



CITY PLANNING COMMISSION

January 23, 2012 / Calendar No. 1

C 120029 ZSM

IN THE MATTER OF an application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23-843; and
3. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements;

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, Greenwich Street, and a line 147.29 feet westerly of Seventh Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Community District 2, Borough of Manhattan.

This application for the special permit pursuant to Section 74-743 to modify height and setback was filed by the applicant on August 10, 2011. The special permit, along with its related actions, would facilitate the development of a proposed, mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street. The proposed buildings will contain approximately 450 market-rate residential units, retail space and doctor's offices. The project also includes a 16,677 square foot publicly accessible open space on the triangular parcel of land located immediately west of the development site.

RELATED ACTIONS

In addition to the special permit (C 120029 ZSM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 120030 ZSM Special Permit pursuant to Section 74-744(b) to modify the use location

requirements of Section 32-422 (Location of floors occupied by commercial uses)

- C 120031 ZSM Special Permit pursuant to 13-561 of the Zoning Resolution to allow an accessory parking garage
- C 120033 ZMM Zoning Map Amendment from R6 and C1-6 districts to an R8 district; and from a C2-6 district to a C6-2 district
- N 120032 ZRM Zoning Text Amendment relating to Section 74-743 (Special Provisions for bulk modifications)

BACKGROUND

The applicants, West Village Residences LLC and Saint Vincent’s Catholic Medical Centers, are proposing a mixed-use development containing approximately 450 market-rate residential units, retail space and doctor’s offices, on portions of the former St. Vincent’s Hospital (the “Hospital”) Campus in the West Village neighborhood of Manhattan. The proposed development, which is within the Greenwich Village Historic District, is located on Seventh Avenue between West 11th and 12th streets on property currently zoned R6, C2-6 and C1-6 .

The former St. Vincent’s Hospital had been located in the West Village from 1849 until April 2010. In 2010, the Hospital encompassed three properties which are referred to as the East Site, the Triangle Site, and the O’Toole Building Site which were located along Seventh Avenue between West 11th Street and West 13th Street. Together, these three sites were designated as a large-scale community facility development (“LSCFD”) in 1979, and today remain subject to the LSCFD controls previously approved by the City Planning Commission (C780516 ZAM). As part of the LSCFD approvals, floor area attributable to the Triangle Site and the O’Toole Building Site was transferred to the East Site, and height and setback modifications were granted, allowing for the two newest buildings – the Coleman and Link Pavilions – to be built. The third property, the O’Toole Building Site (Block 617, Lot 55), was added to the St. Vincent’s complex in the mid-1970s to provide medical office and clinic space for the Hospital. It is not part of this proposal or the subject of this report.

The project site is comprised of the East Site and the Triangle Site. The East Site, totaling 92,925 square feet (sf) of lot area (Block 607, Lot 1), served as the main hospital complex, with seven buildings constructed between the early 1900s and the mid-1980s. The current zoning for the East Site is C2-6 along Seventh Avenue to a depth of 100 feet, and R6 for nearly all of the remainder of the site, with a very small – less than 400 square foot – portion of the site zoned C1-6. The buildings on the site include the following:

- Coleman Pavilion, completed in 1983, is the tallest building on the East Site at 190 feet (201 feet to the mechanical bulkhead) and 17 stories. It is in the center of the block frontage on Seventh Avenue. It is a contemporary building clad in brick.
- Link Pavilion adjoins the Coleman Pavilion to the south and occupies the corner of Seventh Avenue and West 11th Street. Completed in 1987 as a hospital wing to the Coleman Pavilion, it is the newest building on the East Site. It is 59 feet and four stories tall. It is a contemporary building clad in brick.
- Cronin Building located at the eastern end of the East Site on West 11th Street, was built in 1941 and expanded in 1961 for research and laboratory facilities. It is 151 feet and 14 stories tall and has a modern, glass and metal façade.
- Spellman Pavilion, on West 11th Street between the Link Pavilion and the Cronin Building, was constructed in 1941 for administrative offices. It is 135 feet and 11 stories tall. It is a classically designed brick clad building with a rusticated stone base.
- Smith/Raskob Buildings, north of the Coleman Pavilion at the corner of Seventh Avenue and West 12th Street, were constructed in 1950 and 1953, respectively, as inpatient pavilions serving the buildings that preceded the Coleman/Link Pavilions. The buildings are approximately 146 and 168 feet, and 13 and 15 stories tall, respectively. They are brick buildings with one story stone bases.
- Reiss Pavilion, built in 1955 as a residential behavioral health facility, is located at the eastern end of the East Site on West 12th Street. It is 109 feet and 9 stories tall and is designed in a utilitarian manner.

- The Nurses' Residence, completed in 1924 to serve as a dormitory for the since closed School of Nursing, is located on West 12th Street between the Smith/Raskob Buildings and Reiss Pavilion. The building is 140 feet and 14 stories tall. It is a classically designed building that is clad in brick, with decorative stone ornament.

The Triangle Site (Block 617, Lot 1), is a 16,677 sf triangularly-shaped block with a landscaped area on its eastern side, a Materials Handling Facility, and a gas storage facility that supported the Hospital, on its western side. The site is zoned C2-7. Since April of 2010, all of the East Site buildings and the loading uses on the Triangle Site have been unoccupied.

Saint Vincent's Catholic Medical Center (SVCMC) had recently proposed the construction of a new acute care hospital and emergency department on the site of the O'Toole Building. That proposal would have caused the demolition of the O'Toole Building and the complete relocation of Saint Vincent's hospital activities from the East Site to the O'Toole Building Site. Under that proposal, the East Site was to be redeveloped for other, primarily residential, uses. On July 7, 2009, the Landmarks Preservation Commission adopted a resolution approving the issuance of a Certificate of Appropriateness for the residential/commercial development on the East Site, consistent with that proposal. In the spring of 2010 SVCMC declared bankruptcy and ceased operations. As a result, SVCMC is no longer proposing to build a new hospital.

The streets surrounding the project site are characterized by taller buildings along the avenues and townhouses and mid-rise buildings along the side streets. Directly to the north of the project site, along Seventh Avenue, are several 20-story buildings. Greenwich Avenue is predominately developed with residential buildings ranging from 3-6 stories in height, most with ground floor commercial uses. Buildings along the side streets have diverse heights, from two to four-story townhouses, to six to seven, and even 12-story midrise buildings. The building directly adjacent to the project site on 12th Street, 130 West 12th Street, is a 12-story residential building.

Primary land uses are residential. Ground floor retail and commercial uses are located along Greenwich, Seventh, and Sixth avenues. There are larger retail and office spaces along the 14th Street corridor to the north. Institutional uses around the site include PS 41, located across 11th Street from the project site, The City and Country School, a private school, located across 12th

Street from the project site, and the Judson Library, located at the corner of Sixth and Greenwich avenues.

The project site is well served by mass transit. The 14th Street 1, 2, and 3 subway station has an entrance at West 12th Street and Seventh Avenue, adjacent to the project site. Additional subway stations are within walking distance of the site, including the Sixth and Eighth Avenue stations on the L line, the 14th Street station on the F and M lines, and the 14th Street station on the A, C, and E lines. The 14th Street station on the PATH commuter rail line is also a short walk from the project site. The project site is additionally served by the M20 bus, which runs south along Seventh Avenue, as well as the M7 bus, which runs east along West 14th Street before traveling north on Sixth Avenue, and the M14 bus, which runs east and west along 14th Street.

A mix of commercial and residential zoning districts surrounds the project site. Commercial districts found adjacent to the project site include C2-6 (an R7 equivalent); C6-2 and C1-7 (R8 equivalents); C6-2A (an R8A equivalent); and C6-3A (an R9A equivalent). Residential districts directly around the project include R6.

The proposal would allow for the reuse and redevelopment of the now unoccupied East Site (Block 607, Lot 1), as a mixed use, primarily residential development. In keeping with a proposed design approved by the Landmarks Preservation Commission in July of 2009, Cronin, Reiss, Link, and Coleman –the newer buildings on the site– would be demolished.

- The largest new building would be a 16-story structure on Seventh Avenue which would replace the 17-story Coleman Pavilion and a portion of the Link Pavilion. This building would be articulated with multiple setbacks. The Seventh Avenue buildings would include ground floor retail space as well as medical offices on the second and third floors and at the cellar level.
- A 7- story structure would replace the remainder of the four- story Link Pavilion along West 11th Street
- A 10-story structure would replace the nine- story Reiss Building along West 12th Street

- The 14-story Cronin Building would be replaced by a series of five, predominantly four-story townhouse structures

Historically contributing buildings (Smith/Raskob, Nurses, and Spellman) would be renovated. Changes to these buildings would be limited and would facilitate their residential conversion. The main changes to the exteriors are detailed below:

- For Smith/Raskob, the existing roof top structures would be removed and replaced by new structures. The building fenestration would be modified to allow larger windows and to allow retail entrances on Seventh Avenue. Additionally, a liner along a small portion of the building would be added to the length of the building in the rear for the purpose of creating a uniform 60' rear yard.
- Both Spellman and Nurses' Residence would receive a new bulkhead and reconfiguration of the existing rooftop structures. Additionally, for both of these buildings, and to facilitate a uniform 60-foot rear yard, the extension into the rear yard would be demolished and liners would be added to the portions of the building base in the rear. Building fenestration would be changed to allow for larger windows.

A 152-space accessory parking facility, accessed from West 12th Street, would be located in the cellar level.

When the project is complete, the East Site will contain approximately 590,660 square feet of zoning floor area, at least 86,700 square feet less than exists today. The large majority of the floor area (approximately 559,409 square feet) would be residential use, limited to a maximum of 450 dwelling units. An additional approximately 10,825 square feet is expected to be ground floor retail, and another approximately 20,426 square feet would be used for doctors' offices, including office space on the third floor of the Seventh Avenue building.

Unlike the present condition, where buildings extend into the interior of the block, the proposed design would create a uniform rear building wall so that the interior courtyard has a consistent depth throughout its length and can have a coherent design. A limited portion of the interior courtyard would be for private yards for the townhouses and certain of the other buildings, but

the majority of the space would be open space accessible to all of the residents of the project. The common area would be a passive open space with significant landscaping, seating, and uniform lighting throughout, providing both a visual amenity as well as open space for the residents.

On the Triangle Site, the Materials Handling Facility and medical gas storage area would be demolished and, together with the area covered by the existing landscaped area, would be improved as a publicly-accessible open space. The publicly-accessible open space on the Triangle Site would feature an accessible lawn and artwork and/or memorials. The perimeter of the park would be landscaped with hardy, low shrubs and the site would be surrounded by a three foot six inch tall wrought-iron fence. The design will include shade trees. The remaining ground area would be paved with decorative asphalt tiles. Undulating wood benches and groupings of metal tables and chairs would be interspersed among the trees and landscaped areas.

The land use approvals and a restrictive declaration would restrict the use of the Triangle Site within the project site to open space, eliminating this parcel's on-site development potential. Additionally, the restrictive declaration would regulate the hours of opening and closing, and maintenance requirements for this space. The applicant would be responsible for maintaining the open space.

Requested Actions

Zoning Map Amendment (C 120033 ZMM)

The applicant proposes a zoning map amendment to rezone the East Site within 100 feet of Seventh Avenue from a C2-6 to a C6-2 district. This amendment would maintain the maximum FAR of 6.5 currently allowed for community facility use, but would allow for an increase in residential development from 3.44 to up to 6.02, and an increase in commercial FAR from 2.0 to 6.0. The applicants also propose to rezone the midblock portion of the East Site from R6 and C1-6 districts to an R8 district. Rezoning from an R6 district to an R8 district would increase the allowable FAR for residential use from up to 2.43 to 6.02. The permitted FAR for community facility or mixed use residential/community facility use would increase from 4.8 to 6.5.

Commercial use would not be permitted within the proposed R8 district. The maximum front wall height would also be increased from 60 to 85 feet.

There are approximately 677,410 zoning square feet developed on the East Site today. The zoning map amendment would allow for a maximum floor area of 604,013 sf. The applicant proposes to develop 590, 660 square feet.

The proposed zoning map changes would allow for greater residential density, particularly along Seventh Avenue, which is consistent with the zoning and land use patterns of the surrounding neighborhood including the existing C6-2 and C1-7 (R8 equivalents) districts; C6-2A district (an R8A equivalent); and the C6-3A district (an R9A equivalent) found adjacent to the project site. The Zoning Map amendments would also facilitate the residential reuse of the midblock historic buildings in keeping with the predominantly residential character of the surrounding area.

The existing historic buildings were built utilizing the pre-1961 zoning, are larger than existing zoning would allow today and have very strong streetwalls that do not comply with the current R6 height and setback regulations. All of the existing buildings to be retained are from 11 to 14 stories in height, with large floor plates that are not consistent with the current R6 zoning.

The zoning map amendment would also allow the use of a special permit provisions available in LSGDs. The C2-6 district to C6-2 district rezoning would allow for the modification of open space regulations within the LSGD (which are not available in C2-6 districts) pursuant to ZR 74-743(a)(4). This rezoning would also enable commercial uses up to the third floor of buildings on the site (not permitted for C2-6 districts pursuant to ZR 32-421), consistent with other C6-2 districts in the surrounding area, particularly along Sixth Avenue.

Special permit pursuant to ZR 74-743 (C 120029 ZSM)

- a) *ZR 74-743(a)(1)*: To allow for distribution of total required open space without regard for zoning lot lines or district boundaries. This special permit would allow for approximately 15,102 sf of the open space required pursuant to ZR 35-33, ZR 23-142, and ZR 74-743(a)(4) as part of the East Site development to be located on the Triangle Site rather than on the East Site. The Triangle Site will become publicly-accessible open space.

b) *ZR 74-743(a)(2)*: To allow the location of buildings without regard for the applicable court and height and setback (including rear yard setback) regulations applicable in C6-2 and R8 zoning districts. This special permit will allow for additions to the existing buildings and for the proposed new buildings on the East Site by modifying the height and setback regulations in ZR 23-632, 33-432, and 23-663. In R8 districts and R8 equivalent districts, including C6-2, buildings are required to setback above a base height of 85 feet, or approximately nine stories. Above that height, buildings on narrow streets continue to rise, governed by sky exposure planes of 2.7 vertical feet to 1 horizontal foot. West 11th Street and West 12th Street are narrow streets. On wide streets, including Seventh Avenue, the sky exposure plan is 5.6 vertical feet to 1 horizontal foot. In R8 district and their equivalents, 20-foot setbacks from rear yard lines are required for portions of buildings greater than 125 feet above yard level.

The height and setback waivers for the proposal fall into two categories. The first category is height and setback waivers requested for existing buildings to remain, including Spellman, Nurses' Residence, and Smith/Raskob. These buildings are being modified to facilitate residential requirements and floorplates and also in order to create a unified courtyard across the East Site. Modifications to Smith/Raskob include the demolition, reconstruction, and enlargement of an existing penthouse, located on the 12-14th floors, as well as work to the 11th floor. These modifications will rationalize the floor plates for residential use. Although the 11th floor and three-story penthouse currently penetrate the sky exposure plane, because they will be new construction, they would require setback waivers in order to maintain the articulated setback that today characterizes Smith/Raskob. The setback waiver extends across portions of the 11th through 14th floors.

Both Nurses' Residence and Spellman require the construction of new bulkheads in order to adaptively reuse the buildings for residential use. The bulkheads are large, because of the extent of the retrofit, and they are pulled back from the street wall in order to maintain the stepped back composition typical of the site. As a result, they encroach into the rear yard. The proposed rear yard waiver for Nurses' Residence is located in the mechanical bulkhead above

the 10th floor and extends for part of a story. The proposed rear yard waiver for Spellman is located in the mechanical bulkhead above the 13th floor and extends for a story.

The second category is height and setback waivers for newly constructed buildings. The 7th Avenue Building requires setback waivers that would allow for the building to have a high street wall topped by a series of articulated setbacks in keeping with the form for the immediately adjacent Raskob building and the 7th avenue buildings to the north. These include a setback from Seventh Avenue, no more than 15' at the widest point, extending from the eighth story through the 16th story. Additionally, the applicant is requesting a setback that is 6.24 feet at its greatest width on the 11th Street frontage, extending from eight to 13 stories.

The new building on 12th Street requires setback waivers so that the building can be consistent with the design of the other East Site buildings to be retained along West 12th Street and relate to the adjacent building to the east, the Martin Payne Building. These penetrations in the sky exposure plane occur at the eighth and ninth floors. The first extends for less than a story. The second extends for a story and a half.

The new building on 11th Street requires a setback waiver to allow for rational residential floor plates within the building. The requested setback waiver is two feet tall and will not be discernable from the street. In addition, this special permit would allow two outer court recess areas located at the rear of the nine-story building replacing Reiss Pavilion – one extending from the second through seventh floors and one on the eighth floor – to be narrower than the required width of twice the depth of each outer court recess (as provided in ZR 23-843). There is no requirement for such a court and the applicant could build the building to the lot line. However, these outer court recess areas are adjacent to an existing non-complying court condition at the rear of the adjacent 130 West 12th Street building. The purpose of the court is to provide more light and air into the East Site's interior courtyard and to the rear of the adjoining property.

c) *ZR 74-743(a)(4) (as amended)*: To modify the open space regulations applicable in the C6-2 and R8 zoning districts to allow the proposed FAR within the LSGD to be developed and to allow the required open space to be reduced by approximately 50 percent. This will allow

for the amount of open space provided on the project site to be approximately 50 percent of the open space that would be required for new development with the density proposed for this project. Therefore, the required open space will be reduced from 59,857 to 29,928.5 sf. 30,233 sf will be provided, including 15,131 sf on the East Site and 15,102 sf on the Triangle Site. An additional approximately 9,530 sf of the East Site will be open space, but will not be open to all of the residents of the East Site proper.

Special permit, pursuant to 74-744(b) (C 120030 ZSM):

To locate commercial uses within the C6-2 district portion of the LSGD without regard for the locational restrictions set forth in ZR 32-42, the applicant seeks a special permit pursuant to Section 74-744(b) of the Zoning Resolution. Without this special permit, this use would not be allowable next to residential uses on the 3rd floor. With this special permit, doctors' offices proposed for the East Site within the C6-2 district may occupy a portion of the third floor of the development, with residential uses located on the remainder of the floor.

There are a number of special permits available to Large Scale General Developments that are proposed to facilitate this proposal. In addition, the Large Scale General Development will be accompanied by a restrictive declaration which will govern the allowable FAR, uses, and heights on this site. Notably, the restrictive declaration will restrict the number of dwelling units to 450, less than the 909 dwelling units that would otherwise be permitted, and to restrict the zoning floor area to 590,660 square feet, less than the 604,013 square feet that would otherwise be permitted.

Zoning Text Amendment (N 120032 ZRM)

A zoning text to amend ZR 74-743(a)(4) is proposed. This amendment would permit the maximum floor area ratio available for new development to be used without regard to height factor or open space ratio requirements and to make open space modifications currently applicable only in LSGDs located in Manhattan Community District 7 also applicable to LSGDs in Manhattan Community District 2. This would permit a reduction in the required open space obligation for the residential portion of the project by up to 50 percent for site plans with superior landscaping for open space.

