



DEBORAH J. GLICK
Assemblymember 66th District
New York County

The Assembly State of New York

CHAIR
Higher Education Committee
Intern Committee

COMMITTEES
Environmental Conservation
Governmental Operations
Rules
Ways & Means

FOR THE RECORD

Testimony of Assemblymember Deborah J. Glick Before the New York City Council Subcommittee on Zoning and Franchises May 4, 2016

Thank you for the opportunity to testify before you today regarding the text amendment which would convert public space into private commercial space to 20 locations along Water Street. While I appreciate the goals of improving public plazas, I share many of the concerns raised by the community.

While these plazas may need improvements, this could be accomplished with more creative use of these spaces. We should not be relinquishing more than 110,000 square feet of public land for the profit of a private business. Although I agree with enlivening pedestrian arcades with lights and seats, as suggested, this amendment would allow leases to be granted for commercial use in what had been public space. This runs counter to the original agreements, short-changes the community, and impacts the quality of life for the growing number of residents' in lower Manhattan.

This is an unacceptable change. Public spaces should remain public.

While the amendment indicates that the goal is to encourage small businesses, there is no guarantee that these spaces will in fact be small businesses. Furthermore, the community, through the Community Board, deserves to have a voice in this process.

Public land is a commodity which is our responsibility to protect. While it is often easier in the short term to relinquish control, it is our job as Government to protect public assets and that includes public property, especially public open space which is increasingly sparse in this city. I urge you to consider the implications involved in giving away public land for private use and deny this amendment as currently proposed.

Thank you.

DESIGN TRUST FOR PUBLIC SPACE

FOR THE RECORD

UNLOCKING THE
POTENTIAL OF
NYC'S PUBLIC SPACES
SINCE 1995

May 3, 2016

FOR THE RECORD

Hon. Melissa Mark-Viverito, Speaker, NYC Council

Re: Testimony in support of modifications for the Water Street Upgrades Text
Amendment – N 160166 ZRM

Dear Speaker Mark-Viverito and Members of the New York City Council:

Thank you for this opportunity for the Design Trust for Public Space to submit written testimony in support of the Water Street Upgrades Text Amendment to the provisions of the Section 91-80 (Public Access Areas) of the Special Lower Manhattan District, proposed by the New York City Economic Development Corporation, the Alliance for Downtown New York, and the New York City Department of City Planning. The Design Trust is a nonprofit that has unlocked the potential of NYC's public space since 1995. We helped save the High Line structure from demolition; jumpstarted TLC's Taxi of Tomorrow; made it safer for pedestrians in Times Square with our research and guidelines; and developed a suite of sustainability guidelines for NYC's buildings, infrastructure and landscape.

Good design is the key to the success of ground-floor space, creating a vibrant streetscape, which the current Water Street arcades and proximate plazas severely lack. We've seen successful arcades in many other urban centers, such as along the Rue de Rivoli in Paris. Creating a well-defined retail presence, better services, improved accessibility with adequate height clearances, greater flexibility of space and uses, and leasability will significantly improve the quality of public space and pedestrian experience, and provide much needed uses and amenities for the residents and employees along Water Street.

When these privately owned public spaces/POPS were created in the 1960s, the intent of providing publicly accessible space in return for additional FAR gave little consideration to walking and gathering in the city. The goals of the proposed amendment to allow infill of the existing arcades for retail use and improvement of proximate plazas or POPS are admirable. The Design Trust commends the City Planning Commission for approving three modifications to the proposed text amendment on April 25, 2016. These modifications (listed below), address several of our prior concerns.

- Establishment of a 45-day timeframe for the Community Board to review certifications for arcade infill and plaza improvements
- Expansion of the requirement for multiple establishments on the longest frontage of arcade infill to facilitate retail variety

BOARD OF DIRECTORS

Eric Rothman, Chair
Marc Heiman, Treasurer
Paula J. Mueller, Esq., Secretary
Hugo Barreca, J.D.
Theodore S. Berger
James Biber, FAIA, LEED

Matthew Casper
R. Darby Curtis, AIA
Johanna Flato
Paul Gangsei, J.D.
Maxine Griffith, AICP
Eric Gural
Ann Harakawa

Eve Klein
Zack McKown, FAIA
Sylvia Smith, FAIA, LEED
Tim Tompkins
Andy Wiley-Schwartz
Susan Chin, FAIA, Hon. ASLA, *ex officio*

40 WORTH STREET
SUITE 603
NEW YORK, NY 10013
(212) 695 2432
@DESIGNTRUSTNYC

DESIGNTRUST.ORG

DESIGN TRUST FOR PUBLIC SPACE

- Exclusion of Use Group 5A (hotel rooms) from locating within arcade infill

We suggest that City Council also consider creation of a sustainable fund for activation of the plazas and POPS through ongoing programs and events.

The Design Trust's recent project, *Laying the Groundwork Design Guidelines for Retail and Other Ground-Floor Uses in Mixed-Use Affordable Housing Developments*, in partnership with the NYC Department of Housing Preservation and Development focused on storefronts in new affordable housing. Much of what we learned through this project to making successful retail depends on good design and is highly relevant and applicable elsewhere in the city, including for the proposed changes to these POPS on Water Street.

You have the opportunity to create more robust public spaces where residents and employees can enjoy vibrant street life, while recalling the original compact that developers and property owners made with the City to develop these buildings and to create and maintain public spaces. We now have the opportunity to build on that effort, recognizing and strengthening the unique qualities and diverse character of this neighborhood with meaningful civic engagement, to now reap the maximum benefits from these renewed public spaces through well-designed retail and community space for the well-being of all New Yorkers.

Yours sincerely,



Susan Chin, FAIA, Hon. ASLA
Executive Director

CC: Hon. Carl Weisbrod, Chair, NYC City Planning Commission
Hon. Gale Brewer, Manhattan Borough President



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

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

March 25, 2016

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Water Street Upgrades Text Amendment – N 160166 ZRM

Dear Chair Weisbrod:

I write in regard to the application by the Alliance for Downtown New York (ADNY), New York City Economic Development Corporation (EDC), and the Department of City Planning (DCP) to amend the provisions of Section 91-80 (PUBLIC ACCESS AREAS) of the Special Lower Manhattan District and related sections of the New York City Zoning Resolution. These changes would allow along Water Street, following either Chairperson or Commission review, for the infill of existing arcades for retail use and the improvement of existing proximate plazas or POPS (privately owned public spaces). The proposed text would also allow for programming and placement of moveable tables and chairs within those arcades and plazas as-of-right, and would continue to allow cafes within arcades by Chairperson Certification.

The proposed text amendment will create a Water Street Subdistrict within the Special Lower Manhattan District to facilitate arcade infill and associated plaza redesign and upgrades within the Water Street Corridor, centered on Water Street and generally bounded by Whitehall, South William Street, Pearl Street, John Street, Front Street, and South Street. The goals of the proposal are to improve the street's pedestrian experience, provide useful services and amenities for nearby residents and employees, improve the quality of the public spaces, and improve the flood resilience of each building. The text amendment will allow infill of arcades in conjunction with the upgrade of plazas to current design standards, require service and retail establishments, limit lobby uses on ground floors, permit free programming as-of-right, and require that arcade infill comply with the flood-resistant construction requirements of Appendix G of the New York City Building Code.

The Community Board has issued a number of favorable resolutions since 2010 supporting past initiatives and zoning text amendments. The text amendments in 2011 (N 110193 ZRM) and 2013 (N 130206A ZRM) also sought to improve the pedestrian experience and plaza environments on the Water Street corridor. At the Full Board Meeting on March 22, 2016, Community Board 1 voted with 19 in favor, 11 opposed, 7 abstentions, and 1 recused to pass a resolution in favor of the adoption of the Water Street Upgrades Text Amendments with modifications.

During the community referral for this text amendment, my office heard a number of concerns centered around whether this text was actually a give-away to developers, what the trade-offs were for the neighborhood, and whether there was a better use for these spaces other than retail infill. I share these concerns every time we consider our city land and publicly accessible spaces, but believe the proposed text goals are laudable and the text is seeking to make the best out of a set of very challenging circumstances. Lower Manhattan has seen exponential residential growth in the last decade, and that growth is densest in the Financial District due to the high rate of commercial to residential conversion in the area. Despite the high rate of conversion, the area retains over twenty percent of the office space for Lower Manhattan. This is a twenty-four hour community. The arcades in question were for the most part designed under a very different set of urban design principles than that to which the city ascribes today, and we would not likely choose to build now these arcades in a mixed residential and commercial neighborhood. They do not serve as circulation space or public gathering spaces for all users. Many of the plazas have little to no design or public amenities, and many remain damaged following Superstorm Sandy with broken paving and are devoid of plant life.

Zoning text is a tool that we should employ carefully and adjust when warranted given neighborhood needs, context, and constraints. The existing zoning text for design changes for POPS does not require resiliency measures or a minimum standard of amenities, and changes involve a subjective assessment by the Chairperson of the City Planning Commission. That approach may make sense when for individual plazas or arcades. However, here in Community Board 1 along Water Street we are looking at a concentration of, by today's robust standards, poorly designed POPS. So a more holistic plan for bringing these up to our standards today also makes sense.

I find the goals of this text to be wholly appropriate for the vibrancy and vitality of Lower Manhattan as long as the text is modified to reflect those goals more explicitly and address, where possible, the concerns of the community board. First, in the General Purposes section of the special district rules that establishes the Water Street Subdistrict, language should be added that makes explicit, as did the applicant presentations and materials did, that the goal of this text is to enliven the pedestrian experience along the street. Secondly, the 60-day referral timeframe requested by the Community Board is reasonable given the individual complexities and legislative history at many of these sites and that should be incorporated. In addition, preference during design review should go to plants and materials more able to withstand a storm surge or water influx. These sites should not again lay fallow for years after such an event.

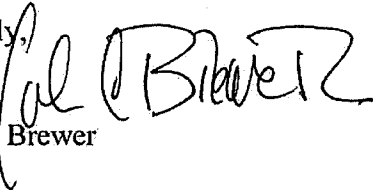
Lastly, the application materials identify that the "the corridor lacks small commercial spaces (<2,000 sf) appropriate for the unique retail, food, and other uses that could cater to the residents and workers in the area." However the text as drafted would allow commercial uses in C1, C2, C4, C5, C6 and C8 categories, within Use Groups 5, 6, 7, 9, and 10. That is too broad. I recommend that the ground floor requirements of Section 91-831 be modified to exclude Use Groups 5, 7, 9, and 10. These changes will still allow for residential and community facility use such as pre-K seats, and provide plenty of flexibility for the retail programming ADNY and the neighborhood residents say they want here.

Furthermore, for longer arcade frontages, it may also be appropriate to require a minimum number of lobby uses or establishments, whether retail, residential, or commercial. For example, allowing the retail footprint at 200 Water to be expanded in conjunction with arcade infill will not achieve the text goals of variety and vibrancy as the ground floor already houses a large retail establishment. The text should also be more specific for frontage requirements in the arcades, in addition to the rules already included for frontages on plazas, since not all potential arcade infill sites front on plazas. This corridor already has Duane Reade, banks, and there will soon be more 10,000 sf or larger shopping establishments at Pier 17. What residents need, and both those in favor of and against the text at the community meetings made clear that they want, is local retail. Therefore, I strongly recommend that the text amendment be modified to emphasize this local need. While flexibility is important, we should not incentivize larger retail footprints. If possible, however, an exemption should be carved out for food stores as that was a need highlighted in the meetings.

Thank you for your and the Commission's consideration of the Community Board's and my comments on this application.

Sincerely,

Gale A. Brewer

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is written in a cursive, flowing style. The first name "Gale" is written with a large, stylized "G" that loops around the first part of the last name. The last name "Brewer" is written in a similar cursive style. The signature is positioned to the right of the word "Sincerely," and above the printed name "Gale A. Brewer".



AIA
New York

The American Institute of Architects New York Chapter

536 LeGuardia Place
New York, NY 10012

T (212) 683 0023

www.aiany.org

2016 Board of Directors

Carol Loewenson FAIA LEED AP
President

David Piscuskas FAIA LEED AP
First Vice President / President-Elect

Jennifer Sage FAIA LEED AP
Vice President for Design Excellence

Jane Smith AIA IIDA
Vice President for Professional Development

Gerard F. X. Geier II FAIA FIIDA LEED AP
Vice President for Public Outreach

Jack Travis FAIA
Secretary

Mark C. Regulinski AIA
Treasurer

Paul A. Bello PE
Director for Development Affairs

Lia Gartner FAIA LEED AP
Director for Educational Affairs

Ashok Rajji Assoc. AIA PE LEED AP
Director for Industry Affairs

F. Eric Goshaw AIA LEED AP
Director for Legislative Affairs

Illya Azaroff AIA
Director for Programs & Strategic Planning

Barbara E. Spandorf AIA LEED AP
Director for Publications

Laurie D. Kerr FAIA LEED AP
Director for Sustainability

Michael Szivos Assoc. AIA
Associate Director

Jeffrey C. Shumaker
Public Director

Brian McGrath
Public Director for Educational Affairs

Elizabeth H. Kubany
Public Director for Professional Affairs

Thomas A. Heyer
co-Director for Student Affairs

Jonathan J. Ngo
co-Director for Student Affairs

Tomas J. Rossant AIA
Immediate Past President

Stephanie Gelb FAIA
Alternate Director for Design Excellence

Venesa Alicea AIA LEED AP BD+C
Alternate Director for Professional Development

Faith Rose AIA
Alternate Director for Public Outreach

Benjamin Prosky
Executive Director

April 21, 2016

Carl Weisbrod, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Dear Chair Weisbrod,

The American Institute of Architects New York represents over 5,000 architects and design professionals throughout the five boroughs, and is committed to positively impacting the physical and social qualities of our city, while promoting policies beneficial to the welfare of our members.

We have reviewed the Water Street Upgrades Text Amendment proposal and believe these revisions will be mutually beneficial to property owners and community members. By requiring owners to upgrade plazas when they choose to activate their arcades, these upgrades will help to create higher quality public spaces for commercial and residential tenants.

Despite significant growth in the Water Street area, the privately owned public spaces, or POPS, in question have failed to adequately serve the neighborhood. The arcades and plazas remain desolate on nights and weekends. Retailers struggle to attract new business. Spaces are inaccessible and unusable. Even building owners that would like to redesign the spaces face technical and administrative barriers that prevent them from making physical improvements.

In order for this rezoning to succeed, quality design is essential. In addition to improving the corridor's physical aesthetics with more plantings, seating, and access to light and air, the resulting arcades and plazas will meet ADA standards and New York City's resiliency requirements for the flood zone. The redesigned spaces must together create a cohesive yet varied environment. Concurrent projects, including the Streetscape Improvement Project, will assist in the Street's overall design.

Although it could take years for each site to reach its full potential, the stakeholders that take advantage of this opportunity will leave a visible and lasting impact on the city.

Sincerely,

Carol Loewenson, FAIA

OFFICERS

FREDERICK ISEMAN, *CHAIR*

GINA POLLARA, *PRESIDENT*

JAMES M. CLARK, JR., *TREASURER*

EARL D. WEINER, ESQ., *GENERAL COUNSEL*

BOARD OF DIRECTORS

ELIZABETH BELFER

EUGENIE L. BIRCH

SERENA BOARDMAN

GABRIEL CALATRAVA

LISA SMITH CASHIN

VISHAAN CHAKRABARTI

KATHRYN C. CHENAULT

VIN CIPOLLA

JAMES M. CLARK, JR.

