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**Testimony of New York State Assemblymember Brian Kavanagh
Before the New York City Council Subcommittee on Zoning and Franchises
Regarding the East Village / Lower East Side Rezoning**

Hearing Date: November 12, 2008

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

I would like to thank Chairperson Tony Avella and the members of the New York City Council Land Use Subcommittee on Zoning and Franchises for the opportunity to present testimony this morning. I would also like to acknowledge and thank Councilmember Rosie Mendez for her leadership on this issue, the Department of City Planning and all the members and staff of Community Board 3 for their tireless work, and all the groups and individuals who have taken the time to be active in the shaping and reviewing—and sometimes criticizing—the many iterations of the plan.

As you know, the plan before you today proposes to rezone 111 blocks, which makes this one of the largest rezoning plans ever considered in New York City. I represent approximately 40 blocks in the proposed rezoning, as well as areas immediately to the north and east.

In many of the neighborhoods that would be rezoned, the current zoning laws are inadequate to protect the essential character of the community. Most of the current zoning laws were drafted in 1961, a time when city planners could not have envisioned the circumstances and pressures we face in our communities today and they often allow for the construction of buildings out of scale with current usage. The rezoning proposal under consideration seeks to address this problem by establishing contextual building height limits, while extending Sliver Law protections. The proposed plan offers important safeguards against the market pressures that are driving new development throughout our city, and threatening this community in particular.

Unfortunately, one pernicious consequence of this market pressure that the plan does not adequately protect against is tenant harassment. The increase in allowable density in parts of the rezoning area may exacerbate the already serious problem of harassment of rent regulated and low-income tenants and spur the demolition of sound buildings, as developers seek to maximize the number of market-rate apartments. Community Board 3 has proposed the inclusion of anti-

demolition and anti-harassment measures within the rezoning plan. Such provisions have been successfully implemented in the Clinton Special District, and I support their inclusion here.

As you know, the rezoning plan also proposes to use inclusionary zoning to encourage developers to build affordable housing. It is important that any new housing created by this plan reflect the diverse range of incomes among current Lower East Side families. It is encouraging that after receiving feedback to its original plan, City Planning expanded the areas where developers could receive the bonus to include Chrystie Street and all avenues north of Houston except Avenue B. This is a step in the right direction but more must be done to ensure that low- to middle-income families continue to be able to afford to live in our community. I strongly support Community Board 3's call for 30 percent of all new housing units to be committed as permanently affordable. I also urge the City Council and City Planning to examine the definition of "affordable" used in this plan and to ensure that the housing created will truly be affordable to New York's working families.

Finally, I would like to note that there are community groups and individuals with serious concerns about the boundaries of the proposed rezoning and its potential affects on neighboring communities. Although I cannot speak to their specific issues, which for the most part affect areas well outside the district I represent, I think it is important that their voices continue to be heard and, where possible, their concerns should be addressed in the final plan.

There are, however, many important issues that have been raised during this process that will undoubtedly not be addressed in this rezoning. I look forward to continuing to work with my colleagues, community groups, and constituents to find solutions to these and the many other issues confronting our community.

Thank you again for the opportunity to offer testimony.

Date: November 7, 2008

FOR THE RECORD

To: City Council
250 Broadway
New York, NY 10007

Re: East Village/Lower East Side Rezoning

Dear City Council Members,

Resolution: In order to protect the Bowery's cultural diversity and economic value as the low-rise convergence point for Chinatown, Little Italy, NoHo, the East Village and the Lower East Side the City Council should do one of the following:

- 1) Add the Bowery's east side to the EV/LES Rezoning Plan
- 2) Draft a FUCA (Follow Up Corrective Action) requesting that the City Planning Commission immediately rezone the Bowery's east side or add it to the Little Italy Special District and NoHo Historic District (which currently include the Bowery's west side).

Introduction. As a hard-working 20-year public high school history teacher, and 25-year resident of the Lower East Side, I have always been inspired and proud of the unique history and culture of my community. Whether teaching about sweatshops, tenements, the labor movement, or the Immigrant Experience in America, the textbooks are always filled with photographs of the neighborhood. Though there are few historical plaques, history is writ large in this neighborhood; it tells us who we are, where we came from, and how we got here.

Unfortunately, that heritage is being destroyed at a dizzying pace, most especially along the historic Bowery area, which is witnessing the helter-skelter rise of monstrosly designed skyscraper dorms, condos, and luxury hotels. This is causing skyrocketing rents, gentrification of tenants and small businesses, and the demise of the Bowery's artists' housing. It's also causing a mass influx of bars and clubs that has made this the city's noisiest neighborhood. While the worst of this initially occurred on the upper Bowery, an even worse demolition stampede is developing on the lower, Chinatown section of the Bowery.

While the proposed East Village/ Lower East Side Rezoning is a step in the right direction, it is seriously flawed and needs amending to include the east side of the Bowery as well as other important Lower East Side areas that are equally threatened.

Historical, cultural, and economic importance. Containing many of the city's oldest buildings, the Bowery is lower Manhattan's only major north/south avenue not dwarfed by skyscrapers. Convergence point of Little Italy, Chinatown, Greenwich Village, and the Lower East Side, it was a major artery for waves of immigrants.

Before there was a Broadway, the Bowery was the city's entertainment mecca. Home to Yiddish and burlesque theater in the 19th century, more recently it has been a base for music and off-Broadway theaters, such as the Bowery Poetry Club and CBGB's, the birthplace of punk.

The area has welcomed and inspired artists in many fields, including actor Edwin Booth, Impresario P.T. Barnum, writers Stephen Crane and William Burroughs, poets Diane DiPrima and Amiri Baraka, photographers Weegee and Robert Frank, artists Fernand Leger and Mark Rothko, the punk rock group The Ramones, and filmmakers Jim Jarmusch and Martin Scorsese. Decades ago, the city established the area as living and working space for artists, though much of that housing is now threatened.

Since the 1800s, The Bowery Mission and several other shelters have ministered to the welfare and rehabilitation needs of the homeless, jobless, and hungry. In the 40s, 50s, and 60s, the Bowery was renowned for gritty, colorful dives like Sammy's, which was captured in the photographs of Weegee. Today the area is an important lighting and restaurant supply district, and the lower Bowery contains one of the most active and colorful parts of Chinatown, including a diamond district. The beautiful Liz Christy Garden (at Houston) is the Lower East Side's oldest community garden, and birthplace of the Green Guerillas. At the avenue's northernmost end sits the venerable Cooper Union, a free speech bastion and forum for speeches by Abe Lincoln, Emma Goldman and many others.

Why protecting and preserving the Bowery is in the best interests of the city.
Today, the Bowery is loved and attracts many visitors because of its historic, low-rise architecture and its unique, multi-cultural character. Allowing massively high, out-of-scale, out of character development would destroy the historical and cultural value of the area. From an economic standpoint, turning it into just another ritzy canyon of glass and steel would also completely contradict the reasons the area has become such a magnet in the first place.

Why the Bowery's current zoning is destroying the surrounding neighborhoods.
A year ago almost the entire Bowery was intact as a consistently low-rise avenue. As the convergence point for Little Italy, Chinatown, NoHo, the East Village, and the Lower East Side, it blended in seamlessly with its surroundings. Today, developers are having a ferocious feeding frenzy on the area and the landscape is becoming a helter-skelter clash of styles and heights as high-rise condos, luxury hotels, and dorms for rich kids begin to darken the sky and the economic futures of the small businesses and multi-cultural communities that live there.

The result is gentrification on steroids: Working and even middle class residents are being priced out. According to the *New York Times* (5/9/08), investment firms, many of them foreign-owned, are buying up the last remaining rent stabilized buildings and using guerilla warfare tactics to evict tenants at dizzying rates. Near the Bowery, at 47 East 3rd Street, a landlord is trying to mass evict an entire building in order to, so he says, build a mansion for his family; other mass evictions are accomplished through "phony demolitions." Needless to say, cases of tenant harassment are soaring, but some politicians favor weakening the few laws that protect them.

Small businesses in the area, too, are experiencing unheard-of rent increases. As more and more luxury establishments and bars move in, more and more Mom and Pop businesses are closing their doors. The Met Supermarket, for example, was recently told by its landlord, NYU, that its rent was going to be tripled! At the same time the artists' housing on the Bowery is going, the art itself is becoming endangered. The Bowerie Lane Theatre has closed its doors as has the beloved rock mecca, CBGB's.

Lastly, these high-rise luxury co-ops, hotels, and dorms are also causing an increase in the number of upscale bars and clubs. The 9th Precinct alone has over 300 bars, and CB3 registers more noise complaints than any CB in the city. Those lucky enough to survive gentrification still face a dismaying decrease in their "quality of life."

The most notorious of the luxury towers rising on the Bowery is the luxury 22-story Cooper Square Hotel. Located between 5th and 6th street, it is being built between two four story buildings dating from the mid-1800s. The neighborhood has been especially upset by the hotel's plans to open 3 floors of indoor and outdoor bars, restaurants, and clubs. Located as it is within 500 feet of 19 other bars, and across the street from the 150 senior/disabled residents of the JASA residence, many see this as the final destruction of their "quality of life."

The extreme height and disruptive nightlife plans of buildings like the Cooper Square Hotel are possible only because it is located on the Bowery's east side, which is in a Commercial Zone in which development is "as of right," meaning the usual variances, permits, and community input are not required. Equally troubling for the community is the "selling of air rights," a draconian Robert Moses era practice in which developers can exceed the height limits on one lot by buying up height allowances of other lots, often resulting in freakishly tall out-of-scale buildings. Using "Inclusionary Zoning" laws, developers can get additional height and bulk by promising to include 20% of units for "affordable housing," a paltry sum that does little to counterbalance the scorched earth policy being wrought by the other 80% non-affordable housing. With zoning conditions like these, the construction of luxury high-rises and destruction of historic low-rise buildings become virtually unstoppable.

Testimony of Edith Hsu-Chen
Director, Manhattan Office
New York City Department of City Planning
East Village-Lower East Side Rezoning
Subcommittee on Zoning & Franchises November 12, 2008

Good Morning, Council Members.

My name is Edith Hsu-Chen. I am the Director of the Manhattan Office at the Department of City Planning. I am here with my colleague, Arthur Huh, to present to you the East Village / Lower East Side Rezoning Proposal. We are also joined by our partners at the Dept of Housing Preservation & Development.

As you may know, this rezoning proposal originated several years ago in the community, at the grassroots level. Many concerned residents were alarmed that the existing zoning, which dates back nearly half a century to 1961, was permitting the AOR development of incredibly out-of-scale buildings that were being (and continue to be) constructed in the neighborhood.

The City agreed that the area was under threat; that these towers among tenements detract from the strong mid and low rise character of the EV & the LES. And so, for nearly four years now, we at the Department of City Planning have been engaged in a thoughtful, collaborative process with Community Board 3, civic groups, residents, business owners, local elected officials (Good morning, Council Members Mendez and Gerson), and our counterparts at HPD to develop a balanced rezoning proposal that supports two very important goals:

- 1) The 1st goal is to preserve & enhance the built character found throughout the EV & LES by replacing the current zoning with contextual zoning districts. Under this proposal, zoning will impose for the first time in these neighborhoods building height limits and other building bulk controls.
- 2) The 2nd goal is to address the community and the city's ongoing need for housing, and certainly affordable housing, by identifying appropriate locations for moderate growth. Under this proposal, and also for the first time in these neighborhoods, the Inclusionary Housing Program will be made available to incentivize the development of affordable housing.

The EV / LES Rezoning has benefitted from active community and public participation that helped shape the proposal since. The proposal before you today, is in fact, not the same as the proposal that was certified in May. In direct response to requests made to us by Community Board 3 and Council Members Gerson and Mendez, the Department modified the application to include increased inclusionary housing opportunities along Chrystie Street and along wide avenues north of Houston Street, and we also removed a provision that would have allowed the return of long absent commercial storefronts in residential midblocks.

We are delighted to be here today to share this important proposal. Arthur Huh will now make a brief presentation with more details about the Rezoning.

Thank you.

FOR THE RECORD



Analysis of Draft Environmental Impact Statement East Village/Lower East Side Rezoning

Prepared by

HUNTER COLLEGE CENTER FOR COMMUNITY PLANNING & DEVELOPMENT

Dr. Tom Angotti, Director

Kate Ervin , Research Analyst

For

Coalition to Protect Chinatown and the Lower East Side

August 22, 2008

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GLOSSARY

affordable housing	housing units that are affordable to people within a specified income range; generally, for a unit to be affordable, the household would pay no more than 25-30 percent of its annual income on total housing costs
AMI	Area Median Income
Build scenario	projected future development conditions under the proposed rezoning
CEQR	City Environmental Quality Review
contextual zoning	zoning districts that regulate the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character
DCP	Department of City Planning
DEIS	Draft Environmental Impact Statement
density	the intensity of development within a zoning district; in residential districts, this is generally measured by the maximum number of dwelling units permitted on a zoning lot
displacement	the involuntary movement of persons or businesses
downzoning	reducing the permitted density or floor area ratio within a zoning district
FAR	Floor Area Ratio;
gentrification	upgrading of a residential area, usually resulting in the displacement of traditionally lower-income, working class populations
HPD	Department of Housing Preservation & Development
IHP	Inclusionary Housing Program; permits an increase in the floor area of residential developments in exchange for the provision of below-market-rate housing (or affordable housing) for low-, moderate- and middle-income households
Inclusionary Zoning	zoning districts that encourage the development of affordable housing
No Build scenario	projected future development conditions without the proposed rezoning
NYCHA	New York City Housing Authority
RWCDS	Reasonable Worst Case Development Scenario
upzoning	increasing the permitted density or floor area ratio within a zoning district

I. OVERVIEW

Manhattan's Community District 3 (Figure 1) covers the southeastern portion of lower Manhattan, bounded by East 14th Street to the north, the East River to the east and south, and 4th Avenue, the Bowery, and Baxter and Pearl Streets to the west. Originally, this area was generally known as the Lower East Side, famous for its long history as a working-class, immigrant neighborhood. It has since evolved into several distinct yet connected neighborhoods, including Chinatown, Two Bridges (where the Manhattan and Brooklyn Bridges enter Manhattan), the Bowery, the Lower East Side (now much smaller), and the East Village.

The Community District is experiencing tremendous development pressure on all sides, from the lower Manhattan business district to the south and Soho and Tribeca to the west. East River waterfront redevelopment and hotel development on the Bowery and in the Lower East Side are creating new pressures on land values and rents, which threaten to displace many of the long-time residents, businesses, and working-class families in this diverse community. The most vulnerable residents are low-income and working families, and the most vulnerable businesses are those serving this population.

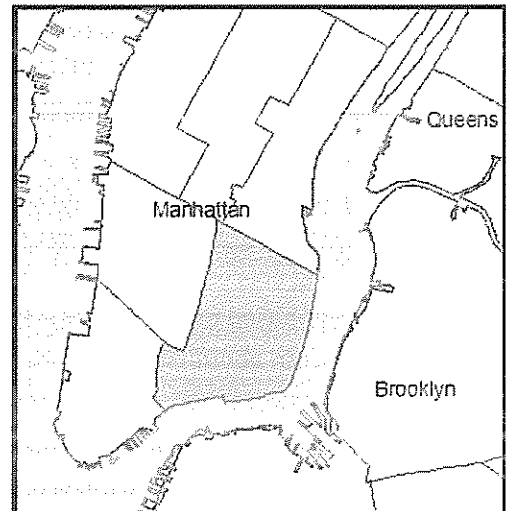


Figure 1. Community District 3

The proposal by the NYC Department of City Planning (DCP) to rezone 111 blocks in the East Village and a portion of the Lower East Side promises to help protect many of the residential structures in the area from redevelopment pressures. The rezoning area is bounded by Bowery and Third Avenue to the west, East 13th Street to the north, Avenue D to the east, and East Houston Street, Delancey, and Grand Streets to the south (DEIS Figure 1-1). However, as argued in the following sections, the proposal excludes most of Chinatown, the Bowery, and portions of the Lower East Side, and promotes redevelopment in the blocks immediately adjacent to these vulnerable areas without offering them adequate protections.

Under the city's environmental quality review (CEQR), DCP is required to prepare an environmental impact statement (EIS) that discloses potential impacts of the rezoning. In accordance with guidelines in the city's *CEQR Technical Manual*, the EIS must disclose a broad range of potential negative impacts, including impacts on the environment, human health, neighborhood character, and socioeconomic conditions. The disclosure is projected in accordance with a hypothetical Reasonable Worst-Case Development Scenario (RWCDs) that is supposed to consider the most severe impacts, thus erring on the side of caution. These impacts must be compared with the hypothetical scenario of a future without the project.

The Draft EIS (DEIS) for the East Village/Lower East Side rezoning is fundamentally flawed because on several accounts it does not project the worst-case scenario. It understates the potential development

impacts. It fails to disclose that the greatest impacts will affect low-income working families and people of color who currently live in the Lower East Side, Chinatown, and public housing properties that surround the rezoned area. Because the secondary study area is limited to a ¼ mile radius from the rezoning area, it fails to analyze the disparate impact of the rezoning on neighboring communities and throughout Community District 3.

The following sections provide a critique of the DEIS, focusing on two important chapters: Socioeconomic Conditions (Chapter 3) and Neighborhood Character (Chapter 9). While our analysis was limited to these chapters, the problems and omissions that were identified relate not only to the methodology and conclusions in the DEIS, but also reflect general failures in the rezoning proposal itself. The proposal is considered by many residents of the area to be exclusionary, in that its boundaries exclude the most vulnerable communities of Community District 3 while encouraging a process of redevelopment and gentrification that will further harm those communities. Similarly, many residents feel the planning process was not adequately inclusive to obtain input from all stakeholders. Residents and community-based organizations – both in favor of and against the proposed rezoning – have expressed concern about landlord harassment of low-income tenants, development pressures that threaten to transform their neighborhoods into wealthier enclaves, and the loss of affordable housing and rent-stabilized buildings. This analysis, therefore, is intended to alert decision makers and residents to the shortcomings of the DEIS, which in turn reflect the shortcomings of the rezoning proposal and the process by which it was developed.

II. THE REZONING PROPOSAL

The proposed rezoning was initiated as a response to out-of-character development in and around the East Village and Lower East Side. For many years, Manhattan Community Board 3 has been concerned that existing zoning allows redevelopment that might create out-of-scale buildings, displace residents and businesses, and affect the area's historic character. DCP also shaped its proposal to create zoning incentives for new development in the portion of the rezoning area it believed to be most appropriate for new development. The result was a rezoning proposal that seeks to preserve the existing built environment – particularly in the East Village and along narrow streets – and channel most new development along East Houston Street, Delancey Street, Avenue D, and in general the area below East Houston Street (see Appendix A for the proposed zoning map and text amendments).

The proposed zoning map amendments would create “contextual zoning” districts designed to limit street wall and overall building heights so that new developments would reflect the existing scale and character of the East Village and Lower East Side. All new construction within these districts would be required to line up with existing buildings in order to maintain a consistent street wall. Under the Department of Housing Preservation and Development (HPD) Inclusionary Housing Program, some of the streets and avenues would be zoned to allow density bonuses (increases in the allowable floor area ratio) for new developments, provided that 20% of the residential floor area was used for units that would be permanently affordable to residents making 80% or less of the area median income. Modifications to the proposed rezoning were approved by DCP on July 3, 2008, which extended the Inclusionary Zoning bonus to a portion of Chrystie Street south of East Houston Street, and to several of the north-south avenues north of East Houston Street.

Although out-of-scale development has occurred throughout much of CD3, DCP did not propose rezoning Chinatown and portions of the Lower East Side to the south, the Bowery to the west, East 14th Street to the north, or public housing to the south and east.

The proposed zoning text and map amendments are summarized as follows. A comparison chart and model diagrams of existing and proposed zoning can be found in Appendix A.

Residential/community facility districts:

- Approximately 43% of the rezoning area would be changed from R7-2 to R8B
 - 59 blocks (midblock portions only) along the streets north of East Houston Street
 - Residential floor area (FAR) increases from 3.44 to 4.0
 - Community facility FAR decreases from 6.5 to 4.0

- Approximately 23% of the rezoning area would be changed from R7-2 to R7A
 - 90 blockfronts along the avenues north of East Houston Street
 - 17 blocks south of East Houston Street, north of Delancey Street, and between Norfolk and Pitt Streets
 - Residential FAR increases from 3.44 to 4.0
 - Community facility FAR decreases from 6.5 to 4.0

- July 3, 2008 modification: Inclusionary Zoning along 1st Avenue, 2nd Avenue, and Avenues A and C would decrease the base residential FAR from 4 to 3.45, with an incentive that increases the maximum residential FAR to 4.6 provided that 20% of residential floor area is used for permanently affordable units
- Approximately 5% of the rezoning area would be changed from R7-2 to R8A with Inclusionary Zoning
 - 23 blockfronts along East Houston Street, Delancey Street, Avenue D, and Pitt Street
 - Residential FAR increases from 3.44 to 5.4
 - Community facility FAR remains at 6.5
 - Inclusionary Zoning sets base residential FAR at 5.4, with an incentive that increases maximum residential FAR to 7.2 provided that 20% of residential floor area is used for permanently affordable units
- Approximately 2% of the rezoning area would be changed from R7-2 to R7B
 - 3 blocks (midblock portions only) south of Tompkins Square Park
 - Residential FAR decreases from 3.44 to 3.0
 - Community facility FAR decreases from 6.5 to 4.0

Mixed commercial/residential/community facility districts:

- Approximately 11% of the rezoning area would be changed from C6-1 to C4-4A
 - 26 blocks between East Houston Street and Delancey Street (from Chrystie Street to Essex Street), and between Delancey Street and Grand Street (from Chrystie Street to Ludlow Street)
 - Residential FAR increases from 3.44 to 4.0
 - Community facility FAR decreases from 6.5 to 4.0
 - Commercial FAR decreases from 6.5 to 4.0
- Approximately 3% of the rezoning area would be changed from C6-1 to C6-2A with Inclusionary Zoning
 - 27 blockfronts along East Houston Street, Delancey Street, and Second Avenue
 - Residential FAR increases from 3.44 to 5.4
 - Community facility FAR remains at 6.5
 - Commercial FAR remains at 6.0
 - Inclusionary Zoning sets base residential FAR at 5.4, with an incentive that increases maximum residential FAR to 7.2 provided that 20% of residential floor area is used for permanently affordable units
- July 3, 2008 modification: Approximately 2% of the rezoning area would be changed from C6-1 to C6-3A with Inclusionary Zoning
 - 4 blockfronts along Chrystie Street

- Inclusionary Zoning sets base residential FAR at 6.5, with an incentive that increases the maximum residential FAR to 8.5 provided that 20% of residential floor area is used for affordable units
- Commercial overlay over portion of R7A district
 - 8 blockfronts along Second Avenue, between East 3rd Street and East 7th Street
 - Allows commercial use up to 2.0 FAR

The proposal also includes an HPD-sponsored residential and commercial development on the corner of East 2nd Street and Avenue D, which would include 116 dwelling units, 23 of which would be affordable, as well as over 7,800 square feet of ground floor retail. This is referred to as Projected Development Site 167 (see Appendix A).

In this section we comment on four aspects of the rezoning proposal that have been widely discussed but require more careful analysis: A) upzoning the East Village and Lower East Side, B) control of building heights, C) Inclusionary Zoning, and D) the proposed HPD affordable housing project on East 2nd Street and Avenue D.

A. Upzoning the East Village and Lower East Side

Contrary to the impression given in public discussions, the East Village/Lower East Side rezoning would be an upzoning designed to promote new development. The East Village, north of East Houston Street, would be largely protected by contextual zoning, and several blocks just south of Tompkins Square Park would be downzoned.

The rezoned portion of the Lower East Side (south of East Houston Street) as well as Avenue D (north of East Houston Street), would experience the highest upzoning to promote new residential and commercial development. As we will demonstrate in the section below on Socioeconomic Impacts, the populations most vulnerable to displacement are in the Lower East Side and the neighborhoods to the east and south of the proposed rezoning.

One of the alternative proposals developed by DCP (known as the Inclusionary Alternative) was adopted in July 2008. This modified proposal extends Inclusionary Zoning to the wide avenues north of East Houston Street to encourage the construction or preservation of affordable housing in the East Village. In the Lower East Side, however, these incentives would be limited to developments along Delancey Street, Chrystie Street, and a portion of Pitt Street.

The East Village and Lower East Side have distinct population characteristics and are treated differently in the proposed rezoning, in terms of development incentives. By failing to analyze these as separate areas of the rezoning, the DEIS obscures the more dramatic effects of the upzoning. To be more precise, by looking at the two areas separately it is clear that the greatest upzoning occurs in the Lower East Side, where protective, contextual zoning and Inclusionary Zoning are most needed to preserve existing affordable housing.

B. Building Heights

While the new contextual zones to be mapped in the area have height limits, it is not true, as often stated by proponents of the rezoning, that the existing zoning has no height limits. This deception is used to “sell” the rezoning by playing on concerns about tall buildings. In fact, the rezoning is likely to result in more tall buildings in some areas. Under the existing zoning, the FAR limits the amount of building space on any given zoning lot; because of FAR limits, buildings can only be so tall. In general, the existing buildings in the R7-2 zoning district are built at or close to their maximum FAR of 3.44. However, under the rezoning, the maximum FAR in the R7A, for example, would be 4.0, a marginal increase but enough to encourage redevelopment on a number of building sites in the existing R7-2 and C6-1.

The new developments in the R7A district can go up to a height of 75-80 feet, taller than most existing buildings in the existing R7-2 district. Buildings in the existing R7-2 district are, on average, fewer than five stories tall. In the upzoned R8A and C6-2A districts along East Houston Street, Delancey Street, Avenue D, and portions of 2nd Avenue and Pitt Street, new buildings may go up to 120 feet. Existing buildings in these corridors are, on average, fewer than four stories tall. In the upzoned C6-3A along Chrystie Street, new buildings may go up to 145 feet. Existing buildings along Chrystie Street are, on average, fewer than five stories tall.

C. Inclusionary Zoning

The Inclusionary Zoning incentives in the rezoning will not necessarily produce any affordable housing. Under the Inclusionary Housing program, the proposed actions would extend a floor area bonus for developments within the R7A, R8A, C6-2A, and C6-3A districts, provided that 20% of the residential floor area is used for permanently affordable units:

- The Inclusionary Zoning bonus is voluntary – to be elected at the discretion of the developer. Inclusionary Zoning incentives have proved effective in other cities where they are mandatory.¹ There is no guarantee that developers will opt for the inclusionary bonus.
- Given the onset of what may well be another long-term budgetary crisis in city and state governments, it is questionable how much subsidy will be available to developers to assist with the construction of affordable housing over the next decade. No one can predict, but the requirement for a RWCDs dictates that the EIS clearly disclose that it is possible that few, if any, inclusionary units will be built. The mixed affordable and market-rate housing site proposed for development by an unknown private developer and HPD may also remain undeveloped due to lack of funds.
- The criterion widely used in New York City to define affordability is 80% of the Area Median Income (AMI). The AMI is calculated by the federal government based on income levels in the city and surrounding suburbs. Since average incomes in the Lower East Side and surrounding

¹ PolicyLink and Pratt Institute Center for Community and Environmental Development, Fall 2004. “Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning.” <http://www.prattcenter.net/pubs/izreport.pdf>

neighborhoods are between 30-40% of AMI,² the potential affordable units are not likely to be affordable to most current residents. (See discussion of affordability in section VI.)

- New development encouraged by the rezoning may very well displace more households living in affordable housing (both public and private) than the number of units created under Inclusionary Zoning. Since the DEIS does not consider the potential impacts of secondary displacement, this possibility is not disclosed.

D. HPD-Sponsored Development

Included in the proposed actions is the development of a residential building with ground-floor retail, located near the corner of Avenue D and East 2nd Street. This would require the disposition of City-owned property located at 302 E. 2nd Street and several additional tax lots. The DEIS lists which lots were initially included in the proposal, but does not discuss their current ownership or use. A footnote states:

Information obtained directly prior to the issuance of the DEIS indicates that the HPD proposal may be revised to include several additional tax lots than originally proposed, and could involve the transfer of air rights from adjacent lots. Consequently, the assumptions for the HPD proposal and the associated analysis will be updated as needed to reflect HPD’s final development plans between the Draft and Final EIS, however it is not anticipated to alter the conclusions in this DEIS.³

As currently planned, the new development would include 7,844 square feet of ground-floor retail space and 116 dwelling units, 23 of which would be affordable to low- to moderate-income households. Table 2-1 provides general information about the sites listed in the DEIS that would be assembled for the proposed development.

Table 1. Proposed lots to be assembled for HPD development on East 2nd Street and Avenue D.
Source: DEIS Chapter 1, page 1-7.

Block	Lot	Owner	Bldgs	Total Units	Residential Units	Land Use
372	47	Gerena Realty Corp	1	1	0	Commercial/ Office Buildings
372	43	Simon Bergson & Jerry East Houston Street Dee	0	0	0	Vacant Land
372	44	Realty, LLC	1	4	9	Commercial /Office Buildings
372	48	Jerry Bergson	0	0	0	Parking Facilities
372	49	Housing Preservation	0	0	0	Parking Facilities

NOTE: Additional lots may have been added to HPD proposal since the issuance of the DEIS.

² Based on US Census 2000 average median income levels.

³ Chapter 1 of Draft Environmental Impact Statement, CEQR No. 07DCP078M, May 2, 2008.

Since this project may change significantly in scope, the DEIS must disclose the reasonable worst case scenario. The DEIS should also consider the possibility of a fully private, market-rate project. This site is proposed for upzoning from R7-2 to R8A, which increases the residential FAR from 3.44 to 5.4, or as high as 7.2 with affordable housing. As with all other potential inclusionary sites, developer interest and budget limitations may result in a strictly private market-rate development.

The DEIS also fails to disclose the public costs of subsidizing this mostly private development, and other private developments, through bond financing, tax incentives, and the conveyance of city-owned land at below-market price.

III. PROBLEMS WITH THE DEIS METHODOLOGY

In this section we present two basic problems with DEIS methodology: A) inadequate definition of study area boundaries, and B) underestimation of the reasonable worst case development scenario (RWCDs).

A. Inadequate Definition of Study Area Boundaries

The *CEQR Technical Manual* states that the study area:

...will encompass the project site and adjacent area within 400 feet, a quarter-mile, or a half-mile, depending on project size and area characteristics. When the data to be used include geographic units, such as census tracts or zip-code areas, it may be appropriate to adjust the study area to make its boundaries contiguous with those of the data sets.⁴

There are three significant problems related to the study area boundaries that were applied in the DEIS, particularly in the analysis of socioeconomic conditions and other chapters involving population:

- 1) The analysis does not include enough of the area likely to be affected by the proposed actions;
- 2) The analysis does not demonstrate the variations in demographic, income, and housing characteristics both within and outside of the proposed rezoning area; and
- 3) The primary and secondary study areas are not analyzed at the same geographic resolution.

The DEIS defines the primary study area as the area of the proposed rezoning. For the socioeconomic analysis (Chapter 3), the secondary study area includes only a ¼ mile buffer around the primary study area (see DEIS Figures 1-1, 3-1, and 3-2), thereby excluding much of the population throughout Community District 3 that is vulnerable to the impacts of rising housing costs and gentrification.

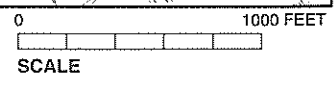
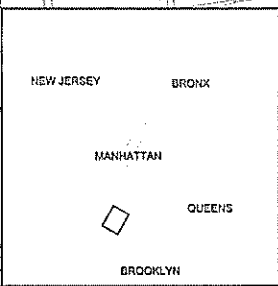
The secondary study area should have extended to at least ½ mile, as we demonstrate below. For actions that involve a large area or encompass more than one site, CEQR guidelines encourage the widest possible analysis of surrounding areas. The *CEQR Technical Manual* states:

Some actions may result in direct or indirect effects that are either beyond the half-mile boundary or are such that typical site-specific study areas are not appropriate... there is no established 'area' for all socioeconomic analyses. A study area(s) should be developed that reflects the areas likely to be affected by the action.⁴

The DEIS does not mention a rationale for excluding those communities beyond the quarter-mile boundary that may be affected by the rezoning, including residents and businesses throughout the Lower East Side, Chinatown, the Bowery, and public housing.

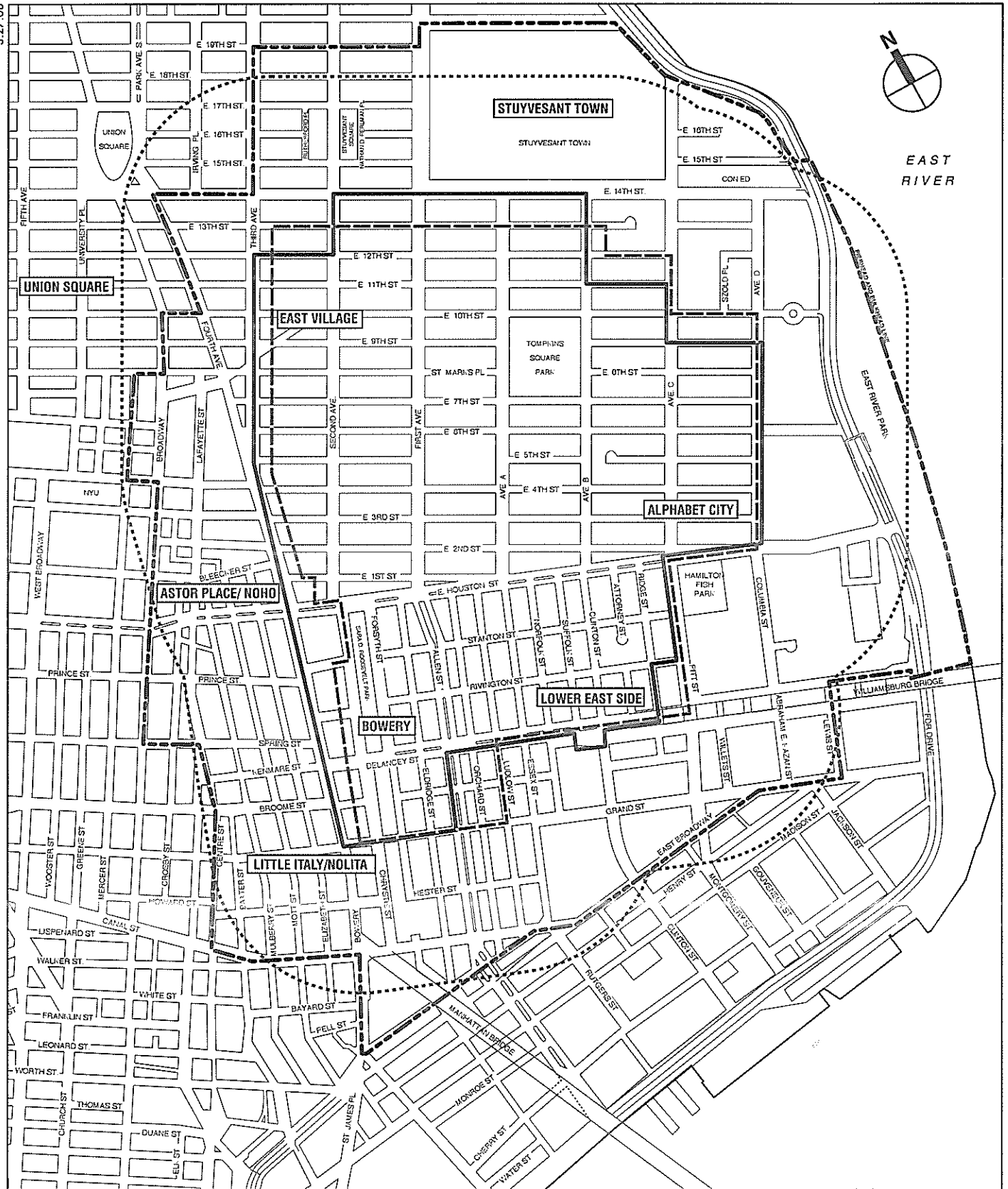
The ¼ mile boundary for the secondary study area is inadequate because it excludes blocks that will potentially face redevelopment pressures both in the future without the project and under the RWCDs.





⁴ City of New York, *City Environmental Quality Review: Technical Manual*, October 2001, pp. 3B-3.



Study Area Boundary
 Community District Boundary

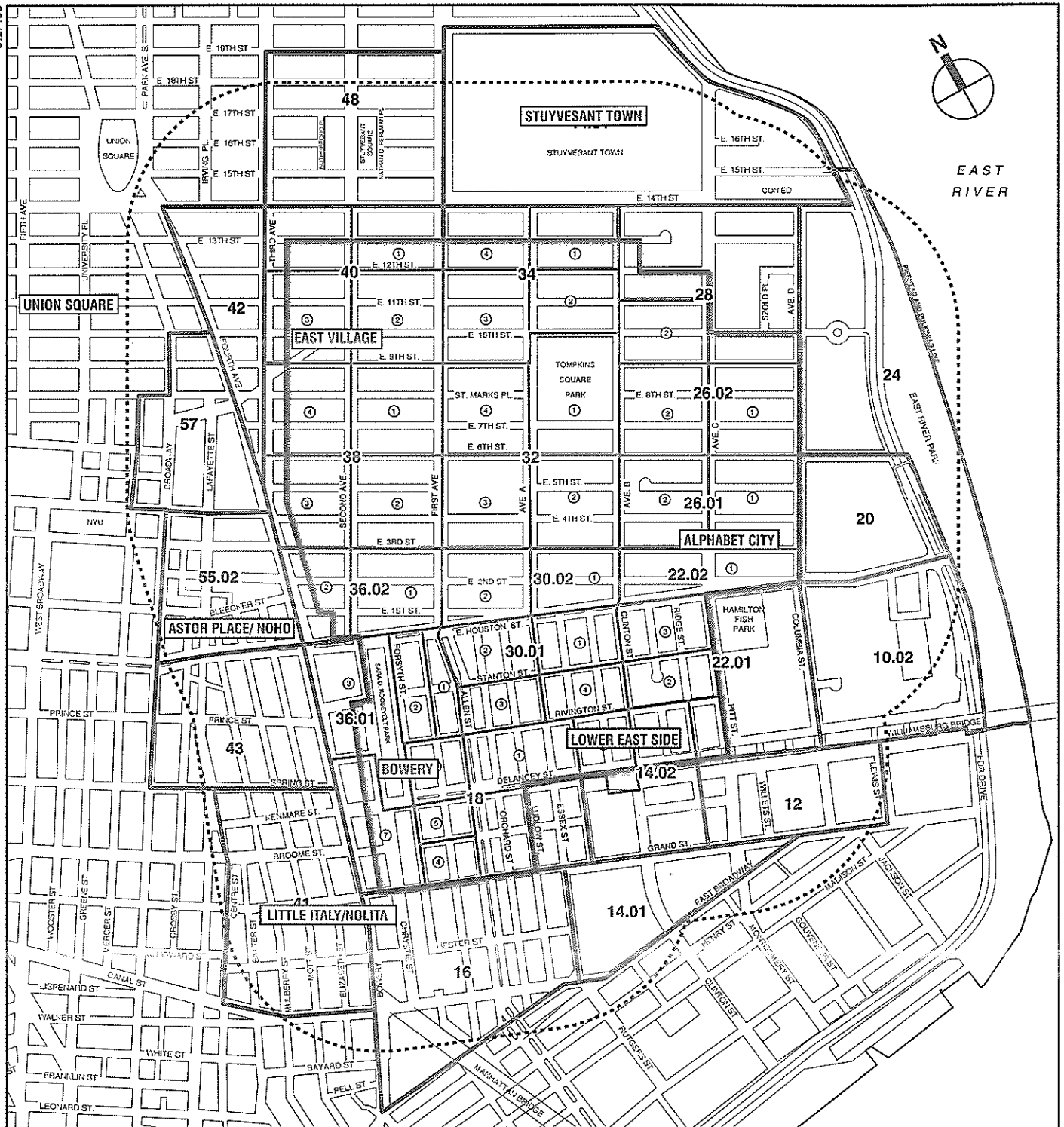
Study Area and Community District Boundaries
 Figure 1-1



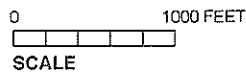
-  Proposed Rezoning Boundary
-  Secondary Study Area (1/4-Mile)
-  Primary Study Area
-  1/4-Mile Radius



Socioeconomic Study Area
Figure 3-2



- Proposed Rezoning Boundary
- 1/4-Mile Radius
- 1 Block Groups in Primary Study Area
- 32 Census Tracts in Secondary Study Area



**Census Tracts and Block Groups
in the Socioeconomic Study Areas**
Figure 3-1

There are several reasons why the secondary study area should have extended to at least ½ mile from the proposed rezoning:

- This is the third largest proposed rezoning since passage of New York City's 1961 Zoning Resolution. The scale and magnitude of this project dictates a larger secondary study area, as in other very large projects.
- Since affordable housing units and potential development sites may be located within ½ mile of the proposed rezoning and throughout all of Manhattan Community District 3, those areas should be included in the secondary study area.⁵
- Potential residential and business displacement could negatively impact neighborhood character and socioeconomic conditions, especially to the east and south of the rezoning area. Increases in property values and rents resulting from the development opportunities south of East Houston Street will have a ripple effect in the most vulnerable surrounding areas. This is particularly true around the Bowery and below Grand Street, where existing pressures are already affecting rents for residents and businesses. The ripples to the north and west will be limited since these areas have substantial regulatory protections. To the west, the Little Italy special district limits development. To the north, Stuyvesant Town and the surrounding area are far from the Lower East Side and unlikely to experience major new development. Thus the most significant impacts of upzoning in the LES are likely to be to the south and east. At the eastern and southern edges, the study area should therefore be expanded to ½ mile, in accordance with CEQR guidelines.
- Business owners and residents who are displaced will seek to relocate nearby in order to maintain ties to their communities, and thus the availability and affordability of space in neighboring communities is a major concern.
- Recent press reports document the growing fiscal crisis of the New York City Housing Authority (NYCHA) and the open discussions about the possibility of permitting new private development in NYCHA projects.^{6,7} There are approximately 1190 units of NYCHA public housing within the primary study area, 8,340 additional units in the ¼ mile secondary study area, and another 5,680 units outside of the study area within ½ mile of the rezoning (see map: New York City Housing Authority Residential Properties). None of these public housing facilities are addressed in the DEIS.

⁵ According to the DEIS, "Affordable units can be provided either on the same site as the development earning the bonus, or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within Manhattan Community District 3 or within ½ mile of the compensated development," (pp. 1-6 to 1-7).

⁶ Juan Gonzalez, June 6, 2008. "Housing Authority keeping thousands of units empty while many families wait." Daily News. http://www.nydailynews.com/ny_local/2008/06/06/2008-06-06_housing_authority_keeping_thousands_of_u.html.

⁷ Manhattan Borough President Scott Stringer, August 2008. "Land Rich, Pocket Poor: Making the Most of New York City Housing Authority's (NYCHA) Unused Development Rights."

Furthermore, there is a significant methodological problem related to the socioeconomic study area boundaries used in the DEIS: the primary and secondary study areas are not analyzed at the same geographic resolution. The primary study area (the area of the proposed zoning) is not contiguous with census boundaries and thus many of the affected census tracts do not fall entirely within the rezoning boundaries. In order to better approximate the boundary of the rezoning, the socioeconomic analysis included 41 block groups, which are smaller than census tracts (see DEIS Figure 3-1).

The secondary study area also should have been analyzed at the block group level, but instead the socioeconomic analysis used data from 15 census *tracts* that best approximate a ¼ mile buffer around the proposed rezoning. Thus, much of the socioeconomic analysis was conducted at the census tract level, even though more detailed information is available for the 83 block groups that lie within the secondary study area. By using broader geographic units of analysis, the DEIS excludes seven census block groups, or 37 Census blocks, from its analysis (see map: Census Blocks Excluded from Secondary Study Area). This not only excludes a significant number of people living within the secondary study area, but also compromises the validity of the analysis.⁸ Furthermore, by examining variables such as household income, household size, and rents using data at the census tract level, the study area is made to appear to be far more homogeneous than it is. These differences can lead to erroneous conclusions about the diversity of population characteristics and the range of income levels within a study area, a problem that will be discussed in more detail in Section IV.






Our analysis includes an assessment of those census block groups that include both the primary study area and a ½ mile buffer around the proposed rezoning, many of which were excluded from the socioeconomic analysis presented in the DEIS. While the ¼ mile buffer includes portions of Community Districts 2, 5, and 6, the ½ mile buffer also extends into Community District 1 (see map: ½ Mile Study Area).

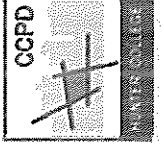
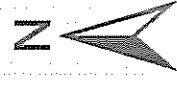
By extending our socioeconomic analysis to include these areas, we demonstrate how the proposed rezoning would shift a disproportionate burden of development pressure toward areas with higher concentrations of people of color and low-income households. There are considerable social and economic differences between the portion of the proposed rezoning area that lies to the north of East Houston Street (the East Village), the portion that lies to the south of East Houston Street (part of the Lower East Side), and the communities to the south and east that were excluded from the DEIS analysis. The maps at the in this section illustrate the range and distribution of social and economic characteristics throughout the impacted area (see maps: Asian Population, Black Population, Hispanic Population, Median Household Income, Median Contract Rent, and Average Household Size).

⁸ John Iceland and Erika Steinmetz. July 2003. "The Effects of Using Census Block Groups Instead of Census Tracts When Examining Residential Housing Patterns." *US Census Bureau, Housing and Household Economic Statistics Division*. <http://www.census.gov/hhes/www/housing/housing_patterns/unitofanalysis.html> Accessed July 2008.

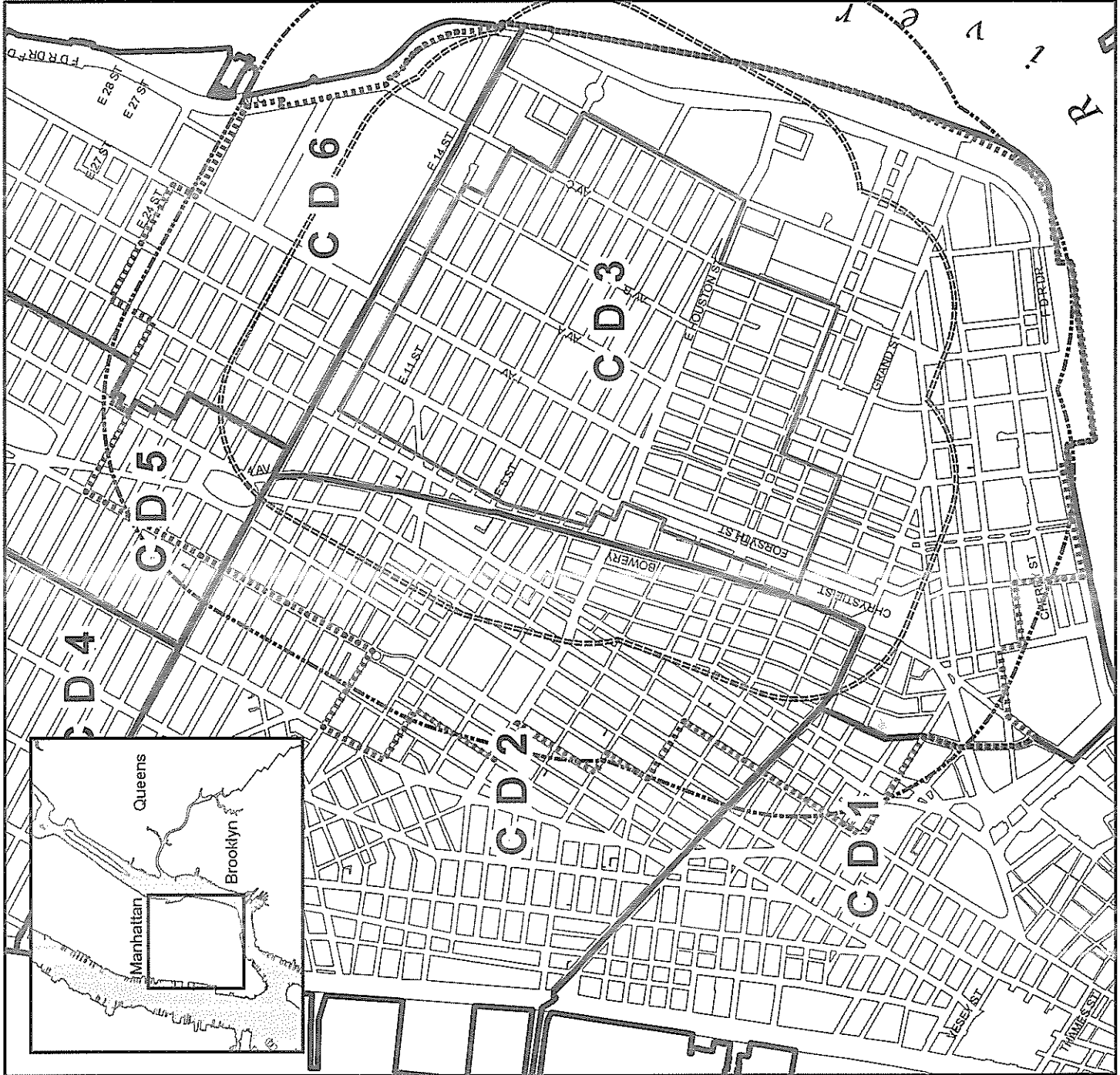
**1/2 Mile Study Area
(Defined by US Census
2000 Block Groups)**

Legend

-  Community District Boundaries
-  Proposed Rezoning Boundary
-  1/4 Mile Buffer
-  1/2 Mile Buffer
-  1/2 Mile Study Area



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Percent Asian by Census Block Group (2000)

Legend

- Proposed EV/LES Rezoning
- Community District
- Census Tract
- Census Blockgroup
- 1/4 Mile Radius
- 1/2 Mile Radius

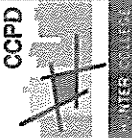
Asian Population

- 0% - 10%
- 11% - 20%
- 21% - 30%
- 31% - 40%
- 41% - 50%
- 51% - 60%
- 61% - 70%
- 71% - 80%
- 81% - 90%
- 91% - 100%

Source: US Census 2000

2,900

Feet








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New York City Housing Authority Residential Properties¹

Legend

-  Proposed Rezoning Area
-  1/4 Mile Buffer
-  1/2 Mile Buffer
-  Community District
-  NYCHA Residential Properties

Inside proposed rezoning area:
27 buildings, 1190 units

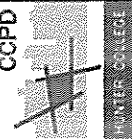
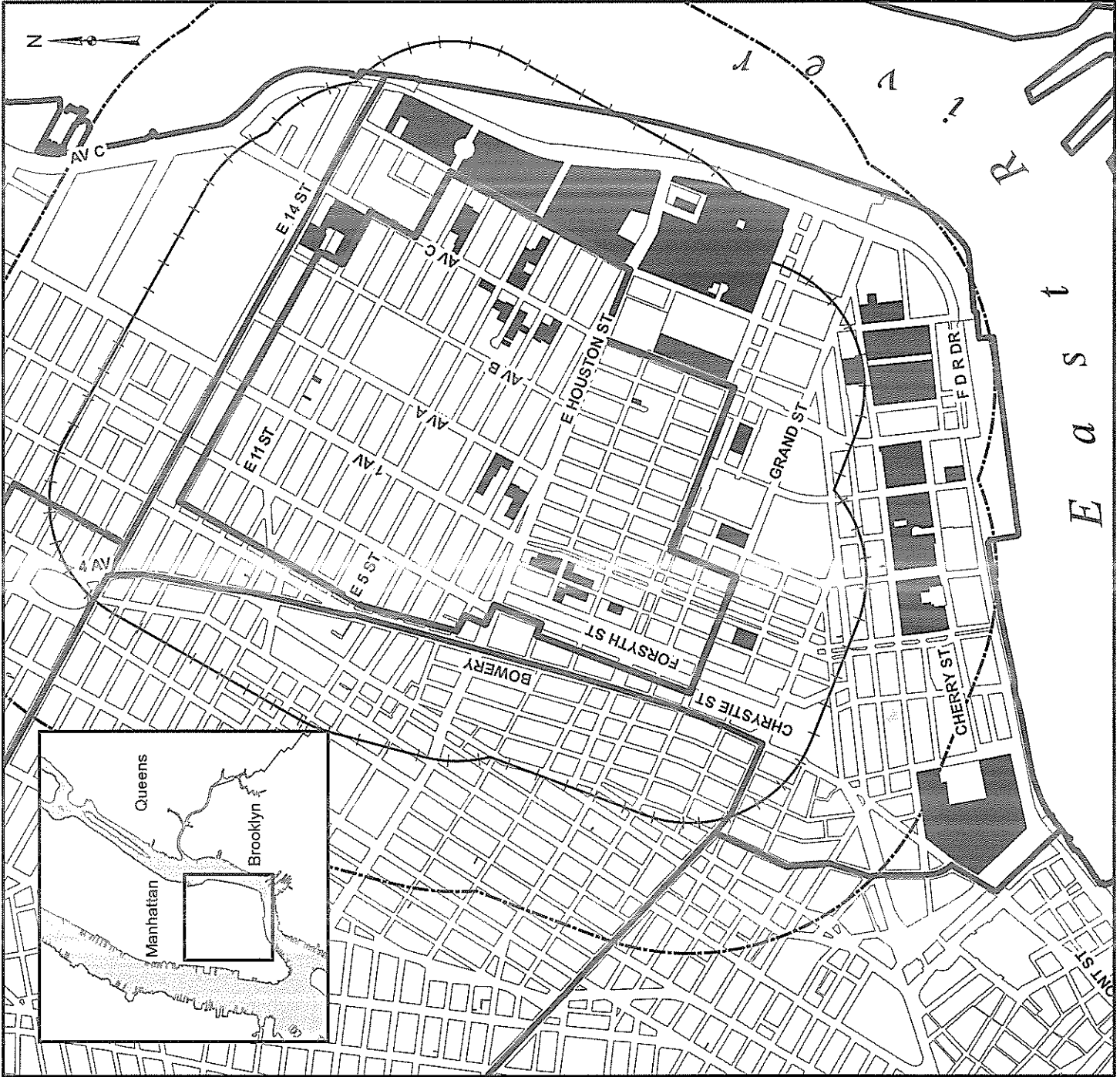
Between rezoning and 1/4 mile:
14 buildings, 8340 units

Between 1/4 mile and 1/2 mile:
10 buildings, 5680 units

¹ Associated NYCHA-owned facilities, such as commercial spaces or maintenance buildings, are not included.







