



Trying to rezone Soho, from the ground up

BY ALINE REYNOLDS

A group of Soho residents have become increasingly fed up with the neighborhood's zoning laws, which force some to live illegally and prevent others from selling and refinancing their apartments.

Now, they're taking matters into their own hands.

Soho real estate attorney Margaret Baisley has convened the first-ever, grassroots group devoted to rezoning the neighborhood, which New York City law still codifies as a "light manufacturing district."

"[The current zoning] has served this purpose, and it has served it well, but the time for manufacturing in Soho has long passed," said Baisley. "This is clearly a residential area, and the zoning should fit the use."

Certain loft buildings, Baisley explained, have recently had difficulty renewing their certificates of occupancy due to increased enforcement of a zoning provision that requires all apartment units to be artist-certified.

The artist certification policy, a City mandate created in the 1970s, obliges all Soho apartments to house at least one "creative" artist, as defined by the City's Department of Cultural Affairs. The artist, in order to become certified, must submit a professional fine arts résumé, two letters of recommendation and other material demonstrating at least five years of commitment to a particular fine-art genre.

The law is proving to be a hurdle to some neighborhood residents wishing to renovate, sell or refinance their lofts.

Lacking a certificate of occupancy is a "serious matter," according to Baisley. Residents of these buildings, she said, could be evicted, prohibited from selling their homes or getting mortgages and excluded from insurance coverage in the event of a fire or other accident.

Baisley and other rezoning proponents formed a steering committee after what they deemed a disappointing meeting, earlier this month, with the New York City Department of Buildings.

"[The purpose of the meeting was] to try to resolve these issues," said Baisley. "The [D.O.B.] said there's no deviation in this policy...our only recourse is to request that Soho be rezoned for residential occupancy, and to eliminate this archaic and unreasonable statute."

"Where else in the universe do you need a resident's certificate that tells you [that] you have to be in a certain profession in order to live there? In actuality, it's probably unconstitutional," said Susan Meisel, who lives at 141 Prince St. and brokers real estate in Soho.

Only a small percentage of loft buildings fully comply with the artist certification law, meaning that many Soho residents live in their homes illegally, according to Meisel's husband, art dealer Louis Meisel.

"At the end of the day, if the Buildings Department really wants to go full-throttle and really enforce this, everybody in Soho will have to leave," said Scott Schneider, who sold his 2,500-square-foot loft at 43 Wooster St. last year.

Schneider compared the sale, which took several months, to pulling teeth, since his building lacked a certificate of occupancy. "Negotiations with several potential buyers fell through because their lawyers were telling them you can't buy an apartment in a building that doesn't have a certificate of occupancy," he said. Only after he got his building authorized — which entailed getting his own unit artist-certified — was he finally able to sell the loft. Schneider ended up having to pay some \$40,000 in legal fees, as well as 10 percent of his asking price for the apartment to the buyers for the hassles they endured.

Other area residents are unable to procure loans. "Some banks will not touch these properties [lacking artist certification]," according to Elaine Schweningen, a Downtown real estate broker who chairs the board of the Little Singer building at 561 Broadway.

Soho's current zoning, Schweningen said, is a "sham." As the owner of apartments in the Little Singer building, a co-operative occupied by working artists, she feels unfairly limited by the zoning laws when seeking out tenants. "There are high taxes and egregious restrictions on our ownership interests. It's not a reasonable position to be in," she said.

The zoning rules "should allow residential and retail on a very basic level," according to Michael Zenreich, a buildings code consultant who represents several prospective and current business owners in Soho.

Without City-granted special permits, the current zoning, Zenreich noted, prevents retail stores from occupying buildings' ground floors or cellars in NoHo altogether, and ground floors or cellars in Soho that are larger than 3,600 square feet.

Residents opposed to the rezoning fear that it could drive out old-time artist residents who have been protected by the artist certification requirement.

Sean Sweeney, director of the Soho Alliance, accuses the steering committee of perpetuating an "urban myth" in drawing attention to the issue. "I have no problem changing the zoning... but if it ain't broke, don't fix it. And it's not broken," he said.

If the artist certification requirement is removed from the zoning law, Sweeney said, "every landlord in Soho will be pressured financially to claim they want [the lofts] for themselves, and there will be mass evictions of Soho pioneers by greedy landlords."

Such was the case with Broadway loft tenant Bob Seidman, a certified artist who took his landlord, Steve Schwartz, to court in the early 2000s when Schwartz attempted to reclaim the apartment for personal use.

The judge denied Schwartz's request, however, because the owner lacked artist certification.

“For me, walking around Soho is often like a palimpsest — I see the old characters who are still at their tasks, and I, for one, feel cheered that a few of the pioneers are still left in this mall-like environment,” said Seidman.

The rezoning might take up to a year to materialize, according to Baisley. She and the other members of the steering committee are scouting out private funding for an environmental impact statement, a mandatory part of the rezoning application the group must eventually present to the Department of City Planning.

The steering committee has scheduled a community-wide meeting to discuss and garner support for the rezoning plans on Tuesday, June 7, from 6:30 p.m. to 8:30 p.m. at St. Anthony’s Church located at 154 Sullivan St.