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Government Affairs and Community Engagement

University Relations and Public Affairs
70 Washington Square South, Room 1107
New York, New York 10012-1019
telephone: 212 998 6859
fax: 212 995 4849
alicia.hurley@nyu.edu

Alicia D. Hurley, Ph.D. *Vice-President*

November 1, 2010

Jo Hamilton
Chair
Community Board #2, Manhattan
3 Washington Square Village, #1A
New York, NY 10012

Dear Chairwoman Hamilton,

Thank you for the invitation to speak before your Zoning and Institutions Committees about NYU's proposals for the superblocks and the area to the east of Washington Square Park. We were grateful to meet with the committees and better understand some of the expressed concerns. I received your letter with follow up questions and appreciate the opportunity to clarify our proposals. In an effort to respond as comprehensively as possible, please find the following responses to your questions as well as the attachments as outlined in the response to Question 1.

CB#2 Question 1: *In the meeting, you agreed to provide the Board and public with all the documentation related to the Urban Renewal Plan. Specifically, we are requesting the original land use disposition and deed restrictions, and any other documents related to the Superblocks.*

Attached please find copies of the following documents related to the Washington Square Southeast (WSSE) Urban Renewal Plan.

- a) WSSE Urban Renewal Plan (1954)
- b) Land Disposition Agreement Educational Area (1954)
- c) Deed for Education Area (1955)
- d) Land Disposition Agreement Housing Site (1954)
- e) Deed for Housing Area (1955)
- f) Planning Commission and BOE approval of Revision to Urban Renewal Plan (1958)
- g) Educational Area LDA 2nd Revision (1962)
- h) WSSE Urban Renewal Plan 2nd Revision (1962)
- i) Planning Commission and BOE approval of 2nd Revision (1962)
- j) WSSE Urban Renewal Plan 3rd Revision (1966)

- k) Planning Commission and BOE approval of 3rd Revision (1966)
- l) Educational Area LDA Modification (1967)
- m) WSSE Urban Renewal Plan 4th Revision (1978)
- n) Planning Commission and BOE approvals for 4th Revision (1979)

CB#2 Question 2: Your presentation for the Urban Renewal History gives two dates for the expiration of the deed restrictions, 2007 and 2021. In your presentation you said that you could not build, as of right on the Morton Williams site, until 2021. Does your team now have a definitive date for the expiration? If not, can you tell us how and when the date will be determined?

Let us first clarify that the University will be seeking to have the deed restrictions lifted as it undertakes the full ULURP, making the expiration date irrelevant. Having made that clarification, the land disposition agreements and deeds associated with the urban renewal plan included language that imposed restrictions on the land for a period of 40 years from the “completion” of the project.

There is ambiguity regarding the definition of “completion.” One interpretation is that, for the purposes of these deed restrictions, “completion” occurred in 1967 with issuance of Certificates of Occupancy for all of the University Village buildings. Under this interpretation, the deed restrictions expired in 2007. The more conservative interpretation is that “completion” occurred in 1981 with the issuance of the Certificate of Occupancy for the Coles building. This would mean that the deed restrictions would expire in 2021. We have been operating under the conservative assumption that the deed restrictions will remain in effect until 2021.

CB#2 Question 3: Your team stated that you do not believe that NYU needs the public owned parkland/open space strips to satisfy the Open Space Requirements for the proposed C6-2 re-zoning, but said that you would confirm. Can you provide the OSR calculations for both the C6-2 being proposed, and for the as of right Community Facility lot coverage requirements in the existing zoning?

The DOT strips are not needed to provide the required open space for NYU’s proposal. The proposed C6-2 zoning district would allow the proposal to accommodate all of the required open space on the land that is currently owned by NYU.

The following provides the information regarding open space requirements for the existing and proposed conditions. The numbers for the proposal are preliminary and are subject to change. The calculations only consider the existing NYU property as the zoning lot area (the DOT strips are not included). One point to make clear is that only residential uses generate a lot coverage requirement. Community facility and commercial uses do not generate lot coverage requirements.

North Superblock with Washington Square Village, existing:

- The current lot area is 288,000 sf.
- This site was completed prior to the 1961 Zoning Resolution and thus pre-dates the existing R7-2 requirements.
- Under an R7-2 district, the site would have a height factor of 16 and would require 266,800 sf of open space as defined by zoning.
- The site currently has 198,000 sf of open space as defined by zoning.