SOURCE:
New York City Housing Authority

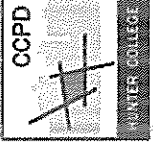
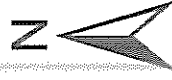
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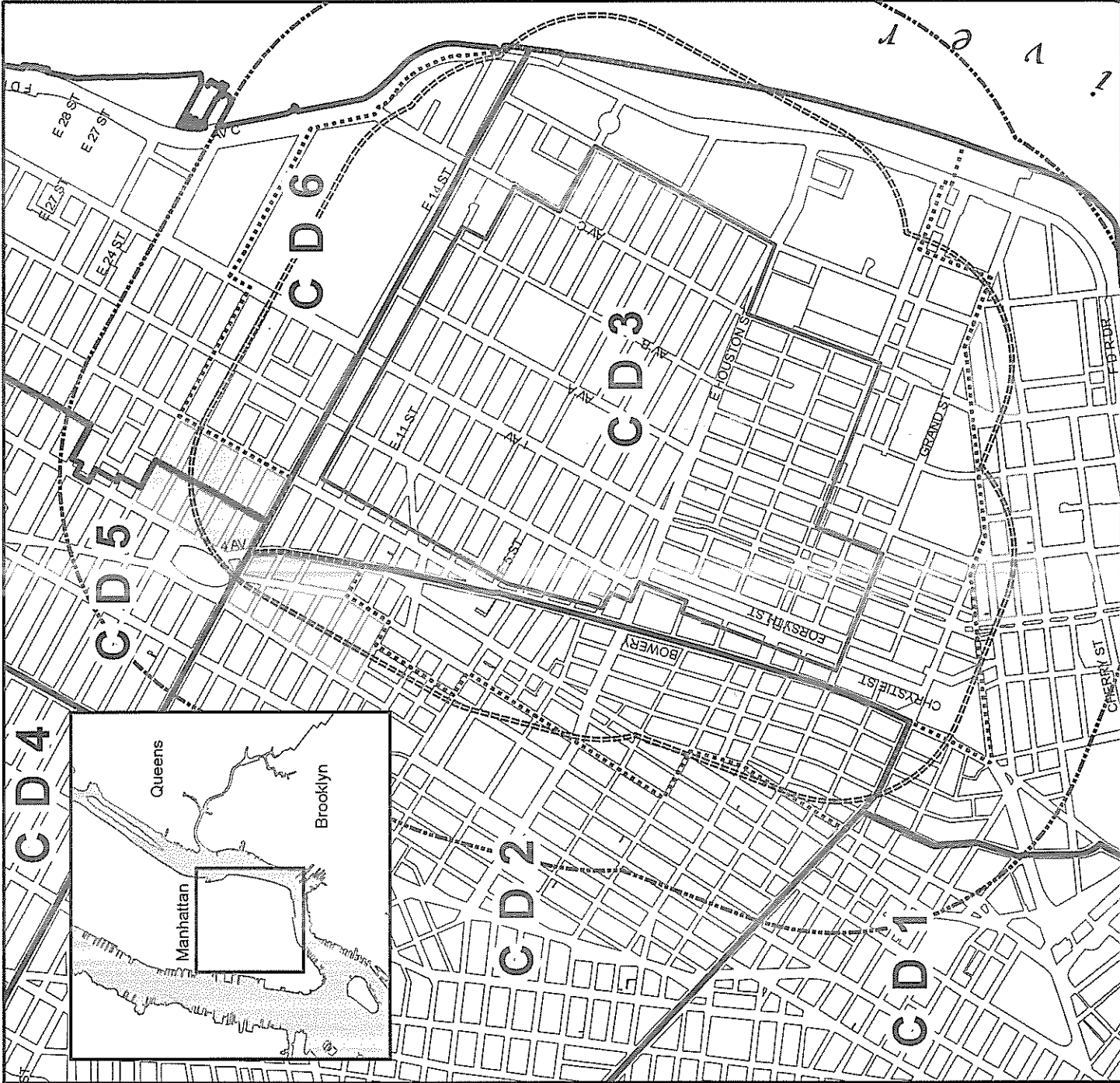
Census Blocks Excluded from Secondary Study Area for Socioeconomic Analysis in EVILES Rezoning DEIS

Legend

-  Community District Boundaries
-  Proposed Rezoning Boundary
-  1/4 Mile Buffer
-  1/2 Mile Buffer
-  DEIS Secondary Study Area
-  Census Blocks Excluded from Analysis



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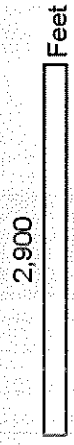


Total Asian Population by Census Block Group (2000)

Legend

- Proposed EV/LES Rezoning
 - Community District
 - Census Tract
 - Census Blockgroup
 - 1/4 Mile Radius
 - 1/2 Mile Radius
- Asian Population**
- 0 - 500
 - 501 - 1,000
 - 1,001 - 1,500
 - 1,501 - 2,000
 - 2,001 - 2,500
 - 2,501 - 3,000
 - 3,001 - 3,500
 - 3,501 - 4,000
 - 4,001 - 4,500
 - 4,501 - 5,000
 - 5,001 - 5,500
 - 5,501 - 6,000

Source: US Census 2000









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











Percent Black/African American by Census Block Group (2000)

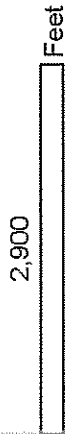
Legend

-  Proposed EV/LES Rezoning
-  Community District
-  Census Tract
-  Census Blockgroup
-  1/4 Mile Radius
-  1/2 Mile Radius

Black/African American Population







-  0% - 10%
-  11% - 20%
-  21% - 30%
-  31% - 40%
-  41% - 50%
-  51% - 60%
-  61% - 70%
-  71% - 80%
-  81% - 90%
-  91% - 100%

Source: US Census 2000

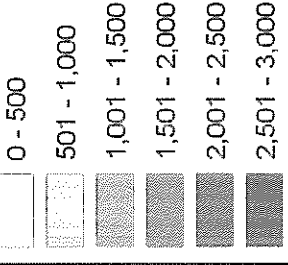


**Total Black/African American Pop.
by Census Block Group (2000)**

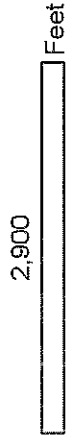
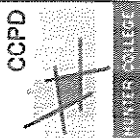
Legend

-  Community District
-  Proposed EV/LES Rezoning
-  1/4 Mile Radius
-  1/2 Mile Radius
-  Census Tract
-  Census Blockgroup

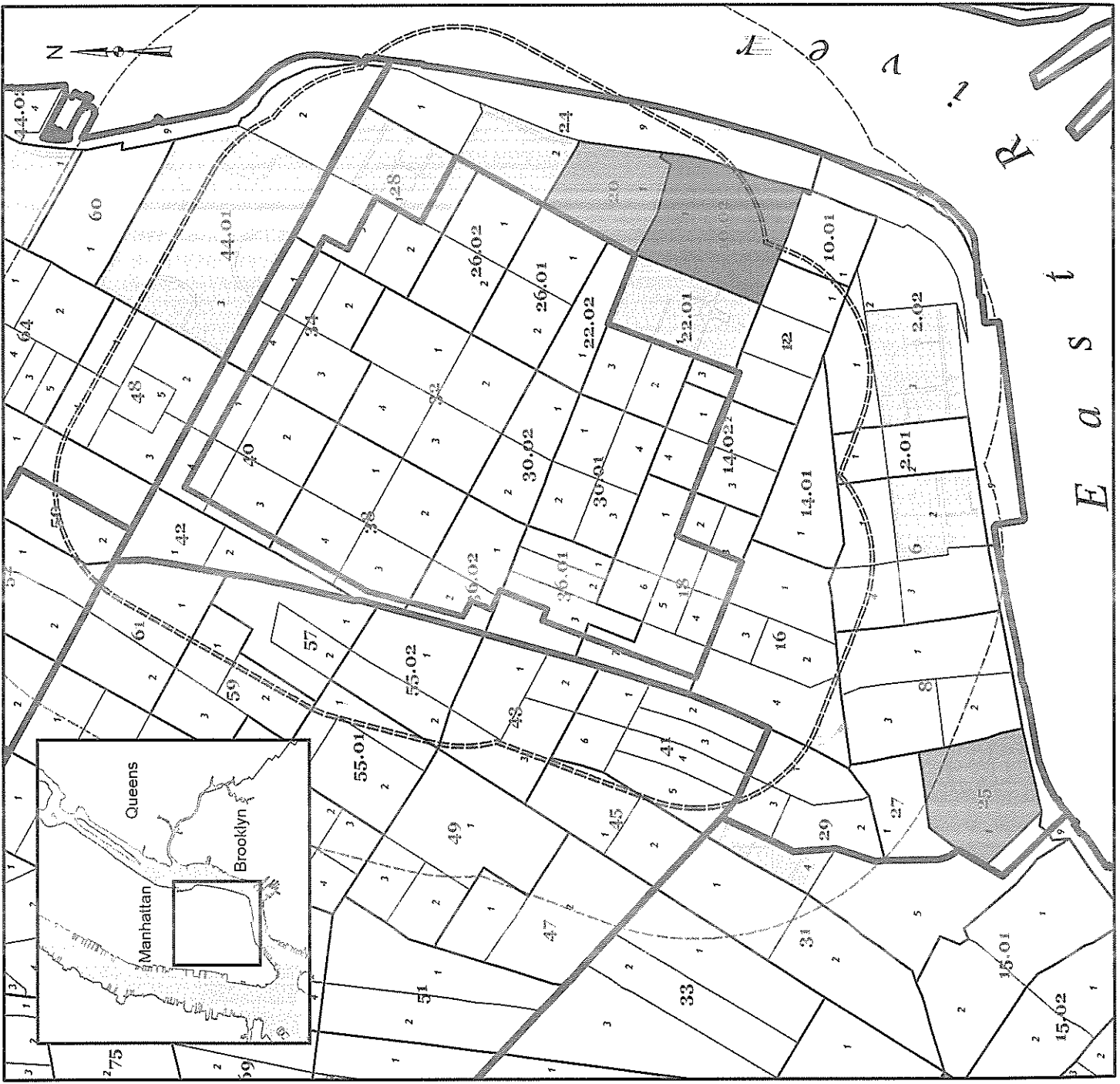
Black/African American Population



Source: US Census 2000

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Percent Hispanic by Census Block Group (2000)

Legend

- Proposed EVLES Rezoning
- Community District
- Census Tract
- Census Blockgroup
- 1/4 Mile Radius
- 1/2 Mile Radius

Hispanic Population

- 0% - 10%
- 11% - 20%
- 21% - 30%
- 31% - 40%
- 41% - 50%
- 51% - 60%
- 61% - 70%
- 71% - 80%
- 81% - 90%
- 91% - 100%

Source: US Census 2000

2,900

Feet

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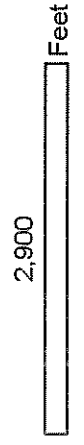


Total Hispanic Population by Census Block Group (2000)

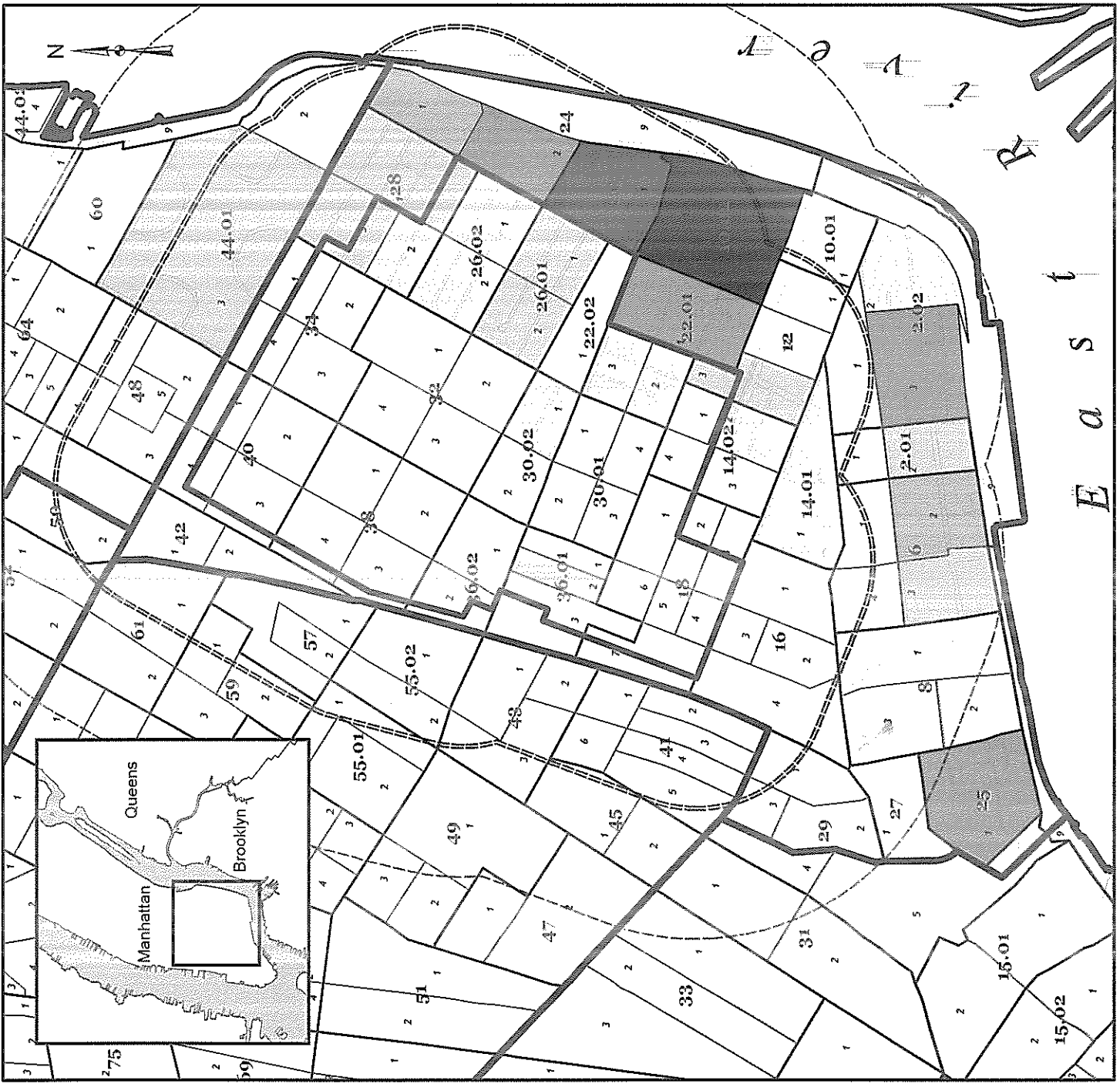
Legend

- Community District
 - Proposed EV/LES Rezoning
 - 1/4 Mile Radius
 - 1/2 Mile Radius
 - Census Tract
 - Census Blockgroup
- Hispanic Population**
- | | |
|--|---------------|
| | 0 - 500 |
| | 501 - 1,000 |
| | 1,001 - 1,500 |
| | 1,501 - 2,000 |
| | 2,001 - 2,500 |
| | 2,501 - 3,000 |
| | 3,001 - 3,500 |
| | 3,501 - 4,000 |
| | 4,001 - 4,500 |
| | 4,501 - 5,000 |
| | 5,001 - 5,500 |

Source: US Census 2000



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Median Household Income (US Census 2000)

Legend

- Community District
- Proposed Rezoning Area
- 1/2 Mile Radius
- 1/4 Mile Radius

Census Blockgroup

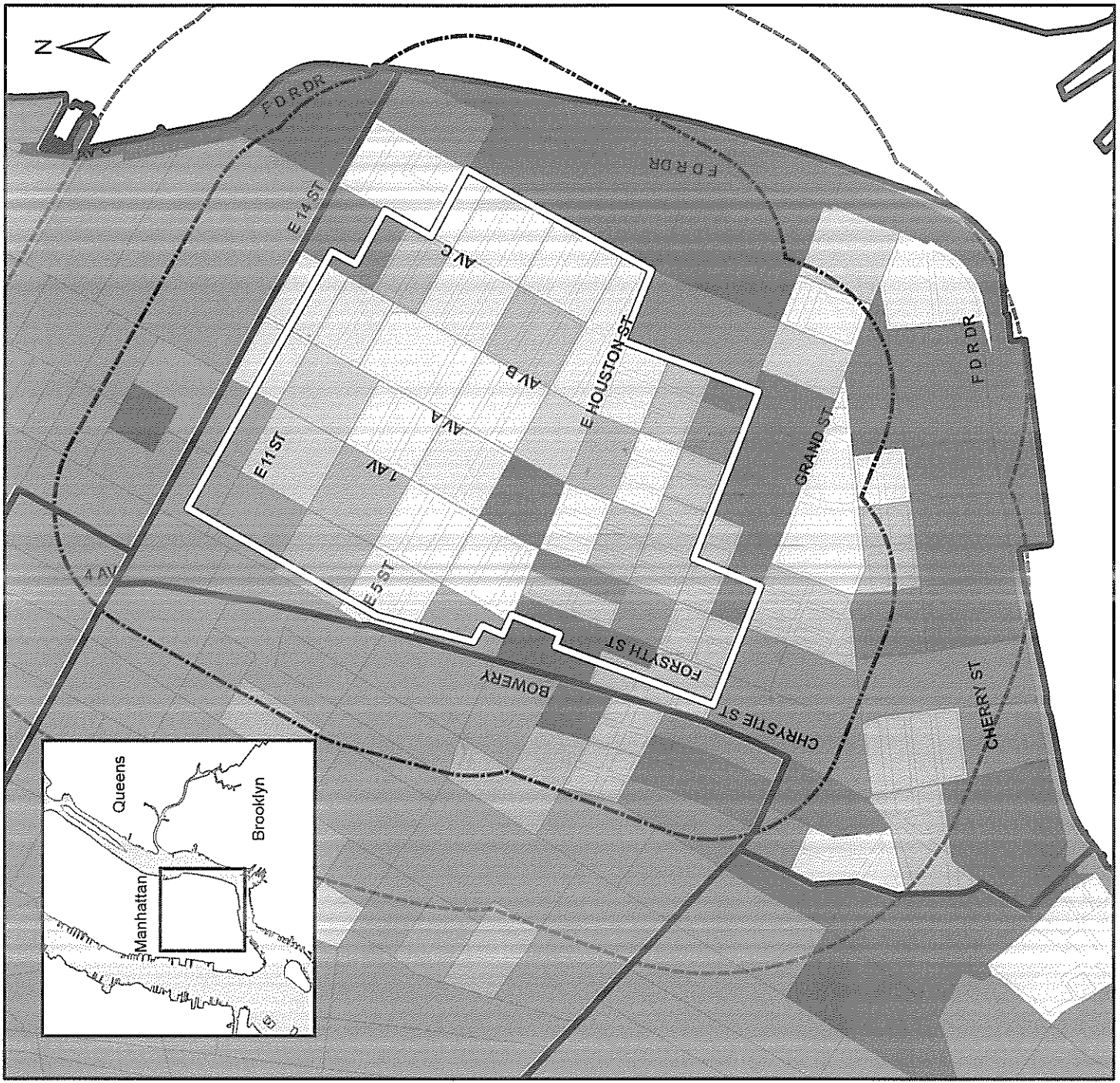
Median Household Income (\$US/yr)

15,000 or less
15,001 - 20,000
20,001 - 25,000
25,001 - 30,000
30,001 - 35,000
35,001 - 40,000
40,001 - 45,000
45,001 - 50,000
50,001 - 55,000
over 55,000

Source: US Census 2000





2,750 Feet

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Median Contract Rent in 2000 (1/2 Mile Study Area)

Legend

-  Community District
-  Proposed Rezoning Area
-  1/4 Mile Radius
-  1/2 Mile Radius

Census Blockgroup

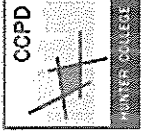
Median Contract Rent (\$US/mo)

-  0 - 250 (or no data)
-  251 - 500
-  501 - 750
-  751 - 1,000
-  1,001 - 1,250
-  1,251 - 1,500
-  over 1,500

2,800

Feet

Source: US Census 2000







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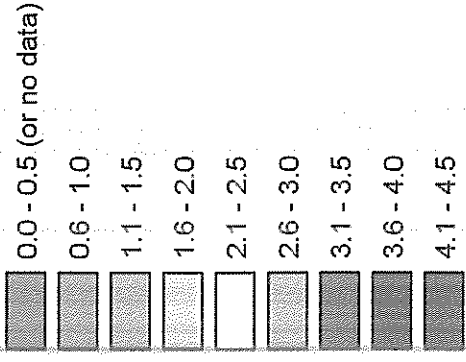
Average Household Size by Census Block Group (2000)

Legend

-  Community District
-  Proposed Rezoning Area
-  1/2 Mile Radius
-  1/4 Mile Radius

Census Blockgroup

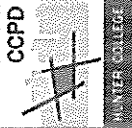
Average Household Size



2,900

Feet

Source: US Census 2000



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B. Underestimation of the Reasonable Worst Case Scenario

The environmental impact analysis for the EIS is based on the incremental difference between the projected future conditions *with* the proposed rezoning (known as the “Build” scenario) and the projected future conditions *without* the rezoning (known as the “No Build” scenario). These scenarios identify the amount, type, and location of development expected to occur within the next 10 years. The Build scenario that would occur under the RWCDs is outlined in detail in Chapter 1 of the DEIS (Project Description); in addition, Chapter 23 (Inclusionary Alternative) describes the modifications to the proposal that were adopted in July 2008.

To generate a RWCDs, DCP identified sites where new development is expected to occur, known as projected development sites. DCP also identified sites where enlargements to existing structures are expected to occur, known as projected enlargement sites. The projected sites include vacant lots, sites with auto-related uses, commercial or manufacturing buildings that could be converted to residential use, sites with buildings that are considered underdeveloped relative to the proposed allowable floor area ratio (FAR), and other sites meeting the development criteria specified by DCP.⁹ Table C-3 in Appendix C of the DEIS lists the 186 projected development sites and 25 projected enlargements that DCP considers very likely to be developed. In total, these projected sites comprise 268 individual tax parcels (see DEIS Figure 23-3). Additionally, Table C-4 in the DEIS lists 143 *potential* development sites and 442 *potential* enlargements, which are “sites that could be developed but are assumed to have less development potential than the projected development sites” (see DEIS Figure 23-4).

Clearly, the development or redevelopment of hundreds of sites within the rezoned area will have significant environmental impacts. The key assumption used by DCP is that nearly all of the projected development would *not* come about as a result of the re-zoning, but would take place over the next 10 years anyway. Were it not for this assumption, the projected development identified by DCP would trigger the thresholds under CEQR for more detailed analysis in several of the DEIS chapters, including the analysis of socioeconomic conditions and neighborhood character.

The DEIS provides limited information about the existing conditions on the projected and potential sites. According to our own calculations based on city property data, the existing buildings on the 211 projected sites provide over 945,000 square feet of commercial floor area (the majority of which are retail, office, and commercial storage spaces) and over 260,000 square feet of residential space.¹⁰ There are 65 dwelling units on the projected development sites, 7 of which are rent-stabilized.¹¹ The RWCDs assumes that the units on these sites would be demolished for redevelopment and residents would be involuntarily displaced.

⁹ See pages 1-9 to 1-10 of the DEIS for a more detailed list of development site and enlargement criteria.

¹⁰ New York City Department of City Planning, Primary Land Use Tax Lot Output (PLUTO™) data files, November 2007-March 2008.

¹¹ New York City Department of Finance, Fiscal Year 2009 Real Property Assessment Database (RPAD); New York City Rent Guidelines Board, 2007 Division of Housing and Community Renewal (DHCR) Building Registration File.

On the projected enlargement sites, there are 244 dwelling units, 162 of which are rent-stabilized.¹¹ The RWCDs assumes that residents and businesses on enlargement sites would be able to remain in their units during the construction of enlargements and thus would not be involuntarily displaced.

Many of the sites considered by DCP to be underdeveloped are well-known buildings, churches, playgrounds, and businesses that provide significant economic and social value to the community. While the number of existing businesses is not listed in the DEIS, our own field visits conducted during June and July 2008 revealed that there are over 100 active businesses on the projected development sites, as well as numerous community facilities and institutions.¹² Many of these sites hold significant cultural, historic, and economic value, and should not be assumed to automatically be redeveloped under the No Build scenario. By over-stating the development that would take place without the proposed rezoning, the DEIS makes it appear that the relative impacts of the Build scenario are minimal.

Even if the assumptions underlying DCP's development criteria are correct, the difference between the Build and No Build scenarios appears to be understated and warrants more careful examination. This possible underestimation would affect the assessments with respect to changes in neighborhood character, local economy, and housing prices. There would be a net increase of over 1.57 million sq ft of residential space and a net decrease of over 74,000 sq ft of commercial space compared to the future without the proposed changes (Table 2). This is more than an incremental difference and is bound to have significant impacts.

Table 2. Summary of Build and No Build Scenarios for Projected Development and Enlargement Sites

	Commercial Floor Area	Residential Floor Area	Total Floor Area ¹³	Dwelling Units	Affordable DUs
Existing	945,720	261,541	1,207,261	358	unknown
No Build scenario	496,680	2,530,291	3,498,267	2,600	0
Build scenario	422,242	4,107,971	4,927,074	4,176	461
Increment	-74,438	+1,577,680	+1,418,807	1,576	461
% difference	-14.99%	+62.35%	+40.56%	--	--

Source: DEIS Chapter 1, Tables 1-3 and 1-4

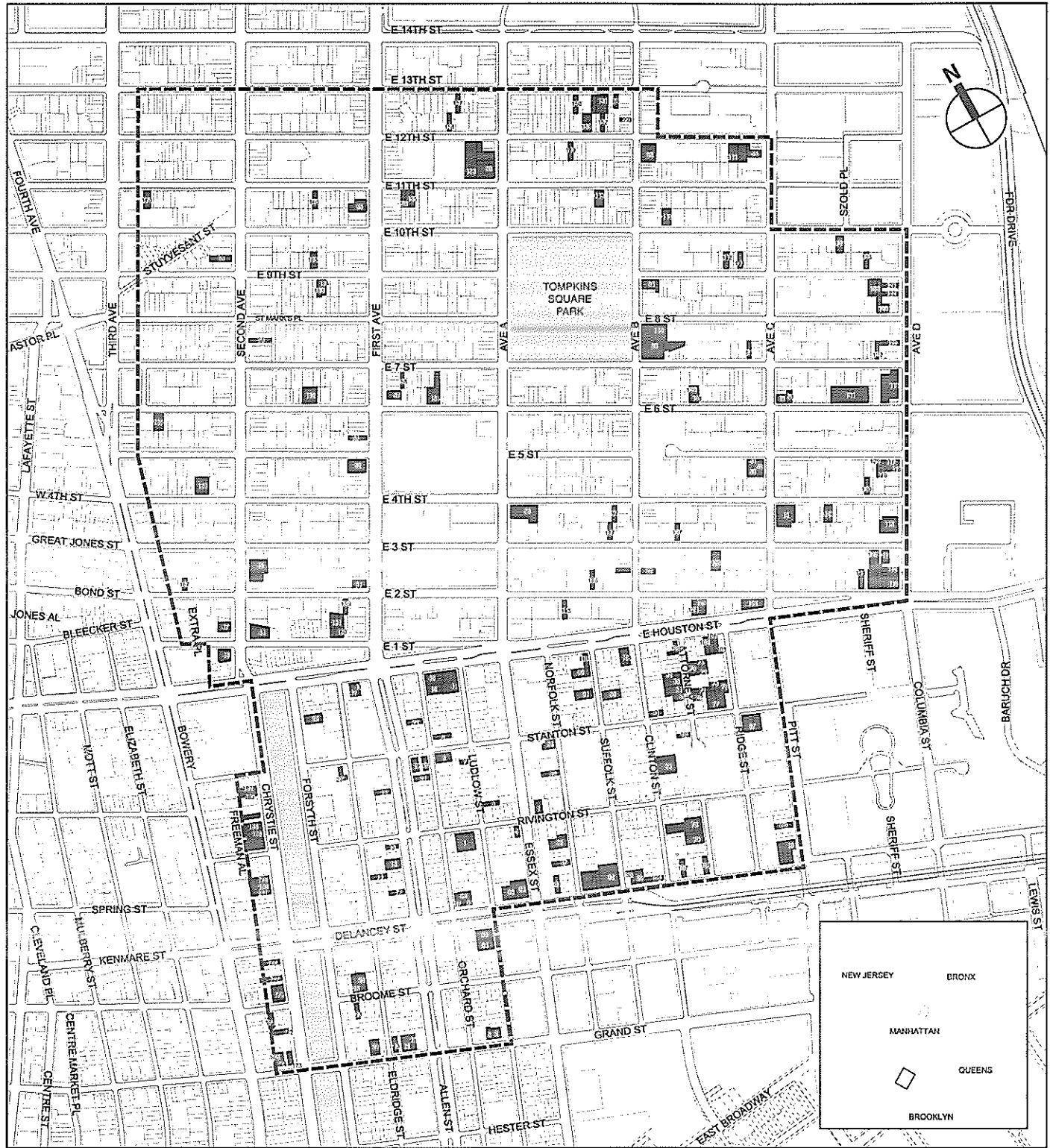
¹² Due to time constraints, field visits were limited to the 180 projected development sites listed in the original rezoning proposal (prior to the adoption of the Inclusionary Alternative on July 3, 2008); all of the projected development sites are located within the proposed rezoning area.



¹³ The Total Floor Area figures under the Build scenario are greater than the sum of commercial and residential floor area. While the DEIS does not specify, the difference may be assumed to be residential lobbies or mechanical space, or affordable housing units developed off site.

Under both scenarios, DCP anticipates that 100% of the projected enlargement and development sites would be converted to residential use, and all new commercial units would be developed as part of these residential buildings, most likely in the form of ground-floor retail and office spaces. Commercial space is projected to decline by 47% by the year 2017 under current zoning (the No Build scenario), and by 58% under the proposed rezoning (the Build scenario). DCP assumes that no affordable residential units would be constructed without the rezoning.

It is evident in both the RWCDs and the future without the proposed changes that development pressures already threaten existing businesses and institutions in the area. The businesses that need the most protection are those that serve predominantly low- to moderate-income residents, providing them with goods, services, and employment. The proposed rezoning is not designed to preserve these existing uses, but rather provides incentives that will accelerate the process of conversion from commercial to residential use.

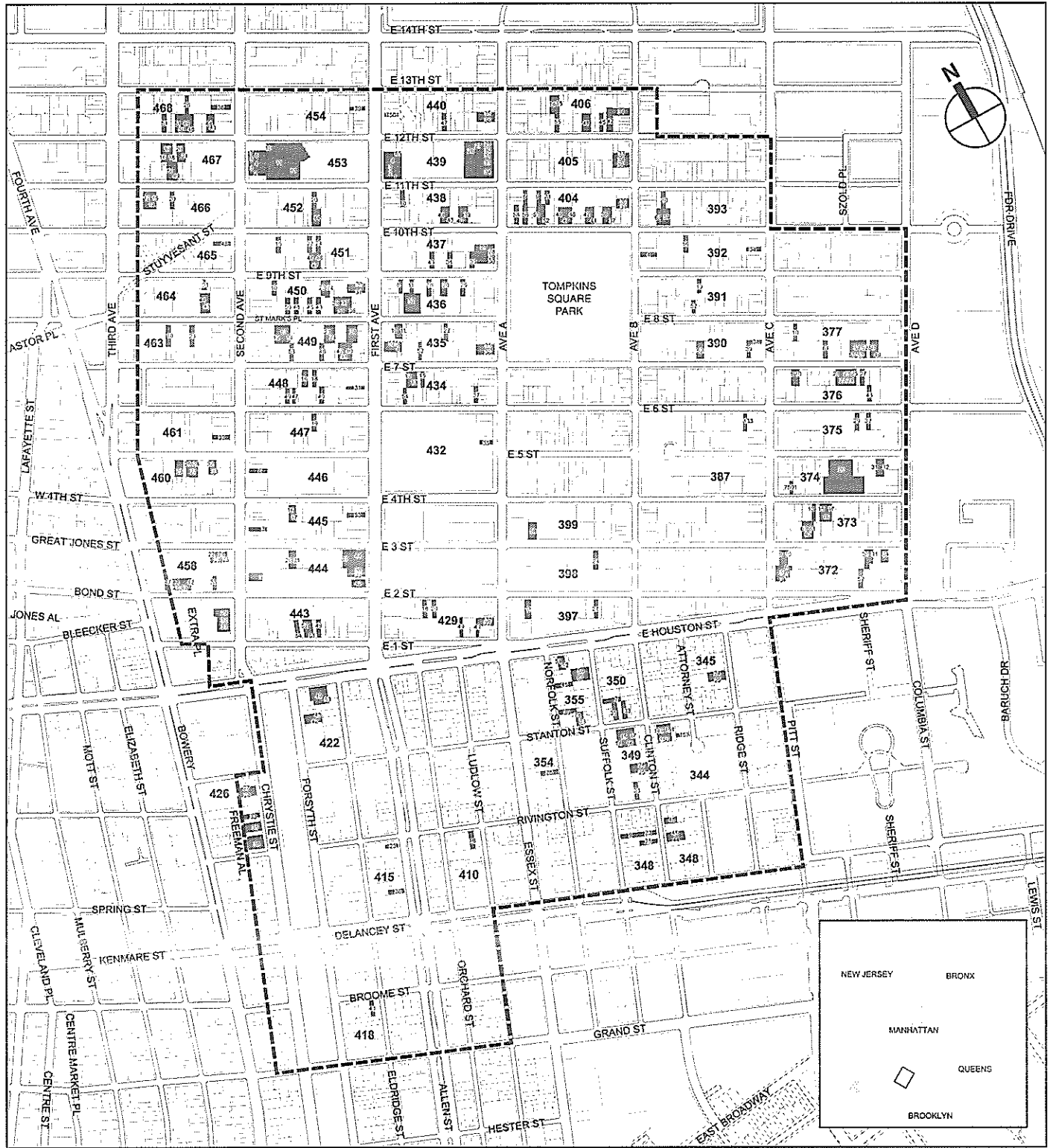
The DEIS concludes that a detailed socioeconomic analysis is not necessary, but this rests on the critical assumption that all but one of the 211 projected development and enlargement sites would be developed regardless of whether the proposed actions are adopted. Our analyses of socioeconomic impacts and changes to neighborhood character, in the following sections, challenge this assumption.





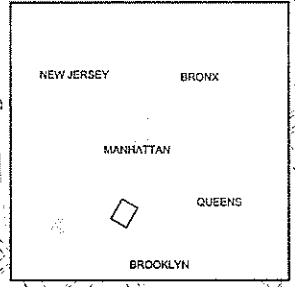
-  Study Area Boundary
-  Projected Site



**Inclusionary Alternative
Projected Development Sites**
Figure 23-3



-  Study Area Boundary
-  Lot with potential archaeological sensitivity
- 348 Block Number



**Inclusionary Alternative Potential
Potential Development Sites**
Figure 23-4

IV. SOCIOECONOMIC IMPACTS (CHAPTER 3)

According to the *CEQR Technical Manual*, potential socioeconomic changes must be disclosed if they will affect land use and population patterns or community character.

A. DEIS Methodology

In the DEIS a preliminary assessment of socioeconomic conditions was conducted to determine the potential for direct or indirect residential or business displacement. The analysis in the DEIS is based on the incremental difference between the Build and No Build scenarios. These scenarios identify the amount, type, and location of development projected to occur during a 10-year build-out period, both with and without the proposed actions.

Population and housing assessments in the DEIS are based primarily on data from the 1990 and 2000 United States Censuses, which include the following parameters:

- **Population** – total population, age of population
- **Household and income characteristics** – total households, average household size, median household income, average household income, percent of households living below poverty level
- **Housing characteristics** – number of housing units, housing vacancy and tenure (owner- versus renter-occupied units), median contract rent, median home value.

The Census data are supplemented with information from the New York City Department of Finance, Real Property Assessment Database (RPAD). Estimated population growth since the 2000 Census is based on the number of housing units added between 2001 and 2005, assuming the same average household size (1.7 persons per household) and occupancy rate (95.7%) from 2000. Population distribution and housing characteristics in the DEIS are analyzed across four different geographic areas: the primary study area (proposed rezoning), the secondary study area (¼ mile buffer), the borough of Manhattan, and New York City. Percent changes from 1990 and 2000 illustrate different rates of growth in population and housing development between the primary study area and the rest of the city, as well as changes in age and income distribution. The DEIS makes no mention of racial composition, or the relationships between race, income, and housing conditions.

Based on its very general and methodologically flawed analysis of census information, the DEIS concludes there would be no significant adverse socioeconomic impacts. Employing a strict reading of the *CEQR Technical Manual*, the DEIS evades conducting a detailed analysis of potential direct and indirect residential and business displacement under the proposed actions. In the following we demonstrate that there are important socioeconomic differences between the subareas comprising the primary and secondary study areas – especially north and south of East Houston Street – that warrant a more detailed analysis of the potential for displacement.

B. Summary of DEIS Findings

Population Characteristics

Changes in population characteristics between 1990 and 2000 are summarized in the DEIS as follows:

- The primary and secondary study areas are experiencing faster rates of population growth than the rest of the city.
- The ¼ mile secondary study area had a much lower rate of population growth relative to the primary study area: 2.3% for the secondary study area compared to 8.3% for the primary study area.¹⁴
- The population in the area is shifting toward a younger and more affluent demographic.¹⁵
- The DEIS makes no mention of race in its demographic profile.

Our analysis of population characteristics at the Census block group level includes an additional seven block groups to better approximate the ¼ mile boundary, and an additional 37 block groups to approximate a ½ mile boundary (see Tables 3, 4, and 5). An analysis of different subareas and racial composition yields important interpretations that were lacking the DEIS:

- The primary study area is predominantly white (58.1%), and the proportion of white residents increased from 1990 to 2000. The vast majority of this increase occurred north of East Houston Street. In fact, the proportion of whites in the rezoning area who live south of East Houston Street decreased slightly from 1990 to 2000 while the proportion of whites in the rezoning area who live to the north of East Houston Street increased to nearly 70% (Table 3). This suggests that the historic ethnic diversity characteristic of the area is changing; the rezoning fails to address this change and the DEIS fails to acknowledge it. In fact, the upzoning below East Houston Street would tend to exacerbate the change.
- The proportion of Hispanic and Black residents decreased throughout the study area from 1990 to 2000. The largest shift in racial composition occurred south of East Houston Street. Again, this suggests that the historic ethnic diversity characteristic of the area is changing, the rezoning fails to address this change, and the DEIS fails to acknowledge it. The higher proportion of Asian and White residents in the East Village reflects a higher-income, single population, compared to a lower-income population with larger households in the Lower East Side and Chinatown.

¹⁴ DEIS Table 3-1: 1990 and 2000 Population Characteristics

¹⁵ DEIS Table 3-2: 1990 and 2000 Age Distribution and DEIS Table 3-3: Income Characteristics

Table 3. Population Characteristics in Primary Study Area (1990-2000)

	Total Population	% White	% Asian	% Hispanic	% Black
Rezoning Area					
2000	↑ 66,544	↑ 58.1%	↑ 23.6%	24.0%	7.9%
1990	61,464	57.8%	18.2%	↓ 27.9%	↓ 10.2%
North of East Houston Street					
2000	↑ 46,776	↑ 69.9%	↑ 13.5%	21.3%	8.5%
1990	42,872	69.7%	9.0%	↓ 22.1%	↓ 9.6%
South of East Houston Street					
2000	↑ 19,768	30.1%	↑ 47.4%	30.5%	6.5%
1990	18,592	↓ 30.3%	39.5%	↓ 41.3%	↓ 11.6%

Table 4. Population Characteristics in ¼ Mile Study Area (1990-2000)

	Total Population	% White	% Asian	% Hispanic	% Black
¼ Mile Study Area					
2000	↑ 172,441	↑ 53.8%	↑ 28.2%	23.8%	8.3%
1990	168,585	53.6%	23.3%	↓ 25.5%	↓ 9.4%
North of East Houston Street					
2000	↑ 102,270	↑ 69.9%	↑ 12.3%	22.6%	9.4%
1990	99,129	69.0%	8.0%	↓ 23.3%	↓ 9.7%
South of East Houston Street					
2000	↑ 70,171	30.3%	↑ 51.4%	25.6%	6.8%
1990	69,456	↓ 31.7%	41.5%	↓ 28.5%	↓ 8.9%

Table 5. Population Characteristics in ½ Mile Study Area (1990-2000)

	Total Population	% White	% Asian	% Hispanic	% Black
½ Mile Study Area					
2000	↑ 243,094	54.4%	↑ 29.5%	20.9%	7.9%
1990	236,221	↓ 54.9%	24.7%	↓ 22.3%	↓ 8.7%
North of East Houston Street					
2000	↑ 135,317	73.7%	↑ 11.6%	18.5%	8.1%
1990	132,589	↓ 73.9%	7.6%	↓ 18.7%	↓ 8.2%
South of East Houston Street					
2000	↑ 107,777	30.2%	↑ 52.0%	24.0%	7.6%
1990	103,632	↓ 30.7%	46.6%	↓ 26.9%	↓ 9.4%

Source: US Census 1990 and 2000

Income and Household Characteristics

According to the DEIS:

- Both the primary and secondary study areas experienced an increase in median household income between 1989 and 1999, at a faster rate than Manhattan.
- Conversely, New York City as a whole experienced a decline in median household income.
- The primary study area maintained a lower median household income than the secondary study area between 1989 and 1999. Median household income in the ¼ mile secondary study area is reported to be higher than both the primary study area and the city as a whole, but not higher than that of Manhattan.
- Average household sizes¹⁶ in the primary and secondary study areas are reported to have decreased by 2% and 3.4%, respectively, in the primary and secondary study areas.

Again, our analysis, conducted at a finer resolution and over a larger area, yields different conclusions:

- It is misleading to simply state that median household income in the proposed rezoning area is lower than that of the ¼ mile secondary study area. The highest median household incomes are north of East Houston Street, regardless of the study area boundary, while the lowest median household incomes are south of East Houston Street (see Tables 6, 7, and 8).
- There is a significant difference in average household size between the areas north and south of East Houston Street. Households south of East Houston Street are 45-50% larger than those to the north.
- Average household sizes within the primary and secondary study areas decreased, but *all* of that change occurred south of East Houston Street; the average household size in the East Village did not change between 1990 and 2000. The decline in household size in the Lower East Side is indicative of the level of displacement of larger households due to intense development pressures.
- The DEIS avoidance of a detailed displacement study is based only on the threshold criterion of total population change, and ignores other critically important parameters such as household size, affordability, and the availability of residential units that can accommodate larger working families. It also fails to link these household characteristics to demographic characteristics, and fails to acknowledge the diversity in household types that we observed by examining different subareas.

¹⁶ Average household sizes in the DEIS represent the weighted average household size of all census tracts, while average household sizes in our critique represent the weighted average household size of all census block groups.

Table 6. Income & Household Characteristics in Primary Study Area (1990-2000)

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
Rezoning Area				
2000	↑ 32,129	1.96	↑ \$45,042	↑ \$966
1990	28,956	↓ 1.99	\$37,033	\$654
North of East Houston Street				
2000	↑ 24,836	1.75	↑ \$47,711	↑ \$1,017
1990	22,991	1.75	\$38,939	\$683
South of East Houston Street				
2000	↑ 7,293	2.68	↑ \$35,954	↑ \$801
1990	5,965	↓ 2.91	\$22,538	\$418

Table 7. Income & Household Characteristics in ¼ Mile Study Area (1990-2000)

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
¼ Mile Study Area				
2000	↑ 80,422	2.07	↑ \$53,588	↑ \$978
1990	75,965	↓ 2.11	\$45,767	\$718
North of East Houston Street				
2000	↑ 53,868	1.81	↑ \$63,383	↑ \$1,163
1990	51,480	1.81	\$53,153	\$820
South of East Houston Street				
2000	↑ 26,554	2.58	↑ \$33,717	↑ \$699
1990	24,485	↓ 2.72	\$30,238	\$515

Table 8. Income & Household Characteristics in ½ Mile Study Area (1990-2000)

	Households	Average Household Size	Median Household Income*	Median Contract Rent*
½ Mile Study Area				
2000	↑ 112,478	2.05	↑ \$57,539	↑ \$1,007
1990	106,992	↓ 2.10	\$51,023	\$759
North of East Houston Street				
2000	↑ 71,969	1.76	↑ \$70,073	↑ \$1,205
1990	70,044	↓ 1.83	\$60,959	\$895
South of East Houston Street				
2000	↑ 40,509	2.56	↑ \$35,272	↑ \$668
1990	36,948	↓ 2.73	\$32,187	\$519

Source: US Census 1990 and 2000

* Income and rent values are reported in the Census for the years 1989 and 1999, but have been converted to 2007 constant dollars using the U.S. Department of Labor's unadjusted Consumer Price Index for All Urban Consumers (CPI-U) for the New York-Northern New Jersey - Long Island, NY-NJ-CT Area (reference date 1982-1984=100).

Housing Characteristics

The DEIS summarizes housing characteristics as follows:

- Demand for housing in the primary and secondary study areas is increasing at a higher rate than the rest of the city.
- Between 1990 and 2000, both study areas experienced significant increases in the total number of households, median contract rent, and total number of housing units.
- Both primary and secondary study areas have low vacancy rates relative to the rest of the city.

According to our analysis:

- Median contract rents increased in all of the study areas, but rents within the primary study area went up the fastest. The highest rates of increase occurred in the proposed rezoning area south of East Houston Street (see Table 9 above), where rents nearly doubled between 1990 and 2000.
- The southern portion of the proposed rezoning area has the highest proportion of renter-occupied housing units (i.e., the lowest rate of ownership) and the lowest vacancy rate. It also has the highest proportion of rent-stabilized buildings that are built to less than 50-80% of the allowable FAR, which is one of the criteria that DCP used in selecting potential development sites (see map: Registered Rent-Stabilized Buildings and Associated FAR). This southern portion of the proposed rezoning area also has the highest concentration of projected development sites (see DEIS Figures 23-3 and 23-4).
- In the ½ mile study area south of East Houston Street, although rents did not increase as sharply as elsewhere, ownership levels jumped from 9.6% to 15.1% of occupied units between 1990 and 2000. This reflects the conversion of rental housing to condominiums and cooperatives, which tend to serve higher-income populations. During that same time, this area went from having the lowest vacancy rate to the highest vacancy rate, compared to the area north of East Houston Street, and the ½ mile study area as a whole, (Table 11). These conditions reflect increasing speculation in housing; vacancy rates increase when developers buy buildings and tenants are forced to move. They do not reflect a decreasing demand for housing, but rather a changing housing environment that the rezoning not only fails to address but abets.

In sum, the areas in the proposed rezoning that would gain the most conservative contextual zoning protections are those with the highest proportion of whites and people of higher incomes. The DEIS fails to disclose the disproportionate impacts of the proposed rezoning on the areas to south of East Houston Street, especially with respect to displacement of low-income residents, larger families, and people of color.

Table 9. Housing Characteristics in Primary Study Area (1990-2000)

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
Rezoning Area					
2000	↑ 33,563	↑ 95.7%	4.3%	↑ 9.0%	91.0%
1990	31,178	92.9%	↓ 7.1%	6.0%	↓ 94.0%
North of East Houston Street					
2000	↑ 25,957	↑ 95.7%	4.3%	↑ 10.2%	89.8%
1990	24,770	92.8%	↓ 7.2%	6.8%	↓ 93.2%
South of East Houston Street					
2000	↑ 7,606	↑ 95.9%	4.1%	↑ 4.9%	95.1%
1990	6,408	93.1%	↓ 6.9%	3.1%	↓ 96.9%

Table 10. Housing Characteristics in ¼ Mile Study Area (1990-2000)

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
¼ Mile Study Area					
2000	↑ 84,014	↑ 95.7%	4.3%	↑ 14.0%	86.0%
1990	80,234	94.7%	↓ 5.3%	10.8%	↓ 89.2%
North of East Houston Street					
2000	↑ 51,146	↑ 95.8%	4.2%	↑ 16.4%	83.6%
1990	49,985	93.7%	↓ 6.3%	13.4%	↓ 86.6%
South of East Houston Street					
2000	↑ 27,843	95.4%	↑ 4.6%	↑ 11.6%	88.4%
1990	25,489	↓ 96.1%	3.9%	7.5%	↓ 92.5%

Table 11. Housing Characteristics in ½ Mile Study Area (1990-2000)

	Housing Units	Occupancy Rate	Vacancy Rate	Owner Occupied	Renter Occupied
½ Mile Study Area					
2000	↑ 118,286	↑ 95.1%	4.9%	↑ 17.0%	83.0%
1990	113,180	94.5%	↓ 5.5%	13.5%	↓ 86.5%
North of East Houston Street					
2000	↑ 75,456	↑ 95.4%	4.6%	↑ 18.1%	81.9%
1990	74,750	93.7%	↓ 6.3%	15.6%	↓ 84.4%
South of East Houston Street					
2000	↑ 42,830	94.6%	↑ 5.4%	↑ 15.1%	84.9%
1990	38,430	↓ 96.1%	3.9%	9.6%	↓ 90.4%

Source: US Census 1990 and 2000

V. NEIGHBORHOOD CHARACTER (CHAPTER 9)

The Neighborhood Character chapter fails to disclose the potential negative impacts of the proposed rezoning on neighborhood character, particularly on the Lower East Side, Chinatown, and the Bowery. While this chapter of the DEIS does address the existence of subareas within the rezoning area, which the socioeconomic chapter failed to do, it does not give consideration to the existing historic, social, and physical conditions that defined the character of the neighborhoods within each subarea.

The Neighborhood Character analysis in the DEIS divides the study area into just two subareas: 1) East Village/Alphabet City, and 2) Lower East Side. Instead of revealing differences between the areas, this division obscures substantial differences and the disparate impacts of the rezoning on different parts of the neighborhoods, for example, between the East Village, Alphabet City, the Lower East Side, and the Bowery. It also excludes any recognition of Chinatown's neighborhood character and the close association of the area with Chinatown.

- 1) There are major gaps in income, household size, and ethnicity between the East Village and Alphabet City. Putting the two together obscures these differences. The same is true for the Lower East Side and Bowery subareas, which were combined in the DEIS analysis.
- 2) The DEIS includes only one paragraph on the Lower East Side subarea. Because new development would most severely impact this subarea, the DEIS thereby fails to disclose potential impact on neighborhood character in the very subarea that would be most impacted.
- 3) The Lower East Side is one of the city's oldest working class, immigrant communities providing low-cost housing for large working families. The DEIS fails to disclose that the rezoning will encourage new development that will feed the process of gentrification that has already resulted in the transformation of parts of the East Village from a diverse, working class, immigrant community to a community of single professionals with smaller households and a more homogenous ethnic population. The DEIS does not discuss the impact of the loss of Hispanic and Black populations in the area.
- 4) The Lower East Side subarea includes a very small portion of Chinatown, and is immediately adjacent to Chinatown. These two areas have historically been closely connected to one another. This is not acknowledged in the DEIS. Indeed there is no recognition of Chinatown at all as having a unique neighborhood character with long historic ties to the Lower East Side.

Construction-Related Damage to Historic Resources

The DEIS claims that potential damage to historic resources will be insignificant because of oversight by the NYC Department of Buildings (DOB). The DEIS fails to disclose the recent dramatic failures of DOB which led to several crane collapses, construction site deaths, and the resignation of the DOB commissioner. The practice of self-certification of architects and engineers is being called into question.

Thus, the DEIS understates the worst-case scenario with regard to historic resources, underestimating potential impacts on neighborhood character.

Impacts on East Houston Street and Delancey Street

Under the rezoning these two major thoroughfares and some of the blocks surrounding them would have major new residential and commercial development. More development will change the character of the streets, encouraging higher-end commercial activity and substantially changing the character of the Lower East Side to look more like Soho, which is now without low-income immigrant populations that have historically defined the neighborhood.

Congestion and pedestrian safety on these streets is already a major problem, and sidewalk overcrowding is a major problem on some blocks. The DEIS fails to discuss the potential impacts of the rezoning on pedestrian safety.

Noise Impacts

According to local elected officials and Community Board 3, one of the most frequent complaints by residents over the last decade has been noise from the many new bars, cafés and entertainment facilities that have opened up in the neighborhood. These facilities serve a largely younger population who fill the streets at all times of night and day and create noise problems. This trend is changing the neighborhood character.

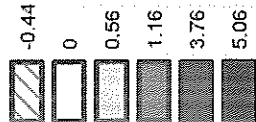
The rezoning is likely to continue this trend as more residential units are converted and the older residents and population groups move out, and as older businesses are replaced by nighttime establishments. Even though the rezoning may not directly lead to massive new construction, the continuing apartment conversions, which the rezoning will not ameliorate but in fact abet, are bound to have a much deeper and long-term impact on neighborhood character.

