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March 11, 2012

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

Re: NYU Core Project; ULURP Applications Nos.: 120122 ZMM, N 120123 ZRM, N 120124 ZSM, 120077 MMM

Dear Chair Burden:

At the recommendation of its New York University (“NYU”) 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 February 23, 2012 by a unanimous vote in favor.

The resolution recommends **denial** of each application for the detailed reasons stated in the “Community Board 2 Response” below.

PROPOSED ACTIONS

NYU is requesting a series of public actions as part of its ULURP submission for an expansion of their Greenwich Village campus core.

As part of NYU Plan 2031, the University seeks to add 2.4 million gross square feet (“gsf”) of new development by the year 2031 for academic, faculty residential, student dormitory, athletic facilities, hotel and retail uses on two primarily residential “superblocks” bounded by West 3rd Street to the north, Houston Street to the south, Mercer Street to the east and LaGuardia Place to the west (“Proposed Development Area,” divided by Bleeker Street into a “North Block” and “South Block”), and to expand retail uses in the blocks to the east of Washington Square Park (“Commercial Overlay Area”), bounded by Washington Square East and University Place to the west, Mercer Street to the east, West 4th Street to the south and the northern boundary of the existing R7-2 zoning district near East 8th Street to the north.

This project specifically proposes:

- Two new buildings (“Mercer Building” and “LaGuardia Building”) in the North Block, with a combined total of 341,482-gsf above ground, and 770,000-gsf below ground to be built under the entirety of the block.
- Two new buildings (“Zipper Building” and “Bleecker Building”) in the South Block, with a combined total of 773,658-gsf above ground and 318,000-gsf below ground.
- Demapping two strips of land (“Park Strips”), located on the west side of Mercer Street (between West 3rd and West 4th Streets and between Houston and Bleecker Streets), currently owned by the New York City (“NYC”) Department of Transportation (“DOT”) and mapped as streets, and transferring ownership to the University.
- Demapping two additional Park Strips, also currently owned by NYC DOT, located on the west side of Mercer Street and the east side of LaGuardia Place, both between Bleecker and West 3rd Streets, and transferring ownership to the NYC Department of Parks and Recreation (“Parks Department”), but with a permanent easement to NYU to allow access over and under the land in perpetuity.
- Expanded commercial uses in both the Proposed Development Area and the Commercial Overlay Area.
- Redesign of the current open space in the Proposed Development Area with the stated goal of making it publicly accessible (this property, however, is already open to the public with nighttime restrictions).
- Constructing a 30,000-gsf temporary gym on the site of an existing children’s playground on the North Block.
- Making 78,000-gsf available to the NYC School Construction Authority (“SCA”) for a new public school in the Bleecker Building on the South Block, with NYU academic space below and student dormitory space above.

In order to facilitate this plan, a number of specific public actions are required, the most important of which for CB2 review include:

Zoning Map Amendments

- Rezone the Proposed Development Area from R7-2 and R7-2/C1-5 to a C1-7
- Rezone the Commercial Overlay Area to C1-5 to allow expanded retail development

Zoning Text Amendment to Sections 74-742 and 74-743

- Permit the Park Strip on Mercer Street, South Block, to be included in a LSGD
- Permit the Park Strips on the North Block to be treated as wide streets, not parkland

LSGD Special Permit (ZR Section 74-743)

- Allow the transfer of air rights between zoning lots on the two superblocks, to waive certain height, setback and rear yard requirements for the proposed four new buildings, and extend the duration of the permit from four to ten years

Related Mapping Application

- Requests to facilitate the disposition and transfer of public land, currently owned by NYC and mapped as streets

Elimination of NYC Department of Housing Preservation and Development (“HPD”) Deed Restrictions on Blocks 524 and 5333

- Elimination of existing urban renewal deed restrictions which were part of the original land disposition agreements and prohibit new development until expiration in 2021

BACKGROUND

NYU has had a presence in Greenwich Village since 1835 when the University building opened on Washington Square East. The University greatly expanded its presence in the local community when it sold its Bronx University Heights campus in 1973 and relocated the main campus to the current site.

NYU is one of the largest, most prestigious nonprofit institutions of higher education in the United States. CB2 appreciates the University’s need to expand and upgrade its citywide facilities and infrastructure to remain competitive and recognizes the value of having a university of such caliber in its midst. NYU is an economic engine, patronizing local businesses and employing many residents. It provides support to numerous community organizations and is an important arts and cultural resource. Its faculty, administration and students are valued members of the local community. Moreover, NYU is the landlord for one of the largest stocks of affordable housing in the area.

Many “town-gown” dynamics are contentious. NYU’s relationship with the local Greenwich Village community is no different, but seems to be particularly fraught perhaps because it is situated in a dense, residential neighborhood. In recent years, tensions with the local community have been further exacerbated by NYU’s ambitious building campaign; the construction of a series of buildings alongside historic Washington Square Park and in residential neighborhoods that have been poorly-received by the public; and the University’s perceived poor stewardship of public spaces.

One of NYU’s most unique features is its location and context within historic Greenwich Village, which it markets to attract thousands of students from across the world. This irony is not lost on CB2 -- for through its 2031 Plan, NYU threatens to destroy the very essence of the local neighborhood from which it benefits handsomely. As explained below, the current proposal is far too big for a dense residential neighborhood such as Greenwich Village and would have severely damaging and long-lasting consequences to the neighborhood’s essential character and resources, including its socioeconomic diversity, public open space, historic preservation and quality of life.

The proposed actions by NYU comprise the largest ULURP application ever considered by CB2. NYU announced its intention to pursue a campus expansion plan in the CB2 area approximately five years ago through a series of meetings with the community where it previewed various options and potential designs. All of the proposals had basically the same volume and bulk attached to them.

In 2006, the Manhattan Borough President joined with elected officials, community stakeholders, and NYU to create the Community Task Force on NYU Development to begin a public dialogue about NYU’s campus planning and ensure that future campus development properly balanced respect for the community with the University’s stated need to grow. From 2006 to 2010, the Task Force held more than fifty meetings to discuss priorities and develop guidelines for expansion.

On January 30, 2008, through the efforts of the Task Force, a set of Planning Principles were signed by NYU¹ stating that NYU, among other things, would work with the community to:

- Identify and actively pursue opportunities to decentralize facilities;
- Emphasize contextual development that would be sensitive to building heights, densities and materials;
- Prioritize reuse of existing buildings over new development; and
- Actively solicit, utilize and implement input from the community

After the initial announcement of NYU's 2031 Plan, the Task Force presented to the University a detailed set of recommendations,² formally endorsed by CB2 on March 25, 2010.³ These recommendations echoed the NYU Administration's stated commitment that any development must be carefully designed with community input so as not to overwhelm the "fragile ecosystem" of historic Greenwich Village⁴ and the goal of pursuing locations for expansion outside the NYU campus core area. The Task Force recommendations identified significant community concerns about the potential impact of NYU's expansion in Greenwich Village and established the framework for CB2's review of this project.

Upon conclusion of the Task Force's work, CB2 began a series of information sessions exploring different aspects of NYU's proposed project. CB2 created the NYU Working Group, comprised of representatives of five CB2 committees utilizing their expertise to analyze different aspects of the proposal. The Working Group held a series of community input sessions during the evaluation of NYU's Draft Scope of Work for the Environmental Impact Statement. This input informed CB2's extensive response to the EIS that was delivered to the City Planning Commission at its Scoping hearing on May 24, 2011.⁵

The NYU ULURP application was certified as complete on January 3, 2012. CB2 held the required presentation and public hearing on January 9, 2012 at a joint meeting of the Working Group and Land Use and Business Development Committee. Throughout January 2012, further public hearings were held by the following CB2 committees, jointly with the Working Group: Traffic and Transportation; Parks, Recreation and Open Space; Environment and Public Health; and Social Services and Education. A second series of public hearings was held throughout the month of February by these committees.

Public interest was extremely high. Hundreds of community members attended each meeting, in some cases requiring a move to larger venues, with testimony lasting hours and supplemented by electronic submissions. The CB2 response to the NYU ULURP is based the community's testimony plus additional discussion by CB2 members.

¹ See Appendix A for a copy of the Planning Principles.

² For a copy of the Community Task Force recommendations go to:
http://www.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

³ Community Board No. 2, Manhattan, August 2010 Resolution.

⁴ "Postings: 'This Fragile Ecosystem': NYU Head's View on Village," The New York Times, February 16, 2003.

⁵ CB2's response to the EIS is available online at:
http://www.nyc.gov/html/mancb2/html/nyu_2031/nyu_2031.shtml

Based on this public process, along with meetings with other stakeholders, including local block associations and community groups, elected officials, and NYU, the community came to the following conclusions:

1. A blanket rezoning of the superblocks is inappropriate. The bulk, density and height of the NYU ULURP are dramatically inappropriate for this long-standing and diverse residential community, which, except for NYU's own buildings on the superblocks, is generally low scale and, in large part, designated as an historic district. The superblocks departed from this general neighborhood pattern but provided publically accessible open spaces to compensate for the height and bulk of their buildings. The vast amount of new building called for in the NYU 2031 Plan would destroy the planning principles that justified formation and development of the superblocks at their present scale.
2. All of the City-owned public park strips on the superblocks should be mapped as New York City parkland, transferred in their entirety to the NYC Parks Department with no NYU acquisition, easements, equipment or structures on or below grade. These open spaces should not be used for construction staging or laydown.
3. Commercial uses, especially a hotel as well as eating and drinking establishments, are not appropriate for the superblocks that comprise the Proposed Development Area.
4. The University should not be granted a rezoning of the Commercial Overlay Area, when NYU has stated a more modest goal of increasing retail use by only 23,000 square feet in six buildings.
5. The proposed phasing would impose decades of continuous disruption to the area.
6. The temporary gym location as planned by NYU is unacceptable. The community would lose use of playgrounds and public open space on the North Block for a lengthy period. If NYU truly needs a temporary gym, it should be located on a vacant site outside of the immediate neighborhood.
7. NYU should honor its previous commitment outside of the ULURP process to provide a new public school, including the "core and shell," and make public its discussion on this topic with the City.
8. Existing affordable housing must be supported and maintained.
9. The deed restrictions governing NYU property on the superblocks should not be removed.
10. NYU must adhere to the Planning Principles it agreed to in 2008.

COMMUNITY BOARD 2 RESPONSE

CB2, after extensive review and discussions with stakeholders throughout the area, strongly opposes the NYU 2031 Plan. Its effects would forever change the character of this historic neighborhood, dramatically increase built-upon land at the expense of the light, air and recreation opportunities of existing open space, convert city-owned land to largely private use even if access is permitted, imperil affordable housing stock, significantly reduce residents' quality of life, have adverse effects on local infrastructure and subject residents to decades of construction and its effects.

I. THE BULK AND DENSITY IN THE PROPOSED DEVELOPMENT AREA WOULD DESTROY THE NEIGHBORHOOD CHARACTER

CB2 rejects NYU's request for a blanket re-zoning of the Proposed Development Area from R7-2 to C1-7, and the establishment of a Large Scale General Development Special Permit that would facilitate four new buildings because it would forever alter the character of this historic neighborhood.

The bulk and density allowed by a C1-7 (R8 equivalent) zoning may be appropriate in midtown or downtown, but not in the historic core of Greenwich Village. A blanket rezoning that would allow building on the open spaces, especially at heights that exceed the current structures and with a bulk that would more than double the density with above and below grade new construction, would destroy an iconic neighborhood. This requested upzoning creates a zoning envelope with enormous implications:

- NYU's plan to build 1.3 million square feet of above ground development and 1.1 million square feet below-grade makes this the largest development project ever in CB2, and will more than double the zoning floor area on the superblocks (from under two million to more than four million square feet).
- This zoning would completely change the neighborhood residential character of the superblocks, because nearly all of the new building will be for non-residential uses, including hotel, dormitory, public school, athletic facility, academic and ground floor retail uses (approximately 2.2 million sq. ft.).
- The plan projects that NYU would add 1,500-2,000 new residents (students, hotel guests and faculty families), and bring 10-12,000 additional people daily into the area.
- The requested zoning would reduce by half the existing Open Space Ratio. The newly designed public spaces include walkways and pedestrian paths designed without public consultation and would replace treasured community parks, playgrounds and gardens, reducing the amount of open acreage that provides light and air to the interior of the blocks.
- The height and bulk of the new buildings will tower above the neighborhood, negatively impacting both residences and open space. The DEIS indicates that they will cast shadows as far as Washington Square Park.
 - The Mercer and LaGuardia Buildings rise to 282 ft. and 186 ft., respectively (blkh. roof), and would dwarf Washington Square Village which features two of the tallest buildings in Greenwich Village at 160 ft.
 - The mass of the Zipper Building, which is 333 ft. tall on Houston, 232 ft. tall on Bleecker and 292 ft. tall just south of Bleecker, will detract from the special character of I.M. Pei's University Village buildings and landscape, which were designed as "towers in a park," and recently designated a landmark by New York City in recognition of their historic and unique contribution to the built fabric of the city.
 - The lower-scale private loft buildings on LaGuardia Place and Mercer Street would be overwhelmed by this project, with loss of sight lines, light and air. The buildings on the west side of LaGuardia Place would be facing the 235 ft. Bleecker Building and the LaGuardia Building.
 - The residential buildings on the east side of Mercer Street would be even more severely impacted with a full block of the massive Zipper Building, built right to the lot line, and the towering Mercer Building keeping them in shadow most of the day.
 - The shadows cast by the proposed Bleecker Building would severely harm the LaGuardia Corner Gardens, a community garden for more than 30 years.

The existing R7-2 designation is already one of the largest zoning envelopes in our district. (The only higher zoned areas are wide streets and commercial thoroughfares.) R7-2 was applied here to accommodate the two residential superblocks that were created under the Title I Urban Renewal program with the intent to provide quality housing for the neighborhood. Rules were established that specified the amount of land that could be covered by buildings to ensure that there was sufficient open space to compensate for the height and density of the development. The South Block is built to the allowable FAR, and the North Block is overbuilt because it predates the 1961 ZR. Additional bulk and density is inappropriate on the superblocks.

New commercial uses would be allowed in this proposal, but CB2 believes any increase of these uses is inappropriate on the superblocks. The current zoning includes a commercial overlay that permits, for example, the Morton Williams supermarket in its current location. This site, which has housed a much-needed supermarket since at least the 1950's, is already far to the east of the wide community that is otherwise underserved by similar amenities. Moving it even further east would be a hardship to the many elderly and mobility-impaired residents who depend on it.