MICHAEL P. DONOVAN

MARK FISCH

SUSAN K. FREEDMAN

KITTY HAWKS

MANUELA HOELTERHOFF

FREDERICK ISEMAN

SOPHIA KOVEN

DAVID W. LEVINSON

CHRISTY MACLEAR

CHRIS MCCARTIN

JOSEPH A. MCMILLAN, JR.

GREGORY MOREY

RICHARD OLCOTT

BARBARA KOZ PALEY

CARLOS PUJOL

CARL L. REISNER

DAVID F. SOLOMON

KENT M. SWIG

YEOHLEE TENG

THOMAS VECCHIONE

EARL D. WEINER, ESQ.

THOMAS L. WOLTZ

WILLIAM H. WRIGHT II

DIRECTORS EMERITI

KENT L. BARWICK

DAVID M. CHILDS

JOAN K. DAVIDSON

HUGH HARDY

PHILIP K. HOWARD

JOHN E. MEROW

FREDERIC S. PAPERT

CHARLES A. PLATT

JANET C. ROSS

WHITNEY NORTH SEYMOUR, JR.

JERRY I. SPEYER

STEPHEN C. SWID

HELEN S. TUCKER

MAS Testimony to the City Planning Commission regarding Water Street Upgrades Text Amendment N 160166 ZRM

March 30, 2016

The Municipal Art Society of New York (MAS) believes abundant high-quality public space is essential to the welfare of our city. Truly accessible public spaces that are well designed and thoughtfully programmed add vibrancy to our streets, strengthen our civic culture, and enhance the value of neighborhoods. As such, MAS applauds the efforts of the Alliance for Downtown New York (ADNY), the Department of City Planning (DCP), and the Economic Development Corporation (EDC) to improve Privately Owned Public Spaces (POPS) in the Water Street corridor.

Many of the POPS in this area were built during an era that subscribed to different principles of urban planning and architecture of public space than we employ today. As a result, most of the POPS in the Water Street corridor are considered uninviting, lifeless, impediments to investment, and, in some cases, unsafe. Thus, we are in favor of reimagining these POPS to ensure they are welcoming places for residents, workers, and visitors that offer space for respite and contemplation while also activating the streetscape.

MAS supports the important goals the project sponsors seek through this text amendment. However, there are 525 POPS across the City of New York and many of them are also poorly designed and maintained, and thus could benefit from the same creative solutions initiated for the Water Street corridor. In light of this, we offer the following recommendations to enhance and expand the effectiveness of the current proposal:

Calculate and Ensure the Public Benefit - The 1961 Zoning Resolution allowed for the creation of POPS by granting property owners additional FAR in exchange for the inclusion of public space on their properties. As conceived, both the additional FAR and the public space were intended to exist *in perpetuity*. In other words, there was recognition at the time that additional FAR permanently increased a building's value, and that value was to be offset by a permanent increase in public space. The Water Street text amendment changes this important equation: Property owners retain their additional FAR, but are now allowed to replace POPS with new commercial, revenue-generating uses.

As presently drafted, the text amendment does not require any economic analysis that would provide a full accounting of the costs and benefits of altering POPS. It is imperative that the reduction or elimination of existing public space be subject to a thorough and transparent economic analysis so that the original equation of equitable trade is maintained. It is not enough to claim that access to retail venues somehow

The Municipal Art Society of New York



provides an equivalent public benefit. Mechanisms must be put in place to ensure that there is, in fact, an equitable exchange.

Set a City-wide Precedent – The Water Street corridor represents only 3% of the total number of POPS in the city in need of activation or reimagining. Rather than insisting these changes won't set a precedent, we urge DCP and EDC to do just that – use this opportunity to develop a full set of economic and regulatory parameters that can be employed city-wide to provide all property owners with the framework, tools, and incentives to improve their underperforming POPS while maintaining the original equation of exchange.

The City has evolved since 1961, and the pressures on public space are greater than ever before. MAS looks forward to working with DCP and EDC on a pro-active city-wide approach for equitably reimagining and improving all POPS.

DESIGN TRUST FOR PUBLIC SPACE

UNLOCKING THE
POTENTIAL OF
NYC'S PUBLIC SPACES
SINCE 1995

March 29, 2016

Hon. Carl Weisbrod, Chair
NYC City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Re: Testimony in support of modifications for the Water Street Upgrades Text
Amendment – N 160166 ZRM

Dear Chair Weisbrod and Members of the New York City Planning Commission:

Thank you for this opportunity for the Design Trust for Public Space to submit written testimony in support of the Water Street Upgrades Text Amendment to the provisions of the Section 91-80 (Public Access Areas) of the Special Lower Manhattan District, proposed by the New York City Economic Development Corporation, the Alliance for Downtown New York, and the New York City Department of City Planning. The Design Trust is a nonprofit that has unlocked the potential of NYC's public space since 1995. We helped save the High Line structure from demolition; jumpstarted TLC's *Taxi of Tomorrow*; made it safer for pedestrians in Times Square with our research and guidelines; and developed a suite of sustainability guidelines for NYC's buildings, infrastructure and landscape.

Good design is the key to the success of ground-floor space, creating a vibrant streetscape, which the current Water Street arcades and proximate plazas severely lack. We've seen successful arcades in many other urban centers, such as along the Rue de Rivoli in Paris. Creating a well-defined retail presence, better services, improved accessibility with adequate height clearances, greater flexibility of space and uses, and leasability will significantly improve the quality of public space and pedestrian experience, and provide much needed uses and amenities for the residents and employees along Water Street.

When these privately owned public spaces/POPS were created in the 1960s, the intent of providing publicly accessible space in return for additional FAR gave little consideration to walking and gathering in the city. The goals of the proposed amendment to allow infill of the existing arcades for retail use and improvement of proximate plazas or POPS, following review of the Chair or Commission, are admirable, but the Commission must now consider good design, maintenance and the quality of the public realm for people when incentivizing investment.

We recommend the following changes and additions to the Text Amendment:

Ground Floor Use and Design Requirements (Section 91-831)

- Specific design guidelines to achieve flexible quality storefronts that can accommodate both commercial retail as well as a variety of community uses

BOARD OF DIRECTORS

Eric Rothman, Chair
Marc Heiman, Treasurer
Paula J. Mueller, Esq., Secretary
Hugo Barreca, J.D.
Theodore S. Berger
James Biber, FAIA, LEED

Matthew Casper
R. Darby Curtis, AIA
Johanna Flato
Paul Gangsei, J.D.
Maxine Griffith, AICP
Eric Gural
Ann Harakawa

Eve Klein
Zack McKown, FAIA
Sylvia Smith, FAIA, LEED
Tim Tompkins
Andy Wiley-Schwartz
Susan Chin, FAIA, Hon. ASLA, *ex officio*

40 WORTH STREET
SUITE 603
NEW YORK, NY 10013
(212) 695 2432
@DESIGNTRUSTNYC

DESIGNTRUST.ORG

DESIGN TRUST FOR PUBLIC SPACE

such as pre-K facilities, senior services, cultural facilities, and local retail or mom-and-pop stores, among others

- Allocation of a minimum of 20% percent of the retail space gained through the infill of existing arcades should be set aside for a diverse set of uses, as mentioned above, to reflect the rich cultural assets of the neighborhood

Compensating Amenity (Sections 91-832, 91-834, and 91-835)

- Quality parameters to improve the public realm and streetscape, including peripheral amenities such as benches, bike racks, drinking fountains, trees, and planters
- Measures for a sustainable revenue model for long-term maintenance would create resilient public space and an energetic neighborhood for years to come

The Design Trust's recent project, *Laying the Groundwork Design Guidelines for Retail and Other Ground-Floor Uses in Mixed-Use Affordable Housing Developments*, in partnership with the NYC Department of Housing Preservation and Development focused on storefronts in new affordable housing. Much of what we learned through this project to making successful retail depends on good design and is highly relevant and applicable elsewhere in the city, including for the proposed changes to these POPS on Water Street.

You have the opportunity to create more robust public spaces where residents and employees can enjoy vibrant street life, while recalling the original compact that developers and property owners made with the City to develop these buildings and to create and maintain public spaces. We now have the opportunity to build on that effort, recognizing and strengthening the unique qualities and diverse character of this neighborhood with meaningful civic engagement, to now reap the maximum benefits from these renewed public spaces through well-designed retail and community space for the well-being of all New Yorkers.

Yours sincerely,



Susan Chin, FAIA, Hon. ASLA
Executive Director



Alliance for Downtown New York, Inc.
120 Broadway, Suite 3340
New York, NY 10271
212.566.6700
DowntownNY.com

**Alliance for Downtown New York Testimony
New York City Council Committee on Zoning and Franchises
Zoning, Water Street Pops Upgrades, Manhattan (N 160166 ZRM)
May 4th, 2016**

Good morning Chairman Richards and members of the Subcommittee. My name is Jessica Lappin, and I am president of the Alliance for Downtown New York, the business improvement district covering lower Manhattan south of City Hall. We are partners with the city on this application and I am here today with our co-applicants, the Dept. of City Planning (DCP) and the New York City Economic Development Corporation (NYCEDC).

Stretching for just over a mile along the east side of Lower Manhattan, Water Street is a vital commercial hub for Lower Manhattan and for the city. The corridor is home to over 19 million square feet of office space, more than the World Trade Center and Brookfield Place combined; more than downtown Pittsburgh. It is also home to a growing residential population, which has increased by 122% since 2000.

In almost any other American city, it would be the premier central business district. But it certainly doesn't look like a premier business district, which is why we are here today asking for your support. We need to meet the pressing need to transform Water Street into a modern competitive boulevard by upgrading public spaces and incentivizing investment in the area.

Let me lay out some of the major challenges on Water Street. The street's design is a vestige of an outdated, largely discredited planning model that favored monumentally scaled buildings and cars over vibrant, walkable commercial strips, like Broadway. Even before Hurricane Sandy hit hard, it didn't have shops and restaurants lighting the streetscape. It is desolate at night and on the weekends.

One of the reasons is the poor quality of the street's high concentration of privately owned arcades (covered walkways designed to enhance pedestrian circulation) and private plazas. This dense concentration doesn't exist anywhere else in the city, which is why this unique area needs a unique approach. This isn't about setting a precedent, but righting a planning wrong.

Many Lower Manhattan residents and workers have long recognized that the plazas and arcades created by the 1961 zoning resolution have largely failed as public spaces and don't enhance quality of life. As Borough President Brewer noted in her letter recommending approval of the text, the "...arcades in question were for the most part designed under a very different set of urban design principles than that to which the city ascribes today...and they do not serve as circulation space or public gathering spaces for all users." Other cities, like Washington, DC and San Francisco have already recognized this and are now allowing for retail infill in arcades.

PRIVATELY OWNED PLAZAS

The 226,000 square feet of plazas along Water Street are poorly designed and underused. Many are simply vast expanses of concrete separating buildings from the street. Almost all are well below the city's standards for newly built public plazas. Under current city regulations, the process for making changes to a public plaza is time consuming and lacks clear design guidelines. Consequently, few plazas have seen significant investment since Richard Nixon was president.

PRIVATELY OWNED ARCADES

About one third of the privately owned spaces currently open to the public along Water Street are covered pedestrian arcades. Never intended as "open space" in the tradition of plazas, squares, parks or other public spaces, the arcades were instead encouraged as part of an area-wide circulation plan that was never fully realized. The arcade spaces along Water Street are, if anything, even less of a public amenity than the plazas. Intended to enhance pedestrian movement along Water Street, the arcades have in fact helped make Water Street *less* attractive to pedestrians. As the *New York Times* observed last Friday many of the spaces in this "...shadowy windswept realm... [are]...used as outdoor smoking lounges..." while pedestrians largely "...prefer sidewalks to the gloomy, moribund [arcade] spaces." Many arcades are narrow, dark and uninviting or set back from the street. Planners have long recognized the limited public benefit of arcades. The 1961 zoning resolution allowed developers to realize far less bonus floor area from arcades than plazas. Of the approximately 2.5 million square feet of bonus floor area

generated on Water Street by POPS, only about 375,000 square feet, or 15%, was created through the provision of arcades.

Water Street's poorly designed POPS also contribute to making the area unattractive to retailers. The limited retail space that exists is largely hidden and removed from the street. Small business owners repeatedly complain about poor visibility for their storefronts and a lack of pedestrian traffic. Consequently, asking rents for retail space along Water Street range from 65-70% below the average for ground floor retail space in the rest of Lower Manhattan. Local residents have also long voiced concerns about too few shops and restaurants along the corridor.

COMMUNITY PLANNING PROCESS

To address these shortcomings, in 2009, the Downtown Alliance formed a stakeholder committee including small business owners, residents, and Community Board 1 members. We issued a 56 page report the following year that identified a number of solutions, including the one before you today. Since then, we have been working with public and private partners to implement this shared vision. Community Board 1 has voted multiple times in support of our efforts as we have taken several steps to pilot these changes, which included passing a text amendment allowing café tables in arcades and a temporary zoning text amendment (and subsequent zoning override) allowing free events and other programming in plazas. Over the last two summers, the Downtown Alliance has

funded and managed a successful summer programming series in the Water Street plazas called GameOn! that has attracted thousands of visitors with games, music and food.

While these efforts have enjoyed some success, it's time to make these temporary improvements permanent and take the next step. It has become abundantly clear that incentivizing significant improvements to Water Street's public spaces requires a new approach. This is private, not public property. We can't force owners to improve it. And the mechanism that exists today is so onerous and open ended that almost no one uses it. So, we could cling to a failed planning experiment and outdated ideals, or come up with a new way to encourage owners to improve public plazas that simply aren't working, give New Yorkers better public space and community amenities.

The proposed zoning text amendment before you will do just that. The heart of the proposed text is a clear process and a rigorous set of design guidelines governing plaza upgrades. It would require owners to create and maintain meaningful open space if they choose to fill in arcades. That could mean nearly a quarter of million square feet of improved public space for the neighborhood. That would have an immeasurable positive impact on the area.

Newly redesigned plazas would have to be inviting and fully accessible to people with disabilities. Property owners would be encouraged to relocate building entrances and shops onto plazas to further enliven and activate these spaces, making them safer and

more inviting. More and diverse seating, along with enhanced lighting and landscaping, would also be required. The guidelines ensure high-quality design that would promote the development of flexible, attractive spaces appropriate for a variety of community-oriented uses. While it is, of course, very difficult to place a dollar amount on the value of public space to a community, we are confident that these significant upgrades would be a substantial positive benefit for Lower Manhattan residents, workers and visitors.

Using the proposed text amendment, the improved and redesigned public plazas along Water Street would be joined by new shops and restaurants in existing arcades. The average arcade is less than 6,000 square feet, which would allow for the development of small-to-mid-sized retail. And, the proposed text requires property owners to complete the substantial improvements to public plaza spaces outlined above *before* opening new retail spaces, or they don't get a certificate of occupancy.

