

This chapter summarizes and responds to substantive comments received during the public comment period for the Draft Environmental Impact Statement (DEIS), issued on May 17, 2021, for the SoHo/NoHo Neighborhood Plan.

The public scoping meeting on the DEIS was held on Thursday, September 2, 2021. The comment period remained open through Monday, September 13, 2021.

Section B lists the organizations and individuals that provided comments relevant to the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Commenters who expressed general support or general opposition but did not provide substantive comments on the DEIS are listed at the end of Section C. All received comments are included in Appendix I, “Public Comments on the DEIS.”

Where relevant, in response to comments on the DEIS, changes have been made and are shown with double underlines in the FEIS.

A. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS²

COMMUNITY BOARD

1. Jeannine Kiely, Chair, Community Board No. 2, Manhattan, letter dated July 27, 2021 (Kiely_CB2_001) and oral comments delivered September 2, 2021 (Kiely_CB2_155)

ELECTED OFFICIALS

2. Gale Brewer, Manhattan Borough President, oral comments delivered September 2, 2021 (Brewer_241)
3. Deborah Glick, New York State Assembly, letter dated September 2, 2021 (Glick_096) and oral comments delivered September 2, 2021 (Glick_149)
4. Brad Hoylman, New York State Senate, letter dated September 2, 2021 (Nadler et al_087)
5. Jerrold Nadler, United States Congress, letter dated September 2, 2021 (Nadler et al_087)

AGENCIES

6. Gregory Anderson, Chief of Staff and Deputy Commissioner, PEA, DSNY, oral comments, September 2, 2021 (Anderson_152)

¹ This chapter is new to the FEIS.

² Notes in parentheses refer to internal tracking numbers.

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7. Louise Carroll, Commissioner, New York City DHPD, oral comments delivered September 2, 2021 (Carroll_150)
8. Gonzalo Casals, Commissioner, DCA, oral comments delivered September 2, 2021 (Casals_151)
9. Jennifer Sta. Ines Manhattan Deputy Borough Commissioner NYC-DOT, oral comments delivered September 2, 2021 (Sta. Ines_153)

ORGANIZATIONS AND BUSINESSES

10. Mary Ann Arisman, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Arisman_179)
11. Elliott Barowitz, email dated August 29, 2021 (Barowitz_007)
12. Andrew Berman, Executive Director, Greenwich Village Society for Historic Preservation/Village Preservation, email dated August 31, 2021 (Berman_015) and letter dated September 14, 2021 (Berman_143)
13. Anthony Borelli, Edison Properties, email dated September 9, 2021 (Borelli_133)
14. George Calderaro, The Victorian Society of New York, letter dated September 15, 2021 (Calderaro_142)
15. Richard Corman, Downtown Independent Democrats, oral comments delivered September 2, 2021 (Corman_164) and letter dated September 13, 2021 (Corman_121)
16. Mark Dicus, Executive Director SoHo Broadway Initiative, oral comments delivered September 2, 2021 (Dicus_193) and oral comment notes received September 3, 2021 (Dicus_112)
17. Lynn Ellsworth, Humanscale NYC and Tribeca Trust, email dated September 1, 2021 (Ellsworth_038) and oral comments delivered September 2, 2021 (Ellsworth_226)
18. Hew Evans, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Evans_195)
19. Margaret Gardiner, Merchant's House Museum, email dated August 30, 2021 (Gardiner_012)
20. Moses Gates, Vice President, Regional Plan Association, oral comments delivered September 2, 2021 (Gates_183) and email dated September 9, 2021 (Gates_135)
21. Andrea Goldwyn, New York Landmarks Conservancy, email dated September 1, 2021 (Goldwyn_039) and oral comments delivered September 2, 2021 (Goldwyn_180)
22. Mitchell Grubler, Bowery Alliance of Neighborhoods, email dated August 29, 2021 (Grubler_009)
23. David Herman, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Herman_178)
24. Steven Herrick, Cooper Square Committee, email dated September 1, 2021 (Herrick_065)
25. Zella Jones, NoHo-Bowery Stakeholders, Inc., email dated August 31, 2021 (Jones_017) and oral comments delivered September 2, 2021 (Jones_168)
26. Kevin Jones, Summoners Ensemble Theatre, email dated September 2, 2021 (Jones_099)
27. Rainer Judd, President, Judd Foundation, email dated September 2, 2021 (Judd_081) and oral comments delivered September 2, 2021 (Judd_200)
28. Aaron Kahen, Fried Frank, oral comments delivered September 2, 2021 (Kahen_175)
29. Ariel Kates, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Kates_209)
30. Jessica Katz, Executive Director, Citizens Housing and Planning Council, oral comments delivered September 2, 2021 (Katz_239)
31. Jeffrey Kroessler, City Club of New York, email dated August 30, 2021 (Kroessler_011)

32. Anna Marcum, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Marcum_211)
33. Kate McClintock, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (McClintock_181)
34. Michael McKee, Tenants Political Action Committee, email dated September 2, 2021 (McKee_093) and oral comments delivered September 2, 2021 (McKee_210)
35. Ryan Monell, Real Estate Board of New York, email dated September 1, 2021 (Monell_050)
36. Richard Moses, President, Lower East Side Preservation Initiative, email dated August 31, 2021 (Moses_016) and oral comments delivered September 2, 2021 (Moses_206)
37. Sam Moskowitz, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Moskowitz_201)
38. David Mulkins, President, Bowery Alliance of Neighbors, email dated September 2, 2021 (Mulkins_078) and oral comments delivered September 2, 2021 (Mulkins_190)
39. Linda Pagan, President, SoHo Village, email dated September 2, 2021 (Pagan_091)
40. Cordelia Persen, NOHO NY BID, email dated September 2, 2021 (Persen_079) and oral comments delivered September 2, 2021 (Persen_163)
41. Sandy Reiburn, Preserve Our Brooklyn Neighborhoods, email dated August 29, 2021 (Reiburn_005)
42. Juan Rivero Village Preservation, oral comments delivered September 2, 2021 (Rivero_154)
43. Adam Roberts, American Institute of Architects New York, letter dated September 3, 2021 (Roberts_107)
44. Lena Rubin, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Rubin_214)
45. Dominic Sonkowsky, Community Affairs Liaison, Welcome to Chinatown, email dated September 1, 2021 (Sonkowsky_064)
46. Steven Soutendijk, Cushman Wakefield, email dated September 1, 2021 (Soutendijk_049)
47. Jeannine Standish, Bowery Alliance of Neighbors, email dated August 31, 2021 (Standish_014) and oral comments delivered September 2, 2021 (Standish_188)
48. Lannyl Stephens, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Stephens_172)
49. Trevor Stewart, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Stewart_170)
50. Judith Stonehill, Greenwich Village Society for Historic Preservation/Village Preservation, oral comments delivered September 2, 2021 (Stonehill_233)
51. Lora Tenenbaum, 423 Broome Street Corp., email dated August 31, 2021 (Tenenbaum_021) and oral comments delivered September 2, 2021 (Tenenbaum_173)
52. William Thomas, Executive Director, Open New York, oral comments delivered September 2, 2021 (Thomas_169)
53. Kathleen Wakeham, Metropolitan Council on Housing, email dated September 1, 2021 (Wakeham_045)
54. Spencer Williams, Municipal Art Society of New York, oral comments delivered September 2, 2021 (Williams_202)
55. Briar Winters, The Coalition to Protect Chinatown and the Lower East Side, email dated September 2, 2021 (Winters_090)

56. Seri Worden, National Trust for Historic Preservation, email dated September 1, 2021 (Worden_035)

GENERAL PUBLIC

57. Jocelyn Anker, oral comments delivered September 2, 2021 (Anker_217)
58. Erica Baum, email dated September 10, 2021 (Baum_128)
59. William Beekman, email dated September 1, 2021 (Beekman_042)
60. Leigh Behnke, oral comments delivered September 2, 2021 (Behnke_166) and letter dated September 3, 2021 (Behnke_111)
61. Carter Booth, oral comments delivered September 2, 2021 (Booth_219)
62. Paul Bowden, email dated September 2, 2021 (Bowden_102)
63. Anita Brandt, oral comments delivered September 2, 2021 (Brandt_174)
64. Adam Brodheim, oral comments delivered September 2, 2021 (Brodheim_187)
65. Eric Callender, email dated September 1, 2021 (Callender_058)
66. Vincent Cao, oral comments delivered September 2, 2021 (Cao_218)
67. Armando Castro, email dated September 8, 2021 (Castro_138)
68. Austin Celestin, oral comments delivered September 2, 2021 (Celestin_162)
69. Regina Cherry, email dated September 1, 2021 (Cherry_048)
70. Amy Chin, email dated September 2, 2021 (Chin_105)
71. Michelle Choi, email dated September 1, 2021 (Choi_055)
72. M Clayton, email dated August 31, 2021 (Clayton_023)
73. Andrea Messier Cuomo, email dated September 14, 2021 (Cuomo_144)
74. Peter Davies, oral comments delivered September 2, 2021 (Davies_158)
75. Valerie De La Rosa, oral comments delivered September 2, 2021 (De La Rosa_156)
76. Joseph DiMondi, email dated September 2, 2021 (DiMondi_083)
77. Henry Dombrowski, oral comments delivered September 2, 2021 (Dombrowski_232)
78. Fred Doner, email dated September 2, 2021 (Doner_100)
79. Helen Jean Arthur Dunn, email dated August 31, 2021 (Dunn_028)
80. Amy Durning, email dated September 2, 2021 (Durning_106)
81. Nancy English, email dated August 31, 2021 (English_022)
82. Lauren Feldman, email dated September 1, 2021 (Feldman_051)
83. Julie M. Finch, oral comments delivered September 2, 2021 (Finch_203)
84. Todd Fine, oral comments delivered September 2, 2021 (Fine_198)
85. Kenneth Fishel, email dated August 31, 2021 (Fishel_025)
86. Jane Fisher, email dated September 2, 2021 (Fisher_097)
87. Karla Fisk, oral comments delivered September 2, 2021 (Fisk_224)
88. Ara Fitzgerald, email dated September 2, 2021 (Fitzgerald_101)
89. Brenden FitzGerald, email dated September 13, 2021 (FitzGerald_119)
90. Gail Fox, email dated August 31, 2021 (Fox_024)
91. Kathryn Freed, oral comments delivered September 2, 2021 (Freed_225)
92. Shelly Friedman, oral comments delivered September 2, 2021 (Friedman_177)
93. Jen Gatien, email dated September 2, 2021 (Gatien_103)
94. Christopher Goode, oral comments delivered September 2, 2021 (Goode_159)
95. Harrison Grinnan, oral comments delivered September 2, 2021 (Grinnan_184)
96. Cristina Guadalupe, email dated September 10, 2021 (Guadalupe_130)
97. Douglas Hanau, oral comments delivered September 2, 2021 (Hanau_185)
98. Julie Harrison, oral comments delivered September 2, 2021 (Harrison_228)
99. Emily Hellstrom, oral comments delivered September 2, 2021 (Hellstrom_157)

100. Victoria Hillstom, oral comments delivered September 2, 2021 (Hillstom_227)
101. Sanford Hirsch, email dated September 1, 2021 (Hirsch_036)
102. Fannie Ip, email dated September 2, 2021 (Ip_080) and oral comments delivered September 2, 2021 (Ip_171)
103. Atit Javeri, oral comments delivered September 2, 2021 (Javeri_234)
104. Anita Jorgensen, oral comments delivered September 2, 2021 (Jorgensen_231)
105. Barbara Kahn, email dated August 31, 2021 (Kahn_026)
106. Elaine Kennedy, oral comments delivered September 2, 2021 (Kennedy_182)
107. Ryder Kessler, email dated August 31, 2021 (Kessler_032)
108. Jillian Key, email dated September 9, 2021 (Key_131)
109. Michael Kramer, email dated September 2, 2021 (Kramer_089)
110. Meghan Krasula, email dated September 2, 2021 (Krasula_084)
111. Aditya Kumar, email dated September 1, 2021 (Kumar_054)
112. David Lawrence, oral comments delivered September 2, 2021 (Lawrence_197)
113. Marna Lawrence, oral comments delivered September 2, 2021 (Lawrence_205)
114. Steve Leon, emails dated August 29, 2021 (Leon_003) and September 1, 2021 (Leon_062)
115. Ann Levy, email dated August 30, 2021 (Levy_010)
116. Jessica Lin, email dated September 3, 2021 (Lin_117)
117. Robert Lobe, email dated September 1, 2021 (Lobe_052)
118. Mary Fran Loftus, letter dated September 3, 2021 (Loftus_141)
119. Zeke Luger, email dated September 2, 2021 (Luger_073) and oral comments delivered September 2, 2021 (Luger_223)
120. Darlene Lutz, oral comments delivered September 2, 2021 (Lutz_215)
121. Ruth Marantz, letter dated September 3, 2021 (Marantz_110)
122. Margo Margolis, emails dated September 1, 2021 (Margolis_063) and September 3, 2021 (Margolis_115)
123. Thomas Marshall, email dated August 31, 2021 (Marshall_027)
124. Christopher Marte, oral comments delivered September 2, 2021 (Marte_194)
125. Gaston Marticorena, email dated September 1, 2021 (Marticorena_034)
126. Denise Martin, oral comments delivered September 2, 2021 (Martin_238)
127. Kimberly Martini, email dated September 3, 2021 (Martini_072)
128. Patrick McDarragh, email dated September 1, 2021 (McDarragh_059)
129. William Meehan, oral comments delivered September 2, 2021 (Meehan_176)
130. Joan Melnick, oral comments delivered September 2, 2021 (Melnick_235)
131. Dianne Mendez, email dated September 2, 2021 (Mendez_095)
132. Linda Mevorach, email dated September 2, 2021 (Mevorach_075)
133. Dan Miller, oral comments delivered September 2, 2021 (Miller_161)
134. Renee Monroe, email dated September 1, 2021 (Monroe_060)
135. Connie Murray, emails dated September 1, 2021 (Murray_067) and September 2, 2021 (Murray_092), and oral comments delivered September 2, 2021 (Murray_221)
136. Devi Nampiarampil, email dated September 13, 2021 (Nampiarampil_118)
137. Alexandr Neratoff, email dated August 31, 2021 (Neratoff_019) and oral comments delivered September 2, 2021 (Neratoff_196)
138. Zishun Ning, oral comments delivered September 2, 2021 (Ning_189)
139. Don Oehl, email dated September 6, 2021 (Oehl_140)
140. Ryan Oskin, letter dated September 3, 2021 (Oskin_108)
141. Ann Pettibone, email dated September 1, 2021 (Pettibone_040)

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142. Joanna Pousette-Dart, email dated September 12, 2021 (Pousette-Dart_122)
143. Carol Puttre-Czyz, email dated September 2, 2021 (Puttre-Czyz_076)
144. Carolyn Ratcliffe, email dated August 31, 2021 (Ratcliffe_013)
145. Michael Rayhill, oral comments delivered September 2, 2021 (Rayhill_204)
146. Monica Rittersporn, email dated September 2, 2021 (Rittersporn_098)
147. Phyllis Rosenblatt, email dated September 1, 2021 (Rosenblatt_061) and comments delivered September 2, 2021 (Rosenblatt_230)
148. Allie Ryan, email dated September 14, 2021 (Ryan_145) and oral comments delivered September 2, 2021 (Ryan_216)
149. Chris Ryan, oral comments delivered September 2, 2021 (Ryan_237)
150. Denny Salas, emails dated August 23, 2021 (Salas_071) and September 12, 2021 (Salas_124), and oral comments delivered September 2, 2021 (Salas_160)
151. Katherine Schoonover, email dated August 31, 2021 (Schoonover_029) and oral comments delivered September 2, 2021 (Schoonover_207)
152. John Senter, letter dated September 3, 2021 (Senter_109)
153. Laura Sewell, oral comments delivered September 2, 2021 (Sewell_220)
154. George Sharp, email dated September 1, 2021 (Sharp_037)
155. Nancy Idaka Sheran, email dated August 28, 2021 (Sheran_002)
156. Susan Shoemaker, email dated September 2, 2021 (Shoemaker_082)
157. Pawan Singh, email dated September 3, 2021 (Singh_116)
158. Alison Sky, email dated September 1, 2021 (Sky_057) and oral comments delivered September 2, 2021 (Sky_222)
159. Kathy Slawinski, email dated August 31, 2021 (Slawinski_031)
160. Adam Smith, email dated September 8, 2021 (Smith_136)
161. Amit Solomon, emails dated August 23, 2021 (Solomon_070) and September 1, 2021 (Solomon_041), and oral comments delivered September 2, 2021 (Solomon_199)
162. Ella Song, email dated September 3, 2021 (Song_113)
163. Adrienne Sosin, oral comments delivered September 2, 2021 (Sosin_208)
164. Valerie Stanol, email dated September 1, 2021 (Stanol_043)
165. Jacqueline Stanton, email dated September 1, 2021 (Stanton_053)
166. Susan Stoltz, emails dated September 2, 2021 (Stoltz_077, Stoltz_094) and oral comments delivered September 2, 2021 (Stoltz_212)
167. Sheila Strong, email dated September 1, 2021 (Strong_056)
168. Sean Sweeney, oral comments delivered September 2, 2021 (Sweeney_186)
169. David Thall, email dated August 29, 2021 (Thall_006) and oral comments delivered September 2, 2021 (Thall_192)
170. Kirsten Theodos, email dated September 2, 2021 (Theodos_085) and oral comments delivered September 2, 2021 (Theodos_229)
171. Barbara Tolley, email dated September 1, 2021 (Tolley_066)
172. Scott Treimal, email dated August 31, 2021 (Treimal_020)
173. Dayle Vander Sande, email dated September 1, 2021 (Vander Sande_044)
174. Paul Vidich, email dated August 31, 2021 (Vidich_018)
175. Kathleen Wakeham, email dated September 10, 2021 (Wakeham_129)
176. Cherie Ward, oral comments delivered September 2, 2021 (Ward_240)
177. Kathleen Webster, email dated September 11, 2021 (Webster_126)
178. Jeanne Wilcke, email dated September 13, 2021 (Wilcke_120) and oral comments delivered September 2, 2021 (Wilcke_165)
179. Joanna Wilkinson, email dated September 12, 2021 (Wilkinson_125)

- 180. Bruce Williams, oral comments delivered September 2, 2021 (Williams_213)
- 181. Zack Winestine, email dated September 2, 2021 (Winestine_086)
- 182. Zelda Wirtschafter, email dated September 2, 2021 (Wirtschafter_104)
- 183. Susan Wittenberg, email dated August 31, 2021 (Wittenberg_030)
- 184. Ronnie Wolf, email dated August 29, 2021 (Wolf_004) and oral comments delivered September 2, 2021 (Wolf_167)
- 185. Antony Wong, email dated August 25, 2021 (Wong_069)
- 186. Susan Wright, email dated September 1, 2021 (Wright_046)
- 187. Eugene Yoo, email dated September 14, 2021 (Yoo_146) and oral comments delivered September 2, 2021 (Yoo_191)
- 188. Susan Yung, email dated September 1, 2021 (Yung_033)
- 189. Andy Zhang, oral comments delivered September 2, 2021 (Zhang_236)

FORM LETTERS

FORM LETTER 1

- 190. Haoqing Geng, form letter dated September 11, 2021 (Geng_127)
- 191. N K, form letter dated September 9, 2021 (K_134)
- 192. Helen Lee, form letter dated September 12, 2021 (Lee_123)
- 193. Roger Manning, form letter dated September 9, 2021 (Manning_132)
- 194. Yukie Ohta, form letter dated August 29, 2021 (Ohta_008)
- 195. Nick R, form letter dated September 8, 2021 (R_137)
- 196. John Rockwell, form letter dated September 2, 2021 (Rockwell_074)
- 197. Noorah Taqi, form letter dated September 7, 2021 (Taqi_139)
- 198. Annette Weintraub, form letter dated September 1, 2021 (Weintraub_047)

FORM LETTER 2

- 199. Jo-Ann Arosemena, form letter dated September 3, 2021 (Arosemena_114)
- 200. Leigh Behnke, form letter dated August 26, 2021 (Behnke_068)

B. COMMENTS AND RESPONSES

COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION

Comment 1

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. 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. (Kiely_CB2_001)

One can't look at the process by which this rezoning proposal was created without noting the complete failure to reach out to and include the Chinatown community or to acknowledge its impacts upon them. (Stonehill_233)

Chinatown residents will bear significant impacts from this plan; the lack of outreach by DCP to them is egregious and unacceptable. And cavalierly renaming / "rebranding" part of Chinatown to "Soho East" seems to be an arbitrary construct benefitting only DCP and real estate interests. (Senter_109)

Community involvement should not be simply a box that is checked as it appears to be in this ULURP. The problem of outreach as something to suffer through rather than a laudable and important feature has played out in the way DCP has interacted with the Chinatown community. As I understand it, many groups within Chinatown do not feel that their voice has been heard and are concerned that this Administration failed to adequately interface with residents. I have heard reports that there are still Chinatown residents who live within the rezoned area or in buildings that are prime targets for redevelopment who are unaware that this proposal is even being considered. (Glick_096)

During the 2019 envisioning process, there was inadequate outreach for input from the Chinatown section of the study area where non-English speaking residents live. (Wong_069)

There's little notification from the government to the Chinatown community. (Cao_218)

This is a racist plan because there has been no outreach on this plan for the Chinatown community and not to mention, Chinatown isn't even included in the name of this plan nor in the City's testimony you just heard, when Chinatown would stand to lose the most from this plan as mentioned earlier. (Ip_080)

The most vulnerable in Chinatown have not been given a voice in this plan due to overwhelming language barriers. (Martini_072)

This annexed portion of Chinatown will also bear the largest burden of development in the plan. In the proposed action, 43% – almost half – of the residential ZFA is expected to be built here. That these residents have not been given a voice in this process is greatly concerning. (Yoo_146)

Tenants and workers from Chinatown and the Lower East Side have repeatedly spoken against this plan, yet you treat us as nonexistent. We are invisible to you. You still keep saying it's only SoHo and NoHo, as if Chinatown and the Lower East Side do not exist. (Ning_189)

What I want to talk about today is what the executive director of City Planning said earlier this week, when she called this process one of the most race-driven process by the community. Which I completely disagree. That was the same narrative of why they started this upzoning. They said, "We wanted to bring racial justice and equity to this community." And for an executive director to say that, after the community spent two years working, studying, trying to figure out how to make this community much more affordable, how to protect tenants, how to not displace tenants, what we saw was that the City just ignored us completely. And after seven years of this administration upzoning communities of colors throughout the City and using MIH as a stone to say, "We will build affordable housing. We will keep all these communities affordable." When we look at the last census that came out, it showed that neighborhoods in Brooklyn had become richer and whiter. And so, when we look at this plan, when we look at one of the communities that was completely ignored, not even on the title or any page of the DEIS, Chinatown. How do we not expect the same thing to happen that's been happening for seven years to happen in this community? The City even whitewashed the name calling it SoHo East, not Chinatown. They held one outreach meeting, and you know how many people attended? One person. That is systemic racism. That is institutional racism. The City knows who are the community leaders. The City knows the people to reach out to. We all showed up when they wanted to build a mega jail. We all protest. It would have been one phone

call to do outreach for that community. However, the City ignored it. (Marte_194)

I'm very concerned about Chinatown. And how dare you, how dare your staff call it SoHo East? That is crazy. (Finch_203)

I also object to the fact that Chinatown would be bearing a large impact from this plan that does not take into account the many people who live there. I think the residents of New York City deserves to be heard, at least as much as the developers. (Sosin_208)

Response 1

Due the COVID-19 pandemic and restrictions on in-person gatherings, meetings were held remotely for much of 2020 and through the first half of 2021. As part of the SoHo/NoHo Neighborhood Plan, including the Envision Soho/NoHo engagement process, DCP, working collaboratively with the Borough President and Council Member, conducted extensive outreach to stakeholders in the SoHo/NoHo Study Area and including the Chinatown community.

Comment 2

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 draw 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. (Kiely_CB2_001)

Response 2

Preserving the historic character of the City-designated SoHo Cast-Iron and NoHo Historic Districts was a primary consideration when developing the zoning proposal. As described in more detail in the DEIS and land use application, the Proposed Actions include contextual building envelopes to better reflect the existing character and enhance the historic built environment in the City-designated historic districts. The existing bulk regulations in M1-5A and M1-5B districts do not always facilitate building forms that relate harmoniously to the loft building context within the historic districts. The proposed mixed-use zoning essentially maintains the maximum FAR of the existing zoning districts while introducing residential uses and allowing a broader range of community facility uses, which is meant to allow for renovations, conversions, and expansion of existing historic structures within a contextual bulk envelope while also encouraging new development at a scale that is appropriate for the SoHo-NoHo mid-rise historic districts.

- Comment 3** To my knowledge, LPC has not been consulted regarding this proposal and any preemptive opinion on the vulnerability of these historic districts was not considered as part of the DCP proposal we are considering. (Glick_096)
- The DCP says that the LPC review will protect the historic districts. DCP brought in many City agencies to discuss their role in the rezoning, but LPC has not been part of that public engagement. If the rezoning is approved, LPC will be under enormous pressure to approve out of scale buildings. In fact, at a City Planning Commission hearing, one Commissioner said he hoped LPC would not be able to approve buildings lower than the proposed height limits. (Goldwyn_039)
- We ask the Commission to work further with the Landmarks Preservation Commission to ensure there's alignment between the site-specific LPC review process and the proposed zoning controls. (Kahen_175)
- Response 3** LPC participated in the Envision SoHo/NoHo process including attendance at Advisory Group meetings. LPC also provided the technical review of Chapter 7, "Historic and Cultural Resources" of the DEIS as part of the environmental review of the Proposed Actions.
- Comment 4** 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. (Kiely_CB2_001)
- Response 4** Comment noted. In developing the zoning proposal, DCP has worked with the Loft Board and DOB to understand how zoning and other relevant regulations relate to one another.
- Comment 5** There have been several concerning aspects of how this ULURP and community engagement has been conducted. I see few changes in this plan which show that concerns raised in the Envision SoHo /NoHo process or that were brought up during the scoping hearing in December have been addressed or considered. Many people raised concerns over the three public engagement hearings this past winter which were answered but did not necessarily result in a clear change to the DCP—or this Administration's— goals in the proposal. This is unacceptable for the residents and community members who have given their time as part of the steering committee for the Envision SoHo/ NoHo process and generally for the review of this ULURP. This is due in part because this ULURP has been discussed during the COVID-19 pandemic while in-person meetings were not possible or generally avoided. All but three public meetings on this ULURP happened virtually and I am concerned

that the overall community is unaware of what potentially may occur in their community. (Glick_096)

And finally, the lack of outreach to neighboring communities where real estate speculation is already a problem, shows a disregard for those areas that already have greater diversity. The opportunity zones bordering these neighborhoods signal that luxury real estate development is really the core goal of this proposal. (Glick_149)

Throughout Envision, City Planning was asked to tweak things to make our community work, not bulldoze it and hand it over to over-leveraged big real estate. This plan for a dystopian future was an ugly surprise for us, a slap in the face. Even worse is the message of our democratic process and data gathering, when it is being rammed through during a pandemic. (Tenenbaum_173)

Response 5

Public input provided during the Envision SoHo NoHo process, public environmental scoping hearing, and ongoing community engagement sessions, including several informational meetings on various aspects of the proposal in the winter and spring of 2021, have been considered in DCP's proposed zoning changes for the neighborhood, including comments from the residents, business owners, and other stakeholders. The Proposed Actions have been designed by DCP, with input from various stakeholders through the Envision process to enhance mixed-use, preserve commercial floor area in large existing buildings that serve as employment hubs, and create market rate and affordable housing. With respect to meetings held during the pandemic, Mayor de Blasio issued Emergency Executive Order No 98 related to the COVID-19 pandemic on March 12, 2020 (extended on March 3, 2021). The Mayor issued Emergency Executive Order 188 on March 13, 2021, allowing ULURP meetings to be held by remotely in light of the continued COVID-19 pandemic. Remote public meetings are legal and appropriate in a pandemic to maintain public safety and health. Further, public meetings that have been held remotely have increased participation and opened the process to those unable to attend in-person.

Comment 6

I urge the City Planning Commission to oppose the proposed rezoning, and to call for a completely new process to start with active community participation in the actual details of any new proposed plan. (Shoemaker_082)

Response 6

Comment noted. The Proposed Actions were determined based on community feedback and recommendations put forward during the Envision SoHo/NoHo process. Please also see the response to Comment 5.

Comment 7 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 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. (Berman_015)

Response 7 Comment noted. Please see the response to Comment 5.

Comment 8 After public hearings and recommendations that balanced all stakeholder's interests by a planning firm hired by the planning commissions, this plan ignores all of those hearings time, people involvement and conclusions as a total sell out to developers. Please redraw this plan to include true affordable housing, and true balance of stakeholders with emphasis on those who live here and helped make SoHo what it is. (Doner_100)

President of Soho Village, a neighborhood association of retailers, restaurants and residents...our members are vehemently opposed to the Upzoning. We want the area to be rezoned and we want affordable housing in the planned districts however, the current plan does not provide for affordable housing in the way that the community needs it. (Pagan_091)

We were told — and Commissioner Lago, you were at this all those meetings, not once were upzoning ever discussed. We actually asked some of the landlords on Broadway if they wanted upzoning they said, "No." The people who wanted — the only person who wanted an increase in the square footage greater than 10,000 was the real estate — was REBNY's representative. And while you were asked face-to-face, "Do you want to come into SoHo? No." So, this is not a SoHo/NoHo neighborhood plan. (Sweeney_186)

Response 8 Comment noted. As stated above, the Proposed Actions have been proposed by DCP, with input from various stakeholders through the Envision process to enhance mixed-use, preserve commercial floor area in large existing buildings that serve as employment hubs, and create market rate and affordable housing. The Proposed Actions are intended to address land use and zoning-related issues raised during the Envision SoHo NoHo process, and the creation of affordable units through MIH is directly related to the development of new market rate housing, which subsidize the affordable units created under the MIH program. MIH is the most appropriate mechanism to create affordable housing in SoHo/NoHo

given the neighborhood's lack of City-owned sites for affordable housing, high land acquisition costs, and high market rents, which make 100 percent affordable developments and subsidy programs prohibitively costly.

Comment 9

We take issue with the process that led to this proposal. We believe strongly in community- based planning. Residents and building owners don't have all the answers but they can make an important contribution and their input should be valued. In this case, the proposal does not reflect the concerns that the Advisory Group or many of the members of the public raised in all of those meetings. That does a disservice to them and to the concept of community-based plans. (Goldwyn_039)

Response 9

Comment noted. Please see the response to Comment 5.

Comment 10

This is a racist plan because there has been no outreach on this plan for the Chinatown community and not to mention, Chinatown isn't even included in the name of this plan nor in the City's testimony you just heard, when Chinatown would stand to lose the most from this plan as mentioned earlier. (Ip_080)

This annexed portion of Chinatown will also bear the largest burden of development in the plan. In the proposed action, 43% – almost half – of the residential ZFA is expected to be built here. That these residents have not been given a voice in this process is greatly concerning. (Yoo_146)

Please recognize Soho East is Chinatown. (Mevorach_075)

Response 10

As part of the SoHo/NoHo Neighborhood Plan, including the Envision Soho/NoHo engagement process, DCP, working collaboratively with Borough President and City Council Member, conducted extensive outreach to stakeholders within the SoHo/NoHo Study Area. The subareas identified as SoHo West, SoHo East, and NoHo-Bowery in the DEIS have been more appropriately identified as Opportunity Area 1, Opportunity Area 2, and Opportunity Area 3, respectively, in the FEIS. The change is consistent with terminology used throughout the FEIS that characterizes these transitional areas on the periphery of the Project Area as subareas that provide the greatest opportunity for housing production because they contain a number of underbuilt sites that front wide commercial streets and contain vacant land, parking facilities, low-rise tenements, and single-story semi-industrial or formerly industrial buildings that have been converted to restaurants and bars.

Comment 11

That the city has not engaged in a negotiation with the neighborhood voices offering these alternatives, but has instead vilified them, is a clear

indication that supposed goals of this upzoning are in opposition to the interests of the residents and businesses in those communities. (Kroessler_011)

Response 11

The Proposed Actions are the result of the Envision SoHo/NoHo neighborhood planning process that began in 2019. The goals and objectives of the zoning proposal were formed with stakeholder participation through the neighborhood planning process. The Proposed Actions are intended to create opportunities for new housing, including affordable housing, better reflect existing built conditions, strengthen the mixed-use character of the neighborhoods, including office and retail uses, and celebrate the unique architectural and creative legacies of SoHo and NoHo.

Comment 12

You must go back to the considerations voiced by residents in the years of hearings. (Mendez_095)

Response 12

Comment noted. The Proposed Actions were developed with community input, including residents.

Comment 13

When these hearings started, the mayor's forces said they would work with and listen to the community. They insisted "We're not talking about an upzoning." They used the public hearings as a cover, ignored our voices — and in fact maligned our character — and produced a predetermined upzoning plan that brings on tall towers, NYU dorms, big box stores, and hastens the displacement of residents and small businesses. (Mulkins_078)

Response 13

Comment noted. Large portions of the Project Area—the Historic Cores—would have density remain largely unchanged at 6.5 FAR and have height limits and other bulk controls imposed that more closely align with the historic character of buildings in the historic cores. Other areas, such as Broadway, where higher densities are proposed, contain existing buildings that exceed the currently permitted max FAR but would also receive new bulk controls with limited height and urban design controls that reflect historic character more than existing zoning. The highest densities are proposed for the opportunity areas outside of the historic districts, which provide the greatest opportunity for housing production. Additionally, the Proposed Actions would not facilitate dormitory space for NYU. Community facilities such as dormitory space are allowed under the existing zoning. There would be no change to such uses with the Proposed Actions.

Comment 14

What happened? Why didn't you continue to work with us to come up with a scheme that actually works? Take what should have been the

simplest issue, making Joint Live Work Quarters for Artists available to nonartist, unauthentic problem. But the way you solve this simply does not work. (Neratoff_196)

Response 14

The Proposed Actions would permit the existing JLWQA use to continue. Further, the conversion process from JLWQA to residential (UG 2) via a coordinated interagency process involving DOB would be completely voluntary. No such option to convert presently exists.

Comment 15

LPC is doing nothing. They haven't done individual landmarks. In this case, we're talking about the most important historic districts in the entire world. In the entire world. I mean, maybe top twenty, thirty, forty of major urban areas. LPC never had a session with the public. LPC was not here today. LPC has not landmarked a single individual building in the vicinity or in the outside that could be under threat. LPC has not given any advice on the contextual standards that the Envision process prompts. LPC doesn't have any opinion about the idea of upzoning a historic district, and we can't get their commissioners or their executive director to participate in this process at all. I know that your agency is -- cannot pass a major rezoning of one of the most important historic districts in the world without the agency that created the historic district to be part of it. I mean, you would be a laughingstock in every history book of landmark preservation, of urban planning, ever. It just can't happen. It needs to be started again with LPC and it can't just be -- it's not about just the rezoning. It's the periphery. (Fine_198)

This plan would set a terrible precedent for the destruction of historic districts all over the city. (Mulkins_078)

Response 15

The New York City Landmarks Law ensures that alterations to NYC Landmarks, including individual landmarks and historic districts, are subject to the review and approval of the New York City Landmarks Preservation Commission (LPC). LPC administers the Landmarks Law, which affects any demolition, enlargement, and new construction project in New York City Historic Districts (NYCHD), including the Soho Cast-Irion Historic District, NoHo Historic district and several more NYCHDs that overlap the Project Area. LPC participated in the Envision SoHo/NoHo process, including attending Advisory Group meetings. In addition, LPC has had a formal role as technical reviewing agency in the CEQR review of the Proposed Actions.

Comment 16

Let us be very clear: if Mayor de Blasio and his DCP actually cared about racial justice and truly affordable housing, they would have passed the Chinatown Working Group Plan to protect the working class communities of color in the Lower East Side and Chinatown when it was

submitted to them after years of careful work by over 60 community groups and stakeholders back in 2015. (Winters_090)

Response 16 Comment noted. Please see the response to Comment 10.

Comment 17 The city did not listen and steamrolled this flawed, developer driven rezoning plan. This plan has no support from the community. We have been dismissed as relics, magical thinkers and insincere in our views. (Wittenberg_030)

Response 17 Comment noted. Public input received during the Envision SoHo NoHo process, public environmental scoping hearing, and ongoing community engagement sessions has been considered in DCP's proposed zoning changes for the neighborhood, including comments from the residents, and small business owners, and other stakeholders. The goals of the SoHo/NoHo Neighborhood Plan were developed following the issuance of the 2019 Envision SoHo/NoHo report and recommendations. The Proposed Actions seek to facilitate the recovery and ongoing resiliency of SoHo and NoHo by removing and modifying existing zoning barriers that prevent the development of new affordable housing and opportunities for the growth and support of small businesses and job creators, and the zoning changes are expected to support the City's COVID-19 recovery efforts. It is expected that office, retail, accommodation and food services will be integral to New York City's economic recovery. Through zoning, the Proposed Actions would provide the flexibility to aid the City's economic recovery as these sectors adapt and change to meet evolving needs.

PROJECT DESCRIPTION

GENERAL

Comment 1-1 The proposed zoning would serve as an incentive to demolish existing buildings: The proposed zoning would make it so economically attractive for development that many smaller sites and buildings would put pressure on the Landmarks Preservation Commission (LPC), which is likely to be inundated with proposals for development, to allow alterations and demolition that would currently be overruled – and likely cause the destruction of existing affordable housing and other uses. In an era of increasing climate change, we should be encouraging building stock to be maintained, not demolished and replaced. (Shoemaker_082)

The idea of tearing down buildings to make way for new construction is beyond my understanding. (Melnick_235)

- Response 1-1** LPC is charged with enforcing the NYC Landmarks Law, which affects any demolition, enlargement, and new construction project in New York City Historic Districts (NYCHD), including the Soho Cast-Irion Historic District, NoHo Historic district and several more NYCHDs that overlap the Project Area. LPC’s role would not change under the Proposed Actions. No demolition can occur without LPC approval. The DEIS includes an assessment of the potential impacts of the Proposed Actions to historic resources in Chapter 7, “Historic and Cultural Resources,” of the DEIS. Modifications to buildings in New York City-designated historic districts will continue to be subject to LPC review and approval. The Proposed Actions have been designed to allow LPC to shape the form of new developments in a manner appropriate to the neighborhood and the immediate context without the need for separate land use approvals.
- Comment 1-2** While these development-rights are being given free to speculators, the community is not even promised a new school, more sanitation or police services, a community center, not an inch of recreational or green space — nothing. (Singh_116, Stoltz_094)
- No green space, schools, communities service centers, health centers have been proposed in the DCP plan. (Rosenblatt_061)
- SoHo doesn’t have parks, open space, a surplus of school seats, playgrounds, athletic fields, libraries, reasonably- priced grocery stores, or community centers; and this plan does not address those issues. (Goldwyn_039)
- Response 1-2** Comment noted. The DEIS includes an assessment of the potential for significant adverse impacts related to public schools, libraries, police protection services, and sanitation and concluded that no significant adverse impacts would occur. The Proposed Actions would also allow community facility uses, such as community centers, which are not allowed currently because of the existing obsolete zoning in SoHo/NoHo. As discussed in Chapter 5, “Open Space,” the Proposed Actions would result in a significant adverse impact to open space. Potential mitigation measures for the open space impact are discussed in Chapter 21, “Mitigation.”
- Comment 1-3** Chinatown needs to be viewed separately from Soho and Tribeca, and granted historic district protections. Conflating Chinatown with “LES” has caused massive economic violence against Asian people, from withholding COVID aid for small business to housing displacement. (Song_113)

Response 1-3	Comment noted. Chinatown was examined separately and analyzed in the DEIS in Chapter 2, “Land Use, Zoning, and Public Policy,” and Chapter 19, “Neighborhood Character.” The potential for the Proposed Actions to result in direct and indirect residential displacement is assessed in Chapter 3, “Socioeconomic Conditions.” The DEIS analysis concludes that the Proposed Actions would not result in significant adverse impacts. Furthermore, designating Chinatown a historic district is outside the purview of the CPC and beyond the scope of the Proposed Actions.
Comment 1-4	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. (Nadler et al_087)
Response 1-4	To better support the mixed-use character of SoHo/NoHo and to make it easier for buildings with existing tenants to convert floor area to a different use, the Special SoHo/NoHo Mixed-Use District (SNX) would introduce greater flexibility for the location of uses within the same building. For conversions within existing buildings, commercial and manufacturing uses may be located above residential uses. For new mixed developments or enlargements, dwelling units on the same story as a commercial use would be permitted, provided there is no access between the residential and commercial uses. SoHo and NoHo are overwhelmingly mixed-use neighborhoods where eating and drinking establishments have existed side-by-side with residences for decades. The Proposed Actions would simply acknowledge that reality while expanding opportunities for small business owners as well as adding to the amenities for residents, workers, and visitors alike. M1-5A and M1-5B ground-floor use restrictions limit certain uses, including eating and drinking establishments, to below the second story. Eating and drinking above the first story is currently allowed and would continue to be allowed under the Proposed Actions (subject to limitations of ZR 123-31)
Comment 1-5	Eliminate any upzoning of all buildings containing rent-controlled or rent stabilized housing, or Loft Law IMD units and joint live- work quarters. And we demand that City Planning release the complete list of addresses plus the number of units within the rezoning area.(McKee_093)
Response 1-5	The Proposed Actions involve an area-wide rezoning and not a site-specific land use approval; therefore, it is not possible to exclude specific buildings and lots from the rezoning area. A list of properties affected by the zoning changes is included in Appendix A of the EIS.

SoHo/NoHo Neighborhood Plan

Comment 1-6 The plan renamed parts of Chinatown as East SoHo, officially identified as an opportunity area and targeted for building demolition. (Brandt_174)

Response 1-6 The “SoHo East” subarea has been changed to “Opportunity Area-2” in the FEIS.

Comment 1-7 We urge the Department of City Planning to work with the Landmarks Preservation Commission to conduct an analysis identifying the best sites for redevelopment and to calibrate upzoning to encourage projects in those locations. We also recommend DCP develop design guidelines in partnership with LPC and the community to inform future development within the historic districts. This will lessen the burden on the LPC and give clarity to the community and to developers as proposals are conceived.” (Judd_081)

Response 1-7 Comment noted. The Proposed Actions are aimed at maintaining the historic character of this historic district. As described in Chapter 1, “Project Description,” the RWCDS identifies underutilized sites in the Project Area that are expected to be developed, including new construction, enlargements, and conversions, under the Proposed Actions.

