PROPOSAL FOR A
CHINATOWN/ LOWER EAST SIDE
SPECIAL ZONING DISTRICT

Coalition to Protect Chinatown and the Lower East Side

Asian American Legal Defense & Education Fund
Action by the Lower East Side
Chatham Green
Chatham Towers
Chinatown Small Business Alliance
Chinese Voters Alliance Corp
Chinese Staff & Workers Association
Guangdong Alumni Association
Lin Ze Xu Foundation
National Mobilization against Sweatshops
Project Reach
Seward Park Shareholders Coalition
with assistance from
Hunter College Center for Community Planning & Development
What is the Chinatown/LES Special Zoning District? Why Do We Need It?

The Special Zoning District is a community-based rezoning plan designed to protect and enhance our existing vibrant, diverse communities of Chinatown and the Lower East Side. In recent years our neighborhoods have come under intense pressure from real estate developers that have displaced low-income tenants, demolished historic buildings, and replaced them with super-sized luxury apartments, condos, hotels, and chain stores.

The Special Zoning District will help resolve these problems by changing our zoning to match the context of the existing community. New buildings larger than a five to six storey tenement will only be allowed on a case by case basis subject to community review and provision of affordable housing. Tenants in existing affordable apartments will be protected by a requirement for landlords to obtain a “certification of no harassment” in order to alter or demolish a building. The vibrant small business economy of Chinatown and the Lower East Side will be protected by a “Neighborhood Commercial District” requiring any chain with 11 or more branches to obtain a special permit before locating in the district, as well as requirements to obtain a special permit for conversion of industrial space to residential.

The Special Zoning District will also protect the existing stock of affordable housing in the New York City Housing Authority projects by requiring special permits and a community review process for any new development on these properties. Under existing zoning, NYCHA developments in the Lower East Side have over 7.6 million square feet of unused development rights—room for over 9,000 new apartments. City policy makers are already discussing how to use these rights in partnerships with private developers.

Our proposed plan includes all of Chinatown and the Lower East Side, from the Brooklyn Bridge running north along Centre Street to Houston Street and extending to 13th Street along the East River to include NYCHA housing along the waterfront. The Coalition believes including all of Chinatown and the Lower East Side in the rezoning is important. Any area that is left out would likely face increased development pressure, as we’ve learned from the 2008 East Village rezoning.

Our communities of Chinatown and the Lower East Side are among the last affordable neighborhoods in Manhattan for immigrants and working-class people. We believe zoning is an important tool that can help preserve our community by protecting it from destructive over-development. The Department of City Planning agrees with this principle; the majority of recent rezonings in

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communities such as Riverdale, Bay Ridge, and Carroll Gardens have been designed to protect the existing community character.²

However, when it comes to working-class, inner city communities of color like Harlem and Williamsburg, the City has preferred rezonings that open up super-sized corridors of luxury development that contribute to the displacement of affordable housing and small-businesses.³ The Coalition believes that to continue this pattern in Chinatown/Lower East Side would be both a major injustice to the local community and a detriment to the larger economy and culture of New York City.

Existing Conditions in Chinatown and the Lower East Side

The existing zoning in Chinatown and the Lower East Side allows for new developments that are significantly larger than most existing buildings. This mismatch is due to the difference between the existing and allowable “floor area ratio” (FAR), the measurement by which Department of City Planning regulates density.

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³ id.
The FAR is the relationship between the size of a building and the lot the building is built on. An FAR of 1.0 allows a one storey building to cover the entire lot, or a two storey building to cover half the lot, or a four storey building to cover one fourth of the lot, etc.

The maximum allowable FAR under current zoning is, in many cases, much higher than the FAR of existing buildings in Chinatown and the Lower East Side. This is why we have seen many one to five storey buildings in recent years demolished for construction of 10 to 18 storey towers.

According to the most recent available Census data, 124,165 people live within the boundaries of the study area in 1,711 residential buildings. NYCHA properties total 119 buildings and house roughly 23% of the population. 935 additional buildings in the study area contain rent-stabilized or rent-controlled apartments. Taken together, NYCHA, Mitchell-Lama, and rent-stabilized buildings house the majority of the existing population, which is why it is so important to prioritize the protection of existing affordable housing.

In the map below, all lots that are built to less than 60% of allowable FAR are highlighted. This difference between the size of the current buildings and the size allowed through redevelopment is a major incentive driving the demolition of existing historic structures, harassment of working class tenants, and the displacement of affordable housing and commercial space for small businesses.

