



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

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

November 25, 2011

**Recommendation on**  
**ULURP Application Nos. C 120029 ZSM, C 120030 ZSM, C 120031 ZSM, C 120033 ZMM,**  
**N 120032 ZRM – Rudin West Village Project**  
**by Rudin Management Company, Inc.**

**PROPOSED ACTION**

The Rudin Management Company (“the applicant”) seeks a rezoning, a text amendment, and a series of special permits associated with Large Scale General Developments (“LSGD”) to facilitate the development of a mixed-use, primarily residential project on two parcels of land located within the Greenwich Village Historic District in Manhattan’s Community District 2. The project site is comprised of two parcels of land: one triangular parcel bounded by Seventh Avenue, West 12<sup>th</sup> Street and Greenwich Avenue (the “Triangle Site”), and the other parcel located east of Seventh Avenue between West 11<sup>th</sup> and 12<sup>th</sup> streets (the “East Site”).

Specifically, the applicant is seeking a **Zoning Map Amendment (C 120033 ZMM)** to rezone within 100 feet from Seventh Avenue on the East Site from a C2-6 to a C6-2 zoning district, and to rezone the midblock portion of the East Site from R6 and C1-6 districts to an R8 zoning district. The rezoning will facilitate the development program on the East Site, namely allow for a higher residential density and commercial uses in portions of the building that would not be otherwise permitted under the current zoning districts.

The applicant seeks approval of a **Zoning Text Amendment (N 120032 ZRM) to Zoning Resolution (“ZR”) Section 74-743(a)(4) to allow the City Planning Commission (“CPC”) to grant height factor and open space ratio requirement waivers to LSGD projects in Manhattan Community District 2.** This special permit is currently only available to LSGD projects in Manhattan Community District 7. In granting this special permit, the CPC has to find that a minimum of 50 percent required open space would be provided within the LSGD project boundaries. Additionally, the proposed open space shall be of sufficient size and accessible to all residents of the new and enlarged buildings providing appropriate access, circulation, seating, lighting and paving on the site. Lastly, in granting this special permit, the CPC shall find the open space for the proposed project to have superior landscaping.

The applicant additionally seeks **special permits (C 120029 ZSM) pursuant to ZR § 74-743(a)(1), ZR § 74-743(a)(2) and ZR § 74-743(a)(4) (as amended) to modify provisions set forth in ZR §§ 35-33 and 23-142 (open space ratio requirements); 23-632 and 33-432 (height and setback regulations); 23-663 (rear setback regulations); and 23-843 (outer court regulations).** The CPC may grant these bulk waivers provided that these modifications satisfy certain findings set forth in ZR § 74-743(b), including that the modifications will result in a better site plan and a better relationship between the proposed development and its surrounding buildings and open space than would be possible, and will thus benefit the occupants of the project, the neighborhood, and the City as a whole; that the modifications will not obstruct access to light and air; that the surrounding streets will be adequate in handling resulting traffic flow; that the LSGD site plan shall include *superior landscaping* for the open space, and that the open space shall be accessible to all residents of the new and enlarged buildings.

The applicant also seeks **special permit (C 120030 ZSM) pursuant to ZR § 74-744(b) to modify requirements set forth in ZR § 32-422 (location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the third floor at 1-17 Seventh Avenue, one of the buildings on the East Site.** The CPC may grant this use modification provided that the commercial use has a separate entrance from the residential portions of the building; that the commercial use is not located directly above any story with residential units; and that the modification would not have any adverse impacts on other uses located within the building.

Finally, the applicant seeks **special permit (C 120031 ZSM) pursuant to ZR § 13-561 to allow a 152-space accessory parking facility in the cellar level of a proposed building at 140 West 12<sup>th</sup> Street, one of the buildings on the East Site.** In order to grant this special permit, the CPC must find that the requested parking spaces are needed and will be used by the occupants and visitors of the proposed project; that there are insufficient parking spaces around the project site; that the new parking facility will neither create or contribute to traffic congestion nor inhibit vehicular and pedestrian flow; that the location of the facility will draw minimal traffic to and through local residential streets; and that adequate reservoir space is provided at the vehicular entrance that is 20 percent of total number of parking spaces.

Additional approvals from other city and state agencies were required for the proposed project. As the location of the site is within a historic district, the New York City Landmarks Preservation Commission (“LPC”) has jurisdiction over the design of the residential mixed-use development on the East Site and the open space design on the Triangle Site. The LPC issued an approval for the design of the East Site buildings in 2009 and will need to approve the Triangle Site design. Further, the proposed Center for Comprehensive Care on the O’Toole Building Site recently received an approval of its application for a Certificate of Need (“CON”) from New York State Department of Health. The CON public hearing was held September 22, 2011, and the application was approved this November.

## **PROJECT DESCRIPTION**

The proposed actions facilitate the reuse and redevelopment of the East Site (Block 607, Lot 1) and the Triangle Site (Block 617, part of Lot 1) that were part of the Saint Vincent’s Hospital

campus in the West Village. The project site is bounded by Sixth Avenue, West 11<sup>th</sup> Street, Greenwich Avenue, and West 12<sup>th</sup> Street, within Community District 2 and the Greenwich Village Historic District.<sup>1</sup> The Rudin West Village Project is a mixed-use development with a maximum of 450 residential dwelling units, 11,200 GSF of ground-floor retail, 25,094 GSF of medical office space, and a 152-space parking facility on the East Site. The project will also include approximately 15,102 SF of publicly-accessible open space on the Triangle Site.

The area surrounding the project site consists primarily of residential uses with ground-floor retail uses mostly located along the avenues and wide streets. Larger retail stores and offices are located in the area north of the site along West 14<sup>th</sup> Street. Community facilities, including the Salvation Army to the north, the New School to the east, Public School 41 directly to the southeast, the Lesbian, Gay, Bisexual and Transgender Community Center directly to the northwest, and a mix of churches and schools are located throughout the nearby area.

The project site is located within cross sections of R6 and C2-7 zoning districts. Surrounding the project area is a patchwork of residential and commercial zones. Directly south of the site along Seventh Avenue is a C2-6 zoning district; west of the site are R6 districts; north of the site has several R8 and R8 equivalent districts; and northeast to the site is a mix of C6 zoning districts. As a result of these zoning designations, midblock buildings are mostly between three to six stories high, book-ended by taller structures along the avenues. In particular, the buildings directly north of the East Site on Seventh Avenue and Sixth Avenue are 19 and 21 stories tall, respectively.

Several off-street parking garages are located on and near the block of the proposed project. According to the DEIS, there are 17 off-street parking facilities within ¼ mile of the project site; three of them are situated on West 12<sup>th</sup> Street, directly north of what would be a new 152-space parking garage being proposed in this project.<sup>2</sup>

## **History of the Site**

Saint Vincent's Hospital ("Hospital") began its operations at the project site in 1849 and closed in 2010. Over different periods of time, the campus expanded to three properties in the West Village: the East Site, the Triangle Site and the O'Toole Building. The East Site consisted of eight buildings that were built between 1900 and 1980 and were occupied by the Hospital's emergency department, diagnostic, operating and research facilities, and administrative offices. The Triangle Site contained a Materials Handling Facility, a gas storage facility, and a raised landscaped area. The O'Toole Building Site, located directly north of the Triangle Site on Seventh Avenue was acquired by the Hospital in the 1970s, and held medical and clinical offices. These three parcels together were designated as a Large Scale Community Facility Development ("LSCFD") in 1979. The designation facilitated the Hospital's expansion, namely the development of Coleman and Link Pavilions located on Seventh Avenue between West 11<sup>th</sup> and 12<sup>th</sup> streets through the use of height and setback waivers and development rights from the Triangle and O'Toole Sites.

