

The Plan for Chinatown and Surrounding Areas



PRESERVING AFFORDABILITY & AUTHENTICITY

Recommendations to the
Chinatown Working Group

The Plan for Chinatown and Surrounding Areas

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CHAPTER 1

Introduction

This plan is both a celebration of New York City's rich immigrant history and the contributions that waves of immigrants have made and continue to make to New York City's economy and culture, and a strategy for preserving one of the last remaining islands of affordability in a borough that is becoming increasingly unaffordable for most New York City residents.

Manhattan's Chinatown and its surrounding areas are among the oldest immigrant neighborhoods in New York City, housing successive groups of immigrants from Ireland, Germany, China, Italy, Puerto Rico and the Dominican Republic, starting in the early 1800s.

These diverse immigrant neighborhoods, with their historic tenement buildings, vibrant streetscapes, and affordable housing built for low-income working class families shed important light on New York City's past but are also a critical component in the City's future.

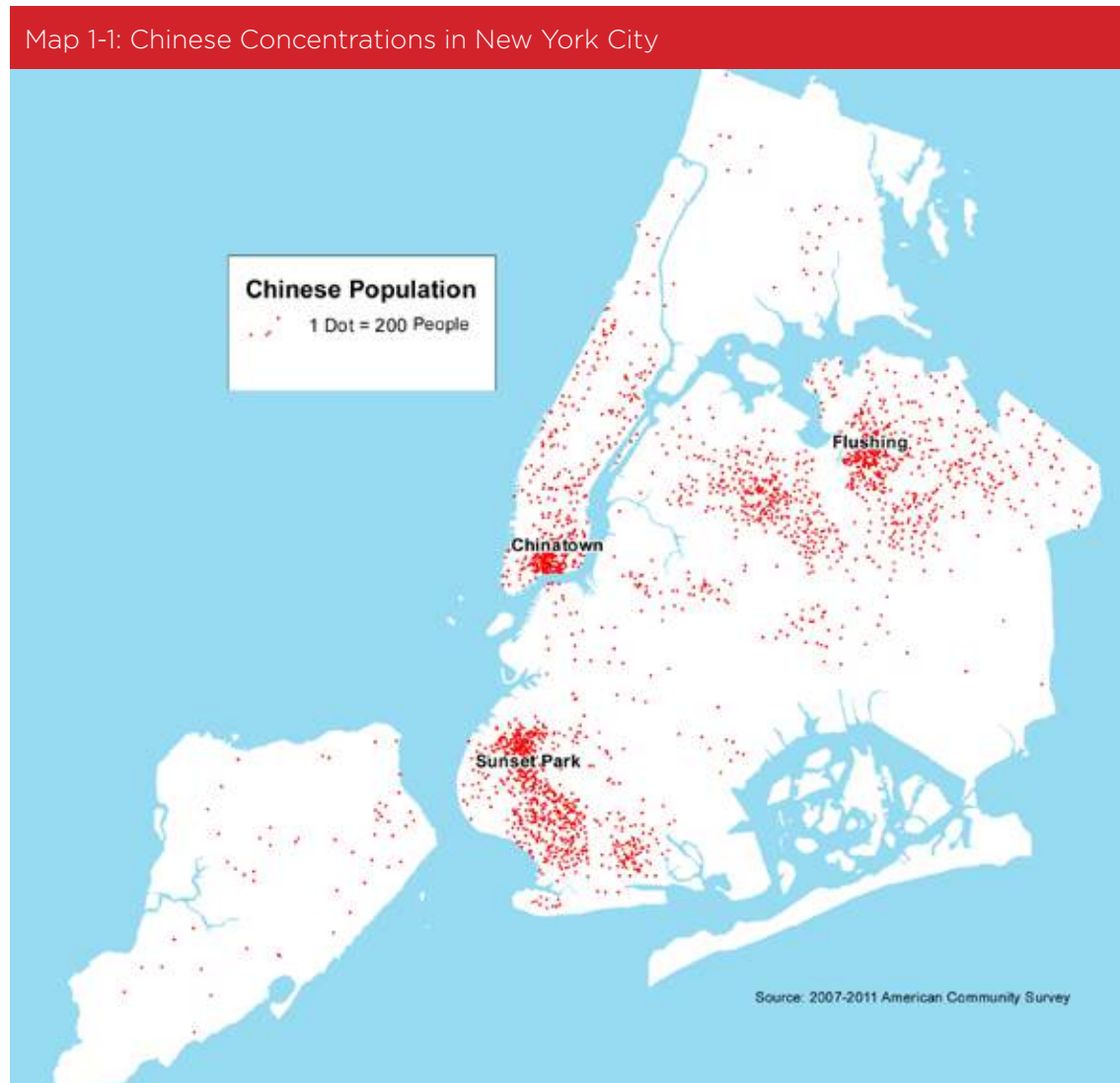


Chinatown and Surrounding Areas

Since the mid-1800s when the first Chinese immigrants settled in the “Five Points” neighborhood on the south east side of Manhattan, Chinatown has been home to multiple generations of immigrants from different parts of China, with family and district associations and merchant and civic organizations providing an essential support network. While currently one of several Chinese enclaves in New York City - Flushing, Queens and Sunset Park, Brooklyn being the other important concentrations – Manhattan’s Chinatown maintains its historic, economic and cultural preeminence. Ethnically specialized businesses, and cultural programs and activities not only serve the local Chinese community but also others within the city and the region, linked through extensive public transportation and intracity and intercity bus networks. (Map 1-1)

What sets Chinatown apart from many early immigrant neighborhoods in New York City is that it continues to thrive as a living immigrant community, with a large concentration of Chinese residents and Chinese-owned businesses providing local employment and services.

Chinatown’s surrounding areas include Two Bridges between the Manhattan and Brooklyn Bridges, with a diverse population of Black and Latino residents and, more recently, first and second generation Chinese immigrants; parts of the Lower East Side; and a significant number of large-scale public housing developments constructed between the late 1930s and the 1960s along the Lower East River waterfront.



Economic Significance

Chinatown’s authenticity is a unique historic and economic asset to the City. It is what attracts visitors from throughout the United States and the world, including increasing numbers from mainland China,

and contributes substantially to New York City’s tourist economy.

Chinatown and its surrounding areas are also well placed to serve and support Manhattan’s growing Healthcare, Science and Technology, and Creative

sectors, with a large local workforce and established businesses providing a range of skills and services.

Local residents have always benefited from Chinatown's diverse economy, which provides both skilled and unskilled job opportunities. In its heyday the garment industry provided thousands of jobs to local residents, who then spent their earnings in the neighborhood. Although the garment industry has since declined, Chinatown's restaurants, jewelry stores, grocery stores, restaurant supply stores, and healthcare and other services still employ a large number of local residents, resulting in a very high walk to work ratio. Up to 45% of employed residents in the Chinatown core walk to work.

Threats

Encroaching, speculative market rate development, primarily consisting of hotels and luxury condominiums, and rising property values threaten the loss of this vibrant, mixed-use, affordable urban environment and of the low- and moderate-income residents and small businesses that have inhabited and worked in these neighborhoods for generations. While development and growth are important for the city as a whole, the wave of gentrification that is consuming many older neighborhoods, particularly in Manhattan, has severe implications for the City in terms of affordability, displacement and increasing economic segregation. Unfortunately, despite substantial incentives very few developers have taken advantage of the City's voluntary inclusionary housing program and few affordable units have been developed.

Two Cities

One of the primary themes in Mayor Elect Bill De Blasio's mayoral campaign was that "New York City has become a Tale of Two Cities."

"We live a Tale of Two Cities. The wealthiest New Yorkers enjoy a life of luxury, while many working and retired families can barely pay the rent. At the very bottom, 50,000 New Yorkers sleep in shelters every night. But the challenge is much greater. Almost half of all New Yorkers spend more than 30 percent of their income on housing — and one-third of households spend at least half on housing...."

"In 10 years, New York City has lost nearly as many affordable apartments as it has built or preserved. Gentrification, unscrupulous landlords, and the real estate lobby's hold on government have pulled tens of thousands of apartments out of rent stabilization, and more are lost every year."¹

Mayor Elect De Blasio stated a strong commitment to affordability in his campaign, noting that "...new buildings aren't exclusively for the wealthy....and that the fundamental rights of tenants must be protected..." and proposing to "...build or preserve nearly 200,000 affordable units, and help both tenants and small landlords preserve the quality and affordability of their homes."

Supporting and strengthening established low and moderate-income neighborhoods such as Chinatown and its surrounding areas and promoting affordability throughout the city would go a long way toward addressing residential and socio-economic segregation in New York and achieving these goals.

Planning Context

The Plan for Chinatown and Surrounding Areas, developed by the Pratt Center/Collective Partnership, presents a framework for maintaining affordability for residents and small businesses, creating additional affordable housing, promoting local employment, and preserving Chinatown's rich cultural heritage and historic infrastructure, and provides the Chinatown Working Group with a comprehensive set of tools, information and resources that can be used to achieve these goals.

Implementation strategies that accompany each recommendation in the plan provide guidance to CWG's CAPZ and Economic Development Working Teams, reconvened as "Action Groups," both for advancing numerous stand-alone affordability, economic development, arts and culture, and historic preservation recommendations, and moving forward in developing and submitting a 197-c zoning application for a Special Zoning District.

Planning History

This plan builds upon a five year community planning process initiated in response to the 2008 East Village / Lower East Side Rezoning and fears that increased development pressure on Chinatown and its surrounding areas as a result of the rezoning would lead to residential and commercial displacement, and loss of significant historic and cultural assets. The Chinatown Working Group (CWG), created in late 2008 at the start of this process, comprises over 50 member organizations, including civic, community and cultural organizations, Community Boards 1, 2, and 3 and other stakeholders.

Eight Working Teams, established as part of the planning process, were assigned the task of developing Preliminary Action Plans (PAPs) for affordability; cultural and historic preservation; education and

Map1-2: RFP Study Area and Context Area



schools; economic development and revitalization; immigrant affairs and social services; parking, transportation, circulation and security; parks, open space and recreation; and zoning. These plans would ultimately form the basis of a comprehensive plan or rezoning action. Three of the Working Teams - Cultural and Historic Preservation, Affordability, and Zoning - were subsequently combined into one: Culture, Affordability, Preservation and Zoning (CAPZ).

Four of the PAPs have been completed and approved by the CWG to date: Education and Schools (December 2010); Immigrant Affairs and Social Services (December 2010); Parks, Open Space and Recreation (December 2010) and Parking, Transportation, Circulation and Safety (July 2011).

The Pratt Center/Collective Partnership, a collaboration between Pratt Center for Community Develop-

ment and the Collective for Community, Culture and the Environment (CCE) responded to a Request for Proposals (RFP) issued by the CWG in February 2013 for a consultant to develop recommendations and implementation strategies for the CAPZ and Economic Development PAPs, which remained unfinished, and consolidate them into a comprehensive community plan and rezoning proposal. The Plan for Chinatown and Surrounding Areas builds upon the extensive amount of work that has already been completed by the CAPZ and Economic Development Working Teams, and is guided by the underlying values and principles that have shaped their work to date.

RFP Study Area and Context Area

The study area boundaries for this project were provided in the Request for Proposals. They include portions of Manhattan Community District 3 (CD3) and Manhattan Community District 1 (CD1). The RFP Study Area encompasses a number of sub areas that have both specific similarities and unique characteristics, including the historic Chinatown core, areas immediately south and east of the East Village / Lower East Side rezoning area, the east side of the Bowery up to 9th Street, the area abutting the courts and municipal district south of Canal Street on the west, and the Two Bridges neighborhood and a large section of the lower East River waterfront occupied by NYCHA and other large scale housing developments to the south and east. (Map1-2) These areas are discussed in detail in Chapters 5 and 6. A small section of Community District 2 (CD2) north of Canal Street, between Broadway and the Bowery, which was originally included in the RFP Study Area, has since been removed.

Affordable Housing, Economic Development, Culture and Historic Preservation, and Zoning recommendations and strategies are confined to the RFP study area. Some additional zoning recommendations extend to adjacent areas with similar land use, built

form and socio-economic characteristics.

A broader “context area,” encompassing all of CD3 and parts of CD1 and CD2, provided the framework for much of the research and analysis conducted by the project team. The report on this work, Draft Task 2 Report: Research and Analysis can be found on the CWG website, along with other reports, presentations and materials related to the project. (See www.chinatownworkinggroup.org)

Planning Process

The Plan for Chinatown and Surrounding Areas was developed through a participatory process aimed at reconciling a wide range of different interests within the CWG and developing a balanced approach to preservation and development in the area that maximized opportunities for affordable housing.

The overall planning process was roughly divided into three components: Task 1, Task 2, and Task 3, with Task 1 focusing on review and consideration of all of CWG’s PAPs; Task 2 devoted to research and analysis of existing conditions; and Task 3, development of recommendations and implementation strategies.

A Town Hall meeting held on June 26 to present research findings, and a Community Workshop held on August 22 to discuss recommendations and strategies provided opportunity for additional community input. Both events were held at PS 131. Much of the material presented at these events was available in Chinese and Spanish as well as English and interpreting was provided in both languages.

A questionnaire distributed at the Town Hall and the Community Workshop and by several CWG member organizations provided additional opportunity for public comment. Up to 179 responses were received, 56 of them in Chinese (Appendix 13). While this was

not a formal survey it did confirm a number of issues facing residents of Chinatown and its surrounding areas. Up to 45% of respondents reported an annual income of less than \$25,000. The three most frequently cited concerns were cost of housing; loss of small/local businesses; and cost of goods and services. Up to 65% of respondents said they had friends or family that had left the neighborhood even though they wanted to stay. 44% of these respondents were Asian or Asian-American.

In addition to scheduled presentations at CWG’s monthly meetings, the project team held numerous one-on-one meetings with individual CWG member organizations, targeted meetings with Culture and Historic Preservation team members and a series of intensive zoning workshops with CWG members that helped to inform the recommendations. Three presentations were made to NYCHA tenants.

The team also met with Council Member Margaret Chin and her staff and the leadership and staff of CB1, CB2 and CB3, and made two presentations to CB3’s Land Use Committee. A number of exploratory meetings were held with several New York City agencies as recommendations and implementation strategies were being developed, including the Department of Housing Preservation and Development and the Department of City Planning. A full list of meetings is provided in Appendix 14.

Integrated Planning and Zoning Strategy

The Plan for Chinatown and Surrounding Areas is built upon an integrated planning strategy that recognizes the interrelationships that exist between affordability, economic development, arts and culture, and historic preservation and how these relate to land use, in developing a plan that includes both an integrated zoning proposal and stand-alone recommendations. Affordability, Economic Development and Culture

and Historic Preservation findings and recommendations are presented in Chapters 2, 3 and 4. Implementation strategies accompanying each recommendation suggest a fair amount of overlap between issue areas and the need for coordination among CWG’s member organizations and Action Groups.

These linkages become truly apparent in the Land Use and Zoning Analysis (Chapter 5), which describes key land use findings in the RFP Study Area as well as affordability, economic development, culture and historic preservation, and environmental findings that have potential implications for zoning, and in the Special Chinatown and Lower East River District, presented in Chapter 6, where they are integrated into a comprehensive rezoning strategy.

Special Chinatown and Lower East River District

Development of a Special Zoning District for Chinatown and surrounding areas that would form the basis of a 197-c zoning action was a major requirement in CWG’s RFP and is the primary objective of this plan. The boundaries of the proposed Special Chinatown and Lower East River District, as shown in Map 1-3 correspond with the RFP Study Area boundaries.

While a number of overarching provisions apply throughout the Special District, specific characteristics and conditions that exist in different parts of the RFP Study Area call for the establishment of seven Subdistricts, shown below and on the map, with additional provisions responding to the challenges and opportunities in each.

Although not included in the Special District, Recommendation Area 1 (Special Little Italy District), Recommendation Area 2 (North of Preservation Subdistrict A), and Recommendation Area 3 (North of East Broadway) have certain similar characteristics in terms of built form, land use, tenure and income

Map 1-3: Special District and Subdistrict Boundaries



Implementation

We believe that implementation of the proposals identified in this plan, in particular the designation of a Special Chinatown and Lower East River District, have the potential to significantly counter the negative effects of encroaching gentrification and to prevent the displacement of people from neighborhoods that they have called home for generations, from their social and cultural roots, and from their places of employment. Ultimately CWG’s work in Chinatown and its surrounding areas could serve as a model for effectively promoting economic, racial and ethnic diversity and protecting unique neighborhoods that contribute substantially to the culture and economy of Manhattan and New York City as a whole.

Next Steps

The CWG should immediately reconvene the Affordable Housing, Culture and Historic Preservation, Economic Development, and Zoning working teams as “Action Groups.” These groups should work with other CWG working teams, local and citywide organizations, elected officials and city agencies to promote specific actions and ensure implementation of zoning and other recommendations.

Additional funding should be obtained for technical assistance that may be needed to shepherd the Special Zoning District/Subdistricts through City Planning and the Uniform Land Use Review Procedure (ULURP) and advance other recommendations.

Notes:

1. From Bill De Blasio’s vision for New York and framework for addressing economic inequality: *“One New York, Rising Together”*

that warrant the same recommendations.

Chapter 6 provides a full description of the proposed Special District and Subdistricts as well as the various options that CWG needs to consider in moving forward.

Subdistrict A:	Preservation Area
Subdistrict B:	Planned Community Preservation and Resilience Area
Subdistrict C:	Higher Density Mixed Use
Subdistrict D:	Lower East River Waterfront
Subdistrict E1:	Bowery Corridor - Grand to Bleecker
Subdistrict E2:	Bowery Corridor - Bleecker to East 9th Street
Subdistrict F:	Under Bridge General Services

CHAPTER 2

Affordability

Chinatown has a reputation as a bastion of affordability in Manhattan for new immigrants and others. Affordability has historically been bolstered by the presence of abundant multi-family rent-stabilized buildings, New York City Housing Authority (NYCHA) developments, Mitchell-Lama projects, and various other developments built with public subsidies such as Low Income Housing Tax Credits (LIHTC) and tax abatements. As is the case with the rest of Manhattan, Chinatown is experiencing market pressures that, unchecked, erode affordability and threaten the essential character of the neighborhood. Household income in Chinatown is very low—a local Area Median Income (AMI) of \$37,362 for a family of four, based on a weighted average of all means of all census tracts in the RFP Study Area, in contrast to a HUD-devised citywide AMI of \$85,900 for a family of four that is used to evaluate income eligibility for housing projects.

Chinatown is the only remaining lower Manhattan neighborhood that is not protected in some way by contextual zoning, a special district, or other land use regulation designed to balance private market pressure with neighborhood stabilization. This historic Chinese enclave has experienced an overall loss in Chinese population in the last decade. Census tracts that were over 30% Chinese lost as many as 10,000 Chinese residents between 2000 and 2010. While some of this loss may be attributed to people relocating in the aftermath of 9/11 it is also the result of residents being priced out of the neighborhood and seeking affordable accommodation elsewhere.

Strategies for preserving and creating housing that is affordable to current residents and designed to stay affordable for as long as possible are essential to prevent further displacement and preserve Manhattan Chinatown's preeminence as an economic resource and cultural hub for the city and the region. While some recommendations presented in this chapter promote the use of existing tools and programs, other recommendations target programs and incentives that will require citywide policy changes. Additional advocacy will be required in these instances, backed by substantial evidence of local need documented in this report and elsewhere.



Key Findings

1. Market-rate rentals are not affordable to the existing population.

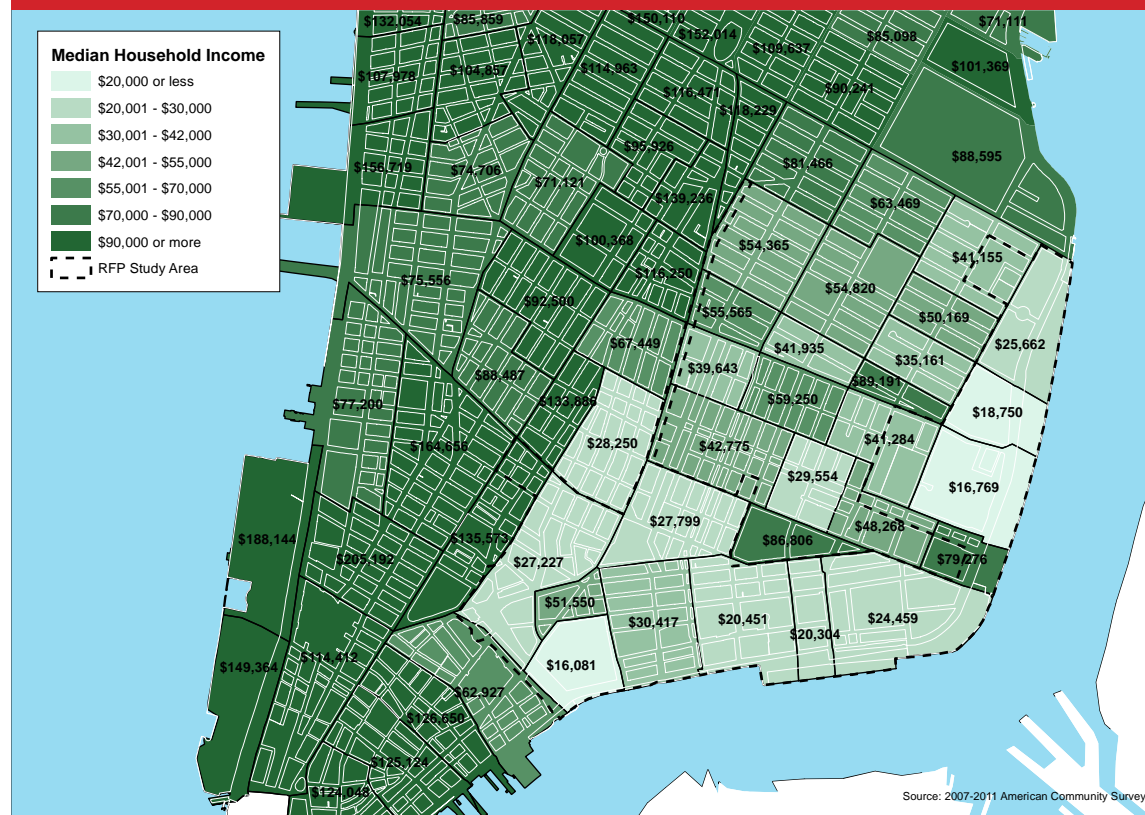
The current population of Chinatown, particularly in the core, cannot afford current market-rate rents. At a local AMI of \$37,362 for a family of four, rent for a two-bedroom apartment would need to be \$934 per month to be considered affordable. Market-rate rents for one-bedroom apartments in the Context Area range from \$1,200 to as high as \$9,850 per month. A one-bedroom apartment in the vicinity of Pitt Street and Stanton Street, not far from NYCHA's Gompers, Lavanburg, and La Guardia developments, was recently listed at \$2,750 per month – well out of the range considered affordable to low- and moderate-income renters. In the Two Bridges area, near Market Street and Madison Street, a one-bedroom apartment was listed at \$3,395 per month. ¹ (Map 2-2)

The displacement of the existing low- and moderate-income residential population due to increasing housing costs also impacts local businesses. As their customer base is forced to relocate to more affordable areas, small retail shops lose business and become more vulnerable themselves even as they see their own rents increase.

2. Overcrowding is common.

Sharing housing costs among households or individuals is one way to maintain affordability. While establishment of a causal connection between the lack of affordability and overcrowding - defined as more than one person per room (severe overcrowding is more than 1.5 persons per room) - is outside the scope of this report, it is clear that people are doubling and tripling up in Chinatown. Overcrowding is prevalent

Map 2-1: Median Household Income, 2007-2011



in the RFP Study Area, especially in those census tracts in the historic core, where more than a third of families live in overcrowded conditions.

3. Public housing provides a critical measure of affordability, but cannot meet all demand.

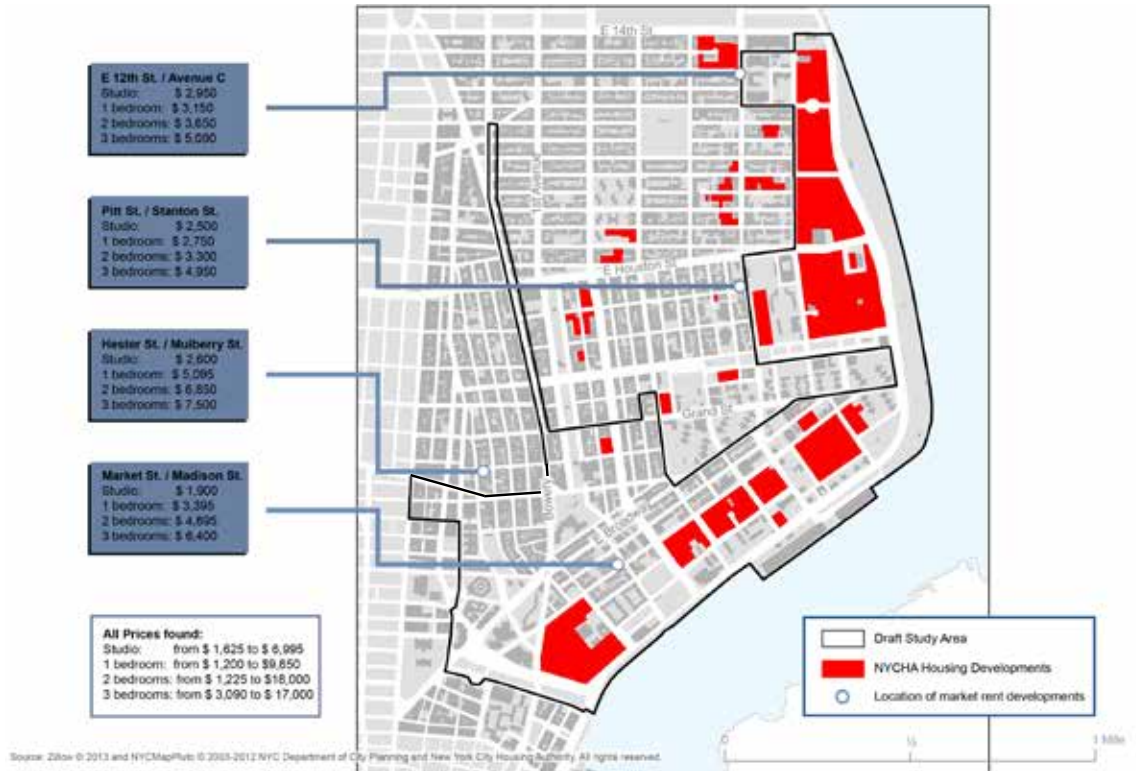
There are 12,256 NYCHA units in the RFP Study Area. These units are the largest source of affordable housing in the study area, but cannot suffice for all demand. Income verification is required, which may be an impediment for people who work in the informal economy or for people whose employers

prefer not to have their workers on the books. The waiting list for public housing is prohibitively long. As of March, 2013, there were 167,353 families on the waiting list for public housing units in New York City, and an additional 123,533 families on the waiting list for Section 8 housing.² (Map 2-3)



Rent regulated tenements

Map 2-2: Market Rental Prices, 2013



4. The vast majority of people in the RFP Study Area rent, and over half of all renters have a high rent burden.

go for as much as \$2,500 per month, in contrast to the \$934 per month that is affordable to the average four-person family in the RFP Study Area.

Up to 85% of housing units in the Context Area are renter-occupied. This is high, even for New York City, which has 69% renter occupancy (Figure 2-1). The percentage of rent-burdened households is also high, especially in the Chinatown core, where it is over 56%. (Map2-4) There is also a disparity between the cost of local rent-regulated units and the rent that current residents can afford. Rent-regulated units can

Map 2-3: Severely Overcrowded Housing Units, 2007-2011

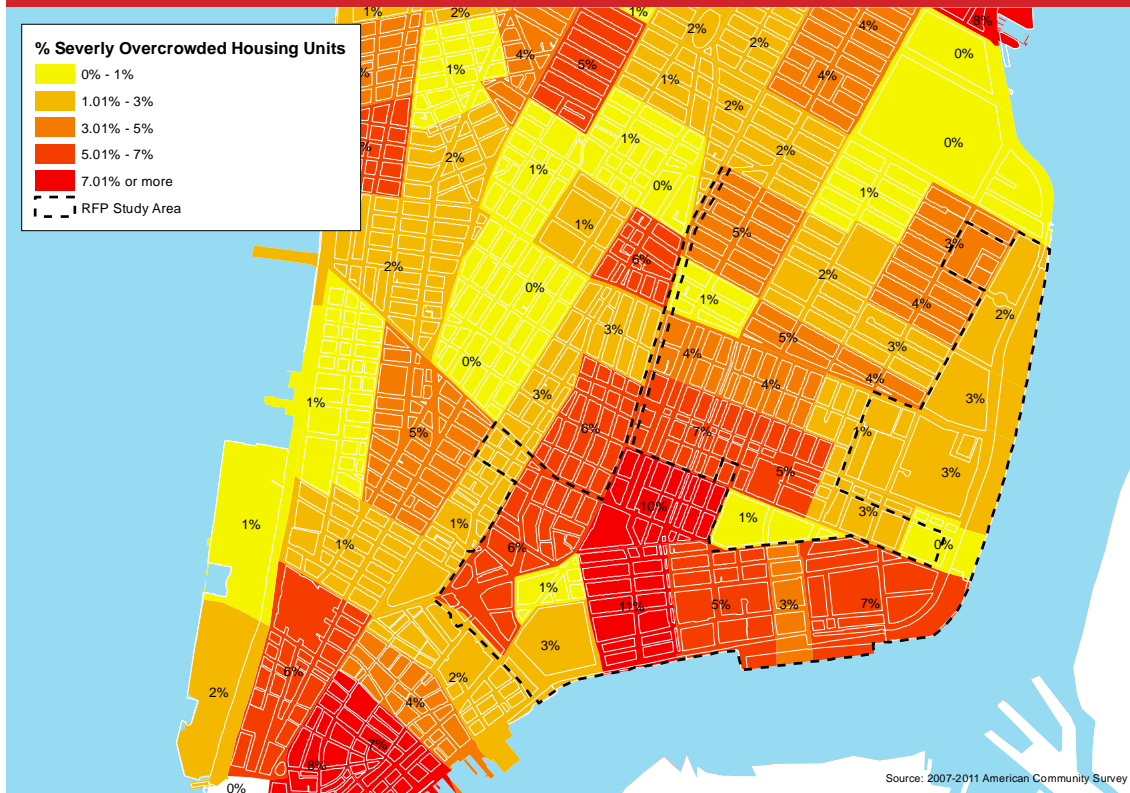


Figure 2-1: Housing Tenure, 2010



becomes vacant it either becomes rent-stabilized or, if it is in a building with fewer than six units, it is generally removed from regulation.

In addition to deregulation of rent-stabilized and rent-controlled units, a large number of affordable units in the Context Area stand to be lost as Mitchell-Lama developments and projects built with Low Income Housing Tax Credits age out of their affordability period. Mitchell-Lama units go into rent regulation once they leave the program; however, as noted above, these rents may not be affordable to the average family in Chinatown, especially as they approach the highest range. (See Maps 2-6 and 2-7 and Figures 2-2 and 2-3)

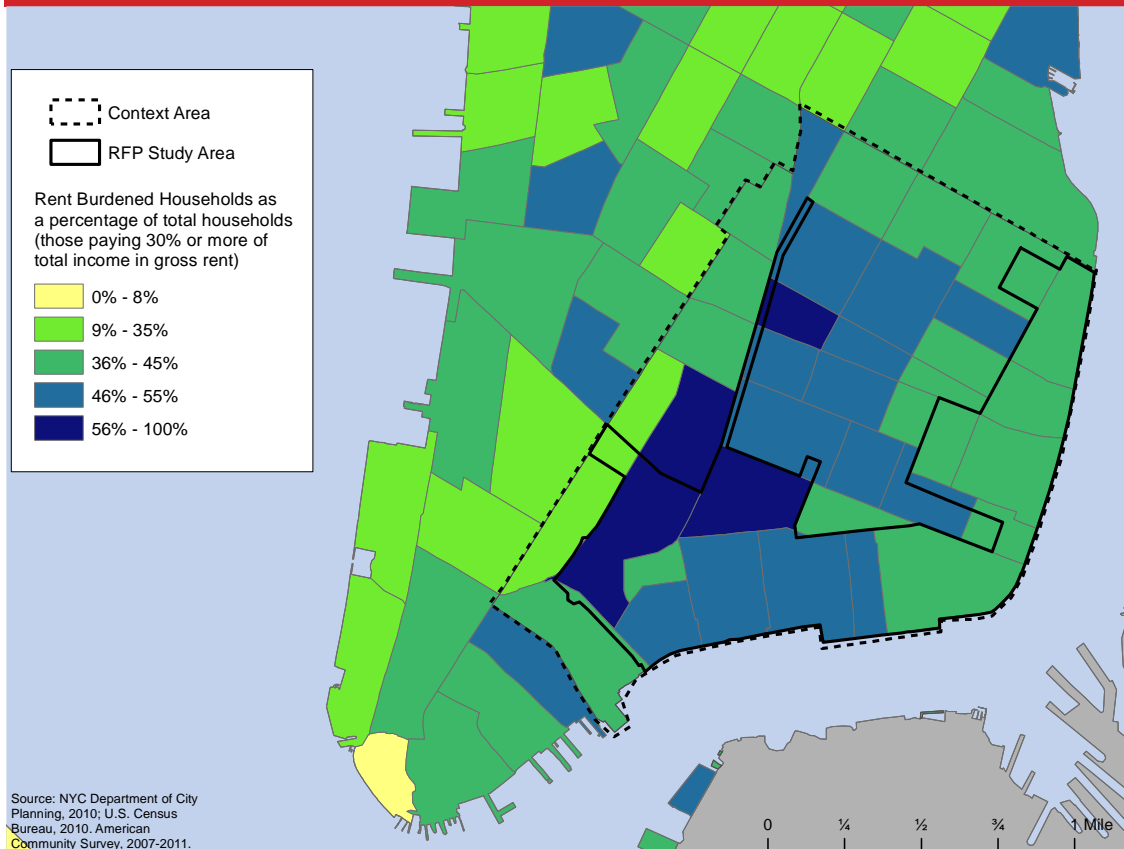
5. Affordable units in the RFP Study Area and in the larger Context Area are pricing out of rent regulation or aging out of their affordability requirements.

The Lower East Side / Chinatown neighborhood had 30,351 rent-regulated units comprising 48% of all rental units in 2011.³ (Map 2-5) While that number is relatively high, the potential loss of regulated units is also high. Up to 9,000 rent-regulated units in the Lower East Side / Chinatown were lost between 2002

and 2008, reflecting a downward trend in the city overall.⁴ More recent data show a loss of 5,890 rental units affordable to 80% AMI between 2008 and 2011.⁵

There are two ways in which rent-stabilized apartments can be deregulated: (1) if the rent for an occupied rent-stabilized apartment is \$2,500 or more and the resident household earned \$200,000 or more in two consecutive years, the property owner can petition the New York State Division of Housing and Community Renewal (DHCR) to deregulate that apartment, and (2) if an apartment becomes vacant and the owner can and does raise the legal rent to \$2,500 or more. When a rent controlled apartment

Map 2-4: Rent-Burdened Households, 2007-2011



6. Increasing property taxes and maintenance costs in older tenement buildings, coupled with low rental income from rent-regulated units create a burden for some small property owners.

Owners of older tenement buildings with substantial numbers of rent-regulated units in the RFP Study Area as well as the larger Context Area are feeling the

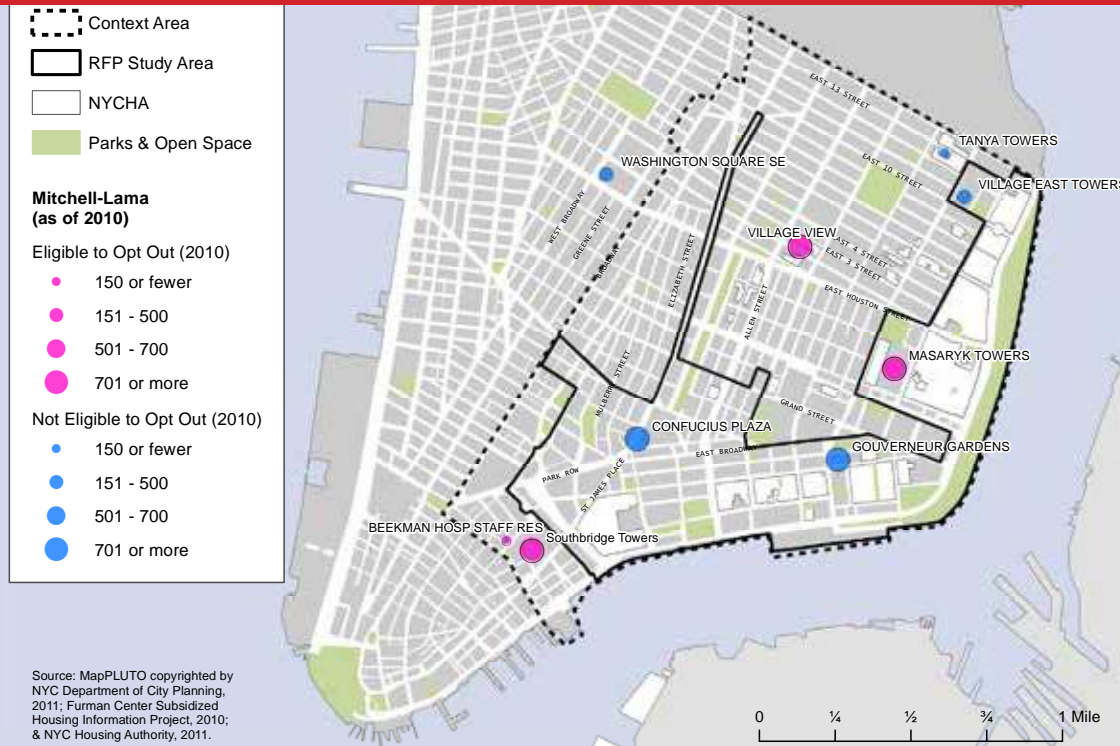
pressure of property tax increases. These increases are most commonly passed along to tenants but when restrictions are placed on rent increases as in the case of rent-stabilized and rent controlled units, landlords feel compelled to pass these increases along to their commercial tenants, who are not protected by rent regulation. Commercial rent increases sometimes push out smaller local businesses, which are replaced with different types of businesses that cater to more affluent, non-local customers. Increasing costs may also compel property owners to seek ways to bring units out of rent stabilization through major capital

improvement (MCI) rent increases that eventually push rents above the \$2,500 margin, buy-outs, illegal harassment and eviction, and demolition.

It is beyond the scope of this study to conduct a detailed analysis of New York City's property tax structure and assessment methodology, which includes a determination of the market value of each property as well as its assessed value and exempt value. However, a preliminary investigation of property tax assessment growth for all rental buildings of eleven or more units in the RFP Study Area (regardless of whether they include rent-regulated units) indicates that assessed values increased more in the study area between 2004 and 2014 than in Manhattan and New York City as a whole. The median assessed value for buildings of this type in the study area increased by 103.1%, compared to 98.7% in Manhattan and 75.9% citywide, while the mean assessed value increased by 77.4% compared to 61.8% in Manhattan and 58.6% citywide.⁶ Further, the average tax levy increased by 97% in the study area compared to 83.7% in Manhattan and 69.7% citywide.⁷

The substantial increase in the index of housing price appreciation for multi-family buildings with 5 or more units in Community District 3 (Lower East Side / Chinatown), from 215.1 in 2006 to 462.3 in 2012 is also of considerable interest.⁸ The Furman Center for Real Estate and Urban Policy uses this index to measure the relative change in property values over time. Community District 3 ranks first out of five community districts with the same predominant housing type, with respect to this index.

Map 2-6: Mitchell-Lama, as of 2010



7. Increased Potential for Tenant Harassment

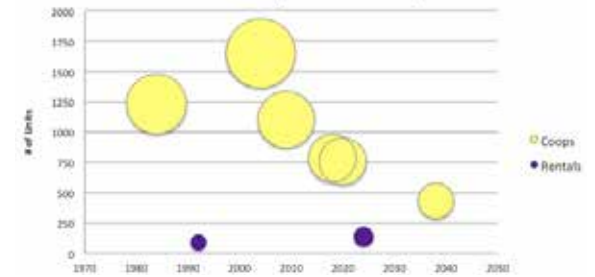
Tenant harassment is a major concern in Chinatown and its surrounding areas, as expressed by many participants attending the June 26 Town Hall meeting and August 22 follow-up Community Workshop that were held as part of this project. As in other neighborhoods facing heightened real estate interest, there is a strong potential in Chinatown and surrounding areas for tenant harassment by landlords seeking to benefit from rising market prices.

The threat of displacement is particularly high for low-income immigrants, who are not proficient in English and lack knowledge of their housing

rights. As indicated by CAAAV in their 2011 report, *Reimagining Rezoning: A Chinatown for Residents is a Chinatown for All*, landlords often also exploit the undocumented status of new immigrants.⁹

Among 451 surveys collected by CAAAV and the Community Development Project of the Urban Justice Center between June and August 2011 as part of their study, a significant number indicated some form of harassment: 36.1% reported problems getting repairs completed; 17.1% reported having their utilities turned off; 13.4% reported having been verbally harassed by their landlord; and 20.2% reported that they had been threatened with eviction.

Figure 2-2: Mitchell-Lama (inContext Area)



8. Current incentive zoning programs have not produced many affordable units to date.

While it may be premature to draw conclusions, the City's Inclusionary Housing Program (IHP) has produced very few affordable units in the Context Area. Despite the IHP overlay in the East Village/Lower East Side Rezoning, adopted in 2008, there are only three Inclusionary Housing projects in the Context Area, yielding a total of 59 units: 9, 11-17 Second Avenue; Lower East Side Girls Club; and 250-254 East 4th Street. The Second Avenue development includes 16 homeownership units for families making up to 80% of HUD-determined AMI, and the Lower East Side Girls Club development offers 50% of units to families earning between 50% and 100% of HUD-determined AMI—prices that are beyond the reach of the majority of families in the RFP Study Area. (Map 2-8)

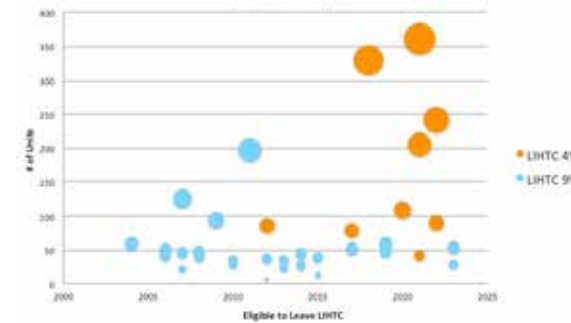
9. NYCHA's Land Lease Initiative.

The New York City Housing Authority (NYCHA) has proposed leasing open land currently used for parking or open space in eight public housing developments in Manhattan south of 110th Street for

Map 2-7: Low Income Housing Tax Credits (LIHTC), as of 2010



Figure 2-3: Low-Income Housing Tax Credits (in the Context Area)



private development of an 80/20 mix of market rate and affordable housing, in order to raise funds for badly needed capital improvements in public housing buildings in the face of decreasing support from the federal government. Three of these developments, Smith, La Guardia, and Baruch Houses, lie along the East River Waterfront within the RFP Study Area. (Map 2-9)

Strong opposition on the part of tenant associations, local and citywide organizations and elected officials, and lack of a proper public review process has led to the filing of two lawsuits in State Supreme Court this year: the first, filed in October by the New York City Council along with tenants in Baruch and Douglass

Houses; and the second, filed in November by the Urban Justice Center's Community Development Project, Urban Justice Center's Safety Net Project and the New York Environmental Law & Justice Project with tenants in Campos Plaza, Carver Houses, Meltzer Tower, Smith Houses and Washington Houses. Some advocacy groups have called upon New York City Comptroller-elect Scott Stringer to demand a full audit of NYCHA (any audits up to this point have come at the discretion of HUD), and he has agreed. The proposed audit is one way to determine exactly how dependent NYCHA really is on current landholdings for revenue.

Map 2-9: NYCHA Developments



Affordability Goals

- Preserve existing affordable housing.
- Develop affordable rental housing, based upon local area median income.
- Promote affordable homeownership development.
- Any new housing development on public land should be affordable to low-income residents.

The affordability recommendations presented in this report build upon preliminary proposals developed by the CAPZ Working Team.¹⁰ They are listed as follows:

Define a local Area Median Income (AMI) that reflects the demographic of Chinatown and utilize this figure to define affordable housing. Ensure that this figure is used for any city development effort in Chinatown and the greater Chinatown region.

Preserve the existing rent regulated stock in Chinatown by:

- Prohibiting the practice of predatory tactics that evict tenants from their rent regulated units.
- Prohibiting the intentional demolitions used by landlords to destroy the rent regulated units.

Create more affordable housing rental units by utilizing existing subsidy programs:

- Encourage 421a incentive program to build affordable housing, but tailor it to meet our community needs to build mixed use affordable housing that targets several different income levels.

- Encourage Low Income Housing Tax Credits incentive program to build affordable housing, but tailor it to meet our community needs to build mixed use affordable housing that targets several different income levels.
- Define an Inclusionary Zoning program that incentivizes the creation of affordable housing units. Mandate affordable housing when buildings are built to maximum height.
- Call for the development of 100% truly affordable housing at local AMI on New York City Housing Authority (NYCHA) property, and for ULURP review of any redevelopment of NYCHA property.
- Determine if other expired housing programs may be revived to serve Chinatown (i.e. Mitchell-Lama, Homesteading).

Provide opportunities for affordable homeownership options:

- Create and expand programs that effectively create opportunities for affordable homeownership.
- Ensure that these programs restrict immediate resale and recapture property value increases.



Tenement housing

Recommendations & Implementation Strategies

PRESERVATION OF EXISTING AFFORDABLE HOUSING

1. **Apply anti-harassment and anti-demolition provisions throughout Chinatown and its surrounding areas.**

Incorporate anti-harassment and anti-demolition regulations in the Special Zoning District, as in the Clinton Special District and other NYC Special Districts, to prevent predatory evictions and intentional demolitions by landlords, and preserve the existing rent regulated stock in Chinatown and its surrounding areas. See Chapter 6 for further detail.

2. **Increase awareness of, and encourage use of, rent increase exemptions that assist the most vulnerable.**

The Senior Citizen Rent Increase Exemption (SCRIE) program in rent-regulated, Mitchell-Lama, and other forms of housing, maintains affordable housing for seniors with a combined household income of \$29,000 or less per year. Seniors must apply for the exemption each year. Similarly, the Disability Rent Increase Exemption (DRIE) program exempts disabled people over the age of 18 from rent increases. Under these programs the landlord receives a property tax abatement equivalent to the difference between the



Confucius Plaza - Mitchell-Lama Cooperative



LaGuardia Houses

tenant's current "frozen" rent and their legal rent. A property tax abatement means that the taxpayer receives a credit on his or her tax assessment. An abatement differs from an exemption, in which properties are granted relief from taxation for the duration of the program.

CWG's Affordability Action Group should promote increased outreach to seniors and disabled individuals by local tenant groups and social service organizations.

3. Incentivize preservation of rent regulated units in new- and old-law tenement buildings through property tax abatements tied to rental income.

Explore the use of tax abatement credits similar to SCRIE and DRIE for all rent-regulated units in new- and old-law tenement buildings, to reduce the tax burden on small property owners in exchange for maintaining residential affordability.

The New York City property tax structure skews favorably toward Class 1 property owners—single family homeowners pay the lowest rates. A measure to ease the tax burden on Class 2 property owners who maintain affordable rent-regulated units (as opposed to market rate and luxury condominium and cooperative units) would begin to make the New York City tax code more progressive. Tenants often do not know the proportion of their rent that goes to property taxes. Mechanisms to increase transparency may help tenants become allies in any campaign to make property tax assessments more equitable.

However, such a proposal will require changes to state law governing the New York City tax code and therefore requires additional work and advocacy. It is unlikely that such a recommendation would be limited to just the RFP Study Area, and therefore more research would need to be done to understand the impact of the proposed abatement program.

There are also many details to work out, and these details require the attention and expertise of the entire housing community. A partial list of considerations includes:

- How to structure abatement in cases where buildings have a mix of regulated and non-regulated units.
- How to determine how much abatement is needed.
- How to guarantee that the benefit is passed on to tenants
- How to determine the duration of the abatement.
- How the abatement would interact with SCRIE and DRIE.

CWG's Affordability Action Group should work with the NYC Department of Finance, the NYS Division of Housing and Community Renewal (DHCR), the NYC Department of Housing Preservation and Development (HPD) and state and local representatives to pursue some form of tax abatement for owners of rent-stabilized buildings as a measure for both preserving affordable units and acknowledging the burden of an affordable housing program borne solely by private property owners.

4. Encourage tenant ownership of buildings taken by the city through *In Rem* tax foreclosure proceedings.

A property can become subject to *In Rem* foreclosure if property taxes and other charges are in arrears for an extended period of time. If the taxes are not paid, the City can convey a tax delinquent residential property to a qualified third party or sponsor who has substantial housing management experience, after a Court-rendered *in rem* judgment. Tenants can apply to take over the building as a limited equity cooperative. According to HPD, applications may only be submitted where: (1) the building contains at least 10 residential units; (2) the building is at least 50 percent occupied; and (3) at least 80 percent of the households sign the application. The application must be sponsored by a not-for-profit or for-profit entity approved by HPD. In 2011 HPD approved Asian Americans for Equality (AAFE) as a tenant petition sponsor. Other local groups may also be eligible.

CWG's Affordability Action Group should work with local non-profit housing developers and advocacy groups to encourage tenant ownership of *In Rem* properties through the Third Party Transfer System.

DEVELOPMENT OF NEW AFFORDABLE HOUSING

5. Create more affordable rental housing units through existing subsidy and incentive programs, such as 421a, Low Income Housing Tax Credits, and Inclusionary Zoning.

Include guaranteed and bonused affordable housing development provisions in the Special Zoning District, with specific requirements such as percentage of affordable units, affordable rent levels and on-site development, tailored to meet local needs.

The city's current Inclusionary Housing Program is voluntary. Mayor-elect Bill DeBlasio has indicated his preference for a mandatory program. CWG should continue a dialogue with the DeBlasio transition team and new administration, local elected officials, local housing developers, and HPD to provide research-based recommendations around guaranteed inclusionary measures.

6. Use local median income to determine affordability levels in publicly subsidized or incentivized residential development. Apply “deep rent skewing,” targeting AMI income bands that are representative of the RFP Study Area.

Focusing on income bands may be more feasible than recalculating AMI. Changing the income eligibility guidelines for housing projects developed with public money would require changes to federal law, implying a long and politically contentious campaign. Additionally, there may be value in retaining the HUD-calculated citywide AMI because the figure will always be based on the incomes of all of New York City, including neighborhoods that are not rapidly gentrifying. Local AMI in a rapidly gentrifying neighborhood would soon begin to reflect the higher incomes of more affluent newcomers.

In a mixed-income building where the developer is using Low Income Housing Tax Credits and tax exempt bonds for financing, an owner generally commits to renting at least 20% of the units to residents with incomes no greater than 50% of AMI or renting at least 40% of the units to residents with incomes no greater than 60% of AMI. An owner may also choose to “deep rent skew” by committing to rent 15% of the units to residents with incomes no greater than 40% of AMI.

Deep rent skewing should apply in the use of the following Federal, State, and City programs commonly used to create affordable rental housing. The percentage in parentheses indicates current affordability targets for each program:

Federal programs: Section 202 Supportive Housing for the Elderly (below 60% AMI); Section 202 Preservation Program (below 60% AMI); Section 811 Supportive Housing for Persons with Disabilities (below 60% AMI); Low-Income Housing Tax Credits 4% and 9% (below 50% AMI); Project-Based Section 8 (below 80% AMI, 40% new admits must target 30% AMI) and the HOME Program (rental: 60% AMI; ownership: 80% AMI).

New York State programs: Low-Income Housing Trust Fund (80% AMI); Homes for Working Families (60% AMI); and the 501 (c) (3) Bond Financing Program (no target required).

New York City programs: Inclusionary Housing (80% AMI); Chinatown-Lower East Side Acquisition Program (80% AMI); J-51 Tax Exemption (rent regulated); Low-Income Affordable Marketplace Program (LAMP), known as 100% Low-Income Tax Exempt prior to 2003 (below 60% AMI); Supportive Housing Loan Program (at or below 60% AMI); Participation Loan Program - New Construction (varies); 8-A Loans - to finance improvements (at or below 120% AMI); NYC Acquisition Fund-Preservation Loans (less than 60% AMI); Participation Loan Program (at or below 80% AMI); 421-A Program (at or below 120% AMI for rentals and at or below 125% AMI for homeownership if government assistance is used; at or below 60% AMI if government assistance is not used.)

Affordable housing, as defined in the Special Zoning District, should be limited to those bands of the Area Median Income for the New York City region that reflect the average local income, calculated as \$37,362 (under 45 percent of the HUD-calculated AMI of \$85,900 for a family of four in 2013).¹¹

7. Pursue affordable homeownership development through Inclusionary Zoning, FAR bonuses, Mutual Housing, the NYC Housing Acquisition Fund, and the Low-Income Housing Trust Fund.

Include affordable homeownership provisions in the Special Zoning District, with specific requirements in condominium development regarding percentage of affordable units, resale restrictions, and on-site development, tailored to meet local needs.

In addition, CWG's Affordable Housing Action Group should work with local non-profit housing developers to explore potential opportunities for affordable homeownership development in the area.

8. Ensure that all new affordable housing units remain permanently affordable.

Federal, State and City affordable housing programs vary in terms of their affordability periods. Most programs require only 30 years of affordability. Public housing is fully guaranteed to be permanently affordable, as are affordable units built as part of the Inclusionary Housing Program. Rent controlled units remain affordable as long as the person holding the lease meets income limits, and rent-stabilized units stay affordable until (a) their rent exceeds \$2,500 per month (as of 2011) and they become subject to high-rent/high-income deregulation, or (b) they become vacant and are subject to higher rents and vacancy deregulation. Units built with Low Income Housing

Tax Credits stay affordable for a period of forty years. A full summary of these programs is available in Appendix 1: Affordable Housing Programs.

Include a provision in the Special Zoning District that all new affordable housing units created as a result of upzoning or FAR bonus remain permanently affordable.

9. Establish a mutual housing association (MHA) for democratic control of all guaranteed and bonused affordable units in inclusionary zoning projects within the Special Zoning District.

