



**Greenwich
Village
Society for
Historic
Preservation**

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**TESTIMONY OF
GREENWICH VILLAGE SOCIETY FOR HISTORIC
PRESERVATION EXECUTIVE DIRECTOR ANDREW BERMAN
REGARDING BSA APPEAL 247-07-A**

**246 Spring Street
February 27, 2008**

Good morning Commissioners and thank you for the opportunity to testify before you today. I urge you to rule in favor of this appeal and to overturn the Department of Buildings' decision to grant permits in this case.

As you know, this development has received a great deal of public attention, partly due to the famous names involved, the centuries-old bones exhumed during construction, and the recent tragic death of a worker on the site. What has received less attention, however, is the fact that in this case the Department of Buildings has essentially re-written the rules of development in New York City, and opened light manufacturing zones to condo-hotels, which function as primary and secondary homes, in spite of clear zoning restrictions against residential and residential hotel uses. To do so will have a profound impact upon such areas, while denying the public its rightful place in the rezoning process through which such major land use decisions should – by law – be considered.

Consider the facts in this case; from day one, the developers have publicly referred to the project as one where buyers will be able to live from time-to-time, part of the year, or year-round. They have been repeatedly caught advertising the development as residential. NYC and Company, the city's own convention and visitors bureau, advertised the development as residential. Crain's New York featured the project on the cover of its "residential life" issue, referring to its "hotel amenities for condo residents." New York Magazine ran an advertorial on it which referred to "residences" which owners will be able to "opt" to rent out when they are not occupied (the editor, by the way, told me all copy was approved by the developer before running). There's a reason why the saying goes "if it walks like a duck, and it talks like a duck, it's probably a duck." Everyone gets it that this "condo-hotel" will and is intended to be used by many of its owners as a residence – why doesn't the Department of Buildings?

I understand that you cannot rule on what has not yet happened. But the very nature of the building, and the deal the city cut with the developer, violates the zoning. None of us believe that the restrictive declaration the city negotiated with the developer will be enforceable; but let's say for the sake of argument that it will be. How can allowing an owner to occupy their apartment for 120 days per year – which the City is explicitly allowing – be considered a "transient" use, and not a residence or a residential hotel? It simply defies common sense.

This development cannot be considered “transient” by nature. Common sense as well as the zoning text define “transient hotels” as ones where rooms are rented on a daily basis. If we already know that each of these rooms can be taken off market AT LEAST 120 days per year, how can they still be considered “transient?” In 2004 DOB did the right thing and did not allow a similar scheme for a condo-hotel at 848 Washington Street (though it should be noted that this was only after they secretly did the WRONG thing and approved the project, were caught having done so by GVSHP, and after significant public pressure, reversed themselves). In that case the Department ruled that “units may not be made subject to sale, lease, or other arrangements under which they would not be available for transient occupancy.” This is EXACTLY the case with the Trump SoHo Condo-Hotel, and yet DOB is now not only saying it’s legal, but spending taxpayer’s dollars to defend this developer’s right to do it in court.

As you know, this is a precedent-setting case. No condo-hotel has ever before been allowed in a manufacturing zone in New York City where residences or residential hotels are not allowed. The impact of your decision will extend far beyond this one site, affecting how neighborhoods are developed and whether long-standing jobs are squeezed out.

This is an opportunity to stop this violation of our zoning rules, before it becomes the law of the land. This is an opportunity to draw a line in the sand, and preserve the public’s right to have a say in major land use decisions. This is a chance NOT to open another loophole in the law to benefit the rich and well-connected, at the expense of average New Yorkers.

I urge you to do what the Department of Buildings should have done – reject this permit, and restore common sense and fair play to zoning rules in New York City.

TRUMP & PARTNERS' RECORD

From the Trump Soho website Dec. 6, 2006:

Prospective buyer sign-up form included option for “permanent residence”



Dec. 6, 2006 –

In brochure distributed to prospective buyers sample floor plans include kitchenettes, in spite of explicit prohibitions from City.



Dec. 10, 2006 –

The City's own convention and visitor's bureau website:

“This property is envisioned as the city's first “condo-hotel” every unit will be sold individually to buyers who might live there year-round, from time to time, or seasonally.”

Dec. 20, 2006

After signing up for information re: Trump SoHo Condo-Hotel, GVSHP receives solicitation offering “pied-à-terre suites” which “can be” rented out when not in use, which goes on to describe the “luxurious” amenities of “five star living” which “residents” can enjoy.

TRUMP & PARTNERS' RECORD



TRUMP SOHO HOTEL CONDOMINIUM NEW YORK



The Sapiro Organization and Bayrock Group have announced the launch of Trump Soho Hotel Condominiums New York, the first downtown hotel condominium project from The Trump Organization. The five-star property at 248 Spring Street is the only luxury hotel condominium in SoHo and Trump's first foray into the fashionable downtown neighborhood. The striking glass-encased wall building was designed by Handel Architects. It will be the tallest structure in SoHo, with unprecedented 360-degree views of the city. Internationally acclaimed architecture firm The Rockwell Group will design the fully appointed living spaces of Trump Soho Hotel Condominiums New York.

