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COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

July 27, 2021

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

Dear Ms. Lago:

At its Full Board meeting on July 26, 2021, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

Opposition to the City's Proposed Plan to Rezone SoHo, NoHo and Chinatown

ULURP Application Nos. C210422 ZMM, N210423 ZRM
Draft Environmental Impact Statement CEQR No. 21DCP059M

Whereas:

A. The proposed SoHo, NoHo and Chinatown rezoning fails to achieve affordable housing goals and instead incentivizes office, dormitory and large retail development and will displace existing rent-protected and low-income residents.

1. Manhattan Community Board 2 (CB2) is committed to the protection of existing rent-regulated housing and the creation of new equitable affordable housing for NYC residents who are most in need.
2. The [SoHo NoHo Neighborhood Plan](#) (the Mayor's Plan) is unlikely to produce any affordable housing, while being falsely presented as a proposal to *expand* affordable housing and instead incentivizes commercial and dormitory uses.
3. The Mayor's Plan fails to protect against displacement, particularly for residents in Chinatown, seniors aging-in-place and tenants who are rent stabilized, rent controlled or protected under New York State Loft Law.
4. The Mayor's Plan also fails to secure the future or consider expansion of the highly successful JLWQA use as well as fails to mitigate the significant adverse impacts on open space, shadows, historic and cultural resources, transportation and construction noted in the Draft Environmental Impact Statement¹ (DEIS).

5. Adaptive reuse has been the heart of NoHo and SoHo's success. Artists and small retailers transformed a dying industrial district into a highly distinctive, architecturally significant, world-renowned neighborhood.
6. In its wake, the Mayor's Plan will eliminate the zoning that makes these historic districts unique, attractive and highly successful.
7. The Final Scope of Work (FSOW) of the Mayor's Plan remains virtually unchanged from the Draft Scope of Work (DSOW) and ignores recommendations from sincere housing and community advocates – including CB2's own detailed, [40-page critique of the Draft Scope of Work](#) – and from the [Envision SoHo/NoHo](#) report and Advisory Group sponsored by DCP, Manhattan Borough President Gale Brewer and Council Member Margaret Chin.
8. The rushed rezoning plan is designed to coincide with the last days of Mayor de Blasio's administration and prevents input from the incoming mayor and city council.
9. The plan, conceived during the depths of the COVID-19 pandemic, cannot take into account post-pandemic changes in live-work and usage of commercial space.
10. The city's public meetings, none of which were held in-person, failed to include members of the Chinatown community, where almost half of the projected new development will be built.

For all these reasons, and for the specific areas of concern detailed below, Manhattan Community Board 2 rejects the City's fundamentally flawed and unacceptable SoHo NoHo Neighborhood Plan.

B. Key Areas of Concern

1. **The Mayor's Plan Fails to Guarantee Any Critically Needed Affordable Housing.**
 - a. The City admits that there is **zero** guarantee that any affordable housing units will be created as a result of the proposed Plan.
 - b. The rezoning will incentivize the replacement of existing architecture with new, out-of-scale luxury residential structures with a minimal number of affordable units or with commercial or dormitory uses. [Mandatory Inclusionary Housing](#) (MIH) (i) allows building enlargements with no affordable housing required, (ii) creates new luxury housing with no affordable housing on site if the developer pays into a housing opportunity fund to build it elsewhere, (iii) permits exemptions based on deep lot size and small building footprints and (iv) most importantly, fails to create affordable housing for those most in need in our community² – at income levels that fall below 40% Area Median Income³ (AMI).
 - c. These incentives for commercial⁴ and dormitory use as well as the proposed modification to preserve large buildings (60,000 sq. ft. and larger) for commercial use⁵, will result in a proliferation of large office and/or other commercial structures with no affordable housing at all.
 - d. The addition of residential use will allow dormitories of up to 6.5 FAR, which were previously not permitted and, given the limited development sites and proximity to a number of universities, will create another use that competes against affordable housing.
 - e. In fact, ***the Mayor's Plan will likely result in a net reduction of the number of affordable housing units.*** It incentivizes the demolition of existing low-rise buildings and the displacement of rent-stabilized tenants in ***at least [635 rent-regulated units](#) and***

*likely much more in at least 185 buildings.*⁶ These units are disproportionately located in the rezoning areas with the highest proposed upzonings – the 12 FAR zones – and are therefore especially threatened by the plan. Particularly at risk are residents in Chinatown (located in the SoHo East designated opportunity zone, where one property owner has multiple contiguous properties that will benefit from higher commercial FAR) and senior citizens aging-in-place, especially those tenants in smaller JLWQA and rent-stabilized buildings, which are prime targets for demolition.

