2

Land Use, Zoning, and Public Policy

This chapter considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2014 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the proposed project and determines whether the proposed project is compatible with those conditions or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other public policies applicable to the area.

2.1 Introduction

The applicants, GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company (CPC), seek to develop two buildings on Projected Development Site 1 (Block 346, Lots 37 and 75). The proposed development would consist of a 30-story, 310-foot-tall mixed-use building called the Suffolk Building and a 16-story, 165-foot-tall mixed-use building called the Norfolk Building. The proposed development would introduce new residential, community facility, and commercial space to the site. In addition, separate from the proposed development, in the future with the proposed actions, the owner of Projected

Development Site 2 (Block 346, Lot 95) would develop commercial space adjacent to the existing mixed-use building on that lot.

2.2 Principal Conclusions

The proposed development is not expected to result in significant adverse impacts to land use, zoning, and public policy.

Land Use and Zoning

Approval of the proposed actions would result in two mixed-use buildings on Projected Development Site 1 and additional commercial space of approximately 4,759 gsf on Projected Development Site 2. The proposed zoning and land use changes would be responsive to the needs of the local community and City and would also be compatible with existing uses and the mixed-use character of the study area and with developments being constructed in the No-Action condition, particularly the Essex Crossing developments. Therefore, the proposed actions would not result in significant adverse impacts to land use and zoning.

Public Policy

The proposed development would consist of affordable housing units as well as community facility space for the CPC, new space for the Beth Hamedrash Hagodol ("BHH") synagogue in the form of a Jewish Heritage and Cultural Center, and neighborhood retail space on Projected Development Site 1 with additional commercial space on Projected Development Site 2 to support residential uses. These uses would be consistent with the Mayor's public policies, Housing New York 2.0 and OneNYC.

In addition, while the projected development sites are not within the Lower East Side Business Improvement District, they are adjacent to the district. Introducing affordable residences, dedicated space to local community organizations such as CPC and BHH, and neighborhood retail, would be consistent with the goals of the LES BID.

The proposed development would also be consistent with Community District 3's Statement of Needs by introducing affordable units, incorporating the remnants of the BHH synagogue into the development, creating community facility space for a community-based organization, and creating neighborhood retail space.

2.3 Methodology

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment:

- Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;

- Characterizes the land use development trends in the area surrounding the project area that might be affected by the proposed action; and
- Determines whether the proposed project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for the proposed project to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area", a geographic area surrounding the project area to determine how the proposed project may affect the immediate surrounding area. For this assessment, a study area of 400 feet of the development site was used (see **Figure 2-1**).
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy.
3. Assess the proposed project's potential effects on Land Use, Zoning and Public Policy to determine whether the proposed project is consistent with or conflicts with area land uses, zoning, or the identified policies.
   - If a proposed project could conflict with the identified policies, a detailed assessment would be conducted; or
   - If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

2.4 Assessment

Land Use

This section describes land use in the Existing, No-Action, and With-Action conditions.

Existing Conditions

Project Area

Projected Development Site 1 consists of Block 346, Lots 37 and 75 in the Lower East Side neighborhood of Manhattan (Community District 3). The site has approximately 201 feet of frontage on Broome Street, 125 feet of frontage on Norfolk Street, and 196 feet of frontage on Suffolk Street. Lot 37 is the site of the remnants of the former BHH synagogue. Lot 75 consists of an accessory parking lot for the Hong Ning senior housing building located at 50 Norfolk Street (Block 346, Lot 1), but it has been underutilized by occupants since it was first provided in connection with the construction of the senior housing building in 1982.

Two additional parcels are located on the same block as Projected Development Site 1: Block 346, Lots 1 and 95. On Lot 1 is the Hong Ning building, a 14-story senior housing building. On Lot 95, the location of Projected Development Site 2, is a 5-story mixed-use building.

Directly west of the project block, the block bounded by Broome Street, Norfolk Street, Grand Street, and Essex Street (Block 351, Lot 1) is occupied by a 181-unit New York City Housing Authority (NYCHA) building. The Seward Park Community Center (a child care

center) and the Grand Street Settlement Dual Center #1 (a daycare center) are also located on the block.

Study Area

As indicated in **Figure 2-1** and **Table 2-1**, land uses in the study area are predominantly mixed-use and multi-family residential.

The blocks to the north and east of the project block are being redeveloped as part of the Essex Crossing development, a large-scale mixed-use development project totaling approximately 1.9 million square feet over nine sites on the Lower East Side. The development, which was approved in October 11, 2012 and is expected to be completed in 2024, will introduce over 1,000 new residences, 450,000 square feet of retail, 400,000 square feet of office space, community attractions, and green spaces.

The three blocks directly north of the project block (Block 352, Lot 7501 and Block 346, Lots 150 and 175) are under construction as part of the Essex Crossing development on sites that formerly consisted of surface parking (see **Figure 2-2** for block and lot references). A portion of the block northwest of the project block (Block 352, Lot 7501) also contained commercial use as it was once occupied by one of the four Essex Street Market buildings. The blocks are currently being developed with three mixed-use buildings consisting of 541 total residential units, with retail and office spaces in the lower levels. A new below ground marketplace called the Market Line will be located underneath these buildings. The new Essex Market opened in May 2019 on Block 352, Lot 7501.

