



THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION

ABOUT US GET INVOLVED EVENTS PRESERVATION ACCOMPLISHMENTS KID'S ED RESOURCES

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There are basic questions about the 2013 Hudson River Park Act Amendment and its allowances for air rights sales from the park that have STILL not been answered (see attached letters).

- GVSHP and other community groups have been asking FOR MONTHS whether or not the legislation allows millions of square feet of air rights to be sold from the non-commercial piers and other parts of the park, in addition to the commercial piers (which all agree the legislation allows air rights to be sold from).

We have been told that the Trust does not ‘intend’ to use such air rights, but have never been told if the legislation allows it, which would make it possible at some point in the future, regardless of current “intentions” or promises.

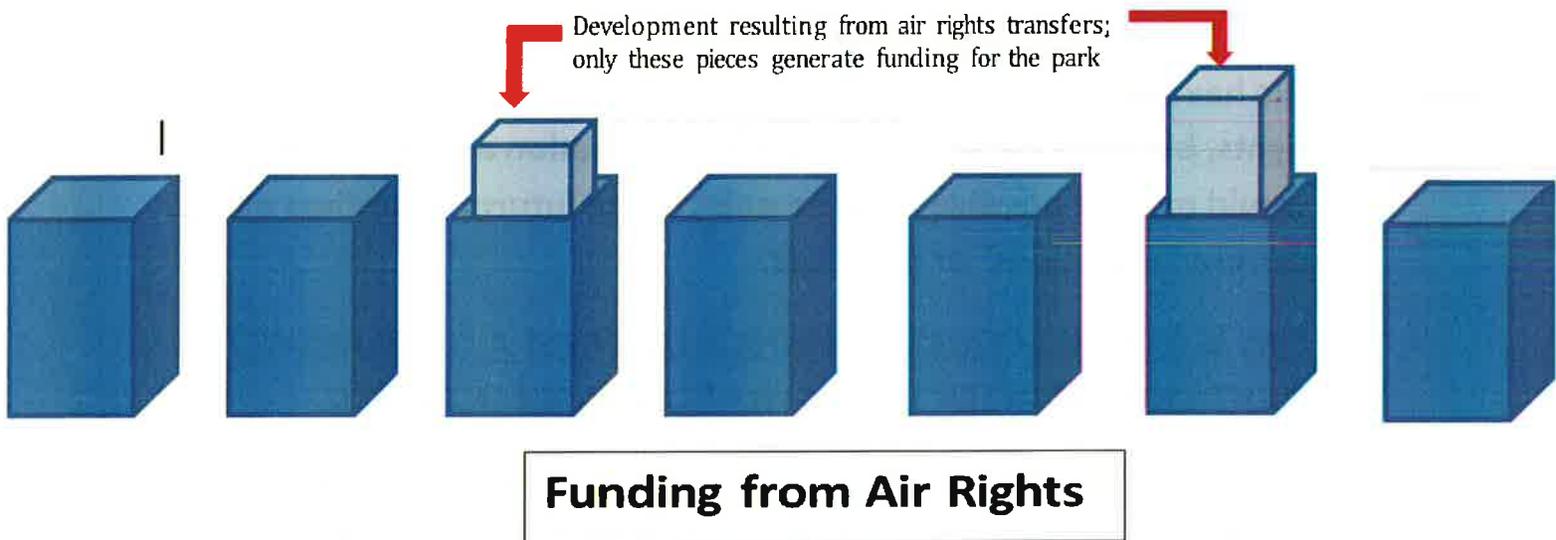
THIS IS A CRITICAL QUESTION WHICH DESERVES A CLEAR ANSWER, EIGHT MONTHS AFTER THE LEGISLATION HAS BEEN PASSED.

- The Trust also claims that the sale of air rights from the park allows the park to capture funding from development along the waterfront which would take place anyway.

