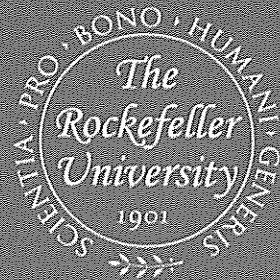


# THE ROCKEFELLER UNIVERSITY RIVER CAMPUS

NEW YORK CITY COUNCIL

23 APRIL 2014



SCIENCE FOR THE BENEFIT OF HUMANITY

RAFAEL VIÑOLY ARCHITECTS

## RIVER CAMPUS PROGRAM SUMMARY

THE TOTAL GROSS BUILDING IS APPROXIMATELY 181,000 GSF  
AND INCLUDES THE FOLLOWING:

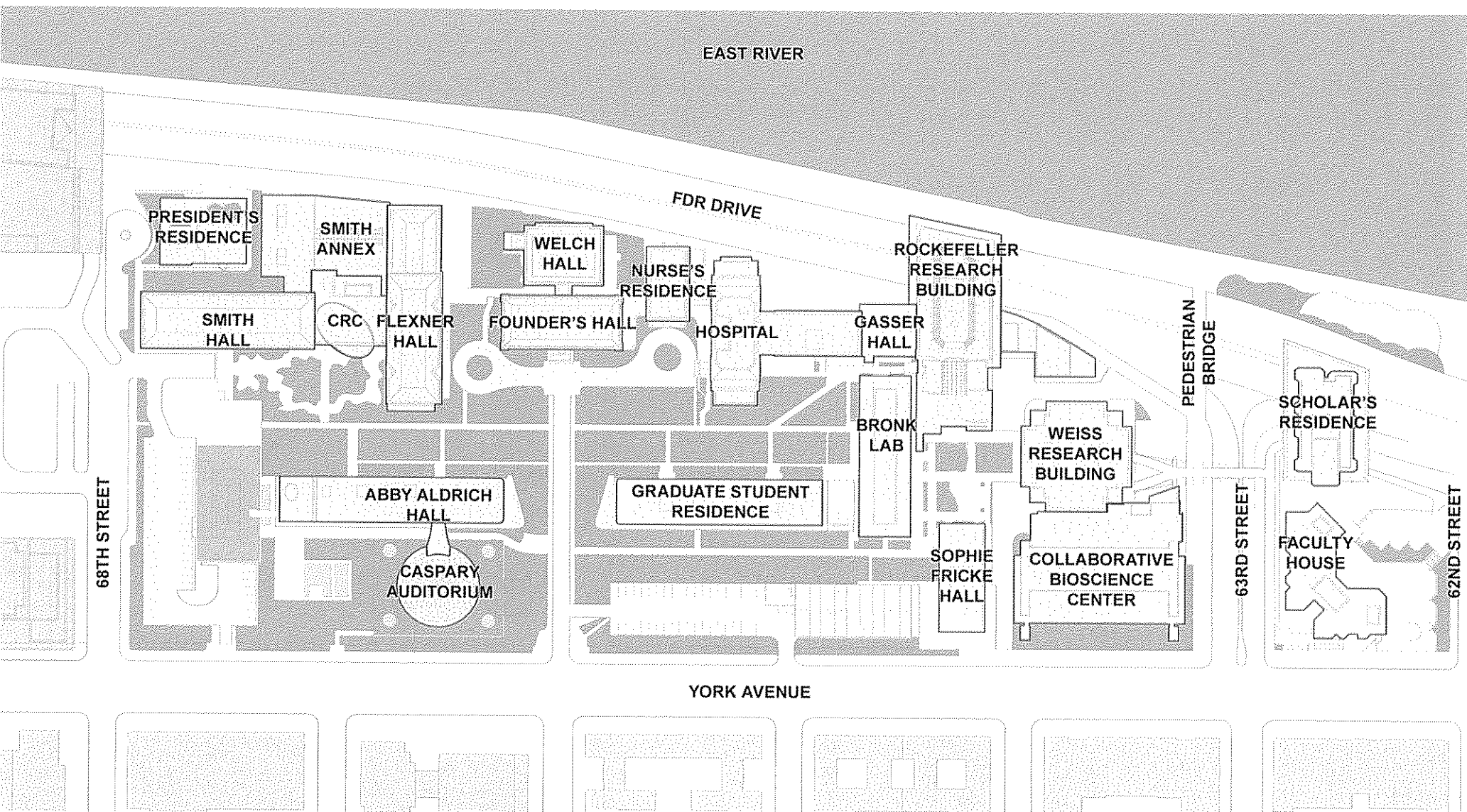
RESEARCH LABORATORY	108,000 GSF
COMMON SPACE TO LABS	21,500 GSF
CAFETERIA	10,700 GSF
INTERACTIVE CONFERENCE CENTER	3,300 GSF
OTHER (MECHANICAL, CIRCULATION)	21,500 GSF
HEALTH & WELLNESS CENTER	16,000 GSF
<b>TOTAL GROSS FLOOR AREA</b>	<b>181,000 GSF</b>
<b>TOTAL ZONING FLOOR AREA</b>	<b>160,000 ZSF</b>



