

Terri Cude, *Chair*  
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Antony Wong, *Treasurer*  
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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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

April 21, 2017

Marisa Lago, *Chair*  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on April 20, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**62 Greene Street** (between Broome and Spring Streets) DCP P2015M0282. The applicant requests a special permit 74-711 to permit conversion of the ground floor and cellar to retail use. No change proposed to the upper units.

**Whereas:**

1. The applicant seeks to convert a portion of the existing ground floor and cellar (UG16) of this five-story building built in 1872 to commercial retail use.
2. The building's footprint is approximately 4,512sf; it has an FAR of 4.76.
3. In addition to the 2,540sf of JLWQA storage that will remain unchanged, there is another approximately 2,029sf of space in the cellar; there is approximately 4,073sf of warehouse and office space on the ground floor.
4. The latest Certificate of Occupancy (C of O) lists a boiler room and storage in the cellar, a warehouse and office on the first floor, and JLWQA units on floors two through five.
5. The LPC has issued a Certificate of No Effect for the proposed restoration work.
6. Since the year 2000, the City Planning Commission has granted 27 special permits for conversions to retail and/or residential uses in the surrounding area. In the same period of time, the Bureau of Standards and Appeals has granted nine variances for conversion to retail and/or residential.
7. Retail uses occupy 100% of frontages on both sides of Greene between Prince and Spring; 97.5% between Spring and Broome; and 100% between Broome and Grand. Fifty-eight percent of these stores are listed as retail on their C of O's.
8. The retail unit on the ground floor has been leased for the last eight years to a design center that sells interior and exterior architectural materials. Their lease expires in November 2017.
9. The upper floors of the building were converted to JLWQA in 1981 and all four of the artists who participated in that conversion remain tenants of the building, are the shareholders of the proposed retail space, and are in favor of the conversion.

10. The applicant is willing to place limitations in the lease regarding hours and noise to ensure that the residents above are not disturbed.

**Therefore**, CB2, Man. recommends approval of this special permit with the condition there is to be no eating and drinking retail tenant.

Vote: Passed, with 33 Board members in favor, and 1 in opposition (D. Diether).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Deborah Glick, Assembly Member  
Hon. Daniel Squadron, NY State Senator  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member  
Sylvia Li, Dept. of City Planning

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May 4, 2017

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

Dear Commissioner Chandler:

At its Full Board meeting on April 20, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**Consideration of a request that the NYC Department of Buildings amend the PW1 (Plan/Work) form's Property Owner's Statement to include JLWQA and IMD in addition to rent controlled and rent stabilized dwellings, and that better enforcement is implemented for false statements regarding occupancy.**

**Whereas:**

1. The NYC Department of Buildings currently requires a form for work applications, the DOB Plan / Work Application Form PW1, which mandates that the owner of a property shall certify, by statement and signature (and under penalty for false statements), in regard to the presence (or lack thereof) of occupied dwelling units at the property, and
2. The current text of the DOB PW1 application form has led to some confusion and reporting discrepancy in regard to Interim Multiple Dwellings (IMD), where Joint Live-Work for Artists (JLWQA) units within a building may be occupied by tenants, but those tenant occupants are not properly recorded on the PW1 application form, and
3. This has resulted in insufficiencies in the reporting of actual tenants in occupied dwellings in certain parts of New York City, so that those tenants, who have legal protections under the NYS Multiple Dwelling Law, are not adequately protected during construction within the building where such tenants reside, and
4. It is the stated mission of the NYC Department of Buildings to promote “the safety of all people that build, work, and live in New York City” and that “the Department enforces the City’s Construction Codes, Zoning Resolution, and the New York State Multiple Dwelling Law,” and

5. The current text of the PW1 application form shows, under item 26 for “Property Owner’s Statements and Signatures” as follows, with the option for the owner to mark the statement with a “Yes” or “No” response:

**26. Owner’s Certifications Regarding Occupied Housing**

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City administrative Code. If yes, select one of the following:

The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner’s intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.