Change in FAR Between Existing and Proposed Zoning in East Village/Lower East Side

Legend

Proposed Rezoning

Incremental Change in Allowable FAR



* indicates inclusionary zoning areas that allow a density bonus for the construction or preservation of permanently affordable housing on-site, within 1/2 mile of the site, or anywhere within Community District 3



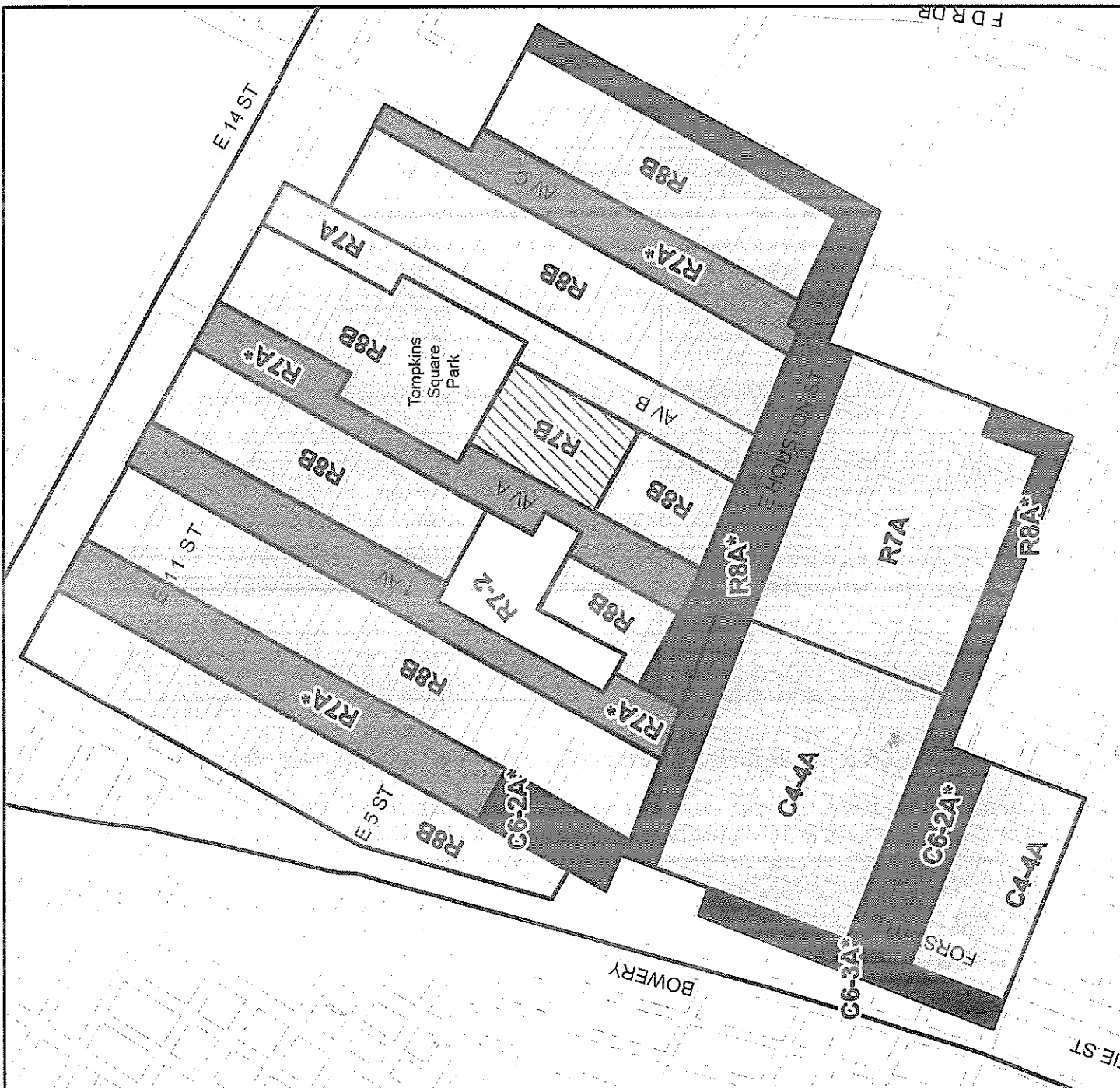
1,000 Feet



Center for Community Planning and Development



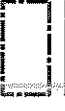
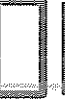



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2008



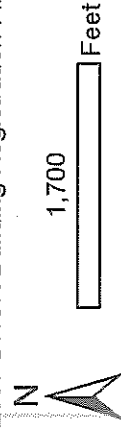
Registered Rent-Stabilized Properties and Associated Floor Area Ratio¹

Legend

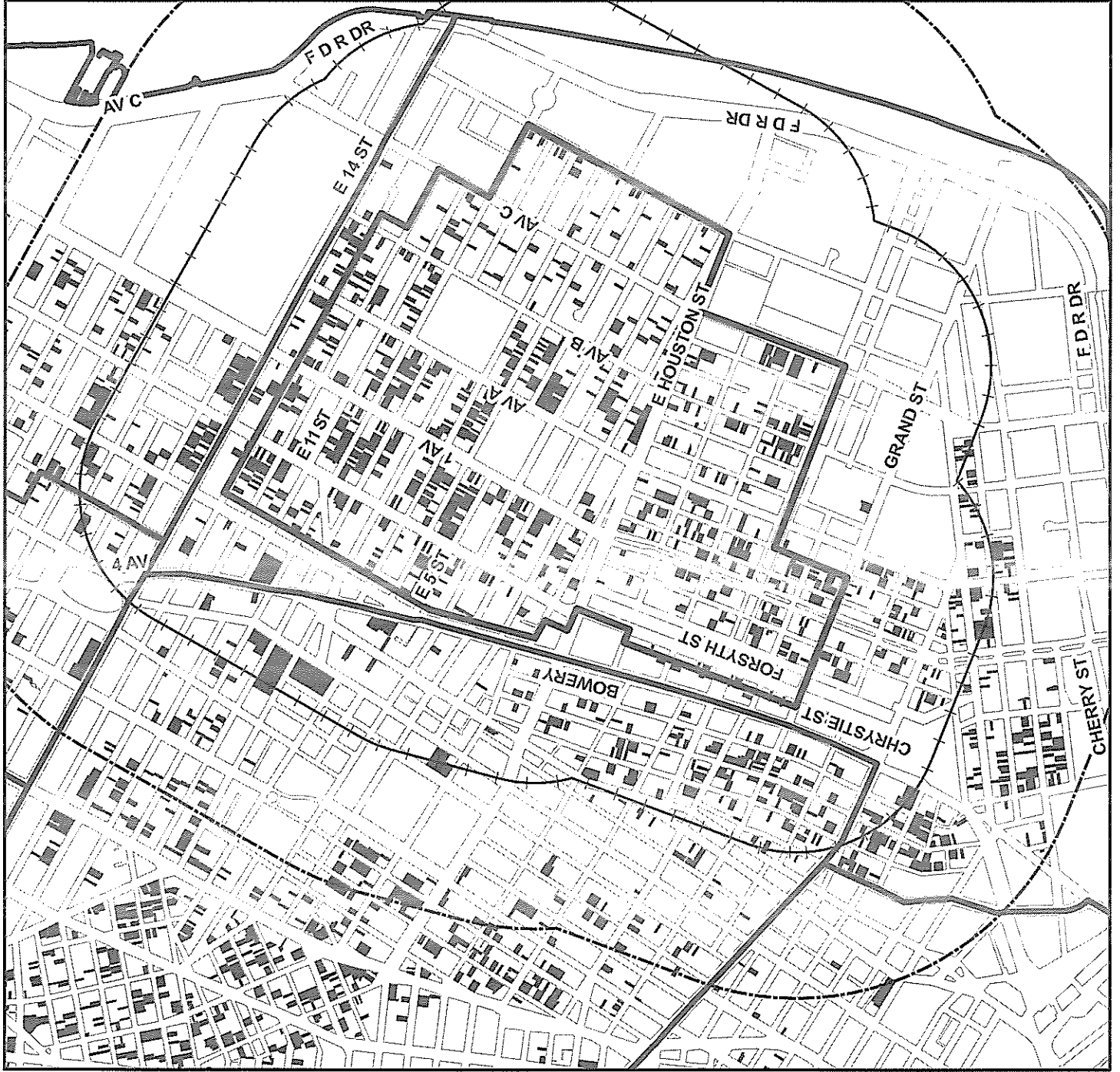
-  Proposed Rezoning Area
-  Quarter Mile Buffer
-  Half Mile Buffer
-  Community District
-  Rent Stabilized (FAR<50%)
-  Rent Stabilized (FAR<80%)
-  All other Rent Stabilized

¹ FAR<50% and FAR<80%: properties with built floor area ratio (FAR) less than 50 percent and 80 percent of the current maximum allowable FAR, respectively.

Source: NYC Rent Guidelines Board
2007 DHCR Building Registration File



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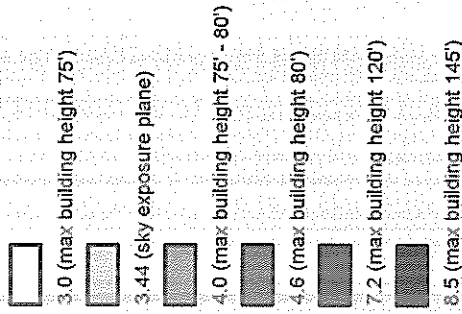


Maximum FAR and Building Heights in Proposed East Village/Lower East Side Rezoning

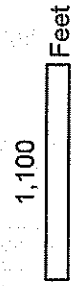
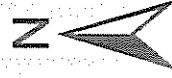
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Proposed Rezoning

Floor Area Ratio and Building Height



* indicates inclusionary zoning areas that allow a density bonus for the construction and/or preservation of permanently affordable housing

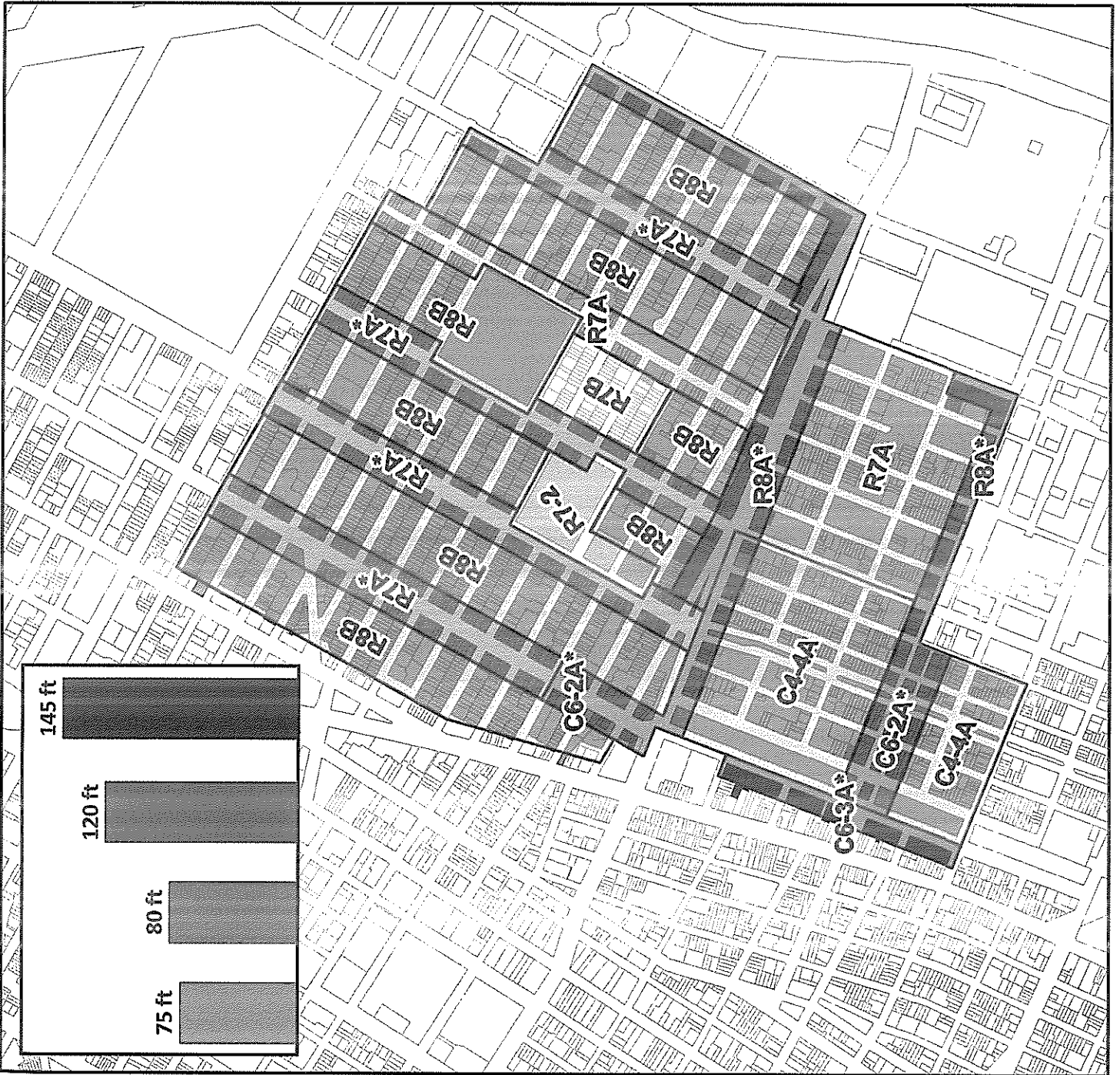


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VI. MAJOR OMISSIONS AND PROBLEMS WITH THE DEIS

The DEIS does not address the disparate impacts to Asian, Hispanic, Black, and low-income residents.

The demographic analysis in the DEIS includes no mention of race, even though key socioeconomic characteristics (income, poverty status, household size) are strongly correlated with race. Thus, the most vulnerable populations – those most likely to be impacted by the proposed actions – are overlooked entirely.

Our analysis of census information reveals that the minority and low-income populations in the area tend to be concentrated south of East Houston Street and in the eastern and southern sections of the ¼ mile and ½ mile study areas (see maps: Asian Population, Black Population, Hispanic Population, Median Household Income). Between 1990 and 2000, the concentration of white, higher-income residents increased within the proposed rezoning area, particularly north of East Houston Street, where whites now make up nearly 70% of the population. During the same period, the concentration of low-income minorities decreased.

Market trends in the study area are resulting in the involuntary displacement of minority and low-income households, as well as the businesses and jobs on which these populations depend. These trends threaten to significantly transform not only the rezoned area, but the entire demographic profile of the surrounding communities in the Lower East Side and Chinatown.

The DEIS does not disclose the discriminatory impacts of the proposed rezoning, which disproportionately protects areas that are predominantly white and higher-income, to the exclusion of areas that are most heavily populated with low-income residents and people of color.

While the proposed rezoning is described as a preservation plan, it actually increases the maximum FAR by 16% throughout the majority of the rezoned blocks, 34% along all but one of the north-south avenues in the East Village, 109% along Delancey Street, East Houston Street, and Avenue D, and 147% along Chrystie Street (see map: Change in FAR). It only preserves or decreases the existing density on a few select blocks in the East Village, which are 70-80% white. In contrast, the major corridors with the highest upzoning are only 10-40% white.

The southern portion of the proposed rezoning area stands to experience the highest degree of new development and rent increases, as evidenced by DCP's map of projected development sites. This area, south of East Houston Street, has the highest proportion of renter-occupied housing units (i.e. the lowest rates of ownership) and the lowest vacancy rate. It also has the highest proportion of rent-stabilized buildings that are underdeveloped relative to the maximum allowable FAR (see map: Registered Rent-Stabilized Buildings). Median household incomes in this area are 30% lower than the median household incomes to the north of East Houston Street. These characteristics are indicators of

vulnerable populations in rental housing that are threatened by rising rents and land values resulting from zoning changes.

The DEIS lacks a detailed assessment of indirect residential displacement due to rising housing costs, both inside and outside of the proposed zoning area.

The DEIS does not characterize housing as it relates to income level (e.g., low-, medium-, or high-income housing, or the ratio of rent to income) and does not disclose how future housing costs under the proposed actions would lead to indirect displacement of residents. Thus, the DEIS fails to look at the disparate effects of the project on people with different income levels. An analysis of recent trends in real estate values, property taxes, and rents would reveal that people with lower incomes are being forced out of the neighborhood by rising rents and house values. These trends are encouraged in particular by the upzoning along Avenue D and from East Houston Street to the south (see map: Maximum FAR and Building Heights). Furthermore, because the chapter on socioeconomic conditions erroneously concludes that the rezoning will not be the cause of indirect displacement, the DEIS lacks any assessment of how displacement will change the character of the neighborhood.

The DEIS fails to disclose the full impacts of the rezoning on populations living outside of the rezoned area.

Due to massive scale of this project, the disparate effects of the proposed actions will extend far beyond the rezoned area. According to developers, this rezoning will increase the level of speculation and development in the Bowery and in parts of the Lower East Side and Chinatown, where there are no protective contextual zoning requirements or incentives for affordable housing.

Our analysis indicates that existing trends are consistent with the developers' forecasts. In a ½ mile study area south of East Houston Street, ownership levels jumped from 9.6% to 15.1% of occupied units between 1990 and 2000. This reflects the conversion of rental housing to condominiums and cooperatives, which tend to serve higher-income populations. During that same time, this area went from having the lowest vacancy rate to the highest vacancy rate (compared to the area north of East Houston Street, and the ½ mile study area as a whole). These conditions reflect increasing speculation in housing; vacancy rates increase when developers buy buildings and tenants are forced to move. They do not reflect a decreasing demand for housing, but rather a changing housing environment that the rezoning not only fails to address, but abets.

By limiting the secondary study area to ¼ mile, the DEIS draws inaccurate conclusions about existing trends and development pressures throughout the area. Likewise, the study areas should not have been analyzed as a whole but rather by subarea, as was done (though inadequately) in the neighborhood character chapter.

The DEIS neglects to address the differences in demographic and housing characteristics between the proposed rezoning area and the surrounding area. The socioeconomic analysis also fails to distinguish

between the diverse subareas and neighborhoods that the study area comprises. For example, as described earlier, socioeconomic conditions, housing, and market trends are markedly different north and south of East Houston Street. Even within the rezoned area, median rents, income levels, and household sizes vary widely from north to south and east to west (see maps: Median Contract Rent, Median Household Income, Average Household Size).

Between 1990 and 2000, the demographic profile, housing tenure, and income characteristics of these different neighborhoods changed dramatically. Intense development pressures and increased rents have caused the number of lower income residents and larger families – mostly Hispanic, Black, and low-income Asian – to move out of the proposed rezoning area, while a younger and more affluent population has moved in. With the highest occupancy rates and highest rents inside the proposed rezoning area and with most projected development to occur south of East Houston Street, existing businesses and residents will be forced to relocate beyond the ¼ mile study area, creating a ripple effect throughout the Lower East Side and Chinatown.

The DEIS minimizes the effects of business displacement on neighborhood conditions.

One of the considerations listed in the *CEQR Technical Manual* to determine if the extent of displacement is considered *significant* is whether the businesses and institutions in question – individually or collectively – have substantial economic value to the region or contribute substantially to the character of the neighborhood. The DEIS avoids disclosing significant business displacement by assuming that all but one of the 211 projected sites would be developed even without the proposed actions, thereby circumventing the need for a more detailed analysis of involuntary business displacement. Over 100 local businesses within the proposed rezoning area are projected to be displaced, many of which provide unique goods and services that would not easily be found elsewhere in the surrounding area, and many of which are minority-owned businesses.

Similar to the housing and demographic changes described earlier, the proposed rezoning would result in a commercial development scenario that is markedly different than what would occur without the proposed actions. The RWCDs projects there would be 15% less commercial area and 62% more residential space in the rezoned area. Fewer businesses would exist under this development scenario, which is designed to sustain a larger and more affluent residential population.

Furthermore, the types of businesses that have traditionally catered to lower-income people of color would be the first to be displaced, either directly (due to redevelopment) or indirectly (due to sharp increases in commercial rents). These businesses contribute to the viability of existing commercial corridors – for example, along Delancey Street, East Houston Street, and Grand Street – and yet the DEIS states, “some discount apparel and convenience stores may be less likely to capture spending dollars from new, more affluent residents and workers in the area.” They would likely be replaced by more lucrative businesses and nighttime establishments. A more detailed analysis would reveal how this business displacement, in turn, would impact the ability of long-time residents to continue to find food, clothing, and other necessities affordable at their income levels.

HUD Income Limits 2008

Family Size	30% of Median	40% of Median	50% of Median	60% of Median	70% of Median	80% of Median	100% of Median
1	\$ 16,150	\$ 21,500	\$ 26,900	\$ 32,300	\$ 37,650	\$ 43,000	\$ 53,800
2	\$ 18,450	\$ 24,600	\$ 30,700	\$ 36,900	\$ 43,000	\$ 49,150	\$ 61,400
3	\$ 20,750	\$ 27,650	\$ 34,550	\$ 41,500	\$ 48,350	\$ 55,300	\$ 69,100
4	\$ 23,050	\$ 30,750	\$ 38,400	\$ 46,100	\$ 53,750	\$ 61,450	\$ 76,800
5	\$ 24,900	\$ 33,200	\$ 41,450	\$ 49,800	\$ 58,050	\$ 66,350	\$ 82,900
6	\$ 26,750	\$ 35,650	\$ 44,550	\$ 53,500	\$ 62,350	\$ 71,300	\$ 89,100
7	\$ 28,600	\$ 38,100	\$ 47,600	\$ 57,200	\$ 66,650	\$ 76,200	\$ 95,200
8	\$ 30,450	\$ 40,550	\$ 50,700	\$ 60,900	\$ 71,000	\$ 81,100	\$ 101,400

Family Size	125% of Median	140% of Median	150% of Median	165% of Median	175% of Median	250% of Median
1	\$ 67,250	\$ 75,300	\$ 80,700	\$ 88,750	\$ 94,150	\$ 134,500
2	\$ 76,750	\$ 85,950	\$ 92,100	\$ 101,300	\$ 107,450	\$ 153,500
3	\$ 86,400	\$ 96,750	\$ 103,650	\$ 114,000	\$ 120,950	\$ 172,750
4	\$ 96,000	\$ 107,500	\$ 115,200	\$ 126,700	\$ 134,400	\$ 192,000
5	\$ 103,650	\$ 116,050	\$ 124,350	\$ 136,800	\$ 145,100	\$ 207,250
6	\$ 111,400	\$ 124,750	\$ 133,650	\$ 147,000	\$ 156,950	\$ 222,750
7	\$ 119,000	\$ 133,300	\$ 142,800	\$ 157,100	\$ 166,600	\$ 238,000
8	\$ 126,750	\$ 141,950	\$ 152,100	\$ 167,300	\$ 177,450	\$ 253,500

Source Data:

		New York, NY HUD Metro FMR Area								
FY 2008 Income Limit Area	Median Income	FY 2008 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
New York, NY HUD Metro FMR Area	\$59,700	Very Low (50%) Income Limits	\$26,900	\$30,700	\$34,550	\$38,400	\$41,450	\$44,550	\$47,600	\$50,700
		Extremely Low (30%) Income Limits	\$16,150	\$18,450	\$20,750	\$23,050	\$24,900	\$26,750	\$28,600	\$30,450
		Low (80%) Income Limits	\$43,000	\$49,150	\$55,300	\$61,450	\$66,350	\$71,300	\$76,200	\$81,100

http://www.huduser.org/datasets/11/12008/2008summary.cfm?inputname=METRO35620MM5600*New+York%2C+NY+HUD+Metro+FMR+Area&selection_type=hmfa&year=2008

Source: New York City Department of Housing Preservation and Development

Please see each individual Inclusionary Housing district for maximum income requirements

LOW INCOME UNITS

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$884	\$931	\$868
1	2	\$945	\$997	\$927
2	4	\$1,138	\$1,196	\$1,119
3	6	\$1,316	\$1,383	\$1,296

MODERATE INCOME UNITS

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$1,442	\$1,489	\$1,426
1	2	\$1,543	\$1,595	\$1,525
2	4	\$1,856	\$1,914	\$1,837
3	6	\$2,145	\$2,212	\$2,125

MIDDLE INCOME UNITS

# of Bdrms	Maximum # of Persons	(if gas is included in rent)	(if gas & electric are included in rent)	(if gas & electric not included)
		Max. Rent / unit / month	Max. Rent / unit / month	Max. Rent / unit / month
0	1	\$2,062	\$2,109	\$2,046
1	2	\$2,208	\$2,260	\$2,190
2	4	\$2,654	\$2,712	\$2,635
3	6	\$3,067	\$3,134	\$3,047

Figures based on HUD figures released 3/20/07, NY metro area median income of \$70,900

NOTE: Initial rents must not exceed 30% of a tenant's income. Although programmatic income limits permit rents affordable to those earning up to 80%, 125% and 175% AMI, rents are shown above at 5% less than these tiered limits to allow flexibility for marketing and lease-up purposes. This will ensure that tenants will pay between 25%-30% of their income in rent. Rent and income limits for individual projects may be lower and subject to additional restrictions, depending on the particular project.

The DEIS minimizes the contrast between the future economic conditions with and without the proposed rezoning, and therefore conceals how the rezoning will impact the people, businesses, and neighborhood character within the rezoned area and beyond.

The DEIS minimizes the effects of the rezoning on the ability of existing businesses to successfully relocate.

Relocation requirements should be considered in any analysis of business displacement. Compared to both existing conditions and the future without the proposed changes, this rezoning would create a relative shortage in commercial space that currently supports the neighborhood's traditional low-income ethnically diverse populations. With rising rents both within and outside the rezoning, partially a result of the decline in retail space due to the rezoning, existing businesses would have a difficult time finding alternative space in the neighborhood.

Yet the DEIS analysis of business relocation only addresses ten businesses that are located on the sole projected development site linked to direct displacement under DCP's development scenario. It fails to disclose the relative difference in market rents and commercial availability between the Build and No Build scenarios, the effects of which would be experienced by *all* of the businesses that are projected to undergo involuntary displacement. Even if the major assumptions underlying the development scenario were true, the economic conditions small businesses owners will face may be significantly different as a result of the rezoning. This warrants more in-depth economic analysis and should be disclosed in the DEIS.

The DEIS does not address the voluntary nature and unpredictable outcome of Inclusionary Zoning, and fails to disclose potential impacts throughout Community District 3.

The DEIS assumes that the proposed actions with the Inclusionary Alternative will result in an increment of 2,831 housing units to be built between 2005-2017, of which 642 may be affordable to low- and moderate-income people. However, the inclusionary housing bonus is voluntary, not mandatory. According to a recent study by PolicyLink and the Pratt Institute Center for Community and Environmental Development, more affordable housing is produced under mandatory Inclusionary Zoning programs than voluntary ones. Contrary to arguments against Inclusionary Zoning, this study shows that mandatory programs "do not dampen development and are economically feasible for developers and property owners."¹⁷ Under the proposed rezoning, there is no guarantee that any affordable units will be built.

The DEIS also assumes that any affordable units that are developed using the inclusionary housing bonus will be built within the primary study area, when in fact the affordable units can be built within ½ mile of

¹⁷ PolicyLink and Pratt Institute Center for Community and Environmental Development, Fall 2004. "Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning." <http://www.prattcenter.net/pubs/izreport.pdf>

the new development or anywhere within Manhattan Community District 3. The DEIS fails to extend its analysis to the ½ mile area even though affordable units may be located there.

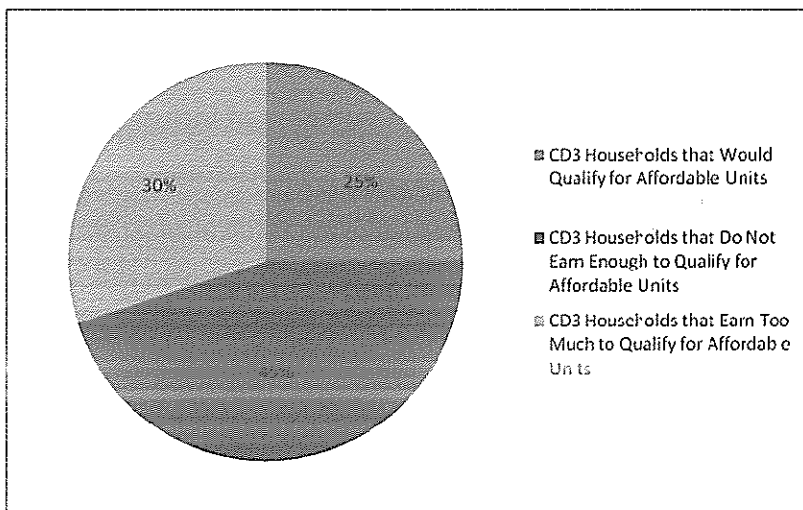
The DEIS does not address whether the majority of residents currently living in the area earn enough money to qualify for the “affordable” units provided under the inclusionary housing benefit.

“Affordability” is a very broad definition and fails to address the question, “affordable to whom?”

Under the proposed actions, developments are eligible for the inclusionary housing bonus provided that 20% of the residential floor area is used for units affordable to those earning up to 80% of the area median income (AMI). According to the NYC Department of Housing Preservation & Development (HPD) web site, “For 2008, 100% of the HUD Income Limit for a family of four in New York City is \$76,800 and it is \$53,700 for a single person.”¹⁸ Thus, HUD income limits range from \$43,000 (for a 1-person household) to \$61,450 (for a 4-person household).

Maximum rents for the Inclusionary Housing program are also established by HPD, which requires that tenants pay no more than 25-30% of their income in rent.¹⁹ Given these restrictions, only about 25% of CD3 households fall within the income range to qualify for these units. Over 45% of CD3 households do not earn enough to qualify for these affordable units. Moreover, the average median income for CD3 households *outside* of the rezoned area is just over \$25,600, far below the minimum income required

even for an “affordable” studio apartment.²⁰ Affordable housing built outside of the rezoned area would therefore displace existing residents.



An analysis that fails to define affordability within the context of neighborhood income levels is not adequate to disclose potential impacts. The DEIS is therefore defective in its analysis of housing affordability.

¹⁸ New York City Department of Housing Preservation & Development, 2008. “Residential Tenants: Housing Income Limits.” <http://home2.nyc.gov/html/hpd/html/tenants/hud-income-limits.shtml>

¹⁹ New York City Department of Housing Preservation & Development, *Chart of HUD Income Limits 2008*, “Residential Tenants: HUD Income Limits,” <http://home2.nyc.gov/hpd/html/tenants/hud-income-limits.shtml>.

²⁰ An average 2000 median household incomes was calculated for all of the block groups in Community District 3, outside of the rezoning area, weighted according to the number of households in each block group. The affordable studio apartment rent is \$884, which would require an income of \$35,360 - \$42,432 (for 25-30% of income to be spent in rent). Adjusted to 2000 dollars, the income range would be \$28,441 - \$34,129.

Public housing is not necessarily protected from impacts of the rezoning.

It may have been appropriate in the past to consider NYCHA housing to be protected from the effects of rezoning and thus excluded from the study area. However, public housing is undergoing a serious financial crisis and there is open discussion in policy circles of building private, market-rate housing on public housing property.²¹ There is also widespread suspicion that NYCHA is warehousing apartments for an eventual conversion to market-rate units.²² While portions of the East Village may be protected by the proposed contextual zoning, the proposed zoning may create even greater pressures on NYCHA housing, rent-stabilized units, and Mitchell-Lama middle-income housing. The DEIS fails entirely to consider such possibilities.

The large population of Hispanic, Black, low-income, and elderly residents who live in NYCHA housing and the local businesses that serve them will be impacted by the shortage of commercial space described earlier. In particular, Avenue D is currently lined with small bodegas, discount stores, and groceries that cater to low-income residents living in the Jacob Riis Houses, Wald Senior Center, and Lower East Side NYCHA developments (see map: NYCHA Residential Properties). Approximately 40% of the rezoned area on Avenue D is designated as Projected Development Sites. Existing development along Avenue D has an average built FAR of well below 3.0, but the proposed FAR is 7.2; thus, the built-in incentive for redevelopment along this corridor is enormous. The impacts this will have on the NYCHA residents were not considered in the DEIS.

The DEIS incorrectly assumes that buildings with 6 or more residential units built before 1974 will be automatically be protected by rent-stabilization regulations.

In fact, New York City is experiencing a continuing loss in rent-stabilized units. When rents go beyond \$2,000 per month they may be deregulated. More significantly, however, are the conversions taking place as a result of massive evasions of rent protections. As reported in the NY Times, only blocks away in Stuyvesant Town, some 560 apartment units were converted to market rate in 2007 and another 670 are estimated to be converted in 2008.²³ The new owner of Stuyvesant Town is using methods that many tenants are terming harassment to force tenants to move. Tenant organizations in New York are alarmed at the growing trend of illegal pressure on rent-stabilized tenants by private equity funds, the investment groups fueled often by foreign speculators who aim to convert rent-stabilized buildings to new market opportunities for themselves.

The DEIS fails to disclose the number of rent-stabilized buildings within the rezoning. The most vulnerable of those buildings – those built to less than 80% of allowable FAR – are concentrated south of Houston (see map: Registered Rent-Stabilized Properties and Associated FAR).

²¹ Manhattan Borough President Scott Stringer, August 2008. "Land Rich, Pocket Poor: Making the Most of New York City Housing Authority's (NYCHA) Unused Development Rights."

²² Juan Gonzalez, June 6, 2008. "Housing Authority keeping thousands of units empty while many families wait." Daily News. http://www.nydailynews.com/ny_local/2008/06/06/2008-06-06_housing_authority_keeping_thousands_of_u.html.

²³ Charles V. Bagli, "Stuyvesant Town Revenues Have Fallen, Report Says," *NY Times*, July 23, 2008, B3.

The rezoning would accelerate the trend of hotel construction and other out-of-scale development in the areas immediately surrounding the primary study area to the south, in Chinatown and the Lower East Side.

The proposed rezoning is intended to decrease the allowable development of commercial hotel buildings within the primary study area. New hotels along the Bowery and other parts of the secondary study area are raising land values and displacing businesses in Chinatown and the Lower East Side. By limiting this type of development in one area, the rezoning shifts the burden of out-of-scale development beyond the primary study area and fails to adequately regulate this development. The DEIS does not address this subject in its analysis of indirect business displacement.

Census information is inaccurately reported because the study areas were not analyzed at the same geographic resolution and do not have the same geographic boundaries.

Because the secondary study area was defined by census tracts, seven block groups (37 blocks) within ¼ mile of the proposed rezoning were not considered in the analysis of socioeconomic conditions. The total population in the secondary study area was underreported by over 14,500 people in 1990 and by over 14,800 people in 2000. Thus, the methodology used in the DEIS socioeconomic analysis excludes 8.6% of the population living in the secondary study area.

Calculations in the DEIS are based on data averaged over the entire 111-block rezoning area, even though more detailed information is available at the Census block group level.

The projected change in population under the RWCDs is based on the incremental difference in residential dwelling units constructed under the Build scenario (1,383), multiplied by the average household size (1.97) for the entire rezoning area, for a total of 2,723 residents. The DEIS does not indicate the expected change in population under the Inclusionary Alternative, even though this alternative was adopted by DCP. If we apply the same methodology, the Inclusionary Alternative would add 1,575 additional residential units, or 3,102 new residents.

However, household sizes vary dramatically by location; as discussed previously, many of the households south of East Houston Street are 45-50% larger than those in the East Village. It is possible to get a much more accurate estimation of population change by multiplying the number of residential units by the average household size of the census block group in which those units are located. Using this methodology, the Inclusionary Alternative would add 3,506 new residents (a difference of 13% from the DEIS estimate).

A similar methodology was used to estimate the recent population change (from 2000 to 2005) based on RPAD data, applying the average household size and vacancy rates for the entire rezoning area, rather than using more localized information. While these numbers may seem small, they indicate a general failure of the DEIS to incorporate the full range of population and housing characteristics into its calculations.

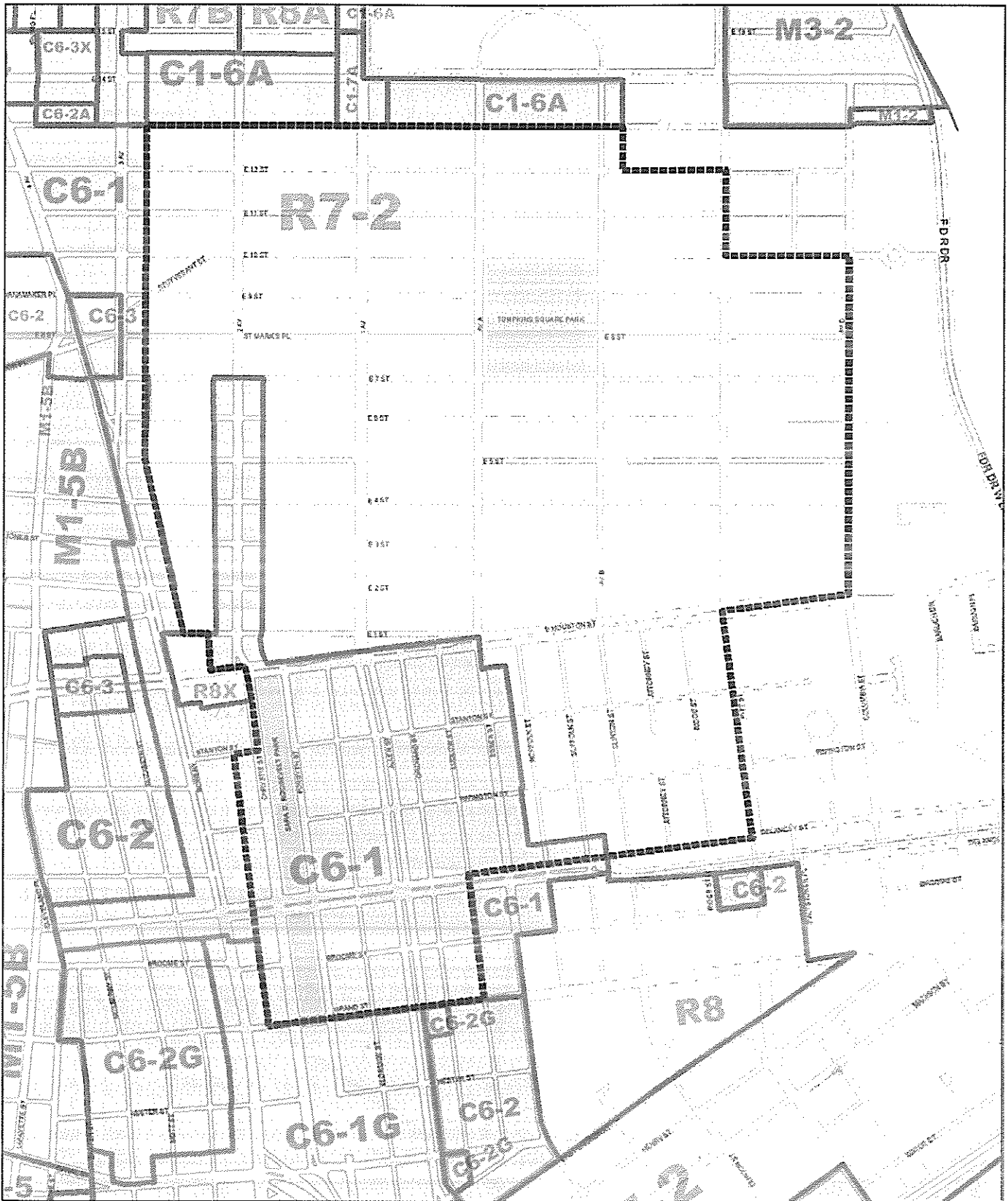
VI. CONCLUSION

By limiting the extent of the study area, the DEIS fails to capture the full geographic impacts of the third largest rezoning in New York City. The socioeconomic study area, in particular, should have been extended to at least ½ mile to capture the population in Community District 3 that is likely to be affected by the rezoning and subsequent changes in the cost of land, housing, and goods and services. The neighborhood character study area should have been analyzed with a more detailed consideration of the individual neighborhoods that collectively define the Lower East Side and East Village. The DEIS also should have addressed the strong ties between neighborhoods in the rezoned area and the neighboring Chinatown, Bowery, and Lower East Side communities.

By not examining the full range and distribution of income, race, housing characteristics, and other socioeconomic factors, the DEIS makes the study area appear to be far more homogenous than it really is, thereby minimizing the disparate impacts to low income residents and people of color. Furthermore, the underlying assumptions regarding projected development lead to a gross underestimation of business displacement and secondary residential displacement. In summary, the socioeconomic and neighborhood character analyses that were prepared for the proposed rezoning fall short of the requirements set forth in the City Environmental Quality Review (CEQR) regulations (Section 6-09 of Executive Order No. 91) and do not provide the level of detail appropriate for a rezoning of this scale.

APPENDIX A

**Proposed Zoning Map, Text Amendments, and
HPD-Sponsored Project**

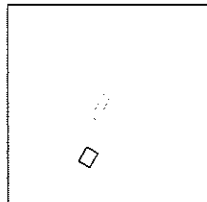
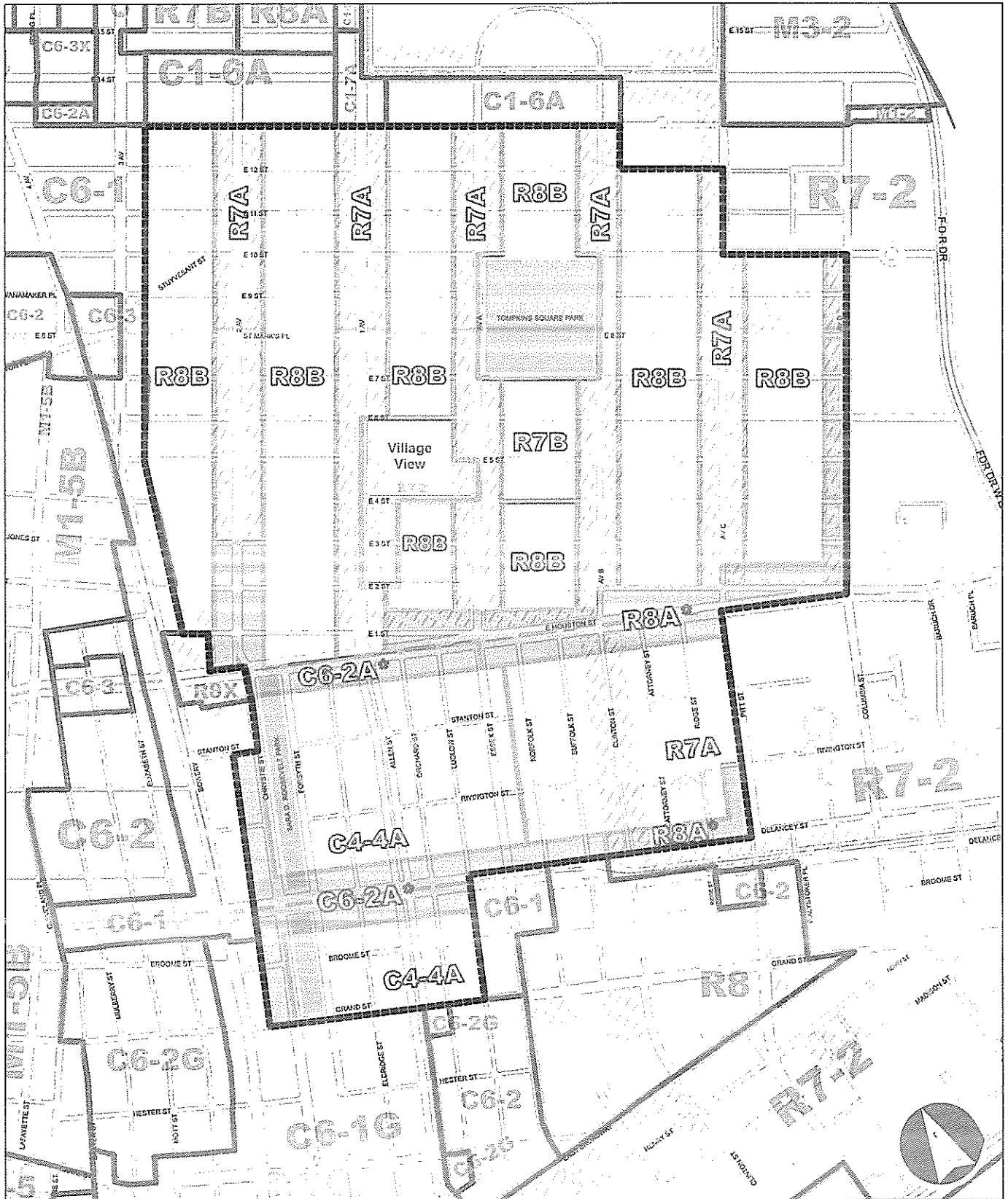



DRAFT

East Village/Lower East Side Rezoning Existing Zoning


DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE

Source: http://www.nyc.gov/html/dcp/pdf/evles/zoning_existing.pdf, Accessed June 2008.



 Study Area Boundary

 C1-5 C2-5

 Contextual District with Inclusionary Housing

East Village/Lower East Side Rezoning Proposed Zoning

DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE

EAST VILLAGE AND LOWER EAST SIDE ZONING COMPARISON

	Existing R7-2	Proposed R7A	Proposed R7B	Proposed R8B	Existing C6-1	Proposed C4-4A	Proposed R8A	Proposed C6-2A
Maximum FAR (Residential)	3.44	4.0	3.0	4.0	3.44	4.0	7.2 (with inclusionary, from base 5.4)	7.2 (with inclusionary, from base 5.4)
Maximum FAR (Community Facility)	6.5	4.0	3.0	4.0	6.5	4.0	6.5	6.5
Maximum FAR (Commercial)	--	--	--	--	6.0	4.0	--	6.0
Maximum Building Height	None (Sky Exposure Plane)	80'	75'	75'	None (Sky Exposure Plane)	80'	120'	120'
Maximum Street Wall Height (if at the Street Line)	Not Required (but not to exceed 60', and not to exceed Sky Exposure Plane)	65' (40' minimum)	60' (40' minimum)	60' (55' minimum)	Not Required (but not to exceed 85', and not to exceed Sky Exposure Plane)	65' (40' minimum)	85' (60' minimum)	85' (60' minimum)
Off-Street Parking	None required	None required	None required	None required	None required	None required	None required	None required

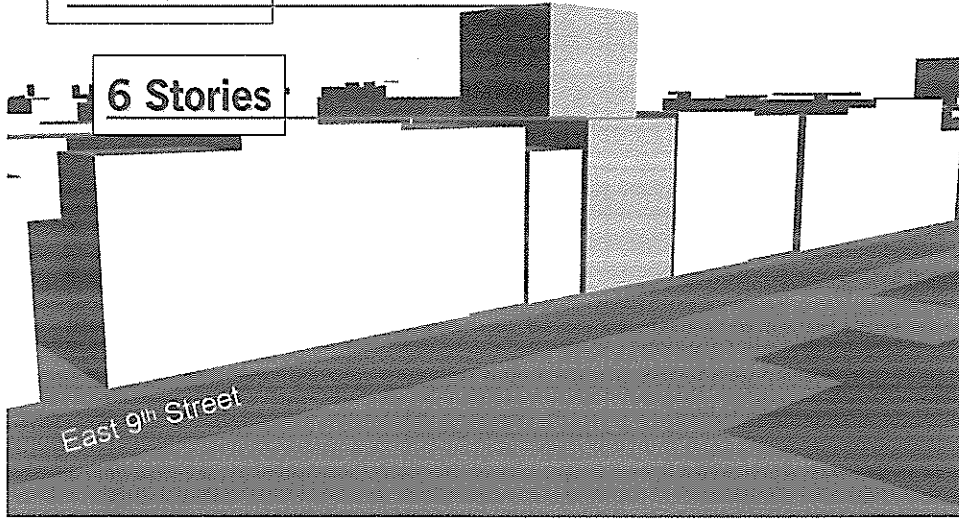
Note: For public or publicly-assisted housing, off-street parking of between 12% and 15% of the dwelling units is required pursuant to Z.R. Section 13-42.

10 Stories

6 Stories

Existing R7-2

Comm. Fac. FAR: 6.5

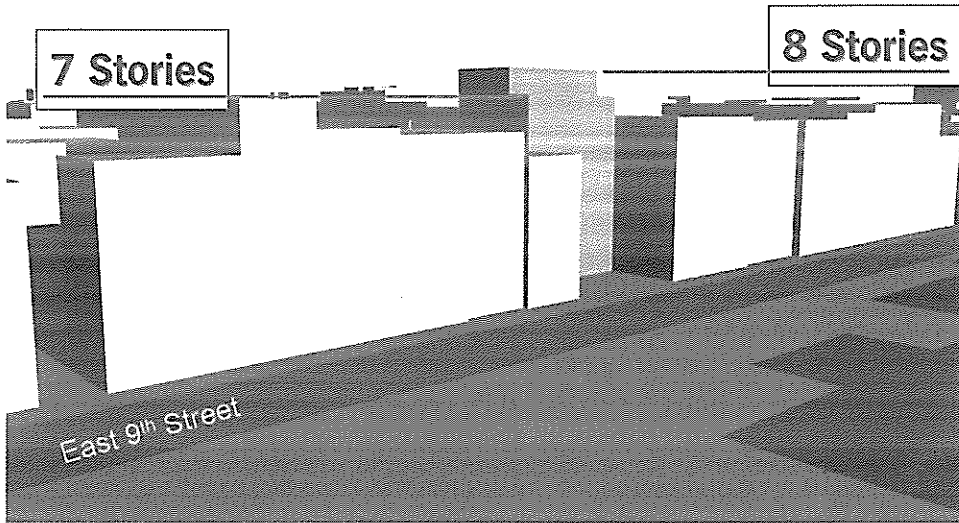


Existing R7-2

Res. FAR: 3.44

7 Stories

8 Stories

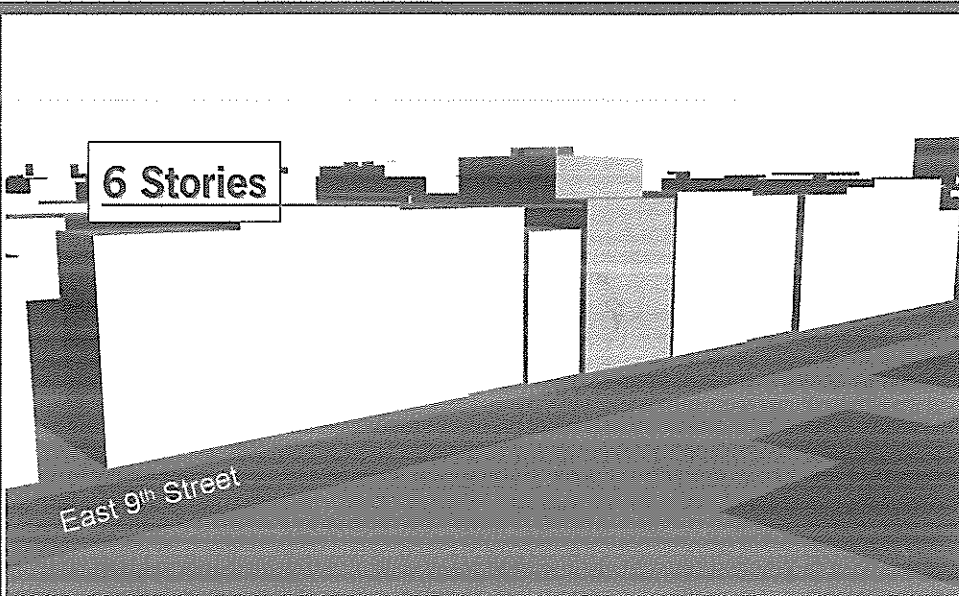


Proposed R8B

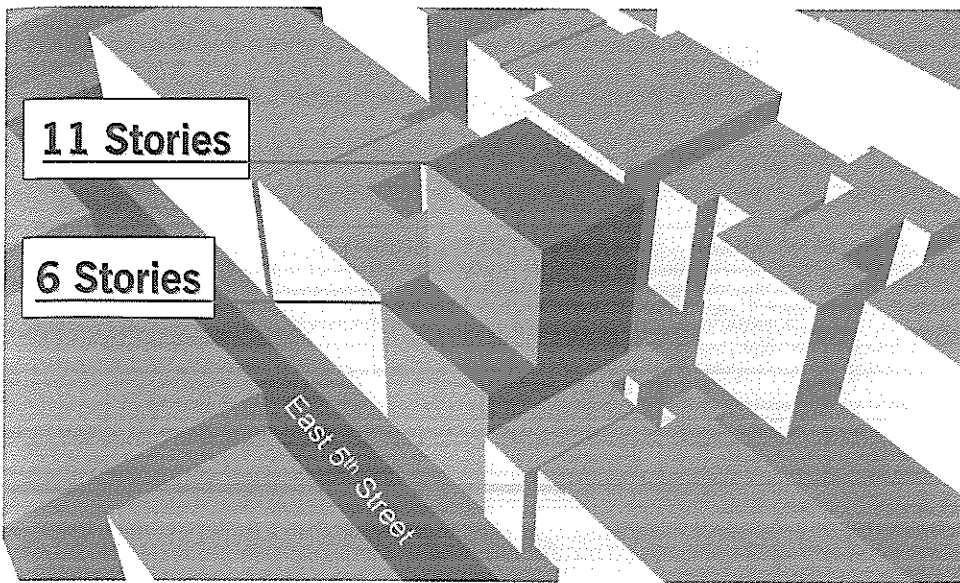
Res. FAR: 4.0
55'-60' Base, 75' max. ht.

* A site with a street wall less than 45' wide is generally limited to a building height equal to the width of the street on which it abuts (a/k/a the "Sliver Rule"; see Z.R. 23-692).

6 Stories

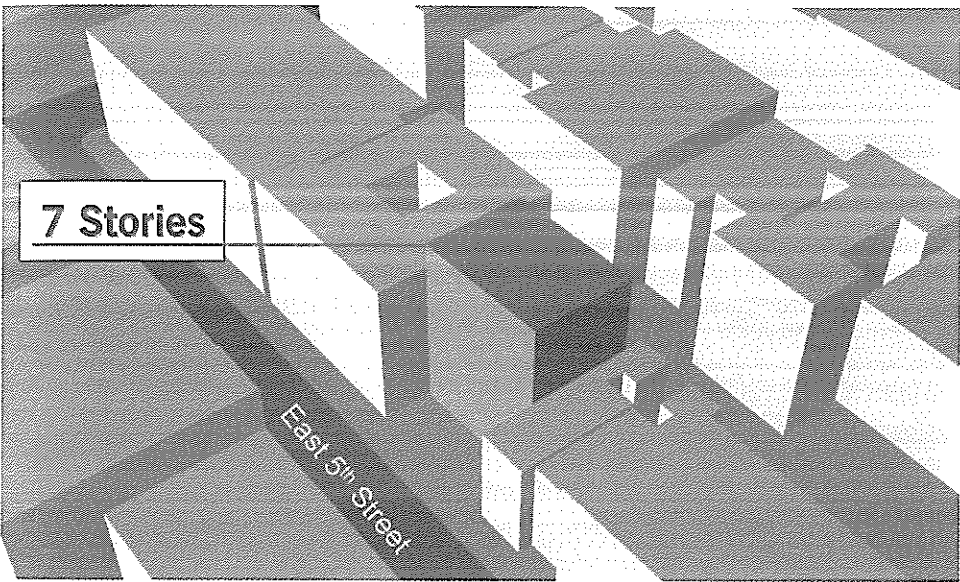


East 9th Street (between First & Second Aves.) East Village / Lower East Side Rezoning



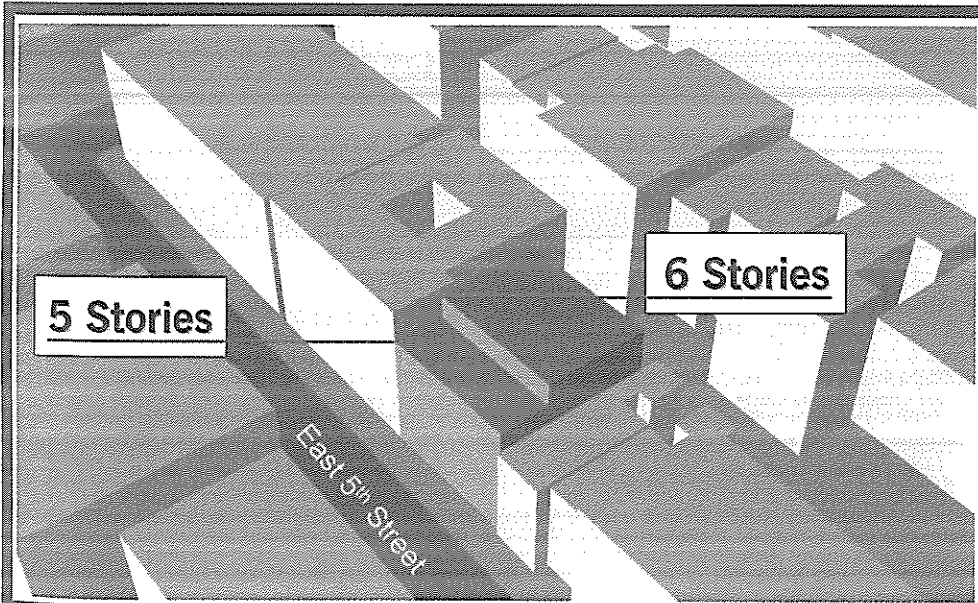
Existing R7-2

Comm. Fac. FAR: 6.5



Existing R7-2

Res. FAR: 3.44



Proposed R7B

Res. FAR: 3.0
40'-60' Base, 75' max. ht.

