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December 18, 2020

Marisa Lago, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on December 17, 2020, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

### **Response to SoHo NoHo Neighborhood Plan: Draft Scope of Work for an Environmental Impact Statement (CEQR #21DCP059M) (ULURP Nos. Pending)**

We are at an inflection point. Urban retail has been thrown into disarray. Long-standing local businesses are fighting for their survival. We are only just beginning to understand Covid-19's impact on office, retail and residential space, let alone deal with its human toll on our city. The ongoing pandemic is an unprecedented attack on our city, and it is fair to ask: What will our neighborhoods look like after this long winter? Will we come back fairer and stronger?

The "SoHo/NoHo Neighborhood Plan Draft Scope of Work" ignores the majority of the Envision SoHo/NoHo Report and its 27 recommendations, ensures profit-making for a few, offers almost nothing to protect and improve what is so irreplaceable about these districts, and it does little to deliver the vital affordable housing our city needs now.

SoHo and NoHo were landmarked for a reason. The choices we make now, most irreversible, will define and reshape our neighborhoods for the next decades. Do we really want to turn our community into cookie-cutter copies of what can be found all over the city?

### **CB2 sounds a clear warning on seven key issues:**

**1. Preserve our uniqueness:** Let's do no harm. The beloved, gritty, artistic, human-scale creativity of these streets and their varied storefronts is a national treasure, but it can easily be destroyed.

SoHo and NoHo have already proven to have a highly successful, distinctive, functioning ecosystem that perennially attracts retailers, shoppers, artists and tourists from all over the world, generating significant revenue for the City and State.

The success of these neighborhoods is in part the result of a stable regulatory framework that is a combination of the creative amendment of the M1-5A and M1-5B zoning texts, including the Special Permit requirements, the Loft Law, and the creation of the historic districts.

**2. Keep it artistic:** The presence of galleries, resident artists and cultural spaces has been key to our success for the past 50 years and has transformed our neighborhoods into world-renowned centers of art and creativity.

This requires constant efforts to nurture, sustain and attract cultural institutions, art galleries, artists and the evolving creative and “maker” communities.

Let’s retain and perpetuate the creative arts character of these neighborhoods, whether in new construction or adaptive reuse.

**3. Get serious about affordable housing:** As our city rebuilds in the aftermath of Covid-19, how do we achieve housing and social justice after an economic free-fall?

Our community supports affordable housing.

We need a better approach than Mandatory Inclusionary Housing (MIH), which has shown to be ineffective as a zoning tool for affordable housing, as demonstrated most recently in the Flushing rezoning that, per citylimits.org (Nov. 11, 2020), that will produce only 75-90 affordable units out of 1725 in only one out of four residential sites.

MIH guarantees lucrative developer payoffs and offers only modest promises of affordable units to reach the equitable housing goals specifically identified as a core reason to rush forward with this plan. It includes loopholes that allow developers to opt-out through “hardship” or simply build all-commercial buildings instead.

Any new residential development should adequately address the displacement of long-term residents and low-income residents.

We reject towering blocks of luxury housing that impact negatively on the character of our neighborhoods. The outlined best-case scenario of 328 to 494 affordable units ignores the socioeconomic impact of up to 1355 ultra-luxury, market-rate apartments.

We reject incentivization of office use over residential uses.

We reject any plans for a blanket up-zoning. Let’s *actually grasp* what the new balance will be between retail, commercial and residential as those markets stabilize and recalibrate.

Community Board 2 calls for the expanded conversation on affordable housing that

the City should have undertaken during Envision SoHo NoHo. One-size-fits-all programs are not the solution.

**4. Update, but don't oversize:** Everyone agrees that the special permit process needs streamlining. Ground floor spaces should be available to lively, appropriate retail businesses, without requiring special permits.

SoHo and NoHo are mixed-use neighborhoods with sizeable residential populations. Let's not unleash a land grab of oversized retail and eating and drinking establishments that would crowd out smaller retailers and local neighborhood restaurants, reduce the variety and total number of businesses, and wreak havoc on residential life.

Let's not create an environment that favors big box retail over small businesses. The current restrictions are working and deserve protection: no retail over 10,000sf; a 5,000sf cap on eating and drinking. Those uses should be restricted to below the second floor, as is common throughout the city.

**5. Encourage adaptive reuse:** The magic of our streets started with the spontaneous transformation by artists of existing industrial space into lofts, imaginative retail and creative office use. SoHo and NoHo exemplify the great transformation and success of New York City in the postindustrial era. This adaptive reuse model inspired a development style now used in readapting industrial areas around the world. Further evolution of this successful transformation should be encouraged through adaptive reuse without new, out-of-scale construction.

**6. Protect current occupants:** Our neighborhoods need a fair resolution of residential controversies that produces permanent, equitable affordability. That means:

- Record and protect current affordable rental units.
- Identify a mechanism to legalize residential occupancy in manufacturing units without disrupting legal conforming occupants through a public process.
- Protect resident artists and protect the joint live-work manufacturing framework for their lofts, including those still in the transition process from Interim Multiple Dwelling status.
- Identify solutions to help adapt spaces for those aging in place and maintain the unique protections under The Loft Law for our pioneering artist residents.

**7. Examine the financial implications:** The Draft Scope of work requires an economic analysis across the entire study area. The current focus on only 27 projected sites (out of approximately 850 lots) fails to address the array of other development possibilities. Transparency was promised; we expect it.

Now is not the time for business as usual. The pressure of your timeline is self-imposed and the consequences of moving forward with the wrong plan are stark. Making the wrong choices will without doubt kill what is unique, world-renowned and profitable about SoHo and NoHo without achieving our shared goal.

No Scope or Environmental Impact Study compiled now, during an ongoing global upheaval, could possibly be an accurate assessment of any neighborhood or provide the basis for changes we will live with for decades. While everything is in monumental flux, we call for caution and innovative thinking—the creation of a comprehensive, long-range vision implemented in carefully-designed, incremental stages.

That process should begin with an examination of the shortcomings of the current draft scope of work and the presentation (for public review before any ULURP begins) of a new draft scope that reflects those shortcomings, plus the impact of the pandemic on the residential, commercial and retail sectors of our economy.

Herewith the resolution that documents the basis for our concerns. It is based on input from two Land Use Committee meetings and a public hearing with 175+ attendees and 40+ speakers. The resolution follows the outline of the draft scope of work for the proposed plan:

**WHEREAS:**

**A. INTRODUCTION**

1. This proposal is the first-ever upzoning of an historic district since the creation of the Landmarks Preservation Commission (LPC) in 1965.
2. This Draft Scope is only 61 pages long and explores the impact of 27 projected development sites and 57 potential development sites. In comparison, the Bushwick Draft Scope is 201 pages long and analyzes 167 projected sites. The Draft Scope for the Gowanus Rezoning, led by not only Department of City Planning (DCP) but also by NYC HPD and NYC Parks, is 237 pages long and analyzes 60 projected sites. Clearly, the Gowanus and Bushwick proposals have benefitted from having been started prior to the pandemic.
3. On p. 1, the Draft Scope states that this proposal was “informed by local and citywide stakeholders during the Envision SoHo/NoHo process, a public engagement initiative undertaken in 2019” by Manhattan Borough President Gale Brewer, City Council Member for City Council District 1 Margaret Chin, and DCP.
4. The report, “Envision SoHo/NoHo: Summary and Recommendations,” created by the plan sponsors at the end of the Envision process concluded with 25+ “Suggested Areas for Further Analysis/Study,” p. 85). There is no evidence in the Draft Scope that any additional work on those areas has been done (see Task 1).
5. On p. 1, the Draft Scope’s Reasonable Worst-Case Development Scenario expects a net increase of approximately 1,683 dwelling units, only 20%-29% of which would be “affordable” units. CB2 is looking for a greater percentage of affordable units in any new development.
6. Long before the pandemic, many retail spaces remained empty. Adding 57,473gsf of projected destination retail space (p.1) without any mention of how small local retail would be protected is of grave concern.

The goal of expanding housing opportunities by “requiring permanently affordable housing” is mentioned on p. 2, but there are no details or mechanism described in the Draft Scope for either the preservation of current affordable housing or the legalization of existing residents in SoHo and NoHo. Nor did the Draft Scope study the number of affordable units and how many of these units are occupied by residents over 60, who are aging in place and comprise a Naturally Occurring Retirement Community (NORC). This was a topic of extreme concern and importance during the Envision process.

7. To achieve the goal on p. 2 of preserving historic resources, adaptive reuse of existing buildings could yield a significant number of affordable units more quickly than an upzoning, without greatly increasing the stock of luxury market-rate units.

8. The Draft Scope seeks to promote economic recovery, resiliency, and growth by allowing a wider range of uses (p.2), but many property owners have kept rents high to satisfy mortgage requirements, hold out for “credit tenants,” and/or use high rent potential as a way to finance other locations, causing long-term retail vacancies.

9. Many of the introduction’s stated objectives are contradicted by the Proposed Action. For example: Requiring permanently affordable housing to “support income diversity” is an objective, one with which CB2 agrees. However, CB2 questions how adding 70-80% market-rate housing based on incentives that may never be realized will ever ensure affordable housing.

10. Another objective is to “establish appropriate densities and building forms that ensure new development harmonizes with neighborhood context and scale (p.2).” Historic districts do this by their very nature, and 85% of the proposed upzoning area is in such districts. The proposed increase in as-of-right FAR would significantly redefine neighborhood context and scale rather than harmonizing with the existing historic building forms.

## **B. REQUIRED APPROVALS AND REVIEW PROCEDURES**

## **C. BACKGROUND TO THE PROPOSED ACTIONS**

### **PROJECT AREA HISTORY**

#### *A DIVERSIFYING ECONOMY AND A GROWING RESIDENTIAL PRESENCE*

1. Artist Certification: p. 5 of the Draft Scope, states that “many residents did not qualify for artist certification.” The absence of certification is a problem with the certification process and the agency overseeing it. It does not indicate a lack of artists.

Discussions with many working artists in SoHo and NoHo during the Envision SoHo/NoHo meetings clarified that the Department of Cultural Affairs (DCLA) certification was haphazard, complicated and, since it had not been enforced for so long, unnecessary for artists residing in Joint Live-Work Quarters for Artists (JLWQA) housing in SoHo and NoHo.

2. Special permits and variances: p. 5 of the Draft Scope states that “the area sees an extraordinarily high volume of applications for special permits and variances to locate or legalize

retail uses.” CB2’s opportunity to weigh in is vital for community representation in the application process. With removal of these reviews, only speculation and profit govern retail uses, rather than their desirability in a mixed-use neighborhood.

