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December 6, 2021

Hon. Corey Johnson, Speaker, NYC Council
Hon. Margaret Chin, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Hon. Rafael Salamanca, Jr., Chair, Committee on Land Use, NYC Council Member
Hon. Francisco Moya, Chair, Subcommittee on Zoning and Franchises, NYC Council Member
Anita Laremont, Director, NYC Department of City Planning

Dear Speaker Johnson, Chair Moya, Chair Salamanca, Council Member Chin, Council Member Rivera and Director Laremont:

Since the City Council's schedule does not allow time for CB2 Manhattan to pass a resolution, we are writing to briefly explain how the deficiencies of Council Member Chin's [Intro 2443](#) are consistent with the deficiencies of the Mayor's SoHo NoHo Chinatown Plan.

As you know, Intro 2443 would substantially increase penalties for non-conforming households who occupy joint living-work quarters for artists (JLWQA) units – a decades-long problem resulting from 1971 zoning changes to permit the adaptive reuse of former manufacturing space for residential use. This legislation will have immediate consequences for more than 1,600 households of working families, retirees, other residents and artists in SoHo and NoHo.

CB2 Manhattan takes special exception to this bill's hasty introduction and its failure to:

1. Solve the issue of how to “seamlessly” legalize non-conforming occupants in JLWQA units.
2. Update the definition of Certified Artist and streamline the Artists' Certification process.
3. Propose a solution to the issue of how to legalize non-conforming occupants of JLWQA units.
4. Explain the enforcement process and how the penalty will be determined if the language of the bill continues to say “at least” \$15,000 for the first violation, etc.
5. Obtain clarity from DOB regarding interpreting zoning regulations, enforcement plans, the actual compliance cost above and beyond any conversion fee or proposed flip tax, and the consequences of all of this to JLWQA owners, including seniors.
6. Explain how the bill, if passed, can possibly go into effect immediately without first dealing with all of the above.

This week, the City Council Land Use Committee is expected to vote on the Mayor's Plan, which like Intro 2443, fails to ensure the promised “seamless JLWQA-to-residential conversion.” Instead, the Mayor's Plan dips into residents' pockets to create an ill-conceived Arts Fund, whose per square foot cost is punitive and is based on incomplete and [inaccurate data](#). The revenue it creates will be distributed beyond SoHo, NoHo and Chinatown, and it is completely unclear who will administer the Fund and what

the criteria will be. This flies in the face of all previous assurances to the SoHo NoHo community and CB2 that the multi-year engagement process for the rezoning would solve this decades-old problem. (It also contradicts the [DCP's own presentation to CPC](#) before the final vote on October 21 that an amnesty for non-artists would stay in place "until the time of sale or a new tenant" [Slide 64]).

In the past year, at the behest of Mayor de Blasio, City agencies have hammered CB2 with a series of rushed and ill-considered initiatives. At the December 2, 2021 joint meeting of CB2's Land Use Committee and SoHo NoHo Working Group, we were forced to discuss Intro 2443 without the benefit of the presence of a single one of our three City Council members or any representatives from DOB or DCLA. Council staffers had to acknowledge that they had no answers to our questions.

Assemblymember Deborah Glick, who attended our meeting, put it best when she pointed out that the City should have waited to introduce this bill until the limited and out-of-date definition of a Certified Artist had been updated and the "non-existent" certification process had been clarified, simplified, and streamlined.

It is time to join Assemblymember Glick and other elected officials and insist that progress on this bill be halted until the City conducts a full analysis of the repercussions of Intro 2443 in light of its parallel and equally consequential deficiencies with the proposed SoHo NoHo Chinatown rezoning.

Sincerely,



Jeannine Kiely
Chair



Anita Brandt
Chair, SoHo NoHo Working Group



Frederica Sigel
Chair, Land Use and Housing Committee

Enclosure: List of Questions

c: Hon. Bill de Blasio, Mayor
Hon. Carolyn Maloney, Congresswoman
Hon. Jerrold Nadler, Congressman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NYS Senator
Hon. Brian Kavanagh, NYS Senator
Hon. Deborah J. Glick, NYS Assembly
Member
Hon. Yuh-Line Niou, NYS Assembly
Member
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Hon. Mark Gjonaj, NYC Council Member
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Hon. Stephen T. Levin, NYC Council Member
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Hon. Jumaane Williams, NYC Public Advocate
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Hon. Christopher Marte, NYC Council Member-Elect
Vicki Been, Deputy Mayor for Housing and Economic Development
Melanie La Rocca, Commissioner, Department of Buildings
Gonzalo Casals, Commissioner, Department of Cultural Affairs
Raju Mann, NYC Council, Director, Land Use
Chelsea Kelley, NYC Council, Land Use Division
Arthur Huh, Assistant General Counsel, NYC Council, Land Use Division
Angelina Martinez-Rubio, NYC Council, Land Use Division
Edith Hsu-Chen, Manhattan Director, Department of City Planning
Silvia Xiaomeng Li, AICP, Senior Planner, Department of City Planning