CITY PLANNING COMMISSION

June 6, 2012 / Calendar No. 11 C 120124 ZSM

IN THE MATTER OF an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution:

1. to allow the distribution of total allowable floor area without regard for zoning lot lines; and

2. to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings;

to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7****** District, Community District 2, Borough of Manhattan.

This application for a special permit pursuant to Section 74-743 to modify height and setback regulations was filed by the applicant on December 5, 2011. The special permit, along with its related actions, would facilitate the growth of New York University's campus within two NYU-owned blocks (the Superblocks) in the Washington Square area. New York University (NYU or the University) is proposing to construct four new buildings (to include academic uses, faculty housing units and dormitories, a new athletic facility, a University-affiliated hotel, and retail uses) and approximately four acres of public parks and open spaces. By 2031, the proposed actions are intended to result in the development of approximately 1.11 million zoning square feet (zsf) of new floor area and 2.4 million gross square feet (gsf). NYU also proposes to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street. The rezoning would allow for ground-floor retail use.

RELATED ACTIONS

In addition to the special permit (C 120124 ZSM) which is the subject of this report, implementation of the proposed development also requires the following actions by the City Planning Commission which are being considered concurrently with this application:

C 120077 MMM	City Map Change to narrow, through elimination, discontinuance, and closure, various segments of Mercer Street and LaGuardia Place to enable property disposition to New York University and to establish parkland.
C 120122 ZMM	Zoning Map Amendment to change an existing R7-2 District to a C1-7 District and to establish within an existing R7-2 District a C1-5 District.
N 120123 ZRM	Zoning Text Amendment to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications), relating to special permit regulations for large scale general developments.

BACKGROUND

NYU is proposing to construct four new buildings (to house academic uses, housing for NYU faculty and students, a new athletic facility, a University-affiliated hotel, and retail uses) and approximately 4 acres of public parks and improved open spaces in its Washington Square campus, which NYU refers to as its "Core Campus." By 2031, the proposed actions are intended to result in approximately 1.11 million zsf of new development. An additional 1.09 million square feet would be located below grade. The total gross floor area would be 2.4 million gsf.

NYU has determined that it faces a critical need for new, modern facilities to maintain its position as a leading university. During the last several decades, NYU has experienced rapid growth in its student body in its transformation into an internationally recognized institution. NYU's physical facilities need to expand and improve in order to accommodate this larger faculty and student population. Efforts are ongoing to find new space and relocate specific departments and functions to other locations; however, development of satellite facilities, such as in Downtown Brooklyn, will not meet the space requirements identified by the University for its Core Campus. The proposed actions would facilitate 2.4 million gsf of modernized facilities at the Core Campus for the College of Arts and Sciences, Tisch School of Performing Arts, the Steinhardt School of Culture, Education and Human Development, the Wagner Graduate School of Public Service, the Gallatin School of Individualized Studies, and the Stern School of Business, among others.

In 2006, NYU launched a comprehensive planning effort known as “NYU 2031.” In the process, NYU recognized the primacy of the Washington Square area as campus anchor while outlining a citywide strategy for providing the physical space needed for NYU’s long-range academic goals. One of the goals of “NYU 2031” is to provide NYU neighbors with predictability and transparency about NYU’s projects as opposed to a piecemeal approach to campus expansion and modernization.

NYU has leveled enrollment increases and expects only a modest increase of roughly 0.5% growth in its student body at Washington Square by 2031. Today, there are approximately 41,000 part-time and full time undergraduate and graduate students at the Core. By 2031, NYU anticipates that there will be approximately 46,500 students. However, with the increase in enrollment during the past two decades, “NYU 2031” estimates that NYU will need approximately 6 million gsf, including 3 million gsf in the Core and the balance elsewhere across the city. Today, NYU has over 11 million gsf of academic, administrative, student and faculty housing, and student service spaces clustered around its Washington Square campus. Approximately 5.4 million gsf is academic space including classrooms, laboratories, and offices for faculty and administrators. With its recent growth, NYU faces a shortage of academic facilities, classroom space, specialized teaching spaces (performance spaces, workshops, and clinics), faculty offices, student service facilities, and student and faculty housing. NYU has stated a need for upgraded space including an increased number of flexible and technologically sophisticated classrooms.

NYU has concluded that without a serious upgrade and improvement in facilities, the important gains of the last decade in the quality of its educational offerings and its ability to continue to compete for top-tier students and faculty would be compromised.

NYU’s approach has been to concentrate certain facilities in the Core with other facilities located farther away. As part of its overall master planning effort, NYU has described how it has carefully considered which university functions require location at the Washington Square campus. NYU states that co-location of classrooms, research facilities, student service spaces,

dormitories and faculty housing at the Washington Square campus encourages interaction among NYU's faculty and students, interaction between faculty members in diverse disciplines, interdisciplinary research teams and other academic and social engagement within the University. NYU believes that physical proximity in a campus setting is the best way to promote integration of disciplines and interaction among the faculty and students, in order to promote a learning and research community. Additionally, a campus setting also makes possible the planned provision of open space and other amenities, which benefit faculty, students, and neighborhood residents alike.

Twelve of NYU's eighteen schools are located in the Core, including its undergraduate liberal arts program, the College of Arts and Sciences. The Core is also home to, among others, the Tisch School of Performing Arts, the Steinhardt School of Culture, Education and Human Development, and the Stern School of Business, which offer both graduate and undergraduate degrees. Undergraduates enrolled in these schools are required to perform 25% of their coursework at the College of Arts and Sciences. Many of the schools that will stay at NYU's Core Campus offer cross-disciplinary degrees reflecting how disciplinary interchange is increasingly required to advance academic and research agendas. NYU also has a plethora of research centers and institutes that unite faculty across schools and departments.

NYU conducted an assessment of needs for those schools and uses which it believes must remain in the Core and identified the need for new faculty offices, classrooms, research facilities, student service spaces, and dormitories and faculty housing at NYU's Core Campus. It also identified a University-sponsored hotel as a component of the Core Campus, to provide accommodations for visiting scholars, parents and other visitors to the University.

In terms of academic facilities, NYU has identified the need for faculty offices for the following schools: Tisch School for the Performing Arts, Steinhardt, Stern, Gallatin, Social Work, Arts and Science, and Wagner. NYU states that these schools have critical space needs today and that efforts to recruit new faculty will be hampered by the lack of office space. NYU has highlighted the need for new science laboratory facilities, performance space for the Tisch School for Performing Arts, specialized teaching facilities for the Steinhardt School, and shared classrooms,

particularly large, modern auditoriums. Today, NYU has only three large auditoria, which it has stated severely limit its ability to offer large lecture classes or schedule special academic assemblies. NYU has also stated that much of its needed academic space requires specialized spaces and larger floorplates, which are only available in purpose-built facilities. New office space is also proposed to accommodate new initiatives within and across schools, such as the Global Public Health initiative, the Institute for Cities, and other initiatives where the need will develop over time.

Meeting and study space is another critical need identified as part of NYU 2031. Non-classroom learning activities are critical, as students may spend only 15 hours per week in class, while devoting substantial additional time in group projects, laboratory work, studying and student activities that require use of University facilities. The University's current supply of such space is approximately one third of that of peer institutions; there is a dearth of space for NYU students and faculty to work and meet.

NYU has identified a need for dormitories to be located at its Core Campus, primarily to house freshman, stating that close proximity to a campus encourages student engagement and learning outside the classroom. NYU has also identified a need for faculty housing. NYU feels it is an important recruitment tool, particularly as faculty are recruited from around the world, and that locating faculty housing in the Core Campus is an important way to foster interaction between students and faculty. As noted above, a University-affiliated hotel for short-stay visitors to the campus was also identified as part of the proposal.

In order to address its most pressing space needs, NYU has in recent years acquired, renovated, and expanded existing buildings where feasible. To the extent possible, it will continue to refit existing buildings, such as, for example, providing space for science research facilities within existing buildings in the Loft Blocks and relocating the classrooms that are currently housed in those buildings to the Superblocks. However, these renovations are limited by existing building structures and do not provide the type of space that NYU believes is ideal for all of its identified needs. Larger floorplates and column-free spaces are needed for some specialized teaching facilities, and these are not readily available in existing buildings. Additionally, NYU states that spaces on lower floors are better suited to classrooms, as stacked classrooms in tall buildings can

create internal congestion, with long queues of students waiting for elevators. Because renovation of existing buildings will not provide the appropriate, modern space for all of its needs, NYU considers construction of new facilities to be a critical component of its master plan.

NYU has also noted that acquisitions in the immediate area have required leasing space, and that currently 16% of its facilities at the Core are leased. Leased space subjects the University to real estate market risks and uncertainties which make long term planning difficult and expensive.

A significant component of NYU's 2031 plan involves the identification of new "hubs" for centers of learning outside of the Core and elsewhere in the city. As part of the 2031 plan, the University is working to identify which programs and schools currently at the Core can be located at one of the other academic hubs. For example, in 2015, the Nursing College will relocate from the Core to the Health Corridor, near NYU's hospital in east Midtown. This, in turn, will free up space at the Core for other uses. Also, NYU is relocating existing graduate programs in digital design, including the cognitive, cultural and engineering aspects of digital games, to Downtown Brooklyn, adjacent to the NYU-Poly engineering programs. NYU also plans to meet some of its space needs at the Core by repurposing, for academic use, space currently occupied by administrative and other non-academic activities that do not need to be located in the Core.

While these recent efforts to relocate specific departments and functions to other parts of the City will provide additional space in the Core Campus, NYU believes that relocation efforts alone cannot satisfy the demand for space identified by the University for its Core Campus. NYU's present applications would facilitate 2.4 million gsf of modernized facilities at its Core Campus.

SITE DESCRIPTION:

NYU has identified the two NYU-owned Superblocks within the Washington Square campus as the site for its expansion. The Superblocks are bounded by West 3rd Street to the north, Mercer Street to the east, West Houston Street to the south, and LaGuardia Place to the west. Bleecker Street divides the Superblocks into a northern block (the "North Block") and

southern block (the “South Block”).

Historically, the Superblocks were occupied by larger loft buildings, built to accommodate industrial uses, similar to the blocks to the north. The Superblocks were redeveloped under the Washington Square Southeast Urban Renewal Area plan (the “Urban Renewal Plan”) between 1958 and 1981. They contain tower-in-the-park style residential buildings surrounded by open space and one-story buildings. As part of the Urban Renewal Plan, Wooster Street and Greene Street were eliminated and incorporated into the Superblocks. Mercer Street and LaGuardia Place were widened to connect to the planned but never-built Lower Manhattan Expressway (LOMEX) along Houston Street. The mapped street was enlarged, but the street beds were never widened. As a result, the Superblocks are flanked by large, city-owned sidewalk extensions, some of which are landscaped, which are mapped as street and under the jurisdiction of DOT (the “Strips.”)

<u>The North Block:</u>

The North Block was developed in 1957-1960 and contains two almost-600 foot long 17-story apartment buildings known as “Washington Square Village” (WSV) that stretch across the site from east to west, and a separate one-story retail building along LaGuardia Place. It is bounded by West 3rd Street to the north, Mercer Street to the east, Bleecker Street to the south, and LaGuardia Place to the west. The WSV buildings are mostly occupied by NYU-related families and individuals. According to NYU, NYU related residents occupy 81% of the WSV units. The center of the block contains a parking garage in two below-grade levels accessed by two driveways located in the former beds of Greene and Wooster streets, which travel through portals of the WSV buildings at the ground level. The parking garage contains 670 spaces, 389 of which are accessory and the remainder of which are public. The roof of the garage is landscaped with trees and seating, located several feet above grade and accessible through several narrow passages. This space is not required to be publicly accessible. A private playground of approximately 23,000 square feet that is accessible to residents of WSV and a limited number of residents in the surrounding blocks is located on the eastern side of the site.

The North Block is flanked on the east and west sides by the Strips, mapped portions of Mercer Street and LaGuardia streets that are unbuilt and landscaped. The Strips are 39- and 50 feet wide, respectively, creating an unusual condition, whereby the WSV complex is set back from the sidewalks of Mercer Street and LaGuardia Place. The Mercer Street Strip, along the eastern edge of the North Block, contains a playground and landscaping and the LaGuardia Place Strip, along the western edge of the North Block, contains a landscaped area traversed with walkways. A capital project of the New York City Department of Parks and Recreation (Parks Department) for a playground, named "Adrienne's Garden", is planned for the northern area of the LaGuardia Street Strip, and is expected to advance irrespective of the NYU Core project.

The South Block:

The South Block is bounded by Bleecker Street to the north, Mercer Street to the East, West Houston Street to the south, and LaGuardia Place to the west. It contains a development known as "University Village" (UV) containing three 30-story residential buildings, designed by I.M. Pei, and surrounded by open space. The UV buildings, as well as the landscaping around the buildings, were developed in 1964-1966 and designated a New York City landmark in 2008. Two of the buildings (Silver Towers 1 and 2), located on the eastern portion of the site, house NYU faculty. The other building (505 LaGuardia Place), located on the western edge of the site, provides middle income affordable housing that was developed under the Mitchell-Lama program. The 505 LaGuardia Place building is located on property owned by NYU and leased under a 99-year lease. The open space within UV includes a grove of oak trees, a playground, seating, and a large central sculpture that is an enlargement of a 1954 cubistic work by Pablo Picasso.

The other buildings on the South Block are the one story Morton Williams supermarket, located on the northwest corner of the block and constructed in 1961, as well as Coles Gymnasium, on Mercer Street, which was constructed in 1981. A narrow pedestrian passageway just west of Coles Gym connects Houston and Bleecker streets through UV.

A portion of the South Block, including the UV complex and the Coles Gymnasium, are part of an existing Large Scale Residential Development, approval for which was originally granted in 1964 to facilitate the development of the UV complex.

There is an existing accessory parking garage under the block, accessible through curb cuts on West Houston Street.

Similar to the North Block, the South Block is also flanked on both the east and west sides by mapped but un-built portions of Mercer Street and LaGuardia Place. The Mercer Street Strip, located along the eastern edge of the South Block, contains a plaza area in front of the Coles Gymnasium entrance, a small playground (currently closed because of a sinkhole that renders it unsafe for use), and a privately operated dog run. The LaGuardia Place Strip, located along the western edge of the South Block, contains a community garden and Time Landscape, a fenced area with landscaping. Bleecker Street is a wide street, also as a result of the Urban Renewal Plan, and the sidewalk portion on the South Block contains several large planting beds.

The "Loft" Blocks:

To the north of the Superblocks is a six-block area referred to in these applications as the "Loft Blocks." As discussed below, NYU proposes a commercial overlay zoning district in this area. The Loft Blocks are bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and East 8th Street. The buildings in this area are characterized by high lot coverage loft-style buildings with high street walls. The Loft Blocks contain academic and institutional uses that house a large portion of NYU's facilities, as well as some dormitory and non-NYU residential uses and a limited amount of ground-floor retail use.

Area Description:

The project site is located on the eastern edge of Greenwich Village. Greenwich Village is

characterized by a diversity of building types, ranging from townhouses to larger, loft-style buildings, The neighborhood holds a mix of predominantly residential and commercial uses, with active ground floor retail on many streets and fully commercial buildings on others, particularly the avenues. The project site is also directly to the north of SoHo and directly to the west of NoHo and the Broadway shopping corridor – two mixed use neighborhoods with significant commercial activity.

The surrounding area contains a mix of institutional, residential and commercial uses. Immediately surrounding the Superblocks to the west and north are loft style buildings built historically for industrial use that range from 7 to 15 stories. To the east of the site, there is a mix of medium density residential buildings, largely between 4-10 stories, with active ground floor retail. The block immediately to the north of the site is part of the Urban Renewal Plan that facilitated the development of the project site and contains several mid-century, larger buildings, from 11 to 12 stories, developed and utilized by NYU. Houston Street, a wide east-west connector, forms the southern border of the site and has a wide diversity of buildings, ranging from 1-2 stories to 15 stories.

NYU's academic Core extends to the area around Washington Square Park and contains a wide variety of building types from historic townhouses along Washington Square North to newer, larger buildings along Bleecker and West 3rd streets west of LaGuardia Place, to previously industrial, loft-type buildings to the east of Washington Square.

The area to the north of Washington Square Park is characterized by a mix of higher-density apartment and commercial buildings on the avenues, many greater than 15 stories, with lower-density residential buildings and townhouses on the midblocks. The area to the south of the park is characterized by medium-density residential buildings of 4 to 6 stories, with active ground-floor retail uses along many streets.

The Broadway corridor to the east and the area around Astor Place and Cooper Square are characterized by a mix of commercial, institutional and residential use, and the primary

building type is the loft-style building, ranging from 7 to 14 stories tall. East of Broadway and north of Houston Street is NoHo, a mixed-use area containing a mix of uses and buildings of varied heights. To the south of Houston Street is SoHo, a primarily commercial and residential area typified by cast-iron loft buildings with ground-floor restaurants and retail.

Public amenities in the area include Washington Square Park, a 9.75 acre public park that serves as a focal point for the surrounding community. Other major area institutions include Cooper Union. The Center for Architecture is located directly across the street from the project site. There are several historic districts located in the surrounding area, including the SoHo Cast Iron Historic District and Extension, the NoHo, NoHo East and NoHo Extension Historic Districts, and the Greenwich Village, Greenwich Village Extension II, Charlton-King-Vandam and MacDougal-Sullivan Gardens Historic Districts.

The project site is well served by mass transit. There are four subway stations within walking distance of the project site, including West Fourth Street (B/D/F/M/A/C trains); Broadway/Lafayette (B/D/F/M trains); Bleecker Street and Astor Place (6 train). The project site is additionally served by the M21 bus, which runs east/west along Houston Street.

Zoning

The Superblocks are zoned R7-2 with C1-5 commercial overlays along portions of LaGuardia Place, and the Loft Blocks are zoned R7-2, without any commercial overlays.

A mix of commercial and residential zoning districts surround the NYU-owned properties proposed for expansion. Directly adjacent to the project site, residential districts include R6 and R7-2, with some C1-5 commercial overlays. Adjacent commercial districts include C1-7, C6-2 (R8 equivalents) and C6-4 (an R10 equivalent). Directly to the south of the project area, SoHo, is zoned M1-5A. Other area commercial districts include C6-1, and C4-5 (R7 equivalents). The NoHo/Broadway Corridor is zoned M1-5B.

For the existing zoning districts, the R7-2 district and its commercial district equivalents permit a residential FAR of 3.44 and a community facility (CF) FAR of 6.5, and the C1-5 district permits a commercial FAR of 2. The R8 district and its commercial district equivalents permit a residential FAR of 6.02 and CF FAR of 6.5. The R6 district permits a residential FAR of 2.43 and a CF FAR of 6.5. The R10 district and its commercial district equivalents permit a residential and CF FAR of 10. The C1-7 district permits a commercial FAR of 2. The C4-5 district permits a commercial FAR of 3.4. The C6-1 and C6-2 districts permit a commercial FAR of 6. The C6-4 district permits a commercial FAR of 10. The M1-5A district permits a manufacturing and commercial FAR of 5.0 and a CF FAR of 6.5.

PROPOSED PROJECT:

Over an anticipated period of 19 years, NYU is proposing to construct four new buildings including academic, residential, retail, hotel, dormitory and faculty housing, and public school uses containing a total of 1,114,000 square feet of zoning floor area (sf of zfa), and 137,000 square feet of publicly accessible open space. The proposed programmatic breakdown would include approximately 423,000 sf of zfa of academic space, including classrooms, teaching facilities, and faculty offices; 351,000 sf of zfa of dormitories; 94,000 sf of zfa of faculty housing; 29,000 sf of zfa of retail uses; 138,000 sf of zfa for hotel and conference facilities; and 78,000 sf of zfa to be devoted to a public school. NYU proposes to make approximately 100,000 square feet of gross floor area – 78,000 sf of zoning floor area– available to the New York City School Construction Authority ("SCA") for the development of a new public school. NYU would gift the space to the SCA and build its core and shell at SCA's expense, should the DOE/SCA elect to establish a school at this location.

The project would also facilitate the development of approximately 1,088,000 gsf of floor space below grade, to include classroom space, study space, a gymnasium, and mechanical space. A portion of this below grade space (approximately 185,000 gsf) would be located beneath the Strips, which would be mapped as park at grade and below to a lower limiting plane.

Because the project is a long-term master planning proposal with a 19-year build out period, flexibility in the mix of uses is allowed to address the University's changing needs over time.

South Block

On the South Block, the proposal would facilitate the development of two new buildings: the first is the Bleecker Building, located on the site of the existing Morton Williams supermarket at the northwest corner of the block. The second is the Zipper Building, located partially on a portion of the area currently occupied by Coles Gymnasium and partially on the Mercer Street Strip, which is proposed to be demapped and disposed of to NYU.

Bleecker Building

On the corner of Bleecker Street and LaGuardia Place, a new mixed-use building ("the Bleecker Building") is proposed to replace the existing supermarket. The Bleecker Building would contain 124,443 square feet of zfa, including approximately 78,000 sf of zfa for a potential public school to be developed by the SCA in the base and 46,000 sf of zfa of dormitory use in a tower. The base would rise to 108', and to 128' to the top of the bulkhead. The dormitory tower would rise to a height of 178', and to 208' to the top of the bulkhead. Additionally, there is 64,000 sf of below grade floor space, in four levels, that would contain space for classroom facilities. In the event that the SCA does not elect to provide a public school at this location, the base would be utilized by NYU for additional academic space.

Zipper Building

The building is designed with a plinth that rises to 85' and provides a streetwall. Six staggered tower components would be located on top of the plinth. The heights of the six towers proceeding from south to north are proposed as: 275 feet or 299 feet with bulkhead, 128 feet or158 feet with bulkhead, 188 feet or 218 feet with bulkhead, 208 feet or 238 feet with bulkhead, 228 feet or 258 feet with bulkhead, and 168 feet or 198 feet with bulkhead. On the street level, on all four sides, retail, public and institutional programs with high levels of transparency are proposed.

The Zipper Building would contain 649,215 sf of zfa. The 4- to 5-story plinth would contain 81,000 sf of zfa of academic uses, which NYU has identified for use by the Tisch School of Performing Arts and the Steinhardt School, and 29,000 sf of zfa of retail uses including a replacement grocery store for the existing Morton Williams supermarket. Above the plinth, different building segments would contain dormitory uses intended primarily for freshman, with approximately 306,000 sf of zfa. The tallest building segment, at the southeastern corner of West Houston and Mercer Street, would contain a university-affiliated hotel and conference facility, with approximately 138,000 sf of zfa, and faculty housing, with approximately 93,000 sf of zfa and approximately 93 units. Additionally, 254,000 sf of below grade floor space would be occupied by a new, state-of-the-art gymnasium.

Open Space

One of the central goals of the South Block landscape design is to make a visually transparent, but clear delineation between public and private spaces. Public access is concentrated along well-defined channels, signaling that the rest of the space is limited to residential use. In particular, the existing 5-foot wide pedestrian walkway along the western edge of Coles Gymnasium will be widened to 28 feet as Greene Street Walk, becoming a main north-south public pedestrian passageway. Amenities, including several retail storefronts, will activate the widened Greene Street Walk. Additionally, a new dog run, replacing one currently located on the Mercer Street Strip east of the Coles Gym, and a new toddler playground would have entrances off of the Greene Street Walk.

To create a more pedestrian-friendly streetscape and to better integrate the South Block into the surrounding area, the proposal would modify some of the landscaping elements of the UV complex, including replacing tall fences with shorter ones and adding additional greenery and seating along Bleecker Street. A certificate of appropriateness was issued by the Landmarks Preservation Commission on July 27, 2011, for design approval of the site plan modifications.

<u>North Block:</u>

Mercer and LaGuardia Buildings and Subsurface Space

On the North Block, the proposal would allow for the development of two new buildings, located between the two existing WSV buildings. A primary goal of the new design is to complement the original composition and architecture of the ensemble by creating new buildings that highlight the existing forms. The new buildings would have curved forms designed to maximize access to light and air and to enhance physical and visual access to the new at-grade open space.

The two new buildings would house classrooms on the first several levels with faculty offices located above. Among other potential schools, the Wagner School and Sociology Headquarters, which are currently in leased space, are planned to be relocated to the buildings. The Mercer Building, located on Mercer Street would be 14 stories (218 feet or 248 feet with bulkhead) with 208,520 square feet of zoning floor area (sf of zfa). The LaGuardia Building, located on LaGuardia Place, would be 8 stories (128' or 158' with bulkhead) with 132,962 sf of zfa. The existing WSV buildings rise to a height of 17 stories (the northern most building is 156' or 196' with bulkhead and the southern-most building is 162' or 198' with bulkhead). Approximately 770,000 square feet of gross floor area would be developed below grade in order to reduce the amount of bulk located above grade. This space would extend across the entire lot, underneath the proposed park and to the street line and is proposed to include at least 7 large auditoriums, over 40 classrooms, at least 15 performance and rehearsal spaces, a larger study annex, and mechanical space. Two light wells would be provided adjacent to the Mercer and LaGuardia Buildings in order to bring daylight to the below-grade space.

Open Space

A new public open space would be created throughout the site, between the old and new buildings, to provide approximately 2.7 acres of publicly-accessible open space with features such as a lawn, playground, and garden, as well as plantings and seating. Today, the existing interior block is accessible only through vehicular driveways and features a gated raised garden over a public parking garage. Under the proposal, the space would be brought to

grade and open to the public from 6am to 12am. One of the proposal's key design objectives is to create a new central open space accessible from all street fronts.

The open space on the site would serve a variety of active and passive uses. The proposed landscape plan includes the Tricycle Garden, designed to encourage small-scale passive and active activities that currently take place on the Mercer Playground; the Philosophy Garden, a space with a more intimate character, dense plantings, low tree canopy, and built-in and moveable seating; the Public Lawn, designed to serve as a less formal counterpoint to the surrounding gardens; and the LaGuardia Play Garden and WSV Play Garden, which would provide active recreation opportunities for a variety of age groups, replacing existing playgrounds on the site; and the Mercer and LaGuardia entry plaza areas, which create an open and highly visible entry to the open space with seating and clear pathways and view sheds. These spaces would function in conjunction with newly established parks on the Strips under a coordinated landscape design. The new public parks are not included in the Large Scale General Development but have been conceived of as integrated with the privately-owned, publicly-accessible open space in the center of the block.

The proposed design removes almost all automobile use from the interior of the block and levels the grade to make the space more usable by the public. Currently, there are two driveways that cut through the block to access the garage. In the proposal, entry to the garage would be consolidated into one driveway for ingress and egress, using an existing curb cut. The number of parking spaces would also be reduced. The existing garage has 670 spaces, 389 of which are required. Once the North Block is redeveloped, only the required 389 parking spaces, for WSV residents, would be provided.

PHASING

The development of the buildings proposed under the NYU Core application would take place over a number of years in different phases, with development generally occurring on the South Block first, followed by development on the North Block. This phased approach would result in construction being confined to discrete areas of the Superblocks during each

period, thereby localizing construction disturbance. The phased approach would also provide for the completion of upgraded and replacement public open spaces associated with the construction phases.

The Zipper Building would be the first of the four permanent buildings to be constructed. In order to facilitate the construction of the Zipper Building, a temporary gym building would be constructed on the east side of the North Block prior to the demolition of the existing Coles Gymnasium. The temporary gym would accommodate a portion of NYU's athletic facility needs until the new gym within the Zipper Building is complete and operational. This temporary gym would be accessed from Mercer Street. Modifications to the abutting area – proposed to be mapped as public park– would be made to improve its usability and allow for access to the temporary gym. The temporary gym entry plaza would have seating, landscaping and bike racks.

Once the temporary gym is complete, demolition of the Coles Gymnasium and construction of the Zipper Building would commence. The Zipper Building and adjacent open space areas would be completed together, providing for a new toddler playground, the Greene Street Walk, and planted areas along Bleecker Street. While it is anticipated that the Bleecker Building would begin construction after the Zipper Building, its timing would be determined according to whether the School Construction Authority (SCA) identifies a need for a public school in the building and commits capital funds to its construction. Upon completion of the Bleecker Building and adjacent landscape the development on the South Block would be complete.

Construction to facilitate the below-grade floor area and LaGuardia and Mercer Buildings on the North Block would commence with relocation of the existing parking garage to the northeast portion of the block below grade. Once the parking garage is complete and operational, the Mercer Building and the remainder of the below-grade space east of former Wooster Street would be constructed. When completed, this project would provide new open spaces along Mercer Street and in the center of the site. Construction of the below grade

space under and west of former Wooster Street and the LaGuardia Building would then commence. Upon completion of the below grade space and the LaGuardia Building, the North Block would be complete along with the entirety of the open spaces, including the LaGuardia park, public lawn, Washington Square Village playground, and Philosophy garden.

Requested Actions:

In order to facilitate the project, four actions are required:

1. Special Permit pursuant to Section 74-743 (C 120124 ZSM)

The proposed Large Scale General Development would include the Northern Superblock and portions of the Southern Superblock, excluding the 505 LaGuardia Place zoning lot and including a 39-foot wide strip on Mercer Street that would be acquired by NYU pursuant to the related proposed demapping and disposition application. The Large Scale General Development would not include the City-owned Strips on the North Block.

There are a number of special permits available to Large Scale General Developments that are proposed to facilitate this proposal. Proposed special permits pursuant to ZR 74-743 are as follows:

a) ZR 74-743(a)(1) To allow the distribution of floor area within a large scale general development without regard for zoning lot lines. This would permit the transfer of 19,214 square feet of zoning floor area from Zoning Lot 4, a midblock lot on the south side of Bleecker immediately to the west of the 505 LaGuardia zoning lot, to Zoning Lot 3, which today contains the Morton Williams grocery store, and facilitate the construction of the Bleecker Street Building.

b) ZR 74-743(a)(2): To allow the location of buildings without regard for the applicable court and height and setback (including rear yard) regulations applicable in C1-7 zoning districts. This special permit would allow for the proposed new buildings. In

R8 Districts and R8 equivalents, including C1-7, buildings are required to setback above a base height of 85', or approximately 9 stories. Above that height, buildings on narrow streets continue to rise, governed by a sky exposure plane of 2.7 vertical feet to 1 horizontal foot. Mercer Street, on the south block, would become a narrow street as the result of concurrent actions. On wide streets, the sky exposure plan is 5.6 vertical feet to 1 horizontal foot. Bleecker and West Houston streets; and LaGuardia Place, on the south block, are wide streets. Mercer Street and LaGuardia Place, on the north block, are also wide streets and would continue to be considered wide streets as a result of actions. In R8 district and their equivalents, 20-foot setbacks from rear yard lines are required for portions of buildings greater than 125 feet above yard level. This LSGD special permit requests the following waivers:

- To waive the height and setback regulations otherwise applicable to allow portions of the proposed Mercer and LaGuardia, Bleecker, and Zipper buildings, as well as the existing Silver Tower 1 and WSV buildings to penetrate the required setback and sky exposure plane (ZR Sections 23-632, 33-432 and 35-23)

- To waive the rear yard equivalent regulations for the Zipper Building (ZR Section 23-532, 33-283)

- To waive the rear yard regulations for the Bleecker Building (ZR Section 33-26)

- To waive the minimum distance between buildings regulation for existing Silver Tower 2 and the Coles Gymnasium buildings (ZR Section 23-711)

Zipper Building

For the proposed Zipper Building, the requested height and setback waivers along Mercer Street and the rear yard equivalent waiver along Houston and Bleecker streets for the building and its bulkheads allow the bulk to be distributed in a manner that would locate the base of the building far enough away from the UV buildings to accommodate the new Greene Street walkway, mentioned above. The waivers would also allow for the creation of a street wall along Mercer, Bleecker and West Houston streets. Without the waivers, the bulk of the building would have to

be pulled back from Mercer Street because of height and setback regulations and pulled back from Houston and Bleecker streets because of rear yard equivalent regulations. The height and setback waivers would also allow for the Zipper's variegated massing. The Zipper Building was designed with a series of sub-volumes that vary in height and are shifted east and west to break up the mass of the building and provide visual interest. The waivers are requested for the bulkhead portion of the buildings, as well as the inhabited portion of the building, so that the bulkheads can rise sheer from the parapet. Compliance with height and setback regulations would require the building to set back 20 feet from Mercer Street at a height of 85 ft or 6 stories, whichever is less, and to be located behind a sky exposure plane.

Bleecker Building

The Bleecker Building is proposed to accommodate two program types: a public school and dormitory. The public school would be located in the building's base. The rear yard waiver would facilitate the large, regular floor plates that are desirable for classroom layouts. The dormitory mass is located along the LaGuardia frontage, and setback towards the interior of the block to provide the open space required for the school. The height and setback waivers allow for the volume to shift to LaGuardia Place and would preserve the perpendicular views from the north-facing windows of 505 LaGuardia Place. The waivers also take into account a proposed sheer rising bulkhead. Open, straight-on views from and across the center of UV were a key design feature of the original I.M. Pei design.

Mercer and LaGuardia Buildings

For the proposed Mercer and LaGuardia Buildings, on the North Block, height and setback waivers are requested to facilitate the placement of the buildings closer to the east and west edges of the block, allowing for a large publicly-accessible, pedestrian-oriented open space in the center of the block. The waivers are requested for the bulkhead portion of the buildings, as well as the inhabited portion of the building, so that the bulkheads can rise sheer from the parapet. The buildings would frame the central open space to reinforce its distinct identity. The concave shape facing the interior has been designed to reflect light onto the open space. Absent the

waivers, the buildings' mass would have to be placed closer to the center of the block, which would make it difficult to create a central open space.

Existing University Village and Washington Square Village Buildings

The UV and WSV buildings were originally developed pursuant to alternative height and setback regulations. In order to use the alternative height and setback regulations all buildings on a zoning lot must use the same regulations. The new buildings, the Zipper Building and Mercer and LaGuardia Buildings, do not use the alternative height and setback regulations and therefore the existing buildings can no longer do so. When applying the otherwise applicable height and setback regulations to the UV and WSV buildings they become slightly non compliant. Therefore minor height and setback waivers are necessary for discrete locations on these buildings.

Minimum Distance between Coles Gym and Silver Tower 2 (Temporary)

When the existing Large-Scale Residential Development special permit was modified in 1979 to facilitate the development of the Coles Gymnasium, the Commission granted a waiver of the minimum distance between buildings regulation because the Coles Gymnasium building was located closer to the Silver Tower 2 building than would otherwise be allowed. Because this GLSD special permit would replace the previously granted Large Scale Residential Development special permit, it is necessary to replicate that waiver for the period that the Coles Gym remains on the site. While the building is proposed to be demolished and replaced with the Zipper Building, it would nevertheless exist for a period of time after the LSGD is approved and before it is demolished.

Pursuant to ZR Section 11-42(c), NYU requests that the special permit be granted for an initial period of ten years, rather than four. The NYU Core project is a complicated multi-phased construction project; the initial special permit period of ten years is requested to provide flexibility with regard to vesting to account for unforeseen conditions.

2. Zoning Map Amendment (C 120122 ZMM)

Zoning map amendments are required to facilitate the proposal.

a) Rezoning of the Superblocks from an R7-2 district, with a C1-5 overlay along portions of the LaGuardia Place frontage of both blocks, to a C1-7 district. The proposed C1-7 district would allow for hotel and retail uses to be located in the Zipper Building and for limited ground-floor retail uses to be located throughout the North Block, pursuant to the LSGD. The proposed C1-7 district would also reduce the amount of required open space on both Superblocks in order to allow for the development of the four proposed buildings. The proposed zoning district would have the same Community Facility FAR as the existing zoning district. It would have an FAR of 2.0 for commercial Uses, whereas the existing zoning allows for 2.0 FAR for commercial uses only in small areas, along LaGuardia Place. The proposed zoning district would increase the residential FAR from 3.44 to 6.02. However, since there is no new residential use in the proposal (the faculty housing units are accessory to Use Group 3 Community Facility), NYU would not benefit from the higher residential density.

Commercial districts are mapped to the east and an existing C1-7 district is located along 8th Street and University Place to the north. The C1-7 district, which permits residential use at an R8 equivalent, would be similar to the C6-2 district directly across the street to the east (also an R8 equivalent), but would not allow for certain commercial uses such as big-box retail.

b) Rezoning of the Loft Blocks from R7-2 to R7-2 with a C1-5 overlay. NYU proposes to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street. The area is currently zoned R7-2, which does not allow for new ground-floor retail uses. The area encompasses 26 lots in full. NYU owns 22 of the 26 lots.11 already contain pre-existing nonconforming retail uses. The rezoning would allow the remaining 15 lots to convert their ground floors to retail use. The proposed C1-5 overlay would allow ground-floor

space in existing buildings to be converted to neighborhood retail use, such as a coffee shop, small clothing store, bakery or bookstore.

c) *Regularizing Zoning Map on Mercer Street* As a result of the demapping and disposition of portions of Mercer Street as proposed in the Mapping Application, NYU is also proposing to relocate the zoning district boundary that runs along Mercer Street to the east so that the boundary line remains in the centerline of the newly-narrowed street. Because streets are not developable and do not generate development rights, this rezoning has no practical effect other than regularizing the zoning map.

3. City Map Change (C 120077 MMM)

Mercer Street and LaGuardia Place were widened to connect to the planned but never-built Lower Manhattan Expressway (LOMEX) along Houston Street. The mapped street was enlarged, but the street beds were never widened. As a result, the Superblocks are flanked by the Strips-- large, sometimes landscaped, sidewalk extensions in City ownership. The proposed project seeks to integrate the Strips into the overall site plan and proposes several mapping actions.

- The elimination, discontinuance, and closing of the eastern 50 foot portion of LaGuardia Place and the western 39 foot portion of Mercer Street between Bleecker Street and West Third Street. Easements would be disposed of to NYU over the demapped streets to permit construction of and access to the NYU Buildings.
- The establishment of a park on the eastern 50 foot portion of LaGuardia Place and the western 39 foot portion of Mercer Street between Bleecker Street and West 3rd Street above lower limiting planes, subject to certain easements granted to NYU. The volume of demapped streets beneath the limiting planes would be disposed of to NYU to facilitate the creation of subsurface academic space for the university.
- The narrowing, by elimination, discontinuance and closing, of the western 39 foot portion of Mercer Street between West Houston Street and Bleecker Street, to facilitate the

construction of the Zipper Building as well the subsurface academic space for the University.

- To facilitate NYU's access to the recently constructed cogeneration plant and preserve the related at-grade plaza improvements, the narrowing, by elimination, discontinuance and closing, of the western 21 feet of Mercer Street between West 3rd and 4th street and a slightly larger area encompassing the existing co-generation plant below an upper limiting plane at 30 feet above the Manhattan datum, to be disposed of to NYU. The cogeneration plant is currently operated by NYU under a DOT revocable consent.

4. Zoning Text Amendment (N 120123 ZRM)

In order to allow for the formation of the LSGD following disposition of City-owned property to NYU authorized under the Mapping Application, a text amendment is required.

a) A zoning text amendment pursuant to ZR 74-742(b) is proposed. This proposed action would amend the zoning text of the Zoning Resolution to provide an exception to the ownership requirements of ZR Section 74-742, which requires that the entire area of the LSGD be under the control of the applicant at the time of application for a LSGD special permit. Under the existing zoning text, an applicant is allowed to apply for a special permit without having ownership or control of the entire area of the LSGD only if it is to be developed or enlarged through assemblage by a government agency, or its agent, having the power of condemnation. As proposed, the zoning text would be amended to allow for LSGDs within the former Washington Square South Urban Renewal Area that do not meet the otherwise applicable ownership requirements, with respect to property then under city ownership. Because the approximately 39-foot wide strip on the Mercer Street side of the South Block proposed for inclusion in the LSGD is currently owned by the city, this text amendment is necessary to permit NYU to make an application for the proposed LSGD. The strip is proposed for transfer to NYU pursuant to the demapping action proposed in the related Mapping Application.

b) *A zoning text amendment pursuant to ZR 74-743(a) is proposed.* The proposed text amendment provides that the proposed park boundary on the east (along Mercer Street) and west sides (along LaGuardia Place) of the North Block would be treated as wide street lines for the purposes of applying all use and bulk regulations. Currently the WSV buildings have legal windows that face out onto Mercer Street and LaGuardia Place. Mapping the Mercer Street and LaGuardia Place strips as parkland would cause the WSV buildings' legal windows to face out onto side lot lines rather than street lines. Consequently the east and west facing windows of the WSV buildings would become noncompliant with regard to the minimum distance required between a legally-required window and a side lot line. The proposed text change would continue to treat the lot line upon which the legally required windows face upon as streets, and therefore these windows would remain in compliance. Treating the park boundary as wide street lines (and consequently as front lot lines), as facilitated by the proposed text amendment, would maintain the status quo.

ENVIRONMENTAL REVIEW

The application (C 120124 ZSM), in conjunction with the application for the related actions (C 120122 ZMM, C 120077 MMM, and N 120123 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DCP121M. The lead is the City Planning Commission.

It was determined that the proposed actions (the "Proposed Actions") may have a significant effect on the environment. A Positive Declaration was issued on April 22, 2011, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for the DEIS was issued on April 22, 2011. A public scoping meeting was held on the Draft Scope of Work on May 24, 2011, and comments were accepted by the lead agency through June 6, 2011. A Final

Scope of Work for the DEIS, reflecting the comments made during the scoping, was issued on December 30, 2011.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on December 30, 2011. On April 25, 2012, a joint public hearing was held on the DEIS pursuant to SEQRA regulations and CEQR procedures in conjunction with the Uniform Land Use Review Procedure (ULURP) applications. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on May 25, 2012.

As discussed in detail in the Consideration section of this report, the City Planning Commission has determined to make certain modifications to the proposed project. A number of those modifications were analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS (the "Potential CPC Modifications"). The Potential CPC Modifications as analyzed in the FEIS consisted of eliminating the temporary gymnasium building, reducing the size of two of the Project Buildings, eliminating the proposed hotel and conference center use in the Zipper Building, changing the order of construction on the North Block (so that the LaGuardia Building is built before the Mercer Building), eliminating below-grade development below the mapped rights-of-way of Mercer Street and LaGuardia Place on the North Block, eliminating the proposed rezoning in the Commercial Overlay Area, and making certain related design changes.

The FEIS analysis of the proposed project as modified with the Potential CPC Modifications identified significant adverse impacts in the areas of shadows, historic and cultural resources (architectural), transportation (traffic, transit, and pedestrians), and construction-related transportation, noise and open space. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described below.

Shadows

In Phase 1 (i.e., full build out of the South Block by 2021), the Potential CPC Modifications would result in significant adverse impacts with respect to shadows on the LaGuardia Corner Gardens from the proposed Bleecker Building. An assessment of

potential relocation sites was undertaken; however, the assessment was not able to identify a feasible relocation site. In order to address the possibility that new relocation sites may exist at a later date, prior to construction of the Bleecker Building, the Restrictive Declaration will require NYU to notify the City at a date certain prior to construction start, allowing the City to conduct a new assessment of whether there are any relocation sites that meet the necessary criteria. In the event that a relocation site is identified, NYU will assume the costs of relocation, including any necessary site preparation for use as a community garden. However, with the elimination of the proposed NYU dormitory (above the proposed public school in the Bleecker Building), the cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by the City of New York, rather than NYU, if the Bleecker Building is constructed as a public school with below grade NYU academic facilities. In the absence of the relocation of facilities under this procedure, the significant adverse shadow impacts on the LaGuardia Corner Gardens would only be partially mitigated by the planting of shade-tolerant species in coordination with support for monitoring and maintenance by NYU.

In Phase 2 (i.e., full build out of both the South and North Blocks by 2031), shadowing from the proposed Bleecker Building with the Potential CPC modifications would not constitute a significant adverse shadows impact under CEQR methodologies, because the future no-build building (which could occur as of 2021 upon expiration of the deed restrictions, as described in Chapter 1, "Project Description" of the FEIS, with the redevelopment of the Morton Williams supermarket), would be taller than the Bleecker Building with the Potential CPC Modifications, and therefore no shadow mitigation would be required. Nonetheless, if the Bleecker Building under the Potential CPC Modifications were to be constructed in Phase 2, and should NYU academic space be constructed instead of a public school, NYU has agreed to implement the same measures proposed above as partial mitigation.

Historic and Cultural Resources - Architectural

The Potential CPC Modifications would result in significant adverse impacts on one architectural resource, Washington Square Village (S/NR-eligible). Measures to minimize or partially mitigate significant adverse impacts to Washington Square Village would be implemented by NYU in consultation the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and have been set forth in a Letter of Resolution (LOR) among the applicant, OPRHP, and Dormitory Authority of the State of New York (DASNY). Mitigation measures to be implemented by NYU include the following: a) preparation of HABS Level II documentation which would include photographic documentation, historic plans, and an accompanying historical narrative; b) a scaled landscaping plan documenting the existing Sasaki Garden that shall include the existing flora species and their locations, as well as the existing walking paths and original garden features; c) consult with OPRHP with respect to the redevelopment of the residential buildings at Washington Square Village's north and south buildings as design plans proceed; d) consult with OPRHP regarding the proposed new construction on the North Block; e) prior to construction of the proposed project, and in consultation with OPRHP and the New York City Landmarks Preservation Commission (LPC), develop and implement Construction Protection Plans (CPPs) for University Village, Washington

Square Village, and Shimkin Hall; and, f) include one or more plaques or historic markers providing a historical interpretation of the Sasaki Garden and Washington Square Village in its modifications to the North Block.

Transportation – Traffic

The traffic impact analysis indicates that by 2021, there would be the potential for significant adverse impacts at one intersection during the weekday AM peak hour, two intersections during the weekday midday peak hour, and one intersection during the weekday PM peak hour. By 2031, significant adverse traffic impacts were identified for two intersections during the weekday AM peak hour; two intersections during the weekday midday peak hour; and three intersections during the weekday PM peak hour. Measures to fully mitigate these traffic impacts include adjustments to signal timings, removing parking spaces to create turning lanes and adjusting widths of certain moving lanes as specified below.

West Houston Street and LaGuardia Place/West Broadway

For midday peak hour in 2021, shift one second of green time from the east-bound/west-bound phase to the north-bound/south-bound phase.

For midday peak hour in 2031, shift one second of green time from the east-bound/west-bound phase to the north-bound/south-bound phase and one second of green time from the exclusive west-bound phase to the north-bound/south-bound phase.

Bleecker Street and Mercer Street

For AM, midday, and PM peak hours in 2021, eliminate four to five alternate side parking spaces on the south side of Bleecker Street on the east-bound approach, install No Standing Anytime sign approximately one hundred feet from the intersection, and paint transitional striping on the pavement.

For AM, midday, and PM peak hours in 2031, eliminate four to five alternate side parking spaces on the south side of Bleecker Street on the east-bound approach, install No Standing Anytime sign approximately one hundred feet from the intersection, and paint transitional striping on the pavement. In addition for the PM peak hour, shift three seconds of green time from the south-bound phase to the east-bound phase.

West Houston Street and Sixth Avenue

For PM peak hour in 2031, shift one second of green time from the north-bound phase to the west-bound phase.

Bleecker Street and LaGuardia Place

For AM peak hour in 2031, shift two seconds of green time from the north-bound/south-bound phase to the east-bound phase.

West Houston Street and Mercer Street

For PM peak hour in 2031, shift one second of green time from the east-bound/west-bound phase to the south-bound phase.

Transportation – Pedestrians

With the Potential CPC Modifications, there would not be any significant adverse pedestrian impacts upon completion of the Phase 1 build-out in 2021. For the project's full build-out in 2031, only the west crosswalk at the Washington Square East and West 4th Street intersection would be significantly impacted. Widening (by 1.5 feet) and restriping the west crosswalk at Washington Square East and West 4th Street would fully mitigate the projected significant adverse crosswalk impact at this location.

In order to verify the need and effectiveness of the proposed traffic and pedestrian mitigation measures identified above, NYU will develop and conduct a detailed Traffic Monitoring Program (TMP) prior to actual implementation of the full build out mitigation measures to determine whether actual future Build conditions have, in fact, resulted in significant traffic impacts and verify the need for mitigation measures identified or recommend other similar measures deemed necessary. NYU will be responsible for all costs associated with the monitoring effort as well as the design and construction of any or all mitigation measures.

Transportation – Transit

Significant adverse transit impacts are anticipated to occur at two subway station stairways at Broadway/Lafayette Street Station (northeast stairway during the weekday PM peak period) and West 4th Street Station (northeast stairway during the weekday PM Peak period). The impact to the stairway at Broadway/Lafayette Street Station could occur by 2021; however, the stairway impact at West 4th Street Station would occur only by 2031. To mitigate the impacts at these two stairways, the stairways would be widened to an effective width of ninety (90) inches from their current widths.

The analysis conducted determined that the potential for significant adverse impacts was based on an analysis framework that maximizes the potential for impacts to the subway station stairways. It is possible that the actual built program will contain a mix of uses with lower transit demand, and therefore would have less potential to adversely affect these subway stairways. Accordingly, prior to implementation of the required stairway mitigation, NYU may undertake a study to determine whether the required mitigation would be unwarranted based on the then anticipated built program and service conditions in 2021 and 2031. NYU, in coordination with the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT), would implement the required subway stairway mitigation measures unless DCP, in consultation with the MTA NYCT, determines based on its review of the study that the required mitigation is unwarranted.

Transportation – Mitigation Implementation

The development of the Potential CPC Modifications would span approximately twenty years and include various components that would be completed and occupied prior to the 2021 and 2031 milestones. An "interim impact assessment" was conducted to determine, among those identified for Phase 1 and Phase 2 project completion, the impacts that would occur prior to these milestones and the mitigation measures that could be advanced to address these impacts. Based on this interim assessment, the Restrictive Declaration will specific which of the identified transportation mitigation measures are to implemented prior to occupation of each of the four proposed buildings.

Construction – Transportation

The potential traffic impacts during peak Phase 2 construction (2029) would be within the envelope of significant adverse impacts identified for the 2031 Build condition and can be addressed with the same set of traffic mitigation measures developed for the Potential CPC Modifications' full build-out as described above.

For Phase 2 construction, the combination of the peak Phase 2 construction worker pedestrian trips and those generated by the completed Phase 1 and portions of the Phase 2 projects during the commuter peak hours may result in comparable significant adverse impacts at the west crosswalk at Washington Square East and West 4th Street described for the completed project under the Potential CPC Modifications and can be addressed with the same mitigation measure recommended for the Potential CPC Modifications' full build-out as described above.

For Phase 2 construction, the combination of the peak Phase 2 construction worker subway trips and those generated by the completed Phase 1 and portions of the Phase 2 projects during the commuter peak hours would result in comparable significant adverse impacts to the subway station elements described for the completed project under the Potential CPC Modifications and can be addressed with the same mitigation measures recommended for the Potential CPC Modifications' full build-out as described above.

Construction – Noise

Significant construction noise impacts are predicted to occur for two or more consecutive years at 45 of the 110 analyzed receptor sites which includes: Washington Square Village 1 & 2 residential buildings (south, west and east facades); Washington Square Village 3 & 4 (all facades); Silver Towers I & II (east and south facades); sensitive receptor buildings located at 500, 506, 510, 520, & 530 LaGuardia Place (east facades); sensitive receptor buildings located at 246, 200, & 158 Mercer Street (west facades); 81 Bleecker Street (west and south facades); 18 West Houston (west facade); and, 25 Mercer Street (east facade). In addition, noise levels at on-site open space locations adjacent to where construction activities would take place would exceed the impact criteria threshold.

In order to improve building window/wall attenuation, windows at the NYU-owned Washington Square Village and Silver Tower buildings would be re-caulked and storm windows would be offered. For the Washington Square Village buildings, NYU would offer to insulate/seal existing air conditioning units and provide an interior cover that improves the sound attenuation of the through-the-wall air conditions units, or NYU would offer to provide new air conditioning units. For the Silver Tower buildings, NYU would offer to replace existing packaged terminal air conditioner (PTAC) units with high-attenuation PTAC units installed to fit properly/snugly in the PTAC sleeve. However, these measures would not be sufficient to result in the window/wall attenuation needed to fully mitigate project impacts.

At locations on non-NYU buildings where significant noise impacts are predicted to occur, absent the development of additional measures to mitigate project-related construction noise, NYU would offer to provide storm windows and /or window air conditioning units for buildings without double-glazed windows and/or alternative

ventilation to mitigate project-related construction noise impacts.

With regard to the residential terrace locations in close proximity to the Proposed Development Area (Washington Square Village 1-4, 566 LaGuardia Place, and 214 Mercer Street), significant construction noise impacts are predicted to occur. No feasible mitigation measures have been identified that could be implemented to eliminate the significant noise impacts at these terraces.

Absent the implementation of additional mitigation measures which result in lower noise levels, the Proposed Actions would have significant adverse construction noise impacts that are not fully mitigated at a number of locations identified above.

Construction – Open Space

The Potential CPC Modifications would result in significant adverse direct open space impacts to LaGuardia Corner Gardens due to displacement and/or loss of significant utility of this resource during construction of the Proposed Bleecker Building; and, to other nearby open spaces (e.g., Mercer Playground, Washington Square Village Elevated Garden, and Silver Tower Oak Grove) due to construction noise. In addition, temporary significant adverse indirect open space impacts within the residential study area would occur during a portion of second phase of construction.

Potential mitigation measures to address the displacement and/or loss of utility of the LaGuardia Corner Gardens could include temporary relocation of the resource, alternatives to a standard plywood construction shed, "grow lights" under the construction sheds, and/or performing garden maintenance outside of construction hours. However, the feasibility and effectiveness of these non-standard methods is uncertain, given the need to ensure worker and resident safety while meeting building code requirements. In addition, these potential measures would only serve as partial mitigation of the construction impact to the LaGuardia Corner Gardens.

While the construction significant adverse impacts would be temporary in nature because upon completion of the Bleecker Building, the community garden could be restored, the LaGuardia Corner Gardens would be significantly impacted by the shadows resulting from the proposed Bleecker Building. Accordingly, as detailed in Shadows above, prior to commencement of construction of the Bleecker Building, a further assessment of permanent relocation opportunities for the LaGuardia Corner Gardens will be conducted and, if an appropriate relocation site is identified, NYU will assume responsibility for the costs of a relocation.

No practical and feasible mitigation measures have been identified that could be implemented to reduce construction noise impacts on nearby open spaces.

With respect to the temporary significant adverse construction-period indirect open space impact, it has been determined that it would be feasible to partially mitigate this temporary impact through a financial contribution by NYU equal to the installation costs attributable to Adrienne's Garden, the play area that would be displaced during the LaGuardia Building construction period. These funds would be applied by the Department of Parks and Recreation (DPR) to improvements at the Mercer Playground and/or Washington Square Park playgrounds prior to commencement of the proposed

LaGuardia Building construction. In addition, NYU would commit to funding the stationing of a DPR seasonal playground associate at Washington Square Park for six months of the year, during the duration of the period in which the LaGuardia Building construction would result in a significant adverse open space impact.

On June 4, 2012, a Technical Memorandum was issued which analyzes certain further proposed modifications to the Proposed Actions, which are in addition to those analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS. The Technical Memorandum concludes that these proposed modifications would not result in any new or different significant adverse impacts than those identified for the Potential CPC Modifications.

UNIFORM LAND USE REVIEW

This application (C 120124 ZSM), in conjunction with the application for the related actions, (C 120077 MMM and C 120122 ZMM) was certified as complete by the Department of City Planning on January 3, 2012, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b),along with the related non-ULURP application (N 120122 ZRM), which was referred for review and comment.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 23, 2012,and on that date, by a unanimous vote of 40 to 0, adopted a resolution recommending disapproval,, on this and the related applications. The recommendation reflected the CB's concerns regarding several aspects of the proposal, including: density, open space, and construction. The full recommendation is attached.

Borough President Recommendation

This application (C 120124 ZSM) was considered by the President of the Borough of Manhattan, who issued a recommendation for approval of this and the related applications on April 11, 2012, subject to the following conditions:

1. Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:

(a) Withdraw the application to develop 185,000 square feet below the public parks proposed on WSV;

(b) Eliminate 85,000 gsf from the Mercer and LaGuardia Boomerang buildings and limit the height of the Mercer Building to no more than 162 feet;

(c) Eliminate the approximately 55,000 square feet of dormitory space on top of the public school;

(d) Remove one level of the basement below the school to equal approximately 10,000 square feet;

(e) Eliminate the 20,700 SF Temporary Gym from the proposal;

(f) Eliminate approximately 15,000 square feet from the northeast section of the Zipper Building along the Mercer Street frontage to create an additional 15 feet of separation between the Zipper Building and the residential buildings along the east side of Mercer Street;

2. Provide 100,000 gsf for a public school;

3. Delay the construction of the Mercer Building until after the LaGuardia Boomerang to reduce construction impacts for residents along Mercer Street;

4. Preserve the Key Park playground until construction commences on the Mercer Boomerang;

5. Maintain equal or more playground space throughout the development period;

6. Support efforts to keep the name "Adrienne's Garden" associated with the future garden/playground locations along LaGuardia Place;

7. Preserve the Mercer Plaza above the Cogeneration Plant as a public open space;

8. Mitigate construction impacts including impacts on air quality, dust, and noise, and provide mitigation for apartments with single-pane windows within the project affected area mostly in WSV and Silver Towers;

9. Limit construction start times from 8:00 a.m. to 4:30 p.m., limit weekend activity, and hire an independent monitor to ensure compliance with these

mitigations;

10. Not include "eating and drinking establishments" where 80% of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the Commercial Overlay Area.

The recommendation further suggests that the applicant continue to explore the necessity of the hotel use; redesign the Boomerang Buildings to increase access into the central open space; redesign the central open space; and reduce the potential impacts of the Commercial Overlay Area in the "loft" blocks. The recommendation is attached.

City Planning Commission Public Hearing

On April 11, 2012 (Calendar No. 5), the City Planning Commission scheduled April 25, 2012, for a public hearing on this application (C 120124 ZSM). The hearing was duly held on April 25, 2012 (Calendar No. 17) in conjunction with the public hearing on the applications for related actions. A total of 115 speakers testified at the hearing. Of the total speakers, 47 testified in favor and 68 testified against the proposal.

The President of the University described the university and community concerns that led to the NYU 2031 plan and spoke about the desire for a master planning process that was responsive to the community while meeting NYU's needs. He described the way that NYU had considered which uses needed to be located at the Core Campus and which could be located outside of the Core, in satellite campuses, describing specifically NYU's efforts in Downtown Brooklyn. He further spoke about the need to decompress the existing facilities and stated that other peer institutions in urban settings, such as Columbia, have at least 50% more space per student than NYU.

The second speaker reiterated these comments and spoke about the limitations of existing, historic buildings, noting that there is a particular need for new, modern space that cannot be accommodated in retrofitted buildings. She described several key areas which need more space, including science and research for the College of Arts and Science, the performing arts facilities

for the Tisch School of the Arts, the Wagner, Gallatin, and Steinhardt Schools. She also stated that some of NYU's need would develop over the next 20 years, as new research areas emerge. She spoke about the critical importance of underground space, which alleviates density above grade and can be used for a variety of programs, such as auditoriums, practice rooms, and study space. She also spoke about the problems associated with leased space, which accounts for 16% of NYU's current holdings in the Core. She stated that one of the project's objectives is to replace the leased space.

The third speaker was the project architect. He spoke about the history of the site and how the project seeks to integrate the available open space into a cohesive plan, expanding and clarifying the public realm while fulfilling NYU's need to expand within its own footprint. He spoke to the site planning objectives of bringing significant space underground, of providing open and welcoming at grade open space, and of sculpting the buildings so that they work in concert with the open space and provide the maximum amount of natural light to the site. He explained that the density is distributed across the site so as to be sensitive to the surrounding context with smaller buildings west of the site and larger, loft style buildings east of the site. He also spoke about the need for the light wells at the Mercer and LaGuardia Buildings, stating that the intent is to bring daylight down to the extensive below-grade space at a location which can serve as a central organizing point for surrounding classroom spaces . He explained that day lighting would improve the quality of the underground space, making the space more viable and, in turn, alleviate pressure for density above ground.

The fourth speaker, the project's landscape architect, described how the project would create significant public space that respond to pedestrian paths. He noted that the plan removes vehicular access from the north block and that both blocks offer a diversity of landscapes that can serve the site's many users.

The fifth speaker described the zoning actions being requested. He also specified that the rezoning proposal on the superblocks, from R7-2 to C1-7, would allow for the 505 LaGuardia Building to be compliant with zoning on its own zoning lot . The building is not proposed to be a

part of the large scale development plan.

The sixth speaker reviewed the Borough President's recommendations and described their physical implications for the proposal. The seventh speaker spoke to the community outreach that had been undertaken from the University, stating that the length and breadth of that effort, starting in 2006, was considerable. The eighth speaker answered questions about the Draft Environmental Impact Statement and described the measures that NYU has committed to undertake in order to minimize adverse construction impacts.

The ninth speaker introduced additional written testimony in support of the project from 44 members of faculty, staff and students and alumni; six local Village businesses; the Manhattan Chamber of Commerce; the Regional Plan Association; ABNY; David Scorton, President of Cornell; and others, stating that they had had to leave the hearing due to time constraints.

The tenth speaker spoke about programmatic need, summarizing comments heard throughout the hearing from the deans and faculty. She also spoke about the shortcomings of NYU's previous policy of building opportunistically in the neighborhood and acknowledged that this approach had created considerable problems for community relations, in both Community District 2 but also 3. She said that the proposal represented a way of accommodating the University's need more sensitively and noted that, even before starting the ULURP process, the proposal was changed to reflect community concerns, by moving the LaGuardia and Mercer Buildings off of the DOT owned strips and proposing to map those strips as parkland. The speaker stated that the project was critical to fulfilling NYU's needs and that the proposal would not contain all of the need outlined by the deans at the hearing. She said that the University has tried to temper its growth with sensitivity to the community and the surrounding context.

The applicants addressed a number of questions raised during the public review process, with the following statements:

- In response to questions about the effects upon NYU of reductions to the scope of the

proposal, NYU stated that it is attempting to fulfill most of its programmatic need on land it currently owns, on the Superblocks. If the plan is significantly reduced, the need for space at the Core will still exist and the University will seek other opportunities for growth in the neighborhood, much as it has in the past.

- The applicant described how student housing, especially for freshman, helps to build community, and is especially important in a large institution, like NYU, with many different schools.
- Faculty housing, proximate to the core, is critical for the University for recruitment of faculty. The high cost of housing in New York deters talented faculty and offering housing allows NYU to be competitive with peer institutions. Further, that housing needs to be proximate to the Core to allow for faculty to more fully engage in university life.
- The proposed hotel would serve the various conferences run by NYU and other visitors at the University but would be available for use by the public to the extent not needed for University-related purposes.
- In response to comments that the first phase of the project brings on little academic space, NYU stated that in the next decade, it plans to meet much of its academic space needs at the Core by repurposing, for academic use, space currently occupied by administrative and other non-academic activities that do not need to be located in the Core. In the first phase, the Superblocks will accommodate specialized needs that need be located in new, modern space.
- The applicant clarified that SCA would have until 2025 to decide whether to build on the Bleecker Street Site and, after that, the site would revert to NYU for academic purposes.
- With regard to the bulkhead envelopes for the Mercer and LaGuardia buildings, the applicant stated that their large size is proposed to allow for future flexibility for mechanical equipment but that the actual bulkheads, once fully designed, could be smaller than the proposed envelopes allow.
- The proposed parking garage on the north block would provide the 389 required accessory spaces on the site today but would eliminate 281 public parking spaces. The applicant spoke about the analysis of displaced parking spaces, noting that there would be adequate parking within a half mile of the project site –the vast majority of which would

be within a quarter mile – to replace the 281 spaces that would be lost from the North Block.

- Responding to community criticisms of the open space analysis performed as a part of the DEIS, the applicant described the CEQR criteria for determining what space is public and stated that, as a result, space that isn't required to be open to the public is not counted as public in the quantitative analysis. The applicant also noted that the DEIS contains an exhaustive qualitative open space analysis that analyzes open spaces individually.
- The applicant clarified that the proposed commercial overlay for the loft blocks was an attempt to address past community concerns that NYU facilities were unwelcoming at the ground level. Ground floor retail, with higher levels of transparency, is meant to enliven the street. However, the applicant stated that the proposal for commercial overlay is not crucial to the academic plan.
- The applicant is prepared to consider maintenance and management structures that can serve to make the open space feel more open to the public.
- In response to testimony, the applicant clarified its policy concerning the combining of WSV apartments, stating that a number of the units are studios and one-bedroom apartments and that, given the need to provide NYU faculty with larger apartments, it holds units vacant until they can be merged with adjacent units.
- The applicant confirmed that the lease terms for the 505 LaGuardia building will be reset in 2014 and that NYU intends to negotiate a new lease that would allow that development to remain affordable.

Other speakers in support of the proposal included a representative from the Borough President's Office, who stated that universities are critical to the development of a city and that the Borough President's recommendations sought to strike balance to ensure that development is appropriately scaled. He reiterated the Borough President's recommendations.

NYU trustees, faculty, deans, students, and alumni spoke in favor of the project, addressing the value of the university in the neighborhood as well as the intense need for new facilities. The Dean of Tisch School of Arts spoke of the need for specialized performance space and the unsuccessful efforts to locate it elsewhere. Faculty of the Stern School of Business described the

tremendous gains in academic offerings – as a result of interdisciplinary opportunities-- since the business school was relocated from the Financial District to the Washington Square Campus. Deans of Robert Wagner Graduate School Public Service, College of Arts and Sciences, Gallatin School NYU, School of Continuing and Professional Studies, Schack Institute of Real Estate, Steinhardt School, Division of Libraries, the Provost of NYU, the Associate Chair of the Preston Robert Tisch Center for Hospitality, Tourism and Sports Management, and faculty in the biology and mathematics department spoke to specific needs in their fields of study.

Students in support described the need for study and meeting spaces as well as the desirability of having student housing, especially for freshman, proximate to the Core Campus.

Representatives of NYU's medical schools and Polytech, speaking in favor, described NYU's efforts to expand in satellite campuses across the city in the Health Corridor and in Downtown Brooklyn.

Speakers representing peer institutions in New York City, including CUNY and Columbia, spoke in support, discussing how adequate facilities and quality of education are closely linked and how difficult it is to balance a university's needs sensitively in the dense context of New York City.

Representatives from other non-profits, including the Union Square Partnership and the Greenwich Village Chelsea Chamber of Commerce, Bowery Residence Committee, and the Real Estate Board of New York, spoke about NYU's economic contribution to the city, both in terms of retail dollars but also as an engine for the innovation economy which is crucial to New York's economic future. A speaker from the Laborers Union North American described the new jobs that would be created as a result of this plan.

A representative of the Mercer Houston Dog Run also spoke in support of the plan, stating that she was sure to find a mutual compromise with NYU and that the dog run use could continue on the Superblocks as NYU continues to evolve.

A representative of New Yorkers for Parks spoke in support of the plan, noting that the plan provides significant public open space and that the provision of parkland as part of the proposal was a critical component, made in response to community concerns. The speaker stated three significant concerns with the current proposal. First, she stated that the LaGuardia Corner Gardens, a community garden, should not be used as a construction staging area for the new Bleecker Building and should be preserved. Second, she stated the need for robust maintenance and operations agreements for both the privately owned and publicly owned open spaces, so as to assure that the public would have input into the ongoing operations of the space. Third, she discussed the need for flexibility in the north block open space design, in order to allow for community input in a more detailed design process to take place closer to the time of construction of the space. She expressed a willingness to work with NYU and the Department of City Planning to advance these ideas.

Speakers who stated opposition to the NYU proposal included representatives of the Community Board, who testified that their main concern with the project was the proposed density which they believed would alter the character of the neighborhood. They stated that the development would bring too many new students into the area and that the buildings were overly tall. Further, the long construction period would be a hardship to the surrounding community. In terms of the zoning proposal, the Community Board felt that the commercial zoning, and particularly the commercial overlay in the "loft" blocks, was inappropriate as commercial uses were unsuitable to this area.

A representative from the Community Board also pointed out that the southern superblock, which is the first phase of the plan, contains relatively little academic space and stated that, while the University purports to have a significant immediate need, it appears that the plan will not be able to accommodate that need until the second phase of the project.

A representative from the Community Board also spoke in opposition about the open space proposal. He commended NYU and the Borough President on the proposal to remove the

temporary gymnasium from the project, as it would allow for the keyed playground to remain on the site until the later phases of the project. He nevertheless cited several concerns with the open space proposal; in particular that the main open space on the north block is surrounded by buildings and is not welcoming to residents. He stated that it would be much improved by providing better access from the street through the removal of either the Mercer or LaGuardia buildings. He also stated that, while the parkland mapping was a positive step, the new public park currently is designed as a set of plazas providing access to NYU's campus and should reflect a more public feel. He also opposed the easements over the park, which he believed would undermine the public feel, and voiced particular concern about the use of the park spaces for construction. With respect to the LaGuardia Corner Gardens, the speaker stated that the space would be unduly shadowed by adjacent buildings and that a new site should be found. Lastly, the speaker expressed concern about the commercial overlay proposed for the north block and said that it should not border Washington Square Park as commercial uses are incongruous along the park frontage.

Elected officials, including Senator Tom Duane from the 29th State Senate District, Congressman Jerrold Nadler, U.S. Representative for New York's 28th District, and Assembly Member Deborah Glick representing the 66th Assembly District, spoke in opposition to the plan, stating that, while they understand the university's need to grow, the proposal is out of scale with the surrounding neighborhood. They generally shared the Community Board concerns and commended the Community Board for their thorough recommendation. Concerns were expressed about the quality of open space. Senator Duane also expressed concern that the reduction in open space ratio as a result of the rezoning proposal would reduce the amount of usable open space in the area. Concern was also expressed that if the Bleecker Street School building is not accepted by the SCA in 2025 for a school site, the space would revert to NYU's use.

A number of area residents and representatives of resident groups spoke against the proposal, including representatives from the Community Action Alliance NYU 2031, Washington Village Tenants Association, Board of 505 LaGuardia Place, Villagers for a Sustainable Neighborhood,

Bowery Alliance of Neighbors, and Greenwich Village Block Association. Their comments focused on the bulk and density of the project and many echoed the Community Board's testimony and recommendation. They commented that the proposal adds too much density to the area and brings in too many additional students and faculty in a way that would change the unique character of the neighborhood for the worse. Speakers urged NYU to find alternate locations and expressed skepticism about NYU's programmatic need. Many said that NYU had not been amenable to changing the proposal, in response to the community's requests.

In terms of open space, speakers in opposition said that the proposal takes public land for private benefit, through demapping but also through the easement agreements over the public park on the north block. Concern was expressed that even with the provision of parkland on the north block strips, the use of these spaces for construction would eliminate the mature trees that characterize that space today. Speakers also stated that the proposal represents a drastic loss of public and publicly accessible open space, and expressed disagreement with the open space analysis in the DEIS. Several speakers discussed the merits of the Sasaki Garden, the open space that exists today on the north block, and urged the Commission to retain it. They noted that the WSV ensemble was a building of interest to the State Historic Preservation Office. Other residents expressed concern about the displacement of existing playgrounds.

Area residents in opposition also spoke about their fears for the long construction period and its deleterious effect on their quality of life.

There were a number of concerns about the rezoning. Speakers in opposition expressed a concern with the introduction of commercial uses, particularly drinking establishments, in the blocks. In particular, the C1-5 overlay in the "Loft" blocks was described as unnecessary and incongruous with NYU's proposal as they were not in need of additional commercial space. Residents described a mix of uses in this area that works well today.

Members of the LaGuardia Corner Gardens spoke, citing concerns about the shadows impact on the garden that would result from the adjacent proposed Bleecker Street Building. They also

expressed concern about the potential use of the community garden as a construction staging site for the Bleecker Street Building.

Residents of 505 LaGuardia expressed concerns that, with the upcoming land lease negotiation in 2014, NYU would increase rent payments based on an increased land value resulting from the rezoning. Speakers said that this would result in higher housing cost and threaten the affordability of 505 LaGuardia.

NYU students and faculty in opposition echoed many of the comments of area residents, citing concerns about sensitivity to the surrounding neighborhood. Several students and faculty also stated that it is not a hardship to have housing a subway ride from the university, rather than proximate to the campus. Concerns were also expressed about how the plan would be financed and, in particular, if tuition would be raised in order to pay for the plan.

Several representatives of the Greenwich Village Society for Historic Preservation spoke against the proposal. They stated that the NYU plan would allow the University to dominate Greenwich Village and that the University had not adequately looked elsewhere in the city to accommodate their need. Speakers cited the Financial District as providing appropriate proximity to the Washington Square Village campus. They also stated that building in other areas of the city, such as Downtown Brooklyn or Long Island City, would have a larger beneficial economic impact than the proposal for the Washington Square Campus. They also noted that apartments in WSV were being warehoused at the same time as NYU is claiming a need for additional faculty housing.

Several merchants groups, including the SoHo Alliance and the Bleecker Area Merchants and Residents Association as well as individual business owners, spoke against the proposal, stating that there was no need for more commercial uses in the area. They expressed concern that the zoning proposal would change the character of retail and damage local small businesses. Speakers encouraged the Commission to deny the commercial rezoning, particularly in the “loft” blocks.

A representative of the Municipal Arts Society spoke in opposition to the project. While she described the importance of the University to the New York City, the speaker said that they have concerns about the proposed density. She also requested that the demapped Wooster and Greene streets should be expressed in the open space plan for the North Block, potentially by pulling the Mercer and LaGuardia buildings away from these pathways. Lastly, she urged the City Planning Commission to develop a city-wide plan for institutional expansion to better address these and similar applications.

Additional testimony, both for and against, was received after the hearing.

CONSIDERATION

The Commission believes that this application for a special permit (C 120124 ZSM), as modified herein, in conjunction with the related applications a zoning map amendment (C 120122 ZMM) as modified; a city map change (120077 MMM) as modified; and zoning text amendment (N 120123 ZRM), is appropriate.

The Commission recognizes the importance of facilitating the growth and physical expansion of NYU. The University is a major educational institution and center of state-of –the-art research in the sciences and the humanities, and makes a valuable contribution to the intellectual, scientific and cultural life of the city. NYU is the largest private research university in the United States, with approximately 55,000 students. NYU is also one of the largest employers in New York City, with over 16,000 employees. To fulfill its mission, NYU requires adequate physical space. NYU has described to the Commission how its current facilities are inadequate to meet present needs, even as the University is planning only modest faculty and student incremental growth over the coming years. The Commission concurs in NYU's assessment that in order for it to continue to thrive as a leading academic institution and continue to make a significant contribution to the economic, cultural, and intellectual vitality of the city, it must be able to address a critical shortage of modern academic facilities. NYU has described a critical need for

new classrooms, specialized teaching spaces, faculty offices, student service facilities, and housing for students and faculty.

The Commission recognizes that NYU has undertaken a comprehensive master planning approach to identify and address its space needs and that, in recognition that a significant portion of its growth may be accommodated at other locations, it has implemented measures to relocate certain departments and functions away from Greenwich Village as well as develop satellite medical, engineering and other facilities in the City. The Commission understands, however, that geographic dispersion of departments and functions is not a solution to all of NYU's space needs and that there exists a significant need for new space for the schools and departments which NYU has determined belong together in the Core Campus area.

The Commission believes that the Superblocks are the right place for new facilities for the Core Campus. By focusing on the Superblocks, NYU is able to accommodate much of its programmatic need on land it already owns. In the past, *ad hoc* growth in surrounding areas has created friction with NYU's neighbors. By maximizing its existing footprint, NYU can minimize growth in adjacent neighborhoods.

The Commission believes that the proposal accommodates the University's key needs on the Superblocks in a way that successfully responds to the existing surrounding context. The Commission also commends NYU's proposal to develop a significant amount of floor area below grade, which allows for less floor area, and smaller buildings, above ground. As part of this proposal, NYU would also create approximately 4 acres of public parks and improved, publicly accessible open space. The Commission also notes that the plan includes space for the construction of a public school. In addition, the plan provides replacements for community amenities that exist today on the site, including a dog run, a grocery store, and other open space amenities.

While the Commission agrees that the proposal is appropriate, the Commission has identified

several aspects of the proposal that warrant modifications, which are adopted herein. The Commission is confident that the proposed development, as modified, will serve NYU's critical needs while improving the way it responds to the neighborhood through thoughtful site planning and well-designed open space. The modifications, which are discussed in greater detail below, are as follows:

- Reduction in height of Mercer Building to the same height as the adjacent WSV Buildings, from 218' to 162' , and provision of a 10' setback, from all sides of the building, for the bulkhead.
- Provision of a 10' setback, from all sides of the building, for the bulkhead on the LaGuardia Building
- Elimination of the dormitory tower on the Bleecker Street Building, thereby reducing the overall height at the parapet wall from 178' to 108'
- Elimination of hotel use in the Houston Street -facing tower in the Zipper Building,
- Elimination of the proposed C1-5 Commercial Overlay for the "Loft Blocks" from the rezoning proposal
- Modification of the city map change to eliminate the disposition to NYU of the demapped below grade volume beneath the parkland strips, corresponding to 185,000 gsf.
- Provision of a management and programming oversight committee for the proposed public open space
- Elimination of the temporary gym and subsequent reordering of phasing plan so as to preserve the Key Park playground until construction commences on the Mercer Building.
- Modification of the mapping agreement to require that the Strip on Mercer Street between West 4th Street and West 3rd Street, disposed of to NYU, will be used as permanent landscaped open space for use by the public

Special Permit

The applicant requests a general large scale development plan special permit pursuant to Section 74-743 with regard to (a) height and setback regulations (b) rear yard equivalent regulations (c) rear yard regulations and (d) minimum distance between buildings regulations. The Special Permit also requests the transfer of floor area between two zoning lots. The applicant's project site meets the requirements for a Large Scale General Development (LSGD). The Commission believes that the requests to waive the bulk requirements, as further modified herein, are appropriate.

The Commission believes that the proposed development, as modified, results in a site plan that exhibits a good layout of its buildings and open spaces and a better relationship to the surrounding street and building than what would be allowable as of right. The Commission believes the site plan accomplishes the objective of weaving the superblocks back into the surrounding neighborhood through the provision of an extensive, at-grade open space network, which allows, for the first time, for the public to circulate through the block. The new buildings provide streetwall and ground floors activated by high levels of transparency, replacing buildings that do not contribute to the streetscape today. The Commission also notes that the proposal is a master plan for a University and that, with the modification discussed herein, the proposal creates a mix of uses that will allow NYU to thrive.

The Superblocks were developed under the Washington Square Southeast Urban Renewal Area plan between 1958 and 1981. Like many Urban Renewal Plans, the Superblocks are typified by tower-in-the-park typology, with large modernist buildings that rise out of a plane of open space. The Commission believes that the site plan successfully integrates the new buildings into the surrounding context. On the north block, the new Mercer and LaGuardia buildings meet the challenge of infill construction within the historic form of the superblock and seek to complement the rectilinear forms of the WSV slab buildings by amplifying the contrasting curvilinear forms, found elsewhere in the site. The contrast of rectilinear and curvilinear forms was an important design principle in site planning at the time of construction of the WSV. With the elimination of the LaGuardia Retail Building, which blocks entry into the site, the new

Mercer and LaGuardia buildings work together with the existing buildings to create inviting entrances into the central open space. On the Southern Superblock, the new buildings will provide strong and engaging streetwalls, in contrast to the existing Coles gymnasium and the Morton Williams Supermarket. The new buildings will face outwards towards the streets, creating a buffer around the inward-facing UV Complex and better distinguishing the private character of that site.

A main principle of tower-in-the-park ensembles is high density buildings with low lot coverage. During the public review, the Commission heard concerns about the Open Space Ratio, which will be reduced with the proposed rezoning. Open Space Ratio is a formula from the 1961 Zoning Resolution that is largely a quantitative versus qualitative measure of open space meant to achieve the prevailing design aesthetic of tower-in-the-park typology. The existing open space is not required to be public or landscaped, and includes driveways, inaccessible areas, loading areas, and the rooftop of Coles Gymnasium. Thus, while lot coverage is 33.1% in the existing condition and 38.9% in the proposed, the proposal will provide approximately 137,000 sf more of publicly accessible and usable open space than today. The Commission notes in particular that the percentage of the lot area devoted to vehicular uses will fall from 7.8% to 1.6%, representing a gain of approximately 35,000 sf of landscaped space.

On the north block, the Mercer and LaGuardia Buildings are placed a minimum of 60’ from the WSV buildings, the width of a narrow street. The buildings are designed to work in concert with the WSV Buildings, providing an attractive entry into the central open space, and provide high levels of transparency along the double-height ground floor, which will help to activate the open spaces around them. The Commission notes that their unique forms are specifically shaped so as to maximize light and air into the site and, further, that the height and setback waivers requested are modest and would not unduly obstruct light and air to the site or adjacent blocks. The height and setback waivers allow for the creation of a larger open space at the center of the block. Without the requested waivers, the buildings would have to be set back significantly from the street, considerably reducing the central open space.

The Commission acknowledges that concerns were raised as part of the public review process and specifically by the Borough President with regard to the height of the Mercer Street building, proposed to be 218'. The Commission also notes that in the proposed design, the bulkheads would rise another 30' sheer from the parapet wall, rising to 248' and adding substantially to the perceived height of the buildings. While the design of the buildings demonstrates much sensitivity to the surrounding context, the Commission believes that the proposed height, of 218' to the parapet wall, is excessive in relation to the adjacent WSV Buildings, which are 162', and also to buildings across the street. Accordingly, the Commission hereby modifies the proposal to reduce the height of the building to 162'. Further, the Commission modifies the proposal to require a continuous 10' setback of the bulkhead from the parapet, so that the building height is truly perceived as 162', rather than 192'. The Commission notes that this modification, intended to achieve a more appropriate form, would result in reduction in density of approximately 32,500 sf of zfa.

The height of the LaGuardia Building is proposed to be 128' with a bulkhead envelope rising to 158'. While the height of the LaGuardia Boomerang building is appropriate to its setting, the Commission feels that, as in the case of the Mercer Building, the sheer rising bulkhead will unnecessarily add to the perceived height. Accordingly, the Commission hereby modifies the building to include a continuous 10' setback of the bulkhead from the parapet. The reduction in height on the Mercer Building and the setbacks on the Mercer and LaGuardia Buildings will reduce the degree of the waivers sought while maintaining the unique forms of these buildings, which are integral to the site plan.

The Commission notes that the height and setback waivers requested for the WSV buildings represent no change in the existing conditions and finds that they are appropriate.

The Commission believes that the proposed Bleecker Building, on the corner of LaGuardia Place and Bleecker Street, will enliven a critical and visible corner of the project site by providing a

building with a community-oriented program and a high level of transparency at the ground floor. The Commission recognizes that the waiver for the rear yard encroachment is needed to allow for the floorplates required for a public school proposed for the site. However, the Commission hereby modifies the height of the building, by eliminating the dormitory tower. This would reduce the building from 178' to 108', exclusive of the bulkhead. The Commission believes that this height provides a better fit with the existing context. In particular, to the west of the project site, across LaGuardia Place, there are smaller buildings, more typical of the West Village. The Commission believes that, with this modification in height, the Bleecker Street Building will contribute positively to the urban character of the neighborhood while integrating into the existing context and providing sufficient light and air to the site and adjacent blocks. The modification would significantly reduce the height and setback waiver; while the modification is addressed to achieving a more contextual form, it would result in the elimination of approximately 29,000 sf of zfa from this location. Additionally, because the focus of the modification is on form rather than density, the proposal for below grade space is not reduced. The Commission further notes that with the reduction in floor area from this building, the requested transfer of development rights to this zoning lot is no longer required and is therefore eliminated from the proposal.

The Commission notes also that while the modified building form would still result in shadow impacts on the adjacent LaGuardia Corner Gardens, the reduction in height would produce a marginal improvement in sunlight. The Commission recognizes that the FEIS identifies a number of mitigation measures for the LaGuardia Corner Gardens which NYU would implement in the event that the Bleecker Building is occupied for NYU use. As set forth in a June 6, 2012 letter from the Deputy Mayor for Economic Development, the City would assume responsibility for the LaGuardia Corner Gardens mitigations in the event that the Bleecker Building is constructed as a public school.

The Commission believes that the design of the Zipper Building is successful in engaging the street across its wide, over 400' façade. The Zipper Building's unique variation in form, with

interlocking building segments, moderates its size and engages the ground floor at a human scale. The building is well-designed to provide light and air to the residential portion of the building. On the upper stories, staggered tower components slide out east and west, producing terraces and courts, creating opportunities for light and air for the dormitory towers. The dimensions of the different building components draw from the "loft" typology found in the surrounding area and are approximately 50 feet in width. The Commission notes that the massing is sensitive to the surrounding context and the density is thoughtfully distributed across the building. The Houston Street tower, the largest building component, is located on Houston Street, which is a wide street. The Commission notes that this building component relates well in size to the adjacent UV buildings and believes that its density is appropriate to this location. Towards Bleecker Street, the building components are smaller, relating in height to the WSV buildings directly to the north.

In contrast to the existing condition, the Zipper building provides a strong streetwall which will serve to activate the street. This is, in part, facilitated by the related mapping action, which seeks to dispose of the Mercer Street "strip" to the applicant. Along both sides of the building –the Greene Street Walk and Mercer Street– high levels of transparency as well as a series of vertical and horizontal recesses engage the pedestrian and provide a human scale. The Commission notes that the waivers for height and setback as well as rear yard encroachment along Bleecker and Houston streets facilitate this strong streetwall and further notes that the provision of transparency and entrances will engage the pedestrian. The Commission further acknowledges that the height and setback waivers along Mercer Street allow the building to provide streetwall without a significant setback, which, in turn, facilitates the creation of the Greene Street Walk. Without the waivers, the bulk of the building would have to be set back from the street and the Greene Street walk would no longer be possible. The Commission notes that the Greene Street walk is proposed to be 28' wide, offering a greater offset from the nearest UV building than is provided today. With the addition of a planted buffer, the proposal will provide the site with additional privacy.

The Commission acknowledges that the purpose of the height and setback waivers is to create a streetwall building, facilitating the creation of the Green Street walk and preserving the original composition of the landmarked site. While the height and setback waivers requested for the Zipper Building would allow for significantly higher street walls than would otherwise be allowed, the staggered massing and narrow profiles of the volumes are intended to allow for greater access to light and air for people using public streets and for buildings across Mercer Street to the east as well as for the open space and UV towers to the west.

The Commission acknowledges that a temporary waiver for distance between Coles and the nearest UV Building will be required. This waiver would, in essence, replace the same waiver granted by the Commission to facilitate the development of Coles Gymnasium in 1979. Because the proposed LSGD special permit would replace the previously granted special permit, it is necessary to replace that waiver for the time that the Coles Gymnasium remains on the site. The Commission further notes that this condition will be temporary and that, once the Coles Gymnasium is demolished to allow for the new Zipper Building, the condition requiring the waiver will be eliminated.

During the public review process, the Borough President made a recommendation to push the northern two building components, near to Bleecker Street, back 15' from the Mercer Street streetline, creating a 'notch'. The Commission acknowledges that the Borough President's intention was to provide more light and air to the residential buildings across the street. However, the Commission notes that analysis suggests that the gains in light would be insignificant. The Commission further believes that this recommendation would impede the strong street wall, which is one of the most significant positive features of the building, without providing meaningful additional open space. The notch would result in the extension of the driveway serving the loading garage, creating a blind turn for trucks leaving the loading dock that would produce a potentially dangerous condition. The Commission notes that a wide, 15' sidewalk is already provided at the site. The Commission does not agree with the Borough President's recommendation and makes no changes to the proposal.

While the mix of University-related uses in the LSGD is generally appropriate, the Commission hereby modifies the proposal to eliminate the hotel use from the Houston Street tower. While the need for hotel rooms to accommodate visitors to the University was explained by NYU , the Commission does not believe that it has been adequately demonstrated that a hotel needs to be accommodated within NYU's large-scale proposal for the superblocks. By contrast, NYU has made a strong case for other programmatic needs –including classrooms and offices; dormitory space; faculty housing and faculty offices- to be accommodated at the superblocks.