This text amendment is necessary because the configuration of the buildings to be preserved on the site impede a site plan that meets the open space requirements of the underlying zoning districts. Applying the amended ZR 74-743(a)(4) to the site will allow for the creation of a central, 60-foot wide courtyard running the length of the East Site, in keeping with the block configuration throughout the project area. The proposed courtyard design would create a uniform rear building wall so that the interior courtyard has a consistent depth throughout its length. The common area would be a passive open space with significant landscaping, seating, and uniform lighting throughout, providing both a visual amenity as well as open space for the residents.

Special Permit pursuant to 13-561 (C 120031 ZSM)

An accessory parking special permit pursuant to Zoning Resolution Section 13-561 is requested in order to permit a 152-space accessory parking facility on portions of the ground floor and cellar level of the project. This garage would allow on-site accessory parking spaces for residents and tenants for approximately 30 to 40 percent of the anticipated residential units. The garage would be accessed by a 22-foot wide curb cut on the south side of West 12th Street, a one-way eastbound narrow street. Vehicles would enter the garage and proceed down to the cellar level where an attendant would park the vehicle in one of 51 triple car stackers. Ten reservoir spaces would be provided as required by the special permit.

ENVIRONMENTAL REVIEW

The application (C 120029 ZSM), in conjunction with the application for the related actions (C 120033 ZMM, C 120030 ZSM, C 120031 ZSM, and N 120032 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP003M. The lead is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on November 6, 2009, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together

with the Positive Declaration, a Draft Scope of Work for the DEIS was issued on November 6, 2009. A public scoping meeting was held on the Draft Scope of Work on December 8, 2009, and comments were accepted by the lead agency through December 22, 2009. Subsequently, the previous applicant for the proposed action, Saint Vincent's Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers (SVCMC), filed for bankruptcy. The current applicant for the proposed action modified the proposed project and a revised Draft Scope of Work was issued on May 23, 2011, which superseded the November 6, 2009, document. A public scoping meeting was held on the revised Draft Scope of Work on June 28, 2011, and comments were accepted by the lead agency through July 11, 2011. A Final Scope of Work for the DEIS, reflecting the comments made during the scoping, was issued on August 19, 2011.

The applicant prepared a DEIS, and the lead agency issued a Notice of Completion for the DEIS on August 19, 2011. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on November 30, 2011, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on January 12, 2012. The FEIS identified significant adverse impacts with regard to construction noise. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described below:

Noise Impact during Construction

Construction activities would be expected to result in significant noise impacts during weekday construction hours at the locations along West 11th and West 12th Streets adjacent to the project area. Subsequent to publication of the DEIS, some refinements were made in terms of equipment usage and placement. Based on these changes, significant noise impacts identified in the DEIS have been eliminated at five receptor locations along both the south and north side of West 11th Street. These changes did not eliminate the significant impacts at other locations.

Significant adverse noise impacts due to construction activities are predicted to occur at the following residential locations:

- On the north side of West 12th Street between Sixth and Seventh Avenues, at various locations on the front façades of the residential buildings located at 127 West 12th Street through 179 West 12th Street, including terrace locations at 179 West 12th Street;
- At various locations on the rear and west façades of the residential building located at 130 West 12th Street;
- On the south side of West 11th Street between Sixth and Seventh Avenues, at various locations on the front façades of the residential buildings located at 128 West 11th Street through 158 West 11th Street;
- On the north side of West 11th Street between Sixth and Seventh Avenues, at various locations on the rear façade of the residential buildings at 117 West 11th Street through 131 West 11th Street;
- At various locations on the south façade of the residential buildings located at 219 West 12th Street through 229 West 12th Street; and,
- At the fifth and sixth floor (there are only two windows on this facade) on the west façade of the residential building located at 219 West 12th Street through 229 West 12th Street.

Based upon window/wall surveys the buildings at most sensitive receptor locations, where the significant adverse noise impacts are predicted to occur, have both double-glazed windows and some form of alternative ventilation. Consequently, depending upon the window attenuation and the type of air conditioning, even during warm weather conditions, interior noise levels would be approximately 25-35 dBA less than exterior noise levels. To maintain an interior $L_{10(1)}$ noise level of 45 dBA (the CEQR acceptable interior noise level criteria), a minimum of approximately 30 dBA window/wall attenuation would be required. At locations on these buildings where significant noise impacts are predicted to occur, the project sponsors would offer to provide storm windows and/or window air conditioning units to mitigate project-related construction noise impacts to owners of buildings that do not have double-glazed windows and alternative ventilation (i.e., some form of air conditioning). With existing building attenuation measures (i.e., double-glazed windows and/or storm windows and alternative ventilation) and the mitigation measures offered by the project sponsors, interior noise levels during much, if not all,

of the time when project construction activities are taking place, would be expected to be below 45 dBA L₁₀₍₁₎ (the CEQR acceptable interior noise level criteria).

With regard to the residential terrace locations at 179 West 12th Street, L₁₀₍₁₎ noise levels for the No Build condition would be in the mid-60s dBA and the highest L₁₀₍₁₎ noise levels would be in the mid 70s dBA during some peak periods of construction activity. While noise levels at these terraces already exceed the acceptable CEQR range (55 dBA L₁₀₍₁₎ or less) for an outdoor area requiring serenity and quiet, during the daytime analysis periods construction activities are predicted to significantly increase noise levels and would exacerbate these exceedances and result in significant adverse noise impacts. No feasible mitigation measures have been identified that could be implemented to eliminate the significant noise impacts at these terraces.

Unmitigated Impacts

The mitigation measures offered by the project sponsors would be expected to result in acceptable interior noise levels during much or all of the construction period. However, there are no practicable and feasible measures that could be utilized to fully eliminate the significant adverse construction noise impacts to the residential terrace locations at 179 West 12th Street. Consequently these impacts to residential terrace locations would be considered unavoidable significant adverse impacts.

UNIFORM LAND USE REVIEW

This application (C 120029 ZMM), in conjunction with the application for the related actions, (C 120030ZSM, C 120031ZSM, C 120033ZSM) was certified as complete by the Department of City Planning on August 22, 2011, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP application (N 120032 ZRM), which was referred for review and comment.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on October 20, 2011, and on that

date, by a vote of 40 to 1 with no abstentions, adopted a resolution recommending disapproval of the application, subject to the following conditions:

I. No Increase of the Allowed Development Rights

CB 2 notes that this application is a proposal by a private developer wishing to build in a landmark district and requesting a significant upzoning ... [The rezoning proposal should not be allowed. With respect to the C2-6 district,] CB 2 suggests that a commercial overlay zone would be more appropriate.

II. Creation of Affordable Housing

This application will substantially increase the residential population of this area... We ask that [the applicant] research any mechanism that could provide affordable units, either on-site or off-site, including consideration of housing for seniors and individuals with special needs. If there is a proposal for affordable units on-site, CB 2 requests that they be included only at a maximum density which is consistent with the currently allowable residential FAR for the sites. CB 2 finds any upzoning of the residential density of this site completely unacceptable and contrary to the wishes of the community.

III. Financial Support for New Public School Seats

...At this time, CB 2 strongly urges that the Applicant make a substantial capital contribution to the establishment of a new public school in the CB 2 area, such as at 75 Morton Street.

IV. Triangle Site Park

CB 2 requests the following in connection with the proposed new open space at the Triangle Site:

- 1) *Community Park* - The Triangle Site park should function as part of the successful and beloved network of small parks in the area ...
- 2) *Should Accommodate Families* ...
- 3) *Design Elements* - Design elements of the park should be standardized and easily maintained. ...A feature to give the park identity is desirable. A water feature to provide white noise may help create a peaceful area within the park...
- 4) *Commemoration* - A very strong case has been made for the idea of an AIDS memorial ... This idea is welcomed... Other ideas for commemoration in the park have been mentioned. However, any of these potential uses need to be carefully developed so that it does not conflict with active and passive community uses, and the park should not become a regional destination.
- 5) *Oxygen Tanks* - Retention of the oxygen tank structure at the western tip will significantly diminish the value of the space as a public square
- 6) *Fence* - ...CB 2 favors a very low fence with gates that are locked at night to allow for effective closing without harming the public use and feel of the park.
- 7) *Entrances* - Entrances should be placed at corners.... In this case, there are obvious locations at the two 7th Avenue corners, but other locations need to be

more carefully considered. If the gas tank structure at the northwest tip can be removed or moved, this is another obvious location...

- 8) *Different Grades* - A design using the concept of a park with two distinct areas on different grades could be explored as a way of emphasizing the transitional character of the site, but only if there is adequate accommodation for disabled access, and sufficient visibility around the perimeter to avoid hidden activities.
- 9) *Existing Underground Space* - Retaining the underground space for future use is not accepted or rejected at this time, but its retention cannot be a consideration in developing or approving a design for the park and cannot delay or interfere in any way with the opening of the park...
- 10) *Seating* - The design of the park should be such that it would be just as accommodating and comfortable if the movable furniture were removed.
- 11) *Publicly Controlled Space* - Upon completion of construction, control of the space should be transferred to the Parks Department through an appropriate easement. The easement should include rules and regulations that set standards for repair and maintenance in perpetuity.

V. Eliminate Parking Garage

CB 2 opposes the accessory parking garage proposed for W. 12th St. between 6th & 7th Avenues. The opposition is not only to a special permit for additional parking – CB 2 urges that there should be no garage at all...

VI. Eliminate Proposal to Relocate Bus Stop

NSLIJ has agreed to withdraw its request to relocate the current bus stop on the northwest corner of W. 12th St. & 7th Ave. S. CB 2 ...thanks NSLIJ for their consideration in this matter.

VII. Elevator/Escalator Subway Access

.... CB 2 is disappointed that neither NSLIJ, nor the Applicant, have pursued disabled access at the W. 12th St. subway entrance.

IX. Other Concerns

- 1) *Retail on Side Streets* – There should be neither signage nor any visible displays on the side streets, including in the existing windows on 12th Street.
- 2) *Demolition of Reiss Building* – ... [the] Applicant [should] be required to renovate and not demolish Reiss.
- 3) *Precedence* - CB 2, insist[s] that no upzoning, based upon the allowable bulk for community facilities, be granted to Applicant, and that only the allowable bulk for residential development be considered for this project at this site.

Borough President Recommendation

This application (C 120029 ZSM) was considered by the President of the Borough of Manhattan, who issued a recommendation approving the application on November 25, 2011, subject to the

following conditions:

- 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 streets;
- 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 12th 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 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

City Planning Commission Public Hearing

On November 16, 2011 (Calendar No. 4), the City Planning Commission scheduled November 30, 2011, for a public hearing on this application (C 120029 ZSM). The hearing was duly held

on November 30, 2011 (Calendar No. 8) in conjunction with the public hearing on the applications for related actions.

There were fifty-eight speakers, thirty-two in favor of the application and twenty-four opposed.

The applicant, speaking in favor of the application, described the various community amenities that have been or will be provided to the community that are not a part of the application. These include their work to bring a free-standing emergency room to an adjacent site and financial assistance to that project as well as the creation of new, public green space. The applicant also described the agreements agreed to with the Borough President in their letter to the Borough President dated November 23rd. These include agreements regarding:

1. Open Space

- a. Expand the Triangle site by removing the oxygen storage tank
- b. To construct and either maintain or pay for maintenance of the Triangle Site
- c. To provide an easement over the Triangle site to the City to allow the property to be used as publicly accessible open space in perpetuity
- d. To continue to work with the community and elected officials on the development of commemorative features

2. Zoning

- a. To limit the development on the site to uses and densities in the existing zoning, if the Large Scale Special Permit is not used
- b. To eliminate floor area generated by the Triangle Site through the restrictive declaration and to explore other mechanisms to ensure that the Triangle air rights are eliminated

3. Parking Facility

- a. To include audio/visual warning and mirrors/videos as part of the parking facility to improve pedestrian safety

4. Retail Windows

- a. To limit any retail signage on side streets to C1 signage controls and to limit light

levels to 50 foot candles

- b. To disallow Use Group 12C night clubs or bars from the East Site
5. Construction
- a. To comply with a series of environmental measures throughout construction, to be included in the Restrictive Declaration
 - b. To delay noisy construction activities on side streets until 8:00am
 - c. To provide a website with regular construction updates as well as a community liaison to address community concerns relating to construction

The architect for the proposed development also appeared in favor. He described the historic renovations of the buildings that are to be preserved and discussed the decisions about height, massing, texture, and fenestration for the new, proposed buildings. He stated that the new buildings have been crafted to fit in and enhance the streetscape and the street wall. He described how the buildings on the side streets adapt to the scale of adjacent buildings and how the new building on the avenue recognizes this very important transition, between higher buildings to the north on Seventh Avenue and lower buildings to the south. He also showed how the proposed building on Seventh Avenue angles slightly to the southwest, in response to the street grid. He also described the retail condition along West 12th Street. The proposed retail windows extend 90 feet into the midblock. They face on a blank wall across the street. He stated that the retail windows were proposed to enliven this part of the street.

The landscape architect for the proposed development also spoke in favor of the application. He described the design process undertaken with the Community Board for the design of the Triangle Site. He described the design of the Triangle Site and likened it to other parks in Greenwich Village. He described the grade changes in the park and the proposed stepped entrance on the corner of Greenwich and Seventh avenues.

Other representatives, including the applicant's land use counsel, also spoke in favor. They addressed questions raised during the public review process stating that:

- The project approvals would allow for the development of a 590,660 zoning square feet

(zsf) project, 559,409 zsf would be residential. The proposed project floor area is substantially less than the amount of floor area allowed for community facility uses under the existing Large Scale Community Facility Development (LSCFD) and less than exists on the site today.

- A proposal with similar density could be constructed on the site on an as-of-right basis. The applicant's representative noted that with the demolition of the Coleman and Link buildings the existing LSCFD could be eliminated. New construction pursuant to Article I Chapter V, in addition to the utilization of 166,770 square feet of floor area from the Triangle site could ultimately yield a project of 647,915 square feet of which 600,767 square feet could be residential.
- In the proposal, none of the zoning floor area generated by the Triangle site would be used.
- The existing buildings are largely overbuilt and more consistent with an R8 envelope than the R6.
- The park would be opened to the public within 30 months of approval and that the overall construction schedule is 37 months.
- The O'Toole building was given to North Shore LIJ for the development of a free-standing comprehensive care center along with \$10 million for the rehabilitation of that building.
- Efforts were made to locate an escalator or elevator to the subway on the site. Although they worked with the MTA, it was ultimately decided that there was not enough space to facilitate these improvements to the subway.
- There would be challenges to reusing the below grade space on the Materials Handling Facility, citing ventilation, and ingress and egress requirements that would change the design for the above ground space.

Others who spoke in favor of the application include a representative of the Borough President's Office, New York Landmarks Conservancy, the Municipal Arts Society, the New York Metro Chapter of the American Planning Association, the New York League of Conservation voters, NY Building Congress, the Real Estate Board of New York, Sisters of Charity, Building

Construction and Trades, 12th Street Block Association, Mason Tenders District Council, Washington Square Lower Fifth Avenue Association, New York City District Council of Carpenters, and local residents.

Many of the speakers in favor of the application stated that redevelopment of the hospital campus would provide benefits to the local community and broader public. Many speakers stated that 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. Other speakers emphasized that the proposed project would provide construction jobs and long term employment opportunities, and would also provide a substantial economic benefit to the surrounding community and the city. Although separate from the application, several speakers remarked that the plan to create a comprehensive, free-standing emergency department would provide a much-needed health care amenity in the community.

Speakers in favor, as well as several speakers opposed, stated that the opportunity to add open space will alleviate some of the open space needs in this community. Several speakers noted that the inclusion of a well-designed park will help enliven immediate and nearby streets.

One speaker, in favor, discussed the applicant's role in securing the Foundling Hospital as a public school site.

Sixteen speakers spoke in support for an AIDS memorial in the Triangle Site open space. Many of the speakers described a space that would be developed through a design competition and would include an underground component that would be a gallery space as well as archives. Several speakers requested that the FEIS include an alternative exploring this possibility.

Those who spoke against the project included a representative from the Land Use Committee of Community Board 2, a representative of the office of the State Assembly Member representing the 66th District, a representative of the office of the State Senator representing the 29th District, members of the Preserve the Village Historic District, the Greenwich Village Society for Historic

Preservation, the Live and Learn Coalition, and Coalition for a New Village Hospital.

Approximately 10 of the speakers in opposition stated that a full-service hospital is needed at or near the site of St. Vincent's. Many cited the fact that 16 of the 18 Manhattan hospitals are located on the east side. Others criticized the free-standing emergency room model, which would be developed as part of a separate proposal at the nearby O'Toole Site.

Several speakers in opposition voiced concern about the zoning map amendment. Many speakers felt that the R8 was inappropriate to the midblock in the area and said that, within the historic district, most midblocks were zoned R6. Some speakers stated that the C6-2 designation, proposed for 7th Avenue, would permit building envelopes that would be out of context for the area and that, furthermore, would allow for uses such as big box stores, clubs and discos, and automotive repair shops, which would not fit in with the area. Speakers felt that this rezoning would serve as an unwelcome precedent. Several noted that the project could be largely accomplished without the rezoning proposal.

Other speakers in opposition felt that the applicant would be unfairly exploiting the higher community facility FAR utilized by the previous hospital to maximize the proposed residential development. These speakers stated that allowances granted to the hospital should not constitute a baseline for private, market-rate residential development.

Three speakers voiced concern about the proposed amendment of Section 74-743 of the Zoning Resolution, which would permit floor area for new development to be used without regard to height factor or open space ratio requirements in large-scale developments in CD2, because they believed that could be used by other institutions located in CD2. Several speakers felt that the new, proposed buildings are overly large.

A number of speakers in opposition stated a concern for the proposed garage on 12th Street. These speakers said that the requested special permit to increase the size of the garage should be denied. One speaker noted that the Applicant has articulated a maximum number of units, but

has not identified the number of units it will actually be constructing. That speaker felt that there was adequate parking in the study area and an increase in the size of the garage is not necessary. Several speakers also felt that the garage should be eliminated from the proposal altogether as it would be a detriment to the character of the block. These speakers noted that there are already three garages on the block today.

Many speakers stated that the plan to introduce retail displays and windows on side streets, and in particular on 12th Street, would change the character of the streets and should not be allowed. They felt that retail spaces bring with them brightly lit window displays, signage, and additional commercial traffic.

With respect to the Triangle Open Space, there were a number of comments. Many speakers said any potential commemoration, including for an AIDS Memorial, needs to be carefully developed so that it does not conflict with active and passive community uses. Many of these speakers stated that the park should not become a regional destination and several speakers stated the need for a neighborhood park. Two speakers stated that all entrances to the park should be at grade and handicap accessible. The representative from Community Board 2 stated that the park should be under public ownership and transferred to the Department of Parks and Recreation. Other speakers made similar statements and added that, if transfer was not possible, the Triangle should be under the management of a non-for-profit.

Several speakers stated the need for affordable housing, either as part of this project or to be facilitated by the applicant, elsewhere in the Community District.