The block to the east of the project block contains a new 211-unit residential building and 15,000-square-foot privately-owned public open space developed as part of the Essex Crossing development.[1]

The Essex Street Academy school is located two blocks west of the project block (Block 408, Lot 30). The portion of the study area west of Essex Street is comprised primarily of older multi-family and mixed-use walkup buildings on small lots.

[1] This block will also contain a school adjacent to the residential building.

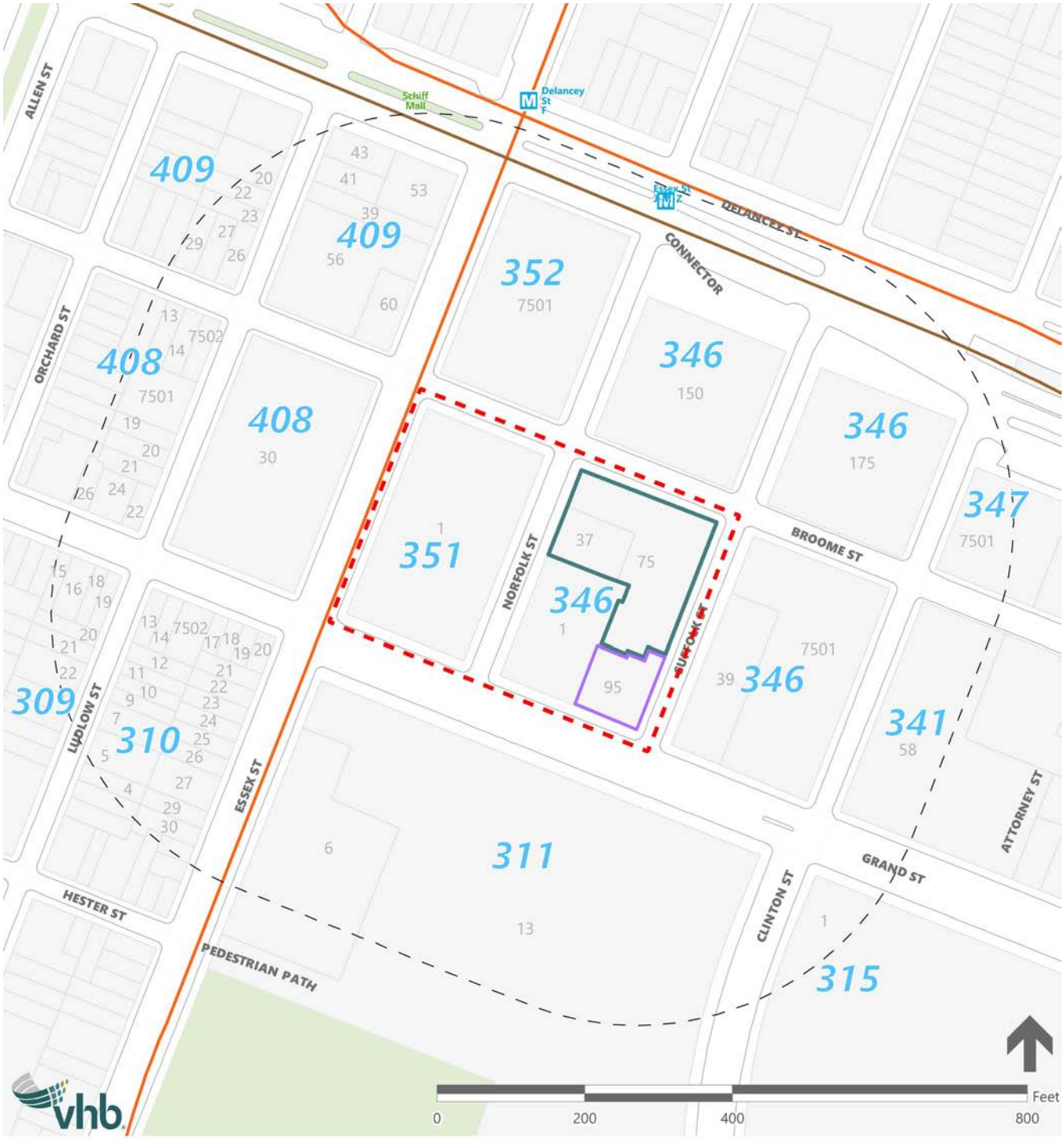
Figure 2-1 Existing Land Use Map



Table 2-1 Study Area Generalized Land Use

Land Use		Number of Lots	% of Total Lots	Area (Sq. Ft.)	% of Total Land Area
Residential	One and Two Family	1	1.2%	1,750	0.2%
	Multi-Family Walk Up	4	4.9%	9,023	0.8%
	Multi-Family Elevator Buildings	8	9.8%	603,927	53.0%
Mixed Residential and Commercial		57	69.5%	353,109	30.9%
Commercial and Office		5	6.1%	21,596	1.9%
Industrial and Manufacturing		2	2.4%	5,487	0.5%
Transportation and Utility		0	0.0%	0	0.0%
Public Facilities and Institutions		2	2.4%	60,069	5.3%
Open Space		1	1.2%	43,875	3.9%
Parking Facilities		1	1.2%	24,957	2.2%
Vacant Land		1	1.2%	15,485	1.4%
All Others or No Data		0	0.0%	0	0.0%
Total		82	100%	1,139,278	100%

Figure 2-2 Block and Lot



The area south of the project block on the south side of Grand Street contains the northern portion of the Seward Park Cooperative – an apartment complex consisting of four 20-story buildings with 866 residential units and one-story local retail uses.