With the elimination of the dormitory tower on the Bleecker Building, reductions in the Mercer Street Building, the reduction in below grade space on the North Block discussed below, the elimination of the hotel use provides an opportunity to continue to assure that NYU's most urgent needs for academic space are met. It should also be noted that the elimination of the hotel creates an opportunity for additional modernized academic space in the first phase of the project. With flexibility to substitute other program –including dormitories, faculty housing, or academic space— the hotel tower can be occupied by any of these other critical program elements.

The Commission notes that the height and setback waiver requested for the University Village building on Houston Street represent no change in the existing conditions and finds that it is appropriate.

With regard to the open space proposal, the Commission notes that the site plan proposed by the applicant would create approximately 137,000 square feet of newly public open space. The proposed open space knits together public and private open spaces and offers a range of activities, including children's playgrounds, a dog run, and quiet sitting areas for all ages. The Commission believes that the project will transform the superblocks with an impressive amount of quality open space and commends the applicant on a site plan that will be welcoming to the broader community. The Commission also recognizes NYU's efforts to replace and improve existing amenities on the site.

The North Block open space is designed to provide a cohesive site plan, integrating new and old buildings and private and public land. A main design objective is to bring the interior site to grade and make it publicly accessible. In the existing condition, the interior of the site is not required to be publicly accessible. A major goal of the plan is to minimize non-emergency vehicular use. The Commission notes that instead of the existing four driveway ingress/egress, there will be only one. The driveways will be redesigned with paving and benches and will frame carefully defined view corridors in an effort to draw people into the site. The proposal aims to transform what is today a private space, into an amenity for both neighbors and everyday NYU users.

Today, the North Block is occupied by the Sasaki Garden, a raised garden entered through gated steps, accessed from the garage driveways which run under the buildings. The Commission notes that the Sasaki Garden is not required to be open to the public and that it is difficult for the public to access. Parts of the garden are in disrepair. Additionally, there is a keyed playground accessible to residents of WSV and the surrounding neighborhood. The site is also occupied with four driveways and other paved areas.

Under the proposal, the space between the old and new buildings allows for the creation of a new public garden throughout the site that is at once open and contemplative, serving as a complement to the nearby Washington Square Park. In order to respond to the mixture of residential and academic uses that would be located on the north block, the proposal is for a number of diverse landscapes offering a variety of different experiences and trended towards the small scale, designed to keep a level of quiet appropriate to the surrounding residential buildings. Through their placement around the inner landscape, the old and new buildings frame spaces which provide respite from the rest of the city, while the gateways between the buildings into the open space are wide, generous and inviting. Inspired by the well-intentioned design elements of the Sasaki Garden, including existing built-in seating and low-canopy trees, the proposed central Philosophy Garden includes numerous diverse spaces for small groups or individual use, with the

plantings and concave seating chosen to encourage passive recreation. The relocated Washington Square Village Play Garden will provide recreational opportunities for children.

The proposal also seeks to make the city-owned "Strips" into public parks, which would be integrated into the proposal open space. Today, the Strips do not permit easy, physical and visual access into the space. Fences are located on the Mercer Street DOT strip, while the LaGuardia DOT Strip is bordered by a low-rise commercial/retail building blocks entry into the site. A critical facet of the design is to transform portions of these outward-facing Strips so that they can function as public parks while allowing visitors into the interior of the site, as part of an integrated site plan for the whole superblock. While the Strips are not part of the large-scale development plan, the Commission notes that NYU's proposal would have NYU improve them, providing significant landscape upgrades, and maintaining the community-oriented program. Review of final designs for the strips will be subject to Parks Department and Public Design Commission approval.

As part of the public review process, a number of concerns were voiced about assuring that the north block open space has a public look and feel, so as to make it attractive and inviting to the public.

In particular, concerns were expressed about the dimensions of the Mercer Street entrance. It was noted that the proposed light well which extends 56'4" from the Mercer Building, impinges into the open space and obstructs visual access to the site. The Commission hereby modifies the lightwell to be the same shape and size as the light well for the LaGuardia building, which extends 26'5" from the building edge. This change allows for a central pathway of no less than 40' across the site.

A second set of concerns related to the management and operation of the open space. To address these concerns, the Commission is adding to the Restrictive Declaration provisions requiring the establishment of an Open Space Oversight Organization. This would be a not for profit having as

members of its Board of Directors: representatives of NYU, the local Council Member, the Manhattan Borough President, the Community Board, and the Parks Department. The functions of the Organization would be three-fold: First, NYU would be required each year to prepare a Compliance Report documenting and certifying its compliance with all the requirements of the open space plan, such as having all required amenities in place. Before submitting the Compliance Plan to City Planning, NYU would be required to provide a draft to the Open Space Oversight Organization, which would review and comment on any deficiencies and make recommendations for change. When the Compliance Plan is submitted to City Planning, NYU would be required to describe what actions it took in response to the Open Space Oversight Organization and what modifications it made to the Compliance Plan; Second, the Restrictive Declaration includes a set of rules and regulations governing conduct in the open spaces, such as a prohibition on smoking or drinking of alcoholic beverages. NYU would not be allowed to impose or apply any restrictions upon public use of the space that are more restrictive than these rules provide. However, NYU would have the ability to propose modifications to these rules, subject to the approval of the Chair. Another function of the Open Space Oversight Organization would be to have an early opportunity to review and comment on proposed rules modifications prior to their submission to City Planning. Again, NYU would be required to show City Planning how it responded to the issues and concerns of the Open Space Oversight Organization. Third, NYU would be required to consult with the Open Space Oversight Organization prior to submitting any application involving modifications to the landscape designs for the open space.

This last function ties in closely with a third set of concerns related to the north block open space expressed during the public review process. The Commission believes that the open space landscape design would provide an attractive open space for public use that meets findings for a better site plan. At the same time, during the public review process, a desire was expressed to allow for future modifications to the north block open space design pursuant to a process that would allow for further local community input. Because the north block design is anticipated to be completed over 15 years from the date of the approvals, the Commission acknowledges that allowing for a future process of this kind would be appropriate, provided that any modifications

continue to adhere to the basic principles which make the space successful. The Commission believes that such modifications could be processed as a minor modification to the Special Permit, rather than a full ULURP review, provided that the following criteria are met:

Visual Access:

- The entrances off of Mercer Street and LaGuardia Place should provide a 60' wide, at grade visual corridor.
- The entrances into the space through the WSV Buildings should contain seating and paving appropriate to a pedestrian area. The existing canopies above these entrances should be removed.
- Planting and/or trees should be perceptible from the streets at all entrances

Circulation Paths:

- One 30' wide continuous pedestrian pathway should be provided in the site to allow for adequate pedestrian circulation as well as emergency access. The pathway should connect the northwest and southeast corners of the site.
- No circulation pathway should be less than 8' wide
- Only one nonemergency vehicular driveway should be provided on the site

Seating:

- Required seating to be provided, in shape and size standards generally in accordance with ZR Section 37-741, paragraphs (1), (2), and (3)
- A minimum of 1,000 lf of seating is provided
- Two or more types of seating to be provided on the site, including some social seating

Planting:

- Approximately 20% of the open space to include a mix of accessible lawn, trees, and other plantings.
- A minimum of 170 trees is provided
- A landscape buffer should be provided between the WSV buildings and the publicly-accessible opened space.

In response to public comment about the need to protect the proposed parks, the Commission hereby modifies the mapping application to eliminate the subgrade volume below the park strips that was proposed for disposition to NYU. This would eliminate 185,000 square feet of below grade space, while still leaving 585,000 square feet of classroom and other below grade space underneath NYU property. The Commission notes that the construction of the subgrade volume presents two issues for the park: First, if the subgrade volume is constructed, it is inevitable that all existing trees on the strips would be removed. Without the subgrade volume, the strips would still be needed for construction staging of the LaGuardia and Mercer Street buildings, but opportunities would exist for preservation of some of the existing trees at the north and south corners of each strip. Second, with subgrade construction, NYU would need to conduct periodic inspection and maintenance of its below grade structure from above, at the surface. This would require the park to be dug up periodically, to a greater or lesser extent, depending on whether the need is for testing or repair. Mapping the subgrade volume as park eliminates this potential for ongoing interference with park use.

On the South Block one of the central goals is to provide a major north-south pedestrian path – Greene Street Walk– which will serve to reintegrate the block into the grid, reconnecting it with Soho to the South. The existing 5-foot wide pedestrian walkway along the western edge of Coles Gymnasium will be widened to 28 feet as Greene Street Walk, becoming a main north-south public pedestrian passageway. Retail storefronts will activate the widened Greene Street Walk. Instead of having open space on Mercer Street, open space would be located between the Zipper Building and the UV site, facilitated in part by a related mapping application to demap and dispose of the Mercer Street Strip to NYU. Today, the Mercer Street Strip is home to a plaza in front of Coles gymnasium and a playground that is currently closed. These two resources are in poor repair. Also, there is a privately run dog run on the corner of Houston and Mercer which will be relocated to a site of the same size to the east of the Greene Street walk, to the footprint of an existing private playground. The playground will be moved to the north and made public.

Another site planning objective for the South Block is to make a clear delineation between public

and private spaces. Today, ‘no entry’ signs and fences have been put up in an effort to maintain the site’s privacy. The proposal provides softer, landscape interventions to delineate the private and public space. Public access is concentrated along well-defined channels, signaling that the rest of the space is limited to resident use.

As part of the Public Review Process, the Commission heard a great deal of concern about the construction and shadows impacts on the community garden at the corner of LaGuardia Place and Bleecker Street. At the time of certification, both Bleecker Street and LaGuardia Place were proposed as staging areas for the new Bleecker Street Building. The Commission understands that an effort will be made be made nearer to construction commencement to determine whether a relocation site can be identified for the community garden. This process would be carried out in consultation with the community gardeners and with the understanding that relocation would only take place with their consent. In the event that a site is not found, every effort would be made to stage the Bleecker Building on Bleecker Street, and there would be no need to put construction equipment on the Gardens itself. However, the close proximity of the Gardens to the building under construction site would require shedding and other measures. The Commission notes that efforts will be made to minimize the impact to the garden in construction – for example installing a plexiglass construction shed that will allow light or installing grow-lights within the construction shed – and that once the building is constructed, the garden will be replanted with shade tolerant species and other measures implemented to promote plant survival.

A phasing plan is included as part of this application which provides that the buildings will be built out sequentially. Phasing also serves to breaks up the activity so that no one area sees 19 years of continuous construction impact. The phasing plan focuses on the south block first, moving east to west, and then the north block, moving again east to west. The Commission also notes that under the phasing plan, replacement and interim open space amenities are provided throughout the construction period. Through the Restrictive Declaration, provision of open space will be tied to the issuance of TCO’s so that open space can come online as soon as possible.

In order to improve the phasing plan, the Commission modifies the proposal herein to eliminate the temporary gymnasium that is proposed for the north block, echoing the Borough President's recommendation to the Commission. Certain program proposed for the temporary gym is required for NYU to maintain its division status and NYU will be seeking space for this program elsewhere in the city. In the proposal as certified, construction would begin on the temporary gym in 2013. By removing the temporary gym, there is an opportunity to eliminate construction on the northern block until 2021, eight years later than in the proposal phasing. With elimination of the temporary gymnasium, the phasing on the north block would start with the LaGuardia Place side and the central open space. Once this is complete, and the new central open space – including the public playground – is completed, construction would commence on the Mercer Street Building and open space directly adjacent. This modification in phasing would allow the keyed playground –located roughly in the footprint of the new Mercer building– to stay online until the new, public playground is completed. The change in phasing would also require the change in the location of the garage entrance to the southeast corner of the South Block, off of Bleecker Street, from West Third Street.

The Commission believes that, with this important modification, the phasing plan more successfully minimizes construction impacts, localizes work, and maintains as well as replaces open space amenities that are important to the neighborhood.

The Commission finds that the streets providing access to the large-scale general development will be adequate to handle traffic. The traffic impact analysis, conducted as part of the FEIS, indicates that by 2021, there would be the potential for significant adverse impacts at one intersection during the weekday AM peak hour, two intersections during the weekday midday peak hour, and one intersection during the weekday PM peak hour. By 2031, significant adverse traffic impacts were identified for two intersections during the weekday AM peak hour; two intersections during the weekday midday peak hour; and three intersections during the weekday PM peak hour. Measures to fully mitigate these traffic impacts include adjustments to signal timings, removing parking spaces to create turning lanes and adjusting widths of certain moving

lanes as specified further above.

The Commission also grants the special permit for an initial period of ten years, rather than four, pursuant to ZR Section 11-42(c), The Commission believes that the initial special permit period of ten years will provide flexibility to account for unforeseen conditions.

In their review of NYU's application for a large-scale general development, the Commission seeks to balance the needs of the University with concerns expressed by the community and local elected officials. A number of significant improvements have been made to the plan since certification. The NYU proposal, as modified, will result in a better site plan that provides important and needed new space to one of the city's most important institutions of higher learning, while providing significant open space and other amenity to the neighborhood.

Zoning Map Amendment (C 120122 ZMM)

The Commission believes the proposed zoning map amendment is appropriate, subject to the modifications listed herein.

The applicant proposes a zoning map amendment to rezone the Superblocks from R7-2 with some C1-5 commercial overlays, to a C1-7. This amendment would maintain the maximum FAR of 6.5 currently allowed for community facility use, but would allow for an increase in residential development from 3.44 to up to 6.02. The C1-7 district would allow for a commercial FAR of 2.0, the same as the existing C1-5 overlay. The R7-2 does not allow for commercial uses.

The C1-7 is consistent with the zoning districts in the surrounding area since commercial districts are mapped to the east and an existing C1-7 district is located along 8th Street and University Place to the north. There are extensive C1-5 overlays to the west of the project site. The C1-7 district would be similar to the C6-2 district directly across the street to the east. It

would serve as a transition between the M1-5A district to the south and the R7-2 (with some commercial overlays) to the north and west

Historically, before the urban renewal plan, the project site and the blocks to the east and north have been characterized by larger, loft type buildings at higher densities while the blocks directly to the west of the project site are lower, more reflective of typical Greenwich Village densities. The blocks adjacent to the project site to the east and north range from 5-10 FAR. The C1-7 is in context with the densities surrounding the project site.

The Commission notes that there is no new residential use in the proposal and NYU is exclusively using the commercial and community facility FAR which are the same in the existing and proposed rezoning. The amount of commercial FAR allowed within the C1-7 district would be governed and limited by the Restrictive Declaration. The dormitories and faculty housing are considered to be community facility uses.

The rezoning of the two Superblocks is necessary to facilitate the proposed development. Unlike the existing R7-2 district, the proposed C1-7 district would allow for commercial uses, proposed for the ground floor of the Zipper Building and throughout the North Block. The C1-7 district is in keeping with predominant land uses in the immediate area. Mixed use buildings and ground floor commercial uses are predominant to the east, west, and south the project site.

The proposed C1-7 district would also reduce the amount of required open space on both Superblocks in order to allow for the development of the four proposed buildings. The requirement would be reduced from an Open Space Ratio of 15.5- 25.5 under the existing zoning to 5.9-11.9 under the proposed rezoning. As noted above, Open Space Ratio is a formula from the 1961 Zoning Resolution that relates building height to open space. It is largely a quantitative versus qualitative measure of open space meant to achieve the prevailing design aesthetic of tower-in-the-park typology. The Commission notes that, in the existing conditions, many unusable spaces, such as the roofs of low buildings or parking area, can count towards zoning open space. The Commission believes that the proposal, which will be governed by the special

permit for the large scale development plan, provides for a larger amount of publicly accessible open space that will be higher in quality than in the existing conditions. Further the Commission notes that, for the purposes of light and air, the increase in lot coverage between the existing and proposed increases modestly from 33.1% to 38.9%.

The C1-7 district would bring the WSV Buildings into compliance with zoning because they are currently overbuilt with regard to residential floor area. Also, under the R7-2 zoning, the north block currently does not meet the open space ratio requirement, since these buildings were developed prior to the enactment of the 1961 Zoning Resolution. This would be remedied with the C1-7 district.

On the Southern Superblock, the C1-7 would allow for the 505 LaGuardia Building to be compliant with zoning on its own zoning lot, unlike under the existing zoning. The building is not proposed to be a part of the large scale development plan plan.

As part of the application, NYU also proposed to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street, referred to as the "Loft Blocks." The area is currently zoned R7-2, which does not allow for new ground-floor retail uses. The stated purpose of the proposed rezoning is to enliven the ground floor by allowing retail.

As part of the public review, strong opposition was expressed about the proposed Commercial Overlay. NYU has stated that it is not critical to facilitating their objectives as an educational institution. The Commission therefore disapproves this component of the rezoning proposal on the basis that it appears extraneous to the core purposes of the proposal.

As a result of the demapping and disposition of portions of Mercer Street between West Houston and 4th streets as proposed in the Mapping Application, NYU is also proposing to relocate the

zoning district boundary line so that it is coincident with the centerline of the newly-narrowed Mercer Street. The Commission notes that because streets are not developable and do not generate development rights, this rezoning has no practical effect other than regularizing the zoning map.

City Map Change (C 120077 MMM)

This application requests a change in the City Map by narrowing, through elimination, discontinuance and closing, various segments of Mercer Street and LaGuardia Place, and dispositions related thereto. The proposed City Map change involves:

- the elimination, discontinuance, and closing of the eastern 50 foot portion of LaGuardia Place and the western 39 foot portion of Mercer Street between Bleecker Street and West Third Street. Easements would be disposed of to NYU over the demapped streets to permit construction of and access to the NYU Buildings.
- the establishment of a park east of LaGuardia Place and a park west of Mercer Street between Bleecker Street and West 3rd Street above lower limiting planes. The demapped street areas below the limiting planes would be disposed of to NYU to facilitate the creation of subsurface academic space for the university.
- the narrowing, by elimination, discontinuance and closing, of a portion of Mercer Street between West Houston Street and Bleecker Street. This demapped street area would be disposed of to NYU to facilitate the creation of the Zipper Building as well the subsurface academic space for the university.
- the narrowing, by elimination, discontinuance and closing, of a portion of Mercer Street between West 3rd and West 4th streets and, to facilitate NYU's access to the recently constructed cogeneration plant, beneath this strip

The Commission finds these map changes appropriate, with the modifications describe herein.

The Commission notes that the mapping actions restore the streets to more standard widths. The Commission commends NYU on its proposal to map the DOT-owned strips flanking the North Block as public park and acknowledges that this is a long-standing community request that NYU

responded to prior to entering the ULURP process. During the public review process, the Commission heard many comments about the subsurface volume below the strips that NYU has requested to be demapped and disposed of for the creation of below-grade academic space. Concerns were voiced about the impact that the subsurface volumes would have on the above-grade parks. For the reasons discussed above, the Commission hereby modifies the mapping application to eliminate this below grade space.

With regard to the map change on Mercer Street between Houston and Bleecker streets, the Commission notes that this action facilitates the creation of a "streetwall" building, by allowing for the Zipper building to front a 15' sidewalk. The Commission further notes that the placement of the Zipper building towards the street facilitates the creation of the Greene Street walk towards the back of the building. The Greene Street walk is a generous public space, providing a critical north-south connection to SoHo across the very large block that will be activated by retail and landscape elements. The Greene Street walk also significantly increases the distance from the nearest UV building to the Zipper building, as discussed above, providing more privacy for that residential building. The Commission also acknowledges that the active uses on the area proposed to be demapped today –such as the dog run—are proposed to be relocated adjacent to the Greene Street Walk.

With regard to the map change proposed for Mercer Street between West Fourth and West Third streets, the Commission acknowledges that this will provide NYU with access to its cogeneration plant, constructed in 2008. With the cogeneration plant, NYU undertook the improvement of the Mercer Street plaza at grade, working closely and collaboratively with the neighborhood. The Commission believes that this is an important public space and modifies the mapping application herein to require that the Mapping Agreement for this space provide that the above grade portion of this area will be used as a permanent landscaped open space for use by the public.

Zoning Text Amendment (N 120123 ZRM)

The Commission finds that the proposed zoning text amendments, proposed as part of this

application, are appropriate.

The first proposed text amendment would address the sequencing of formation of the large scale area pursuant to the mapping action. Currently, for private applications, the entire area of a large scale development plan must be under the control of the applicant at the time of application. As proposed, the zoning text would be amended to allow large scale development plan within the former Washington Square South Urban Renewal Area to include land in city ownership. As discussed above, the proposed large scale development plan includes the Mercer Street Strip, on the east side of the South Block, where the Zipper Building is proposed. This area is currently owned by the City. The Strip is proposed for transfer to NYU pursuant to the demapping action proposed in the related Mapping Application. The text allows for application to be made for the large scale plan, with a small portion of City-owned land to be transferred to NYU at a later date.

A second text amendment is also proposed to allow the park boundary to be treated as a wide street for zoning purposes. Mapping the Mercer Street and LaGuardia Place strips as parkland would cause the WSV buildings' legal windows to be noncompliant with regard to the minimum distance required between a legally-required window and a side lot line. The proposed text change would continue to treat the spaces that windows face upon as streets, thereby avoiding any noncompliance.

The Commission's review of NYU's application has been a deliberative and constructive process Throughout the process, the Commission heard both strong support for NYU's need to modernize its academic core to remain a globally competitive institution and economic anchor for New York City, as well as valuable input from the community and local elected officials regarding the scale of the proposal, the impact on open space and the project's effect on residents' quality of life. The Commission has given careful consideration to the proposed uses, site plan, massing of buildings, open space design and construction phasing. A number of significant improvements have been made to the plan since certification, balancing the needs of the University with that of the Community. The Commission's modifications largely focus on

the built form and how it relates to the existing context and the quality and public feel of the site plan; and the construction phasing plan. The Commission notes that, as a result of these modifications, there is a reduction of approximately 70,000 sf of zfa but that NYU's need will be met in a substantial way. The Commission believes that the NYU proposal for the superblocks will provide important new and needed space to one of the City's most important institutions of higher learning, while providing significant open space and other amenities to the surrounding neighborhood. The Commission is confident that these applications, as modified by the Commission herein, will result in a large scale general development that will contribute positively to the built character of the neighborhood while accommodating with NYU's pressing need for additional space

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743:

(1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shore lines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood and the City as a whole;

(2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;

(3) Not Applicable

(4) considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;

(5) Not Applicable

(6) Not Applicable

(7) Not Applicable

(8) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 25, 2012, with respect to this application (CEQR No. 11DCP121M), and the CEQR Technical Memorandum, dated June 4, 2012, (Technical Memorandum), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action, as modified with the modifications adopted herein and as analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS and in the Technical Memorandum (Modified Proposed Action) is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, dated June 6, 2012, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743***** of the Zoning Resolution:

> to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings; to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7 District, is approved, subject to the following terms and conditions:
>
> 1. The property that is the subject of this application (C 120124 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, filed with this application and incorporated in this resolution:

Prepared by Grimshaw Architects PC:

Drawing Number and Title		Date
Z-004	Zoning Calculations and Zoning Actions	June 4, 2012
Z-100	Site Plan	June 4, 2012
Z-101	North Block: Site Plan	June 4, 2012
Z-102	South Block : Site Plan	June 4, 2012
Z-110	Ground Floor Site Plan	June 4, 2012
Z-111	North Block : Ground Floor Site Plan	June 4, 2012
Z-112	South Block : Ground Floor Site Plan	June 4, 2012
Z-120	Building Envelope : Mercer Building	June 4, 2012
Z-121	Building Envelope : LaGuardia Building	June 4, 2012
Z-122	Building Envelope : Zipper and Bleecker Buildings	June 4, 2012
Z-125	North Block : Average Curb Level Diagram	June 4, 2012
Z-126	South Block : Average Curb Level Diagram	June 4, 2012

Z-127	North Block : Open Space Diagram	June 4, 2012
Z-128	South Block : Open Space Diagram	June 4, 2012
Z-130	North Block : Zoning Actions Plan Diagram	June 4, 2012
Z-131	North Block : Building Sections	June 4, 2012
Z-133	South Block : Zoning Actions Plan Diagram	June 4, 2012
Z-134	South Block : Interim Zoning Action Diagram	June 4, 2012
Z-135	South Block : Building Sections 1	June 4, 2012
Z-136	South Block : Building Sections 2	June 4, 2012
Z-137	South Block : Building Sections 3	June 4, 2012
Z-138	South Block : Building Sections 4	June 4, 2012
Z-140	North Block : Pedestrian Elevations 1	June 4, 2012
Z-141	North Block : Pedestrian Elevations 2	June 4, 2012
Z-142	South Block : Pedestrian Elevations	June 4, 2012
Z-201	North Block : Site Plan End of Phase 1	June 4, 2012
Z-202	South Block : Site Plan End of Phase 1	June 4, 2012
Z-203	North Block : Site Plan End of Phase 2	June 4, 2012
Z-204	South Block : Site Plan End of Phase 2	June 4, 2012
Z-205	North Block : Site Plan End of Phase 3	June 4, 2012
Z-206	South Block : Site Plan End of Phase 3	June 4, 2012
Z-207	North Block : Site Plan End of Phase 4	June 4, 2012
Z-208	South Block : Site Plan End of Phase 4	June 4, 2012

Prepared by Michael Van Valkenburg Associates Inc., Landscape Architects, PC

Drawing Number and Title		Date
Z-300	Overall Open Space Plan	June 4, 2012
Z-301	Open Space Amenities Calculation	June 4, 2012
Z-302	North Block : Open Space Plan	June 4, 2012
Z-303	South Block : Open Space Plan	June 4, 2012

Z-310	North Block : Materials Plan	June 4, 2012
Z-311	South Block : Materials Plan	June 4, 2012
Z-312	North Block : Grading Plan	June 4, 2012
Z-313	South Block: Grading Plan	June 4, 2012
Z-314	North Block : Planting Plan	June 4, 2012
Z-315	South Block : Planting Plan	June 4, 2012
Z-316	North Block : Site Furnishing Plan	June 4, 2012
Z-317	South Block : Site Furnishing Plan	June 4, 2012
Z-318	North Block : Lighting Plan	June 4, 2012
Z-319	South Block : Lighting Plan	June 4, 2012
Z-320	Site Lighting Details	June 4, 2012
Z-321	Public Space Signage Plan	June 4, 2012
Z-330	Overall Section Key	June 4, 2012
Z-331	North Block : Sections	June 4, 2012
Z-332	North Block : Sections	June 4, 2012
Z-333	North Block : Sections	June 4, 2012
Z-334	North Block : Sections	June 4, 2012
Z-335	North Block : Sections	June 4, 2012
Z-336	South Block : Sections	June 4, 2012
Z-340	Pavement Details	June 4, 2012
Z-341	Seatwall Details	June 4, 2012
Z-342	Seatwall Details	June 4, 2012
Z-343	Railing Details	June 4, 2012
Z-344	Fencing Details	June 4, 2012
Z-345	Trash Receptical and Bike Rack Details	June 4, 2012
Z-346	Bench and Moveable Chair Details	June 4, 2012

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and

shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated June 6, 2012, executed by New York University, the terms of which are hereby incorporated into this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure

to act in accordance with the provisions of this special permit.

The above resolution (C 120124 ZSM), duly adopted by the City Planning Commission on June 6, 2012 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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COMMUNITY BOARD NO. 2, MANHATTAN

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March 12, 2012

Amanda M. Burden, FAICP
Chair, NYC Department of City Planning
22 Reade Street
New York, NY 10007

Re: NYU Core Project; ULURP Applications Nos.: 120122 ZMM, N 120123 ZRM, N 120124 ZSM, 120077 MMM

Dear Chair Burden:

At the recommendation of its New York University ("NYU") Working Group, Manhattan Community Board No. 2 ("CB2"), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on February 23, 2012 by a unanimous vote in favor.

The resolution recommends **denial** of each application for the detailed reasons stated in the "Community Board 2 Response" below.

PROPOSED ACTIONS

NYU is requesting a series of public actions as part of its ULURP submission for an expansion of their Greenwich Village campus core.

As part of NYU Plan 2031, the University seeks to add 2.4 million gross square feet ("gsf") of new development by the year 2031 for academic, faculty residential, student dormitory, athletic facilities, hotel and retail uses on two primarily residential "superblocks" bounded by West 3rd Street to the north, Houston Street to the south, Mercer Street to the east and LaGuardia Place to the west ("Proposed Development Area," divided by Bleecker Street into a "North Block" and "South Block"), and to expand retail uses in the blocks to the east of Washington Square Park ("Commercial Overlay Area"), bounded by Washington Square East and University Place to the west, Mercer Street to the east, West 4th Street to the south and the northern boundary of the existing R7-2 zoning district near East 8th Street to the north.

This project specifically proposes:

- Two new buildings ("Mercer Building" and "LaGuardia Building") in the North Block, with a combined total of 341,482-gsf above ground, and 770,000-gsf below ground to be built under the entirety of the block.
- Two new buildings ("Zipper Building" and "Bleecker Building") in the South Block, with a combined total of 773,658-gsf above ground and 318,000-gsf below ground.
- Demapping two strips of land ("Park Strips"), located on the west side of Mercer Street (between West 3rd and West 4th Streets and between Houston and Bleecker Streets), currently owned by the New York City ("NYC") Department of Transportation ("DOT") and mapped as streets, and transferring ownership to the University.
- Demapping two additional Park Strips, also currently owned by NYC DOT, located on the west side of Mercer Street and the east side of LaGuardia Place, both between Bleecker and West 3rd Streets, and transferring ownership to the NYC Department of Parks and Recreation ("Parks Department"), but with a permanent easement to NYU to allow access over and under the land in perpetuity.
- Expanded commercial uses in both the Proposed Development Area and the Commercial Overlay Area.
- Redesign of the current open space in the Proposed Development Area with the stated goal of making it publicly accessible (this property, however, is already open to the public with nighttime restrictions).
- Constructing a 30,000-gsf temporary gym on the site of an existing children's playground on the North Block.
- Making 78,000-gsf available to the NYC School Construction Authority ("SCA") for a new public school in the Bleecker Building on the South Block, with NYU academic space below and student dormitory space above.

In order to facilitate this plan, a number of specific public actions are required, the most important of which for CB2 review include:

<u>Zoning Map Amendments</u>

- Rezone the Proposed Development Area from R7-2 and R7-2/C1-5 to a C1-7
- Rezone the Commercial Overlay Area to C1-5 to allow expanded retail development

<u>Zoning Text Amendment to Sections 74-742 and 74-743</u>

- Permit the Park Strip on Mercer Street, South Block, to be included in a LSGD
- Permit the Park Strips on the North Block to be treated as wide streets, not parkland

<u>LSGD Special Permit (ZR Section 74-743)</u>

- Allow the transfer of air rights between zoning lots on the two superblocks, to waive certain height, setback and rear yard requirements for the proposed four new buildings, and extend the duration of the permit from four to ten years

<u>Related Mapping Application</u>

- Requests to facilitate the disposition and transfer of public land, currently owned by NYC and mapped as streets

Elimination of NYC Department of Housing Preservation and Development ("HPD") Deed Restrictions on Blocks 524 and 5333

- Elimination of existing urban renewal deed restrictions which were part of the original land disposition agreements and prohibit new development until expiration in 2021

BACKGROUND

NYU has had a presence in Greenwich Village since 1835 when the University building opened on Washington Square East. The University greatly expanded its presence in the local community when it sold its Bronx University Heights campus in 1973 and relocated the main campus to the current site.

NYU is one of the largest, most prestigious nonprofit institutions of higher education in the United States. CB2 appreciates the University's need to expand and upgrade its citywide facilities and infrastructure to remain competitive and recognizes the value of having a university of such caliber in its midst. NYU is an economic engine, patronizing local businesses and employing many residents. It provides support to numerous community organizations and is an important arts and cultural resource. Its faculty, administration and students are valued members of the local community. Moreover, NYU is the landlord for one of the largest stocks of affordable housing in the area.

Many "town-gown" dynamics are contentious. NYU's relationship with the local Greenwich Village community is no different, but seems to be particularly fraught perhaps because it is situated in a dense, residential neighborhood. In recent years, tensions with the local community have been further exacerbated by NYU's ambitious building campaign; the construction of a series of buildings alongside historic Washington Square Park and in residential neighborhoods that have been poorly-received by the public; and the University's perceived poor stewardship of public spaces.

One of NYU's most unique features is its location and context within historic Greenwich Village, which it markets to attract thousands of students from across the world. This is irony is not lost on CB2 -- for through its 2031 Plan, NYU threatens to destroy the very essence of the local neighborhood from which it benefits handsomely. As explained below, the current proposal is far too big for a dense residential neighborhood such as Greenwich Village and would have severely damaging and long-lasting consequences to the neighborhood's essential character and resources, including its socioeconomic diversity, public open space, historic preservation and quality of life.

The proposed actions by NYU comprise the largest ULURP application ever considered by CB2. NYU announced its intention to pursue a campus expansion plan in the CB2 area approximately five years ago through a series of meetings with the community where it previewed various options and potential designs. All of the proposals had basically the same volume and bulk attached to them.

In 2006, the Manhattan Borough President joined with elected officials, community stakeholders, and NYU to create the Community Task Force on NYU Development to begin a public dialogue about NYU's campus planning and ensure that future campus development properly balanced respect for the community with the University's stated need to grow. From 2006 to 2010, the Task Force held more than fifty meetings to discuss priorities and develop guidelines for expansion.

On January 30, 2008, through the efforts of the Task Force, a set of Planning Principles were signed by NYU[1] stating that NYU, among other things, would work with the community to:

- Identify and actively pursue opportunities to decentralize facilities;
- Emphasize contextual development that would be sensitive to building heights, densities and materials;
- Prioritize reuse of existing buildings over new development; and
- Actively solicit, utilize and implement input from the community

After the initial announcement of NYU's 2031 Plan, the Task Force presented to the University a detailed set of recommendations,[2] formally endorsed by CB2 on March 25, 2010.[3] These recommendations echoed the NYU Administration's stated commitment that any development must be carefully designed with community input so as not to overwhelm the "fragile ecosystem" of historic Greenwich Village[4] and the goal of pursuing locations for expansion outside the NYU campus core area. The Task Force recommendations identified significant community concerns about the potential impact of NYU's expansion in Greenwich Village and established the framework for CB2's review of this project.

Upon conclusion of the Task Force's work, CB2 began a series of information sessions exploring different aspects of NYU's proposed project. CB2 created the NYU Working Group, comprised of representatives of five CB2 committees utilizing their expertise to analyze different aspects of the proposal. The Working Group held a series of community input sessions during the evaluation of NYU's Draft Scope of Work for the Environmental Impact Statement. This input informed CB2's extensive response to the EIS that was delivered to the City Planning Commission at its Scoping hearing on May 24, 2011.[5]

The NYU ULURP application was certified as complete on January 3, 2012. CB2 held the required presentation and public hearing on January 9, 2012 at a joint meeting of the Working Group and Land Use and Business Development Committee. Throughout January 2012, further public hearings were held by the following CB2 committees, jointly with the Working Group: Traffic and Transportation; Parks, Recreation and Open Space; Environment and Public Health; and Social Services and Education. A second series of public hearings was held throughout the month of February by these committees.

Public interest was extremely high. Hundreds of community members attended each meeting, in some cases requiring a move to larger venues, with testimony lasting hours and supplemented by electronic submissions. The CB2 response to the NYU ULURP is based the community's testimony plus additional discussion by CB2 members.

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[1] See Appendix A for a copy of the Planning Principles.

[2] For a copy of the Community Task Force recommendations go to:
http://www.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

[3] Community Board No. 2, Manhattan, August 2010 Resolution.

[4] "Postings: 'This Fragile Ecosystem': NYU Head's View on Village," The New York Times, February 16, 2003.

[5] CB2's response to the EIS is available online at:
http://www.nyc.gov/html/mancb2/html/nyu_2031/nyu_2031.shtml

Based on this public process, along with meetings with other stakeholders, including local block associations and community groups, elected officials, and NYU, the community came to the following conclusions:

1. A blanket rezoning of the superblocks is inappropriate. The bulk, density and height of the NYU ULURP are dramatically inappropriate for this long-standing and diverse residential community, which, except for NYU's own buildings on the superblocks, is generally low scale and, in large part, designated as an historic district. The superblocks departed from this general neighborhood pattern but provided publically accessible open spaces to compensate for the height and bulk of their buildings. The vast amount of new building called for in the NYU 2031 Plan would destroy the planning principles that justified formation and development of the superblocks at their present scale.

2. All of the City-owned public park strips on the superblocks should be mapped as New York City parkland, transferred in their entirety to the NYC Parks Department with no NYU acquisition, easements, equipment or structures on or below grade. These open spaces should not be used for construction staging or laydown.

3. Commercial uses, especially a hotel as well as eating and drinking establishments, are not appropriate for the superblocks that comprise the Proposed Development Area.

4. The University should not be granted a rezoning of the Commercial Overlay Area, when NYU has stated a more modest goal of increasing retail use by only 23,000 square feet in six buildings.

5. The proposed phasing would impose decades of continuous disruption to the area.

6. The temporary gym location as planned by NYU is unacceptable. The community would lose use of playgrounds and public open space on the North Block for a lengthy period. If NYU truly needs a temporary gym, it should be located on a vacant site outside of the immediate neighborhood.

7. NYU should honor its previous commitment outside of the ULURP process to provide a new public school, including the "core and shell," and make public its discussion on this topic with the City.

8. Existing affordable housing must be supported and maintained.

9. The deed restrictions governing NYU property on the superblocks should not be removed.

10. NYU must adhere to the Planning Principles it agreed to in 2008.

COMMUNITY BOARD 2 RESPONSE

CB2, after extensive review and discussions with stakeholders throughout the area, strongly opposes the NYU 2031 Plan. Its effects would forever change the character of this historic neighborhood, dramatically increase built-upon land at the expense of the light, air and recreation opportunities of existing open space, convert city-owned land to largely private use even if access is permitted, imperil affordable housing stock, significantly reduce residents' quality of life, have adverse effects on local infrastructure and subject residents to decades of construction and its effects.

I. THE BULK AND DENSITY IN THE PROPOSED DEVELOPMENT AREA WOULD DESTROY THE NEIGHBORHOOD CHARACTER

CB2 rejects NYU's request for a blanket re-zoning of the Proposed Development Area from R7-2 to C1-7, and the establishment of a Large Scale General Development Special Permit that would facilitate four new buildings because it would forever alter the character of this historic neighborhood.

The bulk and density allowed by a C1-7 (R8 equivalent) zoning may be appropriate in midtown or downtown, but not in the historic core of Greenwich Village. A blanket rezoning that would allow building on the open spaces, especially at heights that exceed the current structures and with a bulk that would more than double the density with above and below grade new construction, would destroy an iconic neighborhood. This requested upzoning creates a zoning envelope with enormous implications:

- NYU's plan to build 1.3 million square feet of above ground development and 1.1 million square feet below-grade makes this the largest development project ever in CB2, and will more than double the zoning floor area on the superblocks (from under two million to more than four million square feet).
- This zoning would completely change the neighborhood residential character of the superblocks, because nearly all of the new building will be for non-residential uses, including hotel, dormitory, public school, athletic facility, academic and ground floor retail uses (approximately 2.2 million sq. ft.).
- The plan projects that NYU would add 1,500-2,000 new residents (students, hotel guests and faculty families), and bring 10-12,000 additional people daily into the area.
- The requested zoning would reduce by half the existing Open Space Ratio. The newly designed public spaces include walkways and pedestrian paths designed without public consultation and would replace treasured community parks, playgrounds and gardens, reducing the amount of open acreage that provides light and air to the interior of the blocks.
- The height and bulk of the new buildings will tower above the neighborhood, negatively impacting both residences and open space. The DEIS indicates that they will cast shadows as far as Washington Square Park.
    - The Mercer and LaGuardia Buildings rise to 282 ft. and 186 ft., respectively (blkh. roof), and would dwarf Washington Square Village which features two of the tallest buildings in Greenwich Village at 160 ft.
    - The mass of the Zipper Building, which is 333 ft. tall on Houston, 232 ft. tall on Bleecker and 292 ft. tall just south of Bleecker, will detract from the special character of I.M. Pei's University Village buildings and landscape, which were designed as "towers in a park," and recently designated a landmark by New York City in recognition of their historic and unique contribution to the built fabric of the city.
    - The lower-scale private loft buildings on LaGuardia Place and Mercer Street would be overwhelmed by this project, with loss of sight lines, light and air. The buildings on the west side of LaGuardia Place would be facing the 235 ft. Bleecker Building and the LaGuardia Building.
    - The residential buildings on the east side of Mercer Street would be even more severely impacted with a full block of the massive Zipper Building, built right to the lot line, and the towering Mercer Building keeping them in shadow most of the day.
    - The shadows cast by the proposed Bleecker Building would severely harm the LaGuardia Corner Gardens, a community garden for more than 30 years.

The existing R7-2 designation is already one of the largest zoning envelopes in our district. (The only higher zoned areas are wide streets and commercial thoroughfares.) R7-2 was applied here to accommodate the two residential superblocks that were created under the Title I Urban Renewal program with the intent to provide quality housing for the neighborhood. Rules were established that specified the amount of land that could be covered by buildings to ensure that there was sufficient open space to compensate for the height and density of the development. The South Block is built to the allowable FAR, and the North Block is overbuilt because it predates the 1961 ZR. Additional bulk and density is inappropriate on the superblocks.

New commercial uses would be allowed in this proposal, but CB2 believes any increase of these uses is inappropriate on the superblocks. The current zoning includes a commercial overlay that permits, for example, the Morton Williams supermarket in its current location. This site, which has housed a much-needed supermarket since at least the 1950's, is already far to the east of the wide community that is otherwise underserved by similar amenities. Moving it even further east would be a hardship to the many elderly and mobility-impaired residents who depend on it.

The plan also includes a new hotel. Hotel use should not be considered as central to the University's academic mission and is not appropriate on the superblocks. There are many hotels in the area with which NYU's hotel would compete, including locally-owned establishments, and there is evidence that they are not at capacity.

A Large-Scale General Development Special Permit is requested in order to facilitate the four outsized buildings being proposed for the superblocks. These buildings would break sky exposure planes, violate rear-yard requirements, breach height and setback regulations, and penetrate the sky exposure plane. The existing buildings on the superblocks are currently in compliance and the special permit would not otherwise be required.

Finally, Deed Restrictions were placed on the properties in order to implement the Urban Renewal Plan. They are integral parts of the Urban Renewal Plan. Because of significant amendments to the Plan, the Deed Restrictions are now set to expire in 2021. The removal of these restrictions would violate the intentions of the Urban Renewal Plan and the resulting development would violate the expectations of the residents and businesses in the area, who have made lifestyle and financial choices based on the terms of these restrictions.

II. PHASING OF PLAN WOULD CAUSE 20+ YEARS OF CONSTRUCTION

CB2 has significant concerns about the phasing of the 2031 Expansion Plan. An enormous amount of new construction is planned that would cause decades of disruption, but there is no assurance now that these structures will actually be needed in 20 or more years. CB2 is especially concerned about including a temporary gym in the first phase.

NYU says it currently faces a shortage of academic facilities, specialized teaching and performance spaces, faculty offices and student housing. Both in testimony before CB2 and in the DEIS, NYU maintains it needs to expand their facilities immediately, or risk falling out of the category of elite American universities. NYU also claims that it wants to build on its own property in the campus core in order to create an environment where different disciplines can "cross-pollinate" ideas among faculty and student peer groups.

Two facts lead CB2 to question the need for such a broad expansion:

- The University states that they are now at a virtual stopping point in growth and project an average annual increase of only .5% for the next 25 years.

- In Phase One of NYU's plan in the years 2012-2022 only 17.5% of the square feet to be developed in this project is for academic use. The remainder of the initial expansion is devoted to nonacademic uses, including a hotel, retail, dormitories, athletic facilities, and a public school. Construction of the majority of the academic space (82.5%) does not begin for 10 years, and is not scheduled for completion until 2031.

CB2 contends that because the University's growth has already occurred and very little is projected for the next 25 years, it is unnecessary to approve such a large expansion at this time.

NYU's phasing plan starts activity on the north superblock with a temporary replacement for part of the current Coles Gym, and ends two decades from now (assuming no construction delays) with a building also on the North Block. Were it not for the temporary gym placement, the only activity on the North Superblock would start 10 years from now. This calls into question the legitimacy of including the north superblock in this ULURP application at all. NYU essentially is asking for a "blank check" they may or may not need in the future.

CB2 does not accept the need for a temporary gym in the Proposed Development Area. It is currently sited for the existing "Key Park" playground, which serves many families with children in the wider area. To move the temporary gym to this site, NYU proposes first moving the Key Park to the Sasaki Garden, taking that away from the community as well a decade before construction of any permanent buildings are planned.

It is unnecessary to shuffle vital and treasured amenities for neighborhood residents, resulting in the north block to be under continuous construction for 20 years. NYU should seek to accommodate their UAA sports teams elsewhere, as they currently do with many of their existing sports programs.

Possible reductions in future enrollment, potential venue changes in education delivery (e.g., online courses) and other unforeseen changes may reduce pressure on NYU's existing buildings and eliminate the need for the later-phased buildings. This opens the possibility that the structures would be built with a Community Facility FAR but might not be ultimately used for community facilities.

III. ACQUISITION OF THE CITY-OWNED PARK STRIPS IS HARMFUL AND UNJUSTIFIED

CB2 strongly objects to the proposal to transfer ownership of two of the publicly owned strips of land on the west side of Mercer Street (between West 3rd and West 4th Streets, and between Bleecker and Houston Streets) to NYU. CB2 further objects to allowing easements to NYU over and below the Park Strips along LaGuardia Place and Mercer Street on the North Block. In addition, we object to using the strip on LaGuardia Place between Bleecker and Houston Streets as construction staging, covering it or casting a permanent shadow over it.

CB2 advocates for the preservation of the public ownership of the Park Strips, and for their immediate transfer to the Parks Department, along with the additional strips on the south side of West 3rd Street and the south side of Bleecker Street between Mercer Street and LaGuardia Place.

CB2 has supported all efforts to develop public uses on these strips and has long favored mapping of these open spaces as parkland. NYU opposition has prevented this. It would be a mistake to reward the University's intransigence on this issue by turning the full or partial control over these properties to NYU, whether by transfer of fee ownership, extensive easements, allowing them to be demolished for below-grade construction or use as staging locations, or design concessions to substantially convert their use to access plazas for private buildings.

These properties are City-owned and currently dedicated to uses typical of city parks. The Doctrine of Public Trust may apply to at least some of these areas, and whether it does or not, the City should honor the past and current public uses and guarantee their protection and improvement for the future.

In each case, while there may be room for improvement in design and use, the spaces are an important part of the history of the blocks, legacies of the seminal and successful neighborhood battle against the proposed Lower Manhattan Expressway which would have done great harm to the future of downtown Manhattan and the City as a whole. The status of each area also reflects the 40 years of efforts by volunteer community groups to create and maintain public open space in a park-starved neighborhood. The boulevard feel they create on LaGuardia and Mercer are key elements of the character of the area and the feeling of openness that is retained despite the bulk of the superblock structures that exceed the norm for the neighborhood.

Mercer Street and LaGuardia Place, North Block.

The strip on the east side of the block includes the Mercer Playground, built and managed by the Parks Department after an energetic and extended initiative by the parents group "LMNOP." The playground offers a kind of hardscape open space that allows for uses that are not supported in other nearby areas, and is valued by the community. LaGuardia Park, on the west side of the block, includes many mature trees in planted areas featuring ivy ground cover. It provides a central location for the statue of Fiorello LaGuardia. Improvement of the area has been led by the efforts of Friends of LaGuardia Place, a community group that also led a successful, but not yet implemented, effort to develop a Parks Department playground on the site.

The transfer of these properties to the Parks Department, now supported by NYU, is the sound approach, but the proposed design and the placement of the large Mercer and LaGuardia Buildings take away more than the change of jurisdiction gives, and the larger use of the resource is ceded to NYU access purposes. On the east side, the proposal includes a small section of the strip as part of a larger "Tricycle Garden," and on the west side it includes locations for the LaGuardia Statue and Adrienne's Playground. Both of these new playgrounds would be overwhelmed by the huge adjacent buildings with doors opening directly onto parkland, and the much larger portions of the spaces are designed and designated as major entry plazas to the intensely developed academic buildings serving more than 5000 students at a time. Student movements and uses between classes would dominate these spaces. The proposed Tricycle Garden would see little sun as it wraps around the north and east sides of the large Mercer Building, and the area is included as a "filter entry" to the proposed development on the block, creating conflicting uses.

Parks serving neighborhood needs cannot coexist on these strips with the buildings as currently planned, as will be discussed further below. In addition to access easements requiring Parks to cede ultimate control of the plaza areas, easements would be needed to accommodate underground university facilities beneath the parkland, giving the university control for long periods of construction and later for structure maintenance. The underground use would require removal of the mature trees. With replacements to be planted as much as 20 years later, two generations would pass before the stands of mature trees return.

Mercer Street, South Block

The current public uses of this strip were created as part of the agreement allowing the construction of the Coles gym in 1979-1981 on land previously used as a sandlot ball field. Because NYU abdicated its commitment to maintain the strip, the condition and use of this area is poor with the exception of a popular dog run that is well maintained by a membership association. Soon after construction, the water playground and "reflecting garden" sitting area were closed because the ground subsided, and they have not been restored.

Regardless of the current deficiencies of the area, the plan to move the building footprint east to eliminate public land and create a public walk to the west would negatively impact the area's balance of open space. The building line of the massive Zipper Building will project past the building lines on the blocks

to the north, creating a crowding effect, and the special open character of Mercer Street would be largely lost, just as the projection of the Bobst Library did substantial disservice to the boulevard feel of LaGuardia Place.

Experience with off-street retail plazas such as the proposed walkway on the west side of the new building should counsel against this effort to shift pedestrians away from the street, where New York retail thrives. Use by the general public would be limited because the walkway would primarily serve as access to a university building with intense student use. There is merit to aligning the west side of the building with the buildings on the west side of Greene Street, south of Houston, but not at the expense of the openness of Mercer Street which will be all the more important if a taller building is on the site.

CB2, without reservation, rejects the proposal for a new building and retail at this site. Should the community board's recommendations not be heeded, any new building should be built on the existing footprint or a narrower one that aligns both sides of the building with existing streets, and any new retail should be focused on the north and south facades of the building to allow transfer of the strip to Parks with improved public open space uses.

Mercer Street Cogeneration Park.

This attractive park was recently built by NYU to restore the public land used during construction of the cogeneration plant built underground per terms on a consent agreement with NYC DOT. The park was designed with extensive community input in a process developed as a result of the agreement. The agreement allows for future maintenance needs of the cogeneration plant and no persuasive argument has been made for transfer of this public open space to private control. Even with an agreement for future public use in place, experience with publicly accessible private plazas gives reason for concern that the long-term public good would not be well served if the ownership is transferred to NYU. Instead, the land should be transferred to Parks, with continuation of the existing agreements that were crafted to serve public and private needs.

LaGuardia Place, South Block.

This property is not part of the future development, but the plan proposes to use the gardens as a construction staging area or to cover it with a construction shed; both are destructive and unnecessary propositions, and the proposed Bleecker Building would limit future plantings to shade-tolerant species. The land includes two open space areas managed by volunteer gardeners. Time Landscape is on the southern half, and supports a grove of mature trees. LaGuardia Corner Gardens, on the northern half, is a thriving community "Green Thumb" garden, created and maintained on an abandoned lot by energetic and passionate volunteers. It is lovingly planted with vegetables, flowers, perennials, and flowering trees. It is open to the public on a schedule and welcomes school groups. However the project proceeds, the property should be transferred to Parks and the space should be restored, including a sufficiently sunny area for the gardening to continue to serve the entire community in its current manner.

Bleecker Street and West 3rd Street Strips.

These narrow strips are also not part of the proposed changes to the superblocks, but they deserve mention because they enhance the quality of the streetscapes. While these areas may have little potential for recreational use, they do add to the public sphere and help to retain the urban quality of these blocks. They should not be allowed to transition to the more private character of a university campus. If portions of these strips need redesign to support any development ultimately approved for the blocks, accommodation should be made without transfer of the property. Opportunities for redesign and renovation include the interior sidewalk on Bleecker Street that could be incorporated into the plantings.

IV. THE PLANNED NEW OPEN SPACES ARE ILL-CONCEIVED AND UNACCEPTABLE

CB2 is extremely disappointed in the plans presented for newly designed public open space in the Proposed Development Area, which were designed without the input of local stakeholders, and is adamant in its assessment that there will be significant adverse impacts on the quality of life for the long-standing residential neighborhood.

NYU has based its proposals on the DEIS, but that analysis fails as a quantitative assessment because it uses strictly technical definitions that exclude substantial existing open space, including some well-used areas. If the popular open spaces were included, the assessment would show a substantial decrease in available space 10 years into the project, and only a very small increase upon its completion with a net loss of uncovered land.

Among the significant displacements would be Mercer Playground/LMNOP, LaGuardia Park/Friends of LaGuardia, LaGuardia Corner Gardens, the south block Mercer strip with the Dog Run, the "Key Park" playground and WSV Sasaki Garden. While the proposed open space plan claims to be more visible from the street, inviting, accessible, and public, it is mostly inward facing space surrounded by huge buildings whose large student populations would move through the spaces on a constant basis throughout the day. The trade-offs are not beneficial to the broader community. This proposal results in a university-focused campus approach, effectively an NYU quadrangle, with buildings opening onto open spaces that would be dominated by students during class hours and very likely unused when students are absent.

Deficiencies in the DEIS

The quantitative analysis provided in the DEIS estimates that there will be 3.80 acres of project-generated publicly accessible open space and 0.68 acres of displaced such space for a net increase of 3.11 acres. This analysis excludes certain spaces based on the guidelines provided in the CEQR Technical Manual. Appendix B lists some of these spaces, the reasons given for excluding them, and reasons why the absence of additional quantitative analysis from the assessment prevents the full picture from being shown.

- Alternate quantitative analysis: This would include a total of 3.72 additional acres. The areas marked ** totaling 0.55 acres will be not be displaced by the project, but still affect public open space ratios for the study areas. The CEQR guidelines recognize that some projects require additional analysis. By using only the strictest interpretation of the CEQR guidelines, the quantitative assessment devalues actual public uses of open space in the project area. Hundreds of residents attending CB2 hearings spoke passionately of the importance of these open spaces to their lives in exactly the terms that people traditionally defend urban open space. The effect is that the quantitative assessment is skewed in a way that should have initiated *additional analysis*, especially given the substandard ratios of open space to residents in the study areas and the large influx of new residents and daytime users the project will bring to the area. The intent of the CEQR guidelines is to measure actual impacts and it is the responsibility of the applicant and agencies to craft a process to the particularities of the site. In this DEIS open space analysis, the numbers largely distort the open space impacts.
- Indirect impacts of increased demand for active recreation: Citing CEQR guidelines, the DEIS does not study the increased demand for active recreation within the non-residential study area because "worker" populations are less likely to increase the demand for active recreation. But the daytime population of the development area would be mostly students in an age group with greater need for active recreation resources. This would cause significant strains and displacements at nearby active recreation resources including Passannante Park, West 4th Street Courts, and other nearby parks. The current abuse of Washington Square Park lawns by NYU students seeking areas to play Frisbee is already causing damage to these lawns, recently restored

at great public expense for passive recreation. NYU responded inappropriately to a question from CB2 regarding this impact of the project by stating that the abuse was beyond its control since it does not have responsibility for enforcement in the park. Bringing so many students to a concentrated area requires provision of more open space for active recreation so that nearby parks are not overburdened.

- Impacts on Most Affected are Undervalued: The CEQR guidelines require study of the impact on day time populations within a quarter mile and residents within a half mile. The nature of the proposed project is to superimpose a huge new development in an area now occupied by a much smaller one, so simple application of the guidelines misses the assessment of impacts of the group most affected by the project, the people who live in or immediately adjacent to the study area. The existing open spaces are important parts of the quality of life in these areas, compensating per their design for the taller buildings, and the changes would affect these residents most directly. This creates a need for an additional assessment, not diluted by including larger populations, of impacts on the smaller area.

- Shadows: While the shadow study addresses shadow impacts of new buildings on existing open spaces, it fails to consider the impacts of shadows from new and existing buildings on new open spaces, which is especially significant for children's playgrounds which should not be located in areas of winter shade.

- Phasing: The DEIS fails to evaluate the impact of proposed phasing decisions on open space and to evaluate alternatives. For example, by starting the project by relocating the Key Park to enable construction of a temporary gym, a large portion of the Sasaki Garden would be displaced by the temporary playground, and by building the entire north block site as a single project, the entire project area would have no real children's playground for ten years beginning in 2022 (see Appendix C). The DEIS fails to consider an alternative use of off-site spaces as an alternative to staging construction on the project's open spaces, including the green spaces to be mapped on the northern superblock. NYU's plan would render those open spaces unusable for a decade or more. As mitigation, NYU should be required to restore those spaces to public use during the intervals between the construction phases rather than leave them unusable by the public during those intervals.

Proposed New Public Spaces

- Philosophy Garden: At 2.37 acres, this area represents 62 percent of the open space planned for the entire project. It includes the entry plazas to be built on public land transferred to the Parks Department, and much of the area where the Sasaki Garden is now. The Sasaki Garden is a 1.34 acre open space that has been open to the public. As an early work of Hideo Sasaki, the garden has recognized architectural and historic significance as a modernist landscape. The garden remains a tranquil space offering a place for respite amid tall buildings. The Philosophy Garden completely displaces the Sasaki Garden, an integral part of the WSV complex that has been deemed eligible for the State and National Historic Register of Historic Places. The Philosophy Garden is planned as a more visible and accessible at-grade space. It includes space for lawns for combined passive use and informal active recreation, and wide entrance plazas built on land proposed for transfer to the Parks Department. These plazas would serve little use other than for entrances to the new buildings and the open space between them. The large open space would be surrounded on all sides by tall buildings that would keep the space mostly in shadow through the winter. It would be in-facing and strongly associated in design and use with the buildings whose entrances would open directly onto the open space areas. Large areas of hardscape would be needed to accommodate emergency fire trucks and the high volume of students who would access the classrooms in the buildings and the four underground stories. While more attractive in design than Gould Plaza on East 4th Street, the space would function in the same way in relation to NYU

classroom buildings with little likelihood for casual use by the broader community. CB2 resoundingly rejects the plan for the Philosophy Garden because it essentially would create an uninviting, closed quadrangle mainly for benefit of NYU, although the plan purports otherwise. A successful plan for true public open space at this location would have designed buildings that respect the importance of the open spaces relating directly to LaGuardia Place and Mercer Street, and primary building access would be through the existing driveways under the Washington Square Village buildings instead of across public parks.

- Washington Square Village Play Garden: At only .34 acres, this proposed playground is 36 percent smaller than .53-acre Key Park, the often overcrowded playground that will be eliminated at the start of the project if a temporary gym is placed at this location. While access to the Key Park is limited by NYU to residents of a large area of CB2 living within about a 10-minute walk, its replacement, while open to all, would serve fewer people. The new playground is inappropriately sited because it would be directly adjacent to three tall buildings with its only openness facing north, so it would be in the shade most of the day for much of the year.

- Greene Street Walk: This area to the west of the proposed Zipper Building widens a rarely used walkway. It would function as access to university facilities and retail uses and is intended to double as public open space. Off street retail has not worked well in Manhattan where the street is the marketplace, but even if this strip were to succeed and the area becomes a good place for students to congregate, the kinds of open space use provided would be unlikely to serve the broader community, especially since, like Schwartz Plaza, the area would be in shadow most of the day. While the existing public areas to the east of Coles are poorly maintained by NYU, the openness is an important part of the Mercer streetscape and the existing strip could be improved to provide more usable open space to both the community and the university than the proposed in-facing solution.

V. THE STOCK OF AFFORDABLE HOUSING NEEDS TO BE PROTECTED

NYU is the landlord and land leaseholder for the major stock of affordable housing in Greenwich Village, including rent stabilized units in Washington Square Village and Washington Place and units in the Mitchell-Lama Program at 505 LaGuardia Place. CB2 urges NYU to provide a commitment that the units under its jurisdiction will remain affordable to the public and regulated in perpetuity.

Many low and moderate income residents, including senior citizens and those on fixed incomes, reside in housing under the jurisdiction of NYU, which includes units in Washington Square Village, Washington Place and 505 LaGuardia Place. This housing has sustained the local community's economic integration and contributed to its diversity and vibrancy.

However, NYU's treatment of this affordable housing stock is of great concern to CB2. Testimony has indicated that when a regulated apartment becomes vacant, efforts are made to effectively deregulate apartments by either allowing them to remain vacant or providing them for faculty and staff. At a time when affordable housing is so badly needed in our community, and when this Community Board has made it a priority to see new units of affordable housing created, it is simply unacceptable that NYU is further reducing the number of affordable and regulated apartments under its jurisdiction in Washington Square Village and Washington Place.

As part of the original urban renewal superblock development, since 1967, 505 LaGuardia Place, a Mitchell-Lama Cooperative, has provided an important source of affordable housing in Greenwich Village, with 174 affordable units. NYU owns the land lease for the Cooperative, which is scheduled for renegotiation in 2014. The terms of the lease will dictate whether this project remains truly affordable.

Regardless of the outcome of this ULURP application, CB 2 believes that NYU should consider selling the land lease outright to the Cooperative, in order to ensure that this project remains affordable in perpetuity. CB2 also rejects any LSGD which draws lines that exclude existing "parties of interest" that could be negatively impacted by the proposed plan.

VI. COMMERCIAL OVERLAY AREA REZONING IS INAPPROPRIATE

CB2 opposes a zoning change to create a C1 commercial overlay on six blocks east of Washington Square Park.

NYU is proposing this overlay for the stated intent of "enlivening the streets," bringing existing non-conforming retail into compliance, and allowing development of ground floor retail uses. However, the street activity level is excellent, adequately serving the current mix of residential and institutional uses and the grandfathered uses are by definition compliant, and are functioning well. NYU has appropriate recourses within the zoning text at its disposal to meet limited retail needs in a few buildings. CB2 opposes this zoning change.

For the DEIS, NYU selected a Reasonable Worst-Case Development Scenario based on conversions of only six buildings for which they have current plans to develop only 23,000 gsf of retail use. However, a likely development scenario will include many more locations because the market driven values in an area adjacent to high rental Broadway retail areas will create strong incentives for many more conversions, especially if initial retail uses are successful. The young adult market is particularly strong for national chains and for the large eating and drinking establishments that have saturated nearby areas. Most of the buildings on the blocks have high ceilings and large footprints that are attractive for such high intensity retail users, with well over 200,000 square feet in 26 buildings ultimately available on first and second floors and potentially basements as well.

The area is currently well-served by the kind of retail anticipated by C1 overlays, the purpose of which are to serve the "local retail needs of the surrounding residential neighborhood." An overlay in this area is more likely to attract a combination of uses serving regional and NYU markets, with a potential to drive out existing non-conforming businesses when the expansion of stores is allowed. An area should be rezoned when there is a need that is typical of the area, not isolated to the needs of one property owner at a few locations within it, and transgressing this principal risks unanticipated and unstudied transformation of area, with possible unwanted impacts on the existing neighborhood which currently has a strong and successful character with an appropriate mix of residential and institutional uses.

The overlay would also bring retail uses close to Washington Square Park (including the eastern boundary), which is currently surrounded by blocks with very few stores, all non-conforming. The special character of a park is substantially influenced by the surrounding neighborhood, accounting in large degree for the differences between Washington Square, Union Square, and Madison Square, for example. The DEIS fails to evaluate the potential for profound negative impact on this historic and open space resource if as-of-right retail development is allowed on the adjacent blocks.

VII. A TRANSPARENT COMMITMENT FOR A PUBLIC SCHOOL IS REQUIRED

At the moment, there is no commitment from the NYC Department of Education to approve a new public school in the location proposed by NYU. Without this, there is widespread concern that should the NYU ULURP move forward the site designated by NYU could revert to NYU's own, unspecified use as a windfall. Moreover, the details of any conversations between NYU and the DOE have not been made

public. Also, the terms of NYU's promise for a new school have changed, including the extent of the university's donation to such a school and whether it was predicated on the approval of the NYU ULURP.

In 2008, NYU attended a CB2 meeting on school overcrowding and announced its intention to create a new K-8 public school. It was CB2's understanding that this meant the university would provide the "core and shell" of such a building and that this offer was not contingent upon the University's ability to gain approvals for zoning changes that would enable their expansion in the Greenwich Village core. CB2 is concerned that should the City and NYU not reach terms for a new school before the completion of this ULURP, NYU would be under no obligation to build a public school and would benefit from the windfall from the proposed upzoning, which it could use for dormitory space. CB2's examination of this part of the ULURP proposal has been hampered by NYU's lack of public disclosure of the details of the discussions with the City, making the community board's review of the school proposal nearly impossible.

In addition, since the NYU ULURP was filed, the University has declared that the offer to make land available to the City for a public school is contingent upon the approval of the project. In addition, apparently contrary to earlier promises by the university, NYU states that it will not contribute to the core and shell of the building, instead only donating the land beneath such a location, which consists of 78,000-100,000 square feet of space to be built between NYU academic space below ground and seven floors of student dormitory use above.

In the absence of this ULURP application, CB2 would be very supportive of the donation of a new K-8 public school by NYU, which is sorely needed in the Greenwich Village area due to local classroom overcrowding. However, it is problematic that NYU has apparently reduced its commitment to such a new school and is now basing it upon approval of NYU's proposed project.

Other concerns about NYU's proposed K-8 public school proposal include:

- The proposed plan calls for the only recreation to be a play area on top of a seven-story high rooftop, to substitute for an actual playground. There are concerns that an elevated playground would be unsafe and not pass FDNY inspection (it is CB2's understanding that a similar proposal at the Millennium School in Manhattan was rejected recently for being hazardous). In addition, the challenge of moving large groups of students by means of an elevator would pose serious logistical problems, which possibly would lead to less recreation time for students.

- The NYU plan for this site also proposes a building with a student dormitory on top of a public school, including dormitory windows overlooking the rooftop play area for young children. These are potentially incompatible adjacent uses between college students and young children, such as noise, smoking, etc.

- The plan for this site does not appear to have made adequate provisions for loading and unloading. Delivery trucks and parent and bus drop-offs/pick-ups would be required to park or double park on Bleecker Street or LaGuardia Place, creating dangerous congestion on these narrow and busy streets. This would create an unsafe environment for children, NYU students and local residents.

CB2 has repeatedly asked NYU to support CB2's efforts to develop new public schools outside of their ULURP application at other locations such as the underutilized New York State-owned building at 75 Morton Street, as the University is both partly responsible for enrollment increases in local public schools and an academic resource for the study and analysis of the issue of school overcrowding. CB2 believes this should be a mutual goal.

VIII. TRANSPORTATION IMPACTS

It is CB2's opinion that the DEIS grossly underestimates and does not adequately study the true effects of this project. Because of the tremendous increase in living, working and visiting populations and the accompanying activities that would be engendered, there would be severe adverse impacts on all aspects of transportation, from vehicular movements to pedestrian access to transit ridership to the availability of parking.

These negative impacts are especially egregious in view of the NYC Department of Transportation's recent efforts to create a more equitable balance of street space between pedestrians, vehicles and other transportation modes in order to improve livability for all users. By following rigid formulas that allow for things to get worse and that make use of hackneyed and often ineffectual mitigation measures, this plan both flies in the face of DOT's progressive goals and misses a timely opportunity to look for and implement improvements from the outset that can benefit businesses, residents and NYU alike.

- Vehicular traffic, which already overburdens street capacity, would increase substantially, intensifying congestion and compromising access and safety, not only on weekdays, but also on weekends and in the night, when tourists and hotel guests join residents, students and faculty in using incoming/outgoing cars, taxis and limousines to recreational and other activities.

- Added turning movements at already dangerous turning areas, increased delivery trucks and service vehicles, and the general proliferation of cars, taxis and school-related transportation, bringing added congestion and decreased safety on the streets, would be especially daunting for a population with many seniors and families with small children, besides overwhelming the general populace.

- Streets with one traffic lane, like Bleecker and Mercer, would be particularly stressed, with Mercer suffering heavy truck activity to the new Zipper Building loading docks and blockages from hotel drop-offs/pick ups by taxis, cars and limousines. Bleecker Street already experiences heavy traffic impacts from frequent truck deliveries and oversized tour buses and would suffer further delays and noise. Multi-lane streets would also be encumbered, like Houston Street, a major through thoroughfare, and LaGuardia Place.

- Intensified congestion, loading/unloading and other street blocking activities would increase emergency vehicle delays. The response given to CB2 that "emergency vehicles can maneuver around and through congested areas because they are not bound by standard traffic controls" does not alleviate our concerns.

- Potential mitigation approaches, such as small re-timings of traffic signals and added signage, would be insufficient to offset significant adverse vehicular impacts identified at several locations, and in some cases would be hazardous, e.g., adding green time at dangerous crossings like Houston Street at LaGuardia Place.

- Pedestrian trips would far exceed the 200 threshold for both the Phase I (2021) and Phase II (2031) build-out, greatly interfering with pedestrian access, safety, comfort, circulation, and orientation (which would be further harmed by the heavy vehicular traffic). Heavy platoons of pedestrians at corners and in crosswalks would both block passage and make crossing more hazardous.

- The vastly overcrowded sidewalks and streets, teeming with a huge expanded volume of university-related pedestrian traffic, also would interfere with the community-friendly character and neighborhood-scale dynamic that give this area its special quality and appeal.

- The suggested pedestrian mitigations would not be a cure-all. In fact, one statement claims: "crosswalks and street corners are not easily measured in terms of free pedestrian flow."

- The significant adverse transit impacts that are expected at subway station stairways and entrances would strongly interfere with accessibility and convenience for the numerous people in the area who rely on the subway. Furthermore, it is stated that subway station mitigation measures may be infeasible, and if so, the impacts would remain unmitigated, meaning there would be no attempt at all to alleviate these crowded and untenable conditions (an unwarranted discomfort in view of the unnecessarily excessive scale of this project).

- Replacing the current 670-space below-grade parking garage in Washington Square Village, which includes public parking, with a 389-space below-grade accessory parking facility would result in a loss of roughly 110 to 135 public parking spaces. This parking shortfall might not be able to be accommodated by other public parking facilities in the area, some of which are slated to be replaced by new buildings, others fully occupied, and others an undesirable distance away. A sizable number of on-street parking spaces would also be eliminated, further displacing parkers. Even if automobile use lessens, there still will be drivers who need to park. A parking shortfall as anticipated would lead to increased circling and cruising for spaces, meaning less safety on the streets, added congestion, and more polluting emissions.

IX. ENVIRONMENTAL IMPACTS

CB2 finds it impossible to agree with the conclusion of the DEIS that NYU's expansion plan will have only temporary negative impacts and that the levels of potential danger fall into an acceptable range and/or can be sufficiently mitigated.

The superblocks and Commercial Overlay area would experience a range of negative effects if NYU's 2031 Plan were to proceed. Even if there was less total square footage built and less commercial space allowed, these impacts – in addition to and lasting far beyond those discussed in the Construction Impacts section – would endanger the health and well-being of those in the general area, put an added burden on infrastructure and services, and significantly reduce quality of life for thousands of people.

Environmental Impacts Of Concern Include:

- Public Health and Safety: Adding a large new population and changing the physical configuration by the proposed 2031 Plan has the potential to overburden medical infrastructure (already diminished by the closing of St. Vincent's Hospital) and local police precincts. NYU's proposal for the North Block restricts the ability of fire and emergency vehicles to reach apartments, and the removal of through-driveways between Bleecker and W. 3rd Streets will slow the ability of ambulances to reach and depart with patients.

- Noise: Late-night noise from students is already a major problem in our community. The addition of dormitories will only exacerbate this problem. Increased vehicular traffic would also increase horn honking and idling noise.

- Air Quality: Increased congestion, both traffic and pedestrian, may elevate ozone and particulate pollutants. Reduction in mature trees could contribute to a long-term rise in greenhouse gas

emissions, creating health hazards and potentially increasing the asthma rate throughout the area. The proposed buildings would change air patterns, creating "wind tunnels."

- Shadows: New buildings would cast shadows on many structures, plantings and people. The DEIS also does not take the collective effect of both existing and new buildings into account, including blocking of sunlight, diminishment of property values, reduction of plant and tree growth, impact on treasured community green space (e.g., the award-winning LaGuardia Corner Garden which is currently a designated Monarch Butterfly Waystation and Backyard Wildlife Habitat), and the impact on the proposed location of the replacement children's playground in Washington Square Village. In addition, the South Block's landmarked area would suffer significant shadowing from the proposed buildings, also changing the view of the Picasso "Bust of Sylvette" sculpture.
- Water and Sewer Infrastructure: Thousands of new residents and tens of thousands of people using the area daily would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- Underground Water: The "bathtubs" created by NYU's huge underground plans would divert underground water which may affect foundations of nearby buildings, and dewatering may cause permanent changes in the surface of the area.
- Wildlife: Red-tailed hawks, recently making their homes in the neighborhood, would lose the mature trees and unbuilt spaces that they depend upon. Additional garbage flows from the new buildings would also bring vermin, and the poisons used to control these rodents also imperil these birds as well as other animals in the area.
- Solid Waste and Sanitation: The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal. Late-night trash collection is already a problem in the area, and will only increase.
- Energy: While the proposed new facilities may be connected to NYU's new co-generation facility, that system will reach capacity and then an added burden will be placed on the grid/systems. A loss of passive solar energy due to shadows would also add to energy use.

X. CONSTRUCTION IMPACTS

In a dense residential area, construction projects create noise, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses. CB2 is very concerned about the potential negative impacts of this project, many of which are acknowledged in the DEIS, especially since they will be felt for 20 years.

The ramifications of 1.1 million sq. ft. in four stories of underground construction on both superblocks over the course of 20 years is not adequately addressed in the DEIS, and would be staggering. In addition, the proposed above-ground construction in conjunction with the below-grade excavation would have a devastating effect.

Transportation

Unrelenting construction activities over the duration of this project will have heavy transportation impacts in all areas. The cumulative effect of heavy truck use generated by deliveries, movement of materials and removal of debris, extra construction worker pedestrian trips, and an expected increase in private motor vehicles (and the accompanying increased parking demand), would exacerbate congestion and create hazardous conditions on both streets and sidewalks. The adverse transit impacts predicted at subway station stairways and entrances will be more severe because of the substantial number of construction worker subway trips. The DEIS suggests that mitigation measures could be infeasible. These factors, coupled with the setting up of temporary structures, such as sheds, construction bridges and a gym (blocking access and flow), along with continuous relocations of such items, will lead to twenty years of unrelenting obstruction to safety, flow, orientation and access in every transportation mode.

Noise

The DEIS states that there will be adverse noise-related effects, but claims they will only last two or three years. This is incorrect for two reasons: first, when NYU moves their baffles to a new area, the sound will be deflected to the one they just left. Second, once someone has been exposed over a period of years, the resulting sensitivity reaches a level that makes even a lesser exposure unbearable. In addition, the expected noise will be a significant disruption to residents and visitors; an increase of even one DBA constitutes a tenfold increase. Constant monitoring of noise and suppression of any noise in violation of city codes should be part of the on-going environmental commitments.

Air Quality, Emissions, Dust and Pollutants

Contrary to the conclusions in the DEIS, CB2 believes this plan would cause significant negative impacts on air quality. It is during construction when the major assault on air quality would take place. The plan as proposed would create a 20-year tightly compressed construction zone.

Dewatering

Another issue of concern to CB2 is that dewatering a site can cause surface cracks in foundations and in pavements, uneven settlement of dry area, and possible effects on trees and other plantings. CB2 encourages the Freeze Method should be investigated, aside from dewatering

Visual Pollution

NYU's proposed new buildings, placed directly across narrow streets like Mercer and LaGuardia Place, will flood the residential buildings across those streets with intense light during nighttime hours. This will have an adverse effect on the residents of those buildings. Thus far, there has been no discussion of design that incorporates technology that reduces lighting intensity and glare.

Construction Monitoring

Stringent monitoring and regulation of construction activities, including limitations on hours of construction related truck movements, forbidding truck idling, use of low sulfur fuels, closed truck beds, noise dampened construction equipment, commitment to no after hours or weekend work, etc. is required to keep the neighborhood safe and livable. In the event any part of the NYU plan is approved, there must be established and enforced through a restrictive declaration the mitigation measures described above including traffic controls, noise and light suppression, off-site construction staging and laydown, restoration of the public open spaces to public use between project phases, etc. NYU's compliance with these measures should be monitored and enforced through appointment of an environmental compliance monitor as has been done in the case of Columbia University. The monitor should have the authority to halt any construction activities that violate the terms of the restrictive declaration and to report on a regular basis to CB2 and the Borough President, Council Member and City Planning Commission.

CONCLUSION

The world-famous character of Greenwich Village is a major asset for New York City. The Village continues to be popular with residents and visitors of all ages drawn to its unique mix of small town charm and urban density. The superblocks, with their dramatic scale and integral open space, function as a central counterpoint to the dominant low-scale townhouse and loft structures typical of the rest of the area.

Shifting the university center south and establishing a more intense campus environment on the superblocks would forever destroy a thriving residential community and transform it into a private NYU campus, changing the character of the area forever. It would also have significant negative impacts on surrounding neighborhoods to the east, south and west such as NoHo, SoHo, and the West Village - areas where students are not a dominant presence. Sidewalks would become crowded with students, existing retail would be displaced and open space would be oriented towards classrooms, instead of the kinds of places that support the vibrant and diverse community that currently exists.

Vote: Unanimous, with 40 Board members in favor.

For the reasons outlined above, CB2 recommends denial of the NYU Core Project.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,

Brad Hoylman

Brad Hoylman, Chair
Community Board #2, Manhattan

David Gruber, Chair
NYU Working Group
Community Board #2, Manhattan

c: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel Squadron, NY State Senator
Hon. Sheldon Silver, NYS Assembly Speaker
Hon. Deborah J. Glick, NYS Assembly Member
Hon. Bill de Blasio, Public Advocate
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Pauline Yu, Community Affairs Unit
Vivian Awner, Community Board Liaison, Dept. of City Planning
Jeff Mulligan, Executive Director, Board of Standards & Appeals
Derek Lee, Man. Borough Commissioner, NYC Department of Buildings
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning
John Sexton, President, NYU
Lynne Brown, Senior Vice-President for University Relations and Public Affairs, NYU
Alicia Hurley, Vice-President for Government Affairs and Community Engagement, NYU

APPENDIX A

NYU Planning Principles

Establish criteria for development within the existing NYU footprint in the University's campus core and the surrounding neighborhoods that would prioritize

- Identifying opportunities to decentralize facilities and actively pursuing these opportunities;
- Contextual development that is sensitive to building heights, densities and materials;
- Reuse before new development; and
- Consider mixed use facilities that complement Manhattan's mixed neighborhoods, particularly in regard to ground floor uses.

Identify solutions to maximize utilization of existing assets by consulting with the community on:

- The types of facilities that can be decentralized from the Village campus core and surrounding neighborhoods and cultivating locations outside these areas;
- Preferences for appropriate places for vertical additions;
- Encouraging programmatic and scheduling efficiencies; and
- Opening new and re-envisioning existing recreational spaces to better serve both the student population as well as the community at large.

Make thoughtful urban and architectural design a priority by:

- Respecting the limitations of the urban environment, including the impact on New York City's infrastructure;
- Improving the quality of open spaces; and
- Actively soliciting, utilizing and implementing input from the community in the design process.

Support community sustainability by:

- Preserving existing diverse social and economic character through the support of community efforts to sustain affordable housing and local retail;
- Exploring the utilization of ground floors of buildings for community-oriented uses such as local retail, gallery spaces for local artists, non-profit users and other providers of community services; and
- Generating a tenant relocation policy for legal, residential tenants, in the event that construction or conversion necessitates the relocation of tenants.

Respect the community's existing quality of life including but not limited to:

- Taking measures to mitigate effects of construction such as: noise, dust, work hours; sound mitigation for mechanical equipment; and construction staging;
- Reaching out early and often for community consultation related to major construction;
- Creating a website for ongoing constructions; and
- Committing to a community-oriented public process for reviewing NYU's proposed projects and developments.

Borough President's Task Force on NYU Development
August 2007

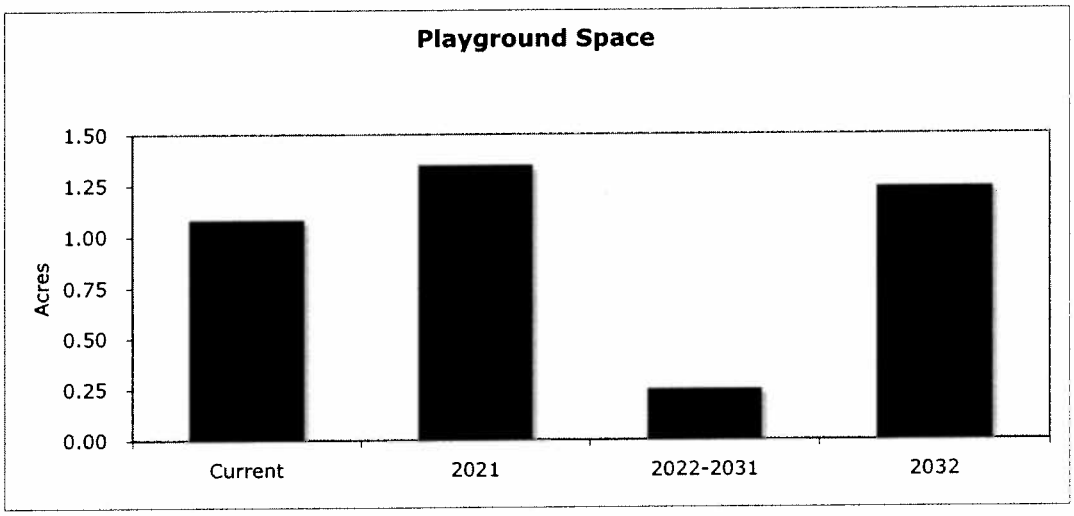
APPENDIX B

Area	Name	Estimated Acres	Treatment for Analysis	Contribution to Public Open Space
A	LaGuardia Landscape	0.36	Not a publicly accessible open space because it does not provide usable creational areas.	While officially a part of LaGuardia Place street bed, this area functions as a park-like open space with extensive ground plantings and mature trees, and includes an important historic monument. It is use and design are not unlike many public parks.
C	Sasaki Garden	1.34	Private open space; and as such will be considered in qualitative analysis.	This is a publicly accessible open space. Gates, not part of the original design, are kept unlocked during the day, and there are no signs restricting access. The area functions as an expansive seating area with attractive plantings and seating.
D	"Key Park"	0.53	Private open space considered in qualitative analysis.	This is a very popular children's playground. While not fully publicly accessible, keys are provided to residents in a catchment area similar to the typical service area of similar public playgrounds, extending from Grand St. to 8th St. and from the Bowery to 6th Avenue. Note that the DEIS incorrectly states there are signs restricting access to Washington Square Village residents.
M	LaGuardia Corner Gardens	0.15	Private open space (not publicly accessible open space due to limited hours of public accessibility.) Will be considered in qualitative analysis.	This is an active community garden, registered with GreenThumb, and allowing regular public access. It is typical of many similar spaces on public and private land, part of a citywide, publicly supported program providing important community resources with green space, bio-diversity, and residential well-being. It is a designated Backyard Wildlife Habitat and Monarch Waystation.
O	Silver Towers Oak Grove	0.36**	Not an open space; does not provide usable recreational areas. This area will not be considered in the assessment.	This is a significant formal stand of mature trees with accessible space that is used for passive recreation. While gated on two sides, it is accessible and includes a long seating wall.
P	Area at east side of University Village	0.23	Not an open space due to limited access and lack of recreational amenities. This area will not be considered in the assessment.	This area includes a lawn that is used by children to play ball informally. It is not fenced and there are no signs restricting access.
Q	Center area of University Village.	0.21**	Not an open space; does not provide usable recreation areas and access is restricted. This area will not be considered in the assessment.	This is a formal park-like area with an important public sculpture. It has no fence and is frequently used for seating and as a play area for young children.
R	Time Landscape	0.19**	As per CEQR Technical Manual guidelines, Greenstreets are not considered publicly accessible open spaces. Area does not provide usable recreational areas and access is restricted. This area will not be considered in the assessment.	This area was created as a natural area featuring native species. It is maintained by LaGuardia Corner Gardens. This public function of this area is typical of other areas of public parkland that prohibit public access, such as Sullivan Square Viewing Garden or the Central Park Bird Sanctuary.
U	Silver Towers Seating	0.06	Private open space; considered in qualitative assessment.	This is a seating area that is publicly accessible with no fence.
V	Silver Tower Playground	0.06	Private open space; considered in qualitative assessment.	Access to this playground is with the same key as for the "Key Park" noted above.
X	Mercer-Houston Dog Run	0.07	Private open space due to limited public access; considered in qualitative assessment.	Public access to this dog run is available through a waiting list by the group that maintains the area. Similar arrangements are made in other public parklands such as the Bowling Green in Central Park.
Y	Coles Gymnasium rooftop public recreation area	0.16	Private open space due to limited public accessibility; considered in qualitative assessment.	Per requirements of conditions of amendment to the Urban Renewal Plan, this area of the roof was dedicated for public use, but NYU has failed to maintain it for this purpose.
	TOTAL	3.72		

APPENDIX C

Playground Space (acres)

Name	Current	2021	2022-2031	2032
Mercer Street Playground	0.33	0.33	--	--
Coles Playground (closed)	0.16	--	--	--
Key Park	0.53	0.53	--	--
Silver Towers Playground	0.06	--	--	--
Temporary LaGuardia Play Area	--	0.24	--	--
Toddler Playground	--	0.25	0.25	0.25
Tricycle Garden	--	--	--	0.35
WSV Play Garden	--	--	--	0.34
LaGuardia Play Garden	--	--	--	0.30
Total	1.08	1.35	0.25	1.24



Borough President Recommendation

City Planning Commission

22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 120077 MMM, C 120122 ZSM, C 120124 ZSM and N 120123 ZRM

Docket Description:

C 12077 MMM - IN THE MATTER OF an application submitted New York University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of Mercer Street between West Houston Street and West 4th Street, and of LaGuardia Place between Bleecker Street and West 3rd Street;
- the elimination, discontinuance and closing of portions of Mercer Street, West 3rd Street and West 4th Street below an upper limiting plane;
- the establishment of parks west of Mercer Street and east of LaGuardia Place between Bleecker Streets and West 3rd Street above lower-limiting planes; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 2, Borough of Manhattan, in accordance with Map Nos. 30230 through 30235, dated December 22, 2011 and signed by the Borough President.

(See Continued)

COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

- [ ] APPROVE
- [x] APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- [ ] DISAPPROVE
- [ ] DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

BOROUGH PRESIDENT

4-11-12
DATE

C 120122 ZSM - IN THE MATTER OF an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 340 feet northerly of Bleecker Street, a line 125 feet easterly of LaGuardia Place, a line 131 feet southerly of Bleecker Street, and LaGauardia Place;
2. changing from an R7-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street*, West Houston Street, LaGuardia Place, Bleecker Street, and LaGuardia Place*;
3. changing from a C6-2 District to an R7-2 District property bounded by West 4th Street, Mercer Street*, West 3rd Street, and the former centerline of Mercer Street*;
4. changing from a C6-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street*, West Houston Street, and the former centerline of mercer Street*; and
5. establishing within an existing R7-2 District a C1-5 District bounded by a line 100 feet southerly of East 8th Street, Mercer Street, West 4th Street, Washington Square East, Waverly Place, and University Place;

*Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C120077 MMM) for a change in the City Map.

C 120124 ZSM - IN THE MATTER OF an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743* of the Zoning Resolution:

1. to allow the distribution of total allowable floor are without regard for zoning lot lines; and
2. to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings regulations;

to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street***, West Houston Street, and LaGuardia Place***(Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7** District, Borough of Manhattan, Community District 2.

