height limits and/or 6.0 FAR limit allowed by the current zoning while having developers contribute to a maintenance fund for the Allen Street mall. (Allen Street is approximately 100 ft wide). A "boulevard" district (Allen Street and Orchard Street) should permit 6.0 FAR, but regulate that the bulk be shifted to Allen Street and maintain a 65 ft

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<sup>1</sup> A special district should be explored since there is no existing zoning district which addresses the BID's recommendations. A follow-up zoning study could determine the appropriate special district.

height limit on Orchard Street. Allen Street developers would be required to contribute funds to an Allen St median maintenance fund.

- **Rezone wide streets to accommodate significant density but impose building height limits. However, areas near transportation hubs should be rezoned to districts without building height limits.** For example, a zoning district such as C6-2 would allow for Use Group 11, and maintain the 6.0 commercial FAR, and height allowance permitted by the current zoning. It would also allow for a residential upzoning. Transportation hubs would include the F/V stop on Second Avenue, FVJZ stop on Delancey St., the D/B stop on Grand, and the J/Z stop at the Bowery.
- **Introduce commercial overlays in the R7A district, east of Essex St.**

### **The Lower East Side BID's Objectives**

Although the proposed rezoning area affects the entirety of the East Village and only a portion of the Lower East Side (the study area actually extends beyond the LESBID's boundaries), we believe it is important to take into consideration the wider land use study area, and in fact, we would have liked to have seen a wider area analyzed. For example, we would have recommended a study area as far west as the Bowery and as far east as the water.

While we agree that the historic and varied built character throughout the East Village/Lower East Side is one of several strengths of these two communities, there are distinctive physical and land use differences between the East Village and the Lower East Side. From the LESBID's perspective, the Lower East Side is both a residential and business community that is distinctive from the East Village. It is a highly mixed-use area, with a history of providing for a variety of land uses that allow residents to live and work in the same neighborhood. The area north of Houston St., on the other hand, is predominantly low-scale residential, with local retail and community resources mostly along the avenues. What defines the historic character south of Houston is its commercial accent, which differs from but complements the historic character and residential accent north of Houston.

We at the LESBID strongly believe that the Lower East Side's character is not only distinctive for its intact residential tenements, but also for its vibrant business district. The Lower East Side has historically been a unique, dynamic commercial center, and in recent years has added to this legacy several commercial "boutique" businesses, increasingly in the creative industries such as the clothing and fashion, music, jewelry, leather-making and other crafts. Many of the owners of these types of existing businesses are members of the LESBID and support my efforts here this evening.

### **LESBID Recommendations**

I would like not only to talk about what the LESBID does not want, but what we do want. We offer some observations about how zoning can be used as a long-term planning tool to achieve a viable commercial area south of Houston as sought in the LESBID's goals.

As a non-profit economic development organization, one of the goals of the LESBID is to leverage the LES to become a commercial hub for the Creative Economy, attracting companies that are engaged in the "creative" fields and looking for a unique office

setting with many nearby amenities. Rather than the LES being viewed as primarily a nighttime destination or as a daytime retail area, a consistent daytime office and production space for light artisan and other "creative" population (i.e., graphic designers, public relations firms, marketing firms, software designers, fashion designers, needleworking, jewelry making, and leatherworking) would provide the daytime foot traffic needed to support local retailers in the mornings, during lunch and after work.

We also believe that job creation would become a catalyst for improvements to the public realm, such as the Allen Street mall. In order to encourage public realm improvements and reinforce the historic core of the LES, we would like the zoning to treat Allen Street as a wide street and allow for the shifting of bulk to Allen Street to keep Orchard Street low-scale. In this scenario, developers would be required to contribute to an Allen Street improvement fund for median maintenance.

One of our primary concerns with the proposed rezoning relates to areas rezoned from C6-1, which allows a broad range of commercial uses that we support and are in use, to C4-4A, which does not allow some artisan related uses and custom manufacturing activities that fall under Use Group 11 (e.g. clothing manufacturers, art needlework and jewelry making). We believe Use Group 11 is important to encouraging the creative economy and supporting the work of existing businesses in this district.

The density from the C6-1 is also appropriate (even in the context of height restrictions) to encourage low-scale/mid-rise office buildings for a daytime population of workers. The current C6-1 district allows for a commercial FAR of 6.0. We support this FAR within the building height limits that are set under the zoning proposal, not just for hotels, but for boutique office space and specialized manufacturing. In order for New York City to remain competitive in sectors other than the FIRE industries, places like the Lower East Side---that have a history of manufacturing and currently house existing businesses doing light manufacturing and artisan crafts---need to be supported by the zoning framework. We believe it would be a loss to the Lower East Side and to New York City to prevent local light manufacturers, artisans, and other "creative industries" from doing business in our district.

It is not clear what the rationale would be for a C4-4A district, if the current commercial FAR allows more opportunity to encourage the commercial presence that the LES needs and that would underscore the image of the Lower East Side as a place of creativity, local business, and entrepreneurship.

Moreover, attached as additional backdrop material to our position on the City's rezoning is the Chinatown/LES Empire Zone's District Plan. While the District Plan is a vision in the context of whatever re-zoning proposal that is approved by the City, the LESBID believes that our zoning position can optimally leverage the goals, incentives, benefits, and mechanisms provided by the Empire Zone's Program, as reflected in its District Plan. (Note to DCP: The LESBID Executive Director serves on the Board of the Chinatown/LES Empire Zone )

Our efforts are echoed by another advocate for retaining a diverse economy in the Lower East Side, the New York Industrial Retention Network (NYIRN). This organization also strongly supports a diverse economy that encourages light industrial and artisan uses south of Houston allowed by a C6 zone, but not a C4 zone. As such, NYIRN believes that Building B in Essex Street Market could successfully incorporate a diverse

mix of light industrial manufacturing uses that are currently under threat from real estate pressures in other parts of Manhattan. This view supports the BID's belief that a variety of uses can thrive in the district and is not pie-in-the-sky abstract.

Along with NYIRN, the LESBID is prepared to recruit businesses to occupy the type of building proposed on the Essex Street Market site. Through the Empire Zone Program, the current commercial FAR can better leverage the economic development incentives that will become available to businesses that open south of Houston. We envision the Lower East Side as the affordable commercial option in Manhattan (Chelsea and Flatiron have become too expensive). The Lower East Side can not only become an alternative for residents to reside, but also for businesses to locate.

The zoning proposal treats the area east of Essex Street as a residential area, with one commercial overlay district mapped along Clinton Street. However, in general there is a significant amount of non-residential square footage (in the form of commercial and community facility FAR). Thus, we would like to propose that the ground and second floors along streets east of Essex Street be zoned for commercial and light manufacturing uses. The area east of Essex Street is a low-to-medium scale, mixed-use district. There are schools, residential buildings, commercial buildings and residential buildings with ground floor retail in the area. There are many buildings that have between 2,000 and 3,000 square feet of commercial space (on the ground floor and/or second floor). In keeping with the mixed-use character of the area (and the BID's creative economy goals), commercial and light-manufacturing use should be permitted throughout the eastern portion of the LES.

The area's proximity to public transportation underscores how the zoning could allow a broad array of uses and allow for commercial and residential square footage. We believe that the current FAR and height allowances should be retained for areas around public transportation stations, since those hubs can support density and it amounts to that many fewer people who might buy or use cars. This outcome is in keeping with the goals of PlaNYC 2030. The boundaries of a transportation hub could be 100 feet from the streets that form the public transportation-intersection.

#### **The LESBID's Toolkit**

The LESBID has several tools and resources that it can use to reinforce the economic development potential of the area south of Houston St.:

- The role and services offered as a business improvement district engaging the community and the wider benefits the BID can bring should its boundaries be expanded;
- The rezoning initiative of the City to meet economic and land use objectives;
- The mechanism and incentives offered by its location in the Empire Zone;
- As an advocate and potential partner, NYIRN offers an extensive client base and support of light industrial and artisanal tenantry that can be tools for appropriate, diverse and sustainable development in the LES.

The LES BID agrees that these tools can be used to accomplish the following objectives:

- To reinforce the existing low-to-medium scale areas of the community
- To shape an area that transitions between the historic character of the Orchard St. area and the "tower in the park" buildings closer to the East River

- To leverage the transitioning heights and commercial FAR in order to create a vibrant economic climate for businesses and a dynamic community setting

Overall, I would like to reiterate that we agree with much of the zoning proposal, including:

- Preserving the character of the area through reasonable height limits and contextual aesthetics
- Supporting the development of affordable housing and its link to an FAR bonus
- Residential upzoning from 3.44 to 4.0 to provide for more housing units in the area.
- Rezoning of wide streets to allow for significant FAR but also have appropriate corresponding building height limits, except for areas defined as transportation hubs, which should allow for a flexible development envelope without building height limits

At the same, we emphasize the importance of the suggested modifications and the potential benefits, not just for the LESBID's area, but the broader neighborhood and the entire City. Given all that I have addressed today, we believe a follow-up study of the Lower East Side is warranted. The study would evaluate the above stated recommendations vis-à-vis a zoning framework that would help to create and continue the legacy of a diverse, mixed-use district that will attract both local businesses and residents for decades to come.

On behalf of the LESBID, I appreciate the opportunity to provide our perspective. I hope it is seen as an important part of the effort to lay out a vision for the Lower East Side that can serve the needs and interests of the whole community and reinforce the City's direction towards a more sustainable future for all New Yorkers.

HOWARD R. SLONIM, P.C.  
COUNSELOR AT LAW  
270 MADISON AVENUE  
NEW YORK, NY 10016

(212) 692-9538  
(212) 683-3352

MEMBER NEW YORK AND FLORIDA BAR

15<sup>TH</sup> FLOOR

July 5, 2007

Jessica Neilan  
Department of City Planning,  
Environmental Assessment and Review Division,  
22 Reade Street,  
New York, NY 10007

Dear Ms. Neilan:

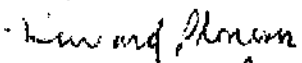
As a member of the Executive Board of the Lower East Side Business Improvement District (LESBID), I support the position arrived at by the Lower East Side Business Improvement District on the proposed rezoning of the area. I strongly agree that the Department of City Planning, the City Planning Commission, Manhattan Community Board 3, the Manhattan Borough President, and the City Council should adopt the recommendations by the LESBID.

The LESBID's position is balanced, acknowledging the need for the type of scale that preserves the character of the community and the residential upzoning and affordable housing that recognizes the needs a growing City population currently competing for limited living space.

I also attest to the challenges of attracting a daytime population to support the area's retail. The Lower East Side has withstood many quality of life problems over the years. I therefore emphatically support the BID's advocacy for a plan to bring jobs in the "creative industries" that match the community's image.

Please give the LESBID's position full consideration and incorporate its recommendations into the City's zoning plan.

Thank you.

  
Howard Slonim *pres*





**New York City  
Department of Transportation**

**Janette Sadik-Khan, Commissioner**

*Neitah*  
**Traffic Planning**  
40 Worth Street, Room 928  
New York, New York 10013  
Tel: 212-676-1680 Fax: 212-442-7912

Web: [www.nyc.gov/dot](http://www.nyc.gov/dot)

To: Robert Dobruskin, Director  
Environmental Assessment and Review Division  
Department of City Planning

From: Naim Rasheed, Director *Naim*

Rc: East Village / Lower East Side Rezoning  
Environmental Assessment Statement and Draft Scope of Work  
CEQR No.: 07DCP078M

Date: July 3, 2007

2007 JUL 23 PM 3:35  
OFFICE OF THE NEW YORK  
COMMISSIONER OF  
ENVIRONMENTAL CONSERVATION

We have reviewed the Environmental Assessment Statement (EAS) and the draft scope of work for the above referenced project and submit the following comments:

1. Please have the consultant justify the exclusion of Saturday peak hour traffic analysis.
2. The scope of work described trip distribution/assignment method which aggregates total vehicular peak hour trips for the projected development sites within up to 10 "zones", assigns total trips to a centroid within each zone, and accumulates trips from each zone at intersections in the study area on page 31. Please have the consultant provide a detailed explanation how these zones were created as well as a detailed map for these zones.
3. Please provide preliminary travel demand assumptions (trip generation, distribution and assignments) for each of the weekday analysis peak hours. The preliminary planning assumptions will help define a traffic study area as well as identify study intersections to be included in traffic analysis. DOT would make the final determination of the study area and intersections based on the review of the preliminary travel demand assumptions.
4. Please have the consultant include the vehicular and pedestrian safety impact assessment (quantitative accident analysis) at high accident locations based on the review of the latest three-year accident data.

Robert Dobruskin, Director  
Environmental Assessment and Review Division  
Re: East Village/Lower East Side Rezoning  
CEQR No.: 07DCP078M  
July 3, 2007

Page 2 of 2

5. Please have the consultant include traffic and parking analysis in the Task 20 (construction).
6. The Scope of Work on Page 33 states, "We do not expect that the CEQR Technical Manual threshold of 200 peak hour pedestrian trips would be exceeded at any pedestrian circulation elements that would warrant a detailed analysis." Please have the consultant provide pedestrian trip generation, distribution, and assignment to verify the above statement.
7. Please have the consultant include details of the projected truck routes and operations from/to each of the proposed zones.

If you have any questions, please call me at (212) 676-1680 or Joon Park at (212) 442-7677.

c: D/C M. Primeggia, B/C M. Forgione, R. Kulikowski (OEC), S. Ahmed, J. Park,  
File

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**Chinatown Tenant Union**

**Comments submitted for consideration in the Draft Scope of Work for an Environmental Impact Statement (EIS) to be prepared for the proposed East Village / Lower East Side Rezoning**

**Submitted to the NYC Department of City Planning  
July 5, 2007**



The Chinatown Tenants Union is comprised of more than 100 members, all of whom are residents of Chinatown, and more than 1,200 supporters in Chinatown.

As you know, New York City's Chinatown is the site of the largest concentration of Chinese people in the Western hemisphere. As such, Chinatown is the historical and cultural center of the Chinese community in New York City and has served as an essential part of the City's economy, history and culture. It is home to 84,000 residents, the majority of whom work in low-wage restaurant and garment industries, who have built the neighborhood into what it is today – a vital place that provides homes, jobs, and a sense of community for thousands of Chinese immigrants.

As residents of Chinatown, we are very interested in the potential benefit and adverse impact that the rezoning of the East Village/Lower East Side might have for the Chinatown community and its current residents. We are particularly concerned about the role that the rezoning might have on increasing the rate of gentrification in Chinatown through primary and secondary displacement of low-income tenants and small businesses from the community, and urge the Department of City Planning to take these concerns strongly into consideration when defining the scope of the EIS and also in the final decisions on how the LES will be rezoned.

As you know, since the mid-1990s, Chinatown has undergone dramatic changes, as mom-and-pop stores have been and continue to be turned into upscale restaurants and boutiques, and commercial spaces that once housed garment factories are being turned into high-tech offices or lofts. Central to this process is the displacement of low-income tenants and local businesses. Overwhelming number of Chinatown residents rent their apartments, living in overcrowded and dilapidated tenement buildings that are over one hundred years old. As pressures for gentrification increase, landlord harassment and forced evictions of Chinese immigrant tenants are rising at an alarming rate. Without priority given to equitable and inclusive development strategies, the very fabric and essence of Chinatown will be unraveled, as the Chinese immigrants who form its heart will no longer be able to reside in the neighborhood they have helped create.

Overall, the CTU would like to support the proposals put forth by CB3 and the Lower East Side Coalition for Accountable Zoning; however, there are a few points that we would particularly like to highlight as important for our organization and the community residents who make up our membership:

- It is critical that DCP study the broad impact and potential of both primary and secondary displacement that the rezoning might have on low- and moderate-income tenants and small businesses. It will be critical to both understand this impact and put in place provisions to prevent and mitigate any displacement through anti-harassment and anti-demolitions provisions from the outset of the rezoning, as well as the preservation of all affordable housing that exists in the community. We strongly support the inclusion of anti-harassment and anti-demolition provisions in the rezoning of the East Village/Lower East Side.
- As Chinatown residents, we do not believe that any part of Chinatown should be rezoned with a higher density than what is proposed in other parts of the rezoning. Particularly, we are very concerned about the proposed zoning of Chrystie Street with a base FAR of 6.0 with an IZ bonus to 8.0 and a height cap of 150' [R8X], or as an R8A with IZ as DCP proposed. The potential adverse impact of this type of rezoning in an important area of Chinatown must be evaluated not only for the residents of that street and those surrounding the street but also for the precedent that rezoning of this density and height will set for future rezonings in other areas of Chinatown. While we clearly support the creation of new affordable housing, we believe that this can be done without building with such density and are concerned that the negative impact of increased secondary displacement and gentrification will outweigh the benefit of a few additional units. We strongly recommend that the effects of rezoning Chrystie Street to such a high density and height be studied, with input from low-income tenants of Chinatown taken into account.
- It is critical the DCP do a comprehensive assessment of the make-up and status of the current housing stock and residential base. The rezoning must take this current make up in account in order to ensure preservation of all current affordable housing and any new affordable housing creation must be accessible and tailored to current very low-, low- and moderate-income residents.
- Through a community survey with small businesses, the CTU found that small business owners in Chinatown are also feeling the pressures of gentrification in the community. Nearly half said that they have considered relocating or shutting down as a result, and 81 percent said that if their rent increases and they do not receive any kind of support, they will not be able to continue to do business in the community. It is critical that DCP consider the impact of the rezoning on small, locally-owned businesses.
- Finally, as mentioned above, Chinatown is the cultural, economic, and social center for thousands of Chinese immigrants from throughout New York City and beyond. It is essential that this living and working community be preserved. The components of this cultural center are not necessarily embodied in buildings or streets but in the people who make it the vibrant neighborhood that it has been for decades and is today. Therefore, it is critical that DCP fully study the potential benefits and adverse impacts of the rezoning on the preservation of the community.

Although the majority of the rezoning geographically impacts the Lower East Side, clearly there are parts of Chinatown that are directly included in this rezoning; we are also clear that this

rezoning will have clear impacts on the entirety of Chinatown. For this reason, we are very interested in this process and look forward to being an active part of the decisions that are made.

Thank you for your time.

Helena Wong  
Representative for the Chinatown Tenant Union  
c/o CAAAV Organizing Asian Communities  
191 E 3<sup>rd</sup> Street  
New York, NY 10009  
(212) 473-6485



LOWER  
EAST SIDE  
ECOLOGY  
CENTER

Written Testimony on Draft Scope of Work for EIS in  
East Village/Lower East Side

Robert Dobruskin  
Department of City Planning  
Director of Environmental Assessment and Review Division  
[rdobrus@planning.nyc.gov](mailto:rdobrus@planning.nyc.gov)

Jessica Neilan  
NYC Department of City Planning  
Environmental Assessment and Review Division  
Phone: 212-720-3425  
Fax: 212-720-3495  
[J\\_neilan@planning.nyc.gov](mailto:J_neilan@planning.nyc.gov)

Outstanding Renewal Enterprises, Inc. d/b/a Lower East Side Ecology Center (LESEC), a community based non-profit 501(c)(3) organization, has perused three objectives for its 20 years of environmental activism in New York City: (1) Providing recycling and compost programs to supplement existing NYC curbside programs; (2) Developing local stewardship of public open space; and (3) Increasing community awareness, involvement, and youth development through environmental education programs. All three objectives will help New York City to become a more sustainable City and that these objectives all tie into one of the most urgent environmental issues of our time: Climate Change. Although climate change is a complex global issue, efforts to address it need to begin on a local level and start with education and strong foundations to increase awareness and understanding.

According to Mayor Bloomberg: "You can no longer deny the science and bury your head in the sand - climate change is real, and by looking at where and how we are contributing to that problem, we can identify how to reduce our emissions and create a better future for our children and grandchildren." The Lower East Side Ecology Center fully supports the Mayor's stance on climate change issues and advocates for the incorporation of a diversity of mitigation strategies into the Scope of Work for the EIS in our community of the East Village and Lower East Side. This is particularly important in that, according to the NY Greenhouse Gas Emissions Inventory, citywide carbon dioxide equivalent (CO<sub>2</sub>e) emissions were approximately 58 million metric tons in 2005, with 79 percent coming from buildings. Any rezoning plans and corresponding EIS must incorporate the staggering impacts of climate change and the specific community and citywide impacts into their planning, implementation and monitoring. These additions must include:

- o Adequate climate-related "baselines"
- o Diverse incentive programs

- o Time-bound targets for mitigation efforts, implementation and enforcement
- o A mix of community-based and city-wide monitoring & evaluation procedures

LESEC advocates for the inclusion of direct language concerning both the potential adverse impacts rezoning in our community will have on community and city-wide climate change, as well, as mitigation potentials within rezoning plans in the Scope of work for EIS in the East Village/Lower East Side. It is crucial that issues such as the Urban Heat Island (US Environmental Protection Agency's definition of Urban Heat Island), as well as increased ozone, CO2 and other particulate matter are brought to the forefront of our urban planning agenda. All of these components of global climate change have heightened impacts in high-density, urban environments such as the East Village and Lower East Side; placing our communities at elevated risk for asthma and other respiratory diseases, heat stroke, and other adverse health/quality-of-life issues.

The Lower East Side Ecology Center is currently developing our own programs to focus in on outreach, education and advocacy that community members can take to curb climate change (Please, note at end of document for more information). We are also collaborating with, and in full support of, LES Coalition for Accountable Zoning (LESCAZ), which is made up of neighborhood CB3 organizations and individuals to advocate for the Community Board 11 point plan.

It is imperative for city agencies to create legislative enforcement and infrastructure needed to ensure adequate mitigation concerning energy demand, urban heat island, CO2 emissions, open space loss and increased residential density. EIS should include Green Alternatives and Mitigation measures, such as:

- o Green building design (going above and beyond LEED)
- o Green Roofs and other permeable surfaces
- o Rainwater Harvesting
- o Energy efficiency (e.g. net metering)
- o Community Garden protection
- o Increased permeable surfaces to off-set runoff
- o Greywater systems promoted in new construction and potential retrofits

LESEC, which has had a Community Garden on 7<sup>th</sup> Street between B & C since 1990, is a strong advocate for the permanent protection of Community Gardens (many of which lose protection under the agreement with the Attorney General's office in 2010). Community Gardens, as well as community-accessible green roofs, are not only refuges for community members, but are key in offsetting the urban heat island effect, absorbing CO2 and other particulate matter, and are directly correlated with the Mayor's Plan2030 to increase communities' access to green spaces. Therefore, LESEC urges DCP to consider extended support and protection for existing community gardens in CB3.

## **What the Lower East Side Ecology Center is doing:**

The Ecology Center is not only advocating citywide frameworks for climate-friendly development and urban dwelling. We also continue to offer our resources as community educators, organizers, and facilitators. In the summer of 2006, LESEC spearheaded a new initiative, the Climate Crew that trains local youth and adults to be leaders in getting the word out about climate change and how our diverse communities can work together to address this problem here in New York City. Climate Crew is an action-based educational program, with the overarching goals to:

- Engage in collaborative partnerships with other NYC-based organizations working on issues surrounding climate change, impacts and solutions:  
**The NYC Climate Coalition**
- Develop & implement—with our partners—curriculum, outreach, public events and other forms of solutions-based education to combat climate change in our region
- Establish a network of youth "members" to train as "Climate Ambassadors" in aspects of climate change
- Create a database of community members interested in taking action to curb negative local and international impacts

For any comments or questions, please contact Tara DePorte at [tara@lesecolgycenter.org](mailto:tara@lesecolgycenter.org) or (212)477-4022



Good Old  
Lower East  
Side, Inc.  
GOLES

**Public Testimony by Good Old Lower East Side (GOLES)**  
**Comment on Draft Scope of Work for an Environmental Impact Statement**  
**East Village/Lower East Side Rezoning**  
**June 25, 2007**

Good Afternoon, my name is Damaris Reyes and I am the Executive Director of Good Old Lower East Side, GOLES, a 28-year old community organization dedicated to the preservation of quality, affordable housing and the prevention of displacement and homelessness on the Lower East Side. I also sit on Community Board 3's Rezoning Taskforce as a public member and I represent GOLES as a member of the Lower East Side Coalition for Accountable Zoning (LESCAZ). I am here today to ask that all of the Community Board's 11 points be included and studied in the Environmental Impact Statement.

Over the past decade, our community has seen a rapid loss in our affordable housing stock. Rent regulated units are quickly being deregulated as a result of vacancy decontrol and owners of project-based section 8 buildings are deciding to "opt-out" of the section 8 program. Due to this rapid deregulation, we believe that it is imperative to maximize the opportunities to develop and preserve affordable housing in this rezoning. It is essential that, as per the Community Board 11 points, the Lower East Side receives anti-harassment and anti-demolition provisions and that affordable housing is developed throughout the neighborhood.

Today, I will specifically address affordable housing as it relates to Land Use, Zoning & Public Policy, Socioeconomic Conditions, and Neighborhood Character, tasks 2, 3, and 9 respectively of the draft scoping document. The Community's proposal that 30% of all new housing units created in this rezoning be permanently affordable to local residents at low to moderate income levels should be considered in each of these sections. In addition to assessing the impacts of Inclusionary Zoning, the EIS should also identify publicly owned or controlled sites available for construction of affordable housing as well as assess the potential socioeconomic changes and impacts on our neighborhood character if 30% of all new housing created were affordable.

In addition, the EIS should study the Community's proposal for the use of Inclusionary Zoning *throughout* the rezoning area. The Community requests the study of the impact of Zone R7A base FAR 3.45 with 4.6 FAR Inclusionary Zoning for 1<sup>st</sup> and 2<sup>nd</sup> Avenues, Avenues A, C and D, Forsythe, Essex and Allen streets. In addition the Community requests that the EIS provide sufficient data to fully analyze the number of lower income units that could be produced on all narrow streets if the areas were zoned for R7B with IZ. These proposals address tasks 2, 3 and 9. The Community feels that developers should be encouraged to develop affordable housing throughout the rezoning area and not just on its periphery. The Lower East Side is currently a mixed income community and therefore the effects of income segregation should be analyzed in both Socioeconomic Conditions and Neighborhood Character sections.

I also ask that under Task 17, Transit and Pedestrians, the EIS study the specific impact that DCP's proposed R8A on Avenue D will have on the transportation of this already underserved street.

Thank you for this opportunity to comment on the draft scope of the EIS.

c/o Sawaryn  
126 Saint Marks Place  
New York, New York 10009

# Coalition To Save The East Village



## Participating Organizations 10/25/01

East 6th & 7th Block  
Association  
Saint Marks Pl. (A - 1st)  
Block Association  
Saint Marks Pl. (1st-2nd)  
Block Association  
Saint Marks Pl. (2nd - 3rd)  
Block Association  
East 5th Street Block  
Association  
6th Street (A-1st) Block  
Association  
8th Street Coalition  
New 600 B-C East 9th Block  
& Neighborhood Association  
9th Street (A-1st) Block  
Association  
Shevchenko Preservation  
Committee  
12th Street Block Association  
East 6th Street Block  
Association  
East 11th Street Block  
Association  
10th & Smuyvesant Streets  
Block Association  
NoHo Zoning Task Force  
Second Ave. Merchants  
Association (SAMA)  
Ludlow Street Block  
Association  
Third Ave. Tenants, Artists &  
Business Association  
Union Square South  
Community Advisory Board  
Inc.  
Union Square Community  
Coalition  
Stewart House  
East 9th Street Apartment  
Corp.

Jessica Neilan  
NYC Department of City Planning  
Environmental Assessment and Review Division  
22 Reade Street  
New York, NY 10007

7:5-07

RE: Public Comment/ Testimony

6/25.07 Public Scoping Meeting for the Proposed East Village/Lower  
East Side Rezoning

We are submitting an alternate plan to be included in the DEIS. This plan was drafted with zoning consultant Doris Deither. The principles behind this plan are as follows:

**1. Preserve the character of the East Village/ Lower East Side.**

The East Village / Lower East Side has a rich diverse history which should be respected and preserved. This community has been home to many immigrants including: Jewish, German, Italian, Ukrainian, Polish Irish, Chinese, and Puerto Rican. This diverse culture is an important part of not only this community's history but of the history of the City of New York.

**2. Do not upzone this community.**

The low-rise, affordable character of the East Village/ Lower East Side will be destroyed if this area is upzoned. This area is already becoming gentrified with a growing number of banks and chain stores. Upzoning will encourage more luxury housing and more upscale commercial establishments, displacing moderate- and low-income residents and commercial establishments.

### **3. No inclusionary zoning.**

The inclusionary zoning program requires an upzoning of the area. Inclusionary zoning does not work to protect the current residents when an area is upzoned. Furthermore, this type of zoning encourages the displacement of current residents and commercial establishments. The "new affordable housing" created is not affordable to the displaced residents. In addition, displaced residents are not guaranteed a new affordable unit. Also, the total number of affordable units provided through IZ does not accommodate the needs of the community.

### **4. Include the Bowery in this rezoning.**

The rich history of the Bowery would be systematically eradicated by unprecedented development. The low-rise character of the Bowery would be replaced by high-rise dormitories, boutique hotels and luxury buildings, which would be out of scale with the rest of the residential community, including the historic NOHO District. In addition to preservation issues, this development would have a horrendous effect on the "quality of life" for community residents—more noise, traffic, sidewalk and street congestion, air pollution, bars, clubs, etc. What was a commercial "daytime" shopping strip would quickly turn into a raucous nightlife district. Most of the development would be "as of right," meaning that it would not require a special permit or variance. Developers would simply take advantage of existing zoning bonuses and the transfer of air rights; therefore, environmental studies would not be required.

### **5. Rezone the area south of Houston from commercial to residential.**

This area, which is primarily residential, has been inundated with bars and clubs. The commercial character of this community has been changed from a daytime shopping area to a nightlife district. What was once a vibrant commercial district has virtually disappeared. Adding more commercial establishments to this area would further erode the character of this community.

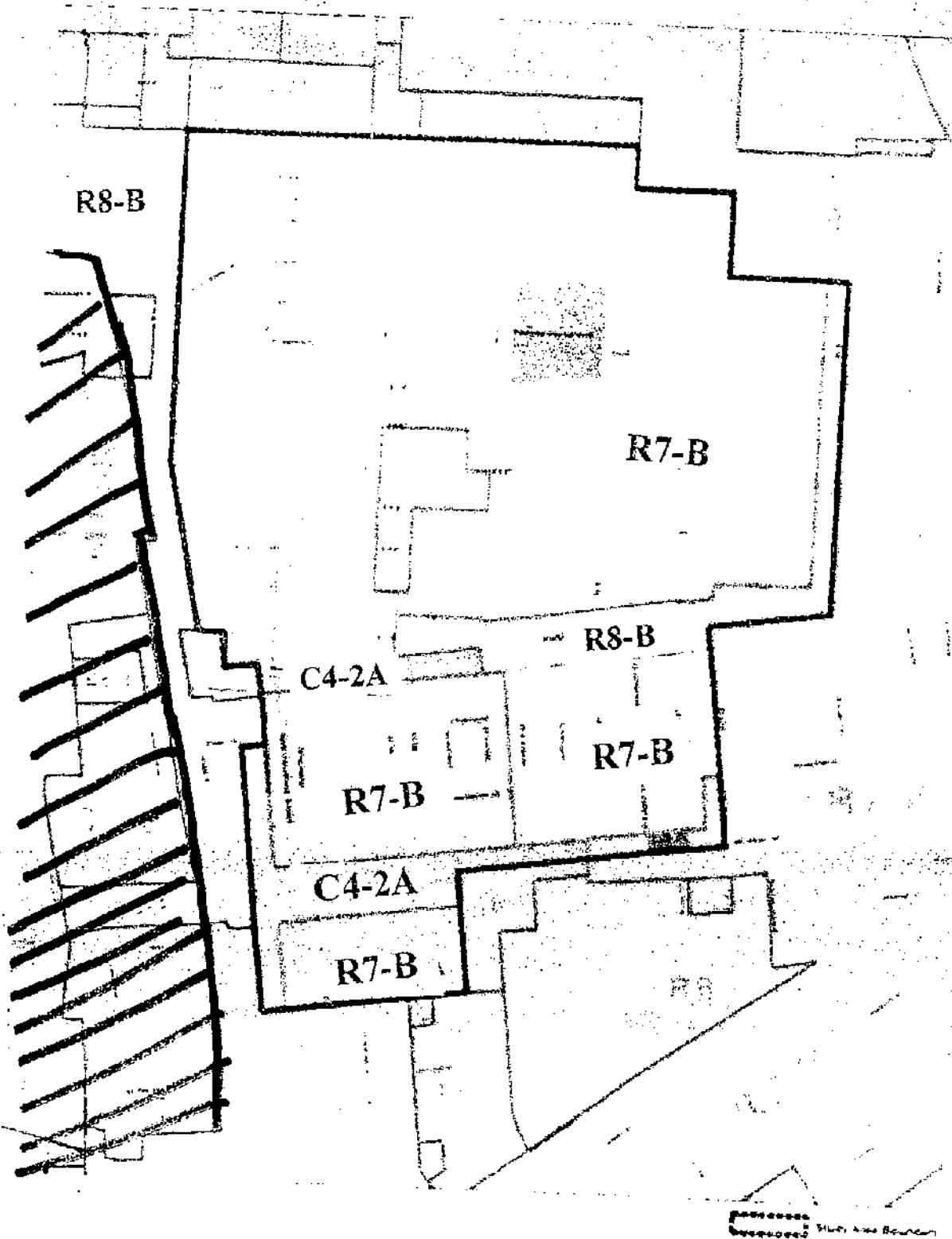
### **The following documents are attached:**

1. Map of proposed rezoning.
2. Petition prepared by the Bowery Alliance of Neighbors (BAN) with a total of 840 signatures.

**NOTE:** The signatures on the petition were collected by tabling and using an online service called Petitions On Line.

The online petitions were printed out and can be accessed on the following website: <http://www.PetitionOnline.com/BAN62007.petition.html>

3. Draft surveys and maps of the Bowery prepared by BAN.



DRAFT

East Village/Lower East Side Rezoning Proposed Zoning

Coalition To Save The East Village  
c/o Sawaryn  
126 Saint Marks Place  
New York, New York 10009



Coalition To Save The East Village



Greenwich  
Village  
Society for  
Historic  
Preservation

232 East 11th Street  
New York, New York 10003

(212) 475-9585  
fax: (212) 475-9582  
www.gvshp.org

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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY**  
**FOR HISTORIC PRESERVATION**  
**REGARDING DRAFT SCOPE OF WORK**  
**FOR ENVIRONMENTAL IMPACT STATEMENT**  
**FOR EAST VILLAGE/LOWER EAST SIDE REZONING**  
**June 25, 2007**

Good afternoon, my name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation. GVSHP has been a part of the Community Board #3 Rezoning Task Force, and of the Lower East Side Coalition for Accountable Zoning (LESCAZ), and I have represented the organization in both capacities. I am here today to urge that the 11 points of the Community Board #3 plan, which are also endorsed by LESCAZ, be studied and included as part of the EIS for the proposed Lower East Side/East Village Rezoning.

I will speak specifically to those issues which deal with Historic Resources and Neighborhood Character in the area north of Houston Street, tasks 7 and 9 in the scoping document. I urge that the alternative of zoning R7-B for narrow streets in the rezoning area be studied, that zoning East Houston Street with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100 feet be studied, and that a full landmark survey of the area be conducted as per points 5, 6, and 9 of the community alternative plan.

While the proposed R8-B is preferable to the originally proposed R7-A for narrow streets in the area, R7-B would be more preferable still. The current draft includes R7-B on parts of three blocks south of Tompkins Square. However, the proposed R8-B for the remainder of the sidestreets still holds the potential to allow some rooftop additions that would likely destroy the consistent streetscape which characterizes so much of the East Village, likely result in the removal of cornices from and the addition of ungainly penthouses to buildings, and possibly assist in harassment of current residents of existing buildings to which penthouses would be added.

The community's proposal for East Houston Street is preferable to the current proposal for C6-2A and R8-A with an IZ bonus, which allows up to 7.2 FAR and heights of up to 120 feet. In terms of the historic built character of the area, this is too great a height and density, and the community's alternative of a base FAR of 4.5 with an IZ bonus to 6, and a height cap of 100 feet, is much more in keeping with the neighborhood character. The community alternatives for zoning for narrow streets as well as Houston Street are also much more likely to keep existing historic resources intact.

Beyond this, the entire East Village should be carefully surveyed, as it is a virtual treasure trove of historic resources, with relatively few of those resources either currently landmarked or listed on the state or national register of historic places. The East Village contains a vast array of religious edifices, institutional buildings of special historic significance to immigrants, workers, and various

ethnic groups, as well as theaters and other cultural venues of considerable social significance from the 19<sup>th</sup> and 20<sup>th</sup> centuries. Resources such as these should be identified and documented as part of the environmental review, and should be analyzed not just in terms of the danger of their demolition, but the possibility of additions and alterations as well.

Additionally, the East Village as a whole, with its remarkable history of immigration, social justice movements, and cultural vitality, should be reviewed for potential historic district designation, as well as for possible designation of individual landmarks.

July 2, 2007

Robert Dobruskin, Director  
Environmental Assessment and Review Division  
Dept. of City Planning  
22 Reade St., Rm. 4E  
New York, NY 10007-1216

Dear Robert Dobruskin,

We write as follow-up to oral testimony made at the Public Scoping meeting for rezoning of the East Village and Lower East Side. The Lower East Side Tenement Museum, Greenwich Village Society for Historic Preservation, and City Lore are all cultural organizations located within the rezoning area. We are also public members of the Community Board 3 '197 Taskforce,' and members of the Lower East Side Coalition for Accountable Zoning (LESCAZ).

In furtherance of the 11 point plan submitted to DCP by Community Board 3, and in response to Task 7 of the draft scope document, we encourage DCP to conduct an expanded historic resource survey so that resources can be adequately identified, and alternatives and mitigations properly considered by the expert agencies. We include here a list of architectural resources that are indicative of the kinds of resources the consultant will find in the East Village and Lower East Side. We stress that this is not an exhaustive list, but rather, indicates the depth and breadth of resources to be considered. Some of these are listed as projected and potential development sites in the draft scope.

**RESOURCES ALREADY IDENTIFIED IN EAST VILLAGE - LES**

Angel Orensanz Foundation, (Anshe Slonim) 172 Norfolk St.  
--NYC Landmark

Charlie Parker Residence, 151 Avenue B  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

Children's Aid Society, Tompkins Square Lodging for Boys and Industrial School, 296 East 8<sup>th</sup> Street  
- NYC Landmark

Christodora House, 147 Avenue B  
- Listed on the State and National Register of Historic Places

Hamilton-Holly House, 4 St. Marks Place  
- NYC Landmark

German-American Shooting Society Clubhouse, 12 St. Mark's Place  
- NYC Landmark

Daniel LeRoy House, 20 St. Mark's Place  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

First Houses, East 3<sup>rd</sup> Street and Avenue A  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

German-American Shooting Society Clubhouse, 12 St. Mark's Place  
- NYC Landmark

German Evangelical Lutheran Church of St. Mark, 323 East 6<sup>th</sup> Street  
- Listed on the State and National Register of Historic Places

Hamilton Fish House, 21 Stuyvesant Street  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

Isaac T. Hopper House, 110 Second Avenue  
- Listed on the State and National Register of Historic Places

Kehila Kedosha Janina, 280 Broome Street  
- NYC Landmark

Lower East Side National Register (see report—  
[http://www.oprhp.state.ny.us/hpimaging/hp\\_view.asp?GroupView=4768](http://www.oprhp.state.ny.us/hpimaging/hp_view.asp?GroupView=4768))

Metropolitan Savings Bank, now the First Ukrainian Evangelical Pentecostal Church, 9 East 7<sup>th</sup> Street  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

New York Marble Cemetery, Interior of the Block between East 2<sup>nd</sup> to 3<sup>rd</sup> Streets, Second Avenue to the Bowery  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

New York City Marble Cemetery, 52-74 East 2<sup>nd</sup> Street  
- NYC Landmark  
- Listed on the State and National Register of Historic Places

New York Public Library, Tompkins Square Branch, 331 East 10<sup>th</sup> Street  
- NYC Landmark

Ottendorfer Public Library and Stuyvesant Polyclinic Hospital, 135-137 2<sup>nd</sup> Avenue  
- NYC Landmark  
- Listed on the State and National Register of Historic Places



Public School 64 (former), 605 East 9<sup>th</sup> Street

- NYC Landmark

St. Marks in the Bowery, Stuyvesant Street/East 10<sup>th</sup> Street at 2<sup>nd</sup> Avenue

- NYC Landmark
- Listed on the State and National Register of Historic Places

St. Marks Historic District

- NYC Landmark
- Listed on the State and National Register of Historic Places

Yiddish Art Theatre, 189 Second Avenue

- NYC Landmark
- Listed on the State and National Register of Historic Places

### EXAMPLES OF POTENTIALLY SIGNIFICANT & ELIGIBLE BUILDINGS

#### Theaters

Orpheum Theatre, 126 Second Avenue (Stomp)

Theaters on West 4<sup>th</sup> Street between Bowery and Second Avenue

- Turnverein Theater, 66-68 East 4<sup>th</sup> Street
- La Mama, 74 A East 4<sup>th</sup> Street
- Rod Rogers Dance Theater, 62 East 4<sup>th</sup> Street

144 Second Avenue (now Veselka, built as a movie theater in 1914)

Theatre 80 St. Marks, 78-80 St. Mark's Place

Canal Street Loew's Theater (architect Thomas Lamb), 31 Canal Street

Landmark Sunshine Theater, 139 E. Houston St.

105 2<sup>nd</sup> Ave (former theater, Fillmore, & Saint, now bank)

#### Houses of Worship

Church of St. Stanislaus Bishop and Martyr, 101 East 7<sup>th</sup> Street

St. Nicholas of Myra Orthodox Church, 288 East 10<sup>th</sup> Street

Church of St. Brigid, 119 Avenue B

Mary Help of Christians, 436 East 12<sup>th</sup> Street

Congregation Beth Hamedrash Hagodol Anshe Ungarn, 242 East 7<sup>th</sup> Street

Holy Cross Polish National Catholic Church, 57 St. Marks Place

Iglesia Metodista Unida Todas Las Naciones, 48 St. Marks Place

Church of St. Cyril, 62 St. Marks Place

Middle Collegiate Church, 112 Second Avenue

Father's Heart Ministry Center, 543 East 11<sup>th</sup> Street

Congregation B'nai Moses Joseph Anshei Zawichost and Zosmer, 317 East 8<sup>th</sup> Street

St. Mary's American Orthodox Greek Catholic Church, 121 East 7<sup>th</sup> Street

Congregation Adas Yisroel Anshe Mezeritz, 415 East 6<sup>th</sup> Street  
 Iglesia de Dios, 636 East 6<sup>th</sup> Street, original United Brethren Mission, designed by Vaux & Radford  
 San Isidoro y San Leandro Orthodox Catholic Church of Hispanic Rite, originally Church of St. Elizabeth of Hungary, 345 East 4<sup>th</sup> Street  
 Church of Most Holy Redeemer, 173 East 3<sup>rd</sup> Street  
 Monte Hermon, Iglesia Cristiana, 289 East 3<sup>rd</sup> Street  
 Beth Yitzchock, Congregation, 108 East 1<sup>st</sup> Street  
 Former Rectory, St. Nicholas Roman Catholic Church, 135 East 2<sup>nd</sup> Street  
 Nativity Mission Center, 204 & 206 Forsyth St.  
 San Isidoro y San Leandro Western Orthodox Christian Church of the Hispanic Mozarabic Rite, 345 E. 4<sup>th</sup>. Formerly, the R.C. St. Elizabeth of Hungary parish; the Russian-Greek Orthodox Chapel of the Holy Trinity, and the Russian Orthodox Church of St. Nicholas  
 Synagogue Center, Max D. Raitskin Center, 323 E. 6<sup>th</sup> St., former German Evangelical Lutheran Church of St. Mark (home church to Gen'l Slocum fire victims  
 Ukrainian church, 206 E. 11<sup>th</sup> St.  
 Our Lady of Sorrows Complex (Church, School, and Rectory), 213 Stanton & 99 Pitt  
 Former Adath Jeshurun of Jassy (Congregation Israel of Jassy), then Erste Warsawer Synagogue (First Warsaw Congregation), now artists' housing and studios, 58 Rivington Street (Stein, Cohen & Roth; chief architect, Emery Roth, 1903)  
 Former Rivington Branch, New York Public Library, now Iglesia del Nazareno (Church of the Nazarene) 61-63 Rivington Street (McKim, Mead & White, architects, 1905)

#### Schools

Former PS 122, 150 First Avenue  
 PS 63, 121 East 3<sup>rd</sup> Street  
 East Village Community School, 610 East 12<sup>th</sup> Street  
 Manhattan School for Career Development, 113 East 4<sup>th</sup> Street  
 Urban Assembly School, 420 East 12<sup>th</sup> Street  
 42 East 1<sup>st</sup> Street (former school)  
 Former Girls School on East 12<sup>th</sup> Street between 2<sup>nd</sup> & 1<sup>st</sup> Avenues  
 PS 42, 71 Hester Street  
 Seward Park High School, 62 Ludlow Street  
 Former P.S. 20, now Rivington House, 45 Rivington Street (C.B.J. Snyder, architect, 1898; renovations by Perkins & Will & Davis Brody, architects, 1993-94) - edge of district

#### Civic Buildings

Bathhouse, 538-540 East 11<sup>th</sup> Street  
 Bathhouse, 135 Allen St. - edge of district  
 Second Avenue Courthouse Building, now Anthology Film Archives, 32-34 Second Avenue

New York Ear and Eye Infirmary, 216-222 Second Avenue

Children's Aid Society Building, 630 East 6<sup>th</sup> Street

University Settlement, originally the Neighborhood Guild, 184 Eldridge Street (Howells & Stokes, architects, 1898-99; addition by DeLemos & Cordes, 1904) - edge of district

### Bank Buildings

Public National Bank of New York, 106 Avenue C

Former Industrial National Bank, 72 Second Avenue

85 Delancey Street Four-story, Neo-Renaissance cast-stone bank and commercial building with bronze door and clock for Public National Bank and Trust Company. Schwartz & Gross, 1936.

183 Essex Street (223-225 Houston Street). Provident Loan Society of New York. One-story, Classical Revival brick bank building with stone and terra-cotta trim. Renwick, Aspinwall & Tucker, 1912.

### Houses

Greek Revival Houses at 30-38 East 3<sup>rd</sup> Street

Greek Revival, 169 First Ave.

Greek Revival, 326-328 E. 4<sup>th</sup> St.

Greek Revival/Neo Grec, 258 E. 7<sup>th</sup>, 266 E. 7<sup>th</sup> St., 260 E. 7<sup>th</sup> St.

Federal houses on the north side of East 7<sup>th</sup> Street between 2<sup>nd</sup> & 3<sup>rd</sup> Avenues

Federal house, 143 Allen St.

Rowhouses on 10<sup>th</sup> Street along the north side of Tompkins Square Park

Federal Style row houses on Grand Street (331, 333 and 335 Grand Street) just across from eastern boundary of rezoning

Distinctive residential row, 45-49-51 Ave. B

### Tenement Buildings

101 Ave. A.

79 Delancey Street Seven-story, Classical Revival marble and terra-cotta commercial building. Samuel Sass, 1913.

80 Delancey Street Six-story, Beaux-Arts old-law brick tenement with terra-cotta trim; cornice. c.1895.

81 Delancey Street Five-story, Queen Anne old-law brick tenement with stone and terra-cotta trim. Rentz & Lange, 1888.

101 Delancey Street Karg [built for Charles Karg]; Six-story Classical Revival new-law brick tenement. Adolph F. Leicht, 1912.

217 Houston Street Five-story, Neo-Grec pre-law brick tenement with stone trim. c. 1875.

179 Houston Street Six-story, Neo-Grec old-law brick tenement with brick and stone trim; cornice removed. Julius Boekell, 1897. "Russ & Daughters Appetizing" neon sign.

Commercial & Other

Hebrew Actor's Union, 31 East 7<sup>th</sup> Street

Cast-iron building at 171 First Avenue

Former Karl Bitter Studio, 249 ½ East 13<sup>th</sup> Street

Wheatworth Factory, 444 East 10<sup>th</sup> Street

Bimbaum Building (now NYU Tisch's building), 111 Second Avenue

Former transformer station, now artist Walter De Maria studio, 421-419 E. 6<sup>th</sup> St.

Distinctive commercial building, 110 Ave. C

McSorley's, 15 East 7<sup>th</sup> Street

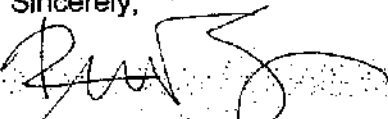
Old Beckenstein Building, 130 Orchard Street

Former Site of Ridley's department building (just across from southernmost boundary of zoning), 317 Grand Street

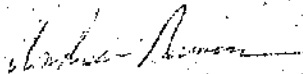
Katz's Delicatessen (in part), 199-205 Houston Street. One-story, commercial brick commercial building with historic neon and enamel signs for Katz's, section at No. 203 with modern facade. c. 1920.

Thank you for your consideration of our recommendations.

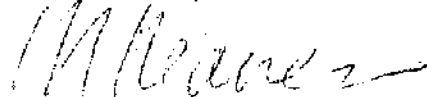
Sincerely,



Renee Epps, for Lower East Side Tenement Museum  
91 Orchard St., NY NY 10002



Andrew Berman, for Greenwich Village Society for Historic Preservation  
232 E. 11<sup>th</sup> St., NY NY 10003



Marci Reaven, for City Lore  
72 E. First St., NY NY 10003

# LOWER EAST SIDE TENEMENT MUSEUM

MUSEUM OFFICES 91 Orchard Street, New York, NY 10002 tel 212.431.0233 fax 212.431.0402 www.tenement.org MUSEUM LOCATION 108 Orchard Street

## Public testimony by Lower East Side Tenement Museum, June 25, 2007 Re: Draft Scope of Work for an Environmental Impact Statement, East Village/Lower East Side Rezoning

My name is Margaret Hughes, Director of the Immigrant Heritage Project at the Lower East Side Tenement Museum, a cultural organization located on Orchard Street in the rezoning area. I'm here as the Coordinator of the Lower East Side Preservation Coalition. The Lower East Side Preservation Coalition (LESPC) was formed to explore options and pursue strategies for neighborhood stabilization and preservation. In August 2006, the Coalition submitted a Request for Evaluation to the New York City Landmarks Preservation Commission for the Lower East Side Historic District, a major portion of the proposed Historic District is in the Rezoning area. The bulk of the proposed area is on the National Register for Historic Places. (The report can be accessed at the following url: [http://www.oprhp.state.ny.us/hpimaging/hp\\_view.asp?GroupView=4768](http://www.oprhp.state.ny.us/hpimaging/hp_view.asp?GroupView=4768)).

**These comments are applicable to Task 7. Historical Resources and to Task 9. Neighborhood Character.**

Within the Lower East Side Historic District, scores of nineteenth and twentieth century

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Ruth J. Abram

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Alan J. Gerson

# LOWER EAST SIDE TENEMENT MUSEUM

**MUSEUM OFFICES** 91 Orchard Street, New York, NY 10002 tel 212.431.0233 fax 212.431.0402 www.tenement.org **MUSEUM LOCATION** 108 Orchard Street

properties convey the story of immigrant homes, health, entrepreneur-ship, labor, education, and recreational life in New York City. Sites include pre-law and old-law Italianate, Beaux-Arts, Queen Anne and Neo-Grec tenements as well as Federal-style row houses. In addition we find an extraordinary array of historic properties—commercial, religious and educational:

- The Good Samaritan Dispensary, a turn-of-the last century clinic for Lower East Side immigrants;
- The Public National Bank and Trust Company;
- The Eldridge Street Synagogue, the first great house of worship built on the Lower East Side by Eastern European Jews and designated a National Historic Landmark in 1996;
- Kehila Kedosha Janina, a synagogue virtually unchanged since it was built by Romaniote Jews from Janina, Greece in 1927, was designated a landmark by the City of New York in 2004;
- The former home of the Ridley's Department Store;
- Recreational sites such as the Loews Theater designed by Thomas Lamb;
- and Educational institutions including Public School 42 and Seward Park High School.

The Lower East Side is an historic immigrant neighborhood. Should its unique streetscape be lost, New Yorkers, as well as national and international visitors to the neighborhood will lose all context for its rich cultural history. The designation of a Lower East Side Historic District will break new ground in preservation. It will be the first Historic District to commemorate the urban, working class, poor immigrant and migrant experience.



# LOWER EAST SIDE TENEMENT MUSEUM

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For all the reasons given above I ask the Landmarks Commission to speedily designate a Lower East Side Historic District as a permanent reminder of the importance of immigration to this City, past and present. The Lower East Side as it is today is vital to our sense of ourselves as a people, as New Yorkers, and as Americans.

Testimony  
EV/LES Rezoning Environmental Impact Statement Scoping Meeting  
Department of City Planning,  
Spector Hall, 22 Reade Street, June 25, 2-5pm, 6-8:45pm

Rob Hollander, Ph.D.,  
Director, LES Residents for Responsible Development

Lower East Side Residents for Responsible Development asks that the three following alternatives be included in the scope of the Environmental Impact Statement:

1. Include the Bowery in the C4-4A zone,
2. Keep the current 3.44 FAR for the avenues north of Houston Street,
3. Do not upzone Houston, Delancey, Chrystie or D.

**1. Inclusion of the Bowery:** the impact of this zoning on the Bowery could be devastating. Unable to build their hotels south of Houston, developers will look to the Bowery where hotels can still be built. The EIS must include a study of the Bowery. Extend the C4-4A zoning to the Bowery. Most Bowery buildings are four stories or lower. Nearly all the rest are only five stories tall. It is home to some of the oldest, most historic structures in New York (e.g. 185 & 357).

**2. Keep the current 3.44 FAR for the avenues north of Houston Street:** virtually all of 1st Avenue and most of 2nd, A, B and C are lined with buildings 5-stories or lower, FAR 3.44 or less. Raising the FAR to 4 will mean rooftop additions all across the avenues. Landlords use the construction of extensions as a means of turning residences into construction sites to harass tenants out of their homes. Four-story buildings will be warehoused in preparation for demolition and redevelopment. The low-rise, broad, open Civil War context of the East Village avenues will be darkened beyond recognition and solely for money, no other reason.

**3. No upzoning on Houston, Delancey, Chrystie or D:** Inclusionary up-Zoning on Houston has already brought us the Avalon Building and Whole Foods. The character of the neighborhood cannot survive more 80% market-rate glass&steel intrusions. Added development causes secondary displacement of residents and small, local businesses. We already have too much development, we mustn't invite more development. A reasonable zoning for these streets: R7B (FAR 3, height cap 75 ft) perhaps with an inclusionary housing bonus to 4. That will ensure that no one currently living in affordable housing will be displaced for the sake of promises of affordable housing.

A general alternative proposal for the entire district including the Bowery:

- maintain the current 3.44 FAR,
- remove the community facility bonus,
- cap heights at 70 feet (3.44 FAR = an average 5 story tenement, so the added height won't threaten existing tenements.)

The closest existing contextual zonings would be R6A and R7B and for south of Houston, C4-3A. Zoning designations like these but with 3.44 FAR would fit the neighborhood like a glove.

Thank you,

Rob Hollander, Ph.D.  
LES Residents for Responsible Development  
622 E 11, #10  
NYC, 10009  
212-228-6152



# Super-luxe hotel is being erected on Cooper Square

BY LINCOLN ANDERSON

A hotel under construction on the East Village's edge will embody a new concept of "Downtown Luxury," according to its developers.

At 23 stories, with 146 rooms, but no name yet, it's rising at 25-33 Cooper Square at E. Fifth St. The opening is slated for early next year. Peck Moss Hotel Group, led by Gregory Peck, 32, and Matthew Moss, 33, are the developers.

Peck — no relation to the late movie actor of the same name, he assured — said the hotel will feature the most luxurious service and amenities.

"The concept we have for the hotel is something we call 'Downtown Luxury' — to design something Downtown, but with a very high level of service reminiscent of the grand dame hotels of Europe," he said. "We hope it doesn't come off as trendy, but timeless and mature."

Peck said the location is a big plus.

"It's sort of a convergence of several Downtown neighborhoods — Soho, the East Village, Union Square," he said. "And we're really excited about what's going on on the Bowery. — it's going to make it a really vibrant area."

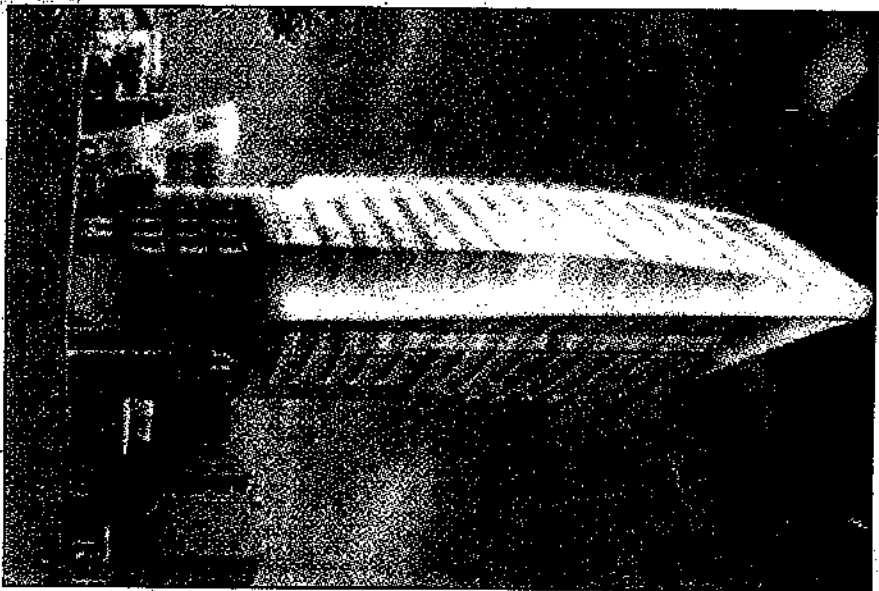
"The hotel's views are really going to be spectacular," he added. "There's not a lot that's really tall around it."

Some bloggers on real estate Web sites, however, have mocked the hotel's white arcing shape, dubbing it "the hawk fin." Others even calling it blatantly phallic: But Peck said he and Moss are high on the hotel's design, which was one by Carlos Zapata.

"Everyone has their opinions," Peck dismissed. "We think it's going to be beautiful and a great part of the skyline."

"Our view is if we were building something new, it would be new," he continued. "I think people will like it — it's just very sleek. It's a glass facade, but it will read white. It has fitting," he said, referring to the specially created glass.

Rates are projected at \$350 to \$400 a night, typical of high-end hotels and significantly higher than the city's



A rendering of the completed 23-story hotel.

\$200 average hotel room rate.

The hotel will also have a 2,000-square-foot live-music venue featuring "eclectic music," a screening room with 30 or 40 seats, "a destination restaurant" and "a couple of bars," Peck said. There will be a 3,000-square-foot rooftop

event space, half enclosed and half open.

The hotel's clientele likely will be "a lot of fashion- and entertainment-type people," he said.

Although some neighbors feared the entrance was being planned for Fifth St., Peck said this was never the case.

"The entrance is on Cooper Square — and it always was. And the side entrance is on Fifth St.," he said. "I think people were afraid there would be deliveries and people coming in on Fifth St.," he noted.

The project is being built around an existing tenement building, in which two residential tenants declined buyout offers.

"They wanted to stay there and we had no problem with that," Peck said. The developers purchased the tenement's air rights, though, allowing them to increase the project's height.

"It's all right, because it's sort of juxtaposing the old and the new," Peck said of the tenement holdouts. The artist tenants, Hattie Jones — poet Amiri Baraka's ex-wife — and Kate Abel, occupy the old building's third and fourth floors. The hotel will use the tenement's second floor for administrative offices and the ground floor for a library with a fireplace for hotel guests. On Fifth St., to the south of the tenement, will be a street-level garden for the hotel.

When Peck spoke on Feb. 19, the hotel's steel frame already had been erected to the seventh floor. He said the workers will put up a new floor every two to three workdays and "top out" the building's frame by this month's end.

In the industry, the thinking is that the city can use more hotel rooms, Peck said.

"The total number of hotel rooms is about 71,000," he said. "The city's been operating at close to 90 percent [hotel room] occupancy for the last two years and there's no sign of that slowing down. Tourism is at an all-time high. It dipped for a couple of years after 2001, but now we're back at historical highs."

**CONTEXTUAL HEIGHT  
OF THE LOWER EAST SIDE  
NORTH OF HOUSTON STREET**

**An address-by-address, lot-by-lot survey**

**I**

**Conducted by  
LESRRD**

**Lower East Side Residents for  
Responsible Development**

November 2006

Revised, June 2007

Contextual Height of the Lower East Side North of Houston Street: An address-by-  
address, lot-by-lot survey

Conducted by Lower East Side Residents for Responsible Development

## Survey I: Representative Streets

### Background

This survey was conducted during the first week of November, 2006, by Lower East Side Residents for Responsible Development (LESRRD), an East Village community network, as a community informational project in preparation for a public presentation of a rezoning plan by the Department of City Planning (DCP), November 6, 2006. The goal has been to provide the public, the local Community Board and the City with reliable, up-to-date data on the height of existing structures for the determination of contextual height, the general height of buildings in the Lower East Side north of Houston street. The survey was commissioned and paid for entirely by LESRRD. No funds were sought or accepted from any other source.

### Method

Constraints of time and budget prohibiting a survey of the entire proposed zoning area (see the DCP's proposal map), LESRRD decided to choose, as a first installment of a larger survey, one entire characteristic street and one entire characteristic avenue running through the "East Village" section of the zoning area, Houston Street east of Bowery/3rd Avenue north to 14th Street. Houston Street itself was included to provide data on the number of easily developed "soft" sites, information crucial to judging the impact of DCP's proposed upzoning of that street.

The survey consisted of a walk through, address-by-address, of each of the chosen streets. Each building was recorded individually with the following information (see the sample record sheet attached): number of lots, number of stories, type of use, period of construction, and number of commercial uses. Type of use included residential, religious, commercial, educational. For lots with no construction, types included park, playground, vacant lot, garden, yard. Serial (contiguous) lots with no construction were counted as one address, with the number of lots recorded under lot number. Period of construction was identified by a variety of historical clues including architectural detail, type, size and color of brick, ceiling height, building height, number of units and number of lots, which clues, taken all together, almost always provide a reliable profile of estimated age. Periods included Pre-Law (prior to 1867), Old Law (to 1901), New Law (to ca. 1920), Pre-World War II (to the 1940's), Post-World War II (through the 1980's), Gentrification (to present).

### Data

#### 1st Avenue

# stories	0	1	2	3	4	5	6	>6*	total
#addresses	2	4	2	5	40	87	15	1	156
#lots	2	6	2	12	43	98	19	1	183

#### 11th Street

# stories	0	1	2	3	4	5	6	>6*	total
#addresses	11	3	1	6	30	49	28	4	132
#lots	25	3	1	9	35	65	42	6	186

### Houston Street\*\*

# stories	0	1	2	3	4	5	6	>6*	total
#addresses	10	19	4	9	14	27	24	4	111
#lots	34	35	4	16	19	30	28	18	184

### Totals:

# stories	0	1	2	3	4	5	6	>6*	total
#addresses	23	26	7	20	84	163	67	9	399
#lots	61	44	7	37	87	193	89	25	553

### Analysis

Of the three streets, First Avenue has the most consistent overall context, mostly 5 story buildings with a large number of 4 story buildings as well, and little else besides. Only 10% of its buildings rise above 5 stories. Over half the buildings – 56% – are 5 stories tall, 26% stand 4 stories tall. Roughly the same holds true by lot: 54% of lots (not counting 0-story lots) are occupied by 5 story structures. Only 11% of lots have buildings taller than 5 stories. Both median and mode are 5 stories and the mean is between 4 and 5 stories.

11th Street shows only a slightly broader range: 40% of buildings stand 5 stories tall, but 23% rise to 6 stories and an additional 3% rise above 6 stories. 40% of lots (not counting the 0-story lots) are occupied by 5 story buildings, 30% rise above 5 stories. Again, the median and mode are 5 stories, the mean only slightly below.

Houston Street presents a broad spectrum of structures including many soft sites – taxpayers, empty lots and two-story buildings. The data on Houston also reflect the consequences of recent out-of-scale development. Already 12% of its lots are built out-of-scale, not counting any of the new Avalon structures.

Overall the neighborhood appears to have a fairly consistent context. In the area surveyed, 40% of lots are built to 5 stories, 20% are built to 4 stories, 18% are built to 6 stories. Only 4% are taller than 6 stories. 38% are under 5 stories (not counting 0-story lots), only 22% are taller than 5 stories.

### Conclusion

A realistic and reasonable zoning would include a 60-foot height cap, a base FAR of perhaps 2 bonusable to 4 with affordable housing. This would be similar to an Inclusionary Zoning R6-B but with a lowered base FAR, something akin to mandatory affordable housing. That would preserve our neighborhood context, protect low-income tenants from development-hungry landlords, and create new affordable housing wherever development is ripe (vacant lots and single story non-residential retailers).

Contrary to the expectation that avenues are built taller than side-streets, the buildings on 1st Avenue are typically much lower than those on 11th Street: 89% of buildings on 1st Avenue are 5 stories or lower; only 70% on 11th Street. This is obvious to anyone who has enjoyed the view of wide-open sky on 1st Avenue. More important, a great

many of the four-story pre-Law tenements house only three tenants each, which makes them targets for landlord harassment and eviction in an upzoned neighborhood. The DCP plan could create great pressure on a landlord who owns a 4-story tenement with three tenants to evict, demolish and build 8 stories for 16 tenants even at the proposed FAR of 4. The suggestion that avenues should be zoned taller than side-streets should not be assumed -- it requires substantial justification and careful scrutiny, especially considering the historical character of the neighborhood. In large part First Avenue retains the appearance it had in the second half of the 19th century. The tenements are mostly pre-Law (pre 1867); there are fewer Old and New Law tenements -- the tenements that rise to 6 stories -- than elsewhere in the district. Development is more appropriate in less historically significant neighborhoods (almost any neighborhood in the city is less historically significant than the LES) and the avenues in the LES are at least as historically rich and well-preserved as the sidestreets.

### Proposals

Based on these data, LESRRD offers three proposals for the Lower East Side north of Houston Street:

1. R6-A or R7-B with a base 3.44 FAR bonusable to 4.0 FAR with affordable housing.
2. Moratorium on construction until final approval of a zoning plan (after City Council Int. 679/2005).\*\*\*
3. Historical District designation for the Lower East Side North of Houston Street.

\*Buildings over 6 stories are so few and so variable in height that we grouped them together in one category. They represent only 2% of the buildings of the neighborhood, statistically insignificant.

\*\*Because Houston does not fit the 1811 grid, lot size is often difficult to gage. But rendering both the addresses and the lots increases the precision of the picture.

\*\*\*By Council Members Avella, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Martinez, McMahon, Nelson, Palma, Recchia Jr., Sanders Jr., Vacca, Vann, White Jr., Mendez, Monserrate, Addabbo Jr., Mark-Viverito, Weprin and Oddo...Title A Local Law to amend the administrative code of the city of New York, in relation to the issuance of building permits for areas where a rezoning application is pending.

..Body Be it enacted by the Council as follows: Section 1. Section 27-191 of the administrative code of the city of New York is amended by lettering the existing section as subdivision a and adding a new subdivision b to read as follows: b. Upon the filing with the council of an application for rezoning by the city planning commission pursuant to section one hundred ninety-seven-d of the charter, the department shall not, except under exigent circumstances involving safety and health, issue any permits for either: (1) new building, (2) alteration, (3) foundation and earthwork, or (4) demolition and removal, within the area that is the subject of the rezoning application until the completion of the uniform land use review procedure process with regards to this application. For the purposes of this subdivision, the term "completion" shall include the requisite passage of time in accordance with all provisions of section 197-d of the charter. Following such completion, the department may issue such permits, in accordance with all applicable provisions of zoning, laws and rules, within the area that was the subject of the rezoning."

Marie Christopher  
210 Stanton Street # 122  
New York, NY 10002  
(212)-228-6739

July 5, 2007

Mr. Robert Dobruskin, AICP  
Director  
Environmental Assessment And Review  
Department Of City Planning  
22 Reade Street Suit 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin:

I am writing to you today to express the need to create a model that will high-light and underscore the most important characteristics of the Environmental Impact Statement (EIS). I would like to request that the model be part of the community presentation. This would help residents feel more included in the rezoning and create a better understanding of EIS Statement.

I would like the following characteristics in the model used for the community presentation.

1. Housing (market rate and low and moderate rate)
2. Green Spaces
3. Projective Commercial Spaces
4. Impact on Schools
5. Traffic congestion and Parking provided
6. Soft Sites

I would like to thank you for this opportunity to express what I believe should be including in the Environment Impact Statement. Please let me know if and when the presentation will occur. I am sure the community will be appreciative of Department of City Planning efforts.

Sincerely,

*Marie Christopher*  
Marie Christopher



61 East 4<sup>th</sup> Street, New York, NY 10003  
Tel: (212) 228-8210 • Fax: (646) 602-2260  
E-mail: CooperSquareComm@aol.com  
Web: www.CooperSquare.org

**Cooper Square Committee Testimony Re:  
Historic Resources in the Study Area:**

The Cooper Square Committee is glad that the rezoning process for the Lower East Side is underway. The historic, low rise character of our community is under assault from over-development by speculators seeking to maximize commercial and community facility FAR. Hotels and dorms are proliferating throughout our residential community. As this trend accelerates, we are concerned about the loss of many historic and potentially landmark buildings.

DCP's EIS should give careful consideration to the rezoning's impacts on our community's historic resources, particularly given the national renown of the Lower East Side. The existing physical landscape of the study area contains a richly layered, complex history, representing many periods of significance due to the waves of immigration to our community and the overlapping areas of ethnic settlement. It is critical that the EIS survey of historic resources be completed by qualified consultants, in other words, urban historians with knowledge of New York City history and, preferably, the study area in particular. Adequate funding should be set aside to do the survey.

The scope document states that impacts on historic resources will be considered for "identified development sites." This appears to include the projected and potential new construction sites, but not the *projected and potential enlargement* sites. Given that the scoping document's map of projected and potential enlargement sites contains several hundred such sites, such a methodology overlooks potential damage that could be done to valuable historic buildings if an additional floor or two are added. Such enlargements could damage architecturally significant cornices, parapet walls, lintels and other unique elements.

The scope document should expand its study for impacts on historic resources. In recent large scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. Subsequently, attempts at the preservation of noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered. For example, Canal St. and the Bowery, which are just outside the study area, may experience greater development pressure due to height limits imposed within the study area, and so it is important to analyze buildings along these historic corridors to determine whether some are eligible for landmarking in order to preserve them from development pressures moving from the study area to adjacent sites.

In order to adequately survey this historically rich area, the consultants should confer with organizations and individuals from the various geographical sections of CB3 and the various ethnic sub-communities who are knowledgeable about historic resources in the area. This is especially important in those instances when LPC or S/NR eligibility cannot be determined from visible architectural evidence alone, and when other forms of historical evidence must be considered. Community Board personnel can aid the consultant in identifying qualified organizations and individuals. Thank you for this opportunity to address the importance of strengthening the EIS methodology with regard to preserving historic buildings in the study area.

**Cooper Square Community Development Committee and Businessmen's Association**

*"Here Today... Here to Stay!"*



# Cooper Square Committee

61 East 4<sup>th</sup> Street, New York, NY 10003  
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E-mail: CooperSquareComm@aol.com  
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## Testimony by the Cooper Square Committee:

The Cooper Square Committee appreciates the opportunity to comment on the Dept. of City Planning's draft scope of work for the Environmental Impact Statement for the proposed East Village/Lower East Side rezoning. The Cooper Square Committee supports many of the aims of DCP's proposed rezoning, such as preventing out of scale development by implementing contextual rezoning and creating a zoning bonus to promote affordable housing development. Our community desperately needs mixed income housing to make up for all the rent stabilized housing that is being lost.

With regard to the scope of the EIS, which will analyze the impact the City's rezoning action will have on future development in our community and compare it to what development would likely take place if the City left our current zoning as is, we believe that the EIS needs to include small rent regulated buildings as soft sites, and there needs to be stronger tenant protections in the zoning text because of the proposed upzonings in the study area:

### Harassment and Demolition Impacts:

Low rise buildings, including rent regulated buildings, are the soft sites most likely to be demolished by speculators seeking to capitalize on the upzoning of their properties in the C6-2A and R-8A zones on Delancey and Houston St., Chrystie St. and Avenue D.

We believe that the draft scope contains a faulty assumption about the tenant protections provided by rent regulations. The draft scope states that "buildings with six or more residential units and built before 1974 are rent regulated and difficult to be legally demolished due to tenant relocation requirements". As a tenants rights organization, we are sorry to say we have documented numerous buildings in our community where building owners have vacated all or nearly all of their rent stabilized tenants within a couple of years of buying the property.

For example, in the past 2 years, building owner Steve Croman has filed demolition permits with DOB and has sought certificates of eviction from DHCR in order to vacate 345 E. 5<sup>th</sup> St., a 14 unit building and 47 E. 1<sup>st</sup> St., a 7 unit building. Tenants of 345 E. 5<sup>th</sup> St. hired a lawyer and ultimately agreed to vacate, and 47 E. 1<sup>st</sup> St. has one remaining tenant. This displacement tactic and other tactics are widely used by a number of landlords who have no intention of demolishing their buildings. Current rent laws and regulations offer tenants virtually no protection. The buyout amounts allotted to tenants in demolition filings are meager, based on an antiquated compensation formula.

It is therefore essential that DCP and HPD write a zoning text amendment that includes anti-harassment provisions and restrictions on demolition of sound housing modeled on the provisions of the Clinton Special District, which was adopted in 1974. Such provisions would prevent owners from harassing tenants out of rent stabilized apartments. Property owners who are found to have engaged in

Cooper Square Community Development Committee and Businessmen's Association

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harassment in that district are required to set aside 28% of all their FAR in the building as permanent affordable housing. A similar anti-harassment and anti-demolition provision needs to be part of the Lower East Side rezoning. The EIS should treat all rent regulated buildings with between 6 and 20 units as soft sites, and do an analysis of how many of these rent regulated buildings in the C6-2A and R8A zones would be preserved from unnecessary demolition if the zoning text were amended to include stronger anti-harassment and anti-demolition protections.

In order to make enforcement of these provisions possible, the City of NY must create a legal services fund so that low income tenants in any building facing the prospect of demolition have access to free legal counsel in order to adequately defend themselves from the threat of eviction. The zoning text amendment must establish such a legal services fund.

Other members of our organization will speak to various aspects of the scope of the EIS. For the record, the Cooper Square Committee supports Community Board 3's 11 point rezoning plan, and we are a member of LESCAZ. Thank you for this opportunity to comment on DCP's scoping document.



# Cooper Square Committee

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Web: [www.CooperSquare.org](http://www.CooperSquare.org)

## Cooper Square Committee Testimony:

The Cooper Square Committee supports many of the aims of DCP's proposed rezoning, such as preventing out of scale development by implementing contextual rezoning with strict height limits and creating a zoning bonus to promote affordable housing development.

## Inclusionary Zoning:

However, as part of the EIS, we urge DCP to look at alternative inclusionary zoning options and analyze how much more new housing, both low income and market rate units, could be created. DCP proposes rezoning Delancey Street, Houston Street, Avenue D, and parts of Pitt Street, Chrystie Street and 2<sup>nd</sup> Avenue with C6-2A and R-8A zones to allow for a maximum building height of 120 feet and a base FAR of 5.4 with a bonus up to 7.2 FAR if a developer includes 20% low income housing. DCP projects that the proposed rezoning of the study area, including the inclusionary zones, will result in 3,619 new housing units, "a net increase of 1,345 residential units" over what we would see if no rezoning took place. Of these, 343 are expected to be affordable, or less than 10%. We need to do better than this!!! Given the amount of deregulation currently taking place in our community, estimated at over 6,000 units in the past 5 years, we need more affordable housing production as well as more effective preservation of rent regulated housing.

We urge DCP to do an analysis of the impact of rezoning Houston and Delancey Streets with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone. We believe such a rezoning would be more appropriate for our community.

We urge DCP to do an analysis of the number of mixed income housing units that could be developed if DCP adopted CB 3's inclusionary zoning proposal which would apply a Zone R-7A base FAR of 3.45 and with a 4.6 FAR Inclusionary Zoning (IZ) for 1<sup>st</sup> and 2<sup>nd</sup> Avenue, Avenues A, C and D, Forysthe St., Essex St. and Allen Street. In other words, the R-7A zone should be on all wide streets (with a width of 75 feet or more), north and south of Houston Street, except for Houston Street, Delancey Street, and Chrystie Street, which can accommodate higher FAR.

CB 3's Inclusionary Zoning plan is a better policy alternative for a couple of reasons: 1) It more effectively promotes the Bloomberg Administration's 10 year housing goal of developing 165,000 affordable housing units by creating zoning incentives over a larger area. 2) It also is better policy because it promotes integration. The Lower East Side has always been a very diverse and integrated community, and it has been the gateway for many generations of immigrants to the United States. But we are concerned that DCP's proposed rezoning is promoting geographic segregation of low income housing production in the southern and eastern sections of the Lower East Side.

Cooper Square Community Development Committee and Businessmen's Association

*"Here Today... Here to Stay!"*

we are concerned that DCP's proposed rezoning is promoting geographic segregation of low income housing production in the southern and eastern sections of the Lower East Side.

The prospect that no new low income housing is likely to be built between 13<sup>th</sup> Street and 1<sup>st</sup> Street and between the Bowery and Avenue C as a result of this rezoning is very disturbing to the Cooper Square Committee and to all the members of LESCAZ. This area has historically been a low and moderate income community, and only in recent decades have we seen an upward shift in median incomes in many of the census tracts in the western portion of the Lower East Side. We want inclusionary zoning to be a reality for all parts of this community, not just a rarely used zoning bonus relegated to a couple of sites. We urge DCP to analyze the net potential and projected gain in housing, both affordable and market rate, that could be achieved under CB 3's Inclusionary Zoning proposal.

We support all of the 11 points presented in CB 3's rezoning proposal, but in the interests of time, we cannot address them all here. However, we will submit additional written testimony before the deadline for public comments. Thank you for this opportunity to comment on the draft scoping of the EIS.

# Lower East Side Coalition for Accountable Zoning (LESCAZ)

## Written Testimony on Draft Scope of Work for EIS

Organized by Draft Scope's Tasks

July 5, 2007

City Lore

### INTRODUCTION

Chinatown Tenant Union

Cooper Square Committee

Cooper Square Mutual Housing Association

East Village Community Coalition

Good Old Lower East Side

Greenwich Village Society for Historic Preservation

Lower East Side People's Mutual Housing Association

Lower East Side Tenement Museum

University Settlement

Village Independent Democrats

This document was elaborated by the newly formed Lower East Side Coalition for Accountable Zoning, LESCAZ. We formed in February of this year to support Community Board 3's 11 point plan for the rezoning of our neighborhood. We represent both organizations and residents who seek to preserve the character and scale of our neighborhood while at the same time maximizing opportunities for the creation of permanent affordable housing. We include: City Lore, CODA, Cooper Square Committee, Cooper Square Mutual Housing Association, East Village Community Coalition, Good Old Lower East Side, Greenwich Village Society for Historic Preservation, Lower East Side People's Mutual Housing Association, the Tenement Museum, University Settlement and Village Independent Democrats.

We support many of the Department of City Planning's objectives in the proposed East Village/Lower East Side rezoning including controlling out of scale development to preserve our neighborhood character and encouraging the development of much needed affordable housing. We also support Community Board 3's 11 points and ask that the Department of City Planning include them in its scope of the EIS. We believe that these 11 points reflect community consensus around issues of preservation, affordable housing, and environmental sustainability and are very much in line with the Department of City Planning's objectives of this rezoning and the Bloomberg Administration's vision for the City.

The following pages present LESCAZ's comments on the specific tasks of the scope of work for the Environmental Impact Study for the proposed rezoning of the East Village/Lower East Side. They reflect and elaborate on the 11 points presented by Community Board 3. In addition to commenting on the EIS scope, this document also suggests provisions to mitigate the development generated by the proposed rezoning, as well as alternative zoning recommendations for specific areas of the East Village/Lower East Side that LESCAZ would like to have included in the EIS scope of work (see Tasks 22 and 23).

We hope that the Department of City Planning includes our comments in its environmental review so that the community and the Department of City Planning can work together to ensure a successful rezoning which preserves our neighborhood character and encourages the development of much needed affordable housing throughout our community.

## **TASK 1. PROJECT DESCRIPTION (INCLUDING RWCDs)**

### **DCP Proposal:**

The reasonable worst-case development scenario (RWCDs) sites exclude sites that are potentially developable but house Roman Catholic churches or other houses of worship, and sites occupied by subsidized housing development.

### **LESCAZ comments:**

The community wants EIS to include underdeveloped sites used as churches or houses of worship that are not designated landmark by the New York City Landmarks Preservation Commission.

The draft scope excludes these types of sites from the development scenario. However, this community witnessed the disappearance of an unofficial landmark; St Ann's Church, located on E. 12<sup>th</sup> Street, originally built in 1847 was demolished last year to give rise to a mega dorm for New York University.

We believe that development pressures in this community, the shifting demographics and the escalating property values will make houses of worship desirable development targets within the next ten years. Therefore, underdeveloped houses of worship sites should be included in the projected development sites.

In addition, subsidized residential developments sites should also not be excluded from the development scenario since many of their owners could "opt-out" or "buy-out" of their subsidy programs within the next ten years, seeking the upzoning benefits, thus, these site should be included as projected development sites.

## **TASK 2. LAND USE, ZONING & PUBLIC POLICY**

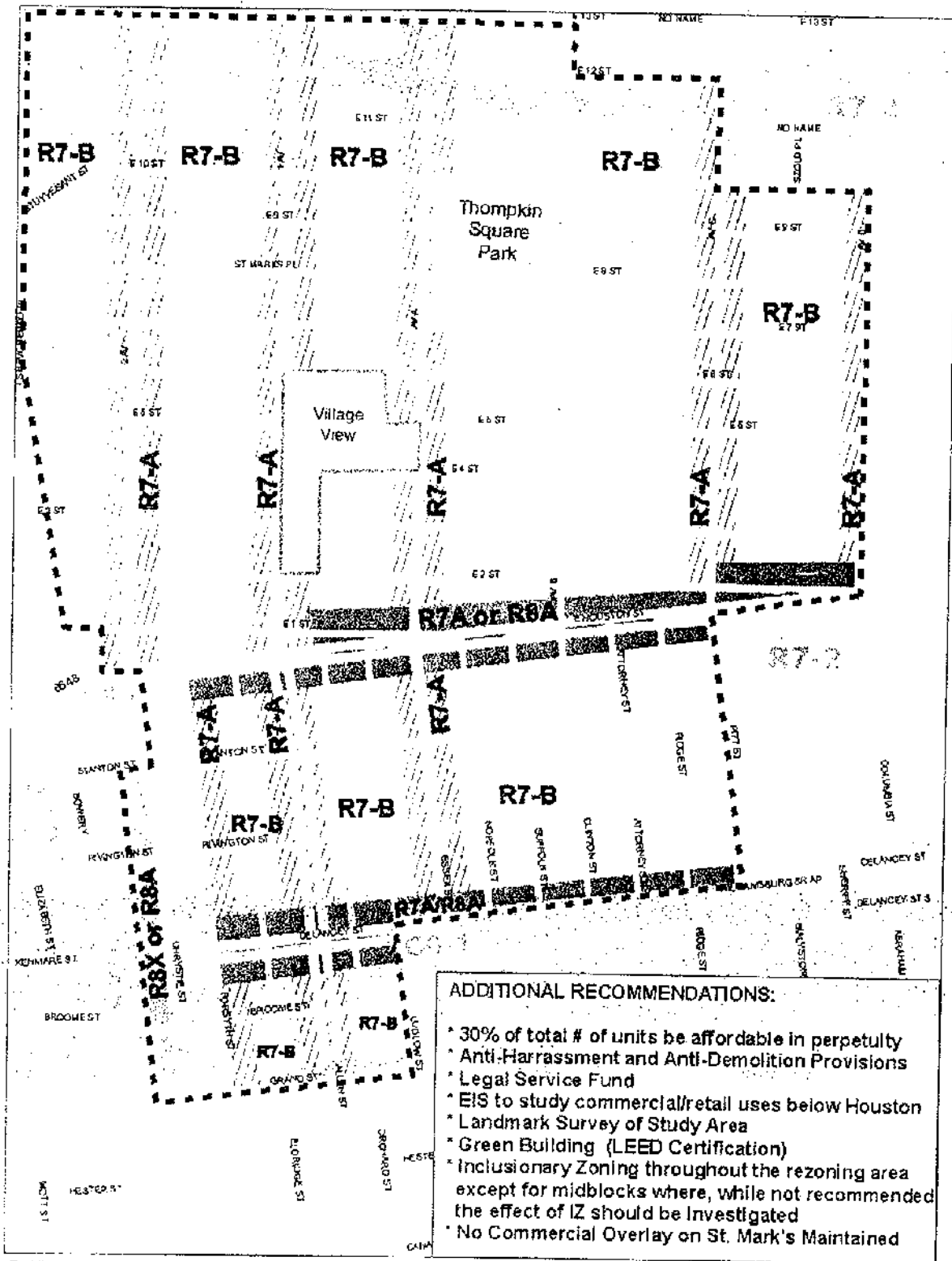
### **DCP Proposal:**

Inclusionary zoning (80/20) on Houston, Delancey, Lower 2<sup>nd</sup> Avenue and Chrystie Street

### **LESCAZ comments:**

The community wants EIS to address the impact that new development generated through rezoning is going to have in housing affordability in the Lower East Side. LESCAZ urges DCP to look at alternative inclusionary zoning options and analyze how much more new housing, both low income and market rate units, could be created.

The Mayor in Plan NYC requires "expanding the use of of inclusionary zoning" (page 12) to further the overall goal of affordable housing. However, this rezoning proposal falls well short of that target. First, Inclusionary Zoning is only used in an extremely limited extent on a limited number of avenues East/West Avenues, ignoring major thoroughfares such as Second Avenue, First Avenue, Avenues C and A, Allen and



## CB 3 Rezoning Task Force Recommendations

Prepared by GOLES and Pratt Center for Community Development

Zoning Category	R7A	R7B*	R8X	R7A/R8A (New Zoning)
FAR w/ IZ	4.6	4.0*	8.0	6.0
FAR w/o IZ	3.5	3.0*	6.0	4.5
Height limit	80 ft	75 ft	150 ft	100 ft

DCP LES Rezoning Boundary Area

Sources  
 NYC Department of City Planning  
 NYC GIS Clearinghouse  
 NYC Department of Information Technology & Telecommunications

Chrystie Street. These streets could provide additional hundreds of additional permanently affordable housing units. As the Mayor states that "We must also continue to vigorously pursue targeted affordability programs..." This rezoning has failed to find every opportunity to do that. (Page 18)

DCP proposes rezoning Delancey Street, Houston Street, Avenue D, and parts of Pitt Street, Chrystie Street and 2<sup>nd</sup> Avenue with C6-2A and R-8A zones to allow for a maximum building height of 120 feet and a base FAR of 5.4 with a bonus up to 7.2 FAR if a developer includes 20% low income housing. DCP projects that the proposed rezoning of the study area, including the inclusionary zones, will result in 3,619 new housing units, "a net increase of 1,345 residential units" over what we would see if no rezoning took place. Of these, 343 are expected to be affordable, or less than 10%, and a large portion of those apartments would not be permanently affordable since they would be developed through 421-a program without an IZ requirement. Given the amount of deregulation currently taking place in this community, estimated at over 6,000 units in the past 5 years, we need more affordable housing production as well as more effective preservation of rent regulated housing.

HPD's own analysis in many recent rezonings in Manhattan show that market rate condo development is more than twice as profitable as 80/20 rental development and for that reason developers are far more likely to build market-rate condos than 80/20 rental developments. When the incentive to build condos rather than rentals is large, the effect of the tax incentive is diminished. With condos more than twice as profitable as rentals, even taking away the tax incentive from market-rate development would do little to narrow the gap. Market-rate condo development would likely remain far more profitable than 80/20 rental development.

To encourage development in an equitable manner by equally promoting the development of affordable housing, mechanisms to balance growth in this community should be established.

For that reason, LESCAZ and Community Board 3 are calling for an upfront goal of 30% housing to be permanently affordable to local residents at low-to moderate-income level, which if the draft scope projection of development is accurate would yield about 1,100 units. LESCAZ urges DCP to consider such proposal in the EIS scope.

LESCAZ believes that the substantial increase in land values generated by the rezoning could be tapped to guarantee the community's goal that 30% of the new housing created would be affordable to community residents. Therefore, the coalition makes the following suggestions to the City:

- To allow developers to combine the IZ bonus with the City's affordable housing subsidy programs, but require those who combine density bonus and subsidy to include more affordable units than the minimum that either would require on its own (i.e. require a 70/30, instead of an 80/20, if both the density bonus and public subsidy is used)

- To commit to using publicly-owned sites to create another 1,000 affordable units, expand and recreate the inclusionary to any commercial development, and extend anti-harassment provisions to cover the rezoned neighborhood.
- To set aside public land and public funds for the creation of a range of affordable housing in the Lower East Side. Some options might include:
  - Make publicly-owned or controlled sites available for construction of affordable housing, for example: Essex Street Market, NYCHA parking lots
  - Set aside City funds to acquire land in the East Village/Lower East Side area for the creation of affordable housing.
  - Apply the Inclusionary Housing bonus to developments with commercial uses, as in the Clinton Special District Floor Area Increase. (This text, Section 96-21, has existed since 1973 and was revised in 1998.)

With these modifications, the East Village/Lower East Side rezoning could set a precedent for redevelopment across the city, using a meaningful portion of the value generated by rezoning to tackle our affordable housing crisis, and help to preserve and create diverse, mixed-income communities.

**DCP Proposal:**

Zoning of wide streets: use of IZ on Avenue D and Pitt Street

**LESCAZ comments:**

The community wants the EIS to verify the impact of having new affordable housing units concentrated on the periphery of the neighborhood (Avenue D and Pitt Street) versus having them distributed *throughout* the entire neighborhood.

The community requests DCP to do an analysis of the number of mixed income housing units that could be developed if DCP adopted CB 3's inclusionary zoning proposal which would apply a Zone R-7A base FAR of 3.45 and with a 4.6 FAR Inclusionary Zoning (IZ) for 1<sup>st</sup> and 2<sup>nd</sup> Avenue, Avenues A, C and D, Forsythe St., Essex St. and Allen Street. In other words, the R-7A zone should be on all wide streets (with a width of 75 feet or more), north and south of Houston Street, except for Houston Street, Delancey Street, and Chrystie Street, which can accommodate higher FAR.

The community feels that developers should be encouraged to build affordable housing *throughout* our neighborhood and not just on the periphery. Furthermore, the community feels that Avenue D and Pitt Street should not be re-zoned differently than the other avenues.

