

Remarks to the October 14th Meetings of the Subcommittee on Zoning and Franchises and the Land Use Committee on L.U. No. 680 for 3 St. Marks Place

Thank you Mr. Chair for giving me the opportunity to speak on L.U. 680, which is an application for a proposed transfer of 8,386 square feet of development rights from the landmarked 4 St. Mark's Place, otherwise known as the Hamilton-Holly House, to the newly proposed development at 3 St. Mark's Place. The result will be a building at this East Village gateway location that is 20% larger than an as-of-right development. The application also seeks bulk waivers to extend the building further over the St. Marks Place frontage than would otherwise be allowed by the Zoning Resolution.

As we vote on this application today, I want to be clear about my deep concerns regarding this proposal, not only because it fails to properly address the considerations of the 74-79 permit being sought, but also because the applicant did not take the ULURP process seriously, continuously showing an unwillingness to consider the community's requests for affordable housing or community space and taking a highly unusual approach to the Council's Charter-mandated public hearing on September 24.

At that hearing, the applicant did not come prepared with any visual presentation, such as project drawings, renderings, or site photos - a first in my three years on the Committee, did not have a zoning attorney or architect present, and sent only one representative, one who had not been involved in discussions with my office and who was not well-versed in our areas of concern. In fact, when I asked him why the bulk was appropriate on St. Marks Place, he was unable to answer. In addition, the applicant's representative at the hearing did not clearly discuss how the project met the required special permit findings, specify descriptions of the requested height waivers, or elaborate on how this proposal was consistent with prior applications made pursuant to 74-79 and the intent of the underlying zoning text.

Regardless of the applicant's disrespect for the Council's role in the land use process, the application itself fails to address significant issues regarding the proposal for a 20 percent larger than an as-of-right development at 3 St. Marks Place.

As I highlighted in my questioning at the hearing, and as I have raised throughout this public review process, the proposed bulk waiver - which in a 74-79 permit is not meant to "unduly increase" bulk with regard to neighboring buildings - would primarily be used along the St. Mark's Place frontage of the development site, which has a significant historic context, and is a narrow street as defined by zoning - and is much narrower than the 3rd Avenue frontage, which is a wide street under zoning, with five lanes of traffic and two lanes of parking.

In addition, the zoning text specifically states that "appropriate conditions and safeguards" should be considered at a development seeking a 74-79 permit in order to "minimize adverse effects on the character of the surrounding area." The developer only provided minuscule changes

to the design of the proposed development at 3 St. Marks to address this issue, with the development still penetrating the maximum front wall height and sky exposure plane. The proposed development clearly would still seriously impact and conflict with the landmarked Hamilton-Holly House, from which it is transferring air rights, and be out of context with the historic St. Marks Place corridor as a whole.

In my three years on the Council I have had numerous land use applications from my District come before this Committee. I consider every land use vote with the seriousness these decisions deserve, and just as I have with previous applications, I always vote on the merits of the application itself.

And this request for a 74-79 special permit - the first outside of a central business district or adjacent to a residential district, clearly fails to meet the requirements of the zoning text (the findings) and also falls short on legislative intent. The City Planning Commission, in adopting section 74-79 of the Zoning Resolution, wrote of a desire to “promote architecture that will relate to and enrich the area[s]” around landmark sites, and not be “detrimental” to its surroundings. The proposed building neither relates to nor enriches its surroundings, and in my view, the added bulk on the St. Marks Place frontage is detrimental.

I will close by once again highlighting my profound disappointment in the applicant’s unwillingness to address valid concerns or answer questions throughout this process, and I will note that Community Board 3 and the Manhattan Borough President also recommended disapproval of this application. I will be voting to disapprove this application today, and I urge my Committee colleagues to do the same.