

**Appendix 11**  
**Written Comments Received on the**  
**Draft Environmental Impact Statement**



**JUDICIARY COMMITTEE**

SUBCOMMITTEES:

**CHAIRMAN**CONSTITUTION, CIVIL RIGHTS AND CIVIL LIBERTIES  
CRIME, TERRORISM AND HOMELAND SECURITY**TRANSPORTATION AND  
INFRASTRUCTURE COMMITTEE**

SUBCOMMITTEES:

HIGHWAYS AND TRANSIT  
RAILROADS, PIPELINES AND HAZARDOUS MATERIALS

ASSISTANT WHIP

**Congress of the United States  
House of Representatives  
Washington, DC 20515****JERROLD NADLER**

8TH DISTRICT, NEW YORK

## REPLY TO:

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2334 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5635□ DISTRICT OFFICE:  
201 VARICK STREET  
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(212) 367-7350□ DISTRICT OFFICE:  
445 NEPTUNE AVENUE  
BROOKLYN, NY 11224  
(718) 373-3198Web: <http://www.house.gov/nadler>**Testimony of Congressman Jerrold Nadler  
Before the City Planning Commission  
Regarding the Hudson Square Special District  
November 28, 2012****ULURP Application Numbers: C 120380 ZMM and N 120381 ZRM**

Thank you for the opportunity to testify today regarding the ULURP application by the Rector, Church Wardens and Vestrymen of Trinity Church to create a Special Hudson Square District. The Hudson Square neighborhood—where, in fact, my own district office is located—historically has housed manufacturing uses, but recently has experienced a change in character as more residents and non-manufacturing businesses have moved into the area. The neighborhood has become an important hub for creative industries including technological, publishing, and media businesses. The applicant proposes a zoning map amendment and zoning text amendment to create a Special District over the current M1-6 zoning.

I support the need to rezone Hudson Square, so that this neighborhood can continue to grow, thrive and provide the vibrant atmosphere, restaurants, shops and community spaces that residents and workers need. The current zoning has not proven sufficient to meet the needs of this evolving neighborhood, and I believe the time has certainly come for a rezoning. The proposal will preserve commercial uses and allow for an increase in residential and community facility uses, leading to a true mixed-use district that meets the needs of residents and workers alike.

Nevertheless, Community Board 2 has raised several thoughtful concerns about potential negative impacts from portions of this proposed rezoning, which I also believe must be addressed in order to make the rezoning successful. Manhattan Borough President Stringer has secured agreement from Trinity Church to make certain changes that would alleviate some of these concerns. I appreciate the willingness of the applicant to work with the community on these concerns, and thank Manhattan Borough President Scott Stringer and Community Board 2 for their thoughtful recommendations to improve this proposal. However, there remain several issues that I would like to see addressed before this rezoning moves forward.

**Height**

In its recommendation on this proposal, Community Board 2 (CB2) asserts that the 320' height limit for buildings on the avenues is too high and non-contextual to the rest of the Hudson



Square area. CB2 recommends a 250' height limit for avenue buildings with affordable housing and 210' for wide-street buildings without the affordable housing component. The Borough President's recommendation includes an assurance from the applicant that they are open to modifying the wide-street building maximum height to 290'. I encourage the CPC to adopt this modification and also to examine whether any further reductions are possible.

### **Open space**

The Environmental Impact Statement concludes that this proposal would have a significant adverse impact on open space in the residential study area. Currently, Community District 2 has one of the lowest ratios of open space per resident in Manhattan, having only 0.40 acres of open space per 1,000 people, compared to the City minimum requirement of 2.5 acres per 1,000 people. As this neighborhood continues to add residential units and office space, as the proposed rezoning contemplates, the pressure on existing open space will only increase. CB2 has recommended locations where the applicant can create or enhance active recreation space and community facilities to mitigate this negative impact. I urge the applicant to work with CPC, Manhattan Borough President Scott Stringer and CB2 to examine the options CB2 has identified.

### **Traffic**

Hudson Square is located proximate to the Holland Tunnel, and I can attest to the severe daily congestion along Varick St and Canal St as commuters leave Manhattan at the end of the workday. This congestion is already untenable, and raises not only quality of life concerns but also serious safety issues. I am concerned that the addition of so many new residents and workers will intensify this hazardous situation. The applicant must consider the traffic impacts of this proposal and work with CPC and other relevant city agencies to develop creative solutions to manage the increased congestion.

### **Hotels**

In recent years, Hudson Square has experienced an increase in the number of large hotels in the area. I agree with Community Board 2 and Manhattan Borough President Stringer that allowing this kind of large hotel would endanger the unique character of this neighborhood, be inconsistent with surrounding neighborhoods and create an environment that is not friendly to area residents and workers. I urge the applicant to work with the CPC to remove the expiration provision for the hotel special permit. This provision should be structured so that hotels of this size are only allowed by special permit regardless of the development goals.

### **School**

I appreciate the applicant's commitment to building a school that would serve the neighborhood. However, I urge the applicant to work with the SCA to maximize the school space and resources, including availability to the surrounding neighborhood as play and community space. Also, the Borough President has noted in his recommendation that the elimination of Subdistrict B would result in an increase in the number of residents in the



neighborhood, and I encourage SCA and the applicant to reevaluate the likely increase in the need for school seats in light of that change.

### **Landmarking of South Village Historic District**

For many years the local elected officials have asked the Landmarks Preservation Commission (LPC) to landmark part of the Village that is home to low-rise, architecturally rich buildings and which has a unique historical character. The South Village Historic District (SVHD) was first proposed in 2006, and LPC designated the western portion of the district in 2010 upon approval of the Greenwich Village Historic District Extension II. Since then, I have advocated with the other local elected officials to landmark the remaining portion of the proposed South Village Historic District, but LPC has not had the resources to do so. CB2 strongly recommends that the SVHD be landmarked as part of this application's consideration, and I wholeheartedly support this recommendation.

### **Conclusion**

The Hudson Square rezoning will provide important changes to this area that will create a much needed mixed-use district. However, we must ensure that outstanding concerns with the proposal are addressed. I want to thank the applicant again for its willingness to engage the community and find solutions to these matters, and I urge Trinity to continue working with the City Planning Commission to resolve outstanding issues. Thank you again for the opportunity to testify today.





*News from...*

## SENATOR THOMAS K. DUANE

29<sup>th</sup> SENATORIAL DISTRICT • NEW YORK STATE SENATE



**TESTIMONY OF NEW YORK STATE SENATOR THOMAS K. DUANE**  
**BEFORE THE NEW YORK CITY PLANNING COMMISSION**  
**REGARDING THE PROPOSED HUDSON SQUARE REZONING**  
**ULURP APPLICATIONS: 120380 ZMM, 120381 ZRM, 120381A ZRM**

**NOVEMBER 28, 2012**

My name is Thomas K. Duane and I represent New York State's 29th Senate District, in which Hudson Square is located. Thank you for the opportunity to testify before you today regarding these applications to create a new Special Hudson Square District.

The zoning map and zoning text amendments requested by The Rector, Church Wardens and Vestrymen of Trinity Church ("Trinity" or "the applicant") would fundamentally alter the fabric of Hudson Square. The current M1-6 zoning for the area in question, roughly bounded by West Houston and Vandam Streets to the north, Avenue of the Americas to the east, Canal Street and Spring Street to the south and Hudson Street and Greenwich Street to the west, allows for manufacturing, business and hotel uses but not residential, educational or cultural uses. I applaud Trinity's effort to create a vibrant, mixed-use community in this sparsely populated area which has been dominated by large commercial spaces.

I welcome and acknowledge the modifications that the applicant has made to its proposal as a result of negotiations with Manhattan Borough President Scott Stringer, including the elimination of the proposed Subdistrict B, a reduction in building height maximums, and the elimination of the proposed sunset of the special permit provision for development of hotels with more than 100 sleeping units. However, even given these modifications, the current proposal still fails to mitigate certain troubling adverse impacts, notably including some identified in the project's Draft Environmental Impact Statement ("DEIS") as significant. While I strongly support the aims of this proposal, I respectfully request that you deny these applications unless the concerns outlined below, as well as others outlined by Manhattan Community Board 2 ("CB2") in their October 25, 2012 resolution, are fully addressed.

The zoning text amendment sought by the applicant, as modified through negotiations with Borough President Stringer, would cap building heights at 290 feet on wide streets. This reduced maximum height is still out of scale with much of the area's existing built character as well as that of the surrounding neighborhoods. Furthermore, as an elected official representing a district with one of the most cost-prohibitive housing markets in the nation, I am also particularly concerned about the provision of affordable housing. Thus, I support CB2's request to lower the maximum height for buildings without inclusionary housing to 210 feet on wide streets and 165 feet on narrow streets, while capping heights at 250 feet and 185 feet, respectively, for those with



inclusionary housing, in order to foster more contextual development and stimulate the development of affordable housing.

While I appreciate that Trinity has agreed to provide fully built-out space for a new elementary school with approximately 444 seats in a tower it will construct in the proposed Subdistrict A , I share CB2's concern that this allocation is insufficient. The DEIS states that the proposed school would decrease the utilization rate of elementary schools in Sub-district 2 of Community School District 2 ("SD2/CSD2") by five percent, and that area elementary schools would then have a utilization rate of 126 percent – and that is based on the New York City School Construction Authority's ("SCA") conservative and historically inaccurate projected public school ratio of students generated per new housing units. While this school would accommodate the area's new pre-kindergarten through fifth grade residents as well as a small percentage of other SD2/CSD2 students, it would neither alleviate the current community-wide elementary school overcrowding issues nor address the lack of seats for older students. I echo CB2's call for Trinity to add an additional floor to the school, and further to work with both the New York City Department of Education and the Community Education Council for District Two in order to ensure that the proposed school is a zoned, neighborhood school and not a charter school.

Changing the area's composition from exclusively commercial to partially residential would create more demand for local amenities and particularly for both active and passive open space. While not directly displacing any open space, the proposed Special District would bring individuals and families to the area, severely straining the limited open spaces that already exist – a fact acknowledged in the DEIS as an unmitigated negative impact. In the applicant's presentations to the community, there were few specifics as to open space opportunities it was pursuing directly. While I commend the Hudson Square Connection's efforts at Freedman Plaza, SoHo Square, and along Spring Street, these are not acceptable alternatives to direct action by Trinity to create recreation opportunities for the residents they hope to attract to the area. CB2 has put forth several alternatives, including the development of a taller tower within Subdistrict A than the Board would otherwise find acceptable in order to accommodate an affordable, fully-built-out recreation center, or a pedestrian crossing at Spring Street to the Hudson River Park. Each of CB2's alternatives deserves serious consideration by CPC and Trinity before this project should be allowed to move forward.

As we have seen in other places in our city, even small changes to a neighborhood can have huge impacts on both traffic and public transportation. Hudson Square is already overwhelmed by Holland Tunnel traffic twenty-four hours a day. The DEIS found that 17 of 22 intersections studied would face "unacceptable" levels of traffic, and that any as-of-right new hotel construction would worsen the conditions. The addition of thousands of residents would substantially increase the pedestrian presence, as would new retail uses and the proposed school. Moreover, the dangerous combination of a high concentration of pedestrians with the heavy volume of tunnel traffic requires that effective measures for reducing and controlling traffic are fully evaluated and implemented. These include traffic mitigation proposals approved by CB2 in its June 21, 2012 and October 25, 2012 resolutions, and those put forth by the Hudson Square Connection in its Streetscape plan.



I urge the CPC to require any future development in the Special District, whether new construction or the conversion of existing buildings, to incorporate CB2's recommendations for construction mitigation. For example, these reasonable requests include knowledgeable field representatives, scheduled and limited deliveries, sound and vibration mitigation, and air quality controls.

Finally, it must not be overlooked that Hudson Square abuts a historic, low-rise neighborhood which is undeniably worthy of landmark designation. The proposed South Village Historic District was determined to be eligible for the State and National Registers of Historic Places in 2007. It has a largely-intact, historic architectural landscape that reflects the succession of quintessential New York communities that settled there. However, development pressure within the South Village would undoubtedly be exacerbated by development in Hudson Square, and would ultimately damage the neighborhood's cohesive fabric. As a supporter of the South Village Historic District since it was first conceived in 2006, I call on the CPC and Trinity to do all they can to encourage the New York City Landmarks Preservation Commission to begin the formal process for landmark designation in order to ensure contextual development within its borders before allowing this application to proceed.

While Hudson Square has the potential to be a great asset to lower Manhattan, and a vibrant new community, the current proposal fails to meet this potential. I urge CPC to conditionally disapprove this application unless the applicant follows the recommendations above, and those put forth by CB2.

Thank you for this opportunity to testify and for your consideration of my remarks.



**BILL PERKINS**  
**SENATOR, 30<sup>TH</sup> DISTRICT**

**COMMITTEE ASSIGNMENTS**

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Commissions

**MEMBER**  
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November 28, 2012

The Hon. Amanda Burden  
Chair, New York City Department of City Planning  
22 Reade Street  
New York, NY 10007

**OFFICE OF THE  
CHAIRPERSON**

DEC 17 2012

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Dear Chair Burden:

As the State Senator representing historic Central Harlem, Morningside Heights, West Harlem, part of the Upper West and East Sides and portions of East Harlem's El Barrio and Washington Heights, I am petitioning you today on behalf of a neighborhood outside of my district. At the behest of the hardworking Greenwich Village Society for Historic Preservation, I'm speaking up for one of America's most unique communities, South Greenwich Village.

Part of why I so strongly urge you to reassess plans proposed for the South Village, part of why I'm concerning myself with a place so far from where I live, is because this community is so important to the history, culture and identity of our city, state and country. So many different types of people lived and work and created here. Great Artist, writers, teachers and creators have called and call the Village home. And this, with its world-wide fame, makes the Village so much like Harlem in my district. An unmatched architectural legacy, one boasting beautiful building from every period, also makes the village similar to Harlem.

The distinction that makes both communities irreplaceable living treasures is undeniable. The threats which each face are equally clear. One answer to the unintended consequences of over-heated development pressures, with corporations and institution sponsoring over-scaled, over tall buildings that overwhelm and alienate historic blocks and local residents alike, is comprehensive landmarking. This is not the only way to reduce the too generous height and bulk limits currently proposed by Trinity Realty for Hudson Square. Nor is landmarking the only way prevent new structures based on the unfortunate example of the colossal Trump SoHo building from dwarfing nearly every other building in the area.

But landmarking that commemorates the heritage, not just of the rich or the elite, but of all the New Yorkers who helped make America great, is certainly the perfect partner of down-scaled zoning, with substantive affordable housing. This kind of partnership is government's best way forward toward realizing a LEEDS Platinum style sustainable city, one as welcoming to long-time residents, new immigrants, appreciative tourist and business alike.



In light of so much of inestimable value that's already been lost forever, Landmark designation, long-promised by the city, should happen right away, uptown and down. In light of the increased pressure a Hudson Square rezoning would put on the area, I urge you to only approve the Hudson Square rezoning in tandem with protection that will enable people to enjoy the same special spot we so love today, for many generations to come.

Sincerely,

A handwritten signature in blue ink that reads "Bill Perkins". The signature is written in a cursive, flowing style.

Senator Bill Perkins

New York State Senate 30<sup>th</sup> District





DEBORAH J. GLICK  
Assemblymember 66<sup>TH</sup> District  
New York County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education Committee

COMMITTEES  
Environmental Conservation  
Rules  
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**Assemblymember Deborah Glick's Testimony  
New York City Department of City Planning  
Regarding Special Hudson Square Rezoning and Text Amendment**

**November 28, 2012**

Thank you for the opportunity to testify before you today regarding Trinity Real Estate's proposal to rezone a significant section of the Hudson Square neighborhood. This rezoning will dramatically reconfigure the character of the lower West Side and I cannot support it in its current form. Dramatic mitigations must be made to this proposal before its approval is granted. The height and bulk of the proposal must be decreased, affordable housing must be clearly articulated, the lack of open space must be addressed, the South Village Historic District must be created in order to protect against the pressure future development, Sub-District B ought to be eliminated completely, and mitigations must be taken to reconcile the marked increase of traffic this rezoning will bring to the neighborhood, a neighborhood that is already seriously impacted by Holland Tunnel traffic backup.

**Height/Bulk**

The inappropriate height and bulk of this rezoning has been repeatedly raised at hearings held by Community Board 2. Buildings that are 320 feet in height, as currently proposed, will overwhelm the neighborhood and will permanently alter the face of the community. This height is closer to the Trump SoHo, universally accepted as the definition of inappropriate, than other buildings in the neighborhood that are on average closer to 250 feet. I could support new buildings rising as high as 250 feet but only if they included inclusionary zoning for affordable housing. I believe that this height would still allow for buildings that would generate a significant amount of income without destroying the existing feel of the neighborhood. The one exception I would make is in Sub-District A, which is the site of the proposed school. I echo Community Board 2's suggestion that a building with a school could extend beyond 250 feet, but the proposed 430 feet is excessive, and frankly outrageous. On side streets I believe that the height limit of 185 feet is out of character for the neighborhood, however I might be willing to accept buildings at such a height, if and only if, affordable housing is incorporated into any development. I also believe that Sub-District B should be completely eliminated from the proposal, as it does not serve the goals of the rezoning and unfairly penalizes property owners in the proposed Sub-District.



## Open Space

I, along with the community, have significant concerns about the lack of open space in this rezoning. This proposal will bring more than 5,000 new residents to the District without adding any significant open space. By the City Environmental Quality Review (CEQR) own definition, the applicant's proposal is 12 acres less than what is *legally permissible*. The applicant has made no real effort to ameliorate this situation, other than suggesting tiny pocket parks, one of which is proposed to be directly adjacent to the Holland Tunnel, a proposition that is difficult to fathom. Sitting among the fumes of car exhaust is hardly mitigation for open space.

In order to meet the open space requirements I think at least two steps must be taken. First, a community center should be constructed adjacent to the proposed school, that is at least 90,000 square feet that would be operated by a non-profit. This action would be a demonstration of Trinity's commitment to creating a livable neighborhood and considering the applicant's failure to meet a basic requirement seems to be a fair solution. Given the amount of money this rezoning will generate for the developer, I cannot accept Trinity's claims that they cannot afford to do so. I would also ask that Trinity consult with Community Board 2 in the planning of Duarte Park. The second step should be an annual payment to the Hudson River Park Trust, as will be the main park that new residents will use. Trinity has openly acknowledged this fact in their concerted efforts to create an access point to the Hudson River Park at Spring Street. However, Trinity has also claimed that the location of Hudson River Park, directly adjacent to the rezoning, had no impact on their decision to seek a rezoning, which I find hard to believe. Trinity argues that HRP is outside of the rezoning and therefore it is unreasonable to be asked to make a donation, but seeing no other remediation immediately within the blocks of the rezoning, I find ignoring this option to be disingenuous.

This is especially true in view of the likelihood that real estate developers and sales people will point to the park in their presentations as a neighborhood amenity, thereby profiting directly from the park's existence.

Another step Trinity could take, although not in lieu of either previous action, would be to contribute to the rehabilitation of the Tony Dapolito Center. Although not technically in Hudson Square, it is only 1 block north of the rezoning area, the Tony Dapolito Center is a City recreation center that has served the community for many years and now is in need of desperate repairs due to Hurricane Sandy. Trinity would be demonstrating a commitment to local institutions if it could offer any assistance to this rebuilding effort.

## Traffic/Transportation

The stated goal of this rezoning is the creation of a livable mixed use area that will increase the residential population significantly. It is impossible to ignore that an impediment to this goal is the existence of the Holland Tunnel and the intense traffic that it brings to the neighborhood. Any mitigation offered by the applicant must consist of creative approaches that will improve both current and future traffic conditions. Traffic is



overwhelming now but will only be exacerbated as thousands of new residents move into the District.

According to the Environmental Impact Statement (EIS), 17 out of 22 intersections in the rezoning would suffer a significant adverse impact as a result of this proposed action. I am especially concerned with what might happen to historic streets like Charlton, King, and Vandam as they are overwhelmed with additional vehicles thereby threatening the nature of these blocks. We can also expect additional traffic as there will be a net loss of more than 165 parking spaces, as individuals will have to spend more time in their vehicles looking for places to park.

The creation of a school on Canal and Sixth Avenue will be a welcome addition to the neighborhood but obviously presents serious concerns regarding children navigating a block that has such a heavy flow of traffic. The need for this school is triggered by this rezoning. It should not be the sole responsibility of the School Construction Authority and the Department Of Education to figure out how best to protect students and parents as they commute to class. Trinity must be part of the logistical and financial solution.

Mitigating the impact of this rezoning on traffic will not be easy and I have serious concerns that any actions the applicant takes will have any tangible impact. However, I do support the mitigations proposed by Community Board 2, including the creation of protected bike lanes on Hudson and Varick Streets, a planted median on Varick Street, and private traffic managers dispersed throughout the rezoning area to address especially problematic intersections. I would also recommend studying the possibility of more intensive measures at Houston and Canal Streets such as red light cameras, pedestrian only-green light phase, block the box striping, fines for honking and an increased presence by the NYPD.

I also support an increased utilization of the underground passage way that already exists as a part of the Canal Street subway station as originally proposed in the Canal Area Transportation Study. Refurbishing this passageway to become more of a public space with amenities such as a newspaper stand and a florist, could help reduce the risk pedestrians' face when they cross Canal Street above ground. I would also recommend the addition of clear signage and markings that could inform the public that such an option exists.

### **South Village Historic District**

No rezoning occurs in a vacuum. As Hudson Square grows and prospers, development pressure will mount in adjacent neighborhoods to take advantage of the new restaurants and stores that will hopefully start to flourish. Unfortunately, this puts the South Village directly at risk. This is a neighborhood that has been slated to be designated as a Landmarked District but has not been deemed as such because of the limited resources of the Landmarks Preservation Commission. It would be extremely short sighted not to realize that time is running out. The draft EIS stated that this rezoning will have a "significant adverse impact" on the South Village Historic District and the only



appropriate mitigation is a swift designation of the South Village Historic District. This must be done.

Previous rezoning efforts in Brooklyn and in Manhattan have been accompanied by Landmarking designations, so there is precedent for such an action. If this rezoning is allowed without a coordinated Landmarking of the South Village Historic District, the outcome will be disastrous.

## **Conclusion**

The current zoning of the Hudson Square area has led to vastly inappropriate developments such as the Trump SoHo. However, that does not mean that any rezoning offered by the applicant should be rubber stamped. Replacing inadequate zoning with an inappropriate plan will not leave a livable city in its wake.

The current application should not be approved as it stands today. The proposed buildings will be too tall and will not guarantee affordable housing, there are pressing questions regarding plans for open space, there is no clear plan to mitigate traffic, and it will put the South Village Historic District at grave risk.

This rezoning will create hundreds of millions of dollars in revenue for developers while severely impacting the current residents of the neighborhood. While Trinity has claimed that it only has 40% of the properties affected, and therefore can't address much of the necessary mitigations, they are experienced real estate players chose to be the applicant. I certainly believe other developers can and should be included in providing the resources necessary for mitigations, as they, too, will profit greatly. The mitigations I have outlined must be put in place, in order for this rezoning to have a net positive impact on the neighborhood.





THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

DEBORAH J. GLICK  
Assemblymember 66<sup>TH</sup> District  
New York County

CHAIR  
Higher Education Committee

COMMITTEES  
Environmental Conservation  
Rules  
Ways & Means  
Governmental Operations

December 20, 2012

Amanda Burden, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden and Commissioners,

I know the time for public comments regarding Trinity's application to rezone Hudson Square has officially closed, but a question was raised at the time of the review session on December 17<sup>th</sup> that raised a red flag. In view of the fact that there will be a full in-depth conversation about open space at the next review session, I felt it important to address these comments now.

Currently there is no true mitigation for open space in the Hudson Square. The Community Board, recognizing this, specified a recreation center as one component of suggested mitigation. Therefore, I was flabbergasted that there was any discussion that pitted a public school against a recreation center as if they are in any way equivalent to one another or address the same needs. The Applicant has always said that a school would be a part of this site, and due to the increase of potentially several thousand new tenants, is actually obligated to provide one. In fact, according to the Department of Education, the Applicant's plan for a school is unlikely to fully meet the needs of the rezoning, and I feel it will only prevent exacerbation of the extremely overcrowded schools in the area. This school and future residents who will attend it, has nothing to do with the oft-promised but never realized NYU public school as one commissioner mentioned.

