

LES Groups Try to Revive Rezoning that De Blasio Admin. Rejected

By **Sade Ali Kully** | 15 hours ago



A map from the Chinatown Working Group plan showing 'subsection D,' the focus of a new rezoning push.

As Two Bridges community groups and the City Council wait for the Manhattan Supreme Court decision over the contentious proposal for four waterfront towers, some community organizations have filed a rezoning application with the Department of City Planning.*

This month, community groups Tenants United Fighting for the Lower East Side (TUFF-LES), CAAAV: Organizing Asian Communities and Good Old Lower East Side (GOLES) filed a rezoning application with DCP reviving a portion of an older community rezoning plan for Chinatown and Lower East Side.

“It was a strategy we developed two and a half years ago. It’s based on the Chinatown Working Group. So it’s kind of exciting to plan and see it come to fruition this way. It has all been very deliberate. This is not by luck,” said Melanie Wang, Chinatown Tenant Union Lead Organizer for CAAAV.

In 2008, after the East Village rezoning under the Bloomberg administration, community groups assembled the Chinatown Working Group (CWG) and put forth the *Plan for Chinatown and the Surrounding Areas*. The plan entails creating a “Special District” encompassing a large swathe of The Lower East Side and Chinatown, including over half of Community Board 3 and parts of Community Board 1 and 2. The Special District would institute a variety of strategies to maintain the neighborhood’s affordability for low-income immigrants, including limiting density in some areas, while encouraging affordable housing development in others.

In 2015, then DCP Director Carl Weisbrod rejected the plan because of its’ size — the CWG rezoning plan covered 111 blocks of Chinatown and the Lower East Side — and extended an offer to work with CWG to craft a narrower plan. The groups behind CWG plan were upset but continued to push for the rezoning plan.

Last year, when the community groups announced the lawsuit against the four-tower development project in Two Bridges, they also said they would continue pursuing an application to rezone a portion of the Chinatown Working Group rezoning plan.

“There’s a misunderstanding that we sort of just started this. This is a result of eight to 10 years of pre-planning and community involvement by various community groups because of the, we said this before, the immediate fire in our backyard, we’re trying to focus on an area that has the biggest threat of development which has come to fruition because of the proposed towers. And we are trying to handle that first,” said Trevor Holland, founding member of TUFF-LES.

The rezoning proposal for Two Bridges takes a portion of the CWG rezoning plan applying to the Lower East Side Waterfront, called subdistrict D. The proposed rezoning would limit heights to 350 feet for new development and it would require up to 55 percent guaranteed on-site permanently affordable housing. Hotels, big box stores, and clubs would require a special permit with the requirement for public review. And it would also require community facilities such as schools, supermarkets or nonprofit recreation centers.

CAAAV, TUFF-LES and GOLES said the Chinatown plan is not anti-development, but it does require that what is built remains in context of the neighborhood and meets the community’s needs such as affordable housing needs.

The land use application must be submitted and then certified by the Department of City Planning. The City Planning Commission must approve the application and then the application goes to the City Council for a final vote. According to DCP, there is no difference between public and private rezoning applications: Both must complete a land use application, undertake the appropriate environmental review, and follow the ULURP process.

“[City Planning staff] have accepted our pre-application statement. They declared it complete. Now they have assigned staff from their environmental unit to work with us on the environmental review component. But we were the ones drafting it and their job is to give us feedback,” says Paula Segal, attorney with TakeRoot Justice, who is working with the community groups on the rezoning application and also represents the TUFF-LES group lawsuit against the proposed Two Bridges development.

CAAAV, TUFF-LES and GOLES are now looking to engage the community further and update residents about the community plan while they pursue lawsuits against the proposed Two Bridges development.

Manhattan Supreme Court Judge Arthur Engoron is expected to announce his decision online soon.

The lawsuit concerns a joint application for a minor modification filed by four developers would allow three new mixed-use high-rise buildings, a 1,008-foot rental tower at 247 Cherry Street by JDS Development Group; a 798-foot dual-tower project at 260 South Street by L+M Development Partners and CIM Group; and a 730-foot building at 259 Clinton Street by Starrett Corporation.

According to environmental review documents, the four towers would bring in 11,000 square feet for retail and over 2,700 new residential units to the area; 25 percent of those units will be affordable. Two hundred of those 690 affordable units would be set aside for seniors (although the details of how affordability will be measured has not been shared).

Two Bridges used to be an Urban Renewal Area, where the city sought to remove blight and create mixed-income housing and employment opportunities. In 1972, the area was designated as a Large-Scale Residential Development (LSRD) area, a district in which the city allows flexibility from normal land-use regulations in order to facilitate the most space-efficient and beneficial site plans for large apartment buildings that span multiple property lots.

A significant element of the controversy over the Two Bridges proposals is that the de Blasio administration has determined they represent only a “minor modification” of the existing special permit on the parcels and therefore do not require a full public review.

Manhattan Borough President Gale Brewer and Councilmember Margaret Chin both said the project’s size did not allow it to be a minor modification, and therefore it must undergo a public review process because of its impact on density, construction and traffic on the Two Bridges neighborhood, which serves a historically working class community.

The City Council and Brewer also contend that the proposed development would require the lifting of a 1986 deed restriction at 80 Rutgers Slip, a senior affordable housing building. According to the lawsuit, that deed restriction ensures low-income housing for residents “with disabilities and the elderly in perpetuity,” which the lawsuit alleges was never disclosed by the developers or the Department of City Planning (more details of the lawsuit can be read [here](#)).

Earlier this month, a state appellate court panel of judges ruled that developers of the proposed 1,008-foot tower at 235-247 Cherry Street must obtain tenant Little Cherry LLC’s consent in order to proceed with their development project. It was another win for opponents.

“Defendants failed to establish, as a matter of law, that plaintiff is not a party in interest whose consent is required for the zoning lot merger. A ground lease tenant has an interest in a tract of land akin to the fee owner. Plaintiff in this case identified multiple adverse effects of the zoning lot merger that plaintiff be adversely affected,” the judges ruled, according to court records.

In an emailed statement, Ray Hannigan, attorney at Herrick’s Litigation Department, who represents Little Cherry, said the ruling means the developers “must obtain consent from Little Cherry of the developer’s plans, which Little Cherry does not intend to give.”

The developers behind the Two Bridges proposal have declined to comment for this article.

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**It was incorrectly reported the court parties involved in the Two Bridges case would reconvene in the courts. The judge’s decision will be announced online, perhaps as soon as August 2nd.*