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Preservation

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December 6, 2006

Hon. Patricia Lancaster  
Commissioner, NYC Department of Buildings  
270 Broadway  
New York, NY 10007

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

**Re: Trump Condo-Hotel, 246 Spring Street**

Dear Commissioner Lancaster and Chair Burden,

It has come to my attention that developer Donald Trump, on his website advertisement for this development, asks prospective condo unit buyers “What will this property be used for?” and offers them the options of “Primary Residence,” “Secondary Residence,” and “Investment Property.” This is further proof that Mr. Trump and his development partners have every intention of violating the law with this development, with unit owners using it as a place of primary or secondary residence, in spite of explicit zoning prohibitions against such uses at this location.

This is absolutely outrageous, and points to the heart of this issue – that a condo-hotel is NOT a transient hotel, and should therefore not be allowed under zoning regulations for this site, or in any manufacturing zone. Even if Mr. Trump corrects his website, any development where individuals own their units and live in them – whether year round or just for part of the year – is not a transient hotel. It is a primary residence or a second home, neither of which are allowed in this zoning district.

It is an utter fiction for either agency to say that condo-hotels such as Mr. Trump’s fit the zoning definition of a transient hotel – which explicitly says it is a place where units are “rented on a daily basis” and used “primarily for transient occupancy.” Mr. Trump’s web advertisement has only put in black and white what has been clear from the beginning – that he has every intention of violating the law with this development, and that a condo-hotel simply does not fit the definition of a transient hotel. I urge the City to now recognize this inherent conflict and not allow Mr. Trump’s development in any form, and to make it clear that condo-hotels cannot locate in manufacturing zones where residential and residential hotel development are prohibited.

Sincerely,

Andrew Berman  
Executive Director

Cc: Speaker Quinn  
Borough President Stringer  
Congressman Nadler  
State Senator Duane  
Assemblymember Glick  
Zoning for Jobs  
Community groups