Allowing property owners to create new retail in the arcade spaces, which they own, would create the financial incentive necessary to encourage the investment in Water Street's plaza spaces that has been sorely lacking for more than four decades. Creating attractive new retail that's close to the street would be a boon to residents, make the area brighter, safer, and greatly improve existing conditions for struggling small retailers. Today, stores are set back and hard to find. Some hit by Sandy have never reopened. Under the proposed text, property owners would be required to enliven the street with new spaces and, in the case of larger arcades, break up frontages into multiple spaces to

add to the vibrancy. The value of tremendously improved public plazas, new shops and restaurants and an enhanced streetscape greatly outweighs any potential loss of outdated, underutilized arcade space.

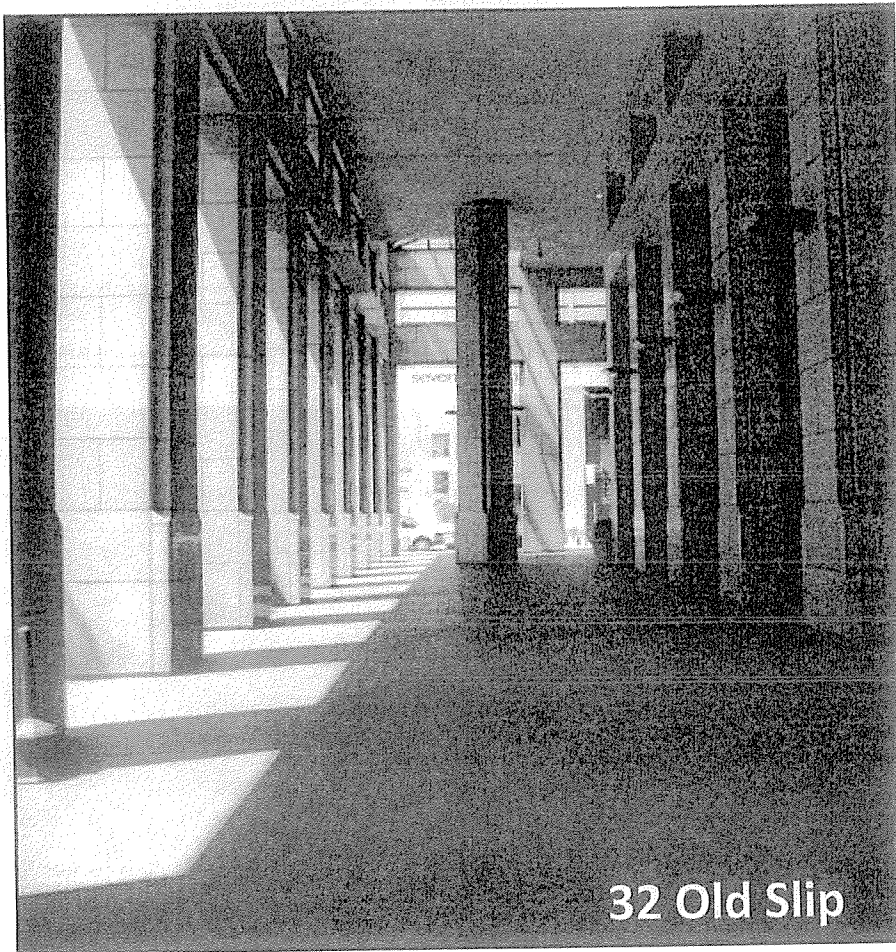
The proposed text would also allow property owners to place publicly accessible tables and chairs in their arcades and plazas as-of-right and host free events, providing additional tools to activate these spaces if property owners choose to forgo the considerable expense of creating new retail spaces. Furthermore, property owners would be required to meet the flood-proofing guidelines established in the Building Code's Appendix G. As I mentioned above, this was an area hit extremely hard by Hurricane Sandy, so requiring flood-proofing is costly, yet important.

The proposed text amendment is the culmination of nearly a decade of planning. It has been approved by Community Board 1 and by Manhattan Borough President Brewer because would improve open space, spur economic development, and give the public much more than it takes away. The corridor needs to evolve to compete. The status quo isn't sustainable and this would greatly enhance our ability to continue serving as an engine of job growth for the entire city, while providing much needed improvements to open space and retail. It is a central element of the Lower Manhattan community's shared vision for Water Street and we hope you will support it.

Arcades & Plazas: What is the Difference?

Arcade: a continuous covered area set back from the street or a plaza.

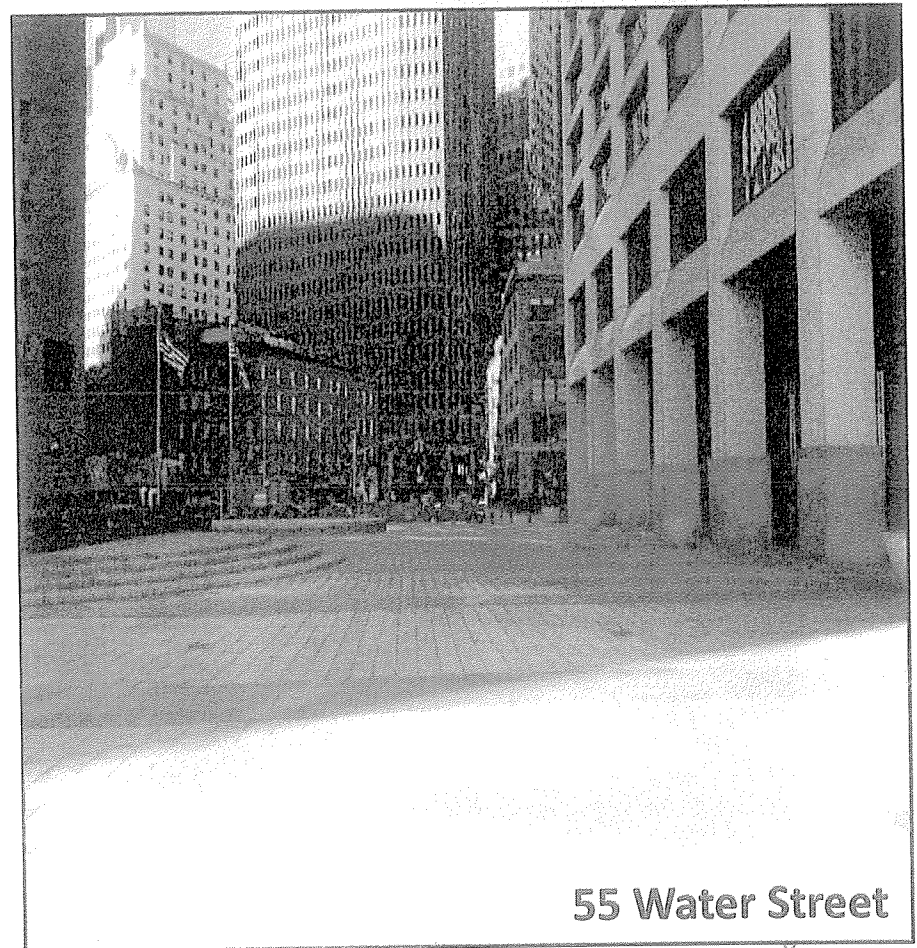
Average Water St. Arcade: Less than 5,800 SF



32 Old Slip

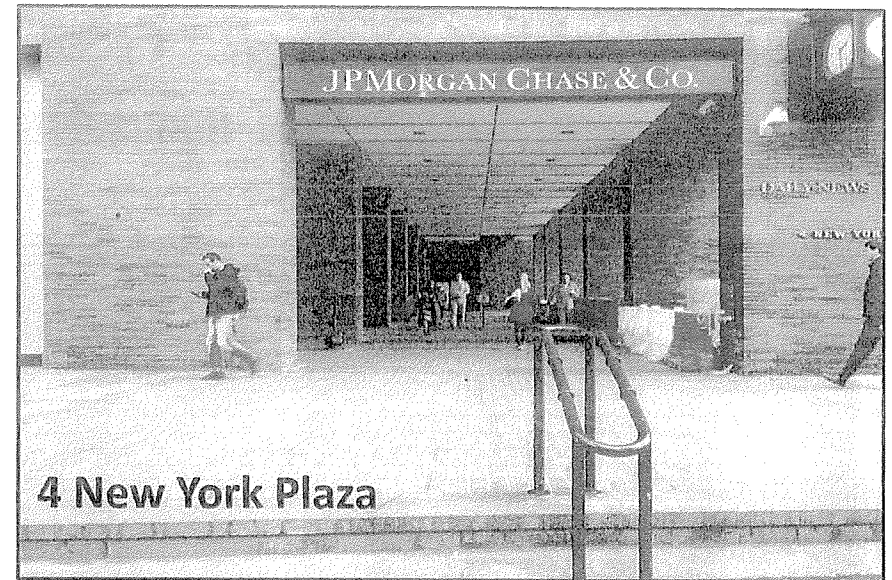
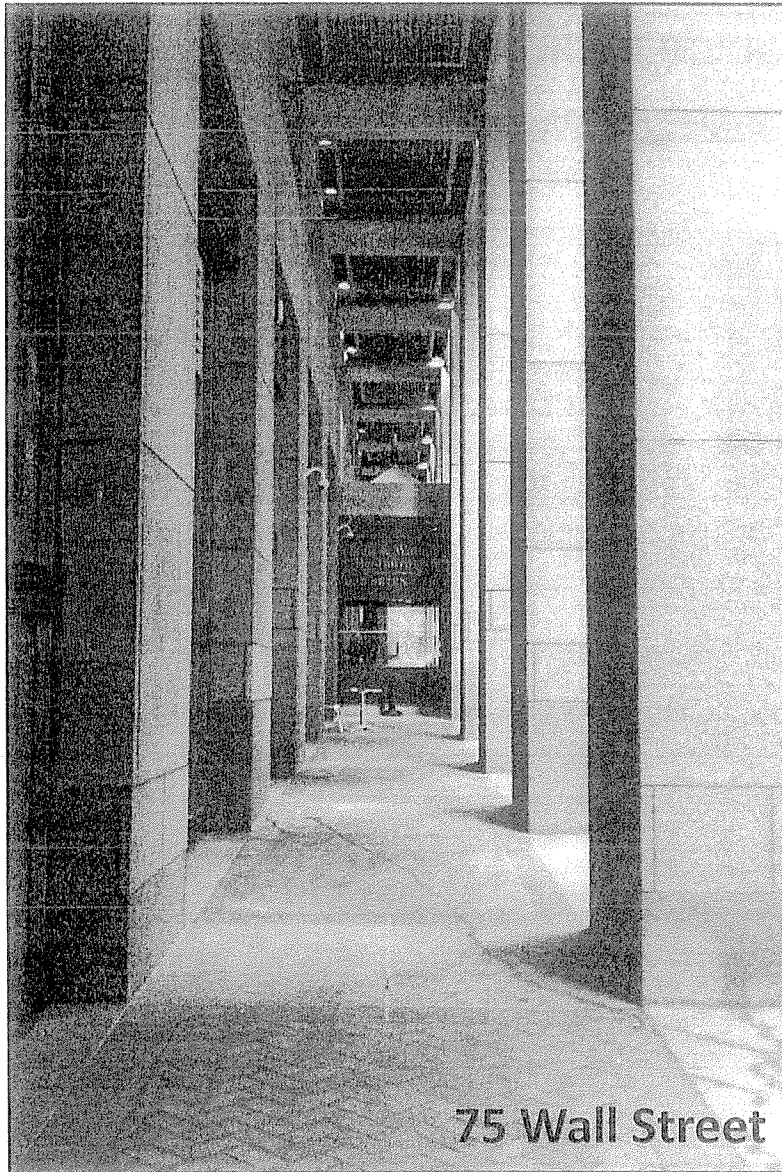
Plaza: an open, uncovered area accessible to the public at all times

Average Water St. Plaza: Over 12,000 SF

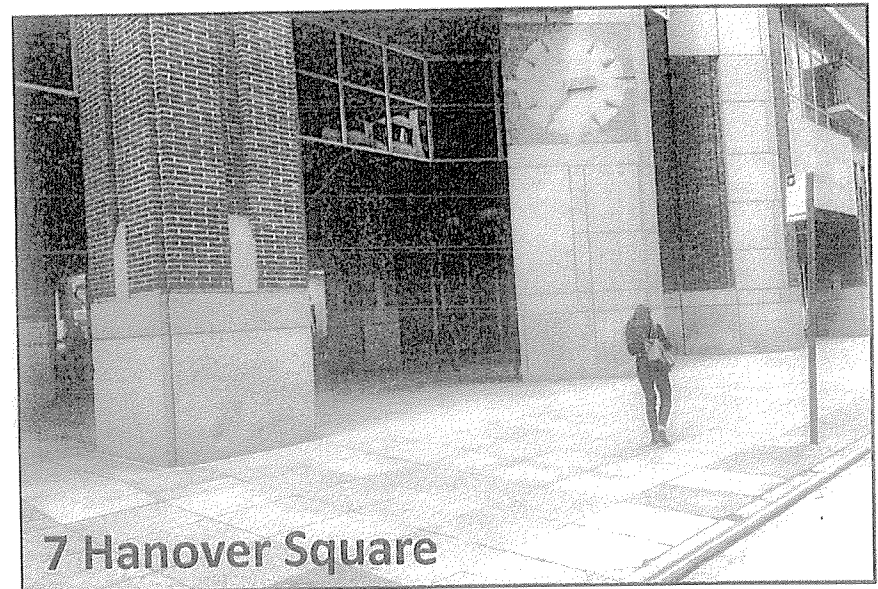
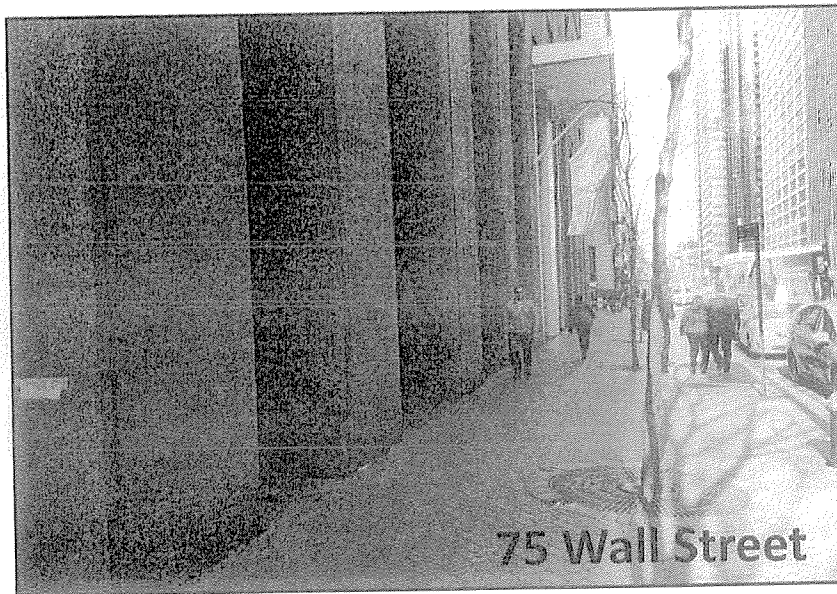
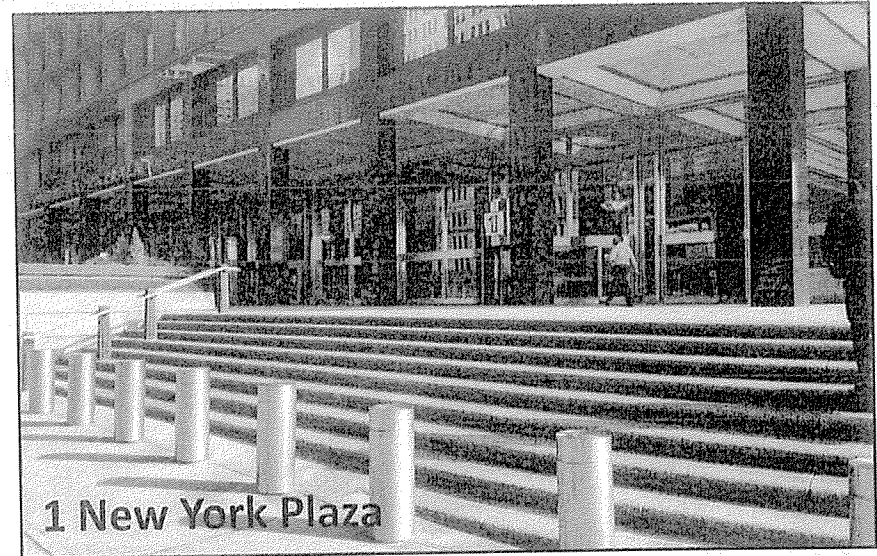


