



## East Village / Lower East Side - **Approved!**

### Overview

#### Update November 19, 2008:

On November 19, 2008 the City Council adopted the East Village / Lower East Side Rezoning. The zoning changes are now in effect.



Since its early association as a gateway to the city, the areas that we know of today as the East Village and Lower East Side have retained a vitality all their own. These neighborhoods evoke for residents and visitors alike a sense of their richly layered history: of community, diversity, creativity, endurance and independence.

In recent years, more than 1,000 housing units have been constructed or permitted in these two neighborhoods. While many developments have been modestly scaled and represent positive re-investment, market pressures for housing within these increasingly desirable neighborhoods have resulted in out-of-scale tower developments, threatening to erode the established built character.

Following three years of engaged dialogue with the Community Board, residents, local elected officials and civic organizations, and the completion of a [Final Environmental Impact Statement](#), on September 26th, 2008, the Department of City Planning continues its way through the formal public review process for its proposal to rezone over 110 blocks in the East Village and Lower East Side neighborhoods in Manhattan Community District 3. The proposal seeks to:

- Preserve the established neighborhood scale and character by establishing contextual zoning districts with height limits, and
- Provide modest opportunities for residential growth and incentives for affordable housing along the area's widest streets well served by bus or subway lines.

The proposal fosters Mayor Bloomberg's sustainable planning goals by promoting the preservation of neighborhoods with special character while also providing opportunities for modest growth and affordable housing along wide corridors well served by mass transit.



North side of East 2nd Street,  
between Avenue A and Avenue B



Orchard Street, to the south, at  
Stanton Street



Southeast corner of East 13th  
Street and First Avenue

## East Village / Lower East Side - **Approved!** Existing Context and Zoning

The East Village and Lower East Side neighborhoods have been known for generations as a gateway for untold numbers of immigrants. At one point during its history it was reported to house the densest concentration of people in the world. Many of the area's 19th and early 20th-century tenement-style buildings remain intact today, and it is this particular building type and scale, along with other low- to mid-rise, multiple-dwelling apartments and row houses, built to the street line, that remain so strongly associated with these neighborhoods.

The typical four- to seven-story buildings (see maps of building heights and land use below), the wide range of active, ground-floor commercial uses and the area's access to subway and bus service all foster the vibrant sense of street life that has made these neighborhoods such desirable destinations for both visitors and residents.

The existing zoning, which has remained in place since 1961, is R7-2 or C6-1. Both of these are *height factor*, or non-contextual, districts that allow residential uses at a maximum *floor area ratio (FAR)* of 3.44, community facility uses at 6.5 FAR, and commercial uses (in the C6-1 districts) at 6.0 FAR. These districts allow the development of tall, slender buildings surrounded by open space. They do not require that buildings be built to the street line, and they place no fixed limit on building heights. (The rezoning area does not include the residential development known as Village View, located between East 2nd Street and East 6th Street, from First Avenue to Avenue A.)



Existing Zoning Map  
[View a larger image.](#)



Building Heights Map  
[View a larger image.](#)



Land Use Map  
[View a larger image.](#)

In recent years an increasing number of new buildings have been constructed at heights significantly above most existing buildings in the East Village and Lower East Side. It is this mismatch between what is permitted under the existing zoning and the predominant neighborhood character that this proposal seeks to remedy.

### **Existing Zoning**

The rezoning area is currently zoned R7-2 and C6-1, with C1-5 and C2-5 commercial overlays along the avenues between East 13th Street and Houston Street; on Houston/East 1st Street between Avenue A and Avenue B; and on Clinton Street between Houston and Delancey streets.

View the [East Village / Lower East Side Zoning Comparison Chart](#).

R7-2

An R7-2 district is mapped in the area generally bounded by Third Avenue, East 13th Street, Avenue D, Pitt Street, Delancey Street, Norfolk Street and Houston Street. Residential and community facility uses are permitted in R7-2 districts, with a maximum floor area ratio (FAR) of 3.44 for residential use and 6.5 for community facility use. The maximum height of residential buildings in R7-2 districts is regulated by the [sky exposure plane](#), which begins at a height of 60 feet above the front lot line. Because the entire rezoning area is located in the "Manhattan Core", no off-street parking is required.



