



**Testimony of New York State
Senator Thomas K. Duane
and
Assemblymember Deborah J. Glick**

November 30, 2011

**Regarding Applications:
C120029 ZSM, C120030 ZSM, N120032 ZRM, C120033 ZMM**

Thank you for the opportunity to testify before you today. As you are aware, the complex application for redevelopment of the St. Vincent's Hospital campus, submitted by Rudin Management Company ("the Applicant"), has not only provoked considerable community concern about its land use implications, but is also overshadowed by the community's loss of St. Vincent's Hospital, which has been devastating on many levels. We will not stop advocating for the health care needs of this community to be addressed, including the return of a full service hospital to Manhattan's Lower West Side. However, we will focus our testimony on what falls within the purview of the New York City Planning Commission ("CPC"). That said, we have strong reservations about the project as it stands now. We request that you deny this rezoning unless concerns we outline below are addressed in full.

Reduced Height and Bulk

The Applicant has argued that the two zoning map amendments it seeks for the East Site would reduce its combined maximum floor area by more than 70,000 zoning square feet from what currently exists. Yet the original 1979 up-zoning of the area was granted by the City specifically to serve the public purpose of facilitating the growth of St. Vincent's Hospital. The zoning map changes the Applicant seeks would increase the allowable Floor Area Ratio ("FAR") for residential use by 175% on the Seventh Avenue frontage and by over 200% on the mid-block, without serving a similar public purpose. We do not think it is appropriate for the Applicant to use the excessive height and bulk allowed to the former hospital as the basis for constructing a luxury condo development larger than the site's current zoning would permit. Again, the critical issue is that allowances granted to the hospital should not constitute a baseline for private, market-rate residential development. Rudin Management should only be allowed to build within the pre-existing zoning for residential development on this site.

Furthermore, the Applicant seeks a zoning text amendment extending to Manhattan Community District 2 ("CD2") a special permit currently only available in Manhattan Community District 7. This would allow development "without regard to height factor or open space ratio requirements." As a result, the proposed new buildings would be even more markedly out of scale and context with the surrounding historic district than they would be under the Applicant's proposed new zoning alone. Extending this special provision, which allows Large Scale General Developments to both increase density and reduce open space, to CD2 would set a terrible precedent and would irrevocably change the nature of the historic district in which the proposed development is located. Again, we

object strongly to this text amendment and we agree with the excellent points on this matter made in Community Board 2's ("CB2") October 26, 2011 resolution.

Community Benefits

The Applicant has enumerated various positive impacts of its proposed development. Nonetheless, we believe this application fails to include the significant community benefits that ought to be associated with a project of such a large scale and that requires so many discretionary actions. As such, we are proposing that the Applicant also substantially invest in the establishment of a new public school, include on- or off-site affordable and/or special needs housing and provide elevator/escalator access to the subway below the property.

It is impossible to estimate the number of children this project will bring to the community because the Applicant has not provided the community with information about the exact size of the proposed apartments. Regardless of the number of units built, it is certain that any additional families will add to the current overcrowding that schools in the area already face. As CB2 noted in its October 26, 2011 resolution, the Applicant is to be commended for its assistance in 2008, prior to the current application, in securing space for a school in the Foundling Hospital building in Manhattan Community Board 5. However, no capital or expense funds from the Applicant were used to buy, lease, or renovate the property, and it is ultimately being paid for by the City of New York. Therefore, we request that a substantial capital investment be made towards the construction of new public school seats, such as through the purchase and renovation of 75 Morton Street for use as an already needed public middle school.

The creation of new, permanent affordable and/or special needs housing is also vital, with or without City, State or Federal incentives. This application would significantly increase the residential population of the area, with the proposed condominiums being offered for sale at prices ranging from \$1.395 million to \$12.875 million. These apartments are out of reach economically for all but very high-net-worth individuals who far exceed the neighborhood's area median income. Inclusion of affordable housing would not only help to address the chronic shortage of affordable housing stock in New York City, but it would help balance the impact that high-end luxury condos would have on the community.

Currently, the neighborhood contains a mixture of housing, ranging from market rate co-ops and condos to those bought at insider prices when they converted from rentals, to rent-regulated units and the renowned artist housing Westbeth. This provides a healthy, vibrant neighborhood population. Sadly, this development would exacerbate the already tremendous pressure to displace longtime, low- and moderate-income members of our community. Affordable housing should be provided but not as a bonus for additional height and bulk. As noted, we believe the proposed height and bulk is too high and would not support additional FAR for the inclusion of affordable housing.

We are disappointed that the Applicant and North Shore Long-Island Jewish Health System ("NS-LIJ") have declined to consider the installation of an elevator and/or escalator to facilitate access to the subway station at 7th Avenue and 12th Street for mobility impaired riders. We cannot emphasize strongly enough that many of the people using the new health care facility as well as members of the community would benefit from expanded accessibility. We request that the Applicant reconsider their decision, as we

believe increasing access to public transportation immediately below the property is part of the Applicant's responsibility.

