

C 070575 ZMM

FOR THE RECORD

Council Member Tony Avella
Chair of the Sub-Committee on Land Use and Franchise
250 Broadway
17th Floor - Rm. 1731
New York, New York 10007

By email: Council Member Tony Avella
avella@council.nyc.ny.us

Rebecca Sheehan, Legislative Counsel to Tony Avella
m19Sheeh@council.nyc.ny.us

By telecopier: 212-442-1563

**Re: "HUDSON SQUARE NORTH" REZONING C 070575 ZMM - JUNE 17, 2008
PUBLIC HEARING**

Dear Chair Avella:

I am a member of the Board of Directors of Barrow Street Owners, Inc, the residential cooperative located at 111 Barrow Street, which was included in the area that the developer originally proposed for rezoning, and a member of the Greenwich Community Task Force. I am writing to urge you and your Committee to vote against the Amendment to the Zoning Map, Section 12a, filed by 627 Greenwich LLC and KMG Greenwich LLC June 28, 2007, and approved with modifications by the City Planning Commission on June 4, 2008.

This Amendment, as modified by the City Planning Commission, would change the current M1-5 zoning for 7 tax lots in Block 602 and a portion of an eighth, by adding an R7x overlay (which permits residential use as-of-right). The Applicant owns 4 of the lots and has bought air rights from another; one other lot contains LaFrieda Meat Market, and the remainder contain a limited number of residential units pursuant to BSA variances that were granted many years ago. Therefore, since the Applicant and one other property owner are the only real beneficiaries of the "rezoning", as modified and approved by City Planning, City Planning's actions amount to the unauthorized granting of variances (without the need to show the required hardship), rather than comprehensive land planning. In addition, the entire process has lacked transparency and accountability, and has not reflected the type of good governance that the City Council champions.

From the beginning, this purported rezoning has given the appearance of a private deal between the Applicant and City Planning, and has required the community to police the process, at significant personal and financial expense. First, there were a number of problems with the timely delivery of ULURP documents and notices to CB 2; this could have resulted from the fact that the City Planning Department's Active Land Use computer listing has the property subject to the Application filed as being located in CBI, rather than CB 2. Even more importantly, however, is the fact that the Applicant applied to the DOB, and the DOB approved, a retroactive subdivision of the zoning lot containing 627 Greenwich Street and the adjacent public parking lot (Tax lots 58 and 85). This reconsideration would have permitted the developer to grossly over-build the parking lot property. The community only found out about the reconsideration because the developer's application showed a proposed building approximately twice the size that we expected based on the FAR that we knew to remain unused. The developer's attorney would not explain where the extra FAR came from, insisting that it was a DOB issue. When we noticed a number of subdivisions were being filed in the City Record for this property, we hired an expert to go to the DOB and review the entire file. After finding a copy of the reconsideration in the file, the community appealed the decision to DOB, and informed our elected officials, the City Planning Department, Amanda Burden and others of the situation. But for our actions, City Planning would never have discovered the issue. The irony of this is that, even though Amanda Burden seemed quite concerned with this FAR issue, when the deal was made for the reduced "spot zoning," the developer was rewarded for simply surrendering what he should never have been given by the DOB in the first place.

In the original Application to City Planning, the developer merely repackaged City Planning's 2003 proposed rezoning of a 5 block area that was labeled "Hudson Square North" so that it could convert the former manufacturing building at 627 Greenwich Street to residential, and build a residential building on what is now a parking lot at the corner of Leroy and Greenwich Streets. The developer's attorney frankly told CB 2 that he decided to go for a rezoning because he thought it would be easier than securing a BSA variance, and was really only concerned with the developer's properties.

Applicant's reliance on the 2003 City Planning proposal has always been specious; now it is totally irrelevant to the reduced rezoning. First, it is important to remember that City Planning's 2003 proposal for the northern portion of this area was just one part of the larger Hudson Square rezoning study and proposal that purported to take a comprehensive look at three adjacent manufacturing areas between Canal Street and Barrow Street. City Planning's proposal included a rezoning of the southern portion of Hudson Square from M2-4 to C62A, and reflected an intent not to change the zoning in the middle portion. Although the City Council approved the rezoning of the southern portion, it rejected the rezoning of the northern portion. Council Member Quinn and the Zoning Subcommittee clearly were concerned that permitting residential use as of right in the northern portion would put undesirable residential development pressure on the businesses located in the middle area, which City Planning did not rezone. This concern is even more acute now. It is common knowledge that certain property owners in the middle area are hoping to be able to develop at least some of their properties as

residential, presumably through a change in zoning. Approving as of right residential development in the northern portion will only add to the pressure on the businesses in the area before the necessary more comprehensive land use planning can be done.

It is important to note that the City Planning Commission Report clearly indicates that City Planning no longer believes that its 2003 findings on the northern portion are applicable, i.e., it states that it was appropriate to reduce the area to be rezoned to exclude a number of Class B and C office buildings because "the Commission believes that, given changes since 2003 affecting the supply of Class B and C office buildings in Manhattan, further study is necessary to determine whether as-of-right conversion of these buildings." The Report also states that the rezoning will permit the as-of-right residential conversion of 627 Greenwich Street, a "vacant building," but does not point out the irony of the fact that one of the primary results of this rezoning is to reward an owner who has done just what City Planning purports to want to avoid, i.e., warehouse office space and push commercial tenants out so that he can convert the building as-of-right to residential (and presumably get a better short term return). Therefore, the Applicant has been rewarded twice, once for giving up FAR it was never entitled to, and again for warehousing office space.

The entire M1-5 zone in "Hudson Square North" currently creates a "buffer zone" between the low rise mostly residential Village to the east and the north, and the more intense industrial uses in the middle portion to the south (which contains UPS and the St. John's building). If the middle portion is intensely developed, as appears likely, the position of the northern portion as an M1-5 buffer zone will be even more important.

To approve this developer driven rezoning now, and place new residential uses directly in the middle of the buffer zone to enrich the Applicant, would be shortsighted and will cause long-term harm to the surrounding community. In fact, this rezoning is likely to harm some of the Class B and C office buildings that were taken out of the reduced rezoning area by City Planning. These buildings are likely to find that the increased residential presence will clash with their operations, yet they have not been rezoned and cannot convert to residential as-of-right. In addition, the La Frieda Meat Market property is directly across the street from the Federal Express facility truck ramp. It is not hard to foresee the potential major incompatibilities of residential use at the La Frieda site with the intensive commercial use of the Federal Express property.

This developer driven rezoning is unneeded and unwanted by the overwhelming majority of the surrounding community. A single developer for his own economic gain is driving it, and yet it could have a profound negative impact upon a much wider area. It will allow and encourage larger scale development in close proximity to the Greenwich Village Historic District, and will tax public services and put additional burdens on an already inadequate infrastructure. It will also destroy the delicate balance of uses that has been achieved in the area, and could force out many existing businesses and jobs, not only in the 5-block area immediately surrounding the reduced rezoning area, but also in the adjacent area to the south.

For all of the foregoing reasons, I therefore urge you to reject the proposed "Hudson Square North" rezoning. If you have any questions, or wish to discuss these matters further, please call (917-749-8188) or email kfaccini@gmail.com.

Respectfully Submitted,

Kathleen M. Faccini

June 17, 2008

C 070575 ZMM

FOR THE RECORD

622 Greenwich Street
New York, NY 10014
June 10, 2008

Honorable Christine C. Quinn
Speaker of the City Council
City Hall
New York, NY 10007
Via e-mail to quinn@council.nyc.ny.us

Re: "Hudson Square North" Rezoning C070575 ZMM

Dear Speaker Quinn:

On behalf of the Board of Directors of the Greenwich Mews Tenants' Corp and the residents of 622 Greenwich Street, we oppose, strongly, the proposed "Hudson Square North" rezoning and urge the City Council to reject this application at its meeting on June 17, 2008. The CPC approved this 'variance' as a result of a deal with the developer, over strong and consistent community objections. We demand that the City Council reject this land grab.

As we have indicated previously, this rezoning is unnecessary and unwanted and could have a profound negative impact on our community. It would encourage larger scale development in close proximity to the Greenwich Village Historic District, and it would tax the local services and infrastructure of our mixed-use community. It would also adversely affect the landscape of our community, blocking light and air and causing increased congestion. Most importantly it would erode the current mixed-use nature of the community with its growing film industry and impose a sterile residential character on the neighborhood: would Epoch Films have leased 15,000 square feet in the same block on Hudson Street if they realized the threat to the film companies in this neighborhood?

During the course of its review, the City Planning Commission and the developer modified the proposed rezoning to restrict his application to a limited area, which generally covers only properties that the developer has recently purchased, specifically a portion of our block and a portion of the adjacent block to the east. This revision, after the strongly negative public response at the hearing on the rezoning and without any additional public discussion, has effectively reduced this proposal from rezoning to the grant of a variance, tailored to a single developer, without following the necessary procedures for such a variance. This ad hoc approach to 'zoning' ignores the need for a comprehensive discussion and plan for the entire area.

This skirting of policy and procedure highlights the continued failures of notice during this process: we, the residents of 622 Greenwich Street, have never received ANY formal notice, either of the original hearing on the rezoning or of the revision to the proposal. This smacks of a back-room deal, made in utter secrecy.

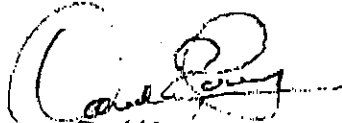
Although the developer has accepted the restricted FAR resulting from earlier construction in the

block east of Greenwich Street, the entire effort first to flout the FAR and then to 'cherry-pick' the lots for development and to dance around the requirements for a zoning variance should be reason enough for the Council to reject this developer-designed 'zoning' proposal.

Sincerely,



Mark Sexton


David Levy

(1)

C 070575 Z May

FOR THE RECORD

June 16, 2008

By email: To Rebecca Sheehan, Legislative Counsel, to Tony Avella
m19Sheeh@council.nyc.ny.us

TESTIMONY SUBMITTED BY EMAIL TO TONY AVELLA, CHAIR OF THE SUB-COMMITTEE ON LAND USE AND FRANCHISE IN THE MATTER OF A PUBLIC HEARING, TO BE HELD ON JUNE 17, 2008, BY ELLEN PETERSON-LEWIS OF 622 GREENWICH STREET, NY, NY 10014 (BLOCK 602, LOT 30)

MY TESTIMONY IS IN REGARD TO THE APPLICATION FOR AN AMENDMENT TO THE ZONING MAP, 12a, THAT WAS FILED BY 627 GREENWICH LLC AND KMG GREENWICH LLC ON JUNE 28, 2007, AND THE SUBSEQUENT MODIFICATION BY THE CITY PLANNING COMMISSION ON JUNE 4, 2008.

Dear Chairman Avella:

I am requesting that the Council's Sub-Committee on Land Use and Franchise, turn down the City Planning Commissions Modification of June 4, 2008 to the zoning map for the following reasons:

1. The applicant, on June 28, 2007, submitted flawed information to the City Planning Department concerning the available FAR left after DOB Alteration Application 686/1983. According to DOB records, the existing zoning lot comprises 23,868 square feet of lot area. The maximum allowable floor area for the zoning lot pursuant to ZR&43-12 is 119,340 square feet. The existing building area (627 Greenwich Street) as enlarged pursuant to Alteration Application 686/1983, comprises 108,889 square feet of existing floor area of the zoning lot.

Summary of No 1.

The parking lot, Lot 85 and 627 Greenwich Street, Lot 58 are considered one zoning lot of 23,868 square feet, with a FAR of 5 which leaves you 119,340 square feet of building area.

The enlargement in 1983 compromised 108,889 square feet. Subtracting 108,889 square feet from 119,340 square feet one gets 10,451 square feet of buildable area on Lot 85. (Parking lot).

Divide 10,451 by an FAR of 5, you get 2,090.2 square feet left on Lot 85 with a FAR of 5.

2. The current approved Alteration Plans, "Job No 104510441, 627 Greenwich Street (block 602, Lot 58), Bin 1080188, approved on 9/6/07. Work permit issued on 11/8/2007. Renewed on 04/01/08 for Alteration Type 1, Demolition of exterior walls in area indicated & construct new. Transfer of existing floor area deducted from floors, 9,10,11 &12 to new 13th floor. No increase in floor area, also re-configure stair core. Total floor area 104,982"

Summary of No 2.

(2)

The total floor area of 627 Greenwich Street (Block 602, Lot 58) is 108,889 square feet, not 104,982 Square Feet.

Where did 3,907 square feet go to? Have they been transferred to Block 602, Lot 85, the Parking Lot?

No 3.

Restrictive Declaration, Schedule D, concerning dimension of lot 64 submitted to the City Planning Department by the applicant's attorney is seriously flawed.

Summary of No 3.

Sandborn Maps show the dimensions of Lot 64 to be 120 feet by 25 feet. Not 100 feet by 25 feet

The dimensions are 3,000 square feet with a FAR of 5. The total would be 15,000 square feet of permitted building area. The front part of the lot is 100 by 25 with a three story building. The back of the lot is 20 by 25 with a one story building. The air rights from Lot 64 would be 7,000 square feet. That would leave one with 8,000 square feet that have been used up on Lot 64.

No 4.

Calculation of FAR submitted by applicant's attorney is seriously flawed. The applicant's attorney submitted flawed calculation to the City Planning Department concerning total of permitted building area. His calculations are 43,872 square feet of permitted building area when it should be 41,726 square feet of permitted building area. There is a discrepancy of 2,146 square feet.

Summary of No 4

As stated in Summary No 1, Lot 85 and Lot 58 are considered to be one zoning lot of 23,868 square feet with a FAR of 5. There are 108,889 square feet of existing floor area of the zoning lot.

As stated in Summary No 3. Lot 64 has a FAR of 15,000 square feet with 8,000 square feet of existing floor area.

Calculations: Lot sizes with a FAR of 5:

623 Greenwich Street	855 square feet
111 Leroy Street	4,000 square feet
115 Leroy Street	23,868 square feet
Lot 64	3,000 square feet

Total is 31,723 square feet times 5 would give you 158,615 square feet

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(3)

Add existing floor area of 115 Leroy street and Lot 64 one gets 108 889 square feet. + 8000 square feet = 116,889 square feet of combined existing floor area.

Subtract 116,889 from 158,615 square feet and one gets 41,726 square feet that would be the total permitted building area.

The applicant's attorney's calculations are 43,872 square feet of permitted building area.

There is a discrepancy of 2, 146 square feet of building area to the applicants' favor

No 5. City Planning Modification to include only Lot's 28,55,56,58,64,83,85, and a portion of lot 30.

Summary of No 5

There is an error which states that a portion of Lot 30 be included. It should read that a portion of lot 64 be included. All of lot 30 is included.

The City Planning Commission has given relief to two developers at the expense of the community. In fact this is spot zoning. It is giving a variance to the developers and another owner of a building site, without the applicants going before the BSA.

I am again requesting that the Sub- Committee on Land Use and Franchise's turn down the City Planning Commissions Modification of June 4, 2008 to amend the zoning map, 12a. filed by 627 Greenwich LLC and KMG Greenwich LLC on June 28, 2007 for the above reasons listed in the Summaries, 1 through 5

Thank You

Ellen Peterson-Lewis
Ellen Peterson-Lewis

622 Greenwich Street 3D

NY, NY 10014



**RIKER
DANZIG
SCHERER
HYLAND
PERRETTI, LLP**

ATTORNEYS AT LAW

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Partner

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Reply to: New York

June 13, 2008

BY HAND

Mr. Peter Janosik
Project Manager
New York City Council, Land Use Division
250 Broadway, 16th Floor
New York, New York 10003

Re: 84 White St. Rezoning
C060032 ZMM

Dear Mr. Janosik:

Enclosed please find the City Planning Commissioner report for application number C060032 ZMM, Manhattan Borough President's recommendation and Manhattan Community Board 1 recommendation.

Also enclosed please find a full description of the proposed project as well as a copy of the proposed amended map and a response to questions and concerns raised by adjoining property owners at the City Planning hearing dated May 7, 2008.

The proposed action is an amendment to Zoning Map section 12a to extend an established C6-2A district to cover an area currently zoned M1-5. The area proposed for rezoning consists of Block 195, which is bounded by Broadway to the west, Lafayette Street to the east, White Street to the south, and Walker Street to the north. Cortlandt Alley bisects Block 195, running in a north-south direction between White Street and Walker Street. The proposal is intended to permit the development of an open parking lot, and additionally would bring conforming status to the residential units in the area.

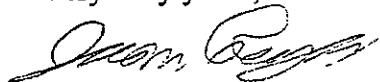
The proposed C6-2A district would be more consistent with existing land uses within Block 195 than the current M1-5. It would grant conforming status to existing residential and community facility uses within the area proposed for rezoning, and would better reflect the mixed commercial and residential character of the area. The proposed C6-2A would permit development of vacant and underutilized parcels in a manner that would be consistent in use and sale to existing development.

Mr. Peter Janosik
June 13, 2008

Page 2

Please call me at (212) 302-8260 if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Juan D. Reyes".

Juan D. Reyes

JDR/js
Encl.

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

SCOTT M. STRINGER
BOROUGH PRESIDENT

April 30, 2008

**Recommendation on
ULURP Application No. C 060032 ZMM – 84 White Street
by 84 White Street LLC**

PROPOSED ACTION

84 White Street LLC seeks, pursuant to ZR §§197-c and 201, to amend the New York City Zoning Map for a two-block area bounded by Walker Street, Lafayette Street, White Street and Broadway, in Community District 1. The applicant proposes to change an existing M1-5 zoning district to a C6-2A zoning district in order to facilitate the construction of a new primarily residential building. The proposed action area is adjacent to Area B1 of the Special Tribeca Mixed Use District, and the majority of parcels lie within the Tribeca East Historic District.

PROJECT DESCRIPTION

84 White Street LLC seeks to amend New York City Zoning Map to change the zoning district for a two-block area from an M1-5 district to a C6-2A district. The proposed action area is bounded by Walker Street, Lafayette Street, White Street and Broadway. Under the proposed amendment, the applicant would be able to construct a new 9-story primarily residential building with ground-floor retail space on a lot that is currently a public parking lot. There could be approximately 30,000 SF of residential space and 6,000 SF of retail space.

The existing M1-5 district currently allows a maximum FAR of 5.0 for manufacturing and commercial uses and a maximum FAR of 6.5 for certain community facilities. The district currently allows light manufacturing, most commercial uses, and some community facilities as-of-right. However, residential uses are not allowed as-of-right. Commercial and legal non-conforming residential uses characterize much of the proposed action area. In addition, there are a few industrial uses such as a garment assembly operation and a storage facility for a tool manufacturing business.

The area surrounding the proposed action area consists of primarily commercial zoning districts. Three high density commercial districts exist to the south (C6-4A), west (C6-2A), and east (C6-4) of the proposed action area; these districts permit more intensive commercial uses. There are also M1-5 and M1-5B manufacturing districts to the north, some of which are within the Special Tribeca Mixed Use District.

The proposed action would create a C6-2A district, which allows a maximum FAR of 6.0 for commercial uses, 6.02 for residential uses, and 6.5 for community facility uses. This contextual zoning district requires a 60- to 85-foot street wall height and a maximum building height of 120 feet. Commercial, residential, and community facility uses would be allowed as-of-right. New manufacturing uses would not be allowed, but existing manufacturing uses would be permitted to remain. The use and bulk regulations of this new zoning district would bring many of the existing legal non-conforming residential uses into conformance, and bring existing building densities into compliance¹.

The Environmental Assessment Statement indicates that the rezoning action will create one other “projected” development site (in addition to the applicant’s property), and three other “potential” development sites. Lot 12, a public parking lot, is a projected development site where approximately 2,300 SF of ground-floor commercial and 6,700 SF of residential space could be built. Three sites— a 2-story commercial building (Lot 15, 89 Walker Street), an owner-occupied community facility (Lot 21, 96 White Street), and a vacant two-story commercial building (Lot 24, 90 White Street) – are considered “potential” development sites. Since Lot 15 is subject to regulations for a narrow building under ZR § 23-692, limited development is anticipated to occur. The EAS expects that Lot 21 will not be redeveloped, because the community facility occupying the building also owns the building. Lot 24 is anticipated to result in approximately 4,300 SF of retail space and 21,000 SF of residential space (approximately 21 dwelling units).

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on March 25, 2008, Manhattan Community Board 1 recommended conditional approval of the application by a vote of 35 in favor and 5 opposed. Its recommendation was based on the premises that the applicant has already agreed to: 1) reduce the proposed building height by placing mechanical equipment in the basement; 2) limit the building’s lot coverage to no more than 70%; and 3) comply with the Department of Building’s TPPN #10/88 during “site preparation and construction to minimize adverse affects (*sic*) on all buildings in the adjacent historic district.” The Community Board approval was conditioned on the maximum FAR for the proposed C6-2A zoning district being 5.5 “to limit possible adverse affects (*sic*) on light and air of surrounding community residents.”

CONSTITUENT COMMENTS

Several residents of properties adjacent to the proposed building at 84 White Street have expressed concerns regarding the scale of the building proposed by the applicant. In particular, they expressed concern regarding the possible adverse effect of the building’s height on the light and air of surrounding buildings and its scale in context with the Tribeca East Historic District that abuts the applicant’s parcel. Although they do support a zoning change to C6-2A, these constituents have suggested that the applicant reduce the height of its proposed building to 105-110 feet and limit the FAR of the C6-2A district to a maximum FAR of 5.5.

BOROUGH PRESIDENT’S COMMENTS

¹ According to the applicant’s Conformance and Compliance Analysis (Sheet A1.2a), approximately 59 percent of the existing buildings within the rezoning area comply with a 5.0 FAR. The FAR compliance rate would increase to approximately 88 percent at the allowable FAR for the proposed C6-2A zoning district.

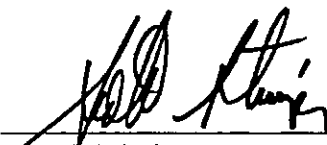
The high number of non-conforming land uses in the proposed action area indicates that a zoning change is appropriate for this area. Furthermore, the proposed commercial district would be fitting for the existing mix of commercial and residential buildings. An extension of the neighboring low-density C6-2A zoning district also seems appropriate for the area.

Since the applicant's proposed development is adjacent to the Tribeca East Historic District, the scale and character of the proposed development should be taken into consideration. While it is not possible to "fine-tune" the permitted FARs and height limits in this area through a zoning map change, the proposed development is in the preliminary design stage, which presents an opportunity for the applicant to develop the building in a manner that is sensitive to the context of the adjacent buildings. Contextual design would, for instance, consider matching the proposed building's setback to the cornice line of the adjacent building at 80 White Street. The applicant should continue to work with the Community Board and neighboring residents on contextual design elements that would respect the built character and maximize light and air to neighboring buildings. Moreover, the applicant has agreed that it would provide a rear yard that is at least 15 feet in width even if there is ground-floor commercial space, in order to maximize light and air to buildings that share rear lot lines with the proposed building.

Careful consideration should also be given to potential construction impacts on historic resources in sensitive areas. The applicant's project has received a negative declaration of environmental impacts for its proposed actions; however, it should be noted that this area does have a high water table and that there has been a history of building collapse, leaning and destabilization due to dewatering and vibration from driving associated with construction within the adjacent historic districts. The applicant should comply with the Department of Buildings' Technical Policy and Procedure Notice #10/88 (Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction). The applicant and the Community Board should both be commended for having worked to achieve this commitment. The applicant should also work with the adjacent property owners to create its construction plan and continue to work with them during the construction process to ensure that any potential construction impacts are addressed.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 060032 ZMM; provided that the applicant agrees to construct a building that: is sensitive to the surrounding Historic District; has, to the greatest extent possible, its mechanicals in the basement; provides a rear yard that is a minimum 15 feet from the rear lot line; complies with the Department of Buildings' Technical Policy and Procedure Notice #10/88; and works with neighboring building owners and residents to create a responsible construction plan and to address any potential negative construction impacts in the surrounding area.



Scott M. Stringer
Manhattan Borough President

CITY PLANNING COMMISSION

June 4, 2008 / Calendar No. 10

C 060032 ZMM

IN THE MATTER OF an application submitted by 84 White Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a, changing from an M1-5 District to a C6-2A District property bounded by Walker Street, Lafayette Street, White Street and Broadway, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 28, 2008 and subject to the conditions of CEQR declaration E-208.

The application for a zoning map amendment was filed by 84 White Street LLC on July 20, 2005, to rezone the block bounded by Walker Street, Lafayette Street, White Street and Broadway, from M1-5 to C6-2A, in Community District 1, Borough of Manhattan.

BACKGROUND

The area proposed for rezoning consists of Block 195, which is bounded by Walker Street to the north, White Street to the south, Broadway to the west and Lafayette Street to the east. Cortlandt Alley runs north-south directly through the subject block.

The subject block is characterized by five- to ten-story buildings, with a mix of uses. Most sites are developed with either retail or office on the lower floors, and residential, office, or studio uses on the upper floors. There are a few buildings that are occupied exclusively by commercial uses and one building with exclusively community facility use. Ground-floor commercial uses include retail, banking, office space and art galleries; upper-floor commercial uses include office or studio space. The western half of the block is located within the Tribeca East Historic District, which does not include the applicant's property. The applicant's property is currently used as an open parking lot on White Street.

The area surrounding the subject block includes portions of northern and eastern Tribeca as well as the western edge of Chinatown, and like those neighborhoods it features a range of uses. It is generally commercial and residential and typified by mixed-use buildings with a range of local retail uses at the ground floor. Community facilities, including several courthouse facilities and other government buildings, are located to the east and southeast. Some manufacturing uses are located in the upper floors of mixed-use buildings to the north. Recent residential conversions, along with some new residential construction, can be found to the south and southwest.

Area B2 of the Tribeca Mixed-use District (TMU) lies immediately to the north and west of the subject block, which is outside the boundaries of the TMU. There has been significant residential growth in the immediate vicinity.

The built character of the subject block and surrounding area is defined in part by late 19th and early 20th-century loft buildings ranging in height from six to twelve stories (approximately 80' to 140'). These buildings generally have high lot coverage, no setback and are built to the street line.

The applicant proposes to rezone the subject block to better reflect the current mixed-use character of the neighborhood by allowing new residential development. The proposed rezoning would change the current M1-5 (5.0 FAR) to C6-2A (6.0 FAR).

M1-5 districts permit a wide range of light manufacturing and commercial uses, to a maximum of 5.0 FAR. M1-5 districts are not contextual districts and do not have height limits. The proposed C6-2A district is a medium-density, contextual commercial zone (and R8A residential equivalent) that allows for a range of commercial, residential, retail and community facility uses. The maximum FAR in a C6-2A is 6 for commercial uses, 6.02 for residential uses and 6.5 for

community facility uses. The proposed C6-2A district would be an extension of an existing C6-2A district across Broadway from the subject block. The proposed C6-2A has a maximum building height of 120 feet, and new buildings would have to provide a street wall at the street line of between 60 and 85 feet.

ENVIRONMENTAL REVIEW

This application (C 060032 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP012M. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 060032 ZMM), a negative declaration was issued on January 28, 2008, which included (E) designations for air quality, noise and hazardous materials.

To avoid any potential significant adverse air quality impacts, the proposed action would place an (E) designation for air quality on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26, 27

The text for the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.

To avoid any potential significant adverse noise impacts, the proposed action would place an (E) designation for noise on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26, 27

The text for the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid any potential significant adverse hazardous materials impacts, the proposed action would place an (E) designation for hazardous materials on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 24, 26, 30

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

UNIFORM LAND USE REVIEW

This application for rezoning (C 060032 ZMM) was certified as complete by the Department of City Planning on January 28, 2008 and duly referred to Community Board 1 and the Borough

President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 060032 ZMM) on March 25, 2008, and on that date, by a vote of 35 in favor, 5 opposed, and 0 abstaining, adopted a resolution recommending approval subject to the following condition:

that the FAR of the new development is reduced to 5.5 to limit possible adverse affects [sic] on light and air of surrounding community residents.

Borough President Recommendation

The application (C 060032 ZMM) was considered by the Borough President, who on April 30, 2008, issued a recommendation for approval of the application subject to the following condition:

that the applicant agrees to construct a building that: is sensitive to the surrounding Historic District; has, to the greatest extent possible, its mechanicals in the basement; provides a rear yard that is a minimum 15 feet from the rear lot line; complies with the Department of Buildings' Technical Policy and Procedure Notice #10/88; and works with neighboring building owners and residents to create a responsible construction plan and to address any potential negative construction impacts in the surrounding area.

City Planning Commission Public Hearing

On April 23, 2008 (Calendar No. 1), the City Planning Commission scheduled May 7, 2008, for a public hearing on this application (C 060032 ZMM). The public hearing was duly held on May 7, 2008 (Calendar No. 24). There were seven speakers in favor and none in opposition.

Speakers in favor of the proposal included the applicant's representatives, the Director of Land Use for the Manhattan Borough President and nearby property owners and residents.

Speakers appearing for the applicant included an attorney, architect and environmental review consultant. Three speakers representing nearby property owners and residents spoke in conditional approval for the application.

The first speaker testified in support of the proposed change in permitted use. She noted that an adjacent property, located within the Tribeca East Historic District and to the north of the applicant's site, was the subject of a Certificate of Appropriateness permit issued by the Landmarks Preservation Commission (LPC) in 2003, approving a new building with an 89' street wall height. She requested that CPC approval of this application permit the 89' street wall height, to facilitate these adjacent property owners' plans pursuant to the LPC approval. She noted that the adjacent property owners would "eventually" seek CPC approvals relating to those plans.

The applicant's attorney summarized the proposal's planning rationale as well as the public process to date. He stated that the requested conditions, with the exception of the proposed amended FAR limit of 5.5, would be accommodated. The consultant noted that the LPC approval referenced earlier would require CPC approval pursuant to Zoning Resolution Section 74-711 with or without the proposed C6-2A, as the existing M1-5 requirements permit a maximum street wall height of 85'. The applicant's architect noted that rooftop mechanical equipment would be limited to a make-up air unit.

A speaker representing owners of property adjacent to the north of the project sponsor's site testified in support of the proposed change in permitted use. He requested that the Commission amend the proposal by limiting building heights within the affected area to 105', as compared to the 120' permitted by C6-2A districts, noting concerns over the applicant's planned development with respect to the surrounding context of the adjacent Tribeca East Historic District.

The Director of Land Use for the Manhattan Borough President re-iterated his office's

conditional approval. He noted that the proposal would extend an immediately adjacent contextual district boundary; that active uses in the affected area are consistent with the proposed use regulations; and that the area's building bulk closely matches the proposed contextual requirements. He also restated the conditions of the approval, namely that the applicant's proposed development be responsive to the surrounding historic district context and that the rear yard be a minimum distance of 15' from the rear lot line.

The final speaker, representing property owners adjacent to the applicant's site on White Street, testified in support of the proposed change in permitted use. She noted that her support was conditional upon the inclusion of a restriction on allowable FAR, to 5.5 from 6.02, and a restriction on building height, to 105' from 120'.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for a proposed zoning map amendment (C 060032 ZMM), to rezone a one-block area of Tribeca from an M1-5 to C6-2A district, is appropriate.

The Commission notes that the Tribeca neighborhood has been experiencing a gradual change from being a predominantly manufacturing area to one that has a mix of commercial and residential uses. In addition the Commission notes that there are no manufacturing uses remaining on the subject block.

The proposed C6-2A district would be an extension of an existing C6-2A district across Broadway from the subject block. The proposed C6-2A is a contextual district that has a

maximum FAR of 6.5, and a maximum building height of 120 feet. In addition, new buildings would have to provide a street wall at the street line of between 60 and 85 feet. These regulations would produce a building that would be more in context with the existing development on the block. The existing M1-5 district has no height limit and does not require buildings to be constructed at the street line.

In response to the condition of the Community Board that FAR be limited to 5.5 and suggestions made at the Commission's public hearing that the height of the building be limited, the Commission notes that such restrictions are outside the scope of this application.