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<sup>1</sup> The Greenwich Village Historic District was designated in 1969 by the New York City Landmarks Preservation Commission.

<sup>2</sup> One of the three is an existing garage in the O'Toole Building Site which will be closed.

In 2009, the Hospital put forth a plan to construct a new 19-story acute care hospital and emergency department at the O’Toole Building Site. The 2009 plan proposed the demolition of four of the eight buildings on the East Site (Refer to **Table 1** below) for a primarily residential development, as well as the demolition of the O’Toole Building to allow for the development of a new acute hospital center. LPC approved the proposed East Site redevelopment plan and issued a Certificate of Appropriateness in 2009.<sup>3</sup>

In 2010, however, the Hospital declared bankruptcy. Consequently, the Hospital closed and no longer pursued the construction of a new hospital facility on the O’Toole Building Site. All buildings on the East Site have remained vacant since the closing of the Hospital, while the O’Toole Building was occupied by doctors’ offices until September 2011. In 2011, Saint Vincent’s Campus was sold to the applicant to facilitate the mixed-use development on the East Site that is being proposed today. **Table 1**, listed below, compares earlier versions of the project proposal to the current proposed redevelopment.

**Table 1:** Comparison of project proposals since 2007

|                            | 2007 Design  | 2009 Design <sup>4</sup>                                    | Current 2011 Proposal <sup>5</sup>  |
|----------------------------|--|---|---|
| <i>Project Site:</i>       |  |   |   |
| Buildings to be Demolished | Coleman-Link; Reiss; Cronin; O’Toole; Raskob-Smith; Spellman; Nurses | Coleman-Link; Reiss; Cronin; O’Toole                        | Coleman-Link; Reiss; Cronin; Materials Handling Facility on the Triangle Site |
| Buildings to be Reused     | Materials Handling Facility  | Raskob-Smith; Spellman; Nurses; Materials Handling Facility | Raskob-Smith; Spellman; Nurses; O’Toole                                       |
| <i>East Site:</i>          |  |   |   |
| Total GSF                  | 664,250  | 645,000   | 635,290   |
| Total ZSF                  | 625,000  | 608,000   | 590,660   |
| Parking Spaces             | NA   | 250   | 152   |
| <i>Open Space:</i>         |  |   |   |
| Triangle Site              | NA   | 8,573 SF  | 15,102 SF   |

While the O’Toole Building Site is not part of the proposed project site, it will be redeveloped as a comprehensive health care center by North Shore Long Island Jewish Health System (“NSLIJ”). The building will maintain its envelope with changes to the exterior to facilitate new entrances,<sup>6</sup> and the interior will be retrofitted to accommodate a state-of-the-art emergency

<sup>3</sup> The East Site redevelopment plan approved by LPC in 2009 is consistent with the design of the current 2011 project proposal.

<sup>4</sup> 2009 data found in the *Environmental Assessment Statement for the Saint Vincent’s Hospital Manhattan – New Acute Care Hospital and Emergency Department and Residential Development* proposal submitted on November 6, 2009.

<sup>5</sup> 2011 data found in the *Draft Environmental Impact Statement for the Saint Vincent’s Campus Redevelopment* submitted August 19, 2011.

<sup>6</sup> On August 2, 2011, LPC issued an approval of the proposed exterior changes to O’Toole Building.

department to be situated on the ground floor with other health care services on the upper floors. The Center for Comprehensive Care (“the Center”) will be an as-of-right project, and does not require any land use actions.

**Existing Conditions**

East Site: The East Site lot is approximately 92,925 SF and is occupied by eight existing buildings that were once part of the Hospital campus. The buildings were built from different periods and have varying heights and setbacks. The buildings on the East Site include: Coleman and Link Pavilions, Cronin, Spellman, Reiss, Nurses’ Residences, and Smith/Raskob Buildings. Refer to **Table 2** for building details. The total area of existing buildings on the East Site is approximately 763,115 GSF.

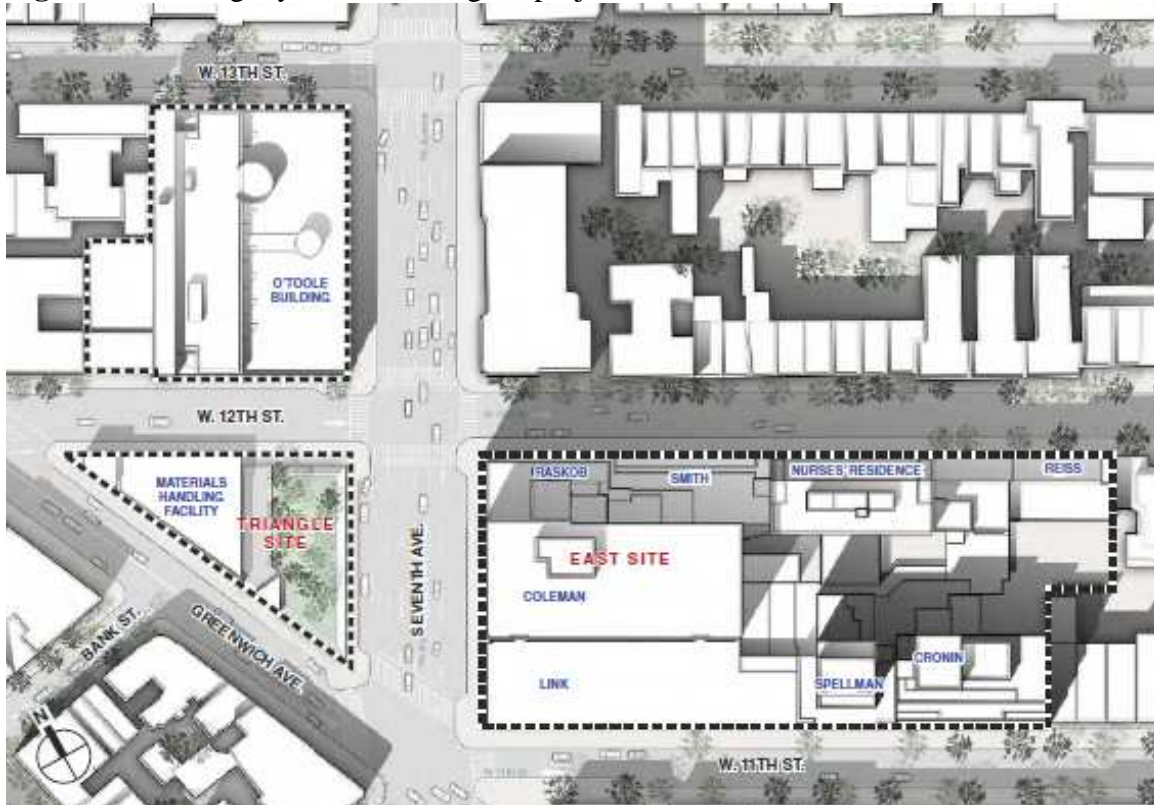
Triangle Site: The Triangle Site’s lot is approximately 16,596 SF and is occupied by a raised landscape area bordering Seventh Avenue on the west, the Materials Handling Facility, and a gas storage facility on the eastern point of the Triangle Site where West 12<sup>th</sup> Street and Greenwich Avenue meet. The gas storage facility (approximately 1,494 SF) is planned to remain on the site and is not included as part of the application.