The study area is served by the F, J, M, and Z subway lines at the Delancey/Essex Street station. The study area is also served by several bus lines, including the M9, M14A, and the B39 lines.

No-Action Condition

Project Area

Under the future No-Action condition, Projected Development Sites 1 and 2 and the remainder of the project area would remain in their existing condition and land uses would remain the same. For Projected Development Site 1, Block 346, Lot 75 would continue to be an underutilized parking lot accessory to the Hong Ning senior housing building. The remnants of the BHH synagogue on Block 346, Lot 37 would not be incorporated into a new building, and the property would remain in its current damaged condition. For Projected Development Site 2, the mixed-use building on Block 346, Lot 95 would remain in its existing condition. The remainder of the project area—the Hong Ning senior housing building (Block 346, Lot 1) and the NYCHA building, Seward Park Community Center, and Grand Street Settlement Dual Center #1 on Block 351, Lot 1, will also remain in their existing condition.

Study Area

Independent of the proposed actions, and as discussed above in "Existing Conditions," several new developments will be complete within the study area (see **Table 2-2** and **Figure 2-3**). Of the eight No-Action projects, six are mixed-use developments. Overall, by 2023, these eight No-Action projects are expected to create 1,301 residential units, 560,269 square feet of commercial space, and 21,126 square feet of community facility space within the study area.

These No-Action projects will continue to transform underutilized vacant and surface parking lots into a densely developed mixed-use neighborhood. In addition, approximately half of the residential units planned as part of the Essex Crossing development will be affordable, thereby maintaining the mixed-income character of the neighborhood.

