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February 22, 2007

Mayor Michael Bloomberg
City Hall
New York, NY 10007

Re: Trump SoHo Condo-Hotel, 246 Spring Street

Dear Mayor Bloomberg:

I write to bring to your attention yet another example of the developers of the proposed Trump SoHo Condo-Hotel at 246 Spring Street advertising their planned development as a “residence,” which would directly violate zoning restrictions for this site. Such advertisements by the developers have been repeatedly brought to the City’s attention, and yet we have been repeatedly told by various city officials that the developers had been admonished about such advertisements and that they had been removed or discontinued. However, the attached advertisement in this week’s New York Magazine (listing the Bayrock Group, one of the developers of the project, as the contact) refers to the development’s “residences,” and also says that “when not occupying residences owners can opt for a revenue-sharing program whereby the unit becomes part of the hotel’s general inventory” (i.e. it can be rented out). This indicates that leaving these units open to transient occupancy is an option for owners, rather than a requirement, as the City has been insisting it would be. Additionally, on its website, the Bayrock Group refers to the “living spaces” in the development, again implying that units will be used primarily as places where people live, rather than as a “transient hotel,” as the city’s zoning requires.

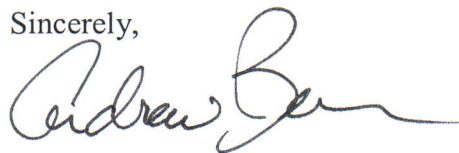
As you know, the City’s zoning explicitly prohibits the development of residences and residential hotels at this location and in all manufacturing zones. That is why we and scores of community and business organizations from across the city contend that this development violates the zoning and should not be permitted by the City, as it would open the door to a flood of previously prohibited luxury high-rise development in manufacturing zones and would eliminate the public approval process which developments that do not conform to the underlying zoning should be subjected to. As of today no building permits have been issued for the development, but both the Department of City Planning and the Department of Buildings, the two agencies with oversight over this project have stated that they see no conflict between a “condo-hotel” development such as this and the site’s zoning restrictions.

To be clear, however, the problem here is not that the developers continue to, in spite of repeated admonitions not to do so, advertise their development as a “residence.” This development will in fact be a residence; the problem is that the City has not yet recognized this, claims that it can be a “transient hotel” as allowed by the zoning, and is still allowing for the possibility of this development receiving building permits. Currently city officials are saying that a voluntary restrictive declaration that the developers will sign will ensure that this development will be used only as a transient hotel. We believe that

experience has shown that such an agreement will have little or no efficacy or enforceability, and that these advertisements show that the developer has every intention of violating those terms, and every expectation of getting away with it. However, even in the highly implausible case that the terms of the restrictive declaration were to be abided by, it still would allow owners to occupy their units for 100-150 days a year. That is not a transient hotel; that is a second home. Even on that basis, we continue to believe that the building permits for this development must not be approved and this development must not be allowed.

In light of the clear and ever-increasing evidence that this developer has every intention of violating the zoning and having the Trump SoHo Condo-Hotel function as a residence, I urge the City to reject permits for this development and not allow it to move ahead.

Sincerely,



Andrew Berman
Executive Director

Cc: Deputy Mayor Dan Doctoroff
City Planning Commission Chair Amanda Burden
Department of Buildings Commissioner Amanda Burden
City Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
Congressman Jerrold Nadler
State Senator Martin Connor
State Senator Tom Duane
State Senator Liz Kruger
State Senator Velmanette Montgomery
Assemblymember Deborah Glick
Assemblymember Richard Gottfried
Assemblymember Daniel O'Donnell
City Councilmember Tony Avella
City Councilmember Gale Brewer
City Councilmember Miguel Martinez
Municipal Art Society
Pratt Center for Community Development
Zoning for Jobs Coalition
New York Industrial Retention Network
Pratt Center for Community Development
Garment Industry development Corporation
Housing Conservation Coordinators
Brooklyn Economic Development Corporation
Southwest Brooklyn Industrial Development Corporation
Harlem Community Development Corporation
GMDC

Hell's Kitchen Neighborhood Association
Community Board #1, Brooklyn
Community Boards 1, 2, 4, and 5, Manhattan
SoHo Alliance
SoHo Arts Council
Friends of Hudson Square
Tribeca Community Association
Sullivan-Thompson Coalition
Williamsburg-Greenpoint Waterfront Alliance
Charlton Street Block Association
Greenwich Village Block Associations
VanDam Street Block Association