Newly built affordable units can be placed under the ownership of a neighborhood-based MHA to jointly make decisions about the management of the units and to act as a unified, stronger voice for the preservation of the affordable units. The MHA would be governed by a board of directors that includes residents, representatives from the organization that runs the MHA, and possibly people from the local community. All building residents would be members of the MHA, and would be legally entitled to vote for representatives on the board of directors or run for a position themselves. The residents in these buildings would have all of the rights of ownership except the right to buy and sell the individual apartments.

The MHA would manage the units and provide a structure for tenant control. It could be held by a local mission-based community organization with deep housing development and management experience in the RFP Study Area.

CWG's Affordability Action Group should consult with the Cooper Square Mutual Housing Association on the Lower East Side, the Mutual Housing Association of New York in East New York, the Lower East Side People's Mutual Housing Association (LESPMHA) and others to explore potential strategies.

10. Consider HPD's micro-unit pilot program for potential development of affordable supportive housing for formerly homeless and low-income adults, through new construction or rehabilitation.

The Affordable Housing Action Group should explore application of the micro-unit program to supportive housing with local community-based organizations and non-profit housing developers.

Implementation of this recommendation will require commitment from HPD and the engagement of a strong partner, committed to low-cost housing, such as the Citizens Housing and Planning Council and Common Ground. The micro-unit program could be paired with other housing development programs, listed in Recommendation 6 above, that assist in financing supportive housing.

NYCHA DEVELOPMENTS

11. Promote 100% affordability on NYCHA property and ensure that any new development meets the needs of local residents.
12. Require public review under ULURP of any proposal for development on NYCHA property.

Designate a Planned Community Preservation and Resilience District for NYCHA developments on the lower East River waterfront.

The Planned Community Preservation and Resilience District would protect the unique character of the NYCHA public housing projects that were planned and developed as a unit. No demolition, new development, enlargement or alteration of landscaping or topography would be permitted in the Special District except by special permit. The special permit would require a Uniform Land Use Review Procedure (ULURP). See Chapter 6 for details.

The CWG will need to become proactive in the upcoming dialogue over the fate of NYCHA holdings on the East River.

Many groups, some citywide, some local, are already engaged in advocacy as indicated above. Some of the local groups like GOLES are currently members of the CWG. Others, like the Community Service Society and the Urban Justice Center, are citywide, but have strong interests in Chinatown.

Notes:

1. Listed rental prices for studios as well as 1, 2, and 3 bedroom apartments within and on the boundary of the RFP Study Area, collected during May 29-31, 2013, using the real estate search platform, Zillow. See CWG Task II Report, pp 60-61.
2. NYCHA Fact Sheet, 2013
3. Fact Brief: Rent Stabilization in New York City. Furman Center for Real Estate and Urban Policy
4. New York City Housing and Vacancy Survey, 2008
5. *How is Affordable Housing Threatened in Your Neighborhood?* Association for Neighborhood and Housing Development, Inc., 2013
6. Independent Budget Office analysis of Department of Finance assessment data. November, 2013. Not adjusted for inflation.
7. Ibid
8. *State of New York City's Housing and Neighborhoods*, 2012. Furman Center for Real Estate and Urban Policy. p. 98
9. *Reimagining Rezoning: A Chinatown for Residents is a Chinatown for All*, A Report of CAAAV Organizing Asian Communities and the Community Development Project of the Urban Justice Center, 2011
10. CWG Minutes, February 2012. Appendix 1. CAPZ-PAP
11. Local AMI was determined by calculating the median household income of each census tract in the RFP Study Area, and finding the median of all tract medians. In cases where only a portion of the tract was in the study area, medians were weighted. Data came from the 2011 5-Year American Community Survey.

CHAPTER 3

Economic Development

Chinatown is home to a vast array of restaurants, grocery stores, pharmacies, factories and other small businesses that have attracted immigrants and visitors alike for generations. Chinatown's assets are many, including the unique symbiosis that exists between local residents and local businesses, based upon employment and local purchasing, and the variety of goods and services that continue to draw

visitors from all over the country. Chinatown's economic mix enables it to serve as a "one stop" destination for residents, workers and visitors: you can stop by the pharmacy before going to work and then grab dinner and a cultural performance, all without leaving the neighborhood. As a vibrant commercial hub brimming with activity, Chinatown is an asset to a city that considers itself one of the greatest in the world.

Despite this vitality, Chinatown now struggles to maintain its cultural and economic identity in the face of rising real estate values and changing demographics. The aftermath of 9/11 and the decline of the garment industry, the ascendancy of Downtown Flushing and Sunset Park's Chinatowns, the influx of hotels and commercial enterprises that serve a more affluent, non-Chinese population, and the displacement of long-term residents have all begun to put pressure on local-serving businesses that are having difficulty maintaining their customer base while facing higher and higher rents. Additionally, Chinatown's magnetism for tourists is in jeopardy if its authenticity as a resident Chinese neighborhood cannot be maintained.

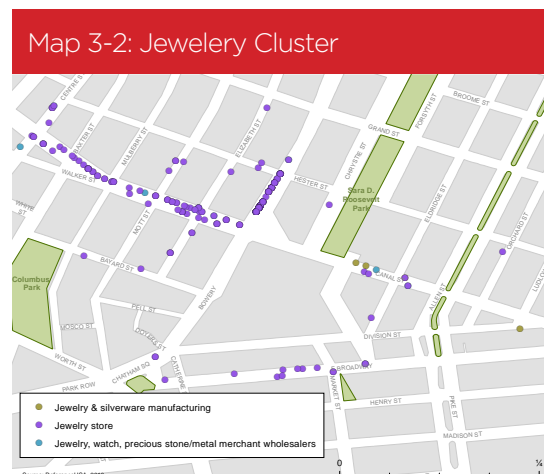
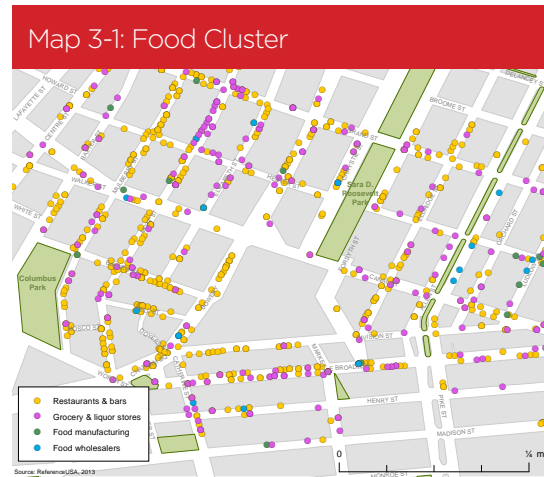


Key Findings

1. Chinatown's economy is very diverse and comprised primarily of clusters of small businesses.

Chinatown's diverse economy provides significant employment opportunities in a range of sectors including Public Administration (due to the presence of many city agency headquarters), Health Care, Retail, and Accommodation and Food Services. Despite a decline in the manufacturing sector over the past several decades, Manufacturing is still in the top 10 industries in terms of employment (Figure 3-1). While the number of residents that are employed has not changed significantly between 2002 and 2011, the number of workers in the RFP Study Area has increased by almost 55% during the same time frame.¹ Businesses tend to be small—the average business size in Zip Code 10002, which comprises the majority of the RFP Study Area, was 8.4 employees in 2011, down from an average of 9.4 employees in 1998.²

Within these sectors, Chinatown's economy is comprised of several key clusters, including food, jewelry, lighting, kitchen appliances, and health, to name a few, that are not always evident through traditional data sources, such as the U.S. Census, but clear on many vibrant Chinatown commercial corridors. These clusters are comprised of a mix of manufacturing, wholesale, retail and/or service businesses (Maps 3-1 and 3-2).



2. Chinatown's residents tend to work in the neighborhood.

For the most part, the sectors that employ the largest number of people, regardless of where they live, are also the same sectors that employ the largest numbers of RFP Study Area residents (Figure 3-1). The most notable difference is Public Administration, which is number one in terms of area employment but ranked

as the eighth largest employer for local residents. The other high employing sectors are more similar in terms of rank. The overlap between sectors for both workers and residents is further supported by the high percentages of residents who walk to work. (Map 3-3)

3. There is a need for job opportunities for local residents, many of whom have limited English skills.

Chinatown's residents have notably lower median incomes than surrounding neighborhoods, underscoring the need for targeted workforce development programs and job opportunities in sectors that pay living wages (See Map 2-1 in Chapter 2). Many of the high-employing sectors, such as Accommodation and Food Services and Manufacturing, provide job opportunities for people with limited English speaking skills, an important factor in communities with large numbers of foreign-born residents, such as Chinatown (Map 3-4). However, jobs in the accommodation and food services sector tend to pay significantly less than in the manufacturing sector: in 2012, the average annual wage in Accommodation and Food Services in New York City was \$21,753 compared to \$47,741 in Manufacturing.³ While apparel manufacturing has declined, the need to retain light industry in the neighborhood is key to ensuring that the local population has access to nearby jobs that provide entry-level opportunities as well as career ladders, and that these jobs provide living wages.

Figure 3-1: RFP Study Area Employment, 2002-2011 by Workers and Employed Residents

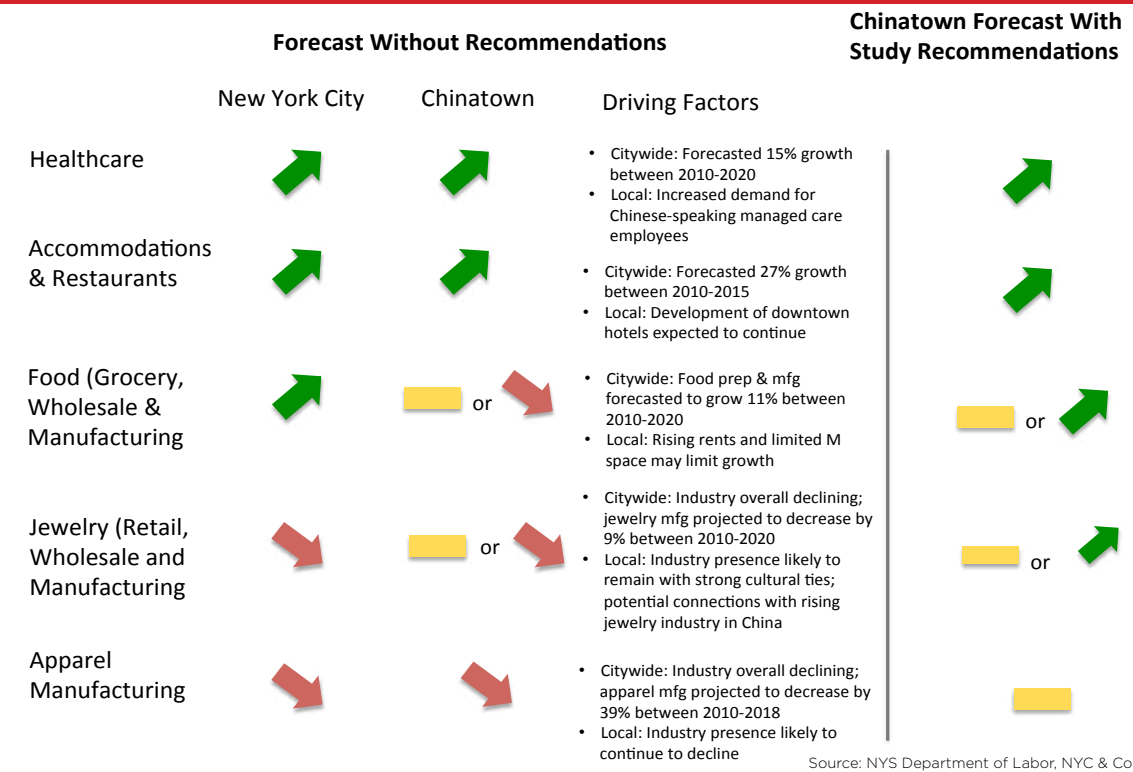
	RFP Study Area Workers by Employment Sector				RFP Study Area Residents by Employment Sector			
	2002	2011	% Change	2011 Rank	2002	2011	% Change	2011 Rank
Public Administration	33,631	61,482	82.8%	1	1,582	1,246	-21.2%	8
Health Care and Social Assistance	3,536	5,181	46.5%	2	2,853	4,058	42.2%	1
Retail Trade	2,347	2,906	23.8%	3	2,072	2,176	5.0%	3
Accommodation and Food Services	2,090	2,821	35.0%	4	1,804	2,795	54.9%	2
Professional, Scientific, and Technical Services	739	1,427	93.1%	5	1,678	1,981	18.1%	4
Other Services (excluding Public Administration)	637	1,107	73.8%	6	793	1,058	33.4%	9
Finance and Insurance	1,405	1,071	-23.8%	7	1,756	1,657	-5.6%	6
Real Estate and Rental and Leasing	718	935	30.2%	8	877	868	-1.0%	12
Manufacturing	3,314	839	-74.7%	9	2,595	959	-63.0%	10
Administration & Support, Waste Management and Remediation	865	833	-3.7%	10	1,352	1,315	-2.7%	7
Wholesale Trade	942	752	-20.2%	11	1,121	949	-15.3%	11
Information	1,530	488	-68.1%	12	954	815	-14.6%	13
Construction	338	485	43.5%	13	614	432	-29.6%	15
Educational Services	208	477	129.3%	14	1,376	1,803	31.0%	5
Management of Companies and Enterprises	174	364	109.2%	15	362	368	1.7%	17
Transportation and Warehousing	176	288	63.6%	16	589	690	17.1%	14
Arts, Entertainment, and Recreation	128	195	52.3%	17	389	428	10.0%	16
Agriculture, Forestry, Fishing and Hunting	1	0	-100.0%	18	5	9	80.0%	19
Mining, Quarrying, and Oil and Gas Extraction	0	0	0.0%	18	1	0	-100.0%	20
Utilities	1	0	0.0%	18	44	37	-15.9%	18
Total	52,780	81,651	54.7%		22,817	23,644	3.6%	

Source: U.S. Census, On the Map

4. Industries such as Health Care and Food have absorbed some of the job loss stemming from the decline in Chinatown’s garment industry, but without intervention, sectors such as Manufacturing that are particularly vulnerable to high real estate costs, will not be able to meet their growth potential.

The decline of Chinatown’s garment industry and resulting loss of jobs has had a significant impact on the local economy. Industries such as Health Care and Food (including retail, wholesale trade and manufacturing) have absorbed some of that job loss and provide opportunities for residents with limited English skills. Health Care and Tourism (reflected in Accommodation and Restaurants) are growing citywide. Similar trends are expected in Chinatown (Figure 3-2). The food industry is also expected to grow citywide, but its wholesale and manufacturing divisions rely heavily on the availability of affordable real estate, which is increasingly in short supply in Chinatown. Similar factors constrain Chinatown’s Jewelry and Apparel Manufacturing sectors. While little remains of the garment industry in Chinatown, the Jewelry and Food sectors may be maintained or even bolstered by strategic interventions that stabilize real estate pressures and provide the necessary business infrastructure for sector-based workforce training and business assistance.

Figure 3-2: Market Forecast for Select Chinatown Industries



The increased Chinese populations in Sunset Park and Flushing, and availability of specialized Chinese goods and services in those locations could undermine Manhattan Chinatown’s businesses. When looked at in comparison though, Manhattan’s Chinatown had the largest retail sales in 2012 and the largest surplus sales—sales that serve customers outside the area (Figure 3-4). Nonetheless, as the demographics shift, Manhattan Chinatown’s businesses could benefit from targeted marketing to the outer boroughs and to other regional Chinatowns to ensure that they continue to attract a healthy customer base. (Map 3-5)

While tourism has picked up in recent years, the closure of many intercity bus routes has led to a decline in sales for businesses that offer goods and services primarily for a regional Chinese customer base. The post-9/11 closure of Park Row and elimination of municipal parking at Police Plaza has also hurt businesses.

Interviews with 29 Chinatown businesses conducted between June 19 and June 20, 2013 as part of this study revealed that the major challenges facing businesses were loss of customers, increased rent and limited parking. Inadequate parking and other transportation challenges were also cited in CWG’s Traffic and Transportation Action Plan, adopted in July, 2011. Many businesses were finding it difficult to stay in Chinatown as a result of these factors. While there are programs in place to assist businesses, most of those interviewed were unaware of these programs. They also stated that access to loans was not an issue.

Figure 3-3: Change in Chinese-American Population of the Three Chinatowns (Census Tracts with Over 30% Chinese in 2010), 2000-2010

	2000	2010	% Change
Chinatown, Manhattan	49441	40097	-18.9%
Sunset Park, Brooklyn	27357	46463	69.8%
Flushing, Queens	14353	26744	86.3%

Source: US Census 2000 and 2010

Figure 3-4: Comparison of Retail Sales for NYC’s Three Chinatowns, 2012

	Household Expenditures	Retail Sales	Surplus Sales
Chinatown, Manhattan	\$536,096,709	\$1,125,325,942	\$589,229,232
Flushing, Queens	\$340,026,677	\$345,146,553	\$5,119,875
Sunset Park, Brooklyn	\$310,959,983	\$248,008,829	-\$62,951,154

Source: ESRI BAO 2012

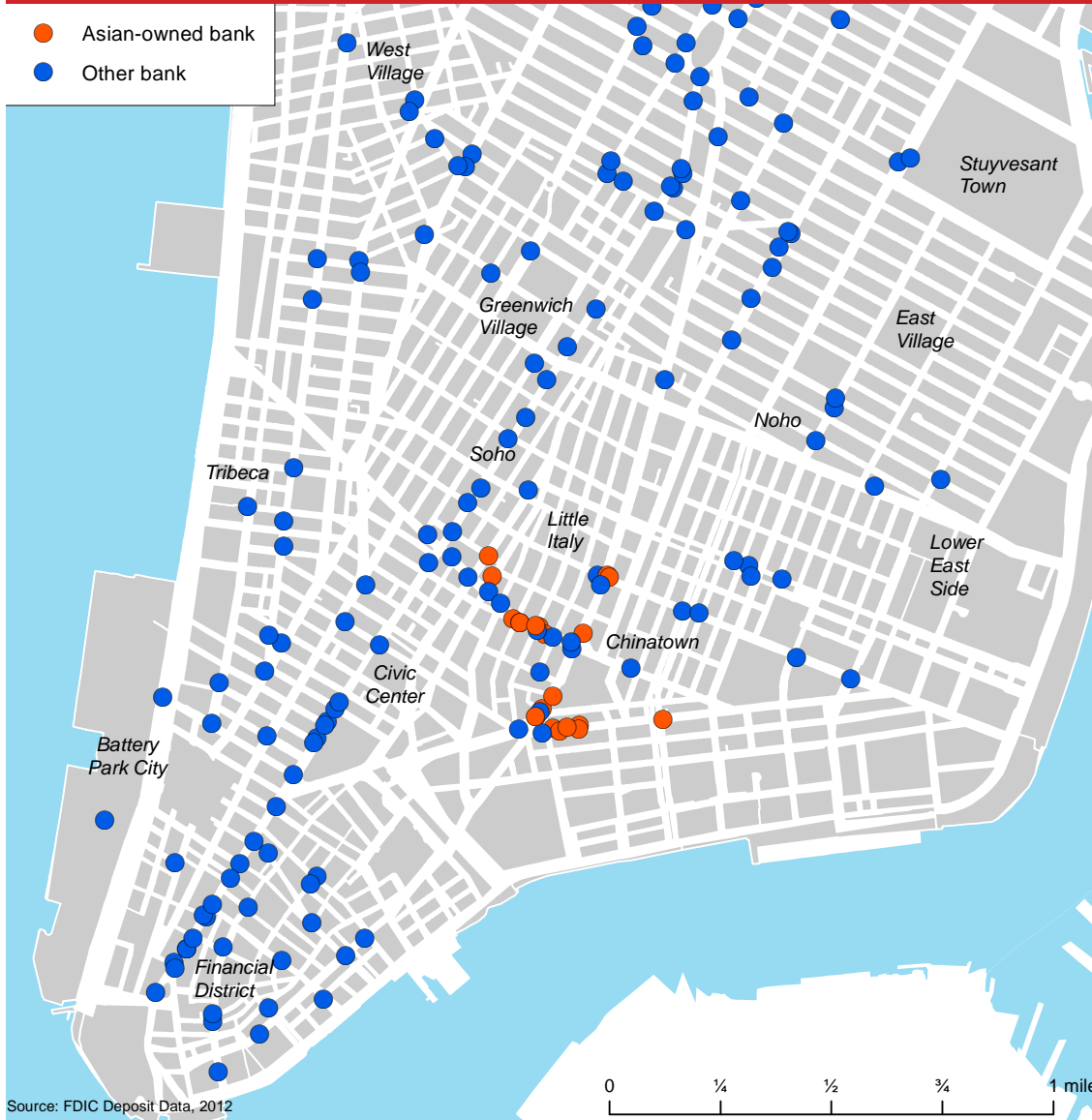
Map 3-5: Chinese Concentrations in New York City, 2010



6. Chinatown has a strong local economic development infrastructure that can be leveraged to further support the growth of its economy.

There are a number of local economic development organizations serving Chinatown's business community and workforce, including the Chinatown Partnership, Renaissance Economic Development Corporation, and Chinatown Manpower Project. Currently these organizations provide a range of business and workforce assistance programs, but as the abovementioned interviews demonstrated, many businesses remain unaware of these services. In addition, Chinatown is served by a large number of banks, many of which are Asian-owned, as self-declared to the FDIC and U.S. Treasury (Map 3-6). While the vast majority of businesses interviewed stated access to debt financing was not an issue, there are opportunities to partner with banks to support local economic development initiatives that can also help them fulfill their Community Reinvestment Act obligations.

Map 3-6: Lower Manhattan's Bank Branches by Ownership, 2012



Economic Development Goals

The economic development recommendations set forth below seek to strengthen Chinatown's existing business community, revive its customer base and create tools for the next generation of Chinatown's leaders, to ensure a healthy economic future. Primary strategies for achieving these goals:

- **Promote economic development that benefits the residents and businesses of Chinatown and surrounding areas.**
- **Create well-paying job opportunities for the residents of Chinatown and surrounding areas.**
- **Build upon the existing base of businesses and commercial activity in Chinatown to continue to serve the local and regional Chinese population.**



Jewelry District - Canal Street

Recommendations & Implementation Strategies

1. Reconvene CWG's Economic Development Working Group.

The CWG should invite all local groups with the capacity (or potential capacity) to advance one or more of the plan's Economic Development recommendations to form an Economic Development Action Group that will work with other CWG groups, local and citywide organizations, and government agencies on implementation.

2. Foster the next generation of Chinatown's economic development leaders.

As Chinatown's population ages, efforts must be made to groom and attract young entrepreneurs interested in applying their talents in and for Chinatown. In addition, many of the strategies included in this report are long-term and will require a cadre of local economic development leaders to carry them through over the next several years. To do so, local community development organizations should:

- **Commit to either developing a "Young Entrepreneurs Boot Camp" series for a cohort of local residents or sponsor participation in existing fellowship programs such as Coro's Immigrant Civic Leadership Program or the BALLE Fellowship program, both of which provide leadership training to individuals from communities of color to advance local economic development.** The goal of these fellowships would be to expand the capacity for local groups and individuals to undertake transformative economic development initiatives in Chinatown.
- **Promote the next round of NYCEDC's THRIVE Competition throughout Chinatown.** This initiative offers prize money and promotion opportunities for business plans developed by New York City immigrant entrepreneurs. Applicants from Chinatown interested in starting a business in Chinatown should be encouraged to apply.

Coordinated efforts by Economic Development Action Group members and local community development organizations as well as youth and workforce development entities such as LaGuardia Community College (LAGCC) and the Borough of Manhattan Community College (BMCC).

3. Maintain affordable commercial space for local businesses to survive and thrive.

Commercial rents in Chinatown have risen, placing substantial pressure on local businesses, especially small, independent businesses that serve the local community. In some instances small property owners burdened with high property taxes and limited income from rent regulated apartments, have little choice but to increase the rent on their commercial

units, which are not subject to regulation, in order to maintain their positive cash flow. As a result, many local serving businesses are finding it difficult to continue to operate in the neighborhood. To maintain a vibrant commercial mix that is affordable for small, community-serving businesses, both zoning restrictions and tax incentives should be put in place.

(b) Incorporate the following provisions in the Special Zoning District:

- Limit the size of certain commercial uses in some areas
- Require a Special Permit for certain uses, such as hotels, regardless of size
- Allow additional light manufacturing uses that are compatible with a mixed-use neighborhood in commercially zoned areas of the Special District
- Include a “G” zoning designation requiring a special permit to convert existing manufacturing space
- Prohibit certain uses, e.g. universities and very large entertainment or retail establishments that are incompatible with a local residential community

Identify members of the Economic Development Action Group to work with the Zoning Action Group to shepherd economic development related provisions in the Special Zoning District through the application process.

(a) Pursue development and implementation of the following tax abatement measures as incentives for preserving affordable commercial space.

- Property tax abatement for landlords providing space to businesses defined as “community serving” with a five year lease or more.
- Property tax abatement for landlords committing to limit annual commercial rent increases to 3% per year.

Work with the Department of Finance and state and local representatives to explore potential changes to the New York City tax code that would preserve affordable commercial space. Definition of “community serving” to be proposed by CWG member organizations. Coordinate with the Affordability Action Group.

4. Develop sector-based anchor projects that provide multi-use space connected with targeted workforce development programs.

Chinatown’s economy is very diverse but has historically been tied to several key industries, most notably the garment industry. As the garment industry has declined, Health Care has increased dramatically, creating new job opportunities for many residents. Two other industries, Food and Jewelry, also contribute significantly to the local economy and could prove to be important growth sectors but, due to real estate and other pressures, need to be bolstered in order to remain active in the neighborhood.

- **Develop an Asian Food Center in Chinatown that offers a public food market featuring**

Asian-only cuisine on the ground level and additional space for Asian wholesale food distribution and food manufacturing on the ground and upper floors. The Asian Food Center should also offer culinary and restaurant management training programs in an effort to create career ladders for local residents in the food industry. The development of a night market, mentioned below, should also be tied to the Asian Food Center.

- **Develop a Chinatown Jewelry Center that offers ground floor jewelry retail space and space for a wholesale jewelry exchange and jewelry production on the upper floors.** The jewelry exchange should capitalize on the growth of the jewelry industry in China and be developed as the U.S. hub for wholesale imports from China. Jewelry apprentice programs should also be offered through the Chinatown Jewelry Center.
- **Explore additional sector-based workforce development programs, specifically in the health care industry.** Chinatown Manpower Project’s health care training programs are very successful and expansion efforts should be explored with the assistance of the Borough of Manhattan Community College (BMCC) and LaGuardia Community College (LAGCC), both of which specialize in health care workforce training programs for immigrant populations. While there are a number of small health clinics and doctor’s offices in the neighborhood, the development of a larger clinic could serve as an anchor for the cluster. Chinatown also has other industry clusters including lighting and kitchen appliances. Sector-based strategies should be explored for these clusters as well to maximize efficiency of services and impact. In addition, workforce development programs should be designed to link local residents with jobs in Lower Manhattan’s growing science and technology sector.

Sector-based economic development strategies have long been successfully implemented in New York City. These strategies seek to capitalize on the shared needs of a particular industry and maximize the efficiency of service delivery by targeting a cluster of similar businesses rather than single businesses one at a time. Similar companies often choose to locate near each other as evidenced by the many clusters that have formed over time in New York City including the Bowery's lighting district, Chelsea's flower district, the Garment Center and others. Many of these clusters have been undermined as real estate prices have increased throughout the city and businesses have dispersed to other locations.

To retain and grow key clusters in Chinatown, local economic development groups should explore purchasing and/or managing spaces for food and/or jewelry “anchor projects” that include retail and production space to accommodate well-paying employment. While the anchor projects could be developed by a for-profit developer, a mission-driven, non-profit real estate developer/manager is more likely to maintain long-term affordable space for job creation purposes. Workforce development opportunities should be tied to these projects to maximize the benefit to local residents. Local economic development groups interested in this type of project should explore the fellowships and competitions mentioned in Recommendation 2 above, to help support the creation of a business plan and public interest in the project.

Coordinated effort by the Economic Development Action Group, in consultation with the Department of Small Business Services (Neighborhood Development Division), the NYC Economic Development Corporation, academic institutions such as BMCC and LAG-CC, and the Greenpoint Manufacturing and Design Center, a non-profit industrial developer in Brooklyn.



5. Revive Chinatown's customer base by leveraging Chinatown's cultural and unique business assets.

Many Chinatown businesses suffer from a diminished customer base as residents displaced by rising rents and/or landlord harassment have left the neighborhood for more affordable housing options elsewhere, and with the loss of garment manufacturing workers that shopped in the neighborhood on their way to and from work. Chinatown's cultural and unique business assets should be leveraged to attract shoppers from Chinese communities around the region to help increase “foot traffic” in its commercial areas.

- (a) Develop a series of cultural programs, building off the success of cultural programs and events that have taken place in previous years, and market to the regional Chinese community as well as the national and international tourist industry.



Some examples include:

- A night market featuring local artisans and other vendors. The night market should be coordinated with local retailers so that night market promotion benefits both market vendors and existing businesses. Existing businesses should consider expanding store hours to overlap with the market's hours.
 - Cultural events such as the “Taste of Chinatown”, a Lunar New Year Flower Market and a Chinatown Restaurant Week, all with associated discounts and coupons for local businesses.
 - Cultural performances featuring local and international performers, particularly those from Asia; consider tying promotions for local restaurants and retailers to ticket sales.
- (b) Create a coordinated marketing campaign for Chinatown's businesses aimed at Chinese residents in New York City's outer boroughs and the wider region. Promote regional and intracity bus service to encourage shopping in Chinatown.

The marketing campaign should highlight the unique businesses and services available in Chinatown (e.g. Chinese wedding services, immigration lawyers, Chinese pharmacies, etc.) and the unique concentration of these businesses and services enabling shoppers to meet their needs in one trip. It should also promote Chinatown's unique arts and cultural assets. While the closure of many regional and inter-state bus operations was necessary due to safety concerns the decrease in bus service has anecdotally had a negative impact on Chinatown's customer base. Therefore, there is a need to ensure that the current bus service remains not only safe but linked to local business promotion.

- Work with the local banking community to institute philanthropic sponsorships of local cultural initiatives. Potential strategies could include funding a non-profit entity to curate murals painted by local artists and residents, use of bank windows for displaying local art, and sponsoring cultural events and performances such as those listed above.

The Economic Development Action Group should work closely with the Culture and Historic Preservation Action Group to encourage collaboration between the Chinatown Partnership, Chinatown BID, Chinese Chamber of Commerce of NY, NYC Department of Cultural Affairs, NYC Department of Small Business Services, CREATE in Chinatown and others.

6. Enhance businesses services to support a vibrant business community and a well-trained and well-connected local workforce.

Local economic development organizations currently provide an array of business support and workforce

development services, yet many businesses remain unaware of their existence. These organizations should actively reach out to businesses and enhance their current programming to:

- Advise and assist business owners on business strategy, market research and marketing, better business practices, employee wages and benefits, and compliance issues, particularly related to navigating fines, fees, and licensing requirements.
- Advise and assist business owners on accessing available financial incentives, grants and other government or non-profit sponsored programs and Minority/Women Locally Based Enterprise and Locally Based Enterprise (for construction firms) certifications.
- Educate businesses on the benefits of providing prevailing wages and encourage them to do so. Payment of prevailing wages would create higher disposable incomes in the neighborhood that would enable workers to spend more on local businesses and services.
- Provide English as a Second Language (ESL) services to businesses and employees. Pursue partnerships with Borough of Manhattan Community College and La Guardia Community College to provide tailored ESL classes for the restaurant, retail and health care industries—three significant employers in Chinatown.
- Form a Business Advisory Council, comprised of business owners that both rent and own their space, to work with the Chinatown BID. The Council could advise on a pre-determined portion of the Chinatown BID's revenues for specific services and programs that meet the needs of local businesses, particularly those that rent their space.

- Provide business continuity and emergency preparedness workshops to inform businesses of strategies that can help them prepare for and respond to a wide range of unforeseen business disruptions. Strategies could include preparing an employee contact list and phone tree, digitizing files and purchasing secure online file storage, and installing back-up power capacity.
- Create a Business Emergency Grant Pool Program for local businesses in times of emergency. The program should be designed so that grants are repaid at 0% interest over a pre-determined amount of time. Potential funding streams could come from a local crowdsourcing campaign, local banks' philanthropic efforts, or through the BID Business Advisory Council described above.
- Encourage the Chinatown BID to apply for the next round of the "Neighborhood Challenge" (formerly the "BID Challenge") sponsored by the Department of Small Business Services, which offers prizes up to \$100,000 for innovative ideas to foster job development and investment in BID districts.

Coordinated effort by the Economic Development Action Group, working with the Chinatown Partnership, the Chinatown BID and local economic development groups, in consultation with SBS and in partnership with BMCC and LAGCC.

7. Pursue improved transportation and parking options for Chinatown residents, workers and visitors.

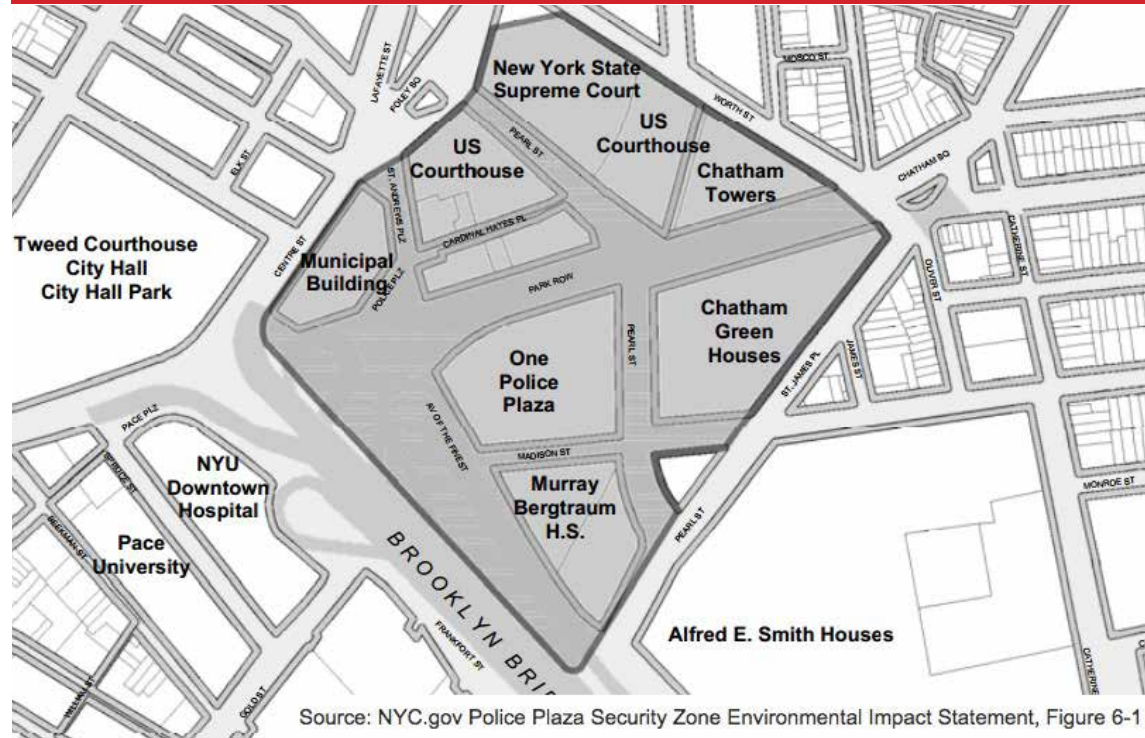
Although Chinatown is served by several subway lines and bus routes and traversed by major roadways such as Canal Street and the Bowery, it still

suffers from inadequate bus service, limited public parking and a security lockdown that has substantially reduced public access. The closure of Park Row, the main artery connecting the Bowery and East Broadway to City Hall and the Financial District, has had a negative impact on Chinatown, causing intense traffic congestion in Chatham Square and isolating major sections of the community (Map 3-7). Loss of the municipal parking garage at Police Plaza and widespread placard parking by government officials and employees have also had a severe impact. Many businesses in Chinatown's historic core believe that lack of parking for customers traveling from other parts of New York City and the region negatively impacts sales. Finally, layover parking for intercity and intracity buses that play a critical role in Chinatown's economy - connecting Chinese workers to jobs in out-of-state locations and serving a citywide and regional Chinese customer base - has yet to be resolved.

CWG's Traffic and Transportation Action Plan, proposed by the Parking, Transportation, Circulation and Security Working Team, was adopted on July 12, 2011. The following recommendations are made with those known strategies in mind and reflect key aspects highlighted in the Transportation Action Plan that impact local businesses.

- The City should take steps to reopen Park Row.
- The NYC Department of Transportation should commission a study to explore various locations for regional bus parking, including the NYC Department of Environmental Protection's parking lot under the Manhattan Bridge. The proposed Special Chinatown and Lower East River District includes a recommendation to retain the existing C8-4 designation on this site (Subdistrict F) in order to preserve its current use for parking (See Map 1-3).

Map 3-7: Police Plaza Security Zone



Source: NYC.gov Police Plaza Security Zone Environmental Impact Statement, Figure 6-1

- The MTA should improve bus service along Park Row. Local residents have repeatedly called for an increase in the frequency of the M103 and extension of the Limited M101 to City Hall.
- The City should explore alternatives for government parking, including the DEP parking lot under the Manhattan Bridge, and address abuse of placard parking by government employees.

Parking and transportation improvements will require strong advocacy by the Economic Development Action Group, working in close coordination with CWG's Parking, Transportation, Circulation and Security Working Group, elected officials, and local organizations and civic groups, in consultation with NYCDOT and NYPD.

Notes:

1. U.S. Census, On the Map, 2012
2. U.S. Census, County Business Patterns, 2011
3. U.S. Department of Labor, Bureau of Labor Statistics, Quarterly Census for Employment and Wages, 2012

CHAPTER 4

Culture And Historic Preservation

Chinatown and its surrounding areas form a vibrant canvas upon which centuries of immigration have left their mark. In order to build the future of these neighborhoods and communities we must recognize and preserve the significant elements of their past as well as their present.

CWG's Culture, Affordability, Preservation and Zoning (CAPZ) Working Team has extensively studied Chinatown and its surrounding areas, with an eye toward historic preservation and supporting cultural programming and uses. This plan builds upon their work and incorporates their recommendations into the broader community vision.



Historic and Cultural Context

The RFP Study Area has a rich and multi-layered immigrant history, marked by successive waves of immigrants over a period of more than 200 years. While the present residents are predominately Chinese American, this Lower East Side neighborhood's population has changed and boundaries have shifted during this time. It is important to recognize the historic development of this area, celebrate its different cultures, and preserve sites of historic, architectural and cultural significance for current and future generations.

This part of Lower Manhattan was initially inhabited

by the Lenape Indians. By the mid- to late-1600s, the Dutch and subsequently the English had replaced the Native American population. Although much of the City's early Black community was comprised of slaves, an increasing number of free Blacks and abolitionists made this area their home by the mid-1700s. The Mariners' Temple Baptist Church at 3 Henry Street has been serving its African American congregation since 1795. During the early to mid-1800s large numbers of Irish and German immigrants established their own communities in the area, including Little Germany (Kleindeutschland), which extended from Division Street to 14th Street, between the Bowery and Avenue D. The Jewish and Italian immigration peaks of the late 1800s and early 1900s further changed the makeup of the neighborhood. Even as their resident populations have declined,

community groups and longtime residents of Little Italy and the Jewish Lower East Side are working to preserve, share and celebrate their rich cultural histories and communities they established in this area.

Puerto Ricans, granted American citizenship in the 1917 Jones Act, settled in large numbers in the Lower East Side (Loisaida) north of Canal Street in the mid-20th Century, taking on jobs in the city's garment industry and other unskilled occupations and living in severely overcrowded tenement houses. Major public housing developments built from the late 1930s to the 1960s along the lower East River provided much needed accommodation for many of these and other working-class families and have created a strong community identity over generations.

Chinatown, established through a long period of immigration that continues to this day, comprises much of the RFP Study Area. Although the history of Chinese in America is heavily attributed to and influenced by the "California" experience of Chinese workers during the Gold Rush and building of the transcontinental railroads, and their subsequent eastward migration, the very nature of New York City, as a key seaport, economic engine and immigrant portal of the early United States, played a significant role in how Chinatown developed. A small Chinese population already existed in Lower Manhattan in the early 1800s as a result of the China Trades.¹ Since many members were seamen or sea merchants, they were very much part of the thriving port culture of the South Street Seaport area, the slums of "Five Points" and the entertainment/theater district of the Bowery. The opening of Wo Kee, the first Chinese general merchandise store in New York City, on Mott Street in the 1870s, marked the formation of the historic core of today's Chinatown.

Anti-Chinese sentiment and violence and the passage of the Chinese Exclusion Act of 1882, prohibiting Chinese laborers from entering the United States or



becoming naturalized citizens, forced many Chinese on the West Coast of America to migrate across the country, to fledgling Chinatowns in cities such as Chicago, Boston, Philadelphia and New York. The establishment of family and civic associations, including the Chinese Consolidated Benevolent Association (1882), and growth of businesses around Mott, Pell and Doyers Streets created a social and commercial district that served the region's predominately male Chinese American community, providing a vital link to their homeland and to each other.

The population of Chinatown remained relatively small until 1943, when the Exclusion Act was repealed. The gender-imbalance changed significantly with passage of the 1945 War Brides Act, when Chinese American GIs were finally able to bring their wives over to the United States. However, it was only after passage of the Immigration and Nationality Act of 1965, when immigration quotas from China were finally normalized with other nations at 20,000 per year that New York Chinatown's population began to grow. Thousands of Cantonese speaking families emigrating from Hong Kong overwhelmed the entire social, cultural, economic and physical fabric and infrastructure of a community that typically served the village-dialect speaking and predominately Toisan-speaking "old-timers."

This huge influx of immigrants occurred at time - between 1965 and 1980 - when New York City was undergoing significant economic decline. Wholesale disinvestment, housing abandonment, social service cutbacks and high crime levels presented difficult challenges as well as opportunities for the community. Many long-time residents of the Lower East Side and Little Italy moved out of the area, providing new Chinese immigrants with reasonably affordable housing and commercial space with which to begin a new start. New York City's declining garment industry, with its low capital investment requirements, created openings for Chinese entrepreneurs to

establish garment shops, providing local job opportunities for low-skilled workers. Restaurants and other small businesses followed the same pattern. In fits and starts, Chinatown became a center for cultural, economic, professional, and service activity and a regional hub for the Chinese American community.

Immigration by large numbers of predominantly middle-class Chinese to the United States following conclusion of the Vietnam War (when many middle-class ethnic Chinese left Vietnam), US-China Normalization in 1979, and Hong Kong's return to Chinese rule in 1997, both increased social and cultural diversity in Chinatown and brought significant capital to the area. Increasing numbers of Fujianese immigrants have settled along East Broadway since the late 1980s, opening up stores selling ethnically specialized goods and services, and adding further cultural diversity to the area.

By the late 1990s the garment industry resuscitated by Chinese immigrants was in decline in the face of insurmountable competition from lower wage regions in the South and successively from Latin America, China, Southeast Asia and India. The September 11, 2001 terrorist attack on the World Trade Center and subsequent creation of a frozen security zone effectively shut down many of the garment shops that remained, shifting the economic foundations of the community and significantly altering the live-work paradigm of Chinatown.

Although Chinatown's economy has not yet fully recovered from September 11, decades of neighborhood stabilization efforts by Lower East Side and Chinatown residents, workers and organizations, coupled with rebuilding efforts in Lower Manhattan and strong market forces have triggered substantial new investment in Chinatown and surrounding areas. While reinvestment is needed in certain areas, the current pace of development and lack of historic preservation measures threaten the loss of significant

historic resources and places of cultural identity in Chinatown. Stores that operated since the late 1880s and early 1900s meeting the needs of the earliest generation of residents have been replaced with glass and brush aluminum clad commercial buildings and hotels. The Port Arthur Restaurant (1897-1982) was replaced by the Kam Kuo Supermarket, which itself was replaced by a professional office building in 2009. The Sun Sing Theater (1942-1993) on East Broadway, a community mainstay showing Chinese movies and Cantonese Opera, became a mall and restaurant. Pagoda Theater closed in 1992 and became a bank. The last movie theater, Music Palace (1942-1993) became a hotel.



Key Findings

PHYSICAL ENVIRONMENT

1. Buildings

The RFP Study Area contains four main building types: historic tenements, large-scale public housing developments, historic industrial and commercial buildings, and more recent infill development.

Historic tenements

One of the largest remaining concentrations of new and old law tenement buildings in New York City lies within the historic Chinatown core, the Lower East Side and Little Italy.² The 5- and 6-story walk-up tenements, with retail uses on the ground floor and residential above, are the most common building type in the RFP Study Area. These buildings, some of them dating as far back as the late-19th Century, demonstrate varying degrees of architectural integrity, from intact details to heavy alterations. Decorative ironwork fire escapes tend to be their defining characteristic. Chinese elements such as lanterns, pagoda-like facades, balconies, and red awnings and paint, have been added more recently in some cases.

Public Housing

New York City Housing Authority (NYCHA) developments - Riis I and II, Wald, Baruch, Vladeck I and II, La Guardia, Rutgers and Smith Houses - define the southern and eastern portions of the RFP Study Area along the Lower East River waterfront (See Map 2-9). These “tower in the park” planned unit developments were built in the 1930s, 40s and 50s in response to poor housing conditions and overcrowding in the Lower East Side. Their design was heavily influenced by the ideas of European architect Le Corbusier and inspired by large-scale housing developments in England and Europe. They are distinctive for

breaking the street grid, high-rise buildings, landscaped open space, and iconic red brick facades. In *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York*, Samuel Zipp describes the emergence of a new aesthetic and social vision of modern housing in 1930s New York under the auspices of the New York City Housing Authority.

“Architecturally, NYCHA married modern functionalism and American garden apartment traditions to pioneer its own brand of cruciform-shaped, red-brick clad modern towers. Most important, NYCHA brought into wide usage a planning innovation crucial to the elaboration of urban renewal: the “superblock.” Both European and American reformers agreed that, in order to be successful, city rebuilding had to launch a sizable intervention in the old city fabric. New housing, they believed, had to arrive in such quantity that it would not be overwhelmed by the old tenement district; it had to form the basis for what planners and housers called a self-contained “neighborhood unit” – an urban intervention big enough to survive, but small enough to nurture community life. By taking large tracts through eminent domain, closing streets, and putting up modern, tower block housing on cleared green space, new superblock housing projects would ensure their own economic survival, offer the ideal environment for proper family and community life, disrupt the old speculative street grid and return light, air and open space to city dwellers.”³

Industrial and commercial buildings

Certain sections of the RFP Study Area, notably on the western boundary and in scattered locations throughout, contain historic industrial buildings and warehouses. Far-western portions of the RFP Study Area, between Broadway, Lafayette, Canal and White Streets, lie within the



Tribeca East Historic District. The upper floors of many commercial and industrial buildings have been converted into residential lofts over time; however, some active uses remain, such as small garment manufacturers and storage.

Infill development

Infill development is scattered throughout the RFP Study Area. This new development tends to be out-of-scale and out-of-character with its surroundings, with glass curtain walls or sheer brick facades. Many of the new buildings are resi-



Doyers Street, Five Points



Commercial building



Infill development

dential and/or hotels and ultra-modern in design. A few, such as those near Chatham Square, are commercial.

2. Historic Streets

The historic core of Chinatown - bounded by Bayard Street to the north, Worth Street to the south, Bowery to the east, and Baxter Street to the west, has a unique street pattern. As the heart of the notorious 19th Century “Five Points” neighborhood it holds a significant place in New York City’s cultural history. It includes Doyers Street, widely considered to be the defining street of historic and contemporary Chinatown. This small, winding street was once known as “the Bloody Angle” in reference to the many street battles that took place among Chinese tongs in the late 19th and early 20th Centuries. Today Doyers Street is a well-preserved street that feels like a movie set, but is in fact a vibrant retail and commercial strip.

3. Public Open Space

While there is substantial open space associated with the NYCHA developments along the East River waterfront the Chinatown core does not have many public open spaces. The few that are readily accessible are among the City’s most heavily used. Public open space plays an important role in communities, not

only in terms of providing opportunities for active recreation but also for civic engagement, cultural expression and quiet contemplation. In densely populated urban environments like Chinatown and its surrounding neighborhoods, public open space also provides a critical respite from small overcrowded apartments. (Map 4-1)

Small parks

The RFP Study Area contains a number of small parks, the most prominent being Sara Delano Roosevelt Park between Forsyth and Chrystie Streets, and Columbus Park between Baxter and Mulberry Streets in Chinatown’s historic core. Seward Park, the first municipally built playground in the United States, lies on the boundary of the study area north of East Broadway. The LES Coleman Skatepark along Pike Street under the Manhattan Bridge provides active recreation space. These parks and playgrounds are heavily utilized by local residents of all ages, from toddlers to teenagers, adults and senior citizens. While they support diverse uses, including dancing, exercise, tai chi, card and chess playing, music, singing, reading, sports, and socializing, these urban refuges are totally inadequate for the size and density of the existing population.

Public plazas

Kimlau Square and Confucius Plaza are the two notable public plazas in Chinatown. Local residents and tourists often sit or take photographs around the statue of Lin Zexu and the Kimlau Memorial Arch in Kimlau Square, a park located in Chatham Square, while residents and workers sometimes take a break in the shade around the Confucius statue in Confucius Plaza.

James Madison Plaza, located at the intersection of Pearl Street, Madison Street and St. James Place was recently restored with funds from the Lower



Columbus Park

Map 4-1: Public Open Space



Map 4-2: Confucius Plaza “amphitheater”



Manhattan Development Corporation and the NYPD. What was once a paved lot is now a sitting area surrounded by a garden, with a fountain featuring a polished granite sphere etched with a world map that can be turned by hand, in recognition of the Chinatown community’s international linkages.

There is potential for development of additional public open space in the city-owned triangle of land immediately to the north of Confucius Plaza, currently used for waste management and recycling. This recessed piece of property, flanked by the entrance to the Manhattan Bridge to the east, the Bowery to the west and Confucius Plaza/P.S. 124 to the south, forms a natural amphitheater that could become a key resource for the community as an outdoor meeting and performance space. The entire Confucius Plaza complex, including P.S. 124 and the 726-unit Confucius Plaza Cooperative was developed by the New York City Educational Construction Fund (ECF) in 1976.⁴ (Map 4-2)





East River waterfront under the FDR Drive



Streetscape

Waterfront

The Lower East River waterfront is physically separated from the neighborhood by the FDR Drive overpass and South Street and isolated from economic activity in the RFP Study Area. None of the markets, vendors, or businesses has a presence there. Yet it is utilized to some extent for sitting, fishing, or strolling, primarily by elderly residents.

4. Sense of Place

Vibrant street life and streetscapes

Perhaps the most defining features of Chinatown's streets are the street vendors and merchants whose stores spill out onto the sidewalk, selling anything from seafood and produce to flowers, toys, herbs, clothing, kitchen supplies and dry goods. Open storefronts and vendors create a lively street life, primarily along Canal, Catherine, Henry, East Broadway, Mulberry, Orchard, Hester, and Grand Streets. Sidewalk retail tends to take up almost half the sidewalk on small streets, less on large streets, such as the Bowery.

The sheer density and diversity of the pedestrian population (residents, tourists, office workers) in the Chinatown core and adjacent areas, limited

sidewalk space, and different walking paces (tourists tend to linger and stop whereas residents tend to be intentional in their walking) can lead to a lively though congested sense of place.

The dynamic street wall created by open storefronts, restaurant entrances and colorful window displays is in sharp contrast to the long empty bank windows along certain sidewalks that serve to deaden the streetscape.

Signage

Brightly colored vertical banners and signage in Chinese characters add to the vibrancy of the street and let both outsiders and residents alike know that this is Chinatown. A concentration of both can be found on buildings and awnings in the Chinatown core, particularly on Pell, Doyers, and Mott Streets. This signage becomes less prevalent as one moves north and east, although it is still found in other parts of the RFP Study Area. It is important to note that most of the signage that gives Chinatown such unique character does not comply with current zoning.

PREVIOUSLY IDENTIFIED HISTORIC AND CULTURALLY SIGNIFICANT RESOURCES

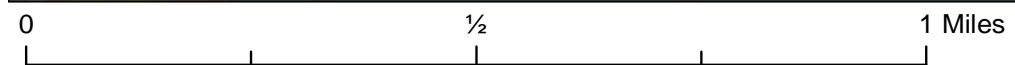
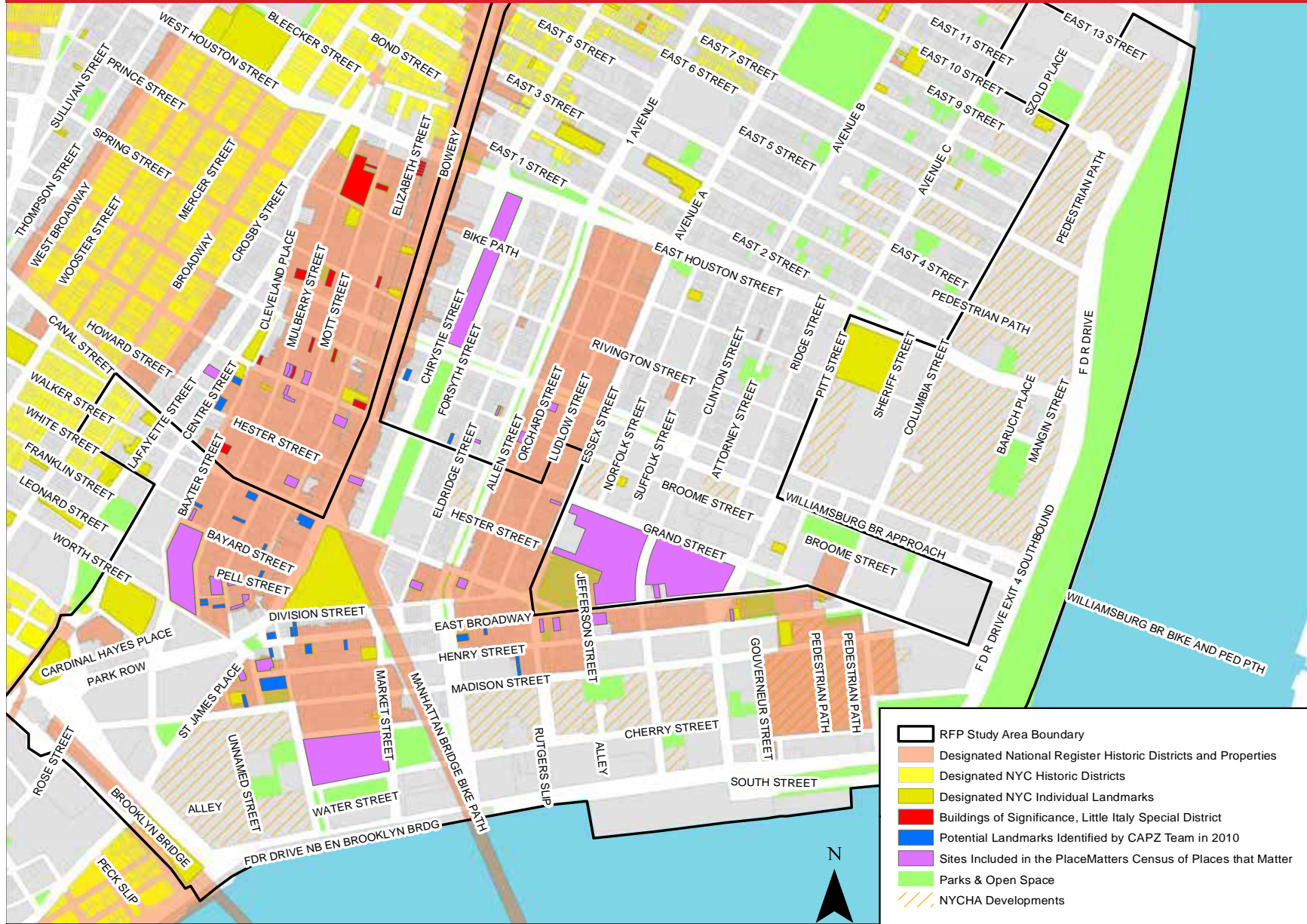
Because of their rich history large sections of the RFP Study Area and surrounding areas are recognized for their historic importance. Map 4-3 presents both designated and identified historic resources in and around the RFP Study Area. Appendix 2 provides more detail on these properties.

