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**Gale A. Brewer, Borough President**

November 18, 2019

**Recommendation on**

**ULURP Applications: N200064ZMM, N200065ZRM, N200067ZAM, M790721(B)ZSM**

**GO Broome Street Project by Applicants:**

**Go Broome LLC and the Chinatown Planning Council Housing Development Fund Company, Inc. (CPC-HDFC)**

**I. PROPOSED ACTIONS**

GO Broome LLC and the Chinatown Planning Council Housing Development Fund Company, Inc. (“CPC-HDFC”) (collectively the “Applicants”) are seeking Uniform Land Use Review Procedure (ULURP) approvals by the City Planning Commission (“the Commission”) for the following Proposed Actions:

- (1) A zoning map amendment to change an R8 to an R9-1 district with a C2-5 overlay (Application 200064ZMM);
- (2) A zoning text amendment to Appendix F of the Zoning Resolution (ZR) to designate a Mandatory Inclusionary Housing (MIH) Area and to ZR Sections 23-011, 28-01, and 78-03 to allow use of the Quality Housing Program (Application N 200065ZRM);
- (3) Authorization pursuant to ZR Section 13-443 to eliminate the 33 spaces of required accessory off-street parking on Block 346, Lot 75 via special permit (Application N200067ZAM); and
- (4) A modification (Application M790721(B)ZSM) of the Seward Park Extension West Large-Scale Residential Development (the “LSRD”) to update the site plan and changes to the zoning lots, including:
  - An authorization to modify the regulations governing height and setback regarding the existing Hong Ning building;
  - A special permit to allow for the distribution of floor area without regard to zoning lot lines;
  - A special permit to modify regulations governing height and setback along streets, with respect to the Proposed Development and the Hong Ning building; and
  - A special permit to modify the minimum distance between buildings on a zoning lot.

The Project Area is located in Manhattan’s Lower East Side neighborhood in Community District 3 (CD3) and is bounded by Broome Street to its north, Grand Street to its south, Suffolk Street to its east, and Essex Street to its west. The Proposed Development will include mixed-income housing, affordable senior housing, program and office space for the Chinese-American Planning Council, congregation space for the landmarked Beth Hamedrash Hagodol (“BHH”) Synagogue, and commercial retail uses. The Project Site consists of Block 346, Lots 1, 37, 75, and 95, and Block 351, Lot 1.

**Table 1: Project Site Tax Block, Tax Lot, Address, Owner and Project Parcel**

<b>Tax Block</b>	<b>Tax Lot</b>	<b>Address or Bounding Streets/Cross Streets</b>	<b>Owner</b>	<b>Project Parcel</b>
346	1	50 Norfolk Street	384 Grand Street Housing Development Fund Company, Inc.	2A-1
346	37	60 Norfolk Street	Beth Hamedrash Hagodol of New York Restoration, Inc.	2A-1
346	75	N/A Norfolk Street (Broome Street between Norfolk and Suffolk Streets)	CPC-HDFC	2A-1
346	95	384 Grand Street	384 Grand Street Housing Development Fund Company, Inc.	2A-2
351	1	62 Essex Street	New York City Housing Authority	1

Through this application, the modified LSRD of the Project Area would be comprised of areas:

- Seward Park Extension West Large Scale Residential Development (which is the LSRD that is the subject of the Proposed Actions in this application), consisting of Block 351, Lot 1 and Block 346, Lots 1, 75, and 95; and
- Seward Park Extension East Large-Scale Residential Development, consisting of Block 341, Lots 1, 58, and 70; Block 347, Lot 80; Block 336, Lots 1, 5, 35, and a portion of 28.

The proposed Actions would facilitate the development of two new buildings (the “Proposed Development”) on the portion of Parcel 2A-1 (the “Development Site”). One of the buildings would consist of Affordable Independent Residences for Seniors (“AIRS”) at Norfolk and Broome Streets (the “Norfolk Building”), and the other would consist of a mixed-use, mixed-income contextual high-rise building on Suffolk and Broome Streets (the “Suffolk Building”).