The plan also includes a new hotel. Hotel use should not be considered as central to the University's academic mission and is not appropriate on the superblocks. There are many hotels in the area with which NYU's hotel would compete, including locally-owned establishments, and there is evidence that they are not at capacity.

A Large-Scale General Development Special Permit is requested in order to facilitate the four outsized buildings being proposed for the superblocks. These buildings would break sky exposure planes, violate rear-yard requirements, breach height and setback regulations, and penetrate the sky exposure plane. The existing buildings on the superblocks are currently in compliance and the special permit would not otherwise be required.

Finally, Deed Restrictions were placed on the properties in order to implement the Urban Renewal Plan. They are integral parts of the Urban Renewal Plan. Because of significant amendments to the Plan, the Deed Restrictions are now set to expire in 2021. The removal of these restrictions would violate the intentions of the Urban Renewal Plan and the resulting development would violate the expectations of the residents and businesses in the area, who have made lifestyle and financial choices based on the terms of these restrictions.

II. PHASING OF PLAN WOULD CAUSE 20+ YEARS OF CONSTRUCTION

CB2 has significant concerns about the phasing of the 2031 Expansion Plan. An enormous amount of new construction is planned that would cause decades of disruption, but there is no assurance now that these structures will actually be needed in 20 or more years. CB2 is especially concerned about including a temporary gym in the first phase.

NYU says it currently faces a shortage of academic facilities, specialized teaching and performance spaces, faculty offices and student housing. Both in testimony before CB2 and in the DEIS, NYU maintains it needs to expand their facilities immediately, or risk falling out of the category of elite American universities. NYU also claims that it wants to build on its own property in the campus core in order to create an environment where different disciplines can "cross-pollinate" ideas among faculty and student peer groups.

Two facts lead CB2 to question the need for such a broad expansion:

- The University states that they are now at a virtual stopping point in growth and project an average annual increase of only .5% for the next 25 years.

- In Phase One of NYU’s plan in the years 2012-2022 only 17.5% of the square feet to be developed in this project is for academic use. The remainder of the initial expansion is devoted to nonacademic uses, including a hotel, retail, dormitories, athletic facilities, and a public school. Construction of the majority of the academic space (82.5%) does not begin for 10 years, and is not scheduled for completion until 2031.

CB2 contends that because the University’s growth has already occurred and very little is projected for the next 25 years, it is unnecessary to approve such a large expansion at this time.

NYU’s phasing plan starts activity on the north superblock with a temporary replacement for part of the current Coles Gym, and ends two decades from now (assuming no construction delays) with a building also on the North Block. Were it not for the temporary gym placement, the only activity on the North Superblock would start 10 years from now. This calls into question the legitimacy of including the north superblock in this ULURP application at all. NYU essentially is asking for a “blank check” they may or may not need in the future.

CB2 does not accept the need for a temporary gym in the Proposed Development Area. It is currently sited for the existing “Key Park” playground, which serves many families with children in the wider area. To move the temporary gym to this site, NYU proposes first moving the Key Park to the Sasaki Garden, taking that away from the community as well a decade before construction of any permanent buildings are planned.

It is unnecessary to shuffle vital and treasured amenities for neighborhood residents, resulting in the north block to be under continuous construction for 20 years. NYU should seek to accommodate their UAA sports teams elsewhere, as they currently do with many of their existing sports programs.

Possible reductions in future enrollment, potential venue changes in education delivery (e.g., online courses) and other unforeseen changes may reduce pressure on NYU’s existing buildings and eliminate the need for the later-phased buildings. This opens the possibility that the structures would be built with a Community Facility FAR but might not be ultimately used for community facilities.

III. ACQUISITION OF THE CITY-OWNED PARK STRIPS IS HARMFUL AND UNJUSTIFIED

CB2 strongly objects to the proposal to transfer ownership of two of the publicly owned strips of land on the west side of Mercer Street (between West 3rd and West 4th Streets, and between Bleecker and Houston Streets) to NYU. CB2 further objects to allowing easements to NYU over and below the Park Strips along LaGuardia Place and Mercer Street on the North Block. In addition, we object to using the strip on LaGuardia Place between Bleecker and Houston Streets as construction staging, covering it or casting a permanent shadow over it.

CB2 advocates for the preservation of the public ownership of the Park Strips, and for their immediate transfer to the Parks Department, along with the additional strips on the south side of West 3rd Street and the south side of Bleecker Street between Mercer Street and LaGuardia Place.

CB2 has supported all efforts to develop public uses on these strips and has long favored mapping of these open spaces as parkland. NYU opposition has prevented this. It would be a mistake to reward the University’s intransigence on this issue by turning the full or partial control over these properties to NYU, whether by transfer of fee ownership, extensive easements, allowing them to be demolished for below-grade construction or use as staging locations, or design concessions to substantially convert their use to access plazas for private buildings.

These properties are City-owned and currently dedicated to uses typical of city parks. The Doctrine of Public Trust may apply to at least some of these areas, and whether it does or not, the City should honor the past and current public uses and guarantee their protection and improvement for the future.

In each case, while there may be room for improvement in design and use, the spaces are an important part of the history of the blocks, legacies of the seminal and successful neighborhood battle against the proposed Lower Manhattan Expressway which would have done great harm to the future of downtown Manhattan and the City as a whole. The status of each area also reflects the 40 years of efforts by volunteer community groups to create and maintain public open space in a park-starved neighborhood. The boulevard feel they create on LaGuardia and Mercer are key elements of the character of the area and the feeling of openness that is retained despite the bulk of the superblock structures that exceed the norm for the neighborhood.

Mercer Street and LaGuardia Place, North Block.

The strip on the east side of the block includes the Mercer Playground, built and managed by the Parks Department after an energetic and extended initiative by the parents group “LMNOP.” The playground offers a kind of hardscape open space that allows for uses that are not supported in other nearby areas, and is valued by the community. LaGuardia Park, on the west side of the block, includes many mature trees in planted areas featuring ivy ground cover. It provides a central location for the statue of Fiorello LaGuardia. Improvement of the area has been led by the efforts of Friends of LaGuardia Place, a community group that also led a successful, but not yet implemented, effort to develop a Parks Department playground on the site.

The transfer of these properties to the Parks Department, now supported by NYU, is the sound approach, but the proposed design and the placement of the large Mercer and LaGuardia Buildings take away more than the change of jurisdiction gives, and the larger use of the resource is ceded to NYU access purposes. On the east side, the proposal includes a small section of the strip as part of a larger “Tricycle Garden,” and on the west side it includes locations for the LaGuardia Statue and Adrienne’s Playground. Both of these new playgrounds would be overwhelmed by the huge adjacent buildings with doors opening directly onto parkland, and the much larger portions of the spaces are designed and designated as major entry plazas to the intensely developed academic buildings serving more than 5000 students at a time. Student movements and uses between classes would dominate these spaces. The proposed Tricycle Garden would see little sun as it wraps around the north and east sides of the large Mercer Building, and the area is included as a “filter entry” to the proposed development on the block, creating conflicting uses.

Parks serving neighborhood needs cannot coexist on these strips with the buildings as currently planned, as will be discussed further below. In addition to access easements requiring Parks to cede ultimate control of the plaza areas, easements would be needed to accommodate underground university facilities beneath the parkland, giving the university control for long periods of construction and later for structure maintenance. The underground use would require removal of the mature trees. With replacements to be planted as much as 20 years later, two generations would pass before the stands of mature trees return.

Mercer Street, South Block

The current public uses of this strip were created as part of the agreement allowing the construction of the Coles gym in 1979-1981 on land previously used as a sandlot ball field. Because NYU abdicated its commitment to maintain the strip, the condition and use of this area is poor with the exception of a popular dog run that is well maintained by a membership association. Soon after construction, the water playground and “reflecting garden” sitting area were closed because the ground subsided, and they have not been restored.

Regardless of the current deficiencies of the area, the plan to move the building footprint east to eliminate public land and create a public walk to the west would negatively impact the area’s balance of open space. The building line of the massive Zipper Building will project past the building lines on the blocks

to the north, creating a crowding effect, and the special open character of Mercer Street would be largely lost, just as the projection of the Bobst Library did substantial disservice to the boulevard feel of LaGuardia Place.

Experience with off-street retail plazas such as the proposed walkway on the west side of the new building should counsel against this effort to shift pedestrians away from the street, where New York retail thrives. Use by the general public would be limited because the walkway would primarily serve as access to a university building with intense student use. There is merit to aligning the west side of the building with the buildings on the west side of Greene Street, south of Houston, but not at the expense of the openness of Mercer Street which will be all the more important if a taller building is on the site.

CB2, without reservation, rejects the proposal for a new building and retail at this site. Should the community board's recommendations not be heeded, any new building should be built on the existing footprint or a narrower one that aligns both sides of the building with existing streets, and any new retail should be focused on the north and south facades of the building to allow transfer of the strip to Parks with improved public open space uses.

Mercer Street Cogeneration Park.

This attractive park was recently built by NYU to restore the public land used during construction of the cogeneration plant built underground per terms on a consent agreement with NYC DOT. The park was designed with extensive community input in a process developed as a result of the agreement. The agreement allows for future maintenance needs of the cogeneration plant and no persuasive argument has been made for transfer of this public open space to private control. Even with an agreement for future public use in place, experience with publicly accessible private plazas gives reason for concern that the long-term public good would not be well served if the ownership is transferred to NYU. Instead, the land should be transferred to Parks, with continuation of the existing agreements that were crafted to serve public and private needs.

LaGuardia Place, South Block.

This property is not part of the future development, but the plan proposes to use the gardens as a construction staging area or to cover it with a construction shed; both are destructive and unnecessary propositions, and the proposed Bleeker Building would limit future plantings to shade-tolerant species. The land includes two open space areas managed by volunteer gardeners. Time Landscape is on the southern half, and supports a grove of mature trees. LaGuardia Corner Gardens, on the northern half, is a thriving community "Green Thumb" garden, created and maintained on an abandoned lot by energetic and passionate volunteers. It is lovingly planted with vegetables, flowers, perennials, and flowering trees. It is open to the public on a schedule and welcomes school groups. However the project proceeds, the property should be transferred to Parks and the space should be restored, including a sufficiently sunny area for the gardening to continue to serve the entire community in its current manner.

Bleeker Street and West 3rd Street Strips.

These narrow strips are also not part of the proposed changes to the superblocks, but they deserve mention because they enhance the quality of the streetscapes. While these areas may have little potential for recreational use, they do add to the public sphere and help to retain the urban quality of these blocks. They should not be allowed to transition to the more private character of a university campus. If portions of these strips need redesign to support any development ultimately approved for the blocks, accommodation should be made without transfer of the property. Opportunities for redesign and renovation include the interior sidewalk on Bleeker Street that could be incorporated into the plantings.

IV. THE PLANNED NEW OPEN SPACES ARE ILL-CONCEIVED AND UNACCEPTABLE

CB2 is extremely disappointed in the plans presented for newly designed public open space in the Proposed Development Area, which were designed without the input of local stakeholders, and is adamant in its assessment that there will be significant adverse impacts on the quality of life for the long-standing residential neighborhood.

NYU has based its proposals on the DEIS, but that analysis fails as a quantitative assessment because it uses strictly technical definitions that exclude substantial existing open space, including some well-used areas. If the popular open spaces were included, the assessment would show a substantial decrease in available space 10 years into the project, and only a very small increase upon its completion with a net loss of uncovered land.

Among the significant displacements would be Mercer Playground/LMNOP, LaGuardia Park/Friends of LaGuardia, LaGuardia Corner Gardens, the south block Mercer strip with the Dog Run, the “Key Park” playground and WSV Sasaki Garden. While the proposed open space plan claims to be more visible from the street, inviting, accessible, and public, it is mostly inward facing space surrounded by huge buildings whose large student populations would move through the spaces on a constant basis throughout the day. The trade-offs are not beneficial to the broader community. This proposal results in a university-focused campus approach, effectively an NYU quadrangle, with buildings opening onto open spaces that would be dominated by students during class hours and very likely unused when students are absent.

Deficiencies in the DEIS

The quantitative analysis provided in the DEIS estimates that there will be 3.80 acres of project-generated publicly accessible open space and 0.68 acres of displaced such space for a net increase of 3.11 acres. This analysis excludes certain spaces based on the guidelines provided in the CEQR Technical Manual. Appendix B lists some of these spaces, the reasons given for excluding them, and reasons why the absence of additional quantitative analysis from the assessment prevents the full picture from being shown.

- Alternate quantitative analysis: This would include a total of 3.72 additional acres. The areas marked ** totaling 0.55 acres will be not be displaced by the project, but still affect public open space ratios for the study areas. The CEQR guidelines recognize that some projects require additional analysis. By using only the strictest interpretation of the CEQR guidelines, the quantitative assessment devalues actual public uses of open space in the project area. Hundreds of residents attending CB2 hearings spoke passionately of the importance of these open spaces to their lives in exactly the terms that people traditionally defend urban open space. The effect is that the quantitative assessment is skewed in a way that should have initiated additional analysis, especially given the substandard ratios of open space to residents in the study areas and the large influx of new residents and daytime users the project will bring to the area. The intent of the CEQR guidelines is to measure actual impacts and it is the responsibility of the applicant and agencies to craft a process to the particularities of the site. In this DEIS open space analysis, the numbers largely distort the open space impacts.
- Indirect impacts of increased demand for active recreation: Citing CEQR guidelines, the DEIS does not study the increased demand for active recreation within the non-residential study area because “worker” populations are less likely to increase the demand for active recreation. But the daytime population of the development area would be mostly students in an age group with greater need for active recreation resources. This would cause significant strains and displacements at nearby active recreation resources including Passannante Park, West 4th Street Courts, and other nearby parks. The current abuse of Washington Square Park lawns by NYU students seeking areas to play Frisbee is already causing damage to these lawns, recently restored

at great public expense for passive recreation. NYU responded inappropriately to a question from CB2 regarding this impact of the project by stating that the abuse was beyond its control since it does not have responsibility for enforcement in the park. Bringing so many students to a concentrated area requires provision of more open space for active recreation so that nearby parks are not overburdened.