- f. The Mayor's Plan will fail to achieve a more socioeconomically and racially diverse neighborhood in part because MIH relies on large-scale luxury development with low numbers of affordable units.
- g. Any future rezoning plan must review and include protections for tenants at risk of displacement.⁷
- h. CB2 also insists that any rezoning plan addresses options for *adding more permanently affordable housing, including supportive housing, without the addition of more luxury housing*, including (i) incentivizing adaptive reuse and sustainability, (ii) converting empty hotels and offices to affordable housing; (iii) constructing 100% affordable housing on the federally-owned parking lot at 2 Howard Street under existing HPD programs, (iv) identifying opportunities to build more affordable housing, particularly on vacant sites, while addressing displacement concerns, and (v) acquiring and subsidizing the development of 100% affordable housing and/or supportive housing on sites within the rezoning area, including bold and imaginative uses of the limited developable land in SoHo, NoHo and Chinatown.

2. Zoning changes will squeeze out small retail stores and negatively impact quality of life for current and future residents.

- a. CB2 supports allowing as-of-right ground-floor local retail less than 10,000 sq. ft. under Use Group 6, appropriate for a mixed-use residential district.
- b. CB2 supports maintaining a special permit for retail more than 10,000 total sq. ft., as is the case in most commercial districts in the city⁸ to ensure community input in the creation of large-scale retail uses and to give voice to and support small business owners and opposes⁹ any zoning-led bailout for overleveraged retail property owners.¹⁰
- c. CB2 continues to support the enforcement of the city's loading berth¹¹ requirements to reduce noise, pollution and congestion from frequent deliveries and trash pickup, based on total selling space, including basements.
- d. CB2 supports maintaining a size limit and creating a special permit for eating and drinking establishments above 5,000 sq. ft. or seating capacity above 200, similar to requirements in the nearby Special Hudson Square District¹² and Special Tribeca Mixed Use District.
- e. The Mayor's Plan projects residential use to increase¹³ but does not address quality of life concerns for current and future residents. Any future rezoning plan should (i) require a special permit for any commercial rooftop or outdoor eating and drinking, club, meeting hall, event space, accessory to retail or catering uses and (ii) prohibit eating and drinking uses and high-impact retail uses above the 2nd floor. To date, voluntary city programs, including those promoted by our area's Business Improvement Districts, have not

successfully addressed quality-of-life concerns for the residential community and should not be expected to mitigate those known impacts in the future.

- f. CB2 does not support new developments or conversions that mix commercial and residential on the same floor, nor places commercial uses above existing residential uses within a building.
3. **The Proposed “Mechanism” for Converting Manufacturing Use Group 17-D, Joint Living-Work Quarters for Artists (JLWQA), to Residential Use Group 2 Creates Adverse and Unknown Consequences for Current Residents and will Eliminate this Unique Use.**
- a. The Mayor's Plan would eventually eliminate Manufacturing Use Group 17-D JLWQA units, the defining characteristic of SoHo and NoHo’s M1-5A and M1-5B zoning districts¹⁴ through a last minute and ill-conceived “mechanism” to remove this special use. Payments into an undefined Arts Fund do not provide a long term sustainable model using one-time contributions and DCP provided no financial analysis to support this proposal despite repeated requests from CB2.
 - b. The proposed “mechanism” does not meet the stated goal of creating dedicated space for arts & culture through mandated space within buildings per zoning requirements, instead relying on arbitrary decisions directed by market forces and availability, and only then would an arts or culture use have an option for a grant to rent space.
 - c. **Why 17-D?** Manufacturing Use Group 17-D is the unique designation of space for the manufacture of art, which also allows for residential use and requires occupancy by at least one certified artist in each unit. This permitted the adaptive reuse of disused manufacturing spaces for arts and residential uses and set in place similar movements to revitalize industrial districts in cities around the world.
 - d. **Plan Ignores Existing Population of Artists.** Despite large numbers of Certified Artists who participated in the [Envision SoHo/NoHo](#) process and continue to utilize JLWQA units for the production of art, DCP vastly underestimates the number of working artists in SoHo and NoHo and abruptly forms its own conclusions through incorrect interpretations of the state’s Department of Cultural Affairs (DCLA) data (there is no requirement that *all* artists must go through certification) and a yawning lack of interest in the underlying reasons for the drop in applications over the decades (a regimen of non-enforcement and a lengthy certification process).
 - e. **Expanding Definitions.** The Mayor’s Plan ignores [Envision SoHo/NoHo](#)’s recommendations to “consider a potential expansion of live-work definition that reflects current and future trends” nor does it “encourage and support artist/maker/cultural worker occupancies.” This would evolve this unique and emulated use to include a broader spectrum of certified artists or makers.¹⁵
 - f. **Punitive Fee.** The Mayor's Plan imposes a \$100 per sq. ft. conversion fee that is financially punitive, particularly to pioneering legally conforming senior citizens who are aging-in-place and who went through considerable hardship to legalize their spaces and buildings under the current zoning laws. In addition, the conversion fee does not mitigate any adverse impact from the Mayor's Plan in Soho, NoHo, or Chinatown, especially the elimination of art manufacturing spaces.¹⁶ Meanwhile, the Mayor's Plan would newly

