

SOHO ZONING GUIDEBOOK

The History and Current State of
Zoning and Other Regulations in the
SoHo Neighborhood and Broadway Corridor



A RESOURCE FROM THE SOHO BROADWAY INITIATIVE, JULY 2018





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How to Use This Guidebook

While walking down Broadway between Houston and Canal Streets in the SoHo neighborhood of Lower Manhattan, one notices flagship stores with familiar names like Uniqlo, Bloomingdale's, and Nike, as well as smaller shops, buildings with unique cast iron architecture, a hub of media and tech company offices, and residential lofts. The SoHo Broadway corridor's vibrant mix of uses is cherished by those who live, work, visit, and socialize here.

But according to New York City zoning laws - regulations that govern how we utilize buildings and develop land - SoHo should be solely occupied by light manufacturing firms, office tenants, and artists. There is a mismatch between the neighborhood one sees today and its intended uses according to zoning regulations.

To the passerby, this mismatch is not apparent. However, to those who live, work, and own, rent, or develop property in SoHo, this mismatch complicates matters significantly. The current zoning creates inconsistent outcomes in how property is used and developed, and - at times - has created conflict between the needs of residents and businesses.

The SoHo Zoning Guidebook ("the Guidebook") explains this mismatch - and why it matters - by reviewing:

- SoHo's history
- Zoning in New York City
- SoHo's zoning designation
- Other regulations that affect land use in the neighborhood
- Implications of the current state of affairs

The Guidebook's goal is to provide a common understanding for those who want to learn more and participate in conversations about the current status and future of the SoHo neighborhood, including the SoHo Broadway corridor.¹

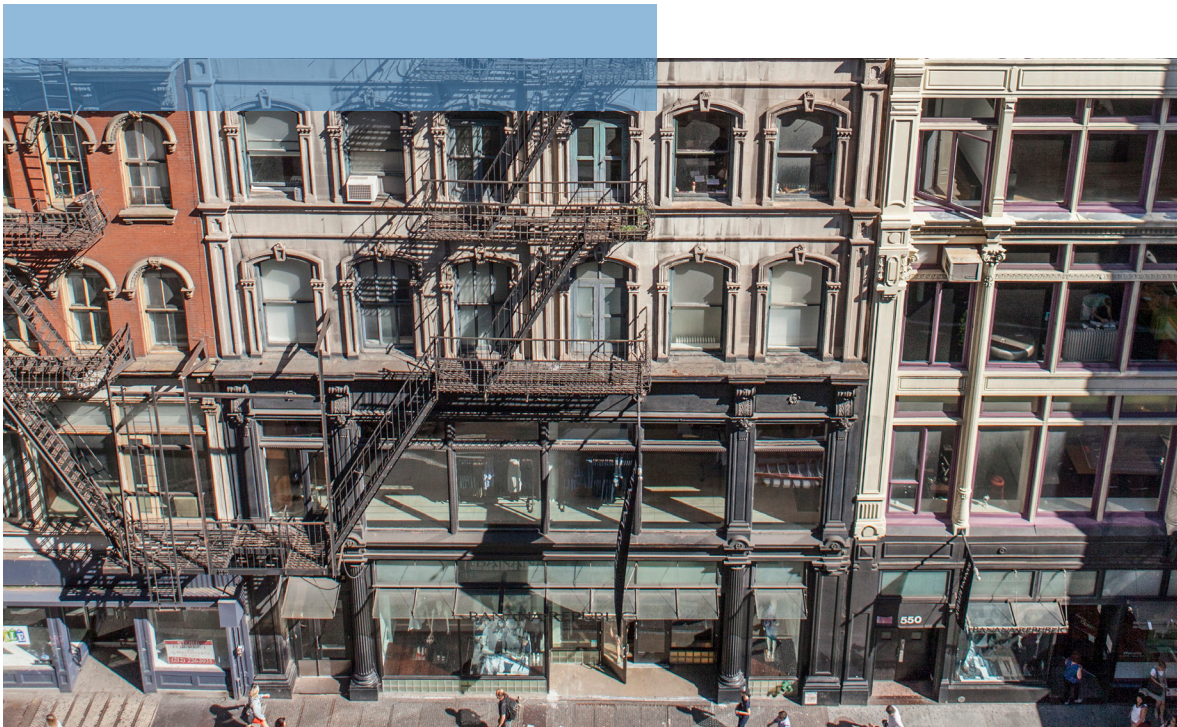
SoHo Broadway Initiative

This Guidebook was created by the [SoHo Broadway Initiative](#) (“the Initiative”), a neighborhood-focused business improvement district (BID), serving those who live, work, and visit the Broadway corridor between Houston and Canal Streets. Since October 2014, the Initiative has worked to improve Broadway by keeping the corridor clean and safe, and by helping to foster a vibrant mixed-use community. While most New York City BIDs are governed by a board of directors comprised primarily of commercial property owners, SoHo Broadway’s board is uniquely made up of an equal mix of commercial and residential property owners.

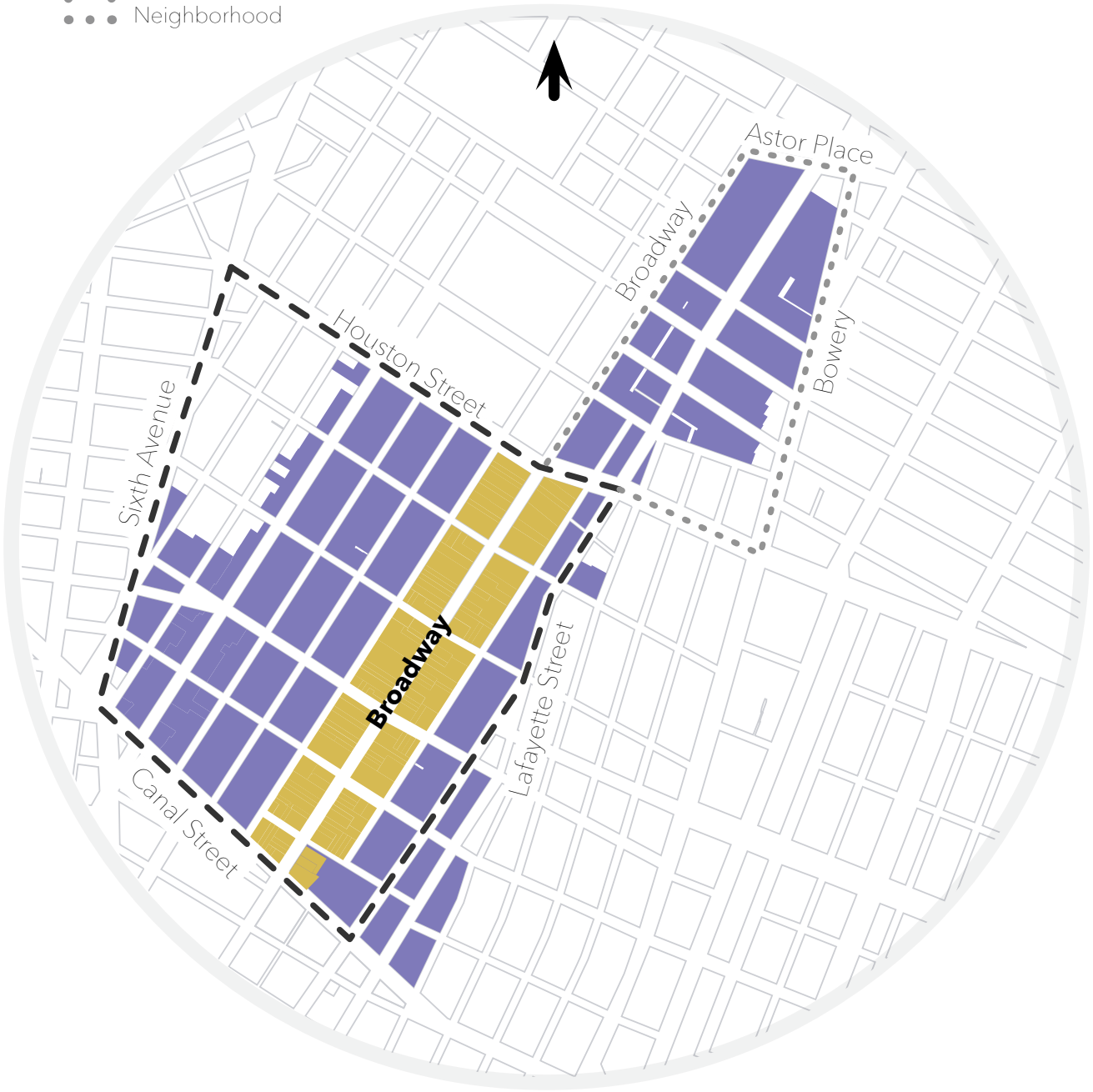
Guidebook Timing

The Initiative began this endeavor toward the end of 2016 when the Department of City Planning and local elected officials appeared to be in preliminary discussions to consider changes to the zoning in SoHo. While those initial conversations with the City have not resulted in any action or proposal as of this publication, the Initiative understands that the City continues to evaluate the SoHo neighborhood for possible zoning changes. The Initiative intends the Guidebook to elevate the community’s understanding of SoHo’s history and zoning, particularly along Broadway, so that property owners, residents and businesses can meaningfully participate in future conversations if and when they do occur.

550 Broadway, a mixed-use building between Prince and Spring Streets, 2016 (SoHo Broadway Initiative)



- Zoning District (M1-5)
- Broadway Corridor
- SoHo
- Neighborhood
- NoHo
- Neighborhood



SoHo Geographies

NEIGHBORHOOD, DISTRICT OR CORRIDOR?

Three distinct but overlapping geographies are relevant to the Guidebook: the SoHo neighborhood, the zoning district, and the SoHo Broadway corridor. Discussion of **'the neighborhood'** will refer to SoHo as a whole, ranging north-south from Houston to Canal Street, and east-west from Lafayette Street to 6th Avenue. **'The district'** refers to the zoning boundaries, which are slightly larger than those of the neighborhood and include parts of NoHo. **'The corridor'** refers only to the area for which the SoHo Broadway Initiative is responsible: Broadway between Houston and Canal Streets.