# SITE VICINITY

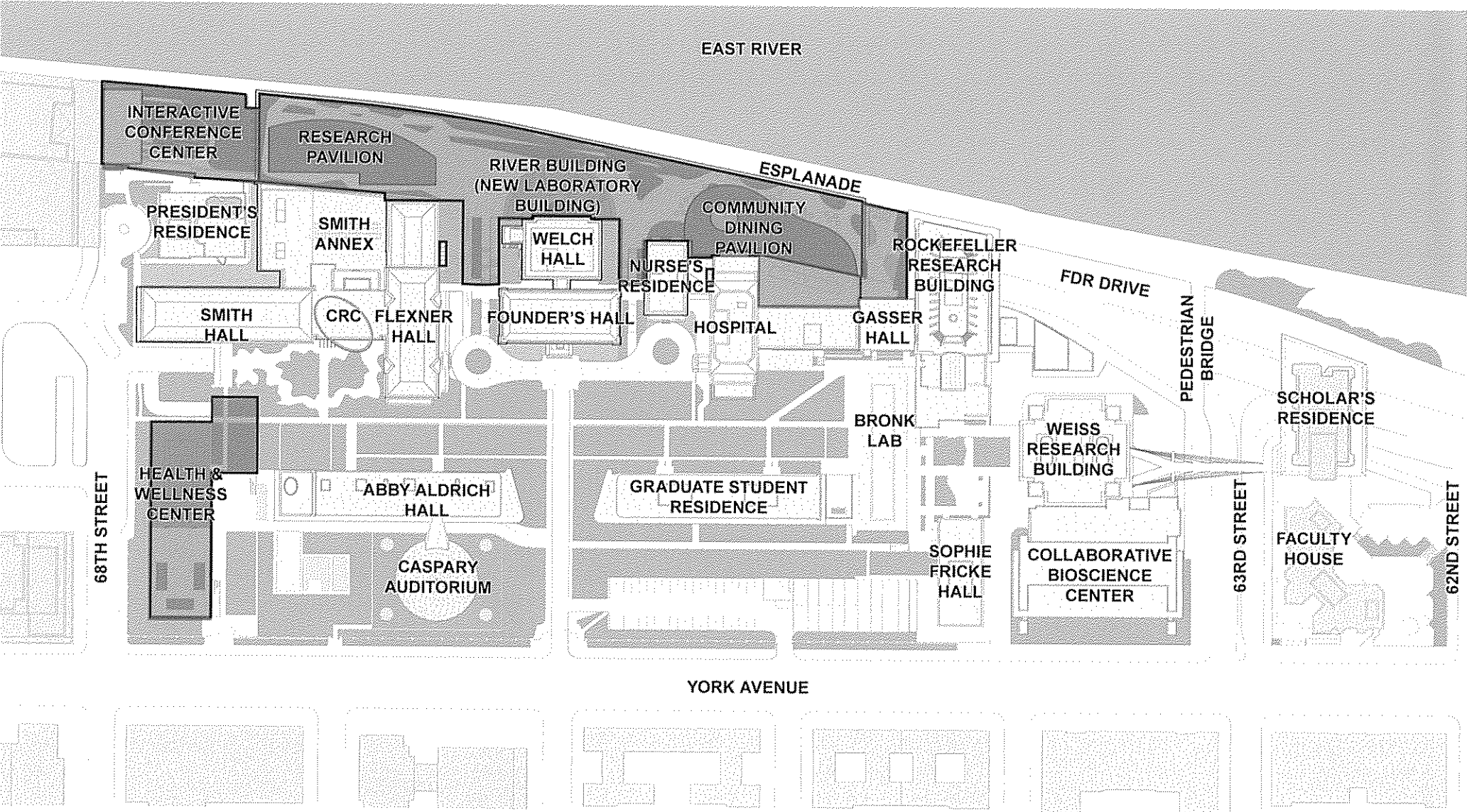


# EXISTING SITE PLAN

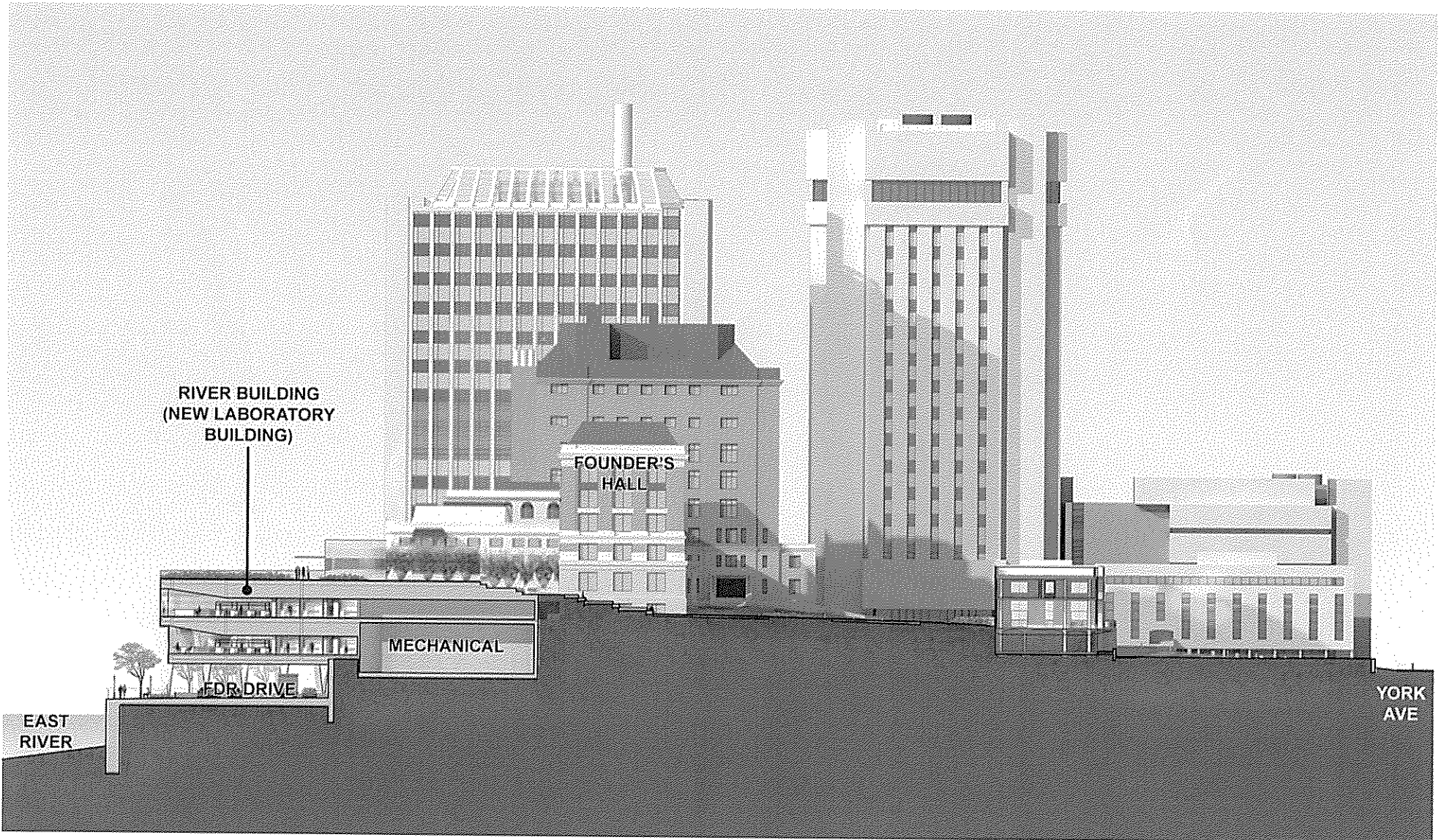




# PROPOSED SITE PLAN



# SITE SECTION



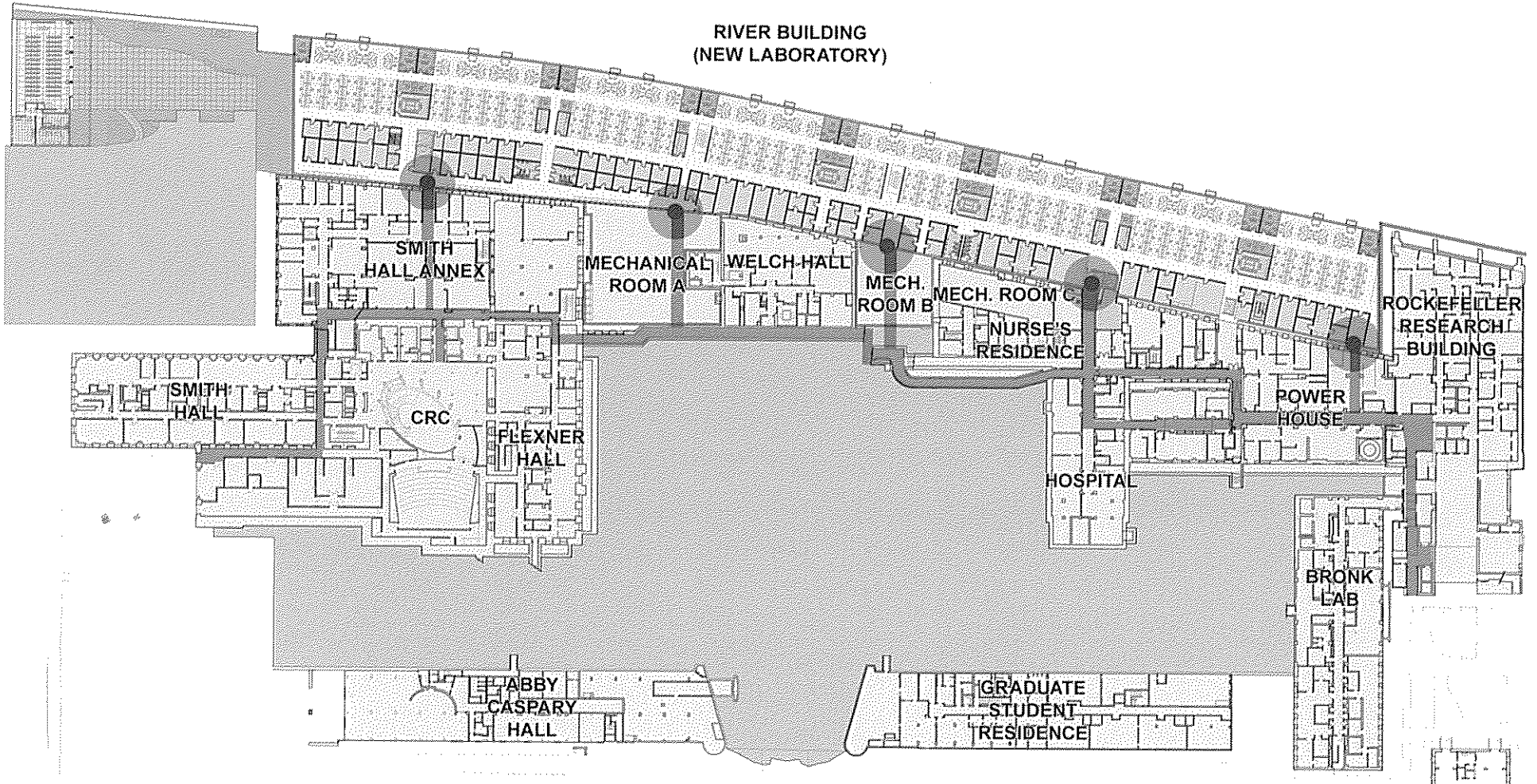


# FLOOR PLAN, LEVEL 1

- PRIMARY TUNNEL ROUTE
- NEW BUILDING ENTRANCE

EAST RIVER

RIVER BUILDING  
(NEW LABORATORY)



VIEW FROM YORK AVENUE





VIEW FROM ROOSEVELT ISLAND



ESPLANADE LOOKING NORTH – PROPOSED





ESPLANADE LOOKING NORTH – EXISTING



## ESPLANADE LOOKING NORTH – PROPOSED





# MARTYN AND DON WESTON - ARCHITECTS

I. DONALD WESTON, FAIA

100 REMSEN STREET, (6K)  
BROOKLYN, NEW YORK 11201  
PHONE/FAX (718) 875-6280

## Statement to the City Council

59-61 Thompson Street, Manhattan

The subject application to the City Council is to allow a Use Group 6 in a portion of the ground floor and the cellar of a building fronting on Thompson Street which is located in an M1-5B district and requires a Special Permit from the City Planning Commission.

Although Use Group 6 is not permitted as-of-right in an M1-5B zoning district, the vast majority of buildings within a six hundred foot radius of the subject building have Use Group 6 retail stores on the ground floor. The subject building had two Use Group 6 retail stores on the ground floor at the street frontage. The present proposal is to eliminate one of the ground floor retail stores and install a stair and elevator to the cellar in its place, making the cellar accessible from the street to a Use Group 6 retail use.

As per the owner's commitment to Community Board #2, the Manhattan Borough President's office, and to the City Planning Commission, no space will be used as an eating and drinking establishment. See attached letter to Community Board #2.



**KISSLING REALTY  
ADVISORS, LLC  
ESTABLISHED 1870**

350 Fifth Avenue, Suite 4304  
New York, NY 10118  
Telephone (212) 947-1540  
Facsimile (212) 947-1630  
E-Mail: nycmgmt@kaps.com

January 10, 2014

Mr. Bob Gormley-District Manager  
Community Board #2-Manhattan  
3 Washington Square Village  
New York, New York 10012

Re: CPC Cal. No. 140167ZSM  
59-61 Thompson Street  
New York, New York  
Block 489, Lot 36

Dear Sir:

In response to questions raised by the community board land use committee,  
I would like to make the following statement.