The Lower East Side is characterized by its diversity economically, demographically, and ethnically throughout the neighborhood. It is this diversity that has attracted people to this community and it is this diversity that the community hopes the City will work with them to maintain. The rezoning presents an opportunity to ensure that opportunities exist to develop permanently affordable housing throughout the neighborhood as buildings are developed in the decades to come.



The last time our community was rezoned was 40 years ago, and, as such, we could like to see an analysis over the long term of potential and projected gains in affordable housing through Inclusionary Zoning both under Department of City Planning's proposal and under Community Board 3's alternative. We would like to see projections for the next 30 years so that we can better understand the long term effects of this re-zoning on our housing stock. On page 14 of the Draft Scope, under Future With-Action, DCP estimates that out of 1,322 residential units which would be created, 343 would be affordable, approximately 26% of the total. *How is this number achieved if inclusionary zoning with 20% affordable housing is offered on only a portion of the streets in the re-zoning area?*

Also, in our community many families are living doubled and tripled up. Grown children are not able to find affordable apartments in the neighborhood and are faced with the choice of leaving our community or living with 3 or 4 people to a bedroom. By expanding Inclusionary Zoning throughout the re-zoning area, these families would be provided housing opportunities which would enable them to stay in our community free of overcrowded conditions.

Avenue D and Pitt Street should also be considered as any other avenue in this rezoning. DCP has repeatedly stated that when identifying potential locations for where to provide the inclusionary zoning bonus, it considers the width of the street and accessibility to transportation. Under these criteria, both First and Second Avenues are just as logical streets to include in the Inclusionary Housing Program as Avenue D and Pitt. In fact, both First and Second Avenues are far more accessible to transportation than Avenue D. Our community does not want to see a wall created, physically and symbolically, between the public housing that lines Avenues D and Pitt Street and the rest of our community.

LESCAZ believes CB 3's Inclusionary Zoning plan is a better policy alternative for a couple of reasons: 1) It more effectively promotes the Bloomberg Administration's 10 year housing goal of developing 165,000 affordable housing units by creating zoning incentives over a larger area. 2) It also is better policy because it promotes integration. The Lower East Side has always been a very diverse and integrated community, and it has been the gateway for many generations of immigrants to the United States. We are concerned that DCP's proposed rezoning is promoting geographic segregation of low income housing production in the southern and eastern sections of the Lower East Side.

The prospect that no new low income housing is likely to be built between 13<sup>th</sup> Street and 1<sup>st</sup> Street and between the Bowery and Avenue C as a result of this rezoning is very disturbing to the community and LESCAZ. This area has historically been a low and moderate income community, and only in recent decades have we seen an upward shift in median incomes in many of the census tracts in the western portion of the Lower East Side. We want inclusionary zoning to be a reality for all parts of this community, not just a rarely used zoning bonus relegated to a couple of sites. We urge DCP to analyze the

net potential and projected gain in housing, both affordable and market rate that could be achieved under CB 3's Inclusionary Zoning proposal.

**DCP Proposal:**

Use of R8-B, R7-A or commercial equivalent for narrow streets north and south of Houston

**LESCAZ comments:**

The community request that the EIS provide sufficient data to fully analyze the number lower income units that could be produced on all narrow streets [less than 75' width] north and south of Houston Streets if the area(s) were zoned for R7B with IZ (instead of R7A).

Careful study should be given to how R7-B could reduce incentives versus DCP's proposals for the destabilization of existing rent regulated buildings and reduce incentives for the demolition or inappropriate alteration of both regulated and unregulated historic buildings.

More careful analysis would reveal the wisdom of including additional R7B districts for mid-blocks and narrow streets throughout the study area. These blocks contain both historically significant buildings and a consistent and pleasing landscape of relatively uniform building height and intact late 19<sup>th</sup> and early 20<sup>th</sup> century buildings. The proposed zoning could encourage rooftop additions that would destroy this streetscape, and could be a tool for harassment and displacement of tenants in these buildings.

DCP has stated that there is no need to include IZ along these 75' wide streets because there are few projected development sites in these areas. LESCAZ believes that the definition of projected sites used in the draft may be too conservative. Market conditions in our community are very strong, and most residents have been stunned by the pace and location of development that is already underway. LESCAZ believes the definition of projected sites used to determine the worst case scenario in the EIS should be reconsidered to include more underdeveloped potential development sites as stated in Task 1.

LESCAZ believes CB3 alternative would do a much better job of helping to protect the existing buildings and not allow rooftop additions. This would help prevent destruction of the existing and historic streetscapes, and prevent construction on top of buildings that could be used as a tool for harassment and displacement.

**DCP Proposal:**

Use of R8A Zone for Houston and Delancey and with base FAR of 5.4 with IZ bonus to 7.2 FAR.

**LESCAZ comments:**

The community requests EIS to analyze the impact this rezoning would have to the scale and context of the Lower East Side. LESCAZ requests DCP to do an analysis of the impact of rezoning Houston and Delancey Streets with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone. LESCAZ believes such a rezoning would preserve scale and context of these streets and thus, it would be more appropriate for the community.

DCP's plan does not sufficiently protect existing neighborhood scale and context. DCP's Plan provides a huge increase in residential FAR from 3.44 to 5.4 without providing any benefits to the community. The community believes that the impact of such a large increase is particularly worrisome where narrow streets intersect Houston to the North.

**DCP Proposal:**

C6-2A with IZ on Chrystie

**LESCAZ comments:**

Chrystie Street is currently zoned as C6-1 and it is proposed to be rezoned to C6-2A. LESCAZ asks that DCP explore the possibility of R8X or R8A with Inclusionary Zoning on this street with a commercial overlay in order to discourage the development of large commercial establishments but allow local retail and services. As of yet, the community is not endorsing such proposals but rather would first like to see the results of the EIS concerning the benefits and adverse impacts of such changes as well as get input from the residents living on and the immediate vicinity of Chrystie Street.

The area of Community Board 3, and the community surrounding Chrystie Street, needs affordable housing. Planning a location with a greater Inclusionary Zoning bonus than in other areas to be rezoned is hoped to create such permanently affordable housing. Secondary displacement is not welcome. Therefore, review and input from local residents and community groups is necessary.

**DCP Proposal:**

Commercial zoning west of Essex starts at the mid-block

**LESCAZ comments:**

The community requests that for the Commercial Zoning south of Houston the EIS should include and provide detailed information regarding the location and extent of current commercial and retail use below Houston Street so that appropriate use regulations be developed in accordance with areas that contain commercial establishment

uses that provide living wages, but curbs the current proliferation of commercial hotels and nightlife establishments.

LESCAZ requests EIS scope to analyze this area regarding residential versus commercial because it appears that some of these streets are very residential. Although currently zoned commercial C6-1, LESCAZ believes that there are no compelling arguments for why the area south of Houston should be rezoned commercially.

It has been claimed that there is an active commercial upper floor presence in the region which needs to be nurtured. However, no statistical evidence supporting this claim has been presented; it is purely anecdotal. It has been claimed that the area was once host to an active retail daytime trade which needs to be revived. It has been claimed that many light manufacturers have moved into and may want to move into the region. LESCAZ believes these assumptions are questionable and deserve further investigation.

LESCAZ believes that keeping this area with as a high density commercial zone, even with less allowable commercial and community facility FAR will continue to encourage the development of yet more hotels and nightlife establishments, whose presence will yet further congest the area, in detriment of the quality of life of existing residents and the population at large.

When DCP made its presentation at University Settlement, the Department claimed that the surrounding area had become irrevocably commercial. Ironically, the view out of those very windows contradicted that claim.

The rents in this area have already been driven so high that only major chains can afford to move into the vacant storefronts. This is not the kind of commerce this neighborhood needs. The secondary displacement, both commercial and residential, which this has caused has been regularly condemned in Community Board meetings.

Zoning the area residentially would provide a counterbalance to the forces which have heretofore held sway. It would dramatically improve the quality of life of the tenants who are still clinging to the few still-affordable apartments. Commercial interests will always find a way to prosper, be it here, or in other neighborhoods. They thrive in a market environment. By contrast, local residents are invariably dependent upon such institutions as the Community Board to protect their rights. CB 3's 11 point plan, reflects an attempt to ensure that community wishes are heard.

### **TASK 3. SOCIOECONOMIC CONDITIONS**

#### **Housing Affordability, Displacement, Harassment and Demolition Impacts**

The community requests the EIS to fully analyze the extent of direct and indirect residential displacement caused by the lack of housing affordability and tenant harassment that rezoning is likely to create in the neighborhood.

The community also asks the EIS scope to consider including anti-harassment provisions and restrictions on demolition of sound housing modeled on the provisions of the Clinton Special District.

Adopted in 1974, the Special Clinton District was created to prohibit owners from harassing tenants in existing rent regulated apartments and prevent demolition of sustainable residential buildings. Tenants can file complaints and if HPD determines that there is a history of harassment in a building, an owner can't rehabilitate their building without setting aside 28% of all their FAR in that building as permanent affordable housing. This tool has saved thousands of low income tenancies in the Clinton Community.

LESCAZ believes that if housing affordability, anti-harassment and anti-demolition provisions are not guaranteed by the City, the neighborhood and its community are going to suffer significant and irreversible transformations. The Lower East Side is characterized by its diversity economically, demographically, and ethnically throughout the neighborhood. It is this diversity that has attracted people to this community and it is this diversity that the community hopes the City will work with them to maintain. LESCAZ requests that the EIS study the implications of upzoning areas with culturally and economically diverse populations and rent stabilized buildings. The rezoning presents an opportunity to ensure that opportunities exist to develop permanently affordable housing throughout the neighborhood as buildings are developed in the decades to come.

As the Lower East Side has become a hot neighborhood, countless numbers of residents are being displaced by rising rents, harassing landlords, and a shortage in affordable housing. Decades ago, while landlords were abandoning buildings on the Lower East Side, community residents were working to improve their neighborhood and invested in countless community gardens, arts centers and neighborhood associations. These efforts contributed to the vitality of the Lower East Side and, as the housing market in New York City as a whole became hotter, the Lower East Side landlords and developers began to see the profits which could be made in Lower East Side buildings. These changes combined with the advent of vacancy and luxury decontrol by New York State in 1997, have resulted in a rapid depletion of the rent regulated housing stock on the Lower East Side. Day in and day out organizations such as Cooper Square Committee, Good Old Lower East Side and University Settlement see countless number of long time Lower East Side residents in their offices whose landlords are aggressively trying to evict them so that they can decontrol their apartments and get higher rents. For example, recently tenants from 345 East 5<sup>th</sup> Street, were displaced from their homes due to their landlord's claim that the building was not structurally sound. If the landlord is successful in evicting these tenants, the vast majority will not be able to procure an affordable apartment on the Lower East Side and will be displaced from our community and, very possibly, our city. As noted in PlaNYC, more than 64% of New Yorkers cited housing costs as a major factor in moving out of the City. In this rezoning the Department of City

Planning has the opportunity to impact this by creating incentives to develop large amounts of affordable housing over the next few decades.

As tenants in rent regulated buildings are evicted in our neighborhood, landlords raise the rents through both legal and illegal means resulting in great losses to our affordable housing stock. As PlaNYC notes that "between 2002 and 2005, the number of apartments affordable to low and moderate income New Yorkers shrank by 205,000 units." Many of these units were lost in Manhattan and in the Lower East Side. Between the evaporation of rent regulation laws and the loss of formerly subsidized section 8 and Mitchell-Lama housing, the Lower East Side community has seen a dramatic decrease in the number of affordable units. We have witnessed buildings which were 100% rent regulated a few years ago be bought by new owners and lose 50% of their units to vacancy decontrol. This is done through techniques such as filing frivolous lawsuits against tenants and utilizing the "phony demolition" loophole to evict tenants. Thus, these apartments, do not represent a secure or permanent affordable housing stock and, once rent regulated tenants are out of the buildings there is little barring them from developing the site. Rent regulated buildings should therefore not be excluded from the Environmental Review taking into account the insecure nature of this housing stock in our community. Subsidized buildings should also not be excluded from the Development Scenario as many of their owners could very possibly "opt-out" or "buy-out" of their subsidy programs in the coming years, leaving open the possibility of development.

Low rise buildings, including rent regulated buildings, are the soft sites most likely to be demolished by speculators seeking to capitalize on the upzoning of their properties in the C6-2A and R-8A zones on Delancey and Houston St., Chrystie St. and Avenue D.

LESCAZ believes that the draft scope contains faulty assumptions about the tenant protections provided by rent regulations. The draft scope states on page 10 that "buildings with six or more residential units and built before 1974 are rent regulated and difficult to be legally demolished due to tenant relocation requirements". First, most low rise residential buildings built before 1974 may have rent regulated tenants residing in them. However, the Rent Reform Act of 1997 allowed property owner to de-regulate apartments when rent exceeded \$2,000. Gentrification on the Lower East Side/East Village mandates that when an apartment is vacated by a rent regulated tenant, it immediately is removed from rent regulation. This rezoning may create an additional incentive for an owner to harass existing tenants in order to vacate the apartments to gut rehabilitate a building. Thereafter, the tenants who move in after the regulated tenant moves out have no rent protections. In addition, only rent regulated tenants who's rents are below \$1,000 may be entitled to some re-location benefits if the owner seeks to demolish the building. There are only a limited number of those tenants left. Therefore, based on government's failure to protect the most vulnerable low income population, it is extremely likely that an owner could vacate a low rise residential building in order to gut rehabilitate it.

Diverse local organizations such as the Cooper Square Committee, Good Old Lower East Side and the University Settlement have witnessed the harassment of low-income and non-English-speaking tenants by landlords on many occasions --- including unending renovation noise (often breaking laws), spurious eviction cases, relentless (and cheap) buy-out offers, physical threats, false child abuse reports, withholding heat, hot water and other services, and so on. These organizations have also documented numerous buildings in the neighborhood where building owners have vacated all or nearly all of their rent stabilized tenants within a couple of years of buying the property. For example, in the past 2 years, building owner Steve Croman has filed demolition permits with DOB and has sought certificates of eviction from DHCR in order to vacate 345 E. 5<sup>th</sup> St., a 14 unit building and 47 E. 1<sup>st</sup> St., a 7 unit building. Tenants of 345 E. 5<sup>th</sup> St. hired a lawyer and ultimately agreed to vacate, and 47 E. 1<sup>st</sup> St. has one remaining tenant. This displacement tactic and other tactics are widely used by a number of landlords who have no intention of demolishing their buildings. Current rent laws and regulations offer tenants virtually no protection. The buyout amounts allotted to tenants in demolition filings are meager, based on an antiquated compensation formula.

Often these tenants have very little representation in housing court (when the landlord's action includes eviction proceedings or lack of repairs that can be redressed in Housing Court), because there is a dearth of legal services available for low income tenants who cannot afford representation. University Settlement has found that 100% of landlords have legal representation, while about 10% of tenants have legal representation.

LESCAZ urges the City to use groups like University Settlement, Cooper Square Committee and Good Old Lower East Side as a sources of information for the EIS' study of Socioeconomic Conditions. LESCAZ also urges the City to include policy language that would protect vulnerable tenants. And because of the losses we have witnessed in the last ten years, we urge changes to the City's plan, consistent with Community Board 3's plan that would increase the overall number of affordable units that are built and preserved within the community.

It is therefore essential that DCP and HPD write a zoning text amendment that includes anti-harassment provisions and restrictions on demolition of sound housing modeled on the provisions of the Clinton Special District, which was adopted in 1974. Such provisions would prevent owners from harassing tenants out of rent stabilized apartments. Property owners who are found to have engaged in harassment in that district are required to set aside 28% of all their FAR in the building as permanent affordable housing. A similar anti-harassment and anti-demolition provision needs to be part of the Lower East Side rezoning. The EIS should treat all rent regulated buildings with between 6 and 20 units as soft sites, and do an analysis of how many of these rent regulated buildings in the C6-2A and R8A zones would be preserved from unnecessary demolition if the zoning text were amended to include stronger anti-harassment and anti-demolition protections.

In order to make enforcement of these provisions possible, the City of NY must create a legal services fund so that low income tenants in any building facing the prospect of demolition have access to free legal counsel in order to adequately defend themselves

from the threat of eviction. The funding can be made available through a variety of funding methods to ensure long term support for the most vulnerable residents in our community. The zoning text amendment must establish such a legal services fund.

#### **Income Inequality and Segregation**

The community is concerned that new development encouraged by rezoning is going to alter significantly the socioeconomic profile of the neighborhood from a neighborhood that serves low-to-moderate income communities to a neighborhood with opportunities only for middle-upper income communities. The community request EIS to fully analyze the likely impact development will bring in constraining housing and business opportunities for low-to-moderate income people.

LESCAZ also urges DCP to consider the income segregation that is likely to be generated by the proposed concentration of affordable housing in one part of the neighborhood (Avenue D and Pitt Street).

#### **TASK 5. OPEN SPACE**

The DCP proposal increases allowable residential density (increasing residential FAR from ten percent to over double) throughout the rezoning district, and reduces open space requirements. The resulting new developments and additions will significantly increase demand for open space. The community reinforces the necessity for analyzing such demand in the EIS scope of work.

Community Gardens, which the EIS Scoping document erroneously identifies as protected open space, lose protection under the agreement with the Attorney General's office in 2010, within the ten year building period of the scope. Therefore, LESCAZ urges DCP to consider extending support and protection for existing community gardens in CB3.

In addition, LESCAZ suggests the EIS scope to consider the use of green roofs with tenant access to balance demand on open space. DCP could develop requirements for green roof construction and maintenance in new buildings and creating incentives that would encourage their addition in existing buildings.

#### **TASK 7. HISTORICAL RESOURCES**

The community asks DCP's EIS to give careful consideration of impacts on historic resources, particularly given the national renown of the Lower East Side. The existing physical landscape of the study area contains a richly layered, complex history,



representing many periods of significance due to the waves of immigration to our community and the overlapping areas of ethnic settlement.

It is critical that the EIS survey of historic resources be completed by qualified consultants. In previous scopings, The Municipal Art Society has described such qualification as an historian with knowledge of New York City history and, preferably, the study area in particular. The expertise of the consultant is always crucial, but in the under-studied and under-landmarked LES, the consultant cannot rely on existing surveys, designations, and eligibility listings from state and city preservation agencies. Moreover, the consultant needs to be able to identify eligible buildings when significance is not obvious from the architecture but is relevant due to their cultural significance. Adequate funding should be set aside to do the survey.

The scope document states that impacts on historic resources will be considered for "identified development sites." This appears to include the projected and potential new construction sites, but NOT the *projected and potential enlargement* sites. The scope also eliminates from its study of historic resources any site in the rezoning area not currently considered as a development site. Given that the scoping document's map of projected and potential enlargement sites contains several hundred such sites, such a methodology overlooks potential damage that could be done to valuable historic buildings if an additional floor or two are added. Such enlargements could damage architecturally significant cornices, parapet walls, lintels and other unique elements.

The scope document should include enlargement sites, and expand its overall study for impacts on historic resources. In recent large scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. Subsequently, attempts at the preservation of noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered. For example, Canal St. and the Bowery, which are just outside the study area, may experience greater development pressure due to height limits imposed within the study area, and so it is important to analyze buildings along these historic corridors to determine whether some are eligible for landmarking in order to preserve them from development pressures moving from the study area to adjacent sites.

The community also asks DCP's EIS to look at the overall historical context of buildings and neighborhood, not simply at the architecture of single buildings. While our neighborhood lacks the grand architecture that has traditionally been the subject of landmarked buildings and districts, it is second to none in the city or, indeed the country, in its historic, cultural, social, and artistic significance. It is as deserving of protection as the grand mansions and apartment houses of other parts of the city.

In order to adequately survey this historically rich area, the consultants should confer with organizations and individuals from the various geographical sections of CB3 and the various ethnic sub-communities who are knowledgeable about historic resources in the area. This is especially important in those instances when Landmarks Preservation Commission or State/National Register eligibility cannot be determined from visible

architectural evidence alone, and when other forms of historical evidence must be considered. Community Board personnel can aid the consultant in identifying qualified organizations and individuals.

To ensure that the consultant's work continues to be useful over the ten-year development period that the EIS is addressing, it is important that the consultant's report include along with the already specified items brief descriptions of the reason for Landmarks Preservation Commission designation or State/National Register listing or eligibility for either.

### **TASK 9. NEIGHBORHOOD CHARACTER**

The community is concerned that new development encouraged through rezoning is going to substantially alter the neighborhood character. Overall, the East Village and Lower East Side are notable for their consistency of built character, low-rise form, modest architecture, and a high concentration of sites and institutions of great historic significance in relation to immigrants, services for the poor, the labor movement, and cultural and artistic innovation and expression. The most prominent historical characteristics of the Lower East Side include: architectural context, scale and density, housing affordability for immigrants and low-income people, ethnic/racial diversity, and a mix of uses (including residential, commercial and services). Admitting exceptions, the overall built character is notable for its uniformity in terms of overall scale, street wall continuity, and built density. The community requests EIS to analyze these existing characteristics combined now, and how they are likely to change through new development encouraged by rezoning.

The overall built character of the area to be rezoned is typified by 5 and 6 story walkup tenement buildings with street walls that line up along the sidewalk and generally rise without setbacks to heights of 40 to 75 feet. The nation's first purpose-built tenements were built on the Lower East Side shortly after the mid-1800s, and for all their limitations and later notoriety, tenements improved upon the "rookeries" and cellar dwellings that previously were the accommodations available to the very poor. Typically, the tenement buildings were mixed-use structures, containing ground floor shops, and above them, a combination of residences, residence/workspaces (sweatshops), and small manufacturing enterprises.

The built character of the area is also defined by smaller, older rowhouses, sometimes with stories added later as the houses were "tenementized." These rowhouses are generally of 3 to 5 stories, rising straight up for 30 to 50 feet or setback slightly on their lots behind what was once a small front yard and may now be covered by a 1 or 2 story base later added for commercial use.

The easternmost edge of the neighborhood includes a number of large public housing developments stretching from East Houston Street up to the Con Edison steam plant at 14th Street. This includes the Lillian Wald Houses and the Jacob Riis Houses. Many

other low- and moderate-income subsidized housing developments are interspersed throughout the area to be rezoned, including the nation's first public housing--First Houses, at E. 3<sup>rd</sup>. St.

LESCAZ is particularly concerned about maintaining the Lower East Side as a historical settlement for urban low-to-moderate income communities, and LESCAZ urges DCP to include housing affordability as a distinctive neighborhood character of the Lower East Side that deserves consideration in the EIS. The Lower East Side is nationally distinctive not only for its wide variety of low- and moderate-income housing types, but also for the quantity of affordable units. It is the huge stock of low- and moderate-income housing that made the area "hospitable" as a portal for generation after generation of new im/migrants. It is the sheer number of affordable units that has given the Lower East Side its distinctive character as one of the most enduring places of urban settlement in New York City and the nation for people of modest and very modest means. From about 1850 through today, if one talks about the creation of new forms of low-income housing, about living conditions in low-income housing, or about social reform and innovation in the design, construction, financing, and preservation of low-income housing, the Lower East Side encapsulates that history. The tenement laws of 1867 and 1901, as well as other laws to protect public health and welfare, were motivated by the horror of living conditions on the Lower East Side, and were among the nation's first experiments in balancing the rights of citizens with the rights of property. Even in the 1970s, when the Lower East Side was losing affordable units to arson and property abandonment, new experiments in tenant management and ownership, mutual housing associations and land trusts, brought citizens and government into new partnerships to save the area's housing stock.

The preservation of the housing stock and physical character of the neighborhood over the decades not only has continued to provide badly-needed housing, it also has attracted an artistic and creative set. The Yiddish actors of the 1920s and '30s, bohemian and counter culture painters and musicians of the 1950s and '60, and the participants in the alternative art, dance, and music scenes of the 1980s are only some of the creative local residents who have created or re-used the area's theaters, lofts, clubs, studios, workshops, and galleries to make or present their art. Their legacy has imparted a distinct cultural character to the area.

The East Village and Lower East Side have also been defined historically by the ubiquity of small, ground floor, commercial retail establishments--the vast majority of them independently, and often, family-owned. This type of business was critical to the economic survival of area residents, both as sources of entrepreneurial revenue for shop-owners and employees, and as affordable sources of food and other consumer goods for local residents. LESCAZ is greatly concerned that the continuing escalation of land values is making it impossible for small shop owners to survive economically in the district. The community requests the EIS study to analyze the prospects for small, non-chain commercial establishments, and how they are likely to change through new development encouraged by rezoning.

### 13. INFRASTRUCTURE

The DCP proposal increases allowable residential density (increasing residential FAR from ten percent to over double) throughout the rezoning district, and reduces open space requirements. The resulting new developments and additions will increase demand for water supply and the water run-off overloading city sewer systems.

The EIS Scope should include mitigation measures for such impact identified above. LESCAZ and Community Board 3 call for the implementation of **high performance green building techniques** as an important mitigation measure including water run-off systems for reuse, or reintroduction to soil and aquifer.

### TASK 15. ENERGY

The community asks DCP to consider energy efficient and green building (e.g. LEED compliant) requirements when Government financing or tax abatement used. Provision for green building sustainable development legislative and programmatic instruments to be included at time of certification, or groundwork in EIS for a follow-up ULURP action.

The DCP proposal increases allowable residential density (increasing residential FAR from ten percent to over double) throughout the rezoning district, and reduces open space requirements. The resulting new developments and additions will:

1. Increase the thermal heat island effect (e.g. increase ambient surface temperature),
2. Increase energy use and demand for energy from local substation and 14<sup>th</sup> St Con Ed plant.

Presently, the Con Ed electrical substation service area has been identified as stressed, and was subject to an energy study by a modeling consortium including USEPA, Brookhaven National Laboratory, CUNY, GISS, NASA, Columbia University, which provides a baseline of energy demand and stress on substation.

Presently, the district has been identified as an urban heat island, raising background surface temperatures up to 5- 7 degrees. The urban heat island effect increases air pollution (e.g. ozone formation), is adverse to human health (esp., the elderly and infirm), and increases demand for energy (air conditioning).

The EIS Scope should include mitigation measures for the adverse environmental impacts on energy consumption. LESCAZ and Community Board 3 call for the implementation of **high performance green building techniques** as an important mitigation measure including:

1. High performance energy efficient building standards and incentives for new construction and additions.

2. Net metering implementation for rezoning area, to increase the economic feasibility of solar and other non-polluting energy systems.
3. Energy efficiency programs for existing buildings, to reduce energy demand
4. Green roof with tenant access to reduce demand on open space, and reduce urban heat island effect. Requirements for new construction and additions, and incentives for existing buildings.

**High Performance Green Building Design.** Due to the proximity of the rezoning to heavy pollution sources, especially the Con Ed power plant, and the current stress on the existing electrical infrastructure, it is imperative that the incentives and standards will result in observable, measurable reductions in energy use, pollution and thermal heat island.

CLARIFICATION: Many current standards, such as LEED, although useful in many respects, fail to prioritize the needs and imperatives of the low-rise urban dense core such as the Lower East Side and East Village in the area of energy, heat, open space. LEED and other design standards encourage the implementation of new environmental technologies, but do not prioritize the needs of a residential urban dense core with affordable housing constraints. Consequently, CB3 calls for reference to such standards as LEED, but requests that overall energy efficiency, pollution, open space needs, and thermal heat island affect scorings or requirements be the defining legislative and programmatic requirements.

Lower East Side People's Mutual Housing Association has demonstrated that affordable housing low rise high performance green buildings can be economically built with documented reductions in energy use and pollutant levels. Best achievable technology performance guidelines can be developed from these and other demonstrated accomplishments.

For the methods, LESCAZ suggest the modeling consortium provides a base line for the area, and provides tools and methodology for analysis. The MARKAL energy efficiency model was used in that study, other energy efficiency models, and models for estimating energy demand exist. Refer to references below.

#### REFERENCES:

##### Modeling Consortium Study:

Introduction: Greening Lower Manhattan East. Presentation to CB3 March 5th, 07 by Cynthia Rosenzweig, GISS, NASA, Earth Institute, Columbia University  
<http://www.nyc.gov/html/mancb3/downloads/conedison/cb3greening1.pdf>

Integrated Modeling Framework: Global Climate (NASA-GISS), Land Use, Land Cover (SLEUTH, UrbanSIM, Remote Sensing), Air Quality (MODELS-3), Regional Climate (ClimRAMS, MMS), Integrated Energy/Materials Flow (MARKAL), Public Health Impacts (Risk Coefficients)  
[http://www.nyc.gov/html/mancb3/downloads/conedison/Final\\_Report\\_Sep05\\_rev1.doc](http://www.nyc.gov/html/mancb3/downloads/conedison/Final_Report_Sep05_rev1.doc)

NYC Case Study: Integrated Energy & Environmental Planning with MARKAL Model, EPA, BNL & SUNY. Presentation to CB3, March 5th 07, Edward Linky, US EPA, Region 2.

[http://www.nyc.gov/html/mancb3/downloads/conedison/CB3\\_BNL\\_070221rev.pdf](http://www.nyc.gov/html/mancb3/downloads/conedison/CB3_BNL_070221rev.pdf)

NYC Regional Heat Island Initiative: Mitigating NYC's Heat Island with Urban Forestry, Living Roofs, and Light Surfaces

Rosenzweig, C., W.D. Solecki, and R. Slosberg. 2006. A report to the New York State Energy Research and Development Authority (NYSERDA). 123 pages & Update  
[http://www.nysERDA.org/programs/Environment/EMEP/project/6681\\_25/6681\\_25\\_pwp.asp](http://www.nysERDA.org/programs/Environment/EMEP/project/6681_25/6681_25_pwp.asp)

Green Roofs in the New York Metropolitan Region

Rosenzweig, C., S. Gaffin, and L. Parshall (Eds.) 2006. Green Roofs in the New York Metropolitan Region: Research Report. Columbia University Center for Climate Systems Research and NASA Goddard Institute for Space Studies. New York. 59 pages.  
<http://ccsr.columbia.edu/cig/greenroofs/>

Metro East Coast Regional Assessment

Climate Impacts Group, Columbia University

<http://www.ccsr.columbia.edu/cig/mec/>

#### **TASK 17. TRANSIT AND PEDESTRIANS**

LESCAZ also asks the EIS to study the specific impact that DCP's proposed R8A on Avenue D will have on the transportation of this already underserved street.

#### **TASK 18. AIR POLLUTION**

The DCP proposal increases allowable residential density (increasing residential FAR from ten percent to over double) throughout the rezoning district, and reduces open space requirements. The resulting new developments and additions will:

1. Increase air pollution from building heating plants, energy production and traffic
2. Increase surface air pollution pocket concentrations (due to poorer dispersion of air pollutants resulting from the proposed continuous street walls in the proposed traffic corridors with the highest residential density districts).

Presently, the rezoning district is proximate to heavy pollution emission sources from:

- Con Ed 14<sup>th</sup> Street Power Plant
- FDR Drive with entrance and exit on Houston St.
- Williamsburg Bridge traffic
- Manhattan Bridge traffic

- Poorly maintained and dirty fuel building heating equipment

The City has and is being projected to have difficulty meeting ozone and PM (particulate matter) standards). Rising temperatures from the heat island effect and climate change increase the atmospheric production of ozone and incidences of ozone exceedences. The 2030 PlaNYC has set goals for reducing carbon emissions

The EIS Scope should include mitigation measures for the adverse environmental air pollution. LESCAZ and Community Board 3 call for the implementation of **high performance green building techniques** as an important mitigation measures including the implementation of programs and incentives for pollution reduction for building heating systems.

## **TASK 22. MITIGATION**

LESCAZ requests EIS to consider the following provisions that, if implemented, could mitigate adverse impacts of development generated through the proposed rezoning. These provisions are all in accordance with the Eleven Points Community Plan presented by Community Board 3.

### ***1. Mitigate for adverse socioeconomic impacts including harassment of tenants and demolition of sound buildings by:***

- Including anti-harassment provisions and restrictions on demolition of sound housing modeled on the provisions of the Preservation Area of the Clinton Special District, which protect against tenant harassment and restrict demolition for the entire rezoning area of the East Village/Lower East Side rezoning.
- Providing funding for legal services organizations to represent the working poor individuals and families in the rezoned area to protect their interests and to ensure that if an owner seeks to expand or rehabilitate an existing building that they have access to free legal services. The funding can be made available through a variety of funding methods to ensure long term support for the most vulnerable residents in our community.

### ***2. Mitigate for adverse loss of historical resources of the neighborhood (related to task 7 of the EIS):***

- The development of a thorough study, and its submission to both the New York Landmarks Preservation Commission and the State Historic Preservation Office (according to the methodology described in Task 7) should warn authorities about historical buildings likely to be affected by development.

**3. Mitigate for adverse environmental impacts including open space, infrastructure, energy, and air pollution by:**

- Implementing high performance green building techniques as an important mitigation measures:

- 3.3 High performance energy efficient building standards and incentives for new construction and additions.
- 3.3 Net metering implementation for rezoning area, to increase the economic feasibility of solar and other non-polluting energy systems.
- 3.3. Energy efficiency programs for existing buildings; to reduce energy demand
- 3.4. Green roof with tenant access to reduce demand on open space, and reduce urban heat island effect. Requirements for new construction and additions, and incentives for existing buildings.
- 3.5. Pollution reduction for building heating systems through programs and incentives
- 3.6. Water run-off systems for reuse, or reintroduction to soil and aquifer
- 3.7. Extended support and protection for existing community gardens in CB3.

High Performance Green Building Design: Due to the proximity of the rezoning to heavy pollution sources, especially the Con Ed power plant, and the current stress on the existing electrical infrastructure, it is imperative that the incentives and standards will result in observable, measurable reductions in energy use, pollution and thermal heat island.

CLARIFICATION: Many current standards, such as LEED, although useful in many respects, fail to prioritize the needs and imperatives of the low-rise urban dense core such as the Lower East Side and East Village in the area of energy, heat, open space. LEED and other design standards encourage the implementation of new environmental technologies, but don't prioritize the needs of a residential urban dense core with affordable housing constraints. Consequently, CB3 calls for reference to such standards as LEED, but requests that overall energy efficiency, pollution, open space needs, and thermal heat island affect scorings or requirements be the defining legislative and programmatic requirements.

LESPMHA has demonstrated that affordable housing low rise high performance green buildings can be economically built with documented reductions in energy use and pollutant levels. Best achievable technology performance guidelines can be developed from these and other demonstrated accomplishments.

**23. ALTERNATIVES**



LESCAZ requests EIS to consider the following zoning recommendations as alternative development scenarios for the study area. These recommendations are all in accordance with the Eleven Points Community Plan presented by Community Board 3.

***1. Alternative scenario for considering the use of IZ (distribution of affordable housing) throughout the entire neighborhood (related to tasks 2 and 3 of the EIS):***

- Zone R7A base FAR of 3.45 [with overlay, but not commercial equivalent] with 4.6 FAR Inclusionary Zoning [IZ] for 1st and 2nd Avenues, Avenues A, C and D; Forsythe, Essex and Allen Streets [on all wide streets (width of 75' or more), north and south of Houston Street, except Houston Street, Delancey Street, and Chrystie Street];

***2. Alternative scenario for preserving neighborhood scale, character and historical resources (related to tasks 2, 7 and 9 of the EIS):***

- Zone R7B [not commercial equivalent] on all narrow streets [less than 75' width] north and south of Houston Street. IZ not supported/favored in these areas [given existing information], but we request that the EIS provide sufficient data to fully analyze the number lower income units that could be produced in these regions if the area(s) were zoned for IZ.

***3. Alternative scenario for preserving neighborhood scale and character (related to tasks 2 and 9 of the EIS):***

- Zone Houston and Delancey Street with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone.

***4. Alternative scenario for planning a location with greater IZ bonus in the neighborhood (related to tasks 2 and 3 of the EIS):***

- Zone R8X or R8A with Inclusionary Zoning with commercial overlay on Chrystie Street

***5. Alternative scenario for maintaining neighborhood affordability and character (related to tasks 2, 3 and 9 of the EIS):***

- Make 30% of all new housing units (4,000 in total) in the rezoning area to be permanently affordable to local residents at low- and middle-income levels.

Public testimony by City Lore, Inc., June 25, 2007  
Re: Draft Scope of Work for an Environmental Impact Statement,  
East Village/Lower East Side Rezoning

My name is Marci Reaven. I'm an historian, and the Managing Director of City Lore, a cultural organization located on E. 1<sup>st</sup> St., in the rezoning area. I also direct the Place Matters project, an initiative by City Lore and the Municipal Art Society to promote and protect the city's historically and culturally significant places. Community Board 3 invited us to participate as a public member on its 197a taskforce. I'm pleased to have represented City Lore for the last 2 years, and we're also a part of the LESCAZ coalition (Lower East Side Coalition for Accountable Zoning).

City Lore supports the rezoning, particularly its potential for controlling development and protecting the area's many historically and culturally valuable places. The Lower East Side is celebrated nationally for its connection to the histories of immigration, housing, social reform, and the arts. City Lore's own constituents have nominated 50 places in the district to our citywide survey of places that matter.

It's in this spirit that we make the following comments and suggestions on the scope document.

A comment that applies to many sections of the scope, and to CB3's 11 points, is the historical connection between the Lower East Side and affordable housing. The Lower East Side is the place in America most identified with urban, affordable housing. From about 1850 through today, if one talks about the need for low-income housing, about living conditions, or about innovation and social reform in the design, construction, financing, and preservation of low- and moderate-income housing, the Lower East Side encapsulates that history. City Lore is in favor of the inclusionary zoning outlined in the scope, but we strongly support CB3's points that address protection for existing tenants and a higher percentage of new affordable housing. Affordable housing is a critical part of our history and character.

Our other comments address Task 7, Historic Resources. CB3 recognized the importance of this task when it included it among its 11 points.

1. The scope document states that impacts on historic resources will be considered for "identified development sites." This appears to include the projected and potential new construction sites, but NOT the *projected and potential enlargement* sites. The scope also eliminates from its study of historic resources any site in the rezoning area not currently considered as a development site.

The scope document should include enlargement sites, and expand its overall study for historic resources. In recent large scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. Attempts at the preservation of noteworthy historic buildings have been weakened because the resources have not been adequately considered.

2. It is also critical that the survey of historic resources be completed by a qualified consultant. My colleagues at Municipal Art Society have described this as an historian with knowledge of New York City history and, preferably, the study area in particular.

The expertise of the consultant is always crucial, but in the under-studied and under-landmarked LES, it's especially important because the consultant can't rely on existing surveys, designations, or eligibility listings from state and city preservation agencies. Moreover, the consultant needs to be able to identify eligible buildings when significance isn't obvious from the architecture. The Community Synagogue at 323 E. 6<sup>th</sup> St., and Nativity Mission Center at 204-206 Forsyth -- both listed as projected development sites -- are places with deep roots in the 20<sup>th</sup> c history of the Lower East Side, but they would be easy to overlook if just going by the architecture. There are many individuals and organizations in the area who would be happy to offer their help to the consultant, including my own.

# UP FRONT NEWS

June 24, 2007

Published by Tom Weiss

Editorial Advisor: Willard Whittingham

"The paper that can't be bought and can't be sold." [www.tomsupfrontnews.blogspot.com](http://www.tomsupfrontnews.blogspot.com)

## DEPARTMENT OF CITY PLANNING VS. THE LOWER EAST SIDE

I am writing to express my support for the position taken by the Lower East Siders for Responsible Development and perhaps other groups with regard to the rezoning plans for that neighborhood. While I do not live in the affected area, in many ways my second neighborhood and am very concerned about the negative social and economic impact of the rampant over-development and gentrification of the Lower East Side. As I see it, the rezoning proposal by the City Planning Commission will make things worse for the residents and many of the businesses in the community.

Responsible development, considered generically, means building to improve conditions for the residents and businesses while maintaining the "character" of the neighborhood. The LES, even in the days when crime and drug abuse were at much higher levels than they are now, was a working class community distinctive both in its ethnic diversity but also by virtue of the fact that the working class people of modest incomes are struggling to survive in the neighborhood, the fact is that, thanks to government policies and practices that encourage over-development and gentrification, the LES is, like so much of in particular particular Manhattan, is becoming a work and playground for the rich. Indeed, the LES, which over decades has had the character of an urban village, now has disturbing similarities to the most corporate parts of for example White Plains and Long Island. Luxury condos do not belong on Orchard Street.

Like other parts of the LES, the Bowery has also had its less fortunate days and years. But while rapidly gentrifying, the Bowery area is still an essentially a low rise "corridor" with an economic and ethnic mix.

It is evident that the driving force behind the rezoning plan is real estate profits. Even with some compromises involving the increasingly euphemistic concept of "affordable" housing, the reality is that, in a City with a worsening housing/homelessness crisis, the last thing the LES needs is rooftop construction, skyscraper wannabes, and luxury housing. The DCP should be planning for housing for the people who really need it.

\*\*\*\*\*



July 3, 2007

Jessica Neilan  
NYC Department of City Planning  
Environment Assessment and Review Division  
22 Reade St  
New York, NY 10007

Dear Ms. Neilan:

The New York Industrial Retention Network (NYIRN) is submitting this letter to express its support for the Lower East Side Business Improvement District's (BID) vision of a vibrant mixed-use neighborhood that includes light industrial and artisanal uses. We strongly urge the Department of City Planning to incorporate the BID's recommendations.

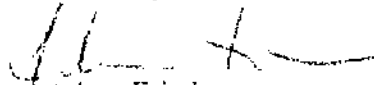
NYIRN is a citywide not-for-profit economic development organization that provides services to strengthen New York City's manufacturing sector and create manufacturing jobs, and to do so in ways that foster economic and environmental justice and promote sustainable development. Our organization provides free services to manufacturers around real estate, finance, employment and marketing; and we advocate for government policies that retain manufacturing in New York City.

Currently, small industrial firms in Manhattan, including a large number of garment and printing businesses, face tremendous real estate pressure that threaten their viability. These companies need a zoning designation which allows for Use Group 11. Given this, they could potentially relocate to Building B of the Essex St. Market and retain the bulk of their Manhattan clientele as well as preserve their workforce.

Due to the low-to medium scale, proximity to public transportation and the current mixed-use character of the area east of Essex St., NYIRN supports the BID's belief that light industrial and artisanal commercial uses should be allowed throughout the eastern portion of the Lower East Side. Industrial businesses would also bring non-retail daytime workers to the area, helping to support other sectors.

We support the BID's stance on promoting multiple uses in the LES and its interest in light industrial and artisanal tenanting as part of equitable and sustainable development and look forward to working with the BID on maintaining a diverse economic on the Lower East Side. We recommend that the Department of City Planning integrate these considerations.

Sincerely,

  
Adam Friedman  
Executive Director

CC: Roberto Ragone, Executive Director, Lower East Side BID

July 5, 2007

BY HAND & BY FAX

Ms. Jessica Neilan  
NYC Department of City Planning  
Environmental Assessment and Review Division  
22 Reade Street  
New York, NY 10007-1216

Re: Comments on the Draft Scope of Work for an  
Environmental Impact Statement  
East Village/Lower East Side Rezoning

Dear Ms. Neilan:

The Archdiocese of New York (the "Archdiocese") submits these comments to the Draft Scope of Work for an Environmental Impact Statement for the East Village/Lower East Side Rezoning (the "Proposed Rezoning"). The Archdiocese is a Roman Catholic organization that through its pastoral, educational and charitable activities has a significant presence in the area that would be affected by the Proposed Rezoning. Four parishes of the Archdiocese operate in the proposed rezoning area, as well as many other Catholic-sponsored community facilities, including: six schools, a nursing home, two affordable housing developments and a Catholic Charities community center. Some of these facilities have existed at their present locations for over 100 years – Our Lady of Sorrows Parish at 213 Stanton Street was established in 1867 and Most Holy Redeemer Parish at 173 East 3rd Street was established in 1844.

As a provider of community facilities that are important to the health and fabric of the City, the Archdiocese has concerns regarding the negative effect that the Proposed Rezoning's reduced maximum permitted density ("floor area ratio" or "FAR") and limited building envelope would have on community facilities. These facilities, many of which are owned and operated by small not-for-profit and social service agencies, provide vital educational, cultural, religious, social and health services to the community, and contribute to the diversity that makes this area unique. For example, the Nativity Mission School at 204 Forsyth Street and the Cornelia Connelly School at 220 East 4th Street provide free tuition for middle school boys and girls, respectively. The Proposed Rezoning would make community facility development more difficult and more expensive, thereby stifling the development of these valuable resources.

The real estate market in the entire New York City area, even in the Lower East Side, is extremely competitive. Thus, the cost of land is prohibitive for community facilities with limited means. The Proposed Rezoning would rezone four zoning districts, substantially reducing the maximum community facility FAR. For example, approximately 23% of the rezoning area would be rezoned from R7-2 to R7A, reducing the permitted FAR for community facility uses from 6.0 to 4.0 FAR. The midblock portions of 59 blocks, or approximately 43% of the rezoning area, currently zoned R7-2, which permits 6.5 FAR for community facility uses, would be rezoned to R8B, which permits 4.0 FAR for community facility uses. Another 2% of the rezoning area would be rezoned from R7-2 to R7B, which permits only 3.0 FAR for community facility uses. Approximately 11% of the rezoning area would be rezoned from C6-1, which permits 6.5 FAR for community facility uses, to C4-4A, which permits only 4.0 FAR. See Draft Scope at pp. 2-4.

In total, 79% of the rezoning area would have reduced FAR for community facilities. This reduced FAR would severely limit the ability of social service providers to provide the services needed for a growing area population.

In addition, the use of the contextual zoning district model, which mandates a lower, squatter building with an absolute maximum building height, does not take into account the space needs of community facilities, many of which require higher floor-to-floor volumes for programmatic reasons. These volumes, while not generating FAR, may not fit within the contextual envelope.

Expansion plans for two notable Catholic institutions would be adversely affected by the Proposed Rezoning. For example, Cabrini Nursing Home hopes to develop a new facility that would continue to serve its current population. Currently, it leases an outdated building at 542 East 5th Street. Because the Proposed Rezoning would not allow a higher FAR for community facilities and because of its restricted zoning envelope, Cabrini would be severely challenged to find an appropriate site in today's real estate market, making it infeasible to construct the necessary facility and depriving the Lower East Side of a much needed service.

Another affiliated institution, La Salle Academy (founded in 1848), which is a Catholic high school for boys, currently occupies a building in which its limited size and cramped facilities impede the ability to meet all of the educational needs of its students. Thus, the Academy would like to expand its facility by transferring air rights from its current site at East 2nd Street between 1st and 2nd Avenues to a site that it owns on 2nd Street and 2nd Avenue; this transfer is permitted under the current zoning. Pursuant to the Proposed Rezoning, the current site and the site on 2nd Street and 2nd Avenue would be in different density districts. Therefore, this transfer would not be permitted, depriving La Salle of a critical component of its expansion plans.

In sum, the Draft Scope fails to account for the adverse effect on community facilities caused by the reduced FAR and limited building envelope provided in the Proposed

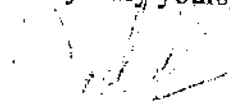
Jessica Neilan

July 5, 2007

Page 3

Rezoning. The Environmental Impact Statement should analyze the net decrease of community facility space that would result from the Proposed Rezoning. If these impacts are not mitigated, the health and fabric of the Lower East Side will be irreparably damaged.

Very truly yours,



David Brown  
Director of Real Estate

CC: City Council Speaker Christine Quinn  
Councilperson Rosie Mendez

David Mulkins [mulbd@yahoo.com](mailto:mulbd@yahoo.com)  
Bowery Alliance of Neighbors (co-founder)  
East 5<sup>th</sup> St. Block Association  
239 East 5<sup>th</sup> Street, Apt. 2B  
New York, NY 10003  
June 29, 2007

To: Jessica Neilan  
Department of City Planning  
22 Reade Street, Suite 6N  
New York, NY 10007-1216

Re: Scoping Session Testimony for East Village/Lower East Side Rezoning.

As stated in my June 25, 2007, testimony at 22 Reade Street, I strongly urge City Planning to include the following **alternative plan** in the scope of their Environmental Impact Statement:

1) **Include the Bowery from Canal to 4<sup>th</sup> Street in the C4-4A zone, with 70 ft. cap heights.**

This historic district contains some of the city's oldest buildings. As part of the Chinatown, Lower East Side, and Little Italy communities, the Bowery is one of the few surviving avenues which captures a sense of the immigrant experience in America. With most buildings of four stories or less, it still has much the same profile as seen in postcards from 100 years ago! The historical, cultural, and architectural integrity of this region is what makes it unique and attractive to visitors. It is not in the public interest to have it become yet another sterile mix of suburbia and upper east side skyscrapers.

The working class residents and small businesses of the Bowery area will be decimated if zoning protections are not enacted immediately.

The rampant, unregulated over-building of high-rise dorms, condos, apt. buildings, and upscale (\$500 a night) hotels along the Bowery and 3<sup>rd</sup>/4<sup>th</sup> avenues is causing the most rapid gentrification in the city's history.

These upscale, high-rise buildings cause:

\*Skyrocketing rental costs for the working class residents and small businesses serving the community (tailors, bakeries, etc.).

Result: rapid gentrification.

\*Proliferation of bars and clubs in formerly quiet residential areas.

Result: a war zone of noise and street/sidewalk congestion.

Because bars bring higher rentals, all other types of businesses (except franchises like Starbucks) are being forced out.

[The high-rise Bowery Hotel at 3<sup>rd</sup> and Bowery, and the Cooper Square Hotel at 5<sup>th</sup> Street are each putting in multiple bars,



clubs, and outdoor terraces and sidewalk cafes. . . all of which escalates street and sidewalk congestion, and adds to the deafening noise that keeps the residents awake at night].

\*Increased incentive for landlords to tear down old buildings, evict tenants, and build more luxury high-rises.

\*Increased tenant harassment and such dishonest practices as phony demolition and the mass eviction of entire tenement buildings so that "mansions" can be created for millionaires.

[Ex: Residents of 47 East 3<sup>rd</sup> are being mass evicted].

\*Destruction of the distinct multicultural diversity that has long made the Lower East Side so unique and so culturally rich.

What, for example, would Chinatown be if there were no Chinese residents? Why would tourists go there if all they found were the same establishments and ambiance found in the Times Square or Fifth Avenue districts? People visit Chinatown BECAUSE of the Chinese!

**2) Do not up-zone Chrystie Street., Delancy St., or Houston St.**

As mentioned above, the low-rise, historic character of the East Village/Lower East Side would be negatively impacted by the overbuilding of any more luxury towers. The mass displacement of residents and small businesses would surely result.

**3) Keep the current 3.44 FAR for all avenues north of Houston.**

Because most buildings on 1<sup>st</sup> and 2<sup>nd</sup> Avenue, and on avenues A, B, and C are five stories or less, raising the FAR would threaten the historic lowrise character of existing tenements. It would encourage landlords to add floors, a dangerous process that is often used to harass or evict tenants.

Ex: On June 21, 2007 the roof and cornice of the building at 91 Second Avenue collapsed after the outer facing had been removed. Fortunately, nobody was hurt, but the beautiful and historic façade of the building is gone forever. The great composer George Gershwin lived there as a boy! The East 5<sup>th</sup> Street Block Association had recently inquired about getting an historical marker on the building, not knowing that the landlord was planning to gut renovate it and add two floors. [My own building is next door to 91 Second Avenue We have pictures of the collapse if needed.]

As a dedicated public high school history teacher with almost 20 years experience, I am alarmed and dismayed that on the governmental level there is apparently not a greater awareness of and sensitivity to the cultural, historical, and architectural heritage of the East Village/Lower East Side communities now threatened with massive overdevelopment and up-zoning. Every American History textbook has several chapters devoted to such topics as the Immigrant Experience in America; the Industrial

Age, Child Labor, Sweatshops, the Rise of Organized Labor, the Tenements, the Progressive Era and the Jazz Age. . . topics and history that are writ large in this community. Our historic community helps define and remind us who we are, where we came from, and how we got here. There are plenty of monuments to the rich and famous in this city, but few areas which reflect the history, struggles, and achievements of the working class groups who have done so much to build this nation.

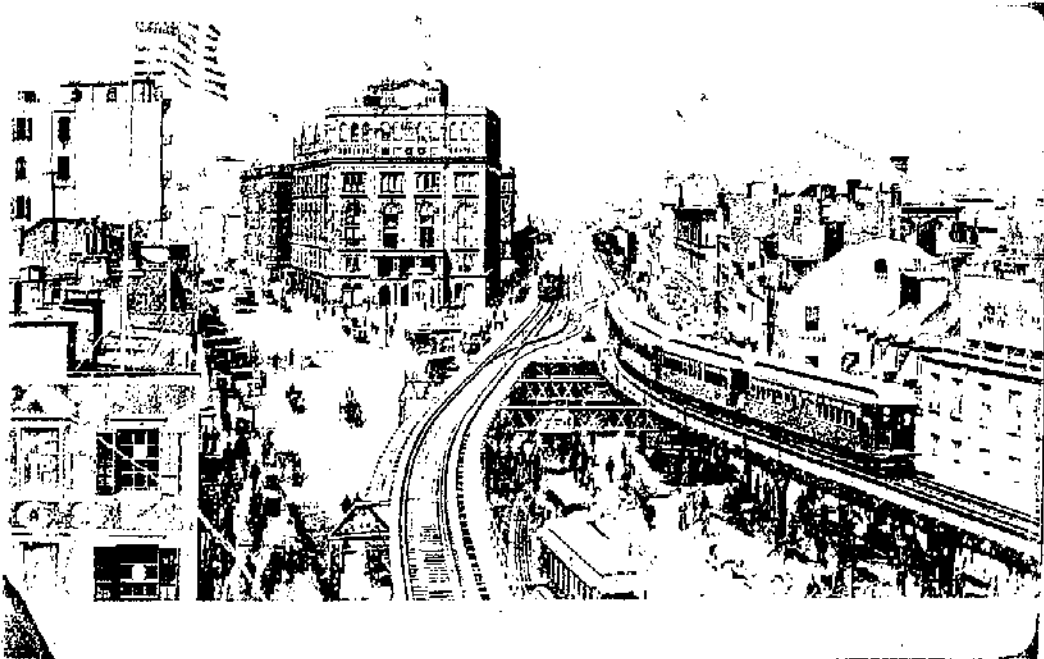
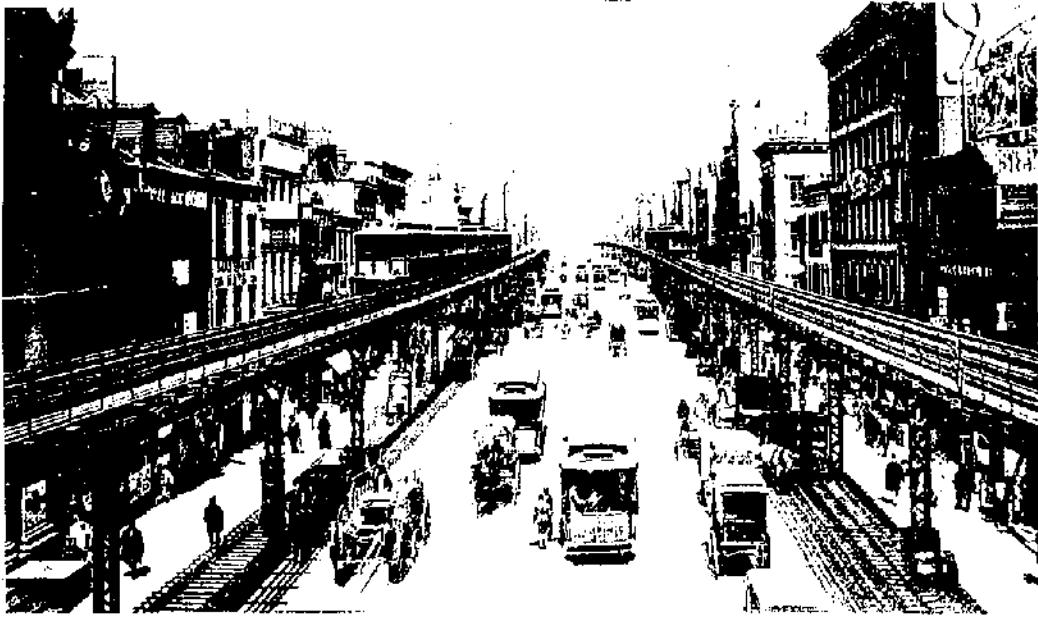
This community has a tremendous track record. Few communities have given so much to our city or our nation: Abraham Lincoln's anti-slavery speech at Cooper Union, the Yiddish Theater, Emma Goldman, George Gershwin, Weegee, the Beat Poets, Charlie Parker, BeBop, LaMama and Off-Off Broadway, Miguel Pinero, Dorothy Day, Punk Rock, CBGB's, Little Italy, and Chinatown just to name a few things. That so many extraordinary things have happened in our neighborhood was possible because of the diverse, multi-cultural nature of the community. None of this would have happened if the East Village/Lower East Side had been a high rise enclave for the super rich. There is a heritage and a glorious tradition in this community that should be recognized and protected. Tearing down the physical and cultural fabric of this neighborhood would come at tremendous cost. It is in the public interest to preserve our community in total as an historical treasure, not thrown piecemeal to the developer wolves. (Imagine the French Quarter in New Orleans if every other building were a high-rise tower of steel and glass? Would anyone want to go there?)

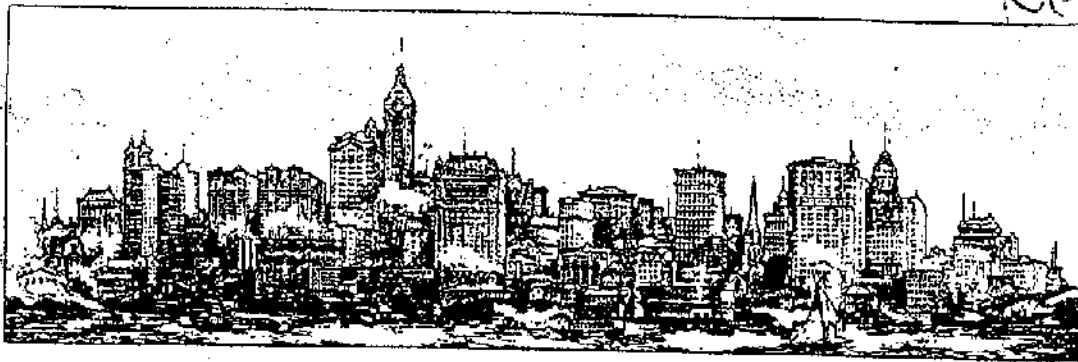
Please recognize, respect, and preserve this historically, culturally, and architecturally important East Village/Lower East Side district by accepting the above alternative plan which includes the Bowery in the C4-4A zone, and keeps the FAR and cap heights for the other avenues at a level that will preserve the low-rise historic character of the neighborhood.

Respectfully submitted,



David Mulkins,  
Bowery Alliance of Neighbors (co-founder)  
East 5<sup>th</sup> Street Block Association





## THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

### Comments on the Draft Scope of Work for the East Village/Lower East Side Rezoning, CEQR No. 07DCP078

The Draft Scope (Task 7, Historic Resources, page 24) states: "Impacts on historic resources are considered on the affected sites and in a 400-foot radius area surrounding the identified development sites." If this means that the entire area proposed for re-zoning will not be fully surveyed, it is inappropriate methodology for assessing the impact of a zoning change on historic resources, and particularly so since the area to be rezoned includes and is adjacent to numerous historic districts and individual landmarks, as well as potentially eligible structures.

The *CEQR Manual* (Section 312, page 3F-7) identifies several circumstances which dictate a larger study area: "Actions that affect historic districts," "Actions that result in changes over a larger area (e.g....an area re-zoning)" and "Actions that result in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away."

All historic resources and potential historic resources should be surveyed within the area to be rezoned, and within a study area 400 feet beyond the boundary of the area to be rezoned. It is not sufficient to examine only those historic resources on or around "identified" development sites. Identification of development sites is highly speculative, and could be incomplete or erroneous; it has not been subject to any substantive public review, and many factors could cause it to become obsolete over time.

The area to be re-zoned is outstanding in its history and architecture, the site of settlements and Dutch farms dating back to the 17<sup>th</sup> and 18<sup>th</sup> centuries. Some of the historic resources potentially affected date from the early 19<sup>th</sup> and possibly the late 18<sup>th</sup> centuries, including a number of Federal houses that are not designated landmarks.

The Bowery, one of our oldest thoroughfares, lies within 400 feet of the western edge of the area rezoned, there are many individual landmarks and historic districts along the Bowery whose context will certainly be affected by the wave of new construction anticipated under this rezoning. The Bowery should be surveyed for eligible as well as designated historic resources, in consultation with the SHPO, with special attention to 134, 135, 136, 140, and 206 Bowery, as well as 133, 148, 151, 171, 173, 212, 219-221, 222-224, and 241 Bowery. This is not an exhaustive list of potentially eligible properties.

The future of the Bowery is of intense concern to area residents, and the decision not to include it in a re-zoning which purports to preserve area character is hard to understand. There is a public demand for an explanation, restating and reviewing the criteria used for determining the boundaries of the area to be re-zoned, and we suggest that including the Bowery in the area to be re-zoned should be considered as an alternative.

Submitted July 5, 2007 by Christabel Gough, Secretary

## Chinatown/Lower East Side Empire Zone Zone Development Plan

### SECTION I: OVERVIEW

This Zone Development Plan (the "Plan") outlines the economic development policy adopted by the Chinatown/Lower East Side Zone Administrative Board (the "Board"). This Plan includes the Board's economic development goals and strategies; target areas and business categories; criteria for certification; and performance evaluation measures.

Chinatown and the Lower East Side play a significant role in New York City's economy. For more than 100 years, Chinatown and the Lower East Side have been a point of entry for Chinese, Eastern European, Jewish, Latino and Italian immigrants, among others. Today, the area remains a vibrant source of cultural familiarity and economic opportunity for these peoples and other immigrants from Latin America, China and Southeast Asia.

Chinatown is a busy commercial hub home to over 3,750 businesses, many of which are in the retail and wholesale industries. Canal Street enhances the neighborhood's capacity as a distribution center by linking the Manhattan and Brooklyn Bridges with the Holland Tunnel and New Jersey. At the same time, Chinatown is a tourist destination and a cultural anchor for Asian Americans throughout the New York City metropolitan region and the East Coast. Chinatown has also been a manufacturing center for the City's garment industry. The Chinatown economy is diverse, multi-layered and deeply integrated.

The Lower East Side is home to over 1,000 businesses, primarily small, family-owned and operated retail establishments. Its important economic corridors are Clinton, Orchard, Grand and Delancey Streets. These streets hold a network of businesses known for their ethnic food, apparel and home design, along with small retail shops with devoted clientele. The Lower East Side was known as an exclusive destination for Sunday shopping. During last ten years, many new boutique stores and restaurants have opened in the Lower East Side and its commercial identity continues to evolve.

Nonetheless, Chinatown and the Lower East Side are also marked by areas of high rates of poverty and unemployment, overcrowded housing conditions and vacant or underutilized light manufacturing and retail space. Due to language and cultural barriers, many small businesses in Chinatown and the Lower East Side are unable to access conventional sources of credit and have traditionally operated on low-profit margins and high turnover. From the 1960's to much of the 1990's drug-related crime discouraged street life. In the months after 9/11, this business community was crippled by infrastructure damage, prolonged street and subway closures, a steep decline in tourism and the unavailability of significant relief funds. Thousands of jobs were lost in the local garment manufacturing industry. The loss rippled through the retail and service businesses that relied on the patronage of industry workers.

The community also faces additional challenges. The increase in property rental costs has generally outpaced the increase in revenue for local businesses. The rise in gas prices and insurance premiums has aggravated the cost in the delivery and receipt of goods by retailers and wholesalers, as well as the cost of daily operations. To survive, many local business owners have frozen or

reduced employment while personally undertaking longer shifts. Others have suspended operations in order to move to relocate to cheaper sites.

Furthermore, parts of the community have not uniformly recuperated from their difficult times. The development of other retail areas that compete for customers and citywide Sunday shopping is drawing patronage away from Chinatown and the Lower East Side. There is no significant office commercial space that creates an anchor for consistent daytime foot traffic. Finally, transportation access is another issue that may impact the local area.

The Board aims to promote growth in new and existing businesses in a manner that encourages the creation of quality employment, improves the area's sanitation and cleanliness, refines the community's ethnic and cultural offerings and stabilizes the turnover rate for businesses, thereby encouraging businesses to act as members of their community.

The economic development strategies set forth in this Plan are based partly on the findings and recommendations from *America's Chinatown*, a community planning document that was the product of a 2-year planning study called the Rebuild Chinatown Initiative that was led by Asian Americans for Equality, Inc. ("AAFE") and a steering committee of 30 community leaders. The Rebuild Chinatown Initiative engaged over 3,000 residents and stakeholders through an extensive outreach effort that included focus groups, interviews with over 100 leaders, large town-hall meetings, community fairs and surveys. At the same time, the strategies in this Plan complement the Mayor's plan for Lower Manhattan, which emphasizes connectivity, cultural magnets, anchor office development, waterfront access, parks, housing, neighborhood amenities and improved shopping. The Plan also fits with the Mayor and Governor's vision of Lower Manhattan as a global office hub, creative center and livable neighborhood.

## SECTION II: GOALS & STRATEGIES

The Board has engaged Renaissance Economic Development Corporation ("Renaissance") as the Zone Administrative Entity to assist in the development and implementation of the Board's goals and strategies for the Zone.<sup>1</sup>

Given the challenges articulated in Section I, the Board's goals are:

1. **Increasing employment opportunities for the local workforce and encouraging the growth of local minority and women-owned businesses.** With the garment manufacturing industry—a significant employer of minority and women in the Zone—still struggling after 9/11, the local workforce has been forced to look elsewhere for work, in some cases commuting to New Jersey or Philadelphia or Atlantic City to work in hotels or casinos. The

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<sup>1</sup> Renaissance provides affordable lending and technical assistance to small businesses throughout New York City, with an emphasis on increasing business opportunities for minority, women and immigrant entrepreneurs in communities where cultural and language barriers and lack of access to conventional credit have stymied the growth of small businesses. Based in its target market of Chinatown and the Lower East Side, the organization has provided technical assistance, grants, wage subsidies and loans totaling \$18 million to nearly 500 small businesses since its inception in 1997. Renaissance is a 501(c)(3) organization and a U.S. Treasury-certified Community Development Financial Institution.

Board envisions reviving the Zone as a major employer for its residents as well as a center for emerging minority and women-owned businesses. Related strategies include:

- a. The Board will use Zone benefits and education seminars to encourage local minority and women-owned businesses to become certified by New York State and City as Minority/Women Business Enterprises ("M/WBEs"), thereby increasing their procurement opportunities.
  - b. The Board will approve the construction or major renovation of an assisted living center or nursing home as community development projects (see Section VII, below). The health care sector is a viable alternative source of employment for the middle-aged women laid off by the garment manufacturers.
  - c. Renaissance will collaborate with New York State Department of Labor, the Department of Small Business Services and Empire State Development Corporation to hold educational seminars for detailing the benefits of the EZ Program. Renaissance counselors will also be available for one-on-one counseling in the application process.
  - d. Renaissance will establish a referral service with employment training centers in the community to direct local residents to training and educational opportunities in Business English, computer and office skills.
  - e. Renaissance will continue to provide affordable capital to small businesses in the Zone. Since the inception of its loan fund in 1997, Renaissance has given microloans to small businesses in Chinatown and the Lower East Side to support their working capital needs. At the same time, Renaissance will work with a consortium of local community banks to assist minority- and women-owned businesses in the Zone seeking loans above \$150,000.
2. **Encourage the development of Canal Street, Bowery, Broadway, Lafayette Street, Allen Street, Houston Street, Grand Street and Delancey Street into "Gateways" with major cultural anchors and tourist destination projects.**
- a. The Board will target tourist destination projects, as well as restaurants and retail stores expanding their employment or investing in their storefronts and interiors, for certification on these main streets.
3. **Preserve existing manufacturing and commercial space in "Target Commercial Districts" (as described in Section III, below).** Once the site of garment manufacturing businesses, these Target Commercial Districts have recently seen development of a number of market rate residential and condominium projects. The Board believes that encouraging light manufacturing and commercial use in these Target Commercial Districts is vital to the long term economic revitalization of the Zone and will pursue the following strategies:
- a. The Board will target manufacturing and professional service firms (i.e., firms engaged in marketing, design, public relations, etc.) to operate in these Target Commercial Districts.

- b. Renaissance will develop brochures highlighting the Target Commercial Districts and the benefits of the EZ Program to be distributed at tradeshows. Renaissance will also develop a map of the Empire Zone on its website that highlights these areas for companies looking to relocate to the Zone.
  - c. Renaissance will work with local realtors, elected officials and community board representatives to identify major vacancies in these areas and will develop capacity as a clearinghouse that matches potential users and renters of commercial or manufacturing space who are looking to relocate to the Zone with available space.
  - d. The Zone Administrator will monitor variances granted on M-zoned land within the Empire Zone, and work to identify illegal conversions of industrial space to residential use within zone boundaries. Illegal conversions of M-zoned facilities will be reported directly to 311. The Zone Administrator will report an "illegal residential use in an industrial building," and ensure that complaint code 92 is recorded when transferred to the Department of Buildings.
- 4. Facilitate capital improvements that encourage long-term environmental sustainability within the Chinatown/Lower East Side Empire Zone**
- a. Applicants will be strongly encouraged to undergo an energy survey or obtain a similar walk-through, comprehensive audits of their facilities, particularly if they are undertaking any construction or rehab projects within the Empire Zone. NYSERDA provides assistance with the cost of the survey, as well as financial incentives for energy-saving measures. An energy survey will provide the business with practical strategies for reducing energy costs in existing buildings, as well as assist them in making more cost-effective building construction and design decisions. Additionally, an energy survey is a requirement for Empire Zone companies who wish to apply for energy discounts through the NYC Economic Development Corporation. Once energy-saving measures have been identified, Renaissance EDC will encourage businesses to implement whichever actions are cost-effective.
  - b. Applicants will also be strongly encouraged to take the necessary steps to become certified as high-performance green buildings by the U.S. Green Building Council under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.
- 5. Encourage commercial development on the East River waterfront.** Much of the property around the East River waterfront is currently government-owned property. Yet the prospect of a major regional attraction, office center or manufacturing center on the waterfront, with its proximity to FDR Drive, can redefine the image of Chinatown and the Lower East Side. The Board will pursue the following strategies towards encouraging development along the waterfront
- a. Renaissance will inventory the privately-owned property around the waterfront south of Madison Street.



- b. Renaissance will inventory potential water dependent uses and market the Empire Zone Program accordingly.

The Board will review and re-evaluate these goals and strategies according to the performance evaluation measures set forth in Section IX, below. From time to time, the Board may consider whether new goals should be adopted with respect to the economic development of the Zone.

In connection with GML § 962(1), the Board will employ a marketing strategy to promote business development in the Zone. The strategy will highlight the Zone's strengths as a tourist destination, a cultural and ethnic touchstone, a neighborhood with an industrious workforce and a commercial hub with proximity to downtown Manhattan. The campaign may include marketing of the Zone at trade shows, through mailing or in trade papers.

### **SECTION III. TARGET AREAS/INFRASTRUCTURE DEVELOPMENT**

The Zone is one contiguous area of 210 square blocks, extending from north to East Houston Street, west to Broadway, east to the East River Bulkhead and south to Pearl Street/Chamber Street, Robert F. Wagner, Sr. Place, the Avenue of the Finest and the East River Bulkhead. The area contains a cluster of business districts, each posing its own opportunities.

Chinatown and Little Italy offer ethnic cuisine and cultural items and extend roughly to Delancey Street in the north, Broadway in the west, Allen Street in the east and Chambers Street to the south. Within Chinatown, there are mini-districts along the main streets, from the jewelry district on Canal Street to the souvenir shops and restaurants on Mott Street to the groceries and food markets on Grand Street. In recent years, East Broadway has become home to Chinatown's newest residents, immigrants from the Fujian province of China. East Broadway is also home to a mix of bridal shops, restaurants, bakeries and bookstores.

The Lower East Side is popular for its eclectic mix of boutiques, restaurants, lounges, galleries and theaters. The community is ethnically diverse and entrepreneurial, reflecting the long-ago tenements that once housed waves of German, Irish, Italian, Russian and Jewish immigration. The Lower East Side includes the "Bargain District" as well as more exclusive, high-end boutiques. It also shares many of the main thoroughfares with Chinatown. For instance, Bowery and Allen Street offer a variety of businesses that service the retail and restaurant businesses in both Chinatown and the Lower East Side: printing businesses, restaurant supply stores and sign-manufacturing businesses. Clinton Street is both a lively "restaurant row" of ethnic dining and an important economic corridor for the local Latino community. Delancey Street has become a destination for urban fashion. Orchard Street also offers a vibrant mix of retail boutiques and cafes. The Lower East Side also has a thriving artistic community and is distinguished by a number of art galleries. The neighborhood is a home to seniors, immigrant families and young urbanites, and also includes a number of public housing projects.

The Zone offers a number of locations suitable for economic development:

1. **Main Streets.** Development of the main streets and large avenues of the Zone, with an emphasis on traded businesses or significant employers, will open the local economy to the

larger community. These main streets are Canal Street, Bowery, Broadway, Lafayette Street, Allen Street, Delancey Street, Houston Street, and Grand Street.

2. **Target Commercial Districts.** The Board believes that a number of Target Commercial Districts would serve the community well, and thus strives to protect areas facing economic pressure from the luxury and market-rate housing sector. The Board defines the following two regions as Target Commercial Districts:
  - a. West of Bowery, the area bounded by Spring Street to the north (inclusive), Broadway to the west (inclusive), Worth Street to the south (inclusive) and Bowery to the east (inclusive).
  - b. East of Bowery, the area bounded by Houston Street (inclusive), Bowery to the west (inclusive), Madison Street to the south (inclusive) and Clinton Street to the east (inclusive).
3. **East River Waterfront.** Piers 35-42 by the East River, currently zoned for manufacturing as M1-4, also has the potential for economic development.

#### **SECTION IV. TARGET BUSINESSES**

The Board seeks to promote a diversity of businesses and industries in Chinatown and the Lower East Side; to integrate the local community more with the larger New York economy; and to provide local residents with more opportunities for employment and career development.

In furtherance of the goals set forth in Section II, the Board intends to support the certification of the following businesses within the Chinatown/Lower East Side Empire Zone.

##### **Target Businesses**

1. **Tourism Destination Projects along Main Streets.** The main streets such as Canal Street, Bowery, Broadway, Lafayette Street, Allen Street, Houston Street, Grand Street and Delancey Street can be transformed into major "gateways" that draw in tourists, visitors and commercial activity. The Board intends to pursue a multi-pronged strategy for development of these main streets that will attract not only large tourist destination projects but also create large corridors of strong commercial activity. Tourism destination projects can draw an enormous number of new visitors to the area, increasing patronage of many existing retail shops and restaurants in the Zone. "Tourism destination projects" shall mean large-scale traded businesses that create a substantial number of net new jobs, generate substantial new economic activity and attract a substantial number of new visitors to the area. Such projects must induce individuals to visit or extend their stay in the Zone. A renovation of an existing tourism destination facility or a culturally or historically significant facility that requires a substantial capital investment may also qualify.

- a. The Board intends to certify the following tourism destination projects:

- i. Major performing arts centers, theaters or entertainment venues that are suitable for concerts or other live performances;
- ii. Hotels with large conference rooms and other features/amenities suitable for attracting large conventions and hosting large tour groups; and
- iii. Non-national restaurants or retail stores that will either (a) create at least 10 new full-time or full-time equivalent (collectively, "FTE") jobs or (b) invest at least \$50,000 in storefront and interior renovations and improvements.

**2. "Professional services firms" as follows:**

- a. Architectural firms;
- b. Engineering firms;
- c. Software design firms;
- d. Marketing or advertising agencies;
- e. Media or publishing companies;
- f. Adult education and child care support

**3. Owners and/or developers of buildings that provide rental space for office or manufacturing use**

- a. The Board will only certify those firms creating 3 or more FTE jobs **except** in cases when the applicant is developing incubator space for commercial or light manufacturing uses

**4. Import/export companies that facilitate international trade for domestic companies;**

**5. "Emerging arts firms" as follows:**

- a. Fashion design firms;
- b. Interior design firms;
- c. Art galleries or art studios;

**Strategic Industry Cluster: Manufacturing.**

Strategic industries can be "traded" businesses, wealth creating businesses, and/or "at risk" businesses. Traded businesses includes those where at least 60% of their product/service is sold, delivered or provided to customers/clients that are outside of the NYC MSA. At risk businesses are

those that could locate or relocate outside New York State. The list of strategic industries does not include retail or local service operations that are captive to the local market.

Where once there were hundreds of garment manufacturers in the Zone, today there are less than 100 garment manufacturers. The Board considers manufacturers to be "at-risk" of leaving the Zone and seeks to attract and retain manufacturers and to preserve manufacturing jobs where possible. The Board hereby defines garment manufacturers and light manufacturers of specialty items or handmade items (such as dumplings, noodles, lanterns and toys) as "strategic businesses" that are part of a "strategic industry cluster."

## **SECTION V. BUSINESS DEVELOPMENT ASSISTANCE AND ZONE ADMINISTRATION**

To ensure maximum input and participation from stakeholders in the design of a strategic plan for the Zone's future development, the City of New York assembled the Board in a manner that reflects the cultural, ethnic and economic diversity of the Zone.

The Board intends to carry out this Plan by:

1. Marketing Empire Zone benefits to target businesses located within the Zone or interested in relocating in the Zone to encouraging capital investment and new hiring on the part of those businesses;
  - a. Once certified, Renaissance EDC will assist eligible businesses with Qualified Empire Zone Enterprise certification
2. Utilizing Zone Capital Credits for Direct Equity allocations to high-potential firms
3. Assist Empire Zone certified firms seeking access to financing for capital improvements or general use:
  - a. Renaissance offers many types of loans to small businesses pursuant to various initiatives:
    - i. The Chinatown/Lower East Side Initiative: a product for businesses located in Chinatown and the Lower East Side, extending from the southerly side of Houston Street to the northerly side of Chambers Street and from the easterly side of Broadway to the East River, currently offered with maximum principal of \$100,000 and 7 year terms.
    - ii. Small Business Loan: Renaissance's standard product – up to \$50,000 and 5 years repayment with an interest rate of 8%.
4. Offering additional financial assistance and technical assistance through Renaissance, in collaboration with State and City economic development agencies;
  - a. Renaissance EDC intends to work in conjunction with the New York City Department of Small Business Services to help Empire Zone certified firms to reduce cost by accessing a variety of incentive programs (ECSP, REAP, Commercial Revitalization Program)

- b. For the purchase of building, land and fixed equipment, certified firms will work with Renaissance EDC to apply for financial assistance through public and privately-owned loan funds
- c. Renaissance will provide simple loan counseling and financial planning training to provide more extensive financial literacy to zone businesses

**5. Providing links between government agencies and area businesses to increase the utilization of public programs related to business development;**

- a. Renaissance EDC will connect applicants with NYC Business Solutions, a New York City Department of Small Business Services initiative that provides information to firms on business planning, procurement opportunities, real estate and government regulations.

**SECTION VI. HUMAN RESOURCES DEVELOPMENT/TRAINING**

The Department of Small Business Services' Division of Workforce Development connects employers with a skilled workforce and provides employment services to the City's adult jobseekers. Operated in coordination with the New York State Department of Labor and the City University of New York, the Workforce1 Career Centers provide jobseekers with a full array of employment services including job placement, career advisement, job search counseling and skills training. Renaissance EDC will work with each certified business to register job vacancies with the Workforce 1 Career Centers.

Empire Zone Certified businesses will also be encouraged to register job orders with Business Link, a free service operated by New York City's Human Resources Administration to connect welfare recipients to local employment opportunities. Renaissance EDC will follow up with each certified business to provide assistance in registering for this free service and creating job postings for pre-screened candidates.

When large-scale training needs are identified, Renaissance EDC will encourage businesses to apply for NYC Workforce Training Grants, administered by the Department of Small Business Services.

**SECTION VII. COMMUNITY DEVELOPMENT**

**A. Community Development Projects**

The Board intends to support capital projects ("Projects") sponsored by not-for-profit organizations ("Organizations") that will advance the Plan. An Organization seeking approval of a Project must submit to the Board a Project Proposal that includes the following: Organization's mission statement, a narrative description of the Project; and a description of how the Project satisfies the applicable criteria listed in this Section.

The Board intends to support the designation of the following community development Projects:

1. **The construction or expansion of a child day care center**

- a. The project should have bilingual staff that can deliver services in at least two of the following languages: English, Spanish, Cantonese or Mandarin; and
  - b. The project should offer government subsidized child care for children under the school age (i.e., pre-K and under).
2. **The construction, expansion or major renovation of a large visitor's center/community center.**
- a. The Project should include a large space suitable for performances or community gatherings or meetings.
3. **The construction or major renovation of an assisted living center or nursing home that:**
- a. The project should have a bilingual staff that can deliver services in at least two of the following languages: English, Spanish, Cantonese or Mandarin; and
4. **The construction or major renovation of adult training institutes**
- a. The project should train students in office work, nursing, cooking, etc.
  - b. Preference will be given to those schools that offer evening classes, have the capacity to train at least 50 students a year and offer students job placement assistance.
5. **The construction or renovation of a community development project that is permitted under the regulations of the EZ Program and that can, in the Board's estimation, create a significant number of jobs or generate significant economic development, business development or commercial activity.**

**B. Description of efforts to prevent or discourage displacement of residents (GML § 962(j))**

The Board has taken a number of steps to prevent and discourage the displacement of residents of the Zone. First, the Board has targeted for Zone certification businesses and industries that can create more employment opportunities for residents. At the same time, in setting the criteria for certification (see Section VIII, below), the Board has encouraged the development of support systems for residents working in the Zone in the form of job training, day care, etc. The Board has selected community development projects that can enhance the services available for residents, especially for working families, children and the elderly. From time to time, the Board will review this Plan to determine its impact on the dislocation of residents from the Zone and will revise its policies and strategies as needed to prevent and discourage resident displacement.

The Board also supports efforts by local government agencies and community organizations to preserve affordable housing in the Zone. Affordable housing is in decline in the Zone due to market

pressures for luxury and market-rate residences, compounded by rent deregulation and questionable evictions. Government agencies working to preserve and expand affordable housing and to promote housing and community renewal include New York City's Department of Housing Preservation and Development and New York State's Division of Housing and Community Renewal. Community organizations working to improve affordable housing opportunities in the Zone include Asian Americans for Equality, Inc. (AAFE), which has leveraged over \$55 million in financing to produce housing for low-income residents and constructed New York City's first Low-Income Housing Tax Credit project in 1986.

## **SECTION VIII. CERTIFICATION / COST-BENEFIT ANALYSIS**

### **A. Criteria for Certification**

The Board intends to accord certification and participation in the EZ Program to businesses most likely to enhance the economic climate of the Zone, in accordance with Title 5 of the New York Code of Rules and Regulations (5 NYCRR 11.4). A business must satisfy the following conditions prior to receiving Zone certification:

1. be located in the Zone;
2. is a target business as defined in Section IV, above;
3. agrees to notify the NYS Department of Labor and the NYC Department of Small Business Services of new positions after certification; and
4. meets the "Minimum Thresholds" as listed in Subsection B, below.
  - a. if the applicant business does not meet "minimum thresholds" as listed in subsection B, the applicant may still be considered for certification if there is a stated commitment to paying a living wage. Currently, the New York City living wage and supplemental benefits rate is defined by New York City's Living Wage Law, N.Y.C. Admin. Code § 6-109. As of July 1, 2006, the New York City living wage rate is \$10.00 per hour and the supplemental benefits rate is \$1.50 per hour. Each year, the updated schedule of New York City living wage and supplemental benefits rate is published by July 1 by the New York City Comptroller ("6-109 Schedule") and is available on the Comptroller's website. Because the New York City living wage law does not currently specify a living wage and supplemental benefits rate for general industries, for purposes of this policy, the applicable living wage and supplemental benefits rate shall be the rate published by the Comptroller for Home Care Services. However, if in the future New York City establishes a general living wage and supplemental benefits rate that is not specific to individual industries, then such general rate shall be applicable for purposes of this policy.

These conditions are based on the Board's consideration of issues raised by the criteria for certification as listed in GML § 963<sup>2</sup>. Where a business fails to meet these conditions, the Board reserves the right to consider such a business for de-certification if there are other compelling economic development reasons of doing so.

As required in the Empire Zone certification application, a business applying for certification ("Applicant Business") must include an estimate of the projected number of jobs it will create for the Chinatown/Lower East Side Empire Zone and the total annual remuneration for such new jobs.

## **B. Minimum Thresholds**

In order to be accorded certification, an Applicant Business must meet the following Minimum Thresholds as set according to target area and/or industry cluster.

### **1. General Thresholds.** The following thresholds apply to all Applicant Businesses.

- a. All Applicant Businesses must create at least 1 FTE jobs within the first two years of certification unless otherwise specified
- b. An Applicant Business that projects the creation of 20 FTE or more jobs should commit to hiring residents of the zone and must include, along with its application for certification, a letter addressed to the Board that describes:
  - i. how the Applicant Business intends to recruit local residents for newly created jobs; and
  - ii. an estimate of the number of local residents that will be hired.
- c. An Applicant Business that projects the creation of 50 FTE or more jobs must:
  - i. submit an annual report to the ZAB on local hiring practices; and should
  - ii. coordinate with a local adult education institution to provide continuing education opportunities and/or a managerial training program for employees.

### **2. Target businesses: Tourism Destination Projects Along Main Streets.** An Applicant Business applying for certification as a tourism destination project must meet the following thresholds:

- a. If Applicant Business is a hotel, non-national restaurant or retail store, said Applicant Business must within 5 years:

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<sup>2</sup> The key criteria for certification according to GML § 963 are: Will the business enterprise create new jobs or prevent the loss of jobs for individuals working in the Zone? Will certification result in the transfer of employment from an existing business enterprise to similar employment with business seeking certification? Will the business enterprise enhance the economic climate of the Zone - that is, does the business project the creation or retention of good paying, quality jobs or investment in its facilities located in the Zone? Is the applicant business in compliance with laws for the protection of workers? Does the business meet the requirements of a cost-benefit analysis?



- i. create at least 10 FTE jobs; or
  - ii. invest in at least \$50,000 in storefront and interior renovations or related building improvements.
3. **Target business: Emerging Art Firm.** If the Applicant Business is an art gallery or art studio, said Applicant Business must submit a statement to the Board with its application describing economic development benefits it expects to bring to the Zone. Examples of such benefits include: attracting visitors to the Zone that normally would not patronize the Zone; beautifying or improving the character of the neighborhood; or using local companies for delivery services or assistance in the production of artistic materials.
4. **Target business: Owner/Developer of Office or Manufacturing Space.** If the Applicant Business is a building owner or developer of office and manufacturing space, said Applicant Business must
  - a. rent 50% or more of its rental space for office or manufacturing use;
  - b. create at least 3 FTE jobs, unless the applicant project is creating incubator space for start-up businesses
5. **Strategic Industry: Manufacturing.** If the Applicant Business is a strategic business, said Applicant Business must create at least 1 FTE job.

The Board may request additional information related to the Applicant Business's compliance with the Minimum Thresholds. After certification, the Board may request additional information related to the Applicant Business's compliance with the Minimum Thresholds.

### C. Cost-Benefit Analysis

The Board hereby adopts the cost-benefit analysis defined in GML § 957(q) as the Cost-Benefit Analysis for the purposes of reviewing Zone certification applications.

Information provided by the applicant business will be inputted into the cost-benefit calculator, generated by Empire State Development Corporation. The benefit to cost ratio of 15:1 will be the threshold above which applicants would be determined to meet the certification requirements. Applicants that are defined as "Strategic Industries" must meet a threshold of 10:1. Applicants that do not meet either of these requirements will not be eligible for certification except in any of the following cases:

1. The applicant will have a positive impact on an area that has high commercial vacancy rates, and/or is characterized by blight and disinvestment.
2. The applicant is part of a strategic industry cluster or supply chain.

3. The applicant is anticipated to access zone capital credits.

To grant such an exception, the ZAB reserves the right to demand further information or evidence from the applicant.

**D. Empire Zone Annual Reports**

1. The Board will require that all zone certified firms and not-for-profits receiving Zone Capital Credit allocations present an annual report on the use of those credits. The Board will recapture credit allocations for recipients that fail to produce the required documentation.
2. The Board will require that all zone certified firms projecting the creation of 50 or more jobs over the next five years provide an annual report to the board on local hiring practices. The report should include zip code data, recruiting practices, and background on fringe benefits when relevant.

**E. Criteria for Denial**

The Board will deny certification to Applicant Businesses that fail to meet the Criteria for Certification and to Applicant Businesses that would either impair or fail to advance the Board's economic goals for the Zone. Businesses the board may find ineligible for certification include:

1. Check-cashing businesses;
2. Adult entertainment businesses, including, but not limited to, pornographic and exotic/adult entertainment stores, dance clubs and bars;
3. Solid waste transfer stations;
4. Nail salons;
5. Gas stations, automobile junkyards or related auto parts operations;
6. Liquor stores;
7. National fast food chains;
8. Heavy industry manufacturers;
9. 99-cent stores;
10. Big-box retailers such as WalMart, IKEA, etc.;
11. National and franchise drug stores such as CVS, Duane Reade, etc.;
12. Dry cleaning processors; and

### 13. Self Storage

#### F. Decertification

The Board will be guided by Section 11.9 of the Empire Zone Regulations when determining if a business should be decertified.

## SECTION IX. PROGRAM PERFORMANCE EVALUATION

The Board intends to use the program performance evaluation system described below to determine whether the program objectives as described in this Plan have been achieved or should be revised.

1. **Increasing employment opportunities for the minority and women local workforce and encouraging the growth of minority and women-owned businesses.**
  - a. *M/WBE Certified Businesses:* Within one year, Renaissance will hold an education seminar on the M/WBE certification process.
  - b. *Technical Assistance:* Renaissance will hold at least two educational seminars on the EZ Program, reaching a total of 40 business owners and entrepreneurs. Renaissance counselors will counsel at least 25 businesses per year in the EZ certification process.
  - c. *Referral service:* Within a year, Renaissance will develop a referral service with at least one local job training center and initiate a cross-marketing campaign with such a training center to promote job training opportunities.
  - d. *Lending:* Renaissance will provide micro-loans to M/WBEs in the Zone. Within two years, Renaissance will establish a network of at least two local banks for a special lending program related to minority- and women-owned businesses under the EZ Program. Within five years, Renaissance will recruit five banks for said lending program.
  - e. *Data analysis:* Renaissance will work in coordination with the NYC Empire Zone Coordinator to provide ESDC with an analysis on local hiring practices among the larger zone certified businesses (creating 50 or more jobs) in the Zone Annual Report.
2. **Encourage the development of Canal Street, Bowery, Allen Street, Houston Street, Grand Street and Delancey Street into "Gateways" with major cultural anchors and tourist destination projects.**
  - a. *Tourism as a strategic industry:* Within two years, the Board will certify at least one tourist destination project.
3. **Preserve manufacturing and commercial space in Target Commercial Districts.**

- a. *Incentives for manufacturing and commercial development in the Target Commercial Districts:* Within three years, certify at least 15 businesses in target commercial districts.
  - b. *Brochures and website:* Develop and produce a brochure marketing the Target Commercial Districts within one year. Develop map of Target Commercial Districts and incorporate map onto Renaissance's website within one year.
  - c. *Identifying major vacancies and potential users:* Within one year, Renaissance will compile a database of available industrial space, and will work in coordination with the Mayor's Office of Industrial and Manufacturing Businesses to match potential commercial and manufacturing users with vacant industrial and commercial space.
  - d. *Minimizing zoning variances for market rate housing:* Within one year, Renaissance will begin to measure the average number of variances granted on M-zoned land over the last five years.
4. **Facilitate capital improvements that encourage long-term environmental sustainability within the Chinatown/Lower East Side Empire Zone**
- a. *Encourage pre-investment energy audits:* Within two years, Renaissance EDC will launch an education campaign in place to encourage energy audits for firms projecting investment of \$50,000 or more.
5. **Encourage commercial development on the East River waterfront.**
- a. *Property around the waterfront:* Within two years, Renaissance will compile a list of privately-owned property and property owners below Madison Street. Renaissance will also inventory present usage of such properties.
  - b. *Development:* Within three years, Renaissance will inventory potential water dependent uses and contact developers for proposals on waterfront development. Within four years, the Board will incorporate the East River waterfront as a target area in this Plan, and begin certifying businesses in the area before 2011.