SoHo Then & Now

Over the past 75 years, SoHo's uses shifted profoundly, from predominantly manufacturing to a neighborhood that includes residential, retail, and office uses. This section will briefly outline how the neighborhood has evolved, summarize the regulatory changes that have occurred over the years, and review how the corridor is used today.

THEN

The neighborhood we now call SoHo has undergone many transitions since it was first settled after the Revolutionary War. Beginning as a residential area, SoHo developed into a high-end commercial and theatre corridor around the Civil War, then deteriorated into a red-light district. From the 1890s to the 1950s, SoHo was defined by its manufacturing uses that occupied the five to twelve story loft buildings that predominate in the Broadway corridor.² The sturdy cast iron structures found along the corridor (and throughout the neighborhood) mostly date from the 1860s to the early 1900s and were generally built for businesses who manufactured goods on the upper floors and sold those goods on the ground floor.³ The high ceilings, open floor plans and large windows that shed natural light onto workers, provided an ideal environment for light industrial and warehousing firms of that time period.⁴

The needs of manufacturers started to shift in the 1950s. Modern industry required different spatial features, such as large loading zones for tractor-trailers and easy access to transportation networks. These and other modern industrial trends, including low-cost electric lighting, rendered SoHo's building formats and features mostly obsolete for purposes of manufacturing.⁵ As a result, manufacturers largely vacated the neighborhood and landlords were left with empty buildings. By the 1960s, New York City was rapidly losing its manufacturing base as businesses moved out of the city to locations with lower operating costs and better access to transportation networks.⁶

SoHo and its cast-iron buildings had become "desolate, dirty, and dangerous" and the neighborhood was threatened with demolition.⁷ As more and more buildings were vacated, artists, saw a unique

opportunity and began moving into the area, attracted by the low rents and large spaces that could accommodate their work. By 1968, the *New York Times* estimated that 660 artists lived in the neighborhood.⁸ These early SoHo pioneers put forth a request to change the area's existing M1 light manufacturing zoning to allow artists to live and work in their lofts.⁹ This proposal represented a major shift away from zoning that had previously only allowed manufacturing and other commercial uses.

In 1971, the City amended the existing M1 zoning to allow artists to live and work in loft buildings for the express purpose of producing their art, while maintaining the existing manufacturing zoning to preserve jobs in the city. While SoHo would remain an industrial zone, artists were deemed to be 'manufacturers' of art. This change was, as many saw it, "the City's recognition of its obligations as the art capital of the world."¹⁰

In the 1970s and 1980s, art abounded in SoHo. Prominent gallery owners such as Leo Castelli, John Gibson, and Mary Boone opened spaces in the neighborhood. SoHo also attracted a growing artistic community that exists to this day; in the 1970s and 1980s, it included Andy Warhol, Jean-Michel Basquiat, Keith Haring, and Julian Schnabel. Artistic institutions followed suit, with the Guggenheim SoHo, the New Museum, and the Museum for African Art all locating on one block of Broadway between Houston and Prince Streets.¹¹

In addition to the 1971 rezoning, two subsequent regulatory changes in the 1970s and 1980s solidified SoHo's character. In 1973, the Landmarks Preservation Commission designated SoHo as a historic district, protecting many of its buildings from major alterations. In 1982, the Loft Law was enacted to protect artists - and later any resident - living in manufacturing buildings and to legalize/upgrade these buildings to comply with the City's residential building codes.¹² The intent of these actions was to designate SoHo as a historic district and legalize artists while preserving the neighborhood's manufacturing and commercial base.

Yet by the early 1980s, while wholesalers still occupied many of the ground floors, few other traditional manufacturing uses remained on the upper floors. Instead, a slow wave of gentrification began as non-artists began moving into the neighborhood. By the 1990s, retail and office tenants started moving into the neighborhood. For example, Scholastic, a leading publisher and distributor of children's books, moved to Broadway in 1992 and quickly expanded its footprint. Today Scholastic is home to over 1,000 employees who work from two buildings in the corridor.

During this period, many high-end designers also moved their shops to the neighborhood; 'renegades' like Marc Jacobs "sought refuge in SoHo's lofts from the commercialism of Seventh Avenue," and praised the 'artistic energy' of the 'downtown,

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SoHo's Transformation from the 1950s to Today



1950s

Primarily industrial uses

OVER THE DECADE
Manufacturing Shifts
 Most of SoHo's cast iron building stock was well-suited for manufacturing needs of the early 20th Century. As industry shifts occurred in the 1940s and 1950s, manufacturers required different building features and begin vacating the area in the 1950s.



1960s

Artists start moving in

1963
Rapkin Study
 Detailed report that argued SoHo's industrial activity was still relevant for NYC's economy.

1969
Lower Manhattan Expressway (LOMEX) Project Abandoned
 Highway proposed on Broome St. that would have destroyed SoHo. Protests kill project.



1970s

Regulations change

1971
Zoning Change
 Amended regulations allow artists to live/work in SoHo.

1973
SoHo Cast-Iron Historic District Formed
 Designation by Landmarks Commission protects SoHo's architecture.



1980s



1990s



2000s



2010s

Slow gentrification occurs

Destination retail & luxury building boom

1982
Loft Law Enacted
Regulation allows legal conversion of certain lofts to residential use.

1987
Financial/Real Estate Crash
NYC's housing prices drop until early 1990s.

1992
Scholastic Moves to 555 Broadway
Company will continue to expand in SoHo through 2000s.

1999
Leo Castelli Gallery Moves Out of SoHo
Castelli Gallery on 420 West Broadway exhibited work of the most prominent artists from 1971 to 1999.

2001-2010
Major Retail Opens on Broadway while Art Museums Close

- Prada
- Bloomingdale's
- Top Shop
- Uniqlo
- H&M

2006
40 Mercer Opens
High-end, modern residential development moves to SoHo.

2011-2012
Tech Comes to Broadway
Foursquare, Thrillist, 10gen, ZocDoc, and more move in.

2016
SoHo Continues to Evolve
Nike opens flagship store; WeWork opens two locations on Broadway.

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edgy' crowd who frequented the neighborhood.¹³ This marked the beginning of a trend in which retail occupied the ground floor, with offices and residences populating the upper floors.

By the early 2000s, larger scale, destination retail and million-dollar loft apartments came onto the market in SoHo and along Broadway. Prada opened in 2001, replacing the Guggenheim SoHo museum. Bloomingdale's replaced Canal Jeans in 2004. The luxury housing market drew bankers, lawyers, celebrities, and others to the area. The early 2000s also saw many of SoHo's prominent galleries relocating to lower cost areas such as Chelsea.

Starting in the 1980s, SoHo transitioned from being an artist's outpost within a manufacturing area to a desirable downtown hub with vibrant residential, office and retail communities. Like the original artists who relocated to SoHo, many of these new users moved in without regard to the existing zoning or other regulatory requirements. However, since the 1971 rezoning, there have been no major changes to the zoning regulations to reflect the most recent shifts in SoHo's character away from manufacturing to include more office, retail, and residential uses. The zoning continues to allow manufacturing and office use only, with some allowance for artists' residences but has no provision for the retail or residential uses that have thrived in SoHo over the years.



Top: The Haughwout Emporium, a manufacturer of fine china, silverware, and more, 1859 (Library of Congress)

Bottom: Crosby & Spring Streets, 1978 (Photo by Thomas Struth)

NOW

Today (2010-2018), the SoHo neighborhood is home to a variety of large stores, small boutiques, upscale apartments, and a robust office market. As of 2016, the neighborhood hosted approximately 65,000 workers and 25,000 residents.¹⁴ Data from early 2018 indicates that the neighborhood is home to approximately 3 million square feet (sf) of retail, 9 million sf of office, and 9.6 million sf of residential space.¹⁵ In recent years, the neighborhood was one of the highest grossing retail areas in the country, generating significant tax revenues for the city and state.¹⁶

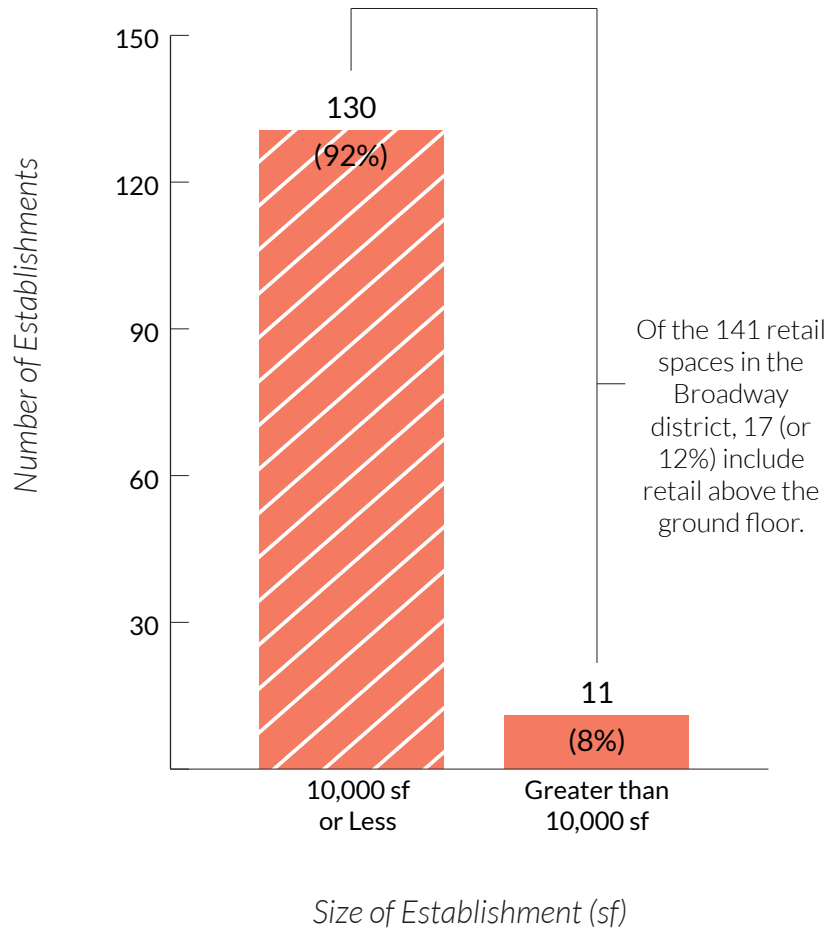
The Broadway corridor also maintains a vibrant mix of uses, where retail, office, and residential users work and live in close proximity to one another. The SoHo Broadway Initiative was founded in 2014, in part, to manage the effects of the corridor's success as a downtown hub. An estimated 1,000 people live along the Broadway

corridor in approximately 1.9 million sf of residential space. The corridor's 1.5 million sf of retail space is home to hallmark names, like Zara, Levi's, Club Monaco, and Topshop and its 3.1 million sf of office space houses approximately 21,000 workers focused on technology, advertising, media and information services.¹⁷