North Superblock with Washington Square Village, proposed:

- The site would have a height factor of 15.
- The C6-2 zoning would require 108,000 sf of open space as defined by zoning.
- The proposal would provide 166,000 sf of open space as defined by zoning.

South Superblock with University Village, existing:

- The current lot area, excluding Morton Williams, is 213,000 sf.
- The site has a height factor of 29 and the R7-2 zoning requires 190,000 sf of open space.
- The site currently has 190,000 sf of open space as defined by zoning.

South Superblock with University Village, proposed:

- The site would include Morton Williams and would have a lot area of 229,000 sf.
- The proposal would have a height factor of 25 and the C6-2 zoning would require 94,000 sf of open space as defined by zoning.
- The proposal would provide 135,000 sf of open space as defined by zoning.

CB#2 Question 4: You are proposing C6-2 re-zoning for the superblocks and the loft area east of Washington Square Park, and cited the desire to 'open up' the streetscape with retail. It was acknowledged that a commercial overlay could accomplish this goal. Please explain your justification for instead seeking a major rezoning.

While the mapping of a commercial overlay would address the retail issue, there are other zoning concerns that the C6-2 district addresses. The proposed C6-2 district in the area east of Washington Square Park would allow for ground floor retail use and allow a higher streetwall (85 feet) when compared to the R7-2 District (60 feet) which is consistent with the built character of this area and would therefore allow any infill development to be in keeping with the existing built context.

CB#2 Question 5: Following up on our question #4, above, from what you have presented in your proposals, only the hotel and residential uses in the

“fourth tower” would not be allowed with a commercial overlay. Why not consider a BSA variance for the tower as an alternative to the C6-2 rezoning?

The C6-2 zoning district is proposed to accommodate the fourth tower as well as the Zipper building. Unlike a commercial overlay, the C6-2 district would allow the hotel use, allow additional residential use, and permit an increase in building footprint by reducing the open space requirement.

In addition, we do not believe that the fourth tower fits within the framework required for a variance. As you know, there must be a unique physical condition associated with the project's zoning lot that is the cause of the project's inability to proceed without a variance; existing zoning does not qualify as a unique physical condition.

CB#2 Question 6: Through the planning process with Borough President Stringer's NYU Task Force, you have repeatedly stated that you are looking to develop 1.5 to 2 million square feet in the Washington Square Park “core.” Can you specify the exact boundaries of that “core”?

The NYU “Core” was introduced as a planning tool and is defined with the boundary line on the image below.



CB#2 Question 7: What are the exact boundaries of the proposed Large Scale General Development Plan, and exactly how many total square feet are you proposing in the LSGD area, including both above and below ground projections?

While the exact boundaries of the general large-scale development (GLSD) have not yet been finalized, we expect the GLSD to include the two superblocks between West 3rd Street, Mercer Street, Houston Street and LaGuardia Place.

The existing buildings in this area that would remain have approximately 1.95 M sf of floor area. Within the boundaries of these superblocks, we propose to add approximately 1.3 M sf above grade and roughly 550,000 sf below grade.

CB#2 Question 8: Do you consider all of the underground development as part of the proposed 1.5 to 2 million square feet of development in the “core”?

Yes. The below-grade space that is developed on these blocks is part of the proposed 1.5 to 2 million square feet of development for the NYU Core Area.

CB#2 Question 9: How much of the proposed 800,000 square feet for the “zipper” building on Mercer Street will be underground?

As proposed, the zipper building would contain approximately 685,000 sf above grade and 100,000 – 200,000 sf below grade.

CB#2 Question 10: What uses do you project for expansion in the “loft” blocks, east of Washington Square Park?

The “Loft Blocks” currently serve as an academic center that houses departmental offices, classrooms, teaching labs, research labs and some residential housing. It is expected that future uses in the area would be similar to the uses already in the area, though we anticipate adding more ground floor retail uses in order to enliven the streetscape. Since the rezoning does not change the community facility floor area, the zoning would not spur additional development projects in the area.

Once again, I appreciate your letter and look forward to our ongoing dialogue with Manhattan Community Board #2. If you have additional questions or require further clarification, please do not hesitate to contact me.

I look forward to our continued work together.

Sincerely,

A handwritten signature in black ink, reading "Alicia Hurley". The signature is fluid and cursive, with the first name "Alicia" and last name "Hurley" clearly distinguishable.

Alicia Hurley