Building amenities will include a members' lounge in the ground level, serviced lobby lounge, world-class restaurant, members' library lounge, 30-person screening room, private business center, and event space for up to 220 guests. In addition, Trump Soho Hotel Condominiums New York will have a pool deck with poolside cabanas, day spa, fitness center, garden conservatory, and rooftop bar and garden.

For more information on Trump Soho Hotel Condominiums New York, visit www.TrumpSoho.com or call 877-878-6700.

"FULLY APPOINTED LIVING SPACES"

http://www.bayrockgroup.com/Folio_TRUMP%20SOHO.html
from Bayrock Group website
STILL ACTIVE AS OF 3/2/2007



MARKETPLACE

SPECIAL PROMOTIONAL PAGE

REAL ESTATE SHOWCASE: SPRING PREVIEW



TRUMP THIS

Another glamorous offering from Trump—but this time with a bona fide downtown vibe. **Trump Soho's** interiors are courtesy of superstar designer David Rockwell, and the hotel-condominium's mix of fully furnished studios and one-bedroom suites range from 422 to 790 square feet. Five penthouses and a Presidential Suite are also for sale, but their square footage has not yet been determined. All feature million-dollar views of Manhattan's skyline. Owners can enjoy all the swank services found at any Trump undertaking, including an exclusive spa, an outdoor pool, wine cellar, business center, and cabanas galore on a huge outdoor deck. When not occupying residences, owners can opt for a revenue-sharing program whereby the unit becomes part of the hotel's general inventory. As expected, a world-class restaurant will also cater to at-home dining pleasures. From about \$800,000. AVAILABLE JANUARY 2009.

SARA CLEPHANE | 212-966-6222 | TRUMP SOHO HOTEL

"WHEN NOT OCCUPYING RESIDENCES"

New York Magazine Ad Feb. 21, 2007 refers to "residences" and says owners can "opt" to rent out room, though city claims rooms must be rented out for most of the year to conform to zoning.

Bayrock group listed as contact

<http://www.miamirealestatetrends.com/pages/TrumpSohoNewYork.aspx>



TRUMP SOHO HOTEL CONDOMINIUM NEW YORK



"All construction issues have been worked out and the Trump Soho Condo Hotel project has received a green light from the zoning board to move forward."

TRUMP SOHO - RESIDENCES AMENITIES

- Fully furnished, classically inspired guestrooms and suites reinterpreted for a downtown setting by renowned David Rockwell
- Expansive bathrooms with custom-designed bronze fixtures, stone-slab counter tops, sinks inset into custom vanity
- Separate two-person tubs and separate glass-enclosed showers
- All guestrooms and suite enclosures designed to provide acoustic privacy from exterior influences and adjacent occupancies

"RESIDENCES AMENITIES"

December 21, 2006 web advertisement from realtors claim they are "working closely with the Trump Organization"

TRUMP “CONDO HOTEL”

246 Spring Street



“The luxury hotel...will be more pied-a-terre than short-stay hotel...every unit will be sold to buyers who might live there year-round, from time to time, or seasonally.”

- Partner in Trump development, as represented in The Villager

A transient hotel is “a building or part of a building in which living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis.”

- NYC Zoning Resolution, Section 12-10

“In order to develop a transient hotel in a manufacturing district, units may not be made subject to sale, lease, or other arrangements under which they would not be available for occupancy.”

- NYC Department of Buildings

CRAIN'S Life


THE RESIDENTIAL ISSUE

What's Inside

CL6 Cover Story

Boomtowns: Greater New York's New Frontiers

Demand outstrips supply on the Upper East and West Sides, and Harlem beckons. Williamsburg's happened, so pioneers discover Bushwick.



Developers sense a demand for family-friendly yet urbane housing and rebuild—and remarket—cities like Yonkers and Long Beach. A look at a dozen old neighborhoods that are suddenly new again.

CL2 Front Door

- Why the subprime crisis isn't crimping New York's residential style.
- The bathroom without walls takes center stage.
- How much is that parking spot worth? Maybe more than your home.
- Fly me to the moon—I've got to check on my property there.

CL9 The Suite Life: Luxe Living in New York

Hotel culture is setting a new bar for luxury for New York residents and developers. The new standard fare: Concierges and valet parking. Swimming pools and cooking rooms. "Experiential" showers and yoga studios. Piano players in the lobby. What's here to stay?

CL10 Out of This World

Second homes in Second Life. Real estate goes virtual—for both developers and buyers. Plus: new rules coming for mortgage brokers; real estate brokers turn "green."



TRUMP SOHO:
Hotel amenities for
both condo residents
and hotel guests