- **Impacts on Most Affected are Undervalued:** The CEQR guidelines require study of the impact on day time populations within a quarter mile and residents within a half mile. The nature of the proposed project is to superimpose a huge new development in an area now occupied by a much smaller one, so simple application of the guidelines misses the assessment of impacts of the group most affected by the project, the people who live in or immediately adjacent to the study area. The existing open spaces are important parts of the quality of life in these areas, compensating per their design for the taller buildings, and the changes would affect these residents most directly. This creates a need for an additional assessment, not diluted by including larger populations, of impacts on the smaller area.
- **Shadows:** While the shadow study addresses shadow impacts of new buildings on existing open spaces, it fails to consider the impacts of shadows from new and existing buildings on new open spaces, which is especially significant for children's playgrounds which should not be located in areas of winter shade.
- **Phasing:** The DEIS fails to evaluate the impact of proposed phasing decisions on open space and to evaluate alternatives. For example, by starting the project by relocating the Key Park to enable construction of a temporary gym, a large portion of the Sasaki Garden would be displaced by the temporary playground, and by building the entire north block site as a single project, the entire project area would have no real children's playground for ten years beginning in 2022 (see Appendix C). The DEIS fails to consider an alternative use of off-site spaces as an alternative to staging construction on the project's open spaces, including the green spaces to be mapped on the northern superblock. NYU's plan would render those open spaces unusable for a decade or more. As mitigation, NYU should be required to restore those spaces to public use during the intervals between the construction phases rather than leave them unusable by the public during those intervals.

Proposed New Public Spaces

- **Philosophy Garden:** At 2.37 acres, this area represents 62 percent of the open space planned for the entire project. It includes the entry plazas to be built on public land transferred to the Parks Department, and much of the area where the Sasaki Garden is now. The Sasaki Garden is a 1.34 acre open space that has been open to the public. As an early work of Hideo Sasaki, the garden has recognized architectural and historic significance as a modernist landscape. The garden remains a tranquil space offering a place for respite amid tall buildings. The Philosophy Garden completely displaces the Sasaki Garden, an integral part of the WSV complex that has been deemed eligible for the State and National Historic Register of Historic Places. The Philosophy Garden is planned as a more visible and accessible at-grade space. It includes space for lawns for combined passive use and informal active recreation, and wide entrance plazas built on land proposed for transfer to the Parks Department. These plazas would serve little use other than for entrances to the new buildings and the open space between them. The large open space would be surrounded on all sides by tall buildings that would keep the space mostly in shadow through the winter. It would be in-facing and strongly associated in design and use with the buildings whose entrances would open directly onto the open space areas. Large areas of hardscape would be needed to accommodate emergency fire trucks and the high volume of students who would access the classrooms in the buildings and the four underground stories. While more attractive in design than Gould Plaza on East 4th Street, the space would function in the same way in relation to NYU

classroom buildings with little likelihood for casual use by the broader community. CB2 resoundingly rejects the plan for the Philosophy Garden because it essentially would create an uninviting, closed quadrangle mainly for benefit of NYU, although the plan purports otherwise. A successful plan for true public open space at this location would have designed buildings that respect the importance of the open spaces relating directly to LaGuardia Place and Mercer Street, and primary building access would be through the existing driveways under the Washington Square Village buildings instead of across public parks.

- Washington Square Village Play Garden: At only .34 acres, this proposed playground is 36 percent smaller than .53-acre Key Park, the often overcrowded playground that will be eliminated at the start of the project if a temporary gym is placed at this location. While access to the Key Park is limited by NYU to residents of a large area of CB2 living within about a 10-minute walk, its replacement, while open to all, would serve fewer people. The new playground is inappropriately sited because it would be directly adjacent to three tall buildings with its only openness facing north, so it would be in the shade most of the day for much of the year.
- Greene Street Walk: This area to the west of the proposed Zipper Building widens a rarely used walkway. It would function as access to university facilities and retail uses and is intended to double as public open space. Off street retail has not worked well in Manhattan where the street is the marketplace, but even if this strip were to succeed and the area becomes a good place for students to congregate, the kinds of open space use provided would be unlikely to serve the broader community, especially since, like Schwartz Plaza, the area would be in shadow most of the day. While the existing public areas to the east of Coles are poorly maintained by NYU, the openness is an important part of the Mercer streetscape and the existing strip could be improved to provide more usable open space to both the community and the university than the proposed in-facing solution.

V. THE STOCK OF AFFORDABLE HOUSING NEEDS TO BE PROTECTED

NYU is the landlord and land leaseholder for the major stock of affordable housing in Greenwich Village, including rent stabilized units in Washington Square Village and Washington Place and units in the Mitchell-Lama Program at 505 LaGuardia Place. CB2 urges NYU to provide a commitment that the units under its jurisdiction will remain affordable to the public and regulated in perpetuity.

Many low and moderate income residents, including senior citizens and those on fixed incomes, reside in housing under the jurisdiction of NYU, which includes units in Washington Square Village, Washington Place and 505 LaGuardia Place. This housing has sustained the local community's economic integration and contributed to its diversity and vibrancy.

However, NYU's treatment of this affordable housing stock is of great concern to CB2. Testimony has indicated that when a regulated apartment becomes vacant, efforts are made to effectively deregulate apartments by either allowing them to remain vacant or providing them for faculty and staff. At a time when affordable housing is so badly needed in our community, and when this Community Board has made it a priority to see new units of affordable housing created, it is simply unacceptable that NYU is further reducing the number of affordable and regulated apartments under its jurisdiction in Washington Square Village and Washington Place.

As part of the original urban renewal superblock development, since 1967, 505 LaGuardia Place, a Mitchell-Lama Cooperative, has provided an important source of affordable housing in Greenwich Village, with 174 affordable units. NYU owns the land lease for the Cooperative, which is scheduled for renegotiation in 2014. The terms of the lease will dictate whether this project remains truly affordable.

Regardless of the outcome of this ULURP application, CB 2 believes that NYU should consider selling the land lease outright to the Cooperative, in order to ensure that this project remains affordable in perpetuity. CB2 also rejects any LSGD which draws lines that exclude existing “parties of interest” that could be negatively impacted by the proposed plan.

VI. COMMERCIAL OVERLAY AREA REZONING IS INAPPROPRIATE

CB2 opposes a zoning change to create a C1 commercial overlay on six blocks east of Washington Square Park.

NYU is proposing this overlay for the stated intent of “enlivening the streets,” bringing existing non-conforming retail into compliance, and allowing development of ground floor retail uses. However, the street activity level is excellent, adequately serving the current mix of residential and institutional uses and the grandfathered uses are by definition compliant, and are functioning well. NYU has appropriate recourses within the zoning text at its disposal to meet limited retail needs in a few buildings. CB2 opposes this zoning change.

For the DEIS, NYU selected a Reasonable Worst-Case Development Scenario based on conversions of only six buildings for which they have current plans to develop only 23,000 gsf of retail use. However, a likely development scenario will include many more locations because the market driven values in an area adjacent to high rental Broadway retail areas will create strong incentives for many more conversions, especially if initial retail uses are successful. The young adult market is particularly strong for national chains and for the large eating and drinking establishments that have saturated nearby areas. Most of the buildings on the blocks have high ceilings and large footprints that are attractive for such high intensity retail users, with well over 200,000 square feet in 26 buildings ultimately available on first and second floors and potentially basements as well.

The area is currently well-served by the kind of retail anticipated by C1 overlays, the purpose of which are to serve the "local retail needs of the surrounding residential neighborhood." An overlay in this area is more likely to attract a combination of uses serving regional and NYU markets, with a potential to drive out existing non-conforming businesses when the expansion of stores is allowed. An area should be rezoned when there is a need that is typical of the area, not isolated to the needs of one property owner at a few locations within it, and transgressing this principal risks unanticipated and unstudied transformation of area, with possible unwanted impacts on the existing neighborhood which currently has a strong and successful character with an appropriate mix of residential and institutional uses.

The overlay would also bring retail uses close to Washington Square Park (including the eastern boundary), which is currently surrounded by blocks with very few stores, all non-conforming. The special character of a park is substantially influenced by the surrounding neighborhood, accounting in large degree for the differences between Washington Square, Union Square, and Madison Square, for example. The DEIS fails to evaluate the potential for profound negative impact on this historic and open space resource if as-of-right retail development is allowed on the adjacent blocks.

VII. A TRANSPARENT COMMITMENT FOR A PUBLIC SCHOOL IS REQUIRED

At the moment, there is no commitment from the NYC Department of Education to approve a new public school in the location proposed by NYU. Without this, there is widespread concern that should the NYU ULURP move forward the site designated by NYU could revert to NYU’s own, unspecified use as a windfall. Moreover, the details of any conversations between NYU and the DOE have not been made

public. Also, the terms of NYU's promise for a new school have changed, including the extent of the university's donation to such a school and whether it was predicated on the approval of the NYU ULURP.

In 2008, NYU attended a CB2 meeting on school overcrowding and announced its intention to create a new K-8 public school. It was CB2's understanding that this meant the university would provide the "core and shell" of such a building and that this offer was not contingent upon the University's ability to gain approvals for zoning changes that would enable their expansion in the Greenwich Village core. CB2 is concerned that should the City and NYU not reach terms for a new school before the completion of this ULURP, NYU would be under no obligation to build a public school and would benefit from the windfall from the proposed upzoning, which it could use for dormitory space. CB2's examination of this part of the ULURP proposal has been hampered by NYU's lack of public disclosure of the details of the discussions with the City, making the community board's review of the school proposal nearly impossible.

In addition, since the NYU ULURP was filed, the University has declared that the offer to make land available to the City for a public school is contingent upon the approval of the project. In addition, apparently contrary to earlier promises by the university, NYU states that it will not contribute to the core and shell of the building, instead only donating the land beneath such a location, which consists of 78,000-100,000 square feet of space to be built between NYU academic space below ground and seven floors of student dormitory use above.

In the absence of this ULURP application, CB2 would be very supportive of the donation of a new K-8 public school by NYU, which is sorely needed in the Greenwich Village area due to local classroom overcrowding. However, it is problematic that NYU has apparently reduced its commitment to such a new school and is now basing it upon approval of NYU's proposed project.

Other concerns about NYU's proposed K-8 public school proposal include:

- The proposed plan calls for the only recreation to be a play area on top of a seven-story high rooftop, to substitute for an actual playground. There are concerns that an elevated playground would be unsafe and not pass FDNY inspection (it is CB2's understanding that a similar proposal at the Millennium School in Manhattan was rejected recently for being hazardous). In addition, the challenge of moving large groups of students by means of an elevator would pose serious logistical problems, which possibly would lead to less recreation time for students.
- The NYU plan for this site also proposes a building with a student dormitory on top of a public school, including dormitory windows overlooking the rooftop play area for young children. These are potentially incompatible adjacent uses between college students and young children, such as noise, smoking, etc.
- The plan for this site does not appear to have made adequate provisions for loading and unloading. Delivery trucks and parent and bus drop-offs/pick-ups would be required to park or double park on Bleecker Street or LaGuardia Place, creating dangerous congestion on these narrow and busy streets. This would create an unsafe environment for children, NYU students and local residents.

CB2 has repeatedly asked NYU to support CB2's efforts to develop new public schools outside of their ULURP application at other locations such as the underutilized New York State-owned building at 75 Morton Street, as the University is both partly responsible for enrollment increases in local public schools and an academic resource for the study and analysis of the issue of school overcrowding. CB2 believes this should be a mutual goal.

VIII. TRANSPORTATION IMPACTS

It is CB2's opinion that the DEIS grossly underestimates and does not adequately study the true effects of this project. Because of the tremendous increase in living, working and visiting populations and the accompanying activities that would be engendered, there would be severe adverse impacts on all aspects of transportation, from vehicular movements to pedestrian access to transit ridership to the availability of parking.

These negative impacts are especially egregious in view of the NYC Department of Transportation's recent efforts to create a more equitable balance of street space between pedestrians, vehicles and other transportation modes in order to improve livability for all users. By following rigid formulas that allow for things to get worse and that make use of hackneyed and often ineffectual mitigation measures, this plan both flies in the face of DOT's progressive goals and misses a timely opportunity to look for and implement improvements from the outset that can benefit businesses, residents and NYU alike.

- Vehicular traffic, which already overburdens street capacity, would increase substantially, intensifying congestion and compromising access and safety, not only on weekdays, but also on weekends and in the night, when tourists and hotel guests join residents, students and faculty in using incoming/outgoing cars, taxis and limousines to recreational and other activities.
- Added turning movements at already dangerous turning areas, increased delivery trucks and service vehicles, and the general proliferation of cars, taxis and school-related transportation, bringing added congestion and decreased safety on the streets, would be especially daunting for a population with many seniors and families with small children, besides overwhelming the general populace.
- Streets with one traffic lane, like Bleecker and Mercer, would be particularly stressed, with Mercer suffering heavy truck activity to the new Zipper Building loading docks and blockages from hotel drop-offs/pick ups by taxis, cars and limousines. Bleecker Street already experiences heavy traffic impacts from frequent truck deliveries and oversized tour buses and would suffer further delays and noise. Multi-lane streets would also be encumbered, like Houston Street, a major through thoroughfare, and LaGuardia Place.
- Intensified congestion, loading/unloading and other street blocking activities would increase emergency vehicle delays. The response given to CB2 that "emergency vehicles can maneuver around and through congested areas because they are not bound by standard traffic controls" does not alleviate our concerns.
- Potential mitigation approaches, such as small re-timings of traffic signals and added signage, would be insufficient to offset significant adverse vehicular impacts identified at several locations, and in some cases would be hazardous, e.g., adding green time at dangerous crossings like Houston Street at LaGuardia Place.
- Pedestrian trips would far exceed the 200 threshold for both the Phase I (2021) and Phase II (2031) build-out, greatly interfering with pedestrian access, safety, comfort, circulation, and orientation (which would be further harmed by the heavy vehicular traffic). Heavy platoons of pedestrians at corners and in crosswalks would both block passage and make crossing more hazardous.

- The vastly overcrowded sidewalks and streets, teeming with a huge expanded volume of university-related pedestrian traffic, also would interfere with the community-friendly character and neighborhood-scale dynamic that give this area its special quality and appeal.
- The suggested pedestrian mitigations would not be a cure-all. In fact, one statement claims: “crosswalks and street corners are not easily measured in terms of free pedestrian flow.”
- The significant adverse transit impacts that are expected at subway station stairways and entrances would strongly interfere with accessibility and convenience for the numerous people in the area who rely on the subway. Furthermore, it is stated that subway station mitigation measures may be infeasible, and if so, the impacts would remain unmitigated, meaning there would be no attempt at all to alleviate these crowded and untenable conditions (an unwarranted discomfort in view of the unnecessarily excessive scale of this project).
- Replacing the current 670-space below-grade parking garage in Washington Square Village, which includes public parking, with a 389-space below-grade accessory parking facility would result in a loss of roughly 110 to 135 public parking spaces. This parking shortfall might not be able to be accommodated by other public parking facilities in the area, some of which are slated to be replaced by new buildings, others fully occupied, and others an undesirable distance away. A sizable number of on-street parking spaces would also be eliminated, further displacing parkers. Even if automobile use lessens, there still will be drivers who need to park. A parking shortfall as anticipated would lead to increased circling and cruising for spaces, meaning less safety on the streets, added congestion, and more polluting emissions.