Existing R7-2 Zoning: Allows out-of-scale building forms (west side of First Avenue, between East 9th Street and East 10th Street)

C6-1

A C6-1 district is mapped in the area generally bounded by the Bowery and Houston, Norfolk and Grand streets, and includes frontages on Second Avenue between Houston Street and East 7th Street. Residential, commercial, and community facility uses are permitted in C6-1 districts, with a maximum FAR of 3.44 for residential use; 6.5 for community facility use; and 6.0 for commercial use. For commercial or residential development in C6-1 districts, the maximum building height is regulated by the sky exposure plane, which begins at a height of 85 feet above the front lot line for commercial development and at 60 feet above the front lot line for residential development. C6-1 districts permit a wide range of commercial uses which typically require a central location, including large retail stores, entertainment facilities, hotels and office space.



Existing C6-1 Zoning:  
New out-of-scale building (south side of Rivington Street, between Ludlow Street and Essex Street)

## East Village / Lower East Side Rezoning - **Approved!** Proposed Zoning

The proposal would change the rezoning area's existing zoning to contextual zoning districts (R7A, R7B, R8B, C4-4A, R8A, C6-2A). Contextual districts have street wall and total building height limits and require that buildings be constructed at or near the street line. These controls would help ensure that new development throughout the rezoning area relates to the existing scale and character of the East Village and Lower East Side. Additionally, rezoning much of the existing C6-1 area to C4-4A would limit the allowable commercial uses to those more commonly found in regional centers, rather than the broader range of commercial uses currently allowed in C6 districts. The areas proposed for the higher density R8A and C6-2A districts are located near mass transit along the area's widest streets, where higher densities and taller buildings would be appropriate. The proposed rezoning actions would meet the Department's goals of preserving the established neighborhood scale and character, and fostering opportunities for the creation of [affordable housing](#).



Proposed Zoning Map  
[View a larger image.](#)

View the [East Village / Lower East Side Zoning Comparison Chart](#).

### R7A

An R7A district, which permits residential and community facility uses at an FAR of 4.0, is proposed for the avenues A, B and C and First and Second avenues, north of Houston Street and the blocks generally east of Norfolk Street, between Delancey and Houston streets. The proposal would replace these existing R7-2 districts as well as four-blocks on Second Avenue from East 3rd to East 7th Street which are currently zoned C6-1.

The R7A district is a contextual district that requires a street wall between 40 and 65 feet high and limits overall building height to 80 feet. The bulk regulations would ensure that new development reflects the consistent, low- to mid-rise character found throughout the area.



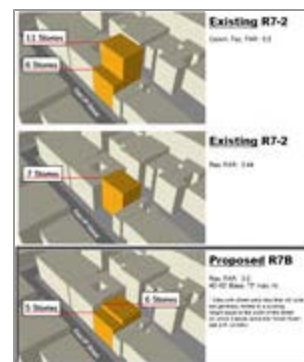
Prototypical Buildings:  
R7-2 to R7A

[View a larger image.](#)

### R7B

An R7B district, which permits residential and community facility uses at an FAR of 3.0, is proposed for the midblocks between Avenue A and Avenue B, from East 4th Street to East 7th Street south of Tompkins Square Park, replacing a portion of an existing R7-2 district.

The R7B district is a contextual district that requires a street wall between 40 and 60 feet high and limits overall building height to 75 feet. The bulk regulations would ensure that new development reflects the consistent, low-rise character found throughout the area.



Prototypical Buildings:  
R7-2 to R7B

[View a larger image.](#)

### R8B

An R8B district, which permits residential and community facility uses at an FAR of 4.0, is proposed for the remaining midblock areas north of Houston Street, replacing existing R7-2 districts.



The R8B district is a contextual district that requires a street wall between 55 and 60 feet high and limits overall building height to 75 feet. The bulk regulations would ensure that new development reflects the consistent, low- to mid-rise character found throughout the area.



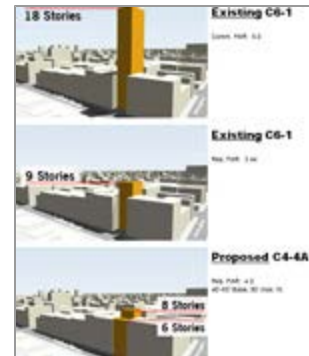
Prototypical Buildings:  
R7-2 to R8B

[View a larger image.](#)

#### C4-4A

The blocks generally between Houston Street, Grand Street, Forsyth and Norfolk streets, are proposed to be zoned C4-4A, a contextual district that permits an FAR of 4.0 for residential, commercial and community facilities uses. The C4-4A district would replace much of the existing C6-1 district in this area.