allow as-of-right ground floor retail, department store, dormitory, and other uses, and significant increases to commercial FAR, at no cost to commercial building owners. Moreover, the Mayor's Plan fails to make a distinction between those property owners who legally conform to the current zoning requirements and those who do not, which results in an excessive punitive conversion fee for those who have gone to great lengths to both convert and legally occupy Use Group 17-D spaces.

- g. **Cost for Building Code Consequences.** The Mayor's Plan neither adequately considers nor did DCP adequately explore the complexity and impact of converting Manufacturing Use Group 17-D JLWQA units to Residential Use Group 2 units including the myriad changes required by the city's building code compliance during conversion from a manufacturing to a residential use and the associated costs to the "pathway to legalization" including architects, engineers, lawyers and tradespeople to do the necessary work to be code-compliant.
- h. **Displacement of Rent-Protected JLWQA Tenants.** The Mayor's Plan fails to adequately address harm that could occur to current rent regulated tenants residing in rent-stabilized loft law/former Interim Multiple Dwelling (IMD) JLWQA units or those currently protected by the loft law; DCP has acknowledged that they are not experts on loft law units¹⁷ and have not initiated any conversations with our local state elected officials on the impacts on these tenants.
- i. **Adverse Impacts on Individual Owners.** The Mayor's Plan fails to adequately address co-ops or condos and the likelihood that these boards could impose conversions from Use Group 17D to Use Group 2 for all existing JLWQA units throughout their building. As a result, individual shareholders or owners could face elimination of allowable arts uses and significant financial hardship, up to and including loss of their unit.
- j. **Ill-Conceived Arts Fund.** The creation of an Arts Fund is ill conceived because it fails to acknowledge or memorialize the contributions of artists to adapting, reusing and rebuilding SoHo and NoHo and instead would simply create a non-city source for arts funding to distribute beyond the SoHo, NoHo and Chinatown proposed rezoning area which would not reflect the loss of spaces for the creation of art in SoHo and NoHo. In 1973, the Landmarks Preservation Commission (LPC) stated that "the [SoHo-Cast Iron Historic] district demonstrates one way in which the core of an old city can be given new life without the destruction of its cultural heritage."¹⁸
- k. CB2 supports the continued evolution of JLWQA, not its replacement with Residential Use Group 2¹⁹, updating and reviewing the definition of "Artist" as defined by the state and administered by the Department of Cultural Affairs (DCLA), such as the inclusion of Maker and other living-work uses.²⁰
- l. Given the complex interplay between the city's zoning text and Article 7-B in the state's Multiple Dwelling Law, CB2 supports working in tandem with local state elected officials *before* proposing changes to JLWQA. To date, DCP has not done this.

4. **Massive Increases in Allowable Square Footage will Erase the "Historic" of the Once-Historic Districts and fundamentally transform SoHo, NoHo and Chinatown.**

- a. CB2 opposes the proposed increase in allowable Floor Area Ratio (FAR) – from the current level of 5 to levels up to 12, the maximum FAR allowed under New York State law. This FAR increase incentivizes the demolition of existing buildings in the six

historic districts²¹ that give these neighborhoods their defining character and that comprise over 80%²² of the rezoning area, in Chinatown and the adjacent neighborhoods. This increased development pressure as a result of the rezoning will lead to residential and commercial displacement, and loss of significant historic and cultural assets in some of the already most economically challenged parts of the district.