As the owner of the above referred to property, please be advised that I have made  
a commitment to the members of Community Board #2-Manhattan that I shall not put an  
"eating and drinking establishment" in the ground floor or cellar of the subject building.

I trust this answers your concerns about the future use of the building.

Very truly yours,

Anthony Kissling  
Kissling Realty Advisors, LLC





**Testimony to the City Council Subcommittee on Zoning and Franchises  
ULURP No. N 140191 ZRM  
Manhattan West**

April 23, 2014

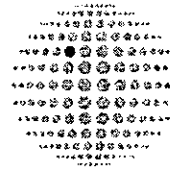
The Real Estate Board of New York (REBNY) is a trade association with 15,000 owners, builders, brokers, managers and other professionals active in the real estate industry in New York. We are here today to support the application for a zoning text amendment in the Special Hudson Yards District by Brookfield Properties.

The proposed text amendment will double the size of Brookfield's outdoor plaza to slightly over two acres and will provide significant public space amenities, such as chairs, tables and planting beds. Additionally, the project will be built over Dyer Avenue, removing a long-standing eyesore and improving connectivity to the far west side. As it does at Brookfield Place, Brookfield will also program a portion of this area with free public events to enhance the open space experience.

Brookfield Properties has a first-rate reputation of producing Class A office building space. The Manhattan West Development is no exception. Consisting of 4.5 million square feet of mixed-use development, the new site will become a gateway to the changing far west side and bring positive improvements to the area adjacent to Penn Station.

Brookfield has been a responsible member of the community, working in conjunction with Manhattan Community Board 4's Quality of Life Committee task force to mitigate the impacts of its construction on the community.

The proposed text amendment, as well as the larger project, will greatly benefit Manhattan's far west side and the city as a whole. REBNY is proud to support the vision and commitment that Brookfield has brought to this plan, and we commend their sensitivity to the needs of the local community. On behalf of REBNY and its members, we strongly urge the City Council to support the text amendment before you.



