



News from...

SENATOR THOMAS K. DUANE

29th SENATORIAL DISTRICT • NEW YORK STATE SENATE



TESTIMONY OF NEW YORK STATE SENATOR THOMAS K. DUANE
REGARDING NEW YORK UNIVERSITY'S CORE PROJECT
ULURP APPLICATIONS: C 120122 ZMM, N 120123 ZRM,
N 120124 ZSM, C 120077 MMM
APRIL 25, 2012

My name is Thomas K. Duane and I represent New York State's 29th Senate District, in which the Washington Square campus of New York University ("NYU"), as well as most of its surrounding neighborhoods, are located. Thank you for the opportunity to testify before you today regarding NYU's complex application to expand significantly and change the character of its campus core in historic Greenwich Village by the year 2031.

I certainly appreciate the role NYU plays as an economic, cultural and intellectual engine for our City, and I recognize its prerogative to grow in order to maintain its position as one of the world's leading academic and research institutions. Yet, I am quite concerned about the expansion NYU seeks to undertake, which would add approximately 2 million gross square feet of development on two primarily residential superblocks and expand retail uses on the blocks east of Washington Square Park.

I welcome and acknowledge the modifications that the applicant has made to its proposal as a result of negotiations with Manhattan Borough President Scott Stringer, including an approximately 17% reduction in density, the elimination of the temporary gym, and the preservation of the park strips around Washington Square Village. However, despite these modest concessions, I have grave concerns about the impacts the proposed development will have on the neighborhood. I respectfully request that you deny this application unless the concerns outlined below are fully addressed.

Bulk and Density

The Zoning Map Amendment that the applicant seeks, a change in the zoning from a R7-2 district to a C1-7 district (R8 equivalent) (C 20122 ZMM), is grossly out of scale and context with the surrounding neighborhood. The applicant also seeks a Large Scale General Development ("LSGD") special permit, along with numerous waivers, to grant further massing and bulk that would otherwise be prohibited, even under the proposed new zoning.

Even given the recent reduction in density secured by the Borough President, this rezoning will nearly double the allowable FAR on the two superblocks south of Washington Square Park between LaGuardia Place and Mercer Street (the "northern superblock" or "Washington Square Village," bounded by West 3rd Street and Bleecker Street, and the "southern superblock," or "Silver Towers" bounded by Bleecker Street and Houston Street). The current R7-2 zoning already permits one of the largest building envelopes in Manhattan Community District 2.

However, instead of limiting additional development on the two superblocks to 175,000 square feet—the current maximum—the applicant’s proposed rezoning actions will allow approximately 2 million new gross square feet by halving the required Open Space Ratio. The proposed buildings will dwarf Washington Square Village and Silver Towers, which are already among the tallest buildings in Greenwich Village. This significant reduction in the Open Space Ratio destroys the historic “towers-in-the-park” plan of these developments. To make matters worse, the applicant seeks a waiver to the height and setback requirements, so that its proposed buildings can pierce the new R8-equivalent district’s sky exposure plane, which was designed to ensure that light and air can reach the street. Combined, these actions eliminate vital light and air to the neighborhood, its visitors and the thousands of existing residents.

Open Space

As Manhattan Community Board 2 (CB2) noted in its resolution on this plan, the applicant’s Draft Environmental Impact Statement (DEIS) excludes areas that are currently used as public open space from the baseline calculation, ignoring the testimony of many community members about the importance and use of the spaces and grossly inflating the acreage of new public open space. The calculation for the north superblock does not consider the LaGuardia Gardens (La Guardia Landscape), Sasaki Garden (Washington Square Village Gardens) or the Key Park (Washington Square Village Playground) as public open space. The calculation for the south superblock does not include the Silver Towers Oak Grove (Silver Towers Tree Grove), Center Area of University Village (University Village Plaza), Time Landscape, Silver Towers Seating, or the Silver Tower Playground as public open space. By making minor modifications, such as adding benches, NYU is exploiting technicalities in the State Environmental Quality Review Act to define these existing open spaces as new, without changing their use. If these spaces were included in the DEIS, the assessment would demonstrate only a small increase in publically accessible open space upon completion, with a net loss of uncovered land. The walkways, pedestrian paths and other nominal “open spaces” that would replace community parks, playgrounds and gardens are no consolation.

Further, the DEIS determines there will not be increased demand for open space within the non-residential study area because “worker” populations are less likely to increase the demand for active recreation than residential populations. Although this fits the CEQR technical definition, it does not take into consideration the realities of University life. Student populations demand significantly more active recreation resources than other “worker” populations. As demonstrated by Washington Square Park, which is already inundated with NYU students, any increase in students will result in an overwhelming of nearby parks, such as Passannante Park and the West 4th Street Courts.

As noted above, the proposed development also concentrates “open space” away from public areas, and into off-street spaces that are surrounded by oversized buildings. The “Philosophy Garden,” on the north superblock, which represents 62 percent of the open space planned for the project, is an inward facing space, and is bounded by large buildings on all sides. This area will draw a large NYU population that moves in and out of the proposed buildings, and will serve as a university-focused “quad.” What is now the public 1.34 acre Sasaki Garden will be completely displaced, despite the fact that it has been deemed eligible for the New York State and National Registers of Historic Places. Further, large swaths of this “new” open space will be little more

than paved walkways to accommodate emergency vehicles as well as the high volume of students traveling to the LaGuardia and Mercer buildings.

For example, the “Greene Street Walk,” located on the south superblock, widens a rarely used walkway, which will function as an entryway to university buildings and retail, and not as a true open space. This “walk” shifts public street-side open space to the interior of the block and away from most non-university populations.

Likewise, the proposed “Washington Square Village Play Garden” is significantly smaller than the current Key Park also located within Washington Square Village, which this project will demolish for the Mercer Building. Sited on the north side of a tower, and bounded by more towers to both the east and west, this new playground will not see the sun for the vast majority of the year.

Park Strips

I appreciate NYU removing its longstanding objection to the designation of the publicly-owned strips of land surrounding the north and south superblocks as parkland, for which I and many other stakeholders have long fought. However, the Zoning Text Amendment to treat mapped public parks as wide streets (N 120123) undermines the integrity of our city’s parks by allowing developers to surround them with buildings as if they were wide streets, rather than public green spaces, and must be rejected wholesale. Parks, both here in the Village and across our great city, are not streets and cannot be treated as such. This amendment will set a perilous precedent that may endanger other parkland’s access to light and air.

Despite NYU’s agreement at the behest of Borough President Stringer not to develop on the Mercer Plaza strip above the NYU Cogeneration Plant and to preserve strips around Washington Square Village, the Zoning Text Amendment (N 120123 ZRM) to waive ownership requirements for developments and enlargements within a LSGD site must be rejected.

No easements should be granted for the use of the park strips along LaGuardia Place and Mercer Street as construction staging areas. NYU must not cover the community gardens with construction sheds, which would destroy them, or remove the mature trees that line the streets. The design for the strips surrounding Washington Square Village must preserve their current uses, and they should not become access plazas for the proposed LaGuardia and Mercer buildings. The proposed Bleecker building must be designed and set back as to not block light to the LaGuardia Community Gardens.

Although I appreciate the applicant’s agreement not to develop above the Mercer Street Co-Generation Plant Park, additional commitments should be required. This strip, like the others, should be turned over to the New York City Department of Park and Recreation and the community agreement that created the park, which allows for the future maintenance need of the co-generation plant, should remain in full effect for perpetuity.

Commercial Overlay

The expressed purpose of the proposed C-1 commercial overlay (Zoning Map Amendment C 20122 ZMM) for the blocks east of Washington Square Park is to enliven the area and serve the “local retail needs of the surrounding residential neighborhood.” However, like CB 2, I would

argue the area already has an active, thriving street life that successfully serves the residential and institutional population. I appreciate the concession Borough President Stringer negotiated with the applicant to ban eating and drinking establishments that have 80% or more of their projected revenue derived from alcoholic beverages; however, I agree with CB2 that there should be no new commercial establishments permitted on these blocks east of the park. The overlay would bring retail to the boarder of Washington Square Park, which would substantially change the character of the historic and landmarked park. Retail spaces bring with them brightly lit window displays, signage and additional commercial traffic. Although this proposal might benefit the Applicant's bottom line, it will not enhance the community in any way. There is already an abundance of vacant retail space available in the general vicinity.

Commitment for a Public School

NYU continues to insist on its intent to create a public school in Greenwich Village; however, this promise is one that the community has heard several times before. I appreciate the applicant agreeing to not build a dormitory above the proposed school, and limiting the number of floors beneath it at Borough President Stringer's request. However, NYU's offer to share land with the New York City Department of Education ("DOE") for a public school at the site of the Bleecker Building rings particularly hollow, given that under the current proposal NYU may take back the land in 2025 should the DOE or School Construction Authority ("SCA") fail to build on the site, and no community benefit would be seen. NYU must make a binding, verifiable agreement to donate this land to the DOE/SCA for a school, and should do so regardless of the outcome of this application.

Traffic and Transportation

The applicant's proposed project will increase the area's population by approximately 1,500 to 2,000 permanent residents and 10,000-12,000 daily students, workers and visitors in an already crowded area. These additional populations will result in clear and lasting impacts on traffic and access to that need to be addressed. Specifically, the influx of people will overwhelm the area's already crowded subway access points at the Broadway-Lafayette and West 4th Street stations. Loading zones and deliveries along Mercer Street for the Zipper Building and Bleecker Street for the suggested school will cause congestion along this already heavily trafficked area. Both Mercer Street and Bleecker Street have a single lane that would be blocked by increased pick-up/drop-off activity by cars, taxis and limousines surrounding the prospective school and hotel. The New York City Department of Transportation is already looking at ways to alleviate traffic buildup along the length of Bleecker Street. Furthermore, reducing the available parking by replacing the current 670-space garage below Washington Square Village with a 389-space garage and eliminating on-street parking, while simultaneously significantly increasing the number of both residents and day-time visitors, may cause a shortage of parking in the surrounding area.

Affordable Housing

NYU is the landlord or land-leaseholder of a significant amount of affordable housing in Greenwich Village, specifically at Washington Square Village and 505 LaGuardia Place. Every effort must be made to preserve these units as affordable both for the current residents and future generations because of the significant contributions that economic diversity has made to the fabric of the Village and New York City as a whole. Rent-regulated units in Washington Square Village should be preserved as such, and should be open to members of the larger community.

NYU should sell the land beneath 505 LaGuardia Place to the cooperative, a state-sponsored Mitchell-Lama development, at a fair price so that it can remain affordable for the foreseeable future. Barring the sale of the land, NYU must make every effort to ensure that any future lease terms are such that affordability is able to be preserved.