On a more granular level, a recent survey of ground floor spaces along the Broadway corridor reveals occupancy by retail stores (including space under construction) of 100% or approximately 761,000 sf, most of which are less than 10,000 sf in size. Knowledgeable estimates of above ground floor uses indicate that uses are approximately 28% residential, 23% retail, 47% office, and 2% other (e.g., physical culture establishments such as a gym or yoga studio). As evidenced by these numbers, no notable manufacturing or industrial uses exist in the corridor today.¹⁸

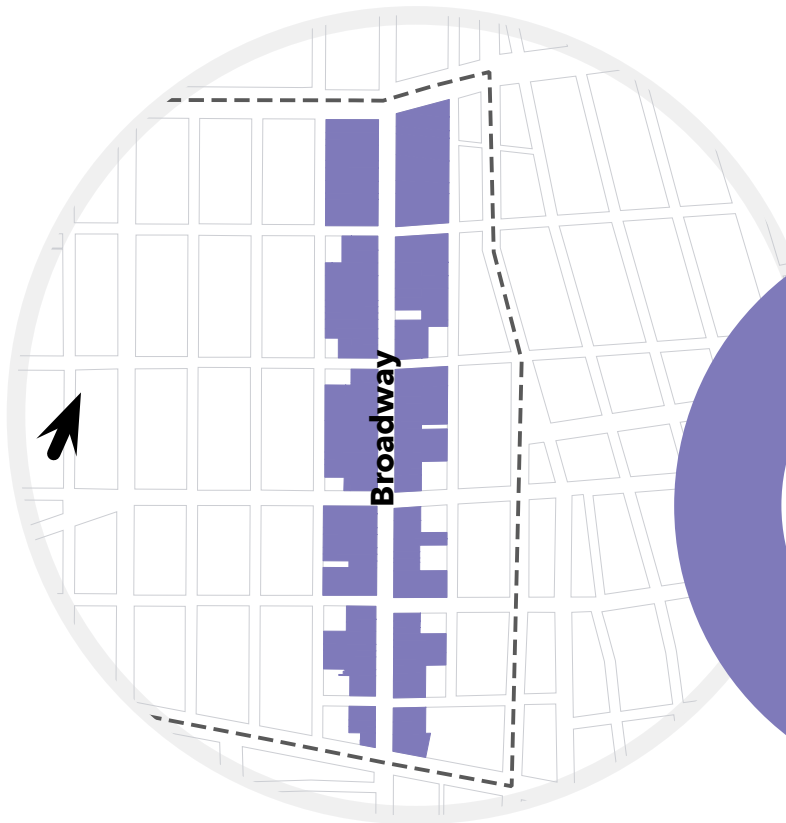


Retail Establishments in the Broadway Corridor By Size¹⁹

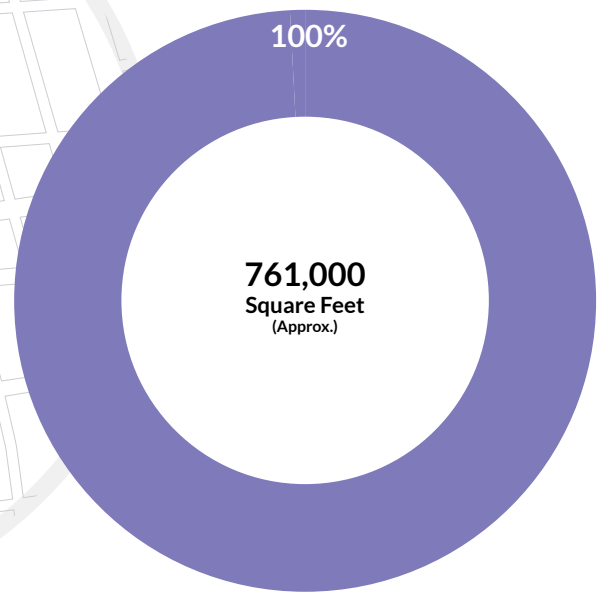


Land Use in SoHo

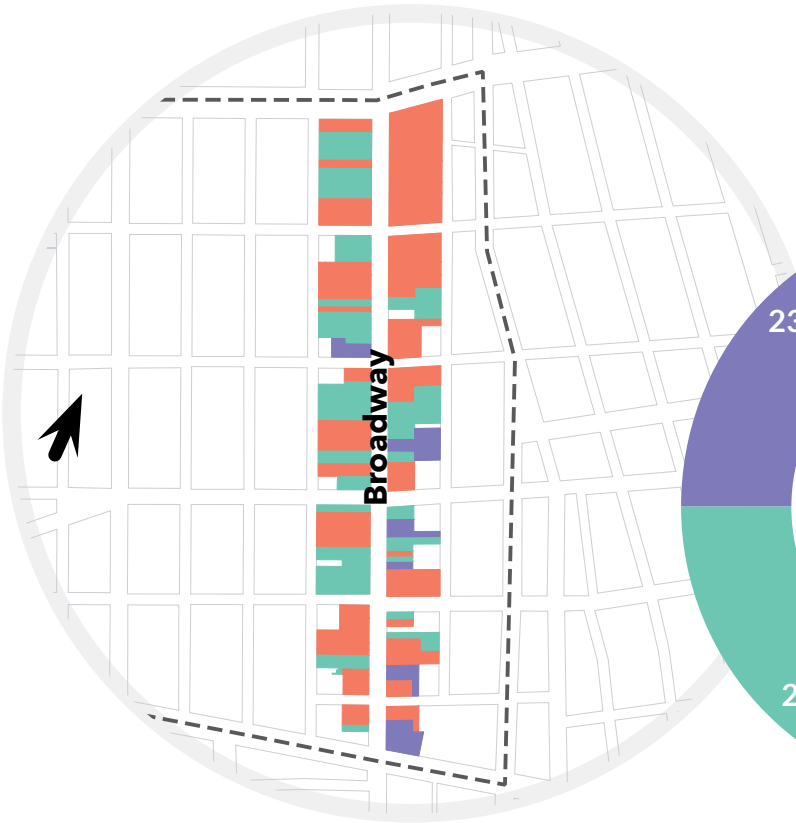
Predominant Ground Floor Uses Along Broadway



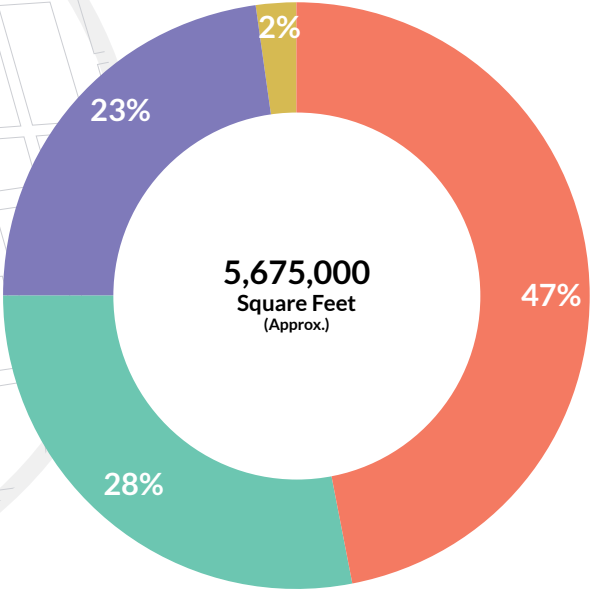
Ground Floor Uses in the Broadway Corridor (By Square Foot)²⁰



Predominant Upper Floor Uses Along Broadway



Upper Floor Uses in the Broadway Corridor (By Square Foot)



LEGEND

- Office
- Retail
- Residential, including JMWQA
- Other

Zoning in New York City

This section describes relevant and fundamental concepts that make up New York City zoning. It outlines the role and function of New York City zoning, including a glossary of common zoning terms, to provide context for the subsequent section on the zoning and other regulations specific to SoHo.²¹

Zoning is a tool used by municipal governments and agencies to implement urban planning and development policy. Zoning was first used in the early 1900s to cope with the growing influence of industrialization on US cities. At the time, no regulations prohibited a factory from locating next to a residential building or neighborhood. Municipalities developed zoning as a tool to separate incompatible 'uses' into different areas or 'zones' of the city.

The role of zoning has expanded throughout the years, and zoning is now used by local governments to accomplish a variety of public policy goals. These goals can include:

- Creating predictable development patterns, by regulating how people can build in different parts of the city.
- Promoting and preserving jobs, by designating certain zones for manufacturing and other commercial uses.
- Discouraging car ownership, where zoning limits how many parking spots a new building must include.
- Ensuring new developments look like they belong in a neighborhood, by regulating building height and size.

Today, New York City's zoning is broken down into four general types of districts, where similar uses are grouped together. Across districts, the majority of development in New York City can be completed 'as-of-right,' which means that if a proposed development complies with the existing zoning regulations, building can generally proceed without any meaningful public review or the need for any other governmental action other than obtaining necessary permits. For example, constructing a 40-story office tower in Midtown Manhattan typically can be completed as-of-right. Importantly, as-of-right zoning is designed to create reliable outcomes for property owners and communities.

District Types

Residential (R): These zones primarily include single family homes all the way to high rise apartments buildings;

Manufacturing (M): These zones primarily include light industrial all the way to heavy manufacturing use. No residential use is permitted. Some commercial uses such as office use are allowed as-of-right.

Commercial (C): These zones primarily include one-story, ground floor retail all the way to Midtown-style office high rises. Most commercial zones allow residential use.

Special Districts: These zones are areas where the existing R, C, or M zoning has been modified for a specific purpose, like limiting new development in areas prone to flooding.