PURPOSE AND NEED

Comment 1-8 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. (Kiely_CB2_001)

Response 1-8 MIH is the most appropriate mechanism to create affordable housing in SoHo/NoHo. High land acquisition costs and extremely high market rents make public subsidy prohibitively costly to creating affordable housing in SoHo/NoHo. MIH would help facilitate mixed-income communities by requiring approximately 20 to 30 percent of residential floor area be set aside as permanently affordable housing on private sites. The creation of affordable units through MIH is directly related to the development of new market rate housing, which subsidizes the affordable units created under the MIH program. If the market rate units are not developed, neither would the affordable units through MIH.

Comment 1-9 The proposal 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. (Kiely_CB2_001)

Response 1-9	The Proposed Actions would update the obsolete zoning in SoHo/NoHo and facilitate mixed-use development by allowing residential use and expanding the types of commercial and community facilities allowed beyond the current extremely narrow band of permitted light manufacturing and limited commercial uses. SoHo/NoHo's manufacturing zoning and outmoded provisions continue to prioritize traditional light industrial and related uses that have largely relocated to other neighborhoods throughout the City and beyond. The existing zoning creates significant barriers and onerous burdens for property owners and businesses as they attempt to respond to changing market and industry dynamics.
Comment 1-10	There are pre-existing locations and even more space in neighborhoods who can afford and sustain a greater population. SoHo and NoHo are already dealing with enough look somewhere else. (Smith_136)
Response 1-10	As described in the Chapter 2 of the DEIS, "Land Use, Zoning and Public Policy," new development is generally expected on vacant and/or underbuilt sites that are proximate to excellent transit access. SoHo/NoHo is centrally located and well-suited for an upzoning that would largely result in development outside the historic cores and the DEIS analyzed the impacts of the increased population.
Comment 1-11	<p>Everyone knows there are some real problems with the current zoning that need to be addressed. The current mishmash of zoning rules that have been patched together since our last rezoning, continue to lead to the kinds of problems the opposition to this plan have been complaining about. What the area needs is a coherent plan to follow going forward. We need zoning that actually matches current usage vs continuing with the long cumbersome expensive variance process that only works for certain well-financed tenants and developers. (Persen_079)</p> <p>SoHo and NoHo must evolve in a creative and sustainable way. We need affordable housing and a path forward for continuation of JLWQA. With vision and thoughtfulness, both can be achieved without a massive developer-driven upzoning that promises neither. (Singh_116, Sky_057, Stoltz_094)</p>
Response 1-11	Comment noted. Under the Proposed Actions, the existing JLWQAs would be unaffected. The conversion process from JLWQA to residential use is voluntary. The zoning changes are necessary to facilitate the Proposed Actions goals of housing production, including affordable housing, and economic development.

SoHo/NoHo Neighborhood Plan

- Comment 1-12** Over the last 40 years, the area’s restrictive and exclusionary zoning has allowed it to transform from a hub of working class artists to what is, in effect, today a gated community. (Katz_239)
- Response 1-12** Comment noted.
- Comment 1-13** As a long time resident of the East Village I do not think that the proposed up zoning will meet the needs of ordinary low and middle income New Yorkers, but instead will remove rent stabilized tenants and create more unaffordable luxury housing for foreign real estate investors. (Ratcliffe_013)
- It is time that zoning be used to make our city, particularly those centrally located neighborhoods like SoHo and NoHo, livable for all New Yorkers. (Roberts_107)
- Response 1-13** The Proposed Actions would expand housing opportunities for New Yorkers and would provide market-rate and permanently affordable housing through MIH. One of the primary goals of the Neighborhood Plan is to maximize housing production, including affordable housing through MIH, which would set aside 25 to 30 percent of the total units in a new development for low and moderate income households.
- Comment 1-14** The Conservancy would support zoning that recognizes contemporary commercial and retail uses, allows residential uses, protects artists, and encourages affordable housing, but does not require this massive upzoning. We ask that FAR increases be focused outside of the historic districts. (Goldwyn_039)
- Response 1-14** Comment noted. The existing zoning in the historic cores allows an FAR of 5.0 for light manufacturing and limited commercial uses and an FAR of 6.5 for limited community facility uses. The proposed zoning would maintain the existing FARs for these non-residential uses and allow residential use at an FAR of 6.0, which is generally the same as the densities allowed under the existing zoning. Within the historic cores, the Proposed Actions would allow residential use and expanded types of commercial, including local retail, and community facility uses, on an as-of-right basis. The Proposed Actions would focus FAR increases in areas outside the historic cores.
- Comment 1-15** I am appalled at the lack of foresight in the current administration’s plan to undo SoHo. Soho with its landmarked status is a world treasure and NYC architectural masterpiece. Nothing in this plan adds what you say it does. (Rittersporn_098)

Response 1-15	Comment noted. Chapter 7, “Historic and Cultural Resources,” and Chapter 8, “Urban Design and Visual Resources,” examine in detail the impacts of the Proposed Actions, including on NYCHDs and S/NR-listed historic districts, urban design, and visual resources.
Comment 1-16	The essence of SoHo-NoHo, the artists’ lofts (JLQWAs), would remain only as an anachronistic use doomed to elimination by aging and buy-outs. It’s as if the CPC decided to consciously exterminate everything unique about SoHo-NoHo, and to aggressively return this neighborhood to conventionality. To make it into another office and entertainment area driven by the available hub-like rapid transit access, following a discredited 1920’s CIAM model of central business districts connected by subway to lower -density outer boroughs, squandering an opportunity to build on the forward-looking 24-hr. energy-efficient mixed-use model invented here 50 years ago. (Brandt_174, Neratoff_019)
Response 1-16	Under the Proposed Actions, existing JLQWA would be allowed as existing uses. As described in the DEIS, conversion to UG2 residential uses would be completely voluntary, as described in the DEIS. Chapter 19 of the DEIS, “Neighborhood Character,” identifies the importance of arts and cultural activity as a defining feature of the SoHo-NoHo neighborhood character and assesses the potential of impacts under the Proposed Actions. As discussed in more detail in Chapter 19, the Proposed Actions would support the cultural legacy of SoHo/NoHo by expanding opportunities for affordable housing, updating live-work provisions in the zoning to accommodate expanded home occupations, and allowing more community facilities on an as-of-right basis such as non-profit museums and galleries, libraries, and cultural and community centers. The affordable housing created under MIH would make it easier for artists and workers in creative industries to live in SoHo/NoHo, potentially in proximity to jobs in the creative industry. The Proposed Actions would apply flexible home occupation provisions that would allow existing and future residents in SoHo/NoHo to accommodate live-work—including long time artists and others that work in creative industries.
Comment 1-17	This surrender to conventional and outdated planning theory will benefit only a limited number of SoHo-NoHo real estate owners and the bean counters at the MTA. The losers: existing residents, all those who really need affordable housing, and an art community that despite the CPC’s deliberate choice not to take a census, was shown to exist in surprisingly substantial numbers and to be (though rent-regulation or old-coop status) an existing affordable housing stock. (Neratoff_019)

Response 1-17

The Proposed Actions would provide needed affordable housing to low and moderate income families, and help address the City's dire housing crisis. With the Proposed Actions, New York City households in need of safe, quality housing could be afforded the opportunity for a new home. The Proposed Actions would support the cultural legacy of SoHo/NoHo by expanding opportunities for affordable housing, updating live-work provisions in the zoning to accommodate expanded home occupations, and allowing more community facilities on an as-of-right basis such as non-profit museums and galleries, libraries, and cultural and community centers. Additionally, the Proposed Actions would update the zoning regulations to preserve commercial space, including space used by businesses in creative industries.

Comment 1-18

Since the process of resolving these specific problems can be dealt with by minor adjustments, a rezoning into a non-M zone will not be necessary, nor will it be necessary to introduce UG-2 into this district, allowing it to avoid city-wide MIH regulations in order to be subject to a local MIH version. Outdated industrial preservation rules can be stricken, retail rules fixed, even building size adjusted without completely rezoning the area or introducing conventional residential use. Updating the Mixed-Use rules would promote energy-efficiency and end use separations that promote commuting and single-use buildings and neighborhoods. (Neratoff_019)

Response 1-18

Comment noted. The zoning regulations in SoHo/NoHo are obsolete and do not reflect existing trends and conditions in the neighborhood or in the City as a whole. Minor adjustments alone cannot address the disconnect between the existing regulations that only allow as-of-right light manufacturing and limited commercial and community facility uses, and critical needs such as housing, including badly needed affordable housing, economic development to preserve existing jobs and support the creation of new employment opportunities, and amenities like retail and community services to support the neighborhood. Zoning map and text changes are the only mechanism available to address the divide between the existing regulatory land use controls and the community vision as determined through the Envision SoHo/NoHo process.

Comment 1-19

New York City needs to preserve the diversity and history of its neighborhoods by keeping affordable housing so artists can have galleries and small businesses such as ethnic restaurants and shops can thrive. This is what draws tourists to NYC, not big chain stores that are the same all over the country and not high rise apartments for the rich. Please save the historical buildings with beautiful storefronts that add charm and have NYC stories to tell. (Stanton_053)

Response 1-19	Comment noted. Chapter 7 of the DEIS, “Historic and Cultural Resources,” analyses the potential impacts of the Proposed Actions on any identified architectural resources, including visual and contextual changes as well as any direct physical impacts. If necessary, measures to avoid, minimize, or mitigate potential significant adverse impacts will be identified in consultation with LPC.
Comment 1-20	This plan, as is, envisions a mediocre, homogenized SoHo-NoHo (Chinatown) of giant luxury towers and big box stores. The first upzoning of an NYC historic district in the sixty-six years of the Landmarks Preservation Commission's existence. The plan slowly decimates NYC's world-renowned artist and cast-iron district – a national and international tourist destination. DCP created a blueprint, a model for destruction and displacement to historic neighborhoods across New York City. NYC is better than that. (Stoltz_077)
Response 1-20	See the response to Comment 1-1. The Proposed Actions would require height limits throughout the neighborhoods and bulk controls that would reflect the existing character of SoHo/NoHo. Existing manufacturing zoning permits buildings of unlimited height, in contrast to the bulk controls in the Proposed Actions that would ensure that new buildings are not significantly larger than buildings found throughout the neighborhoods today.
Comment 1-21	<p>These policies result in demolitions and the loss of rent-stabilized units, as we've seen again and again. These policies result in a marginalization, the loss of retail diversity and independently owned small businesses, as we've seen again and again. (Sewell_220)</p> <p>Far from creating more affordable housing, this plan would enrich developers at the expense of longtime residents and small businesses. This plan would reduce neighborhood diversity, while encouraging the construction of giant commercial buildings, hotels, and luxury condos. (Winestine_086)</p>
Response 1-21	The Proposed Actions are expected to result in an increase in permanently affordable units through the MIH program. The new zoning would increase retail diversity by allowing a broader range of uses, including residential use, that would increase the customer base in SoHo/NoHo. It would update archaic commercial regulations to support new businesses and change the zoning that limit small business owners from expanding existing businesses. The potential for the Proposed Actions to result in direct and indirect residential and business displacement is assessed in Chapter 3, “Socioeconomic Conditions.” The DEIS analysis concludes

that the Proposed Actions would not result in significant adverse impacts related socioeconomic conditions.

Comment 1-22 This proposal is a set up for failure for both residential and retail spaces due to the incompatibility these historical structures to comply with the proposed requirements. These incompatibilities are not being discussed or considered as this process is rushed through. The plan has no realistic mechanism to make the conversions of our historic architectural heritage work for the proposed changes. (Behnke_111, (Behnke_166))

Response 1-22 Comment noted. See the response to Comment 2.

Comment 1-23 Most of us are for diversity and affordable housing. But not for a plan that would fail in its stated goals and damage an historic neighborhood and vibrant community that created the unique destination spot that brings in enormous amount of revenue to our beloved city. (Mevorach_075)

Response 1-23 Comment noted. See the response to Comment 2. As discussed in Chapter 7, "Historic and Cultural Resources," the DEIS disclosed significant adverse impacts attributed to the demolition of contributing buildings in three State/National Register of Historic Places (S/NR)-listed historic districts – the portion of the SoHo Historic District that is outside the NYCHD SoHo-Cast Iron Historic District and Extension boundaries, the Bowery Historic District, and the Chinatown and Little Italy Historic District. With respect to contextual impacts, the Proposed Actions would result in development that could change the setting of contributing resources to the S/NR-listed historic districts by allowing taller buildings that are not consistent with the scale of nearby historic districts or buildings, resulting in an indirect, or contextual, significant adverse impact. As discussed in Chapter 19, "Neighborhood Character," the impacts to historic resources would not result in an overall impacts to neighborhood character, which is defined, in part by the historic districts. This is because the neighborhood exhibits a varied built context and impacts to historic resources would have a limited geographic extent such that the impacts not result in an overall impact to neighborhood character.

Comment 1-24 SoHo and NoHo must evolve in a creative and sustainable way. We need affordable housing and a path forward for continuation of JLWQA. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Weintraub_047)

Response 1-24 Comment noted. As described in Chapter 1, "Project Description," the Proposed Actions would continue to allow the existing JLWQA use and live-work in the Project Area with a voluntary option to transition

JLWQA to residential use with conditions that more broadly benefit the arts and creative industries. This would facilitate legalizing existing non-artist occupancy, broaden live-work to be more inclusive and reflective of modern needs, and regularize residential market transactions.

Comment 1-25

Residents of Manhattan Community Board 2 enjoy a level of access to opportunity, amenities, and services so great that they are expected to live six years longer than the average New Yorker. This rezoning is a chance to move words, like racial equity and fair housing, into action. Freezing this neighborhood in amber has led to skyrocketing rents and set off a wave of gentrification across Manhattan and across the five boroughs. We cannot allow neighborhood residents to slam the door shut behind them once their property values have made them wealthy. (Katz_239)

Response 1-25

Comment noted. The Proposed Actions are intended to address the issues raised in the comment.

Comment 1-26

It is obvious that big money is the only consideration for approving this plan promoting box chain stores and NYU expansion to the detriment of affordable housing, which would necessitate displacing many long-term tenants and small businesses that give the area its charm—the very thing that brings tourists to the area. (Vander Sande_044)

Response 1-26

Comment noted. NYU dormitories are a community facility use. The Proposed Actions would not change the community facility FAR as compared to the existing zoning. Moreover, the Proposed Actions would facilitate the recovery and ongoing resiliency of SoHo and NoHo by removing and modifying existing zoning barriers that prevent the development of new affordable housing and opportunities for the growth and support of small businesses and job creators.

Comment 1-27

This proposed plan is trying to increase density in an already dense area, which is now questionable in a downturn market with an uncertain future on multiple levels. (Ryan_145)

Response 1-27

Comment noted. While the effects of COVID-19 will undoubtedly have short-term effects on the viability of retail and other commercial uses, it is too early to measure with any degree of certainty the long-term effects the pandemic has on the commercial real estate market. The rezoning would allow broad allowances for locating commercial uses to provide necessary and appropriate flexibility so that businesses have the room to change and grow.

Comment 1-28 If the most urgent need is for housing for equity for lower income citizens, than make that the focus of the plan. Relying on private developers is clearly not the answer and the laws as written will permit lawless overbuilding that will threaten the very people the administration claims to want to help provide housing for. Especially in Chinatown and among over income dwellers actually herein the regions. (Rosenblatt_061)

Response 1-28 Comment noted. See the response to Comment 1-74.

Comment 1-29 The CPC's failure to find adequate ways for new construction to trigger the affordable housing program in sufficient numbers rather undermines the main reason for the proposal. Understanding that the argument for individual unit conversion does not work leaves the DCP proposal groundless. (Neratoff_019)

The cost of conversion would be astronomical, even if there was a way found to overcome these issues. Add to that, the hundred dollars a square foot, and I will not be able to stay in my loft for my senior years. Those kinds of costs are beyond the means of many, many older artists. (Behnke_166)

Response 1-29 Comment noted. See the response to Comment 1-75 and the response to Comment 1-133. The Proposed Actions would allow a conversion from JLVQA to residential use (UG 2) via a coordinated interagency process involving DOB, whereas there is no such option in the existing zoning today. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles.

Comment 1-30 The proposed plan [does not have] provisions for climate change, green building, or planning for COVID-like pandemics. It is a creature of 50 years ago, designed to enrich the pockets of companies like Related. Soho needs a good reasoning plan, one that fosters small businesses and encourages residents of all types, not just artists. (Tolley_066)

Response 1-30 Comment noted. See the response to Comment 1-21. Chapter 16, "Greenhouse Gas Emissions and Climate Change," evaluates the Proposed Actions' potential to result in greenhouse gas (GHG) emissions and consistency with Citywide GHG reduction goals. The Proposed Actions would expand the definition of home occupation to include most commercial and manufacturing uses permitted by the underlying zoning, including professional offices. As the nature of work has been disrupted by the COVID-19 pandemic, it is crucial that zoning regulations

recognize live-work arrangements more inclusively, especially as many industries and sectors begin to adopt flexible work-from-home policies.

Comment 1-31

While this upzoning plan is presented as a means to promote affordable housing, the specifics of the plan belie that claim —there are no provisions for explicitly middle- and low -income residents. Actually, the plan promises to make the neighborhoods less affordable, neighborly and hospitable than they are now. (Moses_016)

To call this plan “affordable housing” when it brings 75% luxury units and only 25% affordable is a fraudulent developer driven sham that will increase hypergentrification. (Mulkins_078)

Response 1-31

See the response to Comment 1-74. The Proposed Actions would map Mandatory Inclusionary Housing (MIH), which would help facilitate mixed-income communities by requiring approximately 20 to 30 percent of residential floor area be set aside as permanently affordable housing for low and moderate income households. With MIH, the development of market-rate units subsidizes the creation of affordable units. MIH is the most appropriate mechanism to create affordable housing in SoHo/NoHo. High land acquisition costs and extremely high market rents make affordable housing programs with 75 percent affordable housing requiring significant public subsidy prohibitively costly in SoHo/NoHo.

Comment 1-32

The Downtown Independent Democrats request that the plan includes zoning that allows office to residential conversion and does not incentivize office and dormitory over residential use big-box retail over small business. (Corman_121)

Response 1-32

See the response to Comment 1-73 with respect to the reduction in commercial FAR. See also the response to Comment 1-54 regarding large retail. The Proposed Actions would allow the conversion of office space to residential use and would not affect the community facility FAR which governs the amount of dormitory floor area that can be developed on a given site. The community facility FAR is not being increased from existing zoning.

Comment 1-33

The small number of affordable units provided is not enough to outweigh the irreparable damage it would do. (Pousette-Dart_122)

Response 1-33

The Proposed Actions would allow residential use where it is currently prohibited. It would expand the supply of housing, including needed affordable housing, and update obsolete zoning regulations that do not allow most types of commercial uses, including neighborhood retail. Further, the Proposed Actions would update the zoning in a manner that

is respective of the SoHo/NoHo's existing historic context and the impacts of the Proposed Actions were fully examined in the DEIS and this FEIS.

Comment 1-34

DCP lacks understanding of what allows for a creative community because this plan has clearly questionable interest in design, and has not looked at the work of other countries that solve their housing growth in a more creative and humane way. (Rosenblatt_061)

Rethink the plan and listen to what the communities suggest since their ideas are not out of sympathy to the city's goals just the planned means to them. So much more vacant real estate has been created by the pandemic that adding to it seems nuts. There is a glut of empty space in the immediate and surrounding areas such as west of the entry to the Holland Tunnel and along Canal Street. (Rosenblatt_061)

Reconsider the plan because COVID has changed where and how people work and their potential office needs. Working from home may become more dominant for a large number of people • Because the consequences of this pandemic over the next 10 years is not knowable at this time but a necessary element in evaluation of the proposal projections - it cannot be made up as fiction to be used for any realist plan. (Rosenblatt_061)

Response 1-34

Comment noted. In the near term, the consequences of the pandemic on all facets of work and life in New York City are unknown. The Proposed Actions would allow for new housing and expand the types of commercial and community facilities allowed in SoHo/NoHo, which would support the City's recovery from the COVID-19 pandemic. The DEIS analyses is based on a 10-year development horizon, or build year of 2031, by which point it is expected that the City, and the rest of the world, will have returned to a state of relative normalcy.

DENSITY AND BULK REGULATIONS

Comment 1-35

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 districts that give these neighborhoods their defining character and that comprise over 80% of the rezoning area, in Chinatown and the adjacent neighborhoods. (Kiely_CB2_001)

What we all don't want, which the City actually seems most interested in, is the massive proposed upzoning, which is what offers incentives to displace long-term lower-income tenants and demolish buildings with rent-regulated affordable housing, as well as destroy historic buildings

and create oversized new developments. The Advisory group agreed that the historic character of SoHo and NoHo should be preserved. But the proposal allows nearly doubling the size of new buildings in historic districts, even as it acknowledges that this will create little affordable housing within the district boundaries. (Goldwyn_180)

The proposed rezoning would allow up to 12 FAR, the highest legally allowable density for residential development in the State of New York. This is 20% higher than the allowable FAR along Billionaire's Row in midtown. Most of the rezoning allows either 12 FAR or 9.7 FAR, which is also unacceptable. FAR this high would result in grossly out of scale new development. Average FAR in SoHo-NoHo-Chinatown is currently under 5. The vastly increased allowable FAR encourages the demolition of historic buildings (many not LPC-protected) and the development of oversized vertical enlargements on designated properties. (Kroessler_011)

Increase in FAR from 5 to levels up to 12 is especially problematic. This increase incentivizes demolition of existing buildings in the 6 historic districts that give these neighborhoods their defining character. (Margolis_063)

The proposed density is excessive: Despite SoHo's varied building stock, most buildings now comply with the current FAR of 5.0 for commercial buildings. The FAR proposed for new residential buildings is 9.7 for the area in which I live, and up to 12.0 for other major subareas – more than double. This could result in gross overbuilding of the area, potentially over nine million square feet for all of the actual sites affected. (Shoemaker_082)

For buildings along Broadway, we recommend a maximum FAR of 7.2 for residential uses. For height restrictions, we recommend reducing the proposed maximum building height from 205 feet to 125 feet and the maximum street wall height from 145 feet to 105 feet. Our proposed changes to the plan would ensure that income restricted units developed through the MIH program would not only help achieve affordable housing goals in the city but would also be contextual with the existing building stock and greatly benefit our community. (Dicus_112)

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. (Herrick_065)

Keep the current FAR and add an appropriate height limit. (Tenenbaum_173)

Some Suggested Bulk Revisions for New Development:

- Within Historic Districts: R8A equivalent, max height, including MIH, 145' to 150' with contextually appropriate street walls and setbacks.
- For Side Streets in Historic Districts and along Lafayette St. up to Great Jones, Centre, Baxter, Howard: C6-2A overlay.
- For Broadway and Bowery: – No commercial overlay limits on the eventual envelope.
- For Broadway, Lafayette, Bowery and Canal, Use Group 10 with performance standards. (Jones_017)

Retaining something like the current five FAR while designating some areas for residential development with mandatory affordable housing and others for commercial, so the two uses are not competing with one another, would more effectively achieve the plan's purported goals without the irreversible damage and developer giveaways. (Kates_209)

Response 1-35

The residential densities recommended in the comment are lower than the residential densities allowed under the Proposed Actions. With respect to the Opportunity Areas—areas that are ideal for growth and appropriate for high density development given their location proximate to transit, adjacency to wide streets, and existing built context of tall, higher density buildings—the comment proposes residential FARs ranging between 5.0 and 8.5 (whereas the Proposed Actions propose 12 FAR), which would substantially hinder the development of needed housing. The reduced residential densities would not maximize housing and would not further the Proposed Actions' goals that relate to housing production, including the provision of needed affordable housing through MIH.

The recommendations in the comment for Broadway are not in keeping with the existing built context found along Broadway, which includes large, bulky loft buildings. The Proposed Actions would map M1-5/R9X district along wider corridors such as Broadway, that are generally within historic districts, but where taller and bulkier building forms more appropriately match the existing built character; buildings in these areas typically range between 70 feet and 150 feet in height. Many of the older buildings along heavily trafficked corridors, in particular Broadway and Lafayette Street in NoHo, are overbuilt under the existing zoning—more generous floor area regulations are intended to allow for new contextual development, conversions, and enlargements of existing buildings while also bringing older structures into compliance with zoning. The recommendations with respect to Broadway would be inconsistent with the Proposed Actions objectives of establishing bulk regulations that appropriately respond to neighborhood context and allow for conversions and enlargements within the existing highly adaptable loft buildings found along these corridors.

The maximum building height of 175 feet recommended in the comment for the Opportunity Areas (M-6/R10) would severely limit housing production in area appropriate for higher density and taller buildings and would result in buildings that would be shorter than many existing buildings located within and adjacent to the Opportunity Areas. The 150 feet building height limit recommended for the historic cores is greater than the maximum building height allowed under the Proposed Actions, which is 145 feet. The bulk requirements under the Proposed Actions, which include a 145-foot maximum building height and base heights ranging between 60 feet and 105 feet, in the historic cores, are reflective of the existing built context and intended to preserve the scale of the historic districts while allowing limited, infill residential development. The height recommendations in the comment would not meet the Proposed Actions' goals related to urban design and building forms. Further, the 175-ft height limit for the Opportunity Areas, like the substantial density reductions called for in the comment, would severely limit housing production.

Given the status of SoHo/NoHo as a major employment center and important office submarket, it would not be appropriate or in keeping with the existing character to limit commercial FAR to 1.0 or 2.0, as is found with commercial overlays. SoHo/NoHo is a mixed-use area and an important location for office-based firms. The Proposed Actions reflect and build upon the concentration of office use found in SoHo/NoHo. Mapping commercial overlays would run counter to the Proposed Actions goals with respect to economic development, mixed-use, and creation of commercial space to provide employment opportunities.

Because the recommendations in the comment regarding residential densities, maximum building heights, and commercial overlays would not meet the Proposed Actions' goals related to housing, economic development, and urban design, none of the recommendations were considered as alternatives to the Proposed Actions in Chapter 22, "Alternatives." Retail uses, unlike manufacturing uses, are not subject to performance standards under zoning. As such, performance standards for retail uses in SoHo/NoHo are not under consideration.

Comment 1-36

CB2 opposes the transfer of development rights beyond currently permitted continuous lots and any future proposal must maintain the contextual 85-foot street wall height. (Kiely_CB2_001)

Response 1-36

The Proposed Actions would not introduce any new mechanism to transfer development rights from adjacent lots. Further, developments constructed in accordance with the new zoning could not exceed the maximum building heights allowed under the SNX even if a development utilizes air rights from adjacent parcels. Within NYCHDs, the proposed maximum base heights would be in keeping with the existing built context.

Comment 1-37

City Hall's proposed re-positioning of SoHo-NoHo as a high-tech office and high-end retail area taking full advantage of the area's saturation with major mass transit lines and hubs would have been wasted if the area would develop into high-density housing, as offices and large-scale retail and restaurants produce far higher density per land area than housing thus a more effective use of city and transit resources, and generate a far larger income stream for the city in terms of real estate taxes, sales taxes and various payroll and commercial taxes than residential uses. (Neratoff_019)

Response 1-37

Comment noted. The Proposed Actions are also intended to address the City's affordable housing crisis. The Proposed Actions would allow residential use and require needed affordable housing in connection with market rate residential development.

Comment 1-38

The proposal yields the potential for over 9,000,000 — nine million — square feet of new structure, equal to three Empire State buildings. (Shoemaker_082, Singh_116, Stoltz_094)

Response 1-38

As described in Chapter 1 of the DEIS, "Project Description," the Proposed Actions are expected to generate approximately 2.2 million gsf on 26 projected development sites. The amount of new incremental development and the bulk allowed under the Proposed Actions was comprehensively assessed in the DEIS. As discussed in the DEIS, the

Proposed Actions would not result in significant adverse impacts to land use, urban design, or neighborhood character.

Comment 1-39

How can you justify allowing development up to two and a half times the size currently allowed here? (Moskowitz_201)

The plan would allow new construction which is more than two and a half times the size of the average existing building in the neighborhood. (Cherry_048, Clayton_023, Fisher_097)

If approved, this plan would allow buildings to be built to 2 1/2 times larger than what is currently permitted. (Moses_016)

The Mayor's plan allow new development of an egregious scale up to 2.4 times what current rules allow. (Calderaro_142)

If the SoHo/NoHo upzoning is implemented, it will allow grossly out-of-scale new construction and big-box chain stores. The Mayor's plan would allow new development of an egregious scale, up to two-and-a-half times what current rules allow. (Standish_014)

The Plan would allow development up to 2 1/2 times the size current rules allow. The City says it will result in 3.8 mil sq ft of new development, but would actually allow well over 10 mil sq ft of new development in rezoning area, or nearly four Empire State Buildings, most of which is unaccounted for in their environmental analysis. (Cherry_048, Clayton_023, Fisher_097)

While the city projects that the rezoning will result in 3.8 million square feet of development — a staggering total equivalent to an Empire State Building and a Chrysler Building together for this small area— it actually allows more than 10 million square feet of additional development, or the equivalent of three and a half Empire State Buildings, most of which is unaccounted for in the city's projections. (Kroessler_011)

How can you justify a plan that would allow the construction of over 10 million square feet of space in a small area, but only accounts for about a third of it being built? (Moskowitz_201)

Response 1-39

The proposed use changes and increases in density are necessary to facilitate the Proposed Actions goals of housing production. The Proposed Actions would allow residential use on an as-of-right basis and facilitate residential infill development—primarily in the SoHo Core and NoHo Core subareas and are expected to result in housing production primarily in subareas outside of the historic cores. This new development is expected to include expanded types of commercial uses on the ground floors and commercial space on the second floors along major corridors. Several sites with frontage on wider streets that could accommodate

larger building footprints are anticipated to be redeveloped with a mix of residential, community facility and/or commercial uses, reinforcing the mixed-use character of SoHo/NoHo. The Proposed Actions include contextual bulk envelopes to ensure that new development respects the historic context and existing built form by requiring building heights and maximum and minimum base heights for new developments, particularly developments in subareas that contain historic districts. The Proposed Actions include height limits for the first time throughout SoHo/NoHo as well as other bulk controls to ensure that new developments complement and reflect the existing scale found within SoHo/NoHo, including within the NYCHDs, and adjacent neighborhoods.

Comment 1-40 The proposed FARs favor residential uses. (Borelli_133)

Response 1-40 Comment noted. See also the response to Comment 1-39.

Comment 1-41 Among the many reasons to oppose this deeply troubling plan is the gargantuan scale of development it would allow and the consequences of doing so. For all practical purposes, the current maximum allowable FAR here is five, since a higher FAR is only allowed for a very narrow band of community facilities, like houses of worship. Whereas, under the rezoning, the allowable FAR would be a minimum of 6.5, given the much wider range of very lucrative community facility uses allowed. Thus, the plan would grant increases in the allowable size of development of at least 30 percent to 6.5 FAR up to a 94 percent increase to 9.7 FAR, and even a 140 percent increase to 12 FAR. This is enormous. Not only compared to the very generous size of new development currently allowed, but more importantly, compared to the existing buildings in the rezoning area, which average around 4.8 FAR. The maximum allowable FAR of 12 is thus nearly three times that size and 20 percent larger than allowed for residential development on Billionaires' Row in Midtown. (Kates_209)

Response 1-41 Within the SoHo and NoHo historic cores, the Proposed Actions would allow 5 FAR for commercial/ manufacturing uses and 6 FAR for residential developments with MIH. The community facility FAR would remain unchanged at 6.5. A residential FAR of 9.7 would be allowed in the Broadway-Houston Corridor and along Canal Street. The largest residential densities would be permitted in Opportunity Areas 1, 2, and 3, which would have a residential FAR of 12 to maximize housing production. The residential densities have been selected to maximize housing production. As discussed in Chapter 2, "Land Use, Zoning, and Public Policy," the proposed densities would be consistent with the zoning in adjacent neighborhoods that are mapped with medium- and high-density residential and commercial zoning districts.

Comment 1-42

The plan adjusts FARs in consideration of the physical conditions in each of the subareas. The densities proposed for NoHo North Corridor and Opportunity Area 2 would provide for the most new housing within buildings of a reasonable scale. (Borelli_133)

The plan's bulk controls for new construction are also generally appropriate and provide for the plan's full development potential for housing. However, some additional flexibility regarding minimum base heights would be desirable – particularly on sites with multiple street frontages where the proposed bulk envelope could accommodate flexibility for better designs and achieve greater efficiencies for residential projects. (Borelli_133)

For example, under the proposed zoning, a new building at Edison's Centre Street site would be required to have a tall narrow portion on the Hester Street frontage which would result in inefficient floor plates. In situations like this, the special district should provide the option to reduce base heights on narrow streets to the underlying district's standard as long as redistributed bulk remains within the special district's proposed envelope. (Borelli_133)

Response 1-42

Comment noted. The Proposed Actions would establish bulk regulations that more appropriately respond to neighborhood context and provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings.

Comment 1-43

The limit of the zoning, the height of the zoning should be 125 feet. (Finch_203)

Response 1-43

Comment noted. The Proposed Actions would require base heights that are responsive to the context of existing buildings. Within the SoHo and NoHo historic cores, the Proposed Actions would allow base heights ranging between 60 feet and 105 feet (and would include special provision to allow cornice alignment). The maximum height allowed in the historic cores would be 145 feet. More generally, in areas characterized by NYCHDs with varied built forms, including the Broadway and Houston Street subarea, Canal Street subarea, SoHo and NoHo Historic Core subareas, special zoning provisions would support loft-like building forms that reflect and respect the unique existing and historic character of these areas. Because changes to buildings and new construction in these historic districts are subject to LPC's review and approval, the new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the historic character of these areas and the immediate context without the need for separate land use actions. The bulk regulations under the Proposed Actions would allow LPC to refine base heights further to allow for improved cornice

alignment for developments within New York City-designated historic districts.

Comment 1-44

The plan proposes massive increases in the allowable height and density of buildings, by the granting of floor-to-area ratio (FAR). This will create a wall of massive towers stretching from Mercer Street to Broadway and on through to Crosby Street. A similar wall of towers is planned along Lafayette Street, taking over blocks in NoHo, SoHo and Chinatown. (Cuomo_144, Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Weintraub_047)

The proposed heights are excessive: I live in one of the tallest buildings in Soho, at 142' to the roof. The proposed zoning would allow 205' high buildings along Broadway, and 275' high buildings in other sub -areas. The proposed allowance of multiple infill buildings to similar heights could create unattractive “walls” of development. These heights would be out of proportion and scale with Soho’s historic building fabric. The heights proposed by the Soho Broadway Initiative (maximum 125' along Broadway) make more sense. (Shoemaker_082)

Response 1-44

The special use and bulk regulations under the Proposed Actions would reflect existing built character. In the Broadway and Houston Street subarea, the Proposed Actions would require buildings to have base heights between 85 and 145 feet before setting back and rising to a maximum building height of 205 feet. The DEIS identified four projected development sites in this area.

Development anticipated under the Proposed Actions would be of a similar scale and massing as most existing buildings. These buildings would enhance the mixed-use character of the subarea and the pedestrian experience by adding to the ground-floor retail uses typical of this subarea. Furthermore, the buildings would have forms and footprints consistent with those of many of the existing buildings.

Beyond the historic cores, in Opportunity Areas 1, 2, and 3, framed by wide streets, special bulk regulations would allow sufficient flexibility to achieve the development and housing goals of the Proposed Actions while responding to neighborhood context. The Proposed Actions would facilitate larger developments at the outer boundaries of the Project Area and along major corridors. Along the wider streets, the Proposed Actions would increase density to facilitate housing production and commercial development in new buildings that would be consistent with the existing taller and denser context. In the Opportunity Areas, the Proposed Actions would require buildings to have base heights ranging between 125 and 155 feet before setting back and rising to a maximum building height of 275 feet.

Comment 1-45	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. (Nadler et al_087)
Response 1-45	Comment noted. The Proposed Actions were designed to ensure the height, bulk and setback limits facilitate appropriate building forms and a desirable mix of uses while supporting the proposal's goals with respect to housing production and commercial development.
Comment 1-46	A flood of new office and retail use will result from a substantial increase in permitted building size, particularly along major thoroughfares. (Neratoff_019)
Response 1-46	As stated in Chapter 1. "Project Description," the Proposed Actions seek to promote economic recovery, resiliency, and growth by allowing a wider range of non-residential uses, including commercial uses like retail and office space as well as community facility and light industrial uses.
Comment 1-47	<p>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.</p> <p>We 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). (Berman_015)</p> <p>This plan will allow out of scale FAR in Soho. (Choi_055)</p>
Response 1-47	The existing 50-year-old M1-5A and M1-5 B zoning permits buildings of unlimited height and mandates bulk controls that are inconsistent with the existing historic character. Indeed, new developments within SoHo and NoHo frequently necessitate waivers from existing zoning to ensure that the built form is appropriate. The Proposed Actions include height limits for the first time throughout SoHo and NoHo as well as other bulk controls such as required base heights that would ensure that new developments complement and reflect the historic character of these neighborhoods. The Proposed Actions have also been designed to allow LPC to shape the form of new developments in a manner appropriate to

the neighborhood and the immediate context without the need for separate land use approvals.

Comment 1-48

We are not opposed to the creation of affordable housing in SoHo, NoHo, and Chinatown however we are opposed to supertall buildings in these neighborhoods. We support the efforts and work demonstrated by Greenwich Village Preservation in that many, specific real estate opportunities exist in these neighborhoods which may be purchased by the city which can be converted to affordable housing without disrupting the unique charm/scale our area offers. (Bowden_102)

Response 1-48

Lower residential densities would be at odds with the Neighborhood Plan put forth by DCP and the local community. A reduction in residential density would result in an inadequate amount of affordable housing to the SoHo/NoHo neighborhoods. Further, the Proposed Actions would not result in construction of supertall buildings in these neighborhoods. Through establishing height limits for the first time throughout SoHo and NoHo as well as other bulk controls such as required base heights, the Proposed Actions would ensure that new developments, including affordable housing, are encouraged that complement and reflect the historic character of these neighborhoods

Comment 1-49

The proposal would allow nearly doubling the size of new buildings in the historic districts. It's an invitation for out of scale commercial development. (Goldwyn_039)

Response 1-49

See the response to Comment 1-46 and the response to Comment 1-47. As stated above, the Proposed Actions have been designed to allow LPC to shape the form of new developments in a manner appropriate to the historic districts without the need for separate land use approvals.

Comment 1-50

According to our local partners at the Municipal Art Society, the most recent September 2020 MapPluto data shows there are approximately 2.5 million square feet of development rights currently available within the rezoning area. The proposed rezoning would more than triple this amount to nine million square feet, of which six million would be located within the historic districts. The National Trust is deeply concerned that a massive increase in development rights, if approved, would result in proposals out of context with the scale, height, and density of these neighborhoods. (Judd_081)

The Soho Broadway Initiative report demonstrates how the proposed new FAR and height limits will encourage development that diminishes the Broadway corridor. They've raised the concern that even if a few of the projected development sites are built to the new maximum FAR and

height, they will cumulatively create a new context and scale. (Goldwyn_039)

Response 1-50

As stated above, the Proposed Actions would result in approximately 2.2 million gsf of projected development. The buildings projected under the Proposed Actions would be of a similar scale and massing as most existing buildings. The new buildings are expected to enhance the mixed-use character of SoHo/NoHo. As described in Chapter 14 of the DEIS, "Urban Design and Visual Resources," in the Broadway and Houston Street subarea, Canal Street subarea, SoHo and NoHo Historic Core subareas, which are characterized by three historic districts with varied built forms, the Proposed Actions would support loft-like building forms that reflect and respect the unique existing and historic character of these areas.

Comment 1-51

Included in these neighborhoods are some of the city's most popular historic districts. The plan, as it now exists, would dramatically alter the scale within those districts. (Moses_016)

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. Over 90% of the buildings in SoHo and NoHo's historic districts 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 (housing opportunity zones), which are nearly all outside the historic district, we think this lot coverage requirement could be waived. (Herrick_065)

Response 1-51

The Proposed Actions would institute height, bulk, and lot coverage controls that reflect the existing character of SoHo and NoHo and ensure predictability in built form for the community that is lacking under existing zoning. LPC would continue its role in evaluating appropriateness of new developments within the historic districts.

COMMERCIAL USE

Comment 1-52

These incentives for commercial and dormitory use as well as the proposed modification to preserve large buildings (60,000 square feet and larger) for commercial use will result in a proliferation of large office and/or other commercial structures with no affordable housing at all. (Kiely_CB2_001)

Response 1-52

The Proposed Actions are designed to respect and enhance Broadway's reputation as an employment hub and important location for office space with its high concentration of buildings with large, flexible floorplates. The intention of the proposed zoning is to facilitate built forms that are consistent with the older, bulkier loft buildings found along the major corridors like Broadway. The non-residential floor area retention requirement would preserve the mixed-use character of the neighborhood and ensure that SoHo/NoHo retains its status as a regional employment hub. For redevelopments, enlargements, and conversions of existing buildings containing at least 60,000 square feet of floor area and in which at least 20 percent of the floor area within such building was allocated to non-residential uses, new residential floor area would be permitted only upon certification by the CPC Chairperson. As described in Chapter 2, "Land Use, Zoning, and Public Policy," the non-residential floor area retention requirement would affect large commercial buildings that represent less than 10 percent of the overall building stock in SoHo/NoHo, but contain most of its commercial floor area and attendant jobs and therefore have outsize importance to the neighborhoods' vibrant and diverse economic base.

