



August 30, 2021

Chair Marisa Lago and Members of the City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: SoHo/NoHo Rezoning Proposal

EXECUTIVE DIRECTOR

Andrew Berman

BOARD OF TRUSTEES

PRESIDENT

Trevor Stewart

VICE PRESIDENTS

Kyung Choi Bordes

Jessica Davis

SECRETARY / TREASURER

Allan G. Sperling

TRUSTEES

Mary Ann Arisman

Tom Birchard

Richard Blodgett

Blaine Birchby

David Hottenroth

Anita Isola

Jeanne Krier

John Lamb

Justine Leguizamo

Arthur Levin

Leslie Mason

Ruth McCoy

Katherine Schoonover

Marilyn Sobel

Judith Stonehill

Linda Yowell

F. Anthony Zunino

232 EAST 11TH STREET

NEW YORK NY 10003

212-475-9585

VILLAGEPRESERVATION.ORG

Dear Chair Lago and Commissioners:

I write to submit comments regarding the proposed SoHo/NoHo Upzoning. On behalf of Village Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo, and the largest neighborhood preservation organization in New York City, I strongly urge you to disapprove the application.

The proposed rezoning would have terrible consequences for not only SoHo and NoHo, but for Chinatown, parts of which are included in the rezoning, surrounding neighborhoods like the Lower East Side and East Village, and New York City as a whole.

We strongly object to the plan, because it would:

- Facilitate grossly out-of-scale new development in the area, including new ground-up construction and vertical enlargements.
- Encourage the demolition of historic buildings.
- Encourage and greatly increase the likelihood of the demolition and permanent loss of rent-regulated affordable housing, of which well over 635 units remain in the rezoning area, displacing its disproportionately lower-income, senior, Asian American, and artist residents.
- Provide huge financial incentives that don't currently exist for landlords to seek to remove tenants in rent regulated housing, likely resulting in increased harassment, intimidation, and other kinds of pressure exerted upon vulnerable tenants.
- Facilitate the proliferation of big box chain stores and eating and drinking establishments of unlimited size, making it

extremely difficult for smaller, independent businesses and arts- and design-related uses to compete and remain.

- Allow NYU and other private universities to vastly expand in the area, which they currently cannot do, in spite of promises when the City Planning Commission approved the NYU 2031 expansion plan that those approvals would constitute the limits of the university's expansion.
- Allow huge commercial developments such as large office buildings and hotels with no public benefits (such as affordable housing) whatsoever.
- Allow luxury market rate condos and rentals with no affordable housing whatsoever, so long as the residential uses are limited to under 25K sq. ft. per zoning lot.
- Make these neighborhoods considerably wealthier than they are now, with fewer lower income residents and more high income residents than they have now. Even in the unlikely case that new residential developments include 25-30% "affordable" housing, this housing would be too expensive for, and reserved for people of higher incomes, than the least well-off 25-30% of households currently in the neighborhood.

We also strongly object to the plan because it would NOT:

- Ensure that new development is in scale for the neighborhood, as the proposed increases in allowable size of new development—from 5 FAR to 6.5, 9.7, and 12 FAR—and the allowable heights of new development of 145, 205, and 275 feet, are dramatically greater than is typical for these neighborhoods (the proposed 12 FAR — the highest legally allowable density in New York State for residential development and 20% greater than allowed on Billionaire's Row in Midtown — is particularly egregious).
- Require or guarantee the creation of a single unit of affordable housing. In fact, the plan is structured with multiple loopholes and allowances for lucrative uses that are exempted from affordable housing requirements, and thus is likely to create little if any affordable housing.
- Make these neighborhoods more equitable, accessible, affordable, or diverse, even if new developments do include 25-30% affordable housing, since the market-rate residents of the 70-75% of those new developments would be considerably wealthier, and paying considerably higher housing costs, than the top 70-75% of income earners currently in the neighborhoods, and the 25-30% in the "affordable" housing would also earn more and pay more for their housing than the bottom 25-30% of income earners currently in the neighborhood.

- Help small businesses or the retail environment. By allowing retail and eating and drinking establishments of unlimited size, the plan will no doubt crowd out most other types of retail uses and encourage the proliferation of chain stores, which don't tend to foster healthy or stable retail environments.
- Reinforce or retain the artistic character of these neighborhoods. The proposed changes in ground floor uses, combined with the changes in allowances for residential uses, are likely to result in an accelerated reduction in the number of artists and arts related groups and businesses located here.