Three speakers, who spoke in opposition, said that they believed that the EIS erroneously calculated how many school seats are needed. They felt that there would be additional need for school seats and that the applicant should contribute to the creation of those school seats.

Several speakers believed that Reiss Pavilion is of historic significance and should be preserved, along with the other preserved buildings on the site. They stated that preserving Reiss Pavilion

would also minimize construction-related impacts.

Lastly, several speakers urged the applicant to consider the installation of elevator/escalator subway access for seniors, the disabled and other physically challenged people at the West 12th Street entrance/exit of the 14th Street station.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 120029 ZSM), in conjunction with the related applications for special permits (C 120030 ZSM and C 120031 ZSM); a zoning map amendment (C 120033 ZMM) and zoning text amendment (N 120032 ZRM), is appropriate.

The project site is composed of two zoning lots, the East Site and the Triangle site, which contain 92,925 square feet and 16,677 square feet of lot area respectively. The proposed actions would limit development through a restrictive declaration to a maximum of 590,660 square feet of floor area, consisting of approximately 559,409 square feet of residential floor area and 31,251 square feet of commercial and community facility floor area.

The Commission believes the proposed actions will facilitate a development that will reactivate the project site and surrounding area. The proposed ensemble of buildings would be consistent in bulk and form to development in the surrounding area, while successfully integrating new buildings into a site plan that respects the historic context of the neighborhood. The development follows existing patterns of land use and the built environment with taller buildings on Seventh Avenue stepping down to mid-rise buildings and row houses along the side streets. Three of the seven structures on the East Site would be preserved including all of the structures that were identified as contributing buildings in the designation of the Greenwich Village Historic District. The buildings to be demolished –Cronin, Reiss, Coleman, and Link– have a different character than those that are proposed to be preserved and the Landmark Preservation Commission has recognized that the demolition of these buildings would not have an impact on

historic resources.

The height, massing, and uses of the new, proposed buildings are appropriate to the project site and reflect good site planning principles. In particular, the proposed 7th Avenue building will improve the existing condition as it will provide ground floor retail and residential use consistent with the surrounding area. The Commission also notes that, as part of the proposal, the curb cuts that were associated with the previous hospital use will be eliminated. While these curb cuts were appropriate for a hospital use, they do not enhance the pedestrian environment. The proposal will improve the Seventh Avenue streetscape through their elimination.

The proposed West 11th Street and West 12th Street buildings were designed to respond to the massing of adjacent buildings and contain residential uses consistent with the character of the surrounding area. The proposed townhouses in the midblock on West 11th Street reflect the scale and use found adjacent to the development site and other midblock areas in Greenwich Village. The new proposed buildings for the midblock are similar to or smaller than the buildings that they replace. For example, the building that would replace Reiss would have roughly the same amount of floor area as Reiss, and the townhouses replacing Cronin are four stories and a penthouse, in contrast to Cronin, which is 14 stories.

The Commission acknowledges that the project would include a 16,677 sf publicly accessible open space on the Triangle Site and has determined that the design of the Triangle Site is a superior landscaping. As proposed, the entire Triangle Site would be open space. The applicant would demolish existing structures on that Site; open the property to grade, provide multiple entrances, and amenities including seating, planting, and a water feature. This would be an improvement as the limited open space today is inaccessible and is located above grade. Further, the Triangle Site plan was developed in close consultation with Community Board 2 and reflects their input.

Special Permit for bulk modifications (C 120029 ZSM)

The applicant's project site meets the requirements for a Large Scale General Development

(GLSD). The Commission believes that the height, massing, and uses of the new, proposed buildings are appropriate to the project site and reflect excellent site planning principles.

As described above, the proposed ensemble of buildings would be consistent in bulk and form to development in the surrounding area, while successfully integrating new buildings into a site plan that respects the historic context of the neighborhood. Consistent with other development in the area, the proposed project would reinstate a central courtyard which would substantially increase the amount of open space that exists on the East Site today, thereby reducing the overall lot coverage. As proposed, there will be 24,354 square feet of open area on the East Site (15,131 square feet of which will be common area for the residents of the East Site project) and the lot coverage will be reduced from the 89.0% that exists today to 73.8% in the future. The location of the open spaces within the development would also provide significant light and air. Further, locating the majority of the new development along a wide street ensures the provision of light and air to the development and surrounding streets.

The special permit would allow approximately 15,102 square feet of the required open space to be located on the Triangle Site, thereby creating a new, 16,677 square foot open space amenity that would be opened to the public. Without the special permit, it would be possible to build on the Triangle Site which generates up to 166,770 square feet of zoning floor area. The Commission views the Triangle Site, surrounded by public streets, as conducive to public access and believes that the proposed transfer of required open space from the East Site aids in creating publicly accessible open space, rather than a solely private amenity, as allowed by zoning. The Commission believes that the open space will be a valuable recreational and visual resource for the neighborhood, and notes that the historic low scale nature of the Triangle Site will be maintained. The proposed shift in required open space from the East Site to the Triangle Site also results in a stronger streetwall condition on the East Site, reinforcing neighborhood character.

The proposed modifications to height and setback controls will allow for new development on the East Site to adjust the location and the form of the buildings to better respond to the historic

buildings that exist on the East Site as well as respond to the surrounding built form. The Commission notes that the waivers will allow for the new Seventh Avenue building to have a high street wall topped by a series of articulated setbacks in keeping with the form of the Raskob Building immediately to its north. The Commission believes that this is contextual with other tall buildings lining Seventh Avenue and that it is appropriate to shift bulk towards 7th Avenue. The Commission also believes that, by designing the Seventh Avenue building to change angles and move away from the intersection of Seventh Avenue and West 11th Street, more light and air will reach the intersection.

A waiver for the new West 11th Street building replacing the Link Pavillion would allow for a small encroachment into the required setback for the new West 11th Street building necessary for rational residential floor plates. The Commission believes this minor variation, limited to a less than 2-foot by 2-foot strip of the uppermost story of the building, would allow a consistent wall plane consistent with the character of other buildings on the site, and has minimal effect on light and air.

The requested setback waivers for the new building on 12th Street replacing the Reiss building would allow for that building to be consistent with the design of the other East Site buildings along West 12th Street. The proposed design would create a streetwall in keeping with the Greenwich Village context, with the new building aligning on the east side with a similarly-proportioned volume on the neighboring 130 West 12th Street building. The Commission notes that the modification of outer court recess requirements for the new 12th Street building would allow for the provision of light and air to the adjacent building. While there is no requirement to build such a court, the proposed court would allow additional light and air to the rear of the proposed building and the neighboring building.

The setback waivers for buildings to remain, which include Smith/Raskob, Spellman and Nurses, are critical to facilitate their preservation and conversion to residential use. The setback waivers for the Smith/Raskob building will allow it to maintain the articulated setback that characterizes the building. The existing penthouse will be demolished, reconstructed, and enlarged to facilitate

residential floorplates. Since this would constitute new development, waivers are required. The Commission also notes that requested rear yard setback waivers are required for Spellman and Nurses to facilitate the construction of new bulkheads important for the adaptive reuse of the buildings. The bulkheads are pulled back from the street wall in order to maintain the stepped back composition typical of the site.

The Commission notes that the streets surrounding the proposed GLSD are adequate to handle the traffic generated from the project. The East Site is bounded by Seventh Avenue, West 11th and 12th streets. Seventh Avenue is a major wide southbound street that is a regional connector in Manhattan with sufficient capacity to accommodate the amount of traffic associated with the proposed development. The Final Environmental Impact Statement did not disclose any significant adverse impacts associated with traffic.

The Commission recognizes that the open spaces within the development would provide approximately 50% percent of that required under open space ratio regulations. The Commission believes that the work of the applicant's landscape architect has resulted in open spaces that are exceptional in terms of functionality and superior in terms of landscaping. The Commission believes that the open spaces are programmed with appropriate features and will provide an amenity for residents on the East Site and for the public on the Triangle Site. The East Site is programmed with seating, planting, and elements that will facilitate children's play. The Triangle Site would be an at-grade amenity with planting, seating, and lighting that would be programmed with a water feature, lawn, and opportunities for artwork or memorials that will be developed in consultation with the Community Board.

All residents within the GLSD, including residents of existing buildings, would have access to the open spaces. While not required by zoning, the Triangle Site will be opened to the public pursuant to the restrictive declaration. The Triangle Site will be open and accessible to the public seven days a week between the hours of 6:00a.m. and midnight from April 15th to November 1st, and between the hours of 7:00 a.m. and 11:00 p.m. for the remainder of the year.

The location of the garage entrance is appropriate. The garage entrance is further than 50 feet from the 7th Avenue intersection, which will help ensure that vehicles entering and exiting the garage will not create congestion on 7th Avenue. While there are three other garage entrances on W. 12th Street, the proposed garage entrance is not located next to or across from another garage entrance which will minimize potential vehicular conflicts on the street. The Commission further believes that 7th Avenue, which is a heavily-trafficked, wide street, is not an appropriate location for garage access because of the practical difficulties of maneuvering cars in and out of the garage in heavy traffic conditions. The Commission also notes that the main entrance to a public school is located on West 11th Street and that it is preferable to locate the garage away from the public school.

Zoning Map Amendment (C 120033 ZMM)

The Commission believes the proposed zoning map amendment is appropriate. The applicant proposes a zoning map amendment to rezone the East Site within 100 feet of Seventh Avenue from a C2-6 to a C6-2 district. This amendment would maintain the maximum FAR of 6.5 currently allowed for community facility use, but would allow for an increase in residential development from 3.44 to up to 6.02, and an increase in commercial FAR from 2.0 to 6.0. The applicants also propose to rezone the midblock portion of the East Site from R6 and C1-6 districts to an R8 district. Rezoning from an R6 district to an R8 district would increase the maximum allowable FAR for residential use from 2.43 to 6.02. The permitted FAR for community facility or mixed use residential/community facility use would increase from 4.8 to 6.5. Commercial use would not be permitted within the proposed R8 district. The maximum front wall height would also be increased from 60 to 85 feet.

There are approximately 677,410 zoning square feet developed on the East Site today. The zoning map amendment would allow for a maximum floor area of 604,013 sf. The applicant proposes to develop 590, 660 square feet, which is both less than what would be permitted and what is currently developed.

The proposed zoning map changes would allow for greater residential density, particularly along Seventh Avenue, which is consistent with the zoning and land use patterns of the surrounding

neighborhood including the existing C6-2 and C1-7 (R8 equivalents) districts; C6-2A district (an R8A equivalent); and the C6-3A district (an R9A equivalent) found adjacent to the project site. The Zoning Map amendments would also facilitate the residential reuse of the midblock historic buildings in keeping with the predominantly residential character of the surrounding area.

Within the historic district, there are several midblock areas zoned R8 to R10 including an R10 district along Fifth Avenue between Washington Square North and East 12th Street and a C1-7 (R8-equivalent) district on East 8th Street west of University Place. Several blocks from the project site, a C6-2 zone (R8-equivalent) runs along the West 13th Street corridor from west of Sixth Avenue to Fifth Avenue, where the zoning changes to an R10-equivalent. Other midblock areas zoned R8 and above include a C1-7 (R8-equivalent) and R7-2 zone in the midblock of East 8th through 11th Streets.

The Commission recognizes that the Landmarks Preservation Commission has required the applicant to retain certain buildings in the midblock –Nurse’s, Spellman, Smith-Raskob—as part of their oversight over contributing buildings to the Greenwich Village Historic District. The Commission believes that, as such, the existing and historic context of the block that will be retained is relevant to inform the Commission’s consideration.

The existing historic buildings that were built utilizing the pre-1961 zoning are larger than existing zoning would allow today. The Commission recognizes in particular that this midblock - -which will be largely retained through historic preservation-- , is unique in the area insofar as the existing R6 zoning district does not reflect the existing conditions. The Commission believes that the proposed rezoning is appropriate as it better reflects the density of the existing context and will allow for the adaptation of the existing buildings to an appropriate use.

The Commission believes that the proposed zoning map amendment reflects the envelope of the existing historic buildings to remain on the development site. All of the existing buildings to be retained are from 11 to 14 stories in height, with large floor plates that are not consistent with the current R6 zoning. The existing buildings have very strong streetwalls that do not comply with the current R6 or R7 height and setback regulations. The existing buildings to remain are better

matched to the height and setback requirements of the R8 district. Smith-Raskob has a street wall of 116'5" before an initial setback; Spellman rises to 105'5" before setting back; Nurses is set back above the second floor and then rises sheer to 144'4". The R8 district is governed by sky exposure planes above an 85' street wall while the R6 and R7 districts must be set back above 60'.

The zoning map amendment would also allow the use of the special permit provisions available to LSGDs. Changing the C2-6 district to a C6-2 district would allow for the modification of open space regulations within the LSGD (which are not available in C2-6 districts) pursuant to ZR 74-743(a)(4). This rezoning would also enable commercial uses up to the third floor of buildings on the site (not permitted for C2-6 districts pursuant to ZR 32-421), consistent with other C6-2 districts in the surrounding area, particularly along Sixth Avenue.

During the public review process it was pointed out that the proposed development could be accomplished without a zoning map change. However, that process would lack the site controls needed to respond to the unique conditions of this site.

Special Permit pursuant to modify the use location requirements of Section 32-422 (C 120030 ZSM)

This special permit would facilitate the creation of doctors' offices on the third floor of the new Seventh Avenue building which would not otherwise be permitted because residential dwelling units are also on the second and third floors. Doctor offices are not permitted on the same floor or on a higher story than residential dwelling units. The Commission believes that Doctor's offices are a compatible use with residential uses and notes that they are considered an as-of-right and a community facility use when located on the first and second stories of a primarily residential building.

The Commission notes that there will be a separate entrance to the commercial uses – professional doctor's offices on the third story-- accessed via Seventh Avenue. This entrance will be separate from the entrances to the residential portions of the project on West 11th and 12th Streets. The offices will also be accessed from a separate elevator core. Therefore, the

Commission believes that the office use will not affect the residential occupants of the building and are an appropriate use on the third floor of the proposed building.

Special Permit for an Accessory Garage (C 120031ZSM)

The Commission believes that the proposed accessory parking garage with a maximum of 152 attended spaces is appropriate. The proposed garage would be accessible by a 22-foot curb cut on West 12th Street.

A parking garage with a maximum of 98 spaces would be allowed as-of-right on the East Site if the maximum number of dwelling units (450) were constructed. However, the Commission believes that 98 spaces is an insufficient amount of parking and notes that pursuant to the FEIS, peak parking demand from the proposed residential units on the East Site is expected to be 167 spaces. The Commission therefore believes that the proposed garage is needed for and will serve the needs of the residents of the residential building.

The Commission also believes that, within the vicinity of the site, there are insufficient parking spaces available. The Commission notes that the three parking facilities in the vicinity of the project site have a combined licensed capacity of 180 spaces, but recent surveys as part of the EIS indicate that approximately 158 cars are parked in these facilities on any given day.

Pursuant to the FEIS, other parking facilities within a quarter-mile of the East Site, have only limited availability for use by non-residents. The FEIS indicates that in the Future Condition without the Proposed Projects, the existing off-street parking facilities within a quarter mile radius would have an 88% utilization rate for the weekday midday period and a 70% utilization rate for the weekday PM period

The Commission also notes that new residential development occurring in the neighborhood is simultaneously eliminating existing parking facilities while creating an additional parking demand. For example, in 2009 a surface parking lot that accommodated approximately 60 cars at the intersection of Eighth Avenue and Greenwich Avenue was replaced by a 30-unit

condominium building with no parking facility, further limiting parking availability in the area. In addition, within the last two years, a 47-unit condominium building located at 50 West 15th Street has replaced an approximately 50 car surface parking lot.

The proposed parking facility is so located as to draw a minimum of vehicular traffic to and through local streets. Access to the proposed garage is made through West 12th Street via a new 22-foot curb cut. Cars travelling on Seventh Avenue, a wide, arterial street, would access the garage by making a right-hand turn onto West 12th Street. Cars leaving the garage would travel less than one block to Sixth Avenue to access the broader street network. The FEIS indicates that only 20 cars would enter or leave the garage in the most active hour.

The analysis in the FEIS states that the garage would not create or contribute to serious traffic congestion nor will unduly inhibit vehicular movement. The Commission further notes that the entrance to the garage will be protected with audio and visual signals to alert pedestrians when a car is exiting the garage to assure that the garage is operated in a safe condition. The Commission therefore believes that the garage will not inhibit pedestrian movement and that the 10 reservoir spaces to be provided in the garage are adequate and consistent with the zoning requirements.

Zoning Text Amendment (N 120032 ZRM)

The intent of Section 74-74 of the Zoning Resolution is to allow greater flexibility in the distribution of bulk for the purpose of securing better site planning in LSGDs. The proposed text amendment would permit the maximum floor area ratio available for new LSGD development in Manhattan Community District 2 to be used without regard to height factor or open space ratio requirements. This provision currently exists in zoning for LSGDs in Manhattan Community District 7. The proposed text would also permit a reduction in the required open space obligation for residential floor area by up to 50 percent for site plans with superior landscaping for open space.

Section 74-743 of the Zoning Resolution permits modification of several bulk requirements,

including height and setback, yards, courts, and minimum distance between buildings. Height factor and open space ratio requirements are also bulk requirements that can hinder the achievement of the best possible site plan in LSGDs. The Commission believes that allowing modification of height factor and open space ratio requirements would be consistent with the intent of Section 74-74 and provides added flexibility by which to achieve better site plans. The Commission notes that such modifications may only be achieved pursuant to a special permit which requires review through the Uniform Land Use Review Procedure (ULURP).

The Commission believes that the quantity and quality of provided open space within the LSGD are important criterion when deciding whether or not to permit modifications to height factor and open space ratio regulations and notes that the existing text, proposed to apply in CD2, appropriately requires superior landscaping and a minimum amount of open space.

In response to the concerns of Community Board and other speakers about the applicability of the zoning text amendment elsewhere in CD2, the Commission notes that the this provision will likely have limited future applicability in CD2 given that the existing text is only applicable to LSGDs that are partially located within C6-1, C6-2, or C6-3 districts and no such properties exist in Community District 2 today. Further, the Commission notes that future utilization of this provision of the zoning resolution would require a special permit and ULURP review. The Commission believes that the proposed text amendment, together with the qualitative findings, is appropriate.