3. P. 5 of the Draft Scope acknowledges that the Covid-19 pandemic has impacted SoHo and NoHo, and then makes an unsubstantiated assumption that office, retail, accommodation and food services will remain core economic assets in the long term. Pandemic-related questions include:

- a. Who will come back to work in offices and will the offices have the appropriate infrastructure to ensure safety?
- b. Would office, hotel and other properties currently under distress become available for city acquisition, perhaps in partnership with a not-for-profit to create 100% affordable housing in existing structures?
- c. Will in-person retail ever exceed the levels it had before the pandemic despite vacancies prior?
- d. How much retail will return, now that consumers have shifted largely to shopping from home?
- e. How much tourism will return and when?
- f. Rents have been dropping since 2016 and the pandemic has furthered this correction. How long will that remain? Will rents come down low enough to provide affordable housing without requiring the immense increases in FAR contemplated in the proposal outlined in the Draft Scope?
- g. Would adaptive reuse rebalance the neighborhoods without resorting to what amounts to developer giveaways and increased building envelopes?

4. Without data based on post-pandemic experience, the answers can only be guesses.

## **COMMUNITY ENGAGEMENT AND INTERAGENCY PARTICIPATION**

### *ENVISION SOHO/NOHO*

1. This section of the Draft Scope describes the Envision process and its goals in detail but completely disregards the expectation that “these Neighborhood Priority recommendations and corresponding potential Implementation Strategies...have been developed with an understanding that many areas warrant further research and community input. (Envision SoHo/NoHo, p.11)”

2. It is a disservice to the entire Envision process to describe its findings as conclusive, when the Report itself states, “It is emphasized that the provided Potential Implementation Strategies are not definitive.”

3. It is hard to understand how CPC is willing to turn its back on the Report’s findings (p.46) that continued conversation and aspirational thinking “...is encouraged to further evolve ideas to achieve effective implementation.”

4. The Plan fails to “maintain, enforce and strengthen existing protections for residents including renters and those in rent-regulated units (p.7),” one of seven goals in the November

2019 Envision SoHo/NoHo report. Instead, the conversion from existing M zoning to new R or C zoning will remove protections directly related to work created and practiced within the unique JLWQA units that were established specifically for the M1-5A and M1-5B districts. Further, real estate speculation, brought on by upzonings, is known to increase the instances of harassment aimed at rent-regulated tenants. This is of particular concern for the numerous senior residents who were part of the pioneering movement that transformed these neighborhoods and are now aging in place.

5. The Scope should include outreach to the following areas/groups as recommended in Envision SoHo NoHo (p.84): the Southeast Study Area; younger populations of SoHo/NoHo; workers of SoHo/NoHo; and other important voices inside and outside the SoHo/NoHo boundaries.

6. The survey of land uses that DCP conducted, which is mentioned on p.5 of the Draft Scope, is not included.

## **PROJECT AREA**

### *HISTORIC DISTRICTS*

1. This proposal is the first-ever upzoning of an historic district since the creation of the Landmarks Preservation Commission (LPC) in 1965. If a precedent is set now, the Proposed Actions not only will have a negative impact on the immediate study area, the proposed actions, but also will have a profound negative impact on historic districts throughout the city.

2. An action that would potentially damage the character and attraction of all our historic districts and the tax-base city-wide must not be passed.

3. The assorted FAR increases proposed for within various areas of the historic districts run the risk of fundamentally altering the neighborhoods, and such proposals are in contradiction to NYC Landmark law (§ 25301[b]) which notes that the protection and perpetuation of protected districts are “for the education, pleasure and welfare of the people of the city.”

4. In the historic districts, where upzoning is proposed to be a minimum of 20% (6 FAR), and up to 94% (9.7 FAR)—and in a few cases 140% (12 FAR)—changes in neighborhood character will be subject mostly to LPC review. But those big FAR increases will create tremendous incentives for owners to seek rooftop additions and demolitions, some of which no doubt the LPC will grant. And new development at that scale will also often be out of scale for the historic districts, where the overall average FAR in both SoHo and NoHo is below 5.

### *NEIGHBORHOOD CONTEXT*

1. Lifting the 5,000sf limit on restaurants would not achieve the desired goal to “contribute to the charm and vibrancy of SoHo and NoHo (p.9) or “foster the small business community of SoHo/NoHo...” (p.2).

2. The variety of eating and drinking establishments already in existence in the district is part of the unique character of SoHo/NoHo and is a differentiator to other parts of the city. The

regulations restricting their size to 5,000sf were the product of years of consultation and consensus-building by the community and public officials; that restriction has been critical to protecting the vibrancy, tourism economy and commercial and residential desirability of the SoHo/NoHo area.

3. Prior to Covid-19, the SoHo/NoHo area was already vibrant, bustling and congested and among the most popular areas of NYC with tourists, already providing plenty of food and drink options to the community of residents, workers and visitors all over the area.
4. The outsize scale of eating & drinking establishments of more than 5,000sf would require a level of commercial delivery, garbage handling and other services that would overwhelm and destroy the residential life that exists throughout the district.
5. Even the wider street corridors are already very congested and establishments of this size will create significant adverse effects on noise and congestion levels as well as public safety. (As recently as July 29, 2020 the NY State Liquor Authority voted against an on-premise liquor license application for a food hall on Broadway for these reasons).

#### *SoHo and NoHo Historic Cores*

1. Notwithstanding the Draft Scope's acknowledgement of NoHo's and SoHo's "pervasive mixed-use character" which "contributes to the charm and vibrancy of SoHo and NoHo and presents unique conditions related to zoning, land use, and quality of life" (p. 9), the Draft Scope fails to address and correct the serious quality-of-life problems that mixed-use engenders, and which Envision SoHo/NoHo strongly recommended be addressed.
2. It is not by chance that "bars and restaurants are interspersed across the project area, but are more prevalent along Lafayette St., Great Jones St., Bond St., and W Broadway." For decades, the SoHo/NoHo community fought successfully to restrict use on the narrower and much more residential streets. The ill-effects of oversize bars and restaurants is detrimental to the character, the local environment, and the residential life of these neighborhoods. For the Draft Scope to casually suggest that these uses be legalized—apparently without restriction as to size—ignores the wishes of thousands of families, Community Board 2, the NY State Liquor Authority, and local elected officials who feel otherwise. It will drastically alter the neighborhood character.
3. It is ill-advised to draw a line down the center of any street so that one side is populated with huge developments facing another side's "intact historic zone." As the Draft Scope is currently configured, that happens in 5+ instances.

#### *Commercial Corridors*

##### *Broadway Corridor*

1. The Draft Scope states, "The Broadway corridor contains...a high concentration of commercial uses, particularly offices and destination retail (p.9)." What the document fails to state is that many, if not most, of these establishments have been operating without proper Certificates of Occupancy for decades, in clear violation of the law. Indeed, it is these countless

violations and lack of enforcement that propelled the creation of the Envision SoHo/NoHo process in the first place.

2. The Broadway corridor appears to be regarded as a development opportunity without reference to the current overcrowded sidewalks and congestion in the street, not to mention hazardous crossings and dangerous turns at intersections.
3. The Draft Scope should take into account the mixed-use character of this corridor and its sizeable population. According to the Broadway Residents Coalition, the population along Broadway in both NoHo and SoHo is comprised of over 750 residential units. Broadway between Canal and Houston Sts. has approximately 57 second-floor JLWQA residential units with many more above.
4. Any proposed actions to address recovery from the Covid-19 pandemic in the Broadway corridor or anywhere else are premature and must be only tentative at this time.

#### *Bowery Corridor*

1. While the Draft Scope describes the SoHo and NoHo historic districts in some detail, it blithely ignores the historic, architectural, cultural, and commercial significance of the Bowery.
2. Despite the plethora of historic structures that the Bowery is famed for, the Draft Scope's chief comment on this subject is, "There are a number of under-built sites, including vacant land, low-rise tenements, and single-story semi-industrial or formerly industrial buildings." In fact, in 2013 the Bowery was placed in the Department of the Interior's National Register of Historic Places, defined as "the official list of the Nation's historic places worthy of preservation."
3. The Draft Scope ignores the monumental structures, the historic buildings, and the cultural history of this boulevard—the second oldest thoroughfare in the city after Broadway.
4. It seeks to perpetuate the legend of the Bowery as a home to derelicts, both human and buildings, while ignoring its rich contribution to the city's streetscape and past.
5. The Bowery historic district extends from Chatham Square in Chinatown to Cooper Square in NoHo. It contains multiple building styles, including several NYC Landmarks Preservation Commission (LPC) Individual Landmarks, two of which are in NoHo. One, the Bond Street Savings Bank/Bouwerie Lane Theatre at 330 Bowery, a French Second Empire gem, was among the first Individual Landmarks, designated in 1967. It was added to the National Register of Historic Places in 1980.
6. The other Individual Landmark, the Cooper Union, just north of the study area, an Italianate brownstone and a mere feet outside the study area, was deemed a National Landmark in 1961 and an LPC Individual Landmark in 1965, the same year the LPC was formed.

### *Canal St. Corridor*

1. The Draft Scope states “341 Canal and 419 Broadway, at six and eight stories respectively, are establishing Canal Street as a gateway to the neighborhood and serve as a transition between SoHo and the taller commercial buildings south of Canal.”
2. Both these new buildings are planned in accordance with the current 5 FAR, with no request from the developer for a variance or a special permit, so we question the need now for the added FAR that the Draft Scope is proposing for the corridor.

### *SoHo East and SoHo West*

1. The Draft Scope states that SoHo East and SoHo West “are generally less residential and less built up than the other areas described above.” This ignores the scores of East SoHo residents residing at 129 Lafayette St. by Howard St., as well as the countless residents in the crowded tenements abutting Chinatown, Little Italy and Nolita and the residents in the West SoHo and South Village tenement buildings.
2. Introducing new housing that is only 20-30% affordable will gentrify these “low-intensity semi-industrial” areas, increase the cost-of-living for many of these low-income residents trying to eke out a living, and accelerate their displacement.

## **E. PURPOSE AND NEED FOR THE PROPOSED ACTION**

1. This section references the importance of addressing the needs of the City’s artists and creative workforce with no supporting plan details.
2. This section takes suggestions for further study from 12 areas for the Envision SoHo NoHo Summary (see Task 1) and re-purposes them as “community-driven recommendations.”
3. CPC’s specifically excludes from the proposed zoning actions the improvement and support of “public realm management” (e.g., infrastructure issues). This is contrary to the prominence of that topic during the professed goals of the 2019 Envision SoHo/NoHo process.
4. “The public realm” (i.e., “quality of life”) is only mentioned once in the entire Draft Scope whereas Envision SoHo NoHo mentions it 37 times. The Scope must address concern for the resident population in more detail and propose zoning solutions to address these concerns—not increase them.