* Sites with street walls less than 45' wide are generally limited to a building height equal to the width of the street on which it abuts (a/k/a the "Sliver Rule"; see Z.R. 23-692).

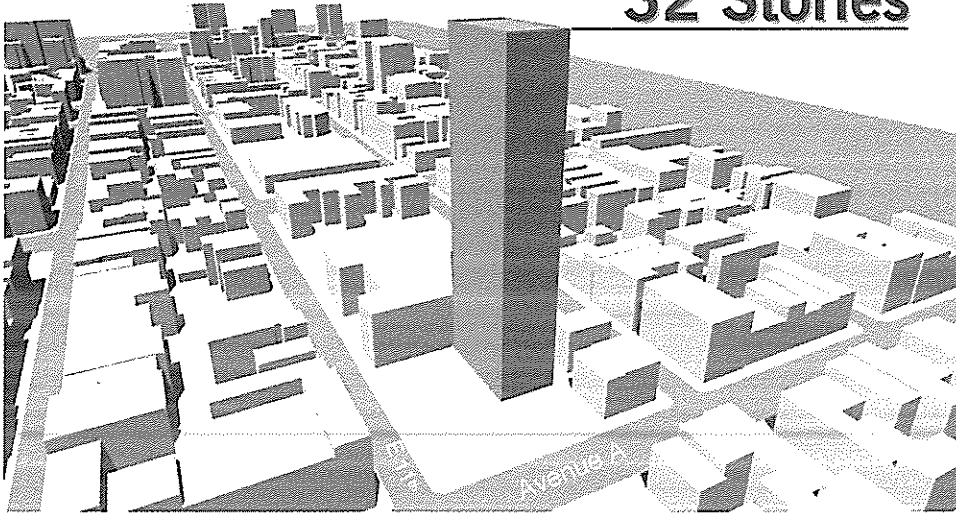


East 5th Street (between Ave. A and Ave. B) East Village / Lower East Side Rezoning

32 Stories

Existing R7-2

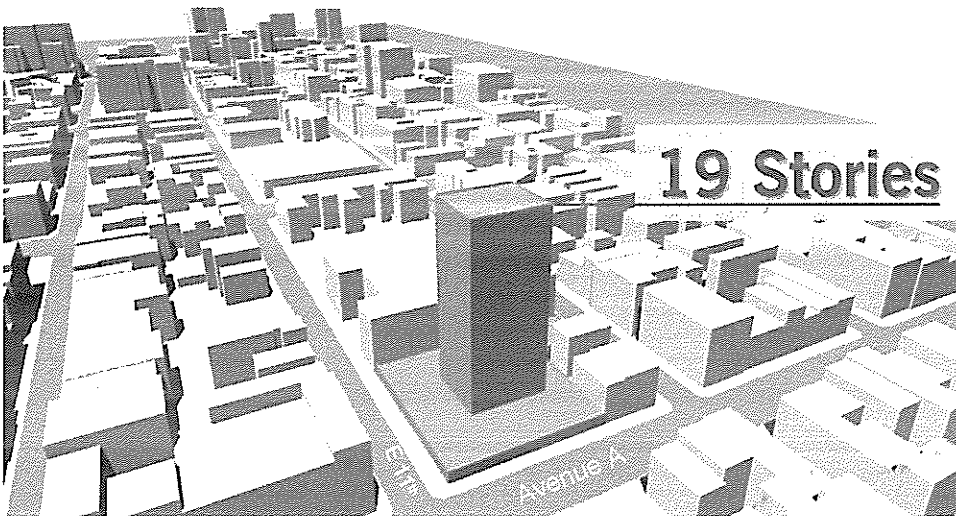
Community Facility FAR: 6.5



Existing R7-2

Residential FAR: 3.44

19 Stories



Proposed R7A

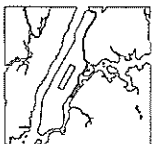
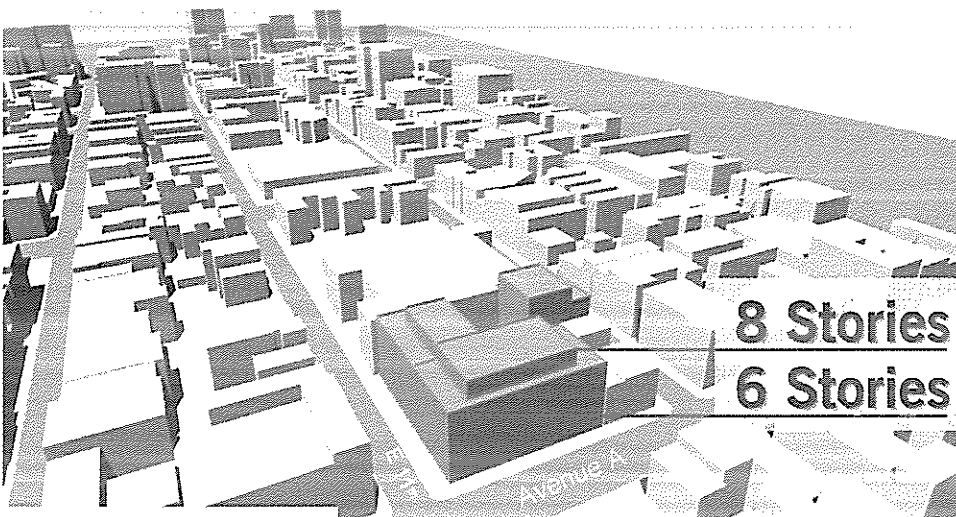
Residential FAR: 4.0

40'-65' Streetwall

80' Max Height

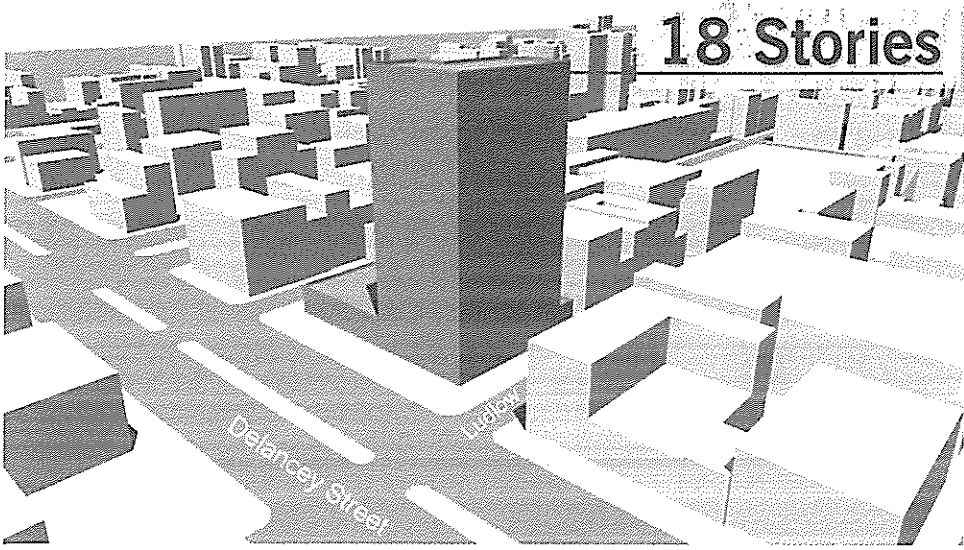
8 Stories

6 Stories



Northwest Corner, East 11th Street & Avenue A
East Village / Lower East Side Rezoning

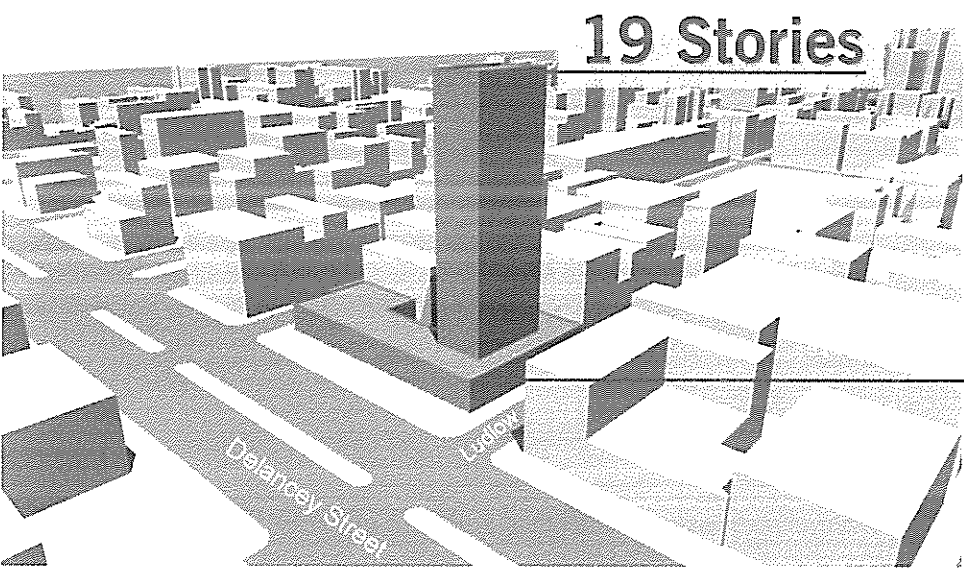
DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE



18 Stories

Existing C6-1

Comm. FAR: 6.0

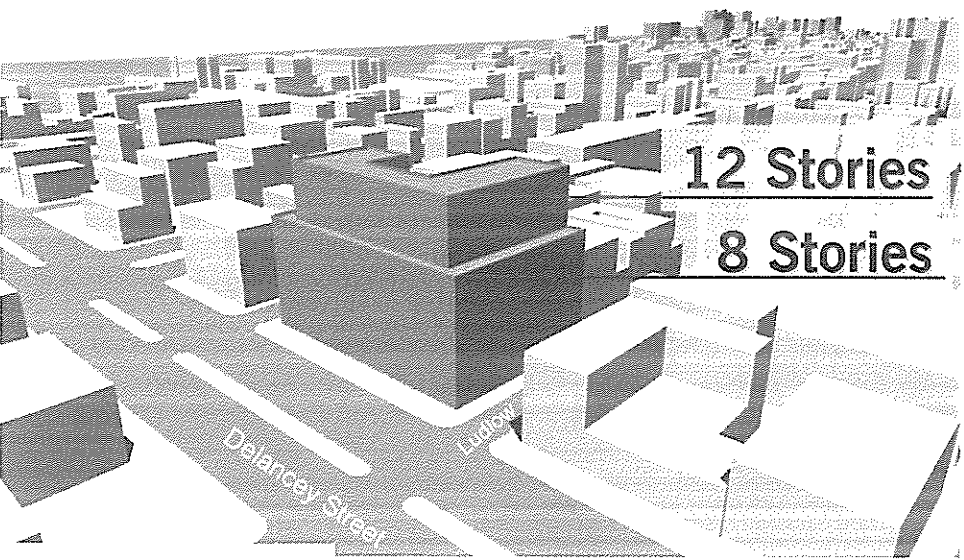


19 Stories

Existing C6-1

Res. FAR: 3.44

2 Stories Commercial Base

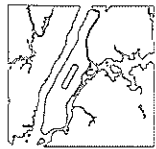


12 Stories

8 Stories

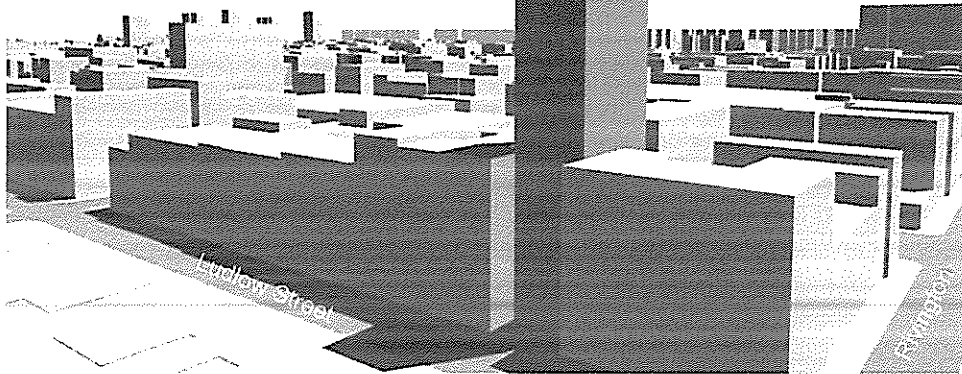
Proposed C6-2A*

Res. FAR: 7.2
(Inclusionary Housing Max.)
60'-85' Base, 120' max. ht.



**North Side Delancey Street, at Ludlow
East Village / Lower East Side Rezoning**

18 Stories



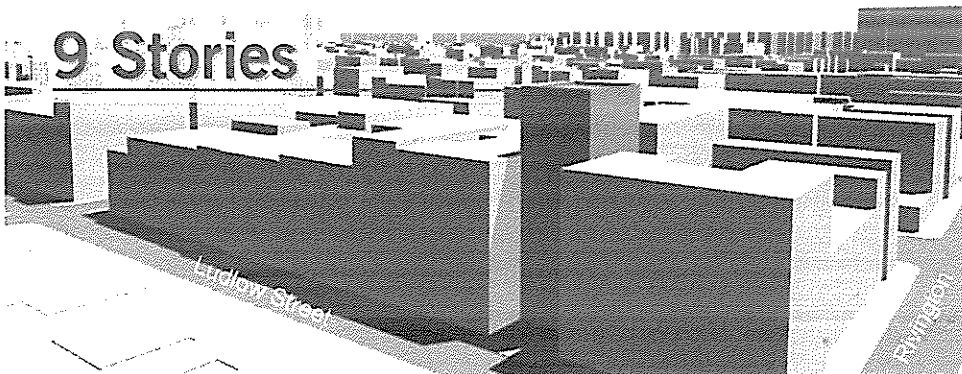
Existing C6-1

Comm. FAR: 6.0

Existing C6-1

Res. FAR: 3.44

9 Stories

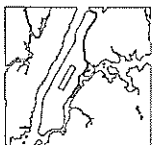
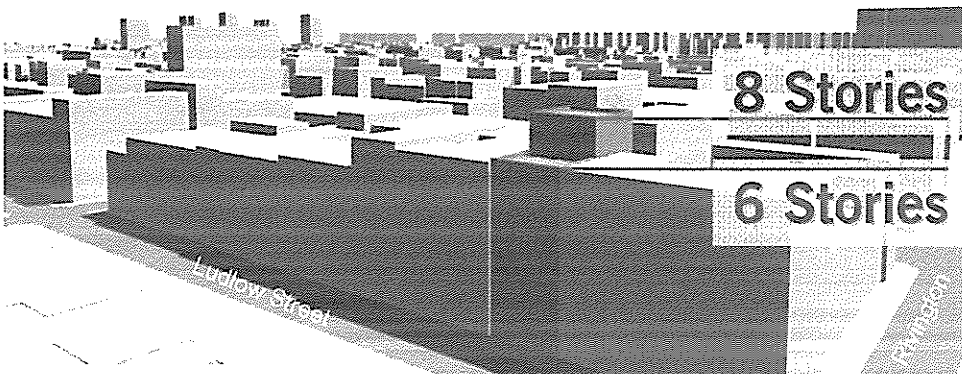


Proposed C4-4A

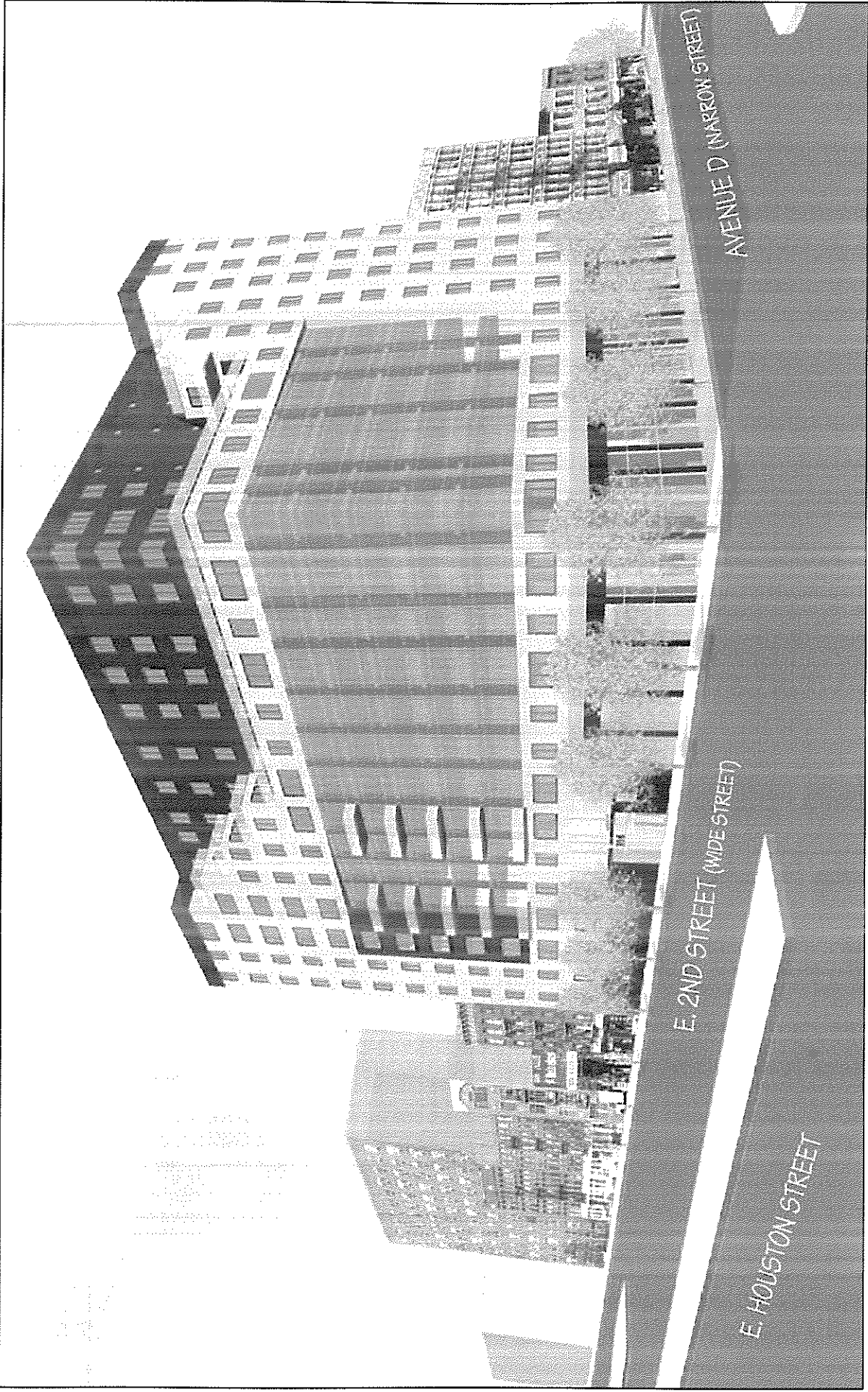
Res. FAR: 4.0
40'-65' Base, 80' max. ht.

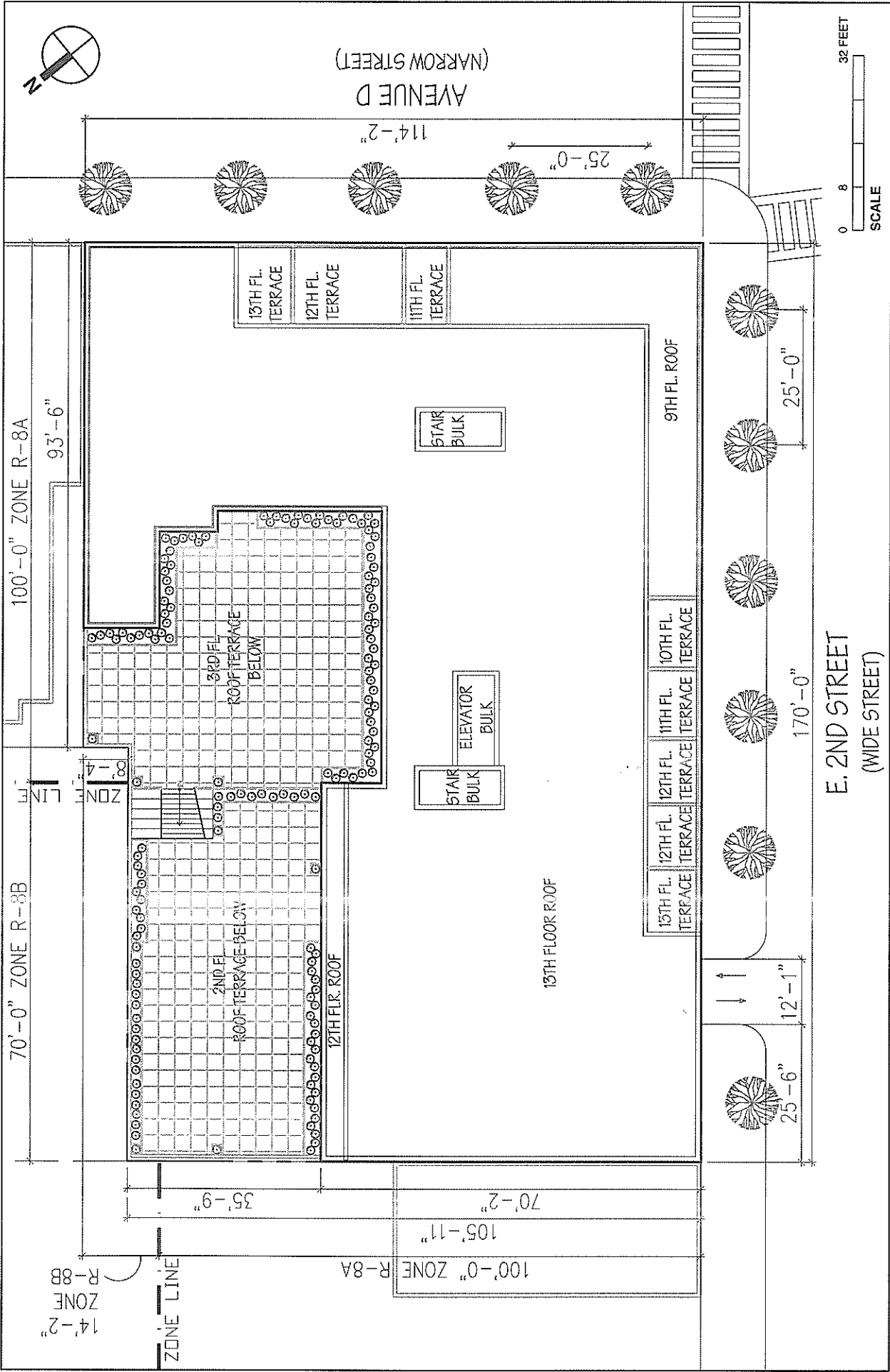
8 Stories

6 Stories



**East Side Ludlow Street, near Rivington Street
East Village / Lower East Side Rezoning**





Projected Development Site 167 Site Plan
Figure 1-7

East Village/Lower East Side Rezoning
 Proposed (Modified) Zoning Text Amendment

Matter in underline is new, to be added
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter within # # is defined in 12-10 or
 * * * indicates where unchanged text appears in the Zoning Resolution

3/26/08

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

3/26/08

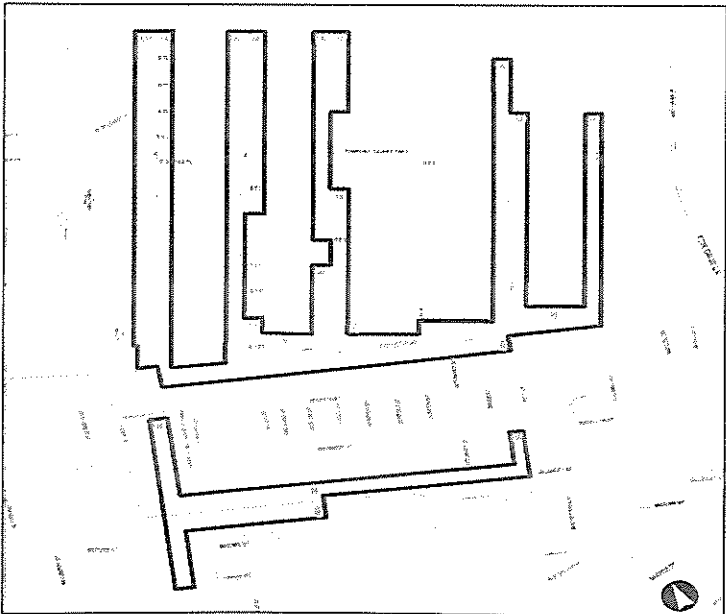
23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14: Portion of Community District 3, Manhattan

* * *

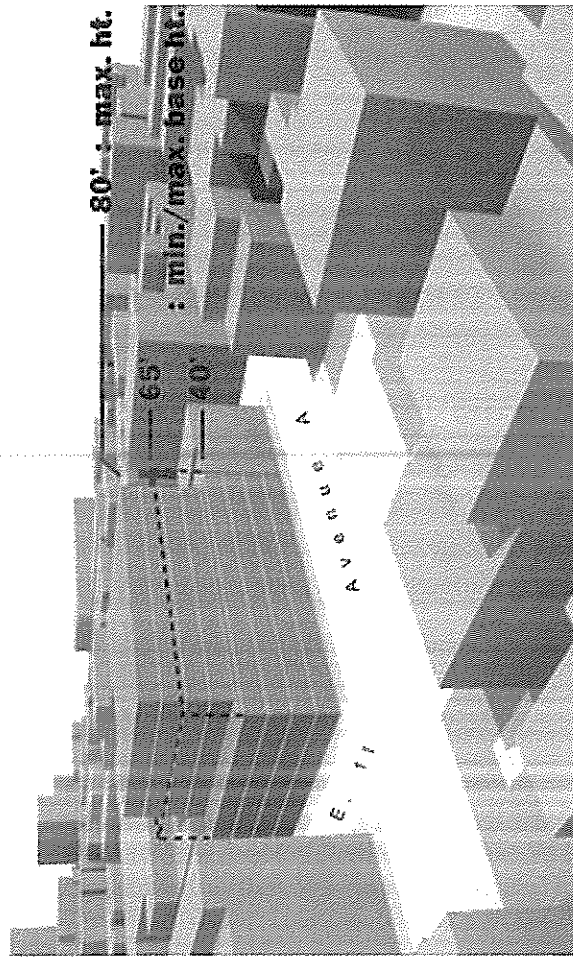
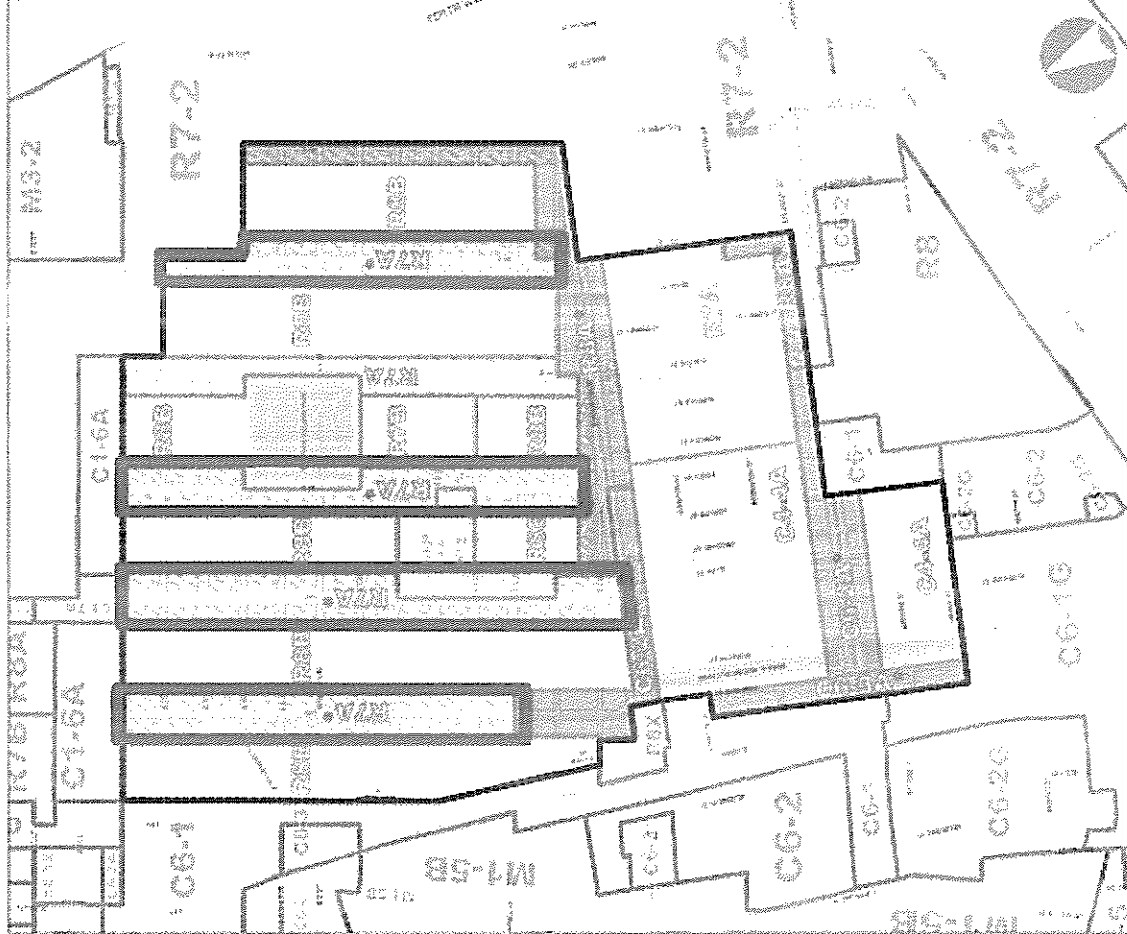
MODIFIED ZONING TEXT AND MAP AMENDMENTS

R7A* DISTRICTS

ALLOWED DENSITY:

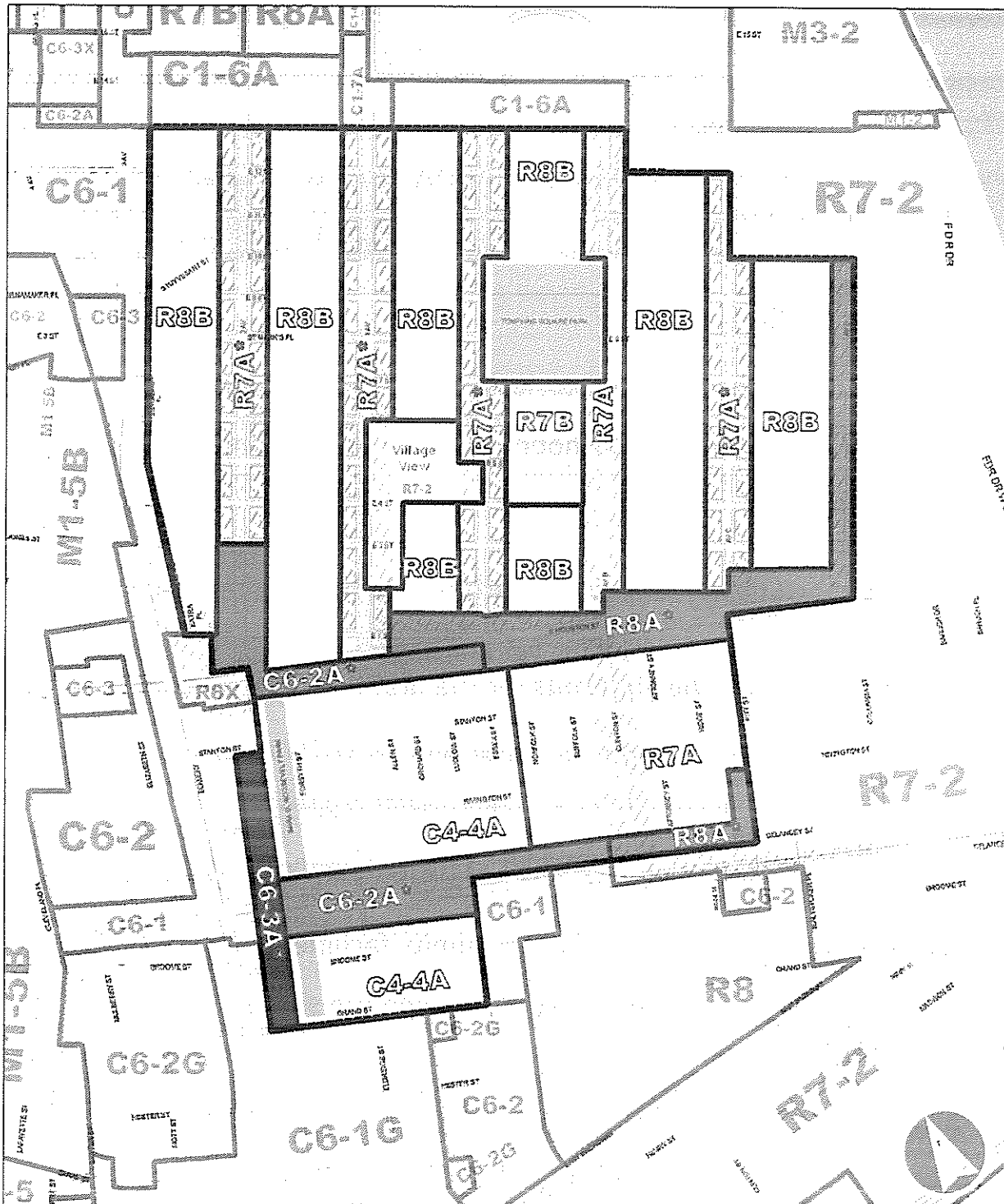
RESIDENTIAL	COMMUNITY FACILITY	COMMERCIAL
base FAR: 3.45	max FAR: 4.0	R7A/C1-5overlay: 2.0
I.H. bonus: 1.15		R7A/C2-5overlay: 2.0
max FAR: 4.6		

BUILDING FORMS (CONTEXTUAL CONTROLS):



East Village/Lower East Side

East Village/Lower East Side PROPOSED ZONING MAP



DEPARTMENT OF
CITY PLANNING

CITY OF NEW YORK

East Village/Lower East Side Rezoning Plan

The East Village/Lower East Side Rezoning proposal is the result of over three years of public outreach, input, and close collaboration with Community Board 3, local groups, and elected officials.

The Plan:

- **Protects and preserves the historically distinct low-rise character** of these unique vibrant neighborhoods that have been home to generations of immigrants;
- **Creates opportunities for new and affordable housing** on wider streets;
- **Establishes building height limits** for the first time throughout the area;
 - Most building heights capped at approximately 7 stories
 - Buildings on certain wide streets heights capped at 12 stories*
- **Requires new buildings to “line up” at the sidewalk;** and
- **Regulates building size,** so that community facilities such as dormitories or commercial developments cannot exceed the size of residential buildings.

**At the request of Community Board 3, Chrystie Street height limit is set at 145 feet to provide additional affordable housing opportunities*



For more information on the proposed East Village/Lower East Side Rezoning contact Arthur Huh at the Manhattan Office of the NYC Department of City Planning at (212) 720-3548, or

FOR MORE INFORMATION PLEASE VISIT

www.nyc.gov/planning

REZONING GOALS AND OBJECTIVES



To provide a balanced rezoning that:

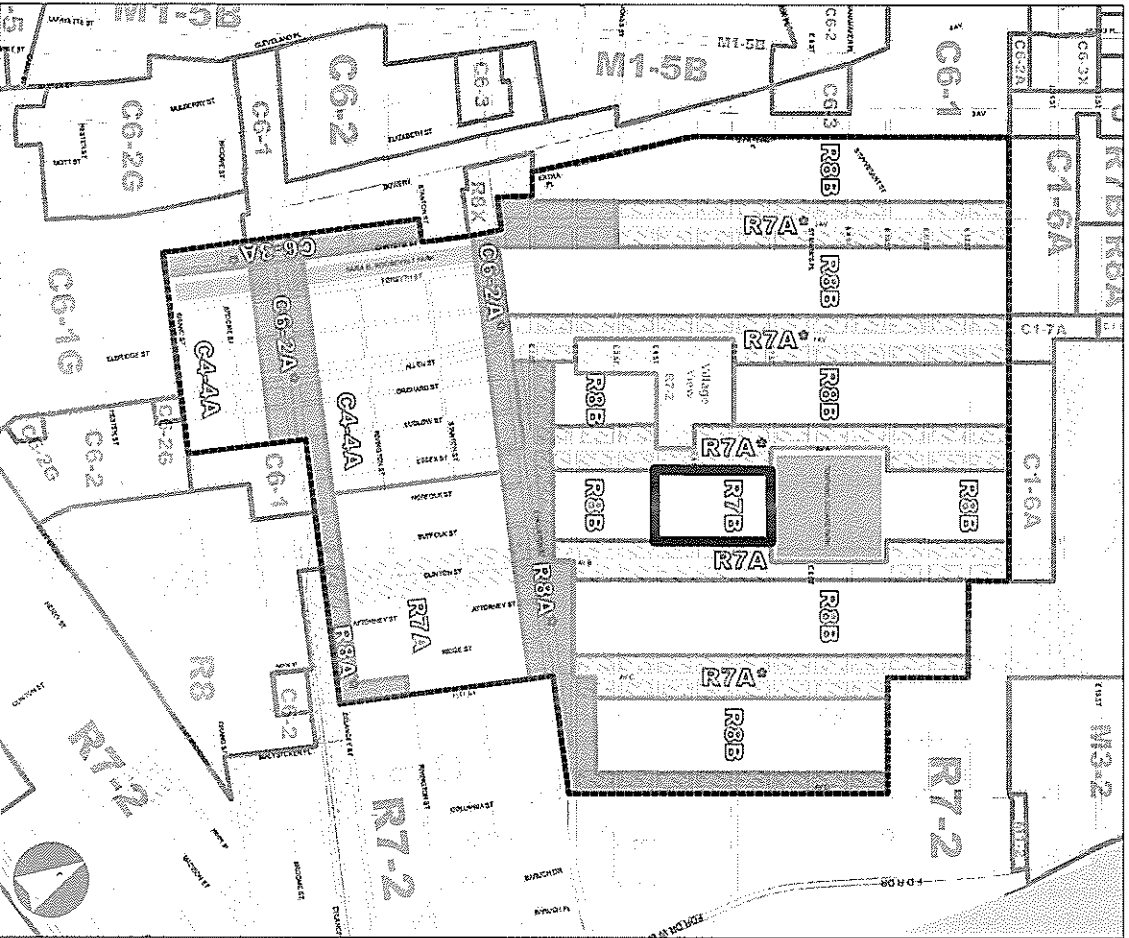
→ Preserves the scale and character of areas with a strong built context



→ Creates incentives for new affordable housing

East Village/Lower East Side

PROTECT EXISTING SCALE AND CHARACTER



R7B DISTRICTS

ALLOWED DENSITY:

RESIDENTIAL

COMMUNITY FACILITY

COMMERCIAL

max FAR:

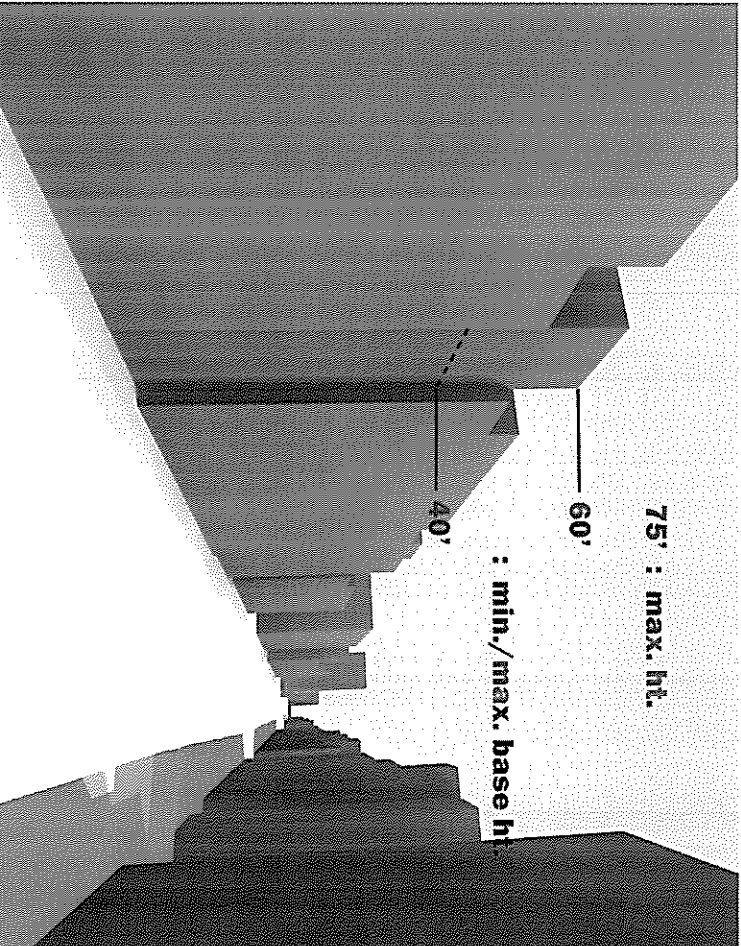
3.0

max FAR:

3.0

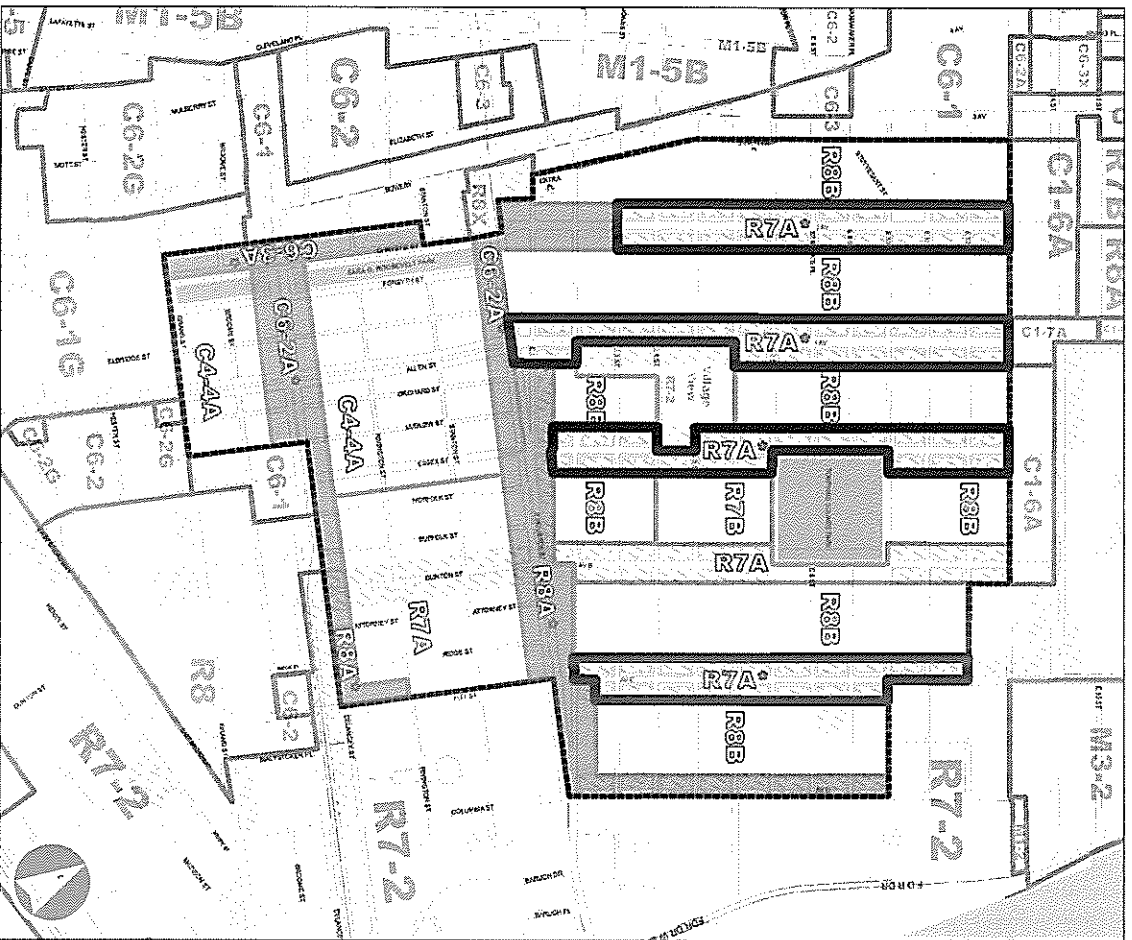
N/A

BUILDING FORMS (CONTEXTUAL CONTROLS):



East Village/Lower East Side

PROTECT SCALE and INCENTIVIZE AFFORDABLE HOUSING

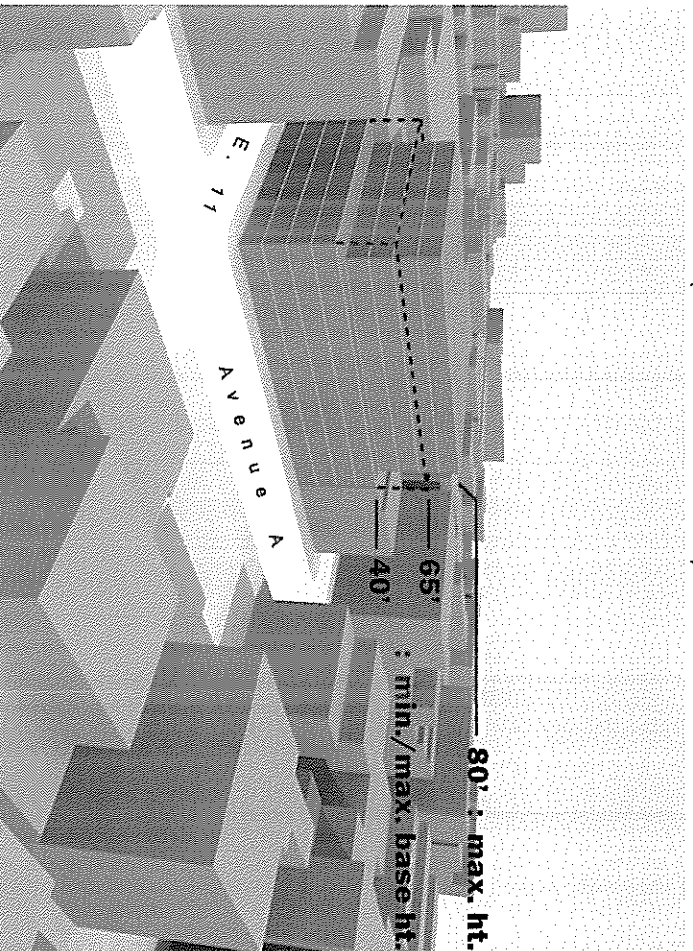


R7A * DISTRICTS

ALLOWED DENSITY:

RESIDENTIAL	COMMUNITY FACILITY	COMMERCIAL
base FAR: 3.45	max FAR: 4.0	R7A/C1-5overlay: 2.0
I.H. bonus: 1.15		R7A/C2-5overlay: 2.0
max FAR: 4.6		

BUILDING FORMS (CONTEXTUAL CONTROLS):



East Village/Lower East Side



Greenwich
Village
Society for
Historic
Preservation

232 East 11th Street
New York, New York 10003

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

Executive Director
Andrew Berman

President of the Board
Mary Ann Arisman

Vice-Presidents
Arthur Levin
Arbie Thalacker
Linda Yowell

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Martin Hutner
James Stewart Polshek
Elinor Ratner
Henry Hope Reed
Anne-Marie Sumner
Calvin Trillin
Jean-Claude van Itallie
George Vellonakis
Vicki Weiner
Anthony C. Wood

TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
REGARDING THE PROPOSED EAST VILLAGE/
LOWER EAST SIDE REZONING
November 12, 2008

Good morning Councilmembers. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation. GVSHP is the largest membership organization in Greenwich Village, the East Village, and NoHo. GVSHP advocates for sound planning and preservation policies in our neighborhoods. Because our catchment area is north of Houston Street on the east side, our testimony will focus exclusively on that section of the proposed rezoning area.

The East Village desperately needs a rezoning. The current R7-2 and C6-1 zoning allow up to 6.5 FAR for community facilities such as dormitories with no height limits or limits on air rights transfers, thus allowing buildings of even greater bulk and size. Two such out-of-scale developments are the 16-story tower above the Theater for the New City at 155 First Avenue and the 13-story New York Law School Dorm at 81 East 3rd Street (see attached figures). As development parcels are being collected in the neighborhood and as large potential development sites such as the Mary Help of Christians church complex become available, more and larger such towers will become commonplace in this neighborhood. Additionally, Second Avenue below 7th Street also allows commercial development such as hotels at up to 6 FAR, which is completely inappropriate for this neighborhood.

The proposed rezoning will address many of these concerns. There will be height caps for the first time ever throughout the East Village, which will not allow buildings to exceed 6 to 8 stories in most areas. The zoning bonus for dorms and hotels will be eliminated, and in most cases the maximum allowable FAR will be reduced. And the environmental impact statement includes a survey of historic resources in the neighborhood which identifies a broad range of potential landmarks and historic districts. These are all necessary and important steps in the right direction, and we do not believe that they can move forward a moment too soon.

We do however believe there could be further improvements to the proposed rezoning. The plan only reduces the allowable FAR on sidestreets to 3 FAR on three blocks; we believe that many more sidestreets warrant this lower FAR. We are concerned about the potential for loss of smaller two, three, four, and even five story buildings on some of the major avenues. While we are grateful that the current commercially-zoned district on 7th Avenue has been cut back from 7th Street to 3rd Street, and has been given contextual height caps and envelopes, we believe that the higher-density commercial district should be eliminated entirely from lower Second Avenue, and this street should be treated the same as other avenues in the East Village. And finally, we believe that the allowable height of buildings on Avenue D and Houston Street is too great, and

a lower, intermediate contextual height, such as proposed by Community Board #3, would be preferable. All such revisions were included in Community Board #3's 11 Point Plan in response to the rezoning, which GVSHP strongly supports.

Finally, I would be remiss not to mention our deep disappointment that the rezoning does not include the Bowery and Third and Fourth Avenue corridors. These streets and their sidestreets, which are excluded from the rezoning, are being decimated by a wholly inappropriate scale of new development, which consists almost entirely of hotels, dormitories, and luxury residences. These streets are rich in history and character which the current zoning is encouraging the destruction of. GVSHP and a variety of elected officials and community groups have been working with Community Board 3 to craft a reasonable proposal for rezoning this area which would still allow development while preserving its character and scale. I strongly urge that a contextual rezoning of the Bowery and 3rd and 4th Avenue corridors, directly west of the proposed rezoning, take place as soon as possible, and that the City Council do everything in its power to pressure City Planning to agree to take such steps.

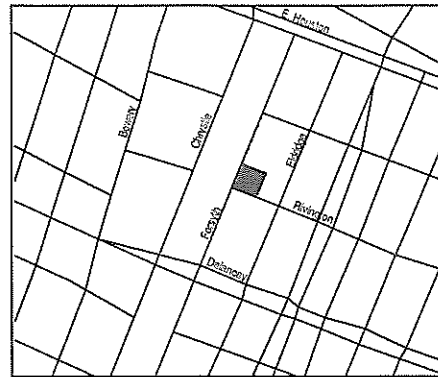
Thank you for the opportunity to testify.