The owner has notified the New York State Homes and Community Renewal (NYSHCR) of the it’s intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].

**THEREFORE BE IT RESOLVED:** that CB2, Man. asks the NYC Department of Buildings to amend the “PW1: Work / Application Form” so that the Owner’s Statement includes information to properly identify and cover IMD tenants and/or those residing in JLWQA units, and

**BE IT FURTHER RESOLVED:**

1. That all boxes be completed before an application is processed, and
2. That necessary enforcement measures be implemented in response to false statements regarding occupants of such units.

Vote: Passed, with 30 Board members in favor, and 4 in opposition (T. Connor, R. Rothstein, R. Sanz, S. Wittenberg)

**Reference:**

DOB mission statement and DOB “PW1: Plan / Work Application” forms:

DOB – About Us: <http://www1.nyc.gov/site/buildings/about/about.page>

DOB PW1 Form: <https://www1.nyc.gov/assets/buildings/pdf/pw1.pdf>


Image of item 26 from the current “PW1: Plan / Work Application” form:

**26 Property Owner's Statements and Signatures**

- Owner's Certifications Regarding Occupied Housing**  
The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.
- The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City Administrative Code. **If yes, select one of the following:**
- The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner's intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.
- The owner has notified the New York State Homes and Community Renewal (NYSHCR) of its intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].
- Provide date NYSHCR notified:** \_\_\_\_\_

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

AB/fa

- c: Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia Velazquez, Congresswoman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Yuh-Line Niou, Assembly Member  
Hon. Sheldon Silver, Assembly Member  
Hon. Gale A. Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Patrick Wehle, Assistant Commissioner, External Affairs, NYC Dept. of Buildings  
Adria Crutchfield, Chief of Staff, NYC Dept. of Buildings

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April 21, 2017

Marisa Lago, *Chair*  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on April 201, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**462 Broadway** (NE corner of Broadway and Grand Streets) CEQR 17DCP097M, C 170192 ZSM and C 170193 ZSM. The applicant is seeking a special permit to allow retail use on the ground floor and cellar of the existing six-story building, and a special permit to allow a large retail establishment of over 10,000 square feet, for a total of 45,201 SF retail.

### Whereas:

1. This application seeks **(1)** a special permit pursuant to Section 74-781 of the Zoning Resolution to permit Use Group 6 retail use in the cellar and the southerly portion of the ground floor of the existing six-story building in an M1-5B zoning district, within the SoHo Cast-Iron Historic District; and **(2)** a special permit pursuant to ZR 74-922 to permit Use Groups 6 and 10A large retail establishment over 10,000sf in the cellar and the southerly portions of the ground through third floors of the aforementioned building.
2. The building is divided into a northerly portion (466-468 Broadway aka 26-28 Crosby Street) and a southerly portion (462-464 Broadway aka 22-24 Crosby Street aka 120-130 Grand Street) but the entire premises lies within a single tax lot and operates as a single building (Block 473, Lot 1).
3. The existing uses in the northerly portion of the ground through third floors and the entire fourth through sixth floors will remain unchanged for now. However, the applicant intends to seek an additional land use application to allow UG6 retail use in the northerly portion of the ground floor, with indications that the applicant will also seek a separate 74-922 special permit for retail in excess of 10,000sf in that northerly portion of the building, where an additional 28,500sf of space is now vacant.
4. Loading and unloading for retail operations at 462 Broadway, aka 22-28 Crosby Street, will occur on Crosby Street, where the building's freight elevators are located. However, applicant has stated that there is the possibility that some loading will also place on Grand Street,

dependent upon finalization of plans for retail entrances. Crosby Street is a narrow one-way street with a single traffic lane and residential and JLWQA occupancies to the north, south and east of the intersection of Crosby and Grand Streets. Grand Street is also a one-way street with a single traffic lane, with residential occupancies on upper floors of all buildings directly to the south of 462 Broadway.