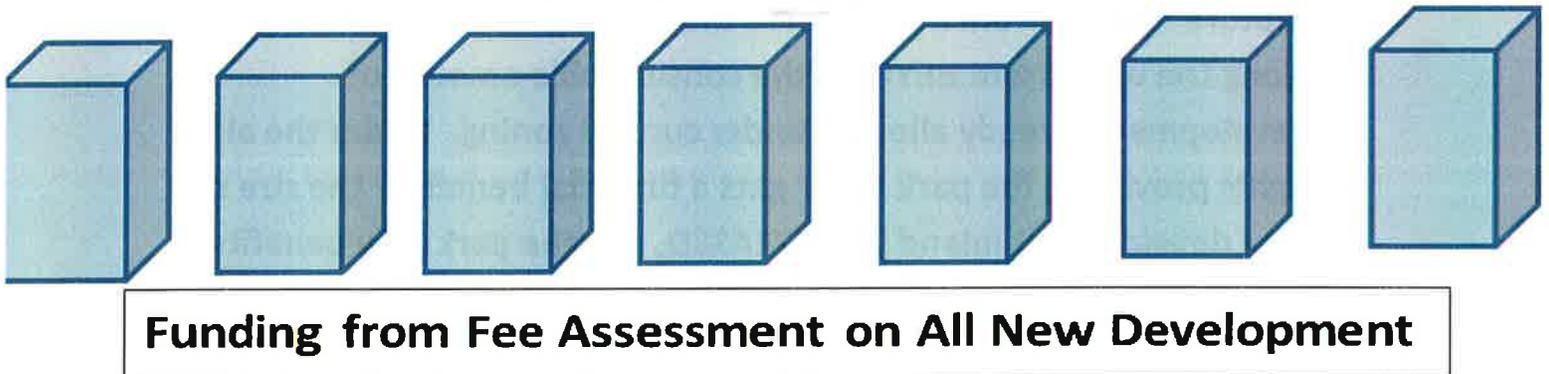
THIS IS UNTRUE – The sale of air rights ONLY allows the park to capture funding from INCREASING the size of allowable development along the waterfront BEYOND the considerable amount of development already allowed under current zoning. Under the air rights provision, the park ONLY gets a financial benefit IF the size of new development inland is INCREASED, and the park only benefits based upon THE AMOUNT OF INCREASED DEVELOPMENT.

There are alternatives to the current air rights sale plans which would generate revenue for the park which should be considered:

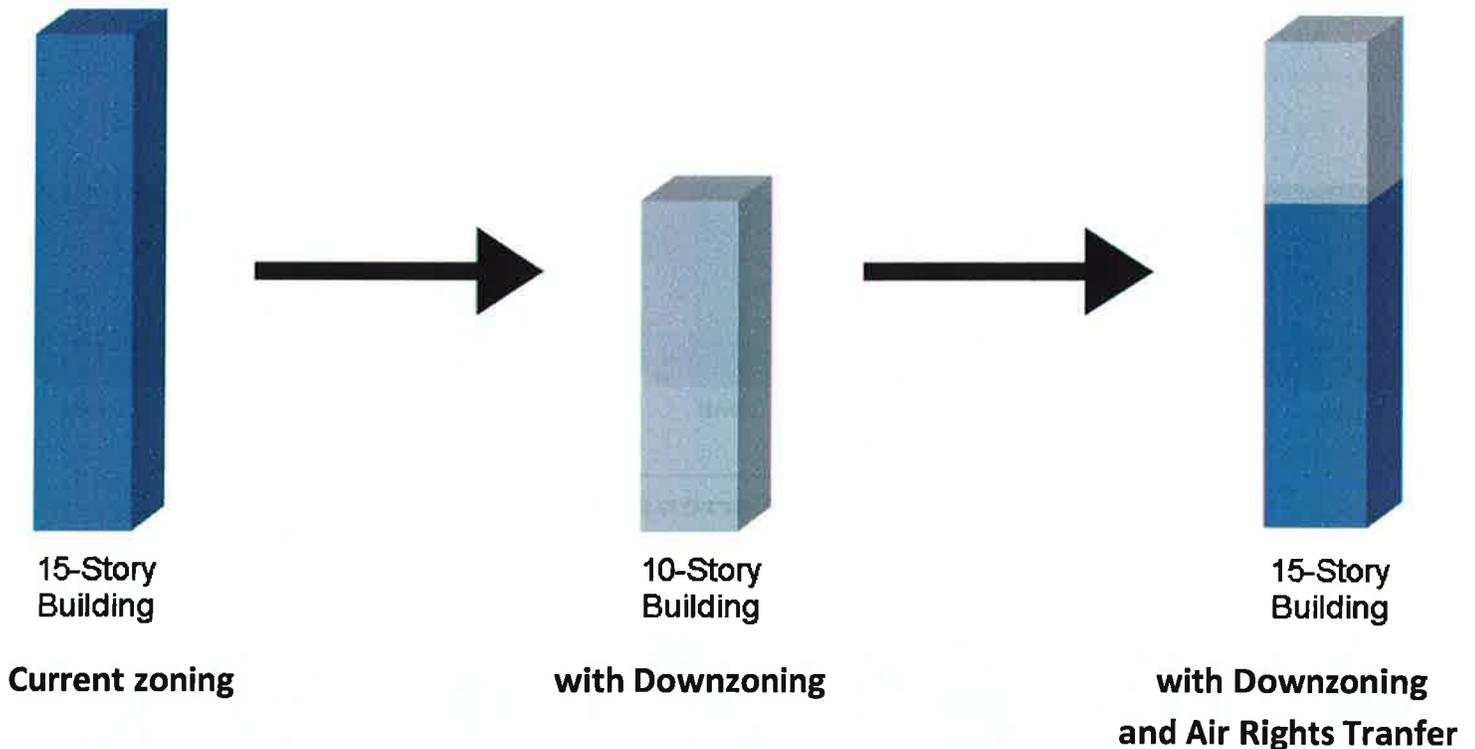
1. Assessing a fee on all NEW DEVELOPMENT in the zone adjacent to the park which would go towards funding the park. The City has instituted such measures many times before, including in the recent Hudson Square Rezoning and in Hudson Yards. Unlike air rights sales, which would only generate revenue for the park when allowable development is **INCREASED** in size (thus tying park funding to potential overdevelopment), this system would generate funding for the park **ANYTIME** a new development goes up in the designated zone. This is **NOT** the same as the NID (Neighborhood Improvement District) proposal, which would have assessed a fee on all properties in the designated areas, including **EXISTING** properties.