IX. ENVIRONMENTAL IMPACTS

CB2 finds it impossible to agree with the conclusion of the DEIS that NYU’s expansion plan will have only temporary negative impacts and that the levels of potential danger fall into an acceptable range and/or can be sufficiently mitigated.

The superblocks and Commercial Overlay area would experience a range of negative effects if NYU’s 2031 Plan were to proceed. Even if there was less total square footage built and less commercial space allowed, these impacts – in addition to and lasting far beyond those discussed in the Construction Impacts section – would endanger the health and well-being of those in the general area, put an added burden on infrastructure and services, and significantly reduce quality of life for thousands of people.

Environmental Impacts Of Concern Include:

- Public Health and Safety: Adding a large new population and changing the physical configuration by the proposed 2031 Plan has the potential to overburden medical infrastructure (already diminished by the closing of St. Vincent’s Hospital) and local police precincts. NYU’s proposal for the North Block restricts the ability of fire and emergency vehicles to reach apartments, and the removal of through-driveways between Bleecker and W. 3rd Streets will slow the ability of ambulances to reach and depart with patients.
- Noise: Late-night noise from students is already a major problem in our community. The addition of dormitories will only exacerbate this problem. Increased vehicular traffic would also increase horn honking and idling noise.
- Air Quality: Increased congestion, both traffic and pedestrian, may elevate ozone and particulate pollutants. Reduction in mature trees could contribute to a long-term rise in greenhouse gas

emissions, creating health hazards and potentially increasing the asthma rate throughout the area. The proposed buildings would change air patterns, creating “wind tunnels.”

- Shadows: New buildings would cast shadows on many structures, plantings and people. The DEIS also does not take the collective effect of both existing and new buildings into account, including blocking of sunlight, diminishment of property values, reduction of plant and tree growth, impact on treasured community green space (e.g., the award-winning LaGuardia Corner Garden which is currently a designated Monarch Butterfly Waystation and Backyard Wildlife Habitat), and the impact on the proposed location of the replacement children’s playground in Washington Square Village. In addition, the South Block’s landmarked area would suffer significant shadowing from the proposed buildings, also changing the view of the Picasso “Bust of Sylvette” sculpture.
- Water and Sewer Infrastructure: Thousands of new residents and tens of thousands of people using the area daily 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.
- Underground Water: The “bathtubs” created by NYU’s huge underground plans would divert underground water which may affect foundations of nearby buildings, and dewatering may cause permanent changes in the surface of the area.
- Wildlife: Red-tailed hawks, recently making their homes in the neighborhood, would lose the mature trees and unbuilt spaces that they depend upon. Additional garbage flows from the new buildings would also bring vermin, and the poisons used to control these rodents also imperil these birds as well as other animals in the area.
- 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. Late-night trash collection is already a problem in the area, and will only increase.
- Energy: While the proposed new facilities may be connected to NYU’s new co-generation facility, that system will reach capacity and then an added burden will be placed on the grid/systems. A loss of passive solar energy due to shadows would also add to energy use.

X. CONSTRUCTION IMPACTS

In a dense residential area, construction projects create noise, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses. CB2 is very concerned about the potential negative impacts of this project, many of which are acknowledged in the DEIS, especially since they will be felt for 20 years.

The ramifications of 1.1 million sq. ft. in four stories of underground construction on both superblocs over the course of 20 years is not adequately addressed in the DEIS, and would be staggering. In addition, the proposed above-ground construction in conjunction with the below-grade excavation would have a devastating effect.

Transportation

Unrelenting construction activities over the duration of this project will have heavy transportation impacts in all areas. The cumulative effect of heavy truck use generated by deliveries, movement of materials and removal of debris, extra construction worker pedestrian trips, and an expected increase in private motor vehicles (and the accompanying increased parking demand), would exacerbate congestion and create hazardous conditions on both streets and sidewalks. The adverse transit impacts predicted at subway station stairways and entrances will be more severe because of the substantial number of construction worker subway trips. The DEIS suggests that mitigation measures could be infeasible. These factors, coupled with the setting up of temporary structures, such as sheds, construction bridges and a gym (blocking access and flow), along with continuous relocations of such items, will lead to twenty years of unrelenting obstruction to safety, flow, orientation and access in every transportation mode.

Noise

The DEIS states that there will be adverse noise-related effects, but claims they will only last two or three years. This is incorrect for two reasons: first, when NYU moves their baffles to a new area, the sound will be deflected to the one they just left. Second, once someone has been exposed over a period of years, the resulting sensitivity reaches a level that makes even a lesser exposure unbearable. In addition, the expected noise will be a significant disruption to residents and visitors; an increase of even one DBA constitutes a tenfold increase. Constant monitoring of noise and suppression of any noise in violation of city codes should be part of the on-going environmental commitments.

Air Quality, Emissions, Dust and Pollutants

Contrary to the conclusions in the DEIS, CB2 believes this plan would cause significant negative impacts on air quality. It is during construction when the major assault on air quality would take place. The plan as proposed would create a 20-year tightly compressed construction zone.

Dewatering

Another issue of concern to CB2 is that dewatering a site can cause surface cracks in foundations and in pavements, uneven settlement of dry area, and possible effects on trees and other plantings. CB2 encourages the Freeze Method should be investigated, aside from dewatering

Visual Pollution

NYU's proposed new buildings, placed directly across narrow streets like Mercer and LaGuardia Place, will flood the residential buildings across those streets with intense light during nighttime hours. This will have an adverse effect on the residents of those buildings. Thus far, there has been no discussion of design that incorporates technology that reduces lighting intensity and glare.

Construction Monitoring

Stringent monitoring and regulation of construction activities, including limitations on hours of construction related truck movements, forbidding truck idling, use of low sulfur fuels, closed truck beds, noise dampened construction equipment, commitment to no after hours or weekend work, etc. is required to keep the neighborhood safe and livable. In the event any part of the NYU plan is approved, there must be established and enforced through a restrictive declaration the mitigation measures described above including traffic controls, noise and light suppression, off-site construction staging and laydown, restoration of the public open spaces to public use between project phases, etc. NYU's compliance with these measures should be monitored and enforced through appointment of an environmental compliance monitor as has been done in the case of Columbia University. The monitor should have the authority to halt any construction activities that violate the terms of the restrictive declaration and to report on a regular basis to CB2 and the Borough President, Council Member and City Planning Commission.

CONCLUSION

The world-famous character of Greenwich Village is a major asset for New York City. The Village continues to be popular with residents and visitors of all ages drawn to its unique mix of small town charm and urban density. The superblocs, with their dramatic scale and integral open space, function as a central counterpoint to the dominant low-scale townhouse and loft structures typical of the rest of the area.

Shifting the university center south and establishing a more intense campus environment on the superblocs would forever destroy a thriving residential community and transform it into a private NYU campus, changing the character of the area forever. It would also have significant negative impacts on surrounding neighborhoods to the east, south and west such as NoHo, SoHo, and the West Village - areas where students are not a dominant presence. Sidewalks would become crowded with students, existing retail would be displaced and open space would be oriented towards classrooms, instead of the kinds of places that support the vibrant and diverse community that currently exists.

For the reasons outlined above, CB2 recommends denial of the NYU Core Project.

APPENDIX A

NYU Planning Principles

Establish criteria for development within the existing NYU footprint in the University's campus core and the surrounding neighborhoods that would prioritize

- Identifying opportunities to decentralize facilities and actively pursuing these opportunities;
- Contextual development that is sensitive to building heights, densities and materials;
- Reuse before new development; and
- Consider mixed use facilities that complement Manhattan's mixed neighborhoods, particularly in regard to ground floor uses.

Identify solutions to maximize utilization of existing assets by consulting with the community on:

- The types of facilities that can be decentralized from the Village campus core and surrounding neighborhoods and cultivating locations outside these areas;
- Preferences for appropriate places for vertical additions;
- Encouraging programmatic and scheduling efficiencies; and
- Opening new and re-envisioning existing recreational spaces to better serve both the student population as well as the community at large.

Make thoughtful urban and architectural design a priority by:

- Respecting the limitations of the urban environment, including the impact on New York City's infrastructure;
- Improving the quality of open spaces; and
- Actively soliciting, utilizing and implementing input from the community in the design process.

Support community sustainability by:

- Preserving existing diverse social and economic character through the support of community efforts to sustain affordable housing and local retail;
- Exploring the utilization of ground floors of buildings for community-oriented uses such as local retail, gallery spaces for local artists, non-profit users and other providers of community services; and
- Generating a tenant relocation policy for legal, residential tenants, in the event that construction or conversion necessitates the relocation of tenants.

Respect the community's existing quality of life including but not limited to:

- Taking measures to mitigate effects of construction such as: noise, dust, work hours; sound mitigation for mechanical equipment; and construction staging;
- Reaching out early and often for community consultation related to major construction;
- Creating a website for ongoing constructions; and
- Committing to a community-oriented public process for reviewing NYU's proposed projects and developments.

Borough President's Task Force on NYU Development

August 2007

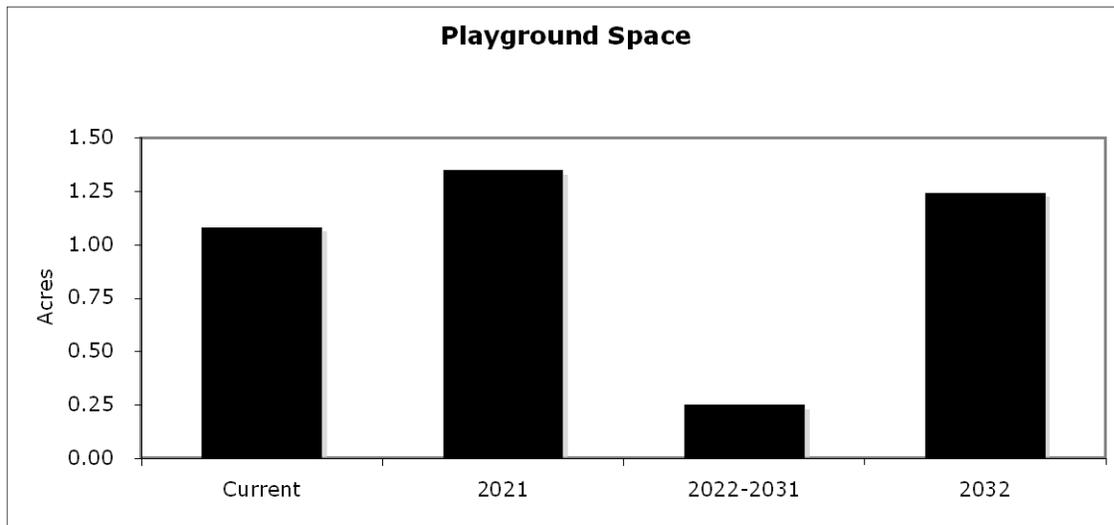
APPENDIX B

Area	Name	Estimated Acres	Treatment for Analysis	Contribution to Public Open Space
A	LaGuardia Landscape	0.36	Not a publicly accessible open space because it does not provide usable recreational areas.	While officially a part of LaGuardia Place street bed, this area functions as a park-like open space with extensive ground plantings and mature trees, and includes an important historic monument. Its use and design are not unlike many public parks.
C	Sasaki Garden	1.34	Private open space; and as such will be considered in qualitative analysis.	This is a publicly accessible open space. Gates, not part of the original design, are kept unlocked during the day, and there are no signs restricting access. The area functions as an expansive seating area with attractive plantings and seating.
D	"Key Park"	0.53	Private open space considered in qualitative analysis.	This is a very popular children's playground. While not fully publicly accessible, keys are provided to residents in a catchment area similar to the typical service area of similar public playgrounds, extending from Grand St. to 8 th St. and from the Bowery to 6 th Avenue. Note that the DEIS incorrectly states there are signs restricting access to Washington Square Village residents.
M	LaGuardia Corner Gardens	0.15	Private open space (not publicly accessible open space due to limited hours of public accessibility.) Will be considered in qualitative analysis.	This is an active community garden, registered with GreenThumb, and allowing regular public access. It is typical of many similar spaces on public and private land, part of a citywide, publicly supported program providing important community resources with green space, bio-diversity, and residential well-being. It is a designated Backyard Wildlife Habitat and Monarch Waystation.
O	Silver Towers Oak Grove	0.36**	Not an open space; does not provide usable recreational areas. This area will not be considered in the assessment.	This is a significant formal stand of mature trees with accessible space that is used for passive recreation. While gated on two sides, it is accessible and includes a long seating wall.
P	Area at east side of University Village	0.23	Not an open space due to limited access and lack of recreational amenities. This area will not be considered in the assessment.	This area includes a lawn that is used by children to play ball informally. It is not fenced and there are no signs restricting access.
Q	Center area of University Village.	0.21**	Not an open space; does not provide usable recreation areas and access is restricted. This area will not be considered in the assessment.	This is a formal park-like area with an important public sculpture. It has no fence and is frequently used for seating and as a play area for young children.
R	Time Landscape	0.19**	As per CEQR Technical Manual guidelines, Greenstreets are not considered publicly accessible open spaces. Area does not provide usable recreational areas and access is restricted. This area will not be considered in the assessment.	This area was created as a natural area featuring native species. It is maintained by LaGuardia Corner Gardens. This public function of this area is typical of other areas of public parkland that prohibit public access, such as Sullivan Square Viewing Garden or the Central Park Bird Sanctuary.
U	Silver Towers Seating	0.06	Private open space; considered in qualitative assessment.	This is a seating area that is publicly accessible with no fence.
V	Silver Tower Playground	0.06	Private open space; considered in qualitative assessment.	Access to this playground is with the same key as for the "Key Park" noted above.
X	Mercer-Houston Dog Run	0.07	Private open space due to limited public access; considered in qualitative assessment.	Public access to this dog run is available through a waiting list by the group that maintains the area. Similar arrangements are made in other public parklands such as the Bowling Green in Central Park.
Y	Coles Gymnasium rooftop public recreation area	0.16	Private open space due to limited public accessibility; considered in qualitative assessment.	Per requirements of conditions of amendment to the Urban Renewal Plan, this area of the roof was dedicated for public use, but NYU has failed to maintain it for this purpose.
	TOTAL	3.72		

APPENDIX C

Playground Space (acres)

Name	Current	2021	2022-2031	2032
Mercer Street Playground	0.33	0.33	--	--
Coles Playground (closed)	0.16	--	--	--
Key Park	0.53	0.53	--	--
Silver Towers Playground	0.06	--	--	--
Temporary LaGuardia Play Area	--	0.24	--	--
Toddler Playground	--	0.25	0.25	0.25
Tricycle Garden	--	--	--	0.35
WSV Play Garden	--	--	--	0.34
LaGuardia Play Garden	--	--	--	0.30
Total	1.08	1.35	0.25	1.24



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March 12, 2012

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

Re: NYU Core Project; ULURP Applications Nos.: 120122 ZMM, N 120123 ZRM, N 120124 ZSM, 120077 MMM

Dear Chair Burden:

At the recommendation of its New York University (“NYU”) 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 February 23, 2012 by a unanimous vote in favor.