## **REPLACE OUTDATED MANUFACTURING DISTRICTS WITH MIXED USE REGULATIONS**

1. The Draft Scope states that the obsolete and onerous current zoning will be replaced with appropriate and flexible regulations to address the need for expanded as-of-right commercial development balanced with the need to maintain appropriate residential use, but it does not explain how residential uses would be protected from commercial expansion or what that balance should be.

2. This section discusses the 74-781 Special Permit process but does not offer any plan to improve and update it.
3. The Draft Scope makes little mention of 74-711 Special Permits. DCP assumes that all special permits are onerous and makes no mention of the public benefit of the 74-711, which assures that historic buildings are maintained in perpetuity.
4. Overreliance on special permits is largely related to UG6 ground floor retail, but the Draft Scope lumps all UG6 together. Nor does it address the existing 5,000sf maximum, failing to give UG6 eating and drinking the particular consideration it requires.
5. Of the six key findings of the DCP July 2020 Study, none of them concluded that “outdated regulatory barriers will only serve to exacerbate the recovery for two of New York City’s most significant commercial areas.” Nor is there any evidence that these “outdated regulatory barriers” will restrict recovery post-Covid-19.
6. This DCP study showed 50% vacancies in SoHo NoHo, and data reports by SoHo Business Initiative on July 30, 2020 reported a 31% vacancy. DCP is now using the uncertainties of Covid-19 recovery to move quickly ahead with an upzoning. Moreover, it significantly reduced the size of five of the 24 corridors studied in the 2019 storefront vacancy report and excluded the following previously-surveyed streets:
  - a. Houston Street between MacDougal and Mulberry Streets
  - b. Prince Street between Sixth Avenue and Mulberry Streets
  - c. Broome Street between Sixth Avenue and Mulberry Streets
  - d. Lafayette Street between Prince Street and Astor Place
  - e. Centre Street between Canal and Spring Streets
  - f. Mulberry Street between Canal and Bleecker Streets
7. Canal St. (which, according to the study had a higher vacancy rate on the south side than on the north) had very high vacancies well before Covid-19 and has been a wasteland ever since Thor, Vornado and others cleared out all the longtime local businesses that offered all sorts of useful materials and products as part of a failed effort to turn the Canal corridor into a new retail strip mall.

## **INTRODUCE RESIDENTIAL USE AND PROMOTE EQUITY IN HOUSING**

1. The word “equity” appears only four times in the Draft Scope and no further details to advance the goal are provided.
2. As our city rebuilds in the aftermath of the Covid-19 pandemic over the coming years, there is the exciting possibility that New York City will come back stronger, and fairer. How can we ensure true and lasting equality for everyone? How do we achieve economic justice for all after an economic freefall?
3. The southwestern corner of the project area is slated to be the site of significant residential development, but it is also one of the most polluted corners of the city. Study how siting

affordable housing at the entrance to the Holland Tunnel contributes to the goal of equity in housing.

## **SUPPORT ARTS AND CULTURE**

1. The Draft Scope describes no detailed plan to maintain the existing JLWQA and rent-stabilized and rent-controlled apartments, and there is no official count, nor even an estimate, of the number of such units.
2. The Draft Scope provides no occupation-based restrictions to accomplish the goal of supporting the artists and makers population.
3. The Draft Scope mentions voluntary transition from JLWQA to residential use but it does not detail how it would work or how arts and creative uses would benefit.
4. The Draft Scope refers to certified-artist-occupied JLWQA as “the sole as-of-right quasi-residential use” when in fact, Use Group 17D is very much a real residential option.
5. The Draft Scope states that “only 30% of all SoHo/NoHo homes are still listed as JLWQA use on Certificates of Occupancy,” but that low percentage is unreliable data, since DOB has increasingly been dropping the JLWQA annotation. Even the Loft Board is aware of this and intends to address it.
6. The “voluntary option to transition JLWQA to regular residential use with conditions that more broadly benefit the arts and creative industries” is not only vague and unspecified, but it opens the door to losing a lot of units that might best be transferred to rent stabilization. Verbiage like this—with no mention of permanent affordability—leaves the role of the Loft Board in limbo.
7. Instead of converting M districts to UG2, the Scope should study maintaining the M district with protections and broader allowances for residentially-occupied units. UG2 puts at risk things that the Draft Scope claims to want to protect.
8. Not-for-profit museums (UG3) should be made as of right.

## **FACILITATE SUPERIOR URBAN DESIGN AND APPROPRIATE BUILDING FORM**

1. The Draft Scope proposes to “facilitate superior urban design,” but it is necessary to precisely distinguish between the historic effectiveness of the existing urban design (which needs to be protected) and any necessary updating of the variance and special permit processes (which allow for the engagement of the community).
2. The Draft Scope discusses deploying “appropriate buildings forms” that “relate harmoniously to the loft building context.” It is important to explore the dangers of big box retail and new residential projects with uncharacteristic, out-of-scale FAR.
3. The Draft Scope points out that “existing bulk regulations in M1-5A and M1-5B districts” haven’t always served the “loft building context.” The fact remains that ill-considered

modifications to those regulations might easily produce far more drastic, if unintentional threats to this national treasure, especially if explicit limits and cautions are not clearly identified before deciding future changes.

4. The Proposed Actions would establish new bulk and height regulations, and where it is claimed that these regulations would “minimize the effects of new developments and enlargements on neighboring buildings,” the DCP must rigorously substantiate this claim so that resulting impacts truly correspond to promises made.

5. This Draft Scope states the changes would “allow the LPC to shape the building form without the need for separate land use actions.” This process would bypass community input on land use issues, which should remain as an important check and balance.

6. There is no analysis regarding the number of LPC applications that will be generated by DCP’s proposed new maximum FAR.

## **F. DESCRIPTION OF THE PROPOSED ACTIONS**

1. The Action’s goal is purportedly to “strengthen SoHo/NoHo as a vibrant mixed-use district and more inclusive community,” but the challenge remains to ensure that the specific, concrete changes implemented actually serve that objective.

2. The Proposed Actions correctly support nurturing a “healthy retail ecosystem,” but these districts already have a successful and unique ecosystem (characterized by small scale diversity and artistic vibe) whose continuation is valuable in its own right.

3. Retail is in the middle of massive restructuring and national crisis. It seems prudent to proceed cautiously and not blindly apply once-familiar approaches in a context where they might have major adverse impacts. This may be the time and special place for truly visionary innovation to be the key to survival.

4. The last proposed action, “Support arts and culture and creative industries that serve the community and the public with use allowances and other appropriate provisions,” is yet another example of a bone that is thrown to the community without a single supporting detail.

## **ZONING MAP AMENDMENT**

1. The proposed Zoning Map Amendment that establishes the Special SoHo NoHo Mixed Use District proposes eight new zoning sub-districts with proposed as-of-right use and bulk regulations that allow for major increases in floor area ratios far in excess of current building bulk and form.

The proposed Zoning Map Amendment increases in FAR are without regard to the unique historical development pattern of SoHo and NoHo and would create massive, out-of-scale developments throughout the districts. One example is the projected development at 558 Broadway, where DCP identifies for the future the construction of a 200’ tall tower due to the granting of over 50,000 SF of new allowable bulk. Data indicates over a dozen other locations along Broadway with similar additions of new bulk, which could result in a succession of towers

all along Broadway from Canal Street north, despite the DCP’s November 9, 2020 FAQ that erroneously states the “new rules will not allow tall towers and skyscrapers.”

## PROPOSED ZONING DISTRICTS

1. Instead of simplifying regulations and procedures, DCP proposes five new zones, eight new subdistricts and, in several cases, boundaries for the subdistricts that bisect streets.
2. In the data in Appendix A, there are two lots with M1-6/R10A zoning—a district that is not discussed or mapped in the Draft Scope.
3. To “achieve the right balance among uses,” the EIS study should investigate/document impact commercial overlays to limit the possibility of expanded new office construction and to ensure that local retail uses are incorporated in the plan.

### *PROPOSED SPECIAL SOHO/NOHO MIXED USE DISTRICT (SNMD)*

## ZONING TEXT AMENDMENTS

1. CB2 is vehemently opposed to any proposed Zoning Text Amendment that allows--with no public review process-- retail uses over 10,000sf (including cellar space) and eating & drinking establishments over 5,000sf.
2. Calculation of FAR in retail establishments should include basement/cellar space.
3. An upzoning of residential FAR need not be a requirement of Mandatory Inclusionary Housing (p. 17). The Scope should include the study of the potential of adaptive reuse as an alternative to increasing FAR.

### SPECIAL SOHO/NOHO MIXED USE DISTRICT AND SUBDISTRICTS (SNMD)

#### *General Use Regulations*

1. The Draft Scope states (p. 17): “Within the SNMD, the proposed M1-5/R7X, M1-5/R9X, and M1-6/R10 districts’ use regulations would apply, with modifications.” The subsequent table, as well as the proposed zoning map, show these three proposed zonings as well.
2. The two lots in Appendix A with M1-6/R10A zoning are 358 Bowery (DSOW ID 13 and already in development as an office building) and 350-352 Bowery (DSOW ID 1).
3. The R10A offers bonuses for contextual development and community facilities. Would this be in conflict with the Mandatory Inclusionary Housing provisions of the proposal or would it be additional floor area bonus uses to create even larger buildings? Are these two lots on a corner of Bowery or within 100 feet of a corner, in which case they can be even taller? This should be clarified.

4. Allowing “UG 10 retail uses such as department stores over 10,000zsf” as-of-right flies in the face of Envision SoHo NoHo, which specifically recommended maintaining the 10,000zsf cap (Envision SoHo NoHo, 3.1).

As-of-right Use Group 10 is also inconsistent with the second goal of the report, to “foster the small business community” as noted on p. 6 of the Draft Scope. Existing and new small businesses will need additional protections.

5. If Use Group 10 retail uses are to be permitted as-of-right, where are the provisions for the protection of residents, such as enforcement of the loading berths requirement and restriction of delivery hours?

6. SNMD should provide protection for arts-related and creative-industry ground floor spaces, such as showrooms and galleries, which would face increased financial pressures caused by loosening the zoning regulations to retail uses and would have a negative effect on neighborhood context.

