



**Testimony of Congressman Jerrold Nadler and State Senator Brad Hoylman
Regarding the SoHo/NoHo Neighborhood Plan
Project Number 2018M0375
September 2, 2021**

We thank the City Planning Commission for the opportunity to testify on the SoHo/NoHo Neighborhood Plan proposal. SoHo and NoHo were not always as we know them today – they were once dying areas, struggling to maintain their former industrial identities. New York City and State helped legalize the burgeoning communities transforming former manufacturing buildings into lofts and artist housing, allowing for the neighborhoods to build the cultural cachet that has led them to become internationally renowned. Today, SoHo and NoHo are vital parts of the city – and major economic engines – that reflect the evolving nature of our neighborhoods and communities, and the ingenuity of New Yorkers to adapt and reuse our built environment.

Residential Units & Affordable Housing

This proposal has been promoted as a way to bring affordable housing to SoHo & NoHo through the Mandatory Inclusionary Housing program. We support allowing additional residential uses for buildings and lots where it is currently prohibited. However, we are concerned that as put forward, the proposal largely relies on demolition and replacement of buildings with rent regulated residents to generate additional housing.

In particular, we are concerned that families living in Joint Live-Work Quarters for Artists (JLWQA) units, and Loft-Law tenants, will lose their homes as a result of this proposal. Some have dismissed concerns regarding eviction and demolition by pointing to the landmark nature of the district, however not only is it not the job or role of the New York City Landmarks Preservation Commission to regulate interior uses – that would be the purview of DCP – it is also not within LPC's role to protect tenants. In fact, LPC regularly allows the façade of a building to be preserved, while the entire structure behind it is removed. In such an instance, the building has been preserved by LPC's standards, but demolished for the purposes of rent regulation and housing law. This disparity is all but certain to result in evictions of long-time residents.

Unfortunately, these evictions may not even generate a single unit of affordable housing. As Manhattan Community Board 2, Greenwich Village Society for Historic Preservation and others have pointed out in greater detail, on a majority of the lots the department projects housing, the current proposal allows for construction of mixed-used buildings that occupy the entire allowable FAR and, so long as the residential portion occupies less than 25,000 square feet, does not require any affordable housing. This loophole threatens to undermine much of the proposal's promise – but not guarantee – of the construction of additional affordable housing, and instead allows fully market rate buildings if they have mixed uses.

We are also concerned that even should some JLWQA residents remain, artists who may use loud or hazardous materials may be harassed from their homes as units around them convert to traditional residential housing. Further, we believe the proposal's Artist Fund to be extremely ill conceived. JLWQA units are a localized effort to support a concentrated artist community that

has been eroded by the city's own lack of enforcement. To compensate for the city's failure to maintain that effort in SoHo/NoHo, it is proposing and an expensive flip tax on JLWQA units, that can be spent nearly anywhere in lower Manhattan.

Historic Preservation

The broad upzoning of an established and well-functioning historic district may be without precedent in the city. The administration is shifting responsibility for housing preservation to historic preservation, while actively encouraging developers to evict rent regulated tenants. Tenants should not have to turn to LPC to attempt to prevent the demolition of their homes, and certainly not at the behest of DCP. We also believe the administration is increasingly inappropriately putting LPC in a policy making role, both with this proposal and at 250 Water Street, by forcing it to weigh issues such as housing priorities or non-profit support that are outside its purview of whether a property complies with historic preservation requirements.

We are also concerned that many of the buildings identified as soft sites for future construction are concentrated in the small portion of the proposal that forms the transition to Chinatown, designated the Soho East opportunity zone. Between this proposal, DCP's rejection of the Chinatown Working Group's report, Two Bridges and more, the agency continues a slow march of chipping away at the area.

Commercial Zoning, Special Permits

The original endeavor of the *Envision SoHo/NoHo* process, a public engagement initiative launched in 2019 by the Manhattan Borough President, the Council Member for City Council District 1, and DCP, was to address the complicated commercial zoning of this district. We support as-of-right ground floor retail under 10,000 square feet. We also oppose the allowance of dormitory or hotel uses as part of this plan, and believe they should be restricted and removed altogether.

Large scale retail above 10,000 square feet frequently generates conflicts and quality of life issues, from trash to noise to lines and deliveries. At the moment, the special permit process, onerous as it is, is the only pathway residents in a mixed-use district have to attempt to migrate those concerns. We are disappointed that the city did not take this opportunity to identify a new mechanism to address the persistent quality of life issues related to big box stores over 10,000 square feet, and urge the city to maintain the special permit for such large-scale retail until such a process can be created.

Any proposal should also include restrictions on high-impact uses above the second floor – including eating and drinking establishments – as recommended by both CB2 and the SoHo Broadway Initiative.

Conclusion

Taken in totality, we believe DPC has fallen short of its stated goals – originally to untangle the onerous commercial retail restrictions, now to create affordable housing. Despite many conversations and engagement, DPC has not identified effective solutions to the concerns of SoHo/NoHo. We remain hopeful the Commission is willing to admit this mistake, and that it

rushed a plan too quickly, and go back to complete the work of crafting a proposal that can generate broad agreement.

Should the Commission continue to pursue a proposal, the SoHo Broadway Initiative, charged by the city with maintaining and enhancing this special neighborhood, has proposed far more reasonable height, bulk and setback limits that the Commission should consider to better maintain the character of SoHo/NoHo.

Thank you for your consideration of our comments.