Environmental and Construction Impacts

The sustained and lasting negative impact that nearly 20 years of continuous construction will have on the two superblocks and the surrounding area cannot be overstated. The heavy trucks and delivery vehicles associated with large-scale construction will severely congest the area, creating hazardous conditions on both streets and sidewalks. The noise and vibrations from the large amount of below-grade excavation and above-grade construction will have severe and unrelenting adverse effects on the neighborhood. The residents in both Washington Square Village and Silver Towers will be virtually entombed in their homes, and will face undue hardship due to this unremitting construction. NYU must make every effort to limit the impact on surrounding residents.

Specifically, the applicant must ensure that noise does not violate City codes at any time. Strict monitoring and regulation of construction activities, including: limitations on hours of construction; use of low-sulfur fuels, closed truck beds, and noise-dampened construction equipment; and prohibition of after-hours and weekend work, and truck idling, must be enforced. To ensure compliance with these environmental controls, continuous third party monitoring must take place. This monitor must have the ability to suspend construction activities that are violating standards and report regularly to the community. It would be irresponsible to allow this plan to move forward without forceful protections for the community which will look out the bedroom window into a construction zone for the next two decades.

Conclusion

NYU is a valued and important member of the Greenwich Village community. However, it is not the only member, and this proposed development is simply too large for the neighborhood. The new buildings will permanently block light and air to a significant number of properties, as well as to community parks and open spaces, and will permanently, fundamentally and negatively alter the surrounding community. Even Robert Moses understood the virtue of towers in the park, not towers surrounded by more towers. I urge the University to continue to work with its neighbors, CB2, and the local elected officials to develop an alternative that would more successfully integrate with the neighborhood. Therefore, I again respectfully request that the City Planning Commission deny this application.

I would like to formally thank CB2, which has put in countless hours of time to engage in a public dialogue that resulted in a thoughtful, well-reasoned resolution on this proposal. I also thank CPC for the opportunity to testify and for its consideration of my testimony.



DEBORAH J. GLICK
Assemblymember 66th District
New York County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
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Environmental Conservation
Rules
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**Testimony of Assemblymember Deborah J. Glick
Before the City Planning Commission
April 25, 2011**

Regarding ULUPR Application Numbers:

C 120077 MMM, C 120124 ZSM, C 120122 ZMM, N 120123 ZRM

Thank you for the opportunity to testify before you today. As you are aware, the complex application for up-zoning of the two superblocks, submitted by New York University ("the Applicant"), has not only provoked considerable community concern about its land use implications, but has provoked concerns that what they are proposing within the 2 superblocks will dramatically change the landscape and character of the area. New York University ("NYU") already has been responsible for significant changes to our neighborhood, and the additions outlined in this proposal would irrevocably damage the quality of life for our community. I will, however, focus my testimony on what falls within the technical purview, and review, of the New York City Planning Commission ("CPC"). That said, I have strong reservations about this proposal, and I request that you deny this rezoning for the reasons outlined below.

Bulk and Density

The overall density of this proposal is completely inappropriate for the neighborhood. The desire to create a blanket rezoning, from an R7-2 to a C1-7 (R8 equivalent) to add around 2 million gross square feet ("gsf") within the two superblocks- wedged in the heart of not just a residential area, but a historic district- is excessive and unnecessary. This would not only double the density on the blocks in question; it would do so, while cutting the open space ratio requirements in half. Additionally, it would open up the area for commercial and retail uses, including unwanted eating and drinking establishments, throughout the entire development, while currently these uses are only allowed in a small section of the area.

While I understand below-grade development is as-of-right, I find the reckless abandon in which the Applicant proposes to add almost 1 million gsf below-grade to be of concern. There are significant environmental impacts of building underground, not the least of which are the meandering underground streams and the impact of displaced water on the foundations of the surrounding historic buildings. Additionally, the construction of below-grade space still requires incredible above-ground disruption.

North Block

The "Boomerang" buildings wedged in between the existing Washington Square Village buildings would create a wall of tall buildings, effectively cutting off light and air to those blocks and the surrounding blocks. While the Applicant has agreed to shorten the height of the Mercer Street Boomerang building, reducing it by merely a few stories does not alleviate the above mentioned concerns.

Additionally, NYU has argued that the street wall waivers and shape of these buildings are necessary for access to the below-grade space, but this will only further create a feeling that these blocks are uninviting and for private use of the University. Having the buildings pushed up to the edge of the superblocks on the East and West will further discourage access to the open space which is to said to be publicly accessible, but will create the feel of a private campus.

South Block

The *tower-in-the-park* concept that the Silver Towers replicates, is effective because it places tall buildings, on large plots of land, far from a property line, and surrounds them with lots of open space. The proposal from the Applicant will destroy the *tower-in-the-park* concept, and instead takes the open space around the towers and places towers in what was open space. While the "Zipper" building- which would replace the Coles Gymnasium- is now slightly shorter in height in one area, it would still cast shadows and destroy light and air for buildings on Mercer Street. Additionally, this building will destroy the dog run and the LMNO(P) playground- both of which were created through funds privately raised by residents.

While the Applicant has agreed to make the Bleecker Street Building shorter than proposed in the Draft Environmental Impact Statement ("DEIS"), it will still have an impact on light and shadows on the surrounding area as well, including the long standing community gardens that will be adversely impacted.

Open Space

While the Applicant claims that there will be an increase in open space through the implementation of this proposal, I disagree with the measuring formula used in the City Environmental Quality Review ("CEQR"), and therefore argue reasonably that there will be a net decrease in open space. For example, the fallacy that a green space without a bench is not considered open space, but a paved lot with a bench is, is unacceptable. Technicality aside, I would like to echo community concerns that there is a significant difference between "green space" and "open space." The proposal as it stands now, will create many pedestrian plazas, and paved walkways, but will destroy much of the green, open space that is currently in the area. The proposed spaces were created without community input and do not reflect the needs, uses or desires of the community.

Additionally, all city-owned park strips, not just those on the North Block, should remain publicly owned and publicly accessible open space and deeded as park land to the City of New York.

Furthermore, the open space on the North Block, as proposed, in the center of four buildings all located at street walls, would feel "walled off" and uninviting. The Applicant has argued that one of the existing neighborhood gems, the Sasaki Garden, is uninviting

because it is not visible from the street and has limited access. It is preposterous that the applicant's proposal justifies destroying Sasaki Gardens because NYU deems it uninviting, only to offer a replacement that is actually uninviting and will, in addition, lack the greenery and tranquility of the Sasaki Gardens. Clearly, it's a lose-lose proposition for the neighborhood.

Public School

The donation of land for a public school is commendable, but the School Construction Authority (SCA) and the Department of Education (DOE) have not publicly committed to a need for a school on this site, and the current Capitol plans to do not account for a build out of a school on this site. I would also argue that this is the only benefit that the Applicant is claiming to give back to the community, and the lack of any financial contribution towards the development of the school makes this offer of questionable value. There ought to be a requirement that should the SCA or DOE determine that this is not an appropriate site for a school this square footage be turned over for another community benefit, such as a Senior Center, which should be determined through a public process.

Hotel

NYU argues that it needs space to grow its academic programs. It claims to need dorms to attract and house students, faculty housing to attract and house faculty and classroom space to keep up with a lack of growth in the past years. It is unclear how a hotel fits into these goals. A hotel is simply another means of profit for the University and would increase transients in the neighborhood, and the traffic and congestion that would come along with it.

Affordable Housing

As NYU continues to grow in a residential area, it puts pressure on the existing residences. Washington Square Village and Silver Towers were originally created with significant affordable housing units. It is imperative that no development project go forward that would further diminish an already strained affordable housing stock. Since 505 LaGuardia Place leases its land from NYU, and that lease is up for renewal in 2014, the long term Mitchell-Lama status of 505 LaGuardia Place seems to be at risk should this project go forward as planned. The Applicant's proposal represents an extreme demand on the community, it seems reasonable to ask that the Applicant work towards maintaining one major source of affordable housing in the area.

Commercial Overlay

The proposed commercial overlay for six blocks the east of Washington Square Park seems to serve no purpose but to increase the profit of NYU. While I appreciate that the Applicant has agreed to disallow establishments that receive more than 80% of their profit from the sale of alcohol to fill these spaces going forward, I find this does little to appease the concerns of the community. The quality of life for residents who are currently there will be greatly affected as more commercial stores alter the nature of these streets and leads

to increased pedestrian traffic. While the Applicant has agreed not to evict rent regulated tenants as a result of this overlay, it is likely that the pressures of more, large commercial stores will lead to increased pressure on rents, which will likely drive out rent regulated tenants. The Applicant should also be willing to make further commitments restricting the size of stores that will occupy any of these spaces.

Design

To my knowledge, the Applicant has never produced building designs for the Community Board, but rather talked generally about concepts and shapes and angles of buildings. I believe that the Community should have had the right to weigh in on the design aspect of the buildings. While I have never seen full mock ups of buildings, I have grave concerns over what would be proposed. For example, a recent fad of all-glass buildings has become trendy, yet would be wildly out of context with the historic neighborhood. Additionally, there are concerns that glass buildings are dangerous for birds. Given the scope of the project and the as-of-right nature the applicant would receive upon approval, it is especially disconcerting that the Community has had no opportunity to critique the design.

Conclusion

While the Applicant has made slight changes to their application from the time the DEIS was certified to the time of this hearing, these concessions are far from addressing the concerns voiced by the community and outlined by the Community Board in full in their resolution. During the Community Board review of this application, they held 23 public hearings, and heard testimony from close to 1,000 people. Until the concerns outlined above are fully addressed, I request you deny this application. Thank you for your time.

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Congressman Jerrold Nadler
Testimony for City Planning Commission Hearing
Re: NYU 2031 Core Proposal
April 25, 2012

Thank you for the opportunity to testify here today regarding NYU's Core ULURP application, which is part of the NYU 2031 expansion plan. I am here today to discuss my concerns with the proposal as it now stands.

NYU has stated that the proposal before you seeks to develop the space for NYU to continue to grow and remain a competitive institution. While I am sympathetic to NYU's need for more space, and support the university's many contributions to the economic, intellectual and cultural vitality of New York City, the scope of the proposal on the two superblocks in Greenwich Village raises significant issues for the surrounding neighborhood. Community Board 2 has thoughtfully outlined many serious concerns with NYU's proposal, which I share.