All new development, top to bottom, generates funding for the park



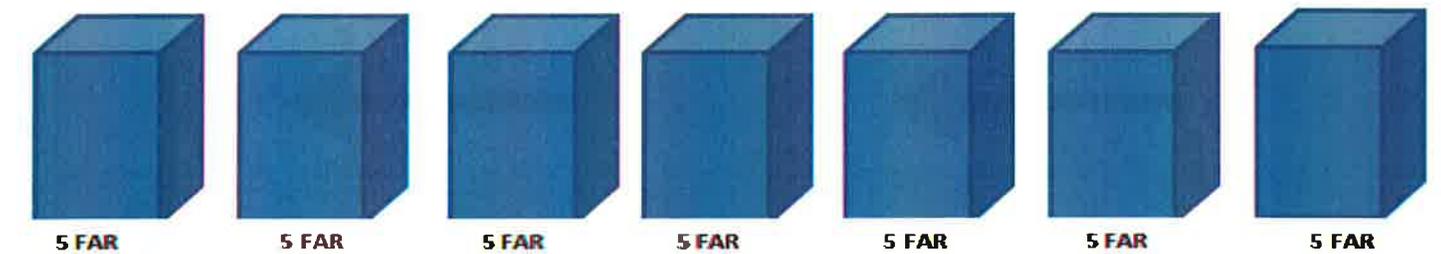
2. Combining any sale of air rights with a DONWZONING, so that the allowable size of development along our waterfront is not increased as a result of air rights sales. The City can and does downzone areas anytime it wants, and has done so in recent years in Hudson Square, along Washington and Greenwich Streets, and in the East Village.



