

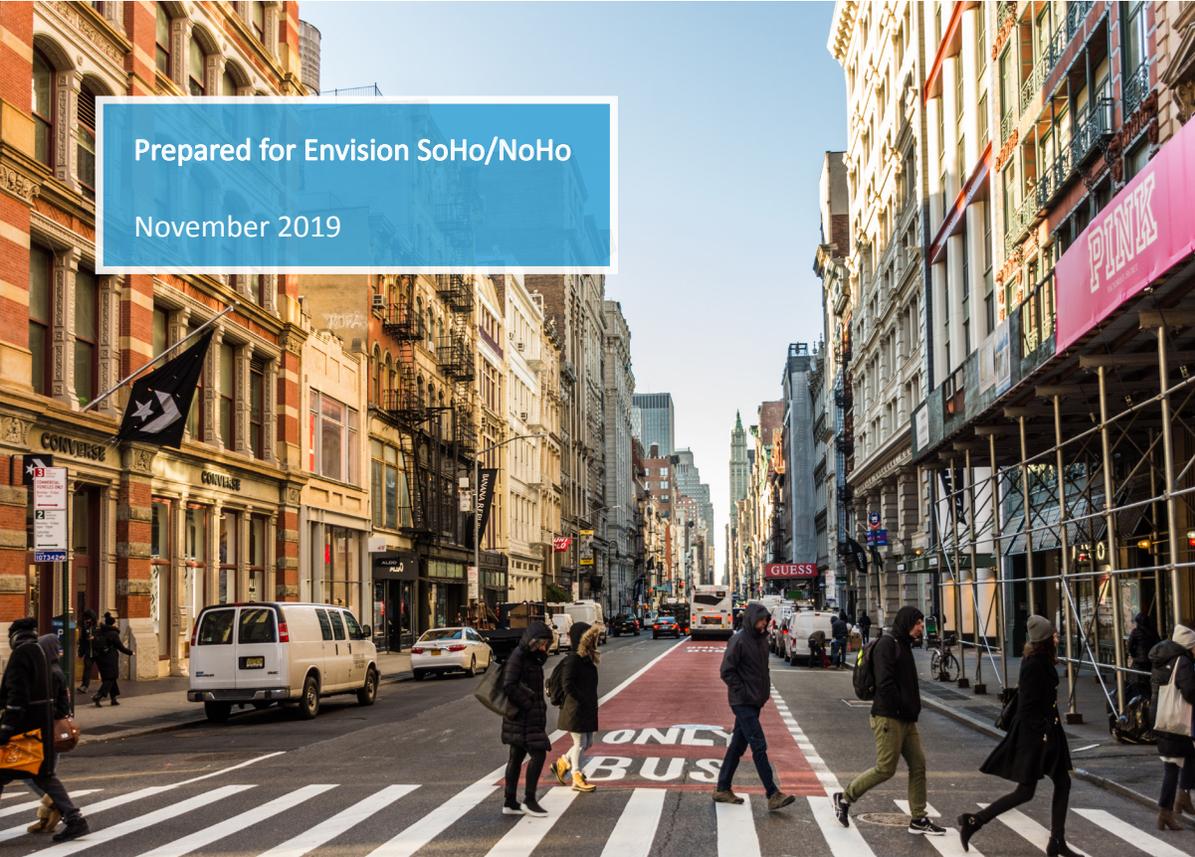
Envision SoHo/NoHo:

A Summary of Findings & Recommendations



Prepared for Envision SoHo/NoHo

November 2019



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Acknowledgements

Process Sponsors

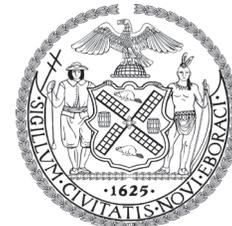
Manhattan Borough President

Gale A. Brewer



Council Member (Manhattan District 1)

Margaret S. Chin



Department of City Planning Director

Marisa Lago



Advisory Group Members

Broadway Residents Coalition, Pete Davies
Cooper Square Committee, Steve Herrick
Cooper Union, Danielle Cooper Daughtry
Council Member Carlina Rivera, Pedro Carrillo
City Council Land Use Division, Raju Mann, Chelsea Kelley
Landmarks Conservancy, Peg Breen / *Andrea Goldwyn
Lower Manhattan Cultural Council, Diego Segalini
Manhattan Chamber of Commerce, Jessica Walker / *Jeffery Brault
Manhattan Community Board 2, Carter Booth

New York University, Arlene Peralta / *Nichole Huff
NoHo Business Improvement District, Cordelia Persen
NoHo-Bowery Stakeholders, Zella Jones
NoHo Neighborhood Association, Jeanne Wilcke
NYC Loft Tenants Association, Chuck DeLaney / *Alexander Neratoff
Real Estate Board of New York, Paimaan Lohdi
SoHo Alliance, Sean Sweeney / *Bo Riccobono
SoHo Broadway Initiative, Mark Dicus / *Brandon Zwagerman
SoHo Design District, Dahlia Latif / *Michele Varian
* Alternate

Focus Group Participants

Artist Residents

Elliott Barowitz
Craig Bashear
Mary Clarke
Nancy English
Ara Fitzgerald
Jen Gatien
Rebecca Kelly
David Lawrence
Jim Long
Denise Martin
Susan Meisel
John Rockwell
Phyllis Rosenblatt
Kathleen Row
Ben Schonzeit
Lora Tenenbaum
Gary Tenenbaum
Bruce Williams
Susan Wittenberg

Business Community

David Baretto, Cast Iron Real Estate
James Cavello, Westwood Gallery
Marc Elias, Nike
Andrew Kahn, Cushman & Wakefield
Bari Musacchio, Rubirosa & Baz Bagel
Lionel Ohayon, ICrave
Jill Platner, Jill Platner Jewelry and Sculpture
Jean Marie Salaun, Selima Optique
Scott Sartiano, Broken Coconut
Dave Ugelow, Group Nine Media
Michael Zenreich, Michael Zenreich Architect

Commercial Property Owners

Anthony Borelli, Edison Properties
Helen Chiu, Win Restaurant Supplies
Alex & Jonathan Chu, Chu Enterprises
Jordan Claffey, RFR Realty
Jonathan Feldberg, Scholastic
Ken Fishel, Renaissance Properties New York
John Pasquale, PEP Real Estate
Michael Salzhauer, Benjamin Partners
Abe Shnay, SK Development
Gaston Silva, Vornado
Victor Trager, Trager LLC

Residential Property Owners

Margaret Baisley
Tim Clark
Sharon Ermilio
Kim Lippmann
Caspar Luard
John Peachy
Scott Schnay
Edward Somekh
David Thall
Sarah Walker
Ronnie Wolf

Individuals

Andrew Berman, Greenwich Village Society for Historic Preservation (GVSHP)*

Michael Levine

Diego Segalini, Lower Manhattan Cultural Council (LMCC)*

Jennie Wong

*These individuals presented on behalf of their organizations to the Advisory Group

City Agency Staff & Guests Speakers

Responding to questions that arose from the community engagement process, representatives from key City agencies and organizations were invited to both Advisory Group and Process Sponsor meetings. Note that two separate guest panels occurred during two Advisory Group meetings: a panel for City agencies and a panel of commercial property owner representatives.

Organizations

Benjamin Partners
Cushman & Wakefield
Edison Properties
GFP Realty Estate
Himmel + Meringoff
Manhattan Community Board 2
HR&A Advisors
Vornado Realty Trust

City Agencies

NYC Department of Buildings (DOB)
NYC Department of Cultural Affairs (DCLA)
NYC Department of Sanitation (DSNY)
NYC Department of Small Business Services (SBS)
NYC Department of Transportation (DOT)
NYC Landmarks Preservation Commission (LPC)
NYC Loft Board

Process Sponsor Staff

Manhattan Borough President Brewer's Office

Matthew Washington, Deputy Borough President
James Lloyd, Deputy Director of Land Use
Tara Duviver, Planner
Stephanie Chan, Planner
Orlando Rodriguez, Planner
Lizette Chaparro, Planner

Council Member Chin's Office

Gigi Li, Chief of Staff
Paul Smith-Leonard, Senior Advisor

New York City Department of City Planning

Edith Hsu-Chen, Director, Manhattan Office
Erik Botsford, Deputy Director, Manhattan Office
Lara Merida, Program Director
Sylvia Xiaomeng Li, Senior Planner, Manhattan Office
Annie White, Planner, Manhattan Office
Nabeela Malik, Planner, Manhattan Office
Li-Chi (Rich) Wang, Senior Urban Designer, Manhattan Office
Joshua Simoneau, Senior Urban Designer, Manhattan Office
John Mangin, Senior Counsel

Photos

New York City Department of City Planning
SoHo Broadway Initiative
NoHo-Bowery Stakeholders

Consultants: BFJ Planning

Jonathan Martin, Ph.D., AICP, Senior Associate
Mark Freker, Planner
Christine Jimenez, Planner & Graphic Design



The building is a prime example of classical architecture, featuring a facade of white stone or plaster. It has six floors above the ground level, each with a series of arched windows. The arches are supported by decorative columns and pilasters. A prominent feature is a circular clock tower on the left side of the building, showing the time. The building is surrounded by a busy city street with pedestrians, a white van, and a food cart. A fire escape is visible on the right side of the building.

Conair
AIR CONDITIONING & HEATING SERVICE
REFRIGERATION, A/C UNIT MAINT.
224-8820 400-1960

Croque Cart
CROQUE SANDWICHES

WASTE
RECYCLING

ONE WAY

ONE WAY

POST OFFICE
GENERAL DELIVERY
224-3417/224-3418

A man in a white shirt and blue jeans walking across the street.

A group of people walking on the sidewalk, including a man in a blue shirt and a woman in a blue dress.

A person riding a bicycle on the sidewalk.

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Executive Summary

SoHo and NoHo, located in Manhattan Community District 2, are two unique and iconic neighborhoods known for their rich cultural history and dynamic mixed-use character. While zoned manufacturing (M1-5A and M1-5B districts), they have an established residential population of about 8,000 people, many of whom engage in a wide range of professions, and thus represent a more significant residential presence than in typical manufacturing districts elsewhere in the city. The neighborhoods also have a strong local economy, providing more than 51,000 jobs, primarily in office, retail, accommodation, food, and other non-industrial sectors. Shaped by changes in residents and businesses and a modernizing, post-industrial economy, SoHo and NoHo have evolved beyond what was contemplated by the M1-5A and M1-5B zoning that was established nearly five decades ago. Policies enshrined in zoning and other regulations in the early 1970's have become ineffective tools to manage and support the vibrant mixed-use environments that define the neighborhoods today. Consequently, the need became clear to many residents, local stakeholders, elected officials and the City to address neighborhood-wide planning issues and challenges and to foster continued cultural and economic vitality in SoHo and NoHo strategically and holistically.

In January 2019, Manhattan Borough President Brewer, Council Member Chin, and Department of City Planning Director Lago, as joint Process Sponsors, initiated the six-month Envision SoHo/NoHo engagement process to examine key land use and zoning issues in the two neighborhoods and seek community input to develop strategies to both honor SoHo/NoHo's history and ensure the continued future vitality of the neighborhoods. Throughout the engagement process, Process Sponsors conducted a far-reaching participatory planning effort to gather local input on a range of topics to ensure the future social diversity and economic vitality of the neighborhoods, including housing, jobs, arts and culture, historic preservation, retail, quality of life, and creative industries. The purpose of this endeavor was simple, even if the issues were not: to conduct a genuine public outreach process to develop an informed vision and recommendations to guide the City's future planning efforts in the SoHo and NoHo neighborhoods.

Insights and findings from the public discussions and Advisory Group meetings are presented in this report, expressing values and priorities of the SoHo and NoHo stakeholders and providing recommendations for the future planning of SoHo/NoHo. Given the scope and complexity of this engagement endeavor, it is unsurprising that twenty-seven wide-ranging recommendations were developed through the engagement process. Neighborhood Priority recommendations, presented in Section III (page 47) of this report, are organized around three **Guiding Principles**:

(1) Improve Quality of Life

1.1: Improve quality of life of residents and workers in the SoHo/NoHo mixed-use environment

(2) Encourage Neighborhood Diversity

2.1: Maintain, enforce and strengthen existing protections for residents including renters and those in rent regulated units

2.2: Support and promote the artist and maker communities while allowing people to live in SoHo/NoHo without artist certification

2.3: Create housing and live-work opportunities on underused land in ways that respect and support neighborhood diversity and character

(3) Promote Economic Vitality

3.1 Promote mixed-use in ways that respect and support neighborhood diversity and character

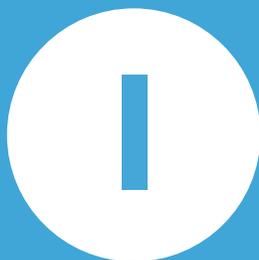
3.2: Preserve, promote, and create more spaces and uses for arts, maker uses, and cultural uses

3.3: Foster the small business community of SoHo/NoHo by reducing regulatory barriers and providing supportive resources

These Neighborhood Priority recommendations and corresponding potential Implementation Strategies further detailed in Section III have been developed with an understanding that many areas warrant further research and community input.



SECTION



INTRODUCTION

Introduction

Impetus for the SoHo/NoHo engagement process

The impetus for the SoHo/NoHo Planning Process began in 2015 with a joint letter to the Department of City Planning (DCP) from Manhattan Borough President Brewer and Council Member Chin noting, among other matters, the high volume of site-specific land use actions (e.g. special permits and zoning variances) being processed for the neighborhoods, outdated zoning, and the lack of a holistic planning strategy. The letter called for the creation of a new planning framework informed by “a robust public neighborhood process” to strengthen the varied retail character of the area, promote a diversity of uses and employment base, recognize the arts and creative foundation of the neighborhoods, and to encourage the development and preservation of affordable housing. The letter also identified three key issues to be examined: 1) the utility and functionality of the Joint Living Work-Quarters for Artist (JLWQA) use category vis-à-vis trends in today’s creative sector, 2) retail regulations including size restrictions and the clarity, predictability, and enforceability of rules, and 3) a potential zoning structure that contributes to the creation or preservation of affordable housing. DCP, Manhattan Borough President Brewer, and Council Member Chin’s offices began a series of technical studies that set a baseline for the 2019 community planning process. The studies’ findings contextualized and confirmed the mismatch between the existing zoning and the land use realities. In January 2019, Manhattan Borough President Brewer, Council Member Chin, and the Department of City Planning Director Lago, as joint Process Sponsors, initiated the six-month Envision SoHo/NoHo engagement process to examine key land use and zoning issues in the two neighborhoods, share with the public the results of the initial phase of technical analysis, and seek community input to develop strategies to both honor SoHo/NoHo’s history and ensure the continued vitality of the neighborhoods moving forward.

Formation and Purpose of Engagement Process

Research and analysis that the Process Sponsors began in 2016 provided a platform to begin a far-reaching community engagement process in January 2019. Assisted by Jonathan Martin of BFJ Planning and Pratt Institute, and guided by an 18-member stakeholder Advisory Group, the Envision SoHo/NoHo engagement process gathered local input on a range of topics, including housing, jobs, arts and culture, preservation, retail, quality of life, and creative industries. While engagement will continue into the future, the six-month process included well over 40 meetings, including six public meetings/workshops, 17 Advisory Group meetings, and eight focus group meetings with various stakeholder groups, as well as numerous other individual meetings with key stakeholders (see Figures 1.1, 1.2).

Advisory Group Meetings hosted a breadth of conversations over the six-month period and enabled a more comprehensive understanding of the unique nature of SoHo/NoHo and the complexity of its challenges. Amongst other meeting themes, conversations covered the mixed-use neighborhoods' quality of life challenges, the technicalities of its zoning, the patchwork of residential occupancy statuses, challenges related to code enforcement, current land use realities, and an extensive overview of the district's commercial landscape. Through this platform of information sharing and dialogue, Advisory Group meetings, informed by wider public engagement and feedback over the six months, aimed to build consensus to inform and build recommendations.

In response to calls during the process for more representation from the artist communities of SoHo/NoHo, a series of focus groups were formed to complement the engagement process. The greatest number of focus groups were held for the artist community (a total of three), as well as separate meetings for the business community, commercial property owners, and residential property owners. A final focus group invited back participants from each of the earlier sessions for a round-table conversation that connected dots amongst neighborhood challenges while also promoting an understanding of key group differences. The focus groups were successful in making the engagement process more inclusive and surfacing nuances of specific community challenges.

A public open house and four thematic public workshops were held to seek feedback around mixed-use neighborhoods and related priorities for community stakeholders, concerns and challenges facing residents and businesses, and ideas for strategies within zoning and beyond to address challenges in SoHo and NoHo. A final public presentation shared and recorded feedback on preliminary recommendations and implementation strategies to be further studied.

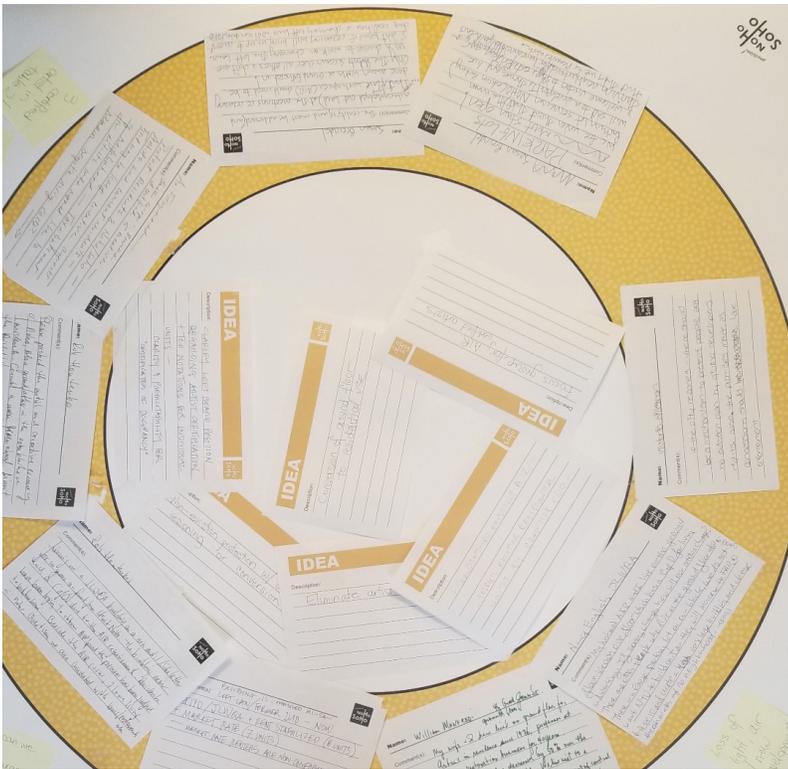
As part of the community engagement process, there was also opportunity for the public to engage online through a digital interactive mapping tool as well as thematic surveys on the project's website. The online feedback echoed much of what was heard at the public engagement workshops and focus groups, and further informed the Advisory Group. This feedback was discussed in more detail during the public engagement workshops and events. Additionally, over 200 comments were received through the online portal for feedback on the preliminary recommendations that were presented at the last public meeting. These comments, along with ones received at the meeting were reviewed and taken into consideration when finalizing this report.