I hope that as you go forward with deliberations that the Commission will keep in mind that the Mayor repeatedly refers to the goal of making a livable City, which is something that I think should be realized and not just a slogan. Thank you.

Sincerely,

Deborah J. Glick  
Assemblymember



# Borough President Recommendation

**City Planning Commission**  
**22 Reade Street, New York, NY 10007**  
**Fax # (212) 720-3356**

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 120380 ZMM

### Docket Description:

**C 120380 ZMM - IN THE MATTER OF** an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a:

1. changing from an M1-5B District to an M1-6 District property bounded by the former centerline of the Avenue of the Americas and its southerly prolongation, Canal Street, and the Avenue of the Americas and its southerly centerline prolongation; and
2. establishing a Special Hudson Square District bounded by West Houston Street, a line 100 feet easterly of Varick Street, Vandam Street, Avenue of the Americas, Spring Street, Avenue of the Americas and its southerly centerline prolongation, Canal Street, Hudson Street, Spring Street, and Greenwich Street;

Borough of Manhattan, Community District 2, as shown on a diagram dated August 20, 2012, and subject to the conditions of CEQR Declaration E-288.

COMMUNITY BOARD NO:

2

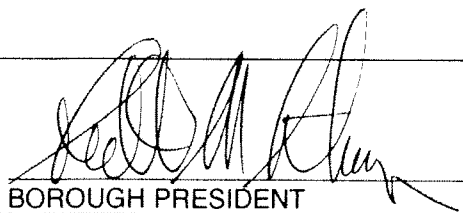
BOROUGH: Manhattan

## RECOMMENDATION

- ☐ APPROVE
- ☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

11/26/12  
DATE





THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

SCOTT M. STRINGER  
BOROUGH PRESIDENT

November, 26 2012

**Recommendation on**  
**ULURP Application Nos. C 1203080 ZMM, & N 120381 ZRM –**  
**Special Hudson Square District by**  
**The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York**

**PROPOSED ACTION**

The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York (the “applicant”) seek approval of a **Zoning Map Amendment (C 120380 ZMM)** to establish a new Special Hudson Square District located within Community District 2 in Manhattan. The proposed special purpose district is comprised of approximately 18 blocks generally bounded by West Houston Street to the north, Greenwich Street to the west, Canal Street to the south and Avenue of the Americas to the east.

The applicant also filed a related application for a **Zoning Text Amendment (N 120381 ZRM)** to establish zoning regulations for the proposed special purpose district in addition to the underlying M1-6 zoning district that governs the area today. The proposed amendments would generally permit residential and community facility uses, impose bulk and height limits, promote the creation of affordable housing, allow for school development, and limit the development of eating and drinking establishments and hotels. Text amendments are proposed for the following sections of the Zoning Resolution: **ZR §§ 11-12** (Establishment of Districts); **12-10** (Definitions); **73-244** (Special Permits by the Board of Standards and Appeals); and **Article 8, Chapter 8** (Special Hudson Square District).

**PROJECT DESCRIPTION**

The applicant seeks a zoning map amendment and a related zoning text amendment to establish a special purpose district, the “Special Hudson Square District” (“HSQ”) with Subdistricts A and B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street (Block 227). Subdistrict B is bounded by Dominick Street, a line midway between Varick Street and Avenue of the Americas, Watts Street, and the Holland Tunnel (Blocks 477, 491, and 578).<sup>1</sup> The proposed actions would generally permit residential development, regulate bulk and

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<sup>1</sup> Refer to **Figure 1** for boundaries of proposed district.

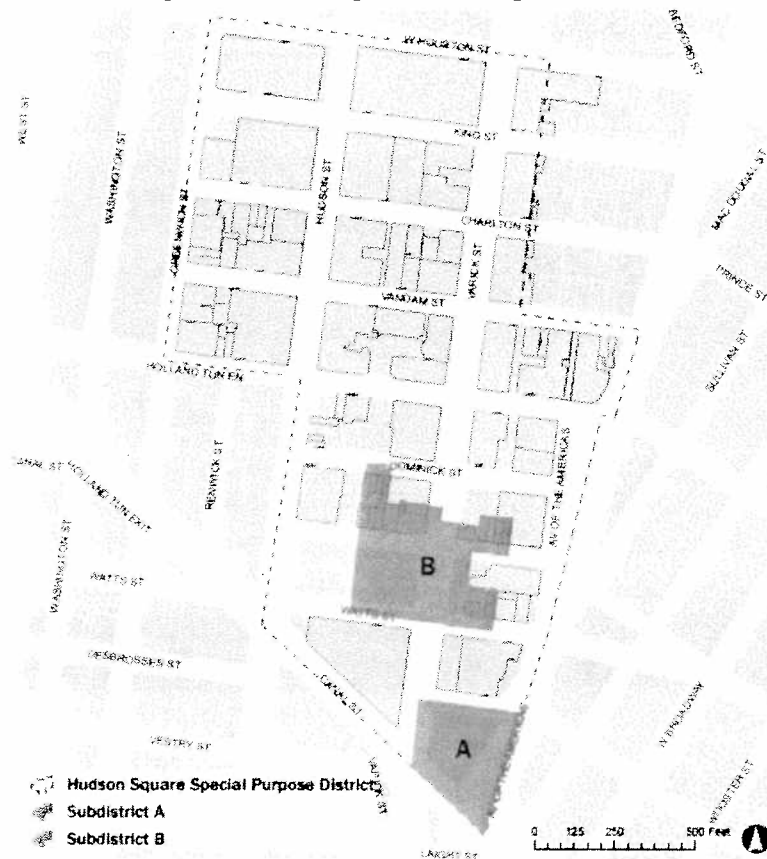




height, and set limitations on certain uses to protect the commercial character of the Hudson Square neighborhood.

Hudson Square is a predominately commercial and light manufacturing neighborhood. The current proposed rezoning area is composed of approximately 97% of commercial and office uses, and 3% of legal non-conforming residential uses.<sup>2</sup> The area is also characterized by community facility uses that include museums and trade schools.

**Figure 1: Proposed Hudson Square Rezoning Boundaries**



The area's history of printing and publishing industries is reflected in its many mid- to large-sized warehouse buildings that are between 6 and 12 stories. Low-scale row houses and tenement-style buildings, between 3 and 6 stories are scattered within the proposed project site. In recent years, as-of-right hotel developments have started to erode the special physical character of the neighborhood, including the 42-story Trump SoHo Hotel located on Varick Street between Spring and Dominick streets.

Additionally, Hudson Square is characterized by the entrance to the Holland Tunnel, located just south of Broome Street between Varick and Hudson streets. The neighborhood is also well served by public transit, with the 1, A, C

and E subway stops in the immediate area. While Hudson Square is located two blocks east of Hudson River Park, there are only three open space areas within the proposed HSQ: Trump SoHo plaza, SoHo Square and Duarte Square located within proposed Subdistrict A.<sup>3</sup>

Hudson Square's current zoning is entirely a M1-6 zoning district. M1-6 is a high-density, light manufacturing zoning district that permits high performance industrial uses and a range of commercial and community facility uses. Residential uses, however, are not permitted as of right. This district allows a maximum allowable FAR of 10 for manufacturing, commercial and some community facility uses, and developments utilizing the plaza and arcade bonus are allowed up to a 12 FAR. Additionally, there are no requirements for street wall and building heights in M1-6 districts.

<sup>2</sup> There is approximately 348,171 SF of residential area or 353 units within the proposed HSQ.

<sup>3</sup> The three identified open spaces combined is approximately 1 acre.



## **Proposed Special Hudson Square District**

The applicant proposes to replace the existing M1-6 zoning district with a special purpose district with unique use regulations, minimum and maximum base heights, and maximum building height regulations as defined by the proposed zoning text amendments. The proposed action would also create Subdistricts A and B that would have their own specific height and bulk regulations.

### Hudson Square Special Purpose District

The proposed special purpose district aims to:

- permit residential development;
- permit other community facility uses, such as schools;
- impose height limits in the area;
- set contextual development envelopes;
- encourage affordable housing through inclusionary housing bonus;
- preserve commercial uses in the area;
- limit hotel development;
- limit eating and drinking establishments; and
- limit large-scale retail developments with the exception of food markets.

*Density* - The proposed rezoning would allow a maximum 10 FAR for commercial and community facility uses, and 9 FAR for residential developments. The arcade and plaza development bonus, under M1-6 zoning provisions would be eliminated under the proposed plan. Instead, the proposed HSQ would allow a development bonus of up to 12 FAR with the addition of affordable housing through the city's Inclusionary Housing Program. The proposed rezoning also aims to maintain the area's predominant commercial nature by protecting non-residential buildings that are 70,000 SF or larger ("qualifying buildings"). Any demolition or conversion of qualifying buildings would require a one-to-one replacement of demolished commercial or manufacturing floor area, and certification from the City Planning Commission ("CPC"). Commercial and light manufacturing uses are encouraged through this proposed action; mixed-use residential projects, with a base of 9 FAR, would be allowed to increase the base to a 10 FAR provided non-residential uses are included in the development.<sup>4</sup> However, the maximum FAR would remain at 12 FAR.

*Height* - Under the rezoning, buildings on *wide streets* would be limited to a maximum height of 320 feet, with minimum and maximum base heights of 125 to 150 feet. New buildings constructed on *narrow streets* would be limited to a maximum height of 185 feet, with minimum and maximum base heights of 60 to 125 feet. Setback distances at the base are also required: 10 feet on wide streets, and 15 feet on narrow streets.

*Uses* - The rezoning would control the size and amount of some non-residential uses in the area. While ground-floor retail is generally encouraged in the proposed district, retail uses would be

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<sup>4</sup> New developments are allowed an additional 0.25 residential FAR for every 1 non-residential FAR built – up to 1 additional residential FAR is permitted.



limited to 10,000 SF.<sup>5</sup> Supermarkets and food stores, however, are exempt from this restriction. Other uses would also be regulated under the new rezoning. Eating and drinking establishments with a capacity for 200 or more people for entertainment and dancing would require a special permit approved and issued by the Board of Standards and Appeals. New hotel construction or enlargement projects with 100 or more sleeping units would require a special permit from the CPC. The special permit, however, would exist only until the district's residential development goal of 2,255<sup>6</sup> dwelling units has been met.<sup>7</sup> Hotel conversion or enlargement of an existing qualifying building will only be permitted by special permit regardless of whether the residential development goal has been met.

Additionally, manufacturing uses in the district would be subject to modifications, as applied in the Special Mixed Use District, to as-of-right uses, uses with restrictions, and excluded uses in Use Groups 16, 17 and 18 as set forth in ZR § 123-22.

*Streetscape Regulations* - The applicant also seeks to implement streetscape provisions in the proposed rezoning area. Ground-floor retail uses,<sup>8</sup> occupying 50 feet or more of the lot's street frontage, would be required to have a depth of at least 30 feet<sup>9</sup> and occupy a minimum of 50% of the zoning lot frontage. The remaining lot frontage may be occupied by any of the permitted uses that include lobbies and entrances to parking spaces (lobbies are limited to a width of 40 feet of frontage). Parking spaces would be permitted to occupy portions of the ground floor provided they are located beyond 30 feet of the street-facing building wall. At least 50% of the surface area of a ground floor street wall must be transparent between two and 12 feet (or the height of the ground floor ceiling if higher). The transparency requirement must be placed a minimum of 4 feet above the curb level; and the width of ground-floor street wall may not be nontransparent for more than 10 feet.

*Court and Yard Regulations* - The proposed HSQ would follow court provisions set under R10 zoning district regulations (ZR § 23-80), and yard provisions set under C6 zoning district regulations (ZR § 33-22).

*Rooftop Regulations* - Buildings in the proposed HSQ will follow regulations set forth in ZR § 33-42 permitting obstructions, such as elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment to penetrate the district's height limits. These obstructions are limited to 20% of the building's lot coverage, and a maximum of 40 feet. Additionally, all mechanical equipment (with the exception of water towers) on residential developments, enlargements and conversions would be required to be protected by a screen.

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<sup>5</sup> In particular, Use Groups 6A (other than food stores), 6C, 6E, 10 and 12B uses. The 10,000 SF limit on retail spaces only applies to the ground-floor level, and does not include floor area below or above the ground floor. These uses generally include convenience retail or service establishments, non-commercial clubs, and large retail establishments such as department stores.

<sup>6</sup> The residential development goal as stated in the proposed zoning text, in § 88-13(e)(1).

<sup>7</sup> The residential goal is 75% of the projected residential population in the Reasonable Worst Cast Development Scenario 2 (of 2,977).

<sup>8</sup> This requirement is limited to Use Group 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B uses (generally convenience retail or service establishments that serve the local neighborhood, and entertainment establishments).

<sup>9</sup> The 30 feet depth requirement would not apply to accommodate potential lobbies or circulation spaces.



Dormers would also be allowed to penetrate the maximum base height provided the width of the dormer is not greater than 60% of the length of the highest story entirely below the maximum base height.

*Street Wall Locations* - All buildings within the proposed HSQ must have street walls built to the street lot line. However, buildings are allowed to set back up to 18 inches from the street line. Recesses before the required setback would be permitted for entrances and vertical wall articulation. Where access to buildings is required, a recess of up to 3 feet in depth from the street line would be permitted. Recesses up to 5 feet in depth and a width between 10 and 40% of the street wall would be required above the second story of buildings along *wide* streets (above 60 feet of the building); and recesses no deeper than 18 inches and a width less than 30% the building's width would be required above the second story of buildings along *narrow* streets.

*Sign Regulations* - Signs in the new district would follow sign regulations found in C6-4 zoning districts pursuant to ZR § 32-60.

#### Subdistrict A:

The maximum allowable density in Subdistrict A could go up to a 10 FAR for commercial, light manufacturing and community facility uses, and reduced to a 9 FAR if residential uses are included in the project. Similar to other portions of the proposed special purpose district, residential and mixed-use developments are permitted to a 10 FAR, where an additional 0.25 residential FAR is permitted for every 1 non-residential FAR built. Additionally, any floor area built for a public school would not be calculated towards the project's total FAR.

Under the proposed rezoning, new developments within Subdistrict A would be permitted to rise to 430 feet. The lot coverage regulations would require a minimum 30 percent lot coverage for portion of the development *below* 290 feet, and a minimum 20 percent lot coverage for the portion *above* 290 feet.

Streetscape requirements would also apply to developments in Subdistrict A. Permitted ground-floor uses<sup>10</sup> would be required to occupy the entire width of the zoning lot frontage if the building bounds a public park.

#### Subdistrict B:

Subdistrict B would allow up to a 5.4 base FAR for residential uses, a 6 FAR for commercial and manufacturing uses, a 6.5 FAR for community facility uses, and up to a maximum 7.2 FAR through the Inclusionary Housing Program.

Subdistrict B would also follow contextual height and setback regulations pursuant to a C6-2A zoning district. Specifically, the maximum building height would be 120 feet, with minimum and maximum base heights between 60 and 85 feet. Setback regulations would be 15 feet on a

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<sup>10</sup> Similar to the proposed use regulations for the rest of the special purpose district, only Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B uses would be permitted on the ground floor, with the exception of schools (Use Group 3) and residential lobbies that would also be allowed in Subdistrict A.



*narrow* street 10 feet on a *wide* street.

### **Anticipated Development under the Reasonable Worst Case Scenario Development**

Two Reasonable Worst Case Development Scenarios (“RWCDs”) were studied in the Draft Environmental Impact Study (“DEIS”); RWCDs1 would generate approximately 3,323 residential units, and RWCDs2 would create 2,977 new units in addition to dormitory uses. The Final Environmental Impact Study will explore mitigations to adverse impacts identified in the DEIS. The DEIS found significant adverse impacts in the following areas:

- Socioeconomic impacts, 88 businesses (629 jobs) would be directly displaced as a result of the proposed actions. This number does not trigger a significant adverse impact, and the proposed actions would add approximately 438 jobs to the area (under RWCDs).
- Open space in the area would experience significant adverse impacts. Potential developments in the study area would result in a decrease in the total open space ratio, and the percentage of active recreational space. To *partially* mitigate these impacts, the applicant:
  - would develop a new design for Duarte Square Park to better accommodate new residential population in the area;
  - coordinate with SCA and DOE to provide access to the proposed school’s play yard on Site 1 (after school, weekends, and summer hours); and
  - explore the potential use of Port Authority property, north of the Holland Tunnel, as potential open space.
- Shadows impacts would be imposed on Trump SoHo Plaza and SoHo Square which are two open space resources in the study area.
- Archaeological and architectural resources would be adversely impacted by construction activities from projected and potential development projects in the area.
- Transportation impacts would impose significant adverse impacts at 17 intersections, and significant adverse impacts for pedestrian conditions were identified at the north crosswalk of Avenue of the Americas and Spring Street and the north crosswalk of Varick Street and Spring Street. Mitigations for these potential adverse impacts include: signal retiming, changes to parking regulations, and crosswalk widening.
- Impacts from construction-related activities would impose significant adverse impacts on transportation. There would be unavoidable significant adverse impacts on six identified architectural resources within 90 feet of the proposed district: 32-36 Dominick Street; 310 Spring Street; the Charlton-King-Vandam Historic District; and the proposed South Village Historic District.

### **Alternatives**

The DEIS studied several alternative development scenarios, which include: a No-Action alternative, a No Subdistrict B alternative, a Midblock Special Permit alternative, a No



Subdistrict B with Midblock Special Permit alternative, a Modified Midblock Site alternative, a Lower Height alternative, and a No Unmitigated Significant Adverse Impact alternative. Studying various development scenarios provides options to alternatives that may better serve both the community at large, and property owners of Hudson Square.

## **COMMUNITY BOARD'S RECOMMENDATION**

At a Full Board meeting on October 18, 2012, Manhattan Community Board 2 (“CB2”) recommended a **conditional disapproval** by a vote of 41 in favor, 0 opposed, and 1 refusal. CB2’s main concerns with the proposed actions are height limits, and open space and traffic mitigations. CB2 also called for the establishment of the proposed South Village Historic District.

The community board found the proposed 320 feet height limit too high along the avenues, and suggested 250 feet (with affordable housing) and 210 feet (without affordable housing). The community board found 185 feet limit on narrow streets to be appropriate, but felt the height should be lowered to 165 feet if new developments do not include affordable housing. CB2 also did not support the proposed 430 height limit for developments in Subdistrict A, and proposed that the height be below 430 feet.

In addition to proposing new height limits, CB2 stressed that the proposed open space improvements are not adequate in mitigating impacts from proposed developments in the area. To alleviate the lack of active recreational space, CB2 recommended the addition of a community recreation center in Subdistrict A. The community board also did not support the establishment of Subdistrict B as it does not preserve a special neighborhood character. Additionally, CB2 supported the designation of the South Village Historic District to better regulate potential development pressures in the neighboring low-scale neighborhood.

Other conditions CB2 listed in its resolution include supporting traffic calming measures, and implementing a signage program to further mitigate transportation impacts. Traffic safety measures should be especially enforced at intersections in and around the proposed school site. The board also proposed to maintain the special permit provision on hotel developments in perpetuity, and to eliminate dormitory uses in the district. CB2 would also like to ensure all construction projects are carefully monitored, and that the community be engaged and informed about all stages of construction activity in the area.

## **BOROUGH PRESIDENT'S COMMENTS**

At the turn of the 20<sup>th</sup> Century, Hudson Square grew as a center for the city’s printing and publishing needs. Since then, demand for printing services has declined coupled with the city’s general shift away from manufacturing. As a consequence, the area’s industrial character has also changed. Today’s Hudson Square, unlike what it was a century ago, contains offices for media, technology and arts-related companies. These industries are attracted to Hudson Square’s building stock and its large floor plates and high ceilings; and thus, have turned the neighborhood into an emerging hub for the city’s creative economy.

While Hudson Square has changed, its zoning is outdated and does not reflect the needs of the



neighborhood. The current zoning is overly restrictive on uses, does not support modern office amenities, and allows out-of-context buildings. The existing zoning also does not contribute to local and city-wide needs such as spaces for new schools and affordable housing. The proposed rezoning addresses some of these gaps:

#### *Creating a Mixed-Use Community*

While the area has a healthy mix of commercial and light manufacturing uses, the lack of a residential population prevents Hudson Square from being an around-the-clock community. Retail businesses have a difficult time thriving without a sizable number of pedestrians during the evening and weekend hours. This lack of retail environment creates dangerous night-time conditions as there are fewer pedestrians and eyes on the street, and it also removes services from those who work in the area.

The applicant, therefore, seeks a rezoning that would increase residential density to help create and sustain a retail presence to serve both the residents and workers of Hudson Square. Maintaining a healthy ground-floor retail presence would enliven the streets, and create a more vibrant environment that extends beyond the standard work week.

The anticipated residential population would not overwhelm existing commercial uses in the area, as the rezoning also aims to protect commercial buildings that are 70,000 SF or greater. The replacement of demolished commercial space would preserve commercial uses in Hudson Square and prevent the loss of businesses to new residential developments. This protection aligns with the city's policies and efforts to foster the creative and innovative job sectors, and establishes economic stability for startup media and technology companies in the area.

#### *Maintaining a Contextual Physical Scale in the Neighborhood*

The rezoning would require new buildings to be contextual and built up to their lot lines. As the neighborhood continues to grow, the requirement would maintain the physical character of Hudson Square, and promote a better sense of place. The current M1-6 zoning district does not limit heights of new constructions. As a result, several out-of-scale buildings, including the 454-foot Trump SoHo Hotel, have risen in recent years creating gaps and inactive spaces on the street level. Without the proposed rezoning, oversized buildings could continue to develop as of right in the area.<sup>11</sup> Therefore, the implementation of bulk controls and height limits in this rezoning would improve the pedestrian experience, and provide a planned vision of Hudson Square's future developments.

#### *Creating Affordable Housing*

The creation of more affordable housing is an important citywide goal because it diversifies housing options and stabilizes housing costs. The Inclusionary Housing Program has proven successful throughout the city as it incentivizes developers in creating affordable units in exchange for additional density that zoning otherwise would not permit. The program produced

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<sup>11</sup> In the No-Action Scenario studied in DEIS, two new hotels (at 453 and 492 feet) would develop on the applicant's sites.



3,200 units of affordable housing from 1985 to 2009. The approval of the proposed rezoning could potentially add 679 low- and moderate-income housing units in the Hudson Square neighborhood.<sup>12</sup>

### **Community Concerns**

While this rezoning presents tremendous opportunities for the neighborhood's growth as a mixed-use community, there are still pressing planning, policy and community concerns that should be addressed including:

- Open space mitigation;
- Height on the avenues;
- Height on the mid-blocks;
- Subdistrict B;
- Hotel special permit; and
- Public school.

#### *Open Space*

Community District 2 is well below city standards for open space. While the district currently meets standards for passive recreational open space, it is far from adequate active recreational open space, missing the target by 1.71 acres per 1,000 residents.<sup>13</sup> In addition, Community District 2 has one of the lowest amounts of open space per resident when compared to other community districts in Manhattan. Permitting residential uses to this area would further reduce available open space per resident.

In partnership with the local business improvement district (“BID”) Hudson Square Connection, the applicant has identified areas for open space improvements and potential locations where additional open space could be created: Duarte Square, SoHo Square, Freeman Plaza, the Port Authority-owned parking lot above the Holland Tunnel and the Spring Street corridor. These initiatives would improve the overall pedestrian experience in Hudson Square, and begin to add the amenities of a residential community. As owner of 40% of the properties within the special purpose district, the applicant's contribution to the local BID is significant. Unfortunately, these improvements do not solve the lack of active open space issue.

As stated in the proposed text amendment in Section 88-00, one of the general purposes of the Special Hudson Square District is to “...enhance the vitality and character of the neighborhood for workers and residents.” While vitality and character could be broadly defined, it is unmistakable that access to places for fitness and exercise is critical to the community's overall health and wellbeing.

One option to address this lack of open space would be through the provision of a new community recreation space, as recommended by CB2. A recreation center would meet the

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<sup>12</sup> Approximation found in Chapter 1, the Project Description of the *DEIS*, page 1-1.