5. The applicant claims that the project would neither generate additional traffic nor alter the existing traffic, but has done no studies and makes no mention of retail merchandise deliveries that will be a part of a proposed oversized retail operation.
6. The UG9 International Culinary Center is downsizing, has vacated its former ground floor space, and has relocated its trade school and accessory office space within the Building to portions of the second through fifth floors. The International Culinary Center was a conforming use in the ground floor space, which the applicant states was moved to the upper floors with a “reduced rent,” and the applicant now seeks to fill the former ICC space on the ground floor with a non-conforming use.
7. The applicant states, in the EAS Supplemental Report (page 16: “Future With-Action Conditions”): “The retail uses that would result from the Proposed Action are particularly appropriate for the location and are consistent with the existing built character and uses within the surrounding neighborhood,” but offers no documentation to back up that claim in regard to which retail uses now in operation in the surrounding area are actually permitted and allowed.
8. A search of LUCATS for special permits that have been granted to allow retail in excess of 10,000sf in the surrounding neighborhood shows only a single special permit on the entire length of Broadway in SoHo: 550-556 Broadway in 2009 (C090362 ZSM).
9. At least five other oversized retail operations are on that same stretch of Broadway, all of which have not obtained the required oversized retail special permit, thereby bypassing community input that is a key part of the special permit process, and where DOB Zoning Resolution Determinations have not been found that could be used to excuse the lack of an oversized retail Special Permit. Those retailers without the 74-922 special permit include:
  - a. Topshop at 478-482 Broadway (multiple buildings horizontally connected; 4 floors above-grade, approx. 37,000sf; opened 2009 and expanded since);
  - b. Zara at 503-511 Broadway (2 floors above-grade, approx. 20,000sf; opened 2016);
  - c. UNIQLO at 546-548 Broadway (2 floors above-grade, approx. 30,000sf; opened 2006)
  - d. American Eagle at 599-601 Broadway ((2 floors above-grade, approx. 18,000sf; opened 2010); and
  - e. Hollister at 600-602 Broadway (3 floors above-grade, approx. 20,000sf; opened 2009).
10. On April 3, 2017 and April 10, 2017, the NYC Department of Buildings served these five retail establishments with ECB Violations for “Category Code 92: Illegal conversion of manufacturing/industrial space; illegal conversion” in regard to “retail store operating ... in a M1-5B zoning district exceeding 10,000sf.” attached for reference is a 1-page spreadsheet showing the Retail Special Permit Status for the M1-5B area on Broadway in SoHo; that spreadsheet also denotes the properties that were served with DOB ECB Violations in April 2017 for operating retail exceeding 10,000sf.
11. Two other retail set-ups in excess of 10,000sf have been allowed to open and are currently in operation along Broadway, apparently by way of internal DOB determinations that were made by that agency without community input:
  - a. Bloomingdales at 502-504 Broadway; and
  - b. Nike at 529-533 Broadway.
12. Applicant claims that prior applications pursuant to Section 74-781, for retail below the 2<sup>nd</sup> floor along Broadway in the SoHo M1-5B district, contained no controlling language in the CB2 Resolutions, but applicant failed to note that no such application for existing retail on Broadway has come before CB2 in the past five years, and only two such applications for Broadway have come before CB2 in the past decade. The most recent such application

processed by DCP was withdrawn, following recommendation to disapprove, which cited failure to comply with requirement for good faith marketing requirement (449 Broadway; C150337ZSM in 2015). Another such application, for a new building now under construction at 19 E Houston St. (C140300ZSM in 2014), was granted with provisions in regard to size and location of retail, retail illumination, retail deliveries and pedestrian circulation. For reference, see attached spreadsheet, previously noted, for Retail Special Permit Status.