55 Water Street

Arcades: Dark, Narrow, and Dead Ends



Arcades: Set Back with Impeding Columns



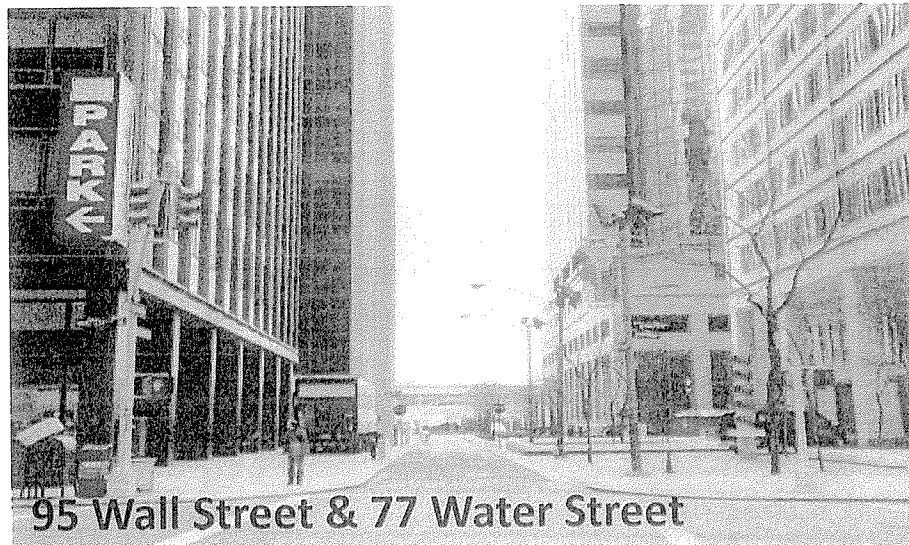
Public Plazas: Bleak & Poorly Designed



160 Water Street



55 Water Street



95 Wall Street & 77 Water Street



1 New York Plaza

Water Street Upgrades Zoning Text Amendment



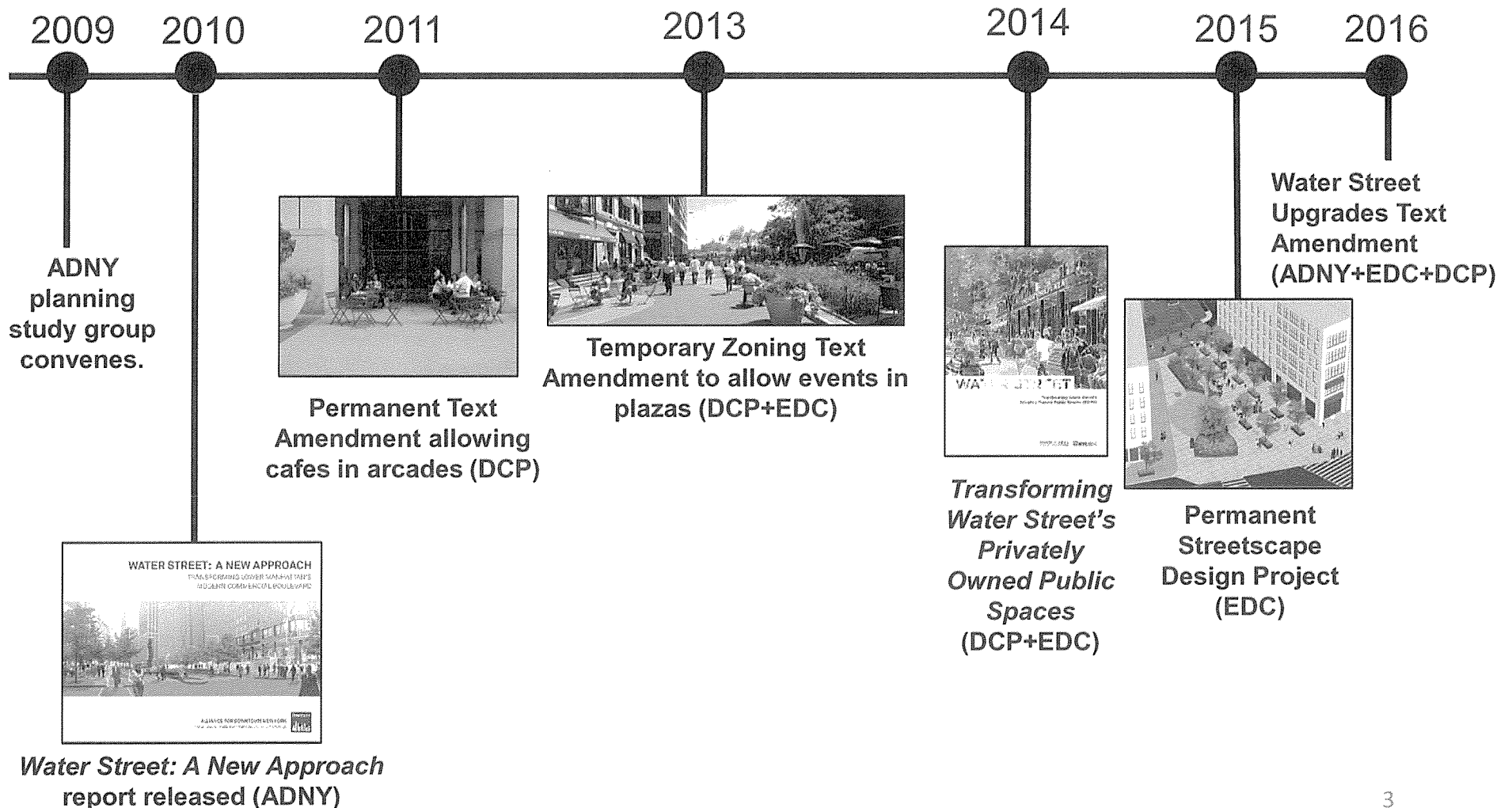
Alliance for Downtown New York (ADNY)
New York City Economic Development Corporation (EDC)
New York City Department of City Planning (DCP)



May 4, 2016 City Council Presentation

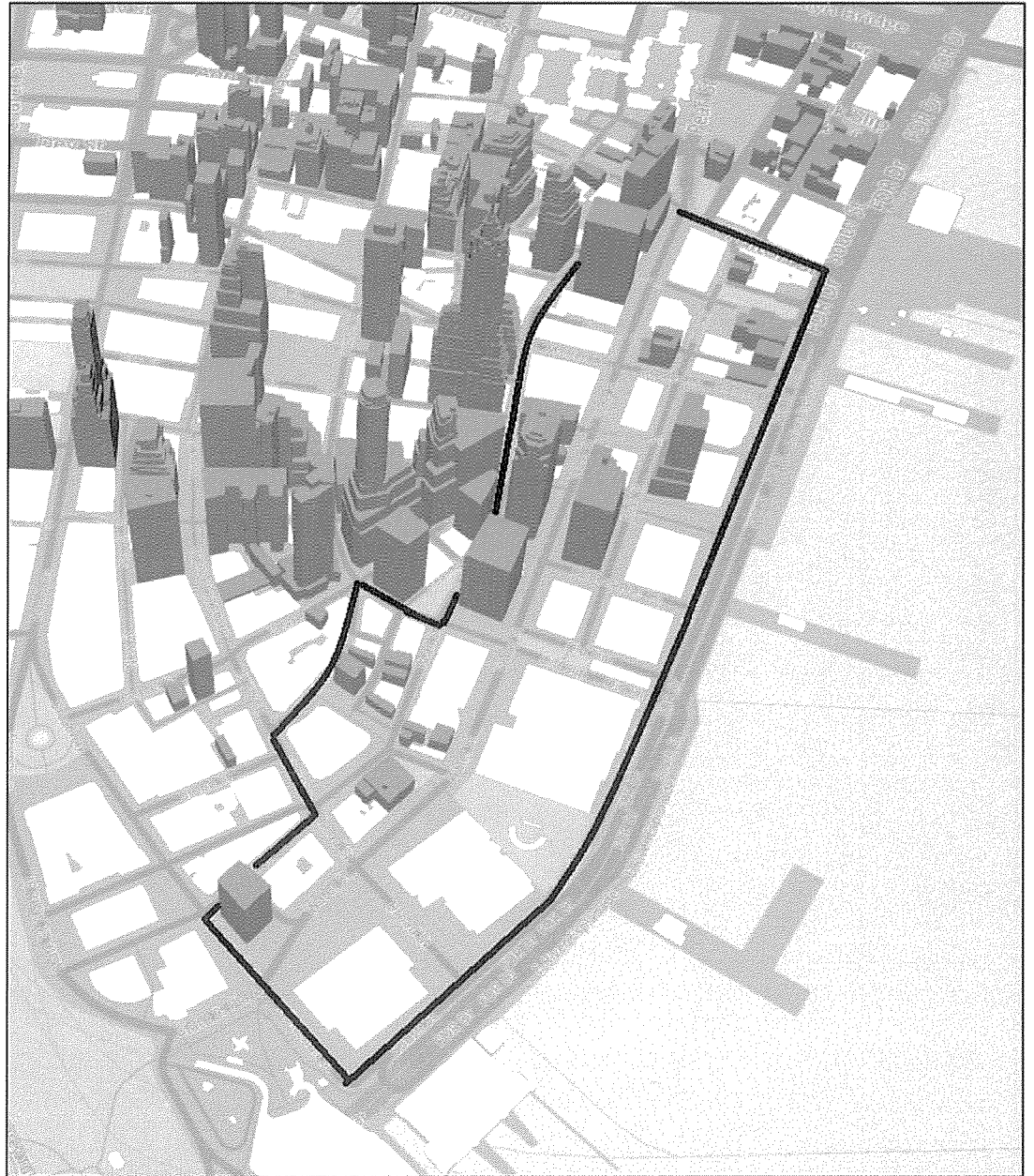


Seven Years of Community Driven Planning & Consistent Support from CB 1 for Water Street



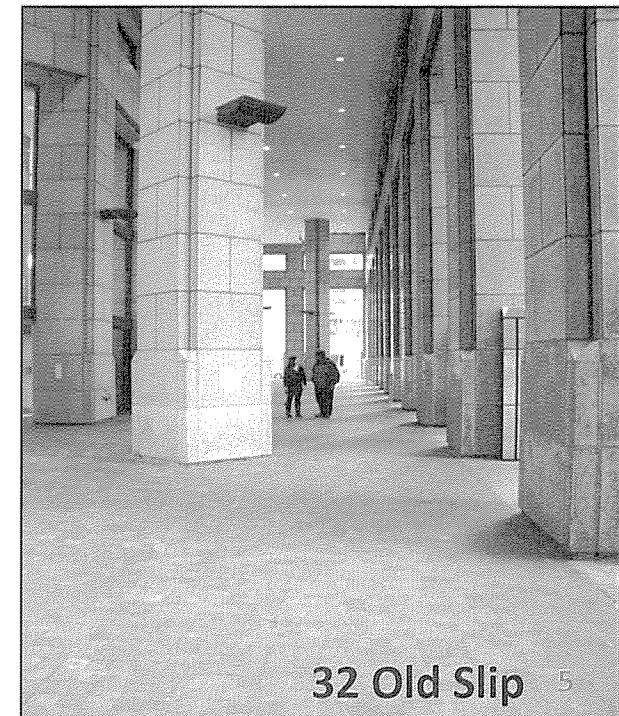
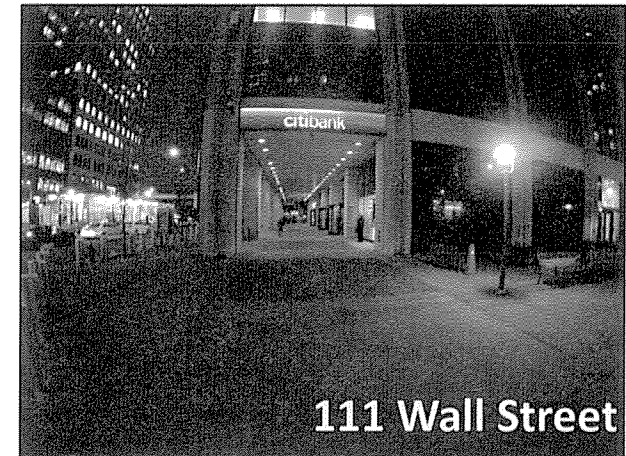
Water Street: Major Residential Growth

- Residential population east of Broadway increased by 122% since 2000
- 12,000 residents & 100,000 office workers
- More office space than Brookfield Place & WTC combined