*Note: The site is proposed to be changed under a concurrent related application (N 120123 ZRM) for a zoning text amendment.

**Note: The site is proposed to be rezoned from an R7-2 and R7-2/C1-5 Districts to a C1-7 District under a concurrent related application (C 120122 ZMM) for a change in the Zoning Map.

***Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C 120077 MMM) for a change in the City Map.

N 120123 ZRM - IN THE MATTER OF an application submitted by New York University pursuant to Section 201 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York, concerning sections 74-742 (to include exception to ownership requirements) and 74-743 (to allow public parks to be treated as wide streets) in the former Washington Square Southeast Urban Renewal Area, in the Borough of Manhattan, Community District 2.

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

SCOTT STRINGER
BOROUGH PRESIDENT

April 11, 2012

Recommendation on
ULURP Application Nos. C 120077 MMM, C 120124 ZSM, C 120122 ZMM, N 120123 ZRM – NYU Core
by New York University

PROPOSED ACTIONS

New York University ("NYU" or "the applicant") seeks a rezoning, a text amendment, a city map amendment and a Large Scale General Development ("LSGD") special permit to facilitate the development of four new buildings on two NYU-owned superblocks, and to allow commercial uses on the ground-floor in an area located within the neighborhood of Greenwich Village in Manhattan Community District 2. The proposed project includes the development of academic space, faculty and student housing, commercial space, and recreational facilities to accommodate the University's long-term expansion goal in the neighborhood. The project site generally consists of three separate areas: the two University superblocks bounded by West 3rd Street to the north, Mercer Street to the east, West Houston Street to the south and LaGuardia Place to the west ("Proposed Development Area"); a group of residential and academic buildings bounded by East 8th Street to the north, Mercer Street to the east, West 4th Street to the south and Washington Square East to the west ("Commercial Overlay Area"); and an area where NYU's existing cogeneration plant is located on Mercer Street between West 4th Street and West 3rd Street ("Mercer Plaza Area").

Specifically, NYU seeks a **Zoning Map Amendment (C 20122 ZMM)** to rezone the Proposed Development Area from an R7-2/C1-5 district to a C1-7 zoning district; and to rezone the Commercial Overlay Area to add a C1-5 overlay to the existing R7-2 zoning district. The rezoning would facilitate the development of commercial uses, permit greater residential density in the Proposed Development Area, and allow ground floor commercial and retail uses in buildings located within the Commercial Overlay Area.

The applicant also seeks a **Zoning Text Amendment (N 120123 ZRM) to Zoning Resolution ("ZR") Section 74-742** to waive ownership requirements for developments and enlargements within the proposed designated LSGD site; and **an amendment to ZR § 74-743 (N 120123 ZRM)** to treat mapped public parks as wide streets within the proposed LSGD to keep existing

buildings in compliance. Approval of this zoning text amendment will apply to use and bulk regulations associated with the LSGD special permit.

Additionally, NYU seeks a **special permit (C 120124 ZSM) pursuant to ZR § 74-743 (Large Scale General Development) to allow the transfer of 19,214 Square Feet ("SF") of zoning floor area between two zoning lots within the proposed LSGD** in C1-7 zoning districts; **to modify provisions set forth in ZR §§§ 23-632, 33-432, and 35-23 (height and setback regulations); §§ 23-532 and 33-283 (rear yard equivalent regulations); § 33-26 (rear yard regulations); and § 23-711 (minimum distance between buildings regulations).** The City Planning Commission ("CPC") may grant these waivers provided the proposed modifications satisfy the findings set forth in ZR § 74-743(b), including that:

- the modifications will result in a better site plan and a better relationship between the proposed development and its surrounding buildings and open space than would be possible, and thus will benefit the occupants of the project, the neighborhood, and the City as a whole;
- the modifications will not increase the bulk of buildings in any one block or obstruct access of light and air to the detriment of occupants of the buildings in the block or nearby blocks or to the people using the public streets;
- where a zoning lot of the LSGD does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided; and
- the streets providing access to the LSGD will be adequate in handling the proposed project's resulting traffic.

The CPC may prescribe additional conditions and safeguards to improve the quality of the proposed project and minimize adverse effects on the surrounding area.

Additionally, the applicant submitted a related **City Map Amendment (C 120077 MMM)** application to eliminate portions of Mercer Street (between West Houston and Bleecker Streets, between Bleecker and West 3rd Streets, and between West 3rd and West 4th Streets), LaGuardia Place (between Bleecker and West 3rd Streets) as public streets and authorize their disposition to NYU. The Map Amendment will additionally designate portions of Mercer Street (between Bleecker and West 3rd Streets) and LaGuardia Place (between Bleecker and West 3rd Streets) as parks with certain easements to be disposed to NYU.

PROJECT DESCRIPTION

The proposed actions will facilitate the development of four new buildings on the two superblocks within the **Proposed Development Area**, mainly to accommodate NYU's 2031 expansion plan. The Proposed Development Area is comprised of a northern (Block 533, Lots 1 and 10) and southern superblock (Block 524, Lots 1, 9 and 66), bounded by West 3rd Street, Mercer Street, West Houston Street and LaGuardia Place, and divided by Bleecker Street running in the east-west direction. Currently, the superblocks contain seven buildings with university and non-university housing, retail, classrooms, lecture halls, and recreational facilities.

The proposed program will add an approximate 2,275,506 GSF[1] to the superblocks' existing density of 2,117,316 GSF.[2] The proposal includes the demolition of three buildings and the construction of a temporary gymnasium to be demolished by the final development phase. NYU's proposed project will include new academic facilities (1,071,583 GSF), student and faculty housing (475,000 GSF), a student athletic center (146,000 GSF), retail uses (64,312 GSF), a hotel with conference space (165,000 GSF), and a potential public school (100,000 GSF). The project will also replace an existing 670-space public parking garage with a 389-space accessory parking garage (76,000 GSF) on the northern superblock.

NYU additionally proposes a commercial overlay in the area bounded by East 8th Street, Mercer Street, West 4th Street, and Washington Square East. The Commercial Overlay Area includes 26 loft-style buildings (Blocks 546, 547 and 548), of which six are residential and nearly half have legal non-conforming commercial uses on the ground floor. NYU owns 22 of the buildings, two of which contain non-academic related uses.

The **Mercer Plaza Area** is approximately 4,500 SF of public land located on Mercer Street between West 3rd and 4th Streets, between the Proposed Development Area and the Commercial Overlay Area. NYU's below-grade cogeneration plant is located here and was completed in the Fall of 2010. The approval of the proposed mapping action grants NYU ownership of the property to allow for the University's continual access to the facility. No future development is planned for the Mercer Plaza Area.

The surrounding area contains a mix of land uses including residential units, offices, ground-floor retail and commercial establishments as well as major institutions, among them NYU, Cooper Union, and the Judson Memorial Church.

Site History

NYU's core campus in Greenwich Village has significantly changed in the last 60 years. Originally, the site was comprised of standard city blocks with mid- to low-rise warehouse and residential buildings, but was transformed under federal urban renewal programs in 1954. The City Map was amended to establish the Washington Square Southeast Urban Renewal Area ("WSSURA"). As a result, nine city blocks bounded by LaGuardia Place, West Houston Street, Mercer Street and West 4th Street were combined into three superblocks, two of which comprise this application's Proposed Development Area.[3]

The original WSSURA plan, however, was not completely implemented and a series of amendments followed to permit the existing development. In addition to the approval of this ULURP application, NYU seeks the dissolution of existing deed restrictions on the WSSURA

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[1] The four new buildings within the Proposed Development Area will have a total of 2,498,709 GSF.
[2] The approval of this application would permit new developments in the two superblocks that could raise the total density to 4,392,822 GSF.
[3] The WSSURA designation in 1954 included a third superblock, or the "Education Block." This block is located directly north of the Proposed Development Area, bounded by West 4th Street, Mercer Street, West 3rd Street, and LaGuardia Place, and is not a part of this ULURP application.

site. Separate applications would need to be submitted and approved through the Department of Housing Preservation and Development ("HPD") and the Mayor's Office.

Existing Site Conditions

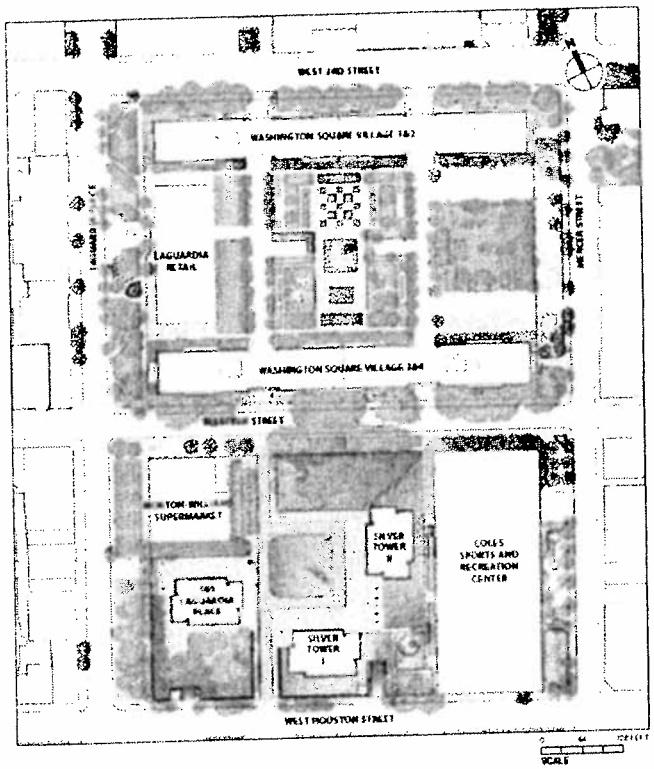

***Figure 1*:** Existing Site Conditions of Proposed Development Area
Source: Figure S-3 of NYU Core DEIS

Northern Superblock – The existing northern superblock contains two 17-story residential buildings and one retail strip. The two residential buildings contain approximately 1,290 apartment units with a total density of 1,236,672 GSF – known as Washington Square Village (WSV). Additionally, 12 businesses and institutional uses occupy the ground floors of the two buildings, five of which are non-NYU affiliated.

On the west side of the superblock is the LaGuardia retail strip, a one-story building. In the center of the superblock is a two-level, below-grade, 670-space parking garage. The garage roof is elevated and contains a landscaped garden ("Sasaki Garden") on top. Additionally, there are two playgrounds on the east side of the block ("Mercer Street Playground" and "Key Park"). The amount of open space on the northern superblock, including playgrounds, gardens, and fenced landscaped areas, is approximately 164,406 SF (3.8 acres).

Southern Superblock – The southern superblock contains five buildings on three lots with approximately 228,916 SF. The site contains three 30-story towers (the university affiliated Silver Towers and 505 La Guardia Place) with 175 residential units. 505 LaGuardia Place was developed under the Mitchell-Lama program and remains a middle-income, affordable housing cooperative with a ground lease to NYU. Under the terms of the existing lease between NYU and 505 LaGuardia, the lease is subject to rest in 2014 and expires in 2063.

East of the Silver Towers along Mercer Street is the one-story Coles Gymnasium and Recreation Center ("Coles") with approximate 136,296 GSF. The superblock also includes a one-story commercial building containing the Morton Williams Associated Supermarket on the northwest corner. In the block's center is a non-recreational green lawn with the statue *Sylvette* by Pablo Picasso. The amount of open space on the southern superblock, including playgrounds, parks, gardens and non-accessible landscaped areas, is approximately 105,658 SF (or 2.4 acres).[4]

[4] Open space including only parks, playgrounds and gardens, and not landscaped areas is approximately 40,240 SF (or 0.9 acres).

Commercial Overlay Area:

The 26 buildings within the Commercial Overlay Area are of varying low- (4 to 6 stories) to mid-rise heights (7 to 10 stories), many with similar architecture to buildings in the adjacent NoHo Historic District. Currently, there are 25 retail shops within the Commercial Overlay Area. Stores in the proposed overlay boundary include university-affiliated retail establishments and local retail.

Proposed Project

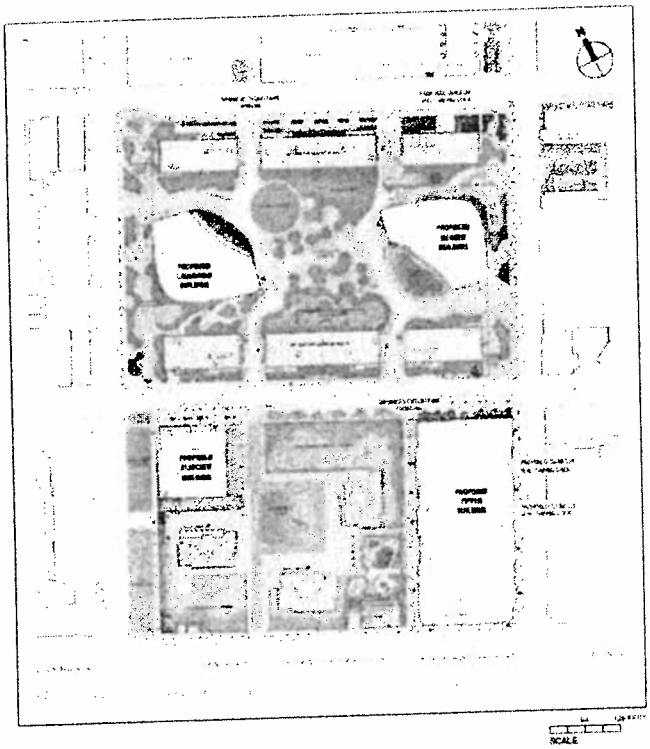

Figure 2: Proposed Site Plan for Proposed
Source: Figure S-7 of NYU Core DEIS

As proposed, the northern superblock will include two new academic buildings: an 8-story building fronting LaGuardia Place ("LaGuardia Boomerang"), and a 14-story building fronting Mercer Street ("Mercer Boomerang"). Additionally, four below-grade levels for academic uses are proposed to span the center of the block with approximately 770,000 GSF. NYU proposes to replace the existing garage with a 389-space accessory parking garage accessible from West 3rd Street. NYU additionally proposes a one-story temporary gymnasium to be built on the east side of the northern superblock, which will be constructed before the demolition of Coles.

The applicant also seeks two new buildings on the southern superblock. The first building would front Mercer Street (the "Zipper Building") and the second building would front on the corner of Bleecker Street and LaGuardia Place ("Bleecker Building"). The Zipper Building is proposed as a mixed-use building with varying street walls and heights, and four below-grade levels. The building will contain dormatories, faculty housing, academic space, retail, a grocery store and a hotel. The Bleecker Building would be 14 stories with four below grade levels, and may include a public school on the first seven floors, and an undergraduate dormitory on the building's remaining levels.

Table 1: Proposed Buildings in Proposed Development Area

Proposed Buildings	Above-Grade Building Area (gsf)	Below-Grade Area (gsf)	Building Height (ft)	Stories	Res. Area* (gsf)	Com. Area (gsf)	NYU Area*** (gsf)	Comm. Fac. Area (gsf)
Northern Superblock								
LaGuardia Boomerang	160,000	770,000	128	8	--	--	160,000	--
Mercer Boomerang	250,000		218	14	--	--	250,000	--
Temporary Gym	20,700	--	38	1	--	--	20,700	--
Southern Superblock								
Bleecker Building	155,000	75,000	178	14	55,000	--	38,000	100,000
Zipper Building	790,000	260,000	168 to 275	10 to 26*	420,000	170,000	662,000	--

**includes student and faculty residences*
***includes faculty offices, classrooms, athletic facilities, and other academic spaces*

The total GSF for the overall proposal is 2,474,709 GSF of new development.

NYU additionally proposes relocating or replacing open spaces displaced by the development. The Sasaki Garden in the northern superblock would be demolished and replaced with an at-grade privately-owned and publicly-accessible open space with playgrounds, public lawns and seating areas for passive recreational activities. The proposed project construction would additionally displace a dog run park and several playgrounds, including the large Key Park and Mercer Street playgrounds.

The proposed project is organized into two construction phases; a first phase between 2013 and 2021 ("Phase 1") and a second phase between 2022 and 2031 ("Phase 2"). The construction of the temporary gymnasium would initiate NYU's 2031 development plan and Phase 1 of the project. The second building constructed in Phase 1 is the Zipper Building followed by the Bleecker Building. The temporary gym would then be demolished. The proposed new underground parking below WSV would begin in 2022 of Phase 2. The construction of the Mercer Boomerang would then be followed by the LaGuardia Boomerang which would conclude the project.

Proposed Actions

The proposed project requires the approval of a Zoning Map Amendment, zoning text changes, a set of special permits associated with the LSGD, an extension of time for the requested special permits, and a City Map Amendment. Further, the project also requires the elimination of the deed restriction associated with WSSURA.

Zoning Map Amendment

The applicant proposes to rezone the Proposed Development Area from R7-2 with a C1-5 overlay[5] to a C1-7 zoning district (R-8 equivalent). Approval of this map amendment would maintain the maximum community facility floor area ratio ("FAR") of 6.5, but would raise the allowable residential density from 3.44 to 6.02 FAR. The zoning change would also allow a 2.0 commercial FAR within the Proposed Development Area. Additionally, the C1-7 zoning designation requires less open space for residential uses than the existing R7-2 district.[6]

Additionally, the applicant seeks to map a C1-5 commercial overlay north of the superblocks, which would permit a maximum commercial FAR of 2.0. Approval of the overlay would bring existing ground-floor retail establishments (70,025 GSF) into compliance, as well as permit additional commercial uses in the project area. The approval of the overlay would allow an additional 386,591 GSF of commercial uses. The proposed C1-7 and C1-5 districts allow commercial uses including hotels and local retail.

Zoning Text Amendment

Two zoning text amendments are required to facilitate development in the proposed LSGD. NYU's proposal includes properties currently owned by the City, which is not permitted under the current special permit regulations. The applicant proposes a zoning text amendment to allow the inclusion of city-owned properties in LGSD in the WSSURA.

Additionally, the proposed park strips on Mercer Street and LaGuardia Place would change the streets from wide to narrow streets as defined in the zoning resolution. The change would bring several buildings out of compliance. The applicant proposes a zoning text amendment to allow buildings with frontage along parks to be treated as buildings with frontage along wide streets, which will prevent non-compliance.

Large Scale General Development

NYU additionally proposes several waivers pursuant to the LSGD special permit.

<u>Height and Setback</u>: Buildings located in R8-equivalent districts have a maximum street wall height of 85 feet and an initial setback distance of 15 feet on a wide street. After 85 feet, buildings may not pierce the sky exposure plane.[7]

The proposed buildings encroach upon the required height and setback regulations. Additionally, the proposed buildings would change the regulations and standards by which the existing buildings are analyzed under zoning. As such, while the existing buildings are currently

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[5] The existing C1-5 commercial overlay in the Proposed Development Area governs the LaGuardia retail strip on the northern superblock and the Morton Williams Supermarket site on the southern superblock.
[6] The open space required is based on the open space ratio, which is the number of square feet of open space on a zoning lot, expressed as a percentage of the floor area of that zoning lot.
[7] The sky exposure plane begins at 85 feet above curb level and continues to rise at a ratio of 2.7 to 1 ratio along a narrow street and a 5.6 to 1 ratio on a wide street.

compliant, several of the proposed buildings would require waivers. The proposed new encroachments are at different depths and varying heights as listed in ***Table 2***.

Table 2: Maximum Height and Setback Encroachments of Proposed Project

Proposed and existing buildings in Proposed Development Area	**On LaGuardia Place (wide street)**		**On Bleecker Street (wide street)**	
	Max encroachment depth (ft)	Max encroachment height (ft)	Max encroachment depth (ft)	Max encroachment height (ft)
LaGuardia Boomerang	12.61	73	--	--
1 WSV	4.62	59.5	--	--
3 WSV	5.14	78.94	--	--
Bleecker Building	21.88	123	21.88	123
	On Mercer Street (wide street)		**On Bleecker Street or West Houston Street* (wide streets)**	
	Max encroachment depth (ft)	Max encroachment height (ft)	Max encroachment depth (ft)	Max encroachment height (ft)
2 WSV	9.08	65.45	--	--
4 WSV	8.37	73.62	--	--
Mercer Boomerang	25.77	163	--	--
Silver Tower 1	--	--	2.29*	12.8*
Zipper Building (from north to south)	42.02	113.87	20.39	116.75
	55.99	152.17	--	--
	26.1	72.19	--	--
	77	214	31.28*	214*

Rear Yard Equivalent: ZR §§ 23-532 and 33-283 require through-lot buildings located within a C1-7[8] district to have rear yard equivalents of two open areas with minimum depths of 30 feet on both ends of the through lot. The proposed dimensions of the Zipper Building would encroach on the required rear yard equivalent, and a waiver is required to achieve its intended design. Specifically, the waiver would permit the Zipper Building to encroach on a 72-foot long by 29.28-foot deep area along Bleecker Street, and a 75.16-foot long by 28.28-foot deep strip along West Houston Street, and both are located 100 feet west of Mercer Street.

Rear Yard: ZR § 33-26 requires buildings within a C1-7 district to have rear yards with a minimum depth of 20 feet. NYU seeks to waive the rear yard requirement in a 20 by 24 foot area in the southeast corner of the Bleecker Building.

Minimum Distance between Buildings: Pursuant to ZR § 23-711, buildings within R8 districts that have heights above 50 feet are required to be set apart at a minimum distance of 50 feet.[9] A special permit to waive the 35-foot distance between Coles and Silver Towers II was granted in the 1979 LSRD. The proposed waiver would maintain Coles' compliance during the construction of the temporary gym.

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[8] Rear yard equivalents in residential districts provide greater open area than those in commercial districts. Since residential uses are found on the subject zoning lot (which includes the existing Coles Gym, and residential housing Silver Towers 1 and 2), the waiver is applied towards residential requirements.

[9] The 50 feet minimum distance between buildings is measured between the window of Silver Towers II and the wall of Coles Gym.

Extension of Special Permit

Pursuant to ZR § 11-42, a LSGD special permit automatically lapses if substantial construction has not been completed within four years of when the special permit was first granted. To ensure flexibility in the phasing of construction, NYU requests an extension of the special permit's initial time period to ten years [ZR § 11-42(c)], which would be granted in conjunction with the CPC's approval of the LSGD special permit.

City Map Amendment

The applicant proposes a City Map amendment to eliminate four strips of land adjacent to the Proposed Development Area and Mercer Plaza Area. NYU would take ownership of two of those strips on Mercer Street to give the applicant better access to the cogeneration plant between West 4th and West 3rd Streets (approximately 4,389 SF) and to allow the current design of the Zipper Building between Bleecker and West Houston Streets (14,703 SF) to extend beyond the existing lot line. The remaining two strips, one on LaGuardia Place between West 3rd and Bleecker Streets (23,226 SF) and the other on Mercer Street between Bleecker and Mercer Streets (18,603 SF), will be mapped as parks with NYU taking ownership of the spaces below the parks.

Anticipated Impacts under the Reasonable Worst Case Scenario Development

According to the Draft Environmental Impact Study ("DEIS"), the proposed actions would lead to a number of significant adverse impacts under the Reasonable Worst Case Development Scenario ("RWCDS") in the following chapters:

- Shadows: The proposed development would introduce new shadows on the LaGuardia Corner Garden, mature trees in the immediate area, as well as new public open spaces.

- Historic and Cultural Resources: The WSV buildings and Sasaki Garden have been determined to be eligible for listing in the State and National Registers of Historic Places ("S/NR-eligible"). The project would permanently displace Sasaki Garden.

- Transportation: The DEIS identified a number of intersections in and around the project area that would experience adverse traffic impacts during both construction phases of the proposed project. Modifying the timing of traffic lights, widening streets, and re-stripping traffic lanes could mitigate the anticipated traffic conditions created by the project.

  Two nearby transit stations would also be adversely impacted. The stairways at Broadway-Lafayette Street and the West 4th Street subway stations would experience an increase in users. Treatments to the subway stations and mitigation measures, such as widening the widths of affected stairways or providing additional access locations to the stations, have yet to be explored with the Metropolitan Transportation Authority and New York City Transit.

The DEIS also analyzed pedestrian conditions, and two intersections were identified to have adverse pedestrian impacts. The proposed project would impact pedestrian flows at University Place and Waverly Place, and Washington Square East and West 4th Street. This impact could be fully mitigated to improve pedestrian conditions by extending the sidewalk in two-inch "bulb-outs" at those intersections.

- Construction: A number of construction impacts would be experienced due to the proposed project including staging and temporary reductions in open space and noise.

COMMUNITY BOARD RECOMMENDATION

During its 60-day review period, Manhattan Community Board 2 ("CB2") held 16 public meetings where various committees reviewed and discussed the proposed actions and identified potential impacts on the community at large. CB2 unanimously voted to **disapprove** the proposed actions. At its Full Board meeting on February 23, 2012, CB2 passed a unanimous vote of 40 in favor of the disapproval.

Additionally, CB2 passed a 23-page resolution with a list of concerns that its members expressed about the proposed project while also incorporating issues they heard from the public. CB2's major concerns are summarized in the following points:

- The project should adhere to the planning principles that resulted from the NYU Taskforce.[10]
- The project's proposed height and density is inappropriate for the Village, as the new buildings would negatively impact, through long-casting shadows, the vitality of surrounding parks and community gardens, and destroy existing children's playgrounds;
- Existing public park strips should be mapped as NYC parks and not be used by NYU for development, nor as construction staging areas and easements as those activities would uproot mature trees;
- Commercial uses such as hotels and eating and drinking establishments are not appropriate on an existing residential block, and those uses should be eliminated;
- R7-2 district should be maintained on the Commercial Overlay Area as the proposed C1-5 commercial overlay would impact the existing small mom-and-pop shop character of those blocks;
- The proposed construction phasing of the entire project would create continuous disruption to both superblocks;
- The proposed temporary gymnasium should be eliminated from the project or located elsewhere in the neighborhood to lessen impacts and delay construction on the northern superblock until 2022;
- NYU needs to show a stronger commitment to providing the community with a stand-alone public school that would not be tied to approval of this ULURP application.

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[10] In 2006, the Manhattan Borough President, along with other elected officials and community leaders created the Community Task Force on NYU Development. The Task Force met over a four year period and suggested a set of planning guidelines to help inform the University's campus plan so community concerns are taken into account.

- The University should preserve and support existing affordable housing in the area and transfer its land lease at 505 LaGuardia to the residents of the building to help maintain affordable units in perpetuity;
- The existing deed restriction that governs the existing form of the superblocks should not be eliminated;

Other concerns raised in CB2's resolution spoke to the enclosed configuration of the proposed buildings on the northern block. It suggested this configuration would lead to an open space that would never truly feel public, as it would be shielded by high-rise buildings on all four sides. CB2 also raised concerns about the loss of public parking spaces on the superblocks, as that would lead to more traffic congestion in the neighborhood.

Further, CB2 rejected the proposed actions because the project would result in a number of construction impacts where mitigations have not been identified. CB2 recognized environmental impacts in areas including noise, air quality, water tables, traffic and transit that would impair the neighborhood's quality of life and leave lasting negative effects on residents' health.

BOROUGH PRESIDENT'S COMMENTS

Since 1831, New York University has established itself as a preeminent learning and research center in New York City. As one of the oldest and most recognizable educational institutions in the city, the University's success contributes to the city's own economic growth and prosperity. Equally, the city's physical and cultural attractions undoubtedly enhance the University's ability to attract talented students, faculty and staff from around the world. In particular, NYU's main location in Greenwich Village — one of the most historic, culturally significant, and attractive neighborhoods in Manhattan — enhances the school's overall appeal. NYU has made a case to expand its core Greenwich Village campus to accommodate its programmatic needs and to provide the amount of space per student that is comparable to its peer universities. While space constraint is a legitimate concern for NYU, it is also essential to recognize that an out-of-scale development could potentially disrupt the character of its surrounding neighborhood which has become an enormous asset to the University. As such, it is important to strive for balance in order to ensure the continued success of NYU and the surrounding neighborhood.

The Expansion Plan

Educational institutions such as NYU play an instrumental role in nurturing the city's intellectual capital that is vital to maintaining a competitive advantage over other cities. The ability to attract innovative thinkers in science and technology, as well as convene leaders in the creative and performance arts, is critical to New York City's health. Retaining individuals who advance knowledge and culture not only cements our status as a leading world city, but also creates a more livable city. The strong social and cultural values attached to university development are, therefore, widely recognized.

The current size of NYU's facilities is not adequate for its expanded academic programs. While NYU has been expanding into existing buildings throughout the Greenwich Village neighborhood, the conventional space configuration and floor plates of those buildings prevent

the development of modern performance spaces, new artist studios, and state-of-the-art science laboratories that other leading universities in the country offer. NYU has only half the space available per student than other major universities.[11] In a global economy where skilled workers have options of where to locate, it is critical for New York's top research institutions and universities keep pace to ensure the city does not lose intellectual and creative talent.

While NYU is known for its academic distinction in the arts and sciences, the institution is also a major economic engine in New York City. With over 17,500 employees, NYU is one of the city's largest employers. In addition, its current student enrollment (over 52,000 students) generates economic activities that benefit local businesses and the city as a whole. The proposed expanded NYU campus in Greenwich Village could potentially add 9,500 permanent jobs and create as many as 18,200 construction jobs over the next 20 years. Furthermore, the increase in construction activities and employment has the potential to expand the city's tax base, which would ultimately buttress funds for city-wide public programs and services.

An NYU expansion would also benefit the city as it is differentiated from the traditional "FIRE" (Financial, Insurance, and Real Estate) economy. The recent financial crisis demonstrated the importance of a diverse economy. While job growth and FIRE industries growth have stalled in recent years, expansion plans for university developments have continued. The city should continue to invest in other industries to further diversify its economy, with a focus on the "ICE" (Intellectual, Cultural, and Educational) sectors where many of the high-technology jobs of the future will be generated.

The positive impacts of this project reach beyond economic benefits. Universities and research institutions provide an intellectual space where great minds meet and find solutions to today's most pressing health, science and social problems, while also cultivating the next generation of problem solvers. From a borough-wide and city-wide perspective, the benefits of NYU's expansion plan are clear and compelling.

Expansion Impacts and Issues

While mindful of the positive impacts this project will have on Manhattan and the city, the proposed campus expansion should not overwhelm the local neighborhood, nor should it compromise the quality of life of the neighborhood's residents. It is, therefore, important to find ways to shape the existing plan to better serve both the University's and the community's needs.

First, the Draft Environmental Impact Statement ("DEIS") for the proposed actions identified several significant impacts that must be addressed:

- Shadow impacts on LaGuardia Community Garden's and neighboring and new open spaces;

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[11] Comparison was made to the composite of Brown University, Carnegie Mellon University, Cornell University, Georgetown University, Massachusetts Institute of Technology, Northeastern University, Northwestern University, Princeton University, Rutgers University, Southern Methodist University, Syracuse University, Temple University, Johns Hopkins University, Tufts University, University of Illinois-Chicago, University of Minnesota-Twin Cities, and University of Pennsylvania.

- Historic and cultural resource impacts due to construction on the Washington Square Village ("WSV") site;
- Traffic impacts resulting from proposed development and construction activities will require mitigation;
- Transit impacts, specifically the stairways at Broadway-Lafayette Street and the West 4th Street Subway Stations, which will require mitigation;
- Pedestrian impacts on two particular intersections at University and Waverly Place, and Washington Square East and West 4th Street, will also require mitigation; and
- Construction impacts on existing open space and community gardens, as well as noise impacts on the project site's surrounding buildings, which will not be fully mitigated.

Second, Manhattan Community Board 2 and other community members have identified additional impacts and issues, such as:

- Site planning issues, including:
  - Walling-in of proposed open space in the northern superblock with LaGuardia and Mercer Boomerangs that will likely discourage public use of the space;
  - Construction of temporary structures on existing well-used public amenities; and
  - Proposed building envelopes that are too tall and wide creating shadow impacts on existing and proposed open space areas and surrounding residences; and

- Public policy issues, including:
  - Rezoning predominantly residential areas with a commercial district and overlay that will introduce uses that are not compatible in residential neighborhoods;
  - Expanding existing building footprints on a former urban renewal site that will impinge on light and air access, and diminish the *tower-in-the-park* concept and its architectural intentions;
  - The taking of public land for private development;
  - The need to protect rent-controlled and rent-stabilized tenants; and
  - Continuous construction for more than 20 years in a dense area.

Meeting Community Concerns

The Manhattan Borough President's Office recognized the need for community input to achieve a balanced expansion plan early on and convened a Community Taskforce on NYU Development in 2007. The Taskforce brought together NYU, elected officials and community stakeholders with the goal of creating a long-term campus plan and discussing responsible ways the University could expand. Over the period of four years and fifty meetings, the Taskforce agreed on a set of planning principles and recommendations to help inform NYU's expansion plans. The recommendations put forth by the Taskforce laid the foundation for shaping the current proposal.

NYU has made changes to the expansion plan since it was initially introduced. The University withdrew plans to include a forty-story tower within the landmarked Silver Towers landscaped area and agreed to include a public school in its current proposal. While these changes are important improvements, the proposed actions still present impacts and concerns.

The Manhattan Borough President's Office, therefore, proposes a number of recommendations to reconcile NYU's expansion plan with community concerns and impacts identified in the DEIS, and to address site planning and public policy concerns and issues.

Lowering Overall Density

The proposed project site is unique in that it consists of two 'superblocks' created through the demapping of Wooster and Greene Streets and the widening of West Broadway (LaGuardia Place today), Mercer, Bleecker and West Third Streets. These mapping actions facilitated the creation of the existing *tower-in-the-park* building forms that define the superblocks today. The exchange of greater height and density for the provision of surrounding open space was a key component to the initial urban renewal plan. The buildings were set back from their lot lines to promote ample light and air for the residents who moved into University Village and WSV. In turn, the design scheme enables those who live in buildings across from the towers to also benefit from less shadow impacts.

While the proposed rezoning does not increase the maximum permitted density, the residential open space requirement of the existing R7-2 zoning district limits development to only 175,000 SF on the Morton Williams site. The proposed rezoning actions would therefore add approximately 2,139,500 new GSF to the existing superblocks.[12] Of this development potential, NYU proposes to add 2,039,000 GSF for NYU-related programs and 100,000 GSF for a public school. This proposed development would nearly double the density on the existing superblocks. A reduction of density is appropriate as development potential of this magnitude has several impacts on traffic, shadows and mass transit.

The Mercer Boomerang and Zipper Building are the two largest buildings proposed in the project and place significant density on one side of the superblock. Both of these buildings front Mercer Street, and residents across from the development site would therefore bear the brunt of the shadow impacts and reduced access to light and air. Additionally, it is questionable whether the location and design of the Mercer Boomerang would result in a better site plan as its location blocks the new at-grade open space in the center of the northern superblock. Furthermore, the Mercer Boomerang is the only building proposed that is taller than the surrounding buildings on the site and as a result, is out of context.

In sum, NYU should reduce its overall density with a concentration on reducing the density of the Mercer Boomerang given that its alteration will achieve multiple site improvements.

Street/Park Strips

To facilitate the current expansion project, NYU proposes to demap and acquire four public streets (the "strips"). Specifically, NYU proposes to map parkland on the strips bordering the northern superblock and acquire space below for academic development. NYU additionally

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[12] While the proposed development is over 2.4 million square feet, only 2 million square feet is considered new as the site currently contains three existing buildings, which would be demolished (Morton Williams Supermarket, Coles and the retail strip) and existing potential development of 175,000 GSF on the superblock.

seeks acquisition of thirty feet of the public street to accommodate the Zipper Building and the public street known as "Mercer Plaza," which is north of the northern superblock. The Mercer Plaza strip currently contains NYU's cogeneration plant. These strips assumed a public purpose in the community as neighborhood playgrounds, passive open space, dog runs and gardens.

NYU has requested the strip on the east side of the southern superblock to accommodate part of the Zipper Building. Acquisition of the Zipper strip is necessary because there are development constraints from the landmarked Silver Towers. The strip acquisition will allow the Zipper Building to have the required minimum distance from the Silver Towers and will allow the creation of a north-south walkway behind the Zipper Building. Additionally, development on the strip will allow density to be shifted away from the landmarked Silver Towers and open space. Acquisition of the strip will also result in the displacement of the actively used Mercer-Houston Street Dog Run. NYU has proposed to relocate the dog run in a space behind the Zipper Building along Houston Street. NYU should work with the dog run association to ensure that the new location maintains the same square footage and, at a minimum, the same amenities as the current location.

Further, NYU proposes to acquire the Mercer Plaza strip, which currently contains NYU's cogeneration plant with an at-grade passive recreational space. The strip will allow NYU to own the land upon which its power plant is constructed and thereby ensure continued access. However, residents have expressed concern that NYU may seek development on the Mercer Plaza strip which currently functions as passive open space. Such a development would decrease light and air and is contrary to the original agreement that allowed NYU to build their cogeneration power plant on the site.

While NYU has made site planning arguments for the acquisition of two of the strips, it has failed to make similar arguments for the strips on the northern superblock on Mercer Street and LaGuardia Place, both between West 3rd and Bleecker Streets. The proposed LaGuardia and Mercer Boomerangs do not encroach on their respective strips at grade. The strips instead only serve the purpose of allowing NYU to create additional below-grade space. In addition, NYU's acquisition of the strips and consequent ownership of their below-grade spaces will jeopardize a number of mature trees. Development below the strips will require NYU to demolish the existing open space and community amenities – including Mercer Playground, Adrienne's Garden and additional open space maintained by the Friends of LaGuardia Place. Additionally, the proposed depth at less than 8 feet is not adequate to restore the trees without mounds or planters. Furthermore, the western-most strip on LaGuardia Place is currently the subject of capital improvements as part of the construction of Adrienne's Garden. The destruction of this garden would not only represent a loss of a community-planned open space, but also a waste of capital resources. Additionally, some unique features on these strips, such as the LaGuardia Statue are not owned by NYU or the City and are, instead, owned by the Friends of LaGuardia Place.

Most importantly, the acquisition would widen the boundaries of the northern superblock without a clear purpose. Current urban planning principles value shorter blocks that encourage greater street interaction between pedestrians and the built environment. These principles of site planning have led to a nationwide trend to break up, and not assemble or enlarge, superblocks.

Extending a superblock's borders would be contrary to those values, and would instead advance an urban form that has proven unsuccessful in creating vibrant street life. While exceptions may be appropriate to balance other goals, no such benefit has been articulated on the northern superblock.

As no site planning or public benefit exists for acquiring the space below the northern superblocks, NYU should withdraw its proposal to acquire those spaces and instead map the entire volume as parkland. In addition, while it is appropriate for NYU to own the land its power plant is built upon, NYU should commit to retaining the Mercer Plaza as publicly accessible open space.

Temporary Gym

NYU's current plan includes a one-story, 20,700 SF temporary gym which would replace Coles prior to the completion of the proposed Zipper Building. The gym is necessary to serve a small percentage of the student body that competes in certain college UAA sports. The temporary gym would begin construction on the northern superblock more than ten years in advance of when the first building, the Mercer Boomerang, would otherwise be scheduled for construction. This construction will cause immediate disruption to the lives of the residents of WSV and the residents living on Mercer Street. The proposed location of the temporary gym would also require the immediate displacement of two existing playgrounds, Mercer Playground and the Key Park, which are well used by children in the neighborhood. These playground facilities would not be fully replaced until the project is completed.

It is, therefore, inappropriate for NYU to include in its project a temporary structure that would add an unnecessary impact to the surrounding neighborhood. The approval of the current location would essentially destroy widely-used public benefit, namely the Mercer Street and Key Park Playgrounds, for the benefit of a small group of athletes in a private institution. NYU should work with the community to find an off-site location for a temporary gym.

The Placement of the Boomerangs

The NYU plan to place the two Boomerangs on the edge of the superblocks will obstruct access to the existing and proposed open space in the center of the block. A major criticism of the existing elevated open space and Sasaki Garden is that it feels private and uninviting to the public because it is hidden from view and accessed only through narrow stair passageways. While the intention of the proposed at-grade design is to make the new open space area more accessible to the public, erecting the Mercer and LaGuardia Boomerangs would defeat that goal by creating a "walled-in" effect around the open space.

NYU has made the case that the Boomerangs are necessary for access to the underground academic space. However, reducing the density of the proposed buildings on the northern superblock would allow a site redesign on the northern superblock, which can result in improved access to the proposed open space. Of the two buildings, the Mercer Boomerang is most in need of a reduction as it will not only open up the center open space, but will also alleviate a number of pressing environmental impacts and community concerns.

The Mercer Boomerang fronts the narrower of the two streets and it would have greater shadow impacts on the buildings directly across the street than the proposed LaGuardia Boomerang.[13] In addition, the proposed Mercer Boomerang is the only structure that does not have an existing building on its footprint. The Mercer Building is proposed to be built on existing playgrounds, while other proposed buildings are being constructed on the former site of Coles, the existing supermarket and the existing retail strip. After the temporary gym is constructed and demolished, the Mercer Boomerang would be the next building constructed on the northern superblock. As a result, residents on Mercer Street would experience the construction of up to three consecutive buildings compounded by the immediate loss of widely used community amenities – the two playgrounds.

As such, NYU should reduce the overall density of the Mercer and LaGuardia Boomerangs to provide the flexibility necessary to redesign the Boomerangs. In addition, the Mercer Boomerang should be limited to a maximum height of 162 feet to ensure it is in context with the height of the existing WSV buildings. Finally, the Mercer Boomerang should be the last building constructed in order to minimize the disruption to neighboring residents and to preserve the playgrounds for as long as possible.

Creating Quality Open Space

Manhattan's Community District 2 has a dearth of open space and one of the lowest open space ratios in the City. This project presents an immense opportunity to create urban green space that benefits residents, workers, and visitors in the area. While the design attempts to address the inaccessibility created as a result of the elevated feature of the current WSV gardens, it still exhibits other challenges. The current design walls off the open space and, as noted above, the Boomerangs require redesign. In addition, the development as proposed would result in the loss or relocation of several public amenities, including playgrounds.

In addition to redesigning the Boomerangs to improve accessibility, NYU must ensure the community does not lose the public amenities through the construction process. NYU must guarantee that the community will have access to the same amount of square feet of public amenities through the construction process and work with the community on designing new playgrounds and parks.

Hotel Development

The superblocks and the immediate surrounding blocks are primarily residential. NYU, however, proposes an 115,000 SF hotel in the Zipper Building. Hotel uses generally generate higher amounts of traffic and introduce a more transient population. While hotels can produce good jobs and are necessary for the overall health of the city, they can also encourage the growth of commercial and retail uses that are more suitable to transient populations rather than a residential population.

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[13] The distance between the Mercer Building and the buildings across would be 100 feet versus the 120 feet between the LaGuardia Building and the buildings across from it.

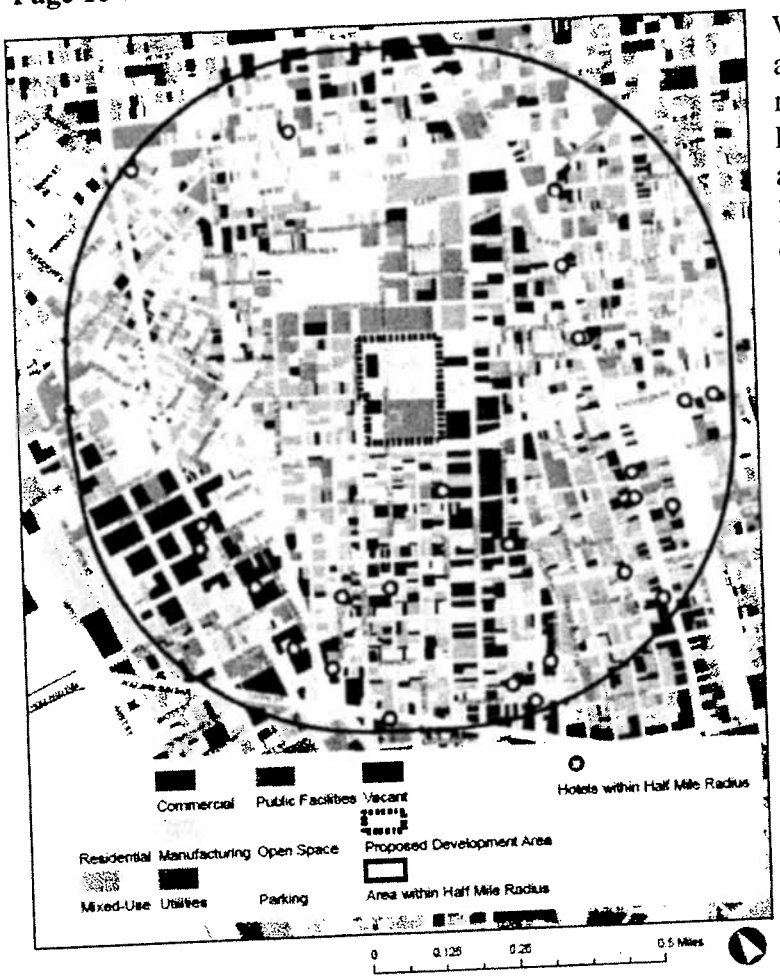

Figure 3: Hotels within Half Mile of Development
Source: NYC Department of City Planning PLUTO and LION data; Reference USA data

While currently there are approximately 26 hotels within a half mile radius of the Proposed Development Area (***Figure 3***), they are primarily located south of Houston Street, north of 8th Street and east of Broadway. The area immediately surrounding NYU is predominately residential and institutional. A hotel in the project area may result in a change in its general character.

While NYU has contended that a hotel is needed for their general purposes, the hotel does not need to be located on its core, which should focus on academic related growth. Additionally, many areas surrounding the core have experienced an influx of hotel growth that could serve NYU's needs.[14]

NYU should reconsider whether a hotel use is necessary at this site for its overall development plan.

Zipper Building Massing

The proposed Zipper Building reintroduces a streetwall-style building along Mercer Street and replaces the outdated defensive architecture of Coles. The proposal is in line with modern urban planning principles. However, the massing includes several large towers which are closer to the street line than would otherwise be permitted by the underlying or proposed zoning. The building requires several waivers of the sky exposure plane due to the tower's placement and the demapping of the Zipper strip. The result of these waivers allows the Zipper Building to be closer to the buildings on Mercer Street than would otherwise be permitted. Residential properties near the Zipper Building are concentrated along Bleecker Street and would experience the greatest burden in terms of access to light and air.

[14] According to *New York City & Company*, the number of hotel development in New York City has increased from 86,230 to 89,655 rooms between 2010 and 2011

The proposed Zipper Building's massing should be reexamined to limit the impacts on residential buildings near Bleecker Street. Specifically, across from the residential buildings, NYU should set back the Zipper Building by at least 15 feet. A 15-foot setback would provide the neighboring buildings with 76 feet of light and air before the Zipper Building's street wall. This would result in the minimum of 75 feet of light and air, which is the amount necessary to be classified as a "wide street" by the zoning resolution. Further, the proposed setback will have the additional benefit of allowing for a wider pedestrian crosswalk on Bleecker and Mercer Streets to accommodate the students traveling south from NYU's campus buildings.

Commitment to Public School

NYU has long promised the addition of a public school in Greenwich Village which has yet to be realized. This proposal allocates approximately 100,000 SF in the Bleecker Building to the NYC School Construction Authority ("SCA") to develop as a public school. If, by 2025, the SCA does not develop a school, then NYU would utilize that space for its own academic uses.

School overcrowding is a recurring and widespread issue in this community. Although the proposed project does not meet the threshold in the DEIS to study its impact on school facilities in the area, the project would still expand the residential population through its faculty housing, including school-aged children that would contribute to already crowded classrooms. The community has reached out to the SCA for a number of years on this issue, but schools in this district remain at or near over capacity. As an educational institution, it is appropriate for NYU to support the City's educational needs.

Unfortunately, under the proposed plan, NYU may take back the 100,000 SF of public school space if the City does not choose to exercise its rights. As such, the ultimate use of the space is still in question. In order for the school space to be realized, NYU must work with the City to secure documentation of interest to better guarantee that the public benefit will be realized for the community.

Bleecker Street Building

The proposed 14-story Bleecker Building on the existing Morton Williams Supermarket site poses challenges. The 14 stories, as indicated in the DEIS, would introduce significant impact on current plant species at LaGuardia Corner Garden. The garden has a long history of over 30 years in Greenwich Village, and it is a symbol of positive civic engagement that should be preserved and celebrated. Efforts made by countless volunteers and nearby residents directly improved public safety and the local streetscape and, as a result, raised the profile of the neighborhood. Although the size of the garden is a fraction of the proposed development site, maintaining its vitality in perpetuity should be a priority.

Additionally, the proposed Bleecker Building locates a student dormitory directly on top of a potential public school. The proposed dormitory raises the cost of construction and may inhibit the ability of the City to finance a public school on the site. Furthermore, the dormitory use is incompatible with the proposed school use based on the layout of the building. The current building design places dorm rooms with windows that would face directly onto a roof-top play

area for the public school. Many parents in the community have raised concerns that the activities of college students are not complementary to those of young school-aged children, and the location of both in the same building may conflict. This potential conflict should be avoided.

To lessen the impacts of the proposed Bleecker Building, NYU should eliminate the seven stories of dormitory on top of the public school. If eliminated, a larger play space for the public school can be constructed on the roof of the building. Additionally, the elimination of the dormitory would lessen impacts on the LaGuardia community gardens.

505 LaGuardia Building and Preservation of Affordable Housing

As part of the LSRD special permit approved in 1964, 505 LaGuardia was developed as a middle-income cooperative under the Mitchell Lama housing program. The program was created in the mid-1950s to provide affordable rental and cooperative housing to moderate- and middle-income families. In hindsight, this program was successful in preserving some of the few remaining affordable housing units in Greenwich Village, a neighborhood known for its high and continually rising real estate values.

Unfortunately, the proposed rezoning may affect the building's affordability. 505 LaGuardia has a ground lease with NYU. The lease terms are subject to reset in 2014 based on the value of the land which the building occupies. The rezoning and redevelopment would increase the value of the land and, therefore, put the Mitchell-Lama building at risk.

Maintaining the building's affordability in perpetuity is not only critical to its residents, but also essential to maintaining a diverse neighborhood. NYU should work with the residents of 505 LaGuardia and relevant City agencies to reach an agreement to preserve the building's affordability for existing and future families.

Construction Mitigation Plan

The construction of any significant development project affects the quality of life of surrounding residents and visitors. The DEIS identified construction as a potential adverse impact category. The potential impact is particularly acute given that the construction will occur around historic structures. Appropriate mitigation is critical to ensure minimal adverse impacts on the community and existing historic buildings.

To provide reasonable assurances of safe construction, NYU should commit to implementing all construction mitigation measures identified in the DEIS. More specifically, the applicant should prepare a construction mitigation plan that includes measures for dust control, air quality and noise reduction. Moreover, NYU should agree to construction protocols that limit hours of construction and provide funding for an independent monitor to report on progress and compliance. Additionally, the applicant should continually inform neighborhood residents on the building process through NYU's construction website, and provide a liaison to the community as a direct point of contact who will resolve any construction-related questions, inquiries and complaints. Finally, as this area has several construction projects, the applicant

should agree to participate in construction coordination meetings with the residents of the surrounding buildings.

Limit Size of Commercial Uses in the Overlay Area

Finally, NYU proposes new commercial uses in the Commercial Overlay Area. Commercial uses can benefit the larger community as they enliven streets and provide uses that serve both residents and the student population. However, the residents of Greenwich Village are generally well served by a mix of retail uses. Therefore, there is a risk that the type of retail that would be attracted in the overlay area will not serve local residents, but a larger destination-oriented community. Specifically, the plan could result in a significant increase in bars and destination retail, which could not only significantly increase traffic, but also create new residential-commercial conflicts where they do not currently exist. Additionally, any new commercial overlay zone will introduce commercial uses that may result in the displacement of existing ground floor uses. Often the displacement of an individual use will not present a conflict, such as the loss of academic space for retail. However, a conflict could arise if rent protected residential units are displaced.

Therefore, to prevent such conflicts, NYU should commit to at least restricting retail in the overlay area to prevent bars and destination retail, which could draw additional traffic and create residential-commercial conflicts. Additionally, as NYU fully develops its commercial retail plan for the Commercial Overlay Area, it should commit to not displacing rent regulated units on its property for commercial uses.

Conclusion

In a memo dated April 11, 2012, NYU has committed to meet many of the concerns outlined above. While more work can be done, these changes significantly improve the project and bring it closer in line with community priorities and sound planning. Specifically, the applicant committed to:

1. Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:

    (a) **Reduce the below-grade Washington Square Village density by approximately 185,000 square feet** as follows:

        (i) **Mercer Strip**. NYU will eliminate approximately 80,000 square feet of City-owned space below the DOT mapped street (the "Mercer Strip") along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.

        (ii) **LaGuardia Strip**. NYU will eliminate approximately 105,000 square feet of City-owned space below the DOT mapped street (the "LaGuardia Strip") along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.

(b) **Eliminate 85,000 gross square feet from the Mercer and LaGuardia Boomerang buildings**. The University agrees to lower the height of the Mercer Boomerang, not to exceed 162 feet. NYU has agreed to work with the City Planning Commission and the City Council to review the design of the Mercer Boomerang and LaGuardia Boomerang.

(c) **Eliminate the approximately 55,000 square feet of dormitory space on top of the public school.**

(d) In addition, the University commits **to remove one level of the basement below the school to equal approximately 10,000 square feet.**

(e) **Eliminate the Proposed 20,700 SF Temporary Gym on the Superblocks**.

(f) **Eliminate approximately 15,000 square feet from the northeast section of the Zipper Building along the Mercer Street frontage**. NYU has agreed to redesign the Mercer Street frontage of the Zipper building in order to increase the sidewalk width for an additional 15 linear feet. The resulting "notch" will increase light and air to the residential buildings along the east side of Mercer Street opposite that section of the Zipper Building.

2. **Provide 100,000 gross square feet for a public school**. NYU has agreed to donate space on the corner of Bleecker Street and LaGuardia Place for the City to construct a 100,000 square foot K-8 public school. NYU has drafted and will continue to refine and then make public a Letter of Intent between the University and the City, which memorializes the agreement including the changes recommended to modify the building by the Borough President.

3. **Delay the construction of the Mercer Boomerang**. NYU has agreed to re-phase the construction sequencing of the northern block to build the Mercer Boomerang after the LaGuardia Boomerang. Together with the elimination of the construction of below-grade space under the Mercer Strip described in item 1(a), the impacts of noise and traffic disruption along Mercer Street should be reduced.

4. **Preserve the Key Park until construction commences on the Mercer Boomerang.** NYU has agreed to preserve the Key Park on the site until it is necessary for commencement of construction on the Mercer Boomerang.

5. **Maintain equal or more playground space throughout the development period**. Throughout the development period NYU has agreed that it will provide the same amount of playground area within the two superblock area. NYU has further agreed to work with the local community and the District Council Member to assure that the design and the functionality of the interim and permanent playgrounds meet the standard of this commitment.

6. **Support Adrienne's Garden**. The University has agreed to support community efforts to keep the name "Adrienne's Garden" associated with the future garden/playground locations along LaGuardia Place.

7. **Preserve the Mercer Plaza above the Cogeneration Plant as a Public Open Space**. NYU has agreed not to build on the Mercer Plaza above the cogeneration plant in order to preserve it as public open space subject to repair, maintenance and replacement needs of the facility.

8. **Mitigate Construction Impacts.** The University has agreed to a series of construction mitigation including air quality, dust, and noise mitigation. NYU additionally will provide mitigation for affected apartments with single-pane windows mostly in Washington Square Village and Silver Towers. Additionally, NYU has committed to limit construction times to 8:00 a.m. to 4:30 p.m. and limit weekend activity. Further, NYU has agreed to fund an independent monitor to ensure compliance with these mitigations.

9. **Commercial Overlay Area**. NYU agrees to not include "eating and drinking establishments" where 80% of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the predominately residential neighborhood. Further, NYU will continue to work to find appropriate controls on destination retail in the Commercial Overlay Area.

These improvements will significantly improve the site design of the proposed NYU Campus, reduce environmental impacts, address community concerns, and reflect sound public policy decisions. The proposed changes, in particular, will provide the necessary flexibility to redesign the northern superblock, improve the public school and protect public amenities such as playgrounds.

While these changes are significant and warrant favorable consideration of the proposed application, there remain outstanding issues that should be addressed. The community has specifically expressed continuing concern about the design of the Boomerang Buildings, the central open space, the hotel use, and the potential impacts of the Commercial Overlay Area.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends <u>conditional approval</u> of ULURP Application Nos. C 120077 MMM, C 120124 ZSM, C 120122 ZMM, N 120123 ZRM based on the applicant's commitment to:

1. **Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:**
   (a) **Withdraw the application to develop 185,000 square feet below the public parks proposed on WSV;**
   (b) **Eliminate 85,000 gross square feet from the Mercer and LaGuardia Boomerang buildings and limit the height of the Mercer Boomerang to no more than 162 feet;**

(c) **Eliminate the approximately 55,000 square feet of dormitory space on top of the public school;**
(d) **Remove one level of the basement below the school to equal approximately 10,000 square feet;**
(e) **Eliminate the 20,700 SF Temporary Gym from the proposal;**
(f) **Eliminate approximately 15,000 square feet from the northeast section of the Zipper Building along the Mercer Street frontage to create an additional 15 feet of separation between the Zipper Building and the residential buildings along the east side of Mercer Street;**

2. **Provide 100,000 gross square feet for a public school. NYU has drafted a letter Memorandum of Understanding between the city and the university and will make public when finalized;**
3. **Delay the construction of the Mercer Boomerang until after the LaGuardia Boomerang to reduce construction impacts for residents along Mercer Street;**
4. **Preserve the Key Park playground until construction commences on the Mercer Boomerang;**
5. **Maintain equal or more playground space throughout the development period;**
6. **Support efforts to keep the name "Adrienne's Garden" associated with the future garden/playground locations along LaGuardia Place;**
7. **Preserve the Mercer Plaza above the Cogeneration Plant as a public open space;**
8. **Mitigate construction impacts including impacts on air quality, dust, and noise, and provide mitigation for apartments with single-pane windows within the project-affected area mostly in Washington Square Village and Silver Towers;**
9. **Limit construction start times from 8:00 a.m. to 4:30 p.m., limit weekend activity, and to hire a independent monitor to ensure compliance with these mitigation;**
10. **Not include "eating and drinking establishments" where 80% of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the Commercial Overlay Area.**

The Manhattan Borough President further recommends that the applicant continue to explore improving the NYU 2031 plan by:

1. **Exploring the necessity of the hotel use;**
2. **Redesigning the Boomerang Buildings to increase access into the central open space;**
3. **Redesigning of the central open space; and**
4. **Continuing to reduce the potential impacts of the Commercial Overlay Area.**

Scott M. Stringer
Manhattan Borough President

NEW YORK UNIVERSITY
A private university in the public service

Office of the President

70 WASHINGTON SQUARE SOUTH, NEW YORK, N.Y. 10012-1091
TELEPHONE: (212) 998-2345
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John Sexton
President

April 11, 2012

The Honorable Scott Stringer
Manhattan Borough President
One Centre Street, 19th Floor
New York, NY 10007

Dear Borough President Stringer:

We today reach an important milestone in the ULURP process that reflects the hard work and committed engagement of you and your staff. Your efforts culminate five years of sustained attention by the Office of the Manhattan Borough President to our plan and our mutual desire to find a pathway for NYU to have the facilities it needs to continue its upward academic trajectory while being sensitive to the needs and concerns of our surrounding community.

Under your leadership, starting in late 2006, scores of community-focused organizations came together to give input to NYU's overall approach to growth that was to be city-wide in scope. Indeed, the University is currently undertaking new campus facilities in two "remote" locations: downtown Brooklyn and Manhattan's First Avenue "Health Corridor."

The plan before you, for the expansion of academic and university-related facilities in the Core, seeks to concentrate our growth on our existing footprint as opposed to spreading out to nearby neighborhoods. The plan hews to a few important principles: established by the Community Taskforce on NYU Development to build on our own property; to avoid use of eminent domain; to avoid any displacement of existing residential tenants; to protect and enhance open space and make it more accessible for public enjoyment.

Through careful planning and diligent mitigation measures, we will seek to minimize disruption to the residents on or near the superblocks.

Finally, as a result of this project, thousands of jobs will be created both during construction and afterward. In a city still suffering the lingering effects of the economic downturn, such a stimulus is highly beneficial.

Throughout the multi-year process during which NYU has shaped and put forth its plan, we have made several significant changes to it as we listened to community input and responded to concerns. In that same spirit, as part of the ongoing dialogue with you and your office, I would like to reiterate our commitments with regard to certain aspects of the projects.

Sincerely,

John Sexton
President

NYU agrees to reduce the NYU Core Proposed Project and make further modifications as outlined below.

1. Reduce the total floor area of the project as follows:

   (a) **Eliminate approximately 25% of the below grade space on the northern block.** The University has committed to reduce the below-grade Washington Square Village density by approximately 185,000 square feet as follows:

      (i) **Mercer Strip**. NYU will eliminate approximately 80,000 square feet of City owned space below the DOT mapped street (the "Mercer Strip") along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.

      (ii) **LaGuardia Strip**. NYU will eliminate approximately 105,000 square feet of City owned space below the DOT mapped street (the "LaGuardia Strip") along the eastern edge of the northern superblock. This land will become mapped parkland as part of the NYU Core application.

   (b) **Eliminate 85,000 gross square feet from the Mercer and LaGuardia buildings**. The University agrees to lower the height of the Mercer building, not to exceed 162 feet. NYU has agreed to work with the City Planning

Commission and the City Council to review the design of the Mercer Building and LaGuardia Building.

2. **Provide 100,000 gross square feet for a public school.** NYU has agreed to donate space on the corner of Bleecker Street and LaGuardia Place for the City to construct a 100,000 square foot K-8 public school. NYU has drafted and will continue to refine and then make public a Letter of Intent between the University and the City, which memorializes the agreement including the changes recommended to modify the building by the Borough President.

3. **Eliminate the approximately 55,000 square feet of dormitory space on top of the public school.** In addition, the University commits to remove one level of the basement below the school to equal approximately 10,000 square feet.

4. **Eliminate the Proposed Temporary Gym on the Superblocks.** In response to the advocacy of Councilmember Margaret Chin and the Borough President, the University will withdraw the application for a temporary gym and seek an alternate solution.

5. **Delay the construction of the Mercer Building.** NYU has agreed to re-phase the construction sequencing of the northern block to build the Mercer Building after the LaGuardia Building. Together with the elimination of the construction of below-grade space under the Mercer Strip described in item 1(a) the impacts of noise and traffic disruption along Mercer Street should be reduced.

6. **Preserve the Washington Square Village (WSV) Playground (currently known as the "Key Park") until construction commences on the Mercer Building.** NYU has agreed (subject to a scoping and environmental determination) to preserve the WSV Playground on the site until it is necessary for commencement of construction on the Mercer Building.

7. **Maintain equal or more playground space throughout the development period.** Throughout the development period NYU has agreed that it will provide the same amount of playground area within the two superblock area. NYU has further agreed to work with the local community and the District Council Member to assure that the design and the functionality of the interim and permanent playgrounds meet the standard of this commitment. The WSV Playground will be maintained until the Mercer Building construction commences.

8. **Eliminate approximately 15,000 square feet from the Northeast section of the Zipper Building along the Mercer Street frontage.** NYU has agreed to redesign the northernmost frontage of the Zipper building (along Mercer Street) in order to increase the sidewalk width for an additional 15 linear feet (the proposed sidewalk width is already 15 feet).

9. **Support Adrienne's Garden**. The University has agreed to support community efforts to keep the name Adrienne's Garden associated with the future garden/playground locations along LaGuardia Place.

10. **Preserve the Mercer Plaza above the Cogeneration Plant as a Public Open Space**. NYU has agreed not to build on the Mercer Plaza above the cogeneration plant in order to preserve it as public open space subject to repair, maintenance and replacement needs of the facility.

11. **Mitigate Construction Impacts.** The University has agreed to mitigation at the source for affected apartments with single-pane windows within the project affected area mostly in Washington Square Village and Silver Towers. Mitigation measures will be provided to both NYU affiliates and non-affiliates.

    (a) In-Home Mitigation. The University has committed to:

        (i) Installing interior sound attenuating windows at Washington Square Village and Silver Towers for units most affected by the construction, as per the Final Environmental Impact Statement (FEIS).
        (ii) Installing new high quality air conditioning units and / or operable covers to mitigate for sound and noise into Washington Square Village apartments, which are determined to be affected by the construction in the FEIS
        (iii) Installing new PTAC units with higher level of noise baffling in the Silver Towers units, which are determined to be affected by the construction in the FEIS
        (iv) For buildings that are in the immediate area but not owned by NYU and have single-pane windows, NYU will offer to provide storm windows and air conditioning units.

    (b) Worksite Control and Operations. The University has committed to:

        (i) Delay construction start time and limit weekend and evening activity. General Construction hours will be Monday – Friday, 8:00 a.m. – 4:30 p.m.
        (ii) Utilize environmentally sound equipment.
        (iii) Noise reduction measures including noise absorbing barriers.
        (iv) Air emission control measures including the use of clean fuel, diesel equipment reduction, and idling limits.
        (v) Dust control measures including water spraying and truck washing, covered soil and trucks, regular road cleanings for surrounding area, the use of wet blades and chutes into covered bins, and 5 mph speed limit for construction vehicles.

    (c) Site Monitoring.

(i) The University has already implemented a full construction website as an outcome of the work of the Community Taskforce, the website will feature all project updates.

(ii) The University will provide a hotline to address issues related to construction on the superblocks.

(iii) The University commits to regular tenant meetings with the project managers.

(iv) The University has agreed to provide funding for an **Independent Monitor** to be on the site during construction, who will report to the NYC Department of City Planning on construction progress and compliance.

(d) Preserve and Restore the LaGuardia Statue. NYU has agreed to work with Friends of LaGuardia to decide on the best course of action to assure that the LaGuardia statue is preserved and restored after construction.

12. **Commercial Overlay-** NYU agrees to not include "eating and drinking establishments" where 80% of their projected revenue is derived from alcoholic beverages in the commercial overlay area. NYU additionally agrees to continue to work through the ULURP process to find appropriate controls on destination retail.

RESTRICTIVE DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT

FOR THE NYU LSGD

by

NEW YORK UNIVERSITY

Date: June 6, 2012

Real Property
In the Borough of Manhattan
New York, New York:

1, 2, 3, 4 Washington Square Village	Block 533, Lot 1
543 LaGuardia Place	Block 533 Lot 10
130 Bleecker Street	Block 524, Lot 9
100 and 110 Bleecker Street, 181 Mercer Street	Block 524, Lot 66

Record and Return to:

Bryan Cave LLP
1290 Avenue of the Americas
New York, New York 10104
Attention: Robert S. Davis, Esq.

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LIST OF EXHIBITS

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A-2 Legal Description of the Mercer Street Land

B Title Company Certification of Parties In Interest

C Development Plans

D Construction Phasing Plans

E Letter of Resolution

F Operating Rules for Public Access Areas

G Form of Notice of Substantial Completion

H Form of Notice of Final Completion

DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT

THIS DECLARATION ("**Declaration**"), made as of this 6th day of June, 2012 by NEW YORK UNIVERSITY ("**NYU**"), a New York education corporation organized pursuant to Section 216 of the New York State Education Law, having an address at 70 Washington Square South, New York, New York 10012 (NYU being hereinafter, the "**Declarant**").

RECITALS

WHEREAS

A. Declarant is the fee owner of certain real property located in the Borough of Manhattan, County, City and State of New York, designated for real property tax purposes as Block 533, Lots 1 and 10 (the "**North Block Parcel**") and Block 524, Lots 9 and 66 (the "**South Block Parcel**") (the North Block Parcel and the South Block Parcel shall hereinafter collectively be referred to as the "**Subject Property**") on the Tax Map of the City of New York, which real property is more particularly described in **Exhibit A** annexed hereto and made a part hereof.

B. The Subject Property is comprised of three (3) Zoning Lots (hereinafter defined): (a) Zoning Lot 1, which comprises the North Block Parcel ("**Zoning Lot 1**"); (b) Zoning Lot 2, which comprises Block 524, Lot 66 of the South Block Parcel ("**Zoning Lot 2**"); and (c) Zoning Lot 3, which comprises Block 524, Lot 9 of the South Block Parcel ("**Zoning Lot 3**"), each of which is more particularly described in Exhibit A and is shown on the Development Plans (as hereinafter defined), annexed hereto as Exhibit C.

C. At such time as the City transfers fee title to that certain portion of Mercer Street adjacent to the South Block Parcel that has been closed and demapped pursuant to the Applications (as hereinafter defined) (the "**Mercer Street Land**"), as more particularly described in **Exhibit A-2**, annexed hereto and made a part hereof, the Mercer Street Land shall be merged into Zoning Lot 2 and shall be considered to be a portion of the Subject Property, the South Block Parcel and Zoning Lot 2 as those terms are defined and used in this Restrictive Declaration.

D. Declarant desires to improve the Subject Property as a "large-scale general development" meeting the requirements of Section 12-10 (Definitions) of the Zoning Resolution of the City of New York (the "**Zoning Resolution**" or "**ZR**") definition of "large-scale general development" (such proposed improvement of the Subject Property the "**Large-Scale Development Project**").

E. The Large-Scale Development Project will contain, in addition to the existing Washington Square Village apartment buildings on the North Block Parcel and the existing Silver Towers apartment buildings on the South Block Parcel: (a) one mixed-use building with academic, retail, gymnasium and potential dormitory and/or faculty housing use on Zoning Lot 2; (b) one building on Zoning Lot 3 for public school and/or academic uses; (c) two academic-use buildings with associated below-grade academic-use space on Zoning Lot 1; (d) a new below-grade parking garage on Zoning Lot 1; and (e) specified open space improvements.

F. In connection with the Large-Scale Development Project Declarant has filed applications with the New York City Department of City Planning ("**City Planning**") for approval by the New York City Planning Commission (the "**Commission**") of (1) a Special Permit pursuant to Zoning Resolution Section 74-743 (Special provisions for bulk modification) to permit modifications of the applicable regulations for height and setback, rear yard, rear yard equivalent and minimum distance between buildings regulations for a "large-scale general development" and to permit the transfer of 19,214 square feet of Floor Area to Zoning Lot 3 from a specified area on the South Block Parcel (C 120124 ZSM) (the "**Large-Scale Special Permit**"); (2) a Zoning Map amendment to, *inter alia*, change a portion of the Zoning Map from R7-2 and R7-2/C1-5 Districts to a C1-7 District and map a C1-5 commercial district overlay within an existing R7-2 District (C 120122 ZMM); (3) a Zoning Text amendment to modify (a) ZR Section 74-742 to allow an application to be submitted for a large-scale general development special permit within the former Washington Square Southeast Urban Renewal Area ("**WSSURA**"), within Community District 2 in the Borough of Manhattan, without meeting the otherwise applicable ownership requirements, provided such exception is only applicable to city-owned parcels and (b) ZR Section 74-743 to add language providing that within the former WSSURA, within Community District 2 in the Borough of Manhattan, where the Commission has approved a large-scale general development and a lot line of such large-scale general

development coincides with the boundary of a mapped public park, such lot line shall be considered to be a street line of a wide street for purposes of applying all use and bulk regulation of this Resolution (N 120123 ZRM); and (4) a change in the City Map for, *inter alia*, the narrowing, by the elimination, discontinuance and closure of various portions of LaGuardia Place and Mercer Street, to enable the disposition of city-owned property from the City of New York to the Declarant and to establish parkland (C 120077 MMM) (collectively, the "**Applications**").

G. To ensure that the development of the Subject Property is consistent with the analysis in the Final Environmental Impact Statement ("**FEIS**") issued for City Environmental Quality Review Application No. 11DCP121M pursuant to Executive Order No. 91 of 1977, as amended, and the regulations promulgated thereunder at 62 RCNY § 5-01 et seq. ("**CEQR**") and the State Environmental Quality Review Act, New York State Environmental Conservation Law § 8-0101 et seq. and the regulations promulgated thereunder at 6 NYCRR Part 617 ("**SEQRA**") and incorporates certain (i) requirements for mitigation of significant adverse environmental impacts ("**Mitigation Measures**") and (ii) certain project components related to the environment which were material to the analysis of environmental impacts in the FEIS ("**PCREs**"), Declarant has agreed to restrict the development, operation, use and maintenance of the Subject Property in certain respects, which restrictions are set forth in this Declaration.

H. Chicago Title Insurance Company has certified in a certification annexed hereto as **Exhibit B** and made a part hereof, that as of May 18, 2012, Declarant is the only party in interest ("**Party-In-Interest**") to the Subject Property as such term is defined in subdivision (c) of the definition of "zoning lot" in Zoning Resolution Section 12-10.

I. Declarant desires to restrict the manner in which the Subject Property is developed, redeveloped, maintained and operated now and in the future, and intends these restrictions to benefit all the land, including land owned by the City, lying within a one-half-mile radius of the Subject Property.

NOW, THEREFORE, Declarant hereby declares that the Subject Property shall be held, sold, conveyed, developed, used, occupied, operated and maintained subject to the following

restrictions, covenants, obligations and agreements, which shall run with the Subject Property and bind Declarant and its heirs, successors and assigns.

AGREEMENT

Declarant hereby declares, covenants and agrees as follows:

1. **DEFINITIONS**. For the purposes of this Declaration, the following terms shall have the meanings hereinafter ascribed thereto:

1.1 "Accredited Certification Professional" shall have the meaning set forth in Section 4.3 of this Declaration.

1.2 "Additional Noise Reduction Plan" shall have the meaning set forth in Section 4.1(c)(ii) of this Declaration.

1.3 "Adjusted for Inflation" shall mean an amount adjusted pursuant to changes in the Consumer Price Index for All Urban Consumers for the New York – Northern N.J. – Long Island Area, All Items published by the Bureau of Labor Statistics of the U.S. Department of Labor, provided that if the aforesaid index ceases to be published, it shall mean such index as is generally adopted by the real estate industry in the City of New York as a substitute for such index.

1.4 "Applications" shall have the meaning set forth in the Recitals to this Declaration.

1.5 "Approvals" shall mean all approvals or consents required of any Governmental Authority with respect to the Large-Scale General Development or otherwise with respect to the Subject Property.

1.6 "Archeologically Sensitive Areas" shall have the meaning set forth in Section 4.1(h)(i)(A) of this Declaration.

1.7 "As-of-Right Development" shall have the meaning set forth in Section 3(b) of this Declaration.

1.8 "BEC" shall have the meaning set forth in Section 4.3(d)(i)(B) of this Declaration.

1.9 "Bleecker Building" shall mean the New Building to be constructed on Zoning Lot 3, as shown on the Development Plans and Construction Phasing Plans.

1.10 "Buildings Department" shall mean the New York City Department of Buildings or any successor to the jurisdiction thereof.

1.11 "Building Permit" shall mean the issuance of a permit by the Buildings Department whether in the form of (i) an excavation permit, authorizing excavations, including those made for the purposes of removing earth, sand, gravel, or other material from the Subject Property; (ii) a foundation permit, authorizing foundation work at the Subject Property; (iii) a demolition permit, authorizing the dismantling, razing or removal of a building or structure, including the removal of structural members, floors, interior bearing walls and/or exterior walls or portions thereof; (iv) a new building permit, a work permit issued by the Buildings Department under a New Building application authorizing construction of the New Building (as hereinafter defined); or (v) any other permit normally associated with the development of a building.

1.12 "Business Day" means any day other than a Saturday, Sunday or other day on which banks in the State of New York are authorized or required by Legal Requirements to be closed.

1.13 "CAMP" " shall have the meaning set forth in Section 4.1(g) of this Declaration.

1.14 "Certification Checklist" shall have the meaning set forth in Section 4.3 of this Declaration.

1.15 "Certification Construction Review" shall have the meaning set forth in Section 4.3 of this Declaration.

1.16 "Certification Design Review" shall have the meaning set forth in Section 4.3 of this Declaration.

1.17 "Certification Governing Body" shall have the meaning set forth in Section 4.3 of this Declaration.

1.18 "Certification Points" shall have the meaning set forth in Section 4.3 of this Declaration.

1.19 "Chairperson" shall mean the Chairperson of the Commission from time to time or any successor to the jurisdiction thereof.

1.20 "CHASP" shall have the meaning set forth in Section 4.1(g) of this Declaration.

1.21 "City" shall mean the City of New York.

1.22 "City Council" shall mean the City Council of the City of New York or any successor to the jurisdiction thereof.

1.23 "City Planning" shall mean the New York City Department of City Planning or any successor to the jurisdiction thereof.

1.24 "CMM" shall mean "Construction Monitoring Measures" and shall have the meaning set forth in Section 4.8 of this Declaration.

1.25 "CMM Default Notice" shall have the meaning set forth in Section 4.8 of this Declaration.

1.26 "Commission" shall mean the City Planning Commission of the City of New York, or any successor to the jurisdiction thereof.

1.27 "Commissioning Agent" shall have the meaning set forth in Section 4.3 of this Declaration.

1.28 "Commissioning Plan" shall have the meaning set forth in Section 4.3 of this Declaration.

1.29 "Completion Letter of Credit" shall have the meaning set forth in Section 8 of this Declaration.

1.30 "Compliance Report" shall have the meaning set forth in Section 7.3(b)(i) of this Declaration.

1.31 "CO Notice" shall have the meaning set forth in Section 4.9(c) of this Declaration.

1.32 "Construction Commencement" shall mean the issuance of the first Building Permit by the Buildings Department to Declarant for the commencement of construction for work on a Development Phase. Construction Commencement shall occur at the issuance of the first Building Permit by the Buildings Department to Declarant for each of: Phase 1 Development, Phase 2 Development, Phase 3 Development and Phase 4 Development.

1.33 "Construction Monitor" shall have the meaning set forth in Section 4.8(a) of this Declaration.

1.34 "Construction Monitoring Measures" shall have the meaning set forth in Section 4.8(a) of this Declaration.

1.35 "Construction Pest Management Plan" shall have the meaning set forth in Section 4.1(f) of this Declaration.

1.36 "Construction Phases" shall mean, collectively, the interim Construction Phases associated with the Phase 1 Development, the Phase 2 Development, the Phase 3 Development and the Phase 4 Development as shown on the Construction Phasing Plans.

1.37 "Construction Phasing Plans" shall mean the plans and drawings listed in Section 6(a) of this Declaration and annexed hereto as Exhibit D.

1.38 "Construction Protection Plan" shall have the meaning set forth in Section 4.1(h)(i) of this Declaration.

1.39 "Corporation Counsel" shall mean the Corporation Counsel of the City of New York or any successor to the jurisdiction thereof.

1.40 "CPP" shall mean Construction Protection Plan.

1.41 "Declarant" shall have the meaning given in the Preamble to this Declaration, and shall include heirs, successors and assigns of the named Declarant.

1.42 "Declaration" shall have the meaning given in the Preamble to this Declaration.

1.43 "Delay Notice" shall have the meaning set forth in Section 8 of this Declaration.

1.44 "Denial Determination" shall have the meaning set forth in Section 4.3 of this Declaration.

1.45 "DEP" shall mean the New York City Department of Environmental Protection, or any successor to the jurisdiction thereof.

1.46 "Design Guidelines" shall have the meaning set forth in Section 3 of this Declaration.

1.47 "Development" shall mean the construction or redevelopment, as applicable, of the Large-Scale Development Project pursuant to the Construction Phasing Plans, annexed hereto as Exhibit D, and the Development Plans, annexed hereto as Exhibit C.

1.48 "Development Phases" shall mean, collectively, the Phase 1 Development, the Phase 2 Development, the Phase 3 Development and the Phase 4 Development as shown on the Phasing Plans.

1.49 "Development Plans" shall mean the plans and drawings listed in Section 3(a) of this Declaration and annexed hereto as Exhibit C.

1.50 "Dewatering Plan" shall have the meaning set forth in Section 4.1(e) of this Declaration.

1.51 "DOT" shall mean the New York City Department of Transportation, or any successor to the jurisdiction thereof.

1.52 "EDC" shall mean the New York City Economic Development Corporation.

1.53 "EEMs" shall have the meaning set forth in Section 4.3 of this Declaration.

1.54 "Effective Date" shall have the meaning set forth in Section 12 of this Declaration.

1.55 "Energy Report" shall have the meaning set forth in Section 4.3 of this Declaration.

1.56 "EPA" shall mean the United States Environmental Protection Agency, or any successor to the jurisdiction thereof.

1.57 "FEIS" shall mean the Final Environmental Impact Statement for the Large-Scale Development Project, dated May 25, 2012.

1.58 "FEIS Obligation" shall mean any Obligation that is set forth in the FEIS, the FEIS Memo, or the Technical Memoranda that is (a) specifically required by the provisions of the FEIS to be incorporated into this Declaration, (b) a Mitigation Measure identified in the FEIS or (c) a PCRE.

1.59 "Final Approval" shall mean approval of any one or more of the Applications by the Commission pursuant to New York City Charter Section 197-c, with or without modifications, which shall be effective on the date that the City Council's period of review has expired without action by the City Council, provided that if (a) pursuant to New York City Charter Section 197-d(b), the City Council reviews the decisions of the Commission approving any one or more of the Applications and takes final action pursuant to New York City Charter Section 197-d approving any one or more of the Applications, with or without modifications, "Final Approval" shall mean such approval of such Application(s) by the City Council or (b) the City Council disapproves any one or more of the decisions of the Commission and the Mayor files a written disapproval of the City Council's action pursuant to New York City Charter Section 197-d(e), and the City Council does not override the Mayor's disapproval, "Final Approval" shall mean the date of the Mayor's written disapproval of such Council action with respect to such Application(s) pursuant to such New York City Charter Section 197-d(e).

1.60 "Final Completion" or "Finally Complete" shall mean the completion of all relevant items of work, including any so-called "punch-list" items that remain to be completed upon Substantial Completion.

1.61 "Floor Area" shall have the meaning given in Section 12-10 of the Zoning Resolution.

1.62 "Force Majeure Event" shall mean an occurrence beyond the reasonable control of Declarant which causes the delay of the performance of Declarant's Obligations hereunder, provided that Declarant has taken all reasonable steps reasonably necessary to control or to minimize such delay, and which occurrences shall include, but not be limited to: (i) a strike, lockout or labor dispute; (ii) the inability to obtain labor or materials or reasonable substitutes therefor; (iii) acts of God; (iv) restrictions, regulations, orders, controls or judgments of any Governmental Authority; (v) undue material delay in performance of any work or processing and/or issuance of approvals of any applications or agreements or other actions required in order to permit Declarant to carry out its Obligations pursuant to this Declaration by any Governmental Authority, provided that such delay is not caused by any act or omission of Declarant; (vi) enemy or hostile government action, civil commotion, insurrection, terrorism, revolution or sabotage; (vii) fire or other casualty; (viii) a taking of the whole or any portion of the Subject Property by condemnation or eminent domain; (ix) inclement weather substantially delaying construction of any relevant portion of the Subject Property; (x) unforeseen underground or soil conditions, provided that Declarant did not and could not reasonably have anticipated the existence thereof as of the date hereof; (xi) the denial of access to adjoining real property, notwithstanding the existence of a right of access to such real property in favor of Declarant arising by contract or Legal Requirements, if such access is required to accomplish the Obligations of Declarant pursuant to this Declaration; (xii) failure or inability of a public utility to provide adequate power, heat or light or any other utility service; (xiii) orders of any court of competent jurisdiction which prohibit, or the pendency of any litigation which has the effect of prohibiting Declarant from performing its obligations hereunder. The time to perform any Obligation under this Declaration may be extended as a result of a Force Majeure Event only pursuant to the procedures set forth in Section 8 of this Declaration and provided the Chairperson certifies that Force Majeure Event exists in accordance with such Section 8.

1.63 "Fugitive Dust Control Plan" shall have the meaning set forth in Section 4.1(b) of this Declaration.

1.64 "Governmental Authority" shall mean any governmental authority (including any Federal, State or City governmental authority or quasi-governmental authority, or any political

subdivision of any thereof, or any agency, department, commission, board or instrumentality of any thereof) having jurisdiction over the matter in question.

1.65 "HVAC" shall have the meaning set forth in Section 4.2(a) of this Declaration.

1.66 "LaGuardia Building" shall mean the New Building to be constructed on Zoning Lot 1, as shown on the Development Plans and Construction Phasing Plans. The LaGuardia Building is comprised of the LaGuardia Building Tower and the LaGuardia Building Below-Grade Space.

1.67 "LaGuardia Building Tower" shall mean the above-grade portion of the LaGuardia Building not including the ground floor of the LaGuardia Building.

1.68 "LaGuardia Building Below-Grade Space" shall mean the ground floor of the LaGuardia Building and the below-grade portion of the LaGuardia Building (including the below-grade academic and mechanical space in the central area of the North Block Parcel, west of the former Greene Street). The LaGuardia Building Below-Grade Space does not include the LaGuardia Garage.

1.69 "LaGuardia Garage" shall mean the new subsurface parking garage to be constructed on Zoning Lot 1, as shown on the Development Plans and Construction Phasing Plans.

1.70 "Landscape Plans" shall mean those certain Development Plans identified in Section 7.1 of this Declaration and annexed hereto as part of Exhibit C.

1.71 "Large-Scale Development Project" shall have the meaning set forth in the Recitals to this Declaration.

1.72 "Large-Scale Special Permit" shall have the meaning set forth in the Recitals to this Declaration.

1.73 "LEED" shall have the meaning set forth in Section 4.3(a) of this Declaration.

1.74 "LEED Silver" or "LEED Silver Certification" shall have the meaning set forth in Section 4.3(a) of this Declaration.

1.75 "Legal Requirements" shall mean all applicable laws, statutes and ordinances, and all orders, rules, regulations, interpretations, directives and requirements, of any Governmental Authority having jurisdiction over the Subject Property.

1.76 "Letter of Resolution" shall have the meaning set forth in Section 4.4(b) of this Declaration.

1.77 "LPC" shall mean the Landmarks Preservation Commission of the City of New York or any successor to the jurisdiction thereof.

1.78 "Maintenance and Protection of Traffic Plan" shall have the meaning set forth in Section 4.1(i) of this Declaration.

1.79 "Manhattan Datum" shall mean the datum level used by the Topographical Bureau, Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Survey Datum, mean sea level, Sandy Hook, New Jersey.

1.80 "Measurement and Verification Plan" shall have the meaning set forth in Section 4.3 of this Declaration.

1.81 "Mercer Building" shall mean the New Building to be constructed on Zoning Lot 1, as shown on the Development Plans and Construction Phasing Plans. The Mercer Building is comprised of the Mercer Building Tower and the Mercer Building Below-Grade Space.

1.82 "Mercer Building Tower" shall mean the above-grade portion of the Mercer Building not including the ground floor of the Mercer Building

1.83 "Mercer Building Below-Grade Space" shall mean the ground floor of the Mercer Building and the below-grade portion of the Mercer Building.

1.84 "Mercer Street Land" shall have the meaning set forth in the Recitals to this Declaration.

1.85 "Mercer Street Land Recording Date" shall have the meaning set forth in Section 11 of this Declaration.

1.86 "Minimum Energy Savings" shall have the meaning set forth in Section 4.3(d) of this Declaration.

1.87 "Mitigation Measure(s)" shall have the meaning given in the Recitals to this Declaration and as more particularly set forth in Section 4.4 of this Declaration.

1.88 "Monitor Agreement" shall have the meaning set forth in Section 4.8 of this Declaration.

1.89 "MPT" shall mean Maintenance and Protection of Traffic Plan.

1.90 "MTA" shall mean the Metropolitan Transportation Authority, or any successor to the jurisdiction thereof.

1.91 "New Building" shall mean any new building, or portion thereof, constructed or redeveloped on any portion of the Subject Property pursuant to the Development Plans and the Construction Phasing Plans, including the LaGuardia Garage.

1.92 "New Cure Period" shall have the meaning set forth in Section 4.8 of this Declaration.