If a proposed project does not comply with the applicable zoning, the owner can ask for a variance or a special permit to build or modify a building. For example, if an owner wanted to build a 40-story office tower in Greenwich Village, where zoning limits new building heights, the owner would have to seek a variance, special permit, or zoning change. Such a change requires not only discretionary approval from the City but also may include a public review of the proposed changes.

Governing Bodies

Five agencies and governing bodies have a role in New York City's zoning process:

The Department of City Planning (DCP) studies the city, writes the zoning, and considers modifications, including special permits and re-zonings. DCP is considered a discretionary agency, meaning it can consider such modifications by following a defined process that includes extensive research and analysis. If a requested modification is larger in scope, the matter will be referred to the **City Planning Commission (CPC)**, which will undergo a comprehensive review of the project, including hosting public hearings and getting City Council approval.

The Department of Buildings (DOB) is responsible for interpreting and enforcing zoning. DOB has no discretionary role in zoning issues through the agency does interpret zoning regulations.

The Board of Standard and Appeals (BSA) provides relief from zoning restrictions where owners may apply for variances. Like DCP, BSA is a discretionary agency.

The City Council also reviews and must approve various zoning modifications that involve the Uniform Land Use Review Procedure (ULURP) process, including special permits. The Council can request modifications to an application and refer an item back to the CPC. Council action on land use applications is subject to mayoral veto or approval.

Discretionary action generally provides an opportunity for public review and comment.



RESIDENTIAL



MANUFACTURING



COMMERCIAL



SPECIAL DISTRICT

Residential - Top:
Jane Street in the
West Village, No
Date (Brodsky)

**Manufacturing -
Second from Top:**
Brooklyn Army
Terminal in
Sunset Park, 2016
(NYCEDC)

**Commercial -
Second from
Bottom:**

Midtown
East office
buildings, 2018
(Grand Central
Partnership)

**Special District -
Bottom:**
Coney Island
amusement,
2017 (Alliance for
Coney Island)

Glossary

This glossary highlights some key zoning terms taken directly from the Department of City Planning's Zoning Handbook. Some terms have been simplified where possible and should not be construed as legal definitions.

AS-OF-RIGHT DEVELOPMENT

An as-of-right development complies with all applicable zoning regulations and does not require any discretionary action by the CPC or BSA. Most building developments in the city are as-of-right.

BUILDING CODE

The Building Code is a set of rules that specify the standards for constructed objects, including types of construction, fire and smoke protection features, and structural designs. The Building Code is overseen by DOB.

BUILDING ENVELOPE

A building envelope is the maximum three-dimensional space that a structure can take up on a zoning lot.

BULK

Bulk regulations are the combination of controls (including lot size, floor area ratio, and building height) that determine the maximum size and placement of a building on a zoning lot.

FLOOR AREA RATIO (FAR)

The floor area ratio is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot. For example, on a 10,000 sf zoning lot in a district with a maximum FAR of 5.0, the floor area on the zoning lot cannot exceed 50,000 sf.

NON-CONFORMING USE

A non-conforming use is any use that no longer conforms to one or more of the use regulations of the applicable zoning district.

REZONING

A rezoning or remapping occurs when the zoning designation(s) for an area is changed on the zoning map to facilitate policy initiatives, such as preserving neighborhoods or promoting economic development around transit hubs.

SPECIAL PERMIT

A special permit is a discretionary action by the CPC or the BSA, which may modify use or bulk regulations if certain conditions and findings specified in the Zoning Resolution are met. Applications for special permits under CPC jurisdiction generally concern use or bulk modifications with potential for greater land use impacts than those reviewed by the BSA.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

ULURP is the public review process, mandated by the City Charter, for all proposed zoning map amendments, special permits and other actions (such as site selections and acquisitions for city capital projects and disposition of city property). ULURP sets forth a time frame and other requirements for public participation at the Community Board and Borough President levels, and for the public hearings and determinations of the Community Boards, Borough Presidents, CPC and City Council.

USE AND USE GROUPS

A use is any activity, occupation, business, or operation which is conducted in a building or on a tract of land. Use groups organize specific activities into 18 categories based on the similarity and compatibility of their functions. For example, at a high level, Use Group 17 consists of primarily manufacturing uses. However, under that broader umbrella, Use Group 17 enumerates specific allowable functions – from manufacturing establishments that make dry ice to wholesale establishments that trade in produce or meat.

VARIANCE

A variance is a discretionary action by the BSA which overrides the use and bulk provisions of the Zoning Resolution to the extent necessary to permit a reasonable or practical use of the land. A variance may be granted, after a public hearing, when unique conditions on a specific parcel of land would cause the property owner practical difficulty and undue hardship if had to be developed under existing regulations in the Zoning Resolution.

ZONING DISTRICT

Is a residential, commercial or manufacturing area of the city where zoning regulations govern land use and building bulk. Special districts have distinctive qualities where regulations are tailored to a specific area.

ZONING LOT

A parcel or tract of land. The zoning lot is the base unit for zoning regulations.

ZONING RESOLUTION (ZR)

The Citywide zoning code consists of 13 articles that establish the City's zoning districts and the regulations governing land use and development. Enforcement of the rules in the Zoning Resolution is overseen by DCP.

Zoning in SoHo

This section explores the neighborhood's current zoning as well as the role of SoHo's historic district designation. It also summarizes uses allowed as-of-right, and other mechanisms a business or resident can employ to locate in SoHo.

RELEVANT ZONING & REGULATIONS

Zoning

Two zoning provisions define the SoHo neighborhood and Broadway corridor. They were intended to protect manufacturing and the jobs industry provides, while also allowing special uses.

- **M1-5:** The zoning district includes both M1-5A and M1-5B zoning, with the Broadway Corridor being exclusively M1-5B. The 'M1' is a manufacturing designation where a range of manufacturing, commercial and industrial uses are allowed as-of-right, including light manufacturing (Use Group 17), office (Use Group 5), retail (Use Group 7) and other heavy commercial uses such as wholesaling, repair shops, and storage facilities. The '5' signals the maximum allowable FAR. The 'B' signifies that SoHo is a district where special circumstances exist – in this case, that artists are allowed to live in a manufacturing zone and that there are restrictions on the ground floor.²²

- **Joint Live-Work Quarters for Artists (JLWQA):** M1-5B zoning designates a special use which permits artists certified by the NYC Department of Cultural Affairs (DCA) to occupy manufacturing buildings, as long as certain building and occupancy conditions are met.^{23,24} JLWQA spaces fall within Use Group 17D, where joint live-work is considered a manufacturing use that permits an artist to live in the workspace. JLWQA is not considered a residential use. Buildings incorporating JLWQA units must have been constructed before 1961.²⁵

Other Regulations

- **SoHo Cast-Iron Historic District:** In addition to protecting SoHo's historic buildings, the neighborhood's landmark historic district designation triggers certain provisions in the Zoning Resolution that promote historic preservation. These provisions allow someone to ask the CPC for a special permit to modify use or bulk that is not permitted by the

applicable zoning. In exchange for developing in a historic district, the building owner must commit to permanently preserve the building and maintain it according to strict provisions set out by the Landmarks Preservation Commission. If LPC's conditions are met, the CPC will consider an application to change the permitted use and/or bulk in a district zoned otherwise.²⁶

- **The Loft Law:** This statute was initially enacted to protect artists and members of their household from being evicted for illegal residential occupancy of manufacturing buildings. The Loft Law essentially acknowledged that people were living in SoHo lofts illegally, and instead of evicting them, sought to ensure safe

occupancy by requiring owners to comply with fire, safety and building codes as defined by the DOB. The Loft Law additionally sought to give tenants rent protections and other rights.²⁷ While the original Loft Law gave property owners a finite period of time to bring their buildings into compliance, deadline extensions have occurred over the years. The Loft Law is still relevant today and allows legal residency in SoHo for any applicant who applied for coverage and was approved during the applicable time period required by the Loft Law. It is important to note that units legalized under the Loft Law are not required to be occupied by artists certified by the DCA.