<sup>13</sup> The open space standard in the city is 0.5 acres for passive recreational open space and 2.0 acres of active recreational space for every 1,000 residents. There are approximately 0.69 acres of passive and 0.29 acres of active recreational open space per 1,000 residents in Manhattan Community District 2.



resident's need for active recreational space, especially in a densely-built urban environment that lacks large publicly-owned land that could be converted into parks. The applicant has begun to explore this option and has reached out to recreational space providers. However, their initial analysis indicates a recreation center will not be financially viable without significant government subsidies for both capital construction and the center's long-term operation. Without adequate funding and a viable provider, a recreation center may be difficult to provide during this rezoning.

While a recreation center should be continued to be explored, the applicant should examine other ways to contribute to the open space needs of the community. These include but are not limited to exploring new open space options on Port Authority land or the water tunnel site; and improving existing open spaces such as the Tony Dapolito Recreation Center and Hudson River Park.

Additionally, a significant part of the proposal includes building out Duarte Square Park. The park is anticipated to be located east of Subdistrict A. To date, however, the exact design of the park is not known. If designed correctly, the park could address some active open space needs such as the inclusion of playgrounds or tot-lots. The applicant should work with the community on the design of the park to ensure that it meets community recreational and active space needs.

#### *Subdistrict B*

As currently proposed, the Subdistrict would reduce densities by nearly 50%, and introduce R8A-equivalent bulk controls with a maximum building height of 120 feet. While the city often considers down zonings as a way to allow for greater light and air on mid-blocks or to acknowledge the unique character of a neighborhood, this particular proposed Subdistrict fails to achieve either goal. Subdistrict B is divided by a wide-street corridor (Varick Street) and the district is predominately located on wide street frontages. Furthermore, it is directly across the street from Freeman Plaza, an open space and tunnel access to the Holland Tunnel. As such, the rezoning would reduce height in an area that has significant light and air.

While the proposed Subdistrict includes a collection of townhouses that are different in scale and form from the warehouse and office buildings that predominate the area, they are not located on continuous lots and do not form a sense of a *district* that feels different from the rest of Hudson Square. Instead, the boundaries of the proposed district are irregular, and are more similar to a historic district than a zoning district. Moreover, the proposal includes vacant lots along Varick Street and portions of Freeman Plaza, which do not contribute to a sense of unique character. Finally, Subdistrict B would reduce the potential number of residential development by 179 units (and approximately 42 affordable units) that could otherwise be created under the guidelines proposed for the rest of the Special Hudson Square District.

The community overwhelmingly supports the elimination of Subdistrict B, which better aligns with this rezoning's intent to create more housing opportunities in Hudson Square. The applicant should pursue alternative text that eliminates Subdistrict B as it will allow for greater residential development without compromising a unique neighborhood.

#### *Public School*



While public school space is often included in large-scale development projects, they are not typically provided in large neighborhood-wide rezonings. These rezonings often leave an unmitigated impact, which must be resolved by the city at a future date. However, the HSQ special district proposal includes a public school despite being a neighborhood-wide rezoning. The applicant will provide a 444-seat public elementary school of approximately 75,000 SF on the lower floors of a proposed 430-foot building within Subdistrict A. The school will mitigate a significant adverse impact created by the rezoning. The projected number of residential units would produce the need for an approximately 399 grade school seats. The applicant should be commended for taking initiative to mitigate a significant adverse impact and this mitigation should serve as a model to other neighborhood-wide rezonings.

While the proposed school would accommodate the number of students resulting from the rezoning, it will not alleviate the existing school needs of the affected district. According to the *DEIS*, the addition of a 444-seat public elementary school would only lower the school utilization rate by 5%, and keep grade schools in the area well above their capacities.<sup>14</sup> Additionally, the number of residents would increase with the elimination of Subdistrict B, and would further add impact on neighborhood schools.

Overcrowding will continue to be an issue as the neighborhood grows. While the applicant is mitigating the impact of this rezoning, the city must take more significant efforts to mitigate the impacts of population changes that are occurring in the neighborhood. The city, through the School Construction Authority, should continue to work with the community to identify new public school spaces and fund other potential spaces, such as the new school proposed at New York University campus, which remains unfunded.

Furthermore, the community has proposed several design improvements to the public school in Subdistrict A including: ensuring its compliance with the American with Disabilities Act, providing a playground, and creating cluster rooms like science laboratories for students. As the design of the school will require cooperation with the School Construction Authority, the applicant should continue to work with the community and the Authority as construction moves forward to achieve these goals. Finally, if it remains open after school hours, the proposed public school playground provides an opportunity to partially meet recreational needs of residents. Therefore, the applicant should commit to making the space available to the public during non-school hours.

### *Height Limitations on the Avenues*

The proposed height limits are designed to accommodate larger and more desirable floor plates of commercial buildings, and accommodate other bulk regulations designed to break up the proposed buildings' mass. These guidelines include required recesses and narrower towers on a base. However, the proposed 320 feet would generate a district with taller buildings than other 12-FAR districts in the city and therefore, requires careful examination.

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<sup>14</sup> Even with the addition of a 444-seat elementary school, the schools in the affected district will continue to experience overcrowding by 980 seats, and a utilization rate of 126%.



Only two buildings in the proposed special purpose district are above or near 320 feet.<sup>15</sup> Existing 10-FAR buildings have an average height of 203 feet and 12-FAR buildings have an average of 243 feet. Many of these buildings are loft-style buildings without rear yards or setbacks. In order to construct a building that is more in context, a lower building height is appropriate.

While other 12-FAR districts have height limits as low as 210 feet, these districts tend to produce residential developments. As a main goal of this rezoning is to allow commercial and mixed-use buildings, a greater floor-to-ceiling height is needed than a typical 12-FAR district. This is consistent with the average floor to floor height in the district, which is around 13 feet.

The rationale to raise the building height to 320 feet is that new buildings would be limited to a width of 150 feet above the base. This regulation moves bulk vertically rather than horizontally. While this bulk control is intended to break up the building's mass, alternative urban design controls with a lower height limit could be implemented to achieve a similar goal.

Instead of a narrow tower, the tower could be allowed to widen, and set back another five feet for a portion of the tower, which would create two planes to break up the building's mass. By allowing the building's tower to be 175 feet wide instead of 150 feet wide above the base, the total height of the proposed building could be reduced to 290 feet, while maintaining an average of 11 feet floor to floor heights. However, to ensure that the building's mass remains broken, the tower should be broken up to two segments. A portion of the building fronting wide streets no greater than 120 feet should be required to set back 10 feet and the remaining portion should be required to set back 15 feet. Narrow street setbacks should remain at 15 feet.

#### *Mid-Block Heights*

The proposed rezoning introduces new height limits of 185 feet on narrow streets (the mid-blocks). Through the course of public review, several property owners have expressed concern that they cannot achieve the full 12 FAR with the proposed lower height limit. The *DEIS* acknowledges that one of these sites is unable to achieve the full 12 FAR density. If applicants are not able to achieve the full 12 FAR, then they will be producing less or no affordable housing as they are unable to fully utilize the affordable housing bonus.

The creation of affordable housing is a city-wide concern and this neighborhood represents one of the few areas in Community District 2 where the creation of affordable housing is feasible. As such, the city should reconsider this regulation, which could result in the creation of less affordable housing. While some of the sites, such as the Edison parking lot (located on Dominick Street between Hudson and Varick streets) is narrow and could seek a Board of Standards and Appeals ("BSA") variance, new zoning regulations, in principal should be formed in such a way as to avoid any potential need for variances.

Variances are generally intended to provide relief for unintended consequences of zoning regulations. As such, the BSA process prevents review by the normal ULURP stakeholders who

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<sup>15</sup> 57 Watts street is 317 feet and 246 Spring Street is 454 feet tall according to Table 1-3 of the *DEIS*.



created the regulations, namely the community board, the borough president, CPC and the City Council. A variance conversely is only reviewed by the BSA. If the variance does not produce a preferred building form, the only means of regress for the community would be through legal actions.

As an alternative, the *DEIS* contemplates the creation of a special permit, which would allow applicants to waive building height and bulk requirements after public review. Such a process would allow building forms to be evaluated on a case-by-case basis and provide a role for community comment through ULURP. Therefore, this application should be modified to include a special permit to allow modification of building forms in the mid-block.

### *Hotel Special Permit*

The intention of the hotel special permit is to encourage sound and balanced growth in the rezoning area. Hotel developments have shown to be more competitive and profitable than the development of other commercial uses in Hudson Square. The result has been the development of several out-of-scale hotels, especially without height restrictions under the existing M1-6 zoning. Currently, there are four hotels within the proposed special purpose district that range between 18 and 42 stories high.<sup>16</sup> All four hotels are in new buildings, and had received building permits within the last 6 years. Without the proposed rezoning, potential hotels with up to 419 rooms and above 40 stories would be developed as of right in the neighborhood.<sup>17</sup>

These potential developments threaten the goals of this rezoning, which is to encourage a mixed-use community that supports residential and commercial office developments. Hotel developments attract a transient population that has different needs and impacts than the community's residents and workers. The proposed rezoning recognizes the potential impact of overdevelopment of hotels in the neighborhood, and has added a special permit provision to regulate the size and occurrences of hotels.

While the special permit brings attention to the potential saturation of hotels in Hudson Square, the special permit finding is inconsistent with the policy it intends. As the proposed text is currently written, any new hotel development within the proposed HSQ has to be limited to 100 rooms or less until the district reaches its residential development goal (2,255 residential units recorded through Certificates of Occupancy), which is 75% of projected residential growth in the rezoning area as studied in the *DEIS*.

This special permit finding is inconsistent with the city's policy on hotel development in the surrounding area. Section 111-31 of the zoning resolution (Special Permit for Large Transient Hotel) applies to the Special Tribeca Mixed-Use District, which is located directly south of the proposed Special Hudson Square District. Section 111-31 limits the development of hotels with more than 100 rooms; this special permit is not limited to a residential development goal and

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<sup>16</sup> Hampton Inn at 54 Watts Street has 18 stories; Courtyard SoHo at 181 Varick Street has 19 stories; Four Points at 66 Charlton has 20 stories; and Trump SoHo at 246 Spring Street has 42 stories.

<sup>17</sup> Potential hotel developments are known for applicant-owned lots. From the *DEIS*, the potential development sites for hotels are: 87 Avenue of the Americas with approximately 299,740 SF (419 rooms); 275 Spring Street with 272,569 SF (381 rooms); 66 Watts Street with 107,140 SF (202 rooms); and 523 Greenwich Street with 59,721 SF (124 rooms).



never expires. Additionally, the finding will be difficult to regulate as the total number of residential units may change over time if buildings are converted to commercial uses, or if residential units are combined.

The zoning should acknowledge the unique conditions of this neighborhood and use the special district to create an appropriate hotel regulation for the area. A uniquely high percentage of the new buildings constructed in this neighborhood are hotels. Additionally, the area has significant vehicular traffic congestion due to proximity to the Holland Tunnel and new hotel uses could significantly add to adverse traffic conditions. Finally, as the Tribeca Special District eliminates hotels, there will be significant pressure to develop hotels in this area due to its proximity to Tribeca, SoHo, and the West Village, which are major tourist destinations.

To support the goals and purpose of the proposed Special Hudson Square District, and to be consistent with the policy on hotel developments in the neighboring Special Tribeca Mixed-Use District, the hotel special permit should be extended in perpetuity.

#### *Proposed South Village Historic District*

The proposed South Village Historic District is located on the northeast corner of the proposed special purpose district, and sandwiched between the Greenwich Village Historic District to the north and the SoHo-Cast Iron Historic District to the south. In a letter dated April 16, 2007 to the Chair of the Landmarks Preservation Commission, the Manhattan Borough President expressed support for the designation of the South Village Historic District. The proposed historic district contains an array of tenement-style buildings, many of them remarkably intact, and represents a virtually unaltered landscape of working-class New York City during the nineteenth and early twentieth centuries.

The historic district has since been supported by other local elected officials, the community board, neighborhood and city-wide preservation groups and even New York University. Since that time, the proposed historic district has not been calendared. The designation of this 38-block district becomes more pressing with the approval of this rezoning as development pressures will continue to increase with the growth of residential development in Hudson Square. While designation of the proposed historic district is not one of the proposed actions of this ULURP application, this rezoning would trigger change that could likely impact the character of Hudson Square's adjoining neighborhoods.

The South Village Historic District should be calendared in order to protect the historic structures contained there within.

#### **MEETING COMMUNITY CONCERNS**

In an attached letter, dated November 26, 2012 to the Manhattan Borough President, the applicant has agreed to and will continue to explore the following modifications and mitigations:

1. Trinity is amendable to reducing the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and requiring an additional setback for the portion of the tower greater than 120 feet wide;
2. Trinity has submitted alternative language, which would eliminate Subdistrict B and allow



- it to follow the rules of the rest of the special district;
3. Trinity acknowledges that the Borough President's proposed removal of the expiration on the hotel special permit is intended to strengthen the special district and its goals, despite its inclusion to meet citywide policy concern;
  4. Trinity will continue to work with the Borough President's office and the community to identify open space opportunities;
  5. Trinity will work with the community on the design of Duarte Square Park;
  6. Trinity will encourage the SCA to meet the needs and concerns of the community in planning the school;
  7. Trinity work with the SCA/DOE to ensure public access to the school's playground and other facilities during non-school hours.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

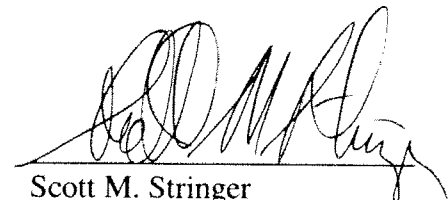
The proposed rezoning introduces height limits where they do not currently exist, protects existing commercial buildings, provides new opportunities for affordable housing and will create a new public school.

Therefore, the Manhattan Borough President recommends **conditional approval** provided that the applicant fulfills the following:

1. Reduce the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and require an additional setback for the portion of the tower greater than 120 feet wide;
2. Continue to pursue alternative language, which would eliminate Subdistrict B and allow it to follow the rules of the rest of the special district;
3. Remove the hotel special permit expiration, which would strengthen the special district;
4. Continue to work with the Borough President's office and the community to identify open space opportunities;
5. Work with the community on the design of Duarte Square Park;
6. Encourage the SCA to meet the needs and concerns of the community in planning the school;
7. Work with the SCA/DOE to ensure public access to the school's playground and other facilities during non-school hours.

In addition, the Manhattan Borough President urges the applicant and the city to continue to work on:

1. Creating a special permit to allow appropriate modification of the mid-block heights; and
2. Urging Landmarks Preservation Commission to calendar proposed South Village Historic District.



Scott M. Stringer  
Manhattan Borough President



**APPENDIX A:**  
Letter from Applicant





November 26, 2012

Honorable Scott M. Stringer  
Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> Floor  
New York, New York 10007

Re: Proposed Special Hudson Square District  
ULURP Nos. 120380 ZMM, N 120380 ZRM & N 120380 ZRM (A)

Dear Borough President Stringer:

On behalf of Trinity Church, I wish to thank you for your thoughtful suggestions for modifying the proposed Special Hudson Square District text and your recommendation that the proposed Special District be approved.

Your recommendation is a vote for the balanced growth of Hudson Square as an active mixed-used community. The proposed Special Hudson Square District will allow limited residential development in Hudson Square while preserving commercial space and jobs, creating an active street life that will encourage neighborhood retail, facilitating the creation of new affordable housing, and imposing height limits for the first time.

We appreciate the focus and consideration that you and your staff have given to the details of the proposed Special District controls, including the following:

Subdistrict B: As you requested following issuance of the Community Board's recommendation, we have filed an amended "A" text for consideration by the City Planning Commission which eliminates entirely the proposed Subdistrict B and would apply the controls of the rest of the proposed Special District to this area.

Hotel Special Permit: With regard to the proposed special permit requirement for the development of ground-up hotels with greater than 100 rooms, Trinity respects the Borough President's goal of further strengthening the protection of Hudson Square's unique neighborhood character and supporting the development of new residences in the district. We recognize that there are also broader citywide public policy issues to consider and we anticipate testimony on this issue at the City Planning Commission hearing.

JASON PIZER · PRESIDENT

75 VARICK STREET, 2ND FLOOR · NEW YORK, NY 10013 · T 212.602.0819 · F 212.300.9919  
JPIZER@TRINITYWALLSTREET.ORG · TRINITYNYC.COM

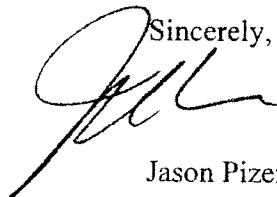


Open Space: Trinity is committed to the improvement of open space resources in the district. After extensive analysis, we have found that development of a community recreation center as a component of the proposed rezoning presents insurmountable logistical, operational and funding hurdles. However, Trinity will work with the Borough President's Office and the community to identify other open space opportunities and will consult with the community on the planning of Duarte Square Park.

School Design and Access: Trinity will encourage the School Construction Authority to take into account the needs and concerns of the community in planning the school, including the provision during non-school hours of community access to the school playground and other school facilities.

Height: Trinity is amenable to the adjustment of wide street heights in the district as studied and proposed in your recommendation letter.

We thank you for your thoughtful consideration and recommendations, and look forward to continuing to work with you and the community as we build the future of Hudson Square together.

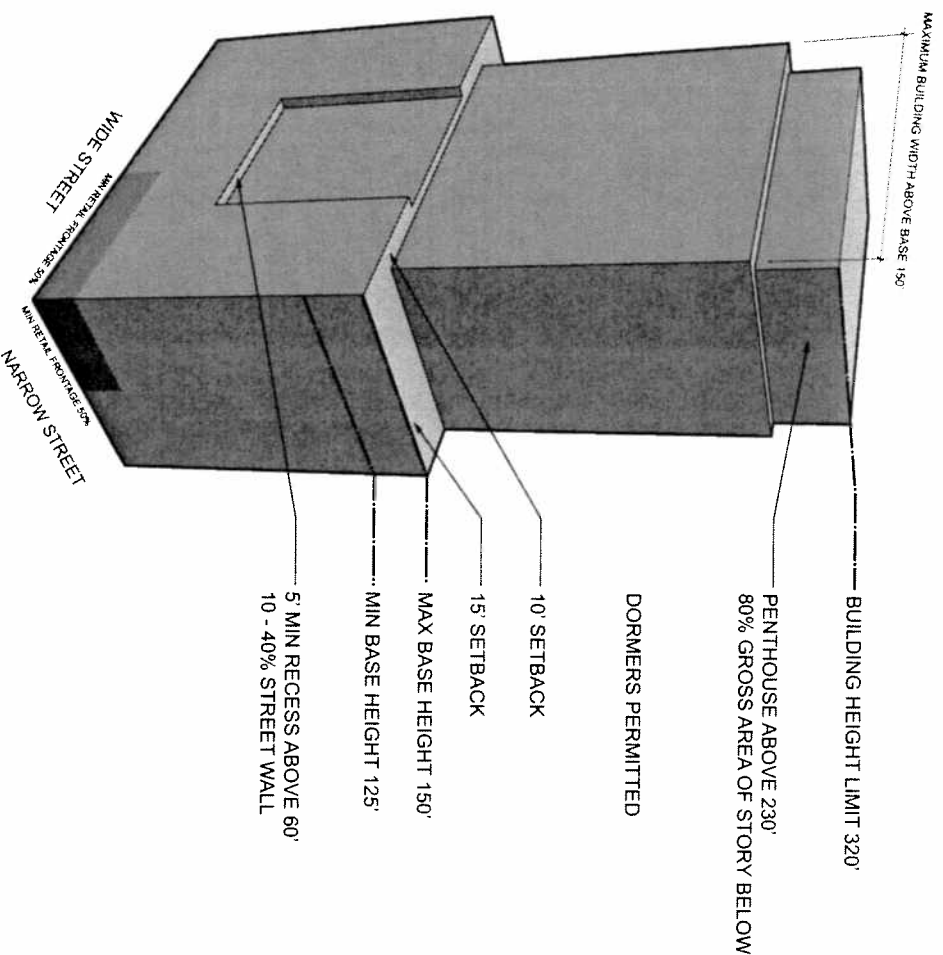
Sincerely,  
  
Jason Pizer



**APPENDIX B:**  
Proposed Alternative Massing



# PROPOSED REZONING // WIDE STREET RULES



## HEIGHT:

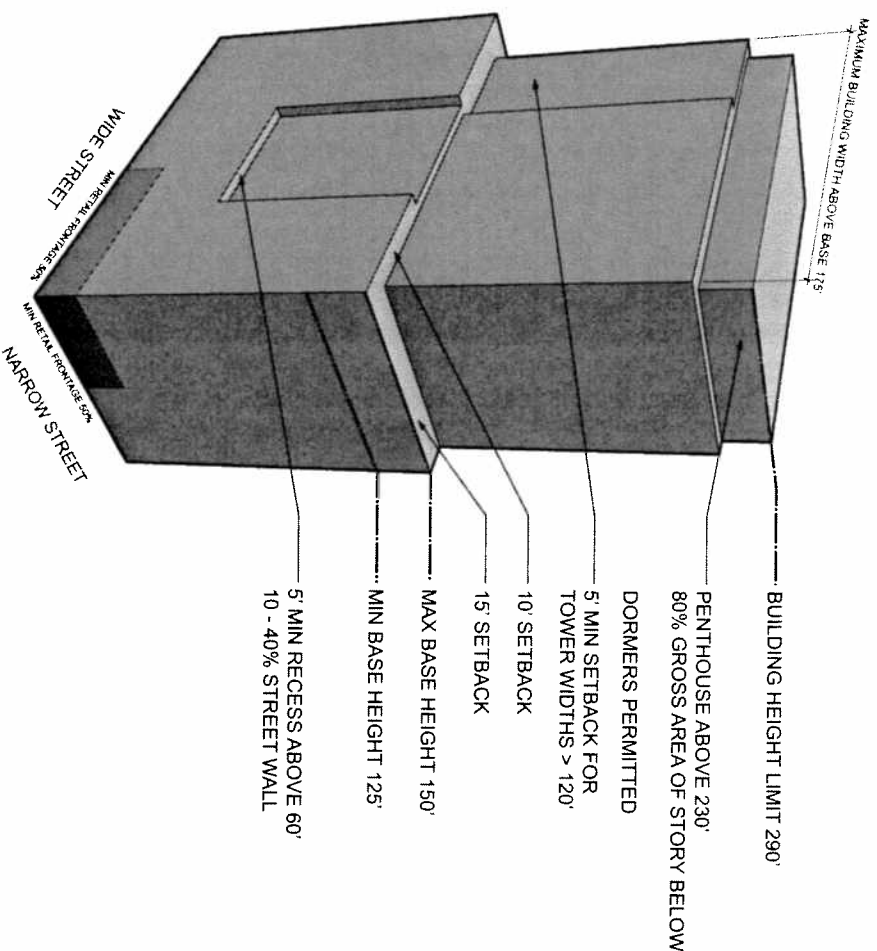
- MAXIMUM 320' ON WIDE STREETS
- MINIMUM BASE HEIGHT 125'
- MAXIMUM BASE HEIGHT 150'

## BULK:

- NON-RESIDENTIAL: REMAINS AT 10.0 FAR (2.0 FAR PLAZA & ARCADE BONUSES ELIMINATED)
- RESIDENTIAL: 9.0 FAR (BONUSABLE TO 12.0 FAR THROUGH AFFORDABLE HOUSING PROGRAM)
- MIXED-USE: 9.0 FAR (MAY BE INCREASED UP TO 10.0 FAR AT A RATE OF 0.25 FAR FOR EACH 1 FAR NON-RESIDENTIAL USE)



## ALT ZONING RULES // 290' MAXIMUM HEIGHT



### HEIGHT:

- MAXIMUM 290' ON WIDE STREETS
- MINIMUM BASE HEIGHT 125'
- MAXIMUM BASE HEIGHT 150'

### BULK:

- NON-RESIDENTIAL: REMAINS AT 10.0 FAR (2.0 FAR PLAZA & ARCADE BONUSES ELIMINATED)
- RESIDENTIAL: 9.0 FAR (BONUSABLE TO 12.0 FAR THROUGH AFFORDABLE HOUSING PROGRAM)
- MIXED-USE: 9.0 FAR (MAY BE INCREASED UP TO 10.0 FAR AT A RATE OF 0.25 FAR FOR EACH 1 FAR NON-RESIDENTIAL USE)



David Gruber, Chair  
Bo Riccobono, First Vice Chair  
Jo Hamilton, Second Vice Chair  
Bob Gormley, District Manager



Antony Wong, Treasurer  
Susan Kent, Secretary  
Keen Berger, Assistant Secretary

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November 30, 2012

Amanda M. Burden, FAICP  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden:

During the November 28<sup>th</sup> public hearing regarding the Trinity Hudson Square rezoning proposal, we were asked to prioritize the CB2 recommendations for mitigation of the negative impacts of the proposal on open space. This letter provides a more detailed response to this question.