## **II. PROJECT BACKGROUND**

### Seward Park Extension Urban Renewal Area

The Seward Park Extension Urban Renewal Area (“SPEURA”) was approved by the City Planning Commission on June 2, 1965, and by the Board of Estimate on July 22, 1965 (CP-18915). The SPEURA planned to develop 1,800 residential units along with community facilities and commercial uses within the 14 blocks bounded by Delancey, Essex, Willet, and Grand Streets. This area originally had low-rise tenement buildings with ground floor commercial uses. Originally, the SPEURA plan intended to convert a handful of blocks into superblocks, one of which included the Project Site through the elimination of Suffolk Street between Broome and Grand Streets. Block 346, Lots 1, 75, and 95 were meant to become one superblock; however this merge never took place.

The City Planning Commission approved the first amendment to the SPEURA plan on February 25, 1980 (C790719HUM), which, among other approvals, split Parcel 2 in the SPEURA plan into “Parcel 2A” and “Parcel 2B.” Parcel 2A now consists of Block 346, Lots 1, 75, and 95 and Parcel 2B consists of Block 346, Lots 39 and 1001-1005 (outside of the Project Area).

The SPEURA plan expired on July 22, 2005 and on October 11, 2012, the New York City Council approved the Seward Park Mixed-Use Development Project, commonly known as Essex Crossing. At the time of completion, Essex Crossing will be about 1.65 million square feet including over 1,000 new residences, 450,000 square feet of retail space, and 400,000 square feet of office space.

HPD is seeking approval of a corrective action that would remove an overlapping portion on Block 346 by splitting the Seward Park Extension LSRD into two non-contiguous developments. Seward Park Extension West LSRD, where the overlap is, will consist of Block 351, Lot 1 and Block 346, Lots 1, 75, and 95. Seward Park Extension East LSRD will consist of Block 341, Lots 1, 58, and 70; Block 347, Lot 80; Block 336, Lots 1, 5, 35, and 28.

#### Hong Ning Senior Housing Building (Block 346, Lot 1)

New York City Housing Preservation and Development (“HPD”) applied to develop the 14-story Hong Ning senior housing building on Block 346, Lot 1, which included the (1) disposition of Parcel 2A to the CPC-HDC and (2) an authorization under ZR Section 78-311(e)(Authorization by Commission) for the location of the building without regard to the height and setback regulations and special permit under ZR Section 78-312(d)(Special permits by the City Planning Commission) for minor variations in the front, height, and setback regulations. This application was approved by the City Planning Commission on March 12, 1980 (C790720HDM and N790721ZSM) and the Board of Estimate on April 24, 1980. The building was completed in 1982.

Lot 1 has an area of approximately 19,483 square feet and is operated by the CPC-HDFC, an affiliate of the Chinese-American Planning Council (CPC). The Hong Ning building contains 156 units and is a height of approximately 126 feet.

#### Beth Hamedrash Hagadol (BHH) Synagogue (Block 346, Lot 37: Parcel 2A-1)

The former Beth Hamedrash Hagadol (BHH) Synagogue, on Block 346, Lot 37 was one parcel that was not acquired as part of the SPEURA plan. The BHH Synagogue was completed in 1850 and was individually landmarked by the Landmarks Preservation Commission on February 28, 1967 (LP-0637) and reviewed by the City Planning Commission on March 2, 1967 (CP-19758). In May 2017 a fire severely damaged the building, rendering the building inhabitable but leaving a portion of the façade wall to be preserved through the Proposed Development. In October 2019 a portion of the wall collapsed, killing Stanislaw Supinski, a construction worker, and injuring his colleague and will no longer be preserved in the Proposed Development. Lot 37 is part of the Projected Development Site 1 and has an area of approximately 7,443 square feet.

#### Accessory Parking (Block 346, Lot 75: Parcel 2A-1)

Lot 75 is owned by CPC-HDFC and currently operates as a 33-space accessory parking lot for the Hong Ning senior housing building (located on Block 346, Lot 1). Lot 75 is part of the Proposed Development Site 1 with an area of approximately 24,958 square feet.

#### Five-Story Mixed-Use Commercial Building (Block 346, Lot 95)

Lot 95 has an area of approximately 8,637 square feet and has a 5-story mixed use building constructed in the early 1920s. The building includes ground-floor commercial use with 26 residential units on its upper floors and a height of approximately 55 feet. The lot continues to remain a part of the LSRD.