**Table 2:** Existing buildings at project site

|                               | Address                      | Year Built (Expanded) | Height in FT (Stories) | Area in GSF |
|-------------------------------|------------------------------|-----------------------|------------------------|-------------|
| <i>East Site:</i>             |                              |                       |                        |             |
| Coleman/Link                  | 1 Seventh Ave                | 1983/<br>1987         | 190 (17)/<br>59 (4)    | 356,013     |
| Cronin                        | 133 West 11 <sup>th</sup> St | 1941 (1961)           | 151 (14)               | 88,170      |
| Spellman                      | 143 West 11 <sup>th</sup> St | 1941                  | 135 (11)               | 63,582      |
| Smith/Raskob                  | 170 West 12 <sup>th</sup> St | 1950/<br>1953         | 146 (13)/<br>168 (15)  | 114,326     |
| Reiss                         | 148 West 12 <sup>th</sup> St | 1955                  | 109 (9)                | 67,120      |
| Nurses                        | 158 West 12 <sup>th</sup> St | 1924                  | 140 (14)               | 73,903      |
| <i>Triangle Site:</i>         |                              |                       |                        |             |
| Materials Handling Facility   | 76 Greenwich Ave             | 1988                  | 10 (1)                 | 26,320      |
| <i>O’Toole Building Site:</i> |                              |                       |                        |             |
| O’Toole                       | 20 Seventh Ave               |                       | 66 (6)                 | 162,020     |

Source: Saint Vincent’s Campus Redevelopment DEIS (CEQR No: 10DCP003M), Table 1-1

**Figure 1:** Existing layout of buildings at project site



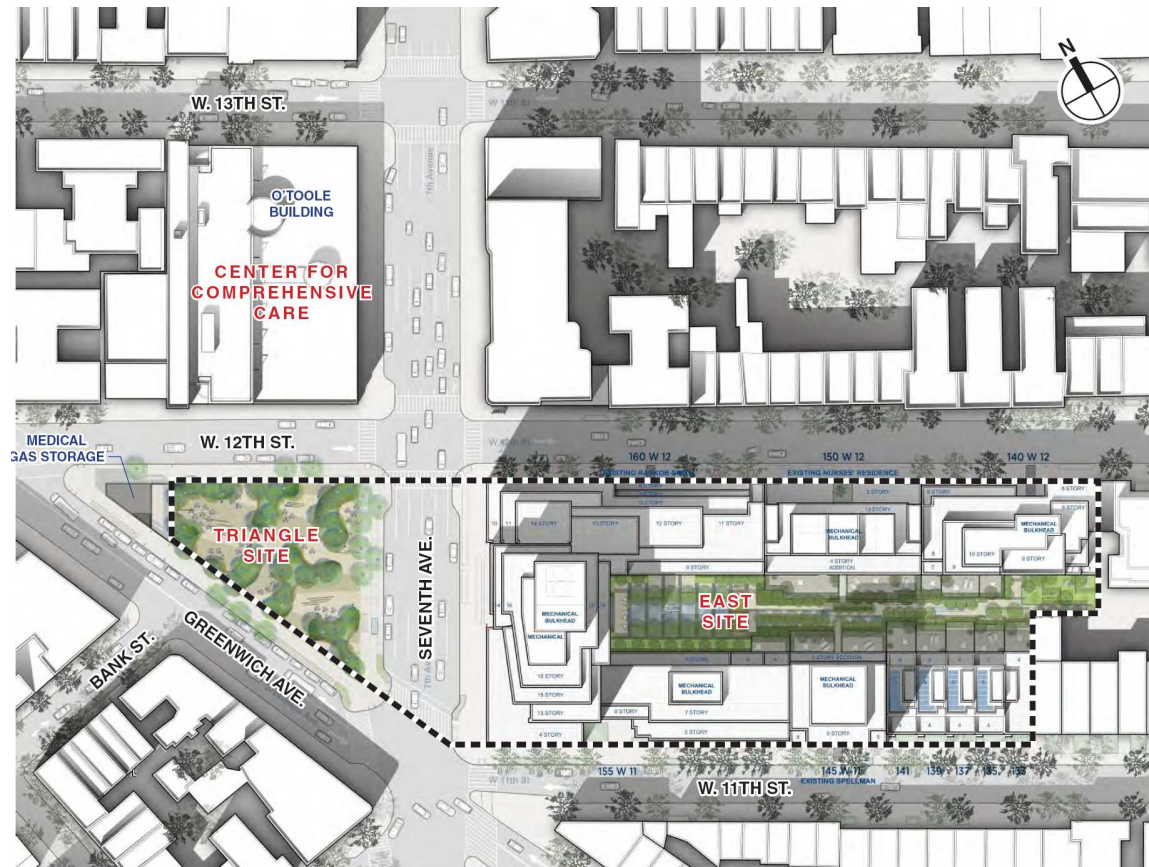
Source: Saint Vincent's Campus Redevelopment DEIS (CEQR No: 10DCP003M), Figure S-6

### **Proposed Development**

The proposed project site consists of the Triangle Site and the East Site. The site will be developed as a LSGD and the applicant will be restricted to developing under the proposed development plan. Any future modification to the plan would require the project to enter the public review process. Further, the approval of this current LSGD proposal will negate the controls set under the 1979 LSCFD.

As proposed, the East Site will be redeveloped into a mixed-use, primarily residential development. Four of the buildings (Smith/Raskob, Nurses, and Spellman) were determined by LPC to have similar architectural styles to the surrounding neighborhood. These buildings will be preserved and reused in this project. The remaining four buildings (Cronin, Reiss, Link, and Coleman) are comparatively more recent additions and proposed to be demolished. The demolition was also approved by the LPC.

**Figure 2:** Proposed layout of buildings at project site



Source: Saint Vincent's Campus Redevelopment DEIS (CEQR No: 10DCP003M), Figure 1-6

Under the proposed plan, a new 16-story mixed-use building will replace the existing 17-story Coleman and portions of Link along Seventh Avenue. A seven story building will be constructed along West 11<sup>th</sup> Street on Link's footprint. Cronin, located midblock between Seventh and Sixth Avenues, will be replaced with five townhouses of four to five stories. Reiss, adjacent to the 14-story Nurses' Residence on West 12<sup>th</sup> Street will be replaced by a 10-story building.

**Table 3:** Comparison of existing and proposed buildings on the East Site

|              | Address                      | Existing Area in GSF | Proposed Area in GSF | Proposed Height in FT (stories) |
|--------------|------------------------------|----------------------|----------------------|---------------------------------|
| Coleman/Link | 1 Seventh Ave                | 356,013              | 260,297              | 189 (16)                        |
| Cronin       | 133 West 11 <sup>th</sup> St | 88,170               | 33,166               | 54, 63 (4, 5)                   |
| Spellman     | 143 West 11 <sup>th</sup> St | 63,582               | 50,162               | --                              |
| Smith/Raskob | 170 West 12 <sup>th</sup> St | 114,326              | 134,771              | --                              |
| Reiss        | 148 West 12 <sup>th</sup> St | 67,120               | 79,043               | 112 (10)                        |
| Nurses       | 158 West 12 <sup>th</sup> St | 73,903               | 77,851               | --                              |
| <b>Total</b> |                              | <b>763,114</b>       | <b>635,290</b>       |                                 |

The development program on the East Site will be characterized by residential uses. There will be a distribution of no more than 450 market-rate residential dwelling units in the East Site buildings.<sup>7</sup> Retail uses will occupy the ground floor of the building along Seventh Avenue up to 100 feet in from the Avenue, and medical offices will be located on the second and third stories and cellar level of the same building. A 152-space accessory parking facility is also being proposed for the cellar level on the East Site with its entrance and a curb cut located on West 12<sup>th</sup> Street. Additionally, the proposed project will include a central and uniformly-shaped courtyard in the rear of all the buildings (approximately 15,131 SF). The courtyard will be accessible to all residents of the new development at the project site. Additionally, the applicant intends to construct courtyards only accessible to residents of the new townhouses (approximately 9,530 SF), which does not count towards the applicant's open space requirements.