I am including with this submission links to several documents which elaborate upon and provide further information about our objections and the very serious flaws in the plan. This includes:

- Paper: [*The 25,000 Sq. Ft. Exemption: The "Mandatory Inclusionary Housing" Loophole Likely to Result in Little or No Affordable Housing in SoHo and NoHo*](#) (new)
- Paper: [*Mapping the Incentive to Demolish*](#) (new)
- Paper: [*Mapping the Disproportionate Impact of the SoHo/NoHo Rezoning Plan on Asian Americans*](#) (new)
- Paper: [*Demographic Disguise: Hiding Low-Income Residents and the True Impact of the City's Plan*](#) (new)
- Paper: [*Utterly Out of Proportion: The Very Un-Contextual Development the SoHo/NoHo Rezoning Is Designed to Create*](#) (new)
- Our report [*The Many Ways de Blasio's SoHo/NoHo Plan Encourages Developers to Build Without ANY Affordable Housing*](#) (previously submitted)
- Our report [*Upzoning SoHo and NoHo: Why The City's Rezoning Plan Will Decrease Socio-Economic Diversity and Reduce Net Affordable Housing*](#) (previously submitted)
- [*Community Alternative Zoning Plan for SoHo/NoHo*](#) (previously submitted)

I must note that while the proposed plan is, at best, horribly misguided, we would be open to and support changes in the current zoning in certain areas through a new process. This includes:

- Allowing a broader range of as-of-right retail uses, especially local retail and arts-related uses, with a 10,000 sq. ft. limit.
- Developing some mechanism for allowing current residential uses for non-certified artists to be made legal.

- Allowing a broader range of community facility uses, such as those connected to the arts, affordable housing, non-profit groups, and services for seniors, but not for private universities.
- Allowing as-of-right residential development and conversions with real affordable housing requirements at or near the current maximum allowable FAR of 5. However:
 - For those affordable housing requirements to be effective in a strong market like SoHo/NoHo, the allowance for paying into a “fund” instead of providing affordable housing for developments with less than 25K sq. ft. residential space must be eliminated, as must allowances for other lucrative competing uses at similar FARs.
 - Three units of unneeded super-luxury housing is too high a price to pay for every unit of affordable housing, as the City’s program currently requires, and we would therefore strongly suggest a program which allows for deeper and more broadly affordable housing to be created, including with subsidies and direct funding, so that the creation of such housing is not dependent upon the market or profit-driven luxury residential real estate developers.
 - Given the city’s desire to continue to allow new commercial development here, we would therefore suggest dividing the area into sections where residential development is encouraged, with low allowable commercial FAR or commercial overlays that would not compete with the incentives for producing housing, and those where commercial development is encouraged, where the full current allowable commercial FAR is retained. Exceptions of course could be made for commercial developments within the residential zone and residential developments within the commercial zones via special permit.
 - Upzonings are not necessary to achieve the goal of housing creation or affordable housing creation, and will only result in out-of-scale new development. Creating significant differentials in FAR between the existing built form and allowable new development — which would result in significant incentives for demolition or vertical enlargements — should be especially off limits on sites that contain rent regulated affordable housing or historic buildings for which there is a public interest in preserving. Development should be encouraged on the site of parking and vacant lots and smaller underutilized (1-3 story) commercial buildings without significant residential populations.

While a new and truly open and collaborative process to examine ways in which the zoning for this area could be improved for current and future residents and businesses would be welcome, the current process and plan should be roundly rejected. Many of the key decision-makers, including the Mayor, will be out of office as soon as the plan is adopted, and thus will not have to bear responsibility for whether or not its impacts and results match what was predicted and promised. Decision-makers responsible for such a consequential plan should know that they can and will be held responsible for their decisions and the veracity of their claims while they remain in office, rather than be allowed to implement such huge and consequential changes as they have one foot out the door. Decisions here should be left to incoming elected officials who will have to bear responsibility for the results, which will help ensure a better outcome.

I would be remiss not to also note the absolutely appalling manner in which this process has been undertaken. Neighborhood residents entered the process with suspicions and misgivings based upon prior experiences; this process has only multiplied and deepened those feelings of mistrust and ill will towards those responsible. Stakeholders (including this organization) were excluded from the process. Feedback from members of the Advisory Board and public that didn't fit the clearly pre-ordained objectives of those in charge was ignored or maligned, the motives of those who shared them impugned, and their character attacked. Participants were lied to about the clear agenda and predetermined outcome of the process.

Inaccurate, incomplete, and/or misleading information was provided about key elements of the plan, such as numbers of JMWQA residents and numbers and locations of rent regulated housing units. Accurate and complete demographic and socioeconomic information about those within the rezoning area and in the impacted periphery were withheld. Critical impacted communities such as Chinatown were excluded from the process. Clear likely impacts of the plan upon rent regulated housing, lower income tenants, seniors, and Asian Americans were ignored, dismissed, and discounted.

In spite of this, Community Board 2, the first stop in the ULURP process, did a great job of analyzing, responding to, rebutting and refuting the plan. Major housing and tenant, environmental, neighborhood, and preservation organizations have opposed it as well. The only correct thing for the City Planning Commission to do is to similarly reject this plan in its entirety.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Berman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Berman
Executive Director

Cc: Mayor de Blasio

Public Advocate Jumaane Williams
Brooklyn Borough President Eric Adams
Manhattan Borough President Gale Brewer
Congressmember Jerrold Nadler
Congressmember Carolyn Maloney
State Senator Brian Kavanaugh
State Senator Brad Hoylman
Assemblymember Deborah Glick
Assemblymember Yuh-Line Niou
City Council Speaker Corey Johnson
City Council Land Use Committee Chair Rafael Salamanca, Jr.
City Council Zoning Subcommittee Chair Francisco Moya
City Councilmember Margaret Chin
City Councilmember Carlina Rivera
City Councilmember Mark Levine
Community Board 2, Manhattan