**PARTNERSHIP**  
for New York City

**TESTIMONY BEFORE THE SUBCOMMITTEE ON ZONING AND FRANCHISES**  
**OF THE NEW YORK CITY COUNCIL**

WEDNESDAY, APRIL 23, 2014

**JESSICA WALKER**  
**VICE PRESIDENT, GOVERNMENT AFFAIRS**

The Partnership for New York City represents the city's business leadership and its largest private sector employers. We work together with government, labor and the non-profit sector to promote economic growth and job creation in New York. Thank you for the opportunity to submit testimony in support of the Manhattan West application. We believe the project will contribute in important ways to the future of the city's economy.

Redevelopment underway on the 26-acre Hudson Yards site, together with extension of the 7 train to 34<sup>th</sup> Street (which is scheduled for completion in October), will result in the westward expansion of the Midtown office district while creating a new mixed-use community. Once complete, more than 24 million people are anticipated to visit Hudson Yards each year.

Brookfield's Manhattan West project appropriately complements this development with additional retail, office space and housing (including affordable units), creating the critical mass needed to establish an important center of economic activity for the city. The proposed amendments to the project will allow Brookfield to create a grand pedestrian gateway that links Hudson Yards to nearby Pennsylvania Station (the busiest transit hub in the nation) and Madison Square Garden (which attracts four million visitors to the area each year). This change in plan will further relieve congestion on nearby streets and crosswalks and better accommodate residents, visitors and businesses.

The amendments are centered on "place-making" - creating a destination where people want to be. The plan will increase open space and amenities (such as chairs, tables and trees), focus retail frontage along the pedestrian plaza and include event space for concerts, art exhibits and performances. The amendments will actually provide more public space of a higher quality than the existing plan would have allowed.

All of this redevelopment on the Far West Side promises to be the most important generator of new economic growth in the city over the next thirty years. Indeed, many of the changes sought in the amendments will appeal to the fast-growing tech and digital media firms we want to attract because of the good-paying jobs they generate. As such, the Brookfield project is important not just to the immediate neighborhood, but to the entire city. The proposal deserves your support and we urge its approval. Thank you.



**Testimony of Andrew Hollweck  
Vice President, New York Building Congress  
At a Hearing of the New York City Council  
Subcommittee on Zoning, Franchises and Concessions  
April 23, 2014**

The New York Building Congress – a membership organization of the design, construction and real industry – is pleased to support Brookfield Properties’ application to modify the zoning at its Manhattan West development site to include additional public open space.

This project and the zoning changes requested today are important for many reasons. I will focus on them in relation to a new Building Congress Report, *Moving Midtown West*.

In our report, the Building Congress highlights the explosive growth of the Hudson Yards neighborhood, which was rezoned in 2005 to allow up to *26 million square feet* of new development. The report points to this growth as a critical reason to make major new investments in the area’s transportation infrastructure, including completing Moynihan Station, directly across the street from Manhattan West.

By opening its doors, via expansive public spaces and arts-focused amenities, Manhattan West can become a gateway to a vast, new, vibrant part of the City. These public spaces would dovetail seamlessly with access points that would be built for passengers alighting from Amtrak service next door at a modernized Moynihan Station, or across the street at a new southern extension of Penn Station built to accommodate Amtrak’s Gateway Program.

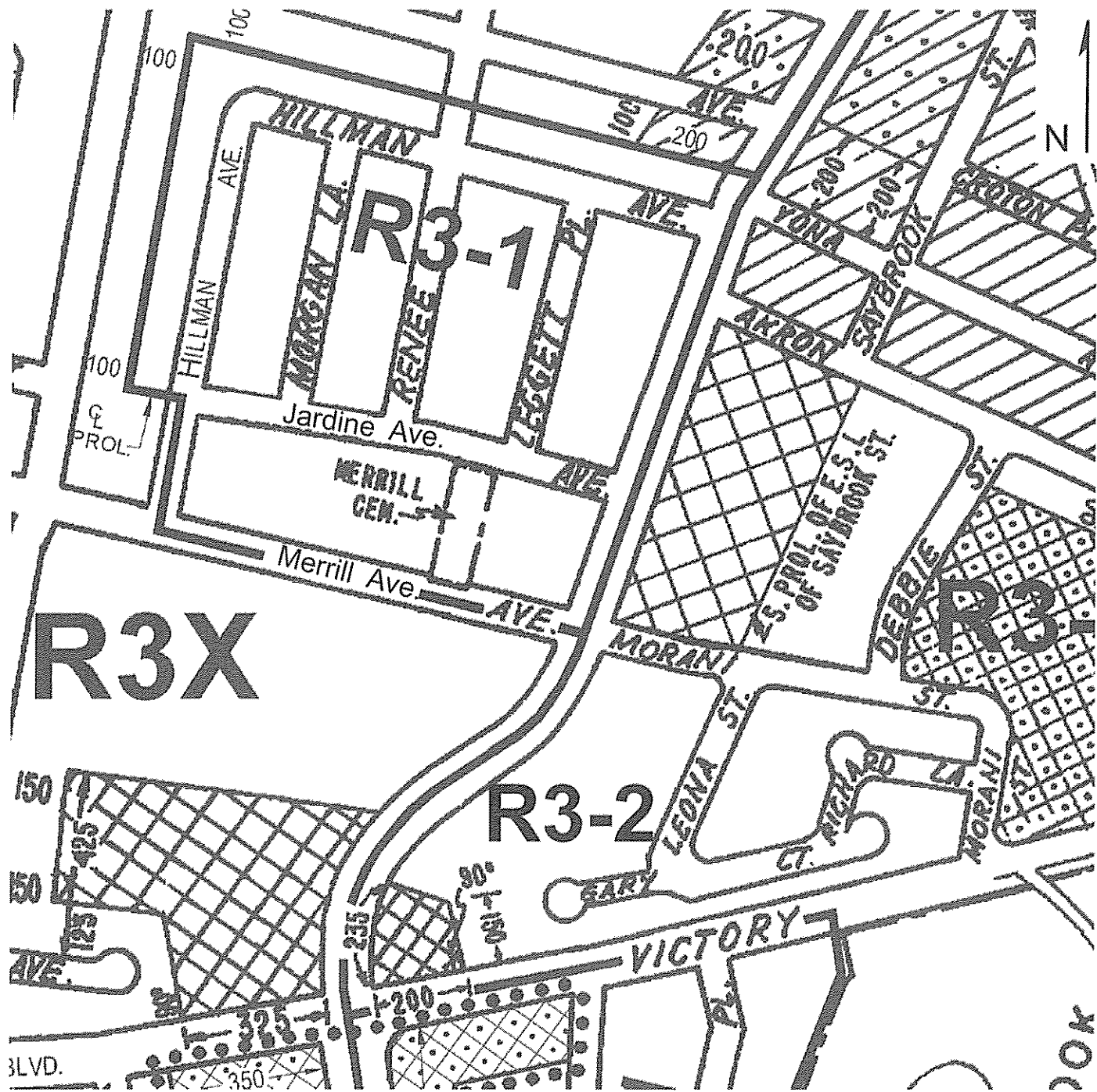
Simply put, Brookfield’s new design can help solidify the link between the Midtown of today and the expanded center of Manhattan of the future.