East village / lower east side rezoning ,

My name is betty 'coqui' brassell = (i only speak from my heart..not technical words.)

I was raised in augusta,ga in april,26-56 i excaped to new york city with my two kids, steve 4 yrs & linda 6 yrs. I did not know at this time what a perfect location to be in. I went to work. I have lived in two different locations. In 9,1,58 i was very lucky to have the apt. Where i am now- it took a while before i begain to learn about this wonderful community. The more i learned the more i begin to fall in love with it. Where i was borned you were either 'black' or white' and i though if you were german, you lived in germany. If you were french you lived in france. And etc. As i begain to notice there were puerto ricans, germans,whites, blacks, and all nationalitys in this area. What an eye opener it was for me. I though "wow" this is the best place ever to live- as there are different music, different foods, language's - even tho i feel i am still learning english. This is a very unick place. And the more i saw and learned, i begain to think and know this is such a great place to live. "in the lower east side' it has every thing here- no big buildings, there is history here, and i mean real long lines of history. Such as the church "st bridges' that has been here for well over 150 years. That serviced the needy- i like very old things ( as in history) i have several things that i grew up with. Rustic things- that is what builted this country. And we should never let go as it remindes of the struggles we have had. Some of the things i agree with, like a bath room in each apt. A stove you can just turn it on. A electric refrigerator- a electric washing michine- and etc.. But in this neighborhood we have small building 5 or 6 floors- and that is one of the things that makes this such a unick neighbohood. This is a mixed income area. However it is mostly very low ,a little higher income- and it should stay that way... The people here that have a deccont salary are people who share to help this area. As it need a lot of help- i appreciate those people. I fell in love with area as it is. But if you allow the rich to come in and build high-rise buildings and make very high rents- it will destroy this wonderful community. I don't know the technicality langue but" i know one, i support "cbe's 11 point plan... I only can speak from the heart because this is such a wonderful place to live- you don't have to go to germany,france,italy,japan,china,russia= and etc... I do very much love this area- with all my heart- i hope i can die here- but not just yet as there is a lot to be done. We have a teanent musium. Every one should see it. In my apt. I have a lot of history. And enjoy all of it. I have a "pump' as that is how we got drinking water. To pump it from the ground, not just turn on a fauset. But i am glad some things have changed. But please keep this community as it is as far as low rise building. And rents to help the low income residents. You have quite a few older people. We don't need to reach the heavens if the rich want to come in ,please have the building with mixed incomes= . I have such love for this wonder community - i am a member of g.o.l.e.s. and a founding member of p.h.r.o.l.e.s. and work in the community with other things. Also one of the "granny peace brigade"(against this illagel war) & part of 'the raggins grannies & there daughters"( we are anti 'war,anti 'medical', anti 'housing' 'singers') it keepes me busy and young at heart. People should not have worry about loosing their apt. There is enough to worry about. Paying the rent, health care keeping a job, and eating= . =====  
thank you for listing , betty "coqui' brassell 6-28-07 i am 77 years young but my heart

never grows old. And== i don't have much education, but have a lot in schooling in 'hard  
knocks' ""  
but""

"if you think you're too small to be effective, you've never been in bed with a  
mosquito" and please  
excuse in mis-spelled words.

p.s. the rich can go and build a whole new town just for the rich... Stay out of the lower  
east side-.....we know how to share if you do the right thing-

COURTNEY LEE ADAMS  
58 East 1st Street, #6E  
New York, NY 10003  
(212) 473-7235

June 28, 2007

Dept. of City Planning  
City of New York  
Environmental Assessment & Review Division  
22 Reade St.  
New York, NY 10007

Re: Comments, Public Scoping Meeting  
East Village / Lower East Side Rezoning

Thank you very much for the opportunity to address the Dept. of City Planning with my concerns about the rezoning of my neighborhood.

First: I'd like to take issue with the language of the environmental impact statement. Information contained in studies such as this are crucial to residents of the neighborhood, and it ought to be easily accessible to them. This type of highly technical jargon is nearly impenetrable by the average reader, and seriously inhibits their ability to participate in the process.

I urge you to seriously consider the effect of increased density on our already overburdened services. The Second Avenue subway stop, with its limited entrances and exits is a case in point. Traffic congestion, particularly late at night, is also a problem.

The luxury condo and "hospitality" industry is also quickly turning what was a residential, working-class neighborhood into a tourist destination, driving up the cost of living and giving landlords incentives to harrass long-term rent-stabilized tenants like myself.

Any rezoning plan needs to:

- Include upgrades to existing mass transportation services
- Limit the building of hotels
- Cap building heights
- Include anti-tenant harrassment provisions
- Deal with bar proliferation

And most importantly, the Dept. of Planning should give serious consideration to the contributions of the many thoughtful members of our community, represented by the CB3's 11-point plan.

I also support the inclusion of the Bowery in the scope of this rezoning plan.

Sincerely,

Courtney Lee Adams

c: Neilan  
Hsu Chen  
Hsu

**SHEARL REALTY**  
137 Orchard Street  
New York City, New York 10002  
212- 260-3560

July 2, 2007

Jessica Neilan  
Dept. of City Planning  
EARD  
22 Reade Street  
NYC, N.Y. 10007

Dear Ms. Neilan,

I am writing as a property owner on Orchard Street, a LESBID Member, as well as a Board Member, and as an individual who has worked most of her life serving customers who frequented our family business on Orchard Street.

I support the position submitted to the Dept. of City Planning by the LESSBID in the official testimony given by the Executive Director Roberto Ragone.

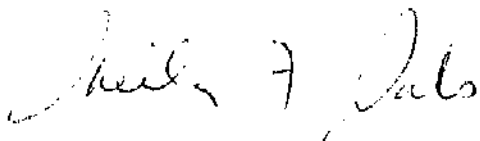
In addition, I would like to bring your attention to a point made in the testimony and strongly emphasize the request that ALLEN STREET be included as a WIDE street in the zoning proposal. ALLEN STREET meets all criteria of a



WIDE STREET (size, has both mass transit availability, subway stations, as well as numerous bus lines). Including it as a wide street seems to fit all criteria that were used for all the other wide streets ie: Delancy, Houston, etc. Perhaps it was just an oversight that can be rectified. Giving all streets equal consideration would be the right thing to do and would be greatly appreciated.

Thanking you for your consideration of the above message.

Sincerely,

A handwritten signature in cursive script that reads "Sheila F. Saks".

Sheila Freedman Saks

My name is Alida Rodriguez and I have been a resident of the Lower East Side for the last ten years. I work with GOLES who is a member of LESCAZ and I ask that you include the Community's 11 point plan in your environmental review. I currently live in Gompers Houses located on Pitt Street, with my 11 year old son. I wasn't planning on attending this zoning meeting today but I became very concerned after hearing about the way my street will be rezoned. I walked up and down my block looking for soft-sites but could not identify any obvious one other than a small parking area. I fear that if developers are allowed to build to 120feet on parts of Pitt Street this height would impose a permanent shadow on the public housing units on my street. Why should developers be allowed to build such high buildings directly in front of Gompers Houses blocking our sunlight? I ask that you study the effect of shadows on our buildings. Affordable housing exists there and it is because such a large number of low-income residents live on Pitt street that developers think that they can bully their way into our street and take over our views, our places of worship, our small businesses and what little is left of LES. Should my voice not be heard because I live in public housing? Why not build these taller buildings on Second Ave ? Is it because the residents on 2nd avenue fall into a much higher economic bracket?

The people of Pitt Street recognize that we need more affordable housing in our community. Many of my neighbors are doubled and tripled up. However, we ask that you distribute the housing throughout the Lower East Side and not just put it all in taller buildings next to public housing and on Delancey and Houston. We are asking you not to change the architectural integrity of our neighborhood. We need housing but we need to make sure that we do not displace long time residents and I fear that being able to build such tall buildings will do that. Can't we encourage the development of affordable housing throughout our community while not encouraging developers to build higher resulting in shadows and displacement? The people who will most prosper out of City Planning's plan are the landlords! I am going leave you with this question, are you going to listen and respect the voices and opinions of those who are residing in low income housing and who are present today in expressing their concerns? If yes, please study the Community's proposed 11 point plan.

Mark Miller  
92 Orchard Street  
New York, NY 10002  
(212) 724-4570

July 5, 2007

Jessica Neilan  
Department of City Planning,  
Environmental Assessment and Review Division,  
22 Reade Street,  
New York, NY 10007

Dear Ms. Neilan:

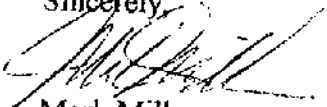
I am a property owner of a building built in 1901 with a historic façade, including refined fire escape designs. I am also the owner of Mark Miller Gallery and a realtor in the area. I believe the pride I have in my building reflects the sensitivity I share with many members of the community, BID and non-BID members, with preserving the character of the community.

I am concerned with buildings becoming too high or out of context. At the same time, I know businesses have suffered for lack of foot traffic. We therefore support the BID's balanced perspective and approach to maintaining scale and increasing foot traffic. If the commercial density (FAR) in the area can be used to bring a day time population of workers, a thriving commercial district by day would complement the neighborhood's reputation as a night time destination. I know the merchants in this area to be struggling and I believe the BID's position shows tremendous foresight.

I also support the link between additional residential FAR and affordable housing and the BID's creative link between FAR and affordable commercial space. As a landlord who on his own initiative provided space to the Lower East Side Tenement Museum at less than market value for their Visitor Center and then for their antique store, I applaud the BID's effort to take up the issue of affordability.

I appreciate your consideration of this letter and earnestly ask you to accept the LESBID's zoning position.

Sincerely,



Mark Miller  
Owner, Mark Miller Gallery  
Owner, 92 Orchard Street

JA-Mil Co.  
92 Orchard Street  
New York, NY 10002

July 5, 2007

Jessica Neilan  
Department of City Planning,  
Environmental Assessment and Review Division,  
22 Reade Street,  
New York, NY 10007

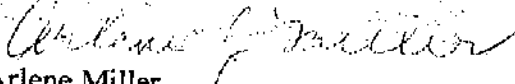
Dear Ms. Neilan:

I am the owner of a business and a property owner on Orchard Street and I recall a time when the success of our merchants depended largely on Sunday shopping. The area and the times have changed. Though my business does not depend on walk-in orders, my store has lived through a period when the Lower East Side was subjected to a lot of drug dealing. The stores were the only haven. While crime is down and people feel safe to walk, the Lower East Side is not a place where people come to shop during the day.

I am happy to see the BID's efforts to change things for the better through its services, but also through its zoning position. The BID's zoning position recognizes the challenges of the area merchants. It seems that foot traffic is crucial to the future of the Lower East Side.

I hope you incorporate the BID's position into the final version of the zoning proposal.

Sincerely,



Arlene Miller

Owner

Ja-Mil Uniforms

LESBID Board Member

 **HARRIS LEVY**  
FINE LINENS SINCE 1894

98 Forsyth Street New York, NY 10002

Phone 212.226.3102 Fax 212.334.9360

[www.HarrisLevy.com](http://www.HarrisLevy.com) e-mail: [Info@HarrisLevy.com](mailto:Info@HarrisLevy.com)

July 5, 2007

Jessica Neilan  
Department of City Planning  
Environmental Assessment and Review Division  
22 Reade Street,  
New York, NY 10007

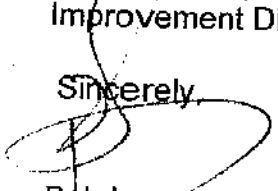
Dear Ms. Neilan:

Our family can trace its roots on the Lower East Side back to the 1890's. In 1894 my Great-Grandparents started a retail business, Harris Levy, Inc., on the Lower East Side which my wife and I operate to this day. We are the fourth generation of this business which is over 113 years old. Our family also owns property on the Lower East Side. Another family tradition that I observe is being active in this community and I currently serve as the Chair-Person of the Lower East Side Business Improvement District (BID). As is widely acknowledged small business has played a key roll in the building of this country, the City of New York and especially this area. Many large retailers with recognizable names started on the Lower East Side. With that in mind I also respect the need for development and growth for the area. I have been directly involved in trying to get "anchor" stores interested in the area.

Now, with tremendous growth in the area, I believe the appropriate zoning and the incentives offered by the Empire Zone program can attract the daytime businesses the area needs. In fact the BID's position on zoning plus the Empire Zone program would bring about economic activity that would be less reliant on "anchor" stores to gain foot traffic. The City and the community must recognize the area's potential and with that in mind create a controlled arena so as to encourage development while maintaining the character that is so unique to our area.

I urge the Department of City Planning and the Mayor to support the Lower East Side Business Improvement District's position on rezoning.

Sincerely,



Bob Levy

Harris Levy, Inc.

Chair-Person Lower East Side Business Improvement District

**Appendix I-2**  
Comments on DEIS

August 13, 2008

**Testimony of Congresswoman Nydia M. Velázquez  
East Village/Lower East Side Rezoning**

**Introduction:**

Good morning and thank you for the opportunity to testify today. As a Member of Congress who represents a large majority of NYC's waterfront communities that span from South Brooklyn to North Brooklyn to Western Queens – *over the years*, I have **become very familiar with the term REZONING** and its process. And I know first hand that zoning in and of itself is a tool to change the characteristics of neighborhoods. It is one of governments most commonly used techniques to influence location and density within a designated community.

Rezoning communities, such as the East Village and the Lower East Side, is an historic opportunity for planners.

An unbalanced, rezoning plan will have losers and winners –and this should be unacceptable.

Rezoning should not wholly change the character of a community – it should enhance it.

The neighborhoods of the LES and the East Village represent a trend that we have seen in other areas as well, one which is utterly unfair, and therefore must be stopped.

This is about a neighborhood which saved and improved itself with the courage and perseverance of its residents along with newcomers who were drawn to its special character. These residents were responsible for this area becoming attractive for new businesses and others. Now, the zoning could result in these same people being displaced --- along with the small businesses who took a risk, and resulted in a renaissance. This is backwards and must not allowed to happen any more. We can and should use the power of government to protect and support those who make the neighborhood the special place it is.

Do we really need or want every area of Manhattan to be and look the same!! Or do we value the diversity of our neighborhoods and the people who make them what they are!! This is what this is all about and what I love about my city.

Over the past year and months, numerous individuals and neighborhood groups have expressed to me their frustration with recently approved rezoned areas in other parts of my district. Even with community support, the issues that were of concern from the start of the process such as: open space preservation, non-enforcement of zoning regulations, and scope and magnitude of development, to traffic concerns and the lack of an inclusive economic development plan and need for mandated affordable housing - tend to continue to be of concern after the approval stage. This should not be.



**My testimony has three main objectives:**

- (1) Preserving and creating affordable housing for modest income families, rent-controlled or rent-stabilized tenants;
- (2) Listening to all community perspectives; and
- (3) Urging all decision makers to honor the traditions and culture of the Lower Eastside and the East Village.

**1 - Planners must preserve and create affordable housing, protect rent- stabilized and rent- controlled units, and prevent landlord harassment of existing tenants.** The LES and the East Village is the thread of diversity – we have Asian Americans, Latinos, Eastern Europeans, and many other groups – that make it unique. *In this process, we need to ensure that there is tenant protection and anti-harassment language in this rezoning plan.*

In Manhattan's impossibly expensive housing market, affordable rents are crucial for low and moderate income people. There is an affordable housing crisis in New York City. *For example, NYCHA has a waiting list of thousands of low income working families seeking affordable housing. Whenever a new senior housing development opens anywhere in this city – you can be sure that there is a long waiting list at those developments for apts by our most vulnerable – our senior citizens.*

City planners need to better understand this crisis – and know that not all NYers can afford luxury housing. There are New Yorkers that do live on *fixed incomes, that are retirees, that are disabled, that are middle-income and that are young and would like to stay in NYC.*

**On affordable housing,** I recommend - as a starting place - a 30% guaranteed affordable housing standard, mandatory inclusionary zoning, and incentives for developers willing to go further to provide and preserve affordable housing. Landlords, developers and investors should understand that there will be conditions to ensure low-income people share in the benefits of rezoning.

We will not stand for coercive tactics and harassment. This plan must incorporate strong, enforceable anti-harassment protections.

**2. At each stage of the process, planners must consider all interested parties, including small business owners and minority populations.**

In the Lower East Side, *a community with a history of immigrants and small businesses,* we should not allow for the cultural displacement of small business – after all the LES is one of the City’s oldest and most historic communities. In addition, small businesses in this community provide walk to work employment for local residents. *They have roots*

*in the LES---they know the pulse of the community---and they deserve to remain in the community.*

Just recently, there was a report issued by Pratt Institute telling us of the displacement of businesses in Downtown Brooklyn as a result of the re-zoning in that area. We cannot allow that to happen here.

The City must commit to provide low-interest loans and grants to small businesses adjusting to stay competitive.

**3. Planners must honor the traditions and culture of this proud community.** The City needs to work with the existing stakeholder coalition to ensure a fair and just decision making process. This process should be inclusive and meet the language needs of the diverse community.

I am also concerned that adjacent neighborhoods have similar concerns regarding over-development and displacement and the desire to maintain the integrity of their neighborhood. And we, the City should address these concerns as soon as possible.

**Conclusion:**

Let me conclude by reminding you that we must learn from the lessons of our recent past. The city should seize this opportunity to create a socially, culturally, and environmentally responsible collaborative.

Officials must use their leverage now to create responsible guidelines for urban planning.

In closing, I want to commend the numerous organizations committed to the future of the Lower East Side and the East Village for their hard work.



Assemblyman  
SHELDON SILVER  
64<sup>th</sup> Assembly District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

250 Broadway  
Suite 2307  
New York, New York 10007  
(212) 312-1420  
FAX (212) 312 1425

Testimony of Assemblyman Sheldon Silver  
to the City Planning Commission  
regarding the East Village/Lower East Side Rezoning Proposal  
August 13, 2008

As the Assemblyman representing Lower Manhattan, I urge the City Planning Commission to approve the East Village/Lower East Side Rezoning Proposal before you today. This proposed zoning modification is intended to maintain and protect the low-scale character of the Lower East Side and East Village, prevent out-of-scale towers in these areas, preserve and expand the inventory of affordable housing units, and establish a more contextual zoning district. This plan, which has evolved over time and has been the subject of many meetings and discussions, succeeds in making meaningful improvements to the zoning in the 110 block area it covers and should be approved by the City Planning Commission and the New York City Council. I also recommend that certain modifications to the rezoning proposal should be considered.

As someone who grew up and has spent his entire life on the Lower East Side, I am extremely sensitive to and supportive of efforts to maintain the unique character of this community. As you know, it is a neighborhood that developed rapidly in the late 19<sup>th</sup> and early 20<sup>th</sup> century thanks to the waves of immigrants moving into this area. The existing zoning for this area has been largely intact since 1961. In recent years, it has become evident that changes are needed to protect the area from inappropriate high rise buildings and to insure that people with diverse income levels are able to live here. I applaud the many groups and individuals who have successfully taken on this task and the progress that has been made towards the development of this alternative zoning plan.

It is important to note that this rezoning plan emanated from the community and Community Board #3, which represents the affected area. The Community Board sponsored many public meetings on this matter over the past three years and has received considerable input from organizations and local residents. The Community Board worked closely with the Department of City Planning to put forth this proposal, which has now won the support of the Community Board, Borough President Scott Stringer, and the area's local elected officials, City Council members Alan Gerson and Rosie Mendez, and State Senator Martin Connor. I am pleased to lend my support to this proposal as well.

As indicated, this rezoning proposal calls for contextual zoning districts which have street wall and building height limits and require that new buildings be constructed at or near the street line. These important changes will help to ensure that new development reflects the existing

scale and character of the many buildings which can be found throughout the East Village and Lower East Side.

The Inclusionary Housing Program in this proposal will provide needed incentives to have developers include affordable housing units in their buildings in exchange for additional FAR. I am also pleased that, in response to requests from the Community Board and others, there has been an expansion of the areas in which such bonuses are available.

While the East Village/Lower East Side rezoning plan addresses many of the problems with current development trends in these areas, I would recommend that the City Planning Commission consider a few additional modifications, including:

- additional zoning provisions to prevent tenant harassment and eviction,
- programs to insure that tenants understand their rights and have legal services available to them,
- revisions to prevent the spread of bars and clubs which create serious quality of life problems to others in the community, and
- provisions to retain and assist local businesses.

In conclusion, I commend Community Board 3, the Department of City Planning, and residents of the Lower East Side and East Village communities for their excellent work which has resulted in the rezoning proposal before you today. I again urge that you approve these zoning revisions and strongly consider the additional modifications that I have suggested.



**ROSIE MENDEZ**  
CITY COUNCILWOMAN, DISTRICT 2

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**Testimony of City Councilwoman Rosie Mendez**  
**August 13, 2008**

**City Planning Commission Hearing on East Village/Lower East Side Rezoning**

Good morning ladies and gentlemen. My name is Rosie Mendez, City Councilwoman in District 2. Approximately 70% of the area included in the zoning proposal being considered today falls within my council district. I have been involved in the community planning process that lead to this matter since before I was elected to this office. I am convinced that the expeditious adoption of zoning modifications for this community is urgently important to stem the overdevelopment and disappearance of affordable housing here. I believe that the adoption of a zoning plan which leaves the community with the right balance of development, preservation, and tenant protections is one of the most pressing responsibilities that will confront me during my tenure in the City Council.

This hearing occurs approximately 7 years after CB #3 began to focus on how the current antiquated zoning of this community was allowing overdevelopment without encouraging affordable housing. CB #3 established a rezoning subcommittee and held community forums on the subject beginning in 2002. About three years ago, under the leadership of then CB #3 Chairman David McWater, the Department of City Planning (DCP) acknowledged the community's concerns and agreed to undertake a 197c plan in consultation with the Board. I believe that the community participation and government cooperation that has fostered this plan has been unprecedented and noteworthy.

Over the years DCP has shown a willingness to accommodate many of the issues raised by CB#3 and the Lower East Side Coalition for Accountable Zoning (LESCAZ), a group of community residents and organizations established two years ago to advocate for necessary modifications to the DCP plan. All the parties agree on broad objectives such as contextual districts, height caps, affordable housing and the elimination of the community facility bonus. Specific modifications that DCP has been willing to incorporate include the removal of a commercial overlay on St. Marks Place, the lowering of the density of several blocks directly south of Tompkins Square Park, and more recently the elimination of the text amendment concerning commercial discontinuance and the expansion of inclusionary zoning districts. I commend all concerned for their serious consideration of the

complicated issues involved in this very ambitious rezoning plan and their intelligent and reasoned approach to solving difficult problems.

I join LESCAZ and CB #3 in supporting the plan, but like both groups, I want very much to see additional modifications and ancillary actions that will provide for a better balance of all of the sometimes contravening goals and consequences of this zoning effort. We have come far together. I am very hopeful that during the last few months of the ULURP process we can reach full consensus on the remaining areas of disagreement so that I can finally vote to support it and recommend to my colleagues that they do the same, when it comes to a vote at the City Council. Let me describe two areas where I believe much more must be done to assure that the plan accomplishes our mutual objectives.

Probably the most glaring difference between the DCP plan and the community's is the degree to which each achieves the goal of providing affordable housing. Even after the recent and much appreciated addition of inclusionary zoning districts on all but one of the avenues above Houston Street and on Christie Street, the proposed plan only calls for inclusionary zoning to be mapped in approximately 20% of the affected area and anticipates the development of a mere 456 units of affordable housing. I calculate that to be approximately 8% of the units projected to be built. On the other hand, the community plan which I strongly support calls for an upfront goal of 30% affordable housing. If DEIS's projections of development are accurate, that would require the development of about 1,600 low income units. We therefore fall over 1000 units short of the community's goal.

I believe that the City of New York must make up for the shortfall of affordable units by building them on city owned land. Other recently approved zoning plans for Manhattan neighborhoods have mandated the development of subsidized housing in this way, and this community which has suffered tremendous losses of affordable housing should not be treated differently. I am eager to work with the all relevant agencies of the city administration (HPD, EDC and NYCHA included) to identify appropriate sites for the development of additional low income housing. Although such opportunities are not abundant in this area, I believe that there are several sites where creative thinking about underutilized and vacant land coupled with bold leadership would go far to meeting the community's demand.

Also, because recent and long passed due changes to 421a legislation establish a strong tax incentive to build 20% affordable housing in new construction in this community, I firmly believe that the inclusionary zoning implemented here should require a higher percentage of affordable units to also take advantage of a density bonus. I believe that this community is uniquely suited to developing a more aggressive income mix through inclusion. Income integration has characterized this neighborhood for decades, and the diversity of the community is one of the features that actually attracts people here in the first place. I would like to see modifications made to either the zoning requirements or to the 421a legislation that would mandate a higher percentage of affordable housing when utilizing both incentives.



The second major deficiency of the current proposal is that it does not directly address the critical issue of tenant displacement that is already a tremendous problem in this community, even before any density bonuses are superimposed. The proposal does not include anti-harassment or anti-demolition provisions nor does it provide for a legal services fund to assist tenants threatened with eviction. Again, other historic and recently passed zoning changes for Manhattan communities have recognized that provisions such as this are imperative to maintain the stability of gentrifying neighborhoods. It would be a travesty if the Lower East Side -- arguably the neighborhood in New York City with the longest and richest history of serving low income immigrant families -- would be left without these basic protections.

The DEIS states that tenement buildings are not included as potential sites because tenant protections prevent these buildings from being cleared. Although that is the intention of such protections, every day in my office we get a call from a rent regulated tenant who is being forced out of his or her home either lawfully or unlawfully to make way for development. Just yesterday I convened a rally on the steps of City Hall against new Rent Stabilization Code regulations which would allow a landlord to evict a tenant upon notification of the intent to gut rehab his/her building.

At the very least, the protective provision included in the Clinton Special District (CSD) should be added to this plan. The demolition of existing buildings containing residential uses should be prohibited in a manner similar to the requirements of §96-23 and 96-108 of that district. Also, this plan should include a provision that a certificate of no harassment must be submitted before a permit is secured for any building alteration, enlargement or new construction (§96-108 and 96-109 of the CSD).

Lastly, especially now after the devastating New York City FY 2009 budget cuts came down particularly hard on legal service and legal aid groups throughout the City, we must create a fund similar to the one that exists in other communities, where low-income tenants facing harassment or eviction have access to legal counsel in order to adequately defend their homes.

So, in conclusion I want to thank Director Burden, the Commissioners, and DCP staff for the tremendous effort you have all put in to working with the community to develop a plan that is a giant first step toward dealing with many of our development issues. I am convinced that this proposal presents a strong foundation for an agreement that will greatly benefit this neighborhood. I look forward to developing a consensus on the outstanding items during the final months of the ULURP process up until the time of the City Council vote. Thank you for the opportunity to speak.



News from...

# SENATOR THOMAS K. DUANE

29<sup>th</sup> SENATORIAL DISTRICT • NEW YORK STATE SENATE



**Testimony by New York State Senator Thomas K. Duane**  
**Before the New York City Planning Commission**  
**Regarding the East Village/Lower East Side Rezoning**  
 August 13, 2008

My name is Thomas K. Duane and I represent New York State's 29<sup>th</sup> Senate District, which includes a section of the East Village that the New York City Department of City Planning (DCP) has included in the East Village/Lower East Side rezoning plan being discussed today. I applaud DCP for working closely with Manhattan Community Board 3 (CB3) to prepare this plan to protect two of our most vulnerable neighborhoods from rampant and inappropriate overdevelopment. I particularly appreciate DCP's willingness to incorporate many elements of Manhattan Community Board 3's (CB3) 11 Point Plan for preservation in the current proposal, and I thank the New York City Planning Commission for giving me this opportunity to testify in support of the plan.

As you know, the rezoning plan covers approximately 111 blocks generally bounded by East 13<sup>th</sup> Street to the north, Grand Street to the south, Avenue D to the east and Second Avenue to the west, and is located within CB3. The area's current R7-2 and C6-1 zoning districts place no height restrictions on new buildings, which has allowed for the increasing development of high-rises that tower over the average four- to seven-story low-rise buildings that have historically comprised the area. DCP has proposed to rezone sections of this area to R7A, R7B, R8A, R8B, C4-4A and C6-2A contextual zoning districts, and to amend the New York City Zoning Resolution to extend the City's Inclusionary Zoning (IZ) provisions to some of the district's widest avenues. All these designations along with the IZ provisions would limit maximum building heights and collectively foster the creation of more affordable housing. I am particularly grateful that DCP recently agreed to CB3's request that it extend the IZ provisions to all of the wide avenues north of Houston Street and to Chrystie Street. It is estimated that this extension will encourage the creation of approximately 108 additional units of permanent affordable housing not called for in the original plan.

While this proposed rezoning plan contains many elements of the 11 Point Plan for preservation that CB3 adopted in December 2006, I continue to urge DCP to incorporate the remaining points. For example, DCP should take this opportunity to promote the creation of even more affordable housing by increasing the percentage of low income housing required in areas covered by the IZ bonus to at least 30% instead of 20%. DCP should also amend the zoning text to establish special oversight and enforcement protections to prevent harassment and displacement of tenants in IZ developments and prevent demolition of sound residential buildings throughout the rezoning area. The area

has already experienced a loss of thousands of rent regulated units in the past decade due to the harassment of rent regulated tenants and the demolition of sound buildings. The Anti-Harassment and Anti-Demolition Provisions that currently govern the Clinton Special District (96-108 and 96-23 of the Clinton Special Zoning District text) provide a model that should be replicated. Finally, in order to enforce these provisions and prevent illegal evictions, DCP should require the City to establish and allocate resources to a legal service fund.

As we move forward, I encourage DCP to continue working closely with CB3 to review the zoning of contiguous areas that are not included in this plan, including the Bowery. This historic and culturally diverse street, which is an integral part of the East Village and Lower East Side as well as NoHo, Little Italy and Chinatown, is being systematically eradicated by unprecedented development. DCP should also initiate a dedicated rezoning process with the wide range of stakeholders in Chinatown to protect that unique community from rampant gentrification and out-of-context development.

Again, thank you for allowing me to testify today and for your consideration of my recommendations.

ALAN JAY GERSON  
COUNCIL MEMBER, 1<sup>ST</sup> DISTRICT  
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Testimony of Council Member Alan J. Gerson Regarding the Lower East Side Rezoning

(ULURP C 080397 ZMM, N 080398 ZRM, C 080397 (A) ZMM and N 080398 (A) ZRM)

Before

The New York City Planning Commission

August 13, 2008

Dear Madam Chair and Fellow Commissioners,

I appear before you today to voice my thoughts on the Lower East Side Rezoning. I want to first take the time to thank Manhattan's Community Board 3 who has been tireless in their efforts to create, working with the Department of City Planning, a rezoning plan that goes along way to mitigate what has been an ever increasing problem of over development in both the 1<sup>st</sup> and 2<sup>nd</sup> Council Districts. They have done a superb job of bringing the myriad of stakeholders to the table in order to make this rezoning as comprehensive as possible.

There are parts of this plan that will no doubt preserve the character of the Lower East Side and will protect against many of the problems that had potential to destroy this important, historic community that has played the role of a gateway to immigrants and people of all ethnicities of the last two hundred years. However, there are also parts of this plan that I, and my colleagues, feel do not do enough to address the most serious problems facing both the Council Districts this plan encompasses. The foremost problem lies in the number of affordable housing units that could be potentially created with the implementation of this rezoning. The four hundred and fifty some plus units that could be built are simply inadequate to stem the tide of low income residents who find themselves living in a City where skyrocketing prices are forcing residents out of their community. There must be a commitment, as we move forward, to finding and guaranteeing truly affordable units for the families that desperately need them. The opportunity to incorporate City owned property is out there, the housing can be created at levels that meet the true income level needs of residents of the Lower East Side. The City must do more than offer the opportunity to developers to increase their building heights while only adding 20% affordable housing components to their development. It should be Mayor Bloomberg's top priority to not only encourage development, but to also encourage developers to keep building truly affordable units. We face a crisis where the City's work force will be forced to relocate their tax dollars, income, children and working class beliefs to the outer boroughs of leave the

City entirely. It is a shame that the people who stayed in these communities, put in years of hard work to see their vision of a better neighborhood realized, only to be priced out and turned into a cookie cutter version of itself. As we move forward, I hope that we can work together to re-imagine what a rezoning can be, and to set the precedent where, at minimum, 30% of any new residential units are truly affordable.

In addition to the needing for new housing opportunities, is the need to protect the residents who are still here from the predatory practices of scrupulous developers in our City. More than ever, owners are employing new methods to harass and evict tenants who depend on low rents to survive in New York City. I propose that the Department of City Planning work with Council Member Mendez and I to create special district protections that will truly safeguard the homes of tenants in the Lower East Side. In additions to providing these kinds of tenant protections, we must also consider the legal services that will be working with these communities and provide the funding necessary to carry out their responsibility of representing residents when needed. This would also be the ideal opportunity to initiate a pilot program for the right-to-counsel provisions that Council Member Mendez and I have called for.

There are those outside of the rezoning area that are justly concerned with the future of their own communities. It is my firm belief that a new process must be initiated immediately to consider the Chinatown community's planning future. I urge you to, as part of this rezoning plan to expedite said process and head real estate speculators off at the pass and keep them from turning their eye to Chinatown and potentially destroying the small business focused, family based community that has thrived for over a hundred years. While I understand that the City Planning Commission is not in the habit of revisiting areas that have been recently rezoned (Chinatown was rezoned in the 1980's), it is necessary to admit that with the trend in development in Lower Manhattan these days, it is just a matter of time before empty lots and building conversions start becoming common place in this community.

There are several other issues that I must bring up regarding this plan. There should be greater consideration for community institutions and not-for-profits that might lose valuable air rights because of the height cap provisions. I would also like to have seen greater cultural enhancement incentives as well as more opportunities for open and green space. In addition, there are next to no provisions in this plan that preserve dilapidated tenements that exist throughout the Lower East Side.

In conclusion, I feel that there is still much work to be done on this plan. In its current form the Lower East Side Rezoning plan is underdeveloped and needs to continue to evolve. I cannot support this plan in its current iteration. I look forward to continuing to hear from residents, neighborhood associations, not-for-profits, the Community Board and my elected colleagues on this plan. It is time that we do more to protect the people who have struggled with crime, drugs, lack of City services and many other obstacles, only to rid their communities of these ills. We must show communities across the City that the price of enduring hardship is not displacement but protection and reward. We must guarantee them truly affordable housing units now, we must show them that the City they fought hard to protect will protect them against new evils and new threats to their homes that come in the form "legal evictions", "phony demolition" and "owner occupancy".

**Senator Martin Connor**  
25th District

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**Testimony Before the City Planning Commission**  
**on Rezoning of the Lower East Side and the East Village**  
**August 12, 2008**

The members and staff of Community Board 3 should be congratulated for doing a thorough and very professional job in putting together the recommendations for the rezoning of the Lower East Side and the East Village. Over the past three years CB 3, has been able to work with the residents and the New York City Department of City Planning (DCP) to develop significant changes in the zoning for this area. No changes in this area have been done in more than 40 years. No other part of my district has changed as much as the East Village and the Lower Eastside, which has experienced gentrification with attendant over-development pressures that threaten the entire character of the area.

I congratulate CB 3 for its work in producing a contextually appropriate plan that allows for appropriate future development with a vision for the much needed creation of new affordable housing. I support the recommendations of CB 3 and urge the City Planning Commission to include these provisions in the rezoning plan. These provisions include

- The zoning text must provide an anti-harassment and anti-eviction provision similar to the language in the Special Clinton District zoning text. Also there must be provisions that prohibit the demolition of sound residential housing. I am also concerned about the practice known as "phony demolitions" in which landlords evict existing tenants from regulated apartments claiming they are planning to demolish their building because it is unsafe. Then they simply renovate the existing building and increase the rents to market rates. There must be special enforcement and oversight to prevent harassment, displacement, and the demolition of existing residents.
- The development of affordable housing must be a major component of the rezoning plan with a certain amount of new residential units for low, moderate, and middle income households.
- There must be a fund to enforce anti-harassment of existing residents and anti-demolition provisions to prevent the destruction of existing buildings that currently supply affordable housing in the neighborhood.

As the Uniform Land Use Review Procedure (ULURP) is now under review by the Community Board, it is imperative that we begin to plan for the re-zoning of other

areas in Lower Manhattan that are vulnerable to the socio-economic effects of potential development. We must learn from the process that CB 3 has gone through over the past three years and offer zoning proposals for neighboring areas such as Chinatown and the Bowery, which fall just south and west of the current plan. An area such as Chinatown, divided as it is among community boards, presents a case for joint efforts by the community boards for a re-zoning study. I urge such a cooperative effort be launched immediately.

I am committed to the preservation of the Lower East Side as a culturally and economically diverse residential neighborhood. It is incumbent upon the City of New York to actively support and consider the value of maintaining diversity in its neighborhoods. This can be done by limiting the options for large-scale development in areas not historically characterized by such buildings.

The Lower East Side, as the first home of successive waves of immigrants, once featured over-crowded conditions and a "buildings on top of buildings" streetscape with people living in rooms without access to windows, natural light, fire escapes, and sanitation. Efforts to alleviate such sub-standard living conditions made the Lower East Side the birthplace for the concept and implementation of zoning in New York City.

The area has since maintained its diverse cultural roots, yet we find ourselves today fighting to preserve what a century ago succeeded in fostering affordable and contextual housing that preserves the quality of life for all residents. Change and development are not necessarily the enemy, but the destruction of a historic and remarkable part of New York City through out-of-context buildings and a potential to price-out lifelong residents must be thwarted.

I thank Community Board 3 for its tireless efforts over the past three years to shape this crucial rezoning, and I urge you to continue to support the CB 3 community by proposing even further rezoning measures to preserve the character and culture of the Lower Manhattan community based in CB 3.

Thank you.

**Testimony to  
the City Planning Commission  
on proposed East Village / Lower East Side Rezoning**

**by Anthony Feliciano  
Wednesday, August 13, 2008**

Good morning, my name is Anthony Feliciano, District Leader, 74<sup>th</sup> Assembly District. I am also a lifelong resident of the Lower East Side and currently residing within the proposed rezoning area.

I am here today to voice my support for the proposed DCP East Village / Lower East Side rezoning, along with Community Board #3 modifications.

I believe that this Rezoning will help

- Protect the historic character of our neighborhood by limiting the height of new buildings to 6 to 8 stories
- Slow down the rampant development of luxury housing which is causing the displacement of low and moderate income families of color.
- Create incentives for the development of more affordable housing in our community by encouraging private developers to build affordable housing in exchange for a small zoning bonus allowing taller buildings – 10 – 12 stories on wide avenues.

While I strongly support the current rezoning, the plan still needs to be modified to include

- special oversight and enforcement protections against tenant harassment and demolition of sound residential buildings, especially on wide streets such as Houston, Delancey, Chrystie, Ave. D, and Pitt
- the creation of a legal services fund to protect low-income tenants at risk of landlord harassment
- a commitment by the city to make sure that at least 30% of new residential development is permanently affordable
- affordable inclusionary zoning on all of the wide avenues north and south of Houston
- an amended zoning code to stem the growth of noxious uses such as eating and drinking establishments, including the use of rear yards for such purposes, in areas with residential zoning, regardless of whether they had a commercial overlay or not
- a commitment to energy efficiency and building requirements that give developers incentives to bring more green building development to the Lower East Side.

I urge the Commission to make every effort to incorporate within their jurisdiction these modifications as well as to urge the City, where it has jurisdiction to include the remaining modifications.



This rezoning plan has been worked on by DCP, Community Board #3 and numerous organizations with a long history of working with low income communities for over 3 years. The process was conducted in a fair and open manner. Community Board meetings were held monthly, there were numerous public hearings and information sessions creating many opportunities for public input.

Therefore I am troubled by the recent efforts of some LES organizations to discredit this process, make claims of racism and stop the rezoning.

As a person of color who is intimately familiar with the neighborhood, I am acutely aware of the deception in public claims being made by the opposing views. It is simply not true that this proposal is racist. The neighborhood is still largely composed of many struggling families of color and the tactics being used to make claims of racism are divisive and pit two historically allied, low-income, immigrant and working-class neighborhoods – the Lower East Side/East Village and Chinatown against each other.

Therefore, again I would like to urge the City Planning Commission to vote yes on the rezoning with Community Board #3 modifications as well as expresses my support for a similar, open, grassroots process in Chinatown.



THE ASSEMBLY  
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Higher Education Committee

COMMITTEES  
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DEBORAH J. GLICK  
Assemblymember 66<sup>th</sup> District  
New York County

August 22, 2008

8/26/08  
18352

Amanda Burden  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY, 10007-1216

Dear Chair Burden,

As the State Assemblymember representing parts of the proposed area to be rezoned in the East Village and the Lower East Side, I am grateful for an opportunity to comment on the proposed rezoning of 110 blocks in the East Village and the Lower East Side whose essential character is threatened by massive overdevelopment.

Although height caps will provide welcome relief to the spate of inappropriately sized towers that have come to pierce the skyline, the new zoning must take into consideration matters that extend beyond aesthetic. This rezoning will be incomplete if it does not contain provisions for a sizable amount of permanent affordable housing, anti-harassment and anti-demolition provisions, and the creation of a legal fund for individuals who may face harassment from landlords.

One concern that I have about this rezoning is that much of the new development will be unaffordable for neighborhood residents. A remarkable trait of the East Village is its vibrant economic and cultural diversity that contributes invaluable to the neighborhood's character. Although the area will benefit from more housing options, there need to be provisions to ensure that a sizable amount of affordable housing is also available. For this reason, I support Community Board 3's recommendation that any inclusionary zoning should mandate that 30% of all units are affordable. To allow development to proceed without a substantial amount of affordable housing would be an anathema to the values of the Lower East Side.

I also urge that there be clear anti-harassment and anti-demolition provisions included in the rezoning, similar to the ones associated with the Clinton Special District which has proven to be an important protection for tenants against the tremendous development pressure that exists in the East Village. Such provisions are essential in order to ensure that tenants are not forcibly removed from their buildings by landlords seeking to profit from the rezoning. This rezoning should create more affordable housing in the neighborhood but without protective provisions in place, it is likely to lead to less. Clearly such an outcome is unacceptable.

Finally, I fear that this rezoning could lead to an increase in tenant harassment and eviction proceedings that will force tenants to rely on legal services which have been severely cut in the 2009 New York City Budget. To combat this problem, a fund must be created that will provide

money for legal services so that tenants can properly defend themselves in court. It is essential that existing neighborhood residents have the tools the need to ensure that they can remain in their homes.

In closing, I thank DCP for its diligence and hard work on this project and ask that you incorporate the changes above into the rezoning plan. The city has moved aggressively to rezone a large number of communities and each has experienced some measure of displacement. Therefore, I also urge you to immediately begin the process of rezoning the Bowery and Chinatown to provide these neighborhoods the protections they need. Ensuring that neighborhoods are appropriately zoned is one important means of protecting the character of those neighborhoods and of New York City as a whole.

Sincerely,

A handwritten signature in black ink, reading "Deborah J. Glick". The signature is written in a cursive, flowing style.

Deborah J. Glick  
Assemblymember



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education Committee

COMMITTEES  
Environmental Conservation  
Rules  
Ways & Means

DEBORAH J. GLICK  
Assemblymember 66<sup>th</sup> District  
New York County

August 22, 2008

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Amanda Burden  
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City Planning Commission  
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Although height caps will provide welcome relief to the spate of inappropriately sized towers that have come to pierce the skyline, the new zoning must take into consideration matters that extend beyond aesthetic. This rezoning will be incomplete if it does not contain provisions for a sizable amount of permanent affordable housing, anti-harassment and anti-demolition provisions, and the creation of a legal fund for individuals who may face harassment from landlords.

One concern that I have about this rezoning is that much of the new development will be unaffordable for neighborhood residents. A remarkable trait of the East Village is its vibrant economic and cultural diversity that contributes invaluable to the neighborhood's character. Although the area will benefit from more housing options, there need to be provisions to ensure that a sizable amount of affordable housing is also available. For this reason, I support Community Board 3's recommendation that any inclusionary zoning should mandate that 30% of all units are affordable. To allow development to proceed without a substantial amount of affordable housing would be an anathema to the values of the Lower East Side.

I also urge that there be clear anti-harassment and anti-demolition provisions included in the rezoning, similar to the ones associated with the Clinton Special District which has proven to be an important protection for tenants against the tremendous development pressure that exists in the East Village. Such provisions are essential in order to ensure that tenants are not forcibly removed from their buildings by landlords seeking to profit from the rezoning. This rezoning should create more affordable housing in the neighborhood but without protective provisions in place, it is likely to lead to less. Clearly such an outcome is unacceptable.

Finally, I fear that this rezoning could lead to an increase in tenant harassment and eviction proceedings that will force tenants to rely on legal services which have been severely cut in the 2009 New York City Budget. To combat this problem, a fund must be created that will provide

money for legal services so that tenants can properly defend themselves in court. It is essential that existing neighborhood residents have the tools the need to ensure that they can remain in their homes.

In closing, I thank DCP for its diligence and hard work on this project and ask that you incorporate the changes above into the rezoning plan. The city has moved aggressively to rezone a large number of communities and each has experienced some measure of displacement. Therefore, I also urge you to immediately begin the process of rezoning the Bowery and Chinatown to provide these neighborhoods the protections they need. Ensuring that neighborhoods are appropriately zoned is one important means of protecting the character of those neighborhoods and of New York City as a whole.

Sincerely,

A handwritten signature in black ink, reading "Deborah J. Glick". The signature is written in a cursive, flowing style.

Deborah J. Glick  
Assemblymember

**New York City City Planning Commission  
Testimony – August 13, 2008**

My name is Rocky Chin. I am a civil rights attorney, a long time Mitchell-Lama resident from the lower eastern corner of the Lower East Side, and I am a member of Manhattan Community Board 3. I speak in support of:

- saving and defending the Lower East Side.
- preserving its rich history of diverse cultures, of immigrant & worker's rights, of ethnic & religious communities struggling to preserve their unique cultures and important faiths.
- preserving & expanding affordable housing for poor and working families.
- CB 3's resolution in support of the Re-zoning proposal (11 points).

The neighborhood in which I live is a neighborhood of working families – teachers, city workers, small business folks, home attendants, postal workers, nurses, union members. We are able to live here because our families are the beneficiaries of government-funded housing programs - Section 8, Mitchell-Lama co-ops and rentals, rent control & rent stabilization, housing built for hard working families. Many of these early affordable housing complexes have already been privatized. All Mitchell-Lama housing & many Section 8 buildings are threatened with privatization down the road. Many LES landlords have sold their air rights, harassed and evicted their tenants, and built out-of-scale towers which threaten the over-all character of the Lower East Side.

We see all this construction going up around us and wonder:

- Where will our children be able to live?
- Where are the government programs of the 21<sup>st</sup> Century?
- Are there really that many multi-millionaires anxious to snap up the countless million-dollar one-bedrooms in luxury condos sprouting throughout the LES?

Today's LES re-zoning plan is the result of years of hard work and many meetings, debates & deliberation. We knew time was not on our side, as building after building began to replace parts of the LES we had come to know and love. Luxury Condos and rentals all being built as of right under the existing zoning code.

Bringing together Lower East Side (LES) stakeholders – civic leaders, community organizations, business groups, individual activists and advocates – was a process that required openness, frequent consultations & patience. This process was open and dynamic, resulting in some parts of our CB 3 area included, and other parts not. Not because of any intent to exclude. But because the intent to include requires a readiness, a willingness and an openness to participate and persevere to the end. In other words, stakeholders were serious about their roles, and were accountable and constructive.

The major affordable housing organizations in the LES participated in this process. For some it was clear from the beginning that the status quo zoning was not acceptable. For others, it was important to have a better understanding of zoning, and concepts like inclusionary zoning. The current plan is one which seeks to limit the kind of relatively unfettered private development allowed by the existing zoning. CB 3's call for 30% affordable housing (part of the inclusionary zoning component) is important in a neighborhood which can boast the first public housing complex in the country. A neighborhood where immigrant families literally fresh off the boat could find affordable housing.

The inclusionary zoning component of this re-zoning plan is a critical feature of the re-zoning proposal because we know that with the existing zoning – no affordable housing would be built. Another important component that we believe should be included in the re-zoning plan is the funding of anti-harassment legal services. Tenant harassment has always been a tactic used by landlords to clear out their apartments. With decontrol and increasing property values, such harassment will inevitably increase. These are 2 of the 11 points we ask the City to adopt as part of its final re-zoning plan. The resulting re-zoning plan will be a concrete way for our duly elected officials to assist with the development of affordable housing in a district that would otherwise be at the mercy of private development.

While there may well be consensus that the historic core of Chinatown includes Mott, Pell, Doyers & Bayard Streets– there is probably less clarity on the current borders or boundaries of Chinatown. This is understandable, since Chinatown is a dynamic & diverse community, defined less by geographic borders or boundaries than by a shared history of racist immigration laws, harsh working conditions and a location where government constantly is taking away space for its expansion, and police employees with parking placards illegally park on its already congested streets. But the anti-Chinese immigration laws are history, and Chinatown's core has expanded out to East Broadway and Grand & the Lower East Side, and north of Canal into what once was Little Italy. There have, however, been few sustained efforts to understand the changes in this community, to study its existing zoning, the changing land use. Until 9-11, when the economy of Chinatown suffered from closed streets for months, with its main street – Park Row & the Bowery – permanently closed to date. These 9-11 planning and economic studies after 9-11 (see the Reports of the Asian American Federation – [www.aafederation.org](http://www.aafederation.org)) reveal that there is much more to do.

For those of us who are activists, civic leaders & community representatives in Chinatown, the LES Re-zoning effort is a positive example of how we too can engage in a process to address the future of our Chinatown community – it's need for more green space, less traffic congestion, affordable housing, cultural institutions & more & better policy research. A recent meeting in Chinatown of over 60 Chinatown-area individuals demonstrated both the hope that we can conquer our internal differences and work together and with the City, Elected Officials & the Community Board.<sup>1</sup> But that same meeting also reflected how fragile is that unity unless we take responsibility and persevere in the face of unfair attacks by individuals & groups that should be allies and friends. But those who are organizing these protests, can only do so because they have misled people into thinking that stopping this LES re-zoning at this point is a victory against gentrification. Nothing could be further from the truth.

We urge the Planning Commission to include the recommendations of CB 3 in your final proposed plan. Yes, let us also work with members of other areas of CB 3 including Chinatown to address remaining important concerns in separate and distinct planning processes. But now is the time for us to take this plan to the next level. We have come a long way and look forward to taking these few last steps together to Save the Lower East Side & build affordable housing.

Submitted by:  
Rocky Chin, Esq.  
(917) 577-5748

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<sup>1</sup> If we can build upon this initial meeting, we will need more private & public resources for Chinatown-area research. Other than some 9-11 studies, there have been few policy or research studies on Chinatown – a community constantly growing and changing. Parenthetically, a well-funded NYC Asian American Research & Policy Center would go far to assist both government & the community in addressing the many issues facing this community.

John Fout  
334 E. 5<sup>th</sup> Street  
New York, NY 10003

Testimony to the Department of City Planning on East Village and Lower East Side Rezoning  
August 13, 2008

My name is John Fout and I have lived in Lower Manhattan for most of the last 12 years.

I would like to begin my testimony by thanking the Department of City Planning on all of the work they have accomplished and the work yet to be done on the Re-Zoning of the East Village and Lower East Side.

I have seen the re-zoning plan form over a period of years as an aide to an elected official, a member of the public, and now a Community Board 3 member proud to vote in favor of this rezoning. The process has been dynamic, transparent, and more importantly a success.

Community Board 3 did an excellent job of gathering information from local community groups, elected officials, and the public in an effort to provide the Department of City Planning with organic input. The 11-point plan the Board approved set excellent goals for my community.

I am happy to see that the Department has chosen to adopt portions of that 11-point plan. Increasing the amount of Inclusionary Zoning (IZ) can only help the neighborhood by offering additional opportunities for developers to create affordable housing.

In fact, a focus on residential housing remains the key to this rezoning. Lower Manhattan was once the starting point for many who wound up experiencing the American Dream. Sadly, that's no longer true. Immigrants, lower-class, and even middle class families cannot afford to live in these neighborhoods. Apartment and real estate prices have skyrocketed leaving many behind or forcing others to seek a more affordable communities.

Worse, the individuals and families who can stay in rent-stabilized apartments often face incredible pressure from landlords to move. Some of these landlords use questionable legal means to evict tenants, while other resort to a variety of illegal techniques that the City and State have little interest or ability to prevent. Many become homeless.

Therefore, it is vital that City Planning and the Department of Housing Preservation and Development work together to institute anti-harassment and anti-demolition protections in this rezoning. I know it has rarely been considered. But preserving affordable housing keeps alive the American Dream now and in the future. We must encourage more affordable housing, not less.

Another revision is required in the rezoning plan. The current R7-2 designation allows for ZR § 52-61, facilitating a non-conforming use in any location even if two years has lapsed between a prior non-conforming use. The new R8-B zoning obviates ZR § 52-61, which is a good thing. Many of these non-conforming uses historically were family businesses operating during daytime hours.



Presently, many of these non-conforming commercial operations resemble nothing of the sort. They are bars and restaurants blasting music with loud bass, serving patrons from all over the world, and staying open until 4 AM in the morning. These brick and mortar residential buildings were not intended for this use. Our neighborhood has been overrun by the unintended consequences of past zoning. City Planning should discontinue its support for ZR § 52-61 as it no longer serves its historical purpose. A compromise would be to remove Use Group 6 designation from the section.

This rezoning is badly needed. Several years ago, I traveled to Pittsburgh. I was dismayed at the disaster that befell that city's downtown. It was a horrible hodge-podge of beautiful old buildings of one scale and dissonant glass skyscrapers immediately adjacent. It's horrendously out of context. This same disaster takes place every day in my neighborhood, but it can be stopped by the contextual zoning in this proposed plan.

I strongly support Community Board 3's 11-point plan and urge the Department of City Planning to continue to work on amending and adopting the plan as soon as possible. Thank you.

## East Village/Lower East Side Rezoning

Good morning. My name is Vaylateena Jones. I have lived on the Lower East Side for about 40 years. I am a new member of Community Board 3. I support the rezoning plan.

I moved into LaGuardia Houses at about the age of 4. I moved into the Rutgers Houses at about the age of 12. I have a concern for the future of the housing projects on the Lower East Side. We were told during the hearings in the community that the housing projects were not included in the rezoning because New York City Housing Authority is not required to adhere to zoning mandates.

I am a Registered Nurse and live in Mitchell Llama houses. I have worked at various health care facilities within our district as well as several hospitals close to our district. I am also a volunteer with the Medical Reserve Corps of the New York City Department of Health and Mental Hygiene. I don't know if I could afford to get an apartment on the Lower East Side now. Nurses, police officers and firefighters are good neighbors.

One of the things I remember about growing up on the Lower East Side occurred in the fourth grade. I went to PS2. The class theme that year was "New York the Melting Pot" At the end of the year the parents bought food to class and we all ate together. We had Italian, Chinese, African American, Jewish, Spanish, Irish and American food because there were students of all these backgrounds in my class. I would like that kind of diversity to continue. I believe requirements for economic diversity would foster cultural diversity.

When people talk of racism, the area often cited as not being racially mixed, probably became that way because of the present zoning. I remember that area as diverse.

I would like to have the following as part of the rezoning:

1. Require affordable housing based on income and rent formulas that are working in the community already as follows: 7% New York City Housing Authority (NYCHA) and 7% Mitchell Llama and 7% for nurses, police officers and fire fighters possibly using the NYCHA or Mitchell Llama formulas.
2. Provide free legal service to low and middle income tenants within our district.
3. Provide additional funds to expand tenant organizations that are working, in our community, such as GOLES.
4. Expedite the Chinatown rezoning process.

When my nephew's child, who goes to PS2, was in the second grade he shared a story about his best friends at school, named Sheneya, Fabian and Nathan. He shared that all of his best friends were Chinese. At a later time I asked how he picked his best friends. He said "*when I'm sad and sitting alone, they come over and tell me not to be sad, they say come play with us, I play with them and I feel better.*" I would like to see diversity continue.

Our neighborhood houses some of the best schools in the city i.e. Nest+M. The East River waterfront is presently being renewed. Public bus and subway services are readily available. The value of real estate will continue to go up. Developers can still profit with the above affordable housing requirements.

This is an opportunity for innovative urban planning that promotes diversity.

John K. Leo  
1103 76<sup>th</sup> Street  
Brooklyn, NY 11228  
August 26, 2008

City Planning Commission  
Calendar Information Office  
22 Reade Street - Room 2E  
New York, New York 10007-1216

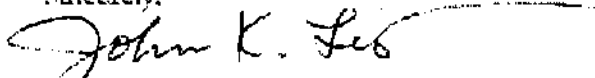
Dear Commissioners:

My name is John K. Leo and I have worked in Chinatown for over 25 years. I am currently a member of Community Board 3. I am proud that our Community Board has worked with the city to conduct a rezoning of much of our neighborhood. I support this zoning plan and know that our neighborhood desperately needs it. I am glad that this plan contains inclusionary zoning because we need affordable housing now more than ever. Without it, we are in danger of losing the very things that have made this neighborhood so special, the people. My hope is that the city will take the Community Board's lead and agree to build some affordable housing themselves so that 30% of all the Units built going forward will be affordable.

I also hope that the Council and the City will support the CB's call for anti-harassment and anti-demolition provisions so viable buildings are not torn down and our good neighbors being evicted and displaced.

Although there are factions out there accusing the rezoning plan as racist and that part of the CB3's Chinatown neighborhood should be included in this rezoning plan, I can be certain that they do not represent the whole community. Chinatown is a diverse neighborhood with many different needs and deserves a plan of its own as proposed by the newly organized Chinatown Working Group. The LES/East Village rezoning plan needs to go forward now; I hope you will support the community board's dedication and unwavering efforts to help stabilize and preserve the LES neighborhood with the current plan and recommendations.

Sincerely,

  
John K. Leo



THE CITY OF NEW YORK  
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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

August 13, 2008

City Planning Hearing on East Village/Lower East Side Rezoning

Good morning. My name is Susan Stetzer. I have been District Manager of CB 3 since July 2004, and I was a board member previous to this position. I am also a long time resident of the East Village.

I want to thank City Planning for their work and collaboration with the CB in responding to the community to preserve the character of our neighborhood.

When I became DM, the office was flooded with calls mostly on two issues. One of these was the out-of-scale development of the neighborhood. Long-time residents and those who had recently moved here because of their attraction to the character of the community, were shocked and extremely upset about the sudden overdevelopment of the neighborhood.

People had assumed that new buildings could not exceed the height of the surrounding buildings. Suddenly, they were piercing our skyline—and they were being built totally out of character with the historic nature of our tenement community. Lower East Siders are terribly proud of our history and the buildings and businesses that still reflect our character.

People were very angry when the blue building went up on Suffolk. They fought for years to stop the 24-story building at 188 Ludlow—but only succeeded in delaying it. The community board tried to stop the 13-story mid block dormitory at 81 E 3<sup>rd</sup>—but failed. We were suddenly seeing tall hotels midblock on narrow streets where families lived in tenement buildings. It has become more worthwhile for churches and small landlords to sell air rights and move their religious institutions and businesses than to stay in the Lower East Side. The Community Board even established a committee for Religious Institutions and Land Use because of the flood of air right sales. It has become necessary for me to spend a great deal of time investigating phony community facility claims.

When the Community Board formed the 197 taskforce—I had finally had an answer for all the residents calling for help from the Board. I told them that if they wanted to stop this out of character overdevelopment—they should attend the taskforce meetings and give their input. It made a huge difference—people finally felt they had a productive way to fight back to save their community. Every time I walk down the street or stand in line at the grocery or ride in the elevator of my building—people ask me about the rezoning and express the urgency for this plan to be implemented.

I am often in the difficult position of having low and moderate income constituents come to the office begging for help the find or stay in affordable housing. Preserving and creating more permanently affordable units is a very necessary priority for our community. I would not be able to afford to stay here if I were not in a rent-controlled apartment.

Community Board 3 has the highest number of nightlife noise complaints in the city—8773 last fiscal year—which is shocking. We are a victim of the city not enforcing zoning regulations for many years—we now have destination nightlife ground floor of many residential mid block buildings. It is imperative that legally grandfathered non-eating/drinking establishments be prohibited from being converted to eating/drinking establishments.

As a long time resident who loves my community, and as District Manager of Community Board 3 speaking for the many constituents who call and write—I thank City Planning for working with the community on this plan.

*Commissioners, City Planning*  
Honorable Borough President Scott Stringer

8/12/08

I am very appreciative to have this opportunity to speak up what are on our minds.

Based on what have happened to Chinatown in the past centuries, I would like to propose that a special new rezoning for Chinatown could be planned.

1. No more exclusion: There are still existing exclusion today in many areas since 1822 China Exclusion Act, such as the Lower East Side Rezoning today.
2. Chinatown still has not fully recovered in business, transportation and unemployment since 9/11, seven years ago, regardless of Lower Manhattan Development Corporation programs.
3. Chinatown, 8 blocks from World Trade Center, was excluded from the initial list of selection for Empire Zone in 2003. Surprisingly, Binghamton was selected then for political reason, even though the town is 200 miles away from the 9/11 site. It was only one year later, Chinatown/Lower East Side was selected to the list.
4. Chinese are very loyal to New York City. This is our cultural character. During 1970 City financial crisis, many City residents and business moved out of the City. Even President Ford told the City "Drop dead" when Mayor Beam asked for Federal Aid. However, Chinatown has been always a stable community, loyally supportive of the City Government without moving. Then I even noticed there was an agency established with the name called "We Don't Move Company"
5. Chinatown has been an important spot of the City tourism with her own distinguished character in culture, history, food and business. However, there seems to have been historically neglected by government in planning and investment. Even a street arch has not been built yet as other cities have. I think this project as the least one the City Department of City Planning can do for Chinatown.
6. It is regretfully to say that there seems to have been not much direct communication between City Planning and Chinatown. Otherwise there would not have been such a massive protest against the Lower East Side rezoning.

I hope more partnership could be established between the governments and Chinatown. Nevertheless, We are very grateful for what you have been doing always for Chinatown, particularly, today's public hearing.

Thank you.

Respectfully,

Edward Ma  
Member, Community Board 2, Manhattan



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Testimony to the City Planning Commission  
August 13, 2008

I'm Lucille Carrasquero, and I'm the Chairperson of the Cooper Square Committee. Our organization is also a member of LESCAZ, a coalition of about a dozen progressive housing organizations. We support this ULURP application rezoning the Lower East Side and East Village, but with some modifications which I will mention later.

We support contextual residential zoning north of Houston Street, with 80 foot height limits along the avenues and 75 foot height limits midblock. We strongly support inclusionary zoning, and we are glad that DCP has decided to include Community Board 3's recommendation that it be expanded to all of the Avenues north of Houston Street rather than just limited to Avenue D. We believe that this will result in hundreds of additional low income units over the next decade for households earning less than 50% of the area median income.

In adopting inclusionary zoning, DCP must also create language in the zoning text that prohibits demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. Our organization sees hundreds of tenants each year facing harassment currently, and landlords who vacate their buildings through harassment should not be rewarded by being able to tear the building down in order to build a larger one, even if it is mixed income.

We want to thank DCP for partnering with our community on this rezoning plan. Given that our community has not been rezoned for over 45 years, this ULURP is long overdue. Our current zoning is obviously inadequate to protect our historic community, and we look forward to having stronger protections in place.

Thank you for listening to the concerns of our membership organization.



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Testimony by Georgina Christ  
To the City Planning Commission  
August 13, 2008

I'm Georgina Christ, and I'm a Board member of the Cooper Square Committee, and I chair our organization's Housing Committee. Our organization is also a member of LESCAZ, a coalition of about a dozen progressive housing organizations. I am here to express support for this ULURP application to rezone the East Village and Lower East Side. We are strongly in favor of limiting inappropriate development in the East Village and Lower East Side.

We support the Dept. of City Planning's ULURP application to rezone 111 blocks in the Lower East Side/East Village. We support contextual residential zoning north of Houston Street, with 80 foot height limits along the avenues and 75 foot height limits midblock. We strongly support inclusionary zoning, which we believe will create incentives for development of hundreds of new low income apartments, affordable to households earning less than 50% of the area median income. However, we would like to see inclusionary zoning require 30% low income housing on site rather than 20%.

We are pleased that DCP has included Community Board 3's recommendation that Inclusionary Zoning be expanded to all of the Avenues north of Houston Street rather than just limited to Avenue D and lower 2<sup>nd</sup> Avenue.

In adopting inclusionary zoning, DCP must also create language in the zoning text that prohibits demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. As a housing activist, I frequently door knock in our community, and I have spoken to many tenants who are facing harassment currently. It is rampant in our community.

I recognize that the proposed zoning changes in and of themselves are not likely to increase harassment or diminish it. However, sound government policy should create safeguards so that this rezoning does not inadvertently reward any property owner who does engage in harassment.

Landlords who vacate their buildings through harassment should not be rewarded by being able to tear the building down in order to build a larger one, even if it is mixed income. Consequently, DCP should add a zoning text amendment to make landlords who have been found guilty of harassment by DHCR or a Housing Court judge permanently ineligible to demolish their building, and replace it with a new one. If they are seeking to build in our community, they should be required to set aside 30% of their housing units to low income tenants.

We want to thank DCP for partnering with our community on this rezoning plan. Our current zoning is obviously in need of updating in order to prevent inappropriate, out of scale development. This plan addresses many, although not all, of the weaknesses in our current zoning. We urge DCP to be open to amending the zoning text to fully address the concerns we have raised.

Thank you for listening to the recommendations of our membership organization.





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Testimony to the City Planning Commission  
By Jasmine Garcia, August 13, 2008

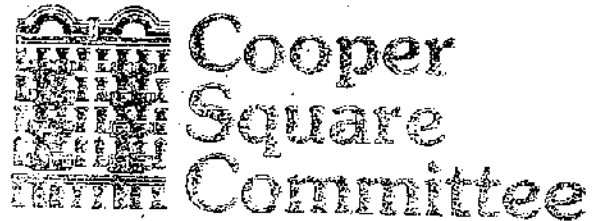
I'm Jasmine Garcia and I live at 16-18 2nd Avenue. I'm also on the board of the Cooper Square Committee. I want to express my support for inclusionary zoning which is part of City Planning's rezoning proposal for the Lower East Side.

The Lower East Side is losing affordable housing every day as landlords deregulate apartments and charge rents of over \$2,000 a month. There are very few city owned properties remaining that can be developed as low and moderate income housing and so new ways are needed to promote affordable housing development. Inclusionary zoning is one such tool, since it will give a zoning bonus to developers who include at least 20% low income housing. The Cooper Square Committee would like to see the minimum percentage of low income housing be 30% in the inclusionary zones.

I also want to express my support for contextual zoning which will limit new buildings along the Avenues north of Houston Street to 80 feet, and midblock buildings to 75 feet tall.

I support Community Board 3 and LESCAZ's proposal for a 100 foot height limit in the proposed inclusionary zones on lower 2nd Avenue, Chrystie Street, Houston Street and Delancey Street, instead of DCP's proposed 120 foot height limit. Finally, I want to urge City Planning to make changes to the zoning text to create stronger tenant protections against harassment and demolition of structurally sound buildings. I am fortunate to live in a limited income cooperative, but I know of neighbors who are facing the threat of losing their homes because their landlords are demolishing and reconfiguring the apartments. City Planning must make sure that this bad situation doesn't become worse due to changes in the zoning map that may give developers incentives to tear down their buildings and build new, and larger ones.

Thank you.



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Testimony to the City Planning Commission  
By Steve Herrick, Executive Director  
August 13, 2008

I'm Steve Herrick, and I'm the Executive Director of the Cooper Square Committee. We are a non-profit housing preservation organization that has been in existence for 49 years. We've done community based planning and sponsored or promoted development of over 500 new low income housing units and renovation of over 350 low income apartments during the past 25 years. We are a member of the Lower East Side Coalition for Accountable Zoning (LESCAZ).

We greatly appreciate the fact that the Dept. of City Planning has worked in partnership with Community Board 3 and our community on this rezoning initiative which has culminated in this ULURP action. It is impressive that this City Planning has committed the resources to undertake this large rezoning, comprising 111 blocks where more than 100,000 people reside, making it the 3<sup>rd</sup> largest rezoning in NYC history.

We believe that the Dept. of City Planning's proposed rezoning is a significant improvement on our current zoning map, which dates back to 1961. Our current zoning does not provide adequate protections against out of scale development. We have seen out of scale development take place at numerous locations around our community in the past decade. Our current zoning creates greater incentives for developers to build dorms and hotels instead of housing. This is because the commercial and community facility FARs are greater than the residential FAR in much of our community. There are currently many soft sites throughout our community that are at risk of demolition and redevelopment. As a result, rezoning is desperately needed.

The Cooper Square Committee is strongly in favor of the proposed contextual zoning, which will limit building heights to 80 feet tall with setbacks at 40-65 feet (with R7A and C4-4A zoning) in most of the community from 13<sup>th</sup> Street to Grand St. and Delancey St. We support R8B zoning in the midblocks north of Houston Street to create 75 foot height limits, with setbacks at 55-60 feet.

We strongly support inclusionary zoning. We are glad that DCP has modified its inclusionary zoning plan to extend it to all of the Avenues north of Houston Street. This is an important modification because it makes sense that affordable housing should be mixed into all sections of our community and not limited to the southern and eastern fringes as DCP had originally proposed.

We are confident that more than 500 new low income housing units will be developed in the inclusionary zones in the years to come. The fact that these units will be permanently affordable is an important victory for our community, which has lost thousands of rent

regulated units in the past decade. We agree with LESCAZ and Community Board 3's 11 point plan that DCP's inclusionary zoning proposal could be improved by increasing the percentage of low income housing required in these zones to 30% instead of 20%, and by setting a 100 foot height limit instead of 120 feet in the inclusionary zones along Delancey and Houston Streets, Avenue D and lower 2<sup>nd</sup> Avenue.

We also want the City to pledge to work with our community to identify city-owned sites that can be developed to create a total of 1,000 units of low income housing over the next decade. We would prefer a lower base Floor Area Ratio (FAR) in the inclusionary R8A and C6-2A zones so that developers aren't rewarded with greater bulk and density by building as of right with no low income housing included. DCP should amend the zoning text to lower the as of right 5.4 FAR in these zones to 4.5, and the inclusionary FAR should be 6.0 instead of 7.2.

In adopting inclusionary zoning, DCP must amend the zoning text to prohibit demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. Tenants are already facing strong displacement pressure in our community with our existing zoning. The Cooper Square Committee is currently assisting tenants in dozens of buildings where systemic harassment is taking place. Some landlords are able to vacate and deregulate the majority of units within 2 years of buying their buildings. We don't want the City to give them greater incentive to vacate tenants in the inclusionary zones in order to demolish these buildings and build as of right luxury housing with a 5.4 FAR.

We need anti-demolition language in the zoning text amendment. As it stands right now, DHCR, the NY State regulatory agency is not providing adequate protections for rent stabilized tenants with regard to demolition of structurally sound housing. Given that the rezoning proposed by DCP will increase the number of soft sites in our community, tenants along some residential and commercial corridors in our community may be at increased risk of displacement through demolition as a result of the rezoning. I urge the City Planning Commission to amend the zoning text to permanently prohibit demolition of buildings by property owners who have been found guilty of harassment. In addition, the City needs to fund a Legal Services Fund to assist tenants who may find themselves facing harassment or the threat of demolition of their structurally sound building.

Finally, I want to ask that City Planning continue to work with our community board to analyze the zoning of areas not included in this plan such as 3<sup>rd</sup> and 4<sup>th</sup> Avenue, the Bowery and Chinatown, and to continue to provide the resources needed to revise the zoning in these areas in years to come after community stakeholders have had an opportunity to discuss what changes are needed, and what changes are feasible, in order to preserve the character of these areas.

Thank you for listening to the concerns of our membership organization.



August 13, 2008

Testimony by Joyce Ravitz  
To the City Planning Commission  
Re: the Lower East Side Rezoning

61 East 4<sup>th</sup> Street, New York, NY 10003  
Tel: (212) 228-8210 • Fax: (646) 602-2260  
E-mail: [CooperSquareComm@aol.com](mailto:CooperSquareComm@aol.com)  
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I'm Joyce Ravitz, and I'm the Co Vice-Chairperson of the Cooper Square Committee. Our organization is also a member of LESCAZ. I am here to express our support for the rezoning of the East Village and Lower East Side. Contextual zoning (with 80 foot height limits throughout most of the 111 block rezoning area, and 75 foot height limits midblock) will help preserve the low rise character of our community.

We also strongly support inclusionary zoning which will provide a zoning bonus on the Avenues north of Houston Street as well as Houston Street, Delancey Street and Chrystie Street for developers who build mixed income housing with a minimum of 20% low income. We would like to urge City Planning to increase the minimum low income requirement to 30% in the Inclusionary Zones.

Inclusionary Zoning is important because there are very few city-owned properties remaining in our community, and so we need new tools to help create new affordable housing. While Inclusionary Zoning requires that the housing be for households earning a maximum of 80% of the area median income, we would like to see a requirement that some of it be guaranteed for households earning 30%, 50% and 60% of median income.

In order to make sure that the rezoning does not result in the demolition of any structurally sound housing, City Planning should amend the zoning text to prohibit the demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. Our organization assists hundreds of tenants each year facing harassment, and we have worked with a couple of buildings where the owners have filed so called "phony" demolition plans in order to vacate all of the tenants. We realize that the rezoning will not put an end to tenant harassment, but it should not create incentives for property owners to harass their tenants out in order to demolish their building, and develop a new one with more floor area ratio

(FAR). The City should create a legal services fund to assist tenants who allege systemic harassment, and property owners who engage in harassment should not be permitted to demolish their buildings in order to build a larger one, even if it is mixed income.

Thank you for listening to the testimony of our membership organization.



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Testimony to the City Planning Commission  
August 13, 2008

I'm Lois Slessinger, and I'm on the Board of the Cooper Square Committee. I live on East 4<sup>th</sup> Street and 2<sup>nd</sup> Avenue. I'm here to express my support for the rezoning of the East Village and Lower East Side. Our community needs contextual zoning to preserve the low rise and historic character of our community. Imposing 80 foot height limits along the avenues and 75 foot height limits midblock north of Houston Street will help to preserve our community for future generations. I'm glad that the rezoning is creating more incentives for residential development and reducing the incentives for developing dorms and hotels north of Houston Street by reducing commercial and community facility Floor Area Ratio (FAR).

I strongly support inclusionary zoning on all of the Avenues north of Houston Street as well as on Houston Street, Delancey Street and Chrystie Street. I hope that sincerely hope that inclusionary zoning will result in hundreds of additional low income units being developed in the years to come.

As someone who has lived in this community for many years, I am concerned that there are few opportunities for young people with moderate incomes to move into our community. Meanwhile, low income people are being pushed out by rising rents and harassment. Given that there are very few city-owned sites remaining in our community where new affordable housing can be developed, inclusionary zoning provides an important tool to create incentives for developers to build new mixed income housing. Without it, this community will become increasingly homogenous and upscale.

In adopting inclusionary zoning, DCP must also add language in the zoning text that prohibits demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. The Cooper Square Committee sees countless tenants facing harassment currently, and we don't want to see landlords

in the rezoned areas force tenants out so that they can tear down their building and build a larger one to take advantage of the increased Floor Area Ratio (FAR). DCP should also call for the creation of a Legal Services Fund to provide free legal assistance to tenants who do experience harassment on any of the blocks that are rezoned.

I want to thank DCP for partnering with our community on this rezoning plan. Thank you for holding this hearing close to our neighborhood so that local residents, particularly seniors, can participate more easily.

## **COOPER SQUARE MUTUAL HOUSING ASSOCIATION**

59-61 East 4<sup>th</sup> Street, 3<sup>rd</sup> Floor New York, NY 10003 Phone: 212-477-5340 Fax: 212-477-9328

August 13, 2008

The New York City Planning Commission

Good morning Ladies and Gentlemen,

My name is Bartolomeo Dias.

I am a tenant of a building on East 4<sup>th</sup> Street owned by the Cooper Square Mutual Housing Association. But they are more than my landlord—they are my community organization. I have been an area resident for more than 15 years.

My organization is a member of LESCAZ, a coalition that has been working with the Community Board on the rezoning plan for the neighborhood to help preserve my low to middle income community and to encourage developers to build low-cost housing for our families.

Unscrupulous speculators and developers and even educational institutions are coming in to build luxury housing, dormitories and hotels without any consideration for the people of the community. They are building their projects without regards for the existing zoning rules, or concern for the height or scale of our low-rise neighborhood. We are losing affordable housing every day due to phony demolitions, landlord harassment and buy out offers, and the lack of any real enforcement of zoning rules by the City.

This has to stop. Developers that wish to build must be stopped from demolishing viable buildings. Harassment must be stopped and legal services must be funded to stop any tenant harassment. Landlords should be given limited zoning bonuses in exchange for 30% of the units being set aside for working class families. I support height limits of 80 feet for new buildings and no more than 100 feet for new buildings in the Inclusionary Zone.

The Lower East Side rezoning plan must also include a provision for energy efficient and green building requirements, when government financing or tax abatements are used.

The new zoning plan for the Lower East Side must move forward and must include the Community Board #3's eleven points.

Thank you very much.



## **COOPER SQUARE MUTUAL HOUSING ASSOCIATION**

59-61 East 4<sup>th</sup> Street, 3<sup>rd</sup> Floor New York, NY 10003 Phone: 212-477-5340 Fax: 212-477-9328

August 13, 2008

Ladies and Gentlemen of the City Planning Commission

Good Morning

My name is Valerio Orselli. I am the Executive Director of the Cooper Square Mutual Housing Association and I am here today to express our strong, though qualified, support for the NYC Department of City Planning's Lower East Side/East Village contextual Re-Zoning Proposal.

Cooper Square MHA is a member of LESCAZ-the Lower East Side Coalition for Accountable Zoning- which has been working with the Community Board #3 and its 197 Task Force to win Inclusionary Zoning, height restrictions anti-harassment anti-demolition and other tenant protections for our community.

LESCAZ is a broad coalition of Lower East Side-based organizations with a long and successful history of fighting for the preservation and development of thousands of apartments for families of low and moderate income. LESCAZ also includes People' MHA, the East Village Community Coalition, University Settlement, GOLES, Cooper Square Committee and many other groups.

The Lower East Side has always been a home for poor and working class families of all races, garment workers, storekeepers and clerks, school teachers, and postal worker. It has also been a refuge for artists and writers, political activists, labor organizers, and people escaping persecution because of their beliefs or their religion. They often came to the Lower East Side because our tenement buildings provided affordable them with affordable housing. People often speak of Plymouth Rock as the birth place of America. Actually, while very few people came to America by way of Plymouth Rock, more than half of the U.S. population can trace their roots to the Lower East Side.

This has made the Lower East Side a very special place deserving of both historic recognition and preservation. The rezoning proposal prepared by the Department

of City Planning goes a long way in recognizing the exceptional nature of our unique neighborhood. But it must go further.

Because of the current zoning laws, the Lower East Side is fast becoming a place for the very wealthy. Luxury housing that is bigger and taller than our tenement buildings is being built all over the place. Hotels are sprouting like mushrooms. We commend the Department of City Planning for proposing height ceilings on newly constructed buildings. We support a maximum height for most buildings of 75 to 80 feet on streets and narrow avenues, resulting in buildings no taller than 6 to 8 stories. And we support 120 feet (but much prefer 100 feet) on the wider avenues designated for Inclusionary Zoning, that is buildings of no more than 10 to 12 stories.

City Planning originally proposed Inclusionary Zoning for the periphery of the Lower East Side zoning district. We are very pleased to note that DCP has since modified their proposal to include all the wide avenues North and South of Houston Street. Affordable housing should be mixed into all sections of our community and not just its periphery.

We also support a lower Floor Area Ratio (FAR) in the Inclusionary Zones so that developers are not rewarded with greater bulk and density as of right, with no low income housing included. The 5.4 F.A.R. should be lowered to 4.5 and the Inclusionary F.A.R. should be 6.0 instead of 7.2.

Tenant harassment is a too common fact of life in our swiftly gentrifying neighborhood. We support much of DCP's proposal, but it can and must be improved. DCP's proposal calls for giving developers a zoning bonus if they agree to set aside 20% of the apartments for low income families. We believe that DCP can do better. We support CB#3 and LESCAZ's position. I believe that is also the Manhattan Borough President's position.

We believe adoption of CB#3's 11 points will make the zoning plan stronger and more effective in meeting its ultimate goal: the preservation of the Lower East Side as a working class community of many cultures. Specifically, we still wish to see included:

1. The anti-harassment provisions as set forth in the Clinton Special District, as well as anti-demolition of sound buildings provisions provided for in the zoning text for the entire rezoning area. Also special enforcement and

oversight provisions to prevent harassment, displacement and demolition for all IZ developments.

2. 30% of the floor area in residential built FAR must be for permanently affordable housing for families at or below 80% of area media income under a tiered system so that lower income households will be fairly accommodated. If needed to achieve this 30%, the City must make available development or preservation sites.
3. Creation of a legal service fund to enforce anti-harassment and anti-demolition provisions as well as illegal evictions.

It is regrettable that our multi-ethnic and multi-racial community, which has fought for many years for the preservation and development of affordable housing and against rampant Real Estate speculation, should suddenly be targeted as the enemy by a misguided crowd. They are wrong in what they are saying. And it is wrong what they are doing.

We cannot afford any delays. At this point the more we delay going forward with the proposal the more of our community we stand to lose. The ULURP process, incorporating CB#3's proposed changes process should be speeded up to prevent the largely unregulated Wild West market-rate development fever from destroying the Lower East Side as we know it.

I call upon the opponents of the rezoning plan to join us in supporting the current rezoning plan, with the above-noted modifications, and then we can together engage in a new planning process to win Inclusionary zoning and other appropriate zoning changes for the Bowery and Chinatown.

Thank you very much

**City Planning Commission Hearing on East Village/Lower East Side Zoning  
August 13, 2008, NYU School of Law, 40 Washington Square South**

I am testifying as a resident of the area affected by the rezoning, but articulating principles and positions supported by the Village Independent Democrats regarding zoning and development in the Village and in the City as a whole.

The rezoning plan has been thoughtfully developed by Community Board 3 working with many community organizations, and the overall proposed changes are a definite improvement over the current zoning.

This is an area which is under great development pressure and already has a number of new out-of-scale and out-of-context buildings which will be long-term eyesores. Such buildings create pressure to destroy current affordable housing for projects available only to the wealthy. City workers and other business employees are forced to travel long distances to their jobs because they can no longer afford to live in these neighborhoods or even in the City. This has a negative environmental impact on the City and surrounding areas.

Past FAR incentives for "community facilities" such as college dormitories and hotels which provide no real service to the community have also had a negative impact on these neighborhoods, as well as increased demands on city services such as transportation and police.

The proposed zoning creates height limits, reduces FAR incentives for larger buildings, and promotes development for residential housing for people with lower incomes. However, the plan needs to require a higher percentage of lower income housing, provide protections against demolition of structurally sound buildings, and include strong anti-harassment provisions to protect tenants in such buildings. Creation of a legal services fund to assist such tenants would be a welcome addition. VID's weekly tenants clinic has many clients, including vulnerable senior citizens, who could use such help in fighting harassment by unscrupulous landlords.

As a resident of the East Village since 1971 and a community activist who has fought to make this diverse neighborhood safe and livable for all its citizens, I support the proposed rezoning with additional support for affordable and lower income housing and protections for harassed tenants in threatened buildings. The appeal of the City includes the many people who have contributed to the vitality of its neighborhoods. We need to preserve the unique qualities of these neighborhoods. Incentives for energy-efficient buildings would be an additional benefit to the City's future.

Katharine B. Wolpe  
(President, Village Independent Democrats)  
107 East 10<sup>th</sup> Street  
New York, NY 10003  
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City Planning Commission  
22 Reade Street  
New York, NY 10007

Public Testimony re: "East Village/Lower East Side Rezoning"  
Submitted by Marci Reaven, City Lore, Inc., August 13, 2008

My name is Marci Reaven. I'm the Managing Director of City Lore-- a nonprofit that has been located on the Lower East Side since 1986—and the Director of Place Matters, a joint project with the Municipal Art Society to promote and protect places of history and culture throughout the city. I am also an historian of NYC and have done many projects on Lower East Side history, most recently about community participation in planning and in the creation of affordable housing. In all these capacities I have participated over the last few years as a public member of Community Board 3's Planning Taskforce, and as a member of the Lower East Side Coalition for Accountable Zoning.

I supported the Community Board's vote for conditional approval of the rezoning plan, and I support the modifications that address some of the Community Board's 11 points. By slowing high-rise luxury development, the rezoning will help to preserve the neighborhood's economic and social mix, its cultural life, and the important places that embody the area's rich history. I want to recognize that the Draft EIS included a good survey of the area's historic resources and I urge the city agencies to join with members of the public to move forward on its recommendations for landmark designation.

I do not support recently floated ideas about abandoning the rezoning and starting over. I think the public process has been informative and fair. The taskforce meetings that I have been going to have been fully open to the public. Broad attendance has been encouraged and differing opinions on all kinds of issues aired. A separate process for considering new zoning for the rest of the Lower East Side and Chinatown should go ahead with all possible speed and include the many stakeholders who have not yet been involved. What has distinguished activism on the Lower East Side has been an insistence on going beyond opposition to propose real alternatives. By doing so, residents of all social groups, nonprofit agencies, and local businesses have played leading roles in planning and implementing productive change. This is one of the reasons that we still have some affordable housing on the Lower East Side.

I support rezoning as an important corrective, but I also urge the city not to stop here since we know that this strategy alone will not adequately protect existing affordable housing or build sufficient numbers of new units.



Greenwich  
Village  
Society for  
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Preservation

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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY**  
**FOR HISTORIC PRESERVATION**  
**REGARDING THE PROPOSED EAST VILLAGE/**  
**LOWER EAST SIDE REZONING**

**August 13, 2008**

Good morning Commissioners. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation. GVSHP is the largest membership organization in Greenwich Village, the East Village, and NoHo. GVSHP advocates for sound planning and preservation policies in our neighborhoods. Because our catchment area is north of Houston Street on the east side, our testimony will focus exclusively on that section of the proposed rezoning area.

The East Village desperately needs a rezoning. The current R7-2 and C6-1 zoning allow up to 6.5 FAR for community facilities such as dormitories with no height limits or limits on air rights transfers, thus allowing buildings of even greater bulk and size. Two such out-of-scale developments are the 16-story tower above the Theater for the New City at 155 First Avenue and the 13-story New York Law School Dorm at 81 East 3<sup>rd</sup> Street (see attached figures). As development parcels are being collected in the neighborhood and as large potential development sites such as Mary Help of Christians become available, more and larger such towers will become commonplace in this neighborhood. Additionally, Second Avenue below 7<sup>th</sup> Street also allows commercial development such as hotels at up to 6 FAR, which is completely inappropriate for this neighborhood.

The proposed rezoning will address many of these concerns. There will be height caps for the first time ever throughout the East Village, which will not allow buildings to exceed 6 to 8 stories in most areas. The zoning bonus for dorms and hotels will be eliminated, and in most cases the maximum allowable FAR will be reduced. And the environmental impact statement includes a survey of historic resources in the neighborhood which identifies a broad range of potential landmarks and historic districts. These are all necessary and important steps in the right direction, and we do not believe that they can move forward a moment too soon.

We do however believe there could be further improvements to the proposed rezoning. The plan only reduces the allowable FAR on sidestreets to 3 FAR on three blocks; we believe that many more sidestreets warrant this lower FAR. We are concerned about the potential for loss of smaller two, three, four, and even five story buildings on some of the major avenues. While we are grateful that the current commercially-zoned district on 2<sup>nd</sup> Avenue has been cut back from 7<sup>th</sup> Street to 3<sup>rd</sup> Street, and has been given contextual height caps and envelopes, we believe that the higher-density commercial district should be eliminated entirely from lower Second Avenue, and this street should be treated the same as other avenues in the East Village. And finally, we believe that the allowable height of buildings on Avenue D and Houston Street is too great, and

## 155 First Avenue

The Theatre for the New City's new building is set back from the sidewalk and breaks the cohesive streetwall. Its height is out-of-context with the historic East Village.

*This would not be allowed under the rezoning!*



Allowed under  
current zoning

Contextual  
development  
allowable under  
proposed  
rezoning

# 81 East 3rd Street

NY Law School's 13-story dorm towers over the East Village  
Is this what we want our historic neighborhood to turn into?

*This would not be allowed under the rezoning!*

13 stories  
allowed under  
current zoning

Contextual  
rezoning would  
allow only  
6-8 stories







City Planning Commission  
Amanda Burden, Chair; and Commissioners  
c/o Calendar Information Office  
22 Reade Street – Room 2E  
New York, NY 10007-1216

Re: East Village/Lower East Side Rezoning

August 13<sup>th</sup>, 2008

Dear Chair Burden and Commissioners,

My name is Katherine Spaulding and I'm the Managing Director of the East Village Community Coalition and a member of LESCAZ, the Lower East Side Coalition for Accountable Zoning.

As a holder of a Master's Degree in City and Regional Planning from Pratt Institute and someone that studied this area and the rezoning extensively as part of a studio project for that degree, I understand the true implications of the rezoning. It will bring the zoning up to date with the area, fitting a tighter glove around the current low-rise historic building stock that makes the East Village and Lower East Side so unique. It will help to preserve the built fabric by lowering the temptation to demolish sites well under their maximum allowable Floor Area Ratio (FAR). This "tighter fit" will lower the incentive to demolish and build luxury housing as well as preventing abuse of the Community Facilities Bonus. Preserving the current building stock also fits in with the Mayor's PlaNYC 2030 goals, as demolition and new construction have far more devastating impacts on the environment.