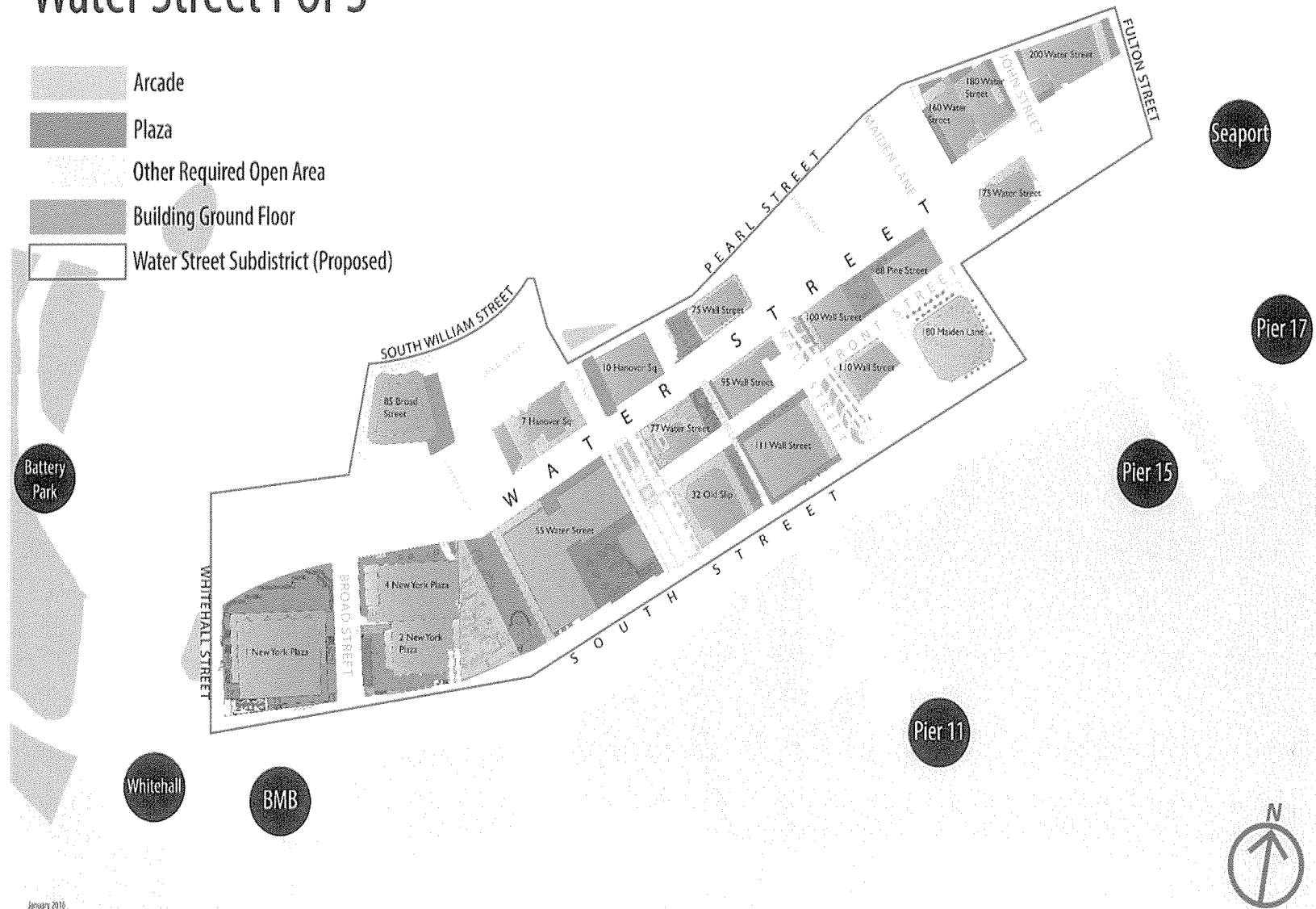


Water Street: Today

- Feels unsafe, especially at night and on weekends.
- Poorly designed, unwelcoming public spaces.
- Limited retail with limited visibility
- Buildings set back from the street
- Vulnerable to flooding



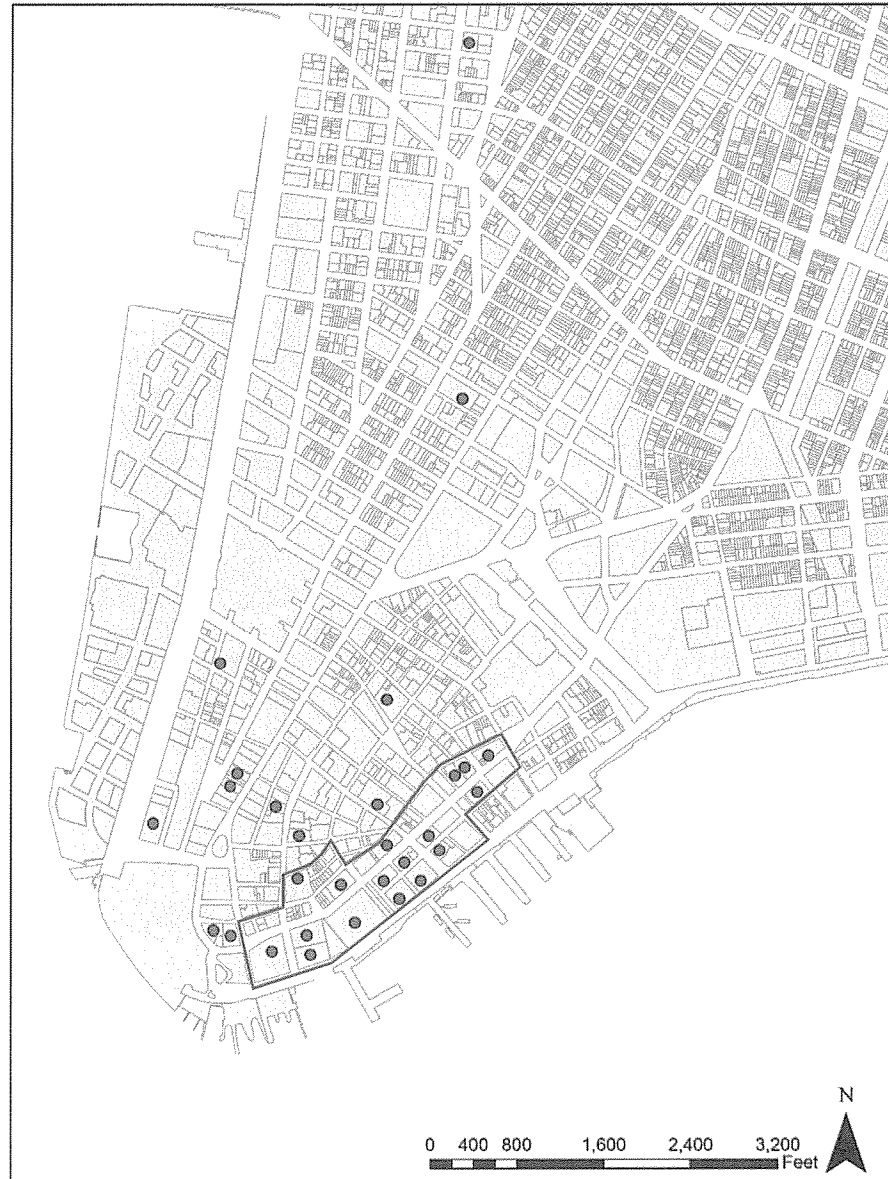
Water Street POPS



January 2016

Arcades on Water Street

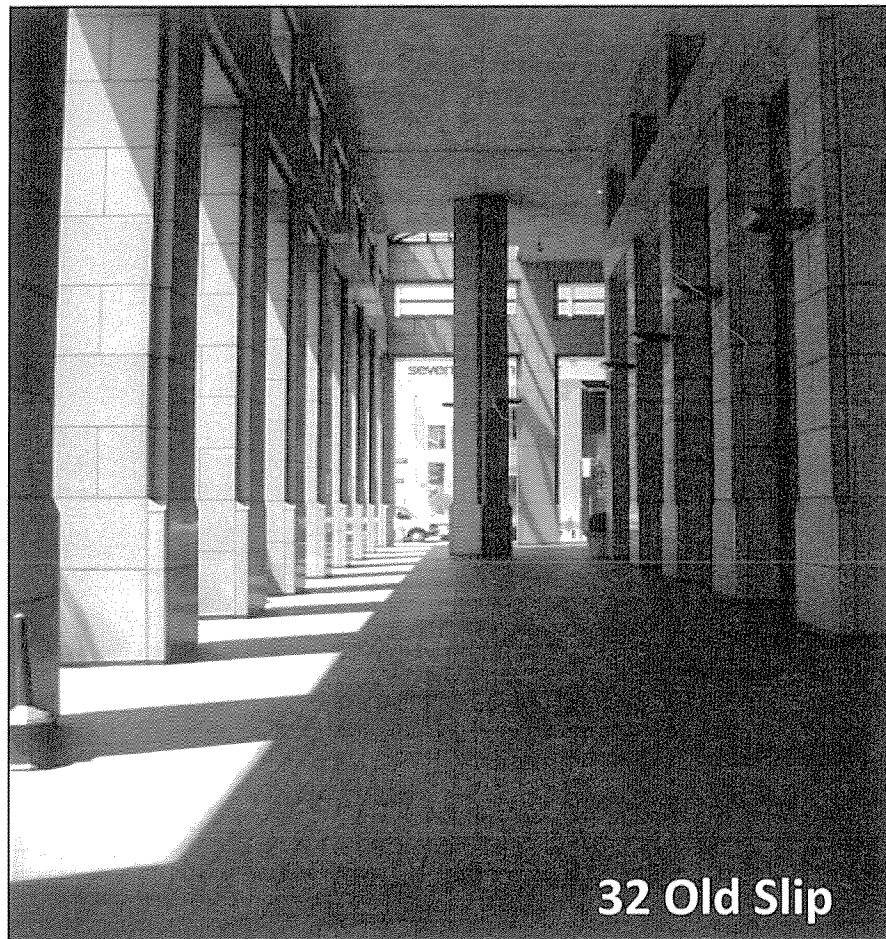
- There is a unique concentration of arcades on Water Street
- 17 arcades within a half mile stretch of the corridor



Arcades & Plazas: What is the Difference?

Arcade: a continuous covered area set back from the street or a plaza.

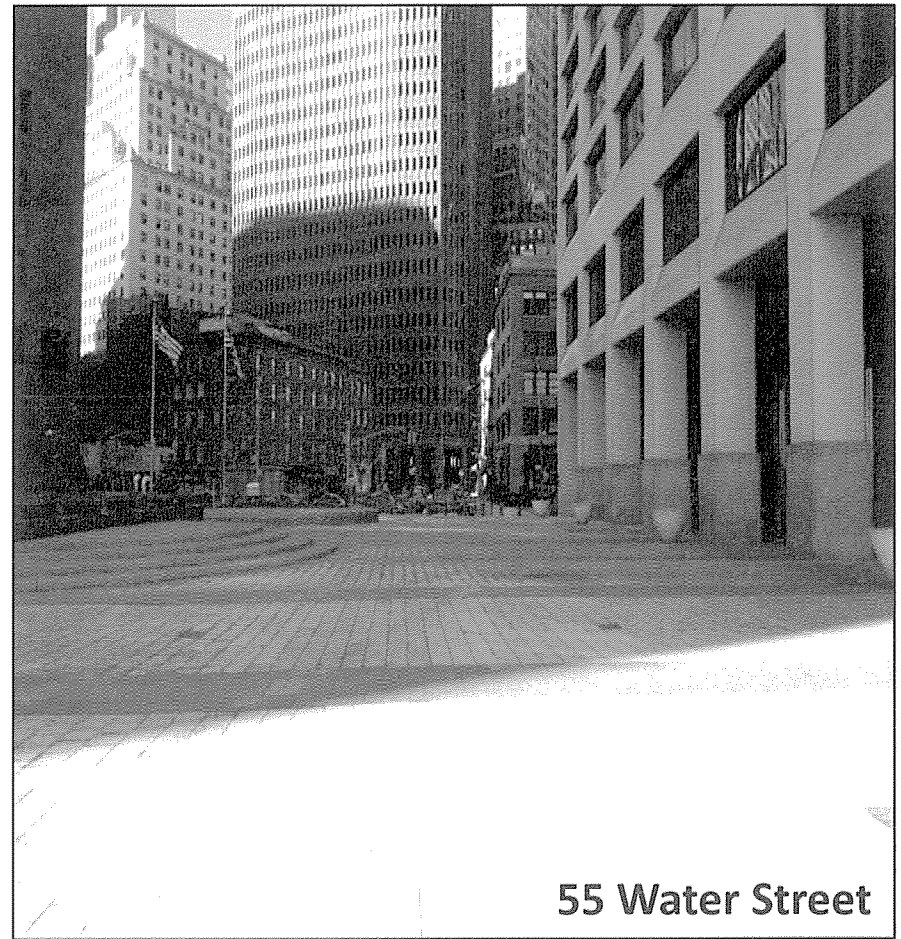
Average Water St. Arcade: Less than 5,800 SF



32 Old Slip

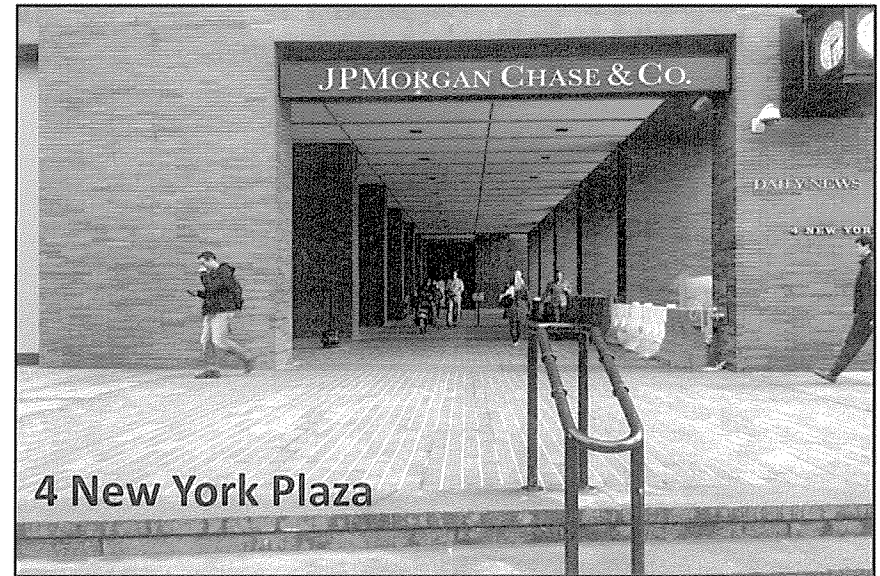
Plaza: an open, uncovered area accessible to the public at all times

Average Water St. Plaza: Over 12,000 SF

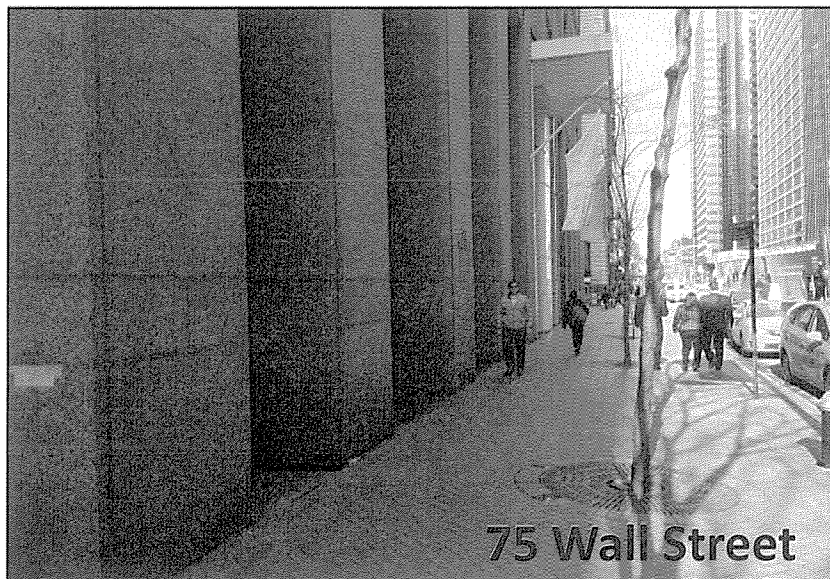
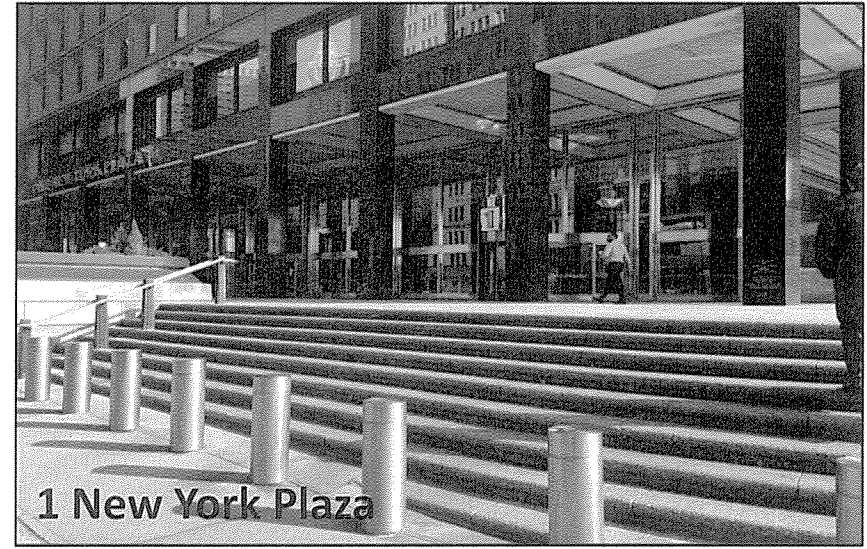