During the public review process, members of the public, Community Board and the Borough President raised concerns regarding open space, zoning, the parking facility, retail signage, and construction practices. The applicant responded to the Borough President's concerns in a letter dated November 23rd, 2011, that was included in the Borough President's recommendations. In that letter, the applicant indicated its willingness to comply with all of the Borough President's conditions. As stated below, the applicant agreed to:

1. Open Space

- a. Expand the Triangle site by removing the oxygen storage tank
 - b. To construct and either maintain or pay for maintenance of the Triangle Site
 - c. To provide an easement over the Triangle site to the City to allow the property to be used as publicly accessible open space in perpetuity
 - d. To continue to work with the community and elected officials on the development of commemorative features
2. Zoning
- a. To limit the development on the site to uses and densities in the existing zoning, if the Large Scale Special Permit is not used
 - b. To eliminate floor area generated by the Triangle Site through the restrictive declaration and to explore other mechanisms to ensure that the Triangle air rights are eliminated
3. Parking Facility
- a. To include audio/visual warning and mirrors/videos as part of the parking facility to improve pedestrian safety
4. Retail Windows
- a. To limit any retail signage on side streets to C1 signage controls and to limit light levels to 50 foot candles
 - b. To disallow Use Group 12C night clubs or bars from the East Site
5. Construction
- a. To comply with a series of environmental measures throughout construction, to be included in the Restrictive Declaration
 - b. To delay noisy construction activities on side streets until 8:00am
 - c. To provide a website with regular construction updates as well as a community liaison to address community concerns relating to construction

The Commission is also pleased to note that in letters to the Commission dated December 8, 2011, December 29, 2011, and January 13th, 2012, the applicant indicated its willingness to comply with all of the Commission's concerns regarding design elements of the Triangle Site, the appropriateness of the retail windows on 12th Street, and the maintenance of the proposed

public space on the Triangle Site. In its December 29th, 2011, letter, the applicant wrote:

Retail Windows on the Side Streets. In response to the Commission's comments about the depth of the retail windows on the West 12th Street frontage, the Applicant is proposing revisions to the LPC-approved design for the Commission's consideration in order to further reduce the retail character of the windows....The Applicant would propose the following changes

- LPC approved the replacement of the four easternmost windows with single pane windows typical for retail establishments. The Applicant's first proposed revision would replace these windows with ones reflecting the "eight over eight" style of the residential windows to the east....
- [Another] proposed revision would be to prohibit retail signage on all windows except for on the two westernmost windows
- Finally [there are] two options for the two easternmost larger windows: the first option would pull down the scale of the windows by adding horizontal mullions at the height of what was formerly the signage band. The second option would use frosting or other treatment of the glass in the same two larger windows

Triangle Open Space. In response to comments heard at the December 12th Review Session, the Applicant has proposed the following changes to the Triangle Open Space Design:

- Fence Height: The height of the fence has been reduced by six inches so that it is a 36-inch high fence on a 6-inch granite base for an overall height of 42 inches
- Greenwich/Seventh Avenue Entrance: The steps that had been proposed for this entry have been eliminated, so that all entrances to the Triangle open space will be fully ADA accessible. All of the entrances will have a minimum 10-foot clear entry when the gates are open.
- Seventh Avenue Frontage: In addition, the low retaining wall that has been proposed along the Seventh Avenue frontage has been replaced by the same 6-inch granite curb that will be used along the other frontages.

Open Space Oversight. The Community Board's Resolution indicates a concern that the Triangle open space be maintained in perpetuity as a high quality neighborhood amenity, and to that end has recommended that the Parks Department assume a role in the ongoing operations and maintenance of the open space. We.... Propose that an eight member not-for-profit Triangle Open Space Oversight Board be formed to monitor conditions at the Triangle Open Space.

In their January 13, 2012, letter, the applicant provided more information regarding the Triangle Open Space Oversight Board in response to the Commission's comments:

[A question was raised] at the Commission's Review Session on January 3rd

regarding the operations of the Open Space Oversight Committee and the consequences of a split vote. In order to address this issue, the Applicant has proposed to adjust the membership of the Oversight Committee along the following lines:

- 1) Reduce the membership to seven members with 3 appointed by the condominium board, 1 appointed by the NYC Parks Department, 1 appointed by Manhattan Community Board #2, 1 appointed by the Manhattan Borough President, and 1 appointed by the local City Council member;
- 2) Require action by majority vote; and
- 3) In addition, for proposals that would add cost, liability, or other obligation to the East Site above what is contemplated by the Restrictive Declaration, a majority of the condo board representatives must also approve the proposal.

This arrangement will ensure that there will not be a split vote in any matter, while at the same time adequately protecting the project from unexpected costs.

The Commission notes that the retail signage and displays will be limited to the first two windows on 12th Street and that the two easternmost windows would use frosting treatment on the glass. The designs have been revised to include at-grade entrances to the Triangle site and the perimeter fence structure has been reduced to 42” tall, consisting of a 36” high fence on a 6” high curb. The applicant is also proposing a 7-member non-for-profit Triangle Open Space Oversight Board.

Since certification on August 22, 2011, the applicant has re-filed the application with several changes. The publicly accessible open space on the Triangle Site has been expanded from 15,102 sf to 16,677 sf. The re-filed application also represents changes to the Triangle Open space design requested by the Commission as well as a refined design for the East Site Open Space and modifications to the signage in the retail windows on 12th Street.

The Commission also notes that, as part of the approval, a restrictive declaration will be recorded against the property and, along with the project described herein, will reflect the modifications made to the application in response to concerns raised during the public review process. The Commission notes that the Restrictive Declaration will among other things:

- prohibit the use of any development rights attributable to the Triangle Site in the East Site project;

- provide for the construction and maintenance of the publicly accessible open space on the Triangle Site and grant an easement to the City to ensure that this use is provided in perpetuity; and
- limit retail signage on West 12th Street to the two westernmost windows and require the side streets to comply with C1 signage controls;
- provide for the implementation of “project components related to the environment” (i.e., certain project components which were material to the analysis of environmental impacts in the EIS) and mitigation measures, consistent with the EIS , and require the retention of an independent monitor who will verify compliance with construction-related measures to DCP.
- provide that in the event the LGSD special permits are surrendered, any future development must comply with the zoning in effect prior to the Zoning Map Amendment as well as the new zoning districts.

The Commission acknowledges that during the public review process, a concept evolved to include an AIDS memorial in the Triangle Site open space, including an underground component that would be a gallery space as well as archives. The Commission notes, however, that a fully-detailed site plan would be required for the Commission to consider this evolving proposal, and that considerable work would be needed to determine whether providing an AIDS memorial can be accomplished consistent with the project goal of providing a high-quality public open space that could serve the neighborhood. The Commission further notes that any future changes to an approved site plan to incorporate this proposal would require future Commission review pursuant to a modification to the special permit. Construction of an AIDS memorial would have the potential to affect construction timelines for the open space, and thereby affect the ability of the applicant to occupy the East Site, triggering the need for further modifications to the project in order to reconcile timing issues. Accordingly, while the Commission applauds the proponents of the AIDS memorial for advancing this unique proposal during the public review process, any further consideration of the proposal would require review at a later date, based on a more defined program, detailed design, and demonstrated ability to satisfy project requirements, and which reflects agreement among the parties, including the applicant. The Commission further

notes the applicant's concerns with respect to the proposal for an AIDS memorial, enumerated in the applicant's December 29, 2011 letter.

The Commission notes that Community Board 2 has given thoughtful and careful consideration to the design of the Open Space and believes that should any changes to the open space design be proposed in the future, the further involvement of the Community Board would be critical to the process no less than that of the applicant. To this end, through the restrictive declaration, the applicant will be required to bring any proposed modification of the open space to Community Board 2 for their review and comment.

The Commission also recognizes that many speakers believe that the project should include an acute care hospital. Several speakers said that such a hospital should be constructed on the O'Toole Site. Others felt that there should be a hospital in the Coleman Building, the site of Saint Vincent's emergency room. Many felt that the applicant should pay for a hospital. The Commission notes that the inclusion of a new acute care facility was considered but not analyzed in the Alternative Chapter of the FEIS because it would require its own discretionary actions and is not as-of-right. Alternatives only include other actions that are ministerial and not discretionary. The Commission further observes that physical conditions at the East Site and at the O'Toole Building are also significant obstacles to development of a modern, state of the art hospital. The East Site is an assemblage of buildings designed and built at different times for various purposes. It is not possible to connect these buildings, and, in most cases, it is not possible to pass from one building to another without ramps with grades that unnecessarily place patient care at risk. The Commission recognizes that, as a result of these factors, reuse of the East Site buildings for a modern hospital is infeasible. In addition, all of the existing mechanical systems would require upgrades, for which associated costs would be prohibitive. The O'Toole Building presents unique structural engineering problems and logistical problems that limit the viability of any possible expansion of the current facility for hospital use. The Commission notes that the unique form of the building and structural system would not accommodate the additional bulk necessary for a full scale hospital.

The Commission understands that the Community Board and other community members desire affordable housing, either on-site or off-site, as part of this project. In the past, large, single site developments have been established as Inclusionary Housing designated areas where they substantially increase the permitted residential density, typically to allow for residential development in neighborhoods where housing is not currently permitted under zoning, or where their scale is such as to effectively create a new residential community. Neither condition is met here. The area surrounding the project site is characterized by residential use, the existing zoning on the site allows for residential uses, and the project being proposed is not of sufficient scale, especially when compared to the number of residential units allowed under existing zoning, to effectively create a new residential community.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743:

- (1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shore lines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood and the City as a whole;
- (2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not Applicable
- (4) considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
- (5) Not Applicable
- (6) where the Commission permits the maximum floor area ratio in accordance with the provisions of paragraph (a)(4) of this Section, the open space provided is of sufficient size to serve the residents of new or enlarged buildings. Such open

space shall be accessible to and usable by all residents of such new or enlarged buildings, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such large-scale general development shall include superior landscaping for open space of the new or enlarged buildings;

(7) Not Applicable

(8) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 12, 2012, with respect to this application (CEQR No. 10DCP003M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by West Village Residences, LLC and

Saint Vincent’s Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23-843; and
3. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements;

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1) in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 120029 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, filed with this application and incorporated in this resolution:

Prepared by FXFowle:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-10	ATTACHMENT #2 Proposed Large-Scale General Development Site Plan	December, 28, 2011
Z-11	ATTACHMENT #2 & #4	December 28. 2011

Zoning Calculations

Z-12	ATTACHMENT #6 Floors 1, 2, 3 Plans Use Waiver	December 28, 2011
Z-20A	ATTACHMENT #5 East Site Dimensioned Building Plan	August 10, 2011
Z-20B	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Plan	August 10, 2011
Z-20C	ATTACHMENT #5 Court Plans and Sections	August 10, 2011
Z-21	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	August 10, 2011
Z-22	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	August 10, 2011
Z-23	ATTACHMENT #5 Height & Setback Encroachment Diagrams Elevations	August 10, 2011

Prepared by MPFP LLC:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
L-101	Triangle Park Key & Dimension Plan	January 17, 2012
L-102	Triangle Park Paving Plan	December 28, 2011
L-103	Triangle Park Planting Plan	December 28, 2011
L-104	Triangle Park Lighting Plan	December 28, 2011
L-111	Triangle Park Bench Details	December 28, 2011
L-112	Triangle Park Fence Details	December 28, 2011

L-113	Triangle Park Gate Details	January 17, 2012
L-114	Triangle Park Furniture Details	January 17, 2012
L-115	Triangle Park Paving Details	December 28, 2011
L-116	Triangle Park Streetscape Details	December 28, 2011
L-201	Courtyard Key & Dimension Plan	December 28, 2011
L-202	Courtyard Enlargement Plan 1	December 28, 2011
L-203	Courtyard Enlargement Plan 2	December 28, 2011
L-204	Courtyard Enlargement Plan 3	December 28, 2011
L-205	Courtyard Planting Details	December 28, 2011
L-206	Courtyard Seating Details	December 28, 2011
L-207	Courtyard Seating Details	December 28, 2011
L-208	Courtyard Seatwall Details	December 28, 2011
L-209	Courtyard Paving Plan & Details	December 28, 2011
L-210	Courtyard Planting Plan	December 28, 2011

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after a restrictive declaration in the form executed by West Village Residences LLC on January 23, 2012, and including administrative and technical changes accepted by counsel to the City Planning Commission, is executed by West Village Residences LLC, and all parties in

interest , and is recorded and filed in the Office of the Register of the City of New York, County of New York.

5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application

for modification, cancellation or amendment of the special permit hereby granted.

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 120029 ZSM), duly adopted by the City Planning Commission on January 23, 2011 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, Commissioners

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 120029 ZSM, C 120030 ZSM, C 120031 ZSM, C 120033 ZMM and N 120032 ZRM

Docket Description:

C 120029 ZSM - IN THE MATTER OF an application submitted by RSV, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
2. Section 74-734(a)(2) – to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23-843; and
3. Section 74-743(a)(4) – to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratios (as amended under related concurrent application N 120032 ZRM);

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, Greenwich Avenue, and a line 147.29 feet westerly of Seventh Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts (these districts are proposed to be rezoned under concurrent related application C 120033 ZMM), in the Borough of Manhattan, Community District 2.

(See Continued)

COMMUNITY BOARD NO:

2

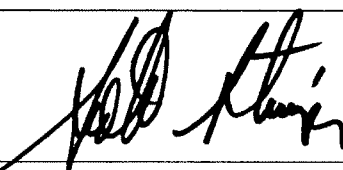
BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

11-25-11
DATE

Rudin West Village Project - Cover Sheet

page 2 of 2

C 120030 ZSM - IN THE MATTER OF an application submitted by RSV, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, Greenwich Avenue, and a line 147.29 feet westerly of Seventh Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts (these districts are proposed to be rezoned under concurrent related application C 120033 ZMM), in the Borough of Manhattan, Community District 2.

C 120031 ZSM- IN THE MATTER OF an application submitted by RSV, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, Greenwich Avenue, and a line 147.29 feet westerly of Seventh Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts (these districts are proposed to be rezoned under concurrent related application C 120033 ZMM), in the Borough of Manhattan, Community District 2.

C 120033 ZMM- IN THE MATTER OF an application submitted by RSV, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 12a and 12c:

1. changing from an R6 District to an R8 District property bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 12th Street and West 11th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, a line 100 feet northeasterly of Greenwich Avenue, and a line 100 feet easterly of Seventh Avenue;
2. changing from a C1-6 District to an R8 District property bounded by a line 100 feet northeasterly of Greenwich Avenue, West 11th Street, and a line 100 feet easterly of Seventh Avenue; and
3. changing from a C2-6 District to a C6-2 District property bounded by West 12th Street, a line 100 feet easterly of Seventh Avenue, West 11th Street, and Seventh Avenue;

in the Borough of Manhattan, Community District 2.

N 120032 ZSM- IN THE MATTER OF an application submitted by RSV, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning section 74-743(a)(4) (special provisions for bulk modification within a Large-Scale General Development) in the Borough of Manhattan, Community District 2.



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

SCOTT 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 12th Street and Greenwich Avenue (the “Triangle Site”), and the other parcel located east of Seventh Avenue between West 11th and 12th 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 12th 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 11th Street, Greenwich Avenue, and West 12th Street, within Community District 2 and the Greenwich Village Historic District.¹ 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 14th 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 12th Street, directly north of what would be a new 152-space parking garage being proposed in this project.²

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 11th and 12th streets through the use of height and setback waivers and development rights from the Triangle and O'Toole Sites.

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

² 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 2009.³

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 ⁴	Current 2011 Proposal ⁵
<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,⁶ and the interior will be retrofitted to accommodate a state-of-the-art emergency

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

⁴ 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.

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

⁶ 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.

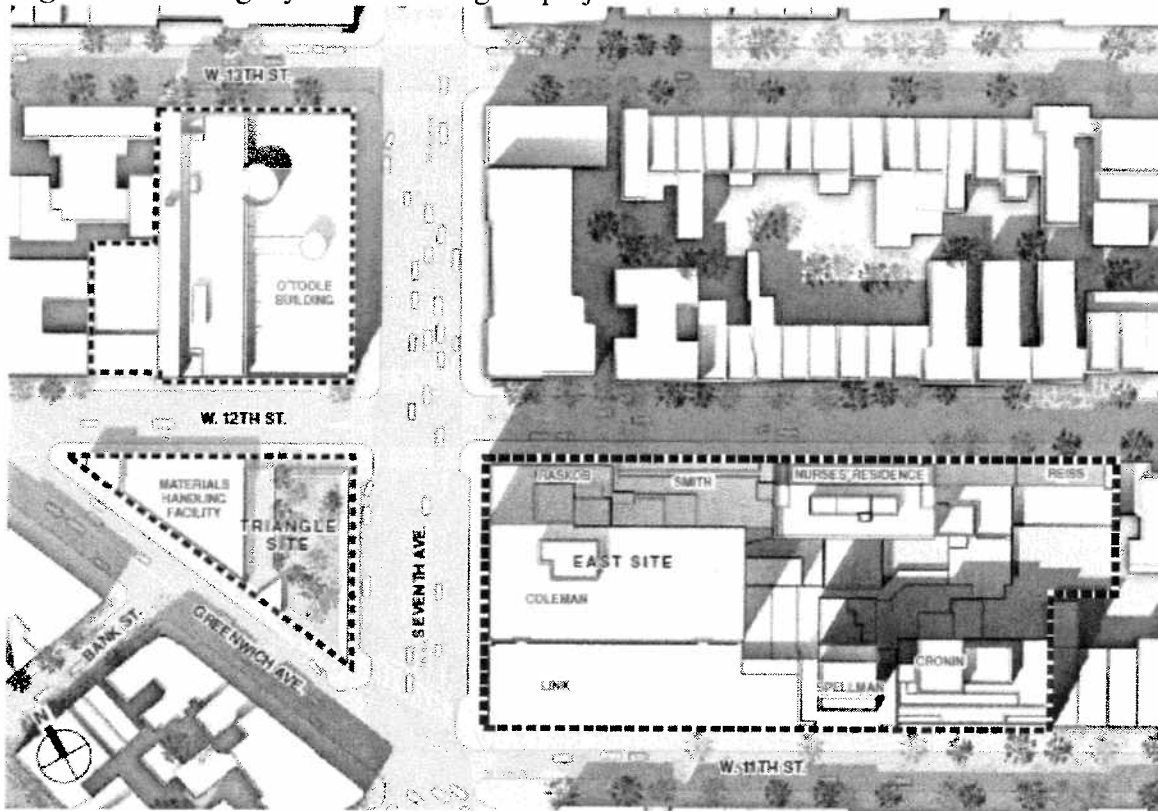
Triangle Site: The Triangle Site’s lot is approximately 16,596 SF and is occupied by a raised landscape area bordering Seventh Avenue on the west, the Materials Handling Facility, and a gas storage facility on the eastern point of the Triangle Site where West 12th Street and Greenwich Avenue meet. The 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/ 1987	190 (17)/ 59 (4)	356,013
Cronin	133 West 11 th St	1941 (1961)	151 (14)	88,170
Spellman	143 West 11 th St	1941	135 (11)	63,582
Smith/Raskob	170 West 12 th St	1950/ 1953	146 (13)/ 168 (15)	114,326
Reiss	148 West 12 th St	1955	109 (9)	67,120
Nurses	158 West 12 th 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