The Materials Handling Facility on the Triangle Site will be demolished in the proposed project. In its place, and that of the raised landscaped area on the site, will be an improved open space, approximately 15,102 SF, and it will be open to the public. The open space will be restricted from development in the future. The design of the proposed open space is under review as part of this action and as such has not been finalized.

### **Proposed Actions**

To facilitate the proposed project the applicant seeks a Zoning Map Amendment, a zoning text change, a set of special permits associated with Large Scale General Development and an accessory parking garage special permit.

#### *Zoning Map Amendment*

The applicant proposes to rezone within 100 feet from Seventh Avenue, from C2-6 to a C6-2 zoning district. Approval of this map amendment maintains the maximum FAR of 6.5 allowed for community facility uses, but raises allowable density for residential uses from 3.44 to 6.02 and commercial uses from 2.0 to 6.0. The amendment will also permit additional commercial use groups including large retail establishments, large entertainment facilities and custom manufacturing facilities that are not allowed under current zoning. The midblock portion of the East Site will be rezoned from R6<sup>8</sup> to an R8 district. The approved rezoning will raise the FAR for community facility uses from 4.8 to 6.5, and will increase residential density from 2.43 to 6.02 FAR.

The approval of these map amendments will give the East Site a maximum development potential of approximately 604,013 SF. While the proposed districts will result in a lower density than the East Site's existing area (763,114 SF), the map amendments will more than double the residential development potential on the site from an approximate 246,499 SF to 562,196 SF. The applicant does not anticipate using the existing density from the Triangle Site.

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<sup>7</sup> The maximum number of residential dwelling units allowed in the project will be written in a restrictive declaration.

<sup>8</sup> A small portion of the East Site is mapped C1-7 which will also be amended to an R8 district in this application.

Rezoning the C2-6 portion on the East Site to a C6-2 zoning district allows flexibility in the location of commercial uses and medical offices, which are anticipated to occupy the first three floors of the project along Seventh Avenue. The C6-2 designation also permits the modification of open space ratio and height requirements within this LSGD that is not allowed under a C2 zoning district.

#### *Zoning Text Amendment*

The applicant is proposing to amend the zoning text for special permit pursuant to ZR § 74-743(a)(4) to allow maximum floor area ratio on the LSGD site without regard to the underlying height factor and open space ratio requirements in the district. The special permit is currently available to LSGDs that are located partially within a C6-2 district within Manhattan Community District 7, provided a minimum of 50 percent of required open space is located within the LSGD. The text amendment will extend open space allowances to LSGD projects in Manhattan Community District 2. Absent the special permit, new construction buildings for this project will have to comply with height factor and open space ratio requirements which may result in building forms different from what is being proposed.

#### *Pursuant to Large-Scale General Development*

Open Space Ratio: ZR §§ 35-33 and 23-142 require that a minimum open space ratio be provided for buildings located within an R8 zoning district based on the buildings' height factors. The proposed development on the East Site requires 59,857 SF of open space. To fulfill open space ratio requirements, the applicant proposes to reduce the required amount of open space by 50 percent (a minimum of 29,928 SF). The proposed project currently contains 15,131 SF of common open space on the East Site, and 15,102 SF of publicly-accessible open space on the Triangle Site.

Height and Setback: ZR §§ 23-632 and 33-432 require that buildings located in R8-equivalent districts have a maximum street wall height of 85 feet, and setback distances of 20 feet on a narrow street and 15 feet on a wide street. Further, the buildings are not permitted to penetrate the sky exposure plane.<sup>9</sup>

Based on these conditions, portions of the proposed buildings on the East Site will encroach upon the required setback areas. The new encroachments are at different depths and varying heights, as listed in **Table 4** below. As such, the proposed special permit is necessary to facilitate the design of the East Site as approved by LPC.

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<sup>9</sup> The sky exposure plane begins at 85 feet above curb level and continues to rise at a ratio of 2.7 to 1 ratio along a narrow street and a 5.6 to 1 ratio on a wide street.

**Table 4:** Maximum Height and Setback New Encroachments of Proposed Project

| Address (by location of existing building)                     | On 7 <sup>th</sup> Avenue (wide street) |                                     | On 11 <sup>th</sup> or 12 Street (narrow streets) |                                     |
|--|---|-------------------------------------|---|-------------------------------------|
|  | Maximum encroachment depth in feet      | Maximum encroachment height in feet | Maximum encroachment depth in feet                | Maximum encroachment height in feet |
| 155 W 11 <sup>th</sup> Street (Coleman and Link)               | 15                                      | 103.79                              | 6.24  | 67.04                               |
| 133, 135, 137, 139, and 141 W 11 <sup>th</sup> Street (Cronin) | --                                      | --                                  | --  | --                                  |
| 145 W 11 <sup>th</sup> Street (Spellman)                       | --                                      | --                                  | --  | --                                  |
| 160 W 12 <sup>th</sup> Street (Smith and Raskob)               | 4.42                                    | 10.92                               | 12.92   | 46.33                               |
| 140 W 12 <sup>th</sup> Street (Reiss)                          | --                                      | --                                  | 20  | 19.04                               |
| 150 W 12 <sup>th</sup> Street (Nurses)                         | --                                      | --                                  | --  | 4.63                                |

**Rear Setback:** ZR § 23-663 requires that any portion of a building above 125 feet in an R8 district be setback 20 feet from the rear yard line. Three buildings in the proposed project will have heights greater than 125 feet. 160 West 12<sup>th</sup> Street (Smith and Raskob) will have 36.6 SF., 145; West 11<sup>th</sup> Street (Spellman) will have 122.7 SF; and 150 West 12<sup>th</sup> Street (Nurses) will have 108.6 SF encroach upon the required rear setback.

**Outer Court:** ZR § 23-843 requires the width of an outer court recess (portion of a building that touches the court) to be twice its depth without exceeding 60 feet. 140 West 12<sup>th</sup> Street (Reiss) will have an outer court recess with a dimension of 8 feet by 26.96 feet; a complying outer court with a width of 8 feet can only have a depth of 4 feet.<sup>10</sup> Therefore, a waiver is needed for the balance of the depth.

*Accessory Parking*

ZR § 13-12 requires the number of accessory parking spaces at the proposed residential development be no more than 20 percent of new dwelling units, and ZR § 13-133 requires that the number of accessory parking spaces not exceed one space for every 4,000 SF of floor area of new commercial and community facility area. Both sections require that the parking facility be located within an enclosed building and that it be used exclusively by the residents and tenants of the development.

The proposed development permits 98 as-of-right accessory parking spaces. The applicant proposes to have 152 accessory parking spaces (approximately one space for 33% of the

<sup>10</sup> Approximately 22.96 feet of depth are not in compliance with the outer court requirements.

proposed development). In order to achieve the proposed 152-space accessory parking facility on the project site, the applicant requires the approval of special permit pursuant to ZR § 13-561.