36 Rivington Street Parking

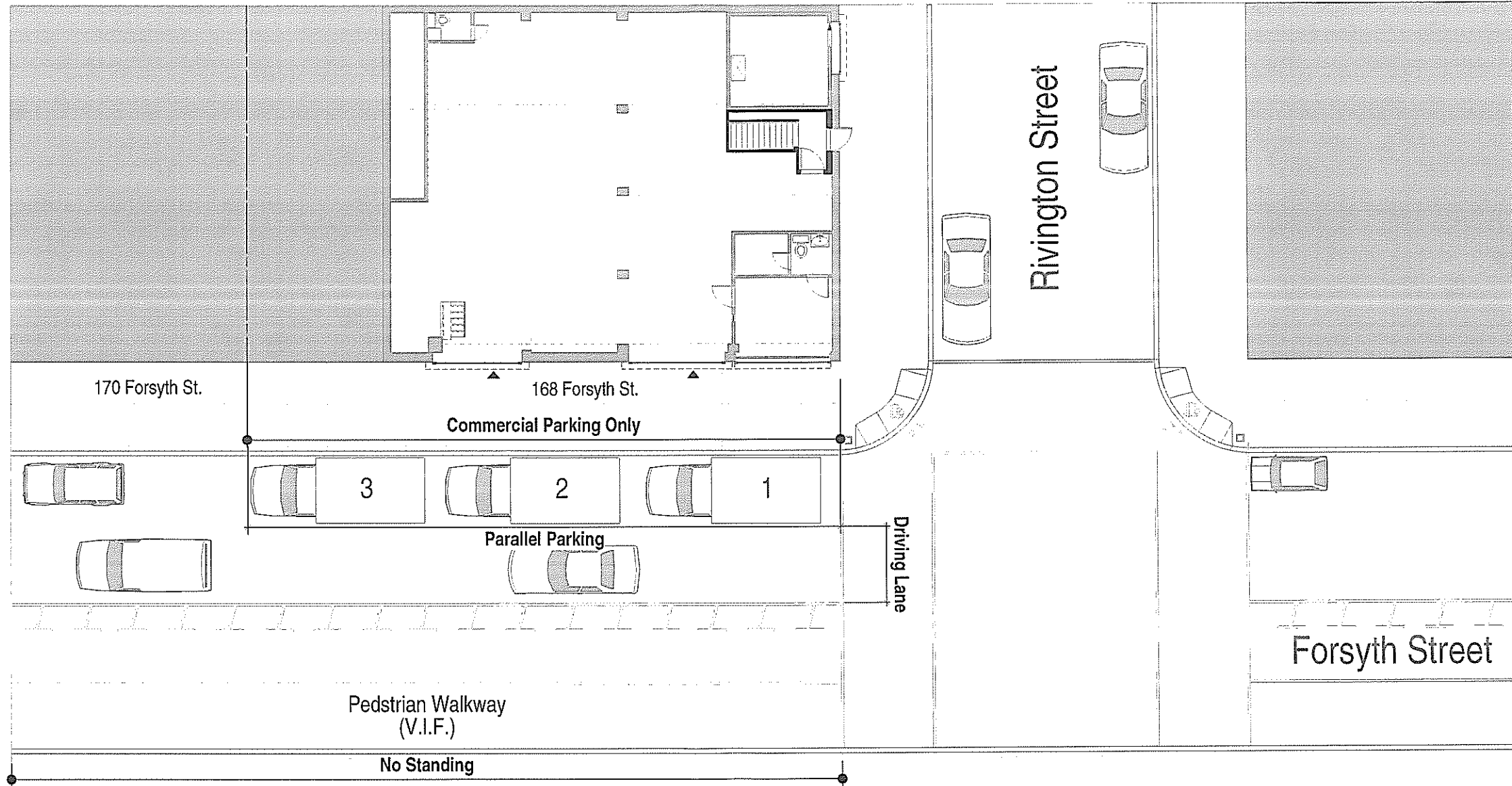
36 Rivington Street

36 Rivington Street
New York, NY
10002

36 Rivington Street, New York, NY



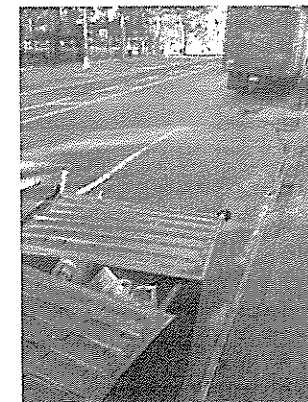
Locator Map



LEGEND

- EXISTING WALLS
- DEMO/VERIFY ACTIVITY
- NEW CONSTRUCTION
- BUILT-IN CASEWORK
- EXISTING TO BE RELOCATED
- PLUMBING WALL

1 36 Rivington Street - Current Condition
A2 Scale: 1/4" = 1'-0"



Photos Of Current Forsyth Street Condition

KUSHNER studios

KUSHNER STUDIOS
350 BROADWAY
4TH FLOOR
NEW YORK CITY
10013
212.965.0914
F. 212.565.0549
E. INFO@KUSHNERSTUDIOS.COM
W. WWW.KUSHNERSTUDIOS.COM

Client:
Yi-Chene
168 Forsyth Street
New York
New York
10002

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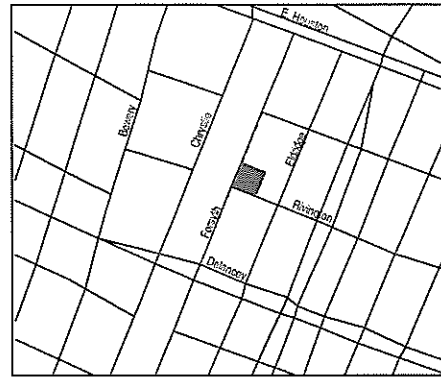
DATE: 10.16.08	REV. #: 1	MECHANICAL M1	STRUCTURAL S1	SPECIFICATIONS SPEC.1
		ELECTRICAL E1	SCHEDULES SC1	ARCHITECTURALS A1
		COVERSITES C1	ARCHITECTURALS A1	ARCHITECTURALS A1
		<p>CURRENT CONDITION</p>		<p>A2.10</p>

36 Rivington Street Parking

36 Rivington Street

36 Rivington Street
New York, NY
10002

36 Rivington Street, New York, NY



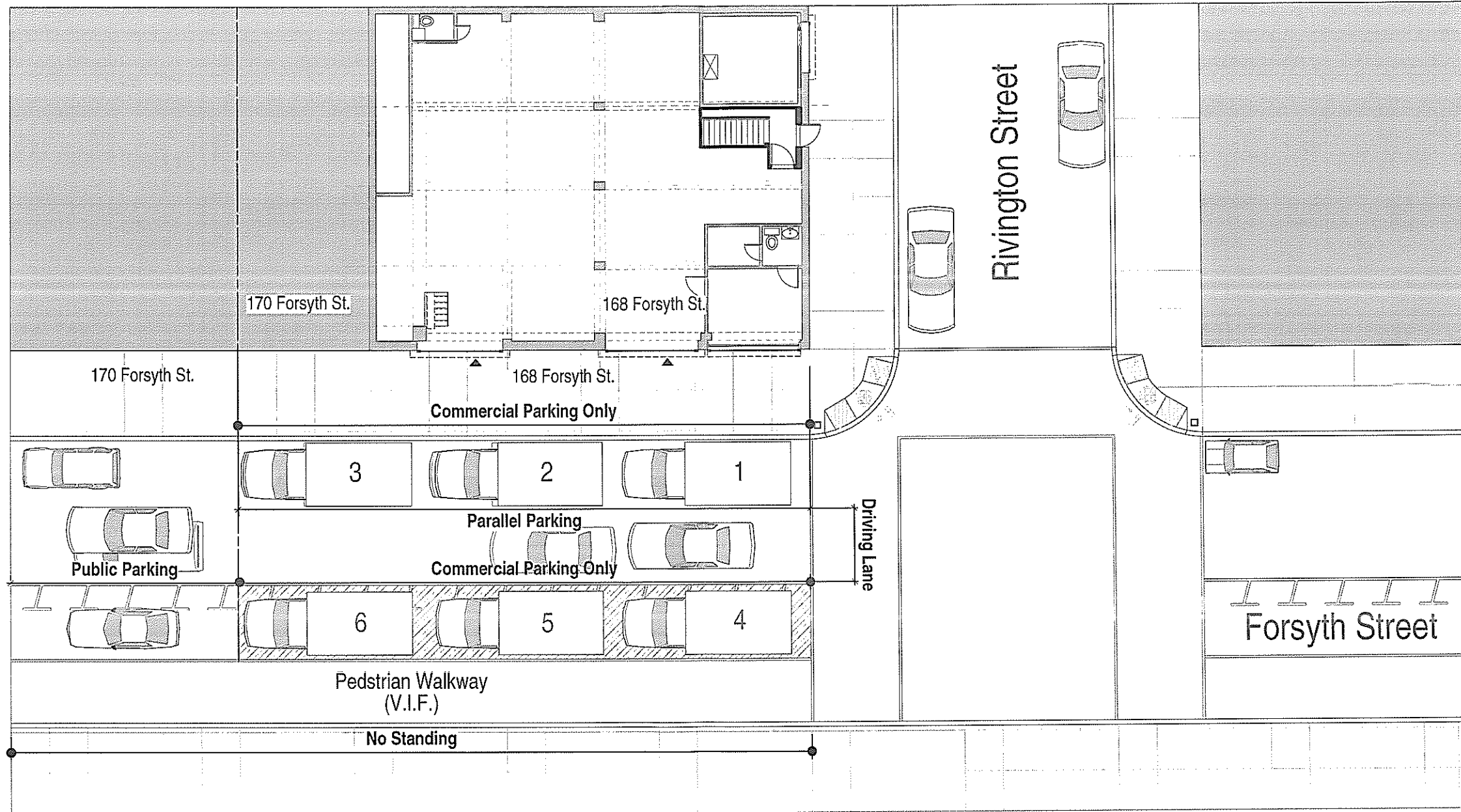
Locator Map



No Scale

LEGEND

- EXISTING WALLS
- DEM/D/VERIFY ACTIVITY
- NEW CONSTRUCTION
- BUILT-IN CASEWORK
- EXISTING TO BE RELOCATED
- PLUMBING WALL



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KUSHNER studios

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Yi-Chene
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New York
New York
10002

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DATE: 10.16.08	REV. #: 1	MECHANICAL MI	STRUCTURAL SI	SPECIFICATIONS SIFC1
		ELECTRICAL E1	SCHEDULES SC1	ARCHITECTURALS AI

1 36 Rivington Street - Proposed Condition
A3 Scale: 1/4" = 1'-0"



Photos Of Current Forsyth Street Condition

33028
85 10.16.08
10.16.08
AG

PROPOSED CONDITION

COVERSITTE C1 ARCHITECTURALS AI SCHEDULES SC1

A3.10

155 First Avenue

The Theatre for the New City's new building is set back from the sidewalk and breaks the cohesive streetwall. Its height is out-of-context with the historic East Village.

This would not be allowed under the rezoning!



Allowed under
current zoning

Contextual
development
allowable under
proposed
rezoning

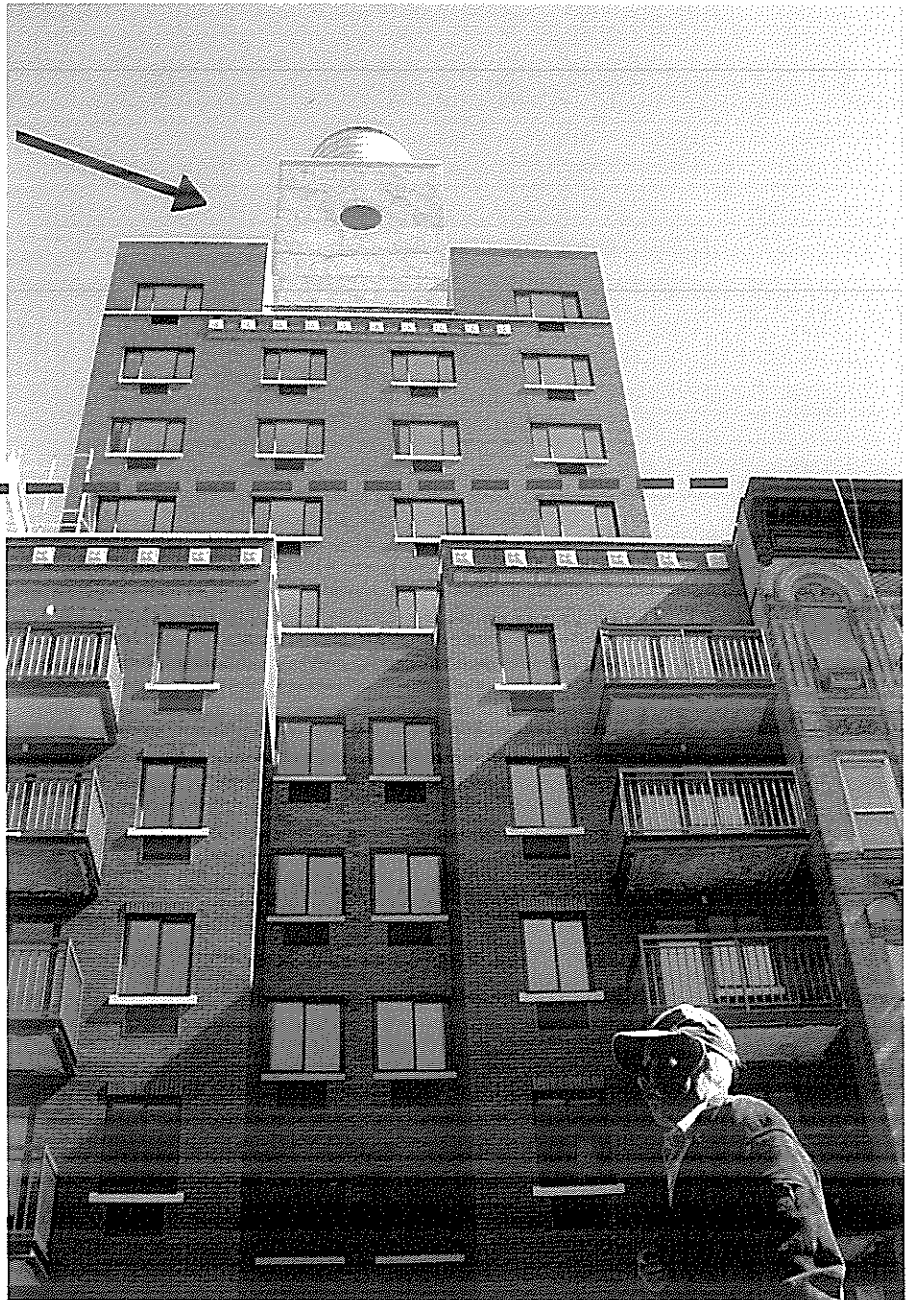
81 East 3rd Street

NY Law School's 13-story dorm towers over the East Village.
Is this what we want our historic neighborhood to turn into?

This would not be allowed under the rezoning!

13 stories
allowed under
current zoning

Contextual
rezoning would
allow only
6-8 stories





ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12th FL, NEW YORK, NY 10013-2815 212 966-5932 FAX 212 966-4303

November 12, 2008

Tony Avella
Chairman
Subcommittee on Zoning
City Council Chambers
New York, NY 10007

Dear Chairman Avella and City Council Members:

The Asian American Legal Defense and Education Fund (AALDEF) urges you to vote against the East Village/Lower East Side Rezoning due to its disparate and discriminatory impact upon Asians, Hispanics, Blacks, and low income residents. AALDEF promotes civil rights of Asian Americans through litigation, advocacy, community education, and organizing.

This rezoning will divide neighborhoods in Community District 3 (CD 3) and will result in the involuntary displacement of residents, small businesses, and their employees within the rezoned area and throughout CD 3 covering the Lower East Side and part of Chinatown. Many, if not most of those displaced, will be people of color, the most vulnerable to gentrification. Under the City Environmental Quality Review (CEQR), displacement is defined as involuntary whether it is direct or indirect displacement while gentrification is an urban planning term describing the upgrading of a residential area, usually resulting in the displacement of traditionally low income and working class populations.

Under this rezoning, the construction of so-called "affordable housing" would be unaffordable to 45% of the residents of CD 3. Most of these are residents are persons of color, many with children attending local public schools. These families of color will be pushed out as the area undergoes gentrification due to rising rents since their apartments will be unprotected by rent stabilization once their rent exceeds \$2000 month triggering deregulation and conversion to market rates.

The rezoning will accelerate development and thus involuntary displacement along Chrystie Street and Avenue D where the tallest or bulkiest buildings

would be built. More specifically, the accelerated development along Avenue D would lead to involuntary displacement of small businesses providing goods and services catering mainly to local low-income residents and families of color, in particular those living in public housing. Also, many businesses vulnerable to displacement are minority owned and operated, traditionally patronized by neighborhood residents within the rezoned area and throughout CD 3.

Overall, more than 100 local businesses within the rezoned area would be involuntarily displaced. Many of these small businesses are operated by Asians and Hispanics and also employ Asians and Hispanics. Many provide unique goods and valuable services for those living and working in these neighborhoods. Without these businesses, such goods and services would be difficult to find in the surrounding area.

This rezoning creates an upzone area by increasing building density by 16% throughout the rezoned blocks and 34% on most of the avenues in the East Village; however, this rezoning maintains or decreases building density only on blocks that are 70-80 % white while the biggest jump in building density of 109% occur on Delancey Street, East Houston Street, and Avenue D. On Chrystie Street the upzoning increase is 147%. The highest upzoning takes place on blocks that are 60% to 90% people of color, resulting in disparate and discriminatory impact.

If this rezoning is carried out, it will accelerate development and gentrification resulting in disparate and discriminatory impacts beyond the rezoned area. Attached is a report entitled "Analysis of Draft Environmental Impact Statement East Village/Lower East Side Rezoning" prepared by the Hunter College Center for Community Planning & Development. It compares the rezoning and the impact within the rezoned area, ¼ mile study area, and ½ mile study area.

For all these reasons, I urge you to vote against the East Village / Lower East Side (EV/LES) Rezoning.

Yours truly,


Stanley Mark

Senior Staff Attorney



Testimony to the City Council
November 12, 2008

I'm Georgina Christ, and I'm on the Board of the Cooper Square Committee. I live on East 12th Street near 1st Avenue in the area to be rezoned under this ULURP action. I'm here to express support for the rezoning of the East Village and Lower East Side. Our community needs contextual zoning to preserve the low rise and historic character of our community. Imposing 80 foot height limits along the avenues and 75 foot height limits midblock north of Houston Street will help to preserve our community for future generations. I'm glad that the rezoning is creating more incentives for residential development and reducing the incentives for developing dorms and hotels north of Houston Street by reducing commercial and community facility Floor Area Ratio (FAR).

I strongly support inclusionary zoning on all of the Avenues north of Houston Street as well as on Houston Street, Delancey Street and Chrystie Street. I sincerely hope that inclusionary zoning will result in hundreds of additional permanently affordable low income units being developed in the years to come.

As someone who has lived in this community for many years, I am concerned that there are few opportunities for young people with moderate incomes to move into our community. Meanwhile, low income people are being pushed out by rising rents and harassment. Given that there are very few city-owned sites remaining in our community where new affordable housing can be developed, inclusionary zoning provides an important tool to create incentives for developers to build new mixed income housing. Without it, this community will become increasingly homogenous and upscale.

In adopting inclusionary zoning, I ask the City to also undertake a Follow-Up Corrective Action (FUCA) to add language in the zoning text that prohibits demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. The Cooper Square Committee sees countless tenants facing harassment currently, and we don't want to see landlords in the rezoned areas force tenants out so that they can tear down their building and build a larger one to take advantage of the increased Floor Area Ratio (FAR).

If a property owner is found to have engaged in harassment, they must be required to set aside 28% of FAR for permanent affordable housing in the building where the harassment finding was made. They must also be made ineligible for government subsidies, including 421a, to do new construction on any sites they own unless they are developing mixed income housing.

Finally, I want to urge that the City continue to work with our community to rezone the Bowery and the 3rd and 4th Avenue corridors as soon as possible. I ask that the City Council draft a Follow-up Corrective Action (FUCA) requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery. Thank you for providing me an opportunity to testify.

It appears the M.O. of Bloomberg and that of other city officials is to ignore the voices of NYC residents, whether it be on the issue of term limits or the passing of destructive rezoning and development plans across this city. Although these officials are to represent the people, they continue to further their own personal agenda, whether it be the appeasement of special interest groups, maneuvering for political gain, or the need to stroke one's ego.

The plan to rezone the Lower East Side is a bad plan from its inception. The borders of the plan promotes and encourages segregation that has continued to plague this city for generations. Instead of viewing District 3 in its entirety, it segregates neighborhoods into three parts; pitting whites, hispanics, and chinese against one another. Support for the plan gains its strength by dividing people through misinformation and lies. It is the wholesale sellout of one community for another. Now there are talks to create a separate Chinatown plan. It's amusing to me that a separate plan for Chinatown is being viewed as an acceptable alternative and solution in quieting public unrest. But I do recall the US Supreme Court decision of Brown vs Board stating, and I paraphrase, "that separate was not equal".

DCP claims there are no racial motivations in the drafting of this plan, yet the DEIS fails to examine the ramifications rezoning will have on people of color or that of lower income. The issue of race is never explored and so DCPs claims are either fabricated or based on conjecture. There are clear relationships between low income, race, and family size within District 3 and the plan will have a definite influence on these demographic shifts in the future.

DCP asserts that NYCHA will not be effected, yet the DCP and DEIS do not take into account that NYCHA is broke and currently looking to sell off undeveloped air rights as well as privatizing some of its assets.

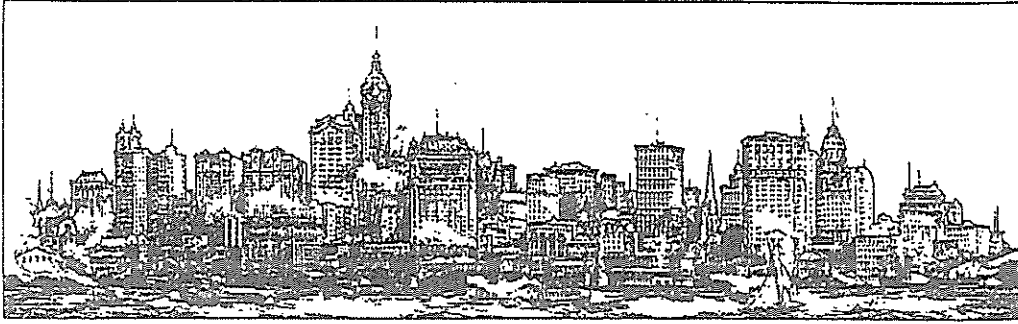
DCP talks about affordable housing, but doesn't guarantee any will be created. And should it be created, the affordable housing would NOT be affordable for most of the low income residents in CD3. The word "affordable" is ambiguous and misleading.

DCP praises inclusionary zoning (IZ), but fails to inform the public on the city's failure to create many affordable units since its introduction. Studies have shown that in order for IZ to be effective, current affordable housing needs to be preserved, as well as new units must be mandatory. The plan fails on both points.

DCP says the plan is a downzoning, but this is a half-truth. On top of height caps, the plan calls for a massive upzoning of almost the entire East Village for residential buildings. The plan actually promotes luxury development, while pushing over- and out-of-scale development from the East Village into Chinatown and the Lower East Side.

I can't say enough on how bad this plan is, yet city officials continue to push it onto the populace like a snake oil salesman trying to push their poison. They claim the plan will preserve neighborhoods and protect its people, but the fact is it is more likely to displace people of color and those of lower income. It will make the rich richer and the poor poorer. It promotes development under the guise of humanitarianism, an illusion to blind the people. I implore you to see the plan for what it is, poison. Please vote it down. Thank you.

- Malcolm Lam



THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

East Village/Lower East Side Rezoning Fails to Regulate the Bowery Corridor

City Council Committee on Zoning and Franchises, LU 0923, 0924-2008, November 12, 2008

Although this rezoning has been hyped as an action preserving neighborhood character, it does provide a great deal of latitude both for new construction and for expansion of existing buildings—even while it limits tower construction and provides some protections for street walls.

A major planning error is the decision to omit the Bowery from the rezoning area. The Bowery is one of our oldest thoroughfares; it appears on the Manatus Maps of 1639, but dates back to prehistory as a native American trail, running crooked against the 1811 Manhattan street grid. Still today, much of the Bowery retains a special 19th century character and scale. The Lower East Side grew up around it over the centuries. To map contextual zoning adjacent to the Bowery while leaving the Bowery corridor itself subject to the old, out-dated, standard C6-1 mapping clearly invites new buildings to break the street wall and the skyline with tower-on-a-base construction of the maximum possible height. Examples of such intrusions into the neighborhood have already outraged New Yorkers from the area: the intrusions have also astonished many who use the Williamsburg Bridge, and can hardly believe the inappropriate new buildings they are seeing.

We would like to thank the DCP Environmental Assessment and Review Division for the extensive discussion of historic preservation issues in the EIS—a chilling, 95 page account of the numerous historic properties in the rezoning area, and the negative impacts this rezoning will have on them. Of special concern are the 61 buildings found eligible for local or state protection but not yet landmarked or listed. They are in the path of destruction, because of the latitude for new construction and expansion mentioned above. The City Planning Commission and the Landmarks Preservation Commission seem to need direction here. The agencies are moving in the wrong order: preservation action should precede, not follow, what is in fact a veiled up-zoning paired with a failure to act on the Bowery corridor.

Administration policy was perhaps reflected in the original EIS draft scope, which omitted the Bowery from consideration, in clear violation of CEQR Rules. We urge council members to seek Landmarks Commission action on the unprotected eligible historic properties identified in the FEIS. Further, we believe the Council should require follow up corrective action on the Bowery corridor zoning. Segregating the Bowery from the rest of the Lower East Side make no sense, historically or urbanistically. It is not neighborhood preservation: it is a formula for tearing a neighborhood away from its roots.

Christabel Gough, Secretary

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Ronald Kopnicki, President • Matt McGhee, Treasurer • Christabel Gough, Secretary

The Society for the Architecture of the City, Inc. publishes the review, *Village Views*

Testimony: Phyllis Banek

My name is Phyllis Banek, and I'm a member of the Bowery Alliance of Neighbors. I am 70 years old. Presently, I live at 200 East 5th Street, the JASA Cooper Square residence for seniors and disabled people.

The one and only entrance to my building faces the side entrance and exit door of the Cooper Square Hotel. This 22-storey, luxury hotel has its main entrance on the 3rd Avenue corridor.

The Hotel plans to have a supper club and two interior bars. Also, they intend to install two outdoor dining and drinking areas.

Our block association fought for 2 years with the owner of this hotel in order to limit use of the side door as well as modify use of the outdoor areas.

On January 8, 2008, we presented our final requests to the SLA to grant the stipulations in the above-mentioned statement. The Cooper Square Hotel will be opening shortly, and we shall see.

Before I came to 200 east 5th Street, I lived a few buildings down the block with my daughter for 30 years. I lived on the 3rd floor and was always awakened by revelers around 4 o'clock in the morning, honking horns and screaming. Accompanying this mayhem was the continual presence of smoke invading my space, even with the windows closed. Now I live on an upper floor and the situation is the same, perhaps even worse, as a result of the rampant growth of bars in the community.

Many people in my residence need access to ambulances, ambulettes, meals-on-wheels, and other emergency services. I, along with my fellow residents, must have this access 24/7.

The Cooper Square Hotel will not only have to accommodate its guests, but also it's many bar and restaurant patrons, creating excessive congestion with the cars, taxis, car services and limousines. My building already has an access problem and the Hotel will make it far worse.

The Bowery and 3rd Avenue corridor is most often used as an emergency route for this entire neighborhood and the surrounding area; and the addition of the vehicular congestion from the growing number of hotels is dangerous.

Massive structures, such as Cooper Square Hotel, are already destroying the culture, diversity, quality of life, and infringing on the needs of all in this community.

I implore you to add the east side of the Bowery to the Rezoning Plan. The zoning on the east side of the Bowery should reflect that of the west side, which is the Little Italy Special District. If these measures are taken now, perhaps the historical and architectural integrity of this community will survive. My concern is for all citizens. Please don't steal the visual history from my grandchildren and their peers.

Nothing can duplicate standing in front of buildings that have been witness to our past.

Phyllis Banek
200 East 5th Street
New York, NY 10003

RECORD

November 12, 2008

City Council
Zoning and Franchises Subcommittee
Tony Avella, Chair
City Hall
New York, New York 10007



Re: East Village / Lower East Side Rezoning

Good morning Chairman Avella, other Councilmembers.

Thank you for this opportunity to testify before your subcommittee. My name is Aaron Sosnick. I'm a founder of the East Village Community Coalition, a member of the Community Board 3 task force on rezoning, and a member of LESCAZ, the Lower East Side Coalition for Accountable Zoning. I wish to express my strong support for the East Village/Lower East Side Rezoning along with changes and city commitments sought by LESCAZ, the Lower East Side Coalition for Accountable Zoning, Community Board 3, Councilmember Mendez, and other local elected officials. This rezoning provides many important protections for my community and cannot be enacted soon enough. I wish to thank all the members of LESCAZ, CB3, Councilmember Mendez, Borough President Stringer, other elected officials, the Department of City Planning, and all those who have worked so hard in support of this rezoning.

It is important to emphasize that while I support rezoning other inappropriately zoned city blocks and neighborhoods, there is no reason to wait on this rezoning. It should be passed immediately with all areas included. The zoning districts certified by City Planning must be adopted. The areas both above and below Houston street are threatened. The Lower East Side was recently listed as one of the eleven most endangered places by the National Trust for Historic Preservation. This rezoning can immediately protect many of these blocks. I note that approval of the full rezoning area with these zoning districts was unanimously voted for by Community Board 3.

Please also work to provide the additional anti-harrassment and affordable housing measures that are so important to our community.

Thank you.

Aaron Sosnick
Secretary

Good morning. My name is Joyce Ravitz. I live on the Lower East Side. My grandparents immigrated to the Lower East Side. My parents lived on the Lower East Side. My children cannot afford to live here. I am one of the CB3 members who voted for this rezoning plan because I love the Lower East Side, and it pains me to see the current wave of large hotels drowning the diverse community that I love.

I'm the Co Vice-Chairperson of the Cooper Square Committee. Our organization has worked to sponsor preservation and development of over 600 units of low income housing during the past 25 years. We, like other low income housing preservation organizations, are finding few opportunities to develop new low and moderate income housing on the Lower East Side. As you know, relatively few city-owned sites remain.

The privately owned housing stock has become prohibitively expensive and thousands of affordable rent stabilized apartments have been deregulated in the past decade, leaving our community with less and less affordable housing. In this environment, government must use every tool at its disposal to promote the preservation and development of affordable housing. Zoning is one such tool.

I urge you to vote in favor of the ULURP application for this rezoning plan developed in partnership between the Dept. of City Planning and Community Board 3, not just because it will apply much needed height limits, but because it will apply inclusionary zoning to the wide avenues in our community from 2nd Avenue to Avenue D north of Houston St. as well as Houston St., Delancey St. and Chrystie St. DCP projects that nearly 500 low income housing units will be developed in these inclusionary zones over the next decade because of the zoning bonuses they will provide to developers who build mixed-income housing. Without inclusionary zoning, there will be few opportunities to create low income housing in our community in the coming years.

I also want to urge the City Council to help our economically diverse community to develop more affordable housing than just these 500 low income units in the inclusionary zones by identifying city-owned sites (not including Seward Park) where at least 700 additional units of low, moderate and middle income housing can be developed.

In addition, I urge you to adopt stronger anti-demolition and anti-harassment provisions as part of this rezoning plan. We need concrete protections, and they must be enforced. If a property owner is found to have engaged in harassment, they must be required to set aside 28% of FAR for permanent affordable housing in the building where the harassment finding was made. They must also be made ineligible for government subsidies, including 421a, to do new construction on any sites they own.

Finally, I want to urge that the City continue to work with our community to rezone the Bowery and the 3rd and 4th Avenue corridors within the next couple of years. We need the resources to conduct an Environmental Impact Statement for these areas which are not included in the current rezoning plan. With regard to Chinatown, we and other LESCAZ members are happy to support any good faith efforts to rezone Chinatown, if that is what the community wants and we urge the City to provide the necessary planning resources to facilitate such a process.

Thank you for providing me an opportunity to testify.



Testimony to the City Council
Re: Rezoning the Lower East Side

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Web: www.CooperSquare.org

Our organization is a member of LESCAZ, a coalition of affordable housing and preservation groups, and we strongly support the contextual rezoning of 111 blocks as proposed in this ULURP action. This plan is the result of a collaborative partnership between Community Board 3 and the Dept. of City Planning. Dozens of public meetings were held over the last 3 years to arrive at this plan. The area contains over 100,000 residents, 60% of whom are people of color. The median income of the 15 census tracts included in this plan is \$33,100, which is less than 60% of the City's median income. The plan contains many positive elements which we strongly support. They include the following:

- 80 foot height limits on most of the Avenues north and south of Houston Street, which will limit new buildings to 7 – 8 stories, with setbacks at 40 - 65 feet, in the R7A and C4-4A zones.
- 75 foot height limits in the mid-blocks north of Houston Street to create 75 foot height limits, with setbacks of 55 – 60 feet. 80 foot height limits in the mid-blocks south of Houston Street.
- Reduced commercial and community facility FAR south of Houston Street in the C4-4A zones that will reduce incentives for hotels and dorms, thereby preserving the residential character of our community.
- Inclusionary zoning (in C6-2A and R-8A zones) on Delancey Street, Houston Street, Avenue D and Chrystie Street with height limits of 120 feet, limiting new buildings to a maximum of 11 – 12 stories. Inclusionary zoning (in R-7A zones) on the avenues from 2nd Avenue to Avenue C. Together, these inclusionary zones will create incentives, through FAR bonuses, that will result in an estimated 500 new low income housing units over the next decade.

(It is extremely important to note that new low income housing will not be created if no zoning action is taken. The cost of creating 500 low income units is over \$100 million that would otherwise have to be heavily subsidized with public dollars at a time when public subsidies are under severe fiscal pressures.)

While these are important gains for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification under our current zoning, and we need the City Council to put forth a follow up corrective action plan to this rezoning that will address the urgent need for at least 700 new low income housing units in the rezoning area outside the IZs.

There are a number of City owned sites that can and should be developed as low, moderate and middle income housing, and we urge the City to make this happen. Among the sites we are referring to are

NYCHA owned land within the rezoning area, the city-owned parking lot on Ludlow Street below Delancey Street, and other City-owned sites that are unrelated to Seward Park.

We believe that the income targeting of these 700 new units is a critical issue. We support an income mix of 30% low income at less than 60% of median income, 15% at between 60 - 90% of median, 15% at between 90 - 120% of median and the remaining 40% at market rate. This is comparable to a housing plan that the City approved in Council member Gail Brewer's district. Such an income mix would create housing for low income 2 person households earning less than \$35,000 per year, and the family of 4 earning less than \$44,000 per year. It would also target the more than one third of households in our community that earn between \$44,000 - \$88,000 who cannot find affordable housing in our community. (We also want the City to commit to build family size units, encompassing a sizeable number of 2 bedroom units, and some 3 bedroom units. Our community already has a huge stock of studio and 1 bedroom units, and while we need this housing type, it should not be the majority of new units.)

The other critical issue we need the City to address is the potential increase in harassment that may occur in the inclusionary zones. We all recognize that harassment is already a huge issue in our community under our current zoning. However, in the IZs, the increase in as of right FAR may create incentives for developers to harass out tenants in order to demolish and rebuild. For this reason, we want anti-harassment provisions to be applied to the IZs.

We don't believe that Local Law 7 (the anti-harassment law) fully addresses this impact. We want the City to review claims of harassment in the IZs, and if harassment is found, the City should do the following: 1) Require the property owner to set aside 28% of FAR for permanent affordable housing in the building where a harassment finding was made, and 2) Prevent owners from using government money, including 421a, to do new construction at any sites they own.

Another important point that LESCAZ members are in strong agreement about is that we don't want to see last minute efforts made to undo the contextual nature of this zoning plan. We are aware that some developers would like to change the proposed C4-4A zoning west of Essex Street, between Houston and Delancey Street, to a C6-1A zone which would dramatically increase the commercial FAR from 4.0 to 6.0 and reduce the residential FAR from 4.0 to between 0.78 and 2.43. LESCAZ members are adamantly opposed to any such commercial upzoning and residential downzoning. It would severely damage the integrity of this plan.

Finally, I want to urge that the City continue to work with our community to rezone the Bowery and the 3rd and 4th Avenue corridors as soon as possible. I ask that the City Council draft a Follow-up Corrective Action (FUCA) requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery. We need the City to allocate the resources to conduct an EIS for these areas which are not included in the current rezoning plan.

Our community will be getting more affordable housing and strict building height limits as a result of this rezoning which is what we desperately need. I urge the City Council to vote in support of this plan.



Asian Americans for Equality

AAFE Position on East Village/LES Rezoning New York City Council Hearing November 12, 2008

Hello, my name is Christopher Kui and I am Executive Director of Asian Americans for Equality (AAFE).

Founded in 1974 to advocate for equal opportunities for Asian Americans, immigrants, and low-income New Yorkers, Asian Americans for Equality. (AAFE) has evolved into a recognized community development and social services organization. We've created or preserved over 600 units of low income housing in Lower Manhattan, ensuring that hundreds of our community's lowest income households have the means to stay in Lower Manhattan through the preservation of housing in Chinatown and the Lower East Side.

AAFE supports the overwhelming majority of affordable housing advocates and organizations in the Lower East Side that the East Village/LES Rezoning proposal is a major step in stemming the rampant gentrification and out-of-context, luxury development in our mixed-income neighborhood. The East Village/Lower East Side Rezoning process was conducted in a fair and open manner, and was developed through a democratic process substantiated by over three years of numerous town hall and other public meetings.

AAFE supports the LES Rezoning Plan, with an emphatic caveat that the City and the Planning Commission immediately undertake a dedicated Chinatown rezoning study to see how we can all craft a plan that is likewise best for Chinatown. There is no doubt from AAFE's work in the community that Chinatown is in trouble: the loss of manufacturing jobs, loss of affordable housing, aging and dilapidated housing stock, lack of green spaces, and overloaded transportation infrastructure. The City must pledge to provide much needed funds and reinvestment into one of the country's oldest immigrant communities to ensure that we tackle these endemic problems. Time is of the essence.

We all understand that no rezoning plan is perfect. However, AAFE supports identifying areas where the current East Village/LES Rezoning plan can be modified, so that we may propose sound and achievable remedies. AAFE proposes the following recommendations:

1. Ensure that the Inclusionary Zoning mandate at least 30% affordable housing in perpetuity in the areas eligible for upzoning;
2. Increase tenant rights advocacy and education; city support and funding for affordable housing; the stronger implementation of anti-eviction, anti-landlord harassment, and anti-phony demolition laws; and strengthening of enforcement for rent stabilization and rent control laws;
3. To exclude Chrystie Street portion south of Delancey Street from the current rezoning to be considered at a future rezoning process for Chinatown;
4. To conduct further investigation to quickly determine the proposed C4-4A zoning which excluded User Groups 7 and 11 be replaced with C6-1A or C6-2A to preserve important local businesses.

In the recent months, we've heard many criticisms and accusation of racism by opponents of East Village/Lower East Side (LES) Rezoning process. However, these accusations oversimplify and throw a smoke screen over the real issues of neighborhood preservation. The loosely-substantiated claims of racism amount to dangerous race-baiting, and remain an impediment to the common goal of affordable housing preservation for our low-income residents in Chinatown and Lower East Side.

The argument that a grassroots rezoning plan enacted in the Lower East Side would push all luxury development into Chinatown is likewise deeply flawed.

Firstly, rampant gentrification, loss of affordable housing, tenant harassment and eviction are serious problems affecting **ALL** of New York City's low-income, working class neighborhoods. The LES Rezoning plan is part of a greater movement around the city of local neighborhood residents and working families to fight for a balanced growth of our living spaces and business areas.

Instead of preventing each other from an inalienable right to protect ones own neighborhood in a positive open process, opponents have forced the rezoning into a zero-sum game – a prisoners' dilemma where cooperation cannot exist.

Success in the Lower East Side is a success in Chinatown and for the rest of the city. Trying to derail a carefully-crafted plan achieved by democratic consensus puts ALL of New York City backwards.

Secondly, Chinatown should have its own dedicated, well researched zoning and planning analysis that adequately suits Chinatown's unique needs, rather than issuing a blanket extension of the Lower East Side plan that does not reflect the real zoning and usage differences between the two communities. Chinatown is different from the LES in that Chinatown possesses a manufacturing job base, a higher density of residents in old

tenement housing, a lifeline of regional transportation hubs for jobs and commerce, the wider prevalence of small businesses, to name a few.

The LES Rezoning plan, for instance, does not say anything about what to do with manufacturing zones and how to best zone to protect jobs in these industries. It would seriously give short change to Chinatown if we simply stretched a plan designed for Lower East Side to cover Chinatown without adequately looking at such differences that make each neighborhood unique and viable.

A well-thought out Chinatown plan that is most beneficial to the community should be achieved through consensus building. We should not try and we don't need to stop other people's plans in order to get our own. We need to draw on the experiences of the East Village/Lower East Side Rezoning process and create a plan for our community's own future.

We cannot afford to be divided or to play on each other's fears – the longer we dwell on this type of polarization, the longer consensus is thwarted and the longer we all remain vulnerable to the onslaught of gentrification. Stopping the LES Rezoning Plan only hands the unscrupulous developers a green light to continue their dislocation of our low income residents.

Our two neighborhoods remain key gateways to New York City and America, and we must support and work with each other to protect our rich immigrant history and culture, and preserve it for future generations of all Americans.

Testimony – Jean Standish

My name is Jean Standish. I'm a member of the Bowery Alliance of Neighbors and have been a resident in the East Village for over thirty years.

One of the major problems with the rezoning of the East Village and Lower East Side is the Department of City Planning's exclusion of the 3rd Avenue/Bowery corridor from the Plan. According to City Planning, the rezoning does not include the Bowery because its "existing built character" is not consistent with the low- to medium-density form of the majority of the East Village and Lower East Side and that this corridor is a wider avenue that is well-served by mass transit. This rationale, however, is not accurate. The Bowery is a low-rise community with buildings averaging four to ten stories in height, excluding, of course, the recently-constructed high-rise hotels and luxury buildings. Concerning the width of the avenue, Delancey and Houston Streets are equally as wide as the Bowery, debunking the argument that this district is markedly different from the rezoned area. In fact the Bowery is an extension of the "built character" of the Lower East Side.

As a consequence of the rampant out-of-scale development on the Bowery, this district is losing its diversity and distinctive, low-rise, historic character, giving way to gentrification and secondary displacement. Excluding the Bowery from the rezoning plan will also negatively impact the East Village and Lower East Side, regardless of the proposed contextual zoning, with a wall of out-of-scale luxury development on the periphery of these communities.

In addition to preservation issues, this development is having a detrimental effect on the "quality of life" for community residents--more noise, traffic, sidewalk and street congestion; air pollution; bars; clubs; etc. What was once a commercial "daytime" shopping strip is quickly turning into an upscale, raucous nightlife district.

The City has recognized the historic significance of the Bowery by protecting the west side of the Bowery in the Little Italy Special District and the NOHO Historic District. The East Village/ Lower East Side Rezoning will protect the area just east of the Bowery. However, the east side of the Bowery itself has been left out of all these rezonings.

The east side of the Bowery should be rezoned to ensure that it is in context to the rest of the community - the Little Italy Special District, the NOHO Historic District, and the East Village/ Lower East Side.

We respectfully request that a further immediate study be done of the Bowery and protection be implemented to preserve this district, possibly a Follow-up Corrective Action (FUCA) could be drafted by City Council requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery.

The Bowery deserves to be saved from certain destruction. If this district is not protected, its distinctive low-rise, historic character will be irrevocably lost. Historic buildings, not landmarked, are already being demolished along with other 19th and early 20th century structures. The Bowery is an important part of the history of New York City, but without immediate attention much of it will be obliterated.

Also, I would like to mention that one of the essential elements of the rezoning of the East Village/Lower/East Side is the exclusion of community facility from the Plan. The towering, out-of-character building over the Theater for the New City and the massive dorms on 3rd Avenue are evidence of the negative result that would be created if community facility were allowed to be apart of the Rezoning Plan in this low-rise, low-density district. The EV/LES Rezoning Plan is already an upzoning of the area from the existing R7-2, which is a 3.44 FAR to the proposed R7A, which is a 4.0 FAR with a maximum street wall height of 80 feet. To allow community facility, grandfathered or otherwise, would negate one of the basic precepts of the Rezoning Plan—contextual zoning. Community facility is one of the most abused bonuses in the City and any allowance of this bonus provision in the plan, with the addition of the already proposed upzoning, would have a negative impact on the context of the rezoned area.

Jean Standish
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**Testimony of Chinatown Justice Project of CAAAV Organizing Asian Communities
 City Council Zoning and Franchises Committee on East Village/Lower East Side Rezoning Plan
 November 12, 2008**

Esther Wang

The Chinatown Justice Project of CAAAV, a grassroots community organization with members in Chinatown and the Lower East Side, agrees with many of the critics of the current plan to rezone the Lower East Side and the East Village—Chinatown is not protected by this rezoning. As the bulk of Chinatown is not included in the current rezoning, Chinatown will in the next few years face greater development pressures as developers look south to erect the tall buildings they no longer will be able to build in the East Village and the Lower East Side.

Under the current plan, we do not believe Chrystie Street should bear the burden of higher buildings. While we can understand that more units for affordable housing could be built, we feel that current residents are still at risk for displacement and gentrification if there are more market rate units than affordable units built – inclusionary zoning is not a tool that ultimately benefits Chinatown. For us, it’s simple math. Over time, those units that are so-called affordable will be even less affordable in a neighborhood where services cater to wealthier tenants. We also question current practices of determining what is “affordable” and know that most of our members would never have access to the “affordable” units under current formulas for affordability.

But we believe – even given its flaws – that the Lower East Side rezoning should move forward. There are many improvements that we urge the City Council to include in the DCP plan. We support efforts to include the east side of Bowery in the current rezoning. We also support efforts to remove Chrystie Street from the current rezoning, as well as efforts to include strong anti-harassment and anti-eviction provisions, and greater percentages of truly affordable housing.

We also strongly believe that a process to protect all of Chinatown neighborhood begin immediately, in order to address gentrification and development that is happening in the community. This should be a process that is guided by Chinatown residents, and particularly low-income Chinatown residents who are the ones who are most vulnerable and face the greatest displacement pressures that result from development.

Any zoning plans for Chinatown that is considered by the City should include a “special district” in Chinatown, potentially modeled after the Clinton Special District, with provisions that are exclusive to Chinatown. The Chinatown Special District should include strong anti-demolition provisions, anti-harassment provisions, anti-eviction provisions, height caps, and historic preservation guidelines, just to name a few. In addition, any affordable housing that is included in the rezoning should also truly be affordable to Chinatown residents, many of whom make less than \$20,000 a year.

The issue of rezoning has to be considered in the broader context of development in Chinatown, and the rest of the City. Current unbridled development supported by Mayor Bloomberg is not just about housing. Other development projects, such as the East River waterfront, are projects that give millions to developers and quasi-public institutions like the EDC who maintain that the only way to support public space is by maximizing the profits that can be made.

Chinatown has historically been an immigrant, working-class neighborhood. In a city where such neighborhoods are rapidly disappearing, any rezoning of Chinatown should prioritize the needs of the community that is already there, not increase pressures for displacement.



Cooper Square Committee

61 East 4th Street, New York, N.Y. 10003 • (212) 228-8210

I'm Lucille Carrasquero, and I'm the Chairperson of the Cooper Square Committee. We are a membership organization with over 600 members, the vast majority of whom are low income families and households. Our organization is also a member of the Lower East Side Coalition for Accountable Zoning (LESCAZ).

We urge the City Council to support this ULURP to rezone 111 blocks on the Lower East Side. Our current zoning does not provide adequate protections against out of scale development at hundreds of locations around our neighborhood. According to Dept. of Buildings records, in just the past 9 months, there have been 14 new buildings that received new permits or renewals of permits. Of these 14 buildings, 8 of them are more than 80 feet in height. In other words nearly 60% of the buildings under construction in the proposed rezoning area are out of scale with the existing character of our community. Many of these new buildings are on narrow streets, and they are sticking out like sore thumbs, towering over 5 and 6 story buildings that surround them. I'm not even including the new buildings that are going up on the Bowery, which also needs to be rezoned in a separate ULURP action in the future.

I'm referring to several new hotels that are going up south of Houston Street such as the 11 story hotel at 136 Ludlow Street and the 18 story hotel at 180 Ludlow Street and a 10 story hotel at 163 Orchard Street. I'm also referring to new luxury residential buildings such as a 26 story building at 180 Orchard Street and a 23 story building at 188 Ludlow Street. For this reason, contextual zoning is desperately needed to limit building heights on narrow streets to 80 feet. C4-4A zoning and R-7A zoning south of Houston Street will reduce the commercial and community facility FAR to 4.0 so that there isn't a stronger incentive to building hotels and dorms in this largely residential section of the Lower East Side.

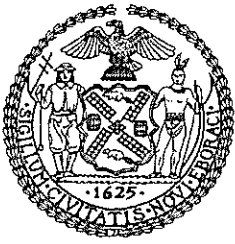
We strongly support inclusionary zoning which will provide incentives for private owners to develop affordable housing along the wide avenues on the Lower East Side. In adopting inclusionary zoning, DCP must also create language in the zoning text that prohibits demolition of structurally sound buildings, and provide stronger anti-harassment protections for tenants. Our organization sees hundreds of tenants each year facing harassment currently, and landlords who vacate their buildings through harassment should not be rewarded by being able to tear the building down in order to build a larger one.

Again, I want to urge that the City Council vote in favor of this ULURP, which will benefit more than 100,000 residents in the area that will be rezoned. 60% of these residents are people of color. Their median income is just over \$33,000 per year. They are facing intense displacement pressures under the current zoning.

Thank you for listening to the concerns of our membership organization.

Cooper Square Community Development Committee and Businessmen's Association

"Here Today... Here to Stay!"



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

November 12, 2008

City Council Hearing on East Village/Lower East Side Rezoning

Hello, my name is Dominic Pisciotta and I am the chair of Manhattan Community Board 3 ("CB 3").

Before I begin, I would like to take this opportunity to thank the Department of City Planning, my predecessor David McWater and our district Council Members for all of the hard work they and their representatives have done on this zoning proposal to get it to this stage of the ULURP process and for listening to, and working with the community since we asked for a rezoning in July of 2005. CB 3 followed a democratic community planning process over several years in concert with our Council Members, community members, leaders and organizations. Any last minute demands or remotely tangential proposals as well as attempts to derail the ULURP at this late hour do not respect the work or voices of this community. I ask that the City Council only consider adding items that have been agreed to as a result of previous public hearings and carefully weigh those that could potentially enhance this zoning plan.

Dismantling the rezoning at this point would be devastating to a community that has been at the center of the Real Estate development boom that exploded over the last decade. As this occurred it became apparent to that a zoning change is one of the few ways of saving a way of life, saving a community in CB3.

High rises sprang up obliterating the skyline and destroying the very feel of the neighborhood. With these buildings came high-income residents, (the likes of which had never been seen in our neighborhood) and their presence inspired landlords to either build more, or simply try to get rid of their long term tenants in favor of this new income class. Wholesale displacement of households, and even great pressure on tenants resulted. Eventually these buildings brought in high end retail as well, effectively destroying the Mom and Pop business culture that has flourished in the CB3 area since before the Civil War.

When CB3 convened its 197 Task Force in July of 2005 it set about working to solve these problems. We decided to work with the City on a rezoning, instead of going it alone and we decided two other things:

1. That we would include as many major stakeholders as possible on the committee. As such we asked Good Old Lower East Side, The GVSHIP, The EVCC., LESPMHC, Cooper Square Committee, City Lore, The LES TM, and several individuals with planning experience to join the task force.

Many of those groups will give testimony here today, and I am proud to say that this blue panel group along with 10 CB3 members managed to vote unanimously on every single proposal they had over a two year period.

2. We selected guiding principles that all stakeholders determined as having common ground, they were:
 - Preserve the residential character of the neighborhood;
 - Preserve its current scale and mid-rise character;
 - Establish a district more in keeping with current planning principals of contextual design;
 - Preserve the mixed income character of the neighborhood through the use of inclusionary zoning;
 - Eliminate the opportunity for community facility overdevelopment allowed under the current zoning.

I believe the principles speak for themselves. They are the attempts by a community, essentially unchanged economically or architecturally for over a century to a decade of wholesale change. They were designed to

Over the next year our Task Force worked diligently, meeting with DCP, reading studies, listening to and hiring experts to help us, and in December of 2006, 18 months after the principals were formed, CB3 came out with an 11 point plan in response to the DCP plan.

Many of these 11 points have been addressed in the zoning. For this CB3 is grateful. Those that we still believe should be added are as follows;

1. Anti-harassment set forth in the Special Clinton District and anti-demolition of sound residential buildings provisions provided for in the zoning text for the entire rezoning area or at the very least for the Inclusionary Zoning avenues. Special enforcement and oversight provisions to prevent harassment, displacement and demolition for all IZ developments. Displacement analysis and evaluation in EIS for all rezoning area.
2. At least 30% of the floor area developed of the projected increase in built residential FAR pursuant to Inclusionary Zoning will be for permanently affordable housing available to households at or below 80% of the area median income under a tiered system where lower income households will also be accommodated in fair proportion. If mutually agreed upon estimates of the private development that is likely to occur under this zoning indicates that this minimum will not be achieved, the City will make available development or preservation sites in the study area to achieve this overall percentage.
3. Legal service fund for enforcement of anti-harassment and anti-demolition provisions and prevent illegal evictions.

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

Certainly no one is to blame for this, the estimate is a realistic appraisal of soft sites and the new zoning plan. We believe, however, that including the items in our 11 point plan in scoping will allow for us together to find ways to create far more than 343 new units. We would like to see 700 affordable units for families at 80% of median income or below.

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

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

E-111-111-111

**Testimony to the City Council Subcommittee on Zoning & Franchises
on proposed East Village / Lower East Side Rezoning
Wednesday, November 12, 2008
by Marie Christopher**

Good morning, my name is Marie Christopher and I am the Tenant Association President of 210 Stanton Street which is located within the proposed rezoning area. I have also lived in the Lower East Side for more than 24 years and am a member of GOLES.

I would like to take a moment to thank the City Council for the opportunity to comment. Also, I would like to commend the many community based organizations and residents who have worked for over three years on this much needed rezoning of the East Village / Lower East Side.

I urge the City Council to support the rezoning of the entire 111 blocks as proposed in this ULURP action and make this plan even stronger by incorporating the following modifications which include:

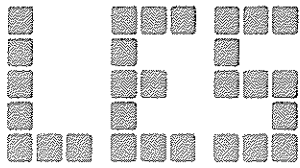
1. Anti-harassment provisions for the entire 111 blocks of the rezoning but especially on the wide avenues that contain inclusionary zoning provisions.
2. While inclusionary zoning is an important gain for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification. Therefore we need a commitment from the city to create an additional 700 units of new affordable housing for families at 80% of median or below.
3. We want 30% of all the new units developed with Inclusionary Zoning to be affordable, just as was done with the Cooper Square project. We believe that 20% is not enough.

4. Finally, we want the creation of a legal services fund to protect low-income tenants at risk of landlord harassment.

I would also like to comment on recent attempts to stop the rezoning by groups who claim that this plan is racist or that the process was unfair. I do not believe that these accusations are true. As I mentioned earlier this rezoning plan has been worked on for several years by a diverse group of stakeholders that include residents and many community based organizations representing low and moderate income families of color. There were many public community meetings, hearings and information sessions that were held to include the community's input and concerns.

Although rezoning can not solve all of our problems, I believe it is a step in the right direction. It will help us to protect the historic character of our neighborhood, slow down the rampant development of luxury housing and hotels, as well as create incentives for the development of more affordable housing in our community.

Again, I urge the City Council to support this rezoning of the entire 111 blocks. The rezoning must move forward with Community Board 3's modifications. We must do everything in our power to maintain our neighborhood character as well as our ethnic, cultural and economic diversity or risk putting many low and moderate income families that have called this neighborhood home for generations, in serious danger of displacement. Thank you



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November 12, 2008

Good morning, thank you for the opportunity to testify today. I am Roberto Ragone, the Executive Director of the Lower East Side Business Improvement District (LES BID).

We are a nonprofit organization with over 600 members of property owners and merchants beautifying and marketing the area to promote the community's quality of life and small business development while preserving the unique character of the Lower East Side.

As we have said, we commend and agree with many aspects of the Department of City Planning's rezoning proposal, including the residential upzoning, bonus allowances to achieve affordable housing goals, and reasonable height limits, including for Houston and Delancey Streets.

However, the LES BID requests very minor and specific, but essential revisions within scope for the area

- **south of Houston Street,**
- **north of Grand (inclusive),**
- **west of Essex, (inclusive) and**
- **east of Christie (inclusive).**

The LES BID is concerned about the future impact of C4-4A on the very soul of the historically commercial character of the Lower East Side. C4-4A will

- **Prohibit Use Group 11, which would eliminate light manufacturing, artisanal work and craftsmanship (e.g. jewelry makers, customized clothing makers, bookbinders), that help define what the neighborhood is known for---as a destination for creativity--and an essential aspect of some retailers. In fact, these types of artisans are currently among the model candidates for Empire Zone tax credits.**

- **Reduce the commercial FAR from 6 to 4 , a 33% reduction in property value, which on top of the current financial crises shared by all, will make it nearly impossible to obtain financing for commercial development.**
- **Equalize the commercial and residential FAR at 4.0 (from the residential upzoning), thereby encouraging residential development over commercial/economic development of non-retail. This would make it harder to bring the non-retail creative sector of professionals who might otherwise come live, work and shop in the LES. This undercuts luring the architects, engineers, fashion designers, graphics designers, and others who can become the consistent critical mass of daytime foot traffic to sustain the retailers, restaurants and artisans in the area.**
- **More broadly, reduce the potential of the Empire Zone.**

The LES BID is requesting that the proposed C4-4A south of Houston be amended to a C61-A. Under this designation, the City can

- **Preserve the current commercial density (6.0 FAR) to preserve the commercial viability of the area and foster an atmosphere for non-retail commercial enterprises.**
- **Reduce competition for residential development by incentivizing commercial development (by keeping the FAR at 6.0 and making it greater than the residential FAR).**
- **Preserve Use Group 11 and thus sustain the artisan community/business destination (whose collective presence of “home grown” activities reinforce each other and the area as a destination).**
- **Maintain a streetwall consistent with the existing built environment; and consistent with the spirit of contextual zoning, but with slightly higher height caps for narrow streets than north of Houston.**

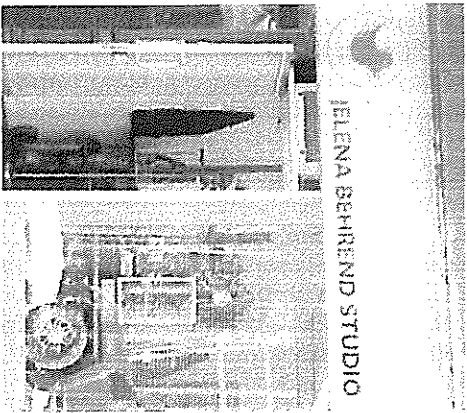
The Lower East Side (LES) used to be a vibrant shopping district and daytime destination. The area has struggled in recent years. A Business Improvement District was created in 1992 to spur economic activity, and then, after the economic decline following 911, a valiant effort went into creating an Empire Zone, to include the LES to incentivize commercial efforts through tax breaks.

