

Testimony of Village Preservation Before the City Planning Commission Regarding Proposed Rezoning of the Far West Village

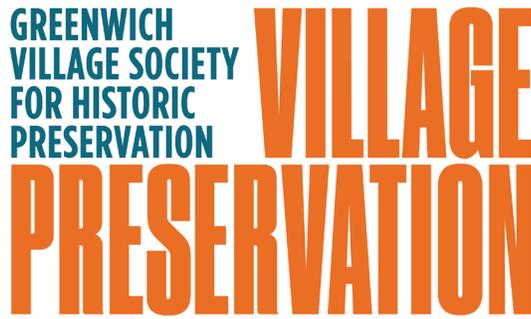
September 14, 2005

Good morning Commissioners. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation (GVSHP). GVSHP is the largest membership organization in Greenwich Village, NoHo, and the East Village, and we work to preserve the historic character of these areas.

On behalf of the Board and membership of GVSHP, I am here today to strongly urge that the Commission adopt the proposed rezoning of the Far West Village as soon as possible and without any rolling back of its restrictions. However, I also strongly urge that the Commission and the Department seriously reconsider its actions for the Superior Ink and Whitehall Storage sites, which so contradict the other provisions of the plan and the spirit with which this rezoning effort was undertaken by the community in partnership with the Department. We urge that either through changes to the rezoning plan or other means available, City Planning work to reduce the still grossly inappropriate size and scale of planned developments on these sites.

Background – Community Request for Rezoning

In response to the escalating out-of-scale development of the Far West Village, in early 2004 GVSHP, along with the Greenwich Village Community Task Force and other community groups, local elected officials, and the Community Board called for a downzoning of this area along with extension of landmark protections to the endangered historic buildings of the area. We were very pleased to find a quick response and a receptive ear at the Department of City Planning, and after meeting with staff we submitted a set of recommendations to the Department for a rezoning of the area (see attached). The recommendations were intended to outline a plan which would achieve our goals: maintaining the historic scale and character of the Far West Village; keeping the large, pre-zoning, historic industrial landmarks of the neighborhood as the most prominent built structures in the area; imposing height limits and street wall requirements to keep new development compatible with the historic built forms of the area; bringing the zoning for the area more in line with that of the rest of Greenwich Village (which is largely R6 and R7-2, allowing 2.43 and 3.44 FAR for residential development, respectively); protecting the special character of diminutively-scaled historic streets like Charles Lane and Weehawken Street; and formulation of a rezoning plan which – along with a



hoped-for landmarking plan from the City (for which we had also submitted recommendations) – we believed both the community and the City could support.

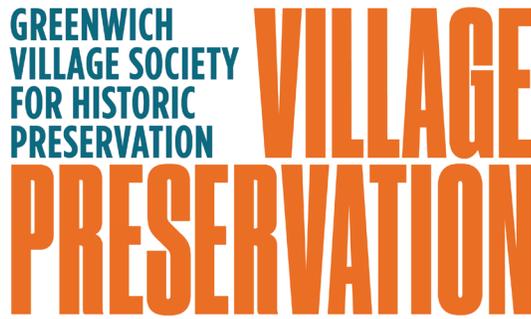
Draft City Planning Rezoning Proposal

After a wait of about a year from the City’s first public commitment to rezone the area and our submission of our recommendations – during which time several developers moved ahead with large-scale projects under the current zoning – the City came forth with a draft rezoning plan for the area. We were pleased in most respects with the plan which, while never going quite as far as we had asked, in most cases moved the zoning for the area solidly in the direction we felt it needed to go – lower FAR, reasonable height limits, and mandatory street walls. However, we also had very serious concerns about two very large-scale development sites: the Whitehall Storage site, which was neither downzoned nor given any height limits in the draft proposal, and the Superior Ink site, which was changed to allow as-of-right residential development, and also upzoned. We were especially concerned about the plan for these sites because we had specifically and clearly recommended that the plan NOT facilitate residential development on the Superior Ink site, and had made clear from the beginning of the process how high a priority for us and the community downzoning the Whitehall Storage site was. These sites were the two largest flashpoints in the entire area, and we knew that to so directly ignore the wishes of the community in this regard would make the plan very difficult. Additionally, the rezoning would allow massively inappropriate development on these sites, and while the rest of the plan was a compromise from what we had recommended and formed a community consensus around, there was no apparent compromise involved in the proposed plans for these sites at all.