In this case, preservation of the low-rise building stock also yields the preservation of diverse local businesses, as most chains require more space than the current building footprints allow. As more and more attention is being paid to the loss of local businesses in New York City, it's re-assuring to see the DCP take the first necessary step in helping to safeguard the area's unique and treasured local businesses.

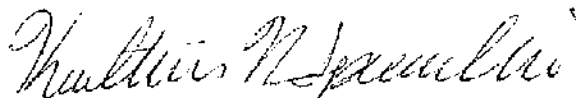
I also applaud and amend DCP for including some of the improvements to the plan brought forth by the community. Although zoning is an excellent tool, it is sometimes too general; the

community provisions tailor the rezoning to the area's specific needs. I implore you to consider the anti-demolition, anti-harassment, and other modifications brought forth by LESCAZ and the community, as these are vitally important to this community's future.

Community involvement and transparency regarding these governmental changes are imperative actions when undertaking planning in any urban setting. In a city as large and diverse as New York, it is even more difficult to maintain an open process. Once again, I want to thank the different offices involved with this rezoning for being as open and transparent as possible to ensure that everyone is heard. Employing a truly fair process is a necessary condition for a truly fair outcome.

To maintain a zoning code from 1960 would be detrimental in this neighborhood. Utilizing a process that constantly re-evaluates and evolves is the only way to ensure this neighborhood remains a vibrant, unique, and most importantly, diverse part of New York City.

Sincerely,



Katherine Spaulding  
Managing Director  
East Village Community Coalition  
director.evccnyc@gmail.com

To City Planning Commission – East Village / LES Rezoning Plan  
**Testimony of Phyllis Banek**

My name is Phyllis Banek. I am 70 years old. Presently I live at 200 East 5<sup>th</sup> Street, the **JASA Cooper Square** residence for seniors and disabled people.

The one and only entrance to my building faces the side entrance and exit door of the **Cooper Sq Hotel**. This 23 story luxury has its main entrance on the 3<sup>rd</sup> Avenue corridor. WE have no door of any kind on that side.

The hotel plans to have a supper club and two other bars inside. Also, they intend to install two outdoor dinning and drinking garden like spaces.

Our block association fought for 2 years with the owner of this hotel in order to have limited use of the side door as well as modified use of the outdoor areas.

On January 8<sup>th</sup>, 2008 we presented our final requests to the SLA in Harlem to grant stipulations in all stated above. They will be opening shortly and we shall see.

Before I came to 200 East 5<sup>th</sup> Street, I lived a few blocks down on the 5<sup>th</sup> Street for 25 years. I lived on the 3<sup>rd</sup> Floor and was always awakened by revelers around four o'clock in the morning, honking horns, yelping, sometimes screams as well as smoke invaded my space even with the windows closed. Now I am in an upper floor and the situation is the same, perhaps ever more so with the increase of bars in the entire neighborhood.

Many people in my residence need access to ambulances, ambulates, meals on wheels, and other emergency services. We must have this access 24 7.

This 23 story structure is equipped to entertain many. Along with their patrons, there will be taxis, limos, car services creating more traffic. The lack of access to us is already present.

The bowery and 3<sup>rd</sup> Ave corridor is an emergency route for this entire neighborhood. I believe allowing more structures if the Cooper Sq Hotel proportions will destroy the need of all residents. And yes, there are many of us left.

I implore you to add 197c along with the Little Italy Special District to insure contextual zoning on the east side of bowery.

If these measures are taken now, perhaps the historical and architectural integrity shall survive. My concern is for all citizens. Please don't steal the visual history from my grandchildren and their peers.

Nothing can duplicate standing in front of buildings that have been witness to our past.

**PS:** Please notice that the photo on the first page of the folder is the **Cooper Square Hotel**

Respectfully,  
*Phyllis Banek*



JLG LIFT INDEPENDENT AERIAL 877-734-8300

Science

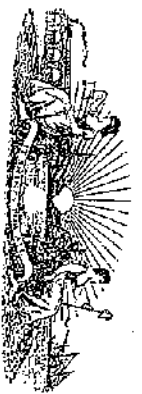
PHOTO BY  
MILLER

PHOTO BY  
MILLER

mbfc 2008

# Transformation Comes to the Bowery, Bringing Luxury Hotels

By JILL PRILLUCK  
Special to the Sun  
January 29, 2007



The Bowery, long home to restaurant supply stores, obscure furniture emporiums, and single-room occupancy hotels is undergoing a transformation as new luxury developments rise along the busy commercial thoroughfare.

Stretching from Astor Place to Canal Street, more than a half-dozen mid- and high-rises are rising, adding at least 1,100 hotel, condo, and rental units to a strip that was considered, at best, nondescript and, at worst, sleazy.

"The demand is high," a broker at Warburg Realty, Bella Alhanati, said. "There are a lot of young professionals moving into the area and so there are a lot of gut renovations and new development."

Experts say the long-mythologized corridor is undergoing its biggest shift since the 1920s. More than six years into the area's growth, new rental and condo units are fetching \$600 to \$1,200 a square foot, according to brokers. Three luxury hotels are planned, including a 22-story high-rise at 25-33 Cooper

Square, the 17-story Bowery Hotel at 335 Bowery, and an eight-story hotel at 250 Bowery. On the site of a former parking lot at 235 Bowery, the seven-story New Museum, designed as a stack of white, rectangular boxes, says it will be the first art museum to rise downtown in more than a century. A 15-story condominium is going up at 351-353 Bowery and several others are planned nearby.

The Sunshine Hotel, an SRO at 241 Bowery, is moving toward demolition to make way for more market-rate apartments. In July, an application for a new 12-story residential and commercial building was disapproved by the Department of Buildings. An architect for the firm MG New York, which is handling the project, Michael Gadaleta, said each resident would likely be offered a \$50,000 to \$70,000 buyout.

"The plan is actually objection-free, but it's a catch-22. We need to knock the building down to get approval, but because the building's an SRO, we can't knock the building down until we deal with the existing tenants," Mr. Gadaleta said. The Bowery is seen as a key link between thriving neighborhoods.

Its development would meld Little Italy and NoLiTa with the Lower East Side to the south, and NoHo with the East Village to the north. A concentration of restaurants, bars and fashion retailers are taking hold, fusing culture and nightlife east of Broadway.

"People always felt safe, but they were going to a place that, to them, was edgy. Now, it's just mainstream," said the owner of Capitale, an event space at 130 Bowery, the site of the old Bowery Savings Bank, Seth Greenberg, said.

The Bowery has a rich history. In the 1890s, it was one of the birthplaces of the American entertainment business, with the emergence of vaudeville, minstrel shows, and Tin Pan Alley. By World War I, with the advent of the subway, Lower Manhattan residents dispersed to the Bronx and Brooklyn, leaving in their wake the bum bars and fleabag hotels for which the Bowery was popularly known. An explosion in

Chinese migration in the 1960s and 1970s led Chinese businesses north from Chinatown along the Bowery. In the late 1990s, the area became more popular with young professionals who migrated east from the Lower East Side and west from SoHo.

"Twenty years ago, it was a place where artists like Kate Millet got a great deal on city-owned property," said a guide of New York City history tours, Joyce Gold. "It was a place where few people wanted to go because it was considered dangerous. The only things to buy there was used restaurant equipment."

While restaurant supply stores still occupy much of the retail space along the Bowery, six to eight such shop owners recently have closed or moved elsewhere, according a local owner, who estimates the restaurant supply district will disappear entirely in the next few years.

Those retail shops, with their high ceilings and big windows, increasingly are desirable, says Capitale's Mr. Greenberg. "I have a feeling that a lot of those spaces are attractive for hospitality purposes," he said. In March, a long-awaited Whole Foods will open near Bowery at the residential tower, Avaton Chrystie Place. That building's developer, AvatonBay Communities, is involved in three Bowery projects totaling more than \$300 million. The developer is hoping to attract young designers to fill more than 36,000 square feet of retail space, which it hopes will feel like NoLiTa boutiques.

Come say emerging downtown districts, like the Bowery, need to be preserved more carefully given the chaotic growth of new buildings downtown. The Bowery merely borders the Department of City Planning rezoning plan for the Lower East Side and the East Village, to the dismay of some residents and developers.

"The scale of the neighborhood has to be figured out," said the architect-developer of 250 Bowery, the eight-story, 63-room hotel at Prince Street, Peter Moore. "This is a pre-war environment and there should be a broader net to protect it. These high-rises are not appropriate."



## MIXED USE

BY PATRICK HEDLUND

### NORTEN BOWERY BOUND?

The latest Bowery development buzz has a 10-story condo building designed by revered "starchitect" Enrique Norton rising at 180 Bowery, according to Mixed Use tipsters. A previous item in this space speculated that a 16-story building could be on its way at the site, located between Spring and Kenmare Sts., after a rendering mysteriously surfaced, fueling fears from area activists of another incoming high-rise.

The rendering first came to light at a Bowery Alliance of Neighbors meeting early last month, said BAN member Anna Sawaryn, noting the person who brought it forward had inside knowledge of the project.

The former tenant at 180-182 Bowery, Empire Restaurant Supply, did recently merge with restaurant supplier Balter Sales Company farther north on the stretch, confirmed a Balter employee, although no records currently exist of planned new development at the site.

A spokesperson at Norton's architecture firm Ten Arquitectos would neither confirm nor deny the building as of press time, citing the developer's hesitance to publicize the project.

Downtown architect and developer Peter Moore of Peter Moore Associates — who himself is finalizing plans for an as-of-right, eight-story luxury hotel for the

Bowery between Houston and Prince Sts. — cautioned that recent development in the neighborhood has been "chaotic and opportunistic," and called on the Landmarks Preservation Commission to take a more active role in the area.

"It's a more fragile piece of the urban fabric," Moore said, equating the Bowery's built environment to that of the Meatpacking District. "The aesthetic nature of these new developments has to be carefully considered. ... It's a huge missed opportunity."

## A Bowery Veteran Hangs On

Is longtime resident Roberta Degnore crusading—or casting in?

BY JOE POMPER | TAGS: REAL ESTATE, BOWERY



When Roberta Degnore moved to the Bowery some 30 years ago, there were no ritzy hotels, expensive condos, or Whole Foods; no moms with baby carriages or yuppies walking their dogs. But there were plenty of prostitutes turning tricks on the corner and bums who would use her doorstep as a toilet, and you would more likely see rats on the sidewalk than copies of *The New York Times*.

"It was all focused on the arts scene," said Ms. Degnore, a petite filmmaker and psychologist with wavy red hair and cat-eye glasses, sitting in her spacious, rent-stabilized loft near the intersection with Delancey Street. "No one had any money back then. Everyone was just doing art because they loved it, and we gave each other respect because of that."

But the more the Bowery gentrifies, the less room there is for people like Ms. Degnore.

Her landlord just sold for \$7.55 million the five-story walk-up where she's lived since 1980 in a 1,400-square-foot loft with a 25-by-22-foot terrace, for which she now pays around \$1,300 a month. The apparent buyer is Brack Capital, a bullish global real estate firm whose New York portfolio includes an array of towering luxury hotels, condos and office buildings. Brack has closed on three adjacent properties, including a four-story walk-up at 189 Bowery that it bought in November of 2007 for \$9.7 million, almost \$5.5 million more than the same building sold for in July of 2006. There have been rumors the company wants to build a large hotel there, but an employee in Brack's Manhattan office declined to comment on the company's plans for the properties, and calls to managers handling its Bowery project were not returned.

Earlier this year, the other tenants in Ms. Degnore's building, who were all on market-rate leases, were bought out in deals negotiated by Robert A. Cohen & Associates, a real estate investment and property management company that appears to be involved in the sale. Ms. Degnore said she has repeatedly declined buyout offers, and Mr. Cohen declined to comment for this article.

Now, Ms. Degnore and her dog, a 14-year-old Lab named Patsy, are the building's sole occupants ("it's a very creepy feeling"), but she said she won't give up her digs: "I refuse to be forced out by developers."

SINCE THE LATE '90s, the Bowery has been undergoing a vast luxury transformation. It's evident in the massive hotels that have started to line the avenue from Canal Street, where the 18-story Wyndham is being built, all the way up to Sixth Street, where the 22-story Cooper Square Hotel is nearing completion; in the shiny New Museum of Contemporary Art, which looms like a giant robot above the weathered old buildings that flank it; in the neighborhood's plethora of trendy bars; in the John Varvatos boutique that opened where the legendary CBGB used to be; and in a new Chase bank up the street, where it costs \$3 to use the A.T.M.

For better or for worse, developers are capitalizing on skid row's legacy of art and alcoholism—grime is what gave the Bowery its character, and character is what makes it a cool place to be.

But longtime residents like Ms. Degnore still can't believe that a street once dominated by flophouses, winos and eccentrics is becoming a luxury destination.

A Detroit native, Ms. Degnore came to Manhattan in 1972 in her early 20s. Her first apartment, a split-level studio with lots of windows, was on 15th Street in a newly renovated brownstone just west of Eighth Avenue. She can't remember exactly how much the rent was, but she said it must have been "next to nothing, 200 bucks or something."

Over the next few years, she bounced around among various apartments in Lower Manhattan, finally moving by January of 1980 to her loft on the Bowery, which she said has been an ideal setting for creative endeavors—screenplays, novels and several short films, including an experimental documentary about the art of glass blowing that's more reminiscent of Kenneth Anger than it is the Discovery Channel.

The day she moved in was cold and snowy, but the loft had a working fireplace at the time. So the first thing she did after lugging up all her stuff was buy some bundles of wood from a guy selling them out of his pickup truck, get a fire going, and invite over her friend Sam Wagstaff, Robert Mapplethorpe's mentor and companion, who died of AIDS in 1987. They sat around for hours smoking cigarettes, she recalled. **NEXT PAGE >**

Back then, Ms. Degnore was cool with the prostitutes since they never really bothered anyone; and, really, the bums only got annoying when they would occasionally defecate in front of the entrance to her building, or rummage through people's trash on garbage night. The Bowery's come a long way since that time.

"It's pretty remarkable when you think that the Bowery used to be code language for urban blight," said Robert Freedman, CEO of GVA Williams, the real estate adviser to the Salvation Army, which has been quietly marketing its 10-story property on the Bowery between Rivington and Stanton streets. "Now you have a more animated streetscape."

"It's more vibrant," said Fred Harris, senior vice president of development for Avalon Bay Communities, which owns the eight-story luxury rental complexes at Avalon Chrystie Place (above the Whole Foods) and Avalon Bowery Place (just north of East Houston Street). "There's lots of people shopping there, lots of people going to the New Museum, lots of people living in our buildings. We're certainly contributing to the economic revitalization of the Bowery."

Of course, luxury living isn't for everyone. Opposition to development on the Bowery has been mounting over the past year since it came to light that the street wasn't included in the Department of City Planning's East Village rezoning plan. In June, some 100 people rallied in front of the Bowery Wine Company, housed on the ground floor of Avalon Bowery Place, to protest what they characterized as the yupification of the once grimy corridor. And Ms. Degnore said she "almost died" recently when she saw the doorman for a nearby building walking a resident's dog: "It was like, 'Oh, fuck! This is not what I signed on for.'"

over

Ms. Degnore's current lease isn't up until May 2009, and since she's a rent-stabilized tenant, she's legally entitled to have it renewed. Her attorney, Jacob Shakarchy, said the new landlords could apply to have the building demolished, but that would take a considerable amount of time. Ms. Degnore said she heard of plans to demolish two of Brack's neighboring buildings, though no demolition applications have been filed yet with the Buildings Department.

The other option is a buyout. Ms. Degnore would leave only if compensated for the full amount the loft is worth, so that she could buy a comparable space. On average, apartments in her neighborhood sell for roughly \$1,200 per square foot, according to data from the appraisal firm Miller Samuel, which would make hers worth around \$1.65 million. She was offered \$750,000, but turned it down, she said.

In the meantime, she's sitting tight. She said the quietness of being the only person living in the building has set in, though, and she gets freaked out every time she hears a creak or a bump.

"It's really made me aware of how socially interrelated we are," she said. "Can you imagine going home to your building tonight and there's nobody there? You're the only one? It's creepy."

"Of course, it's your own mind that does it. You know, like when you were a child having night terrors and thinking you can't put your foot on the floor because the monster under the bed is gonna reach out and grab it. So there's those kinds of irrational fears, but beyond that, there's the very real fear that, hey, I'm alone in this freaking building on the Bowery, and if I scream, nobody will hear me."



# As Investment Firms Buy Up Buildings, Tenants See Bullies

By GRETCHEN WORGENSON

Private investment firms have been amassing what may seem like unusual stakes in New York real estate: they have bought hundreds of apartment buildings with thousands of rent-regulated units across the city that produce decidedly meager returns.

As regulatory filings and promotional materials show, the companies expect to generate higher returns quickly by increasing rents after existing tenants vacate their units. Their success depends upon far higher vacancy rates than are typical in rent-regulated apartments in New York.

Some residents and tenant advocates say that they began seeing what they consider a pattern of harassment of low-income tenants this year and suspect that it is a result of the new owners' business models. Tenants have been sued repeatedly for unpaid rent that has already been received by the landlords; they have been sent false notices of rent bills, lease terminations and nonrenewals; and they have been accused of illegal sublets.

The companies dispute the charges of harassment and say they are protecting their rights.

Nevertheless, tenants must answer the notices in court, but many have responded by moving out, court documents indicate. When they vacate the apartments, the owners can increase the rents substantially.

"Predatory equity is undermining the best efforts of New York City and state elected officials to slow the loss of affordable housing," said Benjamin Dulchin, deputy director of the Association for Neighborhood and Housing Development, a nonprofit organization. "Both the private equity funders and the lending institutions are aware, or should be aware, that harassment of tenants is taking place as a result of their financial models."

Private investment funds have boomed in recent years, buying companies they considered undervalued in industries as diverse as communications, hotels and energy, streamlining operations and then selling them at a profit. For example, private equity firms have bought nursing homes, often slashing expenses and reducing staff to increase their profit.

New York provides an unusual opportunity because it is one of the few cities with a large inventory of apartments whose rental rates are regulated and kept below market levels.

In the last four years, developers backed by private equity firms have acquired almost 75,000 rent-regulated apartments, Mr. Dulchin said, or about 6 percent of the city's 1.2 million such units. Major private equity-backed participants in this market include Vantage Properties, which has partnered with Apollo Real Estate Advisors; the Pinnacle Group, a unit of Praxidium Capital; and Normandy Real Estate Partners.

These companies often make clear that raising rents is crucial to their financial goals. On its Web site, Normandy Partners states "the increased institutional appetite for New York City rent-stabilized housing transactions" and adds: "There is a near-term opportunity to increase cash flow by converting rent-stabilized apartments to market rate as tenants vacate units."

The companies say that they are not harassing tenants and that they are only trying to protect their rights by enforcing legitimate rules governing regulated apartments.

But the New York City Rent Guidelines Board says the vacancy rate on rent-regulated apartments is 5.5 percent each year. Buildings with vacancy rates far higher suggest resident harassment, tenant advocates say.

Vacancy rates have risen above 20 percent in some buildings owned by Vantage Properties; in some Normandy buildings, the rates exceed 30 percent.

If an apartment is rent regulated, yearly increases cannot exceed the amount set annually by the Guidelines Board. Most recently, it was 3 percent on a one-year renewal lease.

When an apartment becomes vacant, rents can climb as much as 20 percent. When that rent rises above \$2,000, regulations no longer apply, and tenants must pay market prices.

To generate returns expected by private equity investors and to pay off the debt used for their purchases, tenant advocates say that managers of the properties are intimidating residents in the hopes of forcing them to leave so that rents can be raised.

Rent-regulated apartments account for 37 percent of the total in the Bronx, 42 percent of the apartments in Brooklyn, 59 percent in Manhattan, 43 percent in Queens and 15 percent of those on Staten Island, the Guidelines

Board says. Many of the buildings bought by private equity investors are in neighborhoods that are being gentrified.

Vantage Properties, led by Neil L. Rubler, has paid more than \$1 billion in the last two years to buy 9,200 rent-regulated apartments in Queens and Upper Manhattan. Investing alongside Vantage in many buildings is Apollo Real Estate Partners, an investment firm founded by William Mack in partnership with Apollo Management, a private equity firm created by Leon D. Black, a former Drexel Burnham Lambert banker and acolyte of Michael R. Milken.

Last month, Mr. Black announced a plan to sell \$500 million worth of Apollo Management shares to the public. Apollo Real Estate Partners will not be part of that sale. A spokesman for Mr. Black said it was a separate company in which he had a stake but exercised no control over it.

In a group of buildings in Queens with 2,124 apartments, Vantage has filed almost a thousand cases in housing court against tenants since October 2006, according to Robert McCreanor, director of legal services at the Immigrant Tenant Advocacy Project of the Catholic Migration Office in Sunnyside.

Mr. McCreanor said he searched public records for similar actions by the previous landlord. He found no more than 350 in any year. "What's offensive about these business practices is they seek to generate above-average profits by displacing poor people and people who are vulnerable," Mr. McCreanor said.

A spokeswoman for Apollo Real Estate declined to comment on the accusations. But Mr. Rubler called them baseless. "Any exploration of the way we conduct business would reveal that

we are steadfastly determined to uphold the rights of our residents and have absolutely no interest in harassing them," he said. "They are our valued customers, and we treat them as such."

Mr. Rubler said most of his tenants have positive experiences. Claudia Williams, of Corona, Queens, was asked by Mr. Rubler to talk with a reporter. She said that Vantage was allowing her to live in her mother's apartment

even though she had not been the primary leaseholder.

Phyllis Miller, a resident of Savoy Park in upper Manhattan, said she believed that tenants who were unhappy with Vantage simply disliked change.

But Jose Ricardo Aguiza, 45, who works as a doorman in Manhattan, said he has lived in the same apartment in Woodside for 14 years and never had a problem until Vantage took over in 2006. Since July 2007, Mr. Aguiza has been sued by Vantage three times, twice for nonpayment of rent that he was able to demonstrate the company had received.

"They refused to give me a renewal contract," Mr. Aguiza said. "And in court, the lawyer from Vantage offered to give me three months' free rent for moving out." Mr. Aguiza said he turned down the offer.

On April 10, Mr. Aguiza and five other rent-stabilized tenants living in Queens sued Vantage. The plaintiffs say the company has engaged in deceptive practices that violate New York's consumer protection laws. Five more tenants are joining the suit.

Janice Williams, who works as a freelance producer in television, has lived in a Vantage building in Sunnyside since July 2005 and is a plaintiff. When she moved in, the building was owned by Nathan Katz Realty.

FRIDAY, MAY 9, 2008

In October 2006, Vantage bought the building. Ms. Williams said the property managers rejected her request for a lease renewal in April 2007. They said she was not entitled to the rent-regulated unit because her primary residence was in Greenwich, Conn. But the Sunnyside apartment has been her primary residence since September 2005. Ms. Williams said, and is on her driver's license and her voting card. She appealed to the New York State division of housing and community renewal and won.

"Our apartment building is 72 units, and a little over 20 apartments in the span of a year and a half have turned over since Vantage bought it," said Ms. Williams, who has organized tenants.

The turnover Ms. Williams cited is in keeping with a description of Vantage's strategy in a 2007 document filed with the Securities and Exchange Commission after its purchase of 455 rent-regulated apartments in Washington Heights. The filing described the company's business model as a "recapturing" strategy. Under the plan, Vantage expected in its first year to turn over 20 percent to 30 percent of the units, five times the typical vacancy rate. Vantage aimed to recapture 10 percent of the units each year afterward.

Only 5 of the 455 units were empty at the time of the filing. All but one unit was regulated, with average monthly rent of \$752, or 65 percent below market.

Once the apartments become vacant, the document said, Vantage will renovate the units and raise rents "to market levels." That will generate enough cash to service the \$70 million in debt that comes due in 2014.

Vantage's debt service is an estimated \$1,098 monthly on each unit, almost 50 percent more than the average rent. Mr. Rubler said that the description of the recapture program was "not our words," but those of the debt security's underwriter, Credit Suisse Securities. "I think they overstated significantly the focus on turnover in the business plan," he said.

When asked about legal actions taken against tenants, Mr. Rubler said all were mounted solely to protect his company's rights. "Only in instances where we need to act to protect our own rights do we ever find ourselves in any litigation with a tenant and it is never with the intention to harass them," he said.

The company is also meeting with its tenants to improve communications, he said.

Normandy Partners, with almost 2,000 rent-regulated apartments in 42 buildings in the Bronx, East Village and Sunnyside Queens, is another significant landlord backed by private equity. It is a partner with Vantage in 1,650 units in Queens, the Bronx and Brooklyn.

Mr. Dulchin said the Normandy Partners' buildings have also had high turnover — more than 30 percent — since they were purchased by the investors.

A spokesman for Normandy declined to comment.

**Tenants say they are being harassed. Building owners say it is not that simple.**

Pinnacle Group is a third big developer that has joined forces with a private equity firm, Praxidium Capital of Chicago. In December 2006, Pinnacle settled a suit brought by the New York attorney general's office accusing it of rent-gouging. Pinnacle paid \$100,000 without admitting to or denying the accusations. The company did not return a phone call seeking comment.

Responding in part to indications that harassment is systematic, Mayor Michael R. Bloomberg signed legislation in March making it illegal for a landlord to file repeated and baseless court proceedings to force a tenant to vacate an apartment.

Under previous rules, tenants could take their landlord to housing court only over the apartment's condition or for a failure to provide essential services.



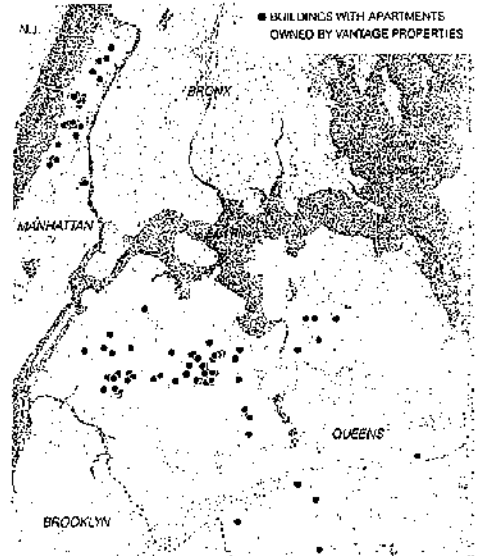
Tenants in the Washington Heights area of Manhattan during a meeting at their building.



Tenants at a rally in New York, protesting what they say is unfair pressure from landlords.

## Investors as Landlords

Private investment firms are buying up rent-regulated apartments across New York City. Tenant advocates contend that the firms are harassing low-income residents to vacate apartments so that the rent can then climb. Vantage Properties, a private-equity-backed developer, owns roughly 9,200 such apartments in the city.



Source: Association for Neighborhood and Housing Development, N.Y.C. THE NEW YORK TIMES

# As high-rises sprout, feeling down and out on Bowery

BY JOE POMPEO

The Zoning Task Force of Community Board 3 recently acted on concerns that the Bowery will be swallowed up by high-rise hotels and condominiums. But whether its input can help determine the fate of the historic Manhattan thoroughfare remains uncertain.

At a Sept. 17 meeting, the task force recommended that C.B. 3 inform the Department of City Planning that it is "alarmed" at the rapid pace of development and gentrification taking place on the Bowery. The full board was expected to vote on the motion Tuesday night Sept. 25. Yet, while the board's resolutions do influence city agencies' decisions, they are advisory only.

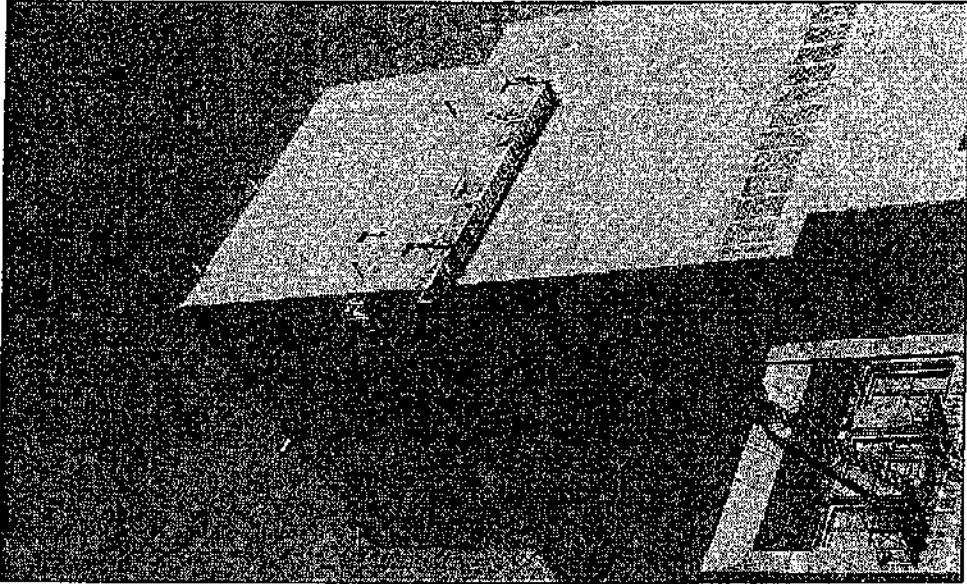
"It's not going to stop the hotels from coming," said David McWater, C.B. 3's chairperson.

In November 2006, City Planning unveiled a Lower East Side and East Village rezoning proposal that would put an 80-foot height cap on future construction in a more than 100-block area that falls just short of the Bowery. The rezoning would allow developers to build up to 12 stories on certain wide streets, such as Houston St., as long as 20 percent of their projects include affordable housing.

Residents worry that once the rezoning takes effect, developers — unable to build to their desired heights in most of the area — will flock to the Bowery, emptying out and tearing down existing buildings to make room for large hotels, or high-rise residential complexes that can fetch much higher rents. Indeed, plans for several large Bowery developments are currently underway, including a 15-story condominium near the corner of Third St.

"[My landlord] said I should get ready to leave because he's had offers on the building," said Roberta Degnore, 51, who has lived in a rent-stabilized Bowery apartment between Delancey and Spring Sts. since 1980. The task force did ask that anti-tenant-harassment provisions be included in the rezoning, but City Planning has yet to add them to the proposal, McWater said.

According to City Planning, the rezoning does not encompass the Bowery, a wider avenue that is well-served by mass



Villager photo by Elizabeth Prodis

**Workers are installing a special metal mesh cladding on the New Museum, rising on the Bowery at Prince St., which is slated to open to the public on Dec. 1.**

transit, because its "existing built character" is not consistent with the low- to medium-density form of the majority of the East Village and Lower East Side.

In light of City Planning's stance, some residents have emphasized the need to pressure the department into making its intentions for the Bowery known.

"If [the city] doesn't take action, then it is giving the Bowery to developers," said Rob Hollander, 52, of Lower East Side Residents for Responsible Development. Other community groups, like the Bowery Alliance of Neighbors, or BAN, which will hold its first public meeting on Oct. 11, are also organizing to achieve protective zoning for the Bowery.

Asked about the Bowery, a City Planning spokeswoman said the department currently is focused on beginning the formal public review process for the proposed Lower East Side and East Village rezoning, so that "the community we identified as most under threat can be preserved, and new development can bring much needed affordable housing."

The rezoning is currently undergoing an environmental impact review and the public review process is expected to begin in the spring 2008.

"Time is of the essence," the spokesperson, Jennifer Torres, said.

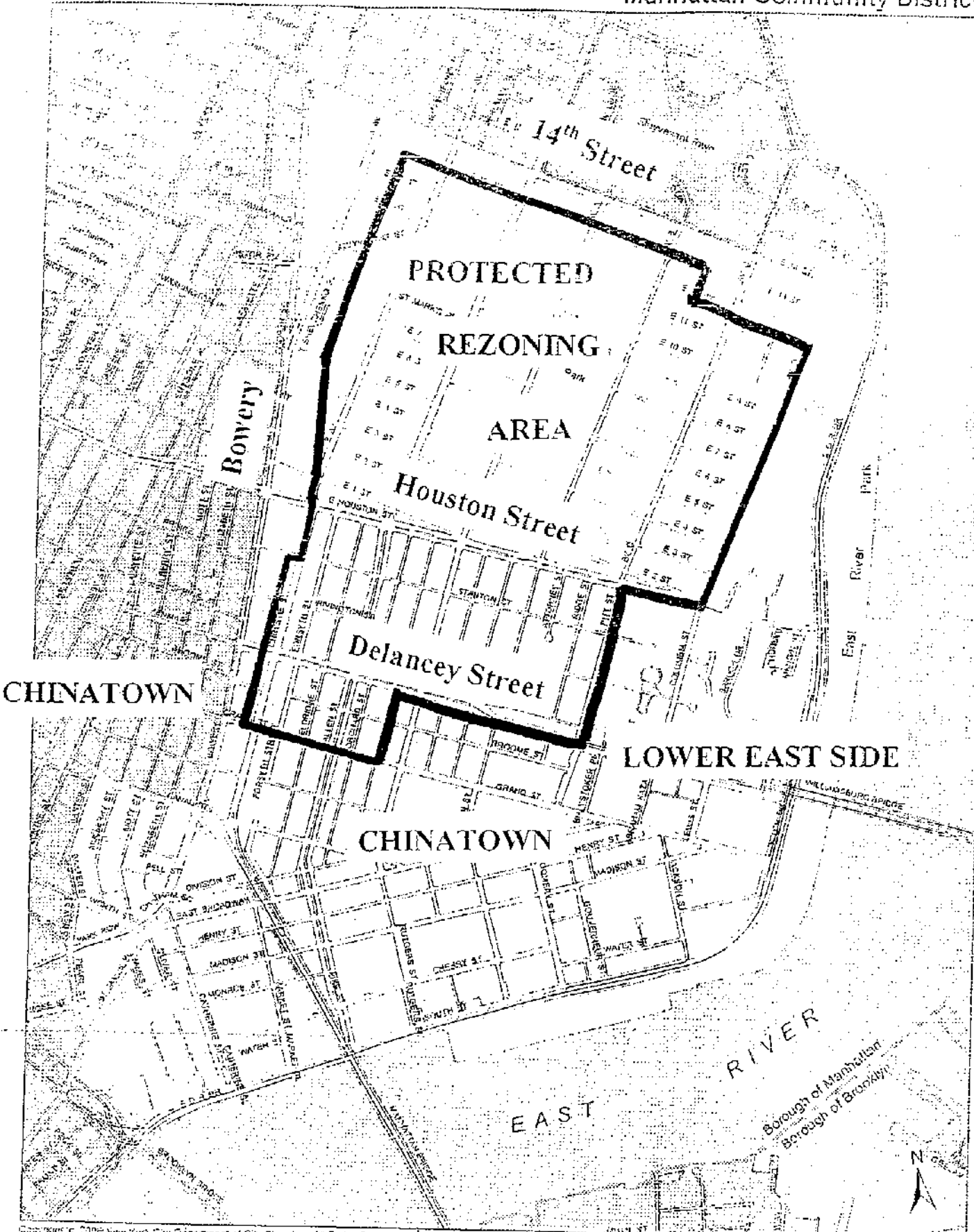
Similarly, McWater cautioned residents against pushing for an immediate Bowery rezoning since it could slow down the larger rezoning process. He said the remaining areas in the board's district that do not fall under the proposal should be approached on a smaller scale. For instance, C.B. 3 has proposed using this year's assigned planning fellow from the Manhattan Borough President's Office to work on a rezoning project for the Bowery between Third and Sixth Sts.

"It's going to take a long, long time and there are going to be a lot of frustrated people," McWater said. "We don't have time to slow down."

But for residents like Degnore, the rezoning of the entire Bowery is a matter for the present, not the future.

"The Bowery's already changing," she said. "Who's there to stop this from happening now?"





CHINATOWN

LOWER EAST SIDE

CHINATOWN

EAST RIVER

Borough of Manhattan  
Borough of Brooklyn

I am, by nature, a very private person. however, recent events in my neighborhood have impelled me to become more openly involved in the actions of various city agencies. I am a member of the Bowery Alliance of Neighbors, a grassroots organization working to preserve the historic character of the Bowery and surrounding area. We are appealing to the City Planning Commission to include The Bowery / Third Avenue corridor in plan 197c.

My husband, John, and I have lived in a loft on The Bowery for more than 36 years. We are both native New Yorkers. We have been called pioneers. In the beginning we were renters, now we are property owners and landlord partners of commercial space.

For about 25 of our years on The Bowery, the area was quiet ( after the stores closed in the evening ). A stable community of long term residents and commercial establishments, slow to change. In less than 10 years, closer to 6-7 years, the piece by piece demolition of lowscale, historic structures has snowballed to a horrific pace; replaced by high density, high rise, luxury hotels and condominiums - cutting off light, air and space - overburdening our already overtaxed infrastructure.

There is also the issue of the State Liquor Authority being overly prolific in the granting of licenses for bars, clubs, and hotels. The nightly insanity this brings already makes it virtually impossible for emergency service vehicles to pass. The Bowery has been designated an Emergency Evacuation Route. Imagine something happening on the scale of 9 / 11 !!!!

In recent history there have been mainly three specialized commercial districts on The Bowery between Houston and Canal streets:

1. restaurant supply
2. lighting
3. jewelry

All of these districts have suffered financially due in large part to real estate speculators and ensuing astronomical increases in rents.

Property owners are bending under pressure to sell. Many long time occupants -both commercial and residential are being forced out.

Some of the oldest (100 to over 200 year old, and anywhere else given historic protection) structures in Manhattan are being torn down, jeopardizing surrounding structures and replaced by buildings whose architecture does nothing to respect the urban environment in which they are being built. Where is the landmarking outrage!!! As history should teach us, a continued downturn of our already fragile economy would render these new buildings obsolete, leaving our historical roots lost forever.

Large buildings in commercial areas of the city, such as midtown, can be magnificent and they should have their place. But they should not be built in historic, culturally, and economically diverse areas such as The Lower East Side, Chinatown, and The Bowery.

It is said my property's value will increase with these changes, and I should be happy. The true value here is home and neighborhood. A thriving arts community will be decimated if The Bowery is 'hotel boulevard'. This transient state does not a community make.

thank you

michele campo

134 bowery

ny ny ny 10012

I have lived on the Bowery for 27 years, in a building that dates back to 1798. This building is among the eighteen buildings on the list of the Municipal Arts Society, in conjunction with Place Matters Save the Bowery Project.

Until recently the Bowery was a neighborhood of long-time residents and artists, merchants and shoppers. We artists would meet each morning at Moishe's, a Deli on the corner of Bowery and Grand, exchange ideas and support each others efforts. Moishe's was among the first to go---after over thirty years and three generations of family ownership and management, the rent skyrocketed. Since then, slowly, one after another, other family businesses have closed because of high rents, the result of over-development and speculation.

In the last ten years the artists, also, have been squeezed out of their studios and homes. The neighborhood of artists is mostly gone now. Only a few remain, and of these, each renter is fearful of his or her building being razed for the construction of high-rise banks, hotels, or luxury apartments. The east side of the Bowery is being especially hard-hit because there is no protective zoning on that side of the Street. Right now we still have a chance to include the east side of the Bowery in protective zoning laws.

Where have the neighborhood artists gone? Temporarily to Brooklyn, Queens, the Bronx, Staten Island. But these areas are also being affected by over-development of luxury commercial and residential buildings. Artists are being forced out of all the boroughs of New York City.

From an economic point of view alone, art, through tourism, brings money to New York City. Without artists---yes, the poor artists who have always hunkered down in their lofts to produce their work---without these artists, New York City will ultimately no longer be a center for contemporary art production and cultural creativity.

There are other areas of the city where the construction of high-rise buildings is appropriate. But the Bowery is a corridor of low-rise buildings, residential and commercial, that still reflects the historic culture and architecture of this neighborhood, and of New York City.

Bowery Resident

GERALD FORTE

The Bowery: A Preservation Plan

**Designation as a Group (Pre-1890 Buildings)**  
 These eighteen buildings have been standing on the Bowery for almost one hundred and seventy-five years, testifying the rich history associated with this area. Some have been altered but their details are still readily seen in the sloping roofs and dormer windows. It is a rarity in New York City to have such a concentration of these early structures along one street.

23a



23b



23c



23d



23e



23f



23g



23h



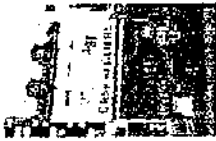
23i



23j



23k



23l



23m



23n



23o



23p



23r



23p



- 23a: 47 Madison
- 23b: 2 Oliver Street (catalogued at NYC Landmarks Commission)
- 23c: 22 Chatham Square
- 23d: 18 Bowery (designated NYC Landmark in 1966 and on National Register in 1976)
- 23e: 42-44 Bowery
- 23f: 134 Bowery
- 23g: 136 Bowery
- 23h: 136 Bowery
- 23i: 140 Bowery
- 23j: 168 Bowery
- 23k: 202 Bowery
- 23l: 208 Bowery
- 23m: 208 Bowery
- 23n: 213 Bowery
- 23o: 306 Bowery
- 23p: 308-310 Bowery (with the proposed No. 10 East Historic District)
- 23q: 57 Great Jones Street
- 23r: 36 Cooper Square

Date: August 11, 2008

To: City Planning Commission Chair Amanda Burden  
22 Reade Street  
New York, NY 10007  
[aburden@planning.nyc.gov](mailto:aburden@planning.nyc.gov)

## Re: East Village/Lower East Side Rezoning

Dear Chair Burden:

### **Resolution #1: Add the Bowery to the Rezoning Plan in order to protect its cultural diversity and economic value as the low-rise convergence point for Chinatown, Little Italy, NoHo, the East Village and the Lower East Side:**

**Introduction.** As a hard-working 20-year public high school history teacher, and 25-year resident of the Lower East Side, I have always been inspired and proud of the unique history and culture of my community. Whether teaching about sweatshops, tenements, the labor movement, or the Immigrant Experience in America, the textbooks are always filled with photographs of the neighborhood. Though there are few historical plaques, history is writ large in this neighborhood; it tells us who we are, where we came from, and how we got here.

Unfortunately, that heritage is being destroyed at a dizzying pace, most especially along the historic Bowery area, which is witnessing the helter-skelter rise of monstrously designed skyscraper dorms, condos, and luxury hotels. This is causing skyrocketing rents, gentrification of tenants and small businesses, and the demise of the Bowery's artists' housing. It's also causing a mass influx of bars and clubs that has made this the city's noisiest neighborhood. While the worst of this initially occurred on the upper Bowery, an even worse demolition stampede is developing on the lower, Chinatown section of the Bowery.

While the proposed East Village/Lower East Side Rezoning is a step in the right direction, it is seriously flawed and needs amending to include the east side of the Bowery as well as other important Lower East Side areas that are equally threatened.

**Historical, cultural, and economic importance.** Containing many of the city's oldest buildings, the Bowery is lower Manhattan's only major north/south avenue not dwarfed by skyscrapers. Convergence point of Little Italy, Chinatown, Greenwich Village, and the Lower East Side, it was a major artery for waves of immigrants.

Before there was a Broadway, the Bowery was the city's entertainment mecca. Home to Yiddish and burlesque theater in the 19<sup>th</sup> century, more recently it has been a base for music and off-Broadway theaters, such as the Bowery Poetry Club and CBGB's, the birthplace of punk.

The area has welcomed and inspired artists in many fields, including actor Edwin Booth, Impresario P.T. Barnum, writers Stephen Crane and William Burroughs, poets Diane DiPrima and Amiri Baraka, photographers Weegee and Robert Frank, artists Fernand Leger and Mark Rothko, the punk rock group The Ramones, and filmmakers Jim Jarmusch and Martin Scorsese. Decades ago, the city established the area as living and working space for artists, though much of that housing is now threatened.

Since the 1800s, The Bowery Mission and several other shelters have ministered to the welfare and rehabilitation needs of the homeless, jobless, and hungry. In the 40s, 50s, and 60s, the Bowery was renowned for gritty, colorful dives like Sammy's, which was captured in the photographs of Weegee. Today the area is an important lighting and



restaurant supply district, and the lower Bowery contains one of the most active and colorful parts of Chinatown, including a diamond district. The beautiful Liz Christy Garden (at Houston) is the Lower East Side's oldest community garden, and birthplace of the Green Guerillas. At the avenue's northernmost end sits the venerable Cooper Union, a free speech bastion and forum for speeches by Abe Lincoln, Emma Goldman and many others.

**Why protecting and preserving the Bowery is in the best interests of the city.**

Today, the Bowery is loved and attracts many visitors **because** of its historic, low-rise architecture and its unique, multi-cultural character. Allowing massively high, out-of-scale, out of character development would destroy the historical and cultural value of the area. From an economic standpoint, turning it into just another ritzy canyon of glass and steel would also completely contradict the reasons the area has become such a magnet in the first place.

**Why the Bowery's current zoning is destroying the surrounding neighborhoods.**

A year ago almost the entire Bowery was intact as a consistently low-rise avenue. As the convergence point for Little Italy, Chinatown, NoHo, the East Village, and the Lower East Side, it blended in seamlessly with its surroundings. Today, developers are having a ferocious feeding frenzy on the area and the landscape is becoming a helter-skelter clash of styles and heights as high-rise condos, luxury hotels, and dorms for rich kids begin to darken the sky and the economic futures of the small businesses and multi-cultural communities that live there.

The result is gentrification on steroids: Working and even middle class residents are being priced out. According to the *New York Times* (5/9/08), investment firms, many of them foreign-owned, are buying up the last remaining rent stabilized buildings and using guerilla warfare tactics to evict tenants at dizzying rates. Near the Bowery, at 47 East 3<sup>rd</sup> Street, a landlord is trying to mass evict an entire building in order to, so he says, build a mansion for his family; other mass evictions are accomplished through "phony demolitions." Needless to say, cases of tenant harassment are soaring, but some politicians favor weakening the few laws that protect them.

Small businesses in the area, too, are experiencing unheard-of rent increases. As more and more luxury establishments and bars move in, more and more Mom and Pop businesses are closing their doors. The Met Supermarket, for example, was recently told by its landlord, NYU, that its rent was going to be tripled! At the same time the artists' housing on the Bowery is going, the art itself is becoming endangered. The Bowerie Lane Theatre has closed its doors as has the beloved rock mecca, CBGB's.

Lastly, these high-rise luxury co-ops, hotels, and dorms are also causing an increase in the number of upscale bars and clubs. The 9th Precinct alone has over 300 bars, and CB3 registers more noise complaints than any CB in the city. Those lucky enough to survive gentrification still face a dismaying decrease in their "quality of life."

The most notorious of the luxury towers rising on the Bowery is the luxury 22-story Cooper Square Hotel. Located between 5th and 6th street, it is being built between two four story buildings dating from the mid-1800s. The neighborhood has been especially upset by the hotel's plans to open 3 floors of indoor and outdoor bars, restaurants, and clubs. Located as it is within 500 feet of 19 other bars, and across the street from the 150 senior/disabled residents of the JASA residence, many see this as the final destruction of their "quality of life."

The extreme height and disruptive nightlife plans of buildings like the Cooper Square Hotel are possible only because it is located on the Bowery's east side, which is in a Commercial Zone in which development is "as of right," meaning the usual variances, permits, and community input are not required. Equally troubling for the community is the "selling of air rights," a draconian Robert Moses era practice in which developers can exceed the height limits on one lot by buying up height allowances of other lots, often resulting in freakishly tall out-of-scale buildings.

Using "Inclusionary Zoning" laws, developers can get additional height and bulk by promising to include 20% of units for "affordable housing," a paltry sum that does little to counterbalance the scorched earth policy being wrought by the other 80% **non-affordable** housing. With zoning conditions like these, the construction of luxury high-rises and destruction of historic low-rise buildings become virtually unstoppable.

**Preserving the Bowery's low-rise historic character will enhance its value.**

In cities like Paris and Prague, one can walk for hours seduced by the history, culture, and low-rise charm. Instead of doing things piecemeal, like us, those cities have strict zoning laws that recognize the historic and economic value of preserving entire neighborhoods. Tourists go to those cities to get away from skyscrapers!

The Bowery corridor is the meeting point for the low-rise historic neighborhoods of Chinatown, Little Italy, the Lower East Side, NoHo, Greenwich Village, and the East Village. All of these neighborhoods are irreplaceable, cultural/historical treasures which need their low-rise character protected so that they flow together and preserve the historic "sense of place." Allowing tall towers to chaotically mushroom out-of-context in a helter-skelter clash of styles and heights on the Bowery makes no sense from an aesthetic or even an economic standpoint. The area is loved and visited because of its unique multi-cultural mix and historic low-rise character, qualities that high-rise overdevelopment would destroy and contradict. Imagine, for example, a Chinatown of luxury towers and franchise boutiques; emptied of its low-rise buildings and dynamic working class population, what you would have is a sterile, Disneyland version of Chinatown, and who would want to visit that?

**Including the Bowery in the Rezoning Plan is easy and practical for several reasons:**

- \*Because most of the Bowery's west side is protected by the both the Little Italy Special District and the NoHo Historic District, we are really only talking about adding the Bowery's east side to the plan. And doesn't it make sense that both sides of the Bowery should have the same building heights?
- \*Because the CB3's 197 Plan Task Force has already financed and carried out a building-by-building survey of the Bowery, much of the preliminary work is done.
- \*Because the Bowery's east side is not a huge area.
- \*Because the overwhelming majority of neighborhood residents support the Bowery's contextual preservation.
- \*Because the City Council Members Gerson, Mendez, and Avella and Borough President Stringer have all voiced strong support for the rapid protective Rezoning of the Bowery.
- \*Because Greenwich Village Society for Historic Preservation's Director Andrew Berman has long recommended that the Bowery be included in the plan. As he told the *New York Post* recently, "There are few other neighborhoods in New York City whose character is under threat as much at the moment." (6/9/08)
- \*Because in a September 25, 2007 letter to City Planning, drafted by CB3's 197 Plan Task Force and approved by the full board it was stated that:  
"CB3 supports the preservation of the contextual character of the Bowery between Canal and 6<sup>th</sup> Street."
- \*Because by preserving the Bowery's low-rise historic character, it will also help preserve the area's unique multi-cultural character that has given so much to this city and made it so beloved by residents and visitors alike.  
Including the Bowery in the rezoning plan is thus in the social, moral, and economic long term public interest of the city.

**Resolution #2: Include the Lower East Side area below Delancey in the Rezoning Plan in order to protect its historic low-rise character and unique cultural diversity!**

Though this testimony has focused on the Rezoning Plan primarily in relation to the excluded Bowery, our experience as the most aggressively overdeveloped area affords us insight into -- and sympathy for -- the very large excluded area below Delancey Street, much of it in Chinatown. The most troubling issue there is the fact that while its mostly lower income Asians and Latinos comprise over 60% of the CB3's population, their numbers comprise only a small percentage of those in the rezoning plan. This disproportionate representation in the plan, and lack of public notification about it, has understandably given rise to charges of racism and class discrimination, and needlessly pits one part of the community against another.

There is a growing fear that the plan will create two separate and unequal regions: one protected and one increasingly vulnerable to the wrecking ball and mass gentrification. While some officials have called such fears alarmist, those fears become very real and credible if one looks at the aforementioned developer stampede happening on the Bowery.

Particularly embarrassing for the Rezoning Plan was the news on May 21 that the National Trust for Historic Preservation had named a large Lower East Side area one of the "11 Most Endangered Historic Places". Significantly, half of the NTHP's celebrated area was excluded from the CB3 Rezoning Plan! Such extreme disjunction between areas valorized by the Rezoning Plan and the NTHP should indicate to city officials that much larger areas, if not all of the Lower East Side, should be added to the Rezoning Plan.

City officials should also remember that while Jewish and other Lower East Side ethnic communities have largely vanished, Chinatown remains the immigrant Lower East Side's last fully intact living and working ethnic community. While we can talk about preserving precious historic buildings, should not preserving a unique culture be even more important? This unique culture is not an artifact that can be Disneylanded into some ritzy zone of chain stores and luxury towers.

**Save the Bowery! Save the Lower East Side!**

Respectfully submitted,

David Mulkins,  
Bowery Alliance of Neighbors (Co-founder)  
East 5<sup>th</sup> Street Block Association (Member)  
239 East 5<sup>th</sup> St., #2B  
NY, NY 10003  
[mulbd@yahoo.com](mailto:mulbd@yahoo.com)

C/O Sawaryn  
126 St. Marks Place - 5  
New York, NY 10009  
saveeastvillage@hotmail.com



# Coalition To Save The East Village

## Participating Organizations

9/12/02

East 6th & 7th Block  
Association  
Saint Marks Pl. (A - 1st)  
Block Association  
Saint Marks Pl. (1st-2nd)  
Block Association  
Saint Marks Pl. (2nd - 3rd)  
Block Association  
East 5th Street Block  
Association  
6th Street (A-1st) Block  
Association  
8th Street Coalition  
New 600 B-C East 9th Block  
& Neighborhood Association  
9th Street (A-1st)  
Block Association  
Shevchenko Preservation  
Committee  
12th Street Block Association  
East 6th Street Block  
Association  
East 11th Street Block  
Association  
10th & Suyvesant Streets  
Block Association  
NoHo Zoning Task Force  
Second Ave. Merchants  
Association (SAMA)  
Ludlow Street Block  
Association  
Third Ave. Tenants, Artists &  
Business Association  
Union Square South  
Community Advisory  
Board Inc.  
Union Square  
Community Coalition  
Stewart House  
East 9th Street  
Apartment Corp.  
111 East 10th Street Inc.  
Cooper Square Community  
Development Committee  
Good Old Lower East Side  
Westbeth Preservation  
Committee  
127, 129 Second Ave. and 36  
St. Marks Pl. Tenants Assoc.  
New York Art World

City Planning Commission  
22 Reade Street - Room 2E  
New York, NY 10007

RE: East Village/Lower East Side Rezoning

Dear Chair Burden, Commissioners:

We had submitting an alternate plan to be included in the DEIS. This plan was drafted with zoning consultant Doris Deither, however, it was not considered. The principals behind our plan are as follows:

**1. Preserve the character of the East Village/ Lower East Side.**

The East Village / Lower East Side has a rich diverse history which should be respected and preserved. This community has been home to many immigrants including: Jewish, German, Italian, Ukrainian, Polish Irish, Chinese, and Puerto Rican. This diverse culture is an important part of not only this community's history but of the history of the City of New York.

**2. Do not upzone this community.**

The low-rise, affordable character of the East Village/ Lower East Side will be destroyed if this area is upzoned. This area is already becoming gentrified with a growing number of banks and chain stores. Upzoning will encourage more luxury housing and more upscale commercial establishments, displacing moderate- and low-income residents and commercial establishments.

**3. No inclusionary zoning.**

The inclusionary zoning program requires an upzoning of the area. Inclusionary zoning does not work to protect the current residents when an area is upzoned. Furthermore, this type of zoning encourages the displacement of current residents and commercial establishments. The "new affordable housing" created is not affordable to the displaced

residents. In addition, displaced residents are not guaranteed a new affordable unit. Also, the total number of affordable units provided through IZ does not accommodate the needs of the community.

**4. Include the Bowery in this rezoning.**

The rich history of the Bowery would be systematically eradicated by unprecedented development. The low-rise character of the Bowery would be replaced by high-rise dormitories, boutique hotels and luxury buildings, which would be out of scale with the rest of the residential community, including the historic NOHO District. In addition to preservation issues, this development would have a horrendous effect on the "quality of life" for community residents—more noise, traffic, sidewalk and street congestion, air pollution, bars, clubs, etc. What was a commercial "daytime" shopping strip would quickly turn into a raucous nightlife district. Most of the development would be "as of right," meaning that it would not require a special permit or variance. Developers would simply take advantage of existing zoning bonuses and the transfer of air rights; therefore, environmental studies would not be required.

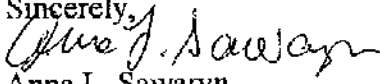
We had proposed R8-B zoning for Bowery originally, however, the Little Italy Special District could be extended to the east side of the Bowery. This would ensure contextual development on the Bowery.

**5. Rezone the area south of Houston from commercial to residential.**

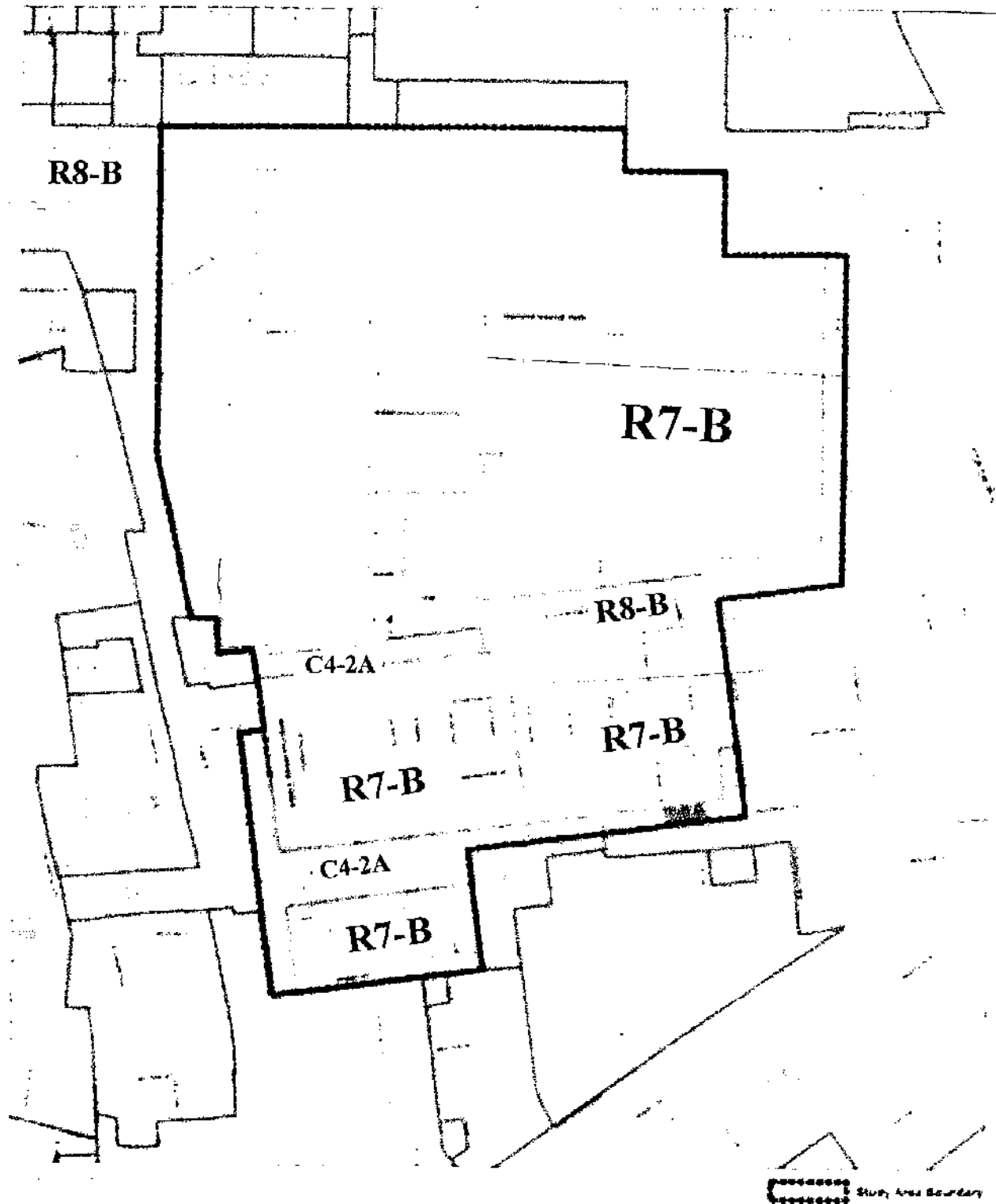
This area, which is primarily residential, has been inundated with bars and clubs. The commercial character of this community has been changed from a daytime shopping area to a nightlife district. What was once a vibrant commercial district has virtually disappeared. Adding more commercial establishments to this area would further erode the character of this community.

The proposed zoning text change in essence creates a commercial overlay over the entire East Village community. This has always been a residential community, adding more commercial space will further erode the residential character of this community, and have a horrendous effect on the residents "quality of life". We therefore ask that this text change be deleted from the application.

We respectfully request that you consider our plan and the principles that were used to develop this plan.

Sincerely,  
  
Anna L. Sawaryn  
Chair

# Coalition To Save The East Village Rezoning



**DRAFT**

**East Village/Lower East Side Rezoning Proposed Zoning**

DEPARTMENT OF CITY PLANNING NEW YORK CITY MANHATTAN OFFICE

# **Bowery Alliance of Neighbors**

184 Bowery - 4

New York, New York 10012

BAN62007@gmail.com

212-358-9615

City Planning Commission  
22 Reade Street - Room 2E  
New York, New York 10007

RE: East Village / Lower East Side Rezoning

Dear Chair Burden, Commissioners,

My name is Anna Sawaryn and I am here today to speak on behalf of the Bowery Alliance of Neighbors. The Bowery Alliance of Neighbors respectfully request that:

1. The Bowery be included in the current 197C Plan.
2. The Little Italy Special District zoning be extended to the east side of the Bowery, to ensure contextual zoning.
3. The zoning text change, which in essence creates a commercial overlay over the entire East Village should be deleted from this application.

In addition , we request that :

1. Immediate legislation be drafted to ensure that "as of right" development does not continue, without developers drafting Environmental Impact Statements.
2. The Department of City Planning perform an Environmental Impact Study and take measures to mitigate the negative impact already experienced by our community due to all the excessive development on the Bowery.

The Bowery has undergone tremendous change in the last few years. We have watched the Bowery transform from a restaurant and lighting supply district to a boutique hotel row. We recognized that the Bowery's rich history is being systematically eradicated, by unprecedented development.

With its neighboring Chinatown, Little Italy and the Lower East Side immigrant communities, this is one of the most culturally and historically diverse regions of the City. The Bowery remains one of the last true north/south running streets in New York City, and is an emergency evacuation route.

The low-rise character of the Bowery is being replaced by high-rise dormitorics, boutique hotels and luxury buildings, which are out-of-scale and context, with the rest of the residential community, including the historic NOHO District, and Little Italy.

In addition to preservation issues, this development has already had a horrendous effect on the "quality of life" for community residents - more noise, traffic, sidewalk and street congestion, air pollution, bars, clubs, etc. We are alarmed by the large number of transient people that are coming into the neighborhood - people who do not have a sense of community. What was a commercial "daytime" shopping strip is quickly turning into a raucous nightlife district.

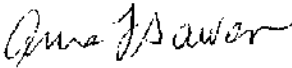
Most of the development is "as-of-right", meaning that it does not require a special permit or variance, and does not need to go through a ULURP. Developers are taking advantage of existing zoning bonuses and the transfer of air rights. Environmental studies are not required, and developers do not have to mitigate the negative impact of the new buildings on our community.

We are community residents, small businesses, mom-and-pop shops, and property owners, who have contributed to our neighborhood. We have lived and worked here for many years. You will hear from residents who live in fear of being displaced, afraid of losing their homes, shopkeepers who are in jeopardy of losing their businesses. You will hear about the rich colorful history of the Bowery that is quickly being erased.

Chair Burden, you stated it best in the August 8, 2008 Daily News article "Once you lose a building, you lose character and history".

We respectfully request you include the Bowery in this application.

Sincerely,



Anna L. Sawaryn  
Chair





# The Villager

Named best weekly newspaper  
in New York State in 2001, 2004 and 2005  
by New York Press Association

December 19 - 25, 2007

## LETTERS TO THE EDITOR

### What about the Bowery?

To The Editor:

The Department of City Planning has removed the Bowery from the Lower East Side rezoning plan, exposing the Bowery to out-of-scale hotel development. If the current Lower East Side rezoning is approved, prohibiting large-scale development to the east of the Bowery, the pressure to develop hotels on the Bowery will be irresistible. Such upscale development extending south to Canal St. will also transform Chinatown beyond recognition.

New York is losing its ethnic, historic neighborhoods to overdevelopment and gentrification. Chinatown and the Bowery are still lined with many of New York's unique and historically significant structures. The area is thriving, busy, socially and economically successful, full of lively, commercial and residential street life and commercial activity that serves local, low-income residents among human-scale, mixed-use structures.

Chain stores and commercial and residential displacement follow upscale development. Landlord harassment, already on the rise on the Lower East Side and in the East Village, will spread throughout the rest of Community Board 3. Local businesses and residents will be driven out. Upscale nightlife will replace ethnic cateries. Chinatown's unique character will be lost.

Is this City Planning's intent for the Bowery and Chinatown? If this is the city's plan, then all New Yorkers deserve to know it. Will our local elected officials — Borough President Scott Stringer, State Senator Martin Connor, State Assembly Speaker Sheldon Silver, Assemblymembers Deborah Glick and Brian Kavanagh and City Councilmembers Alan Gerson and Rosie Mendez — ask the Bloomberg administration and City Planning to announce publicly their plans for the Bowery and Chinatown? Will they ask City Planning and the mayor if the city intends the Bowery to be lined with out-of-scale hotels? If this is not the city's desire, will they then ask

what immediate action will the city take to avert hotel development along the Bowery? Will they ask if City Planning will include the Bowery in the current L.E.S./E.V. rezoning to save the Bowery from destruction?

The people of this city urgently need to know if their government intends to rob them of their history, of their ethnic variety, of their favorite neighborhoods and of the character and beauty of their city, to replace these with revenue-generating, glass-and-steel anonymity, banks, Duane Reades and chain stores, devoid of community, of street life, of human interaction, of stability, of community commitment, of any character that could be called New York.

*Alice Abell, Alyssa Adams, Courtney Lee Adams, Deanna Anderson, Philip VanAver, James Battaglia, Martin Brown, Gwendolyn Bucci, Brent Buell, Keeffe Butler, Ed Cahill, Elizabeth Capelle, Barbara Caporale, Esther Chambers, John Chin, Janice Cline, Carol Conway, Elin Crane, Eve Cusson, Martha Danziger, James Dougherty, Wendy Davidson, Philip DePaolo, Lou Dembrow (LES Girls Club), Ken Diamondstone, Udo Drescher, Susannah Driver, Nancy English, Eric Ferrara, Zeke Finkelstein, Martha Fishkin, Joannee Freedom, Eden Fromberg, Meghan Gille, Cristabel Gough, Frances Goldin, Gail Goldsmith, Mark Hatalak, James V. Hatch, Luke Henry, Rob Hollander, Eric Hurliman, Joseph Iberti, Elissa Iberti, Rafael A. Jaquez, Sarah Johnson, Zella Jones, Virginia Kaycoff, Weiwen Ke, Susan Ko, Bill Koehnlein, Diana, Ronald Latigano, Marilyn Leong, Linda Levit, Adriana Lopez, Iris Lopez, Jennifer Lynch, Don MacPherson, William Manfredi, Michael Mauriel, Marilyn McCull, John McDermott, Jane McNichol, Matt Metzgar, Louise Millmann, Rebecca Moore, Maria Muentes, David Mulkins, Cate Nailor, MaryBeth O'Hara, Michele O'Neal, Bob Ortiz, Tom Ostoyich, Gilda Pervin, Kenny Petricig, Daniel Peckham, Anthony Piantieri, Marie-Claire Picher, Mor Pipman, Don Pollock, Kathryn Posin, Gayle Raskin, Quinn Raymond, Ephraim Rosenbaum, Felice Rosser, Elizabeth Ruf, Elissa Sampson, Anna Sawaryn, Marion Schacter, John Schmerling, Roberto Serrini, Montie Schapiro, Joelle Shefts, David Sheldon, Jean Standish, Bonnie Sue Stein, Dr. Harlan and Rima Strauss, Dean Clarke Taylor, Ed Torres, Michelle Vergara, George Wachtel, K. Webster, Max Weissberg, Sue Williams, Katharine B. Wolpe and Sally Young*

*E-mail letters, not longer than 250 words in length, to news@thevillager.com or fax to 212-229-2790 or mail to The Villager, Letters to the Editor, 145 Sixth Ave., ground floor, NY, NY 10013. Please include phone number for confirmation purposes. The Villager reserves the right to edit letters for space, grammar, clarity and libel.*

# Developers are the real Bowery bums, says new group

April 2 - 8, 2008

**CORRECTIONS:** ... In last week's article on a new ad hoc group formed to address overdevelopment of the Bowery, the group was misidentified as Bowery Association Network. The correct name is Bowery Alliance of Neighbors.

the big picture, how quickly it's going on and the impact this is having on the community.

The Bowery is both a neighborhood and a street. The street runs from the East Village and Cooper Square in the north to Chatham Square and Chinatown in the south. On either side of the Bowery are Little Italy and the Lower East Side.

"Some of the oldest buildings in the city are on the Bowery," noted Mulkins. "Before there was a Broadway, the Bowery was the entertainment mecca of the city. Many famous writers, photographers and filmmakers have lived in and taken inspiration from the area. There is a lot of tenant harassment going on, and the massive influx of bars and clubs has dramatically reduced the quality of life in our neighborhoods, in our community."

BAN members are extremely concerned about the lack of landmarking along the Bowery. The group hopes to hold discussions with local councilmembers about development's impact on the neighborhood's quality of life, affecting issues ranging from noise violations and gentrification to changing the overall dynamic of the Bowery. Much of the development is as of right, meaning no special permits or input from the community are needed.

"City planning should really do some planning and take responsibility for the as-of-right zoning," said Sawaryn. "There are no studies being done, nothing mitigating the negative impact on the community. People are being forced out of their homes. People are afraid."

**BY REBECCA HARSHBARGER**

"Peck Moss Group." "Brack Capital." "For Sale." These are some of the signs — and new neighbors — that have been popping up along the Bowery, dismaying local residents, as a new boutique hotel district is burgeoning in a neighborhood rich with history. While college students and tourists flock to the Bowery's new nightlife attractions, including recently opened bars, such changes are loathed by longtime residents.

"The logic of building these high-rise developments along the historic Bowery is disingenuous," said David Mulkins, a high school teacher and Bowery-area resident. "This has become an attractive area because of its low-rise, historic character, its thriving arts community and cultural mix," he said. "All of this is being rapidly destroyed by these high-rise towers. It's a very sad moment for the history and culture of this city."

The rate of development has been accelerating in recent years, according to the new ad-hoc Bowery Association Network, or BAN. Some of the major developments include the Bowery Hotel at 335 Bowery — whose rooms start at more than \$400 a night — the new AvalonBay buildings centered around Houston St., and the New Museum at 235 Bowery. Up to seven new hotels are being developed on the Bowery very close to its southern Chinatown borders.

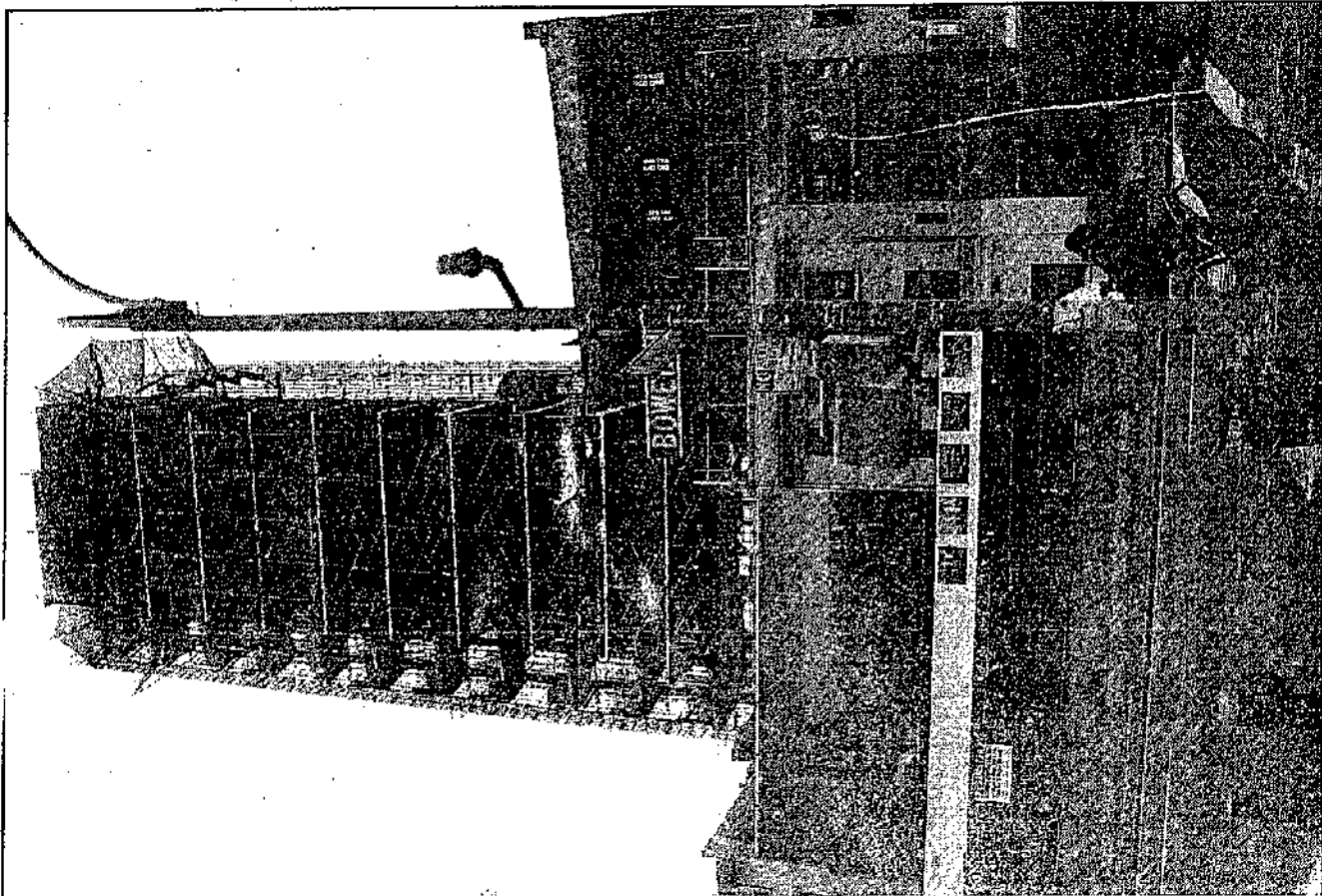
"Obviously, the hotels are for tourists and not for residents," said Esther Wang, from the Committee Against Anti-Asian Violence, or CAAAV.

Many of the city's Asian-American residents have been concerned about the impact that the Bowery's gentrification will have on Chinatown, into which the boulevard extends.

"A lot of our tenants who have lived in Chinatown for decades are, unfortunately, going to be priced out of their homes," Wang said. "Clearly, the effect is going to be extremely negative on the tenants of Chinatown, many of whom are low-income and have lived in the same neighborhood for decades."

Last year, BAN members first met to trace the course of development and gentrification in the neighborhood. The new group is focused on building strategies to resist development on the Bowery that the group feels is largely negative.

"We need people to understand what's going on," said Anna Sawaryn, one of the group's founders. "People don't really see



Villager photo by Siloshanira Bellenecourt

A new tower is being built on the Bowery at E. Third St.

March 26 - April 1, 2008

## The Villager

Named best weekly newspaper in New York State in 2001, 2004 and 2005 by New York Press Association

# We're losing our character to condos & mega developments

FOR 20 YEARS I have followed two neighbors, Robert, my locksmith, and Boris, my shoe repair guy, from place to place as they struggle to remain on the lower East Side.

The last time I took my boots to Boris, the gates were down and the store was gone. Robert recently set up shop on Rivington St., but he looks sadder every time I see him as he contemplates an imminent — and impossible — doubling of his rent.

Robert and Boris are, for me, the tragic faces of a new New York — a city that, neighborhood by neighborhood, is being washed over by a bland sea of chain stores, luxury condos, restaurants, bars and upscale boutiques.

I see a city that's losing its texture, its character, its grit. Yes, New York City is still the greatest city in the world. But it is no longer the most exciting and surely, it now ranks as the most heartbreaking.

In 1984 I walked a New York of faded, unique neighborhoods — Hell's Kitchen, Harlem, Loisaida, Alphabet City. It wasn't always pretty and you had to watch your step, but the mix of cultures, the music and language in the red-brick tenements and grand brownstones communicated a rich history.

The Little Italy of wiseguys and grandmothers with babies, sitting outside butchers and barbers, has given way to slick restaurants and "Sopranos" souvenir shops.

The lower East Side and East Village, once full of Jewish haters and falcons, Polish bakeries and Ukrainian diners, have been crammed with boutique hotels, expensive bars and destination restaurants named for the places they've displaced: Barrio, Mission, Tenement. Rents are astronomical.

The famed shopping district of Orchard St. exists now only on historic signposts.

Harlem, the beating heart of black history, was once rich with churches and mosques, soul food and fried fish, hip hop and James Brown. Now the black vendors are losing their leases and black residents their homes as condos go up and real estate speculation steps in.

The Meatpacking District and the Fulton Fish Market, prodded by shopping malls and luxury furriers, have become a luxury shopping destination and a seaport theme park. The Bronx

BY MAGGIE WRIGLEY  
SPECIAL TO THE NEWS

Terminal Market, wholesaler of ethnic foods — gone. Manufacturer in the city — endangered.

Some call it simple gentrification — but what we're witnessing is much more profound. In the city I remember, people found each other. The punks had CBGB and St. Marks Place. Christopher St. and the West Side piers were fiercely gay. Storefront clubs lit up abandoned downtown with art, music and dancing. Squatters renovated abandoned buildings — teaching each other skills, recycling materials, raising families. Community gardens bloomed on empty lots.

Real estate is king in the new New York. Too many immigrants can't afford to come in. Too many longtime residents are driven out. We are losing our sky to a hideous skyline and our streets to a generic wash of prefab apartments, banks and storefronts.

As Manhattan is squeezed, so suffer the outer boroughs.

The Italians and Poles of Williamsburg and Greenpoint, Brooklyn, are dislocated by hipsters whose creative lives are emphatically commercial. Every possible place is built on, or up. The Atlantic Yards project in Brooklyn promises the same on an massive scale.

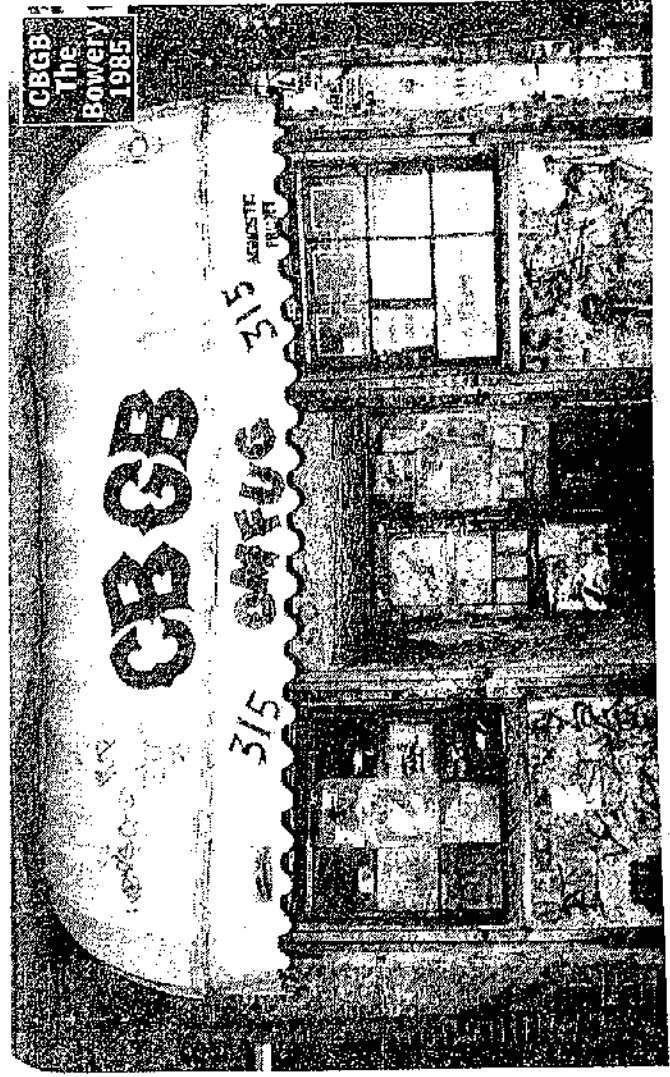
Rents in Queens and Brooklyn are skyrocketing. Coney Island — which I suppose was too real — is poised for annihilation.

In just the last decade, I have seen New York morph into a wealthy, homogenized, tourist-friendly town. This place that birthed the Beats and Bo-bop, Harlem and hip hop, that defined the gorgeous melting pot — has become the billonaires' city. Its new mantra seems to be: Pay to stay.

We've lost our shopkeepers, barbers, cobblers, diners, record stores, our butchers and bakers. We've lost the vibrant mix that made the city unique, the spontaneity that gave New York its edge.

Have we even lost our soul? Maggie Wrigley, a writer and photographer, is a contributor to the book *The Suburbanization of New York: Is the World's Greatest City Becoming Just Another Town?*

# City neighborhoods being destroyed



# Bowery Residents Band To Fight Upscaling of Erstwhile Sin Alley

By **ELIOT BROWN**  
*Special to the Sun*

As new hotels and condos sprout up along the Bowery, forcing out the Lower East Side corridor's legendary raffishness and squalor, community residents are pushing back against builders by seeking restrictions on new development.

With a community forum on the issue scheduled for Thursday, residents peeved by the rapid transformation of the Bowery are urging a possible rezoning that would limit building heights and density. Such restrictions would require approval from the Bloomberg administration and the City Council, and would likely draw the ire of developers and landowners.

Community Board 3 in Manhattan passed a resolution calling for a zoning change, and residents are seeking out funding for their effort, which could cost tens of thousands of dollars, according to the executive director of the Greenwich Village Society for Historic Preservation, Andrew Berman. "The Bowery is being so dramatically and so inappropriately transformed that we've got to try,"

Mr. Berman said.

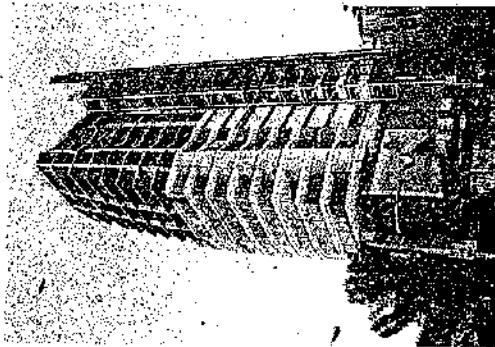
The Bowery, a wide avenue that runs between Chinatown and Cooper Square, was for years a skid row, characterized by the drunks and the homeless who congregated along a street lined with restaurant supply and lighting wholesalers, bars, and flophouses.

The booming real estate market of the past few years has brought a sweeping change to the area, as developers have put up new hotels, apartments, and rooftop additions, helping the street's shady reputation to melt away.

While residents welcome the loss of skid row atmosphere, many are criticizing the height and scale of the new buildings, pointing to developments such as the 23-story Cooper Square Hotel at Fifth Street and the nearby 16-story Bowery Hotel as glaring examples of out-of-character upscaling.

Given the existing zoning regulations, developments such as hotels and dormitories may be built at greater densities than apartments, a bounty for specific building types that residents say they would like to see discontinued.

While a downzoning of the Bowery is still far from a reality, real estate professionals say height and density restrictions would slow the progress of the street, driving away potential builders. "It would probably be very ill



KONRAD FIEDLER

**DOWNTOWN DEVELOPMENT**  
New buildings along Bowery, such as the Cooper Square Hotel, above, are angering neighborhood residents.

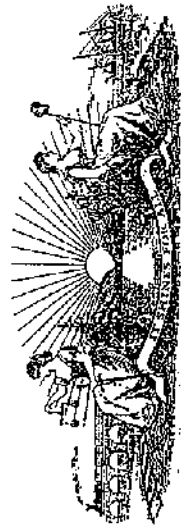
considered to crimp the development process, because it's had a highly positive economic impact," the chief executive of real estate services firm GVA Williams, Robert Freedman, said. "You're establishing critical mass, and you can literally legislate it all away."

But opponents of the developments claim new zoning restrictions would still allow for development, but at a scale within the context of the existing low-rise neighborhood.

"We need to get something that enhances and fits in with the history," a resident leading the push for the rezoning, David Mulkins, said.

While specifics have not yet been hashed out, Mr. Mulkins said he would like to see a Bowery rezoning stretch from Canal Street to Fifth Street, and continue up Third and Fourth Avenues to Ninth Street.

Any change would likely have to be initiated by the community, as the city did not include the Bowery in its proposed rezoning of the Lower East Side, which is currently in the early stages of public review.



CITY PLANNING COMMISSION HEARING  
EAST VILLAGE/LOWER EAST SIDE REZONING PLAN – 8/13/08

Jean Standish

TESTIMONY

My name is Jean Standish; and I have been a resident in the East Village for over thirty years. I am also a member of the Coalition to Save the East Village and the Bower Alliance of Neighbors.

One of the major problems with the East Village/Lower East Side Rezoning Plan is the Department of City Planning's exclusion of the 3rd Avenue/Bowery corridor, and parts of Chinatown and of the Lower East Side from the Plan. Because these districts are totally unprotected from real estate overdevelopment, it is having a disastrous effect on these communities. These areas are being decimated by upscale hotels and luxury high-rise buildings. In fact, on May 20, 2008, the National Trust for Historic Preservation designated the Lower East Side as one of the 11 most endangered places in America. The Trust stated, "The Community, with little recourse for protection, is reeling from the recent destruction of its cultural heritage, including defacing several historic structures and the loss of First Roumanian Synagogue. Slapdash and haphazard renovations have led to the destruction of architectural detail, while modern additions to historic buildings sharply contrast with the neighborhood's scale and character." The Bowery is suffering from similar devastation. The loss of this heritage is a tragedy, and worse, nothing is being done to mitigate this destruction.

Several issues have been overlooked in the 197c Zoning Plan. These were the recommendations made at the Scoping Hearing on June 25, 2007. The purpose of the Scoping Hearing was to address the concerns about the Plan. The Coalition to Save the East Village submitted public scoping testimony registering these concerns and, in particular, stated that the Bowery should be included in this rezoning plan as an alternative proposal. If this district is not protected, its distinctive low-rise, historic character will be irrevocably lost. Historic buildings, not landmarked, are already being demolished along with other 19<sup>th</sup> and early 20<sup>th</sup> century structures. The Bowery should be included in the East Village/Lower East Side Rezoning Plan. The zoning on the east side of the Bowery should reflect that on the west side, which is the Little Italy Special District.

Another scoping testimony given by community preservationist, Cristabel Gough gave additional reasons for consideration of the Bowery to be included the 197c Plan. Part of the zoning process is to study the effect that the 197c Zoning Plan will have on the periphery of the rezoned area and the effect it will have on historic structures and districts. The following are quotes from her testimony:

*"The Draft Scope (Task 7, Historic Resources, page 24) states: 'Impacts on historic resources are considered on the affected sites and in a 400-foot radius area surrounding the identified development sites.' If this means that the entire area proposed for re-zoning will not be fully surveyed, it is inappropriate methodology for assessing the impact of a zoning change on historic resources, and particularly so since the area to be rezoned includes and is adjacent to numerous historic districts and individual landmarks, as well as potentially eligible structures."*

*"The CFQR Manual (Section 312, page 3F-7) identifies several circumstances which dictate a larger study area: 'Actions that affect historic districts,' 'Actions that result in changes over a larger area (e.g. an area re-zoning)' and 'Actions that result in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away.' The Bowery, one of our oldest thoroughfares, lies within 400 feet of the western edge of the area rezoned. There are many individual landmarks and historic districts along the Bowery, whose context will certainly be affected by the wave of new construction anticipated under this rezoning."*

(Cont'd.)

*“The future of the Bowery is of intense concern to area residents, and the decision not to include it in a rezoning which purports to preserve area character is hard to understand. There is a public demand for an explanation, restating and reviewing the criteria used for determining the boundaries of the area to be rezoned. Including the Bowery in the area to be rezoned should be considered as an alternative.”*

As a consequence of the rampant out-of-scale development on the Bowery, this district is losing its distinctive character and giving way to gentrification and secondary displacement. It is of great concern that none of the alternatives in regard to the Bowery, outlined in the above-mentioned scoping testimonies, were included in the scope of the Environmental Impact Statement. As a result of these exclusions, the East Village and Lower East Side will also be negatively impacted, regardless of the proposed contextual zoning, by a wall of out-of-scale development on the periphery of these communities. The Bowery and the other unprotected districts deserve to be saved from certain destruction. This is our heritage and it must be cherished.

Jean Standish  
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jestandish@hotmail.com

## 35 COOPER SQUARE

I have been researching 35 Cooper Square, a pre-1830's Federal House since 2006. I live around the corner from this house, and I've always loved it, as well as other Federal Houses, that are quickly disappearing in Manhattan. This one is now owned by developers, who are in the process of building the 23 story Cooper Square Hotel, that is bookend by two historic buildings 27 Cooper Square and 35 Cooper Square. 35 Cooper Square is now in danger of being demolished, and this statement I have of the house is urgent.

The first recorded ownership of this building, from tax records, is Nicholas William Stuyvesant, great grandson of Peter Stuyvesant, in 1826/27. The house had an address, 391 Bowery, but it was not listed as a number address in the City Directories till around 1830. Prior to this, this house had no address-it was listed as a location: Bowery near Vauxhall (garden), or Bowery 2 mile stone (probably around the Peter Cooper Sculpture), and a Name of the occupant was listed with the location.

In the 1800's many people lived in this house, and it seemed to have always been a dwelling place with a commercial development on the ground floor.

Here are a few examples of people that lived or worked in this house in the 1800's:

William Disbrow, Sexton and Undertaker, with horses and carriages to let.

James Sweeny, a teacher.

Henry Marshall, owner of a Porter House, later called a Saloon. An attic that had been sealed, and was opened in the 1940's had Civil War Newspapers, a stove-pipe hat, a noose, and a sign that said "5 cent Hot Whiskey", which still exists.

In around 1900, the house operated as a Hotel, and a Saloon, and the address changed to 35 Cooper Square.

After WWII, the house's occupants were Artists, as much of the Bowery became a haven for Artists seeking work space and housing:

J. Forrest Vey and Marguerite Vey put the plumbing in the house, and were artists/photographers. J. Vey has paintings in the collection of The Whitney. Upstairs rooms were rented to the actor, Joel Grey, and to the writer, Claude Brown.

A Flatware store was on the ground floor.

In the 1960's, the house was occupied by Beat Poet, Diane DiPrima, her husband, actor, Alan Marlowe. Billy Name, Andy Warhol's assistant and photographer, also lived there. Many now famous artists visited them there, and Diane, along with LeRoi Jones (Amiri Baraka), ran the Floating Bear Press, one of the most famous early poet's press, from 35 Cooper Square.



In the 1970's Stanley Sobossek, an Artist, lived there and ran a Bar, that was more like a Salon, and artists and musicians were featured there.

These are only findings from one house. Its history stands for what was happening all over Bowery at one time, and to this day, some still is happening, but over-development is threatening not only the historical character of its buildings, but a whole cultural community as well.

## CHRONOLOGY OF 35 COOPER SQUARE

The original address of this house is 391 Bowery. It first appeared as an address in Longworth's City Directory in 1833. Before that the addresses on the east side of Bowery (the west side had house numbers in the '20's) were listed as a location. First it was Bowery 2 mile stone-which is approximately at the foot of the triangle at Cooper Union's park. The Bowery was around 2 miles long at this point. Next, in the 1820's, the addresses became Bowery near Vauxhall, or opposite Vauxhall, referring to Vauxhall Garden that was located between Lafayette Place, now Lafayette Street and the west side of Bowery north of East 4<sup>th</sup> Street.