Figure 2-3 No-Action Projects Within 400-Foot Study Area

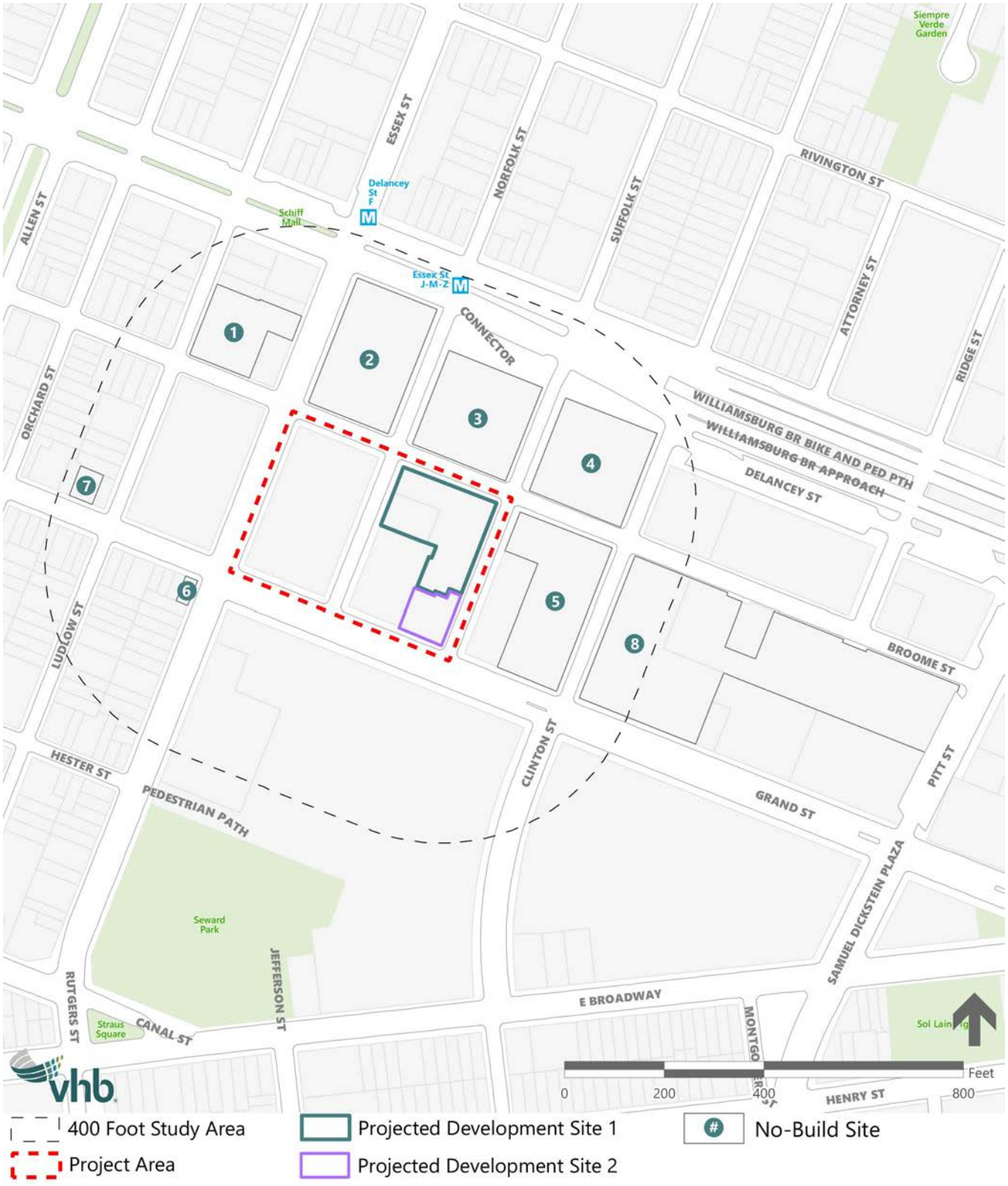


Table 2-2 No-Action Projects within 400-Foot Study Area

Map No.	Location	Description	Commercial zoning floor area (SF)	Community Facility zoning floor area (SF)	Res. Units	Build Year
1	242 Broome Street (Essex Crossing Site 1)	Mixed Use	37,628	21,126	55	2018
2	115 Delancey Street (Essex Crossing Site 2) [1,2]	Mixed Use	(Local retail) 139,493		195	2018
3	202 Broome Street (Essex Crossing Site 3)	Mixed Use	(Local retail) 153,819		83	2021
4	180 Broome Street (Essex Crossing Site 4)	Mixed Use	(Local retail) 185,000		263	2020
5	145 Clinton Street (Essex Crossing Site 5) [3]	Mixed Use	(Destination retail) 42,047		211	2018
6	355 Grand Street	Mixed Use	2,282		2	2019
7	330 Grand Street	Residential			12	2019
8	Grand Street Guild (151 Broome Street; Broome and Clinton Street)	Residential			480	2023
		Total	560,269	21,126	1,301	

[1] Retail space at Sites 2, 3, and 4 will house portions of the approximately 150,000-square-foot Market Line.

[2] Site 2 will include the approximately 37,000-square-foot Essex Market, as well as a 14-screen, 65,000-square-foot Regal Cinema theater, the Market Line's entrance, and a rooftop farm.

[3]Site 5 will include an approximately 22,500-square-foot Target and a 30,000-square foot Trader Joe's.

With-Action Condition

Project Area

In the future With-Action condition, Projected Development Site 1 would be improved with two new buildings. The Suffolk Building, a 30-story, 310-foot-tall mixed-use building, would have approximately 373 residential units, a new multi-use facility for the CPC, and neighborhood retail space facing Broome Street; the Norfolk Building, a 16-story, 165-foot-tall building, would consist of approximately 115 units and a Jewish Heritage and Cultural Center. Overall, the site would be transformed from a vacant lot and the remnants of the former BHH synagogue incorporated into an active new mixed-use development.

Independent of the proposed development, the owner of Projected Development Site 2 would retain the existing five-story mixed use building and develop additional commercial space on Block 346, Lot 95 (approximately 4,759 gsf).

The remainder of the project area (i.e., the Hong Ning senior housing building, the NYCHA building, Seward Park Community Center, and Grand Street Settlement Dual Center #1) would remain.

Land use changes as a result of the With-Action condition would be consistent with both existing land uses and those being developed in the No-Action condition. Therefore, significant adverse impacts to land use are not expected.

Study Area

As stated previously, there is a growing number of mixed-use developments being built in the surrounding area. The With-Action condition would be consistent with this trend. As such, the proposed actions are not anticipated to result in significant adverse impacts to land use.