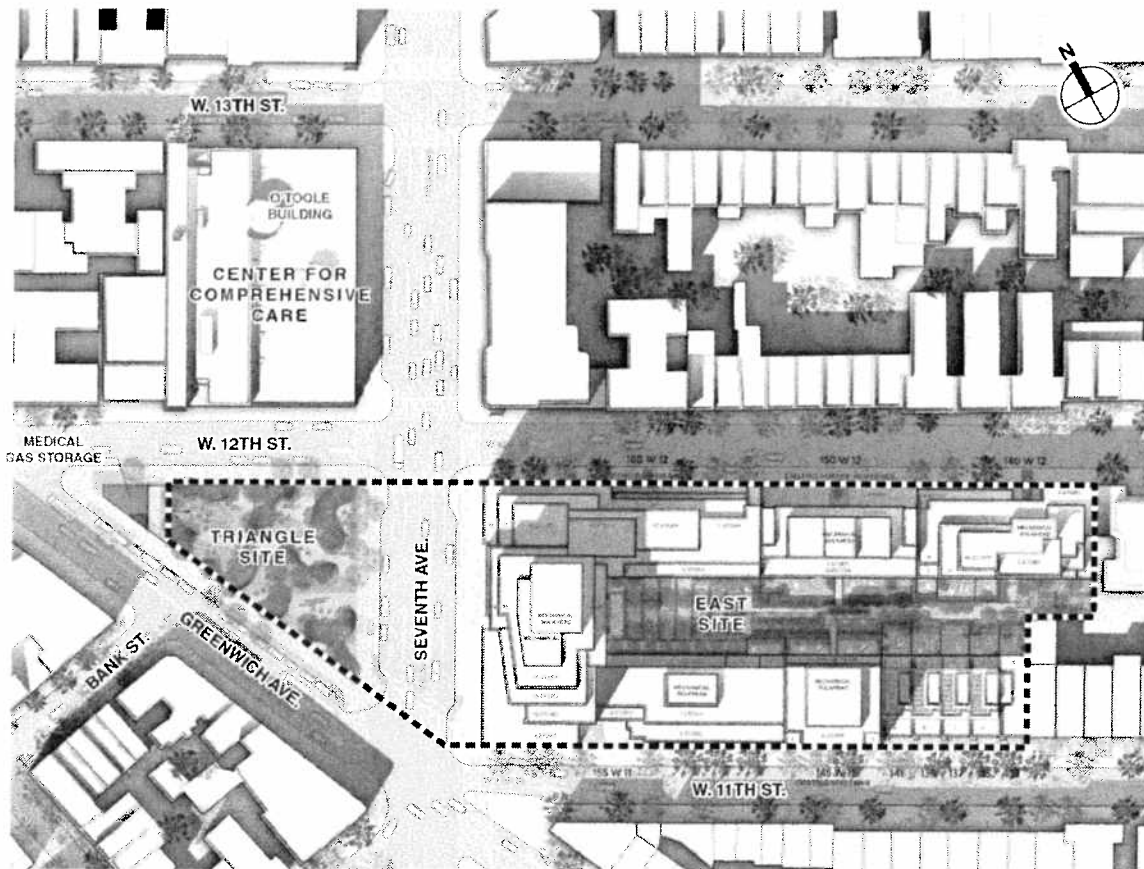
Source: Saint Vincent's Campus Redevelopment DEIS (CEQR No: 10DCP003M), Figure S-6

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 11th 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 12th 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 th St	88,170	33,166	54, 63 (4, 5)
Spellman	143 West 11 th St	63,582	50,162	--
Smith/Raskob	170 West 12 th St	114,326	134,771	--
Reiss	148 West 12 th St	67,120	79,043	112 (10)
Nurses	158 West 12 th St	73,903	77,851	--
Total		763,114	635,290	

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.⁷ 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 12th 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 R6⁸ 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.

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

⁸ 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.⁹

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.

⁹ 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 th Avenue (wide street)		On 11 th 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 th Street (Coleman and Link)	15	103.79	6.24	67.04
133, 135, 137, 139, and 141 W 11 th Street (Cronin)	--	--	--	--
145 W 11 th Street (Spellman)	--	--	--	--
160 W 12 th Street (Smith and Raskob)	4.42	10.92	12.92	46.33
140 W 12 th Street (Reiss)	--	--	20	19.04
150 W 12 th 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 12th Street (Smith and Raskob) will have 36.6 SF., 145; West 11th Street (Spellman) will have 122.7 SF; and 150 West 12th 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 12th 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.¹⁰ 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

¹⁰ 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 11th and 12th 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 12th 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.¹¹

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

¹¹ 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 12th 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.^[1]

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 12th Street where two other public parking garages exist.¹² 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 12th 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

¹² A third garage located at 100 West 12th 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 11th 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 11th and 12th streets as they believe it will alter the residential character of the blocks. This concern is particularly pronounced on West 12th 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 11th Street. Greenwich Avenue and Seventh Avenue are defined by a strong retail presence, while West 11th 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 11th Street retail will face the three-way intersection and not on any residential buildings located on West 11th Street. The retail on West 12th 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 12th 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 11th and 12th 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 14th 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 12th 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 12th 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.



Scott M. Stringer
Manhattan Borough President

WEST VILLAGE RESIDENCES LLC

c/o Rudin Management LLC
345 Park Avenue, 33rd Floor
New York, New York 10154

November 23, 2011

Honorable Scott M. Stringer
Borough President of the Borough of Manhattan
1 Center Street, 19th Floor
New York, New York 10007

Re: Rudin West Village Project
ULURP #s 120029ZSM, 120030ZSM, 120031ZSM, 120032ZRM, and
120033ZMM

Dear Borough President Stringer:

Thanks to you and your staff for all of your focus and consideration of our proposal to revitalize the campus of the former St. Vincent's Hospital. As you know, as a result of this project, thousands of jobs will be created; restoration of emergency health care and other important medical services lost as a result of the unfortunate closing of St. Vincent's will be returned to the neighborhood in a building and on land donated by us to North Shore Long Island Jewish Hospital; 564 new schools seats will be added at the new Foundling School; a new 16,000 square foot park will be created; small businesses will thrive from a new customer base; and a less bulky, historically appropriate and environmentally-friendly complex will be developed on the former St. Vincent's campus.

As part of our ongoing dialogue, I would like to reiterate our commitments with regard to certain aspects of the project, as follows:

A. Open Space

- We agree that we will expand the publicly accessible open space on the Triangle Parcel by removing the oxygen tank facility and incorporating the additional space into the overall park design. NSLIJ has agreed to pursue an alternate strategy that would relocate the oxygen tanks in the basement of the O'Toole Building, and we appreciate its efforts to make the expanded park possible. As you know, the park has been designed with significant input from the local community and was approved by Manhattan Community Board #2 last week.
- We agree that it is the applicant's responsibility to build the Triangle park. We also agree that the project will be responsible to either (i) maintain the open space, or (ii) pay the cost of maintaining the open space by a third party, in each case in accordance with Parks Department standards.

- We agree, as part of the special permit approvals, to provide an easement to the City over the Triangle Parcel allowing the property to be used as publicly accessible open space in perpetuity. As a technical matter, the City Law Department is the entity that will have the legal authority to enforce the easement, but we are comfortable with either or both of the Department of City Planning and the New York City Parks Department having the right to seek such enforcement.
- The design of the community park developed by MPFP llc landscape architects and members of Community Board #2 contains several opportunities for commemorative elements. We agree to continue to work with the community and elected officials on the further development of these features.

B. Zoning

- As you know, the proposed project does not seek to use any of the floor area generated by the Triangle Parcel. (We do need the Triangle park to count toward the proposed project's "open space" for zoning purposes.) We agree that the special permit will not allow for the floor area generated by the Triangle Site to be used on the project site, and agree that the Restrictive Declaration to be executed as part of the approvals will contain this restriction. We also agree to explore the possibility of including the Triangle Parcel air rights in the City easement, or creating another mechanism for ensuring that the Triangle Parcel air rights are not available for use on the project site.
- Additionally, if the Large Scale General Development special permits are not used for any reason, we agree that the Restrictive Declaration will provide that any development on the project site be limited to the uses and densities allowed by current zoning.

C. Parking Facility

- We agree that the accessory parking facility will include protections to prevent vehicle/pedestrian conflicts, including audio/visual warnings and mirrors/videos to inform the driver of street and sidewalk conditions.

D. Retail Windows

- In order to protect the residential character of the side streets we agree that any retail signage will conform to C1 signage controls.
- In addition, light levels within the retail space adjacent to West 12th Street will be controlled so that light levels within four feet of the retail windows along West 12th Street shall be no more than 50 foot-candles.
- In addition, no Use Group 12.C night clubs or bars will be allowed on the East Site.

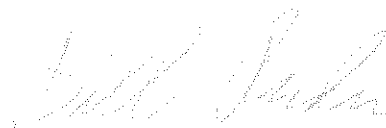
E. Construction

- We agree that the project will comply with a detailed set of environmental measures throughout construction, attached as Exhibit A. These obligations will be included in the Restrictive Declaration.
- We also agree to delay noisy construction activities and deliveries on side streets until 8:00 a.m. to minimize construction noise in the early morning hours.
- We will also maintain a web site providing regular construction updates and will have a single community liaison to address community questions and any complaints.

- In addition, we have developed a good working relationship with our neighbors through the conversion of 130 West 12th Street over the past year, which is based upon open communication and instant response to any concerns raised by our neighbors. We would propose to expand this model to the project site to assure community consultation during construction.

Please let me know if you have any questions regarding this information. We appreciate your attention to this important project and look forward to continuing to work with you as we move through the ULURP process and on to the development and operation of the project.

Sincerely,



William Rudin

Attachment

Cc: Eric Rudin, Rudin Management Company
John Gilbert, Rudin Management Company
Melanie Meyers, Fried Frank Harris Shriver and Jacobson LLP
Travis Terry, Capalino+Company

Exhibit
Construction Environmental Measures

ABATEMENT AND DEMOLITION

- 1) Asbestos. Prior to demolition, a New York City-certified asbestos investigator shall inspect all buildings on the East Site for asbestos-containing materials (ACMs). If ACMs are found, these materials shall be removed by a New York State Department of Labor (NYSDOL)-licensed asbestos abatement contractor prior to building demolition in accordance with all applicable NYCDEP, NYSDOL, USEPA, and U. S. Occupational Safety and Health Administration (OSHA) regulations.
- 2) Lead-Based Paint. Any project activities with the potential to disturb lead-based paint shall be performed in accordance with the applicable OSHA regulation (OSHA 29 CFR 1926.62—*Lead Exposure in Construction*).
- 3) PCBs. Suspected PCB-containing equipment (such as fluorescent light ballasts) that would be disturbed shall be evaluated prior to disturbance. Unless labeling or test data indicate that the suspected PCB-containing equipment does not contain PCBs, it shall be assumed to contain PCBs and removed and disposed of at properly licensed facilities in accordance with all applicable regulatory requirements.
- 4) Material Removal. The trucks utilized in removing building materials shall be located behind the construction fence or within the interior of the East Site to the extent feasible.

FOUNDATIONS, EXCAVATION, AND BELOW-GRADE CONSTRUCTION

- 1) All of the loading and unloading by dump trucks shall be done within the site perimeter.
- 2) The concrete trucks for the slab-on-grade, upper foundation wall, and podium shall use the ramps and all work shall be done within the site perimeter.
- 3) Hazardous Materials
 - a. For areas to be excavated, a Phase II Subsurface Investigation approved by NYCDEP (including the collection and laboratory analysis of soil and groundwater samples) shall be conducted prior to any soil disturbance to determine whether contamination is present.
 - b. All subsurface soil disturbance shall be performed in accordance with a NYCDEP-approved RAP and CHASP, the scope of which shall be based on the findings of the Phase II. At a minimum, the RAP shall provide for the appropriate handling, stockpiling, testing, transportation, and disposal of excavated materials, as well as any unexpectedly encountered tanks, in accordance with all applicable federal, state, and local regulatory requirements. If determined necessary by NYCDEP, the RAP shall also provide for vapor control measures such as vapor barriers or placing residential uses above separately ventilated parking areas. The CHASP shall ensure that all subsurface disturbances are done in a manner protective of workers, the community, and the environment.

- 4) Dewatering. An on-site pretreatment system shall be installed to remove any sediment from water prior to discharge into the New York City sewer system in compliance with NYCDEP regulations. Any settled sediments, spent filters, and removed materials shall be transported to a licensed disposal area.

ABOVE-GRADE BUILDING CONSTRUCTION AND RENOVATION

- 1) Staging/Equipment Location. Following completion of below grade work, the interior courtyard shall be used to store construction equipment and material staging for the East Site development to the extent practicable. Hoists and the main tower crane shall be located along Seventh Avenue or in the courtyard, provided that cherry pickers and mobile cranes may be located on West 11th and West 12th Streets as reasonably necessary to complete the construction in an efficient and expeditious manner.

GENERAL CONSTRUCTION PRACTICES

- 1) Construction Manager. Declarant shall cause the general contractor or construction manager, as the case may be, to maintain a field representative on-site throughout the entire construction period to serve as the contact point for the community and local leaders.

DELIVERIES AND ACCESS

- 1) Scheduling of Deliveries.
 - a. Material deliveries to the site shall be scheduled. If a truck is late for its turn, it may be accommodated if possible, but if not, the truck shall be assigned to a later time.
 - b. Concrete Deliveries shall also be scheduled. If a truck is late, it may be accommodated if possible, but if on-time concrete trucks are in line, the late truck shall not be allowed on-site.
 - c. Flaggers shall be employed at each gate into the construction site to enforce conformance with the delivery schedule.
- 2) Access. Work areas shall be fenced off, and limited access points for workers and trucks shall be provided.
- 3) Overtime Work. A noise mitigation plan pursuant to New York City Code shall be developed and implemented for any extended hour or weekend work. A copy of the noise mitigation plan shall be kept on-site for compliance review by NYCDEP and NYCDOB.

SIDEWALK AND LANE CLOSURES

- 1) Pedestrian Access. Pedestrian access around the East Site shall be maintained throughout the construction period through the use of temporary sidewalks or sidewalk bridges, except for the periods required to install sidewalk sheds and as may be directed by DOB or DOT for specific construction tasks. The West 12th Street adjacent to the Triangle Site may be closed and an alternative pedestrian walkway provided.
- 2) Lane Closures. Lane closures shall be coordinated and approved by NYCDOT.

ARCHITECTURAL RESOURCES

- 1) To avoid any construction-related impacts on the on-site and near-by architectural resources, including ground-borne vibration, falling debris, and accidental damage from heavy machinery, a Construction Protection Plan (CPP) conforming to *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings* and NYCDOB's *Technical Policy and Procedure Notice (TPPN) #10/88* shall be developed in consultation with LPC. The CPP shall be in place prior to any demolition, excavation, or construction.

HAZARDOUS MATERIALS

- 1) All construction activities shall be performed in accordance with the following:
 - a. Prior to demolition activities, surveys shall be conducted for ACM. Confirmed ACM shall be removed and disposed of prior to demolition in accordance with all applicable regulations including the February 2, 2011 NYCDEP regulations.
 - b. Demolition activities shall be conducted in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—*Lead Exposure in Construction*).
 - c. Unless labeling or test data indicates that any hydraulic lifts or fluorescent lighting fixtures installed prior to 1979 do not contain PCBs, and that fluorescent lights do not contain mercury, such materials shall be handled and disposed of in accordance with all applicable regulatory requirements for products containing PCBs. Non-PCB containing hydraulic lifts installed after 1979 shall be disposed of in accordance with the applicable regulatory requirements.
 - d. New foundations shall include waterproofing, which shall also act as a vapor barrier.
 - e. Excavated soil shall be screened for signs of contamination (such as odors, staining, or elevated photoionization detector readings). Any soil exhibiting signs of contamination shall be removed from the site as promptly as feasible. All material requiring disposal shall be properly handled and disposed of off-site in accordance with all applicable requirements.
 - f. The construction site shall be monitored for Volatile Organic Compounds (VOCs), methane, and dust during any soil moving activity.
 - g. Prior to dewatering, testing shall be performed to ensure that the groundwater shall meet all applicable requirements. If necessary, pretreatment would be conducted prior to discharge as required by NYCDEP Sewer Discharge permits.
 - h. A Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented to prevent contaminated sediment runoff including procedures for soil stockpiling and runoff control. Stormwater management measures, such as hay bales or silt fencing, shall be placed around stockpiles and properly maintained to ensure that stormwater runoff complies with the applicable requirements.

AIR QUALITY

1. Diesel Particulate Matter. To ensure that construction of the East Site development results in the lowest feasible diesel particulate matter (DPM) emissions, an emissions reduction program for all construction activities at the project site shall be implemented consisting of the following components:
 - a. *Diesel Equipment Reduction*. Declarant shall contact Con Edison to seek the early connection of grid power to the sites by the start of construction. Construction contracts shall specify the use of electric engines to the extent feasible and ensure the distribution of power connections as needed. Subject to adequate grid connection, equipment that shall use electric power instead of diesel engines shall include, but not be limited to, concrete vibrators, and material/personnel hoists.
 - b. *Clean Fuel*. Ultra-low sulfur diesel fuel (ULSD) shall be used for all diesel engines throughout the construction sites.
 - c. *Best Available Tailpipe Reduction Technologies*. Non-road diesel engines with a power rating of 50 horsepower (hp) or greater and controlled truck fleets (i.e., truck fleets under long-term contract shall utilize the best available tailpipe technology for reducing DPM emissions, including diesel particle filters (DPFs) where feasible and available or other technology, by at least 90 percent (when compared with normal private construction practices).
 - d. *Utilization of Tier 2 or Newer Equipment*. Use of Tier 2 or later construction equipment for non-road diesel engines greater than 50 hp shall be required where practicable and available.
2. Location of Equipment. Emissions sources such as concrete trucks and pumps shall be located away from sensitive land uses, to the extent practicable.
3. Dust Control. A fugitive dust control plan incorporating the following elements shall be required as part of contract specifications:
 - a. Stabilized truck exit areas shall be established for washing off the wheels of all trucks.
 - b. Trucks entering and leaving the site with excavated or other materials shall have their loads covered.
 - c. Truck routes within the sites shall either be watered as needed or, in cases where such routes would remain in the same place for an extended period, stabilized, covered with gravel, or temporarily paved to avoid the resuspension of dust.
 - d. In addition to regular cleaning by the City, affected streets shall be cleaned as needed.
4. Idling Times. All on-site vehicles limit idling time to three minutes unless using the engine to operate a loading, unloading, or processing device (e.g., concrete mixing trucks).

NOISE AND VIBRATION

- 1) Noise Reduction Measures. The following measures for construction shall be implemented as noise reduction measures:
 - a. Construction equipment shall meet the lower noise levels set forth in the Table annexed hereto as Schedule A.
 - b. As early in the construction period as practicable, electrical-powered equipment shall be selected for certain noisy equipment, such as concrete vibrator, hand tools, hoist, masonry mixer, and welder.
 - c. Use of impact devices, such as jackhammers, pavement breakers, impact wrenches, pneumatic tools, and hoe rams shall be minimized.
 - d. Where practicable and feasible, construction sites shall be configured to minimize back-up alarm noise.
 - e. Contractors and subcontractors shall be required to properly maintain their equipment and have quality mufflers installed.
- 2) Path Control Measures. The following measures for construction shall be implemented as path control measures:
 - a. Noisier equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, shall be located away from and shielded from sensitive receptor locations to the extent feasible.
 - b. Noise barriers shall be utilized to provide shielding. The construction sites shall have a minimum 8-foot-high barrier, with a 15-foot-high barrier adjacent to residential and other sensitive locations. Where possible, concrete trucks and delivery trucks shall operate behind these barriers.
 - c. Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents, where feasible) shall be used in connection with concrete trowel, crane, hydraulic break ram, impact wrench, line drill, pile driver, pneumatic tool, rock driller, and electrical plant.
- 3) Vibration Control Measures.
 - a. To minimize the potential for high vibration levels, sonic (rather than impact) pile driving rigs shall be used for the foundation of the tower building on Seventh Avenue in the East Site.
 - b. To avoid any significant adverse impacts, the CPP will be developed to protect known architectural resources with a lateral distance of 90 feet from the proposed construction activities. The CPP shall include a monitoring component to ensure that in the event the 0.5 inches per second PPV limit is exceeded during construction, corrective action would be taken.