There are two types of formal historic designation: Local New York City landmarks; and properties listed in the National Register of Historic Places.



Signage

Map 4-3: Previously Identified Historic Resources



1. Local New York City Landmarks

Individual structures

Shown in dark yellow on the map, these sites are designated and regulated by the New York City Landmarks Preservation Commission (LPC). Local landmarks must be at least 30 years old and must possess, “a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation,” as defined by the LPC. Historically, the LPC has focused on architectural significance when designating properties, but will also consider properties that have cultural, but not architectural, significance. Any proposed alterations to a landmarked building must be reviewed and approved by the LPC, and significant changes require a public hearing. Some grant opportunities are available from the LPC and local organizations for owners undertaking improvements.

Historic districts

Historic districts include a group of structures that meet the above qualifications and have a unique “sense of place.” Shown in light yellow on the map, there are currently no local historic districts located entirely within the RFP Study Area, although the RFP Study Area’s western boundary pulls in a small part of the Tribeca East Historic District.

Local landmarking has both positive and negative impacts for property owners and for the neighborhood, as shown in Figure 4-1, which the CWG should consider.

Figure 4-1: Local Landmarking Considerations

Local Landmarking Pros:	Local Landmarking Cons:	Local Landmarking Neither Pro nor Con
<ul style="list-style-type: none"> Provides the highest level of protection available for a property. Even small changes may be regulated by the LPC. Does not regulate changes to the interior of properties. Prevents “demolition by neglect”/requires property owners to keep their properties in a state of “good repair.” Within a historic district, provides the opportunity for public input on new development that may not otherwise exist if the development is as-of-right under the current zoning. Provides some grant opportunities for property owners and owners may sell air rights to both contiguous and adjacent properties. 	<ul style="list-style-type: none"> Materials required by LPC for use can be more costly, and the cost burden is on the property owner. If a property owner is making changes to a designated building, LPC may require the property owner to remove/change culturally significant signage and other features not associated with the building/ district’s designated “period of significance.” A historic district would limit possibilities for new development of affordable housing. Transfer of development rights can lead to further out-of-scale development outside the district or nearby individual landmarks. 	<ul style="list-style-type: none"> Property owner consent is not required, but is important in LPC’s designation process. Research on preservation and gentrification has yielded varied results. On one hand, preservation can be a boon to tourism, which helps stimulate the local economy. On the other hand, preservation can limit new development opportunities, and it is not guaranteed that preserved housing and retail space will remain affordable. (See the West Village).

2. National Register of Historic Places

Both individual structures and historic districts that are listed in the National Register of Historic Places are shown in orange on the map. Properties may be eligible for the National Register if they:

- Are associated with the lives of significant persons in our past; or
- Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Have yielded or may be likely to yield, information important in history or prehistory.
- Are associated with events that have made a significant contribution to the broad patterns of our history; or

National Register nominations can be made by individuals or groups, and are reviewed and approved by the State Historic Preservation Office (SHPO). Owner approval is necessary for designation. Once designated, properties do not need approval to be altered, unless Federal money is involved (Federal involvement triggers Section 106 review of proposed alterations, which involves a public consultation process). Designated income-producing properties are also eligible for tax credits for historically appropriate restoration work.

The boundaries of four National Register Historic Districts intersect with the RFP Study Area, as shown on the map. They are:

The Chinatown and Little Italy Historic District: roughly bounded by Baxter Street, Center Street, Cleveland Place and Lafayette Street to the west, Jersey Street and East Houston to the north; Elizabeth Street to the east and Worth Street to the south.

The Bowery Historic District: listed on the National Register in 2013, this district includes the Bowery from Chatham Square to Cooper Square.

The Two Bridges Historic District: roughly bounded by East Broadway, Market Street, Cherry Street, Catherine Street, Madison Street, and St. James Place.

The Lower East Side Historic District: roughly bounded by East Houston Street, Allen Street, Essex Street, Eldridge Street, East Broadway, Henry Street, and including the NYCHA properties between Gouverneur Street, Water Street, and the FDR Drive.

3. Place Matters Census of Places that Matter

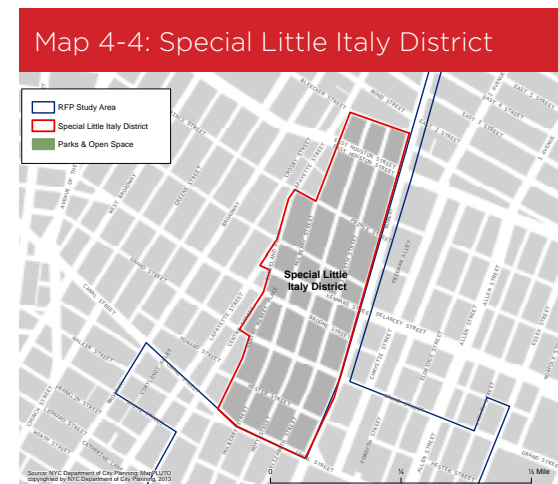
In the interest of including a broad range of historic resources (architectural and cultural as well as eligible and ineligible for designation), initial research included properties identified on the Place Matters Census of Places that Matter, outlined in purple on the map. Place Matters is a joint project of City Lore and the Municipal Art Society. It is based in the Lower East Side and promotes connections between the past and the present. Place Matters conducts the citywide Census of Places that Matter, in which hundreds of New Yorkers nominate properties that “evoke associations with history, memory, and tradition.” It is important to note that these sites have no formal protections, and are included only to illustrate that historic designation does not always identify/protect local sites of importance.

4. Potential landmarks identified by the CAPZ Working Team

In 2010, CAPZ’s Culture and Historic Preservation team undertook a block-by-block survey of Chinatown, which they defined as streets with 90 percent Chinese storefronts. Their goal was to identify potential landmarks for possible designation by LPC. Their initial findings from this survey are shown in blue on Map 4-3 above. The consultant team, working with members of the Culture and Historic Preservation team, built upon this initial list to create a final list of potential Sites of Significance that might be considered, after full consultation with individual property owners, as candidates for “Buildings of Significance,” modelled on the Special Little Italy District, described below.

5. Buildings of Significance, Special Little Italy District

The Special Little Italy District, just west of the RFP Study Area, was established in 1977 by the New York City Planning Commission (CPC) in order to “preserve and enhance the historic and commercial character of this traditional community.” It includes 18 Buildings of Special Significance located along Baxter, Broome, Bowery, Centre, Elizabeth, Grand, Mott, Mulberry, and Spring Streets, shown in Map 4-3 in red. Under the terms of the Special District (Section 109-522), these buildings may not be demolished or have their external architectural features altered except by Special Permit from the CPC.



Section 109-522, “Special provisions for the preservation of certain existing buildings,” states that “The City Planning Commission, by special permit, may allow:

- in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or
- the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and
- the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.”

Like local landmarking, this type of intervention also has positive and negative implications for individual property owners and the community (Figure 4-2).

ARTS AND CULTURE

1. Rich Arts and Cultural History and Activities

Successive generations of Chinese residents, workers, and businesses have transformed this neighborhood over a period of more than 150 years into a vibrant regional Chinese American cultural hub, with civic and cultural institutions and businesses offering a wide range of art and cultural programming and events, and places for social interaction and engagement.

Figure 4-2: Preservation through Zoning: Considerations

Preservation Through Zoning Pros:
<ul style="list-style-type: none"> • Provides protection of selected properties with less strict regulations than LPC would impose • Since the CWG is proposing a special district, this does not involve a separate agency (and could serve as a precursor to landmarking).
Preservation Through Zoning Cons:
<ul style="list-style-type: none"> • Regulation by the Department of City Planning is not as strict as regulation by the LPC. • It is unclear whether this strategy would work for a district/group of buildings.

Family, civic and cultural institutions

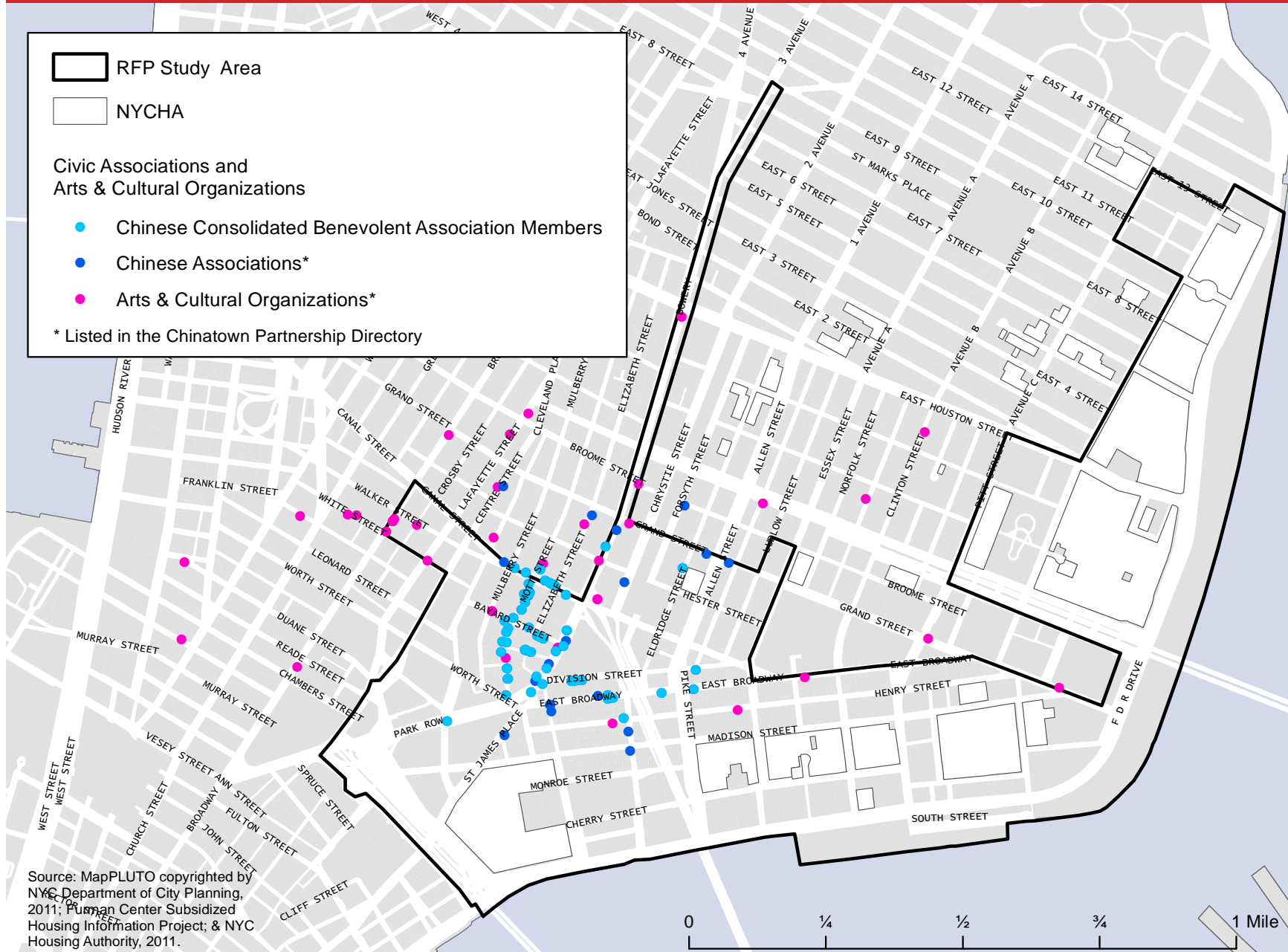
Although many civic and cultural institutions were formed by Chinatown residents after the Immigration and Nationality Act of 1965, scores of family associations (serving people with the same surname), district associations (serving people from the same region or village), and merchant and civic organizations have been operating since the 1880s. (Map 4-5) (See Appendix 3)

Culturally-oriented businesses

Entrepreneurs of all types have created a vast array of businesses that meet ethnically and culturally specific needs of the primarily monolingual Chinese community. These businesses run the gamut from general merchandise stores that also serve as post offices, to restaurants, galleries and bookstores.



Map 4-5: Civic Associations and Arts and Cultural Organizations





Lee Family Association, Mott St.

Participation and engagement in arts and cultural activities and events have been critically important to New York's Chinese community since its earliest days. For a people that have been unwelcome and isolated by the larger American society, such as the Exclusion-era bachelors, or have recently immigrated, connections to Chinese arts and culture have provided an essential affirmation of identity and self-worth. Cantonese Opera was performed in the Chinese Theater on Doyers Street (1893-1911), at the various movie theaters until the early 1990s, and at CCBA and other family associations for the past 130 years.

Asian American artists, and arts and cultural organizations have produced a wide range of cultur-



al programs in the past 45 years, including events such as Taste of Chinatown, Flower Market, Field Day, and Water Festival, and street fairs, films in the park, exhibitions, performances and dances, in their own facilities and in the schools, libraries, parks and streets of Chinatown.

Formal and informal public gatherings

Chinatown is one of the most densely populated neighborhoods in New York City and residents must use any available open space for their gatherings. Formal and informal gatherings take place in barber shops, senior citizens' centers, coffee shops and restaurants, community and civic



organizations, the CCBA, schools, churches, street corners, plazas and public parks. These places provide an opportunity for Chinatown residents to discuss global and local events of the day, play card and chess games, socialize, and engage in music, dance, exercise and organized sports.

2. Valuable Creative and Cultural Assets

There are many local artists and performers in Chinatown and its surrounding areas, as well as craftsmen and artisans with unique skills and knowledge. These cultural assets need to be celebrated and promoted both locally and to a broader citywide and regional audience.

A 2009 report by the Asian American Arts Alliance (a4), *Asian American Arts in NYC: A Snapshot of Current Trends and Issues*, identified close to 300 "Asian American arts and cultural organizations in the New York City area." The Alliance's current 6000 plus email subscriber list suggests that there are many thousands of practicing Asian American artists in the region.⁵

Although the organizations and artists represent a broad spectrum of the Asian American community,



Chinatown Visitors Kiosk



7 Doyers St., Location of first Chinese theater



70 Mulberry Street

there is significant cross ethnic participation and engagement throughout the New York metropolitan area, contributing to the vitality of the art and cultural environment. It should also be noted that there are substantial numbers of mono-lingual Chinese poets, writers, painters, musicians, singers, artists, artisans, craftsmen, dancers and folklorists that have not presently taken advantage of a4's services.

The Chinatown Visitor Kiosk, located on the divider between Canal, Baxter, and Walker Streets, could potentially play a substantial role in marketing local arts and culture. The Kiosk is part of the "Explore Chinatown" campaign, an initiative funded by the Lower Manhattan Development Corporation (LMDC) and the September 11th Fund to promote Chinatown as a tourist destination. It is managed by NYC & Co. and staffed on a seven day per week basis, providing maps and tourist information. This information is somewhat limited, however, and does not include the full range of arts and cultural assets available in Chinatown.

3. Need for Affordable and Adequate Facilities

The vast majority of arts, cultural, social and civic organizations in Chinatown do not have sufficient programming space to meet their needs. Many of them depend upon larger organizations and local churches to hold events and programs or must resort to private facilities and universities outside of the community. They also face substantial financial challenges with respect to rising rents and operating costs. Affordable rents, longer term leases and support from government and private foundations are critical to their ability to serve their constituents

4. Need for a Performing and Visual Arts Center/Campus

An arts center or campus is critical to defining Chinatown and binding the community on a long term basis. Several years ago, CREATE in Chinatown (Committee to Revitalize and Enrich the Arts and Tomorrow's Economy) received funding from the LMDC and Council Member Alan Gerson to complete a needs assessment, feasibility study, and site investigation for a new performing and visual arts center. This initiative needs ongoing support, organizational development and funding.

5. Need for More Effective Use of 70 Mulberry Street.

70 Mulberry Street, former Public School 23, is Chinatown's unquestioned community center. (See photo on page 48) Current tenants include the Chinese American Planning Council's Chinatown Senior Citizens Center (funded primarily by the NYC Department for the Aging); United East Athletics Association (primarily a volunteer organization); Chen and Dancers (funded by a variety of arts related funders, including the New York State Council on the Arts (NYSCA) and the NYC Department of Cultural Affairs (DCLA); Museum of Chinese in America's Collections and Research Center (funded primarily by the Institute of Museum and Library Services, National Endowment for the Arts, National Endowment for the Humanities, NYSCA, and DCLA); Chinatown Manpower Project (funded by the Empire State Development Corporation, the NYC Department of Youth and Community Development, and the Department of Labor).

One of the outcomes of CREATE's feasibility study for a new performing and visual arts center in Chinatown was a recommendation for more effective use of 70 Mulberry Street and maximization of this important city-owned resource. Particular emphasis was

placed on the need for a permanent solution to the City's precarious month-to-month leasing arrangement and maintenance of the building.

However, a number of issues need to be addressed before these goals can be achieved:

- Strengthening each of the tenant organization's capacity to meet their increased financial and managerial responsibilities. These organizations (like many others in the community) are already struggling to meet the needs of their constituencies with limited financial resources.
- Need for building-wide infrastructure and capital improvements. Although several small capital improvement grants were obtained by tenant organizations such as Chen and Dancers (for lobby renovations) and Chinatown Manpower Project (for minor repairs on the fifth floor), there is a critical need for an elevator; building-wide electrical, plumbing and utility upgrades; potential structural repairs; and possible asbestos remediation. Costs need to be determined and funding needs to be available for these major improvements.
- Creation of a management/oversight entity. The stakeholders may include but not be limited to the City of New York (and its appropriate agencies), the tenant organizations, and community leadership. Agreement between multiple partners will be critical. Issues of maintenance and operational costs, security, leasing terms, management responsibilities, shared resources/efficiencies, and broader community access (by the public and/or other community organizations) will need to be clearly articulated, resolved, and agreed to by all parties.

6. Need for a Movie Theater.

While the Chinatown area had seven movie theaters at one point in time, it has not had a movie theater for many years. Chinese and Asian American directors and movie producers have made significant and successful inroads into the movie industry in recent years. As the industry is increasingly becoming a global phenomenon, the Chinatown community would greatly benefit from having a theater of its own to showcase Hollywood, non-Hollywood and independent Chinese and American films.



Former theater - 31 Canal Street

Culture and Historic Preservation Goals

- Preserve sites of cultural significance to the contemporary community, as well as sites of historic significance.
- Preserve and build upon Chinatown's cultural assets and promote opportunities for artistic and cultural expression.

The following principles, defined by CAPZ's Culture and Historic Preservation Working Team, served to guide development of recommendations and implementation strategies.

- Preserve and enhance the cultural character of Chinatown that makes it a unique and diverse community.
- Support cultural activities and preservation efforts that will attract and retain Chinatown residents, businesses, and visitors, while also addressing the quality and importance of family life.
- Create a dedicated community arts center and other appropriate spaces for cultural use that are affordable to area artists, organizations and residents.
- Recognize, protect and preserve Chinatown's historic buildings/structures and districts of architectural and/or cultural significance, its distinctive streetscapes and other characteristic elements of the community.
- Encourage imaginative new architecture and environmental design reflective of contemporary life and aesthetics, but also respectful of older architectural styles in the neighborhood.

- Ensure that the efforts of other CWG working teams align with the community's historic/cultural preservation, growth, and development goals.
- Work with and support local cultural organizations that gather, safeguard and disseminate the shared histories and stories that collectively form the basic foundations of this neighborhood and are vitally relevant to its future.
- Pursue policies and efforts aimed at long-term community preservation and development rather than the creation of a "Disneyland Chinatown."



Wrought-iron fire escape



Dancing - Columbus Park

Recommendations and Implementation Strategies

SITES OF SIGNIFICANCE

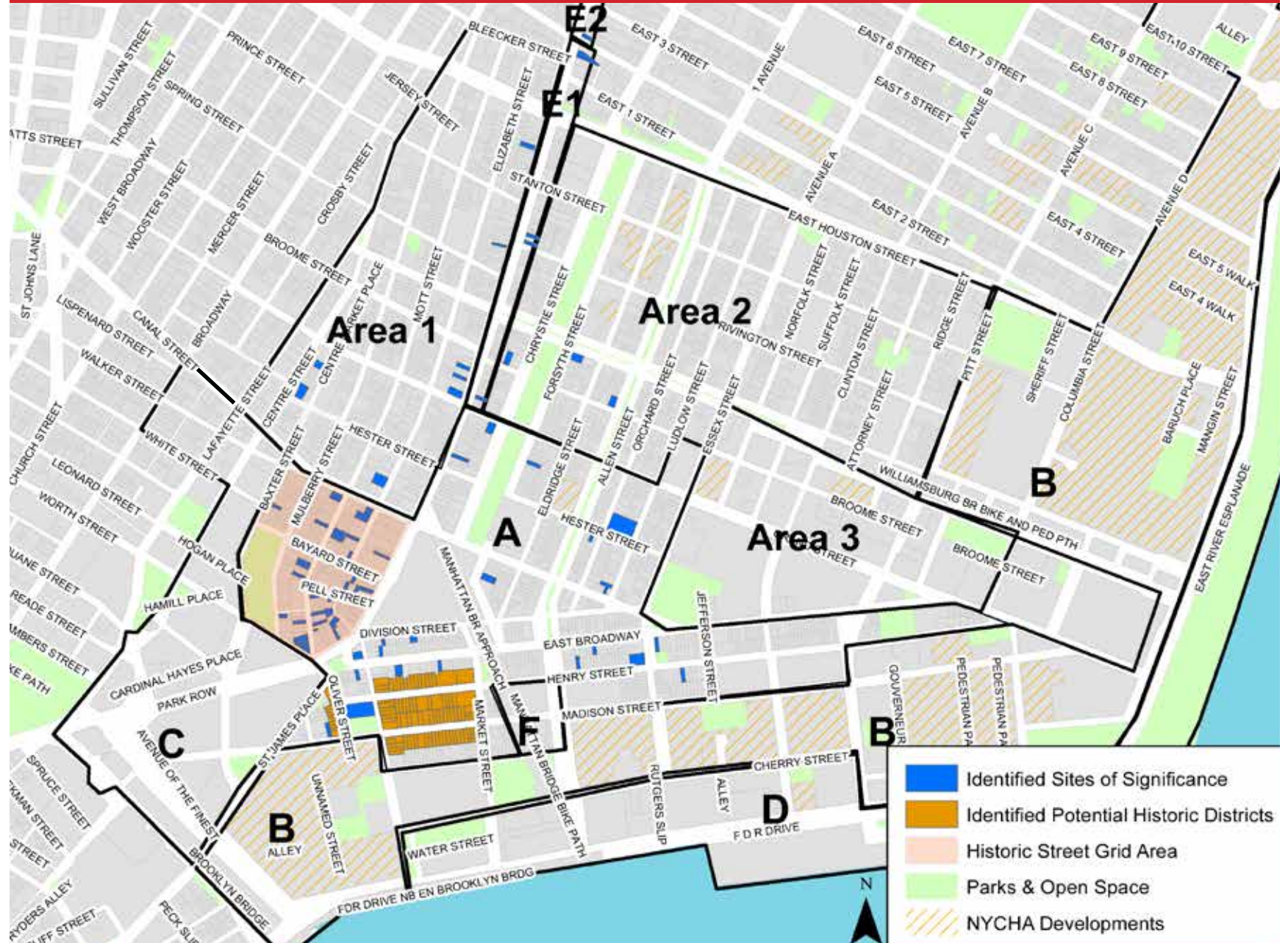
1. Preserve and protect sites of cultural, historic or architectural significance in the RFP Study Area.

A number of potential Sites of Significance that warrant protection were identified in the planning process, building upon surveys conducted by CAPZ's Culture and Historic Preservation team. The following three criteria - which expand upon the traditional criteria established for both local and national historic designation - were used to identify these sites:

1. Cultural significance to the current community
2. Historic significance for the area and/or city as a whole
3. Architectural significance

Appendix 4 contains a list of 65 potential sites of significance determined by the group to meet at least one of these three criteria. They include a range of building types, from those housing Chinese family associations and social clubs, to intact tenement buildings, to some of the oldest structures remaining in lower Manhattan. Special attention was paid to buildings that show evidence of waves of immigration, for example a tenement building with the façade altered to include architectural details important to the Chinese community. These sites are distributed throughout the RFP Study Area (and a few surrounding blocks), as shown on Map 4-6.

Map 4-6: Identified Potential Sites of Significance and Other Historic Resources



It is important to note that this list is not conclusive. Some properties may be removed, following consultation with owners, while new properties may be added by owners wishing to take advantage of the recognition and benefits of designation.

Incorporate Sites of Significance into the Special Chinatown and Lower East River District text as “Buildings of Special Significance” modelled on the Special Little Italy District, following close consultation with individual property owners.

CWG’s Culture and Historic Preservation (C&HP) Action Group should convene a special committee that includes representation from small property owners, to engage with individual owners in determining which sites of significance might be possible candidates for designation as Buildings of Special Significance.

While Buildings of Special Significance would not be demolished without special permit approval by DCP as in Little Italy, both change in conforming use or façade alteration would merely require an authorization from the City Planning Commission (CPC).

Like a special permit, an authorization requires CPC to review the proposal and decide whether it meets certain findings, but unlike a special permit, does not require the proposal to go through the Uniform Land Use Review Procedure (ULURP).

The findings provisions for facade alteration should also be modified slightly to remove the word “materials.” Because Buildings of Significance may include properties of cultural and/or architectural significance, materials may not necessarily be a contributing factor. Removal of “materials” from the text would place more importance on the building’s “character,” which may be more appropriate in this case.

2. Pursue individual interventions for identified Sites of Significance that fall outside the boundaries of the proposed Special District, in consultation with property owners, local groups and the affected Community Board.

- Some of the sites located in Recommendation Area 1, shown on Map 1-3: Special District and Subdistrict Boundaries could be added to the list of Buildings of Special Significance in the Special Little Italy District.
- Other sites, such as those located in Recommendation Area 2 on Map 1-3, may require non-zoning interventions. While landmarking may be appropriate for some, other strategies, such as plaques noting the building’s historic and/or contemporary significance, may be more appropriate for others.

CWG’s C&HP Action Group should partner with local preservation groups, such as the Bowery Alliance of Neighbors, Friends of the Lower East Side, and the Lower East Side Preservation Initiative, to discuss best interventions for these sites, and make recommendations to the appropriate community board and/or the LPC, accordingly.

LANDMARKING

1. Pursue landmark designation for a Henry Street Historic District.

This area includes a number of intact tenement buildings, with standout terra cotta details. It is roughly delineated by Henry Street, Madison Street and Monroe Street and also includes Market Street and Mechanics Alley. Coordination with the LPC will be necessary to determine the exact boundaries.

2. Pursue a small historic district on the west side of Oliver Street, between Madison Street and St. James Place/Kimlau Square.

Four-time New York State Governor Alfred E. Smith lived on this block from 1907 to 1923. His house, at 25 Oliver Street, is listed in the National Register. The block itself is an intact row of townhouses that could easily qualify as the Alfred E. Smith Historic District.

Map 4-7: Historic “Five Points” Street Plan



Henry St. Historic District Area



Alfred E. Smith (Oliver St.) Historic District Area

3. Pursue landmarking for the historic “Five Points” street plan.

The “Five Points” area, bounded by Bayard Street, Worth Street, the Bowery, and Baxter Street (Map 4-7), has a similar “...special character, special historical and aesthetic interest and value as part of the development, heritage, and cultural characteristics of New York City...” as the Street Plan of New Amsterdam and Colonial New York, designated by the LPC in 1983.

4. Support Friends of the Lower East Side’s efforts toward a historic district on Orchard Street, as well as local landmarking efforts by Two Bridges Neighborhood Council and the Lower East Side Tenement Museum.

5. Ensure that owners of property listed on the National Register of Historic Places are aware of and can access Historic Preservation Tax Credits for substantial rehabilitation of their property.

The C&HP Action Group should submit a Request for Evaluation to the LPC for specific historic districts.

The more documentation that can be provided to the Landmarks Preservation Commission, the better, as the agency is understaffed and it may take quite a bit of time for its staff to respond to the request and conduct their own research. (More information about the full process can be found on LPC’s website.)

Sources of information for research include primary sources, such as historic fire insurance maps, property records such as deeds, and Census data; and secondary sources such as books, planning studies, historic and news reports. The main branch of the New York Public Library and the Municipal Archives, both house excellent resources that can be utilized in the research process.

New York City has many professional consultants who can assist with this type of research. CWG should consider hiring a consultant to fully develop the recommended historic district proposals, and explore potential funding sources.

Before landmarking is pursued for any sites, the C&HP Action Group should reach out to local property owners and ensure that they fully understand what landmarking does and does not regulate; its pros and cons; and the landmarking process.

STREETSCAPES AND SIGNAGE

1. Explore the potential use of bank windows to showcase local art.

Chinatown banks could engage a local arts organization or cultural conservancy, if established (see Recommendation 3 under Arts and Culture below) to organize exhibitions by local artists and artisans in their windows. This would serve to promote the local arts industry and also enliven the streetwall.

The C&HP Action Group should coordinate with local arts organizations and approach local banks to explore the potential use of bank windows as exhibition space.

2. Legalize existing signage, except illuminated signs above the first floor.

Include signage regulations in the Special Zoning District.

ARTS AND CULTURE

Although there is a critical need for affordable housing and access to well paid, meaningful jobs in Chinatown and its surrounding areas, attention must also be paid to factors that make a community livable and meaningful and create a sense of identity. A healthy, sustainable and resilient community must include an active street life, adequate welcoming parks and open spaces, and arts and cultural facilities and programs that encourage communication among residents, connect to the local economy, celebrate different

histories, practices and cultures, and promote respect for diversity. Active support for local arts and cultural expression is perhaps one of the most effective and important means of promoting a livable community.

1. Incentivize affordable arts and cultural uses in new construction.

Include a floor area bonus for cultural uses within new developments in the Special Zoning District.

Use Transfer of Development Rights from existing buildings determined to be of cultural, historic or architectural significance in the Preservation Area (Subdistrict A) to new developments in the Special Zoning District. (See Map 1-3)



2. Explore the use of property tax abatements and other incentives to encourage landlords to rent affordable space to community organizations.

Community organizations not only provide critical and needed services to the neighborhood's residents, they also often serve city-wide and regional constituencies. These organizations are also important employers and contribute to the resiliency of the neighborhood by diversifying the local economy.

The C&HP Action Group should coordinate with the Affordability Action Group and the Economic Development Action Group to explore use of property tax abatements as a means to maintain affordable space for non-profit as well as for-profit "community-serving" businesses. See Affordability and Economic Development recommendations.

3. Establish a local conservancy and a cultural resources fund to (a) guide the implementation of culture bonuses in new development and (b) support cultural events and programming as well as local arts and cultural organizations.

A local arts or cultural conservancy could be modeled on the Bonused Space Local Arts Advisory Council created under the provisions of the Special 125th Street District in Harlem to review and make recommendations on certification for floor area bonuses for visual or performing arts uses.⁶ It could also draw from the 42nd Street Theater Subdistrict

Council, established as a not-for-profit corporation in 1998 pursuant to a zoning regulation that allows owners of certain Broadway theaters to transfer air rights within the Theater Subdistrict, provided the theaters are preserved, there are commitments to use the spaces for legitimate theater use, and funds are deposited into a Theater Subdistrict Fund.⁷

The C&HP Action Group should work with CREATE and others to explore strategies for establishing a local arts and cultural conservancy in Chinatown.

Provisions in the Special Zoning District should include contribution to a cultural resources fund, managed by the local conservancy, in exchange for a floor area bonus, as an alternative to incorporating cultural uses in new development.

4. Pursue creation of a Chinatown Arts Center or Campus, building on the recommendations of CREATE in Chinatown, Inc.

CREATE has identified a number of possible sites for the establishment of a Chinatown Arts Center / Campus but it needs to move from a plan to reality. The process has lost some of its momentum as its initial funding has expired. A number of key measures need to be taken to move the plan forward: Additional funding needs be obtained; the CREATE board needs to determine whether to pursue private property or acquire public property for development; and a project director should be hired to lead the project.

There are two potential alternatives for implementing CREATE's plan:

1. Pursue the original vision of the CREATE project, i.e. establishment of a close to \$39,000 square foot, \$25 million performing arts center as a non-profit entity supporting the existing Chinatown/Asian American arts and cultural organizations. Development costs, initial outfitting and ongoing operating expenses will require significant investments from the resident organizations, however.
2. Consider a reordering of original CREATE priorities. Instead of focusing primarily on supporting the local arts and cultural organizations (Asian American, modern or folk), consider (a) developing a venue that caters more to the recent immigrant residents' entertainment sensibilities and interests, such as Chinese popular music (Canto pop and Mando pop) that are extremely popular in China, Taiwan, Hong Kong and Singapore, and (b) following an operating principle that is more aligned with a for-profit business model. While the project could be developed by a for-profit developer, a mission-driven, non-profit entity (CREATE) would still be preferable.

The C&HP Action Group should work with CREATE and others to explore the above alternatives, identify potential funding sources, and ensure the implementation of CREATE's plan.

5. Pursue a two-tiered strategy to advance CREATE's recommendations for more effective use of 70 Mulberry Street.

1. Strengthen the capacity of each of the five tenant organizations with an eye towards growth and long-term sustainability. Seek funding to support a strategic planning process for each organization.
2. Strengthen and enhance the building's physical infrastructure and develop a sustainable man-

agement and operational plan. Seek funding to support a strategic planning process that focuses on the building's capital improvement needs; creation of a management/oversight entity that could successfully negotiate with the City of New York to acquire the facility in the long-term; and leveraging sufficient funds to meet capital improvement needs and ongoing operating and maintenance costs.

The C&HP Action Group should work with CREATE, existing tenant organizations, elected officials, city agencies, and funding sources to move this project forward.

Potential financial support for this and subsequent phases of the strategic plan could come from Council Member Margaret Chin, the Manhattan Borough President's Office, the Mayor's Office, the Department of Cultural Affairs, DFTA, DYCD and DCAS. Support from the Robert Sterling Clarke Foundation, Booth Ferris Foundation, and the New York Community Trust should also be explored.



Potential redevelopment of 2 Howard Street for cultural uses, including a movie theater.

6. Promote development of a movie theater for Chinatown and its surrounding areas.

Potential sites / locations:

- 46 Ludlow Street – privately owned old theater space.
- 2 Howard Street – public facility owned by the City (DCAS), but leased to the Federal General Services Administration (GSA) for parking. (See photo on page 55)
- Two Bridges neighborhood.

The C&HP Action Group should work with local arts and cultural organizations to advocate for provision of a movie theater as a bonused cultural use in the Special Zoning District. Redevelopment of 46 Ludlow Street and acquisition of 2 Howard Street for cultural uses, including a movie theater, should also be explored.



46 Ludlow Street

7. Celebrate and promote the wide range of craft / artisanal skills and services available in Chinatown. Leverage Chinatown's unique cultural assets as a means of encouraging local economic development.

The C&HP Action Group should coordinate with the Economic Development Action Group, and collaborate with the Chinatown Partnership/Chinatown BID, Chinese Chamber of Commerce of NY, NYC Department of Cultural Affairs, SBS, CREATE and others to promote Chinatown's specialized arts and craft related businesses and services and develop cultural programs, events and performances. These should be marketed to a broad citywide and regional audience as well as the national and international tourist industry.

8. Advocate better promotion of Chinatown and its cultural assets by the Chinatown Visitor Kiosk on Canal and Baxter.

The information kiosk could serve as an important resource for local residents and businesses as well as visitors, by promoting cultural events and performances, as well as local crafts and specialized services.

The C&HP Action Group should work with NYC & Co, the Chinatown Partnership and the Chinatown BID as well as local arts and cultural organizations to enhance promotional materials and services offered by the kiosk.

9. Provide better access to and programming of public spaces.

Public spaces such as parks, libraries and schools are valuable community resources. Greater cooperation, coordination and support from city agencies are needed to provide better access for community use and programming, including a reduction of paperwork, lowering of fees, and relaxation of rules and regulations. The Parks Department, for example, could improve programming of the Columbus Park pavilion (and the park house) and encourage artists, musicians, artisans and crafts people to engage the public on a regular basis. DPR could also make the park available for larger events such as festivals, sports field days and fairs at a reduced rate. Libraries could support a variety of activities, including workshops and exhibitions, readings, dance and music performances, film screenings and discussions with filmmakers. Schools could be key partners by reducing their fee structure.

The C&HP Action Group should work with CWG's Education and Schools Working Team and Parks, Open Space and Recreation Working Team as well as the Parks Department, public libraries, schools and other non-profit entities to create an inventory of available spaces and resources and develop access strategies.

10. Promote use of the Confucius Plaza “amphitheater” as a place for public gathering.

The city-owned triangular parcel of land – referred to by some as the “amphitheater” - just north of Confucius Plaza at the entrance to the Manhattan Bridge, is currently used as a staging area for Confucius Plaza’s garbage and recycling operations (Map 4-2). It could potentially be redeveloped as public open space to support cultural performances; exhibitions; food, crafts or street fairs; and markets.

The C&H P Action Group should coordinate with CWG’s Parks, Open Space and Recreation Working Team and approach the Confucius Plaza Board and Confucius Plaza Tenants Council as well as the New York City Educational Construction Fund (ECF) to consider alternative uses for this site that would benefit Confucius Plaza residents and P.S. 124 students, as well as the community at large.



Notes:

1. John Kuo Wei Tchen, *New York before Chinatown: Orientalism and the Shaping of American Culture, 1776-1882*. Baltimore: Johns Hopkins University Press, 1999.
2. Old Law Tenements are tenements built in New York City after the Tenement House Act of 1879 and before the New York State Tenement House Act (“New Law”) of 1901.
3. Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York*. Oxford University Press, 2010. pp.14-15.
4. The New York City Educational Construction Fund (ECF) was created by the New York State Legislature in 1967 as a financing and development vehicle for the New York City Department of Education with the mission to build safe, secure learning environments. It increases the capacity of the Department of Education to construct new school facilities by developing mixed use projects which include schools on city-owned land, using ground rents, lease payments and/or tax equivalency payments from the non-school portion to finance school construction.
5. The Asian American Arts Alliance (a4) is a diverse alliance of artists, organizations, and arts supporters, dedicated to strengthening Asian American arts and cultural groups in New York City through resource sharing, promotion, and community building. The 2009 report, *Asian American Arts in NYC: A Snapshot of Current Trends and Issues*, is accessible through the following link: goo.gl/LTVnC9
6. New York City Zoning Resolution, Article IX: Special Purpose Districts, Chapter 7: Special 125th Street District, Section 97-05. See www.nyc.gov/html/dcp/pdf/zone/art09c07.pdf
7. www.nyc.gov/html/dcp/html/tsc/tsc.shtml



Statue of Lin Zexu and Kimlau Memorial Arch, Kimlau Square

CHAPTER 5

Zoning And Land Use Analysis

Manhattan's Chinatown and its surrounding areas are characterized by a unique mix of land uses, streetscapes and historic structures that reflect New York City's immigrant and industrial past and continue to serve a predominantly low-income immigrant population.

1961 zoning designations do not reflect these land uses for the most part. Rather they were mapped with the expectation of high density commercial uses in

mind. Resulting high levels of unused FAR (Floor Area Ratio) make this area particularly vulnerable to new market-rate development.¹ Unlike surrounding areas in Lower Manhattan that have been designated historic districts or have contextual or special district zoning Chinatown and its surrounding areas have no protection against speculative, inappropriate and out-of-scale development.

Increasing real estate values and development interest in Chinatown and its surrounding areas threaten to destroy this historic mixed-use urban fabric and displace the existing low-income and immigrant communities and small businesses that serve them.



Key Findings

LAND USE AND ZONING

Zoning research and analysis focused on the Study Area prescribed in CWG's Request for Proposals but also considered the broader Context Area and beyond for comparative purposes. Zoning tools and approaches in other cities also provided insight. (See Map 1-2)

The unique character of Chinatown and its adjacent areas is especially manifested in land use, zoning, building heights, built form and urban design. The following key findings illustrate this area's exceptional features as well as potential threats.

1. Unique Mix of Uses

Nothing is more uniquely characteristic of Chinatown and its surrounding areas than the mix of uses. Various parts of the RFP Study Area and even individual buildings are characterized by a mix of commercial, residential, institutional, manufacturing and industrial uses. (Map 5-1)

Exclusively residential uses are mostly located along the waterfront, dominated by Two Bridges, NYCHA and some Mitchell-Lama developments. Confucius Tower on the Bowery and Chatham Green and Chatham Towers on Park Row are also representative of residential-only uses. Only a few of these residential areas currently have commercial overlays. (Map 5-2)

Commercial uses predominate along the Bowery and Canal Street, and also in the Courts area on Park Row and Centre Street, where institutional uses are also found. However, mixed residential and commercial buildings and blocks are found throughout the entire study area. A particular feature of Chinatown is the

presence of mixed residential and commercial buildings with commercial uses extending above the first two floors. (Map 5-3)

Concentrations of industrial and manufacturing uses are prevalent in different sections of the Chinatown core, along Walker, White and Canal Street on the western edge; Canal, Division, Hester, Eldridge, Ludlow and East Broadway in the center area; and also along the Bowery within and outside of the study area. (Map 5-4)

In addition, commercial, residential and manufacturing uses are often located directly next to each other. There is no existing commercial zoning designation, standard or contextual, that accommodates this mix.

2. Limited Open Space & Parkland

Except for East River Park there is little public open space and parkland in the RFP Study Area (see Map 5-1). Existing parks and open spaces are heavily used, with different activities competing for limited space. While East River Park accounts for most of the open space it is separated from the inland neighborhoods by the FDR drive and South Street and has limited access.

3. Distinctive Built Form

The RFP Study Area is composed of several neighborhoods, each characterized by different zoning, building heights, architecture and urban design. Buildings ranging from 5 to 9 stories – many of them new and old law tenements - characterize most of Chinatown's historic core, although higher FAR and lower heights indicative of old law tenement buildings are seen throughout the RFP Study Area. (Map 5-5)

Large residential developments such as NYCHA public housing, Confucius Plaza, Chatham Green

and Chatham Towers, and Two Bridges include taller buildings, ranging from 10 to 40 stories. Many industrial and commercial buildings along the western border of the RFP Study Area are also taller due to higher ceiling heights needed for manufacturing and warehousing activities. (Map 5-6)

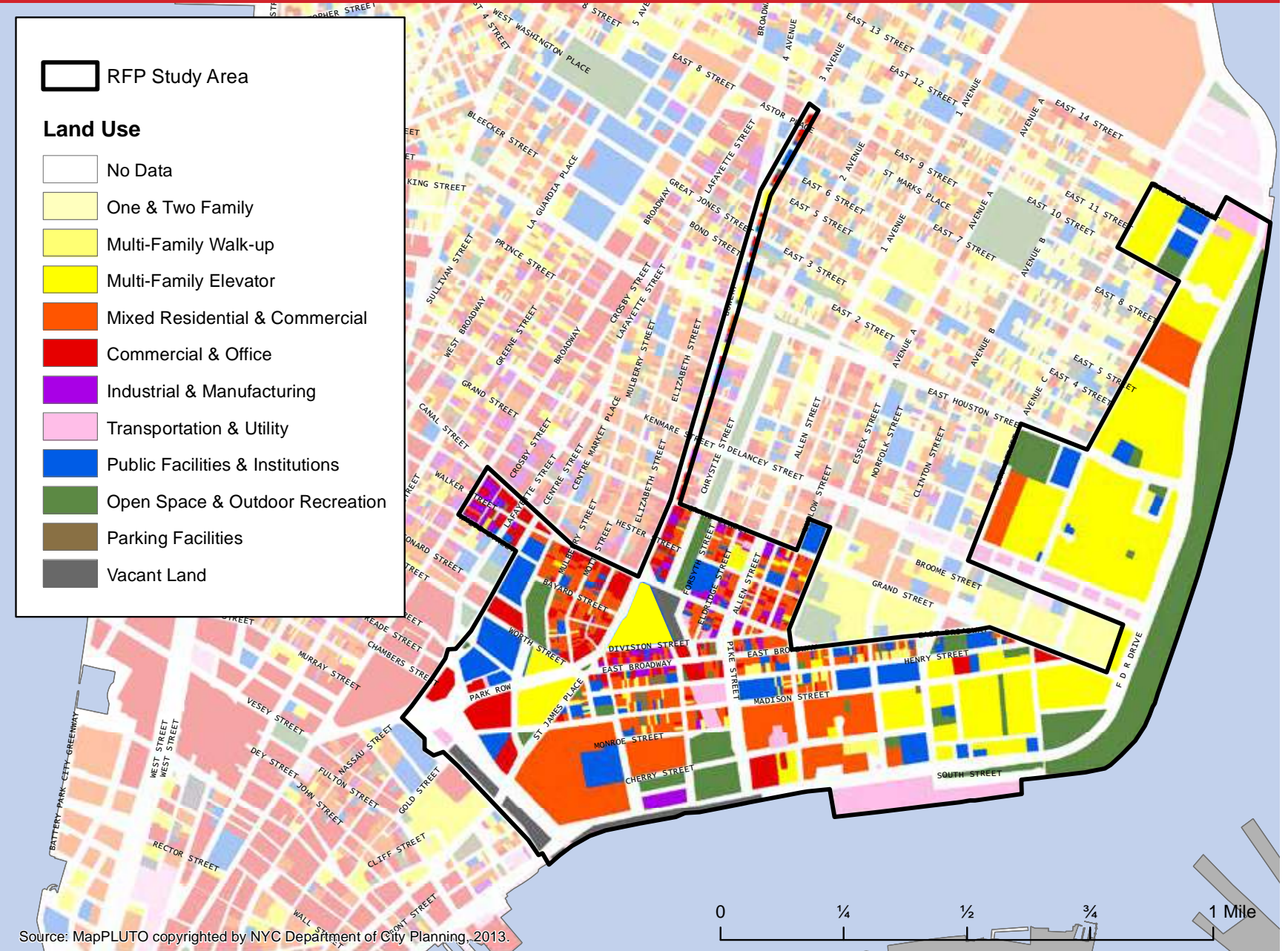
4. Less Density than Allowed by Zoning

The existing zoning throughout the RFP Study Area allows denser development and much taller buildings than currently exist. (Map 5-7). Roughly 21% of the total developed square footage in the study area is comprised of lots that are built at or beyond the allowable FAR, while the remaining 79% is underbuilt.² Areas where the built FAR and height are lower than the zoning permits include streets like Mott, Pell and Bayard in the Chinatown core. This is not surprising given the number of older tenement buildings, most of them built in the early 20th Century, prior to zoning. However, some of these old and new law tenements exceed the expected FAR for a 6-story building because they were built to cover the full site – a practice that is no longer permitted. Other underbuilt areas include streets like Division and East Broadway, some parts of the Two Bridges neighborhood, and lots south of Grand Street and north of Canal Street. Also, significant amounts of unused FAR are found in NYCHA properties that are zoned R7-2. (Map 5-8)

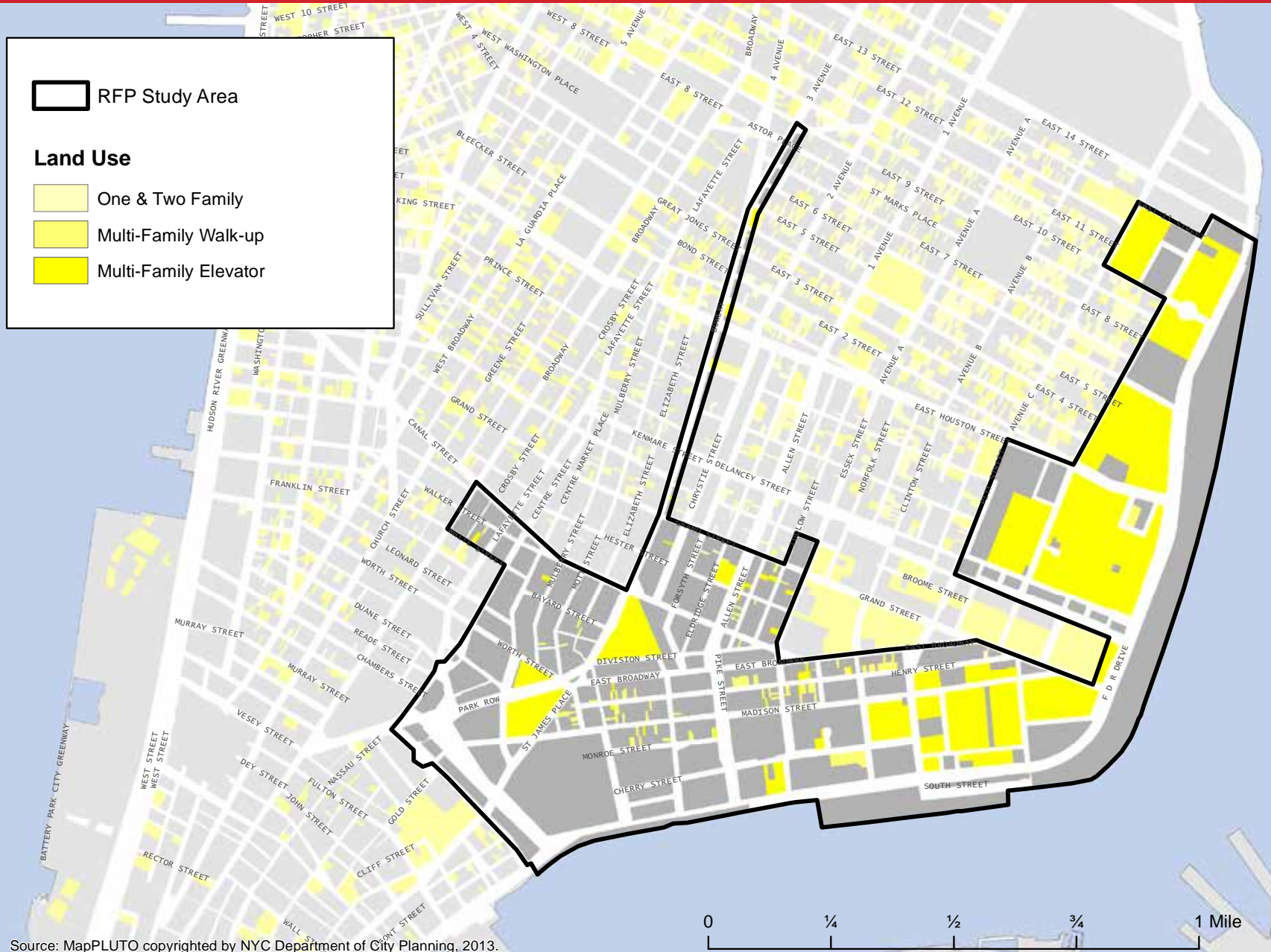
5. Soft Sites

Soft sites refer to places that have the potential to be developed or redeveloped based on several criteria, which often include being vacant or underutilized. For the purpose of this analysis, soft sites were divided into two main categories: "underutilized" and "vulnerable." The former contains vacant lots, lots that are primarily used for parking, garages that do not appear to house a business, and self-storage ware-