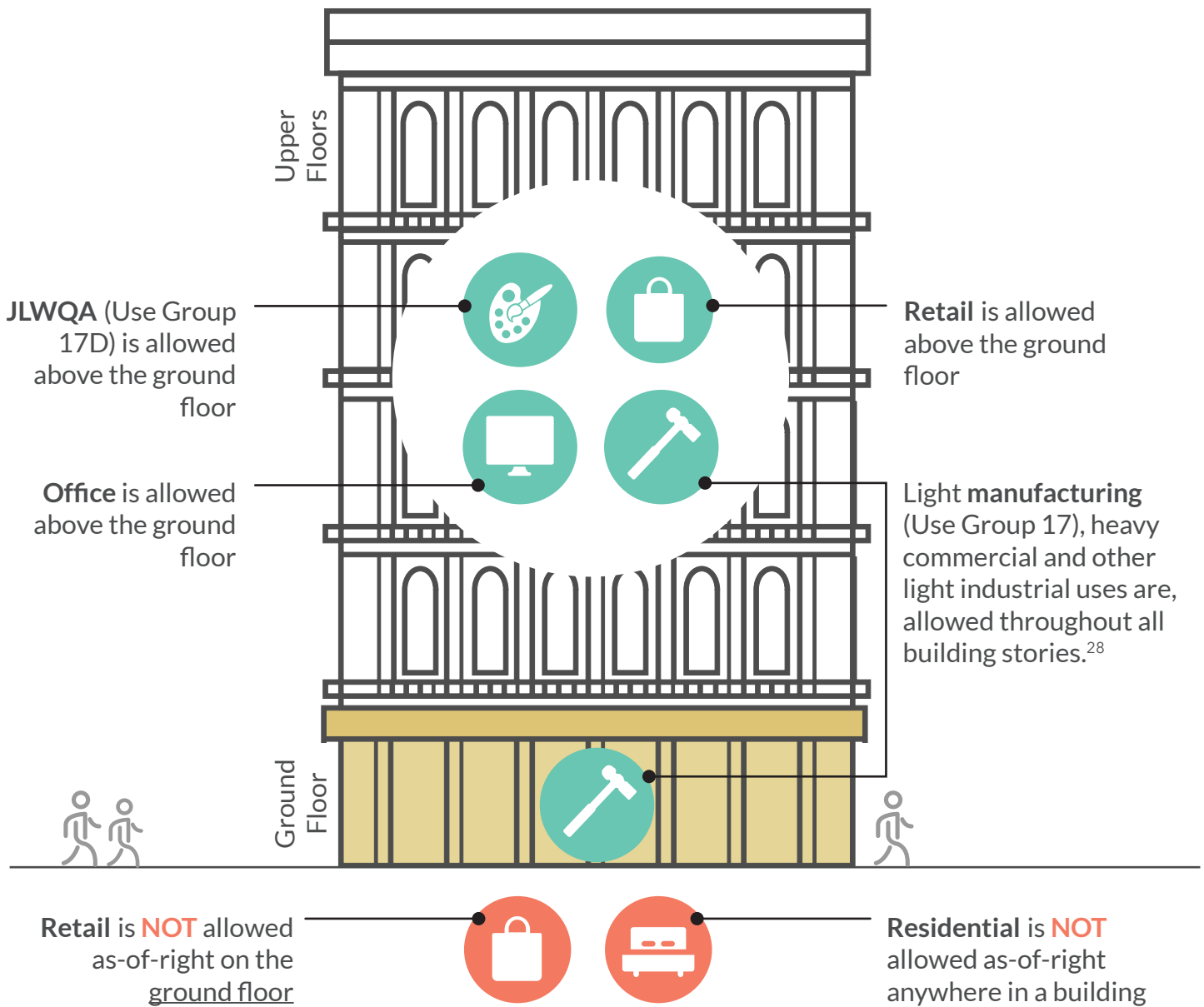


Residents exposing a brick wall in a loft on Broome Street, 1974 (Photo from Dorothy Koppelman)

As-Of-Right

The combination of M1-5B and JLWQA allow the following uses as-of-right.

-  Allowed As-Of-Right
-  Not Allowed As-Of-Right



OTHER WAYS TO LOCATE IN SOHO

Given this relatively narrow set of as-of-right uses, it can be harder - more complex, more expensive, more uncertain, and more time consuming - to locate retail or residential uses along Broadway in SoHo. Below, we will explore seven common ways to locate retail or residential.

Regulatory

Grandfathering

A grandfathered use is one that was active and occurring prior to current zoning regulations. Even if that use is no longer allowed under today's rules, the use is permitted to stay at that specific location if three conditions are met: 1) the use was in existence in the space before the current applicable zoning resolution was enacted and implemented, 2) the space has not been vacant for more than two years, and 3) the existing use is listed in one of eight use groups, including retail stores (Use Group 6) and large retail establishments (Use Group 10).²⁹ Under grandfathering, the use of the establishment itself is grandfathered at a particular location. The grandfathering ends when that establishment leaves unless the next activity moving into the space falls within the same use group. For example, a bank that existed in the early 1970s may be a clothing store today, as both fall into Use Group 6. Conversely, the space occupied by a bank could not become a department store today under grandfathering, because the latter is in Use Group 10. DOB is the relevant agency that reviews and approves of grandfathering.

RELEVANT USES: GRANDFATHERING

	JLWQA
	Manufacturing & Wholesale
	Office
	Residential
✓	Retail

Special Permits

A special permit allows a use that is not otherwise authorized. Special permits are granted through either the CPC or the BSA. Usually, permits with greater land use impacts go through the CPC. Three types of special permits allow retail and residential uses to locate in SoHo:

- *Large Retail Establishments Special Permit:* Allows large-scale retail over 10,000 sf to occupy any portion of a building.³⁰ For example, Banana Republic, located at 550 Broadway (between Prince and Spring), requested and received such a permit in 2009.³¹
- *Good Faith Marketing Effort Special Permit:* Requires the applicant to market a space as the use allowable under current zoning, and to prove that no market currently exists.³² In SoHo's case, this means marketing a space for conforming uses including light manufacturing, heavy commercial and other light industrial uses, and demonstrating that there are no interested parties. After a period ranging from six months to one year (depending upon the size of the building's footprint), the applicant enters into ULURP, where a public process determines whether a special permit is granted for a different type of use for which there is a market. A recent example includes 462 Broadway, a large building on the corner of Broadway and Grand, which recently obtained a special permit to transform a space vacated by the International Culinary Center into retail use.³³

RELEVANT USES: LARGE RETAIL & GOOD FAITH MARKETING SPECIAL PERMITS

	JLWQA
	Manufacturing & Wholesale
	Office
	Residential
✓	Retail

- *Preservation Special Permit*: Enables residential or retail to be built or placed in existing space in the district via two applicable sections of the Zoning Resolution that relate to historic districts.³⁴ Importantly, this special permit is one of the only ways in which new residential units can be built in the district (as occurred at 40 Mercer Street). 541 Broadway, a neo-Classical structure built in 1869, was granted a special permit in 2005 to allow retail on the ground floor.³⁵

Public records indicate that of 24 applications for discretionary actions (largely for special permits and variances) along the Broadway corridor submitted to the CPC or BSA between 2001 and 2018, 13 were submitted under the above special permit provisions, and 12 of those applications sought to locate retail on Broadway.³⁶ These figures represent applications that progressed through the special permit process and are not inclusive of any applications that may have been submitted and subsequently withdrawn.

Variance

A variance, like a special permit, is a discretionary action and is granted by the BSA. A variance is sought when existing zoning would otherwise cause “practical difficulty and undue hardship” to a property owner trying to build something or promote certain uses on a property.^{37, 38} Five conditions need to be met for a variance to be granted:

- Uniqueness (e.g., an oddly-shaped lot)
- Reasonable return (e.g., the developer/owner may not make a

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RELEVANT USES: PRESERVATION SPECIAL PERMIT

✓	JLWQA
	Manufacturing & Wholesale
	Office
✓	Residential
✓	Retail

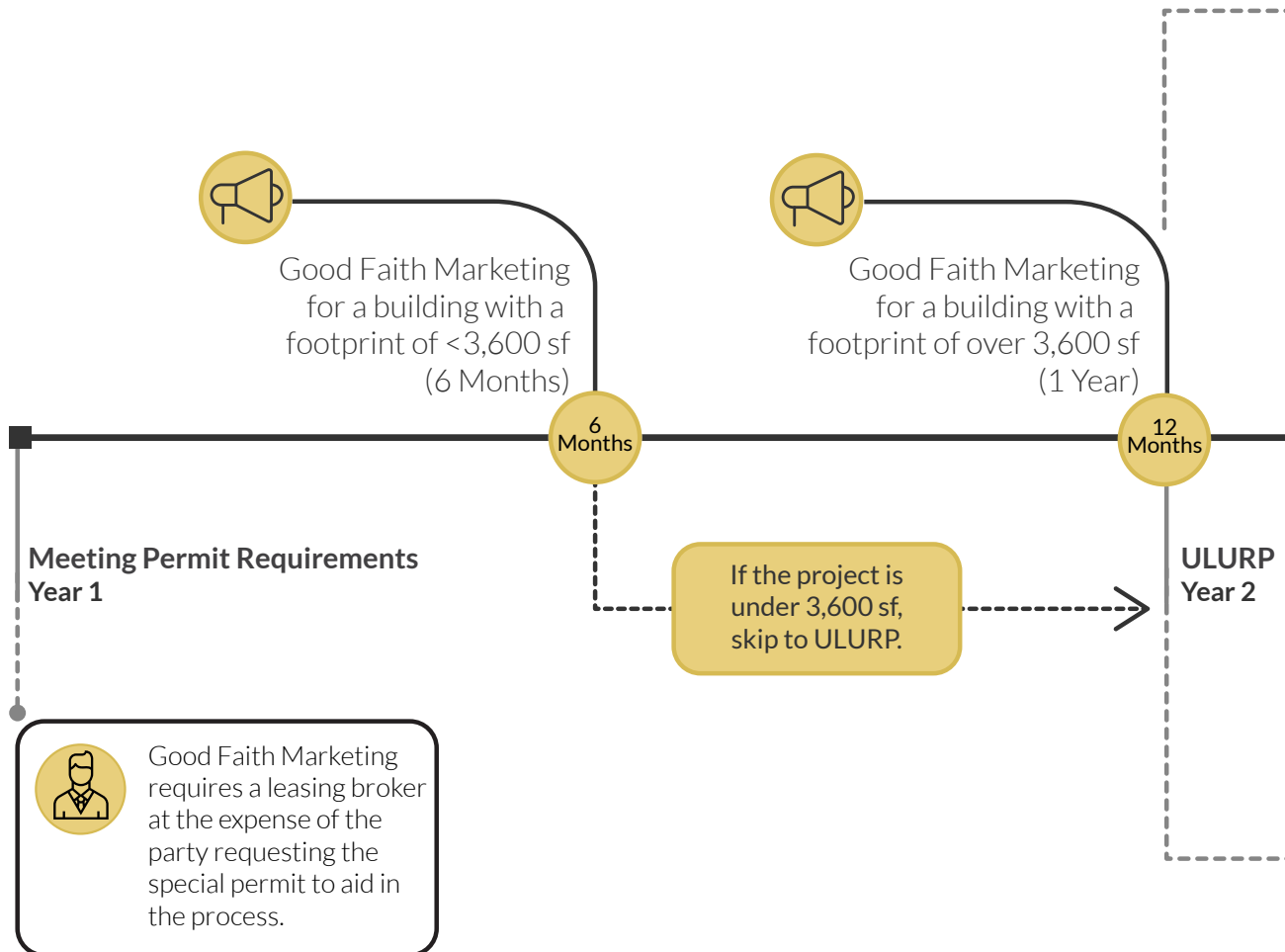
RELEVANT USES: VARIANCE

	JLWQA
	Manufacturing & Wholesale
	Office
✓	Residential
✓	Retail

Good Faith Marketing Special Permit

CONVERTING MANUFACTURING USE TO RETAIL USE

Obtaining a special permit (or variance) to modify use can be an onerous process for the developer and City alike. The following timeline illustrates the process, using the example of a Good Faith Market special permit. Information about ULURP is taken directly from the Department of City Planning's Applicant Portal.