The Commission believes that the proposed rezoning is consistent with the development trends and the existing context of the subject and surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12a, by changing from an M1-5 district to a C6-2A district property bounded by Walker Street, Lafayette Street, White Street, and Broadway, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 28, 2008, and which includes CEQR Designation E-208.

The above resolution (C 060032 ZMM), duly adopted by the City Planning Commission on June 4, 2008 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN

LEVENTHAL, SHIRLEY A. McRAE, JOHN MEROLO, KAREN A. PHILLIPS,

Commissioners

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MARCH 25, 2008

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	In Favor	Opposed	Abstained	Recused

RE: Proposed Zoning Map Amendment, 84 White Street, M1-5 to C6-2A

WHEREAS: The proposed zoning map amendment would change the zoning district of the block bounded by Broadway, Lafayette Street, White Street and Walker Street, from M1-5 to C6-2A by extending the boundary of the C6-2A district which is mapped immediately to the west of the affected area, and

WHEREAS: The project sponsor owns a parcel at 84 White Street which is currently used as a public parking lot and which would be developed with a new building containing ground floor commercial space and upper floor residential uses, and

WHEREAS: The development proposed would comply with the C6-2A district's height, setback and FAR regulations, and

WHEREAS: The proposed C6-2A district would better reflect the mixed use commercial and residential character of the area, and

WHEREAS: Community residents spoke in favor of the proposed change from manufacturing to residential use but asked for a reduction in the height and FAR of the proposed development to preserve light and air in their homes and working spaces, and

WHEREAS: The applicant agreed to reduce the height of the proposed building by placing mechanical equipment in the basement and to limit lot coverage to no more than 70%, and

WHEREAS: The applicant agreed to comply with Buildings Department directive TPN 1088 during site preparation and construction to minimize adverse affects on all buildings in the adjacent historic district, now

THEREFORE
BE IT
RESOLVED
THAT:

CB #1 approves the proposal to rezone the block bounded by Broadway, Lafayette Street, White Street and Walker Street, from M1-5 to C6-2A, provided that the FAR of the new development is reduced to 5.5 to limit possible adverse affects on light and air of surrounding community residents.



**RIKER
DANZIG
SCHERER
HYLAND
PERRETTI LLP**

May 14, 2008

ATTORNEYS AT LAW

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

Re: White Street Rezoning
ULURP No. 060032 ZMM

Dear Chairperson Burden:

I represent 84 White Street LLC, the owners of the property located at 84 White Street in Manhattan. We submit this letter to respond to the requests for clarification and additional information that were made by the Chair and the Commissioners of the City Planning Commission ("CPC") at the public hearing held on May 7, 2008, as well as comments that the Commission received in opposition to certain aspects of the application by Bialosky and Partners Architects and the residents of 81 Walker Street.

Please find the attached sections which depict the proposed section and the proposed mechanicals, site plan and comparison to the opposition's assumptions to our proposed building as was requested by the Commissioners. The drawings are labeled A-1, A-2, and A-3.

Proposed Building

As stated at the May 7, 2008 hearing, in response to concerns raised by the neighbors, including Bialosky and Partners Architects and the residents of 81 Walker Street, and Community Board 1 and the Manhattan Borough President's Office, we have confirmed that the only mechanicals on the roof will include the stair bulkhead, elevator machine room and part of the HVAC system (the fresh air intake unit). The electrical connections, water connections, the boiler and cooling system will all be in the basement. The elevator machine room roof is 13'-8' above the building roof level. Please see drawing A-2 which is attached which depicts the proposed building and surrounding buildings and water towers.

Although the maximum overall building height could be up to 120', the building is required to set back between 60 and 85 feet, as a result the building's total height would not be perceptible from nearly every publicly accessible vantage point.

We have a total of 3 setbacks in the front of the building. Our proposed building's initial set back is at 80'. The initial setback is 15', the other two setbacks are 10' each, therefore you will not see the top 3 floors of the building from the street.

Headquarters Plaza, One Speedwell Avenue, Morristown, NJ 07962-1981 • t: 973.538.0800 f: 973.538.1984
50 West State Street, Suite 1010, Trenton, NJ 08608-1220 • t: 609.396.2121 f: 609.396.4578
500 Fifth Avenue, Suite 4920, New York, NY 10110 • t: 212.302.6574 f: 212.302.6628

www.riker.com

Hon. Amanda M. Burden, FAICP
Chair

May 14, 2009
Page 2

In response to concerns raised by the neighbors and Community Board 1 and the Manhattan Borough President's Office, if the first floor is developed with a residential use there will be a 37'6" rear yard. The maximum of lot coverage is 70% for a residential use under the C6-2A zoning which is the equivalent of R8A zoning.

Also, in response to concerns raised by the neighbors and Community Board 1 and the Manhattan Borough President's Office if the first floor is to be commercial we will provide a 15' rear yard even though we are allowed to build full to the rear lot line under the proposed C6-2A zoning. The neighbors at 81 Walker Street directly behind us are set back 5' from the rear lot line but have a glass enclosed addition which is built out 15' feet from their building. Without this glass enclosed addition 81 Walker is setback 20' from the lot line. Please see drawing A-3 which is attached which depicts the site plan for the proposed building.

Assumptions Presented at Hearing from Bialosky and Partners Architects and Residents of 81 Walker Street

We have superimposed our proposed building over the building assumptions presented by Bialosky and Partners Architects and the residents of 81 Walker Street at the public hearing held on May 7, 2008. Our proposed building is outlined in red in the attached drawing A-1. As is evidenced by the redline drawing A-1, our proposed building is dramatically lower than the assumptions presented by Bialosky and Partners Architects and the residents of 81 Walker Street.

The rendering provided by Bialosky and Partners Architects and the residents of 81 Walker Street shows a single setback, which is why you may see the last floors from the street under their assumptions. The rendering provided by Bialosky and Partners Architects and the residents of 81 Walker Street also shows a water tank or some other structure on the roof.

We will not install a water tank on the roof or anything higher than the elevator machine room. Also, I have been informed by our architect that it would not be possible to have a single setback as demonstrated in the assumptions of Bialosky and Partners Architects and the residents of 81 Walker Street's submission. Furthermore, we have been informed that the assumptions presented are approximately 1,809 square feet over the allowable FAR in the proposed C6-2A zoning.

Our building will not have any significant shadow impact on the historic district as suggested by the assumptions of the Bialosky and Partners Architects and the residents of 81 Walker Street. Our actual building will only be between 10 and 20 feet taller than the majority of the other buildings on the block. There are other buildings in the area

Hon. Amanda M. Burden, FAICP
Chair

May 14, 2009
Page 3

which are much taller than the existing buildings on our block that already have a shadow impact which incorporate any small shadows that our building would cast.

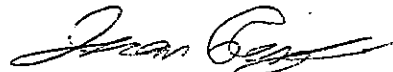
Specifically, on the South side of White Street there are two very tall buildings. There is the NYU dormitory at Lafayette and White which is 254 ft high (19 stories). There is also a residential building at White Street and Cortlandt Alley which is 242 ft high (25 stories). The district to the south and west of our block is zoned C6-4A which allows for a 10 FAR and currently casts shadows on our block.

The incremental shadow resulting from a 120' building rather than a 105' building, especially in the context of the much taller buildings would be minimal. In fact, during most times of day and days of year, the shadow resulting from those additional fifteen feet at the top of the building would have no effect at all on adjacent neighbors.

Conclusion

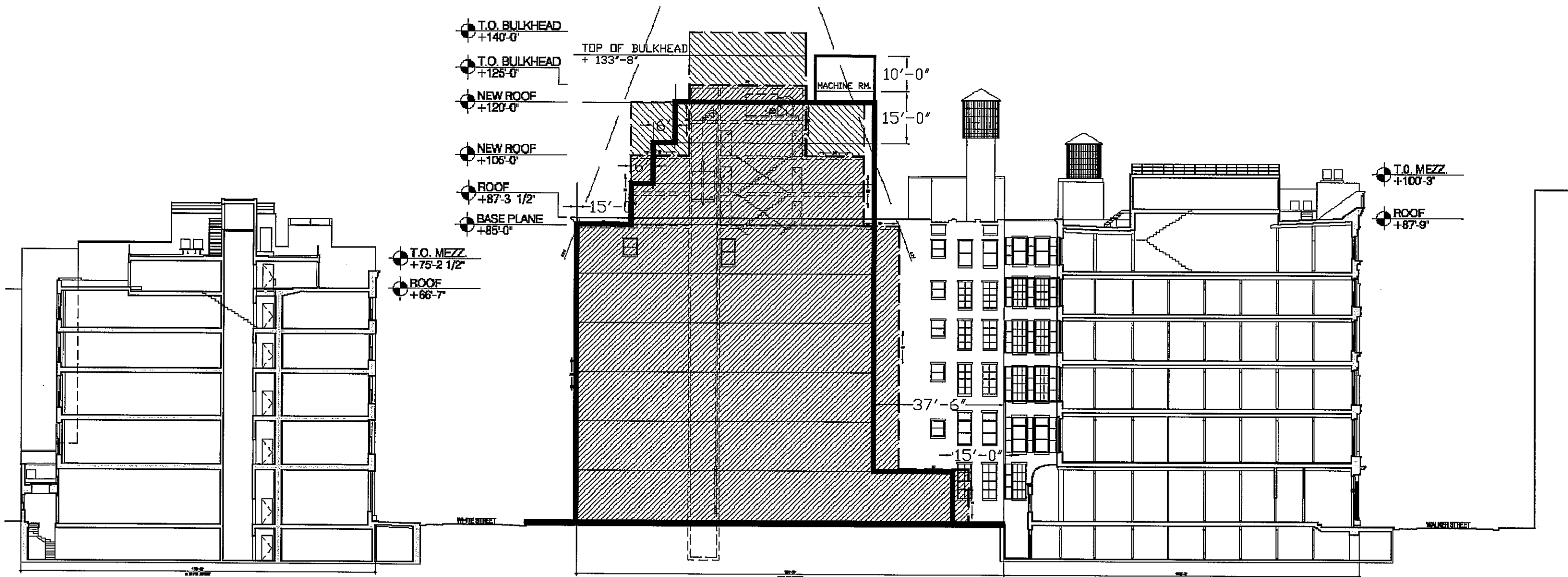
We believe that the proposed C6-2A district would be more consistent with existing land uses within Block 195 than the current M1-5. It would grant conforming status to existing residential and community facility uses within the area proposed for rezoning, and would better reflect the mixed commercial and residential character of the area. The proposed C6-2A would permit development of vacant and underutilized parcels in a manner that would be consistent in use and scale to existing development. As demonstrated in the attached sections there will not be any significant impact on the surrounding buildings.

Very truly yours,



Juan D. Reyes III

cc: City Planning Commission
Manhattan Office of City Planning – Edith Hsu-Chen, Arthur Huh
Land Use Review of city Planning – Laurence Parness

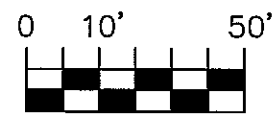


NOTE:

THIS DRAWING REFLECTS THE DIFFERENCE BETWEEN THE BUILDING PROPOSED BY APPLICANT @ 84 WHITE STREET AND BOTH BUILDINGS DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS, ONE WITH THE MAXIMUM BULK PERMITTED UNDER THE PROPOSED ZONING AND ONE WITH A HEIGHT RESTRICTION OF 105'.

THE MAXIMUM BULK BUILDING DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS EXCEEDS THE MAXIMUM ALLOWED FLOOR AREA BY 1809 SF.

- BUILDING @ 84 WHITE STREET AS PROPOSED BY APPLICANT
- ▨ MAXIMUM BULK BUILDING WITH EXTREME MECHANICAL ASSUMPTION @ 84 WHITE STREET AS DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS
- ▨ BUILDING WITH 105' HEIGHT RESTRICTION @ 84 WHITE STREET AS PROPOSED BY BIALOSKY + PARTNERS ARCHITECTS

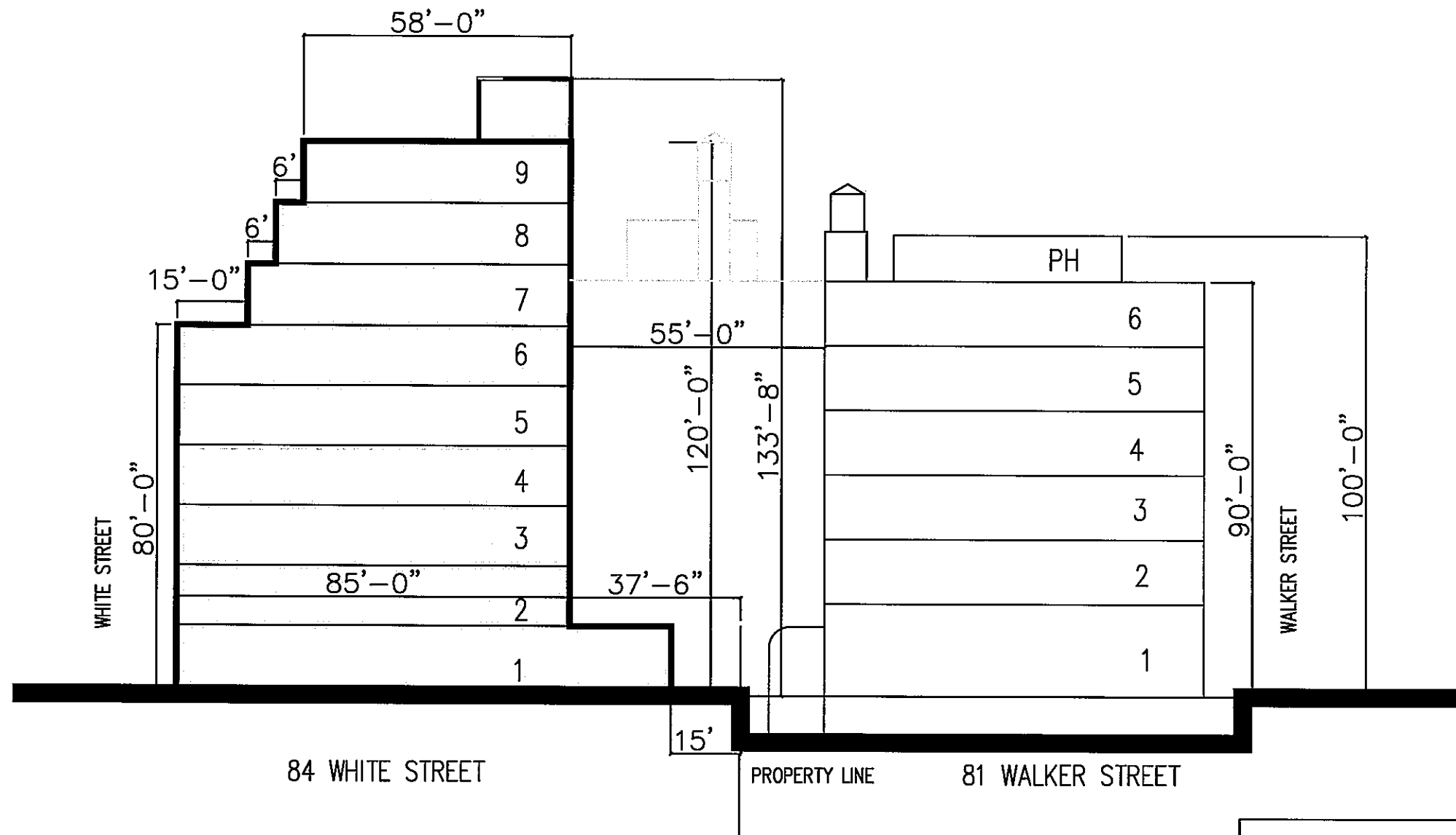


WHITE STREET REZONING

A-1

DID ARCHITECTS
MAY 12, 2008

NORTH/SOUTH SECTION- 84 WHITE STREET



2

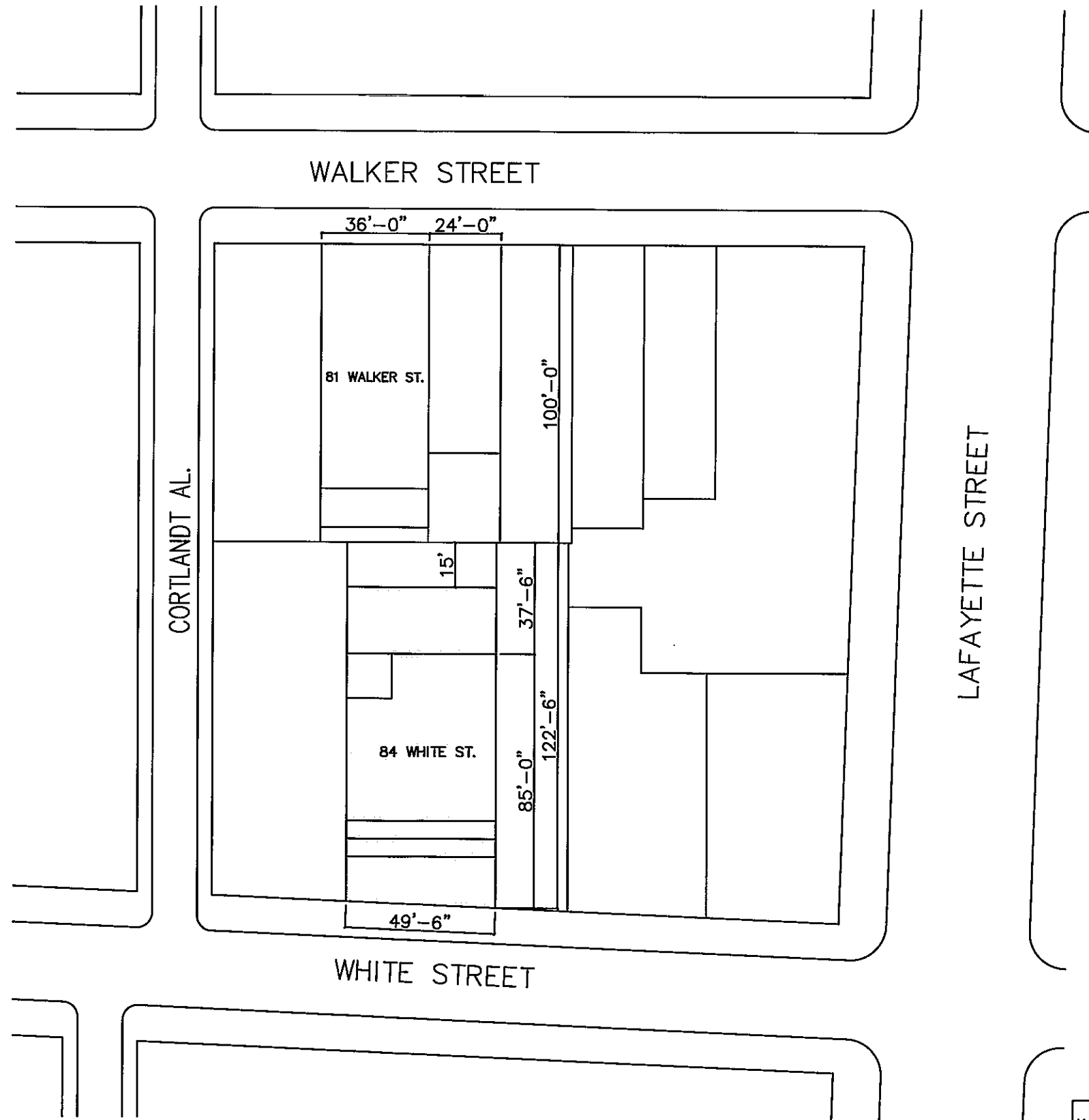
DIAGRAMMATIC SECTION

BUILDING PROPOSED BY APPLICANT @ 84 WHITE STREET

WHITE STREET REZONING

A-2

DID ARCHITECTS
MAY 12, 2008



1 **SITE PLAN**
 BUILDING PROPOSED BY APPLICANT @ 84 WHITE STREET

WHITE STREET REZONING
A-3
 DID ARCHITECTS
 MAY 12, 2008

**ZONING MAP AMENDMENT
BLOCK 195, MANHATTAN**

L.R. Item 3

Description of Proposal

The proposed action is an amendment to Zoning Map section 12a to extend an established C6-2A district to cover an area currently zoned M1-5. The area proposed for rezoning consists of Block 195, which is bounded by Broadway to the west, Lafayette Street to the east, White Street to the south, and Walker Street to the north. Cortlandt Alley bisects Block 195, running in a north-south direction between White Street and Walker Street. The proposal is intended to permit the development of an open parking lot, and additionally would bring conforming status to the residential units in the area.

Rationale for Zoning Change

The proposed C6-2A district would be more consistent with existing land uses within Block 195 than the current M1-5. It would grant conforming status to existing residential and community facility uses within the area proposed for rezoning, and would better reflect the mixed commercial and residential character of the area. The proposed C6-2A would permit development of vacant and underutilized parcels in a manner that would be consistent in use and scale to existing development.

There are nineteen lots in Block 195.

Two contain a mix of manufacturing, residential, and commercial (lots 5 and 6)

One is exclusively residential (lot 13)

Two are open parking lots (lots 12 and 27)

One is a community facility (lot 21)

Four contain a mix of residential and commercial (lots 1, 3, 11 and 26)

Eight are exclusively commercial (lots 2, 4, 7, 9, 14, 15, 17, and 24)

One belongs to a tool manufacturer but there is no manufacturing on premises, only offices, showroom and warehouse (lot 30)

The proposed C6-2A district allows residential development at a floor area ratio of up to 6.02 and commercial development at a floor area ratio of up to 6. Base height must be between 60 and 85 feet, and overall building height is limited to 120 feet. These bulk regulations are consistent with established built form. Of the nineteen lots on Block 195, eleven have a floor area ratio between 4.5 and 6.5. Two lots exceed 6.5 FAR, two lots are unbuilt, and four have an FAR under 4.5.

It is anticipated that underbuilt or vacant parcels would be developed for commercial and/or residential development under the proposed rezoning.

Area Description

Block 195 is predominantly developed with loft buildings of between five and ten stories. These buildings currently contain a mix of residential and commercial uses. Commercial

uses include retail space, offices, art galleries and studios, and a building used for warehouse and office space by a tool manufacturer (lot 30). There are approximately thirty dwelling units in seven buildings within the affected area.

Uses within the affected area are as follows:

Lot 1: Mixed use 5-story structure containing ground floor retail and upper floor residences. This building is the subject of a City Planning Commission Special Permit pursuant to §74-711 of the Zoning Resolution.

Lot 2: Commercial 6-story building containing ground floor retail and upper floor offices.

Lot 3: Mixed use 5-story building with ground floor retail/spa and upper floor apartments

Lot 4: Commercial 5-story building with ground floor retail and upper offices

Lot 5: Mixed use 5-story building with ground floor retail, upper floor apartments, and an upper floor garment assembly business

Lot 6: Mixed use 6-story building with ground floor retail, upper floor offices, and an upper floor garment assembly business

Lot 7: Commercial 10-story building with ground floor bank branch and upper offices

Lot 9: Commercial 6-story building with ground floor art gallery and upper offices and studios

Lot 11: Commercial/Residential 6-story loft building

Lot 12: Open public parking lot

Lot 13: Residential 5-story building

Lot 14: Commercial 6-story building

Lot 15: Commercial 4-story building

Lot 17: Commercial 6- and 8-story building with ground floor retail and art gallery and upper offices

Lot 21: Community facility 3-story building

Lot 24: Commercial 2-story building with offices (upper floor vacant and for rent)

Lot 26: Mixed use 5-story building with offices and residences

Lot 27: Open public parking lot

Lot 30: Commercial 6-story building with office and storage space for tool manufacturer (no manufacturing on premises)

Area Context

The area surrounding the block proposed for rezoning is predominantly commercial and residential, often in mixed-use buildings. Community facilities, including several court facilities, are located to the east and southeast. Some manufacturing uses are located in upper floors of mixed-use buildings to the north of the affected area. Broadway and Lafayette Street, which both carry southbound traffic, are wide, fairly busy streets. Crosstown streets in the area generally carry only local traffic, with the exception of Canal Street, two blocks north of the rezoning area, which is a major through route linking the Manhattan Bridge and the Holland Tunnel. Walker Street, which runs eastbound, merges with Canal Street several blocks east of the rezoning area, and is used as an alternate route for through traffic leaving the Holland Tunnel.

There has been a dramatic growth in residential use in the project vicinity. According to the U.S. Census, the census tract containing Block 195, which extends from Broadway to Centre Street between Canal Street and City Hall, experienced a 441% growth in population between the 1990 and 2000 censuses.

Block 172

This block, immediately south of the rezoning area, is zoned C6-4A and contains a very tall (24 stories) residential building with ground floor commercial, as well as midrise loft-style buildings containing residential and commercial uses. Two buildings on this block (83 White Street and 372 Broadway) contain a mix of commercial and manufacturing uses.

Block 169

This block, to the southeast of the rezoning area, is zoned C6-4 and is occupied by a court building (community facility).

Block 197

Block 197, which is located to the east of the affected area, is partially within a C6-4 district and partially within an M1-5 district. Land uses along the White Street frontage of this block are community facilities, associated with the Foley Square court complex. The remainder of this block is commercial, with one building, at 97 Walker Street, also containing manufacturing uses.

Block 196

This block, directly north of the affected area, is zoned M1-5 and is developed with loft buildings, with the exception of an open parking lot at 88-90 Walker Street. Most of the

buildings are occupied by commercial uses, with some industrial uses in buildings fronting on Cortlandt Alley, which bisects Block 196 in a north-south direction.

Block 194

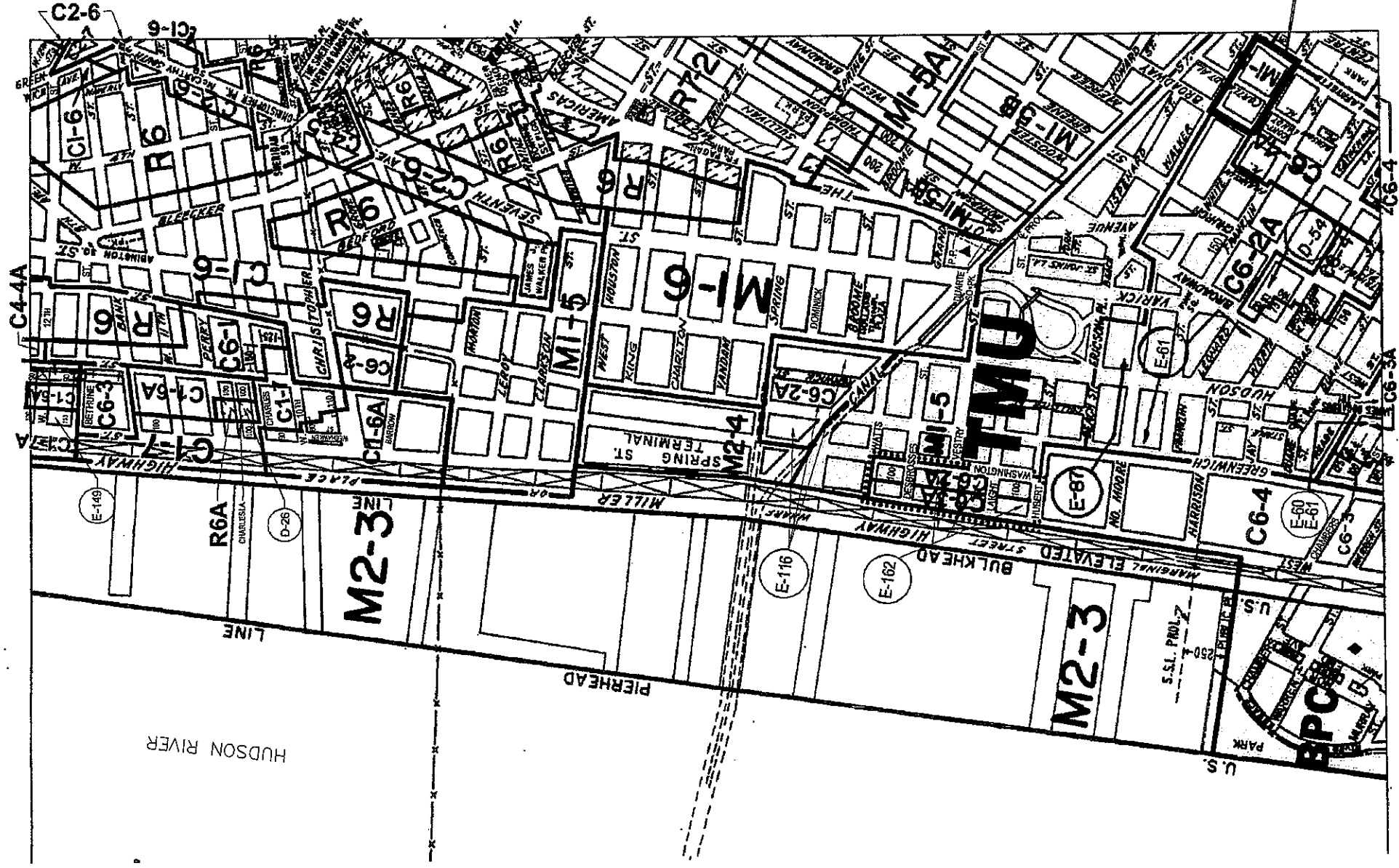
This block, to the northwest of the affected area, is zoned M1-5 within the TriBeCa Mixed Use District and is developed predominantly with mixed residential and commercial loft-style buildings.

Block 193

This block is directly west of the subject block and is zoned C6-2A. This block is developed with loft-style buildings containing a mix of residential and commercial uses.

Block 175

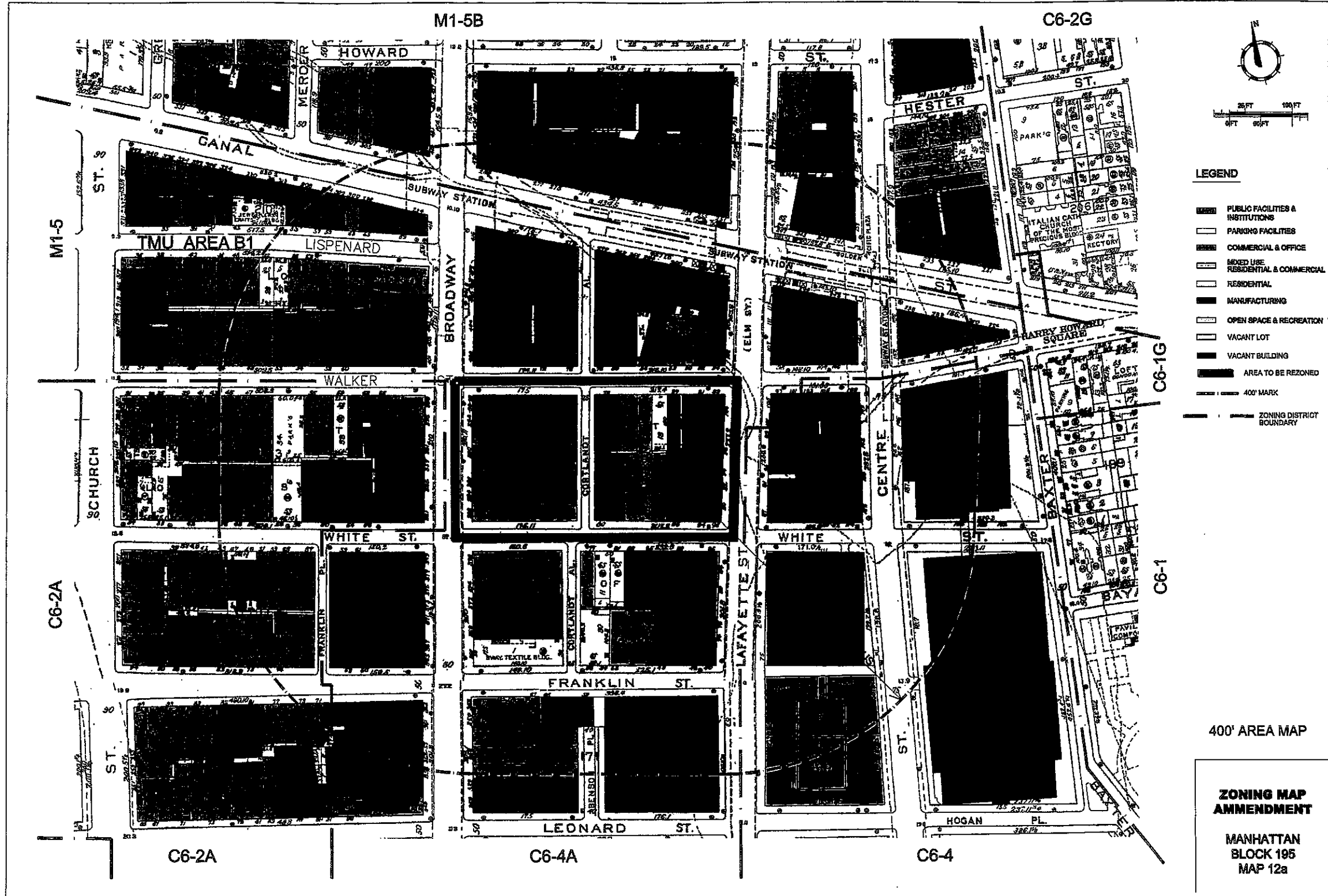
Block 175, zoned C6-2A, is located to the southwest of the affected area, and is bisected by Franklin Place, which runs in a north-south direction from Franklin Street to White Street. The buildings located east of Franklin Place, with frontage on Broadway, are loft structures occupied by commercial uses, with the exception of the southernmost building, at 365 Broadway, which is a mixed commercial and community facility building.