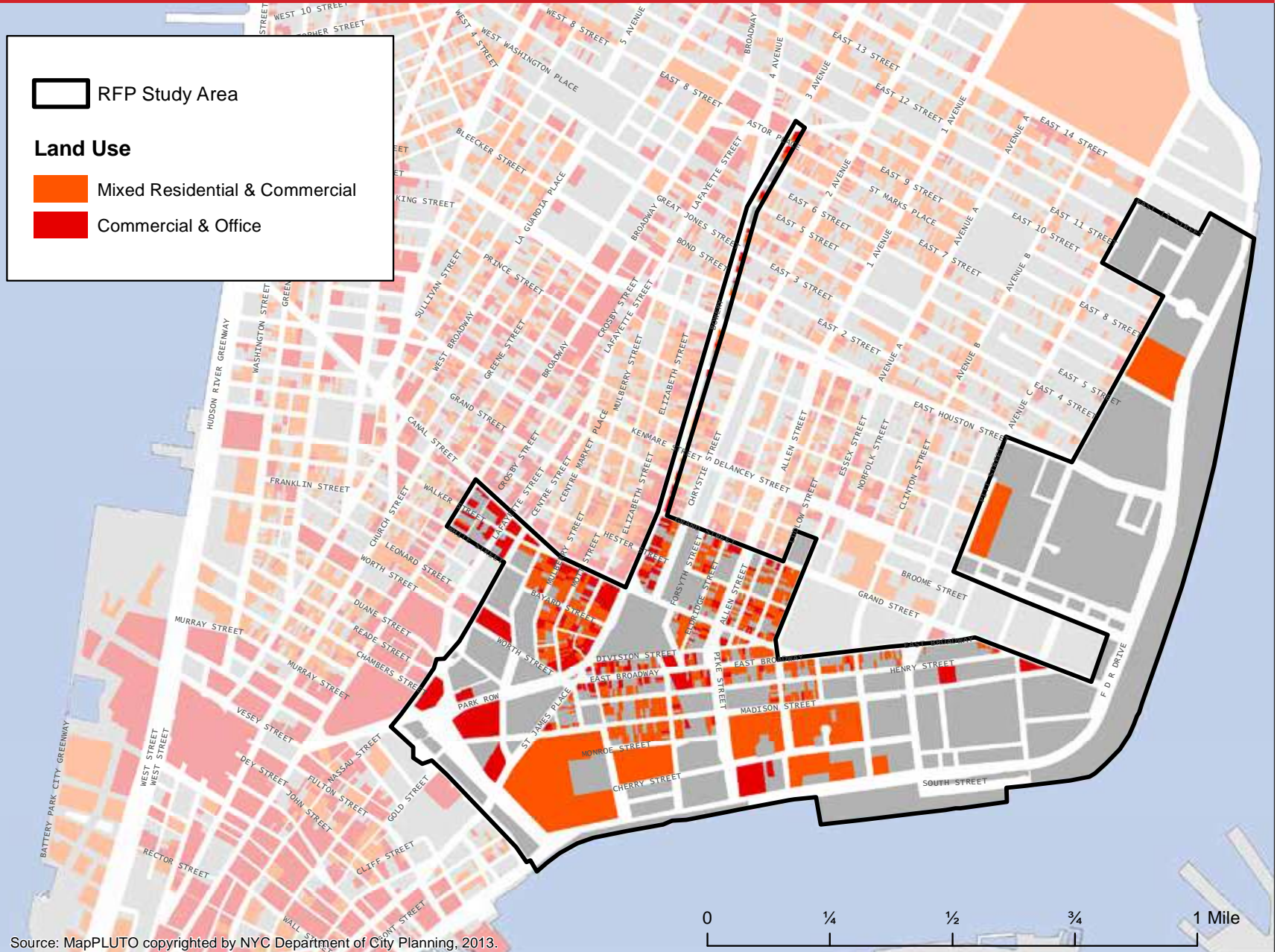
Map 5-1: Current Land Uses



Map 5-2: Land Use - Residential Only



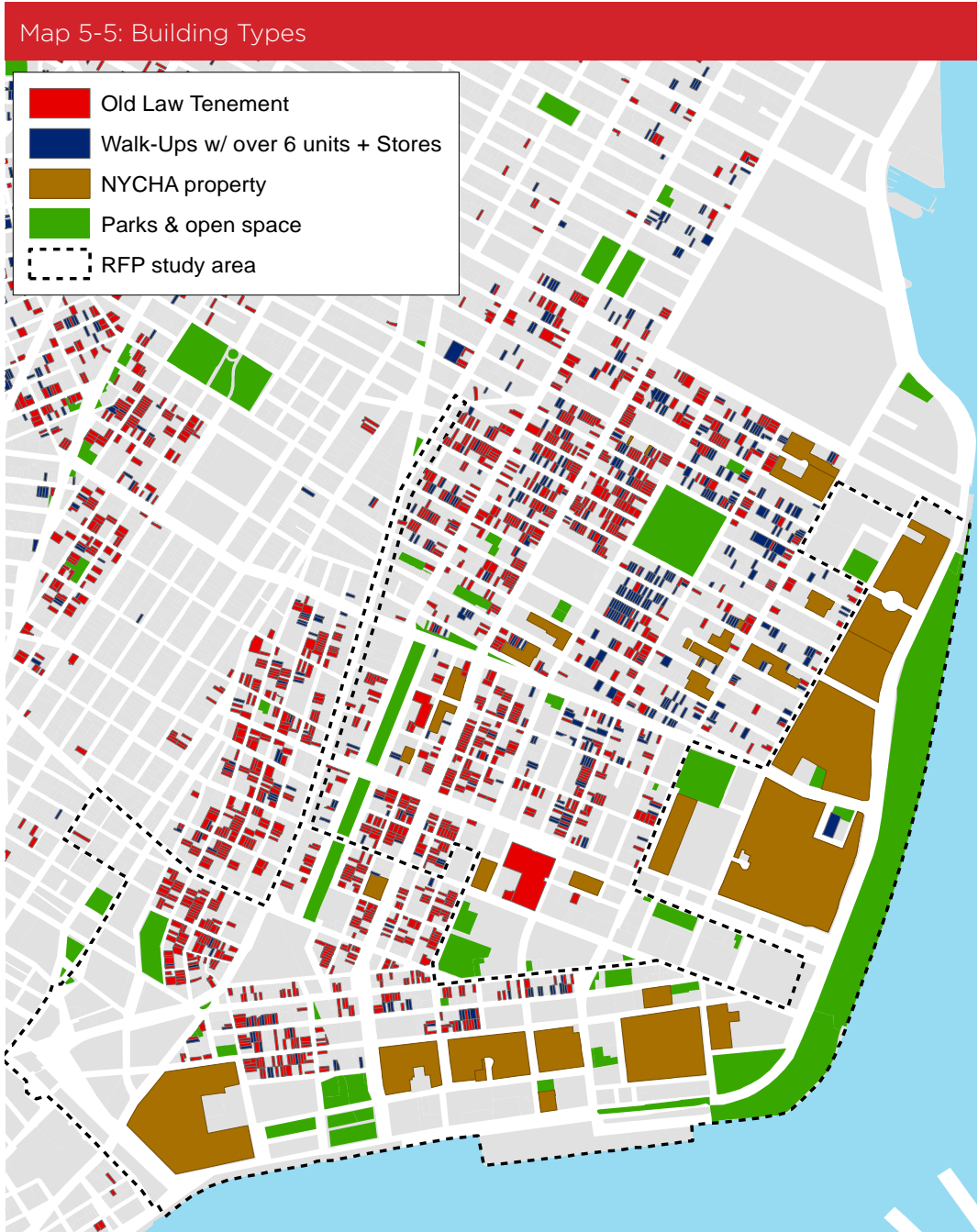
Map 5-3 Land Use - Commercial and Mixed Commercial-Residential Only



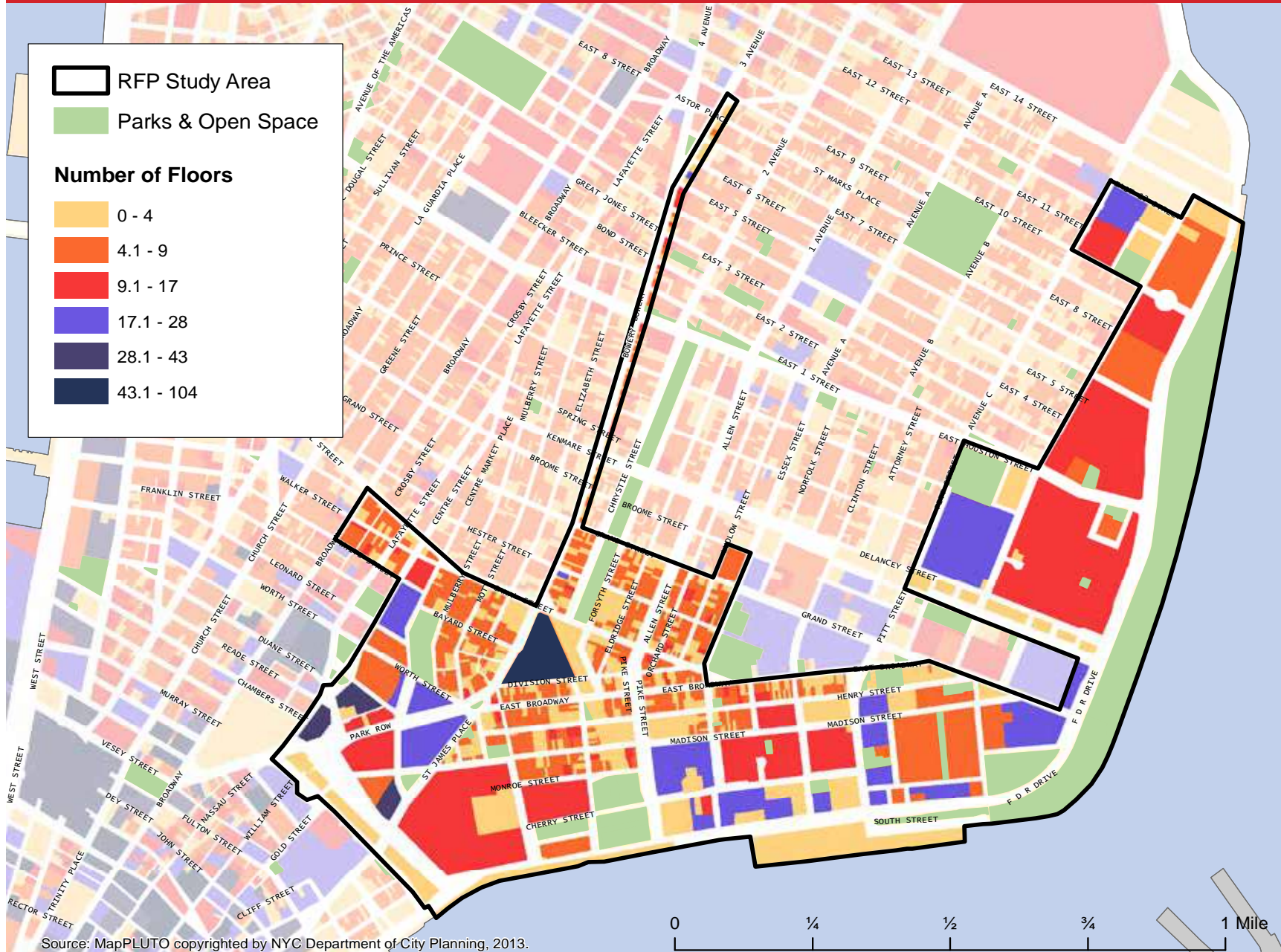
Source: MapPLUTO copyrighted by NYC Department of City Planning, 2013.

Map 5-4: Land Use - Manufacturing Only

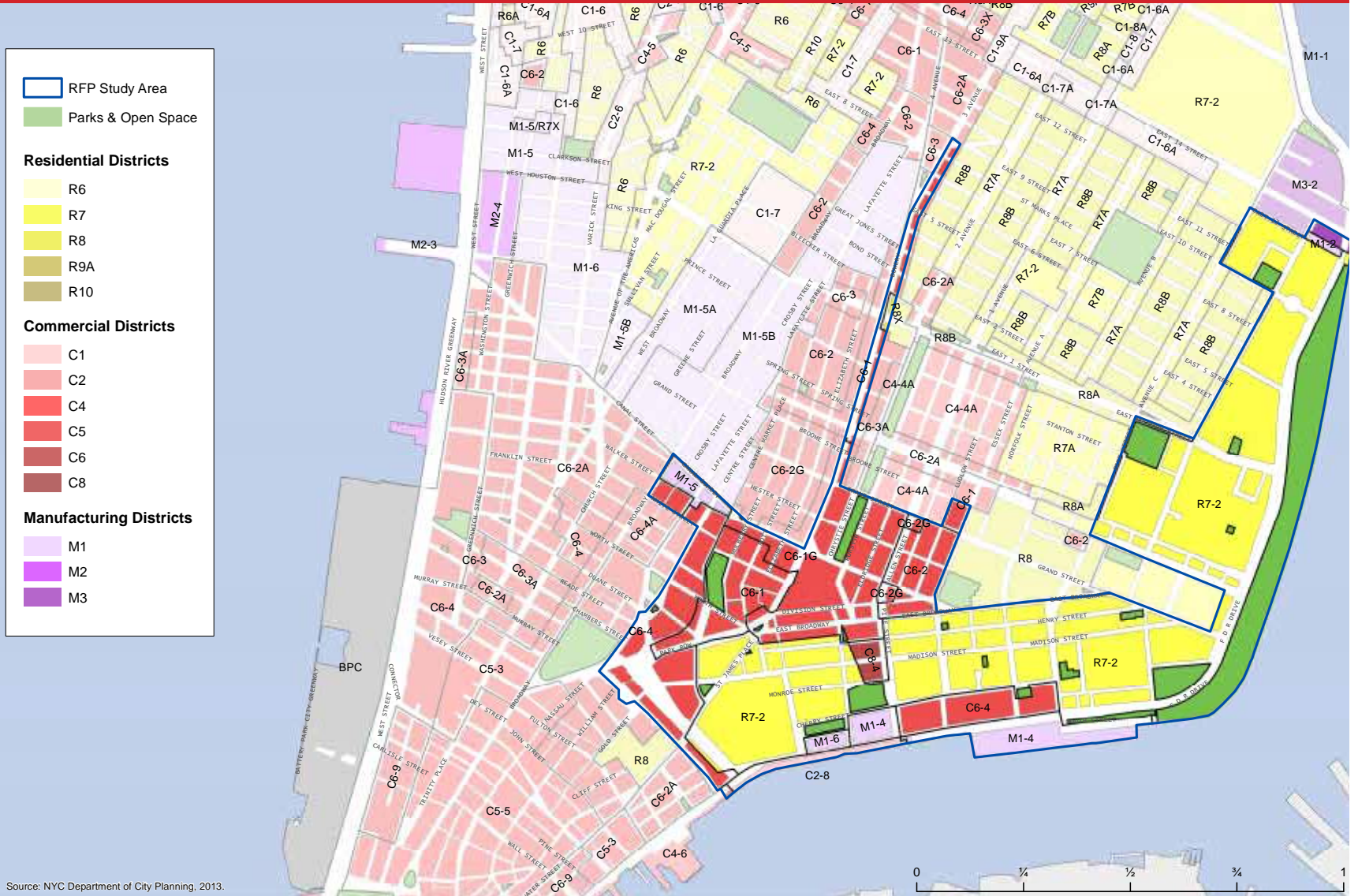




Map 5-6: Building Heights



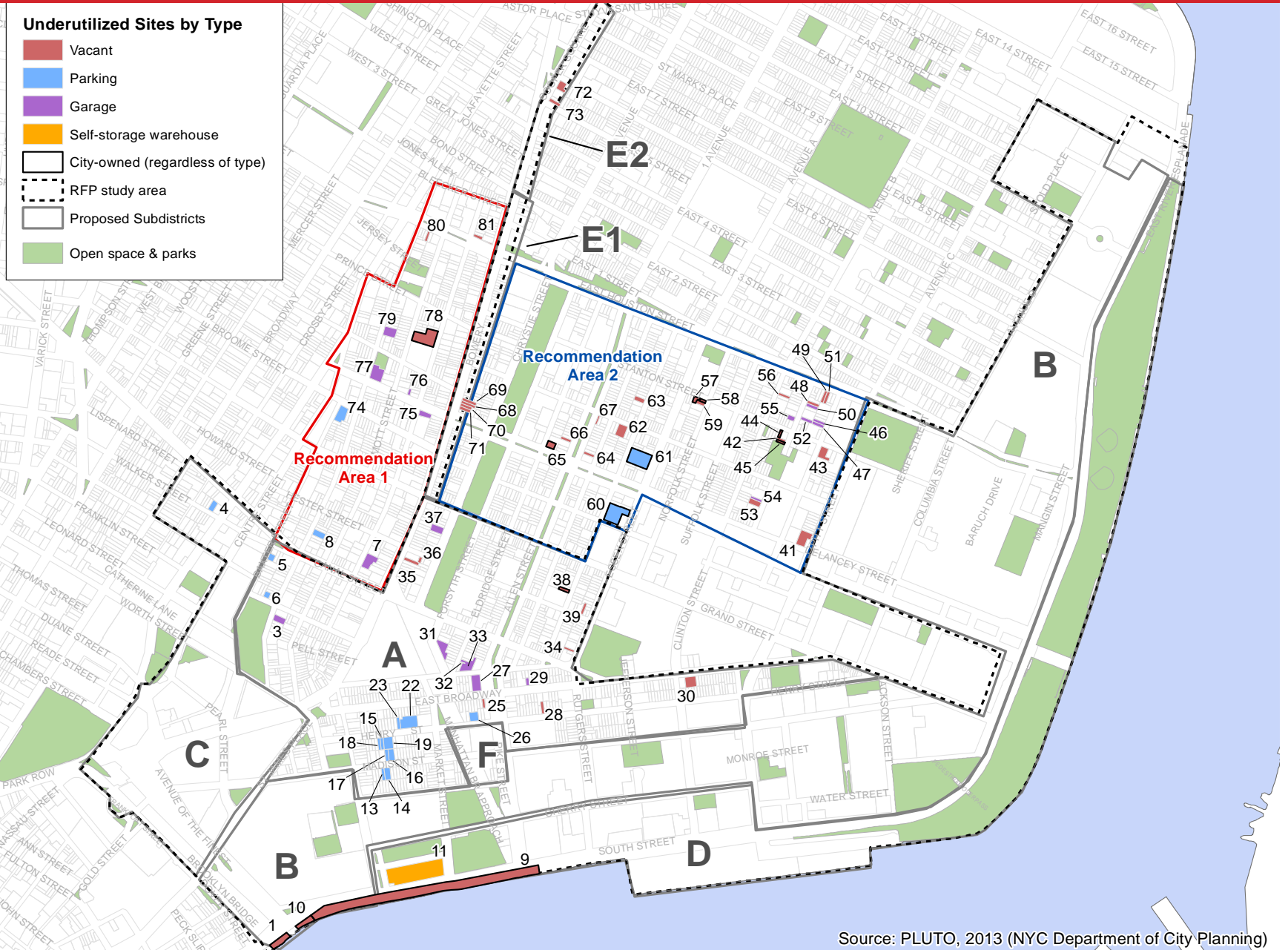
Map 5-7: Existing Zoning







Map 5-8: Built FAR



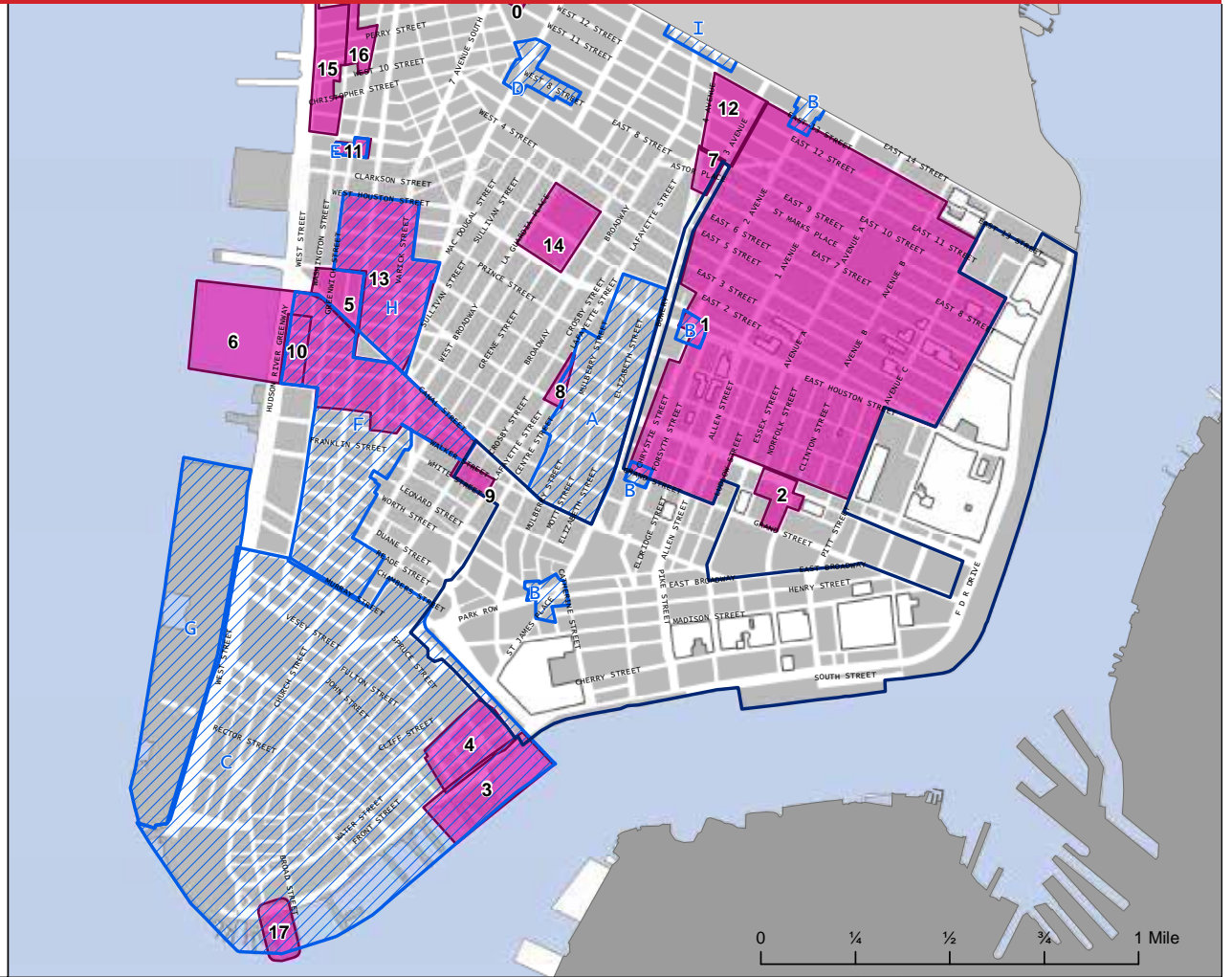
Map 5-9: Soft Sites: Underutilized Land



Map 5-11: Lower Manhattan Zoning Amendments and Special Districts

-  RFP Study Area
-  NYCHA
-  Zoning Amendments
 1. East Village/Lower East Side
 2. Seward Park Mixed-Use Development
 3. South Street Seaport - Pier 17
 4. Seaport Rezoning
 5. Hudson Square Rezoning
 6. North TRIBECA Rezoning
 7. Cooper Union GLSD
 8. Lafayette St Rezoning
 9. 84 White St
 10. TRIBECA North Rezoning
 11. Hudson Sq No
 12. 3rd Ave Corridor Rezoning
 13. Hudson Square Special District
 14. NYU Core, Mercer St, Bleecker St
 15. Far West Village
 16. Washington/Greenwich Sts
 17. Battery Maritime Bldg
-  Special Districts
 - A. Special Little Italy District
 - B. Special Transit Land Use District
 - C. Special Lower Manhattan District
 - D. Special Limited Commercial District
 - E. Special Mixed Use District (MX-6)
 - F. Special Tribeca Mixed Use District
 - G. Special Battery Park City District
 - H. Special Hudson Square District
 - I. Special Union Square District

Source: MapPLUTO copyrighted by NYC Department of City Planning, 2011.



houses (Map 5-9). The vulnerable category includes one and two-story buildings but excludes several land use categories: landmarked buildings, churches, schools and educational institutions, garages, health centers, and lots whose building classification is “Department of Public Works” or “Department of Environmental Protection.”(Map 5-10)

The analysis was performed by querying these types of land uses from the New York City Department of City Planning’s 2013 database of tax lots. The maps display soft sites that are in the RFP study area and in Recommendation Areas 1 and 2. Some of these lots may already be scheduled for development. A table that contains basic information on each site (address, block/lot, current use, total lot area, etc.) can be found in Appendix 5.

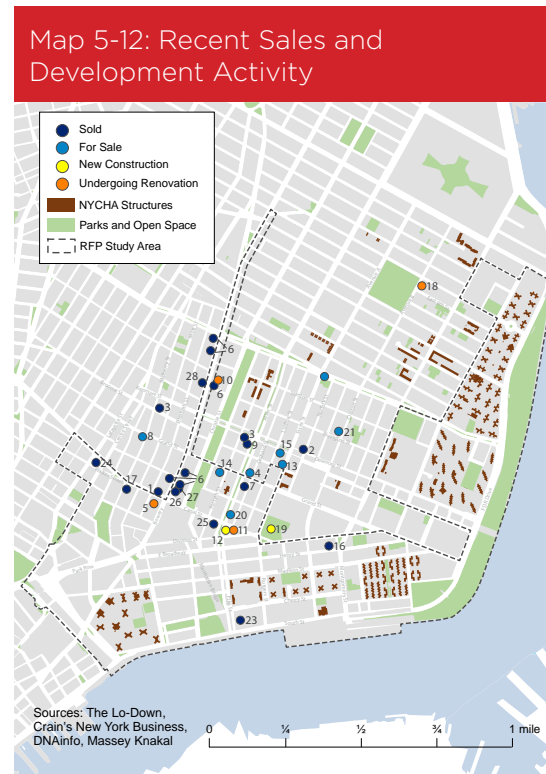
6. Unprotected by Zoning or Special Land Use Actions

Chinatown and its surrounding areas are experiencing increased development pressures because they are some of the only parts of lower Manhattan that are not covered by either a Special District or contextual zoning. Many of the new as-of-right developments conflict with the scale and character of the existing built form and fabric. (Map 5-11)

Most Chinatowns in other cities have some form of Special District or other land use designations to preserve their unique character and community, although many have not been successful because they have not adequately focused on retaining the local resident population. They may still contain certain features that are representative of Chinatown, including Chinese restaurants, stores and signage, but they no longer exist as living Chinese communities. A comparative review of several Chinatowns in other cities, including San Francisco, Boston, Philadelphia, Seattle, Los Angeles, Vancouver, Toronto, Oakland and Honolulu, was undertaken as part of this study.

Findings on these Chinatowns are analyzed later in this chapter, under Case Studies and Zoning Tools.

There is considerable market interest in the RFP Study Area as well as adjacent areas in the Lower East Side, particularly along the Bowery and Canal Street. Map 5-12 shows properties that have recently been sold or are on the market as well as those that are in construction or undergoing renovation, based upon an informal survey of news articles and recent sales listings during a seven month period from April to October 2013. Appendix 6 provides a list of these properties, keyed to Map 5-12. This survey is by no means conclusive. There is likely to be much more market activity in the area. However, it does provide a snapshot of current interest.



RELATED FINDINGS WITH POTENTIAL IMPLICATIONS FOR ZONING

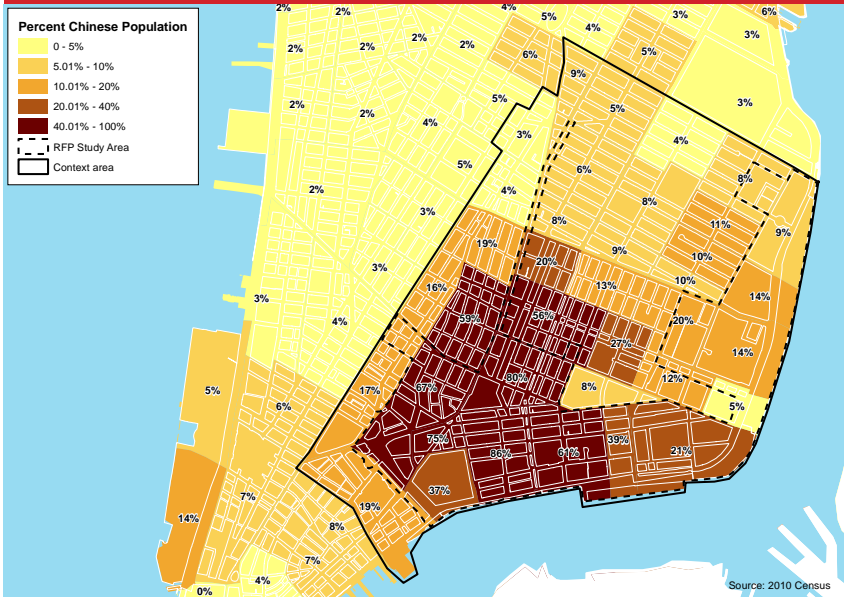
Extensive research on population, housing, culture, historic preservation, economic development and environment conducted as part of this project led to a number of findings that illustrate the unique assets of Chinatown and its surrounding areas as well as current and future threats. Most of these findings are described in detail in the project’s Task 2 Report: Research and Analysis, available on the CWG website. A number of these findings have specific implications for land use and zoning. They are described below.

1. Population

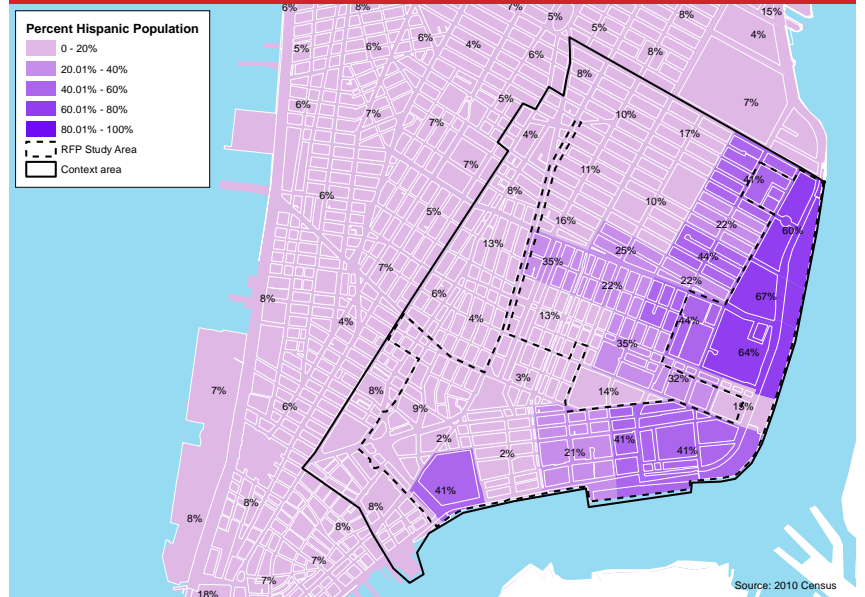
The RFP Study Area contains a thriving immigrant community, including both recent immigrants and earlier generations. Although the area has always been an immigrant enclave it attracted increased numbers of immigrants from China as well as Latin America after enactment of the Immigration and Nationality Act of 1965.³ According to the US Census, the Chinese and Latino populations accounted for 29% and 22% respectively of the total population of 191, 266 in the Context Area in 2010. Whites, the third major group, comprised 46% of the population. As shown in Maps 5-13 to 5-16, the Chinese population is concentrated in Census tracts that surround the historic core of Chinatown; the Latino and Black populations are predominantly concentrated in Lower East Side Census tracts dominated by public housing; and the White population is concentrated further north and west of the study area, in the East Village and Soho/Tribeca.

The population in the study area is, on the whole, older and of lower income than in neighboring communities in Lower Manhattan. (Map 5-17). (See also Map 2-1) Many residents in the study area work

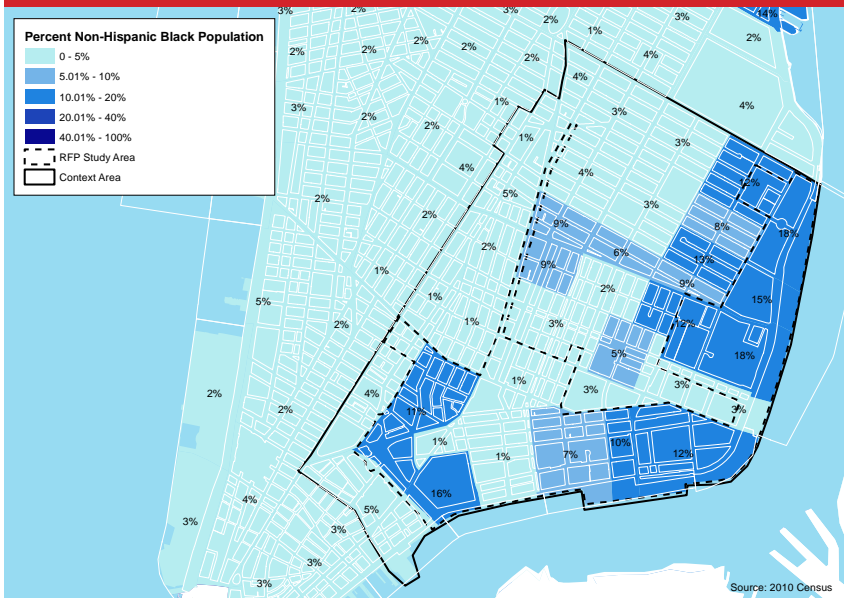
Map 13: Chinese Population, 2010



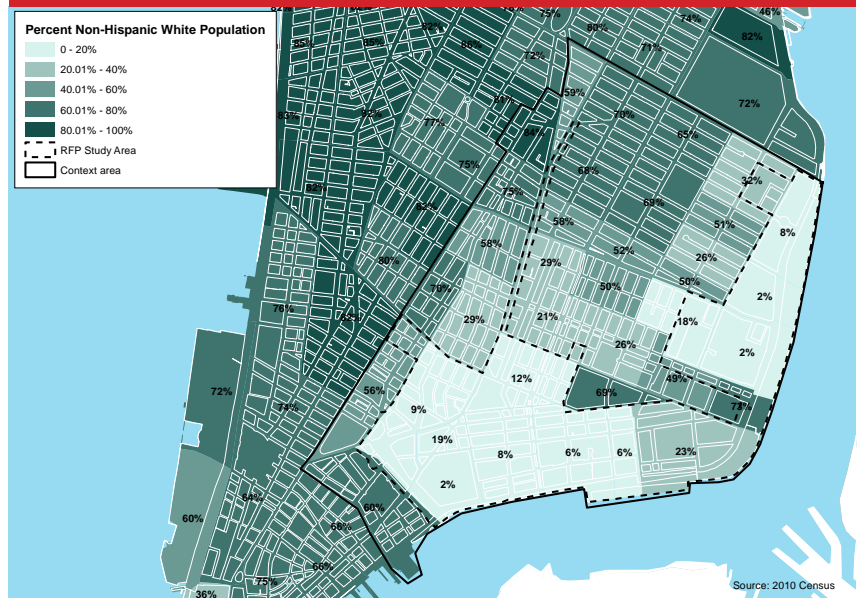
Map 5-14: Latino Population, 2010



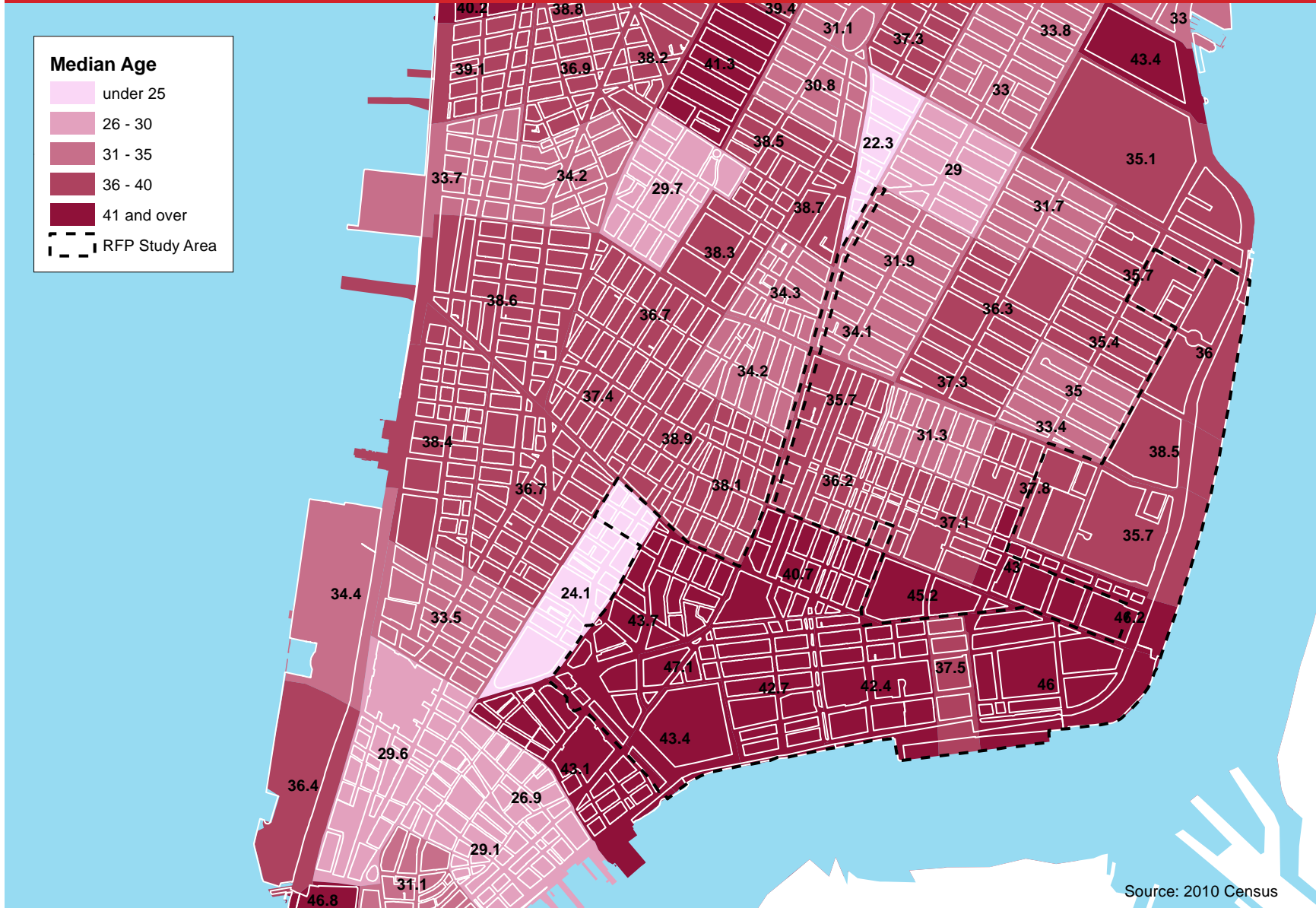
Map 5-15: Black Population, 2010



Map 5-16: White Population, 2010



Map 5-17: Median Age in Context Area



nearby. The walk to work ratio as a result is double that of Manhattan. (See Map 3-3)

2. Affordability

Up to 84.5% of housing units in the Context Area are renter-occupied, compared with 77% in Manhattan and 69% in New York City.⁴ The greatest concentrations of renter-occupied units are in the Chinatown core and adjacent areas, and in the public housing developments along the lower East River waterfront. (Map 5-18)

One of the major findings from the research is loss of affordable rent regulated units. Between 2002 and 2008, Chinatown and the Lower East Side lost 9,000 rent regulated units, largely through high rent/vacancy deregulation as rents exceeded the \$2,000 threshold. According to the Association for Neighborhood and Housing Development close to 6,000 units affordable to 80% AMI were lost between 2008 and 2011 in this area.

The increasing cost of housing is also of concern. Market rate rents are many times higher than low income residents can afford. The median rent for rent regulated units in 2011 was \$1,205, compared with \$2,680 for market rate units.⁵ Current market-rate rental prices for 1-bedroom apartments in the Context Area range between \$1,200 to as high as \$9,850, and for 2-bedrooms between \$1,225 and \$18,000.⁶ (See Map 2-2)

Rent-burdened households - those who spend more than 30% of their income in rent - are concentrated in the Chinatown core, where 56% of households are rent-burdened.⁷ (See Map 2-4) Severe overcrowding (defined as over 1.51 persons per room) is another major issue, especially in the Chinatown core and in the Two Bridges neighborhood. (See Map 2-3) Strong development interest and escalating property values have increased the potential for harassment and displacement of existing tenants.

While it may be premature to draw conclusions, the Inclusionary Housing Program seems to have been relatively ineffective in increasing affordable housing supply. Only three development projects in the Context Area have used this program, producing a total of 59 units.⁸

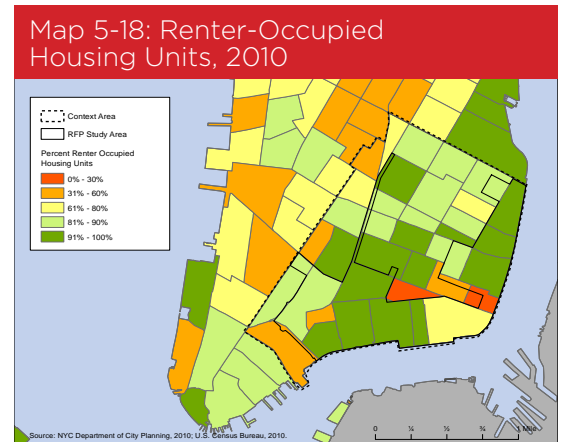
3. Culture, Historic Preservation and Urban Design

Much of Chinatown is characterized by unique and vibrant streetscapes and signage. As one of New York City's most important historic and current immigrant destinations, the neighborhood contains many historically and culturally significant buildings and places, including new and old law tenement buildings, theaters, and synagogues. Unfortunately, many are vulnerable or already have been demolished due to lack of New York City's landmark or other protections.

Public housing developments along the lower East River waterfront represent perhaps America's earliest and most successful examples of historic large-scale developments with unique site plans. Other large-scale affordable housing developments, such as Two Bridges Towers, Lands End, Gouverneur Court and Gouverneur Gardens are also located along the waterfront.

4. Economic Development

Most of the commercial establishments in the area are small businesses, with an average of 8.4 employees, which provide culturally specialized goods and services for local and regional shoppers and visitors.⁹ The concentration of diverse businesses representing different sectors, often side by side, makes this area a very unique destination for visitors from across the United States and the world as well as other parts of New York City and the region.



Map 5-21: Manufacturing Businesses



Sectors that have a strong presence in Chinatown and its surrounding areas include Food and Accommodations. There are many restaurants throughout Chinatown. (Map 5-19) In the Personal Services sector, beauty salons and other services are concentrated on Elizabeth Street. In Retail, there is a strong presence of jewelry stores along Canal Street and the Bowery. Herbal stores and decorative art stores exist throughout the historic core, in close proximity to each other.

In the Wholesale sector, jewelry wholesalers as well as commercial equipment and restaurant goods and supplies are concentrated along the Bowery. (Map 5-20) The Manufacturing sector also includes jewelry and furniture manufacturers along the Bowery, while bakeries, printing and signage manufacturers are dispersed throughout Chinatown. (Map 5-21)

There are also many cultural and community organizations that provide services and stage events for the large immigrant population and for local and regional residents and visitors, such as the Museum of Chinese in America, the New York Chinese Cultural Center, the Chen Dance Center, the New York Chinese Community Center and the Greater Chinatown Community Association. See Chapter 4 above for further discussion on the role of these organizations.

5. Environment

A large part of the RFP Study Area is subject to flooding and storm surge resulting from climate change. (Map 5-22) During Superstorm Sandy, waterfront areas were flooded up to 10 feet above ground level.¹⁰ The greatest extent of flooding occurred where the surge from the East River breached the bulkhead that runs from Kips Bay to Chinatown, inundating the East River Park esplanade, ball fields, and the FDR Drive and covering streets throughout the Lower East Side.¹¹

Much of the study area lies in Evacuation Zone A. This area contains the greatest concentration of people of color as well as populations with the highest median age and the lowest median household income.¹²

Because of the density and historic nature of the built form, much of the inland area lacks permeable surfaces and green infrastructure. Old and new tenement buildings, covering most of their lot area, predominate in these neighborhoods. There are relatively few parks and many of the vacant lots are used for parking. (Map 5-23)

Case Studies and Zoning Tools

Selected case studies of Chinatown special zoning districts in other cities were reviewed and analyzed as part of the research for this project as well as anti-displacement and inclusionary zoning tools applied in New York City and elsewhere in the country. Close examination of New York City Special Purpose Districts identified certain tools that could be applied in the proposed Special Chinatown and Lower East River District. Trends following New York City rezoning actions were also examined to determine the effectiveness of contextual and inclusionary zoning tools in neighborhood preservation and affordable housing development.

1. Summary of Chinatowns in Other Cities

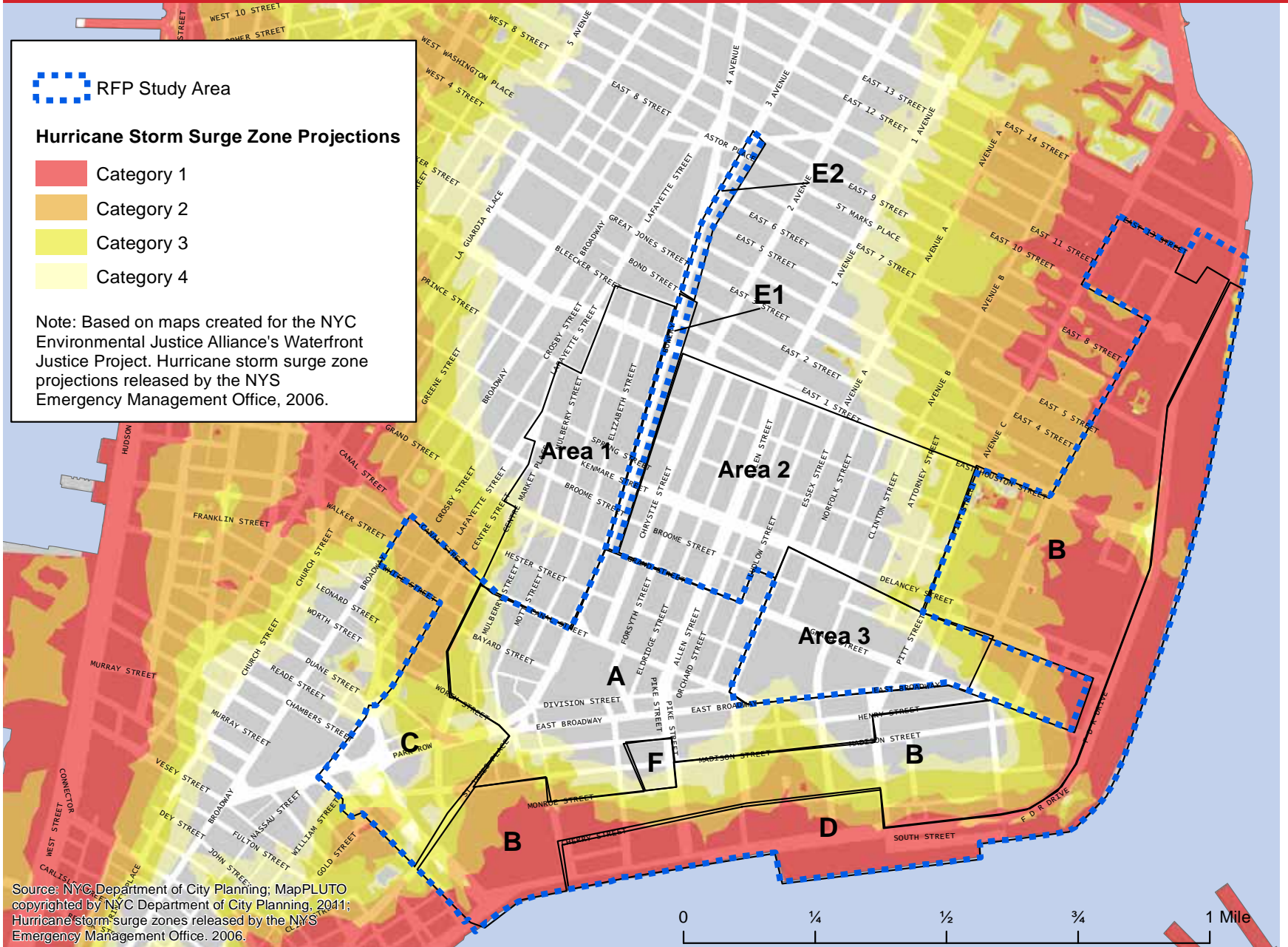
Because Manhattan's Chinatown is one of the few Chinatowns in the United States and Canada without a Special District of some type, it was important to learn from the experiences of other cities.

The following cities were examined in order to obtain a more comprehensive understanding of the strategies used to protect their Chinatown communities: San Francisco, Boston, Philadelphia, Seattle, Los Angeles, Vancouver, Toronto, Oakland, and Honolulu. Appendix 7 provides further detail on each of these cities.

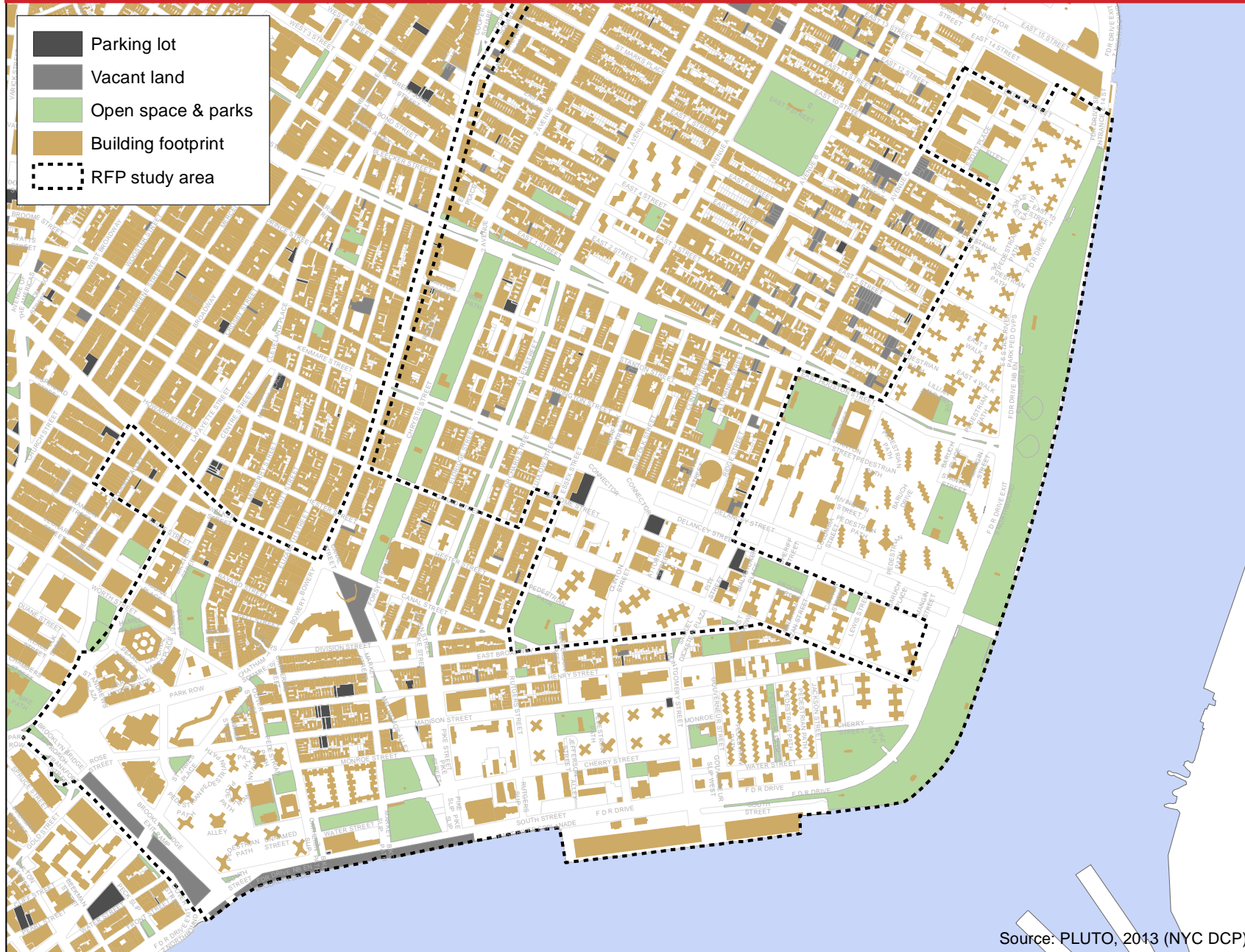
While recognizing the differences in size and history of both the cities and the Chinatowns studied, our findings were summarized as follows:

- Most Chinatowns in these cities are either experiencing disinvestment and deterioration, or are trying to protect themselves against gentrification pressures from encroaching market-rate commercial, residential and institutional development.

Map 5-22: Hurricane Storm Surge Zones



Map 5-23: Impermeable Surfaces



Source: PLUTO, 2013 (NYC DCP)

- All of the cities seek to preserve the unique history, culture, aesthetics and streetscape of their Chinatowns as well as preserve and promote ethnic retail and other businesses. Most support the identification and protection (often landmarking) of historic buildings. Some have detailed signage and urban design regulations and many, but not all, include height and use limitations to what they define as compatible with the existing context.
- Nearly all Chinatown areas are mixed use, containing both housing and small, culturally-specialized businesses and services – often with residents living above commercial spaces.
- Most Chinatown Special Districts are divided into Sub-Districts with somewhat different land use regulations for each.
- Boston, San Francisco, Philadelphia and Honolulu have the strictest zoning regulations. The planning departments in Honolulu and San Francisco, and the Redevelopment Authority in Boston, have regulations meant to preserve their Chinatowns and mitigate development impacts – including limiting or prohibiting formula retail, commonly referred to as “chain stores,” and high-rise residential and commercial developments deemed inconsistent with the character of the built environment and needs of residents.¹³ Honolulu also has very specific urban design and aesthetic requirements.
- Seattle’s International Special Review District focuses on preserving and promoting the cultural, economic, historical, and otherwise beneficial qualities derived from its Asian heritage for both economic development and residential preservation. Los Angeles focuses more on the balance between industrial and other land uses. Oakland has promoted improved transportation access.
- Vancouver and Toronto emphasize commercial revitalization and new economic and residential development. This strategy has been criticized as overly focused on attracting new visitors and thus furthering loss of the unique character of their Chinatowns.
- Only a few of the cities specifically focus on mechanisms for preserving existing and developing new affordable housing for residents, even though community advocates have argued that Chinatowns that have lost their ethnic resident community have been less able to preserve their historic, cultural and business identity or vitality.
- Cities with the greatest success in preserving and promoting their Chinatowns are those with active community development corporations and tenant advocacy organizations, whose multi-faceted work includes community organizing, planning and development, as well as direct services. These organizations play an important role in most of their Chinatowns. For example, Philadelphia’s Chinatown is served by the Philadelphia Chinatown Development Corporation. In San Francisco the Chinatown Community Development Center has both provided services and helped preserve Chinatown’s residents and businesses. In Boston the Chinatown Initiative and Chinatown Coalition have initiated Chinatown Plans. Their presence appears to be the crucial factor in the preservation of the existing residents, businesses and community character.
- In summary, cities whose governmental regulations and community organizations focus on preserving, promoting and protecting the vitality of the existing residents and business community continue to have the most vibrant and authentic Chinatowns.

2. Anti-Displacement Zoning Tools

Preventing residential displacement, especially of the lower-income population is one of the primary goals of this project. Housing market pressures on Chinatown and the Lower East Side have increased median rent prices (\$1,713 for recent movers as opposed to \$895 for all renters) and 37% of low-income renters have a high rent burden.¹⁴ Recent rental advertising data indicate that the median rent in the area is about \$3,500.¹⁵

Anti-displacement regulations are a mechanism to prevent population displacement and protect residents (and businesses) in areas experiencing market pressure, such as Chinatown and the Lower East Side. Many cities around the nation, including New York have such mechanisms in their zoning regulations or as citywide laws.

Anti-Displacement in New York City

Anti-displacement zoning regulations have been in effect in New York City since 1974 when The Special Clinton District established specific regulations to prevent displacement and demolition of its large affordable housing stock.

