



The City of New York

Manhattan Community Board 1

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**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.