We would first like to emphasize that while we do not oppose any improvements to neighborhood open space that emerge as part of this proposal, only improvements open space for active recreation are relevant to the negative impacts of this project that are caused by the addition of new residents to the area. This is the negative impact that is identified in the EIS and acknowledged by the application and the one that must be mitigated in the course of the review process.

**1. Trinity Recreation Center.** Overall, the district and surrounding areas would achieve the most significant benefit from the addition of a new recreation center with a gym and pool in the same building as the school at the south end of the district. In addition to helping to mitigate the negative impacts of the proposal by providing significant new opportunities for active recreation, a new recreation center will be an amenity that will significantly contribute to the goal of creating a vibrant mixed-use neighborhood in district that will faces challenges because of the lack of open space and Holland Tunnel traffic. **This is our highest priority.**

**2. BID or NID.** The Hudson Square Business Improvement District (HSC) will be an asset to the new special district, but it is funded by an assessment on commercial uses only and has purposes primarily related to the needs of the business community. Admirably, HSC has focused on the need for new open space in the district, but with its business improvement mission, it has not proposed open space for active recreation. The creation of a vibrant mixed-use district will benefit the commercial properties so there should be an expectation that HSC will contribute to the required mitigation as well. A transformation of this group to one with amended purposes



focusing on the improvement of active open space and recreation resources could significantly reduce the negative impact of this project, with a new assessment of residential property for this purpose. Initial support by Trinity would be replaced by assessments as the anticipated residential development proceeds, providing a way to spread the costs of mitigation to other property owners. Funds could be used, for example, to create or improve open space and subsidize recreation centers. As an alternative, if HSC does not welcome this change, the proposed Hudson River Park Neighborhood Improvement District (NID), could include an overlay to assess the residential properties in the Hudson Square Special District. The NID, an initiative that CB2 supports, could use the funds to improve access to Hudson River Park so that the availability to this important neighborhood open space resource can contribute to the required mitigation. This is our second priority.

**3. Tony Dapolito Recreation Center Renovation.** This Parks Department facility lies just outside the north end of the district. It has good features, long-standing successful programming, and a proud history. It is in need of major improvement and repair. If work on this center is done after the opening a new center on Grand Street, the Dapolito Center could be closed for the purposes of renovation, as needed. Ideally, amended bylaws for the BID would allow for expenditures to improve programming at this center. **This is our third priority.**

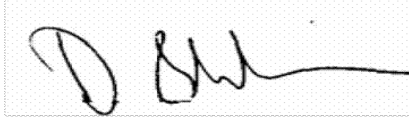
**4. Water Tunnel Shaft Site.** Also just outside the district, the Department of Environmental Protection is completing work on a shaft and valve chamber project in connection with the new water tunnel. DEP has committed to make the large lot available for use as a park. The site is ideally located for a park, near to neighborhood schools and across the street from a block that consisting of the Dapolito Center, J.J. Walker Park, and the Hudson Park Branch of the New York Public Library. **Development of this important new park is our fourth priority.**

**5. Spring Street Crossing.** We have not included a West Street pedestrian crossing at Spring Street in this list. We believe this crossing would be beneficial to the community and improve its access to a key open space resource. However, despite a major effort by Hudson Square Connection and Manhattan Community Board 2 with support from elected officials and others, no solution to the pedestrian safety issues raised by State and City Departments of Transportation has been found. CB2 would only support this as a significant mitigation if a project design was completed with all required approvals prior to the completion of ULURP, which we consider unlikely. Instead, this improvement should be considered a likely project for the amended HSC or the NID. While we support this idea, its questionable viability means it cannot be considered a mitigation as part of this review process.

**6. Duarte Park.** We also have not included Duarte Park in this list. In connection with the de-mapping of a block of Sullivan Street to benefit the adjacent site, Trinity Church has a pre-existing obligation to renovate this park prior to occupying the adjacent development. The design for this park was approved over ten years ago when the intent for the adjacent site was for an office building. A new design will be needed to better conform the park to the residential tower, school, and recreation center next door. Although we consider the traffic impacts on Canal Street and Sixth Avenue a major challenge to use of this site as a children's park, CB2 looks forward to participation in a creative process to design a park that helps to mitigate the negative impacts of the rezoning.



Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan  
Committee



Tobi Bergman, Chair  
Land Use & Business Development  
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Thomas K. Duane, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Calvin Brown, Dept. of City Planning  
Land Use Review Unit, Dept. of City Planning  
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning



During the November 28th public hearing, CB2 was asked to prioritize its recommendations for mitigation of the negative impacts of the proposal on open space. First, we emphasize that we do not oppose any improvements to neighborhood open space that emerge as part of this proposal; however, only improvements for active recreation are relevant to the negative impacts of the proposed rezoning. This is the negative impact that is identified in the EIS the one that must be mitigated. Our priorities are as follows:

1. Recreation center on Trinity's Projected Development Site 1/Duarte Square. In addition to helping to mitigate the negative impacts of the proposal by providing significant new opportunities for active recreation, a new recreation center (with a gym and a pool) will be an amenity that will significantly contribute to the goal of creating a vibrant mixed-use neighborhood in district that will face challenges because of the lack of open space and Holland Tunnel traffic.
2. BID or NID - The Hudson Square BID (Hudson Square Connection, or HSC) will be an asset to the new special district, but it is funded by an assessment on commercial uses only and has purposes primarily related to the needs of the business community. HSC has focused on the need for new open space in the district, but with its business improvement mission, it has not proposed open space for active recreation. The creation of a vibrant mixed-use district will benefit the commercial properties so there should be an expectation that HSC will contribute to the required mitigation as well. A transformation of this group to one with amended purposes focusing on the improvement of active open space and recreation resources could significantly reduce the negative impact of this project, with a new assessment of residential property for this purpose. Initial support by Trinity could be replaced by assessments as the anticipated residential development proceeds, providing a way to spread the costs of mitigation to other property owners. Alternatively, the proposed Hudson River Park Neighborhood Improvement District (NID) could include an overlay to assess the residential properties in the Hudson Square Special District. The NID could use the funds to improve access to Hudson River Park, which would contribute to the required mitigation.
3. Tony Dapolito Recreation Center Renovation - This Parks Department facility, which lies just outside the district, has good features, long-standing successful programming, and a proud history. It is in need of major improvement and repair. If work on this center is done after the opening a new recreation center at Duarte Square, the Dapolito Center could be closed for the purposes of renovation, as needed. Ideally, amended bylaws for the BID would allow for expenditures to improve programming at this center.
4. Water Tunnel Shaft Site - Also just outside the district, the Department of Environmental Protection (DEP) is completing work on a shaft and valve chamber project in connection with the new water tunnel. DEP has committed to make the large lot available for use as a park. The site is close to neighborhood schools and other community resources and is ideally located for a park.

The following are NOT included in our list of priorities: 1) Spring Street Pedestrian Crossing – While this crossing would be beneficial to the community and improve its access to a key open space resource, its viability is questionable, and CB2 would only support this as a significant mitigation if a project design was completed with all required approvals prior to the completion of ULURP, which is unlikely. 2) Duarte Park - Trinity Church has a preexisting obligation to



renovate this park prior to occupying the adjacent development. A new design will be needed to better conform the park to the proposed residential neighborhood and school. (CB2)



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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October 25, 2012

Hon. Amanda M. Burden, FAICP  
Chair, NYC Department of City Planning  
22 Reade Street New York, NY 10007

### **Re: Hudson Square Rezoning; ULURP Application Nos. 120380 ZMM, 120381 ZRM**

Dear Chair Burden:

At the recommendation of its Hudson Square Working Group, Manhattan Community Board No. 2 ("CB2"), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on October 18, 2012 by a vote of 41 in favor, 0 opposed, 1 recusal, 0 abstentions.

The resolution recommends that the applications be **denied unless** the actions, mitigations and requests specified in the following Community Board Response are included. CB2 has identified its highest priorities for this application as:

- height reductions, from those proposed in the application in the main district and Subdistrict A, to the minimum heights needed to ensure inclusionary housing
- provision of active recreation space and community facilities
- landmarking of the proposed South Village Historic District
- traffic mitigations

### **PROJECT DESCRIPTION:**

The Applicant: the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, is proposing a zoning text amendment and zoning map amendment to create a Special Purpose zoning district, the Special Hudson Square District (the "Special District"), over an underlying M1-6 District. The Proposed Action would create a mixed-use district by allowing for residential development and expanded community facility uses, requiring ground-floor retail, providing incentives for inclusionary housing, and limiting as-of-right hotel development, while at the same time ensuring that commercial and manufacturing uses are retained. The proposal also includes height limits and set-back regulations that will help to preserve the unique identity of the district.



The area proposed encompasses an approximately 18-block area (the “Rezoning Area”), generally bounded by West Houston and Vandam Streets to the north, Avenue of the Americas and approximately 100 feet east of Varick Street to the east, Canal and Spring Streets to the south, and Hudson and Greenwich Streets to the west. The Applicant owns approximately 39 percent of the lot area within the proposed Rezoning Area.

The Special District would contain two subdistricts: Subdistrict A and Subdistrict B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578.

#### *PROPOSED ACTIONS:*

Specifically, the proposed Special Hudson Square District would include the following zoning controls.

1. In the proposed Special District, the following would apply (except where modified within subdistricts):
  - a) Use—Residential, commercial, community facility, and light manufacturing uses permitted;
  - b) FAR—10 FAR for non-residential use; 9 FAR (bonusable to 12 FAR pursuant to the Inclusionary Housing Program) for residential use;
  - c) Building Height—Maximum 320 ft (wide street); maximum 185 ft (narrow street); and
  - d) Base Height and Setback—
    - On wide streets: base height minimum 125 ft and maximum 150 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 10 ft; and
    - On narrow streets: base height minimum 60 ft and maximum 125 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 15 ft.
2. For development sites containing existing buildings with 70,000 zoning square feet (zsf) or more, new residential floor area would be permitted only upon certification by the Chairperson of the CPC that the amount of non-residential floor area in the existing building would be replaced at a one-to-one ratio with future non-residential uses on the zoning lot.
3. Ground floor retail would be permitted throughout the entire district, but to restrict so-called “big box” stores, retail would be limited to 10,000 zsf of floor area per establishment on the ground floor. Food stores would be permitted with no floor area limitation. Eating and drinking establishments with dancing would be permitted only by BSA special permit.



4. A special permit would be required for hotels with more than 100 sleeping units, whether created through new construction or change of use in existing qualifying buildings. (For new hotel construction, hotels with more than 100 sleeping units would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition—the “residential development goal” (i.e., 2,233 new residential units)—have been constructed and issued certificates of occupancy.)
5. Buildings containing residential uses would have a sliding scale base FAR from 9 FAR to 10 FAR depending on the extent of non-residential use, allowing an additional 0.25 total FAR for each 1.0 FAR of non-residential use (e.g., 9 FAR maximum for 0 FAR non-residential use, 9.25 FAR for 1 FAR non-residential use, 9.5 for 2 FAR non-residential use, 9.75 for 3 FAR non-residential use, 10 FAR for 4 FAR non-residential use).

*Subdistrict A:*

Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—Maximum 9.0 FAR residential, 10 FAR non-residential. Floor space used by a public school exempt from definition of floor area;
- c) Building Height—Maximum building height 430 ft;
- d) Lot Coverage—below a height of 290 ft at least 30 percent required; above a height of 290 ft at least 20 percent required; and
- e) Streetwall—Special Hudson Square District regulations (noted above) apply, with exceptions for lot lines coinciding with the boundary of a public park.

*Subdistrict B:*

Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—6.0 FAR for commercial use and manufacturing use, 6.5 FAR for community facility use, and 5.4 FAR for residential use (bonusable to 7.2 FAR with Inclusionary Housing); and
- c) Building Height and Setback—C6-2A regulations apply: maximum building height 120 ft; base height minimum 60 ft and maximum 85 ft; above 85 ft, setback minimum 10 ft on a wide street or 15 ft on a narrow street.

*OTHER ACTIONS:*

1. Inclusionary Housing - It is expected that the Applicant and future developers of sites in the Rezoning Area not under the Applicant’s control may seek financing from city or state agencies for the affordable housing component of the Proposed Action. However, no specific program has been selected by the Applicant or by owners of sites in the Rezoning Area not controlled by the Applicant and, therefore, the Proposed Action will not undergo coordinated review with agencies responsible for affordable housing financing programs.



2. Public School - It is anticipated that the Proposed Action would include provision for a new public school (prekindergarten through fifth grades). Development of a new school would be subject to the approvals and requirements of the New York City School Construction Authority (SCA), including site selection for the school by SCA and site plan approval by the Mayor and City Council pursuant to the requirements of the New York City School Construction Authority Act. SCA will be an involved agency in this environmental review.

## **BACKGROUND**

CB2's Hudson Square Working Group and individual committees held six public hearings directly related to the certified application. The official presentation and public hearing for the purposes of this ULURP was held on September 6, 2012, and further public hearings were held through mid-October, 2012. Several hundred people came out to the official hearing and committee discussions to provide their concerns and opinions.

A vast majority of those attending these meetings stated that the applicant's requested building heights were too high in the main Special District and Subdistrict A, that there was insufficient Open Space – especially active recreation opportunities – in the proposed Special District; that the extreme volume of traffic was a serious problem, especially near the Holland Tunnel and in light of a recent tragedy immediately adjacent to the area; that the proposed school would be too small to accommodate both the increase in residents and to alleviate overcrowding in the CB2 area; and that adjacent areas require protection from the overdevelopment that this rezoning would cause.

## **MANHATTAN COMMUNITY BOARD 2 RESPONSE**

CB2 has extensively analyzed the application in detail, and provided its response divided into six major sections. Each section offers mitigations necessary to make the prospective Special District area a safe, vibrant, successful mixed-use neighborhood.

### **I: LAND USE**

*CB2 believes there is broad support among residents and property owners in the community for the goals of the application to create a diverse and vibrant mixed-use community with new and enlarged buildings that conform to the context of the characteristic buildings in the area.*

### **FAR**

CB2 supports the density necessary to achieve these goals. The proposed FAR of 9 for mixed use without inclusionary housing and 12 FAR with affordable housing is acceptable. CB2 believes that the 9 FAR should be the maximum FAR for commercial-only development as well.



## Height Limits

CB2 prefers mandatory affordable housing, but if it remains only an incentive, it must be linked to height limits to assure that inclusionary housing is provided.

The most frequent comments at public hearing were objections to the 320 foot height limit. This overly high limit would allow buildings that overwhelm the buildings that now create the character on the wide streets, thereby undermining the goals of the project related to supporting the existing built character. The taller buildings in the district, except for the out-of-character Trump SoHo hotel and 101 Avenue of the Americas, are in the 250-foot range. CB2 recommends a maximum building height in the district of 250 feet, and that is only for buildings that fully develop the affordable housing incentive. To assure the success of the affordable housing incentive, the wide-street height limit for residential buildings that do not provide the full component of affordable housing should be 210 feet. A similar differential should also be established for narrow streets, with 185 feet available if affordable housing is provided and a lower limit of 165 feet if not. We request that DCP and the Borough President's office re-examine other bulk controls enumerated in the ULURP in order to lower the heights.

## Subdistrict A

With respect to Subdistrict A, CB2 believes that this site can accept more height without undermining the existing built character, but the differential between this site and the rest should be based on the additional height attributable to space provided for a school that does not count for FAR. Therefore, with the proposed school, CB2 would not object to a building taller than 250 feet here. Because we consider an unmitigated open space negative impact entirely unacceptable, CB2 would support additional height (but less than 430 ft) as well as an FAR exclusion if a recreation center is developed at the site as described in the Open Space section.

CB2 asks that the DCP and the Borough President's office continue to work with the Community Board and use their professional architectural and engineering staff to advise what minimum height would be necessary in order to accommodate a 50,000 sq ft recreational/community facility and the aforementioned school while retaining a 9 FAR atop of those proposed facilities.

## Subdistrict B

Extensive comment was heard on this proposal at public hearings, including from many of the property owners in the Subdistrict, and written testimony was received as well. CB2 supports in concept the idea of preservation of special neighborhood character within a zoning district, but the board does not believe the proposed Subdistrict B achieves its intended goals. Therefore, CB2 does not support the establishment of Subdistrict B.

## Hotels

The application allows hotels over 100 rooms by special permit if the hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing. But the application does not identify locations or situations where such a finding could occur, and CB2 does not believe there would



be any. CB2 believes that hotels with more than 100 rooms should not be allowed in the district.

For new hotel construction, hotels with more than 100 rooms would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition have been constructed and issued certificates of occupancy. CB2 believes that even upon completion of 75 percent of the dwelling units, a change in demand could trigger the development of too many larger hotels. If the provision for a special permit for hotels is not eliminated, CB2 strongly favors the elimination of this sunset clause for the important limitation of hotels in the district.

#### Non-Trinity-Owned Sites with Special Conditions

During the hearings and via submitted documentation, CB2 heard from some property owners in the proposed district that they have identified possible unique site conditions. These are traditionally considered at the Board of Standards and Appeals under Section 72-21 of the NYC Zoning Resolution. CB2 believes the proposed zoning should move forward subject to the mitigations and modifications mentioned in this document. If any such property conditions warrant consideration for a variance, CB2 will review the issue at that time.

#### Dormitories

Dormitory development may be likely in the proposed district because of its proximity to New York University. Like hotel development, this represents a threat to the achievement of the goals for residential use. Development of dormitories should not be allowed in the district.

## **II: OPEN SPACE**

*CB2 is very near the bottom in the ranking of all districts in the city in open space, both active and passive. The Hudson Square Rezoning DEIS identifies the Proposed Action of new residential development in Hudson Square on open space resources as an unmitigated negative impact. Though the Proposed Action would not directly displace any existing public open space, the introduction of the planned 3300+ new residential units would create extra demands on such resources and result in a significant adverse impact -- both a decrease in the total open space ratio and active open space ratio -- and does not meet the required CEQR standards needed for this proposed action.*

CB2 adamantly believes that it is not acceptable to allow an unmitigated negative impact for open space, especially in a park-starved area. We note that Trinity is several acres short of the required open space. The following proposals from the applicant are not realistic attempts to mitigate the situation, but only vague wishful exercises at best.

CB2 supports the efforts of the Hudson Square Connection (BID) to improve the zone's streetscapes, but their proposed sidewalk improvements and vest pocket plazas do not address the need for active recreation space and should not be counted in such calculations.

There are five potential locations proposed by Trinity for improvement of open space:



1. Duarte Square: this space was already part of an agreement by Trinity to build out and maintain the park as part of a street demapping some 10 years ago
2. SoHo Square: this is a centrally located small strip of property that can be somewhat expanded with an adjoining street demapping. It is not part of the actual ULURP proposal, but is being brought forward by the BID
3. Freeman Plaza at entrance to the Holland Tunnel: this is an open area integrated into the entrance to the Holland Tunnel. As it stands now, it is not a realistic public space and certainly not an active public space and will require a massive investment to create useable open space, safe from the intense tunnel traffic
4. A Port Authority-owned parking lot above the entrance to the Holland Tunnel just north of Dominick St. and on Spring Street: (see item #5 which incorporates this lot). There has not been any indication that the Port Authority is giving up these lots in any way whatsoever
5. Enhancement of Spring St.: this is not attractive, viable or meaningful (and even if developed would still come short of mitigating the impact). More significantly, Trinity has not offered to clear or re-purpose any built space that they own

### **Mitigations Needed**

Because the anticipated new residential development will have a negative impact on open space in an area where sufficient public land is not available to mitigate this effect, attention must be focused on other ways to improve access to active recreation. In addition to these active recreation areas, CB2 calls upon Trinity to consider designating spaces for community facilities such as senior centers and affordable fine arts studio space, rehearsal space, theatre space, and cultural office space in this area.

CB2 has identified five opportunities, which, were they to be financed through a combination of public and private resources, we would consider a reasonable partial mitigation.

1. The district is severely underserved for open space—both for active outdoor recreation and for indoor sports and recreation, especially in the southern part of the district. CB2 believes the best opportunity to mitigate part of the open space impact would be Trinity's construction of a new recreation center at the Duarte Park building in Subdistrict A. CB2 believes that although the 420-foot height limit proposal for this building is far higher than required or appropriate, and recommends a much-reduced height, that recommendation could be ameliorated if a built-out center with gymnasium, pool, exercise space and community rooms, including a small theater, were included. The facility could be operated by a non-profit provider as long as affordable rates are guaranteed. The facility could also provide after-school programming for the adjacent public school. We recommend that this community center include amenities necessary to a well-functioning mixed-use area such as childcare facilities, a public library a Senior Center offering lunch programs, activities and classes for seniors, as well as evening programs for youth and toddlers, and Arts programs.
2. Lack of funding for open space improvement and programming limits the active recreational use of available open space. Currently, there is a BID that serves the district, but its goals are appropriately business oriented. CB2 would support a change in the goals of this group and application of its funding authority to include a 10 cent per foot



charge to residential property if the funds were directed predominantly for mitigation of the active recreation impacts. The total funding would increase as residential development takes hold and the unmitigated negative impact increases. However the BID covering this area states that a solid mixed-use zone is good for business, so we believe it could charge the commercial entities for anything within its boundaries that enhances that concept if charging residential tenants under a BID mandate proves too difficult to achieve. If charging residential properties can not move forward, the Friends of HRPT would be free to pursue this area for inclusion into its NID proposal.

3. Just outside the district but within the impacted area are opportunities for mitigations. Of highest priority is a thorough, much-needed rehabilitation of the Tony Dapolito Center. Additionally, DEP has committed to the use of the water tunnel shaft site between West Houston St. and Clarkson St. for public open space when work there is completed in the near future. Located near schools and important existing active recreation resources, this is a potential site for active recreation.
4. A pedestrian crossing to Hudson River Park at Spring Street would be an excellent way to improve access to active recreation within the district. CB2 encourages the applicant, city and state to work together to create a safe crossing at this location.
5. CB2 approved a design for reconstruction of Duarte Park more than a decade ago when no rezoning was under consideration. The location is a challenging one for active recreation, but if this area were to be considered for possible mitigation, a concept for the reconstruction should be brought to the CB2 Parks & Open Space committee prior to CPC's action on the ULURP application.

NOTE: To the extent that properties owned by the Port Authority or NYC DOT are used for mitigation, these must be predominantly for active recreation.

If any provision to allow special permits for non-conforming building envelopes in exchange for providing new open space is made, this should be done only if the promised open space is predominantly for active recreation; maintenance and public access should be guaranteed through an appropriate agreement.

### **III: TRAFFIC & TRANSPORTATION**

*Although the major goal of the Proposed Action is to allow new residential development to occur in the Rezoning Area and foster a mixed use district, the scale of what's proposed would result in severely adverse transportation impacts unfavorable to creating a truly habitable residential neighborhood and well-functioning mixed use environment.*

#### Adverse Vehicular Traffic Impacts

1. 17 of 22 intersections studied would suffer significant adverse vehicular traffic impacts during weekday am, midday and pm and Saturday midday peak hours, affecting large



segments of streets already overburdened with excessive congestion, such as Canal, Varick, Broome, Hudson, Spring and West Streets.

2. Small vulnerable thoroughfares with low-rise, historic buildings, such as Charlton, King and Vandam Streets, would endure similar adverse impacts as they cross the larger streets, experiencing traffic backups and increases that would overwhelm these sensitive blocks, threatening their infrastructure and their old-time, residential character.
3. Many of the intersections in the district are especially difficult and dangerous for pedestrians because the narrow streets cross the wide streets on an angle; as a result, pedestrians often have their backs to turning cars and trucks.
4. Added vehicular congestion would interfere with timely and efficient emergency vehicle access for the increased residential population.
5. Since hotels are known to be excessively high traffic generators, and the DEIS concurs that the hotel development scenario would result in increased vehicle, pedestrian and transit trips during several peak hours, the proposal to require a special permit for hotels with over 100 sleeping units until the “residential development goal” of at least 75% of new dwelling units is met will only intensify adverse traffic impacts in an area already highly saturated with hotels.
6. Suggested measures cited in the DEIS to mitigate operational traffic impacts, such as signal timing adjustments to increase green time and installation of No Standing or No Parking signs, would be limited in offsetting adverse effects and might even exacerbate negative conditions, e.g. more green time could endanger crossing pedestrians, and daylighting might attract more traffic. Several intersections would have completely unmitigated adverse impacts.