1.93 "New Landscape Improvements" shall have the meaning set forth in Section 6 of this Declaration.

1.94 "New Landscape Improvements Obligation" shall mean any Obligation to construct the New Landscape Improvements as set forth in Section 6 of this Declaration.

1.95 "New Landscape Improvements Work" shall have the meaning set forth in Section 6(c)(i) of this Declaration and shall include all the work necessary to construct the New Landscape Improvements in accordance with all Legal Requirements and the provisions of this Declaration.

1.96 "New York City Charter" shall mean the Charter of the City of New York, effective as of January 1, 1990, as the same may be amended from time to time.

1.97 "Noise Reduction Plan" shall have the meaning set forth in Section 4.1(c)(i)(B) of this Declaration.

1.98 "North Block Parcel" shall have the meaning set forth in the Recitals to this Declaration.

1.99 "Notice" shall have the meaning set forth in Section 13 of this Declaration.

1.100 "Notice of Final Completion" shall have the meaning set forth in Section 6(e)(iv) of this Declaration.

1.101 "Notice of Substantial Completion" shall have the meaning set forth in Section 6(d)(iii) of this Declaration.

1.102 "NYCT" shall mean MTA New York City Transit, or any successor to the jurisdiction thereof.

1.103 "NYSDEC" shall mean the New York State Department of Environmental Conservation, or any successor to the jurisdiction thereof.

1.104 "Obligation" shall mean any requirement imposed on Declarant by this Declaration, including, without limitation, any FEIS Obligation whether or not specifically incorporated herein, and any New Landscape Improvements Obligation.

1.105 "OEM" shall have the meaning set forth in Section 4.1(a)(i)(G) of this Declaration.

1.106 "OER" shall mean the New York City Office of Environmental Remediation, or any successor to the jurisdiction thereof.

1.107 "Open Space Oversight Organization" shall have the meaning set forth in Section 7.3 of this Declaration.

1.108 "OPRHP" shall mean the New York State Office of Parks, Recreation and Historic Preservation and any successor to the jurisdiction thereof.

1.109 "Oversight Report" shall have the meaning set forth in Section 7.3 of this Declaration.

1.110 "Parcels" shall mean, individually or collectively, the North Block Parcel and/or the South Block Parcel, as further described in the Recitals.

1.111 "Parks Department" shall mean the New York City Department of Parks and Recreation and any successor to the jurisdiction thereof.

1.112 "Party In Interest" shall have the meaning set forth in subdivision (d) of the definition of the term "zoning lot" in Section 12-10 of the Zoning Resolution.

1.113 "PCO" shall mean a Permanent Certificate of Occupancy issued by the Buildings Department.

1.114 "PCRE(s)" shall have the meaning given in the Recitals to this Declaration and as more particularly set forth in Section 4 of this Declaration.

1.115 "Permit Notice" shall have the meaning set forth in Section 4.9(a) of this Declaration.

1.116 "Phase 1B Investigation" shall have the meaning set forth in Section 4.1(h)(i)(A) of this Declaration.

1.117 "Phase 1 Development" shall mean the construction or redevelopment of Phase 1, including all interim Construction Phases therein, of the Large-Scale Development Project, as more particularly set forth in Section 6.1 of this Declaration.

1.118 "Phase 2 Development" shall mean the construction or redevelopment of Phase 2, including all interim Construction Phases therein, of the Large-Scale Development Project, as more particularly set forth in Section 6.2 of this Declaration.

1.119 "Phase 3 Development" shall mean the construction or redevelopment of Phase 3, including all interim Construction Phases therein, of the Large-Scale Development Project, as more particularly set forth in Section 6.3 of this Declaration.

1.120 "Phase 4 Development" shall mean the construction or redevelopment of Phase 4, including all interim Construction Phases therein, of the Large-Scale Development Project, as more particularly set forth Section 6.4 of this Declaration.

1.121 "Phasing Plans" shall mean those certain Development Plans identified in Section 6(a) of this Declaration and annexed hereto as part of Exhibit C.

1.122 "Prior Zoning Development" shall have the meaning set forth in Section 3(b)(i) of this Declaration.

1.123 "Proposed Cure Period" shall have the meaning set forth in Section 4.8 of this Declaration.

1.124 "Public Access Areas" shall have the meaning set forth in Section 7(a) of this Declaration.

1.125 "Public School" shall mean a primary and/or intermediate school of approximately 100,000 gross square feet, to be operated by the New York City Department of Education, proposed to be located on Zoning Lot 3 in accordance with Section 5 of this Declaration.

1.126 "Public School Commitment" shall have the meaning set forth in Section 5.1 of this Declaration.

1.127 "Punch List" shall have the meaning set forth in Section 6(d)(iii) of this Declaration.

1.128 "RAP" shall have the meaning set forth in Section 4.1(g) of this Declaration.

1.129 "Recording Date" shall have the meaning set forth in Section 10 of this Declaration.

1.130 "Recovery Measures" shall have the meaning set forth in Section 4.1(h)(i)(A) of this Declaration.

1.131 "Register's Office" shall have the meaning set forth in Section 10 of this Declaration.

1.132 "SCA" shall have the meaning set forth in Section 5.1 of this Declaration.

1.133 "SCA Agreement" shall have the meaning set forth in Section 5.1 of this Declaration.

1.134 "School Construction Windows," "School Construction Window 1," "School Construction Window 2" and "School Construction Window 3" shall each have the respective meanings set forth in Section 6.2(a) of this Declaration.

1.135 "School Election Notice" shall have the meaning set forth in Section 5.1 of this Declaration.

1.136 "South Block Parcel" shall have the meaning set forth in the Recitals to this Declaration, subject to the provisions of Section 11(c) of this Declaration.

1.137 "State Pollution Discharge Elimination System" or "SPDES" shall have the meaning set forth in Section 4.3(b)(ii) of this Declaration.

1.138 "Stormwater Pollution Prevention Plan" or "SWPPP" shall have the meaning set forth in Section 4.3(b)(ii) of this Declaration.

1.139 "Subject Property" shall have the meaning set forth in the Recitals to this Declaration..

1.140 "Substantial Completion" or "Substantially Complete," with respect to any New Landscape Improvement or Public Access Area, shall mean that such New Landscape Improvement or Public Access Area has been constructed substantially in accordance with the Development Plans and the Construction Phasing Plans, as applicable, and has been completed to such an extent that all portions of the improvement may be operated and made available for

public use. An improvement may be deemed Substantially Complete notwithstanding that (a) minor or insubstantial items of construction or decoration remain to be performed or (b) Declarant has not completed any relevant planting or vegetation or tasks that must occur seasonally.

1.141 "Substitute Standard" or "Substitute Standard Certification" shall have the meaning set forth in Section 4.3(a) of this Declaration.

1.142 "Successor Declarant" shall have the meaning set forth in Section 4.8 of this Declaration.

1.143 "TCO" shall mean a Temporary Certificate of Occupancy issued by the Buildings Department.

1.144 "USGBC" shall have the meaning set forth in Section 4.3(a) of this Declaration.

1.145 "WSSURA" shall have the meaning set forth in the Recitals to this Declaration.

1.146 "Zipper Building" shall mean the New Building to be constructed on Zoning Lot 2 as shown on the Development Plans and Construction Phasing Plans. The Zipper Building is comprised of the Zipper Building Towers and the Zipper Building Below-Grade Space.

1.147 "Zipper Building Towers" shall mean the above-grade portion of the Zipper Building not including the ground floor.

1.148 "Zipper Building Below-Grade Space" shall mean the ground floor of the Zipper Building and the below-grade portion of the Zipper Building.

1.149 "Zoning Lot" shall have the meaning given in Section 12-10 of the Zoning Resolution.

1.150 "Zoning Lot 1," "Zoning Lot 2" and "Zoning Lot 3" shall have the respective meanings set forth in the Recitals to this Declaration.

1.151 "Zoning Resolution" or "ZR" shall mean the Zoning Resolution of the City of New York, effective December 15, 1961, as amended to date and as same may hereafter be amended.

2. **DESIGNATION OF LARGE-SCALE GENERAL DEVELOPMENT**. Declarant hereby declares and agrees that, following the Effective Date (as set forth in Section 12), the Subject Property if developed pursuant to the Large-Scale Special Permit, shall be treated and developed as a "large-scale general development," as such term is defined in the Zoning Resolution in effect on the Effective Date, and shall be developed and enlarged as a single unit. Declarant agrees that the aggregate Floor Area of the Subject Property shall be in accordance with the Development Plans, and shall not exceed (i) 1,482,243 square feet of Floor Area on the North Block Parcel (Zoning Lot 1) and (ii) 1,176,485 square feet of Floor Area on the South Block Parcel, with no more than 1,080,183 square feet of Floor Area on Zoning Lot 2 and 96,302 square feet of Floor Area on Zoning Lot 3. The New Buildings, in addition to the new 389-space accessory parking garage on the North Block Parcel and mechanical space, shall contain no more than 1,441,583 gross square feet of academic use; 470,000 gross square feet of student housing (dormitory) use (1,566 beds); 220,000 gross square feet of faculty housing use (260 units); 200,000 gross square feet of athletic center use; 94,000 gross square feet of retail use; and 100,000 gross square feet of public school (PS/IS) use.

3. **DEVELOPMENT OF LARGE-SCALE GENERAL DEVELOPMENT PROJECT**.

(a) If the Subject Property is developed in whole or part in accordance with the Large-Scale Special Permit, Declarant covenants and agrees that the Subject Property shall be developed in substantial compliance with the following plans, prepared by Grimshaw Architects (drawings Z-004 through Z-208) and Michael Van Valkenburgh Associates (drawings Z-300 through Z-346), each with a last revised date of June 4, 2012, approved as part of the Large-Scale Special Permit, annexed hereto as **Exhibit C** and made a part hereof (the "**Development Plans**"), and in compliance with this Declaration:

Number	Title
Z-004	ZONING CALCULATIONS AND ZONING ACTIONS
Z-100	SITE PLAN

Number	Title
Z-101	NORTH BLOCK: SITE PLAN
Z-102	SOUTH BLOCK: SITE PLAN
Z-110	GROUND FLOOR SITE PLAN
Z-111	NORTH BLOCK: GROUND FLOOR SITE PLAN
Z-112	SOUTH BLOCK: GROUND FLOOR SITE PLAN
Z-120	BUILDING ENVELOPE: MERCER BUILDING
Z-121	BUILDING ENVELOPE: LAGUARDIA BUILDING
Z-122	BUILDING ENVELOPE: ZIPPER AND BLEECKER BUILDING
Z-125	NORTH BLOCK: AVERAGE CURB LEVEL DIAGRAM
Z-126	SOUTH BLOCK: AVERAGE CURB LEVEL DIAGRAM
Z-127	NORTH BLOCK: OPEN SPACE DIAGRAM
Z-128	SOUTH BLOCK: OPEN SPACE DIAGRAM
Z-130	NORTH BLOCK: ZONING ACTIONS PLAN DIAGRAM
Z-131	NORTH BLOCK: BUILDING SECTIONS
Z-133	SOUTH BLOCK: ZONING ACTIONS PLAN DIAGRAM
Z-134	SOUTH BLOCK: INTERIM ZONING ACTIONS PLAN DIAGRAM
Z-135	SOUTH BLOCK: BUILDING SECTIONS 1
Z-136	SOUTH BLOCK: BUILDING SECTIONS 2
Z-137	SOUTH BLOCK: BUILDING SECTIONS 3
Z-138	SOUTH BLOCK: BUILDING SECTIONS 4
Z-140	NORTH BLOCK: PEDESTRIAN ELEVATIONS 1
Z-141	NORTH BLOCK: PEDESTRIAN ELEVATIONS 2
Z-142	SOUTH BLOCK: PEDESTRIAN_ELEVATIONS
Z-201	NORTH BLOCK: SITE PLAN END OF PHASE 1
Z-202	SOUTH BLOCK: SITE PLAN END OF PHASE 1
Z-203	NORTH BLOCK: SITE PLAN END OF PHASE 2
Z-204	SOUTH BLOCK: SITE PLAN END OF PHASE 2
Z-205	NORTH BLOCK: SITE PLAN END OF PHASE 3
Z-206	SOUTH BLOCK: SITE PLAN END OF PHASE 3
Z-207	NORTH BLOCK: SITE PLAN END OF PHASE 4
Z-208	SOUTH BLOCK: SITE PLAN END OF PHASE 4
Z-300	OVERALL OPEN SPACE PLAN
Z-301	OPEN SPACE AMENITIES CALCULATION

Number	Title
Z-302	NORTH BLOCK: OPEN SPACE PLAN
Z-303	SOUTH BLOCK: OPEN SPACE PLAN
Z-310	NORTH BLOCK: MATERIALS PLAN
Z-311	SOUTH BLOCK: MATERIALS PLAN
Z-312	NORTH BLOCK: GRADING PLAN
Z-313	SOUTH BLOCK: GRADING PLAN
Z-314	NORTH BLOCK: PLANTING PLAN
Z-315	SOUTH BLOCK: PLANTING PLAN
Z-316	NORTH BLOCK: SITE FURNISHINGS PLAN
Z-317	SOUTH BLOCK: SITE FURNISHINGS PLAN
Z-318	NORTH BLOCK: LIGHTING PLAN
Z-319	SOUTH BLOCK: LIGHTING PLAN
Z-320	SITE LIGHTING DETAILS
Z-321	PUBLIC SPACE SIGNAGE PLAN
Z-330	OVERALL SECTION KEY
Z-331	NORTH BLOCK: SECTIONS
Z-332	NORTH BLOCK: SECTIONS
Z-333	NORTH BLOCK: SECTIONS
Z-334	NORTH BLOCK: SECTIONS
Z-335	NORTH BLOCK: SECTIONS
Z-336	SOUTH BLOCK: SECTIONS
Z-340	PAVEMENT DETAILS
Z-341	SEATWALL DETAILS
Z-342	SEATWALL DETAILS
Z-343	RAILING DETAILS
Z-344	FENCING DETAILS
Z-345	TRASH RECEPTACLE AND BIKE RACK DETAILS
Z-346	BENCH AND MOVEABLE CHAIR DETAILS

(b) In the event that Declarant seeks to develop the Subject Property other than pursuant to the Large-Scale Special Permits, the Declarant shall not be authorized to develop the Subject Property except as would be permitted pursuant to the applicable zoning districts, subject to the following further restrictions: (i) such development shall comply in all

respects with and only to the extent permitted under the zoning regulations existing immediately prior to the date of Final Approval of the Zoning Map Amendment, i.e., in accordance with the controls applicable to a R7 residential district ("**Prior Zoning Development**"); or (ii) to the extent such development is not permitted under (i) above, such development has been reviewed and approved by the Commission and drawings with respect thereto, in a form acceptable to the Department, have been incorporated in this Declaration pursuant to the procedures for modification of this Declaration as set forth in Section 17(c) (the "**As-of-Right Development**"). Development pursuant to Section 3(b)(i) shall not be subject to the provisions of Section 4.

(c) **Phasing of Development**. Declarant covenants and agrees that subject to the provisions set forth in Section 6 and all other provisions of this Declaration, Declarant shall develop the New Buildings and other improvements on the Subject Property in the following sequence, as set forth in the Development Plans and Construction Phasing Plans: Phase 1 Development, Phase 2 Development, Phase 3 Development and Phase 4 Development. Declarant may not accept a Building Permit for purposes of developing a New Building in a subsequent Development Phase until the New Building in the preceding Development Phase is fully enclosed and work on the New Building in the preceding Development Phase is limited to interior fit out/finishing work preparatory to the issuance of a TCO. Notwithstanding the sequence of Development Phases set forth herein and the preceding sentence, Declarant may develop the Phase 2 Development before, during or after any of the preceding or subsequent Phases, within the School Construction Windows set forth in Section 6.2(a).

(d) **Design Guidelines**. Declarant covenants and agrees that Declarant shall develop the New Buildings and other improvements on the Subject Property in accordance with the "Design Guidelines" shown on drawings Z-120 ("BUILDING ENVELOPE: MERCER BUILDING"), Z-121 ("BUILDING ENVELOPE: LAGUARDIA BUILDING"), Z-122 ("BUILDING ENVELOPE: ZIPPER AND BLEECKER BUILDINGS"), Z-140 ("North BLOCK: PEDESTRIAN ELEVATIONS 1"), Z-141 ("NORTH BLOCK: PEDESTRIAN ELEVATIONS 2"), Z-142 ("SOUTH BLOCK: PEDESTRIAN ELEVATIONS") and Z-302 ("NORTH BLOCK: OPEN SPACE PLAN") of the Development Plans. Notwithstanding the foregoing, the Chairperson, pursuant to Section 16(b), may administratively modify Design

Guideline Rule 4 as shown on drawing Z-122, in order to reduce the minimum publicly accessible points of entry set forth therein.

4. PROJECT COMPONENTS RELATED TO THE ENVIRONMENT AND MITIGATION MEASURES.

Declarant shall undertake the PCREs and Mitigation Measures set forth in this Section 4 for any development of the Subject Property, as such may be modified pursuant to Section 4.7, unless such development is pursuant to the provisions of Section 3(b)(i) or is pursuant to Section 3(b)(ii) in accordance with a Technical Memorandum reviewed and approved in accordance with Section 17(c).

4.1 Project Components Related to the Environment Relating to Construction.

Declarant shall implement and incorporate into its construction means and methods, prior to Construction Commencement of each Development Phase, of the Subject Property, and shall incorporate during the course of construction the following PCREs related to construction, during each Development Phase, except as specifically provided herein:

(a) **Construction Air Emissions Reduction Measures**.

(i) Prior to the Construction Commencement, Declarant shall (x) develop a plan for implementation of and (y) thereafter implement, the following measures for all construction activities (including, but not limited to, demolition and excavation) during the development of the Subject Property:

(A) To minimize emissions of $PM_{2.5}$ and NO_x to the maximum extent practicable, nonroad diesel-powered construction equipment with a power output of 50 hp or greater shall be rated as meeting or achieving EPA (i) Tier 3 Nonroad Diesel Engine Emission Standard or higher during construction work occurring before or during 2021 and (ii) Tier 4 Nonroad Diesel Engine Emission Standard or higher during all construction work occurring after 2021.

(B) All non-road, diesel-powered construction equipment with an engine power output rating of 50 horsepower or greater and controlled truck fleets (i.e., truck

fleets under long-term contract to the Declarant's contractor) shall utilize the best available tailpipe technology for reducing diesel particulate emissions. Construction contracts shall specify that all diesel non-road engines rated at 50 horsepower or greater and all controlled-fleet trucks shall utilize active or passive diesel particle filters (either original equipment manufacturer or retrofit technology) verified under the EPA or California Air Resources Board verification programs to reduce diesel particulate matter emissions by at least 90 percent.

(C) All on-site diesel-powered engines shall be operated exclusively with ultra-low sulfur diesel fuel.

(D) Idling of all vehicles, including non-road engines, for periods longer than three minutes shall be prohibited on the Subject Property and on adjacent City-owned property and Streets, except for vehicles being used to operate a loading, unloading or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

(E) The use of diesel and gasoline engines, including generators, shall be minimized through the maximum practical use of (i) electric engines operating on grid power or electricity generated by the co-generation facility on Mercer Street, and (ii) lighting devices, illuminated traffic control signals and signs operating on grid power or electricity generated by the co-generation facility on Mercer Street. Where practicable, Declarant shall ensure the distribution of power connections throughout the Subject Property as needed. Equipment that shall use electric power instead of diesel shall include without limitation concrete vibrators and material/personnel hoists.

(F) Large emissions sources, such as concrete trucks and pumping operations, shall be located, to the extent practicable, away from operable windows, fresh air intakes, residential buildings, schools and publicly accessible open space. During the construction of the Zipper Building, to the extent practicable, all construction engines shall be located at least 15 feet away from the western construction fence. Since it is anticipated that the sidewalk on the west side of Mercer Street between Bleecker Street and W. Houston Street would be closed during the construction of the Zipper Building, gasoline engines used during this period of construction would be located on Mercer Street, away from accessible sidewalk

locations. Similarly, all gasoline engines used during the construction of the Bleecker Building would be located away from accessible sidewalk locations, to the extent practicable. During construction on the North Block Parcel, all diesel construction engines shall be located at least 50 feet away from the Washington Square Village Buildings 1 and 2 and the Washington Square Village Buildings 3 and 4, to the extent practicable.

(G) All ready-mix concrete delivery trucks and concrete pumping trucks must be either retrofitted with a diesel particle filter as specified in Section 4.1(a)(i)(B) above, or be equipped by the original equipment manufacturer ("**OEM**"), to reduce diesel particulate matter emissions by at least 90 percent.

(ii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement the provisions of this Section 4.1(a), with respect to applicable work at the Subject Property.

(b) **Fugitive Dust Control Plan**.

(i) Prior to the Construction Commencement, Declarant shall (x) develop a plan for implementation of and (y) thereafter implement, a plan for the prevention of the emission of dust from construction-related activities during development of the Subject Property (the "**Fugitive Dust Control Plan**"), which Fugitive Dust Control Plan shall contain the following measures:

(A) Water spraying shall be used to prevent or reduce fugitive dust from excavation, demolition, transfer of spoils, and loading and unloading of spoils.

(B) Large piles of soil, rock or sediment either shall be kept wet, coated with a non-hazardous, biodegradable dust suppressant and/or covered to prevent wind erosion and fugitive dust. Longer term stockpiles shall be covered with a properly secured tarp.

(C) Concrete and rock grinding, drilling and saw cutting operations shall be wet blade or misted if significant dust is being generated. Such operations, if

occurring in an enclosed space, shall utilize vacuum collection or extraction fans.

(D) All trucks hauling loose soil, rock, sediment, or similar material shall be equipped with tight fitting tailgates and their loads covered prior to leaving construction areas.

(E) Stabilized areas shall be established for washing dust off of the wheels of all trucks that exit construction areas. All vehicle wheels shall be cleaned as necessary prior to leaving the construction sites in order to control tracking.

(F) Truck routes and surfaces on which nonroad vehicles are operating within construction areas shall be watered as needed; or, in cases where such routes will remain in the same place for extended periods, the soil on such surfaces and roadways shall be stabilized with a biodegradable dust suppressant solution, covered with gravel, or temporarily paved to avoid the re-suspension of dust.

(G) Roads adjacent to construction areas shall be cleaned by Declarant on a regular basis (as needed to supplement cleaning by the City), using appropriate legal methods, to minimize fugitive dust emissions.

(H) Materials and waste during demolition shall be brought to grade by hoists, cranes or chutes. If chutes are used, the bottom end of drop chutes shall be inserted into covered trucks or bins in a sealed manner so as to ensure that dust is not released from the truck or bin.

(I) A vehicular speed limit of 5 miles per hour shall be observed within construction areas.

(ii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement the provisions of this Section 4.1(b) with respect to applicable work at the Subject Property.

(c) **Construction Noise Reduction Measures**.

(i) Prior to the Construction Commencement, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan for all construction activities (including demolition and excavation) related to the development of the Subject Property:

(A) All construction activities shall comply with Chapter 2 of Title 24 of the New York City Administrative Code (the "**City Noise Control Code**"), and with the rules on Citywide Construction Noise Mitigation, as set forth in Chapter 28 of Title 15 of the Rules of the City of New York.

(B) For each New Building, Declarant shall develop and implement a plan for minimization of construction noise (the "**Noise Reduction Plan**"), which Noise Reduction Plan shall contain the following measures:

(1) Noise barriers shall be erected around the perimeter of the Construction Areas where construction activities are taking place for the purpose of minimizing construction noise consistent with reasonable construction procedures. Noise barriers shall be a solid fence with a minimum height of 8 feet, with such fence at a height of 15-feet when located adjacent to residential and other sensitive locations, where feasible.

(2) The noise emission levels of construction equipment shall not exceed the levels set forth in Table 20-20 of the FEIS when using the appropriate path control measure.

(3) As early in the construction period for each New Building as practicable, electrical-powered equipment shall be used for noisy equipment, such as concrete vibrators, crabs for panels, hoists and man lifts.

(4) Where practicable and feasible, construction sites shall be configured to minimize back-up alarm noise.

(5) Equipment shall be properly installed and where practicable, quality mufflers must be installed and maintained.

(6) Path noise control measures (i.e., portable noise

barriers, panels, enclosures, and acoustical tents, where feasible) shall be used for certain dominant noise equipment, i.e., concrete trowel, crane, drill rig, and generator, where practicable.

(7) Where practicable, acoustical curtains shall be used for internal construction activities in the buildings under construction that are adjacent to residential and other sensitive locations, to break the line-of-sight and provide acoustical shielding between noise sources and sensitive receptors.

(ii) General construction hours shall be Monday – Friday 8:00 AM to 4:00 PM or 4:30 PM. Although it is not anticipated that construction work will occur at night or weekends, except in very unusual circumstances, if construction work will occur at night and/or on weekends, Declarant shall prepare an additional noise reduction plan (the "**Additional Noise Reduction Plan**") in accordance with the City Noise Control Code prior to commencing such nighttime and/or weekend work.

(iii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement the provisions of this Section 4.1(c) with respect to applicable work at the Subject Property.

(d) **Construction Vibration Reduction Measures,**

(i) Prior to Construction Commencement, Declarant shall develop and implement a Construction Protection Plan (CPP) to protect the architectural resources identified in the FEIS as having lateral distance of 90 feet from the proposed construction activities. The CPP shall include a monitoring component to ensure that if vibration levels approach the 0.5 inches per second PPV criterion (or such other criterion as may be approved by the Buildings Department and LPC), corrective action will be taken to reduce vibration levels, thereby avoiding architectural damage and significant vibration impacts.

(ii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with

their subcontractors) to implement the provisions of this Section 4.1(d) with respect to applicable work at the Subject Property.

(e) **Construction Dewatering Plan**.

(i) Prior to Construction Commencement, Declarant shall (x) develop a plan for implementation of and (y) thereafter implement, upon receipt of necessary permits required from DEP and/or NYSDEC a plan setting forth procedures for handling site runoff and groundwater encountered during construction activities (including excavation) related to the development of the Subject Property (the "**Dewatering Plan**"), which Dewatering Plan shall:

(A) Provide a description of the methods used to collect, store and dispose of water collected during dewatering activities.

(B) Identify the necessary permits required from DEP and/or NYSDEC to discharge dewatering water into the City's sewers.

(C) Where necessary to comply with DEP or NYSDEC regulations, (1) require that dewatering water be pumped into sedimentation tanks for removal of sediments prior to discharge into the City's sewer system or surface waters, (2) periodically test water in such sedimentation tanks for pH, turbidity and contaminants, and (3) if needed, treat the water prior to discharge off site.

(D) Suitable drainage means shall be provided for removal of (1) surface runoff from the Subject Property, and (2) sludge which drains from construction activities on the Subject Property.

(ii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement the provisions of this Section 4.1(e) with respect to applicable work at the Subject Property.

(f) **Construction Pest Management Plan**.

(i) Prior to Construction Commencement, Declarant shall (x) develop a plan for implementation of and (y) thereafter implement, an integrated plan to control pests (including vermin and insects), in accordance with Buildings Department requirements (the "**Construction Pest Management Plan**"), which Construction Pest Management Plan shall contain the following requirements:

(A) Vegetation that fosters vermin shall be kept trimmed.

(B) Construction trailers shall be elevated off of the ground to discourage vermin from burrowing or hiding in them. Dumpsters and sheds shall be placed on poured concrete pads to the extent practicable.

(C) Standing water shall be pumped out before the water becomes septic.

(D) Prior to the commencement of construction and as necessary during the construction period, the Declarant shall cause its contractors to bait appropriate areas of the site, using only USEPA and DEC-registered rodenticide.

(ii) Declarant shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement the provisions of this Section 4.1(f) with respect to applicable work at the Subject Property.

(g) **Hazardous Materials Remediation and Protection Measures**. Declarant shall comply with (1) a Remedial Action Plan (a "**RAP**") for the remediation of potential hazardous materials identified in the FEIS during subsurface construction activities on the Subject Property, consistent with NYSDEC DER-10 (Technical Guidance for Site Investigation and Remediation) and (2) a site-specific Construction Health and Safety Plan (a "**CHASP**") for such work. The CHASP shall include a Community Air Monitoring Plan (a "**CAMP**") during site excavation and handling of site soils; the CAMP shall be consistent with the New York State Department of Health Generic Community Air Monitoring Plan (DER-10

Appendix 1A) and shall include upwind and downwind monitoring for PM10 and where soils may be contaminated with volatile organic compounds (VOC), upwind and downwind monitoring for PM10 and VOC. Prior to Construction Commencement, a RAP and CHASP, which shall cover all Development Phases, shall be prepared and submitted to the Mayor's Office of Environmental Remediation ("**OER**") for its review and approval. Soil disturbance shall not occur without OER's written approval of the RAP and CHASP. The CHASP shall identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment (such as personal protective equipment, air monitoring including community air monitoring, and emergency response procedures). The RAP shall delineate the contaminated soils to be properly disposed of at off-site locations in accordance with applicable NYSDEC regulations. The RAP shall provide for any necessary remediation for each New Building (and associated new Public Access Area or open space) in the Development Phases. Such remediation may include, but is not limited to: soil stockpiling, soil disposal and transportation; dust control; dewatering procedures; quality assurance; and contingency measures should petroleum storage tanks or contamination be unexpectedly encountered as well as vapor barriers or other measures to reduce the potential for vapor intrusion into new construction. Such remediation may proceed independently of any required remediation of other areas of the Subject Property and therefore it is expected that OER may issue a Notice of No Objection as set forth in Section 4.1(g)(iii)(A) below, a Notice to Proceed as set forth in Section 4.1(g)(iii)(B) below, a Notice of Satisfaction as set forth in Section 4.1(g)(iii)(C) below, and a Final Notice of Satisfaction as set forth in Section 4.1(g)(iii)(D) below, on a building-by-building basis.

(i) Permits. Declarant covenants and agrees that no application for a Building Permit respecting the Subject Property which permits soil disturbance for the Development of any New Building or any Future Project (hereinafter defined), shall be submitted to or accepted from the Buildings Department by Declarant until OER has issued to the Buildings Department, with respect to the area to be disturbed, a Notice of No Objection as set forth in Section 4.1(g)(iii)(A) below, a Notice to Proceed as set forth in Section 4.1(g)(iii)(B) below, a Notice of Satisfaction as set forth in Section 4.1(g)(iii)(C) below or a Final Notice of Satisfaction as set forth in Section 4.1(g)(iii)(D) below, as applicable. Declarant shall submit a

copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction to the Buildings Department at the time of filing of any Building Permit for the Development of any New Building on the Subject Property.

(ii) Notices.

(A) Notice of No Objection. OER shall issue a Notice of No Objection for the Development of any New Building or any Future Project, as the case may be, after Declarant has completed the work set forth in the project-specific Sampling Protocol (hereinafter defined) submitted to OER, and OER has determined in writing that the results of the Sampling Protocol demonstrate that no hazardous materials remediation is required in connection with the Development of any New Building or any Future Project as the case may be, that is the subject of the Building Permit submitted to the Buildings Department.

(B) Notice to Proceed. A Notice to Proceed, if approved by OER, shall allow concurrent remediation and construction work. OER shall issue a Notice to Proceed for the Development of any New Building or Future Project, as the case may be after it determines that: (A) the RAP and CHASP have been approved by OER, and (B) the construction work (such as the grading, excavation, foundation, alteration, building, soil disturbance or construction of the superstructure) for the Development of any New Building or any Future Project, as the case may be, for which Building Permit applications are, have been or will be made by Declarant would further the implementation of or not be inconsistent with the approved RAP.

(C) Notice of Satisfaction. OER shall issue a Notice of Satisfaction for the Development of any New Building or any Future Project, as the case may be after (A) the RAP has been prepared for and accepted by OER and (B) OER has determined in writing that such RAP has been completed to the satisfaction of OER.

(D) Final Notice of Satisfaction. OER shall issue a Final Notice of Satisfaction for the Development of any New Building or any Future Project, as the case may be, after (A) the RAP has been prepared and accepted by OER, (B) OER has set forth in writing that such RAP has been completed to the satisfaction of OER, and (C) all potential

hazardous materials have been removed or remediated as and to the extent required by the RAP and no further hazardous remediation is required on the Subject Property as determined by OER.

(iii) Future Projects. If any further development of the Subject Property beyond that which is set forth in the Development Plans and Development Phases, which involves a change in use or the disturbance of soils (not including clean fill/top soil previously brought to the site in connection with the Development) is conducted (a "**Future Project**"), Declarant shall submit to OER for approval a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan (a "**Sampling Protocol**") specific to the Future Project, and test and identify any such potential hazardous materials pursuant to said Sampling Protocol. If any such hazardous materials are found, Declarant shall submit to OER for approval a RAP and CHASP specific to the Future Project based on the results of the Sampling Protocol, and upon the approval of the RAP and CHASP by OER, Declarant shall provide for the remediation of such hazardous materials in accordance with such RAP and CHASP.

(iv) The RAP approved by OER shall included, but shall not be limited to, the following remediation measures:

(A) Declarant shall, for all areas, which will either be landscaped or covered with grass (not capped), provide a minimum of two (2) feet of clean fill/top soil imported from an approved facility/source, graded across all landscaped/grass covered areas of the sites not capped with concrete/asphalt. The clean fill/top soil must be segregated at the source/facility, and be sampled by qualified environmental personnel who shall collect representative samples at a frequency of one sample for every 250 cubic yards, which sample shall be analyzed for Target Compound List (TCL) VOC's, SVOCs, Pesticides, PCBs, and TAL Metals by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory, and determine the clean fill/top soil to be suitable for Restricted-Residential Use pursuant to the NYSDEC Part 375 regulations; however, OER may in its discretion approve an alternative sampling plan.

(B) Declarant shall continue remediation of Spill No. 0910543 in accordance with NYSDEC requirements.

(C) Declarant shall incorporate a vapor barrier (or other form of vapor control) into the design plan of the proposed New Buildings.

(D) Declarant shall cover excavated soils, which are temporarily stockpiled on-site, with polyethylene sheeting while disposal options are determined. Declarant may be required to undertake additional testing that may be required by the disposal/recycling facility. Declarant shall not reuse excavated soil for purposes of grading the surface (top two feet) of the site, unless it is determined to meet the standards for Restricted-Residential Use pursuant to the NYSDEC Part 375 regulations.

(E) Prior to the start of any renovation/construction activities, Declarant shall properly remove and/or manage asbestos containing materials, lead-based paint, and suspected PCB containing materials that may be present in the onsite structures, and dispose of said materials in accordance with all federal, state and local regulations.

(F) Declarant shall ensure that dust suppression is maintained by the contractor during excavation and grading activities at the site.

(G) If any petroleum-impacted soils (which display petroleum odor and/or staining) are encountered during the excavation/grading activities, Declarant shall remove and properly dispose of such impacted soils in accordance with all NYSDEC regulations.

(H) Declarant shall properly remove/abandon-in-place all known or found underground storage tanks and above-ground storage tanks in accordance with all applicable NYSDEC regulations.

(I) If de-watering into New York City storm/sewer drains will occur during the proposed construction, Declarant shall obtain a New York City Department of Environmental Protection Sewer Discharge Permit prior to the start of any de-watering activities at the site, if such permit is required by applicable regulations.

(h) **Historic and Cultural Resource Protection Measures**.

(i) Archeological.

(A) The FEIS (at Figure 7-1A and accompanying text) identifies specific areas of the Subject Property as archaeologically sensitive (the "**Archaeologically Sensitive Areas**"). Prior to or in connection with Construction Commencement in an Archaeologically Sensitive Area, Declarant shall conduct a Phase 1B archaeological investigation at any construction locations that have been identified as an Archaeologically Sensitive Area to determine the presence or absence of archaeological resources such as domestic shaft features (i.e., privies, cisterns, or wells) dating to the early- to mid- 19th century pursuant to an archaeological testing protocol, prepared in advance of testing, in consultation with LPC and OPRHP before construction involving soil disturbances or excavation begins in such Archaeologically Sensitive Area (the "**Phase 1B Investigation**"). The Phase 1B Investigation may be phased so that the testing of portions of the Archaeologically Sensitive Area is sequenced in relation to the start of construction activities for such portions. Should any intact archaeological resources be identified during the Phase 1B Investigation or the construction work, such resources shall be properly documented and evaluated in consultation with LPC and OPRHP. The Phase 1B Investigation shall also determine the need for additional archaeological analysis (i.e., a Phase 2 survey) to assess the horizontal and vertical extent of any recovered archaeological resources as well as their potential significance (S/NR-eligibility). A Phase 2 survey would therefore determine if further investigation, in the form of Phase 3 data recovery, is warranted. Declarant shall consult with LPC and OPRHP with respect to the results of any Phase 1B Investigation and any required Phase 2 survey or Phase 3 data recovery. Should archaeological resources be identified LPC and OPRHP shall make determinations of significance and any preservation or recovery measures would be developed by DASNY, after consultation among Declarant, OPRHP, LPC, and DASNY, and would be based on the characteristics and significance of the resource. Any preservation or recovery measures would be conducted pursuant to the *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State*, prepared by the New York Archaeological Council and adopted by OPRHP (1994) and pursuant to *Guidelines for Archaeological Work in New York City* established by LPC (April 12, 2002) (the "**Recovery Measures**"). If DASNY is

not involved in the financing of the building with which the contemplated construction work in an Archaeologically Sensitive Area is planned and declines participation in the activities described in this paragraph, then LPC, after consultation with Declarant and OPRHP, shall make the determinations and decisions assigned to DASNY in this paragraph.

(B) Declarant covenants and agrees that no application for a Building Permit with respect to the Archaeologically Sensitive Areas of the Subject Property that permits soil disturbance, including excavating of test pits for environmental soil sampling, shall be submitted to or accepted from the Buildings Department by the Declarant until LPC has issued to the Buildings Department, as applicable, a Notice to Proceed as set forth in subparagraph (i)(C), a Notice of No Objection as set forth in subparagraph (i)(D), a Notice of Satisfaction as set forth in subparagraph (i)(E) or a Final Notice of Satisfaction as set forth in subparagraph (i)(F). Declarant shall submit a copy of the Notice to Proceed, Notice of No Objection, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the Buildings Department at the time of filing of any application set forth in this Paragraph (i)(B).

(C) Notice to Proceed with LPC-Approved Phase 1B Investigation or Recovery Measures. LPC shall issue a Notice to Proceed after it approves a Phase 1B Investigation or Recovery Measures. Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit to perform excavation or other work necessary to implement the Phase 1B Investigation or Recovery Measures and such additional construction work as LPC may permit to occur concurrently with such Phase 1B Investigation or Recovery Measures. All such Phase 1B Investigation or Recovery Measures shall be undertaken in consultation with LPC and OPRHP. LPC's failure to make a decision whether to approve or disapprove the Phase 1B Investigation or Recovery Measures within thirty (30) days of its receipt of Declarant's proposed Plan shall be deemed to constitute approval.

(D) Notice of No Objection After Field Work. LPC shall issue a Notice of No Objection for work identified in the FEIS as occurring in an Archaeologically Sensitive Area if Declarant has performed required LPC-approved Phase 1B Investigation in such Area or portion thereof, and, as a result of such testing, LPC determines in writing that that Area of the Subject Property does not contain potentially significant archaeological resources.

Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full Building Permit for the performance of excavation or construction for work in the Archaeologically Sensitive Area.

(E) Notice of Satisfaction. LPC shall issue a Notice of Satisfaction after the Recovery Measures for an Archaeologically Sensitive Area have been prepared and accepted by LPC, and LPC has determined in writing that all significant identified archaeological resources in such Archaeologically Sensitive Area have been documented and removed from the Subject Property. Issuance of a Notice of Satisfaction shall enable Declarant to obtain a Building Permit for excavation and construction of the Declarant's proposed New Building or other improvement in the Archaeologically Sensitive Area.

(F) Final Notice of Satisfaction. LPC shall issue a Final Notice of Satisfaction for an Archaeologically Sensitive Area after the Recovery Measures have been completed and LPC has set forth in writing that the Recovery Measures, for any archaeological resources found in the Archaeologically Sensitive Area, have been completed to its satisfaction.

(G) Declarant shall not accept a PCO for any Building in an Archaeologically Sensitive Area until LPC shall have issued a Final Notice of Satisfaction or Notice of No Objection with respect to such Archaeologically Sensitive Area.

(H) It is anticipated that the Director of Archaeology of the LPC will issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and that the Director of Archaeology of the LPC will in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.

(I) Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration LPC's address is:

Landmarks Preservation Commission
1 Centre Street, 9N
New York, NY 10007

Any notices sent to Declarant shall be sent to the address set forth in Section 13 and shall be sent by personal delivery, delivery by reputable overnight carrier or by regular mail.

(ii) Architectural.

(A) Prior to Construction Commencement on the Subject Property of activities that are located within ninety (90) feet of University Village (100 and 110 Bleecker Street and 505 LaGuardia Place), Declarant shall develop and implement a plan to avoid any adverse physical, construction-related impacts to these and any other historic resources within ninety (90) feet of the construction work, such as those from ground-borne vibrations, dewatering, flooding, subsidence, collapse, or damage from construction machinery (the "**Construction Protection Plan**" or "**CPP**") and shall submit same to City Planning. The CPP shall be prepared in coordination with and monitored by a licensed professional engineer and, unless other guidelines are approved by LPC, shall follow the (A) guidelines set forth in Section 523 of the *CEQR Technical Manual*; (B) guidelines set forth in LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*; and (C) procedures set forth in the Buildings Department's *Technical Policy and Procedure Notice* (TPPN) #10/88. Declarant shall consult with LPC and OPRHP in developing the CPP.

(B) Declarant shall not accept a Building Permit for the construction of a New Building on the Subject Property within ninety (90) feet (or operation of a vibratory pile driver within one hundred twenty (120) feet) of University Village until LPC shall have certified to the Buildings Department that LPC does not object to the CPP for such New Building and Declarant shall have certified to the Buildings Department that OPRHP does not object to the CPP for such New Building.

(C) The CPP shall:

(1) Describe in detail the demolition, excavation and construction procedures anticipated to occur.

(2) Provide for the inspection and reporting of existing conditions.

(3) Establish protection procedures, including, without limitation, the types and locations of barriers that will be used to protect University Village during construction activities.

(4) Establish and monitor construction methods to limit vibrations. Specifically, the CPP shall establish vibration protection measures to be implemented should applicable construction activities involve the use of certain equipment within the following specified distances from University Village:

Clam Shovel Drop	13 feet
Jackhammer	5 feet
Hoe Ram/Large Buildings/Caisson Drillings	8 feet
Vibratory Roller	15 feet
Loaded Trucks	8 feet

(i) Maintenance and Protection of Traffic Plan.

(i) Prior to the Construction Commencement on the Subject Property, Declarant and its contractor shall prepare a plan that provides diagrams of proposed temporary curb lane and sidewalk closures, the duration such closures will be implemented, the width and length of affected segments, and sidewalk protection measures for pedestrians, which shall be necessary during construction of such New Building (the "**Maintenance and Protection of Traffic Plan**" or "**MPT**"). Declarant shall submit the MPT to DOT for review and approval; provided, however, that completion and submission of the MPT shall not be necessary for preliminary site work which does not impact upon curb lanes and sidewalks surrounding the Subject Property, unless DOT advises Declarant that an MPT is required. Adequate access to existing residences, retail stores and buildings shall be maintained at all times.

(ii) Declarant shall include provisions in the contracts of all relevant contractors requiring adherence with the provisions of the MPT plan and shall ensure that the MPT shall be adhered to during construction.

(j) Protection of Trees During Construction in Areas Adjacent to the North Block Parcel. The areas to the east and west of the North Block Parcel, which are to be mapped as parkland pursuant to the Applications, contain certain mature trees. Although many of these trees are in areas that will be used for construction staging, construction-related access, and other construction-related activities, and therefore will be removed in connection with the construction work, in engaging in construction-related activities in the future parkland areas, Declarant shall to the extent practicable seek to preserve the existing mature trees, particularly at the north and south ends of the future parkland areas.

4.2. **Project Components Related to the Environment Relating to Design and Operation of New Buildings**. Declarant shall implement and incorporate the following PCREs relating to design and operation of New Buildings:

(a) **HVAC**. Heating, ventilation and air conditioning ("**HVAC**") systems installed in New Buildings shall utilize energy from NYU's central heating plant, natural gas-fired boilers, electricity and/or a form of alternative energy (such as solar or geothermal) not involving on-site combustion. The only new boilers to be installed for the New Buildings are the boiler for the Bleecker Building and boiler for the southern portion (approximately 350,000 GSF) of the Zipper Building. The boiler stacks for the Bleecker Building and Zipper Building are to be located at the top building tier and, in the case of the Bleecker Building, not less than 30 feet above the Bleecker Building's roof-top playground and at least 128 feet away from the 505 LaGuardia building. The Declarant may substitute, in place of natural gas, an alternative fuel that would result in the same or lower emissions upon a written submission to City Planning providing notice of same.

(b) **NYU Central Heating Plant.** Declarant shall switch the NYU Central Plant boiler fuel to natural gas or No. 2 fuel oil before the Zipper Building or Mercer Building is occupied. The Declarant may substitute, in place of natural gas or No. 2 fuel oil, an alternative

fuel that would result in the same or lower emissions upon a written submission to City Planning providing notice of same.

(b) **New Development Noise Attenuation**. The façades of each New Building shall be designed to provide a composite Outdoor-Indoor Transmission Class (OITC) rating greater than or equal to the attenuation requirements listed in FEIS Tables 17-6 and 17-7, summarized below:

New Building	Proposed Building Facade Locations	Attenuation Required (in dBA)
Zipper	North Facade	None
	East Façade	28 to 33, depending on location
	South Façade	33
	West Facade	28 to 33, depending on location
Bleecker	All Facades	None
Mercer	All Facades	None
LaGuardia	All Facades	None

(c) **Willow Oaks.** To prolong the life expectancy of the Willow Oaks planted on the South Block Parcel, near Bleecker Street, the Declarant shall, until the death of the last Willow Oak, implement a Tree Maintenance Plan, in consultation with the Parks Department arborists, that shall include the following elements: (i) pull back lawn from the base of the trees, by hand, to a radius of 6 feet around each tree, being careful not to damage trunk or roots; (ii) use of an Airspade or other supersonic air tool to loosen soils to a depth of at least 8 inches within this radius; (iii) mix ¾" of well-finished leaf compost into the loosened soil and till in the compost with the Airspade; (iv) cover the amended area with a 1-2" layer of clean mulch, making sure that mulch is kept back at least 1 foot from the basal flare of the trunk on each tree; (v) before, during and for two years following completion of the Zipper Building, treat the root zones of the trees twice annually just after leaf-out in spring and again in late August-early September with Biopak Plus or equivalent material rich in humates to help the existing roots to throw new absorbing roots; (vi) before, during and for two years following completion of the Zipper Building, test soils before each annual application to assess need for other macro or micro

nutrients and apply accordingly; and (vii) before, during and for two years following completion of the Zipper Building, apply supplementary water to the trees during the summer when less than 1 inch of rain has fallen in the preceeding week.

(d) **Retail on the North Block Parcel.** The Declarant shall not locate retail uses on the upper floors (second floor or higher) of the Washington Square Village apartment buildings on the North Block Parcel.

4.3 **Project Components Related to the Environment Relating to Energy Effeciency, Environmental Design and other Sustainability Measures**. Declarant shall implement and incorporate as part of its design and operation of New Buildings, the following PCREs relating to Energy Efficiency, Environmental Design and other Sustainability Measures:

(a) **LEED Certification or Substitute Standard.**

(i) Declarant shall use reasonable and good faith efforts to obtain Leadership in Energy Environmental Design ("**LEED**") Silver Certification from the United States Green Building Council ("**USGBC**") for all New Buildings ("**LEED Silver**" or the "**LEED Silver Certification**"). In the event that LEED Silver Certification by the USGBC is no longer in effect, Declarant shall be required to exercise such substitute and equivalent standard that Declarant and the Chairperson agree has superseded LEED Silver Certification and is a successor thereto (the "**Substitute Standard**" or "**Substitute Standard Certification**") and shall use reasonable and good faith efforts to obtain such Substitute Standard Certification from such other equivalent body that governs the applicable Substitute Standard Certification (the "**Certification Governing Body**"). All references hereinafter in this Section 4.3 to LEED Silver or LEED Silver Certification shall refer interchangeably to LEED Silver or LEED Silver Certification and the Substitute Standard or Substitute Standard Certification, respectively. For purposes of this paragraph (a), the LEED Silver version in effect at the time contracts for full architectural, design and engineering services for each New Building are executed shall be the prevailing standard for each such New Building. Declarant shall promptly notify the Chairperson of the execution of such contracts for each New Building, and of the LEED version in effect for such New Building in accordance with this paragraph. Notwithstanding the above,

should the Public School be constructed on Zoning Lot 3, it shall be required to be designed and constructed pursuant to the New York City Green Schools Guide, or the substitute and equivalent standard prevailing which is applicable to Public Schools, in effect at such time that the SCA designs the Public School.

(ii) In the event any LEED Silver Certification criterion, or elements thereof, change, and Declarant determines that the new criterion or element is not equivalent and is impracticable, Declarant shall notify the Chairperson prior to execution of contracts for full architectural, design and engineering services for the New Building to which the criterion or element would apply. In the event that the Chairperson disputes Declarants determination, such dispute shall be resolved by arbitration. If the Chairperson does not dispute Declarants determination, or if Declarant prevails in such arbitration, Declarant shall not be required to seek to satisfy such criterion or element thereof. Declarant shall bear the costs of arbitration, including any fees or expenses incurred by the City in connection therewith. Absent notification by Declarant as above provided, Declarant shall seek to satisfy the new criterion or element thereof in accordance with the provisions of this paragraph (a).

(iii) The Buildings Department shall not issue, and Declarant shall not accept a new Building Permit to Commence Construction of any New Building subject to LEED Silver Certification, until the Chairperson shall have certified to the Commissioner of the Buildings Department that Declarant has submitted the following to City Planning:

(A) A LEED checklist, or its applicable equivalent (in either case, a "**Certification Checklist**") for the New Building demonstrating the nature and number of "points," or their applicable equivalent (in either case, "**Certification Points**"), Declarant intends to pursue during LEED Certification "Construction Review," or its applicable equivalent (in either case, "**Certification Construction Review**"), that will make the New Building eligible to obtain LEED Silver Certification.

(B) A signed affirmation from a LEED-accredited or equivalent-certified professional (in either case, an "**Accredited Certification Professional**"), as selected by Declarant, stating that he or she has reviewed the plans and drawings submitted or to be submitted to the Buildings Department for purposes of a Building Permit for a New Building

and that such plans and drawings are consistent with the Certification Checklist, and satisfies Section 4.3(a)(i) set forth above for the LEED Silver Certification with respect to the applicable New Building.

(iv) The Buildings Department shall not issue, and Declarant shall not accept, a TCO for a New Building subject to LEED Silver Certification until the Chairperson shall have certified to the Buildings Department that Declarant has submitted the following to City Planning:

(A) Documentation demonstrating that Declarant has completed LEED Certification "Design Review," or such applicable equivalent review (collectively, "**Certification Design Review**"), and showing the number of Certification Points achieved or denied as a result of the Certification Design Review, and

(B) A Certification Checklist for the New Building demonstrating that the number of Certification Points achieved during the Certification Design Review, in combination with the number of Certification Points that Declarant intends to pursue during Certification Construction Review will make the New Building eligible to obtain the LEED Silver Certification.

(v) The Buildings Department shall not issue, and Declarant shall not accept, a PCO for a New Building, until the Chair shall have certified to the Building Department that Declarant has submitted the following to City Planning:

(A) If the New Building has received the LEED Silver Certification:

(1) Documentation demonstrating that the New Building has received the LEED Silver Certification; and

(2) The Certification Checklist for the New Building demonstrating the number of Certification Points that the New Building was awarded.

(B) If the application for Certification Construction Review is still pending:

(1) Documentation demonstrating that the complete application for Certification Construction Review was submitted within nine (9) months of receiving the TCO for the applicable New Building and Declarant has thereafter diligently pursued its application for the LEED Silver Certification.

(2) A Certification Checklist for the New Building, demonstrating that the number of Certification Points achieved during Certification "Design Review," in combination with the number of Certification Points that Declarant has applied for in Certification "Construction Review," will make the New Building eligible to obtain the LEED Silver Certification.

(3) A signed affirmation from an Accredited Certification Professional stating that he or she has reviewed the application submitted to the Certification Governing Body, and that the application is consistent with the Certification Checklist and meets the intent of the criteria for the LEED Silver Certification of the New Building.

(C) In the event that the New Building has failed to receive LEED Silver Certification after Declarant has accepted the final results of the Certification Construction Review, Declarant shall submit to City Planning a report including the following:

(1) Documentation describing: (i) the determinations (collectively, the "**Denial Determination**") which resulted in an inability to receive the LEED Silver Certification, including a list of standards or criteria for which Certification Points were 'denied' during Certification Design Review or Certification Construction Review, the basis for such Denial Determination, and any related technical advice provided to the review team (ii) the steps taken by Declarant in response to the Denial Determination, including appeals thereof; and (iii) alternative elements proposed by Declarant in order to receive the LEED Silver Certification.

(2) Documentation demonstrating that Declarant has (i) designed and constructed the New Building according to the LEED Silver Certification standards or criteria then in effect, but without the standards or criteria which were subject to the Denial

Determination; and (ii) applied for and used good faith and reasonable efforts to obtain the highest level of LEED Silver Certification available in the absence of such standards or criteria.

(b) **Stormwater Management Measures**.

(i) The Declarant shall develop and implement one or more plans incorporating best management practices to reduce the rate of peak discharge to the combined sewer system from the areas of the Subject Property that would be substantially altered by the Development (the "**BMP Plans**").

(A) A BMP Plan shall be submitted to DEP prior to Construction Commencement of each Development Phase. The Declarant may consolidate one or more BMP Plans into one BMP Plan, provided that such BMP Plan is submitted to DEP prior to the Development Phase or Phases included in the consolidated Plan.

(B) The BMP Plans shall achieve an overall release rate of 0.25 cfs or 10 percent of the allowable flow rate (whichever is greater) from the areas of the Subject Property that would be subject to construction-related activities related to a Development Phase or Phases for which such BMP Plans apply.

(C) The Declarant shall construct and operate the Development in accordance with the BMP Plans.

(ii) Prior to Construction Commencement of each Development Phase Declarant shall prepare a Stormwater Pollution Prevention Plan (the "**SWPPP**") if required per the State Pollution Discharge Elimination System ("**SPDES**") General Permit for Construction Activities (GP-0-10-001) with respect to construction activities.

(iii) Any plans and drawings submitted by Declarant to the Buildings Department in connection with a Building Permit shall reflect and be consistent with the SWPPP (if applicable) and BMP Plan.

(iv) Declarant may modify and add to the SWPPP and BMP Plan as development of the Project proceeds in order to address additional New Buildings on the Subject

Property and new Public Access Areas on the Subject Property, provided that such revised SWPPP (if applicable) and BMP Plan is consistent with the requirements of this Declaration.

(v) Prior to accepting a TCO for a New Building, Declarant shall certify to the Chairperson that provisions of the SWPPP (if applicable) and BMP Plan required for that New Building have been implemented and if same have not been implemented, the reasons for such failure.

(c) **Water Conservation Measures**.

(i) Declarant shall install water-conserving toilets and faucets in all New Buildings.

(ii) Declarant shall implement strategies that would use 20 percent less water than the water use in a baseline case. These strategies may include the use of WaterSense certified fixtures and fixture fittings as well as high-efficiency fixtures. Prior to accepting a TCO for a New Building, Declarant shall certify to City Planning that it has implemented the provisions of clause (i) and (ii) of this Section 4.3(c), and if same have not been implemented, the reasons for such failure.

(d) **Other Sustainability Measures**. Declarant shall design, construct and operate each New Building in the following manner:

(i) Declarant shall reduce energy consumption in all New Buildings by incorporating energy efficiency measures into the design and operation of all New Building (the "**EEMs**"), which shall result in at least 10% less energy consumption in each New Building (the "**Minimum Energy Savings**") than the standards set forth in the New York State Energy Conservation Construction Code, or any subsequent baseline energy code applicable in New York City (the "**Effective Energy Code**").

(A) The EEM's may include, but shall not be limited to: use of energy efficient building envelope to reduce cooling/heating requirements; include high-efficiency HVAC systems, or generators; eliminate or reduce use of refrigerants in HVAC systems; use high-albedo roofing materials; incorporate window glazing to optimize day lighting,

heat loss and solar heat gain; incorporate motion sensors and lighting and climate control; use efficient lighting and elevators, and *Energy Star* appliances, if appliances are being installed; use water conserving fixtures that exceed building code requirements; include water-efficient landscaping; provide for storage and collection of recyclables (including paper, corrugated cardboard, glass, plastic and metals) in building design; use super insulation to minimize heat loss; use efficient directed exterior lighting; including other measures to achieve maximum interior day lighting; use peak shaving or load-shifting strategies and/or energy savings; attain a score of 80 or higher under the U.S. Environmental Protection Agency *Energy Star*'s Target Finder; use of variable frequency drives for pumps and fans; use of premium efficiency motors; investigate other measures for minimizing energy use through low impact development for storm water design, reuse of grey water and/or collection of rain water; and except as set forth herein, use operable windows to all residential living spaces and allowance to all residents of full control over their fresh air, heating and cooling.

(B) Declarant shall cause to be prepared by a qualified building energy consultant (the "**BEC**") a report identifying the EEMs for each New Building that is designed to result in the Minimum Energy Savings (the "**Energy Report**"). The Energy Report shall demonstrate how such EEMs, once implemented, will achieve the Minimum Energy Savings. Nothing herein shall be deemed to preclude Declarant from achieving a greater amount of energy savings. No later than ninety (90) days prior to submitting an application for a New Building Permit for a New Building to the Buildings Department, Declarant shall cause the BEC to submit copies of a draft Energy Report to the Chairperson, which shall, from the date of receipt, have thirty (30) days to review the draft Energy Report, based on consultation with the Energy Division of EDC, and to provide Declarant with written comments detailing any issues regarding the sufficiency of the proposed EEMs to achieve the Minimum Energy Savings. Declarant shall cause the BEC to submit to the Chairperson a final Energy Report, which shall include responses to such comments. The final Energy Report shall be accompanied by a written certification of the BEC stating that, in its opinion, the EEMs described in the final Energy Report are sufficient to achieve the Minimum Energy Savings. The Buildings Department shall not issue, and Declarant shall not accept, any New Building Permit for a Building until City Planning shall have certified in writing to the Commissioner of the Buildings Department that a

final Energy Report for such Building has been submitted in accordance with the procedures of this Section 4.3(d).

(C) In order to ensure that each New Building operates to achieve the Minimum Energy Savings and ensure optimal system performance consistent with the standard use of the term "commission" in the construction industry, Declarant shall retain a commissioning agent (the "**Commissioning Agent**"), independent of the construction contractor for any portion of the Development, to lead, review and oversee the completion of commissioning activities. At least 90 days prior to accepting a TCO for each Building, Declarant shall have the commissioning agent submit for review by City Planning, based on consultations with the Energy Division of EDC or its successor, a plan for commissioning of major building energy systems, which shall specify measures to verify each New Buildings major energy-related systems are installed, calibrated and perform according to design (the "**Commissioning Plan**")

(D) In order to ensure each New Building operates on an ongoing basis to achieve the Minimum Energy Savings, Declarant shall rely upon a Measurement and Verification Plan (as defined herein) to monitor the ongoing Minimum Energy Savings of each New Buildings. At least 90 days prior to accepting a TCO for each New Building, Declarant shall have the BEC submit for review by the Chairperson, based on consultations with the Energy Division of EDC, a plan to measure and verify the energy performance of each New Building and its energy systems (the "**Measurement and Verification Plan**"). Such Measurement and Verification Plan shall (i) describe the expected performance of the Building and its energy systems using energy simulation or engineering analysis; (ii) specify metering equipment necessary to measure energy use; (iii) describe a process to evaluate performance, comparing predicted performance to actual performance, during at least one year of post-construction occupancy; and (iv) describe a process to identify and repair of any component or system, which is not performing according to design. The Chairperson shall provide written comments detailing the sufficiency of the Measurement and Verification Plan within thirty (30) days after receipt thereof. If the Chairperson provides any recommendations for revisions to the Measurement and Verification Plan, then Declarant shall have the BEC (i) submit a revised Measurement and Verification Plan to the Chairperson, incorporating any revisions to such plan,

and/or (ii), provide a written explanation to the Chairperson as to why any recommendation has not been incorporated into the Measurement and Verification Plan. No more than two (2) years following occupancy of each New Building, Declarant shall have the BEC submit a report to the Chairperson (i) certifying that measurement and verification has been performed in accordance with the Measurement and Verification Plan; and (ii) describing any problems that were identified and corrective actions that were implemented.

(ii) Declarant shall design and construct each New Building to support walking and bicycling, including but not limited to the following measures: use of paths, bicycle storage and showers; encourage bicycle commuting via NYU's Bike Share program whereby students and staff have access to short-term use of bicycles for free, conveniently located in dormitory buildings and around campus.

(iii) Declarant shall utilize alternative fuel and efficient vehicles for maintenance and operational fleets associated with the New Buildings and shall further investigate additional measures to encourage use of such vehicles, which may include designating on-site parking for alternative vehicles and charging stations for electric vehicles.

(iv) In the event that Declarant demonstrates to the satisfaction of the Chairperson that sustainability measures of the type set forth in this Section 4.3(d) may be satisfied through alternative means and methods pursuant to a LEED Silver criterion, and that implementation of such LEED Silver criterion would provide equivalent or greater benefits, Declarant may implement the LEED Silver criterion in lieu of the measure set forth in this Section 4.3(d).

4.4 **Environmental Mitigation**. Declarant shall, in accordance with the FEIS, undertake the mitigation measures set forth therein (the "**Mitigation Measures**"), as follows:

(a) **Shadows.**

(i) If the Bleecker Building is constructed for NYU use (but not if the Bleecker Building is constructed so as to include a Public School), Declarant shall undertake the activities described below, as applicable:

(1) At least 12 months prior to construction of the Bleecker Building, but not more than 36 months prior to the planned construction of the Bleecker Building, Declarant shall provide written notice to City Planning of the planned construction schedule for the Bleecker Building and request that City Planning convene a Task Force consisting of representatives of City Planning, the Parks Department, Manhattan Community Board 2, the Manhattan Borough President, the City Green Thumb Program, the LaGuardia Corner Gardens and Declarant (the "**Gardens Task Force**") to consider whether there is a feasible permanent relocation site for the LaGuardia Corner Gardens (the "**Permanent Relocation Site**"). A Permanent Relocation Site shall be one located in Community Board 2 that is: (aa) already owned by Declarant or the City; (bb) of a size sufficient to accommodate a community garden of approximately comparable size to the LaGuardia Corner Gardens; (cc) so located as to provide sufficient sun-light to sustain shade-intolerant species; (dd) in the case of property owned by the City, not currently occupied or planned to be occupied for use by the City and acceptable to the City; and (ee) in the case of property owned by Declarant, not currently occupied or planned to be occupied for use by Declarant and acceptable to the Declarant, whose consent for use of a site as the Permanent Relocation Site shall not be unreasonably withheld. City Planning shall convene the Gardens Task Force within 30 days of the Declarant's request in writing to do the same. In the event that, within 6 months following such request by the Declarant that City Planning convene the Gardens Task Force, the Gardens Task Force identifies a feasible Permanent Relocation Site meeting the foregoing criteria, with the agreement of the representatives of LaGuardia Corner Gardens, then (aa) Declarant shall be responsible for all costs of relocation, including any necessary site preparation, including but not limited to the installation of utilities, as required to make such site usable as a community garden, provided that where a Permanent Relocation Site is provided for on Declarant's property, Declarant shall provide the City with a permanent right of use of such site for community garden purposes, in a form acceptable to the City and (bb) Declarant shall not receive and the Buildings Department shall not issue a Building Permit for the demolition of the existing Morton Williams grocery store on the Bleecker Building site unless and until such relocation and site preparation shall have been completed and the Permanent Relocation Site is made ready for use. In the event City Planning fails to convene the Gardens Task Force, or when convened the Gardens Task Force fails to identify a feasible Permanent Relocation Site within 6 months of Declarant's request that

City Planning convene the Gardens Task Force, Declarant's responsibilities herein to pay for costs of relocation shall cease, and Declarant shall be permitted to proceed with demolition of the Morton Williams grocery store without further obligations with respect to the requirements of this paragraph.

(2) In the event that the LaGuardia Corner Gardens has not been relocated, Declarant shall, as a condition to Commencement of Construction for the Bleecker Building, establish a fund for use by the LaGuardia Corner Gardens to implement measures to increase the viability of plants such as creating raised beds to enhance soil quality; provide constant access to water for shade-grown plants through an irrigation system or rain barrel; and provide for multiple organic fertilizer applications evenly spaced throughout the year. The Chairperson shall determine the amount of such fund, and shall approve the instruments governing its establishment and administration, acting in consultation with the Commissioner of the Parks Department.

(ii) If the Bleecker Building is to be constructed prior to or during 2021 so as to include a Public School, Declarant shall use best efforts to require that the SCA Agreement require SCA to discharge the responsibilities imposed upon Declarant pursuant to the immediately preceding Section 4.4(a)(i) above.

(b) **Historic Resources Mitigation Measures.** The Declarant shall comply with the Letter of Resolution annexed hereto as Exhibit E. Where the LOR requires that Declarant develop a CPP for Washington Square Village, Declarant shall follow the provisions set forth in Section 4.1(h)(ii) for Washington Square Village to the same extent as they apply therein to University Village.

(c) **Traffic and Pedestrians, and Construction Traffic.**

(i) Chapter 26 of the FEIS sets forth recommended mitigation measures that are subject to review and approval by DOT. Aside from traffic signal timing adjustments, these mitigation measures are identified in the table below:

Traffic and Pedestrian Mitigation Measures Recommended in FEIS (Excluding Signal Timing)

Traffic and Pedestrian Mitigation Measures Recommended in FEIS (Excluding Signal Timing)			
Timing of Mitigation	**Purpose of Mitigation**	**Intersection**	**Mitigation**
Prior to Issuance of a TCO for any of the New Buildings	Traffic	Bleecker Street and Mercer Street	Eliminate 4-5 alternate side parking spaces on the south side of Bleecker Street on the eastbound approach; install No Standing Anytime sign approximately 100 feet from the intersection; paint transitional striping on the pavement.
Prior to Issuance of a TCO for LaGuardia Building.	Pedestrian	Washington Square East and West 4th Street – West Crosswalk	Widening by 1.5 feet to 15 feet

(ii) Declarant shall either implement such measures as directed by DOT pursuant to DOT-approved plans, or, if directed by DOT, pay the City for the ordinary and customary cost of implementing such improvements (including but not limited to the costs of the design and construction of such improvements), upon request of DOT accompanied by appropriate supporting documentation.

(iii) Due to the potential for conditions to change over time, Declarant shall conduct a traffic monitoring program ("**TMP**") (at Declarant's expense) to determine the need for and any adjustments to the mitigation measures described in Chapter 26 of the FEIS.

(A) Declarant shall provide reasonable notice to DOT prior the completion and full occupancy of the LaGuardia Building before commencement of the TMP The TMP shall be undertaken by Declarant at a time specified by DOT after the completion and occupancy of the LaGuardia Building, but in no event later than12 months after a TCO has been issued for the LaGuardia Building. The TMP shall be undertaken pursuant to a scope approved by DOT; however, the scope of the TMP shall be limited to the intersections identified in the FEIS and City Planning's Findings Statement as requiring mitigation. Declarant shall implement at its own expense the entire approved TMP, the findings of which will be used by DOT as the basis for approving mitigation measures

(B) Unless and to the extent, following the implementation of the TMP, DOT finds that such mitigation measures should be adjusted or are not necessary or appropriate, Declarant shall send written notice to DOT, requesting that DOT implement the

traffic mitigation measures set forth in Chapter 26 of the FEIS or measures having comparable benefits as specified by DOT based on the results of the TMP. Declarant shall comply with DOT requirements necessary to implement the traffic mitigation measures set forth in Chapter 26 of the FEIS or measures having comparable benefits as specified by DOT based on the results of the TMP, and shall either implement such measures as directed by DOT, or, if directed by DOT, pay DOT/City of New York for the ordinary and customary costs, if any, of implementing such capital improvements (including but not limited to the costs of the design and construction of such capital improvements), upon request of DOT accompanied by appropriate supporting documentation. The Declarant will submit any and all required drawings/designs as per AASHTO and DOT specifications for DOT review and approval. To the extent that DOT does not approve or deems unnecessary one or more of the traffic measures set forth in Chapter 26 of the FEIS, Declarant shall have no further obligation with respect to such measures.

(C) Declarant shall not apply for and shall not accept a PCO from the Building Department for the LaGuardia Building until (A) Declarant has submitted for DOT's approval, a scope of work for the TMP, (B) such scope of work has been approved by DOT, and (C) the Chairperson certifies to the Building Department that Declarant has provided to DOT a letter of credit or posted a performance bond for an amount reasonably determined by DOT to equal the estimated costs of undertaking the TMP, plus the estimated cost of implementing any not-already-implemented traffic and pedestrian capital mitigation measures set forth in Chapter 26 of the FEIS.

(d) **Transit.** The FEIS identifies potential significant adverse impacts to the level of service at two subway stairs: (i) stair S9 at the Broadway-Lafayette Subway Station (B, D, F and M Lines) near the northeast corner of Broadway and Houston Street ("**Stair S9**"); and (ii) stair S2A/B at the W. 4th Street Subway Station (B, D, F, M, A, C and E Lines) near the northeast corner of Sixth Avenue and W. 3rd Street ("**Stair S2A/B**"). The mitigation identified in the FEIS is to widen Stair S9 and Stair S2A/B to 8.5 feet. Declarant shall coordinate with NYCT with respect to the preparation of the required construction plans to widen these subway stairs, and implementation of NYCT-approved construction plans to widen these subway stairs, at Declarant's expense, in accordance with the following schedule: (i) Stair S9 shall be widened prior to the issuance of the TCO for the Zipper Building, unless Declarant undertakes a study and

City Planning, in consultation with the NYCT, determines, based on its review of the study and applying applicable CEQR methodologies, that the widening of Stair S9 is not warranted at that time; (ii) Stair S9 shall be widened prior to the issuance of the TCO for the LaGuardia Building, unless Declarant undertakes a study and City Planning, in consultation with the NYCT, determines, based on its review of the study and applying applicable CEQR methodologies, that the widening of Stair S9 is not warranted at that time; (iii) Stair S9 shall be widened prior to the issuance of the TCO for the Mercer Building, unless Declarant undertakes a study and City Planning, in consultation with the NYCT, determines, based on its review of the study and applying applicable CEQR methodologies, that the widening of Stair S9 is not warranted at that time; and (iv) if the Build Program is developed with a program that generates trips similar to RWCDS 1 in the FEIS (no Stair S2A/B widening is required for RWCDS 2 or the Illustrative Program presented in the FEIS), Stair S2A/B shall be widened prior to the issuance of the TCO for the Mercer Building, unless Declarant undertakes a study and City Planning, in consultation with the NYCT, determines, based on its review of the study and applying applicable CEQR methodologies, that the widening of Stair S2A/B is not warranted at that time. Notwithstanding any other provision of this Restrictive Declaration, Declarant's obligation to undertake or pay for the construction work for the stair widening is contingent upon NYCT's approval of construction plans to widen the stairs and grant of access to NYCT's subway station facilities to undertake the work; if NYCT does not approve the plans or grant access to its facilities, the Declarant's inability to widen the subway stairs shall not prevent issuance of the aforementioned TCOs. Declarant shall not apply for and shall not accept a TCO from the Building Department for the Zipper Building, LaGuardia Building, or Mercer Building, as applicable, until any applicable mitigation measures set forth in subsections (i), (ii), (iii) and (iv) of this Section 4.4(d), requiring the widening of Stair S9 or Stair 2A/B stairway, as applicable, have been complied with and the Chairperson certifies to the Buildings Department that the Declarant has complied with the requirements of this Section.

(e) **Construction Noise.**

(i) Pursuant to a written protocol approved by City Planning, the Declarant shall offer to provide at its expense, window treatment and/or alternative ventilation

mitigation as specified below, to all occupants at the following locations, which do not already have double glazed windows and/or alternative ventilation:

Buildings on Subject Property				
Building Name	**Total Stories**	**Façade**	**Associated FEIS Analysis Receptor and Impacted Floor(s)**	**Mitigation to be Completed Prior to Commencement of Specified Construction Activity for New Building**
Washington Square Village 1	17	South and West	As specified in FEIS Table 26-50	LaGuardia Building
		South	As specified in FEIS Table 26-50	Mercer Building
Washington Square Village 2	17	South	As specified in FEIS Table 26-50	LaGuardia Building
		South and East	As specified in FEIS Table 26-50	Mercer Building
Washington Square Village 3	17	North	As specified in FEIS Table 26-50	LaGuardia Building
		North	As specified in FEIS Table 26-50	Mercer Building
		West	As specified in FEIS Table 26-50	Bleecker Building (LaGuardia Staging Option)
		West	As specified in FEIS Table 26-50	LaGuardia Building
		South	As specified in FEIS Table 26-50	Bleecker Building
Washington Square Village 4	17	North	As specified in FEIS Table 26-50	LaGuardia Building
		North	As specified in FEIS Table 26-50	Mercer Building
		South	As specified in FEIS Table 26-50	Zipper Building
		South	As specified in FEIS Table 26-50	LaGuardia Building
		East	As specified in FEIS Table 26-50	Zipper Building
Silver Tower II	30	East and South	As specified in FEIS Table 26-50	Zipper Building

Buildings on Subject Property				
Building Name	**Total Stories**	**Façade**	**Associated FEIS Analysis Receptor and Impacted Floor(s)**	**Mitigation to be Completed Prior to Commencement of Specified Construction Activity for New Building**
Silver Tower I	30	West and South	As specified in FEIS Table 26-50	Zipper Building
Required Mitigation: For areas of Washington Square Village Buildings requiring mitigation, Declarant shall: (i) re-caulk existing windows and provide new storm windows (or, at Declarant's option, install new double-paned windows) and (ii) insulate/seal existing air conditioning units and provide an interior cover or provide new air conditioning units. For areas of Silver Towers requiring mitigation, Declarant shall: (i) re-caulk existing windows and provide new storm windows (or, at Declarant's option, install new double-paned windows) and (ii) replace the existing packaged terminal air conditioner ("PTAC") units with high-attenuation PTAC units installed to fit properly/snugly in the PTAC sleeve.				

Buildings Not On Subject Property						
Building Name	**Land Use**	**Total Stories**	**Facade**	**FEIS Analysis Receptor**	**Impacted Floor(s)**	**Mitigation to be Completed Prior to Commencement of Specified Construction Activity for New Building**
510 LaGuardia Place	Residential/ Commercial	5	East	I	3rd-top	Bleecker Building (LaGuardia Place Stating Option)
520 LaGuardia Place	Residential/ Commercial	7	East	J	As specified in FEIS Table 26-50	Bleecker Building
520 LaGuardia Place	Residential/ Commercial	7	East	J	As specified in FEIS Table 26-50	LaGuardia Building
530 LaGuardia Place	Residential/ Commercial	8	East	K	3rd-top	LaGuardia Building
246 Mercer Street	Institution	20	West	O	3rd-top	Mercer Building
81 Bleecker Street	Residential	6	West	P	3rd-top	Zipper Building
200 Mercer Street	Residential	4	West	Q	1st-top	Zipper Building

158 Mercer Street	Residential/ Commercial	12	West	EE	10th-top	Zipper Building
81 Bleecker Street	Residential	6	South	KK	Top	Zipper Building
520 LaGuardia Place	Residential	7	South	NN	Top	Bleecker Building (LaGuardia Place Stating Option)
18 West Houston Street	Commercial	9	West	Q1	3rd-top	Zipper Building
25 West Houston Street	Residential/ Commercial	9	East	S1	7th-top	Zipper Building
506 LaGuardia Place	Residential/ Commercial	5	East	H1	3rd-top	Bleecker Building (LaGuardia Place Stating Option)
500 LaGuardia Place	Residential/ Commercial	5	East	H2	3rd-top	Bleecker Building (LaGuardia Place Stating Option)
Required Mitigation: For areas of these buildings requiring mitigation, Declarant shall provide: (i) new storm windows (or, at Declarant's option, new double-glazed windows) if not already installed and (ii) new air conditioning units if alternative ventilation to open windows is not already installed.						

(ii) For purposes of the foregoing noise mitigation, references to (i) construction of the "LaGuardia Building" includes the demolition of the existing LaGuardia Retail Building on the North Block Parcel such that mitigation required for the construction of the LaGuardia Building shall be implemented prior to demolition of the LaGuardia Retail Building; (ii) construction of the "Bleecker Building" includes the demolition of the existing Morton-Williams Supermarket Building on the South Block Parcel such that mitigation required for the construction of the Bleecker Building shall be implemented prior to demolition of the Morton-Williams Supermarket Building; and (iii) construction of the "Zipper Building" includes the demolition of the existing Coles Gymnasium on the South Block Parcel such that mitigation required for the construction of the Zipper Building shall be implemented prior to demolition of the Coles Gymnasium.

(iii) Declarant shall not accept and Buildings Department shall not issue any Building Permit associated with the construction of each New Building specified in the column labeled "Mitigation to be Completed Prior to Commencement of Specified Construction Activity for New Building" as may be applicable until the Construction Monitor, as such is defined in Section 4.8(a), certifies to the Chairperson, in writing, that the Declarant has

demonstrated to the satisfaction of the Construction Monitor, that Declarant has offered the applicable mitigation measure identified above, to the affected parties in the applicable impacted locations, as set forth above and in FEIS Table 26-50 and the affected parties have either (i) rejected the offer or (ii) have accepted the offer of the mitigation measures, as the case may be, and such mitigation measure has been implemented with respect to parties who have accepted the offer. The offer of the mitigation measures as set forth above shall be made on a yearly basis to all new occupants of the affected units pursuant to a protocol accepted by the Chairperson.

(f) **Construction Open Space – Active Open Space Impact During LaGuardia Building Construction.**

(i) Prior to issuance of a TCO for the Zipper Building Towers (and in any event no later than 12 months prior to the issuance of a Building Permit for the LaGuardia Building), Declarant shall make a financial contribution to the Parks Department in the amount of $350,000 as Adjusted for Inflation occurring after the Effective Date ($350,000 being the approximate cost in 2012 dollars of installing the Adrienne's Garden play area, which is being displaced by the construction activities associated with the LaGuardia Building construction) for improvements at the Mercer Street Playground and/or Washington Square Park playgrounds prior to construction of the LaGuardia Building. Declarant shall not receive and the Building Department shall not issue a Building Permit for the LaGuardia Building unless and until Declarant has provided the funding described in this paragraph to the Parks Department and the Chairperson has certified to the Building Department that the aforementioned funding has been provided to the Park Department by the Declarant.

(ii) Declarant shall, no later than Commencement of Construction of the LaGuardia Building, provide the first annual payment to the Parks Department to fund the stationing of a Parks Department seasonal playground associate at Washington Square Park for six months a year, which amount of funding shall be equal to the then applicable salary and fringe rate for such an employee (approximately $20,000 in 2012 dollars). Declarant's obligation to provide the annual funding described herein to the Parks Department for purposes of stationing a seasonal playground associate at Washington Square Park for six months a year shall continue on an annual basis until certain of the New Landscape Improvements associated

with the LaGuardia Building (the LaGuardia Plaza, Public Lawn, Philosophy Garden and Washington Square Village Play Garden) have been Substantially Completed. Declarant shall not receive and the Buildings Department shall not issue a Building Permit for the Commencement of Construction of the LaGuardia Building unless and until Declarant has provided the first year's funding described in this paragraph to the Parks Department and the Chairperson has certified to the Building Department that the Declarant has provided such funding to the Parks Department. Declarant shall not receive and the Buildings Department shall not issue a TCO for the LaGuardia Building unless and until the Declarant has provided all the required annual payments set forth above for each year prior to the Substantial Completion of such New Landscape Improvements and the Chairperson has certified to the Buildings Department that the aforementioned funding was provided in the manner set forth above.

(g) **Construction Open Space – Impact of Bleecker Building Construction on LaGuardia Corner Gardens.** If the LaGuardia Corners Garden is not relocated pursuant to Section 4.4(a), and if the Bleecker Building is constructed containing above-grade academic space (instead of a Public School), Declarant shall undertake the following activities to reduce or partially mitigate impacts on the LaGuardia Corner Gardens: (i) if requested by the LaGuardia Corner Garden gardeners to City Planning, provide temporary relocation space to the LaGuardia Corner Garden gardeners in the northern fenced-off area of the North Block Parcel between the existing LaGuardia Retail Building (to the west) and the Wooster Street driveway (to the east) (i.e., the northern most of the two areas identified as Area "B" on FEIS Figure 5-2), during the period of time in which the Bleecker Building is under construction, including any necessary site preparation prep work to make the area suitable for a community garden, unless the LaGuardia Building has already been constructed in this area, in which case this area would not be available for temporary relocation space; (ii) if not temporarily relocated pursuant to Section 4.4(g)(i), utilize the Bleecker Street Staging Option for construction, unless Declarant demonstrates to the satisfaction of the Chairperson that, based on detailed construction staging plans or due to unforeseen circumstances, the Bleecker Street Staging Option is infeasible; and (iii) if temporary relocation space is not provided pursuant Section 4.4(g)(i), to the maximum extent feasible and consistent with sound construction practices, as authorized by the Buildings Department, protect the LaGuardia Corner Gardens from the impacts of construction and enable light to reach the garden through the use of a transparent material (e.g., plexiglass) as an alternative to a standard

plywood construction shed and/or through the provision of "grow lights" under the construction shed, and allow for suitable hours for garden maintenance outside of construction hours, as well as other options to be explored in coordination with City Planning and in consultation with the Buildings Department, prior to construction of the Bleecker Building, in order to maximize opportunities to provide for adequate overhead protection and luminescent transparency without compromising safety. In the event that, pursuant to this Section 4.4(g)(ii), the Chairperson determines that the Bleecker Street Staging Option is infeasible, construction of the Bleecker Building may be staged from LaGuardia Place (the "LaGuardia Place Staging Option"), subject to the approval of plans by the Chairperson, acting in consultation with the Commissioner of the Parks Department, for the temporary closure of the LaGuardia Corner Gardens, and its reconstruction, with the costs thereof to be borne by Declarant. If the LaGuardia Corners Garden is not relocated and if the Bleecker Building is to be constructed so as to include a Public School, Declarant shall use best efforts to require that the SCA Agreement require SCA to discharge the responsibilities imposed upon Declarant pursuant to this Section 4.4(g).

4.5. Force Majeure Involving a FEIS Obligation. Notwithstanding any provision of this Declaration to the contrary, if Declarant is unable to perform a PCRE or Mitigation Measure set forth in this Section 4 by reason of a Force Majeure Event, as determined by the Chairperson, pursuant to the procedures set forth in Section 8, then Declarant shall not be excused from performing such PCRE or Mitigation Measure that is affected by a Force Majeure Event unless and until the Chairperson has made a determination in his or her reasonable discretion that the failure to implement the PCRE or Mitigation Measure during the period of the Force Majeure Event, or implementing an alternative proposed by Declarant, would not result in any new or different significant environmental impact not addressed in the FEIS.

4.6. Incorporation of FEIS Requirements in FEIS Obligation. If this Declaration inadvertently fails to incorporate a FEIS Requirement set forth in the FEIS, such FEIS Requirement shall be deemed incorporated herein by reference as an FEIS Obligation. If there is any inconsistency between a FEIS Obligation as set forth in the FEIS or Technical Memoranda and as incorporated in this Declaration, the more environmentally protective provision shall be applicable.

4.7. Innovation; Alternatives; Modifications Based on Further Assessments.

(a) **Innovation and Alternatives**. In complying with any PCRE or Mitigation Measure set forth in this Section 4, Declarant may implement innovations, technologies or alternatives now or hereafter available, provided that Declarant demonstrates to the satisfaction of City Planning that such alternative measures would result in equal or better methods of achieving the relevant PCRE or Mitigation Measure, than those set forth in this Section 4, in each case subject to approval by City Planning.

(b) **Modifications Based on Further Assessments**. In the event that Declarant believes, in good faith, based on changed conditions, that a PCRE or Mitigation Measure required under Sections 4.1, 4.2, 4.3, or 4.4 could be eliminated or modified without diminishment of the environmental standards that would be achieved by implementation of the PCRE or Mitigation Measure, Declarant shall request that City Planning grant a waiver or modification. Such request shall be submitted to City Planning and shall include an analysis that sets forth the basis of Declarant's belief.

(c) In the event that City Planning determines in a technical memorandum that innovations, technologies or alternatives, as set forth in Section 4.7(a), are acceptable, or that the relevant PCRE or Mitigation Measure should not apply or could be modified, as set forth in this Section 4.7(b), Declarant may eliminate or modify the PCRE or Mitigation consistent with the City Planning approval or determination, provided that Declarant records a notice of such change against the Subject Property in the Register's Office, but no amendment of this Declaration shall be required.

4.8. Appointment and Role of Independent Monitor.

(a) Declarant shall, with the consent of City Planning, appoint an independent third party (the "**Construction Monitor**") reasonably acceptable to City Planning to oversee, on behalf of City Planning, the implementation and performance by Declarant of the construction period PCREs and Mitigation Measures required under this Section 4 (the "**Construction Monitoring Measures**" or "**CMMs**"). The Monitor shall be a person holding a professional engineering degree and with significant experience in environmental management and

construction management (or a firm including such persons), including familiarity with the means and methods for implementation of the CMMs. [In the event that the Declarant that is signatory to this Declaration shall have sold, leased transferred or conveyed to a third party fee title to, or a ground or net lease of, one or more tax lots within the Subject Property, then such, third party shall be deemed a successor Declarant (a "**Successor Declarant**") with respect to such lots so sold, leased, transferred or conveyed to it, and, with the prior written approval of City Planning, there may exist more than one Monitor with respect to multiple developments proceeding simultaneously on the Subject Property, pursuant to separate Monitor Agreements (hereafter defined).] Notwithstanding, if the SCA constructs the Public School on Zoning Lot 3 the Monitor shall not oversee the implementation and performance of the SCA with respect to such construction-related activities so long as the SCA constructs pursuant to the New York City Green Schools Guide, or other applicable sustainability guidelines, and the SCA has substantiated through a technical memorandum that the design and construction methods chosen for the construction of the Public School are no less protective of the environment than that which is provided for in this Declaration by the Declarant.

(b) The scope of services described in any agreement between Declarant and the Monitor pursuant to which the Monitor is retained (the "**Monitor Agreement**") shall be subject to prior review by and approval of City Planning, such approval not to be unreasonably withheld, conditioned or delayed. Such agreement shall include provisions in a form acceptable to City Planning that, among others, shall: (i) ensure that the Monitor is independent of Declarant in all respects relating to the Monitor's responsibilities under this Declaration (provided that the Monitor shall be responsible to Declarant with regard to practices generally applicable to or expected of consultants and independent contractors of Declarant) and has a duty of loyalty to City Planning; (ii) provide for appropriate City Planning management and control of the performance of services by the Monitor; (iii) authorize City Planning to direct the termination of services by the Monitor for unsatisfactory performance of its responsibilities under the Monitoring Agreement; (iv) allow the Declarant to approve the retention by the Monitor of sub-consultants with expertise appropriate to assisting the Monitor in its performance of its obligations to the extent reasonably necessary to perform its obligations under this Declaration and the Monitor Agreement; (v) allow the Monitor to retain any such approved sub-consultants to assist the Monitor in its performance of its obligations to the extent reasonably necessary to

perform its obligations under this Declaration and the Monitor Agreement; and (vi) allow for Declarant's termination of the Monitor or any sub-consultant for cause, but only with the express written concurrence of City Planning, which concurrence shall not be unreasonably withheld or delayed. If City Planning shall fail to act upon a proposed Monitor Agreement within sixty (60) days after submission of a draft form of Monitor Agreement, the form of Monitor Agreement so submitted shall be deemed acceptable by City Planning and may be executed by Declarant and the Monitor. The Monitor Agreement shall provide for the commencement of services by the Monitor at a point prior to Construction Commencement of the relevant Development Phase(s) (the timing of such earlier point to be at the sole discretion of Declarant) and shall continue in effect at all times that construction activities are occurring on the Subject Property with respect to the relevant Development Phase(s) including, with respect to New Buildings, until issuance of TCOs or PCOs therefor, unless the Declarant, with the prior consent of City Planning or at the direction of City Planning, shall have terminated a Monitor Agreement and substituted therefor another Monitor under a new Monitor Agreement, in accordance with all requirements of this Section 4.8. If the Development Phase(s) identified in a Scope of Services under the Monitor Agreement is completed, Declarant shall not have any obligation to retain the Monitor for a subsequent Development Phase, provided that Declarant shall not recommence any construction until it shall have retained a new Monitor in compliance with the provisions of this Section 4.8.