Envision SoHo/NoHo Engagement Events

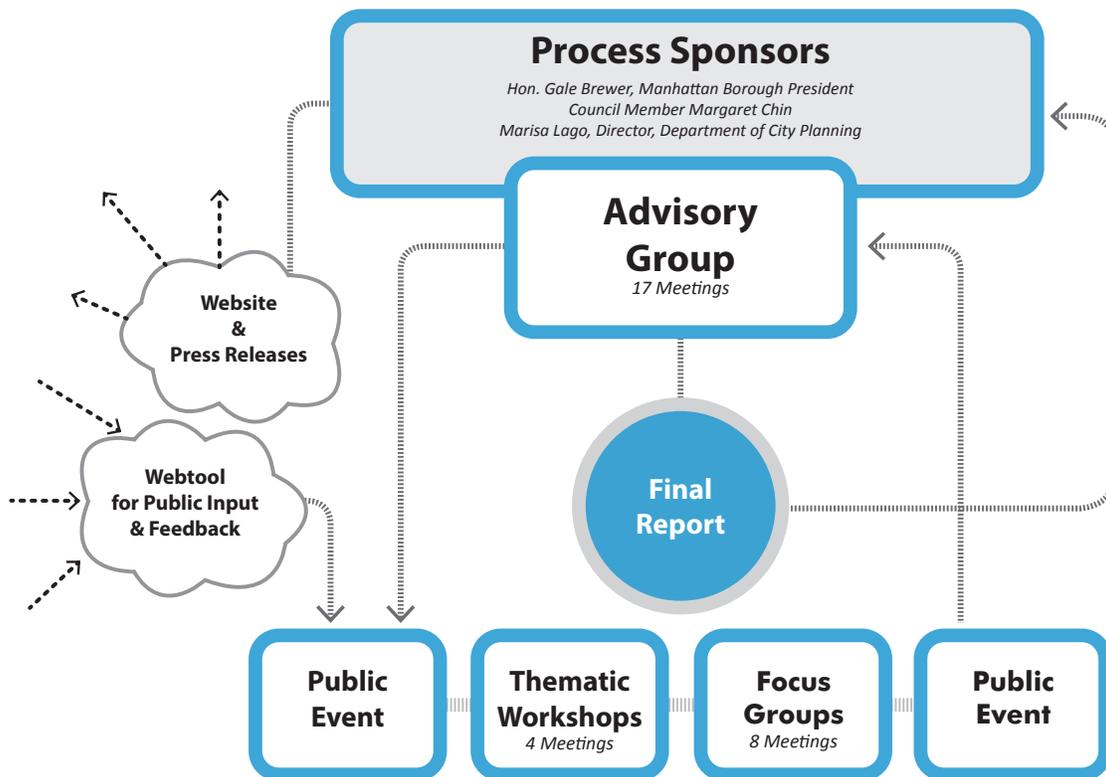
Figure 1.1: List of all public outreach meetings

MEETING DATES AND TIMELINE	
DATE	TYPE OF MEETING
January 14th – February 26th, 2019	24 Individual Stakeholder Interviews
January 15th	Advisory Group Meeting 1
January 24th	Advisory Group Meeting 2
February 6th	Public Open House
February 14th	Advisory Group Meeting 3
February 21st	Advisory Group Meeting 4
February 28th	Thematic Workshop 1: “Defining Mixed-Use”
March 7th	Advisory Group Meeting 5
March 14th	Advisory Group Meeting 6
March 20th	Thematic Workshop 2: “Living in the Mix”
March 26th	Business Community Focus Group (two sessions)
March 28th	Advisory Group Meeting 7
April 2nd	Resident Artists Focus Group (three sessions)
April 4th	Advisory Group Meeting 8
April 8th	Advisory Group Meeting 9
April 9th	Artist Residents
April 11th	Thematic Workshop 3: “Mixing it Up”
April 16th	Commercial Property Owners Focus Group
April 17th	Advisory Group Meeting 10
April 23rd	Residential Property Owners Focus Group
April 25th	Advisory Group Meeting 11
May 2nd	Thematic Workshop 4: “Making Mixed-Use Work”
May 7th	“Mixed” Focus Group
May 9th	Advisory Group Meeting 12
May 16th	Advisory Group Meeting 13
May 30th	Advisory Group Meeting 14
June 6th	Advisory Group Meeting 15
June 10th	Advisory Group Meeting 16
June 13th	Public Presentation: Summary of Preliminary Recommendations
June 19th, 2019	Advisory Group Meeting 17



Envision SoHo/NoHo Public Workshops

Figure 1.2: Process Diagram



Engagement Process Summary

The public and stakeholder engagement process and this resulting report further illuminate the urgency behind the question of “Why SoHo/NoHo, Why now?” as Neighborhood Priorities have been articulated by residents and other stakeholders. Simultaneously, the response to this question has also grown clearer: as details of particular challenges emerged in the engagement process, so has a greater understanding of what a future of no action (or a continued pattern of ad-hoc actions) would look like for SoHo/NoHo. Quality of life challenges will not be alleviated naturally; residential challenges will endure vis-à-vis JMWQA limitations; small business and property owners will continue to struggle with affordability and burdens of inflexible regulations; and provisions to support the arts and artists will not naturally assemble.

This report synthesizes aggregated community priorities that express values and desires contrary to a scenario of no action or no coordinated efforts. In summary, these priorities suggest that the historic character of the district is treasured and must be protected, and that outdated zoning should be updated. Also, community priorities demonstrate that the legacy of the arts and making must be affirmed, while providing new opportunities for the next generation of creative producers and artists. Further, groundwork for greater residential certainty should be laid, and quality of life challenges must be targeted in order to strive for a healthier mixed-use district where small businesses are supported. In short, the current system falls short of producing a healthy and sustainable mixed-use arts district wanted by almost everyone who participated in the outreach process.

With the uniqueness of SoHo/NoHo in mind, it is also important to recognize SoHo/NoHo’s role as neighborhoods within an interconnected city. The patterns of broader economic change that have reshaped Manhattan and the rest of the city will not reverse and will continue to be at play; the needs for space to accommodate population and economic growth in areas with access to the region’s economic engine remain relevant and vital.

The purpose of this endeavor was to conduct a genuine public outreach process to develop an informed vision and recommendations to guide the City’s planning and coordination efforts in the SoHo and NoHo neighborhoods. Following this introduction, Section II presents a brief account of SoHo/NoHo’s history, its defining assets and present-day challenges in order to provide context for the recommendations that follow. Section III provides Neighborhood Priority recommendations that contemplate socioeconomic trends, land use patterns, urban design, historic preservation, quality of life issues, and other topics identified through the public planning process are provided. Section IV concludes with recommendations for Next Steps, primarily outlining opportunities for continued community involvement and transparency, as well as areas of further study and exploration.



3
COMMERCIAL VEHICLES ONLY
Monday - Friday
6am - 6pm
← →
2
Monday - Friday
6am - 6pm
← →
945

SECTION



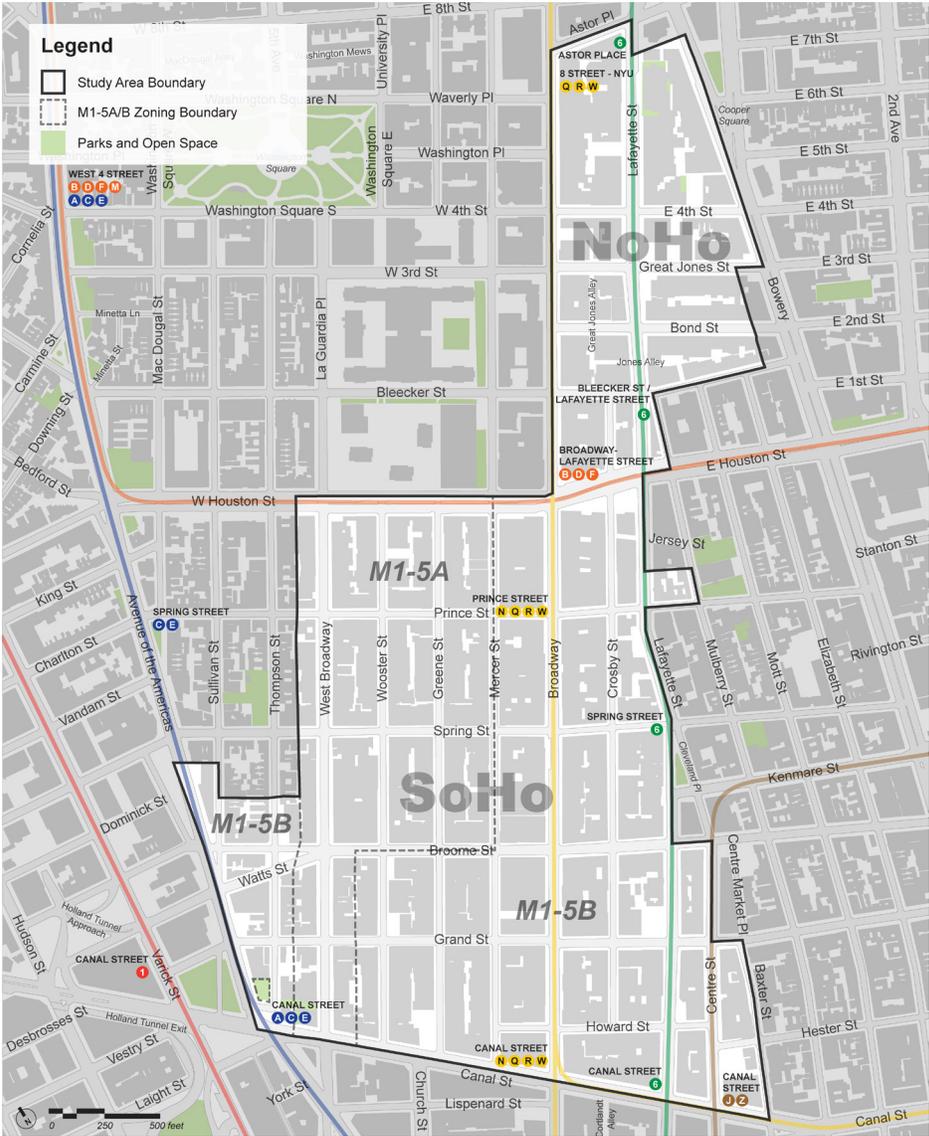
STUDY AREA CONTEXT

Study Area Context

A brief account of SoHo/NoHo’s history as well as its defining assets helps to situate the district in its modern-day context. While SoHo/NoHo evolved in a manner that is generally consistent with citywide trends, features unique to the district’s evolution are highlighted here. This section includes district snapshots with key facts and figures that contextualize SoHo/NoHo’s built and social environments and concludes with a summary of key challenges that provide a basis for the process recommendations.

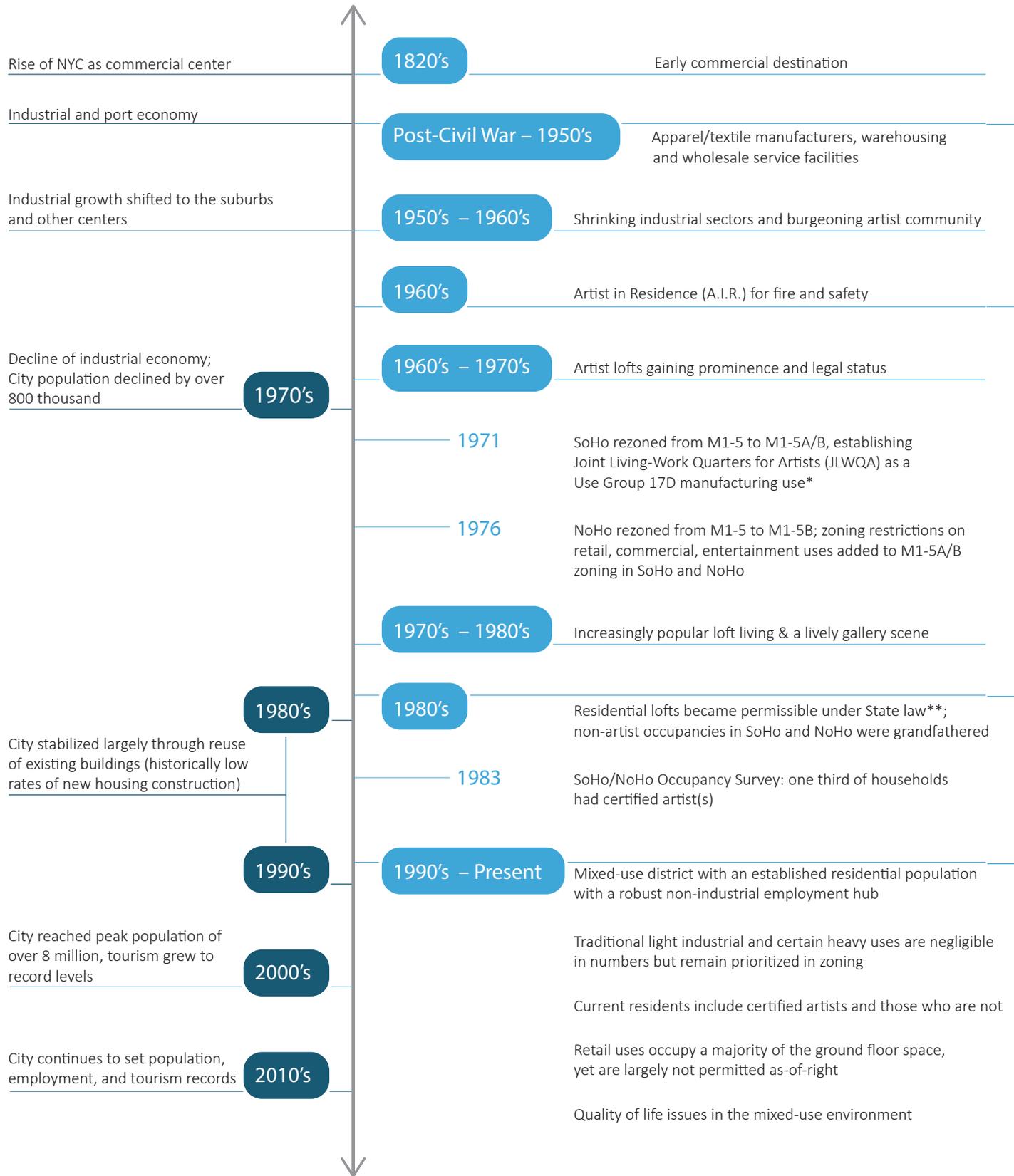
SoHo is generally bounded by Houston Street to the north, Canal Street to the south, West Broadway and 6th Avenue to the west, and Lafayette, Centre and Baxter Streets to the east. NoHo is generally bounded by Astor place to the north, Houston Street to the south, Broadway to the west, and Bowery to the east (see Figure 2.1).

Figure 2.1: Study Area Map



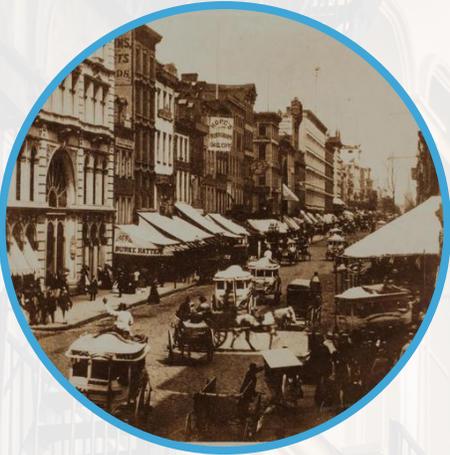
New York City

SoHo/NoHo



* As an enabling act, NYS Multiple Dwelling Law amended to establish Article 7B ("Artists' Loft Law")
 ** NYS Multiple Dwelling Law amended to establish Article 7C (a.k.a. "Loft Law")

Figure 2.2: Abbreviated SoHo/NoHo Timeline



SoHo/NoHo's Iconic Assets

The distinct cultural history of SoHo/NoHo has been reinforced by an iconic built environment that continues to influence the district's status today as a center of artistic creation and commercial activity.

Architecture

SoHo/NoHo's iconic cast-iron loft buildings were constructed to house an early commercial district in the mid-19th century. These loft buildings, generally built on a speculative basis rather than for a particular client, had large contiguous floor plates, high ceilings and sturdy floors in order to accommodate a wide range of business activities. This flexibility made them particularly conducive to adaptive reuse in later years. According to the SoHo Cast-Iron Historic District designation report¹, in the 1850s, Broadway transformed from "a street of small brick retail shops into a boulevard of marble, cast-iron and brownstone commercial palazzo," and major department stores were established on Broadway and the adjacent streets. Starting in the 1860s, a changing economy gradually shifted the neighborhood from a commercial and entertainment destination to primarily house manufacturing as well as a wide range of related services and wholesale uses over retail. With the end of the 19th century came a decline, gradual at first and later more sharply, of SoHo as a center for manufacturing and related commerce. Starting in the 1960's, the exodus of manufacturing from SoHo/NoHo left high-ceilinged, empty, and thereby affordable lofts in a city whose population and economy had ceased to grow, and was beginning to drastically contract. These spaces presented an opportunity for an artist community looking to make large paintings, sculptures, and other artworks that require ample space. Since then, lofts in SoHo and NoHo have continued to evolve. Today, artist live-work quarters, residential lofts, traditional offices, tech and media startups, maker-retailers, interior design and furniture showrooms and stores, boutiques and mass market retailers alike, coexist in the iconic and versatile loft buildings of SoHo and NoHo.



Cast-Iron Architecture

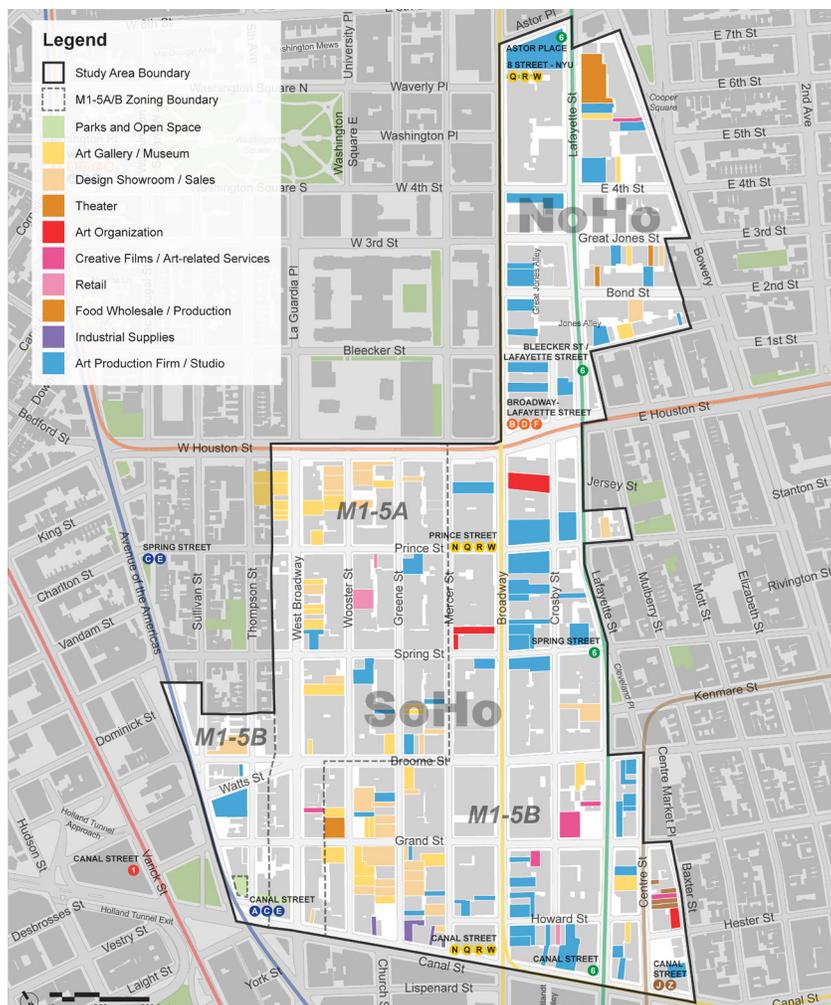
Cultural Heritage

Throughout the 1950s to 1970s, SoHo/NoHo experienced a dramatic decline of industrial uses that gave way to space for cultural and artistic production. This shift, along with the lasting relevance of arts and cultural activity, lies at the center of the community's collective memory. While such activity has evolved and taken new forms over the years, artistic production and curation in SoHo/NoHo remains in more than 140 arts and creative culture establishments institutions, including art galleries and museums, design showrooms, theaters, arts organizations, creative production retail and arts-related sales and services.