#### School Students’/Children’s Safety

1. Currently, the proposed rezoning area hasn’t many children, but will if the rezoning is approved, demanding increased safety measures. Several schools already in the area include those at The Door and the Chelsea Vocational School building, Elizabeth Irwin and nearby schools like PS 3 and PS 41 that require many families to cross Avenue of the Americas and Varick Street to reach them.
2. The proposed new 75,000-gsf public school is welcomed, however its location at the dangerous convergence of Avenue of the Americas, Canal and Varick Streets will necessitate extensive mitigation to ensure the students’ safety.

#### Parking

1. With approximately 809 parking spaces displaced, not all offset by 640 new off-street accessory parking spaces, a frequent parking shortfall is expected within ¼ mile of the rezoning boundaries. This would lead to increased circling for spaces, causing added congestion, less street safety and more pollution.



2. The DEIS claim that sufficient parking is available within ½ mile assumes drivers would walk the extra distance, unlikely, and ignores the negative impact that the additional vehicular traffic would have on nearby areas such as the proposed South Village Historic District.
3. The *CEQR Technical Manual* asserts that “a parking shortfall resulting from a project located in Manhattan doesn’t constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation.” This implies a modal switch, a welcome action that would not necessarily happen and could itself create unmitigated transit impacts, like overcrowding.

## **Mitigations Needed**

Addressing transportation mitigation, the DEIS states that many of the impacted lane groups/movements already operate at congested levels (mid-LOS D or worse) under existing conditions and are expected to operate under such levels under No-Action conditions, implying that the adverse impacts that would result from the Proposed Action would not make a significant difference. It also refers to vehicles and pedestrians being “generally acclimated to the prevailing condition during peak periods of heavy traffic.”

Since the major goal is to create a new, livable mixed use area, mitigation must address approaches to improve both current and future traffic conditions that would hinder the attainment of community-building streets and a comfortable, appealing, safe place.

## Adverse Vehicular Traffic Impacts

1. The prospect of significant adverse impacts from automotive traffic points to the pressing need to increase and accommodate alternative transportation options, such as walking, bicycling and public transportation.
  - The Hudson Square Connection Streetscape Improvement Plan outlines ideas for sidewalk widening, greening, seating and lighting to create an appealing pedestrian precinct encouraging walking and commanding drivers’ respect and care. This needs serious consideration.
  - Protected bike lanes on Hudson and Varick Streets, as well as bicycle parking and other facilities both indoors and out, are key to promoting and accommodating safe and convenient bicycle transportation.
  - Enhancement of public transportation, such as attractive bus shelters and seating at bus stops, and eye-catching signage identifying and leading to subway stations, would increase their appeal and usage. This desirable increased use will necessitate additional mitigation, such as widened platforms, better lighting and added trips.
2. Ideas for channeling traffic in the Hudson Square Connection’s Streetscape Plan must also be considered, such as the proposed planted median on Varick Street (in balance



with the long anticipated protected bicycle lane), reduced travel lane widths, parking re-allocation, and clearer, more visible signage.

3. Angle crossings should be eliminated using curb changes, paint and signs.
4. Private traffic managers should be funded for stationing throughout the newly zoned area to ensure safer crossings and smoother traffic flow and facilitate emergency vehicle access.
5. High visibility widened crosswalks with distinctive graphics, as proposed by the Hudson Square Connection plan, are highly desirable to hold back vehicular traffic from pedestrians and ensure pedestrians a modicum of safety.
6. At the least, the special permit requirement for hotels with over 100 sleeping units should be retained indefinitely, or no hotels with more than 100 sleeping units should be allowed, with consideration given to reducing the number of sleeping units allowed.
7. Adverse pedestrian safety impacts, like those expected at already dangerous intersections like Houston Street/Avenue of the Americas, Houston Street/Varick Street, and crossings at Avenue of the Americas, Varick and Hudson Streets at Canal and Watts Streets where Holland Tunnel traffic will impact residents, will require mitigations beyond Yield to Pedestrian signs, crosswalk striping and countdown signals, e.g. at Houston Street/Avenue of the Americas CB2 is requesting a red light camera, re-staggered traffic lights, a pedestrians-only green light phase, neckdowns, island barriers, and intensive enforcement activities.

#### School Students'/Children's Safety

1. Diligent enforcement by traffic enforcement agents, as well as the presence of crossing guards, are minimum requirements for students' safety at the proposed new 75,000-gsf public school.
2. As proposed in the CATS study, the Canal Street station underpass provides safe access across that hazardous thoroughfare, and it should be used for across-the-street access, being refurbished as an attractive and safe public space for both pedestrians and subway riders with enhancements like public art, extra lighting and commercial activities, e.g., a newspaper stand and florist. Wayfinding signage and markings should be established above ground to show the availability of this underground crossing. An elevator for disabled access should also be there.
3. Clear, attractive signage should be installed on sidewalks and painted on the street to clarify directional paths.
4. Space must be set aside for safe, accessible school bus parking.

#### Parking



1. To offset the parking shortfall, at least one public parking lot is required, with “green walls” like those proposed by the Hudson Square Connection plan as well as other plantings within to offset vehicular emissions.
2. Curb cuts leading to accessory parking should be minimized to protect pedestrians on the sidewalk and ensure their access.
3. Curbside parking needs to be maintained to provide sufficient commercial delivery dropoffs/pickups.
4. A metered-parking program for both private and commercial vehicles should be employed, especially the DOT Park Smart program, to ensure parking turnover.
5. Reduction of accessory parking and re-apportionment with public parking should be considered.

### **Additional Mitigations**

1. CB2 favors rerouting commuter buses out of the district. Buses to the Holland Tunnel should use Canal Street. While this would not eliminate the buses’ impact on pedestrians, it will reduce the impact on the proposed Duarte Square building.
2. New York City should create and implement a district-wide pedestrian safety plan as part of this ULURP application, not only for the commercial neighborhood as done by the Hudson Square BID, but also for residents and visitors.
3. CB2 supports both congestion pricing and East River bridge tolls. Considering the regional nature of traffic impacts in relation to the Holland Tunnel, efforts toward effecting the incorporation of such tolling approaches that will discourage excess vehicular traffic are very much encouraged.

## **IV: ENVIRONMENT**

*Because the stated goal of the rezoning of Hudson Square is to revitalize a commercial district into a 24-hour mixed use district, with residential development, it is clear that the requested changes will result in significant adverse impacts to the area from new construction. As a result, forms of mitigation to prevent these adverse impacts on the community from this new construction are extremely important and a significant concern for this Community Board.*

### **Construction Impacts**

Construction projects create noise, traffic, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses in the impacted area. This Community Board is very concerned about the potential negative impacts of construction in Hudson Square if the area is rezoned to permit residential development. While the current rezoning plan attempts to limit the amount of residential development in the area, other developers in the same area are already looking for exceptions to build large residential buildings currently not permitted under the



current rezoning plan. Consequently, consideration of the potential for further residential development and construction projects beyond what is predicted in the current DEIS is essential for reaching an informed rezoning plan.

### Construction Practices

In addition to the rules, regulations from the State of New York and City of New York as they relate to construction practices, this Community Board also requests that the development of any property in the rezoned area must accept, declare and adhere to the following construction practices before any construction project can occur:

- 1) Owners of all sites under construction must incorporate all recommendations for construction practices, mitigation methods and controls designated herein in their written contracts with all developers, construction managers and prime contractors working at any construction project within this area.
- 2) There must be a field representative designated to serve as contact point for the community and CB2 on a 24-hour basis. The representative should be able to discuss:
  - a) Overall Status and Schedule
  - b) Construction issues having area-wide impact
  - c) Community Quality of Life and Environmental Issues
  - d) Local business related issues
  - e) Conduct outreach to the affected community regarding irregular work times, use and location of cranes, scheduled work that is excessively loud, including but not limited to certain activities, such as pile driving, concrete pumps, excavators, generators, concrete trucks, wrecking balls or other large machinery used in demolition of existing building stock.
  - f) Implement a web site & e-mail notification system: the Construction manager should establish and manage a web site and an e-mail list. CB2 could help accumulate a list to facilitate timely announcements/communications. Such announcements or notifications would include, but not be limited to: Pile Driving Schedules, Blasting Schedules, Hazardous Waste Removal and Protocols; water and utility interruptions or emergencies; any detected damage from monitoring devices or inspections of surrounding buildings. Appropriate signage should also be posted to notify affected buildings and businesses within 100' of the construction zone.
- 3) Material deliveries to the construction site would be controlled and scheduled.
- 4) After normal work hours and on weekends, the site should be secured, locked and security personnel would be required to patrol the area on a 24-hour basis.
- 5) Weekend work should be limited to emergent situations, defined as a dangerous condition and should not include monetary or scheduling considerations, and will be coordinated, to the extent permitted, with the affected surrounding community.
- 6) Noise Receptor Sites should be utilized that would be the most likely affected by elevated noise, vibration and other construction related activities.



## Construction Mitigation and Noise/Vibration Reduction Methods

- 1) Electrical powered equipment, such as welders, water pumps, bench saws and electric saws should be used in place of diesel and/or gas powered equipment.
- 2) Sites should be configured and designed to minimize back-up alarm noise.
- 3) All trucks entering the site should not be allowed to idle more than three minutes.
- 4) Contractors and subcontractors should be required to maintain their equipment and mufflers so as to reduce emissions and conserve energy consumption.
- 5) All noise receptor sites within a two block radius of the construction site must be identified with the surrounding residential community and businesses.
- 6) Noisy equipment such as cranes, concrete pumps, and concrete and delivery trucks would be located away from and shielded from sensitive receptor locations.
- 7) Noise barriers with a minimum of 15 feet should be built at the construction site to provide shielding to identify sensitive receptor sites.
- 8) Portable noise barriers should also be utilized for certain dominant noise equipment, including asphalt pavers, drill rigs, excavators, back hoes, hoists, impact wrenches, jackhammers, power trowels, rivet busters, rock drills, concrete saws, and sledge hammers.
- 9) Quieter pile-driving methods must be used and pile foundations should be drilled with alternative hydraulic pile pushing methods and not hammered. Impact cushions must also be used unless otherwise identified and thoroughly discussed with the surrounding community.

## Air Quality and Emission Control Methods During Construction

To ensure that the construction in the area results in the lowest possible diesel particulate matter emissions, the owner and its contractor should implement the following measures:

- 1) Minimize use of diesel engines and diesel generators.
- 2) Apply for a grid power connection early on to reduce use of generators at the work site.
- 3) Use of clean fuel.
- 4) Utilize the best available tailpipe reduction technologies.
- 5) Utilize newer equipment.
- 6) Propose dust control plans such as washing wheels of construction trucks leaving the work site.
- 7) Use of water sprays.

## Hazardous Materials

Considering the history and former commercial uses and sites in the area to be rezoned, significant impacts with respect to hazardous material during excavation and construction must be anticipated. To reduce the potential for adverse impacts associated with the projected and potential new construction in the area, all owners should be required to conduct environmental investigations and E-designations should be placed and posted at each work site. In addition to E-designations being posted, the owner should be required to notify the Community Board of any oil spills, oil tank leaks, PCB soil or ground water contamination and the release of any significant quantity of toxic fumes into the atmosphere.



### Construction Traffic Mitigation

To ensure that the construction and construction activities in the area result in the lowest possible impact in an area already burdened by unusually high traffic congestion due to the entrance of the Holland Tunnel, the owner and/or contractor should implement the following measures:

- 1) Employ pedestrian traffic managers with a minimum of five or more years of law enforcement and/or traffic control who must have flagger certification.
- 2) Traffic plans in mitigation for roadway closures and displacement of existing parking facilities and spaces must be discussed with the DOT and this Community Board.
- 3) The numbers of construction vehicles parked, idling or used at any particular site must be minimized at all times.
- 4) Dedicated gates, driveways or ramps should be used for delivery vehicle access.
- 5) Fully trained and certified flag persons must be used at all active driveways.
- 6) Pedestrian flow around the work site should be maintained at all times.

### Environmental Sustainability of New Construction

To ensure that all newly built, altered, reused or expansions of existing buildings in the area result in the lowest possible impact on greenhouse gas emissions in the atmosphere, the following measures should be implemented, to the extent practicable, to limit those emissions:

- 1) All owners must declare and design their new buildings and/or redesign their existing building to meet the current standards for at least LEED Silver certification or equivalent.
- 2) Optimize daylighting, heat loss and solar heat gain.
- 3) Utilize water-conserving fixtures exceeding currently building code requirements.
- 4) Use high-efficiency heating and cooling systems with barriers, silencers and other exterior noise controls.
- 5) Use clean power and reuse of renewable energy credits.
- 6) Use building materials that are recycled, rapidly renewable materials, and certified sustainable wood products with low carbon intensity.

Other measures that are encouraged to be incorporated include green roofs, motion sensors and lighting/climate control, efficiency lighting and elevators, energy star appliances, directed exterior lighting and water-efficient landscaping.

### Other Environmental Impact Concerns To Be Addressed

- **Public Health and Safety:** Adding a large new population has the potential to overburden medical infrastructure diminished by the closing of St. Vincent's Hospital and local police precincts.
- **Water and Sewer Infrastructure:** Thousands of new residents from new residential development would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- **Solid Waste and Sanitation:** The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal.



## V: SCHOOL & SOCIAL SERVICES

*CB2 is concerned that the proposed elementary school has fewer seats than will be needed in a community that is already over capacity, and emphasizes that this school must contain certain elements to assure that it will serve the needs of residents in the Special District and the CB2 area. In addition, creating a vibrant community requires amenities for the full range of residents and businesses. Therefore, CB2 calls upon Trinity to allocate space for facilities that serve seniors, families, and -- considering the Special District's location and history -- artists and art-related facilities.*

1. The DEIS states, "As the proposed new elementary school would increase the capacity of the sub-district by 444 seats (to a total of 3,770 seats), the Proposed Action would decrease the utilization rate of the sub-district by five percent, and the deficit of seats would decrease from 1,025 under the No Action condition to 980." It is clear that a 444-seat capacity school is insufficient, as it will only slightly ameliorate what is already a large deficit of seats. Therefore, CB2 calls upon Trinity Real Estate to commit to building the core and shell for an additional floor for the school upon SCA approval.
2. This core and shell must have adequate space to accommodate facilities such as a gymnasium, auditorium, urban farm garden, cafeteria, science and art classrooms, computer lab, cooking classroom, and other spaces found in state of the art elementary schools. This school must adhere to the most up-to-date ADA mandates at the time that the school is constructed, including one classroom for each grade/cohort that is fully handicap accessible. This means not only can a wheelchair-bound child enter the classroom, but also navigate around the room, and have access to materials at sitting height.
3. The building housing the school must incorporate some form of architecturally designed overhang or canopy above the school yard that protects the children from the adjacent edifice and also permits light to stream through to the play yard. The play yard should also have a heated surface and be protected from the elements due to the considerable shadows of the building with only northeast exposure.
4. The school must be zoned school serving to reduce overcrowded conditions in CB2 before accommodating children of other areas. The school must not be a Charter School.
5. The school playground must be ADA compliant and contain handicap accessible playground structures such as appendages good for climbing, monkey bars, a zipline, ramps and slides, and open areas, all allowing for safe, accessible and inclusive play for wheelchair-bound students.
6. As the school playground is part of Trinity Real Estate's Open Space Requirement, Trinity must guarantee proper maintenance of the school playground space, especially as the space will regularly be open to the public during non-school hours, and, therefore, endure additional wear and tear. Appropriate safety features must be included to protect users of this space.



Senior services as outlined in the Open Space section are also an essential part of a well-functioning mixed-use area, and space for these services should be provided either in the proposed Duarte Square Building or another appropriate space within the proposed Special District.

As the Hudson Square area has a rich history of arts and currently includes many creative businesses, CB2 requests that a portion of the inclusionary housing be designated Joint Live/Work Quarters for Artists (JLWQA).

## **VI: EFFECT ON ADJACENT NEIGHBORHOODS WITHIN CB2**

*A rezoning can have an immediate and dramatic effect on adjacent districts, changing property values, increasing development pressure, and imperiling the character of historic areas if no controls are put in place before the proposed area is rezoned.*

This rezoning will encourage development in the South Village, directly to the east. In 2007, this area was determined eligible for the State and National Registers of Historic Places. The Landmark Preservation Commission determined the area “landmark eligible” in the current DEIS as well as in the adopted EIS for NYU 2031. This re-zoning represents an immediate threat to the historic character of the adjacent area which can only be protected by historic district designation.

The area has been suggested for landmark designation since the earliest days of the New York City landmarks law. In 2002, CB2 and neighborhood groups met with the LPC, and in 2006 the Greenwich Village Society for Historic Preservation submitted a detailed report regarding the district’s significance, documenting the history of each of its 750 buildings. The proposal was endorsed by CB2. One third of the district was designated in 2010, but LPC has stated it has insufficient resources to continue.

Fulfillment of the commitment to designate the rest of the district is essential now because of the increasing development pressure this re-zoning will bring to the area. Significant changes to the area have already occurred in recent years affecting the Circle in the Square Playhouse, the Sullivan Street Playhouse, the Provincetown Playhouse, the Tunnel Garage, the 1861 row house on Bleecker Street, the 1824 house at 186 Spring Street, and the Children’s Aid Society. A 14-story apartment building will soon rise on Sixth Avenue where 19<sup>th</sup> century buildings were demolished. The rezoning’s stated purpose is to spur development and turn Hudson Square into a vibrant 24/7 mixed-use neighborhood, increase foot traffic, and the desirability of local retail. Models for the district include the Flatiron and Madison Square areas. The area will also be under pressure from new development to the north under the NYU 2031 plan. The impact on the South Village of the proposed action is likely to be swift and far-reaching.

The DEIS identifies the proposed South Village Historic District as an affected historic resource upon which the rezoning will have “significant adverse impact.” The only way to mitigate this impact will be to designate the proposed South Village district. In recent years, New York City has coupled rezoning actions with landmark designations for adjacent areas to protect them from development pressure created by the rezoning, including the Prospect Heights Historic District



adjacent to Atlantic Yards, and the West Chelsea Industrial District adjacent to West Chelsea rezoning.

The impact of the proposed rezoning on the South Village is potentially the single most far-reaching and harmful of all. It is also one for which successful mitigation is available. CB2 calls on Mayor Bloomberg, Speaker Quinn, Borough President Stringer, the Landmarks Preservation Commission, and the City Planning Commission to assure that this important rezoning is accompanied by an equally important action to achieve balance and protect our city's history.

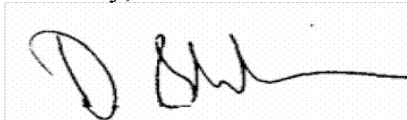
## **CONCLUSION**

CB2 agrees with the goals of the proposed Special District, and welcomes the benefits of a mixed-use neighborhood with a zoned public school. However, a significant rezoning of this densely built environment with very few opportunities for open space and community facilities, and the attendant pressure that an additional several thousand new residents and workers will bring, will cause negative effects on both the proposed area and the adjacent neighborhood. These effects must be mitigated in order for the proposal to be acceptable.

**For the reasons outlined above, CB2 recommends denial of this ULURP application as it does not meet the CEQR standards for open space. If the required open space mitigation is provided and Subdistrict B is removed, CB2 supports this rezoning but emphasizes that the other mitigations outlined in this resolution are also critically important, including our recommended height restrictions and the landmarking of the proposed South Village Historic District, and must be enacted.**

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D Gruber', is written over a light gray rectangular background.

David Gruber, Chair  
Community Board No. 2, Manhattan

c: Rep. Jerrold Nadler  
State Senator Thomas Duane  
Assemblymember Deborah Glick  
Manhattan Borough President Scott Stringer  
Council Speaker Christine C. Quinn



I'm Tobi Bergman. I'm chair of the Land Use Committee of Community Board 2 and former chair of its Parks Committee. I'm here today to represent CB2 regarding the need for mitigation of the impacts of this project on neighborhood open space. I am also a resident and property owner in the district. On behalf of the board, thank you for the opportunity to speak to you today.

Community Board 2 supports the stated goals of this rezoning proposal. But we urge you to deny this application unless the significant negative impact on open space is substantially mitigated.

You have read the numbers in the EIS. Here's the problem on the street. Families in Hudson Square will head to the beautiful Vesuvio Playground, about ten minutes away on Sullivan Street, where children already wait on line to get onto play equipment. OK, walk 5 minutes more to Bleecker Playground. I'm just exaggerating a little to say the lines there begin at the gate. Washington Square: same deal. We support this rezoning for what it offers for vibrant future for Hudson Square, but not if it has a significant negative impact on our existing vibrant neighborhoods.

So far, Trinity has offered no solutions. Mostly, they have pointed to opportunities for small new parks suitable for passive recreation, which does not mitigate the impact of the new residents. The proposal offers a playground at Duarte Park, where Trinity promised a new park more than 10 years ago as part of an agreement with the city that de-mapped part of Sullivan Street to the benefit of the Trinity



property there. With three lanes of tunnel traffic on two sides, including the commuter bus lane on Sixth Avenue and the only truck access to the tunnel on Canal Street, this is not a good place for a playground. It is also at the extreme southeast of a neighborhood that will be naturally linked to the Village and Soho.

But there is another reason why we need to solve this problem before we approve the rezoning. It is a real threat to the success of creating a vibrant mixed-use neighborhood here, which will depend on people choosing to settle here, some to raise a family. It will depend on special stores and restaurants, not just chains catering to office employees, with energetic young entrepreneurs betting their futures on promise they see here. In a location where commercial offices are now thriving, property owners and residential developers will also need to see that promise. It is not always true that if you build it they will come, and in a city with many attractive new locations for residential development, it will certainly not always be true that if you zone it they will build.

We can't change the impact that Holland Tunnel traffic will continue to have on this area. Even with the downtown allure, great transportation, proximity to Tribeca, Soho, and the Village, the walls of traffic call Varick Street and Canal Street will always be reasons why people, and especially families, decide not to settle here. So we cannot afford to ignore what we can change. We can add a gleaming new recreation center with a gym and a pool at the south end of the district. We can fix the decrepit one we already have one block to the north of the district. We can



move ahead with the long awaited new park at the water tunnel site on Houston Street. There will be costs that need to be shared. Trinity and the City each need to step up. The alternative will harm existing vibrant neighborhoods and the promise of a vibrant new one.

In his response to this application, the Borough President calls availability of open space for active recreation “critical to the community's overall health and wellbeing.” *Critical to the community's health and wellbeing.* Read it this way: It is not an option to ignore the significant unmitigated negative impact on open space identified by the EIS.

Thank you.





**TESTIMONY FROM THE ASSOCIATION FOR A BETTER NEW YORK BEFORE  
THE NEW YORK CITY PLANNING COMMISSION REGARDING TRINITY REAL  
ESTATE AND THE REZONING OF HUDSON SQUARE**

NOVEMBER 28, 2012

Good morning. I am Eftihia Thomopoulos, Director of Membership & Special Events for the Association for a Better New York (ABNY). ABNY is an organization that promotes the effective cooperation of public and private sectors to improve life for all New Yorkers. We are pleased to strongly support the vision for a rezoned Hudson Square and commend Trinity Real Estate for creating this thoughtful plan.

Today, Hudson Square faces many challenges as a result of the neighborhood's antiquated manufacturing zoning law. The current M1-6 zoning prohibits the development of cultural and educational institutions, as well as residential development. Ultimately this results in little to no foot traffic on nights and weekends, deterring world-class institutions and quality retailers from coming to the area. At the same time, there is no height restriction in the district, which leads to over-building of certain sites and an abundance of hotel development.

Over the past several years, it has become abundantly clear that the current zoning of Hudson Square does not adequately serve the people who work in the area and that it has unlimited potential for growth. The thoughtful rezoning plan put forth by Trinity will help Hudson Square evolve into a vibrant, mixed-use neighborhood full of commercial, residential, and cultural energy without losing touch with its historic character.