### **Anticipated Impacts under the Reasonable Worst Case Scenario Development**

The Draft Environmental Impact Study (“DEIS”) indicates that the proposed actions would lead to a number of construction-related impacts under the Reasonable Worst Case Scenario Development. Other than the unavoidable noise impacts on the surrounding neighborhood, these impacts can be mitigated.

According to the DEIS, the proposed project would not result in other significant adverse impacts, but it indicates that several categories present data that approaches conditions that may impact the surrounding neighborhood:

- Public School: The proposed project will be introducing a new population of school-aged children to schools that are already at over-capacity in the district. Specifically, the project would introduce 54 grade school students to Sub-District 2 of Community School District 2 where the proposed project is located. While this only increases the elementary school utilization rate by 1.5 percent, they would be in schools that are already at over-capacity.
- Open Space: While the project will introduce 0.35 acres of public open space to the area, there would a 0.81 percent drop in active recreational open space with the proposed project.
- Shadows: The proposed project will introduce shadows that will impact the new publicly-accessible open space at the Triangle Site. No mitigation is proposed for this impact because the new open space will not be created without the proposed project.
- Transportation: The proposed East Site project would bring 194 person subway trips during the evening peak hours. The projected number of passenger trips does not meet the threshold number of 200 trips, and therefore, impacts on transit were not further studied.

### **COMMUNITY BOARD’S RECOMMENDATION**

At its Full Board meeting on October 20, 2011, Community Board 2 (“CB 2”) unanimously voted (40-0 with 1 abstention) to **conditionally disapprove** the proposed actions unless specific community concerns, discussed below, are addressed.

In its resolution, CB 2 listed the concerns over the proposed project. Specifically, CB 2 found an increase in allowable development rights on the East Site for residential uses inappropriate on land that was previously used solely for community facility use. The Board also voted to eliminate the parking facility planned for the East Site buildings as it would become the third public parking garage, or fourth general garage on the proposed block, and would further worsen traffic congestion and quality of life in the nearby area. To maintain the residential character of West 11<sup>th</sup> and 12<sup>th</sup> streets, CB 2 disapproved any extension of retail shop windows from Seventh Avenue onto the side streets. The demolition of Reiss was also disapproved by the Board. The

Board also voted against relocating a bus stop from its current location in front of the O'Toole Building, which the applicant has since agreed to withdraw from the proposal.

In its vote, the Board advocated for the inclusion of community benefits including the provision of permanent affordable housing in the neighborhood, and the financing for additional public school seats in the district. CB 2 identified 75 Morton Street as a potential public school site. The Board also made a request for the installation of an elevator or escalator at the IRT station entrance and exit at the corner of West 12<sup>th</sup> Street and Seventh Avenue to provide access to seniors and riders with special needs.

CB 2 provided specific requests to the proposed park at the Triangle Site, which included: removing the oxygen tank facility at the Western-most tip of the Triangle Site; creating a publicly-controlled open space that would become a community park accommodating families and active uses for neighborhood children; and incorporating design features and elements suited for the location, such as the placements of the entrance, fences and permanent seating. Additionally, CB 2 voted in favor for an AIDS Memorial to be located on the park site, but without compromising the passive and active uses of the park.

Environmental issues were also noted in CB 2's resolution for stronger government oversight of hazardous materials during construction phase of the project, and proper waste treatment from the hospital and the residential site when the project is complete. There was also a request to carefully monitor dust particles especially in the area where Public School 41 is located as to not negatively impact student health.

## **BOROUGH PRESIDENT'S COMMENTS**

The closing of Saint Vincent's Hospital in April 2010 left an unmistakable void in the West Village. The closure of the Hospital not only left a hole in healthcare services, but it also resulted in nine vacant buildings in a neighborhood that has long been characterized by vibrant streetscapes and historic architecture. Over 30 businesses that previously served the workers and visitors of the Hospital have closed, further adding to the inactivity surrounding the site. The ongoing vacancy in these buildings risks creating a blighted condition, which discourages pedestrian traffic and may overtime create an unsafe environment.

A development to reactivate and beautify the project site and its surrounding area is, in general, appropriate. The redevelopment of the Hospital campus has the potential to provide benefits to the local community and broader public. The proposed residential and ground-floor commercial uses are compatible with surrounding neighborhood character, and will help attract new residents and pedestrians to the area. These types of uses, which activate the streets and create safer conditions for the community, should be encouraged.

The current proposal also preserves five of the nine buildings that made up the historic Hospital campus, four of which will be reused on the East Site. Protecting the existing buildings maintains the architectural continuity and the physical character of the surrounding neighborhood. Additionally, the proposed uses on the East Site will be mainly residential, which is consistent with the surrounding neighborhood character. The development, therefore, by and

large will not detract from the historic nature of this landmarked district, nor will it introduce new uses that are incompatible to the neighborhood.

The approval of the proposed project will also introduce new publicly accessible open space on the Triangle Site, enlivening a site that has been fenced off from the community for several decades. Community District 2 has a dearth of parkland – less than many neighborhoods in the City. The proposal presents an opportunity to add open space that will potentially accommodate community-oriented activities, which will alleviate some of the open space needs in this community. Further, the inclusion of a well-designed park will help enliven immediate and nearby streets.

The redevelopment of the site also has the potential of positive economic impacts. During the construction phase of the project, the site is estimated to create 1,200 jobs. According to the DEIS, the site is anticipated to create 391 jobs in the O’Toole Building Site, and 139 in the East Site after construction is completed. During an economic down cycle, the creation of good-paying and long-term employment should be encouraged. Furthermore, the project is anticipated to be the first in the City to qualify under the Green Building Council’s LEED-Neighborhood Development criteria creating new opportunities to not only improve the environment, but also support and attract the green infrastructure economy.

Although the development of the Center for Comprehensive Care by North Shore Long Island Jewish (NSLIJ) is not part of the proposed actions, the planned project will help facilitate its creation and restore a medical emergency department in the Lower West Side. The Center will include an emergency room, a state of the art diagnostics and imaging center and medical office space. The new emergency room, while short of the full service hospital that the community needs, will fill a critical gap in the Lower West Side’s health care infrastructure.

Additionally, the proposed redevelopment has been the subject of heightened public scrutiny and was modified to meet community concerns over the past four years. Since the first redevelopment plan proposed in 2007, a total of 65 public meetings have been held by the community board, LPC and CPC. During this period, the applicant met with various neighborhood associations, preservation groups, community organizations and representatives of elected officials in presenting the development and updates of the proposal. As a result of the public process and to being responsive to community concerns, the current plan has significantly evolved from the original 2007 proposal. Notable changes to the 2007 plan include reducing the total density on the East Site, rehabilitating four buildings on the East Site rather than razing the block, and nearly doubling the amount of open space on the Triangle Site. The current plan also includes the preservation of the O’Toole Building which would have been demolished under the original plan. Further, the number of parking spaces proposed on the site has decreased from 250 to 152.

Despite these changes, CB 2 and local community groups have expressed legitimate concerns about the development’s impacts including the density, the proposed ground-floor retail, the proposed parking garage uses, and the ownership of the park on the Triangle Site. Generally, the community board’s conditions to the proposed project aim to mitigate negative impacts and strengthen the project’s contribution to the well-being of the overall community.

The Manhattan Borough President's Office recommends several modifications to the proposed development in order to address impacts identified in the DEIS, as well as to address general concerns about the project's proposed uses, site planning, and public policy considerations.