#### NYCHA Building (Block 351, Lot 1)

The New York City Housing Authority (“NYCHA”) applied to create the Seward Park Extension Large Scale

Residential Development (the “Original LSRD”) within the SPEURA. The application was approved by the City Planning Commission on May 11, 1966 and by the Board of Estimate on May 20, 1966.

The Original LSRD facilitated the development of the 23-story NYCHA building on Block 351, Lot 1 which was completed in 1972. The site is a full-block site owned and operated by NYCHA with an area of approximately 47,056 square feet. In addition to the 23-story residential building at the north end of the block, this area also includes a low-rise community facility building at the south end of the block with a substantial amount of open space. No changes are proposed to this parcel as part of the Proposed Actions.

### **III. AREA CONTEXT**

The Project Area is situated in Manhattan’s Community District 3 on the Lower East Side and covers two blocks that are bounded by Broome Street to the north, Grand Street to the south, Suffolk Street to the east, and Essex Street to the west. The Project Area is zoned R8.

The surrounding area has three distinct built characteristics: (1) the “tower-in-the-park” style; (2) the mixed-use lower-scale area which predominately consists of four- to six-story tenement style residential buildings with ground-floor retail developed in the late 19th and early 20th centuries; and (3) Essex Crossing, which includes separate parcels with contextual mix-rise and high-rise new construction directly to the east, north and northwest of the Project Area.

The Project Area is well served by public transportation, which includes access to the M9, M14A, M14D, M15, M21, M22, and B39 bus routes. The F, M, J and Z subway lines stop at the Delancey Street/Essex Street subway station, with a number of entrances along Delancey and Essex Streets. In addition, Delancey Street serves as the primary east-west route through the area and provides direct access to and from the Williamsburg Bridge.

### **IV. PROPOSED DEVELOPMENT**

#### Parcel 2A-1 Residential Uses: The Norfolk and Suffolk Buildings

Parcel 2A-1 consists of Block 346, Lots 37 and 75, and is approximately 32,401 square feet. The Suffolk Building and the Norfolk Building are both to be constructed on this block and are to consist of mixed-income housing, affordable senior housing, CPC programmatic and office space, a BHH Synagogue community facility and cultural center, and retail uses. The two buildings would be linked by a landscaped interior courtyard.

The Suffolk Building would be a 30-story, 310-foot tall mixed-use, high-rise building totaling approximately 375,431 square feet. There will be about 316,421 square feet of residential space, about 40,222 square feet of community facility space that will be owned by CPC, and about 18,788 square feet of neighborhood retail space facing Broome Street. While the numbers have not yet been finalized, there are presently a total of 373 units planned for the Suffolk Building. Of this total, there are 280 market-rate units and 93 Mandatory Inclusionary Housing (MIH) units under MIH Option 1 proposed for the site. The 93 MIH units of the Suffolk Building (25% of the proposed 373 units) will have proposed Area Median Income (AMI) levels between 50% and 80% AMI. The final housing unit calculations for each income band have yet to be decided.

The Norfolk Building will be a 16-story, approximately 165-foot tall high-rise Affordable Independent Residence for Seniors (AIRS) building totaling about 86,711 square feet, including about 82,923 square feet of residential space and 3,788 square feet to be owned as an independent condominium unit by BHH. The Norfolk Building will include 115 senior housing units. The 115 AIRS units in the Norfolk Building are broken down to the following affordability levels:

**Table 1: AMI Breakdown of 115 AIRS Units of the Norfolk Building**

<b>AMI Level</b>	<b>Percentage (of 115 AIRS Units)</b>	<b>Total Units at AMI Level</b>
30% AMI	7%	8 units
40% AMI	24%	28 units
50% AMI	24%	28 units
60% AMI	24%	28 units (including super's unit)
70% AMI	20%	23 units

There would be approximately 208 units that will be affordable (consisting of 93 MIH units in the Suffolk Building and the 115 AIRS units in the Norfolk Building). The 208 units make up approximately 40% of the total developed 488 units for the Project Area.

Parcel 2A-1 Community Facility and Commercial Uses: CPC Headquarters and BHH Synagogue

The Proposed Development at Parcel 2A-1 would provide CPC with about 40,222 square feet of space to consolidate its programming from more than a half-dozen disparate locations throughout Lower Manhattan. CPC would be provided with a separate entrance to its facilities on Suffolk Street. Additionally, approximately 3,788 square feet of ground-floor space will be owned by BHH in the same location as its former home on Block 346, Lot 37. The BHH Synagogue will also have a separate entrance to its facilities on Norfolk Street.