As you know, the proposed Hudson Square special district would allow for residential development to create a reinvigorated mixed use district. Similar to what we have witnessed in Lower Manhattan, a growing residential population in Hudson Square would give the critical mass needed to support retail and cultural organizations that provide a neighborhood with a real vibrancy and energy. The plan also includes a 444-seat K-5 school at Duarte Square and an exciting new open space and streetscape plan. In addition, in the wake of Hurricane Sandy a mixed-use rezoning would help to ensure that the neighborhood remains an attractive option for new creative and tech firms that are highly mobile. As such, the rezoning is truly a critical economic development and job creation project for the neighborhood and the city.

Another important feature of the rezoning proposal is that it imposes a height limit where none exists today. Not only will this ensure future development keeps within the context of a largely commercial mixed-use area, but that a mix of market and affordable housing will help ensure a unique and vibrant neighborhood. Without the proposed rezoning, oversized buildings could continue to develop as of right. We strongly urge the Commission to adopt the height limits proposed by Trinity. Lowering height limits further would undermine the goals of the reasoning to develop a threshold amount of residential growth. Moreover, to further retain the character of the community, Trinity proposes that new hotels of more than 100 rooms be



required to get a special permit since the area already has an overabundance of hotels. Finally, the plan protects the existing large scale buildings from demolition and conversion since these buildings provide much-needed commercial space for the creative companies that have been attracted to the neighborhood while also protecting the district's character.

We are grateful for the vision and commitment that Trinity Real Estate has brought to this plan and for their sensitivity to the needs of the local community, and the historic nature of the district. We believe the Hudson Square rezoning represents a historic opportunity to continue the momentum that has brought so much vibrancy back to the communities of Lower and Western Manhattan. The plan will make Hudson Square a world class destination that serves the area diverse populations, as well as the city at large.

Thank you for the opportunity to testify today.

###



My name is Elyssa Ackerman, and I am  
a mother of an 8th, 5th & pre-Ker

When I was a kid, it was a thrill to engage in after school outdoor or indoor play that was separate from my school grounds. I would drop my bags at home grab a snack and go. I didn't even think about whether the outdoor park or indoor public facility in my town would be closed. Today, I want my children to have many options to enjoy this simple and necessary component of childhood. My healthy, active and social lifestyle from which I came, informs me as an adult, and effects the way I parent my own children. Now, raising my kids in the city, it is equally important that my kids get plenty of exercise, fresh air and opportunities to pick up random games on the playground. Why? Kids need unstructured time in these busy, heavily scheduled times. Kids are spending more time on their couches and less time being active. What does that mean? Greater tendency toward obesity and unhealthy lifestyles that will cost taxpayers unnecessary dollars in the form of health care costs, less successful social encounters and less good old fashioned fun. Being able to play in a playground or indoor gym should not be a privilege but a right. Please consider the impact that your decision is going to make on families across the Hudson Square, Soho and the West Village communities, not to mention the hoards of tourists that travel to NYC with their children. We can not afford the trend of rising obesity and unhealthy lifestyles to continue simply because we do not have the option of ample outdoor or indoor play space. As a mom who is raising her kids in this community I beg you to provide families with the spaces they need to raise healthy kids and to keep parents sane!

Thank you.

Elyssa Ackerman

Greene Street, between Houston and Prince



My name is Kristi Avram.  
I live in Soho (since 2005)  
with my 5 yr old twins.  
Living in an area starved for  
open space for recreation  
is very challenging. Parks  
are limited and overcrowded.  
Adding 3,500 units in West  
Soho will tax our already  
lacking public services.  
I would expect such a  
development to respond to  
the community's needs by  
creating significant active  
open space or at the very  
least, a community center  
with a pool, gym and athletic  
facilities for neighbors to use.  
Additionally support towards  
Hudson River Park would

---



be expected by such a  
proposal.

CBD has the lowest ratio  
of open space to number of  
residents in the city. Our  
open space and parks  
are precious.

Please consider the impact  
of 3500 new residential  
units on already taxed  
open spaces:

Respectfully,

Kristi Avram

225 Lafayette St #7C

NY, NY 10012

---



**Subdistrict B – lowrise subdistrict – would “preserve” nothing worth saving.**

Does Subdistrict B make any sense at all?

Or does the area consist of a collection of disconnected ordinary walkup buildings in some of the weirdest, most traffic-congested, most pedestrian unfriendly and least pleasant blocks in downtown Manhattan

It is not enough to say that it is arbitrary and unfair and cuts the heart out of the rezoning process for residents who have lived here for decades.

It must also be said that our Subdistrict area is so ugly, so lacking in charm and consistency that property owners will be punished to preserve some of the ugliest vistas in Manhattan.

Two blocks do not need preserving, the Tunnel plaza and Dominick Street (which is controlled by landmarking.)

The other entire blockfront is vacant land, so what's to preserve?

The subdistrict is not a district at all, but a fantasy.

Attached are some photos that show how each block actually looks and how there is nothing there that is worth preserving.

We who live in this area know how ugly it is, and that's OK with us. But trying to “preserve” this ugliness is beyond bizarre.

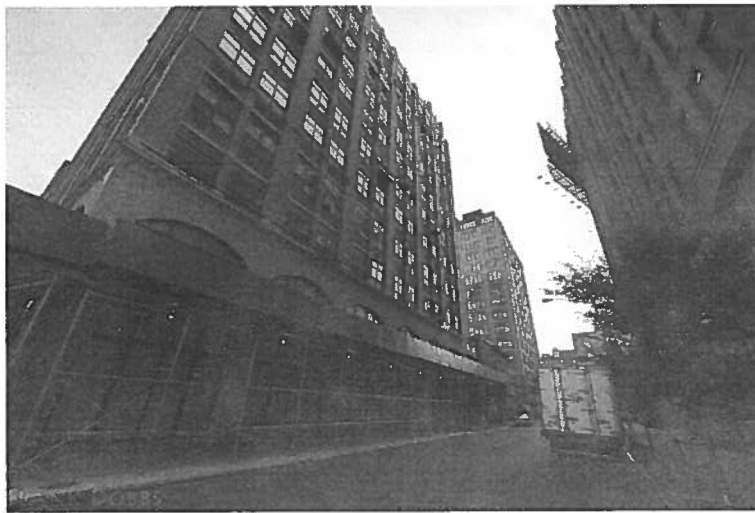
Frank Dobbs  
38 Dominick Street



Dominick Street



Dominick from the west



East from Varick St.



North side of Dominick St.

Dominick is a two block dead end commercial street with very little foot or car traffic. The low rise houses are a small presence, and, with three out of four already landmarked, there is no possibility of a tall building ever. Downzoning serves no purpose.



Broome Street East of Varick



West from 6<sup>th</sup> Ave.



Looking NW from opposite corner



On the South side just a vacant lot.

N side is loomed over by the Trump Soho and whatever Trinity will build in between.  
Consists of 5 ordinary 5 story walkups.  
Lot to the south is downzoned. Lot to the North owned by Trinity is not.  
One of the worst traffic corners in the city.



Broome Street, West of Varick



Rush hour traffic lasts 3 hours.



Includes an ugly 6 story garage.



Decrepit church and Tunnel.

Street is empty because it is a dead end and PA security yells at you if you linger.

Street faces the Tunnel plaza.

A very strange block with tunnel entrance, decrepit church and an indoor parking facility that is very ugly.



### Watt Street East of Varick – Holland Tunnel Entrance



One half only of the the Tunnel entrance is in the subdistrict.  
Downzoning this parcel will have no impact.  
It seems to be in the subdistrict to make it look less arbitrary.  
In fact, it just shows how arbitrary the subdistrict boundaries are.



Watt Street, East of Varick



View from Varick St.



View from midblock.



View from near 6<sup>th</sup> Ave.

With vacant lots on both corners, an electrician, and a very ugly hotel, this block has nothing worth protecting.  
It gets intense traffic during rush hour.



Varick Street



SE from corner of Dominick St.



SW from corner of Dominick St



East side of Varick Street

There is nothing to be gained in trying to preserve the charm of these vistas. There are only 3 buildings and two block-long vacant lots, one of which is the Tunnel plaza. One of the buildings is the ugliest indoor garage in the city. It makes no sense to break up the curtain wall on Varick, a very wide street. North of Trump Soho are magnificent industrial buildings. South of this area is another huge industrial building and, eventually, the Duarte square tower. Downzoning in between will create a permanent gap in the Varick St. street wall.



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December 4, 2012

New York City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Trinity/Hudson Square Rezoning CPC Hearing Testimony  
On Behalf of Edison Properties.**

This letter provides written testimony in the matter of the application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Section 197-c and Section 201 of the New York City Charter for the amendment of the Zoning Resolution and Zoning Map to establish the Special Hudson Square District, and the CEQR Draft Environmental Impact Statement accompanying such application.

In addition to the oral comments I delivered at the CPC Public Hearing on November 28, 2012, this testimony provides additional comments (**in bold**) in response to the testimony of the applicant and other local property owners at the same public hearing.

Our firm represents Edison Properties, owners of multiple properties within the area Trinity has proposed to rezone. We have closely examined Trinity's rezoning proposal and we support the overall effort to transform the area into a vibrant, diverse 24-hour community. However we have two primary concerns about its effect on our—and other—properties in the area:

1. The rezoning prevents the conversion of any large building to residential, regardless of its existing use. The department has said this is an effort to protect the existing job base and preserve "Class B and C office space". Edison owns two self-storage facilities in the proposed district, containing a combined 484,000 square feet of floor area. Neither is Class B or C office space, and combined they provide a total of 15 jobs. If we could convert them to residential, the required ground-floor retail alone would generate four times that many jobs. And the affordable housing above would total more than 100 units. We would request that existing self-storage facilities be permitted to convert to residential use as-of-right. It will only help the neighborhood's future character.
2. Our second concern is with the height and setback regulations for midblock sites: While Trinity's proposed zoning text permits a maximum 320-foot height on the avenues (which is 30 feet higher than what's permitted in the M1-6D district it was modeled after), their text limits midblock height to 185 feet (which is 25 feet lower than M1-6D). The M1-6D zoning was crafted specifically to facilitate the massing of 12FAR buildings with affordable housing. But Trinity has discarded those metrics here.



One example of the consequences of these regulations can be seen at Edison's midblock development site between Spring and Dominick Streets. This site is only 175-feet deep from street to street. With the proposed streetwall regulations, required rear yards, and a 185-foot height limit, the zoning does not provide enough envelope to mass the available floor area. As a result, the inclusionary housing bonus is unusable and affordable housing is unlikely to be built. The regulations further hinder the obtaining of 80/20 benefits and will likely hinder development of anything for the foreseeable future.

We have two recommendations to address this massing concern:

1. Increase the as-of-right height limit on narrow streets to 230 feet to allow an additional 3-4 stories of development. This will allow midblock sites to mass a building with affordable housing just as corner sites can, and still result in buildings that are within the established character of the area.

**At the public hearing, owners of similarly-affected midblock properties, as well as another developer that is investigating the feasibility of building housing on a midblock site, expressed concerns about an inability to build affordable housing under the proposed 185-foot height limit on narrow streets. As such, the lead agency must ensure that the Final Environmental Impact Statement includes a full assessment of the potential effects of increasing the maximum as-of-right height on narrow streets to 230 feet so the CPC and other decision makers can make an informed decision as to the potential benefits and impacts of such a modification to the filed application.**


**It should also be noted that, in response to public hearing questions from the CPC about raising as-of-right midblock heights, the applicant's representative confirmed that the applicant is not directly affected by the midblock height control and that Trinity would not object to an increase in midblock heights.**

2. As supported in the Borough President's recent recommendation on this project: provide for height and setback relief for shallow midblock sites such as Edison's through a special permit mechanism (which proposed text is attached here). A special permit would provide for flexibility to build affordable housing on sites that are substantially shallower than standard NYC blocks, while giving the Community and the Commission continued oversight over the massing, design, and neighborhood compatibility of the resulting buildings.

We believe the FEIS will indicate that neither of these solutions would create any additional adverse environmental impacts. Furthermore, both of them improve the likelihood that the district will grow into the vibrant mixed-use community everybody seeks.

Thank you for your time and consideration of these important matters.

Sincerely,



Ethan Goodman  
Project Manager

cc: Anthony Borelli, Edison Properties



**88-35**

**Special Permit for Modification of Height and Setback Regulations [new section]**

Within the Special Hudson Square District, for #developments# or #enlargements# on #zoning lots# located outside of subdistricts A and B that include a #through lot# portion that extends less than 180 feet in maximum depth from street to street, the City Planning Commission may permit the modification of the Height and Setback regulations set forth in Section 88-33, provided the Commission finds that:

- (1) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;
- (2) such modifications are consistent with the goal of the special district to encourage the development of affordable housing;
- (3) Such modifications will result in a #development# or #enlargement# that enhances the streetscape and will be compatible with development in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.





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Anthony C. Wood

March 26, 2012

Hon. Robert Tierney, Chair  
New York City Landmarks Preservation Commission  
One Centre Street, 9<sup>th</sup> Floor  
New York, NY 10007

Dear Chair Tierney:

Following on the announcement by the Preservation League of New York State to designate the South Village one of its "Seven to Save," one of the seven most significant endangered historic sites in New York State, we are writing to urge the Landmarks Preservation Commission to move ahead with designation of the entirety of the South Village.

The South Village's historic and architectural significance is indisputable. Its intact record of housing built or modified for late 19<sup>th</sup> and early 20<sup>th</sup> century immigrant New Yorkers, of groundbreaking institutions built to serve these same communities, and of theaters, studios, cafes, music venues, and performance spaces which served as the home or launching pad for some of the 20<sup>th</sup> century's most important writers, artists, and musicians, is virtually unparalleled.

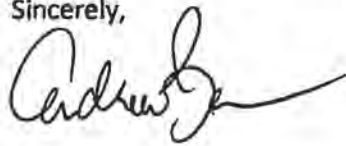
We are, of course, thankful for the LPC's designation of the first third of this vital neighborhood in 2010. However, we are concerned that no action has since been taken on the remainder. As you are well aware, many significant sites throughout the South Village have been compromised or lost, including the Circle in the Square Theatre, Provincetown Playhouse and Apartments, Sullivan Street Playhouse, the Tunnel Garage, and countless houses, stables, tenements and storefronts. With proposals for rezonings by NYU and in Hudson Square on either side of the proposed South Village Historic District, now would be the right time for the Commission to move, as these proposals may increase development pressure on this fragile area.

As you know, extensive primary source research and documentation on each of the buildings in the proposed district has already been done by GVSHP and is available to the LPC. Elected officials, historic preservation organizations, community groups, and local institutions and business owners support designation of the entire proposed South Village Historic District, making this an easy designation for the Commission to consider. It is critical that the LPC move forward with landmark designation for the remainder of the South Village before more of its irreplaceable architecture is gone forever.

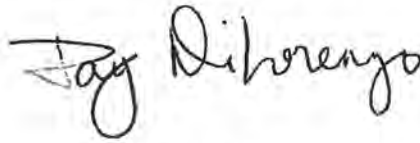


We look forward to hearing back from you.

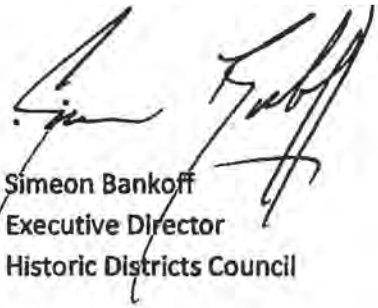
Sincerely,



Andrew Berman  
Executive Director  
Greenwich Village Society  
for Historic Preservation



Jay DiLorenzo  
Executive Director  
Preservation League of  
New York State



Simeon Bankoff  
Executive Director  
Historic Districts Council



## Demolished, Destroyed or Altered Historic Buildings in the South Village Since Proposal for Historic District Designation Submitted in 2006



**CIRCLE IN THE SQUARE THEATRE**

**Destroyed: 2004**

Circle in the Square, New York's first non-profit theatre, moved to this building in 1959, the site of a former 1917 theatre. Dustin Hoffman, James Earl Jones and others performed on its stage.

Nearly the entire building was demolished and replaced with an 8-story residential building.



**SULLIVAN STREET PLAYHOUSE**

**Destroyed: 2005**

This 1831 building became famous as home to New York's (and, by reputation, the world's) longest running play, *The Fantasticks*, which was performed here continuously for more than 40 years.

The building was stripped to its bones and unrecognizably altered for conversion to luxury condominiums.





#### **TUNNEL GARAGE**

**State/National Register of Historic Places eligible**

**Demolished: 2006**

This stunning Art Deco building was built in 1922 at the dawn of the automobile age and was named for the nearby Holland Tunnel, which was under construction at that time.

It was demolished to make way for a 10-story condominium.



#### **PROVINCETOWN PLAYHOUSE AND APARTMENTS**

**State/National Register of Historic Places eligible**

**Demolished: 2009**

Called "the cornerstone of bohemia", the playhouse and apartments drew legendary talent, such as Eugene O'Neill and Edna St. Vincent Millay.

All but a tiny portion of the building, including the portion which housed the original Provincetown Playhouse, was demolished by NYU to make way for law school offices.



#### **178 BLEECKER STREET**

**Demolished: 2010**

This 1861 row house was part of a cohesive row constructed when Bleeker Street was an elegant residential thoroughfare for the upper middle class. Iconic artist studio windows were added to the entire row in the 1920s.

The building was demolished for a new mixed-use building, which is yet to be built, that will rise well above its neighbors.





**186 SPRING STREET**

**Demolished: 2012**

This 1824 Federal row house served as the residence of key activists at the dawn of the Gay Rights Movement in the 1970s, including Bruce Voeller, Jim Owles, and Arnie Kantrowitz.

A developer demolished the building for a new condo development.



**CHILDREN'S AID SOCIETY**

**Threatened**

Designed by noted architect Calvert Vaux, this 1891 Victorian Gothic building housed the Children's Aid Society, one of the earliest social service organizations in the South Village formed to serve the area's immigrant children.

The building was sold for development in 2011.





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April 5, 2012

Hon. Christine C. Quinn  
Speaker, New York City Council  
224 West 30<sup>th</sup> Street, #1206  
New York, NY 10001

**Re: Hudson Square Rezoning and Proposed South Village Historic District**

Dear Speaker Quinn,

We write regarding the potential Hudson Square rezoning proposal and the impact such a zoning change might have on the adjacent historic and not-yet-landmarked South Village.

The proposed rezoning of Hudson Square would without a doubt increase development potential in the area. By bringing in permanent residents and a wider array of retail options, the rezoning is aimed at making what is currently a quiet, somewhat "off the beaten path" area a more active destination. Experience has shown that allowing as-of-right residential development in an area where it was previously prohibited, especially in Manhattan, inevitably leads to increased development activity.

For this reason, we believe that the proposed rezoning of Hudson Square has the potential to impact adjacent areas such as the South Village, which is currently low-rise and lacking in landmark protections. With a rezoned area on its doorstep that will attract new development, new residences, and new retail activity, development pressure upon the South Village will inevitably increase.

We do not fundamentally oppose a rezoning of Hudson Square, and in fact many of us have long urged that the current zoning for the area be changed. But in light of the likely impact upon the unprotected South Village, we feel strongly that a Hudson Square rezoning should not move ahead unless it is accompanied by designation of the adjacent proposed South Village Historic District. Such a designation is necessary to ensure that any new development potential in Hudson Square does not help lead to the destruction of the South Village's vital historic character and resources.

We have been frustrated by the Landmarks Preservation Commission's lack of action on the remainder of the proposed South Village Historic District, which they promised to consider. The possible consideration of a Hudson Square rezoning provides us all with an opportunity to insist that this developer's application for a zoning change only moves ahead if the remainder of the proposed South Village Historic District is designated.



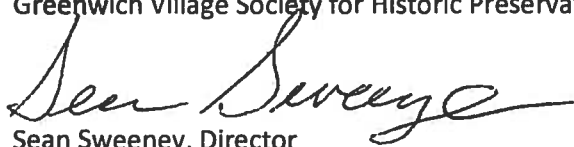
As the Councilmember representing the area and the Council Speaker, we believe that you are in a unique position to insist that no Hudson Square rezoning move forward unless South Village landmarking does as well. As you have previously supported designation of the proposed South Village Historic District, we hope that you will use this opportunity to insist upon such action by the City.

Thank you for your support, and we look forward to hearing back from you about this.

Sincerely,



Andrew Berman, Executive Director  
Greenwich Village Society for Historic Preservation



Sean Sweeney, Director  
SoHo Alliance



Richard Blodgett, President  
Charlton Street Block Association



Marilyn Dorato, Executive Director  
Greenwich Village Block Associations



Katy Bordonaro and Zack Winstine  
Greenwich Village Community Task Force



Silvia Beam, President  
Vandam Street Block Association





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April 10, 2012

Hon. Amanda Burden, Director  
New York City Department of City Planning  
22 Reade Street  
New York, NY 10007

Hon. Christine C. Quinn  
Speaker, New York City Council  
224 West 30<sup>th</sup> Street, #1206  
New York, NY 10001

**Re: Proposed Hudson Square Rezoning**

Dear Director Burden and Speaker Quinn,

We write to you regarding the proposed Hudson Square Rezoning application by Trinity Real Estate.

Our groups recently held a community meeting on the proposal which was attended by more than one hundred people, largely residents of the affected and immediately surrounding area. Those gathered were virtually unanimous in expressing the belief that the proposed height and bulk limits in the proposal – 320 feet on wider avenues and 430 feet on the Duarte Square superblock, and up to 12 FAR – were simply much too high.

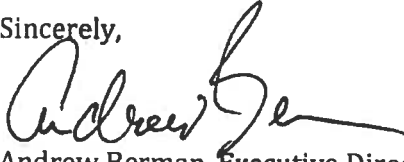
We feel very strongly about this as well. These height limits are much greater than nearly every building in the rezoning area except the Trump SoHo, which certainly should not serve as a precedent for development in the area. The bulk limits are also extremely high, comparable to those in Midtown. To change the zoning to allow as-of-right residential use, which is enormously beneficial and profitable, while maintaining the same maximum allowable FAR, is extremely generous to property owners. In fact, many recent rezonings which have introduced as-of-right residential use have lowered the maximum allowable base FAR for this reason, and we feel that the same is appropriate here.

Many of us have for some time called for the zoning for Hudson Square to be changed. However, one of the primary reasons for this call has been that the size of bulk of new developments under the existing zoning has been inappropriate for this area. The proposed rezoning, with the current proposed base FAR and height limits of 320 and 430 feet, would do little or nothing to solve that problem.

We therefore strongly urge that the height and bulk limits in any Hudson Square rezoning be significantly reduced.



Sincerely,



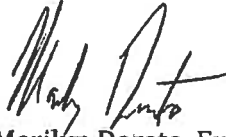
Andrew Berman, Executive Director  
Greenwich Village Society for Historic Preservation



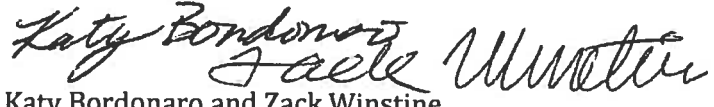
Sean Sweeney, Director  
SoHo Alliance



Richard Blodgett, President  
Charlton Street Block Association



Marilyn Dorato, Executive Director  
Greenwich Village Block Associations



Katy Bordonaro and Zack Winstine  
Greenwich Village Community Task Force



Silvia Beam, President  
Vandam Street Block Association

Cc: Manhattan Borough President Scott Stringer  
State Senator Tom Duane  
Assemblymember Deborah Glick  
Community Board #2, Manhattan





Greenwich  
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Preservation

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October 1, 2012

Hon. Amanda Burden, Chair  
New York City Planning Commission  
22 Reade Street  
New York, NY 10007

Hon. Robert Tierney, Chair  
New York City Landmarks Preservation Commission  
One Centre Street, 9<sup>th</sup> floor  
New York, NY 10007

Dear Chair Burden and Chair Tierney:

I write to call to your attention a new, further spate of planned out of character development in the South Village, and to again urge you to take action to preserve the scale and character of this historic neighborhood.

Plans were recently filed for a 14-story building at 180 Sixth Avenue in the South Village. Nearby at 140 Sixth Avenue/78 Sullivan Street plans have been filed for a 19-story hotel. Across the street at 73-75 Sullivan Street plans have been discussed for an 8-story building. At 182 Spring Street, 178 Bleecker Street, and 209-229 Sullivan Street (the Children's Aid Society) there are further plans to destroy historic buildings or historic buildings have already been destroyed, and out-of-context development planned.