- b. The proposed increase in FAR also will permit (i) vertical expansion of buildings in historic districts, putting great pressure on the LPC to approve such highly visible enlargements because the zoning allows it; (ii) construction of new towers that will destroy the best features of the existing historic neighborhood context such as the predominant street wall, mass and scale of the buildings; and (iii) pairing with “bonus” packages such as [Elevate Transit: Zoning for Accessibility](#) that will increase the size of buildings an additional 20%.
 - c. All members of the [Envision SoHo/NoHo](#) Advisory Group agreed that the historic character of the SoHo and NoHo Historic Districts should be preserved. The Group understood that historic cast-iron buildings and the legacy of an artists’ community are what draws people to this neighborhood, and fuels an economic engine of residents, workers and visitors. DCP did not consider this unanimous consensus of its own Advisory Group during the rushed, irresponsible formulation of the Mayor’s Plan.
 - d. **LPC Discretion.** While such increased allowances are still at the discretion of the LPC, this increase in the zoning would send a signal to the LPC that much larger development should be approved, and give developers a greater incentive to seek permission to demolish. In fact, the Mayor’s Plan anticipates the demolition of 73 historic architectural resources in historic districts.²³
 - e. **LPC Not Consulted.** DCP has stated that they would rely on LPC review to protect the historic districts located within the Plan Area. However, despite bringing in many city agencies throughout the [Envision SoHo/NoHo](#) Neighborhood Plan processes, DCP has never included the LPC as part of that public engagement.
 - f. **Adverse Impact on Displacement.** There is also significant risk of “eviction through construction” for rent regulated and loft law tenants because of proposed as-of-right allowances for additions to buildings that are occupied.
 - g. **Adverse Impact on State/National Register (S/NR) of Historic Places.** The rezoning also will impact buildings in the S/NR of Historic Places including the portions of the SoHo Historic District, Bowery Historic District, and Chinatown and Little Italy Historic District that are outside of the impacted NYC-designated landmarked districts, the SoHo-Cast Iron Historic District and Extension, NoHo Historic District and Extension, NoHo East Historic District, and parts of the Sullivan-Thompson Historic District.
 - h. **Development Rights.** CB2 opposes the transfer of development rights beyond currently permitted contiguous lots and any future proposal must maintain the contextual 85 ft. street wall height.
5. **The Mayor’s Plan offers no mitigation measures for the significant adverse impacts on open space, shadows, historic and cultural resources, transportation and construction.**

- a. CB2 cannot accept the DCP’s plan to mitigate¹ the adverse impact on open space by creating “additional passive open space” even though 70% of the study area population will use active open space and the study area is better served by passive open space.²⁴
- b. The DEIS acknowledges flooding in the southwest corner of the rezoning area but fails to offer a plan to address sustainability, resilience and climate change²⁵.

6. Other Concerns.

- a. **Virtually Unchanged Plan Ignores Input.** The Mayor's Plan remains virtually unchanged from the Draft Scope of Work (DSOW), ignoring CB2’s, Elected Officials and the community’s constructive well-considered suggestions and criticisms – including details from CB2’s 40-page, 16,000-word [December 2020 resolution](#) in response to the DSOW and many responses²⁶ from stakeholders, residents and others.
- b. **No Chinatown Outreach.** The city has failed to reach out to the many residents who will be displaced and have been left in the dark by the mayor and DCP. The city continues to marginalize the residents of Chinatown by utterly failing to directly outreach to residents of Chinatown even though 43% of the new housing development is projected in Chinatown. For example, the City only hosted one meeting on April 30, 2019 for the Chinatown community and only one person attended. More recently, on July 15, 2021, a member of a family with significant property holdings in Chinatown and multiple contiguous in the SoHo East designated opportunity zone was quoted in a major local Chinese Daily newspaper *Sing Tao Daily* stating that they only recently became aware of the proposed rezoning.
- c. **Failure to Share Financial Analyses.** DCP has refused to share any of the financial analyses that CB2 has repeatedly requested in response to the DSOW and the FSOW, without which it is impossible to understand the rationale of the Mayor's Plan.
- d. **Insufficient Review Time.** CB2 was not granted sufficient time to review the Mayor’s Plan²⁷ as provided for in the 2019 Charter Revision changes overwhelmingly supported by New York City voters.
- e. **Plan Underestimates Development and Mitigation.** The Mayor's Plan, with only 26 Projected Sites, underestimates the actual development that will occur and thereby underestimates required mitigations, which is supported by studies of recent City rezonings.²⁸ The DEIS ignores 58 Potential Sites because the Mayor’s Plan randomly assumes they will be developed in years 11 to 20.