No harassment and no demolition regulations are enforced by the New York City Department of Housing Preservation and Development (HPD) and address 3 different categories:

1. Single Room Occupancy (SROs);
2. Clinton Special District; and
3. Properties located within the Special Hudson Yards District, Special West Chelsea District, Special Garment Center P-2 Preservation Area and Greenpoint-Williamsburg anti-harassment area.

Each of these three categories has separate regulations and filing requirements, although there are basic similarities relating to the need to submit an application for a determination of no harassment from HPD prior to getting Department of Buildings permits for alterations or demolition (in some cases).¹⁶ All but the SRO and Greenpoint-Williamsburg requirements stem from Special District provisions.

There are two basic provisions in these districts: 1) a no-demolition (of sound housing) component and 2) an anti-harassment component with specific findings. Only the Clinton Special District and the Hudson Yards Special District include both provisions. West Chelsea and Greenpoint-Williamsburg, which is an anti-harassment area and not a Special District, only include anti-harassment.

Of the Special Districts, Clinton has the most comprehensive regulations, including anti-harassment, anti-demolition, and specific “cure” regulations.¹⁷ In Clinton these provisions have been considered a success. Despite extensive new luxury development, areas subject to anti-harassment and anti-demolition regulations have been able to preserve much of their existing population.

In March 2008, the City signed into law the Tenant Protection Act, which made harassment a housing code violation and allowed a judge to impose a civil penalty. The new law allowed tenants to sue landlords for harassment. Prior to this time harassment was not considered a violation of the city’s Housing Maintenance Code. The new law defined harassment as the use of force or threats, repeated interruptions of essential services, the frequent filing of baseless court actions and other tactics that “substantially interfere with or disturb the comfort, repose, peace or quiet” of any unit’s lawful occupant.¹⁸

However, there is a major difference between the Tenant Protection Act (Local Law 007 of 2008, Council Int. No. 627-A) and the HPD certification of no harassment, in that the Local Law puts the burden of proof on the tenant and the HPD certification puts the burden of proof on the landlord.

Anti- Displacement in Other Cities

Most residential anti-displacement strategies in cities throughout the United States are related to displacement of tenants from projects that involve funding from the U.S. Department of Housing and Urban Development (HUD). The Residential Anti-Displacement and Relocation Assistance Plan (RARAP), under the Housing and Community Development Act of 1974, is applicable to projects that receive funding through Community Development Block Grants (CDBG)¹⁹, Urban Development Action Grants (UDAG)²⁰ and/or HOME-assisted projects.²¹

Other strategies to prevent gentrification-triggered indirect displacement of residents and businesses were reviewed as part of this study. Some of the Chinatown Special Districts discussed above include such strategies. Other cities, such as Pittsburg, Portland and several in San Francisco’s Bay area also provided examples. A detailed review of these strategies can be found in Appendix 8.

3. Inclusionary Zoning to Create or Preserve Affordable Housing

Inclusionary zoning is a land use tool that generally provides a density bonus (more than the permissible floor area of a building) in exchange for the provision of affordable housing.

In New York City, the Inclusionary Housing Program (IHP) allows a percentage of affordable units to be provided on-site as part of the development, or offsite through new construction, rehabilitation or preservation of existing affordable housing within the same community district or within one-half mile of the bonused development.²² Two types of program offer the IHP bonus: the Inclusionary Housing R10 Program and the Inclusionary Housing Designated Areas Program. Both programs are voluntary. The R10 IHP, which dates from 1987, applies to R10 districts, the highest density districts in the City. New developments that provide affordable housing receive a density bonus of up to 20%. The Designated Areas IHP Program, enacted in 2005, generally provides a 33% density bonus for the allocation of 20% affordable housing in perpetuity. Variations of these percentages may differ in IHP Designated Areas mapped within special districts.

Inclusionary zoning programs in other cities differ from New York City’s in two ways: they apply to the entire city, and include some mandatory requirements.²³ New York City’s IHP has encountered mixed success: developers of mid-size buildings are not using the program; small-size developers have difficulty using the program; and tenant advocates have voiced concerns about the loss, through demolition, of rent regulated units in IHP areas.²⁴

Critics of New York City’s Inclusionary Housing Program assert that even though the Bloomberg administration has rezoned about 40 percent of the city, including the establishment of over two dozen IHP

Designated Areas, it has created far fewer affordable housing units than projected.²⁵ While community boards approved IHP zoning overlays anticipating the development of affordable units, few have materialized. The current system provides little assurance that affordable housing units will be created, except for projects by non-profit developers.²⁶

The Association for Neighborhood and Housing Development recently launched a guaranteed inclusionary zoning proposal seeking to prompt changes that lead to the development and preservation of affordable housing during the new administration. The proposal calls for a guaranteed inclusionary housing program throughout the City, where new development on residential land zoned R6 or above or C4-2 or above, or involving a rezoning from manufacturing to residential use would be required to include affordable units. Small developments would be exempt under this program. Such mandatory policies currently exist in other cities such as Boston, Chicago, Denver, San Diego and San Francisco.²⁷ Developments would be eligible for various benefits in return, including expedited processing, fee deferrals or possible density bonuses. Also, all affordable units would be rent regulated and affordable in perpetuity, and residents displaced as a result of the land use action would have the first right of return to the development project.²⁸

4. New York City Special Purpose Districts

New York City’s Special Purpose Districts were reviewed as part of this study in order to determine whether the characteristics of Chinatown and its surrounding areas would qualify them to become a special district or districts, and to identify special district tools that could potentially address CWG’s zoning goals.

The following Special Districts in particular informed the development of the Proposed Special Chinatown

and Lower East River District, with respect to certain elements, as indicated below. (See Appendix 9 for details and reference URL.)

Special Clinton District: Anti-harassment and anti-demolition certification; commitment to retaining existing income mix.

Special Little Italy District: Historic and cultural preservation; contextual development that is consistent with existing scale; height and use limits; designation of Buildings of Significance (special permit for alterations and demolition); “G” zoning designation requiring a special permit for conversion of non-residential uses to residential use.

Special 125th Street District: Density bonus for “cultural” facilities; creation of a Local Arts Advisory Council to advise on appropriate cultural uses from the bonus; allows greater density in selected areas to provide affordable housing.

Lower Manhattan Special District: Transfer of development rights from historic buildings to designated areas within the Special District; retail continuity.

Tribeca Mixed Use Special District: Mixed use including light industry; ground floor size limits to maintain the character of commercial uses; height limits.

Special Mixed Use District: Allows residential and some industrial uses together as-of-right; protection (or non-protection) of manufacturing industrial establishments.

Special Hudson Square District: Mixed use; industrial retention, requiring existing non-residential floor area to be retained either in existing building or in new construction; use restrictions;

hotels over 100 rooms require a special permit.

Special Limited Commercial District: Provisions to promote/preserve commercial corridors in historic districts by permitting only uses that are deemed compatible. Limitations on illuminated signs.

Special Midtown District: Transfer of development rights from legitimate theaters in the Theater Subdistrict to other areas in the Special District; commercial use restrictions.

Special Garment Center District: Industrial preservation, prohibiting residential uses and hotels and limiting conversion to office space in Preservation Area 1.

Special Enhanced Commercial District: Use, size and frontage limitations to retain the vitality and pedestrian experience of the streetscape; frontage limits for banks and residential lobbies.

Bay Ridge Special District: Community Facility height limits to reflect the contextual scale and character.

Special Planned Community Preservation District: Provisions to protect large-scale residential developments by requiring a Special Permit for new development, demolition, enlargements and changes in landscape.

As in the above Special Districts, the history, land use, and community character of Chinatown and Lower East River area are unique and cannot be adequately addressed by traditional or contextual zoning.

Chinatown and the Lower East River communities share many of the same goals and characteristics of these Special Districts. The “general purposes” and zoning provisions of the Proposed Special Chinatown

and Lower East River District are based on those that have already been adopted in these Special Districts as a result.

Because of their similarities in built form, with concentrations of tenements that house low-income residents, the Clinton and Special Little Italy Districts, in particular, can serve as models for the Chinatown and surrounding areas Special District. In addition the gentrification pressures resulting from proximity to Mid-Town for Clinton and to the Lower Manhattan Civic Center and SoHo for Little Italy are also evident in Chinatown and surrounding areas.

In addition to the requirement for HPD anti-harassment and anti-demolition certification, the following general purposes are most relevant from the **Clinton Special District**:

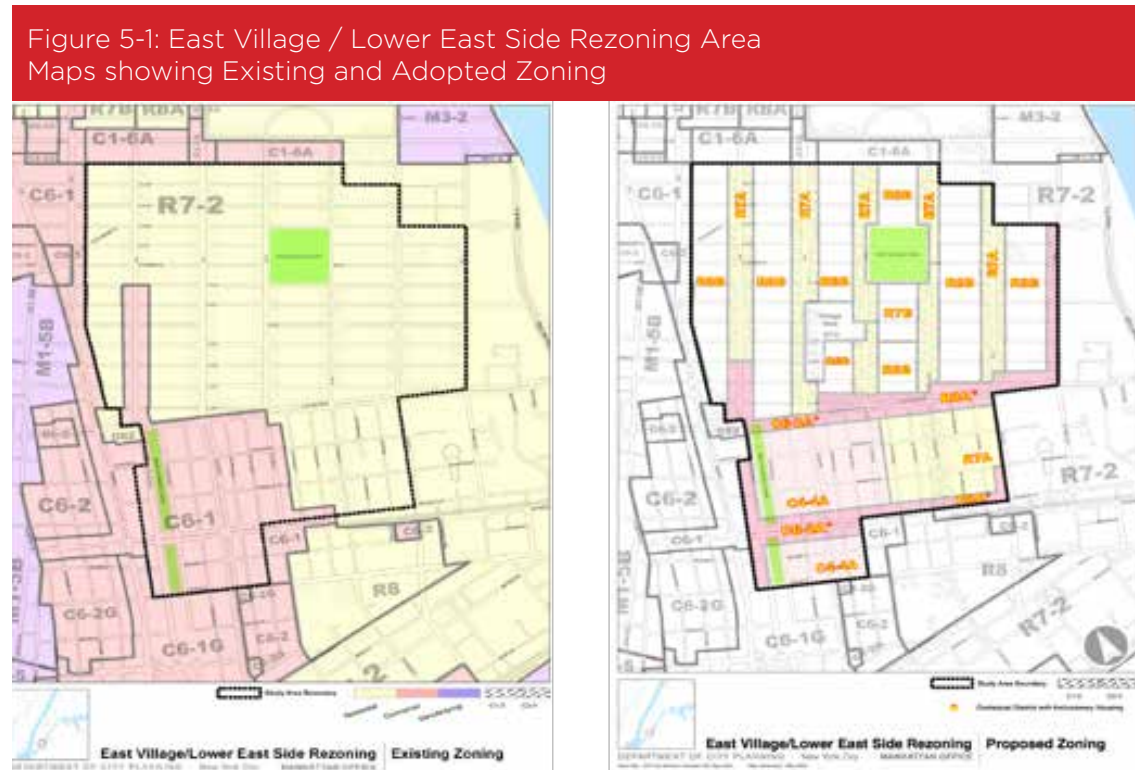
- preserve and strengthen the residential character of the community;
- permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- preserve the small-scale character and variety of existing stores and activities and control new commercial uses in conformity with the existing character of the area; and
- restrict demolition of buildings that are suitable for rehabilitation and continued residential use.

In addition to the establishment of a Preservation Subdistrict with specific height and use controls that serve to preserve its historical and cultural character, the **Special Little Italy District** includes the following relevant general purposes:

- protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area; and
- discourage the demolition of noteworthy buildings which are significant to the character of the area.

5. Impact of New York City Rezoning on Affordability

Up to 123 rezonings have occurred throughout New York City in the last 12 years under the Bloomberg Administration. They include contextual rezonings, downzonings and inclusionary zoning that carry the promise of affordable housing preservation and development. Three rezonings in particular were examined as part of this study to determine their success in carrying out this promise: the East Village / Lower East Side Rezoning (2008), the South Park Slope Rezoning (2005), and the Greenpoint / Williamsburg Contextual Rezoning (2009). All three of these rezoning actions include contextual rezoning as well as Inclusionary Housing in designated areas.



In addition to information obtained from the Department of City Planning and the US Census, numerous reports and studies provided key analysis and evaluation of rezoning trends and programs. They include the Furman Center’s *State of New York City’s Housing and Neighborhoods 2012*, and a report on Inclusionary Zoning in New York City prepared by the Office of Council Member Brad Lander, released in August 2013, evaluating the effectiveness of this program in providing affordable housing.

East Village / Lower East Side Rezoning

This 111-block contextual rezoning, approved by the New York City Council in 2008, sought to preserve the existing scale of the neighborhood and provide modest opportunities for residential growth along wide avenues through upzoning and use of the voluntary Inclusionary Housing program.²⁹ Despite efforts by City Council Member Rosie Mendez to include anti-harassment provisions and to increase

the percentage of affordable housing units in the Inclusionary Housing Program, the full Council approved the rezoning as recommended by the City Planning Commission.

The application of contextual rezoning responded to the increasing number of tall buildings that had been constructed in the area under the existing zoning.³⁰

The Designated Area for application of the Inclusionary Housing Program includes Houston, Delancey and Christie Streets, which were upzoned from R7-2 and C6-1 to R8A and C6-2A (Figure 5-1) . An estimated 348 affordable housing units was expected to be developed under this voluntary program.³¹ Only 59 units have been generated to date.³²

The median contract rent in the Lower East Side/Chinatown increased by 15% between 2008 and 2009, the highest increase among all three rezoning areas.³³ In a more recent comparison, the median monthly rent

for all renters in 2011 was \$895, while the median monthly rent for recent movers was \$1,713.³⁴ The index of housing price appreciation for multi-family buildings with 5 or more units, used by the Furman Center for Real Estate and Urban Policy to measure the relative change in property values over time, more than doubled between 2006 and 2012, a further indication of gentrification.³⁵

The number of rent-stabilized units in the area decreased by 14% or almost 4,000 units between 2005 and 2008.³⁶ Although recent, sub-borough level data on rent-stabilized units are not yet available, the above trends are strongly indicative of gentrification in the area, even before the rezoning. Manhattan Community Board 3 recognizes that despite its efforts to retain affordable housing stock there has been a substantial displacement of long-time residents and small businesses due to increasing rents.³⁷

Figure 5-2: South Park Slope Rezoning Area Maps showing Existing and Adopted Zoning



South Park Slope Rezoning

The South Park Slope rezoning, approved by the New York City Council in 2005, was intended to protect the predominantly low-rise character of this Brooklyn neighborhood³⁸, strengthen mixed use development on avenue corridors and provide incentives for affordable housing.³⁹ (Figure 5-2)

Highlights of this 50-block rezoning include the mapping to contextual R5A and R5B of the existing

standard R6 and R5 districts, and the upzoning of Fourth Avenue from R6 to R8A with an Inclusionary Housing bonus for developments providing affordable housing.

The upzoning of Fourth Avenue, which was characterized by three-story walk-ups, auto repair shops and gas stations, spurred development of market-rate condominiums immediately after the rezoning was approved.⁴⁰ Although the City Council and the Bloomberg Administration had set aside \$6 million

to stimulate construction of below-market rate housing along Fourth Avenue, developers did not take advantage of this initiative as they would profit much more by building only market-rate apartments.⁴¹

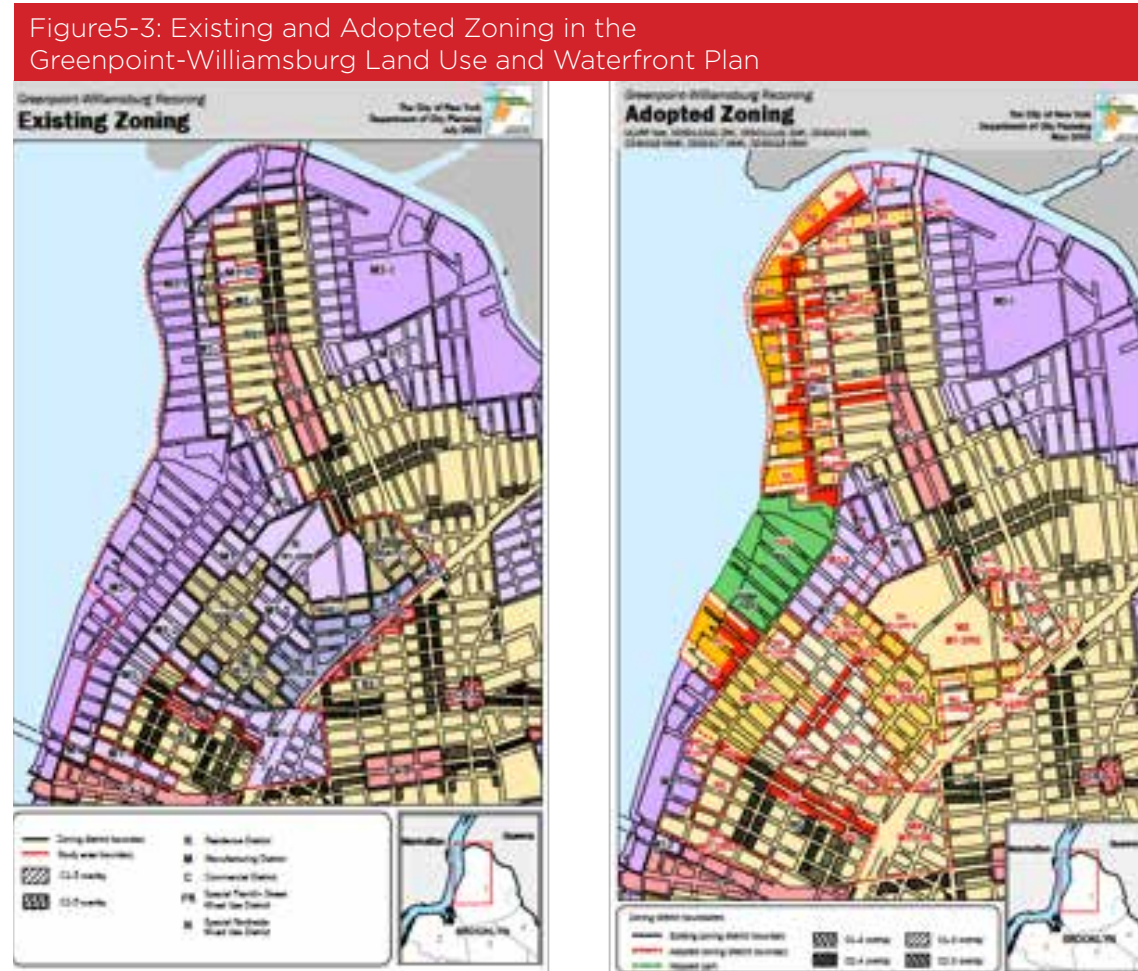
Between 2005 and 2011 Brooklyn Community District 6, which comprises Park Slope and Carroll Gardens, experienced significant growth and development. The population increased by 8% (8,000 people), and the median household income more than doubled (from \$40,000 to \$85,301).⁴² The number of public, subsidized and rent-regulated housing units decreased by 17% during the same period, from 68% to 51%, while homeownership increased, as well as the index of housing price appreciation for two to four-family buildings, which went up by nearly 23%.⁴³ These changes strongly denote gentrification.

In addition, although the rezoning was expected to generate at least 130 below-market-rate units, the Inclusionary Housing program has produced only 6 units since its implementation - in a single development on Third Avenue.⁴⁴

Greenpoint-Williamsburg Contextual Rezoning

Greenpoint and Williamsburg in Brooklyn's Community District 1 experienced two rezoning actions, approved by the New York City Council in 2005 and in 2009. The Greenpoint-Williamsburg Land Use and Waterfront Plan, approved in 2005, included the rezoning of 183 blocks, mostly on the waterfront, from manufacturing to residential, mixed-use and contextual commercial zoning districts.⁴⁵ (Figure 5-3) Highlights of this rezoning include application of the Inclusionary Housing program, one of the earliest enacted by the city, and anti-harassment provisions.

The Greenpoint-Williamsburg Contextual Rezoning of 2009 added 175 inland blocks, replacing the area's predominantly R6 zoning with contextual R6A, R6B



and R7A, and increasing the density along major commercial corridors, such as Grand Street, McGuinness Boulevard, and Manhattan, Metropolitan, Union and Bushwick Avenues. The Inclusionary Housing Program was also designated along these corridors.⁴⁶ (Fig. 5-4)

The contextual rezoning sought to address the recent as-of-right development of very tall buildings in areas characterized by two- and three-story buildings.⁴⁷

Both rezonings combined were predicted to generate at least 1,878 below-market-rate units.⁴⁸ However, the Inclusionary Housing program has produced only 949 units in 15 buildings since its implementation.⁴⁹

The population of Community District 1 increased by 7.9% (12,745 people) between 2000 and 2010.⁵⁰ The median household income increased by 36% between 2005 and 2011, from \$35,000 to \$47,927.⁵¹ During the same period, the number of public, subsidized and rent-regulated housing units decreased by 5%, from 74.3% to 68%. Although median monthly rent has not drastically increased in the same period, the median rent burden is 31% for all renters and 47% for low-income renters.⁵² Again, these changes suggest significant gentrification.

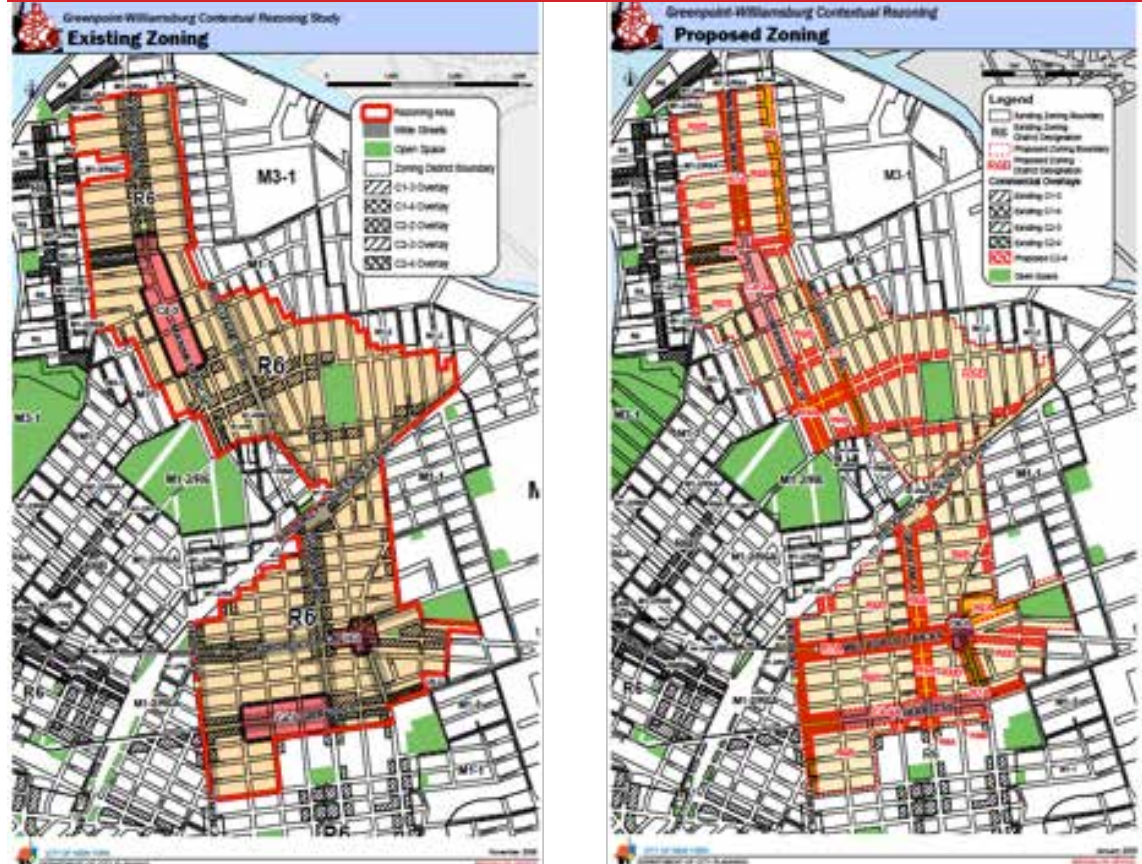
Brooklyn Community Board 1 argues that low-income residents are being displaced in large part due to HPD’s piecemeal approach to implementing its plans in the district, and that it should document displaced residents and give them preference when units become available.⁵³ While CB1 stresses the need to fully fund and continue anti-harassment and displacement assistance services in the district, it is also critical of the way the anti-harassment initiative is being implemented.⁵⁴ The Board contends that not all of the groups funded to undertake this initiative are located in the affected areas, and that it should be delivered at the grassroots level.⁵⁵

Review of these three rezoning actions, approved between 2005 and 2009, allows one to conclude the following:

- Contextual rezoning has been used throughout New York City as a successful tool to ensure that the height and scale of new developments is consistent with the existing built form, not necessarily to preserve the existing population. In this review, contextual rezoning was used to address as-of-right oversized development.

- As a voluntary program, Inclusionary zoning has not been successful in creating enough affordable housing units. Very few units were created under Inclusionary Housing in the three areas under review, while gentrification seems to have increased, according to statements by Manhattan CB3 and Brooklyn CB1. In South Park Slope, developers seem to make enough profit without the use of this program.
- As opposed to the more successful Clinton Special District, the Anti-Harassment district

Figure 5-4 Existing and Adopted Zoning in the Greenpoint -Williamsburg Contextual Rezoning.



initiative established in Greenpoint-Williamsburg is not functioning as originally planned, and more efforts are needed to secure grassroots involvement in its implementation.

The above conclusions and those drawn from extensive examination of case studies and zoning tools that have been applied in New York City and elsewhere in the United States, clearly point to the Special Purpose District as the appropriate zoning tool for addressing multiple land use, affordability, economic development and historic preservation issues in Chinatown and its surrounding areas. The proposed Special Chinatown and Lower East River District is described in detail in Chapter 6.

Notes:

1. Floor Area Ratio (FAR) is a measure of density. It is the ratio between the total square footage of a building divided by the total lot area. It is used to calculate the total area of a building on a lot. When a lot is built out, it means that the square footage of the building exceeds the total allowed by the applicable FAR.
2. CWG Task II Report: Research and Analysis, p. 36
3. CWG Task II Report: Research and Analysis, p. 50
4. CWG Task II Report: Research and Analysis, p. 57
5. *Income and Rent of Tenants in Market Rate and Rent Regulated Units, 2011*. Furman Center for Real Estate and Urban Policy. Fact Brief.
6. CWG Task II Report: Research and Analysis, p. 61
7. Ibid, p. 60
8. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 30
9. For Zip Code 10002, which encompasses most of Chinatown and the Lower East Side. CWG Task II Report: Research and Analysis, p. 76.
10. *A Stronger, More Resilient New York*, the City of New York, Mayor Michael Bloomberg, June 2013, p. 372
11. Ibid, p. 373
12. CWG Task II Report: Research and Analysis, p. 49, 51 and 55.
13. Under Section 703.3 of the San Francisco Planning Code formula retail is defined as "a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a service-mark." In other words, retail stores with multiple locations and a recognizable "look" or appearance. See www.sf-planning.org/index.aspx?page=2839
14. *State of New York City's Housing and Neighborhoods 2012*, Furman Center for Real Estate and Urban Policy, New York University, p.98.

15. Based on listed rental prices for studios as well as 1, 2, and 3 bedroom apartments within the boundary of the RFP Study Area, collected during May 29-31, 2013, using the real estate search platform, Zillow. See *Market Rental Prices, 2013* in CWG Task II Report, p. 61
16. The specific provisions for each category stem from the Rules of the City of New York -Title 28: Housing Preservation and Development for: certifications, exemptions, and waivers pursuant to Administrative Code §28-1071 et seq., Administrative Code §27-2093, Zoning Resolution §96-110, Zoning Resolution §93-90, Zoning Resolution §98-70, Zoning Resolution §23-013, and any subsequently enacted provision of the Administrative Code or Zoning Resolution, which authorizes HPD to make determinations.
17. Cure regulations specify exactly how violations must be remedied. Cure in this case refers to remedy provisions where the developer agrees to address displacement of existing tenants.
18. Tenant Protection Act (Local Law 7 of 2008)
19. See portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs
20. See portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/rulesandregs/laws/sec5318
21. See portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing/programs/home/
22. New York City Department of City Planning website: Zoning Tools, Inclusionary Housing Program. See: www.nyc.gov/html/dcp/html/zone/zh_inclu_housing.shtml
23. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 3
24. Ibid, p. 15-17
25. Association for Neighborhood and Housing Development, Inc., *Guaranteed Inclusionary Zoning - Ensuring Affordability is a part New York City's Future*, August 2013, p. 2
26. Ibid, p. 3
27. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 19
28. Association for Neighborhood and Housing Development, Inc., *Guaranteed Inclusionary Zoning - Ensuring Affordability is a part New York City's Future*, August 2013, p. 4
29. For detailed description of the East Village / Lower East Side rezoning, see the Department of City Planning website at: www.nyc.gov/html/dcp/html/evles/index.shtml and CityLand review at: www.citylandnyc.org/extensive-rezoning-of-e-villageles-approved/#more-5488
30. Ibid.
31. See Project Description of the East Village / Lower East Side rezoning Final Environmental Impact Statement (FEIS) at: www.nyc.gov/html/dcp/pdf/env_review/evles/01_feis.pdf
32. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 9.
33. Source: American Community Survey 2009.
34. *State of New York City's Housing and Neighborhoods 2012*, Furman Center for Real Estate and Urban Policy, New York University, p. 98
35. Ibid.
36. Source: New York City Housing and Vacancy Survey 2008. Please note that 2011 data on rent-stabilized units by sub-borough area has not been released to date.
37. Manhattan Community District Profiles, Department of City Planning, June 2013, *District Needs Statement for Fiscal Year 2014*, p. 1. See DCP's website at: www.nyc.gov/html/dcp/pdf/lucds/mn-3profile.pdf
38. See review description on Cityland at: www.citylandnyc.org/rezoning-and-inclusionary-housing-approved/#more-8914
39. For detailed description of the South Park Slope Rezoning, see the Department of City Planning webpage at: www.nyc.gov/html/dcp/html/southparkslope/southparkslope3.shtml
40. Garbarine, Rachele, *Residential Real Estate; Rezoning Spurs Park Slope Condos*, The New York Times, June 6, 2003. See complete article at: www.nytimes.com/2003/06/06/nyregion/residential-real-estate-rezoning-spurs-park-slope-condos.html. For other views on affordable housing and rezoning in Community Board 6 see: atlanticyardsreport.blogspot.com/2007/06/non-inclusionary-fourth-avenue-rezoning.html
41. Ibid.
42. *State of New York City's Housing and Neighborhoods 2005 and 2011*, Furman Center for Real Estate and Urban Policy, New York University, p.33 and p.75, respectively.
43. Ibid
44. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 30.
45. For detailed description of the Greenpoint-Williamsburg Land Use and Waterfront Plan, see the Department of City Planning website at: www.nyc.gov/html/dcp/html/greenpointwill/greenoverview.shtml. See also CityLand's description at: archive.citylaw.org/cityland/2005/April/J5A3NmpD.pdf and archive.citylaw.org/cityland/2005/May/Hr5N87rC.pdf
46. For detailed description of the Greenpoint-Williamsburg Contextual Rezoning, see the Department of City Planning website at: www.nyc.gov/html/dcp/html/greenpointwill_con/index.shtml, and Cityland's description at: www.citylandnyc.org/north-brooklyn-rezoned/#more-4847
47. bid.
48. Katz, Alyssa, *City Limits Guide to Inclusionary Zoning*, January/February 2005, and Brooklyn Borough President Recommendation to City Planning Commission, May 2009.
49. *Inclusionary Zoning in New York City: The performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005*, Office of Council Member Brad Lander, 2013, p. 14.
50. Brooklyn Community District Profiles, Department of City Planning, June 2013. See DCP's website at: www.nyc.gov/html/dcp/pdf/lucds/bk1profile.pdf
51. *State of New York City's Housing and Neighborhoods 2005 and 2012*, Furman Center for Real Estate and Urban Policy, New York University, p.50 and p.74, respectively.
52. Ibid.
53. Brooklyn Community District Profiles, Department of City Planning, June 2013, Statement of Community District Needs, Fiscal Year 2014, June 12 2012, p. 2. See DCP's website at: www.nyc.gov/html/dcp/pdf/lucds/bk1profile.pdf
54. Ibid.
55. Ibid, p. 4

CHAPTER 6

Special Chinatown And Lower East River District

A primary goal of this project was to provide the Chinatown Working Group with recommendations for a Special Zoning District for Chinatown and surrounding areas that would form the basis of a 197-c zoning action.

Chinatown and its surrounding areas have maintained a very special place throughout New York City's history, from the early immigrant settlements to the multilayered, creative, bustling, entrepreneurial neighborhoods of today that continue to serve both old and new immigrant populations and excite and inspire both New York City residents and travelers from all parts of the world.

Yet the very qualities that support income diversity, small businesses, and the unique cultural and historic assets of these Lower Manhattan communities stand to be lost in the face of encroaching out-of-scale market-rate development.

A Special District that integrates affordability, economic development, cultural and historic preservation strategies would protect against such losses and allow appropriate development to take place.



The proposed Special Chinatown and Lower East River District would help to achieve the following Chinatown Working Group goals:

- Counter involuntary displacement of existing low-income residents and small businesses in Chinatown and surrounding areas;
- Preserve Chinatown as a first destination for immigrants;
- Protect Chinatown and the surrounding areas' long time residential population and small businesses;
- Promote commercial stability, preservation, growth and revitalization;
- Encourage balanced economic growth appropriate to this low-cost and affordable neighborhood, in particular to small businesses, non-profits and culturally-based enterprises;
- Protect historical structures, distinctive architecture, notable streetscapes and other characteristic elements of the community while encouraging imaginative new designs that respect the significant architecture in the neighborhood.

Special District and Subdistricts

See Appendix 10 and Appendix 11 for detailed information on the Special District basic structure and possible text provisions.

SPECIAL DISTRICT

Although different parts of the RFP Study Area vary with respect to use, scale, community character and context there are also a number of significant similarities and common threats that make the creation of a Special Zoning District encompassing the entire study area appropriate, including:

1. A unique history as New York City's longest continuous home and cultural resource for past and current immigrants;
2. A diverse mix of land uses that are not permitted to co-exist under current zoning;
3. Unique signage and streetscapes that are reflective of community culture;
4. A concentration of tenements and large-scale "tower in the park" planned developments built for working class residents;
5. A high percentage of low income residents unable to afford market rents and vulnerable to harassment and displacement pressures;
6. A high percentage of renters, rent-regulated units and rent burdened and overcrowded households;
7. A high percentage of residents who walk to work;
8. Small businesses that provide culturally specialized goods and services for the local and regional community;

9. Among the only areas in Lower Manhattan not currently covered by contextual or Special District zoning or New York City Historic District designation.

There are several reasons why a Special District is the most appropriate zoning strategy for this area:

- Special Districts are the most effective tool to protect neighborhoods that have distinctive characteristics which cannot be addressed within standard zoning districts.
- While contextual zoning is useful in fostering development that respects the scale, height and character of neighborhoods, it has not been proven to deter gentrification.
- Of all anti-displacement (anti-harassment and anti-demolition) tools used in New York City, the ones used in the Special Clinton District have been the most successful in preventing displacement of existing residents.
- Chinatown Special Districts in other cities - when combined with active community development, tenant advocacy, and direct services - have been effective in preserving existing residential and business populations and maintaining community character.

SUBDISTRICTS

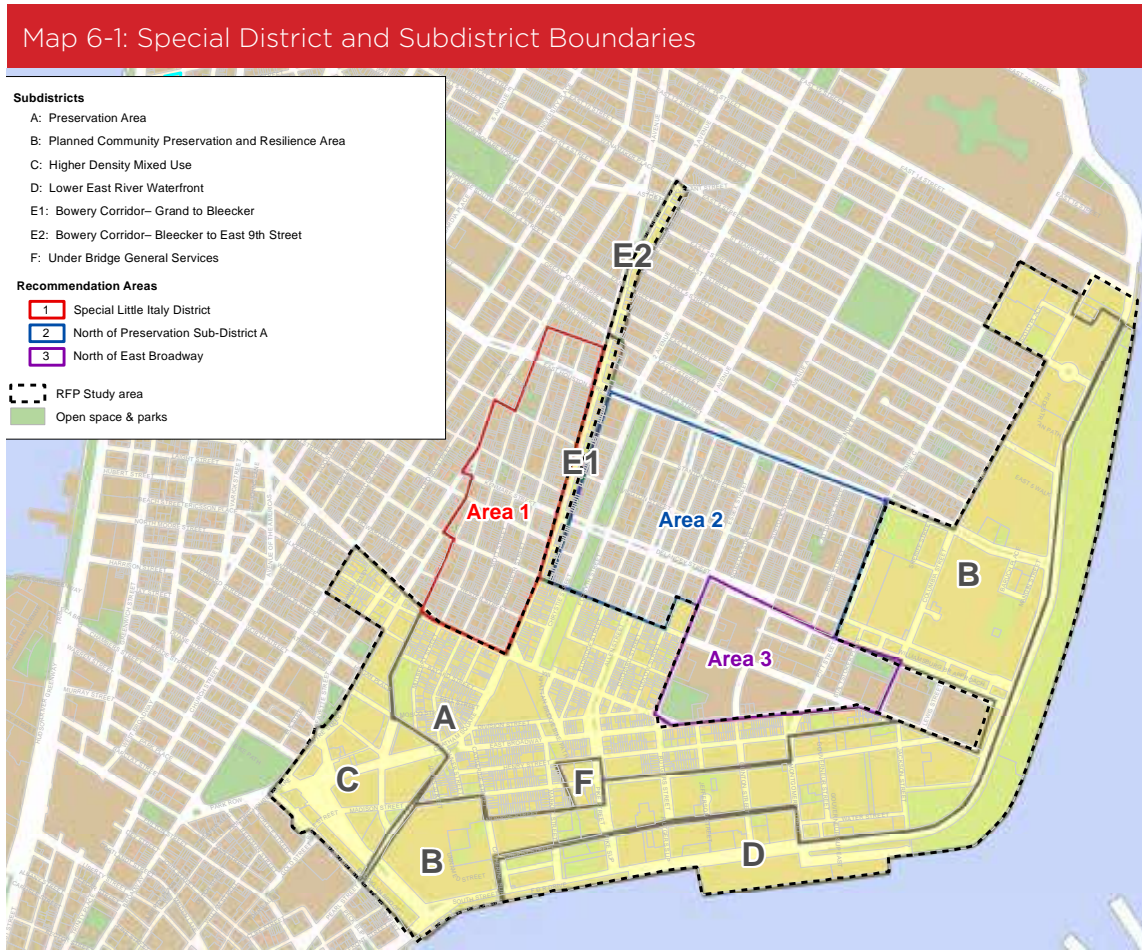
In order to respond to the specific characteristics of different neighborhoods in the RFP Study Area we propose that the Special District be composed of seven Subdistricts with specific provisions that reflect the contextual differences in character and built form and the challenges and opportunities in each. They are labeled as follows:

- Subdistrict A:** Preservation Area
- Subdistrict B:** Planned Community Preservation and Resilience Area
- Subdistrict C:** Higher Density Mixed Use
- Subdistrict D:** Lower East River Waterfront
- Subdistrict E1:** Bowery Corridor - Grand to Bleecker
- Subdistrict E2:** Bowery Corridor - Bleecker to East 9th Street
- Subdistrict F:** Under Bridge General Services

RECOMMENDATION AREAS

Additional recommendations are made for areas outside of the RFP Study Area that have similar cultural, demographic and built form characteristics and challenges, as follows:

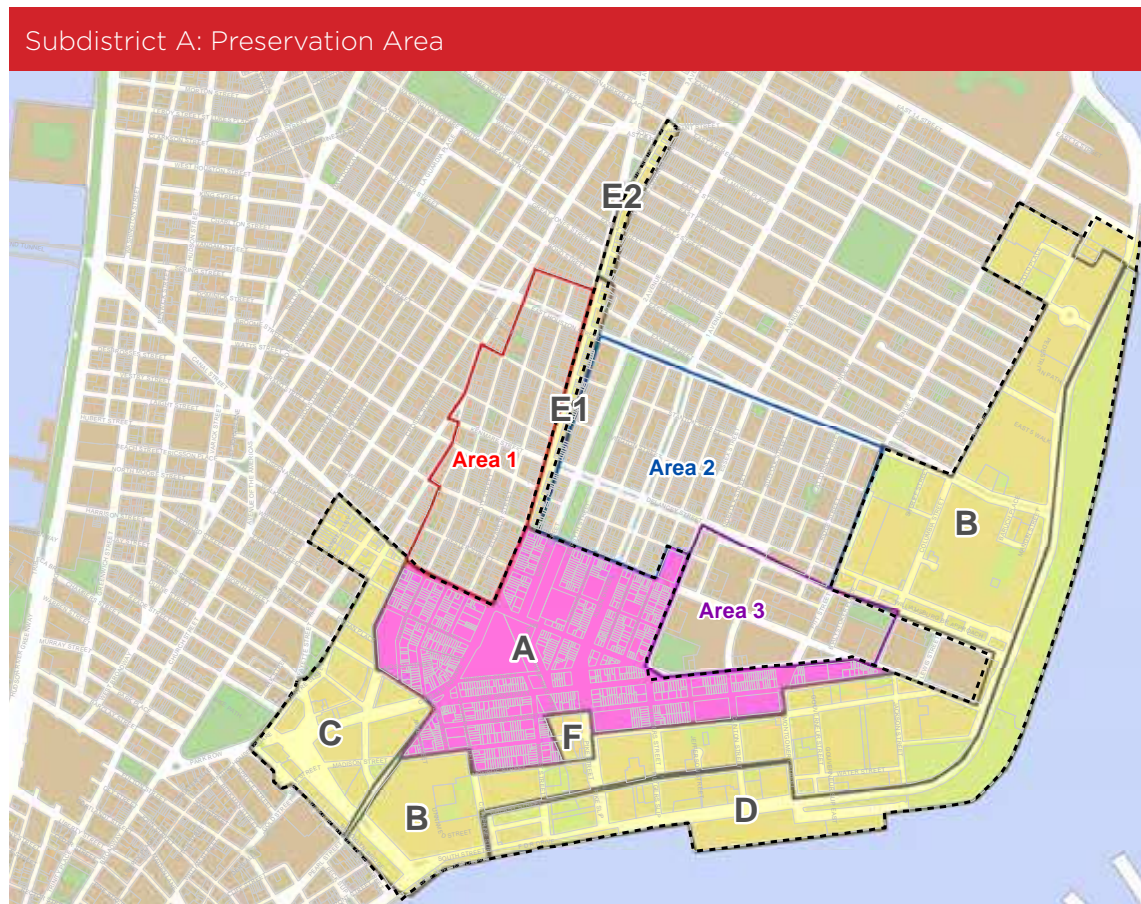
- Recommendation Area 1:** Special Little Italy District
- Recommendation Area 2:** North of Preservation Sub-District A
- Recommendation Area 3:** North of East Broadway



Special Characteristics of Subdistricts

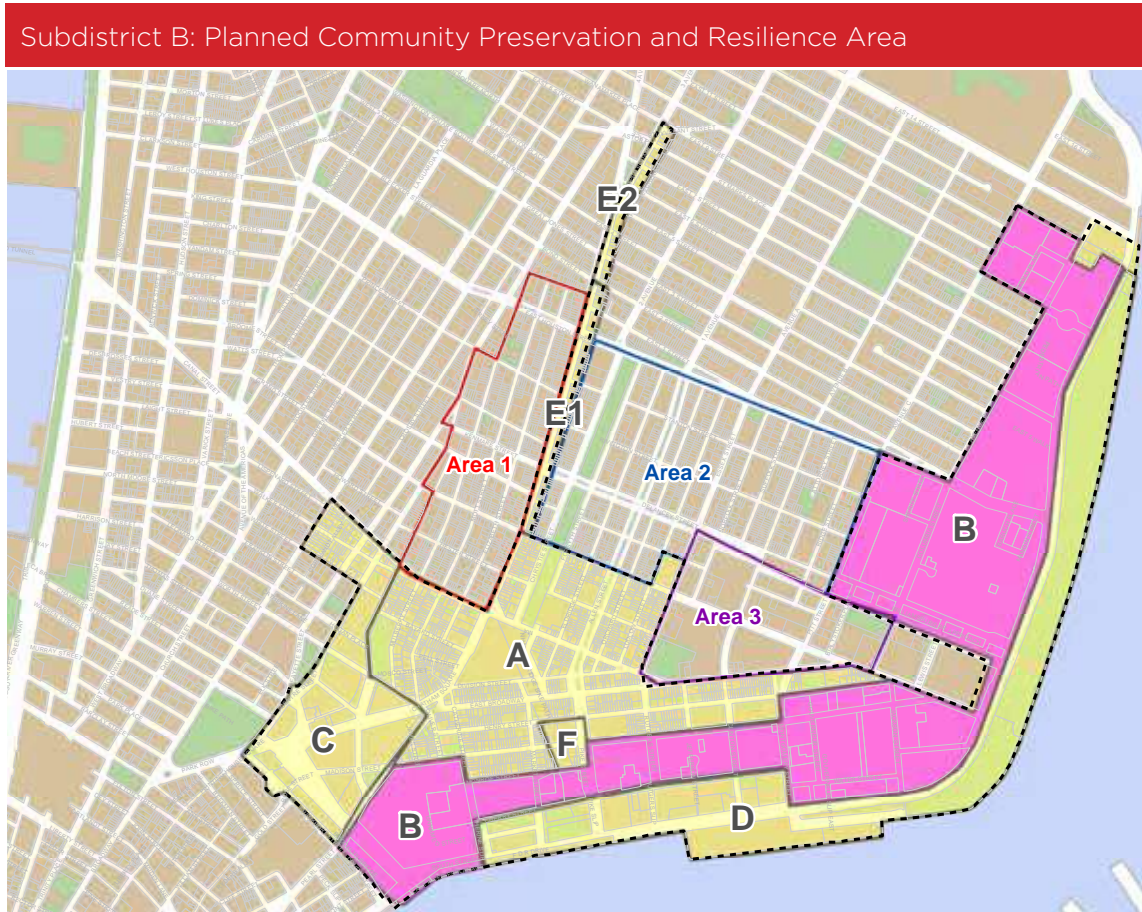
Subdistrict A: Preservation Area

- Includes the historic core of Chinatown and adjoining blocks with similar lot size, built form, character and socio-economic conditions.
- Primary destination for immigrants from all over the world since the early 18th Century. Continues to serve that purpose for many new immigrants today.
- Home to generations of Chinese (established community networks, access to cultural and ethnically specialized services and products, employment opportunities within easy walking distance).
- Relatively older, poorer population than New York City. Nearly all renters. Many live in overcrowded conditions paying over 50% of their income for rent.
- Streetscape characterized by unique and vibrant signage, open storefront displays and sidewalk vending.
- Many businesses provide culturally specialized goods and services.
- Most buildings are mixed use (stores, restaurants, and sometimes light manufacturing uses below; residential and also commercial uses above).
- Mostly 5-9 story buildings on long, narrow lots (20 to 25 feet by 75 to 100 feet)
- One of New York City's last remaining large concentrations of old and new law tenement buildings, many built with nearly full lot coverage and a higher FAR than a 5-9 story height could accommodate today.
- Most of the area was zoned C6-1 and C6-2 in 1961. As the current zoning has no height limits or affordable housing requirements, new as-of-right development is out of scale and character with the existing neighborhood.



Subdistrict B: Planned Community Preservation and Resilience Area

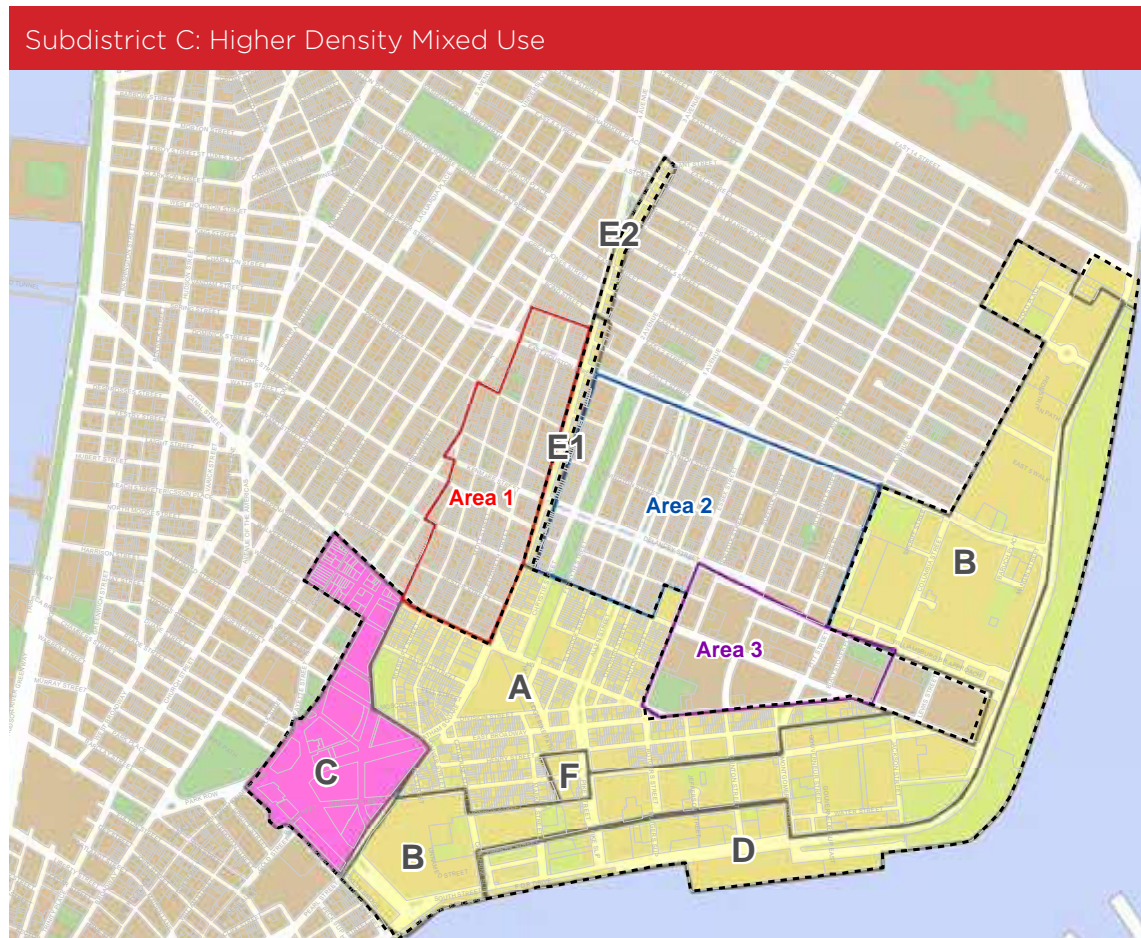
- Large planned housing developments constructed for low and moderate income New Yorkers along the lower East River in the 1930s, 40s and 50s.
- Have served generations of New Yorkers and become valuable communities. Although low and moderate income, population is quite diverse.
- Built in a “tower in the park” architectural style influenced by the ideas of the European architect Le Corbusier. Characterized by large-scale site plans with significant open space and internal pedestrian walkways.
- Several middle income and market rate coops and rental buildings in Subdistrict B also developed with large-scale site plans and significant open space.
- Considerable unused floor area available under current R7-2 zoning. NYCHA proposes to use this FAR to build new market rate housing to support its operating costs.
- The entire Subdistrict B is vulnerable to the impacts of Climate Change. Most developments lie within FEMA storm surge areas even in a Category 1 Hurricane. Nearly all of Subdistrict B was severely impacted by Hurricane Sandy.



LaGuardia Houses

Subdistrict C: Higher Density Mixed Use

- Mostly taller buildings, including commercial loft buildings, along the western boundary of the RFP Study Area (between White and Canal Streets, from Broadway to Baxter Street).
- Historically housed manufacturing uses, some of which still remain. Even though many loft buildings are only 8-10 stories, they are often taller than buildings in Subdistrict A (Preservation Area) because of manufacturers' need for greater ceiling heights.
- A small section of the Tribeca East Historic District extends into the western-most edge of the area.
- There are a number of potential development sites with unused floor area, including parking lots and several 1 and 2 story buildings, located along Canal at the intersection with Lafayette Street.
- Part of Area C between Canal Street and Walker Street is zoned M1-5 (medium density non-contextual manufacturing zone) reflecting its manufacturing past. There is a real mix of uses in this area.
- South of Walker is zoned C6-2A (medium rise, medium density contextual zone with a height cap of 120 ft. west of Lafayette Street, and C6-4 (high rise, high density zone with no height cap) to the south and east.

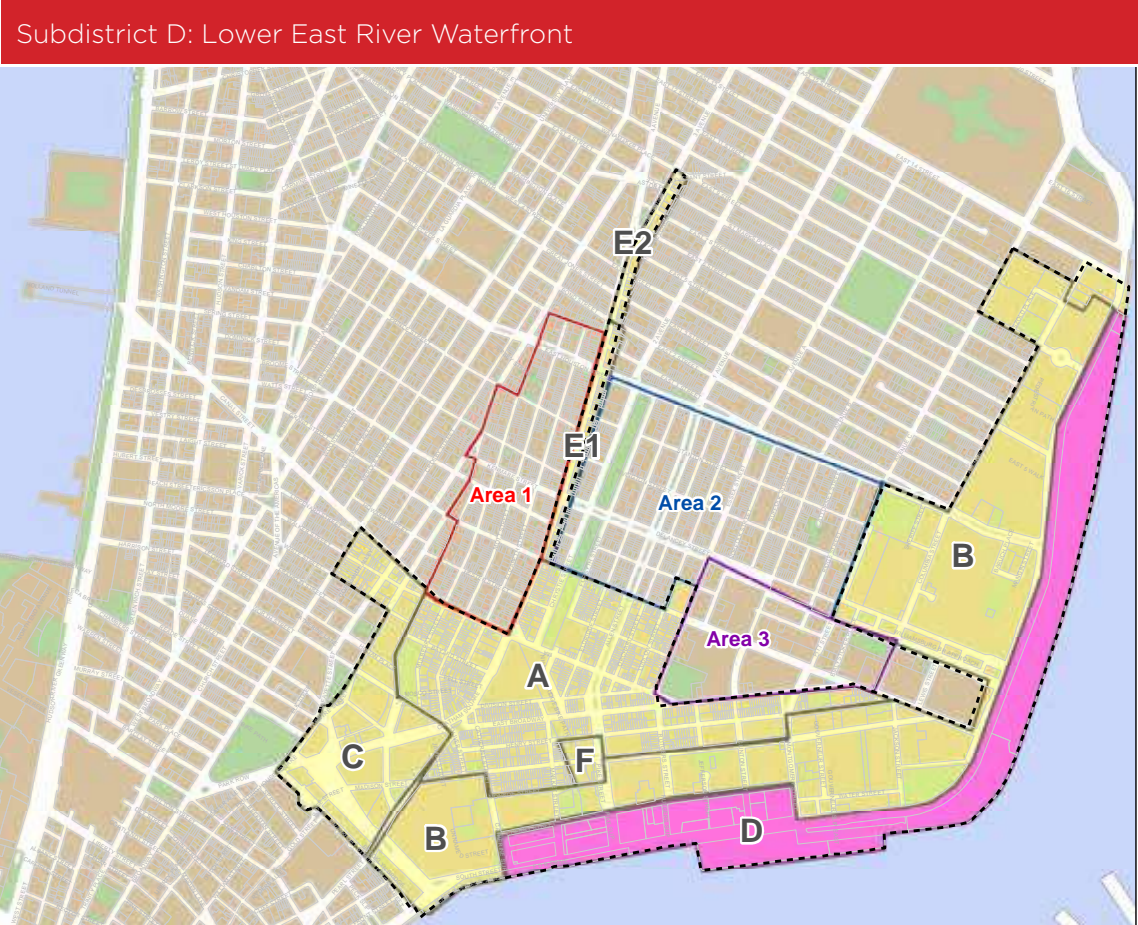


- Built form and uses south of White are quite different, with primarily institutional/ governmental facilities between Centre Street and Baxter and high rise residential cooperatives ranging in height from 10-30 stories on both sides of Park Row to the south east. The resident population in this area has a somewhat higher median income than those in the other Subdistricts.