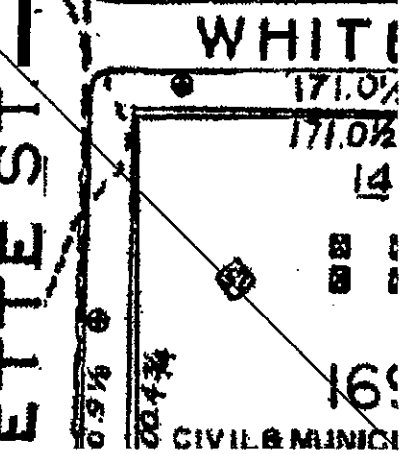
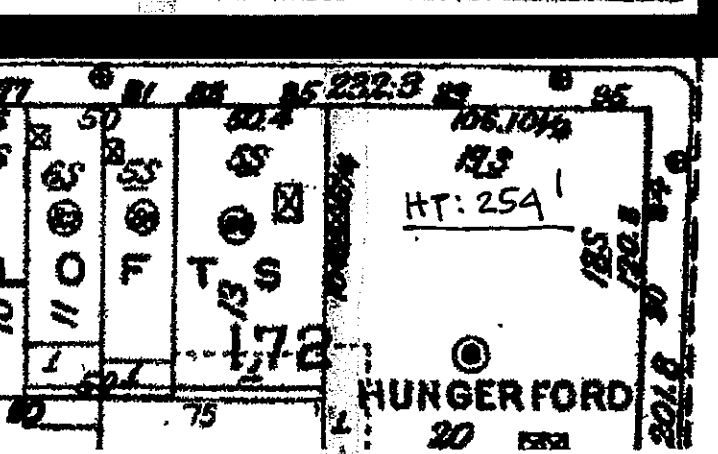
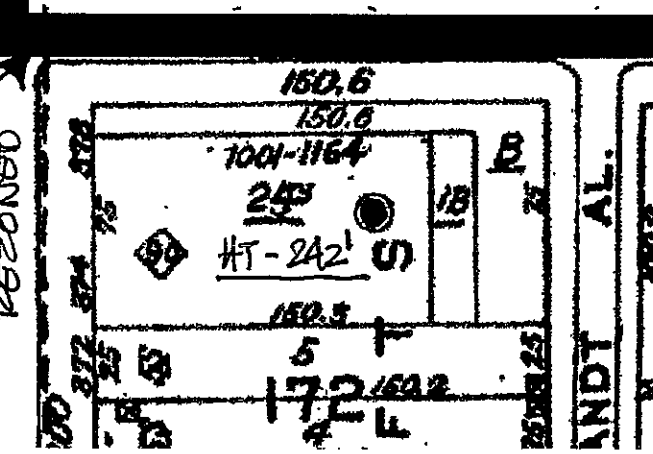
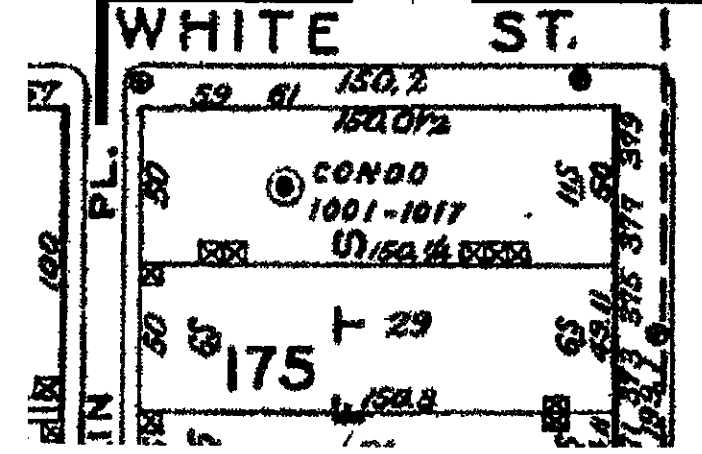
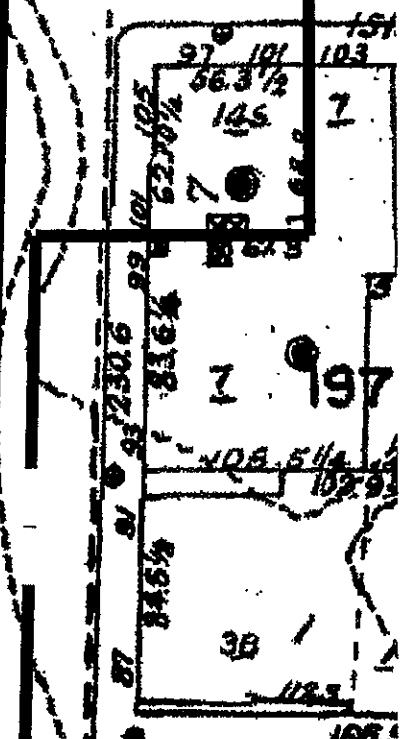
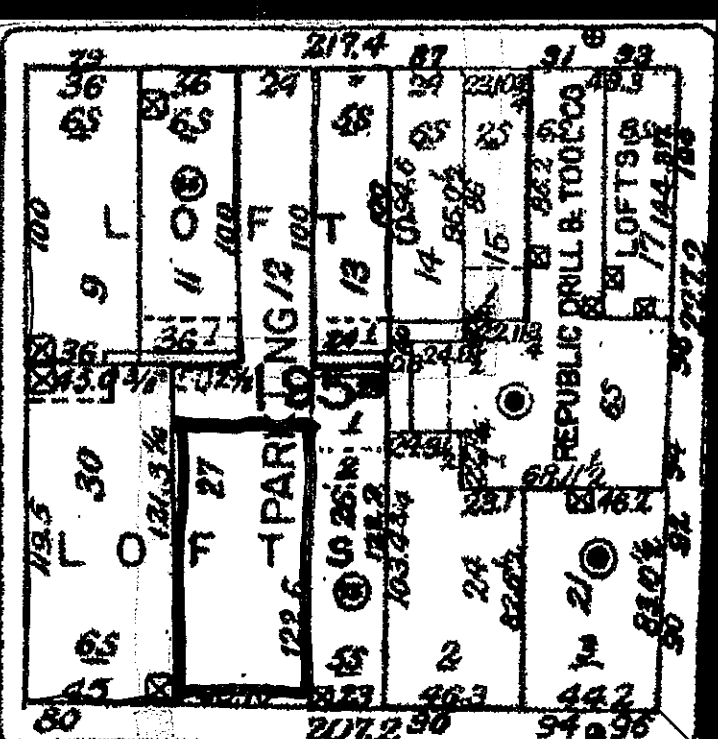
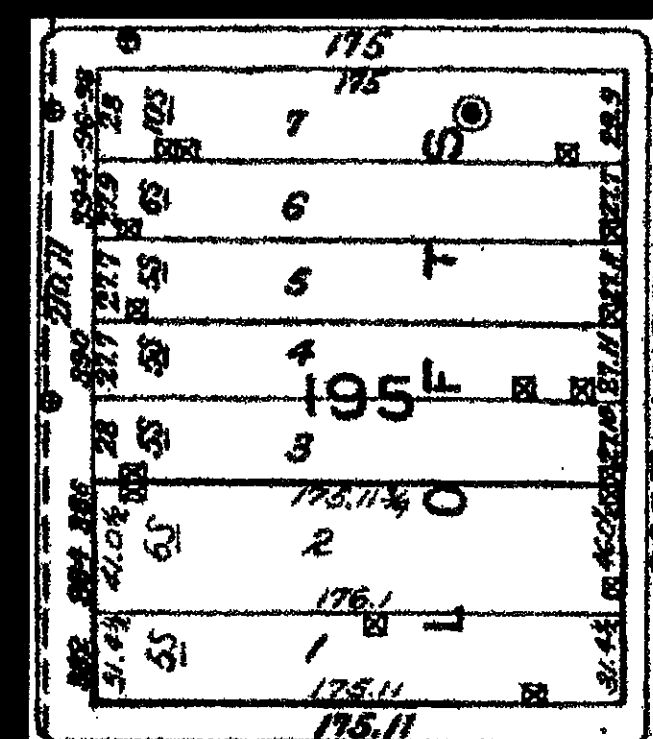
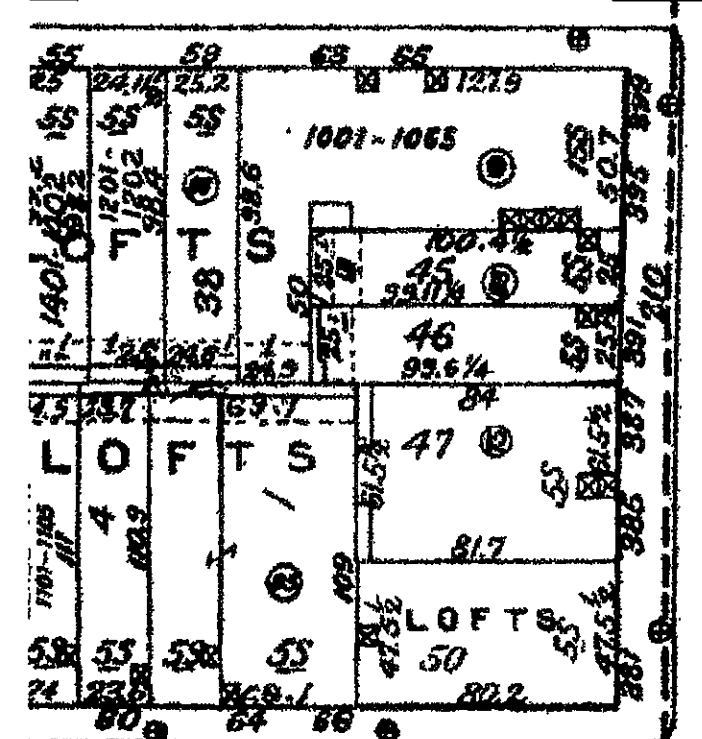
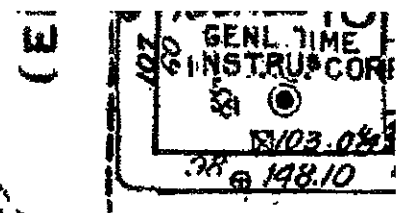
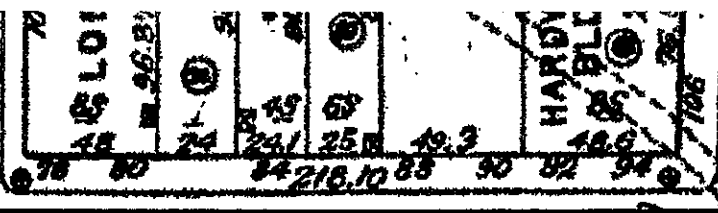
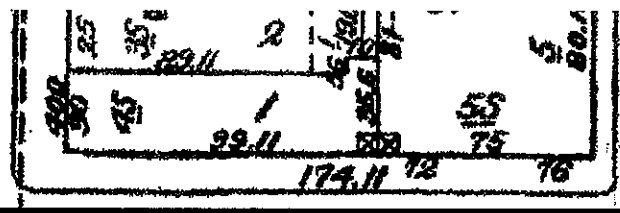
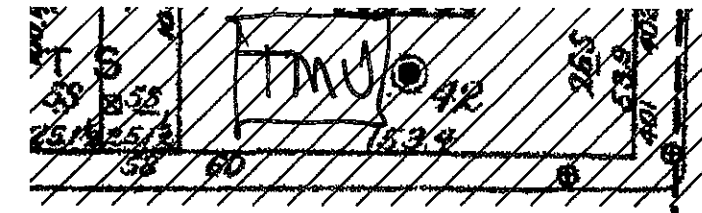


PROPOSED REZONING

ZONING MAP 12a

ZONING MAP
AMMENDMENT
MANHATTAN
BLOCK 195
MAP 12a





AREA TO BE REZONED

TRIBECA EAST HIST. DIST

PROPOSED REZONING



EXISTING ZONING

LEGEND

- MANUFACTURING M1-5, M1-5B
- COMMERCIAL FAR 6 C6-2A, C6-2G
- COMMERCIAL FAR 10 C6-4A, C6-4
- TRIBECA MIXED USE SPECIAL PURPOSE DISTRICT
- SPECIAL PURPOSE DISTRICT BOUNDARY
- ZONING DISTRICT BOUNDARY

ZONING MAP AMMENDMENT

MANHATTAN
BLOCK 195
MAP 12a

PROPOSED REZONING



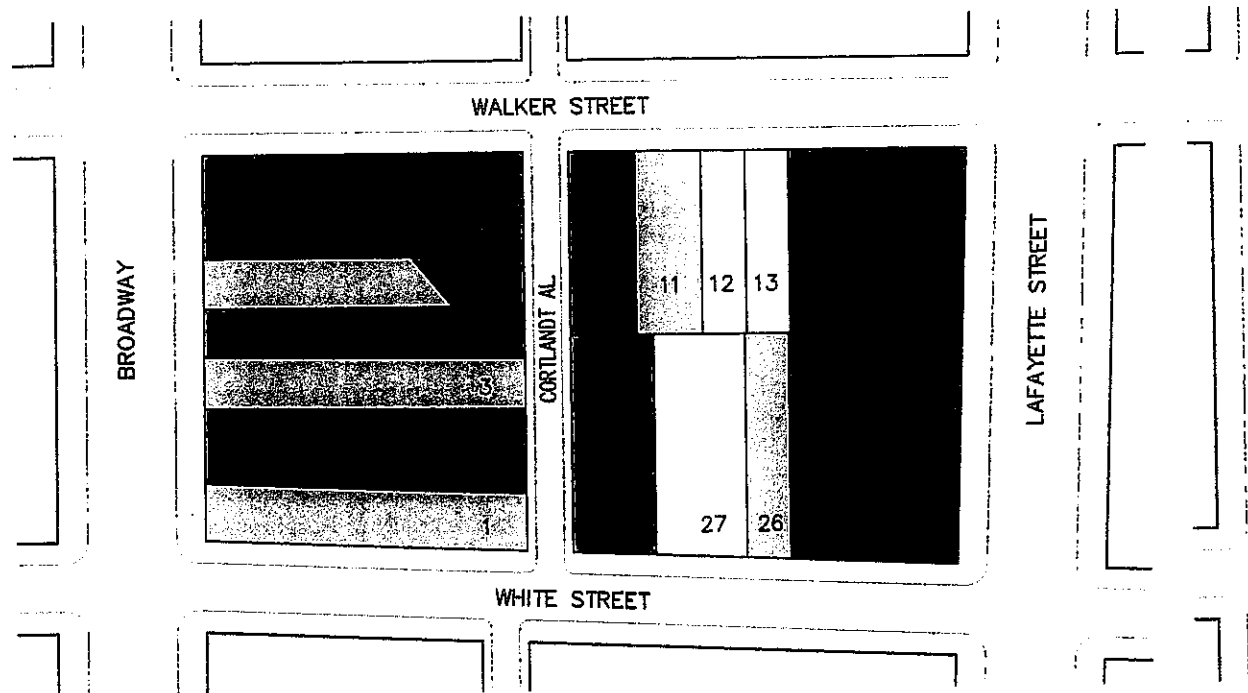
PROPOSED ZONING

LEGEND

- MANUFACTURING M1-5, M1-5B
- COMMERCIAL FAR 6 C6-2A, C6-2G
- COMMERCIAL FAR 10 C6-4A, C6-4
- TRIBECA MIXED USE SPECIAL PURPOSE DISTRICT
- SPECIAL PURPOSE DISTRICT BOUNDARY
- ZONING DISTRICT BOUNDARY

ZONING MAP AMMENDMENT

MANHATTAN
BLOCK 195
MAP 12a

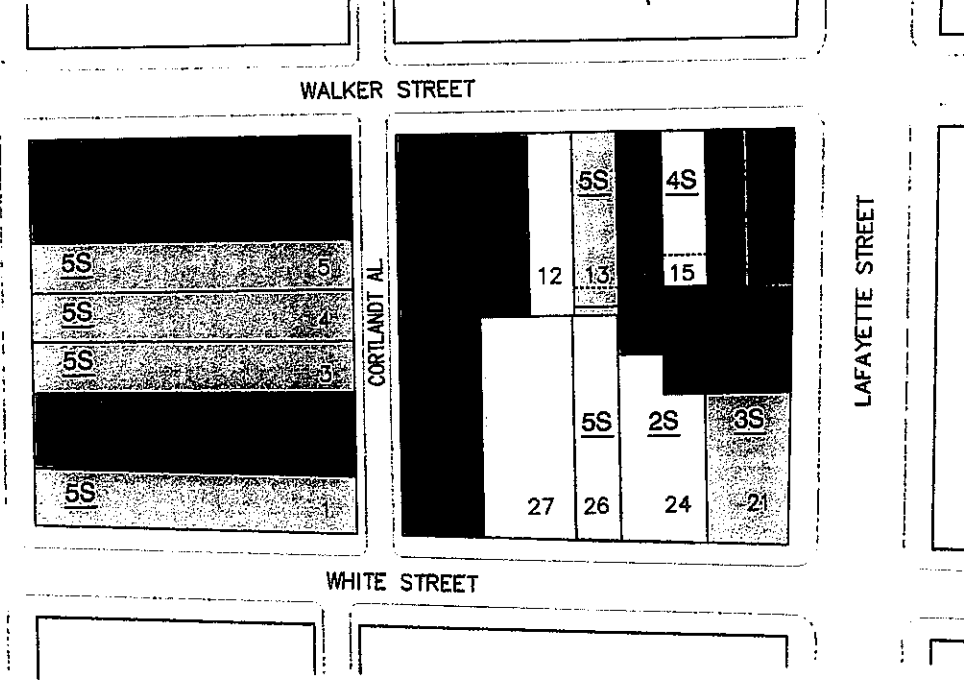
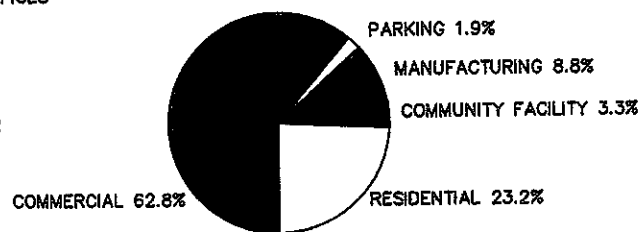


1 BLOCK 195 - EXISTING LAND USE

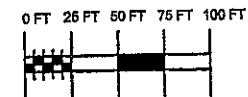
- LOT 1 - MIXED USE - COMMERCIAL/RESIDENTIAL - 1 STORE/6 APARTMENTS
- LOT 2 - COMMERCIAL - STORE/OFFICES
- LOT 3 - MIXED USE - COMMERCIAL/RESIDENTIAL - STORE/9 APARTMENTS
- LOT 4 - COMMERCIAL - STORE/5 OFFICES
- LOT 5 - MIXED USE - STORE/RESIDENTIAL/MANUFACTURING
- LOT 6 - MIXED USE - COMMERCIAL/MANUFACTURING
- LOT 7 - COMMERCIAL - OFFICE BUILDING - CITIBANK & 59 OFFICES
- LOT 9 - COMMERCIAL - ART GALLERY/OFFICES/ART STUDIOS
- LOT 11 (7501) - COMMERCIAL/RESIDENTIAL - CONDOMINIUMS
- LOT 12 - PARKING LOT
- LOT 13 - RESIDENTIAL - 4 STUDIOS/APARTMENTS
- LOT 14 - COMMERCIAL - BEAUTY PARLOR & 6 OFFICES
- LOT 15 - OFFICES - 7 UNITS
- LOT 17 - COMMERCIAL - ART GALLERY, RETAIL & 19 OFFICES
- LOT 21 - COMMUNITY FACILITY - NYC RESCUE MISSION
- LOT 24 - 2 OFFICES
- LOT 26 - MIXED USE - COMMERCIAL/RESIDENTIAL
- LOT 27 - PARKING LOT
- LOT 30 - WAREHOUSE/OFFICES OF TOOL MANUFACTURER
- NO MANUFACTURING ON PREMISES

LEGEND

- RESIDENTIAL
- COMMUNITY FACILITY
- MIXED USE - RESID./COMM.
- MIXED USE - COMM./MANUF.
- COMMERCIAL
- MANUFACTURING
- PARKING

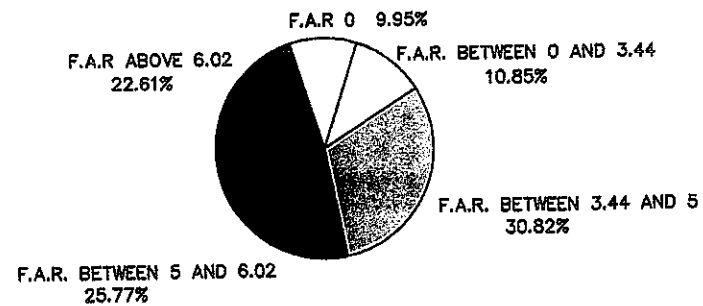


2 BLOCK 195 - EXISTING F.A.R.

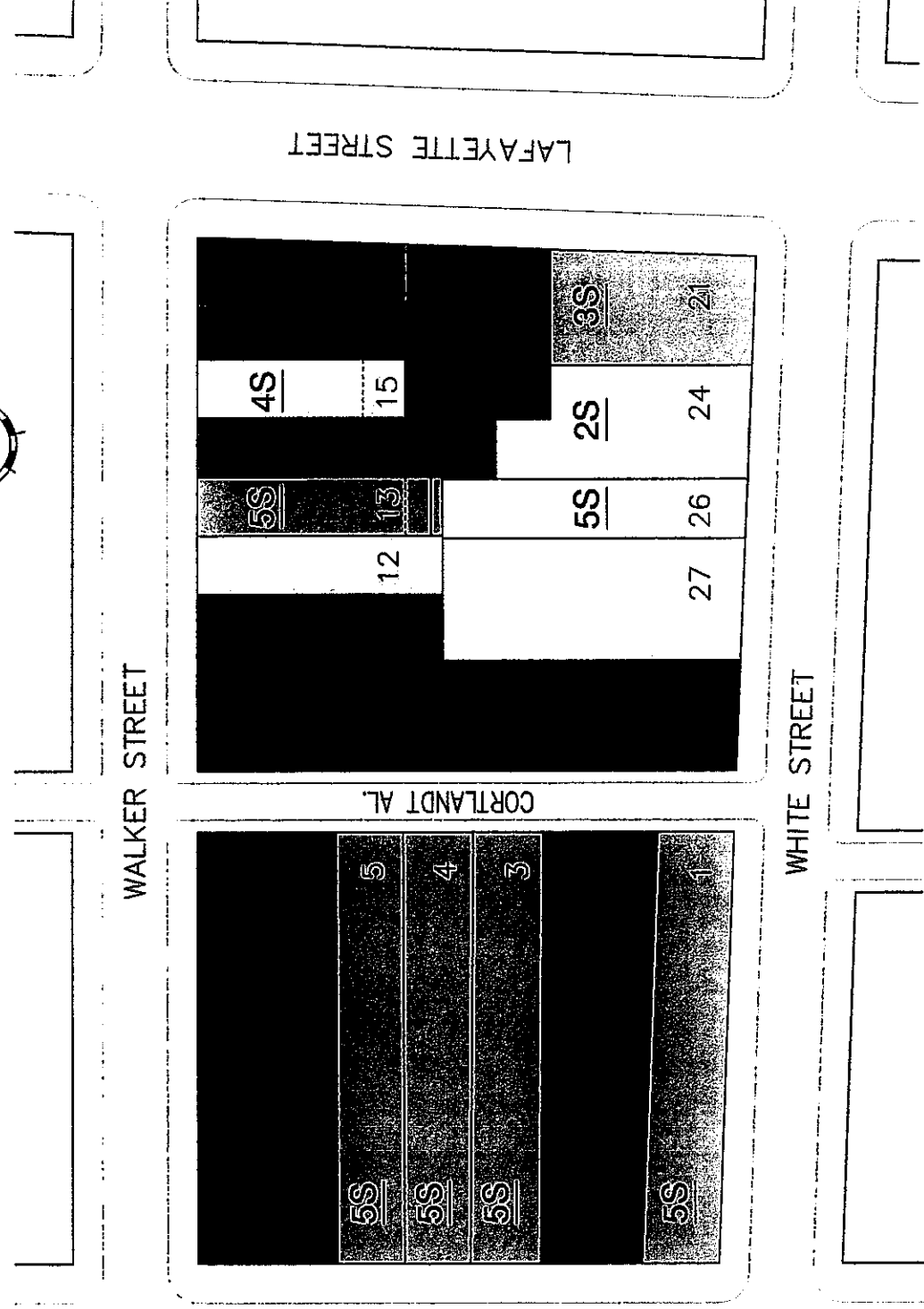
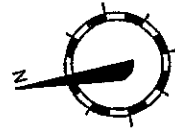


LEGEND

- F.A.R. 0
- F.A.R. UP TO 3.44
- F.A.R. BETWEEN 3.44 AND 5.0
- F.A.R. BETWEEN 5.0 AND 6.02
- F.A.R. ABOVE 6.02



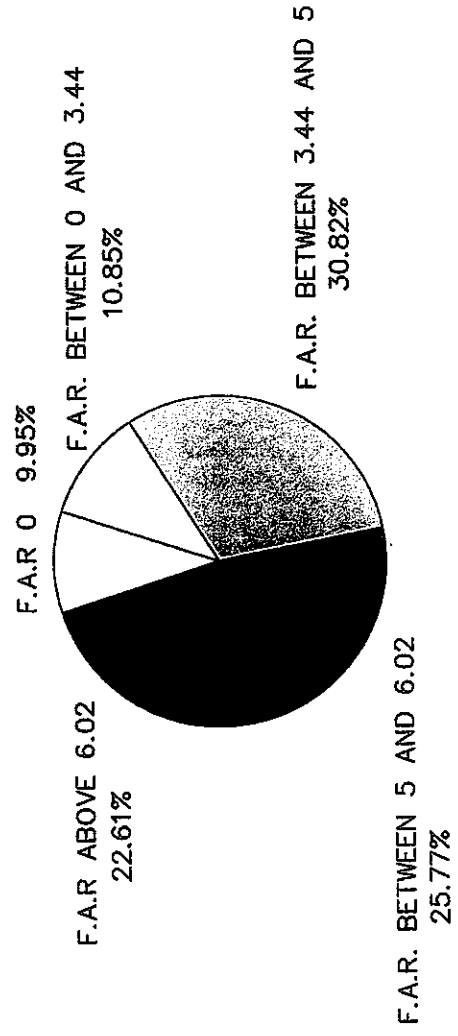
ZONING MAP AMENDMENT



2 BLOCK 195 - EXISTING F.A.R.

LEGEND

- F.A.R. 0
- F.A.R. UP TO 3.44
- F.A.R. BETWEEN 3.44 AND 5.0
- F.A.R. BETWEEN 5.0 AND 6.02
- F.A.R ABOVE 6.02



ZONING MAP
AMENDMENT
BLOCK 195
MANHATTAN



NORTH SIDE OF WHITE ST.
EAST OF BROADWAY



PARKING LOT AT 84 WHITE ST.



NORTH SIDE OF WHITE ST.
WEST OF LAFAYETTE ST.



WEST SIDE OF LAFAYETTE ST.
BETWEEN WHITE AND WALKER ST.



SOUTH SIDE OF WALKER ST.
WEST OF LAFAYETTE ST.



SOUTH SIDE OF WALKER ST.
EAST OF BROADWAY



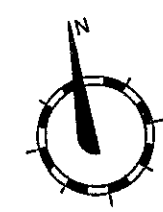
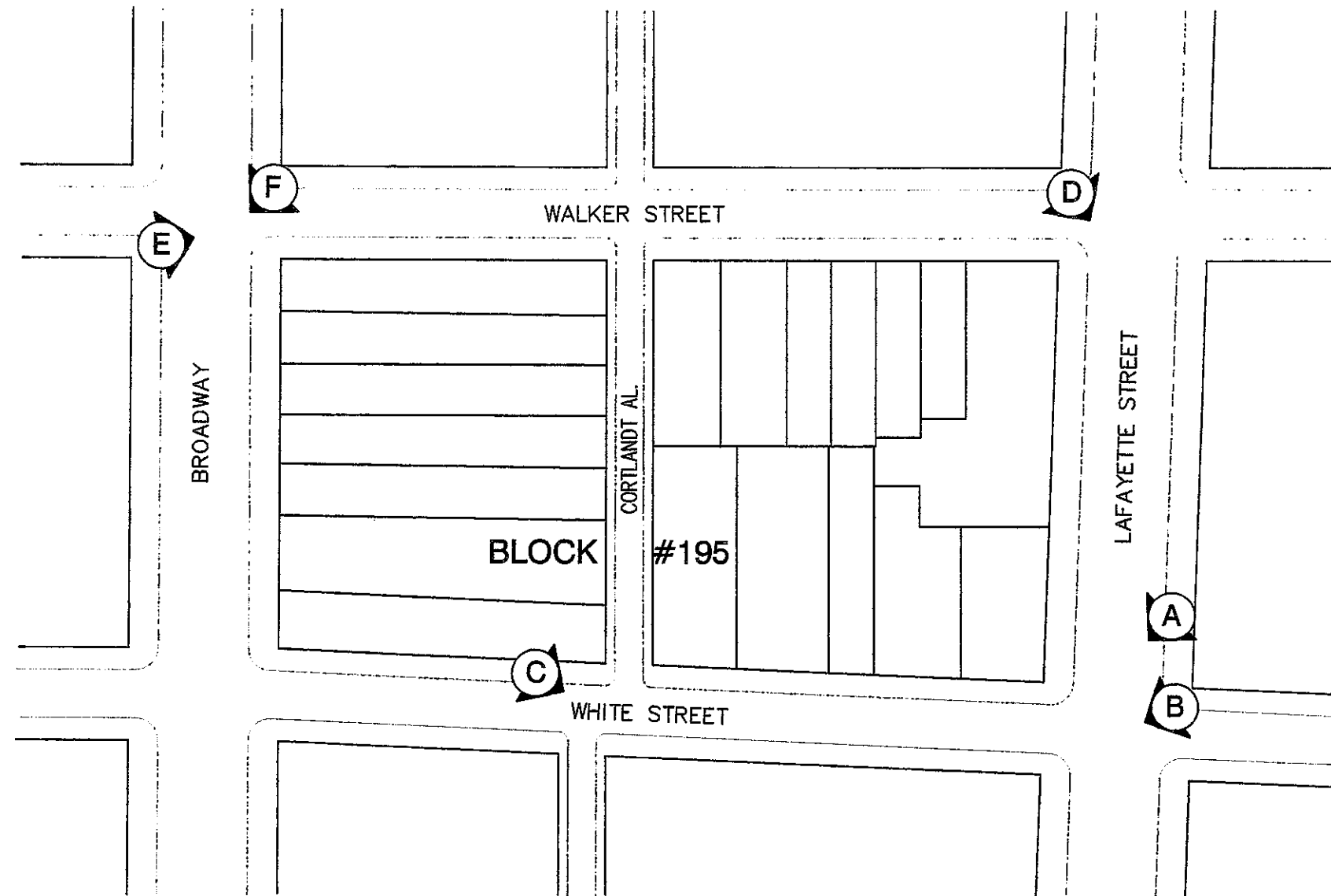
EAST SIDE OF BROADWAY
BETWEEN WALKER AND WHITE ST.