A C4-4A district (like the R7A) requires a street wall between 40 and 65 feet high and limits maximum building heights to 80 feet. The bulk regulations would ensure that new development is consistent with the predominant built form.. Uses currently allowed in the existing C6-1 district but which would no longer be permitted include certain types of home maintenance and repair service establishments, bicycle rental and repair shops and certain types of relatively low-volume custom manufacturing activities.



Prototypical Buildings:  
C6-1 to C4-4A

[View a larger image](#)

#### R8A and C6-2A

##### R8A

R8A is proposed for the north side of Delancey Street between Clinton and Pitt streets, the west side of Pitt Street between Delancey and Rivington streets, Houston Street between Avenue A and Avenue D, and the west side of Avenue D from Houston to E 10th Street , areas that are currently zoned R7-2. In conjunction with the proposed zoning text amendment described below, the R8A district would permit a maximum FAR of 7.2 for residential use, if affordable housing units were provided. For residential development that does not include any affordable housing units, the maximum FAR would be limited to 5.4. Community facility uses would be limited to a maximum 6.5 FAR. R8A is a contextual district that requires a street wall between 60 and 85 feet high and limits overall building height to 120 feet. The contextual building envelope regulations would apply to all types of development, regardless of use or density.

##### C6-2A

C6-2A is proposed for Delancey Street west of the midblock between Clinton and Suffolk street, Houston Street west of Essex Street, Second Avenue between Houston and East 3rd streets, and the west side of Chrystie Street between grand and Stanton streets. These areas are currently zoned C6-1. In conjunction with the proposed zoning text amendment described below, the C6-2A district --like the R8A-- would permit a maximum FAR of 7.2 for residential use if affordable housing units were provided, 6.0 for commercial use, and 6.5 for community facility use. For residential development that does not include any affordable housing units, the maximum FAR would be limited to 5.4. C6-2A is a contextual district that requires a street wall between 60 and 85 feet and limits maximum building height to 120 feet. The contextual



Prototypical Buildings:  
C6-1 to C6-2A

[View a larger image](#)

building envelope regulations would apply to all types of development, regardless of use or density.

### ***Commercial Overlays***

Along four block fronts of Second Avenue (from East 3rd Street to East 7th Street) currently zoned C6-1 and proposed to be rezoned to R7A, a C2-5 overlay is proposed, to reflect the local character of the existing commercial uses. The existing C1-5 and C2-5 overlays elsewhere within the rezoning area would not be changed.

### ***Proposed Zoning Text Amendment***

The East Village/Lower East Side rezoning proposal would apply the [Inclusionary Housing Program](#) to the R8A and C6-2A districts proposed along selected wide streets within the rezoning area, establishing incentives for the creation and preservation of affordable housing in conjunction with development of new housing.

For residential development without an affordable housing component, the maximum FAR within the selected areas would be limited to a base FAR of 5.4. Under the Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations tailored to this area. Developments could qualify for a maximum FAR of 7.2 (within the 60'-85' street wall limit and the 120-foot overall building height limit) in the designated districts by providing 20 percent of the residential floor area in the development as permanently affordable housing for low- and moderate-income households, or by constructing or preserving off-site affordable units for low-income households. Off-site units must be located within Community District 3, or within one half-mile of the bonused development if outside of Community District 3. Other city, state and federal housing finance programs may be used to provide further assistance in creating affordable units.

The proposal also includes revisions to the discontinuance of non-conforming uses provisions of Section 52-61. Non-conforming uses that have been discontinued for a period of two years can only be replaced by conforming uses. Section 52-61 generally does permit, in R5, R6 and R7 districts, the reactivation of most Use Group 6 (local retail) uses regardless of the two-year discontinuance provision. The proposed text would expand the applicability of the reactivation provision to "R8B districts in Manhattan Community District 3". This text change would foster commercial uses in these locations.

## East Village / Lower East Side - **Approved!** Public Review

On May 2, 2008, the Department of City Planning acting on behalf of the City Planning Commission as lead agency issued a [Notice of Completion \(NOC\) for the Draft Environmental Impact Statement \(DEIS\)](#) in connection with the East Village/Lower East Side Rezoning. With support from Community Board 3 to complete the environmental review process, the Department prepared this DEIS, which followed the issuance of a Final Scope of Work on February 13, 2008, a public scoping meeting held on June 25, 2007, and subsequent public comment period. The DEIS reflected public comments made during the scoping process and incorporated an expanded Inclusionary Housing alternative as a direct response.