The right zoning can continue to foster the needed economic activity. We need to reclaim the Lower East Side as a daytime destination, not jeopardize it. We have an opportunity. Don't let it slip away. Don't decommmercialize the LES. The very heart of its identity is at stake. Please carry out this one key amendment to an otherwise admirable zoning plan. Thank you.

Custom Manufacturing



Manufacturing is a complex process that involves many different steps and stages. From the initial design and prototyping to the final production and distribution, each step is crucial to the success of the manufacturing process. Custom manufacturing allows for the production of unique, high-quality products that meet specific customer requirements.



Lower East Side BID

THOUGHT



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November 12, 2008

City Council Subcommittee on Zoning and Franchises

Dear Members of the Subcommittee:

My name is Bob Levy and I am the owner of Harris Levy, Inc. Harris Levy, Inc. is a retail store established in 1894 by my Great Grandparents. Since 1894, over 114 years, we have made the Lower East Side our home having moved four times all within an eight block radius.

I am the fourth generation, direct descendant of the founders. We call the Lower East Side of Manhattan our home despite the neighborhood's "growing pains" over the last century. While many have moved uptown or even out of the City we have pride in our roots and longevity here. Even after the most devastating era, the post 9/11 era, we have stayed in the City and neighborhood that we love despite very heavy losses.

I saw the handwriting on the wall when my wife and I put every penny that we had into creating the NEW Harris Levy. To make ends meet I work a second job as a Paramedic for Saint Vincent's Catholic Medical Center in Greenwich Village.

It looks as though our fiscal year end June 30, 2008 has borne the smallest loss since 9/11 and is almost a break even; this is not bad for a recreated 114 year old NEW business. While I am optimistic I know that we cannot continue this way much longer. It is with this in mind that I want to take this

opportunity to explain why the City Council should consider the LES BID's position on the rezoning proposal.

I am concerned that the proposed rezoning caps commercial development in the Lower East Side. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it's for home furnishings, textiles, pickles, leather, other retail services, or daytime dining. While I am grateful to our long-standing customers who are as multi-generational as our business, we need daytime business from people who work in the area. A significant part of our lost business is due to the loss of World Trade Center and Wall Street staff walking here on their lunch hour.

I know that as a business that benefited in the past from the Lower East Side as a daytime destination a key way to reclaim this reputation is to foster and encourage the establishment of daytime walk-in businesses, local offices both private and municipal as well as anchor stores.

This is why I agree with the LES BID's position that we must preserve as much of the currently allowable commercial development in the area as possible. The area needs local employees (aside from the current retail workers) who will explore the neighborhood and patronize the stores.

If we don't use foresight NOW my store and many others will be relegated to the internet or close completely as so many others in our neighborhood have. The short list of recent losses: Fine and Klein, Salwin, Ratner's, Gertels, Fishkin, Bunnies, Klein's of Monticello. Gone are these icons, gone are their customers, gone are their employees, gone are their revenues, gone are their tax dollars.

The LES BID's position makes sense to allow my business and others here to get back on their feet and grow with shoppers on all days of the week and at all times of the day. I ask you to apply the BID's perspective and my views to your plan.

**STATEMENT IN OPPOSITION TO R7B DISTRICT DESIGNATION OF
THE EAST VILLAGE/LOWER EAST SIDE REZONING**

By Marvin B. Mitzner, Esq.
Blank Rome LLP

LU 0923-2008

Public Hearing of Zoning and Franchises Committee
New York City Council
November 12, 2008

This statement is made in opposition to the proposed mapping of an R7B district mid-block between Avenues A and B from East 4th to East 7th Streets, the only R7B mapping in the entire East Village/Lower East Side Rezoning. Our client, Magnum Real Estate Group, is the owner of multiple properties within the proposed rezoning, including three (3) properties located within the R7B district. We firmly believe that singling out this small mid-block area for more restrictive zoning than the other similarly situated mid-blocks is contrary to the stated purpose of the rezoning, is inconsistent with the creation of a comprehensive plan for the area, is irrational, was promoted for reasons other than appropriate planning goals, and is singularly and unjustifiably harmful to the existing and future growth of the area.

The present zoning throughout the East Village is R7-2, which permits a maximum residential FAR of 3.44. The proposed R7B district would permit a maximum residential FAR of 3.0, resulting in a reduction of 0.44 FAR or 12.8%. The rest of the East Village under the rezoning is being rezoned to R7A along the Avenues, and R8B in the mid-block areas, both of which permit a maximum residential FAR of 4.0, resulting in an increase of 0.56 FAR or 16.3%. The rezoning would therefore increase residential FAR throughout the entire East Village, except that it would reduce the residential FAR for the small area that is proposed to be rezoned to R7B. Where is the logic and rationale for such different treatment within the same area?

Statement in Opposition
Page 2

As indicated on the Department of City Planning's website, the purpose of remapping from R7-2 to R7A and R8B is not density reduction, but, rather, to establish height limits to prevent out-of-scale development in the area. This rationale would be met by mapping the proposed R7B district as R8B, the same as the other mid-block districts in the East Village, since the maximum height limit of the R7B and R8B districts are identical. The sole reason for mapping the R7B is to punitively reduce the FAR with no basis for such reduction. The proposed R7B does not advance the stated goal of the rezoning, but isolates a few mid-block sites for special, singular and unjustified treatment.

An example would highlight the irrationality of the proposed R7B mapping. 441 East 6th Street is located in the mid-block on East 6th Street between First Avenue and Avenue A. It is a five-story building, and is built to an FAR of 2.8. Under the proposed R8B zoning for this parcel, a one or two story addition could be constructed to bring the FAR to 4.0 so long as the maximum height does not exceed 75 feet. Yet, 525 East 6th Street, which is located on the adjacent block between Avenue A and Avenue B, is also five-stories and is built to an FAR of 2.9, but cannot improve its property since it is located on a mid-block proposed to be zoned R7B with a maximum FAR of 3.0. There is no legitimate planning rationale that can support such different treatment, especially given that the two (2) sites share the same neighborhood context.

The imposition of the R7B district will prevent any upgrading of the existing tenements in this area by removing the ability to add a rooftop story within the height limit of the area to offset the cost of renovating the building. These tenements would be forever frozen in time without any prospect of achieving rehabilitation. Our client is in the process of significantly upgrading its buildings within the proposed R7B district, and improving the life safety and living conditions of its occupants, an effort and cost which is offset by constructing minor rooftop additions. Despite such upgrades, a few tenants of these buildings have engaged in a campaign to prevent the completion of construction. The proposed R7B district is a further advancement of that campaign and is intended to prejudice our client's ability to finish the ongoing

Statement in Opposition

Page 3

construction work. Unfortunately, the Department of City Planning responded to such efforts and modified the original rezoning plan by singling out the small three mid-blocks within which our client's protagonists were focusing their attention for an FAR decrease while allowing an increase in FAR in every other area of the East Village. This is arbitrary, illegitimate and amounts to improper targeted zoning.

Accordingly, we urge this Committee to reject the proposed R7B zoning and allow the R8B zoning to be mapped in its stead, as are all the other mid-blocks within the East Village.

Thank you for your consideration.

The rezoning of Community Board Three disproportionately effects the Chinese, Latino, and African American populations of the Lower East Side and Chinatown. This plan will push the luxury development that is happening in the East Village to the predominantly working class neighborhoods of Chinatown and the Lower East Side. Contrary to what has been claimed by proponents of the plan, the rezoning does not destroy luxury development it displaces said development to the surrounding minority and poorer neighborhoods. You compound the racism of this plan and of this government by creating a separate plan for Chinatown, that pits the Chinese against the Latinos and African Americans, further dividing up the community. This working group is basing their plan off of the Rebuilding Chinatown Initiative, a plan that will turn Chinatown into a Disneyland version of itself. For example the plan calls for street lamps to be redesigned with an "oriental" influence. This will turn the district into a tourist ghetto. New York is built on hard work and initiative, it is built on people who came to this city believing that they could create a better life. It is built on diversity and the creativity that comes with diversity. The rezoning of CB3 will destroy that diversity and make Manhattan more homogenized than ever before, and that is a city that I do not want to live in. In these perilous and uncertain economic circumstances, this is no time to sap the vigorous entrepreneurial spirit that has characterized these neighborhoods for hundreds of years. Wall Street is having problems, to put it politely, this is no time to further threaten New York City's and the nation's economic security. This is not change that we can believe in. It is change that developers can profit from. It's time to stop this plan.

My name is Josephine Lee and I am here to speak on behalf of the Coalition to Protect Chinatown and the Lower East Side.

It is a shame that we have a Mayor who uses the city as a playground for his rich friends, and who repeatedly flouts the democratic process while other city officials pat his back for it.

It is a shame that for three years the City kept our communities in the dark a plan that would devastate our homes, workplaces, and businesses in the Chinese and Latino community, in exchange for protecting the narrow interests of a few white rich people in the East Village.

It is a shame that when we found out about this racist plan, the City did everything they could to lie to the public. To this day, they continue to lie saying that:

- The plan is not racist. But the City failed to inform the public that they chose to sacrifice areas in the Chinese and Latino community by upzoning streets in our community in exchange for downzoning areas in the white community. and what this will mean to our community when even developers admit that large scale high-rises and hotels are already moving into our neighborhood because of the anticipated rise in property value this plan will cause in our community.
- The City still says that NYCHA will not be affected, even after they announced plans to start selling off their development rights. What will the upzoning of Avenue D do the NYCHA buildings across the avenue, but make it even more attractive to be privatized.
- The City lies to the public that there will be affordable housing under this plan; but fails to inform that whether or not they provide 20% or 30%, only 25% of the community district will be able to afford it; and that's not even guaranteed.
- And the City fails to inform the public how many small businesses will be displaced by this plan and will not be able to move back; even though they counted 211 projected development sites.

And it is a shame that proponents of this plan are pushing eviction prevention because they know they are going to need it even more after this plan destroys the community. And it is an even greater shame that they are shouting to show the public how they are selling out the community.

It is a shame that when we demanded that this racist plan be stopped and that the City ensure the ENTIRE district to be protected, that now the Mayor now is pushing another racist separatist Chinatown plan, that will displace the Latinos in the Lower East Side.

We will not tolerate racism by our government or within our communities. We demand that this racist plan be stopped. And at a time when people are expecting more accountability from their representatives, it will be a shame if you follow in the footsteps of Bloomberg in destroying our community. On behalf of the Coalition to Protect Chinatown and the LES and on behalf of more than 11,000 people who have signed these petitions, I say Vote this plan down.

LOWER EAST SIDE\EAST VILLAGE RE-ZONING TESTIMONY, November 12TH
2008

My name is David McWater. I am currently the chair of the Zoning and Planning Committee of Manhattan Community Board 3. I was both Chair of the Board and the 197 Task Force when CB3 began working with the Department of City Planning on this zoning change.

It has been an honor for me to work with an array of community groups, CB3 board members and DCP on this rezoning.

For years my neighborhood has been abused by an onslaught of out of character and unaffordable development. It was in the face of this deluge that the board decided to try and rezone many of the affected areas. CB3 formed a Zoning task force and invited public members from many of the important institutions in the neighborhood to join. The board and its many allied groups have been guided by the most valiant of principles. Their vision is to preserve the homes of those who live there, to provide housing for those who can no longer afford to live there, and to try and preserve the very essence of the Lower East Side. Their dream, like that of so many municipalities and neighborhoods across the country during the real estate boom, is to stop gentrification and to fend off the speculators and developers who would snatch the neighborhood from those that call it home.

Such noble desires are usually political folly. But not this time, this time the people banded together. The Board worked hand and hand with DCP. There was a dialogue. People listened.

Every single vote Manhattan Community Board took regarding this zoning change, and there were many over the last 3+ years, was unanimously in support. When have any of us ever heard of such a thing? Meeting after meeting task force members from all walks of life, representing many different organizations and constituencies, worked together until they had found the best answer possible, consensus was job one.

We have in this zoning the **lowest compliant height cap possible** for the vast majority of the area. That is remarkable. It is progressive. It is *historic*. It will have a positive, life changing effect on the neighborhood and its citizens for decades. It will preserve the neighborhood.

Truly it is an honor to be involved with such a process.

I hope this body will honor that process and the historic consensus that CB3 has had on this issue and not allow for last minute changes that were never approved of or even vetted before the Community Board.

Certainly more can be done. I would love to see the city commit to building affordable units in the Lower East Side. CB3 has called for the city to guarantee that some 700 units of permanently affordable housing will be built, I urge everyone to rally around that magnificent goal. We have before us the once in a lifetime opportunity to accomplish these grand acts, let us not miss the mark.

As I chaired these meetings for the last three years I have carried the burden of knowing we would get only one shot to get it right. I have fretted and worried, listened and learned, and strived to find a path that would allow CB3 to do the very best possible job they could for the community within the constraints and regulations of the greater municipalities. I believe with my intellect, and with my heart, that this is it. .
Thank you very much for your time and the opportunity to appear here today.

**Testimony to the City Council Subcommittee on Zoning & Franchises
on proposed East Village / Lower East Side Rezoning
Wednesday, November 12, 2008
by Maizie Torres**

Good morning, my name is Maizie Torres and I am the Tenant Association President of 355 East 10th Street which is located within the proposed rezoning area. I am also a lifelong resident of the Lower East Side and a member of GOLES.

I would like to thank the City Council for the opportunity to testify. I am delighted that our Community Board has worked with the city to rezone the East Village / Lower East Side and would also like to thank all of the residents and community organizations such as LESCAZ who have worked tirelessly on this plan.

As such, I am here today to urge the City Council to support the rezoning of the entire 111 blocks as proposed in this ULURP action and make this plan even stronger by incorporating the following:

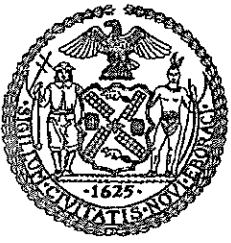
1. Anti-harassment provisions for the entire 111 blocks of the rezoning but especially on the wide avenues that contain inclusionary zoning provisions.
2. While inclusionary zoning is an important gain for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification. Therefore we need a commitment from the city to create an additional 700 units of new affordable housing for families at 80% of median or below.
3. We want 30% of all the new units developed with Inclusionary Zoning to be affordable, just as was done with the Cooper Square project. We believe that 20% is not enough.

4. Finally, we want the creation of a legal services fund to protect low-income tenants at risk of landlord harassment.

As I mentioned earlier this rezoning plan has been worked on for several years by a diverse group of residents and organizations representing low and moderate income families of color. There were many public meetings, hearings and information sessions. As a result Community Board 3 was able to develop these modifications and reach consensus around a plan which includes the community's input and concerns.

I understand that this rezoning can not stop all of the problems we are facing with gentrification and displacement on the Lower East Side. However, I believe that it will help us to preserve the diversity of our community, protect the character of our neighborhood, slow down the out of control development of hotels and luxury housing and create opportunities for the development of more affordable housing.

So again, I urge the City Council to support this rezoning with Community Board 3's modifications. Thank you.



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD NO. 3
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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

November 12, 2008

City Council Hearing on East Village/Lower East Side Rezoning

Good morning. My name is Susan Stetzer. I have been District Manager of CB 3 since July 2004, and I was a board member previous to this position. I am also a long time resident of the Lower East Side.

I want to thank the City agencies and our Council Members for their work and collaboration with the CB in responding to the community to preserve the character of our neighborhood.

When I became DM, the office was flooded with calls mostly on two issues. One of these was the out-of-scale development of the neighborhood. Long-time residents and those who had recently moved here because of their attraction to the character of the community, were shocked and extremely upset about the sudden overdevelopment of the neighborhood.

People had assumed that new buildings could not exceed the height of the surrounding buildings. Suddenly, they were piercing our skyline—and they were being built totally out of character with the historic nature of our tenement community. Lower East Siders are terribly proud of our history and the buildings and businesses that still reflect our character.

People were very angry when the blue building went up on Suffolk. They fought for years to stop the 24-story building at 188 Ludlow—but only succeeded in delaying it. The community board tried to stop the 13-story mid block dormitory at 81 E 3rd—but failed. We were suddenly seeing tall hotels midblock on narrow streets where families lived in tenement buildings. Churches and small landlords sold their air rights and moved their religious institutions and businesses. The small businesses on Ludlow are afraid their businesses will not survive the change. It has also become necessary for the Board office to spend a great deal of time investigating phony community facility claims.

When the Community Board formed the zoning taskforce—I had finally had an answer for all the residents calling for help from the Board. I told them that if they wanted to stop this out of character overdevelopment—they should attend the taskforce meetings and give their input. It made a huge difference—people finally felt they had a productive way to fight back to save their community. Every time I walk down the street or stand in line at the grocery —people ask me about the rezoning and express the urgency for this plan to be implemented.

I am often in the difficult position of having low and moderate income constituents come to the office begging for help the find or stay in affordable housing. Preserving and creating more permanently affordable units is a very necessary priority for our community. I personally would not be able to afford to stay here if I were not in a rent-controlled apartment. We ask your help in securing more affordable housing and tenant protections.

This plan came from our community and went through the ULURP process, which guaranteed transparency and public input and a public vote. Community Board 3 voted unanimously to support this plan. Please protect our community plan by ensuring there are not last minute conditions added that will change this plan without community input or review.

As a long time resident who loves my community, and as District Manager of Community Board 3 speaking for the many constituents who call and write—I ask the City council to support our community by voting to approve this plan.

I am a member of the Bowery Alliance of Neighbors, and I've been an East Village/Bowery resident for 28 years. Although I'm in favor of the Rezoning plan for the East Village, I am very upset that the plan did not include the Bowery/ 3rd. Ave. corridor.

Bowery is quickly losing its historical character and its buildings due to out-of-scale development of Hotels and other tall buildings, that are in addition to height, not contextual with the existing historic architecture.

I teach art to children in an Arts Afterschool Program in Greenwich Village. One of the classes I teach is Architecture. My students range in age from 8 to 13 years. One of the things we study is architecture in NYC buildings. One of the first things my students say, without prompting or any opinions from me is how much they dislike the new buildings that are being built in the neighborhood. When I ask why, their answers are that they are ugly, they don't fit it with the neighborhood, they are un-inviting to go in to, and they lack a neighborhood feeling, which then leads to a discussion about the philosophies of Jane Jacobs. Many of our discussions have been about the Bowery area. When we take neighborhood walks, I find that children love our old buildings and their history, and as children growing up in NYC they understand neighborhoods. I believe the NYC Department of City Planning could learn a lot from my students, and I urge them to rezone the Bowery, or to extend the Little Italy Special District to the east side of Bowery.

Sally Young
235 E. 5th Street #7
NYC NY 10003

Upon leaving, I spoke with a woman who said that she was a member of the CB3 to tell her that it was inappropriate to lock out and threaten people wishing to attend a CB3 public event and that David McWaters' behavior was completely reprehensible. She told me that people shouldn't be upset because there's been a lot of outreach for the last three years. I told her that I lived in the community and had never heard about this. I asked her how the outreach was conducted. She said that people could have signed up for emails. I asked her how outreach was conducted to the population of Chinese and Latino people who may not be able to speak English or use email. I told her that Chinese people have had a long history of being excluded and that Chinese exclusion has always been racist.

I have lived and worked in Lower Manhattan and the East Village for many years, My children have been going to a District 1 school for five years. I moved into my current apartment nearly two years ago. In this period of time, I had never heard of the rezoning plan until that evening.

Thank you for listening. I hope that my experience is helpful in shedding light to this process.

age 14

Hello, my name is Rachel Trachtenburg.

Mayor Bloomberg's rezoning plan is proof that he is a liar and does not care for the citizens of New York.

His plan will pave the way for Major developers to take control of the Lower East Side and ultimately displace low income families, small businesses and people of color.

Many of our friends are losing their homes in New York City, and it is breaking up our community.

New York City is now only affordable for the rich!

This is only one of the many ways the Mayor is destroying this City! Since 2001 he has been responsible for rebuilding ground zero, and it is still a big hole..

There are two working class groups here today. One that is for rezoning and one that is not.

I feel that if Mayor Bloomberg is for this policy than I know for a fact that he is NOT going to help the Citizens of New York!

He would rather make himself richer than do anything good for the people of New York City!

This plan is racist and classist.

We Need To Put A Stop To This!

Thank
you!



而市府廳政曾又沒有為我們提供例

作了6、7年,或從事服務業工作,或的
主要是閩籍人化,代們在美國各州
才富,只是工余休息才回到紐約,回到
到來和消費,繁榮了唐人街,帶動
也為許多人帶了就業的機會,可是市府
為自身的利益,和偷工摸摸進行
出所謂的土地改革,要在唐人街蓋高樓
又入唐人趕出唐人街,給我們的就業
就是要表達或堅決反對這個土改
立即停止這個計劃!

◎ MING HO

962 54ST 2F

BROOKLYN NY 11219

Date: November 12, 2008
To: Subcommittee on Rezoning
From: Trinh Duong
Re: Testimony for LES/Chinatown Rezoning Plan

My name is Trinh Duong. I live at 530 Grand Street, New York, NY 10002. I am a resident of the Lower East Side and my two little boys, ages 9 and 5, attend PS 184M on Cherry and Montgomery Streets. I have been taking my children to school at PS 18M since my oldest child started kindergarten.

Earlier in the Spring of this year, I believe it was in the month of May, I was walking home from work when I passed PS 20. I learned that the Community Board was having a public hearing inside the building. I also saw a number of other residents and working people from nearby Chinatown trying to get into the public hearing. Concerned about the new hotels that I had been seen being built in Chinatown and the rapidly changing neighborhood that I was living in, I decided to go into the hearing to learn about the rezoning plan.

Two police officers stopped me from entering the hearing, threatening to arrest me if I tried to go inside the building. I told them that I understood this hearing was open to the public and that I lived in neighborhood covered by Community Board 3. The police officers kept repeating that they would arrest me for trying to go into the public hearing. There were approximately 30 people behind me and one person in front of me. Finally another person, identified as a community liaison, came to the door to say that it was illegal for us to go inside because of fire code limits. I told the community liaison that my son had attended summer school in this very building the previous summer and that empty seats in the auditorium—which were visible from the open doorway--- meant that the fire code limits had not been reached. After approximately 30 minutes of being locked out and threatened with arrest, the community liaison finally realized that the person in front of me was a journalist and allowed her to go inside. After she came back outside with her camera crew to film us being locked out of the hearing, the police officers said that if people leave then we could go in. When I pointed out that two people were just leaving, he reached behind me to try to allow two white people to enter. I had to assert that I was the next person in line and had a right to attend the meeting. I insisted that racial profiling was wrong.

Inside the auditorium, I heard a number of Chinese and Latino residents asking translations repeatedly. At one point, one of the CB3 members, David McWater, responded to an audience member asking for translation by grabbing the microphone and yelling--“That man wants to take your money!”—among other unflattering characterizations. It was distressing to see a representative of the Community Board verbally attack an audience member in such a baseless way. It was extremely offensive and irresponsible to insinuate that a Chinese man was a thief wanting only to steal people’s money, not that he had a legitimate reason to be at the hearing or to demand translation. It was offensive, intimidating and racist.

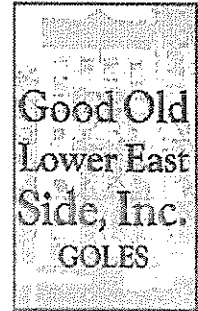
T. Duong
Plot 2

Upon leaving, I spoke with a woman who said that she was a member of the CB3 to tell her that it was inappropriate to lock out and threaten people wishing to attend a CB3 public event and that David McWaters' behavior was completely reprehensible. She told me that people shouldn't be upset because there's been a lot of outreach for the last three years. I told her that I lived in the community and had never heard about this. I asked her how the outreach was conducted. She said that people could have signed up for emails. I asked her how outreach was conducted to the population of Chinese and Latino people who may not be able to speak English or use email. I told her that Chinese people have had a long history of being excluded and that Chinese exclusion has always been racist.

I have lived and worked in Lower Manhattan and the East Village for many years. My children have been going to a District 1 school for five years. I moved into my current apartment nearly two years ago. In this period of time, I had never heard of the rezoning plan until that evening.

Thank you for listening. I hope that my experience is helpful in shedding light to this process.

**Testimony to the City Council Subcommittee on Zoning & Franchises
on proposed East Village / Lower East Side Rezoning
Wednesday, November 12, 2008
by Damaris Reyes, Executive Director, Good Old Lower East Side**



Good morning, my name is Damaris Reyes and I am the Executive Director of the Good Old Lower East Side, Inc. (GOLES) and a life-long resident of the Lower East Side.

GOLES is dedicated to tenants' rights, homelessness prevention, economic development and community revitalization since 1977 and serves more than 3,000 low-income residents on the Lower East Side each year. As such, we maintain our ear to the ground and are intimately familiar with the needs of our residents.

GOLES is also a member of LESCAZ (Lower East Side Coalition for Accountable Zoning) a coalition of affordable housing and preservation groups, and we strongly support the contextual rezoning of the entire 111 blocks as proposed in this ULURP action. This plan is the result of a collaborative partnership between Community Board 3 and the Dept. of City Planning. The plan contains many positive elements which we strongly support and believe can be made stronger by the following modifications:

1. Anti-harassment provisions for the entire 111 blocks of the rezoning but especially on the wide avenues that contain inclusionary zoning provisions.
2. While inclusionary zoning is an important gain for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification and we need a commitment from the city to create an additional 700 units of new affordable housing for families at 80% of median or below.

3. We want 30% of the all the new units developed with Inclusionary Zoning to be affordable, just as was done with the Cooper Square project. We believe that 20% is not enough.
4. We want the creation of a legal services fund to protect low-income tenants at risk of landlord harassment

This plan and modifications are a result of a democratic unified community planning process where many meetings and public hearings were held by Community Board 3 and partner organizations, ultimately leading to a Unanimous Vote to support the rezoning plan with modifications. We want this process to be respected.

We believe that this rezoning and modifications are desperately needed to fight the selling off of our neighborhood to the highest bidder. The out of control development of hotels and luxury housing is changing the historic and diverse character of the community.

Rents are being driven up and our affordable housing stock is dwindling. At every turn, residents are facing the pressures of displacement. Families are living doubled up in overcrowded conditions because they want to remain in the community but can not afford the market rate rent. Residents are being harassed by landlords and developers to move out and make way for higher rent paying tenants.

I have seen many of my friends and family forced out of the neighborhood to places where rent is more affordable, even though they wanted to remain on the Lower East Side. These conditions are damaging the quality of life and breaking up family support systems that low income residents rely on. For these reasons it is even more critical that

we maximize every viable opportunity to create affordable housing and help protect many families that have called his neighborhood home for generations.

Further proof of the challenges that we face emerged on May 20, 2008, when the National Trust for Historic Preservation unveiled its 2008 list of America's 11 Most Endangered Historic Places. Making the list was our very own Lower East Side, which the Trust characterizes as "the neighborhood that embodies the history of immigration in America that is steadily and irrevocably being erased by inappropriate development." The Lower East Side is home to a diverse population of residents, both ethnically and economically, a community rich in culture and character which deserves to be protected.

GOLES believes the rezoning plan with CB3's modifications will help protect economic and racial diversity by preserving affordable housing and commercial space, protect historic resources and protect against an onslaught of overdevelopment.

Additionally, we request that a follow up corrective action (FUCA) be drafted by the City Council requesting that the City Planning Commission initiate an immediate rezoning of the Bowery area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery.

We are also urging the City Council to request that the Department of City Planning commit to working with the Chinatown working group to rezone the Chinatown area as well as provide funding and resources to make it happen.

In closing, GOLES strongly supports the rezoning of the East Village/Lower East Side with CB 3's modifications and urges the City Council to do the same. Thank you.

November 12, 2008

Chairman Avella and Councilmembers,

Good morning. I am Richard Bass, of the law firm Herrick, Feinstein LLP, and I represent the Lower East Side Business Improvement District ("BID").

The public policy of the City of New York for the past 20 years has been to support commercial activity in the area south of Houston, west of Essex, north of Grand and east of Christie Streets. This policy produced the Lower East Side BID, an advocacy organization for commercial activity, and the New York State Empire Zone, which provides economic incentives for commercial activity.

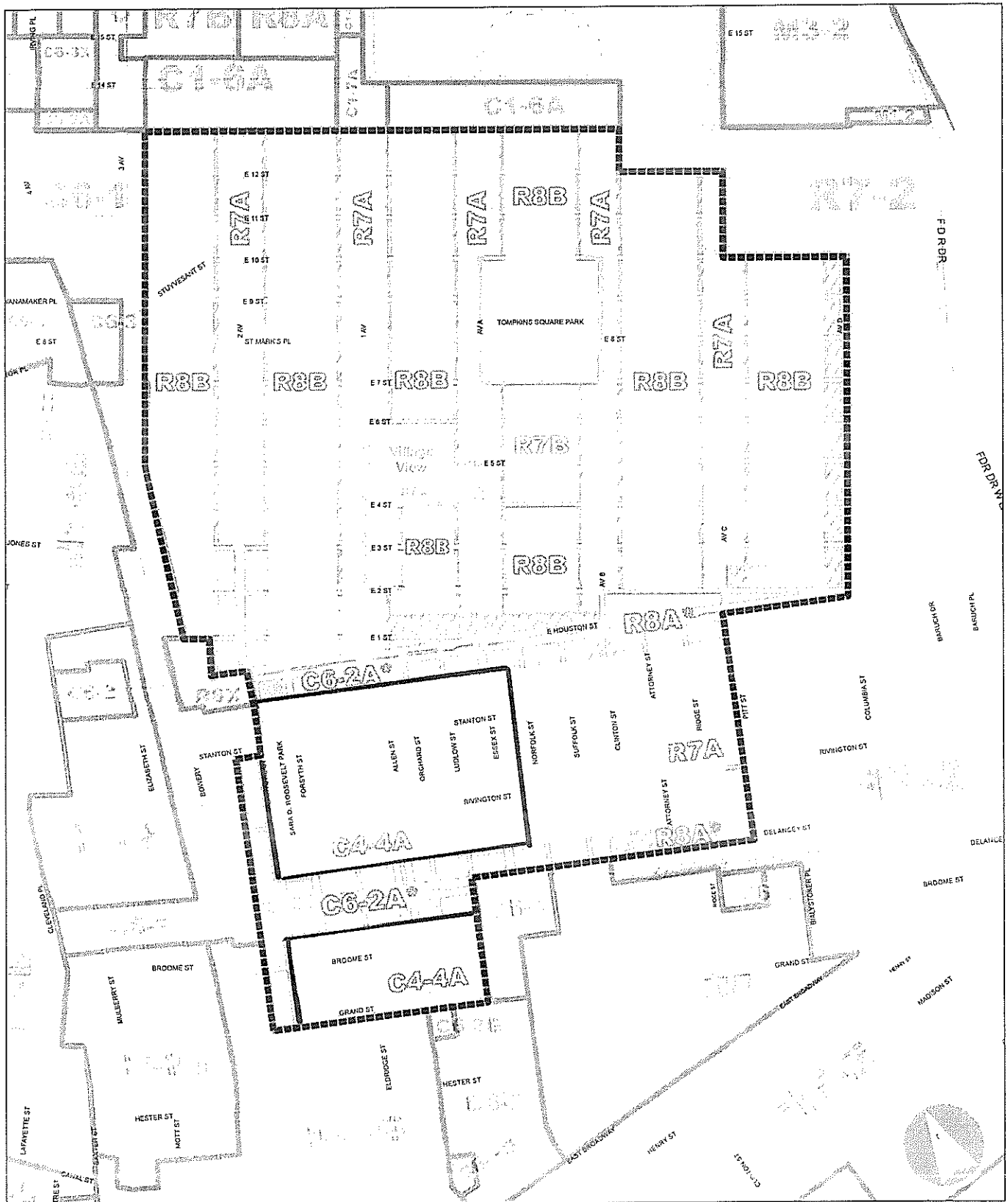
The proposed zoning for this area seriously contradicts and conflicts with the City's policy to support commercial activity. The proposed zoning reduces potential development rights by 33%, eliminates a use group, 11, that permits artisan activities and creates a market condition that will only produce residential development in the future. The BID believes this is the wrong public policy for the City to adopt at this time at this location.


The BID acknowledges the community initiative to regulate out of scale buildings. Therefore, the BID suggests the following amendment to the zoning map:

- Map the currently zoned C6-1 to C6-1A, which would permit a 6.0 commercial FAR in a contextual building form of 60-85' streetwall and maximum 120' height.
- Provide minor zoning text amendment to insure that the C6-1A in this area would be within scope of this action.

To approve the proposed zoning will insure that this commercial area will become a residential neighborhood with only ground floor bars and restaurants as the only commercial activity.


The BID's proposed compromise would continue the City's support of commercial activity and new jobs in this area, while at the same time address out of scale development. We ask for your support of this compromise.



 Study Area Boundary

 C1-5

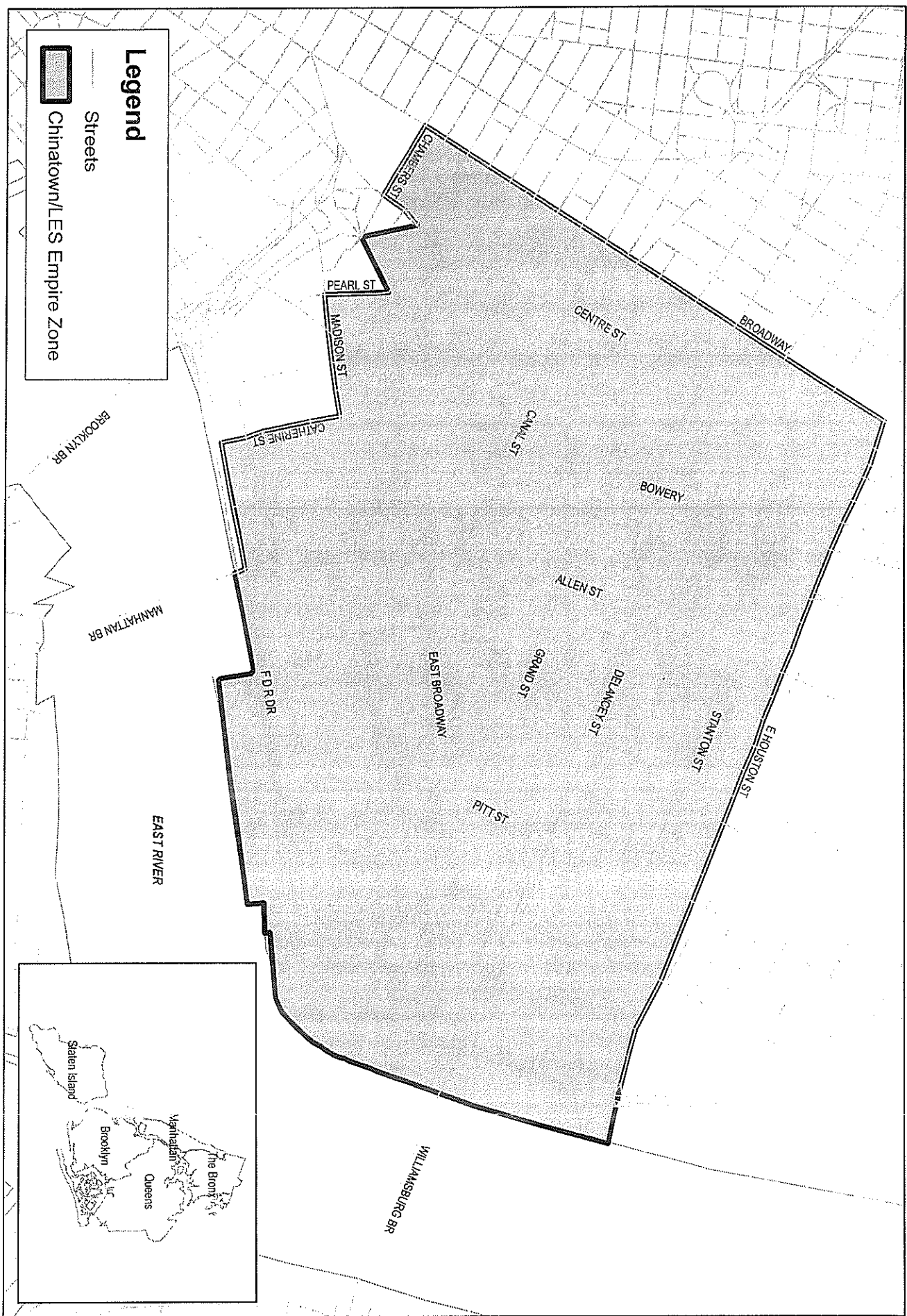
 C2-5

 Contextual District with Inclusionary Housing

East Village/Lower East Side Rezoning Proposed Zoning

DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE

Chinatown/Lower East Side Empire Zone



Good morning my name is Matt^{DE} Silva and I own Guitar Man on Orchard Street. My wife owns Adrienne's Bridal Salon on the same block across the street. I customize guitars on the premises and she does the same with wedding dresses.

It's my understanding that the City's rezoning proposal for the Lower East Side affects the future of businesses like ours. Owned by people who customize their work. People with a pride in craftsmanship and artisanship.

I chose to start a business in the Lower East Side because of its tradition of creating an atmosphere for entrepreneurship, for someone who offers a unique product to customers who value not just the product, but the process and effort that went into making it.

My wife, whose business was started in 1950 in another neighborhood, feels at home and honored to have Adrienne's Bridal Salon sitting in the same neighborhood as so many intergenerational businesses that have staked their claim in this neighborhood, like Russ and Daughters, Mendel Goldberg Fabrics, and Harris Levy Home Furnishings.

This artisanship is an important component of the neighborhood that defines the Lower East Side. It's what makes it the Lower East Side. Even if the current zoning proposal would grandfather the artisan businesses that are already here, like mine, the City's plan undercuts the success of these individual businesses because they benefit from the overall dynamic of having such businesses in the area.

There is also something to be said for the LES BID's perspective about maintaining the commercial density to leverage the potential space to attract the creative sector into boutique office firms. These workers could then browse my store and other retailers in the area or happen upon what they need. The area retailers need to be able to count on daytime foot traffic and the LES BID's position takes that into consideration.

I understand that the City's intention is to build more residential units and put a cap on building heights. These are legitimate concerns. It seems to be that the City Council can adopt a zoning plan that achieves these goals without losing these types of businesses. It may very well be that the Lower East Side Business Improvement District has a proposal that addresses these various concerns

The Lower East Side Business Improvement District is interested in keeping the artisan community and the commercial density in tact, which I agree are major economic priorities for the Lower East Side. We support the LES BID's efforts and appeal to the Subcommittee on Zoning and Franchises and the full Land Use Committee to pass amendments to the zoning proposal that reflect the LES BID's proposal.

Good afternoon, my name is Hans Kerremans and I am the owner of Tropical Salon

I want to take this opportunity to explain why the LES BID's position is important to consider.

I opened my store in the Lower East Side because of its reputation as a place where an entrepreneur can be creative and unique about the products and services it provides. My Salon offers a laidback atmosphere where customers can get haircuts, colors and waxing services at an affordable price..

I am concerned about any significant limits placed on commercial development in the Lower East Side by the the proposed re-zoning. We need to maintain and expand the Lower East Side's daytime reputation as a shopping destination, whether it be for beauty products and services or other retail and dining.

While I do use e-commerce and the internet to get many customers, an earnest business striving to succeed in the Lower East Side would want to know they can rely on walk-in business from a reliable and consistent client who live, work, or visit the area.

That's why I agree with the LES BID's position that we need to preserve as much of the currently allowable commercial development in the area as possible.

The area needs non-retail workers who will patronize our stores during their lunch hour and after work. My customers tend to be from 28 to 45 years, whose professional background vary from people that skilled workers to local business owners. They come to my store from different parts of the Lower East Side, as well as adjacent neighborhoods, such as Williamsburg and Soho.

I agree that with the area's legacy for ingenuity and I think it is important to bring in and maintain the creative professions. It could be the light manufacturers and artisans. It could be the graphics designers, fashion designers, architects, and PR persons.

I am also pleased to know that the Parks Department has completed one block of the pedestrian island mall where people can sit and relax on Allen Street between Broome and Delancey.

So why it's not clear why Allen Street is not treated as a wide street for the purpose of your study, it would be great to give incentives to develop Allen Street in exchange for having developers donate resources to make the rest of the pedestrian malls "green" and recreational, that would be a great accomplishment.

Please support the LES BID's position and my perspective on these issues. .

o Attend City Planning Public Hearing on August 13th

Procedures for City Planning Commission Hearing on August 13, 2008:

On Wednesday, August 13, 2008, at 9:00 a.m., at Tishman Auditorium of Vanderbilt Hall, New York University School of Law, 40 Washington Square South, New York, NY 10012, in Manhattan. Public hearings will be held by the City Planning Commission on:

East Village/Lower East Side Rezoning - land use applications for a change to the zoning map (C 080397 ZMM, C 080397(A) ZMM) and zoning text amendment (N 080398 ZRM, N 080398(A)) and a related Draft Environmental Impact Statement (DEIS) (07DCP078M) submitted by the Department of City Planning.

Registering to speak: Anyone wishing to speak on any of the items listed above is requested to fill out a speaker's slip supplied at the staff desk outside of Tishman Auditorium on August 13, 2008. Doors will open at 8:30 AM. Speakers on each item will be called in the order they are registered, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

New York City Council
Zoning & Franchises Committee
City Hall
New York, New York 10007

FOR THE RECORD

Written Testimony

November 12, 2008

Re: East Village/LES rezoning, LU 0923-2008, LU 0924-2008

As a resident of East 2nd Street and the East Village for decades I fully support the rezoning proposal with amendments as endorsed by CB3, and subsequent review of Chinatown as it too faces unprecedented development pressure.

What was blatantly and intentionally left out of this proposal by City Planning however, over the loud objection of a majority of the surrounding communities, was the Bowery/3rd Avenue/4th Avenue corridor. Though understandably City Planning's desire was to provide an area of growth, growth with no planning at all is a detriment to all the surrounding areas.

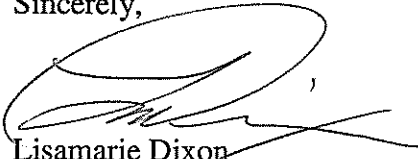
Given several years back, prior to the Avalon Communities 1 million square foot development (Houston to E 1st St 2nd Ave/Bowery), Astor Place's towering 136,000sf glass condo, the addition of Cooper Union's shameful destruction of the Hewitt Library being replaced by likely a 100,000sf plus building and their looming office tower north of the main building, NYU's E 12th St 26 story monster dorm, the Bowery Hotel, the Cooper Square Hotel, the new E4th St and Bond Street condos, The New Museum, all adding more than another million square feet within a half block radius, many were screaming for an Environmental Impact Study to no avail. With perhaps a million more square feet to come in planned condos and hotels on or near this corridor some planning is way overdue.

Again while I fully support the current EV/LES rezoning and want it to move ahead as soon as possible (with CB3's amendments), you must use this opportunity to pressure the City to move ahead on a rezoning of the 3rd and 4th Avenue corridors and the Bowery as well immediately.

↳ Follow Up Corrective Action (FUCA)

The traffic and congestion from 2nd Avenue to Broadway, from South of Houston to 14th Street is unbearable and unhealthy. Basic services such as postal delivery are worse than ever and the impact and burden (can you hear us Amanda?) on basic infrastructure could be crippling without immediate action.

Sincerely,



Lisamarie Dixon
341 Lafayette Street, Box 4144
New York, NY 10012

COOPER SQUARE MUTUAL HOUSING ASSOCIATION

59-61 East 4th Street, 3rd Floor New York, NY 10003 Phone: 212-477-5340 Fax: 212-477-9328

November 12, 2008

Chairman Avella

Ladies and Gentlemen of the Zoning and Franchising
Committee of the City Council

My Name is Valerio Orselli and I am the Executive Director of the Cooper Square Mutual Housing. I am here today speaking on behalf of Cooper Square MHA and as a member of the Lower East Side Coalition for Accountable Zoning (LESCAZ) to urge your support for the proposed East Village/Lower East Side Rezoning. I am also a public member of CB#3's Zoning and Planning Committee (formerly the 197a Task Force).

As you know the proposal was approved on August 5th 2008 by a unanimous vote of the NYC City Planning Commission. This followed a favorable recommendation from the Manhattan Borough President and a unanimous vote in favor by Community Board #3 at their meeting on May 27th 2008, with 11 modifications, many of which have been adopted by DCP. It is not very often that CB#3 votes unanimously in support of a proposal.

LESCAZ is a broad coalition of affordable-housing advocates and developers, social service providers and other community groups. They include the Cooper Square Mutual Housing Association, the L.E.S. People's Mutual Housing Association, Good Old Lower East Side (GOLES), the Tenement Museum, University Settlement the East Village Community Coalition, the Cooper Square Committee, the Greenwich Village Society for Historic Preservation, City Lore and others.

LESCAZ has been providing critical support to this community-initiated plan. This plan was the product of some 7-years' worth of meetings and discussions by CB#3's 197 Task Force and subsequently lengthy negotiations with the Division of City Planning (DCP), resulting in the plan that is now before you.

Amongst its major improvements over current zoning are the following:

- ▶ it places 80 foot height ceilings in most of the rezoning district, with the exception of the wide avenues proposed for Inclusionary Zoning, which will be capped at 120 feet;
- ▶ it significantly reduces the allowable size and height for any new commercial or community facility development;
- ▶ and it encourages affordable housing development by allowing developers to build to a higher F.A.R. in exchange for their setting aside 20 % of the units for permanently affordable low-income housing

It is a good plan that, however, could be made significantly better by the inclusion of 1) anti-harassment provisions and 2) a City commitment to a minimum of 700 new low income units, defined as for families at 80% of median income or below, in the area outside the Inclusionary Zoning avenues. These units should be in addition to the IZ units and the low-income units already under development.

These additional low income units could be developed on presently unutilized or underutilized city-owned lots within the zoning area. Such lots include, for example, the city-owned parking lot on Ludlow Street below Delancey Street which, contrary to ill-informed or misguided opinion, is not part of the legally designated Seward Park Urban Renewal Site.

We also would like to see added to the plan strong anti-harassment provisions. We commend the City Council for its passage of Local law 7 which allows tenants throughout the City to fight back against landlord harassment. We believe, based on our situation, that stronger measures are needed in our community.

Just this past May 2008, the National Trust for Historic Preservation designated the Lower East Side of Manhattan as one of the most endangered places in America. This is due to enormous displacement pressures that our community has been subjected to in the last 10 to 20 years. While DCP is arguing that anti-harassment provisions are not justified as a consequence of the rezoning, we are arguing that such provisions are needed as a result of the current zoning. While the proposed height cap of 80 feet will help curb such displacement pressures, it just won't be enough. At the very least anti-harassment/anti demolition provisions must be adopted for the Inclusionary Zones, where a significant increase in the F.A.R may induce developers to engage in tenant harassment.

We urge you to support this very good rezoning plan along with the proposed additions and modifications.

COOPER SQUARE MUTUAL HOUSING ASSOCIATION

59-61 East 4th Street, 3rd Floor New York, NY 10003 Phone: 212-477-5340 Fax: 212-477-9328

November 12, 2008

Good morning Ladies and Gentlemen,

My name is William Arroyo

I am a tenant on East 4th Street and a member of Cooper Square Mutual Housing Association. I have been a Lower East Side resident for more than 40 years. I recently retired after working some 25 years for the Board of Ed as a Senior Neighborhood Worker in District 1 of the NYC Public School System,

My organization is a member of LESCAZ, a coalition that has been working with the Community Board on the rezoning plan for the neighborhood to help preserve my low to middle income community and to encourage developers to build low-cost housing for our families.

When people come to America they are all told about Plymouth Rock, where the pilgrims first landed. But the reality is that very few immigrants came to America by way of Plymouth Rock. But almost half of the American population came to America by way of the Lower East Side. My neighborhood is a community that welcomed poor people of Asia, Europe, Latin America and many other parts of the United States too. Myself, I am an immigrant from Puerto Rico. The Lower East Side is a place where people of many cultures, religions, races and political beliefs could come and make a new start in life. This was in large part because the housing in my neighborhood was affordable to working class families. This is no longer the case.

Unscrupulous Real Estate developers and even educational institutions like NYU have come in and built luxury housing, dormitories and hotels without any consideration for the people of the community. They have built their projects without regards for the existing zoning rules, or concern for the height or scale of our low-rise neighborhood. We have lost thousands of affordable housing units due to phony demolitions and landlord harassment, and the lack of any real enforcement of zoning rules by the City. Tenant harassment under the current zoning is a matter of public record. While we support the proposed Inclusionary

Zoning under the new plan, anti harassment provisions must be incorporated into the plan, partly to compensate for this past history and partly to prevent developers from harassing tenants out of their homes to take advantage of the new Inclusionary Zoning.

Developers that wish to build must be stopped from demolishing viable buildings. Harassment must be stopped and legal services must be funded to stop any tenant harassment. Landlords should be given limited zoning bonuses in exchange for 30% of the units being set aside for working class families. I support height limits of 80 feet for new buildings and no more than 100 feet for new buildings in the Inclusionary Zone.

I support the proposed Lower East Side Rezoning plan. I support provisions for energy efficient and green building requirements, when government financing or tax abatements are used.

The new zoning plan for the Lower East Side must be approved and must include the Community Board #3's eleven points, particularly the 30% mandatory low income housing and the anti-harassment provisions.

Thank you very much.

City Council Public Hearing - East Village/Lower East Side Rezoning Plan

My name is Marlene Payton and I have lived at 77 East 12th Street, located at the corner of Fourth Avenue, for 36 years. I have always been a neighborhood activist and thus I know the neighborhood well. As a member of the Bowery Alliance of Neighbors, I have followed the proposed rezoning plans for the East Village and the Lower East side from its beginning.

Early in this process, we heard that the Bowery, 3rd Avenue, and 4th Avenues were to be included in the overall rezoning plan. Then that idea was dropped---centrally located streets with such wide avenues were left to become fodder of large developers for hotels and college dormitories. Well, that has already happened. A large dormitory for ~~70~~ ⁷⁰⁰ New York University students is almost completed on East 12th Street between 3rd and 4th Avenues and two hotels are planned.

One hotel at the corner of East 13th Street and Fourth Avenue is currently being built and there will be just 3" of space between that hotel and the 20 story building in which I live. Many of us will have our uptown-facing windows boarded up. They plan to have 3 outdoor areas for eating and drinking that will surely be a nuisance to residents of my building and of other buildings nearby.

The second hotel has just filed plans for a new 13-story hotel at the corner of Fourth Avenue and East 10th Street...just 3 blocks south from the first hotel I mentioned. Add these to the other hotels being built on the Bowery and one can see the resulting corridor of a wall of towers that are changing the character of this area. Without a rezoning of this area, many large hotels can be built through "as-of-right" status. I urge you to reconsider the rezoning plans and include the above mentioned areas.

New York City is losing much of its character and charm. Steps should be taken now to preserve its uniqueness that has made this city a very special place. It must not lose its diversity.

Thank you,

Marlene E. Payton

Marlene E. Payton
77 East 12th Street #18E
N.Y., N.Y. 10003-5009

E-mail: rgp.mhp77@yahoo.com

November 12, 2008

Tony Avella
Chair
New York City Subcommittee on Zoning
City Council Chambers
New York, NY

I am a property owner and a resident of Mott Street in Chinatown, and a public member of Community Board 3 as an Outreach Task Force volunteer. Beginning in 2005 I was involved with a CB #3 outreach effort to monitor and study the impact of the closing of Park Row after the 9/11 tragedy. CB 3 received a Red Cross grant of \$100,000.00 to be used specifically for this outreach about the closing of Park Row and surrounding streets.

I am grateful to Danny Chen of the Civic Center Residents Coalition, and a fellow Outreach Taskforce volunteer for CB3, for authoring the grant, and to our district manager, Susan Stetzer for securing the grant.

However I was stunned to read that On May 9th 2008 CB3's Chair David McWater said, in regards to including Chinatown in the EV/LES rezoning plan "*CB3 has done outreach in the past*" and mentioned the \$100,000.00 grant. "*Despite that outreach*" he claimed, "*nobody came from Chinatown to oppose the plan until this year*".

Perhaps the reason why he feels as though "no one came" was because the Grant money was **not** spent on zoning outreach! Please note the attached articles from Downtown Express and Grand Street News dated May 9th 08 and November 2005 that illustrates this misinformation.

It was a *transportation* outreach grant.

The grant money was spent on:

- a public forum and video, "*Clogged Arteries*" on permit placard abuse
- two newsletters on parking and transportation in Chinatown,
- a 311 promotion event and accompanying 311 "how-to" video,
- and a video documenting the community criticism of the 1 Police Plaza E.I.S.

Virtually all of the work resulting from the Red Cross Grant was covered in all forms of media including NY1 and the NY Times.

I want to make it clear that those funds were not spent on outreach about the EV/LES plan. As a result, key business leaders, residents and the public at large in Chinatown were never informed because CB#3 outreach was non-existent or ineffective with regards to zoning.

The City council and the Borough President should scrutinize the subject of outreach in Chinatown specifically, and the claims being made by our community board before making any decision to support this zoning plan.

Jan Lee
Civic Center Residents Coalition,
Public member of CB3 Outreach Taskforce on Transportation Issues
jan@sinotique.com

Grand Street News November 2005

CB 3 Receives Grant Empowering Citizens to Fight Future Traffic Fiascos

In a public appearance on Park Row last month, Community Board 3 announced that it had been awarded a \$100,000 Red Cross 9/11 Recovery Grant to promote Chinatown and Lower East Side participation in local transportation issues and public processes.

Collaborators on the project include the Civic Center Residents Coalition, University Settlement (which will be the fiscal manager for the grant), and Cooper Union, which is currently looking for two student interns to work on the project.

CB3 Chair David McWater said this was the first time the Board had ever applied for any grant. "This financial support will have a tremendous impact on allowing the Board to reach out to the community and involve residents in community planning," McWater said. The grant will help improve CB3's efforts to increase residents' participation in decision-making processes. These efforts will include a monthly newsletter, a website, public forums, and recruiting student interns to work on evaluating open source traffic simulation programs.