#### *Joint Live-Work Quarters for Artists*

1. JLWQA is inadequately addressed in the Draft Scope. Despite accounting for 30+% of residential units in SoHo and NoHo (per p.31, Envision SoHo/NoHo Report), there are no details regarding either the preservation or the legalization of these residents. This was a topic of extreme importance during the Envision SoHo/NoHo process.

2. The Draft Scope allows for voluntary transition from Use Group 17D JLWQA to Use Group 2, but does not define the details of the “mechanism” and related costs for doing so. Such conversions must result in no loss of tenant rights protections.

3. There are no guidelines or timeline for transitioning UG 17D JLWQA with permanent affordability to Use Group 2 nor are there any provisions for protecting JLWQA units in IMD buildings in limbo.

4. The Scope needs to study alternatives to JLWQA and do research into expanding the definition of “artist.”

5. The Draft Scope’s modifications of FAR prioritize big box retail over small businesses and office use over housing.

6. What provisions will the SNMD include to govern “JLWQA, arts and cultural uses, and conversions of existing buildings (p.17).”

7. The Draft Scope does not explain what would become of the Loft Law process nor does it offer a single detail regarding how “the mechanism would be paired with conditions that support arts and culture and establishments that broadly benefit the community and the public.”

8. “The voluntary transition from UG 17D JLWQA to UG2 residential with expanded home occupation provisions” sounds like an update of live/work but would result in the loss of many affordable units that would otherwise be transitioned into rent stabilization.

9. It is not clear if the City would propose amnesty to non-certified artists living in JLWQA units as it did in 1987 (“Non artist Tenants Grandfathered in SoHo and NoHo, *NY Times*, Aug. 30, 1987) and noted on p. 5 (2nd para) of the Draft Scope or if the current permitted uses under M-zoning will continue to be permitted.

#### *Non-Residential Floor Area Retention*

1. Why will the proposal will require a developer to replace any commercial space lost to residential conversion with an equal amount of new commercial space? And will this cause displacement of the existing commercial tenants?
2. Despite the current glut of office space, the Non-Residential Floor Area Retention modification incentivizes office use, not adaptive reuse, and is inconsistent with the Draft Scope’s objectives.
3. Retention Modification may also disincentivize residential development and conversions, which contradicts the Draft Scope’s objectives to “expand housing opportunities” and “promote adaptive reuse of existing buildings by allowing for the conversion of existing buildings (p. 2).”
4. DCP (RWCDS Table 3) shows 75 Spring St. (DSOW 31(CV), 154 Grand St. (DSOW 32(CV)) and 324 Lafayette (DSOW 28 (CV) as projected development sites with conversion from office to residential, and no office retention. For those in the historic core, DCP grants a FAR allowance that does not line up with the historic core subdistrict allowances.
5. The Retention Modification also requires the Chair of the CPC to certify that the amount of non-residential floor area in a building will be replaced at a one-to-one ratio with future non-residential uses on the zoning lot, but this certification is not subject to public review and adds a new city approval for each project even though the Draft Scope seeks to reduce the number of applications and approvals.
6. Existing office buildings offer an opportunity for adaptive re-use. This proposal discourages this possibility, but should be more open to investigating its utilization, as REBNY is proposing for Midtown.
7. Conversions to residential within existing buildings, many of which are grossly overbuilt, will complicate as-of-right conversion to residential without special rules.

#### *Floor Area and Bulk Regulations*

1. Two subdistricts—the Broadway-Houston Corridor and NoHo North—would permit full lot coverage up to two stories, instead of the 70% and 80% permitted for interior/through and corner lots respectively under R9X zoning. This will negatively impact light and air for buildings that share a rear lot line.
2. Many buildings in the area have 2nd floor residential occupancy, and there is no indication that DCP has taken this into consideration.

## MANDATORY INCLUSIONARY HOUSING (MIH) PROGRAM

1. If the maximum additional MIH FAR is built across SoHo and NoHo, it will add nearly 11 million new square feet of new housing: the equivalent of four Empire State Buildings, 12 Woolworth Buildings or 90 NOMO SOHO Hotels.
2. Nothing in the MIH program guarantees that any housing will be built. It would be helpful to see a report on successful MIH programs.
3. There are strong incentives for office and dormitory use.
4. The pre-Covid-19 luxury condo glut will temper any business decisions to build new housing—both luxury and affordable.
5. The special permit process for developers with “hardship” cases will undermine the creation of affordable units.
6. New, as-of-right residential development, with mandatory inclusion of affordable housing could be accomplished with less disruption and no upzoning at the same FAR as is currently allowed for commercial/manufacturing development in SoHo.
7. This would be particularly feasible if, as is suggested on p. 19, the text amendment were to “provide for some adjustments to make the existing MIH program work for conversions in SoHo and NoHo.” It also does not describe these adjustments nor explain how they would apply to office buildings undergoing a conversion or redevelopment, given the proposed requirement to maintain non-residential floor area.
8. Chief among these adjustments would be requiring lower income levels and a higher percentage of residences reserved for the required affordable housing.
9. Subsidies should be provided to ensure the development of affordable housing, with greater subsidies for those developments with a higher percentage of affordable housing.
10. A set-aside for some percentage of the required affordable units in new residential developments should be considered for those in the maker and creative arts and industries.
11. Developments should consider dedicated arts-production space in new developments, especially in those where the unit size is 850sf.
12. If commercial FAR is raised to 10 and residential FAR is only 12 for MIH, the meager difference will disincentivize residential development. The Scope should examine the effect of no upzonings for commercial use.
13. DCP’s proposed zoning text amendment would allow for off-site, low-income housing when less than 25,000sf of housing is developed. This creates an opening for developers to do enlargements of existing historic buildings, creating a windfall for developers who can add luxury penthouse units, and not have to provide any onsite affordable housing.

14. The proposed Affordable Housing Fund allows developers to apply to BSA for a “special permit” to reduce their payment into the Fund where requirement would make development “financially infeasible.” Isn’t one of the goals to reduce the number of special permits? Would this be a public process?
15. What are the criteria for which the BSA would grant this exception?
16. How will the DEIS define and calculate “financially feasible”?
17. The Scope needs to include a description of how the Affordable Housing Fund will work. Since 2016, how much money has been paid into this fund and where and how has the money been spent?
18. A loophole allows payments into an Affordable Housing Fund in lieu of building the housing in the proposed area, defeating the stated goal. This loophole must be closed.
19. It is unclear who determines the amount a developer pays to the Affordable Housing Fund? The developer? The DCP? The City Council? Is this amount based on the project’s “financial feasibility”?
20. Exempting “developments, enlargements, or conversions that do not exceed either 10 units or 12,500zsf or residential floor area from the requirements of the program” may be shortsighted, given the scale of many of the smaller buildings in SoHo/NoHo.
21. As a market-driven program, MIH program is unlikely to produce neither the number of AH units required to make a difference nor provide housing at the AMIs most needed by our city’s vulnerable populations.
22. In addition to the three zoning districts described, in the data in Appendix A, there are two lots with M1-6/R10A zoning: 358 Bowery (DSOW #13 and already in development as an office building) and 350-352 Bowery (DSOW #1). The R10A offers bonuses for contextual development and senior facilities. Would this be in conflict with the Mandatory Inclusionary Housing provisions of the proposal or would it be additional floor area bonuses to create even larger buildings? This should be clarified.
23. The Scope needs to explain how Covid-19 and a recovery whose details are impossible to predict would affect the number/percentage of projected development sites legitimately be able to apply for this exception?

## **WRP REVIEW PROCESS AND DETERMINATION**

1. According to New York City’s Zoning & Land Use Map, the entire southern boundary of the SNMD going as far east as Greene St. and as far north as Dominick St. is in the floodplain.
2. Building to the specifications of the City Planning’s Zoning for Coastal Flood Resiliency program in the M1-6/R10, M1-5/R9X, and M1-5/R7X areas is going to be an added cost to developers.

## ***G. ANALYSIS FRAMEWORK***

### **REASONABLE WORST-CASE DEVELOPMENT SCENARIO**

1. What and whose assumptions about the future “financial feasibility” will the DEIS model use to forecast the “No Action condition” and the “With Action condition” analysis in the 10-year time-frame (2021-2031)?
2. What happens if Covid-19 continues and/or worsens the current economic downturn? Will the RWCDs model’s financial and economic assumptions be changed “mid-stream” to reflect the reality of a significant delay in the financial feasibility to absorb the “build-out” commercial and residential square footage assumed in the model?
3. What assumptions are reasonable for a 10-year period in light of Covid-19 and the yet-undetermined economic recovery, given the office space glut; the historical reliance on tourism spending and the fact that 2019 tourism levels might not return for many years; the pre-Covid-19 luxury condo glut, only worsened by Covid-19; and overleveraged retail landlords hurt by pre-Covid-19 retail rent drops and post-Covid-19 empty offices and lack of tourists, particularly foreign tourists who tend to spend more?

### **THE FUTURE WITHOUT THE PROPOSED ACTION (NO ACTION CONDITION)**

1. The Draft Scope assumes that in a No Action condition, residential conversions and conversion of former industrial space to commercial uses would not occur and CPC discretionary actions and BSA variances would not be obtained. Even with a conservative environmental analysis, given the heavy calendar of the CB2 Land Use committee, it is hard to imagine that these actions would cease to be applied for and (and usually granted).

### **THE FUTURE WITH THE PROPOSED ACTION (WITH ACTION CONDITION)**

1. There are no projected development sites located within the Canal Corridor (Subdistrict 4), making evaluation of the effects of the proposed action on the Canal Corridor impossible, according to the methodology set forth by the Draft Scope. Similarly, there are no potential development sites located within the NoHo–Bowery Corridor (Subdistrict 1), SoHo East (Subdistrict 3), or SoHo West (Subdistrict 8). Only a single projected development site is located within the NoHo Core (Subdistrict 6): DSOW 14: 53 Bond St. This is not a sufficient number of sites for the analysis framework.
2. Two of the six Proposed Development Sites that are within the SoHo Core (Subdistrict 7) incorrectly identify M1-5/R9X as the proposed zoning: DSOW 31(CV) – 75 Spring St.; and DSOW 32(CV) – 154 Grand St. They should be M1-5/R7X.
3. Potential Development Site W – 92 Prince St., which is within the boundary of the Broadway–Houston Corridor (Subdistrict 5), is incorrectly identified as M1-5/R7X. It should be: M1-5/R9X with modifications.

