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At I.A.S. Part 37 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse thereof, located at 60 Centre Street, New York, New York 10007 on the 3rd day of ~~April~~ May 2021.

PRESENT: A. Engoron

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of :
:
SOHO ALLIANCE, INC., BROADWAY :
RESIDENTS COALITION, JOHN SEAN :
SWEENEY, PETE DAVIES, JEANNE WILCKE, :
and MARIA JUDITH FELICIANO CHAVES, :

Petitioners, :

For Judgment Pursuant to Articles 63 and 78 of the :
Civil Practice Law and Rules, :

- against - :

CITY OF NEW YORK, THE NEW YORK CITY :
DEPARTMENT OF CITY PLANNING, :
MARISA LAGO, in her official capacity as Director :
of the Department of City Planning, and BILL DE :
BLASIO, in his official capacity as Mayor of the :
City of New York, :

Respondents, :

- and - :

CITY PLANNING COMMISSION, :

Nominal Respondent. :
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MS# 001: PI

Index No.: 154240/2021

ORDER TO SHOW CAUSE

ORAL ARGUMENT REQUESTED

Upon the Affirmation of Emergency of Jason E. Zakai, Esq., dated April 30, 2021; Affidavit of John Sean Sweeney, sworn to April 29, 2021; Affidavit of Pete Davies, sworn to April 29, 2021;

Affidavit of Jeanne Wilcke, sworn to April 29, 2021; Affidavit of Maria Judith Feliciano Chaves, sworn to April 29, 2021; Affidavit of Jane Leigh Behnke, sworn to April 28, 2021; Affidavit of Regina Cherry, sworn to April 30, 2021; the Petition verified on April 30, 2021; the exhibits annexed thereto; and the accompanying Memorandum of Law,
 , by their counsel,

LET Respondents show cause before the Supreme Court of the State of New York, County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 3rd day of June, at 11:00 o'clock in the forenoon of that day, why an order or judgment shall not be made and entered herein:

1. Pursuant to CPLR §6301 and §7803(3), preliminarily enjoining and preventing, pending a determination on the Verified Petition, Respondents and any and all persons or parties acting at their direction and/or on their behalf, from certifying the Uniform Land-Use Review Procedure (“ULURP”) application (“Application”) for the SoHo/NoHo Rezoning Plan submitted by Respondent The New York City Department of City Planning (“DCP”), or otherwise proceeding with the Application and the corresponding review process therefor, including holding public hearings on the Application;

2. Pursuant to Article 78, granting writs of mandamus, directing and/or compelling Respondents to comply with the provisions of the New York City Charter (“City Charter” and Rules of the City of New York (“City Rules”) with respect to the ULURP Application, by: (i) providing at least thirty days pre-certification notice in accordance with the provisions of the City Charter (“30-day Pre-Certification Notice”); (ii) publishing the 30-day Pre-Certification Notice on DCP’s website within five days thereafter, in accordance with the provisions of the City Charter; (iii) modifying the anticipated certification date of the ULURP Application in accordance with such aforementioned compliance; (iv) holding in-person public hearings as part of the ULURP public review process for

the Application, in accordance with the City Charter and City Rules; and (v) presenting the ULURP Application through in-person public hearings at physical locations as required by the City Charter and City Rules;

3. Declaring that Respondents' actions in conducting the ULURP public review process for the Application through virtual or remote hearings, rather than in person hearings at a place of public assembly, violate the City Charter and/or City Rules;

4. Vacating, annulling, and/or voiding the ULURP Application and any certification thereof, upon grounds that Respondents' aforesaid actions are in violation of Petitioners' constitutional rights to due process and freedom of speech;

5. Vacating and annulling the Irrational Order, and/or rendering it null and void with respect to the ULURP Application for the Controversial SoHo/NoHo Project; and

6. Granting such other relief as this Court deems just and proper, including the costs, disbursements, and reasonable attorneys' fees incurred in connection with this Proceeding.

TEMPORARY RELIEF PENDING HEARING

~~IT IS FURTHER ORDERED that, pending a hearing and determination on this motion, restraining Respondents and any and all persons or parties acting at their direction and/or on their behalf from certifying the ULURP Application for the SoHo/NoHo Rezoning Plan submitted by DCP, or otherwise proceeding with the Application and the corresponding review process therefor, including holding public hearings on the Application;~~



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SUFFICIENT CAUSE APPEARING THEREFOR, it is hereby ordered that e-filing of a copy of this Order to Show Cause and the papers upon which it is granted via NYSCEF shall

* TRO denied because no showing of immediate

irreparable harm; Court need not and does not address likelihood of success and exhaustion of Administrative remedies issues at this time

constitute good and proper service herein upon the New York City Law Department, 100 Church Street, New York, New York 10007; and it is

FURTHER ORDERED that answering papers, if any, shall be electronically filed herein on or before the 18th day of May, 2021; and it is

FURTHER ORDERED that reply papers, if any, shall be electronically filed herein on or before the 28th day of May, 2021.

ENTER:



J.S.C.

ORAL ARGUMENT
DIRECTED



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