The resolution recommends **denial** of each application for the detailed reasons stated in the “Community Board 2 Response” below.

PROPOSED ACTIONS

NYU is requesting a series of public actions as part of its ULURP submission for an expansion of their Greenwich Village campus core.

As part of NYU Plan 2031, the University seeks to add 2.4 million gross square feet (“gsf”) of new development by the year 2031 for academic, faculty residential, student dormitory, athletic facilities, hotel and retail uses on two primarily residential “superblocks” bounded by West 3rd Street to the north, Houston Street to the south, Mercer Street to the east and LaGuardia Place to the west (“Proposed Development Area,” divided by Bleecker Street into a “North Block” and “South Block”), and to expand retail uses in the blocks to the east of Washington Square Park (“Commercial Overlay Area”), bounded by Washington Square East and University Place to the west, Mercer Street to the east, West 4th Street to the south and the northern boundary of the existing R7-2 zoning district near East 8th Street to the north.

This project specifically proposes:

- Two new buildings (“Mercer Building” and “LaGuardia Building”) in the North Block, with a combined total of 341,482-gsf above ground, and 770,000-gsf below ground to be built under the entirety of the block.
- Two new buildings (“Zipper Building” and “Bleecker Building”) in the South Block, with a combined total of 773,658-gsf above ground and 318,000-gsf below ground.
- Demapping two strips of land (“Park Strips”), located on the west side of Mercer Street (between West 3rd and West 4th Streets and between Houston and Bleecker Streets), currently owned by the New York City (“NYC”) Department of Transportation (“DOT”) and mapped as streets, and transferring ownership to the University.
- Demapping two additional Park Strips, also currently owned by NYC DOT, located on the west side of Mercer Street and the east side of LaGuardia Place, both between Bleecker and West 3rd Streets, and transferring ownership to the NYC Department of Parks and Recreation (“Parks Department”), but with a permanent easement to NYU to allow access over and under the land in perpetuity.
- Expanded commercial uses in both the Proposed Development Area and the Commercial Overlay Area.
- Redesign of the current open space in the Proposed Development Area with the stated goal of making it publicly accessible (this property, however, is already open to the public with nighttime restrictions).
- Constructing a 30,000-gsf temporary gym on the site of an existing children’s playground on the North Block.
- Making 78,000-gsf available to the NYC School Construction Authority (“SCA”) for a new public school in the Bleecker Building on the South Block, with NYU academic space below and student dormitory space above.

In order to facilitate this plan, a number of specific public actions are required, the most important of which for CB2 review include:

Zoning Map Amendments

- Rezone the Proposed Development Area from R7-2 and R7-2/C1-5 to a C1-7
- Rezone the Commercial Overlay Area to C1-5 to allow expanded retail development

Zoning Text Amendment to Sections 74-742 and 74-743

- Permit the Park Strip on Mercer Street, South Block, to be included in a LSGD
- Permit the Park Strips on the North Block to be treated as wide streets, not parkland

LSGD Special Permit (ZR Section 74-743)

- Allow the transfer of air rights between zoning lots on the two superblocks, to waive certain height, setback and rear yard requirements for the proposed four new buildings, and extend the duration of the permit from four to ten years

Related Mapping Application

- Requests to facilitate the disposition and transfer of public land, currently owned by NYC and mapped as streets

Elimination of NYC Department of Housing Preservation and Development (“HPD”) Deed Restrictions on Blocks 524 and 5333

- Elimination of existing urban renewal deed restrictions which were part of the original land disposition agreements and prohibit new development until expiration in 2021

BACKGROUND

NYU has had a presence in Greenwich Village since 1835 when the University building opened on Washington Square East. The University greatly expanded its presence in the local community when it sold its Bronx University Heights campus in 1973 and relocated the main campus to the current site.

NYU is one of the largest, most prestigious nonprofit institutions of higher education in the United States. CB2 appreciates the University’s need to expand and upgrade its citywide facilities and infrastructure to remain competitive and recognizes the value of having a university of such caliber in its midst. NYU is an economic engine, patronizing local businesses and employing many residents. It provides support to numerous community organizations and is an important arts and cultural resource. Its faculty, administration and students are valued members of the local community. Moreover, NYU is the landlord for one of the largest stocks of affordable housing in the area.

Many “town-gown” dynamics are contentious. NYU’s relationship with the local Greenwich Village community is no different, but seems to be particularly fraught perhaps because it is situated in a dense, residential neighborhood. In recent years, tensions with the local community have been further exacerbated by NYU’s ambitious building campaign; the construction of a series of buildings alongside historic Washington Square Park and in residential neighborhoods that have been poorly-received by the public; and the University’s perceived poor stewardship of public spaces.

One of NYU’s most unique features is its location and context within historic Greenwich Village, which it markets to attract thousands of students from across the world. This irony is not lost on CB2 -- for through its 2031 Plan, NYU threatens to destroy the very essence of the local neighborhood from which it benefits handsomely. As explained below, the current proposal is far too big for a dense residential neighborhood such as Greenwich Village and would have severely damaging and long-lasting consequences to the neighborhood’s essential character and resources, including its socioeconomic diversity, public open space, historic preservation and quality of life.

The proposed actions by NYU comprise the largest ULURP application ever considered by CB2. NYU announced its intention to pursue a campus expansion plan in the CB2 area approximately five years ago through a series of meetings with the community where it previewed various options and potential designs. All of the proposals had basically the same volume and bulk attached to them.

In 2006, the Manhattan Borough President joined with elected officials, community stakeholders, and NYU to create the Community Task Force on NYU Development to begin a public dialogue about NYU’s campus planning and ensure that future campus development properly balanced respect for the community with the University’s stated need to grow. From 2006 to 2010, the Task Force held more than fifty meetings to discuss priorities and develop guidelines for expansion.

On January 30, 2008, through the efforts of the Task Force, a set of Planning Principles were signed by NYU¹ stating that NYU, among other things, would work with the community to:

- Identify and actively pursue opportunities to decentralize facilities;
- Emphasize contextual development that would be sensitive to building heights, densities and materials;
- Prioritize reuse of existing buildings over new development; and
- Actively solicit, utilize and implement input from the community

After the initial announcement of NYU's 2031 Plan, the Task Force presented to the University a detailed set of recommendations,² formally endorsed by CB2 on March 25, 2010.³ These recommendations echoed the NYU Administration's stated commitment that any development must be carefully designed with community input so as not to overwhelm the "fragile ecosystem" of historic Greenwich Village⁴ and the goal of pursuing locations for expansion outside the NYU campus core area. The Task Force recommendations identified significant community concerns about the potential impact of NYU's expansion in Greenwich Village and established the framework for CB2's review of this project.

Upon conclusion of the Task Force's work, CB2 began a series of information sessions exploring different aspects of NYU's proposed project. CB2 created the NYU Working Group, comprised of representatives of five CB2 committees utilizing their expertise to analyze different aspects of the proposal. The Working Group held a series of community input sessions during the evaluation of NYU's Draft Scope of Work for the Environmental Impact Statement. This input informed CB2's extensive response to the EIS that was delivered to the City Planning Commission at its Scoping hearing on May 24, 2011.⁵

The NYU ULURP application was certified as complete on January 3, 2012. CB2 held the required presentation and public hearing on January 9, 2012 at a joint meeting of the Working Group and Land Use and Business Development Committee. Throughout January 2012, further public hearings were held by the following CB2 committees, jointly with the Working Group: Traffic and Transportation; Parks, Recreation and Open Space; Environment and Public Health; and Social Services and Education. A second series of public hearings was held throughout the month of February by these committees.

Public interest was extremely high. Hundreds of community members attended each meeting, in some cases requiring a move to larger venues, with testimony lasting hours and supplemented by electronic submissions. The CB2 response to the NYU ULURP is based the community's testimony plus additional discussion by CB2 members.

¹ See Appendix A for a copy of the Planning Principles.

² For a copy of the Community Task Force recommendations go to:
http://www.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

³ Community Board No. 2, Manhattan, August 2010 Resolution.

⁴ "Postings: 'This Fragile Ecosystem': NYU Head's View on Village," The New York Times, February 16, 2003.

⁵ CB2's response to the EIS is available online at:
http://www.nyc.gov/html/mancb2/html/nyu_2031/nyu_2031.shtml

Based on this public process, along with meetings with other stakeholders, including local block associations and community groups, elected officials, and NYU, the community came to the following conclusions:

1. A blanket rezoning of the superblocks is inappropriate. The bulk, density and height of the NYU ULURP are dramatically inappropriate for this long-standing and diverse residential community, which, except for NYU's own buildings on the superblocks, is generally low scale and, in large part, designated as an historic district. The superblocks departed from this general neighborhood pattern but provided publically accessible open spaces to compensate for the height and bulk of their buildings. The vast amount of new building called for in the NYU 2031 Plan would destroy the planning principles that justified formation and development of the superblocks at their present scale.
2. All of the City-owned public park strips on the superblocks should be mapped as New York City parkland, transferred in their entirety to the NYC Parks Department with no NYU acquisition, easements, equipment or structures on or below grade. These open spaces should not be used for construction staging or laydown.
3. Commercial uses, especially a hotel as well as eating and drinking establishments, are not appropriate for the superblocks that comprise the Proposed Development Area.
4. The University should not be granted a rezoning of the Commercial Overlay Area, when NYU has stated a more modest goal of increasing retail use by only 23,000 square feet in six buildings.
5. The proposed phasing would impose decades of continuous disruption to the area.
6. The temporary gym location as planned by NYU is unacceptable. The community would lose use of playgrounds and public open space on the North Block for a lengthy period. If NYU truly needs a temporary gym, it should be located on a vacant site outside of the immediate neighborhood.
7. NYU should honor its previous commitment outside of the ULURP process to provide a new public school, including the "core and shell," and make public its discussion on this topic with the City.
8. Existing affordable housing must be supported and maintained.
9. The deed restrictions governing NYU property on the superblocks should not be removed.
10. NYU must adhere to the Planning Principles it agreed to in 2008.

COMMUNITY BOARD 2 RESPONSE

CB2, after extensive review and discussions with stakeholders throughout the area, strongly opposes the NYU 2031 Plan. Its effects would forever change the character of this historic neighborhood, dramatically increase built-upon land at the expense of the light, air and recreation opportunities of existing open space, convert city-owned land to largely private use even if access is permitted, imperil affordable housing stock, significantly reduce residents' quality of life, have adverse effects on local infrastructure and subject residents to decades of construction and its effects.

I. THE BULK AND DENSITY IN THE PROPOSED DEVELOPMENT AREA WOULD DESTROY THE NEIGHBORHOOD CHARACTER

CB2 rejects NYU's request for a blanket re-zoning of the Proposed Development Area from R7-2 to C1-7, and the establishment of a Large Scale General Development Special Permit that would facilitate four new buildings because it would forever alter the character of this historic neighborhood.

The bulk and density allowed by a C1-7 (R8 equivalent) zoning may be appropriate in midtown or downtown, but not in the historic core of Greenwich Village. A blanket rezoning that would allow building on the open spaces, especially at heights that exceed the current structures and with a bulk that would more than double the density with above and below grade new construction, would destroy an iconic neighborhood. This requested upzoning creates a zoning envelope with enormous implications:

- NYU's plan to build 1.3 million square feet of above ground development and 1.1 million square feet below-grade makes this the largest development project ever in CB2, and will more than double the zoning floor area on the superblocs (from under two million to more than four million square feet).
- This zoning would completely change the neighborhood residential character of the superblocs, because nearly all of the new building will be for non-residential uses, including hotel, dormitory, public school, athletic facility, academic and ground floor retail uses (approximately 2.2 million sq. ft.).
- The plan projects that NYU would add 1,500-2,000 new residents (students, hotel guests and faculty families), and bring 10-12,000 additional people daily into the area.
- The requested zoning would reduce by half the existing Open Space Ratio. The newly designed public spaces include walkways and pedestrian paths designed without public consultation and would replace treasured community parks, playgrounds and gardens, reducing the amount of open acreage that provides light and air to the interior of the blocks.
- The height and bulk of the new buildings will tower above the neighborhood, negatively impacting both residences and open space. The DEIS indicates that they will cast shadows as far as Washington Square Park.
 - The Mercer and LaGuardia Buildings rise to 282 ft. and 186 ft., respectively (blkh. roof), and would dwarf Washington Square Village which features two of the tallest buildings in Greenwich Village at 160 ft.
 - The mass of the Zipper Building, which is 333 ft. tall on Houston, 232 ft. tall on Bleecker and 292 ft. tall just south of Bleecker, will detract from the special character of I.M. Pei's University Village buildings and landscape, which were designed as "towers in a park," and recently designated a landmark by New York City in recognition of their historic and unique contribution to the built fabric of the city.
 - The lower-scale private loft buildings on LaGuardia Place and Mercer Street would be overwhelmed by this project, with loss of sight lines, light and air. The buildings on the west side of LaGuardia Place would be facing the 235 ft. Bleecker Building and the LaGuardia Building.
 - The residential buildings on the east side of Mercer Street would be even more severely impacted with a full block of the massive Zipper Building, built right to the lot line, and the towering Mercer Building keeping them in shadow most of the day.
 - The shadows cast by the proposed Bleecker Building would severely harm the LaGuardia Corner Gardens, a community garden for more than 30 years.

The existing R7-2 designation is already one of the largest zoning envelopes in our district. (The only higher zoned areas are wide streets and commercial thoroughfares.) R7-2 was applied here to accommodate the two residential superblocks that were created under the Title I Urban Renewal program with the intent to provide quality housing for the neighborhood. Rules were established that specified the amount of land that could be covered by buildings to ensure that there was sufficient open space to compensate for the height and density of the development. The South Block is built to the allowable FAR, and the North Block is overbuilt because it predates the 1961 ZR. Additional bulk and density is inappropriate on the superblocks.