The Greenwich Village community has taken great measures to retain the unique, rich historical character for which the neighborhood is famous. Both the City Planning Commission and the Landmarks Preservation Commission have recognized the important architectural value of the many low rise buildings in the Village, and a significant portion of the neighborhood is protected through the Greenwich Village Historic District and the South Village Historic District. Greenwich Village is a special neighborhood not simply because of the number of independent and locally-owned stores and restaurants, the community investment in maintaining and beautifying public space, the historical architectural richness, and the close-knit community that exists, but also because of how carefully the residents and Community Board shape the growth of their neighborhood. NYU benefits greatly from this historical character. NYU's proposed expansion must be balanced with the needs of a vibrant community in one of New York City's most famous and historic neighborhoods.

I would like to thank Borough President Scott Stringer for the changes to the original proposal that he has secured in negotiations with NYU, which are an important first step toward addressing the concerns I have about NYU's application. I also want to thank NYU for its commitment to make these modifications to the application, memorialized in its April 11, 2012 letter to the Borough President. Decreasing the density of the proposal, mitigating the

construction impacts on open space and providing neighborhood amenities such as a public school are critical steps toward producing a final plan that does not overwhelm the Village.

However, there are still some significant changes to this plan that must be made to achieve a balanced proposal that meets NYU's needs without irrevocably altering the valued character of the neighborhood that NYU calls home and from which it greatly benefits. There are four major outstanding concerns that I urge the City Planning Commission to closely evaluate and make modifications based upon to the proposal: density, acquisition of Department of Transportation-owned parkland strips, accessibility of the central open space on the north superblock, and the hotel use in the Zipper building.

Density

I have heard from countless constituents that they are extremely concerned that the density of the proposed development is completely out of context with the neighborhood character and would cause irreparable damage to the community. I share their concerns. At 2.4 million square feet, NYU's original ULURP application would have more than doubled the existing density on the superblocks. The density reduction that NYU committed to in their April 11 letter to the Borough President is important, but I urge the City Planning Commission and the applicant to examine areas in the proposal in which further decreases in above-ground density can be attained. This would minimize the new buildings' impacts on light and air, congestion and available open space.

Department of Transportation parkland strips

I also continue to have outstanding concerns regarding the Department of Transportation-owned parkland strips on the superblocks. These parkland strips were created in connection with the ultimately unsuccessful 1960s plan to build the Lower Manhattan Expressway. Since then, the strips have been maintained as parkland by community organizations. These open spaces are critically important to residents, since Community Board 2 has one of the lowest ratios of public open space to residents in New York City. Since 2010, I have advocated along with CB2 and the other local elected officials that the Parks Department acquire these strips so that they can become permanent public open space.

I appreciate NYU's commitment, negotiated with the Borough President, to lower the density of the Mercer and LaGuardia buildings so that the below-ground space in these buildings is not located directly under the DOT strips on Mercer St and LaGuardia St between Bleecker and W. 3rd St, which will be transferred to the New York City Department of Parks and Recreation with an easement to NYU for the duration of the construction. These modifications will reduce the disruption to these strips during construction.

However, NYU still proposes to demap and acquire the DOT strip on Mercer St between W. 3rd and W. 4th St, and the DOT strip on Mercer St between Houston and Bleecker St. NYU should not acquire public land in order to facilitate its development. In order for this open space

to remain truly accessible to the community, it should stay public land. I urge the City Planning Commission to recommend that all of the DOT strips on the superblocks be demapped and transferred to the Department of Parks & Recreation as public open space in perpetuity.

Access to open space

I also share the community's concerns about the redesign or elimination of the other existing open space on the superblocks. There are currently playgrounds, gardens and a dog run maintained and used by area residents. The development of the Mercer and LaGuardia buildings on the north superblock includes a redesign of the central open space, and the size of these two buildings could have the effect of blocking off this central space from the streets, thereby limiting its feeling of accessibility to the public and creating a campus quad feeling. NYU should explore modifications to the design of these two buildings to maximize the public's visual and physical accessibility to this open space.

Hotel

NYU proposes to develop a hotel as part of the Zipper building. Since the superblocks and surrounding area are primarily residential and institutional, a hotel would alter the character of the neighborhood, attracting a transient population and commercial uses to serve this population. Additionally, since the hotel is not for academic purposes, it is not necessary to be located in NYU's existing core, and would be better suited outside the core. As such, I request that NYU eliminate the hotel use proposed in the Zipper building. This would also achieve a reduction in density on the site.

505 LaGuardia

Though not directly tied to NYU's ULURP application, an important ancillary issue that I would like to bring to the City Planning Commission's attention is the 2014 land lease reset for 505 LaGuardia, the Mitchell-Lama cooperative created when the land on the southern superblock was sold to NYU as part of the Urban Renewal plan for the area.

Unlike most Mitchell-Lama cooperatives, NYU owns the land on which 505 LaGuardia sits. Under the terms of the 99-year land lease agreement between NYU and 505 LaGuardia, the lease terms will be renegotiated in 2014. 505 LaGuardia has begun negotiations with NYU about the lease terms, and have asked that NYU transfer the land to the 505 LaGuardia cooperative. I support this solution. In an area with rapidly shrinking affordable housing options, it is critically important that 505 LaGuardia's affordability is permanently preserved.

Transferring the land from NYU to the 505 LaGuardia Mitchell-Lama cooperative would guarantee affordability on site, which was part of the original terms when NYU acquired the property. I urge NYU to continue negotiations with 505 LaGuardia, and to agree upon terms to transfer this land to the cooperative.

Conclusion

NYU's ULURP application seeks to meet the university's need for growth. I recognize the importance of continued growth for our City's institutions of higher learning but it is critical that growth be contextual to the historic and vibrant neighborhood in which it is proposed. I urge the City Planning Commission to adopt the modifications to NYU's proposal that I have outlined here today. Thank you to Community Board 2 for their many thoughtful recommendations and concerns, and to Borough President Stringer for his hard work on this issue. I want to also thank NYU for making many changes to its proposal that will greatly benefit the surrounding area, and encourage the NYU administration to work with the City Planning Commission and the City Council to address these outstanding concerns. Thank you again for the opportunity to testify here today.



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

April 11, 2012

Recommendation on
ULURP Application Nos. C 120077 MMM, C 120124 ZSM, C 120122 ZMM,
N 120123 ZRM – NYU Core
by New York University

PROPOSED ACTIONS

New York University (“NYU” or “the applicant”) seeks a rezoning, a text amendment, a city map amendment and a Large Scale General Development (“LSGD”) special permit to facilitate the development of four new buildings on two NYU-owned superblocks, and to allow commercial uses on the ground-floor in an area located within the neighborhood of Greenwich Village in Manhattan Community District 2. The proposed project includes the development of academic space, faculty and student housing, commercial space, and recreational facilities to accommodate the University’s long-term expansion goal in the neighborhood. The project site generally consists of three separate areas: the two University superblocks bounded by West 3rd Street to the north, Mercer Street to the east, West Houston Street to the south and LaGuardia Place to the west (“Proposed Development Area”); a group of residential and academic buildings bounded by East 8th Street to the north, Mercer Street to the east, West 4th Street to the south and Washington Square East to the west (“Commercial Overlay Area”); and an area where NYU’s existing cogeneration plant is located on Mercer Street between West 4th Street and West 3rd Street (“Mercer Plaza Area”).

Specifically, NYU seeks a **Zoning Map Amendment (C 20122 ZMM)** to rezone the Proposed Development Area from an R7-2/C1-5 district to a C1-7 zoning district; and to rezone the Commercial Overlay Area to add a C1-5 overlay to the existing R7-2 zoning district. The rezoning would facilitate the development of commercial uses, permit greater residential density in the Proposed Development Area, and allow ground floor commercial and retail uses in buildings located within the Commercial Overlay Area.

The applicant also seeks a **Zoning Text Amendment (N 120123 ZRM) to Zoning Resolution (“ZR”) Section 74-742** to waive ownership requirements for developments and enlargements within the proposed designated LSGD site; and **an amendment to ZR § 74-743 (N 120123 ZRM)** to treat mapped public parks as wide streets within the proposed LSGD to keep existing buildings in compliance. Approval of this zoning text amendment will apply to use and bulk regulations associated with the LSGD special permit.

Additionally, NYU seeks a **special permit (C 120124 ZSM) pursuant to ZR § 74-743 (Large Scale General Development) to allow the transfer of 19,214 Square Feet (“SF”) of zoning floor area between two zoning lots within the proposed LSGD in C1-7 zoning districts; to modify provisions set forth in ZR §§ 23-632, 33-432, and 35-23 (height and setback regulations); §§ 23-532 and 33-283 (rear yard equivalent regulations); § 33-26 (rear yard regulations); and § 23-711 (minimum distance between buildings regulations).** The City Planning Commission (“CPC”) may grant these waivers provided the proposed modifications satisfy the findings set forth in ZR § 74-743(b), including that:

- the modifications will result in a better site plan and a better relationship between the proposed development and its surrounding buildings and open space than would be possible, and thus will benefit the occupants of the project, the neighborhood, and the City as a whole;
- the modifications will not increase the bulk of buildings in any one block or obstruct access of light and air to the detriment of occupants of the buildings in the block or nearby blocks or to the people using the public streets;
- where a zoning lot of the LSGD does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided; and
- the streets providing access to the LSGD will be adequate in handling the proposed project’s resulting traffic.

The CPC may prescribe additional conditions and safeguards to improve the quality of the proposed project and minimize adverse effects on the surrounding area.

Additionally, the applicant submitted a related **City Map Amendment (C 120077 MMM)** application to eliminate portions of Mercer Street (between West Houston and Bleecker Streets, between Bleecker and West 3rd Streets, and between West 3rd and West 4th Streets), LaGuardia Place (between Bleecker and West 3rd Streets) as public streets and authorize their disposition to NYU. The Map Amendment will additionally designate portions of Mercer Street (between Bleecker and West 3rd Streets) and LaGuardia Place (between Bleecker and West 3rd Streets) as parks with certain easements to be disposed to NYU.

PROJECT DESCRIPTION

The proposed actions will facilitate the development of four new buildings on the two superblocks within the **Proposed Development Area**, mainly to accommodate NYU’s 2031 expansion plan. The Proposed Development Area is comprised of a northern (Block 533, Lots 1 and 10) and southern superblock (Block 524, Lots 1, 9 and 66), bounded by West 3rd Street, Mercer Street, West Houston Street and LaGuardia Place, and divided by Bleecker Street running in the east-west direction. Currently, the superblocks contain seven buildings with university and non-university housing, retail, classrooms, lecture halls, and recreational facilities.