(c) The Monitor shall: (i) assist and advise City Planning with regard to review of plans and measures proposed by Declarant for purposes of satisfying CMMs in connection with determinations required under this Declaration as a prerequisite to Construction Commencement or the issuance or acceptance by Declarant of a Building Permit, TCO or PCO as the case may be, pursuant to the process set forth in Section 4.9; and (ii) provide periodic reports of Declarant's compliance with the CMMs during any period of construction on a schedule reasonably acceptable to City Planning, but not more frequently than once per month, and (iii) provide City Planning on an expedited basis with notice of a determination that a particular CMM has not been implemented, accompanied by supporting documentation establishing the basis for such determination. A copy of such notice and supporting documentation shall be delivered simultaneously to Declarant.

(d) The Monitor shall: (i) have full access to the Subject Property, subject to compliance with all generally applicable site safety requirements imposed by law, pursuant to construction contracts, or imposed as part of the site safety protocol in effect for the Subject Property; (ii) be provided with access to all books and records of Declarant either on or outside the Subject Property pertaining to the development of the Project which it reasonably deems necessary to carry out its duties under the Monitor Agreement, including the preparation of periodic reports; and (iii) be entitled to conduct any tests on the Subject Property that the Monitor reasonably deems necessary to verify Declarant's implementation and performance of the CMMs, subject to compliance with all generally applicable site safety requirements imposed by law, site operations, or pursuant to construction contracts in effect for the Subject Property and provided further that any such additional testing shall be coordinated with Declarant's construction activities and use of the Subject Property by the occupants of and visitors to any New Buildings and Public Access Areas then located on the Subject Property, and shall be conducted in a manner that will minimize any interference with the Project.

(e) The Monitor Agreement shall provide that Declarant shall have the right to require Monitor to secure insurance covering the Monitor's activities under this Section 4.8, including coverage for customary activities set forth in Section 4.8(d), and Declarant may hold the Monitor liable for any damage or harm resulting from such testing activities.

(f) Declarant shall be responsible for payment of all the reasonable fees and expenses due to the Monitor and any consultants retained by the Monitor in accordance with the terms of the Monitor Agreement.

(g) If the Monitor determines, either in a periodic report or expedited notice, as provided in Section 4.8(c) above, that Declarant has failed to implement or to cause its contractors to implement a CMM, either in full or in part, and City Planning determines, based on consultation with the Monitor and others, as appropriate, that there is a basis for concluding that such a violation has occurred, City Planning may thereupon give Declarant written notice of such alleged violation (each, a **"CMM Default Notice"**), transmitted by hand or via overnight courier service to the address for Notices for Declarant set forth in Section 13. Notwithstanding any provisions to the contrary contained in Section 13, following receipt of a CMM Default

Notice, Declarant shall: (i) effect a cure of the alleged violation within ten (10) business days, or if City Planning reasonably determines that the nature of the violation poses a potential threat to public health and safety, within such shorter period as City Planning's notice shall direct (the "Cure Period") ; (ii) seek to demonstrate to City Planning in writing within nine (9) business days of receipt of the CMM Default Notice (or if City Planning has determined that the nature of the violation poses a potential threat to public health and safety, within the Cure Period established therefor) why the alleged violation did not occur and does not then exist; or (iii) seek to demonstrate to City Planning in writing within nine (9) business days of receipt of the CMM Default Notice that a cure period greater than ten (10) business days would not result in any significant harm to the environment (such longer cure period, a **"Proposed Cure Period"**). If City Planning accepts within one (1) business day of receipt of a writing from Declarant that the alleged violation did not occur and does not then exist, City Planning shall withdraw the CMM Default Notice and Declarant shall have no obligation to cure. If City Planning accepts a Proposed Cure Period in writing within one (1) business day of receipt of a writing from Declarant, then this shall become the applicable cure period for the alleged violation (the **"New Cure Period"**), provided that if City Planning does not act with respect to a Proposed Cure Period within one (1) business day of after receipt of a writing from Declarant with respect thereto, the ten (10) day cure period for the alleged violation shall be deemed to continue unless and until City Planning so acts. If Declarant fails to: (i) effect a cure of the alleged violation Cure Period; (ii) cure the alleged violation within a New Cure Period, if one has been established; or (iii) demonstrate to City Planning's satisfaction that a violation has not occurred, then representatives of Declarant shall, promptly at City Planning's direction, and upon a time and date acceptable to City Planning, convene a meeting at the Site with the Monitor and City Planning representatives. If Declarant is unable reasonably to satisfy the City Planning representatives that no violation exists or is continuing and the Declarant, the Monitor and City Planning are unable to agree upon a method for curing the violation within a time period acceptable to City Planning, City Planning shall have the right to exercise any remedy available at law or in equity or by way of administrative enforcement, to obtain or compel Declarant's performance under this Declaration, including seeking an injunction to stop work on the Subject Property, as necessary, to ensure that the violation does not continue, until the Declarant demonstrates that it has cured the violation.

4.9. City Planning Review.

(a) Not less than ninety (90) days prior to the date Declarant anticipates to be the date of Construction Commencement, Declarant shall send written notice to City Planning, with a copy to the Monitor, advising of Declarant's intention to undertake Construction Commencement or obtain such Building Permit as the case may be (each such notice, a "**Permit Notice**"). Any Permit Notice shall be accompanied by: (i) a summary of the provisions of this Declaration imposing conditions or criteria that must be satisfied as a condition to or in conjunction with Construction Commencement or issuance of the relevant Building Permit; (ii) materials or documentation demonstrating compliance with such requirements or criteria to the extent Declarant believes that compliance has been achieved by the date of the Permit Notice; and (iii) to the extent that Declarant believes that compliance with any condition or criteria has not been achieved by the date of the Permit Notice, an explanation of why compliance has not yet been achieved to date, the steps that are or will be taken prior to issuance of the Building Permit to achieve compliance and the method proposed by Declarant to assure City Planning that the elements will be achieved in the future.

(b) Following the delivery of a Permit Notice to City Planning in accordance with Paragraph (a) hereof, Declarant shall meet with City Planning (and at City Planning's option, the Monitor) to respond to any questions or comments on the Permit Notice and accompanying materials, and shall provide additional information as may reasonably be requested by City Planning or the Monitor in writing in order to allow City Planning to determine, acting in consultation with the Monitor and City agency personnel as necessary in relation to the subject matter of the Permit Notice, that the conditions and criteria for Construction Commencement or issuing the Building Permit have been or will be met in accordance with the requirements of this Declaration. Declarant shall not accept any Building Permit subject to review pursuant to this Section 4.9 until City Planning has certified to Declarant and the Buildings Department that the conditions and criteria set forth in this Declaration for issuance of the Building Permit have been met. Notwithstanding the foregoing, (x) in the event that City Planning has failed to respond in writing to Declarant within forty five (45) days of receipt of the Permit Notice, or (y) has failed to respond in writing to Declarant within fifteen (15) days of receipt of additional materials provided to City Planning under this

Paragraph (b), City Planning shall be deemed to have accepted the Permit Notice and any subsequent materials related thereto under clause (iii) of this Paragraph (b) as demonstrating compliance with the requirements for issuance of the Building Permit and Declarant shall be entitled to Commence Construction or accept the Building Permit and to undertake any and all activities authorized thereunder.

(c) Not less than thirty (30) days prior to the date that Declarant anticipates obtaining the first TCO or PCO for any New Building on the Subject Property, Declarant shall send written notice to City Planning, with a copy to the Monitor, advising of Declarant's intention to obtain such TCO or PCO (each such notice, a "**CO Notice**"). Within twenty (20) days of delivery of any CO Notice, City Planning shall have the right to inspect the New Building and review construction plans and drawings, as necessary to confirm that the PCRE and/ or Mitigations Measures required to be incorporated into the New Building have been installed in accordance with the plans initially submitted as part of the New Building Permit. The Buildings Department shall not issue, and Declarant shall not accept, a TCO or PCO if City Planning has provided written notice to Declarant, copied to the Buildings Department, within five (5) days following any such inspection advising that Declarant has failed to include a required PCRE and/or Mitigation Measure within the New Building, or has failed to fully satisfy the PCRE and/or Mitigation Measure, and specifying the nature of such omission or failure. In the event that City Planning provides such notice, Declarant and City Planning shall meet promptly to review the claimed omission or failure, develop any measures required to respond to such claim, and Declarant shall take all steps necessary to remedy such omission or failure, and upon the completion of such steps to the satisfaction of City Planning, shall be entitled to obtain the TCO or PCO as the case may be.

(d) In the event of a continued disagreement between City Planning or other City agency and Declarant under Paragraph (c) as to whether any PCRE and/or Mitigation Measure has been included or fully satisfied or will be included or fully satisfied by the measures proposed by Declarant, Declarant shall have the right to appeal such matter to the Deputy Mayor of Planning and Economic Development, or any successor Deputy Mayor, and to seek resolution within forty-five (45) days of Declarant's appeal thereto.

5. Public School.

5.1. If constructed, the Public School would be located in the Bleecker Building on the South Block Parcel. Upon receiving written certification of the New York City School Construction Authority ("**SCA**") that there is a need for school seats in the area, that the proposed Public School has been included in the Department of Education capital plan and that SCA anticipates that funding will be provided for the design and construction of the Public School, Declarant shall, subject to SCA's execution of a School Design, Construction and Funding Agreement requiring SCA to pay for the cost of designing and constructing the Public School (the "**SCA Agreement**"), subject to SCA obtaining its site selection approval for the Public School from the Mayor and the City Council, and subject to Sections 5.2 and 5.3, perform the following with respect to the Public School: (A) engage in a collaborative design development and reasonable approval process with SCA, which shall include collaboration on schematic design, design development and contract documentation; (B) perform construction of the "School Base Building Work," as defined under the SCA Agreement; and (C) enter into a long-term lease with respect to the use of the Public School, or such other regime acceptable to the SCA and Declarant, as a means of transferring interest in the Public School to the SCA ((A) to (C) collectively, the "**Public School Commitment**").

5.2. Declarant shall coordinate with SCA to perform the Public School Commitment and construct the Public School within the School Construction Windows described in Section 6.2(a) as soon as is practicable after SCA makes funding available for the Public School.

5.3. If the SCA fails to provide written notice on or before December 31, 2025 of its intent to proceed with the Public School (or fails to fund the public school so as to allow its construction to commence by the later of January 1, 2027 or two years before the scheduled commencement of the excavation/foundation work for the Mercer Building), then Declarant shall have no further Public School Commitment and shall be permitted to construct the Bleecker Building without including a Public School therein. In the event that Declarant's Public School Commitment has terminated pursuant to this Section 5.3, Declarant shall certify to the Buildings Department, with a copy to City Planning, that the SCA has failed to undertake the action specified in Section 5.1 and that Declarant is proceeding to construct the Bleecker Building

without a Public School. Declarant may thereupon apply for and receive Building Permits, TCOs and PCOs for the Bleecker Building without regard to the Public School Commitment.

5.4. In lieu of engaging in the process described in Sections 5.1 through 5.3 above, Declarant may satisfy the Public School Commitment by entering into a long-term ground lease of Zoning Lot 3 in a form acceptable to the SCA for SCA's design and construction of the Public School, at SCA's sole expense, in conformance with the PCREs, Mitigation Measures and other requirements specified in this Declaration. The Public School shall not be constructed pursuant to any design not approved by the Declarant, which shall not unreasonably withhold its approval of any proposed design.

5.5. The concept of Force Majeure shall not extend the deadline for SCA's election to construct the Public School as set forth in Section 5.3.

5.6. In no event shall this Declaration be construed to preclude the Buildings Department from issuing or Declarant from accepting TCOs or PCOs for any portion of the Phase 1 Development, Phase 3 Development, or Phase 4 Development, constructed pursuant to a Building Permit, issued prior to or after Building Permits for the Bleecker Building.

6. PHASING.

(a) Declarant covenants and agrees that subject to the provisions of this Section 6 and all other provisions of this Declaration, Declarant shall develop the New Buildings and other improvements on the Subject Property, including but not limited to those improvements titled New Landscaping Improvements (as hereinafter defined), in the following sequence, as set forth in drawings Z-201 through Z-208 of the Development Plans (the "**Phasing Plans**") and in accordance with the following drawings, prepared by Grimshaw Architects, last dated June 4, 2012, annexed hereto as **Exhibit D** (the "**Construction Phasing Plans**"): Phase 1 Development, Phase 2 Development, Phase 3 Development and Phase 4 Development, subject to compliance with the requirements and conditions in this Section 6, set forth below with respect to each Development Phase and each interim Construction Phase associated therewith. Notwithstanding the sequence of Development Phases set forth above, Declarant may develop the Bleecker Building (Phase 2 Development) preceding, during or subsequent to the other

Phases, subject to the provisions set forth in Section 5 of this Declaration and within the School Construction Windows set forth in Section 6.2(a) below.

Number	Title
C-201A	N.B.: CONSTRUCTION TEMP PLAYGROUND (1A)
C-201B	N.B.: NO CONSTRUCTION (1B)
C-202A	S.B.: CONSTRUCTION DOG RUN & BLCKR ST (1A)
C-202B	S.B.: CONSTR. ZIPPER BLDG, DOG RUN & GREENE ST. WALK (1B)
C-203A	N.B.: NO CONSTRUCTION (2A)
C-204A	S.B.: CONSTRUCTION BLCKR BLDG (2A)
C-205A	N.B: CONSTR. W3RD AND BLEECKER SEATING (3A)
C-205B	N.B.: CONSTR. PARKING GARAGE (3B)
C-205C	N.B.: CONSTR. LGA CELLAR, OPEN PARKING GARAGE (3C)
C-205D	N.B.: CONSTRUCTION LGA BLDG & CELLAR (3D)
C-205E	N.B.: CONSTRUCTION LAGUARDIA BLDG (3E)
C-206A	S.B.: NO CONSTRUCTION (3A)
C-206B	S.B.: NO CONSTRUCTION (3B)
C-206C	S.B.: NO CONSTRUCTION (3C)
C-206D	S.B.: NO CONSTRUCTION (3D)
C-206E	S.B.: NO CONSTRUCTION (3E)
C-207A	N.B.: CONSTRUCTION MERCER BLDG (4A)
C-208A	S.B.: NO CONSTRUCTION (4A)

(b) All construction-related activities that will take place on the Subject Property related to each Development Phase shall be contained within the areas shown on the Construction Phasing Plans with gray cross hatching and defined in the legend of said plans as "Construction Areas" (each, a "**Construction Area**" and collectively, the "**Construction Areas**"). The extent of the Construction Areas may vary by approximately 15 feet unless the extent of a Construction Area is further restricted by more restrictive dimensions or notes as shown on the applicable Construction Phasing Plan.

(c) The open space improvements to be provided by Declarant within each Development Phase (each, a "**New Landscape Improvement**" and collectively, the "**New Landscape Improvements**") are (i) those areas shown on the Phasing Plans and Construction

Phasing Plans with a light grey tone and defined in the legend of said plans as "New Landscape Improvements" and also (ii) those areas described in Sections 6.3(b) and 6.3(c) as temporary and/or permanent New Landscape Improvements. Declarant shall provide the New Landscape Improvements within each Development Phase as set forth herein and on the Phasing Plans and Construction Phasing Plans. New Landscape Improvements located on City-owned property shall be constructed substantially in accordance with the Development Plans and the Construction Phasing Plans, as applicable, subject to the final approval by the Parks Department, and any other involved City agencies, as provided in Sections 6.1(c), 6.2(b), 6.3(d), 6.3(e) and 6.4(a) below. New Landscape Improvements on the Subject Property shall be constructed substantially in accordance with the Development Plans and the Construction Phasing Plans, as applicable, subject to final approval by the Chairperson, pursuant to the provisions set forth in Section 6(c)(ii) below.

(i) Declarant shall, at its sole cost and expense, undertake and complete the performance of all the work necessary to construct the New Landscape Improvements on the Subject Property substantially in accordance with the sequencing and landscaping details set forth on the Construction Phasing Plans and the Development Plans, including but not limited to drawings Z-300 through Z-346 of the Development Plans (the "**Landscape Plans**"), as applicable (the "**New Landscape Improvements Work**"). Declarant shall perform the New Landscape Improvements Work in a good and worker like manner and in accordance with Legal Requirements

(ii) In the event that the Chairperson notifies the Declarant in writing that, based on review of the final landscape design for the New Landscape Improvements on City-owned property, modifications of the landscape design for the New Landscape Improvements on the Subject Property at points at which such improvements would be adjacent to and contiguous with the New Landscape Improvements on City-owned property are necessary to achieve an integrated design, then Declarant shall submit plans which modify the landscape design of the New Landscape Improvements on the Subject Property in order to achieve an integrated design between those New Landscape Improvements located on the Subject Property and the City-owned property. The review and approval of the modified landscape design for the New Landscape Improvements shall be subject to Certification by the

Chairperson that such modifications achieve an integrated design between the adjacent and contiguous New Landscape Improvements located on the Subject Property and the City-owned property. Such drawings shall be submitted to the Chairperson, subject to the procedures set forth below:

(A) Within sixty (60) days of the aforementioned request in writing from the Chairperson that modifications of the landscape design for the New Landscape Improvements located on the Subject Property are necessary to achieve an integrated design at points at which such improvements would be adjacent to and contiguous with the New Landscape Improvements on City-owned property, the Declarant shall submit a revised landscape design for the New Landscape Improvements on the Subject Property.

(B) Within twenty (20) days of receipt of the modified landscape design for the New Landscape Improvements to be provided on the Subject Property, the Chairperson, in its sole discretion, shall Certify whether such modified design achieves integration with those New Landscape Improvements located on City-owned property at points at which such improvements would be adjacent to and contiguous with each other.

(C) Where the Chairperson determines pursuant to the immediately preceding paragraph (Section 6(c)(ii)(B)) that the modified landscape design of the New Landscape Improvements located on Subject Property, submitted in accordance with this Section 6(c)(ii), is not sufficiently integrated with the final landscape design of the New Landscape Improvements provided on City-owned property, the Chairperson shall set forth with reasonable specificity the reasons therefor. The Declarant shall thereafter further modify the landscape design of the New Landscape Improvements on the Subject Property and resubmit, which resubmission shall be reviewed by the Chairperson in accordance with immediately preceding paragraph (Section 6(c)(ii)(B)). This process shall continue until the Chairperson certifies that the newly proposed modified New Landscape Improvements on the Subject Property are those necessary to achieve integration between those New Landscape Improvements to be provided on City-owned property and the Subject Property.

(d) **Notice of Substantial Completion Prior to Issuance of Building Permit or TCO**.

(i) Subject to the provisions set forth in Section 8, Declarant shall not accept a Building Permit or TCO for any New Building in a Development Phase, as applicable, until the following conditions have been met with respect to the New Landscape Improvement required in connection with such New Building in each such Development Phase, as set forth in Sections 6.1, 6.2, 6.3 and 6.4 below:

(A) The New Landscape Improvement required in connection with such New Building is Substantially Complete;

(B) The Chairperson or the Parks Department, as applicable, has issued a Notice of Substantial Completion, pursuant to the process set forth in Section 6(d)(iii) below, for the New Landscape Improvement required in connection with such New Building.

(ii) Within ten (10) days after satisfaction of the conditions set forth in Section 6(d)(i), the Chairperson shall certify in writing to the Buildings Department that Declarant has fulfilled the conditions set forth herein, requiring Substantial Completion of New Landscape Improvements in connection with such New Building, prior to issuance of a Building Permit or TCO, as the case may be.

(iii) Declarant shall notify the Chairperson or the Parks Department, as applicable, when it believes that a New Landscape Improvement is Substantially Complete and shall request that the Chairperson or the Parks Department, as applicable, issue a certification, in the form of **Exhibit G** annexed hereto (a "**Notice of Substantial Completion**"), to Declarant certifying Substantial Completion of such New Landscape Improvement. No later than twenty (20) calendar days after receipt of such request, the Chairperson or the Parks Department, as applicable, shall either (i) issue the Notice of Substantial Completion, or (ii) if the Chairperson or the Parks Department, as applicable, notifies Declarant that such New Landscape Improvement has not been Substantially Completed in accordance with the Development Plans, Phasing Plans, Construction Phasing Plans or Landscape Plans, whichever is applicable, such notice shall contain a detailed statement of the reasons for such non-acceptance in the form of a list of items remaining to be completed or unsatisfactorily performed (the "**Punch List**"). Declarant shall promptly perform the work specified on the Punch List, after which it shall

notify the Chairperson or the Parks Department, as applicable, of such completion. No later than ten (10) calendar days after receipt of such notice, the Chairperson or the Parks Department, as applicable, shall either (A) issue a Notice of Substantial Completion, or (B) notify Declarant that it has not completed the Punch List (which notice shall specify which items of the Punch List remain incomplete). This process shall continue until the Chair or the Parks Department, as applicable, has issued a Notice of Substantial Completion.

(e) **Notice of Final Completion Prior to Issuance of PCO**.

(i) Subject to the provisions set forth in Section 8, Declarant shall not apply for or accept a PCO for any New Building in a Development Phase until the following conditions have been met with respect to the New Landscape Improvement required in connection with such New Building in each such Development Phase, as set forth in Sections 6.1, 6.2, 6.3 and 6.4 below:

(A) The New Landscape Improvement required in connection with such New Building is Finally Complete;

(B) The Chairperson or the Parks Department, as applicable, has issued a Notice of Final Completion, pursuant to the process set forth in Section 6(e)(iv) below, for such New Landscape Improvement required in connection with such New Building; and

(ii) Within ten (10) days after satisfaction of the conditions set forth in Section 6(e)(i), the Chairperson shall certify in writing to the Buildings Department that Declarant has fulfilled the conditions set forth herein, requiring Final Completion of New Landscape Improvements in connection with such New Building, prior to issuance of a PCO for such New Building.

(iii) Subject to the provisions of Section 8, Declarant shall, within three (3) months after issuance of a Notice of Substantial Completion for a New Landscape Improvement, Finally Complete construction of such New Landscape Improvement, unless the Declarant submits a report from a licensed engineer, certifying in writing, that it will take longer than three (3) months to Finally Complete such New Landscape Improvement (in which event

Declarant shall Finally Complete such New Landscape Improvement prior to the expiration of such longer period). If Declarant fails to Finally Complete construction of a New Landscape Improvement within such longer period, the City may, at its option, upon not less than thirty (30) days' notice to Declarant, (i) complete such New Landscape Improvement in accordance with the applicable Development Plans, Phasing Plans, Construction Phasing Plans or Landscape Plans; and (ii) cause Declarant to remove all of its equipment and any other items impeding the City's completion of the New Landscape Improvement. Declarant hereby grants the City and its contractors, agents, employees and sub-contractors a license to enter upon the Public Access Area, to the extent required to exercise its rights under this Section 6(e)(iii).

(iv) Declarant shall notify the Chairperson or the Parks Department, as applicable, when it believes that a New Landscape Improvement is Finally Complete and shall request that the Chairperson or the Parks Department, as applicable, issue a certification, in the form of **Exhibit H** annexed hereto (a "**Notice of Final Completion**"), to Declarant certifying Final Completion of such New Landscape Improvement. No later than twenty (20) days after receipt of such request, the Chairperson or the Parks Department, as applicable, shall either (i) issue the Notice of Final Completion, or (ii) if the Chairperson or the Parks Department, notifies Declarant that such New Landscape Improvement required in connection with such New Building has not been Finally Completed in accordance with the Development Plans, Phasing Plans, Construction Phasing Plans or Landscape Plans, whichever is applicable, such notice shall include a detailed statement of the reasons for such non-acceptance in the form of a Punch List of items remaining to be completed or unsatisfactorily performed. Declarant shall promptly perform the work specified on the Punch List, after which it shall notify the Chairperson or the Parks Department, of such completion. No later than ten (10) calendar days after receipt of such notice, the Chairperson or the Parks Department, as applicable, shall either (i) issue a Notice of Final Completion or (ii) notify Declarant that it has not completed the Punch List (which notice shall specify which items of the Punch List remain incomplete). This process shall continue until the Chairperson or the Parks Department, as applicable, has issued a Notice of Final Completion.

6.1. **Phase 1 Development** shall include the construction or redevelopment of the Zipper Building and the New Landscape Improvement titled Temporary LaGuardia Playground

(Area 1), as shown on drawing C-201A ("N.B. CONSTRUCTION TEMP PLAYGROUND (1A)") of the Construction Phasing Plans and Z-201 ("NORTH BLOCK: SITE PLAN END OF PHASE 1") of the Phasing Plans and in accordance with the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, and those New Landscape Improvements titled Toddler Playground, Greene Street Walkway, Bleecker Street Improvements (Area 3), Bleecker Street Seating (Area 2), and Dog Run, as shown on drawings C-202A ("S.B. CONSTRUCTION DOG RUN & BLCKR ST (1A)") and C-202B ("S.B. CONSTRUCTION ZIPPER BLDG, DOG RUN & GREENE ST. WALK (1B)") of the Construction Phasing Plans and Z-202 ("SOUTH BLOCK: SITE PLAN END OF PHASE 1") of the Phasing Plans and in accordance with the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, and shall be subject to the following requirements and conditions:

(a) Declarant shall not accept and the Buildings Department shall not issue a Building Permit related to the demolition of the existing Coles Athletic Center or construction of the Zipper Building until such time that the Chairperson has certified to the Department of Buildings that the New Landscape Improvements titled Temporary LaGuardia Playground (Area 1), Bleecker Street Seating (Area 2) and Dog Run have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

(b) Declarant shall Substantially Complete those New Landscape Improvements titled Toddler Playground, Greene Street Walkway and Bleecker Street Improvements (Area 3) as soon as the Buildings Department may permit the use of those spaces by the public, in view of ongoing construction-related activities associated with the Zipper Building, but in no event shall Declarant apply for or the Buildings Department issue a TCO for any portion of the Zipper Building Towers until the Chairperson has certified to the Building Department that the aforementioned New Landscape Improvements have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

(c) The final design of the New Landscape Improvements provided on the City-owned property located at LaGuardia Place and Bleecker Street, titled Temporary LaGuardia Playground (Area 1), Bleecker Street Seating (Area 2) and Bleecker Street

Improvements (Area 3) are subject to approval by City agencies at a later date and may therefore vary in certain respects from that which is shown on drawings Z-201 and Z-202 of the Phasing Plans and from the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans; however, it is anticipated that the Bleecker Street Seating (Area 2) will provide seating, planting and trees and that the Temporary LaGuardia Playground will provide active recreation use.

6.2 **Phase 2 Development** shall include the construction or redevelopment of the Bleecker Building and adjacent New Landscape Improvement on Bleecker Street, as shown on drawing C-204A ("S.B. CONSTRUCTION BLCKR BLDG (2A)") of the Construction Phasing Plans and Z-204 ("SOUTH BLOCK: SITE PLAN END OF PHASE 2") of the Phasing Plans and in accordance with the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, and shall be subject to the following requirements and conditions:

(a) School Construction Windows. The Bleecker Building may be constructed prior to construction of the Zipper Building ("**School Construction Window 1**"), after excavation/foundation and superstructure/exterior work associated with the Zipper Building ("**School Construction Window 2**") or after completion of the below-grade construction activities associated with the LaGuardia Garage and the super structure/exterior work associated with the LaGuardia Building ("**School Construction Window 3**"). However, to avoid certain concurrent construction activities, the demolition of the existing Morton Williams Associated Supermarket building, Bleecker Building excavation/foundations, and Bleecker Building superstructure/foundation work shall not occur during: (i) demolition of Coles Gymnasium (approx. 6 months); (ii) excavation/foundation or superstructure/exterior work associated with the Zipper Building (approx. 36 months); (iii) demolition of the LaGuardia retail building (approx. 3 months); (iv) foundations, superstructure/exterior, or interior work associated with the LaGuardia Garage (approx. 20 months); (v) below-grade foundations and below-grade superstructure/exterior work associated with the LaGuardia Building (approx. 21 months); and (vi) super structure/exterior work associated with the LaGuardia Building (approx. 9 months). School Construction Window 1, School Construction Window 2 and School Construction

Window 3, as constrained by the limitations set forth in the preceding sentence, are collectively referred to as the "**School Construction Windows**."

(b) Declarant shall develop a preliminary schedule for each of the Construction Windows and update on an annual basis until such time as the Public School Commitment has been discharged, to account for material changes, if any, that will impact the School Construction Windows and construction schedules for each of the New Buildings under construction or demolition and provide same to SCA and the Chairperson, the first such update to be provided to the SCA and the Chairperson no more than six months after the Final Approval of the Large-Scale Special Permit, and thereafter on an annual basis until such time as the Public School Commitment has been discharged.

(c) Declarant shall not accept and the Buildings Department shall not issue a TCO for the Bleecker Building until such time that the Chair has certified to the Department of Buildings that the New Landscaping Improvement on City-owned property located on Bleecker Street, as shown on drawing Z-204 of the Phasing Plans and drawing Z-303 ("SOUTH BLOCK: OPEN SPACE PLAN") of the Landscape Plans, have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

(d) The final design of the New Landscaping Improvement provided on City-owned property located on Bleecker Street, adjacent to the Bleecker Building, is subject to approval by City agencies at a later date and may therefore vary in certain respects from that which is shown on drawing Z-204 of the Phasing Plans and from the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, however, it is anticipated that such area will provide seating, planting and trees.

6.3. **Phase 3 Development** shall include the construction or redevelopment of the LaGuardia Garage and the LaGuardia Building and those New Landscape Improvements titled West Third Street Seating/Bike Parking, Bleecker Street Seating, LaGuardia Plaza, LaGuardia Playground, Washington Square Village Play Garden, Philosophy Garden and Public Lawn, and other areas identified with a light grey tone and defined in legend as "New Landscape Improvements," which surround the LaGuardia Building, as shown on drawings C-205A ("N.B.: CONSTR. W3RD AND BLEECKER SEATING (3A)"), C-205B ("N.B.: CONSTR. PARKING

GARAGE (3B"), C-205C ("N.B.: CONSTR LGA CELLAR, OPEN PARKING GARAGE (3C)"), C-205D ("N.B.: CONSTRUCTION LGA BLDG & CELLAR (3D)") and C-205E ("N.B.: CONSTRUCTION LAGUARDIA BLDG (3E)") of the Construction Phasing Plans and Z-205 ("NORTH BLOCK: SITE PLAN END OF PHASE 3") of the Phasing Plans and in accordance with the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, and shall be subject to the following requirements and conditions:

(a) Declarant shall not accept and the Buildings Department shall not issue a Building Permit related to the demolition of the existing Washington Square Village Retail until such time that the Chairperson has certified to the Department of Buildings that the New Landscape Improvements titled West Third Street Seating/Bike Parking and Bleecker Street Seating have been Substantially Complete, pursuant to the procedures set forth in Section 6(d) above.

(b) If within six months of demolishing the Washington Square Village Retail, Declarant has not commenced excavation of the Construction Areas associated with such demolition and with development of the LaGuardia Garage as such Construction Area is shown on drawing C-205B of the Construction Phasing Plans, in preparation of the construction of the LaGuardia Garage, then Declarant shall improve the Construction Area, or a portion thereof, with a New Landscape Improvement that shall be known as Temporary Lawn I and shall be subject to the provisions applicable to Public Access Areas as set forth below in Section 7 of this Declaration, subject to Certification by the Chairperson that the design of the Temporary Lawn I is compatible with the remainder of the Large-Scale Development Project. The Chairperson shall waive the requirement that Declarant provide Temporary Lawn I in the Construction Areas associated with the LaGuardia Garage if the delay to commence construction within the Construction Area is not attributable to the fault of the Declarant and/or Declarant submits a schedule to the Chairperson illustrating a reasonable timeframe for the commencement of construction of the LaGuardia Garage within the Construction Area. If Declarant provides the Temporary Lawn I as set forth above, and Declarant seeks to commence construction of the LaGuardia Garage thereafter, then Declarant may revert the Temporary Lawn I to a Construction Area.

(c) If (i) within six months of obtaining a TCO for the LaGuardia Garage Declarant has not commenced construction of the LaGuardia Building Below-Grade Space, or (ii) within six months of obtaining a TCO for a portion of the LaGuardia Building Below-Grade Space Declarant has not commenced construction of the remainder of the LaGuardia Building Below-Grade Space, or (iii) within six months of obtaining a TCO for the entirety of LaGuardia Building Below-Grade Space the Declarant has not commenced construction of the LaGuardia Building Tower, then Declarant shall improve the Construction Areas, or portion thereof, associated with the LaGuardia Building Below-Grade Space or LaGuardia Building Tower, as such Construction Areas are shown on drawings C-205C, C-205D or C-205 of the Construction Phasing Plans, whichever is applicable, with a New Landscape Improvement that shall be known as Temporary Lawn II and shall be subject to the provisions applicable to Public Access Areas as set forth below in Section 7 of this Declaration, subject to Certification by the Chairperson that the design of the Temporary Lawn II is compatible with the remainder of the Large-Scale Development Project. The Chairperson shall waive the requirement that Declarant provide Temporary Lawn II in the Construction Areas associated with the LaGuardia Building if the delay to commence construction of the LaGuardia Building within the Construction Area is not attributable to the fault of the Declarant and/or Declarant submits a schedule to the Chairperson illustrating a reasonable timeframe for the commencement of construction of the LaGuardia Building within the Construction Area. If Declarant provides the Temporary Lawn II as set forth above, and Declarant seeks to commence construction of the LaGuardia Building Below-Grade Space or LaGuardia Building Tower thereafter, then Declarant may revert the Temporary Lawn II to a Construction Area.

(d) Declarant shall Substantially Complete those New Landscape Improvements titled LaGuardia Plaza, Washington Square Village Play Garden, and Philosophy Garden and Public Lawn as shown on drawing C-205E as soon as the Buildings Department may permit the use of those spaces by the public, in view of ongoing construction-related activities associated with the LaGuardia Building, but in no event shall Declarant apply for or the Buildings Department issue a TCO for any portion of the LaGuardia Building Below-Grade Space until the Chairperson has certified to the Buildings Department that the aforementioned New Landscape Improvements have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

(e) Declarant shall Substantially Complete those New Landscape Improvements titled LaGuardia Plaza, LaGuardia Playground, Washington Square Village Play Garden, Philosophy Garden and Public Lawn and all other areas identified with a light grey tone and defined in legend as "New Landscape Improvements," which surround the LaGuardia Building as shown on drawing Z-205 and the Landscape Plans as soon as the Buildings Department may permit the use of those spaces by the public, in view of ongoing construction-related activities associated with the LaGuardia Building, but in no event shall Declarant apply for or the Buildings Department issue a TCO for any portion of the LaGuardia Building Tower until the Chairperson has certified to the Buildings Department that the aforementioned New Landscape Improvements have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

6.4. **Phase 4 Development** shall include the construction or redevelopment of the Mercer Building and those New Landscape Improvements titled Tricycle Garden, Mercer Plaza and all other areas identified with a light grey tone and defined in legend as "New Landscape Improvements," as shown on drawing C-207A ("N.B.: CONSTRUCTION MERCER BLDG (4A)") of the Construction Phasing Plans and Z-207 ("NORTH BLOCK: SITE PLAN END OF PHASE 4") of the Phasing Plans and in accordance with the landscape design of such New Landscape Improvements as more specifically set forth on the Landscape Plans, and shall be subject to the following requirements and conditions:

(a) Declarant shall Substantially Complete those New Landscape Improvements titled Tricycle Garden, Mercer Plaza, and all other areas identified with a light grey tone and defined in legend as "New Landscape Improvements," which surround the Mercer Building as soon as the Buildings Department may permit the use of those spaces by the public, in view of ongoing construction-related activities associated with the Mercer Building, but in no event shall Declarant apply for or the Buildings Department issue a TCO for any portion of the Mercer Building Tower until the Chairperson has certified to the Buildings Department that the aforementioned New Landscape Improvements have been Substantially Completed, pursuant to the procedures set forth in Section 6(d) above.

7. PUBLIC ACCESS AREAS AND PUBLIC ACCESS EASEMENT.

(a) **Public Access Area**. The Public Access Areas shall be those open areas on the Subject Property which are described as New Landscape Improvements in Section 6, except that it is expected that the new Dog Run (like the existing dog run at the northwest corner of Mercer and W. Houston Streets that it will replace) will continue to be managed as a membership-only dog run and is therefore not considered a Public Access Area. Each New Landscape Improvement shall become a Public Access Area at such time as they are Substantially Completed (each, a "**Public Access Area**"; collectively, the "**Public Access Areas**").

(b) **Public Access Easements**. Declarant hereby grants the City and the general public permanent, perpetual and non-exclusive public access easements over the Public Access Areas, and the City and the general public shall hereby enjoy, wield, have the right to and the benefit of, and be granted, conveyed and transferred a non-exclusive easement in perpetuity, for the benefit of the general public, over each Public Access Area, unobstructed (except for such obstructions, objects, amenities and other items as are shown on the Phasing Plans and Construction Phasing Plans within the new New Landscape Improvements and Existing Landscape Improvements, or as are otherwise permitted by the City), from the surface thereof to the sky, for the purposes of: (i) passive recreational use by the general public, (ii) pedestrian right to use and enjoyment of such space, and (iii) emergency vehicle access (each a "**Public Access Area Easement**," collectively, the "**Public Access Area Easements**"), subject to the terms and conditions set forth in this Section 7. Each Public Access Easement shall become effective at such time that each such New Landscape Improvement is Substantially Complete.

(c) The Public Access Areas shall remain open and accessible to the public pursuant to the Public Access Easement, from 6:00 AM to 12:00 AM (except for Greene Street Walk, which shall be open at all times, and playgrounds, which shall be open from dawn to dusk) or such longer hours as the Declarant may agree, unobstructed (except for such obstructions, objects, amenities and other items as are shown on the Development Plans, Phasing Plans, Construction Phasing Plans and Landscape Plans, or as are otherwise permitted by the City), subject to the terms and conditions set forth in this Section 7.

(d) With respect to each Public Access Area, Declarant agrees that liens, including but not limited to judgment liens, mortgage liens, mechanics liens and vendees' liens, shall be subject and subordinate to the rights, claims, entitlements, interests and priorities of the City and the general public created herein.

7.1 **Permits and Other Approvals**. Declarant, at its sole cost and expense, shall diligently apply for and prosecute the applications for all City, State and Federal permits and approvals necessary for the New Landscape Improvements Work, as required.

7.2 **Closing of Public Access Areas**. Notwithstanding Section 7(a) and 7(b) above, Declarant may close the Public Access Area, or the most limited portions thereof, as may be necessary, in order (a) to accomplish the maintenance, repairs or replacements of Public Access Areas, or portions thereof, and shall notify the Chairperson of such closure no less than seven (7) days in advance of such and such notice shall set forth the area and duration of closure and shall post signs providing prior notice to the public of such area and duration of closure, at appropriate locations and entrances to and within the Public Access Area; (b) for the repair, restoration, rehabilitation, renovation or replacement of pipes, utility lines or conduits or other equipment on or under a Public Access Area and shall notify the Chairperson of such closure no less than ten (10) days in advance of such closure and such notice shall set forth the area and duration of closure and shall post signs providing prior notice to the public of such area and duration of closure, at appropriate locations and entrances to and within the Public Access Area; (c) to accomplish work as may be approved by the Buildings Department and other involved city agencies in connection with improvements on any of the buildings in the Large-Scale General Development, provided such closure is limited in scope and area to that which is defined as Construction Area for a particular Phase of Development on the Construction Phasing Plans and Phasing Plans and shall notify the Chairperson of such closing at least thirty (30) days in advance and such notice shall set forth the area and duration to be closed and shall post signs providing prior notice to the public of such area and duration of closure, at appropriate locations and entrances to and within the Public Access Area; (d) to make emergency repairs to mitigate hazardous site conditions or to address other emergency conditions and shall notify the Chairperson of such closing and its expected duration as soon as practicable but in no event more than two (2) Business Days after such closure, give notice to the Chairperson that such portion

has been closed, which notice shall describe the nature of the emergency or hazardous condition causing the closure, the portion to be closed and the anticipated duration thereof. Emergency conditions for which the Public Access Area is closed pursuant to (d) above shall be limited to actual or imminent emergency situations, including but not limited to, security alerts, riots, casualties, disasters, or other events endangering public safety or property, provided that no such emergency closure shall continue for more than forty-eight (48) consecutive hours without Declarant having consulted with the New York City Police Department (the "**NYPD**") or the Buildings Department, as appropriate, and having following the NYPD's or Building Department's direction, if any, with regard to the emergency situation. In the event of a closure pursuant to (a), (b) or (c) above Declarant will close or permit to be closed only those portions of such areas which must or should reasonably be closed to effect the repairs or remediation, will exercise due diligence in the performance of such repairs or remediation so that it is completed expeditiously and the temporarily closed areas are re-opened to the public promptly, and will, wherever reasonably possible, perform such work in such a manner that the public will continue to have access to the Public Access Areas. In addition to the foregoing, Declarant shall have the right to close all or any portions of the Public Access Areas to the City and the general public one (1) Business Day in each year to preserve its ownership interest in such portions of the Public Access Areas.

7.3 **Oversight of Public Access Areas**.

(a) **Open Space Oversight Organization**.

(i) Declarant shall cause to be formed a not-for-profit, 501(c)(3) entity (the "**Open Space Oversight Organization**") for the purposes of (A) monitoring Declarant's compliance with this Declaration as applicable to the Public Access Areas located on the Public Access Areas; (B) reviewing revisions to the Rules and Regulations for the Public Access Areas set forth in **Exhibit F** annexed hereto; and (C) reviewing any modifications to the landscape designs for the Public Access Areas proposed by Declarant, all in accordance with this Section 7.3.

(ii) Declarant shall cause the Open Space Oversight Organization to be formed and shall submit an application to the Internal Revenue Service seeking 501(c)(3) status

for the Organization no later than the date Declarant requests a determination by the Chairperson of Substantial Completion of the first permanent Public Access Area, or portion thereof. The Certificate of Incorporation and By-Laws of the Open Space Oversight Organization, as appropriate, shall prescribe that the purposes and responsibilities of the Open Space Oversight Organization shall be to perform the functions set forth in this Section 7.3.

(iii) The Board of Directors of the Open Space Oversight Organization shall consist of five (5) members, appointed as follows: (A) one appointed by Declarant; (B) one appointed by the New York City Councilmember who represents the Council district in which the Subject Property is located; (C) one appointed by the Chair of Manhattan Community Board 2; (D) one appointed by the Manhattan Borough President; and (E) one appointed by the Manhattan Borough Commissioner of the Parks Department. All Directors shall serve without compensation. All decisions of the Board of Directors shall require a vote of the majority of the Board.

(iv) Declarant shall pay all costs for the formation of and obtaining of 501(c)(3) status for the Open Space Oversight Organization. Declarant shall also fund the customary annual legal and accounting costs in connection with maintenance of corporate existence and of tax exempt status.

(v) Declarant shall meet with the Open Space Oversight Organization at least two (2) times per year and at such other reasonable times as the majority of the board members request in writing that Declarant meet to discuss matters under this Section 7.3.

(b) **Compliance and Oversight Reports**.

(i) No later than June 30 of the year following the year that the first permanent North Block Public Access Area is open for public use, and no later than June 30 of each year thereafter, Declarant shall cause all North Block Public Access Area(s) which are Finally Complete and in existence as of May 31 of such year to be inspected and provide a report in draft form to the Open Space Oversight Organization with respect to compliance of such North Block Public Access Area(s) with the provisions of this Declaration as of a date of inspection that is no earlier than May 31 of such year (the "**Compliance Report**"). Such report

shall be prepared by a registered architect, landscape architect or professional engineer, in a format previously reviewed and accepted by the Director of City Planning and shall include, without limitation: (A) a statement that the North Block Public Access Area(s) which are Finally Complete and in existence as of the date of inspection have been inspected by such registered architect, landscape architect or professional engineer and that such North Block Public Access Area(s) are in full compliance with the Development Plans; (B) an inventory list of amenities required under the Development Plans, together with an identification of any amenity on such inventory list for which first inspection did not show compliance, including whether such amenities were not in working order or damaged, and a verification by such registered architect, landscape architect or professional engineer based upon subsequent inspection that any such noncompliance has been fully remedied; and (C) photographs documenting the condition of such Finally Complete North Block Public Access Area(s) at the time of initial or any subsequent inspection, sufficient to indicate the presence of the amenities on the inventory list of amenities.

(ii) Within sixty (60) days following receipt of the draft Compliance Report, the Open Space Oversight Organization shall submit comments to Declarant regarding noncompliances which it believes have not been identified in the draft Compliance Report, together with any recommendations for modifications thereto (the "**Oversight Report**"). Within sixty days (60) days following receipt of the Oversight Report, Declarant shall submit a copy of a final version of the Compliance Report, together with the Oversight Report, to the Chairperson and the Commissioner of Parks and Recreation, together with an description of all actions taken and modifications made to the Compliance Report in response to the Oversight Report. Copies of such submission shall be provided to the Open Space Oversight Organization, which may provide additional comments to the Chairperson.

(c) **Amendments to Rules and Regulations**.

(i) Prior to submission to the Chairperson and the Commissioner of the Parks Department pursuant to Section 7.4 below for approval of any modifications to the Rules and Regulations for the Public Access Area set forth in Exhibit F, Declarant shall submit such proposed modifications to the Open Space Oversight Organization for review and comment. The Open Space Oversight Organization shall provide Declarant with comments on

the proposed modifications in writing within sixty (60) days of receipt (the "**Rules Comment Report**") and, upon request, Declarant shall meet and confer with the Open Space Oversight Organization during such sixty (60) day period. If the Open Space Oversight Organization fails to provide comments within sixty (60) days of receipt, Declarant may forward the proposed modifications to the Chairperson for review and approval. Any submission made by Declarant to the Chairperson shall include a summary of the Rules Comment Report, and responses of Declarant thereto, together with a description of all changes to the proposed modifications made by Declarant in response to the Rules Comment Report, or, where changes have not been made, the reasons therefor. Copies of such submission shall be provided by Declarant to the Open Space Oversight Organization, which may provide additional comments to the Chairperson.

(d) **Modifications to Landscape Design for Public Access Areas**.

(i) Prior to the formal filing with the Department of City Planning of any application for modification to the landscape designs for the Public Access Areas, Declarant shall refer such proposed modification to the Open Space Oversight Organization for review and recommendation for a period of not less than sixty (60) days. Within such sixty period, the Open Space Oversight Organization shall provide Declarant with written comments and recommendations. Any application filed by Declarant following the expiration of such sixty period shall include a copy of the written comments and recommendations of the Open Space Oversight Organization, together with a description of all changes to the proposed modifications made by Declarant in response to such comments and recommendations, or, where changes have not been made, the reasons therefor. Declarant shall provide copies of the filed application, the written comments and recommendations of the Open Space Oversight Organization, and the further submission described above, to the Commissioner of Parks and Recreation.

(ii) In the event that Declarant proposes a modification to the landscape designs for the Public Access Areas made prior to the formation of the Open Space Oversight Organization not-for-profit, 501(c)(3) entity pursuant to Section 7.5(a) (ii), referral shall be made to the New York City Councilmember who represents the Council district in which the Subject Property is located, the Chair of Manhattan Community Board 2, the Manhattan Borough President, and the Manhattan Borough Commissioner of the Parks

Department. The foregoing, together with a representative of Declarant, shall serve as members of the Open Space Oversight Organization in formation, for purposes of review and comment with respect to such proposed modification.

7.4. Rules and Regulations, Illumination and Signage of Public Access Areas.

(a) **Rules and Regulations**.

(i) Declarant shall operate the Public Access Areas in conformity with the rules and regulations governing public use of the Public Access Areas (the "**Rules and Regulations**"), as set forth in Exhibit F, and shall not impose any further restrictions upon public use of the Public Access Areas except as necessary in the case of emergency. Declarant may from time to time modify such Rules and Regulations, subject to the review by the Open Space Oversight Organization, and the prior written approval of the Chairperson. The Rules and Regulations, and any such revisions, modifications or additions permitted pursuant to the provisions of Section 7.3(c), shall be posted in the Public Access Areas in accordance with Section 7.4(c) hereof.

(b) **Illumination**. The Public Access Areas shall be illuminated for safe use and enjoyment of all areas of the Public Access Areas, with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the Public Access Areas, and a minimum of level of illumination of not less than 0.5 horizontal foot (lumens per foot) throughout all other areas. Such level of illumination on the North Block Parcel shall be maintained from 6:00 AM – 12:00 PM (excluding the daylight hours from one-half hour after sunrise to one-half hour before sunset). Such level of illumination on Greene Street Walk shall be maintained at all times (excluding the daylight hours from one-half hour after sunrise to one-half hour before sunset).

(c) **Signage**. Upon a Public Access Area being open and fully accessible to the public as provided hereinabove, appropriate signage, indicating hours open to the public, accessibility to individuals with disability, the identity of Owner and the phone number and email address of persons responsible for maintenance shall be provided on signage to be located

in the Public Access Areas as shown on drawing Z-321 ("PUBLIC SPACE SIGNAGE PLAN") of the Development Plans.

7.5. **Maintenance and Repair**.

(a) Declarant shall clean each Public Access Area on a regular basis, to ensure: (a) that the Public Access Areas shall be reasonably free of dirt, leaves and debris, (b) that the walkways and lighting will be maintained, (c) that graffiti is promptly removed, (d) that all drains, sewers and catch basins are unclogged and draining efficiently, and (e) that tree branches, snow and ice are removed are promptly cleared.

(b) No later than the fourth week of April in the each year after the Public Access Area, or portion thereof, has been established, Declarant shall perform regular springtime seasonal landscaping maintenance, which shall include but not be limited to, pruning, trimming, weeding, fertilizing, reseeding, culling dead plants, unwrapping from winter.

(c) Declarant shall perform regular seasonal wintertime preparation landscaping maintenance, which shall include but not be limited to, raking, wrapping plants (if needed), fertilizing and reseeding.

(d) Declarant shall timely repair or replace on a regular and ongoing basis all amenities provided for in the Public Access Areas, which shall include but shall not be limited to, benches or other seating, walls, barriers, fencing, gates, paving, painting, lighting, plant materials and trees, construction defects and hazardous conditions.

(e) Notwithstanding any other provision of this Declaration, nothing herein shall require Declarant to maintain City-owned land or improvements such as City streets and parks. Such maintenance by Declarant, if any, shall be governed by other instruments, if any, agreed to and accepted by the City and Declarant.

8. DELAY BY REASON OF FORCE MAJEURE EVENT. If Declarant is unable to perform any Obligation under this Declaration by reason of a Force Majeure Event, Declarant may, upon notice to the Chairperson (a "**Delay Notice**"), request that the Chairperson, in consultation with the Parks Department as may be necessary for New Landscape Improvements

to be provided on City-owned property, certify the existence of such Force Majeure Event. Any Delay Notice shall include a description of the Force Majeure Event and its probable duration and impact on the work in question (as reasonably determined by Declarant). The Chairperson, in consultation with the Parks Department, where necessary, shall thereafter determine whether Force Majeure Event exists, and upon notice to Declarant no later than ten (10) days after its receipt of the Delay Notice, certify whether a Force Majeure Event exists. If the Chairperson certifies that a Force Majeure Event does not exist, the Chairperson shall set forth with reasonable specificity, in the certification, the reasons therefor. If the Chairperson certifies that a Force Majeure Event exists, the Chairperson shall grant Declarant appropriate relief, including notifying the Buildings Department that a Building Permit, TCO or a PCO (as applicable) may be issued for the applicable New Buildings, or, in the Chairperson's reasonable discretion, for portions thereof, located within the applicable Development Phase. Any delay arising by reason of a Force Majeure Event shall be deemed to continue only so long as the Force Majeure Event continues. Upon cessation of the Force Majeure Event, Declarant shall promptly recommence the performance of the affected Obligation. As a condition to granting relief as aforesaid, the Chairperson may require that Declarant post a letter of credit ("**Completion Letter of Credit**") or other security, in a form reasonably acceptable to the Chairperson and naming the City as beneficiary, to secure Declarant's Obligation to perform upon the cessation of the Force Majeure Event. Such security shall be in a sum no more than 175% of the estimated cost to perform the Obligation. Declarant shall recommence performance of the Obligation at the end of the Force Majeure Event specified in the Delay Notice, or such lesser period of time as the Chairperson has reasonably determined the Force Majeure Event shall continue; provided, however, that if Declarant reasonably determines prior to the end of the period of the Force Majeure Event as so determined that it will have a longer duration, the Chairperson may grant additional time to perform the Obligation if Declarant demonstrates to the satisfaction of the Chairperson that the Force Majeure event will continue for a longer duration than previously specified. If Declarant fails to resume performance of the applicable Obligation, the City may undertake to perform the Obligation and draw upon the aforesaid Completion Letter of Credit, to the extent required to complete the Obligation. Upon performance of Obligation, the City shall return the aforesaid security (or the undrawn balance thereof) to Declarant. Declarant hereby grants the City a

license to enter upon such portions of the Subject Property as shall be required to exercise the aforesaid self-help rights conferred upon the City.

9. **REPRESENTATION**. Declarant hereby represents and warrants that there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration to develop and enlarge the Subject Property as a Large-Scale General Development as set forth herein and in accordance with this Declaration.

10. **BINDING EFFECT**. The restrictions, covenants, rights and agreements set forth in this Declaration shall be binding upon Declarant and any successor or assign of Declarant; provided that the Declaration shall be binding on any Declarant only for the period during which such Declarant, or any successor or assign thereof, is the holder of an interest in the Subject Property and only to the extent of such Declarant's interest in the Subject Property. At such time as a Declarant or any successor to a Declarant no longer holds an interest in the Subject Property, such Declarant's or such Declarant's successor's obligations and liability under this Declaration shall wholly cease and terminate and the party succeeding such Declarant or such Declarant's successor shall assume the obligations and liability of Declarant pursuant to this Declaration with respect to actions or matters occurring subsequent to the date such party assumes an interest in the Subject Property to the extent of such party's interest in the Subject Property. For purposes of this Declaration, any successor to a Declarant shall be deemed a Declarant for such time as such successor holds all or any portion of any interest in the Subject Property. In no event shall any officer, director, trustee, member, partner, manager, employee, representative or agent of Declarant have any personal liability under this Declaration.

11. **RECORDATION**.

(a) Promptly, and no later than ten (10) days after Final Approval, as defined herein, Declarant shall file and record this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents executed and delivered in connection with the Applications and required by this Declaration to be recorded in public records, in the Office

of the City Register of the City of New York (the "**Register's Office**"), indexing it against the entire Subject Property (such date, the "**Recording Date**").

(b) At such time as the City transfers fee title of the Mercer Street Land, Declarant shall cause the Mercer Street Land to be merged with Zoning Lot 2, whereupon, Declarant shall record a duplicate of this Declaration forthwith at Declarant's sole cost and expense against the newly enlarged Zoning Lot 2 (the date of such duplicate recordation being the "**Mercer Street Land Recording Date**"). Recordation of this Declaration pursuant to Section 11(a), above, shall have the sole effect of applying Section 3(b)(i) of this Declaration, until such time as a duplicate Declaration is recorded against the enlarged Zoning Lot 2 pursuant to this paragraph.

(c) Declarant shall not apply for any Building Permit for the Subject Property, whether or not pursuant to the Large-Scale Special Permit, until this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents shall have been recorded pursuant to Section 11(a) and (b), as set forth above. Declarant shall promptly deliver to the Commission within ten (10) days from any such submission for recording, a copy of this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents as recorded, together with an affidavit of submission for recording, or in the alternative, a copy of this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents, as recorded in the New York Department of Finance's Automated City Register Information System (ACRIS) database, whichever is first available. If Declarant fails to so record this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents, then the City may record duplicate originals of this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents, which shall have the sole effect of applying the provisions of Section 3(b)(i), however, all fees paid or payable for the purpose of recording, whether undertaken by Declarant or by the City, shall be borne by Declarant.

(d) In the event that the Final Approval includes modifications to the Development requiring modifications to this Declaration, Declarants shall prepare a revised declaration incorporating such modifications, which shall be recorded in accordance with Section 11(a) and (b) above. If Declarant fails to prepare a revised declaration and/or fails to so record said

modified declaration in accordance Section 11(a) and (b), then the City may record duplicate originals of this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other such documents, which shall have the sole effect of applying the provisions of Section 3(b)(i), however, all fees paid or payable for the purpose of recording, whether undertaken by Declarant or by the City, shall be borne by Declarant. Where Declarant fails to modify this Declaration as required by this Section 11(d), development under the Large Scale Special Permit shall be prohibited.

12. EFFECTIVE DATE. This Declaration and the provisions and covenants hereof shall become effective only upon the Final Approval of the Applications (the "**Effective Date**").

13. NOTICE. All notices, demands, requests, consents, approvals, and other communications (each, a "**Notice**") which may be or are permitted, desirable, or required to be given under this Declaration shall be in writing and shall be sent or delivered as follows:

(a) if to Declarant:

New York University
70 Washington Square South
New York, New York 10012
Attention: General Counsel

with a copy to:

Bryan Cave LLP
1290 Avenue of the Americas
New York, New York 10104-3300
Attention: Robert S. Davis, Esq.

(b) if to the Commission:

New York City Planning Commission
22 Reade Street
New York, New York 10007
Attention: Chairperson

with a copy to:

the General Counsel of City Planning at the same address

(c) if to a Party in Interest other than Declarant:

at the address provided in writing to the Commission in accordance with this Section 13

(d) if to a Mortgagee:

at the address provided in writing to the Commission in accordance with this Section 13

Declarant, the Commission, any Party in Interest, and any Mortgagee may, by notice provided in accordance with this Section 13, change any name or address for purposes of this Declaration. In order to be deemed effective, any Notice shall be sent or delivered in at least one of the following manners: (i) sent by registered or certified mail, postage pre-paid, return receipt requested, in which case the Notice shall he deemed delivered for all purposes hereunder five days after being actually mailed; (ii) sent by overnight courier service, in which case the Notice shall be deemed delivered for all purposes hereunder on the date the Notice was actually received or was refused; or (iii) delivered by hand, in which case the Notice will be deemed delivered for all purposes hereunder on the date the Notice was actually received. All Notices from the Commission to Declarant shall also be sent to every Mortgagee of whom the Commission has notice, and no Notice shall be deemed properly given to Declarant without such notice to such Mortgagee(s). In the event that there is more than one Declarant at any time, any Notice from the Commission shall be provided to all Declarants of whom the Commission has notice.

14. DEFAULTS AND REMEDIES.

(a) Declarant acknowledges that the restrictions, covenants, and obligations of this Declaration will protect the value and desirability of the Subject Property, as well as benefit the City. If Declarant fails to perform any of Declarant's obligations under this Declaration, the City shall have the right, subject to Sections 14.1 and 14.2 below, to enforce this Declaration against Declarant and exercise any administrative, legal, or equitable remedy available to the City, and Declarant hereby consents to same; provided that this Declaration shall not be deemed to diminish Declarant's or any other Party In Interest's right to exercise any and all administrative, legal, or equitable remedies otherwise available to it, and provided further, that the City's rights to enforcement shall be subject to the cure provisions and periods set forth in Section 14.1 below. Declarant also acknowledges that the remedies set forth in this Declaration

are not exclusive and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, an injunction compelling Declarant to comply with the terms of this Declaration and a revocation by the City of any certificate of occupancy, temporary or permanent, for any portion of the Large-Scale Development Project on the Subject Property subject to the Large Scale Special Permit, which does not comply with the terms of this Declaration; provide, however, that such right of revocation shall not permit or be construed to permit the revocation of any certificate of occupancy for any use or improvement that exists on the Subject Property as of the date of this Declaration.

(b) Notwithstanding any provision of this Declaration, only Declarant and Declarant's successors and assigns, and the City, acting through the Commission, shall be entitled to enforce or assert any claim arising out of or in connection with this Declaration. Nothing contained herein should be construed or deemed to allow any other person or entity to have any interest in or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the Applications.

14.1 **Notice and Cure**.

(a) Except as provided in Sections 4.8(g) and 15.1(a), prior to the City instituting any proceeding to enforce the terms or conditions of this Declaration due to any alleged violation hereof, the City shall give Declarant and all Parties In Interest, that the City has notice of, thirty (30) business days written notice of such alleged violation, during which period Declarant and the Parties In Interest shall have the opportunity to effect a cure of such alleged violation or to demonstrate to the City why the alleged violation has not occurred. If a Mortgagee or Party in Interest performs any obligation or effects any cure Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of Declarant and shall be accepted by any person or entity benefited hereunder, including CPC and City, as if performed by Declarant. If Declarant or the Parties In Interest commence to effect such cure within such thirty (30) day period (or if cure is not capable of being commenced within such thirty (30) day period, Declarant or the Parties In Interest commence to effect such cure when such commencement is reasonably possible), and thereafter proceed diligently toward the effectuation of such cure, the aforesaid thirty (30) day period (as

such may be extended in accordance with the preceding clause) shall be extended for so long as Declarant or the Parties In Interest continue to proceed diligently with the effectuation of such cure. In the event that more than one Declarant exists at any time on the Subject Property, notice shall be provided to all Declarants from whom the City has received notice in accordance with Section 13, and the right to cure shall apply equally to all Declarants.

(b) If after due notice and opportunity to cure as set forth in Section 14.1(a), Declarant or any Party In Interest fails to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section 14 and may disapprove any amendment, modification, or cancellation of this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

14.2 **Additional Remedies**. Declarant acknowledges that the remedies set forth in this Declaration are not exclusive, and that the City and any agency thereof with an interest herein may pursue other remedies not specifically set forth herein, including, without limitation, the seeking of a mandatory injunction compelling Declarant, its heirs, successors or assigns, to comply with any provision, whether major or minor, of this Declaration.

15. ENFORCEMENT.

15.1. Denial of Public Access.

(a) If the Department of City Planning has reason to believe that the use and enjoyment of the Public Access Areas by any member of the public has, without reasonable cause, been denied by Declarant, and the City determines that such denial of access with respect to the right of public access is in violation of the provisions of this Declaration, the City shall have, after (i) notice to Declarant and (ii) an opportunity for Declarant to present evidence disputing such alleged denial of access, in addition to such other rights as may be available at law or equity, the right to seek civil penalties at the New York City Environmental Control Board for a violation relating to privately owned public space.

(b) Notwithstanding the provisions of Section 14.1(a), in the event of a denial of public access in violation of the provisions of this Declaration, the cure period to which Declarant shall be entitled shall be reduced to forty-eight (48) hours from Declarant's receipt of

notice thereof. If such denial of access or interference continues beyond such period, the City may thereupon exercise any and all of its rights hereunder, including seeking an injunction.

15.2. Enforcement by City; No Enforcement by Third Parties.

(a) Declarant acknowledges that the City is an interested party to this Declaration, and consents to enforcement by the City, administratively or at law or equity, of the restrictions, covenants, easements, obligations and agreements contained herein.

(b) No Person other than the City and Declarant, shall have any enforceable interest in or right to enforce the provisions of this Declaration.

16. APPLICATIONS.

(a) Declarant shall include a copy of this Declaration with any application made to the Buildings Department as required for a Building Permit for any portion of the Large-Scale Development Project built pursuant to the Large-Scale Special Permit.

(b) Nothing in this Declaration shall be construed to prevent Declarant or any of Declarant's successors or assigns from making any application of any kind to any governmental agency or department (each an "Agency") in connection with the development of the Subject Property; provided, that Declarant shall include a copy of this Declaration in connection with any application for any such discretionary approval, and provided that nothing in this Section 16(b) shall be construed as superseding the requirements, restrictions, or approvals that may be required under agreements with any other Agency or the City.

17. AMENDMENT, MODIFICATION AND CANCELLATION.

(a) This Declaration may be amended, cancelled, or modified only upon approval of the Commission after application by Declarant, and no other approval shall be required from any other public body, private person, or legal entity of any kind.

(b) Notwithstanding anything to the contrary contained in Section 17(a) above, any modification or amendment to this Declaration proposed by Declarants and submitted to the Chairperson which is deemed by the Chairperson, in his or her sole discretion, by express

written consent, to be a minor amendment or modification of this Declaration, may be administratively approved, and such minor modification and amendment shall not require the approval of the Commission or from any other public body, private person, or legal entity of any kind and, without limitation, any present or future Party-in-Interest.

(c) No development other than the development permitted by the Large-Scale Special Permit as forth in Section 3(a), or the Prior Zoning Development set forth in Section 3(b)(i), shall be permitted on the Subject Property (*i.e.*, the As-of-Right Development set forth in Section 3(b)(ii)), unless (i) the Commission has reviewed and approved of the As-of-Right Development, (ii) Declarant has submitted a Technical Memorandum to City Planning demonstrating that the As-of-Right Development will not result in any greater adverse environmental impacts than have been identified in the FEIS, and (iii) drawings reflecting the proposed As-of-Right Development have been submitted in a form acceptable to the Department and have been incorporated into this Declaration pursuant to Section 17(a) above. In the event that Declarant determines that a PCRE or Mitigation Measure set forth in Section 4 should not apply with respect to the As-of-Right Development, it shall set forth the basis for such determination in the Technical Memorandum submitted in accordance with this Section 17. Upon the acceptance of a Technical Memorandum demonstrating the same, the requirements of this declaration with respect to the PCREs and/or Mitigation Measures discussed in such Technical Memorandum shall not be required for such development. Declarant shall not apply for or accept Building Permits for any As-of-Right Development until the Chairperson certifies to the Buildings Department that the Commission has approved the plans for the proposed As-of-Right Development, a Technical Memorandum has been submitted to City Planning demonstrating that the proposed As-of-Right Development will not result in any greater adverse environmental impacts than have been identified in the FEIS, and a modification of this Declaration has been approved pursuant to this Section 17 to reflect the plans and modified PCRE's and/or Mitigation Measures, as applicable, for the proposed As-of-Right Development.

(d) Notwithstanding anything to the contrary contained in this Declaration, if all the Final Approvals, as approved or modified by the City Council, given in connection with the Applications are declared invalid or otherwise voided by a final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken

within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such appeal, this Declaration shall be cancelled and shall be of no further force or effect and an instrument discharging it may be recorded. Prior to the recordation of such instrument, Declarants shall notify the Chairperson of Declarants' intent to discharge this Declaration and request the Chairperson's approval, which approval shall be limited to insuring that such discharge and termination is in proper form and provides the proper provisions which are not discharged survive such termination. Upon recordation of such instrument, Declarants shall provide a copy thereof to the Commission so certified by the Register's Office. If some of the Approvals given in connection with the Applications are declared invalid, then Declarants may apply for modification, amendment or cancellation of this Declaration in accordance with Section 17(a) or Section 17(b) hereof.

18. SEVERABILITY. In the event that any of the provisions of the Declaration shall be deemed, decreed, adjudged, or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

19. APPLICABLE LAW. This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

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IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the date written above.

NEW YORK UNIVERSITY

A New York education corporation

By: _____

Name: Martin S. Dorph

Title: Executive Vice President for Finance and Information Technology

ACKNOWLEDGEMENT

State of New York)
) ss:
County of New York)

On the 6th day of June, 2012 before me, the undersigned, a notary public in and for said state, personally appeared Martin S. Dorph, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the entity upon behalf of which the individual acted, executed the instrument.

Barbara Glavina

Notary Public

BARBARA GLAVINA
NOTARY PUBLIC, State of New York
No. 4640273
Qualified in Queens County
Commission Expires 11-30-2013
Certified in New York County

EXHIBIT A

Legal Description of North Block Parcel & South Block Parcel

NORTH BLOCK PARCEL

Zoning Lot 1 (Block 533, Lots 1 and 10)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Bleecker Street, 80 feet wide, and the easterly line of LaGuardia Place, width varies;

RUNNING THENCE north 32°25'50" east, along said easterly line of LaGuardia Place, a distance of 474.28 feet to a point at the intersection of the said easterly line of LaGuardia Place and the southerly line of West 3rd Street, 70 feet wide;

THENCE south 57°28'19" east, along said southerly line of West 3rd Street, a distance of 605.80 feet to a point at the intersection of said southerly line of West 3rd Street and the westerly line of Mercer Street, width varies;

THENCE south 32°25'18" west, along said westerly line of Mercer Street, a distance of 476.85 feet to the intersection of said westerly line of Mercer Street and the aforementioned northerly line of Bleecker Street;

THENCE north 57°14'35" west, along said northerly line of Bleecker Street, a distance of 605.88 feet to the point or place of BEGINNING.

SOUTH BLOCK PARCEL

Zoning Lot 2 (Block 524, Lot 66)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point formed by the current intersection of the northerly line of West Houston Street, 125 feet wide, and the westerly line of Mercer Street, width varies;

RUNNING THENCE north 57°21'50" west, along said northerly line of West Houston Street, a distance of 439.85 feet to a point;

THENCE north 32°38'10" east parallel to Mercer Street more or less, a distance of 197.39 feet to a point;

THENCE north 09°50'42" east, a distance of 54.83 feet to a point;

THENCE north 32°38'10" east, parallel to Mercer Street more or less, a distance of 130.19 feet to a point on the southerly line of Bleecker Street, 80 feet wide;

THENCE south 57°14'35" east, along said southerly line of Bleecker Street, a distance of 459.68 feet to the intersection of said southerly line of Bleecker Street and the aforementioned westerly line of Mercer Street;

THENCE south 32°25'18" west, along said westerly line of Mercer Street, a distance of 377.10 feet to the point or place of BEGINNING.

Zoning Lot 3 (Block 524, Lot 9)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Bleecker Street, 80 feet wide, and the easterly line of LaGuardia Place, width varies;

RUNNING THENCE south 57°14'35" east, along said southerly line of Bleecker Street, a distance of 124.47 feet to a point;

THENCE south 32°38'10" west, parallel to LaGuardia Place more or less, a distance of 130.18 feet to a point;

THENCE north 57°21'45" west, parallel with Bleecker Street more or less, a distance of 124.00 feet to a point on the aforementioned easterly line of LaGuardia Place;

THENCE north 32°25'50" east along said easterly line of LaGuardia Place, a distance of 130.44 feet to the point or place of BEGINNING.

EXHIBIT A-2

Legal Description of the Mercer Street Land

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point formed by the current intersection of the northeasterly line of West Houston Street (125 feet wide) and the current northwesterly line of Mercer Street (100 feet wide);

RUNNING THENCE north 32°25'18" west, along said current northwesterly line of Mercer Street, a distance of 377.10 feet to the current intersection of said current northwesterly line of Mercer Street and the southwesterly line of Bleecker Street (80 feet wide);

THENCE south 57°14'35" east, along a line forming the southeasterly extension of the current southwesterly line of Bleecker Street, a distance of 39.00 feet to a point;

THENCE south 32°25'18" west, along a line parallel with the current northwesterly line of Mercer Street, a distance of 377.10 feet to a point on a line forming the southeasterly extension of the current northeasterly line of West Houston Street;

THENCE north 57°21'50" west, along said southeasterly extension of the current northeasterly line of West Houston Street, a distance of 39.00 feet to the point or place of BEGINNING.

EXHIBIT B

Title Company Certification of Parties In Interest

Certificate No. 311200381

CERTIFICATION OF PARTIES IN INTEREST PURSUANT TO SUBDIVISION (C) OF THE DEFINITION OF ZONING LOT SET FORTH IN SECTION 12-10 OF THE ZONING RESOLUTION OF THE CITY OF NEW YORK, EFFECTIVE DECEMBER 15, 1961 AS AMENDED

CHICAGO TITLE INSURANCE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal offices at 711 3rd Avenue, New York, New York 10017, hereby certifies to the **CITY OF NEW YORK** and **BRYAN CAVE LLP** that as to the land hereafter described, being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest constituting a "party in interest" as defined in Subdivision (c), or (d) of the definition of zoning lot Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

NAME AND ADDRESS	NATURE OF INTEREST
1. NEW YORK UNIVERSITY 70 Washington Square South New York, NY 10022	Fee Owner of Block 533 Lots 1 and 10 Block 524 Lots 9 and 66

8X11BL

Certificate No. 311200381

DESCRIPTION
METES AND BOUNDS

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is Tax Lots Number 1 and 10 in Block 533 and Lots Number 9 and 66 in Block 524 as shown on the Tax Map of the City of New York, New York County, and is more particularly described as follows:

BLOCK 533 LOT 10:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of West Broadway, (now known as Laguardia Place) distant 126 feet 1-3/8 inches northerly from the corner formed by the intersection of the easterly line of West Broadway and the northerly line of Bleecker as said streets are shown on a Map showing a change in the street system in connection with the site for Washington Square South East Area, adopted by the Board of Estimate of the City of New York on October 11, 1956;

RUNNING THENCE easterly parallel or nearly so with the northerly side of Bleecker Street, 103 feet 0 inches;

THENCE northerly along a line nearly parallel to West Broadway, 216 feet 2 inches;

THENCE westerly along a line parallel or nearly so with the northerly line of Bleecker Street, 103 feet 0 inches to the easterly line of West Broadway as shown on said map;

THENCE southerly along the easterly line of West Broadway, 216 feet, 2 inches to point or place of BEGINNING.

BLOCK 533 LOT 1:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, being shown and designated as Block 533 Lot 1 on the Official Tax Map of the City of New York, dated 12/09/2008.

BLOCK 524 LOT 66:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West Houston Street with the westerly side of Mercer Street;

RUNNING THENCE westerly along the northerly side of West Houston Street, 439 feet 10-1/8 inches;

THENCE northerly at right angles to the northerly side of West Houston Street, 197 feet 4-3/4 inches;

THENCE still northerly along a line forming with the last described course an interior angle of 157 degrees 12 minutes 32 seconds a distance of 54 feet 10 inches;

THENCE still northerly again at right angles to the northerly side of West Houston Street, 130 feet, 2-1/8 inches to the southerly side of Bleecker Street;

THENCE easterly along the southerly side of Bleecker Street, 459 feet 8 inches to the corner formed by the intersection of the easterly side of Bleecker Street with the westerly side of Mercer Street;

THENCE southerly along the westerly side of Mercer Street, 377 feet 2-1/2 inches to the point or place of BEGINNING.

BLOCK 524 LOT 9:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Easterly side of West Broadway, as widened with the southerly side of Bleecker Street as widened;

RUNNING THENCE easterly along the southerly side of Bleecker Street 124 feet 5 5/8 inches:

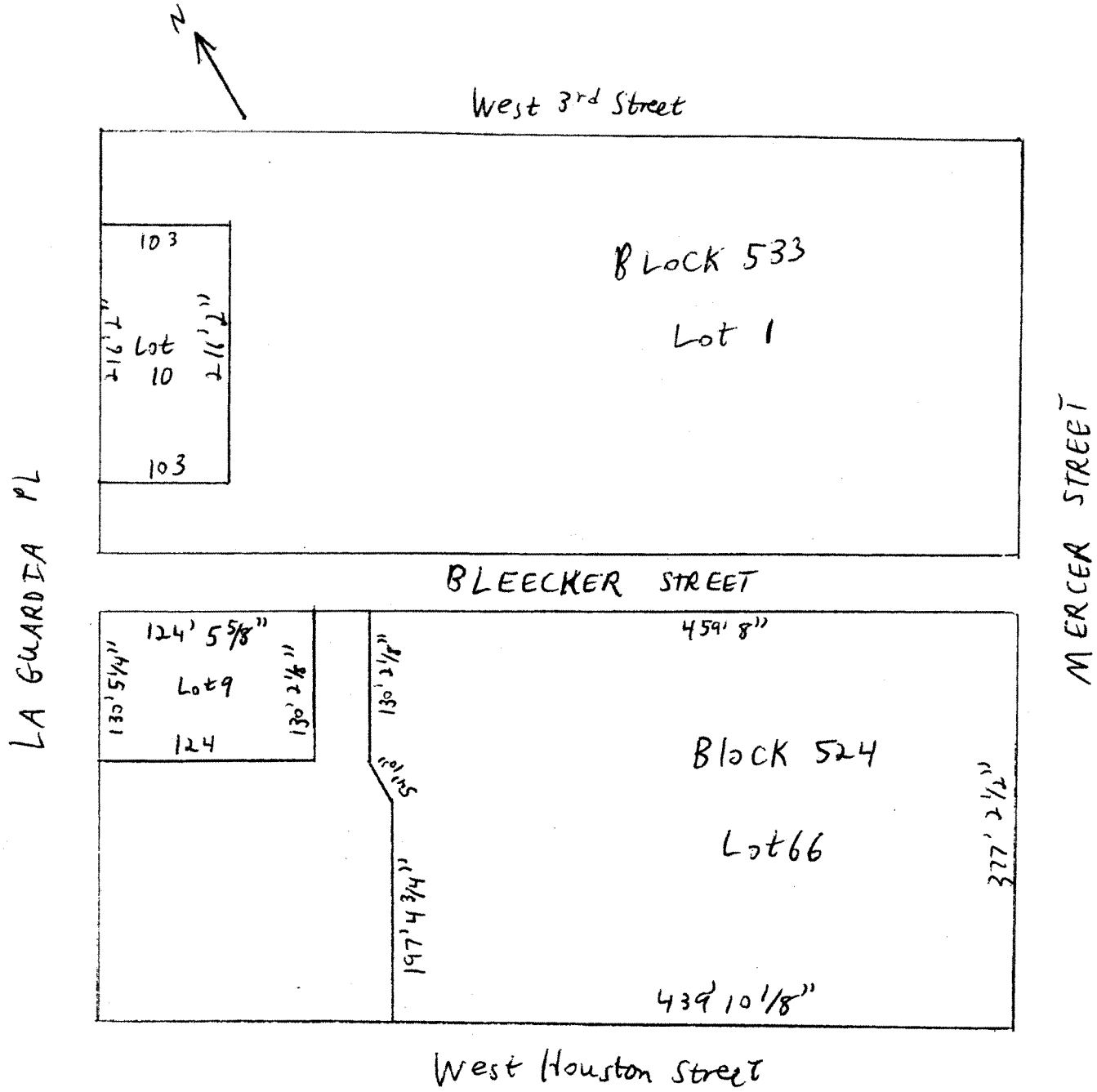
THENCE southerly along a line which forms an angle of 90 degrees 7 minutes 15 seconds on its westerly side with said southerly side of Bleecker Street 130 feet 2 1/8 inches:

THENCE westerly at right angles to the last course 124 feet to the easterly side of West Broadway;

THENCE northerly along said easterly side of West Broadway 130 feet 5 1/4 inches to the corner aforesaid, at the point of place of BEGINNING.

Certificate No. 311200381

That the said premises are known as and by street address 1 Washington Square Village, 543 LaGuardia Place, 509 LaGuardia Place and 100 Bleecker Street, New York, NY as shown on the following DIAGRAM:



Certificate No. 311200381

NOTE:

A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

The City of New York requires the submission of a New York City Report when a Zoning Lot Declaration is filed for recording pursuant to Zoning Lot Resolution 12-10 of the City of New York.

THE CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND ($1,000.00) DOLLARS.

CHICAGO TITLE INSURANCE COMPANY

By: Christopher J. Bedell

Christopher J. Bedell
Vice-President and Senior Underwriting Counsel

Dated: May 18, 2012

Certificate No. 311200381

UNIFORM FORM OF ACKNOWLEDGMENT

STATE OF NEW YORK) ss:

COUNTY OF NEW YORK)

On the 5th day of June, in the year 2012, before me, the undersigned, a notary public in and for said state, personally appeared Christopher J. Bedell, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

LAURA J. PETERSEN
Notary Public, State of New York
No. 01PE5032766
Qualified in Suffolk County
Commission Expires October 31, 2014

EXHIBIT C

Development Plans

Order of Drawing Segments:

2	1

Title
No.