RODENT CONTROL

Construction contracts shall include provisions for a rodent (mouse and rat) control program. Signage shall be posted, and coordination shall be maintained with appropriate public agencies. Only USEPA- and NYSDEC-registered rodenticides shall be permitted, and the rodent control program shall be performed in a manner that avoids hazards to persons and domestic animals.

Brad Hoylman, *Chair*
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COMMUNITY BOARD No. 2, MANHATTAN

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October 26, 2011

Amanda M. Burden, FAICP
Chair
NYC Department of City Planning
22 Reade Street
New York, New York 10007

**Re: St. Vincent's Campus Redevelopment Project; ULURP Applications No. #C120029ZSM,
#C120030ZSM, #1C20031ZSM, #N120032ZSM, and #C120033ZSM**

Dear Chair Burden:

At the recommendation of its St. Vincent's Omnibus Committee, Manhattan Community Board No. 2 (CB 2), having held a duly noticed public hearing on ULURP application numbers #120029ZSM, #120030ZSM, #120031ZSM, #120033ZSM, adopted the following resolution at its meeting on October 20, 2011 with 40 in favor, 1 opposed, no abstentions and no recusals.

The resolution recommends **denial** of each application unless the Community's Concerns detailed below are addressed.

BACKGROUND

The Applications, submitted by RSV, LLC ("Applicant"), proposes the creation of a primarily residential development and new publicly accessible open space to be located on two of the three blocks of the former campus of Saint Vincent's Hospital Manhattan (the East Site and the Triangle Site) fronting on Seventh Avenue between West 12th Street and West 11th Street/Greenwich Avenue.

Contemporaneously, although not part of this application, North Shore-Long Island Jewish Health System (NSLIJ) would develop a health care facility—referred to as the Center for Comprehensive Care—on the third block of the former campus of Saint Vincent's Hospital Manhattan in the O'Toole Building. The O'Toole Building would be renovated for this purpose.

CB 2 has been reviewing this proposed redevelopment for five years. Representatives from St. Vincent's Hospital came to CB 2 in December 2006 to announce their intention to build a new "state of the art" acute care replacement hospital and Level 1 trauma center. They created a Community Working Group, in which CB 2 participated. In May 2007, St. Vincent's announced that they had chosen the Applicant as their development partners in the project. CB 2 formed a special oversight committee, the St. Vincent's Omnibus Committee, comprised of chairs of committees relevant to the application and local residents who would be most directly affected by the development. Over the proceeding several months, CB 2 held a series of public information meetings, so that the community would be fully aware of the proposal. The board also met numerous times with

stakeholders, including the local block associations and community groups, elected officials, organized labor, and representatives of St. Vincent's and the Applicant, in order to better understand the project and community concerns. The following issue areas were identified:

- Height and bulk
- Zoning
- Historic buildings/historic artifacts
- Community amenities
- Health care delivery
- Public school space
- Affordable housing
- Streetscape
- Open space in the adjacent triangle park
- Impact of ambulance and parking access on side streets
- Effect of project on current infrastructure
- Construction and demolition protocols
- Financial solvency of project

In December 2007, the Applicant and St. Vincent's Hospital filed with the New York City Landmarks Commission (LPC) with a request for five Certificates of Appropriateness to demolish buildings in the Greenwich Village Historic District, build a replacement hospital on the O'Toole Building site, redesign the open space on the Triangle site, and to build a complex of luxury apartments and townhouses on the East Campus, in preparation for the ULURP process.

CB 2 held a series of public hearings where testimony was taken from hundreds of stakeholders in order to formulate the board's response to LPC application. Two separate resolutions were passed and presented to the LPC. In December 2009, CB 2 held a public hearing in order to respond to an Environmental Assessment Statement and Draft Scope of Work, as a prelude to ULURP. In both resolutions and in our response to the Draft Scope of Work, CB 2 strongly supported the proposed replacement hospital as vital to meet the health care needs of the residents in our district and surrounding communities.

In January 2010, St. Vincent's announced that it faced possible closure. For four months, CB 2 worked closely with our elected officials, St. Vincent's and the Applicant to strategize on ways to save the hospital. Unfortunately, no viable plan was identified and on April 7, 2010, St. Vincent's announced it would close. It ceased all operations on April 30, 2010.

The closure of St. Vincent's Hospital resulted in the community's loss of an emergency room, in-patient hospital, Level 1 trauma center and the capacity to address a widespread public health emergency (such as a natural disaster or act of terrorism), and created a significant gap in the health care services available to the residents of this community board area and the entire Lower West Side of Manhattan.

In response, in June 2010, CB 2 advocated for the creation of a community health care assessment to systematically identify the health needs of the residents of the West Side of Manhattan. CB 2 chaired the Community Health Assessment Steering Committee along with Community Board No. 4 and worked with our elected officials, the CUNY School of Public Health at Hunter College, the nonprofit Commission on the Public's Health System and NSLIJ to develop quantitative and qualitative data for a report that was issued by the Steering Committee in September 2011.

In the absence of a sponsor for a full service hospital, the Applicant partnered with NSLIJ to propose a free standing emergency department in a renovated O'Toole building, which required approvals from both LPC and the New York State Department of Health (NYSDOH), and additional hearings to prepare a response. The reports from the Community Health Assessment served as the basis for CB 2's testimony on September 22, 2011 to the NYSDOH on the Certificate of Need application. The CB 2 response stated: "As CB 2 has learned throughout many hours of public testimony on this important issue, nothing less than another full service, acute care hospital providing high quality care to all patients who come to its doors would be sufficient to replace St.

Vincent's. We will continue to work with our local elected officials and community members to advocate for such a facility.”

For the current proposal, the Applicant filed its Environmental Assessment Statement and Draft Scope of Work in May 2011. CB 2 held public hearings in order to formulate the community response (for a second time, since another EAS and Draft Scope was filed for the original project), which was presented to New York City Department of City Planning on June 24, 2011

CB 2's resolution below is based on twelve public hearings over the last two months. The community board has worked very hard to fully understand all aspects of this proposal and to consider the potential impacts, both positive and negative, of the Applicant's proposal on our community. CB 2 wishes to thank the Department of City Planning, our elected officials, the Applicant, NSLIJ, and most of all, our fellow community members, for their assistance in this effort.

THE PROPOSED ACTIONS

The actions necessary for the proposed projects include zoning map amendments, zoning text amendments, and special permits for the East Site and Triangle Site. The Center for Comprehensive Care would be as-of-right under the New York City Zoning Resolution and would not require any approvals pursuant to ULURP; however, a Certificate of Need approval from the New York State Department of Health (NYSDOH) is still pending. In addition, the New York City Landmarks Preservation Commission (LPC) will also review certain aspects of the proposed projects.

ZONING MAP AMENDMENTS

1. Rezoning of the East Site within 100 feet of Seventh Avenue from C2-6 to C6-2. This map amendment would increase the allowable Floor Area Ratio (FAR) for residential use from up to 3.44 to up to 6.02 and would maintain the current FAR of 6.5 for community facility. It would also increase the allowable FAR for commercial use from 2.0 to 6.0. The rezoning would also allow the East Site and a portion of the Triangle Site to be treated as an LSGD and allow for the grant of the LSGD special permits.

2. Rezoning of the midblock portion of the East Site from R6 and C1-6 to R8. This rezoning would increase the allowable FAR for residential use from up to 2.43 to 6.02 (3.44 to 6.02 for the small C1-6 district) and the allowable FAR for community facility or mixed use residential/community facility from 4.8 to 6.5. The two zoning map amendments would allow for a combined maximum floor area of 604,013 zoning square feet (zsf), at least 73,400 zsf less than exists on the East Site today.

ZONING RESOLUTION TEXT AMENDMENTS

A zoning text amendment pursuant to ZR 74-743(a)(4) is proposed to make a special permit currently available only for LSGDs in Manhattan Community District 7 also available for LSGDs in Manhattan Community District 2. The special permit allows the floor area ratio available for new development to be used without regard to height factor or open space ratio requirements and allows for a reduction in open space requirements for appropriate open space with superior landscaping. This would permit a reduction in the required open space obligation for the residential portion of the project by up to 50 percent for appropriate open space with superior landscaping.

LARGE-SCALE GENERAL DEVELOPMENT SPECIAL PERMITS

The East Site and a 15,102-square-foot portion of the Triangle Site would be developed as a LSGD, and several special permits available to LSGDs would be requested, as follows:

- LSGD special permits pursuant to ZR 74-743 as follows:
 - ZR 74-743(a)(1) to allow for distribution of total open space required by ZR 35-33 and 23-142 without regard for zoning lot lines or district boundaries. This would allow for approximately 15,102 square feet of the open space required as part of the East Site development to be located on the Triangle Site rather than on the East Site. No floor area or lot coverage distribution is being requested as part of the proposed East Site project.

- ZR 74-743(a)(2) to allow the location of buildings without regard for the applicable court and height and setback (including rear yard setback) regulations set forth in ZR 23- 632, 23-663, 23-84, and 33-432. This special permit would allow for modification of height and setback regulations, including rear setback controls, and outer court recess regulations for additions to the existing buildings and for certain of the proposed buildings.

- ZR 74-743(a)(4) (as amended) to modify the open space regulations by reducing the open space requirement to 50 percent and permit the maximum residential FAR to be applied to development. This special permit would allow for the maximum residential FAR of 6.02 to be applied to development on the East Site and reduce the amount of required open space from 59,857 square feet to 29,928 square feet for appropriate open space with superior landscaping.

- LSGD special permit pursuant ZR 74-744(b) to allow commercial uses on the third floor of a building in the C6-2 district portion of the LSGD without regard for the location restrictions set forth in ZR 32-42. This would allow doctors' offices proposed for the East Site within the C6-2 district to occupy a portion of the third floor of the development, with residential uses located on the second story and the remainder of the third floor.

As part of the LSGD special permits, the maximum amount of zoning floor area that would be allowed on the East Site would be limited to 590,660 square feet. Of this amount, no more than 31,251 square feet of zoning floor area would be available for community facility and commercial development, limited to the first three floors of the Seventh Avenue buildings on the East Site. Of this amount, commercial use would be limited to no more than 20,390 square feet of zoning floor area. The LSGD special permit would also limit the number of dwelling units to a maximum of 450. In addition, the zoning floor area that would be allowed on the Triangle Site would be limited to the existing gas storage area.

On the East Site, the LSGD special permits would establish a development envelope for the existing buildings and new development, and would also introduce a central courtyard running the length of the East Site.

THE COMMUNITY'S CONCERNS

I. No Increase of the Allowed Development Rights

CB 2 notes that this application is a proposal by a private developer wishing to build in a landmark district and requesting a significant upzoning. The applicant requests a rezoning for their LGSD, from R-6, bypassing the R-7 district limitations, to an R-8 in the midblock and from C2-6 to C6-2 on the avenue. The requested zoning would allow a residential FAR of 6.02, which is 175 percent higher than the existing Seventh Avenue frontage and over 200 percent higher than the allowable FAR on the mid-block. Further, a C6-2 designation is an egregious stand-alone commercial zone to be permitted immediately adjacent to a residential area, because it allows for a wide range of commercial use groups that include big box stores, clubs and discos, and automotives repairs shops, among others. CB 2 suggests that a commercial overlay zone would be more appropriate.

The applicant puts forth the case that five properties (Cronin, Spellman, Reiss, Nurses, and Smith/Raskob) were built prior to the 1961 Zoning Resolution ("ZR"), and therefore their entire bulk is permitted "as of right" to be converted to residential use. CB 2 asserts that this was not the intent of the ZR, because it specifically defined the East Site as R6 and C2-6, even though the existing buildings would be out of compliance if ever there were a change to residential. Further, in 1979, CB 2 contends that the City reaffirmed this intent, with the approval of the Large Scale Community Facility Development ("LSCFD") that permitted the Coleman and Link buildings as part of an upgrading of a medical complex. The excessive height and bulk of these buildings was allowed only because they were deemed necessary to create a then 'state of the art' acute care hospital and Level 1 trauma center, and was clearly a community benefit.

Residential Greenwich Village is built to a lesser bulk and density than other neighborhoods in New York City, and that is part of its unique charm, making it a special and desirable area with high per square foot real estate values. CB 2 believes the decisions by previous Department of City Planning actions reaffirm the intention that Greenwich Village should remain low-scale.

Further, the Proposed Zoning Text Amendments would allow development “without regard to height factor or open space ratio requirements.” The applicant has stated that the height factor rules, which are part of the proposed zoning districts, are not appropriate for the buildings they intend to build. CB 2 would like to note that the context is very low density historic townhouses and low-density apartment buildings on 12th Street to the north and 11th Street to the south, and that they do not exceed the current zoning FAR levels. The existing density is very appropriate for a historic district and, CB 2 contends, was zoned such well after the larger East Site buildings existed. The aggregate contextual density of the surrounding area is significantly less than the zoning districts that are proposed. The existing zoning designations in the requested proposal, R6 and C2-6, would be more compatible with the historic district and would have bulk rules that are more consistent with the surrounding zoning districts of Greenwich Village.

This application asks to cede square footage (in buildings that CB 2 values) that was deemed allowable only because they were for the “public good” (i.e., a hospital), to a private developer for monetary gain. CB 2 has determined that this is not acceptable. While, absent a viable plan for a hospital on the East Site, CB 2 supports residential development on the site, the requested Zoning Map Amendments should not be approved as proposed.

It must be noted that the Federal Bankruptcy Court valued the properties on the East Site “as is” under the current zoning without regards or contingency of any zoning changes. The applicant is not arguing a hardship of any kind. Indeed, a more limited zoning change would largely have the effect of the Reiss building being re-used or made smaller rather than being demolished, and a smaller 7th Avenue/11th Street building than is being proposed.

II. Creation of Affordable Housing

This application will substantially increase the residential population of this area. In the recent past, the CB 2 district has seen many rezonings and special permits, and the result has been an erosion of the economic and social diversity that has historically defined Greenwich Village. CB 2 is committed to making every effort to ensure that our district retains the essential character of the Village. Statements by the applicant note that the apartment sale prices will be start at \$1.2 million rise significantly higher thereafter. Higher income residents will occupy all of the new apartments. Without provision for middle and low-income residents, this will be a major demographic shift for the neighborhood.

This applicant has a unique opportunity to create permanent affordable housing in our district, in order to help retain social and economic diversity. We ask that they research any mechanism that could provide affordable units, either on-site or off-site, including consideration of housing for seniors and individuals with special needs.

If there is a proposal for affordable units on-site, CB 2 requests that they be included only at a maximum density which is consistent with the currently allowable residential FAR for the sites. CB 2 finds any upzoning of the residential density of this site completely unacceptable and contrary to the wishes of the community. Even remaining within the current allowable bulk for residential development, the applicant will be allowed to add a significant number of market rate housing units where they did not exist before. This comes on top of the unfortunate elimination of affordable housing that existed for nurses before the purchase and conversion of the Martin Payne building.

III. Financial Support for New Public School Seats

CB 2 finds that the Applicant has failed to include significant community benefits in their proposal, such as providing affordable housing or public school seats. Offices to be rented by physicians may technically be considered a health benefit and a community facility, but that does not begin to compensate for losing a Level 1 trauma center, and a full service hospital with an emergency department. Further, despite repeated requests, the Applicant has not provided CB 2 with information about apartment size, which would indicate how many additional children the 450 units of housing will bring. Such children would add to current overcrowding in schools and parks, a problem made even greater since CB 2 recently lost its only middle school and its largest early childhood center.

CB 2 is grateful for the Applicant's assistance in securing space for a school in the Foundling Hospital building in Community Board No. 5. However, that school site was secured in 2008, before this current project was conceived. At that time, the Applicant agreed that the Foundling school was not contingent on any application. Further, no funds from the Applicant were used to buy, lease, or refurbish Foundling. Instead, the Applicant provided a financial guarantee during the closing of the property, which was ultimately paid for by the City of New York. At this time, CB 2 strongly urges that the Applicant make a substantial capital contribution to the establishment of a new public school in the CB 2 area, such as at 75 Morton Street.

CB 2's desire to have Applicant redress the shortfall in school seats caused by the proposed development does not in any way indicate that CB 2 would support an upzoning in exchange for this support, but thinks it is the Applicant's responsibility, even if the project is built at the existing zoning.

IV. Triangle Site Park

CB 2 requests the following in connection with the proposed new open space at the Triangle Site.

- 1) Community Park - The Triangle Site park should function as part of the successful and beloved network of small parks in the area and the design and use of this new park should relate to and enhance this network. The park is a triangle where the old village street pattern meets the rectangular city grid. The look and feel should be 100 percent "community park." It should feel like it is part of the more intimate character of the Greenwich Village streets to the southwest and should not reflect the more commercial feel of 7th Avenue. Stepping into the park should transport one away from urban intensity. While the park should welcome lunchtime use by workers in the surrounding area, it should represent the special character of the Village and it should not expose the residential areas to traffic and undesired activity. The current uses of the space provide no park use, but do provide a buffer that should be retained.
- 2) Should Accommodate Families - With only 0.4 acres of parks and playgrounds per 1000 residents compared to a standard of 2.5 acres, CB 2 ranks 48th out of 51 citywide. The first service of the park should be to the adjacent park-starved residential communities where the population of families with children is growing steadily, as evidenced by overflowing nearby playgrounds, and the new development to the east will increase this trend. While the park may be too small to provide a full playground and also other uses, it may be too big to function well simply as a sitting area with planting beds. Bringing children to the park also provides a lively and attractive aspect for a nearby sitting area. This idea, if affirmed, would mean the design should create an attraction for children and provide opportunities for active play. One suggestion was for a sand play area. Another was for sculptures that children can play on. A water play element can work for children and also be visually attractive and provide white noise to counter the cacophony on the avenue.
- 3) Design Elements - Design elements of the park should be standardized and easily maintained. Paving materials should be easily maintained, and not subject to staining and cracking. There should be sunny areas as well as areas shaded by trees. The park perimeter should include large tree species spaced as evenly as possible. A feature to give the park identity is desirable. A water feature to provide white noise may help create a peaceful area within the park. Facility to provide irrigation as needed should be provided and the park is large enough that it is desirable to have a place to store maintenance materials, possibly utilizing a small part of existing structures.
- 4) Commemoration - A very strong case has been made for the idea of an AIDS memorial to provide an important resource for remembering those who were lost and celebrating the response of our community. This idea is welcomed. The park could have a strong theme or identity related to the continuing story of AIDS. Other ideas for commemoration in the park have been mentioned. However, any of these potential uses need to be carefully developed so that it does not conflict with active and passive community uses, and the park should not become a regional destination. The design process could engage and seek to incorporate this idea, but should not be led by it. While memorials are usually monumental and less cheerful and intimate than the features of community parks, there is no reason why successful commemoration cannot be designed and placed in a way to coexist with and enhance a community park, especially where the history is so deeply connected to the community and the site.