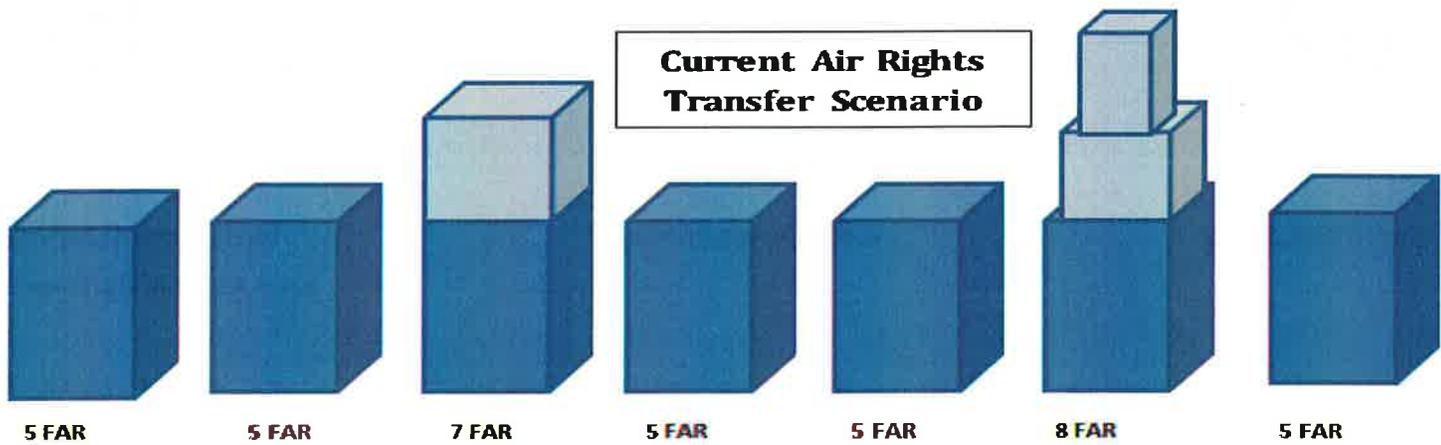
Ideally this could be done for any site to which an air rights transfer is being considered. For example, if a 15-story building is currently allowable on a site under existing zoning, it could be downzoned to allow a 10-story building as of right, with the ability to purchase air rights that could bring the allowable size of development up to 15 stories. THIS WAY NO SITE WOULD BE UPZONED EVEN AS AIR RIGHTS TRANSFERS WHICH GENERATE FUNDS FOR THE PARK ARE ALLOWED.

If this cannot be done on each specific site, any zoning change to allow increased development along the waterfront for air rights transfers could be combined with a commensurate downzoning of other parts of the waterfront. THIS WOULD ENSURE THAT THE OVERALL ALLOWABLE SIZE OF DEVELOPMENT ALONG THE WATERFRONT IS NOT INCREASED, AND THAT OVERDEVELOPMENT IS NOT ENABLED BY AIR RIGHTS TRANSFERS.

