



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

December 06, 2006
Commissioner Patricia Lancaster
Department of Buildings
780 Broadway, 7th Floor
New York, NY 10007

Dear Commissioner Lancaster:

As you know, we are very concerned about the proposed condo-hotel at 246 Spring Street. This is the first time that a condo-hotel has been proposed in a New York City manufacturing zoning district – in this case, a district that permits transient hotels but prohibits residential development. Although we understand that the City’s zoning does not, and cannot, regulate based on ownership structure, it is very important to find some way within existing zoning to ensure that this building operate *as a hotel* rather than as a residential building. Allowing development in manufacturing zones that is effectively residential in nature would have a dramatic impact on our neighborhoods and on the City’s economy, letting loose a wave of luxury residential development in areas that are supposed to be reserved for commercial and light manufacturing uses.

The developer has consistently assured City government officials, and said publicly, that the project would be a transient hotel that is as-of-right and therefore permitted by the City’s zoning. As you know, we have urged you to explore every option available to ensure that this project operate as a short-stay, transient occupancy hotel, and have urged that any restrictions on the property’s use be enforced as tightly as possible. We understand that you are currently discussing with the developer how this might be achieved.

So it is very important to note that on its web site, www.trumpsoho.com, the developer asks potential condo unit buyers to answer the question, “What will the property be used for?” and offers a drop-down menu of three options: “Primary *Residence*,” “Secondary *Residence*,” or “Investment Property,” (see enclosed, current as of the writing of this letter, emphasis added)! In addition, the brochure the developer is distributing to interested potential buyers (enclosed) features kitchenettes in the units, a clearly residential amenity that DOB already told the developer was impermissible at this site.

As you know, residential use is clearly prohibited by the City’s zoning for this site. It is outrageous and disingenuous for the developer to assure the City that it will be operating a transient hotel while openly advertising the building’s availability as a primary and secondary residence. Unfortunately, this behavior entirely validates our feeling that this project, if

regulated too loosely, could be an “end-run” around the City’s zoning, and that extraordinary steps must be taken to ensure that this purportedly “transient hotel” really operates as such.

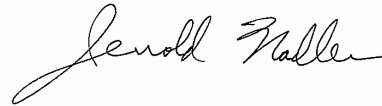
Before continuing any discussions with the developer, we ask that you please confirm with the developer that the website and brochure have been corrected, and that potential buyers are being, and will be, explicitly informed that units at 246 Spring Street are *not* available for residential use, but only for transient occupancy. We also request an explanation as to how the developer’s website and brochure could have come to contain this inaccurate information, since the developer has known since the inception of this project that only transient uses would be permitted at the site. Until these requests have been met satisfactorily, it is hard to see how the City can have a good-faith negotiation with—and, indeed, approve permits for—a party that publicly indicates it will abide by the law, while its actions indicate otherwise. Even after the requested explanation and requests are provided, future discussions should only proceed with a dose of heavy skepticism about the developer's intentions to operate this project as a transient hotel.

We look forward to working with you on this important matter.

Sincerely,



Scott M. Stringer
Manhattan Borough President



Jerold Nadler
Member of Congress



Tom Duane
State Senator



Deborah Glick
Assembly Member

cc: Department of City Planning
Community Board Two
Bayrock/Sapir LLC
Soho Alliance
Greenwich Village Society for Historic Preservation



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

December 06, 2006
Julius R. Schwartz
Bayrock/Sapir LLC
725 Fifth Avenue, 24th Floor
New York, NY 10022

Dear Mr. Schwartz

As you know, we are very concerned about your proposed condo-hotel at 246 Spring Street. This is the first time that a condo-hotel has been proposed in a New York City manufacturing zoning district - in this case, a district that permits transient hotels but prohibits residential development. Although we understand that the condominium ownership structure at this project is permissible, it is very important that this building operate as a hotel rather than as a residential building. Allowing development in manufacturing zones that is effectively residential in nature would have a dramatic impact on our neighborhoods and on the City's economy, letting loose a wave of luxury residential development in areas that are supposed to be reserved for commercial and light manufacturing uses.

You have consistently assured City government officials, and said publicly, that the project would be a transient hotel that is as-of-right and permitted by the City's zoning. So it is very disappointing that on your web site, www.trumpsoho.com, you ask potential condo unit buyers at the property to answer the question "what will the property be used for?" and offer a drop-down menu of three options: "Primary Residence," "Secondary Residence," or "Investment Property" (see enclosed, current as of the writing of this letter, emphasis added). In addition, the brochure you are distributing to interested potential buyers (enclosed) features kitchenettes in the units, a clearly residential amenity that the Department of Buildings has already said would be impermissible at this site.

As you know, residential use is clearly prohibited by the City's zoning for this site. It is outrageous and disingenuous for you to assure the City that you will be operating a transient hotel while openly advertising the building's availability as a primary and secondary residence to potential buyers. Unfortunately, this behavior entirely validates our feeling that this project, if regulated too loosely, could be an "end-run" around the City's zoning, and that extraordinary steps must be taken to ensure that this purportedly "transient hotel" really operates as such.

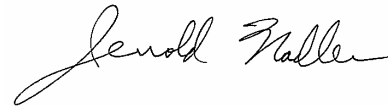
Please confirm to us in writing that your website and brochure has been corrected, and that potential buyers are being explicitly informed that units at 246 Spring Street are not available for residential use, but only for transient occupancy. We also request an explanation as to how your website and brochure could have come to contain this inaccurate information, since you have

known since the inception of this project that only transient uses would be permitted at the site. Until these requests have been satisfactorily completed, it is hard to see how the City can have a good-faith negotiation with—and, indeed, approve permits for—a party that publicly indicates it will abide by the law, while its actions indicate otherwise. Even after the requested explanation and requests are provided, we can only proceed with a dose of heavy skepticism about your intentions to operate this project as a transient hotel.

Sincerely,



Scott M. Stringer
Manhattan Borough President



Jerald Nadler
Member of Congress



Tom Duane
State Senator



Deborah Glick
Assembly Member

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