¹SoHo Cast Iron Historic District Designation Report, New York City Landmarks Preservation Commission, 1973.

Although many of the art galleries that rose to prominence during the 1970s and 80s have relocated, the area remains home to several key arts and culture establishments, including the Museum of Chinese in America (MOCA), Judd Foundation, Leslie-Lohman Museum of Gay and Lesbian Art, Emily Harvey Foundation, Public Theater, The Drawing Center and The Merchant’s House Museum. Beyond these, there are more than 30 design showrooms, many working collectively to highlight their products and unique content as part of the SoHo Design District, and more than 80 other cultural and creative uses from artisan micro-manufacturers to digital and recording studios (see Figure 2.3).

Figure 2.3: Places People Create in SoHo/NoHo



Sources: NYS Department of Finance, Department of City Planning, PLUTO 16v1. NYC Department of City Planning, fieldwork (2015-2016, Summer 2018).

Commercial District

SoHo/NoHo is located within walking distance or a short subway ride from two of the three largest commercial districts in North America. This proximity to a wide range of commercial activities, as well as accessibility for the region’s growing population, provides significant advantages. In addition to its locational advantages and architectural quality, SoHo/NoHo’s legacy as a creative epicenter has also attracted new commercial establishments, including small and large retailers, independent boutiques, traditional office-based sectors, and creative and new-economy industries. The re-emergence of SoHo/NoHo as a successful and varied commercial district, retail and tourist destination, and an employment hub is an asset that brings critical economic vitality to the City and vibrancy to the local area.

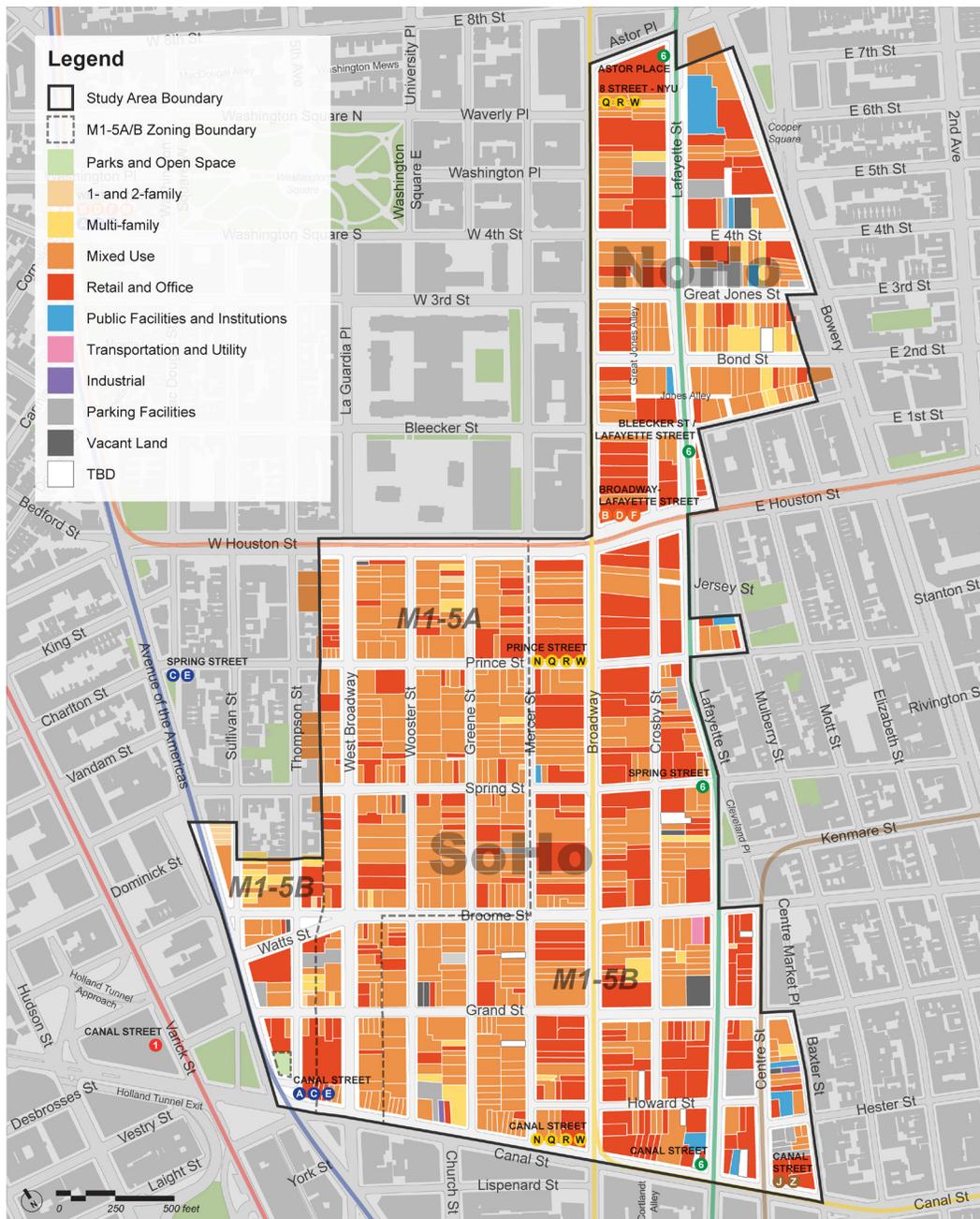
SoHo/NoHo Today: District Snapshots

Today, SoHo/NoHo is home to both artists and non-artists, while also serving as an employment hub, retail district and major tourist destination. The following existing conditions snapshots are provided to contextualize key conditions.

Land Use, Zoning, and Built Context

Despite its manufacturing zoning which was established in 1971, SoHo/NoHo has evolved into a district characterized by its mixed-uses. Most noteworthy, today's active commercial character of the district is a land use outcome that largely arose from site-specific land use actions rather than by supportive as-of-right zoning regulations.

Figure 2.4: SoHo/NoHo Land Use

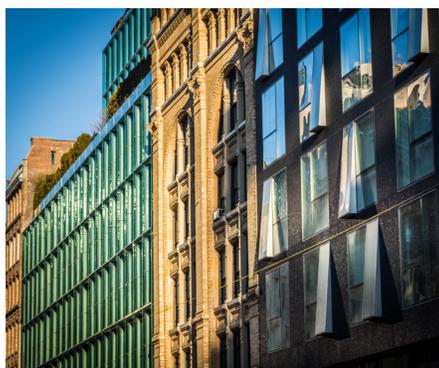


Source: Data from NYC Department of Finance, PLUTO 18v1; fieldwork conducted by NYC Department of City Planning, Summer 2016 & 2018.

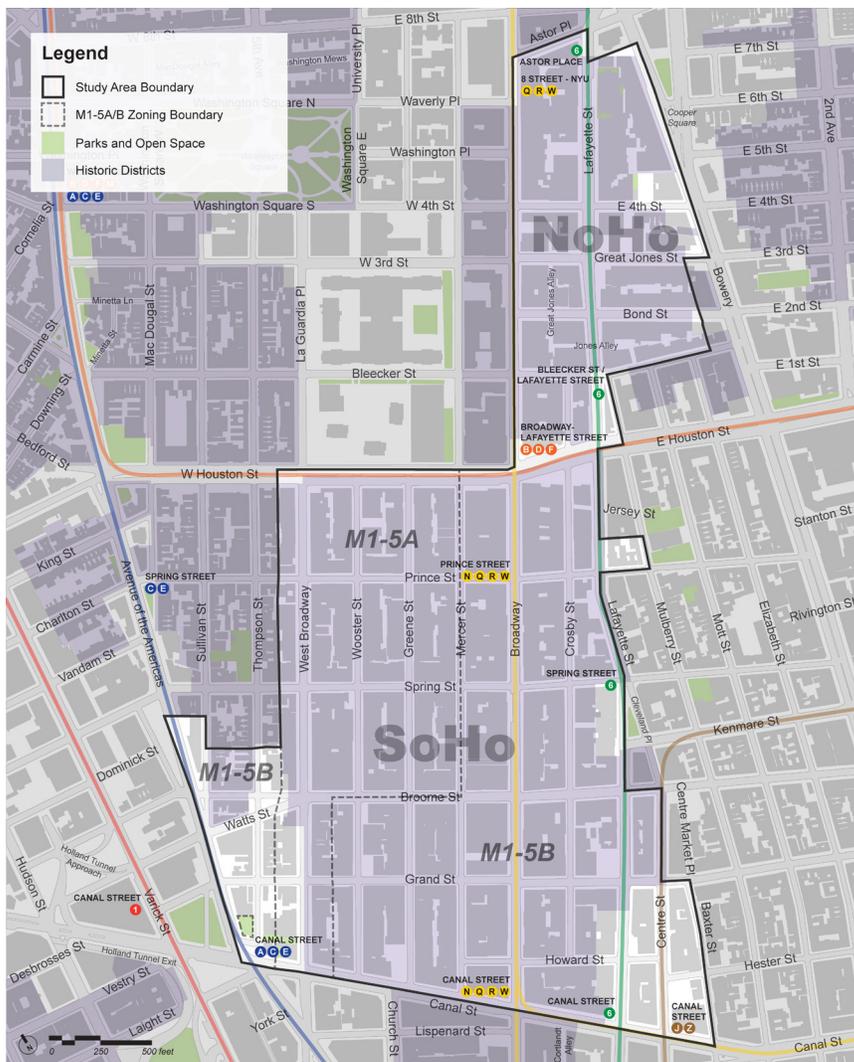
Individual site-specific special actions and approvals involving the City Planning Commission (CPC), the Board of Standards and Appeals (BSA), Landmarks Preservation Commission (LPC), and the Loft Board have been frequently utilized as a means to achieve outcomes not permitted as-of-right such as adding ground floor retail, converting commercial or manufacturing spaces to residential, and constructing new residential buildings. A comparison of Figures 2.4 and 2.5 further demonstrates the incongruity between land use and zoning in SoHo/NoHo.

Over 85 percent of the M1-5A and M1-5B zoning district’s total lot area have Historic District designation (see Figure 2.5). Six separate historic district designations have helped maintain and protect the built character of SoHo/NoHo. The first, the *SoHo Cast Iron District*, was designated in 1973 with an extension to follow in 2010. Other historic districts include the *NoHo Historic District* (1999), *NoHo East Historic District* (2003) and extension (2008) and *Sullivan Thompson Historic District* (2017). Similar to all City historic districts, proposed development projects in SoHo/NoHo historic districts are subject to LPC review, inclusive of any alteration, reconstruction, demolition or new construction affecting buildings. Note that areas in SoHo/NoHo outside of historic districts (for example, in the southeast and southwest corners of SoHo) are generally transitional areas, and have different neighborhood character compared to the cores of SoHo and NoHo historic districts.

Figure 2.5: SoHo/NoHo Zoning and Historic Districts



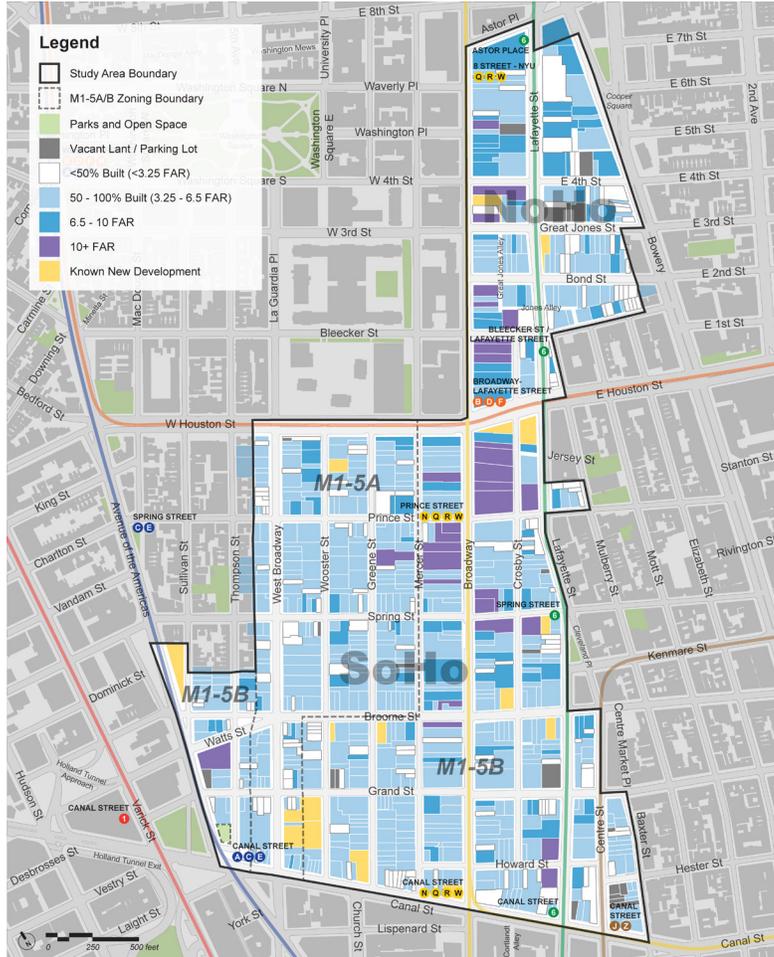
Historic and New Buildings



Source: NYC Department of City Planning, 2019.

The built character and density of SoHo/NoHo is important to consider in relation to the district’s allowable floor area ratio (FAR). Figure 2.6 demonstrates that while many lots in SoHo/NoHo are built to greater than 50 percent of the maximum allowable FAR, the overall built conditions are varied and a number of underutilized sites present potential opportunities for new development, subject to the review and approval of the LPC within historic districts.

Figure 2.6: SoHo/NoHo Built Conditions



Varied Built Conditions

Source: NYC Department of Finance, PLUTO 18v1; NYC Department of City Planning fieldwork, Summer 2016, Summer 2018.

Joint Living-Work Quarters for Artist and beyond

In 1971 the City amended SoHo/NoHo’s zoning that maintained the basic M1-5 industrial zoning in SoHo, while recognizing the burgeoning presence of an artist live-work community that was drawn to the area’s loft typology that accommodated both space to reside in and to also space to produce large-scale or intensive art. “Joint Living-Work Quarters for Artists” (“JLWQA”) was created as a new use within manufacturing Use Group 17 to allow artists and their households to live in such workspaces. The legal definition for occupancy under the 1971 zoning required a live-work component as defined by JLWQA.² At first, this use was permitted within two newly created zoning districts, M1-5A and M1-5B, mapped only in SoHo.³ In 1976, the M1-5B zoning was expanded to NoHo. The M1-5A/B zoning together required that spaces used as JLWQA must be occupied by an artist(s) certified by the Department of Cultural Affairs (DCLA). DCLA established criteria for artist certification based

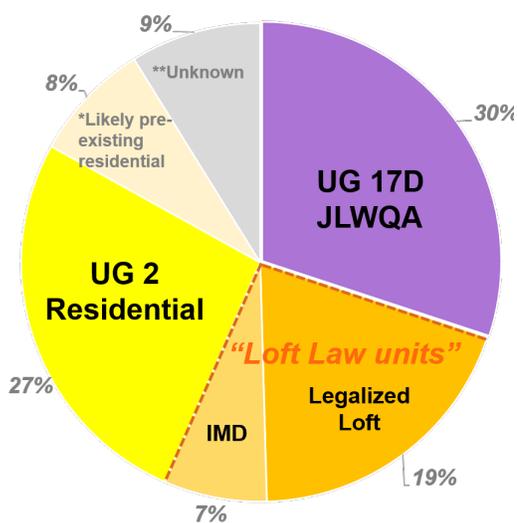
on the definition of “artist” in the New York State Multiple Dwelling Law (MDL). Amongst other provisions, the definition in the MDL and criteria established by DCLA specifies a certified artist as an individual who is engaged in the fine arts on a professional basis and who intends to use JLWQA to conduct their practice.⁴ This creative zoning approach of retaining manufacturing zoning classification for the area and only allowing live-work quarters for certain types of arts production, as opposed to permitting general residential occupancy, was an active attempt to preserve and support the industrial sectors, which – albeit in decline – were still pivotal employers for the City at the time.

In the following decades, as SoHo and NoHo gained increasing popularity as a loft district, residential occupancies not associated with artists and arts production became more prevalent. Elsewhere in Manhattan, loft buildings – as industrial sectors relocated to buildings and areas that could accommodate modern production and distribution – were increasingly occupied residentially during a housing shortage. Mayor Koch’s 1980 comprehensive loft conversion policy⁵ recognized the prevalence of illegal residential conversion of lofts and its increasing role in helping to meet housing needs, and called for zoning and legislative changes to regulate the conversion of non-residential loft buildings to ensure health, safety and sufficient light and air.

In the 1980s, the MDL was amended by the enactment of Article 7C (a.k.a “Loft Law”), which created “interim multiple dwellings (IMDs),” (i.e. commercial or manufacturing buildings occupied by three or more families during a specified time period), and established the New York City Loft Board to regulate such conversions. At this time, Article 7C provided that residential conversions were only permitted in areas where zoning allowed residential use as-of-right, which effectively excluded IMDs in SoHo and NoHo. Subsequently, in 1987, the State Legislature amended Article 7C, among other things, to allow IMDs in zoning districts where residential use was not permitted as-of-right, thus opening doors to non-artist residents in SoHo and NoHo to seek Loft Law coverage.

In the mid- and late-1980s, recognizing that artists’ occupations and circumstances could change, the City granted amnesties for non-artist residents in SoHo and NoHo, noting that these units could be legalized as JLWQA use that could be legally occupied by non-artists. Additionally, familial successions of JLWQA by people who are not artists, as well as residential conversions via zoning variances and special permits also contributed to SoHo/NoHo’s shift from a limited community of artists to a larger residential community with people engaged in a variety of professions. (See page 34 for SoHo/NoHo’s demographic profiles.)