### *Zoning and Density*

The applicant proposes new zoning districts to permit greater residential and community facility development than what the existing zoning districts allow. However, the application will also extinguish the development rights transfer previously granted from the Triangle and O'Toole Building sites. As a result, the net change in maximum permitted density on the East Site will be less than currently built.

Further, while the proposed rezoning will allow more residential density on the site than currently permitted, the applicant proposes to build no more than 450 residential units. This maximum number of residential units is enforceable, and will be included in the restrictive declaration associated with the special permit. The proposed limit on residential units will minimize the potential impact on public facilities and services.

Without the approval of the rezoning, any development on the East Site will be restricted to densities and uses of the LSCFD, which limits mainly to community facility uses. A likely as-of-right development scenario on the East Site is an educational institution occupying the buildings with classrooms, dormitories and other related uses. This alternative, as studied in the DEIS would utilize existing allowable community facility densities of up to 725,000 GSF. Classroom, dormitory and conference room uses generally produce greater pedestrian and traffic patterns and could create a set of undesirable impacts to the neighborhood's residential character. The DEIS identifies that this scenario would generate a greater population at the site, therefore, increasing the number of peak hour person trips and vehicle trips by approximately 3,600 and 320, respectively, than what the current proposal will produce.<sup>11</sup>

Although the rezoning technically increases the allowable development, the reality is that the proposed project will result in lower densities than what is currently on the East Site, and allows for uses that are more compatible in a residential district by restricting and removing the incentive for dormitories and other similar uses.

However, if the special permit was not used or allowed to lapse, the zoning would permit development rights on the Triangle Site to be used on the East Site. This potential scenario would result in an increase in density overall for the neighborhood. Such an increase in density would be inappropriate. As such, any redevelopment plan for the sites should extinguish the air rights over the Triangle Site in perpetuity. The applicant currently anticipates eliminating the density through the restrictive declaration; however, the applicant should also explore transferring the unused development rights over the Triangle Site to the City. Additionally, if the special permit is not used, the applicant should be limited to the densities that existed on the site

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<sup>11</sup> Page 22 of Chapter 21 in the *Draft Environmental Impact Statement* for the [Saint Vincent's Campus Redevelopment](#).

prior to the rezoning. These provisions will allow the proposed development to occur without resulting in an increase in density for the neighborhood.

*Open Space - General*

The applicant proposes to provide approximately 50 percent of required open space within LSGD boundaries. The open space will be distributed between two locations; half will be located behind the private residences on the East Site, and the other half will be located on the Triangle Site. Additionally, another 8,000 SF of rear yard space will be provided, but will be accessible only to the proposed row houses, and therefore will not count towards the total open space.

The common area site plan on the East Site includes seating and uniform lighting in a landscaped space predominantly used for passive recreational activities. While the East Site open space will be available only to the residents of the new developments, it will help meet the open space demand generated by the development – alleviating some demand on parks space in the neighborhood.

More importantly, the proposed Triangle Site open space has significantly increased since 2007 through the removal of the Materials Handling Facility. The open space will occupy nearly the entire parcel with the exception of the medical gas storage facility located at the westernmost point of the Triangle. While the expansion is an improvement, the continued retention of the medical gas storage facility, with its blank brick walls, detracts from creating a truly relaxing and accessible open space to the public. Further the facility obstructs views corridors and eliminates the potential egress at the West 12<sup>th</sup> Street and Greenwich Avenue corner.

In order to meet the finding of the large-scale development special permit, the applicant should reconsider the retention of the oxygen tank facility. Removal of the structure would lead to a better site plan and allow for superior landscaping, while providing the maximum amount of open space on the site.

Additionally, the applicant has, to date, made a good faith effort to meet with the community and modify the open space design. In the review process, CB 2 has made several specific recommendations regarding the open space's design. The applicant should continue to work with the community to meet their overall design requests. Additionally, the community has acknowledged the desire to see a commemorative feature included in the park due to the site's unique historic role in the Village's history. As the commemorative element is a relatively recent suggestion, no specific designs have been generated for such a feature. The applicant should continue to work with the community and the wide array of local stakeholders to create a commemorative feature design that meets the larger community's priorities.

Furthermore, the open space represents a true public benefit and the applicant or their successor should contribute not only to the open space's construction but its continued maintenance. To ensure that this public space remains public, the applicant should provide an easement to the City which will allow City Planning and the Department of Parks to enforce the park's accessibility.

*AIDS Memorial Park Concept Alternative*

Since certification, an alternative concept for the open space on the triangle site has been presented by the Queer History Alliance. The proposal includes creating a significant AIDS Memorial in the open space and using the existing basement under the Triangle Site as an education and exhibition space. The Queer History Alliance hopes to recognize the role Saint Vincent's played in the AIDS epidemic including opening up the first AIDS clinic in the City. The proposal does not currently include a specific design or concept drawings as these would be developed in a future design competition.

The AIDS epidemic has had an immeasurable effect on the lives of New Yorkers. Over the past thirty years, more than 100,000 people in the City have been lost to this terrible disease, most significantly in our LGBT community. But the devastating effects were not only felt by those infected; an incalculable number of individuals dedicated their lives to taking care of their friends and neighbors – many of whom were lost. Their kindness not only demonstrated the resolve of the human spirit, but also what it truly meant to be a community.

AIDS, however, is not just a historical occurrence as over 100,000 New Yorkers are currently living with the disease. New York City has almost three times more HIV/AIDS case rates than the rest of the country, and the disease is the third leading cause of death for New York City residents ages 35 to 54, after heart disease and cancer. In 2009, gay and bisexual men still accounted for a disproportionately high percentage (33%) of the population of people living with HIV/AIDS. However, the disease affects all genders, races and sexual orientations. Women account for 33% of the new HIV/AIDS cases and Blacks/African Americans account for 50% of all new AIDS cases. Further, the epidemic is not confined by location – Manhattan, Brooklyn and the Bronx each account for 25% of all new AIDS/HIV diagnoses.<sup>[1]</sup>

It is, therefore, not only an appropriate but a laudable endeavor to find a way to commemorate those who have been lost to, those who lived through and those who continue to live with the epidemic. Furthermore, placing a strong emphasis on education and awareness is critical to stopping the spread of the illness.

There is strong reason to seek an AIDS memorial and education space in New York City. Some of the proposed alternatives could be realized in the current public process, such as the inclusion of a memorial or commemorative feature in the Triangle open space. Other aspects are, unfortunately, not likely in scope for review under this application. Proposals to introduce a new use on the Triangle Site or to significantly redesign the park after a design process will require the modification of the special permit in a follow-up action. Additionally, any proposed park design will have to balance the memorial features with the community's desired park amenities as outlined in CB2's recommendation. As this open space is directly linked to the development of the new residential project, all stakeholders should work together to quickly evaluate the feasibility of the proposal. Such an analysis should include an accurate assessment of the overall timeline, costs and legal constraints.

While the need for follow-up action presents a challenge for the proposal, it also creates opportunities. During the comment period, the Manhattan Borough President's office has

received calls and letters in support from individuals and organizations across the City. As the proposal is being studied, all stakeholders should continue to engage more groups affected by AIDS ensuring that the memorial's design, location and intent are generated through as inclusive a process as possible.

While the feasibility of the underground space and the redesign has yet been fully determined, the Queer History Alliance has made a compelling case for a Memorial and AIDS education and exhibition space. As such, City agencies and relevant groups should continue to evaluate the space as well as other potential spaces in the surrounding community should the Triangle Site be determined infeasible. The Manhattan Borough President's Office is committed to working with all involved to realize this necessary memorial to one of the most tragic epidemics to affect our City.