4. The following projected sites have distinctions not reflected in the Draft Scope that should be studied:

- a. Site 1 (350, 352 Bowery) is listed on the National Registry of Historic Places in the Bowery Historic District. It has transferred air rights for 2.0 FAR to 358 Bowery.
- b. Site 2 (30 Great Jones St – block 531, lots 17, 52, 56) is located wholly within the NoHo Historic District.
- c. One of the tax lots in Site 3 is in fact only 1000sf, so it does not meet the criteria for a development site, but Site 3 consists of two lots joined together so as a whole site 3 is above the 1700sf limit. The two are also directly above the Lafayette/Broadway subway station.
- d. Site 12 (410 Lafayette St) is located wholly within the NoHo Historic District.
- e. Site 13 (358 Bowery) is currently undergoing active construction and does not meet the criteria for a Projected Development site. It is listed on the National Registry of History Places within the Bowery Historic District.
- f. Site 15 (281 Lafayette St) is listed on the National Registry of Historic Places within the Chinatown/Little Italy Historic District.
- g. Site 16 (81 Mercer St) is located wholly within the SoHo-Cast Iron Historic District and is occupied by an existing building, so does not meet the criteria for a Projected Development site.
- h. Site 23 (72 Grand St) is located wholly within the Soho-Cast Iron Historic District. It has additionally undergone multiple discretionary reviews by the LPC and most recently came before CB2 in Sept., 2020, seeking an application to construct a four-story commercial building.
- i. Site 24 (217 Hester St) is listed on the National Registry of Historic Places within the Chinatown/Little Italy Historic District.
- j. Site 27 (114 Baxter St) is listed on the National Registry of Historic Places within the Chinatown/Little Italy Historic District.
- k. Site 30 (324 Lafayette St) is located wholly within the NoHo Historic District.
- l. Site 31 (75 Spring St), a purported conversion site, is located wholly within the SoHo-Cast Iron Historic District Extension. It is already overbuilt to a FAR of 9.85, exceeding the maximum allowable FAR in an R7X zone.
- m. Site 32 (154 Grand St) is located wholly within the SoHo-Cast Iron Historic District Extension.

5. The following Potential Development Sites have distinctions not reflected in the Draft Scope that should be studied:

- a. Site BB (686 Broadway) has transferred air rights for 10 FAR to 684 Broadway and should not be considered a development site.
- b. Site BBB (146 Spring St) is among the oldest buildings in SoHo, built in 1819; was reviewed by CB2M in April 2004 (LPC Item 9); and should not be considered a development site.
- c. Site EEE (403 Lafayette St) is adjacent to an individual LPC Landmark, the Merchant's House.

- d. Site HH (102 Greene St) was involved in a discretionary review by the LPC and granted a CPC Special Permit in Feb 2010 (ULURP 080260ZSM), and thus should have been excluded from the development scenario.
- e. Site J (27 East 4 St) is adjacent to an individual LPC Landmark, the Merchant’s House. It underwent discretionary review by the LPC in 2018, and most recently came before the CB2 Landmarks Committee on Dec. 10, 2020, seeking an application to demolish an existing one-story garage and construct a new building. Accordingly, it should not be considered a development site.

6. The proposed R10 zoning drives the RWCDs, but may not produce the projected housing. The city’s assumption that the vast majority of development will be for residential use, 84% of projected GFA, may be unrealistic given that R10 zoning allows 10 FAR for commercial uses without any MIH subsidy.

7. There is already current glut of luxury condos.

8. There is a trend for property owners to build office space in lieu of housing in nearby Hudson Square and 550 Washington, including new headquarters for Disney and Google.

9. “One entirely non-residential building is projected in the western portion of the project area near Hudson Square, another strong office market”: That site is at the northeast corner of Grand St. at Sixth Avenue and is owned by Trinity Church Real Estate and is shown as #22 on the Projected Map/List. The Scope should explain why new FAR will be allowed on that site but housing is not required.

10. What is the basis of the conclusion that “a substantial portion” of the 1,683 DUs are “expected to be affordable”?

**GENERAL CRITERIA FOR DETERMINING DEVELOPMENT SITES**

1. The Scope needs to explain why the lot area threshold was set at 1700sf or larger to guide where development can reasonably be expected to occur.

2. Much of the area has been landmarked going back to 1973., but the Landmark Districts were only cursorily mentioned.

3. There is only a very brief mention of rent-stabilized tenants in buildings of six or more residential units. The proposal claims that these sites should be excluded from the development scenario because of the expense of relocating the residents. This category requires deeper analysis, due to the number of buildings in SoHo/NoHo of this size. Has CPC determined the impact of any residential displacement from the development of projected and potential sites?

According to the Loft Board, there are currently 475 units in 331 buildings under their control. The DEIS must study stabilized IMD tenants covered under Loft Laws and rent- stabilized affordable housing programs including as JLWQA.

*PROJECTED AND POTENTIAL DEVELOPMENT SITES*

1. More than half of the GFA of the 27 projected development sites (or 1,942,995sf) will benefit five property owners:

- a. Edison Properties' two parking lots account for 397,836 sf, or 20% of the GFA, and the Appendix shows that these sites would contain medical office space and a grocery store;
- b. Alexander Chu/Centre Plaza LLC and Stellar Management and City Urban Realty buildings account for 279,798sf or 14% of the GFA;
- c. Diehl Realty's SoHo parking garage accounts for 138,794 sf or 7% of the GFA, which per the Appendix shows would contain a grocery store under the city's plan;
- d. Lots owned by Yee Tai & The Kaufman Organization are expected to account for 133,184sf or 7% of the GFA; and,
- e. Park-It's garage accounts for 93,383 sf or 5% of the GFA and community facility space, plus Park-It owns two parking garages on the potential development site list, accounting for another 172,542 sf.

2. In light of a more favorable federal administration, has CPC reevaluated the redevelopment potential of 2 Howard Street, a federally-owned parking garage with a lot area of 12,716sf, which at 12 FAR could be redeveloped for more than 144,000sf and 100% affordable housing, while maintaining parking for government vehicles?

3. In light of the near-term prospects for substantially built office buildings and hotels, has CPC explored the purchase of distressed assets to be redeveloped as 100% affordable and/or supportive housing?

#### *Projected Development Sites*

1. The DEIS needs to analyze sites that might be developed after 10 years, including 57 Potential Development Sites that are assumed to be "less likely to be developed" within 10 years, and all other sites in the study area impacted by the proposed zoning changes. (Under CEQR Technical Manual guidelines, potential sites are only analyzed in the DEIS for "site-specific effects such as potential noise impacts, effects on historic resources and the possible presence of hazardous materials," (Draft Scope, p. 24). As a result, the Draft Scope vastly underestimates the impact of the proposed upzoning on historic districts because it excludes all site located within historic districts, other than vacant lots, solely because these sites are "subject to LPC review and approval."

2. Per the Draft Scope, lots of highly irregular shape would be excluded because of the difficulty of future as-of-right development; because such lots are more costly and more difficult to build on; and because they do not produce marketable floor space. The CB2 Land Use committee sees applications for development on such types of lots on a regular basis and for this reason, DCP must study irregular lots in the DEIS/Scope.

3. In fact, several of these sites already have plans for development. Owners of two underutilized sites, 61 Spring St. and 134 Wooster St., listed by DCP as "Potential," have already applied to the City to construct commercial structures on their lots. Nearby, on just one block of Prince St. between Greene and Mercer Sts., 105 Prince Street, a two-story building housing the Apple store with a 6,000sf footprint; 110 Prince St., a recently constructed one-story retailer; and

92 Prince St., another recent one-story mercantile structure yearning to increase in height and bulk, will surely attract developers seeking to enlarge them along this busy thoroughfare.

4. Why is a garage at 349 Canal St. (DSOW ID DDD) and an abutting building excluded from projected development when many similar sites are included for study?

5. Although DSOW ID 23 is indicated as being Vacant Land (land use 11), 72 Grand St. was, in fact, until recently a standing one-story cast-iron building in the Soho-Cast Iron Historic District that had had the upper four floors destroyed by fire.

### *DEVELOPMENT SCENARIO PARAMETERS*

1. In these sections, the parameters for development (small units, low floor- to-ceiling heights, small floor plates) all but eliminate the possibility of any future affordable housing for any artist or live-work situations, further eroding the identity of SoHo and NoHo.

2. These parameters are also a complete repudiation of any attempt to “accommodate and expand live-work” (last bullet, p.2), or “create housing and live-work opportunities” (third bullet, p.7) or “support and promote and create more spaces and uses for arts, maker uses and cultural uses.” (last bullet, p7)

3. The lots for development include lots now dedicated to commercial uses with very few residents. The DEIS/Scope must study the projected increase in residential population of almost 50%, which will create the need for new infrastructure for a significantly expanded population. The area does not have the infrastructure to support this change in residential population, and if history is any guide, the City will not provide that infrastructure in a timely, systematic, or thorough manner. We have clear instances of such failure in our own community board.

4. Why does the Draft Scope assume that development sites will exclude “government facilities, utilities, large institutions, homeless shelters, and houses of worship” even though the study says that since these facilities are often under-built? In light of all the efforts to redevelop these types of sites around the City, it seems naïve to exclude them.

### *Dwelling Unit Factor*

1. Does establishing a size of 850sf per unit support the stated goal of the Neighborhood Plan to “accommodate and expand live-work uses and supporting creative, arts and cultural uses”? (p.2)

### *Floor-to-Floor Height*

### *Conversion Prototypes*

1. According to the DCP map, Conversion Prototype 75 Spring St. is in the Historic Core with the lowest FAR change (M1-5/R7X), but in Appendix 1, it is part of the calculation for the Broadway Commercial Corridor (M1-5/R9X), which has highly increased FAR. At its existing 9.85 FAR, 75 Spring is either overbuilt by 4 FAR (M1-5/R7X) or by 1.85 FAR (M1-5/R9X). Any claim of affordable housing at that location will have to be subtracted from DCP's affordable housing total.

*Development within Historic Districts on Projected and Potential Sites*

1. Because all three proposed “representative examples” of prototype conversion are all within a stone’s throw of each other (154 Grand, 75 Spring, 324 Lafayette), they are hardly “distributed across the project area.”
2. All three are landmarked.