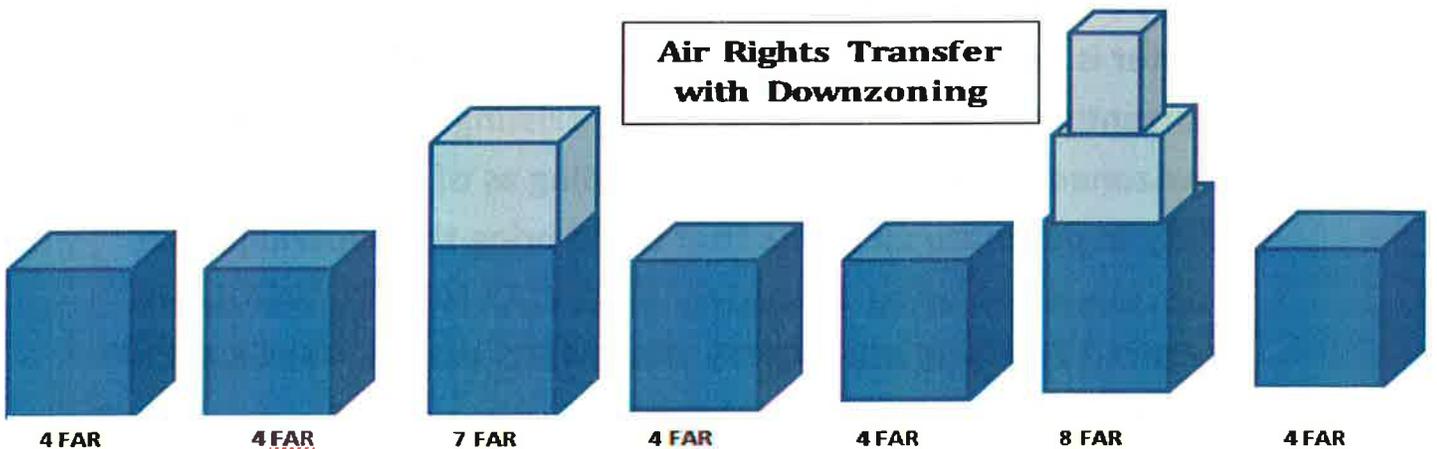
Current Zoning



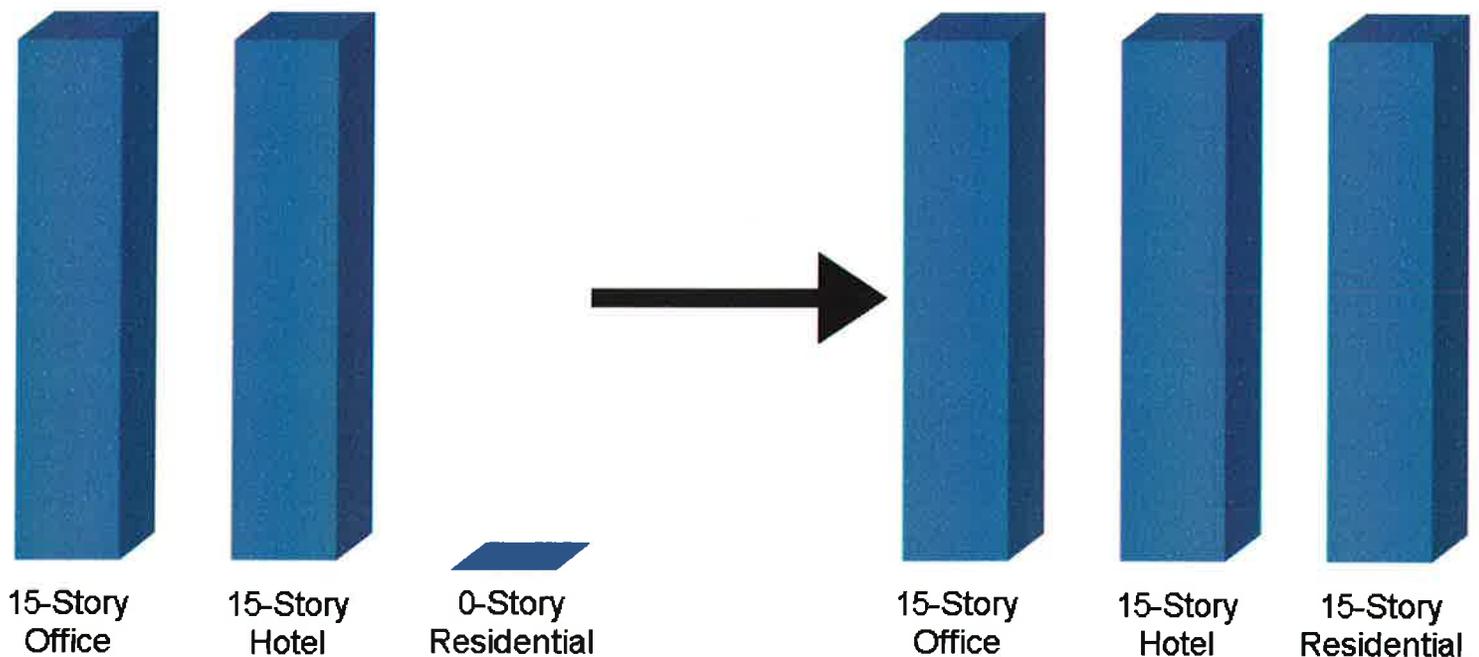
Current Air Rights Transfer Scenario



Air Rights Transfer with Downzoning



3. Ways could be explored to allow air rights transfers that enable a change in the allowable uses that could be developed on a site, without necessarily allowing an increase in the SIZE of allowable development on a site. For example, many waterfront sites currently only allow office or hotel development, though many developers would prefer to build residential. Air rights could be used to allow residential development – not allowed by the current zoning – on select sites, but at no greater of a size than is currently allowed for hotel or office development.



So with the sale of air rights, a site where a 15-story hotel or office building could be constructed could instead have a 15-story residential building constructed, with the funds from the sale of air rights going back to the park.



**Greenwich
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December 16th, 2013

Madelyn Wils, President
Hudson River Park Trust
Pier 40, 2nd Floor, 353 West Street
New York, NY 10014

Dear President Wils,

Thank you for your December 6th letter regarding issues raised by the Greenwich Village Society for Historic Preservation and other groups about the potential sale of air rights from the Hudson River Park, as made possible by recent State legislation. I understand that the Trust, elected officials, Community Boards, and the Department of City Planning are working on next steps regarding implementing this mechanism.