Description	Block 533 (NORTH BLOCK) - Zoning Lot 1 (Tax Lot 1 and 10)	Block 524 (SOUTH BLOCK) - Zoning Lot 2 (Tax Lot 55 and Mercer (90' Strip)	Block 524 (SOUTH BLOCK) - Zoning Lot 3 (Tax Lot 9)	Large Scale General Development Total
Yard Regulations	In the case of a zoning lot adjoining an intersection, no rear yard or rear yard equivalent shall be required	A rear yard not less than 20' (Comm. Of) or 30' (Residential) in depth shall be provided at every rear lot line. For any through lot with a max. depth of 110' or more from street to street, a 20' (Comm. Of) or 30' (Residential) min. width rear yard equivalent shall be provided along full length of each side lot line, in center of block or along street lines	A rear yard not less than 20' (Comm. Of) or 30' (Residential) in depth shall be provided at every rear lot line	
Proposed	Not applicable	See drawings Z-133 and Z-135 See Waiver a) below DOES NOT COMPLY	See drawings Z-133 and Z-138 See Waiver b) below DOES NOT COMPLY	
Court Regulations	Not applicable	If an inner court is 20' or more in width, the width must be at least twice the depth, except that such width need not exceed 40'	Not applicable	
Proposed	Not applicable	COMPLIES	Not applicable	
Height and Setback Regulations				
Required	See drawings Z-130 and Z1-131			
Proposed	See drawings Z-130 and Z1-131 See Waiver a) below DOES NOT COMPLY	See drawings Z-133, Z1-135 to Z-138 See Waiver a) below DOES NOT COMPLY	See drawings Z-133, Z-139, Z-138 See Waiver a) below DOES NOT COMPLY	
Minimum Distance Between Buildings Required	Min Distance Between 2 buildings on the same zoning lot with a height of over 50' is 40' from wall to wall, 50' from wall to window and 60' from window to window	Min Distance Between 2 buildings on the same zoning lot with a height of over 50' is 40' from wall to wall, 50' from wall to window and 60' from window to window	Min Distance Between 2 buildings on the same zoning lot with a height of over 50' is 40' from wall to wall, 50' from wall to window and 60' from window to window	
Existing	See drawing Z-003 COMPLIES	See drawing Z-003 COMPLIES Interim Condition before Demo of Coles Gymnasium See drawing Z-134 See Waiver a) below DOES NOT COMPLY	See drawing Z-003 COMPLIES	
Proposed	See drawing Z-111 50' Window to Wall COMPLIES	See drawing Z-133 50' Window to Wall COMPLIES	See drawing Z-112 COMPLIES	
Off Street Parking Required	A. Amount of Required Parking Existing dwelling units established prior to December 15, 1961 1296 Number of parking spaces required 1296 x 30% = 389	A. Amount of Required Parking Existing dwelling units established prior to April 29, 1982 358 Number of parking spaces required 358 x 50% = 179	A. Amount of Required Parking Number of parking spaces required 0	Parking Spaces Required 568
Off Street Parking Permitted	B. Existing garage 670 Per BSA Variance 250-00-BZ Number of spaces may be used as transient public parking 149 Total Number of Parking Spaces permitted 870	B. Permitted Accessory Off-Street Parking Spaces for Residential Development New Dwelling Units Provided 0 Number of additional parking spaces permitted 0 Permitted Accessory Off-Street Parking Spaces for Comm. Or CF Development New Comm. And CF Floor Area 446,000 Number of additional parking spaces permitted 446,000 /4000 or 100 100 Total Number of Parking Spaces permitted 179 + 100= 298	B. Permitted Accessory Off-Street Parking Spaces for Residential Development New Dwelling Units Provided 0 Number of additional parking spaces permitted 0 Permitted Accessory Off-Street Parking Spaces for Comm. Or CF Development New Comm. And CF Floor Area 96,302 Number of additional parking spaces permitted 96,302 /4000 or 100 31 Total Number of Parking Spaces permitted 31	Parking Spaces Permitted 997
Off Street Parking Provided	Parking Spaces Provided 389 BSA Variance to be surrendered (149 spaces) and other non required accessory parking spaces to be eliminated (132 spaces)	Parking Spaces Provided 179	Parking Spaces Provided 0	Parking Spaces Provided 568
Curb Cut	Reuse of Existing Curb Cut in same location along West 3rd ST	Existing Curb Cuts to remain unchanged	Existing Curb Cuts to be removed once Proposed Bleecker Building is developed	
Off Street Loading Required	Loading berths required for Retail 0 - 25,000 SF 0 Berths Proposed Retail FA 15,000 Loading berths required for Retail 0 Berths Total Requirement 0 Berths	Loading berths required for Retail 25,000- 40,000 SF 1 Berth Proposed Retail Max FA 32,000 Loading berths required for Retail 1 Berth Total Requirement 1 Berths	Loading berths required for CF 0 Berths Total Requirement 0 Berths	Total Requirement 1 Berth
Off Street Loading Proposed	Total Berths Proposed 2 Berths COMPLIES	Total Berths Proposed 4 Berths COMPLIES	Total Berths Proposed 0 Berths COMPLIES	Total Berths Proposed 6 Berths
Curb Cuts	1 proposed on narrow street	2 proposed on narrow street	Existing Curb Cuts to be removed once Proposed Bleecker Building is developed	
Bicycle Parking Required	Bicycle spaces required for CF Classrooms 1 per 5,000 SF Bicycle spaces required for Retail 1 per 10,000 SF	Bicycle spaces required for New Residential 1 per 2 dwelling units Bicycle spaces required for CF Dormitories 1 per 2,000 SF Bicycle spaces required for CF Classrooms 1 per 5,000 SF Bicycle spaces required for CF Gymnasium 1 per 20,000 SF Bicycle spaces required for Retail 1 per 10,000 SF	Bicycle spaces required for CF Dormitories 1 per 2,000 SF Bicycle spaces required for CF Classrooms 1 per 5,000 SF	
Bicycle Parking Required	Buildings to Comply	Buildings to Comply	Buildings to Comply	
Street Trees Required	1 Tree per 25' of Street Frontage 2,183 linear feet of frontage at 25'/tree = 87 Trees Required	1 Tree per 25' of Street Frontage 1,354 linear feet of frontage at 25'/tree = 54 Trees Required	1 Tree per 25' of Street Frontage 255 linear feet of frontage at 25'/tree = 10 Trees Required	Trees Required 151
Street Trees Proposed	Street Trees Proposed 87 COMPLIES	Street Trees Proposed 54 COMPLIES	Street Trees Proposed 10 COMPLIES	Street Trees Proposed 151

ED WAIVERS:

e Scale opment	Large Scale General Development (LSGD) Special Permit (ZR Section 74-74) LSGD to include Blocks 524 (excluding Lot 1) and Block 533
e Setback	Modification to permit Buildings to penetrate sky exposure planes and initial setback distances required pursuant to Sections 23-632, 33-432 and 35-23
Waiver Equivalent	Modification to permit Proposed Bleecker Building to encroach into required rear yards required pursuant to Sections 33-26 Modification to permit Proposed Zipper Building to encroach into required rear yard equivalents required pursuant to Sections 23-532 and 33-283
Distance Buildings	Interim Waiver Modification of minimum distance required between "Existing Silver Tower 2" and "Existing Coles Gymnasium" required pursuant to Section 23-710

of floor area by use within a building may change, but in no case shall the sum of the floor area of uses in a building exceed the total permitted floor area of that building. In the Proposed Zipper Building
ity Housing shall not exceed 176,600 sf
xisting Accessory to Community Facility: Academic Use (UG3)
landscape design of the New Landscape Improvements shown on drawings Z-201 through Z-208 and the corresponding final landscape designs of the Open Space provided on City-owned property
on drawings Z-300 through Z-346 are subject to final approval by City agencies at a later date and may therefore vary in certain respects from that which is shown
landscape design of the New Landscape Improvements, as shown on drawings Z-201 through Z-208, and the corresponding final landscape design of the Open Space, as shown on drawings Z-300 through Z-346,
the Subject Property are subject to modification pursuant to a Chairperson Certification pursuant to Section 6(c)(ii) to provide for integration of the final landscape design with the Parks on the City-owned property
which such spaces are adjacent and contiguous to one another

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Revisions	
01	06/04/12 CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID MORRIS 032404 STATE OF NEW YORK

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Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

ZONING CALCULATIONS AND ZONING ACTIONS

Date	Scale
12/05/2011	NTS

Drawn: MS
Checked: NDH
Approved: MH

Z - 004

Z-004
PART 1 OF 2

Item	ZR Sec	Description	Block 533 (NORTH BLOCK) - Zoning Lot 1 (Tax Lot 1 and 10)	Block 524 (SOUTH BLOCK) - Zoning Lot 2 (Tax Lot 65 and Mercer DOT Strip)	Block 524 (SOUTH BLOCK) - Zoning Lot 3 (Tax Lot 9)	Large Scale General Development Total
1		Zoning District	C1-7 (R8 Equivalent)	C1-7 (R8 Equivalent)	C1-7 (R8 Equivalent)	C1-7 (R8 Equivalent)
2		Lot Area	288,067 SF	183,846 SF	16,189 SF	488,102 SF
		Lot Area for FA calc	288,067 SF	169,138 SF (Lot area without Mercer DOT Strip)	16,189 SF	473,394 SF
3	32-00 32-11 to 21	Uses Permitted	Use Group 1-12	Use Group 1-12	Use Group 1-12	Use Group 1-12
		Uses Proposed	UG 2 Residential UG 3 College/University UG 6 A,C Retail UG 6 B Office	UG 2 Residential UG 3 College/University/Dorm/Faculty Hs UG 6 A,C Retail UG 6 B Office	UG 3 School/College/University	Use Group 2, 3, 6
4	33-142 33-123 33-122	FAR Permitted	a.) Residential Height Factor to determine FAR (RES) Height Factor 1,482,243 SF (ZFA) / 116,659 SF (Lot Cov) = 12.70 HF Rounded 13 FAR (R8) 5.81 b.) Community Facility FAR (C1-7) 6.50 c.) Commercial FAR (C1-7) 2.00	a.) Residential Height Factor to determine FAR (RES) Height Factor 1,080,183 SF (ZFA) / 78,907 SF (Lot Cov) = 13.69 HF Rounded 14 FAR (R8) 5.92 b.) Community Facility FAR (C1-7) 6.50 c.) Commercial FAR (C1-7) 2.00	a.) Residential Height Factor to determine FAR (RES) Height Factor 96,302 SF (ZFA) / 16,177 SF (Lot Cov) = 5.95 HF Rounded 6 FAR (R8) 4.15 b.) Community Facility FAR (C1-7) 6.50 c.) Commercial FAR (C1-7) 2.00	
		Floor Area Permitted	a.) Residential 5.81 FAR x 288,067 = 1,673,669 SF b.) Community Facility 6.50 FAR x 288,067 = 1,872,436 SF c.) Commercial 2.00 FAR x 288,067 = 576,134 SF d.) Max Total ZFA 6.50 FAR x 288,067 = 1,872,436 SF	a.) Residential 5.92 FAR x 169,138 = 1,001,297 SF b.) Community Facility 6.50 FAR x 169,138 = 1,099,397 SF c.) Commercial 2.00 FAR x 169,138 = 338,276 SF d.) Max Total ZFA 6.50 FAR x 169,138 = 1,099,397 SF	a.) Residential 4.15 FAR x 16,189 = 67,184 SF b.) Community Facility 6.50 FAR x 16,189 = 105,229 SF c.) Commercial 2.00 FAR x 16,189 = 32,378 SF d.) Max Total ZFA 6.50 FAR x 16,189 = 105,229 SF	a.) Residential 2,742,151 SF b.) Community Facility 3,077,061 SF c.) Commercial 948,788 SF d.) Max Total ZFA 3,077,061 SF
		Floor Area Proposed	Total by Use a.) Residential: Existing 1,100,849 SF; New 0 SF; Total 1,100,849 SF — COMPLIES b.) CF: Existing 80,411 SF; New School 0 SF; New Univ./College 300,983 SF; New Student Housing 0 SF; New Faculty Housing 0 SF; Total 381,394 SF — COMPLIES c.) Commercial: Existing 0 SF; New 15,000 SF; Total 15,000 SF — COMPLIES Total all Uses: Existing 1,181,260 SF; New 315,983 SF; Total 1,482,243 SF — COMPLIES Total by Building see Table below	Total by Use a.) Residential: Existing 428,801 SF; New 0 SF; Total 428,801 SF — COMPLIES b.) CF: Existing 2,167 SF; New School 0 SF; New Univ./College 414,000 SF; New Student Housing 423,000 SF; New Faculty Housing 176,600 SF; Total 1,015,767 SF — COMPLIES c.) Commercial: Existing 0 SF; New 32,000 SF; Total 32,000 SF — COMPLIES Total all Uses: Existing 430,968 SF; New 649,215 SF; Total 1,080,183 SF — COMPLIES Total by Building see Table below	Total by Use a.) Residential: Existing 0 SF; New 0 SF; Total 0 SF — COMPLIES b.) CF: Existing 0 SF; New School 94,763 SF; New Univ./College 1,539 SF; New Student Housing 0 SF; New Faculty Housing 0 SF; Total 96,302 SF — COMPLIES c.) Commercial: Existing 0 SF; New 0 SF; Total 0 SF — COMPLIES Total all Uses: Existing 0 SF; New 96,302 SF; Total 96,302 SF — COMPLIES Total by Building see Table below	Total by Use a.) Residential: Existing 1,529,650 SF; New 0 SF; Total 1,529,650 SF b.) CF: Existing 82,576 SF; New School 94,763 SF; New Univ./College 716,522 SF; New Student Housing 423,000 SF; New Faculty Housing 176,600 SF; Total 1,493,462 SF c.) Commercial: Existing 0 SF; New 47,000 SF; Total 47,000 SF Total all Uses: Existing 1,612,228 SF; New 1,061,499 SF; Total 2,673,727 SF Total by Building see Table below
5	23-22 35-40	Dwelling Units Permitted	a.) Dwelling Unit Factor 740 b.) Max Res. ZFA permitted in R8 equ. zones: (1) Max FA in R8 equivalent zones 1,872,436 (2) Non Res. ZFA in R8 equivalent 396,394 (3) Res. ZFA permitted for D.U. calc: 1,476,042 c.) Max. Number of Dwelling Units 1,995	a.) Dwelling Unit Factor 740 b.) Max Res. ZFA permitted in R8 equ. zones: (1) Max FA in R8 equivalent zones 1,099,397 (2) Max Non Res. ZFA in R8 equi. 651,382 (3) Res. ZFA permitted for D.U. calc 448,015 c.) Max. Number of Dwelling Units 605	a.) Dwelling Unit Factor 740 b.) Max Res. ZFA permitted in R8 equ. zones (1) Max FA in R8 equivalent zones 105,229 (2) Non Res. ZFA in R8 equivalent 105,229 (3) Res. ZFA permitted for D.U. calc: 0 c.) Max. Number of Dwelling Units 0	Max. Number of Dwelling Units 2,600
		Dwelling Units Proposed	Dwelling Units Existing: 1,041; New 0; Total: 1,041 — COMPLIES	Dwelling Units Existing 344; New: 0; Total 344 — COMPLIES	Dwelling Units Existing 0; New 0; Total 0 — COMPLIES	Dwelling Units Existing 1,385; New 0; Total: 1,385
6	23-142 35-33	Open Space Required	Height Factor to determine OSR (RES) Height Factor 1,100,849 SF(RES ZFA) / 71,630 SF(RES Lot Cov) = 15.37 HF Rounded 15 OSR (R8) 10.1 Min. required Open Space 1,100,849 x 0.101 = 111,186	Height Factor to determine OSR (RES) Height Factor 428,801 SF(RES ZFA) / 14,662 SF(RES Lot Cov) = 29.25 HF Rounded 29 OSR (R8) HF 21+8 = 11.9 + (8 x 0.3) = 14.3 Min. required Open Space 428,801 x 0.143 = 61,319	Height Factor to determine OSR (RES) Height Factor SF(RES ZFA) / SF(RES Lot Cov) = 0 HF Rounded NA Min. required Open Space 0	Min. required Open Space 172,504
		Open Space Proposed	Proposed Open Space: 155,692 COMPLIES	Proposed Open Space: 103,363 COMPLIES	Proposed Open Space: 0 COMPLIES	Proposed Open Space: 259,055

ZONING FLOOR AREA BY BUILDING:

Block 533 (NORTH BLOCK) Zoning Lot 1	Residential ZFA	Commercial ZFA	Community Facility ZFA				Proposed ZFA per Building/ Lot
			College/University	School	Student Housing	Faculty Housing	
Existing WSV 1	266,274	7,000	21,180	0	0	0	287,454
Existing WSV 2	266,854	0	21,025	0	0	0	287,879
Existing WSV 3	279,689	0	23,322	0	0	0	303,011
Existing WSV 4	288,032	8,000	14,884	0	0	0	302,916
Proposed Mercer Building	0	0	176,052	0	0	0	176,052
Proposed LaGuardia Building	0	0	124,931	0	0	0	124,931
Total ZFA	**1,100,849**	**15,000**	**381,394**	**0**	**0**	**0**	**1,482,243**

Block 524 (SOUTH BLOCK) Zoning Lot 2	Residential ZFA	Commercial ZFA	Community Facility ZFA				Total ZFA per Building/ Lot
			College/University	School	Student Housing	Faculty Housing	
Existing Silver Tower 1	213,317	0	2,167	0	0	0	215,484
Existing Silver Tower 2	215,484	0	0	0	0	0	215,484
Proposed Zipper Building	0	32,000	414,000	0	423,000	176,600	649,215
Total Max ZFA	**428,801**	**32,000**	**416,167**	**0**	**423,000**	**176,600**	**1,080,183**

Block 524 (SOUTH BLOCK) Zoning Lot 3	Residential ZFA	Commercial ZFA	Community Facility ZFA				Total ZFA per Building/ Lot
			College/University	School	Student Housing	Faculty Housing	
Max Bleecker Building ZFA	0	0	1,539	94,763	0	0	96,302

CONCURRENT ACTIONS:

1. Rezoning

a. Rezone the two superblocks from R7-2 and R7-2/C1-5 to C1-7
b. Rezone an approximately 20-ft. wide strip within the bed of Mercer Street between Houston and West 3rd Streets from C6-2 to C1-7
c. Rezone an approximately 10-ft. wide strip within the bed of Mercer Street between West 3rd and 4th Streets from C6-2 to R7-2

2. Zoning Text Amendment to Sections 74-742 and 74-743

a. Allow applications for LSGD special permits within the WSSURA to be submitted without meeting normally applicable ownership requirements (Sec 74-742)
b. Allow public parks in the former Washington Square Southeast Urban Renewal Area (WSSURA) to be treated as a street for all zoning purposes (Sec 74-743)

3. Change to the City Map

a. Narrow, by elimination, discontinuance and closing, the western 39 feet of Mercer Street between West Houston and Bleecker Streets and authorize its disposition to NYU
b. The elimination, discontinuance and closing of the western 21 feet of Mercer Street between West 3rd and 4th Streets, and a slightly larger area encompassing the existing co-generation plant below an upper limiting plane at 30 feet above the Manhattan datum, and authorize disposition to NYU
c. Narrow, by elimination, discontinuance and closing the western 39 feet of Mercer Street between Bleecker and West 3rd Streets
d. Map the western 39 feet of Mercer Street between Bleecker and West 3rd Streets as parkland subject to certain easements to be disposed of to NYU
e. Narrow, by elimination, discontinuance and closing the eastern 50 feet of LaGuardia Place between Bleecker and West 3rd Streets
f. Map the eastern 50 feet of LaGuardia Place between Bleecker and West 3rd Streets as parkland subject to certain easements to be disposed of to NYU

Item	ZR Sec	Description
7	33-28 23-532 33-283	Yard Regulations
		Proposed
8	23-60 23-84 23-85 24-632 24-633	Court Regulations
		Proposed
9	23-64 33-432	Height and Setback Regulations
		Required
		Proposed
10	23-711	Minimum Distance Between Buildings Required
		Existing
		Proposed
11	13-012 11-112 25-23 36-42 19(b)(a)(2)(1960 ZR) 13-12 13-133	Off Street Parking Required
		Off Street Parking Permitted
		Off Street Parking Provided
		Curb Cuts
12	36-62	Off Street Loading Required
		Off Street Loading Proposed
		Curb Cuts
13	36-711	Bicycle Parking Required
		Bicycle Parking Required
14	26-41	Street Trees Required
		Street Trees Proposed

PROPOSED WAIV

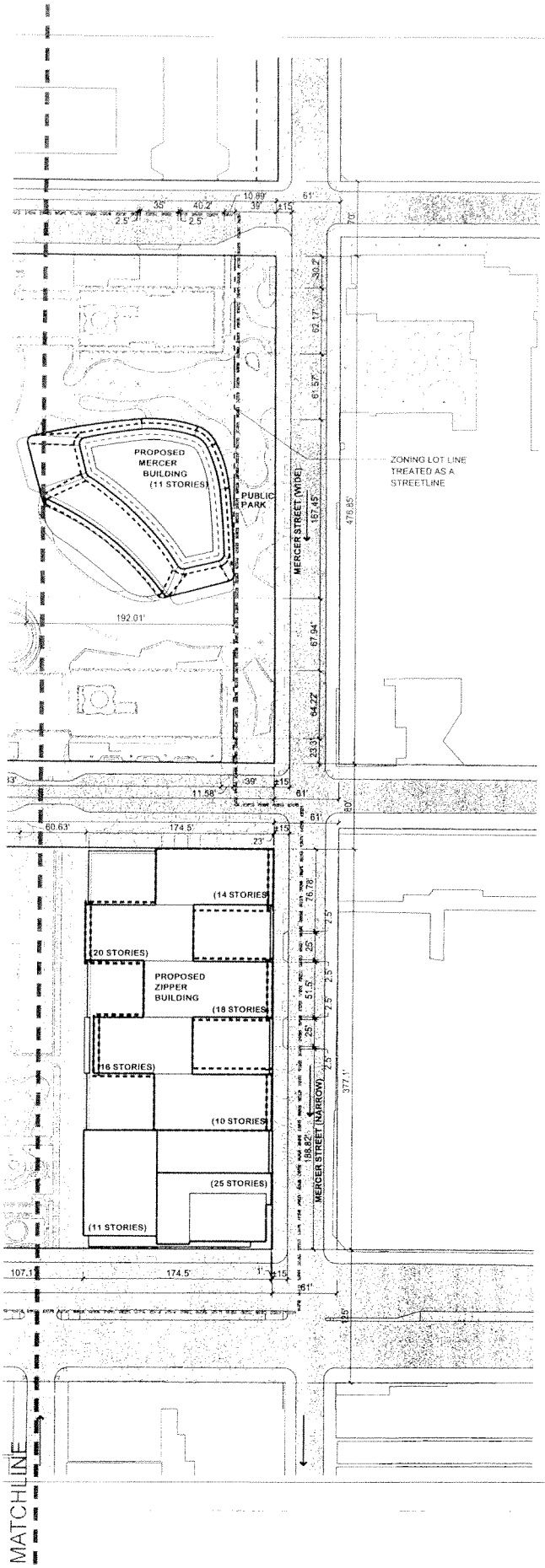
Proposed Large Scale General Development (LSGD) Waivers	
a)	Height and Setback Waiver
b)	Rear Yard Waiver
c)	Rear Yard Equivalent Waiver
d)	Minimum Distance between Buildings

NOTES:

1. Allocation of floor area by u UG3 Faculty Housing shall
2. Faculty Housing is accesso
3. The final landscape design as shown on drawings Z-30
4. The final landscape design located on the Subway Prop in areas where such

Z-004
PART 2 OF 2

MATCHLINE



LEGEND:

- STREET LINE
- ZONING LOT LINE
- MAX. BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- PROPOSED LSGD (LARGE SCALE GENERAL DEVELOPMENT)
- TRAFFIC FLOW

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Tel: 800 899 2573

Revisions	
1. 06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSER 032404 STATE OF NEW YORK

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Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

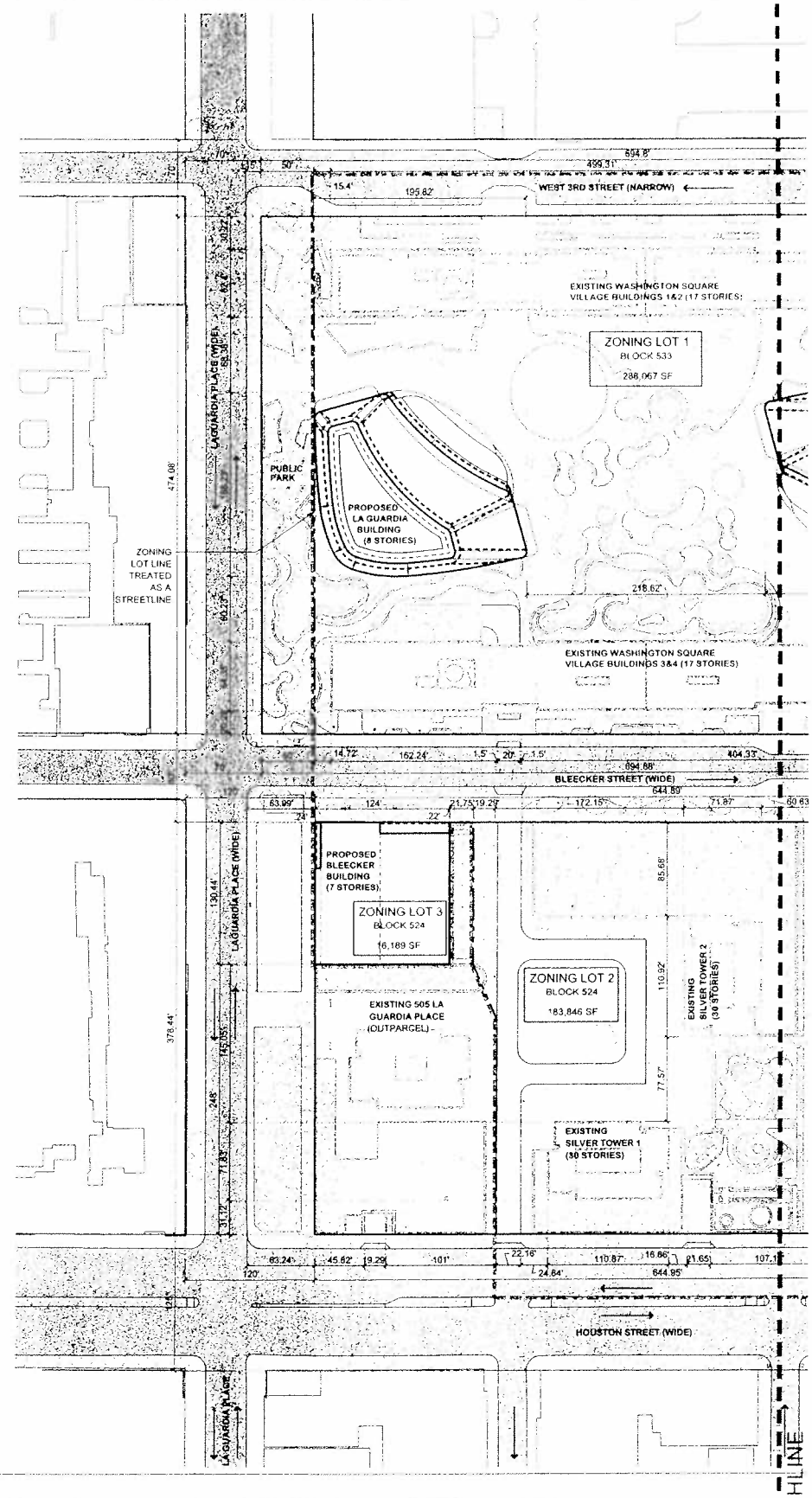
Title: **SITE PLAN**

Date	Scale
12/05/2011	1/64" = 1'-0"

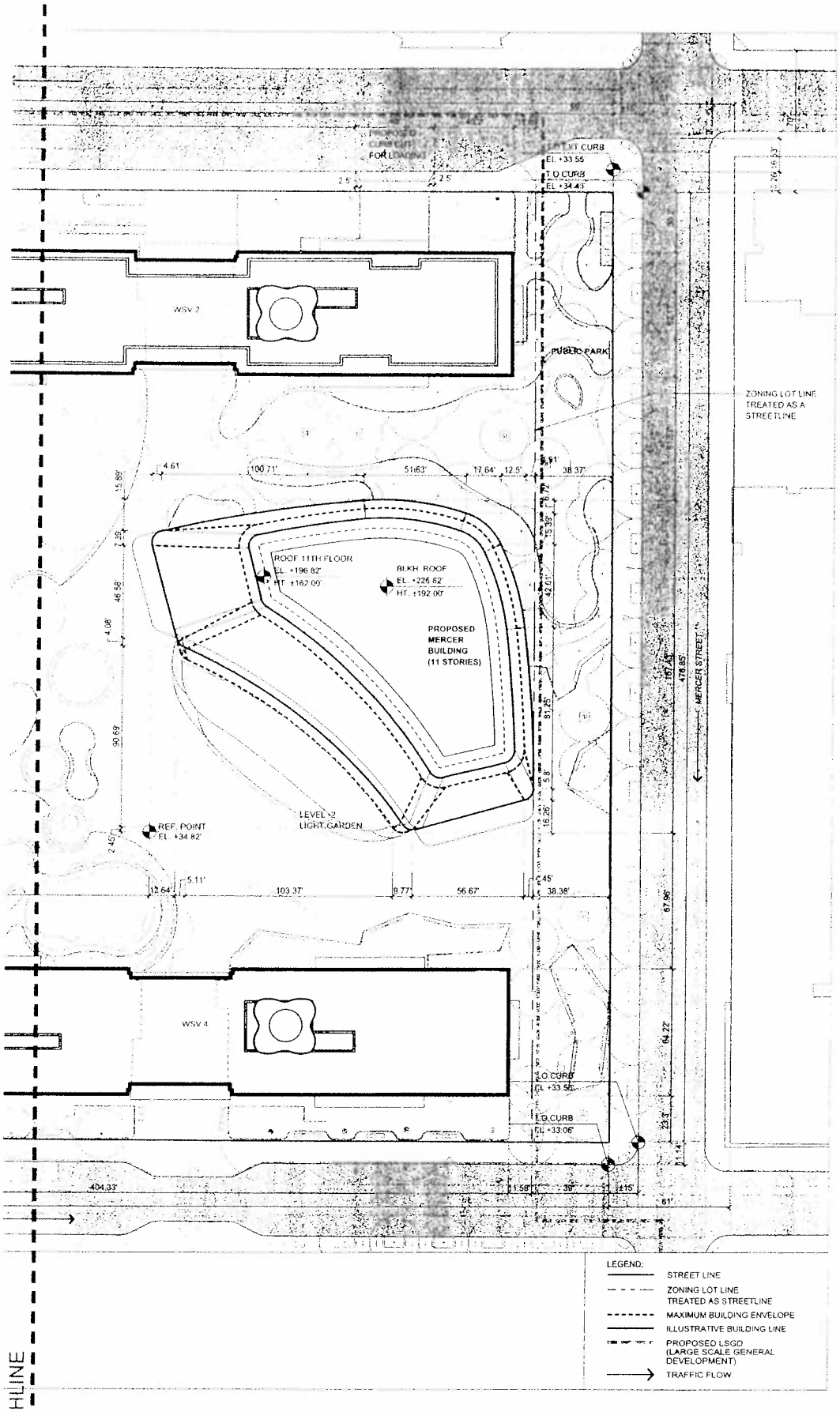
Drawn: GA
Checked: NDH
Authorized: MH

Z - 100

Z-100
PART 1 OF 2



Z-100
PART 2 OF 2



LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- PROPOSED LSGD (LARGE SCALE GENERAL DEVELOPMENT)
- TRAFFIC FLOW

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06/04/12	CPC MODIFICATIONS

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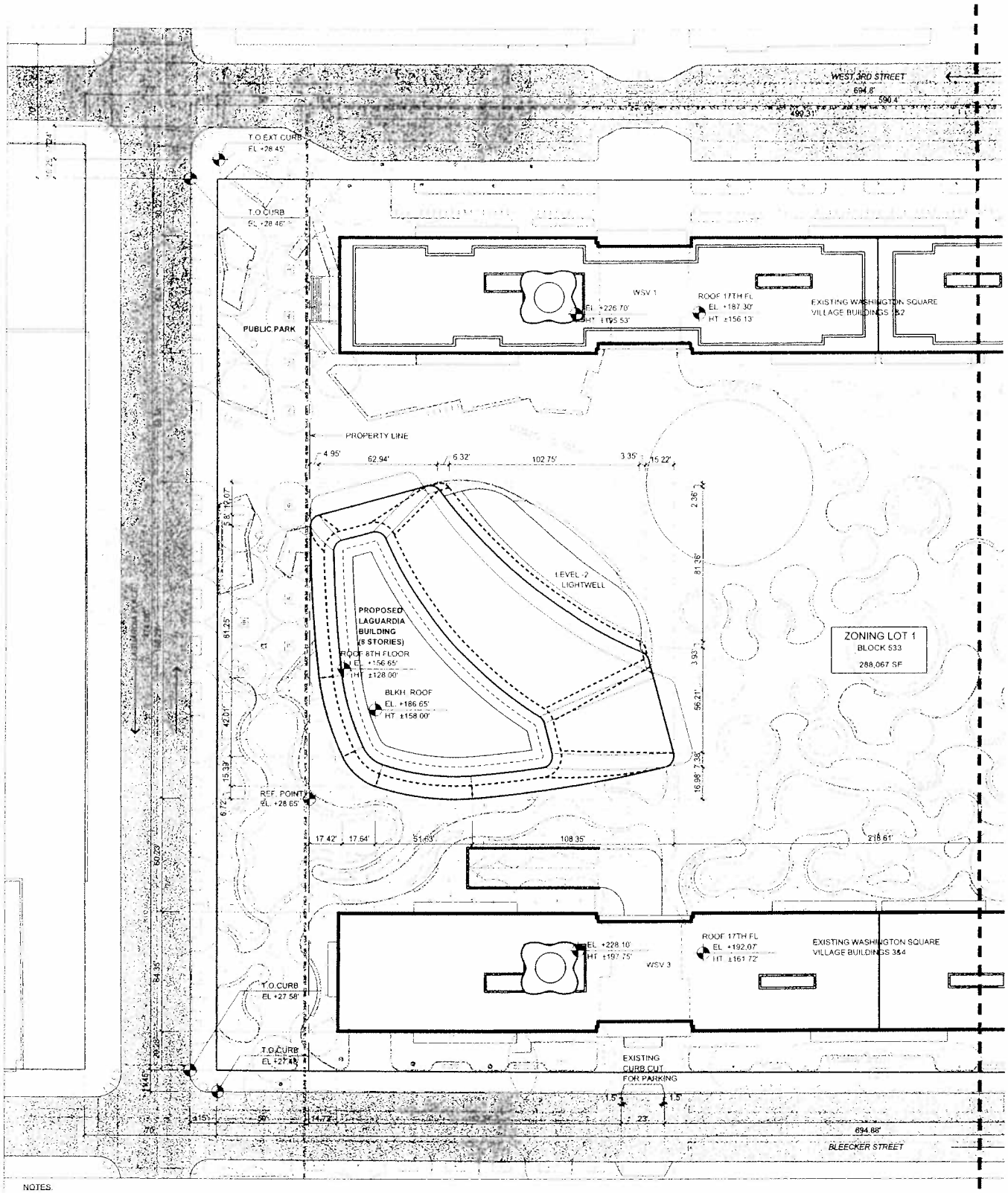
ULURP SUBMISSION

NORTH BLOCK: SITE PLAN

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn GA	
Checked NDH	**Z - 101**
Approved MH	

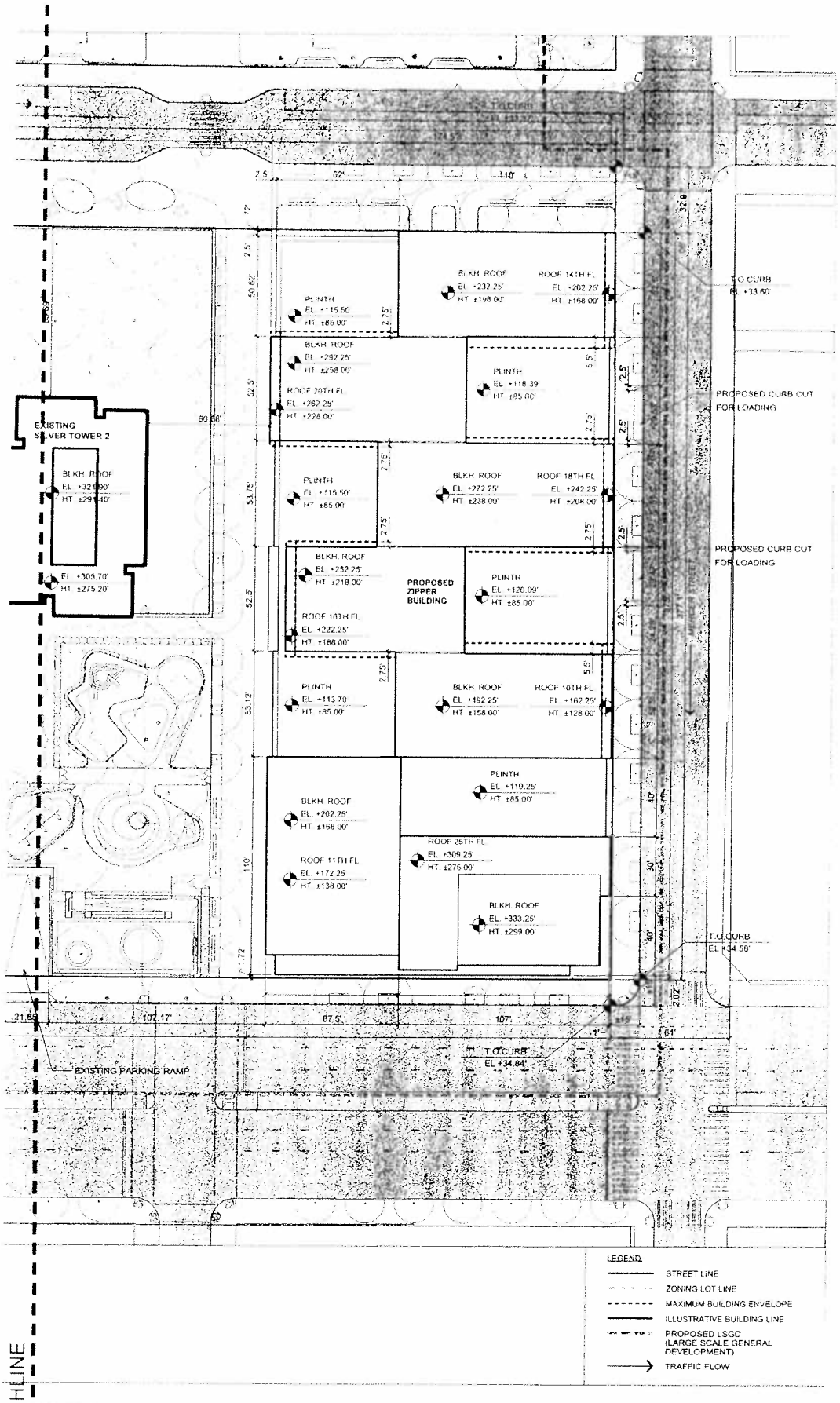
Z-101
PART 1 OF 2



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

Z-101
PART 2 OF 2



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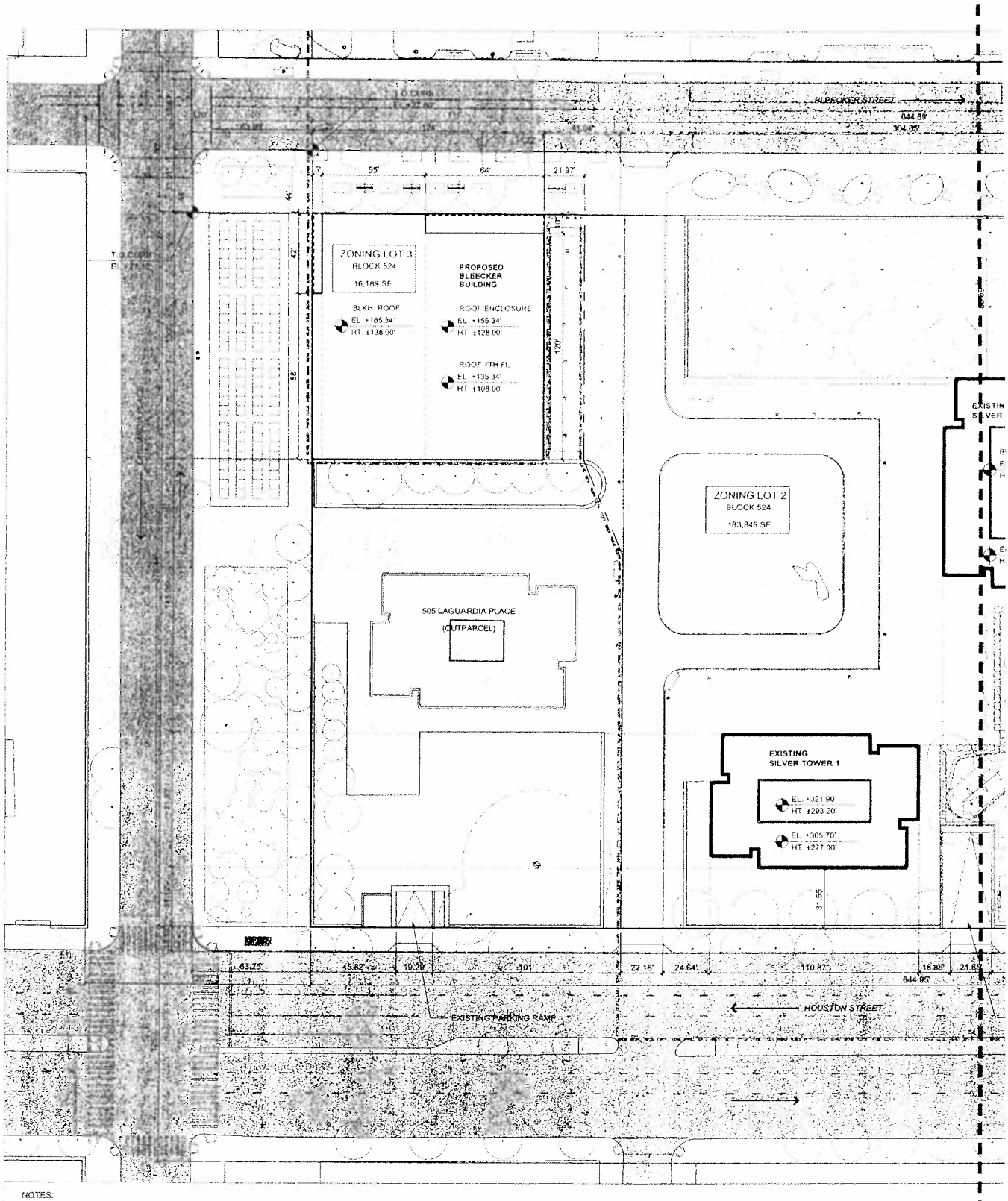
ULURP SUBMISSION

SOUTH BLOCK: SITE PLAN

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn GH	
Checked NDH	**Z - 102**
Approved MH	

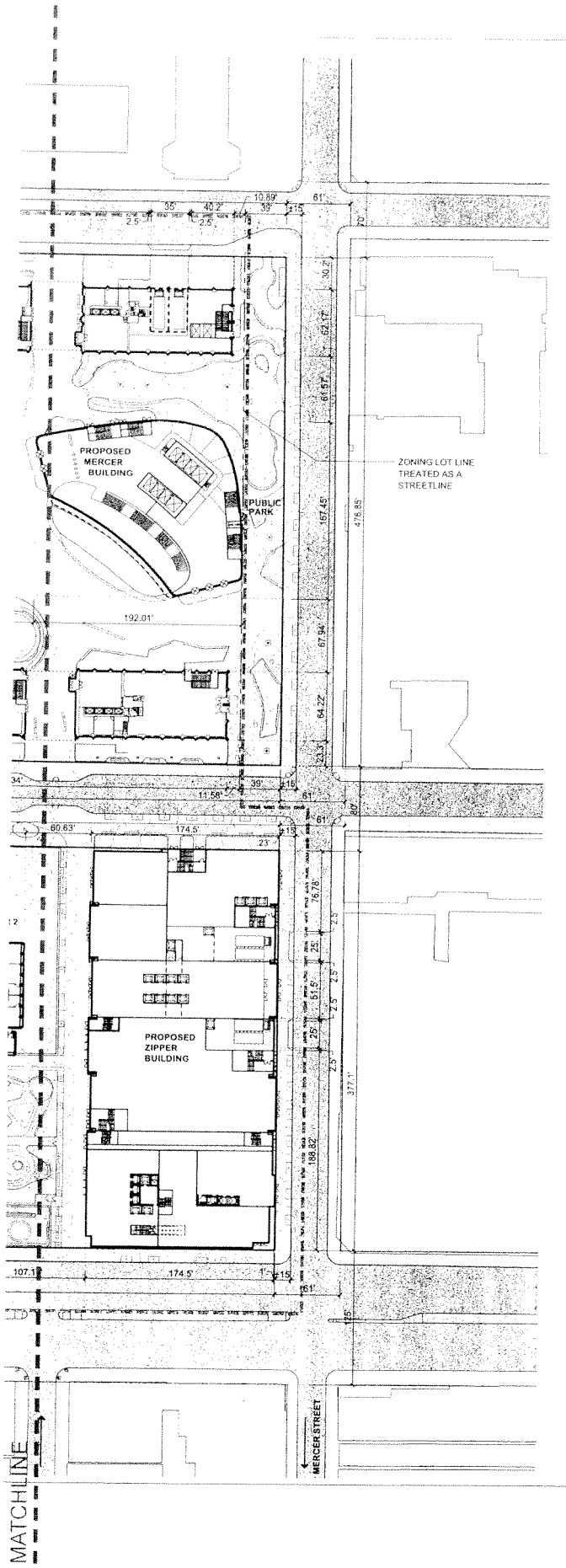
Z-102
PART 1 OF 2



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

Z-102
PART 2 OF 2



LEGEND:

- STREET LINE
- ZONING LOT LINE
- MAX. BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- PROPOSED LSGD (LARGE SCALE GENERAL DEVELOPMENT)
- TRAFFIC FLOW

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North

SHEET SIZE 24" X 34"

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ULURP SUBMISSION

Title

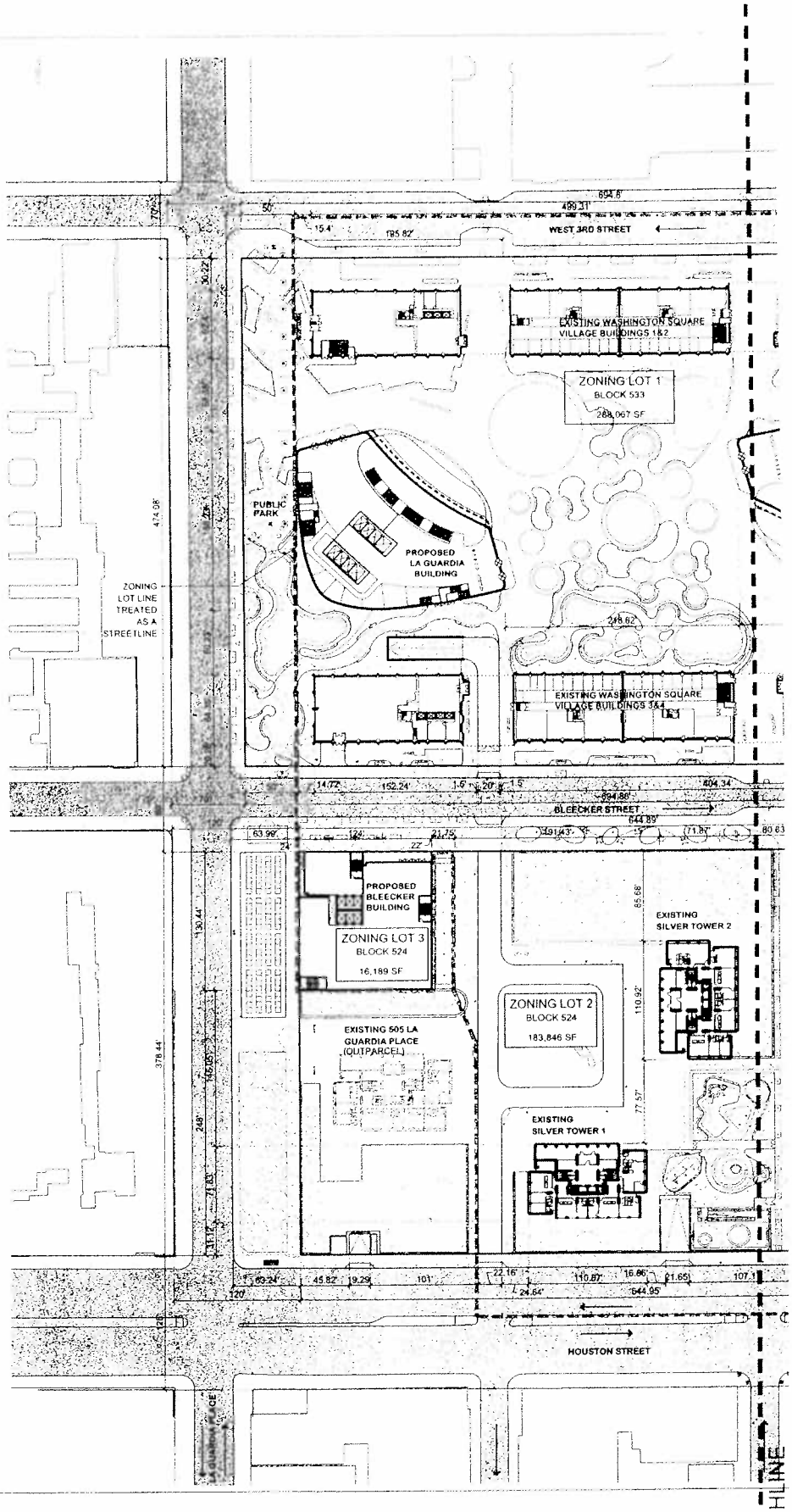
GROUND FLOOR SITE PLAN

Date	Scale
12/05/2011	1/64" = 1'-0"

Drawn: YN
Checked: NDH
Authorized: MH

Z - 110

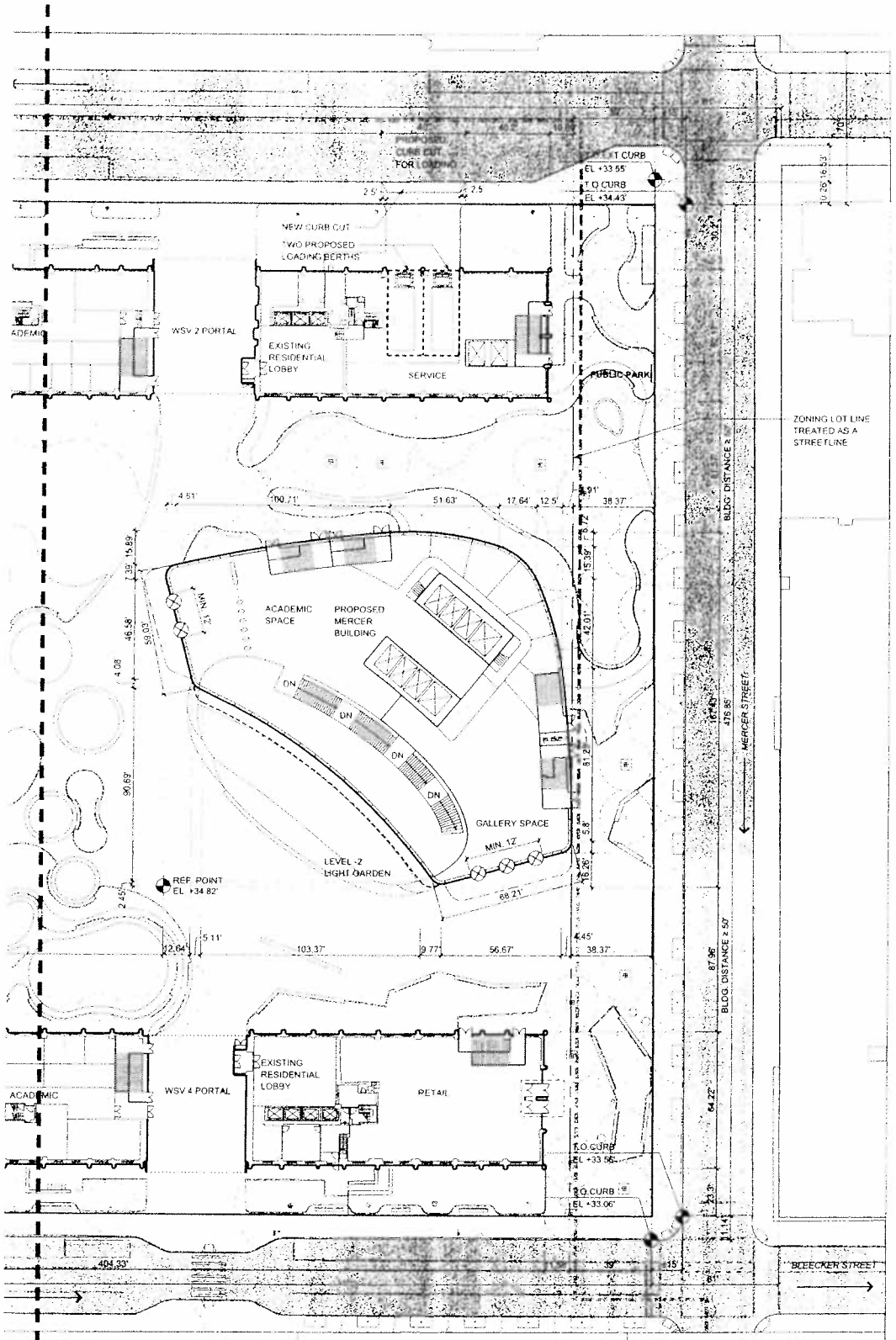
Z-110
PART 1 OF 2



NOTE

INTERIOR PARTITIONS AND ARRANGEMENTS ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AND ARE SUBJECT TO CHANGE

Z-110
PART 2 OF 2



LOT COVERAGE AT HT. +125' FOR SEC 23-711(e)

EXISTING WSV 1&2	35,319 SF
EXISTING WSV 3&4	36,311 SF
PROPOSED LAGUARDIA BLDG	10,535 SF (SEE Z-121)
PROPOSED MERCER BLDG	14,786 SF (SEE Z-120)
TOTAL LOT COVERAGE HT +125'	96,951 SF
	< 115,227 SF (40% OF ZONING LOT 1)

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- PROPOSED LSGD (LARGE SCALE GENERAL DEVELOPMENT)
- TRAFFIC FLOW

MATCHLINE

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SHEET SIZE 42" X 34"

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ULURP SUBMISSION

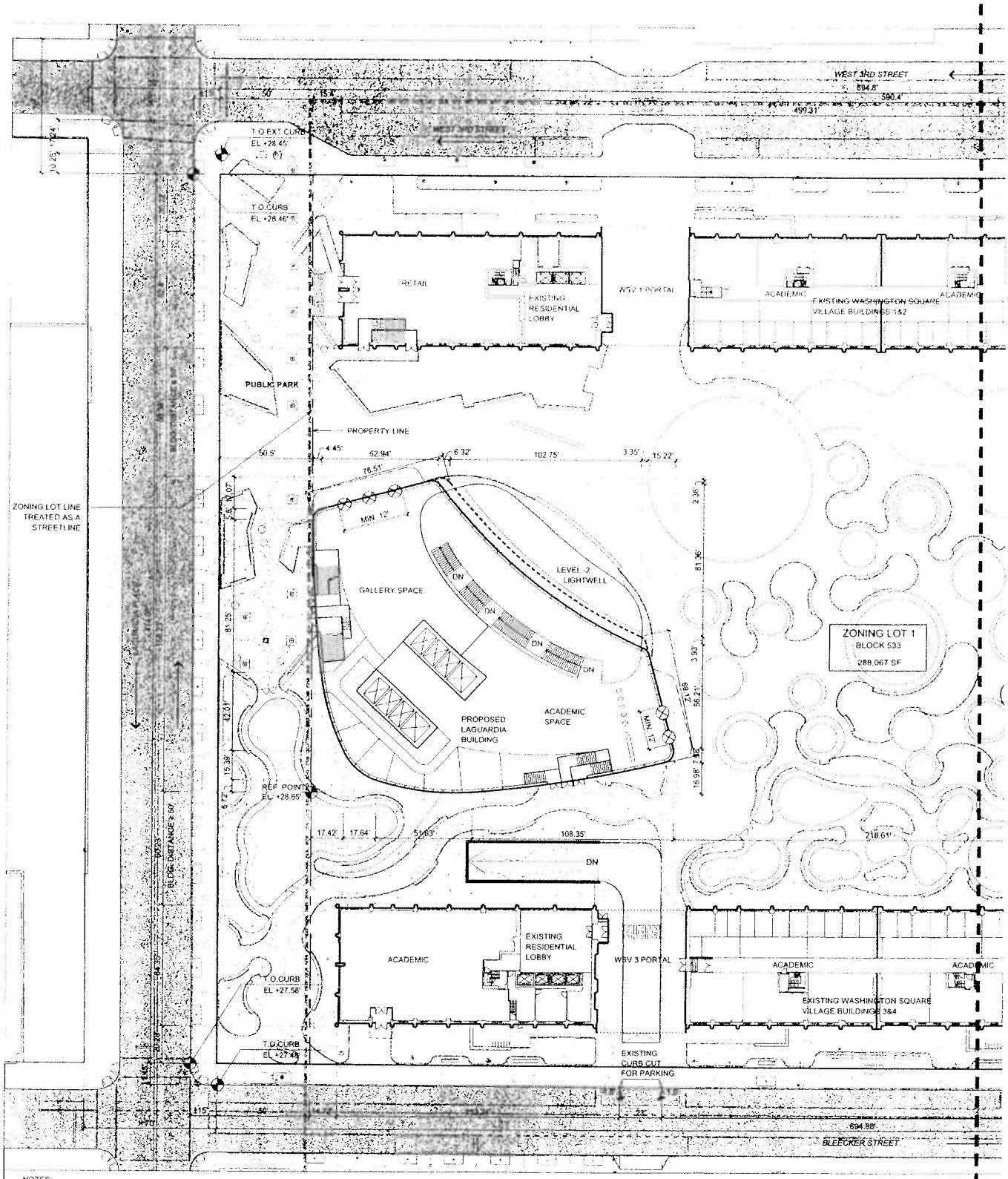
NORTH BLOCK:
GROUND FLOOR SITE PLAN

Date: 12/05/2011 | Scale: 1/32" = 1'-0"

Drawn: GA
Checked: NDH
Authorised: MH

Z - 111

Z-111
PART 1 OF 2

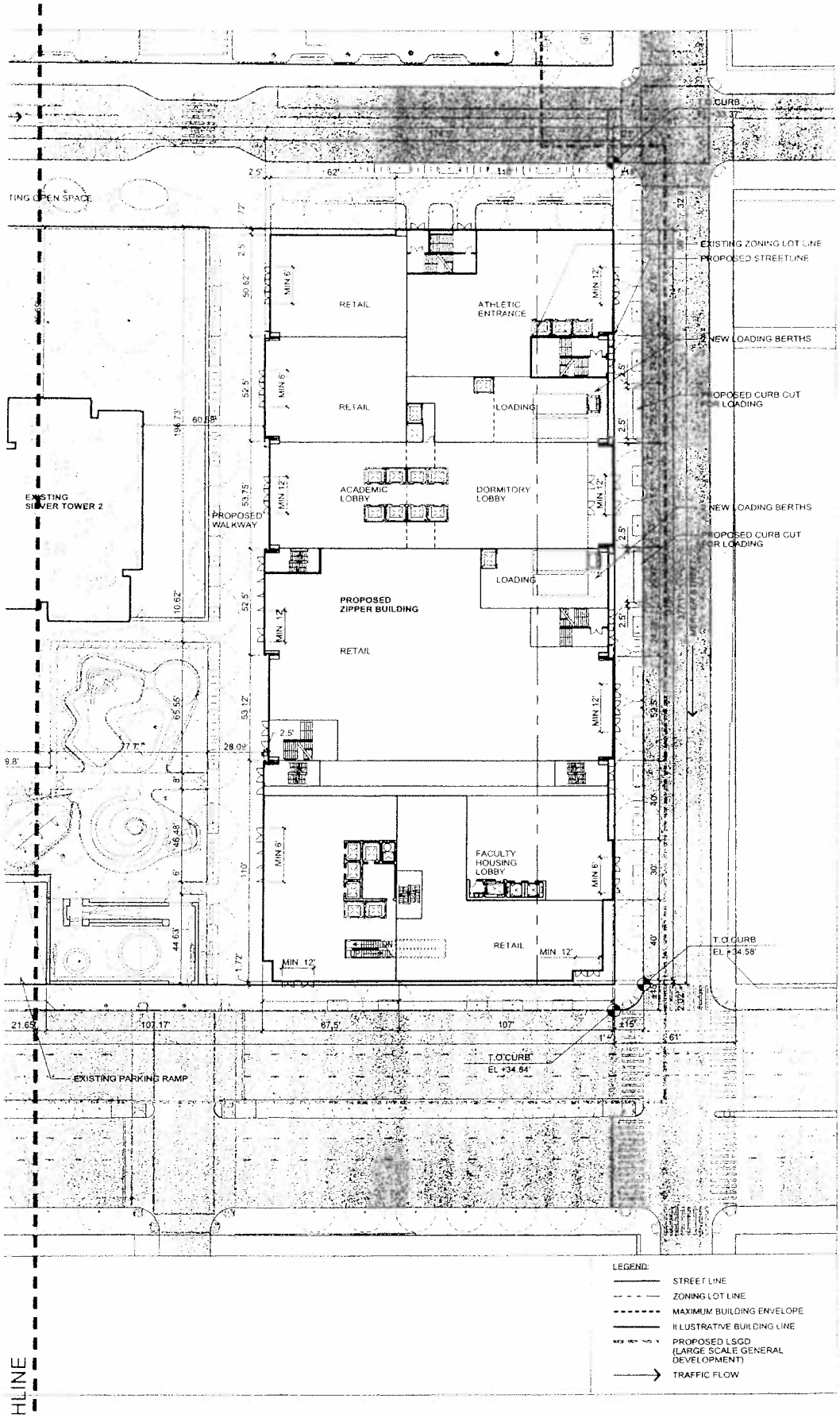


NOTES:

- STREET TREE REQUIREMENTS (PER ZR 26-41): 87 TREES ARE REQUIRED
87 TOTAL SHOWN - 28 EXISTING TREES, AND 59 MINIMUM PROPOSED TREES

INTERIOR PARTITIONS AND ARRANGEMENTS ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AND ARE SUBJECT TO CHANGE

Z-111
PART 2 OF 2



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ULURP SUBMISSION

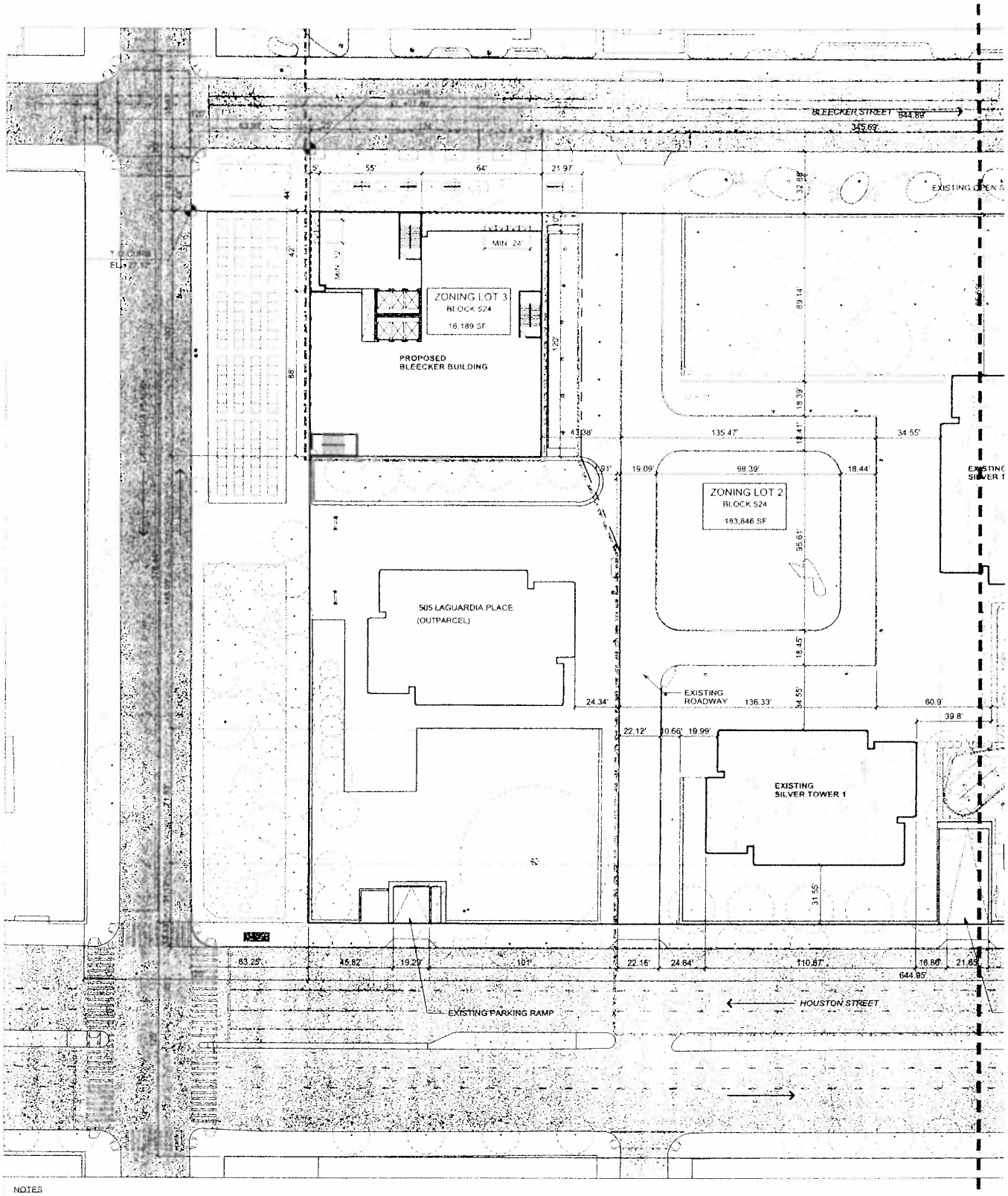
SOUTH BLOCK: GROUND FLOOR SITE PLAN

12/05/2011 | 1/32" = 1'-0"

GH
NDH
MH

Z - 112

Z-112
PART 1 OF 2

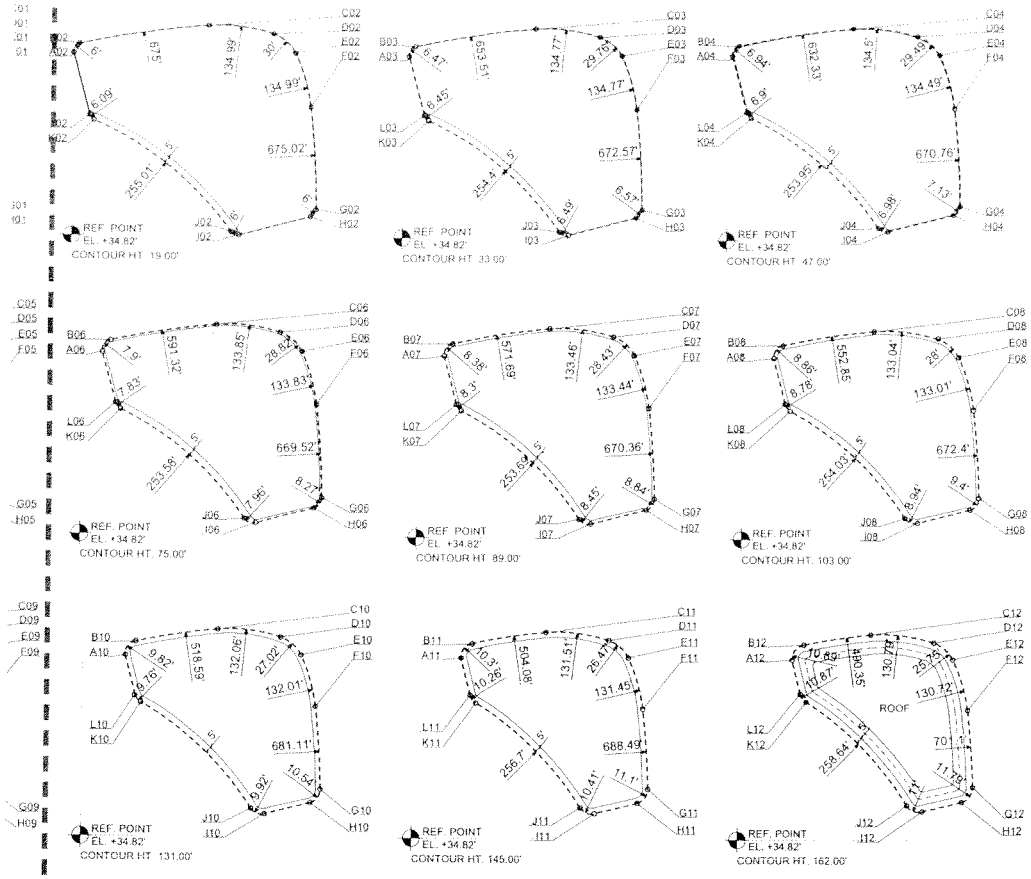


NOTES

- STREET TREE REQUIREMENTS (PER ZR 26-41): 64 TREES ARE REQUIRED
64 TOTAL SHOWN - 32 EXISTING TREES, AND 32 MINIMUM PROPOSED TREES. EXACT LOCATIONS ARE SUBJECT TO CHANGE

-INTERIOR PARTITIONS AND ARRANGEMENTS ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AND ARE SUBJECT TO CHANGE
-ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

Z-112
PART 2 OF 2



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C05: 105.43, 165.88, 61.0	C07: 105.5, 165.05, 89.0	C09: 105.57, 164.23, 117.0	C11: 105.64, 163.4, 145.0	C13: 106.38, 152.93, 192.0
D05: 156.7, 159.96, 61.0	D07: 156.47, 159.26, 89.0	D09: 156.19, 158.4, 117.0	D11: 155.87, 157.4, 145.0	D13: 152.51, 147.22, 192.0
E05: 173.85, 144.99, 61.0	E07: 173.18, 144.67, 89.0	E09: 172.37, 144.28, 117.0	E11: 171.42, 143.82, 145.0	E13: 161.8, 139.12, 192.0
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L06: 24.45, 103.28, 75.0	L08: 34.6, 107.23, 103.0	L10: 41.74, 111.17, 131.0	L12: 49.67, 115.55, 162.0	

ER BUILDING - COORDINATES

MATCHLINE

COORDINATES:

A02 LOCATION X;Y;Z FROM REF. POINT

195840' CURVE RADIUS BTW. POINTS

LEGEND:

- - - - - - MAXIMUM BUILDING ENVELOPE

——— ILLUSTRATIVE BUILDING LINE

▭ ILLUSTRATIVE BUILDING TONE

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1	06/04/12	CPC MODIFICATIONS

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SHEET SIZE: 22"X 34"

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BUILDING ENVELOPE:
MERCER BUILDING

Date: 12/05/2011

Scale: SCALE AS NOTED

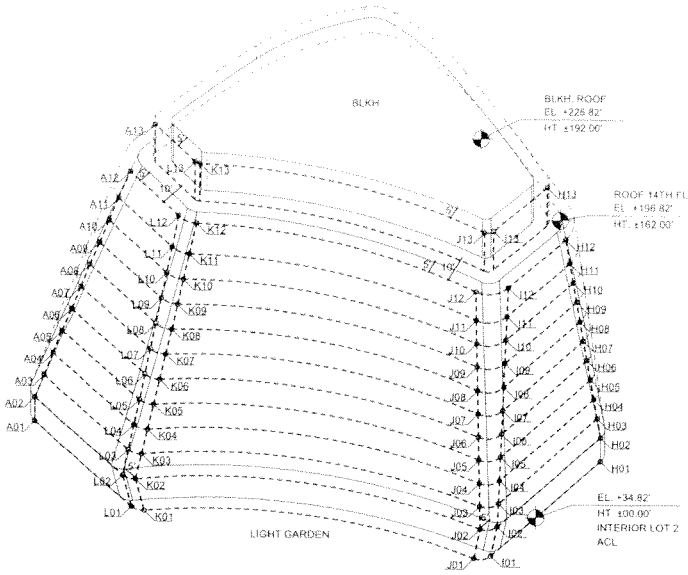
Drawn: MS

Checked: NDH

Approved: MH

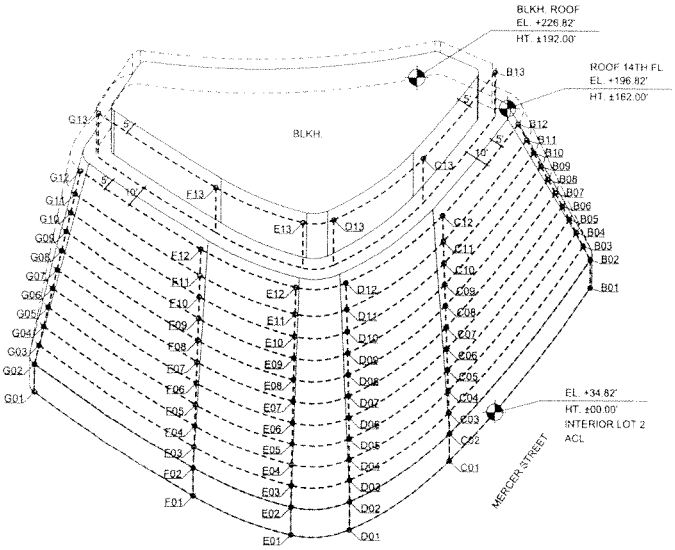
Z - 120

Z-120
PART 1 OF 2



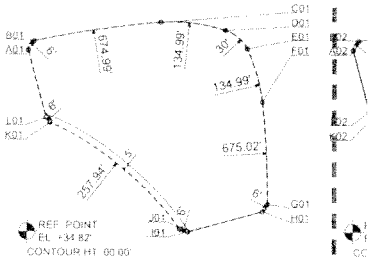
1. PROPOSED MERCER BUILDING - SW AXO

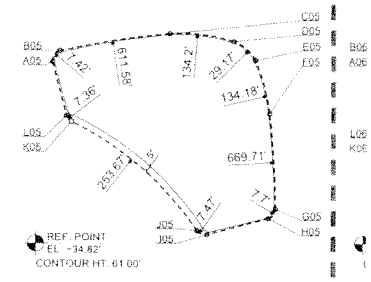
NOT TO SCALE

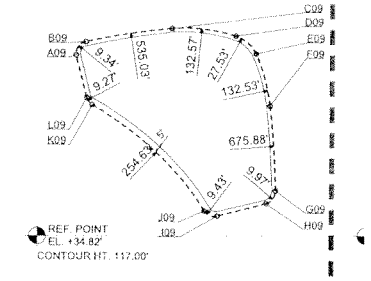


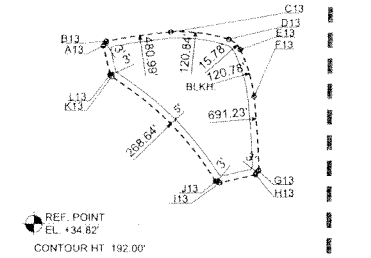
2. PROPOSED MERCER BUILDING - NE AXO

NOT TO SCALE









3. PROPOSED MERCER BU

SCALE 1/64" = 1'-0"

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C01: 105.33, 167.12, 0.0	C03: 105.36, 166.7, 33.0	C05: 105.43,
D01: 156.95, 160.74, 0.0	D03: 156.88, 160.52, 33.0	D05: 156.7, 1
E01: 174.59, 145.35, 0.0	E03: 174.38, 145.25, 33.0	E05: 173.85,
F01: 187.09, 103.34, 0.0	F03: 186.68, 103.29, 33.0	F05: 185.86,
G01: 192.01, 22.09, 0.0	G03: 191.56, 24.03, 33.0	G05: 190.65,
H01: 187.56, 16.3, 0.0	H03: 186.69, 17.65, 33.0	H05: 184.95,
I01: 127.54, 0.21, 0.0	I03: 132.55, 3.23, 33.0	I05: 136.84, 7
J01: 121.13, 2.49, 0.0	J03: 125.52, 5.82, 33.0	J05: 127.7, 1
K01: 17.79, 86.53, 0.0	K03: 20.26, 93.15, 33.0	K05: 27.68, 9
L01: 14.45, 90.46, 0.0	L03: 16.72, 97.36, 33.0	L05: 21.88, 1
A02: 0.2, 143.81, 19.0	A04: 8.61, 143.59, 47.0	A06: 17.0, 14
B02: 4.62, 151.2, 19.0	B04: 13.97, 151.88, 47.0	B06: 23.31, 1
C02: 105.33, 167.12, 19.0	C04: 105.39, 166.29, 47.0	C06: 105.46,
D02: 156.95, 160.74, 19.0	D04: 156.8, 160.26, 47.0	D06: 156.59,
E02: 174.59, 145.35, 19.0	E04: 174.13, 145.13, 47.0	E06: 173.53,
F02: 187.09, 103.34, 19.0	F04: 186.27, 103.24, 47.0	F06: 185.45,
G02: 192.01, 22.09, 19.0	G04: 191.1, 25.97, 47.0	G06: 190.19,
H02: 187.56, 16.3, 19.0	H04: 185.82, 19.01, 47.0	H06: 184.08,
I02: 130.9, 1.11, 19.0	I04: 134.2, 5.35, 47.0	I06: 137.49, 9
J02: 124.43, 3.47, 19.0	J04: 126.61, 8.18, 47.0	J06: 128.79,
K02: 16.56, 91.42, 19.0	K04: 23.97, 94.88, 47.0	K06: 31.38, 9
L02: 13.14, 95.38, 19.0	L04: 20.3, 99.34, 47.0	L06: 27.45, 1

4. PROPOSED MERCER BU

NOTES:

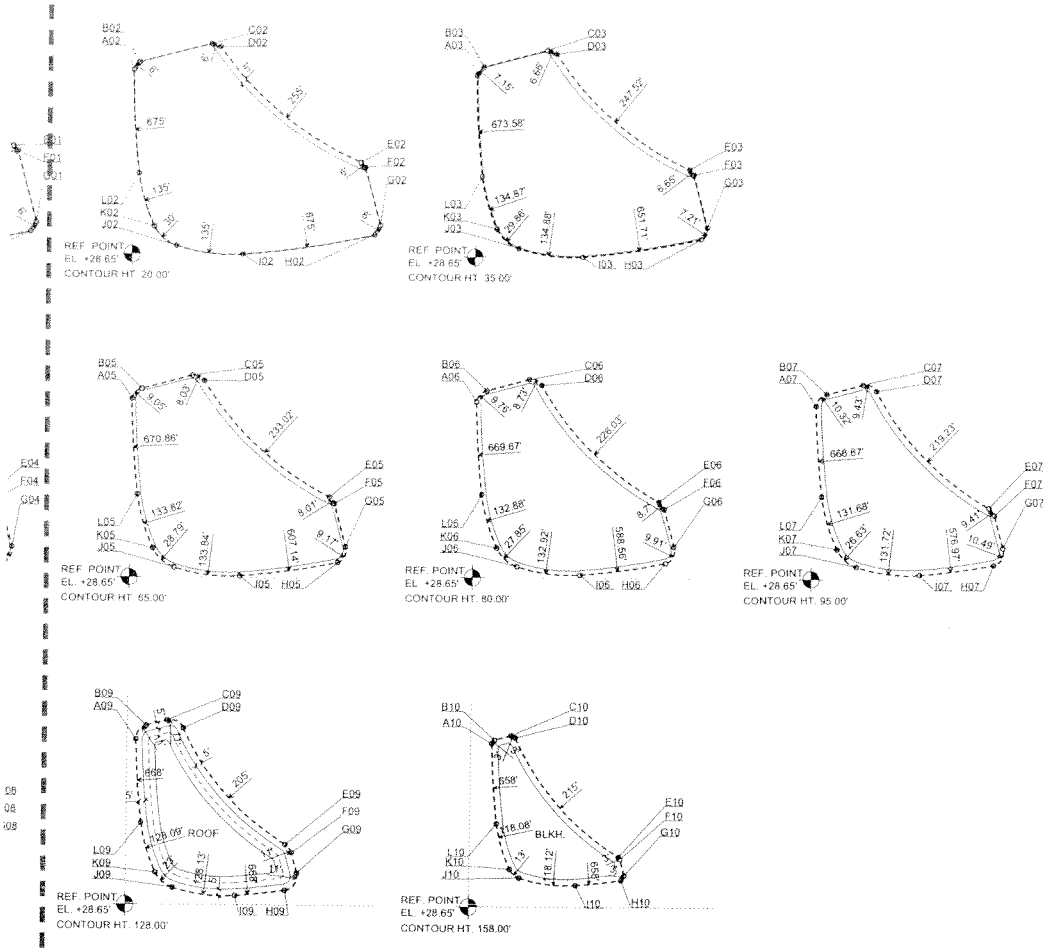
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

DESIGN GUIDELINES MERCER BUILDING:

1.Rule: The mechanical bulkhead shall be set back no less than 10 feet from the exterior face of the building at the roof line.

MATCHLINE

Z-120
PART 2 OF 2



ARDIA BUILDING - CONTOUR LINES

A05: 1,25;139.71;65.00	A07: 3.45;135.95;95.00	A09: 7.14;131.83;128.00
B05: 96;147.62;65.00	B07: 11.97;145.26;95.00	B09: 15.29;142.68;128.00
C05: 48.82;158.3;65.00	C07: 40.62;152.94;95.00	C09: 31.61;147.05;128.00
D05: 98;154.33;65.00	D07: 51.58;147.9;95.00	D09: 44.54;140.83;128.00
E05: 66.64;63.47;65.00	E07: 141.74;56.1;95.00	E09: 125.35;48.0;128.00
F05: 60.71;58.42;65.00	F07: 146.2;50.34;95.00	F09: 198.26;102.99;128.00
G05: 69.69;24.8;65.00	G07: 152.94;25.09;95.00	G09: 134.51;25.42;128.00
H05: 63.77;12.83;65.00	H07: 145.66;11.6;95.00	H09: 125.42;11.69;128.00
I05: 59;1.54;65.00	I07: 86.44;3.69;95.00	I09: 86.18;7.32;128.00
J05: 5.43;7.86;65.00	J07: 36.1;9.91;95.00	J09: 37.24;13.37;128.00
K05: 8.51;22.63;65.00	K07: 20.45;23.58;95.00	K09: 23.72;25.17;128.00
L05: 11;64.26;65.00	L07: 8.25;64.53;95.00	L09: 11.86;64.99;128.00
A06: 21;137.38;80.00	A08: 4.96;134.07;110.00	A10: 17.17, 130.46, 158.0
B06: 0.47;146.44;80.00	B08: 13.48;144.09;110.00	B10: 19.39, 133.43, 158.0
C06: 4.72;155.62;80.00	C08: 36.53;150.26;110.00	C10: 32.54, 136.95, 158.0
D06: 4.78;151.11;80.00	D08: 48.38;144.68;110.00	D10: 36.06, 135.27, 158.0
E06: 49.19;59.79;80.00	E08: 134.28;52.42;110.00	E10: 119.45, 39.89, 158.0
F06: 53.45;54.38;80.00	F08: 138.94;46.3;110.00	F10: 120.77, 38.11, 158.0
G06: 61.32;24.94;80.00	G08: 144.56;25.24;110.00	G10: 124.27, 25.02, 158.0
H06: 64.75;12.06;80.00	H08: 136.5;11.45;110.00	H10: 121.78, 21.28, 158.0
I06: 6.62;2.48;80.00	I08: 86.33;5.18;110.00	I10: 85.42, 17.29, 158.0
J06: 5.73;8.76;80.00	J08: 36.57;11.32;110.00	J10: 40.36, 22.87, 158.0
K06: 9.35;23.05;80.00	K08: 21.78;24.23;110.00	K10: 32.71, 29.54, 158.0
L06: 7.05;64.38;80.00	L08: 9.73;64.72;110.00	L10: 21.79, 66.23, 158.0

ARDIA BUILDING - COORDINATES

MATCHLINE

COORDINATES:

A02 LOCATION X;Y;Z FROM REF. POINT

195840' CURVE RADIUS BTW. POINTS

LEGEND:

MAXIMUM BUILDING ENVELOPE

ILLUSTRATIVE BUILDING LINE

ILLUSTRATIVE BUILDING TONE

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06/04/12 CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUNSER 032404 STATE OF NEW YORK

Note

SPECIFICATIONS: 22" X 34"

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All dimensions to be checked on site

ULURP SUBMISSION

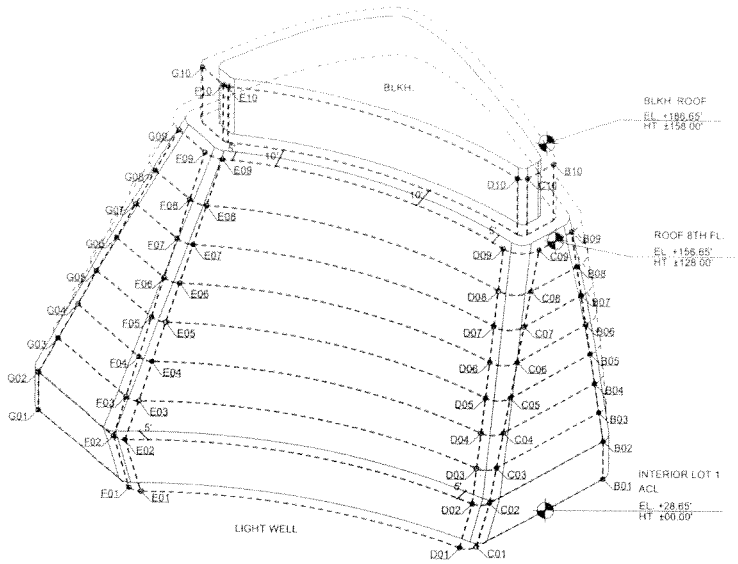
BUILDING ENVELOPE: LAGUARDIA BUILDING

Date: 12/05/2011 | Scale: SCALE AS NOTED

Drawn: MS
Checked: NDH
Authorized: MH

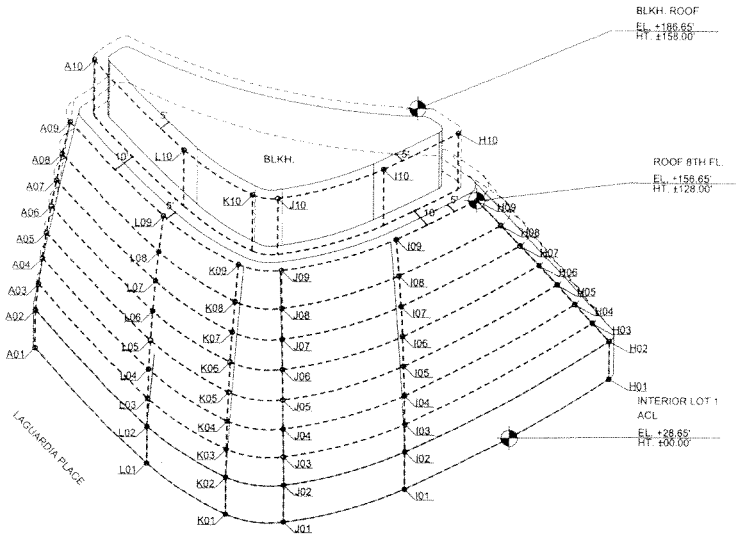
Z - 121

Z-121
PART 1 OF 2



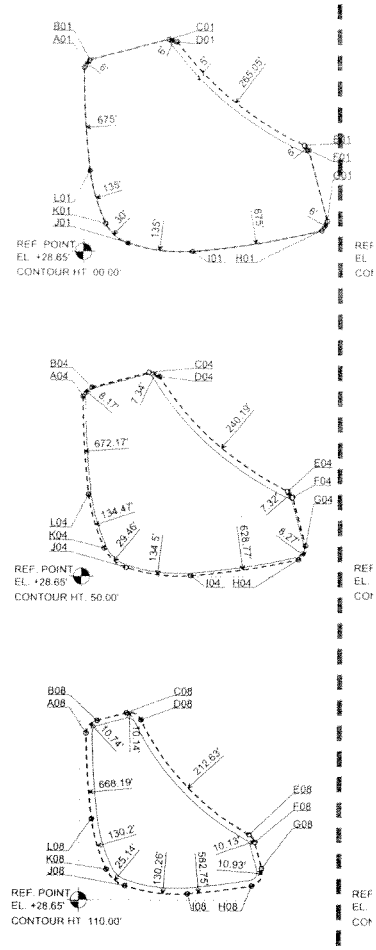
1. PROPOSED LAGUARDIA BUILDING - NE AXO

NOT TO SCALE



2. PROPOSED LAGUARDIA BUILDING - SW AXO

NOT TO SCALE



3. PROPOSED LAGUARDIA

SCALE 1/64" = 1'-0"

A01:	0.00;145.37;0.00	A03:	0.14;143.47;35.00	A05:	1.25;13
B01:	4.45;151.16;0.00	B03:	5.95;149.98;35.00	B05:	6.96;14
C01:	67.39;168.03;0.00	C03:	57.01;163.66;35.00	C05:	45.62;1
D01:	73.71;165.87;0.00	D03:	64.38;160.77;35.00	D05:	57.98;1
E01:	176.46;84.51;0.00	E03:	171.54;70.85;35.00	E05:	166.64;
F01:	179.81;80.85;0.00	F03:	175.23;66.5;35.00	F05:	160.71;
G01:	149.83;24.37;0.00	G03:	188.45;24.51;35.00	G05:	189.69;
H01:	190.44;16.99;0.00	H03:	181.61;15.29;35.00	H05:	183.77;
I01:	87.16;0.34;0.00	I03:	86.67;0.47;35.00	I05:	85.59;1
J01:	35.06;6.72;0.00	J03:	35.1;6.84;35.00	J05:	35.43;7.
K01:	17.42;22.11;0.00	K03:	17.54;22.16;35.00	K05:	18.51;2
L01:	4.92;64.12;0.00	L03:	5.05;64.13;35.00	L05:	5.11;64.
A02:	0.00;145.37;20.00	A04:	0.56;141.59;50.00	A06:	1.21;13
B02:	4.45;151.16;20.00	B04:	7.45;148.8;50.00	B06:	10.47;1
C02:	61.11;166.35;20.00	C04:	52.91;160.98;50.00	C06:	44.72;1
D02:	67.58;163.99;20.00	D04:	61.18;157.55;50.00	D06:	54.78;1
E02:	178.99;74.54;20.00	E04:	164.09;67.16;50.00	E06:	149.19;
F02:	182.49;70.54;20.00	F04:	167.97;62.46;50.00	F06:	153.45;
G02:	149.83;24.37;20.00	G04:	178.07;24.65;50.00	G06:	161.32;
H02:	190.44;16.99;20.00	H04:	172.73;13.9;50.00	H06:	164.75;
I02:	87.16;0.34;20.00	I04:	86.64;0.87;50.00	I06:	85.52;2.
J02:	35.06;6.72;20.00	J04:	35.22;7.22;50.00	J06:	35.73;8.
K02:	17.42;22.11;20.00	K04:	24.6;100.61;50.00	K06:	32.35;2
L02:	4.92;64.12;20.00	L04:	17.9;64.18;50.00	L05:	7.05;64.

4. PROPOSED LAGUARDIA

NOTES:

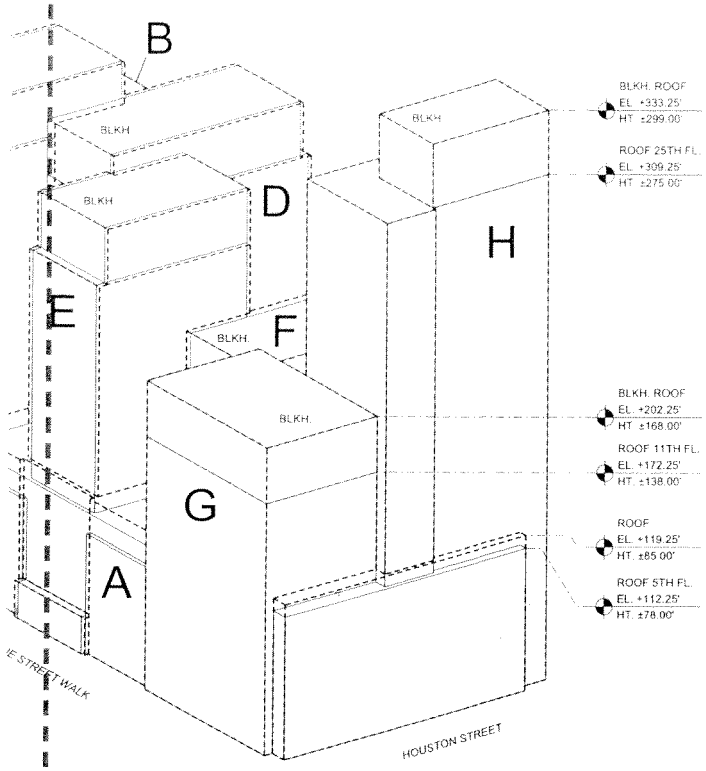
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

DESIGN GUIDELINES LAGUARDIA BUILDING:

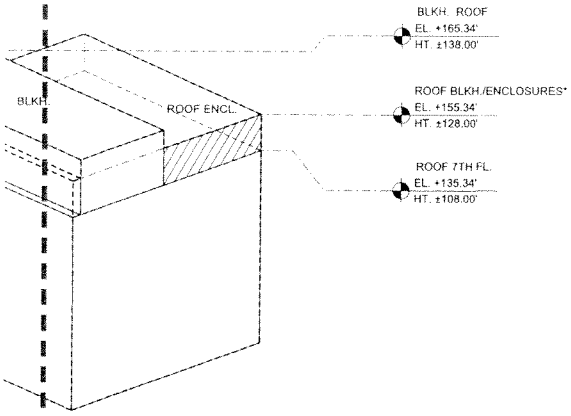
1.Rule: The mechanical bulkhead shall be set back no less than 10 feet from the exterior face of the building at the roof line.

MATCHLINE

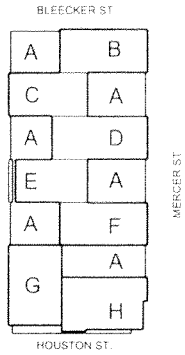
Z-121
PART 2 OF 2



ZIPPER BUILDING - SW AXO



BLEECKER BUILDING - SW AXO



KEY ROOF PLAN

DESIGN GUIDELINES ZIPPER BUILDING:

1.Rule: The roof of building element H shall be at least 40' taller than the roof of building elements A through G. Additionally the bulk head of building element H shall be at least 40' taller than the bulk head of building elements A through G.