The proposed program will add an approximate 2,275,506 GSF¹ to the superblocks' existing density of 2,117,316 GSF.² The proposal includes the demolition of three buildings and the construction of a temporary gymnasium to be demolished by the final development phase. NYU's proposed project will include new academic facilities (1,071,583 GSF), student and faculty housing (475,000 GSF), a student athletic center (146,000 GSF), retail uses (64,312 GSF), a hotel with conference space (165,000 GSF), and a potential public school (100,000 GSF). The project will also replace an existing 670-space public parking garage with a 389-space accessory parking garage (76,000 GSF) on the northern superblock.

NYU additionally proposes a commercial overlay in the area bounded by East 8th Street, Mercer Street, West 4th Street, and Washington Square East. The Commercial Overlay Area includes 26 loft-style buildings (Blocks 546, 547 and 548), of which six are residential and nearly half have legal non-conforming commercial uses on the ground floor. NYU owns 22 of the buildings, two of which contain non-academic related uses.

The **Mercer Plaza Area** is approximately 4,500 SF of public land located on Mercer Street between West 3rd and 4th Streets, between the Proposed Development Area and the Commercial Overlay Area. NYU's below-grade cogeneration plant is located here and was completed in the Fall of 2010. The approval of the proposed mapping action grants NYU ownership of the property to allow for the University's continual access to the facility. No future development is planned for the Mercer Plaza Area.

The surrounding area contains a mix of land uses including residential units, offices, ground-floor retail and commercial establishments as well as major institutions, among them NYU, Cooper Union, and the Judson Memorial Church.

Site History

NYU's core campus in Greenwich Village has significantly changed in the last 60 years. Originally, the site was comprised of standard city blocks with mid- to low-rise warehouse and residential buildings, but was transformed under federal urban renewal programs in 1954. The City Map was amended to establish the Washington Square Southeast Urban Renewal Area ("WSSURA"). As a result, nine city blocks bounded by LaGuardia Place, West Houston Street, Mercer Street and West 4th Street were combined into three superblocks, two of which comprise this application's Proposed Development Area.³

The original WSSURA plan, however, was not completely implemented and a series of amendments followed to permit the existing development. In addition to the approval of this ULURP application, NYU seeks the dissolution of existing deed restrictions on the WSSURA

¹ The four new buildings within the Proposed Development Area will have a total of 2,498,709 GSF.

² The approval of this application would permit new developments in the two superblocks that could raise the total density to 4,392,822 GSF.

³ The WSSURA designation in 1954 included a third superblock, or the "Education Block." This block is located directly north of the Proposed Development Area, bounded by West 4th Street, Mercer Street, West 3rd Street, and LaGuardia Place, and is not a part of this ULURP application.

site. Separate applications would need to be submitted and approved through the Department of Housing Preservation and Development (“HPD”) and the Mayor’s Office.

Existing Site Conditions

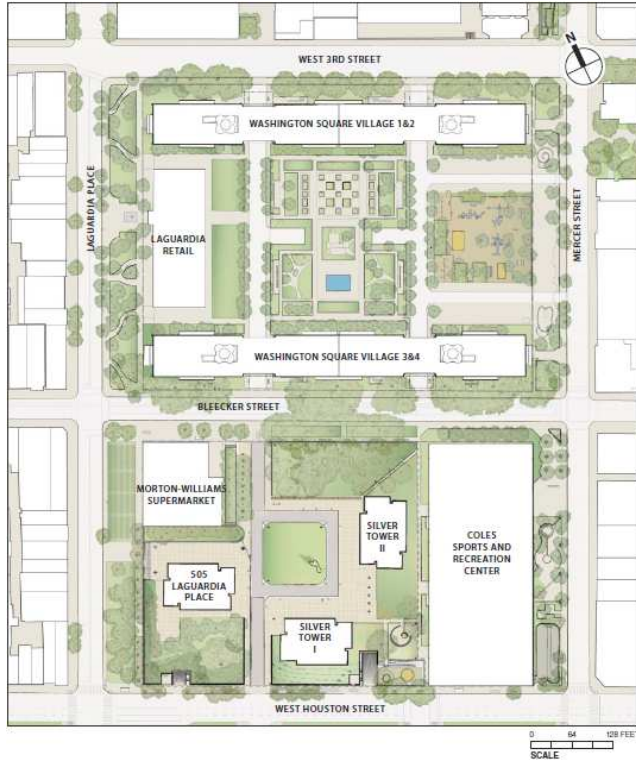


Figure 1: Existing Site Conditions of Proposed Development Area
 Source: Figure S-3 of NYU Core DEIS

Northern Superblock – The existing northern superblock contains two 17-story residential buildings and one retail strip. The two residential buildings contain approximately 1,290 apartment units with a total density of 1,236,672 GSF – known as Washington Square Village (WSV). Additionally, 12 businesses and institutional uses occupy the ground floors of the two buildings, five of which are non-NYU affiliated.

On the west side of the superblock is the LaGuardia retail strip, a one-story building. In the center of the superblock is a two-level, below-grade, 670-space parking garage. The garage roof is elevated and contains a landscaped garden (“Sasaki Garden”) on top. Additionally, there are two playgrounds on the east side of the block (“Mercer Street Playground” and “Key Park”). The amount of open space on the northern superblock, including playgrounds, gardens, and fenced landscaped areas, is approximately 164,406 SF (3.8 acres).

Southern Superblock – The southern superblock contains five buildings on three lots with approximately 228,916 SF. The site contains three 30-story towers (the university affiliated Silver Towers and 505 La Guardia Place) with 175 residential units. 505 LaGuardia Place was developed under the Mitchell-Lama program and remains a middle-income, affordable housing cooperative with a ground lease to NYU. Under the terms of the existing lease between NYU and 505 LaGuardia, the lease is subject to rest in 2014 and expires in 2063.

East of the Silver Towers along Mercer Street is the one-story Coles Gymnasium and Recreation Center (“Coles”) with approximate 136,296 GSF. The superblock also includes a one-story commercial building containing the Morton Williams Associated Supermarket on the northwest corner. In the block’s center is a non-recreational green lawn with the statue *Sylvette* by Pablo Picasso. The amount of open space on the southern superblock, including playgrounds, parks, gardens and non-accessible landscaped areas, is approximately 105,658 SF (or 2.4 acres).⁴

⁴ Open space including only parks, playgrounds and gardens, and not landscaped areas is approximately 40,240 SF (or 0.9 acres).

Commercial Overlay Area:

The 26 buildings within the Commercial Overlay Area are of varying low- (4 to 6 stories) to mid-rise heights (7 to 10 stories), many with similar architecture to buildings in the adjacent NoHo Historic District. Currently, there are 25 retail shops within the Commercial Overlay Area. Stores in the proposed overlay boundary include university-affiliated retail establishments and local retail.

Proposed Project



Figure 2: Proposed Site Plan for Proposed
Source: Figure S-7 of NYU Core DEIS

As proposed, the northern superblock will include two new academic buildings: an 8-story building fronting LaGuardia Place (“LaGuardia Boomerang”), and a 14-story building fronting Mercer Street (“Mercer Boomerang”). Additionally, four below-grade levels for academic uses are proposed to span the center of the block with approximately 770,000 GSF. NYU proposes to replace the existing garage with a 389-space accessory parking garage accessible from West 3rd Street. NYU additionally proposes a one-story temporary gymnasium to be built on the east side of the northern superblock, which will be constructed before the demolition of Coles.

The applicant also seeks two new buildings on the southern superblock. The first building would front Mercer Street (the “Zipper Building”) and the second building would front on the corner of Bleeker Street and LaGuardia Place (“Bleeker Building”). The Zipper Building is proposed as a mixed-

use building with varying street walls and heights, and four below-grade levels. The building will contain dormitories, faculty housing, academic space, retail, a grocery store and a hotel. The Bleeker Building would be 14 stories with four below grade levels, and may include a public school on the first seven floors, and an undergraduate dormitory on the building’s remaining levels.

Table 1: Proposed Buildings in Proposed Development Area

Proposed Buildings	Above-Grade Building Area (gsf)	Below-Grade Area (gsf)	Building Height (ft)	Stories	Res. Area* (gsf)	Com. Area (gsf)	NYU Area*** (gsf)	Comm. Fac. Area (gsf)
Northern Superblock								
LaGuardia Building	160,000	770,000	128	8	--	--	160,000	--
Mercer Building	250,000		218	14	--	--	250,000	--
Temporary Gym	20,700	--	38	1	--	--	20,700	--
Southern Superblock								
Bleecker Building	155,000	75,000	178	14	55,000	--	38,000	100,000
Zipper Building	790,000	260,000	168 to 275	10 to 26*	420,000	170,000	662,000	--

*includes student and faculty residences

**includes faculty offices, classrooms, athletic facilities, and other academic spaces

The total GSF for the overall proposal is 2,474,709 GSF of new development.

NYU additionally proposes relocating or replacing open spaces displaced by the development. The Sasaki Garden in the northern superblock would be demolished and replaced with an at-grade privately-owned and publicly-accessible open space with playgrounds, public lawns and seating areas for passive recreational activities. The proposed project construction would additionally displace a dog run park and several playgrounds, including the large Key Park and Mercer Street playgrounds.

The proposed project is organized into two construction phases; a first phase between 2013 and 2021 (“Phase 1”) and a second phase between 2022 and 2031 (“Phase 2”). The construction of the temporary gymnasium would initiate NYU’s 2031 development plan and Phase 1 of the project. The second building constructed in Phase 1 is the Zipper Building followed by the Bleecker Building. The temporary gym would then be demolished. The proposed new underground parking below WSV would begin in 2022 of Phase 2. The construction of the Mercer Boomerang would then be followed by the LaGuardia Boomerang which would conclude the project.

Proposed Actions

The proposed project requires the approval of a Zoning Map Amendment, zoning text changes, a set of special permits associated with the LSGD, an extension of time for the requested special permits, and a City Map Amendment. Further, the project also requires the elimination of the deed restriction associated with WSSURA.

Zoning Map Amendment

The applicant proposes to rezone the Proposed Development Area from R7-2 with a C1-5 overlay⁵ to a C1-7 zoning district (R-8 equivalent). Approval of this map amendment would maintain the maximum community facility floor area ratio (“FAR”) of 6.5, but would raise the allowable residential density from 3.44 to 6.02 FAR. The zoning change would also allow a 2.0 commercial FAR within the Proposed Development Area. Additionally, the C1-7 zoning designation requires less open space for residential uses than the existing R7-2 district.⁶

Additionally, the applicant seeks to map a C1-5 commercial overlay north of the superblocks, which would permit a maximum commercial FAR of 2.0. Approval of the overlay would bring existing ground-floor retail establishments (70,025 GSF) into compliance, as well as permit additional commercial uses in the project area. The approval of the overlay would allow an additional 386,591 GSF of commercial uses. The proposed C1-7 and C1-5 districts allow commercial uses including hotels and local retail.