As you know, we and many others have very serious concerns about the allowance of air rights transfers from the Hudson River Park, particularly as it relates to increasing the size of allowable development along the West Side. Due to zoning changes during the last ten years, the West Side is already slated to receive millions and millions of square feet of additional development, which has already had a tremendous impact upon the affected communities, and which will have an even greater impact in years to come. The addition of millions of square feet of development generated by air rights from the Hudson River Park will only increase that impact.

As the Trust, elected officials, the Department of City Planning, and Community Boards move ahead with considering next steps regarding the air rights provision, I strongly urge you to consider the following:

Vital Unanswered Questions

What exactly is the area to which the State legislation allows air rights to be transferred? Clarity is absolutely required about where air rights can potentially be used, which the state legislation simply defines as “one block” inland, though as has been raised previously, exactly how “one block” is defined in law is not clear. Answers must be provided as to exactly how this term is legally defined, not simply where the Trust or City Planning intends or currently contemplates transferring air rights to.

What parts of the park generate “air rights”? There continues to be lack of clarity about exactly which parts of the park generate air rights under the newly-enacted legislation, which of course impacts how many air rights are potentially available for transfer. While the Trust has been very forthcoming about stating what parts of the park it currently *intends* to use, or not use, air rights from, this does not constitute a legally binding agreement. It is

therefore absolutely essential that we be provided with a clear answer as to exactly which parts of the park under the law now generate air rights. If there are more places than initially identified (Piers 40, 76, 81, 83 and 98 and Chelsea Piers --Piers 59, 60 and 61), it is necessary that binding mechanisms be created to eliminate or prohibit the use of those additional air rights, such as through a rezoning or further State legislation.

Alternatives to Increasing the Allowable Size of Development

Combining a 'downzoning' with air rights transfers. Preventing overdevelopment of our neighborhood is a top concern of the Greenwich Village Society for Historic Preservation and many other groups in relation to the air rights transfer provision. As currently discussed by the Trust, air rights transfers would necessarily result in an increase in allowable development as a means to generate revenue for the park.

However, there is no reason why any air rights transfer could not be coupled with a 'downzoning,' so that the allowable size of development on a given site is not increased as a result of air rights transfers (i.e. a site which allows 6 FAR could be downzoned to allow 4 FAR as of right, with the option of purchasing the equivalent of 2 FAR of development rights to bring the allowable size of development up to the original 6). It is therefore essential that a downzoning be considered in combination with all air rights transfers so that there is no increase in allowable size of development, or a clear explanation is provided as to why such a combination is not being used or could not be used.

Create a mechanism for generating revenue directly from all new development, rather than from upzoning. Under the currently-contemplated mechanism, the park would only receive revenue if and when its air rights are sold, increasing the allowable size of development in an area adjacent to the park (unless combined with a downzoning). It is this increase in the allowable size of development which generates revenue for the Park, rather than the development itself, thus linking funding for the park to increasing the size of development inland.

However, a mechanism could be created to generate revenue directly to the park from all new development in a prescribed area adjacent to the park, not just from the increased development emanating from air rights sales. Such a mechanism has been used elsewhere in New York City, most recently in the Hudson Square rezoning. This would on the one hand give the park a broader base of development from which to derive revenue, while at the same time eliminating the strong impetus for increasing the development potential in our

neighborhoods and the link between revenue for the park and an increase in development size.

Unlike air rights transfers, such a mechanism is unlikely to generate opposition from community groups, and in fact would likely generate significant support. It is essential that such a mechanism be explored as a seemingly vastly preferable alternative to air rights transfers; if air rights transfers are still pursued, there must be a clear explanation as to why this mechanism could not be used instead.

Setting Limits for Air Rights Transfers

It is absolutely essential that any next steps regarding air rights transfers include putting in place greater limits on the use and transfer of air rights than currently exist. I believe that all sides can agree that full utilization of the development potential created by the State legislation would have an overwhelming and inappropriate impact upon our neighborhoods. As long as that potential exists, there will be forces seeking ways to use it, and no guarantees that it will not be used in this manner at some point in the future.

Therefore a next step should not simply involve an allowance for a limited use of the air rights; a next step should also put in place appropriate limits for the future use of air rights as well, to eliminate the current dangerous potential that the existing air rights provision creates.

Thank you, and I look forward to hearing back from you about the next steps regarding this issue.

Sincerely,



Andrew Berman
Executive Director

Cc: State Senator Brad Hoylman
State Senator Daniel Squadron
Assemblymember Deborah Glick
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