

Community Alternative Zoning Plan for SoHo/NoHo

December 2020



This plan represents and is supported by:

Bowery Alliance of Neighbors

Bowery Block Association

Broadway Residents Coalition

The Chinatown Working Group

East Village Community Coalition (EVCC)

Lower East Side Preservation Initiative (LESPI)

Lower Manhattan Loft Tenants

New York City Loft Tenants

NoHo Neighborhood Association

SoHo Alliance

SoHo Design District

South Village Neighbors

Tribeca Trust

Village Preservation (the Greenwich Village Society for Historic Preservation)

(list in formation)

An electronic version can be found at www.villagepreservation.org/sohonohoplan.

Introduction

The groups listed on this report, representing a broad cross-section of the SoHo/NoHo community and other interested communities that would be impacted by any rezoning of these neighborhoods, strongly oppose the City's current proposal. That plan includes a massive upzoning with allowances for oversized chain stores and eating and drinking establishments, but no guarantee affordable housing will be built. At the same time the current proposal offers no solutions to the known issues that impact existing residential occupancies, and displays a troubling indifference to the historic and creative character of these neighborhoods which have made them uniquely successful over the years.

We offer an alternative set of principles for guiding any rezoning of the neighborhood. These would enjoy broad community support, make for a more equitable neighborhood and allow for the creation of affordable housing, assist appropriately sized retail businesses, and maintain and nurture SoHo and NoHo's historic and creative character.

We also strongly believe that any rezoning process – especially one that would involve changes as dramatic as those proposed by the City -- should not take place until in-person public meetings and hearings can be held to review any plan, and full and complete analysis of its impacts can take place.

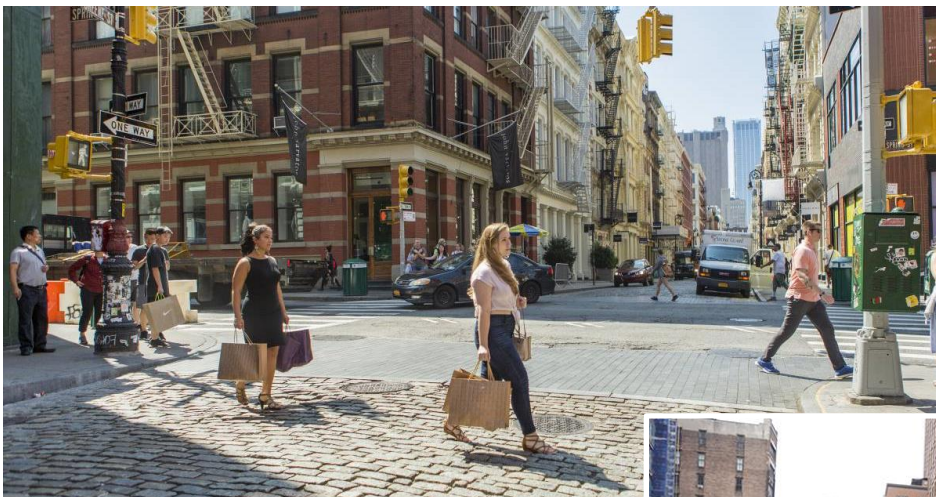


*Standing room only participants in SoHo/NoHo
“envisioning” meetings in 2019*



Summary: Community Alternative Rezoning Plan

- 1. Allow for As-of-Right Residential Development With Affordability Mandates, But With No Upzoning**
- 2. Expand Inclusion & Diversity through Deeper and Broader Affordability Requirements Than Currently Proposed By City**
- 3. Legalize and Protect Current Residential Occupancies, and Lower Conversion Restrictions to Allow for New Residential Opportunities, Including Affordable Housing, through Adaptive Re-Use**
- 4. Retain, Reinforce, and Perpetuate the Creative and Arts Character of SoHo and NoHo in New Developments, Conversions, and Street Level Spaces**
- 5. Permit Appropriately Scaled As-of-Right Retail Without Opening the Floodgates to Giant Big Box Chain Stores or Oversized Eating & Drinking Establishments**



Celebrants gather for unveiling of plaque marking the former home and studio of Jean-Michel Basquiat on Great Jones Street



1. Allow As-of-Right Residential Development With Affordability Mandates, But With No Upzoning

Allow for new as-of-right residential development, only with mandatory inclusion of affordable housing, at the same 5 FAR (floor area ratio) currently allowable for commercial/manufacturing development in SoHo and NoHo.