New commercial uses would be allowed in this proposal, but CB2 believes any increase of these uses is inappropriate on the superblocks. The current zoning includes a commercial overlay that permits, for example, the Morton Williams supermarket in its current location. This site, which has housed a much-needed supermarket since at least the 1950's, is already far to the east of the wide community that is otherwise underserved by similar amenities. Moving it even further east would be a hardship to the many elderly and mobility-impaired residents who depend on it.

The plan also includes a new hotel. Hotel use should not be considered as central to the University's academic mission and is not appropriate on the superblocks. There are many hotels in the area with which NYU's hotel would compete, including locally-owned establishments, and there is evidence that they are not at capacity.

A Large-Scale General Development Special Permit is requested in order to facilitate the four outsized buildings being proposed for the superblocks. These buildings would break sky exposure planes, violate rear-yard requirements, breach height and setback regulations, and penetrate the sky exposure plane. The existing buildings on the superblocks are currently in compliance and the special permit would not otherwise be required.

Finally, Deed Restrictions were placed on the properties in order to implement the Urban Renewal Plan. They are integral parts of the Urban Renewal Plan. Because of significant amendments to the Plan, the Deed Restrictions are now set to expire in 2021. The removal of these restrictions would violate the intentions of the Urban Renewal Plan and the resulting development would violate the expectations of the residents and businesses in the area, who have made lifestyle and financial choices based on the terms of these restrictions.

II. PHASING OF PLAN WOULD CAUSE 20+ YEARS OF CONSTRUCTION

CB2 has significant concerns about the phasing of the 2031 Expansion Plan. An enormous amount of new construction is planned that would cause decades of disruption, but there is no assurance now that these structures will actually be needed in 20 or more years. CB2 is especially concerned about including a temporary gym in the first phase.

NYU says it currently faces a shortage of academic facilities, specialized teaching and performance spaces, faculty offices and student housing. Both in testimony before CB2 and in the DEIS, NYU maintains it needs to expand their facilities immediately, or risk falling out of the category of elite American universities. NYU also claims that it wants to build on its own property in the campus core in order to create an environment where different disciplines can "cross-pollinate" ideas among faculty and student peer groups.

Two facts lead CB2 to question the need for such a broad expansion:

- The University states that they are now at a virtual stopping point in growth and project an average annual increase of only .5% for the next 25 years.

- In Phase One of NYU’s plan in the years 2012-2022 only 17.5% of the square feet to be developed in this project is for academic use. The remainder of the initial expansion is devoted to nonacademic uses, including a hotel, retail, dormitories, athletic facilities, and a public school. Construction of the majority of the academic space (82.5%) does not begin for 10 years, and is not scheduled for completion until 2031.

CB2 contends that because the University’s growth has already occurred and very little is projected for the next 25 years, it is unnecessary to approve such a large expansion at this time.

NYU’s phasing plan starts activity on the north superblock with a temporary replacement for part of the current Coles Gym, and ends two decades from now (assuming no construction delays) with a building also on the North Block. Were it not for the temporary gym placement, the only activity on the North Superblock would start 10 years from now. This calls into question the legitimacy of including the north superblock in this ULURP application at all. NYU essentially is asking for a “blank check” they may or may not need in the future.

CB2 does not accept the need for a temporary gym in the Proposed Development Area. It is currently sited for the existing “Key Park” playground, which serves many families with children in the wider area. To move the temporary gym to this site, NYU proposes first moving the Key Park to the Sasaki Garden, taking that away from the community as well a decade before construction of any permanent buildings are planned.

It is unnecessary to shuffle vital and treasured amenities for neighborhood residents, resulting in the north block to be under continuous construction for 20 years. NYU should seek to accommodate their UAA sports teams elsewhere, as they currently do with many of their existing sports programs.

Possible reductions in future enrollment, potential venue changes in education delivery (e.g., online courses) and other unforeseen changes may reduce pressure on NYU’s existing buildings and eliminate the need for the later-phased buildings. This opens the possibility that the structures would be built with a Community Facility FAR but might not be ultimately used for community facilities.

III. ACQUISITION OF THE CITY-OWNED PARK STRIPS IS HARMFUL AND UNJUSTIFIED

CB2 strongly objects to the proposal to transfer ownership of two of the publicly owned strips of land on the west side of Mercer Street (between West 3rd and West 4th Streets, and between Bleecker and Houston Streets) to NYU. CB2 further objects to allowing easements to NYU over and below the Park Strips along LaGuardia Place and Mercer Street on the North Block. In addition, we object to using the strip on LaGuardia Place between Bleecker and Houston Streets as construction staging, covering it or casting a permanent shadow over it.

CB2 advocates for the preservation of the public ownership of the Park Strips, and for their immediate transfer to the Parks Department, along with the additional strips on the south side of West 3rd Street and the south side of Bleecker Street between Mercer Street and LaGuardia Place.

CB2 has supported all efforts to develop public uses on these strips and has long favored mapping of these open spaces as parkland. NYU opposition has prevented this. It would be a mistake to reward the University’s intransigence on this issue by turning the full or partial control over these properties to NYU, whether by transfer of fee ownership, extensive easements, allowing them to be demolished for below-grade construction or use as staging locations, or design concessions to substantially convert their use to access plazas for private buildings.

These properties are City-owned and currently dedicated to uses typical of city parks. The Doctrine of Public Trust may apply to at least some of these areas, and whether it does or not, the City should honor the past and current public uses and guarantee their protection and improvement for the future.

In each case, while there may be room for improvement in design and use, the spaces are an important part of the history of the blocks, legacies of the seminal and successful neighborhood battle against the proposed Lower Manhattan Expressway which would have done great harm to the future of downtown Manhattan and the City as a whole. The status of each area also reflects the 40 years of efforts by volunteer community groups to create and maintain public open space in a park-starved neighborhood. The boulevard feel they create on LaGuardia and Mercer are key elements of the character of the area and the feeling of openness that is retained despite the bulk of the superblock structures that exceed the norm for the neighborhood.

Mercer Street and LaGuardia Place, North Block.

The strip on the east side of the block includes the Mercer Playground, built and managed by the Parks Department after an energetic and extended initiative by the parents group “LMNOP.” The playground offers a kind of hardscape open space that allows for uses that are not supported in other nearby areas, and is valued by the community. LaGuardia Park, on the west side of the block, includes many mature trees in planted areas featuring ivy ground cover. It provides a central location for the statue of Fiorello LaGuardia. Improvement of the area has been led by the efforts of Friends of LaGuardia Place, a community group that also led a successful, but not yet implemented, effort to develop a Parks Department playground on the site.

The transfer of these properties to the Parks Department, now supported by NYU, is the sound approach, but the proposed design and the placement of the large Mercer and LaGuardia Buildings take away more than the change of jurisdiction gives, and the larger use of the resource is ceded to NYU access purposes. On the east side, the proposal includes a small section of the strip as part of a larger “Tricycle Garden,” and on the west side it includes locations for the LaGuardia Statue and Adrienne’s Playground. Both of these new playgrounds would be overwhelmed by the huge adjacent buildings with doors opening directly onto parkland, and the much larger portions of the spaces are designed and designated as major entry plazas to the intensely developed academic buildings serving more than 5000 students at a time. Student movements and uses between classes would dominate these spaces. The proposed Tricycle Garden would see little sun as it wraps around the north and east sides of the large Mercer Building, and the area is included as a “filter entry” to the proposed development on the block, creating conflicting uses.

Parks serving neighborhood needs cannot coexist on these strips with the buildings as currently planned, as will be discussed further below. In addition to access easements requiring Parks to cede ultimate control of the plaza areas, easements would be needed to accommodate underground university facilities beneath the parkland, giving the university control for long periods of construction and later for structure maintenance. The underground use would require removal of the mature trees. With replacements to be planted as much as 20 years later, two generations would pass before the stands of mature trees return.

Mercer Street, South Block

The current public uses of this strip were created as part of the agreement allowing the construction of the Coles gym in 1979-1981 on land previously used as a sandlot ball field. Because NYU abdicated its commitment to maintain the strip, the condition and use of this area is poor with the exception of a popular dog run that is well maintained by a membership association. Soon after construction, the water playground and “reflecting garden” sitting area were closed because the ground subsided, and they have not been restored.

Regardless of the current deficiencies of the area, the plan to move the building footprint east to eliminate public land and create a public walk to the west would negatively impact the area’s balance of open space. The building line of the massive Zipper Building will project past the building lines on the blocks

to the north, creating a crowding effect, and the special open character of Mercer Street would be largely lost, just as the projection of the Bobst Library did substantial disservice to the boulevard feel of LaGuardia Place.

Experience with off-street retail plazas such as the proposed walkway on the west side of the new building should counsel against this effort to shift pedestrians away from the street, where New York retail thrives. Use by the general public would be limited because the walkway would primarily serve as access to a university building with intense student use. There is merit to aligning the west side of the building with the buildings on the west side of Greene Street, south of Houston, but not at the expense of the openness of Mercer Street which will be all the more important if a taller building is on the site.

CB2, without reservation, rejects the proposal for a new building and retail at this site. Should the community board's recommendations not be heeded, any new building should be built on the existing footprint or a narrower one that aligns both sides of the building with existing streets, and any new retail should be focused on the north and south facades of the building to allow transfer of the strip to Parks with improved public open space uses.

Mercer Street Cogeneration Park.

This attractive park was recently built by NYU to restore the public land used during construction of the cogeneration plant built underground per terms on a consent agreement with NYC DOT. The park was designed with extensive community input in a process developed as a result of the agreement. The agreement allows for future maintenance needs of the cogeneration plant and no persuasive argument has been made for transfer of this public open space to private control. Even with an agreement for future public use in place, experience with publicly accessible private plazas gives reason for concern that the long-term public good would not be well served if the ownership is transferred to NYU. Instead, the land should be transferred to Parks, with continuation of the existing agreements that were crafted to serve public and private needs.

LaGuardia Place, South Block.

This property is not part of the future development, but the plan proposes to use the gardens as a construction staging area or to cover it with a construction shed; both are destructive and unnecessary propositions, and the proposed Bleecker Building would limit future plantings to shade-tolerant species. The land includes two open space areas managed by volunteer gardeners. Time Landscape is on the southern half, and supports a grove of mature trees. LaGuardia Corner Gardens, on the northern half, is a thriving community "Green Thumb" garden, created and maintained on an abandoned lot by energetic and passionate volunteers. It is lovingly planted with vegetables, flowers, perennials, and flowering trees. It is open to the public on a schedule and welcomes school groups. However the project proceeds, the property should be transferred to Parks and the space should be restored, including a sufficiently sunny area for the gardening to continue to serve the entire community in its current manner.

Bleecker Street and West 3rd Street Strips.

These narrow strips are also not part of the proposed changes to the superblocks, but they deserve mention because they enhance the quality of the streetscapes. While these areas may have little potential for recreational use, they do add to the public sphere and help to retain the urban quality of these blocks. They should not be allowed to transition to the more private character of a university campus. If portions of these strips need redesign to support any development ultimately approved for the blocks, accommodation should be made without transfer of the property. Opportunities for redesign and renovation include the interior sidewalk on Bleecker Street that could be incorporated into the plantings.

IV. THE PLANNED NEW OPEN SPACES ARE ILL-CONCEIVED AND UNACCEPTABLE

CB2 is extremely disappointed in the plans presented for newly designed public open space in the Proposed Development Area, which were designed without the input of local stakeholders, and is adamant in its assessment that there will be significant adverse impacts on the quality of life for the long-standing residential neighborhood.

NYU has based its proposals on the DEIS, but that analysis fails as a quantitative assessment because it uses strictly technical definitions that exclude substantial existing open space, including some well-used areas. If the popular open spaces were included, the assessment would show a substantial decrease in available space 10 years into the project, and only a very small increase upon its completion with a net loss of uncovered land.

Among the significant displacements would be Mercer Playground/LMNOP, LaGuardia Park/Friends of LaGuardia, LaGuardia Corner Gardens, the south block Mercer strip with the Dog Run, the “Key Park” playground and WSV Sasaki Garden. While the proposed open space plan claims to be more visible from the street, inviting, accessible, and public, it is mostly inward facing space surrounded by huge buildings whose large student populations would move through the spaces on a constant basis throughout the day. The trade-offs are not beneficial to the broader community. This proposal results in a university-focused campus approach, effectively an NYU quadrangle, with buildings opening onto open spaces that would be dominated by students during class hours and very likely unused when students are absent.

Deficiencies in the DEIS

The quantitative analysis provided in the DEIS estimates that there will be 3.80 acres of project-generated publicly accessible open space and 0.68 acres of displaced such space for a net increase of 3.11 acres. This analysis excludes certain spaces based on the guidelines provided in the CEQR Technical Manual. Appendix B lists some of these spaces, the reasons given for excluding them, and reasons why the absence of additional quantitative analysis from the assessment prevents the full picture from being shown.

- Alternate quantitative analysis: This would include a total of 3.72 additional acres. The areas marked ** totaling 0.55 acres will be not be displaced by the project, but still affect public open space ratios for the study areas. The CEQR guidelines recognize that some projects require additional analysis. By using only the strictest interpretation of the CEQR guidelines, the quantitative assessment devalues actual public uses of open space in the project area. Hundreds of residents attending CB2 hearings spoke passionately of the importance of these open spaces to their lives in exactly the terms that people traditionally defend urban open space. The effect is that the quantitative assessment is skewed in a way that should have initiated *additional analysis*, especially given the substandard ratios of open space to residents in the study areas and the large influx of new residents and daytime users the project will bring to the area. The intent of the CEQR guidelines is to measure actual impacts and it is the responsibility of the applicant and agencies to craft a process to the particularities of the site. In this DEIS open space analysis, the numbers largely distort the open space impacts.
- Indirect impacts of increased demand for active recreation: Citing CEQR guidelines, the DEIS does not study the increased demand for active recreation within the non-residential study area because “worker” populations are less likely to increase the demand for active recreation. But the daytime population of the development area would be mostly students in an age group with greater need for active recreation resources. This would cause significant strains and displacements at nearby active recreation resources including Passannante Park, West 4th Street Courts, and other nearby parks. The current abuse of Washington Square Park lawns by NYU students seeking areas to play Frisbee is already causing damage to these lawns, recently restored

at great public expense for passive recreation. NYU responded inappropriately to a question from CB2 regarding this impact of the project by stating that the abuse was beyond its control since it does not have responsibility for enforcement in the park. Bringing so many students to a concentrated area requires provision of more open space for active recreation so that nearby parks are not overburdened.