ULURP takes extensive time and money resources from the requesting party. Professionals needed in order to complete the process in a timely manner, while ensuring that all paperwork and plans are done correctly, typically include:



Architect



Government Relations Consultant



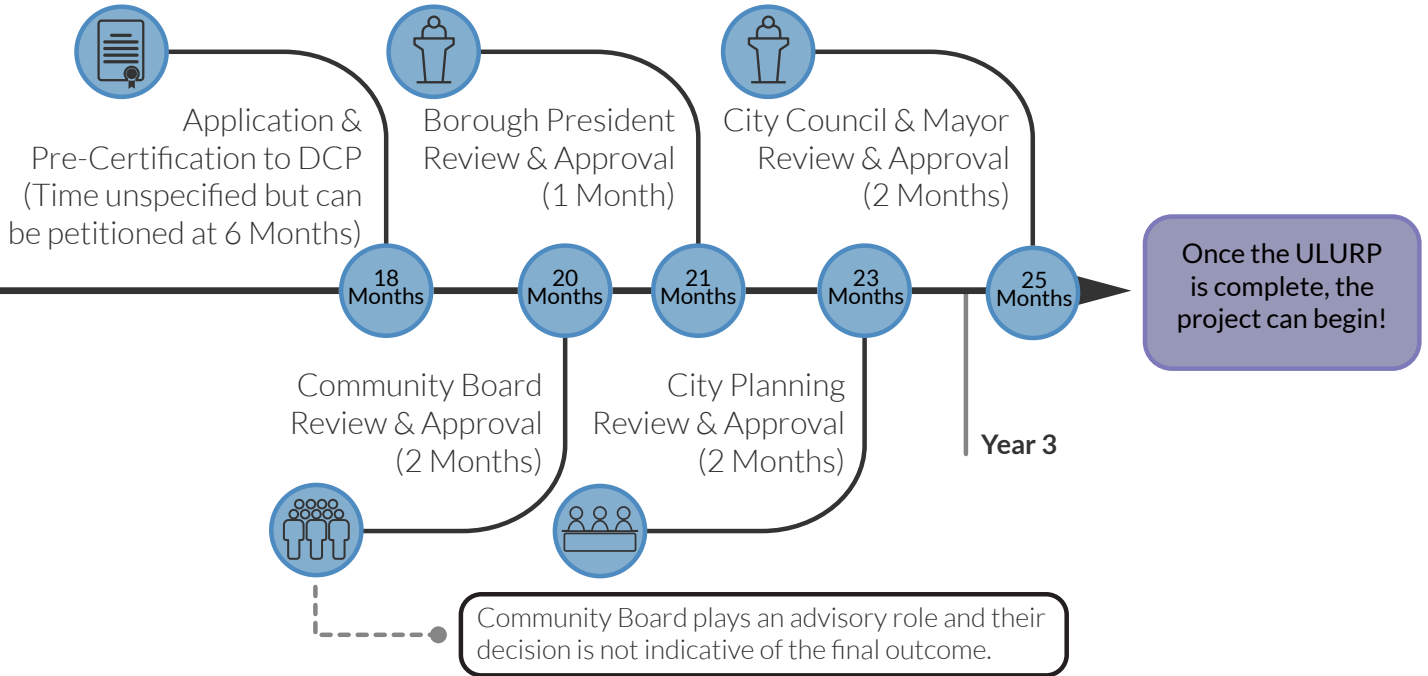
Land Use Attorney



Environmental Consultant



Traffic Consultant



This graphic depicts the official timeline for ULURP as defined by the City. There continue to be cases where this process can and does take much longer than the City's official timeline indicates, causing more services needed from the requesting party.

Continued from page 29

- reasonable income by building on the lot as is)
- Neighborhood character (e.g., the new building should be consistent in use and size with the neighborhood)
- Hardship not created by owner (e.g., the applicant did not create the difficult conditions at hand)
- Minimal variance (e.g., no more should be granted than needed for a reasonable economic return)³⁹

A hypothetical example is an oddly-shaped lot that, due to zoning, only permits a building ten stories high, with only 200 sf per floor and with very narrow, jagged corners. These conditions do not allow a practical use for retail, commercial, or residential occupation or for an owner to obtain a reasonable economic return. The

developer could seek relief from the zoning requirements at the BSA through a variance, and be able to build something more readily usable, which would realize economic returns.

Publicly available City data reveals that from 2000 to February 2018, seven variances were sought along the Broadway corridor.⁴⁰ Recent examples include a variance sought to relocate a building lobby and convert it to retail use, and one sought to expand a retail use to the cellar and sub-cellar.⁴¹ These figures represent applications that progressed through the special permit process and are not inclusive of any applications that may have been submitted and subsequently withdrawn.

NOT ALL RETAIL IS CREATED EQUAL⁵⁰

Use Groups 6 and 10 both pertain to retail but have key differences.

	USE GROUP 6	USE GROUP 10
Primary Uses	Smaller retail that meets local needs	Large retail that serves a wider area
Size (sf)	Up to 10,000 sf, excluding cellar space	Over 10,000 sf
<p><i>Some retail uses have no size restrictions (e.g., hardware, shoes, sporting goods, and stationary). This exception explains part of why stores such as Nike (shoes) and Staples (stationary) have establishments with greater than 10,000sf of floor area and are still considered Use Group 6.</i></p>		
Location in Building	Permitted as-of-right above the ground floor; Special permits, variances, and grandfathering allow retail on the ground floor	Special permits and variances allow retail; location within the building is variable
Examples	Barber shops, clothing stores, and banks	Department stores, national chain retail

Artist Certification for JLVQA Lofts

Individuals may legally live and work in JLVQA lofts by obtaining certification as an artist from the DCA.⁴² The application requires compliance with extensive rules, including the following:

- Submission of proof demonstrating an artist’s serious commitment to his or her art form for at least five years;
- Example of the artist’s work, which must be fine art and not commercial art;
- Letters of recommendation;
- Proof of at least two instances of public recognition, including a grant, an award or gallery show or other public exhibition;
- A narrative statement explaining how the applicant’s art is created and why the artist requires a large space in which to work; and
- A diagram of the space and proof of ownership or occupancy.

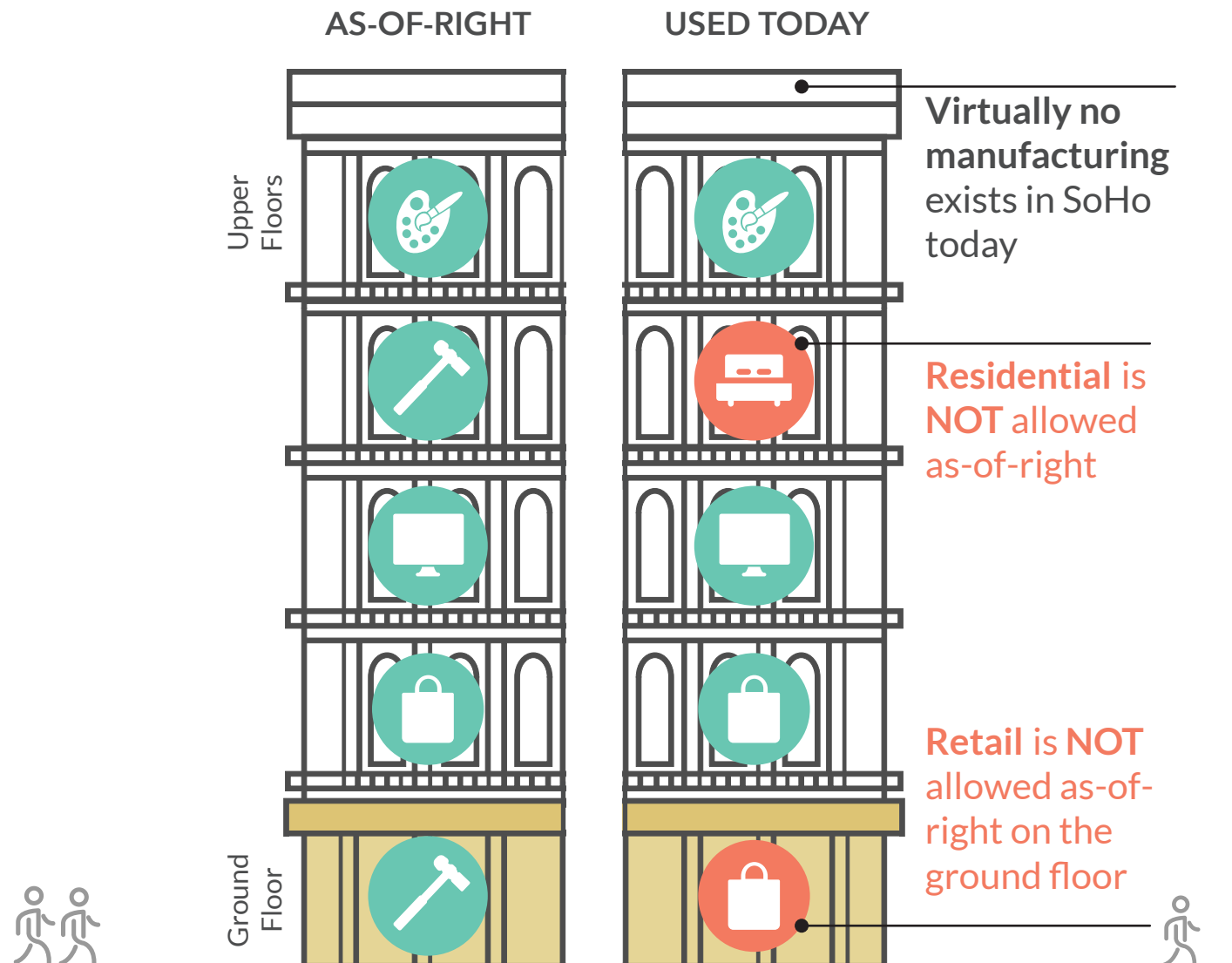
The process is a lengthy one that may take approximately three to six months to complete. DCA’s determination is made subjectively without a public hearing or an opportunity for the artist or the public to appear before the selection committee.⁴³

RELEVANT USES: ARTIST CERTIFICATION

	JLVQA
	Manufacturing & Wholesale
	Office
	Residential
	Retail

As-Of-Right vs. Today

How do as-of-right uses compare to how SoHo is currently occupied?
NON AS-OF-RIGHT USES PREDOMINATE in SoHo today.