13. Within the “400 Foot Study Area” for 462 Broadway (cited in the EAS and Supplemental Report on Pages 13-15: 2.1.1 Land Use, Existing Conditions), there are over 450 residential units found in buildings that encircle 462 Broadway. Using the occupancy number per residential unit that is cited under EAS guidelines, that adds up to nearly 1,000 residents who will be directly impacted by the effects of this new retail use.
14. The “Land Use Distribution” (EAS, Table 3, page 15) shows the number of 18.8% for “Mixed Residential/Commercial” uses (applicable to the entirety of CB2). However, that number does not accurately describe the residentially occupied uses in the immediate vicinity of 462 Broadway, where a more accurate accounting would show that nearly all of the nearby buildings are “Mixed Residential/Commercial” and approximately 80% of the nearby above-grade floor area is occupied by either JLWQA or residential uses, together encompassing approximately 990,000sf of JLWQA/residential use (as opposed to the 45,000sf of retail use that is the subject of this current proposal for 462 Broadway). For reference, see attached spreadsheet listing nearby residential properties.
15. In 2014, as a result of CB2, Man. and community action and with direction from CPC, an application for retail in excess of 10,000sf at 19 E Houston St. was withdrawn by that applicant (C140302 ZSM). Then, in 2015, at the Board of Standards and Appeals, an amended variance seeking adjustment of retail at 555-557 Broadway (Scholastic), was “granted on condition” with strict limitations on future retail operations (BSA 146-96-BZ).
16. Nearby residents and other community members have raised a number of concerns regarding the negative impact of oversized retail in the M1 Districts of SoHo and NoHo. Negative impacts and adverse effects from retail operations in excess of 10,000sf are now part of the ongoing residential experience in SoHo and NoHo, due to the large number of oversized retail operations now in place along Broadway. Those adverse effects include the following:
  - a. Excessive illumination from retail displays, including massive LED screens that blast light and imagery from the retail premises onto the street and into windows of residences;
  - b. “Off Hours Deliveries” aka After Hours Deliveries of retail merchandise that bring massive trucks to the streets below residential windows, treating the sidewalks like loading docks and resulting in constant noise and disruption almost every night of the week. The documented negative impacts from Off Hours Deliveries, particularly at one oversized retail operation in SoHo (UNIQLO at 546-548 Broadway), has recently compelled the NYC Department of Transportation’s Office of Freight Mobility to use precious public resources to install sound and motion sensing cameras outside that retail operation to chronicle the noise disruptions that have plagued nearby residents for many years, and which that retailer has failed to properly address;
  - c. Massive amounts of retail trash and refuse that are piled on the narrow public sidewalks, often placed outside many hours in advance of the closing of the retail store and thereby in violation of trash regulations, which mandate that commercial refuse should be placed on the sidewalk one hour before a store closes;
  - d. Oversized retail that is pushing out small-scale, individually-owned uses that better serve the local population.