55 Water Street

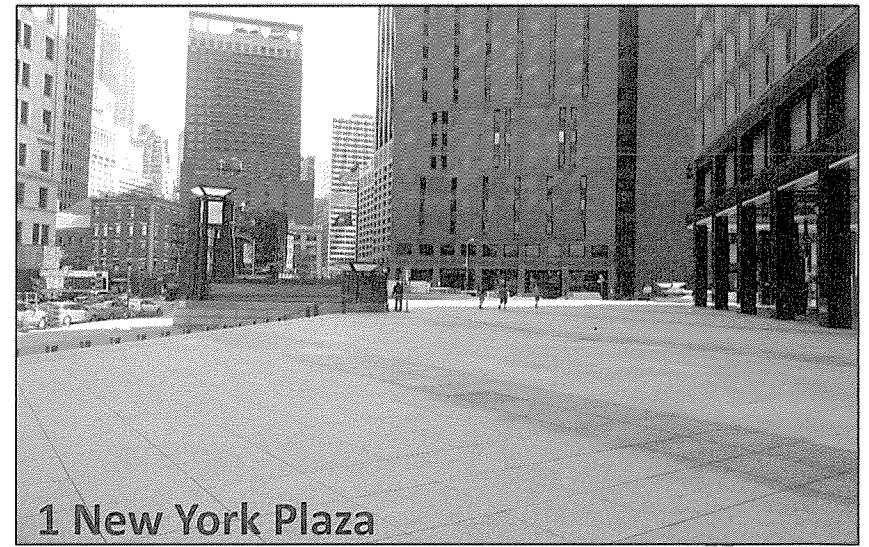
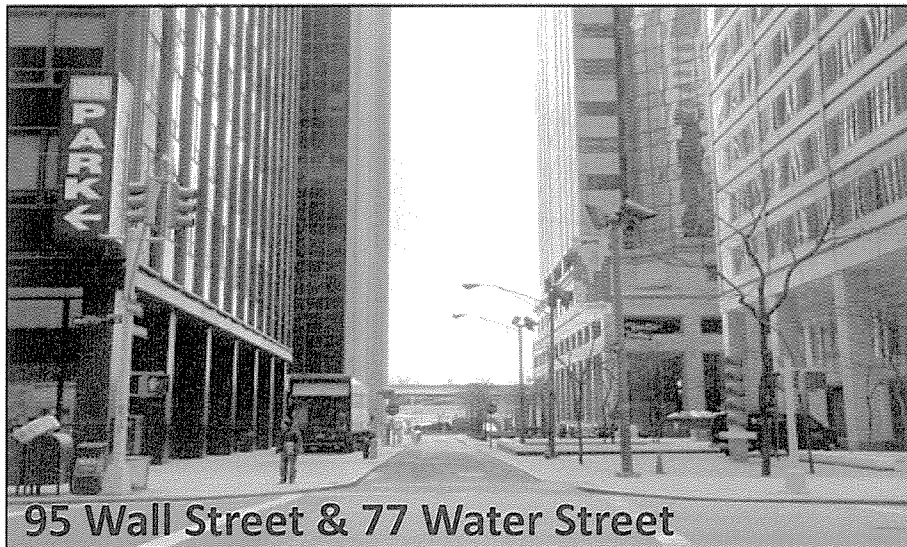
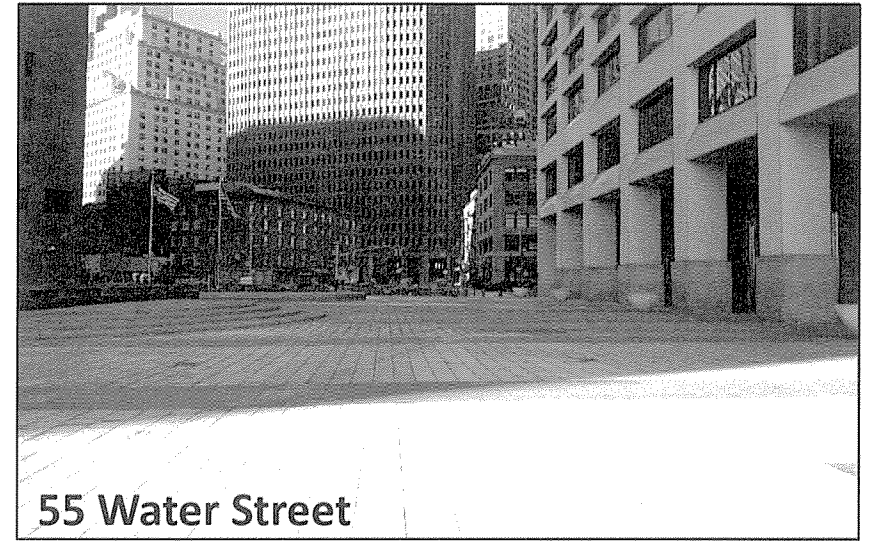
Arcades: Dark, Narrow, and Dead Ends



Arcades: Set Back with Impeding Columns



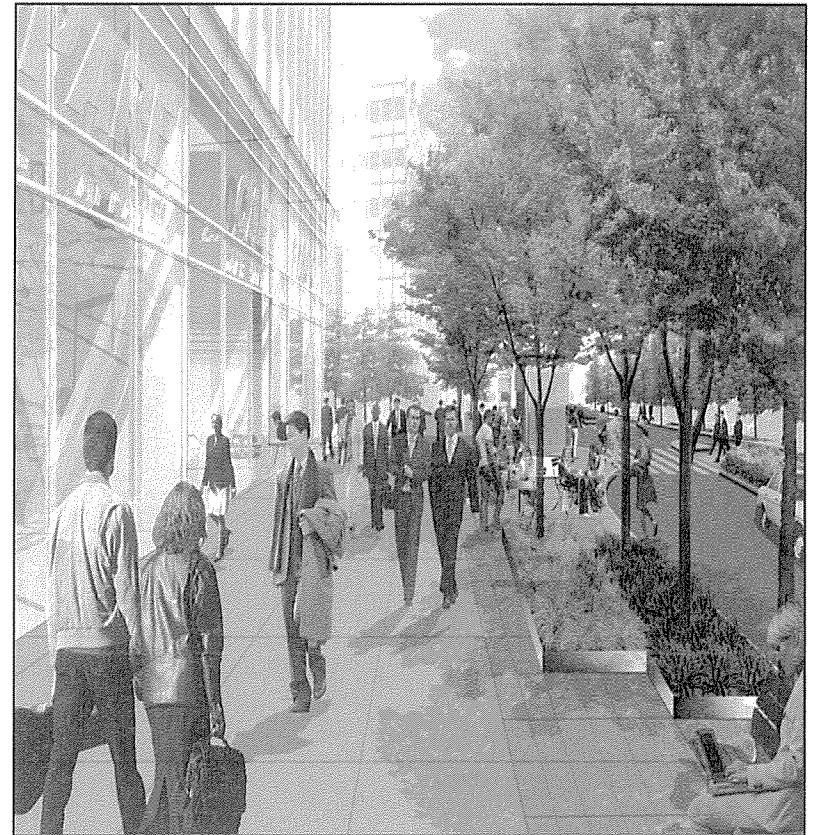
Public Plazas: Bleak & Poorly Designed



Our Shared Vision for a Better Water Street

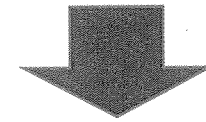
Implementing recommendations from
Water Street: A New Approach Report

- Improve the streetscape and pedestrian experience
- Rethink the existing zoning for Water Street's outdated and unsuccessful plazas and arcades
- Overcome barriers to capital investment
- Attract new retail tenants

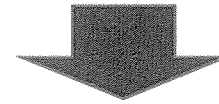
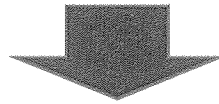


Require Improvements to 226,000 SF of Plazas

- Clear, mandatory design guidelines for full plaza upgrade
- ADA Accessible
- Reorientation of buildings toward plazas to provide a sense of safety and security
- Enhanced lighting and landscaping
- Many types of seating

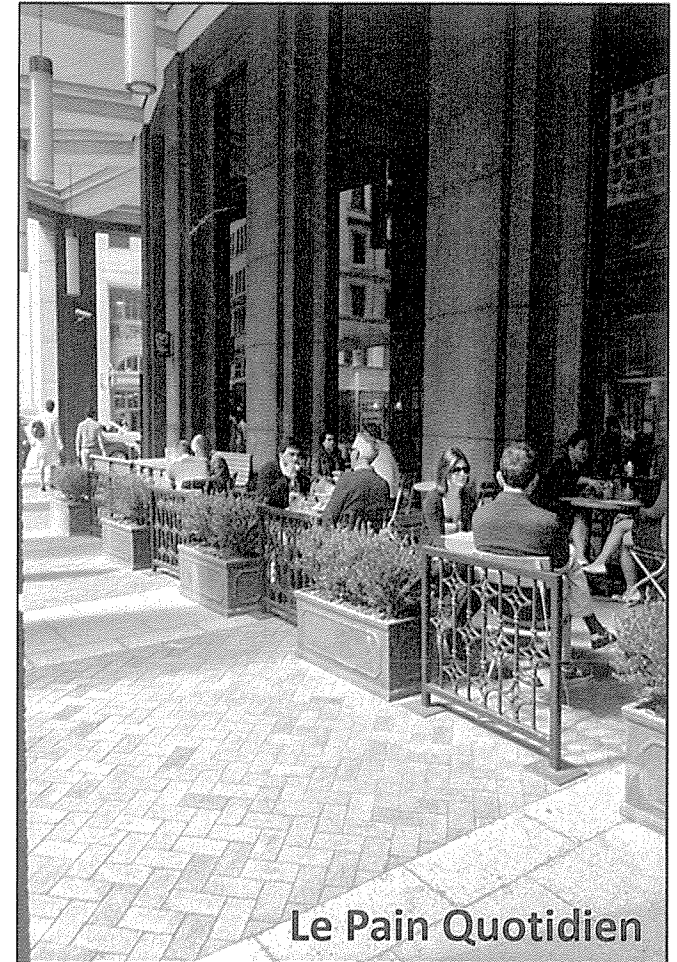


Proposed Text Amendment: 437 Madison Avenue Example



Proposed Text Amendment: Allows for Seating, Cafes and Events

- Greenmarkets, dance performances, cultural events, and other temporary uses will be permitted
- Free events that are open to the public
- Tables and chairs allowed as-of-right, café seating by Chair Certification



Improved Public Spaces and Attractive New Retail: 77 Water Street



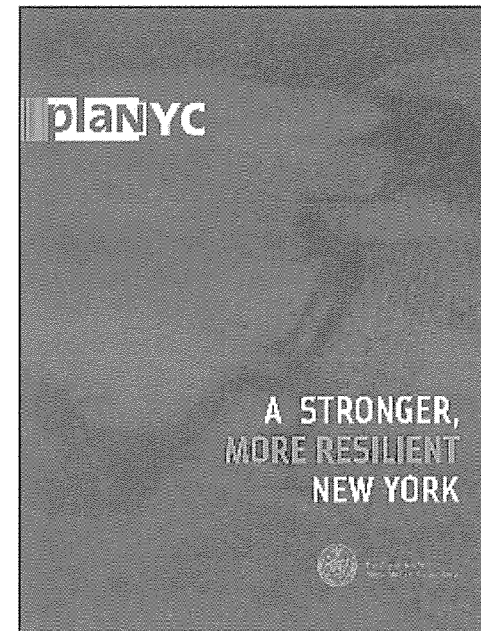
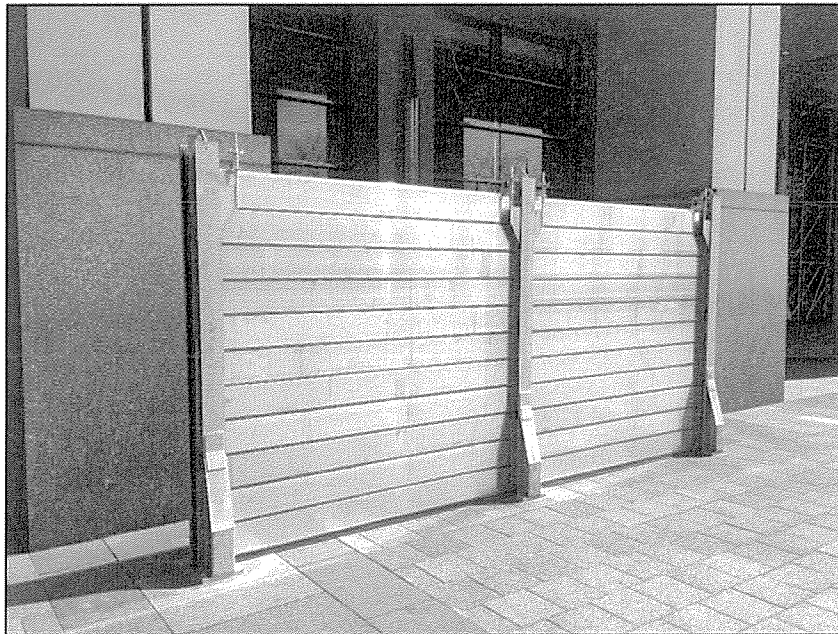
Repurpose Arcade with Vibrant, Active Uses

- Allow poorly used arcades spaces to be repurposed as shops, restaurants and community facilities
- Fill clear demand for small-medium size retail spaces
- Design requirements ensure new retail will be attractive and brighter
- Bring ground floor uses closer to the sidewalk to make Water Street attractive, engaging and comfortable for pedestrians

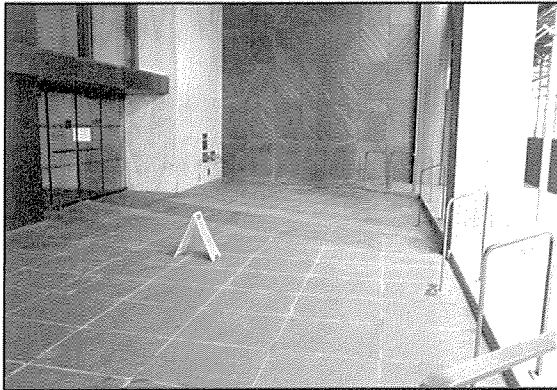


Proposed Text Amendment: Create a More Resilient Community

- New retail spaces **MUST** be protected by substantial flood control infrastructure to meet City's floodproofing requirements
- Temporary flood barriers will ensure there are no blank walls



Improved Public Spaces and Attractive New Retail: 160 Water Street



Improved Public Spaces and Attractive New Retail: 100 Wall Street



City Planning Commission Modifications

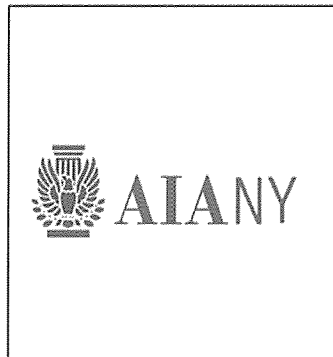
- Creation of a 45-day Community Board review period for certifications for arcade infill and plaza improvements
- Modification to require multiple establishments on the longest frontage of arcade infill
- Use Group 5A (hotel rooms) would also be excluded from the uses permitted within arcade infill



Water Street Text Amendment Supporters

- Community Board 1 supportive resolution passed March 22nd
- Manhattan Borough President Gale Brewer recommendation to approve issued March 25th

“The arcades in question were for the most part designed under a very different set of urban design principles than that to which the city ascribes today, and we would not likely choose to build now these arcades in a mixed residential and commercial neighborhood. They do not serve as circulation space or public gathering spaces for all users.” – Borough President Gale Brewer, excerpt from letter dated March 25th, 2016 to the City Planning Commission



Additional Water Street Initiatives: Improved Streetscapes & Activating Plazas

- NYCEDC currently leading streetscape enhancement project with ADNY, DOT, DPR and DCP
- Making permanent well designed public spaces at Coenties Slip & Water-Whitehall Plazas
- ADNY continuing successful GameOn! summer programming series that activates Water Street plazas
- NYCEDC beginning design process for East Side coastal defense infrastructure





FOR THE RECORD

Lynn Ellsworth
New Yorkers for a Human-Scale City
www.humanscale.nyc

We oppose the water street text amendments. It's a give-away of a substantial public asset to private hands without even remotely intelligent economic analysis. While the arcades may or may not work as successful public spaces at present, that is irrelevant to the issue at hand. What is relevant is that that they are public assets and giving them away in a feeble deal is not a good precedent. The original POPS deal was an injury to the people of New York, now this deals adds insult to it.