According to tax records, the first available in 1826 and 1827, show that Nicholas William Stuyvesant, great-grandson of Peter Stuyvesant, owned the lot and a house with the address listed as 391. A man named John Wood, was listed in 1825 in the city directory as living on Bowery near Vauxhall. His name reappears in 1834/35 as Maria Wood, widow of John, with the address as 391 Bowery. In 1833, a man named Joseph Snider had a fruit store. It seems to have been both a store and a dwelling. Nicholas William Stuyvesant died in 1833, and the new owner.....Sutter? (very difficult to read), was listed as owning the lot and house, with the name(readable) William Disbrow also listed. In 1836/37 William Disbrow, sexton and undertaker was listed In the City Directory as having lived there-he also had carriages and horses to let across the street at 386 Bowery. In 1838, a teacher by the name of James Sweeney, moved in and continued to live there till 1850.

In 2006 I obtained building plans from the City Archives, which are included with this:

One lists the owner as C. H. Burghart in 1875, John Werfelman was the owner in 1879, and still owned the building in 1895, There is another owner (later) listed as Parick Pearnin or Pearsin, and in 1900, showed that the building would operate as a hotel. Prior to that the applications showed ground floor "Lager Bar Saloon", a dwelling and a business, and a one family.

The next information I was able to get which shows great historical importance due to the fact that the house was occupied by many artists of the 20<sup>th</sup> Century, artists that helped to make the East Village, the East Village:

Peter Vey lives on E. 7th Street above the Surma Bookstore. His father, J. Forrest Vey, was an Art student at Cooper Union in the 40's and rented 35 Cooper Square, at that time a dilapidated house. He used almost all his GI Bill money to fix the place. He put in the plumbing, but the heat was from a stove. He later rented the two upstairs dormer rooms for \$5.00 per week each to artists of one kind or the other:

- -Joel Grey, the actor from the movie "Cabaret" with Liza Minelli, and recently in the revival of "Cabaret", on Broadway.

-Claude Brown- who wrote "Manchild in the Promised Land" and was wanted by the FBI. When the FBI came looking for him there, J. Forrest Vey met them in the hallway and said he wasn't there, and they left.

J. Forrest Vey, 1920-1993, was a painter, and his paintings are in the collection at The Whitney Museum. He was also a

photographer, along with his wife, Marguerite Vey. They had a darkroom there, and used a 2-1/4 Rollex, and also a large 4X5 format camera—apparently there are boxes of photos showing the interior of the house back then. They had artists visiting with lively conversations into the night. They made these large glass slides of paintings and projected them on to the wall. Peter Vey, a free-lance comic book artist, was born there in 1955. His brother was also born there. They lived there through 1957. The owner, wanted to sell the house for around \$5,000.00, but J. Vey thought the house needed too much work and didn't buy it.

During this time the ground floor business was a store that sold Flatware.

At one time J. Vey broke into the attic that had been sealed, and found Civil War newspapers, a stove-pipe hat, a sign that said "5 cent Hot Whiskey" (still in the possession of Margeurite), and a noose. Apparently the attic was sealed off because someone hanged himself there.

J. Vey made a drafting table from part of a wall at #35, that Peter still owns.

1960's: Text is Diane DiPrima's letter to me:

"Hi Sally,

I moved into 35 Cooper Square in 1962, with husband Alan Marlowe and my first 2 children, Jeanne and Dominique (my daughter with LeRoi Jones—now Amiri Baraka). My third child, Alexander Marlowe, was born while we were there. We had to leave in Fall 1965 because the owner wanted to sell the building, and though we would have liked to buy it

we couldn't raise the down payment. (The selling price was \$35,000.)

From that house Alan Marlowe and I ran several seasons of the New York Poets Theatre, and I also ran Poets' Press. The Theatre used several different venues for its productions, and the Press eventually rented a storefront about a block away on East 4<sup>th</sup> St., but the offices for both the theatre and the press, and for The Floating Bear, a groundbreaking mimeograph newsletter started by me and LeRoi Jones in 1961, were at Cooper Square.

While living there, I also wrote two book-length prose works: *The Calculus of Variation* (later published by Eidolon Editions) and *Spring and Autumn Annals* (unpublished) as well as innumerable poems, etc. The first Floating Bear newsletter to use that address on the masthead is #26, dated 1962. (Billy Linich, who guest-edited issue 26, is also known as Billy Name—one of Warhol's assistants and photographers. He might have some info for you about the place—he lived with us for awhile, has a good memory and likes to reminisce—let me know if you want his email address)

A lot of information about my time at 35 Cooper Square can be found in Volume 1 of my autobiography, entitled *Recollections of My Life as a Woman*, and currently in print in paperback from Penguin Books. That book (which is subtitled "The New York Years") covers my life through 1965 when I was 31, and since it is very loosely "chronological", a lot of the Cooper Square stuff can be found in the last quarter of that book.

We were visited there by probably hundreds of artists and

art patrons, including William Burroughs, Cecil Taylor, Frank O'Hara, etc. etc. George Herms (the California assemblage artist) and his family lived with us for a while, as did many other artists, poets, musicians.

Check out *Recollection of My Life as a Woman* and get back to me if you have any specific questions. Or if you need a statement from me worded in some particular way.

I am sorry but I don't have any info or "proof" of when the house was built. What I told you on the phone was what I had been told by the previous tenant when we "bought" the apartment from him with a huge Jim Dine assemblage that Jim had given me after his first show. This tenant was leaving (1962) to open an art gallery in California. I can't remember his name.

It's none of my business I suppose, but one thing I'd wanted to ask you on the phone is what got you into researching and trying to save these buildings in the first place...is there a personal stake? Are you working for/with a nonprofit org? Or...If there's anything you'd like to tell me about your involvement in all this, I'd like to hear it.

& I'd really appreciate your letting me know what finally happens with #s 35 and 27 Cooper Square.

Good Luck!

Diane di Prima

BTW, the autobiog I mention above is not to be confused with another work of mine, titled *Memoirs of a Beatnik*. *Memoirs* was written as a potboiler in 1968 to finance my

first San Francisco home & its large extended family & is mostly fiction. *Recollections* was written in the late 1990's and is as accurate as I could make it."

Below is an email from Bill Linich ( Billy Name), who lived in the house with Diane an Alan:

ok, sally, i'll give it a go, but it was a long time ago. the house looked dramatically rustic from the street and gave implications that it's location near the bowery in lower manhattan may have once rang(rung?) to a different cultural bell. i seem to recall wooden broad plank floors and a very comfortable homey feeling from all the wood and open space and kitchen. and, as opposed to all the tenement buildings in it's surrounds it actually looked like a 'house' from earlier america. looked and felt like it might have been the perfect home for walt whitman.

i'll let diane supply you with the cultural/social history from her era there. i was privileged to work with diane when i was very young (20 years old in 1960) and to cross paths in her abode with a full roster of the 'beat' poets and many of the central avant garde cultural figures in the arts scene of the day. it should be designated a historic site and have a nice bronze plaque on the front.

i fully support your effort to save the building and wish you most success in such an endeavor.

good luck, billy name-linich.

cc: diane di prima  
- Show quoted text -

Bill Linich  
111 W. 11th St.  
New York, NY 10014

The next artist, Stanley Sobossek, who I believe owned th35 Cooper Square at the time, had a bar on the ground floor that was more like a salon, with couches and pillows, etc. and lived upstairs.

Stanley's name appears on the Artist's Tribute Map, that was put together by The New Museum. ( Bowery Artist Tribute::NewMuseum.org)

This is his Bio from Morris and Whitesides Gallery:  
"Stanley Sobossek was born in New York in 1918 and began working with oils during the middle of the 20th century. In September 1955, he won first prize in New York City's "Washington Square Outdoor Art Exhibit" for his oil painting titled "Mechanic Street, New Hope, PA. The exhibition got its start in 1931 with artists such as Jackson Pollack, William DeKooning, and Alice Neel submitting their work for view."

This is what I have so far of the 20th Century, which I think is impressive, that so many really cool people lived there.

Sally Young  
235 East 5<sup>th</sup> Street #7  
NYC NY 10003

Email: [sallysonegun@gmail.com](mailto:sallysonegun@gmail.com)  
Cell phone: 646-228-1455

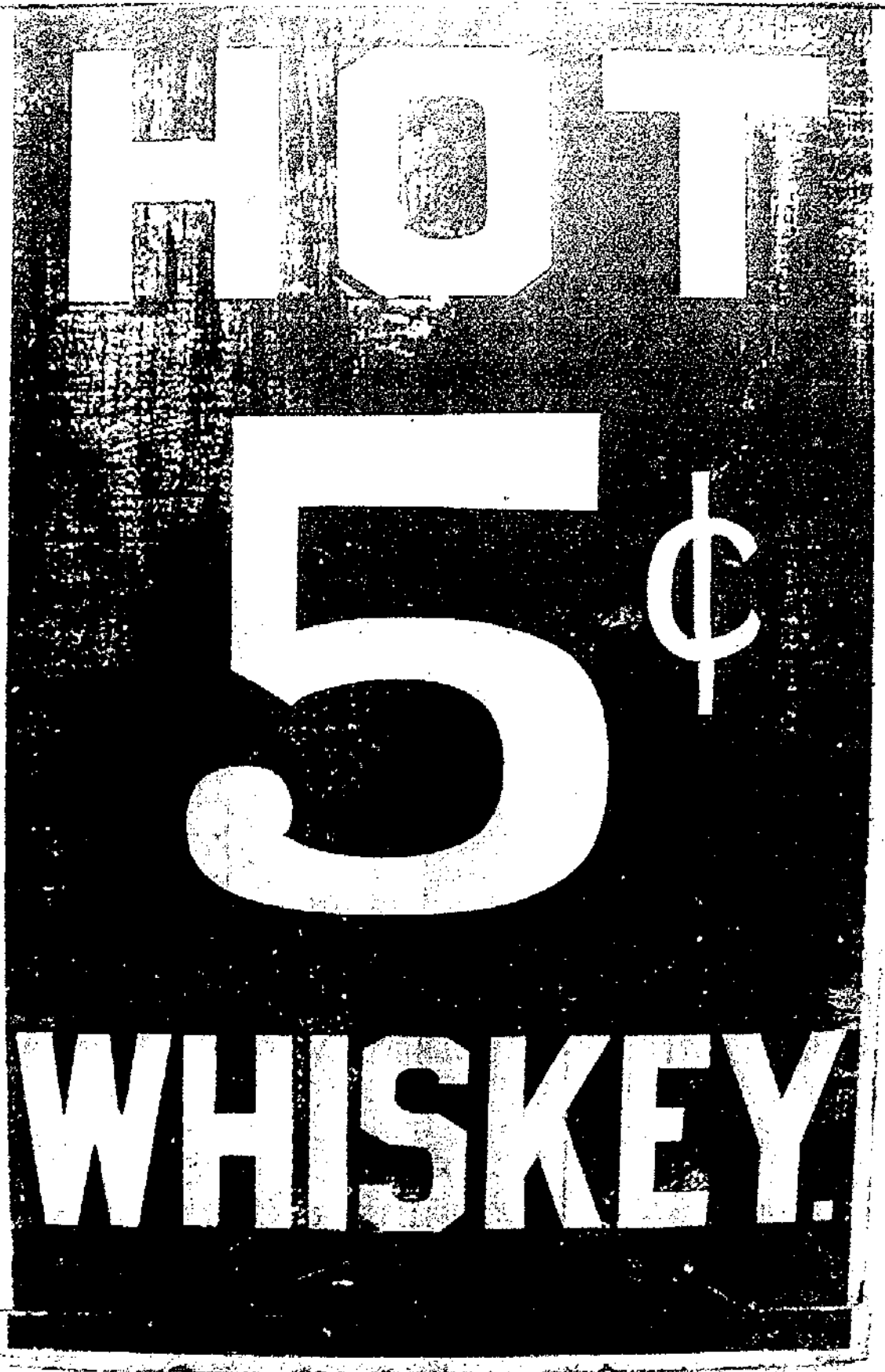


## NEW INFORMATION REGARDING 35 COOPER SQUARE, NYC

This information was found in Dogget's NYC City Directory, and also from Trow's/Wilson's NYC DirectorY.

In 1850/51, Henry Marshall had a porter house (saloon) at 391 Bowery (35 Cooper Square), and he also lived there. This information remains the same through 1860/61. In 1862/63, He is listed as Henry Marshall, liquors, 391 Bowery, home 122 Fifth Street. This remains the same till 1867 when the listing shows; Henry Marshall, liquors, 391 Bowery, home 124 Fifth. In 1869, Henry Marshall is listed as liquors, 391 Bowery, home 318 Fifth. It remains the same until 1876, when the liquor establishment belonging to Henry Marshall is listed as 19 Ann St.

Paperwork that I submitted before showed plans for building repairs done in 1875, which is what I would assume, would be the reason for the saloon leaving the building.



## CARTOON CAPTION CONTEST

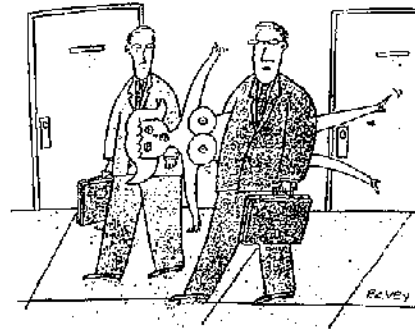
Each week, we provide a cartoon in need of a caption. You, the reader, submit a caption, we choose three finalists, and you vote for your favorite. Caption submissions for this week's cartoon, by Harry Bliss, must be received by Sunday, May 11th. Finalists in the April 28th contest appear below; go online to vote. We will announce the winner, along with the finalists in this week's contest, in the May 26th issue. The winner will be given a signed print of the cartoon. Any U.S. resident age eighteen or over can enter or vote. To do so, and to read the complete rules, visit [www.newyorker.com/captioncontest](http://www.newyorker.com/captioncontest).

PC  
VEY  
↓

### THE WINNING CAPTION



*"It just looked so uncool to wear a seat belt in the Batmobile."*  
Steve Rogers, Los Angeles, Calif.



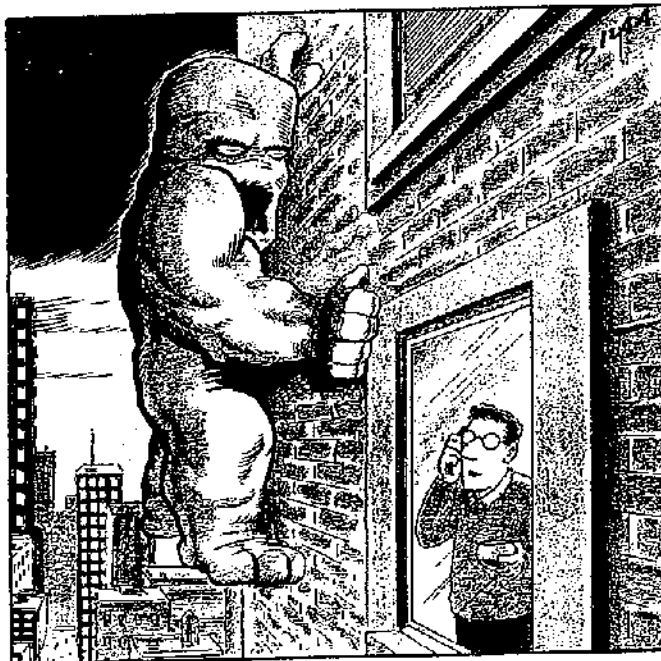
### THE FINALISTS

*"I couldn't find a real naked woman to ride with me in the H.O.V. lane."*  
Brian Julius, Washington, D.C.

*"Hey, you teach C.P.R. your way, and I'll teach it mine."*  
Rose Locander, Waukesha, Wis.

*"She's my Seeing Eye doll."*  
Abigail Crim, Greenbelt, Md.

### THIS WEEK'S CONTEST



It should also be noted that, in that particular block, and specifically #35 and #27, both of which still stand, were important as gathering places for many artists of the 20<sup>th</sup> century. The Poet, Hettie Jones still lives at #27. She first moved there with LeRoi Jones, who also ran a press with Diane DiPrima in the 1960's. In addition to Hettie and LeRoi Jones, jazz musician, Archie Schepp lived there, and also the painter Elizabeth Murray, lived there at one time. Many, many other artists visited these two buildings, and/or stayed in them for some time.

In Diane DiPrima's memoir, "Recollections of My Life as a Woman, The New York Years," Penguin Books, 2001, she has three chapters almost entirely dedicated to her life at 35 Cooper Square. She recreates the house, the stairwells, the wide plank floors, the dormered windows in words in a way that they read like photographs. Below are some excerpts from her book, taken from chapters 18 and 19

We had been back for about two weeks when we found our new place. It was an old, dilapidated house on Cooper Square, which had an empty store on the ground floor, and above it a two-story apartment with rough wide-plank floors and working fireplaces. The rent was forty-seven dollars a month, and you had to take care of your own heat, hot water, and repairs, but it had a rough elegance and enough room for all our needs, real and imaginary.

The current tenants were moving out of town, going to Los Angeles to become important art dealers, and they were asking a thousand dollars "key money", which was quite a bit in those days.

Now, I still owned that huge Jim Dine assemblage that he had made from a double-bed spring. It was the only piece that had survived from his first show at the Reuben Gallery; he had given it to me after the show closed because he knew I dug it, and he had no place to keep any of the work he had made for that occasion. I had dragged that monster assemblage to California and back, just because I loved it. It was my good luck piece, my connection to the artists and writers of New York, and for years on Houston Street we had hidden all our drugs except pot in the nooks and crevices of its cloth-and-plaster masks.

I loved the piece a lot, but we certainly didn't have a thousand dollars, and so I reluctantly offered it to the art dealer couple in lieu of the key money, Jim Dine having become prestigious in the course of the past two or three years.

Once the would-be art dealers saw the piece, they jumped at the offer. It probably made their art reputation when they got to the other coast. And so it came about, that I traded my one and only Jim Dine art work for the last real apartment I would ever have in New York.

We moved in. Thirty-Five Cooper Square was on a wide and busy thoroughfare which, just a block or two south of the house, became the Bowery. There were shiny brass numbers nailed to the red door, and a black doorknob, and you stepped into a tiny foyer, and found yourself looking dizzily upward at an enormous and crooked flight of stairs. They ran straight up without pause or bend, though there was, I recall, a kind of "landing" area, a large shelf-like space, to the right of the bannister and the stairs halfway up, an area which would later house many works of art—pieces of sets and props from the plays we had done at Poets Theatre piled helter-skelter.

You came out into a kind of hall that led on one side to the kitchen/dining room. The kitchen sported bare wood floors—wide, unfinished grey planks of some soft wood that had warped a great deal—and one of its walls, a large chimney, was stripped down to the brick, the plaster removed by the previous tenants. To look more arty, I suppose. There was a gas heater set against the brick chimney and vented through it, and a row of ancient oak cabinets separated the actual cooking area from this "dining room", where we soon placed a large round table, which, with its leaves, could open out to feed sixteen folks more or less, on important occasions.

There was a door on the far side of the kitchen which opened onto a roof—a baroque fantasy of Roof, of what a roof should be. Huge and dotted by strangely shaped skylights: pyramids and rhomboids, with here and there a panel of glass broken out, it was edged like many New York roofs with a low wall, and crisscrossed with clotheslines. A few random ledges sprouted here and there, with dubious dead plant material in broken ceramic pots. It did not take me long to try my hand at a garden, as others had before me, and with the indomitable optimism of a New Yorker I covered those ledges with potted plants.

The roof itself owed its existence to the fact that the store below us jutted out much farther in the back than our apartment did. Going out on it was a kind of casual way of going outside: one step up from the kitchen, through a street-sized street-style door, and down two or three steps on the other side, onto The Roof. It became an important adjunct to the house.

From the dining area, you went over another step that led nowhere, like some threshold stone at Newgrange, and found yourself in the living room. There, stripped down to the brick, was the one fireplace that *did* work. It was a true hearth, destined to become the center of our home and of most of the activities that would soon be sprouting there. The living room was spacious, with large niches on either side of the fireplace for large easy chairs. This was a *house* and most especially these were rooms

(the dining room and living room in particular) built for large and ritual acts, and such did indeed take place there over the next two years.

If you went back out into the hall and then turned to your right you came upon two bedrooms: one, with yet another fireplace (this one not working), we gave to Jeanne, and the other we immediately dubbed "the nursery". It would be the base of operations for Dominique and the baby still on the way.

You could then proceed up rickety, slanting stairs to the upper floor. The stairs made a turn this time. There was a skimpy landing where you could climb out onto a much smaller roof, bare except for a large brick wall to your right. When you made it up to the top floor, you found a large space dominated by its slanting ceilings: eaves. There was a tiny room tucked completely away, a room in which one could only stand up straight in the center where the ceiling rose steeply. We made this our bedroom.

Then there was a huge, L-shaped attic space. We divided it in two with a wall of bookcases. Alan took the larger front half with a view of the street, and the highest parts of the ceiling. He rather liked the plywood backing of the bookshelves and had it stained so that he could contemplate the wood grain when he got high.

(And he did get high there a whole lot in the next few years. A beautiful old samovar tray from Russia, together with antique hashish pipe and accouterments all in sterling silver, became an essential part of this room and its hospitality. At various times Herbert Huncke and/or William Burroughs would come by to shoot smack with him, or several of us would take LSD together—though when we first moved in acid was just a rumor.)

He also had a couch in his study, and would languish on it in various poses and watch TV when the world got to be too much for him. A stereo with enormous speakers found its way to his room, and when the mood took him recorded music would shake the entire house.

I got the smaller space in back. It had a potbellied stove, a long built-in table and low eaves. I immediately dubbed it "The Study" and began to spend most of my time there.

I stuck the Gestetner mimeograph machine on the long table, placed my desk so that I faced a wall of my books, and set to work. I had a bright red IBM typewriter with an extra-long carriage for putting legal-size paper or mimeograph stencils in sideways and "doing layout" for small chapbooks right there in the machine. It was in The Study over the next

two years that I would write the remaining sections of *The Calculus of Variations*, and all of *Spring and Autumn Annals*.

This was my refuge. It even had a bed: a fairly large and sturdy “studio couch” with a purple cover, where I would sleep when I was writing intently and wanted to wake up in the midst of the chaos of the work. Or when I wanted to get away from Alan.

It was a kind of precarious perch on the very edge of the space, but The Study served me well over the next two years. Sitting at that desk, staring blindly at those Mermaid editions of Elizabethan playwrights and poets, my only window a small one, set into the long low eaves at my back, I got a lot of writing done, some of it unexpectedly tragic.

From the moment when I first laid eyes on 35 Cooper Square, I knew it was the fulfillment of all those fantasies of art and the artist’s life, *la vie de bohème*, harking all the way back to my high school years. Or before.

It was dusty, it listed to one side, the wide board floors would later prove to be rotten here and there, giving way suddenly under high heels, snapping them off and upsetting our would-be theatre patrons, the traffic was a loud, incessant roar under our windows, which I eventually came to think of as the ocean—but it was my dream house. As close as I’d ever come to that early vision. It came complete with garret rooms, roof gardens. It came with potbellied stove and fireplace, and tiny dormer windows, and a ridiculously low rent.

The only other house I’d ever love as much I lived in ten years later on the foggy northern coast of California, suspended over the tides of Tomales Bay. But that is another story.

This *vie de bohème* I was once more so wholeheartedly embracing included two (soon to be three) kids and a mad gay husband. All of which certainly wasn’t part of the original script, but I was never one to quibble with destiny.

We were back in town, and with a style (largeness of household, spaciousness of quarters) that was unusual for Manhattan, to say the least. People just plain didn’t have kids there, or if they did, it was *one* kid, carefully nurtured like a hothouse plant, not a bunch of them, noisy and scrambling up any way they could. And in the midst of all that “serious” art activity, too.

My friends had spent the three months or so that I lived on East Fourth Street avoiding the issues that Dominique’s birth had stirred up by the classic device of not visiting, or not talking about those issues if they did visit. Mostly they never showed up and so from their perspective it must



have seemed that I had suddenly gone from being a single mom with one precocious and wise four-year-old, to being the matriarch of a diverse and disreputable brood. Jeanne, taken singly, they could relate to—they *had* related to her, as a fellow artist, confidante, and playmate. But Jeanne plus Mini—and, soon, Alex—were something else. Not to mention that the ménage included Alan.

Also people in New York didn't have fireplaces, roof gardens, duplexes, except nice clean elegant ones they paid a bunch of money for, usually in the West Village or uptown. We, on the other hand, were as poor as church mice, but the spaciousness and location of our house belied all that. It displayed a kind of ramshackle elegance that was to become a trademark of Alan and me as a couple. Of our peculiar marriage. A blending of two wildly disparate fantasies of living in New York.

To add to the complexity, and to the legendary quality of that time and place, just down the street on the same block, at 29 Cooper Square, lived LeRoi and Hettie Jones with *their* two kids. I had known they were there before we first came to look at our place, but given the shortage of reasonable living spaces in Manhattan, I couldn't see that their presence should be a consideration in deciding whether or not to take the house. I figured we could all handle or ignore each other's proximity. The way I saw it, there was no way LeRoi and Hettie should keep me and Alan and the kids from such a perfect pad.

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We dealt more or less summarily with the rest of the house. It was not, compared to our work spaces, all that important.

Oddments of furniture had been left behind by the last tenants, as part of the deal: a "federal" desk, which Alan pronounced elegant and immediately appropriated for his office; a rather uncomfortable but beautiful love seat, stuffed with horsehair and upholstered with worn gold velvet, which found its way to the living room; and a huge round oak table with many leaves, which opened into an oval that would seat sixteen on the Winter Solstices to come.

It all seemed to come together effortlessly. We gathered beds and dressers and kitchen chairs from anywhere. Our "stuff" arrived from the West Coast, and even more came out of my mother's cellar. We quickly threw together something that truly and miraculously felt like home.

The first and most pressing issue of course was to get some money. Alan dutifully made rounds to his agent, dropped in on a few auditions, and schemed a great deal on and off the telephone.

I put out the word, and got a job typing some manuscript or other for someone who lived nearby. Everything escapes me about that particular piece of gainful employment except that I had to do it at my employer's place, whoever he was, and that his place was dark and up a great many stairs. Making it up these stairs—with a kicking eight-month embryo inside me—was not as easy as it once had been. I noted that fact somewhere deep under the conscious surface of my mind, but would never have copped to it. Since pregnancy was a natural state, after all, there was no problem, right? Or if there should happen to be even a tiny problem, given my premise I would be forced to conclude there was something wrong with me. Not with the situation.

We squeaked by on what I made, and a little help from my family. The kids settled into their rooms. Alan somewhere acquired, and proudly presented me with, an ancient washing machine with a hand-cranked wringer on the top. He and I thought it a miracle of technology and proof, should such be needed, of the success of our hunter-gatherer activities. We put it in the kitchen, and a few times a week I happily scrunched the wet clothes through the ancient rollers before hanging them out on the grey and fraying clotheslines that some previous tenant had strung across the roof like a maze.

This roof, with its ledges and jutting skylights, was as close as we came to a garden, an out-of-doors space of our own. From time to time I'd give a whirl to growing basil, or mint, or Italian parsley there, with only medium success. In clement weather, I'd also hang out the clothes. The kids, especially Dominique and Alex, used it as their playground and private park. It had a few disadvantages: There were holes in the dirty, opaque glass of the skylights which jutted up randomly here and there, and on occasion one or another of the kids would thoughtfully drop a single sneaker, the only can-opener in the house, or some other essential object through one of those holes into the back of the empty and inaccessible store below us.

shown to me as such with the flashlight, the orange, my grandfather had used to represent the sun and the earth, respectively, as he demonstrated the tilting of the earth's axis and the resultant lengthening and shortening of the days. Implicit in all this was a sense of the sacred.

Implicit, too, in my mother's solemn annual pronouncement, "This is the longest night of the year". (How she hated winter!) "Tomorrow the days start getting longer".

It seems to me some long-lost but never quite forgotten sun religion, some religion of light from southern Italy that shone even in my family's eyes, spoke in the ritual greetings of the season. In the Brooklyn of my childhood where I had come to know the sacred interplay of dark and light.

Now we have gathered in the house on Cooper Square to celebrate the return of the sun. Freddie is there, and Alan of course. The kids are all abed, though Jeanne did come out of her room to join us for a while. I have invited Merce Cunningham, Jimmy Waring, and John Herbert McDowell. Remy Charlip is there and perhaps Nick Cernovich. I know John Wieners is present: he has come out from his hermitage in John Daley's house around the corner. Cecil Taylor is there, too.

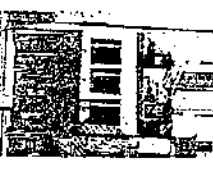
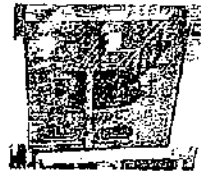
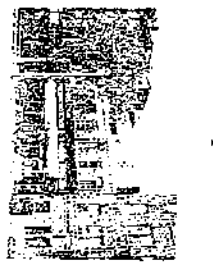
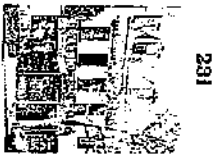
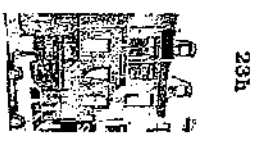
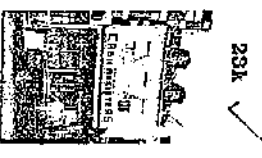
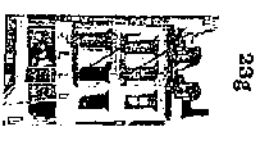
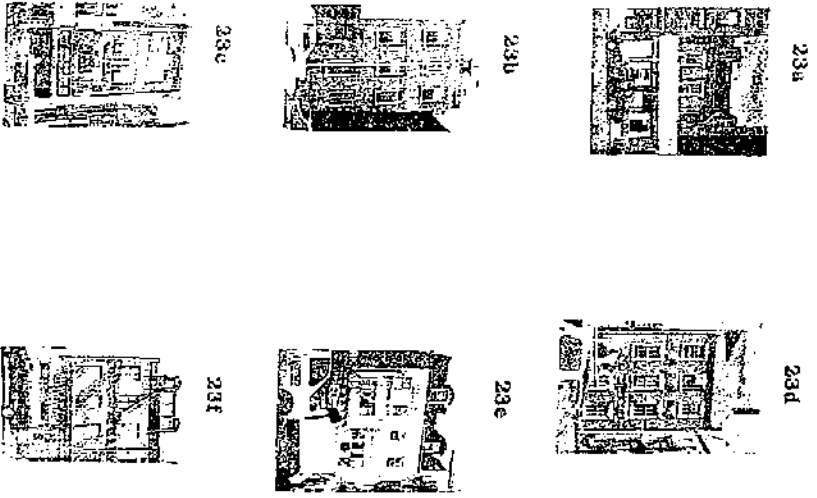
I have made a burgundy beef stew with chestnuts, and there is salad and huge loaves of Italian bread. We drink wine together in the candlelight, talking and laughing, the light from the fireplace in the living room throwing long shadows among us.

I had delved deep into the fourteen volumes of *The Golden Bough*, in preparation. It was a birthday gift I had given myself in 1961, and this is the first time I really got to use it. (The year before, on a hint from John Cage—his "Music of Changes"—I had given myself the two-volume, boxed *I Ching*.) I had been eclectic with *The Golden Bough*, picking and choosing from different times and cultures whatever pleased me, or seemed possible to do in a house in Manhattan, and adding a bit of Pound to the rite for emphasis:

As the sun  
 Makes it new  
 Day by day  
 Make it new  
 Yet again  
 Make it new.

**The Bowery: A Preservation Plan**

**Designation as a Group (Pre-1830 Buildings)**  
 These eighteen buildings have been standing on the Bowery for almost one hundred and seventy-five years, reflecting the rich history associated with this area. Some have been altered but their details are often still readable, seen in the sloping roofs and dormer windows. It is a rarity in New York City to have such a concentration of these early structures along one street.



- 23a: 47 Madison
- 23b: 2 Oliver Street  
(categorized at NYC Landmarks Commission)
- 23c: 22 Chatham Square
- 23d: 18 Bowery  
(designated NYC Landmark in 1966 and on National Register in 1976)
- 23e: 42-44 Bowery
- 23f: 134 Bowery
- 23g: 135 Bowery
- 23h: 136 Bowery
- 23i: 140 Bowery
- 23j: 196 Bowery
- 23k: 202 Bowery
- 23l: 206 Bowery
- 23m: 208 Bowery
- 23n: 213 Bowery
- 23o: 306 Bowery
- 23p: 308-310 Bowery  
(within proposed North East Historic District)
- 23q: 57 Great Jones Street
- 23r: 36 Cooper Square

TESTIMONY TO THE CITY PLANNING COMMISSION ON THE EV/LES REZONING  
AUGUST 13, 2008 TISHMAN AUDITORIUM, VANDERBILT HALL, NYU LAW SCHOOL  
Rob Hollander, Ph.D.

There are at least four legal, as well as many substantive, problems with the EV/LES rezoning proposal currently before the City Planning Commission.

**Four legal problems:**

- 1) CB3 Task Force members who voted on the proposal represented conflicts of interest as they or the organizations they direct stand to gain directly from the rezoning;
- 2) FOIA-obtained documents show that Chinatown residents were systematically excluded from the discussions of a rezoning that will impact their neighborhood as much or more than the rezoning area itself;
- 3) the Bowery alternative was not included in the DEIS and
- 4) the availability of air rights is not clearly rendered or studied in the DEIS.

Re (1), CB3 Task Force members included the Director of LES People's Mutual Housing and the Director of Cooper Square Mutual Housing, both of which will directly gain from the Inclusionary Housing bonuses included in the plan, the Executive Director of GOLES and the Executive Director of Cooper Square Committee, both of which are involved in affordable housing management and will expand their operations and funding base through IZ-created housing in the plan, a partner in the Red Square development, which will receive additional residential market-rate FAR under the rezoning. All voted on the proposal.

Re (2), the Chinatown community was systematically excluded from the Community Board 3 rezoning discussions and process. No less than \$50,000 was spent by CB3 on outreach to Chinatown during the rezoning discussions, yet the rezoning was not mentioned or even hinted at in all that outreach. (I have, through the FOIA, all the documents related to the \$50,000 grant and how it was spent.)

Re (3), at the June, 2007 Scoping Hearing for the EV/LES rezoning, Lower East Side Residents for Responsible Development along with the Coalition to Save the East Village and Bowery Alliance of Neighbors, all requested that inclusion of the Bowery in the rezoning be considered as an alternative in the EIS. DCP failed to respect this community request, although their guidelines require the consideration of alternatives.

Re (4), the availability of air rights is the single most significant determinant in this rezoning. If air rights have been consumed in the development rush south of Houston Street east of Bowery, then this rezoning is too late and will provide little or no benefit to that area.

**Substantive problems:** As proposed, the rezoning will disperse the communities of CD3 and will result in a net loss of affordable housing. Lower East Side Residents for Responsible Development recommends that the East Village not be rezoned until some protection is in place for Chinatown and the Bowery. Reasons are given below.

**1. The rezoning will bring 53% more development.** With the Inclusionary Zoning "A" application amendments, the EV/LES rezoning will add 53% more projected development over what would be developed under current zoning (vide: Notice of Completion of the Draft Environmental Impact Statement, pp. S-7, S-8, table S-1 and pp. S-39, S-40, table S-6; adding commercial and residential square footage together).

It is hard to believe that this rezoning is being advertised and sold to the Lower East Side community as a downzoning.

**2. Only 10% affordable housing.** Worse, only about 10% of the projected new square footage under the amended rezoning will be affordable housing. Subtracting projected commercial square footage, still only 11.6% of new housing units under this rezoning plan will be affordable housing, very little of which will be available to low-income households.

In plain terms, 90% of the development planned under this rezoning will be market-rate intrusion into the neighborhood under the best-case scenario. This rezoning is a give-away of the East Village/Lower East Side to market-rate development that will bury forever the communities of this place and its unique historical character.

**3. Wrong area is being rezoned.** Current R7-2 zoning appears to be working well to protect the East Village. Nothing out-of-scale has been built in the East Village in the last five years. Development continues at a rapid pace, but it is all contextual. The East Village obviously does not need immediate zoning protection. But current C6-1 zoning is allowing the Bowery and Chinatown to be decimated. The Bowery and Chinatown are in immediate danger of out-of-scale overdevelopment and community displacement. Yet the Bowery and Chinatown are excluded from the rezoning while the EV is being rezoned.

DCP's figures show that the rezoning's "contextual" height caps will not limit development; they will merely redistribute development. Our current low FAR caps have successfully limited development in the residential East Village. 53% more development in the next ten years is not protection. We will see warehousing of apartments, phony demolitions and accompanying wholesale evictions and rooftop additions scarring the skyline on avenues that have maintained their context and character since the Civil War.

**Why the EV/LES plan should not be implemented as proposed:**

The Department of City Planning's DEIS failed to investigate the single most important determinant in evaluating the proposed EV/LES rezoning: the availability of air rights throughout the rezoning area. If air rights are not available in the rezoning area under current FAR, then the rezoning will do little or no good to Community District 3 but will do great and irreversible harm.

Lower East Side Residents for Responsible Development asks that the availability of air rights be investigated before any determination be made on this rezoning. In any case, the rezoning should be delayed for the following reasons:

**A. The EV is not in current danger of overdevelopment** -- nothing out-of-scale has been built there in the last five years, probably for lack of air rights (current FAR is below the local average bulk and upscale speculation is not directed towards community facilities) -- so the contextual rezoning offers little or no protective benefit for the EV.

**B. The rezoning will allow a greater as-of-right FAR, encouraging out-of-scale overdevelopment.**

i. The entirety of Avenue D and parts of the residential section of Houston Street will be given as-of-right FAR increases, rekindling the kind of out-of-scale overdevelopment that ended five years ago in the residential EV. This overdevelopment will compound displacement pressures on a community already suffering under the onslaught of speculators, the loss of community-oriented businesses and residential displacement.

Even an already out-of-scale development like Red Square on Houston Street, which under current zoning cannot be expanded for residential use, will receive in the rezoning plan a boost of nearly twice its current residential FAR (this was confirmed by personal communication from DCP).

ii. The failure to reduce the FAR to contextual levels on Chrystie and Delancey Streets will encourage upscale developments there that will radically, pervasively and unrecognizably transform those low-income neighborhoods and the low-income neighborhoods surrounding those streets, uprooting unique, historic ethnic thriving low-income communities.

iii. The upzoning of Chrystie Street to 145 ft and 8.5 FAR will profoundly and adversely alter the Chinatown and Bowery communities, bringing rapid gentrification to a low-income but thriving neighborhood in no need of gentrification. Secondary displacement will spread throughout Chinatown and the Bowery uprooting the community and its many businesses.

iv. The end of air right sales entailed by the height caps will encourage owners of small properties to enlarge to the newly increased as-of-right FAR, since they will no longer be able to sell their FAR. We will see gut renovations accompanied by wholesale evictions, warehousing of apartments in anticipation of redevelopment to full FAR and rooftop additions scarring the skyline of avenues that have preserved their context since the Civil War.

**C. This rezoning protects the EV at the expense of the Bowery and Chinatown, C6-1 zones vulnerable to upscale hotel development.** Leaving Chinatown and the Bowery unprotected will encourage a rash of speculation and overdevelopment there. These historic neighborhoods will disappear before anything can be done to protect them.

**D. The rezoning will cause a net loss of affordable housing.** The affordable housing brought into the neighborhood by the Inclusionary Zoning provisions also brings with it 80% market-rate housing and as-of-right FAR increases in addition to the IZ bonuses. The rezoning also allows non IZ as-of-right FAR increases which reduce the percent of affordable housing relative to overall projected development to about 10%. The effect of gentrification and community upheaval, offsetting the 10% affordable housing introduced, will almost certainly cause a net loss of affordable housing. Furthermore, most of the newly created affordable housing will be unavailable to the majority of the residents in the Community District 3, whose incomes are below most required levels. Creating affordable housing is a laudable goal but creating it through upzonings and market-rate bonuses that destroy neighborhoods is a sham, the human cost of which is too great to support.

**E. Approval of this rezoning will leave the Bowery and Chinatown out in the cold.** The political will which created, pushed and realized this rezoning plan originated from the EV, from the dedication of Councilmember Margarita Lopez and the deep-pockets of the East Village Community Coalition located on Avenue B. There has been no evidence of political will, funding or dedication, beyond the will of the residents themselves, to protect the surrounding areas. Meetings concerning the

future of Chinatown have specifically excluded Chinatown residents, while various funded development and business interests have been brought to the table.

**F. Consequences for the Bowery and Chinatown.** It must be abundantly clear to any canny, experienced observer of honesty and intelligence that if this rezoning is approved without a protective plan for the excluded areas, those excluded areas will be left without support, influence and funding for the protection they need. Current gestures to protect Chinatown and the Bowery will leave them prey to development interests, development fronts, poverty pimps and agents of gentrification.

In other words, approval for this plan, which has money and influence behind it, must be immediately tied to protection for Chinatown and the Bowery or else Chinatown and the Bowery are lost. Protection for Chinatown and the Bowery cannot be left to a separate future plan that will be a feeding frenzy. Once this current plan is approved, and the EV movers and influencers achieve their ends, there will be no political will to offer meaningful protection against that frenzy.

If, however, approval for an EV rezoning is made contingent on a program to protect Chinatown and the Bowery, the EV political will which brought the current rezoning proposal thus far will be brought to bear on the protection of Chinatown and the Bowery. The entire district will benefit by the collective influence of each part of the district in mutual interest, both those in need of help and protection and those capable of helping and protecting.

**G. The discriminatory character of this rezoning.** Below are figures from the 2000 census which show that the rezoning is geared towards a white population and excludes the overwhelming majority non-white population of the district. If freedom of speech does not include the freedom to speak truths, then that freedom has no purpose. Here is the truth:

According to 2000 census data, 70% of the white people in CD3 live in the area to be rezoned. In fact, in 2000 there were more white people in the rezoning area than Asians and Hispanics combined:

Whites in rezoning area: 32,672

Asians in rezoning area: 16,070

Latinos in rezoning area: 15,572

Blacks in rezoning area: 4,286

We all know that since 2000 upscale whites have flocked to the rezoning area. Now look at who lives outside the rezoning area in the district:

CD3 whites outside the rezoning area: 13,724

CD3 Asians outside the rezoning area: 41,801

CD3 Latinos outside the rezoning area: 28,623

CD3 blacks outside the rezoning area: 7,347

There are 5.6 times more non-whites than whites outside the rezoning area in CD3 (whites: 13,742; non-whites 77,771). Inside the rezoning area, rapid development, though contextual, has brought more whites into the neighborhood; they are no doubt the majority today. Outside the rezoning area non-whites remain the hugely overwhelming majority.

These truths speak for themselves.

**Summary and compromise proposal:** the rezoning plan will bring at least a 53% and possibly as much as a 124% increase in development than no rezoning, according to DCP's DEIS, only 5% or at best 9% of which will be affordable housing. The rezoning is, according to DCP's DEIS, an upzoning for market-rate development, any way you look at it.

Currently, the residential EV (R7-2) is in no urgent need of rezoning. Chinatown and the Bowery are -- they are C6-1 zones, prone to pervasive and devastating hotel development.

**A possible compromise to consider:** proceed with the C4-4A rezoning of the C6-1 zone south of Houston, from Forsyth to Pitt Street (included in the DEIS) without the IZ upzonings, and delay the rezoning of the East Village until some protection is in place for Chinatown and the Bowery.

I appeal to the integrity and strength of character of those behind this rezoning plan to support such a compromise.

Respectfully,

Rob Hollander, Ph.D.,

Lower East Side Residents for Responsible Development

**PROJECTED**  
**DEVELOPMENTS + ENLARGEMENTS**

**NEW PLAN  
IN 10 YEARS (sq ft)**

commercial sites	396,863
<u>enlargements</u>	<u>25,374</u>
<b>total commercial</b>	<b>422,237</b>

residential sites	3,891,399
<u>enlargements</u>	<u>216,853</u>
<b>total residential</b>	<b>4,108,252</b>

**CURRENT  
IN 10 YEARS (sq ft)**

450,928
<u>25,374</u>
<b>475,302</b>

2,289,681
<u>178,529</u>
<b>2,468,210</b>

**TOTAL PROJECTED  
DEVELOPMENT**

**NEW PLAN  
4,530,462**

**CURRENT ZONING  
2,943,512**

**53.9% more development  
than current zoning.**

total affordable units  
under the new plan:  
456 = <456,000 sf, approx. 10%

Source: Notice of Completion of the Draft Environmental Impact Statement, tables S-1 and S-6,  
or EV/LIS DEIS chapter 1, page 1-14, table 1-5

*Rob Hollander*



# Coalition to Protect Chinatown/LES

Chinese Staff and Workers Association • National Mobilization Against Sweatshops • Action by Lower East Side • Lower East Side Anti-Displacement Project • Asian American Legal Defense and Education Fund • St. Mark's Church ♦ Judson Memorial Church ♦ Chinese Restaurant Alliance, Inc. ♦ American Chinese Voters Alliance, Corp.

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Office of the Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> Floor  
New York, NY 10007

OFFICE OF THE CHAIRPERSON  
AUG 11 2008  
18291

August 7, 2008

Open Letter to Manhattan Borough President Scott Stringer:

The Coalition to Protect Chinatown and the Lower East Side respectfully requests that you not support the racist East Village/Lower East Side rezoning plan. This plan will encourage luxury development and drive up rents in the Lower East Side and Chinatown while offering few real protections to East Village residents. The plan is part of the Bloomberg administration's citywide plan to systematically destroy communities of low-income families, people of color, and small businesses in order to maximize profits for the wealthy through luxury developments and tourism. We urge that you stand up to Bloomberg's racist plan and support the creation of a new plan for the entire Community District 3 that provides low-income housing and is based on community participation and community needs.

The current rezoning plan is racist and unrepresentative of Community District 3 (CD3). Even Bloomberg loyalists such as Asian Americans for Equality acknowledge that the plan is flawed. More than 60% of CD3 residents are either Asian or Latino, the majority of whom make an income of less than \$25K, yet the rezoning plan serves an area that is predominantly white and higher-income. The plan sets height caps that restrict development in the East Village, but these limits will shift the pressure of development to the Latino and Chinese communities in Chinatown and the Lower East Side—areas that have been excluded and left unprotected by the plan. Worse, the plan further upzones Chrystie, Delancey, and Ave. D, and Houston, drawing developers with tax breaks and height bonus incentives for so-called affordable housing that is not affordable to most low-income residents in the community. This plan will have a devastating effect on the communities of color in Chinatown and the Lower East Side, as it encourages skyrocketing rents and unchecked displacement of small businesses and working families in these communities of color.

The devastating impact of this plan is not fully disclosed by the Draft Environmental Impact Statement (DEIS), since it neglects to even consider the racial implications of the plan. The DEIS fails to accurately portray the wide-scale involuntary displacement of families of color living and working or operating businesses, which will result from this rezoning plan.

This plan is also racist because it was created without the involvement of the Chinese and Latino communities in CD3. There was no outreach to Chinatown and the Lower East Side, so our communities did not even know about the plan until it had already been finalized. Under the leadership of the Borough President's office, it is incomprehensible that Community Board 3 had no means to conduct outreach to the Chinese and Spanish-speaking communities and that there wasn't even any translation services provided at the Board's public meetings.

Borough President Stringer, your track record leaves much to be desired when it comes to supporting vulnerable communities against displacement. In Harlem, you supported Columbia University's expansion plan, which will bulldoze an entire neighborhood of 17 acres and increase gentrification and displacement in that area.

As an elected official representing Manhattan communities, you should not be supporting a racist plan that neglects the needs of low income Asian and Latino communities. Our Coalition has begun asking people to pledge to vote against elected officials who do not speak out against this plan. Hundreds of people have already pledged in the course of a few days.

Perhaps in the past you have been misguided by the people around you into following Bloomberg's example. If so, this is your opportunity to stand up to Bloomberg and reverse your record. Please reject the East Village/Lower East Side rezoning plan and support us in calling for a plan that includes the entire diverse community of Community District 3. This plan must represent our demands to create truly affordable housing and stem the tide of overdevelopment and displacement that disproportionately affect communities of low-income families and people of color. We have the right to be involved in planning the future of our community.

Sincerely,  
The Coalition to Protect Chinatown and the Lower East Side

## MEMORANDUM

To: The New York City Planning Commission

From: Josephine Lee on behalf of the  
Coalition to Protect Chinatown and the Lower East Side  
Telephone number 212-334-2333

Date: August 25, 2008

RE: Supplemental Testimony as Addendum to the  
Analysis of the Draft Environmental Impact Statement East Village/Lower  
East Side Rezoning prepared by the Center for Community Planning and  
Development at Hunter College

I am submitting the following points to supplement my oral testimony to the Commission at its hearing conducted at New York University on August 13, 2008.

The Draft Environmental Impact Statement (DEIS) methodology of the study area discloses a pattern of racial discrimination.

The DEIS chose only a 1/4 mile study area, instead of studying the impact throughout Community District 3 (CD 3). The DEIS should have analyzed the impact of the plan in the entire CD 3 since CD 3 was created and mapped by the City of New York for its "historic, geographic and identifiable communities". Under the City Charter, Community Districts are to be used for the planning of community life and the participation of citizens in city government within their communities, as well as the efficient and effective organization of agencies that deliver municipal services. The creation of the East Village/ LES Rezoning Plan was initiated proposed, and carried through by Community Board 3 (CB 3). In its formation and as part of the process under the Uniform Land Use Review Procedure, CB 3 played a critical advisory role; so the plan should be analyzed within the context of CD 3. To analyze only a select portion of CD 3 ignores the boundaries of the Community District Map and the impact of the plan on all of its residents within CD 3.

Even within the proposed rezoning area and 1/4 mile study area, the DEIS failed and refused to study the impact of the communities of low-income and people of color. E.g. the DEIS ignores the impact this plan will have east of Avenue D where mostly NYCHA residents and small businesses that provide services to this community.

I've known Chinatown all my life. I grew up in Chinatown. My parents, my grandmother, and I all worked in this neighborhood. It is a working class community that I love and I am angered that Bloomberg's DCP is treating it like a bastard child.

The rezoning plan that DCP proposes, protects mostly the East Village while excluding most of Chinatown and the Lower East Side. If you look at District 3 as a whole, as it should be viewed, Asian, White, and Hispanic populations each make up approximately 1/3 of the population, with Asians having a slight majority of about 36%. In a district that is so diverse, this rezoning plan proposes to exclude the large majority of low-income Hispanic, Black, and Chinese populace while protecting approximately 73% of CD3s entire white and more affluent population. The rezoning will shift even more development pressure onto Chinatown and LES. It also appears that sections to be upzoned happen to be in areas that are predominately of lower income and of color. All these statistics are based on the latest 2000 census found on CB3s own website. The data clearly shows the disparity and imbalance the rezoning plan proposes. The numbers couldn't be any clearer. This is just another example of how DCP is attempting to displace low-income and people of color across the city, and to create environments conducive to luxury development and gentrification.

DCP claims that the East Village can't wait because of the current threats of overdevelopment. Have you been to Chinatown or LES recently? There are new luxury high rises and hotels everywhere. Because of this, rents are rising, making it harder and harder for low-income residents and the businesses that serve them to survive. Chinatown and LES are in as much danger of over development as the East Village.

DCP claims that the East Village has a "very special unique character" that needs protecting now. This is an insult. Chinatown and LES are just as unique, and retain a rich history and culture that rivals any neighborhood in NYC. The plan dismisses Chinatown and LES. It is racist that upon the plan's inception, people of color were valued less than their affluent White counterparts. That is the very definition of racism. The plan not only excludes, but devalues people of color. What is next? Shall we provide police and fire protection only within the newly rezoned area? People's livelihoods are at stake. People of color are at risk of losing their jobs and homes.

Rezoning proponents ask us to wait our turn. That we will get protection under a new plan 1-3 years from now. I say "that You should wait." You should wait to ensure equality and fair representation for all people.

And I'm tired about hearing how hard DCP and supporters have worked on this plan. In simple words, "Boo Hoo." Three years or so were spent developing a racist plan. Proponents should not be rewarded for their hard work, but condemned. If this plan is bad, if this plan is racist, than you must say "No" and kill it. This plan segregates neighborhoods. And now proponents are trying to buy the Chinese off by offering a separate Chinatown plan, which will further divide CD3. Hispanics and Blacks are also part of CD3 and I will not stand for any type of segregation.

CD3 should be treated as one community. It is a diverse district that should exemplify unity and be protected under one plan. Separate is not equal. And on one last note, I realize that there are people of color who support this plan. All I have to say to that is there are always people willing to sell out their own for a few scraps off their master's table. Thank you.

-Malcolm Lam

## City Planning Commission Testimony

My name is Lindsay Schubiner. I'm a volunteer with Chinese Staff and Workers Association and a recent graduate of Barnard College. I saw firsthand how the rezoning of West Harlem was pushed through without the consent of the local community in Community District 9, and I'm concerned that this process is being repeated in Community District 3.

I am opposed to this rezoning plan because it is racist in both its impact and in the process by which it was developed. This plan was created without the participation of most of the CD3 community and specifically excluded people of color from the planning process. There was no real outreach to Chinese and Latino communities during this process. We collected 11,000 signatures in support of our petition opposing this racist plan, and almost no one had any prior knowledge of the plan. If a sample of 11,000 CD3 residents had no idea that this plan even existed so close to the plan's completion, clearly any outreach that was conducted was not nearly sufficient. In addition, there was no translation into Chinese or Spanish during Community Board 3 meetings discussing the rezoning plan. Even if local Chinatown or Lower East Side residents had somehow found out about the rezoning plan, they would have had no way to participate in its creation. Even the name of the rezoning committee at CB3—the 197 task force—is completely unintelligible to someone unfamiliar with planning jargon. Clearly this process was not meant to encourage broad-based participation.

Since we found out about this plan in January, we attempted to discuss its flaws with those involved in its creation. We attended CB3 meetings, where people told us it was too late to include Chinatown and LES communities and Chinatown and LES needs in the plan. When we attended CB3's public hearing on the plan, we demanded translation but it was refused. It is inconceivable that CB3 did not have enough money to provide translation, given that they had roughly two million dollars to complete the plan. We repeatedly tried to schedule a meeting with Manhattan Borough President Scott Stringer, but it took a protest in front of his office to even get him to hear us out. He still did not consider the needs of Chinatown and LES communities in his response to the plan. When we met with the Department of City Planning in April, they also refused to take our concerns into consideration.

The rezoning process in New York is fundamentally flawed. Although ULURP is supposed to be a reform measure, I saw in West Harlem that a bad plan can be pushed through despite the prolonged, organized resistance of the local residents. Even though CB9 voted against the rezoning in West Harlem and hundreds of local residents testified against it at every step of the ULURP process, the elected officials sold us out. But West Harlem is only one example of this. All over the city, unpopular plans are being pushed through by developers and other special interests, gentrifying the city and pushing working people and people of color out.

The exclusion of Chinese and Latino communities in this planning process is a terrible mistake on the part of the Community Board, the Borough President, the Department of

City Planning, and the local elected officials and they should all be held responsible for their actions. We call on them to stop this racist plan and join with us and all CD3 residents to create a new plan for the entire community— one that protects the East Village rather than upzoning it and extends these protections to the entire Community District. A separate plan for Chinatown will exclude black and Latino residents of the Lower East Side and will further divide this community.



**Asian Americans for Equality**

**AAFE Position on East Village/LES Rezoning  
August 13, 2008**

Hello, my name is Christopher Kui and I am Executive Director of Asian Americans for Equality (AAFE).

Founded in 1974 to advocate for equal opportunities for Asian Americans, immigrants, and low-income New Yorkers, Asian Americans for Equality (AAFE) has evolved into a recognized community, development and social services organization. AAFE is especially proud of our accomplishments in low income affordable housing. We've created or preserved over 600 units of low income housing in Lower Manhattan, ensuring that tens of millions of dollars remain invested in the preservation of Chinatown and the Lower East Side.

We have been recognized nationally for our fair housing work, assisting and advocating for victims of housing discrimination.

AAFE is also very active in tenant organizing, helping low-income individuals and families, seniors and working families to fight illegal intimidation tactics by landlords and unscrupulous developers to displace tenants, offer legal assistance, create tenant organizations, provide community workshops on affordable housing and tenant rights, and to help community residents to protect their right to decent and affordable housing.

Overall, Asian Americans for Equality (AAFE) acknowledges that the East Village/Lower East Side Rezoning process was conducted in a fair and open manner, and was developed through a democratic process substantiated by over three years of numerous town hall and other public meetings.

AAFE supports the overwhelming majority of affordable housing advocates and organizations in the Lower East Side that the East Village/LES Rezoning proposal is a positive step in stemming the rampant gentrification and out-of-context, luxury development in our mixed-income neighborhood.

In particular, AAFE supports the following Community Board 3 recommendations to the Department of City Planning:

1. Ensure that the Inclusionary Zoning mandate at least 30% affordable housing in perpetuity in the areas eligible for upzoning

2. Include the anti-harassment and anti-eviction provisions in the proposal
3. Encourage Green buildings

We all understand that no rezoning plan is perfect. However, AAFE supports identifying areas where the current East Village/LES Rezoning plan can be modified, so that we may propose sound and achievable remedies. AAFE proposes the following recommendations:

1. To increase tenant rights advocacy and education; city support and funding for affordable housing; the stronger implementation of anti-eviction, anti-landlord harassment, and anti-phony demolition laws; and strengthening of enforcement for rent stabilization and rent control laws.
2. To urge the City and our elected officials to support these measures, as well as to take immediate steps to protect the Greater Chinatown community, and to devote resources to a full expedited Chinatown rezoning process.
3. To conduct further investigation to quickly determine the relevance of the Chrystie Street portion south of Delancey in the East Village/LES Rezoning plan, and perhaps recommend that this part be excluded from the rezoning to be considered at a future rezoning process for Chinatown.

AAFE supports Lower East Side in its rezoning efforts to protect the quality of life for its residents, and asks for all support for a similarly open, grassroots process in Chinatown.

AAFE supports the creation of a community-wide coalition/working group to undertake a rezoning process for Chinatown that takes into consideration all voices in the community. Chinatown possesses unique cultural and historic characteristics as well as: the manufacturing job base, the high density of residents in tenement housing, the lifelines of regional transportation hubs for jobs and commerce, the prevalence of small businesses, the need for community facilities and public park spaces, and much more. Chinatown has special needs and deserves its own devoted rezoning and planning process. A well-thought out plan that is most beneficial to the community should be achieved through consensus building. We should not try and we don't need to stop other people's plans in order to get our own. We need to draw on the experiences of the East Village/Lower East Side Rezoning process and create a plan for our community's own future.

In the recent months, we've heard many criticisms and accusation of racism by opponents of East Village/Lower East Side (LES) Rezoning process. However, these accusations oversimplify and throw a smoke screen over the real issues of neighborhood preservation, and polarizes Chinatown and East Village/Lower East Side the shared vested interests of two allied neighborhoods with long historical ties. The loosely-substantiated claims of racism amount to dangerous race-baiting, and remains an impediment to the common goal of affordable housing preservation for our low-income residents in Chinatown and Lower East Side.

Another criticism against the proposed LES Rezoning Plan is based on a flawed argument that protecting the Lower East Side will push gentrification and developers to Chinatown.

Firstly, rampant gentrification, loss of affordable housing, tenant harassment and eviction are serious problems affecting **ALL** of New York City's low-income, working class neighborhoods. The LES Rezoning plan is part of a greater movement around the city of local neighborhood residents and working families to fight for a balanced growth of our living spaces and business areas. Instead of preventing each other from an inalienable right to protect ones own neighborhood in a positive open process, opponents have forced the rezoning into a zero-sum game – a prisoners' dilemma where cooperation cannot exist. Success in the Lower East Side is a success in Chinatown and for the rest of the city. Trying to derail a carefully-crafted plan achieved by democratic consensus puts ALL of New York City backwards.

We cannot afford to be divided or to play on each other's fears – the longer we dwell on this type of polarization, the longer we all remain vulnerable to the onslaught of gentrification. Our two neighborhoods remain key gateways to New York City and America, and we must support and work with each other to protect our rich immigrant history and culture, and preserve it for future generations of all Americans.





**ASIAN AMERICANS FOR EQUALITY**

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August 25, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Commissioner Burden:

Asian Americans for Equality (AAFE) has been an active participant in the East Village/Lower East Side rezoning process. We have attended public meetings, offered input, and organized coalitions in support of the rezoning process.

As part of our ongoing efforts, we respectfully request that the Commission consider the Lower East Side Business Improvement District's (LES BID) rezoning position to preserve the commercial character of the Lower East Side. The proposed rezoning reduces and places significant limits on commercial use in the Lower East Side. We need to maintain and expand the Lower East Side's reputation as a shopping destination, whether it is for every day needs, special retail purchases or unique dining experiences. In fact, the worst case scenario would be the loss of ground floor commercial to luxury residential conversion.

We feel that preserving the commercial FAR for the Lower East Side - one of New York's most storied neighborhoods - will reinforce the live-work neighborhood and help support and encourage new and established businesses, preserving commercial diversity. The Lower East Side has historically been a place where small businesses have prospered, and we would like to see that legacy continue.

Sincerely,

Christopher Kui  
Executive Director

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Commissioner Burden,

My name is Erica Harrison, and I am the Vice President of the LES BID, and the owner of 88 Orchard, a coffee shop located at the corner of Broome and Orchard Streets in the Lower East Side. In addition to selling coffee, we serve fresh sandwiches, salads, and smoothies in a relaxed atmosphere. People from all over the city come to our shop for a cup of coffee and a bite to eat, but most of our business comes from local merchants, tourists visiting the Tenement Museum, residents, young people, graphic designers, and ad agencies who will sometimes make large orders for the whole office.

As part of our business model, we also deliver food that is ordered by Seamlessweb, a website that allows customers to place an order with our restaurant on the web. Their order and payment information is instantly transmitted to the store, and the delivery goes out as soon as the order is ready. The Commission, however, should carefully note that I did not have enough business orders from office workers in the immediate area that a business like mine needs to sustain itself. We have needed (and thankful for the concept of) Seamlessweb, in order to obtain these types of customers. However, it required my expanding my delivery area to as far west as Broadway. While it is great to know people would order food from us from that far west, it does affect our costs. More importantly, this situation helps illustrate the problem retailers and restaurants and the daytime economy of the Lower East Side are experiencing.

Even though my business has greatly benefited from the use of the web, having walk-in business is still crucial to the continued success of 88 Orchard. We strongly support the LES BID's position to preserve as much of the existing commercial FAR as possible. I rely heavily on creative sector businesses to support the coffee shop, and I believe we need to do everything we can to entice those firms to relocate to the Lower East Side. Big lunch orders, the ones that are currently placed through Seamlessweb but have to be delivered all the way to SoHo, are what drive my lunch business today. But if creative sector firms like architects, software designers, and PR firms had the ability to locate in the Lower East Side my business would increase, as would the business of all the other merchants on Orchard Street. Attracting non-retail commercial firms to the Lower East Side is essential to the continued vitality of the businesses on the Lower East Side, which is why I strongly support the LES BID's position.

Thank you for giving me this opportunity to express my views on this important issue. I hope you will take our views into consideration.

Sincerely,



Erica Harrison  
88 Orchard Street  
New York, NY 10002

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New York, NY 10002  
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Fax: 212-598-4455

# Misrahi Realty Corp.

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Commissioner Burden:

I am writing to you and the rest of the Commission as a property owner of several properties in the Lower East Side and as a merchant who owns Misrahi realty. My family has a long history in the Lower East Side, as people who made this area their home in the 1950's and who ran retail clothing stores. Misrahi Realty is a full-service, second-generation real estate firm specializing in apartment and store rentals, condo and building sales. People come to my office from all over the country and all over the world requesting information about residential and commercial vacancies because they are excited at the prospect of being in the Lower East Side.

This was not always the case. I was President of the Merchants Association, which preceded the formation of the Lower East Side Business Improvement District (LES BID) and then a founder and eventual president of the LES BID. I observed a neighborhood that was a major daytime destination for bargain retail. On Sundays, pedestrians could barely make their way into and out of stores and traverse from one store to the next. We were the only area open on Sunday and offering deep discounted prices for quality merchandise.

This neighborhood has had to survive the quality of life deterioration that the City experienced in the '70's to the 90's, including a prominent drug scene. People would not dare be out at nights. As the area recovered, Sunday shopping had become the norm and locations for discounts and bargains had spread to other part of the city. New retail emerged, along with an art and music scene and a reputation for an exciting nightlife. Just as the daytime destination was recovering, the shoppers and patrons we relied on south of Chinatown stopped coming to the Lower East since they had new options in Lower Manhattan. Because this is a faster paced world than the heyday of the "bargain district" (than even the 1990's), people shop where they work rather than where they live, and so the daytime economy has not fully recovered.

*Brokerage, Building Management  
& Construction Management*

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In this context, I am writing to advocate for the LES BID's zoning position. The proposed rezoning significantly limits the commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination and one way to do that is to encourage the development of commercial space. In fact, we have historically been our own downtown area, whose identity should be fostered rather than phased out.

Like the LES BID, I believe there are some key changes that need to be made to the rezoning proposal in order to preserve and strengthen Lower East Side's distinctive mixed use character:

- **The City needs to allow appropriate commercial density to encourage mixed use/office development. This should be done by keeping the existing commercial density of 6.0 Floor Area Ratio.** It is commercial buildings that will bring an indispensable day-time worker population (e.g. engineers, architects, public relations firms, marketing firms, graphic designers, fashion designers) The daytime population will increase daytime foot-traffic from office workers supporting existing and new businesses, especially our retailers and restaurants. Moreover, while I agree with the residential upzoning, by making the commercial and residential FAR the same (each at 4.0 in your proposal for certain parts of the LES), you are incentivizing residential. This would eventually reduce the historic (over 100 years of) commercial identity of the Lower East Side and, I fear, completely eliminate it.
- **The City needs to preserve zoning usage categories that underscore the creative image of the Lower East Side along with a broad array of commercial activities.** This includes retail, office, artisans and light manufacturers, who could in turn support local businesses and also contribute to the image of the Lower East Side as entrepreneurial. The City's current zoning proposal would take away some of these types of commercial activities.
- **The City needs to allow for more development and design flexibility on the wide streets,** since streets like Delancey St. can accommodate more than what the City proposes as a limit, especially near subway stations. The City has sought to reduce traffic problems and their impact on the economy and the environment. More development near transportation hubs will bring more residents and jobs into the area that support current businesses without the need to accommodate more vehicle traffic.
- **The City should provide incentives (FAR bonuses and relaxed height limits) in exchange for affordable commercial space.** While the LES BID agrees with the City's efforts to build affordable housing to keep this a mixed use area, and tying those goals to FAR bonuses, the City should take it a step further and provide height and FAR bonuses if developers create affordable commercial space.
- **The City needs to treat Allen Street as a wide street to meet dual goal of preserving Orchard Street while allowing for development on Allen Street, including the pedestrian malls.** Certain buildings and blocks on Orchard Street give the neighborhood its historic character. So while the City tries to maintain that

character, it should not lose sight of the ability of Allen Street to accommodate growth. The City should allow a property owner or developer to push any density and height allowance on their thru lots onto Allen Street. I must say I am proud of the LES BID's efforts to get the first pedestrian mall (the demonstration project) funded for renovation on Allen Street between Broome and Delancey. It seems unfair that any current available funding may renovate malls much more south, leaving this mall as a stand-alone orphan. So for the LES BID to come up with an imaginative zoning idea that can fund the revitalization of the other malls in the study area should be incorporated into your plan.

- **The City needs to permit ground floor retail and possibly non-retail in residential districts like in the area east of Essex Street.** The ground floor space can help contribute to the foot traffic in the area of customers and creative sector jobs.

We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination. The Lower East Side needs new office developments to support local businesses.

Please take my own institutional knowledge of the community and the history of the area and my support the LES BID's position into serious consideration.

Sincerely,

Sion Misrahi

Property Owner

Owner, Misrahi Realty

LES BID Board Member (and founding President)

Good morning, thank you for the opportunity to testify today. I am Roberto Ragone, the Executive Director of the Lower East Side Business Improvement District.

As stated by the LES BID President, we are a nonprofit organization with over 600 members of property owners and merchants beautifying and marketing the area to promote the quality of life and small business development while preserving the unique character of the Lower East Side.

You heard from Mark Miller, our President, and Hans Kerremans, one of our BID merchants who owns Tropical Salon. We have merchants and property owners who have signed "petition letters" and some who have written individualized letters in support of our position.

As we have said, we commend and agree with many aspects of DCP's proposal including the residential upzoning, bonus allowances to achieve affordable housing goals, and reasonable height limits.

While many of the revisions to the proposed zoning plan that you hear from me and other BID members sound "outside the box" of the current zoning paradigm, We know that the Department of City Planning and the Borough President have advocated for innovative solutions to other complicated and contentious planning challenges.

Because of this, we are hopeful that the commission will consider our recommendations: There are innovative solutions that can be adopted from other initiatives by the Borough President, City Planning or City agencies, such as the 125th Street rezoning. This same approach—this creative problem solving--can also be applied to south of Houston.

The LES BID President discusses our proposals in detail in his testimony, including 1) height and FAR allowances for 1) providing affordable commercial space; 2) design flexibility, including higher heights and FAR permitted near transportation hubs 3) allowances for development on Allen Street as a wide street (moving density from Orchard to Allen Street for through lots), preserving the character of Orchard Street and linking it to funds to pay for the development and maintenance of the remaining pedestrian malls north of Grand Street. (The demonstration mall between Broome and Delancey was finally completed earlier this year after the LES BID played a significant role in obtaining funding. The other malls remain unfunded leaving the demonstration mall in isolation.)

The goal for the BID is for the City, to foster non-retail commercial space for the LES to create a consistent critical mass of daytime foot traffic, as the baseline customership for retail businesses to survive and then thrive in the neighborhood.

We believe the “creative economy” can continue to come to the LES, sustaining the LES’s historic image while also supporting its retail and restaurants.

With this backdrop, I will focus on the BID’s support for C6-2 and C6-2A on both the wide and narrow streets, and if these zoning codes cannot be implemented, then the City should at least ensure the current commercial FAR of 6.0 (under the current C6-1).

Not because the BID wants to advocate for keeping things the way they are, though we acknowledge there are BID members who want to maintain no height limits.

That’s because, while we support the residential upzoning, we are concerned about a the proposed C4-4A, which equalizes residential and commercial FAR. C4-4A not only reduces the commercial FAR from 6.0 to 4.0 but equalizes the amount of commercial and residential FAR to 4.0, and removes Use Group 11 for light manufacturing.

Our concerns stems from a reasonable assumption that a developer or property owner is more likely to use any allowable density on residential rather than on commercial FAR because residential will be viewed as more profitable than commercial in the long term. Otherwise, the developer may allow for ground floor retail. But the BID is saying that allowances need to be made for non-retail, for the critical mass of office workers and artisans. And these allowances need to be leveraged now that the Lower East Side is part of an Empire Zone.

While this zoning process seeks to preserve the character of the Lower East Side and does so with height limits and affordable housing allowances that the BID generally supports, the City’s proposal accidentally and potentially decommercializes and phases out the commercial character of the Lower East Side south of Houston Street. This is antithetical to the goals of this rezoning.

This concern also explains why we have said the City’s rezoning proposal makes sense north of Houston with its historic residential accent, but south of Houston not only jeopardizes the commercial character, but lets slip away potential economic development opportunities needed to reverse a sluggish daytime small business economy.

With C6-2, C6-2A, and C6-1 at least on the wide streets, but perhaps also on the narrow streets, we maintain a commercial FAR of 6.0 (and with C6-1 we keep it higher than the residential FAR), leaving mixed-used, commercial options open for retail and non-retail, even if it means relaxed height limits.

However, because we may need to remain sensitive to the impact on narrow streets of uncapped heights, then with C6-2A on the narrow streets, we maintain a commercial FAR of 6.0, where despite the 6.02 allowed for residential FAR, it is more likely a property owner or developer will build out a mixed use space than with the proposed C4-4A..

The LES is no longer the only retail area open on Sunday as it used to be.

The LES is no longer the only retail area you can find a bargain.

Most importantly, the LES as a daytime destination used to succeed because people shopped where they lived or set time aside to go there because it was their only option for certain items. Now with less time on their hands, people shop where they work, and the LES does not have a critical mass of day time workers to draw from.

The area now and historically had no office space (and I'm not talking about office towers, but simply boutique office space for small non-retail businesses).

The LES needs the mirror opposite solution to the area south of Chambers. We are nighttime destination, but we need to reclaim a daytime life that office workers bring about in Tribeca and south of Chambers Street not to mention in Flatiron, the West Village and Soho.

The Boro President's own survey found that business owners believe that zoning in general is an important tool (they need) that should be used to foster small business development and success.

No one is talking about the dangers of losing commercial FAR and light manufacturing south of Houston. The BID is trying to prevent these losses by suggesting a responsible and nuanced argument and solution that we hope City Planning, the Boro President, and the City Council will take into serious consideration.

Thank you.



Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Ms. Burden,

I have been a resident of the area for 2 years. My family has a history in the area, being one of the families that at one time ran the lady's garment store named Majestic which has been around for about 50 years. I work as a broker in the area and directly interact with prospective residents and merchants who want to open a business on the Lower East Side. I am also attracted to the creative aspects of the neighborhood, which gives me an outlet and inspiration as an actress.

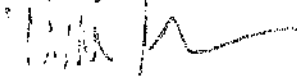
Having said all that, my father was a former BID President and I am actually the residential tenant representative on the BID Board. I can tell you the Board worked hard to arrive at a consensus position which I very much agree with.

Living on Broome just off Orchard Street, I can attest to the importance of the BID's position of planning for the future through zoning to bring in the creative sector and other non-retail commercial that will ultimately help the existing retail survive and grow.

In addition, having worked with young people in the neighborhood, I can attest to the need for open space and recreational space in the area. So the LES BID's position about creating a funding mechanism to revitalize the Allen Street pedestrian malls through zoning makes a lot of sense to me.

I hope you will consider the BID's position in your final recommendations which I believe will ensure that the Lower East Side is a thriving commercial community for years to come.

Thank you,



Michelle Slocum  
Resident - Lower East Side

Testimony

On

The Draft Environmental Impact Statement  
East Village/Lower East Side Rezoning Proposal

ULURP Application  
Nos. C 080397 ZMM  
C 080397(A) ZMM, N 080398 ZRM  
and N 080398(A) ZRM

Before the

New York City Planning Commission

August 13, 2008

By

Stanley Mark

Senior Staff Attorney

Asian American Legal Defense and Education Fund  
99 Hudson Street, 12<sup>th</sup> Floor  
New York, New York 10013

My name is Stanley Mark and I am a senior staff attorney at the Asian American Legal Defense and Education Fund (AALDEF), a 34-year old organization that protects and promotes the civil rights of Asian Americans through litigation, advocacy, community education, and organizing. By combining litigation, advocacy, education and organizing, AALDEF works with Asian American communities across the United States to secure human rights for all.

AALDEF represented the petitioners in *Chinese Staff and Workers Association v. the City of New York*, 68 N.Y.2d 359 (1986) that required an environmental review that encompasses socioeconomic impacts upon low-income tenants and small businesses. AALDEF also represented Chinatown residents who recently settled a lawsuit brought against the City of New York due to the closing of Park Row, a major through fare in Chinatown, since the 9/11 tragedy. Last year the NYPD acknowledged the substantial adverse impact resulting from the street closing of Park Row.

I am here today to testify and submit preliminary findings criticizing the Draft Environmental Impact Statement (DEIS) of the East Village/Lower East Side Rezoning proposal, and I will be submitting the final report produced by the Center for Community Planning and Development at Hunter College CUNY by August 25, 2008.

I am incorporating the following findings into my testimony.

The DEIS does not address the disparate impacts to Asian, Hispanic, Black, and low-income residents.

The DEIS does not disclose the discriminatory impacts of the project, which disproportionately protects areas that are predominately white and higher income, to the exclusion of areas that are most heavily populated with low-income residents and people of color.

The DEIS lacks a detailed assessment of indirect residential displacement due to rising housing costs, both inside and outside of the proposed zoning area.

The DEIS fails to disclose the discriminatory impact of the rezoning on populations outside of the rezoned area.

By limiting the secondary study area to 1/4 mile, the DEIS draws inaccurate conclusions about existing trends and development pressures throughout the areas.

Likewise, the study areas should not have been analyzed as a whole but rather by subarea, as was done (though inadequately) in the neighborhood character chapter.

The DEIS minimizes the effects of business displacement on neighborhood conditions.

The DEIS minimizes the effects of the rezoning on the ability of existing businesses to successfully relocate.

The DEIS does not address whether the majority of residents currently living in the area earn enough money to qualify for the “affordable” units provided under the inclusionary benefit.

Public Housing is not necessarily protected from impacts of the rezoning.

The DEIS incorrectly assumes that buildings with 6 or more residential units built before 1974 will be automatically be protected by rent-stabilized regulations.

#### Conclusion

By limiting the extent of the study area, the DEIS fails to capture the full geographic impacts of the third largest rezoning in New York City. By not examining the full range and distribution of income, race, housing characteristics, and other socioeconomic factors, the DEIS makes the study area appear to be far more homogenous than it really is, thus minimizing the disparate impacts to low income residents and people of color. The underlying assumptions regarding projected development lead to a gross underestimation of business displacement and secondary residential displacement. In summary, the DEIS that was prepared for the East Village Lower East Side Proposed Rezoning falls short of the requirements set forth in the City Environmental Quality Review (CQR) regulations (Section 6-09 of the Executive Order No. 91) and does not provide the level of detail appropriate for a rezoning of this scale. This proposal should be rejected until a more thorough environmental review has been conducted.



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND  
 99 HUDSON STREET, 12th FL, NEW YORK, NY 10013-2015 TEL: 212 968-5932 FAX: 212 968-4703

August 25, 2008

New York City Planning Commission  
 22 Rcade Street, 1W  
 New York, NY 10007

Re: Supplemental Testimony  
 Analysis of Draft Environmental Impact Statement  
 East Village/Lower East Side Rezoning

Dear Commissioners:

I am submitting this letter with new information to supplement my testimony presented to the New York City Planning Commission on August 13, 2008 at its public hearing at New York University. My testimony dated August 13, 2008 along with the final report, "Analysis of the Draft Environmental Statement for the East Village/Lower East Side," prepared by the Center of Community Planning and Development at Hunter College on behalf of the Coalition to Protect Chinatown and the Lower East Side, are enclosed.

We continue to question the validity and sufficiency of the Draft Environmental Impact Statement (DEIS) because its fundamentally flawed methodology rests on key assumptions leading to a false conclusion: that there are virtually no adverse significant impacts resulting from this rezoning because the projected development at more than 180 sites will proceed in such a similar pace and similar manner without the rezoning. This conclusion is repeated in almost every chapter of the DEIS.

The DEIS fails to disclose crucial data and analysis necessary for a hard look at the rezoning's significant impacts. For example, Chapter 23 Alternatives discusses the impact of future development upon traffic, parking, shadows, and other environmental impacts due to the rezoning plan that includes subsequently adopted modifications. The modifications include the upzoning along Chrystie Street, which permits development of the tallest or biggest buildings along the southwest edge of the rezoned area including several Chinatown streets. The ¼ mile study area, however, covers only a part of Canal Street, the approach to the Manhattan Bridge, and part of East Broadway (plus other streets in the study area) and excludes most streets in Chinatown including Park Row (just south of the study area) that has been closed to traffic since the 9/11 tragedy. By omitting Chinatown streets in the study area, the DEIS fails to account for the widespread impact on pedestrian safety, parking, traffic congestion upon Chinatown residents and businesses beyond the traffic study area.

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 22 RCADE STREET  
 NEW YORK, NY 10007

Chapter 23 of the DEIS fails to disclose and analyze the true impact on parking due to the adoption of the Inclusionary Alternative modifying the rezoning plan. This alternative will result in greater shortage of off-street parking when compared to the rezoning plan without this modification. The DEIS fails to disclose data and analysis in appropriate detail explaining how and where this shortage can be accommodated by parking facilities in an unspecified adjacent zone.

Another example found in Chapter 22 Mitigation also reveals a lack of data and analysis. Although recognizing the adverse impact of shadows upon the Orchard Alley Garden (occupying the width of a block between East 3<sup>rd</sup> and East 4<sup>th</sup> Streets), the DEIS fails to disclose any details of mitigation and states:

“Measures such as locating sun-sensitive features in areas where they would be least affected by shadows, choosing shade tolerant species for vegetation to be planted in areas that would be in shadow, and realignment of benches and seating areas could be implemented as mitigation to avoid such impact. With such measures in place, the potential adverse impacts on the Orchard Alley Garden could be mitigated.” (DEIS page 22-1)

The details for mitigation of how, what, where, and when are omitted and do not adequately provide analysis for mitigation. By failing to describe the mitigation in any appropriate detail, there is no analysis except for general suggestions and places the burden of discovering these details on the caretakers of this garden. (Please note that this is the third largest rezoning proposed in New York City and yet there is less than one page devoted to mitigation and only one significant adverse impact to be mitigated.)

For the foregoing reasons, more data and analysis must be done to amend the DEIS if it is to meet the requirements set forth in City Environmental Quality Review regulations (Section 6-09 of the Executive Order No. 91).

Yours truly,

  
Stanley Mark  
Senior Staff Attorney

Enc.

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**Testimony to the City Planning Commission  
on proposed East Village / Lower East Side Rezoning  
Wednesday, August 13, 2008  
by Lisa Burriss**

---

Good morning, my name is Lisa Burriss and I am a life-long resident of the Lower East Side as well as the Director of Organizing for Public Housing Residents of the Lower East Side, a project of GOLES.

First, I would like to thank the City Planning Commission for the opportunity to testify. I would also like to thank Community Board 3 for working with the city as well as residents and community coalitions such as LESCAZ to rezone the East Village / Lower East Side.

I want to begin by urging the City Planning Commission and the City to support this rezoning with Community Board 3's modifications which include:

1. special oversight and enforcement protections against tenant harassment and demolition of sound residential buildings, especially on wide streets such as Houston, Delancey, Chrystie, Avc. D, and Pitt
2. the creation of a legal services fund to protect low-income tenants at risk of landlord harassment
3. a commitment by the city to make sure that at least 30% of new residential development is permanently affordable
4. affordable inclusionary zoning on all of the wide avenues north and south of Houston
5. an amended zoning code to stem the growth of noxious uses such as eating and drinking establishments, including the use of rear yards for such purposes, in areas with residential zoning, regardless of whether they had a commercial overlay or not

6. a commitment to energy efficiency and building requirements that give developers incentives to bring more green building development to the Lower East Side.

These modifications are a result of more than three years of community board meetings and public hearings. The Community Board, many residents and organizations representing low and moderate income families of color worked tirelessly to reach consensus around a plan that addressed our needs and included the community's input and concerns.

As each day passes, it becomes clearer that this rezoning is desperately needed to fight the piece by piece give away of our neighborhood due to the out of control development of hotels and luxury housing. This out of scale and out of control development is changing the historic and diverse character of the community. It is driving up rents and facilitating the depletion of our affordable housing stock.

On a daily basis, we witness the pressures residents face as they live doubled up in overcrowded conditions because they want to remain in the community but can not afford the market rate rent. In fact, I know dozens of people who have been forced to move to other neighborhoods where rent is more affordable, even though they have wanted and needed to remain on the Lower East Side. These conditions are breaking up family support systems that low income residents rely on, creating a quality of life crisis. Therefore, it is critical that we seize and maximize opportunities to create incentives for the development of permanent affordable housing such as inclusionary zoning.

Recently, misguided groups opposing the plan have made public accusations of racism. They have circulated petitions misrepresenting the facts as well as the



impact of the rezoning in public housing spreading fear among residents. This is grossly inappropriate especially during a time when public housing is experiencing a number of other funding issues and misleading facts about the zoning and racism detract from resident's ability to focus on effective way to preserve public housing.

I understand that this rezoning can not stop all of the problems we are facing with gentrification, displacement or even the funding and preservation issues we are facing within public housing. However, I believe that it will help us to preserve the diversity of our community, protect the character of our neighborhood, and create more opportunities for long time residents and their children to remain in the Lower East Side.

Therefore, I want to reiterate my support for the rezoning and I urge the City Planning Commission and the City to also support the East Village / Lower East Side rezoning with Community Board 3's modifications. Thank you.

# CIVIC CENTER RESIDENTS COALITION

180 Park Row, 3B, New York, NY 10038

*c. Dobruskin  
M. Goldstein  
K. Kopylovsky  
J. Lee  
J. Chin  
H. H.*

August 24, 2008

Robert Dobruskin AICP.  
Director  
Environmental Assessment and Review Division  
New York City Department of City Planning  
City Planning Commission  
22 Reade Street, 1W,  
New York, NY 10007  
(212-720-3423)

DEPT OF CITY PLANNING  
RECEIVED  
2008 AUG 25 AM 10:40  
ENVIRONMENTAL REVIEW DIV.

Dear Mr. Dobruskin:

**RE: EAST VILLAGE/LOWER EAST SIDE REZONING**

Project Identification-CEQR No. 07DCPO78M

ULURP Nos. 08-397 ZMM, N 080398 ZRM

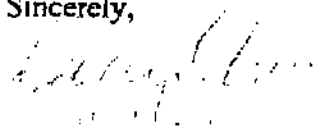
SEQRA Type: Type I

We are submitting 17 copies of our revised **Impact Statement** to replace the earlier document that was delivered to the Wednesday, August 13, 2008 hearing regarding the DEIS for East Village/Lower East Side Rezoning.

If you have any questions or need additional information, please feel free to contact us -- (Jeanie) 917 495-4115 and (Jan) 917 710-7503.

Thank you.

Sincerely,



Jeanie Chin, President  
Jan Lee, Vice President

Enclosure

*Revised August 24, 2008*

## **CIVIC CENTER RESIDENTS COALITION - IMPACT STATEMENT**

*On December 13, 2007 the New York Post stated that over 260,000 vehicles crowd into Manhattan daily on weekdays*

Chinatown is the traffic core of many major arteries in and out of Lower East Side and Lower Manhattan:

- Williamsburg Bridge / Delancey Street
- Manhattan Bridge / Canal Street
- Holland Tunnel / Canal Street and Worth Street
- Brooklyn Bridge / St. James Place

Yet the East Village/Lower East Side Draft Environmental Impact Statement fails to disclose the impact beyond a quarter mile of the study area -- excluding an area that has tremendous impact on Lower East Side traffic patterns if not all of Lower Manhattan. The DOT proposed narrowing of the Bowery, hyper development, and the future influx in population from new housing will have a major impact on Chinatown traffic. ALL of Lower East Side and Lower Manhattan will be crippled if Chinatown suffers gridlock in a domino effect.

### **CURRENT CHINATOWN TRAFFIC PROBLEMS**

**Chatham Square** – As the convergence for 7 streets, this 10-year-old intersection was poorly designed to handle traffic properly. Chatham Square gridlocks during peak hours. The Department of Transportation has plans to reconstruct it next year, which will make the area impossible to navigate during reconstruction. The new plans will essentially replicate the poor design of the northbound St. James/Bowery lanes onto the southbound traffic lanes. Forcing southbound Bowery traffic, particularly the articulated buses, to drive around a new triangle at the corner of Bowery/Mott Street in order to access Park Row and Worth Street will also slow down northbound traffic attempting to make a left turn onto Worth Street at Chatham Square. Worth Street is the ONLY working cross-town street below Canal Street with Fulton Street under reconstruction. Below Canal Street, Worth Street is the east side's main conduit to the Holland Tunnel.

**Police Headquarters** – After 9/11 Park Row (another major artery) was closed as well as the Brooklyn Bridge exit ramp to Chinatown and its surrounding roadways. NYPD has justified these closures as security related. These closures exacerbate the Chatham Square intersection with no reopening in sight. Police Headquarters will always be a traffic aggravator as well as a safety risk to this heavily residential neighborhood. Relocation would be an ideal resolution.

**Police Security Bunker** – Recently Police Headquarters has announced plans to install an 8-story super, high tech security bunker at its formerly proposed "911 Call Center". This capital expenditure will not only violate ULURP guidelines, it will undoubtedly further impact Brooklyn Bridge traffic and the already congested surrounding blocks. Instead of further impeding traffic, slowing development of Lower Manhattan, and creating a greater target for danger, NYPD could take note from the FDNY/EMS and the OEM who have realized the efficiency of relocating off Manhattan.

**Civic Center** – Located at the southern rim of Chinatown, the Civic Center is a major contributor to parking problems. Government workers have grossly abused parking permits for over 22 years. On July 10, the NYPD revealed a crackdown on illegally parked “government” cars citing shocking numbers of abuses making it one of the biggest sources of traffic congestion. This year’s DOT study found over 144,000 government parking permits, which does not even include the number of illegal permits. The future looks equally bleak as the offenders become the enforcers and city government continues to view free parking downtown as a “perk” for government workers – at the expense of surrounding neighborhoods.

**Municipal Parking Garage** – Before 9/11, this parking structure provided relief to 400 cars. Without being replaced this loss has also affected all surrounding businesses adding financial as well as quality of life impact. The Police Headquarters’ (PH) claims that their people are using the Municipal Garage as per the judicial orders from the won lawsuit removing cars from James Madison Plaza Park behind Chatham Green belies the continual overcrowded police vehicle parking conditions. If the garage reopened to the public, the neighborhood would flourish. Instead of the proposed security bunker, an educational center or any positive community use would revitalize this space and finally connect this area to all of Lower Manhattan.

**Buses** – Chinatown is inundated with intercity buses (numbering more than those at Port Authority), tourist buses and Atlantic City buses. All these buses are jockeying for position on overcrowded neighborhood streets teeming with children and seniors trying to navigate them.

**Ground Zero** – Although south of Chinatown, Ground Zero’s completion will bring countless more vehicles through and to Chinatown. The NYPD’s new security plan for the World Trade Center will further complicate traffic as we have seen occur in Park Row’s shut down and security checkpoints.

**New Additions** – Recently completed condos on Worth Street, Mott Street, Baxter Street...etc have increased residential populations and privately owned vehicles to an area already saturated with traffic. Future high priced residential and hotel developments will also contribute to glutting the traffic core because developers are NOT required to provide parking for this huge influx of vehicles.

### **RECONSTRUCTION AND CONSTRUCTION**

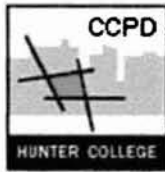
Within ten years, two major cross-town roadways have been lost. Pearl Street has permanently closed, and Fulton Street is under reconstruction making Worth and Canal Streets increasingly more congested. A 2006 subcommittee of the Department of Homeland Security projected that “within 5 years, more than \$20 billion in construction will be underway in all of Lower Manhattan below Canal Street.” This equates to more than 200,000 concrete trucks, and a DAILY workforce of over 6,500 people.