17. CB2, Man. has made many attempts, along with Manhattan Borough President Gale Brewer and Councilmember Margaret Chin, to address ongoing issues connected with retail special permits in the M1 districts of SoHo and NoHo, chronicled in a comprehensive letter sent to DOB Commissioner Rick D. Chandler on February 9, 2015. For reference, a copy of that 02/09/2015 letter is attached.
18. Assurances by Mayor de Blasio and the Department of City Planning to study the current zoning of SoHo and NoHo, originally set to start in the summer of 2016, could have helped to identify problems that come with oversized retail, and identified solutions for how to address those problematic situations. However, based on statements made by DCP representatives during the Feb. 21, 2017 review session for 462 Broadway, all indications are that the promised zoning study of SoHo and NoHo will not take place in the near future. Therefore, enforcement of existing retail zoning becomes all the more important so as to assure that the essential character of the surrounding area will not be impaired. As noted by Commissioner Anna Levin during that same CPC review session: "We all know there are problems with the Special Permit format ... but this one really highlights the problem" (CPC Review Session on Feb. 21, 2017, video timecode 02:18:30).
19. Questions about the "good faith efforts" used to market the space within 462 Broadway were raised by City Planning Commissioners during the review sessions, and it should be noted that while the northerly portion of the building (aka 466-468 Broadway, now vacant) is not part of this application, that space (for which the applicant states it will seek a separate special permit to allow for retail use) is currently being marketed for non-conforming retail use. Signs are now seen in the windows at 466-468 Broadway, stating "Retail Space For Lease" and showing the listing brokers' contact info. This same space was previously leased to non-conforming retailers (Daffy's, 1998-2012 and Joe Fresh, 2013-2015). The applicant acknowledges that the 466-468 space was leased, in an "illegal" manner, to those retail operations for over 15 years. Attached is a photograph taken on April 9, 2017 showing one of those "retail space for lease" signs with clear identification of the 466-468 Broadway premises.
20. There was no any evidence of any attempt made to market directly for "advanced manufacturing" uses, a conforming use described by Wikipedia as "involving the use of technology to improve products and/or processes," with the relevant technology being described as "advanced," "innovative," or "cutting edge." A common example of advanced manufacturing is 3D printing.
21. At CB2's Land Use meeting on April 12, 2017, applicant returned to present a revised plan removing the third floor portion of the proposal (9,983sf), thereby leaving approximately 35,000sf (including the basement) that applicant seeks to convert to retail use. However, despite committee and community requests, the applicant did not agree to limit individual retail operations to a maximum of 10,000sf, inclusive of cellar space.
22. At the same meeting, applicant agreed to sit down with residential neighbors to solve noise problems from the existing mechanicals on the roof of 462 Broadway—problems that have been ongoing for an extended period of time but that were never properly addressed by the applicant, despite outreach from the neighbors.
23. Applicant also agreed to include—and enforce—acceptable illumination and hours of delivery and trash pickup in leases with retail tenants. However, the applicant's offer to put "reasonable" controls in place for future retail tenants were unspecified. Further, it was pointed out that there is little chance of enforcing any such lease provision, or any real way of achieving a cure for problem, if the current application were to be granted without inclusion of language that would establish controls for retail operations at this property.
24. Applicant agreed to no late-night uses and no eating and drinking establishments on the premises.

25. It is noted that ZR Section 74-922 includes this directive: “The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.”
26. During the two public hearings held before the CB2’s Land Use committee, scores of nearby residents and small business owners appeared and spoke in opposition to the applications. CB2 is unaware of anyone in support of either of the applications.

**Therefore,**

1. With respect to a special permit pursuant to ZR 74-922 to permit Use Groups 6 and 10A large retail establishment over 10,000sf, CB2, Man. recommends denial.
2. With respect to a special permit pursuant to ZR 74-781 to permit Use Group 6 retail use in the cellar and the southerly portion of the ground floor (below the second story), CB2, Man. recommends denial unless the total area for any single retail store, including cellar space, does not exceed 10,000 square feet.
3. Should applicant meet the criteria, CB2, Man. recommends denial of eating and drinking establishments and late-night uses.

Vote: Unanimous, with 34 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

- c:
- Hon. Jerrold L. Nadler, Congressman
  - Hon. Yiu-Line Niou, NYS Assembly Member
  - Hon. Deborah Glick, Assembly Member
  - Hon. Daniel Squadron, NY State Senator
  - Hon. Gale A. Brewer, Manhattan Borough President
  - Hon. Margaret Chin, Council Member
  - Sylvia Li, Dept. of City Planning

Residential Occupancy: Percentage per Square Foot & Floor Area [data: DCP ZoLa]