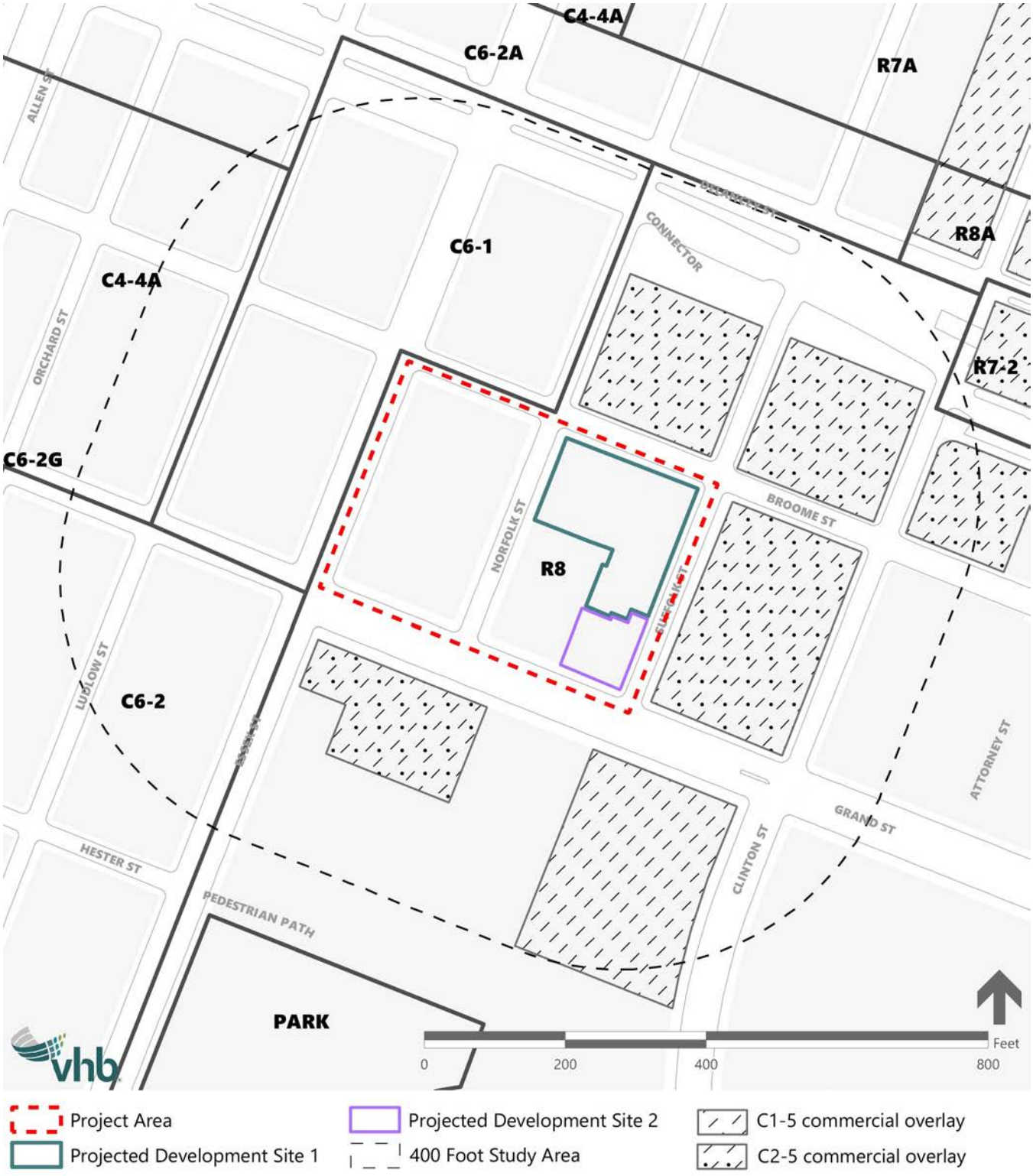
Zoning

Existing Conditions

Project Area

As shown in **Figure 2-4**, the project area is located in an R8 zoning district. Apartment buildings in R8 districts can range from mid-rise, eight- to ten-story buildings to much taller buildings set back from the street on large zoning lots. Under height factor zoning regulations, R8 zoning districts permit a maximum floor area ratio of 6.02. There are no absolute height limits, but buildings must be set within a sky exposure plane, which begins at a height of 85 feet above the street line in R8 districts and then slopes inward over the zoning lot. Off-street parking is not required within the Manhattan core.

Figure 2-4 Existing Zoning Map



Under Quality Housing Regulations, the maximum FAR allowed is 6.02 (applicable to the development site and project block), or 7.2 for sites on wide streets that are outside of the Manhattan Core (not applicable here). Buildings on narrow streets are required to have a base height of 60-85 feet before setback with a maximum building height of 115 feet. Buildings on wide streets inside the Manhattan Core are required to have a base height of 60-85 feet before setback with a maximum building height of 120 feet. Buildings on wide street outside the Manhattan Core (not applicable to the development site and project) are required to have a base height of 60-95 feet before setback and a maximum height of 130 feet (135 feet if providing a qualifying ground floor). Higher maximum FAR and heights (base height of 60-105 feet after setback with a maximum height of 215 feet) are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Study Area

The study area consists of an R8 district with some areas within C1-5 and C2-5 commercial overlays, a C6-1 district, a C6-2 district, and a C4-4A district. C1-5 and C2-5 districts are commercial overlays mapped within residence districts and are found extensively throughout the city's lower- and medium-density areas and occasionally higher-density districts. In mixed buildings, commercial uses in the C1-5 and C2-5 districts are limited to one or two floors and must always be located below the residential use. C1-5 commercial overlays permit typical retail uses such as neighborhood grocery stores, restaurants, and beauty parlors while C2-5 districts permit a slightly wider range of uses, such as art and movie studios, trade schools, funeral homes, and repair services. When commercial overlays are mapped in R6 to R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules. Residential bulk is governed by the residence district within which the overlay is mapped. Within the Manhattan Core, no parking is required for C1-5 and C2-5 districts, which are well served by mass transit.

C6-1 and C6-2 districts are typically mapped in areas outside central business cores, such as the Lower East Side. C6-1 and C6-2 districts allow a maximum commercial FAR of 6.0. Buildings are governed by a sky exposure plane that begins at a maximum height of 85 feet (or six stories, whichever is less) after an initial setback of 20 feet on a narrow street or 15 feet on wide street. The difference between the C6-1 and C6-2 district is that the residential equivalent of a C6-1 district is R7-2 while the residential equivalent of a C6-2 district is an R8 district.

C4-4A is a contextual district in which the commercial and residential bulk and density regulations can differ from corresponding non-contextual districts. C4-4A districts, which allow a commercial FAR of 4.0, permit a higher commercial FAR than C4-4 districts, which allow a commercial FAR of 2.4. No parking is required for this district within the Manhattan Core. C4-4A districts have a residential equivalent of a R7A district and allow a base height of 40 to 60 feet and a maximum height of 70 feet.

No-Action Condition

Project Area

Absent the proposed actions, zoning will remain unchanged in the project area.

Study Area

No zoning changes are expected in the 400-foot study area.

With-Action Condition

In the With-Action Condition, a package of proposed actions would facilitate the proposed development on Projected Development Site 1 and allow a small increase in commercial space on Projected Development Site 2. These actions, which include a zoning map amendment, a zoning text amendment, a zoning authorization, and a modification of the Seward Park Extension West LSRD. are described in detail in **Chapter 1**, "**Project Description**."