**PHOTOGRAPHS
OF BLOCK 195**

M1-5

**ZONING MAP
AMMENDMENT**

MANHATTAN
BLOCK 195
MAP 12a



PHOTOGRAPHS AROUND BLOCK #195
KEY MAP

ZONING MAP
AMENDMENT
BLOCK 195
MANHATTAN



C6-4A

A WEST SIDE OF LAFAYETTE ST.
AT INTERSECTION WITH WHITE ST.

C6-4A | M1-5



B SOUTH SIDE OF WHITE ST.
BETWEEN LAFAYETTE ST. AND BROADWAY

C6-4A



C SOUTH SIDE OF WHITE ST.

C6-4A

**PHOTOGRAPHS
AROUND BLOCK 195**



D EAST SIDE OF LAFAYETTE ST.
BETWEEN WALKER ST. AND WHITE ST.

M1-5 | C6-4



E NORTH SIDE OF WALKER ST.
BETWEEN BROADWAY AND LAFAYETTE ST.

M1-5

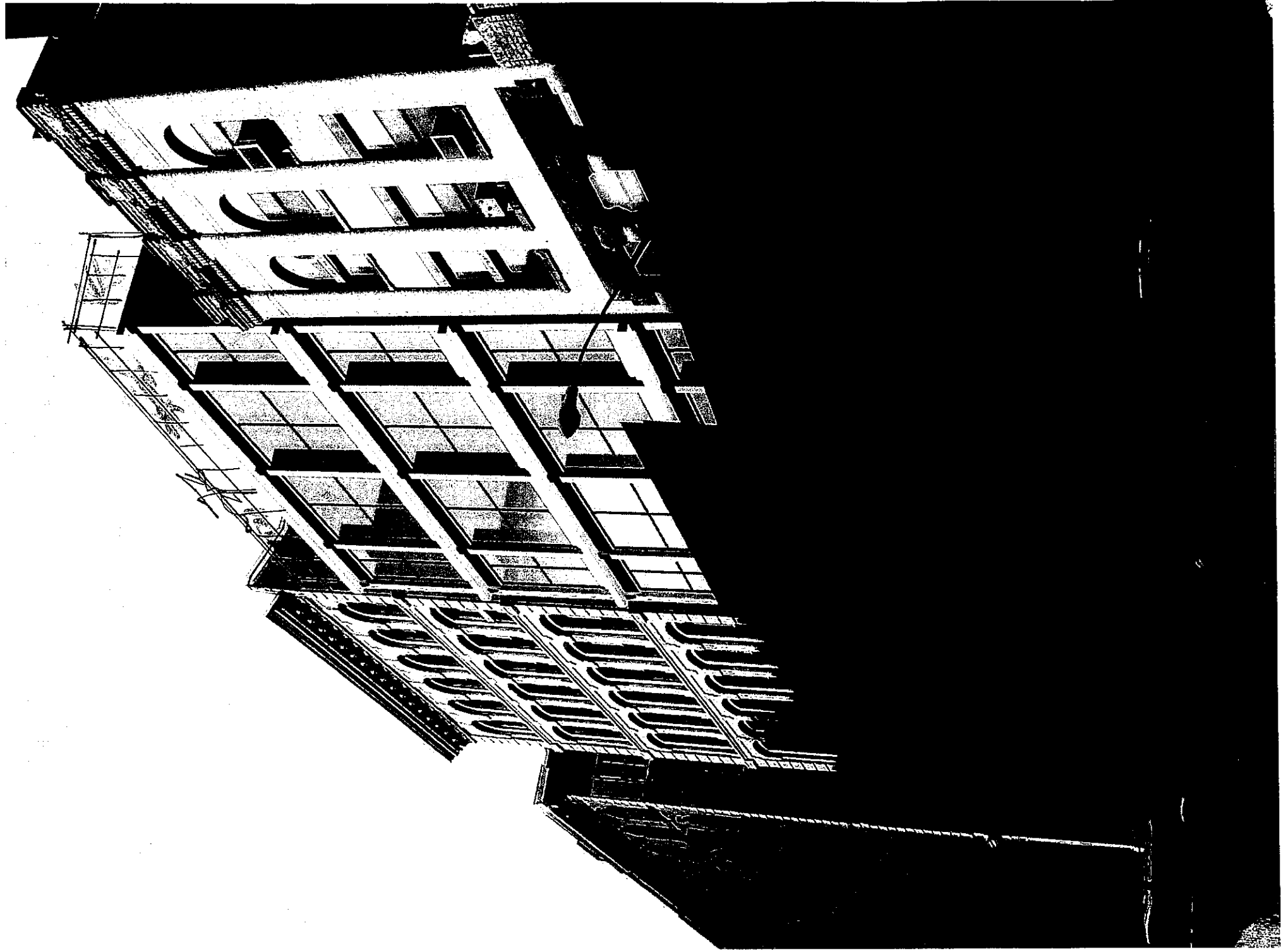


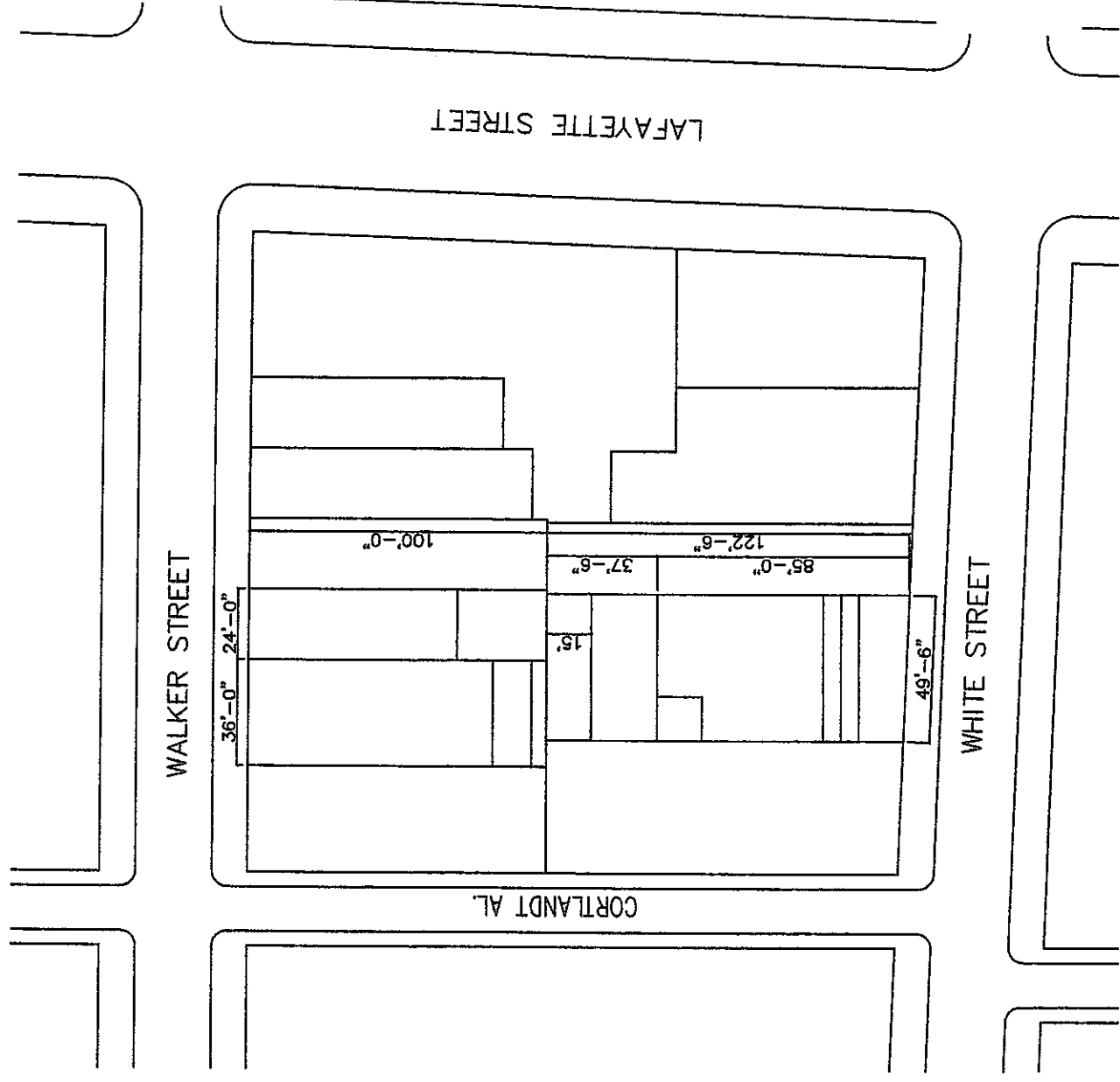
F WEST SIDE OF BROADWAY
BETWEEN WHITE ST. AND WALKER ST.

C6-2A

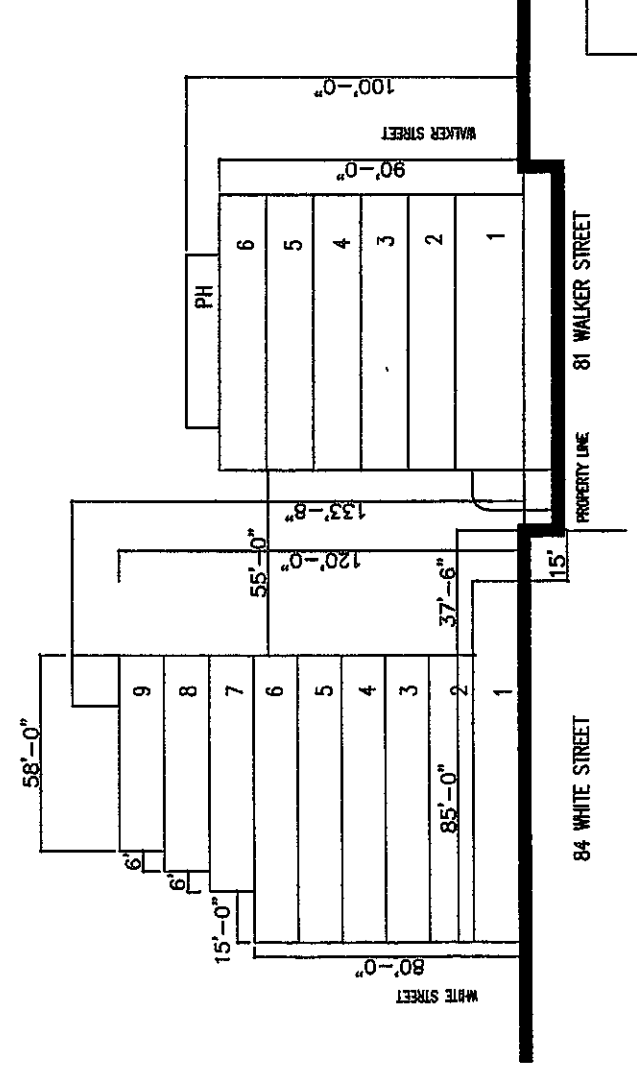
**ZONING MAP
AMMENDMENT**

MANHATTAN
BLOCK 195
MAP 12a





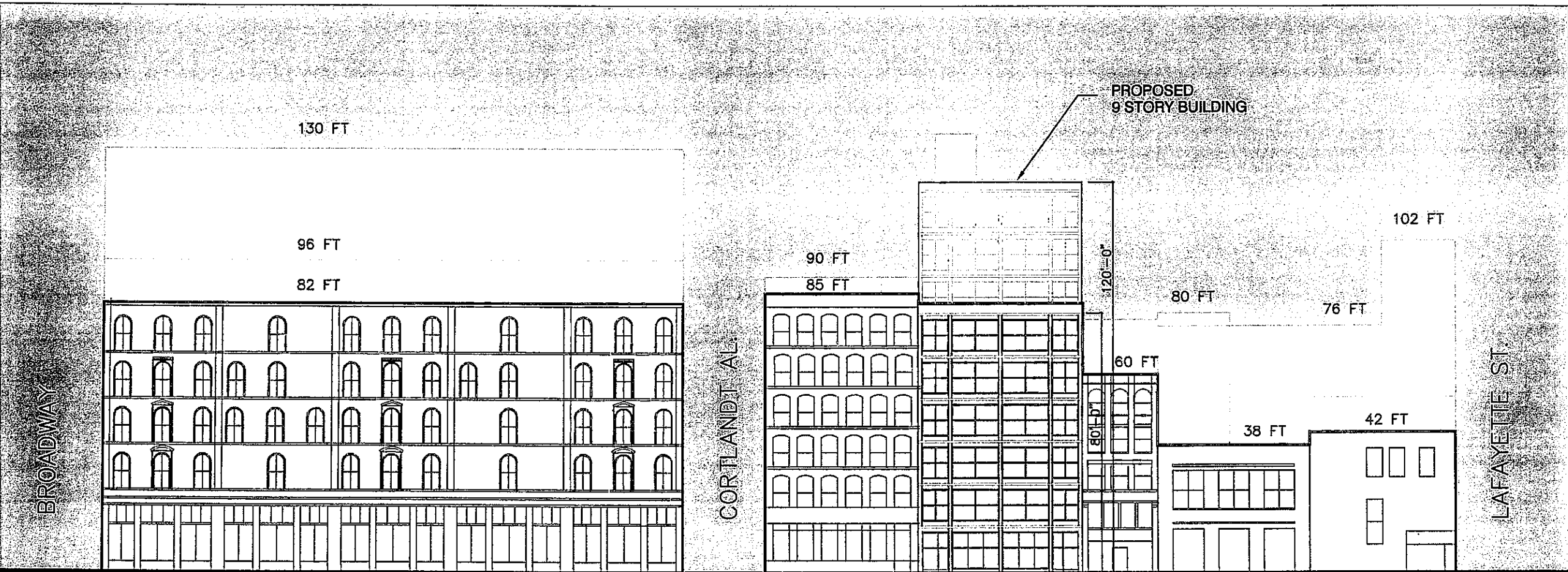
1 SITE PLAN



2 DIAGRAMMATIC SECTION

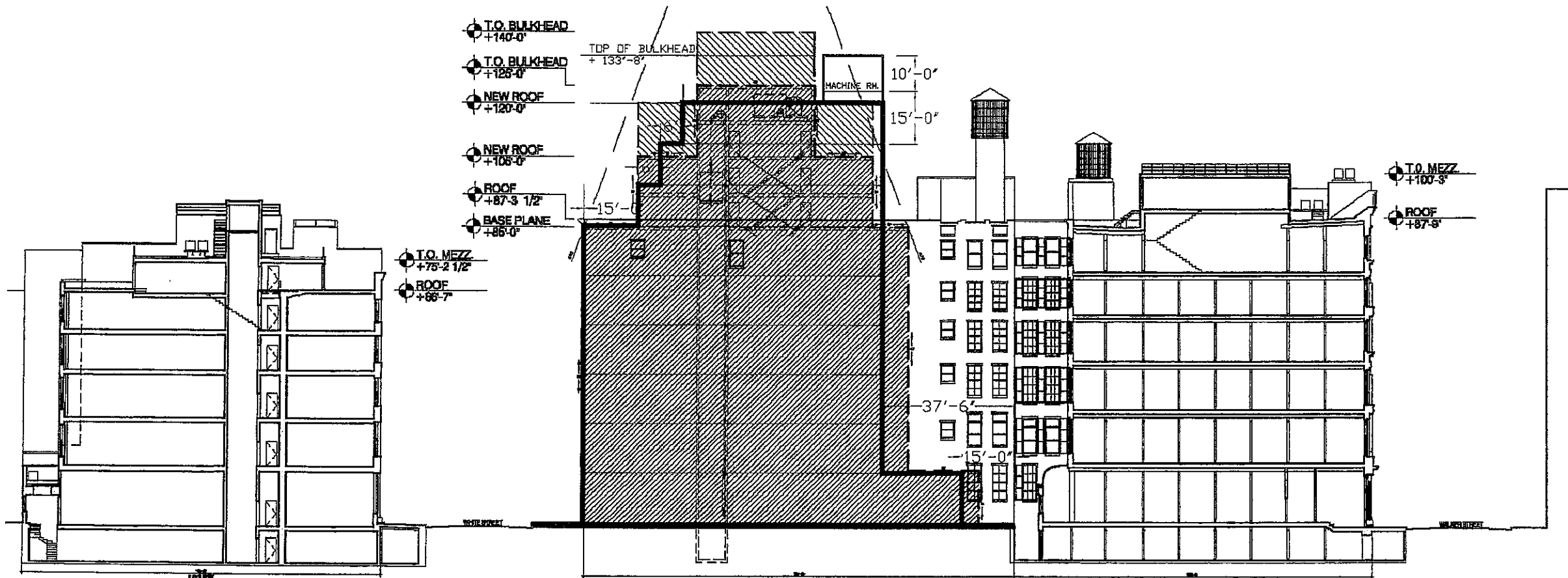
C6-2A (NARROW STREETS)

ZONING MAP
AMENDMENT
BLOCK 195
MANHATTAN



1 ELEVATION ON NORTH SIDE OF WHITE STREET
 SCALE: 1/16"=1'-0"




ZONING MAP
 AMENDMENT
 BLOCK 195
 MANHATTAN



NOTE:

THIS DRAWING REFLECTS THE DIFFERENCE BETWEEN THE BUILDING PROPOSED BY APPLICANT @ 84 WHITE STREET AND BOTH BUILDINGS DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS, ONE WITH THE MAXIMUM BULK PERMITTED UNDER THE PROPOSED ZONING AND ONE WITH A HEIGHT RESTRICTION OF 105'.

THE MAXIMUM BULK BUILDING DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS EXCEEDS THE MAXIMUM ALLOWED FLOOR AREA BY 1809 SF.

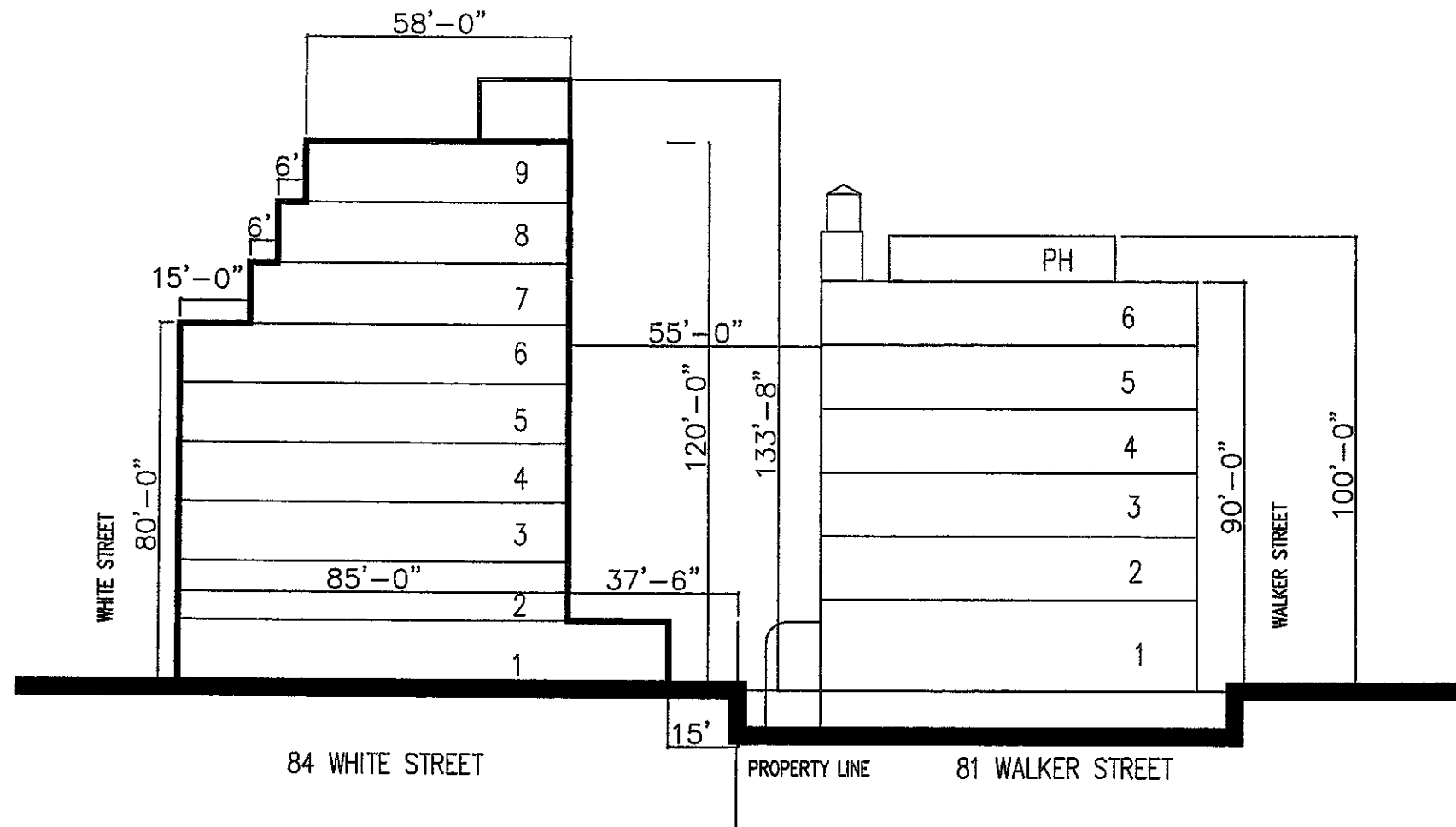
-  BUILDING @ 84 WHITE STREET AS PROPOSED BY APPLICANT
-  MAXIMUM BULK BUILDING WITH EXTREME MECHANICAL ASSUMPTION @ 84 WHITE STREET AS DEPICTED BY BIALOSKY + PARTNERS ARCHITECTS
-  BUILDING WITH 105' HEIGHT RESTRICTION @ 84 WHITE STREET AS PROPOSED BY BIALOSKY + PARTNERS ARCHITECTS

WHITE STREET REZONING

A-1

DID ARCHITECTS
MAY 12, 2008

NORTH/SOUTH SECTION- 84 WHITE STREET

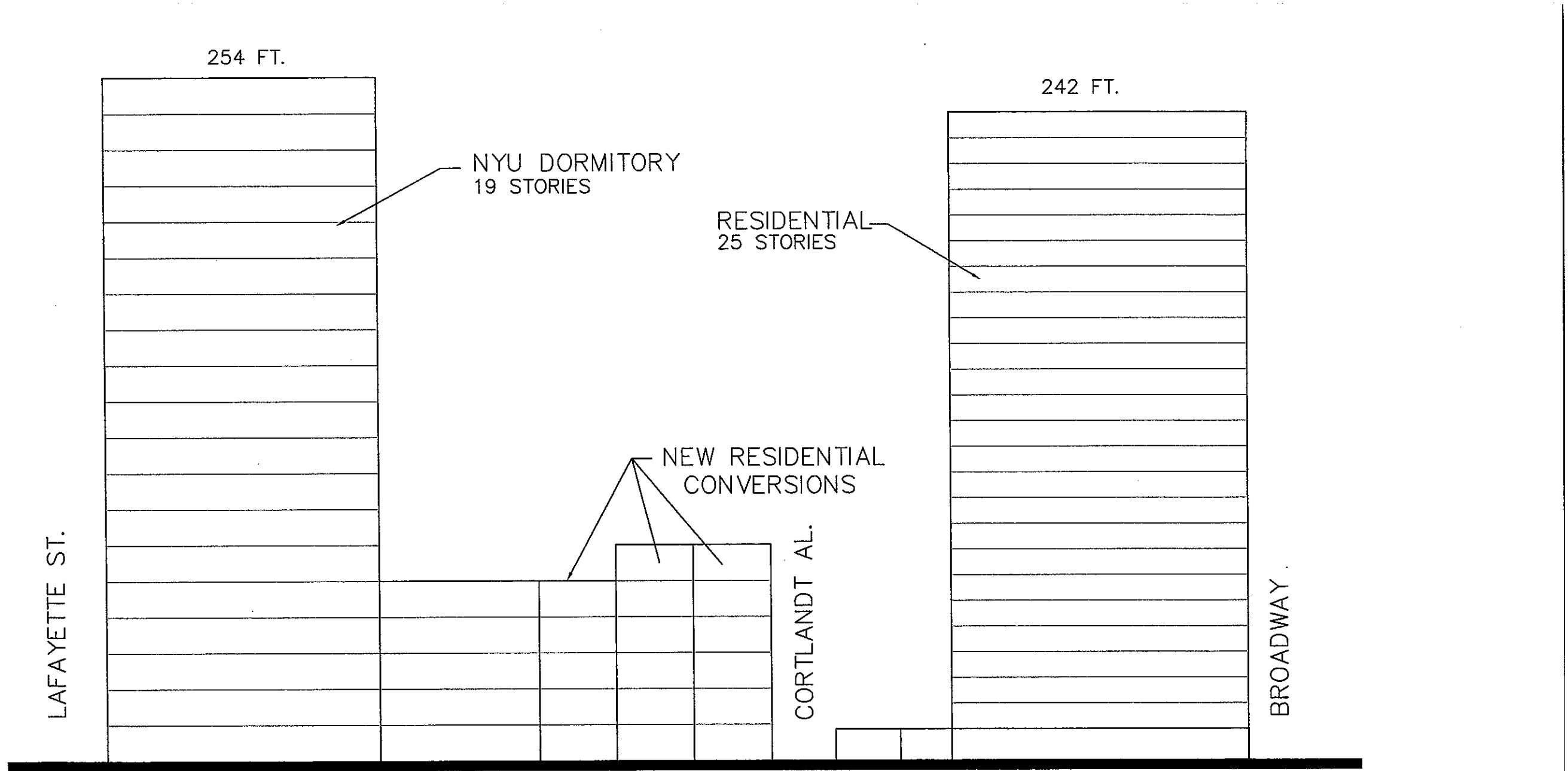


2

DIAGRAMMATIC SECTION

BUILDING PROPOSED BY APPLICANT @ 84 WHITE STREET

WHITE STREET REZONING
A-2
 DID ARCHITECTS
 MAY 12, 2008



4

ELEVATION ON SOUTH SIDE OF WHITE STREET

MEMORANDUM

TO: Members of City Council Zoning and Franchises Subcommittee (the
"Subcommittee")

FROM: Gary R. Tarnoff

CC: Samuel H. Lindenbaum

DATE: June 16, 2008

RE: 310-328 West 38th Street

310 West 38th LLC, an affiliate of Glenwood Management Corp. has filed for approval of two land use actions, which are before the Subcommittee. These are applications for: (1) a zoning text amendment to modify the street wall regulations of Preservation Area P-2 of the Special Garment Center District and (2) a special permit for a public parking garage with 400 spaces .

These land use actions will facilitate the development of a midblock site located between Eighth and Ninth Avenues that has 250 feet of frontage on both West 37th and West 38th Streets. The site is within the area of the Garment Center that was rezoned in 2005 as part of the Hudson Yards rezoning to encourage residential and commercial development up to 12 FAR. The Proposed Development will consist of two 24-story residential buildings that will be developed under the 80/20 Program; the two buildings will have a total of 569 dwelling units with 120 units to be affordable to lower income households. The ground floor will contain approximately 10,600 square feet of retail and 8,800 square feet for the through block entry/exit of the proposed public parking garage.

Zoning Text Amendment

The existing bulk regulations for developments in Preservation Area P-2 (ZR Section 121-32) mandate a street wall located at the street line for the entire frontage up to a height of 90 feet. This regulation does not permit any flexibility in the location of the street wall.

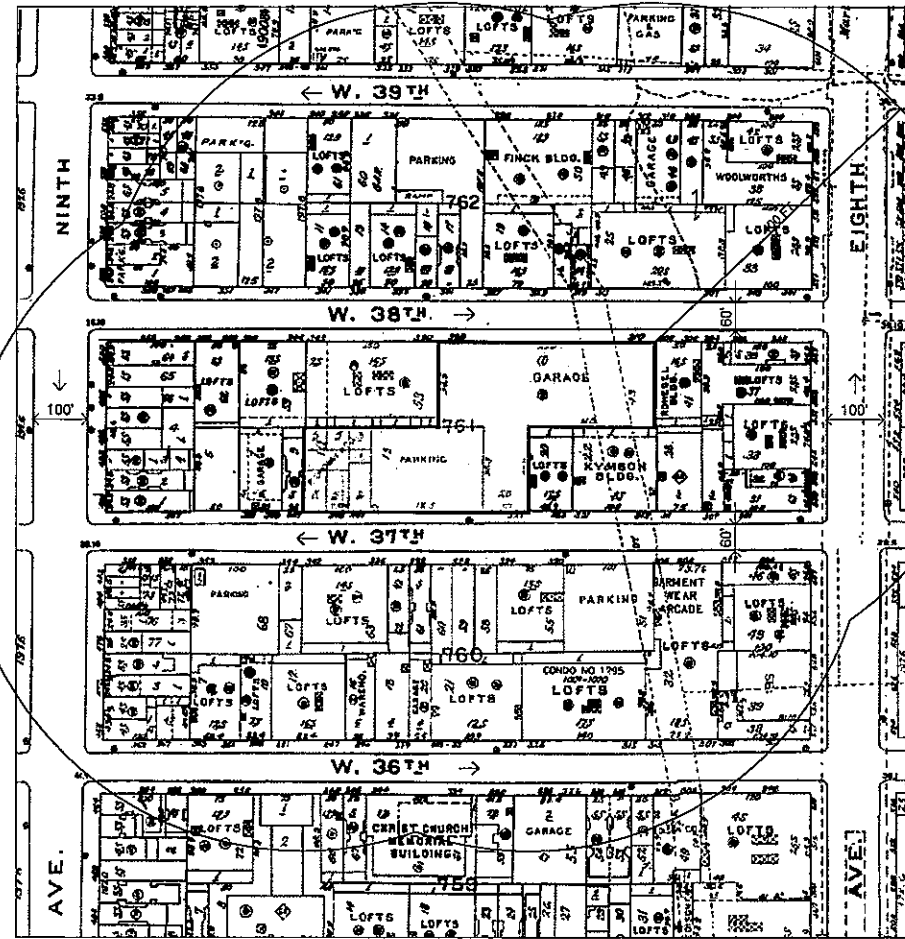
The proposed zoning text amendment would allow, on zoning lots with frontages of 200 feet or greater, up to 20 percent of the aggregate width of the street wall to be recessed to a maximum depth of 15 feet. This proposed regulation would provide flexibility in the location of the street wall that will encourage architectural expression of buildings with extensive frontages and also allow recessed entries provided that certain landscaping standards are met. In our case, the Proposed Development will include recessed entries with extensive landscaping that will enhance the streetscape on both West 37th and West 38th Streets. During the course of the public review process, we have revised the language of the proposed amendment to incorporate the recommendations of the Manhattan Borough President and Community Board 4.

Special Permit for Public Parking Garage

A 500-space public parking garage had been in operation at this site from 1916 until last year when it was demolished. In addition to the garage, a 90-space public parking lot had been operating for at least 40 years at this site. These public parking facilities with a combined capacity of 590 spaces have been long-term uses at this location and served both daily and monthly parkers from the Garment Center and southern Times Square, areas which have limited parking.