As you know, with the exception of a few relatively recent developments, the South Village is composed almost entirely of one to six story buildings, largely built in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Its consistent scale and remarkable history as a center of immigrant and bohemian life in New York City has led to the New York State Historic Preservation Office to find it qualifies for the State and National Registers of Historic Places, and the Preservation League of New York State to declare it one of the seven most important endangered historic sites in New York State.

To help preserve this scale and history, in 2005 the Greenwich Village Society for Historic Preservation asked the Department of City Planning to rezone the area east of Sixth Avenue with contextual zoning to reinforce the character of the area (attached), and has repeated this request several times since. In 2002 GVSHP first approached the Landmarks Preservation Commission seeking landmark protections for this area, and in 2006 submitted a formal proposal with boundaries to the Commission. Neither agency has acted upon either request, and the character of this neighborhood has continued to come under assault.

The latest planned 14-story building at 180 Sixth Avenue is particularly concerning for a variety of reasons. It would replace several one to four story



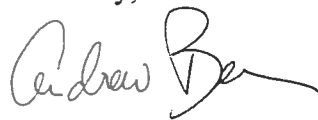
buildings, some of which (already demolished) were nearly 200 years old. It is surrounded largely by three to six story buildings, which it would tower over precipitously. It utilizes development rights from the God's Love We Deliver building at 170 Sixth Avenue/213 Spring Street, a formerly city-owned property given to this invaluable social service agency with the stipulation that it only be used for a community facility/social service. The utilization of its development rights for a private luxury residential development seems to contradict the terms under which this public resource was given away, and its comportment with those terms should be thoroughly reviewed.

The lack of action on these community-requested rezoning and landmarking actions is particularly frustrating in light of the speed with which developer-requested rezonings in the area – by NYU, Trinity Realty, Rudin Management, Peter Moore, and Jamestown Properties -- have moved through the public review and approval process, while your agencies have not even scheduled a hearing on these community-initiated requests.

Trinity Realty's currently proposed Hudson Square Rezoning is particularly worrisome in terms of the impact it would have upon the South Village. Trinity's own environmental impact statement identified for the rezoning application identified the South Village as an impacted historic resource, and in the statement the Landmarks Preservation Commission determined the South Village "landmark eligible." By increasing development pressure upon an area already clearly experiencing overwhelming pressure, the Hudson Square Rezoning will, if passed without landmark protections for the South Village, only accelerate the destruction of the cohesive and historic character of this neighborhood.

Thus as these out-of-scale developments and the Hudson Square rezoning proposal move forward, I urge you in the strongest of terms to move ahead with consideration of the proposed South Village Historic District as soon as possible, as the Landmarks Preservation Commission promised to do in 2009, and with a much-needed contextual rezoning of the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Berman  
Executive Director

Cc: City Council Speaker Christine Quinn  
Borough President Scott Stringer  
State Senator Tom Duane  
City Councilmember Margaret Chin





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Vicki Weiner  
Anthony C. Wood

October 18, 2011

Hon. Michael Bloomberg  
Mayor  
City Hall  
New York, NY 10007

Hon. Christine C. Quinn  
Speaker, NYC Council  
224 West 30<sup>th</sup> Street, Suite 1206  
New York, NY 10001

**Re: Proposed Hudson Square Rezoning and Impact Upon the South Village**

Dear Mayor Bloomberg and Council Speaker Christine Quinn:

I write regarding the proposal by Trinity Realty to rezone Hudson Square, now beginning the Uniform Land Use Review Process, and its impact upon the adjacent South Village.

As you know, the South Village has been proposed for historic district designation by the Greenwich Village Society for Historic Preservation (GVSHP). That request for landmark designation has been supported by a broad range of community, preservation, and civic groups, as well as elected officials and the local Community Board. GVSHP first approached the New York City Landmarks Preservation Commission about designation of the South Village in 2002, and in 2006 submitted a formal proposal with boundaries, documented history of each building, and a 90-page report and rationale for designation by noted architectural historian Andrew S. Dolkart. Since then the South Village has been determined eligible for the State and National Registers of Historic Places by the New York State Historic Preservation Office. However, most of the neighborhood, including the area south of Houston Street adjacent to the proposed Hudson Square rezoning, has not been designated, heard or even calendared by the New York City Landmarks Preservation Commission.


The expressed purpose of the proposed Hudson Square rezoning is to stimulate and facilitate a broader range of development in the Hudson Square area, by introducing currently prohibited residential development and conversions. According to the EIS Draft Scope of Work, the rezoning will "create a vibrant, mixed-use district that can attract and sustain an active street life and residential uses," which the application purports does not currently exist.



Such zoning changes to the Hudson Square area would no doubt have an impact upon the adjacent South Village neighborhood. Inevitably, if Hudson Square's zoning is changed to attract more people, businesses, and development, development pressure would increase upon the neighboring South Village as well. The South Village is composed almost exclusively of lower-scale buildings, many one hundred years old or more, which could easily succumb to increased development pressure. In fact, in recent years, within just two blocks of the proposed Hudson Square rezoning, six buildings in the proposed South Village Historic District have been demolished for new construction. More would no doubt be lost if this rezoning, intended to draw increased development to the area, moves ahead.

I therefore urge you in the strongest of terms not to allow the developer-requested Hudson Square rezoning to move ahead until and unless landmark designation of the adjacent proposed South Village Historic District, long called for by the local community, is considered as well. Without such action, the Hudson Square rezoning will only accelerate destruction of this historic neighborhood, which has suffered too much damage already. It would seem neither appropriate nor even-handed to move ahead with consideration and approval of this developer-requested rezoning while a community-requested historic district proposal has not been given due consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman", with a stylized flourish at the end.

Andrew Berman  
Executive Director

cc: Manhattan Borough President Scott Stringer  
Congressman Jerrold Nadler  
State Senator Tom Duane  
City Councilmember Margaret Chin  
Assemblymember Deborah Glick  
Members of the City Planning Commission  
Community Board #2, Manhattan





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Anthony C. Wood

**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY  
FOR HISTORIC PRESERVATION  
REGARDING PROPOSED HUDSON SQUARE REZONING  
November 28, 2012**

Thank you for the opportunity to testify before you today. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation.

Since 2006, GVSHP has called for a rezoning of Hudson Square. The current zoning encourages woefully out-of-scale development, as exemplified by the Trump SoHo (*though we continue to contend that this condo-hotel violates the current M1-6 zoning and therefore never should have been permitted*).

However, the rezoning proposal before you does not address some of the most pressing concerns regarding development in and around Hudson Square, and we believe it would actually make some problems worse.

As proposed, the rezoning would encourage development of a size and density more commonly found in, and more appropriate for, Midtown. The proposed 430 ft. height limit for Subdistrict A is much too great, and should be substantially reduced. The 320 ft. height limit for major avenues is also much too great, and contradicts the purported goal of preserving Hudson Square's character. For example, C6-4A and R10-A contextual districts allow the same 12 FAR as proposed here, but limit height to 210 feet. This reflects the preponderance of existing building heights in the area and we believe would be much more reasonable, and thus we recommend such a limit instead.

In addition, we believe that the proposed allowable density of 12 FAR is also too great. The proposed rezoning offers a large increase in allowable residential FAR – generally the most desirable and most profitable form of development – from the current zero to as high as 12. This is a tremendous windfall for any property owner, and will no doubt increase development activity and interest in the area. The built form of the surrounding buildings and the current and projected problems with traffic and burden upon infrastructure and open space would suggest a lower density would be preferable. Therefore we strongly recommend lowering the maximum allowable FAR for all types of development to 9.

Finally, regardless of the height and bulk limits, the increased development activity catalyzed by the rezoning will no doubt increase pressure upon the



adjacent proposed South Village Historic District, accelerating its already rapid destruction. The Environmental Impact Statement for the rezoning recognizes this, identifying the proposed but undesignated historic district as an "affected historic resource" which would suffer a "significant adverse impact" if the rezoning is passed. In 2007 the NY State Historic Preservation Office found the South Village eligible for the State and National Registers of Historic Places, and earlier this year the Preservation League of NY State named it one of the seven most endangered and historically significant sites in New York State. According to the EIS, the Landmarks Preservation Commission has actually determined the proposed district "landmark eligible," but they have thus far refused to move ahead with the promise made in 2008 to consider the entire area for designation.

Under current conditions, demolitions, alterations, and out-of-character new construction will continue to slowly destroy the historic character of the South Village. If the Hudson Square Rezoning is adopted, that process will only accelerate.

Therefore we believe it is imperative that the Commission NOT approve the proposed Hudson Square Rezoning UNLESS the remainder of the proposed South Village Historic District is designated.

Thank you.





THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

November 28, 2012  
City Planning Commission  
Hudson Square Rezoning

Every upzoning must be carefully balanced to ensure that what we love about our city is retained while other things are changed, <sup>improve</sup> ~~hopefully for the better.~~ The Hudson Square proposal would vastly alter this off the beaten path piece of lower Manhattan, <sup>but</sup> ~~and beyond that~~ would increase development pressure on the neighboring South Village. The Historic Districts Council has long been a supporter of the proposed South Village Historic District whose immigrant and artistic history is vividly recalled in its lowscale architecture. We support the community's call that this zoning change ~~only~~ move ahead only when the remainder of the proposed historic district is designated. *It's simply a matter of balance,*

*hopefully  
for the  
better*



My name is Emily Hellstrom and I have lived in Soho since 1996. I am currently a stay at home mother of 3 small children: two 5 year old twin boys and an 18 month old daughter. Over the past 5 years (and as my boys get bigger and let's face it, wilder) I have become acutely aware of how important it is to have and maintain both outdoor and indoor play spaces for children of all ages, be they grassy parks, playground areas, indoor recreation centers, swimming facilities, tennis courts, or just plain open spaces. While Soho has always had limited public and private facilities for children, over the past 5 years, we have been taking away instead of adding. With the restructuring of Children's Aide Society, the move of the Children's Museum Art to the far West Village, the neglect of both the Tony Dapolito recreation center and DeSalvio playground, there is a serious dearth of recreation facilities for children in this neighborhood.

What does this mean for my family? In the summer, I have to either go to the one nearby playground (Vesuvio) over and over again, or I have to organize a trek to playgrounds that are at least a mile away. No small task with three little bodies and very little public transportation across town and down to TriBeCa where many of the nearest parks are located. And it is even worse in the winter. Indoor play spaces are far away and overcrowded once you arrive. Getting to a pool in the winter requires serious endurance, taking the hike to BMCC or the the YMCA. Try that in the freezing cold with three kids with wet hair!

But there is an exciting opportunity to be had with this new development. There is a chance for the developer to build the kind of facility that will both serve the community and attract kind of upscale buyers who seek out and desire these amenities. It seems to me that adding indoor recreation center will not only strengthen the existing community, but it will increase the value of the development itself. Now if you had to live with 5 year old twin boys, the City Planning Commission would be green-lighting indoor and outdoor play spaces every few blocks, but barring that, proactively requiring this Hudson Square development to include a recreational facility (in whatever shape that may take) that will serve both the existing and new community is a no brainer. Or as my kids would say, "Duh Ma!"

Emily Hellstrom  
66 Crosby Street, #6E  
NY NY 10012  
emilyhellstrom@mac.com



## Hudson Square Connection

180 Varick Street, Suite 422

New York, New York 10014

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[HudsonSquareBid.com](http://HudsonSquareBid.com)



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Comptroller John C. Liu  
Borough President Scott M. Stringer  
City Council Speaker Christine C. Quinn

Ellen Baer  
President

Dear Fellow New Yorker:

In the ever changing landscape of the City we love, the Hudson Square neighborhood has arrived. Manhattan's former printing district was for decades a part of and yet apart from its neighbors, SoHo, the Village and Tribeca. Today, Hudson Square's majestic art deco industrial buildings are a magnet for creative companies from around the City and around the world. Dozens of professionals in media & communications, graphic arts & architecture, design & high end e-tailing have flocked to this new mecca for innovation. But a collection of buildings only becomes a true neighborhood when the streets and sidewalks – the connective tissue of urban areas – become an integral part of our daily experience. And so, we invite you to envision the not-too-distant future described in our brochure *Hudson Square Is Now: A Streetscape Plan for Hudson Square*.

For the past two years, the Hudson Square Connection, the area's Business Improvement District, has been working with our world class planning team and scores of local stakeholders to bring the creativity that's in our buildings out into our public spaces. The location of the Holland Tunnel in the southern part of our district and our legacy as an industrial neighborhood present challenges for a place that has seen no significant infrastructure upgrades in over 80 years. At the same time, Hudson Square has a vibe and an intimacy that we want to preserve. So we've set out to reclaim our public spaces for people to make Hudson Square a socially, environmentally and economically connected neighborhood.

The plan is conceived of as a public-private partnership. As the agent for the business community, we're already marshalling the private resources needed to make Hudson Square a greener and more human neighborhood. More than just a plan, this brochure is really a blueprint for the next five years. Starting... now.

Best,  
Ellen Baer  
President



## Hudson Square Connection

180 Varick Street, Suite 422

New York, New York 10014

212.463.9160 phone

212.463.9165 fax

HudsonSquareBid.com



### Public Hearing City Planning Commission, 28 November 2012

#### RE: SPECIAL HUDSON SQUARE DISTRICT

#### NO. 120381 (A) ZRM

#### Hudson Square Connection (a Business Improvement District)

- Represents more than 1,000 businesses and 35,000 workers
- Created to improve open space and streetscape, address pedestrian safety and pedestrian experience issues stemming from the Holland Tunnel

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Borough President Scott M. Stringer  
City Council Speaker Christine C. Quinn

Ellen Baer  
President

#### Hudson Square Streetscape Improvement Plan

- \$27 million plan released on October 10, 2012
- Exclusively for the improvement of City-owned land
- Intended as public-private partnership between BID and City
- BID prepared to fund up to half capital costs and assume operating costs of new and renovated open space
- Inspired by PlaNYC
- Focused on sustainable elements, including stormwater management, improving air quality, planting almost 150 trees

#### SoHo Square on Spring Street and Sixth Avenue (Streetscape Improvement Plan Initiative)

- Between two –soon to be renovated– spaces: Duarte Square and Father Fagan Park
- Plan calls for its renovation and expansion, possibly doubly its current size
- Add permeable paving, new plantings, lighting, and social seating
- BID prepared to fund portion alongside City
- Could connect to Duarte Square and Father Fagan Park with widened, western sidewalk on Sixth Avenue and allée of trees with seating areas
- Creates better connection with SoHo and gateway into Hudson Square

#### Hudson Square Rezoning

- Hudson Square is young and mobile business community; residential, 24/7 community critical for necessary amenities and retail to maintain Hudson Square's commercial center viability

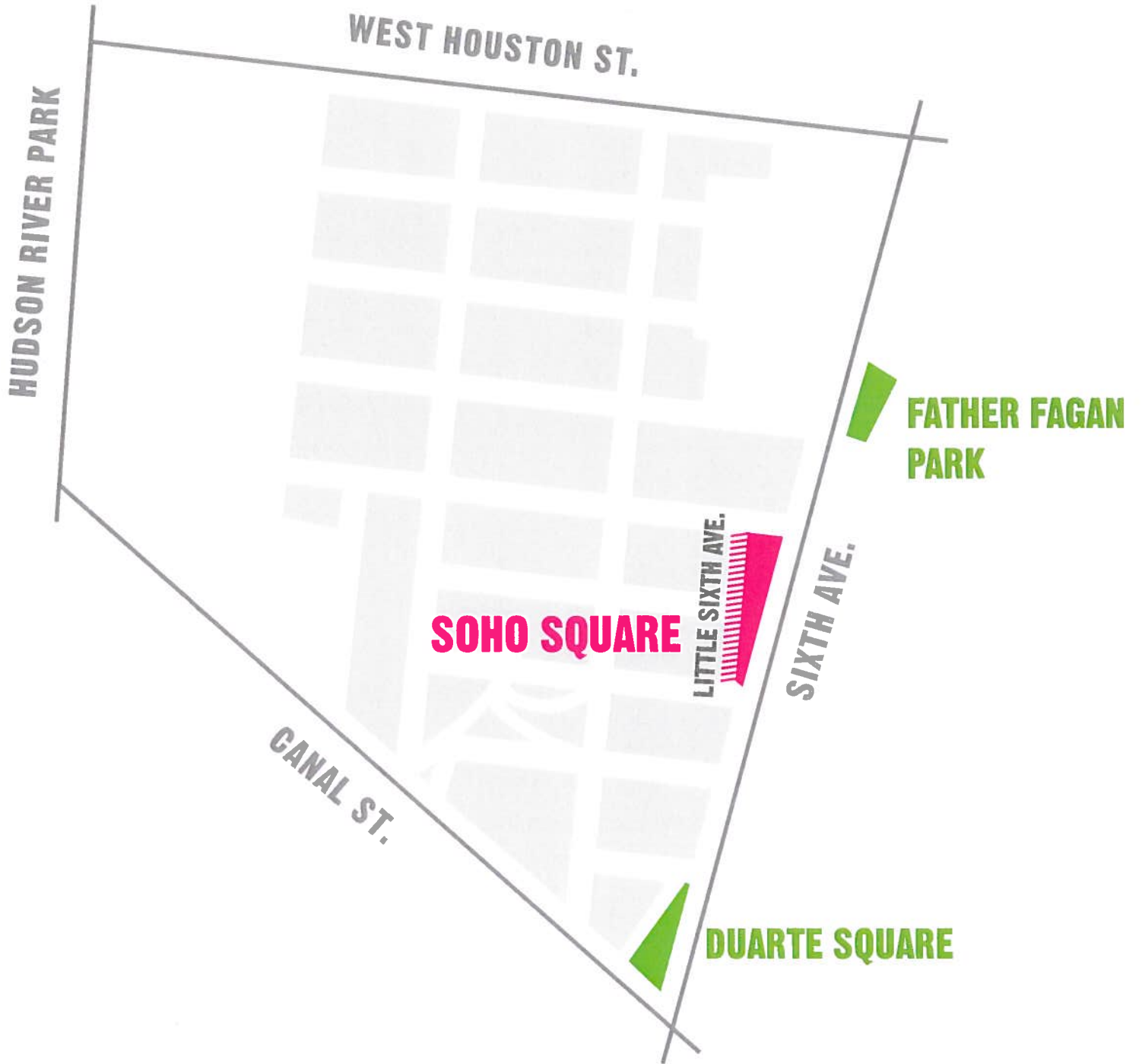
#### Traffic and Transportation:

- Interests of Tunnel-bound commuter must be weighed against those of local community; from point of view of pedestrians and local merchants, sometimes better to leave adverse traffic impacts unmitigated
- Proposed changes to parking regulations may have negative impact on merchants and passenger loading and unloading
- Concerned about proposed traffic mitigation along Varick Street; we plan to study feasibility of planted median to better organize Varick for all users; our study will have comprehensive approach to mitigation on Varick Street

#### Height and Density:

- Proposed rezoning will increase residential population from 4-25% of total square footage; any reduction in FAR will fall short of this goal and is not satisfactory; we strongly support proposed height and density







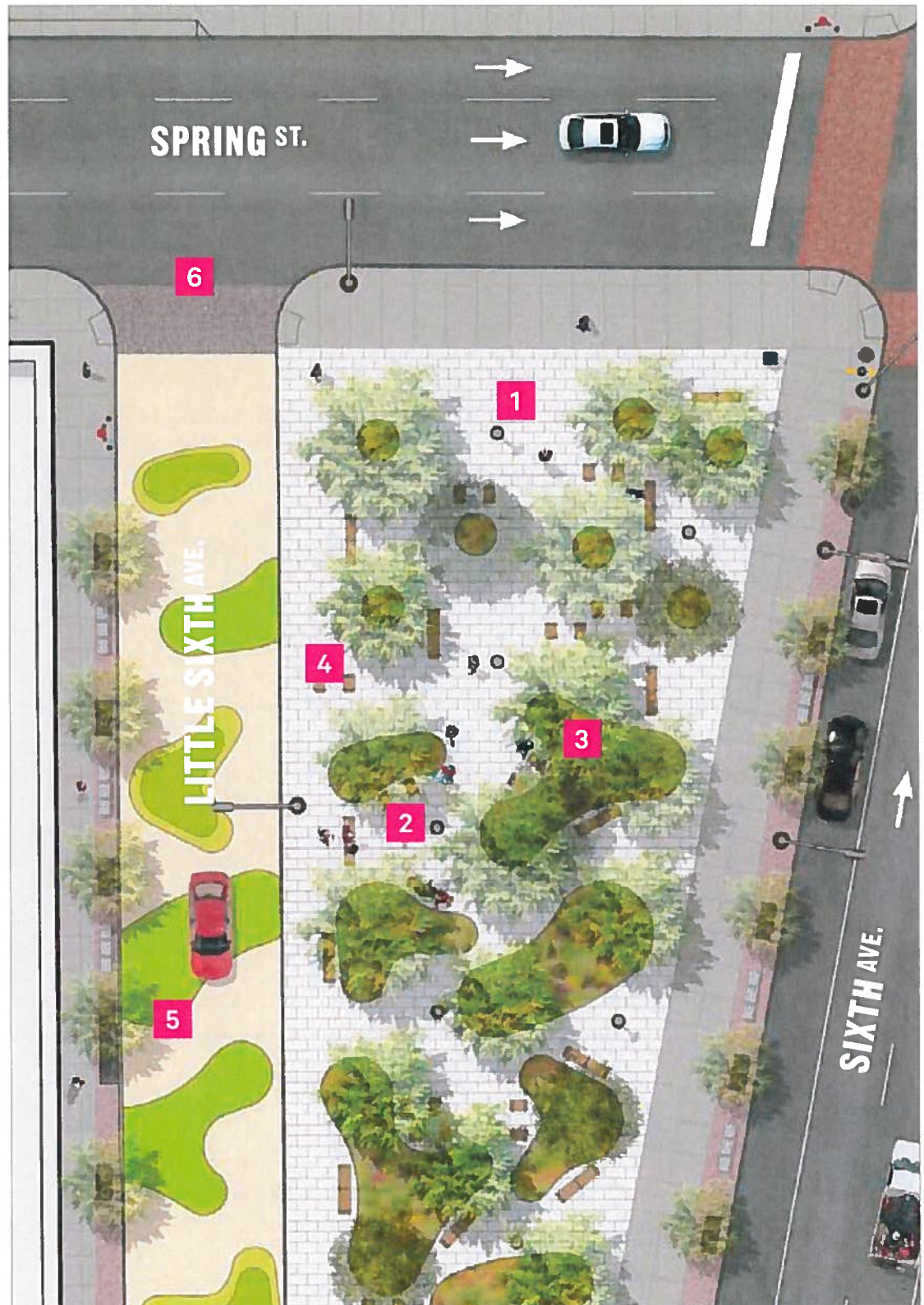
A map of the West Houston area showing the proposed West Houston Community Center location. The map includes Hudson River Park, West Houston St., Canal St., and Sixth Ave. The center location is marked with a red triangle.

- 

- 

- 

- ## 6 raised crosswalk





**City Planning Commission Testimony**  
**November 28, 2012**

Good morning. My name is Jeannine Kiely. I am a member of Community Board 2, a SoHo resident and the mother of two active boys.

I am here to insist that the New York City Department of City Planning require that Trinity address the lack of open space in Hudson Square. Currently, there are no playgrounds or other active open space in Hudson Square. When 7,000 new residents including 400 elementary students move into this neighborhood, Community Board 2's already scarce park and playground resources will become even more in demand and overcrowded.

- My children's elementary school relies on facilities at J. J. Walker, Pier 40 and the Dapolito Center for sports programs and shares these resources with nearly a dozen nearby schools. While J. J. Walker is being renovated and Pier 40 and the Dapolito Center recover from Sandy, neighborhood schools and sports leagues are scrambling to find field and court space.
- Other than the closed Dapolito Center, there are no other publicly available indoor pools in Community Board 2.
- During nine short weeks of summer vacation, we regularly swim in Vesuvio's outdoor children's pool, lining up to wait for a short 30-minute session.
- Meanwhile, there is nowhere to play during cold or inclement weather.
- Most importantly, children need active open space close to home. Adults may walk up to 20 minutes each way for active recreation (as assumed in the CEQR analysis), but children will not travel 40 minutes round-trip to play on a regular basis.