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5 Data on rent-stabilized and rent-controlled apartments gathered from the New York State Department of Housing and Community Renewal’s database at https://www1.dhcr.state.ny.us/BuildingSearch/
The Solution: The Chinatown/LES Special Zoning District

A Special Zoning District is ideal for Chinatown and the Lower East Side because of its ability to deal with unique circumstances with greater flexibility than regular zoning. It can require special permits for development which have to go through the land use review process, allowing greater community input, and can establish special regulations like anti-harassment programs and unique building height maximums. It can also be divided into different sub-areas to account for differences in conditions. Special Districts already exist in many New York neighborhoods including Little Italy, Clinton, and Atlantic Avenue in Brooklyn.

Overall, the Chinatown/Lower East Side Special District seeks to accomplish the following specific objectives:

- Reduce the maximum allowable as-of-right FAR to a level that reflects the existing built environment
- Allow higher FAR for specific lots on a case by case basis through community review and provision of affordable housing at neighborhood AMI (area median income)
- Require special permits for new development on all NYCHA superblocks to ensure a community voice in the process
- Require certification of no-harassment as a condition for demolition, renovation, and conversion of buildings
- Require special permits for new community facilities
- Require special permits for conversion of existing industrial/manufacturing space to residential use.
- Require special permits for all chain stores/restaurants/banks with 11 or more branches
- Limit construction of new hotels and luxury housing developments.

The Chinatown/LES Special Zoning District will divide the rezoning area into four distinct subareas to address the variety of conditions across the neighborhood.

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Subarea A covers the NYCHA and cooperative housing “superblocks” where tall residential towers rise from large lots of open space and parking.

Subarea B covers the core of Chinatown, a vibrant, mixed-use neighborhood of affordable housing and small businesses in buildings of two to six stories in height that is increasingly threatened by speculative development.

Subarea C covers the historic mixed-use area of the Lower East Side between Houston and Delancy that was rezoned in 2008.

Subarea D covers the East River Waterfront where opportunities exist for the development of affordable housing and parks and recreational facilities serving the Chinatown and Lower East residential neighborhood.

Subarea A – East River Superblocks
According to NYCHA’s statistics, 28,899 people live in 13,437 NYCHA apartments in the study area. Thousands more make their homes in the 4,500 apartments in cooperative housing developments clustered south of the Williamsburg Bridge. Since development choices on the superblocks will have a major effect on the entire community, these areas must be included in any comprehensive plan for the neighborhood.

In R7-2 zoning, which covers all of the superblocks, the maximum allowable FAR is 3.44 and a certain percentage of the lot must be open space, typically around 20%. Many of the NYCHA projects and cooperatives in the Lower East Side have FARs that are far lower than the maximum allowed, and far more open space than the minimum amount required. For example, the Smith Houses have an FAR of only 1.62 and more than 50% of the lot is open space. This difference means that under current zoning, more than 1,600 new apartments could be built at Smith Houses in new buildings. These development rights could also be sold and transferred to allow huge new buildings on adjacent blocks.

Planners and policy makers are already exploring the options for development in the NYCHA projects of the Lower East Side without consulting the existing community of residents. The University of Michigan School of Urban Design published a proposal in Fall 2009 that vividly illustrates how current zoning could...
allow massive new developments in the NYCHA superblocks. Moreover, government officials, including Department of Housing and Urban Development Secretary Shaun Donovan and Manhattan Borough President Scott Stringer, have advocated selling public housing assets to private investors. In fact, NYCHA has already sold some apartment buildings and open spaces, including parking lots, lawns, and basketball courts, to private developers.

The Coalition to Protect Chinatown and the Lower East Side believes that the local community should be actively involved in any new development plans for the NYCHA superblocks. Also, no development plans should contribute to the displacement of current working class residents.

Subarea A of the Special District will ensure community participation by requiring that any new development on NYCHA property or disposition of air rights be

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7 Plan available at http://www.tcaup.umich.edu/urbandesign/students/student_work/project_galleries/manhattan_w09/
8 See Stringer, id, and HUD Secretary Shaun Donovan’s testimony before the Senate Committee on Banking, Housing, and Urban Affairs from April 15th 2010 at http://portal.hud.gov/portal/page/portal/HUD/press/speeches_remarks_statements/2010/speech_04152010. At the hearing, Mr. Donovan testified that “bringing market investment to all of our rental programs will also bring market discipline that drives fundamental reforms...HUD will prioritize for conversion public housing and assisted multifamily properties owned by Public Housing Authorities.”
subject to the public review process. It will also rezone the FAR of the superblocks from 3.44 to 3.00 to ensure that new development does not overwhelm the existing environment with inappropriate density.