On May 5, 2008, following the issuance of this NOC, the Department of City Planning certified the Uniform Land Use Review Procedure ([ULURP](#)) application (C080397 ZMM) for the East Village/Lower East Side Rezoning and referred the related non-ULURP zoning text amendment (N 080398 ZRM) to begin the formal public review process.

On August 13, 2008, a public hearing was held for the ULURP applications and the DEIS. Public comment was accepted at the hearing and for ten days following the hearing, until August 25th, 2008. Comments relevant to the DEIS were incorporated into the [Final Environmental Impact Statement \(FEIS\)](#) and a [Notice of Completion for the FEIS](#) was issued on September 26, 2008. On September 24, 2008, a vote by the City Planning Commission on the ULURP applications was scheduled for October 7, 2008.

On October 7, 2008 the City Planning Commission (CPC) approved the (A) applications (C 080397(A) ZMM and N 080398(A) ZRM) for the East Village/Lower East Side Rezoning (the original applications 080397 ZMM and N080398 ZRM were withdrawn). The approved actions include a Zoning Map amendment and a Zoning Text amendment.

Milestone	Date
Department of City Planning Certification	May 5, 2008
Community Board 3 Approval (with conditions)	July 10, 2008
Manhattan Borough President Approval (with conditions)	August 11, 2008
City Planning Commission Public Hearing	August 13, 2008
City Planning Commission Approval ( <a href="#">Read the CPC Reports</a> ).	October 7, 2008
City Council Approval	November 19, 2008

For more information about this proposal please contact the Department of City Planning, Manhattan Office, at 212 720-3480.



## East Village / Lower East Side - **Approved!** Environmental Review

As a result of discussions with community stakeholders, led by the Community Board and with the support of elected officials, the Department of City Planning agreed to analyze an Alternative Action proposal as a part of the Draft Environmental Impact Statement (DEIS), and on May 2, 2008, the Department issued a [Notice of Completion \(NOC\) for the DEIS](#).

On August 13, 2008, a public hearing was held for both the DEIS and ULURP applications. Comments were accepted at the hearing and for ten days following the hearing, until August 25th, 2008. All relevant comments were incorporated into the [Final Environmental Impact Statement \(FEIS\)](#) and a [Notice of Completion for the FEIS](#) was issued on September 26, 2008.

Responding directly to community concerns over the extent of the proposed applicability of the [Inclusionary Housing Program](#), and in order to further the City's stated goal of addressing the ongoing need for housing, including affordable housing, the Alternative Action proposal examines additional and expanded use of the program in selected areas. While the Alternative Action is identical to the Proposed Action in many respects, and adheres to the framework principles stated above, it differs in two ways, by proposing:

- To apply the Inclusionary Housing Program to the proposed R7A districts, limited to the wide streets north of East Houston Street (Second Avenue, First Avenue, Avenue A and Avenue C), and
- In place of the proposed C6-2A district, on the west side of Chrystie Street, to apply a C6-3A district with Inclusionary Housing.

### ***R7A\* with Inclusionary Housing***

An R7A district, where the [Inclusionary Housing Program](#) is applicable, is proposed along the wide streets north of Houston Street, where the Department's rezoning currently proposes R7A districts. The affected areas include: Second Avenue, First Avenue, Avenue A and Avenue C.

The R7A district with Inclusionary Housing permits community facility uses at an FAR of 4.0, as in the Department's proposal. In conjunction with a proposed zoning text amendment which would apply the program to the proposed areas, these R7A districts would permit a maximum FAR of 4.6 for residential use, if affordable housing units were provided. For residential development that does not include any affordable housing units, the maximum FAR would be limited to 3.45.

The building height and street wall requirements for the R7A districts as analyzed in this Alternative would remain the same as those established by the R7A district as originally proposed. Overall building heights would be limited to 80 feet, after a setback over a street wall base between 40 and 65 feet high. In keeping with the proposal framework by addressing neighborhood character, these bulk regulations would ensure that new development reflects the consistent, low- to mid-rise character found throughout the area.