Zoning Text Amendment

Two zoning text amendments are required to facilitate development in the proposed LSGD. NYU’s proposal includes properties currently owned by the City, which is not permitted under the current special permit regulations. The applicant proposes a zoning text amendment to allow the inclusion of city-owned properties in LGSD in the WSSURA.

Additionally, the proposed park strips on Mercer Street and LaGuardia Place would change the streets from wide to narrow streets as defined in the zoning resolution. The change would bring several buildings out of compliance. The applicant proposes a zoning text amendment to allow buildings with frontage along parks to be treated as buildings with frontage along wide streets, which will prevent non-compliance.

Large Scale General Development

NYU additionally proposes several waivers pursuant to the LSGD special permit.

Height and Setback: Buildings located in R8-equivalent districts have a maximum street wall height of 85 feet and an initial setback distance of 15 feet on a wide street. After 85 feet, buildings may not pierce the sky exposure plane.⁷

The proposed buildings encroach upon the required height and setback regulations. Additionally, the proposed buildings would change the regulations and standards by which the existing buildings are analyzed under zoning. As such, while the existing buildings are currently

⁵ The existing C1-5 commercial overlay in the Proposed Development Area governs the LaGuardia retail strip on the northern superblock and the Morton Williams Supermarket site on the southern superblock.

⁶ The open space required is based on the open space ratio, which is the number of square feet of open space on a zoning lot, expressed as a percentage of the floor area of that zoning lot.

⁷ The sky exposure plane begins at 85 feet above curb level and continues to rise at a ratio of 2.7 to 1 ratio along a narrow street and a 5.6 to 1 ratio on a wide street.

compliant, several of the proposed buildings would require waivers. The proposed new encroachments are at different depths and varying heights as listed in *Table 2*.

Table 2: Maximum Height and Setback Encroachments of Proposed Project

Proposed and existing buildings in Proposed Development Area	On LaGuardia Place (wide street)		On Bleecker Street (wide street)	
	Max encroachment depth (ft)	Max encroachment height (ft)	Max encroachment depth (ft)	Max encroachment height (ft)
LaGuardia Boomerang	12.61	73	--	--
1 WSV	4.62	59.5	--	--
3 WSV	5.14	78.94	--	--
Bleecker Building	21.88	123	21.88	123
	On Mercer Street (wide street)		On Bleecker Street or West Houston Street* (wide streets)	
	Max encroachment depth (ft)	Max encroachment height (ft)	Max encroachment depth (ft)	Max encroachment height (ft)
2 WSV	9.08	65.45	--	--
4 WSV	8.37	73.62	--	--
Mercer Boomerang	25.77	163	--	--
Silver Tower 1	--	--	2.29*	12.8*
Zipper Building (from north to south)	42.02	113.87	20.39	116.75
	55.99	152.17	--	--
	26.1	72.19	--	--
	77	214	31.28*	214*

Rear Yard Equivalent: ZR §§ 23-532 and 33-283 require through-lot buildings located within a C1-7⁸ district to have rear yard equivalents of two open areas with minimum depths of 30 feet on both ends of the through lot. The proposed dimensions of the Zipper Building would encroach on the required rear yard equivalent, and a waiver is required to achieve its intended design. Specifically, the waiver would permit the Zipper Building to encroach on a 72-foot long by 29.28-foot deep area along Bleecker Street, and a 75.16-foot long by 28.28-foot deep strip along West Houston Street, and both are located 100 feet west of Mercer Street.

Rear Yard: ZR § 33-26 requires buildings within a C1-7 district to have rear yards with a minimum depth of 20 feet. NYU seeks to waive the rear yard requirement in a 20 by 24 foot area in the southeast corner of the Bleecker Building.

Minimum Distance between Buildings: Pursuant to ZR § 23-711, buildings within R8 districts that have heights above 50 feet are required to be set apart at a minimum distance of 50 feet.⁹ A special permit to waive the 35-foot distance between Coles and Silver Towers II was granted in the 1979 LSRD. The proposed waiver would maintain Coles' compliance during the construction of the temporary gym.

⁸ Rear yard equivalents in residential districts provide greater open area than those in commercial districts. Since residential uses are found on the subject zoning lot (which includes the existing Coles Gym, and residential housing Silver Towers 1 and 2), the waiver is applied towards residential requirements.

⁹ The 50 feet minimum distance between buildings is measured between the window of Silver Towers II and the wall of Coles Gym.

Extension of Special Permit

Pursuant to ZR § 11-42, a LSGD special permit automatically lapses if substantial construction has not been completed within four years of when the special permit was first granted. To ensure flexibility in the phasing of construction, NYU requests an extension of the special permit's initial time period to ten years [ZR § 11-42(c)], which would be granted in conjunction with the CPC's approval of the LSGD special permit.

City Map Amendment

The applicant proposes a City Map amendment to eliminate four strips of land adjacent to the Proposed Development Area and Mercer Plaza Area. NYU would take ownership of two of those strips on Mercer Street to give the applicant better access to the cogeneration plant between West 4th and West 3rd Streets (approximately 4,389 SF) and to allow the current design of the Zipper Building between Bleecker and West Houston Streets (14,703 SF) to extend beyond the existing lot line. The remaining two strips, one on LaGuardia Place between West 3rd and Bleecker Streets (23,226 SF) and the other on Mercer Street between Bleecker and Mercer Streets (18,603 SF), will be mapped as parks with NYU taking ownership of the spaces below the parks.

Anticipated Impacts under the Reasonable Worst Case Scenario Development

According to the Draft Environmental Impact Study ("DEIS"), the proposed actions would lead to a number of significant adverse impacts under the Reasonable Worst Case Development Scenario ("RWCDS") in the following chapters:

- Shadows: The proposed development would introduce new shadows on the LaGuardia Corner Garden, mature trees in the immediate area, as well as new public open spaces.
- Historic and Cultural Resources: The WSV buildings and Sasaki Garden have been determined to be eligible for listing in the State and National Registers of Historic Places ("S/NR-eligible"). The project would permanently displace Sasaki Garden.
- Transportation: The DEIS identified a number of intersections in and around the project area that would experience adverse traffic impacts during both construction phases of the proposed project. Modifying the timing of traffic lights, widening streets, and re-stripping traffic lanes could mitigate the anticipated traffic conditions created by the project.

Two nearby transit stations would also be adversely impacted. The stairways at Broadway-Lafayette Street and the West 4th Street subway stations would experience an increase in users. Treatments to the subway stations and mitigation measures, such as widening the widths of affected stairways or providing additional access locations to the stations, have yet to be explored with the Metropolitan Transportation Authority and New York City Transit.

The DEIS also analyzed pedestrian conditions, and two intersections were identified to have adverse pedestrian impacts. The proposed project would impact pedestrian flows at University Place and Waverly Place, and Washington Square East and West 4th Street. This impact could be fully mitigated to improve pedestrian conditions by extending the sidewalk in two-inch “bulb-outs” at those intersections.

- Construction: A number of construction impacts would be experienced due to the proposed project including staging and temporary reductions in open space and noise.

COMMUNITY BOARD RECOMMENDATION

During its 60-day review period, Manhattan Community Board 2 (“CB2”) held 16 public meetings where various committees reviewed and discussed the proposed actions and identified potential impacts on the community at large. CB2 unanimously voted to **disapprove** the proposed actions. At its Full Board meeting on February 23, 2012, CB2 passed a unanimous vote of 40 in favor of the disapproval.

Additionally, CB2 passed a 23-page resolution with a list of concerns that its members expressed about the proposed project while also incorporating issues they heard from the public. CB2’s major concerns are summarized in the following points:

- The project should adhere to the planning principles that resulted from the NYU Taskforce.¹⁰
- The project’s proposed height and density is inappropriate for the Village, as the new buildings would negatively impact, through long-casting shadows, the vitality of surrounding parks and community gardens, and destroy existing children’s playgrounds;
- Existing public park strips should be mapped as NYC parks and not be used by NYU for development, nor as construction staging areas and easements as those activities would uproot mature trees;
- Commercial uses such as hotels and eating and drinking establishments are not appropriate on an existing residential block, and those uses should be eliminated;
- R7-2 district should be maintained on the Commercial Overlay Area as the proposed C1-5 commercial overlay would impact the existing small mom-and-pop shop character of those blocks;
- The proposed construction phasing of the entire project would create continuous disruption to both superblocks;
- The proposed temporary gymnasium should be eliminated from the project or located elsewhere in the neighborhood to lessen impacts and delay construction on the northern superblock until 2022;
- NYU needs to show a stronger commitment to providing the community with a stand-alone public school that would not be tied to approval of this ULURP application.

¹⁰ In 2006, the Manhattan Borough President, along with other elected officials and community leaders created the Community Task Force on NYU Development. The Task Force met over a four year period and suggested a set of planning guidelines to help inform the University’s campus plan so community concerns are taken into account.

- The University should preserve and support existing affordable housing in the area and transfer its land lease at 505 LaGuardia to the residents of the building to help maintain affordable units in perpetuity;
- The existing deed restriction that governs the existing form of the superblocks should not be eliminated;

Other concerns raised in CB2's resolution spoke to the enclosed configuration of the proposed buildings on the northern block. It suggested this configuration would lead to an open space that would never truly feel public, as it would be shielded by high-rise buildings on all four sides. CB2 also raised concerns about the loss of public parking spaces on the superblocks, as that would lead to more traffic congestion in the neighborhood.

Further, CB2 rejected the proposed actions because the project would result in a number of construction impacts where mitigations have not been identified. CB2 recognized environmental impacts in areas including noise, air quality, water tables, traffic and transit that would impair the neighborhood's quality of life and leave lasting negative effects on residents' health.

BOROUGH PRESIDENT'S COMMENTS

Since 1831, New York University has established itself as a preeminent learning and research center in New York City. As one of the oldest and most recognizable educational institutions in the city, the University's success contributes to the city's own economic growth and prosperity. Equally, the city's physical and cultural attractions undoubtedly enhance the University's ability to attract talented students, faculty and staff from around the world. In particular, NYU's main location in Greenwich Village — one of the most historic, culturally significant, and attractive neighborhoods in Manhattan — enhances the school's overall appeal. NYU has made a case to expand its core Greenwich Village campus to accommodate its programmatic needs and to provide the amount of space per student that is comparable to its peer universities. While space constraint is a legitimate concern for NYU, it is also essential to recognize that an out-of-scale development could potentially disrupt the character of its surrounding neighborhood which has become an enormous asset to the University. As such, it is important to strive for balance in order to ensure the continued success of NYU and the surrounding neighborhood.