The city often uses statistics and simulations to justify various city projects, such as road closures and construction of new buildings, and the research will help "empower residents with similar tools," says CCRC cofounder and project manager Danny Chen, who serves as a Community Board 3 public member.

"Our communities continue to bear the burden of the City's post 9/11 policies – policies which our residents have had limited input into," says Jeanie Chin, a CCRC co-founder who is also a public member and co-editor of the project newsletter. "This project will help residents to better understand the transportation issues facing Chinatown and the Lower East Side and encourage greater civic participation."

"This is an unprecedented opportunity for Chinatown and we plan to take full advantage," says Jan Lee, a CCRC member and Chinatown business owner who is working on the project as a public member of Community Board 3. "Hopefully, this will inspire change to take place for a neighborhood whose safety has been greatly compromised with the closing of Park Row and illegally parked NYPD and Government-owned vehicles." The Chinatown Local Development Corporation and Citizens NYC, which also received grants, share an "intersection of interests in the projects," with CB 3, says Chen. CB 3 hopes to collaborate with them and establish working relationships for the future.

C.B. 3 feels Chinatown pressure on zoning plan

By HEATHER MURRAY

Susan Stetzer, the board's district manager, said later that in addition to the board's outreach to Chinatown that was funded with a \$100,000 9/11 grant, the plan has been written about in Chinese newspapers and talked about on Chinese broadcasting radio.

Coalition members left en masse after the public session ended and unfortunately before McWater's board report, in which he addressed the activists' concerns.

"I'm deeply offended by people calling this a racist rezoning," said McWater in his remarks to the board.

He said C.B. 3 has done outreach in the past and mentioned the \$100,000 grant Stetzer secured. Despite that outreach, McWater said, "Nobody came from Chinatown" to oppose the plan until this year, only months before the City Council is set to vote on the plan.

November 12, 2008

Tony Avella
Chairman
New York City Subcommittee on Zoning
City Council Chambers
New York, NY (zip)

NOV 13 2008

Dear Chairman Avella and City Council Members:

I am submitting the following written testimony due to time constraints of my job.

I am a former member at large of Community Board # 3 from 2005 to 2007. During 2005 until the end of my tenure on the board, I was not informed by the staff or other board members about the planning and development of the East Village/Lower East Side rezoning plan and its implications for Chinatown.

Along with Jan Lee, Jeanie Chin and I were involved with CB #3 outreach efforts to monitor and study the impact of the closing of Park Row and surrounding roadways after the 9/11. I wrote the proposal for the Red Cross grant of \$100K and it was intended for transportation outreach.

I am not aware of these funds being used for outreach about the rezoning plan. As a result, key business leaders, residents and the public at large in Chinatown were never informed because CB#3 outreach was non-existent or ineffective. This exclusion and lack of outreach has discriminatory impact on the Chinese community inside and outside of CB#3 boundaries. Furthermore, the racial impact of this discriminatory plan can be viewed in the analysis provided by the Hunter College Center for Community Planning and Development. You already have this analysis but you can also download it from a link at <http://maxweber.hunter.cuny.edu/urban/ccpdprojects.php> which describes the displacement of residents, businesses, and their employees.

I oppose the plan because the consequences of failing to include areas of Chinatown and the Lower East Side are severe and I also oppose this plan because of its failure to adequately study the effects of increased traffic and congestion that will flow into Chinatown from the rezoned area.

Yours truly,



Danny Chen
Board Member, Chatham Green
Vice President, Civic Center Residents Coalition
215 Park Row, New York, NY 10038

我的名叫 ZHUO Ji Zan FOR THE RECORD

我在唐人街工作已有十年。

见证唐人街的变化，低收入的人都被赶走了。
生意也变差了。这是歧视我的政策。

我坚决反对。

ZHUO Ji Zan

曹刚 本人住唐人街. 我反对这个计划.
因为影响到我租金. 917 892 7582

31.0 live st #3E. New York. NY. 10038

FOR THE RECORD

陈晴 我住在唐人街, 坚决反对这个不
合理计划. 会严重影响我们的生
活. 917-628-0056.

陈旭 我现在唐人街工做 我反对这个计划

~~31.0 live st #3E~~ 8844. 244V BROOKLYN NY. 11214
212.608.8615

陈露 我现在住唐人街. 我反对这个计划

215 MADISON 3A NY 10002

陈明星 我住在唐人街包厘街. 彭博市长这个计划
直接影响到我们家和朋友的生活环境.

唐人街是我们的新移民的家园. 一个家园

我们不想被逼迫迁离唐人街. 我希望市长
马上停止这个计划.

北京张雪芳 电话 917. 518. 9333

北京病人街多年居民 我要保护我们的家园

我对这个种族歧视 土改计划 要求立即停止这个计划

我是周婧

我在唐人街 1年多 我坚决对这个荒唐的计划 要~~继续~~
保护我们的家园 并要求这个混蛋市长立即下台和流蛋。

我反对彭博土地方案

陈明 917428-2066

8642 21 Ave

Brooklyn N.Y. 11214

Dr Chen

反对土地重划方案。 俞善玖 杨

1745 40 ST BROOKLYN NY 11204

我反对这个士改计划, 因为我
担心改建太多豪华大厦, 我工
作地方的屋主准备建 28 层的厦,
我担心会失地。

C. Tong Ng

50 Bowery St NY. 10013.

我反对这个士改计划, 因为我在这
中国城工作, 但我担心改变太多
豪华大厦, 我怕失去工作。

Ye TIANWEN

973 55th BRUCKLYN NY 11219

我是在怡東酒樓做工的、我也住在
华第、我不要市长的土地计划、叫
市长马上停止这个计划。 郑琴

我是江真我反对市长的土改方案、
我不要这个市长、叫他马上下台。
因为他对我们的低收入的家庭空
的我们再没有办法生存下去了。

FOR THE RECORD

陈燕林

我现在住在唐人街，~~决对~~反对这个计划
电话 917-622-5915

FOR THE RECORD

陈海榕

我是住在唐人街的工人，我反对这个带种族歧视的
土改计划，因为现在的租金已经够贵的了，如果这个计划
通过，租金会更贵，我们一家将会被迫逼迁离开唐人街。
35 Delancey St Apt 2B. 646 371 5002

张惠芳

我是唐人街居民，我反对种族歧视
土改计划，请立即停止这个计划。
917-518-9333

张瑞

我在唐人街工作多年，我反对有种族歧视
土地重割案，要立即停止这个计划。
646 206-1601

游金梅

我要提倡任何低收入人家庭房屋生存，
反对这种富轻贫

98 CLINTON ST. 2FL 10002
NEW YORK NY
1917. 294-8120

我是芬兰社区居民，我坚决反对彭博的
把唐人街贵族化。彭博长~~官~~ 抛弃了唐人街居民
居住在这里是非常的种族歧视。彭博改造唐人街
造高楼大厦看起来是好了，但实际是^的把我们低收入
态的唐人街是对我们整个唐人街居民的侮辱和欺
我在此呼吁唐人街的居民团结起来不让彭博的这一
计划实现。彭博是~~个~~ 坑害人的市长。理应下台。对
快些越好。我们唐人街的居民反对他这一荒唐
的改造计划。~~彭博！彭博！彭博！~~

宋子文

FOR THE RECORD

我的名字叫 Mei Zhen Zheng

我是在华帮工作。

我坚决反对种族歧视土地重划方案。

要提供低收入房屋，而不是那种6万年薪才可申请，做的可负担房屋。

FOR THE RECORD

Mei Zhen Zheng
11/12/08

我的名字叫 Hsing Lih Chou.
我是在毕华工作。

我坚决反对种族歧视的土地重划
方案

我的要求之一是包括保护全印
社区建筑高度限制的规划。

Hsing Lih Chou

我的名字叫 zhi Liang Chen

我居住在下车城 工作在毕华。

我坚决反对种族歧视的土地重划方案
我希望有一个合理的规划方案

zhi Liang Chen

Testimony to the City Council
November 12, 2008

I was BORN on the
EV/LES; AND HAVE LIVED
in the neighborhood since
1983. my family lived
in the area since the
1920's. (RV)

My name is Richard Kusack; I live on East 3rd St. between 2nd and 1st Avenue, and I am a supporter of the Cooper Square Committee. I organized and formed The Committee For Zoning Inaction which spearheaded and fought an illegal Community Facility development on the block (a 15 story dorm - 81 East Third Street - The Trojan Dorm). The effort, eventually forced the City and DOB to codify Rule 51-01 (which became the ground rules for development of Community Facilities).

Displacement pressures in our community are very strong, and will remain strong regardless of what happens with this rezoning plan. However, the City Council can help preserve the low rise and mixed income character of our community by voting in favor of this ULURP application.

This rezoning will, for the first time, apply contextual zoning to 111 blocks in the East Village and Lower East Side. It is a well thought out and researched plan. The 80 foot height limits on the avenues in the proposed R7A zones and R8B zones in the mid-blocks will help preserve the low rise character of our community. We've already seen what the current inadequate zoning has done to our own block.

Several years ago, a developer built a 15 story dorm, midblock at 81 East 3rd Street without proper permitting. The new dorm towers loom over the 5 and 6 story buildings on our street and has made the block more noisier and more congested. If this rezoning had gone into effect 8 years ago, this eye sore never would have happened. The developer would have been limited to a 75 foot height limit which could not be exceeded, even if they purchased air rights and the character of our block would not be permanently scarred by this building.

It's too late to undo what happened on our block, but the City can prevent this pattern from being repeated over and over again throughout our community by enacting the necessary safeguards. We and The Cooper Square Committee welcome contextual zoning and inclusionary zoning which is likely to result in hundreds of new affordable housing units over the next decade. Still, I believe that stronger community protections are needed. I urge DCP to adopt a Follow Up Corrective Action (FUCA) to amend the zoning text to create stronger protections against tenant harassment and demolition of sound residential buildings. I also urge that the City initiate a rezoning of the Bowery and 3rd and 4th Avenue as soon as possible. The zoning research has already been done. We need the City to fund an EIS for these areas and to initiate a ULURP to preserve these very vulnerable and historic sections of our community as well.

Thank you for listening to the community's concerns.

Sincerely,



Richard Kusack

Bowery Alliance of Neighbors
184 Bowery - 4
New York, New York 10012
BAN62007@gmail.com
212-358-9615

November 12, 2008

Hon. Tony Avella, Chair
City Council Subcommittee on Zoning & Franchises
35-50 Bell Boulevard, Suite C
Bayside, NY 11361

RE: East Village / Lower East Side Rezoning

Dear Council Member Avella:

Although the Bowery has always had a unique place in the history of the City of New York, in recent years we have watched large, out-of-scale development going up on the east side of the Bowery, the result of which has been the destruction of the context, historic character and diversity of the community.

The City has recognized the historic significance of the Bowery by protecting the west side of the Bowery in the Little Italy Special District and the NOHO Historic District. The East Village/ Lower East Side Rezoning will protect the area just east of the Bowery. However, the east side of the Bowery itself has been left out of all these rezonings. The attached map highlights the area we are concerned with, if nothing is done the result will be a wall of towers.

The east side of the Bowery should be rezoned to ensure that it is in context to the rest of the community - the Little Italy Special District, the NOHO Historic District, and East Village/ Lower East Side.

We respectfully request that a Follow-up Corrective Action (FUCA) be drafted by City Council requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery.

We are taking this opportunity to present our petition which, in addition to the aforementioned, requests that:

1. Immediate legislation be drafted to ensure that as of right development does not continue on the Bowery. Developers should take responsibility for the negative impact their buildings have on our community.

2. The Department of City Planning perform an Environmental Impact Study and take measures to mitigate the negative impact already experienced by our community due to all the excessive development on the Bowery.

In addition to preservation issues, this excessive development has already had a horrendous effect on the "quality of life" for community residents - more noise, traffic, sidewalk and street congestion, air pollution, bars, clubs, etc. What was a commercial "daytime" shopping strip is quickly turning into a raucous nightlife district.

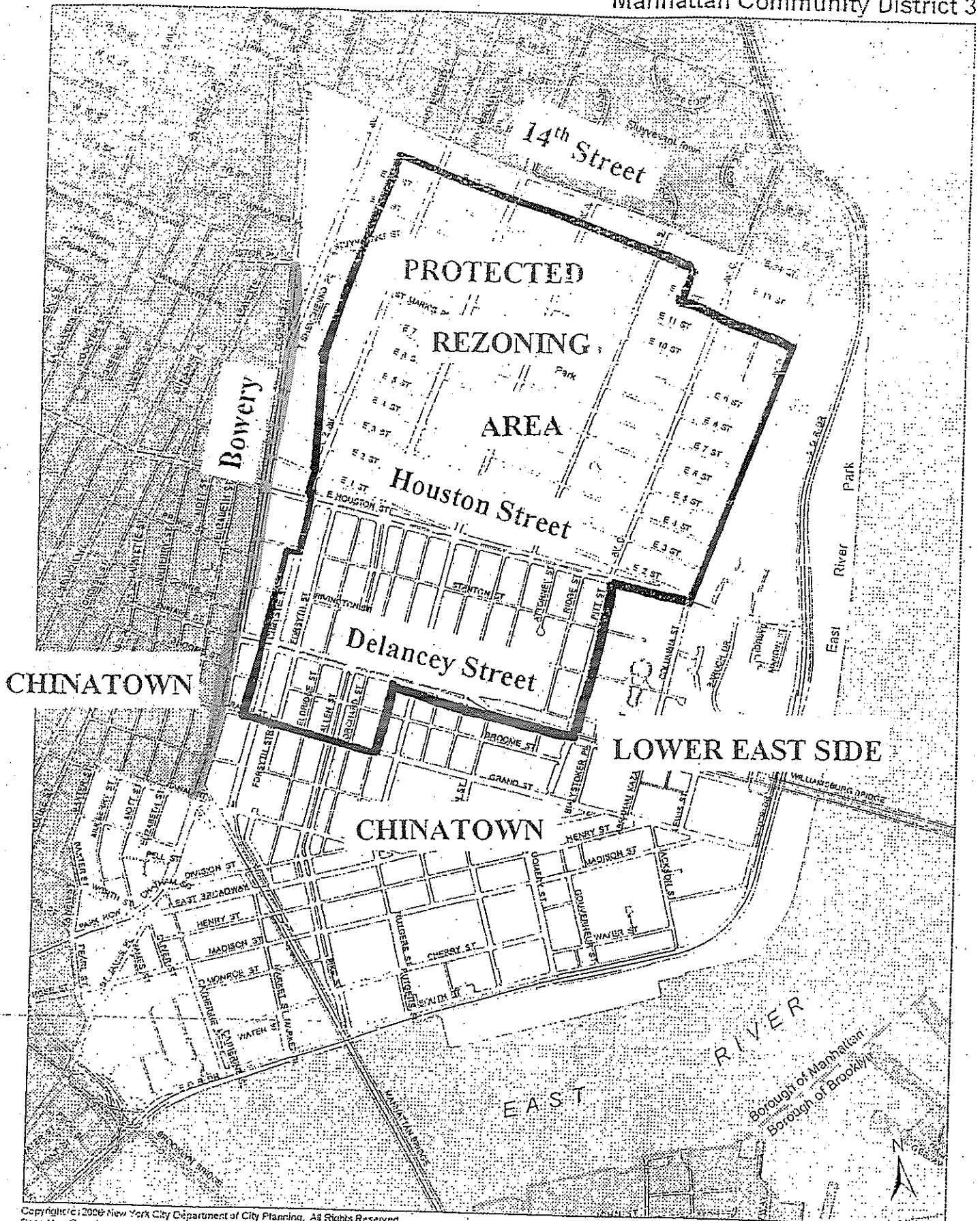
We are community residents, small businesses, mom-and-pop shops, and property owners, who have contributed to our neighborhood. We have lived and worked here for many years. We are residents who live in fear of being displaced, afraid of losing our homes, shopkeepers who are in jeopardy of losing our businesses.

Once again, we respectfully request that a Follow-up Corrective Action (FUCA) be drafted by City Council requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery.

Sincerely,



Anna L. Sawaryn
Chair



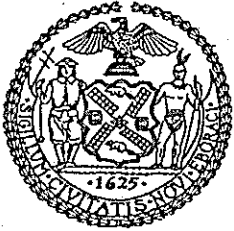
CHINATOWN

LOWER EAST SIDE

CHINATOWN

EAST RIVER

Borough of Manhattan
Borough of Brooklyn



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD NO. 3

59 East 4th Street – New York, NY 10003

Phone: (212) 533-5300 - Fax: (212) 533-3659

www.cb3manhattan.org – info@cb3manhattan.org

David McWater, Board Chair

Susan Stetzer, District Manager

Text of Community Board 3 letter to City Planning re negative impact of the over-development of the Bowery. Drafted in September 2007 by CB3 Zoning Committee, and approved by full CB3 Board on September 25, 2007:

Manhattan CB3 is alarmed by the rapid out of scale development on the Bowery and the displacement this has caused.

WHEREAS, the gentrification of the Bowery is causing the upheaval and displacement of many long term tenants; and

WHEREAS, the opportunity for large scale development on the Bowery has caused an increase in harassment of tenants; and

WHEREAS, the noise from the large developments has eroded the quality of life of the tenants; and

WHEREAS, the greatly increased traffic now and anticipated in the near future is also a detriment to the quality of life of the residents; and

WHEREAS, the Bowery is an emergency services route and the construction and impending traffic could greatly alter the ability of the neighborhood to receive emergency services in a timely matter; and

WHEREAS, the Bowery is an important part of the cities history and deserves the attention of city in regards to preservation; now

THEREFORE, BE IT RESOLVED, that CB3 supports the preservation of the contextual-character of the Bowery between Canal and 6th St.

COOPER SQUARE MUTUAL HOUSING ASSOCIATION

59-61 East 4th Street, 3rd Floor New York, NY 10003 Phone: 212-477-5340 Fax: 212-477-9328

November 12, 2008

Ladies and Gentlemen of the City Council,

My name is David McReynolds and I am the Vice-Chairperson of the Cooper Square Mutual Housing Association. Cooper Square MHA is also a member of LESCAZ—the Lower East Side Coalition for Accountable Zoning, a community coalition with a long history of fighting for the preservation and development of thousands of apartments for families of low and moderate income in our community

I am here to support the proposed Lower East Side/East Village rezoning initiative which, with some modifications, will add a significant number of affordable housing units, place a height ceiling on new buildings and help curb the current Wild West development fever on the Lower East Side/East Village area.

The rezoning plan proposes to prevent out of scale development by way of contextual rezoning with strict height limits—80 feet on the streets and 120 feet on the wide avenues with Inclusionary Zoning designation. We can live with that, but we would prefer a height cap of 100 feet. DCP also proposes offering an Inclusionary Zoning bonus to developers to encourage them to build some affordable housing. I fully support this but I concur with CB#3 and LESCAZ in proposing a minimum of 30% low and moderate income permanently affordable housing units.

It is a good plan that was initiated by our community. It is a plan that could be made much better by the inclusion of 1) anti-harassment provisions and 2) a City commitment to a minimum of 700 NEW low income units (not including the IZ units) in the area outside the Inclusionary Zoning avenues.

Cooper Square Mutual Housing Association fully supports the rezoning proposal for 111 blocks of the Lower East Side/East Village along with CB#3's 11 points. It is regrettable that more parts of the Lower East Side, including the Bowery/Third Avenue corridor and the rest of Chinatown a could not be included in this proposal, as they too are suffering from displacement pressures. However, given the development crisis we are facing it behooves us to move forward with the rezoning plan, while we begin working on additional phases or separate proposals to be implemented in the future.

At this point the more we delay going forward with the proposal the more of our neighborhood will be lost, without in any way decreasing pressure on any other

neighborhood. Delay only works to the advantage of unscrupulous market-rate developers who are presently thriving on the present largely unregulated Wild West development fever that is destroying the Lower East Side as we know it.

Elizabeth Adam
31 West 12th Street/3W
New York City, NY 10011

Testimony before the City Council Zoning Committee November 12, 2008
Council Chambers – City Hall

My name is Elizabeth Adam. Thank you for the opportunity to testify before you today.

I am here to address the effect this rezoning will have on the elderly who reside on the Lower East Side. Senior citizens are the largest single group living in poverty today. In the next ten years, as the baby boomers join this demographic, the city's elderly will out number children two to one and I'm sure the percentage of our seniors in need will be even higher, considering our country's present economic crisis.

We all know that our city has been undergoing many changes in recent years. I am not against progress, but we must bear in mind, not all change is for the best.

In recent years the seniors of the Lower East Side have already, been subjected to noisy, disruptive demolition that pollutes the air and makes navigating the streets uncomfortable and often dangerous. Daily one hears of displacements, harassment and skyrocketing housing costs, all due to over gentrification. The cause is greed, pure and simple. Developers want to convert or better yet, build new hotels, dorms and luxury condos all over the city and the Lower East side is ripe for the picking.

A precious historic section of the Lower East Side, a section of Chinatown (an neighborhood already in jeopardy) and the east side of the Bowery have been omitted from this rezoning proposal, if they are not included, it would set a dangerous precedent for the future of our city. It would leave these unprotected areas open to a feeding frenzy of development that would have a devastating effect on the district and make life virtually intolerable for its seniors.

The occupants of the JASA Senior Residence on East Fifth Street have been experiencing such an effect for several years now.

- The buildings across the street were demolished to construct the Cooper Square Hotel that wants to add five new bars to an area that already touts the highest density of bars in the city, second highest in the nation!
- Now construction has begun on a new high-rise luxury condo across the street on the west side of Bowery in one of the few lots unprotected by that district's historic landmark designation. This structure will block out the only sunlight many of the housebound seniors enjoy.
- The only affordable supermarket in close proximity is threatened by NYU and their ever expanding real estate interests. Is this to be our future, as well?

In this time of financial crisis we look to you. You have it within your power to see that this rezoning is done correctly and responsibly. It is in your hands. Please consider the recommendations proposed by my fellow members of BAN to include the east side of the Bowery and respectfully scrutinize this rezoning with our elders in mind.

Thank you.

November 12, 2008

Good morning Ladies and Gentlemen of the City Council

My name is Jasmine Garcia and I am a board member of the Cooper Square Committee. I have been a Lower East Side resident for some 25 years.

Cooper Square Committee is a member of LESCAZ, the Lower East Side Coalition for Accountable Zoning

My community is being overrun by luxury housing, hotel, and dormitories with little or no regard for zoning rules. We need to have changes made in the zoning for my community in order to help preserve it, as Manuel De Diaz Unamuno, the Editor of El Diario used to refer to it: "a community of many cultures." That means Blacks, Whites, Latinos, Jews, and Asians and so on. And we have no time to waste.

Developers claim that by building the projects they are helping my community by providing jobs. But what good will it do us if in the process of creating jobs they end up making working class families homeless?

We need Inclusionary Zoning bonuses used carefully to encourage developers to build at least 30% of the housing for the poor and the working people. We need a strong anti-harassment provision to prevent tenants from being evicted, bought out or simply intimidated out of their homes. We need to preserve the height and scale of our neighborhood. I support the proposed 80 foot height limits for new buildings. I support LESCAZ's position of a height limit of 100 feet – and not 120 feet—for new buildings on the avenues within the Inclusionary Zones.

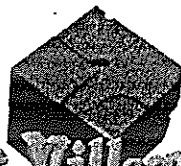
I am a tenant-shareholder of the Cube Building HDFC, a cooperative for formerly homeless families on Second Avenue and East 1st Street. My building, like most other buildings in my neighborhood, is a tenement building, originally built a hundred years ago for working class families. When the Cooper Square Committee was putting together the necessary funding to renovate it in 1988, it was opposed by the building owner next door. He almost caused the project to fail. In the year 2000, he was so eager to build a café on his property that he disregarded Building Department regulations. When his building suffered a partial collapse, he almost brought down my building. Now he wants to build a

hotel next door to me. If the new rezoning is not approved NOW, he will do just that, directly affecting the quality of life in my home and likely jeopardizing our health and safety AGAIN!!! This sort of abuse has to stop. As much as possible we need to preserve affordable housing and build new buildings that are not going to make our neighborhood look like midtown or Wall Street.

The zoning plan before you today is not perfect. It does not go far enough to protect us from unscrupulous Real Estate speculators or curbing rampant development. But with all its flaws, it is still a plan worthy of support.

I strongly urge the City Council to support the community-initiated Lower East Side/East Village zoning proposal, with the inclusion of CB#3's very important 11 points.

Thank you very much.



Coalition To Save The East Village

Participating Organizations

9/12/02

East 6th & 7th Block
Association
Saint Marks Pl. (A - 1st)
Block Association
Saint Marks Pl. (1st-2nd)
Block Association
Saint Marks Pl. (2nd - 3rd)
Block Association
East 5th Street Block
Association
6th Street (A-1st) Block
Association
8th Street Coalition
New 600 B-C East 9th Block
& Neighborhood Association
9th Street (A-1st)
Block Association
Shevchenko Preservation
Committee
12th Street Block Association
East 6th Street Block
Association
East 11th Street Block
Association
10th & Stuyvesant Streets
Block Association
NoHo Zoning Task Force
Second Ave. Merchants
Association (SAMA)
Ludlow Street Block
Association
Third Ave. Tenants, Artists &
Business Association
Union Square South
Community Advisory
Board Inc.
Union Square
Community Coalition
Stewart House
East 9th Street
Apartment Corp.
111 East 10th Street Inc.
Cooper Square Community
Development Committee
Good Old Lower East Side
Westbeth Preservation
Committee
127, 129 Second Ave. and 36
St. Marks Pl. Tenants Assoc.
New York Art World

November 12, 2008

Hon. Tony Avella, Chair

City Council Subcommittee on Zoning & Franchises

35-50 Bell Boulevard, Suite C

Bayside, NY 11361

RE: East Village / Lower East Side Rezoning

Dear Council Member Avella:

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

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

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

2. Do not upzone this community.

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

3. No inclusionary zoning.

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

4. Include the Bowery in this rezoning.

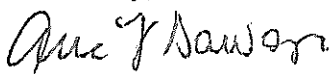
The rich history of the Bowery would be systematically eradicated by unprecedented development. The low-rise character of the Bowery would be replaced by high-rise dormitories, boutique hotels and luxury buildings, which would be out of scale with the rest of the residential community, including the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

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

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

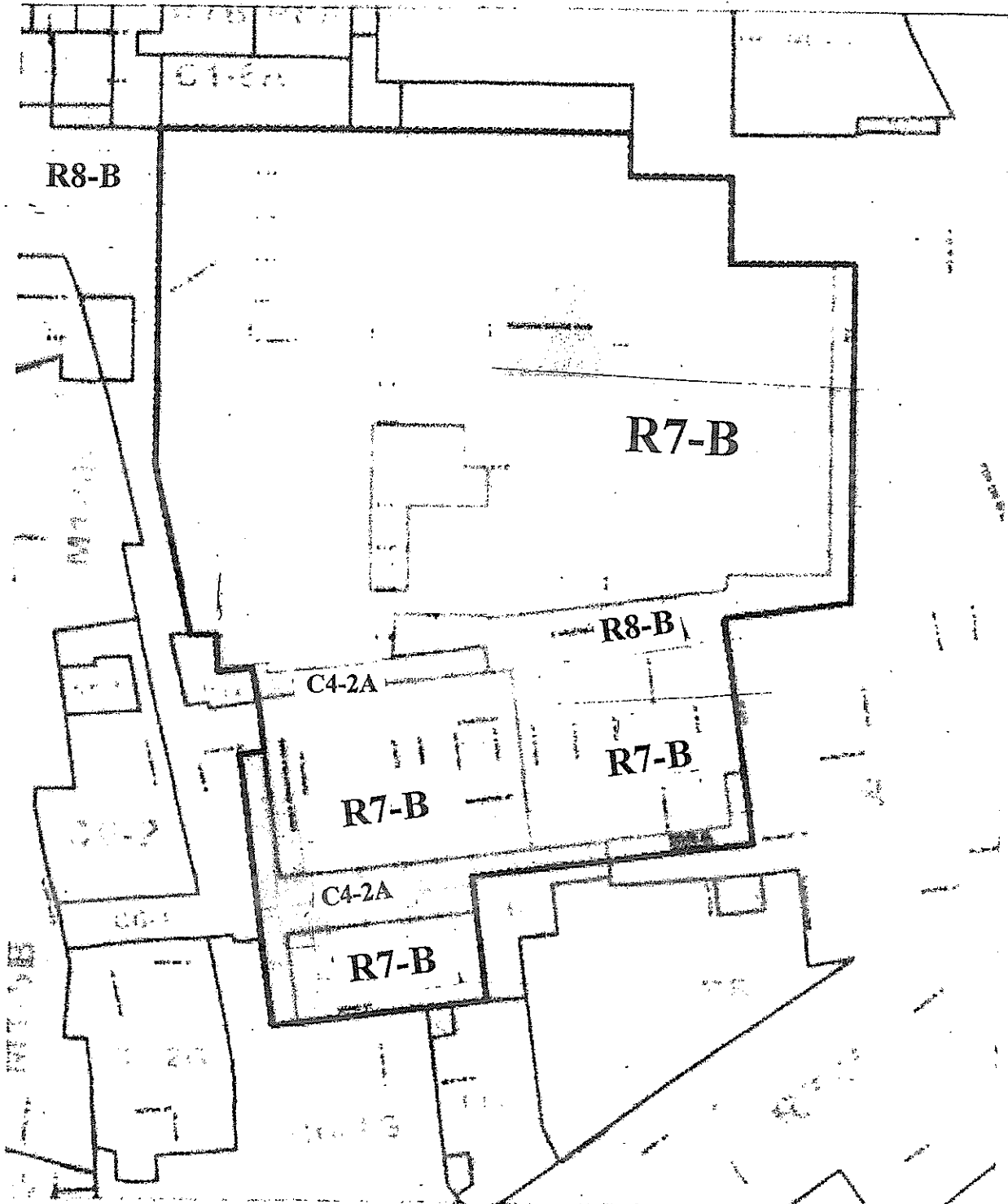
We respectfully request that you consider our plan and apply our principles when reviewing this ULURP application.

Sincerely,



Anna L. Sawaryn
Chair

Coalition To Save The East Village Rezoning



Study Area Boundary

DRAFT

East Village/Lower East Side Rezoning Proposed Zoning

DEPARTMENT OF CITY PLANNING New York City MANHATTAN OFFICE

November 12, 2008

Good morning Ladies and Gentlemen of the City Council

My name is Jasmine Garcia and I am a board member of the Cooper Square Committee. I have been a Lower East Side resident for some 25 years.

Cooper Square Committee is a member of LESCAZ, the Lower East Side Coalition for Accountable Zoning

My community is being overrun by luxury housing, hotel, and dormitories with little or no regard for zoning rules. We need to have changes made in the zoning for my community in order to help preserve it, as Manuel De Diaz Unamuno, the Editor of El Diario used to refer to it: "a community of many cultures." That means Blacks, Whites, Latinos, Jews, and Asians and so on. And we have no time to waste.

Developers claim that by building the projects they are helping my community by providing jobs. But what good will it do us if in the process of creating jobs they end up making working class families homeless?

We need Inclusionary Zoning bonuses used carefully to encourage developers to build at least 30% of the housing for the poor and the working people. We need a strong anti-harassment provision to prevent tenants from being evicted, bought out or simply intimidated out of their homes. We need to preserve the height and scale of our neighborhood. I support the proposed 80 foot height limits for new buildings. I support LESCAZ's position of a height limit of 100 feet – and not 120 feet—for new buildings on the avenues within the Inclusionary Zones.

I am a tenant-shareholder of the Cube Building HDFC, a cooperative for formerly homeless families on Second Avenue and East 1st Street. My building, like most other buildings in my neighborhood, is a tenement building, originally built a hundred years ago for working class families. When the Cooper Square Committee was putting together the necessary funding to renovate it in 1988, it was opposed by the building owner next door. He almost caused the project to fail. In the year 2000, he was so eager to build a café on his property that he disregarded Building Department regulations. When his building suffered a partial collapse, he almost brought down my building. Now he wants to build a

hotel next door to me. If the new rezoning is not approved NOW, he will do just that, directly affecting the quality of life in my home and likely jeopardizing our health and safety AGAIN!!! This sort of abuse has to stop. As much as possible we need to preserve affordable housing and build new buildings that are not going to make our neighborhood look like midtown or Wall Street.

The zoning plan before you today is not perfect. It does not go far enough to protect us from unscrupulous Real Estate speculators or curbing rampant development. But with all its flaws, it is still a plan worthy of support.

I strongly urge the City Council to support the community-initiated Lower East Side/East Village zoning proposal, with the inclusion of CB#3's very important 11 points.

Thank you very much.

East Village/Lower East Side Rezoning

Good morning. My name is Vaylateena Jones. I have lived on the Lower East Side for about 40 years. I am a new member of Community Board 3. I support the rezoning plan.

Recently I've been inspired by song used on You tube "Wake Up Everybody." A line from the song repeated frequently says "No more backwards thinking, time for thinking ahead." The Lower East Side (LES) has often been thinking ahead with diversity.

I moved into LaGuardia Houses at about the age of 4. I moved into the Rutgers Houses at about the age of 12. Diverse populations lived in both, (Lower East Side thinking ahead. I have a concern for the future of the housing projects on the Lower East Side. We were told during the hearings in the community that the housing projects were not included in the rezoning because New York City Housing Authority is not required to adhere to zoning mandates.

I am a Registered Nurse and live in Mitchell Llama houses. My neighbors are lawyers, city workers, nurses, dietitians; Lower East Side thinking ahead. I have worked at various health care facilities within our district as well as several hospitals close to our district. I am also a volunteer with the Medical Reserve Corps of the New York City Department of Health and Mental Hygiene. Nurses, police officers and firefighters make good neighbors. I don't know if I could afford to get an apartment on the Lower East Side now, (excluding professions, backward thinking.)

I would like to have the following as part of the rezoning:

1. Require affordable housing based on income and rent formulas that are working in the community already as follows: 7% New York City Housing Authority (NYCHA) and 7% Mitchell Llama and 7% for nurses, police officers and fire fighters possibly using the NYCHA, Mitchell Llama or previous Stuyvesant Town formulas.
2. Provide free legal service to low and middle income tenants within our district. *including NYCHA residents*
3. Provide additional funds to expand tenant organizations that are working, in our community, such as GOLES.
4. Expedite the Chinatown rezoning process.

Our neighborhood houses some of the best schools in the city i.e. Nest+M. The East River waterfront is presently being renewed. Public bus and subway services are readily available. The value of real estate will continue to go up. Developers can still profit with the above affordable housing requirements.

" My nephew's child has been a student at PS2 for the past five years. When he was in the second grade he shared a story about his best friends at school, named Sheneya, Fabian and Nathan. One of the adults thought that Sheneya was of African American heritage. My nephew's child shared that all of his best friends were Chinese. At a later time I asked how he picked his best friends. He said "*when I'm sad and sitting alone in the school yard, they come over and tell me not to be sad, they say come play with us, I play with them and I feel better.*" Another line from the song says "when you teach the children, teach them the very best you can." The best we can, is to teach the children diversity by example.

One of the things I remember about growing up on the Lower East Side occurred in the fourth grade. I went to PS2. The class theme that year was "New York the

Melting Pot” At the end of the year the parents bought food to class and we all ate together. We had Italian, Chinese, African American, Jewish, Spanish, Irish and American food because there were students of all these backgrounds in my class; teach the children diversity by example. I would like that kind of diversity to continue. I believe requirements for economic diversity would foster cultural diversity.

When people talk of racism, the area often sited as not being racially mixed is in the area where the old Loews Delancey was located. There were always diverse groups from the community in terms of age and ethnicity in the theater. I remember this area as diverse. I believe if this area isn’t diverse now it’s because there are no requirements for affordable housing.

One of the lines I am most touched by from this song is “the world won’t get no better if we just let it be.” I think we can embrace the change that is a diverse America today with innovative urban planning that includes diversity and affordable housing.

P.S.:If you want to see this song done in an inspiring way go to You Tube and type in Barack Obama For President “08” Tribute “Wake Up Everybody”

City Council Public Hearing - East Village / Lower East Side Rezoning Plan 11/12/08
Testimony - Michele Campo

My husband John and I have lived in the same Bowery loft for the majority of our lives. I am, by nature, a very private person. However, recent events in my neighborhood have impelled me to become openly involved in the actions of various city agencies and community groups. I am a native New Yorker, property owner, landlord and proud member of The Bowery Alliance of Neighbors - BAN. BAN is a grassroots organization working to protect residents, small businesses and the historic and contextual character of The Bowery neighborhood.

For those members of the Council not aware --YES! IT IS A NEIGHBORHOOD! A stable community of long term residents and commercial establishments. Artistic and diverse. Economic bracket from upper to lower. Restaurant supply to chic boutique. The Bowery represents many facets in the fabric of life in our big city.

Special districts are what make our city appealing to both city residents and tourists. On The Bowery there are 3 such districts: 1 - Restaurant supply, 2 - Lighting, and 3 - Jewelry. All of these commercial establishments have suffered financially - due mainly to real estate speculators and the ensuing astronomical rental increases.

Special also-contextual historic architecture makes The Bowery a much desired location for shooting both movies and television. Internationally! Crews are frequently stationed here for filming with the rich character backdrop of The Bowery. If the flavor of this location is lost, so are the revenues to New York City's coffers.

Change and development should be responsible, NOT AN OVERNIGHT RUSH TAKING ADVANTAGE IN THE ABSENCE OF A WELL THOUGHT OUT PLAN !! In less than 5 years the piece by piece demolition of low scale, historic structures has snowballed at a horrific pace - replaced by high density, high rise luxury hotels and condominiums and luxury rentals - cutting off sunlight, air and space.

Some of the oldest buildings in Manhattan are being torn down overnight. With their pedigrees, anywhere else in this city these structures would be given historic protection. They are ~~are~~ 100 to over 200 years old and the repository of our city's past legacy. Their demolition also jeopardizes the stability of remaining buildings. Replacement by a wall of glass and steel towers does nothing to respect the urban environment in which they are erected. As History should teach us, a continued downturn of our already fragile economy would render these new out-of-context buildings obsolete - leaving our Historical Roots forever lost to succeeding generations.

Of overwhelming CONCERN TO ALL should be the already heavily overburdened and overtaxed infrastructure. A steady rain causes basements to flood as the storm drains are overburdened. Do we want more bathrooms?? The traffic density makes it virtually impossible for even Emergency Service Vehicles to pass. IMAGINE A NATURAL OR MAN-MADE DISASTER HAPPENING ON THE SCALE OF 9/11 !!!!!

Higher density building -- PLEASE NO !!

Property owners are under pressure to sell. I have felt that pressure myself. Many long time occupants - both commercial and residential - are being forced out. There has been a lively, active community of artists living on The Bowery. They are being displaced. I am losing my neighbors and my neighborhood !

It is said that my property value will greatly increase with these changes and I should be happy.....I AM NOT HAPPY! The true value here is home and neighborhood. If The Bowery is turned into 'hotel boulevard' the occupants are just high priced transients.....THIS DOES NOT A COMMUNITY MAKE!!!!!!!!!!!!

We respectfully request that a Follow-Up Corrective Action (FUCA) be drafted by City Council requesting that the City Planning Commission initiate an immediate rezoning of this area or extend the Little Italy Special District (LISD) from the west side of The Bowery to the east side of The Bowery.

thank you
Michele Campo
184 Bowery #4
NYC, NY 10012
bowerystarz@gmail.com



City Council
City Hall
New York, NY 10007

Public Testimony re: "East Village/Lower East Side Rezoning"
Submitted by Marci Reaven, City Lore, Inc., Nov. 12, 2008

My name is Marci Reaven. I'm the Managing Director of City Lore—a cultural organization that has been located in the proposed rezoning area since 1986—and the Director of Place Matters, a joint project with the Municipal Art Society to promote and protect places of history and culture throughout the city. I am also an historian of NYC and have done many history projects about community participation in planning and the creation of affordable housing on the Lower East Side. I've been a public member of Community Board 3's Planning Taskforce for the last few years, and a member of the Lower East Side Coalition for Accountable Zoning.

I support the rezoning. By slowing high-rise luxury development, the rezoning will help to preserve the neighborhood's economic and social mix, its cultural life, and the important places that embody the area's rich history. I want to recognize that the Draft EIS for the rezoning area included a good survey of the area's historic resources and I urge council members and the responsible city agencies to join with members of the public to move forward on its recommendations for landmark designation.

I also want to support the specific recommendations that many of my colleagues are making about the creation of affordable housing and protection against harassment and eviction. We need to plan for a future for the Lower East Side that includes an ethnically and economically diverse residential and commercial population. The Lower East Side has a deep historical connection to diversity, opportunity, and housing. From about 1850 through today, if one talks about the need for low-income housing, about living conditions, or about innovation and social reform in the design, construction, financing, and preservation of low- and moderate-income housing, the Lower East Side encapsulates that history. A number of the groups belonging to LESCAZ have been working for decades to protect and improve the neighborhood and that's what why we're here testifying today.

November 12, 2008

Tony Avella
Chairman
New York City Subcommittee on Zoning
City Council Chambers
New York, NY

Dear Chairman Avella and City Council Members:

I am submitting the following written testimony because I am unable to attend today's meeting.

I am a current member at large of Community Board # 3 since 2005 and live at Chatham Towers in Chinatown. During 2005, I was not informed by the staff or other board members about the planning and development of the East Village/Lower East Side rezoning plan even though I was working with Community Board #3 on transportation issues affecting people living within CB#3.

I was involved with CB #3 outreach efforts to monitor and study the impact of the closing of Park Row after the 9/11 tragedy. CB #3 received a Red Cross grant used specifically for this outreach. However, none of these funds were used for outreach about the rezoning plan despite published reports to the contrary. As a result, key segments of the Chinatown community were never informed, having serious implications for the unprotected areas of Chinatown within CB#3.

I also oppose this plan because the increased traffic and congestion that will flow into Chinatown from bridges, tunnels, and streets heading from the rezoned area is not adequately studied. Jan Lee and I are enclosing a traffic impact statement covering Chinatown and neighborhoods within CB#3.

As a long time Chinatown resident, I am concerned people are assuming that large parts of Chinatown and the LES were aware of this plan when I am not aware of systematic planning to do this outreach effectively.

Sincerely,



Jeanie Chin

Board Member, Chatham Towers
President, Civic Center Residents Coalition
Member, CB#3 Community Outreach Task Force on Transportation Issues
180 Park Row, New York, NY 10038

Enclosure

Revised November 12, 2008

CIVIC CENTER RESIDENTS COALITION - IMPACT STATEMENT

On December 13, 2007 the New York Post stated that over 260,000 vehicles crowd into Manhattan daily on weekdays

Chinatown is located at the core of many major traffic arteries in and out of the Lower East Side/Lower Manhattan and the outer boroughs as well as New Jersey:

- Williamsburg Bridge /Delancey Street (in study area)
- Manhattan Bridge/Canal Street/Chrystie Street (entrance and approach to Manhattan Bridge is within the 1/4 mile traffic study area)
- Holland Tunnel / Canal Street and Worth Street (outside the study area)
- Brooklyn Bridge / St. James Place (outside the study area)

Yet the East Village/Lower East Side Draft Environmental Impact Statement fails to disclose the impact beyond a quarter mile of the study area -- excluding an area that has tremendous impact on Lower East Side traffic patterns if not all of Lower Manhattan. The DOT proposed narrowing of the Bowery, hyper development both within Manhattan and from over the bridges will have a major impact on Chinatown traffic. ALL of Lower East Side and Lower Manhattan traffic will be crippled if Chinatown suffers gridlock in a domino effect.

CURRENT CHINATOWN TRAFFIC PROBLEMS

Chatham Square – A confusing intersection struggles to funnel seven streets of traffic through Lower Manhattan linking north to south and east to west. Reconstructed less than ten years ago, its design created an impasse where none existed before, by unnecessarily routing northbound East Broadway traffic around a newly created plaza and onto the congested Bowery before accessing East Broadway. At peak hours, traffic agents man the intersection and speed vehicles through, sometimes at the expense of waiting pedestrians.

Already besieged by traffic, the city is proposing a redesign and reconstruction of Chatham Square next year, in the midst of a historic recession. This will make the area impossible to navigate since Fulton Street is already shut for reconstruction and the Brooklyn Bridge is simultaneously slated for four years of reconstruction, starting in 2009. The proposed plans will essentially replicate the poor design of the northbound St. James/Bowery lanes onto the southbound Bowery lanes, by creating a large, triangular plaza at the corner of Bowery/Mott and forcing southbound Bowery traffic, particularly the new articulated buses, to drive around an enlarged and awkward plaza in order to access Park Row and Worth Street.

This new configuration will also slow down northbound traffic heading west and making a left turn onto Worth Street at Chatham Square. Below Canal Street, Worth Street is the ONLY working cross-town conduit to the Holland Tunnel with Fulton Street under reconstruction.

To further exacerbate traffic at this critical juncture, the city plans to narrow the Bowery to two lanes at Chatham Square. This means that if even one vehicle is parked in one of the two lanes unloading passengers or goods, then there would essentially be one functioning lane of the Bowery at Chatham Square where seven traffic lanes are merging to head south, east or west.

Canal Street - Has been the subject of two intensive traffic studies (CAT I and CAT II) for almost six years. Recently it achieved another dubious distinction, the Tri-State Transportation Campaign, which mapped pedestrian fatalities between 2005 to 2007 found that Third Avenue and Broadway both had 10 pedestrian deaths during that period, ranking them "third most dangerous in the region, behind Long Island's Hempstead Turnpike and Sunrise Highway" as noted in last week's Metro News (October 29, 2008). A close study of the map (which is attached) reveals that Third Avenue which turns into the Bowery in Chinatown appeared to log in one of the largest clusters of pedestrian fatalities in all of Manhattan during the study period.

Park Row/Police Headquarters – After 9/11 Park Row (another major artery) was closed as well as the Brooklyn Bridge exit ramp to Chinatown and its surrounding roadways. NYPD has justified these closures as security related. These closures exacerbate the Chatham Square intersection with no reopening in sight. The traffic bottleneck created by Police Headquarters will continue to be a traffic aggravator as well as a safety risk. Relocation would be an ideal resolution.

One of the main contributors to Chinatown's success over the last 100 years has been its unique geographic location in lower Manhattan, at the crossroads of three bridges and two tunnels. In the past this transported visitors to Manhattan directly into the lap of Chinatown businesses, this also allowed for affordable warehousing of goods in the outer boroughs for these same businesses. Today, however, with the closing of Park Row and adjacent streets the once easily accessible neighborhood has suffered from traffic detours, lack of directional signage, a confusing and dangerous intersection left in the wake of Park Row's closure, periodic parking abuse by NYPD and Government-use vehicles as well as a flawed 1999 redesign and reconstruction of Chatham Square.

Police Security Bunker – Recently Police Headquarters has announced plans to install an 8-story super, high tech security bunker at the formerly proposed "911 Call Center". This capital expenditure will not only violate ULURP guidelines, it will undoubtedly further impact Brooklyn Bridge traffic and the already congested surrounding blocks. Instead of further impeding traffic, slowing development of Lower Manhattan, and creating a greater target for danger, NYPD could take note from the FDNY/EMS and the OEM who have realized the efficiency of relocating their headquarters off Manhattan.

Civic Center – Located at the southern rim of Chinatown, the Civic Center is a major contributor to parking problems. Government workers have grossly abused parking permits for over 22 years seriously impacting Chinatown. On July 10, 2008, the NYPD revealed a crackdown on illegally parked "government" cars citing shocking numbers of abuses making it one of the biggest sources of traffic congestion. This year's DOT study found over 144,000 government parking permits, which does not even include the number of illegal permits. October 24, 2008, the House of Representative's Committee on Transportation and Infrastructure Oversight and Investigations found in their report, "Lax Fleet Management Practices Enable Government Employees to Ignore Local Parking Laws and Evade Fines" specifically cited NYC federal employees as failing to pay \$112,456 in parking fines for illegally parked vehicles in 2007 alone. This does not bode well for the Chinatown area as traffic offenders are in most cases, our traffic enforcers. Also city as well as federal government employees continue to view free parking downtown as a "perk" for government workers.

Municipal Parking Garage – Before 9/11, this parking structure provided relief to 400 cars. The Municipal Garage's loss makes Manhattan's Civic Center one of the few, largest U.S. cities without a municipal garage. This loss has affected surrounding businesses adding financial as

well as quality of life impact. The claims of Police Headquarters' that their personnel are using the Municipal Garage, as per the judicial orders from the won lawsuit removing cars from James Madison Plaza Park behind Chatham Green, belies the continual overcrowding of police vehicles into the surrounding streets. If the garage reopened to the public, the neighborhood would flourish. Instead of the proposed security bunker, an educational center or any positive community use would revitalize this space and finally connect this area to Lower Manhattan.

Buses – Chinatown is inundated with intercity buses (numbering more than those at Port Authority), tourist buses and Atlantic City buses. All these buses are jockeying for position on overcrowded neighborhood streets teeming with children and seniors trying to navigate them.

Ground Zero – Although south of Chinatown, Ground Zero's completion will bring countless more vehicles through and to Chinatown. The NYPD's new security plan for the World Trade Center will further complicate traffic as we have seen occur in Park Row's shut down and security checkpoints.

RECONSTRUCTION AND NEW CONSTRUCTION

In addition to the loss of Park Row and surrounding streets, two major cross-town roadways have been lost in Lower Manhattan. Pearl Street was permanently closed and Fulton Street is under reconstruction making Worth and Canal Streets increasingly more congested. A 2006 subcommittee of the Department of Homeland Security projected that "within 5 years, more than \$20 billion in construction will be underway in all of Lower Manhattan below Canal Street." This equates to more than 200,000 concrete trucks, and a DAILY workforce of over 6,500 people.

The EV/LES EIS needs to be revised to incorporate the significant increase in traffic throughout Lower Manhattan because of the scale of residential, hotel and other commercial development and the overflow to other areas exacerbating current traffic jams and intersections like the bridges and tunnels. This development is already in evidence on the Bowery, Mott Street, Worth Street, Baxter Street, East Broadway to name a few -- bringing increased residential populations and privately owned vehicles to an area already saturated with traffic. Future high priced residential and hotel developments will also contribute to glutting the traffic core because developers are NOT required to provide parking for this influx of vehicles below 96th Street in Manhattan.

The areas surrounding Chinatown are experiencing their own development pressures including:

- the complete tear down and redevelopment of the South Street Seaport,
- the proposed 75 story Gehry Tower just South of the Brooklyn Bridge will funnel traffic onto the partially closed Park Row increasing the load on surrounding streets
- the development of the waterfront under the FDR drive,
- the *eventual* completion of the Ground Zero memorial,
- numerous condo and co-op developments in Battery Park City, the Financial District and Tribeca
- Servicing of these new developments with what Mayor Bloomberg hopes will be a 24-7 local economy
- Aggressive luxury residential development in Brooklyn, specifically in DUMBO (five minutes from Chinatown), Williamsburg, and Flatbush Avenue will result in several million square feet of new condos and thereby an increase in vehicular traffic over the Williamsburg Bridge, Manhattan Bridge, Brooklyn Bridge and the Brooklyn Battery tunnel. This does not even include the soon to be developed Atlantic Yards residences and stadium traffic

- The Brooklyn Bridge is scheduled for reconstruction next year for the next 4 years further impacting St James on the east, and Centre Street on the west
- Church Street/Fulton Street transit hub currently under development.
- Chatham Square is slated by the DOT to be reconstructed next year
- Recent conversion of the Department of Motor Vehicles building into a series of wedding chapels on Worth and Baxter Streets that Mayor Bloomberg hopes will increase, and rival, the number of marriages in Las Vegas
- Development in New Jersey has also increased resulting in additional traffic to and from the Holland Tunnel to Chinatown's West.

As the current EV/LES rezoning plan is written, this leaves the area south of Delancey Street vulnerable to unfettered development. Particularly vulnerable is the area closest to a closed Park Row and the site of severe government permit parking abuse where many storefronts still remain empty. The community-initiated rezoning proposal is intended to preserve the character of the neighborhood, restrain the rash of oversized development and expand the opportunities for affordable housing. Chinatown will need the protection of rezoning, as well as the LES/East Village. Traffic conditions exist and will worsen as reconstruction and construction continue. This will not only impact quality of life concerns, but also severely impact emergency service access. If for no other reason, Chinatown should be included in the rezoning proposal to help protect and mitigate traffic that AFFECTS US ALL. The interconnectedness of traffic on the Lower East Side, Chinatown and Lower Manhattan demands that the EIS must cover an area beyond its presently limited scope in one of the three largest rezonings in New York City.

Civic Center Residents Coalition: Jhincerc@gmail.com; Jancerc@gmail.com

Triathlete died of heart condition, says medical examiner
Authorities say a 32-year-old man who died during the New York City Triathlon last summer was killed by a condition linked to high blood pressure. Esteban Neira died in the Hudson River during the swim portion of the triathlon on July 20. AP

Pedestrian danger zone

Third Ave., Broadway on list of deadliest roadways

Third Avenue and Broadway are the city's deadliest streets for pedestrians, according to a report released yesterday.

The ranking comes from the Tri-State Transportation Campaign, which mapped pedestrian fatalities between 2005 to 2007.

Third Avenue and Broadway each saw 10 pedestrians killed in that period, making them the third most dangerous in the region, behind Long Island's Hempstead Turnpike and Sunrise Highway.

Kate Slevin, the Campaign's executive director, was surprised to see suburban roadways top the list. It highlighted the need for the suburbs to redesign streets with walkers in mind, Slevin said.