If Trinity's stated goal is to create a "vibrant mixed-use neighborhood" and develop nearly 1.3 million square feet of residential space, they must make a meaningful contribution to active open space within Hudson Square. **This is good city planning and good business!**

I strongly encourage the City Planning Commission to require Trinity to:

1. Build a state-of-the art indoor recreation center on the Duarte Square site that includes both a gym and pool. The facility could provide after-school programming for the adjacent public school and recreation opportunities for our community 16+ hours a day, 365 days a year.
2. Fund a much-needed renovation of the Dapolito Center just north of Hudson Square.
3. Modify the rezoning proposal so that residents contribute to the maintenance and improvement of Hudson River Park, which accounts for over two thirds of the open space near Hudson Square.

Finally, there are many other families that support the construction of a new community center and more active open space. Many came here this morning to testify but had to leave to return to work, pick up their children at school and relieve babysitters they hired so that they could attend. Please know that there is broad community support to ensure that Trinity to create and financially support meaningful active open space in Hudson Square. Thank you.



# 92-94 VANDAM BUILDING CORPORATION

92 VANDAM STREET NEW YORK, NEW YORK 10013 212 620-0693

November 28, 2012

City Planning Commission  
22 Reade Street  
New York, NY 10007

City Planning Commissioners:

I write as the owner of the building at 92 Vandam Street (Block 597, Lot 10) which is within the proposed Special Hudson Square district sought by Trinity Church.

While I support Trinity's goals for creating a mixed use neighborhood in Hudson Square by allowing new residential construction, I am concerned that the zoning as currently proposed is self-limiting by inhibiting high-quality residential development with affordable housing on small, mid-block properties like my own.

The zoning proposal caps the height of buildings in the mid-blocks at 185 feet. This height restriction so severely limits a building's FAR that it effectively precludes or minimizes the use of the Inclusionary Housing program. Bulk studies of my property indicate that a 185 foot building will accommodate 9 FAR, or possibly 10 FAR with low ceiling heights, thus undermining the proposal's residential goals. In other words, the restrictive height limit reduces the amount of residential development at this location, and may do so for other mid-block locations. The overall effect of the proposed height limit will be to discourage mixed-income residential development.

On the other hand, raising the mid-block height limit to accommodate a 12 FAR building on my site would help accomplish Trinity's stated objective of generating affordable housing within Hudson Square and generally encourage the development of residential use.

The proposed restrictive height limit in the mid-block has another negative consequence: many of the blocks in Hudson Square are unusually short and are characterized by large, high coverage buildings that extend well into the middle of the blocks, limiting light and air at the rears of buildings. Thus, any new mid-block residential developments are likely to have less light and air than comparable sites in other parts of the city. Allowing buildings to rise higher in the mid-block would help make Hudson Square a more desirable place to live by permitting taller buildings with less lot coverage, thus opening up space in the rear of those buildings and enhancing the quality of life for future residents.

For the foregoing reasons, I hope that you will recommend increasing the as-of-right height limit on mid-block development sites.

Sincerely,



Sandro La Ferla, President 92-94 Vandam Building Corporation

Cc: Brian Cook, Land Use Director, Manhattan Borough President's Office  
Jason Pizer, President of Trinity Real Estate



OFFICE OF THE  
CHAIRPERSON

21

DEC 4 - 2012

25751

52 West 12<sup>th</sup> Street

New York, NY 10012

November 29, 2012

Hon. Amanda Burden  
Chair, NYC Department of City Planning  
22 Reade Street  
New York, NY 10007

Dear Chair Burden:


I strongly urge you to significantly reduce the height and bulk limits than currently proposed by Trinity Realty for Hudson Square, and not to approve rezoning unless landmark protections are granted for the adjacent low-rise, historic, and endangered proposed South Village Historic District.

The proposed height limits of 320 and up to 430 feet, and up to 12 FAR, are simply too high for this area. This would dwarf nearly every building in the area except the Trump SoHo, which should certainly not be used as a precedent for new development. The proposed rezoning, by adding as-of-right residential development, would increase property values and development potential in the area. In light of this, it is absolutely appropriate to lower the allowable height and bulk limits in the neighborhood. The Greenwich Village Society for Historic Preservation and other community groups have suggested a height limit of 210 feet for major avenues and a maximum floor area ratio of 9.

Finally and critically, a rezoning would make new development more attractive in this area, increasing development pressure upon the nearby already endangered proposed South Village Historic District. This area has seen too many losses already and has waited too long for long-promised landmark designation by the city. In light of the increased pressure a Hudson Square rezoning would put on this area, I urge you not to approve the Hudson Square rezoning unless it is accompanied by landmark designation for the South Village.

I appreciate your attention to this matter.

Sincerely,



T. Procter Lippincott



-----Original message-----

**From:** Bridget O'Driscoll <[bridgetodriscoll@live.com](mailto:bridgetodriscoll@live.com)>

**To:** [ldo@akrf.com](mailto:ldo@akrf.com)

**Cc:** [adoherty@dot.nyc.gov](mailto:adoherty@dot.nyc.gov), [bbear88@aol.com](mailto:bbear88@aol.com), [brad.berson@bytebrothers.org](mailto:brad.berson@bytebrothers.org), [bridgetodriscoll@live.com](mailto:bridgetodriscoll@live.com), [chardej@dot.state.ny.us](mailto:chardej@dot.state.ny.us), [chuck.dewesee@dmv.state.ny.us](mailto:chuck.dewesee@dmv.state.ny.us), [cstewart@bway.net](mailto:cstewart@bway.net), [daniel.Montimurro@dmv.ny.gov](mailto:daniel.Montimurro@dmv.ny.gov), [jesse@erlbaum.net](mailto:jesse@erlbaum.net), [joonil@ducatitriumphnyc.com](mailto:joonil@ducatitriumphnyc.com), [MCCORMAJ@bronxda.nyc.gov](mailto:MCCORMAJ@bronxda.nyc.gov), [mproner@prolaw1.com](mailto:mproner@prolaw1.com), [mroe@dot.nyc.gov](mailto:mroe@dot.nyc.gov), [prufrock@toast.net](mailto:prufrock@toast.net), [steve@ducatitriumphnyc.com](mailto:steve@ducatitriumphnyc.com), [r\\_dobrus@planning.nyc.gov](mailto:r_dobrus@planning.nyc.gov), [demian@rydersalley.com](mailto:demian@rydersalley.com)

**Sent:** Fri, Oct 5, 2012 20:57:17 GMT+00:00

**Subject:** Environmental Impact Statement - Community Board 2 Meeting - October 4, 2012 (Hudson Square Rezoning CEQR No: 12DCP045M)

Dear Ms. Do:

I am a resident of the 10012 zipcode.

Thank you for taking my question at the Traffic & Transportation Committee meeting of Community Board 2 on Thursday, October 4, 2012 at 6:30 p.m. at Adelphi University's Manhattan campus. I am cc'ing some of the people I know who are involved in or responsible for **motorcycle** safety. They were not aware of the meeting, so I will mention that it included a presentation and discussion of traffic and transportation issues for the Hudson Square Rezoning/Trinity ULURP application, CEQR No: 12DCP045M.

I personally knew two riders who died ridding this summer. I am weary of this fight. Please feel free to forward my email to anyone who might help reduce **motorcyclists'** serious injuries and fatalities without the knee-jerk reaction of immediately laying fault at the feet of the dead or injured riders. They cannot speak for themselves.

As you are likely aware, there are three categories of vulnerable road users – pedestrians, bicyclists and **motorcyclists**. My question was specific to powered two wheeled vehicles – **motorcycles** and scooters. The original scope of the environmental impact statement called for an analysis of the traffic and an examination of vehicular and pedestrian safety issues, including reasonable worst- case development scenarios.

If you have a look at photo number four in the series of photographs in the article to which I link below, you will see one where the bike is laid down on top of a bale of hay between the concrete barrier and the sidewalk. I attach the photograph to this email to avoid any confusion. That neighborhood was under construction.

<http://www.dnainfo.com/new-york/2011/10/26/chelsea-hells-kitchen/motorcyclist-killed-hells-kitchen-crash>

I volunteer with a group of people working on making the city a better place to ride. Shortly after the crash last October, I posted about my concern with **motorcycle** and scooter safety issues being lumped together with passenger vehicles. I am not sure if you would need to be a member of the forum to read my post, so I paste reworked text of my post here.

<http://forum.nymstf.org/viewtopic.php?f=4&t=283&p=1292&hilit=environmental+impact+statement#p1292>

From this website, there is video footage linking to the FDNY trying to resuscitate the rider from the crash on 44th and 11th.

<http://www.animalnewyork.com/2011/aftermath-of-motorcycle-accident-in-hells-kitchen>

/

That area is undergoing a large rezoning - enough so that the developers had to submit an environmental impact statement - how the project might affect school children and other pedestrians' safety, as well as the effect on buses and subways in the area. The jersey barriers in the photos jumped out at me as not rider friendly. Perhaps we could ask for the safety of all vulnerable road users to be considered in the mitigation report?

<http://www.nydailynews.com/new-york/video-motorcyclist-dies-horrific-crash-taxi-manhattan-street-article-1.968487>

<http://www.dnainfo.com/places/44th-street-11th-avenue>



As you are aware, a **motorcycle** dealership is located in Hudson Square. The website for the dealership is [www.ducati-triumphnyc.com](http://www.ducati-triumphnyc.com). The dealership is a tenant in 155 Avenue of the Americas, one of Trinity Church's buildings. The dealership services its customers' bikes year-round. Over the next year or so, the NYMTC together with the NYC DoT is preparing a **motorcycle** safety study similar to those carried out on behalf of pedestrians and bicyclists.

**Motorcycle** and scooter use is highest in the spring, summer and fall months. **Motorcyclists** and scooter riders ride with less frequency in the winter months, although I know plenty who ride year round. Were powered two wheeled vehicles specifically counted when the traffic data was collected? If so, how and when were the counts done? On what dates and times? If the counts were done in the colder weather, have those numbers been adjusted for the spring and summer months, when more people ride **motorcycles** and scooters? I am concerned that the countermeasures which make the city streets safer for pedestrians and bicyclists make the roads more dangerous for **motorcyclists** and scooter riders. What effect will the rezoning of Hudson Square have on **motorcycle** and scooter safety?

Thank you for your attention to this matter.

Sincerely,

Bridget O'Driscoll





**Testimony of the Real Estate Board of New York, Inc. before the NYC City Planning Commission on the Hudson Square Rezoning C 120380 ZMM, N 120381 ZRM, N 120381 (A) ZRM**

November 28, 2012

The Real Estate Board of New York, Inc. (REBNY) is a broadly based trade association of over 13,000 owners, developers, brokers, managers and other real estate professionals active throughout the five boroughs of New York City. We support the Hudson Square Rezoning because we believe it is important to plan for the future of the Hudson Square area so that it can become a mixed-used neighborhood that includes residential units. Furthermore we strongly prefer the version of the plan that eliminates Subdistrict B.

The Hudson Square special district brings together several zoning tools that will move the neighborhood in a positive future direction. The new zoning would allow residential use where it is prohibited today and it could lead to several thousand new housing units and incentivize the inclusion of affordable housing units. The new residents would promote new local retail which in turn would also serve the daytime population of workers. Hudson Square is home to 1000 companies and over 35,000 jobs. The plan would also include protections for the large commercial buildings which house the commercial activity.

By replacing the M1-6 zoning, building heights would be capped for the first time. The new heights proposed here are intended to allow property owners to use all of the FAR and maximize the amount of affordable housing provided. Lowering these heights would prevent the district from fully achieving its goals.

REBNY supports the amendment of the application that would eliminate Subdistrict B, since it does not appear that the purposes intended to be served by the creation of a subdistrict will be served. In addition, the location of the Subdistrict, surrounding the entrance to the Holland Tunnel, would weaken the built urban context around the traffic plaza and the pedestrian connections between the northern and southern ends of the district. This open area can support larger building on all sides. We find that the overall district would be more cohesive if new buildings in this area were zoned the same as the rest of the area and not create a break between the northern and southern sections. The existing buildings here are a mix of sizes and types that do not form unique area that needs to be singled out for a different zoning.

Hudson Square is a special NYC neighborhood that will only get better once it is rezoned. Trinity Church and other owners, as well as the BID, are working to upgrade and redevelop Hudson Square through new buildings with new uses, a new school and streetscape improvements. This is an exciting initiative and we urge the Commission to vote in favor of the amended plan.



November 29, 2012

Hon. Amanda Burden  
Chair, NYC Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden:

**Re: Hudson Square Rezoning C 120380 ZMM, N 120381 ZRM, N 120381 (A) ZRM**


We would like to clarify REBNY's testimony on the Hudson Square rezoning that was presented at the public hearing on November 28, 2012.

In that statement we indicated that we supported the proposed building heights in the special district and that we believe that lowering these heights would negatively impact the achievement of the district goals. In that case we specifically had in mind the proposed heights for the wide streets and for the site in Subdistrict A. The reason for our position on this is that the heights proposed are intended to allow property owners to use all of the FAR and maximize the amount of affordable housing provided.

We would like to add that, in the case of midblock sites, the proposed height of 185 feet on narrow streets does not provide for a large enough envelope to permit the construction of marketable residential buildings that utilize the full permitted floor area ratio - and thus reduces the amount of affordable housing being developed. Allowing marginally taller buildings by special permit does not solve this problem because the burdens of obtaining the special permit far outweigh the benefits a developer could realize from the additional floor area. The Real Estate Board therefore recommends that the Commission amend the current text (i) to allow developments that provide the full amount of inclusionary housing be permitted to reach a height of 210 to 230 feet and (ii) to create a special permit to authorize developments that require height, setback and street wall waivers to take advantage of unique site conditions and provide needed neighborhood open space.

We urge the Commission to make these changes as they will strengthen the Hudson Square district by encouraging residential development on a range of sites throughout the neighborhood.

Sincerely,



Michael Slattery  
Senior Vice President



**Testimony for the City Planning Commission  
Hudson Square Rezoning Hearing**

**By Brian Dennis  
Associate Planner, Regional Plan Association**

**Spector Hall, 22 Reade Street, New York NY  
Wednesday, November 28, 2012**

My name is Brian Dennis; I am an associate planner for the Regional Plan Association. RPA is an independent, not-for-profit research, planning and advocacy organization serving the New York-New Jersey-Connecticut metropolitan region.

Today, RPA would like to express support for the Hudson Square rezoning, which will promote contextual development similar to other neighboring areas in Community Board Two.

Hudson Square is currently zoned to allow commercial and industrial uses at varying densities ranging from a FAR of 2.0 to 10.0, but prohibits new residential uses. The proposed rezoning will help Hudson Square evolve into a vibrant, mixed-use community full of commercial, residential and cultural energy while protecting its historical character.

The rezoning allows for adequate residential usage similar to their neighboring community, the SoHo-Cast Iron Historic District and ensures that height and build out of any new development will be contextual. It will also allow for the creation of new educational and cultural institutions and prevent big-box retail stores from locating to the area. Lastly, it will limit the size of hotels without special permit.

RPA supports the zoning proposals because they promote moderate, residential development and main-street style retail that create sustainable live and work opportunities. We also encourage the neighborhood to adopt the streetscape improvements recently suggested by Hudson Square Connection, which would, like the rezoning, positively enhance street level activity.



# SoHo Alliance

*A Volunteer Community Organization*

PO Box 429 Prince Street Station  
New York, NY 10012  
phone/fax: 212.353.8466

email: [info@SoHoAlliance.org](mailto:info@SoHoAlliance.org)  
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Hon. Amanda Burden  
Chair, NYC Department of City Planning  
22 Reade Street  
New York, NY 10007

Dear Chair Burden:

The SoHo Alliance was the lead group in litigating against the Trump SoHo project, predicated on the project's abuse of the zoning laws. If the developers had done the right thing and applied for a Hardship Variance at BSA, there would have been a public review, and it is not impossible that in exchange for residential zoning, the developer might have been asked to reduce substantially the height of the 454-foot building.

Thus, we were shocked to hear Trinity Real Estate representatives ask for a residential 450-foot structure. After all, they stated, Trump SoHo was a similar height.

Trinity doesn't seem to get it.

The SoHo Alliance strongly objects to the 430-foot height of the proposed building on Canal and Sixth Avenue. That Trinity would throw in a school as a sop to the community is an insult, since, let's be honest, Trinity wouldn't be able to sell their luxury units to its residential customers were a school not included.

If Trinity needs a zoning change, it should give back something that the community as a whole truly needs, a community center as the community board recommended to fulfill the open public space requirement.

Further, we object to the 320 height and 12 FAR requested elsewhere. Such height is out of character with just about every building in this area of west SoHo. We suggest that Trinity's request be reduced by about 1/3, say, a height of about 200-225 feet and an FAR of 9.

Furthermore, to mitigate the increased development that this inevitable zoning change will have on the area to the immediate east, we request that City Planning not go forward with any commitment until the NYC landmarks Preservation Commission calendars the proposed South Village Historic District.

Thank you for your attention to this matter.

Regards,

Sean Sweeney, Executive Director





Nick Hockens  
Tel (212) 801-3088  
Fax (212) 801-6400  
hockensn@gtlaw.com

December 10, 2012

**VIA HAND DELIVERY**

Hon. Amanda Burden &  
City Planning Commissioners  
New York City Planning Commission  
22 Reade Street  
New York, New York 10007

Re: Special Hudson Square Rezoning & Text Amendment  
ULURP Nos. C 120380 ZMM and N 120381(A) ZRM  
CEQR No. 12DCP045M

Dear Chair Burden and Members of the Commission:

On behalf of our client, Soho AOA Owner, LLC, I am writing to express support for the above referenced applications. Our client is the owner of three (3) parcels of property located at 161 Sixth Avenue / 231 – 233 Spring Street (Block 505, Lots 24, 31 and 36 (collectively, the “Property”)) at the northeast corner of the rezoning area. The Property is currently improved with three buildings:

- a 15-story building (plus mezzanine, penthouse and cellars) containing approximately 264,000 sf of offices and ground floor retail located at 161 Sixth Avenue,
- a 1-story, 20-foot wide building used for off-street loading located at 231 Spring Street, and
- a 10-story loft building containing approximately 212,500 sf of offices and ground floor retail located at 233 Spring Street.

The Spring Street buildings are underbuilt by approximately 75,000 square feet. Our client acquired the Property in April of this year and has filed plans with the Department of Buildings for a redevelopment project (the “Project”) that would modernize and upgrade the office buildings and maximize ground floor retail while allowing existing tenants (and jobs) to remain in place (Job Nos. 121326742 and 121327929). As shown in more detail in the enclosed materials prepared by Gensler Architects, the Project would consist of the demolition of the 1-story loading facility located at 231 Spring Street and the vertical and horizontal enlargement of the 233 Spring Street building with:



- a 3-story penthouse containing approximately 45,000 sf of new office space; and
- a 15-story core, which would contain approximately 30,000 sf of lobby, passenger and service elevators, stairways, restrooms and mechanical spaces serving both the 233 Spring Street and 161 Sixth Avenue buildings (the “Core”).<sup>1</sup>

Following the completion of the Core, the 233 Spring Street building and 161 Sixth Avenue buildings would be combined into a single building, on a merged zoning lot, with a single certificate of occupancy. The construction of the Core and the subsequent merger of the buildings would allow redundant lobbies, elevators, stairways and loading berths in the existing buildings to be removed over time as individual tenants move out or renovate their spaces allowing for better retail at the ground floor and more efficient building floor plates offices above.

As currently designed, the 20-foot wide Core would not comply with the height and setback requirements proposed under the rezoning in Section 88-33. Under paragraphs (b)(1) and (2) of the proposed rezoning text, the street walls of the Core would be required to be located at the street line up to a minimum base height of 125 feet on Spring Street (which is a wide street at this location) and a minimum base height of 60 feet for Vandam Street (which is a narrow street). In order to provide elevator and other core services to all portions of the top (15<sup>th</sup>) story of the 161 Building, the Core reaches a height of 191 feet. This height complies with the maximum building height proposed under paragraph (b)(3) for the portion of the Core south of the mid-block line, which fronts a wide street, but would exceed, by 6 feet, the portion of the Core north of the mid-block line, which fronts a narrow street. Finally, the width of the Core when coupled with the width of the top (13<sup>th</sup>) story of the penthouse would aggregate to a total of 170 feet, which exceeds the maximum length of 150 feet proposed under paragraph (b)(4) for stories that are entirely above a height of 150 feet. As shown in the enclosed materials, we believe that the existing M1-6 zoning regulations allow for a better and more efficient design for the Core than would be permitted under the proposed rezoning. Accordingly, we are respectfully requesting modifications to the proposed rezoning text that would allow the Project to be developed as proposed. Specifically, we would request language allowing the Project to vest under the current M1-6 zoning, or language, similar to the following, to be added immediately after the last sentence of Section 88-33(b)(5)(ii):

(6) Horizontal #enlargements#

Existing #buildings# on #through lot# portions of a #zoning lot# may be horizontally #enlarged# by up to 20 feet without regard to the requirements of this section, provided that the ground floor #street walls# of such #enlargement# are located on the #street line# and the maximum height of such #enlargement# does not exceed a height of 195 feet.

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<sup>1</sup>Up to approximately 10,000 sf of additional floor area may become available from an adjacent air rights parcel located at 26 Vandam Street (Lot 16).



Hon. Amanda Burden &  
Members of the Commission  
December 10, 2012  
Page 3

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In addition, to ensure that following the issuance of a temporary certificate of occupancy, the enlarged 233 Spring Street building could be merged with 161 6<sup>th</sup> Avenue into a single building, we would request adding a new sentence to the end of Section 88-33(b)(4):

(4) Maximum length of #building wall#

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. The provisions of this paragraph (b)(4), however, shall not prohibit the merger of two existing #buildings# into a single #building#.

Thank you for your consideration of our proposal.

Best regards,



Nick Hockens

Enclosure

cc: Edith Hsu-Chen  
Julie Lubin, Esq.  
Zachary Bernstein, Esq.  
Linh Do



Coral Dawson  
93 Mercer Street, Apt. 2W  
New York, NY 10012  
coraldawson@gmail.com

November 28, 2012

City Planning Commission  
Calendar Information Office - Room 2e  
22 Reade Street  
New York, N.Y. 10007

**Re: Hudson Square Rezoning; ULURP Application Nos. 120380 ZMM, 120381 ZRM**

Good morning,

My name is Coral Dawson. I am a board member of Manhattan Community Board 2, a longtime Soho resident, the founder of Friends of Vesuvio Playground and a mother. I am writing to encourage the New York City Planning Commission to prioritize the dire need for open space and active recreation in and around the Hudson Square area currently under consideration for a major rezoning.

Community Board 2 has the second lowest ratio of park acres to residents in New York. Hudson Square, the old industrial area west of 6th Avenue from Canal to Houston is bereft of any playgrounds or active recreation space. Should the rezoning permit new residential development in Hudson Square, the surrounding areas that abut Hudson Square such as Soho and the West Village will suffer a severely negative impact on a quality of life issue important to everyone raising a family in the area as well as anyone who values local active recreation. Where will the more than 6,000 new residents take their children to play?

The current proposal by Trinity Church for the Special Hudson Square Rezoning makes no meaningful contribution to open space that could be used for active recreation. At a minimum, I encourage the city to require the applicant Trinity Church to build a state of the art indoor recreation center in Hudson Square including a heated pool for swimmers of all ages to enjoy. In addition, I suggest that a tax be levied on every new residential unit as part of maintenance/common charges in perpetuity that will go directly to NYC Parks to fund the maintenance and improvement of the playgrounds surrounding the Hudson Square area including at least Vesuvio Playground, William F. Passannante Ballfield, Grand Canal Court, Playground of the Americas, Downing Street Playground and Minetta Playground. This additional funding would partially mitigate the impact of thousands of new users of these playgrounds and the natural wear and tear they are sure to cause. I also believe it is reasonable to require the rezoning proposal be modified to contribute significantly to the Hudson River Park as it will be one of the only options for residents of the Hudson Square to enjoy jogging and many other outdoor sports.

New York lags other major cities in the world and in the US in requiring open space mitigation as part of real estate developments. I'm sure we all want to see any rezoning succeed. Success for this rezoning will require thoughtful planning regarding open space. Please take a leadership position by requiring as conditions to any approval of the Hudson Square rezoning proposal, the creation and support of meaningful and significant open space and active recreation by the applicant.

Respectfully,



Coral Dawson