Therefore, be it resolved that Manhattan Community Board 2:

- 1. **Rejects the Mayor’s Plan because it fails to meet its stated goals** – to create affordable housing, allow a wider range of commercial and residential uses, and support the creative community. Instead:
 - a. **It fails to achieve its affordable housing objectives and fails to protect against displacement of low-income tenants**, particularly Chinatown residents, seniors aging-in-place and tenants who are rent-stabilized, rent controlled or currently only protected under New York State Loft Law. Instead, the Mayor’s Plan must provide significantly

more affordable housing through direct city investment in 100% affordable housing construction, adaptive reuse of existing buildings, and revise requirements that mandate far greater numbers of affordable housing units with lower median incomes than currently under the city's MIH program;

- b. **It fails to strengthen the unique mixed-use neighborhood, incentivizing commercial development and large retail at the expense of small businesses.** Eliminating retail caps threatens small businesses and removing eating and drinking caps eliminates the community's voice on uses that may be incompatible with residential neighborhoods. These changes will negatively impact the expanding residential community;
 - c. **It fails to secure the future or consider expansion of the highly successful JLWQA use** and instead (i) proposes the eventual elimination through an ill-conceived "mechanism" identified as an arts fund with no meaningful details, (ii) charges a punitive tax on current residents, many of whom are legally conforming seniors aging-in-place and (iii) imposes costly code compliance requirements as a result of the change from manufacturing to residential use that DCP has not even considered;
 - d. **It fails to protect the six historic districts** and buildings in the adjacent areas and in fact encourages unprecedented encroachment of massive commercial development within them;
 - e. **It utterly failed to directly reach out to residents of Chinatown** and include their input even though 43% of the new housing development is projected in Chinatown. It failed to engage with the community as promised throughout the [*Envision SoHo/NoHo*](#) process, including residents, other stakeholders, our state elected officials, the Manhattan Borough President, our local city council members and city council land use staff in the formation of the City's Plan;
 - f. **It fails to mitigate the impact of the Mayor's Plan** on active open space, shadows, historic and cultural resources, transportation and construction; and,
 - g. **It fails to modernize and preserve** the governing framework for SoHo and NoHo, to expand on the clear success achieved and does not evolve the zoning to meet the city's objectives.
2. Joins with tenant groups, preservationists and many highly respected organizations in SoHo, NoHo and Chinatown and across the city (see Appendix A) in opposing the Mayor's Plan that clearly financially benefits property owners and does not take into account the negative long-term effects.
 3. Urges the city to resume its planning process under an administration that will work in good faith to balance the goals of those advocating for affordable housing and historic preservation, since it is possible to do both, by specifically addressing the plan's failures detailed above.
 4. Implores our elected officials to do what DCP has refused to do – LISTEN TO THE COMMUNITY!

Vote: Passed with 36 Board members in favor (S. Aaron, W. Benesh, K. Berger, C. Booth, A. Brandt, R. Caccappolo, C. Dawson, V. De La Rosa, R. Ely, M. Fitzgerald, J. Gallagher, S. Gammie, D. Gruber, W. Kawadler, S. Kent, J. Kiely, I. Kwan Arce, P. Laraia, M. Levine, J. Liff,

M. Metzger, D. Miller, B. Pape, D. Raftery, B. Riccobono, R. Rothstein, S. Russo, R. Sanz, S. Sartiano, S. Secunda, G. Silvera Seamans, C. Spence, S. Wittenberg, A. Wong, E. Yoo, A. Zeldin) and one opposed (C. Dignes)

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

Sincerely,



Jeannine Kiely, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Community Board #2, Manhattan
SoHo/NoHo Working Group