Proposed R7A District

(total floor area must be developed in accordance with height and setback requirements as illustrated)

Base Res. FAR: 3.45

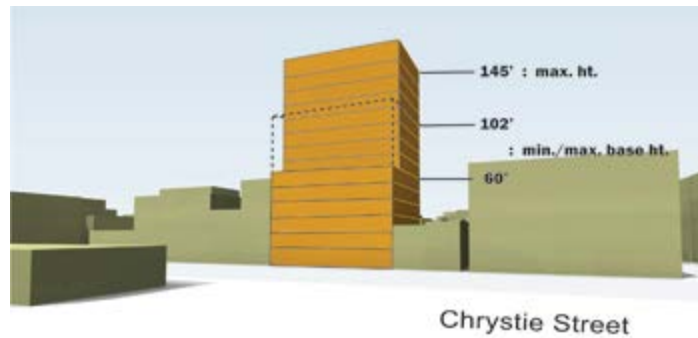
I.H.: 1.15  
Maximum FAR: 4.6  
40'-65' Base, 80' Max. Height

### ***C6-3A\* with Inclusionary Housing***

A C6-3A district, that would allow the [Inclusionary Housing Program](#), is proposed in an area limited to the west side of Chrystie Street, where the Department's rezoning currently proposes a C6-2A district.

The C6-3A district with Inclusionary Housing permits community facility uses at an FAR of 7.5 and commercial uses at an FAR of 6.0. In conjunction with a proposed zoning text amendment which would apply the program to the proposed area, this C6-3A district would permit a maximum FAR of 8.5 for residential use, if affordable housing units were provided. For residential development that does not include any affordable housing units, the maximum FAR would be limited to 6.5.

C6-3A is a contextual district that requires a street wall between 60 and 102 feet on wide streets (60 to 95 feet on narrow streets) and limits building height to 145 feet (135 feet on narrow streets). These contextual building envelope regulations would apply to all types of development, regardless of use or density.



Proposed C6-3A District

(total floor area must be developed in accordance with height and setback requirements as illustrated)

Base Res. FAR: 6.5  
I.H.: 2.0  
Maximum FAR: 8.5  
60'-102' Base, 145' Max. Height

## East Village / Lower East Side Rezoning - **Approved!** "A" Applications

On July 3, 2008 the Department of City Planning filed modified applications for the East Village/Lower East Side Rezoning. The modified applications, C 080397(A) ZMM and N 080398(A) ZRM, components of which are consistent with the analyzed "Alternative Action" proposal included in the [Final Environmental Impact Statement \(FEIS\)](#), are largely identical to the proposal as certified. They differ in three principal ways and include modifications to the proposed zoning map and text amendments that would:

- apply the Inclusionary Housing Program mechanism in specified R7A areas;
- replace a portion of a C6-2A zoning district with a C6-3A district along Chrystie Street and apply the Inclusionary Housing Program mechanism therein; and
- eliminate the proposed text change in Section 52-61 of the Zoning Resolution.

View the [modified proposed zoning text amendment](#).



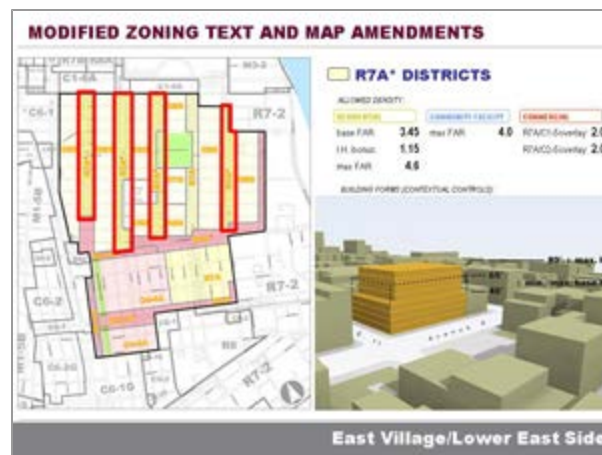
Proposed Zoning Map for "A" Applications

[View a larger image.](#)

### ***R7A Districts with Inclusionary Housing Program***

As part of the City's ongoing effort to provide new housing opportunities, the proposed East Village/Lower East Side Rezoning, as referred, includes new inclusionary housing program areas along selected streets. As referred, the inclusionary housing bonus would be available in the proposed R8A and C6-2A zoning districts. The (A) applications include modifications that would extend the bonus FAR mechanism to portions of the proposed R7A districts.