Figure 2.7:
Estimated Unit Breakdown by Type



* Listed on Certificate of Occupancy as UG 17D JLWQA sometimes with an asterisk, but does not require Certified Artist occupancy

** Units lacking documentation in available records

Source: NYC Department of City Planning, 2019.

² Note that JLWQA occupancy can be granted under another provision of law (e.g. the Loft Law, which made lofts permissible under State Law in the 1980s, or through a grandfathering/amnesty program that occurred in 1986).

³ As a State legislative act, the New York State Multiple Dwelling Law (MDL) was amended concurrently to create Article 7B, which allowed conversions of loft buildings for JLWQA purposes.

⁴ DCLA “Notice to Applicants Re: Artist Certification”: https://www1.nyc.gov/assets/dcla/downloads/pdf/artist_certification.pdf.

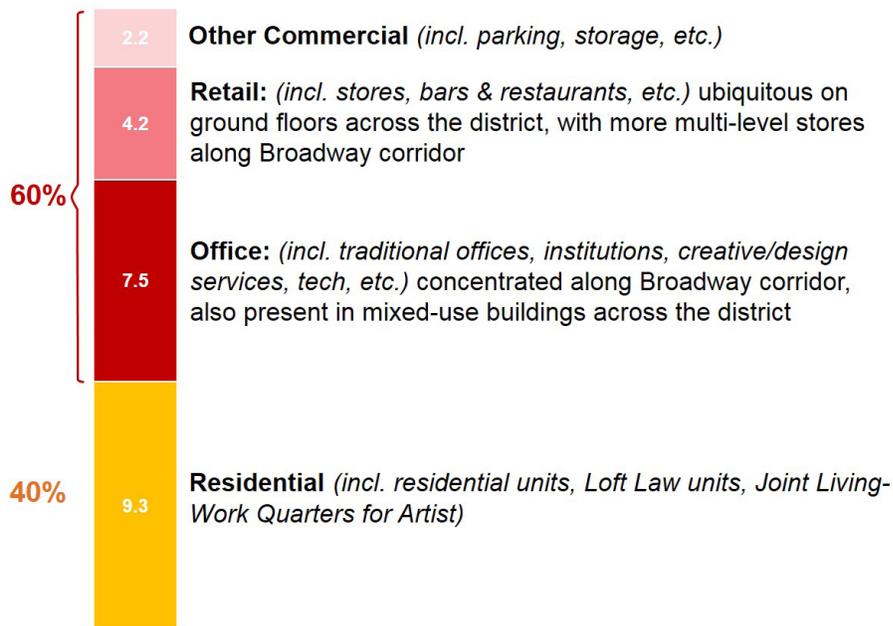
⁵ Manhattan Loft Rezoning Proposal (1978) and the Action Plan (1980).

Manufacturing, commercial, and community facility uses

In standard M1-5 districts, a wide range of non-residential uses are permitted as-of-right, including light industrial uses that conform to high performance standards, custom manufacturing, woodworking and welding shops, business services such as printers and caterers, entertainment uses such as theaters and bowling alleys, home maintenance and repair services, commercial offices, trade schools, retail and service establishments, and eating and drinking places. The M1-5A and M1-5B zoning further imposes additional restrictions on certain commercial uses, introduced in 1976 with the intent to ensure that the larger buildings and prime ground floor space be reserved for industrial purposes and to restrict large commercial entertainment establishments. In brief:

- Retail, eating and drinking, office, amusement and entertainment uses are not permitted as-of-right below the level of the second story, except in smaller buildings in the M1-5A district;
- Eating and drinking establishments are only permitted above the ground floor with size limitations;
- Non-commercial clubs, theaters of 100 seats or more, entertainment uses such as banquet hall and catering establishments are not permitted as-of-right anywhere in the building; and
- Retail establishment of 10,000 square feet or more, as in all M1 districts, is only permitted by special permit.

Figure 2.8: SoHo/NoHo Built Floor Area (in million sf)



Source: DoF, PLUTO 18v1

Note: For purposes of this map, residential land use categories generally include JLWQA, IMDs and lofts.

Additional use restrictions include: restrictions on community facility uses except for houses of worship; arts and culture uses such as museums and non-commercial art galleries are only allowed with limitations; and commercial art galleries are largely not allowed as-of-right. These zoning limitations on community facility and related uses were based on the conception of SoHo/NoHo as manufacturing areas instead of residential areas that could be supported by such uses.

Aside from JLWQA uses, broader manufacturing and industrial uses have diminished in SoHo/NoHo as they have in most other areas of the City due to the modernization of the economy. Despite extensive as-of-right Manufacturing zoning on ground floors, fieldwork conducted as part of the Process Sponsors' analysis between 2015 and 2016 found that, of the approximately 900 buildings within SoHo and NoHo, there were roughly 20-some industrial/semi industrial businesses in operation at that time. While half of these businesses fell into the category of traditional light industrial and heavy commercial uses that conform with the current zoning, the other half were semi-industrial or new types of "maker" uses that function in relation to a retail space or office setting – e.g. lighting design, sound recording studio, or 3D printing. In contrast, retail and other commercial uses (e.g. eating and drinking places, commercial art galleries, banks) occupy about 70 percent of the ground floor spaces.

Despite restrictions on commercial uses, retail has a strong presence in SoHo/NoHo:

- SoHo/NoHo is a major retail district in New York City as well as nationwide, with total annual spending of \$3.1 billion in 2016. This is second only to the Fifth Avenue retail district in New York, and greater than Chicago's Michigan Avenue "Magnificent Mile".⁶
- The SoHo/NoHo district contributes an estimated \$170 million in sales tax to New York City and State each year.⁷
- The retail character of SoHo/NoHo is unique in comparison to other neighborhoods in the city. Here, retail accounts for a significant 18 percent of all neighborhood uses (based on floor area break down), which are widely distributed throughout the district. Such square footage retail use for SoHo/NoHo compares to eight percent in the West Village and seven percent in East Midtown. Presumably, this distribution of retail results in greater retail-residential interaction in SoHo/NoHo.⁸

⁶SoHo and NoHo Retail Conditions Study, HR&A, 2018 – (ESRI; PLUTO 2016).

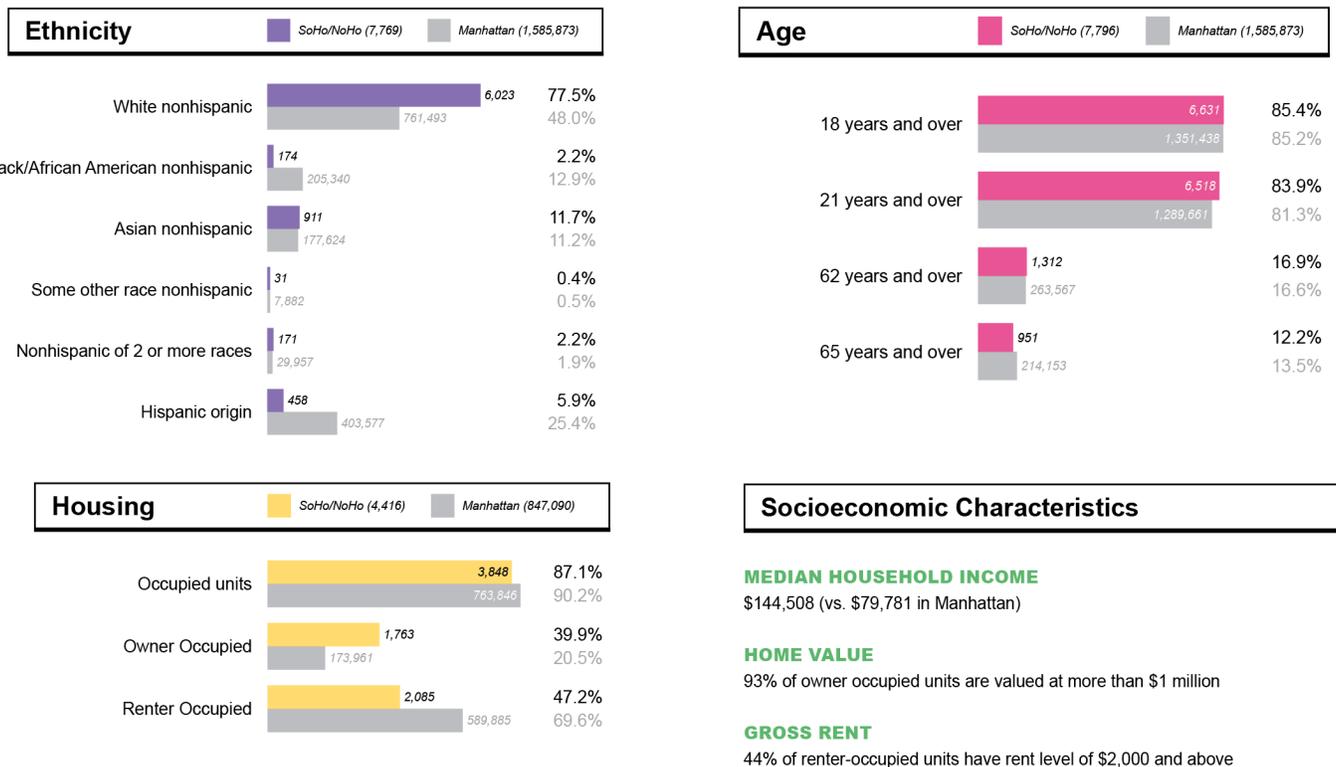
⁷SoHo and NoHo Retail Conditions Study, HR&A, 2018 – "To generate this estimate, HR&A used ESRI's breakdown of district sales by category and multiplied total sales by a 4.5% City tax rate, exempting clothing items above \$110, which are not subject to sales tax, and at a 4 percent State tax rate, exempting food and beverage purchases, which are exempt from State tax and clothing items above \$110 as before."

⁸SoHo and NoHo Retail Conditions Study, HR&A, 2018 – "Total floor area figures are sourced from New York City's Primary Land Use Tax Lot Out put (PLUTO) dataset, which records floor area by use for every parcel within the city. Though figures such as rent and sales prices are not provided through PLUTO, it is the most comprehensive dataset available for determining the quantity and breakdown of built space within an area of New York City."

Demographic Snapshot:

- **Total population (UG 2010 Census):** 7,769
- **High household income:** Median household income is \$144,508, compared to Manhattan’s \$79,781.⁹
- **High home-ownership:** Roughly 40 percent of the area’s housing units are owner occupied, nearly twice as high as the Manhattan average.
- **Race and ethnicity:** The area’s population is predominately white (77.5 percent), which is significantly higher in comparison to the rate of 48 percent for Manhattan.¹⁰
- **Occupation:** Based on an estimate using American Community Survey data, an estimated 23 percent (+/- 5 percent) of residents work in the arts, design, entertainment, sports, and media occupations.¹¹ While many residents expressed the belief that publicly available data from the Census Bureau may not capture all artists and makers in SoHo and NoHo, it does represent the best available data source on current, primary occupations of residents.

Figure 2.9: Demographic and Socioeconomic Profile: SoHo/NoHo v. Manhattan



Source: US Census Bureau: 2010 Census; 2013-2017 American Community Survey

⁹ 2013-2017 ACS, tables C24010 and C24030, census block group level of geography. Manhattan block groups 45001, 47002, 49001, and 55021 were aggregated to approximate the SoHo/NoHo Study Area.

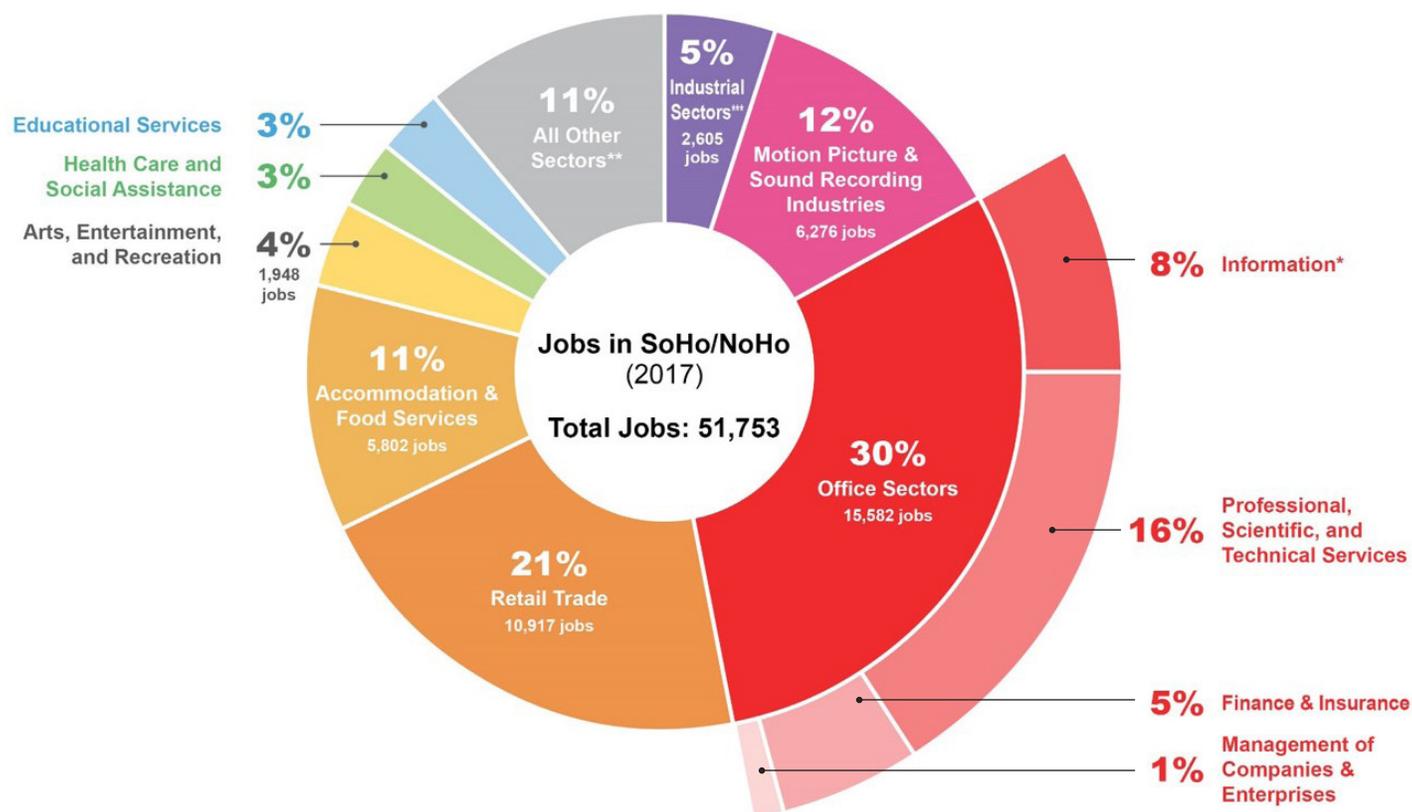
¹⁰ 2010 Census.

¹¹ 2013-2017 ACS, tables C24010 and C24030, census block group level of geography. Manhattan block groups 45001, 47002, 49001, and 55021 were aggregated to approximate the SoHo/NoHo Study Area. Note that the ACS grouping of occupations is much broader than would be eligible for purposes of DCLA Artist Certification.

Workforce and Employment Snapshot:

- SoHo/NoHo's employment base is sizable and significant, totaling over 51,000 private sector jobs in 2017.¹² In contrast with the industrial zoning of the district, office-based and retail sectors are currently the largest employers.
- Retail Trades constitute 21 percent of the jobs in SoHo/NoHo, further illuminating the presence and influence of these uses despite not being allowable as-of-right.¹³
- About 5 percent of total jobs are in industrial sector businesses (manufacturing, wholesale, construction), which include office jobs in industrial businesses.¹⁴
- SoHo/NoHo has a large number of jobs concentrated within a relatively small geographic area. On average, there are 200,000+ jobs per square mile of land.¹⁵
- SoHo/NoHo is an employment hub for the region supported by its transit access, proximity to educational institutions, and versatile loft spaces.

Figure 2.10: Jobs in SoHo/NoHo



Source: NYS Department of Labor. Quarterly Census of Employment and Wages (QCEW), 2017.

¹² NYS Department of Labor. Quarterly Census of Employment and Wages (QCEW), 2017.

¹³ NYS Department of Labor. Quarterly Census of Employment and Wages (QCEW), 2017.

¹⁴ NYS Department of Labor. Quarterly Census of Employment and Wages (QCEW), 2017.

¹⁵ U.S. Census Bureau. Longitudinal Employer-Household Dynamics (LEHD). JT03-Private Primary Jobs. 2015.

Challenges

Policies enshrined in the M1-5A and M1-5B zoning established nearly five decades ago and the resulting special permit process to waive or modify provisions of the zoning have become inadequate frameworks to serve the current needs of the neighborhoods' mixed-use environment and present increasing challenges to the continued vitality of SoHo/NoHo. Current zoning has become antiquated when considered alongside the profound land use shifts that have occurred. Today's mixed-use reality of commercial-residential predominance is not well supported by outdated manufacturing zoning.

- The 1971 M1-5A and M1-5B zoning aimed to address a narrow issue: to provide a path for the enclave of existing working artists to legalize their live-work occupancies, while preserving space for shrinking yet important manufacturing uses, including textile manufacturing and the wholesale sector. It occurred in an environment when the city's economy and population were headed in a vastly different direction than that which they have taken over the past several decades. Current zoning continues to prioritize traditional light industrial uses and the heavy commercial uses that service the industries, yet there are few remaining establishments with such uses (e.g. textile manufacturing that involves on-site production). Notably, while interior design/furniture wholesalers remain a conforming use and have particular presence in SoHo, many of these businesses' models have evolved to incorporate retail and other consumer-oriented operations.
- Use regulations prioritize light manufacturing, while today's land use and economic realities demonstrate that there is not a high demand for light manufacturing uses to locate here. Contributing factors include macroeconomic trends, changes within the industrial sector, real estate value, as well as transportation and production challenges inherent in a highly populated, dense urban environment lacking infrastructure conducive to today's manufacturing needs. Despite zoning that restricts retail and many commercial uses on ground floors in the majority of the district (excluding limited commercial spaces that were grandfathered by the current zoning), there has been a proliferation of such uses.
- JLVQA occupancy statuses and the supporting DCLA process of artist certification are two apparatuses originally created with the good intention of governing the local M1-5A and M1-5B zoning. However, decades-long enforcement challenges (largely tied to the complexity of the regulations and a mismatch between such restrictive zoning, evolving market conditions, organic changes in resident's occupation, family status, and life arrangements) have resulted in legal ambiguity and limbo for individuals. Incongruous occupancy statuses have arisen over the years, deviating from the original intent of the JLVQA provision.

Specific challenges related to outdated zoning and the SoHo/NoHo planning framework are outlined as follows.

