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Testimony of New York State Senator Brad Hoylman and Assemblymember Deborah J. Glick Before the New York City Council's Subcommittee on Zoning and Franchises Regarding Application No. C 200077 ZSM (3 St. Mark's Place)

September 24, 2020

Thank you for the opportunity to testify today regarding the proposed transfer of 8,386 square feet of air rights from the landmarked 4 St. Mark's Place (Hamilton-Holly House) to the site across the street at 3 St. Mark's Place. If approved, this transfer of air rights could result in the construction of a ten story building at the corner of St. Mark's Place and Third Avenue in Manhattan's East Village neighborhood that will be entirely out of character on this historic block with mostly 4 and 5 story buildings. We join Community Board 3, Manhattan Borough President Gale Brewer, neighborhood preservationists, and residents in strongly urging you to vote against this application.

This application also proposes to modify the height and setback requirements of ZR Section 33-432 of the zoning code which would allow the developer to penetrate the maximum front wall height and sky exposure plane. And, while the proposed agreement would create a fund for the ongoing maintenance of the historic Hamilton-Holly House, we believe that 5% of the sale is trivial in relation to what the community is being asked to accept. We have deep reservations regarding the terms of the transfer for this project and the legitimacy of a change to the zoning resolution that will facilitate the construction of a building with about twice as many stories as others on this historic block.

We fully support the sentiments raised by Manhattan Borough President Gale Brewer in her February 2020 ULURP recommendation and by Community Board 3 in their December 2019 resolution opposing this application, as well as residents and neighborhood preservationists who have expressed concerns, including the Greenwich Village Society for Historic Preservation and the East Village Community Coalition. We thank them for their advocacy. The importance of community input cannot be understated and our community has spoken out against this proposal, which would degrade the unique character and rich cultural history of our neighborhood.

While the developers may be willing to allocate an amount for perpetual maintenance of the Hamilton-Holly House, there does not exist a guarantee that further development will not put the historic house at risk. Moreover, while the plan to help fund the preservation of the historic Hamilton-Holly House is represented as the public benefit,

it does not account for the broader context of this neighborhood whose unique character is constantly threatened by development pressures.

In recent years, this neighborhood has been impacted by zoning changes that are leading to the overdevelopment of office space and taller buildings that are out of context within this historic area. If the Council approves the developer's wish to transfer air rights to build a tall structure at the entrance to this historic street, it could inspire further out-of-context development on St. Mark's Place.

Even without the additional square footage that would be awarded if this air-rights transfer is approved, at 42,000 square feet, 3 St. Mark's Place will still be significantly larger than the surrounding buildings. This will already be a tall building for the block, and approving the transfer of air rights would allow an even taller and more out of context building to be built.

We always have reservations with projects that are approved contingent upon an air rights transfer in exchange for the restoration or improvement of a notable building. Historic buildings are frequently purchased and improved within the bounds of LPC regulations without the need for a community to accept a taller structure. Furthermore, we do not want to create precedents that would encourage developers to use air-rights transfers, as rare as they may be, to build taller structures that siphon light and air from historic, low-rise neighborhoods.

At a time when the commercial office market is in a pronounced downturn in New York City and throughout the country because of the COVID-19 pandemic, we feel that a zoning text amendment creating new office space of this size is unwise. In other ULURPs involving a transfer of development rights predicated on real estate market trends which seemed attractive at the time, we have found that the shifting economic realities look less attractive to developers who then invoke alternative options and obviate the concessions made for local communities. We are concerned something similar can happen here.

The Hamilton-Holly House should be preserved on merit for being a notable structure in our community that represents an important part of New York City history, not necessarily because a sale of air-rights made that possible. For these reasons we ask that you vote against this application. Thank you.

NEW YORK CITY COUNCIL – LAND USE COMMITTEE

September 24, 2020

Air Rights and Construction of High Rise Tower at 3 St. Mark's Place, NYC 10003

**Kathleen Wakeham ksw@att.net
325 East 12th Street
Apt. 5B
NYC 10003**

My name is Kathleen Wakeham of the Metropolitan Council on Housing. I am a rent stabilized tenant who has lived in the East Village since 1973. Because I am aware of the needs and character of our community, I ask -- Please do not approve air rights or any other concessions for the proposed high rise at 3 St. Mark's Place.

As we know, over 24 million New Yorkers have died from COVID-19. Over a million have lost jobs and another million are facing eviction because of inability to pay rent. In these times, our community does not need another high rise tower. This proposed tower will not provide employment because many are working from home if they are not already unemployed. The changing face of the world of work demonstrates that high rise office space is something of the past, not the future. It will not provide needed affordable housing. Rather, it will only increase the vacancy rate to over 5 percent because very few, if any, can afford rents in a high rise tower. The benchmark of 5 percent by HPD's Housing Vacancy Survey may end rent stabilization. The Survey is to be issued in 2021 pending legislation in Albany.

Also, this construction will drastically impact our neighborhood. It will be an erection of the grim reaper over the demise of the East Village.

Please do not approve air rights or any other concessions for the proposed high rise tower at 3 St. Mark's Place.

Thank you.

John B. Senter
115 East 9th Street
New York, NY 10003-5421

Testimony (Complete Written Version) re LU 0680-2020, Application No. C 200077 ZSM (3 St. Mark's Place)
Application for a special permit pursuant to Section 74-79 of the Zoning Resolution.

To: NYC Council Subcommittee on Zoning and Franchises

September 24, 2020

Dear Chair Moya and Members of the Subcommittee:

My name is John Senter. For more than 25 years, I have lived on East 9th Street – one block from 3 St. Mark's Place.