What’s more, it has already been observed that Manhattan Community Board 4 has one of the lowest amounts of publicly available open space in the City, so this project really helps transform the neighborhood from its industrial past to its future as a commercial and residential hub.

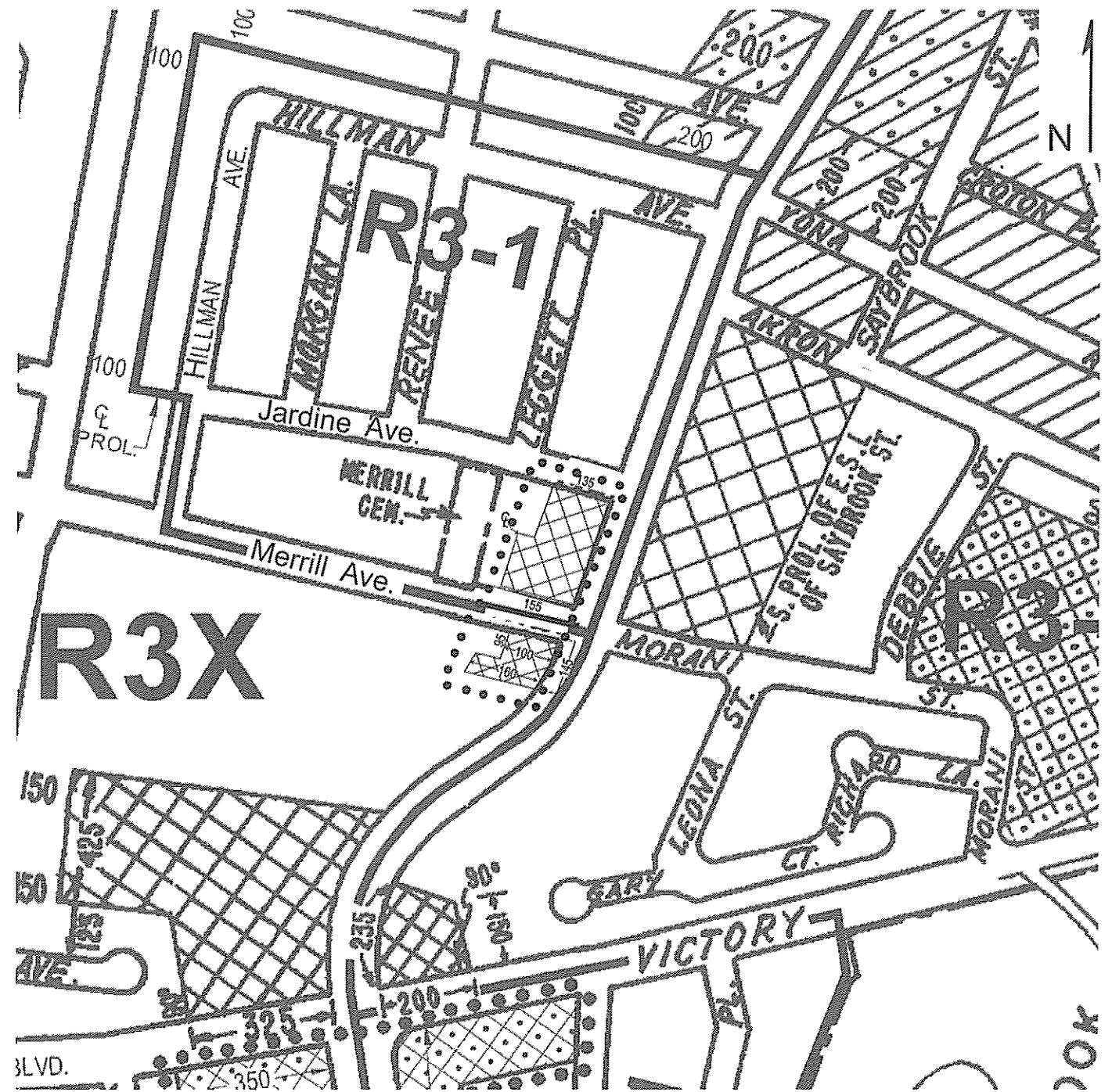
The City’s resurgence after the economic downturn is remarkable – thanks in part to the investments being made at Manhattan West and elsewhere in Hudson Yards. The small yet important changes being considered today are what will continue to draw businesses and residents to this new neighborhood.

For these reasons, we urge the Council to approve these modifications. Thank you.

# Zoning Change Map

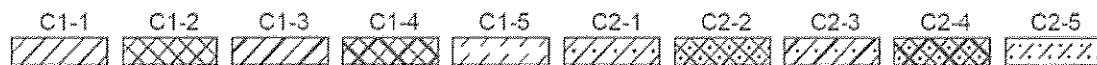


Current Zoning Map



Proposed Zoning Map - Project Area outlined with dotted lines.

Changing a R3X district to a R3X/C1-2 district; and  
 Changing a R3-1 district to a R3-1/C1-2 district.