Quality of Life Challenges

Quality of life concerns can be contextualized through an understanding of the relationship between the residential and business communities. While most mixed-use commercial areas in the City with a significant residential presence have a great degree of separation between residential and commercial activities, SoHo/NoHo, on the other hand, has a uniquely even mix of active commercial and residential uses that operate and interact side-by-side.¹⁶

In initiating this process, the Process Sponsors recognized what many residents in SoHo/NoHo already knew: the neighborhoods continue to evolve into dynamic mixed-use districts without guidance from a clear community vision for what the future of these two iconic neighborhoods should be. Economic growth has provided a significant amount of jobs and tax revenue, but it has also intensified quality of life challenges, including higher frequency of deliveries accompanied by loading and unloading activities that may be disruptive in the overnight hours, inadequate and inefficient trash hauling, congested streets and sidewalks, and the lack of opportunities for open space. People who work in the neighborhoods also experience some of the same challenges, as well as the lack of neighborhood amenities afforded to workers in other employment centers, such as coffee shops and “fast-casual” restaurants.



Broadway Corridor

¹⁶ SoHo and NoHo Retail Conditions Study, HR&A, 2018 — (PLUTO 2016).

Zoning Barriers for Businesses & Overreliance on Special Permits

Lacking a zoning framework that reflects current economic trends and land use realities, common uses such as retail and residences other than conversions under the Loft Law were primarily allowed by CPC special permits and BSA zoning variances on a case-by-case basis. In addition to uses, the standard M1-5 bulk regulations do not always facilitate building forms that relate harmoniously to the historic loft building context in historic districts. In such instances, special permits and zoning variances are often needed to allow building forms preferred and approved by the LPC. It should be noted here, however, that the sheer volume of special permits is not the only problem (nor entirely the impetus for this study).

Notably, overreliance on special permits and variances also means that the regulatory burden disproportionately falls on smaller businesses and property owners, who are less-equipped with financial resources and sophistication to navigate the complicated, lengthy and sometimes unpredictable governmental, environmental, and public review processes. The existence of a more cumbersome and costly process for investment in the area means additional barriers for businesses to remain in or move to SoHo/NoHo. For example, the procedure for granting a commercial/retail space special permit approval includes a good faith marketing provision that requires property owners to first advertise their vacant spaces for conforming light industrial and heavy commercial uses before approval for other uses can be granted. Such requirement is a detriment not only to property owners that miss out on rent revenue but also to the local community, which must live with the empty storefronts for extended periods of time. Even when retail use is approved, the prescriptive nature and limited scope of special permit or variance approvals further constrain future changes that may not in fact have significant land use implications, increasing the likelihood of future extended periods of vacancy. It is clear from property owners' perspectives that greater flexibility is needed. The rigidity and limitations of existing regulations has been exacerbated by the recent changes and uncertainty that have emerged in a rapidly and unpredictably evolving retail market, driven by online shopping and other factors. This has affected the size and nature (and associated risk) of viable retail operations in the present-day market. For evidence of this, one may look no further than the retail vacancies that appear throughout these neighborhoods.

As shown in the map below, since 2000, the City has granted over 90 special permits in SoHo and NoHo, the majority of which were to allow or legalize retail and residential uses. Within the same time frame, significantly fewer special permits were granted in adjacent Manhattan neighborhoods: 21 in Community District 3, and 51 in Community District 1.

Figure 2.11:
Map of Special Permit Applications (2000 - present)



Source: NYC Department of City Planning, Zoning Application Portal (ZAP) Search. Retrieved from <https://zap.planning.nyc.gov/projects> on August 22, 2019.

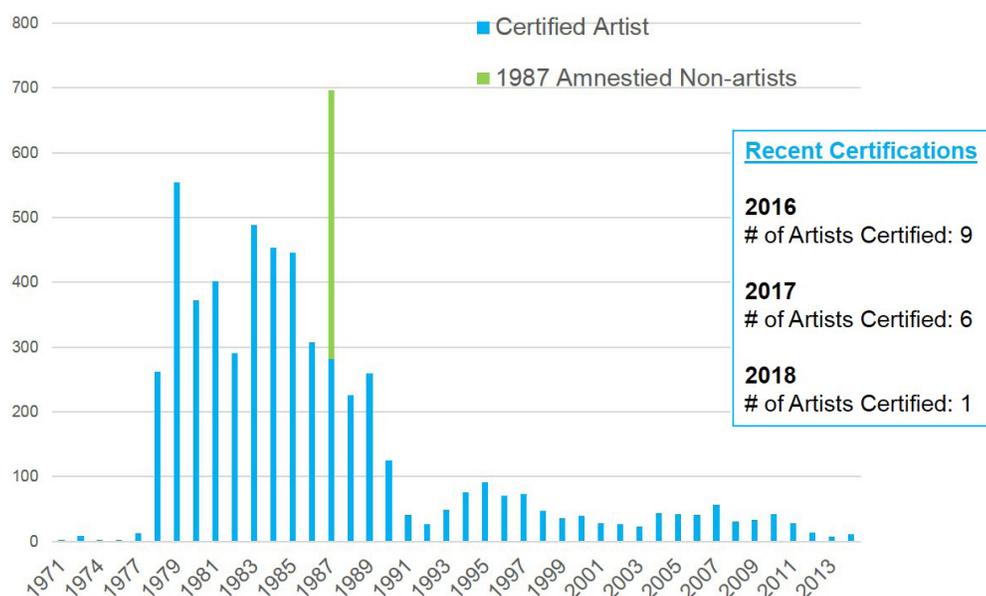
Disclaimer: Given limitations on data visualization, multiple special permit applications on the same block and lot may be shown on the map with a single dot at this scale.

Special permits are approved through a process with both administrative and political dimensions, subject to advisory input from the Community Board and Borough President and votes from the City Planning Commission and final approval from the City Council. As participants throughout this process expressed, the externalities and impacts of special permits are demonstrable when changes are negotiated on an individual basis, with each applicant gaining or failing to gain certain permissions depending on their particular project. Largely tied to reliance on this process in the absence of relevant underlying as-of-right regulations, SoHo and NoHo have evolved erratically without a set of zoning regulations that reflects modern land use realities of the district. It must be said that such a process has naturally engendered fear and distrust on the part of the community (for artist and other residents, property and business owners, and developers alike), as there is little common basis to predictably guide the next development proposal. These conditions, along with others, brought forth the 2015 joint letter and the Process Sponsors’ agreement to work collectively to address the situation.

Restrictive Residential Conditions and Residential Exclusivity

As shown in Figure 2.7 (page 31), while about 30 percent of SoHo/NoHo’s units are listed as having Use Group 17D (JLWQA)¹⁷, it is likely that many of them are not occupied by certified artists. Notably, an occupancy survey conducted in 1983 by the Department of City Planning suggests that, at that time, only about a third of households in SoHo/NoHo included a certified artist.¹⁸ Given declining artist certification numbers over the years, and a growing non-artist population, it is estimated that certified artist households in SoHo/NoHo represent a minority of the present-day overall population.

Figure 2.12:
Number of Artist Certifications Issued by DCLA & Grandfathering (Amnesties)



Source: Chart created by DCP based on data from DCLA

¹⁷This does not include units legalized under the Loft Law.

¹⁸SoHo/NoHo Occupancy Survey (1983) New York (N.Y.). Department of City Planning, 1985.

Longtime residents and newcomers alike seek security and peace of mind to live in SoHo/NoHo legally. However, the district's zoning and JLWQA provisions means that many residents who are not certified artists are caught in legal limbo; residents who are themselves certified artists have a limited ability to sell, rent and grant units; and owners of market-rate rental buildings struggle with finding certified artist tenants to comply with legal requirements. Further details and important nuances regarding such residential occupancy statuses are provided in the Introduction to Guiding Principle II of the Recommendations (see page 55).

It is also important to note that the decision to classify artist live-work quarters as a manufacturing use, as discussed previously, was a product of and a creative compromise from an era when preserving space for manufacturing industry was crucial for the City's economic well-being. Today, with few industrial establishments to preserve and many people occupying lofts primarily for residential purposes instead of arts production as the data above illuminates, the zoning requirement that only certain types of artists may occupy spaces for live-work purposes in SoHo/NoHo warrants re-examination.

Another dimension to this complex issue is city, state, and federal fair housing laws. The notion that housing in an entire neighborhood would be reserved statutorily through zoning for people in a specific profession must be considered in the context of fair housing laws and broader concerns about housing equity.

Housing Affordability Challenges

Housing affordability in SoHo/NoHo is a significant concern for many stakeholders, especially residential renters and small business owners. SoHo/NoHo's existing stock of affordable housing for lower-income residents is limited and consists primarily of units subject to rent regulation by way of the New York State Loft Law. Many residents have expressed the priority of preserving this stock of affordable housing as a first priority. New residential conversions and developments in the past few decades have, generally speaking, only provided market rate units¹⁹. As an example of the costly nature of housing in SoHo/NoHo, a September 2018 snapshot of pricing for 68 active rentals in the Study Area suggests that asking rents range from \$2,150/month for a studio to \$42,000/month for a larger unit, with an average of \$12,385 per month. For sales, based on 79 active sales listing in September 2018, the asking sales prices range from \$1.7 million to \$65 million, with an average price of \$6.6 million.²⁰ Median household income in SoHo/NoHo is approximately \$144,500, which is significantly higher than the rest of Manhattan with a median income of approximately \$79,800.²¹

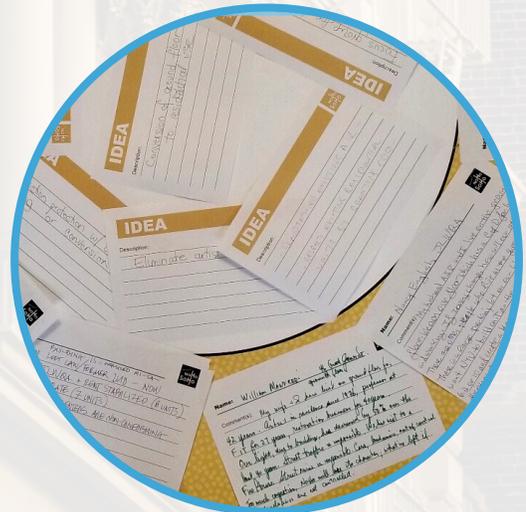
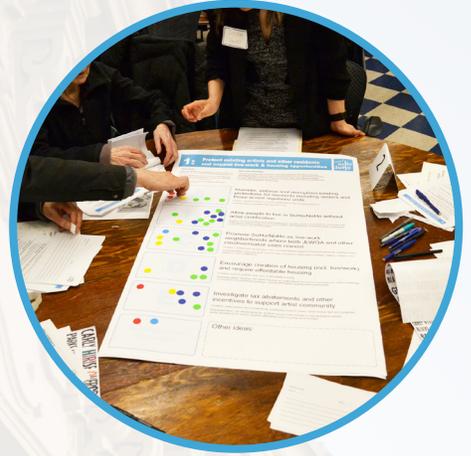
SoHo/NoHo has a limited number of lots that could be developed to allow for the creation of new affordable housing (reference Figure 2.6), but this must be considered alongside Historic District protections and construction regulations. Under the general guidance of the City's Mandatory Inclusionary Housing (MIH) framework, the neighborhood would benefit from a zoning mechanism that contributes to housing affordability.

Additionally, affordability challenges expressed throughout the engagement process are cited as playing a role in many small business closings and relocations. Such outcomes, and the desire to protect small businesses that currently face vulnerabilities, are further discussed in the Economic Vitality section of the recommendations (see page 71).

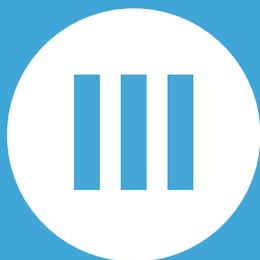
¹⁹ Additional research is needed to clarify whether there are affordable units created through the 421-a program.

²⁰ Source: StreetEasy, week of 9/25/18.

²¹ Source: 2013-2017 ACS, tables C24010 and C24030, census block group level of geography. Manhattan block groups 45001, 47002, 49001, and 55021 were aggregated to approximate the SoHo-NoHo Study Area.



SECTION



RECOMMENDATIONS

Recommendations

Preface

The Advisory Group has considered an impressive set of Guiding Principles, Neighborhood Priorities, and Potential Implementation Strategies to inform future policies, government initiatives, and organizational opportunities in SoHo/NoHo. These recommendations are intended to establish broad principles and parameters to guide potential future efforts to advance SoHo/NoHo as dynamic, livable mixed-use districts and to celebrate the neighborhoods' unique yet evolved role in the 21st century creative economy. Specific regulations or systems that will be used to address perceived problems may in the end be very different from those listed below, depending on factors such as City agency capacity, consistency with broader policies that also affect these and other neighborhoods, and further research into each mechanism. For this reason, it is emphasized that the provided Potential Implementation Strategies are not definitive. Rather, they aim to provide direction for next steps that could be taken by the Process Sponsors and others, by providing areas for further study, opportunities for coalition building, policy implementation options, and policy amendments.



Given the complexity of the issues and the diverse views represented in the engagement process, it should not be surprising that not all of the listed recommendations represent the position of every Advisory Group member on every issue, nor should they be interpreted that way. It would be naïve to expect such a disparate and inclusive group of stakeholders could or should be able to reach entirely unanimous conclusions. The Advisory Group's crucial achievement is that each of its members has concluded that this package of recommendations is balanced and reasonable and that together will advance the overlapping goals that the Group was asked to advance. In that sense, the recommendations incorporate the most important views of all stakeholder groups.



Public Workshops

Going forward, significant departures from what have been identified as Neighborhood Priorities should be undertaken with renewed consultation with the public at large. While there may be many ways to implement policy and regulations, such decisions necessarily entail a balancing of local and broader priorities. The Neighborhood Priorities shared in this report assume a unique level of importance in that they represent and respond to the collective voice heard throughout the community engagement process. This process overseen by the Advisory Group involved hundreds of people reflecting on opportunities to preserve and maintain priority elements of SoHo/NoHo's mixed-use past and present, while imagining its future based on today's social and economic realities.

There is, however, a sense of tangible interconnection between Guiding Principles and Neighborhood Strategies that acknowledges that community challenges or their resolutions do not exist in isolation. As such, it is recognized that tensions will exist among some recommendations presented herein. This is naturally a result of the diversity of voices involved in the planning process (e.g. artists, property and business owners, non-artist residents, etc.) and the fact that, in reality, some benefits often involve trade-offs. For example, recommendations that call for improving the public realm with street trees and street furniture, etc. are to a degree in tension with recommendations that seek to alleviate sidewalk congestion. As one participant in the process observed: there is only so much sidewalk space available. Nonetheless, while the recommendations herein appear to address individual challenges, future action by the City will require viewing the recommendations holistically, with an eye towards balancing such tensions and with the understanding that the overall goal is to improve SoHo/NoHo's mixed-use environment for residents, workers, business and property owners, and visitors. This cannot be accomplished, nor would it be faithful to a process to which so many stakeholders dedicated their time, without balancing the interests of all. The Process Sponsors are considered the repository and guardian of such tradeoffs.

An underlying belief that permeates all the recommendations is that, beyond its distinctive buildings and streets, one of the most readily identifiable assets of the SoHo/NoHo district is its unique mixed-use neighborhood character: A legacy of manufacturing and art-making colors the area's residential feel; stores of varied scales and function are cornerstone to the area's iconic character; and broader commercial uses provide additional dynamism. The spirit of these recommendations shares this sentiment. SoHo/NoHo's unique mixed-use landscape must be considered with an acknowledgement of social and economic interconnections within the neighborhood and with its surroundings. Such an acknowledgement serves to better position stakeholders and the City to address neighborhood priorities.

Finally, the recommendations are presented in the context of a greater planning effort for SoHo/NoHo that will continue into the future. This report and the community engagement process that informed it represent one, albeit vital, element of that process. Therefore, continued conversation and aspirational thinking on the part of community stakeholders, constituents, and Process Sponsors is encouraged to further evolve ideas to achieve effective implementation.

"... A most intricate and close-grained diversity of uses that give each other constant mutual support, both economically and socially. The components of this diversity can vary enormously, but they must supplement each other in concrete ways."

-- Jane Jacobs ²²

²² Jacobs, Jane. *The Death and Life of Great American Cities*. New York: Random House 1961, 14.

Structure and Presentation of the Recommendations

Given the scope and complexity of the assignment, it is unsurprising that twenty-seven wide-ranging recommendations were developed through the engagement process.

Recommendations are organized around three Guiding Principles: **(1) Improve Quality of Life, (2) Encourage Neighborhood Diversity, and (3) Promote Economic Vitality**. Each Guiding Principle includes Neighborhood Priorities that demonstrate why organized and coordinated action is needed by centering public input and opportunities for responsive community planning efforts. Provided within each Neighborhood Priority are Potential Implementation Strategies that demonstrate ideas as to how Neighborhood Priorities could be possibly acted upon and given form for implementation (see Figure 3.1). These are presented in the following three subsections organized by each Guiding Principle. Finally, Section III of this report makes recommendations on Next Steps in the SoHo/NoHo planning effort, identifying topics for further investigation, areas for further study, and opportunities for continued community input.

Figure 3.1: Recommendation Structure for Envision SoHo/NoHo





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Guiding Principle 1:

Improve Quality of Life

Given preceding discussions and community input received throughout the planning process, there is no more pressing issue to residents, workers, and property and small business owners, than improving the quality of life in SoHo and NoHo. As one perceptive participant at the fourth public workshop stated: this principle should be first, before all others. Discussed below, five key strategies are defined where improvements are needed: open and community space, street and sidewalk conditions, loading and unloading conditions, trash collection and enforcement.

For each of these, improvements will require action beyond zoning. For example, improving trash pick-up and loading/unloading will involve policies and action beyond the land use regulatory environment and require public-private partnerships. As such, the potential implementation strategies presented below reach beyond zoning, and will require further study and evaluation by City agencies.

SoHo/NoHo's evolution beyond what was contemplated by the M1-5A and M1-5B zoning established nearly five decades ago calls for new mixed-use approaches. An appropriate mix of neighborhood uses should enable vibrancy and convenience, as opposed to separating uses as zoning did for much of the 20th century. However, such attention to furthering mixed use allowance will remain elusive if not handled with care and attention towards quality of life challenges. The present regulations that have shaped the SoHo/NoHo we see today are illustrative of this fact. Benefits can only be truly appreciated when mixed-use works well: where regulations reflect and enhance the area's character and economic conditions, and when potential conflicts between uses are equitably regulated under a set of community informed goals with respect to the variety of needs of neighborhood residents, business owners, workers, and visitors.

With that said, and with optimism, it should be noted that SoHo and NoHo are not alone in experiencing the quality of life challenges associated with evolving mixed-use districts. Cities worldwide have successfully grappled with mixing uses, allowing residents and businesses to flourish and coexist peacefully. Addressing quality of life challenges for SoHo/NoHo first and foremost will be foundational to the promotion of neighborhood diversity and economic vitality, two Guiding Principles discussed in later sections of this report.

Recommendations

Improve Quality of Life

Neighborhood Priority 1.1: *Improve quality of life of residents and workers in the SoHo/NoHo mixed-use environment*

Discussion throughout the outreach process made evident the wide range of quality of life challenges residents and workers of SoHo/NoHo face daily. These range from disturbances related to trash, loading and unloading, a congested public realm, and a scarcity of open and community space. These challenges have far reaching implications for residents, and also affect the experiences of workers and visitors alike. A balance must be sought if these neighborhoods are to continue to evolve as a successful, harmonious mixed-use district. Possible implementation strategies presented below aim to seek such a balance.

