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November 13, 2006

Mayor Michael Bloomberg
City Hall
New York, NY 10007

City Planning Commission Chair Amanda Burden
22 Reade Street
New York, NY 10007

Re: Condo-Hotels in Manufacturing Zones/246 Spring Street, Manhattan

Dear Mayor Bloomberg and Chair Burden:

I write regarding the impending possibility of the City allowing, for the first time ever, "condo-hotels" in manufacturing zones in New York City, in spite of clear, long-standing zoning prohibitions against residences and residential hotels in manufacturing zones. Specifically, the City is contemplating the possibility of granting a permit to Donald Trump and his development partners for erection of a 45-story condo-hotel at 246 Spring Street, which would be the tallest building between Midtown and the Financial District. This would be done by the City ruling that Trump's condo-hotel, and therefore all similar condo-hotels, is a "transient hotel," defined as having rooms which are "rented on a daily basis," and are used "primarily for transient occupancy." Transient hotels are allowed in manufacturing zones, while residential development or residential hotels are not.

As I and literally thousands of New Yorkers have already stated, we urge you not to issue permits for this building, as it would not only violate regulations but set dangerous precedent allowing similar condo-hotels to be built in violation of zoning regulations in manufacturing zones throughout New York City. This would literally change the face of development in New York City, threatening blue-collar jobs and businesses and irreversibly changing the long-standing character of neighborhoods. It would also fly in the face of commitments the City has made in recent years and in several recent rezonings to preserve existing manufacturing districts. It seems clear to me that the current law not only allows the City to reject permits for this or any other condo-hotel in a manufacturing zone, but compels it to do so.

However, from communications we have received from the City, it seems increasingly clear that there is a hardening of the position that the current zoning text as written allows condo-hotels in manufacturing zones. This position is most unfortunate, contradicts the opinion of several zoning and planning experts, and may engender costly and time-consuming legal challenges. I believe it would be a tremendous dereliction of the City's duties were it to go this route, not enforce the law, and not consider the best interests of all New Yorkers with whom it is charged with protecting.

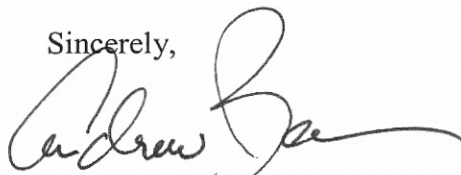
If the City genuinely believes that the current zoning text, written before condo-hotels existed, does not prohibit condo-hotel construction in manufacturing zones, but agrees with our contention that the introduction of condo-hotels into manufacturing zones has the potential to create serious conflicts in those zones, it is most unfortunate that the City did not act during the last eight years since condo-hotels first appeared in New York City to clarify the text and ensure that such conflicts did not take place. Absent such action, and in light of some of the glaring problems highlighted by the Trump plan, there are two things I would strongly urge the City to do:

- 1) **Change the zoning text as soon as possible to prohibit long-term stay “hotel” units and owner-occupied “hotel” units in manufacturing zones.** Occupancy of units for more than 30 days by guests, and any sort of occupancy of units by their owners (thus making them unavailable for “daily rental”) should not be allowed in manufacturing zones and should be considered inconsistent with the definition of “transient” hotels. We believe the current zoning text does allow the City to enforce such requirements, but if the City does not, the text should be changed to do so.

- 2) **Change the zoning for the Hudson Square M1-5 and M1-6 districts to limit the height of new development.** It came as a shock to many that 45-story buildings could be constructed in this area, where few buildings exceed 15 stories and where a neighborhood almost entirely composed of buildings no more than six stories in height lies just one block away. This totally disproportionate height was achieved by Trump through air rights transfers and the utilization of a plaza zoning bonus, which the zoning for this area unfortunately allows. Clearly there should at the very least be height limits for development in these areas. I would therefore strongly urge the City, regardless of its decision in this case, to implement contextual zoning for these neighborhoods that puts in place height limits at least as restrictive as those applied in other contextual zoning districts with similar bulk, WITHOUT necessarily requiring that residential uses be introduced (which the City typically requires for contextual zones).

The City’s decision in this case will have profound repercussions regarding development, preservation of neighborhood character, and the retention of jobs and businesses throughout New York City. I again urge you NOT to allow permits for Mr. Trump or any other developer’s condo-hotel in a manufacturing zone, or, if it is the City’s opinion that the zoning text as currently written cannot prevent such development, to implement these changes to the zoning text and the zoning for this area as soon as possible.

Sincerely,



Andrew Berman
Executive Director