# Area Map

Staten Island  
Block 2236, Lots 56 & 61

**Project Information**

- 600' Buffer
- Project Area

**Commercial Overlays**

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

● Subway Entries

5037 Block Numbers

Property Lines

5 Number of Floors

**Land Uses**

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land



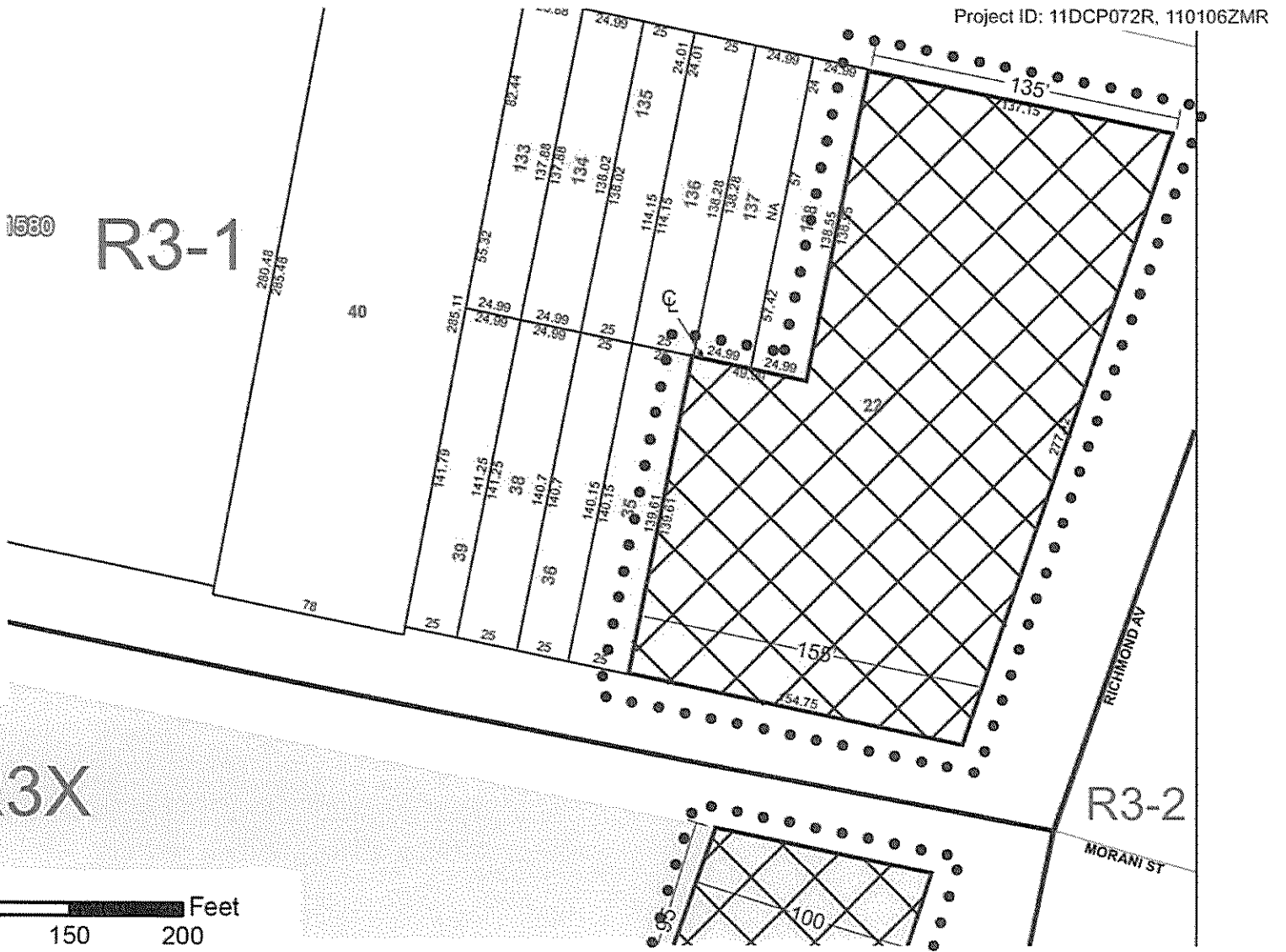


NYC Digital Tax Map

Effective Date : 12-05-2008 16:42:17  
End Date : Current  
Staten Island Block: 2236

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Zoning District Line
- Rezoning Area
- Applicant's Property
- R3-1 Existing Zoning District
- Proposed C1-2 District



Project ID: 11DCP072R, 110106ZMR

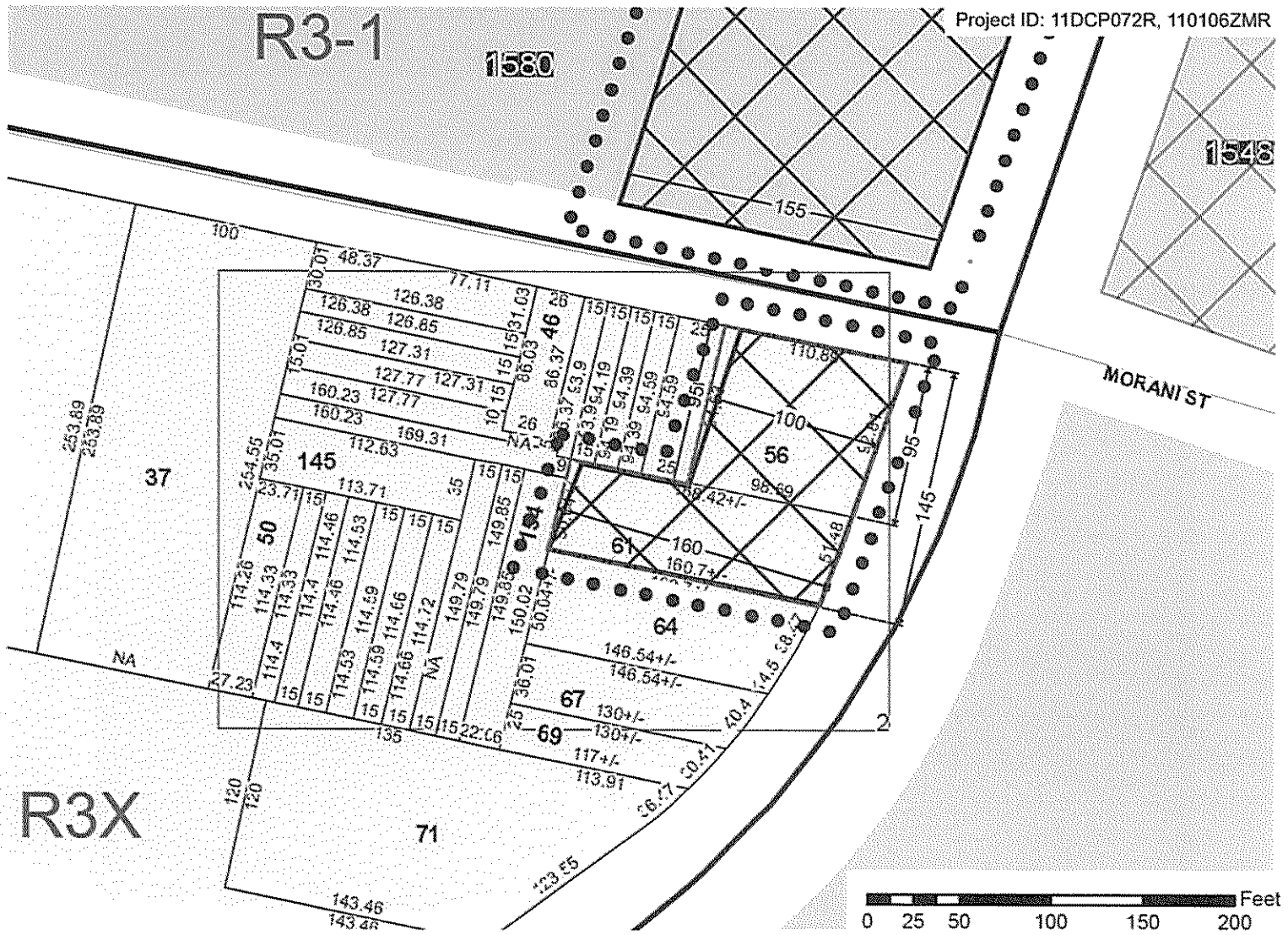


NYC Digital Tax Map

Effective Date : 12-05-2008 16:42:17  
End Date : Current  
Staten Island Block: 2236

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Zoning District Line
- Rezoning Area
- Applicant's Property
- R3-1 Existing Zoning District
- Proposed C1-2 District