Alternative Approaches

According to the NYC Department of City Planning's Zoning Handbook, a non-conforming building or use is one that does not abide by the governing regulations.⁴⁴ In SoHo, this refers to any use that is not permitted in M1-5B, nor one for which an exemption - like a special permit or the Loft Law - has been made. In short, some retail and residential uses in SoHo currently exist outside of what the regulations and the law were designed to allow and are deemed 'non-conforming.'

Property owners have come up with two alternative approaches to bring non-conforming uses to SoHo without seeking a variance, special permit or a zoning change.

Creative Legal Interpretations of the Zoning Resolution

A residential owner can use the general terms of the JMWQA statute to comply.

As previously reviewed, the JMWQA provision allows for artists to live and work in SoHo loft spaces. However, part of the provision can be interpreted broadly to allow for other types of people to live in SoHo as the regulation does not define the meaning of 'occupancy.' As lawyer Margaret Baisley explained,

The zoning statute does not require that an owner of a loft be a certified artist. It only requires that an artist 'occupy' the space. But since there is no definition of 'occupancy' in the regulations, owners may

identify family members, friends, or associates to 'occupy' the lofts with them.⁴⁵

If loft buyers are not artists, they can find one who is willing to provide an artist certificate for the necessary documentation.

A business can break up larger spaces into smaller spaces.

In order to avoid getting a special permit for large-scale retail, developers or businesses can break up establishments which are greater than 10,000 sf into multiple "stores" with spaces of less than 10,000 sf located within the larger establishment. For example, an establishment can be divided into smaller stores such as a women's clothing store and a men's clothing store - each operated separately from the other. DOB issued guidance in the 2000s that was relied upon to use this approach. However, recent DOB statements appear to indicate that this approach is no longer permitted.⁴⁶

Mitigating the Risk of Non-Compliance Contractually

An apartment buyer can sign the SoHo Letter.

The SoHo Letter is an agreement by which condominiums or cooperative corporations and buyers acknowledge the zoning regulations and the residential uses that are not permitted as-of-right. The Letter serves as a written assurance that the buyer will comply with the requirement that a certified artist must occupy the purchased loft. Upon any building inspection, the owner is responsible for producing an artist's certificate and indemnifying the cooperative corporation or condominium for any violations if the owner is not able to do so. This method shifts the risk of non-compliance from the cooperative corporation or condominium to the apartment owner in the event a violation is issued.⁴⁷

A commercial tenant can sign a lease clause.

Commercial owners require tenants to bear the risk of violations for illegal use and non-conforming occupancy by including lease clauses which indemnify property owners for non-conforming uses. These clauses require tenants to rectify any violations, pay any fines or vacate the premises.

Enforcement

How do non-conforming uses persist? The answer has to do with the lack of enforcement by overburdened City agencies with more urgent priorities. Many uses exist in SoHo today because zoning was frequently ignored by newcomers moving to the neighborhood's lofts and stores.

Over time, enforcement and penalties have been levied inconsistently and irregularly against non-conforming uses. In the event a DOB inspection occurs and a violation is issued, the agency does not evict residents who are unable to produce an artist certificate but instead issues a fine which varies in size based on the circumstances.⁴⁸

The enforcement of non-conforming retail has been similarly inconsistent. For example, in 2017, DOB started an audit of large-scale retailers along the Broadway corridor which exceed square footage limitations. Fines for offenders, which may include global brands that generate millions of dollars in revenue, begin at only \$800.⁴⁹ Those retailers are similarly not forced to leave but continue to operate in the same way they did before violations were issued.



Mixed uses between Spring and
Broome Streets, 2016
(SoHo Broadway Initiative)

On the Ground Today

IMPLICATIONS & OUTCOMES

What are the implications of operating within the current zoning and regulatory framework on stakeholders who live and work on Broadway today? This section examines the answers to that question and the effect on specific stakeholders.



At the highest level, there is a mismatch between SoHo's M1-5B as-of-right uses (manufacturing, office, and JLWQA) and the prevalence of non-conforming uses such as retail and residential. Moreover, manufacturing is essentially non-existent today in a district where it should be the most common use found based on the zoning.



This mismatch can make buying, selling, renting, and owning complicated and unpredictable for both residential and retail purposes. Zoning generally is designed to create predictable and reliable outcomes where the built environment matches the zoning designation. The use of special permits, grandfathering, and other creative approaches allow non-conforming uses - such as retail on the ground floor and residential on the upper floors - to be the rule rather than the exception. More importantly, this complexity allows sophisticated property owners to obtain exceptions to the zoning regulation that are not readily available to ordinary

owners. The need to simplify and demystify zoning regulations to create predictable outcomes was confirmed by Council Member Margaret Chin in a 2015 letter to DCP: “We also need to create common-sense definitions for different retail types so that expectations are clear to building owners, commercial leaseholders, and DOB plan examiners and enforcement agents.”⁵¹



THREE
**DE FACTO
REZONING**

When a use cannot be built as-of-right or grandfathered in, a property owner must apply for a special permit or variance to authorize the use, which requires the applicant to pursue a lengthy and expensive public review and approval process. These discretionary actions are adjudicated on a case-by-case basis so that their combined effect, when brought in a defined and concentrated area, constitutes a de facto rezoning of the neighborhood. The problem is that this de facto rezoning occurs without the accompanying studies, open debate, and evaluation of other comprehensive changes that should be part of a formal rezoning.



FOUR
**BURDEN ON
GOVERNMENT**

Considering and processing special permits and variances on a zoning lot by zoning lot basis significantly burdens City resources. A high volume of special permit and variance applications for properties in SoHo is time-consuming for understaffed agencies.



**FIVE
BURDEN ON
COMMUNITY**

When zoning outcomes are unpredictable and require governmental action, interested community members must expend significant amounts of time and energy to track how their neighborhood is changing. This effort can include searching publicly-maintained land use databases, reviewing lengthy and complex applications, organizing neighbors, and attending a myriad of public hearings related to variance and special permit applications. Property owners must also spend significant amounts of money hiring numerous professionals to complete this process, in addition to the time it takes to prepare applications, attend hearings, and complete the approval process. All of this leads to a frustrated community forced to participate in a process to legalize case-by-case uses that have been occurring and thriving on Broadway for decades.



**SIX
POLITICS
MATTER**

As in all land use decisions in New York City, political impact can be a factor and support from elected officials is not only desirable but, in most cases, is essential. The public review process requires the input of many political players, including the local Council Member, Borough President, and Community Board. An elected official's political agenda can add time and complication to the process, allowing one actor or special constituency to make land use decisions.



SEVEN
ENFORCEMENT

The enforcement environment is also uncertain and mostly ineffective. The City's primary enforcement tool is to issue a violation, with offenders paying a fine. However, the non-conforming users are not forced to leave but simply continue their occupancy.



EIGHT
MARKET TRENDS

When zoning regulations are enforced in an ad hoc manner, market trends evolve and shape Broadway - without a long-term plan. As early as the 1980s, the CPC noted the way in which flouting the zoning altered outcomes: "If residential purchasers or renters of loft space did not ignore zoning regulations, there would be no market and therefore little incentive for developers to convert manufacturing buildings... to residential use."⁵² By allowing non-conforming uses to flourish, the City and the neighborhood have benefited as old manufacturing buildings that might otherwise be vacant have been restored and repurposed.



NINE
RESIDENT-BUSINESS TENSION

Residents and businesses often have different needs and priorities which conflict. For example, there is an inherent conflict in how residents, businesses, and office tenants use the corridor at night. Retail store owners want to receive inventory and have garbage picked up overnight. Developers want to conduct demolition after hours. Residents want peace and quiet. While some tension in a mixed-use area is inevitable, appropriate zoning regulations create reasonable expectations of what activities are permitted and allow conflicting parties to co-exist more peacefully.

EFFECT ON STAKEHOLDERS

These implications touch all SoHo Broadway stakeholders in different ways: residential owners and renters, artists and non-artists, and commercial and residential property owners all have varying needs and interests. How these regulations affect predominant Broadway users are presented below.

Commercial Property Owners

Applicable Zoning & Regulations

- M1-5B limits uses outside of manufacturing and office.
- Grandfathering is of limited value, as most ground floor uses have changed over time and prior uses are difficult to prove and maintain.
- Special permits and variances allow owners to change building use, but not without undergoing a lengthy and expensive process with uncertain outcomes.
- Lease clauses indemnify owners against non-conforming uses but pass risks to tenants.

Office and Retail Tenants

Applicable Zoning & Regulations

- M1-5B zoning permits few uses outside of manufacturing and office.
- Grandfathering retail use is complicated and creates a risk of non-compliance.
- The cost of a special permit or variance application is passed on to a commercial tenant.
- Some commercial tenants may

be forced to accept the risk of operating a non-conforming use through a lease indemnity clauses.

Residents

Applicable Zoning & Regulations

- Under M1-5B, certified artists are permitted to occupy JLWQA units along Broadway, though artist certification by the DCA has become increasingly difficult to obtain.
- The Loft Law ensures that residents, including those without artist certification from DCA, who moved to Broadway may live legally while these former manufacturing buildings are brought to code. However, Loft Law compliance requires monthly filings, attendance at meetings to review construction documents, determine rent increases and review construction progress to bring buildings into compliance. It is a lengthy and complex process which requires years of work.
- Residents interested in preserving the neighborhood must become active followers of land use actions, reviewing applications and attending a multitude of hearings, meetings and planning sessions.

The ultimate result for stakeholders is that the process of owning property, working and living in SoHo is complicated, expensive, and unpredictable.

Broadway corridor stakeholders include residents and retail tenants, 2018 (SoHo Broadway Initiative)



Looking Forward

The SoHo neighborhood and the Broadway corridor have evolved, and the current zoning no longer reflects what we see in SoHo today. M1-5B zoning was never intended to support the variety of retail, residential, and office uses that now exist along Broadway. Some residents, businesses, and owners have turned to regulatory means to adapt. Others do not comply with the regulations. Uneven enforcement and market forces have encouraged these non-conforming uses to flourish.