2.Rule: Building elements A through F shall be at least 20' or two stories in height different from adjacent building elements A through F.

3.Rule: The street walls of building elements A along Mercer and Greene Street, shall be pulled back from street walls of building Elements B through F at least 12"and no greater than 30". These setbacks shall occur at an interval of a maximum of 58' along the ground plane.

4.Rule: On the Mercer Street façade of the Zipper building, there shall be at least four publicly accessible points of entry which are not exclusively emergency egress corresponding to different establishments. On the Greene Street façade of the Zipper building, there shall be at least four publicly accessible points of entry which are not exclusively emergency egress corresponding to different establishments. On the Houston Street façade of the Zipper building, there shall be at least two publicly accessible points of entry which are not exclusively emergency egress corresponding to different establishments.

NOTE: For the purposes of these Design Guidelines, "building elements" referred to herewithin are the vertical units that compose the Zipper Building as detailed in the attached diagrams.

TRANSPARENCY RULES ON Z-140 TO Z-142

DESIGN GUIDELINES BLEECKER BUILDING:

1.Rule: If there are two separate entrances to the building, and both are located on Bleecker Street, the two entrances must be located on different planes. One of the entrances must be located on a plane, a minimum of 50' in width and setback a minimum of 3' from the other plane.

TRANSPARENCY RULES ON Z-140 TO Z-142

LEGEND:

- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ILLUSTRATIVE BUILDING TONE
- ROOF ENCLOSURE

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Revisions

1	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUNT 032404 STATE OF NEW YORK

SHEET SIZE: 22" X 34"

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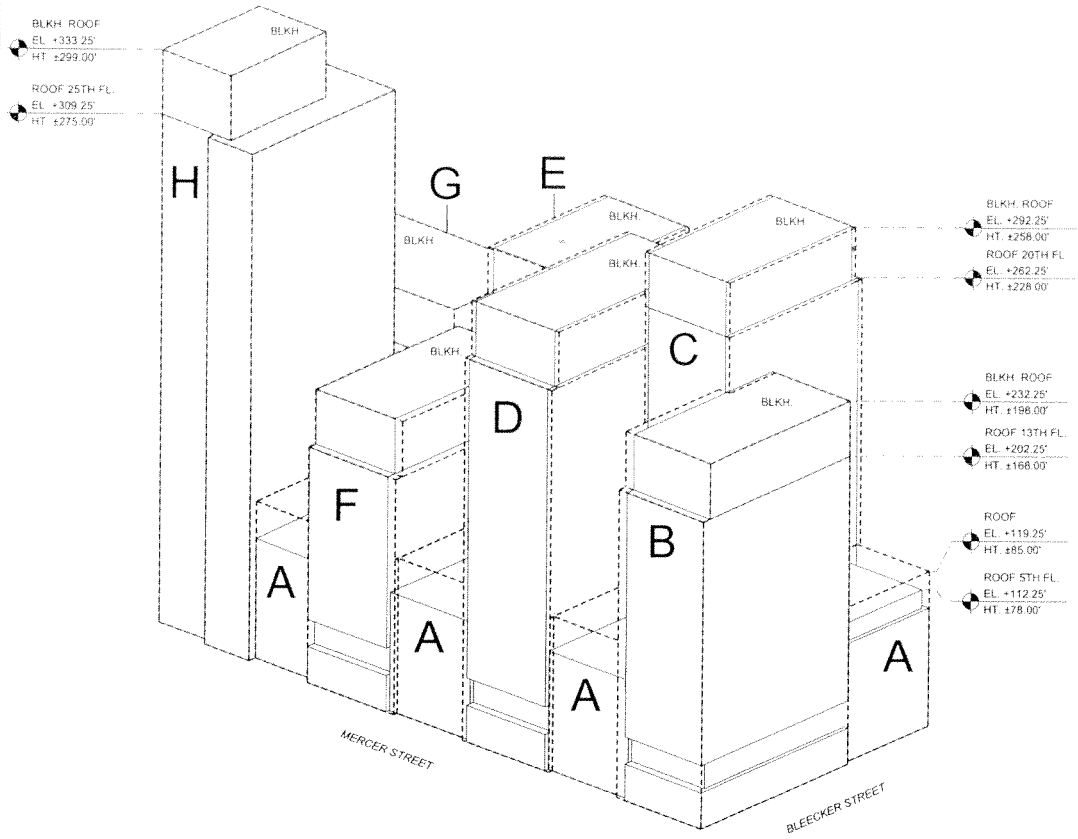
Do not scale
All dimensions to be checked on site

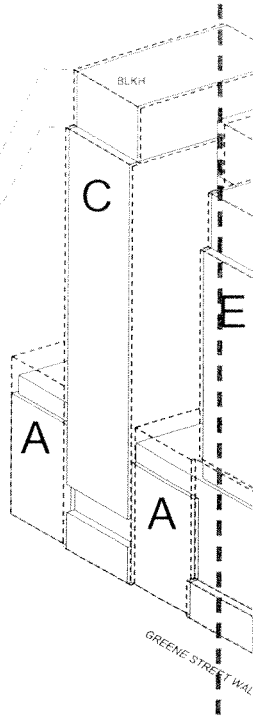
ULURP SUBMISSION

BUILDING ENVELOPE:
ZIPPER AND BLEECKER BLDG.

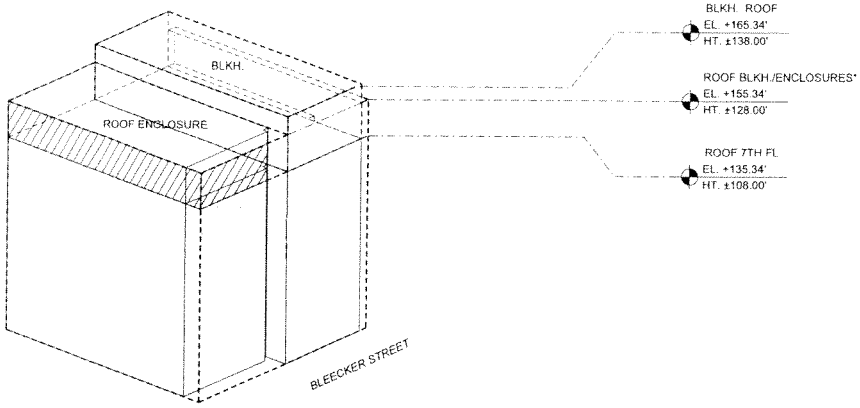
Date 12/05/2011	Scale NTS
Drawn GH	
Checked NDH	Z - 122
Approved MH	



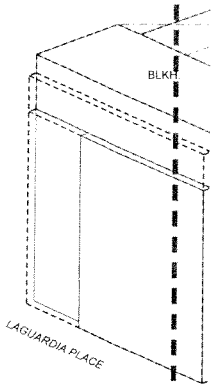
1. PROPOSED ZIPPER BUILDING - NE AXO



2. PROPOSED ZIPPE



3. PROPOSED BLEECKER BUILDING - NE AXO



4. PROPOSED BLEE

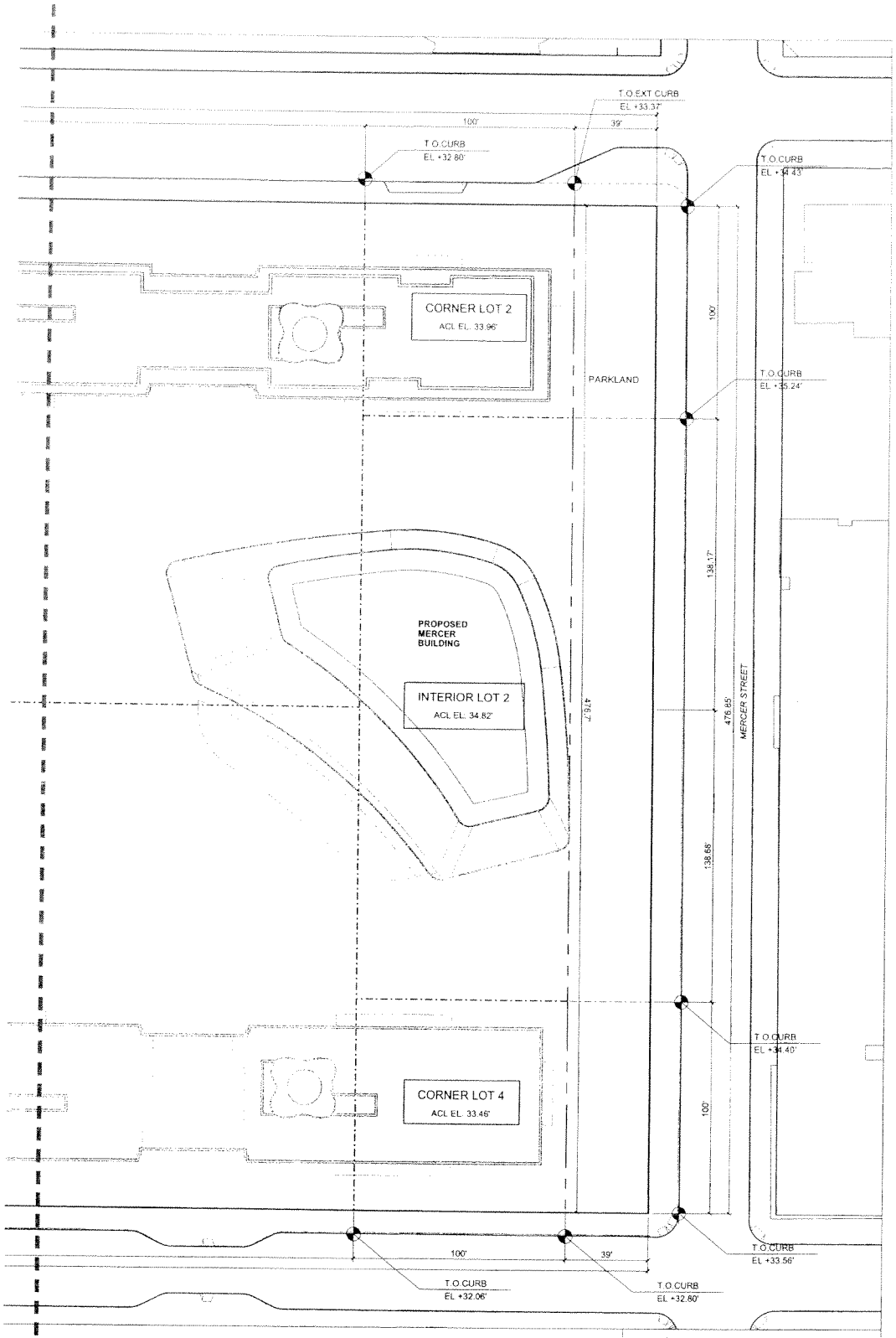
NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

* PLAYAREA

MATCHLINE

Z-122
PART 2 OF 2



CORNER LOT 2: $\left(\frac{32.80+33.37}{2} + \frac{34.43+35.24}{2}\right)/2 =$ EL. +33.96' / HT. ±00.00' — ACL FOR CORNER LOT 2

INTERIOR LOT 2: $\frac{35.24+34.40}{2} =$ EL. +34.82' / HT. ±00.00' — ACL FOR INTERIOR LOT 2

CORNER LOT 4: $\left(\frac{34.40+33.56}{2} + \frac{33.06+32.80}{2}\right)/2 =$ EL. +33.46' / HT. ±00.00' — ACL FOR CORNER LOT 4

LEGEND:

- STREET LINE
- ZONING LOT LINE
- LOTLINE FOR AVERAGE CURB LEVEL CALCULATION
- EXISTING CURB LINE

NOTE:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

MATCHLINE

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Revisions

1	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

North

SHEET SIZE: 22"X 34"

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Do not scale
A: dimensions to be checked on site

ULURP SUBMISSION

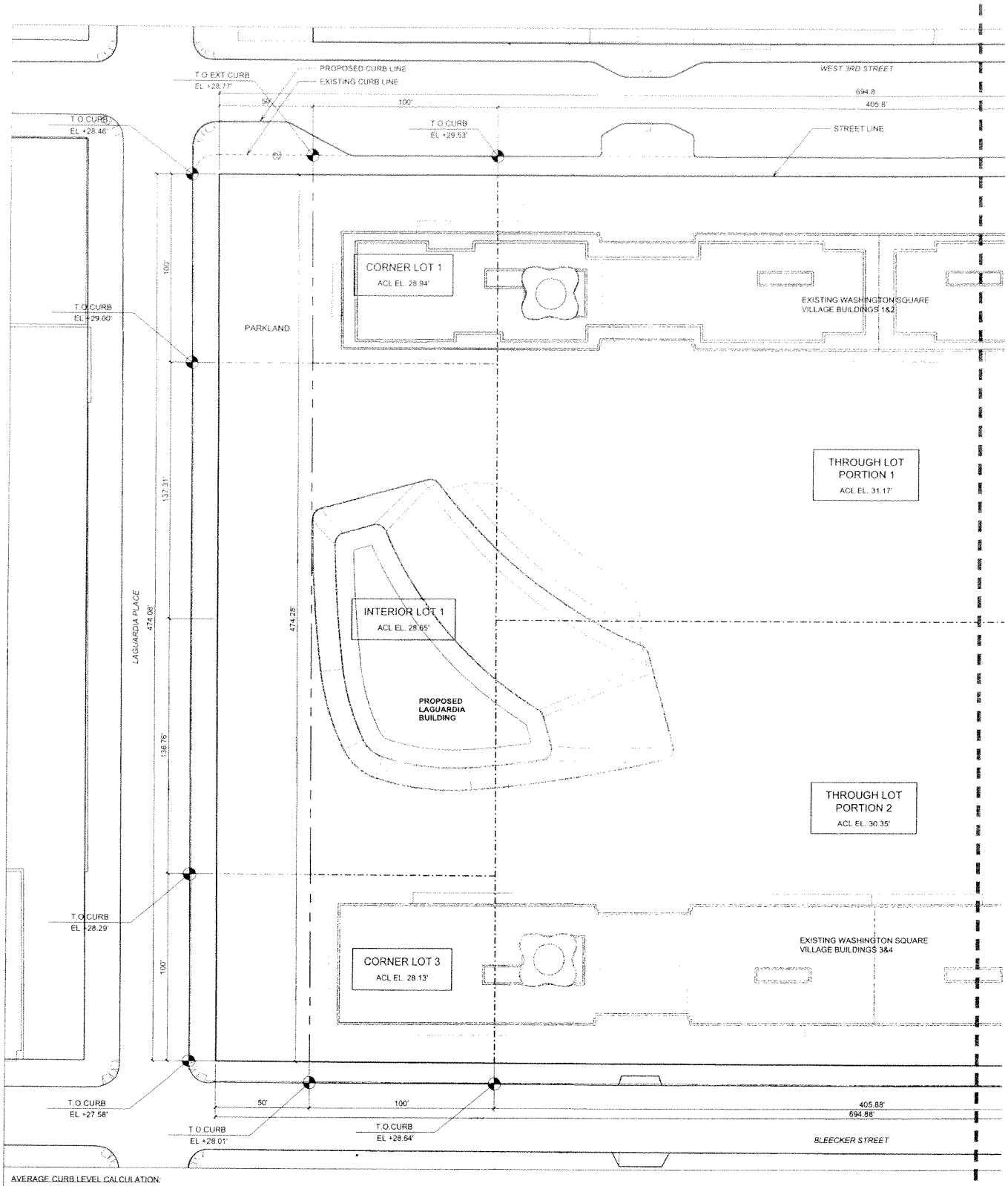
Title
NORTH BLOCK: AVERAGE CURB LEVEL DIAGRAM

Date	Scale
12/05/2011	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Authorised: MH

Z - 125

Z-125
PART 1 OF 2



AVERAGE CURB LEVEL CALCULATION:

CORNER LOT 1: $\left(\frac{28.46+29.00}{2} + \frac{28.77+29.53}{2}\right)/2 =$ EL. +28.94' / HT. ±00.00' — ACL FOR CORNER LOT 1

INTERIOR LOT 1: $\frac{29.00+28.29}{2} =$ EL. +28.65' / HT. ±00.00' — ACL FOR INTERIOR LOT 1

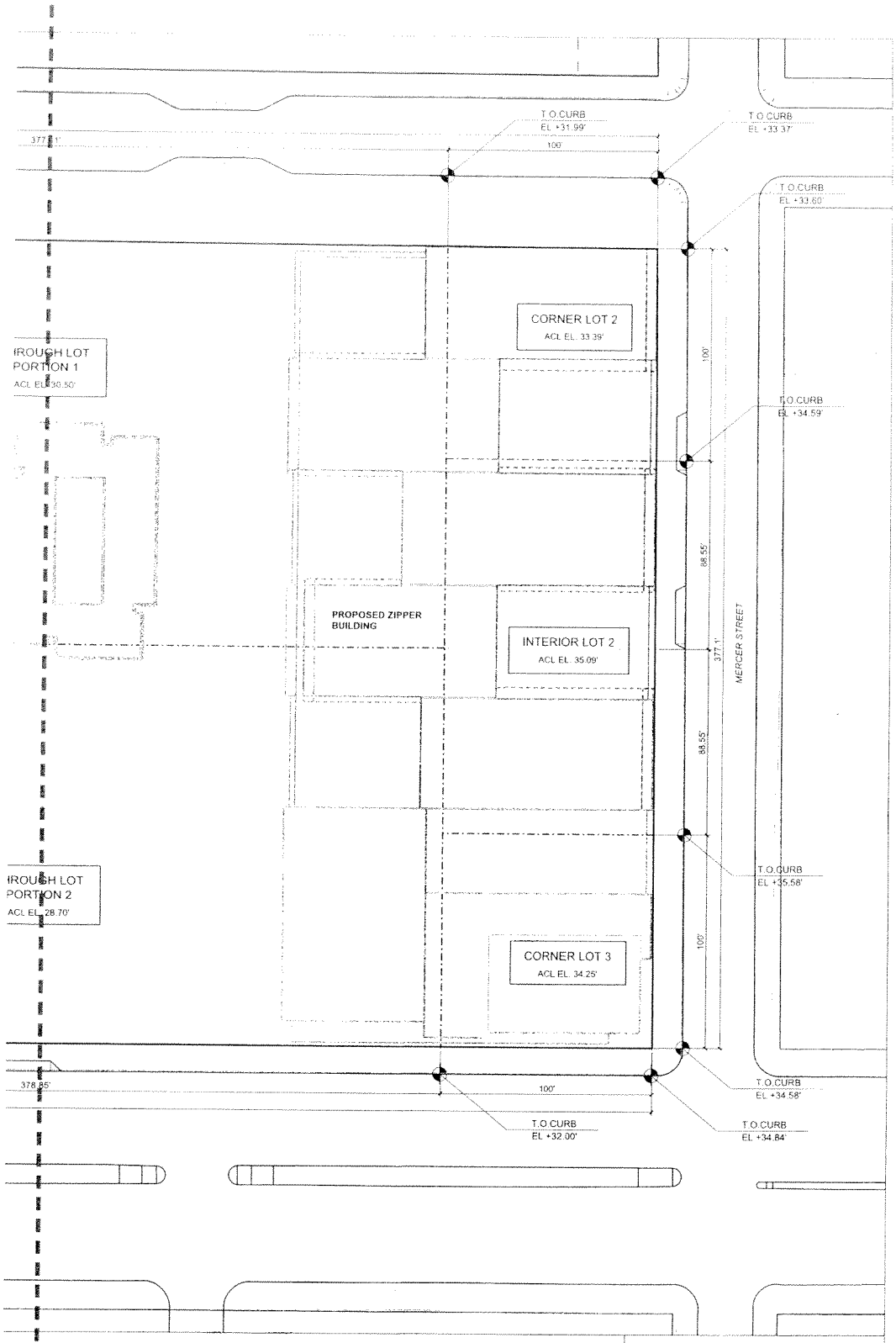
CORNER LOT 3: $\left(\frac{28.29+27.58}{2} + \frac{28.01+28.64}{2}\right)/2 =$ EL. +28.13' / HT. ±00.00' — ACL FOR CORNER LOT 3

THROUGH LOT PORTION 1: $\frac{29.53+32.80}{2} =$ EL. +31.17' / HT. ±00.00' — ACL FOR THROUGH LOT PORTION 1

THROUGH LOT PORTION 2: $\frac{28.64+32.06}{2} =$ EL. +30.35' / HT. ±00.00' — ACL FOR THROUGH LOT PORTION 2

MATCHLINE

Z-125
PART 2 OF 2



CORNER LOT 2: $\left(\frac{31.99+33.37}{2} + \frac{33.60+34.59}{2}\right) / 2 =$ EL. +33.39' / HT. ±00.00' — ACL FOR CORNER LOT 2

INTERIOR LOT 2: $\frac{34.59+35.58}{2} =$ EL. +35.09' / HT. ±00.00' — ACL FOR INTERIOR LOT 2

CORNER LOT 3: $\left(\frac{35.58+34.58}{2} + \frac{34.84+32.00}{2}\right) / 2 =$ EL. +34.25' / HT. ±00.00' — ACL FOR CORNER LOT 3

LEGEND:

- STREET LINE
- ZONING LOT LINE
- LOTLINE FOR AVERAGE CURB LEVEL CALCULATION
- EXISTING CURB LINE

NOTE:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

MATCHLINE

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Revisions

1	06/04/12	CPC MODIFICATIONS

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032404
STATE OF NEW YORK

SHEET SIZE: 22" X 34"

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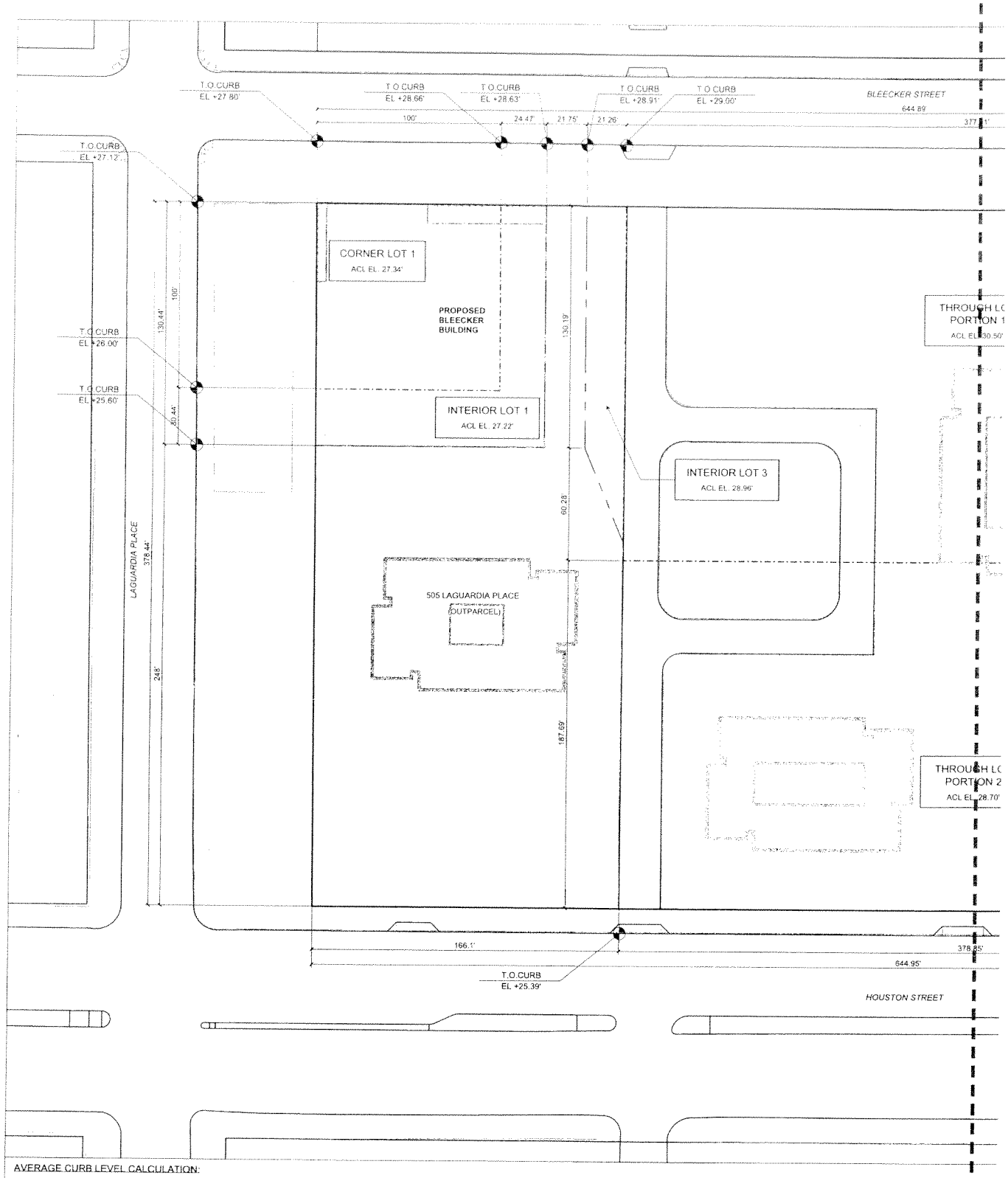
ULURP SUBMISSION

Title: SOUTH BLOCK: AVERAGE CURB LEVEL DIAGRAM

Date	Scale
12/05/2011	1/32" = 1'-0"

Drawn: GH
Checked: NDH
Approved: MH

Z - 126



AVERAGE CURB LEVEL CALCULATION:

CORNER LOT 1: $\left(\frac{27.80+28.66}{2} + \frac{27.12+26.00}{2}\right) / 2 =$ EL. +27.34' / HT. ±00.00' — ACL FOR CORNER LOT 1

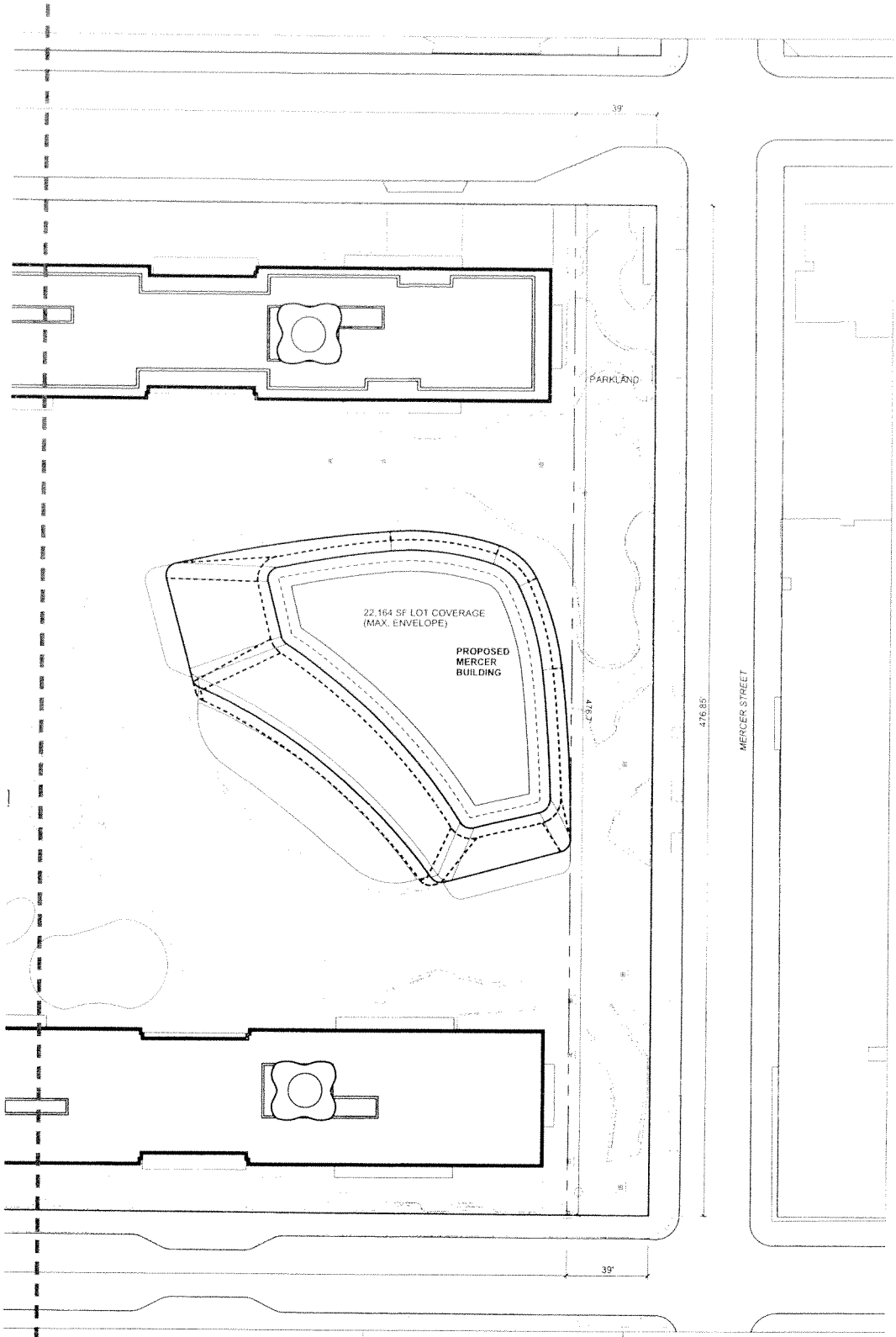
INTERIOR LOT 1: $\left(\frac{28.66+28.63}{2} + \frac{26.00+25.60}{2}\right) / 2 =$ EL. +27.22' / HT. ±00.00' — ACL FOR INTERIOR LOT 1

THROUGH LOT PORTION 1: $\frac{29.00+31.99}{2} =$ EL. +30.50' / HT. ±00.00' — ACL FOR THROUGH LOT PORTION 1

THROUGH LOT PORTION 2: $\frac{25.39+32.00}{2} =$ EL. +28.70' / HT. ±00.00' — ACL FOR THROUGH LOT PORTION 2

INTERIOR LOT 3: $\frac{28.91+29.00}{2} =$ EL. +28.96' / HT. ±00.00' — ACL FOR INTERIOR LOT 3

Z-126
PART 2 OF 2



MATCHLINE

NOTE:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND:

- STREET LINE
- ZONING LOT LINE
- OPEN SPACE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

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1	06/04/12	CPC MODIFICATIONS

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032404
STATE OF NEW YORK

Sheet Size: 22" X 34"

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ULURP SUBMISSION

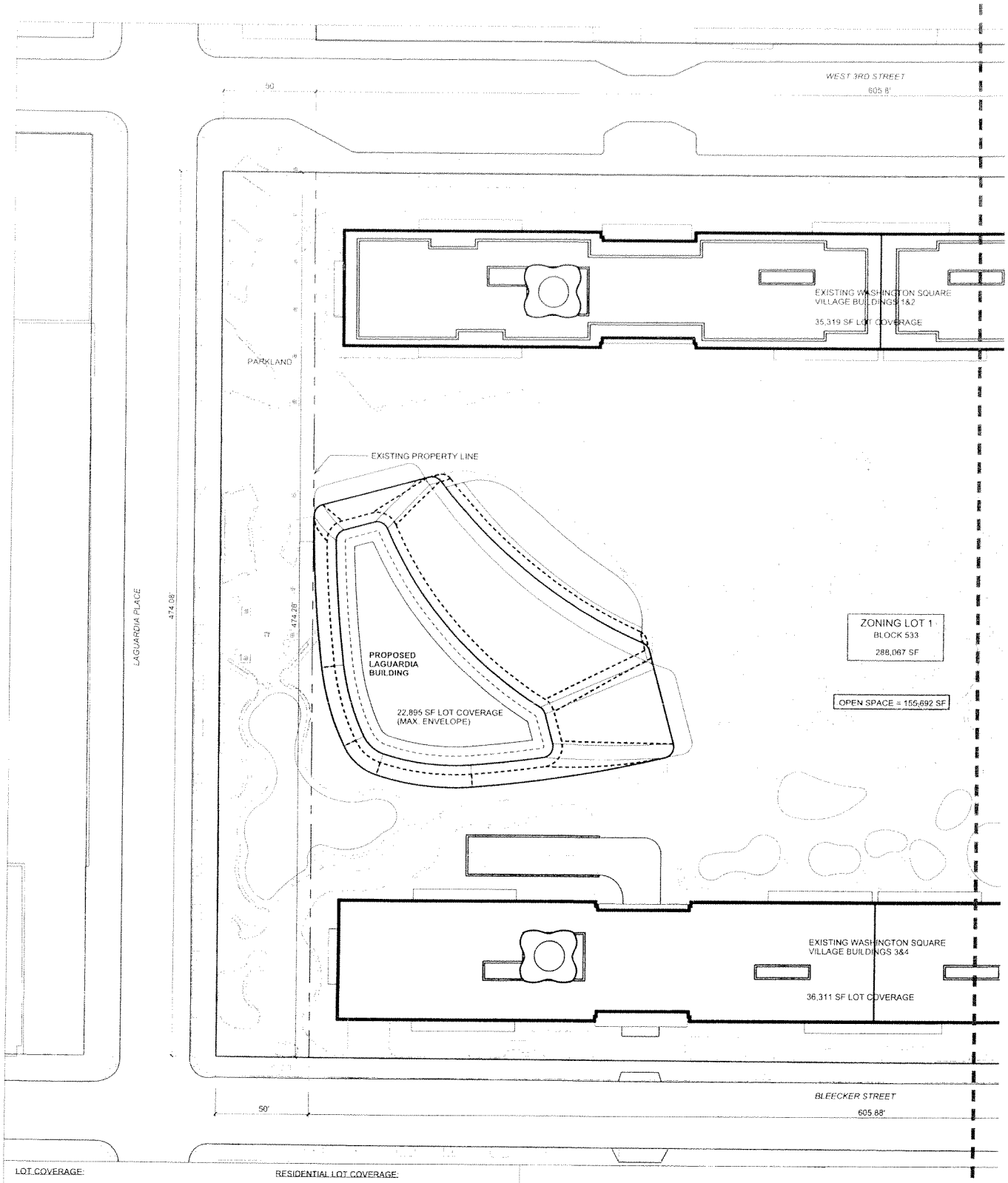
Title
NORTH BLOCK
OPEN SPACE DIAGRAM

Date	Scale
12/05/2011	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Approved: MH

Z - 127

Z-127
PART 1 OF 2



LOT COVERAGE:

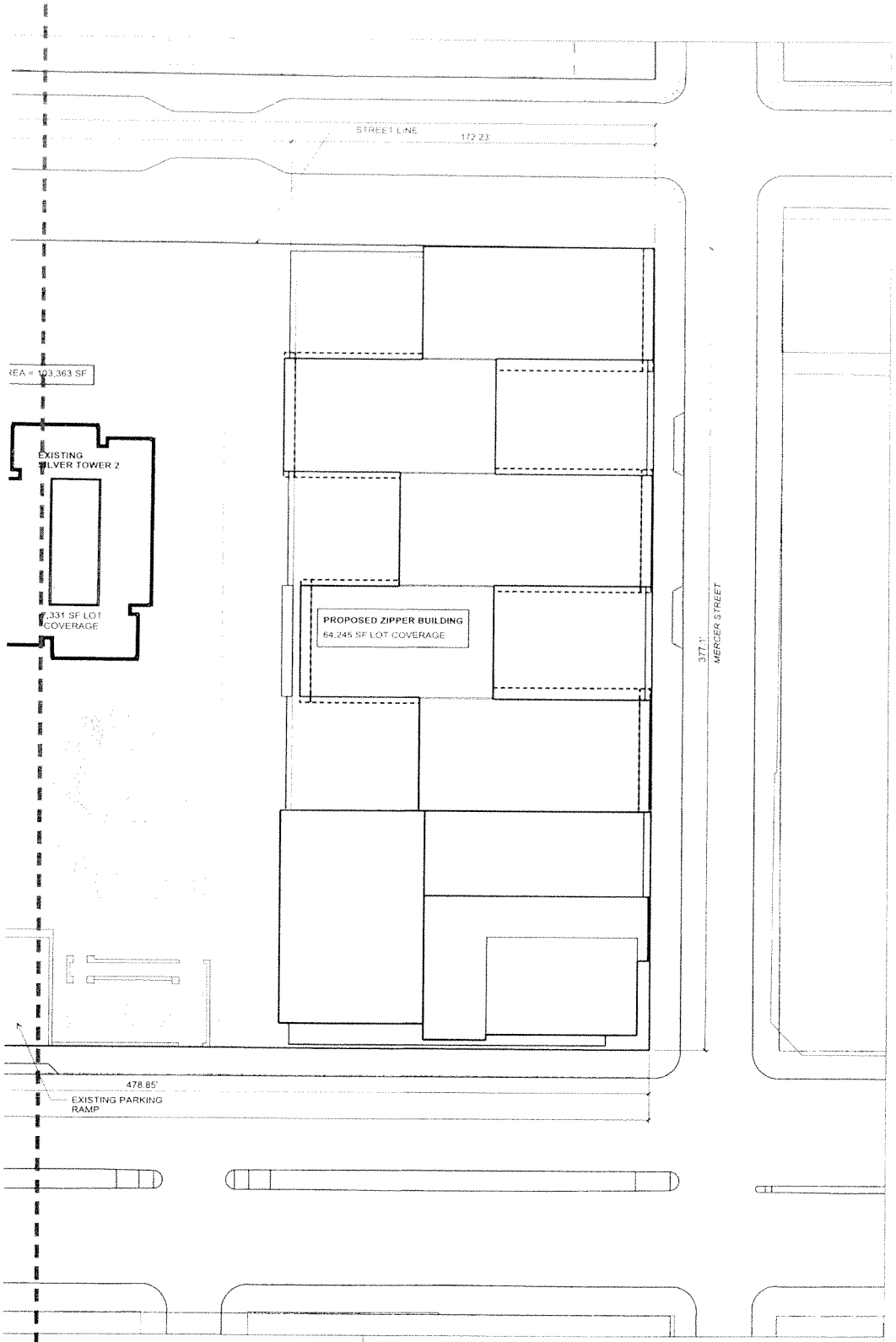
EXISTING WSV 1&2	35,319 SF
EXISTING WSV 3&4	36,311 SF
PROPOSED LAGUARDIA BLDG	22,895 SF
PROPOSED MERCER BLDG	22,164 SF
TOTAL LOT COVERAGE	116,689 SF

RESIDENTIAL LOT COVERAGE:

EXISTING WSV 1&2	35,319 SF
EXISTING WSV 3&4	36,311 SF
RESIDENTIAL LOT COVERAGE	71,630 SF

MATCHLINE

Z-127
PART 2 OF 2



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ULURP SUBMISSION

SOUTH BLOCK
OPEN SPACE DIAGRAM

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn GH	
Checked NDH	Z - 128
Approved MH	

NOTES:

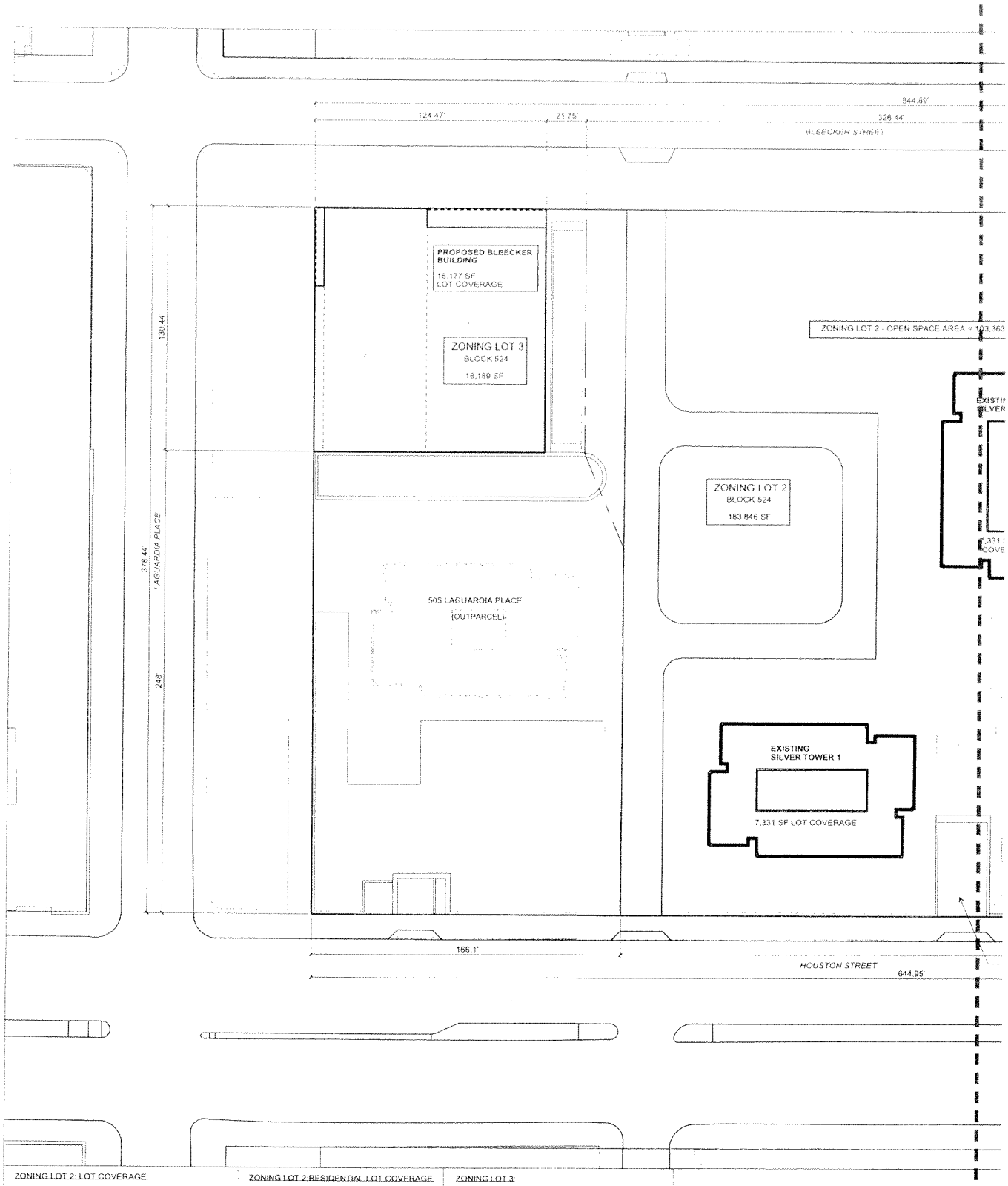
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND:

- STREET LINE
- ZONING LOT LINE
- OPEN SPACE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

MATCHLINE

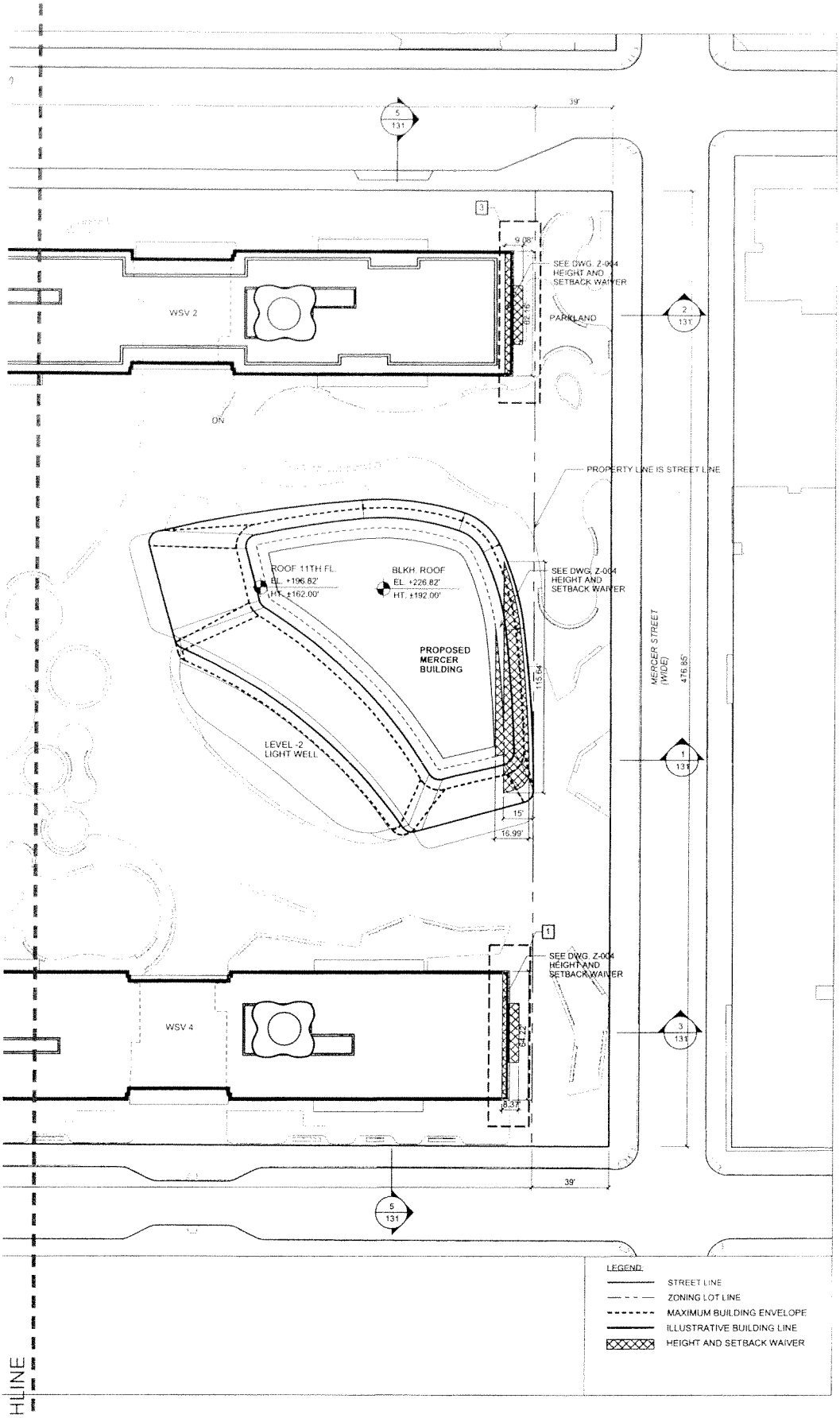
Z-128
PART 1 OF 2



ZONING LOT 2 LOT COVERAGE:		ZONING LOT 2 RESIDENTIAL LOT COVERAGE:		ZONING LOT 3:	
EXISTING SILVER TOWERS 1	7,331 SF	EXISTING SILVER TOWER 1	7,331 SF	TOTAL LOT COVERAGE	16,177 SF
EXISTING SILVER TOWERS 2	7,331 SF	EXISTING SILVER TOWER 2	7,331 SF	RESIDENTIAL LOT COVERAGE	0 SF
PROPOSED ZIPPER BLDG	64,245 SF				
TOTAL LOT COVERAGE	78,907 SF	RESIDENTIAL LOT COVERAGE	14,662 SF		

MATCHLINE

Z-128
PART 2 OF 2



LEGEND:

- STREET LINE
- ZONING LOT LINE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- HEIGHT AND SETBACK WAIVER

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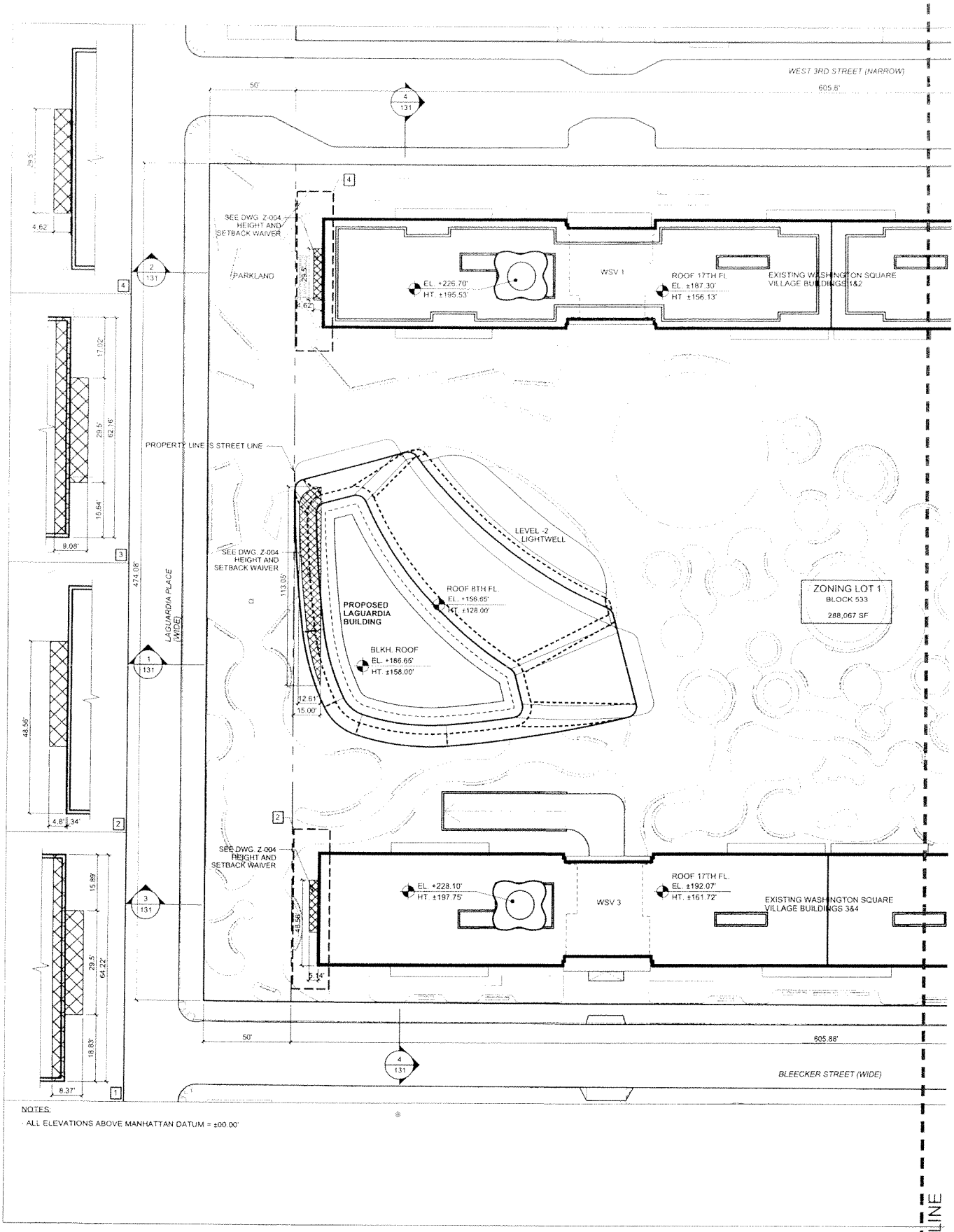
ULURP SUBMISSION

Title

NORTH BLOCK: ZONING ACTIONS PLAN DIAGRAM

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn MS	**Z - 130**
Checked NDH	
Authorised MH	

Z-130
PART 1 OF 2

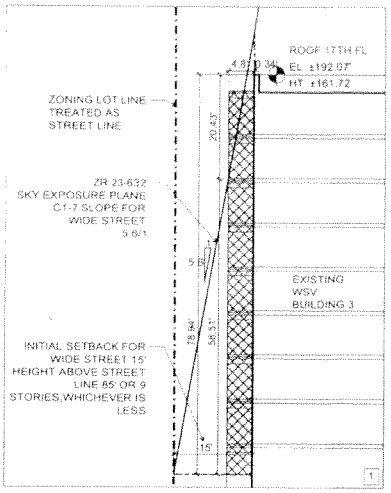


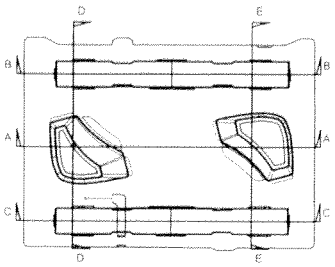
NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

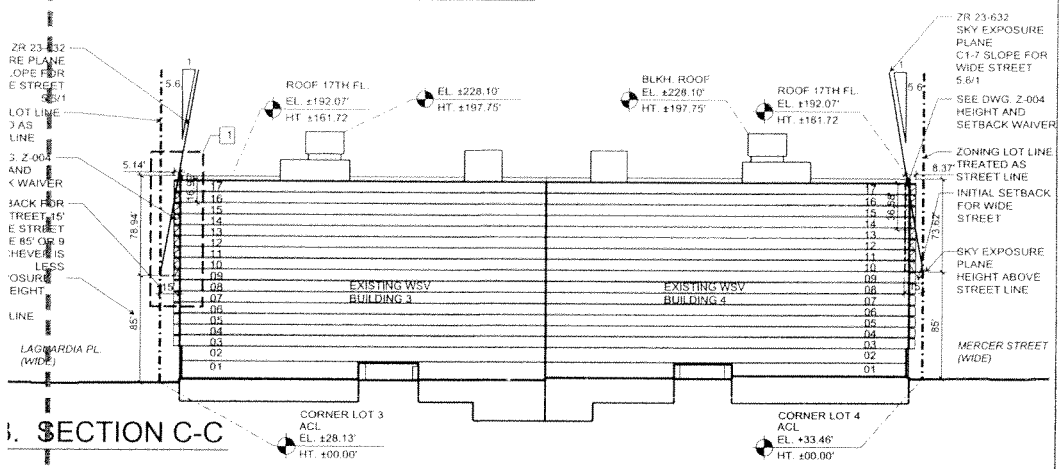
MATCHLINE

Z-130
PART 2 OF 2

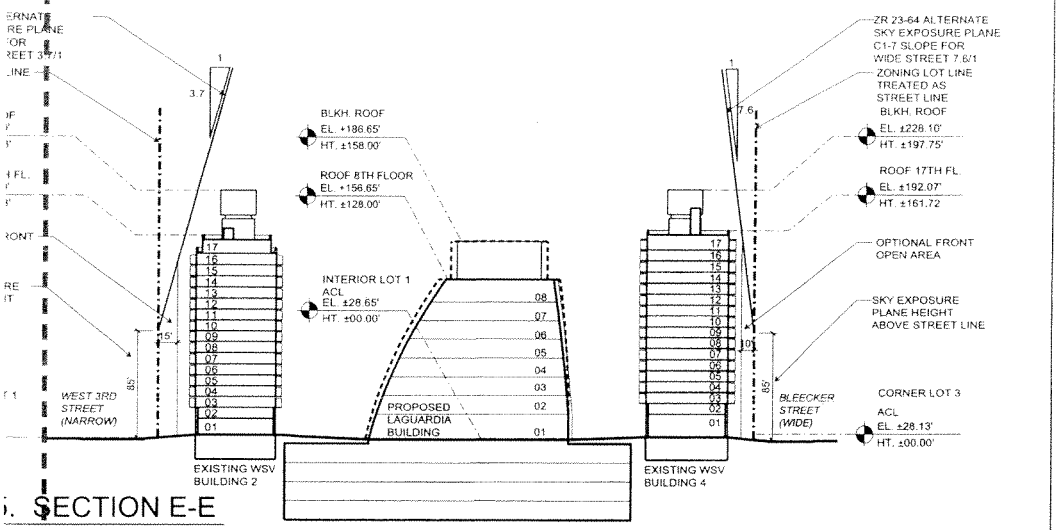




KEY PLAN



SECTION C-C



SECTION E-E

LAGUARDIA PLACE (WIDE)

FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK: 15' HEIGHT ABOVE STREET. 85' OR 6 STORIES, WHICHEVER IS LESS
- SLOPE: 5.6 IN 1 HEIGHT ABOVE STREET. 85'

FRONT SETBACKS FOR RESIDENTIAL

- INITIAL SETBACK: 15' HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- SLOPE: 5.6 IN 1 HEIGHT ABOVE STREET: 85'

LEGEND:

- ZONING LOT LINE TREATED AS STREET LINE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- HEIGHT AND SETBACK WAIVER

NOTE:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

MATCHLINE

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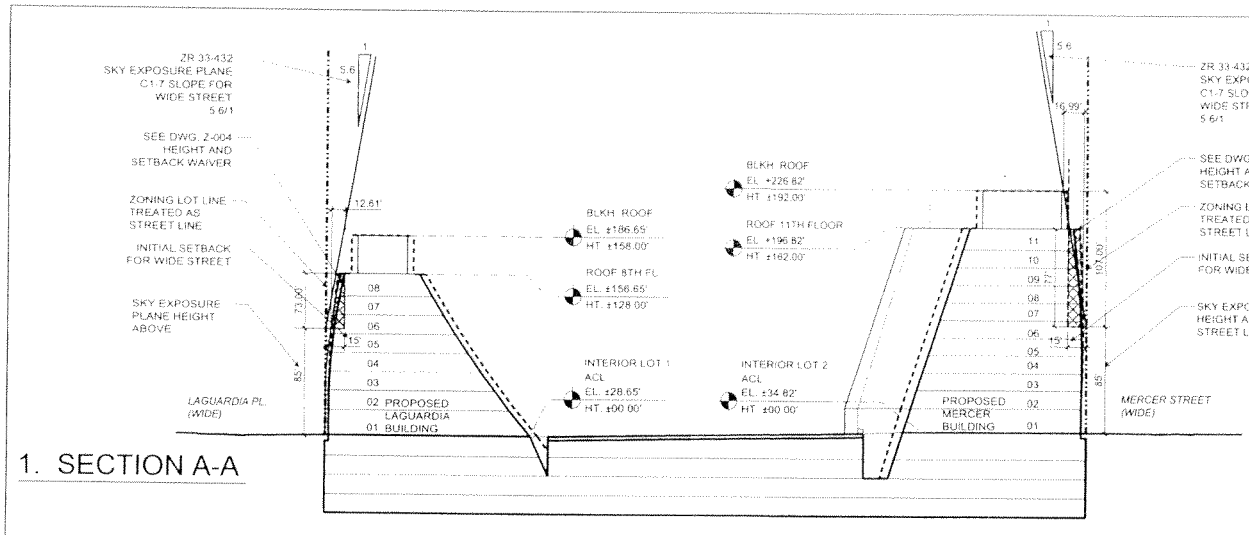
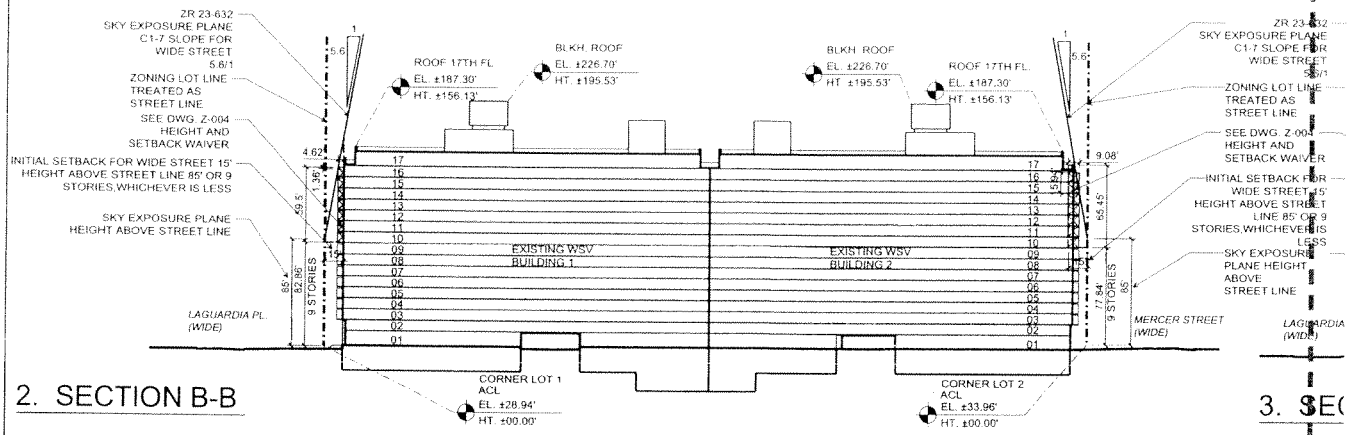
Title: NORTH BLOCK: BUILDING SECTIONS

Date: 12/05/2011	Scale: 1/64" = 1'-0"
Drawn: GA	Z - 131
Checked: NDH	
Authorized: MH	

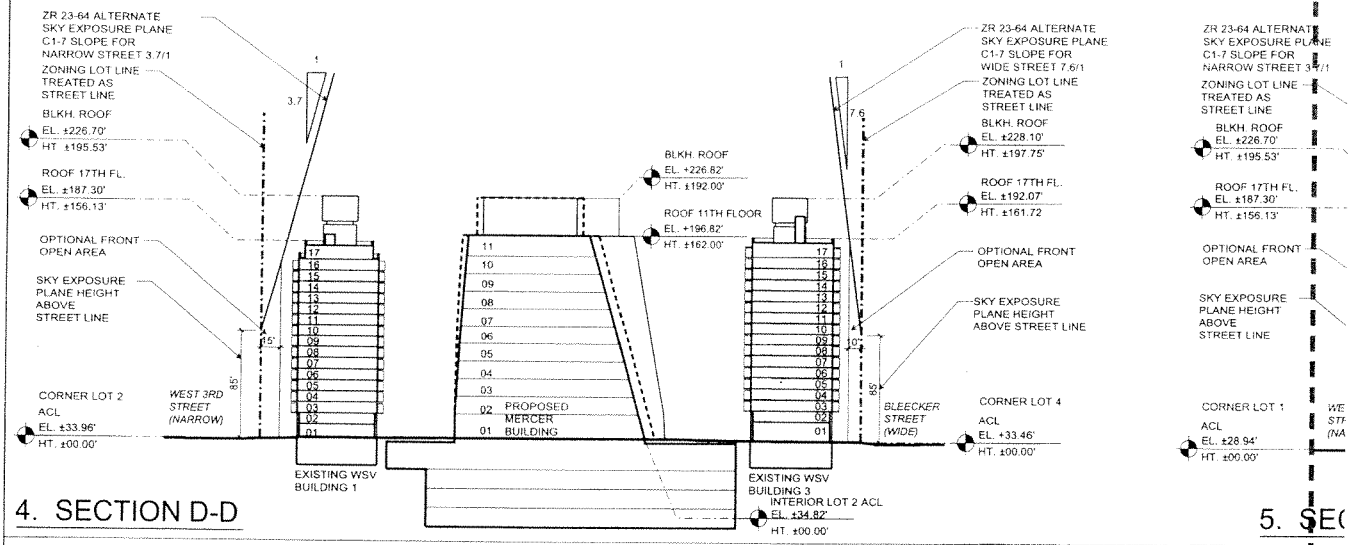


1. SECTION A-A



2. SECTION B-B

3. SEC



4. SECTION D-D

5. SEC

SETBACK REGULATIONS (ZR 23-64, 33-432):

WEST 3RD STREET (NARROW)

ALTERNATE FRONT SETBACKS FOR RESIDENTIAL

- DEPTH OF OPTIONAL OPEN FRONT AREA: 15'
- HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- SLOPE: 3.7 IN 1

BLEECKER STREET (WIDE)

ALTERNATE FRONT SETBACKS FOR RESIDENTIAL

- DEPTH OF OPTIONAL OPEN FRONT AREA: 10'
- HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- SLOPE: 7.6 IN 1

MERCER STREET (WIDE)

FRONT SETBACKS FOR COMM. & CF

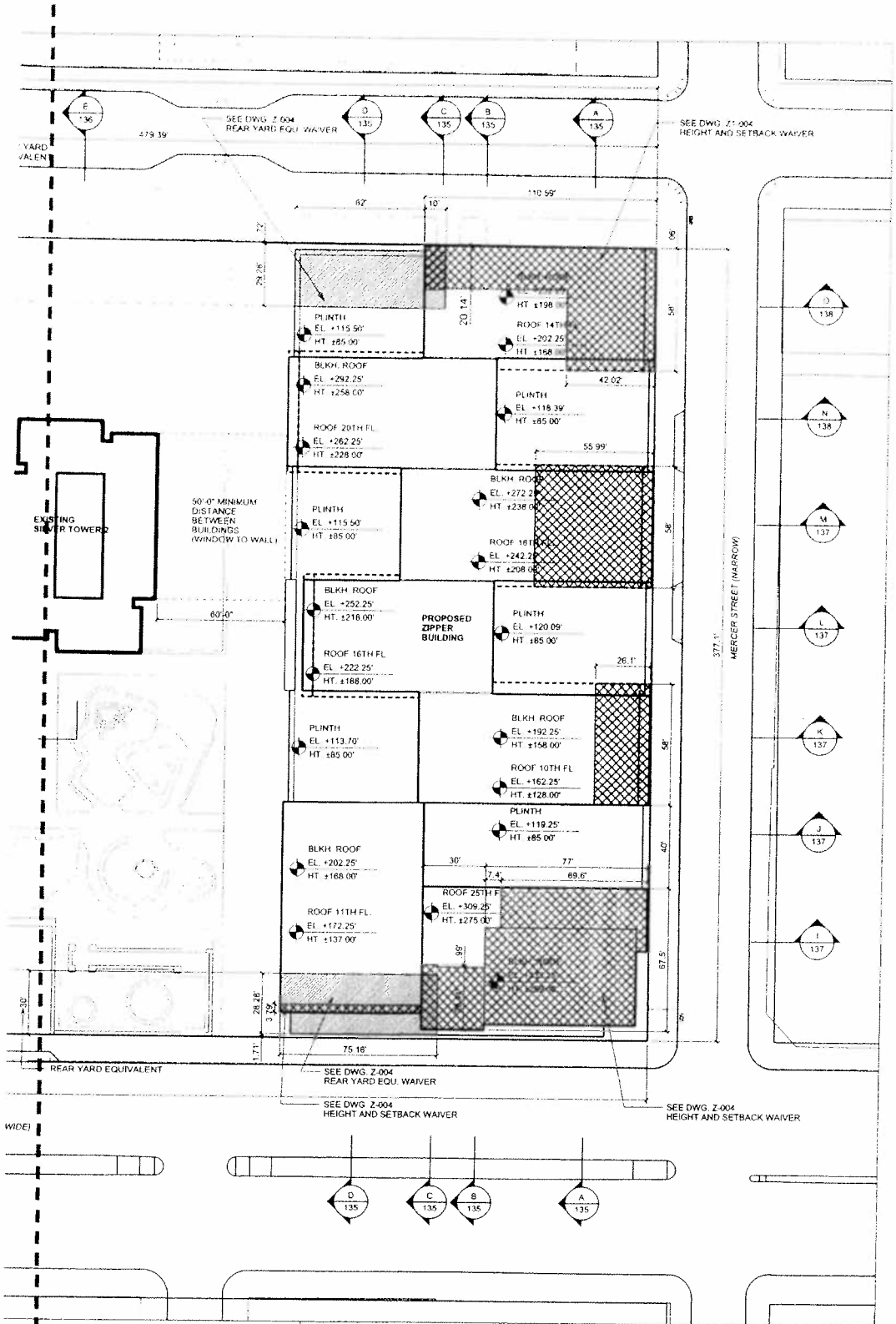
- INITIAL SETBACK: 15'
- HEIGHT ABOVE STREET: 85' OR 6 STORIES, WHICHEVER IS LESS
- SLOPE: 5.6 IN 1

FRONT SETBACKS FOR RESIDENTIAL

- INITIAL SETBACK: 15'
- HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- SLOPE: 5.6 IN 1

MATCHLINE

Z-131
PART 2 OF 2



ZONING LOT 2: LOT COVERAGE AT HT.+125' FOR SEC. 23-711(a):

EXISTING SILVER TOWERS 1	7,331 SF
EXISTING SILVER TOWERS 2	7,331 SF
PROPOSED ZIPPER BLDG	43,401 SF
TOTAL LOT COVERAGE HT +125'	58,063 SF
	< 72,356 SF (40% OF ZONING LOT 2)

LEGEND:

- STREET LINE
- ZONING LOT LINE
- HEIGHT AND SETBACK WAIVER
- REAR YARD AND REAR YARD EQUIVALENT WAIVER
- OUTER COURT SUBJECT TO WAIVER
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

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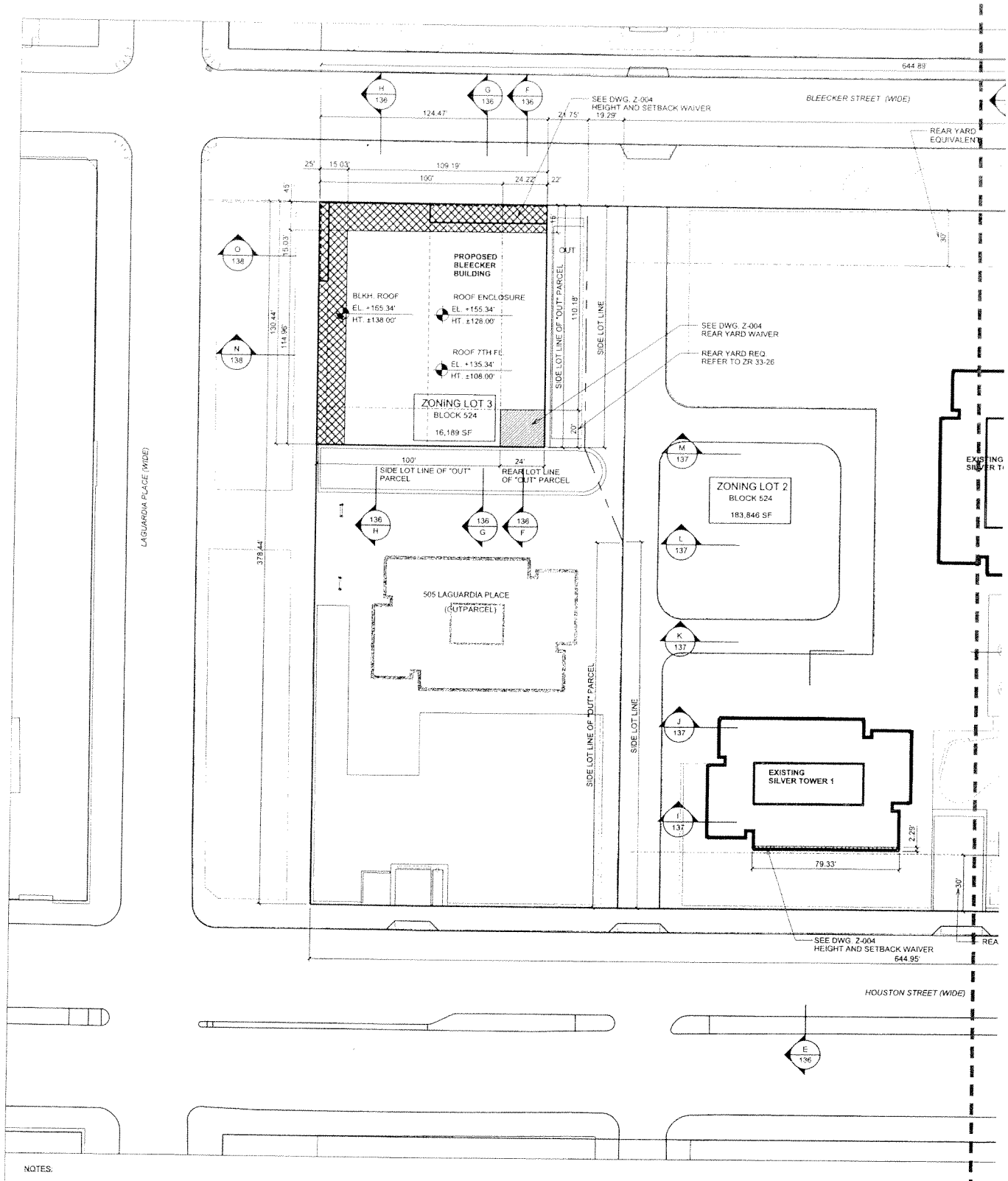
SOUTH BLOCK: ZONING ACTIONS PLAN DIAGRAM

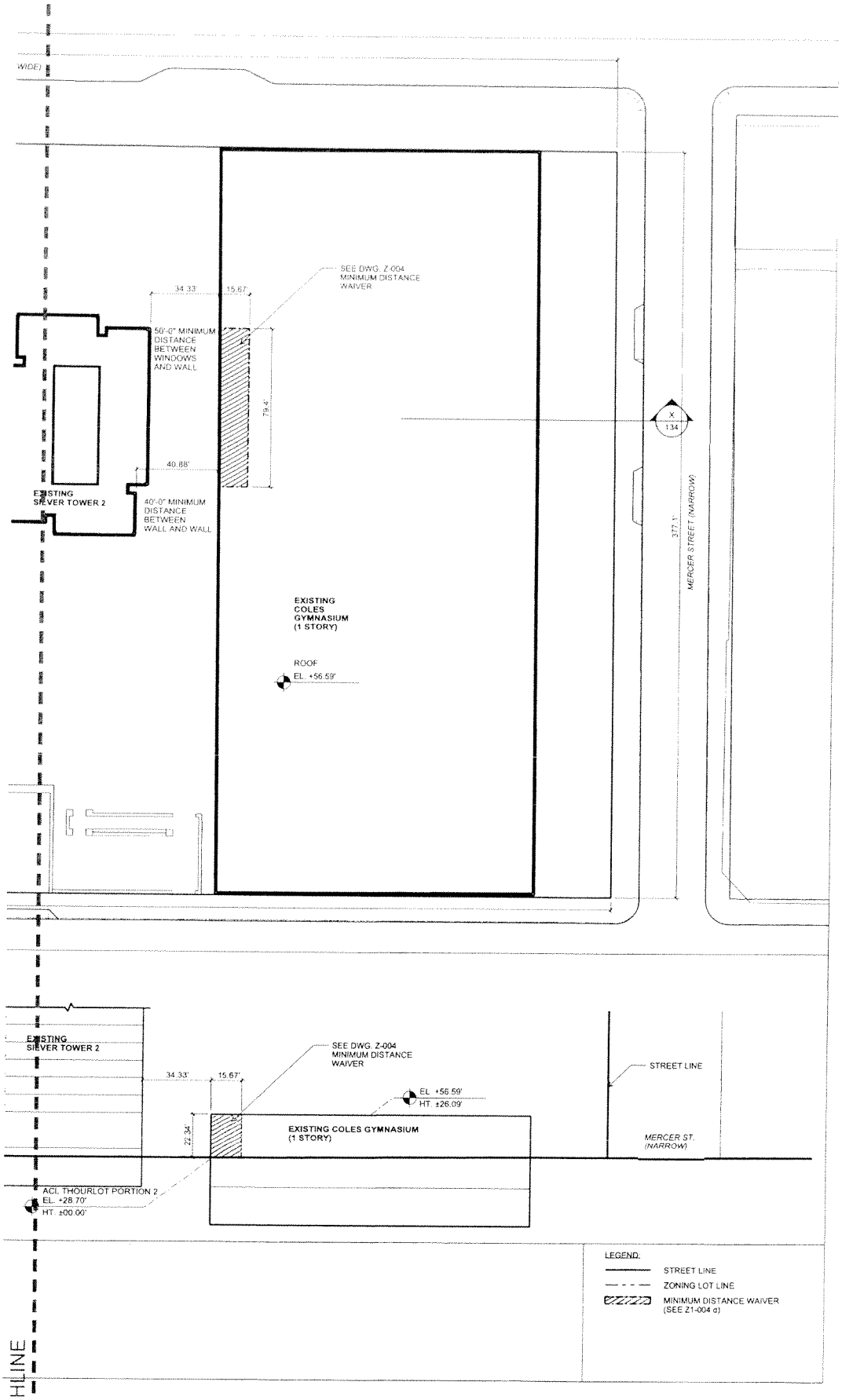
Date: 12/05/2011	Scale: 1/32" = 1'-0"
Drawn: GH	
Checked: NDH	Z - 133
Authorized: MH	



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = 00.00'

Z-133
PART 2 OF 2



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SOUTH BLOCK INTERIM ZONING ACTION DIAGRAM

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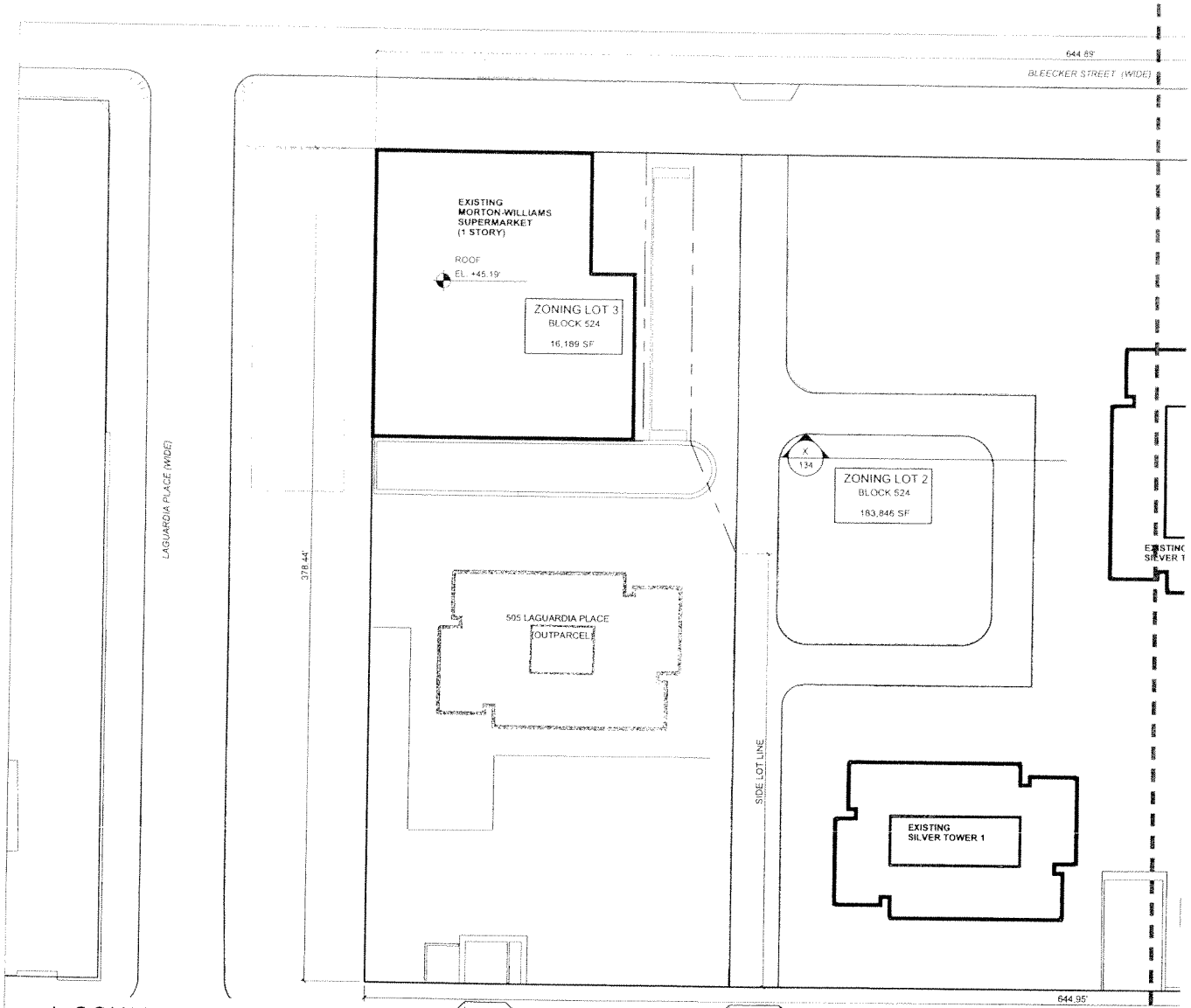
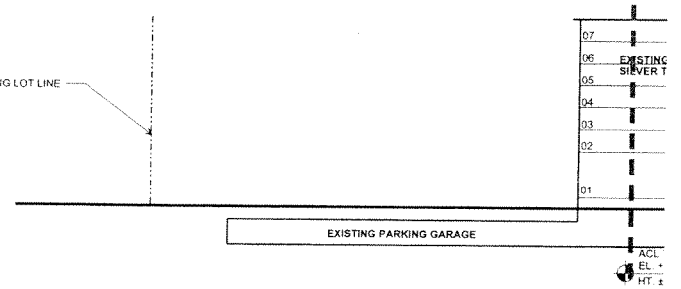
Drawn: GH	
Checked: NDH	Z - 134
Authorized: MH	

Z-134
PART 1 OF 2



1. SOUTH BLOCK INTERIM PLAN



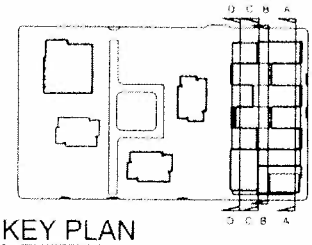
2. PARTIAL SECTION X-X

NOTES:

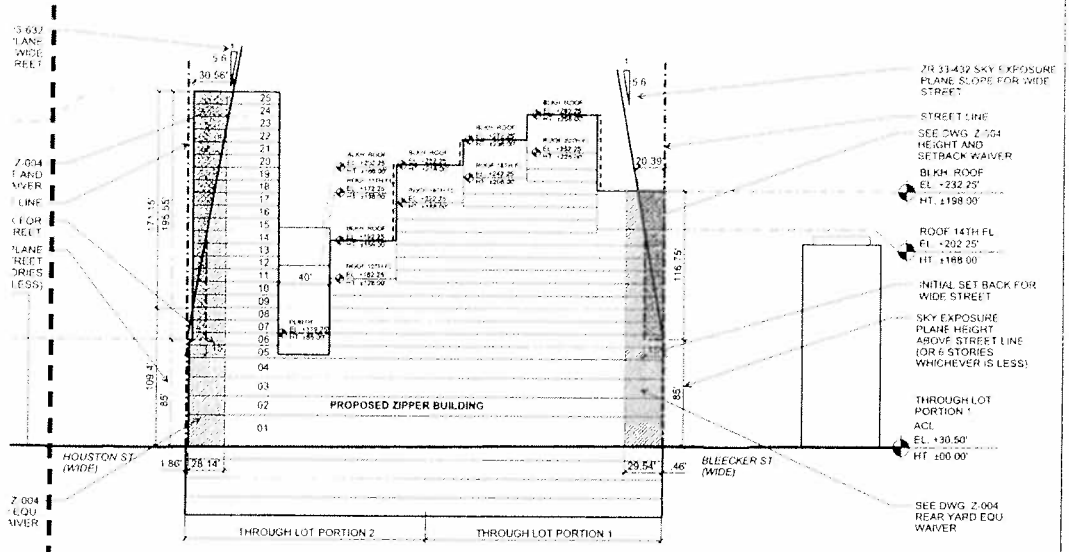
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = 00.00'
- THIS IS AN INTERIM CONDITION, REFER TO Z1-133 FOR FINAL CONDITION

MATCHLINE

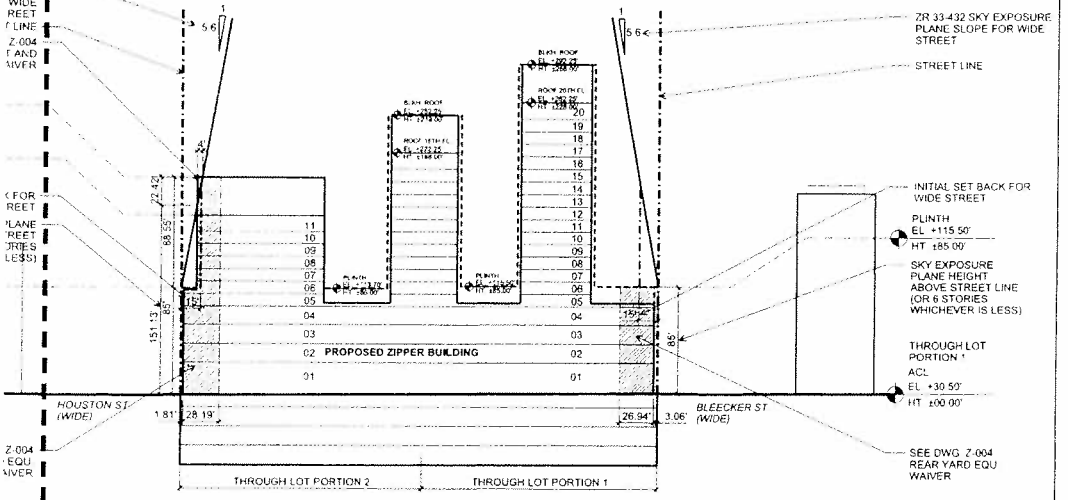
Z-134
PART 2 OF 2



KEY PLAN



TION C-C



TION D-D

DE)
COMM & CF

STREET 85' OR 6 STORIES, WHICHEVER IS LESS

MATCHLINE

NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND

- STREET LINE
- ZONING LOT LINE
- HEIGHT AND SETBACK WAIVER
- REAR YARD AND REAR YARD EQUIVALENT WAIVER
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

NYU CORE

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AKRF
440 Park Avenue South, 7th Floor
New York, NY 10016
Tel. 800 899 2573

3	06/14/12 CPC MODIFICATIONS

REGISTERED ARCHITECT MARK DAVID HUBER 032404 STATE OF NEW YORK

SHEET SIZE 22"X 34"

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Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

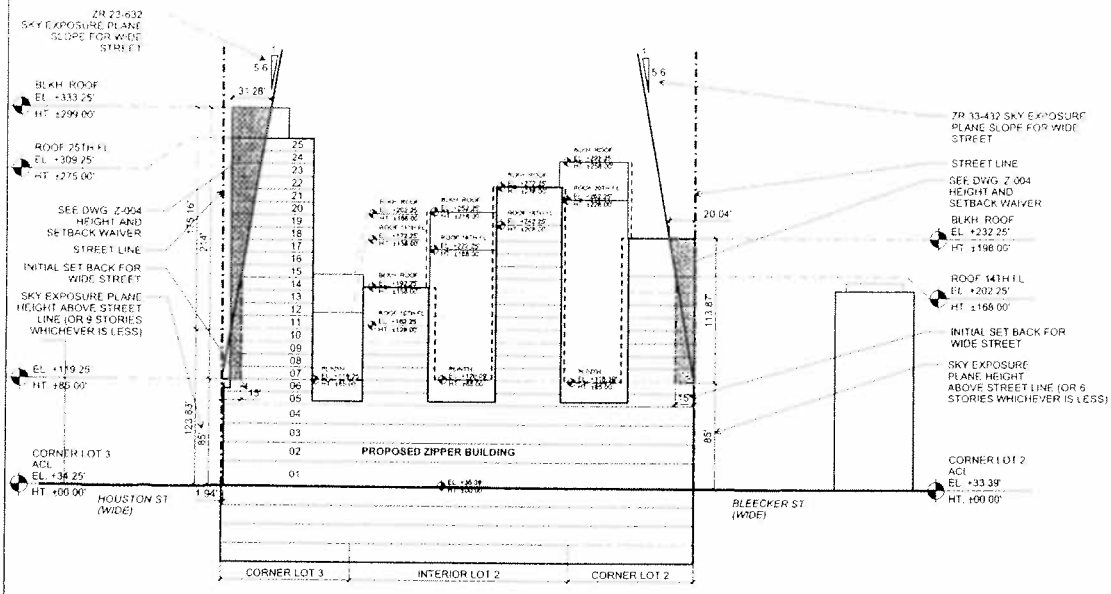
SOUTH BLOCK:
BUILDING SECTIONS 1

12/05/2011	1/64" = 1'-0"

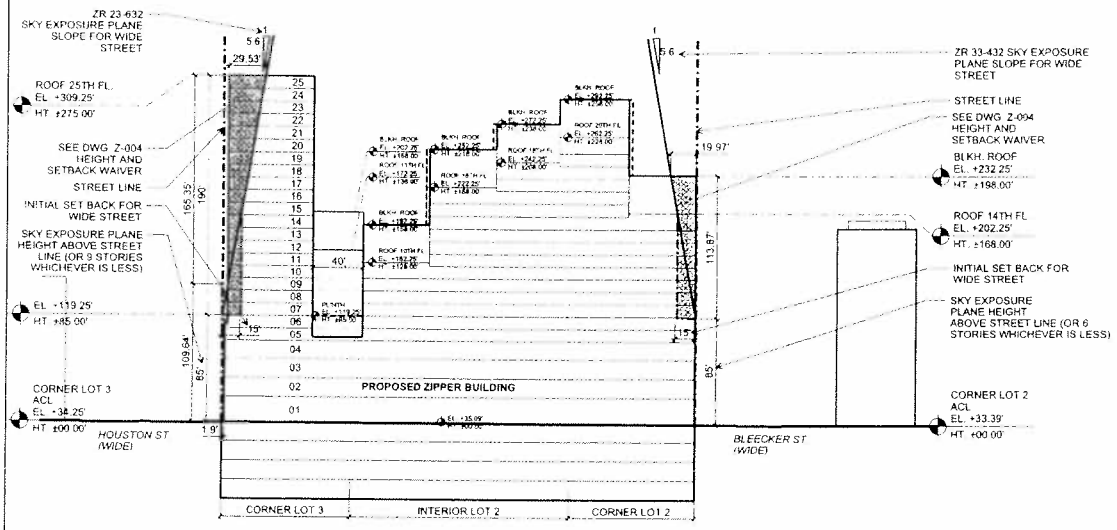
GH
NDH
MH

Z - 135

Z-135
PART 1 OF 2

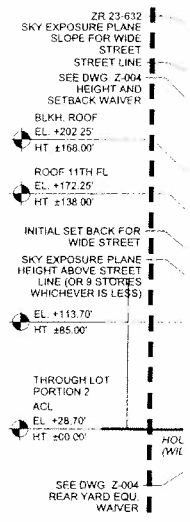


1. SECTION A-A



2. SECTION B-B

3. SECTION C



4. SECTION D

SETBACK REGULATIONS (ZR 23-632, 33-432, 35-62)

HOUSTON STREET (WIDE)
FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK. 15'
- MAX. HEIGHT ABOVE STREET 85' OR 8 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE 5.6 IN 1

HOUSTON STREET (WIDE)
FRONT SETBACKS FOR RESIDENTIAL

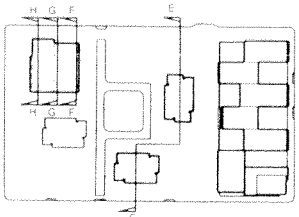
- INITIAL SETBACK. 15'
- MAX. HEIGHT ABOVE STREET 85' OR 9 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE 5.6 IN 1

BLEECKER STREET (WIDE)
FRONT SETBACKS FOR COMM. & CF

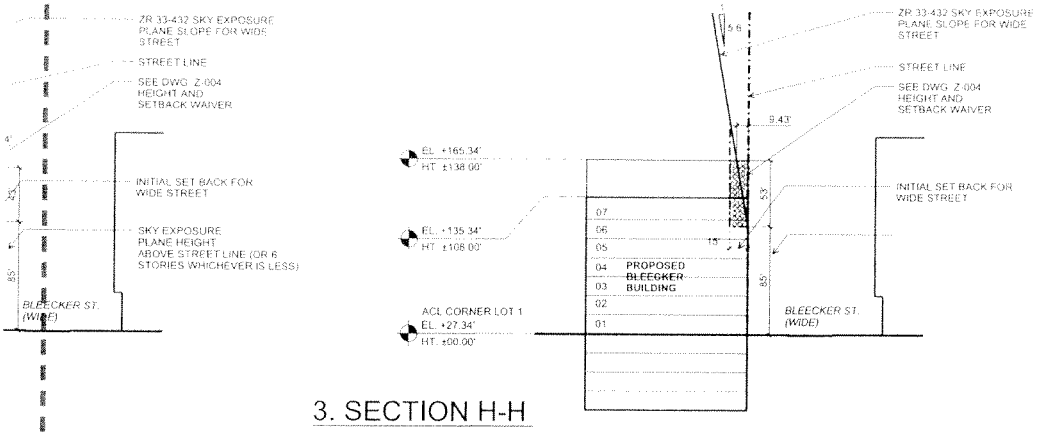
- INITIAL SETBACK. 15'
- MAX. HEIGHT ABOVE STREET 85' OF
- S.E.P. SLOPE 5.6 IN 1

MATCHLINE

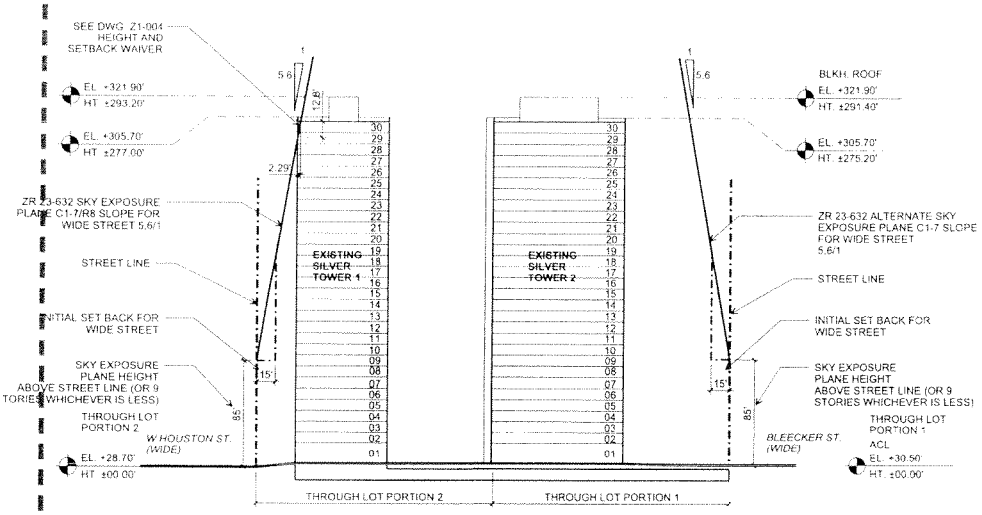
Z-135
PART 2 OF 2



KEY PLAN



3. SECTION H-H



4. SECTION E-E

NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND:

- STREET LINE
- ZONING LOT LINE
- HEIGHT AND SETBACK WAIVER
- REAR YARD AND REAR YARD EQUIVALENT WAIVER
- COURT WAIVER (REF Z1-004)
- OUTER COURT SUBJECT TO WAIVER
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

(E) COMM. C.F.