**APPENDIX 1**

1. These three tables are unreadable, and need to be reformatted (offered in some downloadable format) in larger type to be accessible to the general public for whom they are intended.
2. There is data/information in the Appendix that is not referenced in the text of the Draft Scope, which increases the lack of transparency of the spreadsheets—and clouds the intent of the Draft Scope itself.
3. Projected Development Sites: The following discrepancies in Appendix 1 should be studied:
  - a. Site 1 (350, 352 Bowery): FAR of 2; PLUTO data reports FAR of 3.00.
  - b. Site 3 (315 Lafayette, 301 Mulberry): FAR of 1; PLUTO data reports FAR of 1.56.
  - c. Site 4 (155, 159 Grand St): FAR of 2; PLUTO data reports FAR of 5.53.
  - d. Site 7 (381, 383 Canal St): FAR of 3; PLUTO data reports FAR of 3.82.
  - e. Site 8 (126 Lafayette, 257 Canal St): FAR of 2; PLUTO data reports FAR of 2.55.
  - f. Site 9 (239, 243 Canal St, 3 Howard St): FAR of 3; PLUTO data reports FAR of 3.48.
  - g. Site 13 (358 Bowery): FAR of 0; PLUTO data reports FAR of 0.58.
  - h. Site 20 (356 West Broadway): FAR of 3; PLUTO data reports FAR of 3.97.
  - i. Site 25 (123 Lafayette): FAR of 4; PLUTO data reports FAR of 5.35.
  - j. Site 27 (114 Baxter): FAR of 5; PLUTO data reports FAR of 5.98.
  - k. Site 30 (324 Lafayette): FAR of 5; PLUTO data reports FAR of 6.17.
  - l. Site 31 (75 Spring St): FAR of 8; PLUTO data reports FAR of 9.85. It is in the historic core, so its actual FAR is 5.
  - m. Site 32 (154 Grand St): FAR of 5; PLUTO data reports FAR of 5.94
4. Potential Development Sites: The following discrepancies in Appendix 1 should be studied.
  - a. Site AA (382 West Broadway): FAR of 2; PLUTO data reports FAR of 2.90.
  - b. Site BB (686 Broadway): FAR of 2; PLUTO data reports FAR of 2.94.
  - c. Site EEE (403 Lafayette): FAR of 2; PLUTO data reports FAR of 2.84.
  - d. Site FFF (90 Grand St): FAR of 4 PLUTO data reports FAR of 6.04.
  - e. Site GGG (96 Spring St): FAR of 7; PLUTO data reports FAR of 8.02.
  - f. Site MM (53 Mercer St): FAR of 2; PLUTO data reports FAR of 3.44.
  - g. Site W (92 Prince St): FAR of 1; PLUTO data reports FAR of 2.36.
  - h. Site WW (518 Broadway): FAR of 1; PLUTO data reports FAR of 4.48.
  - i. Site Y (424 West Broadway): FAR of 2; PLUTO data reports FAR of 2.78.
  - j. Site YY (118, 120 Prince St): FAR of 1; PLUTO data reports FAR of 1.89.
  - k. Site Z (396 W Broadway): FAR of 2; PLUTO data reports FAR of 2.85.

5. Include in the DEIS/Scope an accurate building-by-building analysis that corrects the many errors in the DSOW list with regard to building typologies, heights and size, so that an accurate analysis of the proposed actions' potential adverse impacts on the existing built conditions within the SNMD can be completed and alternates can be considered that will provide a range of building height caps more appropriate to their immediate surroundings.

6. Include in the DEIS/Scope an accurate building-by-building analysis that correctly quantifies the amounts of existing retail, commercial, manufacturing (including JLWQA) and residential uses so that the CEQR analysis will truly reflect the proposed actions' potential adverse impacts on the existing character of SoHo and NoHo.

### ***PROPOSED DRAFT SCOPE OF WORK FOR THE EIS***

#### **Task 1: Project Description:**

This task should describe “the background and/or history of the project” and detail “key planning considerations that have shaped the current proposal.” The tasks for study in the DEIS should include the recommended study items from “Envision SoHo/NoHo: A Summary of Findings & Recommendations.” They are taken from the Report below verbatim:

#### **IMPROVE QUALITY OF LIFE**

1.1A: **Further research** the specificity of SoHo/NoHo's mixed-use nature and schedule needs for curb access with the objective to make deliveries more efficient

#### **ENCOURAGE NEIGHBORHOOD DIVERSITY**

2.1B:

- **Study** the implications of the Housing Stability and Tenant Protections Act of 2019 and if/how it interacts with rent regulations within Loft Law provisions.
- Work with State elected officials to **explore** measures to implement and enforce anti-harassment procedures based on the newly passed rent law.

2.1C: It is recommended that Process Sponsors **study** the feasibility of implementing such rental assistance for low-income artists and other renters.

2.2A: Consider a potential expansion of live-work definition that reflects current and future trends, which should be **further studied** and identified.

2.2B: Exact mechanisms and use classifications of the framework presented remains unclear and would require further **study**.

2.2C: **Study** new affordable housing that is targeted to artists and is conducive to arts production in the context of fair housing laws and broader concerns over housing equity.

2.2D: **Additional research** to create a new entity outside DCLA to review the eligibility and connect individuals with benefits/resources to detail further how such an entity might be established, how it would function, and how it would improve the ability to administer eligibility standards without being overly exclusionary.

2.2E:

- **Explore** how legislative efforts could be made to implement property tax breaks and other mechanisms to support existing artists and to encourage arts and making in new “live-work” units that accommodate a broader range of cultural workers.
- **Explore** mechanisms to incentivize shared work and/or exhibition space for artists and makers as provisions in new developments or residential conversions.
- **Explore** ways to establish productive relationships between local non-profits and the business community to encourage and formalize support the local arts and cultural programming.
- **Explore** opportunities to connect property owners with efforts seeking to create temporary programming/ studios in empty commercial spaces.
- **Explore** opportunities to create a “Made in SoHo/NoHo” branding campaign and encourage retailers to commission designs from SoHo/NoHo artists and makers, with possibly a portion of sales of such goods used to support local arts and culture in the neighborhood.

2.3B: **Study** local non-profits in efforts to help artists and others find affordable housing, live-work space, or general work space.

2.3C: **Explore** opportunities to create design guidelines, with assistance and input from LPC based on the study area’s character, to ensure future development will be physically and architecturally contextual with existing built environment.

### *PROMOTING ECONOMIC VITALITY*

3.1A: **Study** how to allow a wider range of compatible ground floor uses that balance mixed-use neighborhood blocks and examine a wider range of compatible uses, traffic patterns, sanitation efforts, and a retail study. Efforts would include the involvement of the business and residential communities.

3.1B: It is recommended that further research **study** the following:

- The appropriate parameters for allowing hybrid/complementary uses, including consideration of the type, size, operations, and land use compatibility.
- How hybrid uses might be viable in a continually evolving local economy, as they become established and potentially seek opportunities to grow.

3.1C: **Further research** and a coordinated effort with the community is recommended to create general guidelines and potential subareas for the expansion of such uses.

3.2A: It is recommended that community groups and the City **further research** advantages that a cultural arts district designation might provide for SoHo/NoHo. Such a designation may more broadly enhance community identity and affirm local heritage.

3.2B: The planning process also revealed that there are opportunities to update use regulations in ways that consider the expansion of arts and maker uses. The City should consider this as an area requiring **further analyses**.

3.2C: Private landlords should be encouraged to “activate” vacant properties during interim occupancy periods for artistic, micro-manufacturing and cultural uses. Currently, artistic and cultural uses are not permitted as-of-right and an allowance for such uses would remove zoning violations and fines that are in place. It is recommended that the City further **explore** the feasibility of such an initiative by further contemplating two provisions: the involvement of well-suited local partners and non-profits to help with monitoring, and the potential role of philanthropy and incentives to help fund such an endeavor.

3.2D: Additional consultation with relevant agencies and organizations is recommended, in light of their expertise of artists’ workspace needs, to **study** new live-work typologies and configurations that are responsive to today’s generation of artists and makers.

3.2E: **Study** the feasibility of implementing such tax incentives for these causes and further investigate other financial support mechanisms that could be utilized.

3.3B: **Investigate** the feasibility of encouraging affordable rent options specific to such uses.

3.3C: Work with Small Business Services (SBS), Chambers of Commerce, BIDs and merchants’ associations to better **understand** small business’ challenges in SoHo/NoHo, and connect them to resources.

## **Task 2: Land Use, Zoning and Public Policy**

1. A thorough understanding via a detailed economic analysis should be conducted on all areas and properties that may be afforded additional development rights through increased FAR to properly calculate the value of the economic development conferred and the impacts of transferable development rights.

2. Study the potential impacts of the Proposed Actions on land use, zoning, and public policy, but beware the methodologies presented in the CEQR Technical Manual. The Municipal Art Society of New York’s recently released the report, *A Tale of Two Rezoning: Taking a Harder Look at CEQR*, exposes the shortcomings of the existing environmental review process through the lens of two recent rezonings in Long Island City (2001) and Downtown Brooklyn (2004).

3. The report demonstrates CEQR’s failure to predict the type and scale of new development that its zoning changes will stimulate and studies the resulting impacts on open space, transit congestion, school seats, and other measures of livability.

4. Chief among the findings of the MAS Report is CEQR's to take into account the cumulative effect of many small, individual acts. "From school capacity, to open space, to traffic congestion, to affordable housing, the CEQR process has produced mitigation plans that have no bearing on the ultimate needs of these neighborhoods. Residents have been left to shoulder the burden of these miscalculations," said Elizabeth Goldstein, President of MAS. MAS points out that decisionmakers need, and New Yorkers deserve, an environmental review process that does more than disclose limited and illusory outcomes from the City's zoning changes.

5. MAS proposes a series of improvements across eight categories of reform, including consideration of potential zoning lot mergers, increasing the range and scope of alternatives, making use of General Environmental Impact Statements to assess a wider range of potential outcomes, and requiring the implementation of mitigation measures before receiving Certificates of Occupancy.

6. "These neighborhoods [in Queens and Brooklyn] were transformed by an explosion of high-end, high-rise residential development, fueled—unintentionally—by the City's zoning changes. Demographically, they are now whiter, wealthier, and more crowded than ever." (MAS, A Tale of Two Rezoning: Taking a Harder Look at CEQR)

7. Study the feasibility of the purchase of distressed buildings by the City (by eminent domain, etc.)

8. Include the survey of land uses that DCP conducted, which is mentioned on p.5 of the Draft Scope but is not included.

### **Task 3: Socioeconomic Condition**

1. During the City's October 26, 2020 Zoom presentation, it admitted that it has not performed the necessary studies to investigate potential for displacement within the study area. Direct Residential Displacement is a chief concern. The Plan will increase vulnerabilities of approximately 1,500 rent stabilized units, including more than 500 in the R10 "housing opportunity" subdistricts, and more than 400 IMD Loft Law units that have not yet been converted to rent stabilized status under current law. This brings into question the City's assumption that there will not be direct displacement of more than 500 residents, and its claim that the SoHo/NoHo rezoning "would not typically be expected to alter the socioeconomic characteristics of a neighborhood (p.27)."