- The Brooklyn Bridge is scheduled for reconstruction next year for the next 4 years further impacting St James on the east, and Centre Street on the west.
- Gehry Tower’s 75 stories with elementary school on Beekman Street will funnel traffic onto the partially closed Park Row increasing the load on surrounding streets. Additional development on Brooklyn side of the Brooklyn Bridge will add to the traffic entering Lower Manhattan into Chinatown.

- Church Street/Fulton Street transit hub current development.
- Chatham Square is slated by the DOT to be reconstructed next year.

Once a vibrant area, empty storefronts still line the streets closest to a closed Park Row. If Chinatown remains unprotected, this will spread. The community-initiated rezoning proposal is intended to preserve the character of the neighborhood, restrain the rash of oversized development and expand the opportunities for affordable housing. Chinatown will need the protection of rezoning, as well as the LES/East Village. Traffic conditions exist and will worsen as reconstruction and construction continue. This will not only impact quality of life concerns, but also severely impact emergency service access. If for no other reason, Chinatown should be included in the rezoning proposal to help protect and mitigate traffic that AFFECTS US ALL. The interconnectedness of traffic on the Lower East Side, Chinatown and Lower Manhattan demands that the DEIS must cover an area beyond its presently limited scope in one of the three largest rezonings in New York City.

**Civic Center Residents Coalition**  
**Jhincerc@gmail.com; Jancerc@gmail.com**



## **Analysis of Draft Environmental Impact Statement East Village/Lower East Side Rezoning**

### **Prepared by**

HUNTER COLLEGE CENTER FOR COMMUNITY PLANNING & DEVELOPMENT  
Dr. Tom Angotti, Director  
Kate Ervin , Research Analyst

### **For**

Coalition to Protect Chinatown and the Lower East Side

**August 22, 2008**

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## GLOSSARY

<b>affordable housing</b>	housing units that are affordable to people within a specified income range; generally, for a unit to be affordable, the household would pay no more than 25-30 percent of its annual income on total housing costs
<b>AMI</b>	Area Median Income
<b>Build scenario</b>	projected future development conditions under the proposed rezoning
<b>CEQR</b>	City Environmental Quality Review
<b>contextual zoning</b>	zoning districts that regulate the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character
<b>DCP</b>	Department of City Planning
<b>DEIS</b>	Draft Environmental Impact Statement
<b>density</b>	the intensity of development within a zoning district; in residential districts, this is generally measured by the maximum number of dwelling units permitted on a zoning lot
<b>displacement</b>	the involuntary movement of persons or businesses
<b>downzoning</b>	reducing the permitted density or floor area ratio within a zoning district
<b>FAR</b>	Floor Area Ratio;
<b>gentrification</b>	upgrading of a residential area, usually resulting in the displacement of traditionally lower-income, working class populations
<b>HPD</b>	Department of Housing Preservation & Development
<b>IHP</b>	Inclusionary Housing Program; permits an increase in the floor area of residential developments in exchange for the provision of below-market-rate housing (or affordable housing) for low-, moderate- and middle-income households
<b>Inclusionary Zoning</b>	zoning districts that encourage the development of affordable housing
<b>No Build scenario</b>	projected future development conditions without the proposed rezoning
<b>NYCHA</b>	New York City Housing Authority
<b>RWCDS</b>	Reasonable Worst Case Development Scenario
<b>upzoning</b>	increasing the permitted density or floor area ratio within a zoning district



## I. OVERVIEW

Manhattan's Community District 3 (Figure 1) covers the southeastern portion of lower Manhattan, bounded by East 14<sup>th</sup> Street to the north, the East River to the east and south, and 4<sup>th</sup> Avenue, the Bowery, and Baxter and Pearl Streets to the west. Originally, this area was generally known as the Lower East Side, famous for its long history as a working-class, immigrant neighborhood. It has since evolved into several distinct yet connected neighborhoods, including Chinatown, Two Bridges (where the Manhattan and Brooklyn Bridges enter Manhattan), the Bowery, the Lower East Side (now much smaller), and the East Village.

The Community District is experiencing tremendous development pressure on all sides, from the lower Manhattan business district to the south and Soho and Tribeca to the west. East River waterfront redevelopment and hotel development on the Bowery and in the Lower East Side are creating new pressures on land values and rents, which threaten to displace many of the long-time residents, businesses, and working-class families in this diverse community. The most vulnerable residents are low-income and working families, and the most vulnerable businesses are those serving this population.



Figure 1. Community District 3

The proposal by the NYC Department of City Planning (DCP) to rezone 111 blocks in the East Village and a portion of the Lower East Side promises to help protect many of the residential structures in the area from redevelopment pressures. The rezoning area is bounded by Bowery and Third Avenue to the west, East 13<sup>th</sup> Street to the north, Avenue D to the east, and East Houston Street, Delancey, and Grand Streets to the south (DEIS Figure 1-1). However, as argued in the following sections, the proposal excludes most of Chinatown, the Bowery, and portions of the Lower East Side, and promotes redevelopment in the blocks immediately adjacent to these vulnerable areas without offering them adequate protections.

Under the city's environmental quality review (CEQR), DCP is required to prepare an environmental impact statement (EIS) that discloses potential impacts of the rezoning. In accordance with guidelines in the city's *CEQR Technical Manual*, the EIS must disclose a broad range of potential negative impacts, including impacts on the environment, human health, neighborhood character, and socioeconomic conditions. The disclosure is projected in accordance with a hypothetical Reasonable Worst-Case Development Scenario (RWCDs) that is supposed to consider the most severe impacts, thus erring on the side of caution. These impacts must be compared with the hypothetical scenario of a future without the project.

The Draft EIS (DEIS) for the East Village/Lower East Side rezoning is fundamentally flawed because on several accounts it does not project the worst-case scenario. It understates the potential development

impacts. It fails to disclose that the greatest impacts will affect low-income working families and people of color who currently live in the Lower East Side, Chinatown, and public housing properties that surround the rezoned area. Because the secondary study area is limited to a ¼ mile radius from the rezoning area, it fails to analyze the disparate impact of the rezoning on neighboring communities and throughout Community District 3.

The following sections provide a critique of the DEIS, focusing on two important chapters: Socioeconomic Conditions (Chapter 3) and Neighborhood Character (Chapter 9). While our analysis was limited to these chapters, the problems and omissions that were identified relate not only to the methodology and conclusions in the DEIS, but also reflect general failures in the rezoning proposal itself. The proposal is considered by many residents of the area to be exclusionary, in that its boundaries exclude the most vulnerable communities of Community District 3 while encouraging a process of redevelopment and gentrification that will further harm those communities. Similarly, many residents feel the planning process was not adequately inclusive to obtain input from all stakeholders. Residents and community-based organizations – both in favor of and against the proposed rezoning – have expressed concern about landlord harassment of low-income tenants, development pressures that threaten to transform their neighborhoods into wealthier enclaves, and the loss of affordable housing and rent-stabilized buildings. This analysis, therefore, is intended to alert decision makers and residents to the shortcomings of the DEIS, which in turn reflect the shortcomings of the rezoning proposal and the process by which it was developed.

## II. THE REZONING PROPOSAL

The proposed rezoning was initiated as a response to out-of-character development in and around the East Village and Lower East Side. For many years, Manhattan Community Board 3 has been concerned that existing zoning allows redevelopment that might create out-of-scale buildings, displace residents and businesses, and affect the area's historic character. DCP also shaped its proposal to create zoning incentives for new development in the portion of the rezoning area it believed to be most appropriate for new development. The result was a rezoning proposal that seeks to preserve the existing built environment – particularly in the East Village and along narrow streets – and channel most new development along East Houston Street, Delancey Street, Avenue D, and in general the area below East Houston Street (see Appendix A for the proposed zoning map and text amendments).

The proposed zoning map amendments would create “contextual zoning” districts designed to limit street wall and overall building heights so that new developments would reflect the existing scale and character of the East Village and Lower East Side. All new construction within these districts would be required to line up with existing buildings in order to maintain a consistent street wall. Under the Department of Housing Preservation and Development (HPD) Inclusionary Housing Program, some of the streets and avenues would be zoned to allow density bonuses (increases in the allowable floor area ratio) for new developments, provided that 20% of the residential floor area was used for units that would be permanently affordable to residents making 80% or less of the area median income. Modifications to the proposed rezoning were approved by DCP on July 3, 2008, which extended the Inclusionary Zoning bonus to a portion of Chrystie Street south of East Houston Street, and to several of the north-south avenues north of East Houston Street.

Although out-of-scale development has occurred throughout much of CD3, DCP did not propose rezoning Chinatown and portions of the Lower East Side to the south, the Bowery to the west, East 14<sup>th</sup> Street to the north, or public housing to the south and east.

The proposed zoning text and map amendments are summarized as follows. A comparison chart and model diagrams of existing and proposed zoning can be found in Appendix A.

### **Residential/community facility districts:**

- Approximately 43% of the rezoning area would be changed from R7-2 to R8B
  - 59 blocks (midblock portions only) along the streets north of East Houston Street
  - Residential floor area (FAR) increases from 3.44 to 4.0
  - Community facility FAR decreases from 6.5 to 4.0
  
- Approximately 23% of the rezoning area would be changed from R7-2 to R7A
  - 90 blockfronts along the avenues north of East Houston Street
  - 17 blocks south of East Houston Street, north of Delancey Street, and between Norfolk and Pitt Streets
  - Residential FAR increases from 3.44 to 4.0
  - Community facility FAR decreases from 6.5 to 4.0

- July 3, 2008 modification: Inclusionary Zoning along 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue, and Avenues A and C would decrease the base residential FAR from 4 to 3.45, with an incentive that increases the maximum residential FAR to 4.6 provided that 20% of residential floor area is used for permanently affordable units
- Approximately 5% of the rezoning area would be changed from R7-2 to R8A with Inclusionary Zoning
  - 23 blockfronts along East Houston Street, Delancey Street, Avenue D, and Pitt Street
  - Residential FAR increases from 3.44 to 5.4
  - Community facility FAR remains at 6.5
  - Inclusionary Zoning sets base residential FAR at 5.4, with an incentive that increases maximum residential FAR to 7.2 provided that 20% of residential floor area is used for permanently affordable units
- Approximately 2% of the rezoning area would be changed from R7-2 to R7B
  - 3 blocks (midblock portions only) south of Tompkins Square Park
  - Residential FAR decreases from 3.44 to 3.0
  - Community facility FAR decreases from 6.5 to 4.0

**Mixed commercial/residential/community facility districts:**

- Approximately 11% of the rezoning area would be changed from C6-1 to C4-4A
  - 26 blocks between East Houston Street and Delancey Street (from Chrystie Street to Essex Street), and between Delancey Street and Grand Street (from Chrystie Street to Ludlow Street)
  - Residential FAR increases from 3.44 to 4.0
  - Community facility FAR decreases from 6.5 to 4.0
  - Commercial FAR decreases from 6.5 to 4.0
- Approximately 3% of the rezoning area would be changed from C6-1 to C6-2A with Inclusionary Zoning
  - 27 blockfronts along East Houston Street, Delancey Street, and Second Avenue
  - Residential FAR increases from 3.44 to 5.4
  - Community facility FAR remains at 6.5
  - Commercial FAR remains at 6.0
  - Inclusionary Zoning sets base residential FAR at 5.4, with an incentive that increases maximum residential FAR to 7.2 provided that 20% of residential floor area is used for permanently affordable units
- July 3, 2008 modification: Approximately 2% of the rezoning area would be changed from C6-1 to C6-3A with Inclusionary Zoning
  - 4 blockfronts along Chrystie Street

- Inclusionary Zoning sets base residential FAR at 6.5, with an incentive that increases the maximum residential FAR to 8.5 provided that 20% of residential floor area is used for affordable units
- Commercial overlay over portion of R7A district
  - 8 blockfronts along Second Avenue, between East 3<sup>rd</sup> Street and East 7<sup>th</sup> Street
  - Allows commercial use up to 2.0 FAR

The proposal also includes an HPD-sponsored residential and commercial development on the corner of East 2<sup>nd</sup> Street and Avenue D, which would include 116 dwelling units, 23 of which would be affordable, as well as over 7,800 square feet of ground floor retail. This is referred to as Projected Development Site 167 (see Appendix A).

In this section we comment on four aspects of the rezoning proposal that have been widely discussed but require more careful analysis: A) upzoning the East Village and Lower East Side, B) control of building heights, C) Inclusionary Zoning, and D) the proposed HPD affordable housing project on East 2<sup>nd</sup> Street and Avenue D.

#### **A. Upzoning the East Village and Lower East Side**

Contrary to the impression given in public discussions, the East Village/Lower East Side rezoning would be an upzoning designed to promote new development. The East Village, north of East Houston Street, would be largely protected by contextual zoning, and several blocks just south of Tompkins Square Park would be downzoned.

The rezoned portion of the Lower East Side (south of East Houston Street) as well as Avenue D (north of East Houston Street), would experience the highest upzoning to promote new residential and commercial development. As we will demonstrate in the section below on Socioeconomic Impacts, the populations most vulnerable to displacement are in the Lower East Side and the neighborhoods to the east and south of the proposed rezoning.

One of the alternative proposals developed by DCP (known as the Inclusionary Alternative) was adopted in July 2008. This modified proposal extends Inclusionary Zoning to the wide avenues north of East Houston Street to encourage the construction or preservation of affordable housing in the East Village. In the Lower East Side, however, these incentives would be limited to developments along Delancey Street, Chrystie Street, and a portion of Pitt Street.

The East Village and Lower East Side have distinct population characteristics and are treated differently in the proposed rezoning, in terms of development incentives. By failing to analyze these as separate areas of the rezoning, the DEIS obscures the more dramatic effects of the upzoning. To be more precise, by looking at the two areas separately it is clear that the greatest upzoning occurs in the Lower East Side, where protective, contextual zoning and Inclusionary Zoning are most needed to preserve existing affordable housing.

## **B. Building Heights**

While the new contextual zones to be mapped in the area have height limits, it is not true, as often stated by proponents of the rezoning, that the existing zoning has no height limits. This deception is used to “sell” the rezoning by playing on concerns about tall buildings. In fact, the rezoning is likely to result in more tall buildings in some areas. Under the existing zoning, the FAR limits the amount of building space on any given zoning lot; because of FAR limits, buildings can only be so tall. In general, the existing buildings in the R7-2 zoning district are built at or close to their maximum FAR of 3.44. However, under the rezoning, the maximum FAR in the R7A, for example, would be 4.0, a marginal increase but enough to encourage redevelopment on a number of building sites in the existing R7-2 and C6-1.

The new developments in the R7A district can go up to a height of 75-80 feet, taller than most existing buildings in the existing R7-2 district. Buildings in the existing R7-2 district are, on average, fewer than five stories tall. In the upzoned R8A and C6-2A districts along East Houston Street, Delancey Street, Avenue D, and portions of 2<sup>nd</sup> Avenue and Pitt Street, new buildings may go up to 120 feet. Existing buildings in these corridors are, on average, fewer than four stories tall. In the upzoned C6-3A along Chrystie Street, new buildings may go up to 145 feet. Existing buildings along Chrystie Street are, on average, fewer than five stories tall.

## **C. Inclusionary Zoning**

The Inclusionary Zoning incentives in the rezoning will not necessarily produce any affordable housing. Under the Inclusionary Housing program, the proposed actions would extend a floor area bonus for developments within the R7A, R8A, C6-2A, and C6-3A districts, provided that 20% of the residential floor area is used for permanently affordable units:

- The Inclusionary Zoning bonus is voluntary – to be elected at the discretion of the developer. Inclusionary Zoning incentives have proved effective in other cities where they are mandatory.<sup>1</sup> There is no guarantee that developers will opt for the inclusionary bonus.
- Given the onset of what may well be another long-term budgetary crisis in city and state governments, it is questionable how much subsidy will be available to developers to assist with the construction of affordable housing over the next decade. No one can predict, but the requirement for a RWCDs dictates that the EIS clearly disclose that it is possible that few, if any, inclusionary units will be built. The mixed affordable and market-rate housing site proposed for development by an unknown private developer and HPD may also remain undeveloped due to lack of funds.
- The criterion widely used in New York City to define affordability is 80% of the Area Median Income (AMI). The AMI is calculated by the federal government based on income levels in the city and surrounding suburbs. Since average incomes in the Lower East Side and surrounding

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<sup>1</sup> PolicyLink and Pratt Institute Center for Community and Environmental Development, Fall 2004. “Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning.” <http://www.prattcenter.net/pubs/izreport.pdf>

neighborhoods are between 30-40% of AMI,<sup>2</sup> the potential affordable units are not likely to be affordable to most current residents. (See discussion of affordability in section VI.)

- New development encouraged by the rezoning may very well displace more households living in affordable housing (both public and private) than the number of units created under Inclusionary Zoning. Since the DEIS does not consider the potential impacts of secondary displacement, this possibility is not disclosed.

#### **D. HPD-Sponsored Development**

Included in the proposed actions is the development of a residential building with ground-floor retail, located near the corner of Avenue D and East 2<sup>nd</sup> Street. This would require the disposition of City-owned property located at 302 E. 2<sup>nd</sup> Street and several additional tax lots. The DEIS lists which lots were initially included in the proposal, but does not discuss their current ownership or use. A footnote states:

*Information obtained directly prior to the issuance of the DEIS indicates that the HPD proposal may be revised to include several additional tax lots than originally proposed, and could involve the transfer of air rights from adjacent lots. Consequently, the assumptions for the HPD proposal and the associated analysis will be updated as needed to reflect HPD's final development plans between the Draft and Final EIS, however it is not anticipated to alter the conclusions in this DEIS.<sup>3</sup>*

As currently planned, the new development would include 7,844 square feet of ground-floor retail space and 116 dwelling units, 23 of which would be affordable to low- to moderate-income households. Table 2-1 provides general information about the sites listed in the DEIS that would be assembled for the proposed development.

**Table 1. Proposed lots to be assembled for HPD development on East 2<sup>nd</sup> Street and Avenue D.**  
Source: DEIS Chapter 1, page 1-7.

Block	Lot	Owner	Bldgs	Total Units	Residential Units	Land Use
372	47	Gerena Realty Corp	1	1	0	Commercial/ Office Buildings
372	43	Simon Bergson & Jerry East Houston Street Dee	0	0	0	Vacant Land
372	44	Realty, LLC	1	4	9	Commercial /Office Buildings
372	48	Jerry Bergson	0	0	0	Parking Facilities
372	49	Housing Preservation	0	0	0	Parking Facilities

*NOTE: Additional lots may have been added to HPD proposal since the issuance of the DEIS.*

<sup>2</sup> Based on US Census 2000 average median income levels.

<sup>3</sup> Chapter 1 of Draft Environmental Impact Statement, CEQR No. 07DCP078M, May 2, 2008.

Since this project may change significantly in scope, the DEIS must disclose the reasonable worst case scenario. The DEIS should also consider the possibility of a fully private, market-rate project. This site is proposed for upzoning from R7-2 to R8A, which increases the residential FAR from 3.44 to 5.4, or as high as 7.2 with affordable housing. As with all other potential inclusionary sites, developer interest and budget limitations may result in a strictly private market-rate development.

The DEIS also fails to disclose the public costs of subsidizing this mostly private development, and other private developments, through bond financing, tax incentives, and the conveyance of city-owned land at below-market price.



### III. PROBLEMS WITH THE DEIS METHODOLOGY

In this section we present two basic problems with DEIS methodology: A) inadequate definition of study area boundaries, and B) underestimation of the reasonable worst case development scenario (RWCDs).

#### A. Inadequate Definition of Study Area Boundaries

The *CEQR Technical Manual* states that the study area:

*...will encompass the project site and adjacent area within 400 feet, a quarter-mile, or a half-mile, depending on project size and area characteristics. When the data to be used include geographic units, such as census tracts or zip-code areas, it may be appropriate to adjust the study area to make its boundaries contiguous with those of the data sets.<sup>4</sup>*

There are three significant problems related to the study area boundaries that were applied in the DEIS, particularly in the analysis of socioeconomic conditions and other chapters involving population:

- 1) The analysis does not include enough of the area likely to be affected by the proposed actions;
- 2) The analysis does not demonstrate the variations in demographic, income, and housing characteristics both within and outside of the proposed rezoning area; and
- 3) The primary and secondary study areas are not analyzed at the same geographic resolution.

The DEIS defines the primary study area as the area of the proposed rezoning. For the socioeconomic analysis (Chapter 3), the secondary study area includes only a ¼ mile buffer around the primary study area (see DEIS Figures 1-1, 3-1, and 3-2), thereby excluding much of the population throughout Community District 3 that is vulnerable to the impacts of rising housing costs and gentrification.

The secondary study area should have extended to at least ½ mile, as we demonstrate below. For actions that involve a large area or encompass more than one site, CEQR guidelines encourage the widest possible analysis of surrounding areas. The *CEQR Technical Manual* states:

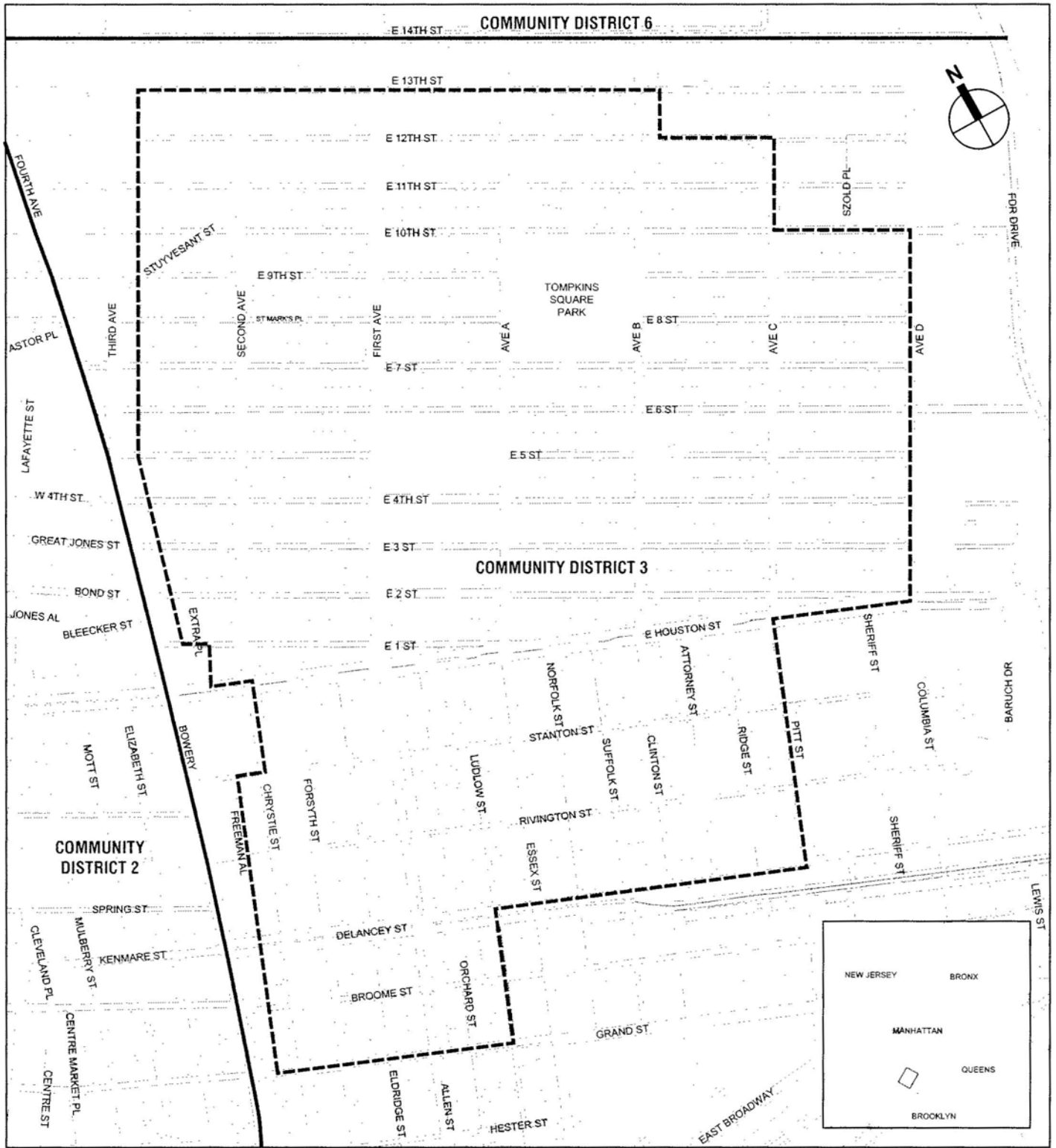
*Some actions may result in direct or indirect effects that are either beyond the half-mile boundary or are such that typical site-specific study areas are not appropriate... there is no established 'area' for all socioeconomic analyses. A study area(s) should be developed that reflects the areas likely to be affected by the action.<sup>4</sup>*

The DEIS does not mention a rationale for excluding those communities beyond the quarter-mile boundary that may be affected by the rezoning, including residents and businesses throughout the Lower East Side, Chinatown, the Bowery, and public housing.

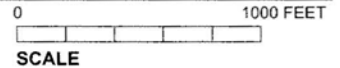
The ¼ mile boundary for the secondary study area is inadequate because it excludes blocks that will potentially face redevelopment pressures both in the future without the project and under the RWCDs.

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<sup>4</sup> City of New York, *City Environmental Quality Review: Technical Manual*, October 2001, pp. 3B-3.



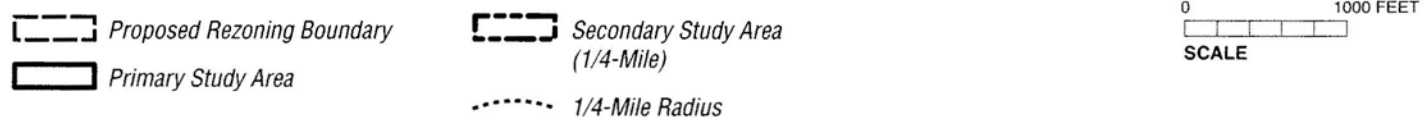
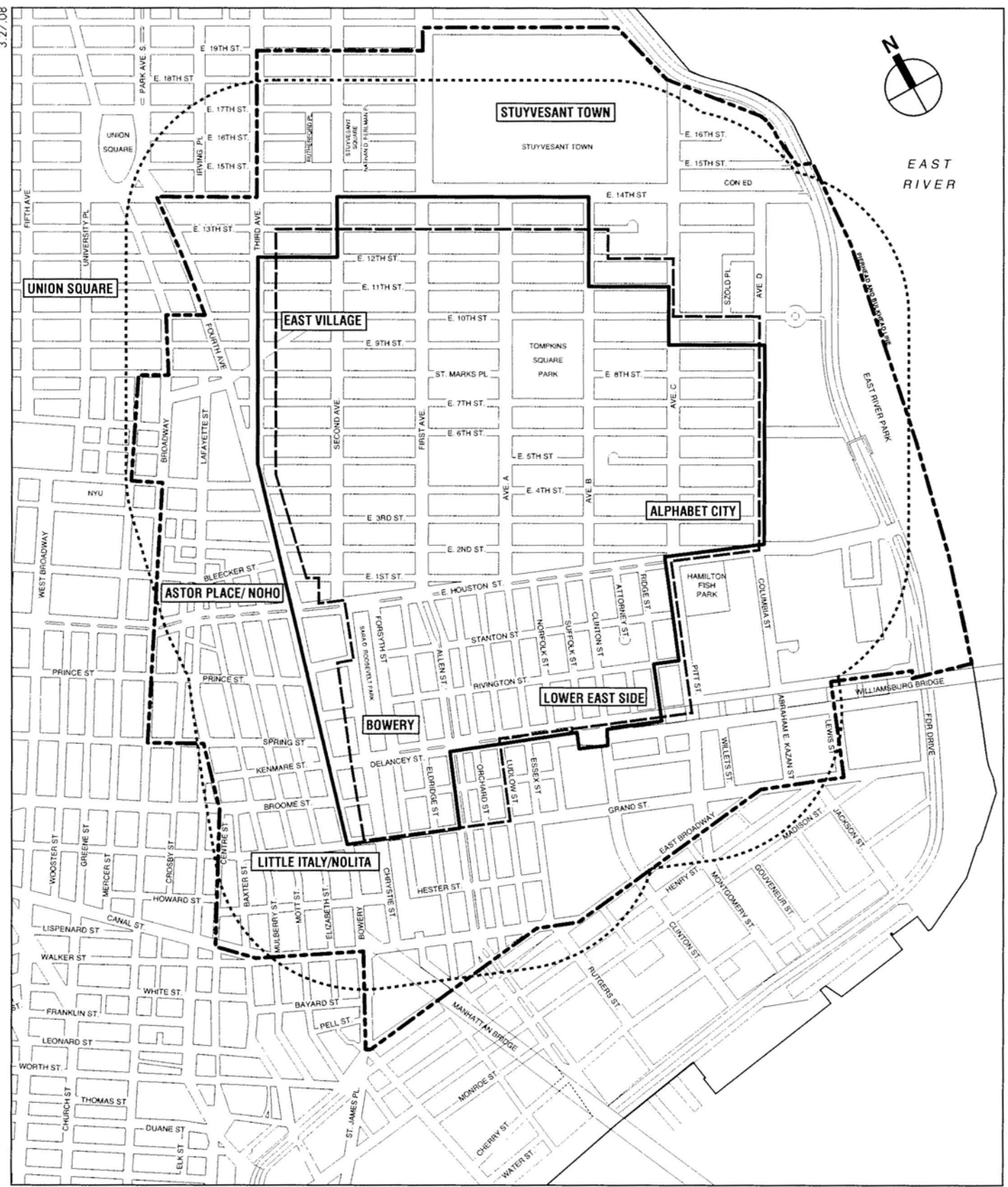
**---** Study Area Boundary  
**---** Community District Boundary

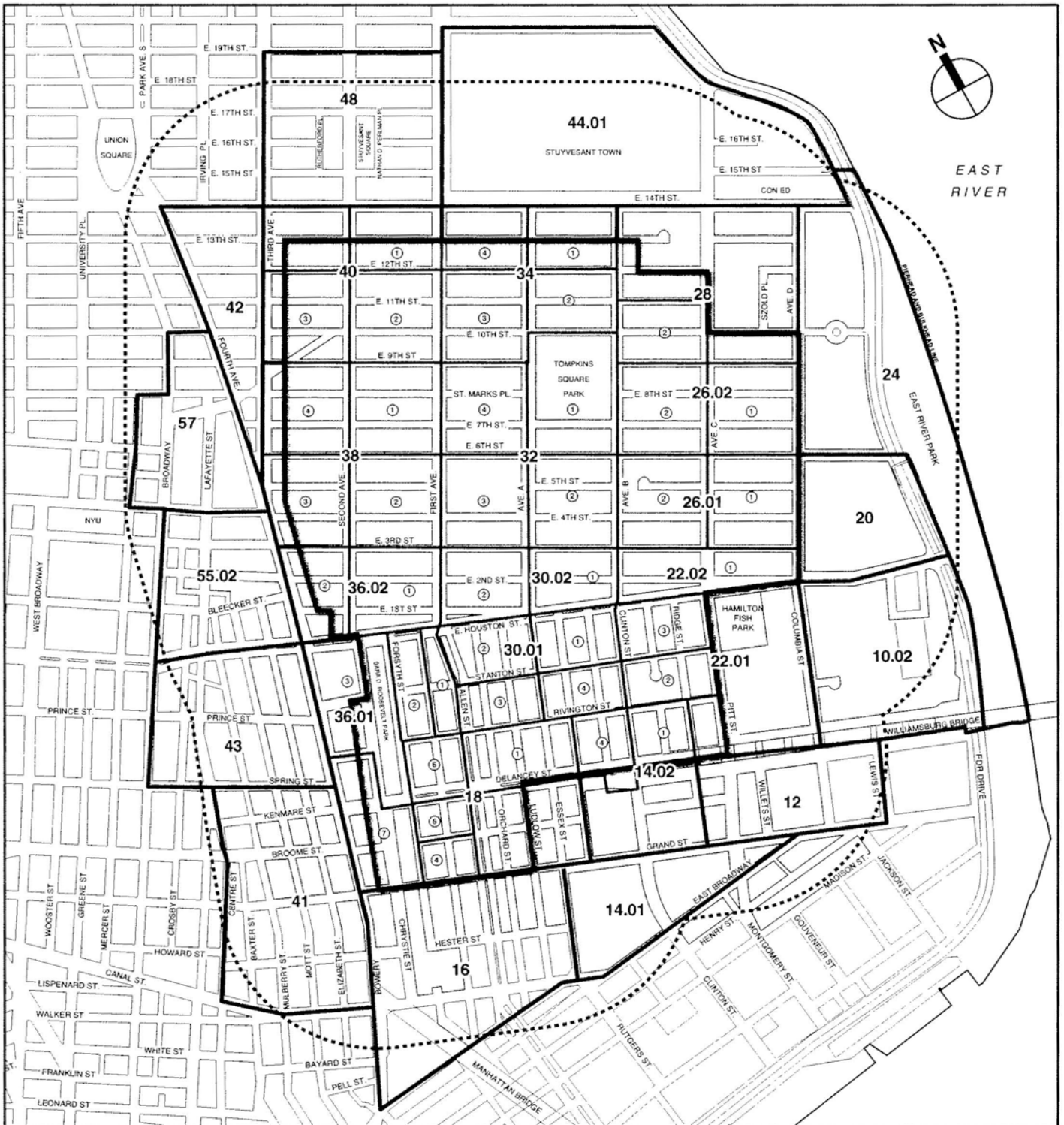


**Study Area and  
 Community District Boundaries**  
 Figure 1-1



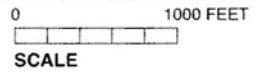
EAST RIVER





EAST RIVER

- Proposed Rezoning Boundary
- 1/4-Mile Radius
- 1 Block Groups in Primary Study Area
- 32 Census Tracts in Secondary Study Area



### Census Tracts and Block Groups in the Socioeconomic Study Areas

There are several reasons why the secondary study area should have extended to at least ½ mile from the proposed rezoning:

- This is the third largest proposed rezoning since passage of New York City's 1961 Zoning Resolution. The scale and magnitude of this project dictates a larger secondary study area, as in other very large projects.
- Since affordable housing units and potential development sites may be located within ½ mile of the proposed rezoning and throughout all of Manhattan Community District 3, those areas should be included in the secondary study area.<sup>5</sup>
- Potential residential and business displacement could negatively impact neighborhood character and socioeconomic conditions, especially to the east and south of the rezoning area. Increases in property values and rents resulting from the development opportunities south of East Houston Street will have a ripple effect in the most vulnerable surrounding areas. This is particularly true around the Bowery and below Grand Street, where existing pressures are already affecting rents for residents and businesses. The ripples to the north and west will be limited since these areas have substantial regulatory protections. To the west, the Little Italy special district limits development. To the north, Stuyvesant Town and the surrounding area are far from the Lower East Side and unlikely to experience major new development. Thus the most significant impacts of upzoning in the LES are likely to be to the south and east. At the eastern and southern edges, the study area should therefore be expanded to ½ mile, in accordance with CEQR guidelines.
- Business owners and residents who are displaced will seek to relocate nearby in order to maintain ties to their communities, and thus the availability and affordability of space in neighboring communities is a major concern.
- Recent press reports document the growing fiscal crisis of the New York City Housing Authority (NYCHA) and the open discussions about the possibility of permitting new private development in NYCHA projects.<sup>6,7</sup> There are approximately 1190 units of NYCHA public housing within the primary study area, 8,340 additional units in the ¼ mile secondary study area, and another 5,680 units outside of the study area within ½ mile of the rezoning (see map: New York City Housing Authority Residential Properties). None of these public housing facilities are addressed in the DEIS.

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<sup>5</sup> According to the DEIS, "Affordable units can be provided either on the same site as the development earning the bonus, or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within Manhattan Community District 3 or within ½ mile of the compensated development," (pp. 1-6 to 1-7).

<sup>6</sup> Juan Gonzalez, June 6, 2008. "Housing Authority keeping thousands of units empty while many families wait." Daily News. [http://www.nydailynews.com/ny\\_local/2008/06/06/2008-06-06\\_housing\\_authority\\_keeping\\_thousands\\_of\\_u.html](http://www.nydailynews.com/ny_local/2008/06/06/2008-06-06_housing_authority_keeping_thousands_of_u.html).

<sup>7</sup> Manhattan Borough President Scott Stringer, August 2008. "Land Rich, Pocket Poor: Making the Most of New York City Housing Authority's (NYCHA) Unused Development Rights."

Furthermore, there is a significant methodological problem related to the socioeconomic study area boundaries used in the DEIS: the primary and secondary study areas are not analyzed at the same geographic resolution. The primary study area (the area of the proposed zoning) is not contiguous with census boundaries and thus many of the affected census tracts do not fall entirely within the rezoning boundaries. In order to better approximate the boundary of the rezoning, the socioeconomic analysis included 41 block groups, which are smaller than census tracts (see DEIS Figure 3-1).

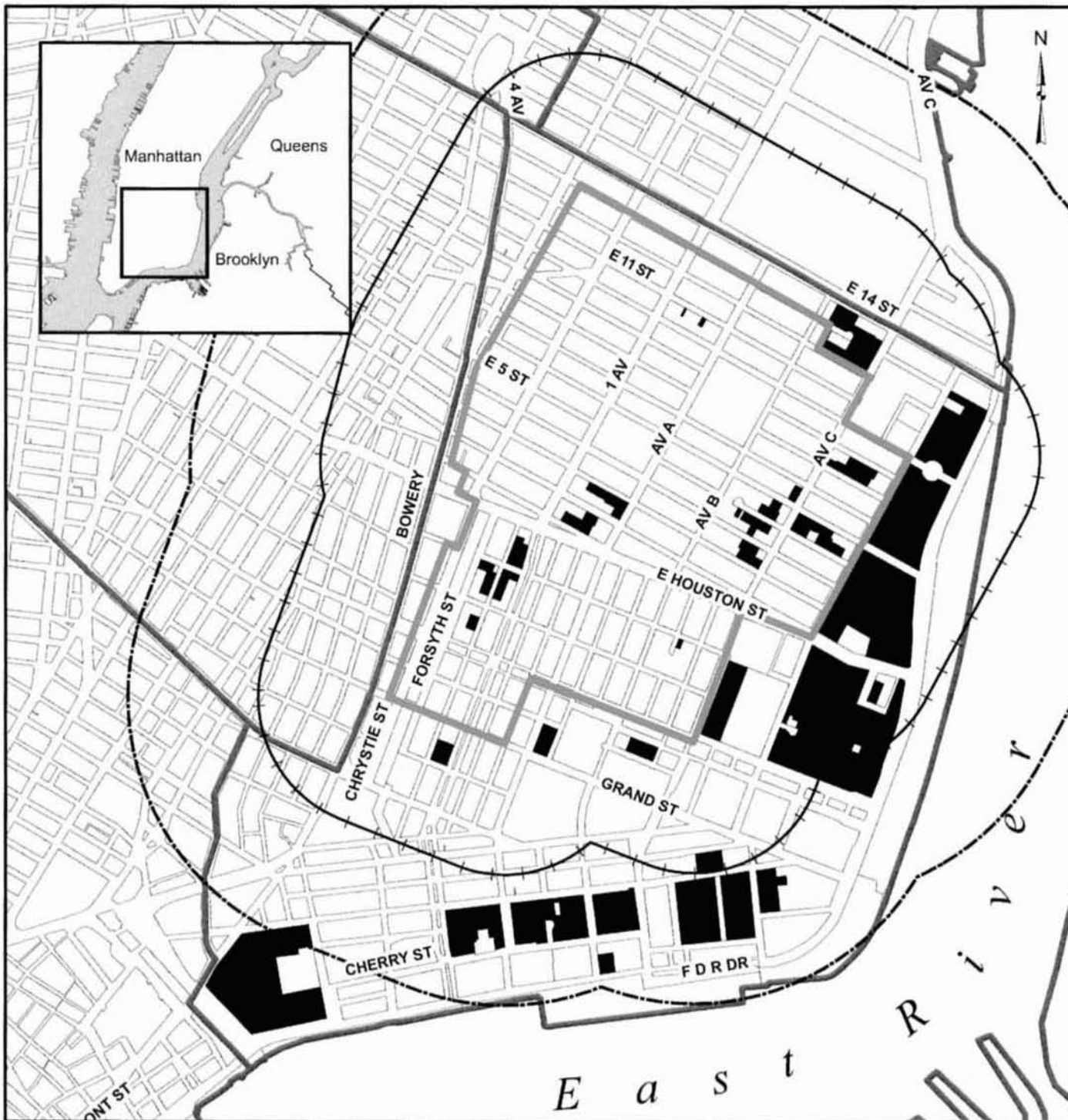
The secondary study area also should have been analyzed at the block group level, but instead the socioeconomic analysis used data from 15 census *tracts* that best approximate a ¼ mile buffer around the proposed rezoning. Thus, much of the socioeconomic analysis was conducted at the census tract level, even though more detailed information is available for the 83 block groups that lie within the secondary study area. By using broader geographic units of analysis, the DEIS excludes seven census block groups, or 37 Census blocks, from its analysis (see map: Census Blocks Excluded from Secondary Study Area). This not only excludes a significant number of people living within the secondary study area, but also compromises the validity of the analysis.<sup>8</sup> Furthermore, by examining variables such as household income, household size, and rents using data at the census tract level, the study area is made to appear to be far more homogeneous than it is. These differences can lead to erroneous conclusions about the diversity of population characteristics and the range of income levels within a study area, a problem that will be discussed in more detail in Section IV.

Our analysis includes an assessment of those census block groups that include both the primary study area and a ½ mile buffer around the proposed rezoning, many of which were excluded from the socioeconomic analysis presented in the DEIS. While the ¼ mile buffer includes portions of Community Districts 2, 5, and 6, the ½ mile buffer also extends into Community District 1 (see map: ½ Mile Study Area).

By extending our socioeconomic analysis to include these areas, we demonstrate how the proposed rezoning would shift a disproportionate burden of development pressure toward areas with higher concentrations of people of color and low-income households. There are considerable social and economic differences between the portion of the proposed rezoning area that lies to the north of East Houston Street (the East Village), the portion that lies to the south of East Houston Street (part of the Lower East Side), and the communities to the south and east that were excluded from the DEIS analysis. The maps at the in this section illustrate the range and distribution of social and economic characteristics throughout the impacted area (see maps: Asian Population, Black Population, Hispanic Population, Median Household Income, Median Contract Rent, and Average Household Size).

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<sup>8</sup> John Iceland and Erika Steinmetz. July 2003. "The Effects of Using Census Block Groups Instead of Census Tracts When Examining Residential Housing Patterns." *US Census Bureau, Housing and Household Economic Statistics Division*. <[http://www.census.gov/hhes/www/housing/housing\\_patterns/unitofanalysis.html](http://www.census.gov/hhes/www/housing/housing_patterns/unitofanalysis.html)> Accessed July 2008.



## New York City Housing Authority Residential Properties<sup>1</sup>

### Legend

- Proposed Rezoning Area
- 1/4 Mile Buffer
- 1/2 Mile Buffer
- Community District
- NYCHA Residential Properties

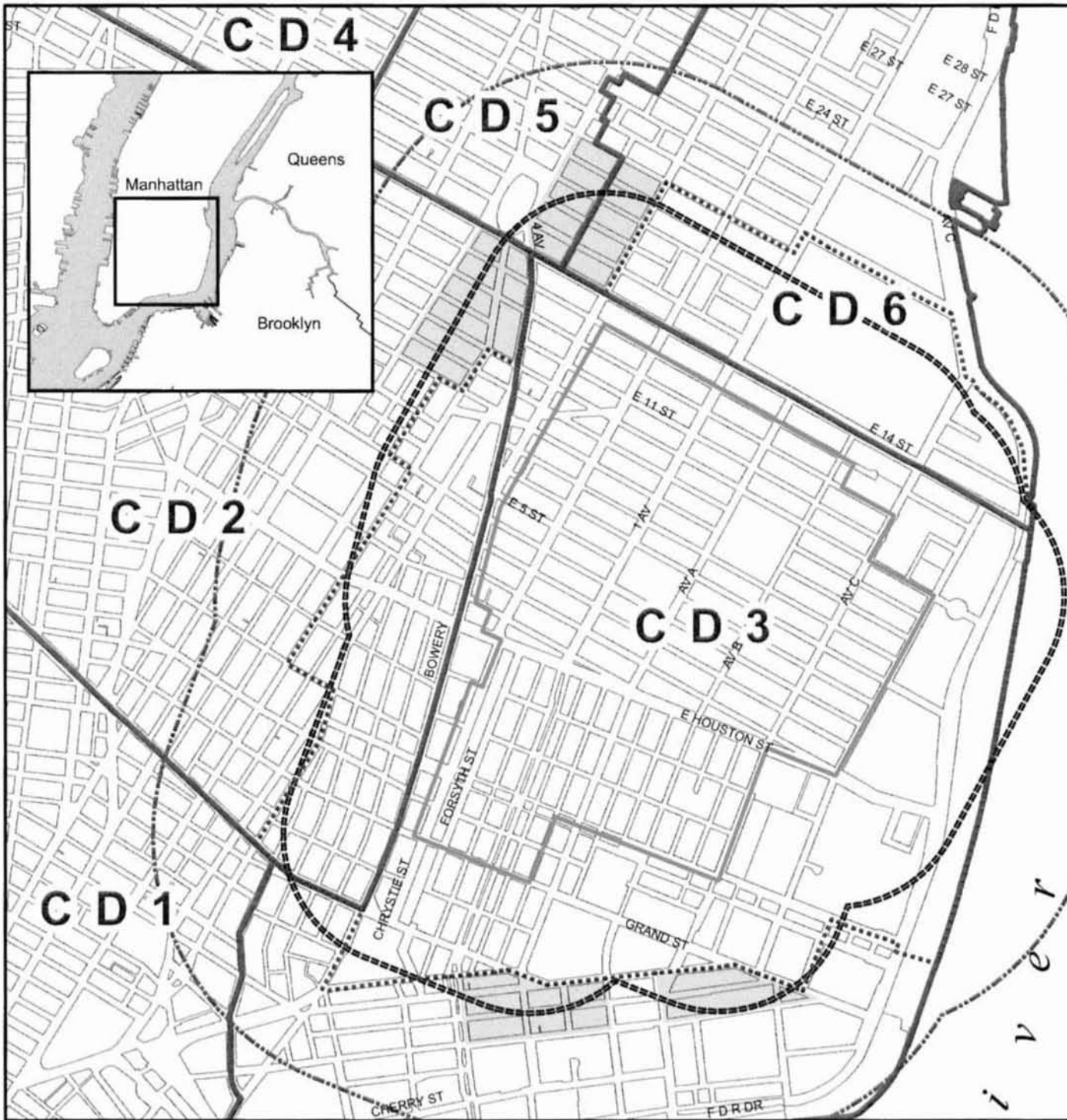
**Inside proposed rezoning area:**  
27 buildings, 1190 units

**Between rezoning and 1/4 mile:**  
14 buildings, 8340 units

**Between 1/4 mile and 1/2 mile:**  
10 buildings, 5680 units

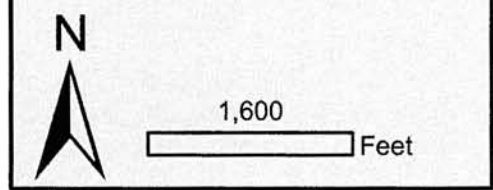
<sup>1</sup> Associated NYCHA-owned facilities, such as commercial spaces or maintenance buildings, are not included.

SOURCE:  
New York City Housing Authority



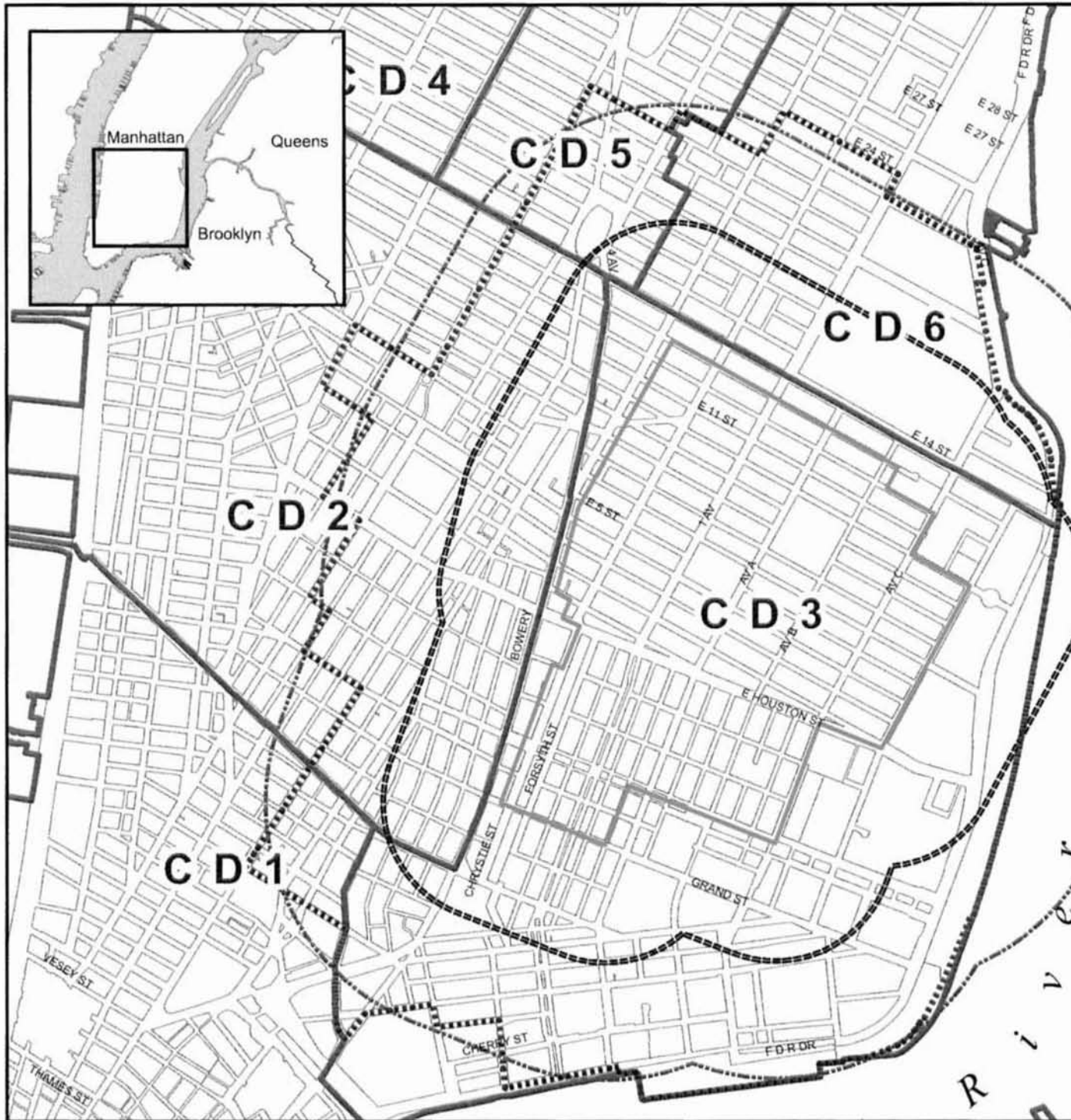
## Census Blocks Excluded from Secondary Study Area for Socioeconomic Analysis in EV/LES Rezoning DEIS

- ### Legend
- Community District Boundaries
  - Proposed Rezoning Boundary
  - 1/4 Mile Buffer
  - 1/2 Mile Buffer
  - DEIS Secondary Study Area
  - Census Blocks Excluded from Analysis








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**1/2 Mile Study Area  
(Defined by US Census  
2000 Block Groups)**

**Legend**

-  Community District Boundaries
-  Proposed Rezoning Boundary
-  1/4 Mile Buffer
-  1/2 Mile Buffer
-  1/2 Mile Study Area

**N**

1,750 Feet

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Hunter College CUNY  
2008



### Percent Asian by Census Block Group (2000)

**Legend**

- Proposed EV/LES Rezoning
- Community District
- Census Tract
- Census Blockgroup
- 1/4 Mile Radius
- 1/2 Mile Radius

**Asian Population**

- 0% - 10%
- 11% - 20%
- 21% - 30%
- 31% - 40%
- 41% - 50%
- 51% - 60%
- 61% - 70%
- 71% - 80%
- 81% - 90%
- 91% - 100%

Source: US Census 2000

2,900 Feet

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### Total Asian Population by Census Block Group (2000)

**Legend**

- Proposed EV/LES Rezoning
- Community District
- Census Tract
- Census Blockgroup
- 1/4 Mile Radius
- 1/2 Mile Radius

**Asian Population**

- 0 - 500
- 501 - 1,000
- 1,001 - 1,500
- 1,501 - 2,000
- 2,001 - 2,500
- 2,501 - 3,000
- 3,001 - 3,500
- 3,501 - 4,000
- 4,001 - 4,500
- 4,501 - 5,000
- 5,001 - 5,500
- 5,501 - 6,000

Source: US Census 2000

2,900 Feet

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**Percent Black/African American  
by Census Block Group (2000)**

**Legend**

- Proposed EV/LES Rezoning
- Community District
- Census Tract
- Census Blockgroup
- 1/4 Mile Radius
- 1/2 Mile Radius

**Black/African American Population**

- 0% - 10%
- 11% - 20%
- 21% - 30%
- 31% - 40%
- 41% - 50%
- 51% - 60%
- 61% - 70%
- 71% - 80%
- 81% - 90%
- 91% - 100%

Source: US Census 2000

2,900 Feet

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**HUNTER COLLEGE** 2008



**Total Black/African American Pop. by Census Block Group (2000)**

**Legend**

- Community District
- Proposed EV/LES Rezoning
- 1/4 Mile Radius
- 1/2 Mile Radius
- Census Tract
- Census Blockgroup

**Black/African American Population**

- 0 - 500
- 501 - 1,000
- 1,001 - 1,500
- 1,501 - 2,000
- 2,001 - 2,500
- 2,501 - 3,000

Source: US Census 2000

2,900 Feet

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 HUNTER COLLEGE 2008



## Percent Hispanic by Census Block Group (2000)

### Legend

Proposed EV/LES Rezoning

Community District

Census Tract

Census Blockgroup

1/4 Mile Radius

1/2 Mile Radius

### Hispanic Population

0% - 10%

11% - 20%

21% - 30%

31% - 40%

41% - 50%

51% - 60%

61% - 70%

71% - 80%

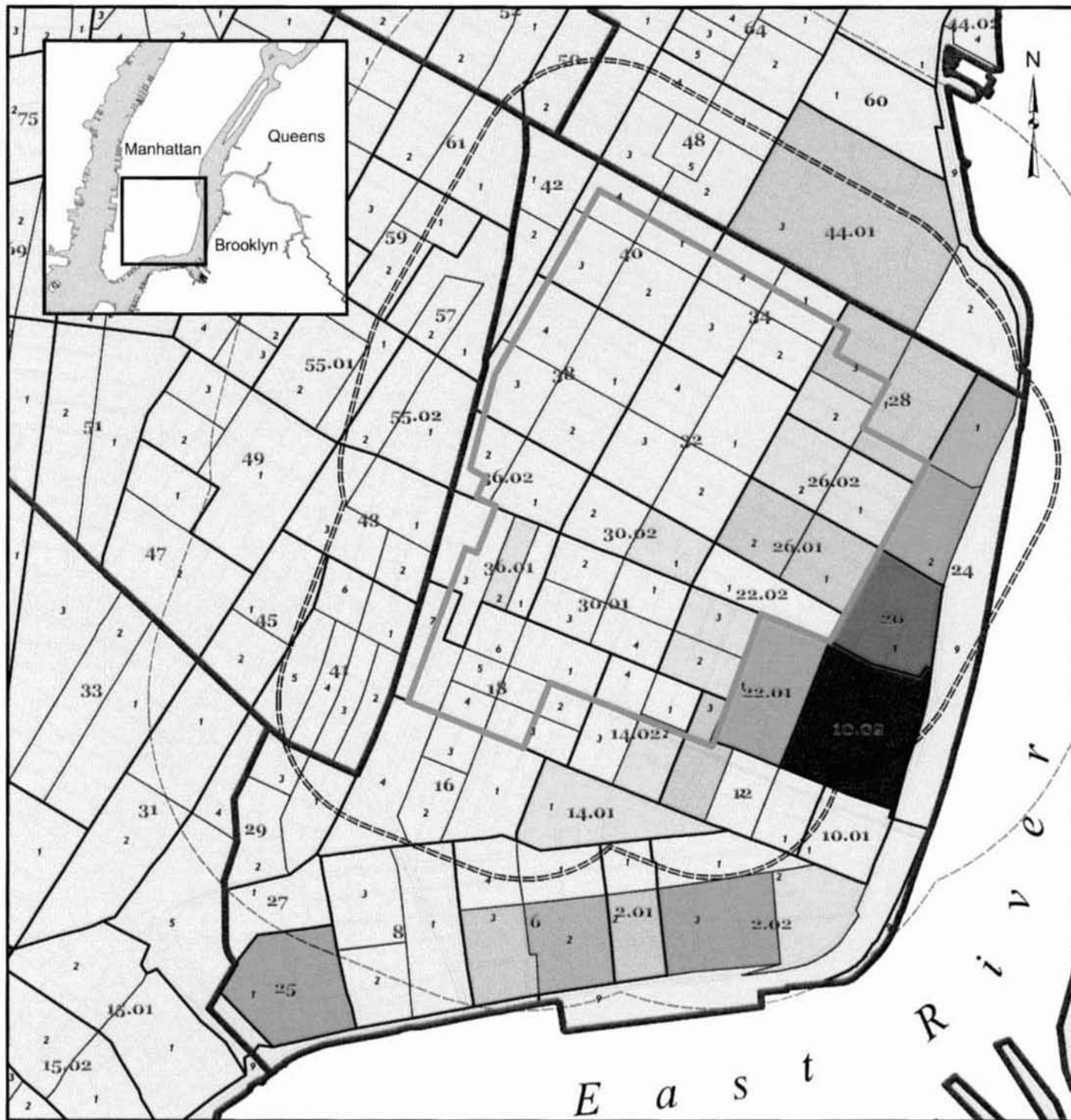
81% - 90%

91% - 100%

Source: US Census 2000

2,900

Feet



### Total Hispanic Population by Census Block Group (2000)

**Legend**

- Community District
- Proposed EV/LES Rezoning
- 1/4 Mile Radius
- 1/2 Mile Radius
- Census Tract
- Census Blockgroup

**Hispanic Population**

- 0 - 500
- 501 - 1,000
- 1,001 - 1,500
- 1,501 - 2,000
- 2,001 - 2,500
- 2,501 - 3,000
- 3,001 - 3,500
- 3,501 - 4,000
- 4,001 - 4,500
- 4,501 - 5,000
- 5,001 - 5,500

Source: US Census 2000

2,900 Feet

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**Median Household Income  
(US Census 2000)**

**Legend**

- Community District
- Proposed Rezoning Area
- 1/2 Mile Radius
- 1/4 Mile Radius

**Census Blockgroup**  
Median Household Income (\$US/yr)

- 15,000 or less
- 15,001 - 20,000
- 20,001 - 25,000
- 25,001 - 30,000
- 30,001 - 35,000
- 35,001 - 40,000
- 40,001 - 45,000
- 45,001 - 50,000
- 50,001 - 55,000
- over 55,000

Source: US Census 2000

2,750

Feet

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2008





**Median Contract Rent  
in 2000 (1/2 Mile Study Area)**

**Legend**

- Community District
- Proposed Rezoning Area
- 1/4 Mile Radius
- 1/2 Mile Radius

**Census Blockgroup  
Median Contract Rent (\$US/mo)**

- 0 - 250 (or no data)
- 251 - 500
- 501 - 750
- 751 - 1,000
- 1,001 - 1,250
- 1,251 - 1,500
- over 1,500

2,800 Feet

Source: US Census 2000



**Average Household Size by Census Block Group (2000)**

**Legend**

- Community District
- Proposed Rezoning Area
- 1/2 Mile Radius
- 1/4 Mile Radius

**Census Blockgroup Average Household Size**

- 0.0 - 0.5 (or no data)
- 0.6 - 1.0
- 1.1 - 1.5
- 1.6 - 2.0
- 2.1 - 2.5
- 2.6 - 3.0
- 3.1 - 3.5
- 3.6 - 4.0
- 4.1 - 4.5

2,900 Feet

Source: US Census 2000

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 2008

## **B. Underestimation of the Reasonable Worst Case Scenario**

The environmental impact analysis for the EIS is based on the incremental difference between the projected future conditions *with* the proposed rezoning (known as the “Build” scenario) and the projected future conditions *without* the rezoning (known as the “No Build” scenario). These scenarios identify the amount, type, and location of development expected to occur within the next 10 years. The Build scenario that would occur under the RWCDs is outlined in detail in Chapter 1 of the DEIS (Project Description); in addition, Chapter 23 (Inclusionary Alternative) describes the modifications to the proposal that were adopted in July 2008.

To generate a RWCDs, DCP identified sites where new development is expected to occur, known as projected development sites. DCP also identified sites where enlargements to existing structures are expected to occur, known as projected enlargement sites. The projected sites include vacant lots, sites with auto-related uses, commercial or manufacturing buildings that could be converted to residential use, sites with buildings that are considered underdeveloped relative to the proposed allowable floor area ratio (FAR), and other sites meeting the development criteria specified by DCP.<sup>9</sup> Table C-3 in Appendix C of the DEIS lists the 186 projected development sites and 25 projected enlargements that DCP considers very likely to be developed. In total, these projected sites comprise 268 individual tax parcels (see DEIS Figure 23-3). Additionally, Table C-4 in the DEIS lists 143 *potential* development sites and 442 *potential* enlargements, which are “sites that could be developed but are assumed to have less development potential than the projected development sites” (see DEIS Figure 23-4).

Clearly, the development or redevelopment of hundreds of sites within the rezoned area will have significant environmental impacts. The key assumption used by DCP is that nearly all of the projected development would *not* come about as a result of the re-zoning, but would take place over the next 10 years anyway. Were it not for this assumption, the projected development identified by DCP would trigger the thresholds under CEQR for more detailed analysis in several of the DEIS chapters, including the analysis of socioeconomic conditions and neighborhood character.

The DEIS provides limited information about the existing conditions on the projected and potential sites. According to our own calculations based on city property data, the existing buildings on the 211 projected sites provide over 945,000 square feet of commercial floor area (the majority of which are retail, office, and commercial storage spaces) and over 260,000 square feet of residential space.<sup>10</sup> There are 65 dwelling units on the projected development sites, 7 of which are rent-stabilized.<sup>11</sup> The RWCDs assumes that the units on these sites would be demolished for redevelopment and residents would be involuntarily displaced.

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<sup>9</sup> See pages 1-9 to 1-10 of the DEIS for a more detailed list of development site and enlargement criteria.

<sup>10</sup> New York City Department of City Planning, Primary Land Use Tax Lot Output (PLUTO™) data files, November 2007-March 2008.

<sup>11</sup> New York City Department of Finance, Fiscal Year 2009 Real Property Assessment Database (RPAD); New York City Rent Guidelines Board, 2007 Division of Housing and Community Renewal (DHCR) Building Registration File.

On the projected enlargement sites, there are 244 dwelling units, 162 of which are rent-stabilized.<sup>11</sup> The RWCDS assumes that residents and businesses on enlargement sites would be able to remain in their units during the construction of enlargements and thus would not be involuntarily displaced.

Many of the sites considered by DCP to be underdeveloped are well-known buildings, churches, playgrounds, and businesses that provide significant economic and social value to the community. While the number of existing businesses is not listed in the DEIS, our own field visits conducted during June and July 2008 revealed that there are over 100 active businesses on the projected development sites, as well as numerous community facilities and institutions.<sup>12</sup> Many of these sites hold significant cultural, historic, and economic value, and should not be assumed to automatically be redeveloped under the No Build scenario. By over-stating the development that would take place without the proposed rezoning, the DEIS makes it appear that the relative impacts of the Build scenario are minimal.

***Even if the assumptions underlying DCP's development criteria are correct, the difference between the Build and No Build scenarios appears to be understated and warrants more careful examination. This possible underestimation would affect the assessments with respect to changes in neighborhood character, local economy, and housing prices. There would be a net increase of over 1.57 million sq ft of residential space and a net decrease of over 74,000 sq ft of commercial space compared to the future without the proposed changes (Table 2). This is more than an incremental difference and is bound to have significant impacts.***

**Table 2. Summary of Build and No Build Scenarios for Projected Development and Enlargement Sites**

	Commercial Floor Area	Residential Floor Area	Total Floor Area <sup>13</sup>	Dwelling Units	Affordable DUs
Existing	945,720	261,541	1,207,261	358	unknown
No Build scenario	496,680	2,530,291	3,498,267	2,600	0
Build scenario	422,242	4,107,971	4,927,074	4,176	461
Increment	-74,438	+1,577,680	+1,418,807	1,576	461
% difference	-14.99%	+62.35%	+40.56%	--	--

Source: DEIS Chapter 1, Tables 1-3 and 1-4

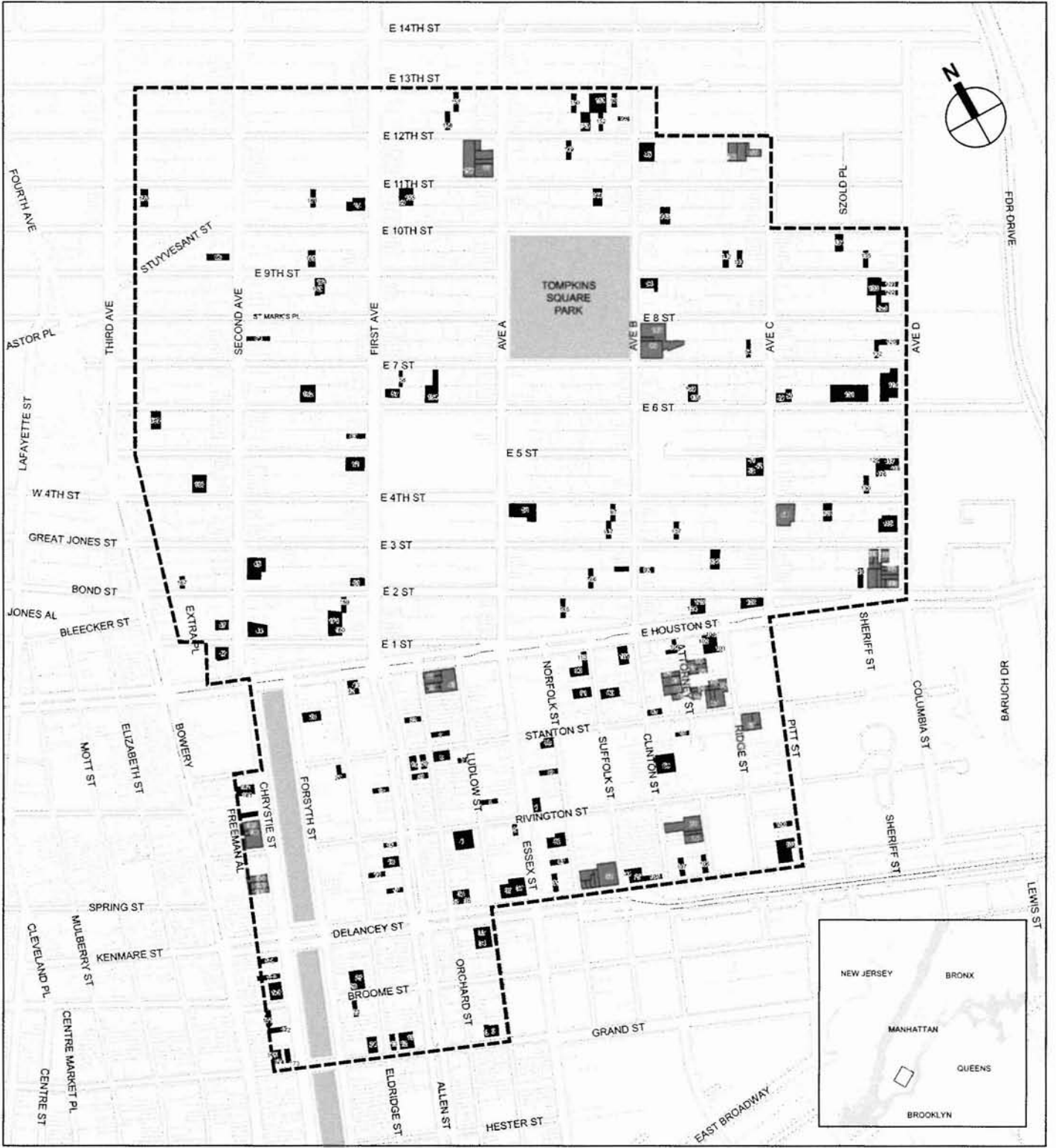
<sup>12</sup> Due to time constraints, field visits were limited to the 180 projected development sites listed in the original rezoning proposal (prior to the adoption of the Inclusionary Alternative on July 3, 2008); all of the projected development sites are located within the proposed rezoning area.



<sup>13</sup> The Total Floor Area figures under the Build scenario are greater than the sum of commercial and residential floor area. While the DEIS does not specify, the difference may be assumed to be residential lobbies or mechanical space, or affordable housing units developed off site.

Under both scenarios, DCP anticipates that 100% of the projected enlargement and development sites would be converted to residential use, and all new commercial units would be developed as part of these residential buildings, most likely in the form of ground-floor retail and office spaces. Commercial space is projected to decline by 47% by the year 2017 under current zoning (the No Build scenario), and by 58% under the proposed rezoning (the Build scenario). DCP assumes that no affordable residential units would be constructed without the rezoning.

It is evident in both the RWCDS and the future without the proposed changes that development pressures already threaten existing businesses and institutions in the area. The businesses that need the most protection are those that serve predominantly low- to moderate-income residents, providing them with goods, services, and employment. The proposed rezoning is not designed to preserve these existing uses, but rather provides incentives that will accelerate the process of conversion from commercial to residential use.

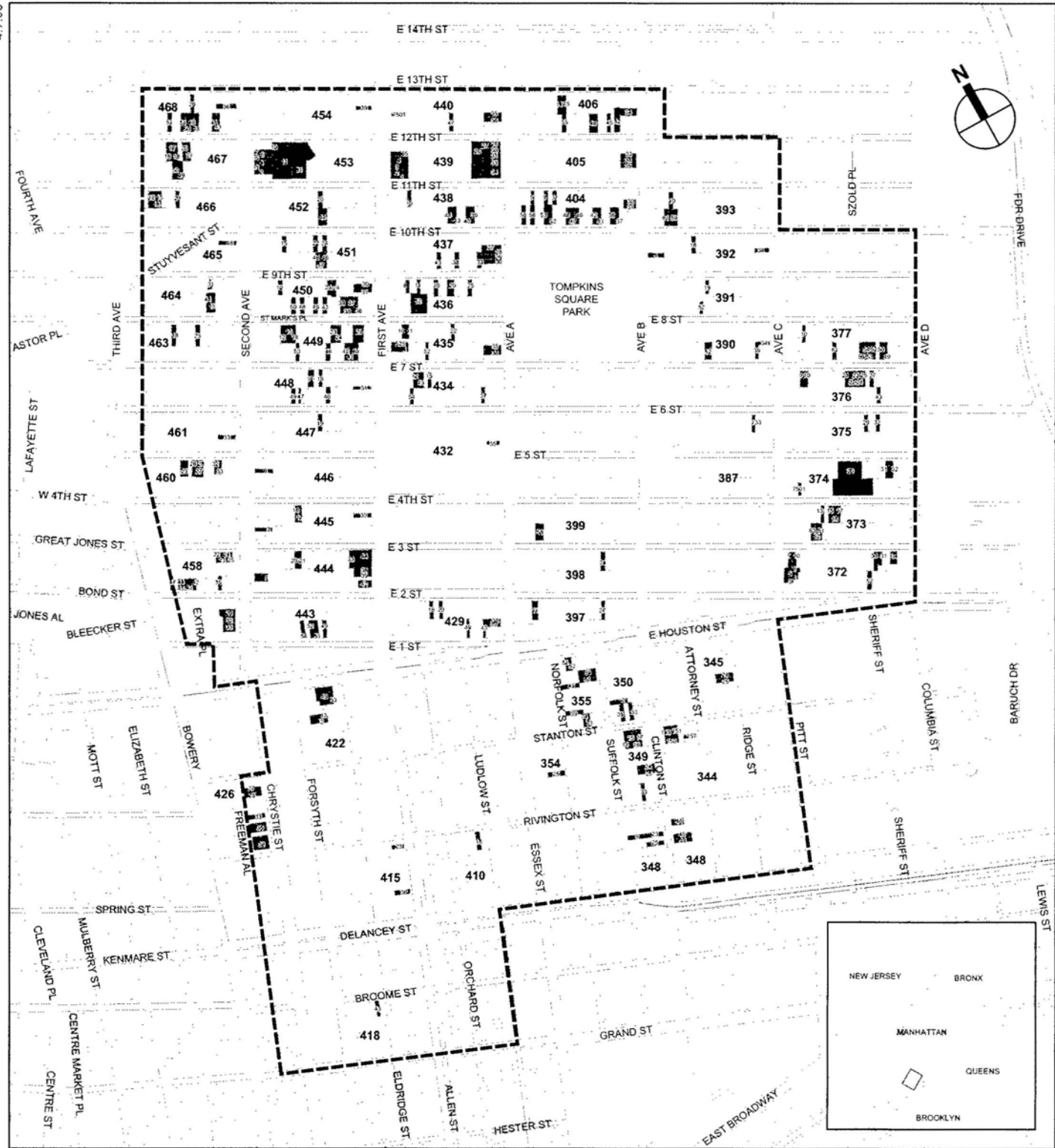
The DEIS concludes that a detailed socioeconomic analysis is not necessary, but this rests on the critical assumption that all but one of the 211 projected development and enlargement sites would be developed regardless of whether the proposed actions are adopted. Our analyses of socioeconomic impacts and changes to neighborhood character, in the following sections, challenge this assumption.



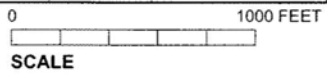
 Study Area Boundary  
 Projected Site

0 1000 FEET  
 SCALE

**Inclusionary Alternative  
 Projected Development Sites**  
 Figure 23-3



- Study Area Boundary
- Lot with potential archaeological sensitivity
- 348 Block Number



**Inclusionary Alternative Potential  
Potential Development Sites**  
Figure 23-4

## IV. SOCIOECONOMIC IMPACTS (CHAPTER 3)

According to the *CEQR Technical Manual*, potential socioeconomic changes must be disclosed if they will affect land use and population patterns or community character.

### A. DEIS Methodology

In the DEIS a preliminary assessment of socioeconomic conditions was conducted to determine the potential for direct or indirect residential or business displacement. The analysis in the DEIS is based on the incremental difference between the Build and No Build scenarios. These scenarios identify the amount, type, and location of development projected to occur during a 10-year build-out period, both with and without the proposed actions.

Population and housing assessments in the DEIS are based primarily on data from the 1990 and 2000 United States Censuses, which include the following parameters:

- **Population** – total population, age of population
- **Household and income characteristics** – total households, average household size, median household income, average household income, percent of households living below poverty level
- **Housing characteristics** – number of housing units, housing vacancy and tenure (owner- versus renter-occupied units), median contract rent, median home value.

The Census data are supplemented with information from the New York City Department of Finance, Real Property Assessment Database (RPAD). Estimated population growth since the 2000 Census is based on the number of housing units added between 2001 and 2005, assuming the same average household size (1.7 persons per household) and occupancy rate (95.7%) from 2000. Population distribution and housing characteristics in the DEIS are analyzed across four different geographic areas: the primary study area (proposed rezoning), the secondary study area (¼ mile buffer), the borough of Manhattan, and New York City. Percent changes from 1990 and 2000 illustrate different rates of growth in population and housing development between the primary study area and the rest of the city, as well as changes in age and income distribution. The DEIS makes no mention of racial composition, or the relationships between race, income, and housing conditions.

Based on its very general and methodologically flawed analysis of census information, the DEIS concludes there would be no significant adverse socioeconomic impacts. Employing a strict reading of the *CEQR Technical Manual*, the DEIS evades conducting a detailed analysis of potential direct and indirect residential and business displacement under the proposed actions. In the following we demonstrate that there are important socioeconomic differences between the subareas comprising the primary and secondary study areas – especially north and south of East Houston Street – that warrant a more detailed analysis of the potential for displacement.



## **B. Summary of DEIS Findings**

### ***Population Characteristics***

Changes in population characteristics between 1990 and 2000 are summarized in the DEIS as follows:

- The primary and secondary study areas are experiencing faster rates of population growth than the rest of the city.
- The ¼ mile secondary study area had a much lower rate of population growth relative to the primary study area: 2.3% for the secondary study area compared to 8.3% for the primary study area.<sup>14</sup>
- The population in the area is shifting toward a younger and more affluent demographic.<sup>15</sup>
- The DEIS makes no mention of race in its demographic profile.

Our analysis of population characteristics at the Census block group level includes an additional seven block groups to better approximate the ¼ mile boundary, and an additional 37 block groups to approximate a ½ mile boundary (see Tables 3, 4, and 5). An analysis of different subareas and racial composition yields important interpretations that were lacking the DEIS:

- The primary study area is predominantly white (58.1%), and the proportion of white residents increased from 1990 to 2000. The vast majority of this increase occurred north of East Houston Street. In fact, the proportion of whites in the rezoning area who live south of East Houston Street decreased slightly from 1990 to 2000 while the proportion of whites in the rezoning area who live to the north of East Houston Street increased to nearly 70% (Table 3). This suggests that the historic ethnic diversity characteristic of the area is changing; the rezoning fails to address this change and the DEIS fails to acknowledge it. In fact, the upzoning below East Houston Street would tend to exacerbate the change.
- The proportion of Hispanic and Black residents decreased throughout the study area from 1990 to 2000. The largest shift in racial composition occurred south of East Houston Street. Again, this suggests that the historic ethnic diversity characteristic of the area is changing, the rezoning fails to address this change, and the DEIS fails to acknowledge it. The higher proportion of Asian and White residents in the East Village reflects a higher-income, single population, compared to a lower-income population with larger households in the Lower East Side and Chinatown.

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<sup>14</sup> DEIS Table 3-1: 1990 and 2000 Population Characteristics

<sup>15</sup> DEIS Table 3-2: 1990 and 2000 Age Distribution and DEIS Table 3-3: Income Characteristics

**Table 3. Population Characteristics in Primary Study Area (1990-2000)**

	Total Population	% White	% Asian	% Hispanic	% Black
<b>Rezoning Area</b>					
2000	↑ <b>66,544</b>	↑ <b>58.1%</b>	↑ <b>23.6%</b>	24.0%	7.9%
1990	61,464	57.8%	18.2%	↓ <b>27.9%</b>	↓ <b>10.2%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>46,776</b>	↑ <b>69.9%</b>	↑ <b>13.5%</b>	21.3%	8.5%
1990	42,872	69.7%	9.0%	↓ <b>22.1%</b>	↓ <b>9.6%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>19,768</b>	30.1%	↑ <b>47.4%</b>	30.5%	6.5%
1990	18,592	↓ <b>30.3%</b>	39.5%	↓ <b>41.3%</b>	↓ <b>11.6%</b>

**Table 4. Population Characteristics in ¼ Mile Study Area (1990-2000)**

	Total Population	% White	% Asian	% Hispanic	% Black
<b>¼ Mile Study Area</b>					
2000	↑ <b>172,441</b>	↑ <b>53.8%</b>	↑ <b>28.2%</b>	23.8%	8.3%
1990	168,585	53.6%	23.3%	↓ <b>25.5%</b>	↓ <b>9.4%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>102,270</b>	↑ <b>69.9%</b>	↑ <b>12.3%</b>	22.6%	9.4%
1990	99,129	69.0%	8.0%	↓ <b>23.3%</b>	↓ <b>9.7%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>70,171</b>	30.3%	↑ <b>51.4%</b>	25.6%	6.8%
1990	69,456	↓ <b>31.7%</b>	41.5%	↓ <b>28.5%</b>	↓ <b>8.9%</b>

**Table 5. Population Characteristics in ½ Mile Study Area (1990-2000)**

	Total Population	% White	% Asian	% Hispanic	% Black
<b>½ Mile Study Area</b>					
2000	↑ <b>243,094</b>	54.4%	↑ <b>29.5%</b>	20.9%	7.9%
1990	236,221	↓ <b>54.9%</b>	24.7%	↓ <b>22.3%</b>	↓ <b>8.7%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>135,317</b>	73.7%	↑ <b>11.6%</b>	18.5%	8.1%
1990	132,589	↓ <b>73.9%</b>	7.6%	↓ <b>18.7%</b>	↓ <b>8.2%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>107,777</b>	30.2%	↑ <b>52.0%</b>	24.0%	7.6%
1990	103,632	↓ <b>30.7%</b>	46.6%	↓ <b>26.9%</b>	↓ <b>9.4%</b>

Source: US Census 1990 and 2000

## ***Income and Household Characteristics***

According to the DEIS:

- Both the primary and secondary study areas experienced an increase in median household income between 1989 and 1999, at a faster rate than Manhattan.
- Conversely, New York City as a whole experienced a decline in median household income.
- The primary study area maintained a lower median household income than the secondary study area between 1989 and 1999. Median household income in the ¼ mile secondary study area is reported to be higher than both the primary study area and the city as a whole, but not higher than that of Manhattan.
- Average household sizes<sup>16</sup> in the primary and secondary study areas are reported to have decreased by 2% and 3.4%, respectively, in the primary and secondary study areas.

Again, our analysis, conducted at a finer resolution and over a larger area, yields different conclusions:

- It is misleading to simply state that median household income in the proposed rezoning area is lower than that of the ¼ mile secondary study area. The highest median household incomes are north of East Houston Street, regardless of the study area boundary, while the lowest median household incomes are south of East Houston Street (see Tables 6, 7, and 8).
- There is a significant difference in average household size between the areas north and south of East Houston Street. Households south of East Houston Street are 45-50% larger than those to the north.
- Average household sizes within the primary and secondary study areas decreased, but *all* of that change occurred south of East Houston Street; the average household size in the East Village did not change between 1990 and 2000. The decline in household size in the Lower East Side is indicative of the level of displacement of larger households due to intense development pressures.
- The DEIS avoidance of a detailed displacement study is based only on the threshold criterion of total population change, and ignores other critically important parameters such as household size, affordability, and the availability of residential units that can accommodate larger working families. It also fails to link these household characteristics to demographic characteristics, and fails to acknowledge the diversity in household types that we observed by examining different subareas.

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<sup>16</sup> Average household sizes in the DEIS represent the weighted average household size of all census tracts, while average household sizes in our critique represent the weighted average household size of all census block groups.

**Table 6. Income & Household Characteristics in Primary Study Area (1990-2000)**

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
<b>Rezoning Area</b>				
2000	↑ <b>32,129</b>	1.96	↑ <b>\$45,042</b>	↑ <b>\$966</b>
1990	28,956	↓ <b>1.99</b>	\$37,033	\$654
<b>North of East Houston Street</b>				
2000	↑ <b>24,836</b>	1.75	↑ <b>\$47,711</b>	↑ <b>\$1,017</b>
1990	22,991	1.75	\$38,939	\$683
<b>South of East Houston Street</b>				
2000	↑ <b>7,293</b>	2.68	↑ <b>\$35,954</b>	↑ <b>\$801</b>
1990	5,965	↓ <b>2.91</b>	\$22,538	\$418

**Table 7. Income & Household Characteristics in ¼ Mile Study Area (1990-2000)**

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
<b>¼ Mile Study Area</b>				
2000	↑ <b>80,422</b>	2.07	↑ <b>\$53,588</b>	↑ <b>\$978</b>
1990	75,965	↓ <b>2.11</b>	\$45,767	\$718
<b>North of East Houston Street</b>				
2000	↑ <b>53,868</b>	1.81	↑ <b>\$63,383</b>	↑ <b>\$1,163</b>
1990	51,480	1.81	\$53,153	\$820
<b>South of East Houston Street</b>				
2000	↑ <b>26,554</b>	2.58	↑ <b>\$33,717</b>	↑ <b>\$699</b>
1990	24,485	↓ <b>2.72</b>	\$30,238	\$515

**Table 8. Income & Household Characteristics in ½ Mile Study Area (1990-2000)**

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
<b>½ Mile Study Area</b>				
2000	↑ <b>112,478</b>	2.05	↑ <b>\$57,539</b>	↑ <b>\$1,007</b>
1990	106,992	↓ <b>2.10</b>	\$51,023	\$759
<b>North of East Houston Street</b>				
2000	↑ <b>71,969</b>	1.76	↑ <b>\$70,073</b>	↑ <b>\$1,205</b>
1990	70,044	↓ <b>1.83</b>	\$60,959	\$895
<b>South of East Houston Street</b>				
2000	↑ <b>40,509</b>	2.56	↑ <b>\$35,272</b>	↑ <b>\$668</b>
1990	36,948	↓ <b>2.73</b>	\$32,187	\$519

Source: US Census 1990 and 2000

\* Income and rent values are reported in the Census for the years 1989 and 1999, but have been converted to 2007 constant dollars using the U.S. Department of Labor's unadjusted Consumer Price Index for All Urban Consumers (CPI-U) for the New York-Northern New Jersey - Long Island, NY-NJ-CT Area (reference date 1982-1984=100).

## ***Housing Characteristics***

The DEIS summarizes housing characteristics as follows:

- Demand for housing in the primary and secondary study areas is increasing at a higher rate than the rest of the city.
- Between 1990 and 2000, both study areas experienced significant increases in the total number of households, median contract rent, and total number of housing units.
- Both primary and secondary study areas have low vacancy rates relative to the rest of the city.

According to our analysis:

- Median contract rents increased in all of the study areas, but rents within the primary study area went up the fastest. The highest rates of increase occurred in the proposed rezoning area south of East Houston Street (see Table 9 above), where rents nearly doubled between 1990 and 2000.
- The southern portion of the proposed rezoning area has the highest proportion of renter-occupied housing units (i.e., the lowest rate of ownership) and the lowest vacancy rate. It also has the highest proportion of rent-stabilized buildings that are built to less than 50-80% of the allowable FAR, which is one of the criteria that DCP used in selecting potential development sites (see map: Registered Rent-Stabilized Buildings and Associated FAR). This southern portion of the proposed rezoning area also has the highest concentration of projected development sites (see DEIS Figures 23-3 and 23-4).
- In the ½ mile study area south of East Houston Street, although rents did not increase as sharply as elsewhere, ownership levels jumped from 9.6% to 15.1% of occupied units between 1990 and 2000. This reflects the conversion of rental housing to condominiums and cooperatives, which tend to serve higher-income populations. During that same time, this area went from having the lowest vacancy rate to the highest vacancy rate, compared to the area north of East Houston Street, and the ½ mile study area as a whole, (Table 11). These conditions reflect increasing speculation in housing; vacancy rates increase when developers buy buildings and tenants are forced to move. They do not reflect a decreasing demand for housing, but rather a changing housing environment that the rezoning not only fails to address but abets.

In sum, the areas in the proposed rezoning that would gain the most conservative contextual zoning protections are those with the highest proportion of whites and people of higher incomes. The DEIS fails to disclose the disproportionate impacts of the proposed rezoning on the areas to south of East Houston Street, especially with respect to displacement of low-income residents, larger families, and people of color.

**Table 9. Housing Characteristics in Primary Study Area (1990-2000)**

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
<b>Rezoning Area</b>					
2000	↑ <b>33,563</b>	↑ <b>95.7%</b>	4.3%	↑ <b>9.0%</b>	91.0%
1990	31,178	92.9%	↓ <b>7.1%</b>	6.0%	↓ <b>94.0%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>25,957</b>	↑ <b>95.7%</b>	4.3%	↑ <b>10.2%</b>	89.8%
1990	24,770	92.8%	↓ <b>7.2%</b>	6.8%	↓ <b>93.2%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>7,606</b>	↑ <b>95.9%</b>	4.1%	↑ <b>4.9%</b>	95.1%
1990	6,408	93.1%	↓ <b>6.9%</b>	3.1%	↓ <b>96.9%</b>

**Table 10. Housing Characteristics in ¼ Mile Study Area (1990-2000)**

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
<b>¼ Mile Study Area</b>					
2000	↑ <b>84,014</b>	↑ <b>95.7%</b>	4.3%	↑ <b>14.0%</b>	86.0%
1990	80,234	94.7%	↓ <b>5.3%</b>	10.8%	↓ <b>89.2%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>51,146</b>	↑ <b>95.8%</b>	4.2%	↑ <b>16.4%</b>	83.6%
1990	49,985	93.7%	↓ <b>6.3%</b>	13.4%	↓ <b>86.6%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>27,843</b>	95.4%	↑ <b>4.6%</b>	↑ <b>11.6%</b>	88.4%
1990	25,489	↓ <b>96.1%</b>	3.9%	7.5%	↓ <b>92.5%</b>

**Table 11. Housing Characteristics in ½ Mile Study Area (1990-2000)**

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
<b>½ Mile Study Area</b>					
2000	↑ <b>118,286</b>	↑ <b>95.1%</b>	4.9%	↑ <b>17.0%</b>	83.0%
1990	113,180	94.5%	↓ <b>5.5%</b>	13.5%	↓ <b>86.5%</b>
<b>North of East Houston Street</b>					
2000	↑ <b>75,456</b>	↑ <b>95.4%</b>	4.6%	↑ <b>18.1%</b>	81.9%
1990	74,750	93.7%	↓ <b>6.3%</b>	15.6%	↓ <b>84.4%</b>
<b>South of East Houston Street</b>					
2000	↑ <b>42,830</b>	94.6%	↑ <b>5.4%</b>	↑ <b>15.1%</b>	84.9%
1990	38,430	↓ <b>96.1%</b>	3.9%	9.6%	↓ <b>90.4%</b>

*Source: US Census 1990 and 2000*

## V. NEIGHBORHOOD CHARACTER (CHAPTER 9)

The Neighborhood Character chapter fails to disclose the potential negative impacts of the proposed rezoning on neighborhood character, particularly on the Lower East Side, Chinatown, and the Bowery. While this chapter of the DEIS does address the existence of subareas within the rezoning area, which the socioeconomic chapter failed to do, it does not give consideration to the existing historic, social, and physical conditions that defined the character of the neighborhoods within each subarea.

The Neighborhood Character analysis in the DEIS divides the study area into just two subareas: 1) East Village/Alphabet City, and 2) Lower East Side. Instead of revealing differences between the areas, this division obscures substantial differences and the disparate impacts of the rezoning on different parts of the neighborhoods, for example, between the East Village, Alphabet City, the Lower East Side, and the Bowery. It also excludes any recognition of Chinatown's neighborhood character and the close association of the area with Chinatown.

