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February 9, 2015

Rick D. Chandler, P.E., Commissioner
NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Dear Commissioner Chandler:

We write to share our concern that unchecked large retail development has increasingly become a threat to the future of SoHo and NoHo.

While a M1-5 zoning district may no longer be ideal for the area, it has successfully supported the redevelopment of a declining and dilapidated manufacturing area to a thriving world-renowned mixed-use neighborhood of residences, offices, and stores. SoHo and NoHo in turn served as the bedrock of the extraordinary revitalization of downtown Manhattan in the late 20th Century.

The past few years has seen a surge of enlargements of non-conforming retail establishments, especially on Broadway but increasingly on narrow streets as well that were never intended to house the larger establishments we see there today. As a result, sidewalks are congested, tractor-trailers unload through the night, and illegal illuminated signs cast a glare from storefronts and second story windows, all causing unsustainable negative impacts on legal residential, office, and retail uses. This trend represents a significant threat to the very successful mix of conforming and legal non-conforming uses and to stable real estate values. This is not unlike the negative impacts of "too much success" on the Times Square office market, the focus of a recent New York Times article, but there at least the development is not contrary to the requirements of the Zoning Resolution.

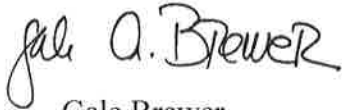
Manhattan Community Board 2 (CB2) has heard expressions of concern from residents, owners, and businesses in the area, including a new group formed by SoHo businesses concerned about the impact of the transformation of the area into a mall-like district dominated by large brand-name stores (letter enclosed herewith). These design stores and many others support the special character of the area that contributes so much to the economic diversity and success of New York City.

While the Department of City Planning agrees zoning changes for the neighborhood should be studied, our research suggests that the current problems are exacerbated not by zoning but by inconsistencies between DOB plan examiner interpretations and approvals and the applicable zoning rules. The discrepancies in use classifications have allowed stores to be built and to function in exceedance of 10,000 square feet without special permits pursuant to Section 74-922 of the Zoning Resolution. These inconsistencies also allow enlargement and structural modification of stores with non-conforming uses, such as the enlargement of ground floor non-conforming retail stores to include additional floors below the floor level of the second story.


The M1-5 zoning was never intended to support large retail and includes provisions to limit its growth, and yet the expansion of these uses appears to be escalating rapidly. We are enclosing a list of buildings where existing or planned stores exceed 10,000 square feet. We would like to work with you to review and correct the status of these buildings and others and to come to a better understanding of the current policies of your agency affecting current and upcoming developments.

CB2 Manhattan has already reached out to the Manhattan Borough Commissioner office to make an appointment with you to discuss these concerns. We appreciate your assistance with this effort.

Sincerely,



Gale Brewer



Margaret Chin



Tobi Bergman

Encl: List of proposed and existing large retail establishments
Community Board 2 Resolution Re: Establishment of Design District

M1 District Retail Survey (SoHo and NoHo) - Select Properties: Bleecker Street to Canal Street

| # | Street | Block | Lot | Lot SF | Gross SF | STORE | UG | C/O | C/O TYPE | # ISSUANCES of TCO |
|---------|----------|-------|------|--------|----------|---------------------|-----------|---------------|-----------|--------------------|
| 628-630 | Broadway | 522 | 8 | 9,500 | 66,500 | Urban Outfitters | | NONE | N/A | |
| 622-624 | Broadway | 522 | 5 | 14,235 | 99,470 | Best Buy | 6,10 | 2004 | Final | |
| 129-131 | Greene | 514 | 7502 | 5,093 | 23,168 | In Conversion | 10 | 1981 | Final | |
| 600-602 | Broadway | 511 | 16 | 10,005 | 65,192 | Hollister | PCE | 2012 | Final | |
| 552-556 | Broadway | 497 | 12 | 12,538 | 67,440 | Banana Republic | 6, 10A | 2014 | Temporary | 28x |
| 546-548 | Broadway | 497 | 9 | 17,460 | 95,498 | Uniqlo | 6,2,17D | 2012 | Final | |
| 529-533 | Broadway | | | | | NEW CONST. | N/A | NONE | N/A | |
| 503-511 | Broadway | 484 | 17 | 24,960 | 140,000 | Old Navy (formerly) | 10,6,17,9 | 01/14/15 | Final | |
| 520-522 | Broadway | 483 | 15 | 5,000 | 48,235 | Michael Kors | | NONE | N/A | |
| 502-504 | Broadway | 483 | 7 | 16,670 | 113,912 | Bloomingdale's | 6 | 2006 | Final | |
| 477-479 | Broadway | 474 | 33 | 10,525 | 63,150 | Pearl River Mart | 6 | 10/14-1/20/15 | Temporary | 19x |
| 478-482 | Broadway | 473 | 10 | 9,932 | 55,015 | Topshop | 6,17D | 2012 | Temporary | 14x |
| 433-439 | Broadway | 231 | 14 | 7,470 | 46,217 | NEW CONST. | | NONE | N/A | |