2. Study the following items across the entire Study Area:

- a. Value of FAR by square foot, for each individual property.
- b. Costs of LPC applications, due to enlargements etc., rising from the increased FAR.
- c. Transferable Development Rights, all possible scenarios.
- d. Costs applicable to residentially occupied units due to the proposed conversion from manufacturing use to residential use (now described, without specifics, as a "mechanism").
- e. Costs of newly-allowed SLA applications, per removal of existing zoning boundaries.
- f. Costs related to the Affordable Housing Fund and how that could apply for existing residentially occupied buildings, as well as for new developments.

3. The analysis projected for the levels of displacement of owner and renter occupied residential units and existing manufacturing and retail establishments does not include current housing costs for units that would be displaced and salaries for jobs that would be lost. Alternatives should be developed for replacement of displaced units and jobs, which are essential to protect the existing socio-economic character of SoHo NoHo.
4. Investigate the character and size of the various “employment hubs” in the project area before positing any assumptions about displacement.
5. Recalculate the resident and worker assumptions Table 2 was based on, in light of Covid-19.
6. Reach out to the following areas/groups as recommended in Envision SoHo NoHo (p.84): the Southeast study area; younger populations of SoHo/NoHo; workers of SoHo/NoHo; and other important voices inside and outside the SoHo/NoHo boundaries.
7. Study the effect on JLWQA residents who might be displaced during the transition from UG17D JLWQA to UG2.
8. Data gathered by the Broadway Residents Coalition indicates approximately 750 rent-stabilized units in and around the three Housing Opportunity Areas will be affected, and greater than 1500 units within the study area. Quantify and analyze the direct effect of that across the Neighborhood Plan.
9. Study the effect of upzoning on the southeastern and southwestern corners of SoHo with respect to displacement and the economy.
10. Indirect Business Displacement: The DEIS study should investigate/document effects of potential commercial displacement to be caused by elimination of existing commercial spaces caused by conversion in the light of pandemic and post pandemic office market.
11. Include additional data on the breakdowns, locations and rental/ownership of floor area within the study area occupied by the artistic/creative/“maker” communities so that the CEQR analysis discloses any potential adverse impacts on these SoHo/NoHo communities and appropriate and equitable provisions can be developed to provide for their retention in the SNMD.
12. So that equitable provision can be made to provide for their retention in the SNMD, analyze the available zoning and governmental support programs used in conjunction with other City programs to support the retention or availability of both residential and work space for New York’s cultural, artistic and “maker” communities (e.g., Westbeth, Manhattan Plaza, Special Midtown District, Special 125th Street District, Governor’s Island) as potential mitigation for displacement of these communities created by the proposed actions.
13. Identify and analyze potential adverse impacts on the current built environment within the SNMD, with particular attention to the necessity for specialized SNMD text governing conversions to MIH floor area, especially in existing overbuilt noncomplying buildings.

#### **Task 4: Community Facilities and Services**

1. Public Schools:
  - a. As a result of Covid-19, public schools were closed after March 13, 2020 through the end of the 2019-20 school year; opened nearly a month late in Fall 2020 and then closed after just seven weeks, creating a crisis in providing education to all students, but particularly students with disabilities, English Language Learners and students living in temporary housing.
  - b. Consequently, how could you accurately quantify current utilization; assess the need for more school facilities for social distancing; or forecast demand for public school seats until schools fully and safely reopen, not to mention the need to address the increase in population?
2. Libraries and Childcare Centers
  - a. If the population increases by 41% (Table 2, p. 22), study the impact of the increase on libraries and childcare centers.

#### **Task 5: Open Space**

1. The upzoning is expected to increase the SoHo and NoHo population from 7800 to 11,011 (an increase of 3,211 residents per Table 2). Demand and use of open green space have increased during Covid-19 and “proven that parks are essential infrastructure.” Under the *CEQR Technical Manual*, the broader “NoHo Neighborhood” is the only downtown neighborhood that the NYC Department of Parks and Recreation defines as underserved by open space.
2. Meanwhile, SoHo and NoHo remain significantly underserved by open space, with an open space ratio of only 0.08 acres per 1,000 residents, as compared with the City’s planning goal of 2.5 acres per 1,000 residents.
3. The addition of open space at the E. Fourth St. and Grand St. water tunnel sites would only increase the open space ratio in SoHo and NoHo to 0.09 acres per 1,000 residents, still well below the City planning goal.
4. Study accompanying any increase in FAR with an increase in open space, either in the form of additional physical open space or contributions to an Open Space Fund that would be used within CB2. Such a fund would be formed to provide the active and passive forms of recreation to the level of the City’s planning goals. It would be formed and administered by the City and used to add either one or more recreation centers (like the Tony Dapolito Recreation Center) designed and sized to serve the increased population of SoHo and NoHo as a result of the proposed actions.

#### **Task 6: Shadows**

1. Study the effect of shadows on typical loft buildings with large windows and artists’ studios.

2. Study the potential for all new or redesigned buildings (not just buildings over 50 ft.) to cast shadows.
3. Study the loss of sky if FAR is increased.
4. Study the effect of shadows from new or redesigned buildings on the current open spaces.
5. Study the effect of shadows on historic buildings with ornamentation that will be obscured and compromise the look and feel of the historic districts.

### **Task 7: Historic and Cultural Resources**

1. Standards should be established for new construction that maintain the integrity of the street walls that constitute the urban form of the historic districts. The projected analysis includes an examination of historic and cultural resources within the study area, but it does not address all the impact of new construction in the historic districts. The Landmarks Preservation Commission does not usually rule on the height and bulk and setbacks and open space of new buildings. This could result in development that is out of scale with existing historic buildings.
2. The DEIS Scoping document should investigate/analyze the impacts and additional impacts of the zoning recommendations on the SoHo-NoHo plan, and in particular the area between Bleecker and Spring and Mercer to Crosby St. Fifty-two and a half percent of all buildings were built prior to 1939. As a result, the majority of existing buildings were built to full lot dimensions, and a significant number with through-lot configurations. This building-to-building density has, and will continue to be, an impediment in configuring and regulating the crucial infrastructure adaptations necessary for increased density within the built environment.
3. Study the archaeological history of this area and the importance of preserving any remaining artifacts. In the 1640s, a New Netherland community known as the “Land of the Blacks” encompassed what today are SoHo, NoHo, Chinatown, Little Italy, and Greenwich Village. Black land ownership continued into the time of New York City. From 1643-1716, 130 acres+ were owned by free Black men and women in what is now the neighborhoods of Soho and NoHo, including Bond Street, Bowery and Lafayette.
4. Study the danger of demolition of old buildings and the approaches for protecting them.
5. Study the danger of demolition and construction on sites that are immediately adjacent to individual landmarks, as is the case for Site EEE (403 Lafayette St.) and Site J (27 E 4 S.t).
6. Study the impact of the proposed actions on tourism and real estate values as the connection to the past is weakened by the proposed actions.
7. Study the short- and long-term impact on the Landmarks Law if it is modified to suit political demands and not cultural, educational or history needs.
8. Study the effects of a surge of new construction within historical structures.

9. Investigate/document the impact of maker economy give-backs within the scope of this zoning proposal as in similar subsidized artist housing and performance spaces (Governor’s Island, Westbeth).

10. The DEIS study should investigate/document effects and costs of development of older, historic buildings in their feasibility analysis. SoHo and NoHo M1-5B District is largely a historic district: 5,619 units were built prior to 1939 [source 2014-2018 American Community Survey]. For this reason, the feasibility of adding MIH units or even new development under this zoning will be severely affected by the age and historic underpinnings. Added to this is a building stock that has virtually no separation – even rear yards in most places, especially the commercial corridors. These factors will impact costs of new buildings and the ability to include MIH in the mix. In fact, it could encourage non-residential development or produce another wave of BSA applications based on hardship not dis-similar to those experienced over the last 15 years.

### **Task 8: Urban Design and Visual Resources**

1. The description of this task states that “an assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning.”

2. DCP should study the well-established precedents demonstrating that additional FAR has harmful impacts on an altered streetscape and that the City has rightfully acted in the past to prevent such damage.

3. DCP avoids the fact that, besides building on underutilized sites, property owners will surely take advantage of increased FAR to add bulk on top of existing landmarked buildings, forever changing the streetscape, view corridors and character of the historic districts, along both Broadway and Lafayette Sts. as well as the side streets. This rooftop scenario actually occurred in 1998 when property owners uncovered a zoning loophole that saw at least seven rooftop additions constructed contrary to the zoning intent. When New Yorkers complained about the harmful impact, the City Council quickly amended the Zoning Resolution to remove this loophole.

4. This task states that “for the projected and potential development sites, the analysis will focus on general building types,” but in this case, most of the affected and adjacent study area is landmarked. The LPC does not normally approve “general” building types. Instead, it demands buildings of a higher quality, often with expensive details and materials not found in cookie-cutter “general” structures. The pressure will be formidable on LPC to approve generalized building plans submitted by developers to counter their financial deficits that building below-market housing generates. This would result in undistinguished edifices detracting from neighborhood masterpieces.

5. Study the difference in terms of landmarking between With Action and No Action, which will see the historic districts’ skyline utterly altered from the historic built-context that has long been in place—a context that draws countless visitors to marvel at the special character of the area.

6. If the zoning is changed to these three districts, the pedestrian experience will gradually become as follows (from the NYC Zoning Handbook): RX9 is described as producing “the taller, bulkier 16- to 18-story apartment buildings characteristic of Chelsea and Murray Hill in Manhattan.” “Much of Midtown, Lower Manhattan and major avenues in Manhattan, as well as parts of Downtown Brooklyn and Long Island City, are mapped at R10 density.” “R7X districts are mapped along major thoroughfares in Harlem in Manhattan and Jackson Avenue in Long Island City in Queens.”
7. Study how increases in height and density will increase wind.
8. Study if bulk, form and scale will comply with residential standards.
9. Study how the proposed actions might adversely impact opportunities for expansion and/or conversion of already overbuilt, noncomplying buildings to residential use.
10. Analyze the proposed actions’ potential adverse impacts on the current and future supply and affordability of the existing stock of JLWQA and residential space within the study area.

#### **Task 9: Natural Resources**

1. Study how the streams in the Canal St. area will affect new construction.
2. Study how new construction in the Canal St. area will affect the stability of adjacent old buildings, given the network of underground waterways.
3. Study the issue of the subsoil, particularly in the M1-5B district, which is wet. A new building on the corner of Greene and Canal was forced to build out of steel, as opposed to poured concrete, and took more than 3 years to complete at the current FAR.