Primary Address			Secondary Address		Block	Lot	Gross SF	Lot SF	Resid. SF	Total Floors	Resid. Floors	Resid. Floor %	Resid. Units	
Number		Street 1	Number											Street 2
Low	High		Low	High										
462	468	Broadway	22	28	Crosby Street	473	1	133,841	20,150		6	0		0
472		Broadway				473	6	7,650	1,669	6,120	5	4	80.00%	4
476		Broadway	38		Crosby Street	473	8	62,624	7,445	51,238	11	9	81.82%	22
478	482	Broadway	40		Crosby Street	473	10	55,015	9,932	11,003	5	1	20.00%	1
484	486	Broadway	437		Broome Street	473	14	30,031	4,796	10,010	6	2	33.33%	3
435		Broome Street				473	15	12,742	2,517	5,097	5	2	40.00%	2
433		Broome Street				473	16	9,216	2,626	2,304	4	1	25.00%	1
431		Broome Street				473	17	8,803	2,565	0	5	0	0.00%	0
429		Broome Street			Crosby Street	473	18	13,000	2,625	10,400	5	4	80.00%	4
30	36	Crosby Street				473	6	55,693	11,700	55,693	7	7	100.00%	13
23	29	Crosby Street	134	140	Grand Street	473	51	71,413	12,616	59,511	6	5	83.33%	17
31		Crosby Street				473	28	12,283	2,600	10,528	7	6	85.71%	12
33		Crosby Street				473	29	11,858	2,597	10,164	7	6	85.71%	12
35		Crosby Street				473	30	9,100	1,551	7,800	7	6	85.71%	12
37		Crosby Street				473	31	8,621	1,526	7,389	7	6	85.71%	8
37 B		Crosby Street				473	130	8,400	2,044	8,400	6	6	100.00%	6
39		Crosby Street	425	427	Broome Street	473	33	38,090	5,970	32,649	7	6	85.71%	13
423		Broome Street				473	35	19,250	3,320	16,500	7	6	85.71%	6
419	421	Broome Street				473	36	36,332	6,188	30,277	6	5	83.33%	4
184		Lafayette Street				473	41	9,480	2,525	7,584	5	4	80.00%	20
182		Lafayette Street				473	42	17,000	2,920	14,167	6	5	83.33%	5
180		Lafayette Street				473	43	17,400	2,450	14,914	7	6	85.71%	6
178		Lafayette Street				473	44	10,584	2,525	8,820	6	5	83.33%	20
176		Lafayette Street				473	45	8,150	2,577	6,520	5	4	80.00%	14
450		Broadway				232	8	13,760	3,120	8,256	5	3	60.00%	3
452		Broadway	16		Crosby Street	232	9	42,111	8,812	33,689	5	4	80.00%	25
458		Broadway		123	Grand Street	232	12	29,370	3,009	26,107	9	8	88.89%	8
125	127	Grand Street			Grand Street	232	13	14,800	4,022	11,100	4	3	75.00%	6
129	131	Grand Street	20		Crosby Street	232	15	15,802	4,004	12,642	5	4	80.00%	4
133		Grand Street	19	21	Crosby Street	233	8	7,950	2,010	5,963	4	3	75.00%	3
147	149	Grand Street				233	15	9,350	2,880	7,013	4	3	75.00%	6
1	3	Crosby Street	28		Howard Street	233	33	10,999	2,175	4,400	5	2	40.00%	2
97	105	Grand Street	35		Mercer Street	230	30	20,940	4,188	16,752	5	4	80.00%	6
31	33	Mercer Street				230	31	30,000	7,163	24,000	5	4	80.00%	12
29		Mercer Street				230	32	11,124	2,483	8,899	5	4	80.00%	4
53		Mercer Street				474	14	6,851	2,500	4,567	3	2	66.67%	2
45		Mercer Street				474	18	11,500	2,500	9,200	5	4	80.00%	4
43		Mercer Street	43R		Mercer Street	474	19	7,265	2,516	5,449	4	3	75.00%	3
104		Grand Street	39		Mercer Street	474	21	7,500	1,250	6,000	5	4	80.00%	3
100	102	Grand Street				474	22	17,675	3,100	14,729	6	5	83.33%	6
463	469	Broadway	106	114	Grand Street	474	38	117,024	21,370	108,022	13	12	92.31%	41
471		Broadway				474	37	13,652	2,845	10,922	5	4	80.00%	4
473		Broadway	46		Mercer Street	474	36	36,495	5,298	31,933	8	7	87.50%	13
475		Broadway	48		Mercer Street	474	36	32,928	5,260	28,812	8	7	87.50%	14
443	451	Broome Street	487		Broadway	474	30	70,759	5,600	65,316	13	12	92.31%	25
489		Broadway	442	444	Broome Street	484	28	10,710	2,142	8,568	5	4	80.00%	8
491	493	Broadway	446		Broome Street	484	26	57,486	4,200	47,905	12	10	83.33%	13
438		Broome Street				483	38	14,253	3,357	11,402	5	4	80.00%	7
432	436	Broome Street	42		Crosby Street	483	35	50,285	8,275	43,101	7	6	85.71%	10
430		Broome Street	41		Crosby Street	482	7503	10,822	2,229	8,658	5	4	80.00%	4
426	428	Broome Street	426	428	Broome Street	482	1	31,365	6,032	25,092	5	4	80.00%	13
424		Broome Street				482	41	17,654	2,675	15,132	7	6	85.71%	6
<b>TOTAL</b>								1,253,165		990,715	320	246	76.88%	460
Residential SF area as % of nearby building SF area										79.06%				
Proposed Retail SF area as % of Nearby Retail SF area										4.54%				