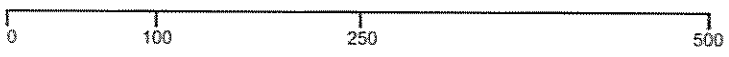


Project ID: 11DCP072R, 110106ZMR



Legend

- Area Proposed to be Rezoned
- 400 Foot Radius
- Applicant's Property





**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JAY BARGMANN

Address: 50 VAN DAM, NY, NY 10013

I represent: ROLKEFELER UNIVERSITY

Address: 66 E 42ND AVE NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Police Precinct 4 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Michelle Arbulo

Address: 232 East 11th Street 10003

I represent: Historic District Council

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

LU 47

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DAN PISARK

Address: \_\_\_\_\_

I represent: 34th Street Partnership

Address: 1065 Ave of Americas

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

L.U. 47

I intend to appear and speak on Int. No. 1 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aditi Sen

Address: 25 W. 18 Street

I represent: SEIU Local 32B

Address: 25 W. 18 St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

47

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joe Restuccia

Address: 403 E 40th St

I represent: MAN CB #9

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

Fidewo K

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Marc Glazer

Address: 23 W. 83rd St

I represent: Michael Kelly 132 4th Ave

Address: 132 4th Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Rockefeller Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: MARC TESSLER-WANIGNE

Address: 1230 YORK AVE PH

I represent: ROCKEFELLER

Address: 1230 YORK AVE New York NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

46

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-23-14

(PLEASE PRINT)

Name: ERIC PALANIK

Address: 32 BWAY, SUITE 115

I represent: HASHAM ARAJ

Address: 1582 RICHMOND AVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Rockefeller Res. No. University

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Robert Cook

Address: 1251 Avenue of the Americas

I represent: Rockefeller University

Address: 1230 York Avenue



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Robefeller Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/22/14

Name: Stephen Rosen, Ph.D. (PLEASE PRINT)

Address: AKRF 440 Park Avenue South

I represent: Robefeller University

Address: 1230 York Ave. NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: R. RANVY LEE (PLEASE PRINT)

Address: 260 CHURCH ST. 5TH

I represent: WASHNY ARTS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

Name: Ally Colvin (PLEASE PRINT)

Address: 110 William St., Ste. 1410

I represent: Seven A Cafe Inc.

Address: 109 Avenue A

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

20145305

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

Name: Moshe HATSAV (PLEASE PRINT)

Address: 65 BLEED ST. # 2

I represent: SEVIN A CARL INC

Address: 109 AVE A NY NY 11009

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. L440 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: SUSAN STETZER (PLEASE PRINT)

Address: 59 E 4 ST

I represent: COMMUNITY BOARD 3

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. L40047

in favor  in opposition

Date: \_\_\_\_\_

Name: KEN LOWENSTEIN (PLEASE PRINT)

Address: 31 West 52nd St

I represent: Brookfield Properties

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU47 Res. No. LU47

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Phil Wharton

Address: 46 Circle, Larchmont NY

I represent: Brookfield

Address: 250 Vesey St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU 047 Res. No. LU 047

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: SABRINA KAMNER

Address: 10 WEST ST

I represent: BROOKFIELD PROPERTIES

Address: 250 VESLEY ST.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU0045-2014 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Daniel Egers

Address: 200 Park Avenue

I represent: PFNY LLC

Address: 138 Rockaway Parkway

Please complete this card and return to the Sergeant-at-Arms



THE COUNCIL Hudson Yards  
THE CITY OF NEW YORK MANHATTAN WEST

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: FRITZ BULFISTE

Address: 330 W 42nd St.

I represent: CB4

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK MANHATTAN WEST

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jean-Denis NOYAND

Address: 330 W 42nd St

I represent: CB4

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 48 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: George Ryan

Address: 25-61 34th STREET Astoria

I represent: Kissling Associates

Address: 350 5th Ave D.Y. 10116

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 2040 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 04/22

(PLEASE PRINT)

Name: MAREK SCHWENT

Address: 32 AVE R

I represent: MAMA BAR

Address: 32 AVE R

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 6040 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Mama Bar LLC / Carlos Wentzel

Address: 34 Avenue B

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 2040 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Frank Sanabria

Address: 300 E 3rd St NY NY 10001

I represent: MAMA BAR

Address: 32 AVE R

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. W 43 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 04/23

(PLEASE PRINT)

Name: Queen Rogers

Address: 31 Ave B 410 East 4th

I represent: Money Bar

Address: 34 Avenue B

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Sabrina Kanner, Phil Wharton

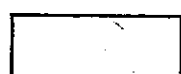
Address: \_\_\_\_\_

I represent: Brookfield - Manhattan West

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: KEITH O'CONNOR

Address: 475 10th AVE

I represent: JAMES CORNER FIELD OPERATIONS / BROOKFIELD

Address: \_\_\_\_\_  
MANHATTAN WEST

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Jessica Walker

Address: \_\_\_\_\_

I represent: Partnership for NYC - Manhattan West

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Ben Con+REV95

Address: \_\_\_\_\_

I represent: 52BJ - Manhattan West

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Ben Biederman

Address: \_\_\_\_\_

I represent: 54th St Partnership - Manhattan West

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23/14

(PLEASE PRINT)

Name: Mike Slattery

Address: \_\_\_\_\_

I represent: REBNY - Manhattan West

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23

(PLEASE PRINT)

Name: Paul Fernandez

Address: \_\_\_\_\_

I represent: NY Building Trades Congress - Manhattan West

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/23

(PLEASE PRINT)

Name: Andrew Hollaach

Address: \_\_\_\_\_

I represent: NY Building Congress - Manhattan West

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**ROSIE MENDEZ**

COUNCIL MEMBER, 2<sup>ND</sup> DISTRICT

**DISTRICT OFFICE**

237 FIRST AVENUE, #504

NEW YORK, NY 10003

(212) 677-1077

FAX: (212) 677-1990

**CITY HALL OFFICE**

250 BROADWAY, ROOM 1734

NEW YORK, NY 10007

(212) 788-7366

FAX: (212) 442-2738



**THE COUNCIL  
OF  
THE CITY OF NEW YORK**

COMMITTEES

HEALTH

HOUSING & BUILDINGS

LAND USE

RECOVERY & RESILIENCY

SUB-COMMITTEE

LANDMARKS, PUBLIC SITING &

MARITIME ISSUES

CO-CHAIR

THE BLACK, LATINO AND ASIAN CAUCUS  
OF THE NEW YORK CITY COUNCIL

April 25, 2014

Thomas Fariello, R.A., Acting Commissioner  
NYC Department of Buildings (DOB)  
280 Broadway | 7th Floor  
New York, New York 10007

RE: 605 East 9th Street owned by 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C.—Gregg Singer, Principle

Dear Acting Commissioner Fariello:

I am writing to you to express my grave concerns regarding the Department of Buildings granting permits to 605 East 9<sup>th</sup> Street, and the proposed alteration plans contained therein. On April 30, 2013, I submitted a letter to the NYC Department of Buildings (attached), but my office never received a response. According to my understanding of the law, this project should not be advancing at this stage.