The Expansion Plan

Educational institutions such as NYU play an instrumental role in nurturing the city's intellectual capital that is vital to maintaining a competitive advantage over other cities. The ability to attract innovative thinkers in science and technology, as well as convene leaders in the creative and performance arts, is critical to New York City's health. Retaining individuals who advance knowledge and culture not only cements our status as a leading world city, but also creates a more livable city. The strong social and cultural values attached to university development are, therefore, widely recognized.

The current size of NYU's facilities is not adequate for its expanded academic programs. While NYU has been expanding into existing buildings throughout the Greenwich Village neighborhood, the conventional space configuration and floor plates of those buildings prevent

the development of modern performance spaces, new artist studios, and state-of-the-art science laboratories that other leading universities in the country offer. NYU has only half the space available per student than other major universities.¹¹ In a global economy where skilled workers have options of where to locate, it is critical for New York's top research institutions and universities keep pace to ensure the city does not lose intellectual and creative talent.

While NYU is known for its academic distinction in the arts and sciences, the institution is also a major economic engine in New York City. With over 17,500 employees, NYU is one of the city's largest employers. In addition, its current student enrollment (over 52,000 students) generates economic activities that benefit local businesses and the city as a whole. The proposed expanded NYU campus in Greenwich Village could potentially add 9,500 permanent jobs and create as many as 18,200 construction jobs over the next 20 years. Furthermore, the increase in construction activities and employment has the potential to expand the city's tax base, which would ultimately buttress funds for city-wide public programs and services.

An NYU expansion would also benefit the city as it is differentiated from the traditional "FIRE" (Financial, Insurance, and Real Estate) economy. The recent financial crisis demonstrated the importance of a diverse economy. While job growth and FIRE industries growth have stalled in recent years, expansion plans for university developments have continued. The city should continue to invest in other industries to further diversify its economy, with a focus on the "ICE" (Intellectual, Cultural, and Educational) sectors where many of the high-technology jobs of the future will be generated.

The positive impacts of this project reach beyond economic benefits. Universities and research institutions provide an intellectual space where great minds meet and find solutions to today's most pressing health, science and social problems, while also cultivating the next generation of problem solvers. From a borough-wide and city-wide perspective, the benefits of NYU's expansion plan are clear and compelling.

Expansion Impacts and Issues

While mindful of the positive impacts this project will have on Manhattan and the city, the proposed campus expansion should not overwhelm the local neighborhood, nor should it compromise the quality of life of the neighborhood's residents. It is, therefore, important to find ways to shape the existing plan to better serve both the University's and the community's needs.

First, the Draft Environmental Impact Statement ("DEIS") for the proposed actions identified several significant impacts that must be addressed:

- Shadow impacts on LaGuardia Community Garden's and neighboring and new open spaces;

¹¹ Comparison was made to the composite of Brown University, Carnegie Mellon University, Cornell University, Georgetown University, Massachusetts Institute of Technology, Northeastern University, Northwestern University, Princeton University, Rutgers University, Southern Methodist University, Syracuse University, Temple University, Johns Hopkins University, Tufts University, University of Illinois-Chicago, University of Minnesota-Twin Cities, and University of Pennsylvania.

- Historic and cultural resource impacts due to construction on the Washington Square Village (“WSV”) site;
- Traffic impacts resulting from proposed development and construction activities will require mitigation;
- Transit impacts, specifically the stairways at Broadway-Lafayette Street and the West 4th Street Subway Stations, which will require mitigation;
- Pedestrian impacts on two particular intersections at University and Waverly Place, and Washington Square East and West 4th Street, will also require mitigation; and
- Construction impacts on existing open space and community gardens, as well as noise impacts on the project site’s surrounding buildings, which will not be fully mitigated.

Second, Manhattan Community Board 2 and other community members have identified additional impacts and issues, such as:

- Site planning issues, including:
 - Walling-in of proposed open space in the northern superblock with LaGuardia and Mercer Boomerangs that will likely discourage public use of the space;
 - Construction of temporary structures on existing well-used public amenities; and
 - Proposed building envelopes that are too tall and wide creating shadow impacts on existing and proposed open space areas and surrounding residences; and
- Public policy issues, including:
 - Rezoning predominantly residential areas with a commercial district and overlay that will introduce uses that are not compatible in residential neighborhoods;
 - Expanding existing building footprints on a former urban renewal site that will impinge on light and air access, and diminish the *tower-in-the-park* concept and its architectural intentions;
 - The taking of public land for private development;
 - The need to protect rent-controlled and rent-stabilized tenants; and
 - Continuous construction for more than 20 years in a dense area.

Meeting Community Concerns

The Manhattan Borough President’s Office recognized the need for community input to achieve a balanced expansion plan early on and convened a Community Taskforce on NYU Development in 2007. The Taskforce brought together NYU, elected officials and community stakeholders with the goal of creating a long-term campus plan and discussing responsible ways the University could expand. Over the period of four years and fifty meetings, the Taskforce agreed on a set of planning principles and recommendations to help inform NYU’s expansion plans. The recommendations put forth by the Taskforce laid the foundation for shaping the current proposal.

NYU has made changes to the expansion plan since it was initially introduced. The University withdrew plans to include a forty-story tower within the landmarked Silver Towers landscaped area and agreed to include a public school in its current proposal. While these changes are important improvements, the proposed actions still present impacts and concerns.

The Manhattan Borough President's Office, therefore, proposes a number of recommendations to reconcile NYU's expansion plan with community concerns and impacts identified in the DEIS, and to address site planning and public policy concerns and issues.

Lowering Overall Density

The proposed project site is unique in that it consists of two 'superblocks' created through the demapping of Wooster and Greene Streets and the widening of West Broadway (LaGuardia Place today), Mercer, Bleecker and West Third Streets. These mapping actions facilitated the creation of the existing *tower-in-the-park* building forms that define the superblocks today. The exchange of greater height and density for the provision of surrounding open space was a key component to the initial urban renewal plan. The buildings were set back from their lot lines to promote ample light and air for the residents who moved into University Village and WSV. In turn, the design scheme enables those who live in buildings across from the towers to also benefit from less shadow impacts.

While the proposed rezoning does not increase the maximum permitted density, the residential open space requirement of the existing R7-2 zoning district limits development to only 175,000 SF on the Morton Williams site. The proposed rezoning actions would therefore add approximately 2,139,500 new GSF to the existing superblocks.¹² Of this development potential, NYU proposes to add 2,039,000 GSF for NYU-related programs and 100,000 GSF for a public school. This proposed development would nearly double the density on the existing superblocks. A reduction of density is appropriate as development potential of this magnitude has several impacts on traffic, shadows and mass transit.

The Mercer Boomerang and Zipper Building are the two largest buildings proposed in the project and place significant density on one side of the superblock. Both of these buildings front Mercer Street, and residents across from the development site would therefore bear the brunt of the shadow impacts and reduced access to light and air. Additionally, it is questionable whether the location and design of the Mercer Boomerang would result in a better site plan as its location blocks the new at-grade open space in the center of the northern superblock. Furthermore, the Mercer Boomerang is the only building proposed that is taller than the surrounding buildings on the site and as a result, is out of context.

In sum, NYU should reduce its overall density with a concentration on reducing the density of the Mercer Boomerang given that its alteration will achieve multiple site improvements.

Street/Park Strips

To facilitate the current expansion project, NYU proposes to demap and acquire four public streets (the "strips"). Specifically, NYU proposes to map parkland on the strips bordering the northern superblock and acquire space below for academic development. NYU additionally

¹² While the proposed development is over 2.4 million square feet, only 2 million square feet is considered new as the site currently contains three existing buildings, which would be demolished (Morton Williams Supermarket, Coles and the retail strip) and existing potential development of 175,000 GSF on the superblock.

seeks acquisition of thirty feet of the public street to accommodate the Zipper Building and the public street known as “Mercer Plaza,” which is north of the northern superblock. The Mercer Plaza strip currently contains NYU’s cogeneration plant. These strips assumed a public purpose in the community as neighborhood playgrounds, passive open space, dog runs and gardens.

NYU has requested the strip on the east side of the southern superblock to accommodate part of the Zipper Building. Acquisition of the Zipper strip is necessary because there are development constraints from the landmarked Silver Towers. The strip acquisition will allow the Zipper Building to have the required minimum distance from the Silver Towers and will allow the creation of a north-south walkway behind the Zipper Building. Additionally, development on the strip will allow density to be shifted away from the landmarked Silver Towers and open space. Acquisition of the strip will also result in the displacement of the actively used Mercer-Houston Street Dog Run. NYU has proposed to relocate the dog run in a space behind the Zipper Building along Houston Street. NYU should work with the dog run association to ensure that the new location maintains the same square footage and, at a minimum, the same amenities as the current location.

Further, NYU proposes to acquire the Mercer Plaza strip, which currently contains NYU’s cogeneration plant with an at-grade passive recreational space. The strip will allow NYU to own the land upon which its power plant is constructed and thereby ensure continued access. However, residents have expressed concern that NYU may seek development on the Mercer Plaza strip which currently functions as passive open space. Such a development would decrease light and air and is contrary to the original agreement that allowed NYU to build their cogeneration power plant on the site.

While NYU has made site planning arguments for the acquisition of two of the strips, it has failed to make similar arguments for the strips on the northern superblock on Mercer Street and LaGuardia Place, both between West 3rd and Bleecker Streets. The proposed LaGuardia and Mercer Boomerangs do not encroach on their respective strips at grade. The strips instead only serve the purpose of allowing NYU to create additional below-grade space. In addition, NYU’s acquisition of the strips and consequent ownership of their below-grade spaces will jeopardize a number of mature trees. Development below the strips will require NYU to demolish the existing open space and community amenities – including Mercer Playground, Adrienne’s Garden and additional open space maintained by the Friends of LaGuardia Place. Additionally, the proposed depth at less than 8 feet is not adequate to restore the trees without mounds or planters. Furthermore, the western-most strip on LaGuardia Place is currently the subject of capital improvements as part of the construction of Adrienne’s Garden. The destruction of this garden would not only represent a loss of a community-planned open space, but also a waste of capital resources. Additionally, some unique features on these strips, such as the LaGuardia Statue are not owned by NYU or the City and are, instead, owned by the Friends of LaGuardia Place.

Most importantly, the acquisition would widen the boundaries of the northern superblock without a clear purpose. Current urban planning principles value shorter blocks that encourage greater street interaction between pedestrians and the built environment. These principles of site planning have led to a nationwide trend to break up, and not assemble or enlarge, superblocks.

