



**Greenwich
Village
Society for
Historic
Preservation**

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August 11, 2006

Hon. Michael Bloomberg
Mayor, City of New York
City Hall
New York, NY 10007

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

Hon. Patricia Lancaster
Commissioner, New York City Department of Buildings
280 Broadway
New York, NY 10007

Dear Mayor Bloomberg, Chair Burden, and Commissioner Lancaster,

I write in response to Chair Burden's August 4th letter responding to my July 13th letter about the proposed Trump development at 246 Spring Street. I appreciate the City's attention to this matter, but remain extremely concerned about the project and the City's response to it, and the lack of acknowledgement that the developers have been trying to put illegal, residential uses into a manufacturing zone.

While the City continues to affirm that long-term residential occupancy is not allowed at this site but transient use is, I remain concerned that this is the exact same assertion that the developers have made, even though they also clearly intend to have buyers who will live in these units on a regular basis. More importantly, there has as yet been no indication from the City of how they intend to ensure that there is only transient use when the condominium ownership structure (unlike that of a conventional hotel) so easily lends itself to residential use. In this type of case, to depend upon after-the-fact enforcement of nearly-impossible-to-detect violations as a way of ensuring conformance with zoning regulations would be a terrible mistake. It is also of great concern that an entirely new class of development is being introduced into manufacturing zones with this proposed project, and it is not yet clear that the City is developing guidelines in advance to ensure that there not abuses of the zoning regulations which this sort of development will so clearly likely lead to.

From looking at other condominium hotels around the country (see attached article from today's New York Times) and even Mr. Trump's own condominium hotel at Columbus Circle, it is clear that condo-hotels are customarily used as permanent or semi-permanent residences by many of their owners. It is also clear that owners do not depend upon or even use kitchen facilities in their units in order to live there, thus making the Department of Buildings' prohibition against kitchen units insufficient to safeguard against residential uses.

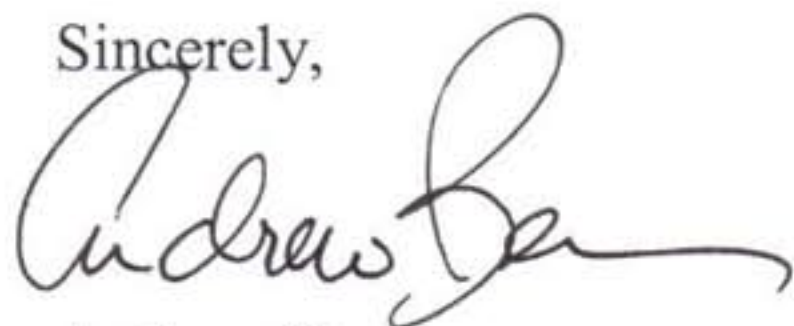
In fact, it is very difficult to imagine what sort of safeguards can be put in place in advance with this sort of ownership structure to reasonably ensure that all units will be used solely on a transient basis. Any system which relies primarily upon enforcement by the hotel operator will surely not be effective in preventing or curing zoning violations, nor will one which relies upon the public, neighboring businesses, or the City being able to identify and prove violations. In fact, the condo-hotel ownership structure inherently lends itself to this abuse, and makes enforcement almost impossible.

Additionally, regardless of the number of days an owner stays in the unit per year, the ownership structure clearly lends itself to the kinds of impacts residential development has upon a manufacturing zone, as opposed to the lesser impact a traditional transient hotel would have. A truly transient hotel has a constantly revolving customer base. By contrast, a condo-hotel unit owner has a stake in a specific location being suitable to ongoing use as a place of sleep and domicile, making this sort of ownership structure and use inherently more likely to be in conflict with other uses in a manufacturing zone.

In light of these facts, it is hard to imagine how a condo-hotel, which has the impact of a residence and inherently allows itself to be used as a residence, can be considered appropriate for a manufacturing zone. It is not yet apparent from either Chair Burden's August 4th letter or any other public statements by City representatives about this matter that these issues have yet been fully addressed. Given the enormous impact the decision in this case will have upon the landscape of the City, it is critical that these factors be weighed with the utmost care.

That is also why the Greenwich Village Society for Historic Preservation, neighbors, elected officials, and representatives of potentially impacted industries have sought the opportunity to meet with the Department of Buildings to discuss this matter, an opportunity which has no doubt been afforded the developers and their representatives. In the interest of fairness and ensuring the most carefully considered decision in this case, I sincerely hope that this opportunity is afforded to us before any final decisions are made or any permits are issued.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Berman
Executive Director

Cc: City Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
City Council Zoning Subcommittee Chair Tony Avella
State Senator Tom Duane

Assemblymember Deborah Glick
Community Boards 2, 4, and 5, Manhattan
New York Industrial Retention Network
Pratt Center for Community Development
Garment Industry Development Corporation
Brooklyn Economic Development Corporation
Southwest Brooklyn Industrial Development Corporation
GMDC
Waterfront Preservation Alliance of Williamsburg and Greenpoint
Hell's Kitchen Neighborhood Association
SoHo Alliance
SoHo Arts Council
Friends of Hudson Square
Greenwich Village Community Task Force



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
OFFICE OF THE DIRECTOR

4 August, 2006

Andrew Berman
Greenwich Village Society for Historic Preservation
232 East 11th Street
New York, NY 10003

Dear Mr. Berman, *Andrew*

Thank you for your recent letters regarding the proposed Trump development at 246 Spring Street.

In regard to your concerns about the height of this development, this project is proposed for an area zoned M1-6 which has a Floor Area Ratio (FAR) of 10 and no height restrictions. In addition, the Zoning Resolution allows a bonus of up to 2 FAR in an M1-6 zoning district for a public plaza and/or an arcade. We estimate that the developer can build 35 stories as-of-right (without the plaza and arcade bonus), and an additional 7 stories with the plaza and/or arcade.

As you know, long-term residential occupancy is not permitted in M1-6 manufacturing zones. However, transient hotels are permitted. While it is our understanding that this development is being proposed for a condominium form of ownership, this does not alter the zoning prohibition against long-term residential occupancy and the limitation to transient use.

The Department of Buildings (DOB) is currently reviewing the plans for this proposal and will decide if the proposed project is permitted in this area. An application to excavate the site has been approved, but as of August 3, 2006, no excavation permit had been issued. According to DOB records, as of August 3, 2006, no other plans for this development have been approved. This information can be found on the DOB website using the "BIS" tracking program. To view the statuses of the excavation and new building applications for this proposed development, go to www.nyc.gov/buildings, then select Building Information System, and then using search number 9, enter application number 104415624 for the excavation application and application number 104403334 for the new building.

Please be assured that the Department of City Planning is committed to ensuring the integrity of New York's neighborhoods and we very much appreciate your input and participation. Thank you again for sharing your concerns on this matter.

Very sincerely,

Amanda M. Burden

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