The BHH space is intended to be used as a community facility for use as a worship space and a Jewish cultural heritage space but BHH may elect to convert this space on an as-of-right basis to a commercial use (e.g., office use) in the future. Because of the small size of this space, the impact of community facility and commercial use in this space are likely to be similar, and for purposes of the conservative environmental review, the BHH space was assessed as a community facility.

The total uses, square footage, and programming for the Proposed Development are listed below.

**Table 2: Proposed Development Locations, Residential Units, and Uses**

Manhattan Location	Property Owner	Existing Use	Proposed Development	Residential Units (Existing and Proposed)	Lot Area, Existing and Proposed Uses
<b>Block 346 Lot 37</b>  (Proposed Development Site 1)	Beth Medrash Hagodol	None	<ul style="list-style-type: none"> <li>• 30-story (310 ft) mixed-use building (the Suffolk Building).</li> <li>• 16-story (165 ft) AIRS building (the Norfolk Building).</li> </ul>	<u>Suffolk Building</u> (Total Proposed 373 Residential Units): <ul style="list-style-type: none"> <li>• 280 Market-rate</li> <li>• 93 MIH units</li> </ul> <u>Norfolk Building</u> (Total Proposed 115 Residential Units): <ul style="list-style-type: none"> <li>• 115 AIRS</li> </ul>	<u>Suffolk Building Proposed Uses:</u> <ul style="list-style-type: none"> <li>• 316,421 square feet Residential</li> <li>• 18,788 square feet Commercial</li> <li>• 40,222 square feet Community Facility</li> </ul> <u>Norfolk Building Proposed Uses:</u> <ul style="list-style-type: none"> <li>• 82,923 square feet Residential</li> <li>• 3,788 square feet Community Facility</li> </ul>
<b>Block 346 Lot 75</b>  (Proposed Development Site 1)	GO Broome LLC	Accessory parking lot to the Hong Ning senior housing building (Block 346, Lot 1).	<ul style="list-style-type: none"> <li>• A landscaped interior courtyard.</li> </ul>		
<b>Block 351 Lot 1</b>	NYCHA	<ul style="list-style-type: none"> <li>• 23-story residential building;</li> <li>• Low rise community facility;</li> <li>• Open space.</li> </ul>	• <b>Remain as is.</b>	• 181 residential units (existing)	47,056 square feet (existing residential, community facility, and open space uses).
<b>Block 346 Lot 1</b>	CPC-HDFC	• 14-story senior housing building (Hong Ning).	• <b>Remain as is.</b>	• 156 units (existing)	19,483 square feet (existing residential use).
<b>Block 346 Lot 95</b>  (Proposed Development Site 2)	384 Grand HDFC	• 5-story mixed use building with residential and ground floor retail.	• <b>Remains as is.</b>	• 26 units (existing)	8,637 square feet (existing residential and commercial retail uses).  In the future, the owner will develop approximately 4,759 square feet of additional commercial space.

### Special Permits and Waivers (Applications M790721(B)ZSM)

In addition to the requests for a (1) zoning map amendment change, (2) a zoning text amendment to designate an MIH area, and (3) a special permit to eliminate the accessory off-street parking on Block 346, the Applicants request special permits and waivers for the following:

- Waiver of the height and setback regulations to allow the Suffolk Building, located on the periphery of the LSRD, to exceed the maximum building height set forth in ZR Section 23-664(c)(1) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors);
- Distribution of 15,000 square feet of excess floor area from a zoning lot consisting of Block 346, Lot 95 to a zoning lot consisting of Block 346, Lots 1, 37 and 75 for the purpose of maximizing the amount of affordable housing in the Norfolk Building;
- Waiver of the height and setback regulations to allow a portion of the Suffolk Building along Suffolk Street, located on the periphery of the LSRD, to penetrate the required setback set forth in ZR Section 23-661(c), and (ii) the setback requirements of ZR Section 23-662(a) and (c) (Maximum height of buildings and setback regulations); and
- Modification of ZR Section 23-711 (Standard minimum distance between buildings) with respect to the minimum distances required between (i) the Suffolk Building and the Hong Ning building, (ii) the Norfolk Building and the Hong Ning building, and (iii) the Norfolk Building and the Suffolk Building.