The long-term inter-generational public value of these assets has not been determined or even considered. If the arcades are to be enclosed as commercial spaces, at the very least their rental or sale value should accrue to the public purse for use in other public spaces. Since that is not part of the agreement, we oppose the amendments.

We also are concerned that certain property owners have give to the Campaign for One New York – as mentioned in the press - and therefore fear that there is an element of pay-to-play transactions in land-use happening in this case. Any land-use deals involving such suspected land-use transactions should be halted pending further investigation.

My name is Patrick Kennell. While I am Chair of Manhattan Community Board 1's Planning Committee – and CB1's testimony in favor of the Text Amendment has been submitted for you separately – I testify before the Council today as someone who has lived in the Financial District for over 12 years and who now serves as President of the Financial District Neighborhood Association.

The Financial District is the fastest-growing residential neighborhood in New York City. Since 2000, the residential population has grown almost 300%. FiDi, as we now call our neighborhood, has largely become a 24-hour residential community. Gone are the days of the 5PM ghost town. Except for one important area – Water Street.

Water Street is an important corridor and component of our neighborhood, and passing this Text Amendment will help us come closer to fully completing the revolution of FiDi. I want to convey to you very simply: this plan is something the residents of FiDi, especially in the immediate areas surrounding the Water Street portion of the Special Lower Manhattan District, want to see happen and want to see succeed. On behalf of the residents who live there, I urge the Members of the Council to pass it.

I've heard the concerns and arguments against this measure. I've heard some say it's a complete giveaway to the owners of the 17 effected buildings. It's not a complete giveaway; it's *giveback* to the community – to the residents and the office workers. The City Planning Commission said it well: “the public benefit of the plaza upgrades and retail infill exceed the limited public benefit of the arcades in their current configuration.” It's a balancing test. The arcades simply aren't working; and on balance, they can be put to better use for this community.

It is important to consider that the future infill process won't be one without community input. The Text Amendment as approved by the Planning Commission incorporates a specific, 45-day community board review procedure for *any* proposed arcade infill spaces. And the Planning Commission specifically addressed the community's stated need for amenities like pre-K centers, libraries and senior centers, agreeing in its Report and Resolution that “such uses would also contribute to the active street life that the proposed text intends to encourage.”

It's true that the arcades originally were carved out decades ago as part of a deal between the City and developers, an exchange of publicly available (but privately owned) space for more floor area. But through no fault of either side, that deal simply isn't working for the new FiDi – for the one that's become a vibrant, 24-hour residential neighborhood. To stand on principle of a deal made decades ago is to deprive *today's* growing residential community of a vibrant corridor of retail and community amenities it could desperately use.

And so I respectfully urge the Members of this Committee of the Council as a whole to pass the proposed Water Street Text Amendment. Thank you.

Marvel Architects

145 Hudson Street
New York, NY 10013

Statement regarding the Water Street Arcades Rezoning

By:

Guido Hartray
Partner at Marvel Architects
208 East Broadway
New York NY, 10002

I would like to offer the following points in regard to the proposed changes to the zoning text regarding Arcades along Water Street:

- Our Office has worked on numerous Privately Owned Public Spaces across the city including 55 Water Street and 200 Water Street.
- The 200 water street project included a study for the renovation of a plaza including an arcade under the limits specified by the current zoning text. The renovation of the larger plaza including the arcade did not go forward although the renovation of a smaller space fronting Water and John Street did go ahead. My observations about the Water Street Arcades are based on this expedience.
- The original zoning text envisioned the arcades as a circulation space and as a result placed more limits on what uses could occupy the arcade- -no kiosks permanent seating or other structures.
- The arcades do not typically serve this function- -pedestrian circulation generally occurs on the sidewalk.
- This leaves the arcades as an underutilized zone that isolates the sidewalk, or in the case of 200 Water Street the plaza, from the activity of the retail use at the base of the building. This undermines the success of the retail space and the liveliness of the sidewalk or plaza.
- In the case of 200 Water the prohibition against putting permanent structures in the arcade meant that any proposed café or kiosk had to be placed in the plaza leaving the arcade underutilized and taking up open space in the plaza that could provide a public amenity through seating, planting, and lingering space.
- Ultimately our client chose to go ahead with the renovation of the smaller plaza on Water and John Streets. It was a long and complex approval and construction process for a very small space but has resulted in a much more vibrant space.
- If other owners are to undertake this process and other spaces along Water Street are to be similarly improved it is necessary for the building owner to see a significant benefit in the form of increased retail area and better retail viability for them to undertaking this effort to renovate and maintain a Privately Owned Public Space.

ADD CLIENT AND/OR PROJECT TITLE
PROPOSAL FOR ARCHITECTURAL SERVICES
May 4, 2016

OFFICERS

FREDERICK ISEMAN, CHAIR

GINA POLLARA, PRESIDENT

JAMES M. CLARK, JR., TREASURER

EARL D. WEINER, ESQ., GENERAL
COUNSEL

BOARD OF DIRECTORS

ELIZABETH BELFER

EUGENIE L. BIRCH

SERENA BOARDMAN

GABRIEL CALATRAVA

LISA SMITH CASHIN

VISHAAN CHAKRABARTI

KATHRYN C. CHENAULT

VIN CIPOLLA

JAMES M. CLARK, JR.

MICHAEL P. DONOVAN

MARK FISCH

SUSAN K. FREEDMAN

KITTY HAWKS

MANUELA HOELTERHOFF

FREDERICK ISEMAN

SOPHIA KOVEN

DAVID W. LEVINSON

CHRISTY MACLEAR

CHRIS MCCARTIN

JOSEPH A. MCMILLAN, JR.

GREGORY MOREY

RICHARD OLCOTT

BARBARA KOZ PALEY

CARL L. REISNER

DAVID F. SOLOMON

KENT M. SWIG

YEOHLEE TENG

THOMAS VECCHIONE

EARL D. WEINER, ESQ.

THOMAS L. WOLTZ

WILLIAM H. WRIGHT II

DIRECTORS EMERITI

KENT L. BARWICK

DAVID M. CHILDS

JOAN K. DAVIDSON

HUGH HARDY

PHILIP K. HOWARD

JOHN E. MEROW

FREDERIC S. PAPERT

CHARLES A. PLATT

JANET C. ROSS

WHITNEY NORTH SEYMOUR, JR.

JERRY I. SPEYER

STEPHEN C. SWID

HELEN S. TUCKER

MAS Testimony to Subcommittee on Zoning and Franchises regarding Water Street Upgrades Text Amendment N 160166 ZRM.

May 4, 2016

The Municipal Art Society of New York (MAS) believes an abundance of high quality public space is essential to the well-being of our city. Truly accessible and connected public spaces that are well-designed and thoughtfully programmed add vibrancy to our streets, strengthens our civic culture, and enhances the value of neighborhoods. As such, MAS applauds the efforts of the Alliance for Downtown New York (ADNY), the Department of City Planning (DCP), and the Economic Development Corporation (EDC) to improve the Privately Owned Public Spaces (POPS) in the Water Street corridor.

Many of the POPS in this area were built during an era that subscribed to different ideas about the role of cities, principles of urban planning, and approaches to the architecture of public space than we have today. As a result, most of the POPS in the Water Street corridor are considered by many to be uninviting, lacking vibrancy, an impediment to investment, and, in some cases, unsafe. In fact, as noted in *Privately Owned Public Space: The New York City Experience*, a book jointly published in 2000 by MAS, DCP and Jerold S. Kayden, a qualitative assessment of the POPS in this area found that many received the worst rating. Thus, we are in favor of reimagining these POPS to ensure they are welcoming places for residents, workers, and visitors that offer space for respite and contemplation while also activating the street realm.

MAS supports the important goals the project sponsors seek through this text amendment. However, there are 525 POPS across the City of New York and many of them are also poorly designed and maintained, and could benefit from similar creative solutions initiated for the Water Street corridor. In light of this, we offer the following recommendations to enhance and expand the effectiveness of the current proposal:

Set a City-wide Precedent - The Water Street corridor represents only 3% of the total number of POPS in the city in need of activation or reimagining. We urge DCP and EDC to develop a city-wide approach that would provide all property owners the framework, tools, and incentive to improve their underperforming POPS.

Establish a Public Review Process for Deaccessioning POPS

A public review process should be established to assess on a case-by-case basis each POPS proposed to be removed from the inventory, in which there would be:

- An expressed finding that no public interest is served by continued existence of the public space under review;
- A commitment by the property owner that additional public benefits will be secured by its removal; and
- A quantitative assessment of any financial gain accruing to the owner from this action and a plan that no such gain will be larger than necessary to encourage the owner to remove the space and provide the additional public benefits.

The case-by-case assessment for each deaccessioned POPS should be conducted pursuant to a Chairperson's Certification, if not a City Planning Commission Certification.

Calculate and Ensure the Public Benefit - The 1961 Zoning Resolution allowed for the creation of POPS by granting property owners additional FAR in exchange for the inclusion of public space on their properties. As conceived, both the additional FAR and public space were intended to exist in perpetuity. The Water Street text amendment changes this important equation. Property owners who benefitted from the additional FAR but did not improve their POPS would be allowed to replace arcades with commercial, revenue-generating uses.

MAS understands that the cost to rebuild the POPS will be substantial and that developers need an economic incentive to carry out the improvements. However, it is clear that the buildings that received additional FAR are inherently more valuable than they otherwise would be. As seen in places like Times Square, we also know that well designed public places can more than triple retail rents. Thus, improvements to the POPS will provide added financial benefit to property owners. Finally, the inclusion of commercial uses in existing POPS will provide additional revenue for property owners.

As presently drafted, the text amendment does not require property owners to complete a full accounting of their costs and benefits for upgrading their POPS and eliminating or reducing public space. Given that these POPS were intended to exist in perpetuity and provide a public benefit, it is imperative that the reduction or elimination of existing public space be subject to a thorough economic analysis. Mechanisms must be put in place to ensure that, in addition to paying to upgrade their POPS and introduce commercial space in their POPS, property owners must also pay a fee if the financial benefit to the building owner exceeds the calculated value of the lost public space.

For instance, such a fee could be calculated based on the combined incremental value: 1) achieved as a result of the additional FAR constructed in excess of the permitted FAR at the time of construction and as a result of a POPS bonus scheme; and 2) projected as part of the conversion of POPS to commercial space. The City could then use the revenue from the fee to support public programming and other activities related to the remaining public spaces in the area. The City could also consider reducing the fee for property owners that commit to reserve a percentage of new retail space for below-market retail and other uses. This would support much needed arts organizations, community services, social services, and neighborhood retail while increasing the vibrancy of the Water Street corridor.

The MAS looks forward to seeing these changes incorporated into this proposal, and to working with DCP and EDC toward a city-wide approach for improving all POPS.



AIA
New York

The American Institute of Architects New York Chapter

536 LaGuardia Place
New York, NY 10012

T (212) 683 0023

www.aiany.org

2016 Board of Directors

Carol Loewenson FAIA LEED AP
President

David Piscuskas FAIA LEED AP
First Vice President / President-Elect

Jennifer Sage FAIA LEED AP
Vice President for Design Excellence

Jane Smith AIA IIDA
Vice President for Professional Development

Gerard F. X. Geier II FAIA FIIDA LEED AP
Vice President for Public Outreach

Jack Travis FAIA
Secretary

Mark C. Regulinski AIA
Treasurer

Paul A. Bello PE
Director for Development Affairs

Lia Gartner FAIA LEED AP
Director for Educational Affairs

Ashok Raiji Assoc. AIA PE LEED AP
Director for Industry Affairs

F. Eric Goshaw AIA LEED AP
Director for Legislative Affairs

Illya Azaroff AIA
Director for Programs & Strategic Planning

Barbara E. Spandorf AIA LEED AP
Director for Publications

Laurie D. Kerr FAIA LEED AP
Director for Sustainability

Michael Szivos Assoc. AIA
Associate Director

Jeffrey C. Shumaker
Public Director

Brian McGrath
Public Director for Educational Affairs

Elizabeth H. Kubany
Public Director for Professional Affairs

Thomas A. Heyer
co-Director for Student Affairs

Jonathan J. Ngo
co-Director for Student Affairs

Tomas J. Rossant AIA
Immediate Past President

Stephanie Gelb FAIA
Alternate Director for Design Excellence

Venesa Alicea AIA LEED AP BD+C
Alternate Director for Professional Development

Faith Rose AIA
Alternate Director for Public Outreach

Benjamin Prosky
Executive Director

Testimony before the New York City Council Subcommittee on Zoning and Franchises on the Water Street Pops Upgrade

May 4, 2016

Good morning, Council Member Greenfield, Council Member Richards, and members of the City Council Subcommittee on Zoning and Franchises. My name is Suzanne Mecs, and I am the Managing Director of the American Institute of Architects New York. I am pleased to offer testimony in regard to the application submitted by the Alliance for Downtown New York, the New York City Economic Development Corporation, and the New York City Department of City Planning.

The American Institute of Architects New York represents over 5,000 architects and design professionals throughout the five boroughs, and is committed to positively impacting the physical and social qualities of our city, while promoting policies beneficial to the welfare of our members.

We have reviewed the Water Street Upgrades Text Amendment proposal and believe these revisions will be mutually beneficial to property owners and community members. By requiring owners to upgrade plazas when they choose to activate their arcades, these upgrades will help to create higher quality public spaces for commercial and residential tenants.