**Subarea B – Mixed-Use Chinatown Core**

Subarea B is the historic mixed-use neighborhood core of Chinatown. Most of the buildings in Subarea B are 2 to 6 storey structures built from 1900 to 1920\(^{10}\) with ground floor retail and a mixture of residential, commercial, industrial, community facility uses above. These buildings house many residents in rent regulated apartments and local small business businesses that serve the needs of our working class immigrant communities.

In recent years, Chinatown and surrounding communities have experienced intense development pressure that is in large part due to inappropriate zoning that allows the construction of super-sized new buildings three to four times the size of the neighborhood context.

\(^{10}\) According to the Department of City Planning’s 2003 data, accessed at [www.infoshare.org](http://www.infoshare.org), more than 84% of buildings in Community District 3 date to 1920 or earlier.
As shown by the map above, many lots in this area are built to less than 60% of the current allowable density. This disparity means that private developers are greatly incentivized to build luxury buildings, making low-income tenants in Chinatown and the Lower East Side among the most vulnerable to involuntary displacement. In their zeal to demolish and rebuild, developers often illegally harass and force residents out of their homes. While many blocks are built to FARs of 2.0 to 3.5, current C6-1 zoning allows for FARs up to 6.0, and some blocks of this area are zoned at an even higher density. C6-4 zones, for example, permit FARs up to 12.0.

The Special District proposes that Subarea B be rezoned to R7B, a uniform FAR of 3.0, to prohibit super-sized, out-of-context development of hotels and luxury housing.

The case of 91-93 Bowery offers a striking example of the danger C6-1 zoning poses to the historic structures and existing affordable housing of Chinatown. A two-story Chinese movie theater, “The Music Palace,” was demolished in 2006 to be replaced by the 18-story “Wyndham Garden Hotel.” In 2009, the construction
process undermined the stability of 128 Hester St and 89 Bowery, two neighboring six story apartment buildings, displacing sixty residents from their homes.\textsuperscript{11}

Almost 70\% of residential buildings in Community District 3 are small buildings of 20 units or less like 128 Hester St. The small business economy of Chinatown is also highly dependent on existing affordable commercial and industrial spaces that are housed in the historic buildings of the neighborhood. In addition to contextual rezoning, applying a “Neighborhood Commercial District” overlay requiring any chain store/restaurant/bank with more than 11 nationwide branches to obtain a special permit before locating in the district would also provide a valuable protection for the local economy.

Contextual rezoning to an FAR that matches the existing neighborhood context would establish the same protections for the Chinatown community that the City has given to the East Village and dozens of other neighborhoods throughout the five boroughs. Establishing special district provisions requiring permits for the conversion of industrial space to residential (protections that already exist in part of the area under C6-1G zoning) and for chain stores will ensure protection for the unique economy of Chinatown that provides thousands of jobs for the local community and attracts millions of tourists and tax dollars to the City each year.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{image.png}
\caption{More than 60 residents lose their homes when 128 Hester Street and 89 Bowery are demolished due to construction of the 18-story Wyndham Garden Hotel at 91 Bowery (seen in rendering on right).}
\end{figure}

\textsuperscript{11} Shapiro, Julie. “60 Tenants Thrown Out as Chinatown Tenement is Shut.” The Downtown Express 22.14 (August 2009). \url{http://www.downtownexpress.com/de_329/60tenants.html}

\textsuperscript{12} According to 2003 US Census data accessed at \url{www.infoshare.org}, over 80\% of the 6,401 businesses in Community District 3 employ 9 people or fewer.
The Coalition recognizes that some individual sites may be suitable for buildings larger than 3.0 FAR. In order to build above 3.0 FAR, developers will be required to submit plans to community review and incorporate a certain percentage of affordable housing at neighborhood median income levels.

