

**CAPZ WORKING TEAM MEETING REPORT– May 12, 2014 – CB#1-49-51 Chambers Street – Suite 715**

**Present:**

**Voting CWG Members:**

Michael Levine	CB#1
Victor Papa	Two Bridges Neighborhood Council
Eva Handhart,	PRATT VIA (Telephone)
Wilson Soo	Chinatown Working Group
Rob Hollander	Member
Louise Velez	NMASS
Mitchell Gruber	BAN
Edward Ma	CB#2 Member
Irving Lee	Property Tax Payers
Mee Wong	Property Tax Payers
Dean Fong	Property Tax Payers
Zella Jones	NBS
Mayrabeth Lopez	GOLES
Josephine Lee	CSWA
David Tieu	NMASS
MyPhuong Chung	CB#3
H. Wang	LMCC
Gigi Lee	CB #3

**Non-CWG Present** (See Attachment #1 - Attendance Sheet)

**Victor Papa and Michael Levine, presided as CAPZ WORKING TEAM Co-chairs**

The meeting convened with Michael Levine and Victor Papa presiding and the group was directed to continue discussing Sub-district A and the question about the implications of transferring of air rights from there to the proposed receiving Sub-districts C & D.

With no clear resolution to that question, the discussion then touched upon the issue of what the CWG's Cultural and Historic Preservation (C&HP) sub-committee had previously identified as buildings and areas of historic significance in Chinatown. This resulted in a call for the reconvening of that sub-committee to revisit the question so as to clarify what the possible unfair burden on such building designation could mean to property owners. It was noted that these concerns were also expressed at a recent press conference by the Property Tax Payers Association and the Chinese Consolidated Benevolent Association. M. Gruber, the chair of the C & HP present at the meeting, agreed to reconvene the sub-committee. The Pratt Center Consultant team also distributed a paper intended to address and clarify some of the issues raised at the press conference. (Attached)

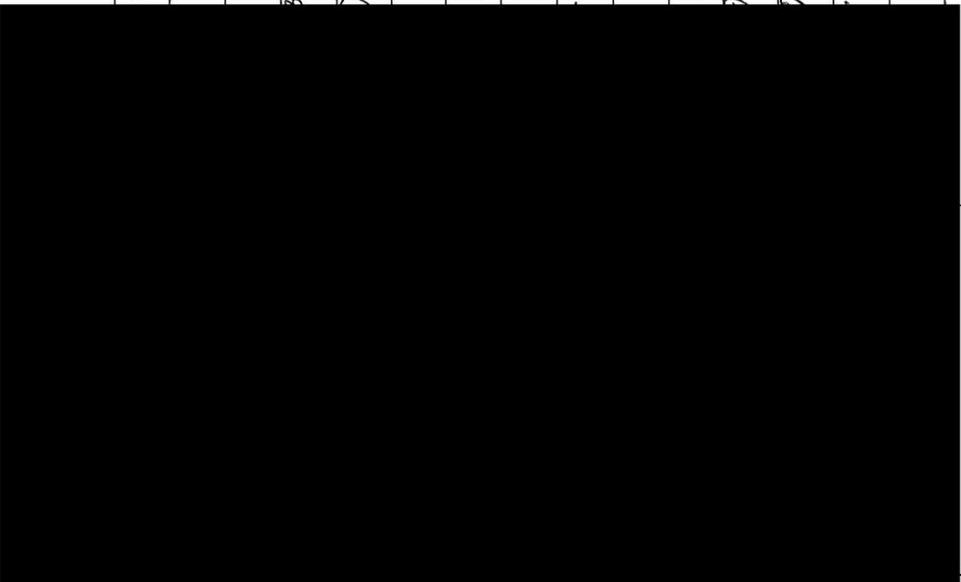
Specific recommendations were made for Sub-districts C & D, i.e., calling for height cap restrictions or for lowering FAR in the receiving Sub-districts so as to allow more to be transferred from Sub-district A, and a call to require more affordable housing. No consensus was apparent on these recommendations.