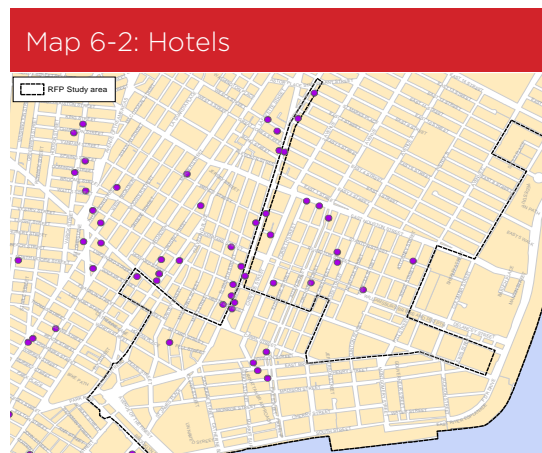
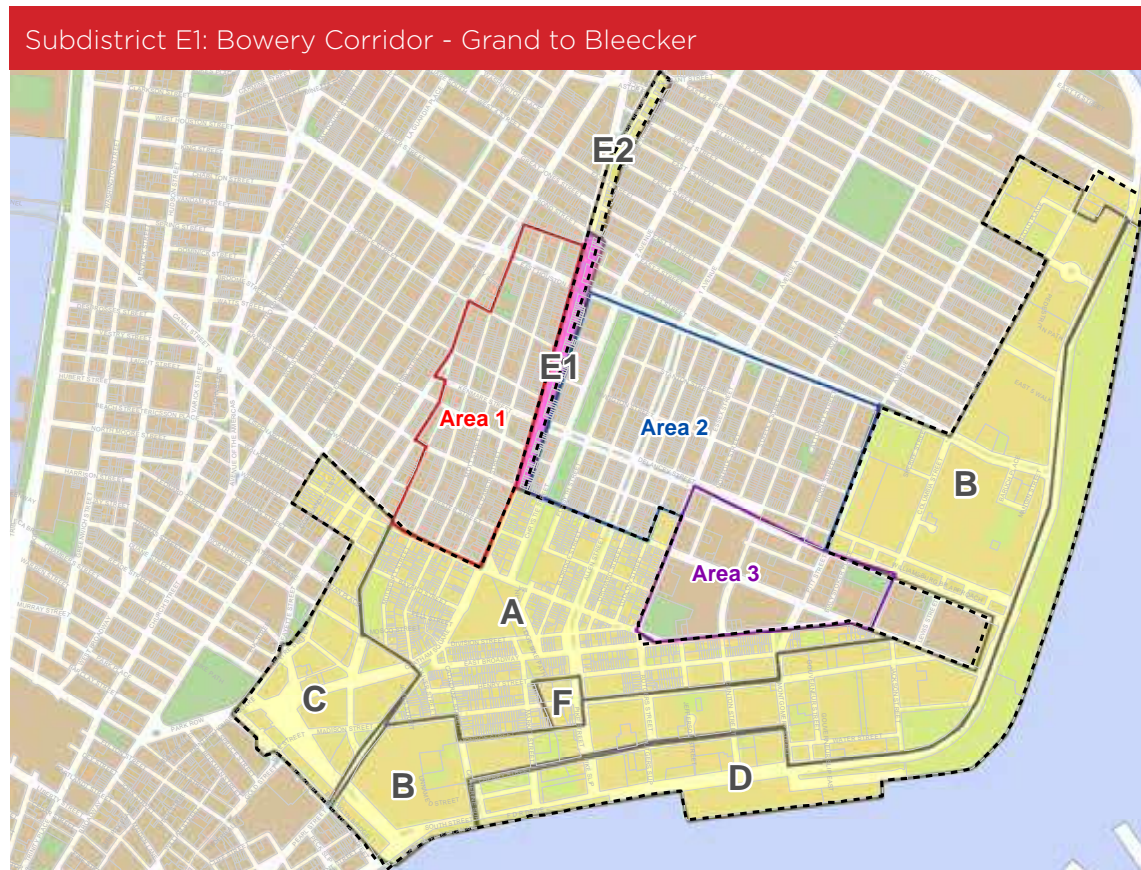
Subdistrict D: Lower East River Waterfront

- The Lower East River waterfront has changed dramatically from its historic port and maritime uses. Currently Piers 35, 36 and 42 house recreational uses such as Basketball City. A walkway is being constructed along the waterfront bulkhead, and there are plans for a major park development on the Piers. Currently there is little direct public access to the waterfront because of South Street and the elevated highway.
- Much as in Subdistrict A the majority of the population is low income and older. High Rise moderate income and affordable senior housing has been built on the north side of South Street.
- The area is currently zoned C6-4 which permits high density residential and commercial use without a height limitation; and M1-4, C2-8 and M1-6 on the pier, sports field, walkway and storage facilities in the western parts of the area, which do not allow residential uses.
- There are several large potential development sites, including the recently closed Pathmark supermarket, proposed for high rise housing development, and the Edison mini-storage facility and parking. A large sports field, used by Murray Bergtraum High School, is generally not accessible to the public. There are several municipal utility uses under the Manhattan Bridge overpass.
- Like Subdistrict B, the entire Subdistrict D is vulnerable to the impacts of Climate Change, with most developments in FEMA storm surge areas even in a Category 1 Hurricane. Nearly all of this area was severely impacted by flooding from Hurricane Sandy. Maximizing open space and permeable surfaces as well as incorporating resilient infrastructure and architecture are critical.



Subdistrict E1: Bowery Corridor - Grand to Bleecker

- The Bowery is New York City's oldest thoroughfare. At one time the center for theater and entertainment.
- Parts of the Bowery deteriorated during the mid-20th Century and were characterized by Single Room Occupancy (SRO) buildings.
- There has been significant new out-of-scale development in recent years, in particular hotels and high rise luxury housing.
- Current C6-1 zoning on the east side of the Bowery, in Community District 3, does not have a contextual height limit like that on the west side of the Bowery, which restricts building heights to 85 ft. as part of the Special Little Italy District, mapped entirely in Community District 2. Much of the new development on the east side of the Bowery is therefore out of context with the generally 5-9 story built form.
- Over 11 hotels concentrated along and near the Bowery significantly change the scale and character of the area. Also, construction of the New Museum has spurred the interest of arts related uses and market rate residential development along the Bowery and in adjoining areas. (Map 6-2)
- A number of older tenements and other residential buildings remain, housing generally low and moderate income individuals and families, often in rent regulated apartments.
- A concentration of restaurant supply, furniture and lighting businesses is located in the southern section of the Bowery.

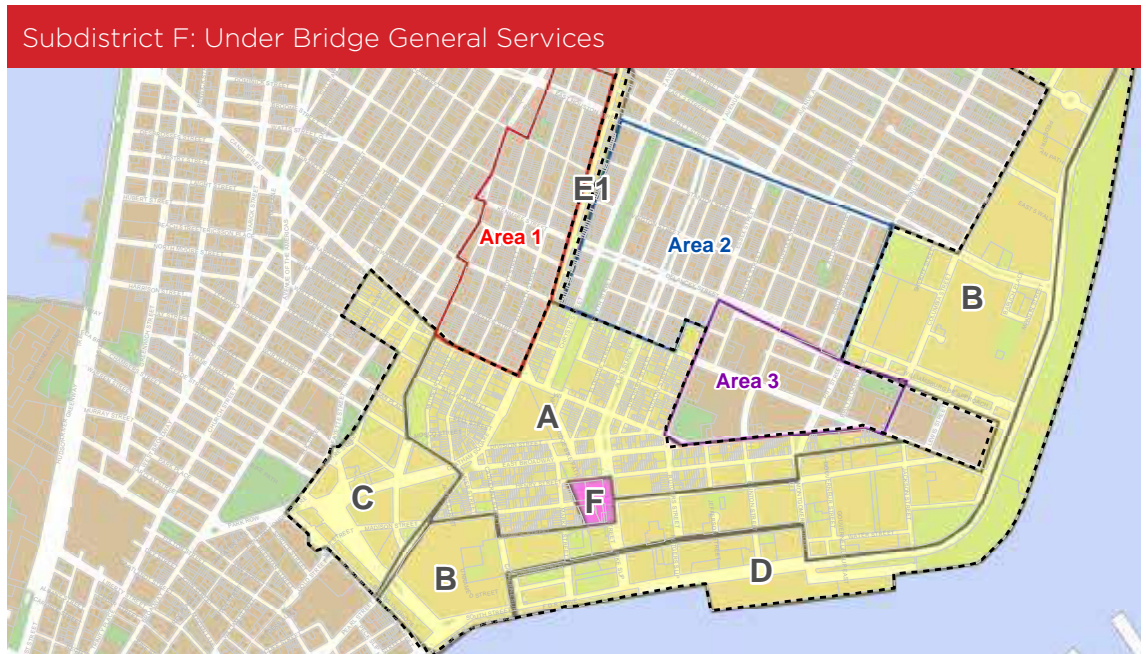
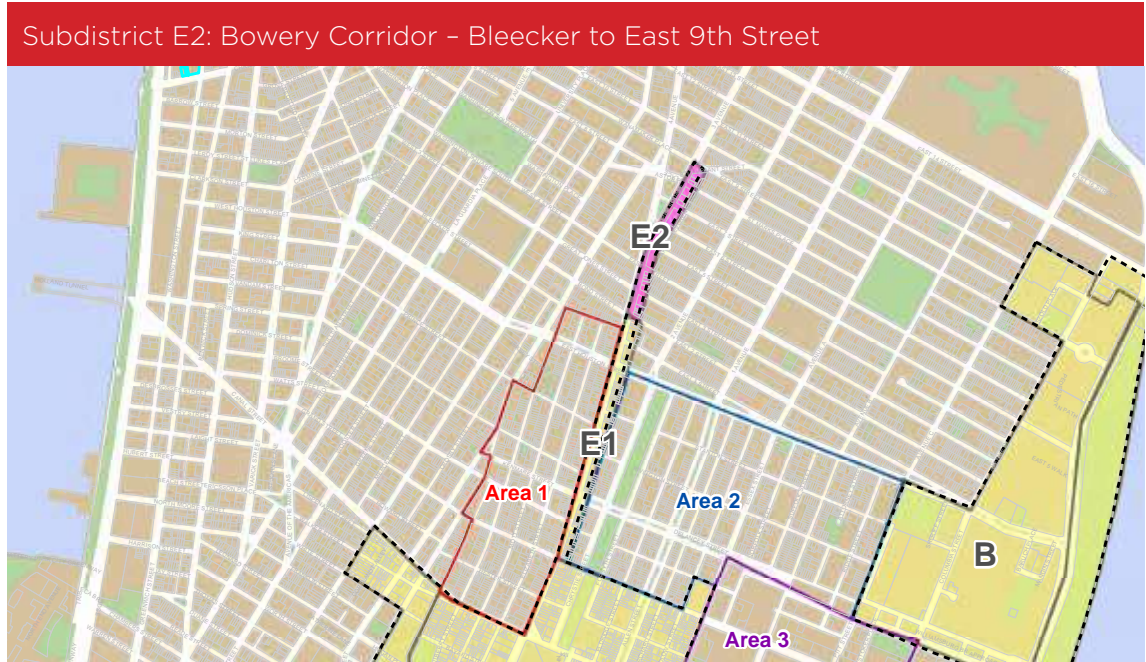


Subdistrict E2: Bowery Corridor - Bleecker to East 9th Street

- An important part of New York City’s history, like the Bowery to the south. Also experiencing significant new out-of-scale development.
- While the west side of the Bowery is in parts protected by NOHO, NOHO Extension and NOHO East NYC Historic District designations, the east side of the Bowery is left with only the non-contextual C6-1 zone.
- Hotels have been constructed in recent years. Universities such as Cooper Union have capitalized on their classification as community facilities and built out of scale and character academic and commercial facilities in the northern-most section of the area.
- Although far fewer than along the Bowery further south, there are still several buildings housing low and moderate income residents, including a senior housing development.

Subdistrict F: Under Bridge General Services

- This area, located under the Manhattan Bridge, currently houses a skate park and the DEP Parking facility. It also has several utility facilities.
- The current zoning allows for moderate density heavy commercial, manufacturing and automotive uses, as well as some recreational uses, but does not permit housing.



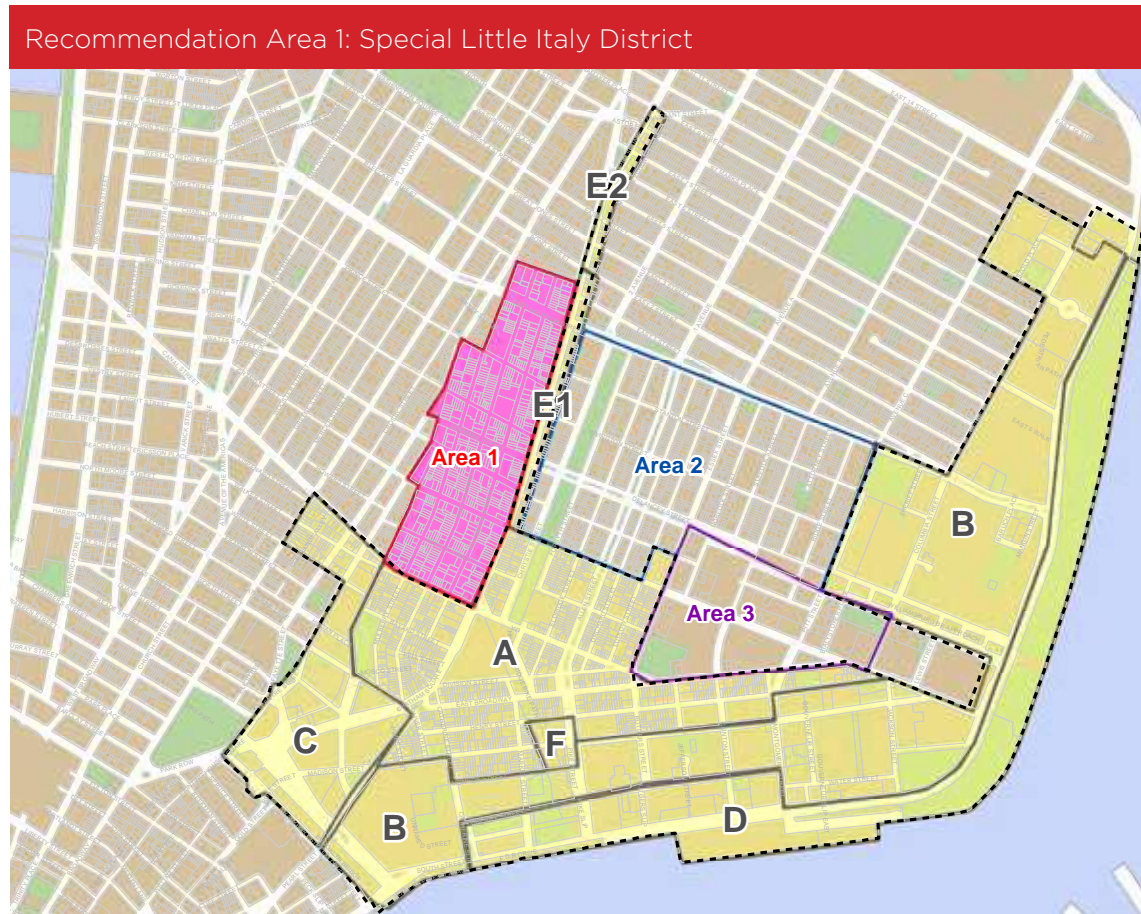
Similar Characteristics Outside of the RFP Study Area

Although not part of the RFP Study Area, Recommendation Areas 1, 2 and 3 share many of the same characteristics as Subdistrict A (the Preservation Area).

Maps 6-3 to 6-10 provide a clear illustration of similarities with respect to land use (mixed-use character); built form (height, FAR and building typology); renter-occupied units; rent-stabilized units; income; and rent burden. These areas also include small businesses serving a local and regional immigrant community and have similar signage and streetscapes. They also show evidence of increased tenant harassment.

Recommendation Area 1: Special Little Italy District

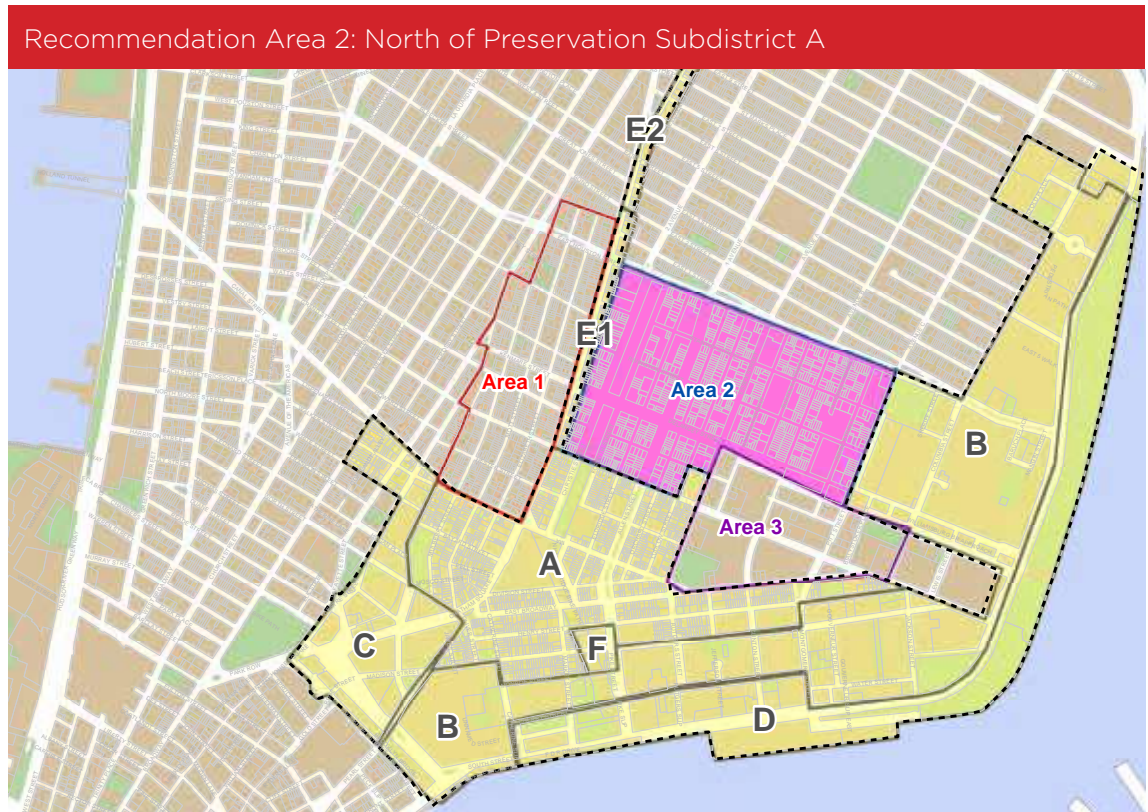
- Historically distinguished by its significant concentration of Italian small businesses and residents.
- Thanks to the Special District, Mulberry Street has retained many ethnically specialized stores, restaurants and buildings of cultural and historic significance.
- Many of the Italian residents have moved away in recent years and Chinese immigrants have taken their place. Signage, streetscape and commercial uses on most streets in the southern portion of the Special District are essentially the same as in the Chinatown Core.
- As a result of the Special District's height cap and demolition restrictions Little Italy remains characterized by lower rise, renter occupied and rent-stabilized tenement buildings with commercial uses on the lower floors and a very diverse mixture of land uses.
- Residents, especially those in the southern part of the Special District, have low incomes, experience a high rent burden and are vulnerable to displacement pressures as a result of rising rents.



Mott Street, Little Italy

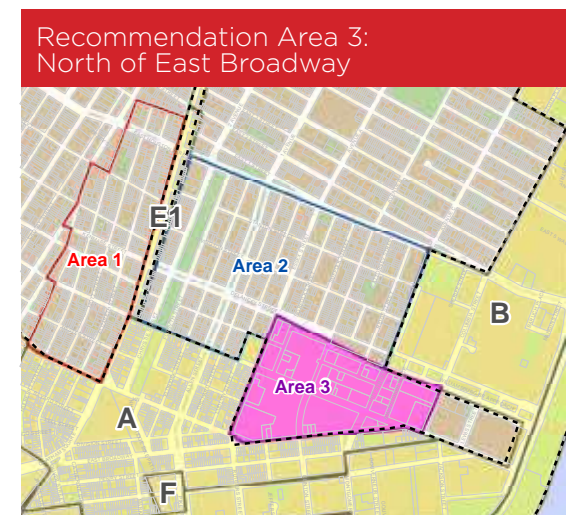
Recommendation Area 2: North of Preservation Subdistrict A

- The area directly to the north of Grand Street shares almost all of the same characteristics in terms of population, income, built form and uses as Subdistrict A.
- Home to countless numbers of immigrants, especially Jews, who came to New York City in the late 19th and early 20th Centuries. Still home to second and third generation ethnic residents and ethnically specialized stores. Today, however, there is also a large presence of Chinese immigrants and small businesses.
- As in Little Italy the area is characterized by lower rise, renter occupied and rent-stabilized tenement buildings with commercial uses on the lower floors and a very diverse mixture of land uses including some light manufacturing, service and repair facilities and wholesale and distribution businesses.
- Over the last few years a number of small ethnic specialty stores and restaurants have been replaced with art galleries, clubs and bars.
- Although the area is predominantly low rise in scale, there have been an increasing number of new higher density developments especially around Delancey and Houston Streets and many residents express concern over harassment and displacement pressures.

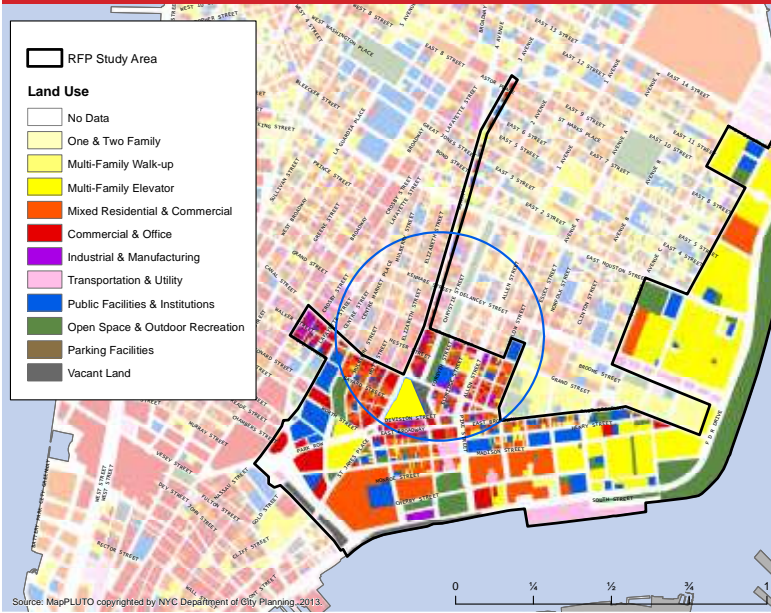


Recommendation Area 3: North of East Broadway

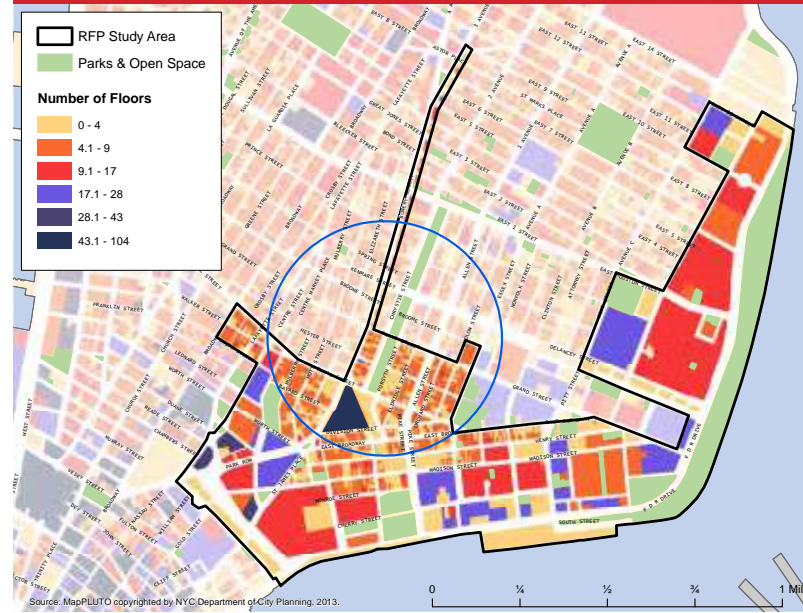
- Although this area has been rezoned as part of the Seward Park Mixed-Use Development Project and a developer has recently been chosen, no provision for anti-harassment or anti-demolition certification was included at the time of the rezoning. Some residents fear that they will be vulnerable to displacement pressures with redevelopment of the area.



Map 6-3: Land use



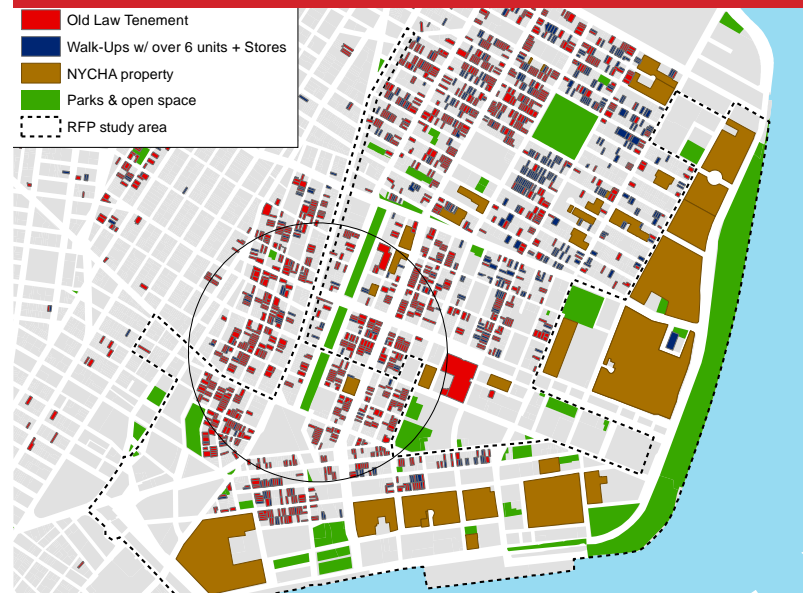
Map 6-4: Number of Floors



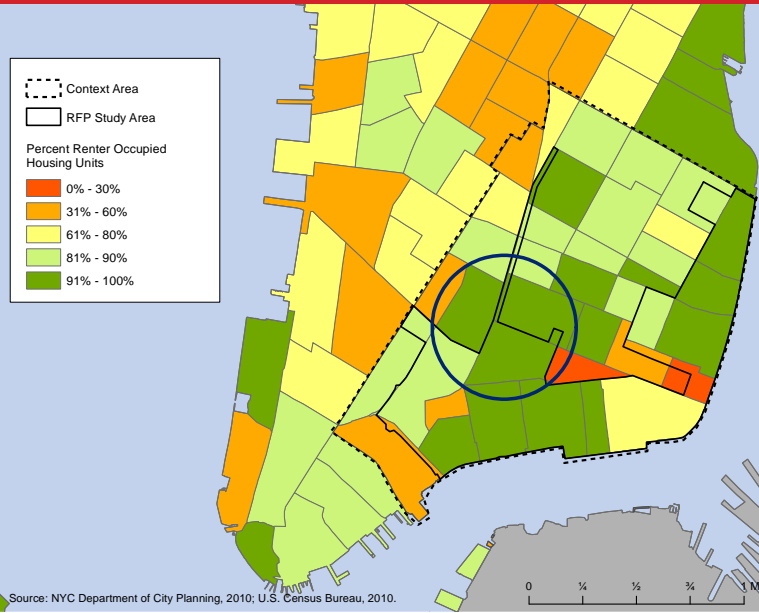
Map 6-5: Built FAR



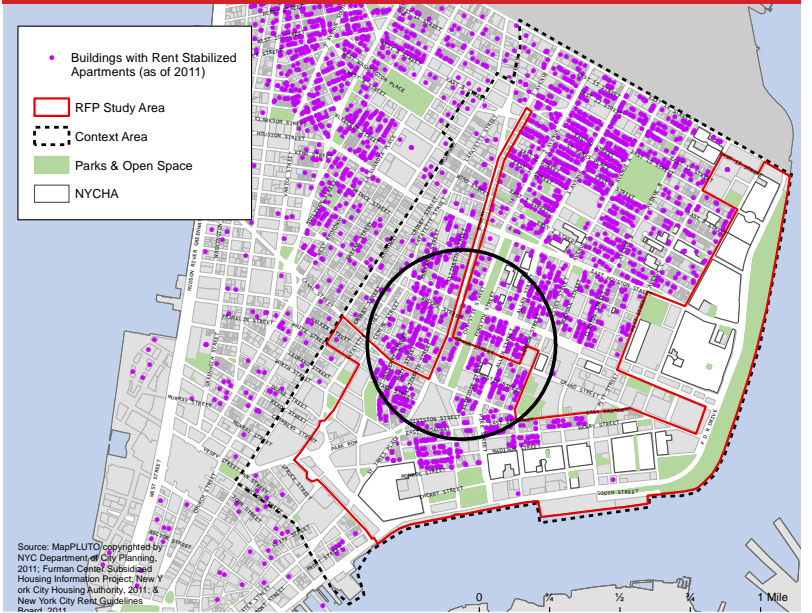
Map 6-6: Building Types



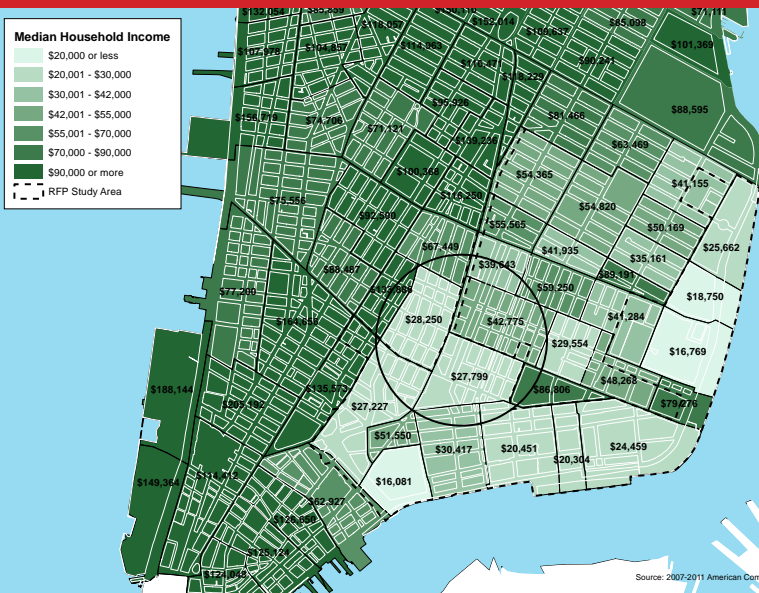
Map 6-7: Renter Occupied Units



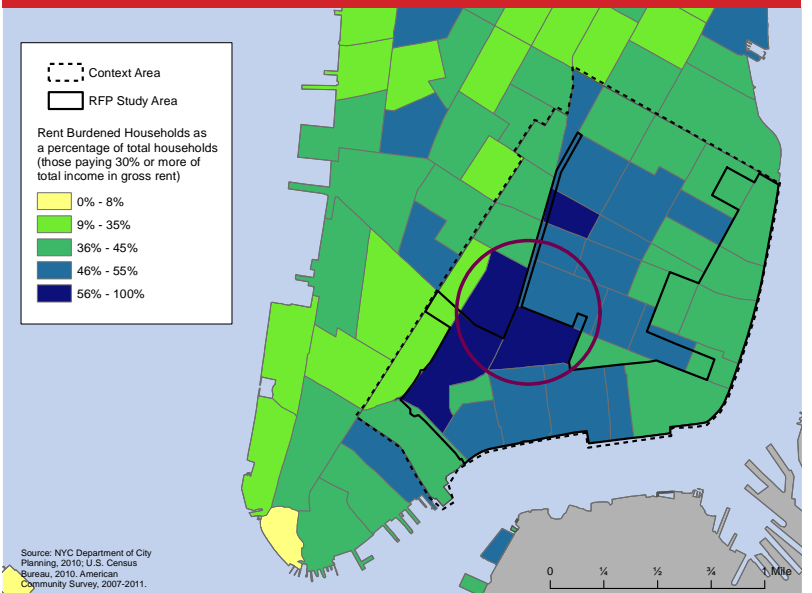
Map 6-8: Buildings with Rent-Regulated Units



Map 6-9: Median Household Income;



Map 6-10: Rent-Burdened Households;



General Purposes of the Special District

The Special Chinatown and Lower East River District incorporates applicable language from other New York City Special Districts but also establishes general purposes unique to Chinatown and its surrounding areas. It includes successful provisions from other cities' Special Districts such as height, built form, use and streetscape provisions and the preservation of a unique culture and a thriving resident population. See Appendix 11 for a detailed breakdown of CWG identified General Purposes within each of those listed below.

General Purposes should include:

1. Recognition and preservation of the area's unique history and culture.
2. Retaining the mixed-use character for residents and workers.
3. Preserving the existing scale and built form.
4. Preserving the area's unique urban design and streetscape.
5. Preserving and developing cultural and community facilities.
6. Protection of the existing low income population from displacement through provisions such as anti-harassment and anti-demolition certification.
7. Encouraging the provision of new housing affordable to low income residents.
8. Preserving the small-scale character and variety of stores and activities and prohibiting or limiting incompatible uses.

Special District Strategies

Built Form and Open Space Strategies

- In the Special Chinatown and Lower East River District, the scale of any new development reflects existing heights and density, such as low rise in the Preservation Core and higher rise along the East River waterfront and on the western and south-western edge of the RFP study area. (See Map 5-8: Built FAR)
- The Special District proposes zoning that allows a diverse mix of land uses that are not permitted to co-exist under current zoning, in order to preserve the existing characteristic mix of uses. (See Map 5-1: Land Use)
- The historic and unique layout of streets, buildings and open spaces in all subdistricts should be preserved. Any changes should require special permit review. This is particularly true in the large-scale planned communities. (See Map 2-9: NYCHA Developments)
- In areas subject to flooding and storm surge open space and permeable surfaces should be preserved and resiliency and green infrastructure developed. All development will be required to incorporate the new sustainable and resilient building and zoning codes. (See Map 5-22: Hurricane Storm Surge Zones)
- Development near the waterfront should be required to provide for maximum public access and community use.

Zoning Strategies Relating to Residential Affordability

- The Special Chinatown and Lower East River District will incorporate anti-harassment and anti-demolition regulations such as those found in the Clinton and other NYC Special Districts.
- Definition of "affordable housing" is limited to those bands of the Area Median Income that reflect average local incomes. The lowest 2 bands that go to 50% of AMI (\$36,850) reflect the local median income of \$37,362 for a family of four.
- The Special District contains an Inclusionary Housing requirement that all new housing developments must include affordable units (as defined in the Special District).
- In addition, any new housing development on public land should be affordable (as defined in the Special District) to low-income residents. The Special District promotes 100% affordability on NYCHA property and ensures that development meets the needs of local residents, including commercial uses.
- Additional considerations include the use of transfer of development rights from properties in the Preservation Area to appropriate other properties in the Special District, such as Subdistricts C and D, thus discouraging the demolition of existing affordable housing.
- Any new development, demolition or enlargement in large-scale planned developments should require a special permit review by the City Planning Commission.

Local Small Businesses and Manufacturing Preservation and Promotion Strategies

- The Special Chinatown and Lower East River District should identify, protect and promote specific commercial, manufacturing, cultural, and community facility uses that are representative of the character of the area and provide culturally specialized goods and services for local and regional shoppers and visitors, and should modify the zoning regulations to permit them even where the underlying zoning would not.
- In Subdistricts A, C and E, the Special District regulations would prohibit certain uses that would be inconsistent with the unique streetscape or character of the subdistrict.
- Throughout the Special District certain larger uses would require a Special Permit.
- In Subdistrict A, the Special District will limit the square footage and street wall frontage of certain commercial uses and require special permit review for those exceeding the provisions.
- The Special District should permit the elements that contribute to the unique and vibrant streetscapes and signage that are not allowed under the current zoning, such as open display of products, and eliminate current signage regulations with the exception of prohibiting illuminated signs above the first floor.

Zoning Strategies Relating to Culture and Historic Preservation

- The Special Chinatown and Lower East River District should preserve the historical and cultural character of the area by identifying and limiting demolition and alteration of buildings of Special Significance. (See Chapter 4)
- The Special District will consider permitting the transfer of development rights from historic and culturally significant buildings to appropriate areas such as Subdistricts C and D in the Special District.
- In Subdistricts C and D consideration should be given to requiring or incentivizing cultural uses for new development.

Zoning Strategies Relating to Climate Change, Resiliency & Mitigation

The Special Chinatown and Lower East River District should require maximization of open space and permeable surfaces in areas vulnerable to flooding and storm surge. (Map 5-22) Any new development should incorporate green infrastructure measures. Landscaping and open space may need to potentially accommodate water detention green infrastructure and retention tanks. All buildings will be required to conform to the new NYC Building and Zoning Codes relating to resiliency measures, including freeboard and location of building utilities.

Use Modifications

Originally designated in anticipation of the area becoming more a part of the Lower Manhattan Commercial and Civic Center, the current zoning has allowed development of a number of uses that are incompatible with the mixed use commercial, manufacturing and residential character of the area. As a result much of the area is oversaturated with out-of-scale new developments such as hotels that primarily cater to tourists and put displacement pressures on residents and small businesses that serve local and regional needs. Yet, certain light manufacturing, wholesale and distribution uses that are found interspersed with residential and other commercial uses are not allowed under the existing zoning. In order to preserve the area's unique character as a vibrant mixed use residential and commercial area it is important to tailor the uses that are to be permitted in each of the subdistricts in the Special District, excluding or requiring a Special Permit for some uses and adding some others.

Excluded Uses in Subdistrict A and only by Special Permit in other Subdistricts:

- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings
- Use group 10 - large retail such as Department Stores - except Wholesale, limited size
- Use group 12 - by Special Permit

Limited/Special Permit Uses in all Subdistricts

- Clubs and Bars- By Special Permit only
- Skateboard parks (Use group 13)
- Docks (Use group 14)– only in Subdistrict D

Permitted Uses

- Most of Use group 6 – Retail and Service establishments – but limited to 2,500 sq. ft. in Subdistrict A
- Banks and Drugstores – but limited to 2,500 sq. ft. and 25 ft. street frontage in Subdistrict A
- Food Stores without size limitation
- Restaurants without size limitation
- Use group 7- Home maintenance and repair, except transient hotels
- Use group 8 – Amusements and repair shops
- Use group 9 - except Business schools by Special Permit
- Use group 10 B– only Wholesale businesses
- All Use group 11 – Custom manufacturing including Printing
- Banquet Halls
- Use group 16

Added Uses

Use group 17 – light manufacturing such as:

- Wholesale produce
- Apparel/Textile products
- Canvas products

- Ceramic products
- Electrical appliances assembly
- Food products
- Jute, hemp products
- Labs/research
- Leather products
- Luggage
- Jewelry



Special District Options

OPTION 1:

Establish a SINGLE Special Chinatown and Lower East River District with several Subdistricts that represent the different characteristics of each sub-area.

RECOMMENDATIONS FOR THE ENTIRE SPECIAL DISTRICT

The following would apply to all Subdistricts within a single Special District:

1. Zoning density (FAR) and height limits that reflect the existing scale of each Subdistrict
2. Anti-harassment/anti-demolition certification by HPD based on the Clinton Special District
3. Buildings/Spaces of Significance, allowing Transfer of Development Rights to selected areas in the Special District
4. Use modifications, allowing greater diversity of uses than currently allowed in existing C zones, such as some light industrial uses
5. A “G” designation that regulates the conversion of non-residential uses to residential use
6. Prohibit or Special Permit for certain uses such as hotels
7. Guaranteed requirement or bonus for permanently affordable housing (defined as up to 50% of AMI)
8. Guaranteed requirement or bonus for permanently affordable housing on site

Pros:

- Recognizes similar characteristics and goals shared by all parts of the RFP Study Area without creating multiple Special Districts that have many of the same provisions.
- Provides for both preservation and growth opportunities in the Special District.
- Transfer of Development Rights could be assigned to appropriate areas throughout the District.

Cons:

- A single District would be quite large.
- Unique elements in each Subdistrict would require specific analysis for each.
- Potential delay in adoption of a single Special District until all Subdistricts’ proposals were approved.

OPTION 2:

Establish each of the Subdistricts as either separate Special Districts or as discrete zoning actions.

Pros:

- Would allow each Subdistrict to proceed at its own pace and prevent changes to an individual Subdistrict from affecting others.
- Might make a focused Chinatown Special District more possible.

Cons:

- Certain synergies between the Subdistricts would not be possible, e.g. Transfer of Development Rights and balancing growth and preservation.
- Decision to include each of the identified common elements and provisions would have to be made one Subdistrict at a time.
- Decision could be made to only proceed with implementing one or a few of the Subdistricts.

Note:

In all proposed zoning options in the Special District and Subdistricts, the guaranteed permanently affordable housing requirements are additive and a developer cannot count providing the percentage required under 421a as also meeting the zoning based requirement. For example, the guaranteed 20% permanently affordable housing required under a zoning option is added to the 20% guaranteed when using 421a. Thus the full guaranteed permanently affordable housing requirement is 40%. In addition, even if the developer chooses not to use the 421a tax abatement, the guaranteed percentage will still be 40%.

Subdistrict Options

Subdistrict A: Preservation Area (Low-Medium Rise/Moderate Density/Mixed Use)

CURRENT ZONING

- C6-1, C6-1G**
FAR: C6, R 0.87-3.44, CF6.5
Height Factor Building
- C6-2, C6-2G**
FAR: C6, R 0.94-6.02, CF6.5
Height Factor Building
- R7-2 (C2 Overlay)**
FAR: C2, R 0.87-3.44, CF6.5
Height Factor Building

PROPOSED ZONING

- | | |
|--------------------------------|--|
| OPTION 1: | Underlying:
C4-4A/G Modified |
| FAR:
C4, R4.8-6, CF4 | Height limit: 85 ft. |

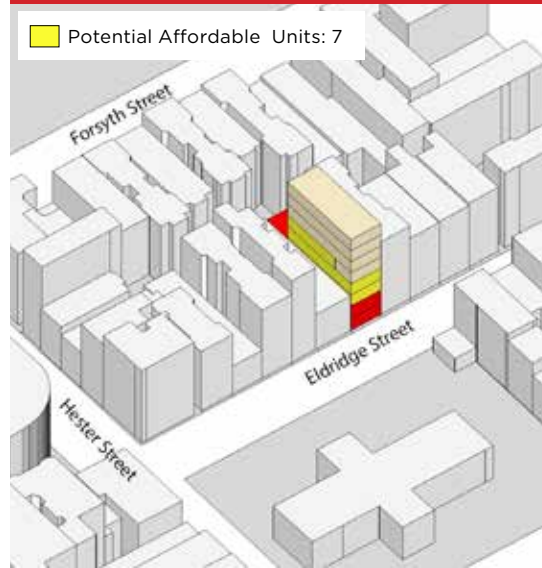
Pro: More reflective of existing scale and use context

Affordability Provisions:

1. In all areas - Guaranteed 20% permanently affordable housing (with 421a tax abatement)
 2. In existing C6-2 and C6-2G – Guaranteed 20% permanently affordable housing if not using 421a
 3. In existing C6-1 and R7-2
- If building to 4.8 FAR - Additional guaranteed 20% (40% if not using 421a) permanently affordable housing for residential increase from R3.44-4.8

OR,

Figure 6-1: Height and Bulk Examples - 79 Eldridge St. and 49 Henry St.



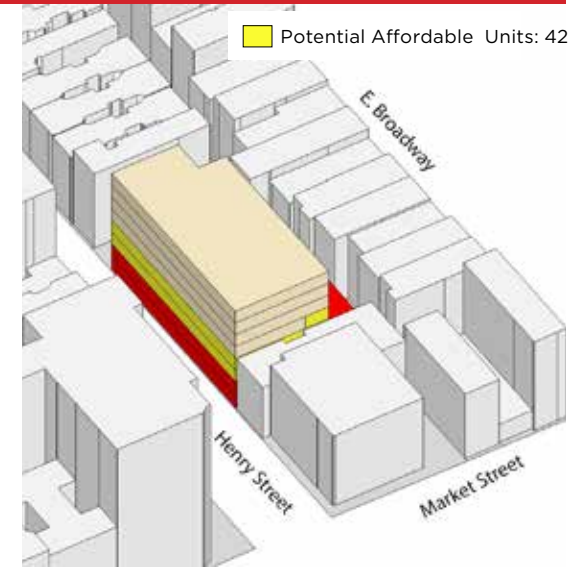
- If building to 6 FAR - Additional guaranteed 25% (45% if no 421a) permanently affordable housing for residential increase from 3.44-6.

- | | |
|----------------------------|--------------------------------------|
| OPTION 2: | Underlying:
C6-2G Modified |
| FAR:
C6, R6, CF6 | Height limit: 85 ft. |

Pro: Better reflects permitted FAR under existing zoning.

Affordability Provisions:

1. In all areas - Guaranteed 20% permanently affordable housing (with 421a tax abatement)
2. In existing C6-2 and C6-2G – Guaranteed 20% permanently affordable housing if not using 421a
3. In existing C6-1 and R7-2 - Guaranteed 25% (45% if not using 421a) permanently affordable housing for residential increase from FAR 3.44 to 6



OTHER PROVISIONS

- Requires anti-harassment/anti-demolition certification.
- Includes “G” protections for existing manufacturing.
- Adds new permitted uses.
- Limits some commercial uses to 2,500 sq. ft.
- Selected uses prohibited or require Special Permit.
- Legalizes existing signage except illuminated signs above the first floor.
- Adds Buildings/Spaces of Significance.
- Allows Transfer of Development Rights to Subdistricts C and D

Sub-District A

PRESERVATION AREA (Low-Medium Rise/Moderate Density/ Mixed Use)

Existing Zoning:

C6-1, C6-1G

FAR: C 6, R 3.44, CF 6.5

Height Factor Building

C6-2, C6-2G

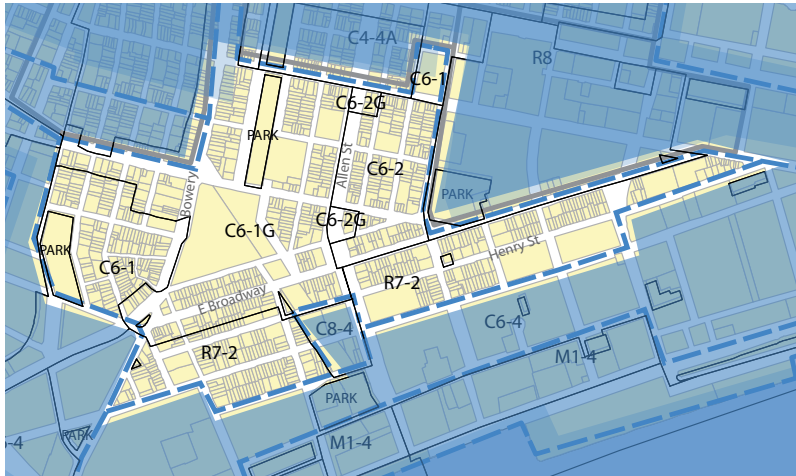
FAR: C 6, R 6.02, CF 6.5

Height Factor Building

R7-2 (C2 Overlay)

FAR: C 2, R 3.44, CF 6.5

Height Factor Building

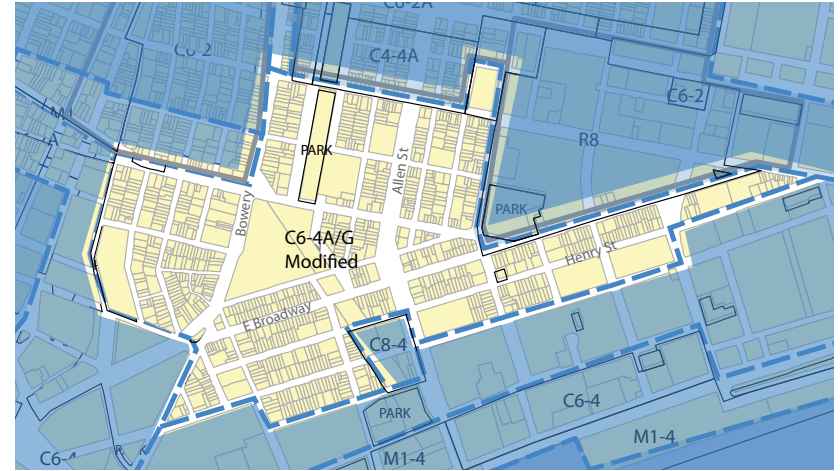


Option 1:

• **Underlying:** C4-4A/G Modified

• **FAR:** C 4, R 4.8-6, CF 4

• **Ht. Limit:** 85ft

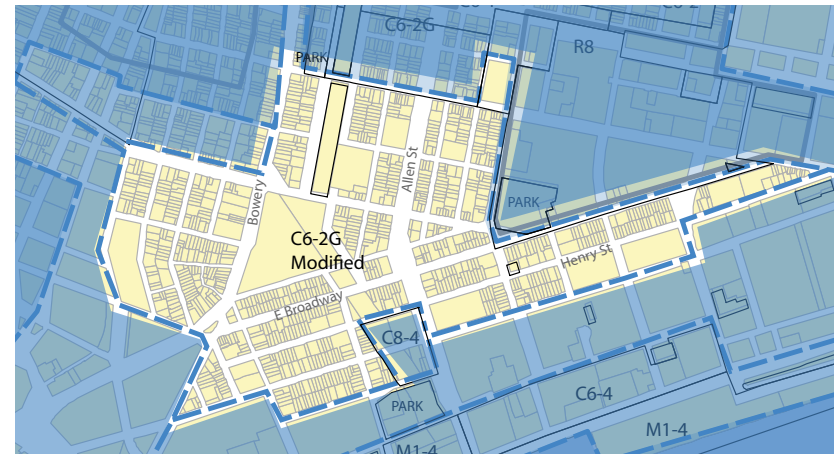


Option 2:

• **Underlying:** C6-2G Modified

• **FAR:** C 6, R 6, CF 6

• **Ht. Limit:** 85ft



Subdistrict B: Planned Community Preservation and Resilience Area

CURRENT ZONING

R7-2

FAR: C2, R0.87-3.44, CF6.5
Height Factor Building

PROPOSED ZONING

OPTION 1:

1. Map each large-scale development as a **Special Planned Community Preservation District (SPCPD)** overlay on Subdistrict B of the Special Chinatown and Lower East River District. Changes require Special Permit, with specific findings, that goes through ULURP.
2. **Where existing FAR is 2.43 or under:**
Underlying: R6/C2 Modified
FAR: C2, R0.78-2.43,* CF4.8*

Specific Zoning regulations to be determined through Special Permit ULURP review process.
3. **Where existing FAR is over 2.43:**
Underlying: R7-2/C2 Modified
FAR: C2, R0.87-3.44,* CF6.5*

*Require Special Permit

Pro: The Special Planned Community Preservation District zoning already exists and is mapped in other large-scale developments in New York City.

OTHER PROVISIONS

1. Add Special Permit finding to existing Planned Community Preservation District language that new housing construction is in character with existing scale and at rents that will not substantially alter the mixture of income groups presently living in the SPCPD nor reduce the number of units

2. Add Climate Change/Resilience built form, landscape, and open space provisions to potentially accommodate water detention green infrastructure and retention tanks
3. Anti-harassment and anti-demolition certification.

OPTION 2:

1. **Where existing FAR is 2.43 or under:**
Underlying: R6/C2 Modified
FAR: C2, R 0.78-2.43*, CF 4.8*
2. **Where existing FAR is over 2.43:**
Underlying: R7-2/C2 Modified
FAR: C2, R 0.87-3.44* CF6.5*

*Require Special Permit

3. **Keep as only Subdistrict B** with a provision that in each large-scale planned community - new development, demolition or enlargements would require a Special Permit in order to qualify for a residential FAR of 2.43 or 3.44 or community facility FAR of 4.8 or 6.5, based on the following findings:
 - 1) New housing construction or enlargement is at rents that will neither substantially alter the mix of income groups presently living in the specific development nor reduce the number of units.
 - 2) New development or enlargements relate to the existing buildings or other structures in scale and design, and the development will not seriously alter the scenic amenity and the environmental quality of the community.
 - 3) Development or enlargement maximizes Climate Change resilience and adaptation measures relating to built form and permeable surfaces and is sited so as to preserve the greatest amount of open space and landscaping that presently exists so as to potentially accommodate water detention green infrastructure and retention tanks.

Pro: This would involve fewer mapping actions while still incorporating many of the Special Planned Community Preservation District provisions.