The Proposed Garage would have 400 spaces with a combined entry/exit on both West 37th Street and West 38th Street in order to provide a more efficient distribution of vehicles to and from the facility and minimize on-street traffic circulation. The current zoning regulations require that new residential developments provide parking for a minimum of 33

percent and a maximum of 40 percent of the dwelling units (ZR Section 93-81), which would allow 232 spaces as-of-right in the Proposed Development. However, in response to community concerns, the Applicant has agreed as a condition of the CPC approval to lease a minimum of 232 spaces in the garage on a monthly basis and further agreed to institute a system of nontransferable decals to identify vehicles owned by such monthly customers. We believe that these restrictions will still allow us to serve not only tenants and visitors to the Proposed Development (our primary market) but also residents of other buildings and businesses in the neighborhood.



① SITE MAP
SCALE: NTS

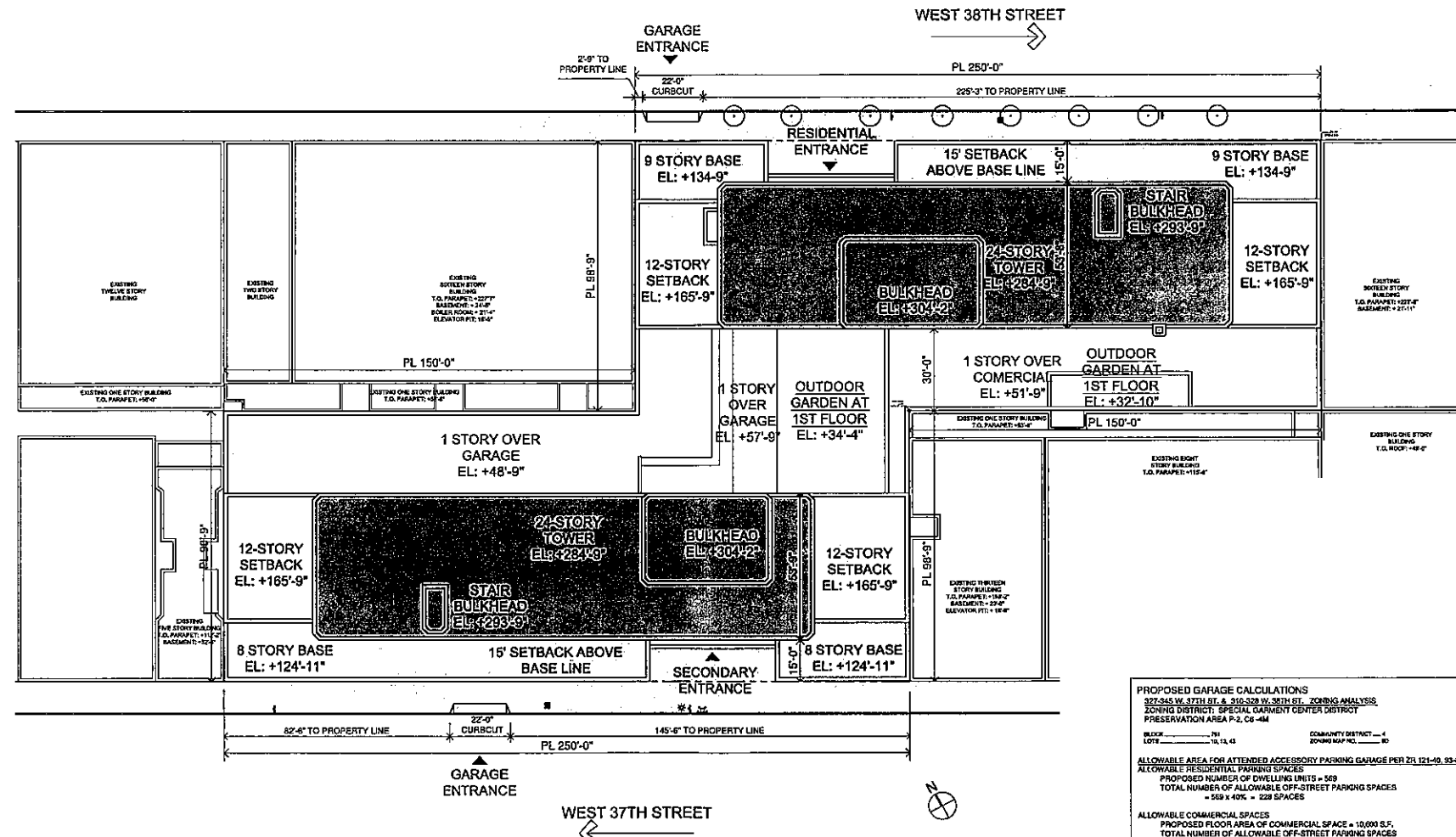


② LAND USE MAP
SCALE: NTS
310-328 WEST 38TH STREET
BLOCK 761
LOT 10, 13, 43

LEGEND

[Stippled Box]	Multi-family Residential
[Dotted Box]	Mixed Use
[Solid Black Box]	Commercial
[Dashed Box]	Parking
[Cross-hatched Box]	Industrial





1 SITE PLAN
SCALE: 1/16" = 1'-0"

PROPOSED GARAGE CALCULATIONS
 372-345 W. 37TH ST. & 310-328 W. 38TH ST. ZONING ANALYSIS
 ZONING DISTRICT: SPECIAL GARMENT CENTER DISTRICT
 PRESERVATION AREA P-2, C6-4M
 BLOCK: 791
 LOT: 16, 13, 43
 COMMUNITY DISTRICT: 4
 BOROUGH MAP NO.: 87

ALLOWABLE AREA FOR ATTENDED ACCESSORY PARKING GARAGE PER ZR 121-10, 33-86
 ALLOWABLE RESIDENTIAL PARKING SPACES
 PROPOSED NUMBER OF DWELLING UNITS = 369
 TOTAL NUMBER OF ALLOWABLE OFF-STREET PARKING SPACES
 = 369 x 40% = 128 SPACES

ALLOWABLE COMMERCIAL SPACES
 PROPOSED FLOOR AREA OF COMMERCIAL SPACE = 10,600 S.F.
 TOTAL NUMBER OF ALLOWABLE OFF-STREET PARKING SPACES
 = 10,600 S.F. / 1,000 S.F. = 10.6 x 0.323 = 4 SPACES

TOTAL ALLOWED ACCESSORY PARKING SPACES = 232
 ALLOWED AREA FOR PARKING GARAGE PER ZR 30-52 = 232 x 200 S.F. = 46,400 S.F.

REQUEST FOR SPECIAL PERMIT FOR PUBLIC PARKING GARAGE
 PURSUANT TO ZR 74-52 TO ALLOW A MAXIMUM OF 400 CARS.

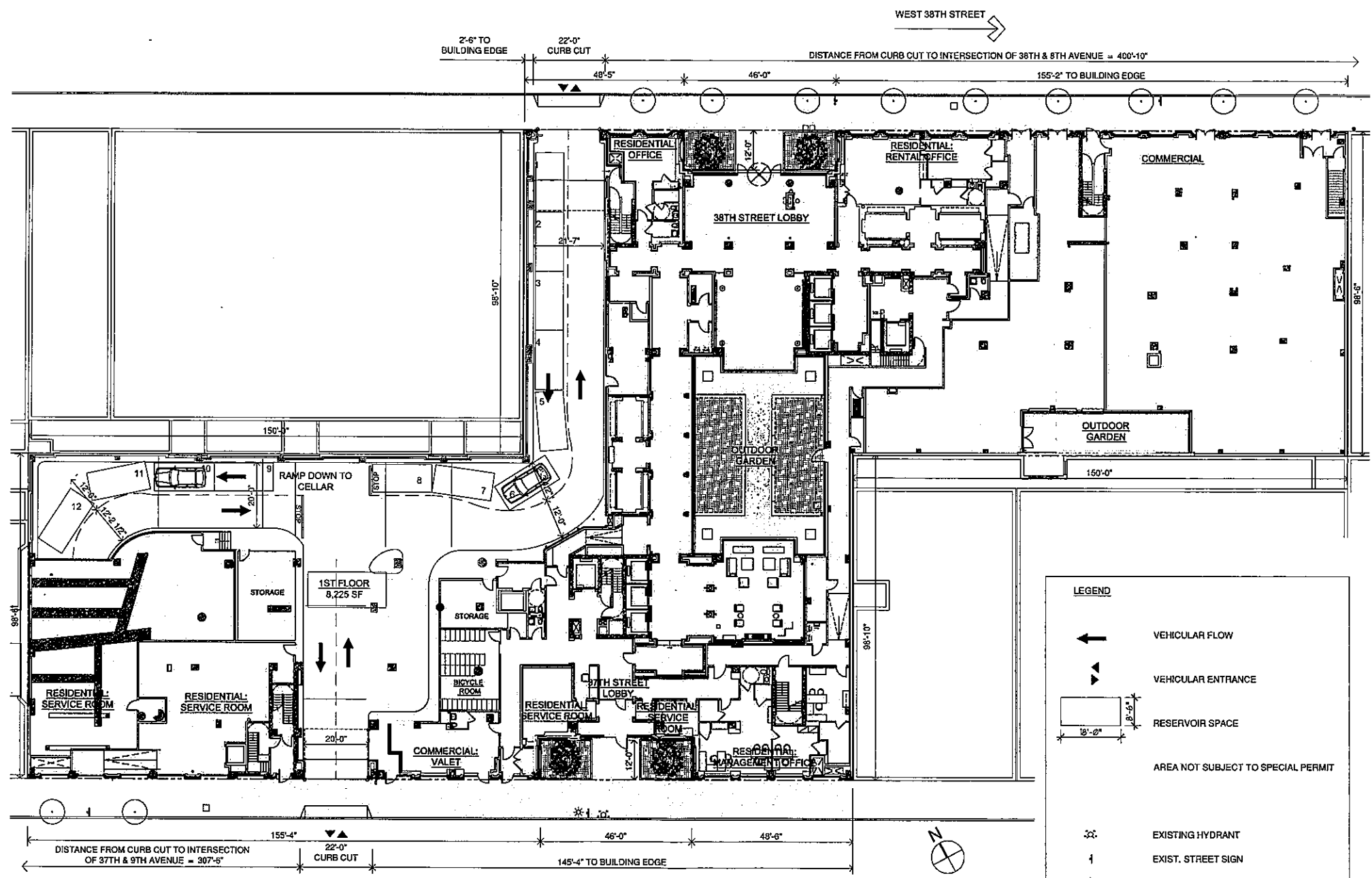
GARAGE AREA CAPACITY CALCULATIONS (PROPOSED)				
GARAGE FLOOR AREA (S.F.) (NOT INCLUDING ELEVATOR)	1ST FLOOR	CELLAR	SUBCELLAR	TOTAL
	8,255	24,245	27,540	60,040
NUMBER OF ATTENDED PUBLIC PARKING SPACES (INCLUDES 232 PERMITTED ACCESSORY SPACES)	400			
NUMBER OF RESERVOIR SPACES REQUIRED	20			
NUMBER OF RESERVOIR SPACES PROVIDED	21			

THE STEPHEN B. JACOBS GROUP P.C.
 Architects and Planners
 877 Fifth Avenue, New York, NY 10022
 T: 212-473-3712 F: 212-252-4816

GLENWOOD MANAGEMENT CORP.
 1200 Union Turnpike
 New Hyde Park, NY 11040

310-328 WEST 38TH STREET
 NEW YORK, NEW YORK

SITE PLAN & ZONING SHEET
 JAN 02, 2008
 0614 - DCP PRESENTATION



1 FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

GENERAL NOTE:
STOP SIGNS AND VISUAL/AUDIBLE WARNING DEVICES SHALL BE PLACED AT ALL VEHICULAR EXITS

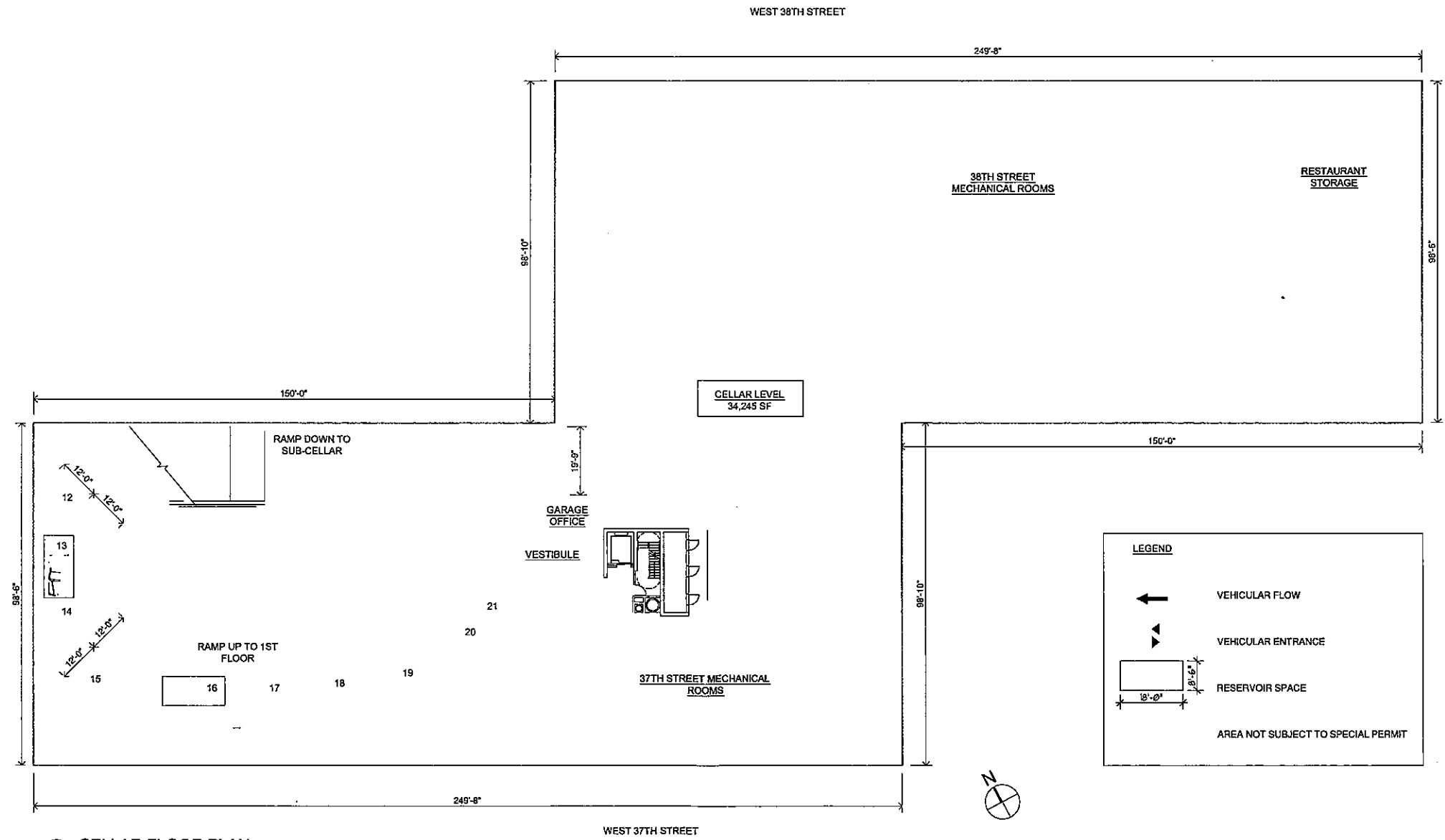
LEGEND	
←	VEHICULAR FLOW
▲	VEHICULAR ENTRANCE
□ (15'-0" x 8'-6")	RESERVOIR SPACE
□ (Hatched)	AREA NOT SUBJECT TO SPECIAL PERMIT
⊕	EXISTING HYDRANT
1	EXIST. STREET SIGN
*	EXIST. LIGHT POLE
■	PAY PHONES
■	PARKING METER

THE STEPHEN S. JACOBS GROUP P.C.
ARCHITECTS and PLANNERS
877 Park Avenue, New York, NY 10022
T: 212.421.3512 F: 212.752.4816

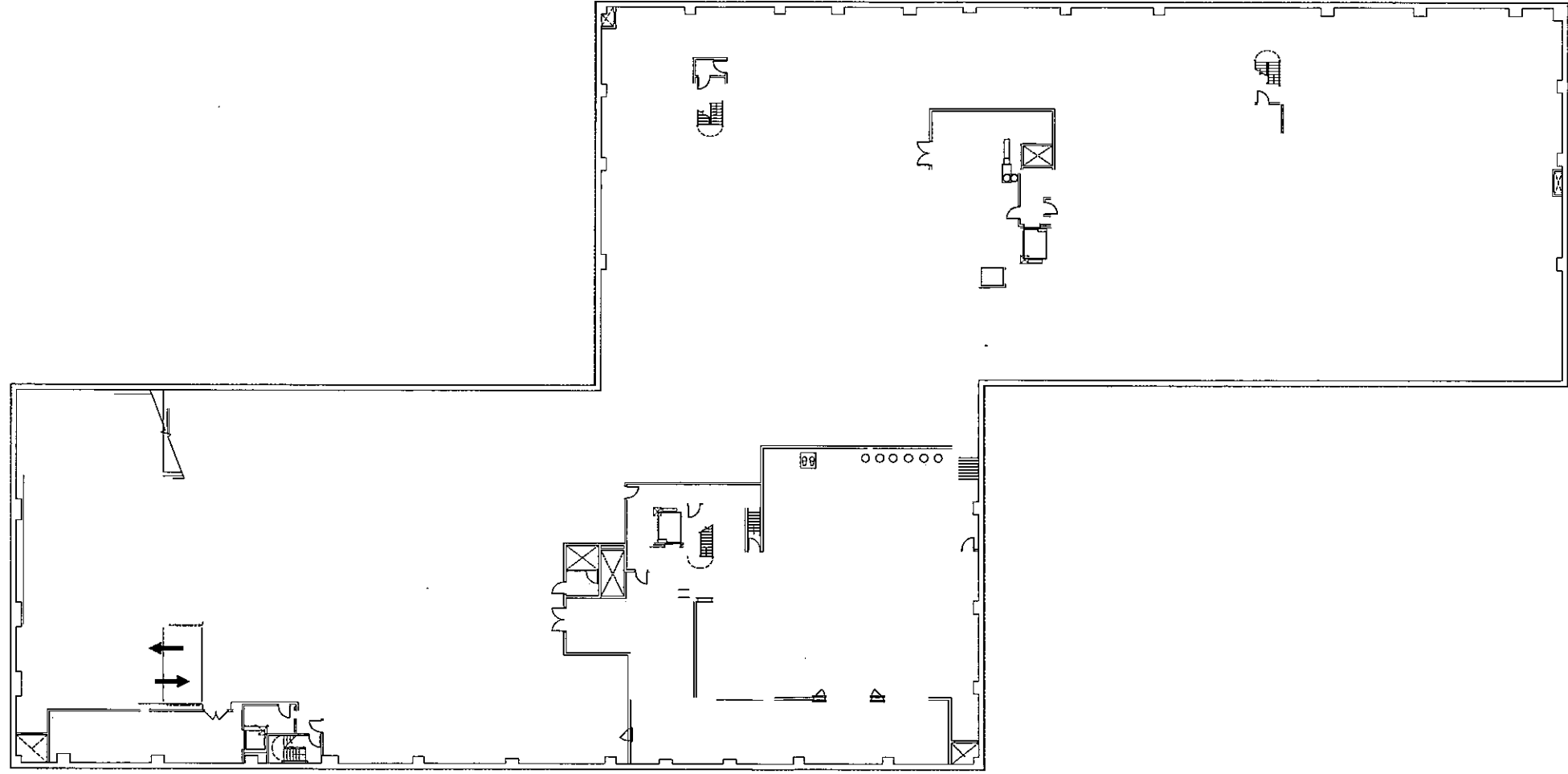
GLENWOOD MANAGEMENT CORP.
1200 Union Turnpike
New Hyde Park, NY 11040

310-328 WEST 38TH STREET
NEW YORK, NEW YORK

PROPOSED 1ST FLOOR PLAN
FEB. 04, 2008
0811 - DCP PRESENTATION



1 CELLAR FLOOR PLAN
SCALE: 1/32" = 1'-0"





1 38TH STREET ENTRANCE FROM NORTH-EAST SIDE OF STREET
SCALE: N.T.S.
FOR ILLUSTRATIVE PURPOSES ONLY



2 38TH STREET FACADE FROM SIDE OF STREET
SCALE: N.T.S.
FOR ILLUSTRATIVE PURPOSES ONLY



3 37TH STREET FACADE FROM SIDE OF STREET
SCALE: N.T.S.
FOR ILLUSTRATIVE PURPOSES ONLY

THE STEPHEN B. JACOBS GROUP P.C.
ARCHITECTS AND PLANNERS
877 FIVE AVENUE, NEW YORK, NY 10022
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GLENWOOD MANAGEMENT CORP.
1202 LEXINGTON TURNPIKE
NEW HYDE PARK, NY 11040

310-328 WEST 38TH STREET
NEW YORK, NEW YORK



38TH STREET RENDERINGS
APR. 18, 2008
SBB - GCM PRESENTATION

CHEKPEDS

Clinton/Hell's
Kitchen Pedestrian
Safety Coalition



400 W 43rd Street - #33-N
New York, New York
10036
(646) 623 2689
excom@chekoeds.com

OUR MEMBERS • 9th Avenue Association • 43rd Street Block Association • 44SW • 44th Street Block Association • 45th Street Block Association • 46th Street Block Association • 47/48th Street Block Association • 55th Street Block Association • 344-348 West 38th Street Tenants Corp. • Actors Temple Theater • American Home Hardware & More • Baryshnikov Arts Center • Basilica • Brazil Brazil • Central Fish Market • Chimichurri Grill • Clinton Housing Development Corp • Costa del Sol • Cupcake Café • Delphinium Home • Domus • Econolodge • Empire Tailors & Cleaners • Times Square • Galaxy Diner • Hartley House • Hell's Kitchen Neighborhood Association • Housing Conservation Coordinators • Hudson Crossing Tenants Association • International Foods • Jezebel • J.Seffens Studio • L'Allegria • Larissa Designs • Le Madeleine • Manganaro's Food • Manhattan Plaza • Metro Bicycle Stores • New Dramatists • Nice N Natural • Orion Condominium • OsteriaGelsi • PetsNYC.com • Poseidon Bakery • Project FIND • R/GA • Revolution Rickshaws • Rockrose Development • Sea Breeze • Saint Vincent Midtown Hospital • Sunnyside Records • Smiley's • Sonja Wagner Gallery • Costa del Sol • St. Lukes Theater • Studio LLC • Tagine • Tartare • The Ritz • The Door Lounge • Thrift & New Shoppe • Trattoria Pesce Pasta • Urban Affiliates • Vintner Wine Market • Zipper Theater

www.chekped.com

June 16, 2008

Ms Christine C. Quinn
City Council,
City Hall
New York, NY 10007

Re: 310-328 West 38th Street Parking Garage Permit Application

Dear Speaker Quinn,

On June 25, you will ask the Council to vote on the issuance of a special permit to create 400 parking spaces, (232 accessory spaces that can also be used as public and 168 public spaces). We are asking you to deny the special permit for 168 additional public spaces, 70% in excess of the maximum allowed by the zoning.

The members of CHEKPEDS, representing more than 800 residents, block associations, businesses and institutions in the neighborhood surrounding the proposed garage, urge you to please deny this special permit, which does not meet the findings the zoning resolution requires; in particular it does not meet findings (b) and (e) of §74-52:

74-52 Parking Garages or Public Parking Lots in High Density Central Areas

As a condition of permitting such #use#, the Commission shall make the following findings:

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;"

The streets providing access to this garage are not adequate to handle the traffic generated.

The New York City DOT is currently performing a study to reduce traffic in the Clinton/Hell's Kitchen area. Here are some recent facts:

- 38th Street and 9th Avenue, at the entrance to the proposed parking garage, is one of the most consistently gridlocked intersections in Manhattan, per a 2006 study by the Borough President's office.
- The exit from the parking garage will be on 37th Street, a major entrance to the Lincoln Tunnel, with gridlock at peak hours every day and late into the night. The DEIS of the Access to the Region's Core project (ARC) identifies both 37th and 9th and 38th and 8th intersections as significantly impacted by the build conditions.
- The ARC DEIS and SDEIS transportation sections note that the Level of Service (LOS) in 2003 of the westbound intersection of 37th Street and 9th Avenue was rated as "E" (on a scale of A to F where A is excellent). This reflects a delay of 60 seconds per vehicle. In 2030, the LOS at this same intersection will degrade to "F" — the worst — with 147 seconds delay per vehicle.



West 37th Street/9th Avenue, 3 to 8p.m. Lincoln Tunnel Entrance

74-52 Parking Garages or Public Parking Lots in High Density Central Areas

As a condition of permitting such #use#, the Commission shall make the following findings:

(b) That such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

The garage will contribute to serious traffic congestion:

The developer's traffic consultant underestimated the volume of traffic generated by the parking:

- The traffic analysis assumed there would be only 168 transient parkers, and the rest will be accessory parking. This is not accurate. Although the developer has agreed to dedicate 232 spaces to monthly parkers, nothing prevents these monthly passes to be sold to commuters coming from New Jersey in the morning at peak hour and leaving for home in the evening at peak hour.
- The residents of the building will not use more than 188 parking spaces, contrary to what as traffic consultant assumed, since the Hudson Yards FGEIS based its calculations on an auto ownership rate equal to one car for every three dwelling units (33% of 569 dwelling units equals 188). However, this is a rental building which generally has a lesser vehicle ownership than coops or condominiums; it also includes 116 affordable apartments. This factor, combined with the proximity to trains and subway stations, further reduces the probability of car ownership, closer to the 25% of dwelling units typical of Manhattan.

- However, even with 188 overnight residential parkers, there will be 220 transient parkers using this parking garage, more than twice the 102 assumed by the applicant.
- This parking garage, located less than 500 feet from an already congested Lincoln Tunnel entrance, will be used mainly by commuters — as are the surrounding parking lots - and will not follow an average commercial traffic pattern with trips evenly spread over the whole day, as assumed in the developer's traffic analysis.

All of these issues were brought up in letters and testimony before the Planning Commission. *Yet in its report, the Commission did not respond to any of them.* Neither did the Commission conduct any traffic impact study, nor did it require the developer to conduct such a study. Instead the Commission merely concluded that because “projected trips fall below the 50-vehicle per hour threshold set by the CEQR Technical Manual . . . there would be no significant adverse traffic impacts caused by the garage.”¹

However, this conclusion is a misreading of the CEQR manual, which provides the following directive:

“In all areas of the City, if the proposed action would generate fewer than 50 peak hour vehicle trip ends, a need for further traffic analysis would be unlikely. . . . However, it should be emphasized that proposed actions affecting congested intersections have at times been found to create significant traffic impacts when their trip generation is fewer than 50 vehicles in the peak hour. . . . If the combination of projected trip generation and site of the proposed action indicates the potential for significant traffic or air quality impact, further traffic analysis – including a quantification of traffic volumes, intersection capacities, and levels of service – may be appropriate. Consultation with the appropriate lead agency and New York City Department of Transportation (NYCDOT) may be advisable . . .” [CEQR Manual, p. 30-2, emphasis supplied]

For a LOS E, the threshold is a four-second increase in delay, and for a LOS F a three-second increase in delay is considered a significant adverse impact. However, if an intersection with LOS F has a delay in excess of 120 seconds, an increase delay of more than one second is considered significant, unless the Build condition would generate fewer than five vehicles through that intersection in the peak hour.”

- A transportation model should have been run to verify whether a garage with 220 commuter cars would cause delays in excess of four second on 37th Street, when its occupants leave in mass at peak hour. The study should have been referred to the Department of Transportation to perform such a study per the CEQR manual:

¹ City Planning Commission Report, C 070463 ZSM, June 2, 2008, p. 6.

- In fact, for a parking garage permit under §74-52, referral to NYCDOT is required by the zoning ordinance:

74-31 General Provisions

(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. . . .

Yet the Commission failed to follow this requirement. Because of the Commission's failure to follow proper procedure or to require any traffic impact study, the permit application must be denied.

74-31 (a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#,

Two out of five of the findings are not met as shown above and therefore not all of the findings can be made.

74-31 (a) [The Commission ...]and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#. . .

In addition, the permit should be denied because the hazards to the community (poor air quality, asthma and pedestrian safety) outweigh the advantages to be derived by the community. In particular, the Commission failed to consider hazards and benefits to the community, as required by §74-31:

- Community District 4 has the third highest rate of asthma hospitalization in Manhattan — after Harlem and Morningside Heights. Generating even more traffic is putting residents directly in harm's way. The negative effect of parking on traffic and air quality is confirmed by the off-street parking limitations that the City adopted in 1982 to comply with the SIP.
- There were 130 pedestrian injuries and two deaths in the last ten years at the four intersections adjacent to the proposed garage — a grim reminder of the conflicts between masses of pedestrians and masses of vehicles on these streets.

The developer contends that additional parking spaces are an advantage to the community because they replace an existing parking garage the community needs. The facts show that the extra spaces are not needed:

- The Hudson Yards FGEIS indicates that

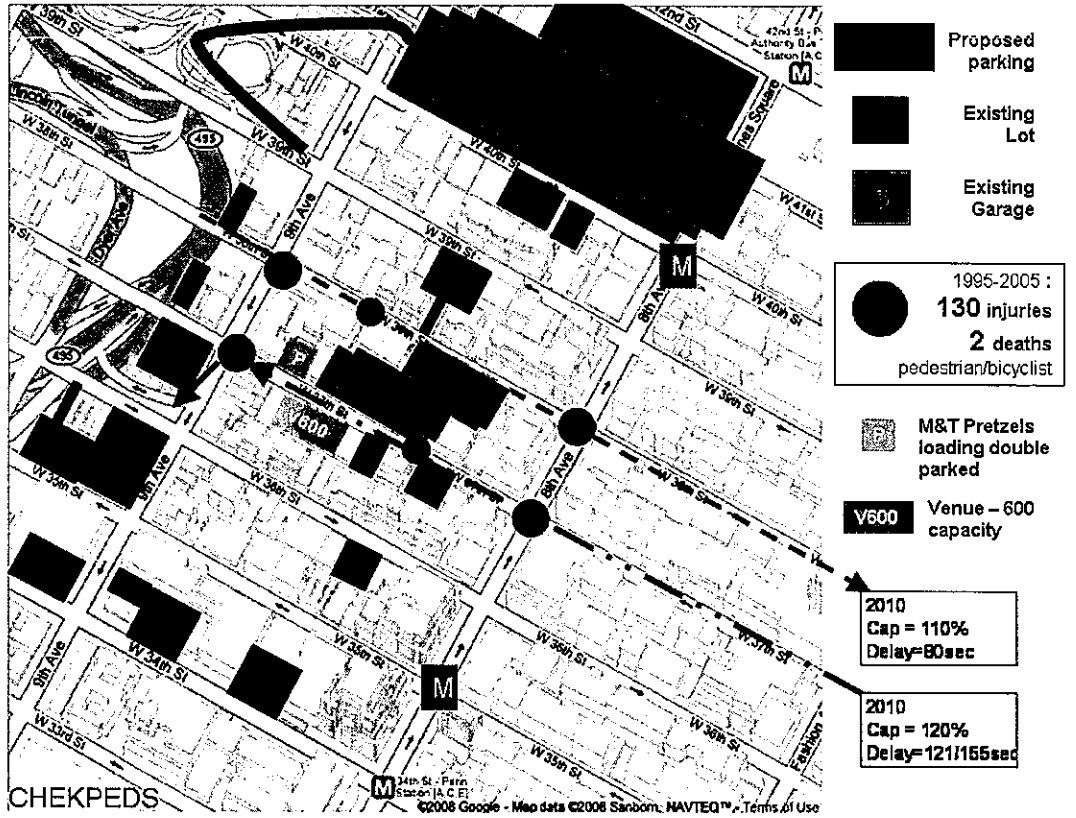
Demand for parking in the 2025 Future With the Proposed Action would be the result of the new office and residential development and the demand generated by parking displaced as existing parking facilities are redeveloped...[p19-3]. (Parking development rates conform to the DCP's established guidelines: 0.33 spaces provided per dwelling unit and 0.35 spaces provided per 1,000 gross square foot of office space) . . .