Response to Draft Proposal

In spite of the fact that the proposed downzonings for most of the area did not go as far as we would have liked, GVSHP and most in the community did not push for further reductions in the zoning for the areas the draft proposal did propose to downzone. GVSHP and many in the community recognized from the beginning that the City would consider more than just the community’s desires when deciding upon zoning plans for the neighborhood, and we acknowledged the need to compromise and sought to work in partnership with, rather than against, the Department of City Planning. In fact, we strongly recommended that the draft plan be adopted as quickly as possible, because we knew several other developers would seek to build before the rezoning took effect.

However, we also strongly urged that the Superior Ink and Whitehall Storage sites be at least moderately downzoned in the certified plan, so that the option of downzoning them in the final version to address the



community's concerns would be preserved, as would the option of returning the zoning to that of the draft plan. In spite of the urgent requests of literally thousands of residents, the plan was certified with no downzoning of the Whitehall Storage site, and with the Superior Ink site upzoned and changed to allow as-of-right residential development. Before and after certification, GVSHP raised concerns about the inability to make further changes to these troubling aspects of plan after certification; however, we were told by City Planning and others that changes to address these concerns were still possible after certification. Additionally, we were told that while the rezoning would allow a 5.24 FAR development with community facilities on the Superior Ink site, we should only expect a 5.02 FAR residential or mixed-use building.

Response to Current Proposal

Unfortunately, we now find ourselves with a planned 175 ft. tall, 300,000 sq. ft. building on the Whitehall Storage site, and a 195 ft. tall, 5.24 FAR building on the Superior Ink site. Additionally, we have since been given some indications that there is now no opportunity for post-certification modification of the zoning for these sites at all. Aside from leaving an impression of stark favoritism for these two developers, these current proposals are still woefully inappropriate for their surroundings.

Whitehall Storage Site – 150-160 Charles Street/303 West 10th Street

In spite of characterizations to the contrary, of the 18 buildings surrounding the mid-block Whitehall Storage site, all but two are between two and five stories, and most are 19th century row houses, sailor's hotels, and tenements (see attached). Of the two larger buildings, one is a 7-story building of unusually short stature due to low ceiling heights and a partly-below-street-level ground floor, and the other is a narrow 15-story building which in its out-of-context form is a poster child for why development under the current bulk regulations for this area – like those which would stay in place for the Whitehall site – are a bad thing. The other large-scale or high-rise buildings cited as being adjacent to this site are actually on the other side of the West Village Houses and Washington Street from the site. Also, the Whitehall Storage site faces the unusually narrow Charles and West 10th Streets and meets the head of the even more unusually narrow Weehawken Street; these larger developments, by contrast, which are actually a zoning lot and avenue away, face the wider Washington Street. One of these, the 'Memphis Downtown,' was built with accumulated development rights from other parcels and sparked the original push to downzone this area in the 1980's; the other, the converted Shepard Warehouse, was built long before zoning existed, and thus its scale cannot be reasonably used as precedent for future development. In fact, it is magnificent and historic buildings like the Shepard Warehouse whose prominence as the proverbial "church spires" of this neighborhood we hoped to preserve with the rezoning. With the planned development on the Whitehall site as allowed by this



rezoning, the historic Shepard Warehouse will be forever obscured from view from the west and the new Hudson River Park (see attached).

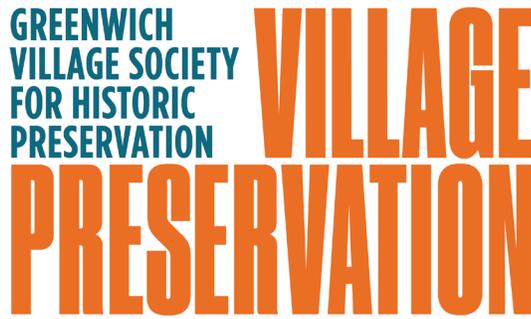
Additionally, this is the only mid-block site in the entire rezoning area which has been left at 6.02 FAR for residential and also had no height limits imposed. Virtually every other site has been downzoned to 4 or 3 FAR with height limits. So incongruous is the proposed rezoning of this site that in order not to apply solely to this one parcel it includes two of the neighboring buildings of the West Village Houses, making these the only two of the several dozen West Village Houses buildings not to be downzoned to C1-6A (4 FAR with height limits). It should also be noted that virtually no other mid-block site in the West Village allows a density as great as this, nor does virtually any other site in the anywhere in the West Village outside of the 14th Street corridor.