JK/jt

c: Hon. Jerrold Nadler, U.S. Representative
Hon. Carolyn Maloney, U.S. Representative
Hon. Nydia Velazquez U.S. Representative
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah Glick, Assembly Member
Hon. Yuh-Line Niou, Assembly Member
Hon. Bill de Blasio, Mayor
Hon. Vicki Been, Deputy Mayor
Hon. Jumaane Williams, Public Advocate
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
Edith Hsu-Chen, Manhattan Director, Dept. of City Planning
Sylvia Li, Dept. of City Planning
Andy Cantu, Dept. of City Planning

Appendix A

Letters and Statements from Affordable Housing and Tenant Groups, Neighborhood and Preservation Organizations Against the Mayor's Plan

Joint Letters and Statements

- (a) [May 2021 Joint Letter](#) to Borough President Brewer, Councilmembers Chin and Rivera, and Speaker Johnson
- (b) [June 2021 Press Release](#), *Affordable Housing and Tenant Groups, SoHo, NoHo, and Chinatown Neighborhood Organizations, and Artists and Historic Preservationists Slam de Blasio SoHo/NoHo Upzoning Plan, Urge "NO" Vote*

Affordable Housing and Tenant Groups

- 1. [Chinatown Working Group](#) ^{(a), (b)}
- 2. [Cooper Square Committee](#) ^(b) ([view letter](#))
- 3. [Met Council on Housing](#) ^(b)
- 4. [New York City Loft Tenants](#) ^(a)
- 5. [Tenants PAC](#) (a statewide housing and tenant group) ^(b)

Historic and Environmental Preservation Organizations

- 6. [Friends of the Upper East Side Historic Districts](#) ([December 2020 letter](#))
- 7. [Historic Districts Council](#) ^(b) ([June 2021 statement](#))
- 8. [Landmark West!](#) ([December 2020 letter](#))
- 9. [Municipal Arts Society](#) ([December 2020 testimony](#)) ([April 2021 statement](#)) ([July 2021 letter](#)) (*Comparison Sliders: Potential & Projected Development from SoHo/NoHo Neighborhood Plan*)
- 10. [National Trust for Historic Preservation](#) ([March 2021 letter](#))
- 11. [New York Landmarks Conservancy](#) ([Upzoning Overkill](#)) (*The Times Story on SoHo / NoHo has Flawed Assumptions*) ([July 2021 letter](#))
- 12. [Preservation League of NYS](#) ^(b) ([March 2021 letter](#))
- 13. [The Victorian Society New York](#) ([letter](#))
- 14. [Village Preservation](#) ([December 2020 letter](#)) (December 2020, [Community Alternative Zoning Plan](#). March 2021, [Upzoning SoHo and NoHo: Why the City's Rezoning Plan Will Decrease Socio-Economic Diversity and Reduce Net Affordable Housing](#). May 2021, [The Many Ways de Blasio's SoHo/NoHo Plan Encourages Developers to Build Without ANY Affordable Housing...](#)) ^{(a), (b)}
- 15. The Sierra Club ([July 2021 statement](#))

Neighborhood Organizations

- 15. Alexandr Neratoff, Architect (Envision SoHo/NoHo Advisory Group) ([July 2021 letter](#))
- 16. [Bowery Alliance of Neighbors](#) ^(a)
- 17. Bowery Block Association
- 18. Broadway Residents Coalition ^{(a), (b)}
- 19. [Downtown Independent Democrats](#) ([December 2020 letter](#)) ^(a)
- 20. [East Village Community Coalition](#) ^(a)
- 21. [Human-Scale NYC](#) ^(a)
- 22. [Lower East Side Preservation Initiative](#) ^(a)
- 23. [NoHo-Bowery Stakeholders](#) (June 2021, [A Better Zoning Plan for SoHo and NoHo](#))

Appendix A cont'd.

24. [NoHo Neighborhood Association](#) ^(a)
25. [SoHo Alliance](#) ^{(a), (b)}
26. [SoHo Design District](#) ^(a)
27. [South Village Neighbors](#) ^(a)
28. [Tribeca Trust](#) ^(a)