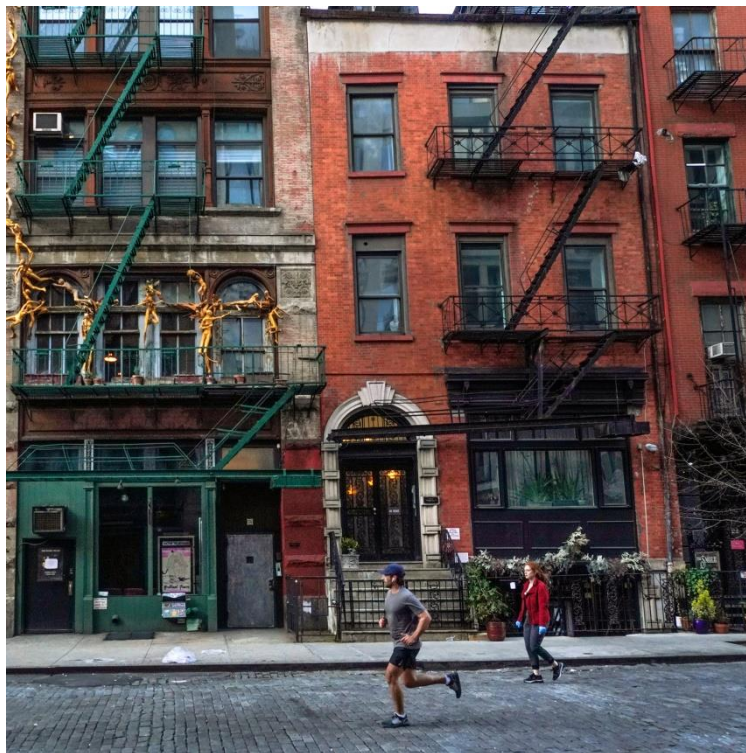
- Several cities throughout the country currently require inclusion of affordable units in new development without awarding an upzoning, and such laws have withstood legal challenges all the way to the Supreme Court.
- The city's Mandatory Inclusionary Housing policy allows affordable units to be required whenever the city approves a "significant" increase in allowable residential development. Currently as-of-right residential development is not allowed in SoHo and NoHo. Thus any rezoning to permit residential development at 5 FAR, as proposed here, can trigger Mandatory Inclusionary Housing requirements, though it would not raise the maximum allowable FAR above 5 FAR – the current allowance for commercial and manufacturing uses.
- Since the City's market-driven approach to affordable housing does not guarantee a single unit of affordable housing ever being built, subsidies should be provided to ensure the development of a wide range of affordable housing, and should be considered for developments with a higher percentage of affordable units.

A mandatory affordability requirement without an upzoning would enjoy broad support within the affected communities, as it is the upzoning, not the affordable housing, to which residents object.



2. Expand Inclusion and Diversity through Deeper and Broader Affordability Requirements Than Currently Proposed By City. We urge:

- A higher percentage of residential developments reserved for affordable housing than the roughly 20-30% of square footage currently proposed.
- Lower income levels for the required affordable housing than the up to 130% of AMI (area median income) currently proposed.
- Since the City's market-driven approach to affordable housing does not guarantee a single unit of affordable housing being built, subsidies should be provided to ensure the development of affordable housing, and should be considered for developments with a higher percentage of affordable housing.



The current city proposal will allow up to 4 units of as-of-right luxury housing to be created for every 1 unit of affordable housing, potentially flooding these neighborhoods with new luxury housing while creating a comparatively modest number of affordable units. The City's proposal would also allow households with incomes of up to approx. \$160,000 and rents of nearly \$3,500/mo. to qualify for "affordable housing."