This map shows the current state of development in the Chinatown Core.
- “Developable Sites” are the lots most likely to be developed in the near future because of the small size of existing buildings or their run-down condition.
- “Vacant or Stalled Lots” are completely vacant lots being “warehoused” for future development or construction sites where work has stopped before the building has been completed (e.g. the incomplete glass building at Chatham Square)
- Detailed spreadsheets on all of these identified sites are available at [http://www.chinatownworkinggroup.org/Preliminary_Action_Plans.htm](http://www.chinatownworkinggroup.org/Preliminary_Action_Plans.htm)
Subarea C – Lower East Side Rezoned in 2008

In 2008, the Department of City Planning rezoned the area shown here as Subarea C as part of the East Village/Lower East Side rezoning. This rezoning unfairly burdened the Houston and Delancey Street corridors with denser zoning than the wealthier areas of the East Village to the north. Consequently the area south of Houston Street where low-income communities of color live and work has become targeted for luxury development. The rezoning of Subarea C, which reflects a small part of the 2008 East Village/Lower East Side rezoning, should be amended to a uniform FAR of 4.0 so that this area of the Lower East Side has the same protections as the East Village.13

13 There are precedents for DCP zoning revisions in areas it already rezoned. For example, DCP recently rezoned an area in Greenpoint/Williamsburg that it had rezoned in 2005. When residents realized that more luxury development had resulted from the rezoning change than residents wanted, DCP rezoned several blocks to reflect the size of existing buildings and protect against super-sized, luxury development.
Subarea D – East River Waterfront

For the park on the East River Waterfront, the City should follow the plan developed by the OUR Waterfront Alliance for mixed use recreation and community spaces. While the EDC’s development plan will cost the city over $130 million, the community plan could be built for only $52 million and reflects the community’s priorities.

Subarea D also contains two lots with unique opportunities for developing affordable housing—the Manhattan Mini Storage site at 220 South Street and the Pathmark site just north of the Manhattan Bridge.

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14 The OUR Waterfront plan is available at http://www.urbanjustice.org/pdf/publications/peoples_plan.pdf
Conclusion

The Coalition to Protect Chinatown and the Lower East Side has created this rezoning plan as an alternative to the developer-driven rezoning that the Department of City Planning is likely to propose if the community does not come together to express our vision and values. Developers are already crafting rezoning proposals that call for increasing the allowable density along major streets like Canal St. They will claim that this increase is necessary to create more affordable housing for the community, as huge new developments will provide “20% affordable housing” through the Inclusionary Housing Program.

However, past experience clearly shows that this type of rezoning actually decreases the amount of affordable housing. The 80% new luxury residences raise real estate values in surrounding areas and create a powerful incentive for landlords to harass and displace rent-regulated tenants so they can renovate and convert their apartments to market rate, or demolish their buildings to build new luxury units. From 2002 to 2008, New York City lost more than 16% of its total affordable housing stock under the Bloomberg Administration’s policies. This type of development does not help the local economy and usually forces out small businesses as they can no longer afford the rising rents.

We must prioritize the protection of existing affordable housing and explore alternatives to the Inclusionary Housing Program for the creation of new affordable housing. One alternative that we propose is allowing the development of buildings larger than 3.0 FAR on certain sites subject to community review and negotiations for inclusion of affordable housing at the neighborhood median income level.

Another alternative is to build 100% affordable housing on government owned land. Many 100% affordable housing developments have been created in recent years through partnerships between government and non-profit developers but they tend to be located in areas of the city like the South Bronx and East New York that are less desirable to private real estate investors. As a largely minority, working class community, Chinatown-LES is also an ideal location for development of 100% affordable housing on government-owned

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15 ABS Partners Real Estate LLC, a developer that owns several properties along Canal Street, has already called for “the highest possible density” along Canal Street. See Troianovski, Anton, “Groups Push Competing Plans for Chinatown.” The Wall Street Journal, 6/14/10. Available at http://online.wsj.com/article/NA_WSJ_PUB-SB100014240527487033389004575304960079231580.html
17 Williamsburg-Greenpoint was rezoned in 2005 through Inclusionary Zoning. Only 40% of the promised affordable housing units have been built, while over 5,000 new luxury units have entered the market (http://www.gothamgazette.com/article/housing/20091005/10/3045). Since 2000, the Latino population in Williamsburg has declined by almost 40% (US Census, American Community Survey) and more than half the neighborhood’s industrial jobs have been lost (New York State Department of Labor, Quarterly Census of Employment and Wages).
land such as the Department of Environment Protection site on Pike Street and NYCHA properties.

The unique diversity and creativity of the Chinatown and Lower East Side communities is dependent on affordable housing and space for local businesses to operate. The contextual rezoning and special district regulations proposed in this plan are an important step in protecting the neighborhood’s housing, economy, and character from speculative, super-sized development.