Potential Implementation Strategies:

• **1.1A Alleviate street and sidewalk congestion**

Street and sidewalk congestion disrupts neighborhood circulation and adds to issues of noise and crowding. Demand for vehicular curb access (e.g. deliveries and drop-offs tied to commercial activity) and sidewalk space for vending compounds this challenge. Potential implementation strategies include:

- Develop a vending action plan with improved strategies that ensure pedestrian safety while allowing continued vending.
- Further research the specificity of SoHo/NoHo's mixed-use nature and schedule needs for curb access with the objective to make deliveries more efficient.

• **1.1B Implement best practices for loading/unloading and the management of commercial deliveries**

Curb access and related congestion issues, as well as issues of noise tied to loading/unloading, can be better managed. SoHo/NoHo residents cite major challenges with noise from nighttime deliveries and call for better coordination of such activity. Potential planning strategies include:

- Conduct a comprehensive parking and loading/unloading study to improve conditions and enforcement.
- Create a coordinated district-wide loading plan.
- Prioritize or require delivery technologies that are quieter.

• 1.1C Implement best practices for trash pick-ups and street cleaning

Trash and waste result in two major challenge areas in SoHo/NoHo: its sheer volume and presence, and the management of its collection. The combination of residential, working, and visiting populations produce excessive trash and litter and result in highly varied pickup schedules that span into nighttime hours. For example, one idea from Thematic Workshop 1 was to develop an alternate sides approach, so both sidewalks are not full of trash on the same day(s). Another strategy raised several times through the engagement process, would require larger retailers that generate a significant amount of trash to include interior refuse holding areas. These ideas, of course, would require careful study and exploration, but they also express a range of creative thinking necessary to address this challenging problem. In addition to coordination with the Department of Sanitation's Commercial Waste Zones program, potential local implementation strategies include:

- Work with landlords to implement best practices in lease terms, e.g. require that trash be stored inside buildings until pick-up.
- Define community standards, e.g. "optimal hours of operation" with the aim to guide private carters' bidding that serves commercial businesses.
- Examine best practices for trash collection from other cities around the globe; explore their feasibility for SoHo/NoHo.

• 1.1D Maximize opportunities for open space, community space and greenery

There are a variety of strategies the City and property owners might consider to expand opportunities for the creation of open space, community space, and improving greenery. Maximizing opportunities for greenery and open space should explore ways to incorporate sustainable and green features in new developments, and improving street greenery through public space amenities such as street furniture, trees, planters and benches. Beyond improving the neighborhoods' sustainability footprint, these strategies would work well given SoHo/NoHo's lack of available land. Considering the neighborhoods' historic designation, its hollow sidewalks, and the fact that trees may never have been part of the streetscape in the past, creative ways might be explored to accommodate adding greenery, including trees in planters, provided that a maintenance program can be developed.

- As a first step, it is recommended that targeted studies to determine strategies for improving streetscape design and greenery and where they could be implemented be conducted, in consultation with and reviewed by the LPC for areas within historic districts. Not all streets are equal in terms of physical characteristics, historic significance, or importance to the circulation network. Therefore, it makes sense to assess the feasibility of a wide variety of strategies (e.g. street trees, benches, and planters) by location, and to develop a plan to implement such improvements where practicable.
- A second recommendation is for the City to explore potential ways to encourage building improvements and new development to include sustainable practices and green features that simultaneously improve greenery in the neighborhoods, such as green roofs, green infrastructure elements and publicly accessibly open spaces.

Beyond greenery and open space, successful urban neighborhoods benefit when residents have places to meet. All community spaces do not necessarily have to be outdoors, and as is mentioned elsewhere in this report, the provision of shared artist and community space are just two possible options that could be explored. It should be noted, however, that community facilities are limited in SoHo/NoHo under existing zoning. Potential implementation strategies include:

- Temporary street closings could be implemented to allow short-term street pedestrianization for the provision of community space and civic benefit. This effort would require the support and coordination of local partners to help identify parameters such as potential programming, maintenance and implementation schedules.

• **1.1E Improve enforcement of zoning rules, building codes and other regulations**

SoHo/NoHo's zoning regulations must be updated to reflect economic and land use realities and thereby become more enforceable in order to achieve a system that has greater predictability. Failures and discrepancies of code and regulation enforcement over the previous decades further stress the need for a system that works and does not over-rely on City agencies and permitting process. Potential planning strategies include:

- Examine zoning and other regulations' interpretation, implementation and enforcement to identify areas of improvements and under-regulated and under-enforced areas.
- Craft updated regulations and rules with realistic expectations of enforceability and capabilities for implementation.
- Identify additional opportunities, if any, to further improve reporting and response to violations and complaints.



Guiding Principle 2:

Encourage Neighborhood Diversity

Introduction

Ensuring Neighborhood Diversity has been adopted as a Guiding Principle in order to balance three important goals: (1) to ensure that the varied population that resides in the neighborhood can continue to do so, (2) to ensure that live-work opportunities in SoHo/NoHo will be maintained and adapted to current and future trends, and (3) to create a clearer path for new residents at a broad range of income levels to legally move into the neighborhood, further allowing a continued diversity of residents. This approach aims to allow residents who live under precarious occupancy statuses to gain a greater sense of security, and allow SoHo/NoHo to embrace new opportunities and initiatives for making, creating, and living, while being faithful to the districts' distinct legacy of arts and creativity. Outcomes must strive to be inclusive of artists as well as the range of other potential neighborhood residents, but also deal with the complications and issues related to the patchwork residential occupancies discussed below.

As explained in the introductory Study Area Context section, SoHo/NoHo's first residents were individuals identifying themselves as artists who began occupying lofts illegally as spaces to create art and live. In the decades following adoption of JLWQA into zoning, more artists and non-artists alike moved into the neighborhoods. Today, 30 percent of all residential units in SoHo/NoHo are subject to the requirements for JLWQAs²³; many of these are occupied by non-artist legal successors, amnestied non-artist residents and their legal successors, or out of compliance.²⁴ By tenure, units can be either owner or renter occupied and, in SoHo/NoHo, approximately 50 percent of identified units are renter occupied. It is noteworthy that residential uses (inclusive of JLWQA) cover approximately 40 percent of the total built floor area in SoHo/NoHo and accommodate approximately 7,800 residents.²⁵

This evolution from a limited artist enclave to today's larger and more varied range of residential occupancies occurred via three primary paths, none of which carry a requirement for artist occupancy: the amnesty/grandfathering program that legalized residential conversions for non-artists in 1976 in NoHo and in 1986 in SoHo and NoHo but maintained these units' classification as JLWQA, through city-wide Loft Law provision (as explained earlier on pages 30-31), and via special permits and variances granted through either CPC or BSA (previously detailed on page 38).

²³ Reference Figure 2.7 – Estimated Unit Breakdown by Type, page 31.

²⁴ Reference Figure 2.7 for additional unit breakdown categories and ratios.

²⁵ Note that Figure 2.7 is a reference to the entire M1-5A and M1-5B zoning district. Advisory Group members noted opportunity to further distinguish difference between SoHo and NoHo and potentially other sub-areas within.

Property owners and buyers have utilized alternative means to create residential uses in the M1-5A and M1-5B districts that lay bare the complexities and challenges of continuing and enforcing the 50-year old zoning framework in SoHo/NoHo when demographics, market conditions, and broader economic trends have substantially evolved. During the community engagement process, some owners and buyers reported creatively interpreting JMWQA regulations, which do not require that an owner of a loft be a certified artist, only that an artist occupy the space. Since the zoning does not define the meaning of occupancy, non-artist owners may identify family members, friends, or associates with DCLA certification to occupy the lofts with them. Other residents have purchased property by signing a “SoHo Letter,” which is an agreement by which condominiums or cooperative corporations and buyers acknowledge that residential uses are not permitted as-of-right under the zoning. 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 unit 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.

As was affirmed through the engagement process, the actions above have collectively and over 50-years created a vibrant population of artist and non-artists alike living in SoHo/NoHo. This has been accompanied by the creation of a varied and incredibly complicated landscape of residential occupancy statuses, placing many people in challenging and uncertain situations.

Residential Occupancy Statuses

JMWQA Owners and Renters:

Owners and occupants of JMWQA uses, who may or may not be certified artists, face a range of challenges. For those who are certified, many expressed challenges associated with non-artist neighbors complaining about their art-making processes, and difficulties in finding another certified artist to whom to sell or rent, especially one who can afford to pay market value. It is important to note that JMWQA classification includes no affordability or financial assistance component. Residents on co-op boards in SoHo/NoHo echoed similar frustrations, and spoke of wanting to approve certified artists, but finding few who are financially qualified. Many JMWQA owners also expressed frustration in the inability to pass along the unit to their children and spouses who are not artists. However, familial succession is legally feasible: Non-artist children of certified artists can legally occupy and succeed JMWQA uses.

Non-artist owners of JMWQA uses, if not amnestied or legalized through the Loft Law, face added complications associated with non-conformity, including assuming legal responsibility after making significant investment, financial difficulties in refinancing and obtaining mortgages, and difficulty producing authentic artist certificates should their occupancy be reported or challenged. Additionally, given their uncertain circumstances, financing to buy or to fund major capital improvements thereafter can be difficult or more expensive.

Units that have Qualified or may Qualify for Coverage Under the New York State Loft Law:

Renters and owners of New York State Loft Law units are prone to different sets of challenges. Owners and renters of these units alike have the option to file applications with the Loft Board to seek New York State Loft Law coverage. In pursuit of a residential certificate of occupancy, Loft Law unit owners must file an alteration application with the Department of Buildings (DOB) and comply with necessary permits and inspections. Tensions between Loft Law owners and renters in SoHo/NoHo can exist, like elsewhere in the City, when the interests of the parties conflict.

For example, tenants of Interim Multiple Dwelling (IMD) units that are undergoing residential conversions have reported cases of landlord harassment. Such harassment can take many forms, but includes tactics such as delaying necessary building improvements or initiating construction in a manner that impedes quality of life for residents. The motivation here, in such instances, is to force vacancy and prevent conversion to residential status that would provide rent stabilization.

It is important to note that at the time of writing this report, New York State passed the Housing Stability and Tenant Protections Act of 2019 which reformed rent law and extended tenant protections. In addition, the Legislature amended the Loft Law to include a new window period for coverage, elimination of certain impediments to coverage, such as allowing basement occupancy, and open-ended timing for newly included buildings to file for loft status. It will be critical to understand the implications of these new laws in conjunction with residentially occupied units currently existing in SoHo and NoHo.

Ensuring Equity and Inclusion:

Current or future regulations that directly or indirectly limit who can live in SoHo/NoHo must be considered in the context of fair housing laws and broader concerns about housing equity. A reevaluation of existing zoning requirements and a regulatory streamlining of residential occupancy categories are recommended to remedy the current challenges presented to existing and even future residents.

A common sentiment that emerged from community dialogues is the notion that artist residents deserve to have protections, but that non-artist residents should also be more inclusively recognized in the district through zoning and occupancy regulations. As one participant of a focus group summarized: The artists who are fearful that their rights, which are protected by the JMWQA, could be compromised, have a right to be protective! Equally important, are the rights of all members of the community who live and rent or own homes or run businesses here. While this comment relates to some of the regulatory issues discussed above, it more directly and importantly relates to larger planning issues of equity, inclusion and diversity, including fair and affordable housing in all New York neighborhoods. One needs to look no further than *OneNYC 2050*, the City's guiding planning document, which is founded on the principles of inclusion to ensure that "New Yorkers are secure in their homes and neighborhoods" and towards creating a "city for everyone." It is a stated priority of the City to provide access to housing and economic opportunity for all its residents in neighborhoods throughout the city. As such, this report in accurately reflecting the six-month engagement process, and the hard work of the Advisory Group, makes recommendations to broaden inclusion and the diversity of residents in SoHo/NoHo by creating new opportunities for housing, while also resolving the varied residential statuses to ensure that all of SoHo/NoHo residents can be secure in their homes and neighborhood. Under any such changes, existing artists should be protected and afforded the opportunity to remain in SoHo/NoHo.

Regulatory Framework Recommendations

To resolve the varied, complex and uncertain residential occupancies prevalent in the neighborhood, while also protecting existing artists and residents and exploring opportunities for growth and affordability in the neighborhoods, it is recommended that a new residential regulatory framework be explored. As discussed previously, conscious efforts should be made to reconcile the chasm between outdated regulations and the realities of people who reside in the neighborhoods, and to promote more diversity and more equity in SoHo/NoHo. To that end, instead of a “requirement/restriction” based framework as exists today, an “incentive/benefit” based framework should be explored to encourage and support artist/maker/cultural worker occupancies. Finally, any new framework should be more efficient, sustainable and enforceable than the existing regulations. The following subsections outline the three major priorities in greater detail with accompanying strategies and examples for implementation.

Recommendations

Encourage Neighborhood Diversity

Neighborhood Priority 2.1: *Maintain, enforce and strengthen existing protections for residents including renters and those in rent regulated units*

Residents of SoHo/NoHo were clear throughout the community engagement process that planning interventions and potential changes in zoning should bolster existing protections for renters rather than create new challenges or threats to one's ability to continue living in the neighborhood. The district's affordability challenges discussed on page 40, including its highly limited affordable housing stock, guide this particular priority.

Potential Implementation Strategies:

- **2.1A Improve reporting, transparency, and tracking for rent regulated units**
(Former IMD Units – New York State Law)

The New York State Loft Law regulates the rents of each covered unit allows for rent increases when property owners reach certain Loft Law compliance deadlines, including filing of an alteration application with DOB, obtaining a building permit, and full compliance with Article 7-B of the New York State Multiple Dwelling Law (covering fire safety requirements). Presently, to determine whether an owner has filed an alteration application, obtained a permit or obtained a temporary or final certificate of occupancy, a resident must view these documents on the Department of Buildings' BIS website. In order to find out whether an IMD unit has been certified in compliance or a former IMD unit is rent regulated, a resident must call the Loft Board. Available and easily accessible data on rent regulated former IMD units that is up-to-date and accurate would be beneficial to planning efforts and advocating for current tenants. Potential planning strategies include:

- Work with New York State Division of Housing and Community Renewal (DHCR) to ensure that all rent regulated units are properly registered and identified.
- Discuss with relevant agencies ways to create greater transparency in reporting to DHCR and related responses.

• **2.1B Improve tenant harassment protections for rent regulated units**
(“Loft Law” and IMD Units – New York State Law)²⁶

Improved protections for residents of rent regulated units are needed to ensure that these residents can remain living in SoHo/NoHo, and to protect the existing stock of rent regulated units in the neighborhoods. In fact, preserving existing affordable units was expressed by many as a priority before seeking new ways of providing additional affordable housing in the neighborhoods. For example, IMD units are only eligible for limited rent increases during legalization process but may become market-rate (through buy-out or abandonment proceedings) or be converted back to commercial uses (e.g. office) upon vacancy under certain circumstances, which erodes the available stock of affordable housing. Tenant harassment has been reported in cases where landlords of rent regulated units interfere with tenant quality of life/living conditions with the motive to push the resident(s) out. Potential implementation strategies include:

- Study the implications of the Housing Stability and Tenant Protections Act of 2019 and if/how it interacts with rent regulations within Loft Law provisions.
- Work with State elected officials to explore measures to implement and enforce anti-harassment procedures based on the newly passed rent law.

• **2.1C Explore ways to provide rental assistance for low-income artists and other renters**

SoHo/NoHo’s long-time residential community that rents and is aging in place faces particular challenges. The desire for rental assistance to assist low-income artists and non-artists alike who struggle with affordability of this area has been communicated as a concern throughout the community engagement process. It is recommended that Process Sponsors study the feasibility of implementing such rental assistance for low-income artists and other renters.

²⁶ Please refer to pages 30-31 of this report for a brief history on New York State Loft Law and IMD units.

Neighborhood Priority 2.2: *Support and promote the artist and maker communities while allowing people to live in SoHo/NoHo without artist certification*

Efforts to support and promote the artist and maker communities require a holistic approach that considers not only how maker and creative practices have changed and evolved, but also how the present day mixed-use environment of SoHo/NoHo and market realities have affected the original intention of JMWQA live-work uses. Existing artists should be protected, but it is unrealistic to conceive that many new artists will move to live and/or work in SoHo/NoHo given the price of real estate in SoHo/NoHo, lack of new facilities that require less upfront investment for customization and renovation, availability and affordability of spaces in other vibrant artist communities around the city, and ephemeral nature of artist communities in general. Therefore, supporting and promoting the arts and making will require new creative approaches that provide opportunity for new artists and makers in the neighborhoods.

The current outdated zoning and associated system of artist certification fails to account for new forms of creative expression and the changing nature of art and artist communities over time, thereby providing extremely limited capacity to accommodate an occupancy landscape that has evolved dramatically over the past 50 years. The artist certification process that DCLA manages is required to utilize a State-defined list of acceptable artistic media, which has not kept pace with the evolving nature of artistic production. In fact, only 16 people became certified during the entire 2016-2018 period, which is a sharp contrast to yearly artist certification rates of over 300 individuals during most of the 1980s (reference Figure 2.12, page 39). Given that many current residents that work squarely in the creative sectors cannot meet the certification criteria, and a significant number of residents in SoHo/NoHo would not be considered artists or creative sector workers even under a broad definition of art-making/creating, greater capacity to accommodate a far broader range of people and occupancies should be created.

Notably, an important aspect of supporting and promoting the artist and maker communities in this mixed-use environment should also work to maintain an appropriate balance between residential uses and commercial uses.

While outlined in broad terms only, the framework detailed below reflects the opinion and thinking of the Advisory Group as a whole. While not every member agrees with every detail, there was general agreement that this is a reasonable path forward to resolve a varied and complicated residential landscape in SoHo/NoHo.

Further study of the proposal should consider in greater detail the relationship between modification of the zoning regulations for JMWQA and enforcement of these regulations. As in other conditions where regulations are changed in an environment of widespread noncompliance with the objective of achieving greater compliance, the role of enforcement in achieving compliance needs to be considered, along with the consequences for non-compliance and the resulting incentives for both existing and new non-compliances.

Potential Implementation Strategies:

- 2.2A Maintain JLWQA as a permitted use and allow for the creation of new types of units and buildings so that art-making/maker-uses can continue to coexist with other uses and residents**

SoHo/NoHo's landscape of creating and making is intimately tied to the ability to work and create in one's own home environment. Therefore, ensuring that JLWQA continues as a permissible use for artists in SoHo/NoHo is important to honoring the neighborhood's rich legacy of making and to protect existing artist residents. The public engagement process revealed that, while some members of the community do not want the JLWQA program to be altered, others envision broader, more inclusive options to expand live-work opportunities in SoHo/NoHo. Potential planning strategies include:

- Maintain JLWQA as a permitted use so that certified artists who occupy spaces as live-work quarters for art-making purposes, that meet the current regulations, would not be negatively affected by changes in zoning regulations.
- Establish appropriate mixed-use regulations to ensure compatibility of uses, including live-work, residential, commercial, and light manufacturing uses.
- Consider a potential expansion of live-work definition that reflects current and future trends, which should be further studied and identified.