Comment 1-53

Eliminate the eligibility of big box stores, huge eating and drinking establishments, office buildings and hotels. (McKee_093)

CB2 supports allowing as-of-right ground-floor local retail less than 10,000 square feet under Use Group 6, appropriate for a mixed-use residential district. (Kiely_CB2_001)

The initiative believes that as-of-right retail use is appropriate throughout SoHo and NoHo and should be done in a way that maintains the mixed-use character of SoHo. The retail vacancy rate within our BID is currently at 30.4 percent, which represents an increase of 18.4 percent since 2018 when our vacancy rate was just under 15 percent. The current rules governing retail are complicated and expensive, making SoHo attractive to established businesses that can afford to hire the consultant teams needed to follow these rules. Rules governing retail should not make it harder for a business to locate in SoHo than in other parts of the City. Rules applying to retail should be easy to follow and help attract and retain businesses to this important part of the City. Therefore, along Broadway, we support unrestricted as-of-right on the second floor and below, consistent with the floor area of buildings on those floors. Above the second floor, the initiative supports allowing low-impact retail uses; such as yoga studios, galleries, and spas without special permit. Folks have spoken with you about issues with the arts fund, which we share. (Dicus_112, Dicus_193)

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. (Herrick_065)

[Property owners with sites that contain existing and largely overbuilt buildings with commercial / retail and some mixed JLWQA] need rules for ground-floor (or more) retail based on performance standards. (Jones_017)

Response 1-53

Comment noted. The Proposed Actions would allow a broader range of uses as-of-right, including local retail on ground floors and cellars where it is currently difficult to locate some commercial and community facility uses. As discussed in Chapter 1 of the FEIS, Project Description," DCP has proposed a modification to allow Use Group 10A (large retail and service establishments) though a Chairperson Certification. The proposed certification would allow large retail establishments (greater than 25,000 sf) pending the administrative review of a loading plan and a finding, in consultation with DOT, that the plan adequately addresses loading needs with minimal conflict with other uses in the building, the surrounding area, and the public realm.

Comment 1-54

CB2 supports maintaining a special permit for retail more than 10,000 total square feet, as is the case in most commercial districts in the City to ensure community input in the creation of large-scale retail uses and to give voice to and support small business owners and opposes any zoning-led bailout for overleveraged retail property owners. (Kiely_CB2_001)

Allow retail below the second story as-of-right, but keep the 10K square foot limit on retail and 5K square foot limit on eating or drinking establishments. (Tenenbaum_173)

We should keep the cap of 10,000 square feet on commercial space. (Finch_203)

Eliminating the 10,000-square-foot cap on retail incentivizes more large retail development and does not support small businesses, nor ensure a

healthy vital tenant mix that supports a residential neighborhood. More importantly, the cap ensures that the community has input on potential quality of life issues and support small businesses in our neighborhood. (De La Rosa_156)

We support as-of-right ground-floor retail under 10,000 square feet. (Nadler et al_087)

[We] urge the city to maintain the special permit for large-scale retail [over 10,000 sf] until such a process can be created. (Nadler et al_087)

Residents agree that allowance for a greater range of as-of-right retail uses make sense but with reasonable size limits like 10,000 square feet for general retail. (Rubin_214)

Response 1-54

Special permits to allow large retail spaces are inappropriate considering SoHo/NoHo's context as a retail corridor and the prevalence of large-floorplate buildings. However, in response to concerns raised about commercial loading for large retail establishments, DCP has proposed a modification that would large retail establishments with a Chairperson Certification. As discussed in the response to Comment 1-53, the proposed certification would address conflicts with other uses in the same building, the surrounding area, and the public realm. Further, large retail spaces are allowed in other commercial corridors in the City on an as-of-right basis.

Comment 1-55

CB2 continues to support the enforcement of the City's loading berth requirements to reduce noise, pollution, and congestion from frequent deliveries and trash pickup, based on total selling space, including basements. (Kiely_CB2_001)

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. (Nadler et al_087)

Response 1-55

See response to Comment 1-53. Off-street loading is governed by Zoning Resolution, Article 1, Chapter 3, "Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core." The DEIS included a discussion of the City's efforts to address commercial loading and deliveries. Furthermore, altering historic buildings within historic districts to provide loading berths is likely contrary to preservation objectives and detrimental to streetscapes. The Neighborhood Plan process will continue to bring agencies and the community together to address operational and other quality of life issues that fall outside the purview of zoning.

Comment 1-56

CB2 supports maintaining a size limit and creating a special permit for eating and drinking establishments above 5,000 square feet or seating capacity above 200, similar to requirements in the nearby Special Hudson Square District and Special Tribeca Mixed Use District. (Kiely_CB2_001)

We should keep the 5,000 square foot cap on commercial space. (Finch_203)

The idea of providing a special permit is an important step forward, and I hope that the Commission will lean forward, rather than fall back on any sense of pausing to with regard to this action. I think that the departmental staff in the Manhattan office in particular have the experience and the resilience to work with all of the stakeholders to find a way to correct the situation and to end the dramatic negative impact that the current zoning is having on NoHo and SoHo. (Friedman_177)

This plan will create larger out of scale retail spaces - I am especially opposed to any restaurants and bars in excess of 5,000 sq ft. (Choi_055)

Residents agree that allowance for a greater range of as-of-right retail uses make sense but with reasonable size limits like 5,000 square feet for eating and drinking establishments. (Rubin_214)

Response 1-56

Many of the special permits and variances approved in SoHo/NoHo are to allow retail and other commercial uses, such as restaurants and drinking establishments, on the ground floor. These uses are allowed as-of-right throughout much of New York City, in neighborhoods adjacent to SoHo/NoHo, and in mixed-use neighborhoods in all five boroughs, with no special permits, variances, or community board approvals. The Proposed Actions would eliminate these onerous and archaic zoning requirements that disproportionally affect property owners and businesses in SoHo/NoHo. By lifting the 5,000-sf limit on eating and drinking establishments, the Proposed Actions would support business owners, including owners of small businesses, who may want to expand and grow their business, but are restricted from doing so because their businesses are located in SoHo/NoHo. The need for special permits or other ad hoc approvals to allow new or expanded eating and drinking establishments larger than 5,000 sf can represent a substantial obstacle to small businesses that may lack the capital or technical support necessary to navigate the discretionary approvals process.

Comment 1-57

The Mayor's Plan projects residential use to increase 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. (Kiely_CB2_001)

Response 1-57

See the response to Comment 1-56 regarding restrictions on eating and drinking establishments. See the response to Comment 1-53 regarding commercial loading and the public realm. The Proposed Actions are intended to promote a diversity of commercial businesses. Many of SoHo/NoHo's large-floorplate buildings were originally developed to house large commercial establishments and are appropriate locations for larger retail stores that are already present in the neighborhood. The Proposed Actions would allow such large retail establishments under zoning. The City, through DOT and DSNY, are working to address quality-of-life concerns related to the operation of large retail establishments and have engaged with residents and businesses through the Neighborhood Plan to provide information on how to address such concerns. Quality-of-life issues, commonly present in mixed-use neighborhoods all over the City, can be more effectively addressed through coordinated City programs, operational measures and implementing best practices generally outside of zoning.

Comment 1-58

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. (Kiely_CB2_001)

Response 1-58

Comment noted. To better support the mixed-use character of SoHo/NoHo, the Proposed Actions would introduce greater flexibility for the location of uses within the same building. For conversions within existing buildings, commercial and manufacturing uses may be located above residential uses. For new mixed developments or enlargements, dwelling units on the same story as a commercial use would be permitted, provided there is no access between the residential and commercial uses.

Comment 1-59

The Proposed Actions fail to strengthen the unique mixed-use neighborhood, incentivizing commercial developments and large retail at the expense of small businesses. Eliminating retail caps threatens small businesses and removing eating and drinking caps eliminates the community voice on uses that may be incompatible with residential neighborhoods. These changes will negatively impact the expanding residential community. (Kiely_CB2_001)

Response 1-59	See the response to Comment 1-53 and the response to Comment 1-55 with respect to size restrictions on eating and drinking establishments and retail. As described in Chapter 1, “Project Description,” SoHo/NoHo’s manufacturing zoning and outmoded provisions continue to prioritize traditional light industrial and related uses that have largely relocated to other parts of the City, region, and beyond. These regulations create significant barriers and onerous burdens for property owners and businesses as they attempt to respond to changing market and industry dynamics. restricts retail, food and beverage establishments, and many other commercial uses on the ground floors in most of the districts (excluding limited commercial spaces that pre-existed the current zoning).
Comment 1-60	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. (Kiely_CB2_001)
Response 1-60	The proposed Actions include an expanded home occupation provision. Regulations allowing home occupations to occupy a dwelling unit as an accessory use, which already apply to certain commercial and mixed-use zoning districts elsewhere in the City, would be adapted for SoHo/NoHo’s live-work tradition and modern live-work needs. Up to 49 percent of the floor area of a dwelling may be used for workspaces—whether for fine arts, music, film, or other media—and may employ up to three non-residents. In addition, the definition of home occupation would be expanded to include most commercial and manufacturing uses permitted by the underlying zoning, including professional offices. As the nature of work has been disrupted by the COVID-19 pandemic, it is crucial that zoning regulations recognize live-work arrangements more inclusively, especially as many industries and sectors begin to adopt flexible work-from-home policies.
Comment 1-61	<p>The DCP plan would open the door to big-box stores, undoubtedly at the cost of putting many local small businesses out of business. (Schoonover_029)</p> <p>DCP’s plan is much too generous to developers of “luxury” housing and commercial projects; it would promote massive “big box” retail uses. Few spoke in support of DCP’s plan yesterday, but even some of them encouraged you to reduce the FAR permitted for commercial uses. (Senter_109)</p> <p>We do not want this rezoning to open the door for more big box stores. The last thing Chinatown needs is megacorporations next door that engage in unfair competition like predatory pricing. (Sonkowsky_064)</p>

The proposed changes will exacerbate the neighborhood's shift toward becoming an open-air shopping mall for highly competitive deep pocket retailers. (Baum_128)

We stated that the proposed plan incentivizes office development and big-box retail instead of adaptive reuse, new affordable housing and the preservation of the current significant stock of affordable housing. (Corman_121)

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. (Berman_015)

The plan would also allow the proliferation of large chain Big Box stores, making it more difficult for small, independent and family-owned businesses to survive. (Chin_105)

Further - a plan that supports big box Commercial Chain stores that are not human scale. Over our small business owners and storefronts. We do not need more luxury high rise housing in Soho / Noho - we do not need more commercial Space when tons of commercial Space remains empty - the pandemic has changed the face and trajectory of the city and our urban development needs to reflect that. (Durning_106)

The plan would also allow the proliferation of large chain Big Box stores, making it more difficult for small, independent and family-owned businesses to survive. (Moses_016)

The plan would open the floodgates to giant big box chain stores that would force out long time local businesses. (Calderaro_142)

The Victorian Society New York also strongly opposes any move to lift the existing 10K Sq ft limit for retail uses. SoHo and NoHo do not need to be further transformed into a mega-mall. While retail uses are important and well-run appropriate ones are welcome, they should not overwhelm the neighborhood, which very large big-box and multi-level stores tend to. We don't need to make the rules looser to accommodate more of these. (Calderaro_142)

What is the justification for allowing destination mega-retail of unlimited size on narrow side streets; such as Greene, Wooster, Bleecker, or Baxter Street. Such an allowance will only make it impossible for anything other than a huge chain store or a giant restaurant or bar to survive here and harm smaller, local independent businesses. (Rubin_214)

This doesn't protect small businesses. We haven't heard any initiatives of how we're going to promote and keep small business thriving throughout all three communities. (Marte_194)

Response 1-61

See the response to Comment 1-54 concerning large retail and the response to Comment 1-62 concerning commercial FAR reductions. Large retail spaces are appropriate considering SoHo/NoHo's context as a retail corridor and the prevalence of large-floorplate buildings that can accommodate large retail and service establishments. Further, the Proposed Actions would preserve large buildings for jobs in a limited number of existing large buildings with large floorplates located primarily along Broadway. This requirement is intended to preserve office, light-industrial, and creative industries that are significant employers. The study area has long seen a pattern of limited commercial development and more significant residential conversion and development through discretionary actions. It is anticipated that in the absence of the Proposed Actions, underutilized sites would largely continue this pattern and be redeveloped with mixed-use residential buildings with commercial space on lower floors. In addition to promoting housing production, the Proposed Actions are intended to provide protection for the existing commercial and remaining light manufacturing businesses still present in large loft buildings and ensure that SoHo/NoHo continues to thrive as an employment hub and reservoir for Class B office space. The Proposed Actions are not intended or projected to result in a proliferation of big-box retail stores.

The Proposed Actions include multiple goals to enhance mixed-use, including allowing residential use and a wider range of commercial and community facility uses that are supported by existing conditions in SoHo/NoHo and recommendations in Envision SoHo/NoHo. Previous studies, including Envision SoHo/No, have documented at length how restrictive regulations have erected barriers to small businesses, perpetuated storefront vacancies, and contributed to other undesirable economic outcomes.

Comment 1-62

After the proposed rezoning, it will still be more attractive to build offices. There needs to be an adjustment, either a down design/side for their offices or something, because offices will get built more than housing still. (Goode_159)

The current plan is imperfect because the commercial density allowance is too high, so that must be modified to encourage as much housing as possible. (Salas_071, Thomas_169)

Response 1-62

By allowing a broader range of as-of-right uses, including residential, the Proposed Actions encourage the adaptive reuse of commercial/manufacturing buildings that may no longer be suitable for their historic use. The provision to preserve certain large buildings for jobs is intended to preserve office uses that provide a significant

concentration of office/production space in buildings with the largest floorplates. In response to comments raised during the public review, DCP has proposed modifications to the commercial densities allowed in Opportunity Areas 2 and 3. As detailed in Chapter 1, “Project Description,” and assessed in Chapter 22 of the FEIS, “Alternatives,” the proposed modification would reduce the commercial FAR from 10 to 8 in Opportunity Area 2 (southeastern portion of the Project Area), and from 10 to 7 in Opportunity Area 3 (in NoHo-Bowery). The proposed modifications would not affect the commercial density in Opportunity Area 1 (southwestern portion of the Project Area), which remains at 10 FAR.

Comment 1-63

The plan has numerous loopholes with no public benefit of any kind required to develop commercial space for private institutes and facilities. It would permit institutional expansion and crowd out local independent businesses by allowing more big-box chain stores, as well as eating and drinking establishments of unlimited size. (Sewell_220)

Response 1-63

See the response to Comment 1-61 and the response to Comment 1-121.

Comment 1-64

We want a reduction in allowable commercial FARs to incentivize residential over commercial development. (Sonkowsky_064)

This housing crisis is horrible citywide, but building our fair share of housing in SoHo is important to helping solve it. I ask that City Planning be careful not to incentivize commercial over residential. And I would ask them to do that by either raising the residential FAR to R10 throughout, or even possibly lowering the commercial FAR, so that this really incentivizes more housing, especially more affordable housing, to desegregate the neighborhood and allow, you know, lower-income families to live here in perpetuity. (Meehan_176)

But there is a risk, which is that the high allowable commercial FARs will result in office buildings instead of the intended result of mixed-income housing. Given our housing gap, which the recent census information has only confirmed is growing and the wish—from all parties—for more affordable housing specifically, this is still not the optimal path. (Gates_135)

The third option is to modify this proposal to be intentional about what we want built - mixed-income housing. Because increasing the residential FAR is out-of-scope, the only way to easily accomplish this is by lowering the proposed commercial FAR allowed to 2.0, still allowing for ground floor retail, second floor office space and mixed-use buildings. To be clear, the FARs should not be lowered “just enough” to

try and tip the balance to housing, nor should we rely on current conditions to serve as reassurance that housing will get built instead of commercial development. Markets and circumstances change, and if the wish is for mixed -income housing and not commercial development, the zoning should reflect this as strongly as possible. We encourage the commission to modify the proposal in this way. (Gates_135)

I'm in support for working towards the goal of increasing housing affordability. I do not support every part of this rezoning, even more housing need to be included currently and I propose lowering the commercial and office densities in order to increase and add additional housing units that are needed. (Zhang_236)

The only change that I would make to it would be to lower the commercial FAR. We need to ensure that housing, not commercial space, is what gets produced out of this badly-needed rezoning. I urge you to lower the commercial FAR and raise the amount of housing that could be produced under this plan. (Miller_161)

The commercial FAR has to be reduced. We have to figure out what we're going to do about demolition and saving tenants. (Brewer_241)

Response 1-64

See the response to Comment 1-62 concerning proposed reductions to commercial density as described in this FEIS.

Comment 1-65

By lifting all restrictions on oversized retail stores, as well as those now in place for controlling huge eating and drinking establishments, the plan will witness a tsunami of big-box stores, oversized restaurants, and enormous bars and clubs. This will destroy the character of the neighborhood and the quality of life for residents. Moreover, it will help push out small businesses and specialty shops. (Cuomo_144, Geng_127, Grubler_009, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Singh_116, Stoltz_094, Weintraub_047)

This plan is nothing but a giant giveaway to commercial development. The changes to commercial FAR and bulking will result in huge big-box stores and entertainment venues coming in, and the spillovers that this will affect on Chinatown, the East Village and all those surrounding neighborhoods is going to be tremendous. By making it impossible for small businesses to exist, these big-box stores destroy the resilience of the neighbors, of the neighborhoods and make it impossible for any kind of community to exist. (Williams_213)

Because laissez-faire retail without procedures or scaled restrictions will choke the area to death. Small footprint retail is scale appropriate for these landmarked regions. (Rosenblatt_061)

The plan would allow the proliferation of huge big box chain stores as well as bars, pushing out longtime smaller independent businesses and destroying quality of life. (Cherry_048, Clayton_023, Fisher_097)

Response 1-65

Comment noted. See the response to Comment 1-61. The Proposed Actions would promote a diversity of businesses, large and small, by allowing a broad range of uses to support existing businesses in SoHo/NoHo as they continue to operate, expand, grow, and evolve, while allowing a greater range of commercial, cultural, and civic activities within the existing highly adaptable loft buildings and new mixed-use developments. The Proposed Actions would also eliminate outdated regulations such as restrictions on ground floor retail use, which would make it easier for small businesses to operate and would remove restrictive zoning barriers that inhibit flexibility and success of businesses to expand, especially small businesses and retailers that may not have the expertise or resources to navigate the existing land use approval process.

Comment 1-66

I believe there is ample space available for commercial and retail without rezoning. (Oehl_140)

Response 1-66

The Proposed Actions are not driven by a lack of space for commercial and retail establishments. Changes to the existing zoning are being proposed to eliminate obsolete zoning requirements that inhibit the development of retail and commercial uses. The allowance of commercial and retail under the Proposed Actions reflects what is already present in SoHo/NoHo and recognizes the contribution of retail to the City's economy. SoHo and NoHo, especially SoHo, are successful retail destinations that provide jobs, and contribute substantially to the City's economy and tax base.

Comment 1-67

The plan incentivizes office development by allowing an equally-increased FAR for office or residential use while burdening the residential choice with an MIH penalty, assuring a pro-office choice for most vacant or underdeveloped sites. It also seeks to preserve large office (former factory) buildings by prohibiting their conversion to residential use.

Preservation of existing office space or the creation of new office space within pre-1961 (or simply existing) space will not have any "local-adjusted" MIH consequences. However, the creation of new office space will be subject to the same local MIH standards as new residential space, by creation of Affordable JLWQA space within the subject building or elsewhere in the Special District or by payment into a fund to be used to reward creators of affordable new space in excess of the MIH percentage in new construction within the Special District (or beyond the Community Board).

Besides a limited amount of “infill” residential construction and enlargement on small sites all fitting in below the affordable housing threshold, and development pressures leading to evictions and buy outs of existing tenants, the real result of CPC’s proposed up- -zoning as presented would be the open floodgates of new commercial construction. The dramatic increase in office building size was a complete surprise to the community. Its imposition into and next to one of the world’s most renown historic districts would leave Landmarks as the only agency to determine “appropriateness” and only for sites inside the district. (Neratoff_019)

I was involved with the conversion of our building from manufacturing to joint living, and it was a very, very complicated process, due to the nature of how these buildings were built in the 19th Century. Many of the features are not compatible and they just — it's not going to work (Behnke_166)

Finally, any retail over 10,000 SF and retail over 5,000 SF in any building with a less than 10,000 sf footprint would be subject to the 25 -30% factor as well, by payment into a fund to be used to reward creators of affordable new space in excess of the MIH percentage in new construction within the Special District (or perhaps, beyond the Community Board – to be revisited). (Neratoff_019)

Response 1-67

See the response to Comment 1-62 concerning commercial densities and the response to Comment 1-52 regarding non-residential preservation requirements. See also the response to Comment 1-75, below, regarding the production of affordable units under MIH. Commercial developments are not subject to MIH. Only residential floor area in upzoned neighborhoods or neighborhoods where residential use is allowed where it was previously prohibited are subject to MIH. New office development and larger mixed-use buildings would primarily be expected outside the historic cores of SoHo and NoHo. Within the historic cores, LPC would continue to have jurisdiction over demolitions, enlargements, and new construction under the NYC Landmarks Law. With the respect to the JLWQA conversion process, the Proposed Actions would allow a conversion from JLWQA to UG 2 via a coordinated interagency process involving DOB, whereas there would be no such option under existing zoning. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles.

Comment 1-68

Increasing the commercial FAR will not help affordable housing in this area and there is no need for more office space in this area. (Oskin_108)

Response 1-68

Commercial developments are not subject to MIH, only residential development. See also the response to Comment 1-62.

Comment 1-69

Our infrastructure is not adaptable to accommodate the expanded delivery requirements of upzoned retail structures- including vault spaces, which are a unique feature of our late nineteenth century buildings and are a notable feature out our protected landmarks. They preclude the construction of the required loading bays that normally accompany larger retail deliveries. Deliveries would be on the street, not internal, and would occur at night due to street conditions at all other times. I also want to say a little bit about expanded retail, and that is the infrastructure is not adaptable to accommodate the expanded delivery requirements for upzoning of retail. We have vault spaces in most of our basement. There is no place for a loading zone. (Behnke_111, Behnke_166)

Support the small businesses that attract so many to this area by keeping retail to under 10,000 sq. ft. The 19th century buildings are not equipped to handle the loading and unloading of merchandise. Our buildings include basement vault spaces, a unique feature of our late nineteenth century buildings that are a feature of our protected landmark status. They preclude the construction of the required loading bays that normally accompany larger retail deliveries. (Margolis_063)

SoHo does NOT need more oversized retail. What we need is incentives for small and medium size stores that sustain a community. When the pandemic hit, SoHo was moribund while Brooklyn, with its variety of small and medium-sized shops that were not run by international conglomerates thrived. Our streets and infrastructure cannot accommodate the expanded delivery requirements of oversized retail. I live next door to Uniqlo and can testify to the disruptive clamor from hours of late night deliveries. The vaulted side-walks preclude the construction of the loading bays required for oversized deliveries. At present, oversized retail occupies only 1% of potential spaces — and even that little causes a host of problems. Without the ability to adapt spaces to include loading bays, the upzoning would harm all other stakeholders and make residential living a nightmare. (Monrose_060)

Response 1-69

See the response to Comment 1-53 concerning commercial loading. Delivery hours and commercial loading are generally beyond the scope of the DEIS; however, for informational purposes, the DEIS included a discussion of the City's efforts to address commercial loading and deliveries. Off-street loading is governed by Zoning Resolution, Article 1, Chapter 3, "Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core." Furthermore, altering historic

buildings within historic districts to provide loading berths is likely contrary to preservation objectives and detrimental to streetscapes.

Comment 1-70

We strongly object to the plan because it would allow huge commercial developments such as large office buildings and hotels with no public benefits (such as affordable housing) whatsoever. (Berman_015)

Response 1-70

The Broadway corridor contains many historic, large-floorplate buildings that were originally developed to house large commercial establishments and are appropriate locations for larger retail stores that exist in the neighborhood today. The allowance of large retail under the Proposed Actions reflects what is already present in SoHo/NoHo and recognizes the contribution of retail to the City's economy. SoHo and NoHo, especially SoHo, are successful retail destinations that provide jobs, and contribute a great deal to the City's economy and tax base. The Proposed Actions would allow such large retail establishments to operate legally. Further, the Proposed Actions are designed to respect and enhance Broadway's reputation as an employment hub and important location for office space with its high concentration of buildings with large, flexible floorplates. One of the objectives of the Proposed Actions is to facilitate built forms that are consistent with the older, bulkier loft buildings found along the major corridors like Broadway. The non-residential floor area retention requirement would preserve the mixed-use character of the neighborhood and ensure that SoHo/NoHo retains its status as a regional employment hub. These large commercial buildings contain most of SoHo/NoHo's commercial floor area and attendant jobs and therefore have outsize importance to the neighborhoods' vibrant and diverse economic base.

Comment 1-71

The proposed zoning allows NYU space, and retail over 10,000 sf: The community has been united in opposing retail over 10,000 sf, now prohibited by existing zoning. This type of retail is not attractive to local residents, or those tourists who come to enjoy the uniqueness of Soho and Noho – it appeals mostly to those who arrive by car, and who contribute to the heavy traffic, pollution and overcrowding of sidewalks which is already problematic in Soho. (Shoemaker_082)

Response 1-71

Dormitory and educational facilities such as NYU spaces are defined as a community facility use under zoning and are unaffected by the Proposed Actions, which would not increase the allowable FAR. SoHo and NoHo — especially SoHo — are successful retail destinations that provide jobs, and contribute a great deal to the City's economy and tax base. The EIS transportation analysis assessed the potential for the Proposed Actions to result in significant adverse transportation impacts,

including traffic, pedestrian conditions, and pedestrian and vehicular safety. In addition, the DEIS traffic analysis did not identify any significant adverse traffic impacts under the Proposed Actions. One location was identified as having a significant adverse transit impact; a subway stair at the Canal Street Station, and one significant adverse pedestrian impact was identified for the sidewalk on the north side of Canal Street between Centre and Lafayette Streets during the Saturday peak hour. Mitigation was explored for these impacts but determined to be infeasible.

Comment 1-72

Property owners with sites that contain existing and largely overbuilt buildings with commercial / retail and some mixed JLWQA should be able to adopt any desired controls on intra-building mixed uses in special district text. (Jones_017)

Response 1-72

Comment noted. As described in Chapter 1 of the DEIS, “Project Description,” the Proposed Actions would introduce greater flexibility for the range and location of uses within the same building. For conversions within existing buildings, commercial, and manufacturing uses may be located above residential uses. For new mixed developments or enlargements, dwelling units on the same story as a commercial use would be permitted, provided there is no access between the residential and commercial uses. The proposed zoning merely provides additional flexibility, but the uses provided within a given building remain within the ultimate control of building and unit owners and their assignees.

Comment 1-73

It's clear, they are going to build commercial on many of their lots that are supposed to be residential, and that we were told will be residential. (Booth_219)

Some stakeholders, CHPC included, have recommended lowering commercial FARs from the proposed levels in the housing opportunity zones to ensure the desirability of residential development and maximize opportunities for fair housing. (Katz_239)

The plan's housing calculations are spurious - the upzoning will authorize several categories of development, only one of which (New Residential larger than 12,500 sf) includes guaranteed affordable housing. (Baum_128)

I urge the CPC to update the zoning of Soho and Noho, ideally with modifications to increase legal residential floor area ratios relative to commercial FARs—to further incentivize the housing construction we desperately need, and need here. (Kessler_032)

Response 1-73

In response to comments received during the public review process concerning the commercial densities being too high, DCP has proposed a reduction in commercial densities in Opportunity Areas (OA) 2 and 3. The modification is discussed in Chapter 1, “Project Description” and assessed as part of a new alternative in Chapter 22, “Alternatives,” in this FEIS. The proposed commercial density in OA-2 in the southeastern portion of the Project area will be lowered to 8 FAR (from 10 FAR) and the commercial density in OA-3 along Bowery in NoHo will be lowered to 7 FAR (from 10 FAR). The commercial density in OA-1 remains unchanged at 10 FAR. There is no change proposed to residential density in these areas, which would remain at 12 FAR.

RESIDENTIAL USE AND MANDATORY INCLUSIONARY HOUSING

Comment 1-74

The neighborhood 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. (Brandt_174, Kennedy_182, Kiely_CB2_001, Murray_221)

Not only is there no guarantee that any affordable housing will be created from this plan, but this plan will also reduce the little existing affordable housing that's left. (Ip_171)

This plan is fundamentally flawed and does not guarantee low-income housing. (Cao_218, Sharp_037)

The plan as presented does not guarantee that a single unit of affordable housing will be built, and therefore it fails to achieve the City’s stated goals for diversification and equity. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Ryan_216, Taqi_139, Weintraub_047)

This plan does not create enough affordable housing. (Oskin_108)

You will be creating 3,600 or more mid to high rent apartments in the false name of affordable housing. Gale Brewer acknowledged there was no guarantee of the promised affordable units, and even the 20% promise is too low. (Doner_100)

I ask you to please oppose a plan that is being sold as a promise for affordable housing – while not guaranteeing even a single unit of affordable house in perpetuity be built. (Durning_106)

This rezoning will not deliver significant affordable housing. It will exacerbate displacement effects and enrich the developers. (Ellsworth_038)

The plan is likely to provide little or no affordable housing in those areas. (Goldwyn_039)

The plan fails to guarantee that even one unit of critically needed affordable housing will be built. (Grubler_009)

I oppose this plan – no guarantee of truly affordable housing. (Mendez_095)

I do not believe that this will create affordable housing. (Melnick_235)

To call this plan "affordable housing" when it brings 75 percent luxury units and only 25 percent affordable, it's fraudulent and a developer-driven sham that is clearly promoting hyper-gentrification. While the term "mandatory inclusionary housing" may have fooled some in the past, it does not fool this community. (Mulkins_190)

The plan at best only mandates 25 percent affordable housing and allows 75 percent luxury housing. This is not acceptable. (McKee_093, Sewell_220)

I strongly oppose the City proposals to upzone SoHo, NoHo and Chinatown. This is not an application that will create affordable housing. As we've seen and as we've heard, one might not have any affordable housing (Marte_194)

There needs to be more built-in protections and minimum guarantees for affordable housing in new development, not just wishful incentives. (Rayhill_204)

One of the many lies of this plan is that it will make these neighborhoods more diverse and affordable. It will actually make them wealthier and more expensive. New development under the plan that are 75 to 70 percent luxury and 25 to 30 percent affordable, would still be populated by wealthier people than the current neighborhood and cost more to live in.

How do richer people paying higher housing costs at all points of the income and housing spectrum make for a fair and more equitable neighborhood? And if that's what the EIS predicts, as we've documented, this plan will, in all likelihood, create little, if any, of the projected affordable housing and result in the demolition of some of the existing affordable housing. (Rivero_154)

The City admits that there is *zero* guarantee that any affordable housing units will be created as a result of the proposed plan. (Jorgensen_231, Kiely_CB2_001)

One of the many falsehoods this plan is based on is that it will certainly result in a 25 to 30 percent up-space and all new development being

affordable housing; this is simply untrue. The plan doesn't require or guarantee a single unit of affordable housing being built and will likely result in little, if any, of it. (Marcum_211)

I think it should be worth engaging with the concerns of the plan and how the plan actually does address the more ways that that could be improved. There's a genuine concern about affordability, a concern I share. The minimum for mandatory inclusionary housing is 25 percent and this project barely gets above that. (Celestin_162)

There is nothing in the plan that guarantees that they will. So we could end up with no 'affordable' housing at all and the loss of housing for people who are displaced. (Baum_128)

MIH is not a real way to create anything affordable for the people this administration claims it wants to attract. (Rosenblatt_061)

[The plan] will displace long time financially challenged residents, undermine historic districts, encourage demolition of small buildings and pave the way for more luxury housing, office buildings and big box stores. Zero affordable housing is guaranteed. (Wittenberg_030)

The plan as presented does not guarantee that a single unit of affordable housing will be built, and therefore it fails to achieve the City's stated goals for diversification and equity. (Cuomo_144)

Response 1-74

Zoning does not mandate development to occur. As proposed, by allowing residential use and implementing the Mandatory Inclusionary Housing (MIH) program, housing could be built on an as-of-right basis and would be subject to MIH requirements. The Proposed Actions would map MIH, which would help facilitate mixed-income communities by requiring approximately 20 to 30 percent of residential floor area be set aside as permanently affordable housing on private sites. With MIH, the development of market-rate units subsidizes the creation of affordable units. The longstanding desirability of SoHo and NoHo, created in part by its central location, transit access, architectural significance, and presence of a vibrant creative ecosystem, means that the area can be assumed to continue to be attractive to new development that would be required to provide affordable housing pursuant to MIH. MIH is the most appropriate mechanism to create affordable housing in SoHo/NoHo, where high land acquisition costs and extremely high market rents make affordable housing subsidy programs prohibitively costly. The Proposed Actions would address the multiple goals of creating affordable housing through MIH, promoting mixed-use, and preserving commercial space in limited locations that contain large buildings that are significant employers. In addition to promoting housing production, the Proposed Actions are intended to provide protection for the existing commercial

and remaining light manufacturing businesses found in large loft buildings and ensure that SoHo/NoHo continues to thrive as an employment hub and reservoir for Class B office space.

Comment 1-75

We strongly object to the plan because 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. (Berman_015)

The plan is likely to result in little or no new affordable housing due to multiple loopholes which have no affordable housing requirements — office, hotel, or other commercial space, retail space, and any community facility space for institutions like NYU, as well as luxury condo space of 25K sq ft or less per zoning lot are all exempted. The plan allows developers to build as much or more market-rate space without affordable housing as they can if they do include affordable housing, on every site where the City says affordable housing will be built, thus making affordable housing construction highly unlikely and incentivizing building without it. (Cherry_048, Clayton_023, Fisher_097)

In SoHo and NoHo, market-rate units bring in astronomically higher rents or sales prices than affordable ones, giving developers huge financial incentives to limit their residential space to 25,000 square feet, pay into the fund and avoid providing any affordable housing. As many locations, such as around Canal Street or Broadway or the Bowery, where many of the projected development sites are located, having nonresidential uses on these lower floors makes sense, even without the perverse incentive from this plan to limit residential use to 25,000 square feet. Doing so will allow developers to lift residents up above these noisy streets to where they will command the best use and highest prices. The Department continues to deny these clear economic facts, making demonstrably false predictions about the likelihood of affordable housing resulting from this plan. (Evans_195)

Eliminate all loopholes that would allow new buildings or “vertical enhancements” (penthouses) without creating any affordable housing, in particular the 25,000 square feet loophole. (McKee_093)

I’m against the City’s Proposed Soho/Noho Plan which will destroy a unique neighborhood and is so shot full of loopholes for developers that it does not guarantee that any affordable housing will be built. (Levy_010)

Because of loopholes, the plan fails to guarantee that even one unit of critically needed affordable housing will be built. The City’s stated goal

to create economic and racial diversity will not be achieved. (Cuomo_144, Singh_116, Stoltz_094)

The changes to the bulking and the giveaways to developers to build penthouses on these buildings will not result in any type of affordable housing whatsoever. There's just so many loopholes in this that it cannot possibly produce the desired effect of affordable housing. (Williams_213)

The great danger is that because there's loopholes in the affordable housing under this plan, it would, unfortunately, very possibly not result in any affordable housing. (Mulkins_190)

This rezoning hangs its hat on is affordable housing and yet offers gaping loopholes that we know big real estate is able to exploit. (Hellstrom_157)

The project provides multiple incentives and loopholes for developers to avoid building any affordable housing at all, but would enable and encourage huge commercial structures, luxury condo construction, and hotels. (Standish_014)

On the southwest corner of Bowery and 4th Street where the Department claims affordable housing will be built, a commercial towers is said to go up with zero units of affordable housing. That's because the plan exempts from its affordable housing requirements -- all retail space, offices, hotels, community facilities, which includes NYU dorms and other private university facilities and even luxury condos and rentals of 25,000 square feet per zoning lot or less. As per the detailed analysis we have submitted, on every single site in the rezoning area where the City predicts affordable housing will be built, the rezoning actually provides a stronger incentive for not including it by allowing developers more market-rate space, if they exclude affordable housing than if they include it. This is a simple fact, which the Department continues to deny. By using the affordable housing exemption for residential uses of 25,000 square feet or less on over 90 percent of the projected development sites, developers could build the maximum allowable floor area without including any affordable housing whatsoever. In the tiny fraction of sites where they can't achieve the maximum allowable floor area without affordable housing, they can still build much more market-rate floor area by not including affordable housing than by including it. It's magical thinking, or simply a lie, to say that profit-driven real estate developers will forego these financial incentives and include affordable housing when the plan offers them so many lucrative ways not to do so. This rezoning is, in fact, designed not to produce affordable housing, but merely to use its false promise as a fig leaf for the obscene giveaway to developers. We sincerely urge you not to be an accomplice in this willful deception and to reject this plan. (Marcum_211)

MIH is proposed as requiring only 25% of “affordable” units in any development, with loopholes allowing new residential of up to 25,000 zsf without any affordable housing – under the proposed rules, for a typical 25’ x 100’ NYC lot, a 14 story building could be built entirely of luxury housing, commercial or community facility. (Shoemaker_082)

There is no guarantee any affordable housing will accompany SoHo development, as developers can pay into an affordable housing fund instead. (FitzGerald_119)

The current proposal allows for construction of mixed-use 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. (Nadler et al_087)

Response 1-75

As described in Chapter 1 of the DEIS, “Project Description,” the Proposed Actions include targeted adjustments to the MIH applicability provision to address unique physical and regulatory conditions in SoHo/NoHo. These adjustments include provisions to address how MIH applies on smaller sites. MIH typically requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zsf within the MIH designated areas, or, as an additional option for developments between 10 and 25 units, between 12,500 and 25,000 zsf, a payment into an Affordable Housing Fund. The fee reflects the full cost of providing the affordable housing units in the same community district. With the adjustment, within the SoHo/NoHo MIH Area, MIH would apply to any residential floor area developed on a lot that permits 12,500 square feet of residential floor area on top of a non-residential ground floor, regardless of how much residential floor area is actually developed. If the rezoning provides at least 12,500 zsf of residential floor area, regardless of whether a developer utilizes all of the available floor area, MIH requirements—either affordable housing set-asides or a contribution into an Affordable Housing Fund—must be followed.

Separately, a payment in lieu option is available on a limited basis to small developments to ensure that smaller projects can proceed while supporting the objectives of the MIH program. This option recognizes that the administration and oversight of small numbers of units poses a challenge for developers, administering agents, and the City. The fee for contributions to the Affordable Housing Fund reflects the full cost of providing the affordable housing units on-site, so developers have generally opted for providing the units in the new development. Payments into the Affordable Housing Fund are reserved for 10 years for use in the

same community district. After 10 years, the fund can only be used in the same borough.

In cases of hardship, where MIH requirements would make development financially infeasible, developers may apply to the Board of Standards and Appeals (BSA) for a special permit to reduce, modify, or waive the requirements. In such case, BSA must determine that the configuration of the building imposes constraints such as deep, narrow, or otherwise irregular floorplates, limited opportunities to locate legally required windows, or pre-existing locations of vertical circulation or structural column systems that would create practical difficulties in reasonably configuring the required affordable floor area into a range of apartment sizes and bedroom mixes. The recourse enabled by this provision is important to the legal viability of the MIH program and also ensures that the program would not adversely affect housing creation in the event of unforeseen economic shifts. The BSA special permit process requires public review pursuant to § 1-05 of the BSA Rules of Practice and Procedures. Criteria for issuance of a BSA special permit are enumerated in ZR § 73-624. In addition, within the SNX, for conversions from non-residential to residential use in buildings that are not otherwise subject to the MIH program's affordable housing fund provisions, BSA may permit a contribution to the affordable housing fund where strict compliance with the options for affordable housing requirement may not be feasible.

Comment 1-76

CB2 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. (Kiely_CB2_001)

Community Board 2 and several other groups have pointed to the federally-owned site at 2 Howard Street, which we should certainly pursue. (Katz_239)

Response 1-76

The Proposed Actions do not include public subsidy, the acquisition of any properties, or the conversion of empty hotel and office space to residential space for the purposes of developing affordable housing; however, the Proposed Actions would not preclude the provision of

supportive housing or the acquisition of federal property for the purposes of providing affordable and/or supportive housing in the Project Area. Funding for tenants' rights organizations is not within the scope of the proposed zoning actions. By allowing residential and community facility uses, the Proposed Actions would facilitate the development of affordable and supportive housing, where it is currently not allowed by zoning. To date, no supportive housing developer has engaged the City to construct a supportive housing development in SoHo/NoHo. High land acquisition costs and extremely high market rents make housing subsidy programs with 100 percent affordable and/or supportive housing prohibitively costly in SoHo/NoHo.

Comment 1-77

The Proposed Actions fail 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. (Kiely_CB2_001)

The rezoning should include an anti-harassment provision for any rent stabilized tenants in the area, and funding for groups like CAAAV to make it enforceable. (Sonkowsky_064)

Response 1-77

See the response to Comment 1-76 regarding MIH income bands and subsidy programs. The Proposed Actions would encourage adaptive reuse by allowing the conversion of non-residential floor area in existing buildings to residential space. In addition, to ensure that the housing thus created enables residents at a range of incomes, and not exclusively affluent residents, to enjoy the neighborhood's character, the Proposed Actions would implement MIH that requires a share of new units created, whether through conversion or new construction, to be made affordable to lower-income households. Additionally, the Neighborhood Plan includes strategies to protect tenants, including continuing to work with the City's Tenant Harassment Prevention Task Force to investigate and take action against landlords who harass tenants and to provide free legal representation to tenants facing harassment. Additionally, the Housing Stability and Tenant Protection Act of 2019 significantly strengthened laws protecting tenants in New York State. The law permanently closed loopholes in New York's rent-stabilization system by ending vacancy decontrol, vacancy bonuses, and making preferential rents permanent.

Comment 1-78 We want affordable units with lower income targets, and community preference for affordable units to be extended to Chinatown. Affordable units built should serve working class Chinese Americans at highest risk of displacement. This especially applies to seniors in Chinatown, who are a quarter of Chinatown's population, many of whom live without elevators and are largely home-bound as a result. (Sonkowsky_064)

We also feel that the City should expand the community preference policy beyond Community Board 2, to ensure that the rezoning is enforced for racial and socioeconomic integration. (Thomas_169)

Response 1-78 Comment noted.