SoHo M1-5B Broadway: RETAIL Special Permit Status; 1988 - 2017 (per LUCATS)

Year	Address		Block	CPC Date	Land Use ID #	Zoning District	Special Permit Retail Allowance		Notes	
	Street						74-781	74-922		
	Low	High					Below 2nd Floor	> 10K SF		
1988	561	563	Broadway	498	14-Sep-88	C 850237 ZSM	M1-5B	x		Retail Ground Fl; JLWQA Units: 16
1990	508		Broadway	483	12-Sep-90	C 900578 ZSM	M1-5B	x		2,100 SF Retail @ Cellar & Ground Floor
1998	512	514	Broadway	483	05-Aug-98	C 980238 ZSM	M1-5B	x		Retail: Subcellar, Cellar, 1st; JLWQA: 14 Units
1999	473		Broadway	474	20-Oct-99	C 990413 ZSM	M1-5B	x		Retail: Ground Floor; JLWQA: 10 Units
1999	475		Broadway	474	20-Oct-99	C 990414 ZSM	M1-5B	x		Retail: Ground Floor; JLWQA: 10 Units
2003	433		Broadway	231	04-Jun-03	C 030255 ZSM	M1-5B	x		Retail at Fl C & 1: 1,045 SF [New Building]
2003	583	587	Broadway	512	03-Dec-03	C 030324 ZSM	M1-5B	x		Retail at Subcellar, Cellar & Ground Floor
2004	502	504	Broadway	483	NONE	No Application	M1-5B			Bloomington: No SP / DOB Determinations ?
2005	546	548	Broadway	497	37084	C 040382 ZSM	M1-5B	x	<b>O</b>	<b>UNIQLQ: 74-781 C &amp; 1; but &gt; 35K w/o 74-922</b>
2005	541		Broadway	498	02-Feb-05	C 040351 ZSM	M1-5B	x		Retail Cellar: 3,540 sf; 1st: 3,289 sf
2009	550	556	Broadway	497	02-Dec-09	C 090362 ZSM	M1-5B	x	<b>X</b>	Banana Republic: Retail 18,113 SF; Fl 1 & 2
2009	600	602	Broadway	511	NONE	No Application	M1-5B		<b>O</b>	<b>Hollister: No 10K Special Permit</b>
2009	478	482	Broadway	473	NONE	No Application	M1-5B		<b>O</b>	<b>TopShop: No Permits; Multi-Floor 42K SF Retail</b>
2010	599	601	Broadway	512	NONE	No Application	M1-5B		<b>O</b>	<b>American Eagle: No 10K Special Permit</b>
2012	577		Broadway	512	04-Jan-12	C 080064 ZSM	M1-5B	x		Retail at Subcellar, Cellar & Ground Floor
2014	19		East Houston	511	20-Aug-14	C 140300 ZSM	M1-5B	x		Retail at Cellar, Ground & 2nd Floors
2014	19		East Houston	511	20-Aug-14	C 140302 ZSM	M1-5B			74-922 Application Withdrawn 09/29/2014
2015	449		Broadway	236	28-Oct-15	C 150337 ZSM	M1-5B	x		MBP: Disapprove (Bad Marketing); Withdrawn
2016	503	511	Broadway	484	NONE	No Application	M1-5B		<b>O</b>	<b>ZARA: No Special Permit; In Violation of C of O</b>
2016	529	533	Broadway	498	NONE	No Application	M1-5B			NIKE: 45K Retail w/o SPs; DOB Determinations?
										<i>Denotes 10K+ Retail WITHOUT 74-922 Spec Permit</i>
									<b>O</b>	<b>Denotes DOB ECB Vio 04/17: Retail &gt; 10K SF</b>
										<i>Denotes buildings currently under construction</i>
									<b>X</b>	<b>Denotes One (1) Existing Permitted 10K+ SF Retail</b>