Endnotes

1. DEIS, [Chapter 21, Mitigation](#), page 21-1.
2. PS 130 on Baxter Street continues to serve on average 4,500 to 6,000 free meals every day.
3. The U.S. Department of Housing and Urban Development defines [Area Median Income](#) (AMI) each year. The 2021 AMI for the New York City region for a three-person family is \$107,000 at 100% AMI, \$42,960 at 40% AMI, \$64,440 at 60% AMI, \$85,920 at 80% AMI, and \$139,620 at 130% AMI.
4. Commercial development in the proposed M1-6/R10 areas where commercial space can be built to 10 FAR without any MIH penalty vs. 12 FAR for residential use with MIH. As we see in Hudson Square, developers are opting to build office space and forego residential development at a FAR of 9 or with inclusionary housing with a 3 FAR bonus. For example, Hudson Square Properties is breaking ground on a 270,000 sq. ft. speculative office development. On July 21, 2021, [Hudson Square Properties—a consortium of Trinity Wall Street, Hines, and Norges Bank—will break ground](#) on a speculative office development at 555 Greenwich Street.
5. See “non-residential floor area retention”, DEIS, [Chapter 2, Land Use, Zoning and Public Policy](#), page 2-42 and [City Planning Commission Review Session](#), slide 72.
6. Village Preservation identified [635 units in 105 buildings](#). DCP identified [185 rent regulated buildings](#) but did not identify the number of units.
7. Anti-displacement provisions should a) not permit upzoning of any site that has rent regulated or loft law units because this will create financial incentives for demolition, b) eliminate sites where additional FAR can only be used to add vertical enlargements because this will result in penthouse additions and no affordable housing and c) include [Certification of No Harassment](#) provisions before applying for a permit for a change in use or demolition as supported by the [Chinatown Working Group](#), Pratt Center for Community Development. [Preserving Affordability & Authenticity: Recommendations to the Chinatown Working Group](#), December 2013, page 79. Reliance on legal remedies to cure displacement by construction, neglect or harassment requires tenants to take often-unavailable time to find and consult with attorneys, take off from work to provide testimony and attend related appointments and can take months to years to work its way through the courts, all while the tenants and their families experience dangerous, sometimes barely livable conditions.
8. “The representatives have argued that existing oversized retail along Broadway, which have been cited with violations for illegal conversion from manufacturing space by the Department of Buildings as recently as April 10, 2017 make this proposal within the character of the neighborhood. Illegal uses and/or establishments as the rationale for a land use decision is illogical.” Borough President’s Comments, Recommendation on ULURP Application C 170192 ZSM – 462 Broadway By 462BDWY LAND, L.P., May 22, 2017.
9. “The SoHo community is under daily siege by illegal large-scale retail. This agreement at 462 Broadway to approve retail use below the second floor, but only for stores with less than 10,000 square feet of selling space including the cellar, includes tough new quality of life restrictions to address persistent issues like overnight deliveries, trash, illumination, and sidewalk-jamming pop-up events. Most importantly, it creates a desperately needed new paradigm in this iconic neighborhood.” Press Release - CM Chin, Community Board 2 & SoHo Residents Win Agreement Blocking Illegal Big-Box Retail at 462 Broadway, August 21, 2017.
10. [REBNY Retail Reports](#), 2000 – 2021. [Soho’s Prince Building Tumbles \\$130M After Artists & Fleas Flees](#) (Commercial Observer, June 3, 2019.) [Transfers: \\$12.8M Thor Equities SoHo Foreclosure](#) (PincusCo, May 4, 2021.)
11. The Cable Building, located at 611 Broadway in the NoHo Historic District, includes loading berths on Mercer Street. In addition, the new building at 300 Lafayette at East Houston in SoHo was built with required an off-street loading berth, in conjunction with use group10 retail space within that development.
12. [City Planning Commission Resolution, January 23, 2013](#), pages 31-32.
13. Residential use will increase from the current 40% of sq. ft., [Envision SoHo NoHo: A Summary of Findings and Recommendations](#), November 2019, page 32.

Endnotes cont'd.