Comment 1-79 In conjunction with other changes to be made in the MIH text with this proposal we would like to specifically see one loophole closed, which is in section 23-96 (b) 2 of the Zoning Resolution. This specifically allows MIH projects where "all affordable housing units are rental affordable housing and all other dwelling units are homeownership housing" to economically segregate the buildings, putting all the affordable rental housing on lower "poor floors" and all of the high-end condos on upper floors, leading not to a mixed-income community but to a two-tiered structure both literally and figuratively. This is not in the spirit of mixed-income housing and neighborhoods, and we urge DCP to eliminate this language in the SoHo/ NoHo MIH area, if not the MIH text overall. (Gates_135)

Response 1-79 Comments noted. For buildings with rental MIH units and for-sale market rate units, the allowance for the rental units to be separated on different floors solves a practical maintenance issue inherent in this type of mixed building. A unified rental condo allows for maintenance and repairs within that portion of the building to not be beholden to a condo board that may not represent the interests of the affordable tenants.

For buildings that are a mix of rentals and homeownership units, if there are rental units that are not affordable housing, distribution requirements from MIH would apply in that portion of the building.

Though rental units within these mixed rental-homeownership buildings are allowed to be separated on different floors, the MIH program has requirements that prevent stigmatization

Comment 1-80 The rezoning will incentivize the replacement of existing 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 built it elsewhere, (iii) permits exemptions based on deep lot size and small building footprints, and (iv) most importantly, fails to create affordable housing for the most in need in our community—at income levels that all below 40% Area Median Income (AMI). (Kiely_CB2_001)

The calculation of “affordability” is flawed. The proposed “affordable” housing would not actually be for working class New Yorkers, while the bulk of the new housing – well over 75%, if not all - would be luxury units. (Shoemaker_082)

Even if MIH were to be built, the law requires only 20-30% of units to be affordable, letting the other 70-80% be market rate. But even within that 20-30% percent, what is deemed affordable could be as high as 115% of Area Median Income – in the case of SoHo and NoHo that could be over \$100,000. (Baum_128)

Response 1-80

The Proposed Actions would apply MIH to the entirety of the Project Area. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The program, as modified by the Proposed Actions, would require permanently affordable housing set-asides for all developments over 10 units or with 12,500 sf of residential development capacity within the MIH designated areas. For developments between 10 and 25 units, or 12,500 to 25,000 zsf, a payment into an Affordable Housing Fund may be provided in lieu of affordable units.

As discussed in Chapter 1 of the DEIS, “Project Description,” the MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 would require 25 percent of residential floor area to be for affordable homes for residents with incomes averaging 60 percent AMI. Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area to be for affordable for residents with incomes averaging 80 percent AMI. For both options, no homes could be targeted to residents with incomes above 130 percent AMI.

Comment 1-81

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. (Kiely_CB2_001)

Response 1-81

The proposed zoning would allow a conversion from JLWQA to UG 2 via a coordinated interagency process involving DOB, whereas there is no such option under the current zoning. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles.

Comment 1-82

No existing JLWQA or existing or future (when and if certified by the Loft Board) IMD or other rent-regulated unit not yet covered by a C of O, would trigger a process by which MIH would be required or be subject to MIH if continued use would require a new C of O, in recognition of their de-facto affordable unit status. Here the “A” stands also for affordability!

Newly-converted or newly-built JLWQA units will be subject to locally-adjusted MIH with no threshold exceptions. (Jones_017)

Maintaining the M-zone and making this a Special District will allow customization of MIH regulations in SoHo-NoHo without having to conform to citywide standards. All newly converted JLWQA or Loft-Dwelling units will be subject to MIH with no threshold exceptions, that would result in the creation of artist-or-maker oriented affordable units or realistically-valued contributions to an art fund if such a unit cannot be installed in the subject building. It would also be possible for developers of new JLWQA or Loft Dwelling units in existing space or smaller projects that could not accommodate an affordable JLWQA unit on site to purchase a space in a new building being built in the Special District (or even this or an adjacent Community Board) to insert their Affordable Unit into. (Neratoff_019)

Response 1-82

The Proposed Actions would continue to permit JLWQA use and live-work arrangements that already exist in the Project Area, and establish a voluntary option to transition JLWQA to regular residential use (Use Group 2) with conditions that more broadly benefit the arts and creative industries. JLWQA units that convert to residential units would not be subject to MIH requirements. MIH would apply to residential or mixed-use developments that include residential floor area.

Comment 1-83

I would propose the NoHo portion of the plan could be built as affordable home ownership, that would be real affordable ownership. That would be real impact on people's lives, and we would have communities and those units with two, three bedrooms, not studios, not catering to who knows

what; students, single people who are going to live in the neighborhood briefly, but actually families. it could be a way to bring families to our neck of the woods and not displace artists, the people who put in the sweat equity. (Ryan_237)

My husband, Chris Ryan, suggested affordable low income and lower middle class homeownership opportunities as an alternative to Mandatory Inclusionary Housing. (Ryan_145)

Response 1-83 Comment noted. The MIH program applies to rental housing and homeownership and would not preclude the development of affordable residential cooperatives.

Comment 1-84 There is no meaningful difference between the JLWQA and non-JLWQA units. This was born out in the data, which we just received this week, and involved a FOIL request. So, this is, you know, again we've been working on this and will continue to work on this. (Yoo_191)

Response 1-84 Comment noted. JLWQA is a manufacturing use under zoning. An apartment is considered Use Group 2-residential use under zoning.

Comment 1-85 MIH affordable housing is not all that its name is cracked up to be. Recent affordable housing listings to an NY YIMBY reflect salary requirements above \$80,000 for small studios and one bedroom units, which went upwards for \$3,000 a month. These are not apartments for working class families. Who are these developers really building for? They never create three-bedroom units. And via advertorials and real estate media, developers are even marketing their alleged affordable housing to household earning over \$100,000 annually. (Murray_221)

Affordability is different for all people. I would probably not be able to afford even the affordable housing in this neighborhood. (Harrison_228)

Response 1-85 number of affordable units created under MIH is dependent on the overall amount of residential developed under the Proposed Actions. The MIH program only serves households with extremely low to low incomes. Options 1 and 3 both require apartments set aside for households who earn \$40,000 a year and would include two-bedroom apartments for less than a thousand dollars a month. Option 2 allows for slightly higher incomes and rents (incomes averaging \$82,000 and apartments for \$1,500–\$2,000), but requires a higher portion of affordable homes (30 percent). The affordability requirements of MIH that would apply to SoHo/NoHo will be determined as part of the ULURP process.

Comment 1-86 The new uses in this plan will certainly crowd out affordable housing. Uses like: - retail on the upper floors - dormitories and classrooms with

no requirements for affordable housing - office buildings with no requirements for affordable housing This plan gives every advantage to developers, absolutely nothing to advance affordable housing. (Solomon_070)

The rezoning would exempt NYU from the affordable housing requirements that was the supposed basis for this rezoning plan, and add another allowable use that would compete and interfere with the potential production of affordable housing. (Herman_178)

Response 1-86

The creation of affordable units through MIH is contingent upon the development or market-rate housing in areas, known as MIH Areas, that have been rezoned to allow greater residential densities or where residential use is newly allowed (such as former manufacturing districts that have been rezoned to allow residential use). As stated above, the creation of affordable units through MIH is not contingent on the development of non-residential floor area, such as hotels, office buildings, or university dormitories.

Comment 1-87

Why do you think that anyone who owns a lot in Southeast SoHo would build a residential tower and then give 25 percent of it away to affordable housing, when this owner can build an office tower and keep all of it for themselves? Why are you giving this owner an FAR gift? Why is New York City not getting any affordable housing back for that? There are very few large lots in SoHo/NoHo. Most properties are fully developed. Most existing lots are 25 by 100. The way this proposal is written, at least one floor and penthouse could be added to almost every loft building in SoHo/NoHo without triggering any MIH. Double buildings and larger properties would get divided into smaller lots and those that are likely to be the only sites that will see any new residential conversion all without MIH. (Neratoff_196)

Response 1-87

See the response to Comment 1-73 and the response to Comment 1-75.

Comment 1-88

Will [the JLWQA tax] reduce the likelihood of construction of \$3,000-\$5,000/SF luxury market residences? No, for them it's a drop in the bucket. We believe that the SoHo, NoHo and Chinatown upzoning proposal must be rejected, so that we can devise a plan that prioritizes the construction of deeply affordable housing. (Baum_128)

Response 1-88

The onetime fee to convert JLWQA to residential use would not reduce the projected development of market-rate or affordable housing. The proposed conversion option paired with a contribution to the Arts Fund would accommodate a far broader range of people and occupancies, translate an outdated occupancy requirement into benefits for arts and

cultural organizations, programming and projects in SoHo/NoHo and surrounding Lower Manhattan neighborhoods.

Comment 1-89 There should be no community preference for the affordable units. I mean, a part of this is trying to have some diversity in this community. Community preference for the affordable units really undermines that. (Goode_159)

Response 1-89 Comment noted.

Comment 1-90 We agree that a more diverse community is a better community. Deeply affordable housing can and should be built without commercial towers in the mix. (Tenenbaum_173)

Response 1-90 MIH includes a deeper affordability option that calls for 20 percent of the affordable housing floor area to be reserved for households earning an average of 40 percent AMI, which may include households earning less than 40 percent AMI. This option may be selected by the City Council at the time of adoption of the Proposed Actions.

Comment 1-91 The method de Blasio proposes has failed in his previous upzoning experiments. This final experiment of his administration is based on a simplistic supply and demand proposition: more housing stock will lower housing costs. (FitzGerald_119)

Response 1-91 The Proposed Actions would increase the supply of housing, and in doing so increase the supply of affordable housing, potentially slowing the existing trend of increasing rents and maintaining a more diverse mix of incomes in the area. MIH would expand the supply of affordable housing by harnessing the private market to provide affordable units in rezoned areas. In SoHo/NoHo, rezoning to allow housing and implementing MIH is an important tool to support housing affordability.

Comment 1-92 A successful housing plan should be measured by how well it increases net affordability and housing choice, not just an increase in unit production, to ensure that the area is livable for people of all incomes with full access to stores, transit, and schools. MIH alone is a blunt zoning tool that lacks the sufficient nuance to effectively address the socioeconomic complexities of SoHo/NoHo. While the requirement of new affordable units triggered by MIH is an important tool, more is needed; affordable housing production, historic preservation protections can coexist and be mutually beneficial. Ultimately, historic districts help manage change, not prevent it. A more contextual planning approach could be achieved by scaling back the proposed zoning across the entirety

of the project area, particularly the commercial uses. To successfully infuse economic and racial diversity, the City must also prioritize other strategies to increase production, including site acquisition and new unit production through partnerships. The City must do more to facilitate deeper and broader affordability across all income scales and maximize housing choice within the neighborhood. (Williams_202)

Response 1-92

See the response to Comment 1-74 and the response to Comment 1-75. The Proposed Actions would not preclude the acquisition of property for development as affordable and/or supportive housing and would provide affordable housing through MIH.

Comment 1-93

In the peripheral areas, outside the protected historic zones, the CPC proposed to go to ten times lot area, same as West 57th Street, double the existing limit: the new market values will surely trigger mass demolition, particularly in the large South-East Zone, actually part of Chinatown, where more existing and actually affordable units will be displaced than new not-so-affordable ones created. Most sites in SoHo-NoHo are small and most are already developed: none would yield enough new residential space to trigger the threshold for affordable housing. Even in the higher-yield “corridor” sites, it would be easy to avoid hitting that threshold by utilizing a clever commercial/ residential mix. (Neratoff_019)

The upzoning will likely reduce the net number of affordable units by spurring the demolition of at least 185 low-rise buildings with at least 635 rent-regulated units. (Baum_128)

Of the many pernicious elements of this plan is that it strongly incentivizes demolition, rent-regulated affordable housing, permanently losing the precious resources placing residents who are overwhelmingly lower-income and disproportionately artists, seniors, and Asian Americans. (Stephens_172)

One tried and true action that is still allowed to remove long-term subsidized tenants is demolition. (Brandt_174)

Response 1-93

The potential for direct and indirect residential displacement was assessed in Chapter 2, “Socioeconomic Conditions,” of the DEIS. As discussed in the DEIS, the Proposed Actions are not expected to result in significant adverse impacts associated with residential displacement.

Comment 1-94

Within the Chinatown (Soho East) opportunity zone, the renderings by City Planning of possible buildings with affordable housing are actually owned by two major entities - one a parking lot by Edison Properties, and the other a family that owns at least five (3 and 2) existing contiguous commercial properties. Since there is no guaranteed affordable housing

under the proposed rezoning, the increase in FAR would only provide incentives for these two entities to construct either more needless commercial space, or luxury housing, thus defeating the entire supposed goal of the City's plan. (Brandt_174, Wong_069)

Response 1-94

Comment noted. In response to public comments, DCP has proposed a reduction in commercial density in OA-2, which occupies the portion of the Project area nearest to Chinatown. The commercial density was reduced to 8 FAR (from the previously proposed FAR of 10). The modification is described in more detail in Chapter 1, "Project Description," of this FEIS.

Comment 1-95

Given that SoHo and NoHo are world-renowned shopping destinations, developers are likely to opt for mixed-use zoning, which is not subject to Mandatory Inclusionary Housing (MIH). (Baum_128)

Response 1-95

The Proposed Actions would allow a mix of uses in SoHo/NoHo. Most mixed-use developments that include residential floor area would be subject to MIH requirements.

Comment 1-96

As far as affordable housing, there is currently enough existing empty real estate in the city to support any amount of housing shortage in other boroughs and neighborhoods throughout the city without disturbing one of the City's oldest and treasured neighborhoods. Please do not allow the mayor and developers to fill their pockets by taking away one of the cities remaining "special" neighborhoods. (Oehl_140)

Response 1-96

New York City is in a housing crisis. As discussed in Chapter 2 of the DEIS, "Land Use, Zoning, and Public Policy," the Proposed Actions would allow for developments with new uses constructed at higher densities in areas well-served by transit. The new zoning would allow residential use on an as-of-right basis and facilitate residential infill development—primarily in the SoHo Core and NoHo Core subareas—that is respectful of the existing historic context of the New York City Historic Districts. The Proposed Actions are expected to result in the most housing production in subareas outside of the historic cores. Overall, the Proposed Actions would support public policies to address housing, sustainability, equity, employment, and transportation among others.

Comment 1-97

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.

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. (Nadler et al_087)

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. (Nadler et al_087)

Do not fall for the argument that because most of these buildings are in the historic district, there is no danger. All too often the Landmarks Preservation Commission allows demolition of all but the facades of buildings, which is sufficient under rent control and rent stabilization rules to qualify as “demolition” and to permanently remove apartments from the rent regulation system. (McKee_093)

I would like to address today, this notion of demolition by construction. I don't know that -- if anyone quite exactly realize that we are victims of demolition by construction. (Hillstom_227)

[For buildings in areas [with largely vacant and/or underbuilt sites] DCP needs to include language in the zoning text that prevents the demolition of structurally sound buildings in the housing opportunity zones. If a building is structurally unsound and needs to be demolished, the zoning text should require property owners who demolish their building to provide temporary housing to displaced tenants and to provide rent stabilized tenants with apartments in the newly built mixed income building so that there's no net loss of rent regulated affordable units. (Jones_017)

Response 1-97

Chapter 3, “Socioeconomic Conditions,” includes a detailed analysis of potential direct and indirect residential displacement, and finds that the Proposed Actions would not result in significant adverse impacts due to displacement. With respect to potential indirect effects on rent-protected tenants, as noted in the *CEQR Technical Manual*; generally, an indirect residential displacement analysis is conducted only in cases in which the potential impact may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or poverty status indicate

that they may not support substantial rent increases. Residents who are homeowners, or who are renters living in rent-restricted units, would not be vulnerable to rent pressures. The Proposed Actions would not alter mechanisms through which rents are protected in the study area, including through the Loft Law. It would be speculative to assess potential effects of the Proposed Actions based on potential (and currently unknown) changes to rent regulation laws. However, recent changes to rent regulation laws, such as those enacted through the 2019 Housing Stability and Tenant Protection Act (HSTPA), have provided additional protections for rent-regulated units. It should also be noted that City agencies provide a robust set of resources for tenant protection, education, and anti-harassment strategies.

Comment 1-98

Very few new affordable housing units will result from this rezoning and many old ones will be lost. The few available large sites will go commercial: that has already been demonstrated by recent choices developers made to build new commercial buildings in NoHo, a choice that will be made even easier by the 25% or 30% affordable housing requirement. The CPC is relying on a theory that SoHo- NoHo is infinitely marketable and that the extra fees will not deter wealthy buyers. Market realities will put a lid on that and developers know this. (Neratoff_019)

Response 1-98

See the response to Comment 1-73 and the response to Comment 1-74.

Comment 1-99

Affordable Units built within this Special District must be “curated” JLWQAs with more or less severe restrictions in return to being affordable. The “curatorial” process will be by a reinvented certification by DCA, or some other agency for the Maker category for Affordable Maker units should those be found desirable. (Neratoff_019)

Response 1-99

Comment noted.

Comment 1-100

Save rent regulated/loft law affordable housing. Already overwhelmed by NYU presence. (Pettibone_040)

As a Loft Law tenant, there is no outline or plan to protect my home with this proposal. (Martini_072)

You must also act to protect the Interim Multiple Dwellings subject to Loft Board jurisdiction remaining in the SoHo/NoHo rezoning area. After 40 years most IMDs have been legalized and transitioned to rent stabilization, but there are some 200 IMDs out of the original 900 that are still under Loft Board jurisdiction, so it’s only reasonable to assume that some of them are in SoHo/NoHo. In general, the 200 buildings have not

been legalized only because of intractable landlord refusal to comply with the Loft Law. (McKee_093)

Response 1-100

Interim Multiple Dwellings (IMDs) and former IMD units legalized under the Loft Law (Article 7C of the Multiple Dwelling Law), may be subject to rent protection by way of the Loft Law, and would continue to be subject to rent protection irrespective of the Proposed Actions.

Comment 1-101

You would be responsible for over 600 rent regulated tenants losing their homes when their buildings are demolished? Contrary to what the first commissioner who spoke claimed, the 2019 “strengthened” rent stabilization rulings do not protect them.

The new rent stabilization rules do not allow landlords to de-regulate apartments to market rate. They must remain rent stabilized. (Puttre-Czyz_076,)

This rezoning will also eliminate tenant protections for over 1,200 residents in over 600 buildings in their already existing deeply affordable home. These are vulnerable elderly and immigrant residents. They deserve to be considered in this process. They deserve to be protected, and we all have a moral obligation to keep these folks in their homes. (Murray_221)

Response 1-101

As discussed in Chapter 3, Socioeconomic Conditions,” under the RWCDs, the Proposed Actions could directly displace an estimated 60 residents living in 32 DUs by 2031. With respect to indirect residential displacement, the analysis found that for most of the study area, the overall average household income of new population in the With Action condition would be lower than the average household income of the existing population. The exceptions are in two subareas, generally located to the east of the Project Area (east of Bowery and Lafayette Street), where the Proposed Actions would add a new higher-income population. However, the mixed-income composition of the new population would not cause substantial changes in the real estate market that would lead to significant indirect displacement of vulnerable renters in unprotected units. In these areas, market rate rents are already unaffordable to low-income households. Given the high rental housing costs in the study area, it is expected that most low-income renters in the subareas reside in protected rental units and would not be vulnerable to indirect residential displacement as a result of the Proposed Actions. The Proposed Actions are expected to introduce more affordable housing than in the future absent the Proposed Actions, potentially slowing trends of increasing rents and maintaining a more diverse mix of incomes within the subareas as compared to conditions in the future absent the rezoning. Additionally, recent changes to rent regulation laws, such as those enacted through the

2019 Housing Stability and Tenant Protection Act (HSTPA), have provided additional protections for rent-regulated units. It should also be noted that HPD and other agencies provide a robust set of resources for tenant protection, education, and anti-harassment strategies.

Comment 1-102 Furthermore, the argument of creating affordable housing is laughable. You would be destroying existing affordable housing for a weak promise of providing new affordable housing. And affordable for who? Certainly not me. (Puttre-Czyz_076)

Response 1-102 See the response to Comment 1-80, the response to Comment 1-81, and the response to Comment 1-101.

Comment 1-103 As planned the proposal will create increased conformity and flatten tourist interest to mindless commerce alone without solving the housing shortage one bit. (Rosenblatt_061)

Response 1-103 The Proposed Actions would replace obsolete zoning regulations to allow residential development with affordable housing, commercial, and community facility uses, including retail businesses, as well as eating and drinking establishments similar to what is allowed in other parts of thriving New York City neighborhoods.

Comment 1-104 Affordable housing is a New York City problem, not a SoHo/NoHo problem. It should not be used as an excuse to hand over our neighborhood to real estate groups and big box stores pushing for massive deregulation. (Thall_006)

This is clearly nothing but another giveaway to luxury condo and office real estate developers. (Wirtschafter_104)

Response 1-104 SoHo/NoHo is a centrally-located New York City neighborhood with excellent transit access. Under the proposed zoning, residential uses would be allowed throughout the Project Area, expanding the City's housing supply to help meet the housing needs of current and future residents, and significantly increasing the supply of affordable housing through the application of MIH, which would require the inclusion of permanently affordable housing units in new developments. The Proposed Actions would allow for residential conversion and infill development in historic districts and present opportunities for more substantial new residential development and affordable housing production in areas beyond the historic districts.

The Proposed Actions would allow a wider range of commercial, community facility, and light industrial uses while preserving SoHo/NoHo's mixed-use character and address outdated manufacturing

zoning that prioritizes traditional light industrial use and creates barriers and onerous burdens for property owners and businesses. The existing zoning is restrictive in that it only permits ground floors to be occupied by a narrow band of light manufacturing uses on an as-of-right basis—typical commercial uses on ground floors (such as retail, food and beverage establishments, and many other uses) are not allowed.

Comment 1-105

The numerous loopholes built into this plan will not increase either economic or racial/ethnic diversity, but will incentivize the demolition of the existing rent controlled and stabilized housing we have now, leading to the displacement of hundreds of low and middle income seniors and working families. (Wirtschafter_104)

We don't think the MIH buildings will ever be built because the whole plan promotes and encourages commercial development and is rife with carveouts that practically insure that any new housing in our community will be market-rate, and thus most likely, with little or no ethnic diversity. (Tenenbaum_021)

This plan will add massive luxury high-rises inappropriate for the neighborhood, and turn SoHo into a high-density, overbuilt, overcrowded mess. (Thall_006)

We strongly object to the plan because it would allow luxury market-rate condos and rentals with no affordable housing whatsoever, so long as the residential uses are limited to under 25,000 square feet per zoning lot. (Berman_015)

In no way does the city plan guarantee affordable housing which is supposed to be the thrust of this whole plan. Instead what this plan will do is 1) displace current low income residents who currently live in affordable housing; 2) create more luxury housing that will likely become pied a terres but most likely homes to uberwealthy families. (Choi_055)

The current plan is flawed. We need actual affordable housing. Why are giveaways to Real Estate, building MORE luxury housing, affordable housing that is not affordable, displacing current residents. (Fitzgerald_101)

This plan could result in yet more luxury apartments, with a limited affordable housing component, and potentially push out long-term tenants. (Judd_081)

This plan encourages market development of whatever they want with casual lip service to affordable housing. (McDarrah_059)

What it really is, is a giveaway that will open the floodgates to allow developers with large scale commercial properties and the likely

	demolition of a lot of buildings that currently have moderate to low-income tenants. (Freed_225)
Response 1-105	See the response to Comment 1-74, the response to Comment 1-75, and the response to Comment 1-101.
Comment 1-106	Many people at the Hearing, a short time ago, conducted by Gail Brewer had no understanding of the Loft Board. Of the original 914 buildings in Manhattan most have been in SoHo and NoHo. They are protected by law not by the Dept. of Planning as was said at that zoom meeting. As an Artist I am dismayed by those assertions that seem patronizing. Anyone over 62, we should all know, can't be displaced. The artist districts, SoHo and NoHo, are of older folks, some pay little rents as required after the buildings are legalized. Not everybody that lives there are rich by any means. (Barowitz_007)
Response 1-106	Comment noted. Additionally, IMDs and former IMD units legalized under the Loft Law (Article 7C of the Multiple Dwelling Law), may be subject to rent protection by way of the Loft Law, and would continue to be subject to rent protection irrespective of the Proposed Actions.
Comment 1-107	<p>Alexandr Neratoff has offered expert testimony explaining that a zoning change from JLVQA to UG2 requires a change in the building Certificate of Occupancy. UG2 residential spaces are subject to rules and regulations that are different, more demanding, and incompatible to those for JLVQA. As Neretoff states it would be impossible to accomplish unless a building is vacant. (Behnke_111)</p> <p>It is impossible to convert buildings that are JLVQA to UG2 as the Certificates of Occupancy are incompatible. The JLVQA fits a manufacturing floorplate that does not work for UG2. Instead create JLVQ and make this a more inclusive code. -The conversion fee should be dropped completely. It is punitive particularly to legally conforming seniors who are aging in place and who went through considerable hardship to legalize their spaces and buildings under current zoning codes (Margolis_063)</p> <p>DCP has obviously paid no attention to Alexandr Neratoff's expert testimony in which he explains that a change from JVLQA to UG2 would require a change in Certificate of Occupancy. The code requirements for UG2 residential spaces are incompatible with most of the buildings and manufacturing floor plates in SoHo, making that kind of conversion next to impossible to achieve without enormous expense and possibly the gutting the entire building. (Monrose_060)</p>

Changing in the entire system would be prohibitively expensive. Because of the locations of our windows, we cannot create proper residential apartments and there is nothing we can do about that. Our elevator would not meet UG2 code either. To convert, we would have to gut the building and go bankrupt in the process. After all that, forget about affording the “punitive” conversion tax. (Monrose_060)

Response 1-107

The Proposed Actions would allow a conversion from JLVQA to UG 2 through a coordinated interagency process involving DOB, whereas there is no such option in the existing zoning today. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles.

Comment 1-108

While this upzoning plan is presented as a means to promote affordable housing, the specifics of the plan belie that claim—there are no provisions for explicitly middle- and low-income residents. (Chin_105)

Response 1-108

MIH is specifically designed to provide low- and moderate income housing to New Yorkers. As described in Chapter 1 of the DEIS, “Project Description,” the MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 would require 25 percent of residential floor area to be for affordable homes for residents with incomes averaging 60 percent AMI. Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area to be for affordable for residents with incomes averaging 80 percent AMI. For both options, no homes could be targeted to residents with incomes above 130 percent AMI.

Comment 1-109

Uncapped retail / restaurant sizes will result in housing displacement thru the use of 2nd and 3rd floor space currently used for housing - affordable housing is insufficient and should be 100% affordable buildings concentrated in the few remaining development sites in Soho/NoHo and adjacent areas - the punitive conversion tax ignores the fact that most units have been purchased at market rates, and therefore acts as a penalty for local residents. (DiMondi_083)

Response 1-109

The Proposed Actions will lift the size restrictions on eating and drinking establishments to allow these uses as-of-right, as is common throughout New York City, including in those neighborhoods that are adjacent to SoHo/NoHo, and in mixed-use neighborhoods in all five boroughs, with no special permits, variances, or community board approvals necessary.

The Proposed Actions would eliminate the onerous and archaic zoning requirements that disproportionately affect property owners and businesses in SoHo/NoHo. By lifting the 5,000-sf limit on eating and drinking establishments, the Proposed Actions would support business owners, including owners of small business looking to grow and expand their business. The extremely high acquisition cost of property in SoHo/NoHo makes a 100 percent affordable housing development difficult to finance. Further, high land costs coupled with high market rents make affordable housing financing tools such as loans and tax incentives largely infeasible. The lack of City-owned sites to build affordable housing makes MIH the most viable tool to support the creation of housing affordability in SoHo/NoHo.

Comment 1-110

The current SoHo zoning plan is a fraudulent front pretending it is for low income housing, when over 90% of its value comes in the form of market rate or higher residential apartments, and big box retail, which nothing to do with Affordable Housing. As much or more affordable housing can be created here repurposing existing buildings at existing heights without this sell out to developers. (Doner_100)

Addressing important needs like affordable housing and keeping these neighborhoods accessible to artists does not require zoning changes that would result in construction significantly larger than what the current rules allow. More than sufficiently large buildings that include affordable housing can be built on under-developed lots in the neighborhood right now; there is no need to upzone the neighborhood and allow for new development which could be substantially larger than that in order to provide affordable housing. That is just an excuse to give developers bigger windfalls with the fig leaf of affordable housing thrown in to try to make it acceptable. (Calderaro_142)

Response 1-110

See the response to Comment 1-74 regarding the creation of affordable housing through the application of MIH. The Proposed Actions would also allow adaptive reuse, which would be achieved through the conversion of commercial or manufacturing floor area to residential use. Adaptive reuse has been identified at three projected and two potential development sites in the RWCDS. However, adaptive reuse without zoning changes that allow increased residential density, particularly in the Opportunity Areas outside of the historic cores, would not provide substantial numbers of new or affordable housing units. Residential development within the historic cores of SoHo/NoHo would largely be smaller in-fill development that contextually relates to the existing historic character of buildings in the historic cores.

Comment 1-111 The DCP proposal includes the conversion of whole portions of SoHo and NoHo from M1-5A and M1-5B districts into one Special SoHo/NoHo Special Use District zoned for R-7 and R-9 designations. This plan would also create three special opportunity zones which would be mixed M1-6 and R10 designations located on the northeast, southeast, and southwest corners of these communities. These changes would result in significant potential height increases from the current 5 floor area ratio (FAR) to 6.5, 9.7, and 12 FAR allowances throughout the rezoned areas. These new FAR options are significantly higher than what is currently seen, and I am concerned that these height increases will only further add to the speculative environment which has harmed other communities in the past during rezoning proposals. These height increases are being justified by the creation of affordable housing they will allow. However, projections estimate that only 3,200 housing units will be created overall with the increase of FAR, of which 600 to 900 would be affordable. For context, Independence Plaza, which was built in the 1970s and for years existed under the Mitchell-Lama Housing Program, consists of 1,329 residential units. That is more affordable units in a single residential complex than this proposal even purports to create throughout the entire rezoned community. (Glick_096)

Response 1-111 Under the Proposed Actions, residential use would be allowed within the Project Area where the potential for residential conversion and infill development exists and in the Opportunity Areas on the periphery of SoHo/NoHo that are largely outside of historic districts and where there are opportunities for new residential development and affordable housing production. Opportunity Areas 1, 2, and 3 contain a number of underbuilt sites that front wide streets and contain vacant land, parking facilities, low-rise tenements, and single-story semi-industrial or formerly industrial buildings that have been converted to restaurants and bars. These areas are ideal for the development of larger, taller residential buildings that can provide housing, including needed affordable housing. HPD and New York State Homes and Community Renewal (HCR) play oversight roles for existing Mitchell-Lama developments and work with owners as they near the end of their affordability requirements to provide low-cost financing tools that help maintain the developments while also extending affordability.

Comment 1-112 Given that this Administration is relying on Mandatory Inclusionary Housing (MIH) to construct potential affordable housing at 25% or 30% of new residential buildings if requirements are met, developers will be able to further build a luxury paradise in SoHo and NoHo. There are few backstops to curb the construction of buildings with retail on the ground floor and a mixed office residential use on the subsequent floors landing

just shy of the MIH requirement of 25,000 square feet. Yet again, the fund which developers will have to contribute to as a penalty for not building affordable housing becomes the typical cost-of doing-business rolled into the overall project cost. Additionally, because of the allowable increases in FAR, the proposal incentivizes developers to demolish low-rise buildings—or allow them to deteriorate until they are condemned—and then displace the remaining residents. (Glick_096)

A combination of loopholes and exemptions to affordable housing “requirements,” competing allowances for uses with no affordable housing requirements, and the relatively small lot sizes in the rezoning area means that the plan is likely to create little or none of the promised “affordable housing.” The plan exempts from any on-site affordable housing requirements all retail uses, offices, hotels, commercial uses, facilities housing NYU or other universities, and a broad range of other uses, including luxury condos and residential rentals of 25,000 sq. ft. or less per zoning lot. In most cases where the City predicts affordable housing will be built, the plan allows developers to build more market rate space by not including affordable housing, thus providing a tremendous financial incentive for developers to not produce a single unit of affordable housing. (Kroessler_011)

Response 1-112

See the response to Comment 1-73 and the response to Comment 1-74 regarding MIH and “loopholes” that would allow developers to not provide affordable units in conjunction with market rate units. Affordable units must be provided when market rate residential units are provided in accordance with MIH and the new zoning proposed for SoHo/NoHo. By the terms of the program, non-residential floor area such as office, retail, dormitories, and hotels are not subject to MIH. Under the SNX, the MIH requirements for SoHo/NoHo would be modified such that any residential floor area developed on a lot that permits at least 12,500 sf of residential floor area on top of a non-residential ground floor would require affordable housing set-asides or a contribution into an Affordable Housing Fund. The modified MIH requirement would make owners of upzoned sites with more than 12,500 of developable residential floor area follow MIH requirements even if they do not utilize all available residential floor area in a new mixed-use development constructed in accordance with the proposed zoning.

Comment 1-113

Does MIH include a racial quota? Is race a considered factor in the application process? I already know the answer, but do you? Impractical application of MIH, this plan is a farce. The race baiting in this process has been vile, and the genesis of that is on the City. (Lutz_215)

Response 1-113	MIH does not have any racial requirements or quotas. MIH is intended to address the City’s housing crisis by providing low-, very-low, and moderate-income housing to New Yorkers.
Comment 1-114	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. (Herrick_065)
Response 1-114	According to the RWCDs prepared by DCP in Appendix A of the DEIS, with the Proposed Actions, all 26 projected development sites and 46 of the 58 potential development sites could be developed with at least 12,500 zoning sf of residential space, which would potentially require affordable housing set-asides or a contribution into an Affordable Housing Fund (for sites with less than 25,000 sf of residential floor area) in accordance with MIH regulations as modified by the SNX.
Comment 1-115	Rezoning or upzoning will endanger the housing and businesses of these current residents in favor of a nebulous number of “affordable” housing units. What is the definition of affordable in this proposal—the minimum or maximum income? How many units will be required in new buildings and who will enforce compliance? Will there be sufficient accountability for noncompliance or will it be a monetary fine that will be seen by the developer as the cost of doing business that will only temporarily affect their profit? What protections or guarantees for existing tenants and businesses will be included in the final proposal? (Kahn_026)
Response 1-115	See the response to Comment 1-80, the response to Comment 1-81, and the response to Comment 1-101. HPD administers the MIH program and DOB enforces zoning.
Comment 1-116	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 (CONH) 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 included anti-harassment provisions. In addition to applying these protections, the City of New York should fund tenant rights organizations

such as AAFE and CAAAV to outreach to and educate tenants, especially on the borders of Chinatown, about their rights and how to enforce them. The current plan provides tenants with little leverage to fight back against harassment and displacement pressures. These zoning text amendments are essential to prevent a net loss of affordable, rent regulated housing. Use of revenue from the flip tax should be used to fund the tenant rights groups on an ongoing basis to educate tenants living on soft sites about their rights, and fight back against harassment/displacement. (Herrick_065)

Buildings in areas [with largely vacant and/or underbuilt sites] need to be included in the Certificate of No Harassment Program which would require owners who plan to alter or demolish a building or obtain a new C of O, owners of buildings that have received a vacate order, to submit an affidavit stating that they have not harassed any of their tenants in that building in the past 5 years. HPD must then investigate whether this is the case. If HPD determines there's reason to believe harassment occurred, a case is brought before the Office of Administrative trials and Hearings (OATH). Based on the findings of the hearing, HPD can provide a CONH or deny it. (Jones_017)

Response 1-116 Comment noted. The newly extended Certificate of No Harassment (CONH) legislation would apply to Community District 2 with the approval of the SoHo/NoHo rezoning. HPD, in collaboration with the City's Tenant Support Unit and local nonprofits, is planning to conduct outreach to tenants in the rezoning area with special attention paid to buildings with higher concentration of rent regulated units, high numbers of HPD violations, and units with seniors.

Comment 1-117 The current push by (among others) big real estate interests to upzone the area are utilizing claims that it is the only or best way to address affordability in the area -- which is patently false. (Calderaro_142)

Response 1-117 The Proposed Actions were the result of the Envision SoHo/NoHo process, which involved stakeholder engagement and feedback from neighborhood residents, businesses, community groups, city agencies and other organizations.

Comment 1-118 We urge the commissioners to make any changes to the plan that would result in a greater amount of affordable housing. (Katz_239)

Response 1-118 Comment noted.

Comment 1-119 We feel the City should mandate the deepest affordability option of MIH for new apartments. (Thomas_169)

Assuming the changes are adopted, 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. (Herrick_065)

Response 1-119 See the responses to Comment 1-74 and the response to Comment 1-76.

COMMUNITY FACILITY, ARTS-RELATED, AND CULTURAL USES

Comment 1-120 Let's be a hundred percent clear about who the main beneficiaries would be; big real estate developers and private institutions like NYU. (Stewart_170)

DCP's plan would feed New York University's voracious appetite for expansion, allowing the school opportunities to expand in violation of previous NYU 2031 plan agreements limiting such. (Senter_109)

The proposed zoning also allows NYU to build Community Facility uses in Soho and Noho, which is not currently permitted per zoning, and excluded from NYU's agreed 2031 plan. (Shoemaker_082)

The plan would allow unlimited NYU expansion into area, violating NYU 2031 expansion plan agreements which were supposed to limit the university's expansion. (Cherry_048, Clayton_023, Fisher_097)

This plan ignores the high density caused by the location of NYU housing and the location of NYU classrooms and other university programs. I fear for the remaining character of this neighborhood. (Treimal_020)

One of the many deeply dishonest elements of this plan is a last-minute addition of an allowance for NYU, or for any private university, to expand anywhere in the rezoning area, and incurring zoning restrictions on their doing so. (Herman_178)

We strongly object to the plan because it would 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. (Berman_015)

This plan will allow entry of NYU into Soho which should not be allowed - they are among the largest landlords in NY already. (Choi_055)

From the earliest stages of this process, neighbors and this organization made clear that we post any change in regulations when the NYU or other private universities expand here. And we were told by the sponsors of this process that this was not what they had in mind. Like so much about this process, that turned out to be a lie. (Herman_178)

Eliminate the ability of expansionist institutions such as NYU to intrude into the area; no more dormitories. (McKee_093)

Response 1-120 Dormitory and educational facilities including those associated with NYU are considered a community facility use under zoning. The Proposed Actions would not increase the allowable FAR for such uses as compared to the existing zoning.

Comment 1-121 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 a proximity to a number of universities, will create another use that competes against affordable housing. (Kiely_CB2_001)

Response 1-121 Dormitories are a community facility use that is currently allowed under the existing zoning. Such uses would continue to be allowed under the Proposed Actions at the same 6.5 FAR as permitted under existing zoning.

Comment 1-122 We also oppose the allowance of dormitory or hotel uses as part of this plan, and believe they should be restricted and removed altogether. (Nadler et al_087)

Response 1-122 See the response to Comment 1-121. Separate from the Proposed Actions, the City is pursuing a Citywide Hotel Special Permit that aims to create a consistent approach to hotel development Citywide. As discussed in Chapter 1, "Land Use, Zoning, and Public Policy," the proposal would require CPC to consider a new hotel's potential for adverse effects on use and development in the surrounding area before it can be established. The Hotel Special Permit will require CPC approval for any new and enlarged hotels and motels, tourist cabins, and boatels in commercial, mixed-use, and paired light manufacturing and residential zoning districts. The requirement would override existing hotel special permit requirements. Even if the city-wide special permit is not approved, a CPC special permit is required to operate a transient hotel in M1 districts under existing regulations.

Comment 1-123

The Mayor's Plan fails to secure the future or consider expansion of the highly successful JLWQA use. The proposed "mechanism" for converting JLWQA to Residential Use Group 2 creates adverse and unknown consequences for current residents and will eliminate this unique use. 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 districts. (Kiely_CB2_001, Sweeney_186)

CSC supports the NoHo Bowery Stakeholders in calling for an additional way to legalize JLWQA units. The rezoning should allow JLWQA units to convert to [residential] units, which have the same building code requirements. In doing so, these units would allow a much larger pool of potential occupants to live in them. While we think a flip tax is appropriate, both for conversion to JLWQ and to residential units, we think a more modest flip tax would be more politically palatable. A 1% flip tax for JLWQA to JLWQ conversions seems fair, and it would help support and maintain the cultural character of SoHo/NoHo. A 2% flip tax for JLWQA to residential units would applauds DCP's plan to apply a flip tax on conversion of JLWQA 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. The definition of certified artists should be expanded by NY State, and NYC DCLA should work towards this goal. (Herrick_065)

The practical need for JLWQAs and residential uses to co-exist in a single building inspires a solution: JLWQA and General Residential spaces are subject to incompatible zoning rules and requirements: the process may not be possible in many buildings and may require converting one into another within a single building, or adding new residential space to the top, is made theoretically possible, but regulatory contradictions undermine their co-existence.

- Getting a new C of O is very expensive and might reveal building-wide problems and require coop or condo upgrades that a unit owner might not want to pay for. Would the coop assume such costs just so a unit owner would qualify for market-rate mortgages?
- This issue's resolution must not have to trigger a difficult or expensive C of O change – basically, JLWQAs would have to be made almost interchangeable with an unrestricted, non-artist use. This can be done by:
 - Altering the zoning definition of artist (possibly restated also at the New York State level), a zoning text change and something that can be done within this new Special District as artists only have a defined function within M1-5A and B.

- Altering the zoning definition of JLWQA, to allow it to be created in post-1961 or new space. (Jones_017)

Our neighborhood zoning problems can be fixed through text change, not this draconian rezoning. (Tenenbaum_173)

Existing JLWQAs are legal and there is no reason why they cannot continue to exist or be “made” as before, by conversion (but avoiding the MDL 1,200 SF minimum) or even be allowed to be created “ new” in post-1961 floor area, even 100% new construction. There cannot be any requirement for existing JLWQAs to become “Loft Dwellings” (to recall the definitions used in Tribeca a couple of decades ago), even if that option would be made available for newly-created or converted space and could also be used voluntarily by someone for existing units: a required conversion to Loft Dwellings would trigger a C of O change and a C of O expense we are trying not to burden existing unit owners with. Not having to get a new C of O issued might avoid triggering re-assessment, so that JLWQA’s would remain at a lower tax assessment helping the older residents and the owners of rental IMD and rent-regulated units. In a bid not to remove a thin layer of extra protection from IMD and rent-regulated units, artist-only restrictions would not be lifted from such an existing JLWQA unit without the occupants’ or tenants’ consent. (Jones_017)

Response 1-123

As indicated in the comment, the request to change the definition of “artist” is beyond the scope of the Proposed Actions and it requires state approval. The proposed zoning would allow a conversion from JLWQA to UG 2 via a coordinated interagency process involving DOB, whereas there is no such option in the existing zoning today. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles. In 1971, the City established JLWQA as a manufacturing use to support the industry that remained in the area, and to allow certain artists and their households to live and practice their craft in SoHo’s loft buildings (JLWQA was expanded to NoHo in 1976). At that time, the JLWQA use designation was successful as it facilitated the adaptive reuse of vacant loft buildings and gave rise to the conventional notion of “loft living” by transforming the loft buildings to places where artists could live, create, and thrive. However, the neighborhood has changed significantly in the ensuing decades. Today, while certified-artist-occupied JLWQA largely remains the sole as-of-right quasi-residential use, only about 30 percent of all SoHo/NoHo homes are still listed as JLWQA use that requires certified artist occupancy on buildings’ certificates of occupancy. While the number of certified artists has declined and artistic production has evolved and taken new forms, the SoHo and NoHo of today continue to be destinations for the arts and design.