### *Parking Facility*

The proposed 152-space parking facility will be located on a residential block on West 12<sup>th</sup> Street where two other public parking garages exist.<sup>12</sup> The proposed garage will be placed midblock in the cellar of where the Reiss building is located today.

Case law establishes that applicants for a special permit are generally entitled to favorable consideration of their applications if they have demonstrated that they have met the specific findings identified in statute. In order to meet the findings of the special permit, the applicant needs to demonstrate that the requested parking spaces will be used by the occupants of the new development, that there is a need for parking around the project site, and that the new facility will not create traffic congestion nor hamper vehicular and pedestrian flow in the nearby area.

As the applicant is allowed 98 spaces as-of-right, the DEIS finds no significant adverse impacts from the proposed addition of 44 spaces, suggesting there will be no traffic congestion as defined under the City's Environmental Quality Review. Additionally, the applicant's proposal accommodates enough spaces for 33% of the anticipated 450 residential units. This rate is similar to the car-ownership rates in the census district, which suggests residents will use the garage. Additionally, the DEIS table 14-22 identifies a maximum parking demand of 1,174 parking spaces with the proposed development during the midday, weekday peak hour. The table also indicates that there will be 1,328 parking spaces with the proposed facility resulting in 88% utilization. If the proposed garage was not built, the total number of available spaces would be 1,176 or 1,284 with an as-of-right garage. Utilization rates midday would be between 98% and 91% respectively, which implies that there is not enough parking in the surrounding facilities to accommodate demand without the proposed garage.

The garage's current location is as-of-right and current City policy favors placing garages on the mid-block. However, the community has been vocal about shifting the facility's entrance from West 12<sup>th</sup> Street to Seventh Avenue as well as reducing the number of spaces proposed in this special permit application. The community remains concerned the action will increase the

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<sup>12</sup> A third garage located at 100 West 12<sup>th</sup> Street is accessory to the residential, coop building. Additionally, another garage located at O'Toole Building will be closed as part of NSLIJ's redevelopment plans.

number of vehicles traveling through this street. The increased vehicle traffic will combine with ambulatory traffic from the new NSLIJ facility.

The community's desire to see the garage relocated or eliminated stems from real concerns over traffic and safety impacts. As such, at minimum, strict safety measures should be implemented to address this concern. To mitigate potential accidents, the applicant should implement added safety measures such as installing audio and visual signals to notify pedestrians of vehicles exiting the garage, and a mirror or video system to inform drivers of oncoming pedestrians and street traffic.

### *Ground Floor Retail*

The applicant proposes a C6-2 zoning designation along Seventh Avenue that permits ground floor retail uses. While a C6-2 designation is necessary to waive the open space ratio requirement, the proposed commercial district will also permit a wider range of commercial uses that are less compatible with the residential character in the area. A C6-2 zoning district allows use groups that include retail and service establishments that serve local shopping needs (Use Group 6 uses), as well as large retail establishments such as department stores (Use Group 10 uses), and large entertainment facilities (Use Group 12 uses).

The amount of available retail space in this project is approximately 11,200 GSF. The applicant intends to divide the ground-floor space into three separate retail units and the retail space on Seventh Avenue and West 11<sup>th</sup> Street is separated from the other two retail spaces by a residential lobby, which will eliminate the potential of a big-box retail store. However, the approval of the map amendment would permit the potential of a nightclub establishment or large format bar to occupy the ground floor.

The development of these as-of-right uses would alter the historic character of the West Village neighborhood that consists primarily of small-scale neighborhood stores. To prevent impacts from incompatible uses, the applicant should limit the types of retail use groups allowed on the ground floor such as nightclubs and large format bars found in Use Group 12, which are not currently allowed under the existing zoning.

The community has additionally expressed concerns over the retail windows wrapping onto residential side streets on West 11<sup>th</sup> and 12<sup>th</sup> streets as they believe it will alter the residential character of the blocks. This concern is particularly pronounced on West 12<sup>th</sup> Street, which has a predominately residential character. The southwestern corner of the development site is an intersection of three streets: Seventh Avenue, Greenwich Avenue and West 11<sup>th</sup> Street. Greenwich Avenue and Seventh Avenue are defined by a strong retail presence, while West 11<sup>th</sup> Street is a traditional residential block. The three-way intersection reduced the size of the block immediately to the south of the site and as such, the proposed West 11<sup>th</sup> Street retail will face the three-way intersection and not on any residential buildings located on West 11<sup>th</sup> Street. The retail on West 12<sup>th</sup> Street, however, will face residential buildings. This would create the possibility that retail lighting and signage will be placed on the side streets, which could disrupt the residential character of West 12<sup>th</sup> Street. Further, some types of retail establishments, such as pharmacies and banks, are characterized by bright fluorescent lights and signs, which often emit

light onto the street at night. This light projection onto the street can cause light pollution and could negatively impact the predominate character of the street.

While removing the retail windows on West 11<sup>th</sup> and 12<sup>th</sup> streets would eliminate any possibility of inappropriate lighting and store displays, any re-design of the development as proposed would require further LPC approval. To mitigate the potential unintended impacts on the residential character, the applicant should limit the signage of the retail windows to regulations set under commercial zones that are more appropriate in residential districts. Specifically, the applicant should commit to signage regulations on the side street that conform to the existing C1 district, which allows signs of a smaller size with less illumination and at lower heights than the proposed C6 zoning district. This restriction, along with the signs requiring LPC approval, will help prevent the commercial signage from altering the residential character of the street. Finally, the applicant should work to restrict light emissions from the proposed retail store to prevent light pollution from the proposed stores. These restrictions will help mitigate community concerns and produce a more amenable streetscape.

### *Construction Impacts*

The construction of any significant development project impacts the quality of life of surrounding residents. The DEIS identifies construction as a potential adverse impact category. The potential impact is particularly acute given that the construction will occur in a historic district. Several residents have emphasized a concern that the demolition of midblock buildings, like Reiss, may have an impact on the structural stability of the surrounding structures as it fronts on a narrow street. These impacts, however, are temporary and can be mitigated. As the LPC has authorized the demolition of these buildings, it is important that construction activities are planned to be as minimally invasive as possible, and adhere to all necessary safety measures.

To provide a reasonable assurance of safe construction, the applicant should commit to implementing all construction mitigation measures identified in the DEIS. More specifically, the applicant should prepare a construction mitigation plan that includes measures for dust control, air quality, vibration control, delivery staging, noise reduction, and rodent control. Additionally, the applicant should continually inform neighborhood residents on the building process by creating a website that tracks and notifies neighbors on construction activities, and to provide a liaison to the community as a point of contact who will resolve any construction-related questions, inquiries and complaints. Finally, as this area has several construction projects the applicant should agree to participate in construction coordination meetings with the community.

### *Affordable Housing*

The proposed project will increase the residential development potential in the area, and as such it is appropriate to consider opportunities for the creation of affordable housing. Affordable housing helps preserve the social character of neighborhoods and stabilizes communities. Further, the need for affordable housing borough- and city-wide is well documented. As such, the community and community board's desire to see affordable housing created is appropriate.

New York's tools for providing affordable housing range from providing financial incentives to density increases. However, their applicability on the site, which is currently planned as condominiums and lies within a historic district, is not known. As such, the inclusion of affordable housing may require developing creative solutions, such as exploring off-site options and unique financing mechanisms. All stakeholders involved should continue working to explore if this critical need can be met in relation to this development proposal.