Extending a superblock's borders would be contrary to those values, and would instead advance an urban form that has proven unsuccessful in creating vibrant street life. While exceptions may be appropriate to balance other goals, no such benefit has been articulated on the northern superblock.

As no site planning or public benefit exists for acquiring the space below the northern superblocks, NYU should withdraw its proposal to acquire those spaces and instead map the entire volume as parkland. In addition, while it is appropriate for NYU to own the land its power plant is built upon, NYU should commit to retaining the Mercer Plaza as publicly accessible open space.

Temporary Gym

NYU's current plan includes a one-story, 20,700 SF temporary gym which would replace Coles prior to the completion of the proposed Zipper Building. The gym is necessary to serve a small percentage of the student body that competes in certain college UAA sports. The temporary gym would begin construction on the northern superblock more than ten years in advance of when the first building, the Mercer Boomerang, would otherwise be scheduled for construction. This construction will cause immediate disruption to the lives of the residents of WSV and the residents living on Mercer Street. The proposed location of the temporary gym would also require the immediate displacement of two existing playgrounds, Mercer Playground and the Key Park, which are well used by children in the neighborhood. These playground facilities would not be fully replaced until the project is completed.

It is, therefore, inappropriate for NYU to include in its project a temporary structure that would add an unnecessary impact to the surrounding neighborhood. The approval of the current location would essentially destroy widely-used public benefit, namely the Mercer Street and Key Park Playgrounds, for the benefit of a small group of athletes in a private institution. NYU should work with the community to find an off-site location for a temporary gym.

The Placement of the Boomerangs

The NYU plan to place the two Boomerangs on the edge of the superblocks will obstruct access to the existing and proposed open space in the center of the block. A major criticism of the existing elevated open space and Sasaki Garden is that it feels private and uninviting to the public because it is hidden from view and accessed only through narrow stair passageways. While the intention of the proposed at-grade design is to make the new open space area more accessible to the public, erecting the Mercer and LaGuardia Boomerangs would defeat that goal by creating a "walled-in" effect around the open space.

NYU has made the case that the Boomerangs are necessary for access to the underground academic space. However, reducing the density of the proposed buildings on the northern superblock would allow a site redesign on the northern superblock, which can result in improved access to the proposed open space. Of the two buildings, the Mercer Boomerang is most in need of a reduction as it will not only open up the center open space, but will also alleviate a number of pressing environmental impacts and community concerns.

The Mercer Boomerang fronts the narrower of the two streets and it would have greater shadow impacts on the buildings directly across the street than the proposed LaGuardia Boomerang.¹³ In addition, the proposed Mercer Boomerang is the only structure that does not have an existing building on its footprint. The Mercer Building is proposed to be built on existing playgrounds, while other proposed buildings are being constructed on the former site of Coles, the existing supermarket and the existing retail strip. After the temporary gym is constructed and demolished, the Mercer Boomerang would be the next building constructed on the northern superblock. As a result, residents on Mercer Street would experience the construction of up to three consecutive buildings compounded by the immediate loss of widely used community amenities – the two playgrounds.

As such, NYU should reduce the overall density of the Mercer and LaGuardia Boomerangs to provide the flexibility necessary to redesign the Boomerangs. In addition, the Mercer Boomerang should be limited to a maximum height of 162 feet to ensure it is in context with the height of the existing WSV buildings. Finally, the Mercer Boomerang should be the last building constructed in order to minimize the disruption to neighboring residents and to preserve the playgrounds for as long as possible.

Creating Quality Open Space

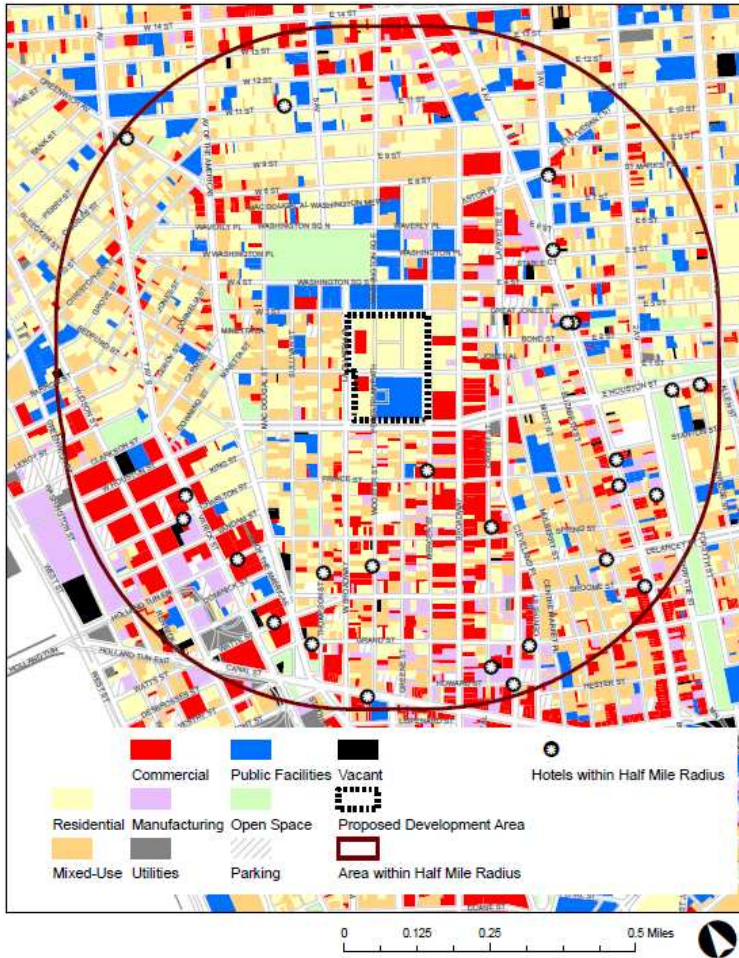
Manhattan's Community District 2 has a dearth of open space and one of the lowest open space ratios in the City. This project presents an immense opportunity to create urban green space that benefits residents, workers, and visitors in the area. While the design attempts to address the inaccessibility created as a result of the elevated feature of the current WSV gardens, it still exhibits other challenges. The current design walls off the open space and, as noted above, the Boomerangs require redesign. In addition, the development as proposed would result in the loss or relocation of several public amenities, including playgrounds.

In addition to redesigning the Boomerangs to improve accessibility, NYU must ensure the community does not lose the public amenities through the construction process. NYU must guarantee that the community will have access to the same amount of square feet of public amenities through the construction process and work with the community on designing new playgrounds and parks.

Hotel Development

The superblocks and the immediate surrounding blocks are primarily residential. NYU, however, proposes an 115,000 SF hotel in the Zipper Building. Hotel uses generally generate higher amounts of traffic and introduce a more transient population. While hotels can produce good jobs and are necessary for the overall health of the city, they can also encourage the growth of commercial and retail uses that are more suitable to transient populations rather than a residential population.

¹³ The distance between the Mercer Building and the buildings across would be 100 feet versus the 120 feet between the LaGuardia Building and the buildings across from it.



While currently there are approximately 26 hotels within a half mile radius of the Proposed Development Area (*Figure 3*), they are primarily located south of Houston Street, north of 8th Street and east of Broadway. The area immediately surrounding NYU is predominately residential and institutional. A hotel in the project area may result in a change in its general character.

While NYU has contended that a hotel is needed for their general purposes, the hotel does not need to be located on its core, which should focus on academic related growth. Additionally, many areas surrounding the core have experienced an influx of hotel growth that could serve NYU's needs.¹⁴

NYU should reconsider whether a hotel use is necessary at this site for its overall development plan.

Figure 3: Hotels within Half Mile of Development
Source: NYC Department of City Planning PLUTO and LION data; Reference USA data

Zipper Building Massing

The proposed Zipper Building reintroduces a streetwall-style building along Mercer Street and replaces the outdated defensive architecture of Coles. The proposal is in line with modern urban planning principles. However, the massing includes several large towers which are closer to the street line than would otherwise be permitted by the underlying or proposed zoning. The building requires several waivers of the sky exposure plane due to the tower's placement and the demapping of the Zipper strip. The result of these waivers allows the Zipper Building to be closer to the buildings on Mercer Street than would otherwise be permitted. Residential properties near the Zipper Building are concentrated along Bleecker Street and would experience the greatest burden in terms of access to light and air.

¹⁴ According to *New York City & Company*, the number of hotel development in New York City has increased from 86,230 to 89,655 rooms between 2010 and 2011

The proposed Zipper Building's massing should be reexamined to limit the impacts on residential buildings near Bleecker Street. Specifically, across from the residential buildings, NYU should set back the Zipper Building by at least 15 feet. A 15-foot setback would provide the neighboring buildings with 76 feet of light and air before the Zipper Building's street wall. This would result in the minimum of 75 feet of light and air, which is the amount necessary to be classified as a "wide street" by the zoning resolution. Further, the proposed setback will have the additional benefit of allowing for a wider pedestrian crosswalk on Bleecker and Mercer Streets to accommodate the students traveling south from NYU's campus buildings.

Commitment to Public School

NYU has long promised the addition of a public school in Greenwich Village which has yet to be realized. This proposal allocates approximately 100,000 SF in the Bleecker Building to the NYC School Construction Authority ("SCA") to develop as a public school. If, by 2025, the SCA does not develop a school, then NYU would utilize that space for its own academic uses.

School overcrowding is a recurring and widespread issue in this community. Although the proposed project does not meet the threshold in the DEIS to study its impact on school facilities in the area, the project would still expand the residential population through its faculty housing, including school-aged children that would contribute to already crowded classrooms. The community has reached out to the SCA for a number of years on this issue, but schools in this district remain at or near over capacity. As an educational institution, it is appropriate for NYU to support the City's educational needs.

Unfortunately, under the proposed plan, NYU may take back the 100,000 SF of public school space if the City does not choose to exercise its rights. As such, the ultimate use of the space is still in question. In order for the school space to be realized, NYU must work with the City to secure documentation of interest to better guarantee that the public benefit will be realized for the community.

Bleecker Street Building

The proposed 14-story Bleecker Building on the existing Morton Williams Supermarket site poses challenges. The 14 stories, as indicated in the DEIS, would introduce significant impact on current plant species at LaGuardia Corner Garden. The garden has a long history of over 30 years in Greenwich Village, and it is a symbol of positive civic engagement that should be preserved and celebrated. Efforts made by countless volunteers and nearby residents directly improved public safety and the local streetscape and, as a result, raised the profile of the neighborhood. Although the size of the garden is a fraction of the proposed development site, maintaining its vitality in perpetuity should be a priority.