Comment 1-124	<p>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. (Kiely_CB2_001)</p> <p>What is proposed for the arts fund under the rezoning bill? (Casals_151)</p>
Response 1-124	<p>Paired with the conversion fee, the Arts Fund is intended to support the arts and cultural organizations in SoHo/NoHo and Lower Manhattan. Information on the market study has been provided in numerous presentations to the City Planning Commission.</p>
Comment 1-125	<p>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. (Kiely_CB2_001)</p>
Response 1-125	<p>The proposed Arts Fund is intended to support the arts and cultural organizations in SoHo/NoHo and Lower Manhattan. The contribution to the SoHo/NoHo Arts Fund is not the same as non-residential ground floor use requirements. The Proposed Actions would include supplemental ground floor use requirements at key locations along Broadway, Canal Street, Lafayette Street, Centre Street, Houston Street, Broome Street, Bowery, West Broadway, and Sixth Avenue. Non-residential ground-floor uses could include commercial space, light industrial space, arts-related space, or community facility space.</p>
Comment 1-126	<p>CB2 supports the continued evolution of JLWQA, not its replacement with Residential Use Group 2, 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. (Kiely_CB2_001)</p>
Response 1-126	<p>See the response to Comment 1-29. The Proposed Actions would continue to permit existing JLWQA use throughout the Project Area. Further, the proposed zoning includes regulations allowing home occupations to occupy a dwelling unit as an accessory use, which already apply to certain commercial and mixed-use zoning districts elsewhere in the City and would be adapted for SoHo/NoHo’s live-work tradition and modern live-work needs.</p>
Comment 1-127	<p>The proposal 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</p>

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. (Kiely_CB2_001)

SoHo and NoHo, and Chinatown must evolve creatively and sustainably. We could add younger artists with the loft law. Share and integrate the creative community with new residents through community centers and the alternative community plan and leave our residents and the historic district intact. We need affordable housing and a path forward for JLWQA. With vision, thoughtfulness, and community collaboration, we can achieve a new plan without massive developer-driven up-zoning. (Stoltz_077)

The Downtown Independent Democrats request that the plan guarantees greater opportunities for affordable housing. For its likely failure to add any material amount of affordable housing, this plan must be rejected. The Downtown Independent Democrats believe that the plan should define clear “mechanisms” to legalize existing residential occupancies and incorporate public review and input. (Corman_121)

Response 1-127

The Proposed Actions would continue to permit JLWQA use and live-work arrangements that already exist in SoHo/NoHo and establish a voluntary option to transition JLWQA to regular residential use (Use Group 2) with conditions that more broadly benefit the arts and creative industries. This would facilitate the legalization of existing non-artist occupancy, broaden live-work to be more inclusive and reflective of modern needs, and regularize residential market transactions to align with the rest of the City. The Proposed Actions would provide an option to allow the conversion from Use Group 17D JLWQA to Use Group 2 residential use by requiring a onetime contribution to an Arts Fund that would be administered by DCLA or a non-profit entity designated by the City. The contribution would be authorized by a newly created CPC chairperson certification. The Arts Fund would provide resources for the arts and promote the public presence of the arts in SoHo/NoHo and the surrounding Lower Manhattan neighborhoods.

Comment 1-128

If 50 units were sold each year, this would result in \$11 million being contributed to the arts fund each year for the next 20 years or so." So, I guess the question is, which came first, the \$100 per square foot determination or the fact that the arts fund wanted to make \$11 million a year for 20 years? In the presentation, on page 48, under 143-13 Joint Live Work Quarters for Artists it states, in part, "The contribution amount should be \$75 per square foot of floor area to be charged from a Joint

Live Work Quarter for Artists to a residential use as of the date of the adoption and shall be adjusted by the chairperson annually." The \$75 figure quoted there is news to me. (Lawrence_197)

Response 1-128

The draft zoning text indicates a \$100/sf contribution cost.

Comment 1-129

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). (Kiely_CB2_001, McClintock_181)

Response 1-129

In recent years, SoHo/NoHo has experienced a shift from an artist community to a broader residential demographic with people engaged in a variety of professions. As noted in Chapter 1, "Project Description" of the DEIS, while the exact number is difficult to estimate, the share of certified artist residents in SoHo/NoHo is likely small. The number of artist certifications issued by DCLA has declined significantly in recent decades: since 2018, fewer than five certifications were issued annually. The Proposed Actions would allow for housing and an expanded range of home occupations, including artists. Moreover, the required affordable housing will benefit all populations, including low and moderate-income artists. The Proposed Actions would honor and support the artistic and creative legacy of SoHo/NoHo by focusing arts and cultural strategies more broadly on arts and cultural programming and organizations that are tied to the neighborhood, so that resources could be more equitably distributed to a wider range of arts and culture organizations, as well as artists in the community.

Comment 1-130

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 occupations." This would evolve this unique and emulated use to include a broader spectrum of certified artists or makers. (Kiely_CB2_001)

Response 1-130

In newly constructed and converted residential units, the Proposed Actions includes an expanded home occupation provision. Regulations allowing home occupations to occupy a dwelling unit as an accessory use, which already apply to certain commercial and mixed-use zoning districts elsewhere in the City, would be adapted for SoHo/NoHo's live-work

tradition and modern live-work needs. Up to 49 percent of the floor area of a dwelling may be used for workspaces—whether for fine arts, music, film, or other media—and may employ up to three non-residents. In addition, the definition of home occupation would be expanded to include most commercial and manufacturing uses permitted by the underlying zoning, including professional offices.

Comment 1-131

The Mayor's Plan imposes a \$100 per square foot 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. 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. (Kiely_CB2_001, Mendez_095)

The punitive \$100 per square foot tax for COO is outrageous and possibly discriminatory as it only applies to home owners and not businesses. If a person wanted to sell their loft finding certified artists would greatly limit their ability to sell WITHOUT applying for COO. It would hurt SO many of us financially. We are not all multi-millionaires. This tax does NOT protect artists. When an apartment is to be sold, or passed on to a relative, a COO would most likely HAVE to be applied for. While I accept that a charge should be levied to pay for the COO application, \$100 per square foot is outrageous!!! I have heard suggestions of, say, 1% of property value which does seem to be more fair. (Sharp_037)

Our units, they're JLWQA, they are working units. These are painters. They have studios. They got a lot of square feet, but they don't have a lot of money. Let's say they decide they have to sell. They get this very large tax and then to sell to a non -- to change the zoning, their unit has to be residential. That does a lot for the co-op, because we then are driven to consider the C of O of the entire co-op. I can assure you that code meeting -- the code that we had to meet in the 1970s is not the code we would have to meet today, and we would have to pay for it. (Martin_238)

I think the arts fee is a punitive penalty and I think it's vengeful. (Finch_203)

- Response 1-131** The referenced fee is a contribution to the SoHo/NoHo Arts Fund, and would only apply if an owner seeks to voluntarily convert from JLVQA use (UG 17) to residential use (UG 2). Owners may continue to occupy their unit as JLVQA use, as there is no requirement whatsoever to convert to UG 2 under the Proposed Actions.
- Comment 1-132** 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.” (Kiely_CB2_001)
- Response 1-132** The proposed conversion option paired with a contribution to the Arts Fund would translate an outdated occupancy requirement into benefits for arts and cultural organizations, programming and projects in SoHo/NoHo and surrounding Lower Manhattan neighborhoods. The proposed SoHo/NoHo Arts Fund will sustain SoHo/NoHo’s status as an important locus of creative expression. It is not intended to address the loss of space for the creation of art in SoHo/NoHo.
- Comment 1-133** 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 JLVQA 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. (Kiely_CB2_001)
- It's not cheap and it's very punitive and vindictive of DCP to put any kind of cost of our transferring our longtime family home onto family members, like our sons and children, should we sell or should we die, you know, they're the ones who will have to carry that burden and they shouldn't, you know, all these years we have, you know, done our due diligence to stay up to code. (Wolf_167)
- In particular, we are concerned that families living in JLVQA units, and Loft-Law tenants, will lose their homes as a result of this proposal. (Nadler et al_087)
- Clearly, a JLVQA tenant who lives in a co-op building could be outnumbered if their fellow shareholders chose to bring their building

into compliance with the new zoning changes in the SoHo /NoHo Special Use District. If a building wishes to comply with the R-7 or R-9 designations, it is unclear if a JLWQA unit could be compelled to pay the \$100 per square foot fee for the dubious arts fund or face penalty from their board. While DCP claims this program is voluntary for the JLWQA unit, they are not considering the nature of co-ops which have other mechanisms to force a shareholder to comply. I am deeply concerned that this is a situation where the zoning change can inspire the loss of an artist's residence simply because of the bad policy. (Glick_096)

Despite the Department's repeated assurances, which I appreciate, that the Joint Live Work Quarters for Artists, which has protected artists housing, will remain protected from real estate pressures, the marketplace has been given a signal that the City disregards the artists in SoHo and NoHo. (Glick_149)

Response 1-133

Management and financial decisions of cooperatives and condominiums are made by the unit members, or by an elected board of directors that handles day-to-day operations. Decisions made by cooperative and condominium boards are beyond the scope of the Proposed Actions.

Comment 1-134

DCP's proposed conversion tax on the sale of artist live/work spaces needs to be eliminated or drastically reduced. (Senter_109)

Property values in Soho have increased far above those elsewhere in the city and property tax payments made by residents have significantly increased, cumulatively over several years easily exceeding \$100/sf. We do not see why this assessment, on top of annual property tax assent, should be paid by present residents. If someone builds an additional 20,000 sf in residential space in the Up-zone area will they also be required to pay \$2,000,000 tax for the construction of this space in a location where previously on Artist Live Work status was permitted? If not, why not? If there is any new tax at all it should only be levied on the construction of new market rate residential space. (Baum_128)

Why is DCP "celebrating the arts" by imposing a conversion fee of hundreds of thousands of dollars on people who already own their homes? (Solomon_070)

Response 1-134

There is no new tax introduced under the Proposed Actions. As discussed in Chapter 1, "Project Description," conversion from JLWQA to residential use is optional, and only applies to those who seek the change voluntarily.

Comment 1-135

We want SoHo to remain the vibrant, popular, active, inhabited artistic community it is, not a commercial center with big box stores that is a

ghost town at night, except for the clubs and “interactive entertainment” venues DCP gleefully anticipates. (Tenenbaum_021)

The allowance for big-box chain stores and eating and drinking establishments of unlimited size will make it incredibly difficult for any art gallery or arts or design-related business to continue on in any ground floor space, unless they're lucky enough to own it. Which is why leading arts groups and the SoHo designing district are opposing it. (McClintock_181)

Response 1-135

Comment noted. The Proposed Actions would eliminate certain outdated regulations such as restrictions on ground floor retail use, which would make it easier for small businesses to operate. Obtaining special permits or other ad hoc approvals can represent a substantial obstacle to small businesses that may lack the capital or technical sophistication to navigate the discretionary approvals process.

Comment 1-136

I am providing this information as a NoHo resident but also as a PhD econometrician. After much delay, I was able to obtain the study and data DCP used to justify the proposed JLWQA conversion fee of \$100/sqft. This unprecedented fee will result in an assessment of almost half a billion dollars levied on SoHo and NoHo long-time residents, with the proceeds going almost entirely outside of SoHo and NoHo. DCP was not forthcoming with this information – it required a Freedom of Information request, an appeal, and a protest on the appeal. Even then the information was only provided only 5 business days before this hearing. Well, what we found is serious data errors, which make the entire study not just unreliable, but biased: 1. The city included dozens of non-market JLWQA transactions (such as transactions due to divorce or inheritance) in the study, including some with prices of as low as \$90 per square foot. 2. The city included transactions for commercial and retail space in JLWQA sales, including for basement space. 3. In the comparison groups, named “Regular” and “Loft”, the city included a large number of massive renovated penthouses, and with the majority of the group being condos rather than coops. As they say: garbage in, garbage out. In other words, the inclusion of irrelevant sales of JLWQA units and a large proportion of penthouses and condos in the comparison group invalidates the study. When these errors are corrected, there is no statistically significant difference between JLWQA units and those labeled “Regular” or “Loft”. For all intents and purposes, the price per square foot is the same. Since this study is the only justification DCP provided in support of the fee, the only reasonable course of action is to eliminate the fee in its entirety. I also wanted to point out that no such study was conducted as to the appreciation of development lots for property owners, and there

is no fee proposed on what will be a massive appreciation in value. (Solomon_041)

Moreover, this scheme essentially charges a flip tax to JLWQA owners, despite any financial justification or comparable for artists citywide. Payments into an undefined Arts Fund do not provide a long-term sustainable model using one-time contributions. And, illustrative of the rushed, and as a result sloppy, underpinnings of this plan, the DCP data supporting the financial analysis, which had to be obtained through FOIL, has proved to be inaccurate to the extent that undermines the entire provision. (Corman_121)

Throughout this process, we've asked DCP to share the data upon which this entire premise is built, and they have refused to do so almost every single time. There recently was a FOIL request, which was granted just a few days ago, and I would like to deal with the artist tax, which, you know, is incredibly unfair. DCP argues that the artist tax is justified because JLWQA spaces sell for less than non-JLWQA spaces in SoHo. We asked a professional financial analyst to review their raw data and try to figure out the methodology of how they came to this figure, and he could not find any difference at all. What we concluded was that the co-ops sell for less than condos and that is a phenomenon that's prevalent throughout our city, not just SoHo and NoHo. And so this is a case where DCP is trying to make the artist the bogeyman here and say -- oh, you're rich and you have to pay more. But, in fact, this is a phenomenon that's across the board, so I'm a hundred-percent against this. (Lawrence_197)

So, after much delay, we were finally able to obtain the study in the data that DCP used to justify the proposed conversion fee of \$100 a square foot. This fee will result in assessment, according to my calculation, almost half a billion dollars levied on the existing SoHo and NoHo long-term residents, with the proceeds going almost entirely outside of SoHo and NoHo. I'll say DCP was not forthcoming with this information. It required a freedom of information request, an appeal, and a protest on the appeal. And even then, the information was only given five days, five business days before this hearing. Well, what we found is some serious data errors, which makes the entire study not just unreliable but biased. DCP included dozens of non-market JLWQA transactions; such as transactions due to divorce or inheritance are in the study, including some with prices as low as \$90 per square foot. The City included transactions for commercial and retail space as part of JLWQA sales, including for basement space. And in the comparison group that is named regular or loft, the City included a large number of massive renovated penthouses and with the majority of the group being condos, rather than co-ops. Well, as they say, "garbage in, garbage out." In other words, the inclusion of

this irrelevant sales data of JMWQA units and a large proportion of penthouses and condos in the comparison group invalidates this study. When these errors are taken out, there is no statistically significant difference whatsoever between JMWQA units and those labeled regular or loft. None. For all intents and purposes, the price per square foot is the same. Since this study is the only justification DCP provided, the support of this fee, the only reasonable course of action for you is to eliminate this fee in its entirety. I also wanted to point out that no such study was conducted as to the appreciation of developing lots the rights of property owners. There is no fee proposed on what will be a massive appreciation in value. (Solomon_199)

We also looked at the financial analysis that was used to determine the “contribution” amount of \$100 per square foot for the Arts Fund. This slide may look familiar - it is from the Tuesday DCP presentation. There is reference to a study that supported a difference of the median selling price per square foot. We were finally able to take a look at the data, 10 years of sales in the study area, which we received just a few days ago, provided as a PDF and involving a FOIL request. What did we find? Two things: 1) There was NO meaningful difference in sales between JMWQA and non-JMWQA units. 2) There was a significant premium for New Developments, though. 75% above the \$1568 per square foot for JMWQA units and \$1542 for non-JMWQA This study was flawed in how it decided whether a sale was JMWQA or not. In fact, the majority of what was characterized as non-JMWQA was in fact JMWQA. What we found was that there was NO meaningful difference in sales between JMWQA. There is no JMWQA penalty in the data. Changes in the Plan Finally, I was surprised to see that the zoning text that was a part of the briefing package distributed on Tuesday’s session, and that the contribution amount was now listed as \$75 per square foot. We would ask why there was no notification of this change. This raised questions of what else might have changed since the FSOW was renewed. This has been an ongoing issue as our community board spent countless hours to understand the plan and get down to the details. As they say, the devil is in the details. And the details continue to contradict the stated objectives of the plan. I would ask that the Commissioners look into the actual data that makes up the plan, and to vote to reject the SoHo NoHo and Chinatown Rezoning (Yoo_146)

Response 1-136

See the response to Comment 1-131 and the response to Comment 1-136.

Comment 1-137

This plan maliciously undermines laws protecting hundreds of rent-regulated tenants, loft tenants within the re-zoning area, and seniors, many of us aging in place. As vulnerable seniors, we are targets because of the city's new allowances for overwhelming construction and

demolition made possible by granting new FAR to property owners. The community and its residents have been promised nothing in return for this significant expansion—not a senior center, not an inch of green space — no help with harassment or potential displacement. The \$100 per square foot conversion fee from JLWQA to residential use is unprecedented and unfairly displaces fixed and lower-income seniors, especially vulnerable in co-op buildings. In answer to a question by CB2, the DCP said that even a cash-poor resident moving to assisted living would have to pay this fee. What is the plan for displaced residents? Does this include more homelessness? (Anker_217, Stoltz_077)

Response 1-137

See the response to Comment 1-134. As discussed in Chapter 3 of the DEIS, “Socioeconomic Conditions,” no significant adverse impacts related to direct and indirect residential displacement are expected as a result of the Proposed Actions. The Neighborhood Plan includes strategies to protect tenants, including continuing to work with the City’s Tenant Harassment Prevention Task Force to investigate and take action against landlords who harass tenants and to provide free legal representation to tenants facing harassment. Additionally, the Housing Stability and Tenant Protection Act of 2019 significantly strengthened laws protecting tenants in New York State. The law permanently closed loopholes in New York’s rent-stabilization system by ending vacancy decontrol, vacancy bonuses, and making preferential rents permanent.

Comment 1-138

The up-zoning also includes a strange tax: an assessment of \$100/sf for present residents for conversion of their residences from Artist Live Work status to simple residential. Is this assessment even legal? (Baum_128)

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 an expensive flip tax on JLWQA units, that can be spent nearly anywhere in lower Manhattan. (Nadler et al_087)

The proposed tax on sales of loft units will punish those, like us, who pioneered this neighborhood and who have invested our time, hard work, and money in changing what was a derelict warehousing district into a model for urban revitalization across the country and around the world. (Hirsch_036)

The “AKA” Art’s Fund is punitive and vindictive. We never thought we would be forced to leave because the City would come up with a ill conceived tax that our children will have to pay when they inherit their family home! (Leon_062)

The proposed plan creates an unprecedented new conversion tax. The proposed \$100 per square foot tax for SoHo/NoHo residents, AIR property owners, which we are, will hit me personally with a new \$155,000 tax bill. A new tax extensively for an arts fund no one here asked for, with neighborhood oversight, no finance sustainability plan. The result is, this new conversion tanks will -- conversion tax will bankrupt some middle-class property owners, no doubt. Some of them have already testified about this. This new tax targets individual residential property owners and is designed to drive us out. (Thall_192)

Response 1-138

As stated above, the referenced fee is a contribution to the SoHo/NoHo Arts Fund, it is not an assessment or flip tax, and would only apply if an owner seeks to voluntarily convert from JLWQA use (UG 17) to residential use (UG 2). Owners may continue to occupy their unit as JLWQA use and there is no requirement whatsoever to convert to UG 2 under the Proposed Actions.

Comment 1-139

The plan does not consider the hazards to the hundreds of artists who have lived and worked in rent- stabilized lofts for decades. Due to the speculative development climate and demand for ultra- luxury housing in SoHo, our low- to moderate -income community of artists have endured two decades of harassment. (FitzGerald_119)

Response 1-139

See the response to Comment 1-154. The Proposed Actions would continue to permit JLWQA use and live-work arrangements that already exist in the Project Area. The Proposed Actions would facilitate the legalization of existing non-artist occupancy, broaden live-work to be more inclusive and reflective of modern needs, regularize residential market transactions to provide opportunities for certified artists to sell on the open market or transfer units to relatives and align such transactions with the rest of the City, and support the preservation and creation of affordable studio space and other broadly accessible creative spaces.

Comment 1-140

The proposed mechanism for converting current joint living work quarters for artists (JLWQA) to residential use is onerous, complex, and poorly conceived. The \$100 per square-foot conversion fee from JLWQA to residential use is unprecedented and unjust. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Taqi_139, Weintraub_047)

The proposed mechanism for converting current joint living-work quarters for artists (JLWQA) to residential use is onerous, complex, and poorly conceived. The \$100 per square-foot conversion fee from JLWQA to residential use is unprecedented and unjust. (Singh_116, Stoltz_094)

Because charging \$100 per square foot conversion fee from JLWQA to residential use is arbitrary and abusive as well as unjust. (Rosenblatt_061)

We live in a JLWQA building and the fee of \$100 per sq. ft to convert to residential is unfair and unjust. We are elderly, not rich, long time residents of NoHo. We never got any aid to convert our loft to JLWQA but our contributions made this area economically viable. (English_022)

The proposed mechanism for converting current joint living work quarters for artists (JLWQA) to residential use is onerous, complex, and poorly conceived. The \$100 per square-foot conversion fee from JLWQA to residential use is unprecedented and unjust. (Grubler_009)

The proposed mechanism for converting current joint living-work quarters for artists (JLWQA) to residential use is onerous, complex, and poorly conceived. The \$100 per square-foot conversion fee from JLWQA to residential use is unprecedented and unjust. (Cuomo_144)

We are a small co-op. We bought the building in the early '80s, and we've developed it. We certainly cannot afford to go through the idea of paying a tax on something we as artists are paying ourselves, some absurd tax that will never reach. (Melnick_235)

Response 1-140 Comment noted. See the response to Comment 1-138.

Comment 1-141 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. (Nadler et al_087)

Response 1-141 Hazardous materials and noise are assessed in Chapters 10 and 17 of the FEIS, respectively. Further, as noted in the FEIS, it is assumed that the building mechanical systems would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) to avoid producing levels that would result in any significant increase in ambient noise levels.

Comment 1-142 Instead of fostering the preservation and development of a creative community that has thrived here for 50 years but has been itself threatened by the escalation of property values, the CPC proposal did not allow the creation of new JLQWAs and actively encourages their elimination by eviction and buy outs. Instead of fostering vitality, the CPC substitutes that with supporting “art institutions”: what a bureaucratic response! It’s truly a joke that a conversion penalty would be imposed on existing Joint Living-Work Quarters for Artists (JLWQA) and that the goal appears to be eliminate this legal special use, letting it

die a natural or buy-out fueled death. No new mixed-use space would be allowed to be created by conversion or new construction. This substitution of goals is not what we discussed and a clear choice of the path to banality. It can also increase personal-use eviction risk for some rent-protected loft tenants, and create a risk of complete elimination by demolition for most rent-stabilized tenants. (Neratoff_019)

Response 1-142 See the response to Comment 1-128. As discussed in Chapter 1 of the DEIS, “Project Description,” JLWQA use would continue to be allowed under the Proposed Actions.

Comment 1-143 This solution will not work. Charging the very people who built this neighborhood a steep fee for not being an artist or to be able to sell to a non-artist, is a joke. In fact, making residential use into a “premium” use perpetuates the present problem instead of solving it creatively. (Neratoff_019)

Response 1-143 Comment noted. See the response to Comment 1-138.

Comment 1-144 JLWQA and General Residential spaces are subject to incompatible zoning rules and requirements: converting one into another within a single building, or adding new residential space to the top, is made theoretically possible, but regulatory contradictions undermine their co-existence. The CPC failed to explore the process of changing one into the other: the process may not be possible in many buildings, and require difficult and deliberate work in other, smaller or corner buildings. (Neratoff_019)

Response 1-144 The Proposed Actions would allow a conversion from JLWQA to residential use (UG 2) through a coordinated interagency process involving DOB, whereas there is no such option under the current zoning. DCP is working with DOB to ensure that the proposed zoning provides viable options for conversions and does not introduce new obstacles.

Comment 1-145 Getting a new C of O is very expensive and might reveal building-wide problems and require coop or condo upgrades that a unit owner might not want to pay for. Would the coop assume such costs just so a unit owner would qualify for market-rate mortgages? There are better solutions! (Neratoff_019)

New unrestricted residential COs are practical only in vacant or formerly commercial buildings: an option available only to developers. This rationalization for the re-zoning is pointless. The people who have a claim of being hurt by the JLWQA designation will not get anywhere with this proposal. (Neratoff_019)

Commercial owners aren't being asked to do anything. As residents, we are totally legal and commercial retail owners are not. They are the ones who should be paying into an art fund, and that arts fund should support the residents who live in SoHo. I just think it's such an ill-conceived approach to burden the residents instead of burdening the commercial owners who have deep pockets, who have hedge funds and private equity funds that back their investment. (Wolf_167)

The coop/condo problem of not being able to sell to a non-artist is one the CPC utterly failed to address because of the expense and unpredictability of the C of O process that would have to be undertaken by the single unit owner wanting to sell but would have to cover the entire building, triggering incompatibilities between JLWQA and UG2 and simply having to update the C of O. 1. This issue's resolution must not have to trigger a difficult or expensive C of O change – basically, JLWQAs would have to be made almost interchangeable with an unrestricted, non-artist use. This can be done by:

- a. Altering the zoning definition of artist (possibly restated also at the New York State level), a zoning text change and something that can be done within this new Special District as artists only have a defined function within M1-5A and B.
- b. Altering the zoning definition of JLWQA, to allow it to be created in post-1961 or new space. (Neratoff_019)

Since the process of resolving problems specific to existing JLWQAs can be dealt with by minor zoning text adjustments, along the same lines, the ability of creating new conversions to JLWQAs and/or Loft Dwellings can also be accomplished without rezoning SoHo-NoHo into a non-M zone and without introducing UG-2 into this district. (Neratoff_019)

Response 1-145

See the response to Comment 1-144. The term “artist” is defined in state law and any changes require approval of the NYS legislature. The requested change is beyond the scope of the Proposed Actions. As discussed in Chapter 1, “Project Description,” SoHo/NoHo’s landscape of creating and making is intimately tied to the ability to work and create in one’s own home environment. Ensuring that JLWQA continues as a permissible use protects existing artist residents and honors the critical role that pioneering artists played in shaping SoHo/NoHo’s identity. However, the current outdated zoning and associated system of artist certification fails to account for new forms of creative expression, the changing nature of artist communities over time, or the evolving needs of the creative communities in our city.

Comment 1-146	The option to call all newly-converted space “Loft Dwellings” (to recall the definitions used in Tribeca a couple of decades ago) will allow the imposition of stricter code and safety standards on such space as well as to give this space a higher tax assessment value (so that existing JLWQA’s would remain at a lower tax assessment helping the older residents and the owners of rental IMD and rent-regulated units). The safety standards can be imposed even on new JLWQAs but tax values need a new “name”. (Neratoff_019)
Response 1-146	Comment noted.
Comment 1-147	The proposed Arts Fund, which only applies to UG17D, and not other transitioning use groups that will not help the artists here in SoHo nor give us what had been Envisioned to help the arts in our community: affordable residential homes for artists and their families, with shared studio spaces; as of right UG3 museums. (Tenenbaum_021)
Response 1-147	As described in Chapter 1, “Project Description,” the Proposed Actions would allow museums as-of-right in SoHo/NoHo and includes an expanded home occupation provision. Under the Proposed Actions, regulations allowing home occupations to occupy a dwelling unit as an accessory use, which already apply to certain commercial and mixed-use zoning districts elsewhere in the City, would be adapted for SoHo/NoHo’s live-work tradition and modern live-work needs. Approximately half of the floor area of a dwelling may be used for workspaces—whether for fine arts, music, film, or other media—and may employ up to three non-residents. In addition, the definition of home occupation would be expanded to include most commercial and manufacturing uses permitted by the underlying zoning, including professional offices. The proposed contribution to the arts and cultural organizations, programming and projects in SoHo/NoHo and surrounding Lower Manhattan neighborhoods.
Comment 1-148	<p>My specific comments are directed in opposition to the so-called ‘voluntary one-time contribution’ required of JLWR owners to convert their loft space to a standard residential unit. First, the ‘contribution’ is voluntary in name only. It is a tax that current owners will be forced to pay or absorb on sale. Second, this tax is inequitable. The so-called ‘voluntary contribution’ is a double tax. Third, the tax is arbitrary. Fourth, this tax is intended to support the arts in lower Manhattan. (Vidich_018)</p> <p>The proposed Art Fund, aka conversion tax is punitive and unjust. Displacement of rent controlled and regulated tenants is unconscionable. (Wolf_004)</p>

- Response 1-148** Comment noted. See the response to Comment 1-132. As discussed in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions are not expected to result in significant adverse impacts associated with direct or indirect residential displacement.
- Comment 1-149** Making artists pay \$100 dollars per square foot if they wish to sell their lofts to non-artists is more than madness. The arts, tourism and restaurants are largely dependent on the culture of the City. The arts supplies the culture, and if artists continue to leave the City for lack of affordable housing the City will indeed suffer. (Barowitz_007)
- Response 1-149** Comment noted. See the response to Comment 1-132.
- Comment 1-150** We strongly object to the plan because it would not 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. (Berman_015)
- The plan would help push out longtime artist residents of the neighborhood as well as arts groups and businesses. (Cherry_048, Clayton_023, Fisher_097)
- The integrity of Soho and Noho is what differentiates it from every other neighborhood. Losing it to developers will make New York lose its history as a protected enclave for artists. (Gatien_103)
- Soho and Noho were developed by individuals who are artists or who operate small creative endeavors in various fields. That is another hallmark of the neighborhood, and what makes it work is the interaction of these creative people - of our neighbors - whose creative energies grow as a result of those interactions. The explosion of new residents in multi-story, large residential or combined-use buildings will fracture this neighborhood and will bring an end to the creative center that helped bring New York City out of the dire conditions of the financial crises of the 1970s (Hirsch_036)
- You want to erase the shred of culture we have left downtown so another half empty condo can erase people, the people that actually deserve to stay here. (Marantz_110)
- 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. (Corman_121)

Response 1-150

As discussed in the DEIS and this FEIS, Chapter 19, “Neighborhood Character,” the Proposed Actions would support the cultural legacy of SoHo/NoHo by expanding opportunities for affordable housing, updating live-work provisions in the zoning to accommodate expanded home occupations, and allowing more community facilities on an as-of-right basis such as non-profit museums and galleries, libraries, and cultural and community centers. Affordable housing is a challenge for artists and others in the creative industry. The affordable housing created under MIH would make it easier for artists and workers in creative industries to live in SoHo/NoHo, potentially in proximity to jobs in the creative industry. Moreover, the Proposed Actions would apply flexible home occupation provisions that would allow existing and future residents in SoHo/NoHo to accommodate live-work—including long time artists and others that work in creative industries. The Proposed Actions would create affordable units and update live-work regulations, creating opportunities for artists and others in the creative industries to live and work in SoHo/NoHo. Further, the Proposed Actions would create a certification that would be paired with a fee to voluntarily convert JLWQA to residential use. The certification paired with the fee would support SoHo/NoHo’s cultural legacy by creating an Arts Fund to support local arts and culture organizations in SoHo/NoHo and Lower Manhattan.

Comment 1-151

If DCP’s goals of creating significant housing in SoHo and NoHo are realized, I am concerned that the lack of protections for artists within the zoning code will create situations ripe for harassment and potential evictions. While SoHo and NoHo have become desirable in recent decades and the median income in these communities has dramatically increased, this may not necessarily be an accurate reflection of the financial situations for artists living in SoHo and NoHo. Throughout the Envision SoHo /NoHo process, community members repeatedly brought up the need to address JLWQA residents and their unique status. I am alarmed that DCP has chosen to disregard these community members and were unmoved when asked to make a special accommodation for these individuals. Furthermore, as I understand it, DCP will allow JLWQA units to continue to exist within SoHo and NoHo even when the M1-5A and B districts are converted to residential uses. However, DCP has proposed an arts fund which will serve as the mechanism for converting their JLWQA unit—which only exists in manufacturing designations—to a fully residential space under the zoning change proposals in this plan. The arts fund imposes a \$100 per square feet fee charged by the city, which will then go into an arts fund run by the New York City Department of Cultural Affairs without any clarity as to how these funds will be utilized or any criteria for who might be eligible for them. While

this a completely voluntary program, the arts fund fails to address residents who are currently legally conforming and would potentially be compelled to pay additional fees to bring their spaces into compliance with the city. At the same time this may make some people more vulnerable to eviction. (Glick_096)

Response 1-151 See the response to Comment 1-93 and the response to Comment 1-138.

Comment 1-152 The live-work status of creatives and makers who were living in former manufacturing spaces. In Soho/Noho my neighbors still reside in IMD and legalized buildings who are now aging in place. This was and still is affordable housing. NYC has benefited greatly from the creation of a unique community though the value created by these pioneers who literally built their own spaces with their own hands. They should be celebrated for their contribution to tourisms and the tax rolls. They should not be forced to consider harassment from building owners looking for an up zoning windfall. (Kramer_089)

Response 1-152 See the response to Comment 1-77. IMDs and former IMD units legalized under the Loft Law (Article 7C of the Multiple Dwelling Law), sometimes listed as “JLWQA” on Certificates of Occupancy but not subject to the artist residency requirements of actual UG17 JLWQA, may be subject to rent protection by way of the Loft Law, and would continue to be subject to rent protection irrespective of the Proposed Actions.

Comment 1-153 Artists and residents were not supported at all by the city when they inhabited and bought buildings, fought for them and saved them. The idea that artists should be charged now is appalling. Charge a fee to luxury residents and retailers. It is important to keep in the forefront historic preservation, its value and its challenges while continuing to support current rent controlled residents and only affordable housing. (Judd_081)

Response 1-153 See the response to Comment 2, the response to Comment 1-77, and the response to Comment 1-138. The proposed conversion option paired with a contribution to the Arts Fund is intended to accommodate a broader range of people and occupancies, and translate an outdated occupancy requirement into benefits for arts and cultural organizations, programming and projects in SoHo/NoHo and surrounding Lower Manhattan neighborhoods.

Comment 1-154 The arts fund is the mechanism to solve the problem for those who want to sell their JLWQA space as a residential unit and not a manufacturing unit. As a side note, this does not solve issues for current noncompliant residents that were raised extensively during the Envision process. So, in addition to paying into this fund, you also have to convert the

manufacturing JLWQA 17D space to Residential Use Group 2, including significant and costly code compliance to get the C of O change through an Alt-1 process. This hasn't been explored thoroughly and it needs to be discussed. (Booth_219)

Property owners with sites that contain existing and largely overbuilt buildings with commercial / retail and some mixed JLWQA need a mechanism for building -wide or partial conversion to mixed use that will require some form of affordable commitment. Initiate interagency discussion with DOB to simplify conversion of existing UG 17 uses to residential or commercial uses through adaptive re-use. (See Silo 3) (Jones_017)

Response 1-154 Comment noted. The proposed zoning would allow a conversion from JLWQA to UG 2 via a coordinated interagency process involving DOB, whereas there is currently no such option. DCP is working with DOB to ensure that the proposal provides viable options for conversions and does not introduce new zoning obstacles.

Comment 1-155 Expand the meaning of artist to allow for more creative neighbor activities, JLWQA units. (Tenenbaum_173)

Response 1-155 Changes to the definition of “artist” are beyond the scope of the Proposed Actions as they require the approval of the New York State Legislature.

Comment 1-156 The proposed “Mechanism” for converting JLWQA units to Residential Use Group 2 is seriously flawed. The \$100 per Sq. Ft. Loft Conversion Fee is burdensome to residents, costing on average \$200,000 to \$250,000 per unit. Making units comply with Use Group 2 building codes would require costly major renovations and, in many cases would be impossible because of architectural limitations of the buildings themselves. (Levy_010)

Response 1-156 See the response to Comment 1-138 and the response to Comment 1-154.

ANALYTICAL FRAMEWORK

Comment 1-157 The Dept of City Planning has been intentionally quoting pre-Covid19 numbers as reason to pass this plan through. (Ryan_145)

Data appears to be part past data, part data collected during the pandemic, and extrapolations. Really? Relying on data collected during a pandemic? How can this plan stand on its data accuracy? (Wilcke_120)

Response 1-157 The DEIS analyses are not based on pandemic conditions, as these conditions are anomalous, but rather on longstanding trends. Where it

was necessary to gather data during the pandemic, it was updated as necessary to reflect pre-pandemic conditions as the baseline. Future conditions in the 2031 Build Year are not based on existing pandemic conditions.

Comment 1-158

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. The DEIS ignores 58 Potential Sites because the Mayor's Plan randomly assumes they will be developed in years 11 to 20. (Kiely_CB2_001)

The Draft Environmental Impact Report (DEIS) addresses only a small portion of the potential impact: The DEIS addresses the 26 "projected" sites (see Soho map at the end of this letter), but not the 58 sites identified as "potential", or other sites. The proposed zoning would apply to all 56 blocks in the area, with nearly 900 existing buildings. The impacts described in the DEIS are, therefore, unrealistically minimized. The final EIS will not be available in time for the public to review. (Shoemaker_082)

Response 1-158

As with other City rezoning proposals, the DEIS analyzed the development anticipated under the Reasonable Worst-Case Development Scenario (RWCDS) prepared by DCP.

The criteria by which the RWCDS for the Proposed Actions were developed are laid out in detail in Chapter 1, "Project Description," of the EIS. Any criteria specific to conditions in SoHo/NoHo are noted. Generally, the RWCDS states that in order to provide for a conservative analysis, standard and neighborhood-tailored criteria and methodologies were used to project future development under the Proposed Actions. For area-wide rezonings that create a broad range of development opportunities, new development is expected on select criteria applies to site, not all sites in the rezoning area. These sites are identified as projected development sites. The DEIS identifies 26 projected development sites that are considered more likely to be developed within the 10-year analysis period. A total of 58 potential development sites were identified. Although the potential development sites are considered less likely to be developed, the DEIS assumed that potential development sites could also be developed under the Proposed Actions in lieu of the projected development sites and therefore also analyzed these sites in the DEIS for site-specific effects (e.g., historic and archaeological resources, shadows, hazardous materials, stationary air quality, and ambient noise).

Comment 1-159

Fifty percent of the residential buildings [in SoHo East] contain rent-stabilized buildings. So [if] 50 percent of these buildings contain rent-stabilized apartments. This annex portion of Chinatown contains only four full blocks and two partial blocks out of the 56 blocks in the study area, so that's less than 10 percent. This area will bear the brunt of the burden as part of the plan. And 43 percent, almost half of the residential units, are expected to be built here. (Yoo_191)

Inaccurate, incomplete, and/or misleading information was provided about key elements of the plan, such as numbers of JLWQA 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. (Berman_015)

So I'd like you to look more deeply at the residents. We're not racist. We're not rich. We're not privileged. We just moved here early and at the time we invested heavily into making it what it is today. (Wolf_167)

Our analysis found at least 628 rent stabilized units with the study area, which represents at least 1,187 residents. This is certainly an undercount, as I have spoken to residents who currently live in rent-controlled lofts who could not find either building on this map. (Yoo_146)

In the DCP's Pre-Hearing Review presentation on August 30, 2021, it was stated that there were only "Some" rent-stabilized / rent-controlled units, and that they were largely found within the historic districts. This is highly misleading, particularly in light of the fact that SoHo East is the smallest subarea in the Mayor's plan. If anything, the Covid-19 pandemic has shown how critical it is to look at percentages when interpreting data. Absolute numbers present an incomplete picture and removes critical context. The largest concentration of rent stabilized units is in this area – 53% of the residential buildings in the Chinatown area contain rent stabilized apartments. (Yoo_146)

Response 1-159

See the responses to Comment 3-2 and Comment 3-3.

Comment 1-160

The proposed density would result in additional traffic, pollution, and city infrastructure demand: Because the DEIS only quantifies the impact of 26 of the sites affected by the proposed zoning, it seriously underestimates the impact on shared resources. City utilities are aging – see what happened with the impact of Tropical Storm Ida. Upgrades and replacements could entail huge costs to the city, and cause major

disruption to traffic and daily life in the neighborhoods. Traffic is already at a near-standstill at peak hours – the DEIS forecasts no rezoning impact; this is not credible with 3000+ new housing units. (Shoemaker_082)

Response 1-160

The DEIS identifies 26 projected development sites that are considered likely to be developed within the 10-year analysis period. Although a total of 58 potential development sites were identified, only the 26 projected development sites are analyzed for density-related impacts, for a total of 1,829 projected dwelling units.. No significant adverse impacts related to traffic and water and sewer infrastructure were identified in the DEIS.

Comment 1-161

The Department, the applicant in this case, continues to falsely contend that the rezoning poses no threat to the hundreds of units of affordable, rent regulated housing in the rezoning area (see attached) due to changes in the 2019 rent laws and other city regulations.

I would (among other sources) point you to the New York Apartment Law Insider article “Demolition: One Of The Last Ways to Deregulate A Building” (attached), which clearly makes the point (albeit for very different reasons) that we have already made that the Rent Regulation Reforms of 2019 make rent regulated units such as those found in the SoHo/NoHo/Chinatown rezoning area all but permanently affordable -- unless the building is demolished, which is the one way landlords and developers can still deregulate such buildings. As previously conveyed to the Commission, while landlords/developers in this area can currently seek to take advantage of this loophole, but there is very little reason for them to do so -- current zoning rules would not allow them to replace their buildings with substantially larger ones or with ones containing residential uses (at least not as of right).

