



61 E. 4th Street, New York, N.Y. 10003
tel: (212) 228-8210; fax: (646) 602-2260
email: csc@coopersquare.org
website: www.coopersquare.org

I'm Steve Herrick, Executive Director of the Cooper Square Committee. I'm here to ask that CB2 vote No on the ULURP application for SoHo and NoHo unless DCP does the following:

- 1) **Reduce the Increase in Bulk and Density:** The proposed increase in allowable Floor Area Ratio from 5.0 throughout SoHo/NoHo to as much as 9.7 and 12.0 FAR in most of the area will add far too much density, and much of it will be luxury development. CSC proposes the following revisions:
 - a) Change the R10 zoning (12.0 residential FAR with MIH) in the housing opportunity zones to R9A (8.5 residential FAR with MIH). Also reduce the proposed M1-6 zoning to M1-5 in these zones. It undermines the City's goal of promoting affordable housing to increase the commercial FAR in the housing opportunity zones. Allowing 285 foot tall buildings will be massively out of scale given that the typical building typology in these areas is 6 stories or less. Contextual zoning is very important, and the height limits should not exceed 175 feet.
 - b) Change the R9X zoning (9.7 residential FAR with MIH, with a 205 ft. height limit) to R8A (7.2 residential FAR with MIH with a 145 ft. height limit).
 - c) Change the R7X zoning (6.0 residential FAR with MIH, and 145 ft. height limit) to R7D (5.4 residential FAR with MIH and 115 ft. height limit) in the SoHo residential core. There's very few housing opportunities in this area and an upzoning will only encourage inappropriate building enlargements.

The zoning changes we recommend will still result in hundreds of affordable housing units in SoHo and NoHo, furthering DCP's goal of promoting equity, while promoting contextual zoning and preserving the historic districts.

- 2) **Minimize Building Enlargements in the Historic Districts:** While about half of the buildings in SoHo and NoHo could theoretically be enlarged under the current zoning, this has rarely happened. However, a large upzoning will create massive new development rights and encourage enlargements in the historic districts. DCP can prevent this by not allowing enlargements of buildings that exceed the 70% maximum lot coverage on interior lots. 97% of buildings in SoHo and NoHo exceed these maximum lot coverage requirements. The interior lot coverage requirements for the zoning districts we recommended above are 65% for R7D zones and 70% in R8A zones. Limiting enlargements to a very small percentage of buildings in SoHo and NoHo will protect the historic districts. In our proposed R9A zones, which are nearly all outside the historic district, we think this lot coverage requirement could be waived.

If DCP proceeds with the proposed MIH enlargements, DCP would be allowing building alterations to be non-compliant with the zoning district requirements. Also, roughly half of the lots in SoHo and NoHo are 3,000 sq. ft. or less, and allowing enlargements of 12,500 sq. ft.

with no on-site affordability requirement would allow these buildings to add 4 or more stories, and pay into the affordable housing fund, without any new affordable housing being built on site in SoHo and NoHo. DCP should not gift developers with additional development rights without ensuring that SoHo and NoHo receive the benefits of the zoning action.

- 3) **Include Anti-Harassment and Anti-Demolition Language in the Zoning Text:** DCP does not propose to include any language in the zoning text amendment to prohibit demolition of structurally sound rent regulated buildings as was done with the West Clinton rezoning among others. It does not include SoHo and NoHo in the certificate of no harassment program, which would require developers to sign affidavits that they have not harassed any tenants in the last 5 years. It does not disqualify property owners who harass tenants from demolishing their buildings and getting a permit to build a new one. Other rezonings such as in West Clinton, Hudson Yards and Williamsburg, Brooklyn and others have included some or all of these anti-harassment and anti-demolition provisions. DCP should follow well established precedent and apply these anti-harassment and anti-demolition provisions in the SoHo and NoHo rezoning. If these provisions are included, it will at least be possible to educate and organize tenants to enforce their right to stay in their homes, but the current plan provides them with little leverage to fight back against harassment and displacement pressures. These zoning text provisions are essential to prevent a net loss of affordable, rent regulated housing. Use of revenue from the flip tax should be used to fund tenant rights groups like CAAAV and AAFE to educate tenants living on soft sites about their rights, and fight back against harassment/displacement.
- 4) **Modify the Flip Tax and Maintain It In Perpetuity:** CSC applauds DCP's plan to apply a flip tax on conversion of JMWQA units to residential use. If SoHo and NoHo are to retain and expand their cultural character, this is a vital tool to actualize that goal. However, charging \$100 per sq. ft. flip tax on the sale of a unit may discourage owners from selling, resulting in long term rentals of condos and coops by their owners. DCP should reduce the flip tax to \$50 per sq. ft. upon sale to non-artists (with, of course, no flip tax on sales to "certified artists" *). However, after JMWQA units convert to residential the flip tax should remain in effect at \$15 per sq ft. for future owners so that it remains in effect in perpetuity. It may also encourage more future owners to sell to certified artists. * The definition of certified artists should be expanded by NY State, and NYC DCLA should work towards this goal.
- 5) **Remove the Restrictions on Ground Floor Retail:** CSC supports DCP's stated goal of replacing manufacturing districts with mixed-use districts to reflect the built environment. CSC supports zoning that allows use group 6 on the ground floor throughout SoHo and NoHo (such as bakeries, barber shops, book stores, florists, nail salons, drug stores, dry cleaners, laundromats, food stores, eating or drinking establishments, stationary stores) on the ground floor throughout SoHo and NoHo. On wide streets in close proximity of mass transit where the predominant use has been commercial (ie commercial corridors such as Broadway, Lafayette and Canal), use group 10 (clothing stores, furniture stores, department stores) should be allowed on the 2nd floor and below. We believe that service and appointment based retail (spas, yoga studios, gyms, etc) should be allowed above the 2nd floor. Use Group 10 at other locations should be subject to special permits.

6) **Require a City Commitment to Finance Affordable Housing in SoHo and NoHo:**

Assuming the above changes are adopted by DCP, the City of New York should commit to meeting the stated goal of 800 low income units by using funds generated for the housing opportunity fund to acquire and subsidize development of 100% affordable housing on some sites in SoHo and NoHo. For example, the City could acquire a few soft sites outside the historic districts and place them into a land bank (City Council legislation to create a land bank has been introduced) for future demolition and redevelopment as 100% affordable housing. The City should also commit to acquisition and conversion of a couple of soft sites into open space (for example, community gardens) given the scarcity of park spaces in SoHo and NoHo.