No Retail on Side Streets

We are also opposed to the Rudin's plan to introduce retail entrances on side streets as this will change their residential character and therefore should not be allowed. West 12th Street in particular would be negatively impacted. Retail spaces bring with them brightly lit window displays, signage and additional commercial traffic. Although this proposal might benefit the Applicant's bottom line it will not enhance the community in any way. There is already an abundance of vacant retail space available in the area, caused by both the hospital closure as well as difficult economic conditions.

Elimination of the Parking Garage

We understand that the accessory parking garage proposed on West 12th Street between 6th and 7th Avenue is as-of-right for just under 100 spaces, but we do not see the need for any additional parking structure to be added to this block, which already contains three garages. With each garage comes an entrance onto the sidewalk and curb cuts, which jeopardize the safety of pedestrians. Also, this street may be marked as a cross-town ambulance route to and from NS-LIJ Center for Comprehensive Care. As such, the addition of more vehicles entering and exiting garages on 12th Street may negatively impact public health and well being. Additionally, the Applicant's requested increase in the number of accessory parking spaces is based on a formula linked to the number of units within the yet-to-be-finalized condo plans. As we, along with CB2, other elected officials and community members, have raised serious concerns and requested that the height and bulk of these buildings be decreased, it seems unwise to assume that the number of units is fixed, or that the need for these spaces is fixed. If, however, this parking facility is allowed then we believe it should include spaces for a car-share program.

Public Park

The triangle space, which has been endured for some time and is understandably a sore point for the community, should become open, public, green space, deeded to the City. The financial maintenance for this space should be the responsibility of Rudin Management. We understand there might be some logistical concerns regarding mapping the space as parkland. Historically in New York City, publicly run, privately owned space, although supported by the City in exchange for bonusable development rights, has had many legal and logistical challenges. We want this space to be fully operated by the New York City Department of Parks and Recreation, which should oversee decision making in consultation with CB2, the community and local elected officials regarding hours, signage and maintenance. Should it be feasible, we request that the oxygen tanks be removed, or at least reduced in size.

CB2 had many months of public hearings about the Triangle Site and went into great detail in its resolution on this proposed redevelopment regarding specific preferences for design of the park itself. We support many aspects of the CB2 resolution including the desire for a community park that accommodates everyone, ranging from those who enjoy passive space to families with active children, and commemorates the history of St. Vincent's Hospital and the ongoing AIDS crisis.

Below the proposed Triangle Park is an underground storage space connected by a tunnel across Seventh Avenue to the former hospital campus. The use of the space under the park should be evaluated to determine if it viable for use as public space without inhibiting the park above. Should this space be deemed viable for occupancy, without interrupting the opening of the park or diminishing the amount of useable open space above ground, we would like this space to be maintained as a community space for educational use, such as the Queer History Alliance's (QHA) proposed AIDS learning center and museum. Should this space be deemed non-viable as public space, we share CB2's desire to work with all stakeholders to find an appropriate space, either in or around this development, for the proposed learning center and museum.

Construction and Monitoring

Should this project move forward, we have serious concerns regarding its logistics that we would like the Applicant to plan for and address prior to the start of construction. Scheduling of truck deliveries and pickups is a particular concern. NS-LIJ has said that it will consolidate deliveries to the Center for Comprehensive Care to minimize the number of trucks needed on a weekly basis. However there will also be a significant increase in the number of tenants -- both commercial and residential -- as a result of this project and they too will generate attendant truck traffic. The complex "five corners" intersection that is formed by the meeting of Greenwich Avenue, 7th Avenue South and West 11th Streets at the southern end of the development site, as well as the proximity of a public school, increases the safety concerns regarding traffic and delivery trucks. We request that for recurring deliveries and pick-ups, such as solid waste and sanitation, attention be paid to avoid scheduling these hazardous activities around school drop-off and pick-up times in an attempt to minimize safety risk to children and delays in students getting to school. These must become the formal responsibility of the developer.

Like CB2, we have key concerns regarding the need for environmental monitoring during construction itself. In meetings with the community, the Applicant has indicated that it would agree to certain construction related monitoring and community notification, such as publishing weekly air quality reports on a website. There were also conversations about installing noise and air quality monitors within the schools in the surrounding area during construction. This too is of critical importance.

Conclusion

Rudin Management is asking the community to make large concessions for its own enrichment and financial gain. We believe that granting these upzonings are certainly in the best interest of the Applicant, but are not in the best interest of the community in the current form. We call on CPC to ensure that the Applicant gives back to the community of which it is asking so much and make modifications to the application as outlined above, prior to approval.

We would like to formally thank CB2, which has put in countless hours of time to engage in a public dialogue that resulted in a thoughtful, well-reasoned resolution on this proposal. We strongly urge the Commission to give its recommendations great weight. We also thank CPC for the opportunity to testify and for its consideration of our remarks.