The modified zoning text amendments to Zoning Resolution Sections 23-144 and 23-922, would allow the use of the Inclusionary Housing bonus to be made applicable in the proposed R7A zoning districts along Second Avenue, First Avenue, Avenue A and Avenue C. The bonus would allow an increase in floor area (up to 33 percent above the base residential FAR, or from 3.45 to 4.6 in the R7A districts) in exchange for the provision of permanently affordable housing. Developments utilizing the additional floor area remain subject to all of the applicable height and setback provisions of the underlying contextual zoning district.

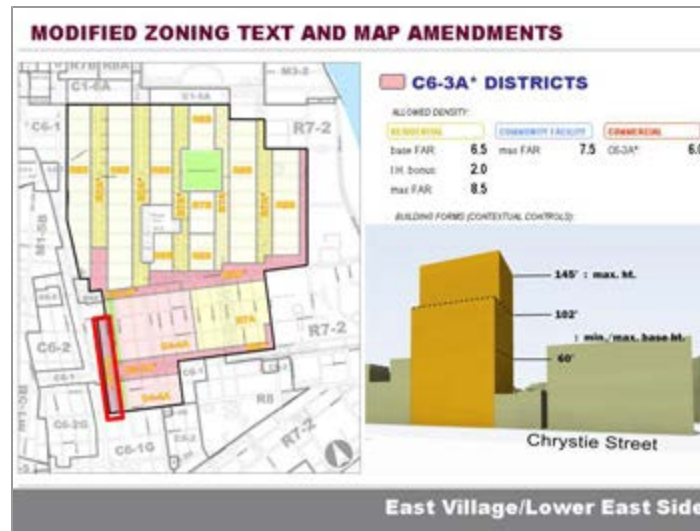


[View a larger image.](#)

### ***C6-3A Districts with Inclusionary Housing Program***

The (A) applications also include modifications to the proposed zoning map and text amendments that would replace a C6-2A district (as certified) along the west side of Chrystie Street with a C6-3A district, while also applying the bonus FAR mechanism for the provision of affordable housing.

The modified zoning map and text amendments to Zoning Resolution Sections 23-144 and 23-922, would allow the use of the Inclusionary Housing bonus to be made applicable in the proposed C6-3A zoning district along the west side of Chrystie Street. The bonus would allow an increase in floor area (permitting an increase beyond the base residential FAR, from 6.5 to 8.5 in the proposed C6-3A district) in exchange for the provision of permanently affordable housing. Developments utilizing the additional floor area remain subject to all of the applicable height and setback provisions of the underlying contextual zoning district.



[View a larger image.](#)

#### *Inclusionary Housing Program*

In order to be eligible for the bonus in the proposed R7A and C6-3A districts as described above, lower-income units must be affordable to households at or below 80 percent of Area Median Income (AMI), and must remain affordable for the life of the compensated development. Lower-income housing units used to earn the Inclusionary Housing bonus may be new units on the same site as the development receiving the bonus, or new or preserved units in a separate building off-site. Off-site affordable units must be located within the same community district, or in an adjacent community district on a site within a half-mile of the site receiving the bonus.

Developments using the floor area bonus in the new program may also use various city, state and federal housing subsidy programs and tax incentives to finance affordable units. The Department of Housing Preservation and Development must approve a Lower Income Housing Plan for all developments in the Inclusionary Housing Program.

#### **Section 52-61 of the Zoning Resolution**

The modified proposed zoning text amendment eliminates a proposed change to Section 52-61 of the Zoning Resolution. As referred, the proposal would extend the discontinuance exemption for non-conforming uses to R8B districts in Manhattan, Community District 3. As a general rule, non-conforming uses are permitted to re-activate (or change) after a period of discontinued operation, provided that the period of discontinuance does not exceed two years. Section 52-61 allows reactivation of certain non-conforming uses in R5, R6 and R7 districts regardless of the two year discontinuance provision. The referred text change would extend the exemption to the proposed R8B zoning districts in Manhattan Community District 3—as currently is available to existing R7-2 districts in the rezoning area. The modified proposal eliminates the proposed exemption, so that non-conforming uses in proposed R8B districts would be subject to the existing two-year discontinuance provisions.

The modified applications have been referred to Manhattan Community Board 3 and the Manhattan Borough President in accordance with Section 2-06(c) of the ULURP rules.


*Environmental Review*

The potential impacts of the modified Inclusionary Housing program areas were analyzed in the [Final Environmental Impact Statement \(FEIS\)](#) completed on September 26, 2008 as part of the "R7A/C6-3A Inclusionary Housing Alternative" included in [Chapter 23](#). [View the FEIS](#).



## Related Notes

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-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (\*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.