Additional off-street parking supply to meet anticipated demand generated by the office, residential, and hotel uses would primarily be provided by the proposed 950-space public parking garage located below the Midblock Park and Boulevard System between West 34th Street and West 36th Street, and the parking facilities associated with the residential and commercial development..

Utilization during the weekday Midday period is anticipated to result in a shortfall of 52 parking spaces in 2025. The projected shortfall would only occur for a brief period during the weekday Midday period and would be relatively insignificant when compared to the total capacity during this time period (i.e., a shortfall of 52 out of a total capacity of 31,015 spaces in the study area, which would be less than ½ of one percent of the total and distributed over numerous parking facilities)...

Overnight parking utilization is anticipated to be 45 percent." [HY FGEIS, p. 19-162]

- The Hudson Yards FGEIS assumed a 232-car garage for this property. In the FGEIS, the projected number of parking spaces in the Hudson Yards area included spaces for an expanded convention center and a multi-use facility (football stadium), projects that have been scaled back or eliminated. Thus, the 168 additional spaces are not needed.
- This property has access to many mass transit options — it is within 600 feet to two Eighth Avenue subways, and less than 1,000 feet from the Pennsylvania Station and the Port Authority Bus Terminal, serving Long Island and New Jersey as well as New York and New Jersey airports and Amtrak destinations.
- There is ample parking for residents and local businesses here. According to a 2008 map available on the City Planning web site, there are 16 facilities within 500 feet from the proposed garage: eleven parking lots and five garages including the Port Authority's 1,125-space public garage.



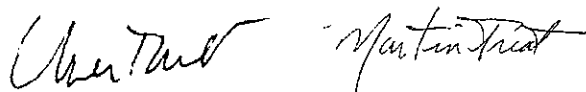
- Consistent with the Hudson Yards FGEIS projection, there is plenty of excess capacity — across the street from the proposed garage; the parking lot's attendant is posted eight hours a day to flag new business. Another new garage at 42nd and 9th regularly posts an attendant waving a flag to attract customers.

The developer elected to build the parking garage before he obtained the special permit. It not up to us to judge how arrogant this tactic is; however, there is evidence that alternate uses of such spaces are possible and more lucrative. On 37th Street between 10th and 11th Avenues, a property owner came close last week to renting a 10,000-square-foot ground floor to a parking garage operator. Instead, he rented it to a commercial tenant who paid 20% more for the space, while bringing employment to the neighborhood. This is a win-win for everyone.

11-21 Provisions are Minimum Requirements
In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements :(a) to promote and protect public health, safety and general welfare

Based on the lack of proper findings as required by the zoning text, we trust you will deny this application for 168 public spaces, 70 % in excess of the maximum permitted by the zoning. This garage does not promote and protect public health, safety and general welfare; in fact the very opposite is the case.

Respectfully,



CHEKPEDS
Christine Berthet & Martin Treat, Founders

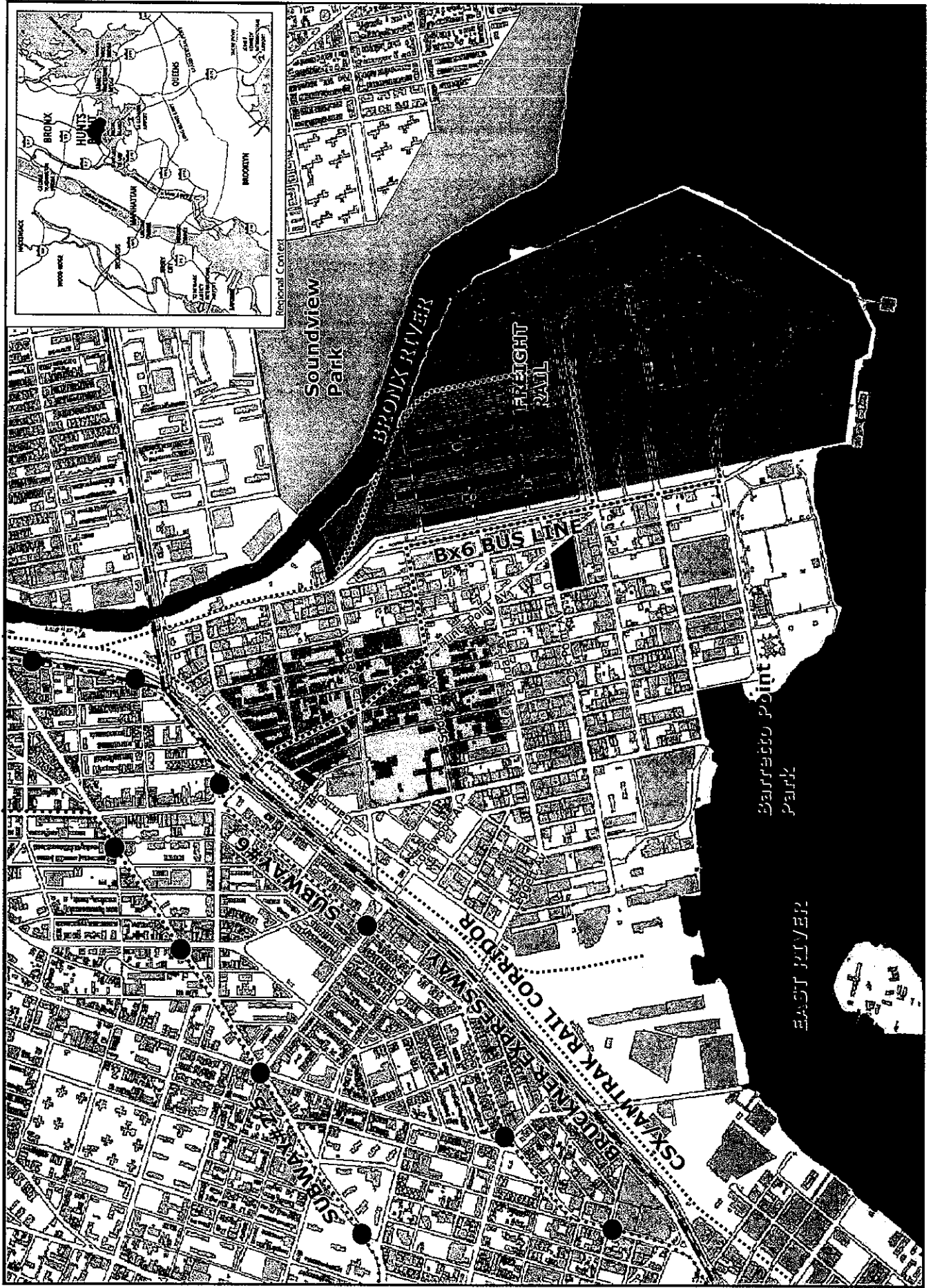


Special Hunts Point District

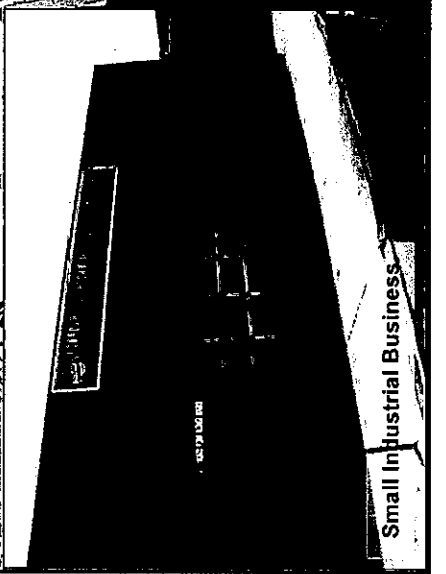
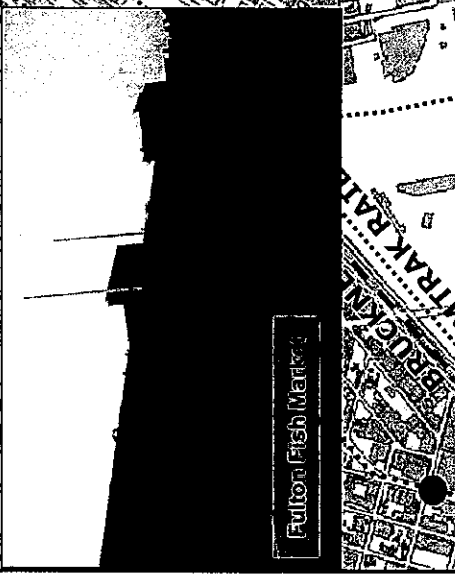
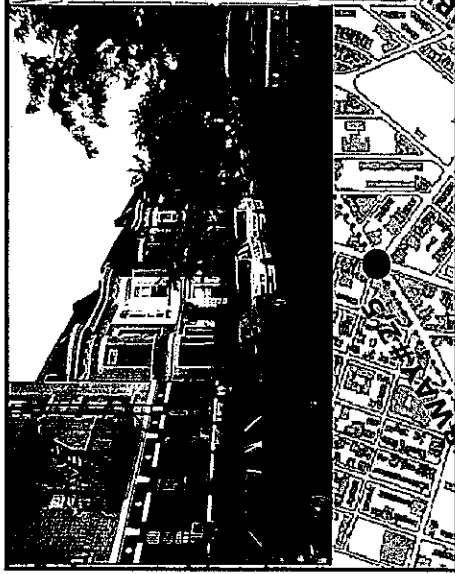
<http://www.huntspointpresent.com>

<http://www.huntspointpresent.com>

Context: Regional Connectivity



Context: Land Use

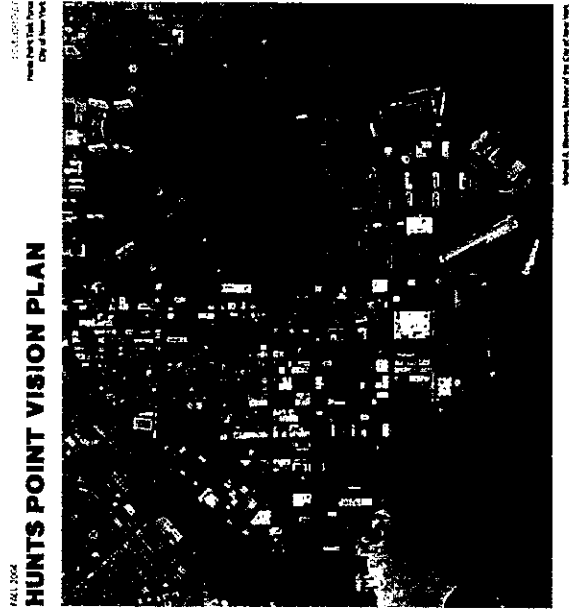


Three Areas

- 1. Residential Core** surrounding Hunts Point Avenue with a mix of apartments, town houses, and some local retail
- 2. Hunts Point Food Distribution Center** is one of the largest food distribution center in the world
 - Produce Market
 - Meat Market
 - New Fulton Fish Market
- 3. Small Industrial Businesses** with diverse mix of businesses types such as:
 - Food-related businesses
 - Warehousing/ distribution
 - Construction
 - Auto-related
 - Waste-related uses

Small Industrial Business

Hunts Point Task Force



Hunts Point Task Force :

- Mayoral initiative formed in 2003
- Composed of several city agencies, local residents, and business owners

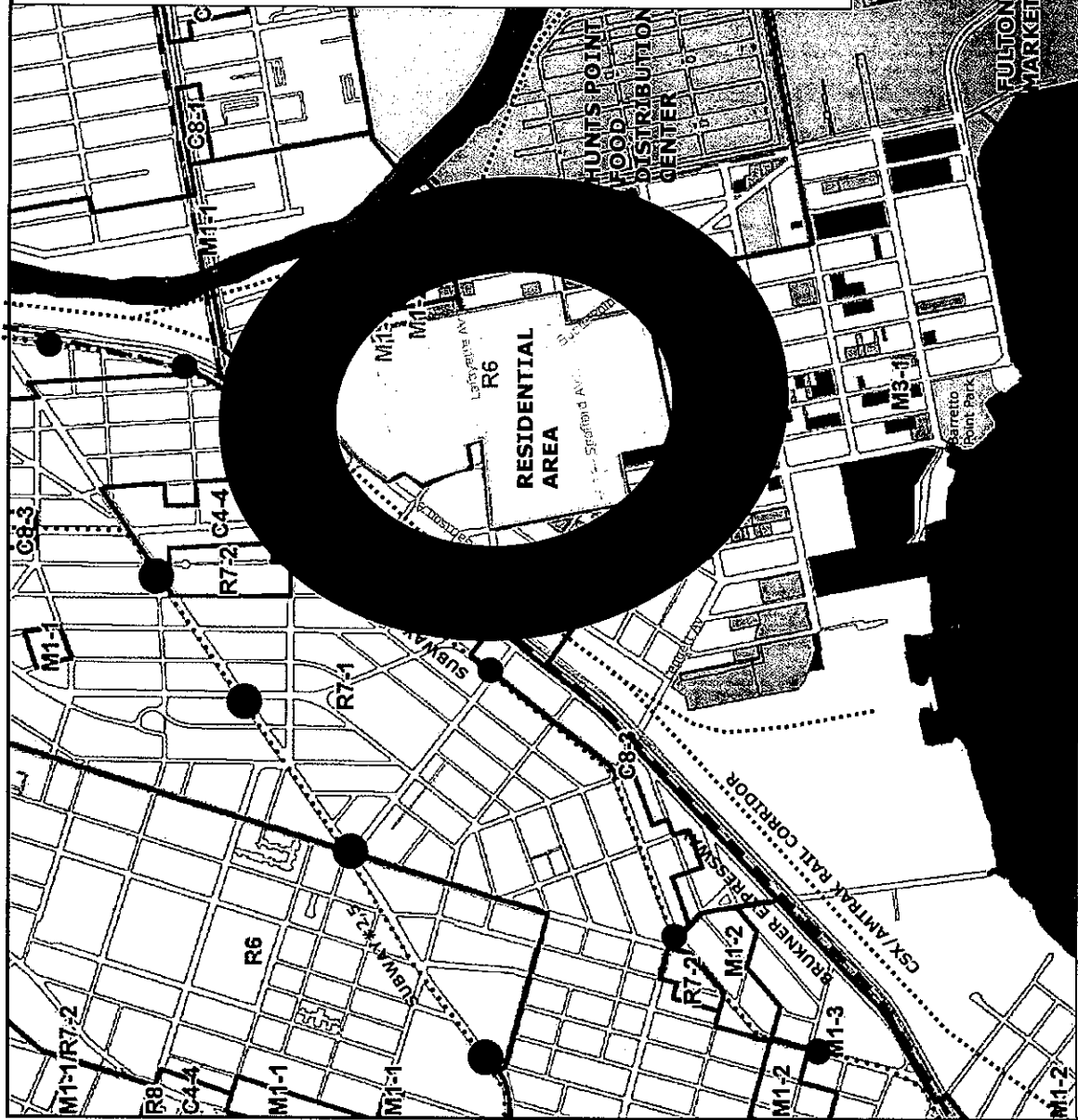
The Hunts Point Task Force identified problems/issues and proposed solutions in Hunts Point

Four major issue areas :

1. **Optimizing Land Use**
2. **Implementing Workforce Solutions**
3. **Creating Connections**
4. **Improving Traffic Safety and Efficiency**

Land Use Issues identified by Hunts Point Task Force :

1. Need to buffer residential community from heavier industrial and waste related uses
 2. Incompatible uses such as waste transfer stations locate near concentrations of food business
- +
- Hunts Point Food Market needs buffer from heavier uses
3. Lack of retail businesses in the neighborhood
 4. Open industrial uses negatively impact the physical appearance of Hunts Point



Legend

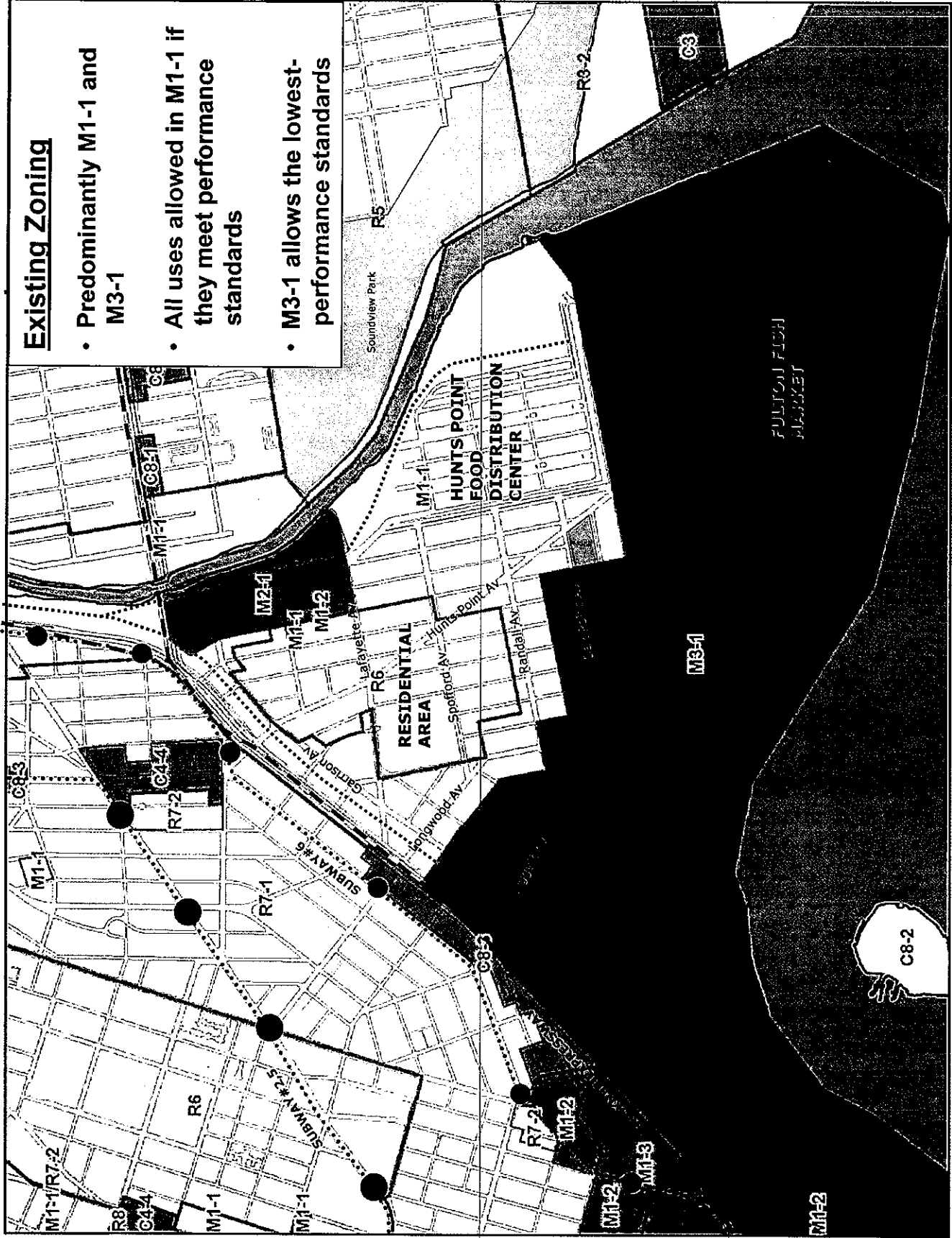
- WASTE-RELATED USE
- ▨ FOOD-RELATED USE

-2

Existing Zoning:

Existing Zoning

- Predominantly M1-1 and M3-1
- All uses allowed in M1-1 if they meet performance standards
- M3-1 allows the lowest-performance standards



Proposed Actions:

Proposed Actions

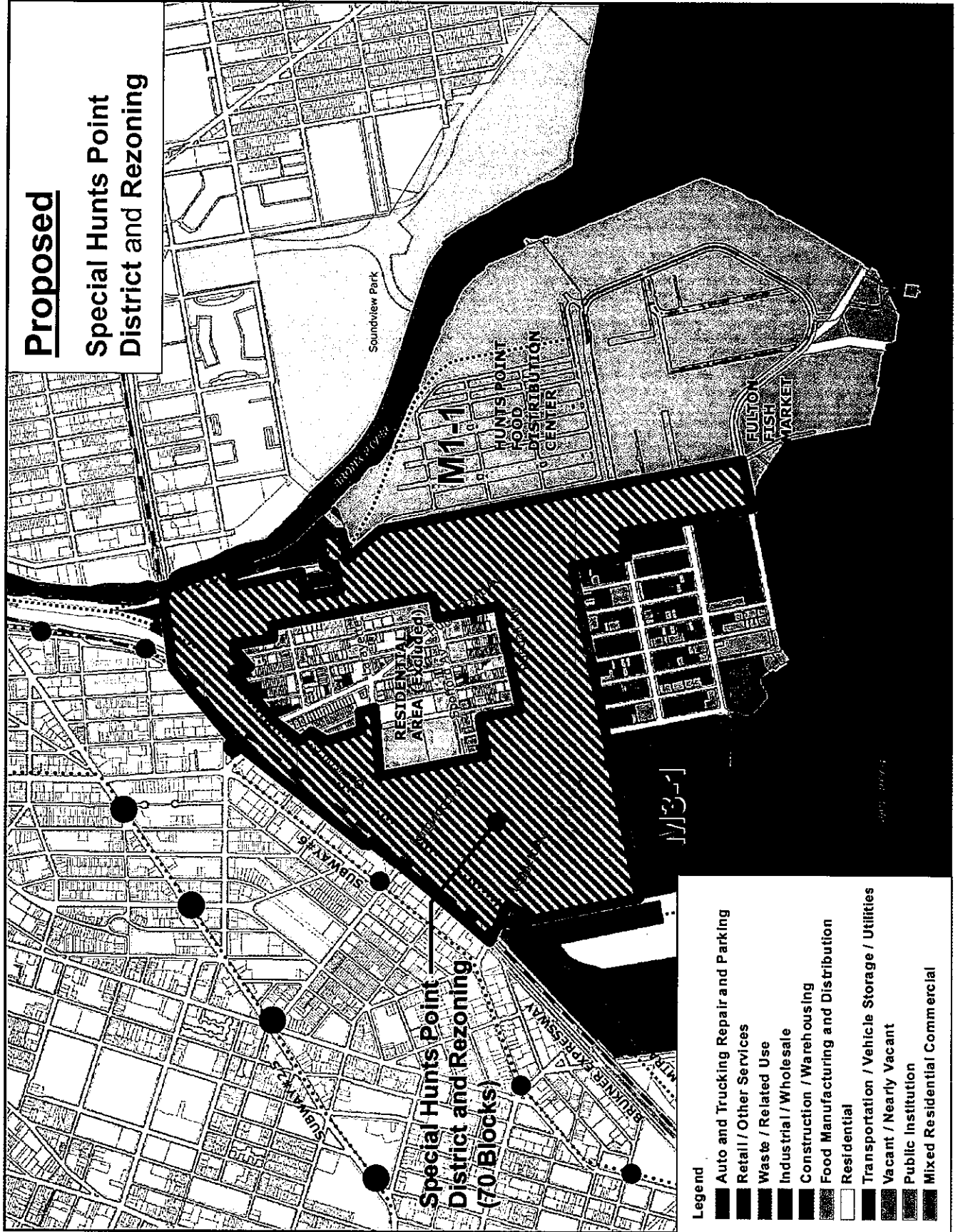
- Rezoning
- Special District
- Other zoning actions



Proposed Zoning:

Proposed

Special Hunts Point District and Rezoning



Special Hunts Point District and Rezoning (70 Blocks)

Legend

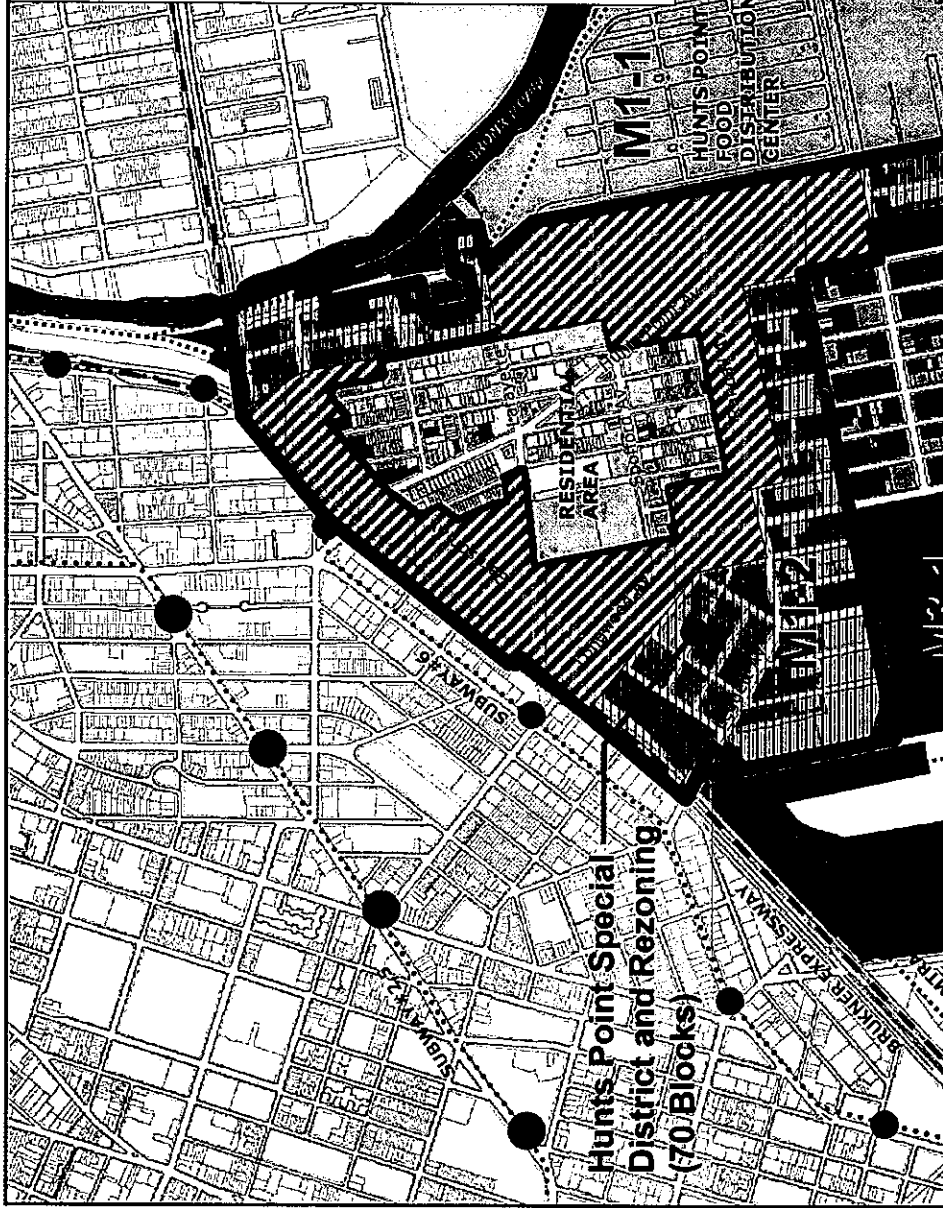
[Pattern]	Auto and Trucking Repair and Parking
[Pattern]	Retail / Other Services
[Pattern]	Waste / Related Use
[Pattern]	Industrial / Wholesale
[Pattern]	Construction / Warehousing
[Pattern]	Food Manufacturing and Distribution
[Pattern]	Residential
[Pattern]	Transportation / Vehicle Storage / Utilities
[Pattern]	Vacant / Nearly Vacant
[Pattern]	Public Institution
[Pattern]	Mixed Residential Commercial

Proposed Zoning:












Proposed Zoning

Rezone Entire Special District to M1-2 from M1-1, M2-1, M3-1

-  Increase FAR from 1.0 to 2.0 for 43 blocks
- Highest Performance Standards required for the entire special district



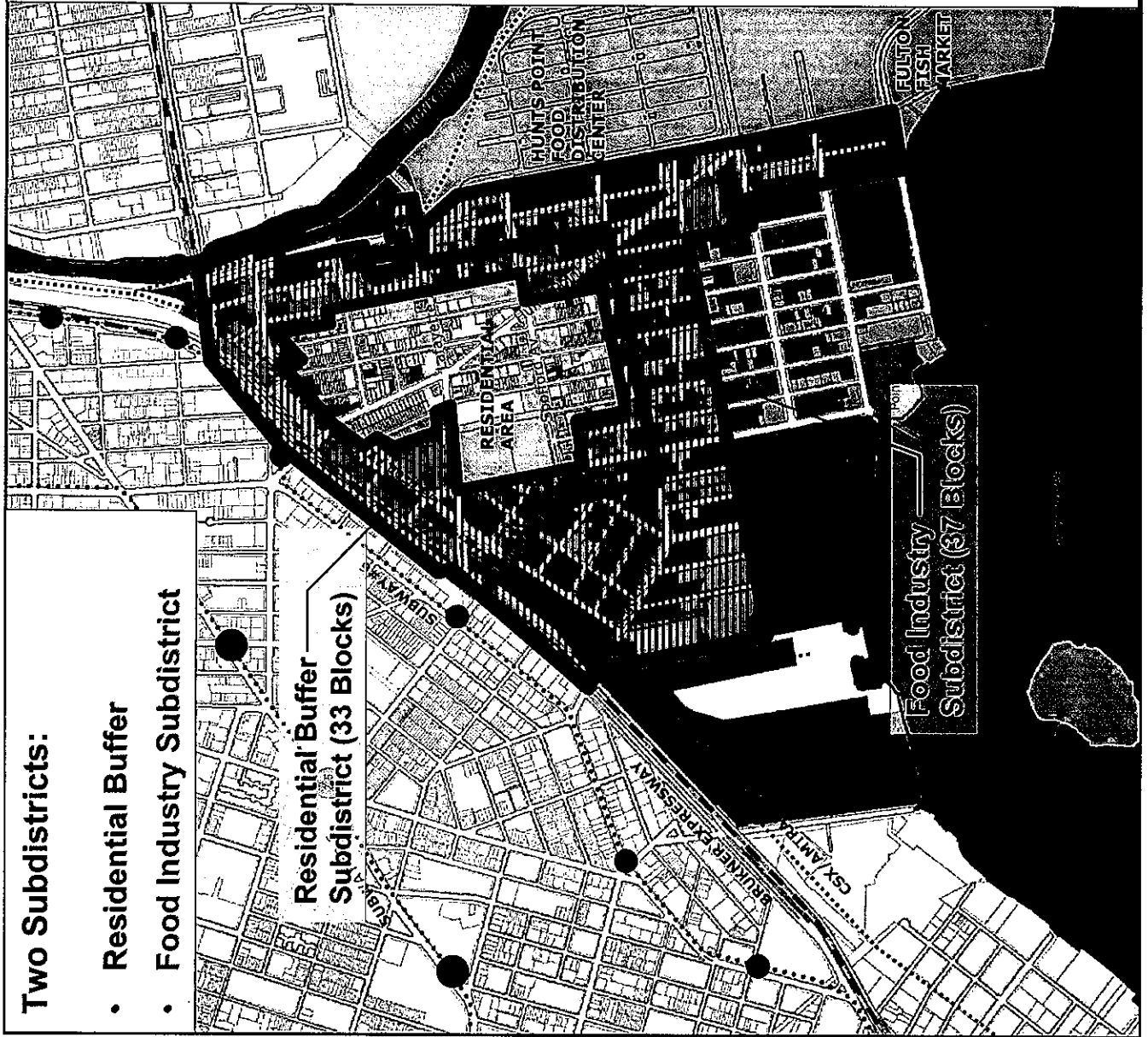
Legend

	Auto and Trucking Repair and Parking
	Retail / Other Services
	Waste / Related Use
	Industrial / Wholesale
	Construction / Warehousing
	Food Manufacturing and Distribution
	Residential
	Transportation / Vehicle Storage / Utilities
	Vacant / Nearly Vacant
	Public Institution
	Mixed Residential Commercial

Proposed Special District:

Two Subdistricts:

- Residential Buffer
- Food Industry Subdistrict



Goals

- Provide a buffer of high-performance industrial and other commercial establishments around the residential area
- Encourage the development of food related businesses and other compatible businesses
- Create a transition between the Hunts Point Food Market and related businesses and the adjacent neighborhood
- Retain jobs in New York City
- Promote the development of retail businesses in the Residential Buffer
- Improve the appearance of Hunts Point

Proposed Special District:

Two Subdistricts:

- Residential Buffer
- Food Industry Subdistrict

Residential Buffer Subdistrict (33 Blocks)

Residential Buffer

Buffer the residential core from heavier industrial uses

- Heavier uses such as waste-related use will not be allowed
- Industrial activities and all storage of parts or materials required to be located within completely-enclosed building
- ****Restrictions lifted on 10,000 s.f. of larger retail and grocery stores to encourage more retail options****
- Restrictions lifted on selected community facilities such as art galleries, libraries and museums
- Reduce required parking for grocery stores to encourage new development
- Street trees required for all developments
- New city-wide parking landscaping regulations



Legend

- Auto and Trucking Repair and Parking
- Waste / Related Use
- Industrial / Wholesale
- Construction / Warehousing
- Food Manufacturing and Distribution
- Transportation / Vehicle Storage / Utilities

Food Industry Subdistrict (37 Blocks)

** = Modification to SHPD

Proposed Special District:

Two Subdistricts:

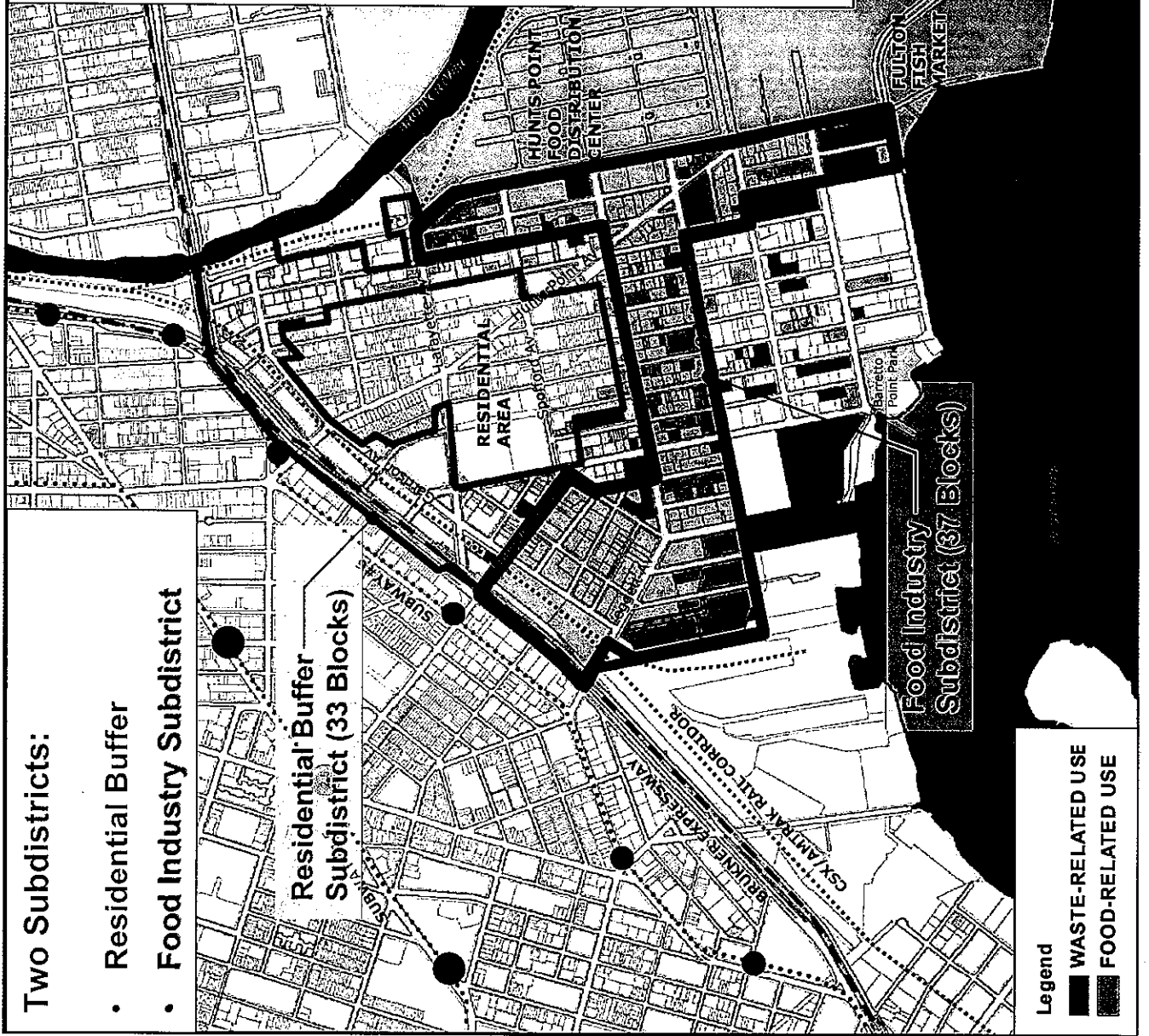
- Residential Buffer
- Food Industry Subdistrict

Residential Buffer Subdistrict (33 Blocks)

Food Industry Subdistrict

Buffer Food Distribution facility from heavier industry and promote the growth of food industrial businesses

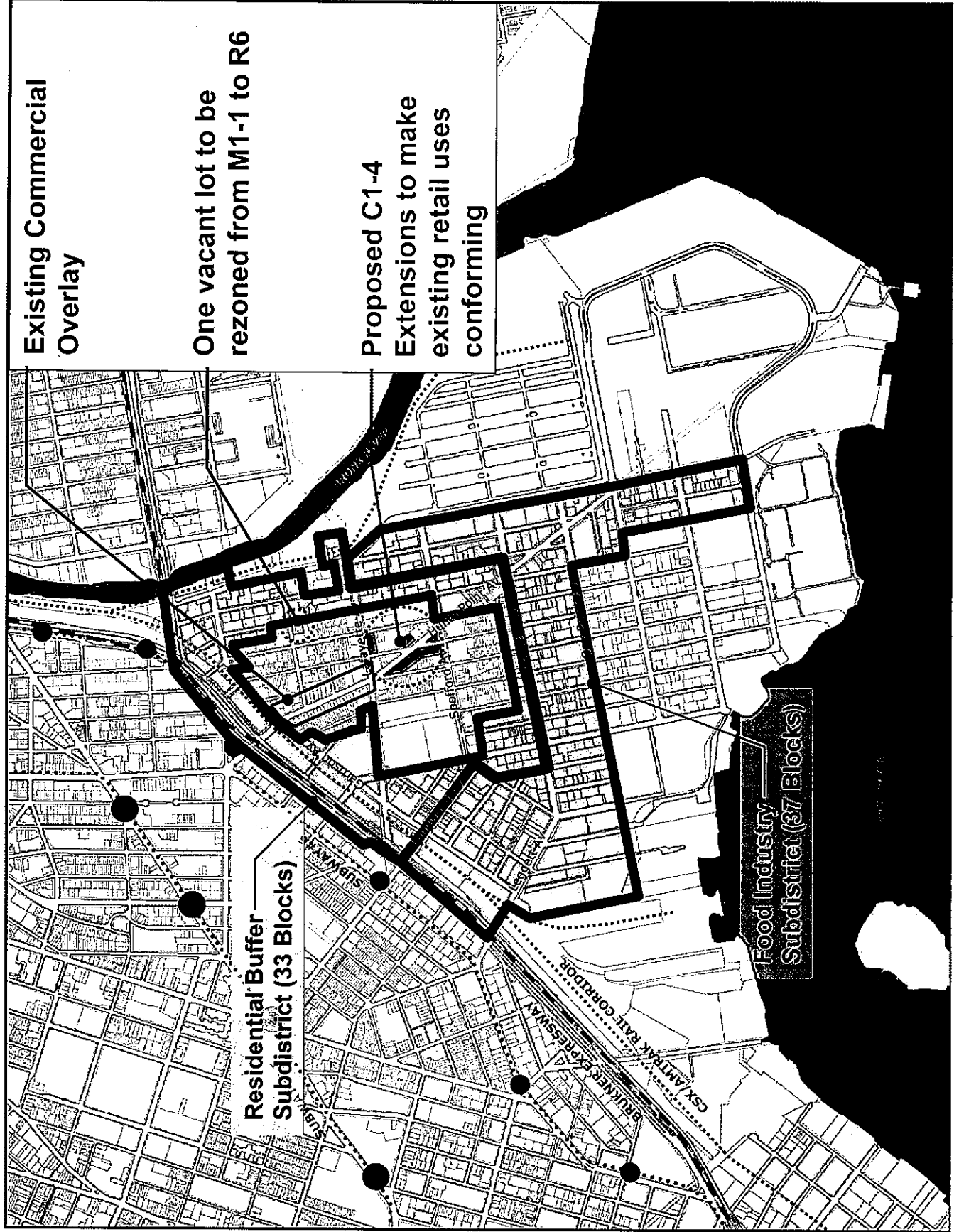
- Most heavier industrial uses such as waste transfer station and scrap yards are disallowed except existing businesses which are compatible with food industrial businesses
- Industrial activities required to take place in a completely enclosed building
- Street trees required for all developments
- New city-wide parking landscaping regulations



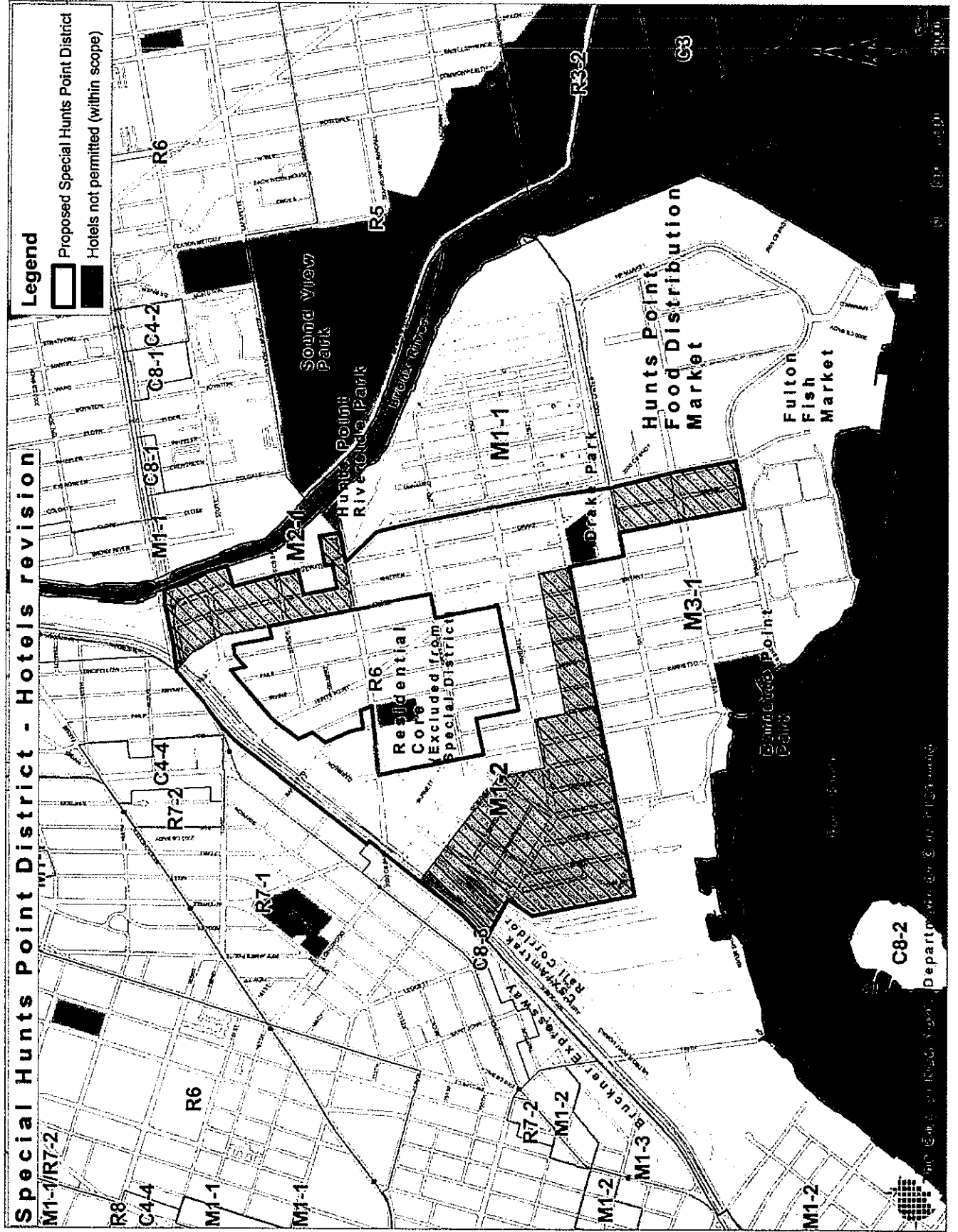
Food Industry Subdistrict (37 Blocks)

Legend
WASTE-RELATED USE
FOOD-RELATED USE

Proposed Zoning Actions:



Modifications to SHPD – Hotels / Motels

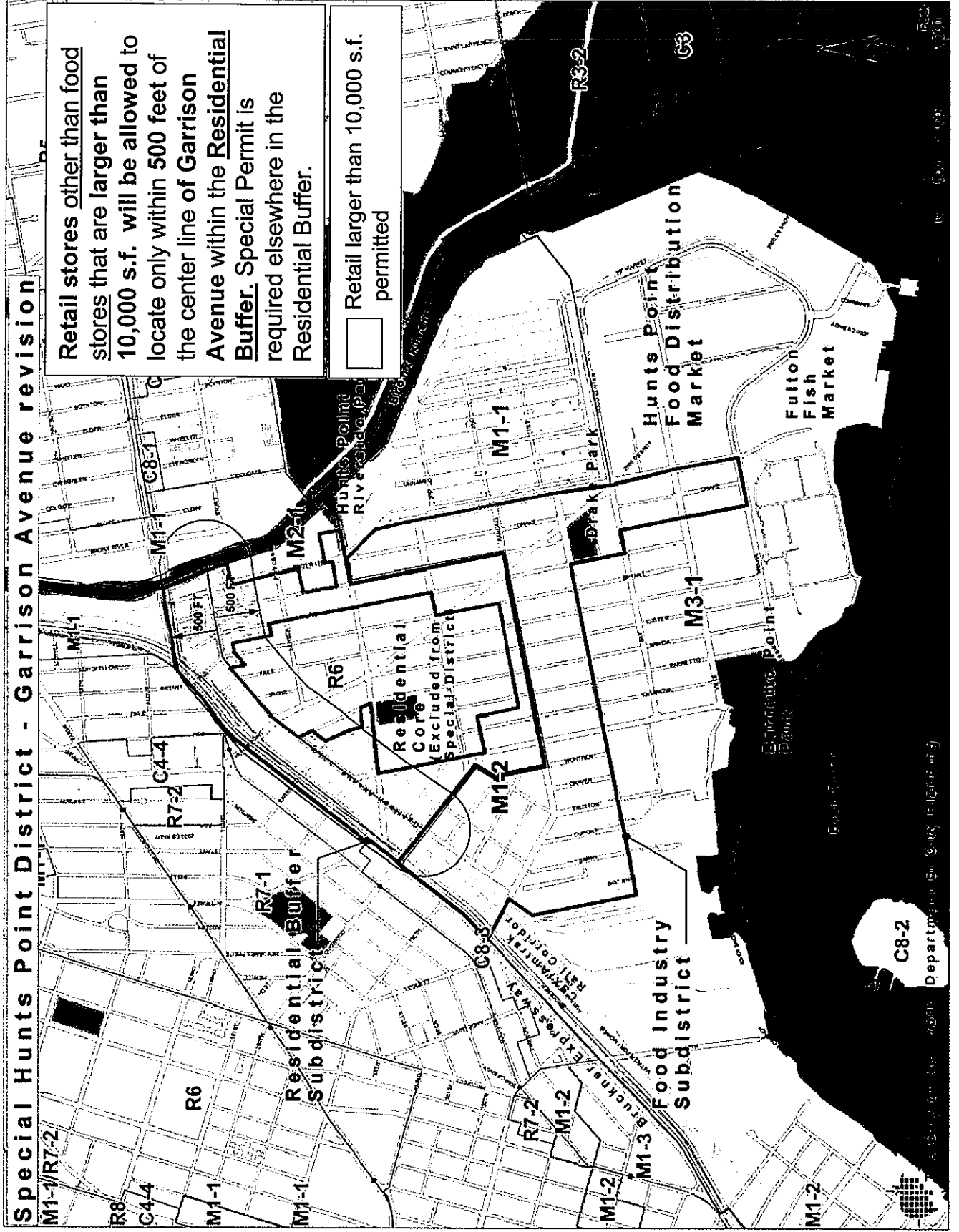


Modifications to SHPD – Retail greater than 10,000 s.f.

Special Hunts Point District - Garrison Avenue revision

Retail stores other than food stores that are larger than 10,000 s.f. will be allowed to locate only within 500 feet of the center line of Garrison Avenue within the Residential Buffer. Special Permit is required elsewhere in the Residential Buffer.

□ Retail larger than 10,000 s.f. permitted



C8-2

Department of Planning



Hunts Point Zoning Comparison Chart

Zoning District	Existing					Proposed	
	M1-1	M2-1	M3-1	M1-2	M1-2 / SHPD	R6	C1-4
Residential FAR	-	-	-	-	-	0.78 - 2.43	-
Commercial FAR	1.0	2.0	2.0	2.0	2.0	-	2.0
Community Facility FAR	2.4 ^	-	-	4.8	4.8	4.8	-
Manufacturing FAR	1.0	2.0	2.0	2.0	2.0	-	-
Use Groups	4-18	6-18	6-18	4-18	(4-18) *	1-4	1-6

SHPD = Special Hunts Point District

^ - Only Community facilities in Use Group 4 permitted

* - Residential Buffer Subdistrict

3A - Non-commercial art galleries, libraries, museums - permitted as of right

4A - Community centers (without settlement houses), Non-commercial recreational centers, and Clubs - permitted as of right

Use Groups 16 and 17 required to take place in a completely enclosed structure

- Food Industry Subdistrict

Only specified uses in Use Group 18 - permitted

Use Groups 16, 17 and 18 required to take place in a completely enclosed structure

Bronx Community Board #2

Borough President Adolfo Carrión, Jr.

1029 East 163rd St.

Bronx, NY 10459

718-328-9125 • 718-991-4974 Fax

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Roberto S. Garcia
Chairperson



John Robert
District Manager

Testimony before the New York City Council Land Use Committee

June 17, 2008

Please be advised that while we support the proposed Special Hunt's Point District Rezoning that has been presented by the Department of City Planning, and voted accordingly at the ULURP Public Hearing on February 27, 2008, the fact remains that we have two outstanding concerns.

The first one is the as-of-right development of hotels, which we realize is a city-wide issue. We are particularly sensitive to a hotel's potentially devastating effect on the neighborhood due to the chronic presence of prostitution in Hunt's Point. Anything which would exacerbate the situation is unacceptable.

The possibility of big-box retail in the proposed rezoned areas is our second concern. The traffic generated by big box establishments would only add to the already overburdened local residential streets in Hunt's Point.

We are requesting that you take whatever measures necessary to resolve these two potentially onerous developments.

Of course, we expect the "Buffer" zone to house a normal range of smaller retail establishments, including food stores, hardware stores, etc. This diversity will improve the residential area as well as help define the buffer zone.

Sincerely,

A handwritten signature in black ink that reads "Roberto S. Garcia".

Roberto S. Garcia
Chairperson

Good morning Mr. Chairman and Members of the Committee. My name is Patrick Purcell and I am Director of Special Projects for United Food and Commercial Workers Union Local 1500, New York State's largest Local Union representing grocery store workers. UFCW Local 1500 represents over 22,000 workers employed by Pathmark, Stop and Shop, King Kullen, Gristedes, Key Food D'agastinos and Fairway Supermarkets in addition to many independent operators. Of our 22,000 members, over 10,000 of them reside here in New York City with their families.

New Yorkers living in low-income neighborhoods lack access to affordable nutritious food. Of the over 11,600 stores in New York City registered with the Department of Agriculture and Markets only 550 are what we would consider standard grocery stores. Over 10,000 of them are bodegas and over 800 are drug stores chains like CVS and Walgreens. Recently both public and private institutions have agreed that at a minimum New York City is need of 100 full service Supermarkets.

Communities throughout NYC and its suburbs know that when they lack equal access to a traditional Supermarket the following is true:

- People with low incomes pay more for food
- The quality of food is subpar.
- The selection of food is less healthy
- The jobs are not living wage jobs.

These facts led UFCW Local 1500 to create the Building Blocks Project. The Building Blocks Project states that good jobs, good food and good health are the building blocks of every community yet they are quickly becoming extinct from NYC at an alarming rate. Our goal is to preserve existing markets, help develop new ones and ensure that workers are being treated fairly in those that are currently operating.

UFCW Local 1500 has been working closely and enthusiastically with the staff's of Speaker Quinn, Mayor Bloomberg and an overwhelming number of City Council

members on this problem. In fact, many City Council members have met directly with us to discuss ways of achieving the goals of the Building Blocks Project.

In regards to the project being discussed today, Hunts Point, I will simply say that we have had good, though still ongoing , conversations with the Speakers staff, members of the Mayor's Office and City Planning about the requirement that a Supermarket be a part of this development. More precisely, Hunts point needs a Supermarket that fits the needs of this community and surrounding communities.

What this project must not include and specifically prohibit is big box retail food stores, warehouse clubs or stores that destroy a local community's economic balance. We must be able to create businesses and jobs yet still not invite massive amounts of traffic, pollution and companies determined to destroy small business. The inclusion of other stores that may help create more of a destination shopping project must be reasonably on the same scale as the Supermarket and meet the needs of the community.

As we move forward to that end, UFCW Local 1500's looks forward to endorsing this project as we begin the long road of giving back to communities the Building Blocks they all deserve and must have if they are to have a quality of life they so richly deserve and is incumbent upon us all to help provide.



SUSTAINABLE SOUTH BRONX

June 17, 2008

**Testimony to the City Council Committee on Zoning and Franchises
Special Hunts Point District, Bronx (C080248ZMX)**

Sheila Somashekhar
Greenway and Green Building Coordinator
Sustainable South Bronx

Thank you for allowing me the opportunity to speak today. My name is Sheila Somashekhar, and I am Greenway and Green Building Coordinator for Sustainable South Bronx. Sustainable South Bronx is an organization working in Hunts Point that promotes environmental justice through innovative, economically sustainable projects that are informed by community needs. In the interest of this mission, Sustainable South Bronx opposes the proposed rezoning in Hunts Point that would allow big box retail as of right, for the following reasons:

1. In the Hunts Point Vision Plan, which is a City-led plan to develop Hunts Point in a way that serves the expressed interests of local residents and businesses, big box retail is not a use discussed. Although the City of New York has been a partner in the community visioning process, this rezoning would be inconsistent with expressed community interests. These interests do not include big box retail.
2. The Hunts Point neighborhood already faces severe traffic congestion problems, particularly truck traffic, which releases toxic diesel exhaust into the air. Over 16,000 trucks come into the neighborhood daily. Additional truck and auto traffic is inevitable with the introduction of big box retail, and this will only exacerbate already high levels of air pollution that Hunts Point residents face on a daily basis. A number of organizations, including Sustainable South Bronx, have been working to reduce traffic and mitigate its impact on the residential areas. And, the City of New York through the Hunts Point Vision Plan has supported this public policy goal. However, this rezoning will allow uses that will drastically increase the amount of auto traffic in the neighborhood and the amount of auto emissions.
3. Big box retail will require large sites and parking lots, which will make the streets unfriendly and unsafe for pedestrians and discourage physical activity among Hunts Point residents. Big box retail is a type of use that is inconsistent with the efforts by the city, through the implementation of the South Bronx Greenway, to improve the streetscape experience for residents of the South Bronx, so that physical activity is encouraged and made safe.
4. There are a number of manufacturing companies currently located in Hunts Point, and these manufacturers would not be able to pay the rents or land prices that big box retail can pay. Allowing big box retail would compete with the interests of local manufacturers

and exacerbate the lack of space for manufacturing in a city where manufacturing is a precious commodity. Local manufacturing space was identified as a priority of the Hunts Point Vision Plan, and this zoning change is inconsistent with agreed-upon goals of that plan.

5. Big box retail generally does not provide the quality of jobs needed in low-income neighborhoods like Hunts Point. These jobs do not offer living wages, and they will not help move people out of poverty. Rather, these jobs will ensure that residents remain impoverished.

The City of New York has demonstrated its commitment to progressive environmental and social policy by supporting initiatives such as congestion pricing, the South Bronx Greenway and the Hunts Point Vision Plan. We hope that the City continues this commitment by opposing a policy that would exacerbate existing health and environmental problems in an already overburdened neighborhood, without offering sufficient economic benefits.

Therefore, Sustainable South Bronx requests that this committee and the City Council insist that non-food retail uses over 10,000 square feet not be allowed within the M1-2 district without a special permit. This would be consistent with the regulations governing M1-2 districts elsewhere in the City, where the public interest is served by restricting the ability of big-box retail to displace manufacturing companies and the living-wage jobs they provide. It would also be consistent with the Hunts Point Vision Plan, and the consensus that that plan represents.

Thank you.



**Testimony to the City Council Committee on Zoning and Franchises
Special Hunts Point District, Bronx (C080248ZMX)**

Joan Byron
Director, Sustainability and Environmental Justice Initiative
718-636-3468
jbyron@pratt.edu
June 17, 2008

My name is Joan Byron; I am the Director of the Sustainability and Environmental Justice Initiative of the Pratt Center for Community and Environmental Development. The Pratt Center works for a more just, equitable, and sustainable city for all New Yorkers, by empowering communities to plan for and realize their futures. We are especially proud to have supported the work of Hunts Point and other South Bronx organizations since the early 1990s in the many battles they have fought for environmental justice; Hunts Point bears more than its share of the burdens of the infrastructure and land uses that make New York City's density and vitality possible, to the daily cost of the people who live, work, and breathe in the shadow of highways, electric power plants, sewage treatment and sludge pelletization facilities, and dozens of waste transfer stations and waste handling facilities.

The Hunts Point Vision Plan – common ground between residents and industry

South Bronx organizations have long understood that they need not only to oppose proposals that are environmentally unsustainable and unjust, but often to work with their sometime opponents to find solutions that support a clean, healthy environment and a vibrant economy. They welcomed New York City EDC and the collaborative process that led to the South Bronx Vision Plan, and willingly grappled with the issues that often pit residents and industry against each other. The Vision Plan illustrates the many points of conflict, but also maps a remarkable area of common ground, and identifies solutions that allow residents and industry to share this 700-acre peninsula, with all of its remarkable assets and challenges.

A key area of agreement among stakeholders has been the need to use zoning to protect residents against the impacts of industry, and at the same time to support the growth of manufacturing and of the food sector, which city policy has concentrated in Hunts Point since it established the produce market in the 1960s, followed by the development of the Co-Operative market, and the opening of the new Fulton Fish Market in 2002. By the 1990s, the viability of the food sector, as well as the many genuine manufacturing uses that thrive in Hunts Point, came under threat as private waste transfer stations proliferated in the M-zones where they were allowed as-of-right. The invasion of the waste industry brought vermin and odors, along with heavy truck traffic that competed for limited street space and access, as well as polluting the air and endangering residents.

Residents and industry came together to propose zoning changes that would curtail waste-related uses, support the food industry, and establish a buffer of high-performing industry between the residential (R-6) core, and the heavy industry areas to the south and along the waterfront. The creation of a special zoning district, along with provisions for truck restrictions, and the creation of greenways and waterfront parks, became the heart of the Hunts Point Vision Plan, formally adopted in 2004.

The proposed rezoning, including the creation of a Special Hunts Point District, was expected to embody the recommendations on which the Vision Plan participants reached consensus. Most of its provisions fairly reflect that consensus. However, the proposal to allow large-scale retail uses as-of-right, without the special permit requirements that apply in other M-1 districts, was **not** part of the Vision Plan, and is a matter of great concern. Though the City Planning Commission has scaled back the area in which big-box retail would be allowed as of right, allowing it anywhere in Hunts Point grossly contravenes the letter and spirit of the Vision Plan, and undermines the plan's goals of supporting industry while ensuring a safe and livable environment.

The modifications made by City Planning on May 21, 2008 would still allow big-box, non-food retail, AS OF RIGHT in a very significant area of Hunts Point. The language of the modified proposal obscures its impacts by equating uses that would serve the local community (Use Group 3A, libraries, museums, or non-commercial art galleries, Use Group 4A, clubs, community centers, and non-commercial recreational uses, and Use Group 6A, food stores without limitation as to floor area), and which would be allowed throughout the proposed M1-2 district, with retail intended to serve a much wider area, and which in its nature draws high volumes of car and truck traffic (Use Group 10A, carpet, rug, and floor covering stores, clothing and accessory stores, department, dry goods, furniture, electronics, and variety stores), which would be allowed, without limit as to size and without a special permit, in portions of the M-1-2 district within 500 feet of Garrison Avenue.

Our office has analyzed the affected area and noted that:

- This provision would apply to all or parts of 21 blocks between Leggett Avenue and the Bronx River. The total lot area on these blocks that falls outside of the existing Residential zone and within 500 feet of Garrison Avenue, where retail uses over 10,000 square feet would be allowed as of right is approximately 1,588,000 square feet.
- The proposed zoning would provide for a Floor Area Ratio of 2.0 for these retail uses, so the rezoning would create a potential of over 3 million square feet of retail. At 1 space per 300 square feet of retail space, a total of 10,000 new parking spaces would be required if all of the retail were built.

Allowing large-scale retail would undermine Hunts Point's industries

While it is unlikely that the total amount of new retail allowed by the zoning would all be built at once, retail users can pay a higher price for land than manufacturing or community uses, and retail uses will gradually – or rapidly – displace industrial users from the 1000-foot-wide corridor along Garrison Avenue. The rezoning will basically remove 1.6 million square feet of land from the pool of land available for manufacturing. It will increase the economic pressure on existing manufacturing uses, and will raise the barriers to new manufacturing firms seeking to locate on the peninsula. This directly contravenes one of the most important goals of the Hunts Point Vision Plan,

the preservation and strengthening of manufacturing, particularly the food sector, in Hunts Point. It will undermine the intent of the present Industrial Business Zone, and thwart the intent of the local and citywide stakeholders who framed the Hunts Point Vision Plan to institutionalize the protection the IBZ offers.

Traffic

We also have extremely serious concerns about the traffic that would be generated by big box retail uses in Hunts Point. If all of the retail allowed by the proposal were to be built, that 3 million square feet of retail would generate more car and truck trips per day than all of Hunts Point's current land uses combined – conservatively, 3 million square feet of big box retail would draw 30,000 to 40,000 new car trips per day, in addition to hundreds of new truck trips to supply the stores. Even only half of the newly-permitted new retail is built, tens of thousands of additional cars and trucks would be competing with the industrial users the rezoning is intended to support, further undermining their efficiency and competitiveness. For comparison, the Gateway Center complex will have about 1.3 million square feet of retail; in a location much better-served by transit than Hunts Point, that project includes 3,000 parking spaces.

Hunts Point is a peninsula, with a limited number of streets connecting it to the rest of the Bronx and the city, and space on those streets is a precious commodity, whose use has been painstakingly negotiated among local stakeholders for over a decade. Parties with conflicting priorities – parents who want safe routes for their children to walk to school, and industry, the food sector in particular, whose lifeblood is the efficient movement of truck traffic – have worked hard to find solutions everyone can live with. In 2000, New York City DOT adopted the truck route plan originally advocated by Mothers on the Move – a key feature of which was the elimination of most of Garrison Avenue as a truck route. Every resident of Hunts Point has to cross Garrison Avenue to reach the #6 train at Hunts Point Avenue, as does every worker who rides the #6 train to work. The proposal to allow as-of-right large retail would make Garrison a big box strip, with massive volumes of traffic, gigantic parking lots with numerous curb cuts interrupting sidewalks and bikeways.