I am **OPPOSED** to the sale and transfer of air rights on St. Mark's Place from number 4 to number 3. I urge this subcommittee, the full Committee on Land Use, and the entire City Council to concur with the recommendations from Community Board 3 (unanimous), Manhattan Borough President Gale Brewer, and – in their testimony to the NY City Planning Commission – Councilwoman Carlina Rivera, NYS Assembly Member Deborah Glick, and NYS Senator Brad Hoylman: **DENY** this application.

Well before the pandemic hit New York, this application began making its way through ULURP. I and many of my neighbors have been speaking out against it at every step. Our view has NOT changed as a result of the pandemic; nothing the applicant says today will convince us otherwise.

We believe that it will be bad enough that the East Village gets yet another large commercial office building. While rampant out-of-place commercial development continues from Union Square south to Astor Place, numerous nearby storefronts remain vacant. I walked along Third Avenue last Monday afternoon, September 21st; in just 6 short blocks, from 14th Street to St. Mark's Place, I counted **15** vacant storefronts. At least 3 of the storefronts are extremely large or corner block spaces; one of those – until recently – was a chain drug store. Furthermore, the basement and first floor commercial spaces at 4 St. Mark's Place (the source property for the proposed transfer of air rights) appeared vacant.

New York City has many serious problems and challenges right now. Catering to two private, speculative real estate developers and to their multi-million-dollar private financial transactions should not take place.

Regrettably, the de Blasio administration and its agencies too often have shown a lack of vision and imagination to the land use, zoning, and landmark protection needs of our community. Often, they seem tone-deaf to community voices. I have heard too much of *we've held 'x' number of town halls* on this or that matter; it is meaningless when the administration reluctantly listens but does not act, or flatly refuses to listen. We residents **NEED** the New York City Council – every member – to stand with and for us. Start by **DENYING** this application.

We **NEED** better zoning and landmark protections here, NOT an annex to the “Death Star” at 51 Astor Place. Little can be done to control “as-of-right” projects. We are resigned to that, but I sincerely ask the developer merely to make a functional and beautiful building without trying to game the Zoning Resolution.

Do not just show us a generic as-of-right massing model and say: *Well, this is what we “can” do.* Be creative and resourceful within the limits of the resolution and the site. It **CAN** be done,

and I saw evidence of that yesterday afternoon in a presentation of some sensitive and beautiful renderings for a different project.

To ADD another 8,386 sq. ft., by a transfer of air rights, to a strictly commercial office building planned for 3 St. Mark's Place, is WRONG.

REEC's proposal reeks.

Simply put, this proposal is about speculation and greed. The developer already has spent thousands of dollars to lobby officials to support an unnecessary give-away from the public for a private, multi-million-dollar real estate deal.

Section 74-79 of the Zoning Resolution is important, but NOT appropriate in this case.

We DO NOT need to increase an already high FAR from 6.0 to 7.2.

The developer claims that with the air rights transfer, his new building will better "fit in" with other nearby buildings. I challenge this notion as flawed and incomplete. Several of the buildings the developer wishes to "fit in with" are oversized from the use – and abuse – of the "community facilities" bonus section of NYC's Zoning Resolution. A rendering from the west side of Third Avenue, between St. Mark's Place and 9th Street, looking southeast, would show the proposed new tower looming over low-rise buildings lining the south side of St. Mark's Place. Furthermore, this applicant's proposal does NOT provide any of the PUBLIC benefits that those "community facilities" buildings supposedly do.

I am NOT "anti-development." I am FOR reasonable and appropriate development. In this neighborhood, we do not need more roof terraces and roof "amenities" on private commercial office buildings. We do not need more commercial office space with floors 15 to 16 feet high.

I truly appreciate the historic repairs and renovations that the corporate owners have made at the landmarked Hamilton-Holly House. However, the promise of a continuing maintenance plan in exchange for a transfer of air rights is not enough. Two private developers – NOT the public – would reap the benefits resulting from approving this application.

I had the good fortune to work on the crew of the Broadway production of "Hamilton: An American Musical." I learned about "Eliza" Hamilton, who, with two of her children, lived at 4 St. Mark's Place for 9 years. She truly was a remarkable woman. Her former home is part of our community's rich cultural history. Eliza helped to found the first private orphanage in New York City, and it is still in operation! Of course, I cannot put words into her mouth; but if Eliza were alive today, I believe she would reject the proposal – unless it were for an orphanage. This proposal will not benefit an orphanage; please **DENY this application to sell and transfer air rights on St. Mark's Place.**

Sincerely,
John B. Senter

Testimony about Proposed Air Rights Transfer at 3 St. Mark's Place

City Planning Commission Public Hearing, March 4, 2020

My name is Katharine B. Wolpe. I live at 107 East 10th St. in the St. Mark's Historic District and am a parishioner at St. Mark's Church in the Bowery located at the corner of East 10th St. and 2nd Ave. Living in a historic district for more than 40 years helped me appreciate the benefits of such designations in preserving our City's neighborhoods and flavor. The East Village is a unique neighborhood reflecting the diverse immigration from many countries to a neighborhood where people lived together in peace.

The construction site at 3 St. Mark's Place is across from the Cooper Union's historic main building where President Abraham Lincoln gave a famous address in the 1800s. Granting air rights for this construction will impact this building and the Astor Place area which is already overcrowded. A larger building will place additional burdens on subway and bus service, not to mention to pedestrians on already overcrowded nearby sidewalks and traffic on near-by streets. We already have NYU and Cooper Union dormitories and classrooms within a few blocks of this location. Other infrastructure affected will be water supply and electrical service.

I strongly urge you not to allow this air rights transfer to take place at 3 St. Mark's Place.

Katharine B. Wolpe

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