The required distance between buildings varies between 20 and 60 feet below a building height of 125 feet. Above 125 feet, if buildings on the same zoning lot have a lot coverage that exceeds 40%, the required minimum distance increases to 80 feet.

The Hong Ning building is 126.13 feet, and the lot coverage at a height of 125 to 126.13 feet exceeds the 40% stipulated. Thus, the additional 1.13 feet above the maximum 125 feet requires distance between the Hong Ning, Suffolk, and Norfolk Buildings to be 80 feet. The Applicants are seeking to waive this distance of 1.13 feet (the waiver distance varies between each building). Above 126.13 feet, the lot coverage falls below 40% so the required distance between buildings returns to between 40 and 60 feet.

### **V. ENVIRONMENTAL IMPACTS**

The Environmental Assessment Statement (EAS) that was prepared for the Proposed Development (CEQR Number 19DCP199M) states that the project will not exceed CEQR thresholds for analysis of the following areas and that no significant negative impacts would stem from the proposed actions and resulting development: community facilities; natural resources; water and sewer infrastructure; energy, and solid waste and sanitation.

The Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Development could have a significant environmental impact related to the following areas: land use, zoning, and public policy; socioeconomic conditions; open space; shadows; historical and cultural resources; urban design and visual resources; hazardous materials; transportation; air quality; greenhouse gas emissions; noise; public health; neighborhood character; construction; and any other issues identified by the Draft Environmental Impact Statement (DEIS).

On February 26, 2019, Manhattan Community Board 3 (CB3) submitted testimony to comment on the Draft Scope of Work for the Proposed Development. The concerns outlined in the testimony are:

1. The Draft Scope of Work does not include an impact analysis of Community Facilities and Services, specifically, impacts on publicly funded child care facilities and public schools. While this is likely absent due to the proposed set-aside of 115 affordable senior units, a more conservative analysis framework that treats all units as non-senior would ensure that impacts are understood even in a situation where the senior units are not ultimately delivered.
2. The Draft Scope of Work must also consider an appropriate study area for construction impacts given the scale of cumulative construction happening in the area during the proposed construction period. Publicly known projects in the nearby area with construction periods that will coincide with the GO Broome Street Development construction period include Essex Crossing, Grand Street Guild, 247 Cherry Street, 260 South Street, 259 Clinton Street, and potentially NextGeneration NYCHA infill at LaGuardia Houses. The construction impact analysis must look cumulatively at all these sites, particularly to analyze traffic impacts and identify mitigations in a holistic way, considering the combined impacts from truck routes and detours from traffic diversions across a study area that encompasses all of the aforementioned developments.

On March 8, 2019, the Office of the Manhattan Borough President submitted testimony to comment on Draft Scope of Work for the Proposed Development. The concerns outlined in the testimony are:

1. Supporting CB3 in asking for an impact analysis of Community Facilities and Services.
2. Considering cumulative construction impacts happening in the area during the proposed construction period.
3. Analyzing further bus traffic and demand. Seniors primarily use buses as opposed to subways due to accessibility concerns. This should be studied extensively to ensure the bus service, both existing and planned, will accommodate an increase in population in the area.

## **VI. COMMUNITY BOARD 3 RECOMMENDATION**

On September 24, 2019, Manhattan Community Board 3 voted 30 Yes, 0 No, 9 Abstaining, to approve the Go Broome Street Project with the additional conditions listed below:

- Coordinate meetings between the New York City DOT, the NYPD 7<sup>th</sup> Precinct, the GO Broome development and property management teams, the development and property management teams at Essex Crossing and Grand Street Guild, adjoining private development, the Community Board, and other relevant stakeholders to address traffic management, staging, and parking concerns during both the construction and operation period of the project;
- Integrate modern sustainable measures that reduce the carbon footprint these buildings create, follow legally mandated sustainability standards, strive for net zero carbon emissions through intentionally designing for and utilizing any renewable energy and sustainable construction incentives and methods;
- Ensure to build at least overall 50% affordable units and designate additional units for families with moderate and middle incomes;
- Attract former site tenants from all SPEURA sites;

- Ensure any costs for amenities to affordable units be consistent with percentage of reduced rent for these affordable tenants;
- Commit to enhancing trees and open space within the project sites and on surrounding sidewalks; and
- Study scenarios to lower the overall building height and bulk. At minimum, locate all mechanical and other services elsewhere on the site.