But under the proposed rezoning, that calculus changes completely. In almost every case, landlords/developers could replace buildings containing rent regulated housing with substantially larger ones, and with a broad menu of lucrative uses currently unavailable to them.

This brings us to the second piece of misinformation the Department has been promulgating: that nearly all buildings in the rezoning area would not be significantly underbuilt under the rezoning. The Department has provided no data to substantiate this claim, while we have substantial data which refutes it.

The Department says there are 185 buildings with rent regulated units in the rezoning area. Using public records, we have identified 108 such buildings with about 650 units of rent regulated housing. Contrary to what the Department claims, based upon PLUTO data, we have found that among those 108 buildings with rent regulated units in the rezoning area:

- 98 or 90% would be underbuilt under the rezoning
- 42 or 39% would be more than 50% underbuilt under the rezoning (only 1 is now)
- 51 or 47% would be more than 40% underbuilt under the rezoning (only 6 are now)
- 68 or 63% would be more than 30% underbuilt under the rezoning (we have seen demolitions of buildings with rent regulated units in the area that are as little as 30% underbuilt)
- 31 or 29% would go from being overbuilt under the current zoning (i.e. current zoning strongly discourages demolition) to underbuilt under the rezoning (i.e. proposed new zoning incentivizes demolition) – as much as 58% underbuilt
- 100% of the buildings located in the Chinatown section of the rezoning (called “SoHo East” or “South East Housing Opportunity Zone” by the Department) would be more than 50% underbuilt under the rezoning (none are currently)
- 100% of the buildings located outside of historic districts would be more than 50% underbuilt under the rezoning, whereas none are currently (it should be noted that rent regulated housing both inside and outside historic districts are vulnerable to elimination via demolition, but the hurdles to doing so are lower for those outside historic districts)

While the inclusion of the 78 additional buildings the Department says include rent regulated housing might change these percentages somewhat, this data nevertheless makes it impossible for the Department’s claims regarding the lack of impact of the proposed rezoning upon buildings in the rezoning area which include rent regulated housing to be true. (Berman_143)

Response 1-161

See the response to Comment 3-2 and the response to Comment 3-3.

Comment 1-162

The same Department housing “fact sheet” (attached) claims that in the historic districts within the rezoning, there is either no proposed increase in allowable FAR, or a “limited” proposed increase. In fact, within what the Department arbitrarily refers to as the “historic core,” a 30% increase in allowable FAR is proposed, from 5 to 6.5; in the Broadway and Lafayette corridors, “NoHo North” section, and Canal Street Subdistrict (all located within historic districts), a 94% increase in allowable FAR is proposed, from 5 FAR to 9.7. And in the “Housing Opportunity Zones,” which do in fact include lots within the historic districts, a 140% increase in allowable FAR is proposed, from 5 to 12. Each of these proposed increases adds tremendously to the pressure upon this rent regulated

housing and incentivizes its demolition. And it strains credulity to assert that a 94% or 140% increase in allowable FAR is “limited,” while saying that no increase is proposed in the “historic core” is simply a blatant lie. (Berman_143)

Response 1-162 The existing and proposed FARs are discussed in Chapter 2, “Land Use, Zoning, and Public Policy” and the potential for direct and indirect residential displacement is assessed in Chapter 3, “Socioeconomic Conditions,” of the DEIS and this FEIS.

Comment 1-163 I mean, there is no such thing as a no action scenario. Things happen, things change no matter if the place is rezoned or not. So, in a no action scenario, the trend that we have seen, which is consolidations of multifamily housing into single-family housing of which RPA did an analysis on and it is not in the study area, but it is just north of the study area is the epicenter of that. Those are the kind of things that happened and that result in not just displacement, but displacement for less people. (Gates_183)

Response 1-163 Comment noted. The No Action scenario is a projection of future conditions in the absence of the Proposed Actions and is an accepted CEQR impact analysis methodology.

Comment 1-164 Demographic studies indicate that many Little Italy residents are middle or lower-income who continue to live in relatively affordable housing. There is too little focus on how -- no focus, on how the SoHo/NoHo rezoning could also impact the special Little Italy district. I say this because, already, there's a great deal of pressure on my block to amend the split zoning, which protects the residential character of the neighborhood and open space. I refer to the Kenmare Square, LLC application to amend the zoning at 22 and 25 Cleveland Place in order to built an outsized eight-story commercial building. The Department of City Planning held a hearing in February and has yet to call the vote. One must wonder why it is taking so long. I wonder, could it be because the DCP is waiting for the onset of construction when it already approved new development across the street on Lafayette Street? Which would in turn give more incentive and permission to developers who have their eyes on Petrosino Park to build bigger and create an entertainment center, which in turn would displace most or all the residential units in the vicinity. (Lawrence_205)

Response 1-164 See the response to Comment 3-3. As discussed in Chapter 3, “Socioeconomic Resources,” it is expected that most low-income renters in Little Italy reside in protected rental units and would not be vulnerable to indirect residential displacement as a result of the Proposed Actions.

Analytical Framework—RWCDs

- Comment 1-165** 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. (Nadler et al_087)
- Response 1-165** Comment noted. See the above comments regarding the determination of soft sites.
- Comment 1-166** The EIS evaluates 26 sites, not 58. It's plan produces 1,868 housing units, 20 to 30 percent affordable, zero guaranteed. (Kiely_CB2_155)
- Response 1-166** As discussed in Chapter 1, "Project Description," the DEIS evaluates 26 projected development sites for all CEQR technical areas of analysis (site-specific and density-based) and 59 potential development for site-specific technical areas of analysis.

PUBLIC REVIEW PROCESS AND ULURP

- Comment 1-167** The Final Scope of Work remains virtually unchanged from the Draft Scope of Work 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. 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. (Kiely_CB2_001)
- The City's Final Scope of Work (FSOW) remains virtually unchanged on all the key unaddressed issues from the Draft Scope of Work (DSOW), did not incorporate the needed additional studies and analyses, ignored our comments and recommendations and from housing and community activists, the Community Board 2 December 18, 2020 detailed critique of the DSOW, and even from the Manhattan Borough President's own Envision SoHo / NoHo report. The current plan fails on each one of these objectives. (Corman_121)
- When these hearings started, the mayor's forces said that they would work with and listen to the community. They insisted, "we're not talking about an upzoning." They used the public hearings as a cover, ignored our voices and, in fact, maligned our character and produced a predetermined

upzoning plan that brings on tall towers, NYU dorms, big-box stores, and hastens the displacement of residents and small business. (Mulkins_190)

Response 1-167

The Final Scope of Work reflects substantive changes to the Proposed Actions and Reasonable Worst-Case Development Scenario (RWCDs), as well as changes and clarifications to the methodologies and data sources used in the CEQR technical analyses in the DEIS. Contrary to the comment about the rushed rezoning plan, the Proposed Actions have been formulated and shaped over the course of three years, beginning with public engagement with stakeholders on the Neighborhood Plan in January 2019. The Proposed Actions were certified into ULURP in May 2021, which officially commenced the formal ULURP process. The City engaged the community through Envision SoHo/NoHo through 2019, a series of public informational meetings on various aspects of the Neighborhood Plan in 2020 and 2021, public scoping for the DEIS in 2020, and the commencement of public review of the ULURP application in May 2021, with hearings on the ULURP application held by the Community Board 2, the Borough President and the City Planning Commission (CPC).

Comment 1-168

CB2 was not granted sufficient time to review the Mayor's Plan as provided for in the 2019 Charter Revision changes overwhelmingly supported by New York City voters. (Kiely_CB2_001)

Response 1-168

The DCP provided adequate notice to Manhattan CB 2 well in advance of filing of the ULURP application and beginning the land use review process.

Comment 1-169

We urge 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. (Kiely_CB2_001)

Rather than being rammed through by an outgoing administration, I believe it would be fairer for this issue to be decided by the incoming City Council and administration, who can be held accountable for its outcomes. (Senter_109)

This rezoning plan was clearly rushed to coincide with the last days of Mayor De Blasio's administration and prevents input from the incoming mayor and city council. (Corman_121)

Another critical reason why this plan should be sent back to the drawing board is procedural. Almost everyone responsible for it will be out of office once it's implemented, and they know they can't be held

responsible for whether or not it actually fulfill its highly, questionable promises about affordable housing.

More importantly, to help make for a better outcome, those making this decision need to know they can and will be held to account and will have to face the voters for what they have done. They need to know that they can't just promise one thing with this plan and then be immune to accountability because they're immediately term-limited out of office, like the mayor and the outgoing first council district member. This decision should be left to the new City Council Member for the district and the new mayor to decide, so that they will be around to be held accountable for their decision. (Schoonover_207)

Response 1-169

Comment noted. As stated above, the City engaged the community through Envision SoHo/NoHo through 2019, a series of public informational meetings on various aspects of the Neighborhood Plan in 2020 and 2021, the environmental review process beginning with public scoping for the DEIS in 2020, and the commencement of public review of the ULURP application in May 2021, with hearings on the ULURP application held by the Community Board 2, the Borough President and the City Planning Commission (CPC), all of which led to this FEIS.

Comment 1-170

Scheduling the Soho/Noho public hearing to fall immediately prior to the Labor Day weekend has been construed as an attempt to limit public participation. Many New Yorkers make advance plans to enjoy this time with their families; yet, the public turned out. (Senter_109)

Response 1-170

The public hearing was held on Thursday, September 2, 2021 before the start of the Labor Day holiday weekend. Labor Day was Monday, September 6, 2021. The hearing was broadcast live on DCP's YouTube channel and the public was available to participate via Zoom. The public comment period was left open until Monday, September 13, 2021. The public had ample opportunity to participate in the public hearing and submit comments if inclined to do so.

Comment 1-171

We need a new, more transparent process: For over two years, the city held sessions at which only vague generalities were discussed, with no opportunity to analyze the impacts of proposed density, height, bulk and use changes, as they were not articulated. Then, suddenly this spring, the specifics of the plan were announced just as the seven-month ULURP clock began ticking. Why has so little time been allocated for public review of such a complex proposal? Why were items such as big-box retail and NYU space added at the last minute? Why does the DEIS hint at even more MIH loopholes (see page 2-45)? Why does the LPC not seem to be involved in the proposed rezoning of such a critical historic

area? Why has an arbitrary tax been proposed, applying only to a portion of JLVQA units, taxing units which have already experienced difficulty with improvements and financing due to their complex status? Why release a floodgate of new development all at once, instead of a more careful, incremental pace? (Shoemaker_082)

Response 1-171

See the response to Comment 5, the response to Comment 13, the response to Comment 1-75, and the response to Comment 1-169. Large retail was always proposed under the DCP's rezoning plan and was discussed at informational meetings months before certification into ULURP.

Comment 1-172

The Department of City Planning has refused to listen to the community. The lack of outreach to Chinatown residents, many of whom would be greatly impacted by this plan, is shameful. Community Board 2's thoughtful December 2020 resolution in response to the Draft Scope of Work appears to have been dismissed. Forcing CB2 to file a FOIL action to obtain information about the plan is distressing. (Loftus_141)

The communities being affected are repeatedly disrespected and disregarded in the planning. The plan has not altered its talking points for several rounds. (Rosenblatt_061)

This is also a racist plan because there has been no outreach on this plan for the Chinatown community. And not to mention, Chinatown isn't even included in the name of this plan, nor in the City's testimony you just heard, when Chinatown would stand to lose the most from this plan as mentioned earlier. (Ip_171)

Response 1-172

See the response to Comment 1 and the response to Comment 5, and the responses above addressing outreach to date.

Comment 1-173

We welcome the opportunity to work with City agencies, including DSNY and DOT, as well as stakeholders within our boundaries on short- and long-term approaches to ensure the livability and commercial success of our community. (Dicus_112)

DCP never delivered on the continuing engagement that was promised to the advisory group and community during Envision, that's probably why there's so many issues today. (Booth_219)

We've all heard people say there are no open spaces and that open streets would be one way to address that. Through the pandemic, the rodent problem has only become worse. If we increase the food to 5,000 square feet and continue with open streets, I can't even imagine what would happen. (Anker_217)

Response 1-173 Comment noted. DCP will be continuing the outreach with the community with respect to the proposed plan and recommended zoning modifications.

MISCELLANEOUS

Comment 1-174 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. (Kiely_CB2_001)

Response 1-174 See the response to Comment 1-172.

Comment 1-175 This is the plan that doesn't include how it will mitigate the negative impact on real, live people. (Lawrence_205)

Response 1-175 Mitigation measures for significant adverse impacts are discussed in the DEIS and this FEIS in Chapter 21, "Mitigation."

Comment 1-176 My own family survived five years of construction as our building was gut renovated around our rent-stabilized loft and converted into multi - million dollar condominiums. The upzoning will further incentivize speculative developers to apply even more pressure to artists, most of whom are now seniors, to vacate their lofts or endure years of construction. This Plan bases its policy logic on attracting extreme wealth to a small area. (FitzGerald_119)

Response 1-176 Comment noted. The Proposed Actions are intended to support economic development and facilitate the creation of housing, including affordable housing, while protecting the historic context of SoHo/NoHo. The construction effects of the Proposed Actions are discussed in Chapter 20, "Construction."

Comment 1-177 This rezoning should also be part of a coordinated plan of action for the neighborhood, and other measures which could encourage Lower Manhattan to continue its history as a vibrant, welcoming and creative place, for young people and others. Actions which lie within the purview of the City (if not the planning commission), include better pedestrianization and bicycle safety, particularly reimagining Canal and Houston streets as modern thoroughfares safe for pedestrians and bicyclists, more support for local arts and cultural institutions, instituting needed climate resiliency measures, and reducing curfews, overpolicing and barriers to public use in Washington Square Park and other parks. As such, we highly encourage DCP to coordinate with DOT, NYC Parks and

other agencies to envision and effect not just a rezoning, but a plan. (Gates_135)

Response 1-177

DCP has coordinated with other City agencies on the Neighborhood Plan, including HPD, DOT, NYC Parks, LPC, and DSNY, and will continue to do so into the future.

Comment 1-178

The proposal yields the potential for over 9,000,000 – nine million — square feet of new structure, equal to three Empire State buildings. While these development-rights are being given free to speculators, the community is not even promised a new school, more sanitation or police services, a community center, not an inch of recreational or green space — nothing. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Taqi_139, Weintraub_047)

Over nine million square feet of new construction are a pure giveaway to developers, with nothing to gain for the community—no municipal services, green space, schools—nothing. (Baum_128, Jorgensen_231)

We also would like to see a school, library, green spaces developed as we are raising a family in SoHo. (Bowden_102)

Gale Brewer acknowledged lack of schools, lack of green space and parks, lack of infrastructure that can accommodate this level of development. (Doner_100)

DCP is ignoring the real and unique asset of these historic districts. This neighborhood, as I learned through these many meetings, doesn't have a lot of parks, surplus school seats, athletic fields, libraries, or reasonably priced grocery stores. And this plan doesn't address those issues. (Goldwyn_180)

While these development-rights are being given free to speculators, the community is not even promised a new school, more sanitation or police services, a community center, not an inch of recreational or green space — nothing. (Grubler_009)

The City projects the construction of 3,000 new apartments, nearly doubling the population of the rezoning area. And yet, there is no commensurate increase in basic infrastructure. The proposed rezoning lacks any commitment to provide school seats, parks and open space, sanitation and water, and other municipal services needed to accommodate this vast growth. (Kroessler_011)

Response 1-178

See the response to Comment 1-2 and the response to Comment 1-38. The net incremental development with the Proposed Project is approximately 2.2 million gsf (see also Table 1-3 in Chapter 1, “Project Description”).

Comment 1-179	The American Society of Engineers last year increased New York City projections of wind gusts from 80 mph to 110, almost 40%. Have these and other recent scientific studies been incorporated into the rezoning/upzoning? Whether CEQR requires or not, scientific studies on climatic shifts must be proactively addressed. (Wilcke_120)
Response 1-179	See the response to Comment 1-30. A pedestrian wind conditions analysis is provided when multiple tall buildings are proposed for waterfront sites. The Proposed Actions would not result in such conditions.
Comment 1-180	The mayor's plan will fail to maintain a mixed-use neighborhood. (De La Rosa_156)
Response 1-180	The Proposed Actions are expected to support mixed-use in SoHo/NoHo.
Comment 1-181	The Initiative urges the City to develop a comprehensive approach to address quality of life issues such as delivery issues, traffic, garbage, sanitation, and noise. I'd like to note there is a fundamental conflict between having a residential, office and retail located so closely together in a popular neighborhood. (Dicus_112)
Response 1-181	See the response to Comment 1-53. DCP continues to work with agencies, elected officials, and local stakeholders to identify strategies regarding the public.
Comment 1-182	Geological studies are needed to see that skyscrapers can be built in Soho, a former swampland, without structurally damaging fragile 19th century historic buildings. Building collapses from adjacent construction have already displaced residents a number of times. (Levy_010)
Response 1-182	Geotechnical investigation is beyond the scope of the DEIS; however, construction of new buildings, including geo-technical considerations, is regulated by DOB, which is charged with oversight of building construction in New York City. The construction effects of the Proposed Actions are analyzed in Chapter 20, "Construction."

LAND USE, ZONING, AND PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

Comment 2-1	The DEIS acknowledges flooding in the southwest corner of the rezoning area but fails to offer a plan to address sustainability, resilience and climate change. (Kiely_CB2_001)
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After recent flooding there is an opportunity to look at our building practices - additional building in areas that have flooded previously is short sighted given rising water levels and increased flooding due to climate change. (Krasula_084)

Response 2-1

As detailed in **Appendix B** of the DEIS, development projected under the Proposed Actions would be subject to the City's proposed Unified Stormwater Rule, which will be implemented by 2022, resulting in similar or reduced combined sewer overflow (CSO) discharges. In addition, the Project Area is well-suited to redevelopment, as it is located in an area that is well-served by public transit and an appropriate for increased density. While limited areas are in the floodplain, development under the Proposed Actions would not result in increased coastal flooding and would also be subject to New York City Department of Buildings (DOB) requirements for construction in the floodplain and Appendix G of the Building Code, Flood-Resistant Construction, which includes requirements that buildings elevate the lowest floor to the design flood elevation. Construction in accordance with these provisions minimizes impacts from flooding. Development projected under the Proposed Actions would incorporate both structural and non-structural methods for flood risk reduction, including design measures in the site and building designs. In accordance with these requirements, all proposed new critical infrastructure (i.e., electrical, plumbing, mechanical equipment) would be elevated above the projected flood levels in each new building, and basement uses would be flood-proofed and limited to storage only, as required by code. The Proposed Actions would facilitate the integration of these flood protections as sites are redeveloped as result of the Proposed Actions.

Comment 2-2

With coastal and stormwater flooding, New York City is using flood maps that are yesterday's news. (Wilcke_165)

Response 2-2

FEMA encourages communities to use the preliminary flood insurance rate maps (FIRMS) when making decisions about floodplain management until the final maps become available. Therefore, the preliminary FIRMS were used for the analysis in the DEIS, as they are the best available flood hazard data at this time and are the FIRMS used by DCP to evaluate consistency with Policy 6.2 of the Waterfront Revitalization Program.

SOCIOECONOMIC CONDITIONS

Comment 3-1

Increased development pressure as a result of the rezoning will lead to residential and commercial displacement. (Kiely_CB2_001)

	<p>The Downtown Independent Democrats request that the plan address displacement. (Corman_121)</p>
Response 3-1	<p>The potential for the Proposed Actions to result in significant adverse impacts related to direct and indirect residential and business displacement was analyzed in Chapter 3, “Socioeconomic Conditions,” of the DEIS. As discussed in the DEIS, the Proposed Actions would not result in significant adverse impacts related to residential or business displacement.</p>
Comment 3-2	<p>If the SoHo/NoHo upzoning is implemented, it would actually make these neighborhoods richer, less diverse, and more expensive, and likely destroy much affordable housing and push out longtime tenants and businesses. (Standish_014)</p> <p>The plan would displace longtime residents and small business. (Mulkins_078)</p>
Response 3-2	<p>As discussed in Chapter 3, Socioeconomic Conditions,” based on the RWCDs, the Proposed Actions could directly displace an estimated 60 residents living in 32 DUs by 2031. With respect to indirect residential displacement, the analysis found that for most of the study area, the overall average household income of new population in the With Action condition would be lower than the average household income of the existing population. The exceptions are in two subareas, generally located to the east of the Project Area (east of Bowery and Lafayette Street), where the Proposed Actions would add a new higher-income population. However, the mixed-income composition of the new population would not cause substantial changes in the real estate market that would lead to significant indirect displacement of vulnerable renters in unprotected units. In these areas, market rate rents are already unaffordable to low-income households. Given the high rental housing costs in the study area, it is expected that most low-income renters in the subareas reside in protected rental units and would not be vulnerable to indirect residential displacement as a result of the Proposed Actions. The Proposed Actions are expected to introduce more affordable housing than in the future absent the Proposed Actions, potentially slowing trends of increasing rents and maintaining a more diverse mix of incomes within the subareas as compared to conditions in the future absent the rezoning.</p> <p>With respect to the potential displacement of businesses, as detailed in Chapter 3, the Project Area and broader study area have well-established residential and retail markets such that the Proposed Actions would not introduce new economic activities to the projected development sites or to the study area, nor would it add to a concentration of a particular sector</p>

of the local economy enough to significantly alter or accelerate existing economic patterns.

Comment 3-3

The upzoning will likely spur the demolition of low-rise buildings with rent-regulated buildings—many of them in Chinatown—which the Department of City Planning has excluded from the area of the plan but will be directly altered as a consequence of it. (Baum_128)

The sprawl will invade the vulnerable and aging low-income neighborhood of Chinatown. (FitzGerald_119)

The displacement of adjacent communities is certain to result from the proposed rezoning. (FitzGerald_119)

This plan will displace current residents in these neighborhoods as well as other neighborhoods like Chinatown that border this area. (Oskin_108)

The Mayor's plan would also have an enormous impact on adjacent neighborhoods like Chinatown and the Lower East Side, pushing out longtime residents and businesses and making those neighborhoods less diverse and more wealthy and expensive too. (Calderaro_142)

I am here to urge you to please oppose the SoHo/NoHo neighborhood plan because Chinatown will be destroyed if this plan goes through. (Ip_171)

Response 3-3

The analysis in Chapter 3, “Socioeconomic Conditions,” considers the potential for indirect residential displacement in areas extending beyond the Project Area, including a detailed analysis performed for Subarea B, which includes portions of Nolita, Little Italy, and Chinatown neighborhoods adjacent to the Project Area. The analysis finds that the Proposed Actions are not expected to result in significant adverse impacts due to indirect residential displacement within Subarea B. The mixed-income composition of residents introduced to and near the subarea as a result of the Proposed Actions would not create or accelerate a trend of increasing rents such that all of the vulnerable population would be displaced. Rents and household incomes in the subarea have increased since 2010; the addition of new, permanently affordable housing units would potentially slow this trend and would serve to maintain a wider range of household incomes within the subarea over the long term as compared to conditions in the No Action condition. The application of MIH to the Project Area in the With Action condition would result in the creation of up to 100 permanently income-restricted protected units in Subarea B. On average, the anticipated rents in the With Action condition would be similar to market rents currently in the subarea.

Comment 3-4	The Downtown Independent Democrats believes that the plan should present an economic analysis of the upzoning and how the Plan will impact transferable development rights. (Corman_121)
Response 3-4	The requested analysis is outside the scope of CEQR and is not necessary to determine whether the Proposed Actions could result in significant adverse environmental impacts. The EIS analysis applies <i>CEQR Technical Manual</i> methodology in establishing a RWCDs for analysis, which is detailed in Section G, “Analysis Framework” of Chapter 1, “Project Description.”
Comment 3-5	The final failed upzoning experiment of the de Blasio administration discounts the latent demand for luxury housing as New York is transitioning into a high-wage technology economy. (FitzGerald_119)
Response 3-5	The analysis in Chapter 3, “Socioeconomic Conditions,” follows the Scope of Work and <i>CEQR Technical Manual</i> guidelines in assessing the potential for significant adverse impacts due to changes in socioeconomic conditions.
Comment 3-6	<p>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. (Kiely_CB2_001, Yung_033)</p> <p>This plan will displace and impact the lives of existing rent-protected and low-income residents in SoHo, NoHo, and Chinatown. This plan must be reject for the likely damage it will inflict on these residents, many of whom are seniors ageing in place. (Corman_121)</p> <p>The plan does not protect loft law tenants and it will displace and disrupt the communities of the area without providing real and affordable options for those communities. (Arosemena_114, Behnke_068)</p> <p>My concern for the residents of Chinatown and the East Village is the almost certain complete displacement, displacement of hundreds of Chinese and Chinese American working class people from their home directly, through direct displacement. And also what's happening in Washington Heights will happen — if this rezoning goes through, will happen in Chinatown and in the East Village and Lower East Side, is indirect displacement as market-rates are raised by this predatory rezoning and rent-stabilized tenants in other — in adjacent neighborhoods will be displaced, just as they were — as is documented by several studies. (Fisk_224)</p> <p>This is a displacement plan. And it will destroy existing affordable housing and more businesses in Chinatown, SoHo, NoHo, and the</p>

broader Lower East Side, like so many previous pro-developer plans that caused lost of affordable housing and homelessness in the first place.

In terms of mitigation against any displacement, the RPA encourages the City Planning Commission, and the City overall, to address this issue in the context of what is before them and what the City is able to affect, and not rely on the permanence of the current iteration of the rent regulation laws. Since the last rezoning of SoHo there have been seven instances of significant changes to the rent regulation laws, including the passage of the Emergency Tenant Protection Act itself, and three to the Loft Law. Assuming current rent regulation laws will not change over the life of the zoning, or even the life of the reasonable worst-case development scenario, is unlikely. (Gates_135)

The City should also look at other anti-displacement measures suggested by local community groups as possible mitigation. (Gates_135)

The DCP plan would allow, indeed encourage, the displacement of hundreds of low-income tenants living in currently affordable housing. (McClintock_181, Schoonover_029)

The project would push out longtime tenants in rent-stabilized units and legally protected lofts. (Standish_014)

If this upzoning is approved, the City will be creating an irresistible incentive for demolition. Developers will target these 4 to 7-story buildings. Tenants will experience harassment, curtailment of services, and trumped-up eviction cases, while being bombarded with buyout offers. In one of the hottest real estate markets in the five boroughs, where new downtown condos sell for an average of \$6.5 million and market rents for new construction approach \$17,000 per month, developers will be licking their lips. (McKee_093)

The Department of City Planning continues to deny these facts and dishonestly claim that nine percent of the rent-regulated affordable units are located in historic districts without releasing the addresses to back this up. The addresses of the 108 buildings with rent-regulated units in the zoning area we identified from public records and 30 percent of them are either outside a historic district or noncontributing buildings within historic districts, which can be demolished. (Stephens_172)

Response 3-6

Chapter 3, "Socioeconomic Conditions," includes a detailed analysis of potential indirect residential displacement, and finds that the Proposed Actions would not result in significant adverse impacts due to displacement. With respect to potential indirect effects on rent-protected tenants, as noted in the *CEQR Technical Manual*, generally, an indirect residential displacement analysis is conducted only in cases in which the potential impact may be experienced by renters living in privately held

units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or poverty status indicate that they may not support substantial rent increases. Residents who are homeowners, or who are renters living in rent-restricted units would not be vulnerable to rent pressures. The Proposed Actions would not alter mechanisms through which rents are protected in the study area, including through the Loft Law. It would be speculative to assess potential effects of the Proposed Actions based on potential (and currently unknown) changes to rent regulation laws. However, recent changes to rent regulation laws, such as those enacted through the 2019 Housing Stability and Tenant Protection Act (HSTPA), have provided additional protections for rent-regulated units. It should also be noted that HPD and other agencies provide a robust set of resources for tenant protection, education, and anti-harassment strategies.

With respect to potential residential displacement in areas outside of the Project Area, please see the response to Comment 3-3. With respect to potential business displacement, please see the response to Comment 3-18 and the response to Comment 3-19.

Comment 3-7

Is this how the City address racism, by displacing communities of color in support of bad landlords and big developers? Is it how the City addresses racial equality by displacing white people as well, so that now you can say, oh, hey, we are displaced? We are equally displaced. Displacing white 10 people and people of color at the same time. For those who still pretend that this is a racial justice and fair share plan, should be ashamed of themselves for helping Mayor de Blasio cover up his racism and displacement agenda. (Ning_189)

Response 3-7

The analysis of indirect residential displacement presents the demographic characteristics of the study area population and assesses potential effects on low- and moderate-income residents who may be vulnerable to displacement; however, race and ethnicity are not considered under CEQR.

Comment 3-8

The speculative nature of a zoning change displaces more residents in the period during which a ULURP is approved than the number of dwelling units (DUs) MIH proposes to create in the first place. (Glick_096)

Response 3-8

See the response to Comment 1-74.

Comment 3-9

The public narrative supported by the real estate industry, and sadly by the mayor, that only rich people live here is totally false. The majority of people who actually live here full-time are working and middle-class

people struggling to afford the high cost of living brought to us by real estate speculation. (Glick_149)

Response 3-9

The analysis in Chapter 3, “Socioeconomic Conditions” utilizes current *CEQR Technical Manual* methodologies and Census demographic data in assessing the potential for significant adverse impacts due to residential displacement. As detailed in Chapter 3, a detailed indirect residential displacement analysis was performed for portions of the study area that were found to have lower average household incomes (Subareas A and B). Please also see the response to Comment 3-3.

Comment 3-10

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. 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. (Kiely_CB2_001)

We strongly object to the plan because it would 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. (Berman_015)

It is apparent to all that this will actually REDUCE the amount of affordable housing in the area - the fifth-floor walk-ups in China Town will now be of interest to the developers and will further displace low-income families who have lived here for years if not generations. (Sharp_037)

The plan puts at risk hundreds of rent regulated tenants within the rezoning area, many of us seniors aging in place, all made more vulnerable by the city’s new allowances for overwhelming construction and demolition made possible by the granting of new FAR to property owners. (Singh_116, Stoltz_094)

The gentrification plan will likely reduce the net number of affordable units by spurring the demolition of at least 185 low rise buildings with approximately 635 known rent-regulated units – many of them in

Chinatown – which the Department of City Planning has excluded from the process. (Singh_116, Stoltz_094)

The City's stated goal to create economic and racial diversity will not be achieved. Instead, the gentrification plan will likely reduce the net number of affordable units by spurring the demolition of at least 185 low-rise buildings with approximately 635 known rent-regulated units – many of them in Chinatown – which the Department of City Planning has excluded from the process. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Taqi_139, Weintraub_047)

All persons in the communities involved want equity in housing. They do not want exclusive whites-only gentrified housing. Yet the plan stands to clearly reinforce the expenses and whiteness of the region as it is formed. (Rosenblatt_061)

There is no guarantee that affordable housing will be built and there is a possibility that 185 low rise buildings will be demolished displacing 635 rent regulated units. (English_022)

The plan puts at risk hundreds of rent regulated tenants within the rezoning area, many of us, seniors aging in place. The granting of new FAR to property owners are simply allowances for overwhelming construction and demolition resulting in the displacement of vulnerable rent-regulated tenants. (Grubler_009)

We have identified 650 units of such housing and 108 buildings in the rezoning area. The City says there are 185 such buildings, meaning the number of units is probably near 1,000 or more. With a little over 4,000 housing units in the rezoning area, that's one in four units and residents that will have a target on their back as a result of this rezoning. (Stephens_172)

This plan will displace many of the elderly and the lower income and working class residents in Chinatown who will be most vulnerable and at risk of displacement from this plan as concluded by Village Preservation and Community Board 2. (Ip_080)

The plan puts at risk hundreds of rent regulated tenants within the rezoning area, many of us seniors aging in place, all made more vulnerable by the city's new allowances for overwhelming construction and demolition made possible by the granting of new FAR to property owners. (Cuomo_144)

The gentrification plan will likely reduce the net number of affordable units by spurring the demolition of at least 185 low-rise buildings with approximately 635 known rent-regulated units – many of them in

Chinatown – which the Department of City Planning has excluded from the process. (Cuomo_144)

One aspect I want to reinforce is the risk of displacement discussed earlier of current rent-stabilized units through demolition, especially in the opportunity zones, which are not protected under the 2019 reforms. Rental buildings will be demolished. Internal demolition with façade remaining has been allowed by DCP before, and there's no good reason to believe that LPC will not allow such demolition in SoHo and NoHo. This will make all existing rent-regulated residents vulnerable to displacement. (Booth_219)

If you wanted to have an affordable housing proposal, perhaps you should have not allowed the demolition of buildings in this district, especially in the Chinatown opportunity area, which has been referred to as SoHo East. It will most likely result in demolition of a lot of those buildings and the displacement of the tenants in them. (Freed_225)

The Chinatown section of the rezoning is, in fact, targeted for the largest upzoning, with the largest incentive for demolition and displacement, oversized development and new wealthier residents. In addition to Asian American residents, this area of Chinatown has a disproportionately higher concentration of lower-income residents and rent-regulated housing. (Stonehill_233)

How can you justify a plan which would likely create little or no affordable housing due to multiple loopholes but would potentially displace hundreds of lower-income tenants, disproportionately seniors, artists, and Asian Americans, and permanently destroyed their rent-regulated affordable housing? (Moskowitz_201)

How can you justify a plan which literally erases Chinatown, renamed here "SoHo East" and targets the largest upzonings and displacements for that area? This plan will not make these neighborhoods, or our city, more equitable, fair or affordable. It will eviscerate parts of Chinatown, destroy the scale and character of nationally and internationally recognized historic neighborhoods, help push out the roughly one third of rezoning area residents who make less than the City average income and make these neighborhoods richer, more expensive and less diverse than they are now. (Moskowitz_201)

I have worked for 51 years as a rent control and rent-stabilized advocate, and I'm very familiar with the rent laws. Now, the problem is, you are putting a target on the back of the rent-regulated, rent-controlled and rent-stabilized, as well as loft tenants by increasing the FAR for these buildings. Demolition is the only major mechanism left to landlords who want to get units out of the system. All the other mechanisms were pretty

much closed off by the state legislature two years ago, but demolition was left intact. Now, demolition is a difficult time-consuming and costly process for landlords or developers. But if the incentive is great enough, they will do it. And I'm afraid that by increasing the FAR for these building addresses by such -- even by 30 percent, let alone, you know, up to 94 percent and 140 percent, you are creating that incentive. Your staff has basically poo-pooed this issue. It won't happen. I'm telling you, I think it is a very serious issue. And I would urge you that if this plan is going to go through, you de-map these buildings, remove all of the buildings with rent-regulated apartments, remove all of the loft unit buildings, of which we don't know how many there are, but there got to be some, and not increase the FAR for those addresses by any amount at all. That would make for a complicated map, but it's the only way you could protect these buildings and protect these tenants. I also want to insist that your staff should release the complete information about these buildings. The City Planning staff says there are 185 buildings, Village Preservation has been able to identify 108 with some research and door-knocking. But we want to know where the others are, so we would really like you to release those. (McKee_210)

According to the City Planning Commission, there are 185 buildings in the SoHo/NoHo rezoning area with rent-regulated apartments. Through research and legwork, Village Preservation has identified 108 of these buildings, containing roughly 650 apartments. But the City Planning Commission is refusing to release the complete list of addresses and the number of units, so it is reasonable to conclude that the actual number of rent regulated units in the 185 buildings within the rezoning area is closer to 1,000. Under current rules, there is little incentive to demolish these buildings, all of them low rise, because the replacement buildings could not be substantially larger. But Bill de Blasio's plan would upzone all of them, by 30 percent in some parts of the rezoning area, by 94 percent in other parts, and by 140 percent elsewhere. This would put a target on the backs of these tenants and these apartments and would inevitably lead to displacement of the long- term residents and loss of the affordable housing. (McKee_093)

The City's proposed upzoning and grant of new FAR puts a target on the backs of rent-regulated tenants and loft tenants. Currently, most of the buildings are maxed out with no available FAR for new construction. The DCP plan changes that concept, allowing no new bulk to be built right on top our heads, all as-of-right, leading to eviction by construction, eviction by demolition, leading to displacement. (Davies_158)

Response 3-10

The analysis in Chapter 3, "Socioeconomic Conditions" utilizes current *CEQR Technical Manual* methodologies in finding that the Proposed

Actions would not result in significant adverse impacts due to direct or indirect residential displacement. A large majority (94 percent) of Project Area buildings with rent-protected units would not be significantly underbuilt (i.e., built to less than 50 percent of permitted density) under the new zoning advanced by the Proposed Actions. In addition, a large majority of (88 percent) of buildings with rent-protected units are located within historic districts, where the proposed density increase is either none (in historic cores) or limited (in historic corridors). Please also see the response to Comment 3-6.

Comment 3-11

Any future rezoning plan must review and include protections for tenants at risk of displacement. (Kiely_CB2_001)

We strongly object to the plan because it would 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. (Berman_015)

Response 3-11

See the response to Comment 3-6 and the response to Comment 1-77. As discussed in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not result in significant adverse impacts related to direct or indirect residential displacement.

Comment 3-12

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 units and have not initiated any conversations with our local state elected officials on the impacts on these tenants. (Kiely_CB2_001)

Response 3-12

Interim Multiple Dwellings (IMDs) and former IMD units legalized under the Loft Law (Article 7C of the Multiple Dwelling Law), sometimes listed as "JLWQA" on Certificates of Occupancy but not subject to the artist residency requirements of actual UG17 JLWQA, may be subject to rent protection by way of the Loft Law, and would continue to be subject to rent protection irrespective of the Proposed Actions. See also the response to Comment 3-6.

Comment 3-13

There is 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. (Kiely_CB2_001)

The plan puts at risk hundreds of rent regulated tenants within the rezoning area, many of us seniors aging in place, all made more vulnerable

by the city's new allowances for overwhelming construction and demolition made possible by the granting of new FAR to property owners. (Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Taqi_139, Weintraub_047)

The up-zoning will incentivize the demolition of many of the 600+ units of rent regulated and loft law affordable housing, which are disproportionately occupied by lower income and Asian American residents, and disproportionately located in the areas with the greatest proposed upzonings which create the greatest incentives for demolition. It will likely add pressure for "secondary displacement" of thousands more residents of rent regulated affordable units in the immediately surrounding area, which are even more disproportionately Asian American and lower income. (Cherry_048, Clayton_023, Fisher_097)

This upzoning endangers hundreds of existing units of rent regulated affordable housing in the rezoning area. By significantly increasing the allowable FAR, the plan provides a huge financial incentive to developers to seek to displace rent regulated tenants, demolish the buildings, and permanently remove their rent regulated housing. To be clear: what is counted as "affordable" in this plan is far above the income level of those now living in those rent regulated units. At present there is little incentive to demolish existing structures as almost all rent regulated housing in the rezoning area is located in buildings at or above the allowable size for new development. Landmark designation would not necessarily prevent the destruction of affordable housing units, since the LPC has allowed demolition of all but the facades of designated buildings. Seniors and Asian American residents, especially in the Chinatown section of the rezoning, would be especially at risk of displacement. (Kroessler_011)

With a proposed increase of allowable density of 30 to 140 percent, virtually every rent-regulated building will be underbuilt under the new zoning, creating stronger incentives for landlords to do whatever they can to get tenants out and demolish their buildings to build substantially larger. Landmarking won't prevent that, and the LPC routinely allows demolition of buildings behind their façades, and all that's needed to permanently eliminate rent-regulated units. (Stephens_172)

There are 635 rent stabilized units in danger of displacement. Just as an example, there are 72 rent stabilized units in the square block between Broome and Grand, Crosby and Lafayette Street. With increased FAR, landlords will be incentivized to demolish buildings in order to build large towers displacing low- income tenants in the opportunity zones, especially Lafayette, Baxter and Centre Streets. This area is part of Chinatown, largely Asian and displacement would significantly alter the socio/economic impact of the area. In the historic, cast- iron area,

landlords would be incentivized to create additional floors, penthouses, harassing tenants through construction. Additionally, it further incentivizes office, dormitory and large retail development. (Margolis_063)

The plan would push out longtime tenants in rent-stabilized units and legally protected lofts. (Calderaro_142)

Response 3-13

See the response to Comment 3-10 and the response to Comment 3-12. Tenants in rent regulated units, which may include Loft Law units, are protected from displacement. Building enlargements are not expected to displace housing units.

Comment 3-14

Even if new developments are built as the City predicts with 70-75% luxury condos and 25-30% "affordable housing," these developments will overall actually be more expensive, and house wealthier and less diverse residents, than the current neighborhood overall, making for a less equitable, less affordable neighborhood. (Standish_014)

We strongly object to the plan because it would make these neighborhoods considerably wealthier than they are now and no more equitable or diverse, 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. (Berman_015)

We strongly object to the plan because it would not 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. (Berman_015)

Even if new developments did include required "affordable housing" at 70-75% luxury market rate, analysis shows that such developments would make these neighborhoods wealthier and their housing more expensive than they currently are. That fact renders hypocritical the administration's statements about equity. (Kroessler_011)

Response 3-14

The analysis of potential indirect residential displacement in Chapter 3, "Socioeconomic Conditions" follows the approved Final Scope of Work and *CEQR Technical Manual* guidelines in its consideration of potential

socioeconomic effects due to the incomes of new residents. The analysis concludes that for most of the study area, the overall average household income of new population in the With Action condition would be lower than the average household income of the existing population. However, for two subareas a more detailed analysis was required to determine whether the Proposed Actions could result in significant adverse displacement impacts. The detailed assessment focused on: Subarea A , roughly bounded by Bowery to the west, Rivington Street to the south, First Avenue to the east, and East 9th and East 14th Streets to the north; and Subarea B , roughly bounded by Bowery to the east, the Brooklyn Bridge approach to the south, Centre Street to the west, and East Houston Street to the north. These subareas have lower average household incomes than other parts of the study area. The analysis found that while the Proposed Actions would add a new higher-income population within or adjacent to Subareas A and B, the mixed-income composition of the new population would not cause substantial changes in the real estate market that would lead to significant indirect displacement of vulnerable renters in unprotected units. The Proposed Actions are expected to introduce more affordable housing than in the Future without the Proposed Actions, potentially slowing trends of increasing rents and maintaining a more diverse mix of incomes within the subareas as compared to the No Action condition.