159 Lots facing onto Broadway

150 of those Lots have Retail Below the 2nd Floor 150 / 159 = 94%

For the Special Permit required for retail below the 2nd floor:

150 Lots with Ground Floor Retail

1st floor retail spaces that have obtained the required Special Permit: 10 10 / 150 = 7%

For the Special Permit required for retail in excess of 10,000 sf:

Stores identified as oversized: 19

Stores with Special Permit allowing oversized: 2 2 / 19 = 10.5%

M1 District Retail Survey (SoHo and NoHo) - Select Properties: Bleecker Street to Canal Street

| # | Street | SPECIAL PERMIT | Year Issued | LAND USE ID | CEQR # | CPC REPORT | NOTES |
|---------|----------|---|-------------|--------------|-----------|---|--|
| 628-630 | Broadway | | | | | | |
| 622-624 | Broadway | | | | | | |
| 129-131 | Greene | | | | | | Per C/O 1st Floor: Storage Zoned M1-5A |
| 600-602 | Broadway | | | | | | Fl 4, 5, 6: Physical Culture Establishment (PCE GYM) |
| 552-556 | Broadway | SPECIAL PERMIT FOR A RETAIL ESTABLISHMENT GREATER THAN 10,000SF IM AN M1-5B DIST. | 2009 | C 090362 ZSM | 09DCP068M | http://www.nyc.gov/html/dcp/pdf/cpc/090362.pdf | |
| 546-548 | Broadway | SPEC PERMIT TO ALLOW RETAIL USE ON THE 1ST FLR & CELLAR | 2005 | C 040382 ZSM | 04DCP035M | http://www.nyc.gov/html/dcp/pdf/cpc/040382.pdf | |
| 529-533 | Broadway | | | | | | |
| 503-511 | Broadway | | | | | | UG9-Physical Culture Establishment |
| 520-522 | Broadway | | | | | | |
| 502-504 | Broadway | | | | | | |
| 477-479 | Broadway | | | | | | PARTIAL STOP WORK ORDER ON THIS PROPERTY |
| 478-482 | Broadway | | | | | | |
| 433-439 | Broadway | SPECIAL PERMIT TO PERMIT UG-6 USES ON THE GROUND FLOOR & CELLAR, & 2-6 FOR OFFICE | 2011 | 030255 ZSM | | http://www.nyc.gov/html/dcp/pdf/cpc/100101.pdf | |

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

January 16, 2015

Mirko van den Winkel
EVP Moroso USA
146 Greene Street
New York, NY 10012

Re: SoHo Design District

Dear Mr. van den Winkel,

Thank you for your presentation to the Community Board 2 Land Use Committee last week regarding the proposed alliance of furniture, lighting, industrial design and other small and mid-sized design showrooms and retail businesses located in the SoHo Historic District.

Community Board 2 strongly encourages your group to pursue the "SoHo Design District" concept and supports the continued presence in SoHo of creative and artistic businesses in this precious historic district. We recognize the special contributions of your businesses to the character of SoHo and also that the current business climate may threaten your survival.

Our board has prioritized attention to the changing character of retail in SoHo and its impacts on residents and more traditional businesses in a successful mixed use area. We look forward to working with you in the future.

Sincerely,

Tobi Bergman
Chair
Community Board 2 (Manhattan)

Anita Brandt
Chair
CB2 Land Use Committee

C: Hon. Jerrold Nadler, 10th Congressional District
Hon. Daniel Squadron, 26th Senate District
Hon. Deborah Glick, 66th Assembly District
Hon. Gale Brewer, Manhattan Borough President
Hon. Margaret Chin, 1st Council District