The chairs, reminding the committee that it needed to come to a resolution on Sub-district A, and not having reached one, suggested that the matter be brought to the CWG to resolve it so that it could be further referred to the Community Board.

Mr. Papa announced that the next convening of the CAPZ sub-committee would be announced.

Chinatown Working Group  
 CAPZ Meeting / May 12, 2014 - 5pm  
 Community Board 1 - 49 Chambers Street

NAME	TITLE	ORGANIZATION	PHONE NUMBER	EMAIL
Victor J. Fara		TRAC		
Wilson So		Tw. Bridges Neighborhood Council		
Kouise Veloz	NMASS	NMASS		
David Tien	NMASS			
Drew Tucker				
Mitchell Gubler	chain handprints community	BANT		
Sharon Ma	CR 2 member			
Ryan G. Lee	PTP member	PTP		
Mez Wong	PTP member	PTP		
Carrie Lee				
DEAN K. FONG	PTP MEMBER	PTP		
Zella Jones	TBS - Pres.	Moto-Bocery Stakeholder		
Volunteer	Div of Justice			
Mr. Raymond Chung		CR 3		
Joseph Miller				





**Clarification from the consultant team of Pratt Center and the Collective for Community, Culture, and the Environment addressing some of the issues raised by the Property Tax Payers Association and Chinese Consolidated Benevolent Association (CCBA)**

As members of the consultant team who prepared the report - The Plan for Chinatown and Surrounding Areas, Preserving Affordability and Authenticity, Recommendations to the Chinatown Working Group - we would like to address certain misunderstandings regarding both the content of the planning report and the process by which it was developed. With between 20-40 years of professional experience working in and for the public, private and non-profit sectors we stand behind our analysis and process.

**Background:**

In February 2013, the consultant team of Pratt Center and the Collective for Community, Culture, and the Environment responded to an RFP issued by the Chinatown Working Group (CWG) for a planning consultant to provide technical support in the preparation of a community-based plan. We were selected after CWG members reviewed our written response and a presentation at a full CWG meeting in March 2013. The RFP, which had been approved by the CWG membership, was quite proscriptive in terms of focus, boundaries, tasks, deliverables and process. Throughout the next 8 months we, as consultants, used the RFP as a guide to our work.

*"The ultimate goal of the Planning Consultant's work is the preparation of a planning proposal to the Chinatown Working Group (CWG) that is focused on the work of its Cultural, Affordability, Preservation & Zoning (CAPZ) and Economic Development committees. The primary need identified by the CWG for Chinatown and its surrounding areas is a community-based plan for zoning, affordable housing, economic development and historic preservation. Specific recommendations are sought to protect the neighborhood's low-income residents, immigrant population and small businesses, and to allow for new development to satisfy neighborhood needs. CWG would then submit this plan to appropriate city and state agencies for consideration and implementation"*

*- from CWG RFP*

**It is our hope that the following clarifications address many of the concerns expressed by the Property Tax Payers Association and the Chinese Consolidated Benevolent Association (CCBA) during their press conference and in written statements.**

**1) What was the public Process?**

- **Community engagement was at the heart of the consultant's mandate as the RFP required.**
- CWG posted notifications of meetings, minutes, interim reports and deliverables on their website. As required by the RFP, regular updates were presented at the monthly CWG meetings, which are always open to the press and the public. Comments and questions were noted and additions or changes to the consultant's work were made. The consultants also attended the monthly CWG Coordinating Committee meetings.
- Two larger community wide public meetings were held where first research and later preliminary strategies were presented and the public was asked to share their ideas, suggestions and concerns. CWG conducted the outreach for these public events and the consultant team arranged for translation to be provided in both Chinese and Spanish. In total, over 170 people attended these larger sessions.