Comment 3-15

To complement this analysis, RPA would encourage the Commission to examine the testimony from the significant numbers of people who have provided it, and look for how many are from residents in the rezoning area who indicate they are low- income, unprotected renters personally vulnerable to displacement if this rezoning goes through in order to provide an additional direct measure of likely displacement. On RPA's end, our 2016 displacement analysis, "Pushed Out," found the entire rezoning area (and all of lower Manhattan west of Bowery) not at risk of displacement mainly due to the very low share of low-income, unprotected renters in the already long-gentrified area. (Gates_135)

Response 3-15

Public comments on the DEIS are considered in this chapter and throughout the FEIS, as appropriate.

Comment 3-16

It will displace seniors and low-income residents in Soho, Noho, and Chinatown, making the neighborhood wealthier and less diverse. The urban planners who have put together the Soho/Noho plan have used an approach akin to one of weather forecasters ignoring global warming and basing weather projections far into the future on conditions from years ago that no longer apply. The plan does not consider the new economic reality and changing neighborhood needs, in part brought on by the

pandemic, with an online retail economy, people working from home, and residents fleeing the City. (Levy_010)

As planned, there are two unacceptable scenarios, neither ensuring the “affordable” housing needed: 1) If the economy magically roars back. Skyscrapers rise everywhere with increased office space, luxury residential units, and big box stores. The neighborhood is overwhelmed with crowds, traffic, garbage, and noise because the City has not planned and the population becomes even wealthier and less diverse. OR more likely 2) With the new online retail economy, people working at home and away from the City, new office space and luxury housing outpace demand and languish. (Levy_010)

This plan will displace many of the elderly, the working class, and low-income residents in Chinatown who will be the most vulnerable and at risk of the displacement from this plan, as concluded by Village Preservation and Community Board 2. (Ip_171)

This project will displace the community currently living in the neighborhood and create homelessness in the area. (Lin_117)

Response 3-16

See the response to Comment 3-3. The analysis of potential indirect residential displacement in Chapter 3, “Socioeconomic Conditions,” is based on the methodologies set forth in the Final Scope of Work and *CEQR Technical Manual*. The analysis finds that the Proposed Actions would not result in significant adverse impacts due to indirect residential displacement.

Comment 3-17

By our calculations, the displacement risk is much higher by doing nothing than it is by doing the rezoning, which would create some way to absorb some of the demand for housing in the neighborhood, even very high incomes. (Katz_239)

Response 3-17

Comment noted.

Comment 3-18

Overdevelopment would threaten Soho’s small businesses and restaurants: We are still living through a pandemic in which we worked hard to keep our local shops and restaurants alive (and we mourn some losses). Soho has an especially diverse international offering. These often operate at break-even, represent a variety of small business owners, employ a diversity of working class staff, are often located on “soft” sites, and can’t afford to move if their sites are redeveloped. These shops and restaurants are part of what attracts international tourists to New York City, supporting the city’s economy as a whole. Experience has shown that the ground-floor uses in new luxury housing buildings tend to be

bland and expensive, and large-scale retail drives out small shops (we have already lost most of our bodegas). (Shoemaker_082)

Response 3-18

The EIS analysis in Chapter 3, “Socioeconomic Conditions,” concludes that the projected displacement of businesses on projected development sites would not result in significant adverse impacts due to changes in socioeconomic conditions. As detailed in Chapter 3, under the RWCDs, projected development generated by the Proposed Actions could directly displace an estimated 57 businesses on projected development sites and an estimated 590 jobs associated with those businesses. While all businesses contribute to neighborhood character and provide value to the City’s economy, there are alternative sources of goods, services, and employment provided within the socioeconomic study area. Therefore, the potential displacement of these businesses does not constitute a significant adverse impact on the socioeconomic conditions of the area as defined by CEQR. None of the potentially displaced businesses are within a category of business that is the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect it. In addition, comparable services and employment opportunities to those provided by directly displaced retail businesses are expected as part of the development resulting from the Proposed Actions. On the projected development sites, the Proposed Actions would result in a net increase of 15,722 gross square feet (gsf) of neighborhood retail space, 21,348 gsf of destination retail space, and 33,608 of supermarket space.

Comment 3-19

We strongly object to the plan because it would 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. (Berman_015)

Mom and pop stores that have been in the neighborhood for generations will be forced to close, and the lower income and elderly residents will be displaced, while a handful of corrupted politicians, city employees, and individuals that are in bed with real estate developers will profit off the loss of this historical neighborhood, that have helped so many immigrants like myself forever to a couple of shiny glass towers for billionaires. (Ip_171)

By allowing big box chain retail as well as eating and drinking establishments of unlimited size, the plan will make it very difficult for any other type of business or non-profit to survive here unless they are fortunate enough to own their space. All others will be pushed out of their spaces by the competition from the megastores, chains, and franchise

operations. That is not what visitors expect from New York City. (Kroessler_011)

The plan will indeed not provide housing and may very well push out some of my very favorite suppliers; such as Lendy Electric and OK Hardware on Broome Street. These are the small businesses I depend on, but they cannot afford their rents any longer and this plan will only increase small businesses' rents. As is clearly known by most people, storefronts have been vacant in SoHo for years because of capital market investments that depend on the gross value of a building based on rent income, which are unconscionable. (Jorgensen_231)

After 9/11, Chinatown suffered a heavy blow to its small businesses and it took many years to recover and bounce back to the Chinatown that it once was. However, these small businesses that keep Chinatown's economy running suffered another heavy blow recently due the pandemic. If the City Planning Commission really cared about planning, it would do everything it can to protect the Chinatown's small businesses and its residents by opposing this plan. (Ip_080)

Response 3-19

As detailed in Chapter 3, "Socioeconomic Conditions," the assessment of potential indirect business displacement finds that the Proposed Actions would not introduce new economic activities to the projected development sites or to the study area, nor would it add to a concentration of a particular sector of the local economy enough to significantly alter or accelerate existing economic patterns. The Proposed Actions would add an increment above the No Action Condition of 1,826 DUs, providing substantial amounts of new housing for current and future residents. This would introduce a new residential population, but the demand for goods and services from existing residents has already established a strong commercial market such that the influence of new residents would not markedly increase commercial property values and rents throughout the study area. The SoHo/NoHo retail market is one of the most established and expensive retail markets in the City, and many retail businesses in the area tend to be flagship destination stores serving a regional trade area. In addition, the introduction of a new residential population would increase demand for the goods and services provided by existing businesses. The Proposed Actions would add an increment of 70,678 gsf of retail space (local and destination retail and supermarket). There is currently a trend of increasing development of retail space in the study area. The retail added under the RWCDS would not be enough to alter or accelerate ongoing trends.

With respect to the concern over proliferation of big box chain stores, it should be noted that the Proposed Actions are projected to introduce approximately 21,000 gsf of destination retail at Site 9, an approximately

24,000-gsf supermarket at Site 10, and an approximately 10,000-gsf supermarket at Site 20. With respect to local retail, while there would be approximately 20,527 gsf of local retail at Site 2, 10,635 gsf of local retail at Site 8 and 13,056 gsf of local retail at Site 31, it should be noted that all other projected retail uses which form the remainder of the 130,774 gsf total of local retail uses are smaller-format uses with less than 10,000 gsf of floor area each.

COMMUNITY FACILITIES

Comment 4-1 How can the City add 10,000 residents to the area without adding a single public school seat, with no seats available in public elementary schools? (Solomon_070)

Response 4-1 As described in Chapter 4, “Community Facilities and Services,” the 1,826 additional housing units expected to be introduced by the Proposed Actions would result in approximately 70 new elementary school students and 20 intermediate school students based on standard student multiplier rates provided by the New York City School Construction Authority (SCA) for study area school districts. As described in Chapter 4, per CEQR methodology, significant adverse impacts may occur if a proposed project would result in both of the following conditions: (1) a utilization rate that is equal to or greater than 100 percent in the With Action condition; and (2) an increase of 5 percentage points or more in the collective utilization rate between the No Action and With Action conditions. Under the Proposed Actions, the utilization rate of elementary and intermediate schools in the study area would not meet both of these conditions. Therefore, the Proposed Actions would not result in any significant adverse impact to public elementary and intermediate schools.

OPEN SPACE

Comment 5-1 The DEIS states. “The Proposed Actions would result in significant adverse impact to open space due to the added residential demand placed on active and passive open spaces in an area that has limited available open space resources” (again, based only on the “projected” sites, not the “potential” or other impacts). However, no Open Space proposals are included in the plan. (Shoemaker_082)

Due to the low Open Space ratio and with little mitigation proposed: significant and essential open and green space must be added to this rezoning/upzoning. (Wilcke_120)

Response 5-1 As disclosed in Chapter 5 of the DEIS, “Open Space,” the Proposed Actions would result in a significant adverse indirect impact to open

space due to the added residential demand placed on active and passive open spaces in an area that has limited available open space resources. Between DEIS and FEIS, DCP, as lead agency, consulted with NYC Parks. As discussed in Chapter 21 of the FEIS, “Mitigation,” no mitigation measures to address the significant adverse impacts were selected.

Comment 5-2 Anyone concerned over a lack of public space, there is a clear option right there, which is our city streets. Our beautiful cobblestone streets in SoHo should be opened up as Barcelona style super blocks, and that would really alleviate any concerns about possible loss of open space. (Meehan_176)

Response 5-2 Comment noted. No temporary or permanent street closings have been assumed in the DEIS as a mechanism for meeting the open space needs of the community under the Proposed Actions, although, such actions could be considered separately from this EIS process.

Comment 5-3 I would suggest that making Washington Square Park a welcoming place and reducing the, you know, kind of the nighttime closures and heavy policing around that area would also be a wonderful thing to do for the students. (Gates_183)

Response 5-3 Comment noted. The recommendations in the comment are not within the purview of the City Planning Commission and are beyond the scope of the Proposed Actions.

SHADOWS

Comment 6-1 I am concerned about the increases in FAR in opportunity areas, which could go as high as 12.0 for residential buildings and 10.0 for commercial under the current proposal. This could result in potential building heights anywhere from 125 feet to 275 feet. While these areas are not within the historic districts seen throughout the DCP proposed rezoning area, they abut these them. I am concerned that tall buildings may create shadows in the SoHo Historic District and the NoHo Historic District which will detract from the character of these historic neighborhoods. (Glick_096)

Response 6-1 See the response to Comment 1-35 concerning 12 FAR residential density in the Opportunity Areas. Regarding shadows resulting from the Proposed Actions and their potential effects on the character of the SoHo and NoHo Historic Districts, the DEIS presented a detailed analysis of project-generated shadows in Chapter 6, “Shadows.” Consistent with guidance in the *CEQR Technical Manual*, the shadow study in the DEIS focuses on the effects of project-generated shadows on the use and users

of publicly accessible parks, plazas, playgrounds, planted Greenstreets medians, and other open spaces, on the health of the trees and plantings in the open spaces, and on historically significant sunlight-sensitive architectural and landscape features that are accessible to the public. The DEIS identified significant adverse shadow impacts to three open space resources, one future planned open space, and two sunlight-dependent historic features (stained-glass windows of the Most Precious Blood Church on Baxter Street and the garden in the rear yard of the Merchant's House Museum on East 4th Street). However, as described in detail in Chapter 19, "Neighborhood Character," open space is not a defining feature of neighborhood character, and the two individual sunlight-dependent historic features that would be significantly impacted by project shadow are similarly not defining features of neighborhood character. Consistent with CEQR guidelines, shadows falling on streets, sidewalks, and private residences are outside the scope of a DEIS shadow study. However, it should be noted that in general, shadows move over the course of the day, falling to the west in the morning, to the north in the middle of the day, and to the east in the afternoon, and are not permanent or perpetual in any given location. Further, the DEIS shadow study showed that shadow resulting from the Proposed Actions would overlap substantially with those of surrounding buildings limiting the size and duration of potential additional shadow, particularly when shadows are longer, in winter and early in the mornings and late in the afternoons in any season. In the spring and fall and particularly in the summer, shadows are short from late morning to mid-afternoon, and with the Proposed Actions sunlight would continue to reach similarly substantial areas of the neighborhood's streets and buildings during these times as shown in the relevant figures associated with Chapter 6. With the Proposed Actions, shadows in the SoHo and NoHo Historic Districts would continue to be typical for densely developed urban areas.

Comment 6-2

[The excessive heights of new buildings] would cast significant shadows, reducing daylight to streets and to existing housing units and roof gardens. (Shoemaker_082)

Response 6-2

As noted in the response to Comment 6-1, a detailed shadow study was presented in Chapter 6 of the DEIS, "Shadows." Consistent with guidance in the *CEQR Technical Manual*, the shadow study in the DEIS focuses on the effects of project-generated shadows on use and users of publicly accessible parks, plazas, planted Greenstreets medians, and other open spaces, on the health of the trees and plantings in the open spaces, and on historically significant sunlight-sensitive architectural and landscape features that are accessible to the public. The analysis concluded that new development resulting from the Proposed Actions would potentially

cause significant adverse shadow impacts to six sunlight-sensitive resources, including the stained-glass windows of the Most Precious Blood Church on Baxter Street, the garden in the rear yard of the Merchant's House Museum on East Fourth Street, Grand Canal Court at Canal Street and Sixth Avenue, a Greenstreet feature with several trees next to the Grand Canal Court, Petrosino Square, and a future planned open space on East 4th Street between Lafayette Street and Bowery. Potential mitigation measures were explored between DEIS and FEIS and no meaningful mitigation was selected. Eighteen other open space resources and three other historic resources with sunlight-sensitive features would receive incremental shadows in one or more seasons but these shadows would be limited in extent and/or duration and would not be significant. Consistent with CEQR guidelines, shadows falling on streets, sidewalks, and private residential interior and exterior spaces are outside the purview of CEQR. However, it should be noted that shadows move over the course of the day, falling to the west in the morning, north in the middle of the day, and east in the afternoon, and shadow patterns also vary substantially by season. Shadows in late spring and summer are short through the middle of the day but fall further south and the beginning and end of the day than in other seasons, while winter shadows are longer but limited to a narrow range of angles (northeast, north, and northwest) over the course of the day.

Comment 6-3

The proposed SOHO/NOHO rezoning plan will result in a large amount of destruction of existing housing to be replaced by outsized buildings that will block the sun, both physically and metaphorically. (Kahn_026)

Response 6-3

See the response to Comment 1-101 concerning the loss of existing housing. Regarding sunlight and shadows, the detailed shadow study presented in Chapter 6 of the DEIS, "Shadows," quantified the extent and duration of new shadow resulting from the Proposed Actions that would fall on publicly accessible sunlight sensitive resources including parks, plazas, playgrounds, Greenstreets planted areas, and historically significant sunlight-dependent architectural and landscape features. The analysis identified significant adverse shadow impacts on four open space resources and two historic resources. Potential mitigation measures are being or will be explored and if meaningful mitigation is found, these impacts will be considered partially mitigated. Consistent with CEQR guidelines, shadows falling on streets, sidewalks, and private spaces are outside the scope of CEQR. However, it should be noted that shadows move over the course of each day, in a clockwise pattern, or generally west to north to east, and are not permanent or perpetual at any given location. In the spring and fall and particularly in the summer, shadows are short from late morning to mid-afternoon, and with the Proposed

Actions sunlight would continue to reach similarly substantial areas of the neighborhood's streets and buildings as shown in the relevant figures associated with Chapter 6. With the Proposed Actions, shadows in SoHo and NoHo would continue to be typical for densely developed urban areas.

HISTORIC AND CULTURAL RESOURCES

Comment 7-1 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%. (Kiely_CB2_001)

Response 7-1 New construction and changes to buildings in City-designated historic districts, including vertical enlargements, are subject to the New York City Landmarks Preservation Commission (LPC)'s review and approval. New building forms that could be developed as per the Proposed Actions would be reviewed and approved by LPC in accordance with the New York Landmarks Law to ensure they are appropriate to the historic character and context of the City-designated historic districts. Similarly, any increase in building form or massing as a result of other zoning bonuses such as Zoning For Transit Accessibility (ZFA), would also be subject to the review and approval of LPC in accordance with the New York Landmarks Law if the affected site is within a City-designated historic district.

Comment 7-2 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. (Kiely_CB2_001)

While the Landmarks Preservation Commission maintains jurisdiction over designated properties, increasing the FAR so far above the existing built form sends a message to the agency to allow demolitions and enlargements of historic buildings, and creates huge financial incentives for developers to seek ways to do so. (Kroessler_011)

There will be huge financial incentives for demolishing existing buildings smaller than what the new rezoning allows. That includes buildings of

historic significance, both landmark buildings and both listed on the national register but not landmarked, and buildings with affordable rent-regulated units within. (Kates_209)

The zoning and historic character is in jeopardy and sets precedent for the destruction of other historic districts. Much of this historic district won't be touched without going through LPC. But even if it could, I would say the historic districts are a part of why we are here in the first place. (Celestin_162)

Upzoning will break protection of historical buildings and set a precedent for other areas to their detriment. (English_022)

Response 7-2

As described in Chapter 7, "Historic and Cultural Resources," LPC will continue to review applications for individual NYCLs and properties in City-designated historic districts in the Project Area in accordance with the New York City Landmarks Law. Further, the special use and bulk regulations under the Proposed Actions have been developed to reflect the existing built character of each neighborhood, including the historic districts. The Proposed Actions would require base heights that are responsive to the context of existing buildings. The varied built forms in the Project Area, including in the various historic districts, would be supported by special zoning provisions that reflect and respect the unique existing and historic character of the Project Area.

Comment 7-3

DCP has stated that they would rely on LPC to 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. (Kiely_CB2_001)

When DCP brought in city agencies and other stakeholders to discuss their role in the rezoning — even this morning, LPC was not part of the public engagement. The rezoning will put enormous pressure on LPC to approve upscale buildings. (Goldwyn_180)

We also have to look at if there was some state and national historic designated buildings, and we know specifically that if LPC doesn't designate them, it doesn't really make a big difference. So, can we look at those? (Brewer_241)

I don't understand why we haven't heard from Landmarks Preservation. It's very clear that you are increasing the FAR, particularly on the core buildings in SoHo. (Freed_225)

Response 7-3

DCP consulted with LPC with respect to the proposed zoning. As the City agency with oversight of historic preservation and historic resources,

LPC was involved in the process of developing the proposed bulk controls that would affect the NYCLs and NYCHDs. In addition, through the environmental review process, the Historic and Cultural Resources analysis that was prepared for the EIS was developed in consultation with LPC in accordance with the *CEQR Technical Manual*.

Comment 7-4

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. (Kiely_CB2_001)

Response 7-4

Comment noted. As stated in the comment, Chapter 7, “Historic and Cultural Resources,” discloses significant adverse impacts attributable to the demolition of contributing buildings in three State/National Register of Historic Places (S/NR)-listed historic districts – the portion of the SoHo Historic District that is outside the NYCHD SoHo-Cast Iron Historic District and Extension boundaries, the Bowery Historic District, and the Chinatown and Little Italy Historic District. With respect to contextual impacts, the Proposed Actions would result in development that could change the setting of contributing resources to the S/NR-listed historic districts by allowing taller buildings that are not consistent with the scale of nearby historic districts or buildings, resulting in an indirect, or contextual, significant adverse impact. The indirect significant adverse impacts would affect the Bowery Historic District, and the Samuel Tredwell Skidmore House, and the Old Merchant’s House.

Comment 7-5

Increased development pressure as a result of the rezoning will lead to the loss of significant historic and cultural assets in some of the already most economically challenged parts of the district. (Kiely_CB2_001)

Response 7-5

While the Proposed Actions would result in the demolition of buildings in historic districts in the Project Area, the proposed contextual zoning for the Project Area would map zoning that preserves the historic character and provides flexibility to shape building forms appropriate to the New York City Historic Districts (NYCHD). The effects of the Proposed Actions on NYCHDs would result in benefits associated with the preservation of the historic built character of the NYCHDs. As noted above in the response to Comment 7-4, significant adverse impacts attributed to the demolition of contributing buildings in three State/National Register of Historic Places (S/NR)-listed historic districts

would occur; however, the demolition of these seven buildings and the redevelopment of these sites would not substantially alter the overall significance of two out of the three S/NR-listed historic districts given that they are large and architecturally varied historic districts.

Comment 7-6

The proposal 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. (Kiely_CB2_001)

Allowing out of scale enlargements in an adjacent to six historic districts sets a terrible precedent, not only for this neighborhood but for historic districts citywide. (Sewell_220)

I have long been skeptical of the claim that zoning changes will not affect the character of historic districts because of the ability of the Landmarks Preservation Commission (LPC) to review projects in historic neighborhoods. Experience in other historic neighborhoods with varying zoning designation like the Greenwich Village Historic District have shown that tall buildings and non-contextual structures can be built. The LPC can only consider the aesthetic quality of building applications before them, and has specifically stated that cannot consider height in the as-of-right context in a neighborhood. (Glick_096)

Response 7-6

See the response to Comment 7-4 regarding S/NR-listed historic resources. As discussed in Chapter 1, "Project Description," the existing zoning does not always facilitate building forms that relate harmoniously to the loft building context within and beyond the NYCHDs. In such circumstances, special permits and zoning variances are often needed to allow building forms appropriate for the historic district context and acceptable to LPC. The Proposed Actions would establish bulk regulations that more appropriately respond to neighborhood context, provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings and allow LPC to shape the building form in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions.

Comment 7-7

Included in SoHo and NoHo are some of the city's most popular historic districts; consequently, the SoHo/NoHo upzoning would set a dangerous precedent for the destruction of historic districts all over this city. This plan calls for the first upzoning of an historic district in the sixty-six years of the Landmarks Preservation Commission's existence. City Planning asked many agencies to participate in the process. Shockingly, the Landmarks Preservation Commission was not one of them. (Standish_014)

This plan calls for the first up-zoning of a NYC historic district in the sixty-six years of the Landmarks Preservation Commission's existence, and thereby will break protections put in place for the benefit of all. (Cuomo_144, Geng_127, K_134, Lee_123, Loftus_141, Manning_132, Ohta_008, R_137, Rockwell_074, Singh_116, Stoltz_094, Taqi_139, Weintraub_047)

You are allowing developers to build over these buildings, which will completely change the landscape of SoHo, and the old landmarks preservation would never have allowed that and they never did. (Freed_225)

Response 7-7

As described in the response to Comment 7-3, DCP consulted with LPC with respect to the proposed zoning. As the City agency with oversight of historic preservation and historic resources, LPC was involved in the process of developing the proposed bulk controls that would affect the NYCLs and NYCHDs. Further, the Proposed Actions would not impinge on LPC's discretionary authority to determine whether or not a proposed project is appropriate.

Comment 7-8

241 Canal Street, you know that big, red pagoda bank, the grand Golden Pacific National Bank and the Starbucks, beautiful Chinese — that's going to be destroyed under the plan. There hasn't been any discussions about it. We're just going to destroy famous Chinatown landmarks. It's part of the rezoning, as everyone knows it, but nobody is commenting on it. There's no hearing. There's nothing. (Fine_198)

Response 7-8

The Historic and Cultural Resources analysis was prepared in consultation with LPC in accordance with the methodologies of the *CEQR Technical Manual*. The analysis included the identification of architectural resources officially recognized ("known architectural resources") in the Project Area and in the 400-foot study area surrounding the Project Area. In addition, a field survey of the Project Area and 400-foot study area was undertaken to identify any properties that appear to meet one or more of the National Register and/or NYCL criteria ("potential architectural resources"), as described in the Methodology section of Chapter 7, "Historic and Cultural Resources," of the EIS. No potential historic architectural resources were identified that meet these criteria. In addition, the majority of the Project Area and study area are already located within the boundaries of an NYCHD or a S/NR historic district.

Comment 7-9

The project would encourage the demolition of historic buildings. (Standish_014)

The rezoning threatens those streetscapes and the area's economic viability by encouraging out of scale commercial development that will diminish the historic character. The vast majority of new housing is set to the outside of the historic district, while the rezoning targets rare buildings that date back to the 1820s as prime development sites. (Goldwyn_180)

We strongly object to the plan, because it would encourage the demolition of historic buildings. (Berman_015)

The plan would encourage the demolition of historic buildings recognized as city, state, and national landmarks. (Cherry_048, Clayton_023, Fisher_097)

The entire plan ignores historic districts, their value to the City and SoHo as a national historic landmark district. But this mayor weakened landmark preservation rules and with no concern for the value of history that other major cities work diligently to protect. This would set the stage for the demolition of smaller buildings and mean greater displacement. (Glick_149)

The plan would encourage the demolition of historic buildings. (Calderaro_142)

Response 7-9

The Proposed Actions have been developed in consideration of the historic resources located within the Project Area and surrounding study area. The projected and potential development sites in City-designated historic districts, including those in the Project Area in SoHo and NoHo, are subject to LPC review and approval in accordance with the New York City Landmarks Law, inclusive of any alteration, reconstruction, demolition or new construction affecting buildings. Areas outside of City-historic districts (for example, in the southeast and southwest corners of SoHo, and certain areas along Bowery) are generally transitional areas, and possess a different built character compared to the historic cores of SoHo and NoHo, where cast-iron loft buildings are concentrated. As detailed in the Existing Conditions section of Chapter 7, "Historic and Cultural Resources," certain of the projected and potential development sites contain smaller one-to four-story buildings, including buildings that have been previously substantially altered, buildings identified as having "no style" or that are "non-contributing" to the S/NR historic district; other sites have been redeveloped since the historic districts were created, while several sites are underdeveloped with parking lots.

Comment 7-10

The Downtown Independent Democrats believes that the plan should maintain the character and integrity of the impacted Historic District and the creative foundation of the area, as exemplified by JLWQA (Joint

Living-Work Quarters for Artists), which are important City economic drivers. (Corman_121)

Response 7-10

The Proposed Actions have been developed to support and maintain the character and integrity of the various historic districts in the Project Area by establishing bulk regulations that more appropriately respond to neighborhood context, provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings, and allow LPC to shape the building form in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions. As described in Chapter 1, "Project Description," the Proposed Actions would also continue to permit JLWQA use and live-work arrangements that already exist in the Project Area, and establish a voluntary option to transition JLWQA to regular residential use with conditions that more broadly benefit the arts and creative industries. This would facilitate the legalization of existing non-artist occupancy, broaden live-work to be more inclusive and reflective of modern needs, regularize residential market transactions to align with the rest of the City, and support arts and cultural organizations so that SoHo/NoHo's cultural legacy remains relevant into the future.

Comment 7-11

Within Chinatown, is the National Register designated Bowery Historic District. The City's Plan projects that dozens of buildings in the Bowery NR district will be demolished. The consequences of the Plan are grave to our history and the people. (FitzGerald_119)

Response 7-11

As described in Chapter 7, "Historic and Cultural Resources," there are four buildings on two projected development sites in the S/NR-listed Bowery Historic District. The four buildings that would be demolished are four- to 11-story buildings (approximately 40 to 180 feet tall). No other projected or potential development sites are located within the Bowery Historic District. In addition, one projected development site is located adjacent to, but outside, the Bowery Historic District. The four buildings in the S/NR-listed historic district are not protected under the New York City Landmarks Law. The projected demolition of these four buildings due to the Proposed Actions would result in a significant adverse impact to the Bowery Historic District. However, the demolition of these four buildings and the redevelopment of these sites would not substantially alter the overall significance of this S/NR-listed historic district given that it is a large district characterized by architecturally varied buildings from several development periods.

Comment 7-12

Eighty percent of the rezoning area is within historic districts, 73 historic architectural resources are -- have been identified that are on the state and

national resource list that are expected to be demolished under the plan. We are confident the Draft Environmental Impact Statement has not addressed the full extent of potential development and the subsequent impacts. Non-landmark districts should have a greater guidance for shaping new development and relating to the historic resources, like the Bowery Historic District, the Samuel Tredwell Skidmore House and the Old Merchant's House. The City should collaborate and work well with LPC, SHPO, and other key stakeholders to identify priority resources and develop tools protections and design guidelines that can more fully mitigate areas of interest that fall outside of the protection under the local landmarks law. (Williams_202)

Response 7-12

Chapter 7, “Historic and Cultural Resources,” identifies the buildings in the historic districts that would be demolished or adaptively reused as part of the Proposed Actions. Distinctions are made between development sites located in City-designated historic districts and in S/NR-listed and NHL districts. Information about the buildings on each of the projected and potential development sites was derived from the designation reports for NYCHDs and from the S/NR nomination forms for properties located within S/NR-listed or NHL districts. The development sites were identified in consideration of the existing structures on these sites and to avoid or minimize affecting larger and more significant buildings within the historic districts.

Comment 7-13

A flood of new office and retail use will threaten to overcome the “appropriate scale” defense of this historic neighborhood and potentially other historic districts in New York. (Neratoff_019)

Included in these neighborhoods are some of the city’s most popular historic districts. The plan, as it now exists, would dramatically alter the scale within those districts (Chin_105)

I’m opposed to this plan because it does not guarantee the protection of the beautiful historic district. (Arosemena_114, Behnke_068)

This plan will do irreparable harm to the historic districts. (Ellsworth_038)

Response 7-13

The Proposed Actions have been developed by DCP with input from LPC in consideration of the historic resources located within the Project Area and surrounding study area. The projected and potential development sites in City-designated historic districts are subject to LPC review and approval in accordance with the New York City Landmarks Law, inclusive of any alteration, reconstruction, demolition or new construction affecting buildings. In addition, for zoning lots located within City-designated historic districts, the rezoning would introduce special rules that would

give LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures.

Comment 7-14

The NoHo BID also feels very strongly that we want to preserve the historic character of the district and are concerned with the level of upzoning currently proposed. (Persen_079)

Response 7-14

As described in Chapter 7, “Historic and Cultural Resources,” there are four projected development sites and six potential development sites within the boundaries of the NoHo Historic District (S/NR-eligible, NYCHD) and the NoHo Historic District Extension (NYCHD) (collectively identified as the “(NYCHD) NoHo Historic District and Extension”). There are eight buildings on these sites. However, three buildings are identified in the S/NR nomination form as non-contributing to the S/NR-eligible historic district. One development would be an adaptive reuse of an existing building and would, therefore, not result in a significant adverse impact. While the demolition of historic buildings on the projected and potential development sites would result in the removal of buildings from the historic district’s late-19th century commercial development period, these buildings are all within the NYCHD boundaries and would be subject to the New York City Landmarks Law which requires LPC review and approval. In addition, for zoning lots located within City-designated historic districts, the rezoning would introduce special rules that would give LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures.

Comment 7-15

The National Trust for Historic Preservation strongly urges the Department of City Planning (DCP) to reject the proposed “SoHo/NoHo Neighborhood Plan”. If approved, this rezoning would risk destroying the world-famous and irreplaceable architectural fabric of these intact 19th and early 20th century cast-iron, brick, and limestone industrial and commercial districts. The National Trust is deeply concerned that a massive increase in development rights would result in proposals out of context with the existing scale, height, and density of these historic neighborhoods we urge DCP to work with the LPC and the community to conduct a preservation-based analysis identifying the best sites for redevelopment and to calibrate upzoning to encourage projects in those locations. We also recommend DCP develop design guidelines in partnership with LPC and the community to inform future development within the historic districts, lessening the burden on the LPC and giving clarity to the community and, importantly, to developers as proposals are conceived. (Worden_035)

I am shocked, completely shocked, that this cast-iron historic district is being gobbled up with different planned towers in the middle of this beautiful cast-iron district. What the heck is going on? We fought to save this cast-iron district. (Finch_203)

Response 7-15

The Proposed Actions have been developed to support and maintain the character and integrity of the various historic districts in the Project Area by establishing bulk regulations that more appropriately respond to neighborhood context, provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings and allow LPC to shape the building form in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions. The demolition, redevelopment, and/or enlargement of development sites in the NYCHDs are subject to LPC review and approval in accordance with the New York City Landmarks Law. In addition, for zoning lots located within City-designated historic districts, the rezoning would introduce special rules that would give LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures. Design guidelines are beyond the scope of the Proposed Actions.

Comment 7-16

I am the proud owner of an 1840 townhouse which my late husband and I restored to its full beauty. It sits on a residential block abounding with history. This was Richmond Hill, for a time Washington's headquarters during the revolutionary war. He stayed in the mansion on the top of the hill. After the war he gave this land to Aaron Burr, as a reward for his service. But Burr killed Hamilton in a duel, and had to flee the country. Burr came back twice, first to lease the land to John Jacob Astor, and then to sell it to him. Astor slid the mansion down to the riverside where it became an opera house and later a bordello. Then Astor leveled the hill with oxen and proceeded to lay out the first grid in New York City. He then built the houses just like mine, with federal or neo classical facades. I'm telling you this story because it is what we must treasure and maintain in this community. It's history and beauty. The zoning must not allow beautiful historic streets like mine to be desecrated. (Dunn_028)

Response 7-16

The Proposed Actions have been developed in consideration of the character of the various neighborhoods within the Project Area, including the historic districts and individual historic buildings. The New York City Landmarks Law affords protection to the individual NYCLs and buildings within the NYCHDs.

Comment 7-17

Historic landmarks should retain their privileges and sanctity forever, not be subject to the changing whims of money-seeking mongers, lest New

York be turned into one big glass and concrete landscape. I'm surprised that those in charge of The Merchant's House Museum must deal with challenges to their existence on a regular basis, and on their own dime, no less. Historic landmark status is earned and should be forever respected, whatever that takes on the part of New York's governing offices. (Stanol_043)

Need I remind you that in SoHo alone is the best preserved but fragile historic interiors of the Merchant's House Museum, they're still under threat, as is the structure itself, by developer looking next door. (Rayhill_204)

Response 7-17

The Merchant's House Museum is a NHL, S/NR-listed, a NYCL (including its interior). LPC must review and approve proposed changes to the museum property itself because it is a NYCL. The Proposed Actions are not proposing any modifications to this NYCL. As described in Chapter 7, "Historic and Cultural Resources," Potential Development Site J, which is located immediately west of the Merchant's House Museum, is located within the NoHo Historic District Extension, a City-designated historic district. Therefore, LPC must review and approve development on that potential development site in accordance with the New York City Landmarks Law. In addition, construction protection measures to protect the Merchant's House Museum must be prepared and implemented prior to the start of construction on development sites within 90 feet of historic architectural resources which includes the Merchant's House Museum.

Comment 7-18

The Merchants house is an incredibly special historical gem in NYC and we must preserve it. We must not do anything that can possibly damage this incredible institution that gives so much to NYC. (Feldman_051)

On behalf of the Merchant's House Museum – the city's only family home preserved intact, inside and out, from the 19th century and Manhattan's first landmark – I strongly urge you to REJECT the Upzoning plan for Soho/NoHo, two of the city's most significant historic districts. As you know, we are currently fighting the proposed development at 27 East 4th Street, directly west of the Merchant's House. Numerous engineering studies have predicted devastating structural damage to our landmark building if the construction is allowed. The Upzoning plan would allow development on that site roughly twice as large as current rules allow. An increase in the allowable size of development to nearly double would multiply the likelihood of damage – and the chances of irreparable harm – to the fragile 189-year-old Merchant's House. Moreover, as the city's final EIS shows, it would

negatively impact the public space of the Merchant's House's historic rear yard by significantly shadowing it. (Gardiner_012)

Response 7-18

The potential adverse impacts to the Merchant's House Museum are disclosed in Chapter 7, "Historic and Cultural Resources." However, as described in Chapter 1, "Project Description" and in Chapter 7, the RWCDs development on projected and potential development sites presented in the EIS represents the maximum massing and form allowed under the Proposed Actions. The representative building forms shown in the DEIS and this FEIS do not reflect LPC's approval, which would be required for actual development designs on the projected and potential sites within City-designated historic districts and determined on a site-by-site basis. In addition, development on projected and potential development sites located within 90 feet of the Merchant's House Museum would require the preparation and implementation of a Construction Protection Plan (CPP) prior to the start of construction on those sites to protect this historic resource during project construction. Chapter 6, "Shadows" also analyzed the maximum massing and form that would be allowed under the Proposed Actions. LPC's review and approval of new development on the projected development site adjacent to the Merchant's House Museum could result in a different built form creating less shadow than the maximum presented in the DEIS Shadows analysis.

Comment 7-19

SoHo does have historic buildings, which form streetscapes that have attracted residents, artists, tourists, and economic development. The rezoning threatens those streetscapes, and the area's economic viability, by encouraging out-of-scale commercial development that will diminish the historic character. (Goldwyn_039)

There is no way to convert these buildings without really spoiling their historical significance. It's just not possible. So it precludes the construction of the required loading base that are normally accomplished — normally accompany the large retail deliveries. (Behnke_166)

This proposal is set up for failure for both residential and retail spaces, due to the incompatibility of these historic structures to comply with the proposed requirements. (Behnke_166)

Response 7-19

The proposed rezoning has been developed in consideration of the existing built forms that characterize the streetscapes in the Project Area, including in the various historic districts. The existing buildings that have been adaptively reused over time are a testament to the viability of changes in uses, while also supporting development in new buildings with ground floor conditions that are consistent with the street wall, base

heights, and uses that have been developed in consideration of the character of the historic district.

Comment 7-20

It is also disconcerting that the rezoning area's boundaries are so closely aligned with this concentration of historic districts. This will result in intense pressure on the Landmarks Preservation Commission to approve out-of-scale development proposals within the historic districts. (Judd_081)

Response 7-20

The Project Area's boundaries were developed in consideration of NYCHDs. The demolition, redevelopment, and/or enlargement of projected and potential development sites in the NYCHDs are subject to LPC review and approval in accordance with the New York City Landmarks Law. In addition, for zoning lots located within City-designated historic districts, the rezoning would introduce special rules providing LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures. The Proposed Actions were also developed in response to the increasing number of CPC special permits and BSA variances for properties within SoHo and NoHo. Many of these special permits and variances were to allow retail and other commercial uses on the ground floors that are permitted as-of-right in the surrounding neighborhoods.

URBAN DESIGN AND VISUAL RESOURCES

Comment 8-1

The DCP plan would incentivize the building of extremely tall buildings that would dwarf the current built environment of the areas in question. (Schoonover_029)

The plan proposes massive increases in the allowable height and density of buildings, by the granting of floor-to-area ratio (FAR). This will create a wall of massive towers stretching from Mercer Street to Broadway and on through to Crosby Street. A similar wall of towers is planned along Lafayette Street, taking over blocks in NoHo, SoHo and Chinatown. (Singh_116, Stoltz_094)

Historically zoning changes have made major alterations to an area, not always to the better...the current up zoning will have a negative impact on the area. Beware. This is a beautiful, historical area, up zoning will allow a wall of massive towers and commercial development. (English_022)

The plan proposes massive increases in the allowable height and density of buildings, by the granting of floor-to-area ratio (FAR). This will create a wall of massive towers stretching from Mercer Street to Broadway and on through to Crosby Street. A similar wall of towers is planned along

Lafayette Street, taking over blocks in NoHo, SoHo and Chinatown. (Grubler_009)

It also means huge oversized penthouse additions to buildings throughout the rezoning area, none of which the environmental analysis plan takes into account. (Kates_209)

Response 8-1

New construction and changes to buildings in City-designated historic districts, including vertical enlargements, are subject to LPC's review and approval. New building forms that could be developed under the Proposed Actions would be reviewed and approved by LPC in accordance with the City's Landmarks Law to ensure they are appropriate to the historic character and context of the City-designated historic districts. Similarly, any increase in building form or massing as a result of other zoning bonuses such as Zoning For Transit Access, would also be subject to the review and approval of LPC in accordance with the New York Landmarks Law if the affected site is within a City-designated historic district.

Comment 8-2

Soho and Noho are national treasures that deserve a more thoughtful and careful plan: Soho was an early LPC historic district in 1973, and an early National Historic Landmark District in 1978. Soho's architecture is beautiful, remarkable and still unique. Cast-iron buildings with their depth of detail are illuminated by sunlight, and the varied heights of buildings on most streets create attractive skylines, allowing views from one street to another and views of buildings in neighboring districts. Visitors come from all over the world to experience this. It is worth taking the time and energy to see how a measured amount of new affordable housing and retail uses can be added, while respecting this unique character. The current rezoning proposal risks losing this character, only to build massive amounts of luxury housing. (Shoemaker_082)

Response 8-2

As discussed in Chapter 19 of the DEIS, "Neighborhood Character," the Proposed Actions would facilitate development that would enhance the mixed-use and historic character of SoHo/NoHo by replacing rigid use restrictions, including ground floor use restrictions that do not allow retail and other storefront uses, with new zoning that promotes a greater mix of uses. The Proposed Actions would allow residential use, and expand the supply of affordable housing through MIH. The Proposed Actions would establish bulk regulations that more appropriately respond to neighborhood context, provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings and allow LPC to shape the building form in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions.

WATER AND SEWER INFRASTRUCTURE

Comment 11-1 This plan gives no consideration of the deleterious impact of greater density on water and sewer infrastructure. (Mendez_095)

Response 11-1 An assessment of the Proposed Actions' potential effect on the City's water supply, wastewater treatment, and stormwater management infrastructure was performed in accordance with the 2020 *City Environmental Quality Review (CEQR) Technical Manual* and is presented in Chapter 11 of the DEIS, "Water and Sewer Infrastructure." The assessment concluded that the Proposed Actions would not result in any significant adverse impacts on the City's water supply system, as the additional water demand generated by the projected development would be less than 1 million gallons per day (mgd), which is below the level of significance per *CEQR Technical Manual* guidelines. Similarly, the assessment found that sanitary sewage generated by the projected development would not have a significant adverse impact on the Newtown Creek Wastewater Resource Recovery Facility (WRRF), which serves the area, and that the new development would result in improved stormwater management due to the stormwater runoff control requirements of the City's Unified Stormwater Rule that would be in place as sites are developed. Based on the above, the infrastructure assessment concluded that the Proposed Actions would not result in any significant adverse impacts related to the City's water and sewer infrastructure systems.