Additionally, the proposed Bleecker Building locates a student dormitory directly on top of a potential public school. The proposed dormitory raises the cost of construction and may inhibit the ability of the City to finance a public school on the site. Furthermore, the dormitory use is incompatible with the proposed school use based on the layout of the building. The current building design places dorm rooms with windows that would face directly onto a roof-top play

area for the public school. Many parents in the community have raised concerns that the activities of college students are not complementary to those of young school-aged children, and the location of both in the same building may conflict. This potential conflict should be avoided.

To lessen the impacts of the proposed Bleecker Building, NYU should eliminate the seven stories of dormitory on top of the public school. If eliminated, a larger play space for the public school can be constructed on the roof of the building. Additionally, the elimination of the dormitory would lessen impacts on the LaGuardia community gardens.

505 LaGuardia Building and Preservation of Affordable Housing

As part of the LSRD special permit approved in 1964, 505 LaGuardia was developed as a middle-income cooperative under the Mitchell Lama housing program. The program was created in the mid-1950s to provide affordable rental and cooperative housing to moderate- and middle-income families. In hindsight, this program was successful in preserving some of the few remaining affordable housing units in Greenwich Village, a neighborhood known for its high and continually rising real estate values.

Unfortunately, the proposed rezoning may affect the building's affordability. 505 LaGuardia has a ground lease with NYU. The lease terms are subject to reset in 2014 based on the value of the land which the building occupies. The rezoning and redevelopment would increase the value of the land and, therefore, put the Mitchell-Lama building at risk.

Maintaining the building's affordability in perpetuity is not only critical to its residents, but also essential to maintaining a diverse neighborhood. NYU should work with the residents of 505 LaGuardia and relevant City agencies to reach an agreement to preserve the building's affordability for existing and future families.

Construction Mitigation Plan

The construction of any significant development project affects the quality of life of surrounding residents and visitors. The DEIS identified construction as a potential adverse impact category. The potential impact is particularly acute given that the construction will occur around historic structures. Appropriate mitigation is critical to ensure minimal adverse impacts on the community and existing historic buildings.

To provide reasonable assurances of safe construction, NYU should commit to implementing all construction mitigation measures identified in the DEIS. More specifically, the applicant should prepare a construction mitigation plan that includes measures for dust control, air quality and noise reduction. Moreover, NYU should agree to construction protocols that limit hours of construction and provide funding for an independent monitor to report on progress and compliance. Additionally, the applicant should continually inform neighborhood residents on the building process through NYU's construction website, and provide a liaison to the community as a direct point of contact who will resolve any construction-related questions, inquiries and complaints. Finally, as this area has several construction projects, the applicant

should agree to participate in construction coordination meetings with the residents of the surrounding buildings.

Limit Size of Commercial Uses in the Overlay Area

Finally, NYU proposes new commercial uses in the Commercial Overlay Area. Commercial uses can benefit the larger community as they enliven streets and provide uses that serve both residents and the student population. However, the residents of Greenwich Village are generally well served by a mix of retail uses. Therefore, there is a risk that the type of retail that would be attracted in the overlay area will not serve local residents, but a larger destination-oriented community. Specifically, the plan could result in a significant increase in bars and destination retail, which could not only significantly increase traffic, but also create new residential-commercial conflicts where they do not currently exist. Additionally, any new commercial overlay zone will introduce commercial uses that may result in the displacement of existing ground floor uses. Often the displacement of an individual use will not present a conflict, such as the loss of academic space for retail. However, a conflict could arise if rent protected residential units are displaced.

Therefore, to prevent such conflicts, NYU should commit to at least restricting retail in the overlay area to prevent bars and destination retail, which could draw additional traffic and create residential-commercial conflicts. Additionally, as NYU fully develops its commercial retail plan for the Commercial Overlay Area, it should commit to not displacing rent regulated units on its property for commercial uses.

Conclusion

In a memo dated April 11, 2012, NYU has committed to meet many of the concerns outlined above. While more work can be done, these changes significantly improve the project and bring it closer in line with community priorities and sound planning. Specifically, the applicant committed to:

1. Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:
 - (a) **Reduce the below-grade Washington Square Village density by approximately 185,000 square feet** as follows:
 - (i) **Mercer Strip.** NYU will eliminate approximately 80,000 square feet of City-owned space below the DOT mapped street (the “Mercer Strip”) along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.
 - (ii) **LaGuardia Strip.** NYU will eliminate approximately 105,000 square feet of City-owned space below the DOT mapped street (the “LaGuardia Strip”) along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.

- (b) **Eliminate 85,000 gross square feet from the Mercer and LaGuardia Boomerang buildings.** The University agrees to lower the height of the Mercer Boomerang, not to exceed 162 feet. NYU has agreed to work with the City Planning Commission and the City Council to review the design of the Mercer Boomerang and LaGuardia Boomerang.
 - (c) **Eliminate the approximately 55,000 square feet of dormitory space on top of the public school.**
 - (d) In addition, the University commits **to remove one level of the basement below the school to equal approximately 10,000 square feet.**
 - (e) **Eliminate the Proposed 20,700 SF Temporary Gym on the Superblocks.**
 - (f) **Eliminate approximately 15,000 square feet from the northeast section of the Zipper Building along the Mercer Street frontage.** NYU has agreed to redesign the Mercer Street frontage of the Zipper building in order to increase the sidewalk width for an additional 15 linear feet. The resulting “notch” will increase light and air to the residential buildings along the east side of Mercer Street opposite that section of the Zipper Building.
2. **Provide 100,000 gross square feet for a public school.** NYU has agreed to donate space on the corner of Bleecker Street and LaGuardia Place for the City to construct a 100,000 square foot K-8 public school. NYU has drafted and will continue to refine and then make public a Letter of Intent between the University and the City, which memorializes the agreement including the changes recommended to modify the building by the Borough President.
 3. **Delay the construction of the Mercer Boomerang.** NYU has agreed to re-phase the construction sequencing of the northern block to build the Mercer Boomerang after the LaGuardia Boomerang. Together with the elimination of the construction of below-grade space under the Mercer Strip described in item 1(a), the impacts of noise and traffic disruption along Mercer Street should be reduced.
 4. **Preserve the Key Park until construction commences on the Mercer Boomerang.** NYU has agreed to preserve the Key Park on the site until it is necessary for commencement of construction on the Mercer Boomerang.
 5. **Maintain equal or more playground space throughout the development period.** Throughout the development period NYU has agreed that it will provide the same amount of playground area within the two superblock area. NYU has further agreed to work with the local community and the District Council Member to assure that the design and the functionality of the interim and permanent playgrounds meet the standard of this commitment.

6. **Support Adrienne’s Garden.** The University has agreed to support community efforts to keep the name “Adrienne’s Garden” associated with the future garden/playground locations along LaGuardia Place.
7. **Preserve the Mercer Plaza above the Cogeneration Plant as a Public Open Space.** NYU has agreed not to build on the Mercer Plaza above the cogeneration plant in order to preserve it as public open space subject to repair, maintenance and replacement needs of the facility.
8. **Mitigate Construction Impacts.** The University has agreed to a series of construction mitigation including air quality, dust, and noise mitigation. NYU additionally will provide mitigation for affected apartments with single-pane windows mostly in Washington Square Village and Silver Towers. Additionally, NYU has committed to limit construction times to 8:00 a.m. to 4:30 p.m. and limit weekend activity. Further, NYU has agreed to fund an independent monitor to ensure compliance with these mitigations.
9. **Commercial Overlay Area.** NYU agrees to not include “eating and drinking establishments” where 80% of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the predominately residential neighborhood. Further, NYU will continue to work to find appropriate controls on destination retail in the Commercial Overlay Area.

These improvements will significantly improve the site design of the proposed NYU Campus, reduce environmental impacts, address community concerns, and reflect sound public policy decisions. The proposed changes, in particular, will provide the necessary flexibility to redesign the northern superblock, improve the public school and protect public amenities such as playgrounds.

While these changes are significant and warrant favorable consideration of the proposed application, there remain outstanding issues that should be addressed. The community has specifically expressed continuing concern about the design of the Boomerang Buildings, the central open space, the hotel use, and the potential impacts of the Commercial Overlay Area.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 120077 MMM, C 120124 ZSM, C 120122 ZMM, N 120123 ZRM based on the applicant’s commitment to:

1. **Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:**
 - (a) **Withdraw the application to develop 185,000 square feet below the public parks proposed on WSV;**
 - (b) **Eliminate 85,000 gross square feet from the Mercer and LaGuardia Boomerang buildings and limit the height of the Mercer Boomerang to no more than 162 feet;**

- (c) **Eliminate the approximately 55,000 square feet of dormitory space on top of the public school;**
 - (d) **Remove one level of the basement below the school to equal approximately 10,000 square feet;**
 - (e) **Eliminate the 20,700 SF Temporary Gym from the proposal;**
 - (f) **Eliminate approximately 15,000 square feet from the northeast section of the Zipper Building along the Mercer Street frontage to create an additional 15 feet of separation between the Zipper Building and the residential buildings along the east side of Mercer Street;**
2. **Provide 100,000 gross square feet for a public school. NYU has drafted a letter Memorandum of Understanding between the city and the university and will make public when finalized;**
 3. **Delay the construction of the Mercer Boomerang until after the LaGuardia Boomerang to reduce construction impacts for residents along Mercer Street;**
 4. **Preserve the Key Park playground until construction commences on the Mercer Boomerang;**
 5. **Maintain equal or more playground space throughout the development period;**
 6. **Support efforts to keep the name “Adrienne’s Garden” associated with the future garden/playground locations along LaGuardia Place;**
 7. **Preserve the Mercer Plaza above the Cogeneration Plant as a public open space;**
 8. **Mitigate construction impacts including impacts on air quality, dust, and noise, and provide mitigation for apartments with single-pane windows within the project-affected area mostly in Washington Square Village and Silver Towers;**
 9. **Limit construction start times from 8:00 a.m. to 4:30 p.m., limit weekend activity, and to hire a independent monitor to ensure compliance with these mitigation;**
 10. **Not include “eating and drinking establishments” where 80% of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the Commercial Overlay Area.**

The Manhattan Borough President further recommends that the applicant continue to explore improving the NYU 2031 plan by:

1. **Exploring the necessity of the hotel use;**
2. **Redesigning the Boomerang Buildings to increase access into the central open space;**
3. **Redesigning of the central open space; and**
4. **Continuing to reduce the potential impacts of the Commercial Overlay Area.**



Scott M. Stringer
Manhattan Borough President