- Meetings with CWG's Culture and Historic Preservation subcommittee were held regularly and six Zoning workshop sessions were held to allow the CWG Culture, Preservation and Zoning (CAPZ) subcommittee to better understand the technical language of zoning and to participate in the development of draft zoning strategies.
- In addition to the above CWG meetings, the consultant team reached out to and met with individual CWG member organizations and elected officials.
- Upon request, the consultants also participated in additional meetings with stakeholder groups in order to respond to and answer questions and concerns. Meetings, where possible, were audiotaped and given to the co-chairs of CWG so they could make them available.
- In addition to meetings, the consultant team developed a survey form written in Chinese, English and Spanish that was both available at the large public meetings and was distributed by CWG members. A total of 180 surveys were collected.
- Even after the end of the contract, the consultant team made themselves available at CAPZ meetings, pro bono, to assist CWG members in fully understanding the plan's recommendations and tradeoffs.
- It was, however, difficult to know the concerns of groups, even those that were CWG members, who did not attend any of the CWG or larger public meetings, or agree to meet with the consultant team.
- **Finally, it is important to recognize that, as the plan is clearly identified as "Recommendations to the CWG", the CWG and not the consultant will make the final determination on which recommendations they decide to pursue. To this end, CWG is scheduling another public Town Hall meeting to present the report and the recommendations to the larger Chinatown community to get their response.**

## 2) How were the Subdistrict A (the Preservation Area) boundaries determined?

- **The Preservation area - Subdistrict A of the Special Chinatown and Lower East River District - was designated based on the existing built form, lot sizes and history.** This is the same approach most frequently used by the NYC Department of City Planning. It also reflects the boundaries identified by CWG's Culture and Historic Preservation subcommittee

## 3) How was the Draft list of potential "buildings of significance" developed? Who developed it?

- **CWG's Culture and Historic Preservation subcommittee - which included Amy Chin, Robert Lee, Mitchell Gruber and Rob Hollander, assisted the professional consultant staff in identifying buildings that might be considered as "Buildings of Significance."**
- In addition, Charlie Lai, co-founder of the Museum of Chinese in America, was on the consultant team addressing Culture-related issues.
- As detailed in the report, the recommendation of designating "Buildings of Significance" was made because it was considered to be less restrictive than a landmark or historic district designation, and would include buildings of cultural importance not just architectural significance. The list was included only as a draft list and the criteria for selecting possible candidates were specifically described in the report.

- It was made clear in meetings with the Property Tax Payers Association that, if the CWG were to decide to pursue the idea, property owners would be asked if they agreed to be included or not. Indeed, some property owners have already asked the CWG to take their property off the list.

*"It is important to note that this list is not conclusive. Some properties may be removed, following consultation with owners, while new properties may be added by owners wishing to take advantage of the recognition and benefits of designation." (Report p. 52)*

- The draft list was shared many months ago at meetings with the Property Tax Payers Association and the concept was openly discussed at CWG presentations and Town Hall meetings. The consultant team also met and spoke regularly with the Property Tax Payers Association and attempted to meet with the CCBA and other groups.
- It is important to note that NO final recommendation on specific culture and historic preservation regulations were proposed for Subdistrict A. These regulations would have to be designed for the larger Special Chinatown and Lower East River District, of which Subdistrict A is a part. While modeled on the Special Little Italy District established by the Department of City Planning in 1977, "buildings of significance" designation would NOT need to mirror the specific provisions.
- The plan calls for CWG to have to an open discussion of what could constitute a specific process, acceptable to all stakeholders, for designating and defining provisions for preserving a "building of significance":

*"CWG's Culture and Historic Preservation (C&HP) Action Group should convene a special committee that includes representation from small property owners, to engage with individual owners in determining which sites of significance might be possible candidates for designation as Buildings of Special Significance." (Report p. 52)*

- Since the list only reflects possible buildings, once the Department of City Planning would begin to consider the zoning proposal a more detailed analysis would take place.