As discussed in my April 30, 2013 letter, I still have extensive concerns that the contractual "lease agreement" entered into by Cooper Union with 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. is: (1) overbroad; (2) speculative; (3) non-conforming to the requirements of 1 RCNY §51-01 (hereinafter, the Dorm Rule) and (4) potentially lacking certain legal elements of a binding contract. Back then, as both signatories to the contractual "lease agreement" individually cited a confidentiality clause to various parties and the DOB was not currently in receipt of a copy, there was no way of knowing if the agreement met the specific criteria of the Dorm Rule test or if the lease is even legally enforceable.

In addition to my concerns regarding the Cooper Union lease, I am also concerned with the contractual "lease agreement" entered into by The Joffrey Ballet Center with 9<sup>th</sup> and 10<sup>th</sup> Street L.L.C. I believe this lease agreement is also (1) overbroad; (2) speculative; (3) non-conforming to the requirements of the Dorm Rule and (4) potentially lacking certain legal elements of a binding contract.

Cooper Union Lease Agreement

i. Institutional Nexus

Since submitting my April 30, 2013 letter to DOB, I have had the opportunity to review the lease agreement between Cooper Union and with 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. Section (1)(c)

of the Dorm Rule requires the developer to provide clear proof that an “institutional nexus” exists. The language of the law requires,

“Copies of documents evidencing (i) the establishment of a non-profit entity, all of whose members, directors, trustees, or other individuals upon whom is conferred the management of the entity, are representatives of participating educational institutions that meet the requirements of subdivision (b) of this section to provide dormitory housing for students of such participating educational institutions; and (ii) ownership or control of the building or part of the building by such non-profit entity for such purpose in the form of a deed or lease for a minimum of ten-year term.”

Based upon the express language provided, the lease does not create the “institutional nexus” required by the Dorm Rule. There is no evidence that any non-profit entity has members, directors, trustees or representatives of participating educational institutions—at least based on publically available documents. If such a nexus does not exist, DOB should not be issuing permits.

Even if there is an institutional nexus, this nexus does not exist year-round because, although Cooper Union has a fifteen (15) year lease-term with 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C., as per Article 2.5 of the lease agreement, Cooper Union is not entitled to use and occupancy of the premises from June 1 to August 31 each year. Rather, the Management Company reserves the right to rent the premises to “*other colleges or universities.*” The lease agreement, however, does not provide names of any colleges or universities that the premises could be rented to.

Further, this language is more analogous to that of a licensing agreement rather than a lease provision. A lease is a contractual agreement by which one party conveys property to another party for a specified period of time in exchange for consideration, which is something of value. A lease grants exclusive and absolute right to use and occupy land for the duration of the leasehold whereas a license creates a revocable privilege to someone with no interest in the land whose use of the land is temporary in nature, meaning that the lessor retains the right to use and occupy the land during the period of the licensing agreement.<sup>1</sup> Here, even if Cooper Union were to hold summer courses, students who rely on dormitories would be unable to use this premises because 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. is retaining the right to have exclusive use over the summer months.

This lease agreement violates a Dorm Rule requirement. Even if DOB determines that this agreement is not a license but rather a lease, 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. must ensure that any beds rented during the months of June 1 to August 31 of each year will be rented to colleges or universities that satisfy the Dorm Rule requirement to ensure that there is a continuous institutional nexus.

Additionally, Cooper Union is authorizing 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. to subordinate their rights as tenants. Article 8.1 of the lease agreement appears to show that Cooper Union is entering into an option contract with 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. The terms of this provision state that the rights of Cooper Union can be subordinated to the management company, essentially revoking the rights created within the terms of this lease agreement. I would like

---

<sup>1</sup> Union Square Park Cmty. Coal., Inc. v. N.Y.C. Dept. of Parks & Recreation, 17 N.Y.L.J. 1 (N.Y. 2014).

clarification of how this provision will operate and whether Cooper Union is, in fact, agreeing to allow their tenancy rights to be subordinated at any time within the purported fifteen (15) year lease-term.

ii. Bed Requirement

Article 2.7 of the lease requires, among other things, that Cooper Union will designate the number of required beds “*for each school year on or before March 15 of the Spring school term for the following Fall term.*” The number, however, has yet to be released. I would like to know how many beds Cooper Union expects to occupy. Assuming that this number has yet to be decided because the project is not yet complete, failure to comply with an express requirement deprives the public of the transparency necessary to assess the efficacy of this project, and the lack of clarity does not reflect well on either 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C., Cooper Union, or Joffrey Ballet. It appears that once again, the parties to the contract are concealing their true intent.

Joffrey Ballet Center Lease Agreement

iii. Ambiguous Terms

Article 2.7 of the lease agreement between Joffrey Ballet Center and 9<sup>th</sup> & 10<sup>th</sup> Street L.L.C. includes ambiguous language not defined within the four corners of the document. Without defining overly broad terms, DOB should not make any decisions regarding the permit request until these terms are defined.

The lease agreement states that Joffrey Ballet shall use their “*best efforts*” and “*due diligence*” to rent the one hundred and thirty two (132) beds offered in the lease agreement to their students. I would like “*best efforts*” and “*due diligence*” to be defined so that both the community and I can know the exact methods Joffrey Ballet will be utilizing to rent their beds.

Article 2.7 further states that any beds not rented by Joffrey Ballet may be rented by the management company to “*any other School.*” Yet again, there are no clearly defined terms to explain what is meant by “*any other School.*” Without requiring further detail it is impossible to understand exactly who the management company is reserving the rights to rent these beds. This information is vital because the “*other School*” in the “*school market*” would be able to rent these beds for three years. As per the Dorm Rule, “*any other School*” must have representation on the non-profit entity overseeing the dorm in order to satisfy the institutional nexus requirement. This lease agreement does not evidence that the institutional nexus requirement will be met should any unoccupied beds by Joffrey Ballet revert back to the management company.

Moreover, Article 2.7 only requires Joffrey Ballet to rent a minimum of ten (10) beds out of one hundred thirty two (132) beds. My concern is that any and all remaining beds outside of the ten bed minimum requirement will be rented out as student hostel beds (as previously proposed by Gregg Singer), which will violate the permissible use of the premises. Therefore, I ask that DOB limit the scope of the permit application and demand further information.



Given the foregoing information, I once again reiterate my request that this application is reviewed with precise scrutiny to ensure that both lease agreements meet the requirements of the Dorm Rule. **I request that DOB refrain from approving this application until the owner clarifies all ambiguities and my office is granted a meeting with DOB to discuss the contract's adherence to the law.**

Thank you for your attention with this matter. If there are any questions regarding my concerns, please contact my office.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Rosie Mendez".

Rosie Mendez  
City Councilwoman, District 2

Cc: Martin Rebholz, R.A., Manhattan Borough Commissioner  
Byron Munoz, Deputy Director, Intergovernmental & Community Affairs  
Susan Stetzer, District Manager, Community Board 3