- Impacts on Most Affected are Undervalued: The CEQR guidelines require study of the impact on day time populations within a quarter mile and residents within a half mile. The nature of the proposed project is to superimpose a huge new development in an area now occupied by a much smaller one, so simple application of the guidelines misses the assessment of impacts of the group most affected by the project, the people who live in or immediately adjacent to the study area. The existing open spaces are important parts of the quality of life in these areas, compensating per their design for the taller buildings, and the changes would affect these residents most directly. This creates a need for an additional assessment, not diluted by including larger populations, of impacts on the smaller area.
- Shadows: While the shadow study addresses shadow impacts of new buildings on existing open spaces, it fails to consider the impacts of shadows from new and existing buildings on new open spaces, which is especially significant for children's playgrounds which should not be located in areas of winter shade.
- Phasing: The DEIS fails to evaluate the impact of proposed phasing decisions on open space and to evaluate alternatives. For example, by starting the project by relocating the Key Park to enable construction of a temporary gym, a large portion of the Sasaki Garden would be displaced by the temporary playground, and by building the entire north block site as a single project, the entire project area would have no real children's playground for ten years beginning in 2022 (see Appendix C). The DEIS fails to consider an alternative use of off-site spaces as an alternative to staging construction on the project's open spaces, including the green spaces to be mapped on the northern superblock. NYU's plan would render those open spaces unusable for a decade or more. As mitigation, NYU should be required to restore those spaces to public use during the intervals between the construction phases rather than leave them unusable by the public during those intervals.

Proposed New Public Spaces

- Philosophy Garden: At 2.37 acres, this area represents 62 percent of the open space planned for the entire project. It includes the entry plazas to be built on public land transferred to the Parks Department, and much of the area where the Sasaki Garden is now. The Sasaki Garden is a 1.34 acre open space that has been open to the public. As an early work of Hideo Sasaki, the garden has recognized architectural and historic significance as a modernist landscape. The garden remains a tranquil space offering a place for respite amid tall buildings. The Philosophy Garden completely displaces the Sasaki Garden, an integral part of the WSV complex that has been deemed eligible for the State and National Historic Register of Historic Places. The Philosophy Garden is planned as a more visible and accessible at-grade space. It includes space for lawns for combined passive use and informal active recreation, and wide entrance plazas built on land proposed for transfer to the Parks Department. These plazas would serve little use other than for entrances to the new buildings and the open space between them. The large open space would be surrounded on all sides by tall buildings that would keep the space mostly in shadow through the winter. It would be in-facing and strongly associated in design and use with the buildings whose entrances would open directly onto the open space areas. Large areas of hardscape would be needed to accommodate emergency fire trucks and the high volume of students who would access the classrooms in the buildings and the four underground stories. While more attractive in design than Gould Plaza on East 4th Street, the space would function in the same way in relation to NYU

classroom buildings with little likelihood for casual use by the broader community. CB2 resoundingly rejects the plan for the Philosophy Garden because it essentially would create an uninviting, closed quadrangle mainly for benefit of NYU, although the plan purports otherwise. A successful plan for true public open space at this location would have designed buildings that respect the importance of the open spaces relating directly to LaGuardia Place and Mercer Street, and primary building access would be through the existing driveways under the Washington Square Village buildings instead of across public parks.

- Washington Square Village Play Garden: At only .34 acres, this proposed playground is 36 percent smaller than .53-acre Key Park, the often overcrowded playground that will be eliminated at the start of the project if a temporary gym is placed at this location. While access to the Key Park is limited by NYU to residents of a large area of CB2 living within about a 10-minute walk, its replacement, while open to all, would serve fewer people. The new playground is inappropriately sited because it would be directly adjacent to three tall buildings with its only openness facing north, so it would be in the shade most of the day for much of the year.
- Greene Street Walk: This area to the west of the proposed Zipper Building widens a rarely used walkway. It would function as access to university facilities and retail uses and is intended to double as public open space. Off street retail has not worked well in Manhattan where the street is the marketplace, but even if this strip were to succeed and the area becomes a good place for students to congregate, the kinds of open space use provided would be unlikely to serve the broader community, especially since, like Schwartz Plaza, the area would be in shadow most of the day. While the existing public areas to the east of Coles are poorly maintained by NYU, the openness is an important part of the Mercer streetscape and the existing strip could be improved to provide more usable open space to both the community and the university than the proposed in-facing solution.

V. THE STOCK OF AFFORDABLE HOUSING NEEDS TO BE PROTECTED

NYU is the landlord and land leaseholder for the major stock of affordable housing in Greenwich Village, including rent stabilized units in Washington Square Village and Washington Place and units in the Mitchell-Lama Program at 505 LaGuardia Place. CB2 urges NYU to provide a commitment that the units under its jurisdiction will remain affordable to the public and regulated in perpetuity.

Many low and moderate income residents, including senior citizens and those on fixed incomes, reside in housing under the jurisdiction of NYU, which includes units in Washington Square Village, Washington Place and 505 LaGuardia Place. This housing has sustained the local community's economic integration and contributed to its diversity and vibrancy.

However, NYU's treatment of this affordable housing stock is of great concern to CB2. Testimony has indicated that when a regulated apartment becomes vacant, efforts are made to effectively deregulate apartments by either allowing them to remain vacant or providing them for faculty and staff. At a time when affordable housing is so badly needed in our community, and when this Community Board has made it a priority to see new units of affordable housing created, it is simply unacceptable that NYU is further reducing the number of affordable and regulated apartments under its jurisdiction in Washington Square Village and Washington Place.

As part of the original urban renewal superblock development, since 1967, 505 LaGuardia Place, a Mitchell-Lama Cooperative, has provided an important source of affordable housing in Greenwich Village, with 174 affordable units. NYU owns the land lease for the Cooperative, which is scheduled for renegotiation in 2014. The terms of the lease will dictate whether this project remains truly affordable.

Regardless of the outcome of this ULURP application, CB 2 believes that NYU should consider selling the land lease outright to the Cooperative, in order to ensure that this project remains affordable in perpetuity. CB2 also rejects any LSGD which draws lines that exclude existing “parties of interest” that could be negatively impacted by the proposed plan.

VI. COMMERCIAL OVERLAY AREA REZONING IS INAPPROPRIATE

CB2 opposes a zoning change to create a C1 commercial overlay on six blocks east of Washington Square Park.

NYU is proposing this overlay for the stated intent of “enlivening the streets,” bringing existing non-conforming retail into compliance, and allowing development of ground floor retail uses. However, the street activity level is excellent, adequately serving the current mix of residential and institutional uses and the grandfathered uses are by definition compliant, and are functioning well. NYU has appropriate recourses within the zoning text at its disposal to meet limited retail needs in a few buildings. CB2 opposes this zoning change.

For the DEIS, NYU selected a Reasonable Worst-Case Development Scenario based on conversions of only six buildings for which they have current plans to develop only 23,000 gsf of retail use. However, a likely development scenario will include many more locations because the market driven values in an area adjacent to high rental Broadway retail areas will create strong incentives for many more conversions, especially if initial retail uses are successful. The young adult market is particularly strong for national chains and for the large eating and drinking establishments that have saturated nearby areas. Most of the buildings on the blocks have high ceilings and large footprints that are attractive for such high intensity retail users, with well over 200,000 square feet in 26 buildings ultimately available on first and second floors and potentially basements as well.

The area is currently well-served by the kind of retail anticipated by C1 overlays, the purpose of which are to serve the "local retail needs of the surrounding residential neighborhood." An overlay in this area is more likely to attract a combination of uses serving regional and NYU markets, with a potential to drive out existing non-conforming businesses when the expansion of stores is allowed. An area should be rezoned when there is a need that is typical of the area, not isolated to the needs of one property owner at a few locations within it, and transgressing this principal risks unanticipated and unstudied transformation of area, with possible unwanted impacts on the existing neighborhood which currently has a strong and successful character with an appropriate mix of residential and institutional uses.

The overlay would also bring retail uses close to Washington Square Park (including the eastern boundary), which is currently surrounded by blocks with very few stores, all non-conforming. The special character of a park is substantially influenced by the surrounding neighborhood, accounting in large degree for the differences between Washington Square, Union Square, and Madison Square, for example. The DEIS fails to evaluate the potential for profound negative impact on this historic and open space resource if as-of-right retail development is allowed on the adjacent blocks.

VII. A TRANSPARENT COMMITMENT FOR A PUBLIC SCHOOL IS REQUIRED

At the moment, there is no commitment from the NYC Department of Education to approve a new public school in the location proposed by NYU. Without this, there is widespread concern that should the NYU ULURP move forward the site designated by NYU could revert to NYU’s own, unspecified use as a windfall. Moreover, the details of any conversations between NYU and the DOE have not been made

public. Also, the terms of NYU's promise for a new school have changed, including the extent of the university's donation to such a school and whether it was predicated on the approval of the NYU ULURP.

In 2008, NYU attended a CB2 meeting on school overcrowding and announced its intention to create a new K-8 public school. It was CB2's understanding that this meant the university would provide the "core and shell" of such a building and that this offer was not contingent upon the University's ability to gain approvals for zoning changes that would enable their expansion in the Greenwich Village core. CB2 is concerned that should the City and NYU not reach terms for a new school before the completion of this ULURP, NYU would be under no obligation to build a public school and would benefit from the windfall from the proposed upzoning, which it could use for dormitory space. CB2's examination of this part of the ULURP proposal has been hampered by NYU's lack of public disclosure of the details of the discussions with the City, making the community board's review of the school proposal nearly impossible.

In addition, since the NYU ULURP was filed, the University has declared that the offer to make land available to the City for a public school is contingent upon the approval of the project. In addition, apparently contrary to earlier promises by the university, NYU states that it will not contribute to the core and shell of the building, instead only donating the land beneath such a location, which consists of 78,000-100,000 square feet of space to be built between NYU academic space below ground and seven floors of student dormitory use above.

In the absence of this ULURP application, CB2 would be very supportive of the donation of a new K-8 public school by NYU, which is sorely needed in the Greenwich Village area due to local classroom overcrowding. However, it is problematic that NYU has apparently reduced its commitment to such a new school and is now basing it upon approval of NYU's proposed project.

Other concerns about NYU's proposed K-8 public school proposal include:

- The proposed plan calls for the only recreation to be a play area on top of a seven-story high rooftop, to substitute for an actual playground. There are concerns that an elevated playground would be unsafe and not pass FDNY inspection (it is CB2's understanding that a similar proposal at the Millennium School in Manhattan was rejected recently for being hazardous). In addition, the challenge of moving large groups of students by means of an elevator would pose serious logistical problems, which possibly would lead to less recreation time for students.
- The NYU plan for this site also proposes a building with a student dormitory on top of a public school, including dormitory windows overlooking the rooftop play area for young children. These are potentially incompatible adjacent uses between college students and young children, such as noise, smoking, etc.
- The plan for this site does not appear to have made adequate provisions for loading and unloading. Delivery trucks and parent and bus drop-offs/pick-ups would be required to park or double park on Bleecker Street or LaGuardia Place, creating dangerous congestion on these narrow and busy streets. This would create an unsafe environment for children, NYU students and local residents.

CB2 has repeatedly asked NYU to support CB2's efforts to develop new public schools outside of their ULURP application at other locations such as the underutilized New York State-owned building at 75 Morton Street, as the University is both partly responsible for enrollment increases in local public schools and an academic resource for the study and analysis of the issue of school overcrowding. CB2 believes this should be a mutual goal.

VIII. TRANSPORTATION IMPACTS

It is CB2's opinion that the DEIS grossly underestimates and does not adequately study the true effects of this project. Because of the tremendous increase in living, working and visiting populations and the accompanying activities that would be engendered, there would be severe adverse impacts on all aspects of transportation, from vehicular movements to pedestrian access to transit ridership to the availability of parking.

These negative impacts are especially egregious in view of the NYC Department of Transportation's recent efforts to create a more equitable balance of street space between pedestrians, vehicles and other transportation modes in order to improve livability for all users. By following rigid formulas that allow for things to get worse and that make use of hackneyed and often ineffectual mitigation measures, this plan both flies in the face of DOT's progressive goals and misses a timely opportunity to look for and implement improvements from the outset that can benefit businesses, residents and NYU alike.

- Vehicular traffic, which already overburdens street capacity, would increase substantially, intensifying congestion and compromising access and safety, not only on weekdays, but also on weekends and in the night, when tourists and hotel guests join residents, students and faculty in using incoming/outgoing cars, taxis and limousines to recreational and other activities.
- Added turning movements at already dangerous turning areas, increased delivery trucks and service vehicles, and the general proliferation of cars, taxis and school-related transportation, bringing added congestion and decreased safety on the streets, would be especially daunting for a population with many seniors and families with small children, besides overwhelming the general populace.
- Streets with one traffic lane, like Bleecker and Mercer, would be particularly stressed, with Mercer suffering heavy truck activity to the new Zipper Building loading docks and blockages from hotel drop-offs/pick ups by taxis, cars and limousines. Bleecker Street already experiences heavy traffic impacts from frequent truck deliveries and oversized tour buses and would suffer further delays and noise. Multi-lane streets would also be encumbered, like Houston Street, a major through thoroughfare, and LaGuardia Place.
- Intensified congestion, loading/unloading and other street blocking activities would increase emergency vehicle delays. The response given to CB2 that "emergency vehicles can maneuver around and through congested areas because they are not bound by standard traffic controls" does not alleviate our concerns.
- Potential mitigation approaches, such as small re-timings of traffic signals and added signage, would be insufficient to offset significant adverse vehicular impacts identified at several locations, and in some cases would be hazardous, e.g., adding green time at dangerous crossings like Houston Street at LaGuardia Place.
- Pedestrian trips would far exceed the 200 threshold for both the Phase I (2021) and Phase II (2031) build-out, greatly interfering with pedestrian access, safety, comfort, circulation, and orientation (which would be further harmed by the heavy vehicular traffic). Heavy platoons of pedestrians at corners and in crosswalks would both block passage and make crossing more hazardous.

- The vastly overcrowded sidewalks and streets, teeming with a huge expanded volume of university-related pedestrian traffic, also would interfere with the community-friendly character and neighborhood-scale dynamic that give this area its special quality and appeal.
- The suggested pedestrian mitigations would not be a cure-all. In fact, one statement claims: “crosswalks and street corners are not easily measured in terms of free pedestrian flow.”
- The significant adverse transit impacts that are expected at subway station stairways and entrances would strongly interfere with accessibility and convenience for the numerous people in the area who rely on the subway. Furthermore, it is stated that subway station mitigation measures may be infeasible, and if so, the impacts would remain unmitigated, meaning there would be no attempt at all to alleviate these crowded and untenable conditions (an unwarranted discomfort in view of the unnecessarily excessive scale of this project).
- Replacing the current 670-space below-grade parking garage in Washington Square Village, which includes public parking, with a 389-space below-grade accessory parking facility would result in a loss of roughly 110 to 135 public parking spaces. This parking shortfall might not be able to be accommodated by other public parking facilities in the area, some of which are slated to be replaced by new buildings, others fully occupied, and others an undesirable distance away. A sizable number of on-street parking spaces would also be eliminated, further displacing parkers. Even if automobile use lessens, there still will be drivers who need to park. A parking shortfall as anticipated would lead to increased circling and cruising for spaces, meaning less safety on the streets, added congestion, and more polluting emissions.