NOTE: This chart does NOT include Special Permits regarding Bulk / Height or Special Permits for JLWQA UG 17D units / Residential UG2 units

ALSO NOTE: Many Special Permit applications from 1988 - 2005 were linked with permit applications to allow for JLWQA UG 17D units  
 No Special Permits have been sought since 2005 for allowance of any JLWQA UG 17D units along Broadway



CITY OF NEW YORK

GALE A. BREWER  
MANHATTAN BOROUGH PRESIDENT  
1 CENTRE STREET, 19<sup>TH</sup> FLOOR  
NEW YORK, NY 10007

MARGARET S. CHIN  
COUNCIL MEMBER, DISTRICT 1  
NEW YORK CITY COUNCIL  
250 BROADWAY, SUITE 1882  
NEW YORK, NY 10007

TOBI BERGMAN  
CHAIR, COMMUNITY BOARD 2  
MANHATTAN  
3 WASHINGTON SQUARE VILLAGE  
NEW YORK NY 10012

February 9, 2015

Rick D. Chandler, P.E., Commissioner  
NYC Department of Buildings  
280 Broadway, 7<sup>th</sup> 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 20<sup>th</sup> 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.

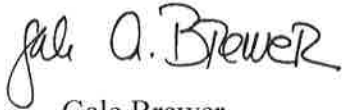
Manhattan Community Board 2 (CB2) has heard expressions of concern from residents, owners, and businesses in the area, including a new group formed by SoHo businesses concerned about the impact of the transformation of the area into a mall-like district dominated by large brand-name stores (letter enclosed 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%

#	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	<a href="http://www.nyc.gov/html/dcp/pdf/cpc/090362.pdf">http://www.nyc.gov/html/dcp/pdf/cpc/090362.pdf</a>	
546-548	Broadway	SPEC PERMIT TO ALLOW RETAIL USE ON THE 1ST FLR & CELLAR	2005	C 040382 ZSM	04DCP035M	<a href="http://www.nyc.gov/html/dcp/pdf/cpc/040382.pdf">http://www.nyc.gov/html/dcp/pdf/cpc/040382.pdf</a>	
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		<a href="http://www.nyc.gov/html/dcp/pdf/cpc/100101.pdf">http://www.nyc.gov/html/dcp/pdf/cpc/100101.pdf</a>	



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Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Susan Wittenberg, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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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, 10<sup>th</sup> Congressional District  
Hon. Daniel Squadron, 26<sup>th</sup> Senate District  
Hon. Deborah Glick, 66<sup>th</sup> Assembly District  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Margaret Chin, 1<sup>st</sup> Council District

CBRE

RETAIL

# RETAIL SPACE FOR LEASE

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