- 1) There are major gaps in income, household size, and ethnicity between the East Village and Alphabet City. Putting the two together obscures these differences. The same is true for the Lower East Side and Bowery subareas, which were combined in the DEIS analysis.
- 2) The DEIS includes only one paragraph on the Lower East Side subarea. Because new development would most severely impact this subarea, the DEIS thereby fails to disclose potential impact on neighborhood character in the very subarea that would be most impacted.
- 3) The Lower East Side is one of the city's oldest working class, immigrant communities providing low-cost housing for large working families. The DEIS fails to disclose that the rezoning will encourage new development that will feed the process of gentrification that has already resulted in the transformation of parts of the East Village from a diverse, working class, immigrant community to a community of single professionals with smaller households and a more homogenous ethnic population. The DEIS does not discuss the impact of the loss of Hispanic and Black populations in the area.
- 4) The Lower East Side subarea includes a very small portion of Chinatown, and is immediately adjacent to Chinatown. These two areas have historically been closely connected to one another. This is not acknowledged in the DEIS. Indeed there is no recognition of Chinatown at all as having a unique neighborhood character with long historic ties to the Lower East Side.

### **Construction-Related Damage to Historic Resources**

The DEIS claims that potential damage to historic resources will be insignificant because of oversight by the NYC Department of Buildings (DOB). The DEIS fails to disclose the recent dramatic failures of DOB which led to several crane collapses, construction site deaths, and the resignation of the DOB commissioner. The practice of self-certification of architects and engineers is being called into question.

Thus, the DEIS understates the worst-case scenario with regard to historic resources, underestimating potential impacts on neighborhood character.

### **Impacts on East Houston Street and Delancey Street**

Under the rezoning these two major thoroughfares and some of the blocks surrounding them would have major new residential and commercial development. More development will change the character of the streets, encouraging higher-end commercial activity and substantially changing the character of the Lower East Side to look more like Soho, which is now without low-income immigrant populations that have historically defined the neighborhood.

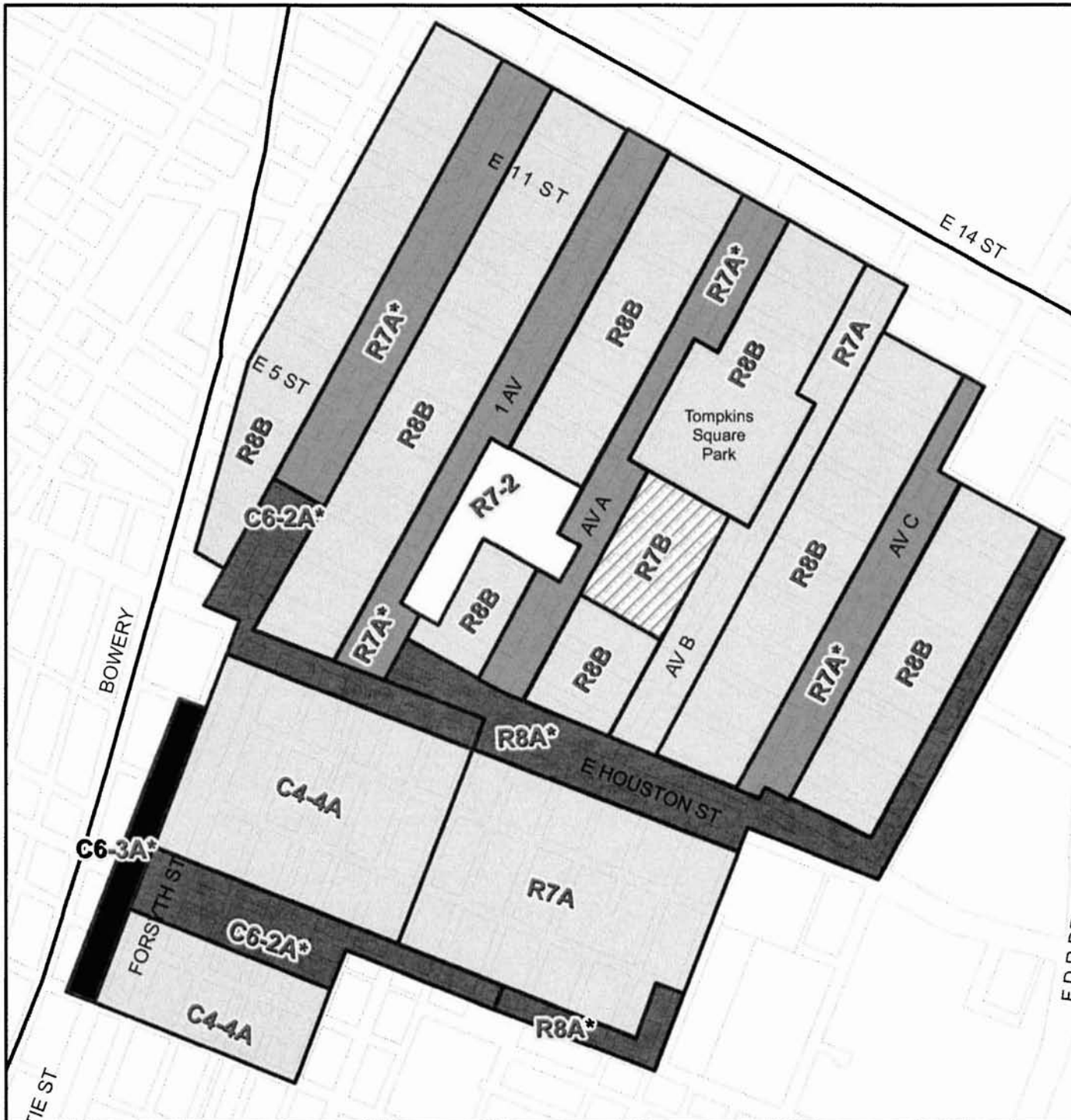
Congestion and pedestrian safety on these streets is already a major problem, and sidewalk overcrowding is a major problem on some blocks. The DEIS fails to discuss the potential impacts of the rezoning on pedestrian safety.

### **Noise Impacts**

According to local elected officials and Community Board 3, one of the most frequent complaints by residents over the last decade has been noise from the many new bars, cafés and entertainment facilities that have opened up in the neighborhood. These facilities serve a largely younger population who fill the streets at all times of night and day and create noise problems. This trend is changing the neighborhood character.

The rezoning is likely to continue this trend as more residential units are converted and the older residents and population groups move out, and as older businesses are replaced by nighttime establishments. Even though the rezoning may not directly lead to massive new construction, the continuing apartment conversions, which the rezoning will not ameliorate but in fact abet, are bound to have a much deeper and long-term impact on neighborhood character.





## Change in FAR Between Existing and Proposed Zoning in East Village/ Lower East Side

### Legend

**Proposed Rezoning**


**Incremental Change in Allowable FAR**

	-0.44
	0
	0.56
	1.16
	3.76
	5.06

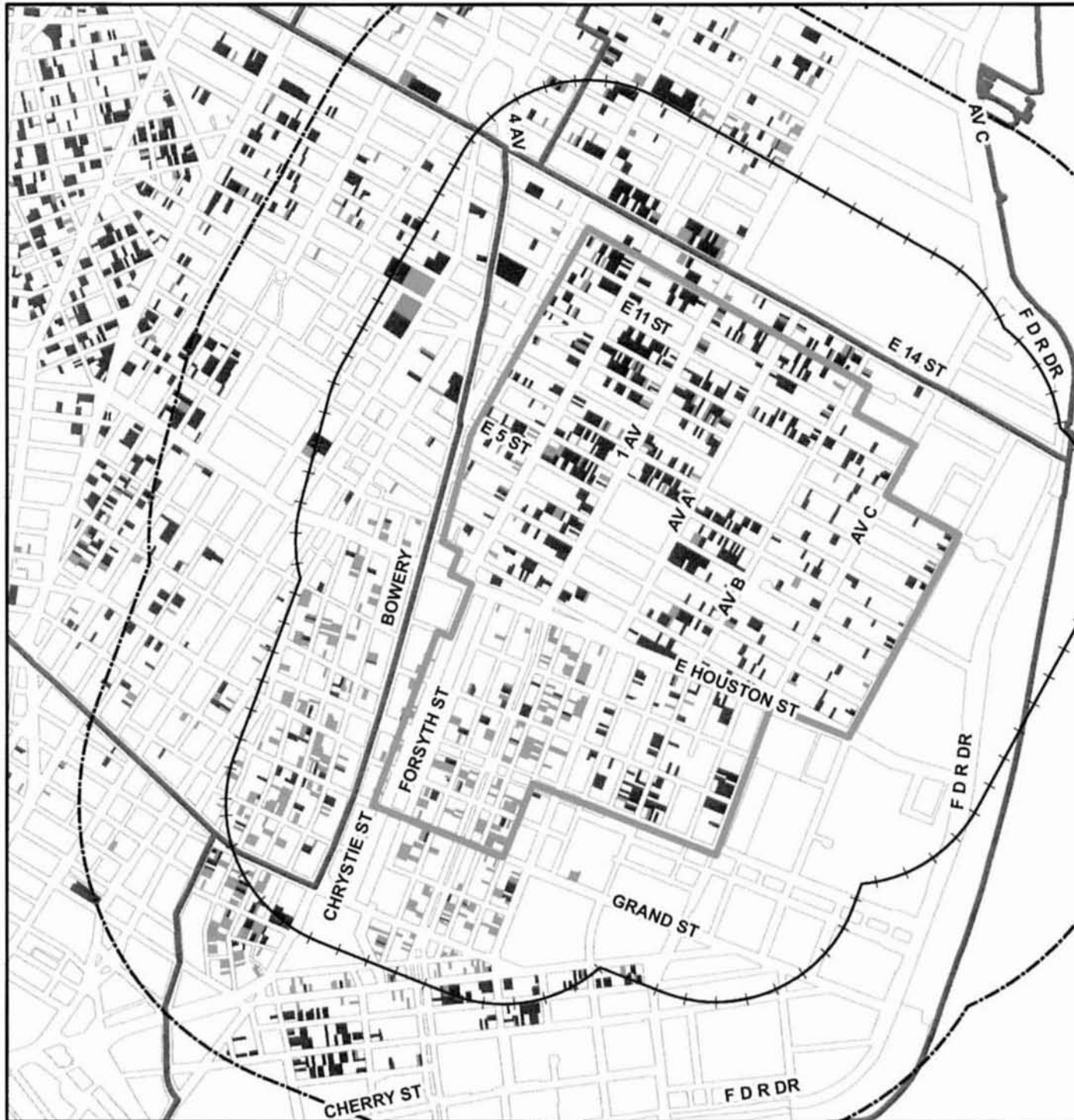
\* indicates inclusionary zoning areas that allow a density bonus for the construction or preservation of permanently affordable housing on-site, within 1/2 mile of the site, or anywhere within Community District 3

N

1,000 Feet



CCPD Center for Community Planning and Development  
 Hunter College CUNY  
 HUNTER COLLEGE 2008



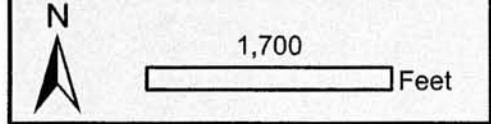
## Registered Rent-Stabilized Properties and Associated Floor Area Ratio<sup>1</sup>

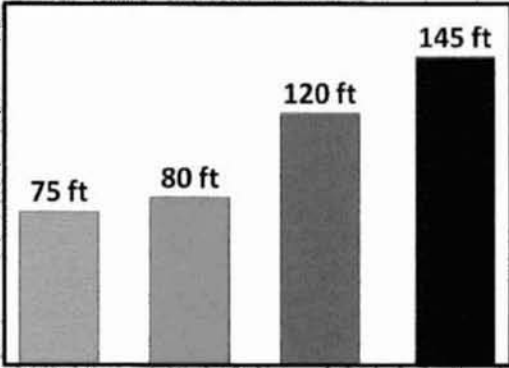
### Legend

- Proposed Rezoning Area
- Quarter Mile Buffer
- Half Mile Buffer
- Community District
- Rent Stabilized (FAR<50%)
- Rent Stabilized (FAR<80%)
- All other Rent Stabilized

<sup>1</sup> FAR<50% and FAR<80%: properties with built floor area ratio (FAR) less than 50 percent and 80 percent of the current maximum allowable FAR, respectively.

Source: NYC Rent Guidelines Board 2007 DHCR Building Registration File





## Maximum FAR and Building Heights in Proposed East Village/ Lower East Side Rezoning

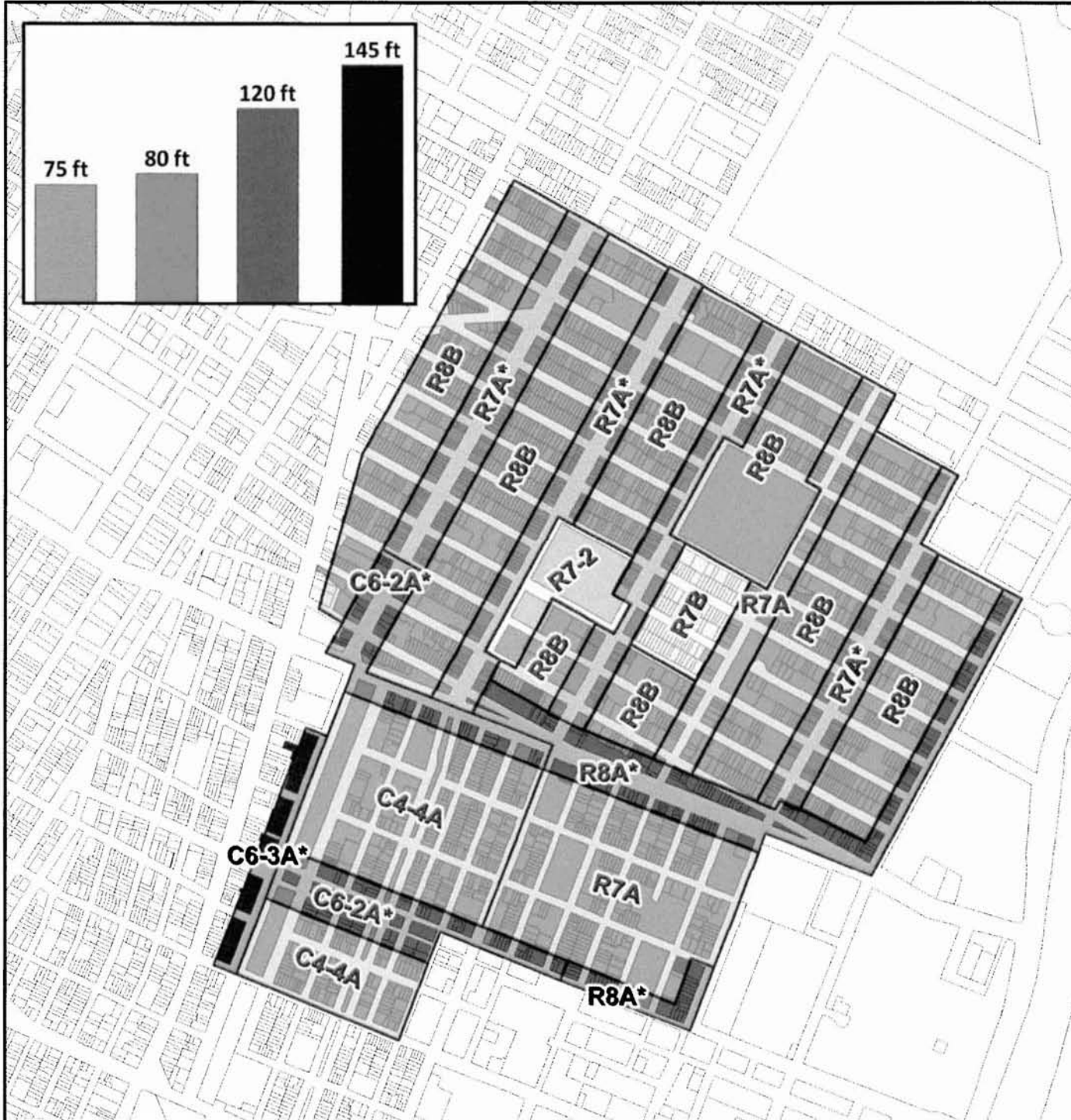
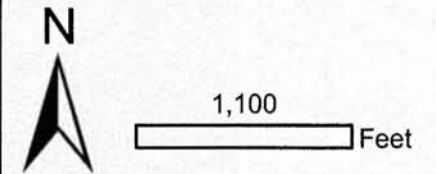
### Legend

#### Proposed Rezoning

#### Floor Area Ratio and Building Height

- 3.0 (max building height 75')
- 3.44 (sky exposure plane)
- 4.0 (max building height 75' - 80')
- 4.6 (max building height 80')
- 7.2 (max building height 120')
- 8.5 (max building height 145')

\* indicates inclusionary zoning areas that allow a density bonus for the construction and/or preservation of permanently affordable housing



## VI. MAJOR OMISSIONS AND PROBLEMS WITH THE DEIS

### **The DEIS does not address the disparate impacts to Asian, Hispanic, Black, and low-income residents.**

The demographic analysis in the DEIS includes no mention of race, even though key socioeconomic characteristics (income, poverty status, household size) are strongly correlated with race. Thus, the most vulnerable populations – those most likely to be impacted by the proposed actions – are overlooked entirely.

Our analysis of census information reveals that the minority and low-income populations in the area tend to be concentrated south of East Houston Street and in the eastern and southern sections of the ¼ mile and ½ mile study areas (see maps: Asian Population, Black Population, Hispanic Population, Median Household Income). Between 1990 and 2000, the concentration of white, higher-income residents increased within the proposed rezoning area, particularly north of East Houston Street, where whites now make up nearly 70% of the population. During the same period, the concentration of low-income minorities decreased.

Market trends in the study area are resulting in the involuntary displacement of minority and low-income households, as well as the businesses and jobs on which these populations depend. These trends threaten to significantly transform not only the rezoned area, but the entire demographic profile of the surrounding communities in the Lower East Side and Chinatown.

### **The DEIS does not disclose the discriminatory impacts of the proposed rezoning, which disproportionately protects areas that are predominantly white and higher-income, to the exclusion of areas that are most heavily populated with low-income residents and people of color.**

While the proposed rezoning is described as a preservation plan, it actually increases the maximum FAR by 16% throughout the majority of the rezoned blocks, 34% along all but one of the north-south avenues in the East Village, 109% along Delancey Street, East Houston Street, and Avenue D, and 147% along Chrystie Street (see map: Change in FAR). It only preserves or decreases the existing density on a few select blocks in the East Village, which are 70-80% white. In contrast, the major corridors with the highest upzoning are only 10-40% white.

The southern portion of the proposed rezoning area stands to experience the highest degree of new development and rent increases, as evidenced by DCP's map of projected development sites. This area, south of East Houston Street, has the highest proportion of renter-occupied housing units (i.e. the lowest rates of ownership) and the lowest vacancy rate. It also has the highest proportion of rent-stabilized buildings that are underdeveloped relative to the maximum allowable FAR (see map: Registered Rent-Stabilized Buildings). Median household incomes in this area are 30% lower than the median household incomes to the north of East Houston Street. These characteristics are indicators of

vulnerable populations in rental housing that are threatened by rising rents and land values resulting from zoning changes.

**The DEIS lacks a detailed assessment of indirect residential displacement due to rising housing costs, both inside and outside of the proposed zoning area.**

The DEIS does not characterize housing as it relates to income level (e.g., low-, medium-, or high-income housing, or the ratio of rent to income) and does not disclose how future housing costs under the proposed actions would lead to indirect displacement of residents. Thus, the DEIS fails to look at the disparate effects of the project on people with different income levels. An analysis of recent trends in real estate values, property taxes, and rents would reveal that people with lower incomes are being forced out of the neighborhood by rising rents and house values. These trends are encouraged in particular by the upzoning along Avenue D and from East Houston Street to the south (see map: Maximum FAR and Building Heights). Furthermore, because the chapter on socioeconomic conditions erroneously concludes that the rezoning will not be the cause of indirect displacement, the DEIS lacks any assessment of how displacement will change the character of the neighborhood.

**The DEIS fails to disclose the full impacts of the rezoning on populations living outside of the rezoned area.**

Due to massive scale of this project, the disparate effects of the proposed actions will extend far beyond the rezoned area. According to developers, this rezoning will increase the level of speculation and development in the Bowery and in parts of the Lower East Side and Chinatown, where there are no protective contextual zoning requirements or incentives for affordable housing.

Our analysis indicates that existing trends are consistent with the developers' forecasts. In a ½ mile study area south of East Houston Street, ownership levels jumped from 9.6% to 15.1% of occupied units between 1990 and 2000. This reflects the conversion of rental housing to condominiums and cooperatives, which tend to serve higher-income populations. During that same time, this area went from having the lowest vacancy rate to the highest vacancy rate (compared to the area north of East Houston Street, and the ½ mile study area as a whole). These conditions reflect increasing speculation in housing; vacancy rates increase when developers buy buildings and tenants are forced to move. They do not reflect a decreasing demand for housing, but rather a changing housing environment that the rezoning not only fails to address, but abets.

**By limiting the secondary study area to ¼ mile, the DEIS draws inaccurate conclusions about existing trends and development pressures throughout the area. Likewise, the study areas should not have been analyzed as a whole but rather by subarea, as was done (though inadequately) in the neighborhood character chapter.**

The DEIS neglects to address the differences in demographic and housing characteristics between the proposed rezoning area and the surrounding area. The socioeconomic analysis also fails to distinguish

between the diverse subareas and neighborhoods that the study area comprises. For example, as described earlier, socioeconomic conditions, housing, and market trends are markedly different north and south of East Houston Street. Even within the rezoned area, median rents, income levels, and household sizes vary widely from north to south and east to west (see maps: Median Contract Rent, Median Household Income, Average Household Size).

Between 1990 and 2000, the demographic profile, housing tenure, and income characteristics of these different neighborhoods changed dramatically. Intense development pressures and increased rents have caused the number of lower income residents and larger families – mostly Hispanic, Black, and low-income Asian – to move out of the proposed rezoning area, while a younger and more affluent population has moved in. With the highest occupancy rates and highest rents inside the proposed rezoning area and with most projected development to occur south of East Houston Street, existing businesses and residents will be forced to relocate beyond the ¼ mile study area, creating a ripple effect throughout the Lower East Side and Chinatown.

### **The DEIS minimizes the effects of business displacement on neighborhood conditions.**

One of the considerations listed in the *CEQR Technical Manual* to determine if the extent of displacement is considered *significant* is whether the businesses and institutions in question – individually or collectively – have substantial economic value to the region or contribute substantially to the character of the neighborhood. The DEIS avoids disclosing significant business displacement by assuming that all but one of the 211 projected sites would be developed even without the proposed actions, thereby circumventing the need for a more detailed analysis of involuntary business displacement. Over 100 local businesses within the proposed rezoning area are projected to be displaced, many of which provide unique goods and services that would not easily be found elsewhere in the surrounding area, and many of which are minority-owned businesses.

Similar to the housing and demographic changes described earlier, the proposed rezoning would result in a commercial development scenario that is markedly different than what would occur without the proposed actions. The RWCDs projects there would be 15% less commercial area and 62% more residential space in the rezoned area. Fewer businesses would exist under this development scenario, which is designed to sustain a larger and more affluent residential population.

Furthermore, the types of businesses that have traditionally catered to lower-income people of color would be the first to be displaced, either directly (due to redevelopment) or indirectly (due to sharp increases in commercial rents). These businesses contribute to the viability of existing commercial corridors – for example, along Delancey Street, East Houston Street, and Grand Street – and yet the DEIS states, “some discount apparel and convenience stores may be less likely to capture spending dollars from new, more affluent residents and workers in the area.” They would likely be replaced by more lucrative businesses and nighttime establishments. A more detailed analysis would reveal how this business displacement, in turn, would impact the ability of long-time residents to continue to find food, clothing, and other necessities affordable at their income levels.

The DEIS minimizes the contrast between the future economic conditions with and without the proposed rezoning, and therefore conceals how the rezoning will impact the people, businesses, and neighborhood character within the rezoned area and beyond.

**The DEIS minimizes the effects of the rezoning on the ability of existing businesses to successfully relocate.**

Relocation requirements should be considered in any analysis of business displacement. Compared to both existing conditions and the future without the proposed changes, this rezoning would create a relative shortage in commercial space that currently supports the neighborhood's traditional low-income ethnically diverse populations. With rising rents both within and outside the rezoning, partially a result of the decline in retail space due to the rezoning, existing businesses would have a difficult time finding alternative space in the neighborhood.

Yet the DEIS analysis of business relocation only addresses ten businesses that are located on the sole projected development site linked to direct displacement under DCP's development scenario. It fails to disclose the relative difference in market rents and commercial availability between the Build and No Build scenarios, the effects of which would be experienced by *all* of the businesses that are projected to undergo involuntary displacement. Even if the major assumptions underlying the development scenario were true, the economic conditions small businesses owners will face may be significantly different as a result of the rezoning. This warrants more in-depth economic analysis and should be disclosed in the DEIS.

**The DEIS does not address the voluntary nature and unpredictable outcome of Inclusionary Zoning, and fails to disclose potential impacts throughout Community District 3.**

The DEIS assumes that the proposed actions with the Inclusionary Alternative will result in an increment of 2,831 housing units to be built between 2005-2017, of which 642 may be affordable to low- and moderate-income people. However, the inclusionary housing bonus is voluntary, not mandatory. According to a recent study by PolicyLink and the Pratt Institute Center for Community and Environmental Development, more affordable housing is produced under mandatory Inclusionary Zoning programs than voluntary ones. Contrary to arguments against Inclusionary Zoning, this study shows that mandatory programs "do not dampen development and are economically feasible for developers and property owners."<sup>17</sup> Under the proposed rezoning, there is no guarantee that any affordable units will be built.

The DEIS also assumes that any affordable units that are developed using the inclusionary housing bonus will be built within the primary study area, when in fact the affordable units can be built within ½ mile of

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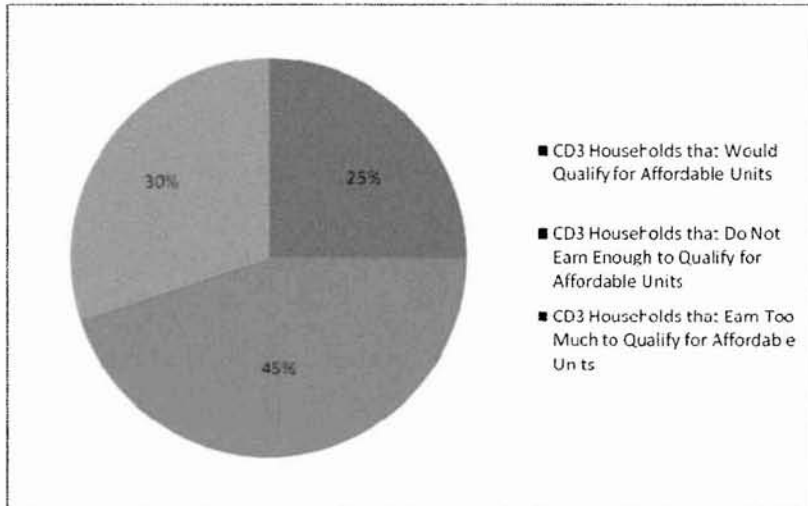
<sup>17</sup> PolicyLink and Pratt Institute Center for Community and Environmental Development, Fall 2004. "Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning." <http://www.prattcenter.net/pubs/izreport.pdf>

the new development or anywhere within Manhattan Community District 3. The DEIS fails to extend its analysis to the ½ mile area even though affordable units may be located there.

**The DEIS does not address whether the majority of residents currently living in the area earn enough money to qualify for the “affordable” units provided under the inclusionary housing benefit.**

“Affordability” is a very broad definition and fails to address the question, “affordable to whom?” Under the proposed actions, developments are eligible for the inclusionary housing bonus provided that 20% of the residential floor area is used for units affordable to those earning up to 80% of the area median income (AMI). According to the NYC Department of Housing Preservation & Development (HPD) web site, “For 2008, 100% of the HUD Income Limit for a family of four in New York City is \$76,800 and it is \$53,700 for a single person.”<sup>18</sup> Thus, HUD income limits range from \$43,000 (for a 1-person household) to \$61,450 (for a 4-person household).

Maximum rents for the Inclusionary Housing program are also established by HPD, which requires that tenants pay no more than 25-30% of their income in rent.<sup>19</sup> Given these restrictions, only about 25% of CD3 households fall within the income range to qualify for these units. Over 45% of CD3 households do not earn enough to qualify for these affordable units. Moreover, the average median income for CD3 households *outside* of the rezoned area is just over \$25,600, far below the minimum income required



even for an “affordable” studio apartment.<sup>20</sup> Affordable housing built outside of the rezoned area would therefore displace existing residents.

An analysis that fails to define affordability within the context of neighborhood income levels is not adequate to disclose potential impacts. The DEIS is therefore defective in its analysis of housing affordability.

<sup>18</sup> New York City Department of Housing Preservation & Development, 2008. “Residential Tenants: Housing Income Limits.” <http://home2.nyc.gov/html/hpd/html/tenants/hud-income-limits.shtml>

<sup>19</sup> New York City Department of Housing Preservation & Development, *Chart of HUD Income Limits 2008*, “Residential Tenants: HUD Income Limits,” <http://home2.nyc.gov/hpd/html/tenants/hud-income-limits.shtml>.

<sup>20</sup> An average 2000 median household incomes was calculated for all of the block groups in Community District 3, outside of the rezoning area, weighted according to the number of households in each block group. The affordable studio apartment rent is \$884, which would require an income of \$35,360 - \$42,432 (for 25-30% of income to be spent in rent). Adjusted to 2000 dollars, the income range would be \$28,441 - \$34,129.



**HUD Income Limits 2008**

Family Size	30% of Median	40% of Median	50% of Median	60% of Median	70% of Median	80% of Medi	100% of Median
1	\$ 16,150	\$ 21,500	\$ 26,900	\$ 32,300	\$ 37,650	\$ 43,000	\$ 53,800
2	\$ 18,450	\$ 24,600	\$ 30,700	\$ 36,900	\$ 43,000	\$ 49,150	\$ 61,400
3	\$ 20,750	\$ 27,650	\$ 34,550	\$ 41,500	\$ 48,350	\$ 55,300	\$ 69,100
4	\$ 23,050	\$ 30,750	\$ 38,400	\$ 46,100	\$ 53,750	\$ 61,450	\$ 76,800
5	\$ 24,900	\$ 33,200	\$ 41,450	\$ 49,800	\$ 58,050	\$ 66,350	\$ 82,900
6	\$ 26,750	\$ 35,650	\$ 44,550	\$ 53,500	\$ 62,350	\$ 71,300	\$ 89,100
7	\$ 28,600	\$ 38,100	\$ 47,600	\$ 57,200	\$ 66,650	\$ 76,200	\$ 95,200
8	\$ 30,450	\$ 40,550	\$ 50,700	\$ 60,900	\$ 71,000	\$ 81,100	\$ 101,400

Family Size	125% of Median	140% of Median	150% of Median	165% of Media	175% of Median	250% of Median
1	\$ 67,250	\$ 75,300	\$ 80,700	\$ 88,750	\$ 94,150	\$ 134,500
2	\$ 76,750	\$ 85,950	\$ 92,100	\$ 101,300	\$ 107,450	\$ 153,500
3	\$ 86,400	\$ 96,750	\$ 103,650	\$ 114,000	\$ 120,950	\$ 172,750
4	\$ 96,000	\$ 107,500	\$ 115,200	\$ 126,700	\$ 134,400	\$ 192,000
5	\$ 103,650	\$ 116,050	\$ 124,350	\$ 136,800	\$ 145,100	\$ 207,250
6	\$ 111,400	\$ 124,750	\$ 133,650	\$ 147,000	\$ 155,950	\$ 222,750
7	\$ 119,000	\$ 133,300	\$ 142,800	\$ 157,100	\$ 166,600	\$ 238,000
8	\$ 126,750	\$ 141,950	\$ 152,100	\$ 167,300	\$ 177,450	\$ 253,500

Source Data:

New York, NY HUD Metro FMR Area										
FY 2008 Income Limit Area	Median Income	FY 2008 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
New York, NY HUD Metro FMR Area	\$59,700	Very Low (50%) Income Limits	\$26,900	\$30,700	\$34,550	<b>\$38,400</b>	\$41,450	\$44,550	\$47,600	\$50,700
		Extremely Low (30%) Income Limits	\$16,150	\$18,450	\$20,750	<b>\$23,050</b>	\$24,900	\$26,750	\$28,600	\$30,450
		Low (80%) Income Limits	\$43,000	\$49,150	\$55,300	<b>\$61,450</b>	\$66,350	\$71,300	\$76,200	\$81,100

[http://www.huduser.org/datasets/il/il2008/2008summary.odn?inputname=METRO35620MM5600\\*New+York%2C+NY+HUD+Metro+FMR+Area&selection\\_type=hmf&year=2008](http://www.huduser.org/datasets/il/il2008/2008summary.odn?inputname=METRO35620MM5600*New+York%2C+NY+HUD+Metro+FMR+Area&selection_type=hmf&year=2008)

Source: New York City Department of Housing Preservation and Development

Please see each individual Inclusionary Housing district for maximum income requirements

### LOW INCOME UNITS

For households with incomes up to 80% of AMI

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$884	\$931	\$868
1	2	\$945	\$997	\$927
2	4	\$1,138	\$1,196	\$1,119
3	6	\$1,316	\$1,383	\$1,296

### MODERATE INCOME UNITS

For households with incomes at or below 125% of AMI

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$1,442	\$1,489	\$1,426
1	2	\$1,543	\$1,595	\$1,525
2	4	\$1,856	\$1,914	\$1,837
3	6	\$2,145	\$2,212	\$2,125

### MIDDLE INCOME UNITS

For households with incomes at or below 175% of AMI

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$2,062	\$2,109	\$2,046
1	2	\$2,208	\$2,260	\$2,190
2	4	\$2,654	\$2,712	\$2,635
3	6	\$3,067	\$3,134	\$3,047

Figures based on HUD figures released 3/20/07, NY metro area median income of \$70,900

*NOTE: Initial rents must not exceed 30% of a tenant's income. Although programmatic income limits permit rents affordable to those earning up to 80%, 125% and 175% AMI, rents are shown above at 5% less than these tiered limits to allow flexibility for marketing and lease-up purposes. This will ensure that tenants will pay between 25%-30% of their income in rent. Rent and income limits for individual projects may be lower and subject to additional restrictions, depending on the particular project.*

### **Public housing is not necessarily protected from impacts of the rezoning.**

It may have been appropriate in the past to consider NYCHA housing to be protected from the effects of rezoning and thus excluded from the study area. However, public housing is undergoing a serious financial crisis and there is open discussion in policy circles of building private, market-rate housing on public housing property.<sup>21</sup> There is also widespread suspicion that NYCHA is warehousing apartments for an eventual conversion to market-rate units.<sup>22</sup> While portions of the East Village may be protected by the proposed contextual zoning, the proposed zoning may create even greater pressures on NYCHA housing, rent-stabilized units, and Mitchell-Lama middle-income housing. The DEIS fails entirely to consider such possibilities.

The large population of Hispanic, Black, low-income, and elderly residents who live in NYCHA housing and the local businesses that serve them will be impacted by the shortage of commercial space described earlier. In particular, Avenue D is currently lined with small bodegas, discount stores, and groceries that cater to low-income residents living in the Jacob Riis Houses, Wald Senior Center, and Lower East Side NYCHA developments (see map: NYCHA Residential Properties). Approximately 40% of the rezoned area on Avenue D is designated as Projected Development Sites. Existing development along Avenue D has an average built FAR of well below 3.0, but the proposed FAR is 7.2; thus, the built-in incentive for redevelopment along this corridor is enormous. The impacts this will have on the NYCHA residents were not considered in the DEIS.

### **The DEIS incorrectly assumes that buildings with 6 or more residential units built before 1974 will be automatically be protected by rent-stabilization regulations.**

In fact, New York City is experiencing a continuing loss in rent-stabilized units. When rents go beyond \$2,000 per month they may be deregulated. More significantly, however, are the conversions taking place as a result of massive evasions of rent protections. As reported in the NY Times, only blocks away in Stuyvesant Town, some 560 apartment units were converted to market rate in 2007 and another 670 are estimated to be converted in 2008.<sup>23</sup> The new owner of Stuyvesant Town is using methods that many tenants are terming harassment to force tenants to move. Tenant organizations in New York are alarmed at the growing trend of illegal pressure on rent-stabilized tenants by private equity funds, the investment groups fueled often by foreign speculators who aim to convert rent-stabilized buildings to new market opportunities for themselves.

The DEIS fails to disclose the number of rent-stabilized buildings within the rezoning. The most vulnerable of those buildings – those built to less than 80% of allowable FAR – are concentrated south of Houston (see map: Registered Rent-Stabilized Properties and Associated FAR).

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<sup>21</sup> Manhattan Borough President Scott Stringer, August 2008. "Land Rich, Pocket Poor: Making the Most of New York City Housing Authority's (NYCHA) Unused Development Rights."

<sup>22</sup> Juan Gonzalez, June 6, 2008. "Housing Authority keeping thousands of units empty while many families wait." Daily News. [http://www.nydailynews.com/ny\\_local/2008/06/06/2008-06-06\\_housing\\_authority\\_keeping\\_thousands\\_of\\_u.html](http://www.nydailynews.com/ny_local/2008/06/06/2008-06-06_housing_authority_keeping_thousands_of_u.html).

<sup>23</sup> Charles V. Bagli, "Stuyvesant Town Revenues Have Fallen, Report Says," *NY Times*, July 23, 2008, B3.

**The rezoning would accelerate the trend of hotel construction and other out-of-scale development in the areas immediately surrounding the primary study area to the south, in Chinatown and the Lower East Side.**

The proposed rezoning is intended to decrease the allowable development of commercial hotel buildings within the primary study area. New hotels along the Bowery and other parts of the secondary study area are raising land values and displacing businesses in Chinatown and the Lower East Side. By limiting this type of development in one area, the rezoning shifts the burden of out-of-scale development beyond the primary study area and fails to adequately regulate this development. The DEIS does not address this subject in its analysis of indirect business displacement.

**Census information is inaccurately reported because the study areas were not analyzed at the same geographic resolution and do not have the same geographic boundaries.**

Because the secondary study area was defined by census tracts, seven block groups (37 blocks) within ¼ mile of the proposed rezoning were not considered in the analysis of socioeconomic conditions. The total population in the secondary study area was underreported by over 14,500 people in 1990 and by over 14,800 people in 2000. Thus, the methodology used in the DEIS socioeconomic analysis excludes 8.6% of the population living in the secondary study area.

**Calculations in the DEIS are based on data averaged over the entire 111-block rezoning area, even though more detailed information is available at the Census block group level.**

The projected change in population under the RWCDs is based on the incremental difference in residential dwelling units constructed under the Build scenario (1,383), multiplied by the average household size (1.97) for the entire rezoning area, for a total of 2,723 residents. The DEIS does not indicate the expected change in population under the Inclusionary Alternative, even though this alternative was adopted by DCP. If we apply the same methodology, the Inclusionary Alternative would add 1,575 additional residential units, or 3,102 new residents.

However, household sizes vary dramatically by location; as discussed previously, many of the households south of East Houston Street are 45-50% larger than those in the East Village. It is possible to get a much more accurate estimation of population change by multiplying the number of residential units by the average household size of the census block group in which those units are located. Using this methodology, the Inclusionary Alternative would add 3,506 new residents (a difference of 13% from the DEIS estimate).

A similar methodology was used to estimate the recent population change (from 2000 to 2005) based on RPAD data, applying the average household size and vacancy rates for the entire rezoning area, rather than using more localized information. While these numbers may seem small, they indicate a general failure of the DEIS to incorporate the full range of population and housing characteristics into its calculations.

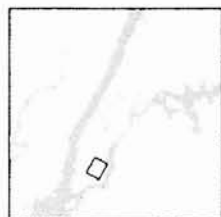
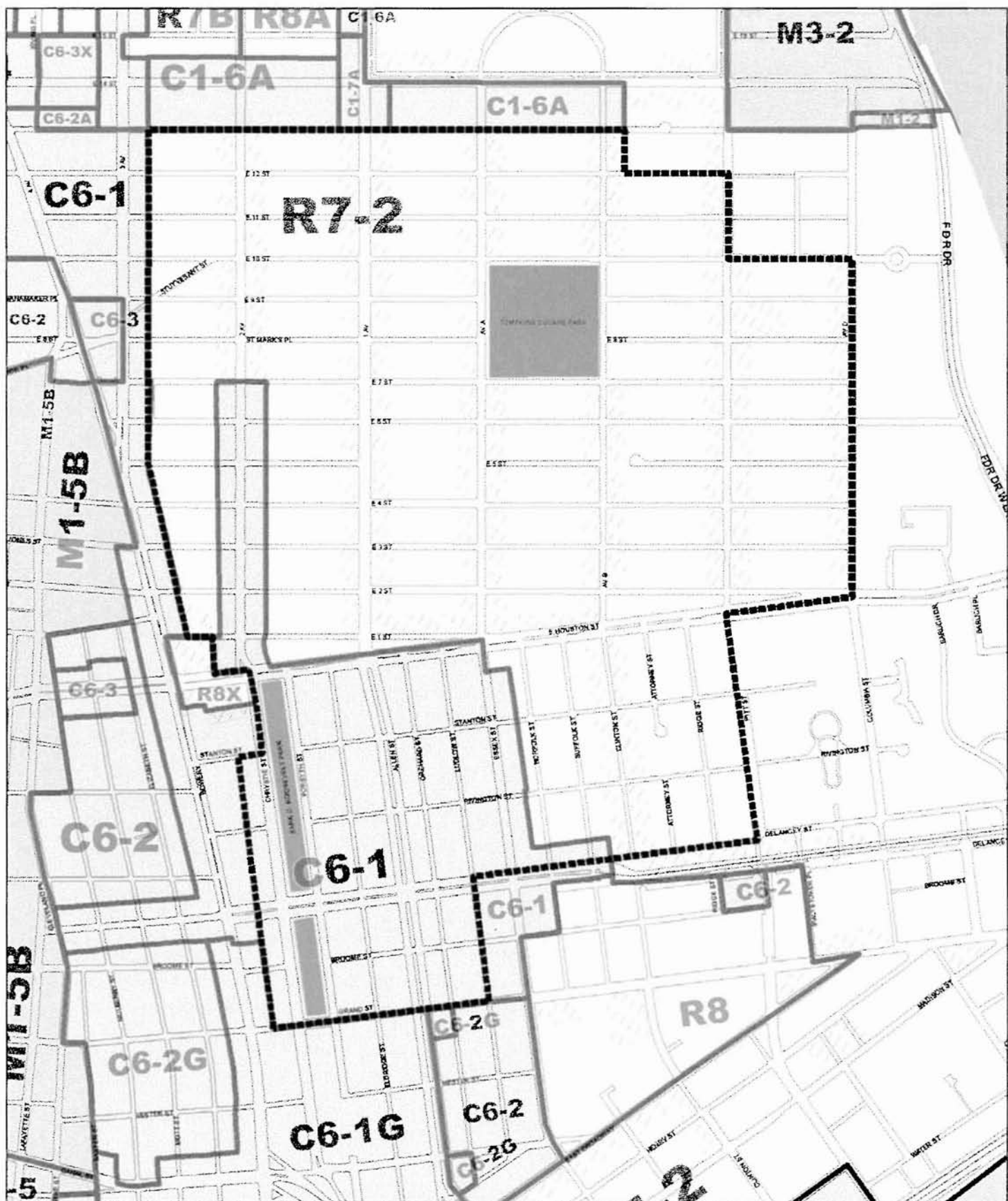
## VI. CONCLUSION

By limiting the extent of the study area, the DEIS fails to capture the full geographic impacts of the third largest rezoning in New York City. The socioeconomic study area, in particular, should have been extended to at least ½ mile to capture the population in Community District 3 that is likely to be affected by the rezoning and subsequent changes in the cost of land, housing, and goods and services. The neighborhood character study area should have been analyzed with a more detailed consideration of the individual neighborhoods that collectively define the Lower East Side and East Village. The DEIS also should have addressed the strong ties between neighborhoods in the rezoned area and the neighboring Chinatown, Bowery, and Lower East Side communities.

By not examining the full range and distribution of income, race, housing characteristics, and other socioeconomic factors, the DEIS makes the study area appear to be far more homogenous than it really is, thereby minimizing the disparate impacts to low income residents and people of color. Furthermore, the underlying assumptions regarding projected development lead to a gross underestimation of business displacement and secondary residential displacement. In summary, the socioeconomic and neighborhood character analyses that were prepared for the proposed rezoning fall short of the requirements set forth in the City Environmental Quality Review (CEQR) regulations (Section 6-09 of Executive Order No. 91) and do not provide the level of detail appropriate for a rezoning of this scale.

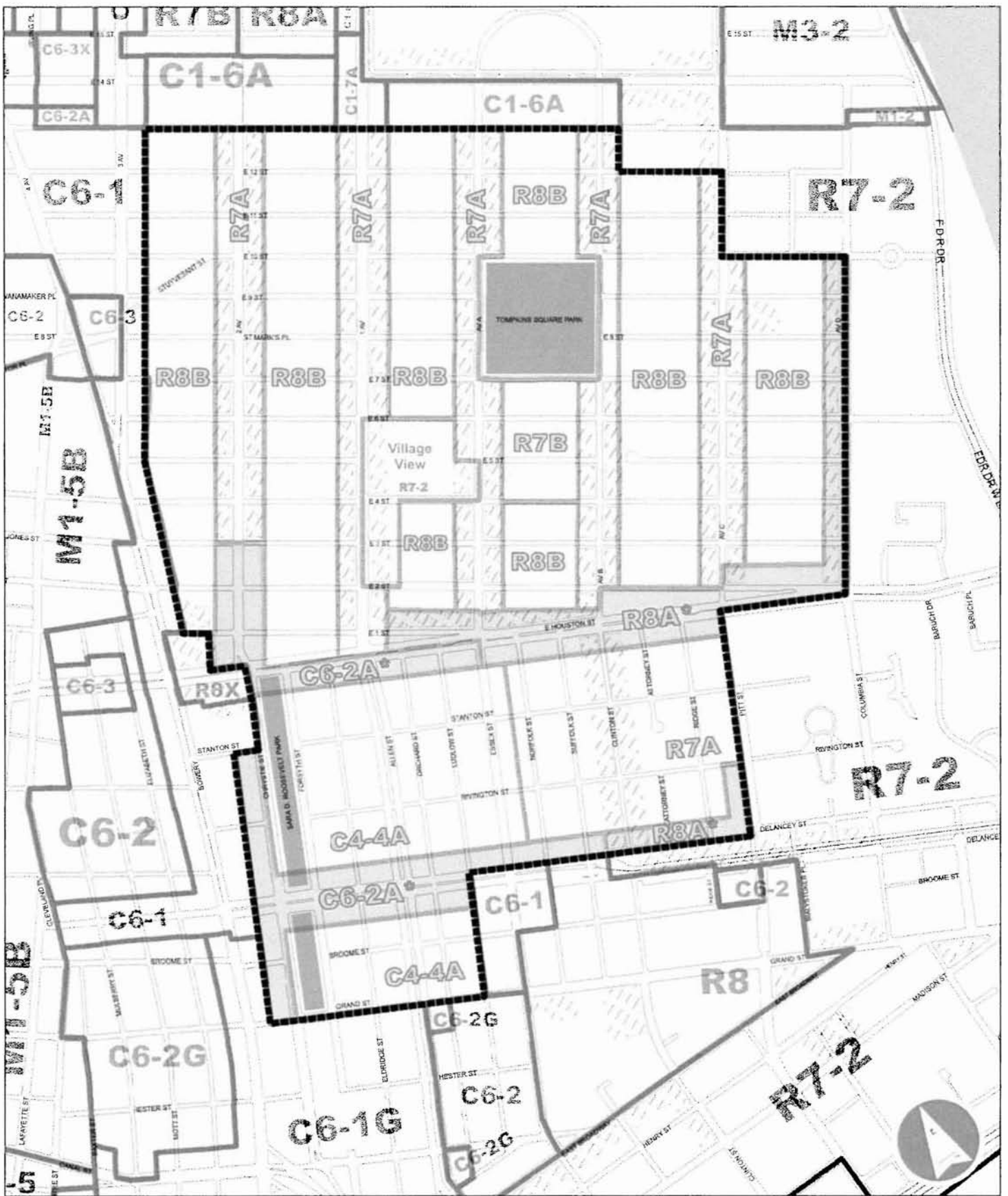
**APPENDIX A**

**Proposed Zoning Map, Text Amendments, and  
HPD-Sponsored Project**



### East Village/Lower East Side Rezoning

### Existing Zoning



Study Area Boundary C1-5 C2-5

Contextual District with Inclusionary Housing

## East Village/Lower East Side Rezoning

## Proposed Zoning

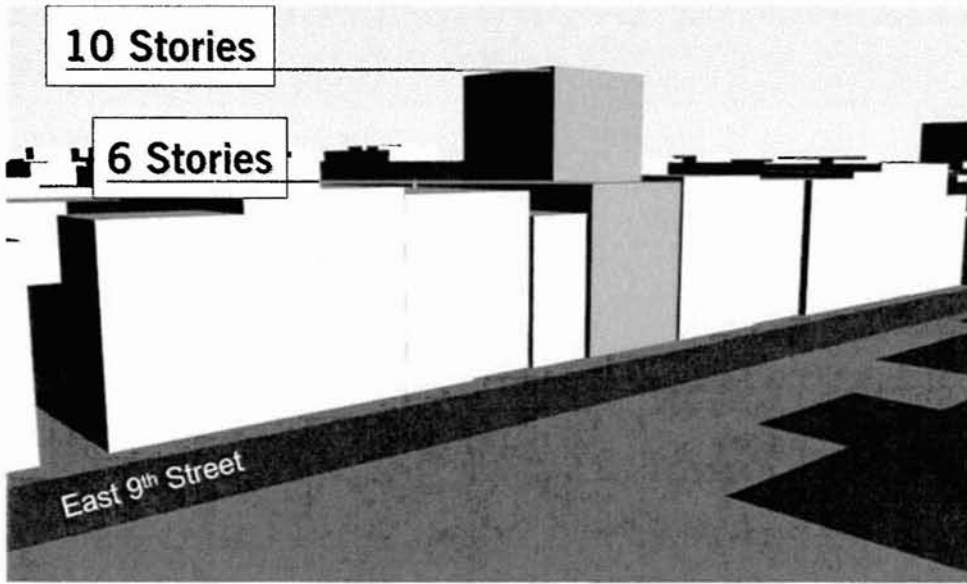
DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE



## EAST VILLAGE AND LOWER EAST SIDE ZONING COMPARISON

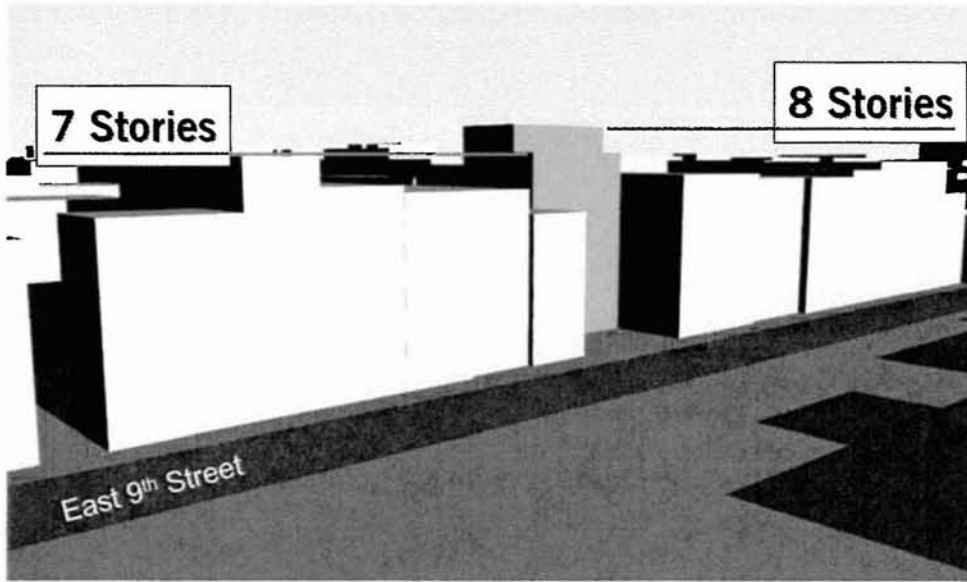
	Existing R7-2	Proposed R7A	Proposed R7B	Proposed R8B	Existing C6-1	Proposed C4-4A	Proposed R8A	Proposed C6-2A
<b>Maximum FAR (Residential)</b>	3.44	4.0	3.0	4.0	3.44	4.0	7.2 (with inclusionary, from base 5.4)	7.2 (with inclusionary, from base 5.4)
<b>Maximum FAR (Community Facility)</b>	6.5	4.0	3.0	4.0	6.5	4.0	6.5	6.5
<b>Maximum FAR (Commercial)</b>	--	--	--	--	6.0	4.0	--	6.0
<b>Maximum Building Height</b>	None (Sky Exposure Plane)	80'	75'	75'	None (Sky Exposure Plane)	80'	120'	120'
<b>Maximum Street Wall Height (if at the Street Line)</b>	Not Required (but not to exceed 60', and not to exceed Sky Exposure Plane)	65' (40' minimum)	60' (40' minimum)	60' (55' minimum)	Not Required (but not to exceed 85', and not to exceed Sky Exposure Plane)	65' (40' minimum)	85' (60' minimum)	85' (60' minimum)
<b>Off-Street Parking</b>	None required	None required	None required	None required	None required	None required	None required	None required

Note: For public or publicly-assisted housing, off-street parking of between 12% and 15% of the dwelling units is required pursuant to Z.R. Section 13-42.



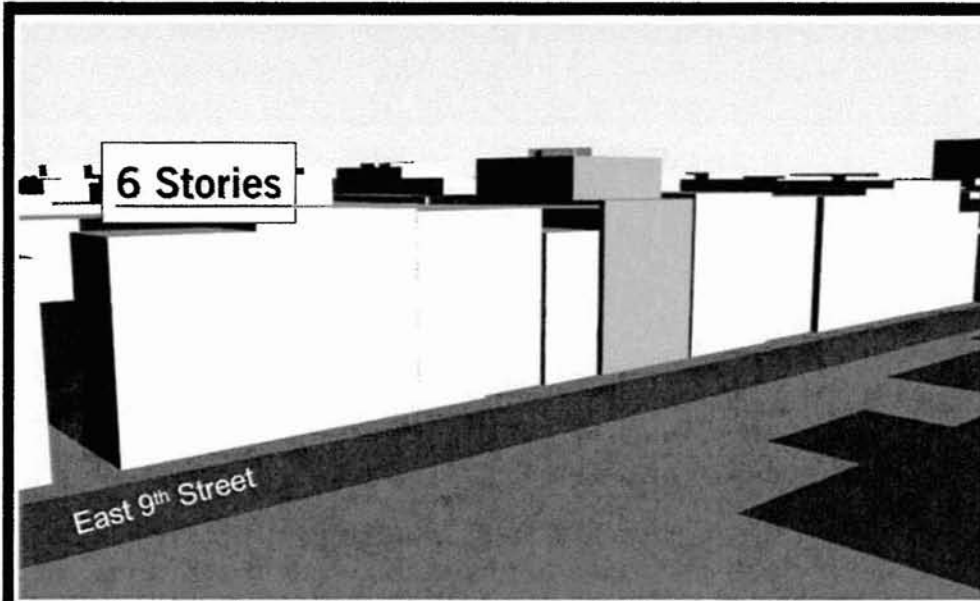
## **Existing R7-2**

Comm. Fac. FAR: 6.5



## **Existing R7-2**

Res. FAR: 3.44



## **Proposed R8B**

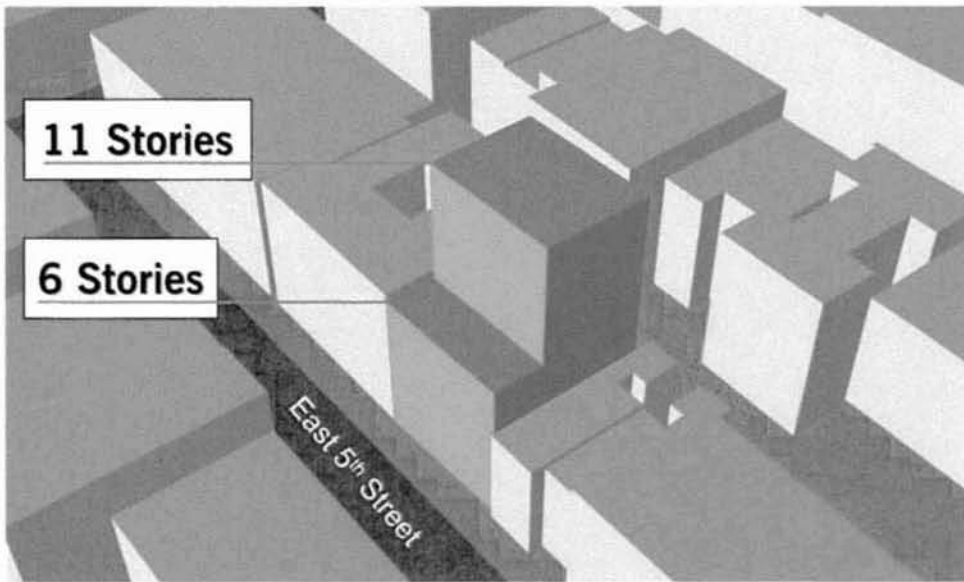
Res. FAR: 4.0

55'-60' Base, 75' max. ht.

\* A site with a street wall less than 45' wide is generally limited to a building height equal to the width of the street on which it abuts (a/k/a the "Sliver Rule"; see Z.R. 23-692).

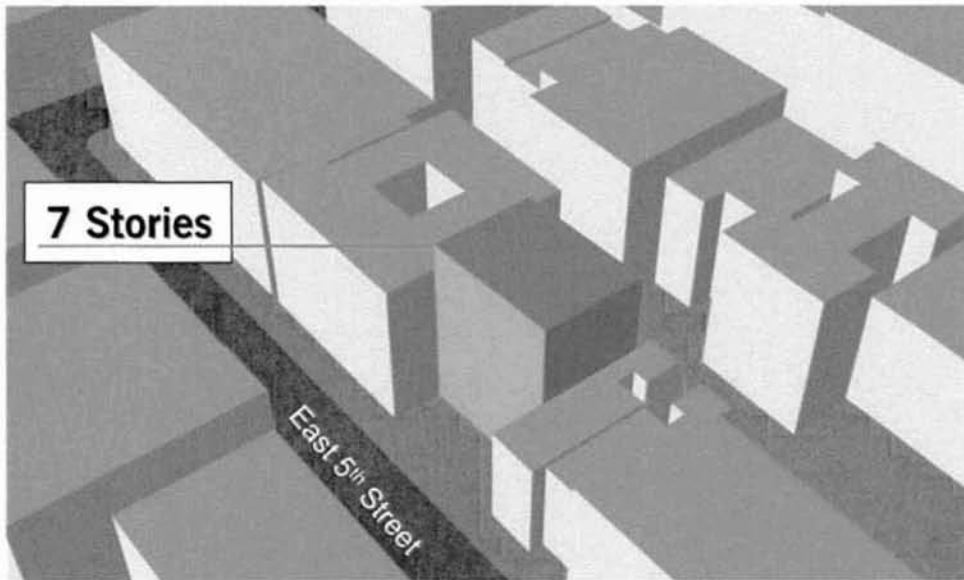


### **East 9<sup>th</sup> Street (between First & Second Aves.) East Village / Lower East Side Rezoning**



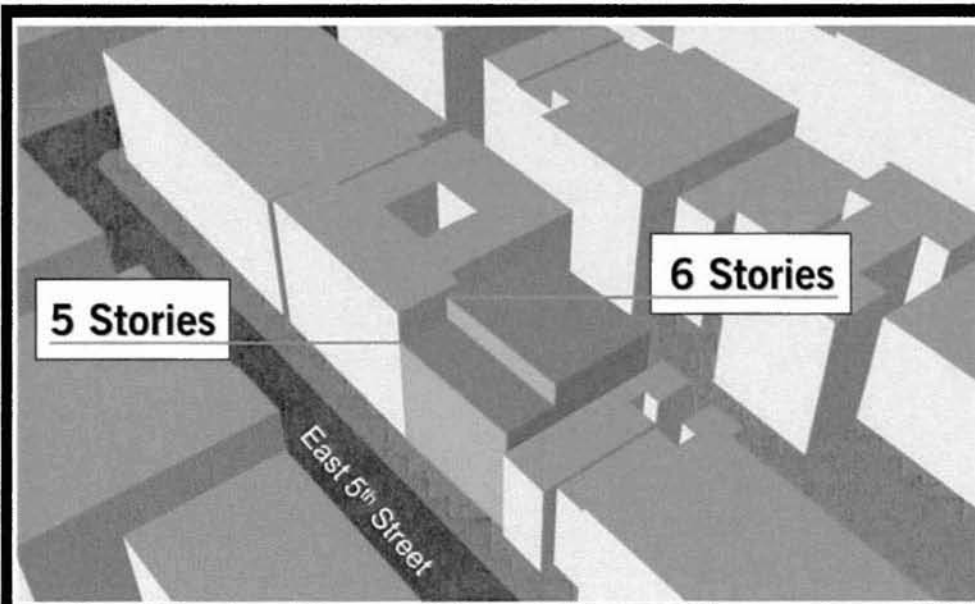
## **Existing R7-2**

Comm. Fac. FAR: 6.5



## **Existing R7-2**

Res. FAR: 3.44



## **Proposed R7B**

Res. FAR: 3.0

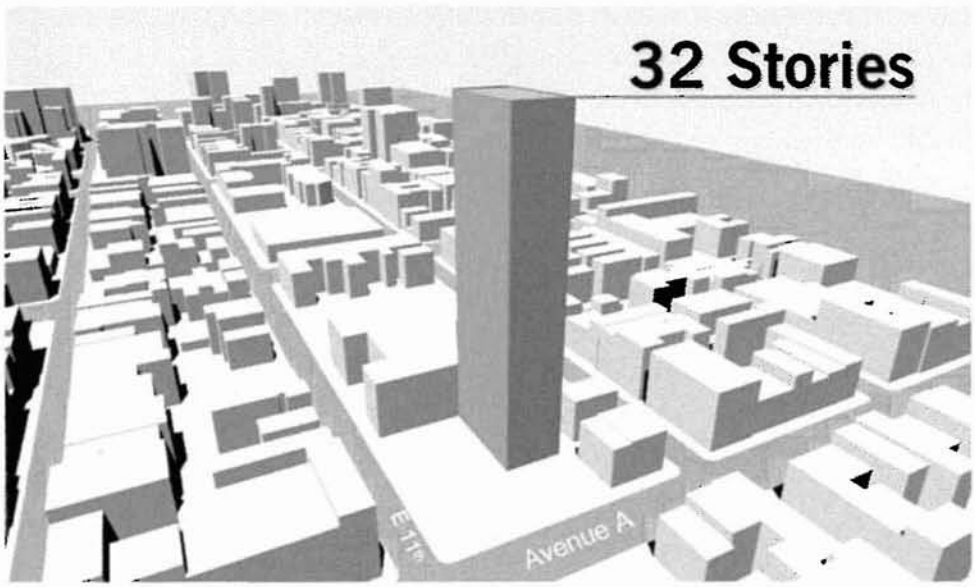
40'-60' Base, 75' max. ht.

\* Sites with street walls less than 45' wide are generally limited to a building height equal to the width of the street on which it abuts (a/k/a the "Sliver Rule"; see Z.R. 23-692).



### **East 5<sup>th</sup> Street (between Ave. A and Ave. B)**

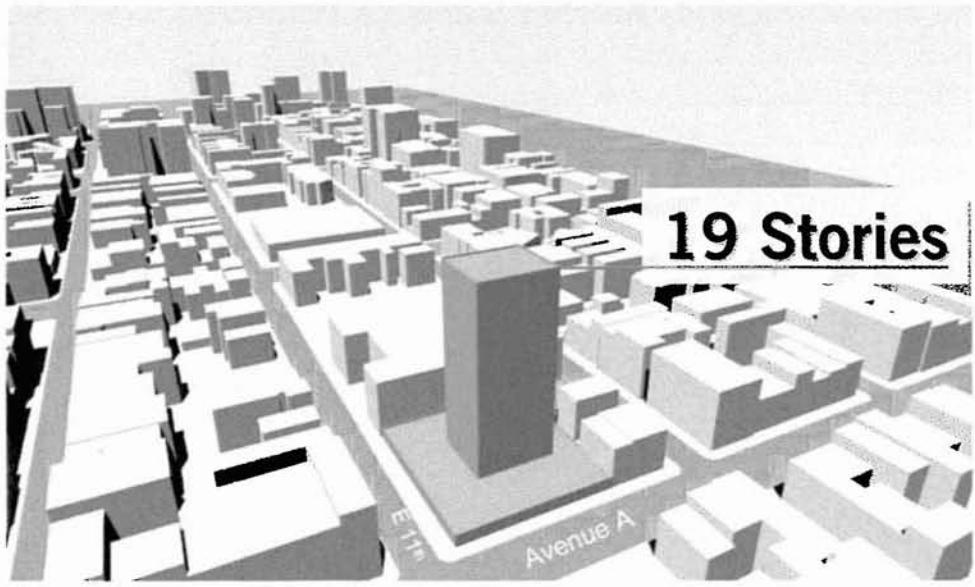
### **East Village / Lower East Side Rezoning**



**32 Stories**

**Existing R7-2**

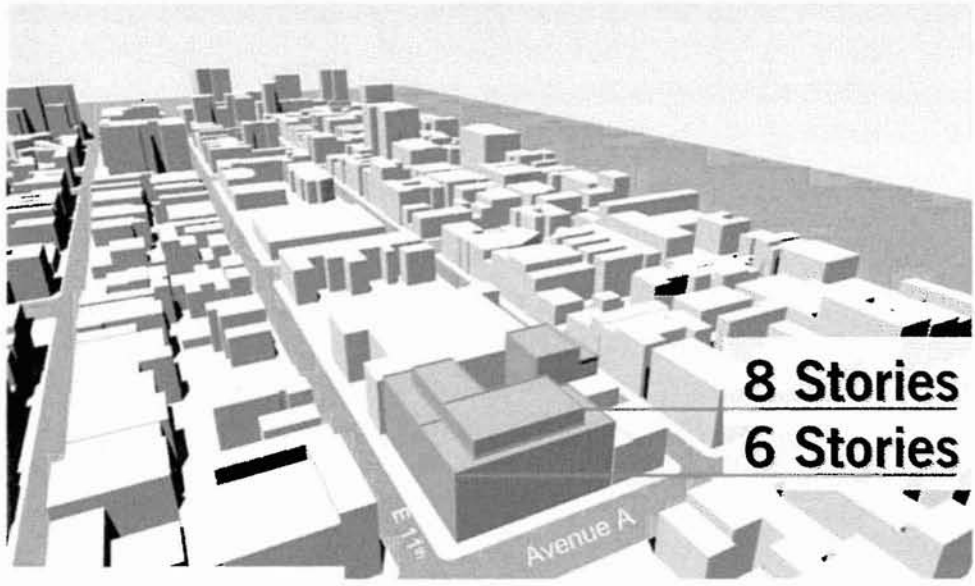
Community Facility FAR: 6.5



**19 Stories**

**Existing R7-2**

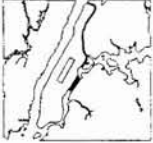
Residential FAR: 3.44



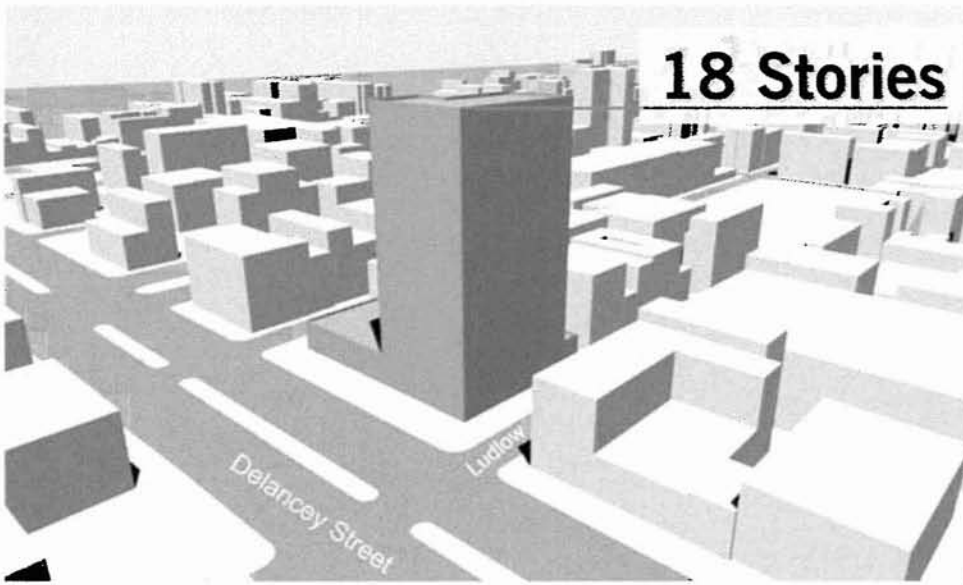
**8 Stories**  
**6 Stories**

**Proposed R7A**

Residential FAR: 4.0  
40'-65' Streetwall  
80' Max Height



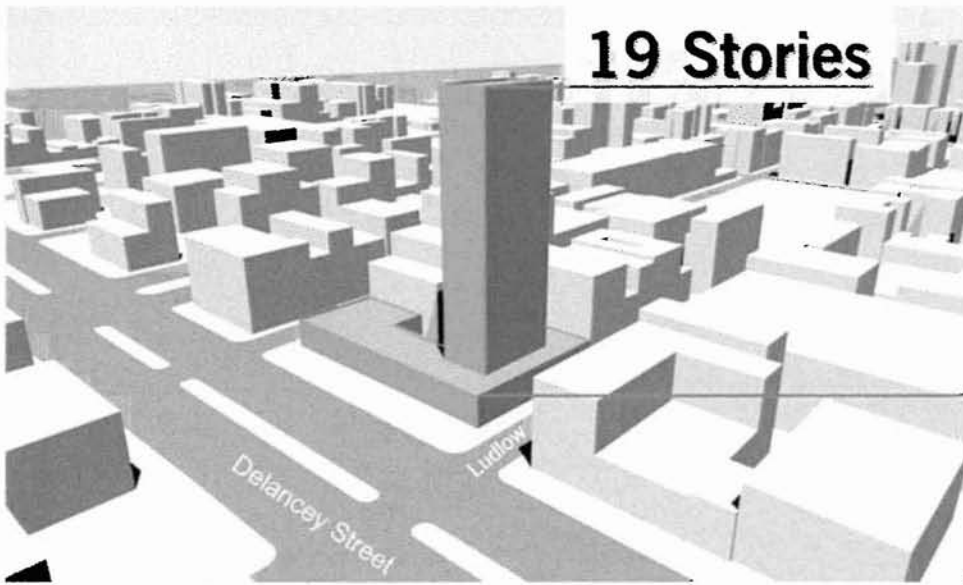
**Northwest Corner, East 11<sup>th</sup> Street & Avenue A**  
**East Village / Lower East Side Rezoning**



**18 Stories**

**Existing C6-1**

Comm. FAR: 6.0

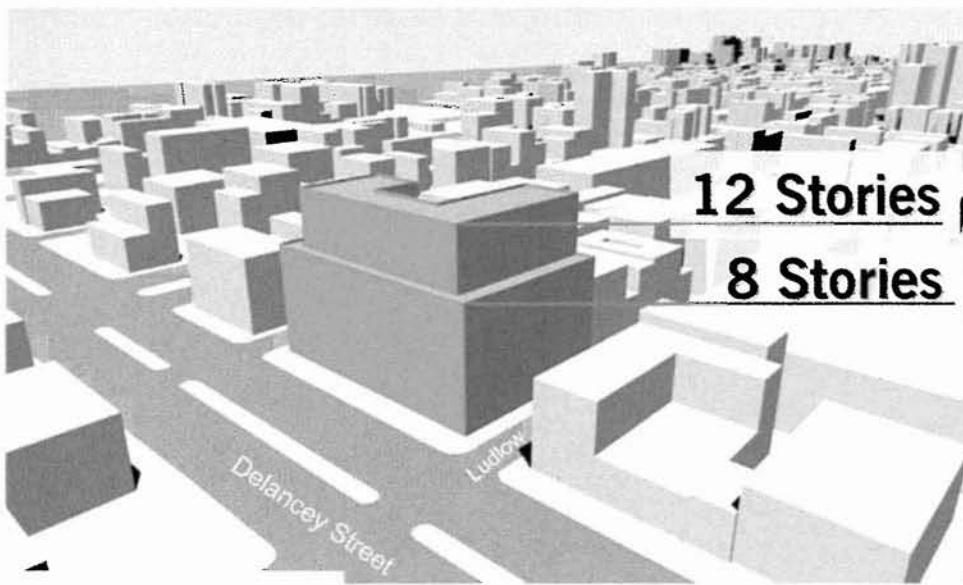


**19 Stories**

**Existing C6-1**

Res. FAR: 3.44

2 Stories Commercial Base



**12 Stories**

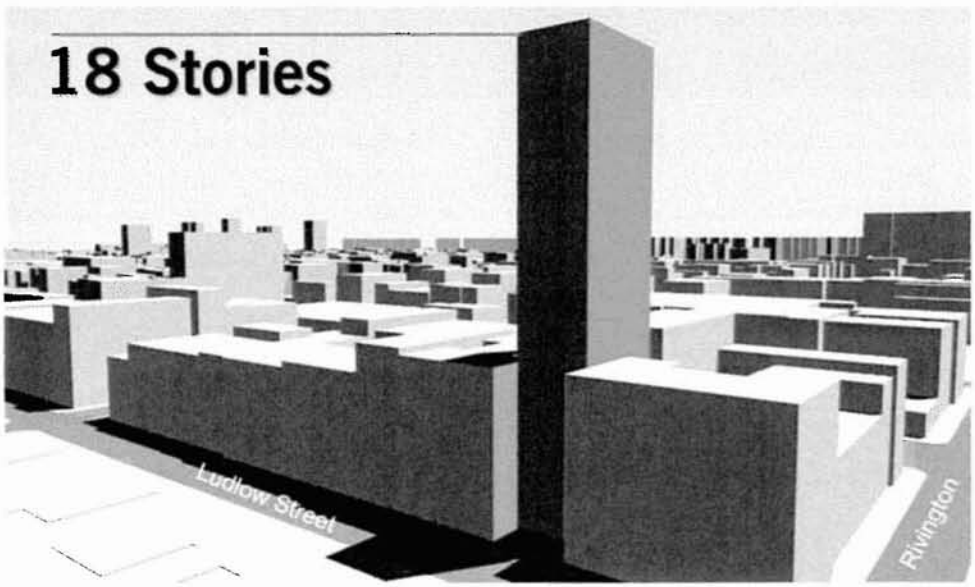
**8 Stories**

**Proposed C6-2A\***

Res. FAR: 7.2  
(Inclusionary Housing Max.)  
60'-85' Base, 120' max. ht.



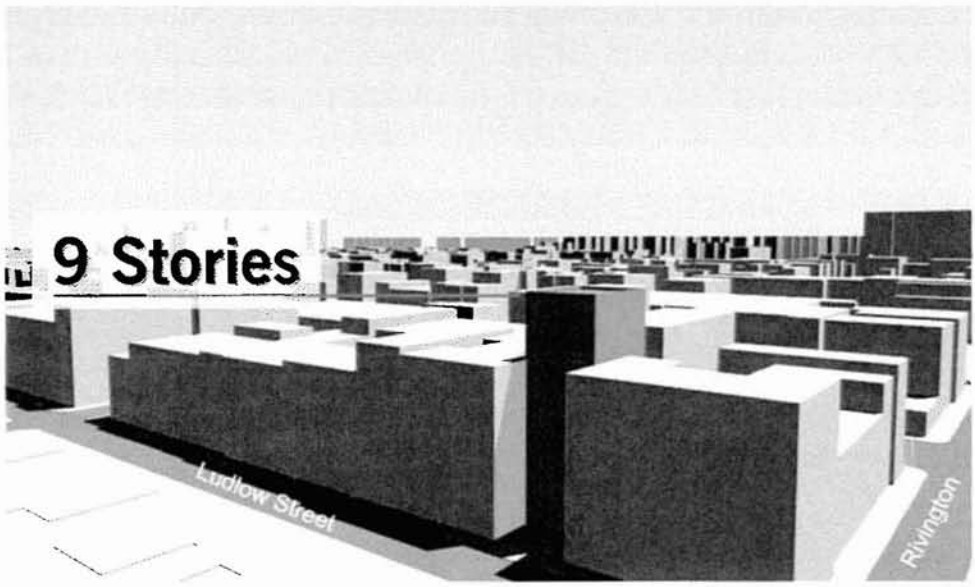
**North Side Delancey Street, at Ludlow  
East Village / Lower East Side Rezoning**



**18 Stories**

**Existing C6-1**

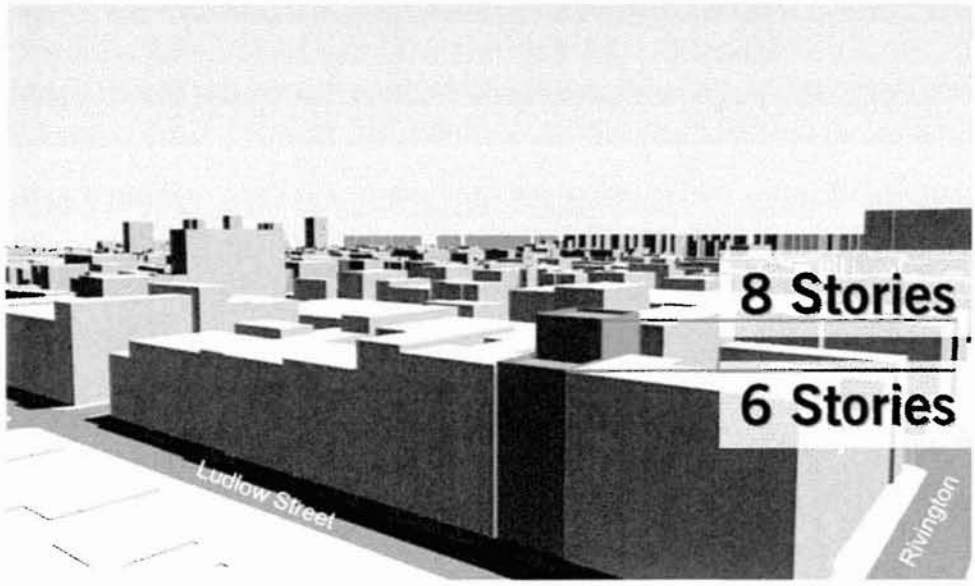
Comm. FAR: 6.0



**9 Stories**

**Existing C6-1**

Res. FAR: 3.44

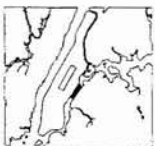


**8 Stories**

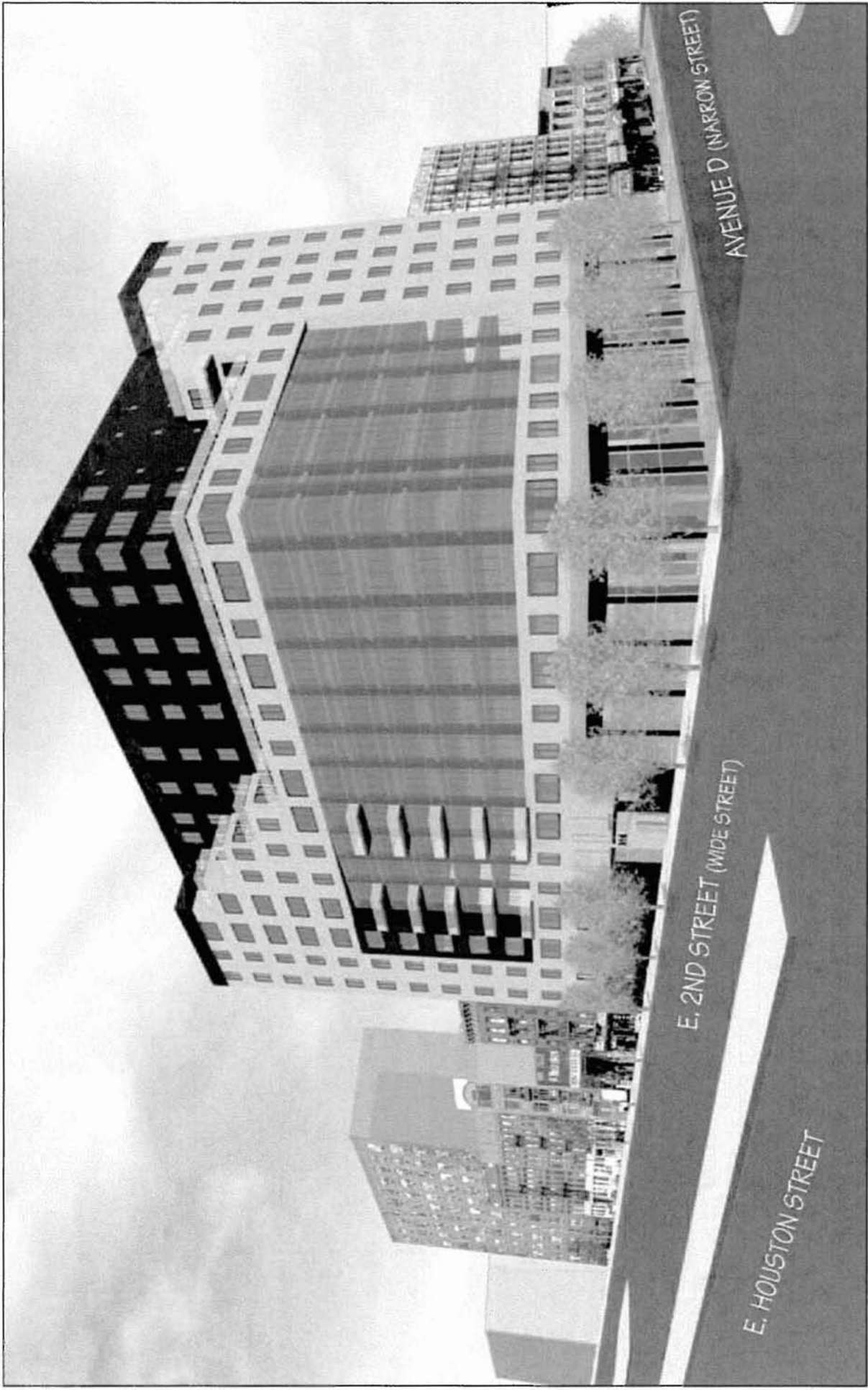
**6 Stories**

**Proposed C4-4A**

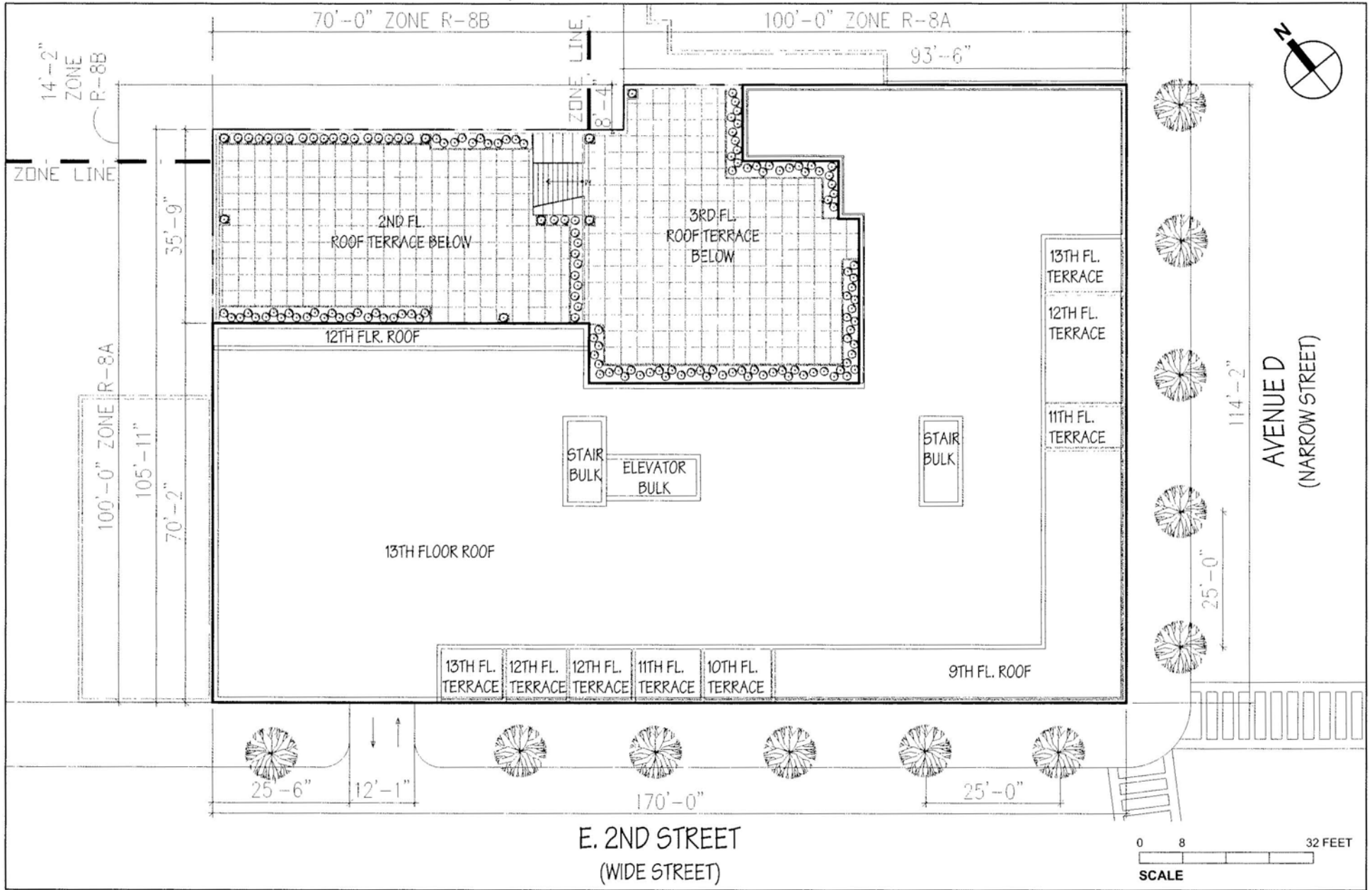
Res. FAR: 4.0  
40'-65' Base, 80' max. ht.