The SoHo Broadway Initiative created this Guidebook to educate our community and to help inform future conversations about possible zoning changes. What changes are necessary to help sustain and bolster this vibrant mixed-use community? As the SoHo Broadway community contemplates its future, here are some key questions to consider:

- What are the opportunities for community planning in and around the Broadway corridor?
- What current and future uses need to be considered, in particular, to respond to changes in the marketplace?
- What regulations would reduce conflicts between residents and businesses?
- And finally, what do users of the SoHo Broadway corridor want it to become?





Other Resources

Zoning in SoHo is a complex subject, about which hundreds of pages have been written. The following is a list of resources for readers who want to dive into an additional layer of technical information.

For the reader who wants to know more about the neighborhood improvement district

[SoHo Broadway Initiative](#)

For the reader who wants to know more about SoHo's history

[SoHo-Cast Iron Historic District Designation Report](#)

[The SoHo Memory Project](#)

[South Houston Industrial Area](#)
(also known as 'The Rapkin Report')

For the reader who wants to know more about certifying as an 'artist'

[NYC Department of Cultural Affairs](#)

For the reader who wants to dig into the land use data for themselves

NYC DCP
[Primary Land Use Tax Lot Output \(PLUTO\) database](#)

[Land Use & CEQR Application Tracking System \(LUCATS\)](#)

For the reader who wants to know more about zoning in New York City

Center for Urban Pedagogy's
[What Is Zoning?](#)

Manhattan Borough President's Office
["Land Use & Zoning 101"](#)

NYC DCP
[Land Use Application Process](#)

[Zoning Handbook, 2011 Edition](#)

[Zoning Process](#)

For more information, including source material that supports the SoHo Zoning Guidebook, please visit www.sohobroadway.org/zoningguidebook.

Endnotes

1 Given the complexity of the rules, myriad stakeholders involved, and nuanced impacts, the Guidebook cannot cover every scenario. For example, many of the concepts discussed herein also apply to NoHo – an adjacent neighborhood with a similar building stock and zoning context – but will not be fully explored. Moreover, while zoning regulates multiple factors that influence land development, including density, parking, and open space requirements, this Guidebook will largely focus on ‘use’ – the type of activity that occupies a given space. If, by the end of this short document, readers seek further information, additional resources are provided in the ‘Other Resources’ section.

2 [New York History Walks](#). (2012, March 14).

3 Building dates collected in a survey by the SoHo Broadway Initiative.

4 Ohta, Y. (2013, June 5). Living Lofts: The Evolution of the Cast Iron District. *Urban Omnibus*.

Rapkin, C. (1963, February). South Houston Industrial Area. City of New York, Department of City Planning.

5 Ohta, Y. Living Lofts.

6 The Gale Group. (2003). [The 1960s Business and Economy: Overview](#). Encyclopedia.com.

7 Ohta, Y. Living Lofts.

8 Burks, E. (1970, September 24). Mayor Asks Aid to ‘SoHo’ Artists. *The New York Times*.

9 SoHo was originally zoned as M1 in 1961, when the city updated its original 1916 Zoning Resolution. Though industrial uses in SoHo had begun to decline by that time, the zoning designation reflected the way in which the city continued to value and protect manufacturing – and the middle-class jobs that accompanied it.

New York City, Department of City Planning. (No Date). [Zoning Background](#): When and why was zoning created?

Rapkin, C. South Houston Industrial Area.

10 City Planning Commission. (1971, January 20). Amendments of the Zoning Resolution, pursuant to Section 200 of the The New York City Charter, relating to various sections concerning artists living and working quarters in manufacturing districts.

11 Ohta, Y. (2016, September 28). A Look Back at SoHo’s Broadway: Art Attack! SoHo Broadway Initiative.

12 Landmarks Preservation Commission (1973). SoHo-Cast Iron Historic District Designation Report.

New York City Loft Board. (No Date). [Welcome to the Loft Board](#).

13 White, C. (1997, September 2). New Wave of Designers Opening Stores in SoHo. *The New York Times*.

14 Larisa Ortiz Associates. (Summer 2016). SoHo Broadway Initiative District Profile. The worker and resident data include an area that is approximately one block larger than the area bounded by Houston, Lafayette, Canal and 6th Avenue.

15 Data retrieved from CoStar on February 1 and April 11, 2018. It captures square footage by

use for all property that is 'existing,' 'under construction,' and/or 'under renovation.' It does not reflect a use that is 'proposed.'

16 Infogram. (2017). [Main Streets Across the World 2017 - Global Retail Rents](#).

17 Square footage amount by use is an informed estimate obtained from data collected by the Initiative for properties and businesses within the corridor, along with City of New York data from 2018. The Initiative does not collect data outside the corridor.

18 Ibid.

19 The number of retail establishments is based on a field survey conducted by the SoHo Broadway Initiative in February 2018. The number of retail establishments that are 'Greater than 10,000 sf' is based on estimates provided by a 2/9/2015 "Letter to Rick Chandler" with updates provided by the Initiative in February 2018 to reflect changes since the 2015 letter. The estimate of the number of 'Greater than 10,000 sf' retail establishments count all space within a retail establishment that is used for retail purposes, including space below the ground floor.

Gale Brewer, Margaret Chin, and Tobi Bergman. (2015, February 9). "Letter to Rick Chandler, P.E., Commissioner."

20 The above charts and maps represent data collected by the Initiative for properties and businesses within the corridor, along with City of New York data from 2018. The Initiative does not collect data outside the corridor.

21 New York City, Department of City Planning. (No Date). [Zoning Background: When and why was zoning created?](#)

New York City, Department of City Planning. (No Date). [Zoning Process](#).

22 City Planning Commission and Department of City Planning. (2017, December 19). Section 42-14, Article IV: Manufacturing District Regulations, Chapter 2 - Use Regulations.

23 The certification process can be a lengthy and burdensome one, with strict definitions and rules. To learn more about this process and application, visit the [Department of Cultural Affairs website](#). Individuals may legally live and work in units formerly occupied by certified artists without obtaining artist certification because of amnesties, legal successions and in certain other cases (ZR Section 12-10 definition of JLWQA)

24 Those stipulations included the unit being above the first floor and under a certain square footage, and the building being occupied and constructed before certain time periods. City Planning Commission and Department of City Planning. Section 42-14.

25 City Planning Commission and Department of City Planning. Section 42-14.

26 City Planning Commission and Department of City Planning. (2017, December 19). Section 74-711, Article VII: Administration, Chapter 4 - Special Permits by the City Planning Commission.

27 NYC Loft Tenants. (No Date). [FAQ](#).

28 UG 17 includes textile spinning, wholesale establishments, printing plants, and china/porcelain production. In addition to light manufacturing (UG 17), heavy commercial and other light industrial uses under UGs 7,9,11 and 16 are permitted as-of-right throughout all building stories.

29 City Planning Commission and Department of City Planning. Section 42-14, Article IV. Other use groups include: hotels (Use Group 5); amusement establishments, like bowling alleys and theatres (Use Group 8); large entertainment facilities, like arenas (Use Group 12); low coverage amusement establishments, like camp grounds (Use Group 13); special services required for boating and other activities, like bicycle rentals (Use Group 14); and large open commercial amusement establishments, like amusement parks (Use Group 15).

30 City Planning Commission and Department of City Planning. Section 74-922.

31 City Planning Commission. (2009, December 2). "In the matter of an application submitted by Banana Republic, LLC."

32 City Planning Commission and Department of City Planning. Sections 74-781, 74-782.

33 City Planning Commission. (2017, July 12). "In the matter of an application submitted by 462BDWY LAND, L.P."

34 City Planning Commission and Department of City Planning. Sections 74-711 and 74-712. Section 74-711 applies to existing buildings, applicants can apply for a change in use or bulk, including a change to JLWQA use. Using Section 74-711 to change use to JLWQA was done in the 1970's through the 1990's but is rare today.

35 City Planning Commission. (2003, November 5). "In the matter of an application submitted by WXIV/Broadway Grand Realty, LLC."

36 NYC Department of City Planning. (No Date). "[Land Use & CEQR Application Tracking System \(LUCATS\)](#)."

37 Office of Manhattan Borough President Gale A. Brewer. (No Date). "Land Use and Zoning 101."

38 City Planning Commission and Department of City Planning. (2011, February 2). Section 72-21, Article VII: Administration, Chapter 2 – Interpretations and Variances.

39 Office of Manhattan Borough President Gale A. Brewer. "Land Use and Zoning 101."

40 NYC Department of City Planning. "[Land Use & CEQR Application Tracking System \(LUCATS\)](#)."

41 NYC Board of Standards and Appeals. "[Bulletin of the New York City Board of Standards and Appeals](#)."

42 In certain circumstances, non-certified artists may live in JLWQA lofts. See footnote 23.

43 New York City Department of Cultural Affairs. (No Date). Notice to Applicants re: Artist Certification.

44 New York City, Department of City Planning. (2011). [Zoning Handbook](#) (2011 Edition).

45 Frederick W. Peters. (2011, April 6). "Another Look at SoHo's A-I-R Requirements, Part 2." *Warburg Realty Blog*.

46 New York City Department of Buildings. (2005, December 5). "Interpretation of Establishment under ZR-32-15, Use Group 6A & 6C."

47 Christine Haughney. (2010, November 11). "Suddenly, SoHo Heeds Law on Artists' Lofts." *New York Times*.

Ohta, Y. Living Lofts.

48 Sharon Otterman. (2014, January 20). "For Spot in Artists' Lofts, Impress a Critic: The City." *New York Times*.

49 Melissa Klein. (2017, May 20). "City cracks down on oversized Soho retailers." *New York Post*.

50 Measuring 10,000sf: The Zoning Resolution restricts retail use to 10,000 sf of floor area, a definition that excludes cellar space from the calculation. Some stores can be greater than 10,000 sf in total, but with less than 10,000 sf of floor area on the ground floor and upper floors combined, and therefore are considered as Use Group 6 operation and not Use Group 10.

51 Margaret Chin and Gale Brewer. (2015, September 1). "[Letter to Carl Weisbrod, Director of City Planning](#)."

52 City Planning Commission. (1982, September 20). "Special Permit for 565 Broadway."





Credits

This Guidebook was prepared by Karp Strategies, in partnership with the SoHo Broadway Working Group, on behalf of the SoHo Broadway Initiative.

THANK YOU

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