The zoning map amendment would rezone the project block (Block 346, Lots 1, 37, 75, and 95) from R8 to R9-1 with a C2-5 commercial overlay, which, together with the increased floor area available under the Mandatory Inclusionary Housing program, would provide the density and uses necessary to support the amount of affordable housing and community facility use to be included in the proposed development. Specifically, R9-1 districts allow a maximum residential FAR of 9.0 for sites within a Mandatory Inclusionary Housing Area. The proposed C2-5 commercial overlay would allow for ground-floor retail uses at the projected development sites. This is consistent with the study area, which already contains C2-5 commercial overlays consistent with the recent Essex Crossing rezoning. The proposed rezoning is depicted on **Figure 2-5** and **Figure 2-6**.

Figure 2-5 Proposed Zoning Map Change

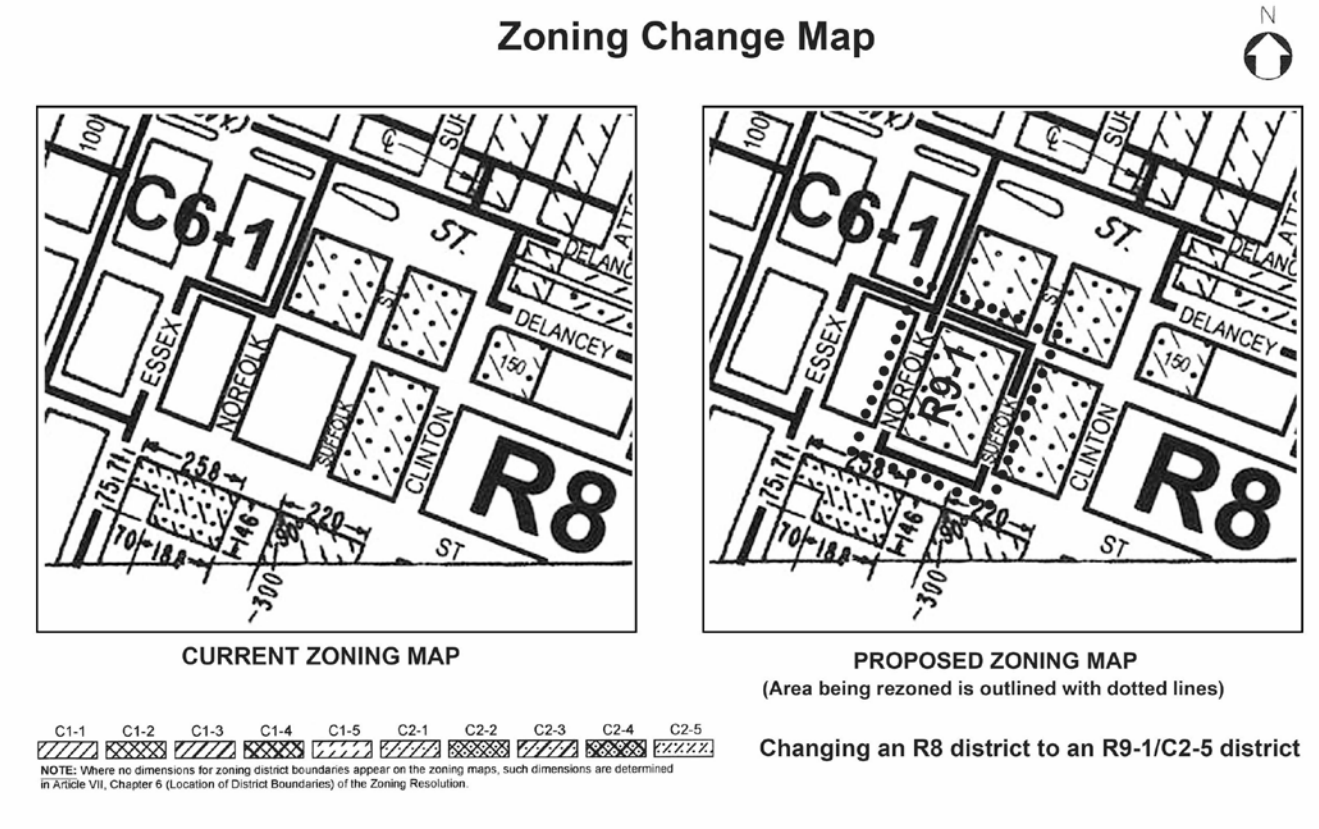
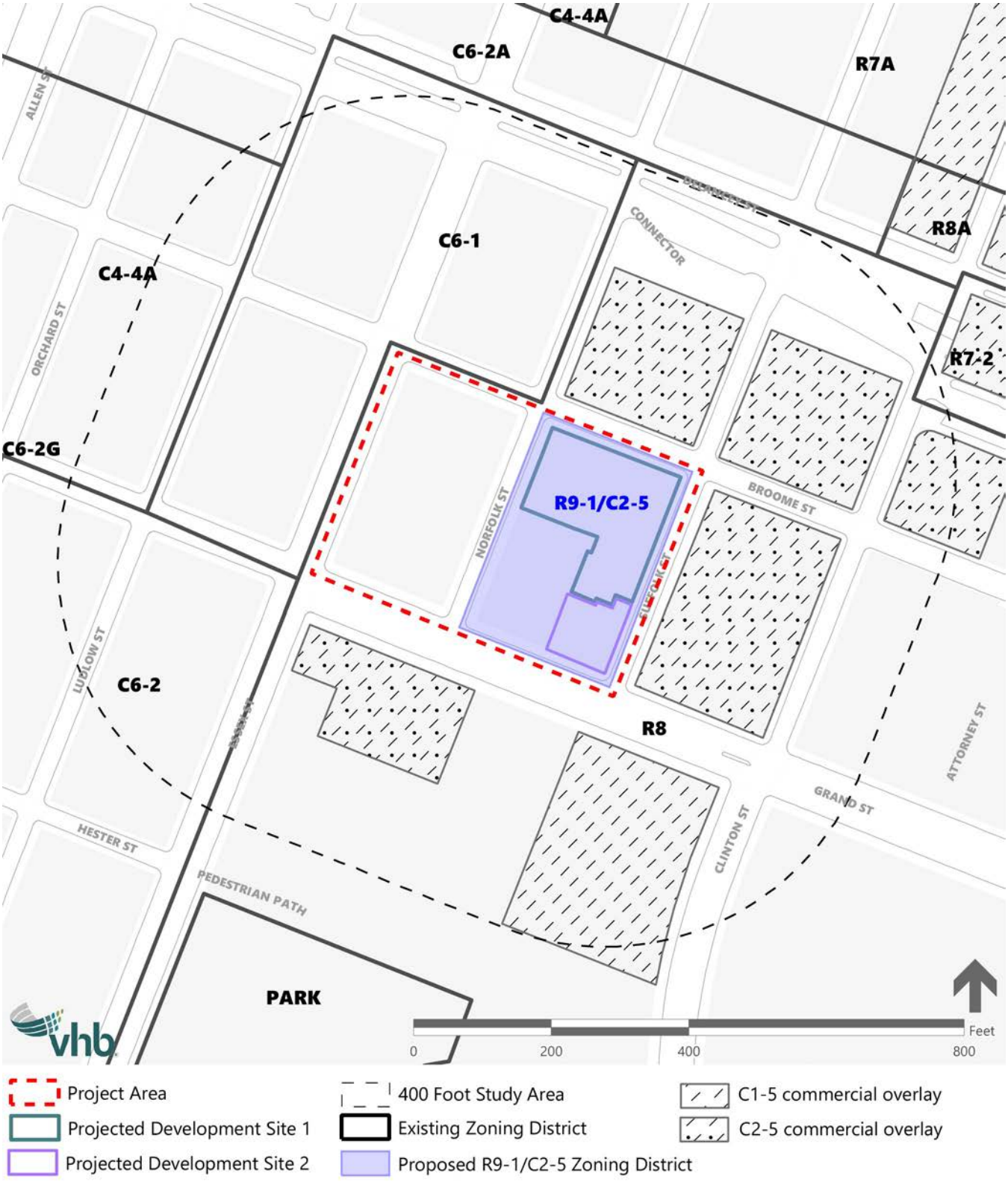