**East Side Ludlow Street, near Rivington Street  
East Village / Lower East Side Rezoning**



**Projected Development Site 167**  
Figure 1-6





**East Village/Lower East Side Rezoning  
Proposed (Modified) Zoning Text Amendment**

---

Matter in underline is new, to be added  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in 12-10 or  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

3/26/08

**23-144**

**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
<u>Community District 3, Manhattan</u>	<u>R7A R8A R9A</u>
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*

3/26/08

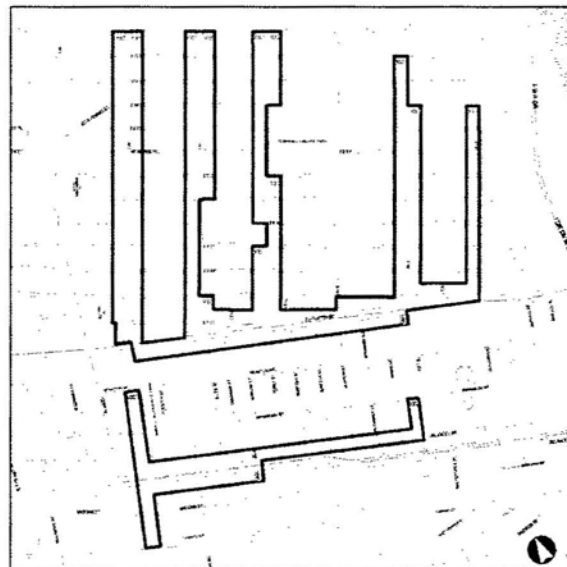
**23-922**

**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

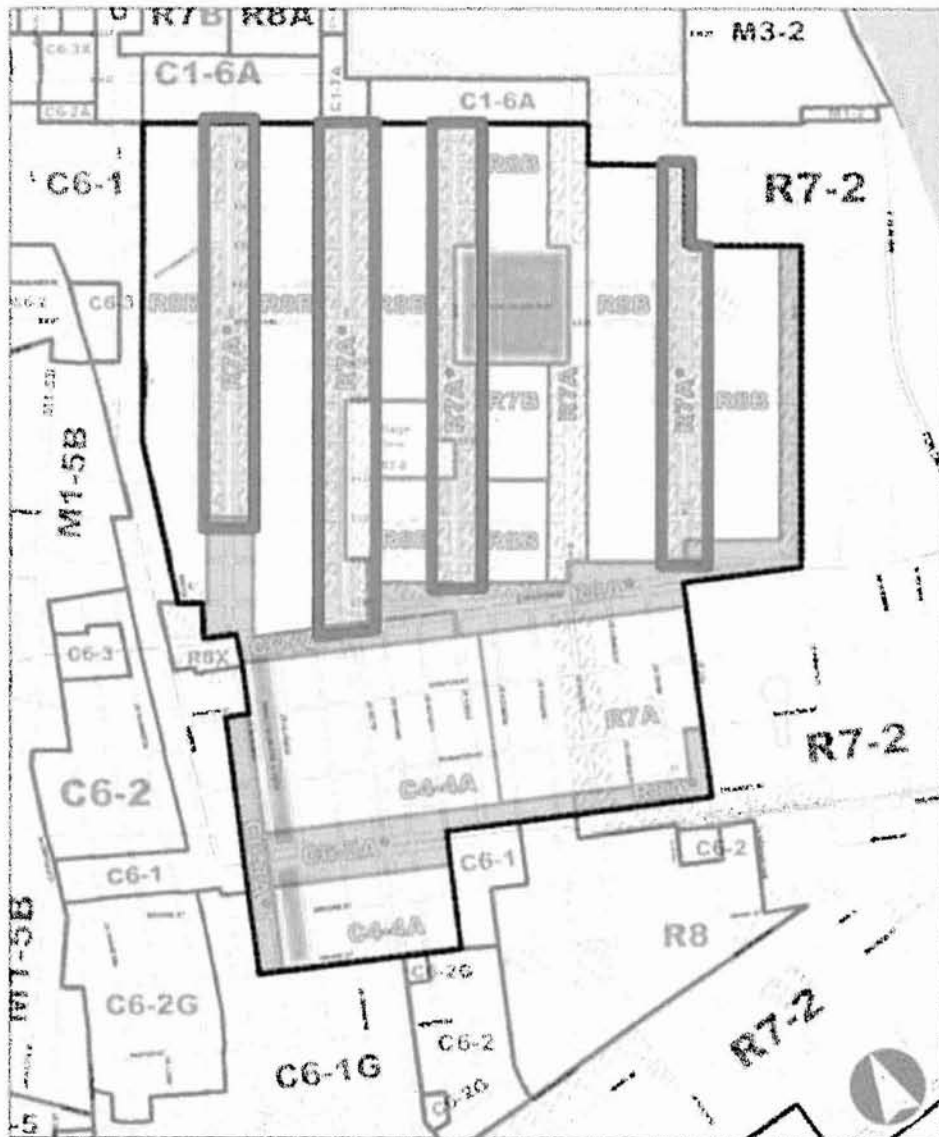
- (i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14: Portion of Community District 3, Manhattan

\* \* \*

# MODIFIED ZONING TEXT AND MAP AMENDMENTS



## R7A\* DISTRICTS

ALLOWED DENSITY:

RESIDENTIAL

COMMUNITY FACILITY

COMMERCIAL

base FAR: 3.45

max FAR: 4.0

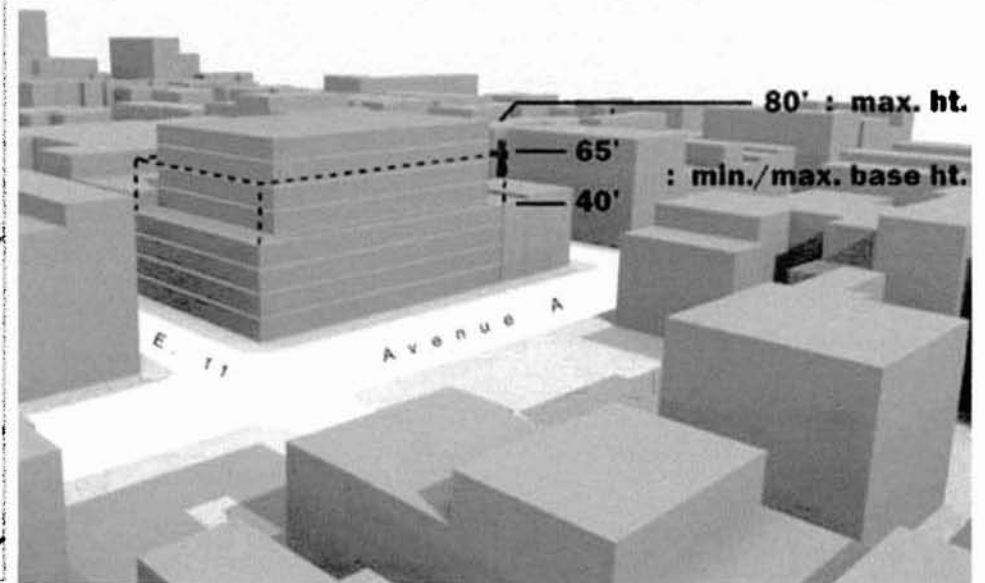
R7A/C1-5overlay: 2.0

I.H. bonus: 1.15

R7A/C2-5overlay: 2.0

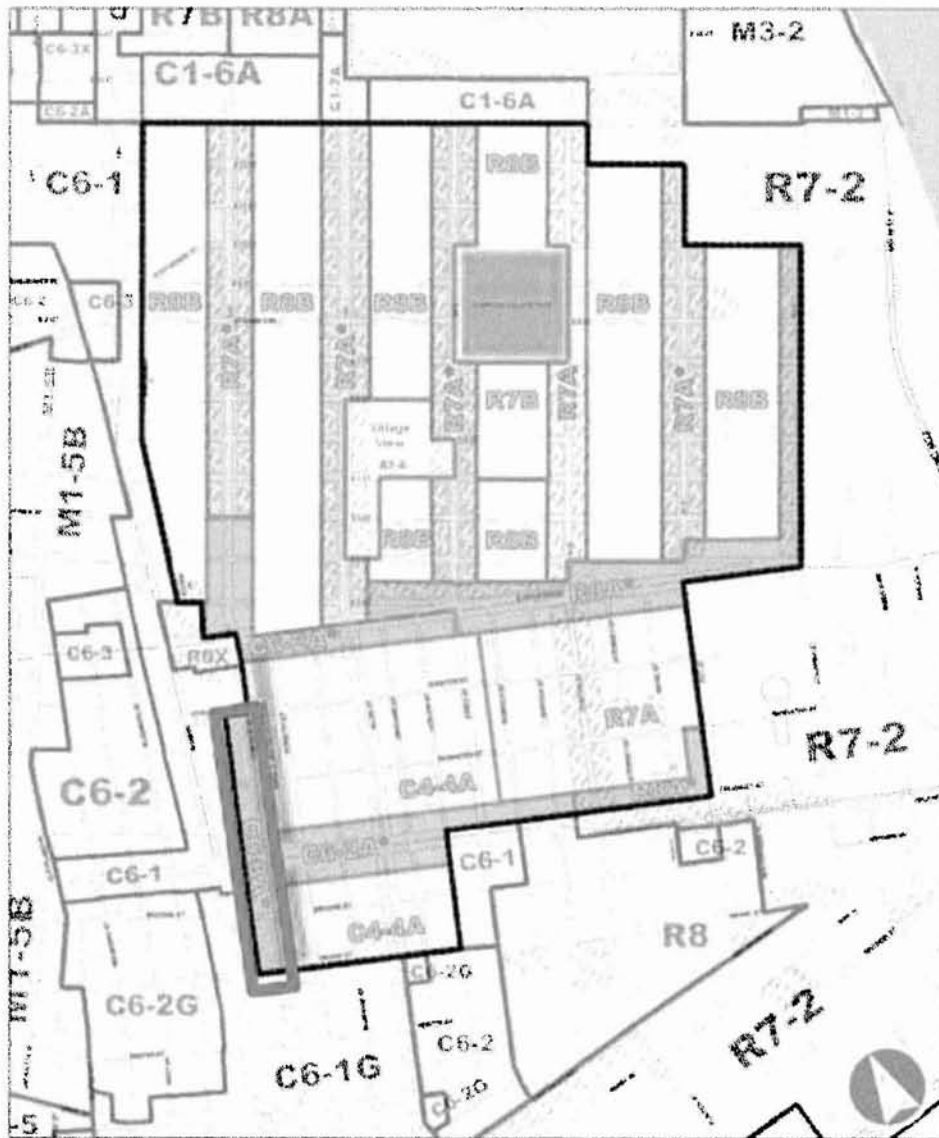
max FAR: 4.6

BUILDING FORMS (CONTEXTUAL CONTROLS):



**East Village/Lower East Side**

# MODIFIED ZONING TEXT AND MAP AMENDMENTS



## C6-3A\* DISTRICTS

ALLOWED DENSITY:

RESIDENTIAL

COMMUNITY FACILITY

COMMERCIAL

base FAR: 6.5

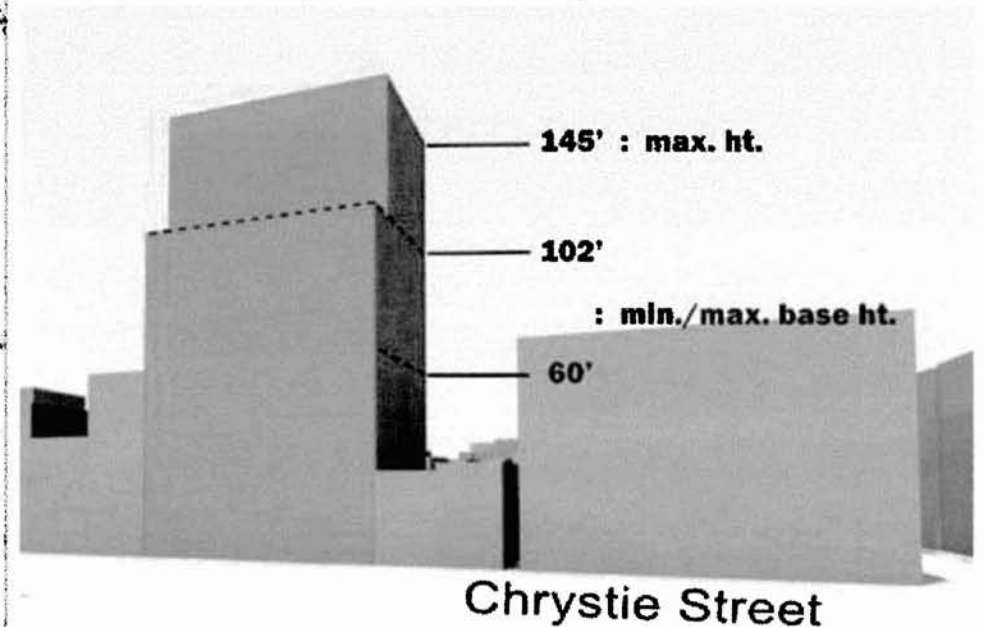
max FAR: 7.5

C6-3A\*: 6.0

I.H. bonus: 2.0

max FAR: 8.5

BUILDING FORMS (CONTEXTUAL CONTROLS):



**East Village/Lower East Side**

# VESELKA

THOMAS BIRCHARD  
Proprietor  
Veselka Restaurant  
144 Second Avenue  
New York, NY 10003  
T 212-228-9682  
F 212-505-6950

City Planning Commission  
22 Reade Street Room 2E  
New York, NY 10007  
Amanda Burden – Chair  
Dear Chair Burden,

As an owner of a fifty five year old community based ethnic restaurant on Second Avenue I feel increasingly threatened by the rapid development and rising rents that are occurring around me. In addition, to operating this restaurant for 35 years I am a property owner, have lived here for over 40 years and raised a family.

I am concerned over the rapid and destructive development that is occurring on the Bowery. The street is losing its historic character at an alarmingly increasing rate as the development of boutique hotels, large retail and chain stores accelerates. I find it ironic and sad that as more people seek out our neighborhood as a place to live or visit they inadvertently overdevelop and the destroy the very surroundings they were so drawn to.

It is very important to preserve the historic, smaller scale structures and local businesses that make this neighborhood so charming. This is an immigrant community of diverse culture and income strata. Throughout the years many artists, musicians, writers have come through my restaurant. This community needs to be acknowledged and preserved, their history is important, their contributions should be a part of New York City history. Instead, business owners and residents are being systematically displaced and forced out.

I respectfully request that the east side of the Bowery be included in Lower East Side / East Village rezoning plan so as to preserve that which has not already been lost. The east side of the Bowery should have the same height restrictions as the west side. All the buildings should be in context with the smaller scale historic buildings.

Thank you for your consideration.

Sincerely,



Thomas R. Birchard

Mitchell Grubler  
20 Confucius Plaza, Apt. 40C  
New York, New York 10002  
[mitchellgrubler@yahoo.com](mailto:mitchellgrubler@yahoo.com)

August 13, 2008

NY City Planning Commission  
Calendar Information Office  
22 Reade Street -- Room 2E  
New York, NY 10007-1216

RE: Testimony - East Village/Lower East Side Rezoning Plan

Dear Members of the City Planning Commission:

I submit the following as my written testimony in regard to the East Village/Lower East Side Rezoning Plan.

As a resident of the Bowery and a member of the Bowery Alliance of Neighbors, I am appalled that the City Planning Commission has excluded the Bowery from the East Village/Lower East Side Zoning Plan, and I urge you to do all you can at this time to effect the inclusion of the Bowery into the plan.

The Bowery was initially studied as part of the study area for the 197C Zoning Plan and, so, with your help and support it could and should be included in the rezoning at this time. It is only logical and good city planning for the zoning of the east side of the Bowery to conform to the zoning on the west side of the Bowery (80 foot height limit), which is the Little Italy Special District, and thus respond to the low-rise character of most of the buildings on the Bowery. There is no good reason for the east side of the Bowery, with its burgeoning development of high-rise buildings, to be out of scale and not conform to the scale of the west side. Both sides of the street deserve the same amount of sunlight and open views of the sky. Without this protective zoning, the quality of my life and that of my neighbors will be adversely affected forever and always.

Rezoning the east side of the Bowery to conform to the west side will enable the retention of the business districts with which the Bowery has been associated for generations – the lighting district, the restaurant supply district and the jewelry district. As I see it, you represent the city agency that should be doing all it can to promote the retention of these wholesale and retail businesses. They supply the restaurants, residents and visitors in this city with the merchandise they need to thrive and sustain the diversity and health of the city's economy. If you do not rezone the east side of the Bowery now, these business districts will very quickly disappear, succumbing to the economic pressures asserted by luxury hotels, multi-million dollar condos and the inevitable banks and chain stores that will rob the street of its special historic character and the unique qualities that we, the people who live on the Bowery, treasure.

I mourn the loss of the unique, generations-old businesses that once made this city so unique and desirable as a place to live, work and visit. I look to you, the members of the City Planning Commission, to recognize the fact that you have the power to take the steps necessary to better manage the changes affecting the quality of life in our city. You can do the right thing in the case of the future of the Bowery. I urge you to include the Bowery in the plan to rezone the East Village and the Lower East Side.

Sincerely,  
Mitchell Grubler

PI 066

18, AUG - 2009

TO AMANDA BURDEN  
 City Planning Council Chairperson:

- I WAS BORN ON PRINCE ST. btwn. ELIZABETH + MOTT STS.  
 MY MOTHER + HER MOTHER WERE BOTH FROM THE  
 SAME NEIGHBORHOOD; LITTLE ITALY. SO MY FAMILY LINE  
 HAS SPENT 3 GENERATIONS IN L.I. IN MY YOUTH, BOWERY  
 CAME TO BE KNOWN AS 'SKID ROW', Lined w/ Single Room Occupancies,  
 (S.R.O.) Commercial Kitchen manufacturers, Equipment + Sales  
 + SERVICES COMPANIES.

- These establishments have been there dot longer than I  
 have even been alive! I WAS BORN IN SEPT. OF 1950. BUT  
 I REMEMBER, BOTH SIDES OF BOWERY, side by side, bar stools +  
 upholstered chairs ON display curbside; w/ a hardware store on  
 2 + a plumbing or electric supply center mixed in, from Great Jones St  
 South to DeWitt.

- FURTHER SOUTH along BOWERY, were lighting  
 fixture shops; Again one right next door to another  
 on both east + west sides of BOWERY. During my  
 youth, there was + still is the Bowery Mission, east  
 south of Prince St. Also, just 1 block West of Bowery,  
 on Houston was a 'SALVATION ARMY', + 1 block north  
 was + is Holy Name mission. Well, the SALVATION ARMY  
 has been swallowed up + developed by N.Y.U. 284  
 MOTT ST. Now is a 8 story high end Rental tenement going  
 all the way TO ELIZABETH ST. These AFOREMENTIONED  
 LOCATIONS did much FOR the poor, homeless + less fortunate.

P246 - IT WAS DURING THE DECADE OF THE 70'S WHEN I REMEMBER  
THE LOCALS SHOWED MERCY, COMPASSION & CONCERN FOR THESE  
"KINDS". LITTLE DID I KNOW THEN THAT THE MAJORITY OF THESE  
TRANSIENTS WERE ACTUALLY VIETNAM VETERANS. WHEN I CAME TO  
UNDERSTAND THAT THESE SINGLE, LONELY, ANGRY, & SOME MENTALLY ILL  
WERE IN THEIR MID TO LATE 30'S, I LEARNED THE SAD TRUTH!  
- "SKID ROW" WAS A NICKNAME FOR THE BOWERY. AND IT WAS  
WHERE THESE VIETNAM VETS WOULD WIND UP, IF THEY HAD NO  
FAMILY, OR A FUTURE WHEN RETURNING HOME FROM WAR!  
I HAVE ALSO COME TO LEARN THAT CITIES & MUNICIPALITIES  
FROM 10-13 SURROUNDING STATES WOULD <sup>PAY</sup> FOR A ONE-WAY  
TICKET TO NEW YORK'S BOWERY IN ORDER TO RID THEMSELVES  
OF THEIR HOME & POOR TRANSIENT POPULATION!  
- BOWERY WAS, FOR MOST OF THE 20<sup>th</sup> CENTURY, A PLACE  
TO BEHOLD! THE ARCHITECTURE OF THE SO-CALLED "LOW RISE" &  
"LOW INCOME" STRUCTURES COULD BE FOUND NOWHERE ELSE!  
LET'S FOCUS ON BOWERY & GRAND ST. JUST FOR A FEW  
MOMENTS. THE BOWERY SAVINGS BANK WAS, IN MY EYES,  
THE CENTERPIECE OF LATE 19<sup>th</sup> CENTURY CONSTRUCTION. IT  
IS STILL MAGNIFICENT, BOTH BEFORE & AFTER JOE DI MAGGIO!  
I EVEN HAD A BANK BREAK @ BOWERY SAVINGS BANK IN  
PRIMARY SCHOOL TILL ABOUT 1970. @ MAISHIE'S, YEAH MAISHIE'S  
THE ORIGINAL HOME OF THE "EGG CREAM", A FAMILY  
OWNED & OPERATED BUSINESS FOR AT LEAST 2 GENERATIONS,  
HAS BEEN PUSHED OUT DUE TO ENORMOUS COMMERCIAL LEASE  
RENEWALS THEY SAT DIAGONALLY ACROSS FROM BOWERY BANK!  
- FURTHER SOUTH THERE WAS A CHINESE MOVIE THEATRE,  
ADORNED W/ GORGEOUS CHINESE DECORATIVE ARTISAN CONSTRUCTION!  
THAT HAS SUCCEUMBED TO THE WRECKING BALL IN RECENT PAST!

Page 3 of 6

— From Hester to Canal Sts. Bowery is still considered the downtown Jewelry District. To me, Chinatown began south of Canal St. I will take it north to Grand St. —

Chinatown, in my days, ALWAYS WAS. AND I LIVED right next to it. IN Little Italy, which also always WAS! AND the same w/ Bowery.

— The Special Character of the Bowery & surrounding area is now being seriously threatened by over development. To the Northern end of Bowery @ Cooper Sq. where Bowery becomes 3<sup>rd</sup> Ave, ~~has~~ of late, been stuffed with 3 hotels, Cooper Union hall, a magnificent architectural building went to the wrecking ball also.

— We still have the Amato Opera House, & Bowery Lane theatre, but the 30 something year old C.B.G.B.'s had to go, sadly!

Recently, there was a high rise, ugly, out of place monster known as the 'New Museum' completed.

There is now an ugly 'Bleu Condo' so inappropriate for a low rise, low income area. It is disgusting! And another one still under construction & rising

fast. These three mentioned buildings just so happen to be EAST of Bowery. For most of

the late 20<sup>th</sup> century both sides of Bowery & EAST of Bowery were low to middle income lofts, mostly occupied by artists, authors, musicians among others.

— Over the past decade, these artists have been forced out by new ownership & renterese Renewals that weren't sustainable. Since, they have relocated to nearby areas.



Such as MUMBO, Long Is. City, Williamsburg & Greenpoint, Even Tribeca, Loaded w/Lofts became financially out of reach for nearly all of them. ON the other hand, on the EASTERN Side of Bowery, we have newly completed Condo's, Co-ops & high end Rentals. FOR EXAMPLE: I EAST First Street, Avraon Christie Place & another to which I don't know the name of. Does the Lower EAST Side & East Village or Little Italy/Chinatown really need a Whole Food, the LARGEST one in NYC. I think NOT. AND I hope you all agree!

I don't think it will be helpful to this plea to go back to the History of 150 years of the Bowery. Every city in this country has a Broadway, we have 3. But, Let's face it, there is ONE & only one Bowery. IT is unique in its name, but also in its heritage. The Bowery CORRIDOR is exquisite, it's compares to nothing else. IT must be protected, ASAP, before its quaint charm is revamped & irretrievable.

— The Last time low to moderate income housing was planted along the Bowery was about 18-22 years ago! IT is Confucius Plaza.

Since then, nothing! Give us what we need, more green space, more affordable housing for the 2-3 generations of L.I.P.' (Local Indigenous People)

— Even before the tragedy of 9/11, Sept. 11, Bowery could not handle the TRAFFIC Flow, AM Rush, PM Rush, & even off peak hrs. of bridge or tunnel

Construction <sup>is</sup> in place. - But now w/ Police H.Q. <sup>P506</sup>  
 the new Moyrahan Federal Courthouse & MANDAL Correction  
 cordoned off to TRAFFIC FLOW, its AS bad as ever.  
 - But IT will get worse unless YOU PASS Rezoning  
 legislation on the Bowery & EAST OF BOWERY,  
 L.E.S., East Village & CHINATOWN need the  
 SAME zoning laws that ARE in Place West of Bowery.  
 When TRAFFIC is CRAWLING on Bowery, IT is  
 backed up onto B.R.E. & surrounding areas of Park Ln.  
 And also TRAFFIC is affected in every direction  
 from Varick to 3<sup>rd</sup> Ave/Chrystie & as far north as 10<sup>th</sup>  
 St. These TRAFFIC Jams affect everyone  
 Local Businesses, Residents, MPD & TRAFFIC agents  
 Fire & Ambulance services. IT CAN'T be this  
 way. Nothing of Late has been done to stem the  
 tide & it will continue to get worse.  
 - Please be mindful of this fact, from the  
 Willymug Bridge, to the Holland Tunnel, there  
 are 3 bridge & 2 tunnels in lower Manhattan.  
 TRAFFIC Jams are a daily (7 days) reminder of  
 what we are up against. ONLY YOU have the  
 the Power to REZONE L.E.S. E/V & Chinatown.  
 - The 3 high rises (including New Museum) look  
 like the Cedars of Lebanon in an APPLE  
 Orchard. The infrastructure can't even keep up.  
 - In my sincerest opinion, get the second ave  
 Subway completed, discourage Motor Vehicle  
 Traffic in & through Manhattan, but a DIS Route on Canal

Street, + please give L.I.P.'s what we really need  
quiet open space low rise, low income housing better  
AIR Quality. Please, ONLY YOU CAN PREVENT  
Overdevelopment. Take care of what we  
need! Please.

— IF NOT FOR the fact that I am  
the last of my generation still on Elizabeth St,  
+ still living in a RENT CONTROLLED APT.,  
I would have had to go too. If I was married  
w/children my children would be 4<sup>th</sup> generation  
LITTLE ITALY residents

— I AM FOR Rezoning of Lower East  
Side (L.E.S.) EAST Village (E.V.) + Chinatown  
To the extent that <sup>Little</sup> Italy (L.I.)  
is protected! With modifications. (see attach)

— N.Y.C. has its places for high rise, high  
end luxury construction. Please keep them where  
they belong; South of Chambers St; North of 14<sup>th</sup>;  
midtown; + upper East + West sides.

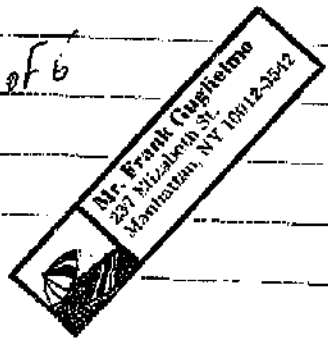
THANK you for your ATTENTION to  
this matter!

Sincerely

Frank Caputo

Native of Manhattan  
AKA The Center of the  
Universe

Page 6 of 6



## **ELIZABETH ADAM**

31 West 12<sup>th</sup> Street/3W  
New York, NY 10011

City Planning Commission  
22 Reade Street  
New York City, New York 10007-3219

August 13, 2008

Dear Members of the City Planning Commission,

My name is Elizabeth Adam and I am here to speak on behalf of the seniors of Lower Manhattan.

Constant construction is creating hazardous conditions on the streets for the ambulatory seniors and respiratory problems for everyone. We know that children and the elderly are the populations most at risk from the effects of pollution. When I testified last year at the State Liquor Authority, the seniors at the JASA Residence on East Fifth Street and Cooper Square, were facing the possible opening of four or five new indoor and outdoor bars, in a new 22-story hotel, across the street from their home. Until recently, they have lived a quiet, peaceful existence, but in the last few years there has been an explosion of building which has created a steady influx of bars and nightclubs. All this in a neighborhood that boasts the highest density of bars in the city: over 300! The seniors are kept up at night from the bar brawls. These are the people who have raised us, helped to build our neighborhoods, created our communities and made our city the thriving metropolis it is today. We should be grateful to them for all they have accomplished in their lifetimes. Instead we are forcing them to retreat behind closed doors. Sunlight is often one of the few joys left to them. Now the construction boom is going to block out the only sunlight, many housebound seniors have. We are taking everything away. Is this the way you would want to spend your "Golden Years"?

The present rezoning plan is not extensive enough for this area. While the west side of the Bowery is protected, the east side is not. Any rezoning should include both sides of the Bowery to keep the same contextual low-rise zoning. The present re-zoning leaves out much of the Lower East Side and Chinatown. This will, potentially, destroy two of New York's most culturally historic neighborhoods and result in a massive displacement of its residents. Where does a senior on a fixed income move when their building is being razed to make way for yet another ugly, "glass block" of luxury condos? Our Mayor tells us that tourism is the city's #1 industry and we know that Chinatown is a major tourist destination. It needs to be included in the rezoning plan. Greedy developers, looking to make a "fast buck" are circling like vultures, even as we speak. Does our city really need any more trendy bars, nightclubs, high-rise hotels, and, let us not forget, those "luxury" condos? Over-development is destroying the very things that make our city unique and desirable. How can we stand by and allow this massive desecration of our city's history?

In light of our country's present economic condition is it really prudent to allow for all this unnecessary building? Is it wise to create an environment only for rich foreign investors? In a global economy, if we crumble, eventually it will affect the rest of the world. Perhaps I am playing Cassandra here, but all I see, in the next few years, is holes in the ground, half finished constructions or completed buildings with no occupants. Leaving so much of our historic city unprotected is foolhardy at best, and cruel and inhuman at its core.

Sincerely,

Elizabeth Adam

Laure Travers  
383 Grand street M804  
New York NY 10002

OFFICE OF THE  
CHAIRPERSON

MAY 28 2008

17867

Amanda Burden, Commissioner  
Department of City Planning  
22 Reade Street  
New York, NY 10007

David MacWater, Board Chair  
Community Board 3, Manhattan  
59 East 4<sup>th</sup> street  
New York, NY 10003

I, as a resident and business owner in the lower east side, am writing to request that the Department of City Planning (DCP) and Community Board 3 (CB3) immediately withdraw your racist East Village/Lower East Side rezoning plan and amend it to include and protect the entire Community District 3. And, because public opinion has been ignored at every point during the planning process, I request that DCP and CB3 issue a public apology to the community for their undemocratic and discriminatory practices.

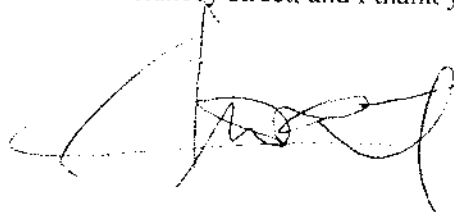
The rezoning plan is unrepresentative of Community District 3. More than 60% of residents are either Asian or Latino, the majority of whom make an income of less than \$25K. Yet, the rezoning plan serves an area that is predominantly white and of a higher income bracket, setting protective height restrictions for development in East Village only. In exchange, the plan hands a free pass to developers to build in the Latino and Chinese community (east of Ave. D, South of Delancey, and on the Bowery). The plan actively lures developers to Chrystie, Delancey, Ave. D with height bonuses and tax breaks. In effect, this plan will create a wall of luxury high-rises around Chinatown and LES. The plan provides for incentives of so-called affordable housing that is *not* affordable to the majority of low-income residents in the community. This scheme will raise rents and displace small businesses, working families, and residents who rebuilt the city after 9/11. The proposed rezoning will affect more than 164,000 residents in the district and deserves further study and consideration. The plan should be inclusive, not exclusive.

DCP and CB3 is responsible to ensure that *all* community members have a voice in the re-zoning of their community. But members of CB3 and DCP have repeatedly tried to silence public opinion against this plan. For example, the May 12<sup>th</sup> public hearing was a blatant flouting of democratic process. An email sent by CB3 members pressed supporters of this plan to attend to "drown out" the Chinese, and then selected them to speak first even though others were waiting to sign up an hour earlier. DCP and CB3 failed to provide translation for the majority of non-English speakers at the meeting, and then threatened with physical harm those who asked for translation. The auditorium was not full to capacity and yet residents who opposed the plan were refused entry. DCP and CB3 members also identified people who had signed up to speak in opposition of the plan and ordered police officers to eject them before the public session began. This undemocratic process and racial profiling was aired on NY1 News (<http://www.youtube.com/watch?v=WqXmf4QYnel>).

Under the Bloomberg administration, DCP is pursuing a citywide plan to systematically destroy communities of low-income families, people of color, and small businesses, to make way for widespread luxury development. Elected officials should take a stand with New Yorkers who unite in a call for rezoning that strengthens communities of racially-diverse working people and families- condemn and

amend this racist plan. Work with us to ensure the full participation of all of us living and working in Chinatown and the LES in planning the future of our community.

I am convinced that you will promptly correct this blatant display of disdain towards the communities living east of avenue D and south of Delancey street, and I thank you in advance for it.

A handwritten signature in black ink, appearing to read 'Laure Travers', with a large, stylized initial 'L'.

Laure Travers

cc: NYC Mayor Michael Bloomberg, Manhattan Borough President Scott Stringer, NY State Senator Martin Connor, NY State Assemblyman Sheldon Silver, NYC Councilmember and Chair of Zoning Committee Tony Avella, NYC Councilmember Rosie Mendez, NYC Councilmember Alan Gerson

August 9, 2008

City Planning Commission Chair Amanda Burden

22 Reade Street

New York, NY 10007

OFFICE OF THE  
CHAIRPERSON  
AUG 14 2008

18311

**Re: East Village/Lower East Side Rezoning**

Dear Chair Burden:

**The East Village desperately needs a rezoning to help protect its scale, character, and sense of place.**

The current zoning for the East Village allows grossly out-of-scale and out-of-character development. There are no height limits, no limits on the transfer of air rights, and large zoning bonuses for the construction of dormitories or hotels throughout the entire neighborhood. This has already resulted in several completely inappropriate developments; as development parcels have been assembled in the neighborhood, it will likely lead to many more.

For the last three years, the Department of City Planning has engaged in a process to formulate a rezoning for the East Village and parts of the Lower East Side with the affected communities. The rezoning plan before the Commission addresses many of these pressing concerns. While not perfect, it takes significant steps towards preventing out-of-scale development and preserving the character of the neighborhood by imposing height caps, limiting air rights transfers, and in most cases eliminating the bonus for dorm and hotel development. It is also encouraging that a survey of historic resources has been included in the process; I hope that this

will lead to the further expansion of landmark and historic district designations in these neighborhoods.

It is very unfortunate that the Third and Fourth Avenue corridors and the Bowery have not been included in the rezoning, in spite of repeated requests to do so. These areas are also desperately in need of a rezoning, and should have been included in this plan. Barring the ability to include them now without slowing down this process, I urge the Commission to work with the local community to change the zoning for these areas as well to end the rampant overdevelopment and destruction of historic resources and character which is taking place there now. I also urge amendments to the plan, which can be done now, such as lowering the allowable height caps on Houston Street and reducing the allowable size of development on Lower Second Avenue to the same size as all major avenues in the East Village, be added.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danielle Pessis', with a long horizontal flourish extending to the right.

Danielle Pessis

243 Fifth Avenue Suite 218

New York, NY 10016



August 9, 2008

City Planning Commission Chair Amanda Burden

22 Reade Street

New York, NY 10007

**Re: East Village/Lower East Side Rezoning**

Dear Chair Burden:

OFFICE OF THE  
CHAIRPERSON

AUG 14 2008

18311

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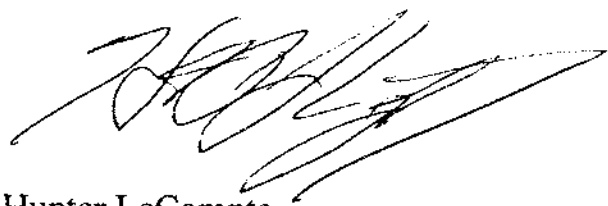
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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hunter LeCompte', written in a cursive style.

Hunter LeCompte

319 East 83<sup>rd</sup> St. #1B

New York, NY 10028

OFFICE OF THE  
CHAIRPERSON

AUG 15 2008

18317

*Eve Stuart*

*82 MacDougal Street*

*New York, NY 10012*

August 12, 2008

City Planning Commission Chair Amanda Burden  
22 Reade Street  
New York, NY 10007  
FAX: 212-720-3219

**Re: East Village/Lower East Side Rezoning**

Dear Chair Burden:

**The East Village desperately needs a rezoning to help protect its scale, character, and sense of place.**

The current zoning for the East Village allows grossly out-of-scale and out-of-character development. There are no height limits, no limits on the transfer of air rights, and large zoning bonuses for the construction of dormitories or hotels throughout the entire neighborhood. This has already resulted in several completely inappropriate developments; as development parcels have been assembled in the neighborhood, it will likely lead to many more.

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It is very unfortunate that the Third and Fourth Avenue corridors and the Bowery have not been included in the rezoning, in spite of repeated requests to do so. These areas are also desperately in need of a rezoning, and should have been included in this plan. Barring the ability to include them now without slowing down this process, I urge the Commission to work with the local community to change the zoning for these areas as well to end the rampant overdevelopment and destruction of historic resources and character which is taking place there now. I

also urge amendments to the plan, which can be done now, such as lowering the allowable height caps on Houston Street and reducing the allowable size of development on Lower Second Avenue to the same size as all major avenues in the East Village, be added.

Thank you for your attention to this matter.

Sincerely,

*Eve Stuart*

Eve Stuart

**From:** <outgoingagency@customerservice.nyc.gov>  
**To:** <c\_filome@planning.nyc.gov>  
**Date:** 8/19/2008 1:49 PM  
**Subject:** City of New York - Correspondence #1-1-421011595 Message to Agency Head, DCP - Zoning and Land Use Questions/Information

Your City of New York - CRM Correspondence Number is 1-1-421011595

DATE RECEIVED: 08/19/2008 13:46:45

DATE DUE: 09/02/2008 13:48:01

SOURCE: WEB

RELATED SR# OR CASE#: N/A

EMPLOYEE NAME OR ID#: N/A

DATE/TIME OF INCIDENT:

LANGUAGE NEED:

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

\*\*\*\*\*

If this message is to a Commissioner / Agency Head and needs to be re-routed to another agency or cc to another agency, forward the email to outgoingagency@customerservice.nyc.gov. Do not make any changes to the subject line. Include any comments and it will be processed by the 311 Customer Service Center.

All other web forms are to be handled by the receiving agency.

\*\*\*\*\*

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 08/19/2008 13:46:21  
To: sbladmp@customerservice.nyc.gov  
Subject: < No Subject >

From: lmdfort@att.net (L Dixon)  
Subject: Message to Director, DCP

Below is the result of your feedback form. It was submitted by  
L Dixon (lmdfort@att.net) on Tuesday, August 19, 2008 at 13:46:21

-----  
This form resides at  
<http://www.nyc.gov/html/mail/html/maildcp.html>

-----  
Message Type: Misc. Comments

Topic: Zoning and Land Use Questions/Information

Contact Info: Yes

M/M: Ms

First Name: L

Last Name: Dixon

Street Address: 73 East 2nd Street

Address Number: 2

City: New York

State: NY

Postal Code: 10003

Country: United States

Email Address: lmdfort@att.net

Message: As a East Village resident for decades I support the EV zoning changes as proposed, except the additional heights in A amendment C6-3A for Chrystie. Permanent affordable IH should be included but 145ft is just too high. Heights similar to A amendment for 2nd Ave are more appropriate and fitting for the surrounding blocks.

That DCP refused to include 3rd Ave is disappointing. It is most definitely part of the neighborhood. We are being walled in by high rises and hotels. DCP appears to support this growth regardless if the avenue is being choked by traffic due to a lack of planning.

Chinatown should also be protected - but not delay the current EV ULURP that was hard fought for by us in the hood! One wonders where the opponents were over the last 3 years. Certainly not at any of the community meetings or presentations!

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REMOTE\_HOST: 70.19.80.161  
HTTP\_ADDR: 70.19.80.161  
HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10\_4\_11; en) AppleWebKit/525.18 (KHTML, like Gecko) Version/3.1.2 Safari/525.22

\*\*\*\*\*

**Jean Standish**  
308 East 6<sup>th</sup> Street, #6  
New York, NY 10003  
212-673-6638  
jestandish@hotmail.com

August 21, 2008

CITY PLANNING COMMISSION  
Calendar Information Office  
22 Reade Street – Room 2E  
New York, NY 10007-1216

**RE: Testimony -- EV/LES Rezoning Plan**

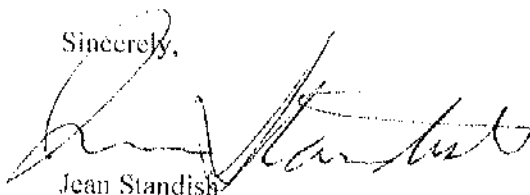
Dear City Planning Commissioners:

I gave testimony and submitted 17 copies of my written statement at the City Planning Commission Hearing on August 13, 2008. However, I was unable to finish my oral testimony within the allotted time and neglected to emphasize the most important point in my speech. **The alternatives given in the scoping testimonies at the Scoping Hearing on June 25, 2007, regarding inclusion of the Bowery in the rezoning plan, were not included in the Notice of Completion for a Draft Environmental Impact Statement (DEIS).** The alternatives are described in my written testimony. As a result of these exclusions, not only will the Bowery be negatively affected by rampant out-of-scale development, but the East village and Lower East side will also be negatively impacted, regardless of the proposed contextual zoning, by a wall of out-of-scale development on the periphery of these communities. The Bowery and the other unprotected districts—Chinatown and part of the Lower East Side—deserve to be saved from certain destruction. **The alternatives regarding the Bowery, stated at the Scoping Hearing, should be included in the DEIS. These omissions are serious and must be corrected.** Please include this letter as a part of my written testimony.

Also, I would like to make a recommendation regarding the hearing. I arrived at Vanderbilt Hall at 8:00 a.m. in order to be one of the first speakers. There were five people ahead of me. However, when I was registered, I was distressed to notice that I was #21 instead of #6. Apparently, a group of people who hadn't arrived yet were already registered to speak. I was under the impression that the hearing policy was "first come, first served." I realize, of course, that the speaking position was dependent on whether I was speaking in support of the proposal or against, and that public officials were allowed to speak first. I didn't speak until 12:00 noon. Allowing people to be registered in advance is not fair to the public, especially to those who have to go to work, and gives the impression that the hearing is not a democratic process. No one should receive preferential treatment, except the public officials.

Please find enclosed 16 copies of this letter. Thank you for your consideration.

Sincerely,



Jean Standish

Enc.: 16



Phone: (212) 885-5150

Fax: (917) 332-3030

Email: [MMitziener@BlankRome.com](mailto:MMitziener@BlankRome.com)

August 25, 2008

VIA HAND DELIVERY

Hon. Amanda Burden, Chair and Commissioners  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Re: East Village/Lower East Side Rezoning - R7B District  
ULURP Nos. C080397ZMM; C080397(A)ZMM; N080398ZRM; N080398(A)ZRM

Dear Honorable Chair Burden and Commissioners:

We represent Magnum Real Estate Group, the owner of a number of properties within the proposed East Village/Lower East Side Rezoning (the "Rezoning"), including three properties located within the R7B district that is proposed to be mapped in the mid-block between Avenues A and B from East 4<sup>th</sup> to East 7<sup>th</sup> Streets. This letter is submitted in opposition to the inexplicable mapping of this R7B, the only R7B mapping in the entire Rezoning, and in support of mapping this mid-block area R8B, as are all the other mid-blocks within the East Village. As more fully explained below, we firmly believe that singling out this small mid-block area for more restrictive zoning than the other similarly situated mid-blocks is contrary to the stated purpose of the Rezoning, is inconsistent with the creation of a comprehensive plan for the area, is irrational, was promoted for reasons other than appropriate planning goals and is singularly and unjustifiably harmful to a targeted building ownership.

The present zoning throughout the East Village is R7-2, which permits a maximum residential Floor Area Ratio ("FAR") of 3.44. The proposed R7B district would permit a maximum residential FAR of 3.0, resulting in a reduction of 0.44 FAR or 12.8%. The remainder of the East Village under the Rezoning is being rezoned from R7-2 to R7A along the Avenues, and R8B in the mid-block areas. Both the proposed R7A and R8B districts permit a maximum residential FAR of 4.0, resulting in an increase of 0.56 FAR or 16.3%. Thus, the Rezoning would accomplish a residential FAR increase throughout the entire East Village, except for the small area that is proposed to be rezoned to R7B. In fact, the R7B district is the only proposed district throughout the entire Rezoning, including the Lower East Side portion, that provides for a residential FAR reduction.

Honorable Chair Burden and Commissioners  
August 25, 2008  
Page 2

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The proposed remapping from R7-2 (at 3.44 FAR) to R7A and R8B (at 4.0 FAR's) evidences that the purpose of the Rezoning is not density reduction, but, rather, to establish height limits to prevent out-of-scale development in the area. Specifically, the DCP website indicates that the purpose of the Rezoning is to "Preserve the established neighborhood scale and character by establishing contextual zoning districts with height limits." This rationale for the Rezoning would be met by mapping the proposed R7B district as R8B, the same as the other mid-block districts in the East Village. Since the maximum height limit of the R7B and R8B districts are identical, the sole reason for mapping the R7B is to punitively reduce the FAR density with no articulated basis for such reduction. The proposed R7B does not advance the stated goal of the Rezoning, but isolates a few mid-block sites for special, singular and unjustified treatment. The purpose of preserving the neighborhood scale and character through height limits can be achieved by zoning the mid-block area between Avenues A and B, from East 4<sup>th</sup> to East 7<sup>th</sup> Streets as R8B, without detrimentally impacting the properties in that area and diminishing the property interests of its owners.

There is no legitimate planning rationale for reducing the residential FAR for the mid-block area between Avenues A and B, from East 4<sup>th</sup> to East 7<sup>th</sup> Streets, while increasing the residential FAR for the remainder of the East Village. Neither the Community Board nor the Department of City Planning ("DCP") have provided a legitimate rationale for this residential down-zoning. In fact, the DCP has stated that the Rezoning is intended to "Provide modest opportunities for residential growth..." The residential down-zoning of this small area will not provide such modest opportunities for residential growth. To the contrary, designation of the R7B district reduces the permitted maximum residential FAR by 0.44, and therefore, reduces the growth that would otherwise be permitted under the current R7-2 zoning.

An example would highlight the irrational and arbitrary nature of the proposed mapping of the R7B district. 441 East 6<sup>th</sup> Street is located in the mid-block on East 6<sup>th</sup> Street between First Avenue and Avenue A. It is a five-story building, and is built to an FAR of 2.8. Under the proposed R8B zoning for this parcel, a one or two story addition could be constructed to bring the FAR to 4.0 so long as the maximum height does not exceed 75 feet. Yet, 525 East 6<sup>th</sup> Street, which is located on the adjacent block between Avenue A and Avenue B, is also five-stories and is built to an FAR of 2.9, but cannot engage in any improvement since it is located on a mid-block proposed to be zoned R7B with a maximum FAR of 3.0. There is no legitimate planning rationale that can support this divergence, especially given that the two (2) sites share the same neighborhood context. See Village of Willowbrook v. Olech, 528 U.S. 562; and Allocco Recycling, LTD v. Doherty, 378 F.Supp.2d 348, which indicate that there is an equal protection violation under the Fourteenth Amendment, where a party is treated differently from similarly situated parties, and there is no rational basis for the differential treatment.

Honorable Chair Burden and Commissioners  
August 25, 2008  
Page 3

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Submitted herewith are photographs of various block fronts in the East Village area of the Rezoning, some of which were taken within the proposed R8B district and some of which were taken within the proposed R7B district. We would challenge each of the Commissioners, in looking at these photographs for the first time, to identify which photographs are of the block fronts within the proposed R7B district. The context of the block fronts of the proposed R7B district are identical to those of the proposed R8B district. The photographs clearly establish that there is no contextual difference between the mid-block areas within the proposed R8B district and R7B district that could justify the differential treatment.

The real purpose behind the designation of the R7B district is to moderate community opposition and to garner support for the Rezoning by preventing additions to certain buildings, particularly those owned by our client, through a reduction in residential FAR. Three (3) of our client's buildings are located within the proposed R7B district. Our client is in the process of significantly upgrading these tenements and improving the life safety and living conditions of its occupants, as well as constructing minor rooftop additions thereto.<sup>1</sup> Despite such upgrades, there has been personal animus displayed by certain tenants of these buildings such that local opposition to these improvements has been fostered by community groups, as well as by the local Councilmember, and such additions and upgrades have been challenged before the New York City Board of Standards and Appeals. The proposed R7B district is a further attempt to target our client's buildings and frustrate the ongoing construction work.

The record clearly evidences that the driving force behind the proposed R7B is the targeted assault on the properties within the proposed R7B. On November 6, 2006, DCP presented its original East Village rezoning plan to Community Board #3, which proposed rezoning the entire R7-2 area of the East Village to R7A. The Community Board commented that the R7B zoning should be used on all mid-block locations in the East Village. A letter dated November 3, 2006, from the Greenwich Village Society for Historic Preservation to DCP, which commented on the original plan, specifically indicated that "Tenants groups have also expressed concerns about the way construction of such rooftop additions can be used to make life difficult for tenants in these buildings and force them out," and further states, "we would strongly encourage the use of R7B zoning, which has a lower FAR of 3 that would not encourage such rooftop additions, for side streets in the East Village."<sup>2</sup> In the face of these comments from the

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<sup>1</sup> Upgrades include, but are not limited to, installing sprinkler and life safety upgrades throughout the building, including within each and every apartment, creating fire-rated corridors and providing an improved means of egress.

<sup>2</sup> The Lower East Side Coalition for Accountable Zoning (LES CAZ), in its July 5, 2007 comments to the Draft Scope of Work, also indicated that "The proposed zoning could encourage rooftop additions that would destroy this streetscape, and could be a tool for harassment and displacement of tenants in these buildings."

Honorable Chair Burden and Commissioners  
August 25, 2008  
Page 4

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community, DCP nevertheless modified the original rezoning plan by allowing increased FAR (the R7A and R8B districts) in every area of the East Village EXCEPT for the small three mid-blocks within which our client's protagonists were focusing their attention. The proposed R7B district is an expedient to assuage the community and not truly a reasoned planning decision.

The proposed mapping of the R7B appears to be a compromise with the community to appease their unjustified desire to prevent additions to the existing buildings in this small three (3) block area. First, the record should be clear that our client has never used the construction of rooftop additions as a means to harass tenants, and in fact, the rooftop additions to their buildings result in safer conditions for the tenants. However, even if one were to assume that the purpose of the Rezoning was to down-zone the East Village to prevent additions to buildings because they can be used to make life difficult for tenants and force them out (a purpose which we would deem illegitimate), DCP could have stated so and elected to rezone all of the mid-block sites to R7B. Instead, DCP chose only to down-zone this small area, which we suspect was of particular concern to the community due to the controversy surrounding our client's buildings. This is arbitrary, illegitimate and amounts to improper targeted zoning.

Moreover, not only is the designation of the R7B district arbitrary, but it is also harmful to the tenants in that area since it will prevent necessary upgrades to existing buildings. Old law tenements, like those commonly found throughout the East Village, warrant improvements and fire safety upgrades. Such fire safety upgrades, including fully sprinklering buildings, are required by the NYS Multiple Dwelling Law when an addition, vertical or horizontal, is added to an existing old law tenement. Further, in the current deteriorating real estate market, developers can typically only afford to upgrade these old law tenements by constructing minor additions in order to defray the cost of such improvements. By hampering the ability to construct additions, the R7B district will also prevent the fire safety upgrades, and may in fact make the buildings less safe for the tenants.

For your information, with regard to the attached photograph referred to above on page 2, please note that photographs B, E and H were taken within the proposed R7B district, while the remainder were taken within the proposed R8B district.<sup>3</sup>

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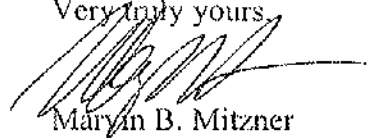
<sup>3</sup> Specifically: photograph A and C were taken in the mid-block between 1<sup>st</sup> and 2<sup>nd</sup> Avenues on East 5<sup>th</sup> and 6<sup>th</sup> Streets, respectively; photographs D, F, G and I were taken in the mid-block between 1<sup>st</sup> Avenue and Avenue A on East 10<sup>th</sup>, East 9<sup>th</sup>, East 7<sup>th</sup> and East 6<sup>th</sup> Streets, respectively; and photographs B, E and H were taken in the mid-block between Avenues A and B on East 6<sup>th</sup>, East 5<sup>th</sup> and East 4<sup>th</sup> Streets, respectively.

Honorable Chair Burden and Commissioners  
August 25, 2008  
Page 5

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Based upon all of the foregoing, we respectfully urge the Commission to reject the R7B proposed rezoning and allow the R8B zoning to be mapped in its stead. We thank you for your consideration.

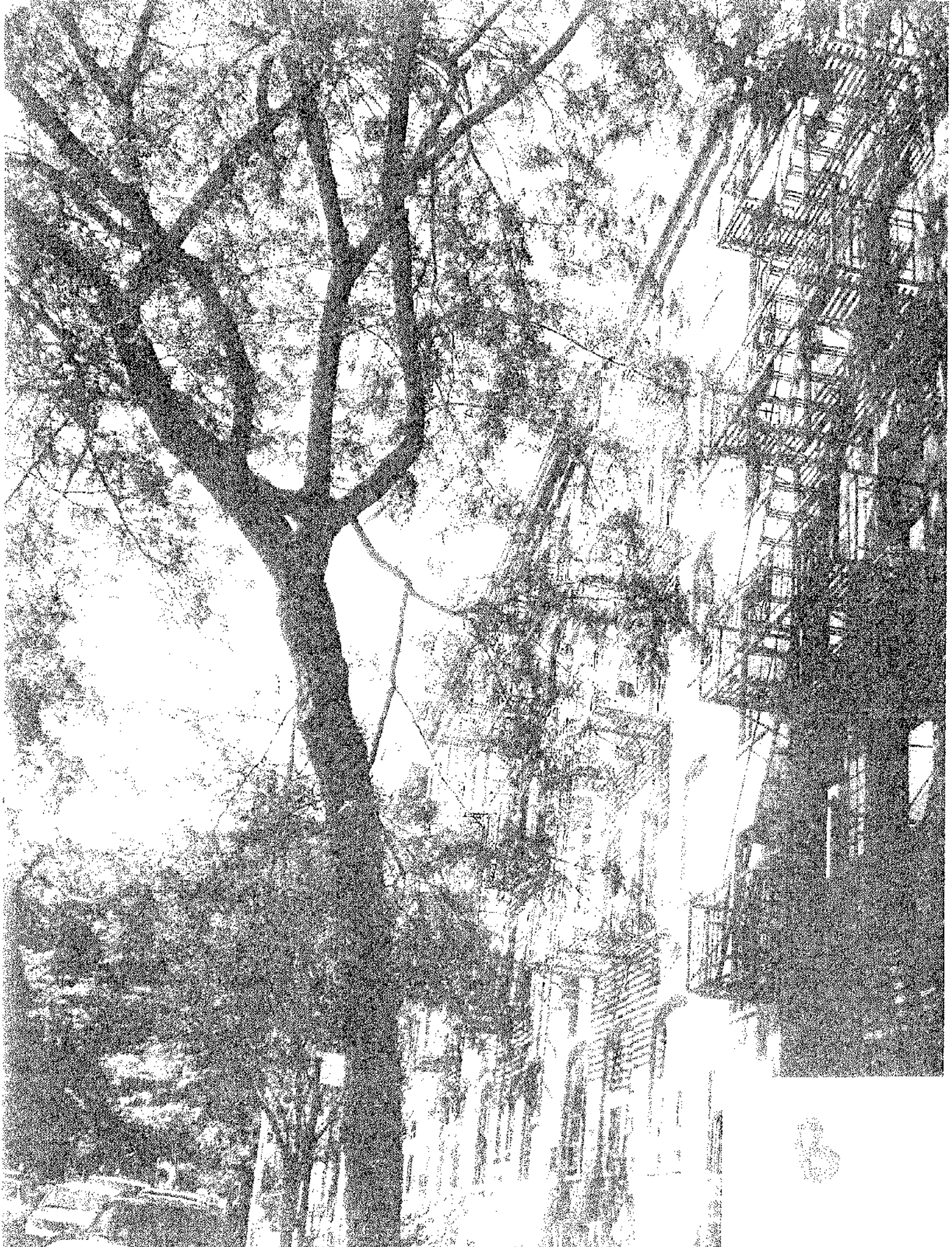
Very truly yours,

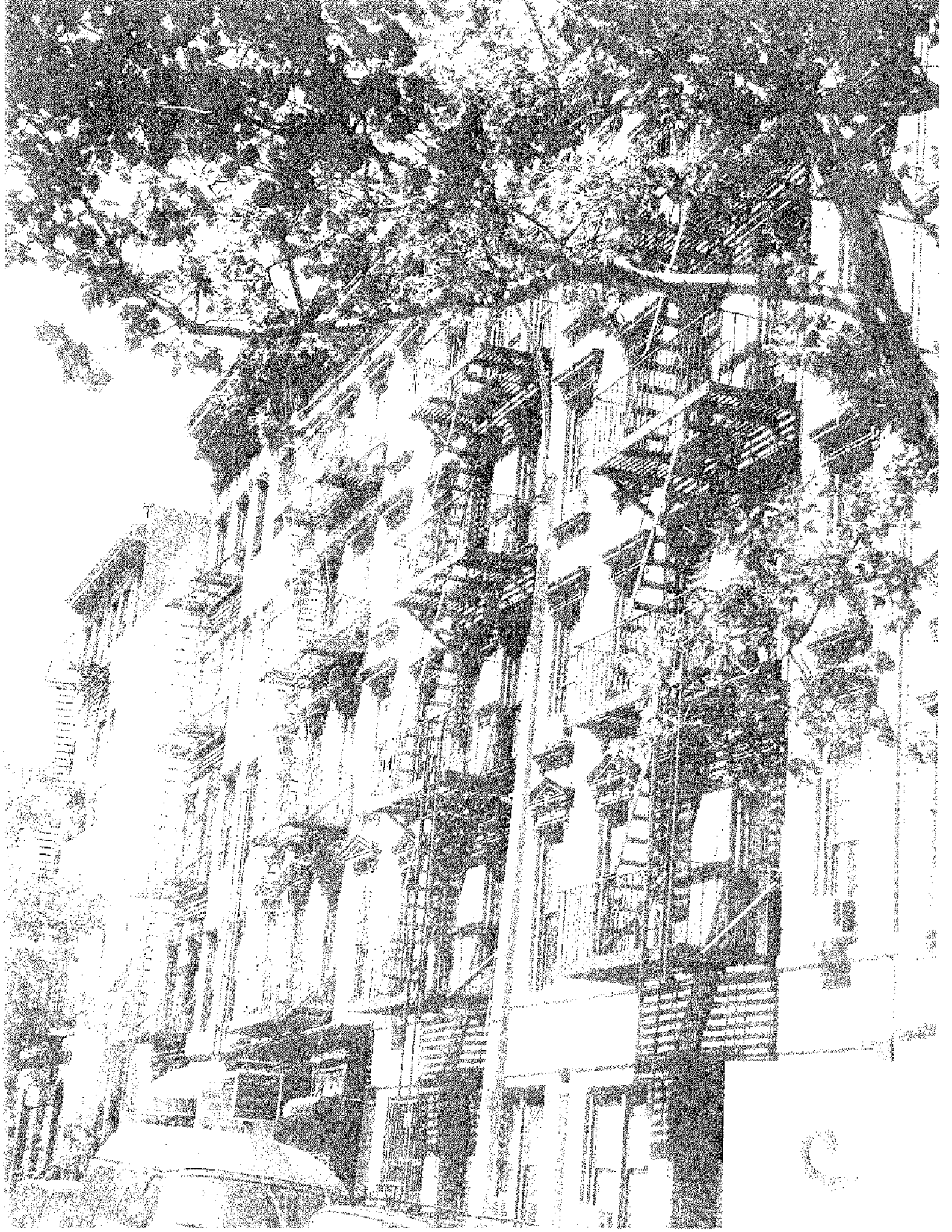


Maryn B. Mitzner

MM/dhb





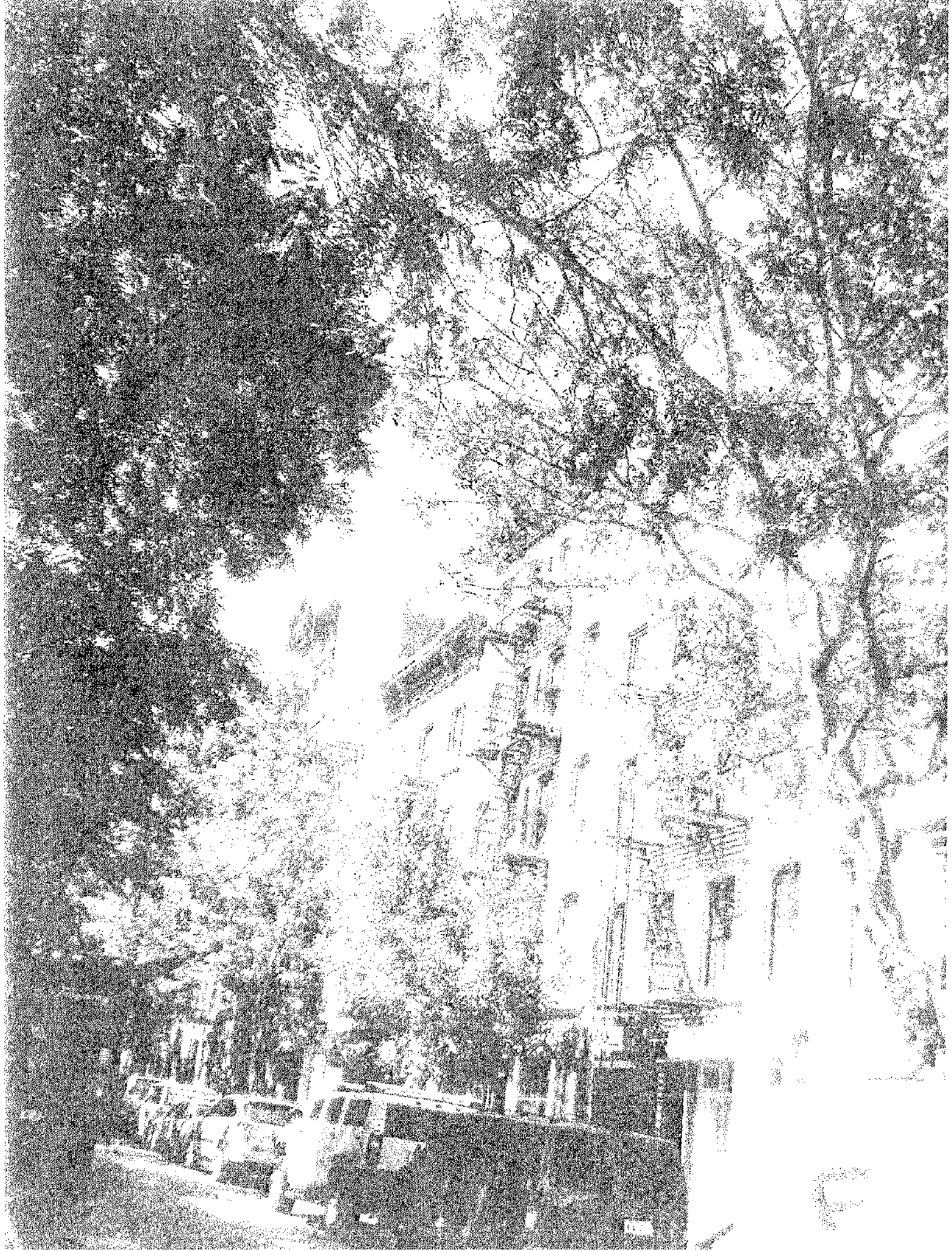








E











98 Forsyth Street New York, NY 10002

Phone 212.226.3102 Fax 212.334.9360

[www.HarrisLevy.com](http://www.HarrisLevy.com)

e-mail: [Info@HarrisLevy.com](mailto:Info@HarrisLevy.com)

August 25, 2008

Amanda Burden  
Chair New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216

Dear Ms. Burden:

My name is Bob Levy and I am the owner of Harris Levy, Inc. Harris Levy, Inc. is a retail store established in 1894 by my Great Grandparents. Since 1894, over 114 years, we have made the Lower East Side our home having moved four times all within an eight block radius. We are one of the oldest retail businesses in New York City still operated by the founding family. We are a member in good standing of the 100 Year Association of New York and recipients of proclamations from Mayors Guliani and Bloomberg. I am the fourth generation, direct descendant of the founders. We call the Lower East Side of Manhattan our home despite the neighborhood's "growing pains" over the last century. While many have moved uptown or even out of the City we have pride in our roots and longevity here. Even after the most devastating era, the post 9/11 era, we have stayed in the City and neighborhood that we love despite very heavy losses. With no telephone service and no truck deliveries we sustained the loss of over 80% of our business for the first six months after 9/11. To date our business is still down by almost a third compared to pre-9/11 gross sales. We have coped with this by downsizing; not in staff but in physical size. Our space is now less than one half of what it was pre-9/11. We moved into what was previously our warehouse space, created a boutique like atmosphere and have had rave reviews for our perseverance and ingenuity. While I enjoy a good compliment as much as the next person I have to say that as the Chairperson of the LES BID I saw the handwriting on the wall and my wife and I put every penny that we had into creating the NEW Harris Levy. To make ends meet I work a second job as a Paramedic for Saint Vincent's Catholic Medical Center in Greenwich Village.

It looks as though our fiscal year end June 30, 2008 has borne the smallest loss since 9/11 and is

almost a break even; this is not bad for a recreated 114 year old NEW business. While I am optimistic I know that we cannot continue this way much longer. The losses coupled with the long hours of working two jobs are taking its toll. I must say that it is tempting to just maintain a web business and sit at home in my pajamas. It is with this in mind that I want to take this opportunity to explain why the Commission should consider the LES BID's position on the rezoning proposal.

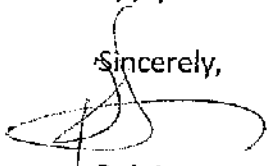
I am concerned that the proposed rezoning caps commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it's for home furnishings, textiles, pickles, leather, other retail services, or daytime dining. While I am grateful to our long-standing customers who are as multi-generational as our business, we need daytime business from people who work in the area. A significant part of our lost business is due to the loss of World Trade Center and Wall Street staff walking here on their lunch hour.

While we encourage internet and telephone business I know from years of experience that the in-store customer has the highest average sale. Further, the in-store customer typically pays NY sales tax while the typical internet and telephone customer typically ships out of state. I know that as a business that benefited in the past from the Lower East Side as a daytime destination a key way to reclaim this reputation is to foster and encourage the establishment of daytime walk-in businesses, local offices both private and municipal as well as anchor stores in such industries as home, books, groceries, etc. One has to look no farther than the Whole Foods on Bowery and Houston to see what the establishment of an anchor does to an environment.

This is why I agree with the LES BID's position that we must preserve as much of the currently allowable commercial development in the area as possible. The area needs local employees (aside from the current retail workers) who will explore the neighborhood and patronize the stores. We need a "draw" that will bring shoppers to our area to walk th streets and browse the stores. We need a reason for people to travel from Long Island, Westchester, and New Jersey to come here. If we don't use foresight NOW my store and many others will be relegated to the internet or close completely as so many others in our neighborhood have. The short list of recent losses: Fine and Klein, Salwin, Ratner's, Gertels, Fishkin, Bunnies, Klein's of Monticello. Gone are these icons, gone are their customers, gone are their employees, gone are their revenues, gone are their tax dollars.

The LES BID's position makes sense to allow my business and others here to get back on their feet and grow with shoppers on all days of the week and at all times of the day. I ask you to apply the BID's perspective and my views to your plan.

Sincerely,



Bob Levy



August 22<sup>nd</sup> 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Commissioner Burden:

I own Majestic, which is a store that has been around for around for five decades. I also own the property where Majestic is located. My store sells lady's garment and we get customers who are looking for a bargain or who have know us for years. Some live in the community and some come from farther away.

I want to take this opportunity to explain why the Commission should consider the Lower East Side Business Improvement District's (LES BID) position on the rezoning proposal.

The LES BID office is on my block and I see how they try to bring people to the neighborhood. I have conversations with them about how to use advertisement and marketing to promote the neighborhood. But I also see that my business and other merchants struggle to survive and I can tell you that for the Lower East Side, the issue is more than the current economy or marketing. We need the right zoning that is going to help small businesses. We need more daytime businesses in the area that do not focus on retail. We need office workers who will shop in our stores.

Based on the experience of what I see, the LES BID's ideas make a lot of sense to keep the area a nice mix of people who live here and work here. So I ask the Commission to listen to the following ideas from the LES BID:

Please let us have the currently allowed commercial density to encourage more office space (without office towers) development. This will make the people who want to come here at night also want to live and work here during the day, who will then go shop in our stores.

We need to allow for space for the artisans in the area. There are people in this neighborhood who craft their own design for clothes and jewelry and other products. My understanding is that the kind of zoning you want to bring in the area would no longer allow some of these commercial activities. But the City believes that light manufacturers are important, and it makes sense that they belong in the Lower East Side.

We need to allow for taller buildings and more commercial density on wide streets near subway stations. I know the City tried to implement congestion pricing. This is a different way to get at congestion.

The City needs to find a way to develop the Allen Street malls and one way to do it is to treat Allen Street as the side street that it actually is. I am a block away from Allen Street and am happy to see that the pedestrian mall is done. But it can't sit there by itself. We need to build the rest of them. So the zoning process should allow a person who owns a property that

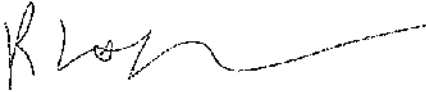
takes up Allen Street to be able to build on Allen Street since the wide street can accommodate it. This can also help preserve Orchard Street. But just like the City wants to require affordable housing in order for a developer to have more bonuses for building, you can do that on Allen Street by requiring the developers to contribute to reviving the malls.

The City should let the ground floor be used for commercial purposes east of Essex Street in the residential areas. That should be part of the plan to keep and expand the mix of business and residents and increase the foot traffic in the area.

We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination. The Lower East Side needs new office developments to support local businesses.

Please support the LES BID's position and my perspective on these issues and thank you for taking our comments and recommendations into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Loybayem', with a long horizontal flourish extending to the right.

Rahmat Loybayem

Property Owner

Owner of Majestic

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Commissioner Burden and fellow Commissioners:

I am the owner of Bridge Gallery. I want to take this opportunity to explain why the Commission should consider the LES BID's position on the rezoning proposal.

My family has had a presence on the Lower East Side since 1950. My father was a founding member of the Lower East Side Business Improvement District, and he was among the retailers that gave this neighborhood a reputation for selling fine leather.

I opened my gallery in the Lower East Side because of its reputation as a place where an entrepreneur can be creative and unique about the products and services it provides. I also opened on the Lower East Side to take advantage of the burgeoning art community that is flourishing here.

I am concerned that the proposed rezoning places significant limits on commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it is for the art scene that is moving here from Chelsea because of the LES's character, or for shopping and dining. The Lower East Side needs new office space to support these growing local businesses.

While I do use e-commerce and the internet to promote my business, an earnest business striving to succeed in the Lower East Side would want to know they can rely on walk-in business from a reliable and consistent clients who live, work, or visit the area and have a variety of tastes and interests.

That is why I agree with the LES BID's position that we need to preserve as much of the currently allowable commercial development in the area as possible.

The area needs non-retail workers who will patronize our stores during their lunch hour and after work. My customers tend to be collectors and art aficionados who come to visit my store from all over the world. My gallery showcases architectural designs.

The area has a history of being cutting edge. It is important to bring in and maintain the creative professions, which could be light manufacturers, artisans, graphic designers, fashion designers, architects, and PR persons.

My business is one block away from the Allen Street mall that was renovated by the city with funds advocated for by the BID. The BID's rezoning plan provides a great way to redevelop the rest of these malls.

Please support the LES BID's position and my perspective on these issues, and thank you for taking our comments and recommendations into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marily Garber', written over the word 'Sincerely,'.

Marily Garber  
Bridge Gallery  
98 Orchard Street  
New York, NY 10002

August 15, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Ms. Burden,

Good morning Commissioners, my name is Rhonda Kave and I am the owner of Roni-Sue's Chocolates in the Essex Street Market. I want to take this opportunity to explain why the Commission should consider the LES BID's position on the rezoning proposal.

I opened my store in the Lower East Side because of its reputation as a place where an entrepreneur can be creative and unique about the products and services they provide. Currently my store offers handmade chocolate truffles and other candies of my own creation and we plan to expand our operation in the fall to include breads, pastries and other baked goods as well.

I am concerned that the proposed rezoning places significant limits on commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it is for beauty products, other retail, services or dining. The Lower East Side needs new office developments to support local businesses.

While I do use e-commerce and the internet to get many customers, as an earnest business striving to succeed in the Lower East Side I also rely on walk-in business from reliable and consistent clients who live, work, or visit the area.

**That's why I agree with the LES BID's position that we need to preserve as much of the currently allowable commercial development in the area as possible.**

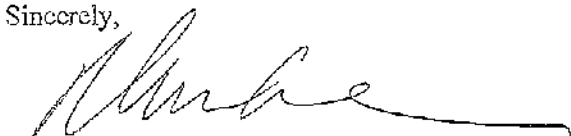
The area needs non-retail workers who will patronize our stores during their lunch hour and after work. My customers tend to be NYC & LES residents, as well as visitors to the city. My customers' professional backgrounds vary from transit workers, teachers and neighborhood residents & workers to metro-area shoppers and "foodies" drawn to the Essex Market, and the Lower East Side in general, as a retail and entertainment destination.

I agree that with the area's legacy for ingenuity, it is important to bring in and maintain the creative professions. It could be the light manufacturers and artisans. It could be the graphics designers, fashion designers, architects, and PR persons.

I am also pleased to know that the Parks Department has completed the pedestrian island mall where people can sit and relax on Allen Street between Broome and Delancey. It is unclear why Allen Street is not treated as a wide street for the purpose of your study. It would be great to treat Allen Street as a wide street to allow for development and to give incentives in exchange for having developers donate resources to help revitalize, "green", and maintain the pedestrian malls and create more permanent open space in the neighborhood. The beautification of Allen Street would be a great accomplishment and a wonderful benefit to residents, workers and visitors alike.

Please support the LES BID's position and my perspective on these issues and thank you for taking our comments and recommendations into consideration.

Sincerely,



Rhonda Kave—Owner

  
SHOPP  
RONI - SUE

Roni-Sue's Chocolates, Essex Street Market, 120 Essex Street, NY, NY 10002 (212) 266-0421

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Ms. Burden and Commissioners:

My name is Arlene Miller, and I am the owner of Ja-Mil Discount Uniforms.

I earnestly write to offer the Commission my reasons that the LES BID's position on the rezoning proposal is extremely important to incorporate into your proposal.

Since 1961, Ja-Mil Discount Uniforms has been the spot for uniform wearers who do not want to spend a fortune on work clothes. Ja-Mil suits up doctors, nurses, and dental technicians and offers the finest domestic uniforms and chef apparel. We also sell comfort shoes in various colors. People from all walks of life visit us, from the person who just got a job and needs a uniform to the person looking for a costume for Halloween or a party.

I am concerned about your proposal's downzoning of commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it is for beauty products or other retail or services or dining. The Lower East Side needs new boutique office space to support local businesses. I'm not talking about office towers, but about the kind of space I've seen taken up by architects and other professionals in the neighborhood that the current zoning could continue to encourage.

While I do take mail orders, an earnest business striving to succeed in the Lower East Side would want to know they can rely on walk-in business from a reliable and consistent clients who live, work, or visit the area.

That's why I agree with the LES BID's position that we need to preserve as much of the currently allowable commercial development in the area as possible.


The area needs non-retail workers who will patronize our stores during their lunch hour and after work. My customers come from all over New York City; some are walk-ins, but others come because they have been referred to us by previous customers. The addition of more weekday, daytime customers would be a great addition to my business. Daytime workers can also help draw people from word of mouth.

I am pleased to see so many young, energetic, and creative people in the area - and we need more.

I am also pleased to know that the Parks Department has completed the pedestrian island mall where people can sit and relax on Allen Street between Broome and Delancey. It is unclear why Allen Street is not treated as a wide street for the purpose of your study. It would be great to treat Allen Street as a wide street to allow for development and to give incentives in exchange for having developers donate resources to help develop an area to relax, meditate, and unwind and maintain the pedestrian malls and create permanent open space in the neighborhood. The beautification of Allen Street would be a great accomplishment.

As a Lower East Side Institution, we urge the City Planning Commission to please support the LES BID's position so businesses can thrive and have longevity and a presence for many years to come, just like mine.

Sincerely,

  
Arlene Miller  
Ja-Mil Discount Uniforms  
92 Orchard Street  
New York, NY 10002

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Ms. Burden & Commissioners,

My name is Jeffrey Ruhalter and I own Jeffrey's Meats in the Essex Street Market. My family has had this store for five generations, including before our Essex Street location. The Essex Street Market is an important cornerstone of the Lower East Side and surrounding communities. We are part of a group of merchants that supplies the neighborhood with fresh meats, fish, fruits, vegetables, and other food products. We are proud members of the community and take great pride in watching how our neighborhood has grown and developed.

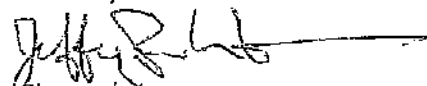
I was also very impressed and deeply moved by the assistance the BID provided me and other businesses in the immediate aftermath of 9/11, helping us explain and obtain the grants and loans along with navigating the procedures set up by the government. The attacks fundamentally changed the Lower East Side, and in many ways the neighborhood has yet to recover. Most notably has been the decline of foot traffic through the neighborhood. While the area draws crowds at night and the Market does attract residents and visitors, generally during the day on weekdays the neighborhood still struggles to have a critical mass of pedestrian traffic that my business, and others, need to survive and thrive.

One plan put forth by the BID is to attract small, boutique professional firms to the area. This would turn the Lower East Side into a live-work neighborhood and create a weekday daytime population to match the evening residential population of the neighborhood. To accomplish this, the new zoning must preserve the allowable commercial FAR currently allowed in the neighborhood. It is my fear that if commercial development is capped at less than it is now, the firms that we need to attract will be unable to find space in the Lower East Side.

I believe that the LES BID's plan for the neighborhood will be good for business. Adding creative-class, professional firms to the commercial fabric of the Lower East Side will not only assist businesses in the Essex Street Market, but the luggage merchants, leather dealers, boutiques and discounters in the broader Orchard Street shopping district as well.

I strongly recommend that you consider the LES BID's proposal.

Thank you.

  
Sincerely,

Jeffrey Ruhalter, Owner, Jeffrey's Meats  
Essex Street Market  
120 Essex Street  
New York NY 10002



August 22, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Good morning, Commissioner Burden,

I am the owner of Bonnie's. For over 25 years my store has been in operation bringing some of the styles of Madison Avenue to the Lower East Side. My shop specializes in art-to-wear, from couture millinery to handmade shawls and scarves to one-of-a-kind jewelry and other accessories. I have loyal customers who come from the tri-state area along with some of the young professionals who have moved into the area.

My store is within the Lower East Side Business Improvement District (LES BID) area. While I am not on the Board, I offer advice on marketing to the LES BID staff. But I want to make clear to the Commission that despite whatever marketing is done for the area, zoning will play an important role in the future of small independent businesses in the area. That's why I feel it is important to write this letter to tell you why you need to take the LES BID's perspective and position into account when you make your final decision on the rezoning.

I opened my store in the Lower East Side because of the area's reputation as a place where an entrepreneur can be creative and unique about the products and services it provides. I am proud of long-standing presence here and have the desire to preserve the character and scale of the neighborhood. I feel strongly, especially about Orchard Street, where my store is located, because it is a historic street that epitomizes the resourceful and immigrant past and present-day entrepreneurship.

The proposed zoning's aim of reducing the amount of allowable commercial space works counter to what the area needs. We do not get the daytime foot traffic anymore, not even on Sunday, which was the day of the week famous for attracting hordes of people. We need to reclaim the Lower East Side as a daytime destination. My understanding is that the zoning equalizes the amount of allowable residential and commercial density in many parts of the Lower East Side. But if developers can only chose one or the other, they will more likely maximize building residential because they will see it as giving them more of a return for their money. So that's why we need to allow for enough commercial density so that property owners and developers can bring non-retail office space. We need non-retailers and their workers to patronize the retailers in the area.

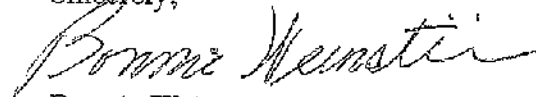
The future of small businesses in the area depends on walk-in business from a Lower East Side that is a mix of residents, retailers, restaurants, offices, and cultural institutions. We cannot rely on residents and tourists alone. We need daytime workers from a range of creative professions. We need the lunch crowd and after work crowd that is currently missing.

I respect the LES BID's position on the re-zoning of the neighborhood, which includes keeping reasonable height limits while allowing for the appropriate commercial density. My understanding is

that the LES BID also disagrees with the City's proposal to disallow light manufacturing from the area. Well, I agree with the LES BID. The area's legacy for ingenuity needs to be preserved. We have light manufacturers, such as jewelry makers along with artisans and craftspeople in the area that helps give the area its reputation for its sense of style.

I implore the Commission to thoroughly review the LES BID's proposal and incorporate it into the City's plan.

Sincerely,



Bonnie Weinstein

Owner

Bonnie's, New York Inc

Bonnie's



August 22, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
VIA FACSIMILE (212) 720-3219

Dear Ms. Burden,

Good morning, Commissioners, my name is Nina Werman and I am the owner of Valley, a new and vintage clothing store. We also offer spa services such as manicures, pedicures, waxing and skin services.

I want to take this opportunity to explain why the Commission should consider the LES BID's position on the rezoning proposal.

I opened my store in the Lower East Side because of its reputation as a place where an entrepreneur can be creative and unique about the products and services it provides. In fact, I and my sister, who co-owns the store, are very introspective about the history of the Lower East Side as being a place where businesses think outside the box and come up with a cutting edge idea for a business. Based on this perspective, we even convened local merchants and property owners in a South of Delancey Committee to think of how such a committee can advise on how to fill vacancies with the right mix and diversity of businesses that underscore this theme of the LES.

I am concerned that the proposed rezoning places significant limits on commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it is for beauty products or other retail or services or dining. The Lower East Side needs new office developments (more than it needs new residential hi-rises to support local businesses.

While I do use e-commerce and the internet to get many customers, we are on a block that is just beginning to revitalize with additional residential development. Yet because people shop near where they work these days, I cannot take for granted that I can rely on the residents on the block or in the neighborhood to ensure the future of my business. The future of retail in the Lower East Side will rely on walk-in business from a reliable and consistent clients who live, work, or visit the area.

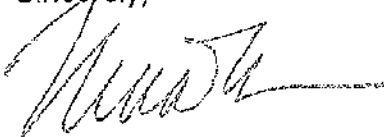
That's why I agree with the LES BID's position that we need to preserve as much of the currently allowable commercial development in the area as possible.

The area needs non-retail workers who will patronize our stores during their lunch hour and after work. My customers tend to be young and middle age professional women whose professional backgrounds vary from finance to art and creative services. They come to my store from the NY tri-state area and from abroad, who are well-traveled and well-informed about styles and designs. I agree that with the area's legacy for ingenuity, it is important to bring in and maintain the creative professions. It could be the light manufacturers and artisans. It could be the graphics designers, fashion designers, architects, and PR persons.

When my sister and I noticed the new mall on Allen Street between Broome and Delancey we were excited by the additional open space. It would be unfortunate if this mall would be the only pedestrian mall funded north of Grand Street and it is exciting that the LES BID came up with a creative idea for funding the other malls. This involves categorizing Allen Street as a wide street in the zoning proposal, something I would have thought the City would have categorized on its own. Nonetheless, to require developers and property owners to contribute to a fund to revitalize the rest of the malls in return for building higher and with more density on Allen Street seems like a brilliant idea that would be a terrific achievement for the Department of City Planning were they to implement it.

Please support the LES BID's position and my perspective on these issues and thank you for taking our comments and recommendations into serious consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nina Werner', with a horizontal line extending to the right.

Nina Werner

Owner

Valley

48 Orchard Street

New York, NY 10002

**SHEARL REALTY  
137 ORCHARD STREET  
NEW YORK CITY, N.Y. 10002  
212-260-3560**

August 22, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade St.  
New York City, N.Y. 10007-1216  
Via Facsimile 212 720-3219

Dear Commissioner Burden & Commission Members,

We are writing to you as a property owner and merchant on the Lower East Side. Our retail business is a multi-generational family business that has been on the Lower East Side for 75 years. Our retail store, Ben Freedman Gent's Furnishings specializes in classic men's clothing at discount prices. We continue to be considered a "tradition" on Orchard Street because of the "bargains" we offer our customers. We also own the building in which the store is located, a thru property lot from Orchard to Allen Street.

One of us (Sheila) has been a member of the Board of Directors of the Lower East Side Business Improvement District since 2007 and participated in meetings whereby we tried to arrive at a consensus position on the City's Zoning Proposal for The Lower East Side.

We would like to point out that by reducing the commercial FAR below 6.0 the City may not realize that this *Commercial Downzoning* limits the commercial development for the future and our efforts to try to regain our reputation as a daytime shopping destination instead of a BAR & CLUB Area!

Since our business and property extends from Orchard to Allen Street, one aspect of your plan that we would like to focus on is the City's Definition of a WIDE STREET. For whatever the reason, Allen Street is NOT designated as a wide street in the study of the area. How can Allen Street not be considered a wide street? It follows all criteria for a wide street, including size, and access to Mass Transportation -both subway and bus lines are home to this street.

It was our interest in this particular issue that led the LES BID to think imaginatively about how the City can treat Allen Street. We have requested that properties extending from Orchard thru to Allen, be granted more FAR and height flexibility. The same 'perks' that other wide streets are granted. It is unfair to downzone a property on Orchard Street then the same property also goes thru to Allen Street, which is truly a wide street where development can and should be accommodated. Our BID has also recommended that the center median on Allen be upgraded to a pedestrian mall area as the City did for Allen Street south of Delancy.

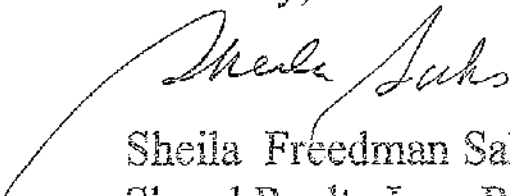
We can remember when the existing city building on the center median was used as a comfort station for people who came our area. Nine out of ten tourists who come into our

store ask to use our restroom. The area needs a public toilet, there is one on Allen and Delancy that has been closed for years. Upgrading the existing Allen Street center median north of Delancy would be a perfect time to open this facility to the public.

We want to reiterate our support arrived at by our BID because we talk about issues that no one else has covered, and that is the survival of small business-the MoM and PoP store of which we are a good example !

Please support the LES BID's position and our personal perspective on the fair treatment of Allen Street as a Wide Street. Thank you for your time in taking our comments into consideration.

Sincerely,



Sheila Freedman Saks  
Shearl Realty Inc., Property Owner



Avi Saks  
Ben Freedman Gent's Furnishings Inc. Owner



## Lower East Side BID

261 Broome Street  
New York, NY 10002  
212.226.9010  
www.LowerEastSideNY.com

August 25, 2008

Amanda Burden  
Chair, New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216

### RE: Petitions and Testimony

Dear Chairwoman Burden and members of the City Planning Commission:

We appreciate the work the City Planning Commission has done with regard to the rezoning proposal.

Enclosed are copies of the signed petition letters and signed individualized statements/testimony in support of the various revisions proposed by the Lower East Business Improvement District to the City's rezoning plan

You already have copies of the following people's testimony, and they are not included in this mailing:

- Mark Miller, President, Lower East Side Business Improvement District; Owner, Mark Miller Gallery; Property Owner
- David Shorestein, LES BID Board Member, Property Owner
- Hans Kerreman, Owner, Tropical Salon

The following people presented testimony at the August 13, 2008 hearing, along with me as the LES BID Executive Director. I did not leave my testimony in order to ensure all information I verbalized would be included in a more complete statement. Below is a list of the people, including myself, whose testimony is enclosed in this mailing:


Roberto Ragone	LES BID Executive Director
Christopher Kui	Executive Director, Asian Americans for Equality
Marilyn Garber	Owner, Bridge Gallery
Erica Harrison	LES BID Vice President; Owner, 88 Orchard
Rhonda Kave	Owner, Roni-Sue's Chocolate
Bob Levy	Owner, Harris Levy Fine Linens
Rahmat Loyhayem	Owner of Majestic and Property Owner
Arlene Miller	LES BID Board Member and Property Owner
Sion Misrahi	LES BID Founding Member, Current Board Member, Owner of Misrahi Realty and Property Owner
Jeffrey Ruhalter	Owner, Jeffrey's Meats
Michelle Slonim	LES BID Board Residential Tenant



	Representative
Sheila Saks	LES BID Board Member and Owner of
Avi Saks (letter written jointly with Sheila Saks)	Owner of Ben Freedman Gents
Bonnie Weinstein	Owner of Bonnie's New York
Nina Werman	Owner of Valley

Also attached (Attachment A) is a list of people who signed the petition letter. The petition letters with their signatures are also enclosed.

Very truly yours,



Roberto Ragone  
Executive Director  
Lower East Side BID

Enc.

Petition Signature List

Name	Affiliation
Oscar Acosta	Owner, Clinton Flower Shop
Elizabeth Ako	Owner, Earnest Sewn
Dan Bettinger	Owner/Property Owner, Altman Luggage
Muhammed Bounjgua	Owner, Happiness Deli
Charles Buchholz	Owner, Ted's Formal Wear
Ray Burns	Owner, The Sixth Ward
Andrew Chase	Owner, Café Katja
Loi Cly	Owner, Lyman International, Inc.
Joseph Cohen	Owner, Economy Candy
Eva Marie Denst	Owner, Make Up Mania
Joe Erlichster	Owner/Property Owner
Michael Forrest	Owner/Property Owner, DDCM Broome Realty
Marilyn Garber	Owner, Bridge Gallery
Dana Gibbs	Owner, Dana's Loft
Alice Goldberg	Owner, Mendel Goldberg Fabrics
Mason Goldberg	Owner, Ludlow Fitness
Sammy Glucken	Owner, Global International
Jeff Harmatz	Owner/Property Owner, Delancey Holdings
Kemal Harris	Resident
Erica Harrison	Owner, Robusto NYC, Inc.
Donna Ho	Merchant, City Luggage
Josse Ho	Owner, ESPY Display, Ince.
Sandra Humphrey	Merchant

Tazul Islam	Merchant, World Frangrances/World Hats, Inc.
Qaiser Jain	Owner, All Leather \$99.99
Raymond Jerez	Owner, Inborn Tattoo
Rhonda S. Kave	Owner, Roni-Sue's Chocolates
Grecia Kerremans	Owner, Barber Lounge
Johannes Kerremans	Owner, Tropical Salon
Ellen Koenigsberg	Owner, Ellen
Morri Laleh	Merchant, Montgomery Stationary
Jerry Level	Resident
Robert Levy	Owner, Harris Levy, Inc.
Teresa Logan	Resident
Howard Markowitz	Owner, Howard SPW
J. Mayer	Merchant, Montgomery Stationary
Arlene J. Miller	Owner, Ja-Mil Uniforms
Evan Misrahi	Merchant, Misrahi Realty Corp.
Sion Misrahi	Owner/Property Owner, Misrahi Realty Corp.
David Moon	Owner, Spitzer's Corner
Ana Moran	Owner, Babeland
M.S. Fashions	
Maurice McLeam	Merchant, Global International
Akram Mughal	Owner, Hello Sari
Jose Ortiz	Resident

Nat Panarciello	Merchant, Global International
Brian Procell	Owner, Coat of Arms
Mohammad Quasem	Owner, ABC Gift Supply
Evan Ross	Owner/Resident, Frock
Jeffery Ruhalter	Owner, Jeffery's Meats
Sheila Saks	Owner, SHEARL Realty
Anne Saxelby	Owner, Saxelby Cheesemongers
Erwin Schrottner	Owner, Café Katja
David Shorenstein	Property Owner
Randy Settenbrino	Owner, Blue Moon Hotel
Robert Shamlian	Owner, Spitzer's Corner
Stephanie Shoemaker	Resident
Ian Tan	Owner, Swan Tile
Steve Taranto	Owner, First Among Equals
Julia Werner	Owner, Valley
Nina Werner	Owner, Valley
Jerry Williams	Owner, David Owens Vintage Clothing
Timothy Wong	Owner, M& M Environmental
Judy Wu	Owner, Jin Restaurant
Yosef	Owner, Cougar Italian Fashions
Eva Zorad	Merchant

August 5, 2008

City Planning Commission  
Calendar Information Office  
22 Reade Street – Room 2E  
New York, New York 10007-1216

Dear Commissioners:

I, the undersigned Lower East Side

merchant/resident/property owner (circle all that apply)

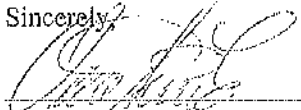
commend the Department of City Planning and the City Planning Commissioners for undertaking the East Village/ Lower East Side planning initiative. The zoning has not been reviewed since 1961 and it is a crucial time to revisit economic development policy decisions/ framework. The proposed re-zoning constructively advances preservation and affordable housing goals. Unfortunately, the City's proposal needs some revisions in order for the residential goals to work more in concert with (rather than at the expense of) commercial activity and economic development opportunities.

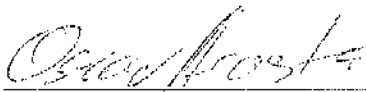
While East Village residents are appalled by some of the recent development in their neighborhood, we are equally concerned about the proposed zoning proposal that will limit the Lower East Side's commercial development potential and have a significant impact on the area's potential to continue to be a center of economic development activity along with maintaining and enhancing the legacy of the Lower East Side as a shopping and dining destination.

- We strongly believe that the Lower East Side has historically, and continues to be, a magnet for creativity and entrepreneurship. The current use groups (e.g. Use Group 11 for light manufacturing) and potential to allow for as much commercial density as possible (the current at 6.0 Floor Ratio Area) should be maintained.
- We are committed to preserving the commercial development opportunities in the Lower East Side. In the area south of Houston Street, the Floor Area Ratio should NOT BE reduced from 6.0 FAR to 4.0 FAR. We must engage in long-term planning and allow for mid-density commercial buildings.
- We respect the exceptional history and character of Orchard Street but also recognize the opportunity for Allen Street to accommodate growth. The rezoning needs to include zoning regulations which will preserve Orchard Street, treat Allen Street as a wide street where targeted growth is appropriate, and use the new development to provide an Allen Street "boulevard" funding mechanism for the revitalization and maintenance of the pedestrian malls.

I, the undersigned, like my East Village neighbors, am a valuable stakeholder in the rezoning process, and my position on this issue must be considered in the final decision. I am committed to working with public agencies and public officials to improve the Lower East Side as a neighborhood to live and work and need you to consider the above-mentioned changes to the current rezoning proposal.

Sincerely,

 (sign here)

 (print here)

Name of Business or Property: Clinton House Corp

Address: 156 Stanton St  
New York, N.Y. - 10002