IX. ENVIRONMENTAL IMPACTS

CB2 finds it impossible to agree with the conclusion of the DEIS that NYU’s expansion plan will have only temporary negative impacts and that the levels of potential danger fall into an acceptable range and/or can be sufficiently mitigated.

The superblocks and Commercial Overlay area would experience a range of negative effects if NYU’s 2031 Plan were to proceed. Even if there was less total square footage built and less commercial space allowed, these impacts – in addition to and lasting far beyond those discussed in the Construction Impacts section – would endanger the health and well-being of those in the general area, put an added burden on infrastructure and services, and significantly reduce quality of life for thousands of people.

Environmental Impacts Of Concern Include:

- Public Health and Safety: Adding a large new population and changing the physical configuration by the proposed 2031 Plan has the potential to overburden medical infrastructure (already diminished by the closing of St. Vincent’s Hospital) and local police precincts. NYU’s proposal for the North Block restricts the ability of fire and emergency vehicles to reach apartments, and the removal of through-driveways between Bleecker and W. 3rd Streets will slow the ability of ambulances to reach and depart with patients.
- Noise: Late-night noise from students is already a major problem in our community. The addition of dormitories will only exacerbate this problem. Increased vehicular traffic would also increase horn honking and idling noise.
- Air Quality: Increased congestion, both traffic and pedestrian, may elevate ozone and particulate pollutants. Reduction in mature trees could contribute to a long-term rise in greenhouse gas

emissions, creating health hazards and potentially increasing the asthma rate throughout the area. The proposed buildings would change air patterns, creating “wind tunnels.”

- Shadows: New buildings would cast shadows on many structures, plantings and people. The DEIS also does not take the collective effect of both existing and new buildings into account, including blocking of sunlight, diminishment of property values, reduction of plant and tree growth, impact on treasured community green space (e.g., the award-winning LaGuardia Corner Garden which is currently a designated Monarch Butterfly Waystation and Backyard Wildlife Habitat), and the impact on the proposed location of the replacement children’s playground in Washington Square Village. In addition, the South Block’s landmarked area would suffer significant shadowing from the proposed buildings, also changing the view of the Picasso “Bust of Sylvette” sculpture.
- Water and Sewer Infrastructure: Thousands of new residents and tens of thousands of people using the area daily 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.
- Underground Water: The “bathtubs” created by NYU’s huge underground plans would divert underground water which may affect foundations of nearby buildings, and dewatering may cause permanent changes in the surface of the area.
- Wildlife: Red-tailed hawks, recently making their homes in the neighborhood, would lose the mature trees and unbuilt spaces that they depend upon. Additional garbage flows from the new buildings would also bring vermin, and the poisons used to control these rodents also imperil these birds as well as other animals in the area.
- 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. Late-night trash collection is already a problem in the area, and will only increase.
- Energy: While the proposed new facilities may be connected to NYU’s new co-generation facility, that system will reach capacity and then an added burden will be placed on the grid/systems. A loss of passive solar energy due to shadows would also add to energy use.

X. CONSTRUCTION IMPACTS

In a dense residential area, construction projects create noise, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses. CB2 is very concerned about the potential negative impacts of this project, many of which are acknowledged in the DEIS, especially since they will be felt for 20 years.

The ramifications of 1.1 million sq. ft. in four stories of underground construction on both superblocks over the course of 20 years is not adequately addressed in the DEIS, and would be staggering. In addition, the proposed above-ground construction in conjunction with the below-grade excavation would have a devastating effect.

Transportation

Unrelenting construction activities over the duration of this project will have heavy transportation impacts in all areas. The cumulative effect of heavy truck use generated by deliveries, movement of materials and removal of debris, extra construction worker pedestrian trips, and an expected increase in private motor vehicles (and the accompanying increased parking demand), would exacerbate congestion and create hazardous conditions on both streets and sidewalks. The adverse transit impacts predicted at subway station stairways and entrances will be more severe because of the substantial number of construction worker subway trips. The DEIS suggests that mitigation measures could be infeasible. These factors, coupled with the setting up of temporary structures, such as sheds, construction bridges and a gym (blocking access and flow), along with continuous relocations of such items, will lead to twenty years of unrelenting obstruction to safety, flow, orientation and access in every transportation mode.

Noise

The DEIS states that there will be adverse noise-related effects, but claims they will only last two or three years. This is incorrect for two reasons: first, when NYU moves their baffles to a new area, the sound will be deflected to the one they just left. Second, once someone has been exposed over a period of years, the resulting sensitivity reaches a level that makes even a lesser exposure unbearable. In addition, the expected noise will be a significant disruption to residents and visitors; an increase of even one DBA constitutes a tenfold increase. Constant monitoring of noise and suppression of any noise in violation of city codes should be part of the on-going environmental commitments.

Air Quality, Emissions, Dust and Pollutants

Contrary to the conclusions in the DEIS, CB2 believes this plan would cause significant negative impacts on air quality. It is during construction when the major assault on air quality would take place. The plan as proposed would create a 20-year tightly compressed construction zone.

Dewatering

Another issue of concern to CB2 is that dewatering a site can cause surface cracks in foundations and in pavements, uneven settlement of dry area, and possible effects on trees and other plantings. CB2 encourages the Freeze Method should be investigated, aside from dewatering

Visual Pollution

NYU's proposed new buildings, placed directly across narrow streets like Mercer and LaGuardia Place, will flood the residential buildings across those streets with intense light during nighttime hours. This will have an adverse effect on the residents of those buildings. Thus far, there has been no discussion of design that incorporates technology that reduces lighting intensity and glare.

Construction Monitoring

Stringent monitoring and regulation of construction activities, including limitations on hours of construction related truck movements, forbidding truck idling, use of low sulfur fuels, closed truck beds, noise dampened construction equipment, commitment to no after hours or weekend work, etc. is required to keep the neighborhood safe and livable. In the event any part of the NYU plan is approved, there must be established and enforced through a restrictive declaration the mitigation measures described above including traffic controls, noise and light suppression, off-site construction staging and laydown, restoration of the public open spaces to public use between project phases, etc. NYU's compliance with these measures should be monitored and enforced through appointment of an environmental compliance monitor as has been done in the case of Columbia University. The monitor should have the authority to halt any construction activities that violate the terms of the restrictive declaration and to report on a regular basis to CB2 and the Borough President, Council Member and City Planning Commission.

CONCLUSION

The world-famous character of Greenwich Village is a major asset for New York City. The Village continues to be popular with residents and visitors of all ages drawn to its unique mix of small town charm and urban density. The superblocks, with their dramatic scale and integral open space, function as a central counterpoint to the dominant low-scale townhouse and loft structures typical of the rest of the area.

Shifting the university center south and establishing a more intense campus environment on the superblocks would forever destroy a thriving residential community and transform it into a private NYU campus, changing the character of the area forever. It would also have significant negative impacts on surrounding neighborhoods to the east, south and west such as NoHo, SoHo, and the West Village - areas where students are not a dominant presence. Sidewalks would become crowded with students, existing retail would be displaced and open space would be oriented towards classrooms, instead of the kinds of places that support the vibrant and diverse community that currently exists.

Vote: Unanimous, with 40 Board members in favor.

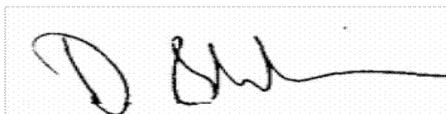
For the reasons outlined above, CB2 recommends denial of the NYU Core Project.

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

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



David Gruber, Chair
NYU Working Group
Community Board #2, Manhattan

c: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel Squadron, NY State Senator
Hon. Sheldon Silver, NYS Assembly Speaker
Hon. Deborah J. Glick, NYS Assembly Member
Hon. Bill de Blasio, Public Advocate
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Pauline Yu, Community Affairs Unit
Vivian Awner, Community Board Liaison, Dept. of City Planning
Jeff Mulligan, Executive Director, Board of Standards & Appeals
Derek Lee, Man. Borough Commissioner, NYC Department of Buildings
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning
John Sexton, President, NYU
Lynne Brown, Senior Vice-President for University Relations and Public Affairs, NYU
Alicia Hurley, Vice-President for Government Affairs and Community Engagement, NYU

APPENDIX A

NYU Planning Principles

Establish criteria for development within the existing NYU footprint in the University's campus core and the surrounding neighborhoods that would prioritize

- Identifying opportunities to decentralize facilities and actively pursuing these opportunities;
- Contextual development that is sensitive to building heights, densities and materials;
- Reuse before new development; and
- Consider mixed use facilities that complement Manhattan's mixed neighborhoods, particularly in regard to ground floor uses.

Identify solutions to maximize utilization of existing assets by consulting with the community on:

- The types of facilities that can be decentralized from the Village campus core and surrounding neighborhoods and cultivating locations outside these areas;
- Preferences for appropriate places for vertical additions;
- Encouraging programmatic and scheduling efficiencies; and
- Opening new and re-envisioning existing recreational spaces to better serve both the student population as well as the community at large.

Make thoughtful urban and architectural design a priority by:

- Respecting the limitations of the urban environment, including the impact on New York City's infrastructure;
- Improving the quality of open spaces; and
- Actively soliciting, utilizing and implementing input from the community in the design process.

Support community sustainability by:

- Preserving existing diverse social and economic character through the support of community efforts to sustain affordable housing and local retail;
- Exploring the utilization of ground floors of buildings for community-oriented uses such as local retail, gallery spaces for local artists, non-profit users and other providers of community services; and
- Generating a tenant relocation policy for legal, residential tenants, in the event that construction or conversion necessitates the relocation of tenants.

Respect the community's existing quality of life including but not limited to:

- Taking measures to mitigate effects of construction such as: noise, dust, work hours; sound mitigation for mechanical equipment; and construction staging;
- Reaching out early and often for community consultation related to major construction;
- Creating a website for ongoing constructions; and
- Committing to a community-oriented public process for reviewing NYU's proposed projects and developments.

Borough President's Task Force on NYU Development
August 2007

APPENDIX B

Area	Name	Estimated Acres	Treatment for Analysis	Contribution to Public Open Space
A	LaGuardia Landscape	0.36	Not a publicly accessible open space because it does not provide usable recreational areas.	While officially a part of LaGuardia Place street bed, this area functions as a park-like open space with extensive ground plantings and mature trees, and includes an important historic monument. Its use and design are not unlike many public parks.
C	Sasaki Garden	1.34	Private open space; and as such will be considered in qualitative analysis.	This is a publicly accessible open space. Gates, not part of the original design, are kept unlocked during the day, and there are no signs restricting access. The area functions as an expansive seating area with attractive plantings and seating.
D	"Key Park"	0.53	Private open space considered in qualitative analysis.	This is a very popular children's playground. While not fully publicly accessible, keys are provided to residents in a catchment area similar to the typical service area of similar public playgrounds, extending from Grand St. to 8 th St. and from the Bowery to 6 th Avenue. Note that the DEIS incorrectly states there are signs restricting access to Washington Square Village residents.
M	LaGuardia Corner Gardens	0.15	Private open space (not publicly accessible open space due to limited hours of public accessibility.) Will be considered in qualitative analysis.	This is an active community garden, registered with GreenThumb, and allowing regular public access. It is typical of many similar spaces on public and private land, part of a citywide, publicly supported program providing important community resources with green space, bio-diversity, and residential well-being. It is a designated Backyard Wildlife Habitat and Monarch Waystation.
O	Silver Towers Oak Grove	0.36**	Not an open space; does not provide usable recreational areas. This area will not be considered in the assessment.	This is a significant formal stand of mature trees with accessible space that is used for passive recreation. While gated on two sides, it is accessible and includes a long seating wall.
P	Area at east side of University Village	0.23	Not an open space due to limited access and lack of recreational amenities. This area will not be considered in the assessment.	This area includes a lawn that is used by children to play ball informally. It is not fenced and there are no signs restricting access.
Q	Center area of University Village.	0.21**	Not an open space; does not provide usable recreation areas and access is restricted. This area will not be considered in the assessment.	This is a formal park-like area with an important public sculpture. It has no fence and is frequently used for seating and as a play area for young children.
R	Time Landscape	0.19**	As per CEQR Technical Manual guidelines, Greenstreets are not considered publicly accessible open spaces. Area does not provide usable recreational areas and access is restricted. This area will not be considered in the assessment.	This area was created as a natural area featuring native species. It is maintained by LaGuardia Corner Gardens. This public function of this area is typical of other areas of public parkland that prohibit public access, such as Sullivan Square Viewing Garden or the Central Park Bird Sanctuary.
U	Silver Towers Seating	0.06	Private open space; considered in qualitative assessment.	This is a seating area that is publicly accessible with no fence.
V	Silver Tower Playground	0.06	Private open space; considered in qualitative assessment.	Access to this playground is with the same key as for the "Key Park" noted above.
X	Mercer-Houston Dog Run	0.07	Private open space due to limited public access; considered in qualitative assessment.	Public access to this dog run is available through a waiting list by the group that maintains the area. Similar arrangements are made in other public parklands such as the Bowling Green in Central Park.
Y	Coles Gymnasium rooftop public recreation area	0.16	Private open space due to limited public accessibility; considered in qualitative assessment.	Per requirements of conditions of amendment to the Urban Renewal Plan, this area of the roof was dedicated for public use, but NYU has failed to maintain it for this purpose.
	TOTAL	3.72		

APPENDIX C

Playground Space (acres)

Name	Current	2021	2022-2031	2032
Mercer Street Playground	0.33	0.33	--	--
Coles Playground (closed)	0.16	--	--	--
Key Park	0.53	0.53	--	--
Silver Towers Playground	0.06	--	--	--
Temporary LaGuardia Play Area	--	0.24	--	--
Toddler Playground	--	0.25	0.25	0.25
Tricycle Garden	--	--	--	0.35
WSV Play Garden	--	--	--	0.34
LaGuardia Play Garden	--	--	--	0.30
Total	1.08	1.35	0.25	1.24