(Using the 7th Avenue park perimeter directly opposite the hospital site could provide a powerful memorial presence while retaining more typical park use and feel inside the park.)

- 5) Oxygen Tanks - The availability of the Triangle Site for a public park is a huge opportunity for the neighborhood. Retention of the oxygen tank structure at the western tip will significantly diminish the value of the space as a public square and will be harmful to the park as experienced from the outside as well as the inside. If the tanks cannot be removed from the site, they should be reduced in size and moved to a location less important to the park than the western tip.
- 6) Fence - The debate about perimeter fences always brings a passionate response from both sides. There is a strong feeling among many that parks should be open and that fences compromise public access. There are concerns, sometimes overstated, but still credible, that the lack of a fence invites inappropriate and problematic use. While inappropriate use of public areas is lower now than at times in the past, times change, and the concerns are not unwarranted. There are many parks, including some in our neighborhood, where fences do not appear harmful to openness, and there are many public plazas throughout the city that are fenceless but forbidding. The lack of separation between park and street can lead to a plaza-like character. CB 2 favors a very low fence with gates that are locked at night to allow for effective closing without harming the public use and feel of the park.
- 7) Entrances - Placement of entrances has a major impact on the use and feel of a small park. Entrances should be placed at corners, such as at Abington Square, as compared to Jackson Square, which retains an older design with mid-block gates discouraging walk-through use and creating a sense of isolation inside the park. In this case, there are obvious locations at the two 7th Avenue corners, but other locations need to be more carefully considered. If the gas tank structure at the northwest tip can be removed or moved, this is another obvious location. The perimeters along West 12th and Greenwich are long, and people walking on those sidewalks are likely to want to cross through the park. Bank Street may seem like a natural place for a Greenwich Avenue entrance, but this would expose a very quiet street to unwanted activity so a Greenwich Avenue entrance should be placed farther east or west even if this disrupts a natural “desire line”. Entrances should be relatively narrow and unadorned to reflect the interior character of the park.
- 8) Different Grades - Without considering a separate question of whether existing underground space should be retained, the raised area above this space provides interesting opportunities. While the existing view of the garden above the space from the street is unattractive, there is a pleasant feel inside the garden and an interesting perspective and surprising sense of separation is provided by the small elevation. This separation is very different from what would be experienced from the top of a mounded lawn in the middle of a sitting area at street grade. Keeping the higher grade could also help to retain the beneficial visual buffer between Greenwich Avenue and Seventh Avenue. The existing site plan is also interesting because, with the removal of the building and the tanks, it would create an opportunity for two distinct areas, with a more natural raised area near Seventh Avenue, possibly a tree grove or an intensely planted garden, providing a buffer for a more active use area to the west. A design using the concept of a park with two distinct areas on different grades could be explored as a way of emphasizing the transitional character of the site, but only if there is adequate accommodation for disabled access, and sufficient visibility around the perimeter to avoid hidden activities.
- 9) Existing Underground Space - Retaining the underground space for future use is not accepted or rejected at this time, but its retention cannot be a consideration in developing or approving a design for the park and cannot delay or interfere in any way with the opening of the park. For example, if the roof of the underground structure cannot support large trees that are important to the desired design of the park, then the underground space cannot be retained. There are also potentially difficult design problems related to the impact on the park of access/egress requirements, mechanical systems, and ventilation that may constrain the use of the underground area. The reuse of the underground space also raises administrative and funding issues and potential environmental impacts were not studied as part of the scope of the EIS. The occupancy of the associated residential development must remain firmly coupled to the opening of the park.

Finally, an open process beginning with a Request for Proposals and ending with an agreement between parties will be required for commitment to particular uses and tenants so uses and tenants cannot be determined in ULURP or included in any restrictive declaration that would constrain the process.

- 10) Seating - Seating - While often appreciated, movable furniture is not typical of a community park. It can create more of a lunchtime sitting area feel. There is no objection to including some, but it is not an acceptable substitute for well-placed permanent benches and tables. The design of the park should be such that it would be just as accommodating and comfortable if the movable furniture were removed.
- 11) Publicly Controlled Space - This park should not be a privately controlled space with a right of public access. Upon completion of construction, control of the space should be transferred to the Parks Department through an appropriate easement. (CB 2 is grateful to the Applicant for its preliminary approval of this request in advance of the ULURP process.) The easement should include rules and regulations that set standards for repair and maintenance in perpetuity.

V. Eliminate Parking Garage

CB 2 opposes the accessory parking garage proposed for W. 12th St. between 6th & 7th Avenues. The opposition is not only to a special permit for additional parking – CB 2 urges that there should be no garage at all. CB 2 opposes the garage for the following reasons:

- There are already 3 garage entrances on the block, more than any other block in Greenwich Village – a fourth one is unprecedented.
- This would add additional traffic, congestion, noise and air pollution to a quiet residential street that already is now slated to be an eastbound ambulance route.
- It would interfere with sidewalk access by adding a curb cut that breaks up smooth sidewalk passage and by introducing vehicular traffic in the path of pedestrians.
- It would compromise pedestrian safety by introducing frequent vehicular movement and blockage of visibility on the sidewalk as well as cars appearing suddenly, in this case, in a vulnerable midblock location.
- There are more than enough available parking spots in the study area at all times, even factoring in this development, and according to Table 14-19 of the DEIS, there are 821 available overnight spots and 263 available peak usage mid-day spots in the study area.
- Despite the Applicants' contention that an approximately 35% of dwelling units formula is used to determine the number of required parking spaces, the number of residential units is still not fixed and could well be less than the 450 currently espoused, which would reduce parking needs.
- Fewer people are driving in NYC; there's an increase in use of alternative transportation modes and the encouragement of this approach (e.g. through bike share), which CB 2 supports.

VI. Eliminate Proposal to Relocate Bus Stop

NSLIJ has agreed to withdraw its request to relocate the current bus stop on the northwest corner of W. 12th St. & 7th Ave. S. (which, being at the corner, does not interfere with pick up/drop offs at the main entrance of the O'Toole Building which is midblock, the original reason for the proposed relocation) one block south to Mulry Sq. (at the intersection of Greenwich Ave./W. 11th St. & 7th Ave. S., identified in the DEIS as one of 5 high accident locations). CB 2 welcomes this agreement to withdraw the bus stop relocation request and thanks NSLIJ for their consideration in this matter.

VII. Elevator/Escalator Subway Access

Applicant and NSLIJ have declined considering the installation of elevator/escalator subway access for seniors, the disabled and other physically challenged people (many of who will be clients at the new health facility – the DEIS indicates that many of the facility's clients will arrive by subway) at the W. 12th St. entrance/exit of the 14th St. west side IRT station, citing physical and cost constraints and claiming that the project does not generate that many trips, although there was consideration relocating the subway entrance within property lines, but

decided against it. CB 2 is disappointed that neither NSLIJ, nor the Applicant, have pursued disabled access at the W. 12th St. subway entrance.

VIII. Environmental Issues

- 1) **Hazardous Materials** - The amount of self-monitoring, logging, and certification involved is of concern, as is the fact that the amount of government oversight has not been clarified. Daily logs will be maintained by the Applicant itself. Considering the current budget crisis, it can only be assumed that assertions by the Applicant will be accepted. This form of self-certification is suspect when there is inadequate oversight by respective government agencies. There need to be assurances that DEP, DEC, EPA, OASHA, DOT, and the DOH monitor closely during the construction phase.
- 2) **Water and Sewer Infrastructure** - The DEIS (Ch. 11- A. Introduction/Principal Conclusions) asserts that, “The proposed projects would not result in wastewater discharges requiring industrial pretreatment or participation in the IPP” [the City’s Industrial Pretreatment Program]. Given that the plan for the NSLIJ facility includes an advanced imaging center and a radiological treatment facility, it is neither realistic nor responsible to plan to avoid pretreatment of the resulting wastes. Columbia Presbyterian Medical Center’s Radiation Safety Office affords a comparison example of responsible radiological waste pretreatment. In their system, wastes from patients receiving treatment from the New York Presbyterian Hospital Departments of Nuclear Medicine and Radiation Oncology, are removed for a period of decay-in-storage before disposal. Our local West Village sewage system makes pretreatment of medical facility wastes unavoidable. A moderate rain now causes the local at-capacity sewage system to discharge directly into the Hudson River, and—as we all know—there have been a growing frequency and intensity of flood-level rains. Sewage is sent to the North River Sewage Treatment Plant on the Hudson River for treatment. Two highly relevant facts are: 1) studies show that sewage treatment plants are not able to treat radioactive wastes; and 2) down river from the North River plant, at Gansevoort Peninsula in Hudson River Park, there is to be a brand-new beach where children will play. For these very good reasons, pretreatment of hospital sewage to eliminate pathogens, medications, radioactive waste, mercury, etc., is a public health imperative. Moreover, the raw sewage that is discharged into the river 100 feet from the bulkhead is in a protected natural habitat for marine life along the Hudson River Park.
- 3) **Solid Waste and Sanitation Services** - According to projections, the proposal would involve one truckload per week for DSNY pick-up and one truckload for private carters. Not mentioned was the number of truck trips involved. This is three times a week and two for recycling for DSNY and five times for private carters. That computes to ten truck trips a week. In other words, the plan concerns itself with weight, not with trip numbers. The FEIS must indicate this and include it in the applicable figures/calculations for air quality, noise, etc. This brings up the matter of safety at the intersection at Seventh Avenue, known to PS 41 families as “Five Corners” (Mulry Square). It could be difficult for a driver of a sanitation truck to see a child crossing that convergence to get to school. Care must be given to plan scheduled trips nowhere near school hours.
- 4) **Air Quality & Public Health Impacts** - Fugitive dust particles from demolition and construction will exacerbate any existing problems experienced by anyone (residents and/or schoolchildren) with respiratory issues. Given the duration of this project, it is imperative that the sponsor takes every precaution to minimize these effects. The DEIS states there will be some protections regarding trucks that enter construction site, but what these protections will be has not been published, nor have they been disclosed in public hearings. The Applicant indicated they would be willing to publish air quality reports on their website on a weekly basis.
- 5) **Construction Impacts** - The DEIS makes the assertion that while periods of intense noise are inevitable, the quietest equipment available and the least polluting (electrical or low sulfur fuel) vehicles will be used. Areas being excavated would be wet down to keep dust at lowest possible levels and air would be monitored constantly for toxicity. While admitting that demolition, excavation and pile-driving operations would be extremely noisy, they deem them inevitable. When discussing efforts to minimize these effects, they mentioned providing double-glazed windows and air conditioners for specific

properties to provide some relief to residents. Never was there mention of the effect on PS 41, which is down the street. The school has neither double-glazed windows nor air conditioning. Aside from being disruptive to teaching and learning, students' hearing and health (both mental and physical) are very vulnerable. While there are assurances that there will be sidewalk corridors constructed for safety, protection of minors is still a safety concern. All the huge equipment and activity will most certainly draw many to the site. They are of special concern. Also important to note: The Applicant offered to setup a website so that the community can remain aware of what is happening at the site as demolition and construction progresses, and they offered to setup a telephone number that the public could call 24/7 to notify the on-site construction crew of any problems that arise. The FEIS should make mention that the sponsor agrees to abide by the CB 2 Construction Protocols, as well as the NYC Department of Buildings' "Technical Policy and Procedures Notice #10/88.

- 6) Inadequacy of DEIS Construction Analysis - The DEIS' construction analysis is surprisingly insensitive. There seems to be a total failure to appreciate how unprecedented it is to have a project of this dimension take place in the middle of a residential area.
 - a. It contains no discussion of the vibration impact on 170 year old townhouses and other historic buildings flowing from the demolition of Reiss and its replacement with a new building.
 - b. Its traffic and noise analysis assumes peak construction related traffic as being between 6 A.M. and 7 A.M. (page 28). That, however, is erroneous since, as is the case with the Martin Payne building renovation on West 12th Street we assume no deliveries will be allowed prior to 8 A.M.
 - c. The DEIS analysis assumes construction will take place between 7:00 a.m. and 4:30 p.m. (and sometimes later on weekdays) and on 50% of Saturdays. Again, the right assumption is no construction before 8:00 a.m. and far more limited Saturday work.
 - d. The DEIS cavalierly dismisses the noise exceedances because they will occur for less than two years which it describes as "limited duration." Putting aside the notion that two years is hardly a limited duration for those living in the affected blocks, it is unclear how the DEIS derives the "two year" number. Indeed, the renovations of Martin Payne – a modest sized single building – will itself take more than a year, and the overall project will take more than three years.
 - e. The DEIS dismisses concerns about demolishing asbestos containing buildings by saying such demolition will be in accordance with required regulations (page 21). Where is the analysis of how complying with these regulations will affect the risks and/or burdens imposed by this project or effect the project's duration?
 - f. Street closings of surrounding streets – particularly of West 12th Street, a significant west to east thoroughfare – are never discussed, despite their potential significance. Are we being assured there will be no street closings? If there will be, would, for example, retaining Reiss reduce the number of street closing? That question is never addressed.
 - g. The DEIS assumes as to noise, air quality and more that the sponsor will take significant proactive measures. Given the critical nature of these measures, it is vital that some policing mechanism be required. As part of such mechanism, CB 2 requests that the Applicant be required to pay for a construction monitor to be employed by and report to a designated community group.
 - h. There is very limited discussion of how the effects of this project will be aggravated by the proposed MTA Ventilation Plant to be built at the intersection of West 11th Street, Greenwich Avenue and 7th Avenue.

IX. Other Concerns

- 1) Retail on Side Streets – The Applicant proposes approximately 90 feet of retail windows down both 11th and 12th Streets. CB 2 believes this is inappropriate. These are residential streets, and indeed, 12th Street has never had any form of retail space and the DEIS recognizes that 12th Street "has strong residential character." Thus while any retail can have entrances, appropriate signage, and display windows on 7th Avenue, there should be neither signage nor any visible displays on the side streets, including in the existing windows on 12th Street. To do otherwise would change the character of these streets from residential to commercial.

- 2) Demolition of Reiss Building – CB 2 acknowledges that the New York City Landmarks Preservation Commission allowed for the demolition of this building, over our objections. We are particularly concerned that all actions regarding this demolition be fully mitigated in the Construction Protocols. In the Applicant’s response to questions from CB 2, they indicate that in addition to some portion of asbestos cleaning time, demolishing Reiss will involve the following activities which would not be necessary if Reiss was renovated in the same manner as the other buildings on 12th Street: (i) Demolition of Reiss – 4 months; (ii) Excavation and foundation work for Reiss – although unclear, apparently 2 to 6 months; and (iii) Construct the structure and shell for Reiss – 9 months. Thus by deciding to demolish Reiss the Applicant is adding between 15 – 19 months of the kind of work on 12th Street which will most risk endangering neighboring properties, create the most dust, noise and vibration, be the most disruptive, and create the greatest risk of rodent problems. Also, while this does not mean that the overall project will be extended by 15-19 months, adopting this approach plainly will significantly increase the amount of time that demolition/construction will need to take place on 12th Street and add to the time for the overall project. These facts alone should dictate that Applicant be required to renovate and not demolish Reiss. Moreover, this added risk and burden is being placed on the neighborhood in order to produce a building that is incompatible with the other buildings that surround it and subtracts from, rather than adds to, the architectural quality of the buildings on the block.

- 3) Precedence - CB 2, which has a very high concentration of community facilities, is keenly aware of the potential implications and precedence of the requested zoning changes. As our neighborhoods are full of facilities built at a greater than normally allowable bulk in order to accommodate community facility uses, it is imperative that this not become a vehicle by which either community facilities or private developers are allowed to profit down the road. Therefore we insist that no upzoning, based upon the allowable bulk for community facilities, be granted to Applicant, and that only the allowable bulk for residential development be considered for this project at this site.

These are CB 2's major issues of concern that must be addressed in to avoid the significant and irreversible negative impacts this project, as currently proposed, stands to have on our community. Thank you for this opportunity to comment on these applications. Please contact us if you have any questions.

Vote: Passed, with 40 Board members in favor, and 1 in opposition.

Please advise us of any decisions or actions taken in response to this resolution.

Sincerely,

Brad Hoylman, Chair
Community Board No. 2, Manhattan

Robert E. Riecobono, Chair
St. Vincent’s Omnibus Committee
Community Board No. 2, Manhattan

BH/fa

- cc:
- Hon. Christine C. Quinn, NYC Council Speaker
 - Hon. Scott M. Stringer, Manhattan Borough President
 - Hon. Jerrold L. Nadler, Member, U.S. House of Representatives
 - Hon. Thomas K. Duane, Member, NY State Senate
 - Hon. Daniel J. Squadron, Member, NY State Senate
 - Hon. Deborah J. Glick, Member, NY State Assembly
 - Lolita Jackson, Manhattan Director, CAU
 - Vivian Awner, Community Board Liaison, Dept. of City Planning
 - Land Use Review Unit, NYC Dept. of City Planning
 - Calendar Office, NYC Dept. of City Planning

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Alison Greenberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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Keen Berger, *Assistant Secretary*

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

November 18, 2011

Amanda M. Burden, FAICP
Chair
NYC Department of City Planning
22 Reade Street
New York, New York 10007

Dear Ms. Burden:

At its Full Board meeting November 17, 2011, Community Board #2, adopted the following resolution:

A Resolution regarding the design and use of public open space to be created in connection with ULURP Application #120029ASM, #120030ZSM, and #120031ZSM for the St. Vincents Hospital Campus Redevelopment.