## VII. MANHATTAN BOROUGH PRESIDENT’S COMMENTS

The GO Broome Street Project presented today is a rare opportunity to redevelop a site for a non-profit, mission-driven use that furthermore recognizes and preserves the history and legacy of the former Beth Hamedrash Hagadol Synagogue (BHH Synagogue). The Chinese-American Planning Council (CPC), the nation’s largest Asian American social services organization, approached my office nearly a year ago seeking support for the preservation of the remnants of the landmarked BHH Synagogue and alternatives in developing a new CPC headquarters and multi-use space for their social service programs. The preservation aspect of the Proposed Development has shifted considerably after the unforeseen tragic collapse in October 2019 of the remaining wall of the BHH Synagogue. This Proposed Development still offers a valuable opportunity to respond to the dearth of affordable senior housing units in Lower Manhattan through a unique, cultural collaboration between the Asian American and Jewish communities. That collaboration parallels the history of the area’s urban fabric and the several generations of immigrant communities of the Lower East Side that continue to live in the neighborhood.

I welcome the opportunity for more affordable housing units in lower Manhattan. Furthermore, I endorse the mission of the Proposed Development to support the social service needs of the Asian American community and other immigrant communities while accommodating the worshipers of the BHH congregation. However, I am also aware of the community concerns that surround this ULURP request for rezoning and multiple special permits.

### Affordable Housing

In particular, I point to the request for the special permits that would allow the maximum building height to increase from 120 feet in the R8 district to 285 feet as permitted for a Quality Housing building in an R9-1 district. Subsequent changes in permitted FAR would also include a residential increase from 6.02 to 9.00 FAR, AIRS from 7.20 to 9.00 FAR, and community facility from 6.50 to 10.00 FAR.

The Suffolk Building is proposed as a 30-story, approximately 310-foot tall mixed-use, high-rise building while the Norfolk Building would be a 16-story, approximately 165-foot tall AIRS building. The Applicants claims that the requested variances are to maximize the Proposed Development’s FAR in order to facilitate “the density necessary to provide the amount of affordable housing, senior housing, and community facility uses to be included in the Proposed Development” (14). The Proposed Development’s 208 affordable units are significant and much needed in the neighborhood. However, the applicants should provide more affordable units across a wider range of income levels.

There is a senior housing crisis in New York City, with over 100,000 seniors on waiting lists for senior housing. The average wait for a unit is seven years.<sup>1</sup> According to a May 2018 report from the New York City Department for the Aging (DFTA), the population of New York City residents aged 60 and over will grow from 1.25 million in the year 2000 to 1.86 million by 2040.<sup>2</sup> Additionally, according to the November 14, 2019 Department of Homeless Services (DHS) daily report, 60,479 adults and children were in shelters throughout our city. This is

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<sup>1</sup> <https://www.politico.com/states/new-york/city-hall/story/2016/02/the-senior-housing-crisis-031725>

<sup>2</sup> <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/Plan2025-092018.pdf>

unacceptable. As our senior population increases, we must allocate more resources - both land and subsidy – to the development of quality affordable housing that accommodates the needs of an aging population.

The Norfolk Building will create 115 AIRS units. However, only 8 of these units (7% of the total AIRS units) are affordable at 30% AMI (\$22,000 annual income). At least 30% of the total 115 AIRS units of the Norfolk Building must be made affordable to formerly homeless New Yorkers making 30% AMI or less. These numbers correspond to a similar senior housing project, Haven Green, which obtained approval in 2019 (Application No. C 190184 HAM).

The 93 MIH units of the Suffolk Building (25% of the proposed 373 units) are to be marketed at between 50% and 80% AMI. The number of units at each income level has not been specified. The Applicants should provide these numbers in their ULURP application so that this office as well as the community could provide meaningful feedback on whether these units could truly address affordable housing needs in the area. Additionally, other developments that have sought public approval, such as the neighboring Essex Crossing project, have 50% of their units designated affordable. I urge that the amount of MIH units be increased to 50% of the proposed units in the Suffolk Building and that unit distributions at each income level be released immediately to the public and to the City Planning Commission prior to their vote. I also urge the Applicants to shift the majority of units in this building to be affordable to households at the lower 30% to 50% AMI levels, with some MIH units set aside for formerly homeless families earning 30% AMI or less.