#### **4) Would designating "buildings of significance" place an unfair burden on those properties?**

- **The plan proposes the transfer of development rights for Subdistrict A in order to provide financial assistance to property owners who chose to have their buildings designated as "buildings of significance".** This could provide needed funds for building repair, improvement and preservation.

#### **5) How was the proposed zoning for Subdistrict A determined?**

- Most of Subdistrict A is currently zoned C6-1 or C6-2. The C6 Zone is described in the NYC Zoning Resolution as permitting: *"...a wide range of high-bulk commercial uses requiring a central location..."*

C6 zones are mapped primarily for central business district development in areas such as the Civic Center, the Financial District, Midtown and along very wide commercial streets.

- **Similar to the 2008 rezoning of the East Village and Lower East Side, and as specified in the CWG RFP, the proposed Special Chinatown and Lower East River District includes zoning that reflects the existing built form and density but allows for some additional density to provide for affordable housing and appropriate commercial development. The consultant team used criteria similar to those used by the Department of City Planning in determining appropriate zoning designations.**

- In the 2008 rezoning of the East Village and Lower East side the Department City Planning explained that its goals were to:

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

The Department of City Planning rezoning plan identifies many of the same issues cited in the CWG RFP:

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

*The typical four- to seven-story buildings (see maps of building heights and land use below), the wide range of active, ground-floor commercial uses. In recent years an increasing number of new buildings have been constructed at heights significantly above most existing buildings in the East Village and Lower East Side. It is this mismatch between what is permitted under the existing zoning and the predominant neighborhood character that this proposal seeks to remedy...”*

In explaining the decision to rezone the area that lies directly north of much of Subdistrict A from C6-1 to C4-4A with a height limit of 80ft., City Planning states:

*The blocks generally between Houston Street, Grand Street, Forsyth and Norfolk streets, are proposed to be zoned C4-4A, a contextual district that permits an FAR of 4.0 for residential, commercial and community facilities uses. The C4-4A district would replace much of the existing C6-1 district in this area. A C4-4A district (like the R7A) requires a street wall between 40 and 65 feet high and limits maximum building heights to 80 feet. The bulk regulations would ensure that new development is consistent with the predominant built form. Uses currently allowed in the existing C6-1 district but which would no longer be permitted include certain types of home maintenance and repair service establishments, bicycle rental and repair shops and certain types of relatively low-volume custom manufacturing activities.*

## **6) Does the proposed zoning overly restrict uses?**

- **The proposed Subdistrict A zoning expands many of the types of uses permitted**
- Although Subdistrict A has much the same built form and use characteristics as the area City Planning rezoned to a C4-4A (see above), the proposed zoning for Subdistrict A reflects the unique commercial and residential mix in Chinatown and expands rather than limits the number of service and light manufacturing uses permitted in the area.
- Additionally, the proposed zoning would permit commercial businesses to be located above the second floor in a mixed use building in all of Subdistrict A– something that is not currently allowed in the district currently zoned R7-2.
- While restricting certain commercial uses to 2,500sq ft. (the size of most lots in Subdistrict A) the size of food related uses such as restaurants and markets would not be restricted.
- The proposed zoning also allows for a much higher residential Floor Area Ratio (FAR), i.e. the amount of residential square footage that can be developed on a site, if providing affordable housing.

- However, like the C4-4A zoning designation in the 2008 rezoning, it prohibits or limits certain high bulk commercial uses such as hotels of which there is currently an oversaturation.