#### **Task 10: Hazardous Materials**

1. Study the environmental effect of the old gas works in the area of the Edison parking lot in southeast SoHo.

#### **Task 11: Water and Sewer**

1. According to New York City’s Zoning & Land Use Map, the entire southern boundary of the SNMD going as far east as Greene St. and as far north as Dominick St. is in the floodplain.
2. Study the effect of flooding and the effect of climate change on wastewater and stormwater infrastructure.
3. Identify and analyze the proposed actions’ potential adverse impacts on the currently well-established unstable ground, subgrade water and storm and sewer drainage conditions within SoHo and NoHo, with particular emphasis on the potential adverse impacts on existing historic properties of excavations and foundations for new construction within the SNMD.

## **Task 12: Solid Waste and Sanitation**

1. Study how deliveries and pickups will be affected by the lack of loading berths and storage if, as predicted by the report, increased residential creates 50 additional tons of waste per week.

## **Task 13: Energy**

## **Task 14: Transportation**

### *TRAVEL DEMAND AND SCREENING ASSESSMENT*

1. Study traffic at more times of day than just peak hours. A great variety of different activities occur in the neighborhood at many times of day.
2. Study more transportation modes than just automotive, transit and pedestrian. Need to include bicycles, e-bikes and other micro-mobility modes.

### *TRAFFIC*

1. Selection of study locations needs to be based on not only "the assignment of project generated traffic and the CEQR Technical Manual, but also in consultation with the community (CB2, block associations, BIDs, businesses, etc.) based on frequent observations.
2. The generation of 50 or more additional vehicle trips in any peak hour needs to be considered in the context of how traffic can be reduced from its current state. In addition, there are side streets in the area that are frequently inundated by automotive traffic and need to be studied along with the key corridors.
3. Nine days of continuous ATR counts will help supplement data collection at peak hours, but will not adequately reflect conditions that occur frequently at non-peak hours, which should be included, because of the varied activities occurring in these neighborhoods at different times of day. What is needed are accounts of routine users and inhabitants who regularly observe and experience conditions, which can be achieved by incorporating questionnaires/surveys and interviews.
4. A truck trip generation forecast alone doesn't address the already highly negative truck impacts. Create a management plan.
5. The influence of the Covid-19 pandemic must be taken into account, i.e., the atypical conditions that exist because of the pandemic don't reflect what traffic conditions will be once there is a return to normal, i.e., to a stabilized situation. The study should be based on pre-Covid-19 figures (applied as existing conditions, rather than what currently exists) which reflect "No Action" more accurately.
6. Regarding mitigation, Vision Zero has introduced a new outlook on how traffic functions with alternative modes, new street geometries and varied curb uses that need to be considered, rather than just the traditional approaches.

## *TRANSIT*

1. Study Transit using pre-Covid-19 figures, which present a more realistic picture of what can be viewed as base conditions.
2. Study problems posed by nearby subway lines for 20+ projected and potential sites.
3. Although there is attention to conditions at subway stations, there is no consideration of the impact on subway cars (e.g., crowding estimates) i.e., the proposed actions will have an impact on the system, not just stations.
4. There have been gaps created in bus service in the SoHo area with the restructuring of bus routes such as the M1 which eliminates a central route for SoHo, a dearth that calls for remediation. Spacing of bus stops, trip frequency and seating opportunities also need improvement. These types of already existing problems need to be part of the analysis.
5. Problems exist concerning access for the bus going down Broadway, which is often blocked by stationery tourist buses and slowed down by traffic congestion. This needs to be considered.

## *PEDESTRIANS*

1. Little attention is paid to examination of the latest alternative transportation approaches to creating more space for pedestrians and making the pedestrian environment safer, more comfortable and accessible. The formulaic approach of the CEQR Technical Manual is no longer enough to ascertain impacts which should be assessed based on actual pedestrian needs in action and an already existing lack of needed pedestrian facilities.

## *PARKING*

1. Study how using parking lots/facilities for development of residential buildings could lead to increased demand for on-street parking, which isn't even currently available. This needs to be assessed, as does the impact on the environment and traffic movement of increased cruising for parking spaces.
2. Of the 27 proposed development sites seven are parking lots or garages [DSOW 2, 10, 12, 16, 20, 22: marked as land use 10; DSOW 21: marked as bldg. class "Fireproof" but in fact a parking garage]. However, the No Action condition shows only 39,000 gsf of parking area, which upon inspection is solely attributable to the site at 356 West Broadway.
3. An additional five Proposed sites contain parking for at least 228 cars, according to their certificates of occupancy.
4. Using the DCP's assumption of 300 sq ft of parking per vehicle, 228 cars accounts for 68,400 gsf of parking. As some of the certificates of occupancy state "at least" x number of vehicles, this is a lower limit.
5. Additionally, DSOW 22 represents 4,484 gsf of parking area, according to the tax lot's land use classification as a parking facility.

6. Taking into account the additional gsf of parking lot area, Table 2, the No Action Condition, undercounts the Other Commercial (Parking) category by at least 72,884 gsf, as well as the Total Commercial subtotal by that same amount.
7. The Population figures Table 2, according to the standard industry rates of 1 employee per 1,000 sf of other commercial, also undercounts the number of Workers by 73 employees.
8. Accordingly, the net change, or Incremental condition, in Table 2 should state a loss of -111,884 gsf of Other Commercial (Parking) and -124,392 gsf of Total Commercial space. Additionally, the net change of Workers should be -182 workers.

#### **Task 15: Air Quality**

1. Study how proximity of the Holland Tunnel affects air quality.
2. Study how the poor air quality will affect the equity position of this location.

#### **Task 16: Greenhouse Gas Emissions and Climate Change**

1. Study the New York City Zoning & Land Use Map to see how the entire southern boundary of the SNMD going as far east as Greene St. and as far north as Dominick St. is in the floodplain.
2. Study how building to the specifications of the City Planning's Zoning for Coastal Flood Resiliency program in the M1-6/R10, M1-5/R9X, and M1-5/R7X areas will affect construction costs.

#### **Task 17: Noise**

1. Study how the noise from retail deliveries to Big Box stores will affect life for residents if the population of SoHo/NoHo increases by almost 50%.

#### **Task 18: Public Health**

#### **Task 19: Neighborhood Character**

1. Study the effect on neighborhood character of building the equivalent of four Empire State Buildings, 12 Woolworth Buildings or 90 NOMO SOHO Hotels (Crosby St. size), if the maximum additional MIH FAR is built across SoHo and NoHo.
2. Study the effect on neighborhood character of the impact of increased FAR inside the historic districts and outside the historic districts, which is different because of the mitigating effect of LPC oversight.
3. Study the impact of proposed actions on the defining features and human scale of the project area.
4. Study the adaptive reuse of existing buildings that preserved neighborhood character and was responsible for the area's renaissance in the 1970's.

5. Coordinate with City and State agencies to do a comprehensive inventory—by both quantity and type—of all types of affordable housing in the project area.
6. Study how the limits of the three proposed zoning districts will change neighborhood character. NYC Zoning Handbook: RX9 is described as producing “the taller, bulkier 16- to 18-story apartment buildings characteristic of Chelsea and Murray Hill in Manhattan.” “Much of Midtown, Lower Manhattan and major avenues in Manhattan, as well as parts of Downtown Brooklyn and Long Island City, are mapped at R10 density.” “R7X districts are mapped along major thoroughfares in Harlem in Manhattan and Jackson Avenue in Long Island City in Queens.”
7. A detailed analysis must be conducted to show how the Proposed Actions will impact and negatively affect the defining features of the neighborhoods’ character. The Draft Scope notes that projects that make substantial alterations to the scale of the streetscape may require a detailed analysis.
8. For example, in NoHo, a 20,000 square-foot parking lot on Lafayette and Jones Streets is located within the proposed M1-5/R9X area. According to DCP’s own website, the Proposed Actions could produce a tall, bulky, twenty-story high-rise apartment building characteristic of Chelsea and Murray Hill—although it sits in the median-rise NoHo Historic District Extension. Such an edifice will result in a dramatic and harmful impact on the historic district.

#### **Task 20: Construction**

1. Identify and analyze the proposed actions’ potential adverse impacts on the currently well-established unstable ground, subgrade water and storm and sewer drainage conditions within SoHo and NoHo, with particular emphasis on the potential adverse impacts on existing historic properties of excavations and foundations for new construction within the SNMD.

#### **Task 21: Mitigation**

#### **Task 22: Alternatives**

1. Analyze alternates to the Proposed Actions that will not increase the existing FAR within the historic districts and alternates that satisfy MIH requirements through development of off-site affordable units and/or affordable units located outside the SNMD.
2. Include in the DEIS an accurate building-by-building analysis that corrects the many errors in the DSOW list with regard to building typologies, heights and size, so that an accurate analysis of the proposed actions’ potential adverse impacts on the existing built conditions within the SNMD can be completed and alternates can be considered that will provide a range of building height caps more appropriate to their immediate surroundings.

#### **Task 23: Summary Chapters**

#### **Task 24: Executive Summary**

**Therefore**, be it resolved that no Scope or DEIS compiled during the global upheaval of a pandemic could possibly be an accurate assessment of any neighborhood.

**Be it further resolved** that CB2 urgently recommends that DCP examine the shortcomings of the draft scope of work as outlined above and present to CB2 for further review a new draft scope of work that rectifies those shortcomings plus reflects the impact of the pandemic on the residential, commercial and retail sectors of our economy.

**Be it further resolved** that this new draft scope be presented to CB2 for public review before any ULURP is begun.

**Be it finally resolved** that CB2 recommends that DCP study and offer affordable housing alternatives to Mandatory Inclusionary Housing (such as new, more targeted, zoning tools and an expanded review of adaptive reuse) and study and offer the minimal modifications to the existing M1-5A/B zoning that would be required to achieve the primary goal of affordable housing and small business survival without increased FAR.

**Vote:** Passed with 45 Board members in favor and one abstention (B. Kubovy-Weiss).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair  
Community Board #2, Manhattan



Frederica Sigel, Chair  
Land Use & Housing Committee  
Community Board #2, Manhattan

CB/jt

c: Hon. Jerrold Nadler, Congressman  
Hon. Carolyn Maloney, Congresswoman  
Hon. Brad Hoylman, State Senator  
Hon. Brian Kavanaugh, State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Youh-Line Niou, Assembly Member  
Hon. Bill de Blasio, Mayor  
Hon. Scott Stringer, City Comptroller

Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council Speaker  
Hon. Margaret Chin, City Council Member  
Hon. Carlina Rivera, City Council Member  
Sylvia Li, Dept. of City Planning  
Andrew Cantu, Dept. of City Planning