Figure 6-2: NYCHA Developments



OTHER PROVISIONS

Anti-harassment and anti-demolition certification.

Sub-District B:

PLANNED COMMUNITY PRESERVATION AND RESILIENCE

Existing Zoning:

R7-2

FAR: C 2, R 3.44, CF 6.5

Height Factor Building

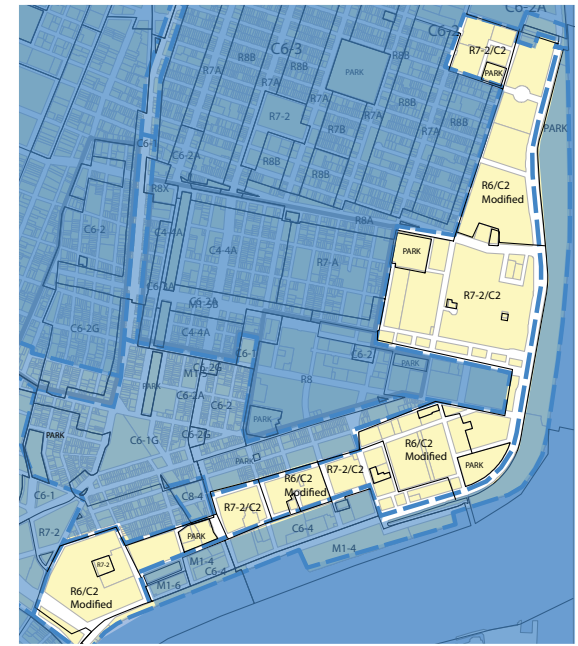
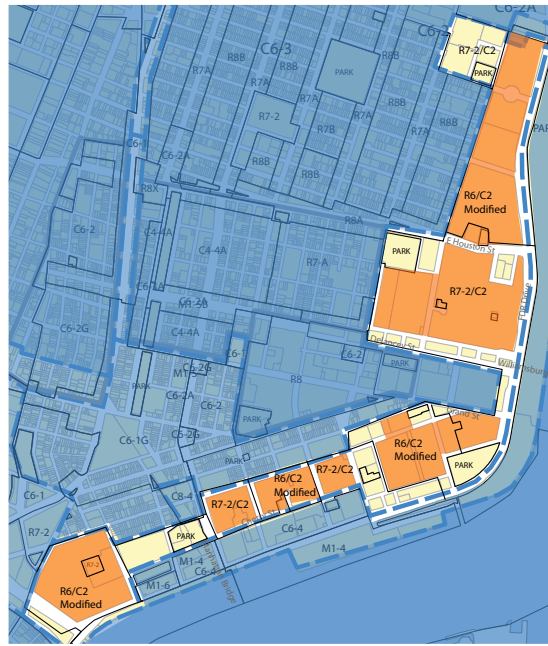
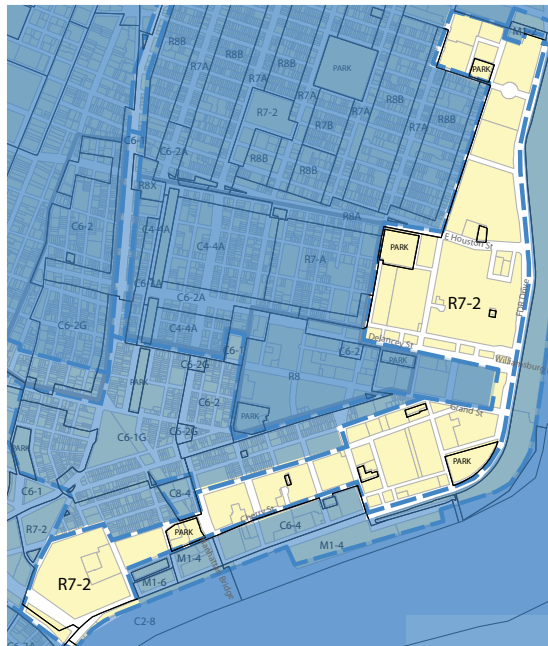
Option 1:

- **Underlying:** Map as Special Planned Community Preservation District
- Where existing FAR is 2.43 or under, rezone to R6/C2 Modified
- Where FAR is higher than 2.43, retain R7-2/C2

Option 2:

- Keep as only Subdistrict B and add SPCPD special permit findings
- Where FAR is 2.43, rezone to R6/C2 Modified
- **FAR:** C 2, R 0.78-2.43*, CF 4.8*
- Where FAR is over 2.43, R7-2/C2 Modified
- **FAR:** C 2, R 0.87-3.44*, CF 6.5*

**Require Special Permit*



Subdistrict C: Higher Density Mixed Use (Medium Rise/Medium Density/Mixed Use)

CURRENT ZONING

C6-4

FAR: C10, R10, CF10
Height Factor Building

C6-2A

FAR: C6, R6.02, CF6.5
Height Limit: 120 ft.

C6-1

FAR: C6, R0.87-3.44, CF6.5
Height Factor Building

R7-2

FAR: C2, R0.87-3.44, CF6.5
Height Factor Building

M1-5

FAR: C5, M5, CF6.5
Height Factor Building

PROPOSED ZONING

Retain existing C6-4, C6-1 and R7-2 zoning in Subdistrict C, with additional provisions below.

For areas currently zoned M1-5 and C6-2A:

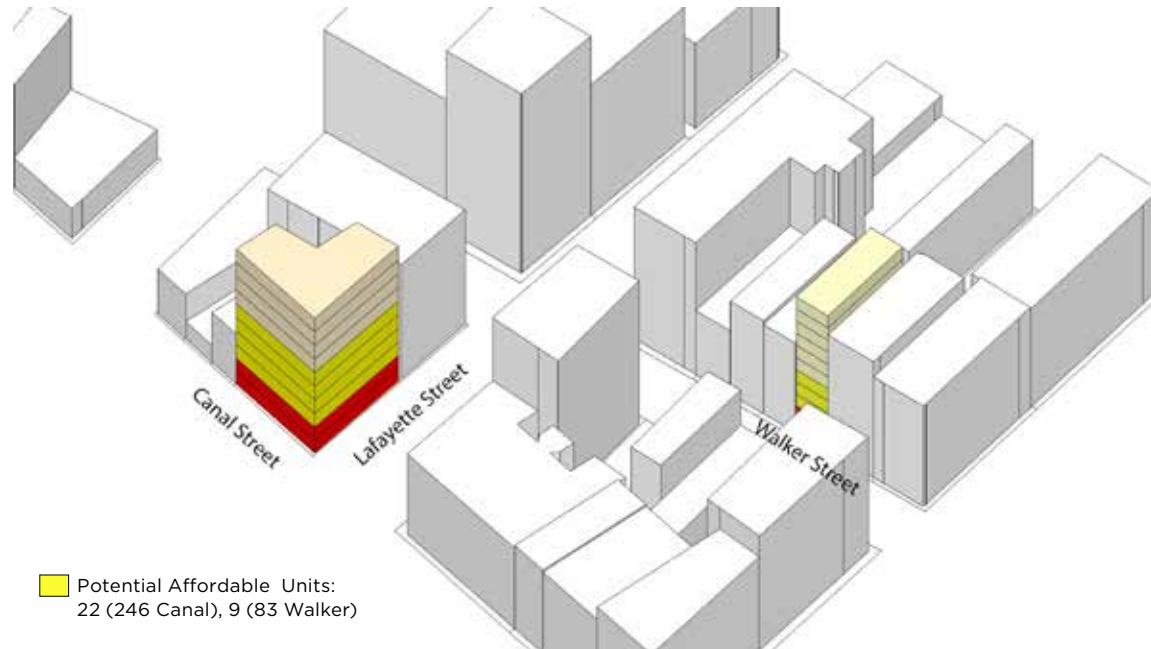
Underlying: C6-2A/G Modified

FAR: C6, R7.2, CF6.5

Height limit: 120 ft.

Pro: Offers more contextual development in areas zoned C6-2A and M1-5.

Figure 6-3: Height and Bulk Examples -246 Canal St. and 83 Walker St.



■ Potential Affordable Units:
22 (246 Canal), 9 (83 Walker)

Affordability Provisions:

1. Guaranteed 20% permanently Affordable Housing (with 421a tax abatement).
2. In existing C6-2A - Guaranteed 20% (40% if not using 421a) additional permanently Affordable Housing for residential increase from FAR 6.02 to 7.2.
3. In existing M1-5 - Guaranteed 30% (50% if not using 421a) additional permanently Affordable Housing for rezoning of M1-5 and increased FAR from 5-7.2.
4. Additional 1 FAR bonus for Transfer of Development Rights from Area A and from Buildings of Significance.

OTHER PROVISIONS

1. Require anti-harassment / anti-demolition certification.
2. Include "G" protections for existing manufacturing.
3. Use and size modifications (would allow as-of-right development).
4. Special Permit for certain sizes and/or uses.
5. Signage allowed except illuminated above first floor.
6. Add Buildings/Spaces of Significance.

Sub-District C:

HIGHER DENSITY MIXED USE

Existing Zoning:

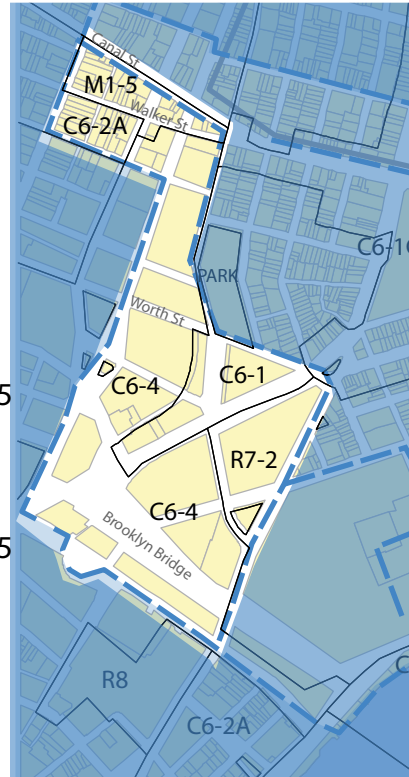
C6-4
FAR: C 10, R 10, CF 10
Height Factor Building

C6-2A
FAR: C 6, R 6.02, CF 6.5
Ht. Limit: 120 ft.

C6-1
FAR: C 6, R.87-3.44, CF 6.5
Height Factor Building

R7-2
FAR: C 2, R.87-3.44, CF 6.5
Height Factor Building

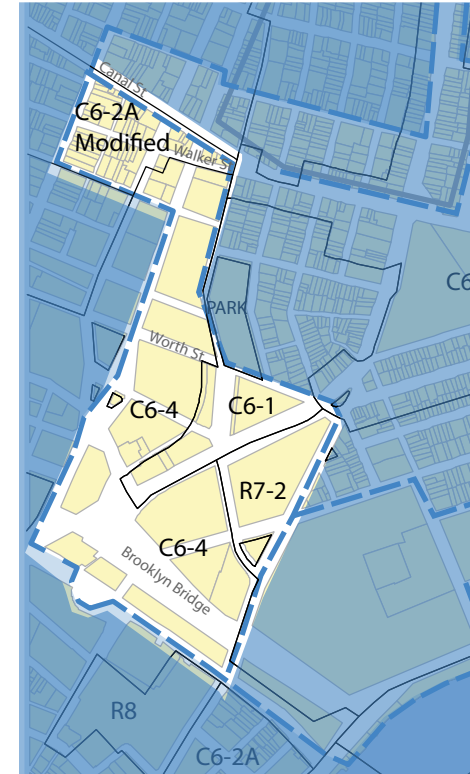
M1-5
FAR: C 5, M 5, CF 6.5
Height Factor Building



Proposed Zoning:

For areas currently zoned M1-5 and C6-2A

- **Underlying:** C6-2A Modified
- **FAR:** C 6, R 7.2, CF 6.5
- **Ht. Limit:** 120ft



Subdistrict D: Lower East River Waterfront (High Rise/High Density/Mixed Use)

CURRENT ZONING

C6-4

FAR: C10, R10, CF10
Height Factor Building

M1-4

FAR: C2, M2, CF6.5
Height Factor Building

M1-6

FAR: C10, M10, CF10
Height Factor Building

C2-8

FAR: C2, R10, CF10

PROPOSED ZONING

OPTION 1:

M1-4 pier area and sports field and C2-8 walkway are mapped as Parkland

Underlying: C6-4 Modified

FAR: C10, R10, CF10

Height Limit: 350 ft.

Pro: Offers guarantee of affordable housing and incorporates provisions for resilience.

Affordability Provisions:

1. Guaranteed permanently Affordable Housing (20%) with 421a tax abatement
2. In existing C6-4, additional guaranteed 30% permanently Affordable Housing (50% if not using 421a)

3. In existing M1-6, additional guaranteed 35% permanently Affordable Housing (55% if not using 421a) for rezoning from M to C thus allowing residential
4. Additional 0.5 FAR for Culture either on site or as a contribution to a cultural resources fund
5. Additional 0.5 FAR for Transfer of Development Rights from Subdistrict A and from Buildings of Significance

OPTION 2:

M1-5 pier area and sports field and C2-8 walkway are mapped as Parkland.

Retain M1-6.

Underlying: C6-4 Modified

FAR: C10, R10, CF10

Height Limit: 350 ft.

Pro: Produces less new residential development in flood and storm surge areas.

Affordability Provisions:

1. Guaranteed permanently Affordable Housing (20%) with 421a tax abatement
2. In Existing C6-4, additional guaranteed 30% permanently affordable housing (50% if not using 421a)
3. Additional 0.5 FAR for Culture either on site or as a contribution to a cultural resources fund
4. Additional 0.5 FAR - Transfer of Development Rights from Subdistrict A and from Buildings of Significance

OTHER PROVISIONS

1. Add waterfront access and climate change resilience provisions

Figure 6-4: Height and Bulk Examples: 220 South St. and 250 South St.



2. Design for maximum open space and permeable surfaces
3. Require anti-harassment and anti-demolition certification.
4. Use and size modifications. Allow additional uses not currently allowed in C6-4
5. Restrict certain commercial and community facility uses
6. Require certain waterfront related/community supportive facility uses on the ground level, such as schools, food markets or non-profit recreation centers.

Sub-District D:

LOWER EAST RIVER WATERFRONT (High Rise/High Density/Mixed Use)

Existing Zoning:

C6-4

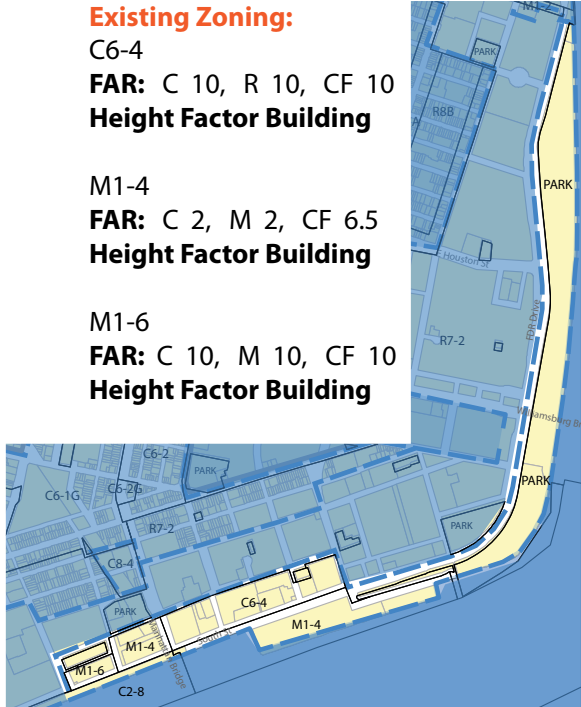
FAR: C 10, R 10, CF 10
Height Factor Building

M1-4

FAR: C 2, M 2, CF 6.5
Height Factor Building

M1-6

FAR: C 10, M 10, CF 10
Height Factor Building

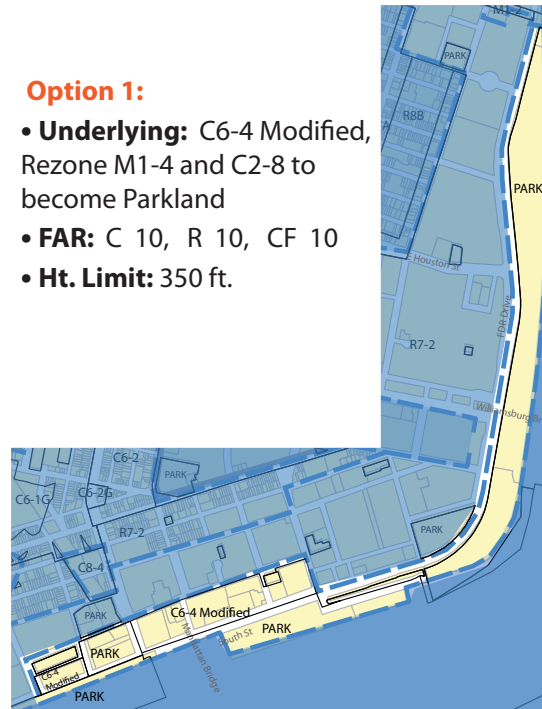


Option 1:

- **Underlying:** C6-4 Modified, Rezone M1-4 and C2-8 to become Parkland

- **FAR:** C 10, R 10, CF 10

- **Ht. Limit:** 350 ft.



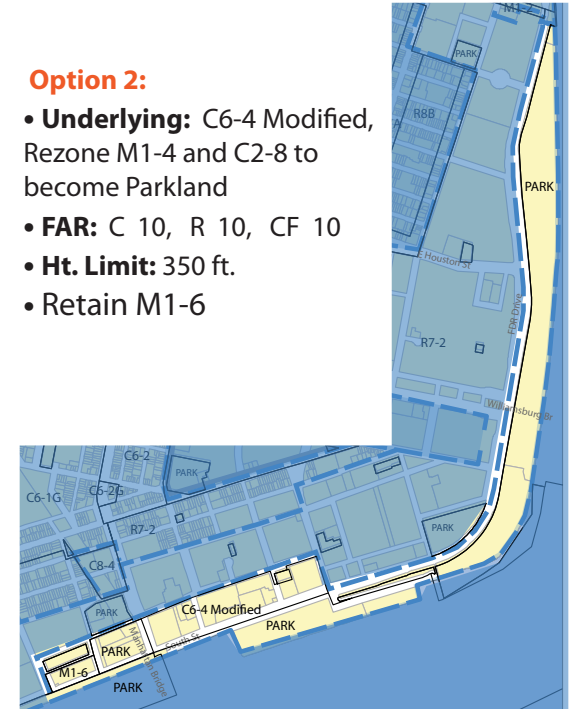
Option 2:

- **Underlying:** C6-4 Modified, Rezone M1-4 and C2-8 to become Parkland

- **FAR:** C 10, R 10, CF 10

- **Ht. Limit:** 350 ft.

- Retain M1-6



Subdistrict E1: Bowery Corridor – Grand to Bleecker (Low-Medium Rise/Moderate Density/Mixed Use)

CURRENT ZONING

C6-1
FAR: C6, R0.87-3.44, CF6.5
Height Factor Building

PROPOSED ZONING

OPTION 1:

Underlying: C6-1G Modified
FAR: C6, R4.6, CF6
Height limit: 85 ft.

Pro: Offers contextual development and guarantees additional Affordable Housing.

Affordability Provisions:

1. Guaranteed 20% permanently Affordable Housing with 421a tax abatement
2. Guaranteed 20% (40% if not using 421a) permanently Affordable Housing for increasing Residential FAR from 3.44 to 4.6.

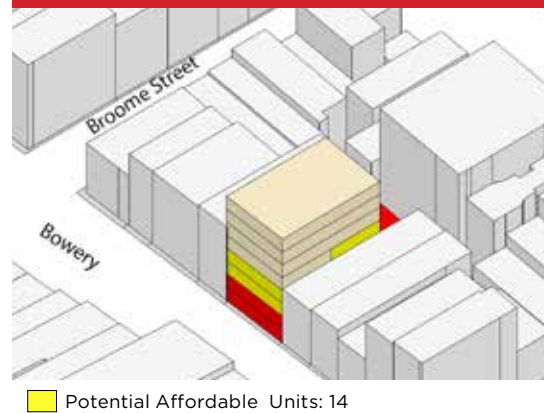
OPTION 2:

Extend Area C of Little Italy Special District to East Side of Bowery

Underlying: C6-1G Modified
FAR: C6, R0.87-3.44, CF6.5
Height limit: 85 ft.

Pro: Reflects the zoning on the other side of Bowery while adding bonus for additional Affordable Housing.

Figure 6-5: Height and Bulk Example: 139 Bowery



■ Potential Affordable Units: 14

Affordability Provisions:

1. Guaranteed (20%) permanently Affordable Housing with 421a tax abatement
2. Bonus to Residential FAR 4.6 for 20% (40% if not using 421a) additional permanently Affordable Housing (if accepted as amendment to Special Little Italy District Area C by Community Board 2 and Community Board 3)

OTHER PROVISIONS

1. Add new “Buildings of Significance” to Little Italy Special District
2. Add anti-harassment and anti-demolition certification.
3. Include “G” protections for existing manufacturing
4. Use and size modifications –add permitted uses to better reflect existing use diversity and mix
5. Prohibit or Special Permit selected uses

Subdistrict E2: Bowery Corridor – Bleecker to East 9th Street (Low-Medium Rise/Moderate Density/Mixed Use)

CURRENT ZONING

C6-1
FAR C6, R0.87-3.44, CF6.5
Height Factor Building

PROPOSED ZONING

Same as the area north from East 9th Street to East 13th Street and Third Avenue to Broadway

Underlying: C6-1G
FAR: C6, R4.6, CF6.5
Height limit: 85 ft.

Pro: An extension of E1. Offers contextual development while guaranteeing affordable housing.

Affordability Provisions:

1. Guaranteed 20% permanently Affordable Housing (with 421a tax abatement)
2. Guaranteed additional 20% (40% if not using 421a) permanently Affordable Housing for upzoning R from FAR 3.44 to FAR 4.6

OTHER PROVISIONS

1. Add “Buildings of Significance”
2. Add anti-harassment and anti-demolition certification.
3. Include “G” protections for existing manufacturing
4. Use and size modifications –add permitted uses to better reflect existing use diversity and mix
5. Prohibit or Special Permit selected uses

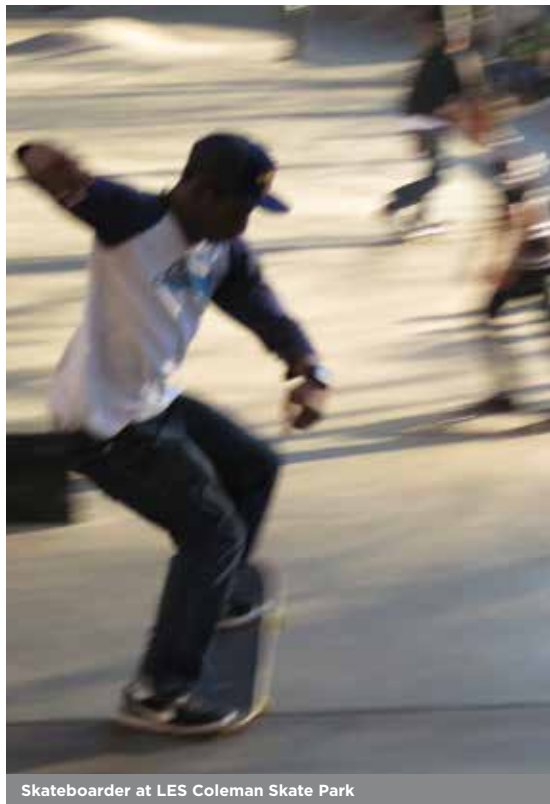
**Subdistrict F: Under Bridge
General Service** (Medium
Rise/Medium Density)

CURRENT ZONING

C8-4

PROPOSED ZONING

Keep existing **C8-4 Zoning**
FAR: C5, CF6.5
Height Factor Building



Skateboarder at LES Coleman Skate Park

Sub-District E1:

BOWERY CORRIDOR - GRAND to BLEECKER

Sub-District E2:

BOWERY CORRIDOR - BLEECKER to 9th

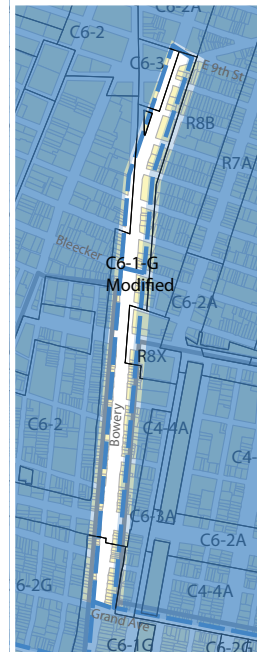
Existing Zoning:

C6-1
FAR: C 6, R 0.87 - 3.44, CF 6.5
Height Factor Building



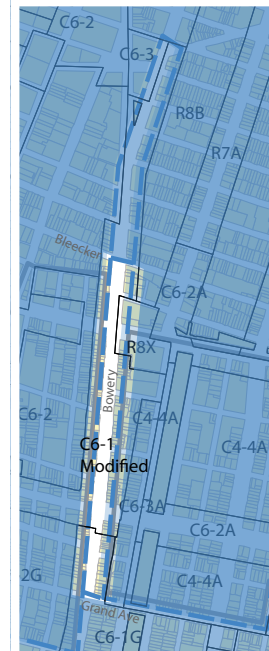
Option 1 for both:

- **Underlying:** C6-1G Modified
- **FAR:** C 6, R 4.6, CF 6
- **Ht. Limit:** 85ft



E1 Option 2:

- **Underlying:** C6-1G Modified
- **FAR:** C 6, R 3.44-4.6, CF 6.5
- **Ht. Limit:** 85ft



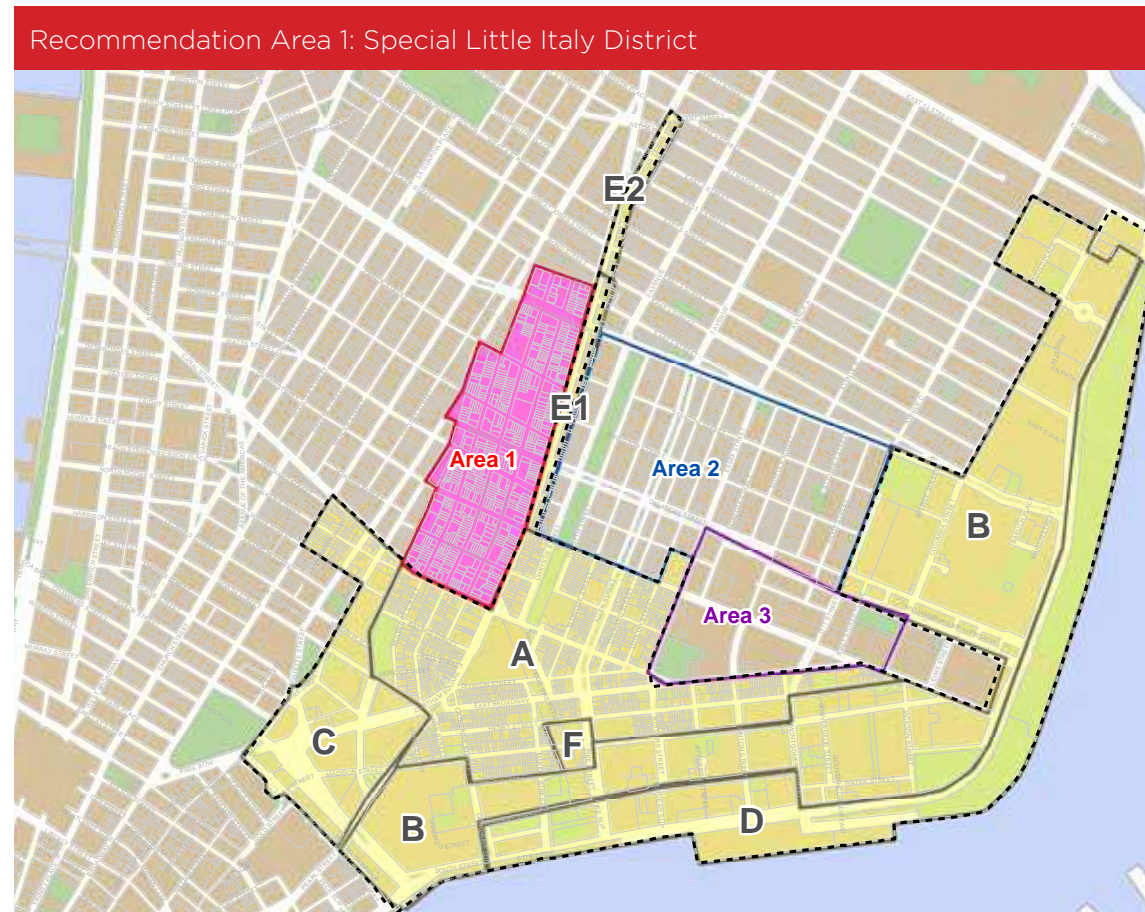
Additional Recommendations for Adjacent Areas

Recommendation Area 1: Special Little Italy District

Because of similarities with Subdistrict A of the proposed Special Chinatown and Lower East River District we recommend that the Special Little Italy District be amended to include some of the same provisions. It should be possible to add the amendments below as modifications to the existing Special Little Italy District zoning text as they would not alter the intent and general purposes of the district. Community Board 2 should consult with the Zoning division at the Department of City Planning regarding these amendments.

- Extend the 85ft. height limit to the other half of Bowery.
- Guaranteed 20% Affordable Housing with 421a tax abatement.
- Add bonus for additional Affordable Housing.
- Add anti-harassment/anti-demolition certification requirement.
- Include the “G” designation for entire length of the Special Little Italy District.
- Add new buildings to the list of Buildings of Significance.
- Modify allowed and excluded uses.
- Modify signage regulations.

Pro: Retains existing Special Little Italy District while adding selected provisions proposed for the Special Chinatown and Lower East River District.



Recommendation Area 2: North of Preservation Subdistrict A

Adopt selected provisions similar to Subdistrict A

1. Add anti-harassment/anti-demolition certification requirement
2. Guaranteed 20% affordable housing with 421a tax abatement
3. Add guaranteed or bonus for additional affordable housing
4. Include the “G” designation to protect manufacturing
5. Add Buildings of Significance
6. Modify allowed and excluded uses
7. Modify signage regulation

OPTION 1:

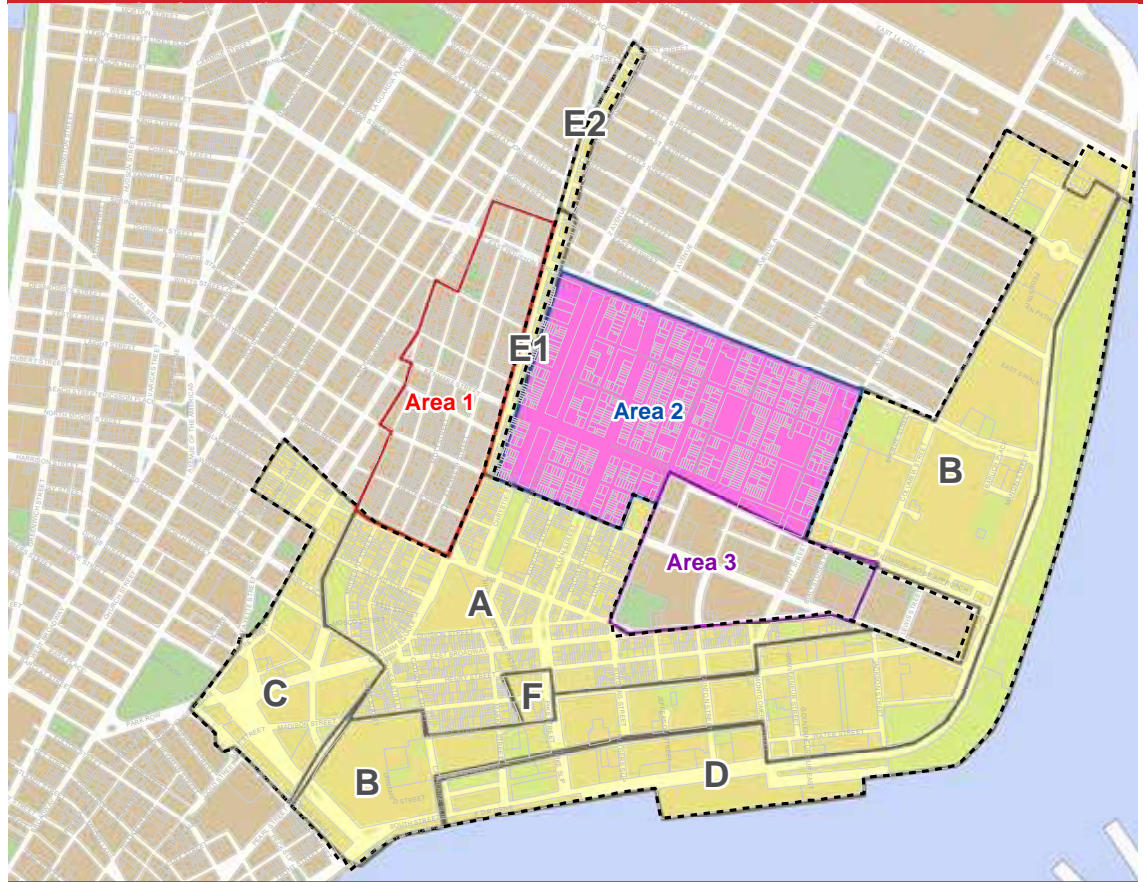
Community Board 3 could agree to expand the RFP Study Area boundary to include this area and add it to the Special Chinatown and Lower East River District as Subdistrict A2: North of Preservation Subdistrict A. The provisions of this new Subdistrict would be very similar to those in proposed Subdistrict A.

Pro: Special District designation makes adoption of provisions simpler.

OPTION 2:

Should Community Board 3 decide not to add the area as another Subdistrict of the Special District, they would need to approach the Department of City Planning and HPD regarding adoption of selected provisions similar to Subdistrict A above, such as anti-harassment/anti demolition certification, adding Buildings of Significance, and modifying allowed and excluded uses.

Recommendation Area 2: North of Preservation Subdistrict A



Pro: Does not require extending the boundaries of the Special District.

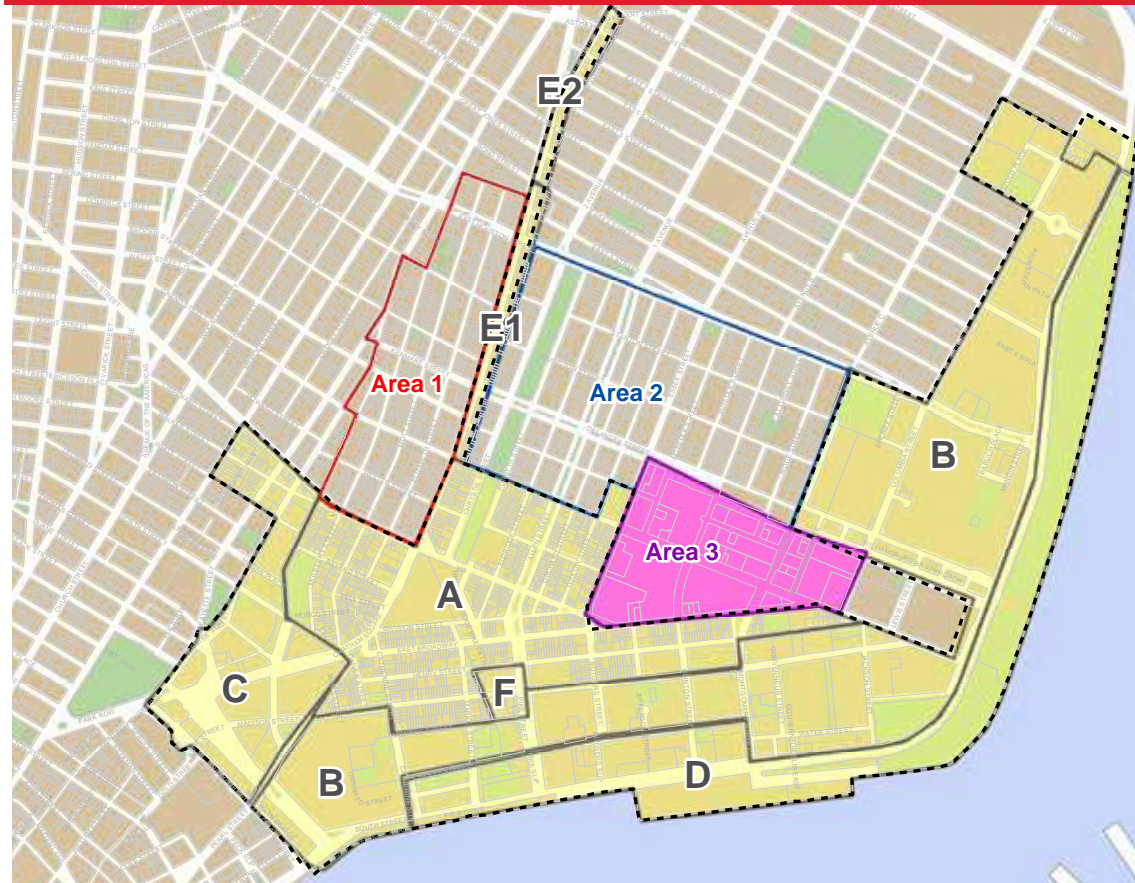


Recommendation Area 3: North of East Broadway

Community Board 3 should consider adding anti-harassment /anti-demolition certification requirements in this area.

Pros: Allows for additional protection for any existing tenants.

Recommendation Area 3: North of East Broadway



Map 6-11 provides a comprehensive overview of all of the recommendations and various options for consideration in each of the Subdistricts of the proposed Chinatown and Lower East River Special District.

Proposed Zoning Districts

in the Special Chinatown and Lower East River District



Sub-District E1: BOWERY CORRIDOR-GRAND to BLEECKER and Sub-District E2: BOWERY CORRIDOR-BLEECKER to 9th

Option 1:

- **Underlying:** C6-1G Modified
- **FAR:** C 6, R 4.6, CF 6
- **Ht. Limit:** 85ft
- Guaranteed 20% PAH (with 421a tax abatement)
- Guaranteed 20% (40% if no 421a) PAH for increase in R FAR from 3.44 to 4.6

E1 Option 2:

- **Underlying and Ht. Limit:** Same as Option 1
- **FAR:** C 6, R 3.44-4.6, CF 6.5
- Guaranteed 20% PAH (with 421a tax abatement)
- Bonus to R FAR 4.6 for 20% (40% if no 421a) additional PAH (if accepted as amendment to Special Little Italy District Area C by CB2 & CB3)

Sub-District C: HIGHER DENSITY MIXED USE

Option 1:

- **Underlying:** C6-2A Modified
- **FAR:** C 6, R 7.2, CF 6.5
- **Ht. Limit:** 120ft
- Guaranteed 20% PAH (w 421a tax abatement)
- In existing C6-2A: Guaranteed 20% (40% if no 421a) for additional PAH for R increase from FAR 6.02-7.2
- In existing M1-5: Guaranteed 30% (50% if no 421a) PAH for rezoning and increase FAR from 5-7.2
- Additional 1 FAR TDR from Area A & Bldgs of Signif.

Sub-District A: PRESERVATION AREA

Option 1:

- **Underlying:** C4-4A/G Modified
- **FAR:** C 4, R 4.8-6, CF 4
- **Ht. Limit:** 85ft
- Guaranteed 20% PAH (w 421a tax abatement)
- In C6-2 and C6-2G: Guarantee 20% PAH (if no 421a)
- In C6-1 and R7-2: Additional guaranteed 20% PAH (40% if no 421a) for R increase from FAR 3.44-4.8
- OR Additional guaranteed 25% PAH (45% if no 421a) for R increase from FAR 3.44-6

Option 2:

- **Underlying:** C6-2G Modified
- **FAR:** C 6, R 6, CF 6
- **Ht. Limit:** 85ft
- Guaranteed 20% PAH (w 421a tax abatement)
- In existing C6-2 and C6-2G: guaranteed 20% PAH (if no 421a)
- In existing C6-1 and R7-2: guaranteed 25% PAH (45% if no 421a) for R increase from FAR 3.44 to 6

Recommendation Area 1: AMENDMENTS TO SPECIAL LITTLE ITALY DISTRICT

- Extend 85ft Ht. Limit to other half of Bowery
- Anti-harassment/anti-demolition certification req.
- Amend Little Italy to incorporate provisions from the Chinatown and Lower East River Special District

Recommendation Area 2: NORTH OF PRESERVATION SUB-DISTRICT A

- Anti-harassment/anti-demolition certification req.
- Include as subdistrict A2 of the Chinatown and Lower East River Special District or adopt provisions similar to Preservation Area A

Sub-District B: PLANNED COMMUNITY PRESERVATION & RESILIENCE AREA

Option 1:

- Map each development as SPCP District overlay requiring special permit and ULURP review
- Where FAR is 2.43 or under, rezone to R6/C2 Modified
- Where FAR is over 2.43, retain R7-2/C2

Option 2:

- Add SPCPD special permit findings to Subdistrict B
- **Underlying:** R6/C2 Modified and R7-2/C2 Modified
- **FAR:** C 2, R 0.78-2.43*, CF 4.8* and C 2, R 0.87-3.44*, CF 6.5*

*Require Special Permit to achieve maximum zone FAR

Recommendation Area 3: SEWARD PARK NORTH OF EAST BROADWAY

- Anti-harassment/anti-demolition certification req.

Sub-District D: LOWER EAST RIVER WATERFRONT

Option 1:

- **Underlying:** C6-4 Modified; map M1-4 and C2-8 as Parkland
- **FAR:** C 10, R 10, CF 10
- **Ht. Limit:** 350ft
- Guaranteed 20% PAH (with 421a)
- In existing C6-4: Guaranteed 30% (50% if no 421a)
- In existing M1-6: Guaranteed 35% (55% if no 421a) for rezoning M to C thus allowing residential
- Additional .5 FAR for culture
- Additional .5 FAR for TDR from Area A & Bldgs of Signif.

Option 2:

- **Underlying, FAR, and Ht:** Same as Opt 1 but retain M1-6
- Guaranteed 20% PAH (with 421a)
- In existing C6-4: Guaranteed 30% (50% if no 421a)
- Additional .5 FAR for culture onsite or contrib. to cultural resources fund
- Additional .5 FAR for TDR from Area A & Bldgs of Signif.

PAH-Permanent Affordable Housing

SPCP District-Special Planned Community Preservation District

Conclusion

The General Purposes of the Special District reflect the goals of the Chinatown Working Group, as expressed in the RFP and included in the Introduction to this chapter. Specific provisions in the Special District that address each of the General Purposes listed below provide a mechanism for advancing these goals.

Recognition and preservation of the area's unique history and culture

- Limiting the demolition of buildings (based on the Clinton Special District).
- Identification and preservation of Significant Buildings and Spaces.
- Developing and mapping of a Special Planned Community Preservation District for NYCHA and other large-scale developments along the Lower East River.

Retaining the mixed-use character for residents and workers

- Mapping C zones – C4-4, C6-2, C6-4 and C2 overlay, which permit residential and commercial uses.
- Adding a “G” designation to protect existing manufacturing uses.
- Permitting certain light manufacturing and industrial uses currently not allowed in the underlying C zones.

Preserving the existing scale and built form

- Limiting heights and densities to correspond with those existing in each of the Subdistricts.

- Establishing an 85 ft. height limit and lower FAR in Subdistrict A.
- Establishing a 120 ft. height limit in Subdistrict C.
- Establishing a 350 ft. height limit in Subdistrict D.
- Establishing an 85 ft. height limit in Subdistricts E1 and E2.
- Prohibiting or requiring a Special Permit for certain commercial uses, such as hotels and large footprint retail.
- Requiring Special Permit and ULURP review of any new development, enlargements, or alterations to landscapes or site plans in Subdistrict B by mapping a Special Planned Community Preservation District.

Preserving the area's unique urban design and streetscape

- Eliminating signage regulations but prohibiting illuminated signs above the 1st floor on narrow streets.
- Limiting lengths of street frontage and preserving/allowing open display of products.
- Preserving streetscape, site plan and street configuration in Planned Communities (Subdistrict B).

Preserving and developing cultural and community facilities

- Identifying and listing Buildings and Places of Significance.
- Incorporation, preservation, and/or funding of community and cultural uses.
- Allowing Transfer of Development Rights from Subdistrict A or Significant or Landmarked Buildings or places to other higher density Subdistricts (C and D).

Protecting the low income population from displacement.

- Adopting the anti-harassment/anti-demolition certification requirement language from the Clinton Special District in all Subdistricts.
- Allowing Transfer of Development Rights in Subdistrict A to discourage demolition and incentivize the maintenance of existing buildings.

Encouraging the protection of existing affordable housing and provision of new housing affordable to low income residents.

- Guaranteeing provision of permanently affordable housing in all Subdistricts.
- Defining affordability as the 2 lowest bands of the AMI as defined by HUD.
- For housing development on public land, promoting 100% affordability to local residents.
- Establishing zoning density and height limits that reflect the existing scale of the community, thus offering little incentive to demolish and rebuild.

Preserving the small-scale character and variety of stores and activities and prohibiting or limiting incompatible uses

- Limiting size (to around 2,500 sq. ft.) and street frontage of commercial uses in Subdistrict A.
- Prohibiting certain incompatible uses, such as hotels, in Subdistrict A.
- Requiring Special Permits for selected large footprint retail uses.
- Limiting street frontage of certain commercial uses (banks and drugstores, for example).

Next Steps: Implementation Strategies

The CWG should undertake the following steps in advocating for and implementing the proposed 197-c Zoning Action:

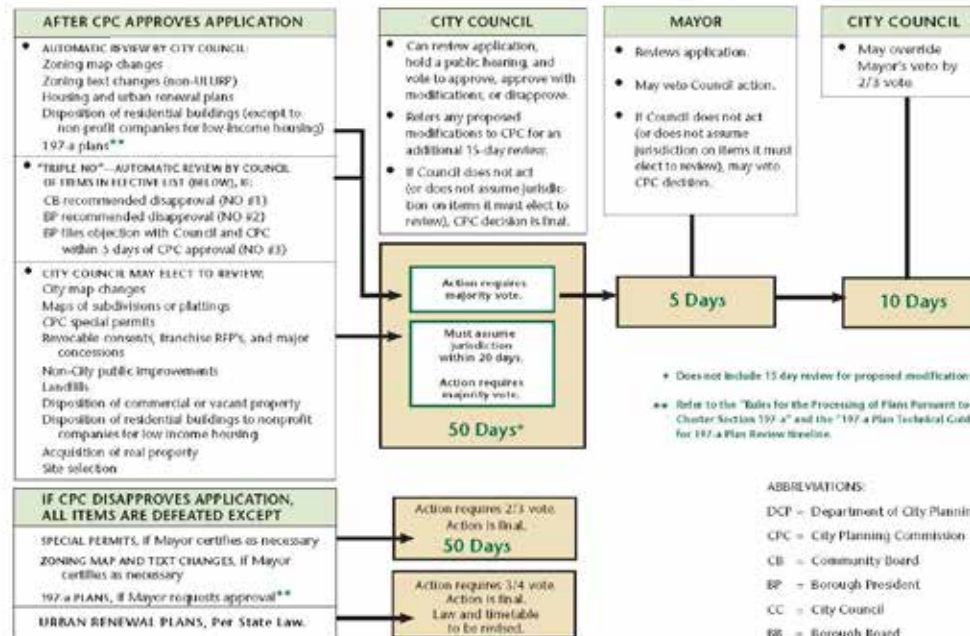
- Finalize decisions on zoning options
- Establish a Zoning Action Group

Once established the Zoning Action Group should:

- Coordinate with other CWG groups and local community organizations and elected officials.
- Meet with Community Boards 1, 2 and 3.
- Initiate preliminary discussions with zoning staff at the Manhattan Office of the NYC Department of City Planning (DCP). Identify additional tasks that need to be done.
- Work with HPD, NYCHA and other city agencies on zoning related affordability, public housing and other recommendations.
- Decide who is going to formally submit the 197-c application to DCP. Note that 197-c Zoning Actions require Environmental Review, the cost of which is borne by the applicant and can be prohibitive.
- Work with DCP in finalizing the Special District text.
- Submit the 197-c zoning proposal to DCP.
- Engage with community residents, organizations, elected officials and others through the 197-c public review process.