The Applicants must guarantee that the requested variances to maximize height and scale will be maximizing FAR for the purpose of affordable housing, senior housing, and community facility use. The approximate unit mix of the Norfolk and Suffolk Buildings is as follows:

**Table 3: Unit Mix of Norfolk Building (115 AIRS Units)**

Unit Type	# of Units	% of Total
Studio	80	70%
1 BR	35	30%
<b>Total</b>	<b>115</b>	<b>100%</b>

**Table 4: Unit Mix of Suffolk Building (To be determined: 93 MIH units)**

Unit Type	# of Units	% of Total
Studio	125	34%
1 BR	154	41%
2 BR	87	23%
3 BR	7	2%
<b>Total</b>	<b>373</b>	<b>100%</b>

The affordable studio units in the Norfolk Building and also in the Suffolk Building are unlikely to accommodate the senior population who live in intergenerational housing, and who do not or cannot live alone because of medical or financial issues. As such, I find that the number of studios does not match the extremely low income seniors (30% AMI) who may be living in inter-generational housing. I ask that the Applicants divulge more information on the number of units of each type in each AMI level and provide for more 2 or 3 bedroom units at lower AMI levels.

There is presently a lawsuit filed against one of the Applicants alleging non-compliance with local, state, and federal fair housing laws as they relate to housing opportunities for persons with disabilities<sup>3</sup>. It is imperative the marketing of these affordable units in both the Norfolk and Suffolk Buildings must adhere to affirmative fair housing and equal housing opportunity standards. Additionally, these units must be compliant with the Americans with Disabilities Act (ADA), especially AIRS units within the Norfolk Building and all communal spaces, including the landscaped courtyard.

#### Project Design and Public Access

While the requested waivers for height, setback, street wall and minimum spacing requirements are to maximize FAR for community or affordable housing uses, the bulk and height of the building with its minimal setbacks, is quite large when considering the narrow widths of Suffolk, Broome, and Norfolk Streets and the buildings that are adjacent to the Proposed Development that are currently under construction. With the narrow width of sidewalks and the height and bulk of the new buildings in the area, it is important to design for pedestrian safety and comfort.

While it is true that the area is well served by public transportation, there would be an expected increase in pedestrian foot traffic due to the development of the AIRS building as well as the surrounding Essex Street Crossing developments and the proximity to Essex Street Market. I urge the Applicants to include in their Project design any landscaping features for curb-side safety measures to protect pedestrians, such as the new employees of the CPC headquarters and the buildings' residents.

While the interior landscaped space will benefit the buildings' residents, it will largely be unavailable for the public to access. I recommend that the Applicants review the possibility of re-designing the strip of garden space that is mid-block on Grand Street between the existing 5-story commercial building and the Hong Ning building as a privately-owned public green space. A fence could be placed in the interior section between the Hong Ning building and at the end of the 384 Grand HDFC-owned, commercial building to block public access into the Project's courtyard. The area is an appropriate size for the creation of publicly accessible green space that would benefit the residents of Lower East Side.

#### Local Uses

CPC plans to offer a number of their Manhattan Programs to be relocated and based at their new headquarters of approximately 40,000 square feet. These include: adult literacy program, college counseling center, child care resource and referral program, career center, community center, employment network, youth opportunity hub, training programs, policy and advocacy, summer youth employment programs, volunteer and internship programs, and legal, family, multi-social, special needs, and community health services. I support the mission of CPC to provide for New York City's Chinese American, immigrant, and low income communities.

The BHH Congregation in turn will occupy approximately 4,000 square feet at the ground floor, which will include space for community, public, and outdoor use as a congregation and cultural heritage center with separate entrances. However, it is noted in the application that, "BHH may elect to convert the space to a commercial use

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<sup>3</sup> <https://www.documentcloud.org/documents/6550854-Forge-Lawsuit.html>

in the future” (24). The strength of this Project and application is truly the collaboration of CPC and BHH Synagogue in furthering community uses and social services. While many religious organizations across the New York City metropolitan area, in particular non-landmarked sites, face financial concerns and dwindling congregations that prompt their closure or redevelopment, I urge CPC to continue to support a community partnership with BHH Synagogue to remain within the 50 Norfolk space as intended. I request that a deed restriction be explored to be placed upon the ground-floor space that only allows religious or community facility uses. Future usage decisions to convert to a commercial space must be confirmed and approved by Community Board 3 and the District Council Member before any tenant(s) other than the approved BHH Congregation are to occupy the ground level.