We feel strongly that a development of this proposed size and height is simply not appropriate at this mid-block site, and treats it very, very differently than every other similar site in the plan. We hope the Commission will work in whatever way it can to bring the height and bulk of the planned development here down further to better reflect the sixteen 2-5 story buildings, one 7 story building, and one 15 story building that surround the site, and to be more compatible with the historic districts and downzoned areas that will completely encircle this site. As stated before, the small movement by the developer from a planned 195 ft. tall to a 175 ft. tall building, and with a reduction of 0.1 FAR, is going in the right direction, but still has much further to go.

Superior Ink site, 70 Bethune/469 West Street

At the Superior Ink site, the planned building would also obscure the prominence of historic landmarks like the Westbeth complex. Additionally, however, the size and height of the planned building under the rezoning is much too great for narrow Bethune Street. Further, it would be virtually impossible to place the mass that the zoning allows on this site in such a way that would address the very real light and air concerns of the densely surrounding buildings. We feel very strongly that only with a lower FAR and height will you be able to even begin to address the concerns of both the neighbors of the site and the larger community with regard to the impact of the proposed development here.

This site should have been downzoned, especially given that the rezoning plan is granting the right to residential development upon the site, which will significantly increase its value. In light of the site's proximity to Westbeth, greater consideration should have been and still should be given to decreasing the allowable bulk of development on this site. Westbeth is an enormous, pre-zoning building whose artist residents depend upon natural light, and which is surrounded on all other sides by the open space or low-rise development which provides such light. So



critical is this factor to Westbeth, that when the tower of the complex was converted to artist/residential use, existing buildings on the south side of the complex were demolished to ensure light and air for south-facing units; at the time, the river to the west, the designated historic district to the east, and the manufacturing-zoned sites to the north seemed to secure light for the remainder of the complex in perpetuity, but now that northern light is threatened. The complex was created and continues to survive with a substantial public investment, thus clearly illustrating the public interest in seeing this complex continue to thrive. And given the direct proximity to the Superior Ink site of another pre-zoning, legally converted building at 380 West 12th Street, only moving the mass of a development on the Superior Ink site will clearly raise objections from these neighbors as well. Instead, only a substantial reduction in the allowable height and bulk on this site will begin to address these problems.

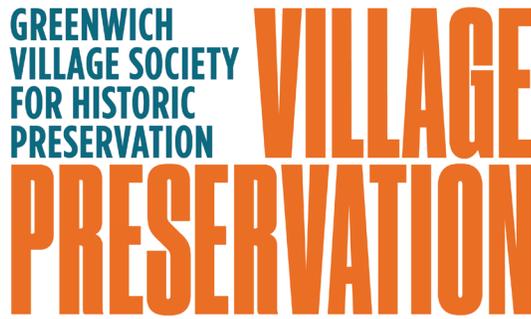
Possibilities for Change to Planned Whitehall and Superior Ink Developments

While we recognize that some changes have been made to the even more inappropriate plans originally announced for both of these sites, these changes thus far still amount to just a little more than a rearrangement of the deck chairs on these two titanic projects; significant further reduction in the height and bulk which City Planning is allowing on these sites with these actions is still both warranted and needed.

It remains to be seen whether or not, in spite of earlier statements to this effect, the Superior Ink and Whitehall Storage sites can now be downzoned. And given the danger of developers racing to beat the clock with new developments, we absolutely do not want to delay implementation of the rezoning plan in any way. However, we strongly urge the Commission and the Department to use whatever means or influence at its disposal to push for the further reduction in the height, size and scale of these developments. As currently planned, these developments would not only harm the scale and character of this neighborhood, but the perceived impartiality and even-handedness of the plan.

Opposition to Proposed Rollbacks of Downzoning

The overly generous allowance for the Whitehall Storage and Superior Ink sites in the rezoning, among other factors, have led some developers and property owners to question the appropriateness of the proposed downzoning of their sites. While we understand these feelings of unequal treatment, we still hold very firm to our strong belief that none of the proposed downzonings should be rolled back at all, as this would only exacerbate the problem. We feel strongly that the special nature of Charles Lane warrants a particularly low FAR, noting that the proposed mid-block downzoning of this site to 3 FAR still leaves a higher FAR than the typical 2.43 for most Village side streets.