### *Residential Infrastructure*

Comprehensive planning must be greater than any single rezoning proposal as it requires the coordination of multiple City agencies and services. While the proposed rezoning is not anticipated to have significant negative impacts on residential facilities, the Rudin Management Company helped secure a new public school in 2008 at the former Foundling Hospital. The partnership was welcome news to a community that has faced severe school overcrowding in recent years. It is particularly notable as the applicant worked to relieve school overcrowding in the area despite the project not having a significant impact on the public school system. The Rudin Family should be commended for their work on this issue.

However, the community has expressed a valid concern that more needs to be done to meet the residential infrastructure needs of the community. Specifically, the board has raised the need to improve ADA access to the Seventh Avenue subway station at 14<sup>th</sup> Street and the need for a middle school in the neighborhood. The need for more public school seats is particularly pronounced in Community District 2 – one of the most overcrowded districts in the city. To meet these needs, all the local elected officials along with the community have been working for years to secure 75 Morton Street as a middle school space.

All stakeholders in the neighborhood, City agencies and the elected officials have the responsibility of meeting the infrastructure needs of the community. This planning effort does not simply extend to this rezoning process, but must continue long after the consideration of this proposed action. As such, continued conversations with the City regarding school space needs must occur with a focus on 75 Morton Street. Only through these efforts can the City alleviate overcrowding and provide the infrastructure needed to support residential neighborhoods.

### *Health Care*

The current proposal by NSLIJ presents the community with a facility that offers emergency department services, one of the most utilized clinics of Saint Vincent's Hospital. These services will include a 24-hour emergency department, a full-service imaging center, a specialized ambulatory surgery facility and ambulance transport services. NSLIJ should be commended for offering these much needed services to the community. If the Center for Comprehensive Care can help alleviate the overcrowding conditions that our city's emergency rooms are experiencing, it will offer much value. However, more work must be done to address the range of outstanding health care needs in the Primary Service Area.

When Saint Vincent's closed in April 2010, the Greenwich Village community was left with a significant gap in vital health care services. Specifically, the community lost a Level-1 Trauma

Center, 758 hospital beds, inpatient services, outpatient clinics, 3,500 jobs, and the capacity to deal with a widespread public health emergency. Saint Vincent's provided a safety net for especially vulnerable populations, including seniors, those requiring continued managed care for a range of issues, and those with an inability to pay for care.

This community has tirelessly advocated for the need to restore these services and bring back a full service hospital to the neighborhood – and rightfully so. The City's first priority must be finding a mechanism to restore full health care services. Since Saint Vincent's closure, the Manhattan Borough President's office has worked closely with advocates, the local community boards and fellow elected officials to provide the State Department of Health with the necessary documentation to show the need for these vital services in this neighborhood. Unfortunately, to date, no one has come forward with a financially viable proposal that can meet all of the community's health care needs.

This experience has demonstrated that our current health care planning processes are flawed. Since 2007, New York City has seen the closing of nine hospitals equating to a loss of over 2,255 beds and 11,750 jobs. In that time, Manhattan has lost 750 beds – second only to Queens. However, no transparent long-term processes exist at the State to monitor the loss of services, emerging health care gaps and proactively seek solutions. The State's Certificate of Need process provides an opportunity to evaluate whether an individual facility's proposed services are warranted, but it does not provide the opportunity to discuss or advocate for larger health care needs. It is insufficient to evaluate the merits of a proposed replacement facility without any parallel process to comment on those health care needs that would remain unmet. In the absence of a comprehensive evaluation effort by the State Department of Health, there is no public process to evaluate and attempt to meet these needs beyond the efforts of individual elected officials.

Therefore, the State Department of Health needs to create an overarching planning process to evaluate the health care needs of this community, and every community that suffers the loss of a hospital in New York State. This process should:

- Identify lost services, service gaps and imbalances
- Proactively identify service providers that can address the emerging gaps
- Require public hearing(s) for soliciting community input after a hospital's closure
- Require the State to issue a report of a hospital's closure that includes findings, community recommendations and action plan for addressing lost services

According to recent media outlets, it has reported that as many as nine New York City hospitals are at risk of closing in the near future. The proposed reforms to the State Department of Health would ensure that lessons learned from the Saint Vincent's process help mitigate the impacts of future hospital closings in the City and facilitate a replacement of lost services.

### *Conclusion*

In a letter dated November 23, 2011, the applicant has committed to meet many of the concerns outlined above. While more work can be done, these changes significantly improve the project

and bring it closer in line with community priorities and sound planning. Specifically the applicant committed to:

- Improve the open space by:
  - increasing the size of the open space by removing the gas storage facility;
  - creating an ongoing maintenance plan for the open space in accordance with Parks Department standards;
  - providing an enforceable easement to the City; and
  - including commemorative elements in the park and agreeing to work with the community and elected officials on the further development of those features.
- Prevent an increase in density in the neighborhood through:
  - eliminating the density over the triangle in the restrictive declaration and agreeing to explore transferring the development rights to the city to ensure they are not available to the project site; and
  - restricting the site to only the densities and uses permitted under the existing zoning if for any reason the special permit is not used.
- Protect pedestrians by including safety measures in the public parking garage including an audio/visual warning system and mirrors or cameras to notify vehicles of pedestrians on the street;
- Limiting the types of uses allowed in the retail stores by agreeing to no Use Group 12C clubs or bars;
- Prevent night-time light pollution on West 12<sup>th</sup> Street by controlling the light levels within four feet of the retail windows to no more than allowed in a typical commercial use (50 foot- candles);
- Restrict signage on the side streets to only signage found in local retail zoning districts (C1);
- Provide construction mitigation including protective measures for dust control, air quality, vibration control, delivery staging, noise reduction, and rodent control;
- Delay noisy construction activities and deliveries on side streets until 8:00 AM;
- Create a website with regular construction updates and have a single community liaison to address community questions and complaints; and
- Ensure community consultation during the construction process.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore the Manhattan Borough President recommends conditional approval of C 120029 ZSM, C 120030 ZSM, C 120031 ZSM, C 120033 ZMM based on the above outlined conditions. Specifically that the applicant will follow through on commitments to:**

- increase the size of the open space by removing the gas storage facility; create an ongoing maintenance plan for the open space; provide an enforceable easement to the City; and include commemorative elements in the park and agreeing to work with the community and elected officials on the further development of those features; and
- prevent an increase in density in the neighborhood through eliminating the density over the triangle in the restrictive declaration and agreeing to explore transferring the development rights to the city to ensure they are not available to the project site; and

restrict the site to only the densities and uses permitted under the existing zoning if for any reason the special permit is not used;

- protect pedestrians by including safety measures in the public parking garage including an audio/visual warning system and mirrors or cameras to notify vehicles of pedestrians on the street;
- limit the types of uses allowed in the retail stores by agreeing to no Use Group 12C clubs or bars;
- prevent night-time light pollution on West 12<sup>th</sup> Street by controlling the light levels within four feet of the retail windows to no more than allowed in a typical commercial use (50 foot- candles);
- restrict the signage on the side streets to only the signage found in local retail zoning districts (C1);
- provide construction mitigation including protective measures for dust control, air quality, vibration control, delivery staging, noise reduction, and rodent control;
- delay noisy construction activities and deliveries on side streets until 8:00 AM;
- create a website with regular construction updates and have a single community liaison to address community questions and complaints;
- ensure community consultation during the construction process.



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Scott M. Stringer  
Manhattan Borough President