Figure 2-6 Proposed Zoning Map



The modification to the LSRD and the special permits being requested pursuant to ZR Section 78-312 (Special permits by the City Planning Commission) would (1) allow for the distribution of 15,000 square feet of floor area from Block 346, Lot 95 to Block 346, Lot 37 so that the applicant could build additional housing units on Projected Development Site 1 (assumed to be an additional 27 units of affordable housing); (2) allow the proposed development to be set back 10 feet from Suffolk Street as opposed to 15 feet above a base height of 125 feet, as required by existing regulations; (3) allow the Suffolk Building to rise to its proposed height of 310 feet (340 feet with bulkhead) as opposed to 285 feet, as required under existing R9-1 regulations; and (4) modify the minimum distance between the proposed development and the Hong Ning senior housing building.

The proposed zoning changes would facilitate the development of two mixed-use developments and a small amount of additional commercial space that would be responsive to the needs of the local community and City. Although the proposed actions would allow for taller buildings than would be allowed under the R8 zoning, the proposed development would be compatible with existing uses and the mixed-use character of the study area, particularly the Essex Crossing developments, which have heights ranging from 181 to 315 feet with bulkhead. In addition, the increase in floor area generated by the proposed zoning map amendment and the Mandatory Inclusionary Housing program is necessary to provide the density to support the amount of affordable housing and community facility use to be included in the proposed development. However, the configuration of the Projected Development Site 1 makes it difficult to accommodate this density in an optimal site plan that is contextual with the built character of the existing buildings in the proposed LSRD and the surrounding area. Therefore, the proposed development would be designed to accommodate the required amount of floor area while retaining a maximum base height of 85 feet along Suffolk and Broome Streets to match the design principles of Essex Crossing, and a maximum base height of 125 feet along Norfolk Street to reflect the existing height of the Hong Ning senior housing building. This design necessitates a height waiver to allow the Suffolk Building to rise to a maximum height of 310 feet (where a height of 285 feet would otherwise be permitted), and a setback waiver to allow the Suffolk Building to setback 10 feet from Suffolk Street (where a 15-foot setback would otherwise be required). Additionally, the bulk of the Suffolk Building has been massed below a base height of 85 feet to the greatest extent practicable to match the design of the adjacent Essex Crossing buildings and preserve light and air reaching Broome Street. Further, the proposed zoning changes would be limited to the projected development sites.