Queens Boulevard, locally dubbed the "Boulevard of Death" for the number of pedestrians hit and killed there, made the Top

"With more people looking for transportation choices, we have to step up efforts to design more ... walkable streets." Slevin

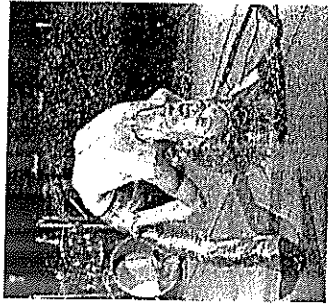
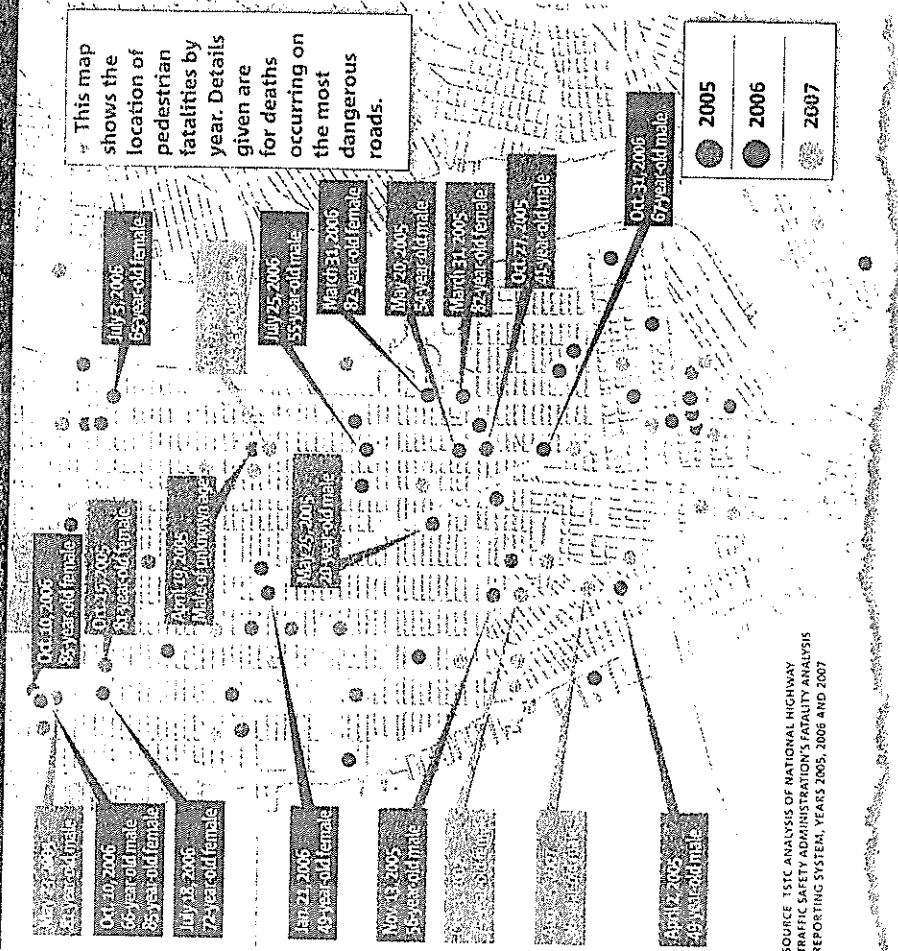
25, but not the Top 10. Department of Transportation improvements there helped decrease pedestrian fatalities from 17 in 1993 to one last year.

"It shows with a little attention to these roadways, these numbers can go down," Slevin said.

AMY ZIMMER/METRO

Number of pedestrians killed on each Third Avenue and Broadway between 2005 to 2007. It makes them the third most dangerous roadways in the region.

Pedestrian fatalities 2005-2007



Iggy Pop Backbend, 1972

Christie's sets first punk auction

From the Sex Pistols to Blondie, a New York City auction house is selling posters, fliers and memorabilia belonging to some of punk rock's biggest acts.

Yesterday, Christie's auction house announced its first major punk sale, set for Nov. 24.

The auction includes more than 120 records, photos, and promotional pieces for such punk and new wave legends as David Bowie, Lou Reed, Patti Smith, the Cure, Blondie and Velvet Underground. Simeon Lipman says the collection is especially interesting because the items have lasted for decades, even though the musicians largely chumbed their nose at posterity. AP

Testimony----Gilda Pervin
Member of Bowery Alliance of Neighbors

I have lived and worked as an artist on the Bowery for twenty-seven years. Of course, during that time I have seen many changes within the Bowery community. Yet it is only within recent years that small businesses, residential tenants, and the architecture and history of the Bowery have been so vulnerable and jeopardized in the name of commercial development.

The Bowery includes buildings that date back to the late 18th and early 19th centuries. When these buildings are demolished the history of New York City is demolished. An irreplaceable part of the city is then gone forever. The East side of the Bowery has no protection from unscrupulous developers. It has no protection from being transformed into a wall of glass and steel structures scraping the sky and overshadowing the context of the Bowery corridor.

Change, of course, is to be expected. And development will continue. All we are asking is that laws be put into place that will ensure that changes and developments will be responsible and responsive to the history and community of the Bowery. We are asking that the Bowery be protected from development that would destroy its character, displace its small businesses, and squeeze out long-term residents working and living in this neighborhood. These businesses are family businesses with customers from all over New York and New Jersey; these residents include workers, artists, the elderly, and recently, middle-class families. It also includes people who when in need of lodging and food, find that help through social services on the Bowery. The Bowery community is a unique mix of people and opportunities.

The City has recognized the historic significance of the Bowery by protecting the west side of the Bowery in the Little Italy Special District and the NOHO Historic District. The East Village/ Lower East Side Rezoning will protect the area just east of the Bowery. However, the east side of the Bowery itself has been left out of all these rezonings.

We respectfully request that a Follow-up Corrective Action (FUCA) be drafted by City Council requesting that the City Planning Commission initiate an immediate rezoning of this area or an extension of the Little Italy Special District from the west side of the Bowery to the east side of the Bowery.

Gilda Pervin
Bowery Resident

Testimony before the New York City Council

November 12, 2008

Re: SUPPORT for the Lower East Side / East Village Rezoning

Melissa Aase, Director of Community Development

University Settlement Society of New York

184 Eldridge Street, New York, NY 10002

212-453-4589; maase@universitysettlement.org

Good morning. My name is Melissa Aase and I am the Director of Community Development at University Settlement, which is located in the proposed rezoning area. I have worked at University Settlement for over 15 years, and have primarily focused on eviction prevention and poverty-related issues in my direct work with the community. *I am testifying on behalf of the agency and the Executive Director, Michael Zisser.* University Settlement is a multi-service Lower East Side agency that will be celebrating 125 years in the community soon. We currently serve over 20,000 people each year --- people of all ages and incomes, but a very high proportion of people with very low incomes and who are immigrants, living in the proposed rezoning area. As such, we have been a part of the neighborhood's evolution for a very long time, and see the community from the perspective of those whose perspectives are generally not included in public policy decisions.

University Settlement strongly supports the contextual rezoning of all 111 blocks as proposed in this ULURP action, particularly the height limits, the incentive of Inclusionary Zoning and the additional production of affordable housing, and the preservation of the generally low-rise character of the community. We are a member of the Lower East Side Coalition for Accountable ~~Re~~Zoning, and are proud to support the open and extensive community-generated planning process that led us to this day, including a unanimous endorsement by ^{the} Community Board.

Last year University Settlement helped 500 low income families who were at risk of losing their homes. The year before we helped 500 other families. And the year before, 500 more.

We have witnessed the harassment of low-income and non-English-speaking tenants by landlords on many occasions – including unending renovation noise, spurious eviction cases,

relentless buy-out offers, physical threats, false child abuse reports, withholding heat, hot water and other services, and phony demolitions. We have watched as buildings have emptied out, tenant by tenant, with the last families hounded, beaten down and isolated, until they finally leave as well. Often our multi-lingual lay advocates are the only representatives that these tenants have in housing court.

This rezoning effort is a very important opportunity for the community to curtail and condition the kind of luxury high-rise development that has made it increasingly difficult for lower income community members to remain in the neighborhood. The profit-making incentives provided by the 1997 Rent Reform Act, and other socio-economic changes, make it far too tempting for landlords and developers to create housing that is entirely un-affordable, and buildings that are out of scale. The towers and hotels sprouting throughout the area, but especially south of Houston near University Settlement, offer nothing to our constituency and place them more at risk.

in Councilman Gerson's district

We support additional anti-harassment provisions for the entire district.

We urge the City to add another 700 *new* units of affordable housing, at 80% median income or lower, within the rezoning area or immediately adjacent.

We urge the City to base the Inclusionary Zoning bonus incentive on 30% affordable units, not 20%.

And if NYCHA sites are used for the creation of housing, it must result in more than 20% affordable units on these sites.

We must take advantage of this opportunity to re-zone the neighborhood NOW in a way that protects vulnerable populations and residents. I urge the Council to support this plan.

Melissa Elase 11/12/08

November 12, 2008

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

Introduction:

Good morning and thank you for the opportunity to testify at this important occasion. It's important that those of us who have seen how rezoning plans can play out all over this great City, weigh in on the pitfalls so this community gets it right. Carried out intelligently and fairly, rezoning the Lower East Side and the East Village can be a tool to transform the future trajectory of this special neighborhood.

Rezoning should enhance the existing character of the Lower East Side and the East Village. And I believe it can. This is government's opportunity to help the people of this community attract small businesses and other agents of community improvement. We can and should use the power of government, through rezoning objectives, to protect and support those who make the neighborhood a special place.

So we should proceed, but with caution. I hear from many of my constituents in Brooklyn about their frustration with other recently rezoned areas. I have heard complaints about open space preservation, non-enforcement of zoning regulations and anti-harassment protections, the scope and magnitude of development, traffic and the need for affordable housing set asides. It appears that we are well on our way to avoiding these pitfalls with this promising rezoning plan. With proper safeguards, I am happy to lend my support to it.

My testimony has three main objectives:

- (1) Attaining firm commitments to preserving and creating affordable housing for modest income families, rent-controlled or rent-stabilized tenants;
- (2) Listening to all community perspectives; and
- (3) Ensuring that anti-harassment protections are enforceable and actually honored after the plan gets implemented.

1 - Planners must preserve and create affordable housing, and 30% of this should be for low-income residents. The LES and the East Village are beautiful pictures of diversity – we have Asian Americans, Latinos, Eastern Europeans, and many other groups – that all live side by side and make us unique. If we do not ensure concrete set asides for affordable housing preservation in the course of this rezoning, we run the risk of damaging the rich diversity here. So I would urge set asides, and you have no doubt heard the excellent proposals of advocates on that matter. 30% low-income units is a reasonable requirement. I urge its adoption.

In Manhattan's impossibly expensive housing market, affordable rents are crucial for low and moderate income people. There is an affordable housing crisis in New York City. City planners need to better understand this crisis – and know that not all New Yorkers can afford luxury housing. There are New Yorkers who do live on *fixed incomes*, *who are retirees*, *who are disabled*, *who are middle-income and who are young and would like to stay in New York City*.

The broader point is that landlords, developers and investors should understand that there will be conditions such as this 30% set aside to ensure low-income people share in the benefits of rezoning.

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

In the Lower East Side, *a community of immigrants and small businesses*, we should protect against the gradual displacement of small businesses. Small businesses are the healthiest drivers of our economy – they are involved in all levels of community life and they provide walk to work employment for local residents. *They have roots in the LES--- they know the pulse of the community---and they deserve to remain in the community.*

Just recently, there was a report issued by Pratt Institute telling us of the displacement of businesses in Downtown Brooklyn as a result of the rezoning in that area. We cannot allow that to happen here. The City must commit to provide low-interest loans and grants to small businesses that are adjusting to stay competitive.

3. We will not stand for coercive tactics and harassment. And the only way to protect against harassment is to have enforceable anti-harassment protections in this rezoning plan. We know from past experience that some will seek to avoid soft regulations and others will take their chances with individual causes of action. The community and its elected representatives must stand together to protect tenants from such behavior, by protecting them in this rezoning plan, and then seeking to enforce these obligations.

Conclusion:

Let me conclude by reminding you that we must learn from the lessons of our recent past. The city should seize this opportunity to create an economically, socially, culturally, and environmentally responsible rezoning proposal. Officials must use their leverage now to create responsible, enforceable guidelines. I am also concerned that adjacent neighborhoods have concerns regarding over-development and displacement and the desire to maintain the integrity of their neighborhood. And we, the City should address these concerns.

I also want to commend the numerous organizations committed to the future of the Lower East Side and the East Village for their hard work on this rezoning plan. I thank you for allowing me this opportunity to give Congresswoman Velazquez perspective.

TESTIMONY
to the New York City Council Zoning and Franchises Committee
November 12, 2008
Rob Hollander, Ph.D.

Community District 3 is threatened with hotel development in all its commercial C6-1 zones: the area from Essex Street to Forsyth Street, which is included in this rezoning proposal, and the Bowery and Chinatown, which are not.

A quick look at Community District 3 provides a clear picture of the problem. A dozen huge 23-story hotels have sprouted up in these C6-1 zones, all the last five years. These three areas all need immediate protection or they will be lost.

The rezoning proposal before you includes only one of these three endangered neighborhoods. The other two, Bowery and Chinatown, are left out.

The residential East Village, an R7-2 zone, has fared much better over the last five years. The pressure to develop has produced six, seven and eight-story buildings and even one nine-story building, but nothing seriously out-of-scale in the last five years. There are, in fact, only exactly two tall towers, fifteen stories each, in the East Village built under current zoning. That's probably because current bulk allowances, (Floor Area Ratios) are low, limiting air rights, and developers are not hungering to build huge community facilities. So far, every single threatened large development in the East Village has been successfully prevented.

But nothing appears to be able to stem the tide of hotel development south of Houston and on the Bowery. The opportunities for huge financial windfall there have induced a development pressure so intense that there has been no stopping it.

The most immediate danger to Community District 3 lies in the C6-1 zones: the Bowery, Chinatown and south of Houston .

The Bowery may be New York's oldest street. The oldest brick house in Manhattan lies on the Bowery. A Native American trail before the Dutch arrived, the Bowery eventually became New York's theater district and its liveliest strip. In the 19th century it was the haunt of America's greatest writers: Walt Whitman walked the Bowery, and the author of the most widely-read of all civil war novels *The Red Badge of Courage*, Stephen Crane, lived there and set his great short novel, *Maggie a Girl of the Streets* on the Bowery. America's folkloric composer of "I dream of Jeanie," "Swanee," "Camptown Races," "Oh Susanna," "My Old Kentucky Home," and "Beautiful Dreamer," Stephen Foster, ended his life on the Bowery. In the 20th century, that literary and musical tradition was continued by the world-famous CBGB's and the Bowery Poetry Club. Unfortunately, only the Poetry Club remains, situated on the protected west side of the Bowery, while CBGB's, on the unprotected east side of the Bowery, is already gone.

For two centuries the Bowery provided New York with its alternative to the restrictive values of conservative gentrified society, to the exclusivity of exorbitant real estate values, and to the coldness of a commercial culture of capital. The Bowery was poor; the Bowery was wild; the Bowery was marginal; the Bowery was magical.

The City has recognized the historical importance of the Bowery by including the west side of the Bowery in the NoHo Historic District and Extension, and in the Special Little Italy District. The west side of the Bowery lies in the wealthy and influential Community District 2. The east side of the Bowery, equally, if not more, historic, is unprotected, lying in the historically impoverished Community District 3, more familiarly known as the Lower East Side. It's time we stopped ignoring the east side of the Bowery. It's time we protected our history. It's time we protected the CD3 side of the Bowery too.

Of even greater concern is the fate of Chinatown. Chinatown is one of Manhattan's few remaining authentic ethnic neighborhoods. It is a low-income community, but not a depressed community. Chinatown is alive with restaurants, shops, culture, markets of all sorts. Tourists flock to Chinatown, as do New Yorkers from all the five boroughs. There is no place else like it. As a community, it's irreplaceable to New Yorkers.

From a purely preservationist perspective, Chinatown is equally irreplaceable. It stands on the historic site of the very first immigrant working-class neighborhood in America's history: the Five Points, where tap dancing was invented by the confluence of Irish and African dancers, where the first Vaudevillians in America first got their start, where Irving Berlin played the saloons, where Sun Yet Sen lived and made speeches in the streets drumming up support for the New Chinese Republic; the original American melting pot, made famous now in Martin Scorsese's movie, *Gangs of New York*. The oldest tenement in New York stands in Chinatown and the neighborhood is alive with history.

Once a German, Irish, Jewish and African neighborhood, it later filled with Italians, East European Jews and Cantonese. Today it is largely ethnic Chinese, with Vietnamese, Chinese Malaysians and a growing Fujianese community..

Without immediate protection, Chinatown, one of those vulnerable C6-1 zones, will disappear.

The Bowery Alliance of Neighbors asks you to commit now to protecting the context, history and community of the Bowery with a Follow-up Corrective Action. Protecting the Bowery will help prevent the spread of development to Chinatown. I ask you also to commit to protecting Chinatown as well. Protective actions for both these neighborhoods need to be fast-tracked. There is no time to lose.

Finally, I ask not to upzone Chrystie Street with an Inclusionary Zoning designation that will bring outrageous market-rate development, gentrification, primary and secondary displacement to the heart of Chinatown.

Susan Howard, Statement to the Land Use Committee, NYC Council
November 12, 2008

Why I oppose the current Lower East Side/East Village Rezoning Plan

- Protects only the wealthiest areas of the East Village from high-rise development, while luring developers to communities on the border of, and completely excluded from, the proposed plan.
- CB3 did not do outreach to CB3 residents, orgs or businesses to inform them of the development of this plan or get their input. Any talk of wide spread community input is false. CB3 is actually on record stating they could not afford to do outreach.
- Provides no protections against demolition, displacement or harassment. Adding anti-harassment language to the plan does nothing more than give the appearance of protection, as City Planning can no more enforce DOB regs than we can.
- The plan will not deter gentrification, it will increase it by providing double incentives to developers to demolish Avenue D, Houston, Delancey Streets and portions Pitt & 2nd Ave to build luxury high rises
- Provides only incentives for developers to include a small percentage of so called affordable housing - that is beyond the reach of the low income residents.
- Inclusionary Zoning in NYC has not produced affordable housing, infact from 1997 to 2004 IZ incentives have only created 600 units in total.
- CB3's claims that this plan will produce affordable housing is false, developers do not build affordable units on site and there is no public land, save our parks and community gardens, to build on.
If you are planning to vote to approve this plan because it includes affordable housing, then you cannot approve it.
- Provides no additional parking, green space or open space, in a neighborhood where teachers are already forced to park on their playgrounds.
- Gives no consideration or incentives to protect small businesses, cultural institutions or artists, all of which are struggling to survive in the LES.
- When the community was finally given the chance to speak in public hearing on this plan, they were told "it's too late to do anything about it" even trying to quell opposition to the plan by denying access to the May 12th. 2008 public meeting, threatening opponents with arrest, while allowing supporters of the plan to come in and sign up first, as they have done here again today, and by not providing translation for non-English speaking residents.

Demands:

- The rezoning plan be amended to include the entire community board 3, including Chinatown and the Bowery
- Include significant low income housing, truly affordable to its residents.
- Include provisions for community, cultural and green space
- Include Historic Protections for the LES Historic District
- Include requirements for high efficiency standards in new construction
- Curtail instead of promote the expansion of bars and restaurants
- Address our Community District Needs

Testimony On Lower East Side Rezoning At Public Hearing
Sponsored by New York City Council

November 12, 2008

Edward Ma, Vice Chair, Chinatown Committee, Community Board 2, Manhattan
Former New York City Human Rights Commissioner

I am very appreciative to have this opportunity to speak up about what are on our minds.

Based on what have happened to Chinatown in the past centuries, I would like to propose that a special new rezoning for Chinatown for the following reasons:

- and surrounding areas*
1. No more exclusion please. There are still existing exclusion today in many areas, since 1882 China Exclusion Act, such as the Lower East Side Rezoning today. Where are the recognition of character, culture and contribution of Chinatown to New York City?
 2. Chinatown still has not fully recovered yet in business, transportation, unemployment, respiratory disease and psychological trauma since 9/11/01 disaster, regardless of the programs of Lower Manhattan Development Corporation, insufficient and fragmented.
 3. Chinatown is always neglected and disposable. Despite of its 8 blocks of distance from World Trade Center, Chinatown was excluded from the initial list of selection for Empire Zone in 2003. Surprisingly, Binghamton was selected, instead, for political reason, even though the town is 200 miles away from the 9/11 site. It was only one year later after our protest; Chinatown/Lower East Side was finally selected to the list.
 4. Chinese are very loyal to New York City. This is our cultural character. During 1970 City financial crisis, there was a massive exodus. Many City residents and business moved out of the City, but not Chinatown. A "We Don't Move Company" was established in Chinatown to stabilize our community. Even President Ford told the City "Drop dead" when Mayor Beam asked for Federal Aid.
 5. Within 10 blocks of Chinatown, there is the most concentration of banks established next to Wall Street, with estimated deposit over \$500 billions. In another estimate, Chinatown is the 2nd highest tax collection in Manhattan next to Madison Avenue. This is an indication that Chinatown has paid more taxes than public service received disproportionately. Where is the justice and economic equality for Chinatown? Generations of toil and hard work by our ancestors, citizens, and present immigrants in building our stable community for the city has never been fully rewarded or acknowledged at all. Why Chinatown cannot deserve a priority in an updated rezoning, now?
 6. Why the Department of City Planning has not fulfilled its mission? In the City charter, it is mandated for the agency to be "Responsible for the City's physical and socioeconomic planning...."? It is regretfully to say that there seems to have been not much of direct communication between City Planning and Chinatown. Although the rezoning research has been conducted for 3 years with \$2 million budget, the mainstream community of Chinatown was informed about the rezoning only 6 months ago. Where is their public education and publicity? Otherwise the massive, angry protest against the rezoning could be avoided.
 7. Chinatown has played a vital role for the City with its own distinguished character in culture, history, cuisine, tourism and business. However, there seems to have been historically neglected by government in planning and investment for Chinatown. Even a street arch has not been built yet as other big cities have. It is fair to say that this project could be done least by the City Planning for Chinatown.

8. Chinatown consists of Community Board 1, 2 and 3. Actually, Community Board 3 has only a portion of Chinatown. The way City Planning conducted in rezoning with CB 3 seems to have not much consideration of the totality of Chinatown community, in terms of its social economic status, and cultural dynamics. Apparently, the rezoning has been perceived as another exclusion without Chinatown participation.

9. In order to modify the community conflicts caused by rezoning, Mayor's Office for Community Assistant Unit has initiated a true Chinatown meeting including all community stakeholders of agencies and the representatives of State Assembly Speaker Sheldon Silver, Borough president Scott Stringer, Councilman Alan Gerson in an attempt to build a consensus for Chinatown revitalization or rezoning. After few months of meetings, it has been very fruitful and beneficial toward mutual understanding in the exploration of the needs and problems.

10. In my last testimony at the public hearing sponsored by the City Planning on August 13, 2008, I recommended their participation in this meeting for better communication and understanding for present rezoning resolution or future partnership. I have not received any response from them.

Thank you. edma@aol.com.

Testimony before the Zoning and Franchise Committee of the City Council on Items LU0923-2008, LU0924-2008

My name is Mary Spink and I am the Executive Director of the Lower East Side Peoples Mutual Housing Association (LESPMHA, Inc.), my organization is a member of the Lower East Side Coalition for Accountable Zoning (LESCAZ).

I am a public member of Community Board III's former Zoning Task Force, now the renamed Zoning and Planning Committee and a community resident for 45 years.

I am here to strongly support the contextual rezoning of 111 blocks as proposed in the ULURP action before you today. This plan is the result of a collaboration between Community Board III and the Department of City Planning.

This plan includes many positive elements which the community strongly supports and they include the following:

I 80 foot height limits on most of the Avenues north and south of Houston Street, which will limit new buildings to 7 - 8 stories, with setbacks at 40 - 65 feet, in the R7A and C4-4A zones.

I 75 foot height limits in the mid-blocks north of Houston Street to create 75 foot height limits, with setbacks of 55 - 60 feet. 80 foot height limits in the mid-blocks south of Houston Street.

I Reduced commercial and community facility FAR south of Houston Street in the C4-4A zones that will reduce incentives for hotels and dorms, thereby preserving the residential character of our community.

I Inclusionary zoning (in C6-2A and R-8A zones) on Delancey Street, Houston Street, Avenue D and Chrystie Street with height limits of 120 feet, limiting new buildings to a maximum of 11 - 12 stories. Inclusionary zoning (in R-7A zones) on the avenues from 2nd Avenue to Avenue C. Together, these inclusionary zones will create incentives, through FAR bonuses, that will result in an estimated 500 new low income housing units over the next decade.

It is extremely important to note that new low income housing will not be created if no zoning action is taken. The cost of creating 500 low income units is over \$100 million that would otherwise have to be heavily subsidized with public dollars at a time when public subsidies are under severe fiscal pressures.

While these are important gains for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification under our current zoning, and we need the City Council to put forth a follow up corrective action plan to this rezoning that will address the urgent need for at least 700 new units in the rezoning area outside the IZs affordable to families at 80% of median income or below.

There are a number of City owned sites that can and should be developed as affordable housing, and we urge the City to make this happen. Among the sites we are referring to are NYCHA owned land within the rezoning area, the city-owned parking lot on Ludlow Street below Delancey Street, and other City-owned sites that are unrelated to the Seward Park Urban renewal site. The 700 units should not include housing already in the Development pipeline but new units.

We need the city council to put forth a follow up corrective action plan to address the anti-harassment provisions originally addressed in the Community Boards 11 point plan. Or at the very least anti-harassment provisions for the IZ Avenues.

Another important point that I am in strong agreement about is that we don't want to see last minute efforts made to undo the contextual nature of this zoning plan. We are aware that some developers would like to change the proposed C4-4A zoning west of Essex Street, between Houston and Delancey Street, to a C6-1A zone which would dramatically increase the commercial FAR from 4.0 to 6.0 and reduce the residential FAR from 4.0 to between 0.78 and 2.43. We are adamantly opposed to any such commercial upzoning and residential downzoning. It would severely damage the integrity of this plan.

Finally, I want to address claims by some opponents of this plan. First, contrary to their claims, the planning process was open, transparent and widely publicized. 48 public meetings were held over the last several years and there was wide ranging debate. CB#3 followed a democratic community planning process which extended over several years. CB#3 members with representatives from both Councilmanic Districts participated, as well as other community leaders and organizations, ultimately leading to a UNANIMOUS VOTE in support of the Rezoning Plan (with the 11 points). We want this process to be respected by City Planning and our political representatives. Also, 60% of the more than 100,000 people in the rezoned area are people of color, and the median income is \$33,100 in the census tracts being rezoned, which is less than 60% of the City's median income. There was no need to rezone the public housing superblocks since the buildings exceed the FAR in the new contextual zones. Finally, this plan is not an upzoning. Rather, it promotes residential development at the expense of commercial and community development in order to preserve the residential character of our community which is being rapidly destroyed under our current zoning. Our community will be getting more affordable housing and strict building height limits as a result of this rezoning which is what we desperately need. Last minute demands and attempts to derail the ULURP process at the 11th hour show extreme disrespect and contempt for our community and the over three years of consensus building it took to reach this point. I urge the City Council to vote in support of this ULURP.

**Testimony to the City Council Subcommittee on Zoning & Franchises
on proposed East Village / Lower East Side Rezoning
Wednesday, November 12, 2008
by Lisa Burriss**

Good morning, my name is Lisa Burriss and I am a life-long resident of the Lower East Side as well as the Director of Organizing for Public Housing Residents of the Lower East Side, a project of GOLES.

First, I would like to thank the City Council for the opportunity to testify. I would also like to thank Community Board 3 for working with the city as well as residents and community coalitions such as LESCAZ to rezone the East Village / Lower East Side.

I want to begin by urging the City Council to support this rezoning of the entire 111 blocks as proposed in this ULURP action with the following modifications which include:

1. Anti-harassment provisions for the entire 111 blocks of the rezoning but especially on the wide avenues that contain inclusionary zoning provisions.
2. While inclusionary zoning is an important gain for our community, we are losing hundreds of rent regulated units every year due to displacement and gentrification. Therefore we need a commitment from the city to create an additional 700 units of new affordable housing for families at 80% of median or below.
3. We want 30% of all the new units developed with Inclusionary Zoning to be affordable, just as was done with the Cooper Square project. We believe that 20% is not enough.
4. Finally, we want the creation of a legal services fund to protect low-income tenants at risk of landlord harassment.

These modifications are a result of more than three years of community board meetings and public hearings. The Community Board, many residents and organizations representing low and moderate income families of color worked tirelessly to reach consensus around a plan that addressed our needs and included the community's input and concerns.

As each day passes, it becomes clearer that this rezoning is desperately needed to fight the piece by piece give away of our neighborhood due to the out of control development of hotels and luxury housing. This out of scale and out of control development is changing the historic and diverse character of the community. It is driving up rents and facilitating the depletion of our affordable housing stock.

On a daily basis, we witness the pressures residents face as they live doubled up in overcrowded conditions because they want to remain in the community but can not afford the market rate rent. In fact, I know dozens of people who have been forced to move to other neighborhoods where rent is more affordable, even though they have wanted and needed to remain on the Lower East Side. These conditions are breaking up family support systems that low income residents rely on, creating a quality of life crisis. Therefore, it is critical that we seize and maximize opportunities to create permanent affordable housing.

Recently, misguided groups opposing the plan have made public accusations of racism. They have circulated petitions misrepresenting the facts as well as the impact of the rezoning in public housing spreading fear among residents. This is grossly inappropriate especially during a time when public housing is experiencing a number of other funding issues and misleading facts about the zoning and racism detract from resident's ability to focus on effective way to preserve public housing.

I understand that this rezoning can not stop all of the problems we are facing with gentrification, displacement or even the funding and preservation issues we are facing within public housing. However, I believe that it will help us to preserve the diversity of our community, protect the character of our neighborhood, and create more opportunities for long time residents and their children to remain in the Lower East Side.

Therefore, I want to reiterate my support for the rezoning and I urge the City Council to also support the East Village / Lower East Side rezoning with Community Board 3's modifications. Thank you.

Mitchell Grubler
20 Confucius Plaza, Apt. 40C New York, New York 10002
mitchellgrubler@yahoo.com

Testimony

NY CITY COUNCIL ZONING AND FRANCHISES COMMITTEE HEARING

Wednesday, November 12, 2008

RE: EAST VILLAGE/LOWER EAST SIDE REZONING PLAN

As a resident of the Bowery and a member of the Bowery Alliance of Neighbors I am frustrated by the City Planning Commission's omission of the Bowery from the East Village/Lower East Side Zoning Plan. When you vote on the zoning plan I urge you to also draft a Follow-up Corrective Action (FUCA) requesting that the City Planning Commission initiate an immediate rezoning of the unprotected east side of the Bowery. I am particularly disturbed by the zoning plan area, which stops approximately 60 feet short of the east side of the Bowery and leaves it vulnerable to demolitions and grossly out-of-scale development, particularly hotel developments.

Both east and west sides of the Bowery are characterized by low scale development and still today boast early 19th houses and many mid to late 19th Century commercial buildings of distinction. Many of these buildings house the city's decades old restaurant supply and lighting districts. The city has recognized the need to protect the west side of the Bowery through the Little Italy Special Zoning District and the Noho Historic District. It makes no sense, especially from a city planning perspective to treat one side of the street so differently from the other. Both sides of the street deserve the same amount of sunlight and views of the sky. Now is the time to make up for the lack of protection on the east side and zone it to conform to the height of the west side, which has a cap of 80 feet. The Bowery was initially studied as part of the study area for the plan. With your help and support it could and should be put back in through a FUCA at this time. Without this protective zoning, the quality of my life and that of my neighbors will be adversely affected for ever and always.

Rezoning the east side of the Bowery to conform to the west side will enable the retention of the business districts with which the Bowery has been associated for generations – the lighting district, the restaurant supply district and the jewelry district. As I see it, you represent the city agency that should be doing all it can to promote the retention of these wholesale and retail businesses. They supply the restaurants, residents and visitors in this city with the merchandise they need to thrive and sustain the diversity and health of the city's economy. If you do not rezone the east side of the Bowery now, these business districts will very quickly disappear, succumbing to the economic pressures asserted by luxury hotels, multi-million dollar condos and the banks and chain stores that will rob the street of its special historical character and the unique qualities that we, the people who live on the Bowery treasure.

I mourn the loss of the unique, generations-old businesses that once made this city so unique and desirable as a place to live, work and visit. I look to you, the members of the City Council to recognize the fact that you have the power to take the steps necessary to better manage the changes affecting the quality of life in our city. You can do the right thing in the case of the future of the Bowery. I urge you to request a Follow-up Corrective Action to save the east side of the Bowery.

^{just}
I was raised outside of Chinatown in a predominantly white neighborhood. My parents are overseas Chinese professionals who acknowledge few common interests or cultural ties with the working class community that comprises Chinatown. ~~Growing up, I often found myself especially susceptible to the question that perhaps all children of immigrants ask themselves some time in their lifetime: "Why am I here?"~~ Nonetheless, my experiences and involvement in Chinatown were what helped provide me with a sense of heritage, which my culturally aloof family often dismissed as insignificant. This neighborhood did not provide me with a window into *Chinese culture*, but rather, the unique immigrant culture established and sustained by people asking that very same question. ^{I was asking} My parents strongly believed that assimilation would lead to social mobility, with which I had always disagreed. However, as I worked more closely with the working class Chinese community in an effort to reclaim my heritage, I realized how deep the unjust institutional racism that fuels such a mentality was, and how it controls and divides this city's working class community. It is conspicuously manifesting itself in Bloomberg's rezoning plan.

Chinatown
~~I consider myself as having truly grown up here, and my relationship with Chinatown is the single most important educational experience of my life in New York City. Like others speaking today, I firmly believe the history and traditions behind Chinatown are irreplaceable, and that is a statement resonant in the motives of every single individual who would genuinely fight to protect this community.~~

To say one can support this plan while preserving Chinatown's legacy is offensive and ludicrous. The story and traditions of the Chinese American experience are inextricable from the true Chinatown, ^{as a landmark of history and culture} whose working class population upholds the *living history* that keeps Chinatown relevant. The exact same can be said about the working class communities of the Lower East Side. Encouraging the division of the community and the disintegration of Chinatown into a lucrative tourist attraction not only rids the neighborhood of this vital community, but also inhibits economic growth and blatantly disgraces the generations of Chinese Americans who made and continue to make Chinatown what it is. First and foremost, Chinatown ^{endured for 138 yrs as it is} ~~subsumes~~ the institutions and services that *our community* needs. Chinatown was not established to sell Chinese culture to the public. This "development" of Chinatown, which would likely ^{the "development" that would subsequently enter} displace and disperse this long-entrenched community, would merely be protecting a façade of what Chinatown really is.

On a less grand but more practical scale, ~~it is imperative to note that~~ the small businesses in Chinatown and the Lower East Side are largely what bring money into the economy. If these businesses and their owners are displaced by developers, money will be sapped from the community by chain stores' parent companies. Chinatown's economy will basically be shrunken from the inside. To relegate an essential part of Chinatown's business world is to likewise remove their vital economic contributions. It is common knowledge that communities reap what they sow, and those who remove the working class of Chinatown from its economy can see for themselves the direction in which it will likely go.

What Chinatown does NOT need is a separate plan driven by developers, which would not bring economic growth and development to the community anyway. If we wait for a separate plan to occur, it may be too late; there will only be a façade of Chinatown to be protected, but no more

true community to defend. What Chinatown needs is immediate protection from a proposal that would rob not only its working class citizens of a community and economy they constructed, but also a principal New York neighborhood of, honestly, its very soul. To stand for protecting Chinatown's history without defending those who continue to make it is wholly insulting; it insinuates that the struggles of Chinese Americans and the working class are irrelevant stories of the past. And to claim to protect the history and culture of Chinatown while essentially planning to replace its citizens with a grand Chinese gate, and other tourist-catering attractions is just plain racist.

[^]
"oriental" lamps

What the working people and small businesses of Chinatown does need is the same as what working people in the East Village and Lower East Side need. Creating rifts in the community district is unacceptable; groups should not be pit against each other in order to protect their own communities and their common interests. There are likely people much like myself in the East Village and Lower East Side fearing the dissolution of their own neighborhoods, and there is absolutely no reason to have to destroy one to salvage another. Chinatown and the Lower East Side are communities united by their residents' common needs and desire to protect their neighborhoods from division. This rezoning plan is divisive and unnecessary; it needs to be stopped and replaced with one that protects the entire district to keep each community from becoming vulnerable to mass gentrification, displacement, and disintegration.

Closing sentence

Testimony

My name is Cardyne Ali Khan. I am a 20 yr tenement resident of the lower east side, ^{new just south of Delancey}

I am here today because I support the planned rezoning but believe that ^{there} ~~it~~ must be ^{plans made to protect} ~~expanded~~ ^{ancient neighborhood} ~~the~~ We cannot allow real estate development to continue unchecked but fear a rezoning that will leave out the east side of the Bowery. ^{And I urge immediate action that also protects the residents of Chinatown.}

The recent ~~scourge~~ scourge of high rise buildings has left my neighborhood vulnerable to predatory gentrification that has pushed out ~~many~~ many of my neighbors and local businesses and created a situation where long term residents no longer live neighbourhoods that support their needs.

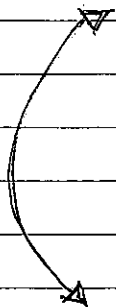
~~As a resident~~ I fear that the Bowery will become home to high rise expensive hotels ~~apartments~~ that will impact the quality of life of those of us who struggle to remain residents of the lower east side.

If rezoning fails and if the Bowery is excluded from the rezoning plan then large scale development will continue to destroy the character of my neighborhood. I have recently witnessed both low income tenant harrassment + dozens of ~~dozens~~ of local stores that have been forced out of business, ~~to accomodate~~ ~~luxury~~ ~~needs~~ ^{to accomodate} ~~luxury~~ ~~needs~~ ^{luxury needs}

friends acquaintances +

~~Copy~~ ~~file~~ ~~file~~

The amount of affordable housing needs to be increased to 30% and anti-harrassment protection for tenants is crucial both in the proposed zone + in Chinatown.



The high rise buildings + luxury hotels that have been taking over the LES bring into our neighbourhoods, tourists whose needs + ~~with~~ whims have been placed above those of local inhabitants.

I ask that you listen to the voices of community board 3 and local residents. ~~apparently~~ That you include the Bowery ~~area~~ in the rezoning. That you take immediate action to listen to concerns of Chinatown residents and that you work to protect us all from the predatory interests of ^{high rise + luxury} real estate developers. ~~There~~ ~~only~~ ~~interest~~ ~~is~~ ~~for~~ ~~tourist~~ ~~development~~ ~~in~~ ~~the~~ ~~area~~ ~~and~~ ~~not~~ ~~for~~ ~~the~~ ~~well~~ ~~being~~ ~~of~~ ~~the~~ ~~community~~.

Carolyn Ali Khan
250 Broome St, Apt 7
NY, NY 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Edith Buchen

Address: DIRECTOR

I represent: NYC Dept. of City Planning

Address: Manhattan Office 22 Reade St
UPLMNY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Andrew Berman

Address: 232 E 11

I represent: GVSH P

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Arthur Huh

Address: _____

I represent: NYC Dept. of City Planning

Address: Manhattan Office 22 Reade St
UPLMNY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: SION MISRAHI

Address: 88 RIVINGTON ST.

I represent: B. L. E. S. B. I. D.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERTO RAGONE

Address: _____

I represent: B. L. E. S. B. I. D.

Address: 578 ORCHARD ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21523,4 Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: CHRISTABEL GOUGH

Address: 45 CHRISTOPHER ST NY NY 10014

I represent: SOCIETY FOR THE ARCHITECTURE OF THE CITY

Address: 45 CHRISTOPHER ST NY NY 10014

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

Name: Jordan Miller (PLEASE PRINT)

Address: 250 E Houston PHG

I represent: Myself

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Wah Lee (PLEASE PRINT)

Address: 45-49 Chrystie St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Aaron Sosnick (PLEASE PRINT)

Address: 143 L.e B

I represent: East Village Community Coalition

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Lindsay Schubiner

Address: 55 Chrystie St.

I represent: Chinese Staff & Workers Assoc.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/2/08

(PLEASE PRINT)

Name: Malcolm Lam

Address: 391 5th Street

I represent: ~~Coalition~~ Coalition to Protect Chinatown

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Georgina Christ

Address: 327 E 12th St

I represent: Cooper Square Committee

Address: 61 E 4th St

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 105/Vezoning Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)
Name: Quintin maiden
Address: 23 E 10 Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 209230924 Res. No. 2008
 in favor in opposition
Date: 11/12/08

(PLEASE PRINT)
Name: Josephine Lee

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)
Name: Phyllis Banek
Address: 200 E. 5th St
I represent: Bowery Alliance of
Address: Neighbors

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Les Rezoning Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mika Nagasaki

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: MORRIS SIMKIN

Address: 88 PRINCETON ST

I represent: PROPERTY OWNER

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/20/08

(PLEASE PRINT)

Name: Trinh Duong

Address: 530 Grand St, NY NY 10002

I represent: n/a

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MING HO
Address: 962 JV ST BROOKLYN NY 11219

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: MABEL TSO
Address: 240 ELIZABETH ST, NY NY 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11-12-2008

(PLEASE PRINT)

Name: Steven Wong
Address: 22 Chatham Square NYC 10038
I represent: Chinese Restaurant Alliance
Address: 22 Chatham Square NYC 10038

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: JOYCE KAVITZ

Address: 550-14 Grand St, 10002

I represent: Cooper Square Committee

Address: 59-61 E 4th St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. LV 0923-

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Elizabeth Shaoul of 11 Magnum Real Estate Group

Address: 594 Broadway, Suite 1010, NY, NY 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: LUCILLE CARRASQUERO

Address: 56 E. 4th St. Apt B3 NYC 10003

I represent: COOPER Sq. COMM.

Address: 61 E. 4th St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Daniel Squadron (State senator-elect)

Address: _____

I represent: 25th State Senatorial District

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MATT SILVER

Address: _____

I represent: GUITAR MAN

Address: ORCHARD ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. LV 0923-

in favor in opposition

2008

Date: 11/12/08

(PLEASE PRINT)

Name: Marvin B. Mitzner, Esq.

Address: 405 Lexington Avenue, NY, NY 10174

I represent: Magnum Real Estate Group

Address: 599 Broadway, Suite 1010, NY, NY 10012

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. LES ZONING

in favor in opposition

Date: _____

Name: RICHARD BASS (PLEASE PRINT)

Address: _____

I represent: LES BIA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

Name: Zhuo Ji Zou (PLEASE PRINT)

Address: 6205 20th AVE 3R NY 11204

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

Name: JEAN STANLEY (PLEASE PRINT)

Address: 308 E. 6th ST. NYC 10003

I represent: Bowery Alliance of Neighbors

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: C. Tong Ng

Address: 50 Bowery St N.Y. 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Qia Huang Li

Address: 2318 63 St Brooklyn NY 11204

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11.12.08

(PLEASE PRINT)

Name: 2318 Ave Li

Address: 74 East Broadway N.Y. 10002

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LES 201112 Res. No. _____

in favor in opposition

Date: NOV 12 08

Name: JAN LEE (PLEASE PRINT)

Address: 21 MOTT ST

I represent: CIVIC CENTER RESIDENT COALITION

Address: CHATHAM GREEN

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Zhou Jing (PLEASE PRINT)

Address: 118 FORST ST APT C

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LES 201114 Res. No. _____

in favor in opposition

Date: NOV 12, 08

Name: Danny CHEN (PLEASE PRINT)

Address: CHATHAM GREEN

I represent: CIVIC CENTER RESIDENTS COALITION

Address: CHATHAM GREEN

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)
Name: Steve Herrick

Address: ~~100~~ 100 SUFFOLK ST NY, NY

I represent: Cooper Square Committee

Address: 61 E 4th St, NY, NY 10003

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)
Name: BAD Rm. 11

Address: 240 E 39th St. NYC 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: B. EILEEN GRIGGS

Address: 77, EAST 7th street #6A, NYC 10003

I represent: myself + my long standing neighbors

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Thomas Yu

Address: 141 Norfolk St NY 10002

I represent: CB #3 / AAFE

Address: Same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Guo Wu Li

Address: 155 HENRY ST APT 305

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/15/08

(PLEASE PRINT)

Name: Yu Guan Ke

Address: _____

I represent: Mysel S

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David McVator

Address: 9 Avenue A

I represent: Chapman, zoning, Community Board 3

Address: 59 E. 4th

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ARKADILSZ TOMASZEWSKI

Address: 70 East 8 street apt 2B

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: MARLEINE JACKSON

Address: SMITH HOUSES

I represent: COALITION TO PROTECT CHINATOWN/LES

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: BELGICA BENAVIDES

Address: 59 HESTER

I represent: COALITION CHINATOWN

Address: LORISAIDA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12

(PLEASE PRINT)

Name: David Tieu

Address: 327 43rd St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/11/08

(PLEASE PRINT)

Name: Adolfo Lopez

Address: 59 Hester

I represent: Coalition de NMASS

Address: Chinatown y LORISAIDA

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Xian Hua Zhuang

Address: 47 CATHARINE ST. NEW YORK NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/1

(PLEASE PRINT)

Name: CHEUNG, KWOK TUN

Address: 88-33 111 AV 1 B GLENHURST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Hua Xu

Address: 14 Market St Apt 10

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: Caro Wn cheng

Address: 31.06. VER ST #135 NY NY 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: Amelia Aviles

Address: 170 Ave. D

I represent: NMASS

Address: 79 Hester St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: Wilfredo TORRES

Address: 470 Second Avenue Apt-2A

I represent: ~~NYC~~ L.E. Side Coalition NYC 10016

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: RAMON Soto

Address: 230 CLINTON ST.

I represent: L.E.S. QUALITION

Address: 59 HESTER ST. N.Y. 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Demetre Jafageorgiou

Address: 191 Henry Street #22 LIC02

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-10-08

(PLEASE PRINT)

Name: THOMAS KILIN

Address: 16 WALKER AVE BROOKLYN NY

I represent: COMMISSION TO PROTECT CHILDREN & LES

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Gloria Goldenberg

Address: 453 FDR Drive C906 NY NY

I represent: CB3

Address: 59 E 4th Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: SUSAN STETZER

Address: 59 E 4th St.

I represent: CB3 - DISTRICT MANAGER

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DOMINIC Pisciotta

Address: 59 64th St

I represent: CB3 - Board Chair

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

Name: Felix Zhi Chen (PLEASE PRINT)

Address: 536-52 ST BROOKLYN

I represent: NY NY 11220

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

Name: Yoke Jim Dong (PLEASE PRINT)

Address: 78 CLINTON ST

I represent: NEW YORK NY 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Ming Xing (PLEASE PRINT)

Address: Chinatown

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lin Dian

Address: Chhatoun

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mei Yu Song

Address: 126 Meadows St 4APT

I represent: N.Y.C. 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Hai Rong Chen

Address: 35 Delancey St Apt #2B N.Y 10002

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/15/08

(PLEASE PRINT)

Name: ~~Peter~~ Wane

Address: 20 Canarsers Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Philip LAM,

Address: 133 Allen St.

I represent: Church of Grace to Fujian

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Mary Wang,

Address: 133 Allen St.

I represent: Church of Grace to Fujian

Address: 133-135 Allen St. NYC 10022

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/11/08

(PLEASE PRINT)

Name: Maizie Torres

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/11/08

(PLEASE PRINT)

Name: Damaris Reyes

Address: _____

I represent: GOLES

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Esther Wang

Address: _____

I represent: CAAAY, Chinatown Tenants Union

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHRIS KUI

Address: _____

I represent: AAFE

Address: 108 NORFOLK ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/05

(PLEASE PRINT)

Name: MARIE CHRIS TOPPER

Address: 210 Stanton St.

I represent: GOVERNS TEICHAUT UNION T.A.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Tony Tsai

Address: 55-59 Chrystie St. NY NY

I represent: Individual Resident

Address: _____



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JINMING CAO

Address: 646 E 11th St

I represent: my family

Address: 38 Mott APT 3R

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/17/08

(PLEASE PRINT)

Name: Phil Medina

Address: 143 Avenue B

I represent: Michael Michael Rosen

Address: 143 Avenue B

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Kindu Jones

Address: 143 Avenue B

I represent: Michael Rosen

Address: 143 Avenue B

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Juan Robinson

Address: 143 Avenue B

I represent: Michael Rosen

Address: 143 Avenue B
Michael

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wai Fong Cheong

Address: 195 HENRY ST #8 NEW YORK NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 923 41

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Valerio Oselli

Address: 61 E 4 ST

I represent: Cooper square MHA

Address: 61 E 4 ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: William ARROYO

Address: 58 E. 4th ST. NYC NY 10003

I represent: Cooper Square MHA

Address: 61 E. 4th ST NYC NY 10003

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 11/12/08 Res. No. 923

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nancy THOMAS

Address: 89 East 3rd #2B

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 923+924 Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: MARLENE PAYTON

Address: 77 E. 12th ST 18E NYC

I represent: Bowery Alliance of Neighbors

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923-924 Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: ELIZABETH ADAM

Address: 31 W. 124th St

I represent: BOWERY ALLIANCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jennifer Hong

Address: 1 Centre St, 94SB, 19th Fl

I represent: Manhattan Borough President Stringer

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wilfredo TORRES

Address: 470 Second Ave. (2A) NYC 10016

I represent: L.E. Side Coalition

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923 8924 Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Anna Sawaryn

Address: 126 St. Marks Pl.

I represent: Bowery Alliance of Neighbors

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 19 Res. No. 923

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: DAVID M E ROYNOLDS

Address: 60 E. 4 ST. #110

I represent: COOPER 2A MHA

Address: 61 E. 4

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 923

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jasmine Garcia

Address: 16 Second Ave

I represent: Cooper Square Committee

Address: 61 E 4 St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)
Name: Marci Reaven

Address: 53 St Marks Pl

I represent: ~~Law~~ City Lore

Address: 72 E 1st St NYC 10003

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/08

(PLEASE PRINT)
Name: Wu Guo Zhong

Address: Manhattan

I represent: intel8

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)
Name: Danielle Linzer

Address: 350 Melrose St Bklyn NY 11237

I represent: LES Tenement Museum

Address: 91 Orchard St NY NY 10002

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/08

(PLEASE PRINT)

Name: Zhen Guo Pine

Address: Chinatown

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Sara Weiner

Address: ES

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/13/08

(PLEASE PRINT)

Name: Jer Fang

Address: _____

I represent: united

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Yue Tin Wen

Address: Chuatow

I represent: myself

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Valentina Jones

Address: 675 Water St

I represent: CBC

Address: E 4 St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Trachtenburg

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name:

RACHEL LOVE SPARKLE
(PLEASE PRINT) *RACHAEL HANBURG*

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name:

MEGHAN JOYE, CB3 MEMBER
(PLEASE PRINT)

Address:

500A Grand St Apt 4F NYC 10002

I represent:

Address:

CB3

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name:

Brian Kavanagh
(PLEASE PRINT)

Address:

237 First Avenue

I represent:

Assembly District 74

Address:

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

Against

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Edward Ma

Address: 333 Pearl St, New York, NY 10038

I represent: CB2

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michele Campo

Address: 184 BOWERY / NYC, NY

I represent: BOWERY ALLIANCE OF NEIGHBORS

Address: 184 BOWERY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: GILDA PERVIN

Address: 134 BOWERY

I represent: BOWERY ALLIANCE OF NEIGHBORS

Address: 189 BOWERY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Aase

Address: _____

I represent: University Settlement

Address: 184 Eldridge Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-12-08

(PLEASE PRINT)

Name: Mary Wang

Address: 133 Allen St. NYC

I represent: CHURCH OF GRACE

Address: 133 Allen St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923/924 Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: SALLY YOUNG

Address: 235 E. 5th St #7

I represent: BOWERY ALLIANCE OF NEIGHBORS

Address: 184 BOWERY NYC NY 10012

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: NOV. 12, 2008

(PLEASE PRINT)

Name: Mitchell Grubler

Address: 20 Confucius Plaza, Apt. 40c, 10002

I represent: Bowery Alliance of Neighbors

Address: 184 Bowery #4, 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Noelle Frieson Harris Levy Home Finishes

Address: _____

I represent: Merchant in LES

Address: part of BID Panel in oppo

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Gundee Chen

Address: 83 Bowery ST, NY, NY

I represent: Rein. dist.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Chang Qing Che

Address: 83-30 Vietor Ave Elmhurst NY

I represent: Individual Worker

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DEVISE WONG

Address: 9 STUNNERS DR APT 912 NY, NY 10009

I represent: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carolyn Ali Khan

Address: 250 Broome St Apt 7

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fernando Wilson

Address: 59th Street, S. 1st

I represent: myself

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: [scribble]

Address: _____

I represent: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: [scribble]

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 曾昭雄 (PLEASE PRINT)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 陈植家 (PLEASE PRINT)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 谢国栋 (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 谢国强 (PLEASE PRINT)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 李拥祥 (PLEASE PRINT)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 李春花 (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

a **THE COUNCIL**
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 林建宇 (PLEASE PRINT)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: 林新偉 (PLEASE PRINT)

Address: _____

W **THE COUNCIL**
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/13/08

Name: Guo Jeno Rhan (PLEASE PRINT)

Address: Chhatoy

I represent: NY 18

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Chen Yao

Address: Chinatown

I represent: myself

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Long, Fana

Address: Chinatown

I represent: myself - The Fapuhua

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Chen, Shanzhen

Address: Chinatown

I represent: Jing Tang Walker

Address: _____



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Lam, Fai Yung

Address: Chrastobin

I represent: Ing Fang workers

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fris Quiñones

Address: on behalf of Congresswoman

I represent: Nidia Velazquez

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Crane

Address: 522 E 6 St #7 NY, NY 10009

I represent: CB3-Manhattan

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Lisamarie Dixon

Address: E 7th St 10003

I represent: myself

Address: Mailing 341 Lafayette St #4144 NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: De Quan Lu

Address: 83 Bowery

Coalition to Protect Chinatown + LES

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Paul Bartlett

Address: 184 Norfolk St 3C, NY 10002

I represent: CB3

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/2/08

(PLEASE PRINT)

Name: Susan [unclear]

Address: Lower East Side

I represent: _____

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ARIEL YOTIVE

Address: 208 E 10th Street, NY NY 10003

I represent: _____

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rob Hollander

Address: 622 E 11th St #10

I represent: _____

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RICHARD KUSACK

Address: 73 E 3rd St

I represent: THE COMMITTEE FOR ZONING IN ACTION

Address: COOPER SQUARE COMMITTEE

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LISA BURRISS

Address: 27 Columbia St

I represent: GOLES

Address: Life Long Resident III

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANNA SANCHEZ

Address: _____

I represent: _____

Address: 215 Madison NY 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/13/08

(PLEASE PRINT)

Name: HERMAN F. HEWITT

Address: 217 Forsyth St NYC NY 10002

I represent: COMMUNITY BD #3 MAN

Address: 59 E 4 St NYC NY 10003

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Michael Rosen (PLEASE PRINT)

Address: 143 Ave B NYC

I represent: LESCAR

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Mary Spink (PLEASE PRINT)

Address: 209 E 3rd St

I represent: LESPIRITA

Address: 209 E 3rd St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Luther Stubblefield (PLEASE PRINT)

Address: 595 E.D.R. Drive #2B "Baruch Houses"

I represent: N.Y.C.H.A Baruch Houses

Address: Tenant Association and Community Center

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/12/08

(PLEASE PRINT)

Name: Frank Scaduto

Address: Chinatown

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rabbi Spiegel

Address: _____

I represent: FIAT ROMANIAN AMERICAN Cong.

Address: 89 Rivington St. NYC

* as part of the BID panel

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Frank Scaduto (replaces the slip you have for Matt Desiba)

Address: speaking for ~~Frank Scaduto~~

I represent: owner of Gutter Man (Matt Desiba)

Address: as part of BID panel

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor, in opposition

Date: _____

Name: Pearl Chin (PLEASE PRINT)

Address: To Mullbeng St

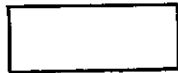
I represent: Chinatowns Mayaguez Project + CBS

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor, in opposition

Date: _____

Name: Jack R Kupperman (PLEASE PRINT)

Address: 357 Broadway #400

I represent: New York environmental law

Address: ± ±

▶ Please complete this card and return to the Sergeant-at-Arms ◀