Uniform Land Use Review Procedure (ULURP)

	DEPARTMENT OF CITY PLANNING Application and Pre-Certification	COMMUNITY BOARD	BOROUGH PRESIDENT and BOROUGH BOARD	CITY PLANNING COMMISSION	
CITY MAP CHANGES MAPS OF SUBDIVISIONS PLATTINGS ZONING MAP CHANGES CPC SPECIAL PERMITS REVOCABLE CONSENTS FRANCHISE RFP'S MAJOR CONCESSIONS NON-CITY PUBLIC IMPROVEMENTS HOUSING AND URBAN RENEWAL PLANS LANDFILLS DISPOSITION OF REAL PROPERTY ACQUISITION OF REAL PROPERTY SITE SELECTION	<ul style="list-style-type: none"> • Receives application and related documents. • Forwards application and documents within 5 days to CB, BP, and CC (and BB, if project affects more than one CB). • Certifies application as complete. 	<ul style="list-style-type: none"> • Notifies public. • Holds public hearing. • Submits recommendation to CPC, BP (and BB). • Can waive rights on franchise RFP's and leases. 	<ul style="list-style-type: none"> • BP submits recommendation to CPC or waives right to do so. • BB of project affects more than one CB may hold a public hearing and submit recommendation to CPC or waive right to do so. 	<ul style="list-style-type: none"> • Holds public hearing • Approves, modifies or disapproves application. • Files approvals and approvals with modifications with City Council. • Disapprovals are final, except for zoning map changes, special permits, and urban renewal plans. 	SEE FLOW CHART BELOW FOR THE PROCESS FOR CITY COUNCIL AND MAYORAL REVIEW (Charter Section 197-d)
PROCESS TAKES	No Specified Time Limit (after 6 months, applicant or BP in some cases, may appeal to CPC for certification).	60 Days	30 Days	60 Days	
Clock = 1 Year					
TOTAL DAYS		60 Days	90 Days	150 Days	



Source: NYC Department of City Planning
www.nyc.gov/html/dcp/html/ap/step5_ulurp.shtml

Appendix

Appendix 1

Affordable Housing Programs

Available for download at
chinatownlerproject.tumblr.com

Appendix 2

Previously Identified Historic & Culturally Significant Resources

#	Street	Block	Lot	Identified By	Reason
54	Bowery	202	18	CWG CAPZ Team	Architecture
83	Mott	200	17	CWG CAPZ Team	Architecture
60	Bayard	201	29	CWG CAPZ Team	Architecture
32	Mott	162	17	CWG CAPZ Team	Architecture
17	Mott	164	47	CWG CAPZ Team	Architecture
65	Mott	200	27	CWG CAPZ Team	Architecture
26	Mulberry	164	65	CWG CAPZ Team	Architecture
28	Mulberry	164	66	CWG CAPZ Team	Architecture
70	Mulberry	200	4	CWG CAPZ Team	Architecture
16	Pell	163	4	CWG CAPZ Team	Architecture
81	Baxter	199	2	CWG CAPZ Team	Architecture
150	Baxter	235	16	CWG CAPZ Team	Architecture
2	East Broadway	281	1	CWG CAPZ Team	Architecture
9	East Broadway	279	61	CWG CAPZ Team	Architecture
55	East Broadway	280	33	CWG CAPZ Team	Architecture
33	East Broadway	280	44	CWG CAPZ Team	Architecture
137-139	East Broadway	283	36	CWG CAPZ Team	Architecture
22	East Broadway	281	9	CWG CAPZ Team	Architecture
24	East Broadway	281	10	CWG CAPZ Team	Architecture
15	Pike	283	45	CWG CAPZ Team	Architecture
2	Henry	279	40	CWG CAPZ Team	Architecture
11	Division	281	60	CWG CAPZ Team	Architecture
143	Henry	283	18	CWG CAPZ Team	Architecture
213	Hester	235	1	CWG CAPZ Team	Architecture
330-332	Broome	424	38	CWG CAPZ Team	Architecture
280	Grand	418	54	CWG CAPZ Team	Architecture
202	Centre	235	1	CWG CAPZ Team	Architecture
47	Madison	279	1	CWG CAPZ Team	Architecture

Appendix 2: Previously Identified Historic Resources (Continued)

#	Street	Block	Lot	Identified By	Reason
		420	1	Place Matters	Hua Mei Bird Garden
118	Eldridge	413	8	Place Matters	Vanessa's Dumpling House
87	Orchard	413	43	Place Matters	Guss' Pickles
188	Grand	471	59	Place Matters	Alleva Dairy
190	Grand	471	58	Place Matters	Piemonte Homemade Ravioli
200	Grand	471	52	Place Matters	DiPalo's Fine Foods
195	Grand	237	13	Place Matters	Ferrara Bakery
92-96	Elizabeth	239	12	Place Matters	Pvt. Danny Chen's Former Apartment
367	Grand	311	13	Place Matters	Kossar's Bialys
49	Essex	310	21	Place Matters	The Pickle Guys
413	Grand	315	1	Place Matters	Seward Park Murals
41	Elizabeth	204	24	Place Matters	Former Workingwomen's House
91	Bowery	303	15	Place Matters	Former site of Anti-Violence Mural
280	Broome	414	27	Place Matters	Kehila Kedosha Janina Synagogue
108	Orchard	409	5	Place Matters	LES Tenement Museum
104	Bayard	199	32	Place Matters	Winnie's Karaoke Bar
215	Centre	234	17	Place Matters	Museum of Chinese in America
		165	1	Place Matters	Columbus Park
25	Mott	164	37	Place Matters	Church of the Transfiguration
32	Mott	162	17	Place Matters	Former Mott St General Store
13	Doyers	162	28	Place Matters	Nom Wah Tea Parlor
16	Mott	162	9	Place Matters	Former Headquarters of Chinese Benevolent Assn
12	Eldridge	293	3	Place Matters	Eldridge St. Synagogue
56	Canal	294	8	Place Matters	Jarmulowsky Bank Bldg
165	East Broadway	284	28	Place Matters	Former Garden Cafeteria
55	St. James Place	279	17	Place Matters	Shearith Israel Cemetery
3	Henry	279	69	Place Matters	Mariners Temple Baptist Church
36	Monroe	253	1	Place Matters	Kinckerbocker Village
173	East Broadway	284	7503	Place Matters	Jewish Daily Forward Bldg
193	East Broadway	285	29	Place Matters	Educational Alliance
228	East Broadway	315	45	Place Matters	Bialystoker Home for the Aged
265	Henry	288	78	Place Matters	Henry Street Settlement
240	Centre	472	7501	LPC	NYC Police Headquarters
56	Canal	294	8	LPC	Jarmulowsky Bank Bldg

Appendix 2: Previously Identified Historic Resources (Continued)

#	Street	Block	Lot	Identified By	Reason
33	East Broadway	280	44	LPC	NY Public Library
55	St. James Place	279	17	LPC	Shearith Israel Cemetery
333	Madison	267	19	LPC	All Saints Free Church
1	Bowery	289	1	LPC	Manhattan Bridge arch & collonade
18	Bowery	162	53	LPC	Ed Mooney House
363	Broome	470	12	LPC	Engine Co. 55
15	Market	280	22	LPC	Northern Reformed Church
511	Grand	288	43	LPC	511 Grand St.
281	East Broadway	288	64	LPC	281 East Broadway
130	Bowery	470	61	LPC	Bowery Savings Bank
13	Pike	283	45	LPC	Pike St. Synagogue
60	Norfolk	346	37	LPC	Norfolk St. Baptist Church
12	Eldridge	293	3	LPC	Eldridge St. Synagogue
165	Grand	235	13	LPC	Odd Fellows Hall
51	Market	276	23	LPC	William & Rosamond Clark House
263-265	Henry	288	77	LPC	Henry Street Settlement
7	Bialystoker Pl.	336	17	LPC	Willet St. Methodist Church
12	Oliver	279	69	LPC	Oliver St. Baptist Church
173	East Broadway	284	7503	LPC	Jewish Daily Forward Bldg
280	Broome	414	27	LPC	Kehila Kedosha Janina Synagogue
32	James	279	25	LPC	St. James Roman Catholic Church
23	Mott	164	37	LPC	Zion English Lutheran Church
513	Grand	288	42	LPC	513 Grand St.
474	Pearl	160	1	LPC	NY County Courthouse
149	Mulberry	236	1	LPC	Stephen Van Rensselaer House
40	Foley Sq.	158	1	SHPO	US Courthouse
621	Water	244	40	SHPO	Gouverneur Hospital
7	Willet	336	17	SHPO	Bialystoker Synagogue
60-64	Norfolk	346	37	SHPO	Beth Hanedrash Hagogol Synagogue
280	Broome	414	27	SHPO	Kehila Kedosha Janina Synagogue

APPENDIX 3

Civic Associations and Arts And Cultural Organizations in Chinatown

- Access Theater
- Ai Center (formerly Wossing Center for Chinese)
- Art in General
- Artists Alliance Inc.
- Arts Gate Center
- ARTS, Inc.
- Asian American Arts Alliance
- Asian American Arts Centre
- Battery Dance Company
- Children's Museum for the Arts
- Chinatown Cultural Center
- Chinese American Arts Council Gallery 456
- Chinese Music Ensemble of NY
- Chinese Musical & Theater Association of New York
- Chung Ying Cantonese Opera Association
- Church Street School for Music and Art
- Circle Arts
- Dance China NY
- Dance New Amsterdam
- Downtown Community TV
- Educational Alliance Art School
- Flea Theatre
- Florentine Music School
- Four Seas Players
- Fu Kai Cantonese Opera Training Center
- H.T. Dance Company Inc.
- Henry Street Settlement - The Abrons Art Center
- Imperial Ballroom Dance Studio
- Japanese Folk Dance Institute of New York
- Jian Hui Dance Studio
- Kazuko Hirabayashi Dance Theatre
- Kyew Ching Musical Association
- Lower East Side Tenement Museum
- Lower Manhattan Cultural Council
- Man Chee Dramatic & Benevolent Association
- Manhattan Children's Theatre
- Modern Dance Studio
- Mulberry Street Theater
- Museum of Chinese in America (MOCA)
- Music from China
- Music Together
- New Dance Alliance
- New York Academy of Art
- New York Artists Equity Association
- New York Chinese School
- Overseas Cantonese Opera Association
- Rush Dance Company
- Sandra Cameron Dance Center
- School of the Arts
- Super Star Dance Studio
- The Creative Center
- The Five Points
- The New York Chinese Cultural Center (NYCCC)
- Chinese Aviation Development Association
- Chinese Laundrymen's Association
- Chinese Musical & Theater Association of N.Y.
- Hai Nan Association
- Leung Chung How Realty Corp.
- Man Chee Dramatic & Benevolent Association
- Nan Yang Association
- Soo Yuen Association
- Sze Kong Association
- Chee Tuck Sam Tuck Association
- Chee Yue Association
- Chew Lun Association
- Chinese American Restaurant Association
- Chinese Chamber of Commerce of New York
- Chinese Community Club
- Chinese Consolidated Benevolent Association
- Chinese Free Mason's
- Chinese Merchants Association
- Chinese Women's Benevolent Association
- Chung Shan Association
- Eng Suey Sun Association
- Fay Chow Merchant's Association
- First Chinese Presbyterian Church of NY
- Fukien American Association
- Fung Loon Benevolent Association
- Gee How Oak Tin Association
- Gee Poy Kuo Association
- Goon Shee Association
- Hip Sing Association
- Hok Shan Society
- Hoy Ping Hong Hing Association
- Hoy Sing Ning Yung Association
- Hoy Yen Association
- Jin Lan Association
- Kuomintang Eastern Region Office
- Kuomintang of China in America (New York)
- Kwong Hoy Association
- Lee's Family Association
- Lin Sing Association of East America
- Lum Sai Ho Association
- Lun Yee Association
- Lung Kong Tin Yee Association
- Moy's Family Association
- Nam Shum Association
- National Chinese Seamen's Union
- Sam Kiang Charitable Association
- Sam Yick Association

- Sun Wei Association
- Tai Look Merchants Association
- Tai Pun Residents Association
- Tai Pun Yook Ying Association
- The American Legion, Post 1291
- Tong On Association
- Tsang's Family Association
- Tsung Tsin Association
- Wah Pei Association
- Wong Family Benevolent Association
- Yan Ping Association
- Yee Fong Toy Association
- Yee Shan Benevolent Society
- Yee Tung Association
- American Chinese Merchants
- American Fujian Association
- American Fuzhou Lang Qi United Association
- American Society of Buddhist Studies
- American Ting Jiang Chinese Association
- Better Chinatown Society
- Celestial Love Foundation
- Chao Chiu Association of New York
- Chinese Sportswear Workers
- Chinese Staff and Workers' Association
- Chinese Staffs & Workers
- Chiu's Family Association
- Fu Chow Zeli Association
- Fukien Hoyu Village Association
- Leung Chung How Tong
- Lo Clan's Association
- Nam Yang Association
- Nan Ping Fong
- New York Asian Women's Center
- New York Chinese Business Association
- Pang Jiao Qin
- Sino American Chamber

- Soo Yuen Tong
- Sze Kong Mutual Benevolent
- United Fujianese of American Association
- Yen Ping Association

Source: Members of the Chinese Consolidated Benevolent Association (CCBA) and arts and cultural organizations and Chinese Associations listed on the Chinatown Partnership directory.

Appendix 4

Identified Potential Sites of Significance

A full list of these sites, with photographs, is available to view at chinatownlerproject.tumblr.com

Appendix 5

Soft Sites

Information on underutilized land and vulnerable properties is available for download at chinatownlerproject.tumblr.com

Appendix 6

Recent Sales and Development Activity

Map #	Address	Status	Future Use
1	159-165 Canal Street and 40-42 Elizabeth Street	Sold	Retail
2	126-130 Delancey Street	Sold	Retail
3	55-59 and 61-63 Delancey St, and 380-386 Broome St	Sold	Residential And Retail
4	314 Grand Street	For Sale	Commercial
5	50-52 Bowery Street	Undergoing Renovation	High Rise Hotel
6	83, 85, 88, 103, 105, 219, 221, 262, 276, 280 and 284 Bowery Street	Sold	
7	57-63 Orchard Street	Sold	High End Fashion Boutiques & Shops
8	185-189 Grand Street	For Sale	Residential And Commercial
9	99 Allen Street	Sold	
10	225 Bowery Street	Undergoing Renovation	Residential Conversion
11	54 Canal Street	Undergoing Renovation	Hotel Upgrade
12	60 Canal Street	New Construction	
13	75 Essex Street	For Sale	All Uses Are Considered
14	281 Grand Street	Sold	Commercial
15	101 Delancey Street	For Sale	Residential
16	237 Henry Street	Sold	
17	202 Canal Street	Sold	Office Condo
18	600 East 9th Street	Undergoing Renovation	Residential
19	Seward Park on Essex Street	New Construction	Residential & Commercial
20	17 Orchard Street	For Sale	Retail Condominium
21	158 Rivington St	For Sale	Residential & Commercial
22	210 Bowery Street	Sold	
23	250 South Street	Sold	Residential
24	246-250 Canal Street	Sold	Retail
25	11 Allen Street	Sold	
26	77-79 Bowery Street	For Sale	Retail Condominium
27	81 Bowery Street	Sold	

Appendix 7

Chinatown Special Districts Outside of NYC

A full review is available for download at chinatownlerproject.tumblr.com

Appendix 8

Anti-Displacement Zoning Tools - Other Cities

Pittsburgh's Hill District

Anti-displacement strategies for the Hill District were established by the community-driven Hill District Master Plan of 2011.¹ The plan's principles were developed by a coalition of community-based organizations, and focused on housing stability and economic self-sufficiency as a means to prevent displacement. This master plan set the framework for the development of a large area of central Pittsburgh. Two organizations were vital to ensuring displacement-free development in the Hill District: the Hill District Consensus Group and Regional Housing Legal Services. Both identified anti-displacement strategies - for both residents and businesses - for inclusion in the Master Plan. Among the strategies to prevent indirect residential displacement are:

- Inclusionary zoning: providing a density bonus in exchange for affordable housing units.
- Involvement of faith-based organizations engaged in development. Open Hand Ministries rehabilitates vacant houses for home ownership in vulnerable parts of Pittsburgh and provides support

for families through the home buying process.

- Support for tenant ownership through limited equity cooperatives.

Strategies to prevent indirect displacement of businesses include:

- Inclusionary business development, such as in San Jose, California, which requires a percentage set-aside for locally-owned businesses in large-scale commercial developments.
- National retail chain restrictions, like those in San Francisco's General Plan, which prohibit formula retail businesses with multiple locations and a recognizable "look" or appearance.
- Cooperative Marketplace: a mutual benefit corporation as in Portland, in which members share the cost and governance of the market.

Portland's Gentrification and Displacement Study

Portland's anti-displacement strategies, as in Pittsburgh, are framed within the city's Comprehensive Plan.² The Portland Plan called for an evaluation of the impact of policies and programs on gentrification and displacement, in response to community concerns. The City subsequently commissioned a study to assess the vulnerability of different neighborhoods subject to gentrification pressures.³

The study was to provide the basis for a policy strategy aimed at minimizing the effects of gentrification and begin a broad community discussion on measures that the City of Portland could pursue.⁴

In addition to defining gentrification and assessing the public sector's role in the process, the study intro-

duced a neighborhood typology analysis for gentrification and displacement risk and a policy strategy to operationalize inclusive and equitable development.

Defining Gentrification

While the report from the study includes a review of the diverse literature on gentrification, it focuses on the housing displacement problem, providing a broader interpretation and proposing a new approach that embraces new principles: a racial / ethnic lens for an inclusive development paradigm, recognizing the ways in which public investments affect the market, and devising opportunities for the role of the public sector in housing markets.⁵

Assessing the public sector's role in gentrification

According to the report, most housing development is generated by the private sector. However, while the public sector has a limited role in actual housing production, its policies and plans affect the housing market. Thus, neighborhood change and displacement is not just the result of market action but also occurs within the framework of public policy.⁶ Thus, in order to anticipate and mitigate the effects of gentrification, it is very relevant to understand the role of the market.⁷ Public investment in neighborhoods with high market demand can have the consequence of increasing the magnitude of change and intensifying displacement.⁸

The report suggests several strategies that the City of Portland can undertake to address the unintended consequences of gentrification and displacement:

1. Planning that includes anticipating market change, goal setting and continuous monitoring.
2. Regulations and incentives to leverage public housing subsidy.
3. Capacity building among partners: public agencies can strengthen the capacity of

residents and developers in an inclusive, equitable development framework.

A neighborhood typology analysis for gentrification and displacement risk

The study's approach to identifying and understanding the risk of gentrification consist of two steps. First, setting a series of risk indicators that encompasses the diverse components of gentrification; and second, undertaking focused analyses to understand the dynamics of change in a particular neighborhood within the context of a specific public policy or program.⁹

The risk analysis, which is centered on census tracts and is compared to citywide averages, identifies three major stages of gentrification: early, middle and late stage. This information is mapped illustrating a wide spectrum of gentrification risk.¹⁰

Policy strategy to operationalize inclusive and equitable development

Highlights of the strategies to address gentrification and aim for inclusive and equitable development, include¹¹:

- Embed community impacts into plans and policies, for comprehensive plans and area plans, including during the development review approval process.
- Coordinate policy strategy based on gentrification typology and level of public investment: understanding neighborhood changes can help to focus public investment.
- For areas with major public projects, create a Community Impact Zone, and Community Impact Reports (CIR), which are analogous to environmental impact statements, in order to define the potential costs and benefits and

identify possible mitigation. This would involve approving project applications based on specific benefits and measurable outcomes.

- Build and support community capacity through education and technical assistance in order to promote best development practices for mixed-income and affordable/workforce housing.
- Develop zoning tools or new incentives for developers in order to create more affordable housing.

The City of Portland appears to be moving on these recommendations. It has put forward a strategy that involves ongoing monitoring of areas at risk of gentrification, using a series of risk assessment maps produced by the Bureau of Planning and Sustainability, and evaluation of projects in those areas. Other strategies include program alignment of different City offices to help mitigate gentrification, and investigation of new initiatives such as Community Impact Reports.¹²

Other Cities' Policies of Development without Displacement

Since 2011, PolicyLink, a national research and action institute whose goal is to further economic and social equity, has published an equitable development toolkit to "reverse patterns of segregation and disinvestment, prevent displacement and promote equitable revitalization".¹³ The 27 tools in this toolkit, available online, are organized around four topics: affordable housing, economic opportunity, health equity and place, and land use and environment. Together with the Chicago Rehab Network (CRN)¹⁴, a citywide coalition of neighborhoods and community development organizations working to advance the development and preservation of affordable housing in Chicago, PolicyLink has published online resources to promote the adoption of "development without displacement" policies seeking to

manage neighborhood change equitably.¹⁵

In assessing the development without displacement policies of this online resource, Massachusetts' Metropolitan Area Planning Council (MAPC), prepared a report on selected anti-displacement strategies.¹⁶ The San Francisco Bay region's Association of Bay Area Governments (ABAG) is one organization that has implemented some of these policies. Comprised of an executive board of 38 elected officials representing nine counties and 101 cities and towns in the Bay Area¹⁷, ABAG has awarded 18-month grants to 22 cities to support the implementation of neighborhood-specific civic engagement plans that support community-based anti-displacement efforts. Some of the outcomes of these planning grants include¹⁸:

- **San Francisco's Mission District:** The grant led to changes in zoning and economic development policy to preserve the Latino business district. Height and density requirements were lowered in the Latino corridor and increased elsewhere and assistance was provided to businesses to secure better lease agreements. It is worth noting that the Mission Area Plan of San Francisco's General Plan contains policies to preserve housing for people of all incomes (Objective 2.2), including the adoption of a citywide anti-demolition policy (Policy 2.2.1), as well as preservation of viable rental units (Policy 2.2.2), acquisition of existing housing for rehabilitation and permanent affordability (Policy 2.2.3), and protection of at-risk tenants from eviction (Policy 2.2.4).¹⁹
- **Oakland's Lake Merritt BART Station Area Community Engagement Plan:** The plan, developed by a partnership between the Asian Health Services, the City of Oakland and the Oakland Chinatown Chamber of Commerce includes anti-displacement measures and affordable housing protections, seeks to increase pedestrian and bicycle connectivity, encourages mixed use

development around the station area and provides greater connections within the station. The plan is currently undergoing environmental review.

- **Richmond’s Equitable Development Initiative:** This is a collaborative effort of community-based organizations to address environmental justice and economic development issues. The grant facilitated resident engagement around housing solutions, including the development of a Community Land Trust (CLT) and new housing development on congregation-owned land. As a result, The City of Richmond enacted an ordinance supporting the creation of a CLT and a “Just Cause” ordinance to protect tenants from unfair evictions when homes are foreclosed.

Conclusion

The above case studies infer the following:

- Anti-displacement policies are either framed within a city’s comprehensive plan (Pittsburgh and Portland) or within a city’s targeted program (Bay Area).
- All case studies involve and even require community participation and engagement.

Highlights of some anti-displacement strategies and recommendations:

- Anti-eviction policy / ordinance (San Francisco and Richmond).
- Recognition that public policy has an impact on displacement and the use of direct government action to address those impacts (Portland).
- Employing zoning to preserve an ethnic

enclave but also to encourage development in adjacent areas (San Francisco).

- Employing voluntary inclusionary zoning or incentives to develop affordable housing (Portland and Pittsburg) and mandatory inclusionary business development (Pittsburg).
- Development of Community Land Trusts (Pittsburgh and Richmond).
- Development of Community Impact Zones and Community Impact Reports to measure and mitigate gentrification and displacement (Portland).

Notes:

1. See Hill District Master Plan: www.ura.org/pdfs/HDMP_Report_FINAL.pdf
2. Policy 2.7 within the Housing Chapter of Portland’s Comprehensive Plan is a working draft that establishes a series of goals to address gentrification and involuntary displacement. See www.portlandoregon.gov/bps/article/446976
3. City of Portland, Bureau of Planning and Sustainability, Cover Memo: *Gentrification and Displacement Study Overview*, 6/7/13, p. 1.
4. Bated, Lisa, *Gentrification and Displacement Study: Implementing an equitable inclusive development strategy in the context of gentrification*, commissioned by the City of Portland, Bureau of Planning and Sustainability, 05/18/13, p. 4. Download at: www.portlandoregon.gov/bps/article/454027
5. Ibid. p. 9-16
6. Ibid. p. 18
7. Ibid.
8. Ibid. p. 19
9. City of Portland, Bureau of Planning and Sustainability, Cover Memo: *Gentrification and Displacement Study Overview*, 6/7/13, p. 3
10. Ibid
11. For detailed description of this policy strategy, see Bated, Lisa, *Gentrification and Displacement Study: Implementing an equitable inclusive development strategy in the context of gentrification*, commissioned by the City of Portland, Bureau of Planning and Sustainability, 05/18/13, p. 37-55.

12. City of Portland, *Bureau of Planning and Sustainability, Cover Memo: Gentrification and Displacement Study Overview*, 6/7/13, p. 2
13. PolicyLink, Equitable Development Toolkit. See website at: www.policylink.org/site/pp.aspx?section=Overview&c=1klX-LbMNJrE&b=5136575
14. See the Chicago Rehab Network website at: <http://chicago-rehab.org/>
15. These policies were first introduced in a background paper for CRN’s Development Without Displacement Task Force prepared by the Nathalie P. Voorhees Center for Neighborhood and Community Improvement in June 1995.
16. Metropolitan Area Planning Council, *Managing Neighborhood Change: Selected Anti-displacement Strategies in Practice*, October 2011. Download at: www.mapc.org/sites/default/files/Managing%20Neighborhood%20Change%20Report.pdf
17. See ABAG’s website at: www.abag.ca.gov
18. Metropolitan Area Planning Council, *Managing Neighborhood Change: Selected Anti-displacement Strategies in Practice*, October 2011, p. 6-8
19. For detailed description of the Mission Area Plan see: www.sf-planning.org/ftp/general_plan/Mission.htm

APPENDIX 9

Other NYC Special Districts

Possibly applicable General Purpose language and specific provisions

The full text of each Special District can be found at: www.nyc.gov/html/dcp/html/zone/zonetext.shtml Chapters VIII-XIII

Clinton Special District

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use;

96-01

Prior to receiving a building permit for demolition or alteration of an existing multiple dwelling the requirement to obtain a **Certification of no Harassment by the Department of Housing Preservation and Development** that there has not been harassment of the lawful occupants of a multiple dwelling during the established inquiry period.

Harassment – “Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit or rooming unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (b) the interruption or discontinuance of essential services which:
 - (1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit or rooming unit in the use or occupancy of such dwelling unit or rooming unit; and
 - (2) causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy;
- (c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such unit or to waive any rights in relation to such occupancy; or

- (d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or rooming unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the dwelling unit or rooming unit; removing the door at the entrance to the dwelling unit or rooming unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

Special Midtown District

- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world’s foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City’s entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

81-213

Special provisions for transfer of development rights from listed theaters within the Special Clinton District

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

Special 125th Street District

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

97-05

Establishment of Bonused Space Local Arts Advisory Council

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section 97-423 (Certification for floor area bonus

for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections 97-422 and 97-423. Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c) (7) of Section 97-423, the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to paragraph (c)(7) of Section 97-423 without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review from the Department of Cultural Affairs.

Special Little Italy District

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;

109-02

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

Special Enhanced Community District

General goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in “Special Enhanced Commercial District” 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in “Special Enhanced Commercial District” 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages; and
- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;

132-24

Maximum Street Wall Width

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

- (a) Banks and loan offices In the applicable #Special

Enhanced Commercial Districts#, within 30 feet of a #building’s street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

- (b) Other non-#residential# establishments
In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.
- (c) #Residential# lobbies
In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any #ground floor level residential# lobby shall not exceed 25 feet, as measured along the #street line# of a #designated commercial street#.

Special Lower Manhattan District

- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration;

91-64

Transfer of Development Rights from Granting Lots

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed or otherwise disposed of:

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7 and 9, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:
 - (1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or
 - (2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person# but such #development rights# may only be used on a #receiving lot#.

Special Tribeca Mixed Use District

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;

- (c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to ensure the provision of safe and sanitary housing units in converted buildings;

Additional Use Regulations

(a) Areas A1 and A3

- (1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited:

within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;

all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;

all Use Group 16C #uses#;

within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;

within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and

all Use Group 17C #uses#, except agriculture.

Special West Chelsea District

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;

- (b) to encourage the development of residential uses along appropriate avenues and streets;

- (c) to encourage and support the growth of arts-related uses in West Chelsea;

Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund.

Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #low#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

Special Planned Community Preservation District

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-10

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and

Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special Hudson Square District

- (a) support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;
- (b) recognize and enhance the vitality and character of the neighborhood for workers and residents;
- (c) encourage the development of buildings compatible with existing development;
- (d) regulate conversion of buildings while preserving continued manufacturing or commercial use;
- (e) encourage the development of affordable housing;
- (f) promote the opportunity for workers to live in the vicinity of their work;

88-11B

#Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on March 20, 2013, will contain at least the amount of non- #residential floor area# that existed within such #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

Special Bay Ridge District

- (a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;
- (b) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and

114-122 - maintain the 32 foot height limit for community facility development in R3A, R3X, R3-2, R4A, R4-1, R4B and R5B zoning districts, and continuing to limit permitted FARs for community facility uses.

Special Garment Center District

- (a) to retain adequate wage and job producing industries within the Garment Center;
- (c) to limit conversion of manufacturing space to office use in designated areas of the Garment Center;
- (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent #Special Hudson Yards District#

Special Limited Commercial District

- (a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;
- (c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing;

Special Mixed Use District

- (b) to promote the opportunity for workers to live in the vicinity of their work;
- (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods;

APPENDIX 10

Basic Structure for the Special District in Chinatown and Surrounding Areas

Special Purpose District

The regulations for special purpose districts are designed to supplement and modify the underlying zoning in order to respond to distinctive neighborhoods with particular issues and goals. Special purpose districts are shown as overlays on the zoning maps and are in Articles VIII–XIII of the Zoning Resolution. (Department of City Planning Glossary definition)

Possible Basic Structure:

- 1) General Purpose
 - 2) Definitions
 - 3) Special Review Provisions
 - 4) Subdistrict identification
 - Subdistrict A
 - Subdistrict B
 - Subdistrict C
 - Subdistrict D
 - Subdistrict E1
 - Subdistrict E2
 - Subdistrict F
- 5) Special Use regulations
 - District-wide regulations specific to each Subdistrict A-D
 - Permitted uses
 - Not permitted uses
 - Uses requiring special permits or authorizations/certifications
 - 6) Special bulk regulations
 - district-wide regulations specific to each Subdistrict A-D
 - Height/Set Back
 - FAR/Floor area regulations
 - Transfer of Development Rights
 - Bulk modifications requiring special permits/authorizations/certifications
 - 7) Special Urban Design regulations
 - 8) Special Parking regulations
 - 9) Special Sign regulations
 - 10) Appendix A - District Maps
 - 11) Appendix B - Buildings of Special Significance

APPENDIX 11

Special Chinatown and Lower East River District: Proposed Possible Text Provisions

The regulations for special purpose districts are designed to supplement and modify the underlying zoning in order to respond to distinctive neighborhoods with particular issues and goals. Special purpose districts are shown as overlays on the zoning maps and are in Articles VIII–XIII of the Zoning Resolution. (*Department of City Planning Glossary definition*)

The “**Special Chinatown and Lower East River District**” is designed to promote and protect public health, safety, general welfare and amenity.

Because of the unique history, culture, built form and diverse mix of uses of the Chinatown and Lower East River communities and their geographical location situated between the East River waterfront on the east and south, new development to the north and west and a growing higher density central business and residential district to the north and southwest, it is necessary to provide specific provisions and regulations which will assure realization of community and citywide goals.

General Purpose

CWG identified General Purposes:

Note: Parentheses indicate other NYC Special Districts, and location within those Special Districts, from which general purpose text is derived.

1) Recognition and preservation of the area’s unique history and culture.

1. Preserve and strengthen historical and cultural character of the community (Little Italy - a)

2. Preserve area as gateway for new immigrants
 3. Recognition of community history, character and the significance of the immigrant narrative to American history
 4. Opportunity for education on NYC history
 5. Preserve tenement buildings, because of their important historic relevance to the successive immigrant groups that lived in them
 6. Preservation of Community Identity/Sense of Place
- 2) Retaining the mixed-use character for residents and workers.**
7. Retain existing balance of uses
 8. Mixed use character (Clinton)
 9. Promote opportunities for workers to live near work (Special Mixed Use - b; Hudson Square - f)
 10. Recognize and enhance the vitality and character of the neighborhood for workers and residents (Hudson Square - b; Special Mixed Use - d)
- 3) Preserving the existing scale and built form.**
11. Preserve low-rise streetscape in the Chinatown Core
 12. Preserve neighborhood scale, and light and air access/low rise quality
 13. Ensure that form of new buildings is compatible and relates to built character (125th Street - f)
 14. Height controls of community facilities development (Bay Ridge)
- 4) Preserving the area's unique urban design and streetscape**
15. Preserve unique layout of streets and alleyways
 16. Provide amenities such as public open space to improve the physical environment (Little Italy - e)
 17. Limit street wall of commercial use (blank wall)
- 5) Preserving and developing cultural and community facilities**
18. Preserve/create spaces for people of all ages
 19. Provide adequate culture/community non-profit use relative to local population
 20. Insure that public land is preserved and developed
 21. Provide green infrastructure and other resiliency and sustainability measures to protect areas vulnerable to climate change impacts
- 6) Protection of the existing low income population from displacement through provisions such as anti-harassment and anti-demolition certification.**
22. Prevent displacement
 23. Preservation of tenement buildings
 24. Preserve existing residents and strengthen the residential character of the community (Clinton - a)
- 7) Encouraging the provision of new housing affordable to low income residents.**
25. Permit rehabilitation and new construction within the area in character with the existing scale of the neighborhood and at rental levels which will not substantially alter the mixture of income groups presently residing in the area (Clinton - b)
26. Encourage development of housing affordable to local (low income) residents
27. Encourage the development of affordable housing (Hudson Square - e)
- 8) Preserving the small-scale character and variety of stores and activities and prohibiting or limiting incompatible uses.**
28. Preserve the small scale character and variety of existing stores and activities and control new commercial uses in conformity with the existing character of the area (Clinton - c)
 29. Protect the scale of storefronts and character of the existing retail uses along Mott Street and other major shopping streets so that Chinatown will remain a unique regional shopping area, (and heritage tourism destination) and thereby strengthen the economic base of the City (Little Italy - b)
 30. Preservation of small business, rent protection/subsidies
 31. Preserve local businesses that cater to the existing resident population
 32. Encourage small independent businesses
 33. Retain adequate wage, stable job producing industries

Definitions

Affordable Housing - "Affordable Housing" is defined to mean the Lowest 2 Income Bands of Area Median Income (AMI) for New York City as defined by the federal Department of Housing and Urban Development (HUD). These income bands are 0-30% of AMI and 30-50% of AMI.

Certification of no harassment - “Certification of no harassment” shall mean a certification by the Department of Housing Preservation and Development (HPD) that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

Harassment - “Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit or rooming unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (b) the interruption or discontinuance of essential services which:
 - (1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit or rooming unit in the use or occupancy of such dwelling unit or rooming unit, and
 - (2) causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy;
- (c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such unit or to waive any rights in relation to such occupancy; or

- (d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or rooming unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the dwelling unit or rooming unit; removing the door at the entrance to the dwelling unit or rooming unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

Special Review Provisions

Certification of no harassment by the Department of Housing Preservation and Development that there has not been harassment of the lawful occupants of a multiple dwelling during the established inquiry period prior to receiving a building permit for demolition or alteration of an existing multiple dwelling.

Subdistrict identification

- Subdistrict A** – Preservation Area
- Subdistrict B** – Planned Community Preservation and Resilience
- Subdistrict C** – Higher Density Mixed Use
- Subdistrict D** – Lower East River Waterfront
- Subdistrict E1** – Bowery Corridor – Grand to Bleecker
- Subdistrict E2** – Bowery Corridor – Bleecker to East 9th
- Subdistrict F** – Under Bridge General Services

Special Use regulations

DISTRICT-WIDE

- 1) Specifies Use modifications allowing greater diversity of uses than currently allowed in existing C zones such as some light industrial uses
- 2) Adds “G” designation to underlying zoning to protect existing Manufacturing uses
- 3) Prohibits or requires Special Permit for certain uses such as hotels
- 4) Includes guarantee/bonus of affordable housing (defined as up to 50% of AMI)
- 5) Guarantees that affordable housing must be built onsite

USE REGULATIONS SPECIFIC TO EACH SUBDISTRICT

Subdistrict A

Permitted uses

- Use groups 3 and 4 except universities, dormitories, hospitals and hospital staff dwellings
- Most Use group 6 - Retail and Service establishments –limited to 2,500 sq. ft. on the ground floor
- Banks and Drugstores - but limited to 2,500 sq. ft. and 25 ft. street frontage
- Food Stores without size limitation
- Restaurants without size limitation
- Use group 7 - Home maintenance and repair except transient hotels
- Use group 8 - Amusements and repair shops
- Use group 9 - except Business schools by Special Permit
- Use group 11 - Custom manufacturing including Printing

- Use group 13 - only Banquet Halls
- Use group 16 - Semi-industrial uses such as custom woodworking
- Use group 17 - light manufacturing such as:
 - Apparel/Textile products
 - Canvas products
 - Ceramic products
 - Electrical appliances assembly
 - Food products
 - Wholesale produce
 - Jute, hemp products
 - Leather products
 - Luggage
 - Jewelry
 - Printing

Not permitted uses

- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings
- Use group 10 - large retail such as Department Stores which serve a large area - except Wholesale - limited size of 10,000 sq. ft.
- Use group 12 - large entertainment facilities which draw large numbers of people

Uses requiring special permit or authorization/certification

- Use group 6 - larger than 2,500 sq. ft. on the ground floor
- Clubs and Bars
- Business Schools

Subdistrict B (with C2 overlay)

(In a Special Planned Community Preservation District any demolition, new development or enlargements is required to get a Special Permit)

Permitted uses

- Use groups 3 and 4 except universities, dormitories, hospitals and hospital staff dwellings
- Use group 6 - Retail and Service establishments
- Banks and Drugstores
- Food Stores without size limitation
- Restaurants without size limitation
- Use group 7 - Home maintenance and repair except transient hotels
- Use group 8 - Amusements and repair shops
- Use group 9 - Services to business establishments and other services

Uses requiring special permit or authorization/certification

- Clubs and Bars
- Use group 10 - large retail such as Department Stores which serve a large area
- Use group 12 - large entertainment facilities which draw large numbers of people
- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings

Subdistrict C

Permitted uses

- Use groups 3 and 4 except universities, dormitories, hospitals and hospital staff dwellings
- Use group 6 - Retail and Service establishments - limited to 5,000 sq. ft.
- Banks and Drugstores - but limited to 5,000 sq. ft. and 40 ft. street frontage
- Food Stores without size limitation
- Restaurants without size limitation
- Use group 7 - Home maintenance and repair except transient hotels
- Use Group 8 - Amusements and repair shops
- Use group 9 - Services to business establishments and other services
- Use group 11 - Custom manufacturing including Printing
- Use group 13 - only Banquet Halls
- Use group 16 - Semi-industrial uses such as custom woodworking
- Use group 17 - light manufacturing such as:
 - Apparel/Textile products
 - Canvas products
 - Ceramic products
 - Electrical appliances assembly
 - Food products
 - Wholesale produce
 - Jute, hemp products
 - Leather products
 - Luggage
 - Jewelry
 - Printing

Uses requiring special permit or authorization/certification

- Clubs and Bars
- Use group 10 - large retail such as Department Stores which serve a large area
- Use group 12 - large entertainment facilities which draw large numbers of people
- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings

Subdistrict D

Required uses

- **In C6-4 Modified** - limit ground floor uses to:
 - Waterfront related - such as non-profit recreation centers, environmental education centers and/or
 - Community supportive facilities such as schools, daycare, senior centers, food stores

Permitted uses

- Use groups 3 and 4 except universities, dormitories, hospitals and hospital staff dwellings
- Use group 6 - Retail and Service establishments - limited to 5,000 sq. ft.
- Banks and Drugstores - but limited to 5,000 sq. ft. and 40 ft. street frontage
- Food Stores without size limitation
- Restaurants - without size limitation
- Use group 7- Home maintenance and repair except transient hotels
- Use group 8 - Amusements and repair shops
- Use group 9 - Services to business establishments and other services

- Use group 11 - Custom manufacturing including Printing
- Use group 13 - only Banquet Halls
- Use group 14 - Docks
- Use group 16 - Semi-industrial uses such as custom woodworking
- Use group 17 - light manufacturing such as:
 - Apparel/Textile products
 - Canvas products
 - Ceramic products
 - Electrical appliances assembly
 - Food products
 - Wholesale produce
 - Jute, hemp products
 - Leather products
 - Luggage
 - Jewelry
 - Printing

Uses requiring special permit or authorization/certification

- Clubs and Bars
- Use group 10 - large retail such as Department Stores which serve a large area
- Use group 12 - large entertainment facilities which draw large numbers of people
- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings

Subdistricts E1 and E2

Permitted uses

- Use groups 3 and 4 except universities, dormitories, hospitals and hospital staff dwellings
- Use group 6 - Retail and Service establishments - limited to 5,000 sq. ft.

- Banks and Drugstores - but limited to 5,000 sq. ft. and 40 ft. street frontage
- Food Stores without size limitation
- Restaurants - without size limitation
- Use group 7 - Home maintenance and repair except transient hotels
- Use group 8 - Amusements and repair shops
- Use group 9 - Services to business establishments and other services
- Use group 11 - Custom manufacturing including Printing
- Use group 13 - only Banquet Halls
- Use group 16 - Semi-industrial uses such as custom woodworking
- Use group 17 - light manufacturing such as:
 - Apparel/Textile products
 - Canvas products
 - Ceramic products
 - Electrical appliances assembly
 - Food products
 - Wholesale produce
 - Jute, hemp products
 - Leather products
 - Luggage
 - Jewelry
 - Printing

Uses requiring special permit or authorization/certification

- Clubs and Bars
- Use group 10 - large retail such as Department Stores which serve a large area
- Use group 12 - large entertainment facilities which draw large numbers of people
- Transient Hotels
- Universities and Dormitories
- Hospitals and Hospital Staff Dwellings

Subdistrict F

Permitted uses

- Use group 4 except universities, dormitories, hospitals and hospital staff dwellings
- Use group 6 - Retail and Service establishments
- Banks and Drugstores
- Food Stores - without size limitation
- Restaurants - without size limitation
- Use group 7 - Home maintenance and repair except transient hotels
- Use group 8 - Amusements and repair shops
- Use group 9 - Services to business establishments and other services
- Use group 11 - Custom manufacturing including Printing
- Use group 13 - Banquet Halls and Skateboard parks
- Use group 16 - Semi-industrial uses such as custom woodworking
- Use group 17 - light manufacturing such as:
 - Apparel/Textile products
 - Canvas products
 - Ceramic products
 - Electrical appliances assembly
 - Food products
 - Wholesale produce
 - Jute, hemp products
 - Leather products
 - Luggage
 - Jewelry
 - Printing

Special bulk regulations

District-wide

1. Height, Setback and FAR are designated to reflect the context of the existing built form in each of the Subdistricts.
2. All Buildings of Significance throughout the Special District are eligible to Transfer Development Rights to receiving sites/lots in Subdistrict C or D.

Subdistrict A

Height/Set Back - Height limit: 85 feet / No required front setback from street wall / 30 ft. rear yard setback for residential

FAR/Floor area regulations

- **Option 1 - Underlying: C4-4A/G Modified FAR: C4, R4.8- 6, CF4**
 1. Guaranteed 20% permanently affordable housing (with 421a tax abatement)
 2. **In C6-2 and C6-2G** - Guaranteed 20% permanently affordable housing if not using 421a
 3. **In C6-1 and R7 - If building to 4.8 FAR** - Additional Guaranteed 20 % (40% if not using 421a) permanently affordable housing for residential increase from R3.44-4.8
or
 4. **If building to 6 FAR** - Additional Guaranteed 25% (45% if no 421a) permanently affordable housing for residential increase from 3.44-6.
- **Option 2 - Underlying: C6-2G Modified FAR: C6, R6, CF6**
 1. Guaranteed 20% permanently affordable housing (with 421a tax abatement)
 2. **In C6-2 and C6-2G** - Guaranteed 20% permanently affordable housing if not using 421a

3. **In C6-1 and R7-2** - Additional Guaranteed 25% (45% if not using 421a) permanently affordable housing for residential increase from FAR 3.44 to 6

Transfer of development Rights - allowed from Subdistrict A to Subdistricts C and D

Subdistrict B

Height/set back - In character with scale of existing built form

FAR/Floor area regulations

- **Option1**
 1. **Where existing FAR is 2.43 or under:**
Underlying: R6/C2 Modified FAR C2, R 0.78-2.43*, CF 4.8*
 2. **Where over FAR 2.43:**
Underlying: R7-2/C2 Modified FAR: C2, R 0.87-3.44* CF6.5*
 3. **Map each large-scale development as a Special Planned Community Preservation District (SPCPD) overlay.**

Bulk modifications

requiring special permits

1. Requires Special Permit for any demolition, new construction or enlargement with the following findings:
 - New housing construction or enlargement is at rents that will neither substantially alter the mix of income groups presently living in the specific development nor reduce the number of units.

- New development or enlargements relate to the existing buildings or other structures in scale and design, and the development will not seriously alter the scenic amenity and the environmental quality of the community.
- Development or enlargement maximizes Climate Change resilience and adaptation measures relating to built form and permeable surfaces and is sited so as to preserve the greatest amount of open space and landscaping that presently exists so as to potentially accommodate water detention green infrastructure and retention tanks.

- **Option 2**

1. **Where existing FAR is 2.43 or under:**

Underlying: R6/C2 Modified
FAR C2, R 0.78-2.43*, CF 4.8*

2. **Where over FAR 2.43:**

Underlying: R7-2/C2 Modified
FAR: C2, R 0.87-3.44* CF6.5*

3. **Keep as only Subdistrict B with Special Permit** provisions similar to those of **Special Planned Community Preservation District**

Bulk modifications requiring special permits

1. **In each large-scale planned community - new development, demolition or enlargements will require a Special Permit** in order to qualify for a residential FAR of 2.43 or 3.44 or community facility FAR of 4.8 or 6.5, based on the following findings:
 - New housing construction or enlargement is at rents that will neither substantially alter the mix of income groups presently

living in the specific development nor reduce the number of units.

- New development or enlargements relate to the existing buildings or other structures in scale and design, and the development will not seriously alter the scenic amenity and the environmental quality of the community.
- Development or enlargement maximizes Climate Change resilience and adaptation measures relating to built form and permeable surfaces and is sited so as to preserve the greatest amount of open space and landscaping that presently exists so as to potentially accommodate water detention green infrastructure and retention tanks.

Subdistrict C

Height/set back - Height limit: 120 feet

FAR/Floor area regulations

1. **Underlying: C6-2A/G Modified**
FAR: C6, R7.2, CF6.5
2. Guaranteed 20% Permanently Affordable Housing (with 421a tax abatement)
3. **In existing C6-2A** - Additional Guaranteed 20% (40% if not using 421a) | Permanently Affordable Housing for residential increase from FAR 6.02 to 7.2
4. **In existing M1-5** - Additional Guaranteed 30% (50% if not using 421a) Permanently Affordable Housing for rezoning of M1-5 and increased FAR from 5-7.2.
5. Additional 1 FAR bonus for Transfer of Development Rights from Area A and from Buildings of Significance

Subdistrict D

Height/set back - Height limit: 350 feet

FAR/Floor area regulations

- **Option 1**

- **Map existing M1-4 and C2-8 as Parkland**
- **Retain existing C6-4 Modified/ Rezone existing M1-6 to C6-4 Modified**

1. **Underlying: C6-4 Modified**
FAR: C10 R10, CF10

2. Guaranteed Permanently Affordable Housing (20%) with 421a tax abatement

3. **In existing C6-4** Additional Guaranteed 30% (50% if not using 421a) Permanently Affordable Housing

4. **In existing M1-6** Additional Guaranteed 35% (55% if not using 421a) Permanently Affordable Housing for rezoning from M to C thus allowing residential

5. Additional 0.5 FAR for Culture either onsite or as a contribution to a cultural resources fund

6. Additional 0.5 FAR for Transfer of Development Rights from Subdistrict A and from Buildings of Significance

7. Require Waterfront Access and Climate Change Resilience provisions

8. Design for Maximum open Space and permeable surfaces

9. **In C6-4 Modified** - limit ground floor uses to waterfront related and community supportive facilities

- Option 2
- Map existing M1-4 and C2-8 as Parkland
- Retain existing C6-4 and
- Retain existing M1-6
 1. **Underlying: C6-4 Modified**
FAR: C10 R10, CF10
 2. Guaranteed Permanently Affordable Housing (20%) with 421a tax abatement
 3. **In existing C6-4** Additional Guaranteed 30% (50% if not using 421a) Permanently Affordable Housing
 4. Additional 0.5 FAR for Culture either onsite or as a contribution to a cultural resources fund
 5. Additional 0.5 FAR for Transfer of Development Rights from Subdistrict A and from Buildings of Significance
 6. Require Waterfront Access and Climate Change Resilience provisions
 7. Design for Maximum open Space and permeable surfaces
 8. **In C6-4 Modified** - limit ground floor uses to waterfront related and community supportive facilities

Subdistricts E 1 and E2

Height/ Set Back – Height limit: 85 feet / No required front setback from the street wall / 30 ft. rear yard setback for residential

FAR/Floor area regulation

1. **Underlying: C6-1G Modified**
FAR: C6, R4.6, CF6
2. Guaranteed 20% Permanently Affordable Housing with 421a tax abatement
3. Guaranteed 20% (40% if not using 421a) Permanently Affordable Housing for increasing residential FAR from 3.44 to 4.6.

Subdistrict F

Height/Set back - no height limit (limited by location under bridge)

FAR/ floor area regulations

1. **Keep existing C8-4 Zoning**
FAR: C5, CF6.5

Special Urban Design Regulations

1. Limit frontage for certain retail uses such as banks to 25 ft. in Preservation Subdistrict A and 40 ft. in Subdistricts C and D
2. Allow open display of products extending in front of commercial businesses

Special Parking Regulations

1. Retain Parking provisions for Manhattan Core except that new residential development in Subdistricts B and D that are distant from mass transit should have permitted parking at the 35% level rather than the maximum 20% level stipulated for Community District 3.

Special Sign regulations

1. Exempt the Special Chinatown and Lower East River District from all underlying signage regulations except for illuminated signs above the first floor on narrow streets.

Appendix A - District Map

Appendix B - Buildings of Special Significance

APPENDIX 12

GLOSSARY

Affordable Housing

Housing is generally considered affordable if it does not cost more than 30% of family income.

Area Median Income (AMI)

Housing costs and incomes vary from place to place. The U.S. government divides the country into about 1,000 different income areas. The median income for each area is the income right in the middle of the highest and lowest incomes. New York City's housing programs base their income ranges on the AMI for a very large area that includes all five boroughs of New York City, and Putnam County. This AMI reflects a much higher income than actually exists in many neighborhoods, including Chinatown.

Big Box

A very large chain store, like Home Depot or Costco.

Bulk

The size and shape of a building, including height and floor area, relative to the size of the lot upon which it stands.

Commercial Use

Any retail, service or office use.

Community Facility

An institution providing educational, recreational, religious, health, or other essential service to the community.

Contextual Development

Development that is consistent with existing neighborhood character and appearance.

Contextual Zoning

Contextual zoning regulates the height, width, and bulk of new buildings, and placement on a zoning lot, to produce buildings that are consistent with existing neighborhood character.

Density

The maximum number of dwelling units permitted on a zoning lot.

Downzoning

When an area is rezoned to a lower density, primarily by decreasing the floor to area ratio (FAR).

Dwelling Unit

A dwelling unit consists of one or more rooms that contain lawful cooking and sanitary facilities, inhabited by one or more persons living together and maintaining a common household, in a residential building or residential portion of a building.

Floor Area

The floor area of a building is the sum of the gross area of each floor of the building, excluding mechanical space, cellar space, balconies, elevators, stairways and accessory parking space.

Floor Area Ratio (FAR)

FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot. For example, on a 10,000

square foot zoning lot in a district with a maximum FAR of 1.0, the floor area on the zoning lot cannot exceed 10,000 square feet.

Gentrification

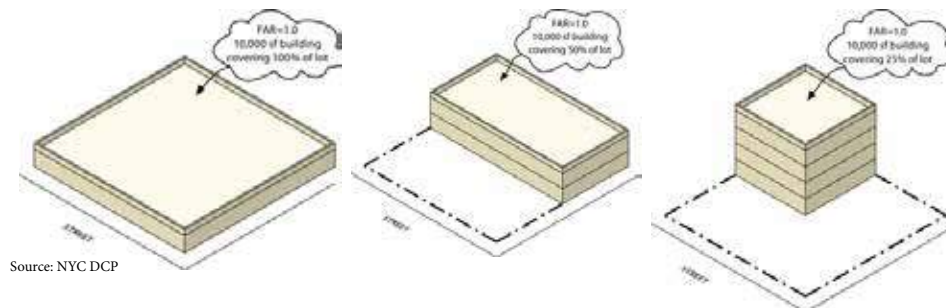
Gentrification is a market-driven process that leads to increased residential and commercial rents, affordable to a more affluent population, often resulting in displacement of existing lower-income residents and businesses.

Historic District

A specific area that has a large concentration of buildings, structures, objects, or sites, that are united historically, aesthetically, or architecturally. This may include historic districts listed on the State or National Register of Historic Places or New York City Historic Districts.

Incentive Zoning

Incentive zoning provides a bonus, usually in the form of additional floor area, in exchange for the provision of a public amenity, such as a public plaza, visual or performing arts space, subway improvements, and affordable housing.



Land Use

The activity occurring on land and within the structures that occupy it, e.g. residential, commercial, industrial, transportation, open space and recreation, and public institutions.

Landmark

Any building, structure, work of art, or object, any part of which is thirty (30) years old or older, that has a special character or special historical or aesthetic interest or value in the city, state, or nation, and that has been designated a Landmark under the New York City Landmarks Law.

Lot or Zoning Lot

A piece of land comprising a single tax lot, or two or more adjacent lots within a city block.

Manufacturing District

A zoning district, labeled with the letter M, in which manufacturing uses, most commercial uses and some community facility uses are permitted. Residential development is not allowed, except in rare cases.

Request for Proposals (RFP)

When a city agency wants a private or not-for-profit company to take on a development project, the agency must go through a standard, transparent process to identify the right company for the job. The RFP is part of that process. It spells out the guidelines for the proposal and the eligibility requirements for the company. Foundations and private companies may also issue RFPs.

Residence District

A zoning district, labeled with the letter R, in which only residences and community facilities are permitted.

Rezoning

An official action under the zoning regulations to change the allowed uses, bulk or density of an area comprised of a number of zoning lots.

Special Purpose District

A special zoning district applied to a defined area with unique characteristics. Special purpose district regulations are tailored to respond to specific conditions and promote certain policies such as affordable housing, neighborhood preservation, and economic development. Special purpose districts do not change the underlying zoning district (residential, commercial) on the zoning maps.

Subdistrict

A distinct area within a Special Purpose District that has additional, and in some cases, different, zoning regulations from the Special Purpose District in which it lies.

Tax Lot

A parcel of land identified with a unique borough, block and lot number for property tax purposes.

Uniform Land Use Review Procedure (ULURP)

A seven-month public review process, mandated by the New York City Charter, for major land use changes, amendments to the zoning map, the sale or lease of city-owned property, special permits and other actions. ULURP requires public hearings and review by Community Boards, Borough Presidents, the City Planning Commission (CPC) and the City Council. The mayor can veto a City Council vote, but the City Council can overturn a veto with a 2/3 majority Council vote.

Upzoning

When an area is rezoned to allow for larger and, in some cases, taller buildings, primarily by increasing the floor to area ratio.

Use

A use is any activity, occupation, business or operation which is conducted in a building or on a piece of land.

Zoning

The tool used by the City to regulate the size and use of buildings, where they are located, and how dense the City's neighborhoods are. The major zoning districts are residential (R), commercial (C), and manufacturing (M). Zoning districts are shown on the zoning maps

Zoning Maps

The 126 New York City zoning maps indicate the location and boundaries of zoning districts and are part of the Zoning Resolution. Each map covers a land area of approximately 8,000 feet (north/south) by 12,500 feet (east/west).

Zoning Noncompliance

When a building does not comply with one or more of the bulk regulations of a zoning district.

Zoning Nonconformance

When a building use does not conform to one or more of the use regulations of a zoning district.

197-a Plan

Section 197-a of the New York City Charter allows community boards to sponsor plans for their district or a portion of their district. Once a 197-a plan goes through public review and has been adopted by the City Council, it serves as policy to guide subsequent actions by city agencies. 197-a plans are not legally binding.

197-c Zoning Action

Section 197-c of the New York City Charter applies to actions that result in an official change to the zoning for an area. These changes go through the city's uniform land use review process (ULURP) and are legally binding.

Sources: NYC Department of City Planning; City Environmental Quality Review; "Reimagining Rezoning: A Chinatown for Residents is a Chinatown for All," (CAAAY); Seward Park Primer

APPENDIX 13

Resident Survey

The survey instrument is available for download at chinatownlerproject.tumblr.com

APPENDIX 14

Project Meetings

CHINATOWN WORKING GROUP

Chinatown Working Group (CWG)
CWG Coordinating Committee
CWG - Zoning workshops
CWG - Historic Preservation Team
CWG - Arts and Culture Team

PUBLIC MEETINGS

Town Hall
Community Workshop

CWG STAKEHOLDER MEETINGS

American Legion Post 1291
Asian American Arts Center
Asian Americans for Equality (AAFE)
Bowery Alliance of Neighbors (BAN)
Chinatown Business and Property Owners Group
Chinatown Partnership
Chinese Progressive Association
Chinatown Property Taxpayers Association
Chinese Staff and Workers Association (CSWA)

Committee against Anti-Asian Violence (CAAAV)
Community Board 1
Community Board 2
Community Board 3
CREATE in Chinatown
Good Old Lower East Side (GOLES)
Rob Hollander
Lower East Side BID
Ed Ma
M'Finda Kalunga Community Garden
National Mobilization against Sweatshops (NMASS)
NYCHA tenants (Vladeck, Alfred E. Smith, Jacob Riis, and Lillian Wald Houses)
Two Bridges Neighborhood Council
Zella Jones

CITY AGENCIES AND ELECTED OFFICIALS

Council Member Margaret Chin and Staff
NYC Department of City Planning – Zoning Division
NYC Department of Housing Preservation and Development (HPD)

NON-PROFIT ORGANIZATIONS AND ACADEMIC INSTITUTIONS

Citizens Housing and Planning Council
Hunter College Center for Community Planning and Development (CCPD)
Association for Neighborhood and Housing Development (ANHD)
Housing Conservation Coordinators (Clinton Special District)
Henry Street Settlement

CHINATOWN WORKING GROUP MEMBER ORGANIZATIONS

- 11 Allen Street Tenants Association
- 61 Delancey Street Tenants Association
- 197 Madison Street Tenants Association
- American Legion Post 1291
- Asian American Arts Centre
- Asian Americans for Equality
- Asian American Legal Defense & Education Fund
- Bowery Alliance of Neighbors
- Cherry Street Tenant Association
- Chinatown Business & Property Owners Group
- Chinatown Partnership
- Chinatown Rotary Club
- Chinatown YMCA
- Chinatown Youth Initiatives
- Chinese American Planning Council
- Chinese American Medical Society
- Chinese Chamber of Commerce of NY
- Chinese Consolidated Benevolent Association
- Chinese Progressive Association
- Chinese Staff & Workers' Association
- Committee Against Anti-Asian Violence
- Community Board #1 Manhattan
- Community Board #2 Manhattan
- Community Board #3 Manhattan
- Community Emergency Response Team, CB#2
- Confucius Plaza
- Continental Garment Manufacturers Association
- CREATE in Chinatown
- Educational Alliance
- Friends of Columbus Park
- Good Ole Lower East Side (GOLES)
- Greater Chinatown Community Association
- Hamilton-Madison House
- Hester Street Collaborative
- Hotel Chinese Association
- Immigrant Social Services
- Indochina Sino-American Community Center
- International Chinese Transportation Professionals Association
- Lin Sing Association
- Lin Ze Xu Foundation of USA
- Lower East Side Business Improvement District
- Lower Manhattan GOP
- Little Italy Merchants Association
- M'Finda Kalunga Community Garden
- Museum of Chinese in America
- National Mobilization Against Sweatshops
- New York Downtown Hospital
- Property Tax Payers Association
- PS 130M Parents' Association
- The Pistol Club of Greater Chinatown
- 318 Restaurant Workers Union
- Two Bridges Neighborhood Council
- United Fukinese American Association