14. M1-5A and M1-5B districts are distinct from other manufacturing districts as they provide for Joint Living-Work Quarters for Artists (JLWQA), which is a use group that allows for the residential occupation and use of manufacturing buildings for manufacturing art by [Certified Artists](#) as defined by the Department of Cultural Affairs.
15. [Envision SoHo NoHo](#), pages 58 and 63.
16. Other ULURPs have created funds to mitigate adverse impacts.
 - Ex. #1 To mitigate the adverse impact on open space, the nearby 2013 Special Hudson Square District created an *Active Open Space Fund Of* only \$5 per sq. ft. for new, converted or expanded residential development and allowed these funds to be spent in Hudson Square in consultation with the local community board and councilmember as detailed in the [March 20, 2013 Restrictive Declaration](#), Section 3, Active Open Space, pages 8-9.
 - Ex. #2 To [mitigate](#) the adverse impacts on open space, shadows and transportation, the March 2017 Greater East Midtown Rezoning created a [Public Realm Improvement Fund \(PRIF\)](#). The [rezoning increased FAR by 3, ranging from 21 to 30 FAR and allowed the transfer of development rights](#) throughout the entire district, creating significant value, particularly for landmarked sites. In return, 20% of the sale of development rights fund the PRIF, at an estimated cost of [\\$61 per sq. ft.](#)
17. "I don't pretend to be a loft law expert." DCP at CB2's SoHo NoHo Working Group Meeting, July 8, 2021, [Livestream](#), 58:07.
18. Ranzal, Edward. New York Times. "[SoHo Made A Historic District](#)." August 17, 1973, page 35.
19. "The continued use of special permits to eliminate JLWQA in favor of residential use will have an adverse effect on the conforming uses in the surrounding area as there will be a systematic reduction in affordable artist housing in SoHo.", "If JLWQA is to be phased out in the neighborhood, then alternative programs for artist housing should be discussed", Borough President's Comments - Recommendation on ULURP Application No. C 130066 ZSM – 498 Broome Street By Goose Mountain NYC, LLC, December 22, 2014.
20. Testimony by Alexandr Neratoff, Architect, on the SoHo NoHo Rezoning, June 2021. He also participated on the [Envision SoHo/NoHo](#) Advisory Group, representing the NYC Loft Tenants Association.
21. The six historic districts are the 1) [SoHo–Cast Iron Historic District](#) was designated by the Landmarks Preservation Commission (LPC) in 1973 consists of 26 blocks, contains approximately 500 individual buildings, 2) [SoHo–Cast Iron Historic District Extension](#), designated by LPC in 2010, consists of approximately 135 properties, 3) [NoHo Historic District](#), designated by LPC in 1999, comprises approximately 125 buildings and 4) [NoHo Historic District Extension](#) designated by LPC in 2008, consists of 56 buildings, 5) [NoHo East Historic District](#), designated by LPC in 2003, consists of 42 buildings, and 6) a small part of the Project Area is within the [Sullivan-Thompson Historic District](#), designated by LPC in 2016. DEIS, [Chapter 7, Historic and Cultural Resources](#).
22. DEIS, [Executive Summary](#), page S-6.
23. DEIS, [Chapter 7, Historic and Cultural Resources](#), page 7-3.
24. DEIS, [Chapter 5, Open Space](#), page 5-22.
25. DEIS, [Appendix B, Known Developments and Waterfront Revitalization Programs](#).
26. Experts and community stakeholders submitted 145 written comments to DCP on the Draft Scope of Work included in the Final Scope of Work including [Joint Testimony](#) from the Office of Council Member Margaret S. Chin and the Office of the Manhattan Borough President Gale A. Brewer.
27. In letters to DCP from CB2 on April 27, 2021, and again on April 30, 2021, CB2 raised issues with DCP and stated that CB2 did not believe DCP was in compliance with the 2019 amendments to Uniform Land Use Review Procedure (ULURP) provisions under the City Charter, Section 197-c, paragraph c, and asked for clarification. DCP responded to the first letter but failed to address issues with compliance raised in the second letter, including information from the 2019 Charter Revision Commission. The Manhattan Borough President's Office followed up with DCP following an inquiry from CB2 requesting a response, but no written response was ever provided. On June 23rd, 2021, during a CB2 public meeting, DCP representatives were asked about the letter. They stated that they were aware of the letter but did not explain why no written response was provided. DCP's lack of sincere participation in the public process of the SoHo NoHo Neighborhood plan was noted in several public remarks made by Manhattan Borough President Brewer, Council Member Chin and Council Member Rivera. CB2's inquiries on DCP's compliance with the 2019 amendments to ULURP provisions under the City Charter, Section 197-c, paragraph c have not been resolved with CB2 or adequately addressed by DCP, raising serious concerns regarding the ULURP process.
28. Municipal Arts Society, "[A Tale of Two Rezoning: Taking a Harder Look at CEQR](#). Vast Miscalculations of Potential Development Have Lasting Impacts on Rezoned Neighborhoods." November 8, 2018.