Whereas

1. Community Board No. 2, Manhattan ("CB2") is appreciative of the extraordinary and unusual opportunity to participate in the creation of a new public park in our park-starved and built-up community.
2. CB2 has engaged in three months of public consideration of issues pertaining to the development of the new park; and
3. CB2 intends to give full consideration to proposals which seek to blend a significant commemorative and educational aspect within this park and which aspire to use the underground space in their projects; and
4. The CB2 position regarding this park is informed by the following statements regarding 1. Park Design; 2. Commemoration Opportunities; 3. Use of Underground Space; and 4. Legal Framework for Park Development and Operations:

1. Park Design

1. These comments add to and support the comments included in the CB2 resolution of October 20, 2011, which continue to apply.
2. The proposal presented is generally responsive to that resolution and received many positive comments.
3. The plan shows alternative versions: one is based on removal of the gas storage facility at the west end of the triangle, an important CB2 priority for this site. The other inappropriately shows the gas

4. tank site unchanged, although the gas requirements for the new medical facility should be much reduced. If the use of this site for tanks is still considered, the structure needs to be redesigned to be as small as possible, compatible with this important park entrance, and the loading areas should be incorporated into the park space.
5. Widths of entrances and paths are appropriate.
6. The use of a water feature is desirable. The appearance and sound of moving water enhances the park experience and it works well to combine this with a play aspect as an attraction for children.
7. Perimeter Fence
 - a. The fence design is appropriate.
 - b. The fence including curb should have a maximum height of 42" from the perimeter sidewalk to the top of the fence, including any curbs or walls.
 - c. The iron archway over the southeast entrance is an attractive feature that echoes nearby park entrances including Jackson Square and Christopher Park. It contributes to a desirable sense of place and emphasizes the importance of the transition from street to park.
 - d. The simple unadorned gates for the other two entrances are appropriate.
8. Pavements
 - a. The use of traditional paving types including asphalt hex blocks is appropriate. The two gray shades proposed are attractive and will hide stains.
 - b. The avoidance of stone pavers and other nonstandard pavers that are difficult to maintain is appropriate.
 - c. The use of granite curbs, steps, and low walls is appropriate.
9. Lawn
 - a. The central lawn area is a desired feature and is an appropriate size.
 - b. The undulating shape can provide an attractive illusion of greater size and provides opportunities for social seating.
 - c. The rise of the lawn will reduce active use, provide interest, and offer a desirable attraction for small children.
 - d. If lawn entrances directly opposite park entrances lead to pedestrian traffic across the lawn causing desire line wear the location of planting areas can be adjusted.
 - e. Trees placed on the lawn should be chosen to assure sufficient sun on all areas of the lawn and should be planted to avoid disruption of the lawn by shallow root systems.
10. Perimeter
 - a. Replacement of all perimeter sidewalks with a uniform tinted concrete sidewalk is appropriate
 - b. Benches placed along the straight perimeter wall outside the park on 7th Avenue are desirable, but need to be well lit.
 - c. Replanting of all tree pits and the addition of six new trees on 12th Street and three on 7th Avenue will create an attractive perimeter environment. The development project should include a full evaluation to maximize tree locations on *both sides* of the perimeter streets as well as all surrounding streets.
11. Trees and plantings
 - a. The ratio of green space to paved area is appropriate and in any case the amount of paved area should not be increased.
 - b. The plan includes an appropriate variety of perennials and ornamental grasses, as well as locations for densely planted colorful annuals.

- c. The plan alternative without the gas tanks shows types and locations for 26 shade trees and eleven ornamental trees to be planted at a desirable 5.5” caliper or 22-foot height for multi-stem trees.
- d. A requested plan showing the intended shade-sun concept, referring to the shade studies done for the new development, is still needed so a mix of shaded and sunny areas is available throughout the day.

12. Seating

- a. The proposed benches are attractive and suggestive of historic NYC arks benches. The addition of 2 permanent tables is welcomed but more should be considered.
- b. Requested information on the appearance of moveable furniture was not provided.. The number of moveable tables and chairs provided is appropriate and should not be increased.

13. Accessibility

- a. Accessibility is provided to all areas in the park.
- b. At least one curb cut to allow wheelchair access to the lawn is required.
- c. Use of a retaining wall to raise a planting bed should be considered to allow a closer connection for people in wheel chairs.

14. Lighting

- a. The use of the standard “B” pole. Metal halide or LED lamping is essential. The use of Central Park luminaires adds desirable variety and interest.
- b. Locating light poles in lawn areas creates maintenance difficulties and often causes bare spots. Paved areas or planted areas should be used.

15. Entrances

- a. The location for park signs at all entrances should be considered in advance to avoid unattractive random placement to the detriment of attractive park features.
- b. The stairs at the southeast point are attractive and along with the proposed decorative gateway provide an important sense of place for the park. The steps should be designed to discourage use by skate boarders.
The large area outside the park is a good place for a combination commemoration and/or object to encourage its use as a meeting area.
- c. Consideration should be given to reconfiguring the fence at the west entrance to slightly increase the size of the walk-through area outside the gate and so the gate is not recessed.

16. Attractions for Children

- a. The proposed design offers desirable features that will attract families with children to visit the park, but will not interfere with use by others. They provide opportunities for play in an environment that is not a playground.
- b. The terrain of the lawn should be specifically contoured to be fun for very young children.
- c. The water element including water jets is an important feature of the park and work well with the “amphitheater” steps. However, portions of the steps need to be designed for access to the lawn from the west, but larger portions should provide better opportunities for seating facing the “plaza”.
- d. The proposed sculpture suitable for climbing should be a unique piece such as the Alice in Wonderland sculpture in Central Park, adding something special to the park even when not used for play. A proposed design for this piece was not provided. The piece will be an important central feature of the park and needs to be developed with presentations to the community at all phases of an open public process.

2. Commemoration Opportunities

A strong case has been made to include on the site, a memorial to the history of the AIDS Crisis. As stated in our resolution of October, 2011, we welcome the idea. Another commemoration concept has been proposed to acknowledge the long history of St. Vincent's Hospital in Greenwich Village, which would necessarily incorporate their role in the AIDS Crisis. Both histories have special importance in the local community, and for both the specific location of the park is uniquely appropriate. *We endorse an AIDS memorial and a tribute to St. Vincent's Hospital subject to the parameters discussed below.*

Meaningful memorials can only be developed when there is sufficient time to discuss and understand all of the issues, to create a design that adequately represents the core ideas, and to bring the community together around the commemoration. At this time, we have not been presented with specific ideas, and have not had the opportunity to thoroughly vet the initial concepts. Given the time constraints of the current review, CB2 does not want to rush to any conclusions. We would prefer, and think it is more appropriate, to work with all of the interested parties to create a process, outside of ULURP, that would allow us to adequately evaluate all options, and consider modifications at a later date.

Ours is a park-starved community. Land is of very high value so opportunities for new parks are exceedingly rare. The community strongly rejected an initial concept for the park because as an open public plaza, it did not provide "a community park". It did not serve the community's need for a place of respite with a distinct neighborhood character providing public and open opportunities for social interchange.

Therefore, the ULURP should define important parameters for a design and development process for memorials:

1. Designs should contribute to the neighborhood character of the park and be seamlessly integrated into it.
2. The design should not create a 'destination' site, it should celebrate and accommodate the local community.
3. Any elements of commemoration should not be monumental in style or obstructive of the view plane.
4. A design competition may be part of the process, but design oversight by the Parks Department, and other affected city agencies is essential.
5. Participation in all phases should involve CB2 and neighborhood groups, and final approval from Landmarks and the Design Commissions will be required.
6. Proposing entities should seek funding for the process, and for any modifications required.

3. Underground Space

CB2 has had many difficult deliberations about the retention of 10,000 square feet of space currently available under the Triangle site. The issues fall into two categories. First, how the retention of this space will impact the above ground park, and second, what would be the official mechanisms

necessary to build out the space and maintain it, and how would it affect the completion of the park in time to meet the applicant's obligation to complete the project within 30 months.

In our October, 2011, resolution, we stated that the underground space could not dictate the design of a community park. We further stated that "its retention ... cannot delay or interfere in any way with the opening of the park," and that "reuse of the underground space also raises administrative and funding issues and potential environmental impacts [that] were not studied as part of the scope of the EIS."

Among our specific concerns are:

1. Our district has many interior privately controlled spaces that are not accessible to the public. CB2 insists that everything associated with this site be fully in the public realm.
2. We have strong reservations if retention means that there is a reduction in the size of the above ground park, or if the design of the park is compromised. We are specifically concerned about any effect on the size of trees that could be planted, maintaining sight lines through the park so there are no pockets for hidden activity, and general accessibility.
3. The underground space should not be retained if its development is likely to cause substantial delay to the opening of the park, or if its development creates risk or uncertainty for the process to getting the park designed and built.
4. The question of whether to retain the underground space must be made independently of the proposed use. The selection of a user for the space must be a fair one, with proposals presented in response to criteria serving public needs. Potential users will have to prove their ability to fund the building out of the space including access and mechanical services, and cover all operating and maintenance costs.
5. Building out the underground space in such a way as to meet all New York City Building Codes, may impact the construction, maintenance, or estimated lifespan of the above ground park.
6. Use of the basement may affect the applicability of the project Draft Environmental Impact Statement or establish a need for an additional EIS or ULURP.
7. A roof membrane beneath the park may reduce the life expectancy of the park and park reconstruction including tree removals may be required for membrane repair or replacement.

In addition to these concerns, the property owner has clearly stated that they are not willing or able, in the confines of this ULURP application, to deliver the space to the public.

Recognizing the challenge of providing a plan for such a use, CB2 notes that no clear concept has been articulated, no preliminary analysis of funding and visitation has been provided, and no design presentation has been prepared to elaborate the appearance of a park built on the roof.

We have heard in our public hearings that there is interest and support for an AIDS Learning Center to be located in the underground space. We support this use, but because of the concerns outlined above and the position of the applicant, this may not be the appropriate location for such a facility or for other community use. We advocate working with the proponents, the community, and elected officials to find an appropriate space in the vicinity of the Triangle site.

The parameters for the potential use of the underground space set a high bar for any proposal. Unless all of these concerns can be answered satisfactorily, then CB2 does not see how this space can be retained.

4. Legal Framework

CB2 requests that the agreements included in ULURP be designed to achieve the following goals:

1. The park should be protected parkland in perpetuity under the public trust doctrine. While it may be unnecessary and complicated to map the land as parkland, this goal can be achieved by transfer of all land rights to the Parks Department except such rights required by zoning provisions to provide open space for the proposed Large Scale General Development project.
2. The park should look and feel like other Greenwich Village parks. This applies not only to initial design, but to all aspects of the park experience. The park should be a public park, not a publicly accessible private space: hours of operation and permitted uses should conform to rules in other parks; calls for services should be to 311 and 911; signs should have Parks Department logos and should be posted only upon its consent; future renovations and

3. alternations should be approved by the Parks Department upon completion of the same process as at other city parks.
4. Funding from Property Owners within the LSGD should be applied in a manner to efficiently deliver a high level of maintenance per written standards. Whatever entity may become directly responsible for maintaining the park should do so under terms of a revocable contract with the Parks Department. A suitable guarantee, such as annual posting of a bond equal to the project cost of maintenance for the year, should be in place to assure continuity of maintenance in the event of any disruption of funding. In addition to regular maintenance, a method should be in place to provide for periodic major repairs, deferred maintenance, and capital reconstruction.
5. Beyond responsibility for maintenance costs, the Property Owners should not have rights or responsibilities that will create an incentive to seek a special relationship of any kind with respect to influencing policies, operations, and uses of the park. Peace officers of the City of New York should have the same rights and responsibilities of patrol and law enforcement as they have in any other public park and there should be no private security presence in the park. To avoid any perceived need on the part of the Property Owners to influence the design, policies, maintenance, use, and operations of the park, the City should assume full responsibility for legal claims for damages or injury within or resulting from the park property. Property Owners should pay to the City an annual amount in lieu of a requirement to provide insurance.

The following provisions are suggested to achieve these goals. CB2 requests, to the extent other provisions are substituted, that the result be substantially the same.

1. Subject to the compliance with the provisions of Section 93-78 of the Zoning Resolution and conditions herein, the Declarant shall construct the Public Access Area (Triangle Park).
2. Upon certification by the Chair, in consultation with the Parks Commissioner, pursuant to Section 93-78(d) of the Zoning Resolution that construction of the Triangle Park is substantially complete, the City shall enjoy, wield, and have the right to and the benefit of and be granted, conveyed and transferred an exclusive easement in perpetuity for the benefit of the general public, unobstructed from the ground to the sky and including all underground uses and rights, for the purpose of passive and active recreational use by the general public after which the Declarant shall retain all rights associated with the property as pertain to the use of the property to meet open space requirements of the LSGD, and only such rights.
3. Rules for the park are established by the Parks Department and enforced solely by peace officers of the City of New York (PEP and Police).
4. Minor alterations to the design of the park approved during ULURP shall be only as overseen by the Parks Department.
5. Construction of the park to be completed by the Project Developer within 30 months of agreement with financial penalties for failure to complete on time. The developer shall commit \$10 million to the design and construction of the park. Any funds remaining after completion the construction of the park may be used to fund up to approved commemorative elements within the park and/or shall be made available through an appropriate account for maintenance of nearby parks.
6. No part of the new residential development shall be occupied prior to opening of the park.
7. Applicant to be released of liability upon acceptance of the completed park by the Parks Department.
8. The developer and its assignees are responsible for the cost of maintaining the park for the life of the development, with payments to be made at the start of each year to a Trust and Agency Account, or to a non-profit organization under contract with the Parks Department to manage the park, or another appropriate vehicle approved by the Parks Department.

9. The Parks Department may establish a contract with a suitable non-profit group to manage the park, but such group shall not be under substantial control by the developer or its assignees or agents or the condo association of the project.
10. Development of any commemorations within the park, however conceived and funded, would proceed under the auspices of the Parks Department, and the design for any commemorations will be reviewed by CB2 prior to submission to the Landmarks Preservation Commission and the Design Commission.

Therefore it is resolved that

1. CB2 Manhattan appreciates the cooperation of the development team and the Department of City Planning to enable a park design that is responsive to the public open space needs of our community.
2. CB2 substantially supports the park plan in the form presented on November 16th, 2011, with exceptions and considerations as discussed above.
3. CB2 reiterates the priority of removing the gas tanks from the site, and if they must remain at the site, re-design of the structure, and reduction of size of the facility and its incorporation into the park design to create an attractive park entrance at this location, with the re-designed storage facility included as an alternative park design.
4. This site should become a public park on publicly held land and all rights associated with the land should be transferred to the City except such rights as are required to support the open space requirements of the Large Scale General Development project.
5. CB2 anticipates that the development of the park will be the responsibility of the project developer at an estimated cost of \$10 million, and if the cost of the park is less, the difference will be made available for public open space improvement within CB2.
6. CB2 anticipates that appropriate requirements will be established to assure that the park is open to the public within 30 months after the acceptance of the agreements under ULURP.
7. CB2 anticipates that the developer and/or condominium association, and/or other eventual property owners at the development site will be fully responsible for the cost of providing a specific standard of maintenance of the park in perpetuity, and that appropriate means will be established to guarantee the excellent and efficient maintenance of the park.
8. CB2 considers the park design including light fixtures, fences, benches, and pavings to be appropriate for the Greenwich Village Historic District but designs for commemorations and sculpture to be added later will require separate consideration.
9. CB2 favors commemorations of the history of St. Vincents Hospital and the AIDS Crisis at this site and the specifics of these will be taken up in a separate process.
10. CB2 Manhattan request that no efforts be taken that would destroy the underground space and make it unusable throughout the period that this Community Board continues to vet additional uses of the park, even though this process may go beyond the ULURP process, unless and until such time as CB2 has voted against the re-use of the underground space.

Vote: Passed, with 39 Board members in favor, with 1 against-(D. Diether)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



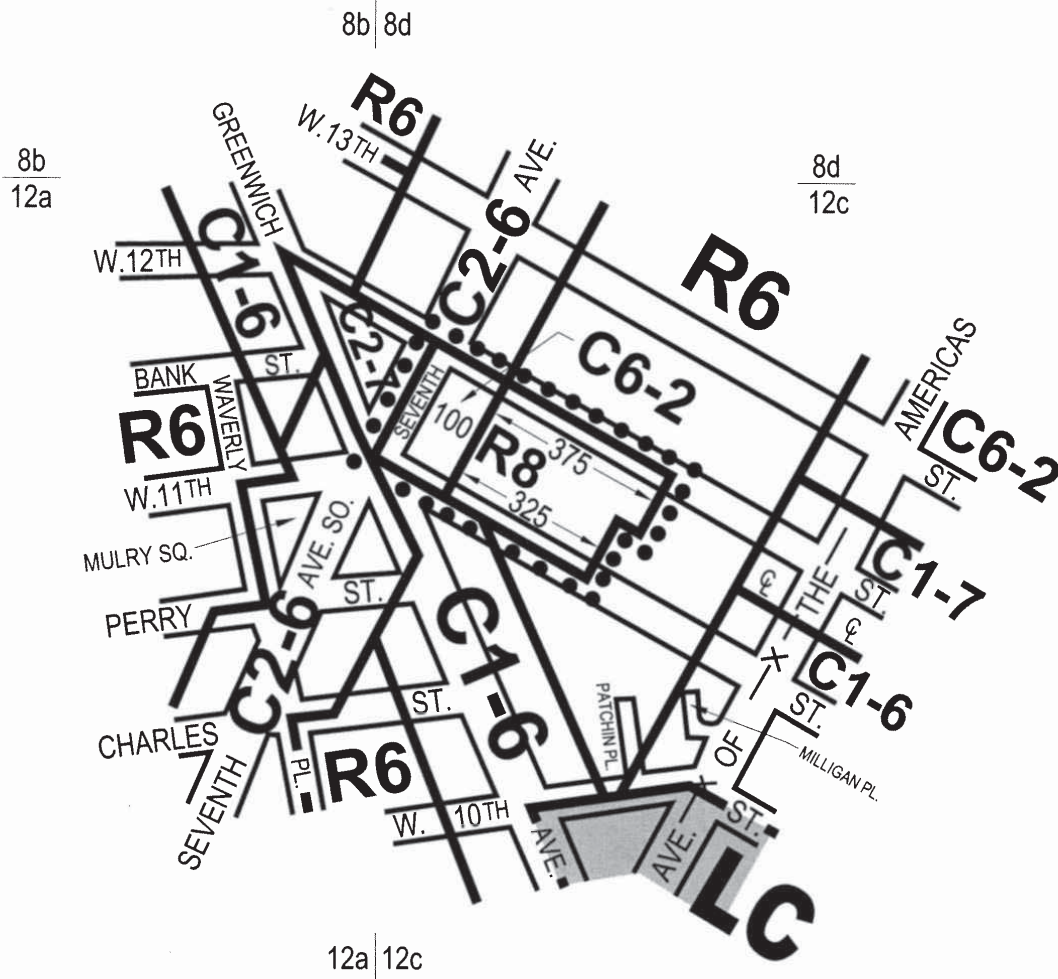
Brad Hoylman, Chair
Community Board #2, Manhattan



Tobi Bergman, Chair
Parks, Recreation & Open Space Committee
Community Board #2, Manhattan

BH/gh

c: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jerrold L. Nadler, Member, U.S. House of Representatives
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Hon. Daniel J. Squadron, Member, NY State Senate
Hon. Deborah J. Glick, Member, NY State Assembly
Hon. Christine C. Quinn, NYC Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
William Castro, Manhattan Commissioner, Department of Parks and Recreation
Pauline Yu, CAU
Vivian Awner, Community Board Liaison, Dept. of City Planning
Land Use Review Unit, NYC Dept. of City Planning
Calendar Office, NYC Dept. of City Planning



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

12a & 12c

BOROUGH OF
MANHATTAN



New York, Certification Date
 AUGUST 22, 2011

S. Voyages
 S. Voyages, R.A. Director
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
 -** The area enclosed by the dotted line is proposed to be rezoned by changing a C2-6 District to a C6-2 District and R6 and C1-6 Districts to an R8 District.
 - LC** Indicates a Special Limited Commercial District.