3. Legalize Current Residential Occupancies, Broaden Opportunities for Residential Conversions, Including Affordable Housing, Through Adaptive Re-Use

- Allow legalization of current non-artist residential spaces, with a clear mechanism by which the pathway to legalization will take place. (The current city proposal offers no specifics.)
- Broaden the allowances for conversion of non-residential buildings to residential use as-of-right with the same mandatory inclusionary component.
- Explain and clarify any applicability of the MIH “Affordable Housing Fund” provision, including costs, and how, when, and where the funds have and will be invested.

The current DCP proposal has de-prioritized the needed solutions for current residents.



4. Retain, Reinforce, and Perpetuate the Creative Arts Character of SoHo and NoHo in New Developments, Conversions, and Street Level Spaces

- Loft Law and JLQWA protections which enable artists to work in their homes should not be diminished in any way, so artist residents can continue to work and produce art in their homes without harassment or pressure.
- A set aside for some percentage of the required affordable units in new residential developments should be considered for those in the creative arts and industries.
- Include dedicated arts-production space in new developments.
- Ensure provisions and protections for future residents who produce art and creative work within their homes. While non-Loft Law/JLQWA residences may be allowed as-of-right as part of residential developments with mandatory inclusionary housing, such creative work protections should also be made available to new and future units whenever applicable, for both affordable and market-rate units, so creative industry workers of various sorts and all income levels have the opportunity into the future for joint live/work space in the neighborhoods.



Without such measures, changes to the zoning that allow as-of-right non-JLQWA housing and non-arts related uses will not merely dilute the creative character of SoHo and NoHo, but add considerable pressure to push what remains of that creative component out of the neighborhood.



5. Allow Appropriately Scaled As-of-Right Retail Without Opening the Floodgates to Giant Big Box Chain Stores

- Allow Use Group 6 Retail of up to 10,000 square feet as-of-right.
- Allow Eating and Drinking establishments of up to 5,000 square feet as-of-right.
- Provide protections for arts-related and creative-industry ground floor spaces, such as showrooms and galleries, which may otherwise face increased financial pressures caused by a broad opening of zoning regulations to retail uses.
- We strongly urge the city to consider additional actions which would help and encourage existing and new small independent businesses, while discouraging the proliferation of chain stores, as other cities have done.

Neighborhood residents do not object to a reasonable loosening of ground floor retail regulations to allow retail uses which are compatible in size and character for the neighborhood. But an allowance for destination retail in excess of 10,000 square feet of selling space will only result in the dramatic proliferation of large chain stores and eating and drinking establishments that have already been shown to create conflicts in these mixed-use neighborhoods, and will likely have an even larger negative impact upon quality of life if those uses are expanded as-of-right.



Closing Statement

Any contemplated zoning changes for SoHo and NoHo should be PUT ON IMMEDIATE PAUSE.

The Department of City Planning (DCP), as a sponsor of the Envision SoHo/NoHo process, made a commitment to the community:

The Process Sponsors are committed to continuing community involvement and transparency, preceding any future implementation of recommendations.

We call on DCP to keep that commitment to the people of New York. The responsible action at this time is for DCP to PAUSE. Then consider this community alternative for the SoHo NoHo Mixed-Use Special District, which offers avenues for wider diversity, broader inclusion and contextual preservation. The alternatives laid out here will bring a more stable future for all the inter-related sectors of our mixed-use area, allow for the creation of affordable housing, and serve to build a strong foundation for the next 50 years of creative work that is at the heart of SoHo & NoHo.

At this extraordinary period of uncertainty in NYC, due to the current Covid-19 Health Emergency, the Department of City Planning has been unable to adequately conduct the necessary studies and analysis that will inform proposals for the future of these two unique neighborhoods. What DCP presents, in its rushed Draft Scope of Work, is a REVISION for SoHo and NoHo, reprioritizing some key principles while ignoring essential problems brought forward during the Envision SoHo/NoHo process. Instead of building upon those ideas, DCP has *drafted a plan that undermines the core concepts that built these two historic neighborhoods: Creativity, Preservation and Adaptive Re-Use.*

DCP runs the risk of undermining the unique qualities that have made SoHo & NoHo the model for planners around the world, and that serve as an economic engine for the City of New York.