Despite significant growth in the Water Street area, the privately owned public spaces, or POPS, in question have failed to adequately serve the neighborhood. The arcades and plazas remain desolate on nights and weekends. Retailers struggle to attract new business. Spaces are inaccessible and unusable. Even building owners that would like to redesign the spaces face technical and administrative barriers that prevent them from making physical improvements.

In order for this rezoning to succeed, quality design is essential. In addition to improving the corridor's physical aesthetics with more plantings, seating, and access to light and air, the resulting arcades and plazas will meet ADA standards and New York City's resiliency requirements for the flood zone. The redesigned spaces must together create a cohesive yet varied environment. Concurrent projects, including the Streetscape Improvement Project, will assist in the Street's overall design.

Although it could take years for each site to reach its full potential, the stakeholders that take advantage of this opportunity will leave a visible and lasting impact on the city.

Sincerely,

Suzanne Mecs



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | **Noah Pfefferblit** DISTRICT MANAGER

New York City Council

Subcommittee on Zoning and Franchises

Public Hearing on Water Street Upgrades Text Amendment

N 160166 ZRM

Testimony by Diana Switaj, Director of Planning & Land Use

City Hall, Committee Room

Wednesday, May 3, 2016, 9:30 am

Good Morning. I am Diana Switaj, Director of Planning and Land Use at Manhattan Community Board 1 (CB1). Thank you for the opportunity to comment on the Water Street Upgrades Text Amendment.

The Alliance for Downtown New York (ADNY), the New York City Economic Development Corporation (NYCEDC) and the New York City Department of City Planning (DCP) are proposing a zoning text amendment to the Special Lower Manhattan District of the New York City Zoning Resolution to allow the infill of existing arcades for retail use and the improvement of existing plazas by certification and authorization along and near Water Street. The amendment is intended to enhance the pedestrian experience along a street that is characterized by limited ground floor retail and a high concentration of privately owned public spaces (POPS) lacking in amenities.

Community Board 1 (CB1) has been supportive of past initiatives and zoning text amendments to improve the pedestrian and plaza environments on Water Street.

After two months of review, CB1 adopted a resolution on March 22, 2016 supporting the Water Street Upgrades Text Amendment, provided that:

- 1) A referral mechanism is incorporated into the zoning text to require a 60-day period of Community Board review and comment of any request to infill any arcade space within the Proposed Area
- 2) Because building owners/landlords are potentially realizing substantial value as a result of the repurposing of these public amenities (no matter how underutilized), the community's needs for various types of facilities located within the future infilled arcades must be considered and encouraged, including but not limited to schools (including pre-kindergarten centers), libraries, senior centers and recreational facilities;
- 3) Certifications or authorizations by the City Planning Commission (CPC) or CPC Chairperson should strongly consider the community's view that small, independent retail establishments are preferred over chain stores in any such infill spaces;

- 4) Due consideration for affordability should also be taken into account (whether through rent regulation or other appropriate means) so as to avoid vacancies;
- 5) During the Community Board review for each application for the 17 buildings with arcades, the applicant must be made responsible for explaining the specific community offset and benefit that will be provided in exchange for the arcade infill;
- 6) When an arcade infill triggers a plaza upgrade, plazas must also be built to a resiliency standard that could withstand future extreme weather events;
- 7) Owners of properties similar to 200 Water Street, where the benefit to the property owner clearly outweighs the community benefit from plaza upgrades, should be required to provide benefits in addition to the plaza upgrade, such as enhancements to surrounding sidewalks and the nearby Pearl Street Playground. CB1 requests that the arcade infill at 200 Water Street not be used just to expand the existing large box retail, and prefers retail that positively activates Fulton Street;
- 8) In cases of infill where no plazas exist on the zoning lot where the provision of an indoor public space or an off-site public space could satisfy the requirement for a compensating amenity, CB1 requests that property owners also improve their sidewalks and not use public funds to do so;
- 9) ADNY, EDC and DCP shall return to CB1 after the first three projects or the first year after the zoning amendment, whichever comes first, to report on progress and assess the success of the program (with a potential for making appropriate changes as necessary based on experience with the program to date)

We thank CPC for modifying the zoning text to incorporate a 45-day Community Board review period for certifications, which we believe is suitable. We are also encouraged by the commitment of ADNY, EDC and DCP to return to CB1 to report on the progress of the program.

We support CPC's decision to modify the text to expand the requirement for multiple establishments along the longest frontage of an enlargement to all arcades and the exclusion of Use Group 5A (hotel rooms), which we believe will help to ensure the shared goal for retail variety.

We understand that the text has not been modified to require resiliency standards for the plazas, but that CPC believes the maintenance requirements would encourage owners to incorporate amenities that can withstand most storms. As there are still public spaces along Water Street that remain damaged or closed off due to Superstorm Sandy, we believe that every effort must be made to make the plazas resilient. We also reiterate the request to incorporate community facility uses in the infilled spaces, which CPC has agreed would contribute to an active street life.

Thank you for the opportunity to testify today.

New York City Council Sub-Committee on Zoning & Franchises

Water Street Text Amendment

Public Testimony – Reggie Thomas

Good morning Chairman Richards, Chairman Greenfield, Council Member Chin, and Members of the Sub-Committee on Zoning & Franchises.

My name is Reggie Thomas and I am pleased to share testimony this morning regarding the Water Street Upgrades Text Amendment that is currently under consideration by the City Council. Although I have worked with many of you in former and current professional capacities, I am testifying today as a New Yorker and a proud resident of Lower Manhattan.

I am pleased to support the efforts of City Planning, the Economic Development Corporation and the Downtown Alliance on this important initiative to strengthen and improve the Water Street corridor.

As you are aware, the proposed text amendment would allow building owners to infill public arcade space in exchange for upgrading plaza space that would permanently remain as publicly accessible amenities. When this application first came to the Community Board in February, like many CB Members, I was concerned. The idea of allowing building owners to infill public space did and should always be met with skepticism by any community. But as I delved deeper into the proposal, I left firmly believing this initiative as a whole is meritorious, will incentivize building owners to invest in their plazas, and will provide additional retail and restaurant options to enliven a corridor that has tremendous opportunity.

I have lived on the Water Street corridor for the past six years. I first lived at Hanover Square & Water Street which is located more towards the southern end of the corridor. I currently live at the corner of Water & Fulton Street which is at the northern end of the corridor. For many years prior as a student at Pace University I have lived in the general area. Although living at these different locations for more than ten years, the concerns about Water Street have always remained the same.

There are pockets of the corridor that are dark, dreary, and unsafe. There isn't any incentive for residents to visit local stores, because frankly, there aren't any local stores. Although living here for most of my adult life, I have only visited many of these arcades twice. Each of these times were in the past few months as I went on walking tours with the Downtown Alliance regarding this application. What really convinced me that something needed to change was a quote from a Community Board resolution back in 2010 which said, "that Water Street is lacking in retail options and restaurants... and fails to engage the public at the pedestrian level." If we as a City continue to do nothing, I will not be surprised if my Community Board passes another resolution twenty years from now that says the exact same thing.

Although I am largely in favor of this application, it is not perfect. Although I have reached a different conclusion, I do share some of the sentiments of my colleagues on the Community Board that the return on investment for some property owners largely eclipses the proposed

public benefit. One of the buildings that I would like to call your attention to is the arcade at 200 Water Street, located at the corner of Water & Fulton Streets (photos attached). This is a prime location that if infilled, will generate tremendous amounts of revenue for the building owner. The location is right across from the South Street Seaport, which many of you know is undergoing significant investment by the Howard Hughes Corporation. In fact, last night as I was walking home there was a concert sponsored by AOL that generated lots of pedestrian activity.

In exchange for infilling this arcade, the building owner would be required to make plaza improvements. As you can see from the attached photos, given the small space between the arcade and the sidewalk, there is not much room for physical investment by the building owner. It is also my understanding that the building owner is ready to immediately move forward with the infill of the arcade shortly after a Council approve on this text amendment. This is likely because of how great of an investment opportunity this – possibly too great.

Because of the physical space limitations on pedestrian plaza improvements in this area, the Community Board specifically suggested additional public benefits for 200 Water Street, such as improvements to the sidewalk or maintenance to the playground across the street. These ideas deserve major consideration and would bring a better balance to this part of the proposal. Under the proposed text, certain property owners along the corridor have an option to maintain adjacent open space, such as a park. Modifying the text to include this specifically for 200 Water Street would go a long way to address the current imbalance.

Although I support this plan as a whole, I strongly urge the City Council to review this location as part of the overall text amendment to address the appropriate community concerns about the balance between the public benefit and the building owner's return on investment.

Thank you for the opportunity to testify this morning.

New York City Council Sub-Committee on Zoning & Franchises

Water Street Text Amendment

Public Testimony – Reggie Thomas

Good morning Chairman Richards, Chairman Greenfield, Council Member Chin, and Members of the Sub-Committee on Zoning & Franchises.

My name is Reggie Thomas and I am pleased to share testimony this morning regarding the Water Street Upgrades Text Amendment that is currently under consideration by the City Council. Although I have worked with many of you in former and current professional capacities, I am testifying today as a New Yorker and a proud resident of Lower Manhattan.

I am pleased to support the efforts of City Planning, the Economic Development Corporation and the Downtown Alliance on this important initiative to strengthen and improve the Water Street corridor.

As you are aware, the proposed text amendment would allow building owners to infill public arcade space in exchange for upgrading plaza space that would permanently remain as publicly accessible amenities. When this application first came to the Community Board in February, like many CB Members, I was concerned. The idea of allowing building owners to infill public space did and should always be met with skepticism by any community. But as I delved deeper into the proposal, I left firmly believing this initiative as a whole is meritorious, will incentivize building owners to invest in their plazas, and will provide additional retail and restaurant options to enliven a corridor that has tremendous opportunity.

I have lived on the Water Street corridor for the past six years. I first lived at Hanover Square & Water Street which is located more towards the southern end of the corridor. I currently live at the corner of Water & Fulton Street which is at the northern end of the corridor. For many years prior as a student at Pace University I have lived in the general area. Although living at these different locations for more than ten years, the concerns about Water Street have always remained the same.

There are pockets of the corridor that are dark, dreary, and unsafe. There isn't any incentive for residents to visit local stores, because frankly, there aren't any local stores. Although living here for most of my adult life, I have only visited many of these arcades twice. Each of these times were in the past few months as I went on walking tours with the Downtown Alliance regarding this application. What really convinced me that something needed to change was a quote from a Community Board resolution back in 2010 which said, "that Water Street is lacking in retail options and restaurants... and fails to engage the public at the pedestrian level." If we as a City continue to do nothing, I will not be surprised if my Community Board passes another resolution twenty years from now that says the exact same thing.

Although I am largely in favor of this application, it is not perfect. Although I have reached a different conclusion, I do share some of the sentiments of my colleagues on the Community Board that the return on investment for some property owners largely eclipses the proposed

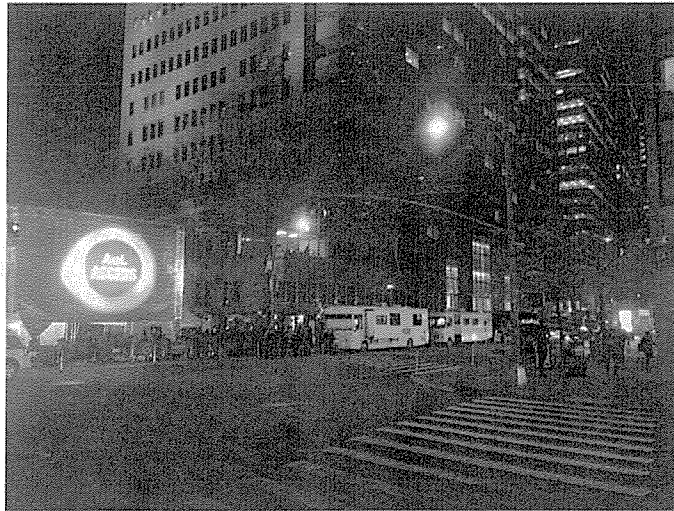
public benefit. One of the buildings that I would like to call your attention to is the arcade at 200 Water Street, located at the corner of Water & Fulton Streets (photos attached). This is a prime location that if infilled, will generate tremendous amounts of revenue for the building owner. The location is right across from the South Street Seaport, which many of you know is undergoing significant investment by the Howard Hughes Corporation. In fact, last night as I was walking home there was a concert sponsored by AOL that generated lots of pedestrian activity.

In exchange for infilling this arcade, the building owner would be required to make plaza improvements. As you can see from the attached photos, given the small space between the arcade and the sidewalk, there is not much room for physical investment by the building owner. It is also my understanding that the building owner is ready to immediately move forward with the infill of the arcade shortly after a Council approve on this text amendment. This is likely because of how great of an investment opportunity this – possibly too great.

Because of the physical space limitations on pedestrian plaza improvements in this area, the Community Board specifically suggested additional public benefits for 200 Water Street, such as improvements to the sidewalk or maintenance to the playground across the street. These ideas deserve major consideration and would bring a better balance to this part of the proposal. Under the proposed text, certain property owners along the corridor have an option to maintain adjacent open space, such as a park. Modifying the text to include this specifically for 200 Water Street would go a long way to address the current imbalance.

Although I support this plan as a whole, I strongly urge the City Council to review this location as part of the overall text amendment to address the appropriate community concerns about the balance between the public benefit and the building owner's return on investment.

Thank you for the opportunity to testify this morning.





**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Diana Switaj

Address: _____

I represent: Community Board 1

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Marcel Negret

Address: _____

I represent: MAS

Address: [scribble]

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Suzanne Mecs, Managing

Address: Director

I represent: AIA-NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Guido Hartray (PLEASE PRINT)

Address: _____

I represent: Marvel Architects

Address: 145 Hudson St. NY, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Jessica Lappin (PLEASE PRINT)

Address: 120 Broadway

I represent: Downtown Alliance

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Patrick KenneU (PLEASE PRINT)

Address: _____

I represent: Community Board 1 and Financial

Address: District Neighborhood Association

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Hardy Adasko (PLEASE PRINT)

Address: _____

I represent: New York City EDC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Richard Suarez (PLEASE PRINT)

Address: 120 Broadway

I represent: Dept. of City Planning

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

Name: Maryam Abdul (PLEASE PRINT)

Address: _____

I represent: Assembly member Deborah Glick

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition ☒ UNDECIDED

N1601662RM

Date: 5/4/2016

(PLEASE PRINT)

Name: DAVID KARLIN

Address: 108 WOOSTERS NYC 10012

I represent: self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Marcel Neyret

Address: 1609 DeWitts Ave, Loft 3B

I represent: The Municipal Art Society of New York

Address: 488 Madison Avenue, Suite 1900 New York NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Water Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Lynn Ellsworth

Address: New Yorkers for a

I represent: Human Scale City

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)
Name: Alice Blank

Address: _____

I represent: myself: Community Advocate for Public Space

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5/4/16 Res. No. _____
☐ in favor ☒ in opposition

Date: 5/4/16

(PLEASE PRINT)
Name: Chuck Delaney

Address: 76 Pearl St

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

Appearance Card

☒ in favor ☐ in opposition

(PLEASE PRINT)

Address: _____

Appearance Card

☐ in favor ☒ in opposition

(PLEASE PRINT)

Address: 732 11 88

Please complete this card and return to the Sergeant-at-Arms