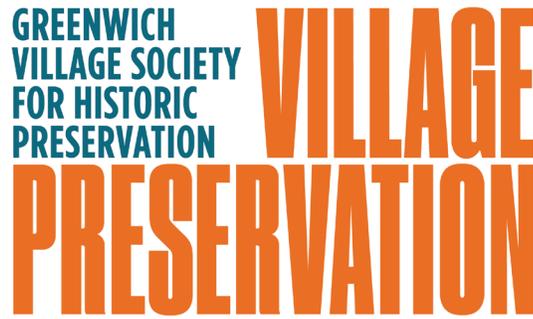
Other developers may charge that they did not know about the possibility of rezoning at the point of purchase. We must note that the City's commitment to rezone the area was made quite public in August of 2004 and covered in a New York Times article, and that any google search of "Far West Village Zoning" in the Spring of 2004 would have supplied numerous links to information about the community's agitation for and outreach to the City about downzoning the area.

393-97 and 383-91 West 12th Street

Specifically regarding 393-7 West 12th Street, given that ownership of the site was not even settled until about a month ago, it seems very hard to make a convincing argument about a lack of knowledge of the impending rezoning at the time of purchase. Regarding 383-391 West 12th, Street we have, at the developer's request, entered into a dialogue regarding their proposals for a development scheme for the site at a greater FAR and height than the proposed rezoning would allow. We have told the developer that we are very committed to the downzoning, especially for mid-block sites, and that it is hard to imagine the circumstances under which we would support lifting the proposed downzoning for this site. However, we have approached their plans with an open mind. That said, while the dialogue continues, we have not yet been convinced of the appropriateness of rolling back the downzoning here at all, and believe strongly that the rezoning plan should go through for this site as is. We also invited a broad cross-section of the community and neighbors to participate in this dialogue, all of whom expressed a similar perspective. Should our view on this change, we will be sure to let the Commission and/or the City Council know; however, until or unless this comes to pass, please know that our position remains firm and that we would strongly oppose any rolling back of the downzoning provisions for this site.

Need for Expeditious Vote By the Commission

These and other cases point to the urgent need for the Commission to vote at its earliest possible opportunity for the rezoning. Some developers are clearly trying to "beat the clock" and build under the existing zoning before this new, more appropriate zoning takes effect. Given that City Planning first announced its intention to do this rezoning over a year ago, it is critical that the plan be enacted as quickly as possible so as not to facilitate a last minute burst of out-of-scale development. This would greatly diminish the plan's effectiveness and the Department and the community's hard work. We cannot express strongly enough our great desire to see this plan voted upon at the September 28th meeting of the Commission.



Conclusion

Thus we strongly urge the Commission to vote out the rezoning plan for the Far West Village at its earliest possible opportunity, and also strongly urge that none of the restrictions of the plan be in any way rolled back, as the plan is already weaker than we had recommended. Additionally, we ask that the Commission work with us to see that the size and scale of proposed developments on the Whitehall Storage and Superior Ink sites are reduced. While we and many others in the community continue to use negotiation and pressure to secure modest changes to the proposed plans for these sites, City Planning is in a unique position and has a unique responsibility to join us in pushing for further improvements to these plans. The development plans for these sites, which are at such odds with the rest of the rezoning plan and with the spirit with which the community initiated and pursued this rezoning, are rooted in the Department's plan, and thus must be addressed by the Department.

We also feel strongly that the rezoning plan must be accompanied by a comprehensive landmarking plan as well. While the Landmarks Preservation Commission has issued a draft proposal, none of these sites have yet been calendared or designated, and we are very concerned both that key sites are excluded from the plan and that without swift action the plan will not come in time to protect even its intended targets.

It should be noted that the position we are advocating for regarding expeditious approval of the plan without rollbacks and with further consideration to the Superior Ink and Whitehall sites, in conjunction with a landmarking plan, is broadly supported not only in the Greenwich Village community but by city- and statewide preservation organizations as well. Aside from the literally hundreds of letters the City has received in support of this position and the resolutions of the Manhattan Borough President and Community Board #2, I submit for the record today letters of support from the Preservation League of New York State, the Municipal Art Society, the New York Landmarks Conservancy, the Historic Districts Council, and City Lore/Place Matters (see attached).