- 2.2B Develop pathways to legalize non-artist residents in SoHo/NoHo**

As was learned through the outreach process, including focus groups, some residents expressed frustration of not having sound, legal residential arrangements. Many participants feel that the current rules of buying and renting are relics of the past, causing them to live under precarious legal circumstances and presenting difficulty in finding eligible buyers and renters. The framework laid out below in Figure 3.2 provides a reasonable path for non-certified-artists to legalize their occupancies. It should be noted that the exact mechanisms and use classifications of the framework presented remains unclear and would require further study.

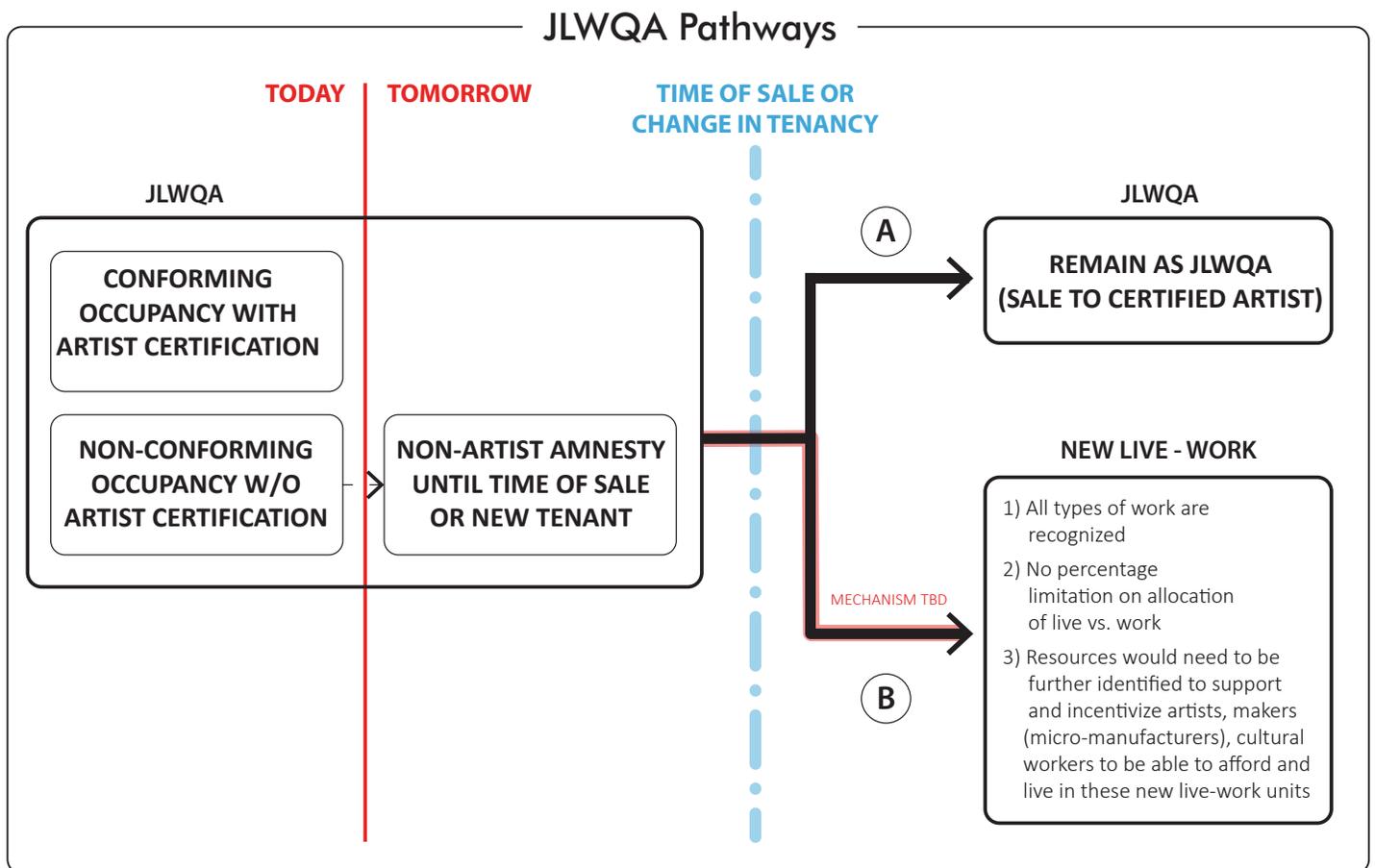
Figure 3.2 on the following page outlines, in broad strokes, how a potential new framework could work and over time resolve occupancy complications in existing buildings and promote equity in SoHo/NoHo's residential community moving forward.

- As discussed in 2.2A, JLWQA would continue to be a permitted use so that certified artists who occupy spaces as live-work quarters for art-making purposes that meet the current regulations would not be negatively affected by changes in zoning regulations.
- New types of live-work and living arrangements would be allowed to recognize all types of work and home occupations without limitation on percentage floor area allocation of living vs. work space within a unit. This would create a pathway for today's nonconforming uses to legalize, while retaining the opportunities should future occupants desire live-work arrangements. Certified artist owners of JLWQA may also choose to convert to "new live-work" use.

- An appropriate mechanism would need to be devised to facilitate the legalization and conversion of the existing nonconforming uses to “new live-work” use. Components such as funds for arts and culture or affordable housing should be considered.

Instead of requiring units to be occupied by a subset of the population as the current regulatory framework does, the proposal above recognizes demographic and land-use changes over the past five decades, considers current and future live-work trends, and is intended to be more consistent with the City’s stated goal of furthering housing affordability, neighborhoods’ social and economic diversity, and Fair Housing goals. In the community engagement process, many also voiced the desire for unrestricted residential use to be more universally permitted in SoHo/NoHo. It should be noted that the “new live-work” use, as described above, is not intended to mandate, but rather to accommodate, live-work. Additional attention needs to be given to what “new live-work” use entails in the context of SoHo/NoHo, how and whether it is different from zoning precedents in other mixed-use areas (e.g. expanded home occupancy provisions), how regulations could be crafted in ways that are flexible and inclusive enough to accommodate varied arrangements, avoid land-use conflicts, and keep pace with evolving housing and live-work trends.

Figure 3.2: Potential JLWQA Pathways



- **2.2C Connect artists to affordable housing and studio opportunities, and explore affordable live-work and housing typologies conducive to and supportive of art-making and creating**

There is a call by some members of the community to further explore the viability of artist-oriented housing in SoHo/NoHo. While there are models of such housing in New York City and elsewhere around the country, its creation must be considered in the context of fair housing laws and broader concerns over housing equity. New affordable housing that is targeted to artists and is conducive to arts production will require intentional planning. Additional recommendations on affordable housing can be found in Neighborhood Priority 2.3.

- **2.2D Explore ways to modernize the artist certification process**

It is widely recognized that without enforcement the current DCLA process of artist certification is ineffectual and has run its course since its original inception in 1971. If SoHo/NoHo is to remain a relevant mixed-use arts district as some members of the community strongly desire, the restrictions associated with JLWQA live-work applicability should be reconceived.

- To celebrate SoHo/NoHo’s cultural legacy in new ways, the Advisory Group recommended that artists, artisans, cultural workers, and others that engage in creative and cultural endeavors should be provided additional support (e.g. financial benefits, property tax deductions, rental assistance, etc.) so that they can either afford to remain in the neighborhoods or access the residential market as newcomers. It was also suggested that a new entity outside of DCLA could be formed to review the eligibility and connect individuals with benefits/resources. Additional research can detail further how such an entity might be established, how it would function, and how it would improve the ability to administer eligibility standards without being overly exclusionary.

- **2.2E Identify additional resources to support and promote the artist community, including property tax abatements and other incentives, and by leveraging the business community to support local arts/culture**

Without the presence of artists and new ways to support the practices of creating and making where one lives, SoHo/NoHo would become like any other neighborhood and cease to be a center of artistic creation. While many early artists benefited financially from their initial investment in SoHo/NoHo, costs of maintaining property here have increased substantially as the district has evolved. Contributing factors to increased costs include: growth in residential and commercial uses and developments, expanded regulations (e.g. historic district designations), maintenance costs tied to an ageing building stock, and increasing property values. Many artist residents who participated in the engagement process voiced concern over such costs, especially increasing property taxes and maintenance costs that impact the ability to live in SoHo/NoHo.

Property tax abatements could provide some relief, and could theoretically provide financial mechanisms by which existing artists and/or the expansion of arts and culture in SoHo/NoHo could be supported. Potential implementation strategies include:

- Under defined parameters, explore how legislative efforts could be made to implement property tax breaks and other mechanisms to support existing artists and to encourage arts and making in new “live-work” units that accommodate a broader range of cultural workers.
- Explore mechanisms to incentivize shared work and/or exhibition space for artists and makers as provisions in new developments or residential conversions.

Considering other areas of potential support, many businesses, including well-resourced national and global retailers, have considered the appeal of SoHo/NoHo’s creative identity and are drawn to locate there. There is community sentiment that major retailers can “give back” to local artistic and creative endeavors to support the local arts/culture legacy and future. For example, given the current trend of experiential retail, some larger companies in SoHo/NoHo have been promoting options to customize their otherwise “available everywhere” products in their SoHo/NoHo stores. Potential implementation strategies include:

- Explore ways to establish productive relationships between local non-profits and the business community to encourage and formalize support the local arts and cultural programming.
- Connect property owners with efforts seeking to create temporary programming/studios in empty commercial spaces.
- Explore opportunities to create a “Made in SoHo/NoHo” branding campaign and encourage retailers to commission designs from SoHo/NoHo artists and makers, with possibly a portion of sales of such goods used to support local arts and culture in the neighborhood.

Neighborhood Priority 2.3: *Create housing and live-work opportunities on underused land in ways that respect and support neighborhood diversity and character*

For the purposes of this Neighborhood Priority, underused land is qualified as property parcels that are either below their FAR allowance and have the opportunity for additional construction, or as undeveloped lots (e.g. a paved parking lots) (reference Figure 2.6). In addition, there is also a notable future opportunity to convert certain non-residential buildings to residential uses. Underused land in SoHo/NoHo is a scarce resource, yet, thinking strategically about such sites is necessary to further certain housing and live-work objectives. Such objectives are inclusive of furthering mixed-use efforts to provide new opportunities for community and artist space, and also aim to introduce new neighborhood affordable housing for measures of equity and access. Existing built condition differences between SoHo and NoHo, within and outside of historic districts, should be given proper attention, and potential future infill developments must respect neighborhood character.

The Advisory Group and the public meetings raised different concerns regarding the prospect of such new construction. Most frequently, it was raised that the character of the neighborhood must not be compromised (e.g. new developments must follow contextual design guidelines) if new developments are allowed. Yet, others embraced the potential to think creatively about new mixed-use implications that could be required for certain new developments, such as shared work spaces for artists.

Although a majority of buildings within SoHo/NoHo fall within the boundaries of historic districts, there are certain locations where lots are underbuilt and could permissibly have density increases that still respect existing neighborhood context. An important differentiation between areas within the SoHo/NoHo historic districts and those outside of this is that the jurisdiction of the NYC LPC adds an additional layer of review that guides the resulting built form of any new construction and modification. The building characters also differ within and outside of historic districts. For these reasons, sites within the historic districts versus sites outside of these districts, depending on the surrounding context, capacity and neighborhood character, may raise different considerations.

Potential Implementation Strategies:

• **2.3A Allow residential use, live-work units, shared studio/maker space and other services in new buildings**

New developments on underutilized parcels, with no complexities in existing occupancies and fewer existing physical constraints, should accommodate new live-work models (e.g. smaller residential units with share co-working studios or community facility spaces) and create new affordable housing opportunities. Potential implementation strategies include:

- Shared work spaces could double as community spaces that cater to both residents and non-resident artists/makers.
- Regulations should be developed that help foster new mixed-use developments inclusive of live-work and maker uses.
- Consideration should also be given to unrestricted residential use in tandem with live-work options and affordable housing.

• **2.3B Create more affordable housing and connect people, including artists, to affordable housing opportunities**

Although limited, opportunities for new affordable housing include potential development on a number of underused lots both within and outside of the historic districts (e.g. parking lots, lots occupied by one-story buildings), as well as non-residential buildings conducive to residential conversion. Potential implementation strategies include:

- Explore opportunities for increased density, where appropriate, to expand opportunities for the creation of housing, including affordable housing, in a manner consistent with the City's housing policies.
- Study the viability and opportunities of residential conversions of existing non-residential buildings.
- Zoning could also incentivize the provision of community facility style co-working/ maker spaces.
- Involve local non-profits in efforts to help artists and others find affordable housing, live-work space, or general work space.

• **2.3C Ensure height, scale and density (FAR) of new buildings are in context with existing historic buildings and neighborhood built environment**

SoHo/NoHo's historic architecture and iconic built environment are assets that this community deeply values. Historic district designations protect the vast majority of the SoHo/NoHo study area's built environment, yet additional efforts should be undertaken to help guide development in the area. Potential implementation strategies include:

- Identify opportunities for infill development that would architecturally supports the existing historic character of the neighborhood.
- Explore opportunities to create design guidelines, with assistance and input from LPC based on the Study Area's character, to ensure future development will be physically and architecturally contextual with existing built environment.
- Ensure balance of providing new housing with existing built landscape and historic district character.



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Guiding Principle 3:

Promote Economic Vitality

The planning process has highlighted how SoHo/NoHo's Economic Vitality has been nurtured through its historic status, diversity of uses, and lasting culture of creativity. Despite the neighborhood's current vibrancy, many stakeholders voiced concerns for the future of the neighborhoods' vital commercial uses. Calls to protect and promote growth of small business and cultural/creative uses were clearly articulated, along with calls for an expansion of regulatory flexibility in order to not hinder companies and retailers from conducting business here. Economic Vitality in such a mixed-use district should recognize the important economic role of the neighborhoods' many commercial activities, ensure appropriate scale and location of business activities in relation to adjacent residential uses, and encourage a vibrant and diverse ground floor landscape that enhances the quality of life for residents.

In addition to the historic character of these neighborhoods' built environment, SoHo/NoHo's modern roots as an artistic community have influenced the evolution of commercial and consumer activity as the neighborhood has become a destination for experiential retail and entertainment. The post-manufacturing local economy was initially shaped by creative endeavors that established galleries and cultural spaces, eventually giving way to independent businesses such as boutiques and showrooms. The growth of national and global retailers and new means of retailing (such as popups, hybrid²⁷ maker-retail spaces, experiential retail experiments, and market halls) have further shaped consumer activity as well as contributed to the sheer economic output of SoHo/NoHo.

Beyond just retail, the Broadway Corridor is a dense employment center of office-based sectors (over 15,000 employees), connecting to vibrant commercial centers both to the north and south, and has considerable influence on the district's overall economic vitality. To ensure a proper balance of uses that promote Economic Vitality, the workforce nature and profile of the Broadway Corridor should continue to be considered as critical to the economic development of SoHo/NoHo.

Retailers and business owners are challenged by numerous conditions in SoHo/NoHo such as real estate pressures, macro-economic trends and zoning inflexibility. This can be especially risky for small and locally-serving businesses as the existing complex and expensive process of obtaining a special permit to accommodate new retail favors larger, better resourced proprietors. Existing market and regulatory conditions also exert pressure that affects small micro-manufacturers and arts and culture establishments. Business and property owners of SoHo/NoHo have consistently expressed concerns around the need for greater flexibility within the zoning regulations. As one retail business owner expressed during the engagement process: "there is no category for us in SoHo/NoHo."

²⁷ Note that "hybrid spaces" refers to the co-existence of more than one use in a single space, also referred to as complementary or compatible uses in this report.

Many business interests and residents expressed a need for an expansion of ground floor as-of-right uses, with some calling for an increase in retail size beyond the current 10,000 square feet limit. This was also expressed by certain co-op owners, who rely on revenue from retail to help pay their taxes and maintenance costs. Community input from residents often emphasized the desire to preserve (and expand) arts, cultural, and maker uses in SoHo/NoHo alongside its array of small independent businesses. Promoting and furthering SoHo/NoHo as a mixed-use area should consider such a comprehensive balance of commercial uses.

Recognizing the full spectrum of thought and opinion heard around retail and commercial uses, and respecting the specificity of differing district areas and the diversity of land use environments in SoHo/NoHo, it may make sense to define distinct sub-areas within SoHo/NoHo to shape retail and economic environments, such subdistricts could be accompanied with different regulations and zoning rules appropriate for each. Further, these subareas could be defined with community input, based on factors such as surrounding context, neighborhood character and building footprint, etc. This approach recognizes that a one-size-fits-all remedy to commercial uses or a fully covering blanket single zoning district in SoHo/NoHo would not meet other objectives outlined in this report.

Notably, beyond the concept of establishing subareas for appropriate area-specific zoning and regulatory measures, the Advisory Group agreed upon establishing the following three parameters as a value system to guide the commercial landscape in SoHo/NoHo and future zoning amendments:

1. SoHo/NoHo should be recognized as a special mixed-use district (with arts, creative manufacturing, office, retail, live-work uses) that would allow for a wider range of as-of-right compatible commercial ground floor uses;
2. Certain areas could have exceptions to this based on physical and social characteristics and impacts (e.g. building footprints, street width, residential adjacencies, transit access, historic context, etc.); and
3. Any changes to expand the range of permitted uses, as proposed, would be accompanied by attendant policies, enforcement, and other changes needed to improve quality of life. The above would also be contingent on studies conducted by Process sponsors and City agencies, (e.g. to examine a wider range of compatible uses, traffic patterns, sanitation efforts, and a retail study). Efforts would include the involvement of the business and residential communities.

Recommendations

Promote Economic Vitality

Neighborhood Priority 3.1: *Promote mixed-use in ways that respect and support neighborhood diversity and character*

Promoting a more balanced mix of uses that not only sustains, but improves conditions for residents, workers, and visitors is a common denominator that ties SoHo/NoHo's Neighborhood Diversity and Economic Vitality together. Concerns were raised throughout the community engagement process that SoHo/NoHo is slowly becoming a monoculture of retail uses (e.g. national/international stores) and that further retail development will continue to negatively impact quality of life. However, many stakeholders recognize the variation of uses that already exists in different areas of SoHo/NoHo and support devising regulations for a future retail environment that supports this economic diversity and avoids a simple, one-size-fits all approach. The easing of restrictive regulations to create greater use flexibility and as-of-right expansion is a primary pathway identified by many property and business owner stakeholders to achieve a healthier mix of uses in SoHo/NoHo, while not compromising the cherished historic built environment of SoHo/NoHo nor the legacy of creating and making.

Another opportunity to provide greater flexibility is an exploration of zoning that would accommodate a greater mixing of uses to allow a range of hybrid/complementary uses as-of-right. Hybrid uses can vary considerably, (e.g. a coffee bar/café or light manufacturing space tied to a retail shop). Many business owners and real estate professionals in focus groups and at the Advisory Group have stated that "experiential" retail is the future of brick and mortar retail, and more flexibility to provide this experience for shoppers (e.g. a complementary café use) is a viable means to encourage consumers to support SoHo/NoHo's small and large businesses. The Advisory Group generally agreed that hybrid uses should be allowed on principle, but that more thought is needed around what uses are appropriate and where. Of particular concern was eating and drinking establishments that might expand and become a more dominant use in the space over time.