Impact on Greenways, Waterfront Access, Bike and Pedestrian Safety

I would also like to represent both the Pratt Center, and the Bronx River Alliance, in stating that the big box proposal will undermine the Bronx River and South Bronx Greenways, both of which are integral parts of the Hunts Point Vision Plan. The Greenway Plans have been crafted, with input from all stakeholders, to help Hunts Point's residents and industries to co-exist. In addition to the bike lanes already implemented by NYC DOT on Garrison Avenue, the Greenway Plans comprise a network of on-street and separated pathways, designed to allow safe and comfortable walking and biking to, from, and within the Hunts Point peninsula, connecting residents and workers to new waterfront parks at Barretto Point, Farragut Street / Hunts Point Landing, Lafayette Avenue / Hunts Point River Side Park, and the Edgewater Road Concrete Plant Park, scheduled to open later this summer. To date, over \$25 million in capital funding has been committed for the construction of the South Bronx Greenway, and over \$120 million to the Bronx River Greenway.

Like the other elements of the Hunts Point Vision Plan, the Hunts Point portions of the Bronx River and South Bronx Greenways represent an indispensable element of a complex package of solutions.

We urge this committee and the City Council to insist that non-food retail uses over 10,000 square feet not be allowed within the M1-2 district without a special permit. This would be consistent with the regulations governing M1-2 districts elsewhere in the City, where the public interest is served by restricting the ability of big-box retail to displace manufacturing companies and the living-wage jobs they provide. It would also be consistent with the Hunts Point Vision Plan, and the consensus that plan represents.

NOTE: This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.

Zoning and Franchises Committee - Council Hearing
Hunts Point Rezoning
June 17, 2008

My name is Jennifer Barrett and I am the Research and Policy Associate of the New York Industrial Retention Network (NYIRN). NYIRN is a citywide organization dedicated to saving and creating well-paying manufacturing jobs and to promoting environmental justice and sustainable development.

For decades, the community of Hunts Point has been the victim of many egregious land uses in the form of waste transfer stations, junk yards, and other noxious activities. To address this history and to capitalize on the job creation and the opportunities created by the community's proximity to the Hunts Point Market, the City began an ambitious, collaborative planning process with the community which built good will and respect. One of the points of consensus was the need for additional industrial space, as well as a way of allowing for better supermarkets to serve the community. While we support the rezoning application, in general, we are concerned about the allowance for unlimited retail uses along Garrison Avenue.

More specifically, we support the rezoning proposal for the following reasons:

- 1) It increases the FAR for industrial uses, thereby doubling the allowable density for light manufacturing businesses.
- 2) It preserves existing industrial business yet creates a buffer to allow residential and industrial uses to co-exist. And
- 3) It eliminates hotels in the Special District, a use that is allowed as-of-right in M1 zones. The proliferation of hotels in other manufacturing areas is becoming a problem, because they are displacing viable manufacturing businesses and could provide a smokescreen for residential development.

Despite these important changes, we are still deeply concerned about the potential for large retail stores in the rezoning area. The community needs more supermarkets, and we support the allowance for food stores from Use Group 6A (as stated in the zoning modifications to include supermarkets, grocery stores, meat markets and delicatessens).

However, we are opposed to provisions for large superstores, such as those in Use Group 10A that are made possible in the zoning proposal, as-of-right and without size restrictions.

Zoning that encourages big box retail has been shown to overtake manufacturing zones, creating instability for existing businesses and causing other less-desirable outcomes. For example:

- 1) Big box retail pays less in wages but more for land, so they displace well-paying manufacturing jobs resulting in downward mobility and bad policy; and
- 2) Big box stores generate incredible traffic and consume large amounts of space for surface parking. Even with the reduced parking requirements proposed for this area, a typical store could require 300 parking spaces.

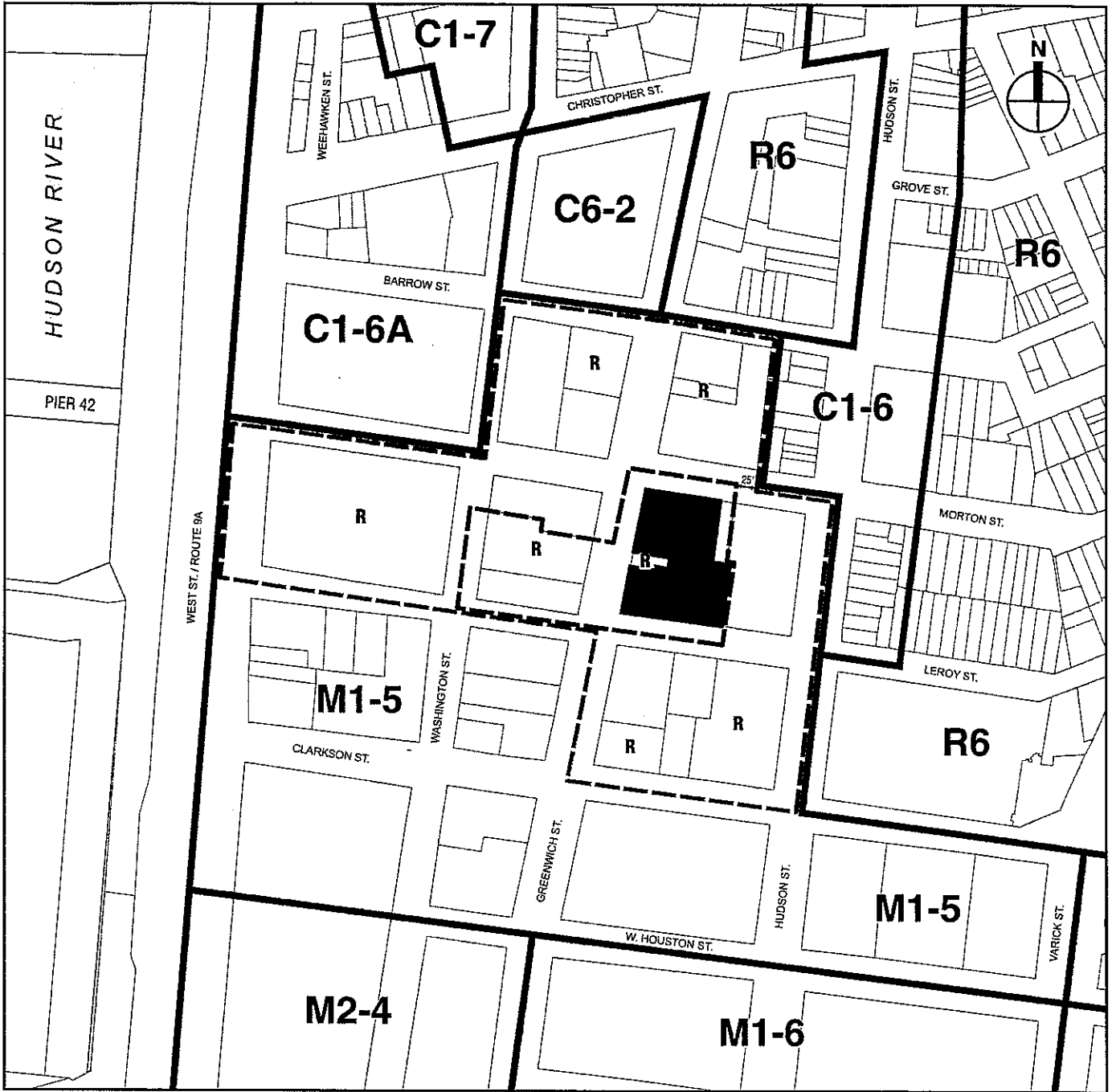
Finally, the Hunts Point community needs jobs, the types of good jobs that are provided in manufacturing. Yet the City has a terrible shortage of industrial space to support these jobs. Over the past 5 years, the city has rezoned at least 19 million SF and proposed re-zonings threatening an additional 12 million SF.¹ Moreover, even more space is at risk because of speculation in other areas that the Department of City Planning anticipates rezoning. In these cases, property owners hold land off the market or only offer month-to-month leases creating real estate instability for existing businesses. However, if the City makes a firm commitment to maintaining Hunts Point as an area for industrial use, the market will stabilize at a price point that is attractive for legal uses.²





For these reasons, we urge you to protect industrial uses as much as possible by removing the provision that would allow as-or-right, retail development of unlimited size within Use Group 10A and to limit large, unrestricted retail along Garrison Avenue to food-only stores.

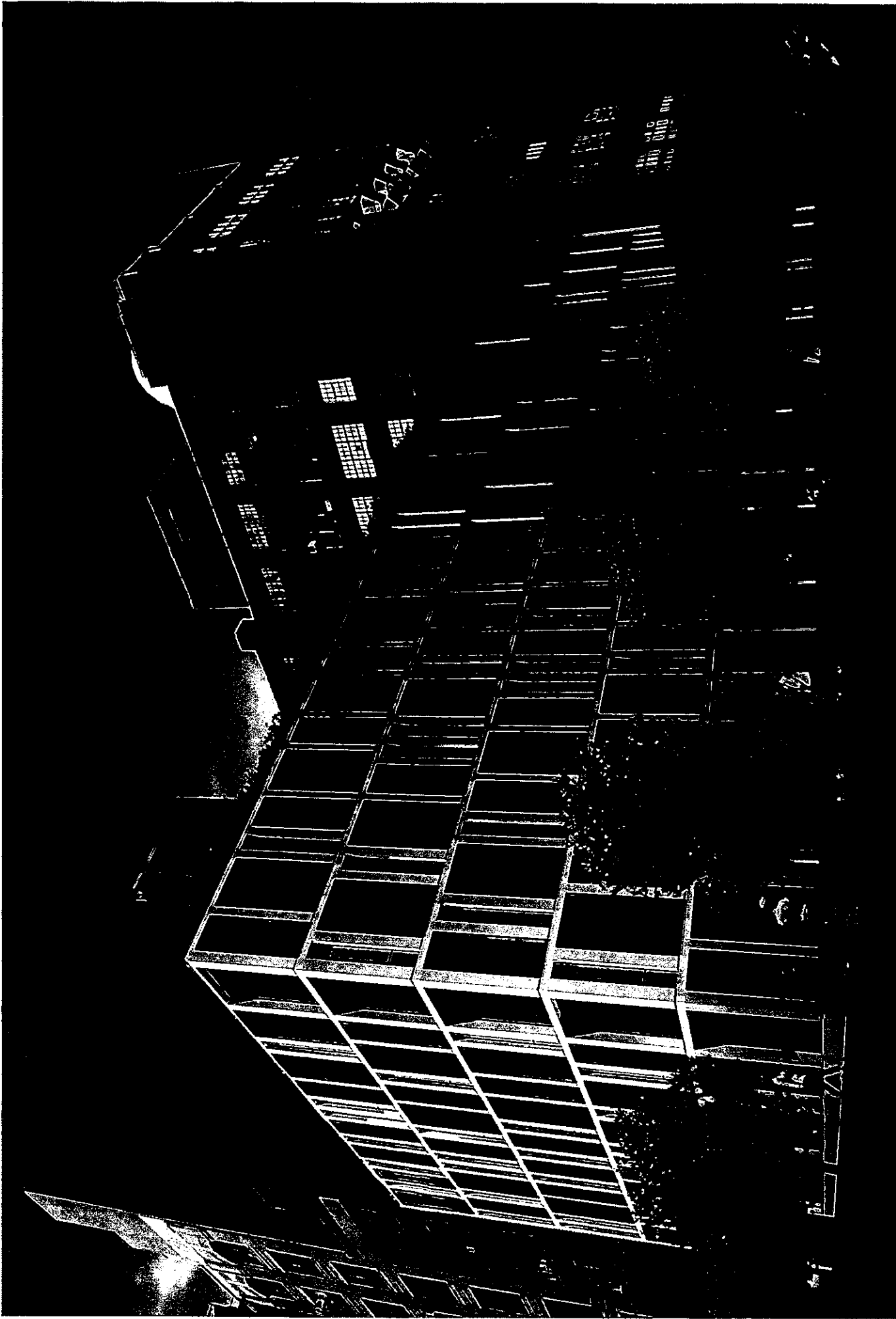
Thank you.

¹ City Planning often argues that manufacturing will continue to decline. However, in other projects throughout the City where there is a firm commitment to manufacturing, such as the Brooklyn Navy Yard and the Greenpoint Manufacturing and Design Center, there is no vacant space; in fact, both organizations are at capacity.

² In particular, there is expected growth in food manufacturing. A recent study by NYIRN found that there were approximately 19,300 people employed in food manufacturing, of which 2,500 were self-employed entrepreneurs illustrating the energy and vitality of that sector.

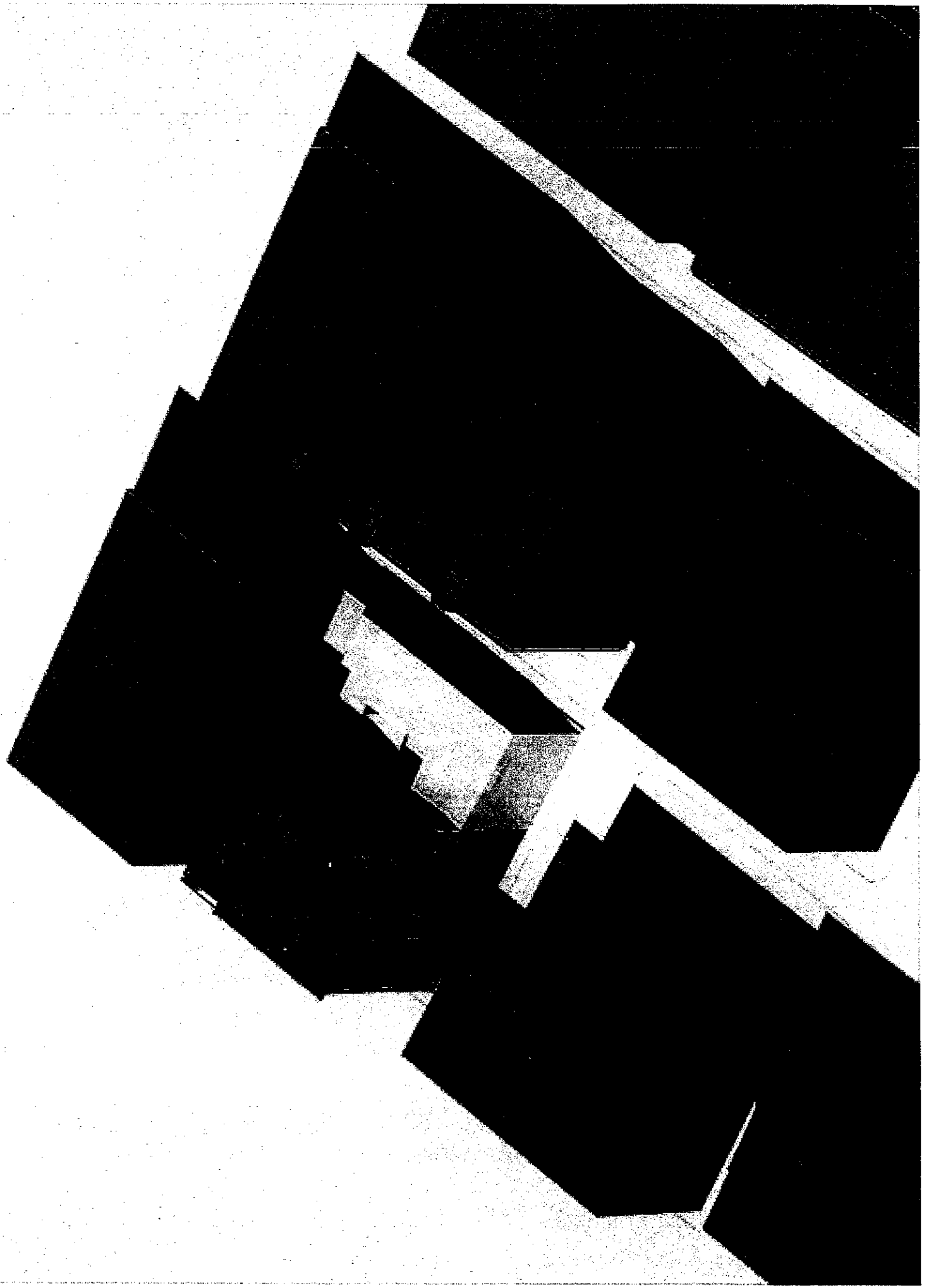


-  Applicant's Proposed Development Sites
-  Original Proposed Rezoning Area (M1-5 / R7X)
-  Revised Proposed Rezoning Area (M1-5 / R7X)
- R** Residential Use
-  Zoning District Boundary

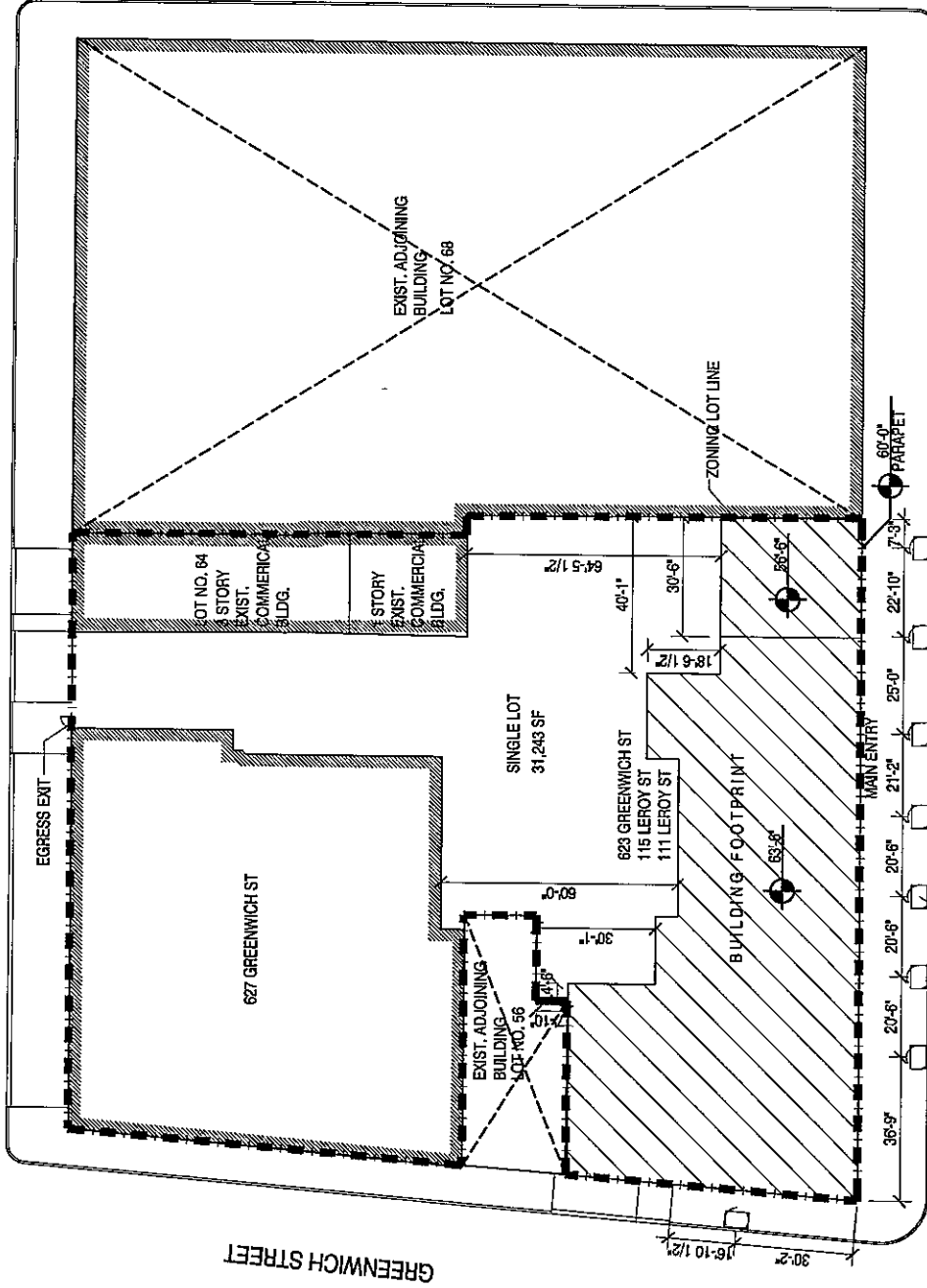


KEVIN KENNON ARCHITECTS





MORTON STREET



GREENWICH STREET

LERORY STREET

--- LOT LINE

ZONING CALCULATIONS

TOTAL ZONING LOT AREA 31,243 SF
MAX PERMITTED FAR X 5

156,215 SF

627 GREENWICH ST
BUILDING AREA: -106,846 SF
LOT NO. 64
BUILDING AREA: -5,497 SF

TOTAL PERMITTED: 43,872 SF

HUDSON STREET

KEVIN KENNON



ARCHITECTS

5 STORY RESIDENTIAL



DEBORAH J. GLICK
Assemblymember 66TH District
New York County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Higher Education Committee

COMMITTEES
Environmental Conservation
Rules
Ways & Means

**Statement of Assemblymember Deborah J. Glick
Before the New York City Council Zoning and Franchise Subcommittee
Regarding Far West Village Rezoning
June 17, 2008**

As the Assemblymember representing the Village, I would like to express my continued opposition to the proposed rezoning of the Far West Village that would change an area currently zoned as M1-5 to M1-5/R7X. This past April, I testified before the City Planning Commission (CPC) to express my concern that a rezoning of five blocks in this neighborhood would open the door to a rush of inappropriate development that would strain neighborhood resources and burden manufacturing businesses that have made this neighborhood their home. I also urged that CPC undertake comprehensive and thoughtful planning for this neighborhood, instead of allowing developers to rush this process.

Today, the City Council will also consider a narrower CPC proposal that would rezone only one block in this neighborhood and primarily benefit one developer. Specifically, the developer who submitted the original rezoning proposal owns 4 of the 7 ½ lots included in CPC's current recommendations. For many reasons, I strongly oppose these recommendations and urge the Zoning and Franchise Subcommittee to do the same.

The CPC's recommendation constitutes "spot rezoning," which could be considered illegal. According to New York City's Zoning Handbook, "A zoning change which would enrich one or more property owners in the absence of a direct relationship to public policy and objectives could be challenged. Such inappropriate actions...are often found by the courts to be "spot zoning" and illegal." The spot rezoning that you are considering today is so small that it may be better described as a speck rezoning.

Piecemeal zoning of a neighborhood is ill-advised public policy. CPC should engage in comprehensive planning and zoning for this neighborhood that includes the zoning districts to the immediate South and takes into account the neighborhood's current unmet needs. For example, when making zoning decisions, CPC should keep in mind that class sizes in this district are among the highest in the City. Accordingly, CPC should not act to encourage or enable an influx of residential development until it is certain that the infrastructure is in place to handle the needs of current and future residents. In short, examining a small set of blocks without considering them in a larger context may encourage more residential development, but it doesn't encourage smart development.

This proposed rezoning is inappropriate and I urge the City Council to reject it. The Council must ensure that zoning is used as a planning tool to encourage positive transformations in neighborhoods, not to transform small portions of neighborhoods and benefit just a few owners. Therefore, I strongly encourage the City Council to disapprove this application and insist that CPC undertake a comprehensive planning for the entire neighborhood.



Greenwich
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**Testimony of the Greenwich Village Society
for Historic Preservation
regarding proposed 'Hudson Square North' Rezoning
June 17, 2008**

Thank you Councilmembers for the opportunity to testify before you today. The Greenwich Village Society for Historic Preservation is the largest membership organization in Greenwich Village and the East Village, and we work to preserve the special character of these neighborhoods.

We oppose the proposed rezoning, and urge you to turn it down. Multiple Community Board and City Planning Commission public hearings have shown that there is very little support in the surrounding community for this unneeded and unwanted rezoning. It is being driven by the interests of a single developer, and yet it could have a broader effect upon a much larger area. We believe that the rezoning, if enacted, would encourage development of an inappropriate scale, directly adjacent to the Greenwich Village Historic District. We also believe that it would have the effect of pushing out existing businesses which are thriving under the current zoning, and change what is now an otherwise welcome balance of uses in the neighborhood. As we see it, there is no need for this rezoning at this time, no benefit that will be brought to the community, but the potential for harm to businesses and neighbors.

Earlier this month, the City Planning Commission approved the proposed rezoning in a modified form. While the adjustments reduce the area covered, it creates some new problems. The narrow scope of the proposed rezoning would seem to be very close to "spot zoning" and seems to be closely tailored to reward the interests of a single developer, rather than designed as a rational and comprehensive planning tool.

For nearly two years, the Greenwich Village Society for Historic Preservation and a multitude of local community groups have been calling for a rezoning of the M1-6 district directly to the south of this district. Unlike the M1-5 zone being proposed for rezoning, the neighboring M1-6 zone allows up to 12 FAR as-of-right, including the notorious 45-story Trump Soho 'Condo-Hotel' under construction. Thus unlike the M1-5 zone, many in the community see a great need for change to this zoning district. However, we have seen no movement on this community-requested rezoning, while this developer-requested rezoning, which faces stiff opposition from many of its neighbors, has advanced quickly. It would seem particularly unfair and inappropriate if this largely unwanted, developer-driven, spot-specific rezoning moved ahead while a badly-needed community-requested rezoning for the area directly to the south continued to be ignored by the City.

I thus urge the Zoning and Franchises Subcommittee to reject the proposed 'Hudson Square North' rezoning.

Zoning and Franchises Committee - Council Hearing
Hudson Square North Rezoning
June 17, 2008

Good morning. My name is Jennifer Barrett and I am the Research and Policy Associate for the New York Industrial Retention Network (NYIRN). NYIRN is a citywide economic development organization that works to promote economic diversity by supporting manufacturing and sustainable development. NYIRN opposes the current rezoning application. The rezoning is a spot zoning that would reward the sites' developer for warehousing usable class B office and light manufacturing space and would destabilize the balance of a truly mixed-use neighborhood that provides space for a variety of arts and media-related businesses.

Although the rezoning has been modified to remove several buildings used for light production space, the current application still sets a dangerous precedent. It rewards the sites' developer for warehousing more than 100,000 SF of formerly occupied space at 627 Greenwich Street (Block 602, lot 58) — a building noted in the City Planning Commission's report as "vacant," although its tenants were removed by the owner in anticipation of a rezoning. It would also enable residential development as-of-right on lots which could continue to operate for light manufacturing and light production.¹ In total, the proposed rezoning would eliminate 125,000 SF, or space for 300 jobs, at a very conservative estimate of 1 job per 400 SF².

The rezoning proposed herein would further a trend in the area that has created great instability for businesses, further pushing the neighborhood towards residential and eliminating necessary and valuable light production and office space. As prior rezonings have demonstrated, when residential zoning is added to an M-zoning, uses allowed in M zones are displaced due to residential conversion and/or speculation.

NYIRN's data collection in Hudson Square has shown that there is a dire need for the type of light production space found in the area, and many of the businesses located in Hudson Square have been pushed from other neighborhoods in the City. When NYIRN surveyed the five-square-block area in the

¹ Specifically, the sites that are referred to on the rezoning map as sites 2, 3 and 8.

² This calculation is based on a job per area (SF) found in buildings on the surrounding blocks and based on NYIRN's past research in the industrial sector.

original application, we identified more than 1.1 million SF of production and class B office space, housing approximately 90 businesses employing more than 2,000 people (see attached table). These businesses are innovative and dynamic, and many are looking for opportunities to grow.³ Furthermore, they are an important part of the City's arts-related business sector such as film production studios. However, in order to continue to operate, they are dependent on some measure of real estate stability and some assurance that they will not be evicted for speculation or residential conversion.

The rezoning in the Hudson Square area must ALSO be considered in the context of the dramatic loss of industrial space in Manhattan and citywide. Since 2001, **6.9 million SF** or 11% of Manhattan's industrial space has been rezoned. This number does not account for BSA variances that have resulted in a significant loss of industrial space on a site-by-site basis. In the original Hudson Square rezoning area alone BSA variances have already allowed the development of more than 600 residential units on M-zoned parcels.

In addition to immediate job loss, even a small MX zone, such as the one proposed, will trigger future business displacement by allowing speculation in anticipation of later rezonings and the conversion of other buildings to residential use. Second, a zoning change will inevitably cause secondary displacement of jobs in the large M1 and M2 district to the south of this area.⁴ Finally, the disappearance of jobs in the area will also impact the retail businesses that rely on the hundreds of people who work in the area and who use their services daily.

We urge the Council to think about the cumulative effect of the proposed rezoning both immediately and in the future — one that would upset the current balance of uses that exists, would reward real estate speculation, and would threaten the economic viability and stability of businesses that are essential to New York. Thank you.

Attached: Businesses in the Hudson Square Rezoning area (2008)

³ Wages in these industries are higher than service industry jobs; for example, the average annual salary in the printing industry is \$56,000 (QCEW dataset, NY State DOL 2006).

⁴ In 2006, NYIRN surveyed printing businesses in the area and found more than 20 printing businesses, employing over 500 workers.

Hudson Square North Rezoning businesses (2007)

Building address Block/lot	Site # as per EIS	Business name	Type of business	# of Jobs	SF	Notes
KEY to highlighting:						
112 Leroy B601L52	site 6	Technicolor by Thomson and other media arts	media arts center	116	67,375	9 flrs
111 Leroy B602 L83	site 2	RGH Photo	production-related; lighting		8,025	tenants removed for renovation in anticipation of rezoning
		Red House Music	composers			
		Ultra Parking facility	parking	24		
39 Clarkson B601 L72	site 7	Koppers Chocolate Specialty	choc factory	40	29,967	seeking BSA variance to convert
423-435 Hudson B602 L68		27 businesses			245,330	owned by Trinity real estate
601 Washington B602 L28	site 8	Pat La Frieda gallery	wholesale meats	est 600 jobs	8,673	1 storey building
120 Leroy B601 L47	site 10	7 businesses	art, film, media, jewelry, NY Times	46	118,422	
617-621 Greenwich B602 L85	site 1	parking		est 500	13,100 (lot)	
627 Greenwich B602 L53	site 1	Computer workbench Benjamin and William Hort Graphic Arts Ctr	media arts	5	107,000	tenants removed for renovation in anticipation of rezoning
633 Greenwich B603 L49		NYS Dept of Mental Retardation Facilities		30	153,125	listed in zoning application as 272 Morton (no such address in city maps)
				est 200		

Hudson Square North Rezoning businesses (2007)

Building address Block/lot	Site # as per EIS	Business name	Type of business	# of jobs	SF	Notes
636 Greenwich B603 L46	site 5	residential dom (NYU)		10	154,240	NYU dom as per zoning appl; 314 students; tried to rezone and were defeated
637 Greenwich B603 L51	site 4			n/a		artists' studios in zoning app; BSA conversion 2005
639 Greenwich B603 L53	site 4	parking		5	8,166 (lot)	
73 Morton B603 L72		Bicycle Taxi	bike rental/pedicabs	20+	6,450	
78 Morton B602 L64	site 3	Glenn Partition	construct materials	10	5,497	
617 Washington 95 Morton B603 L28			office/film/media	200 est	154,328	
611 Washington 630 Greenwich 94-96 Morton B602 L36	site 11	10 businesses	office/film/media	300 est	108,764	
TOTALS -						
loss with revised zoning**				approx 300	127,751	
potential loss from original rezoning*				1,830	1,061,558	
TOTALS - JOB LOSS* and SF**				2,106	1,189,289	

* This tally does not include the job potential of space currently warehoused.

** includes all floor area or lot area (in case of unutilized/parking parcels)

Research conducted by the New York Industrial Retention Network (January 2008). Estimated calculations for jobs were based on three indices

1. businesses in the building and estimated employment during site survey in January 2008;
2. average job per SF (estimated at 1 job per 600 SF for traditional industry and 1 job per 400 SF for media/arts/film;
3. averages for jobs per building based on community outreach and contact with building managers/security;