

SoHo/NoHo Rezoning Plan on Hold Following Community Activist Lawsuit

NEW YORK, NY, USA, May 4, 2021 /EINPresswire.com/ -- On Monday, NYC Department of City Planning (DCP) backed off its plan to start the public review process for its controversial and expansive rezoning plan in SoHo and NoHo following a lawsuit brought by a coalition of local community residents and activists, including SoHo Alliance and the Broadway Residents



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*Jason Zakai, Hiller, PC,
coalition's lead attorney*

Coalition. The lawsuit, filed by Hiller, PC, the law firm representing the community groups, alleges that the City is prematurely moving forward with its rezoning plan while committing multiple violations of law and failing to comply with the clear and unambiguous provisions of the Uniform Land-Use Review Procedure (ULURP) under the City Charter. As alleged in the lawsuit, DCP has refused to provide the public with the necessary documents and information about the project prior to entering the public review phase of ULURP, known as "certification," and refuses to allow public hearings to be held in-person.

"DCP's decision not to seek certification of the SoHo/NoHo plan yesterday is unsurprising, given that the City hasn't done what is necessary under the law," said the coalition's lead attorney Jason Zakai, of Hiller, PC. Under a 2019 revision to the City Charter, DCP must provide a detailed summary of the project to the affected community boards, borough president, and the public at least 30 days before certification. "The new Charter provision was specifically added to give the public time to review details about the project, so that they are well-informed before public review starts," said Zakai. Notably, Manhattan Community Board 2, covering SoHo and NoHo, echoed the Coalition's claims and has demanded in a series of letters to DCP that proper notice and information be provided.

The lawsuit also alleges that DCP's insistence that all public hearings for the rezoning plan be held remotely only, without any opportunity for in-person debate, violates City law and infringes upon the public's constitutional rights. "Under City law," Mr. Zakai explained, "public hearings under ULURP must be held in a place of public assembly, where members of the community can gather and express their views directly to their public officials and their neighbors." The City's reliance in the lawsuit on the Mayor's and Governor's executive orders relating to the pandemic doesn't hold water, the lawsuit states, especially since most of the City has opened up already or will open very soon. Yesterday, the Governor announced that most restrictions for in-person

gatherings will be lifted on May 19, only two weeks from now, and before any public hearings on the SoHo/NoHo plan would be held. The Mayor has also announced plans to fully open the City despite backing DCP's plan for remote hearings. "The Mayor is exploiting the pandemic to try to get his rezoning plans approved before he leaves office," said attorney Michael Hiller of Hiller, PC, noting that the Mayor has personally pushed for the SoHo/NoHo plan.

After the Court assigned a Judge to consider the community groups' request for a temporary restraining order yesterday, DCP announced that its plan for certification was off. The Court later issued an order stating that immediate relief wasn't necessary but did not opine on the merits of the lawsuit. The lawsuit remains ongoing, and the Coalition will weigh its legal options in Court as the facts continue to develop.

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