The waivers requested for the Hong Ning building are being requested to replace prior waivers and ensure the continued compliance of the Hong Ning building. The Hong Ning building was constructed pursuant to height factor zoning regulations and received an authorization under ZR 78-311(e) to modify height and setback regulations along Norfolk Street (a street located wholly within the Original LSRD) and a special permit under ZR 78-312(d) to modify height and setback regulations along Grand Street (a street located at the periphery of Original LSRD). Now that the zoning lot will be subject to the Quality Housing regulations by virtue of the proposed development, these waivers are no longer applicable. Therefore, to avoid the Hong Ning building becoming a non-complying building with respect to the Quality Housing bulk regulations, new waivers are requested to replace the prior waivers and ensure the continued compliance of the Hong Ning building.

The Hong Ning building is located 15.03 feet from Norfolk Street at its closest point. It rises without setback to an overall building height of 125.75 feet. Therefore, a modification is requested pursuant to ZR Section 78-311(e) (Authorizations by the City Planning Commission) to waive the street wall location requirements of ZR 23-661 (Street wall location) along the entire Norfolk Street frontage, and the required setback for an area comprising 7 feet by 63.33 feet above the maximum base height of 95 feet along the portion of Norfolk Street located beyond 100 feet of Grand Street, and for an area comprising 7 feet by 100 feet above the maximum base height of 105 feet along the portion of Norfolk Street located within 100 feet of Grand Street.

Therefore, the proposed zoning changes would not result in any significant adverse zoning impacts.

Public Policy

Existing Conditions

There are several public policies that pertain to the study area.

Housing New York 2.0

The City first released Mayor Bill de Blasio's affordable housing plan, "Housing New York: A Five-Borough Ten-Year Plan," in May 2014 to create and preserve 200,000 high-quality, affordable homes over ten years. An updated version of the plan titled "Housing New York 2.0" was unveiled in November 2017, which commits to completing the initial goal of 200,000 affordable homes two years ahead of schedule, by 2022, and generating an additional 100,000 homes over the following four years.

One New York: The Plan for a Strong and Just City

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served). OneNYC sets forth specific targets for the creation of new housing units.

Lower East Side Business Improvement District ("LES BID")

A portion of the study area is located within the LES BID (see **Figure 2-7**), which was established in 1992 to enhance the unique and diverse character of the Lower East Side by improving overall quality of life and supporting the continued growth and vitality of the local economy. According to the Seward Park Mixed-Use Development Project FGEIS, the LES BID, which consists of more than 400 merchants and property owners, promotes local businesses,

hosts events, and provides various community beautification services, including the maintenance of the Orchard Street Pedestrian Mall. The BID consists of the following areas: Orchard Street from East Houston to Canal Streets; Delancey Street from Allen to Clinton Streets; and Grand Street from Forsyth to Clinton Streets. The project block is not located within the LES BID.

Community District 3 Statement of Needs

According to Community District 3's Statement of Needs for Fiscal Year 2020, the community's priorities include:

- Preventing displacement of long-time residents and commercial tenants by increasing and retaining the district's affordable housing stock;
- Supporting community-based organizations that provide essential services to residents;
- Preserving landmarks, including the BHH synagogue; and
- Protecting community assets that may be threatened in the future, such as small businesses and local retail, as the district quickly transforms to an increasingly nightlife- and hotel-oriented district.

No-Action Condition

In the future No-Action condition, no changes to public policies are anticipated. In addition, the No-Action condition would not further the goals of the policies mentioned above since no further development is allowed on the site as of right.

With-Action Condition

Housing New York 2.0 and OneNYC

In the With-Action condition, the proposed development would introduce 488 new residential units, of which approximately 208 units would be affordable. As such, the proposed development would contribute to achieving the City's stated goal of creating new affordable housing units, as expressed in "Housing New York" and "Housing New York 2.0" as well as OneNYC. The With-Action condition's other uses—community facility space for the CPC, new space for the BHH synagogue in the form of a Jewish Heritage and Cultural Center, and neighborhood retail space with additional commercial development on Projected Development Site 2—would support the residential uses.

LES BID

The proposed development and the additional commercial development on Projected Development Site 2 would not affect the goals of the LES BID. Introducing affordable residences, dedicated space to local community organizations such as CPC and BHH, and neighborhood retail, would be consistent with the goals of the LES BID.

Figure 2-7 LES BID



Community District 3 Statement of Needs

As mentioned previously, the proposed development would introduce affordable units, which would be consistent with the community district's priority of increasing its affordable housing stock. As stated above, the community district's priorities also include supporting community-based organizations within the district and preserving landmarks, including those that have been neglected or damaged such as the BHH synagogue. The With-Action condition would be consistent with these policies since the proposed development would create community facility space for the CPC and would incorporate remnants of the BHH synagogue, retaining the presence of this resource and its historical use at the site. Further, the proposed development would introduce neighborhood retail to support proposed residential uses, which would be compatible with the community district's priority to protect retail uses in the district.

Conclusion

The proposed project has been reviewed for potential inconsistencies in land use, zoning, and public policy. The proposed uses and zoning changes are compatible with the higher-density, mixed-use developments within the study area, and the With-Action condition would be consistent with neighborhood and City public policy goals. As such, the analysis demonstrates the proposed actions would not result in a significant adverse impact to land use, zoning, or public policy.