Comment 11-2 The areas most at risk where high density is proposed along the southern part of district and Canal, an area well-known to be prone to stormwater flooding for decades. High density building in this area will negatively affect future property values, insurance costs, and safety. (Wilcke_120)

Response 11-2 As discussed in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," new development under the Proposed Actions will be required to implement slow-release drainage controls in accordance with the proposed Unified Stormwater Rule to meet the updated on-site release rate and volume requirements; these site improvements are expected to decrease site-generated stormwater runoff during rain events. A DEP hydraulic analysis as part of the site connection process would determine whether the existing sewer system is capable of supporting site development and related increase in wastewater flow, and if any upgrades to the sewer system may also be required of the applicant. As a result, the Proposed Actions would not result in significant adverse impacts to the Project Area's stormwater conveyance and treatment infrastructure.

Comment 11-3 If anything, it's going to bring more construction to this city, which is going to create an adverse effect on our infrastructure. And as we saw last night, our infrastructure can't even cope with what we have now. (Marte_194)

Response 11-3 See the response to Comment 11-1 and the response to Comment 11-2. The assessment of water and sewer infrastructure in the DEIS concluded that the Proposed Actions would not result in any significant adverse impacts on the City's water supply, wastewater treatment, or stormwater management infrastructure.

SOLID WASTE

Comment 12-1 This plan gives no consideration of the deleterious impact of greater density on waste management. (Mendez_095)

Response 12-1 Chapter 12 of the DEIS, "Solid Waste," examines the Proposed Actions' potential for significant adverse impacts on solid waste and sanitation services. As concluded in the chapter, no significant adverse impact is expected as a result of the Proposed Actions.

TRANSPORTATION

TRAFFIC

Comment 14-1 My testimony relates to Transportation Section 14-2, particularly this statement no intersection in proximity to the Project Area is expected to experience a net incremental increase of 50 or more trips in any peak hour.

If I am understanding the plan correctly, there would be several high-density developments along Canal Street at Broadway and west of Broadway.

I think an estimate of 50 additional car trips is not realistic. Was this study done during Covid, when traffic has been light? If so, another traffic study should be done post-pandemic.

Canal Street from the Manhattan Bridge to the Holland Tunnel is already a nightmare of traffic during peak hours. This is an interstate road, and because of the traffic, drivers only use it if they have to, because they are traveling to or from transit deserts or have other reasons why they have to take a car (transporting people or heavy or bulky items, mobility issues, etc.). Holland Tunnel traffic also backs up along the uptown and downtown streets. Congestion pricing will not fix this traffic problem. People mostly drive because they have to. (Sheran_002)

Many people take for-hire vehicles. If new high-density residential buildings go up along Canal, it is likely that many of the residents will be taking for-hire vehicles and they will want to be picked up and dropped off in front of their residences. Even if there is some affordable housing in the new buildings, people use for-hire vehicles and access-a-ride to go places like doctor appointments and family visits to other boroughs. (Sheran_002)

Response 14-1

As discussed in the DEIS, the net incremental change in vehicle trips expected to result from the Proposed Actions was derived based on the net change in land uses under the RWCDS, and transportation planning factors based on those cited in the 2020 *CEQR Technical Manual*, factors developed for recent environmental reviews, census data for the Project Area, data provided by DOT, and data from other standard professional references. The factors used reflect the travel demand characteristics of existing residents and workers in the Project Area, including for-hire vehicle use. They are also representative of conditions prior to the onset of the COVID-19 pandemic. Based on the travel demand forecast and vehicle trip assignments provided in the EIS, the Proposed Actions are not expected to result in 50 or more incremental vehicle trips at any intersection in any peak hour. Therefore, under *CEQR Technical Manual* criteria, significant adverse traffic impacts are not anticipated and a detailed traffic analysis is not warranted.

Comment 14-2

There is no plan to deal with the increased traffic it would bring to the utterly catastrophic traffic problems that already exist in the area. (Pousette-Dart_122)

Our streets are already overcrowded with large destination retailer occupying just one percent of the potential spaces so far. (Behnke_166)

This plan gives no consideration of the deleterious impact of greater density on traffic. (Mendez_095)

Giant retail, chain stores, and restaurants along with the other proposed oversized developments, generate huge amounts of traffic in what is already one of the most traffic-clogged areas in New York City. Have you seen the daily bumper-to-bumper gridlock along Broome, Canal, Grand and other streets where the largest new developments are proposed, which this will only make exponentially worse. (Rubin_214)

Response 14-2

Based on the travel demand forecast and vehicle trip assignments for the Proposed Actions' RWCDS provided in the EIS, the Proposed Actions are not expected to result in 50 or more incremental vehicle trips at any intersection in any peak hour in the 2031 analysis year. Therefore, under

CEQR Technical Manual criteria, significant adverse traffic impacts are not anticipated and a detailed traffic analysis is not warranted.

TRANSIT

Comment 14-3 The very first argumentation page (#7) of the 5 /17/21 CPC presentation was about the “exceptional transit access,” but a local increase of housing would not materially increase the use of public transportation: new residents would mostly travel to jobs in downtown Manhattan reachable by walking or by bike. Transportation infrastructure, particularly regional hubs, serve concentrations of 9 – 5 jobs, providing a destination to which residents of outer boroughs could efficiently travel to, and a draw for off-peak use by retail shoppers, tourists and restaurant patrons. (Neratoff_019)

Response 14-3 The factors used to develop the Proposed Actions’ travel demand forecast reflect the travel demand characteristics of existing residents and workers in the Project Area, including the use of public transportation and walk/bike use. Under the Proposed Actions, the availability of subway and bus transit services would facilitate commuter and discretionary travel to and from the Project Area, as is the case at present.

PARKING

Comment 14-4 It concerns me that there is no additional public parking planned in the buildings (if I understand correctly). This may have a negative impact on businesses in the area, as it is becoming more difficult to find public parking. (Sheran_002)

Response 14-4 Comment noted. As discussed in the DEIS, while the Proposed Actions may potentially contribute to, or result in, off-street and on-street parking shortfalls in the weekday midday and overnight periods in the 2031 With Action condition, any such shortfalls would not be considered significant under *CEQR Technical Manual* criteria due to the magnitude of available alternative modes of transportation.

PEDESTRIANS

Comment 14-5 We are concerned that the changes will result in the further congestion of sidewalks. (Baum_128)

Response 14-5 Comment noted. As discussed in the FEIS, peak hour pedestrian conditions were evaluated at 16 pedestrian elements (five sidewalks, nine corner areas and two crosswalks) where incremental demand from the Proposed Actions is expected to be most concentrated. Only one of these

elements would potentially be significantly adversely impacted by the Proposed Actions—the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour at a location where pedestrian flow is constrained by the presence of a subway station elevator structure. As discussed in the FEIS, no practicable mitigation was identified for this impact, and it would therefore remain unmitigated.

Comment 14-6

The neighborhood is currently at capacity for tourists and shoppers at peak weekend times and often during the week. Adding hundreds or thousands of additional residents will easily overcrowd both sidewalks and streets and will create a nightmare for pedestrians and drivers alike. This should be the most apparent concern, as it affects the health and safety of everyone who walks or drives in the area. We can note that it is currently unsafe to cross Canal Street or Broome Street at various intersections during rush hours due to the volume of traffic on streets that were not designed to accommodate it. (Hirsch_036)

Response 14-6

As discussed in the EIS, the Proposed Actions are not expected to result in 50 or more incremental vehicle trips at any intersection in any peak hour and are therefore not expected to result in significant adverse traffic impacts under *CEQR Technical Manual* criteria. Peak hour pedestrian conditions were evaluated at 16 pedestrian elements (five sidewalks, nine corner areas and two crosswalks) where incremental demand from the Proposed Actions is expected to be most concentrated, and only one of these elements would potentially be significantly adversely impacted by the Proposed Actions—the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour. This impact is at a location where pedestrian flow is constrained by the presence of a subway station elevator structure. As discussed in the FEIS, no practicable mitigation was identified for this impact and it would therefore remain unmitigated. Lastly, the EIS includes a detailed assessment of street user safety, including recommendations for potential safety improvement measures at high accident locations along Canal Street.

AIR QUALITY**Comment 15-1**

The City shows the rezoning area in the “red zone” for 4 out of 5 pollutants due to high levels of traffic density, truck and bus traffic, congestion, idling, lack of tree cover, building emissions, and daytime population density. (Wilcke_120)

Response 15-1

As presented in Chapter 15, “Air Quality,” it was determined that the incremental traffic volumes generated by the proposed actions would not

exceed the carbon monoxide (CO) or particulate matter (PM) emissions screening threshold referenced in the *CEQR Technical Manual*, and therefore the proposed actions would not have any significant adverse impacts with respect to emissions from mobile sources. For stationary sources of emissions associated with buildings, the analysis determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems at the projected and potential development sites. At certain sites, an (E) Designation (E-619) would be mapped in connection with the Proposed Actions to ensure that future developments would not result in any significant adverse air quality impacts from fossil fuel-fired heat and hot water systems emissions.

Comment 15-2

The rezoning area, especially the Broome Street and Canal Street corridors, already suffers from terrible and highly elevated levels of air pollution. It's irresponsible to seek to add significant numbers of new residents, workers, and shoppers to an area which already has unmitigated pollution issues, and to worsen those problems by adding more vehicle trips and congestion to the mix. (Kroessler_011, Mendez_095)

Response 15-2

Chapter 15, "Air Quality," evaluated sources emissions that would be generated by the Proposed Actions and was prepared consistent with the guidelines of the *CEQR Technical Manual*. It was determined by that analysis that the incremental traffic volumes generated by the Proposed Actions would not exceed the carbon monoxide (CO) or particulate matter (PM) emissions screening threshold, and therefore the Proposed Actions would not result in any significant adverse impacts with respect to mobile source emissions.

GREENHOUSE GASES AND CLIMATE CHANGE

Comment 16-1

While the flooding conditions at the SW of the study area are noted, no mitigation or positive proposals are included. Amazingly, at this time of acute global warming, there is scant mention of sustainability, resilience or climate change. (Shoemaker_082)

Response 16-1

Sustainability measures would need to be implemented by the site developers in accordance with the Building Code requirements at that time as well as the objectives of the site developer with respect to LEED certifications. In addition, as part of its ongoing long-term climate change policy development and implementation process, the City has introduced citywide building energy efficiency requirements and limits on GHG emissions that would apply to the majority of existing and new buildings

as well as design requirements that may need to account for future sea-level rise projections.

Finally, the City is aware of the current and future flood risks in Lower Manhattan, and is considering long-term solutions that would directly benefit the study area.

Comment 16-2 The plan must include planning for global warming. Our area is already a heat sink with no green open spaces at all, as well as the traffic hotspot. Consider, for example, requiring façade materials that help cool. (Tenenbaum_173)

Response 16-2 As discussed in the DEIS, an assessment of how the projected development sites under the Proposed Actions may impact climate change through GHG emissions is included in Chapter 13, “Greenhouse Gas Emissions and Climate Change.” The Proposed Actions involve zoning changes that would affect privately owned properties. Decisions regarding construction and building design for those sites, which would affect energy use and GHG emissions, would be made by the property developers in accordance with the City’s building code requirements in effect at the time. The City is addressing citywide building energy efficiency and other GHG-related design questions through its ongoing long-term GHG policy development and implementation process.

Comment 16-3 The only way we can do that is to build, is to build larger, is to build with an environmental sense because you can't fight climate change with 50, 75-year-old buildings. You have to fight climate change by either renovating the apartments to environmental standards, which historic designation often makes very difficult and expensive or building new environmental technology that's evolved. (Hanau_185)

Response 16-3 As discussed in the DEIS, the City has introduced carbon intensity limits for most buildings over 25,000 sf that would reduce GHG emissions over time. The Proposed Actions involve zoning changes that would affect privately owned properties that would be required to demonstrate compliance with these intensity limits annually.

Comment 16-4 The urban heat effect must be addressed in this upzoning. New York City's own report show this area in the red zone for four out of five pollutant statistics. (Wilcke_165)

Response 16-4 As discussed in the DEIS, the RWCDs sites are not under City ownership. Therefore, specific decisions regarding building design and construction are outside the scope of the Proposed Actions, as are specific measures to address the urban heat island effect. However, the City has enacted

building code requirements that would need to be complied with for the inclusion of either rooftop photovoltaic electricity generating systems, green roofing, or some combination thereof in all new buildings as a part of the climate change legislative package, the Climate Mobilization Act (specifically Local Laws 92 and 94 of 2019). Privately owned properties would be required to demonstrate compliance with these measures as part of the building permitting process.

PUBLIC HEALTH

Comment 18-1 The highly elevated levels of demolition and new construction that the rezoning will trigger within an area already dense with residents will have deleterious effects on the health of residents and workers alike. (Kroessler_011)

Response 18-1 Chapter 18 of the DEIS, “Public Health,” concludes that the Proposed Actions would not result in any significant adverse impacts. The Proposed Actions would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials. As discussed in Chapter 20, “Construction,” the Proposed Actions would result in temporary disruptions in the surrounding area, which are common as a result of construction in New York City; however, construction-related disruptions would result in temporary significant adverse impacts on noise. While the Proposed Actions would result in unmitigated construction noise impacts as defined by *CEQR Technical Manual* thresholds, a public health assessment was conducted and it was determined that the construction noise impact would not generate a significant adverse public health impact.

NEIGHBORHOOD CHARACTER

Comment 19-1 The Mayor’s Plan will eliminate the zoning that makes these historic districts unique, attractive and highly successful (Kiely_CB2_001)

Response 19-1 As discussed in Chapter 19, “Neighborhood Character,” the Proposed Actions would facilitate development that would enhance the mixed-use and historic character of SoHo/NoHo. The Proposed Actions would replace outdated manufacturing zoning and rigid use restrictions, including ground floor use restrictions that do not allow retail and other storefront uses, with new zoning that promotes a greater mix of uses and supports economic recovery from the pandemic, business adaptation, and long-term resiliency. The broad range of uses would support existing businesses in SoHo/NoHo as they continue to operate, grow, and evolve, while allowing a greater range of commercial, cultural, and civic

activities within the existing highly adaptable loft buildings and new mixed-use developments.

Comment 19-2

There are other ways that affordable housing can be created without destroying the fabric of this historic and much loved neighborhood. (Sharp_037)

I am absolutely opposed to this upzoning plan for NoHo/SoHo. It would further destroy the vibe in the very precious, particular neighborhoods (SoHo and Chinatown), adding more insanely expensive, oversized development for people who don't even live here. Neighborhood character must be preserved. (Pettibone_040)

Response 19-2

The Proposed Actions would promote the development of permanent affordable housing through MIH, while maintaining the historic character of SoHo/NoHo. As discussed in Chapter 19, "Neighborhood Character," the zoning changes would allow for residential conversion and infill development in historic districts and present opportunities for more substantial new residential development and affordable housing production in areas beyond the historic districts, such as the three Opportunity Areas. Properties that are NYCLs, in NYCHDs, or pending designation as landmarks are protected under the New York City Landmarks Law. The potential demolition of buildings on projected and potential development sites within NYCHDs or individual NYCLs would not result in a significant adverse impact. However, because S/NR-listed historic districts are not protected by the New York City Landmarks Law, the demolition of contributing buildings to these historic districts is concluded in the EIS to be a direct significant adverse impact. While the EIS projects demolition of seven buildings in S/NR-listed historic districts, this demolition would not constitute an impact to neighborhood character because most buildings within the Project Area are within NYCHDs and would be protected by the New York City Landmarks Law. As a result, the defining features of neighborhood character, which include a varied building typology, with well-preserved, high lot coverage, cast-iron and masonry loft buildings in SoHo/NoHo, would remain with the Proposed Actions.

Comment 19-3

Don't ruin my neighborhood with big box stores and big glass condos. Leave soho as it is. Interesting streets and fabulous shopping. (Strong_056)

This plan will destroy the character of the neighborhood and the quality of life for residents. Moreover, it will help push out small businesses and specialty shops. (Geng_127, K_134, Lee_123, Loftus_141,

Manning_132, Ohta_008, R_137, Rockwell_074, Taqi_139, Weintraub_047)

SoHo/NoHo is a unique neighborhood in an overbuilt city. Building heights are moderate throughout, and zoning has allowed many varied and locally owned shops and services to flourish. Megastores have invaded the Broadway corridor, which has been an unfortunate development. Further development will negatively affect the area. (Beekman_042)

Response 19-3

As discussed in the Chapter 19 of the DEIS, “Neighborhood Character,” no significant adverse impacts to neighborhood character related to direct and indirect residential displacement, direct and indirect business displacement, and historic resources would occur as a result of the Proposed Actions. The Proposed Actions would facilitate development that would enhance the mixed-use and historic character of SoHo/NoHo. The proposed zoning would add to the inventory of protected units in the area by creating affordable housing through the MIH program and would expand the customer base for local businesses by increasing the neighborhood’s residential population. In limited locations, the Proposed Actions would result in the demolition of historic buildings and could alter the context of S/NR-listed historic districts however, these impacts would not affect neighborhood character. Within NYCHDs, the Proposed Actions would allow LPC to shape building forms in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions and the proposed building envelopes would enable LPC to refine base heights further to allow for improved cornice alignment for developments within NYCHDs, potentially resulting in overall benefits related to views along historic corridors.

The uses, densities, and bulk introduced under the Proposed Actions, a result of the neighborhood planning process, would update the obsolete zoning regulations that do not allow residential use and most types of retail, including local retail. In doing so, the Proposed Actions zoning would promote housing production and economic development while protecting the existing built character of the historic SoHo and NoHo cores. It would also support commercial development along corridors that contain a prevalence of commercial uses such as Broadway and Lafayette Street while allowing for larger developments in peripheral areas outside of historic districts and adjacent to wide streets and transit.

In summary, the Proposed Actions would create affordable units and update live-work regulations, creating opportunities for artists and others in the creative industries to live and work in SoHo/NoHo. Further, the Proposed Actions would create a certification that would be paired with a fee to convert JLWQA to residential use that would support

SoHo/NoHo's cultural legacy by creating an Arts Fund to support local arts and culture organizations in SoHo/NoHo and Lower Manhattan.

Comment 19-4

The project will destroy both neighborhoods and surrounding areas. The city has not been truthful in its statements that it will increase affordable housing, diversity, etc. All previous development has only destroyed affordability and made the city more expensive. This project will bleed over into all neighborhoods eventually and destroy the nature of the city, which is already under siege as an island of immigrants, artists, and creativity. (Slawinski_031)

Response 19-4

Comment noted. The Proposed Actions would not result in adverse impacts to neighborhood character. Rather, the new zoning would increase the supply of affordable housing in SoHo/NoHo, which is one of the most expensive neighborhoods in New York City. As discussed in Chapter 19, "Neighborhood Character," the assessment considered neighborhoods surrounding the primary study area or Project Area, generally bounded by East 13th Street to the north, Worth Street to the south, Seventh Avenue and Washington Street to the west, and First Avenue and Forsyth Street to the east (secondary study area), and concluded that like the primary study area, there would be no significant adverse impacts would be experienced in the secondary study area.

Comment 19-5

The city agencies already have a very hard time addressing the quality of life issues in this neighborhood, and the current plan really does not adequately address how those can be improved. For example, Holland Tunnel traffic is one of the key sources of noise and air pollution in our neighborhood. And the DOT does not adequately manage cars blocking intersections, so much so that it can be difficult, sometimes impossible, to cross the street as a pedestrian. The SoHo West area, as someone just mentioned, in this proposal is completely flanked by the worst of the Holland Tunnel traffic, (Anker_217)

The character and way of life in Soho/Noho was be adversely affected by the increased population/traffic/pollution caused by the potential construction the proposal. (Callender_058)

This plan will destroy the character of the neighborhood and the quality of life for residents. (Cuomo_144)

Response 19-5

See the response to Comment 1-53 concerning large retail and commercial loading. Separate from the Proposed Actions, DOT is undertaking planned capital improvements in Hudson Square, beyond the transportation study area, that will address locations around the entrance to the Holland Tunnel. The proposed improvements include sidewalk

expansions, curb extensions, and pedestrian refuge islands, all of which will enhance pedestrian safety, mobility, and accessibility, in addition to calming traffic. The existing traffic along Canal Street, including near the Holland Tunnel, is not a result of the Proposed Actions. As stated in Chapter 19, Canal Street already experiences high levels of pedestrian activity and noise, and the Proposed Actions would not result in changes that would substantively affect traffic, pedestrian activity, and noise, such that a significant adverse impact to neighborhood would occur. Through the Neighborhood Plan, DCP will continue to collaborate with DOT and DSNY on potential strategies to address quality of life issues, including deliveries, taxi pick-up/drop-offs, and commercial waste. These ongoing strategy discussions may be informed by other Citywide initiatives that are beyond the scope of the Proposed Actions.

Comment 19-6

This is a terrible, ill conceived plan that would further deteriorate an important and unique architectural gem (the SoHo and NoHo districts) which are known worldwide and visited by tourists year round. The plan would destroy the vestiges of New Yorkness which makes the downtown neighborhoods unique and vital and propoerts to do this in the name of affordable housing. (Pousette-Dart_122)

I love Soho, NoHo, Chinatown. Don't destroy this historic area. The globe enjoys SoHo, NoHo, and Chinatown. So, please, please, do the right thing and do something that you can be proud of, that people can get behind. (Ward_240)

The neighborhood's mixed-use still vibrant concept was much admired and copied all over the world, and is a principal basis of the neighborhood's continued attraction, especially appropriate as Covid accelerated the trend to mix living and working on a unit-by-unit and neighborhood-wide basis. (Neratoff_019)

Response 19-6

Chapter 19 of the DEIS, "Neighborhood Character," identifies elements that contribute to the character of SoHo/NoHo such as its iconic loft buildings, cultural offerings, and world-class shopping. The DEIS concludes that the Proposed Actions would not result in a significant adverse impact to neighborhood character. The Proposed Actions would facilitate development that enhances the mixed-use and historic character of SoHo/NoHo. The Proposed Actions would replace outdated manufacturing zoning and rigid use restrictions, including ground floor use restrictions that do not allow retail and other storefront uses, with new zoning that promotes a greater mix of uses in the neighborhood.

Comment 19-7

I also oppose the SoHo/NoHo rezoning as a preservationist and as a person interested in historic preservation and the long-term good that this

area brings to New York, in terms of the richness of life, the harkening back to history, the cast-iron buildings, the small galleries and publishers and all the art and restaurants that go on in SoHo and NoHo. (Sosin_208)

Please do not allow for the upzoning of this area. It will destroy the charm and character that this neighborhood is known for. There is enough construction downtown and midtown. This area is not meant for Big box stores and highrises. The old buildings here are treasures and should be treated as such. (Wright_046)

Moving forward with this plan does nothing to protect the historic buildings in the area, in fact it increases the likelihood that they would be destroyed to make way for huge buildings that would ruin the character of the neighborhood and diminish any affordable housing in favor of expensive condos. (Jones_099)

Response 19-7

Chapter 19 of the DEIS identifies the notable commercial prevalence in SoHo/NoHo, particularly the loft buildings along Broadway that provide space for publishers, media and design firms, fashion and apparel companies, production and other creative industries as well as large retail, including flagship stores for national retailers. The DEIS also states that one of defining features of neighborhood character is the neighborhoods varied building typology, including the well-preserved, high lot coverage, cast-iron and masonry loft buildings in SoHo/NoHo that would remain with the Proposed Actions. In limited locations, the Proposed Actions would result in development that could change the setting of historic resources by allowing taller buildings. The contextual impacts would experienced in limited locations along Thompson Street and West Broadway south of Watts Street, and along the west side of Bowery between East 3rd and East 4th Streets. Because the contextual impacts would be largely limited to these two locations on the periphery of the primary study area, and the Proposed Actions are not expected to result in contextual impacts elsewhere in SoHo/NoHo, the limited geographic extent of the contextual impacts would not result in an overall impact to neighborhood character. Furthermore, within NYCHDs, the Proposed Actions would allow LPC to shape building forms in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions. The building envelopes created under the proposed zoning would enable LPC to refine base heights further to allow for improved cornice alignment for developments within NYCHDs. This would potentially result in overall benefits to the NYCHDs within the primary study area.

Comment 19-8

I'm not forgetting the impact this change would make on the history, culture and streetscape of SoHo/NoHo as well as impacting the survival of the current artistic community. (Puttre-Czyz_076)

The allowance for vastly larger office buildings and hotels will further dilute and diminish the artistic character of these neighborhoods. The new allowance for as-of-right luxury condos and rentals, along with NYU dorms and other private university facilities, will further supplant and dislodge any arts-related uses in the neighborhood. And the new rules, more or less, amounts to a phasing out of the artists and residents regulations, which helped to make these neighborhoods such vital centers of artistic activity. (McClintock_181)

SoHo and NoHo are iconic, economically thriving, vibrant historic districts, famous for cast-iron architecture and has an incubator for moderate arts. By adding height and bulk, big-box super stores, luxury housing and NYU dorms, this plan would destroy its unique, creative character, displace longtime residents and businesses, especially in Chinatown, and set a terrible precedent for the destruction of historic districts all over the City. (Mulkins_190)

[The Plan] needs to be sent back to the drawing board so that SoHo, NoHo and Chinatown can have real affordable housing without completely destroying everything that is valuable about these cultural and historic destinations; without destroying the artist community that, yes, DCP, still exists. (Monrose_060)

For the last 50 years the area has been an inclusive source of innovation, but this upzoning puts its identity at risk. (Baum_128)

If enacted, the rezoning will significantly harm and diminish these neighborhoods' traditional role as incubators for independent businesses, art galleries, and design- related businesses, and it would essentially transform the character of these historic neighborhoods. (Kroessler_011)

SoHo and NoHo are iconic economically vibrant historic districts famous for cast iron architecture and as an incubator for modern art. By adding height and bulk, big box superstores, luxury housing, and NYU dorms, this plan would destroy its unique creative character. (Mulkins_078)

Response 19-8

As discussed in Chapter 19, "Neighborhood Character," the Proposed Actions would support the cultural legacy of SoHo/NoHo by expanding opportunities for affordable housing, updating live-work provisions in the zoning to accommodate expanded home occupations, and allowing more community facilities on an as-of-right basis such as non-profit museums and galleries, libraries, and cultural and community centers. The Proposed Actions would facilitate development that enhances mixed use by allowing residential use and replacing outdated manufacturing zoning

and rigid use restrictions, including ground floor use restrictions that do not allow retail and other storefront uses. The affordable housing created under MIH would make it easier for artists and workers in creative industries to live in SoHo/NoHo, potentially in proximity to jobs in the creative industry. Moreover, the Proposed Actions would apply flexible home occupation provisions that would allow existing and future residents in SoHo/NoHo to accommodate live-work—including long time artists and others that work in creative industries.

Comment 19-9

If approved, this plan would allow buildings to be built to 2½ times larger than what is currently permitted. It would promote out-of-scale luxury condominiums, destroy the character of these neighborhoods and set a dangerous precedent, threatening neighborhoods throughout the city. (Chin_105)

It would promote out-of-scale luxury condominiums, destroy the character of these neighborhoods and set a dangerous precedent, threatening neighborhoods throughout the city. (Moses_016)

The whole reason Soho became a world wide magnet for visitors is because, unlike most of Manhattan, the buildings are built on a human scale. Taller buildings are not the answer. (Pagan_091)

After carefully looking into the rationale of the purported ‘benefits’ of a community wide rezoning, we are in unanimous agreement that this rezoning must not proceed and eviscerate the treasured and unique parts of our City – Soho/Noho and part of Chinatown which are now in harm’s way.

To add insult to injury, the character and context of SoHo/NoHo...the gritty exemplar of manufacturing; artists creating in their workshops and ateliers; the aesthetic raw pleasure that the cast iron buildings impart...those and more serve to invite the world –tourists and the curious to come to see who New Yorkers really are-not by the phallic size of competing luxury towers, but by the charm and history which will be sanitized if this is allowed to happen. (Reiburn_005)

The charm and livability of New York City lie in its neighborhoods and their distinctive qualities. Those distinct charms are what draw prospective residents to live in New York and tourists to visit. Our historic districts and neighborhoods are not only characterized by beautiful, irreplaceable architecture, but typically with a low scale that allows for light and air, particularly important in these times of pandemic. (Chin_105)

I'm writing in as different organizations in Soho have reached out for support. I'm concerned about the upzoning as it changes the character and

feel of the neighborhood. As it stands there are so few places in Manhattan where the light shines through to the streets. Soho and the village are one of the few places where that does still happen. (Krasula_084)

The historic architecture and unique neighborhood is destroyed by towers and big box stores, found everywhere else. Soho and NoHo look like Any City, USA. There is no reason for tourists or shoppers to come here and the area becomes derelict. (Levy_010)

Response 19-9

See the response to Comment 19-6 concerning historic resources and the response to Comment 19-7 regarding large retail. As discussed in Chapter 19, "Neighborhood Character," and also in the responses above, the Proposed Actions would maintain existing density in the historic cores of SoHo and NoHo while allowing conversions of space of existing buildings to new uses and mixed-use infill developments that would be consistent with the height and form of existing historic buildings. Beyond the historic cores, the Proposed Actions would support housing production in areas that can accommodate the most density due to the area's excellent transit access, the width of adjacent streets, and the varying building heights and forms that characterize the periphery of the primary study area. Under the Proposed Actions, new residential use within the historic cores would have a floor area ratio (FAR) that is comparable to the allowable FAR for non-residential uses under the existing zoning. Within the historic cores, the proposed residential densities coupled with the contextual zoning requirements would result in a building form that is more consistent with the existing loft building context. Further, by allowing residential use and expanded commercial and community facilities uses on an as-of-right basis, the Proposed Actions would allow the adaptive reuse of vacant non-residential space in existing buildings. Overall, the Proposed Actions would contribute to the existing urban design of the SoHo and NoHo neighborhoods, maintaining the scale of development within the historic cores while generally providing for larger and taller developments along the perimeter, in keeping with similar developments within the secondary study area neighborhoods. Based on the EIS analyses, these effects to urban design would not result in a significant adverse impact to neighborhood character.

CONSTRUCTION

Comment 20-1

The noise of new construction, particularly if housing is designed on top of existing loft buildings will not only be deafening but the streets will be partially passable. (Barowitz_007)

Response 20-1

Chapter 20 of the DEIS, “Construction,” provides a detailed construction noise analysis, showing predicted construction noise levels and predicted noise level increments at receptors throughout the Project Area. As described in that chapter, construction under the Proposed Actions could produce noise levels that would be noticeable and potentially intrusive during the most noise-intensive construction activities. While the highest levels of construction noise would not persist throughout construction, and construction noise levels fluctuate and are intermittent, these locations would experience construction noise levels whose magnitude and duration could constitute significant adverse impacts under CEQR. However, the noise analysis examined the reasonable worst-case peak hourly noise levels resulting from construction in an analyzed month, and is therefore conservative in predicting increases in noise levels. Typically, the loudest hourly noise level during each month of construction would not persist throughout the entire month. In addition, the analysis conducted is based on RWCDs conceptual site plans and construction schedules. It is possible that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less than the analysis predicts. These noise impacts would also be temporary.

As is typical with New York City construction in a dense urban setting, curb lanes and sidewalks are expected to be narrowed or closed for varying periods of time. Maintenance and Protection of Traffic (MPT) plans would be developed for any temporary curb-lane and/or sidewalk disruptions as required by the New York City Department of Transportation (DOT). Approval of these plans and implementation of the closures would be coordinated with DOT’s Office of Construction Mitigation and Coordination (OCMC).

MITIGATION**Comment 21-1**

The City fails to mitigate the significant adverse impacts on open space, shadows, historic and cultural resources, transportation and construction noted in the DEIS. (Kiely_CB2_001)

Response 21-1

The DEIS disclosed a range of mitigation measures to be explored by DCP, as lead agency, between DEIS and FEIS. As discussed in Chapter 20 of the FEIS, DCP, in consultation with NYC Parks, identified no feasible mitigation measures to address the significant adverse impact.

OPEN SPACE**Comment 21-2**

CB2 cannot accept the DCP’s plan to mitigate 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. (Kiely_CB2_001)

Response 21-2

See the response to Comment 21-1.

ALTERNATIVES

Comment 22-1

I am strongly opposed to the DCP's plan to rezone Soho/Noho/Chinatown and urge the adoption of the alternative plan offered by various community groups including Village Preservation. As has been shown in studies done by Village Preservation, there would be many ways in which developers could build new, enormous buildings without creating a single unit of "affordable" housing, and any theoretically affordable housing that was created would still carry rents that would not be affordable to many. (Ellsworth_226, Schoonover_029)

I urge you to look at the Village Preservation's fantastic studies. They have brilliant studies and visuals on this matter. And it's well within the City and City Planning to provide affordable housing without this criminal upzoning that is for the benefit of capital markets. (Jorgensen_231)

The "Alternative Rezoning Plan" proposed by the community should be given due consideration and study by DCP, NOT be rudely and publicly dismissed by DCP staff. (Senter_109)

More than a dozen local groups have offered an Alternative Rezoning plan, which would not employ any upzoning, destroy no affordable housing, require deeper and broader new affordable housing in new residential construction at a scale that matches the neighborhood, and allow reasonable-sized retail. It is critical that you reject the current Upzoning plan and look at the Alternative Rezoning Plan. (Pagan_091)

The community rezoning plan would help create more affordable housing and help retain existing independent small businesses while retaining the creative neighborhood character that draws residents and visitors alike. (Sewell_220)

I support the Community Rezoning Plan for Soho/Noho, supported by many local community organizations. This plan would help create more affordable housing for the area, while maintaining the neighborhood character that so many residents, businesses and visitors cherish. (Chin_105)

Response 22-1

Comment noted. Alternative zoning proposals that only rely on adaptive to facilitate the development of housing would likely provide an insufficient amount of new housing and would further the goals and objectives of the Neighborhood Plan. Any lower density alternative

would be at odds with the Neighborhood Plan put forth by DCP and the local community. It would not enhance the existing commercial sector, nor would it add a sufficient amount of affordable housing to the SoHo/NoHo neighborhoods.

Comment 22-2 The alternatives to the current plan could not be understood. (Nampiarampil_118)

Response 22-2 Alternatives to the Proposed Actions were described and assessed in Chapter 22 of the DEIS, “Alternatives.” An additional new alternative has been added to the FEIS that considers CPC modifications to address concerns related to large retail and commercial density.

Comment 22-3 SoHo Broadway Initiative, NoHo Bowery Stakeholders and Cooper Square Committee have come up with alternative zoning scenarios that we believe will allow more growth, but not at a level that will be detrimental to the district. We hope the Department of City Planning will look closely at these plans and alter their current proposal and we can get this done and move the districts into the future. (Persen_079)

The Conservancy would support zoning that recognizes today's commercial, retail and residential use, protects artists and encourages affordable housing. There have been thoughtful and detailed alternative proposals from Cooper Square Committee, SoHo Broadway Initiative, and NoHo Bowery Stakeholders, all members of the Advisory Group. They allow respectful development while protecting historic character. We urge you to study these sensible alternatives and compromise. (Goldwyn_180)

Because 12 communities' have offered a clear statistically backed alternative plan which the city's proposed plan has repeatedly ignored without reason. (Rosenblatt_061)

Response 22-3 Comment noted.

Comment 22-4 Greenwich Village Society for Historic Preservation would be supportive of a proposal that would be modified to allow a broader range of as-of-right retail uses, especially local retail and arts-related uses, with a 10,000 sq. ft. limit. (Berman_015)

Response 22-4 See the response to Comment 1-53. The Proposed Actions would allow a broader range of as-of-right retail uses, including local retail and arts-related uses without the limit.

Comment 22-5 Greenwich Village Society for Historic Preservation would be supportive of a proposal that would be modified to develop some mechanism for allowing current residential uses for non-certified artists to be made legal. (Berman_015)

Response 22-5 With the Proposed Actions, residential use would be allowed as-of-right, and new residences could be occupied by artists or others employed in creative industries who do not are not certified artists. An alternative is not necessary because the request would be accommodated under the Proposed Actions.

Comment 22-6 Greenwich Village Society for Historic Preservation would be supportive of a proposal that would be modified to allow 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. (Berman_015)

Response 22-6 The Proposed Actions would allow a broader range of community facility uses, including arts-related uses, affordable housing, space for non-profit organizations, and services for seniors. The Proposed Actions would have no effect community facilities, such as universities and dormitory uses, which are allowed under the existing zoning. Further, the Proposed Actions would not change the allowable FAR for such community facility uses, which would remain unchanged with the Proposed Actions.

Comment 22-7 Greenwich Village Society for Historic Preservation would be supportive of a proposal that would be modified to allow as-of-right residential development and conversions with real affordable housing requirements at or near the current maximum allowable FAR of 5. However: there should be no arts fund contribution requirement for residential developments less than 25K feet, deeper affordability should be created with subsidies, not MIH; the rezoning should create distinct areas to encourage either primarily housing or primarily commercial development, where the primary use is encouraged by way of greater (preferential) FARs; and residential FAR should be capped at 5 throughout the rezoning area (not just the historic cores). (Berman_015)

Community groups and local organizations have offered several alternative changes to the existing regulations, but these have been all but ignored.

1. Zoning changes that would allow a broader range of retail uses with appropriate size limits, such as 10,000 square feet.

2. Changes to allow as-of-right residential development with affordable housing requirements at a scale appropriate for the neighborhood, in keeping with the current FAR.
3. Deeper and broader affordable housing in new construction without the huge range of exemptions currently proposed.
4. Targeting new residential and affordable housing development on sites that don't currently have residential uses (and especially not rent regulated affordable housing) and that don't contain historic buildings: parking lots, parking garages, and 1-3 story commercial buildings.
5. Encouraging the conversion of underutilized or empty commercial or manufacturing space to residential use, with affordable housing requirements.
6. Reinforcing and protecting the artistic character of these neighborhoods, ensuring that artists can continue to live and work here, and that galleries, design studios, and arts foundations can still be located here. (Kroessler_011)

I urge you to scrap this plan and give serious consideration to the community endorsed plan CB2 and other community organizations have proposed. (Wirtschafter_104)

Response 22-7

See the response to Comment 1-62 regarding reductions in commercial density, the response to Comment 1-74 regarding MIH and housing subsidy, and the response to Comment 22-1 regarding adaptive reuse and residential FAR. The contribution to the Arts Fund would be paired with the conversion from JLWQA to residential use.

Comment 22-8

Over a dozen community and tenant groups have offered a community alternative rezoning plan which would allow construction of true, more deeply and broadly affordable housing, without tenant displacement, out-of-scale development, and without big box chain stores forcing out local businesses. (Cherry_048, Clayton_023, Fisher_097)

Envision a better plan. The Community Alternative Plan. (Arisman_179, Leon_062)

The City ignored the community alternative plan for SoHo and NoHo. Which seeks more affordable housing, but without luxury upzoning, big-box stores, NYU dorms, mass displacement, and destruction of historic character. (Mulkins_190)

I approve of the CB2 alternative plan and the Cooper Square plan. (Finch_203)

Response 22-8	See the response to Comment 1-74 and the response to Comment 22-1.
Comment 22-9	We believe that the proposed arts fund is an insufficient and unsustainable approach due to its lack of focus on SoHo and NoHo and its burdensome proposed conversion fee on owners of units. We propose alternative models for arts spending including a possible to-be-formed non-profit entity that would foster arts and culture in SoHo/NoHo with a flexible private and public funding stream. (Dicus_112)
Response 22-9	Comment noted.
Comment 22-10	<p>New housing construction in the neighborhood, including affordable housing, need not be dependent upon the massive proposed upzoning. There are clearly alternatives to addressing affordable housing needs that would not have these disastrous impacts.</p> <ul style="list-style-type: none">• The current allowable FAR for residential development in the neighborhood is currently 0. Community groups have expressed a clear willingness to support an increase to 5, the same as currently allowed for commercial development, with stricter, broader, and deeper affordable housing requirements than the city proposes.• A more targeted approach, e.g., constructing affordable housing on parking lot sites and 1-3 story commercial buildings with no residents, has also been suggested. This would not endanger the homes of existing lower income rent-regulated tenants, nor of public serving institutions like the Merchant’s House Museum. Such a plan would be vastly more advisable and effective. (Gardiner_012)
Response 22-10	See response to Comment 1-74, the response to Comment 1-76, and the response to Comment 22-1.
Comment 22-11	LESPI supports the Community Rezoning Plan for Soho/Noho, supported by many local community organizations. This plan would help create more affordable housing for the area, while maintaining the neighborhood character that so many residents, businesses and visitors cherish. (Moses_016)
Response 22-11	Comment noted.
Comment 22-12	The Community Alternative Rezoning Plan, by not employing any upzoning, would destroy no affordable housing, require deeper and broader new affordable housing in new residential construction at a scale which matches the neighborhood, and allow reasonable sized retail but not big box chain stores. It would maintain the character of this

	neighborhood while making it more equitable, diverse, and affordable the exact opposite of the Mayor's plan. (Calderaro_142)
Response 22-12	Comment noted. See the response to Comment 1-74 and the response to Comment 1-76.
Comment 22-13	Put residents who live here first and work to implement the Chinatown Working Group Plan and the SoHo/NoHo Community Alternative Plan. (Ryan_145)
Response 22-13	Comment noted.
Comment 22-14	The city ignored the <i>Community Alternative Plan for SoHo and NoHo</i> , which seeks more affordable housing but without luxury upzoning, big box stores, NYU dorms, mass displacement, and the destruction of historic character. (Mulkins_078)
Response 22-14	The Community Alternative Plan proposes residential densities that are too low to facilitate the housing production goals identified as part of the Neighborhood Plan. For this reason, it was not considered as an alternative in Chapter 22, “Alternatives,” of the DEIS or FEIS. .

GENERAL OPPOSITION

(Calderaro_142, Castro_138, Corman_121, Cuomo_144, Dombrowski_232, Fox_024, Guadalupe_130, Hellstrom_157, Kahn_026, Judd_200, Key_131, Kroessler_011, Leon_003, Lobe_052, Loftus_141, Luger_073, Marantz_110, Mevorach_075, Murray_067, Puttre-Czyz_076, Rayhill_204, Reiburn_005, Rosenblatt_061, Sonkowsky_064, Theodos_085, Vander Sande_044, Wakeham_045, Wilcke_120, Wilkinson_125)

GENERAL SUPPORT

(Borelli_133, Brodheim_187, Carroll_150, Fishel_025, Gates_135, Gates_183, Goode_159, Grinnan_184, Hanau_185, Katz_239, Kumar_054, Marshall_027, Meehan_176, Miller_161, Monell_050, Persen_079, Roberts_107, Salas_071, Salas_124, Salas_160, Soutendijk_049, Thomas_169, Webster_126)

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