Lastly, the future retail addition on Block 346, Lot 95 aims to increase its commercial space on the property by approximately 4,759 square feet of zoning floor area. However, a total of approximately 18,750 square feet of small format retail space will extend along the Broome Street corridor. It is imperative the Applicants maintain their promise of leasing to small format retailers as opposed to big box users. I caution the Applicants in avoiding the ongoing practice of large retail establishments being characterized as “variety stores” under Use Group 6 (“UG6”) in commercial districts.

Under UG6, variety stores are limited to 10,000 square feet of zoning floor area per establishment. However, because cellar spaces do not count toward the zoning floor area, big box corporations have been able to build up to 10,000 zoning square feet of retail above-grade, and fill out below-grade cellars with the majority of the retail store. In doing so, they exceed the 10,000 square foot limit and claim that their commercial space still constitutes as “small format”. Such was the scenario with Target Corporation which opened a 22,600 square foot store at 201 East 69<sup>th</sup> Street and a 23,000 square foot store at 40-31 82nd Street in Elmhurst, two districts that are zoned for UG6 local retail. I ask the Applicants to not conform to this zoning loophole, and instead consider the true needs of the residents and provide commercial spaces for affordable local retail.

#### Construction Timeline and Environmental Impacts

The GO Broome Project would add to one of the many construction sites that already occupy the landscape of the Lower East Side, one of the largest of which is situated adjacent from Proposed Development site. The nine-building Essex Street Crossing Development that has been under construction since 2015 and is expected to be completed in 2024, has already brought years of noise and dust emissions to the community.

GO Broome’s application says little about its construction timeline and milestones, aside from the DEIS that states a “2023 build year... [upon] receipt of project approvals in 2019 and a 2.5 year construction period.” Considering the years of substantive amount of construction in the area, I ask that the Applicants release as soon as possible, a timeline for construction that is presented to Community Board 3 and which must coincide with or end sooner than the end of construction slated for the Essex Street Crossing Development. In addition, at the release of the Final Environmental Impact Statement (FEIS) the Applicants must include a report of mitigation efforts to curb the construction emissions of noise, dust, and hazardous materials from this Proposed Development.

## **VII. MANHATTAN BOROUGH PRESIDENT’S RECOMMENDATION**

**Therefore the Manhattan Borough President recommends approval of ULURP Applications N200064ZMM, N200065ZRM, N200067ZAM, M790721(B)ZSM with the following modifications:**

- Set aside at least 30% of the units in the AIRS building (Norfolk Building), for formerly homeless seniors earning 30% AMI or less.
- Increase the number of MIH units to 50% of all units in the Suffolk Building;

- Deepen affordability of the AIRS and MIH units by making a majority of units affordable to households in the 30%-50% AMI range;
- Release of the income band break downs of MIH units in the Suffolk Building prior to approval;
- Reevaluate the number of studio units and conduct a study on the percentages of seniors at the 30 to 50% AMI levels who live alone;
- Adhere to affirmative fair housing and equal housing opportunities when marketing the AIRS and MIH units and ensure that all required units are ADA compliant;
- Advance sidewalk design for pedestrian accessibility, safety and protection against traffic;
- Convert the strip of area between the Hong Ning building and the 5-story commercial building into a publicly accessible green space;
- Ensure any future decisions to convert the usage of the BHH Synagogue ground-floor space to a commercial space are confirmed and approved by Community Board 3;
- Ensure that the ground-floor commercial properties of the Proposed Development remain for the sole use by small format retailers;
- Release a construction timeline that shows completion of the Proposed Development that coincides with or ends sooner than the end of construction slated for the nearby Essex Street Crossing developments; and
- Include in the release of the FEIS, a report of mitigation efforts to curb the construction emissions of noise, dust, and hazardous materials from the Proposed Development.



Gale A. Brewer  
Manhattan Borough President

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