### **7) Does the zoning inappropriately limit building heights?**

- **The zoning proposal calls for heights like those in similar areas that abut Subdistrict A.**
- Like the Lower East Side area rezoned by City Planning to C4-4A in 2008, most of the buildings in Subdistrict A range from 3-9 stories with a preponderance of 5-7 story tenement buildings.
- However, to reflect some of the existing built form, and to accommodate mixed use buildings and the higher residential FAR, the proposed Subdistrict A zoning allows for a maximum building height of 85 ft. (approximately 8 stories). The maximum building height allowed in the C4-4A in the Lower East Side is 80 ft.
- The 85 ft. limit is the same as the height limit in the part of the Special Little Italy District that abuts Subdistrict A.

### **8) Is FAR (the amount of square footage that can be developed on a site) overly limited in Subdistrict A?**

- **In approximately 75% of Subdistrict A the proposed zoning would increase allowed FAR for residential uses, and in about 33% of Subdistrict A it would significantly increase allowed commercial FAR.**
- Based on a lot-by-lot survey using the official New York City database, it was calculated that there are very few existing buildings that are built to an FAR of 6 or above. Indeed 78% of all of the zoning lots in Subdistrict A are built to an FAR of 4.8 or less.
- Both Option 1 (C4-4 Modified) and Option 2 (C6-2 Modified) propose a small downzoning of community facilities.
- In parts of Subdistrict A that are currently zoned R7-2, allowed Commercial FAR would be doubled under Option 1 and tripled under Option 2. Only in the C6-1 and C6-2 areas does it propose lowering the maximum Commercial FAR.
- In both Option 1 and Option 2, for the areas zoned R7-2 and C6-1, which together constitute about 75% of Subdistrict A, the proposed zoning would provide greater Residential FAR. In the smaller area currently zoned C6-2, Option 1 would decrease the residential FAR minimally.
- In addition, the plan proposes to allow the transfer (sale) of unused development rights (air rights) in Subdistrict A to Subdistricts C and D (with limitations on the increase in FAR) in order to provide financial assistance to property owners for building repair, improvement and preservation. The transfer of air rights is NOT proposed to be limited to only those properties in Subdistricts C and D owned by the property owner in Subdistrict A.
- Thus, a change from the existing zoning could benefit property owners while, at the same time, balancing other community needs.
- As with the decision about "buildings of significance", the final zoning determination will be dependent on a full analysis of the recommendations by the Department of City Planning.

**9) Is the proposed tax exemption, abatement and/or cap likely to be approved?**

- **This is an optimal time to propose a tax abatement for existing affordable housing**
- Mayor DeBlasio has committed to building or preserving 200,000 units of affordable housing and thus will need to be open to discussing a measure that could help preserve existing affordable units. The Governor has already supported a number of tax cuts and financial incentives for small businesses and homeowners.
- The proposal and a potential strategy for its enactment have already been discussed in CWG meetings, with representatives of local elected officials present. The consultants have also discussed it with representatives from the Independent Budget Office; New York University's Furman Center for Real Estate and Urban Policy, which is advising both the Mayor and the City's housing agency on policies regarding preservation and new construction of affordable housing; and with Citywide affordable housing advocacy organizations. In addition, many of the CWG tenant advocacy groups have expressed support for the idea.
- The Taxpayers and other CWG members need to take a leadership role in advocating for the creation of a "tax abatement for existing affordable housing." CWG should establish a "tax abatement for existing affordable housing" working subcommittee that includes the various stakeholders. This committee would be tasked with developing the details of the proposal.
- If there is general support within the CWG for this proposal, the Property Tax Payers Association, CCBA and other CWG members need to arrange to meet with state elected officials. In addition, the Independent Budget Office has advised that the state will want to be assured that there is local support. A discussion with the local elected city officials and members of the Progressive Caucus of the City Council should be held. Also, a meeting with the Mayor's office, the NYC Department of Finance and with Housing Preservation and Development (HPD) will need to be scheduled. The active support of the citywide affordable housing community will be vital to making the case.

**10) Does the proposed plan and zoning require that when tenants are evicted by the city because of safety concerns, landlords have to set up a deposit with three years' rent?**

- This requirement is not part of the Plan or the zoning proposal.