Food and beverage uses, including food/market halls, are also cited both by business owners and research conducted by the Department of City Planning as strong segments of the commercial market in and beyond SoHo/NoHo. The Advisory Group, however, was decidedly split on whether this use should be allowed as-of-right. Some members expressed concern regarding potential quality of life impacts that food halls might generate. Other members thought these could be managed effectively, and recognized food halls as an extremely viable and desirable use in today's challenged retail environment.

While greater use flexibility was generally supported by all stakeholders, there was not consensus among Advisory Group members about how much or where additional capacity might be permitted. Opinions ranged from allowing retail in certain areas (e.g. on Broadway) for unrestricted as-of-right within a building, while others maintained that it should be restricted to the ground floor only. A middle ground opinion suggested that retail in such areas should be allowed as-of-right to the second floor but no higher. There was, however, unanimous agreement among the Advisory Group members that more study is needed for potential subareas considering physical and social factors such as building footprint, street width, type of retail use, residential adjacencies, pedestrian and transit access and capacity, and potential impacts on quality of life.

Potential Implementation Strategies:

- **3.1A Allow a wider range of as-of-right compatible commercial ground floor uses (including cellars), such as retail, food stores, community facilities, arts and culture, while maintaining the 10,000 square foot cap on retail. Further, allow such uses beyond the ground floor and greater capacity in specifically (to be) defined areas of SoHo/NoHo based on physical and social characteristics and impacts**

City intervention is recommended to allow a wider range of compatible ground floor uses that balance mixed-use neighborhood blocks. Any changes as proposed, as such, would be accompanied by attendant policies, enforcement, and other changes needed to improve quality of life. The above would also be contingent on studies conducted by Process sponsors and City agencies, e.g. to examine a wider range of compatible uses, traffic patterns, sanitation efforts, and a retail study. Efforts would include the involvement of the business and residential communities.

- **3.1B Explore parameters for hybrid uses that would accommodate a wider range of different uses in a single space**

Current use restrictions are often inflexible, and many stakeholders believe they create missed opportunities to evolve business models, such as providing for new technologies in light manufacturing (or micro-manufacturing) or other experiential uses that could coexist within retail spaces. This is an issue that is not limited to SoHo/NoHo, but is exacerbated by the specificity of the area's use regulations. It is recommended that further research study the following:

- The appropriate parameters for allowing hybrid/complementary uses, including consideration of the type, size, operations, and land use compatibility.
- How hybrid uses might be viable in a continually evolving local economy, as they become established and potentially seek opportunities to grow.

- **3.1C Consider scale, type and hours of operation of eating and drinking uses, while maintaining current regulations on bars and entertainment establishments**

The community engagement process revealed a spectrum of opinions regarding the future of eating and drinking establishments in SoHo/NoHo. Of paramount concern to the Advisory Group is unintended quality of life impacts relating to eating and drinking establishments that serve alcohol and have late hours of operation, with the understanding that such establishments are governed by the State Liquor Authority. There is also concern for the scarcity of such eating and drinking establishments in SoHo/NoHo that could, if more readily available, better sustain the residential, daytime working, and shopping populations.

There was, however, little consensus around lifting the 5,000 square foot limit on such establishments. Some members again expressed concern about the potential quality of life impacts that larger restaurants might bring, while others argued that the limit curtails opportunity to allow for new eating and drinking models such as food halls, a service model that is increasingly popular and a viable alternative to a standalone restaurant use in today's marketplace. Therefore, further research and a coordinated effort with the community is recommended to create general guidelines and potential subareas for the expansion of such uses.

Neighborhood Priority 3.2: *Preserve, promote, and create more spaces and uses for arts, maker uses, and cultural uses*

Related to the larger landscape of affordability challenges in SoHo/NoHo, many existing arts, cultural, and maker uses face a precarious future. Strengthening arts, cultural, and maker uses will support the livelihoods of the artist and maker communities as well as the role of such activity in the local economic system.

Further, the spatial and social needs of arts, culture, and making/creating uses must be considered holistically while also allowing room to imagine creative approaches for future spatial arrangements. The community engagement process indicated that there is opportunity and desire to cultivate new creative activity by establishing new spaces to catalyze the arts into the future.

Potential Implementation Strategies:

- **3.2A Explore ways to affirm SoHo/NoHo's art heritage and cultural assets, such as creating an arts and cultural district**

Existing efforts that celebrate SoHo/NoHo's art heritage and cultural assets can be expanded upon for greater impact and recognition. Identifying and celebrating such heritage is a mechanism of preservation that could help leverage new community arts and creative endeavors in the future. Partnerships between local organizations and the City will be a critical component of exploring areas of capacity and interest, as well as eventual implementation strategies that could result. Potential implementation strategies include:

- It is recommended that community groups and the City further research advantages that a cultural arts district designation might provide for SoHo/NoHo. This idea was discussed during a City agency panel at an Advisory Group meeting and should be explored in greater detail. Although there are anticipated challenges to secure funding mechanisms for capital and programming, such a designation may more broadly enhance community identity and affirm local heritage.
- Despite such challenges around financing and the lack of available public sites, effort should be allocated to support requests from established cultural institutions or other interested parties that may be looking for secure brick and mortar space.
- Landmarking and historic preservation initiatives have ensured the maintenance of SoHo/NoHo's built character and iconic buildings. It is recommended that the City consider ways to showcase local heritage beyond the preservation of building stock. Local institutions currently have a role in this, but there are opportunities for greater coordinated efforts. For example, the creation of a wayfinding guide could showcase specific artists who have lived in SoHo/NoHo as well as significant cultural landmarks that might benefit from greater visibility.

• **3.2B Continue to allow art-making and maker uses such as JLWQA, art studios, and artisanal manufacturing while making it easier for a diverse range of art, culture, and maker uses to evolve and expand in place**

Many residents have highlighted the importance to them of JLWQA use as well as spaces in the community that enable making and creating. These residents have called for the preservation of such uses amidst any potential future zoning changes in the district. Potential implementation strategies include:

- Any potential future zoning in SoHo/NoHo should ensure that compatible light industrial uses (including live-work) are permitted and reflective of the activities that artists and makers currently engage with. Use regulations should accommodate art-making and local crafts as part of a long-term community vision. The planning process also revealed that there are opportunities to update use regulations in ways that consider the expansion of arts and maker uses. The City should consider this as an area requiring further analyses.
- While there are opportunities for provisions of new live-work models, JLWQA should be preserved as an allowable use in light of any potential future zoning amendments.

Further, calls for greater flexibility and as-of-right allowances for the arts, cultural uses, and maker uses in SoHo/NoHo have been voiced as a necessary component to foster local creativity and innovation. The community engagement process surfaced the idea for zoning in this area to allow greater flexibility for hybrid uses as a way to support local businesses' evolution and growth. To further support existing arts, cultural and maker uses, regulatory barriers that prevent resource-limited cultural organizations from navigating complex special permitting should be minimized. Potential implementation strategies include:

- Broaden the range of uses to be permitted as-of-right to eliminate the need and associated challenges with grandfathering that limit successful businesses from growing and evolving.

- In order to further support hybrid uses, light manufacturing should be maintained as-of-right in applicable areas of SoHo/NoHo. Many small businesses models in SoHo/NoHo currently rely on on-site production and light manufacturing. Considering business expansion and growth, the continued allowance of light manufacturing alongside as-of-right retail could also be an important zoning provision to recognize co-location of retail and light industrial maker practices.
- Further, it is recommended that allowances for commercial and community facility uses that service the arts, cultural and maker uses, etc. be expanded. For example, non-commercial art galleries are presently not permitted uses as of right in the current zoning. Such an expansion of facilities, e.g. cultural spaces or spaces that provide shared workspace amenities, could enable new social activities that would further reinforce the Economic Vitality of the arts, cultural uses, and maker uses.

Finally, residents of SoHo/NoHo have identified that limits on as-of-right uses can inhibit the accommodation of arts, cultural, and maker activities. A SoHo/NoHo that is inclusive of different forms of art and making should consider the spatial inputs and needs of various practices and cultural activities. Any potential changes to SoHo/NoHo's zoning should carefully consider and evaluate as-of-right uses in the categories of art, culture, and maker activities. For example, maintaining light-manufacturing uses will further support maker needs of today and the future, expanded allowances for community arts/cultural venue spaces (e.g. theaters, galleries, museums) could strengthen SoHo/NoHo's civic sphere, and the allowance of studios and co-working studios could enable more artists to produce work and practice in the district.

• **3.2C Leverage the business and not-for-profit communities to reactivate underused spaces such as empty storefronts with artist/maker space or small businesses.**

Paired with the community objective to preserve arts and creative uses is the desire to create new spaces that serve today's social and creative needs. The community engagement process identified a lack of accessible and affordable space for today's generation of artists and creatives. A frequently cited idea was to identify vacant property spaces for interim arts and cultural uses, such as exhibition space.

- Potential future changes in zoning should enable greater flexibility to allow for more types of arts/creative uses. As-of-right use restrictions have contributed to frequent community reporting of a lack of community spaces and publicly facing arts/culture uses. While JLWQA has served an important function for artists' personal spaces and homes, this is a call for a greater "opening up" of arts and cultural uses into the community sphere.
- Private landlords should be encouraged to "activate" vacant properties during interim occupancy periods for artistic, micro-manufacturing and cultural uses. Currently, artistic and cultural uses are not permitted as-of-right and an allowance for such uses would remove zoning violations and fines that are in place. It is recommended that the City further explore the feasibility of such an initiative by further contemplating two provisions: the involvement of well-suited local partners and non-profits to help with monitoring, and the potential role of philanthropy and incentives to help fund such an endeavor.

- **3.2D Encourage the creation of new maker spaces such as shared studio/co-working spaces**

Envisioning the future of live-work in SoHo/NoHo calls for redefining what live-work means in these neighborhoods and including new live-work models and configurations. Whereas the concept of live-work in SoHo/NoHo has traditionally manifested in the form of JLWQA workspace within one's home, new models of live-work could include shared spaces, perhaps with particular amenities that accommodate the needs of specific types of art and making. This strategy considers community feedback that expressed a desire to expand artists' and creatives' access to SoHo/NoHo in new ways. While existing spaces can be adapted to accommodate new models, new construction presents more opportunities and greater flexibility.

- It is recommended that the City work with private sector partners to develop new live-work typologies and configurations that are responsive to today's generation of artists and makers. Additional consultation with relevant agencies and organizations is recommended, in light of their expertise of artists' workspace needs.
- Further, zoning incentives should be explored by the Department of City Planning to allow for density bonuses in exchange for providing artistic or cultural work spaces in new construction that could be inclusive to residents or non-residents. A moderate density bonus should be examined for its ability to make such facilities possible and viable long-term.

- **3.2E Explore options for tax incentives and other forms of financial support for arts, culture and makers (including individuals and organizations)**

Similar to the Encourage Neighborhood Diversity objective behind tax incentives and abatements, tax incentives for arts, culture, and makers will help stabilize a certain economic goal for the area: to retain these uses and ensure that SoHo/NoHo provides security for such activity. It is recommended that Process Sponsors study the feasibility of implementing such tax incentives for these causes and further investigate other financial support mechanisms that could be utilized.

Neighborhood Priority 3.3: Foster the small business community of SoHo/NoHo by reducing regulatory barriers and providing supportive resources

Whereas previous Neighborhood Priorities in this section contemplate the mixed-use character of SoHo/NoHo in relation to a full spectrum of retailers and businesses, this Priority focuses on small businesses specifically. The community engagement process surfaced robust support to bolster small business presence and viability in the district.

Although regulatory barriers in SoHo/NoHo can negatively impact all business types, small businesses face a disproportionate burden. Current zoning restrictions do not allow retail or eating/drinking establishment uses on ground floors as-of-right. Consequently, many small business owners of this nature find the special permit and BSA variance processes to be burdensome and difficult to navigate because of the associated costs. Further, these processes are unpredictable and may not result in an approval that is desired. Additionally, the time needed for preparation of land use applications, the good faith marketing period, and discretionary review process impedes the ability of small retailers to act nimbly and adapt to rapidly-changing modern retail markets. Well-resourced larger chain retailers are often able to navigate this system financially and legally with the security that they can absorb losses and take more risks. Barriers that prevent equitable access for small businesses to do business here have played a role in SoHo/NoHo's shifting commercial landscape over the years.

In addition to the consideration of zoning with greater flexibility that would reduce current regulatory barriers, SoHo/NoHo's small businesses could also generally benefit from targeted support services. Such services could enable small businesses to foster and understand pathways to grow in place while also tailoring support to address common business owner demographics in the district (e.g. needs of micro manufacturers, or marketing for independent design-related businesses).

Finally, the public engagement process stressed that local services that sustain the residential population of SoHo/NoHo are needed and are an essential element of such a mixed-use district. It is important to note that SoHo/NoHo's lack of small businesses, community facilities, and local services that serve residents is, in many ways, a product of its history as a commercial and manufacturing district. Recognizing that SoHo/NoHo has evolved to be mixed-use with an established residential population and a considerable workforce, intentional planning efforts should be made to support the varied users of the neighborhood.

Such neighborhood-serving businesses might be less profitable or have less access to capital than the majority of retailers in SoHo/NoHo that serve a regional and national customer base, and therefore have greater difficulty paying high rents. The ability to locate as-of-right in spaces that include non-premium locations is one change that would support the viability of small businesses. Additional business assistance measures should also be explored for such local businesses to be better integrated into the local mixed-use fabric.

Potential Implementation Strategies:

- **3.3A Provide predictable zoning rules that support small businesses such as independent retail and local services of appropriate neighborhood scale**

Many small businesses have fewer resources (as compared to chain retailers) to navigate today's complicated and restrictive zoning. Reducing zoning barriers for contextually appropriate uses, such as allowing retail as-of-right and small eating establishments for the daytime working population, would help alleviate the disproportionate burden. Current ground floor restrictions in the district should be re-evaluated to better support small businesses that want to locate here but are discouraged by the current zoning.

- **3.3B Specify, allow and incentivize scarce neighborhood uses that aim to serve the community and identify spaces that can provide lower rent to small businesses**

The public workshops consistently revealed SoHo/NoHo residents' frustration with the near disappearance of local services that serve the residential community. Inflated rents and an overall increased retail presence over the years has challenged such types of businesses. Properties with lower rents could re-introduce a healthier mix of local services for the community. It is recommended that Process Sponsors investigate the feasibility of encouraging affordable rent options specific to such uses.

- **3.3C Expand support services for small business owners that plan on growing in place**

Safeguarding SoHo/NoHo as a home for small businesses will require supportive services and strategic planning. City and/or organizational support can further small business' goals of growing in place and aiding the long-term economic vitality of SoHo/NoHo.

Throughout the planning process, the most common challenges raised by small business owners were costs of rent and associated fears of displacement, difficulty navigating the inflexible zoning regulations, and general uncertainties related to the evolving landscape of brick-and-mortar retail (e.g. online shopping). These conditions will continue to challenge small business owners who will need to engage new and available support services.

- Work with Small Business Services (SBS), Chambers of Commerce, BIDs and merchants' associations to better understand small business' challenges in SoHo/NoHo, and connect them to resources.
- Promote small business access to free SBS resources and services, e.g.: business education, legal assistance, financing assistance, incentives, navigating government, recruitment, and Minority and Women-owned Business Enterprise (M/WBE) certification.



SECTION



NEXT STEPS

Next Steps

The Process Sponsors are committed to continuing community involvement and transparency, preceding any future implementation of recommendations. The release of this report is designed to allow time for residents and other stakeholders to contemplate the proposed recommendations before a follow-up Manhattan Community Board 2 (CB2) Land Use meeting in October 2019. The October 2019 meeting will mark the Process Sponsors' partnership with CB2 and continued outreach with the SoHo/NoHo community to seek feedback and obtain additional ideas on proposed recommendations.

To better inform and vet recommendations, the following areas of further attention are suggested as part of any next steps:

Suggested Areas for Future Outreach

Reflecting on the engagement process over the last six months and a consideration of who participated and was represented, it is recommended that additional outreach should consider the following areas/groups:

- The Southeast Study Area: This subarea contrasts the rest of SoHo/NoHo, largely due to its considerable Chinese-American population and related language barrier and cultural differences.
- Younger populations of SoHo/NoHo: There was a significant lack of younger generations in attendance at public workshops. Future outreach should target such demographics as Millennials to gather broader perspectives and unique input.
- Workers of SoHo/NoHo: While property owners and businesses owners were represented in the public meetings and focus groups, workers lacked representation in the Process. Process engagement saw high turnout from the artist community, but data demonstrates that, from an employment perspective, less than four percent of jobs in SoHo/NoHo are part of the Arts, Entertainment, and Recreation Sector.²⁸ Workers from all sectors have considerable impact on the neighborhoods and future stages of community outreach could benefit from their nuanced perspective.
- Other important voices that operate within and beyond the boundaries of SoHo/NoHo, such as arts and cultural nonprofits, Fair Housing advocates, nonprofit developers, among others, should also be encouraged to participate.

²⁸ NYS Department of Labor, Quarterly Census of Employment and Wages (QCEW), 2017. Note: This 4 percent figure reference helps portray employment rates of artists in SoHo/NoHo but is also inclusive of all jobs in the Arts, Entertainment, and Recreation sector.

Suggested Areas for Further Analysis/Study

Noted throughout this report, recommendations could be supported, contextualized, and better assessed through future analysis and study of the following:

- Research and investigate potential mechanisms that would enable and incentivize the proposed pathways for property owners to transition out of JLWQA (Figure 3.2).
- Explore options beyond the JLWQA model of live-work, including further research on a full spectrum of live-work and studio models. Live-work configurations and shared work spaces/amenities should be approached with creativity.
- Research and develop hybrid/complementary use guidelines that are specific to the character and mix of uses in SoHo/NoHo. Such guidelines should aim to better define what a “wider range of compatible uses” entails in light of variables such as business size, hours, and potentially the identification of sub-areas in the district for differing as-of-right allowances.
- Investigate the advantages and opportunities that a cultural arts district designation might provide for SoHo/NoHo. Specifically, ways to capture funding and/or or capital for such district designation should be explored in order to further goals of the artist/creative community, such as a potential brick and mortar space to commemorate and affirm local cultural heritage.
- Further research and define the specificity of SoHo/NoHo’s mixed-use nature and schedule needs for curb access with the objective to make deliveries more efficient.
- Explore opportunities to identify design principles that inform the built forms of future developments. For areas within historic districts, such principles should consider the physical and architectural context.
- Further research the opportunity to expand the definition of “artist” in tandem with potential future live-work incentives. For example, the engagement process identified opportunity to utilize a more inclusive definition of “cultural worker”.
- It should be emphasized that SoHo and NoHo (and sub-areas within the two neighborhoods), in addition to their shared zoning and certain characteristics, also have varied conditions with regards to building typologies, land use, streetscape, residential occupancies, and types businesses. Future study should consider both the shared and distinct qualities that exist within the SoHo and NoHo neighborhoods.

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