TREET (85' OR 6 STORIES, WHICHEVER IS LESS

MATCHLINE

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New York, NY 10016
Tel. 800 899 2573

No.	Description
1	06/04/12 CPC MODIFICATIONS

REGISTERED ARCHITECT MARK DAVID HUSBER 032404 STATE OF NEW YORK

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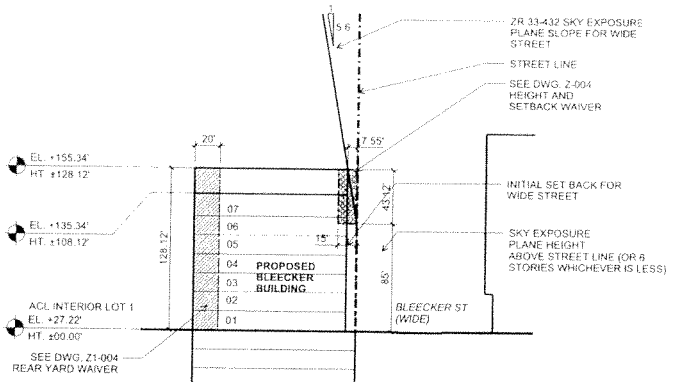
ULURP SUBMISSION

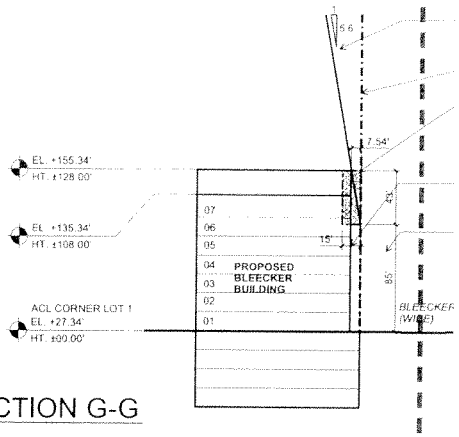
SOUTH BLOCK:
BUILDING SECTIONS 2

Date 12/05/2011	Scale 1/64" = 1'-0"
Drawn MS	
Checked NDH	Z - 136
Approved MH	

Z-136
PART 1 OF 2



1. SECTION F-F



2. SECTION G-G

SETBACK REGULATIONS (ZR 23-632, 33-432, 35-62):

HOUSTON STREET (WIDE)
FRONT SETBACKS FOR RESIDENTIAL

- INITIAL SETBACK: 15'
- MAX. HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 5.6 IN 1

MERCER STREET (NARROW)
FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK: 20'
- MAX. HEIGHT ABOVE STREET: 85' OR 6 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 2.7 IN 1

BLEECKER STREET (WIDE)
FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK: 15'
- MAX. HEIGHT ABOVE STREET: 85' OR
- S.E.P. SLOPE: 5.6 IN 1

MATCHLINE

Z-136
PART 2 OF 2

NYU CORE

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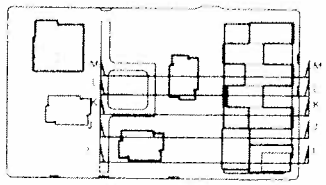
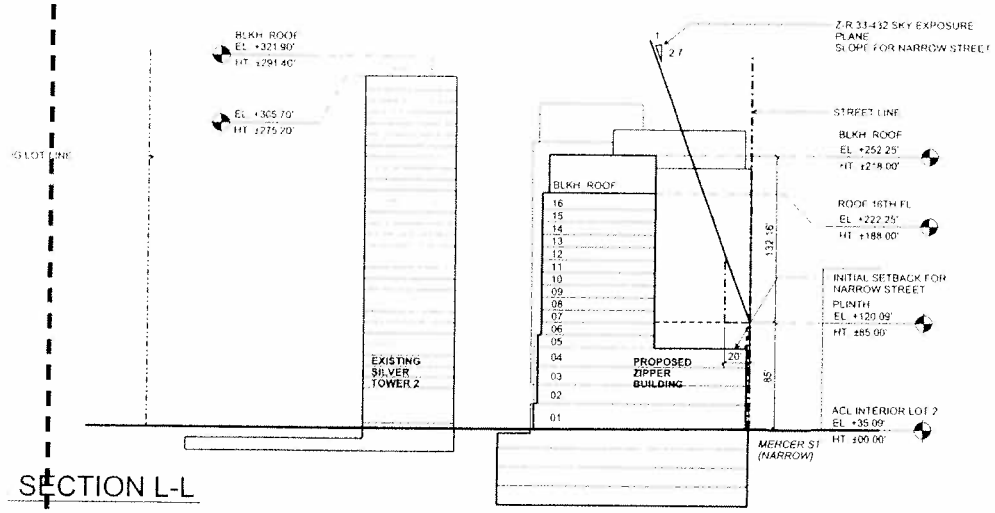
New York, NY 10013
Tel: 212 675 7760

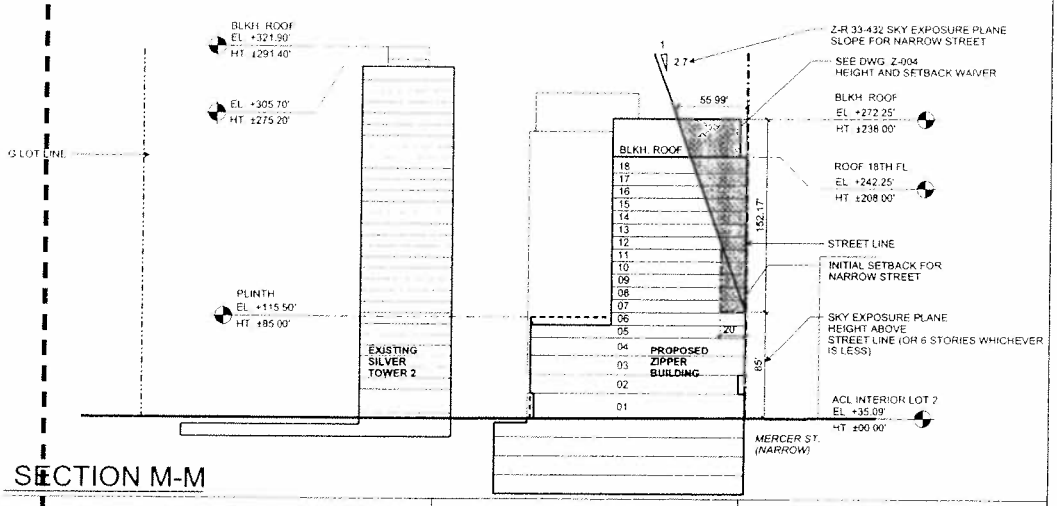
ENVIRONMENTAL & PLANNING CONSULTANT
AKRF
440 Park Avenue South, 7th Floor
New York, NY 10016
Tel: 800 899 2573



KEY PLAN



SECTION L-L



SECTION M-M

NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND:

- STREET LINE
- ZONING LOT LINE
- HEIGHT AND SETBACK WAIVER
- REAR YARD AND REAR YARD EQUIVALENT WAIVER
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

MATCHLINE

3. 06/04/12: CPC MODIFICATIONS

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

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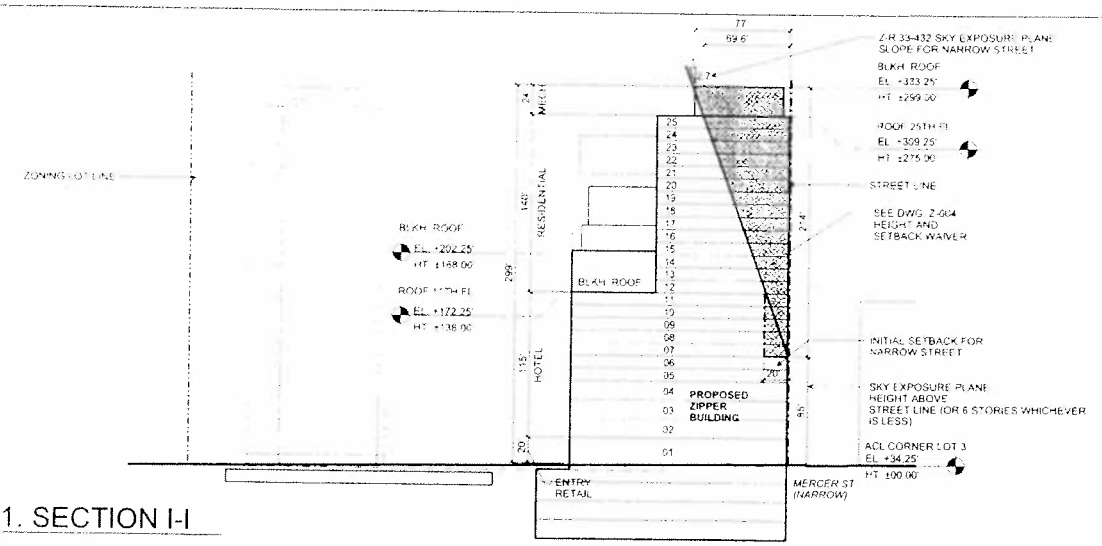
ULURP SUBMISSION

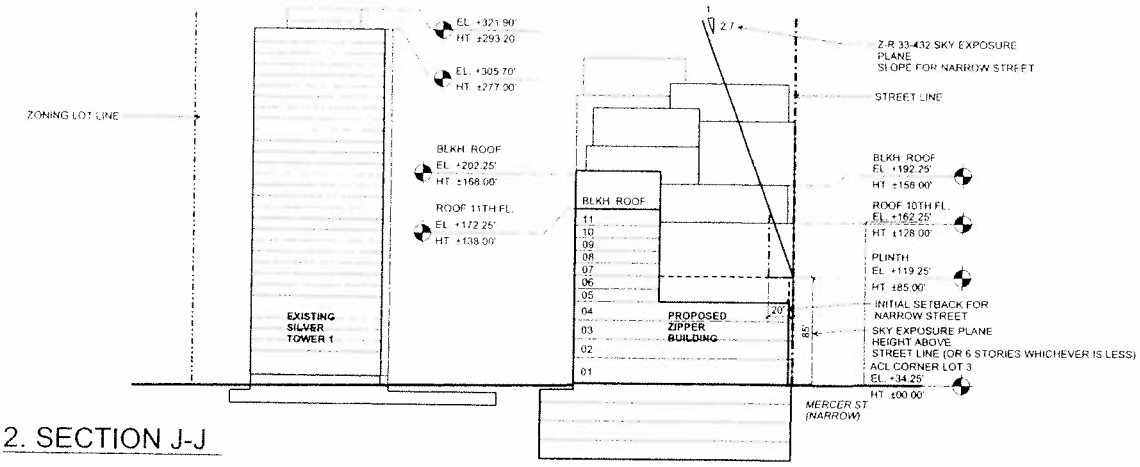
SOUTH BLOCK:
BUILDING SECTIONS 3

Date: 12/05/2011	Scale: 1/64" = 1'-0"
Drawn: MS	
Checked: NDH	**Z - 137**
Approved: MH	

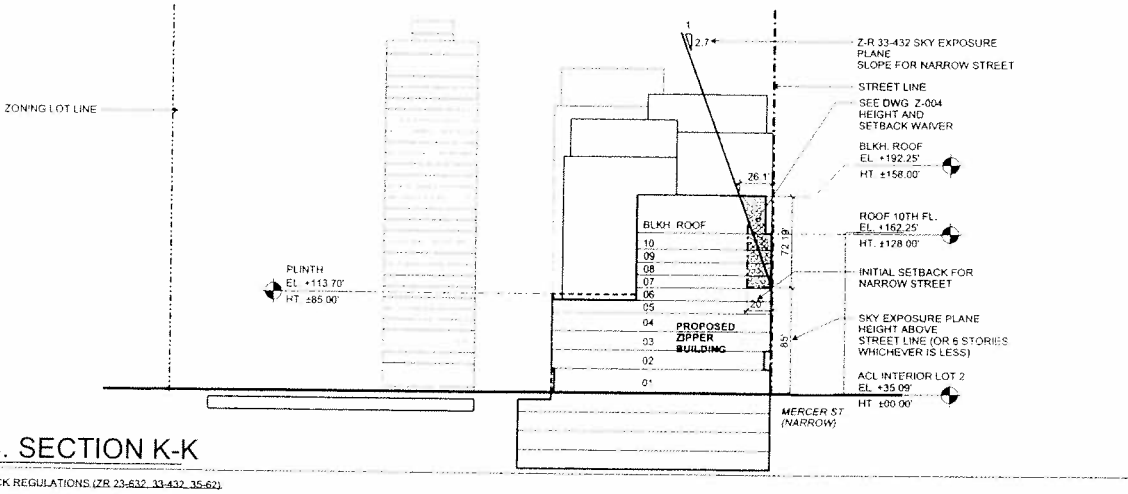
Z-137
PART 1 OF 2



1. SECTION I-I



2. SECTION J-J



3. SECTION K-K

SETBACK REGULATIONS (ZR 23-632, 33-432, 35-62)

MERCER STREET (NARROW)

FRONT SETBACKS FOR RESIDENTIAL

- INITIAL SETBACK: 20'
- MAX. HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 2.7 IN 1

MERCER STREET (NARROW)

FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK: 20'
- MAX. HEIGHT ABOVE STREET: 85' OR 6 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 2.7 IN 1

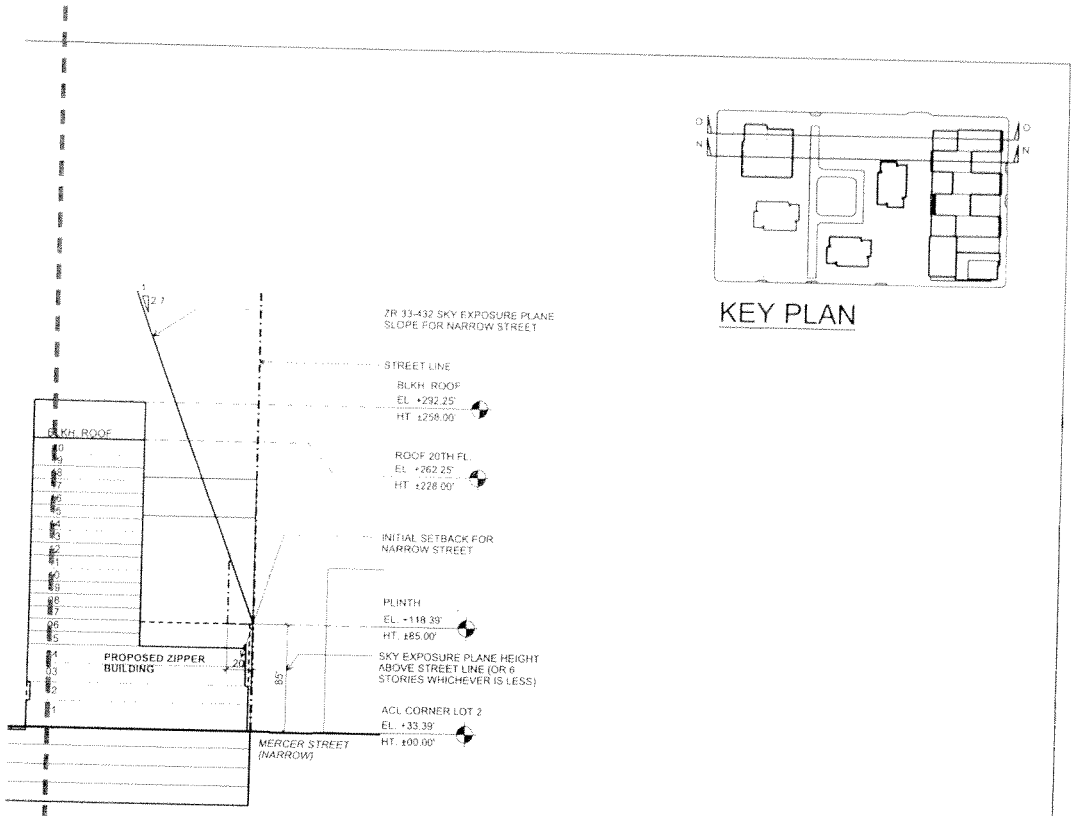
ZONING LOT LINE

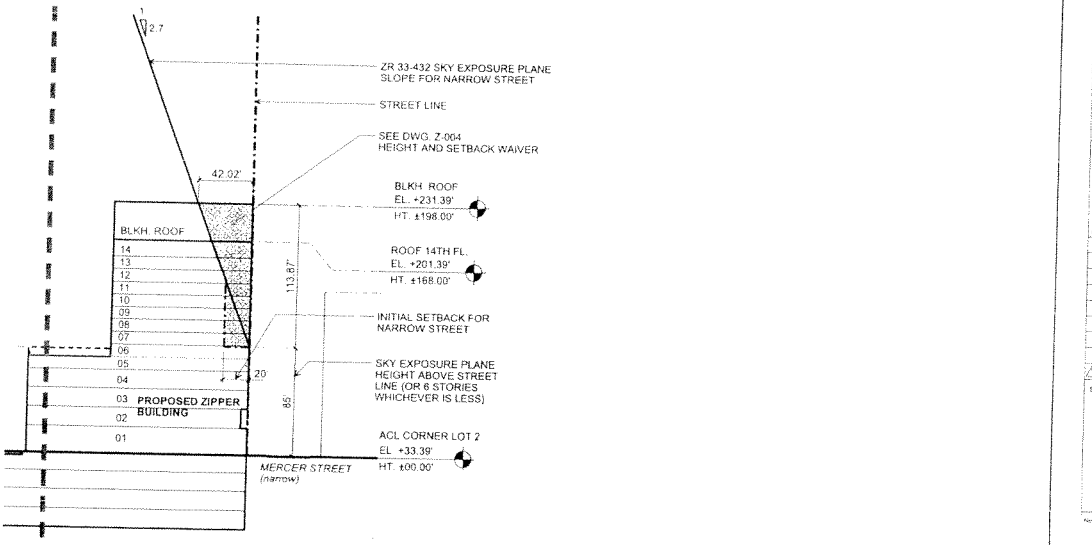
4. SEC

5. SEC

MATCHLINE

Z-137
PART 2 OF 2





KEY PLAN

NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

LEGEND:

- STREET LINE
- ZONING LOT LINE
- HEIGHT AND SETBACK WAIVER
- REAR YARD AND REAR YARD EQUIVALENT WAIVER
- COURTYARD WAIVER (REF Z1-004)
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE

MATCHLINE

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NEW YORK UNIVERSITY

New York University
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New York, NY 10012
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New York, NY 10016
Tel: 800 899 2573

Revisions

1	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUBER 032404 STATE OF NEW YORK

SHEET SIZE: 22" X 34"

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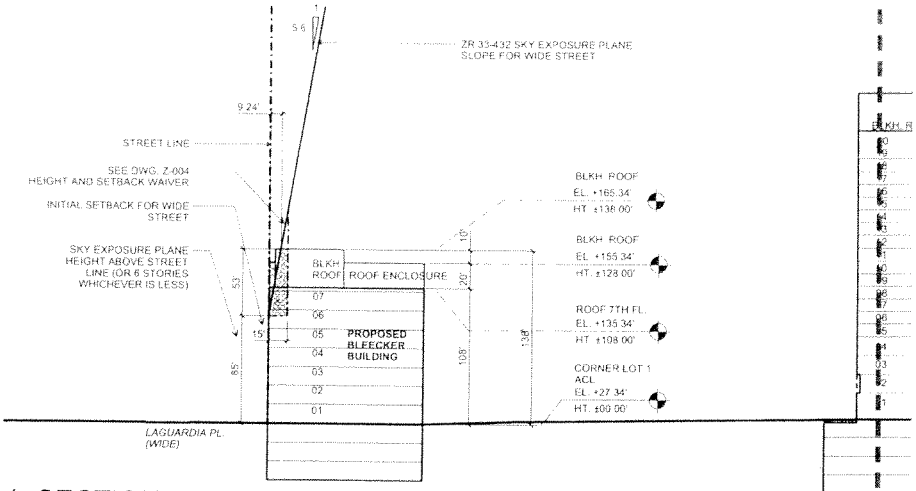
ULURP SUBMISSION

SOUTH BLOCK: BUILDING SECTIONS 4

Date: 12/05/2011	Scale: 1/64" = 1'-0"
Drawn: GH	
Checked: NDH	**Z - 138**
Approved: MH	

Z-138
PART 1 OF 2



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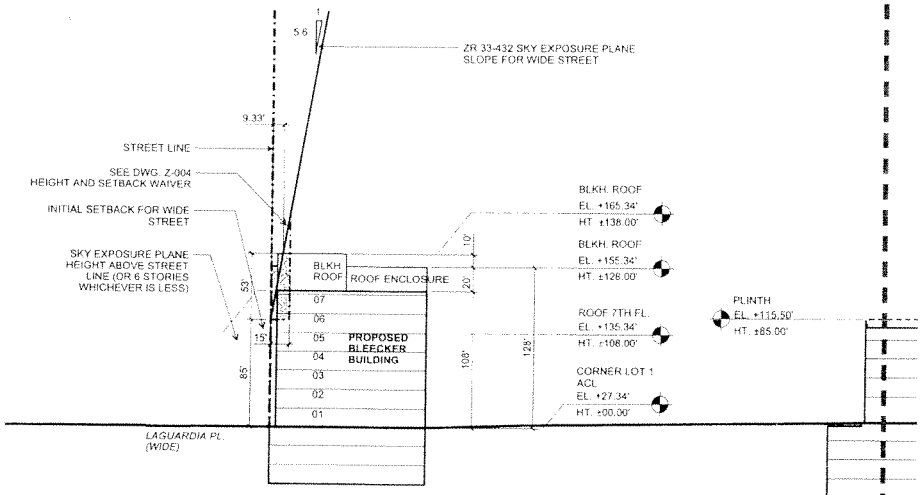


2. SECTION O-O

SETBACK REGULATIONS (ZR 23-632, 33-432, 35-62):

MERCER STREET (NARROW)

FRONT SETBACKS FOR RESIDENTIAL

- INITIAL SETBACK: 20'
- MAX. HEIGHT ABOVE STREET: 85' OR 9 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 2.7 IN 1

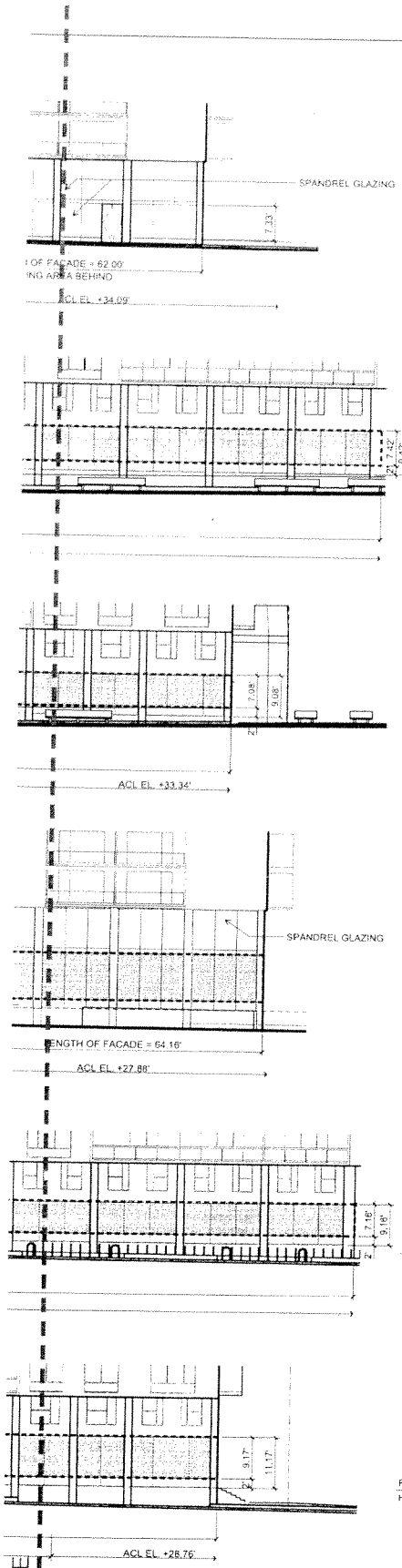
MERCER STREET (NARROW)

FRONT SETBACKS FOR COMM. & CF

- INITIAL SETBACK: 20'
- MAX. HEIGHT ABOVE STREET: 85' OR 6 STORIES, WHICHEVER IS LESS
- S.E.P. SLOPE: 2.7 IN 1

MATCHLINE

Z-138
PART 2 OF 2



TOTAL FACADE AREA:	330 SF
REQUIRED AREA (0%):	0 SF
GLAZING ILLUSTRATED:	0 SF

TOTAL FACADE AREA:	2,198 SF
REQUIRED AREA(50%):	1,099 SF
GLAZING ILLUSTRATED:	1,780 SF - 81%

TOTAL FACADE AREA:	1,702 SF
REQUIRED AREA(50%):	851 SF
GLAZING ILLUSTRATED:	1,400 SF - 82%

TOTAL FACADE AREA:	643 SF
REQUIRED AREA(50%):	322 SF
GLAZING ILLUSTRATED:	519 SF - 81%

TOTAL FACADE AREA:	1,120 SF
REQUIRED AREA(50%):	560 SF
GLAZING ILLUSTRATED:	914 SF - 81%

TOTAL FACADE AREA:	2,019 SF
REQUIRED AREA(50%):	1,010 SF
GLAZING ILLUSTRATED:	1,661 SF - 82%

DESIGN GUIDELINES:
TRANSPARENCY CALCULATIONS

RULE:
The ground floors of the four buildings composing Washington Square Village excluding facades along loading areas, comprising the area between 2' and 8' in height above the ground, shall be a minimum of 50% transparent. This design guideline shall not apply for the existing building condition but only for the change in the façade. Loading areas are excluded from this calculation.

WSV 1/2

TOTAL FACADE AREA:	4,240 SF
TOTAL REQUIRED AREA(50%):	2,120 SF
TOTAL GLAZING ILLUSTRATED:	2,983 SF - 70%

WSV 3/4

TOTAL FACADE AREA:	4,963 SF
TOTAL REQUIRED AREA(50%):	2,482 SF
TOTAL GLAZING ILLUSTRATED:	4,041 SF - 81%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELINE

NOTE:
PERCENTAGE OF TRANSPARENCY SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

LEGEND:

TRANSPARENT AREA

AREA OF FACADE FOR TRANSPARENCY CALCULATION

NOTES:

1. ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

Project Title
NYU CORE

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Revisions

	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
2	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

North

SHEET SIZE 22"X 34"

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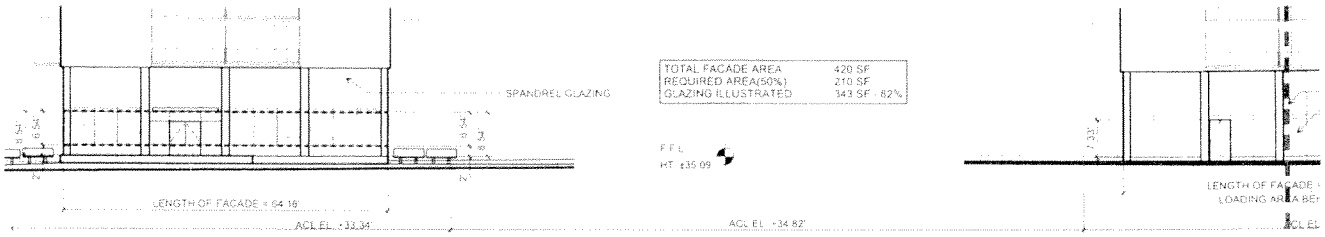
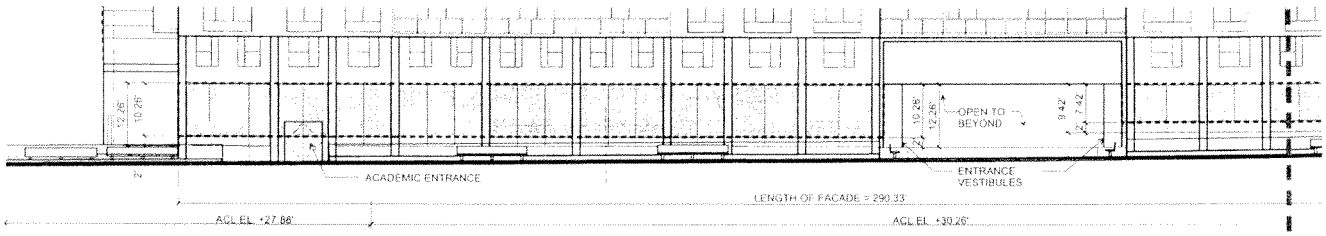
ULURP SUBMISSION

Title
NORTH BLOCK:
PEDESTRIAN ELEVATIONS 1

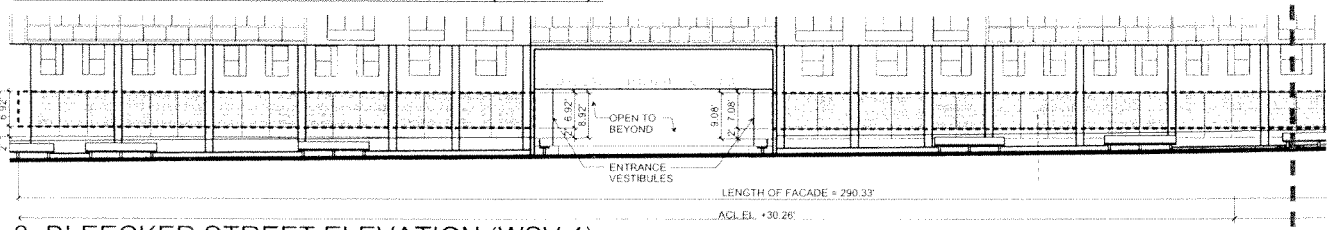
Date 12/05/2011	Scale 1/16" = 1'-0"
Drawn GH	Z - 140
Checked NDH	
Authorized MH	



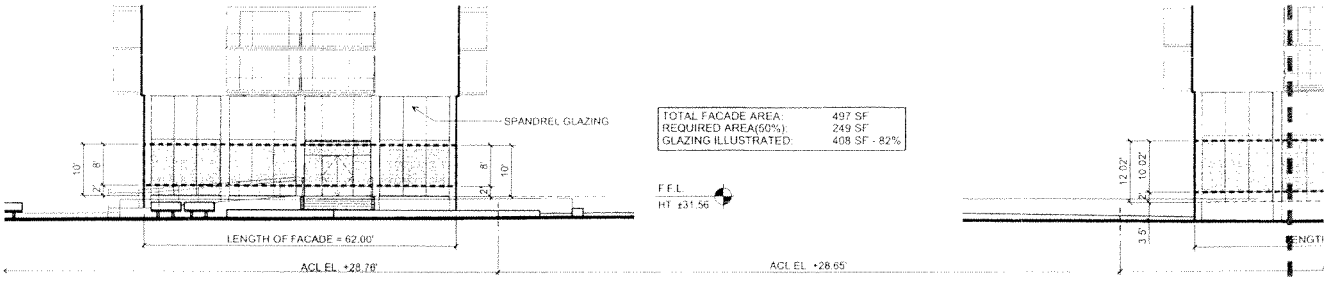
1. MERCER STREET ELEVATION



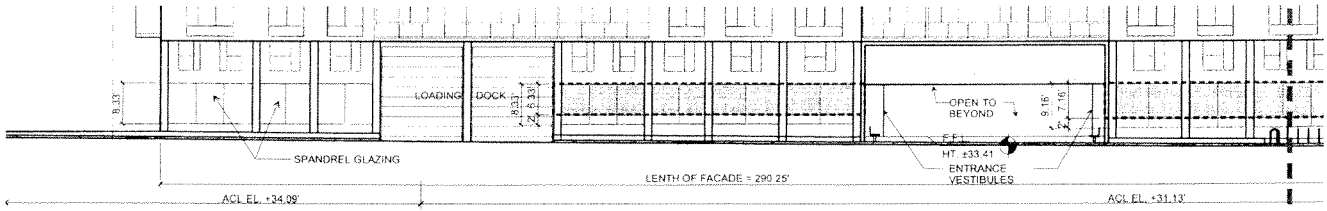
2. BLEECKER STREET ELEVATION (WSV 3)



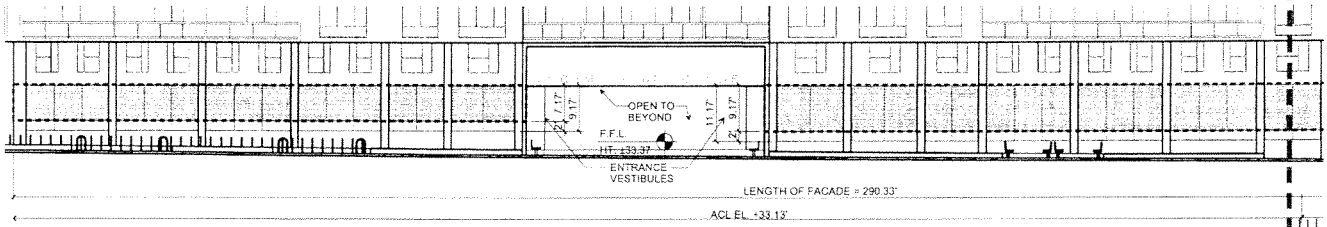
3. BLEECKER STREET ELEVATION (WSV 4)



4. LAGUARDIA PLACE ELEVATION



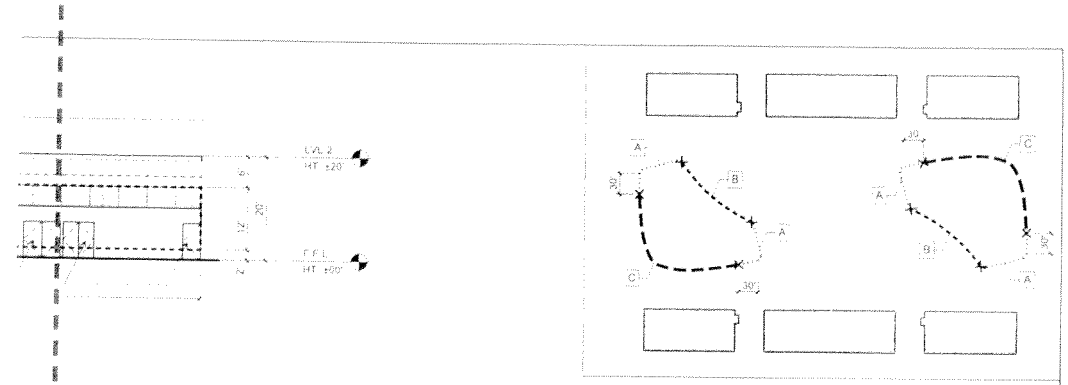
5. W3RD STREET ELEVATION (WSV 2)

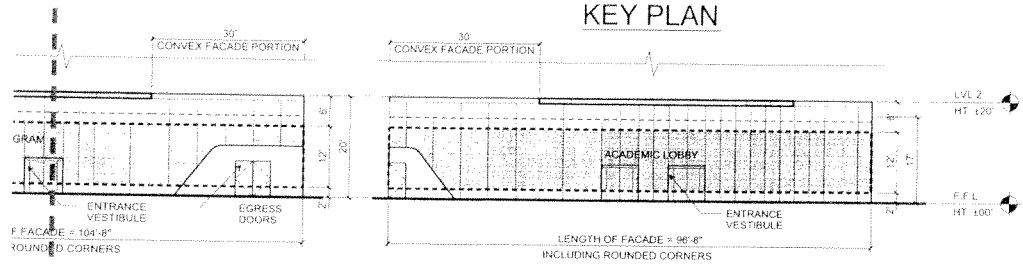


6. W3RD STREET ELEVATION (WSV 1)

MATCHLINE

Z-140
PART 2 OF 2



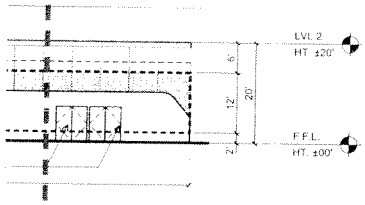


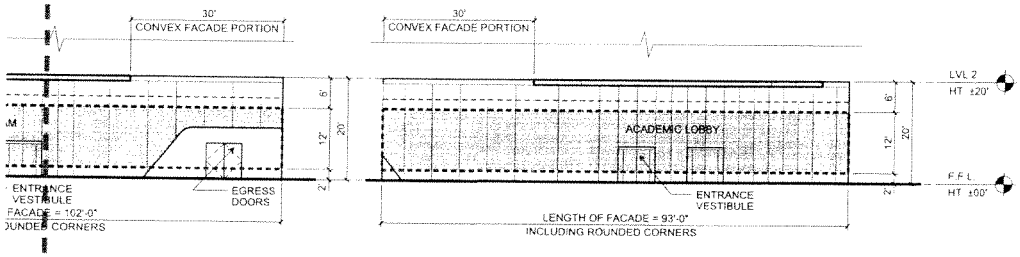
AREA:	1,257 SF
(70%):	880 SF
RATED:	983 SF - 78%

SOUTH

TOTAL FACADE AREA:	1,160 SF
REQUIRED AREA(70%):	812 SF
GLAZING ILLUSTRATED:	982 SF - 85%

)G - BLDG EDGE 'A' ELEVATIONS





AREA:	1,244 SF
(70%):	871 SF
RATED:	940 SF - 77%

SOUTH

TOTAL FACADE AREA:	1,116 SF
REQUIRED AREA(70%):	781 SF
GLAZING ILLUSTRATED:	1,001 SF - 90%

- BLDG EDGE 'A' ELEVATIONS

floor of the Mercer and LaGuardia infill
e the ground shall be a minimum of
ed from this calculation.

891 SF
946 SF
784 SF - 64%
SHEET GUIDELINE

MATCHLINE

LEGEND:

TRANSPARENT AREA

AREA OF FACADE FOR TRANSPARENCY CALCULATION

NOTES:

1. ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'
2. ALL ELEVATIONS ARE UNROLLED
3. PERCENTAGE OF TRANSPARENCY SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

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Revisions
06/04/12 CPC MODIFICATIONS

Seal & Signature
REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

SHEET SIZE: 24" x 36"

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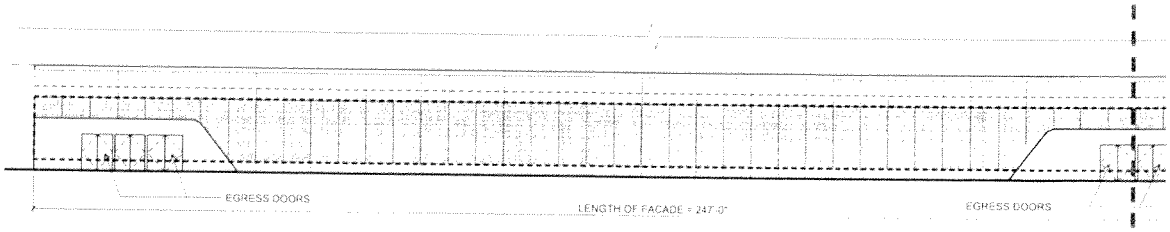
Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

NORTH BLOCK:
PEDESTRIAN ELEVATIONS 2

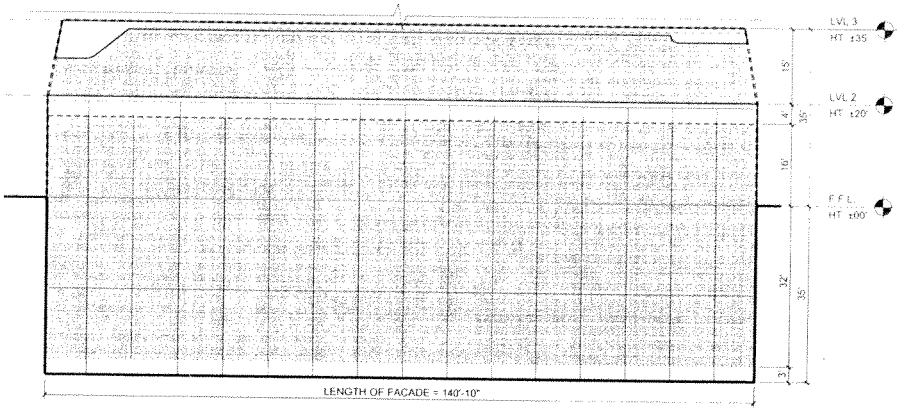
Date: 12/05/2011	Scale: 1/16" = 1'-0"
Drawn: GH	Z - 141
Checked: NDH	
Approved: MH	

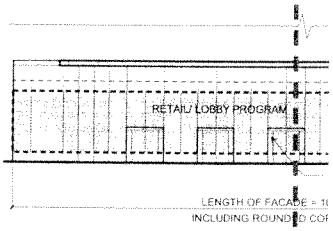
Z-141
PART 1 OF 2



1. LAGUARDIA BLDG - BLDG EDGE 'C' ELEVATION

TOTAL FACADE AREA:	2,964 SF
REQUIRED AREA(50%):	1,482 SF
GLAZING ILLUSTRATED:	1,999 SF - 67%





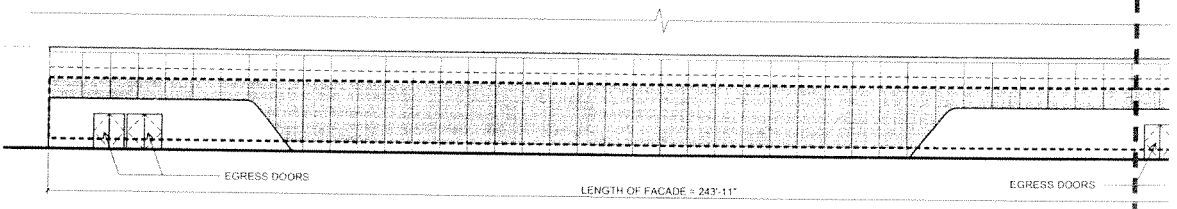
NORTH

TOTAL FACADE AREA:	
REQUIRED AREA(70%):	
GLAZING ILLUSTRATED:	

2. LAGUARDIA BLDG - BLDG EDGE 'B' ELEVATION

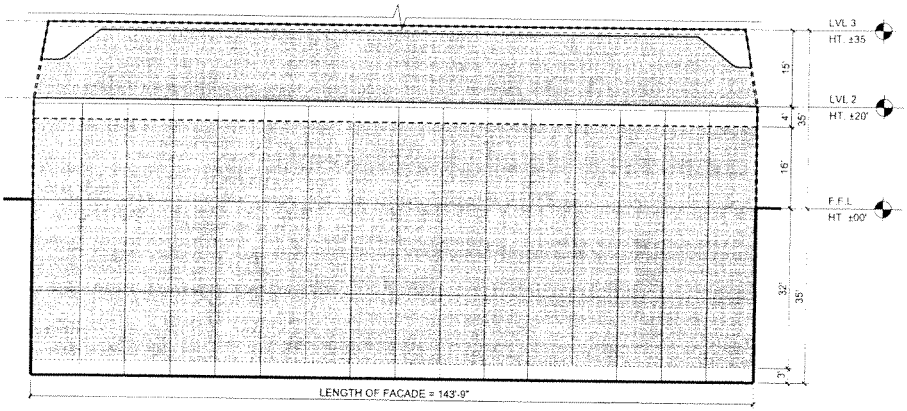
TOTAL FACADE AREA:	9,819 SF
REQUIRED AREA(70%):	6,873 SF
GLAZING ILLUSTRATED:	7,691 SF - 78%

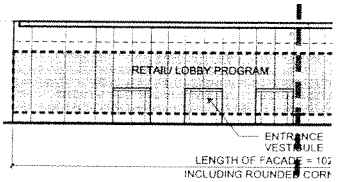
3. LAGUARDIA BLDG - B



4. MERCER BLDG - BLG EDGE 'C' ELEVATION

TOTAL FACADE AREA:	2,927 SF
REQUIRED AREA(50%):	2,049 SF
GLAZING PROVIDED:	1,785 SF - 61%





NORTH

TOTAL FACADE AREA:	
REQUIRED AREA(70%):	
GLAZING ILLUSTRATED:	

5. MERCER BLDG - BLDG EDGE 'B' ELEVATION

TOTAL FACADE AREA:	10,023 SF
REQUIRED AREA(70%):	7,016 SF
GLAZING ILLUSTRATED:	7,854 SF - 78%

6. MERCER BLDG - BLD

DESIGN GUIDELINES: TRANSPARENCY CALCULATIONS

1.Rule: Along Building Edge A the ground and second floor of the Mercer and LaGuardia infill buildings shall be a minimum of 70% transparent. Loading areas are excluded from this calculation.

SHORT SECTIONS (EDGES 'A'):

TOTAL FACADE AREA:	4,757 SF
TOTAL REQUIRED AREA(70%):	3,330 SF
TOTAL GLAZING ILLUSTRATED:	3,906 SF - 82%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELINE

2.Rule: Along Building Edge B the Mercer and LaGuardia infill buildings shall be a minimum of 70% transparent for the portion extending below grade and above grade to a height of 2 stories. The Mercer and LaGuardia infill buildings along building edge B above a height of 2 stories shall be a minimum of 50% transparent. Loading areas are excluded from this calculation.

CONCAVE SECTIONS (EDGES 'C'):

TOTAL FACADE AREA:	19,842 SF
REQUIRED AREA(50%):	9,921 SF
GLAZING ILLUSTRATED:	15,545 SF - 78%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELINE

3.Rule: Along Building Edge C the ground floor of the Me buildings between 2' and 14' of height above the ground sl 50% transparent. Loading areas are excluded from this ca

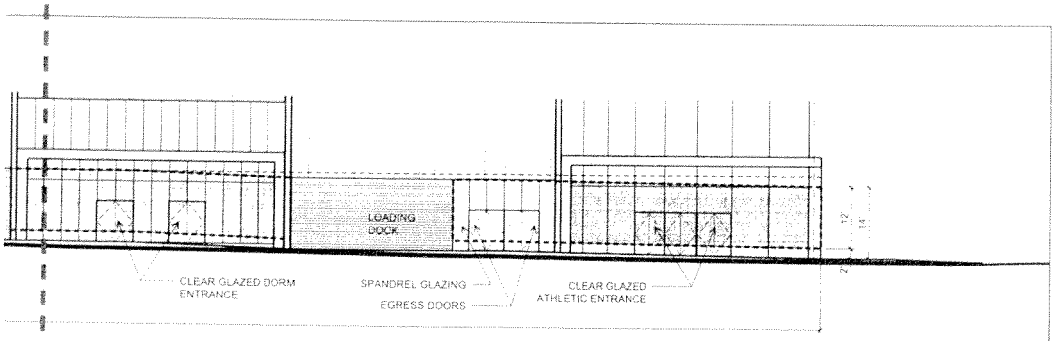
CONVEX SECTIONS (EDGES 'B'):

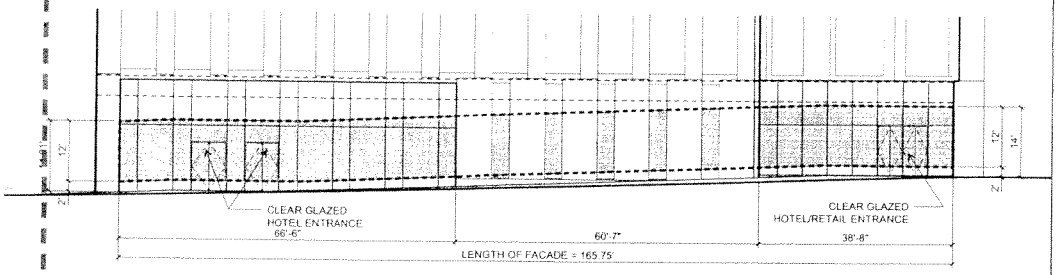
TOTAL FACADE AREA:	5,891 SF
TOTAL REQUIRED AREA(50%):	2,946 SF
TOTAL GLAZING ILLUSTRATED:	3,784 SF - 64%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELI

MATCHLINE

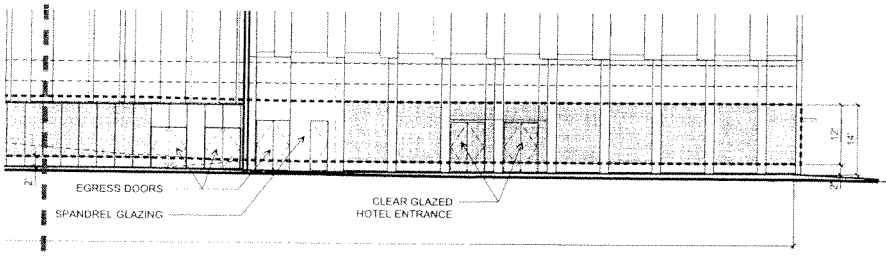
Z-141
PART 2 OF 2

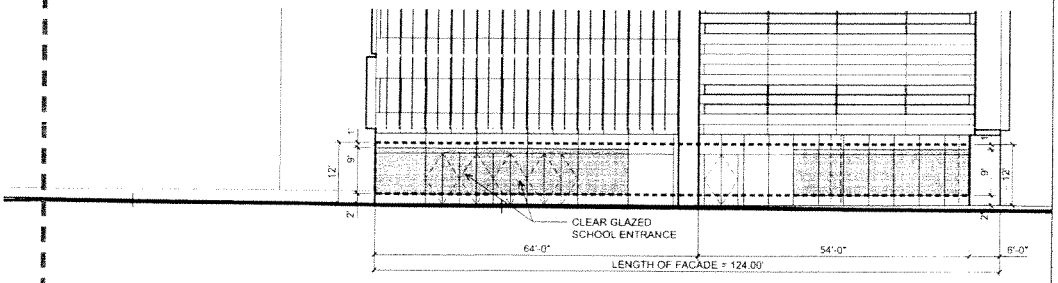




TON STREET NORTH ELEVATION

TOTAL FACADE AREA:	1,990 SF
REQUIRED AREA(50%):	995 SF
GLAZING ILLUSTRATED:	1,282 SF - 64%





ARDIA PLACE ELEVATION

TOTAL FACADE AREA:	1,181 SF
REQUIRED AREA(30%):	354 SF
GLAZING ILLUSTRATED:	689 SF - 58%

TOTAL FACADE AREA:	2,471 SF
TOTAL REQUIRED AREA(30%):	741 SF
TOTAL GLAZING ILLUSTRATED:	1,360 SF - 55%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELINE

LEGEND:

- TRANSPARENT AREA
- AREA OF FACADE FOR TRANSPARENCY CALCULATION

NOTES:

1. ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'
2. PERCENTAGE OF TRANSPARENCY SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

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Revisions

1	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

SHEET SIZE: 24" x 36"

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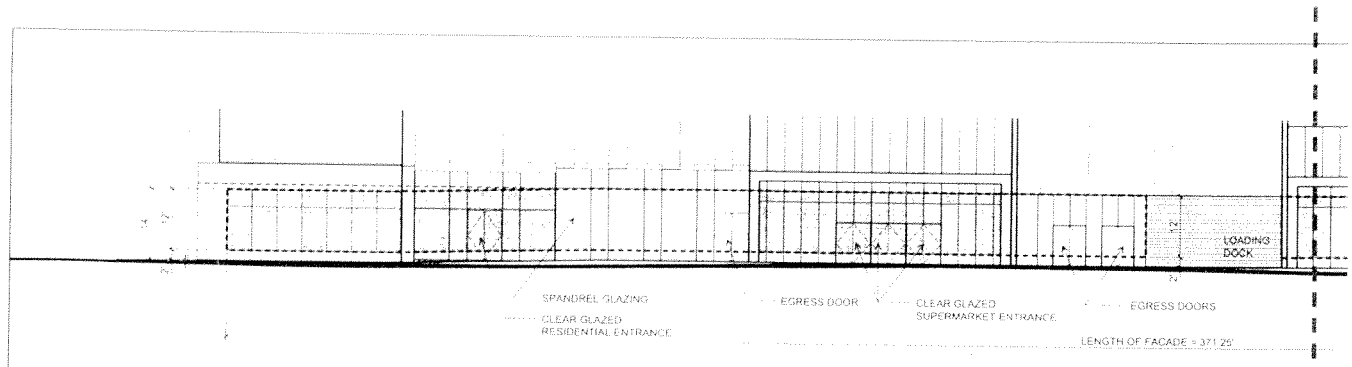
Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

Title
SOUTH BLOCK:
PEDESTRIAN ELEVATIONS

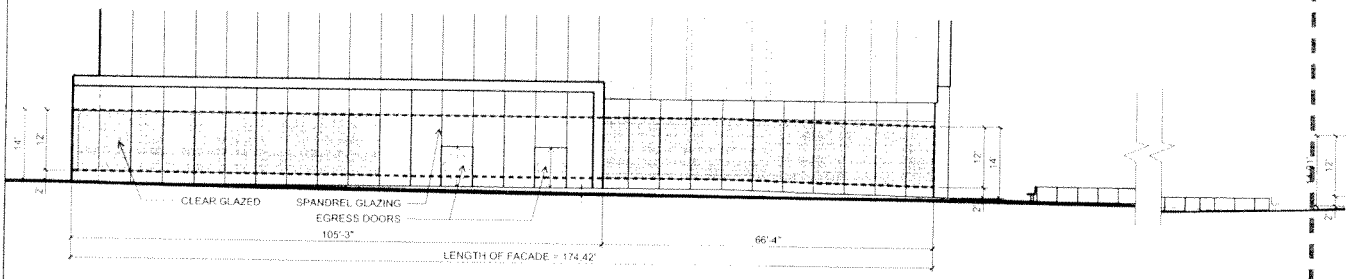
Date 12/05/2011	Scale 1/16" = 1'-0"
Drawn CC	Z - 142
Checked NDH	
Submitted MH	

Z-142
PART 1 OF 2



1. MERCER STREET ELEVATION

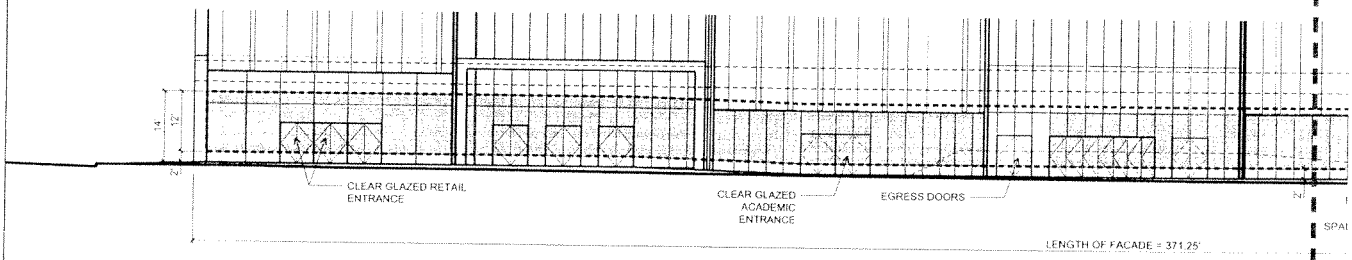
TOTAL FACADE AREA:	3,742 SF
REQUIRED AREA(50%):	1,871 SF
GLAZING ILLUSTRATED:	2,172 SF - 58%



2. BLEECKER STREET SOUTH ELEVATION

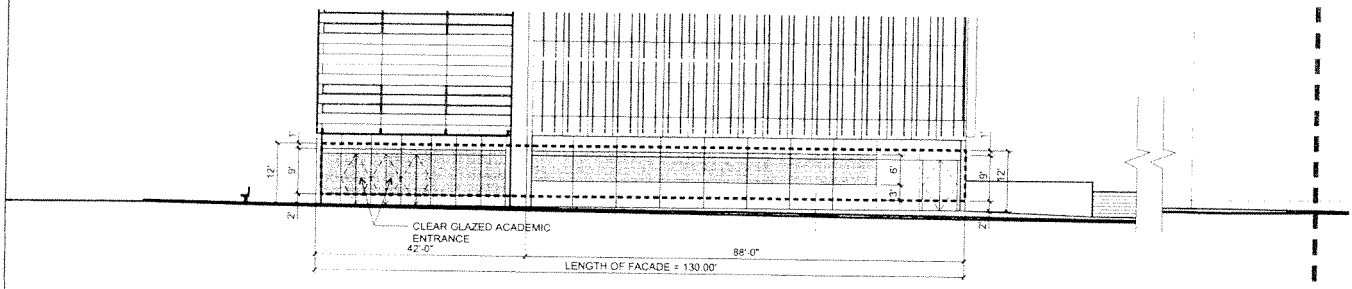
TOTAL FACADE AREA:	2,059 SF
REQUIRED AREA(50%):	1,030 SF
GLAZING ILLUSTRATED:	1,327 SF - 64%

3. HOUSTON



4. GREENE STREET WALK ELEVATION

TOTAL FACADE AREA:	4,440 SF
REQUIRED AREA(50%):	2,220 SF
GLAZING ILLUSTRATED:	2,993 SF - 66%



5. BLEECKER STREET SOUTH ELEVATION

TOTAL FACADE AREA:	1,290 SF
REQUIRED AREA(30%):	387 SF
GLAZING ILLUSTRATED:	671 SF - 52%

6. LAGUARDIA

Rule for Zipper Building: For all four facades of the Zipper building (Greene, Mercer, Houston, and Bleecker), 50% of the zone between 2' above the sidewalk level and 14' shall be transparent. Loading areas are excluded from this calculation.

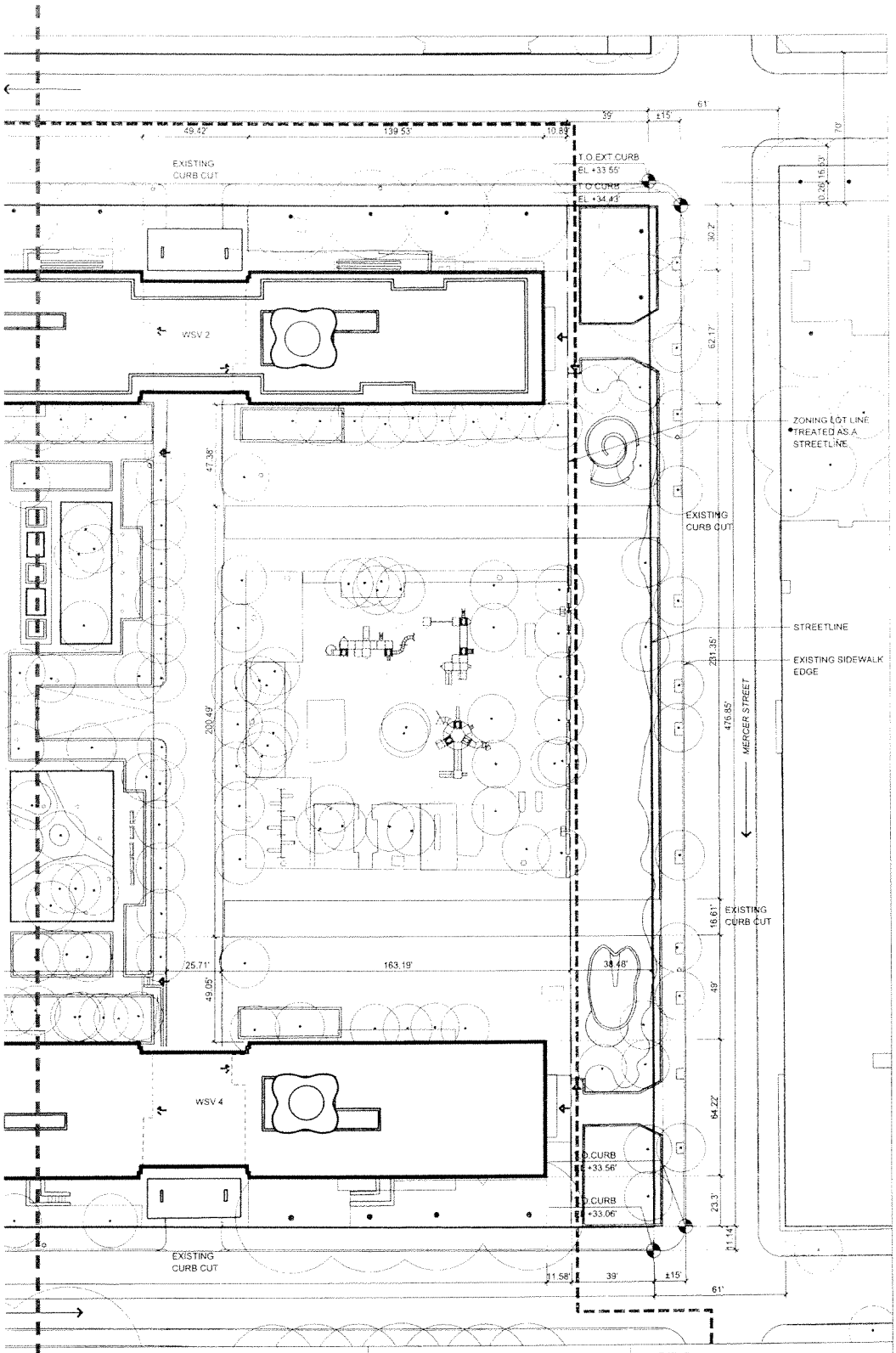
TOTAL FACADE AREA:	12,231 SF
TOTAL REQUIRED AREA(50%):	6,116 SF
TOTAL GLAZING ILLUSTRATED:	7,713 SF - 63%

**PROVIDED AMOUNT COMPLIES WITH DESIGN GUIDELINE

Rule for Bleecker Building: For the Bleecker Street facade, a minimum of 50% of the zone between 2' above the sidewalk level and 12' shall be transparent. For the LaGuardia Place façade, a minimum of 30% of the between 2' above the sidewalk level and 12' shall be transparent. Loading areas are excluded from this calculation.

MATCHLINE

Z-142
PART 2 OF 2



MATCHLINE

LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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Revisions	
1	06/04/12 CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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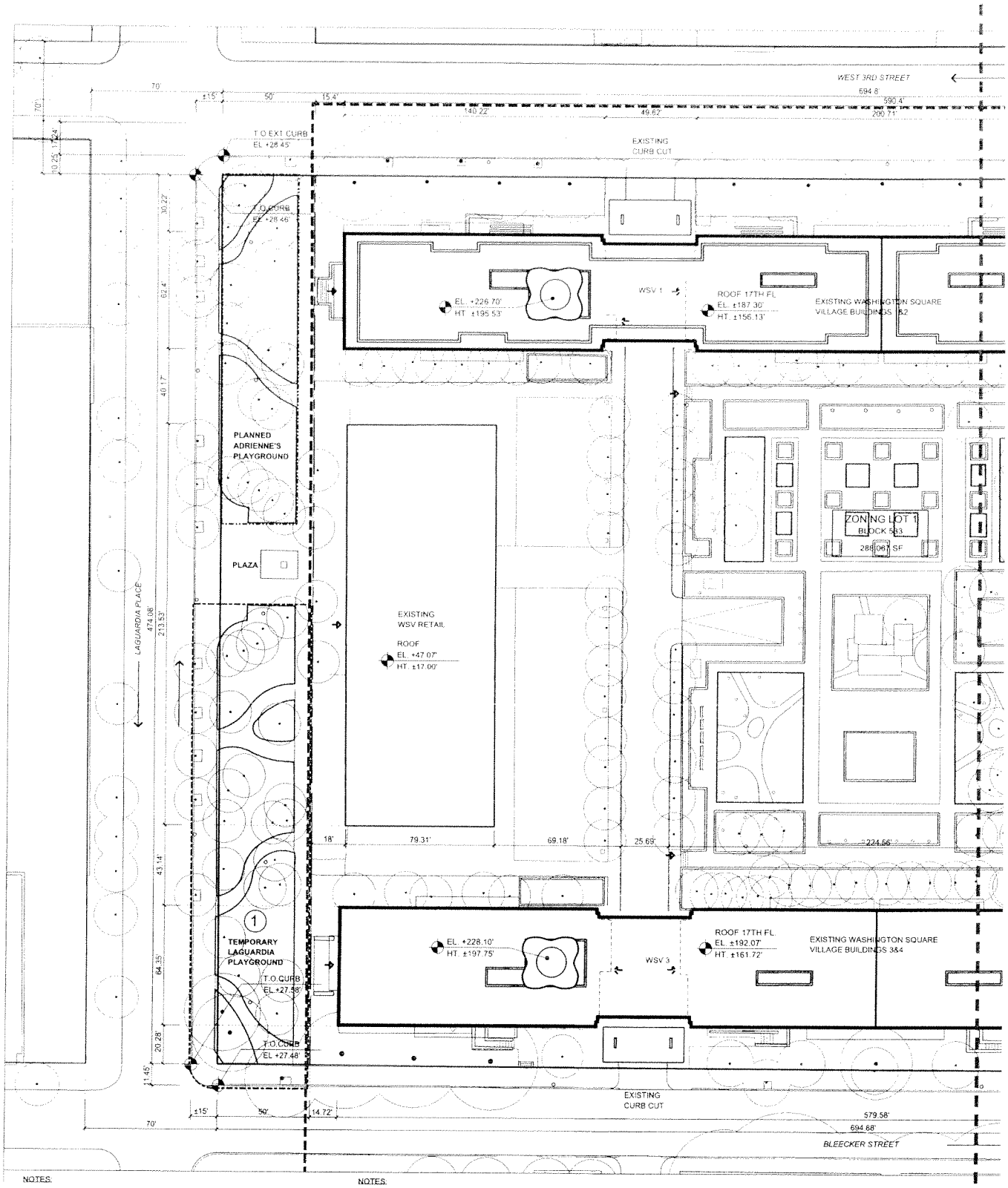
ULURP SUBMISSION

NORTH BLOCK:
SITE PLAN END OF PHASE 1

Date: 12/05/2011
Scale: 1/32" = 1'-0"
Drawn: MS
Checked: NDH
Approved: MH

Z - 201

Z-201
PART 1 OF 2



NOTES:

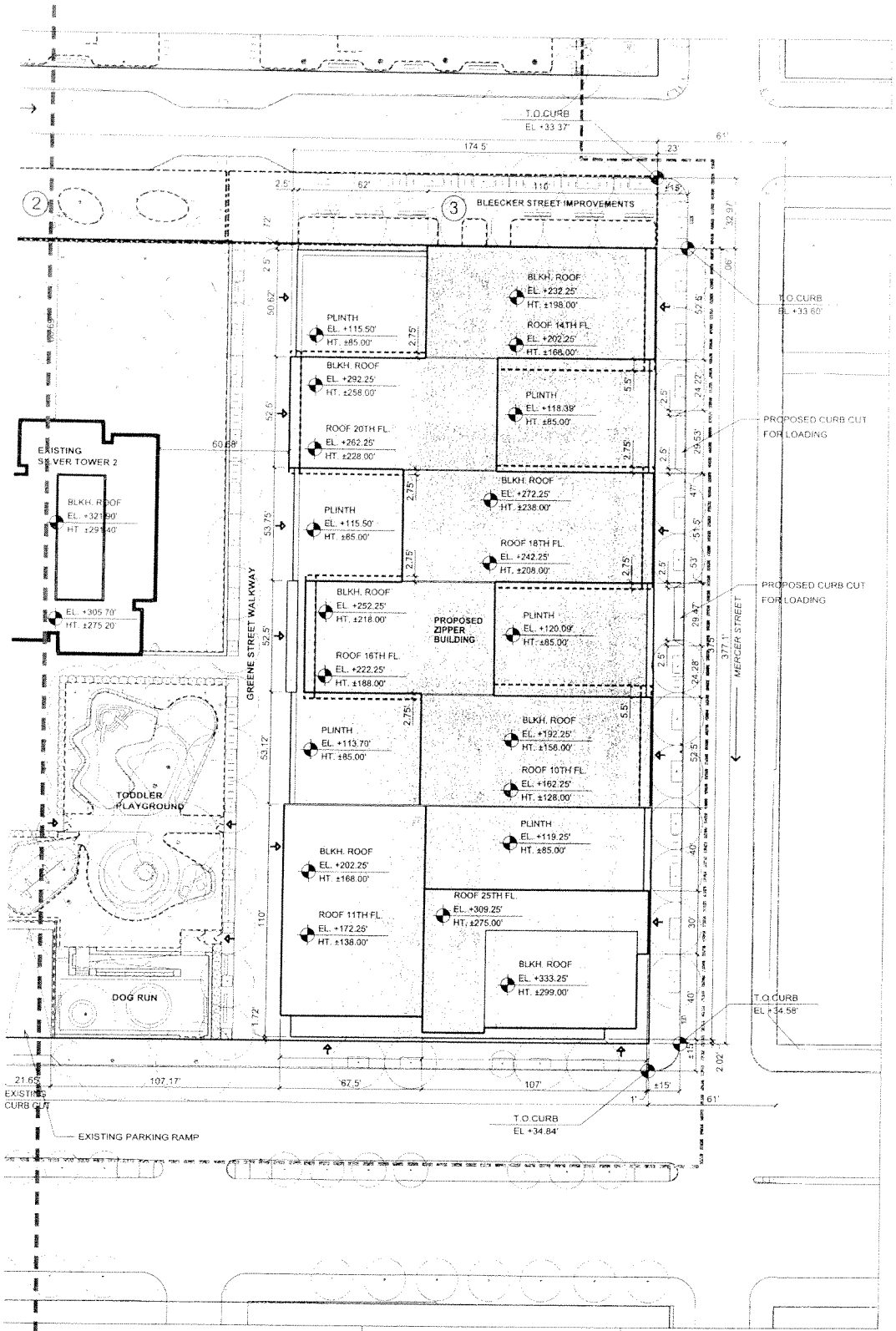
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

The Temporary landscape design for the City-owned property on LaGuardia Place and Mercer Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include a number of distinct spaces designed to be compatible with and to function together with the Large Scale Plan open space, with the following characteristics:

- AREA 1 will provide active recreation space

Z-201
PART 2 OF 2



LEGEND:

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- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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032404
STATE OF NEW YORK

Scale: 1/32" = 1'-0" 22" x 34"

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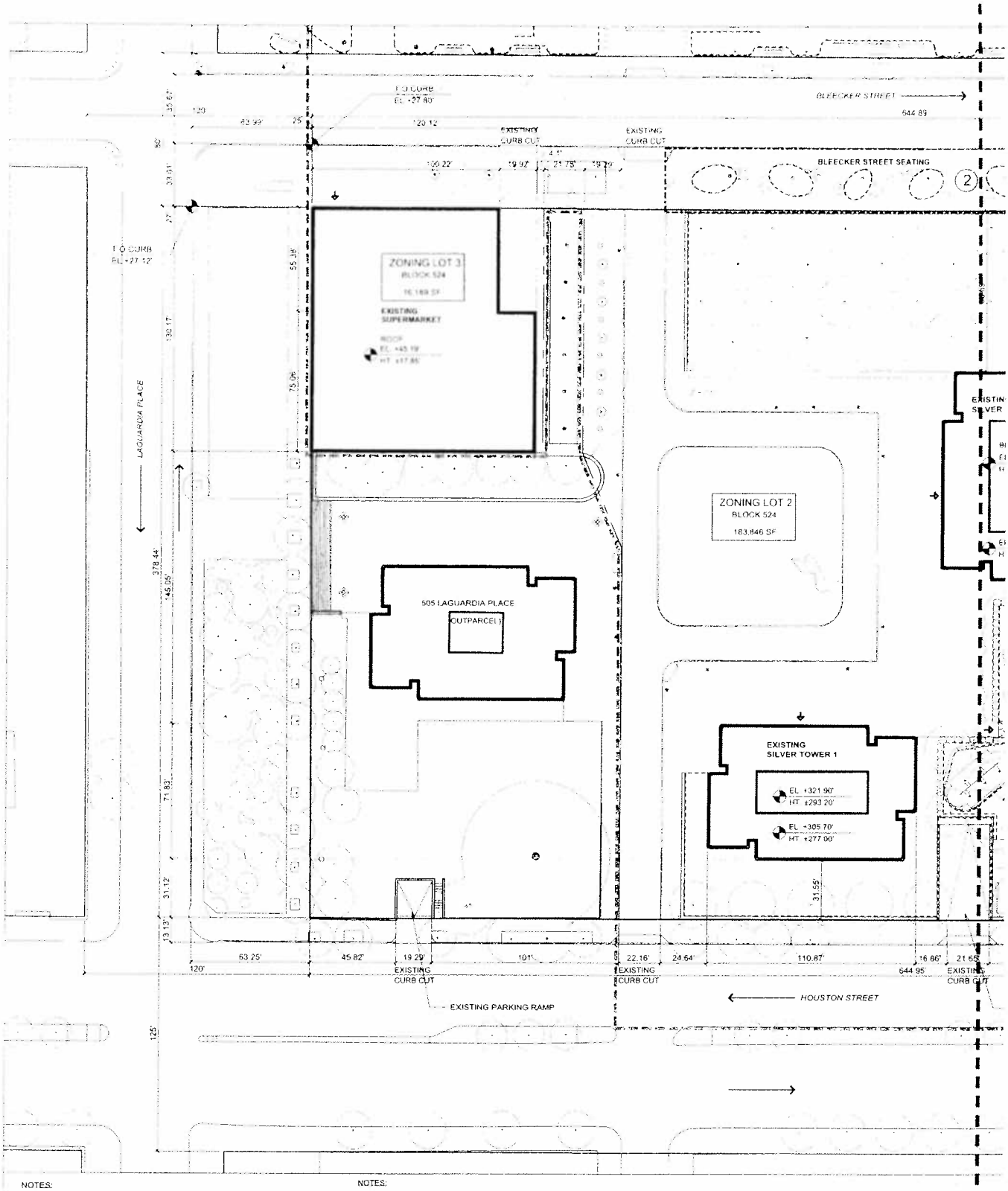
Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

Title: SOUTH BLOCK: SITE PLAN END OF PHASE 1

Date: 12/05/2011	Scale: 1/32" = 1'-0"
Drawn: MS	
Checked: NDH	Z - 202
Approved: MH	

Z-202
PART 1 OF 2



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

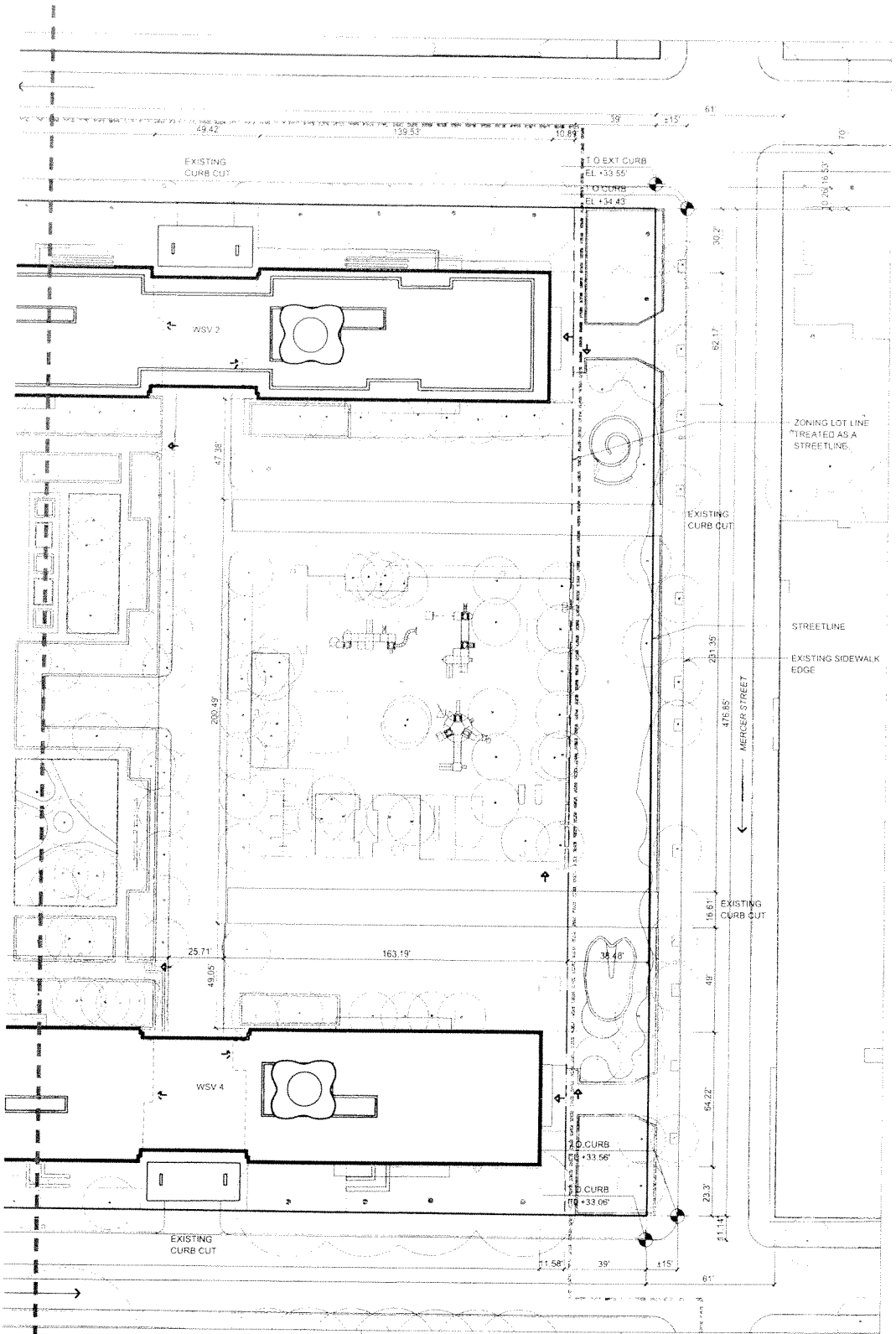
The school and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Preservation Commission

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include the following characteristics:

- AREA 2 will provide seating, planting, and trees
- AREA 3 will provide seating, planting, and trees

Z-202
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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Revisions

1	06/04/12	CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUNT 032404 STATE OF NEW YORK

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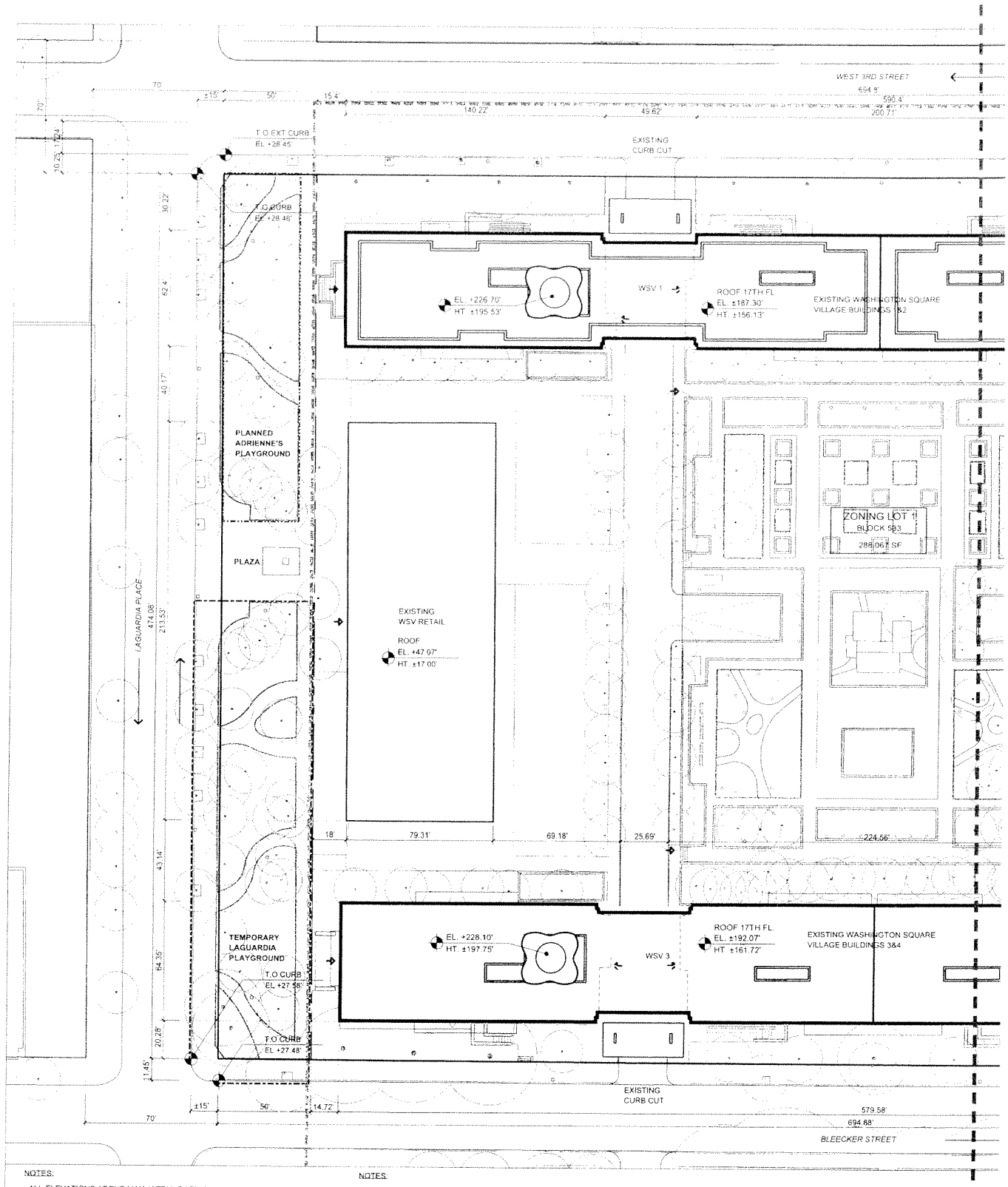
ULURP SUBMISSION

NORTH BLOCK:
SITE PLAN END OF PHASE 2

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	**Z - 203**
Approved MH	

Z-203
PART 1 OF 2



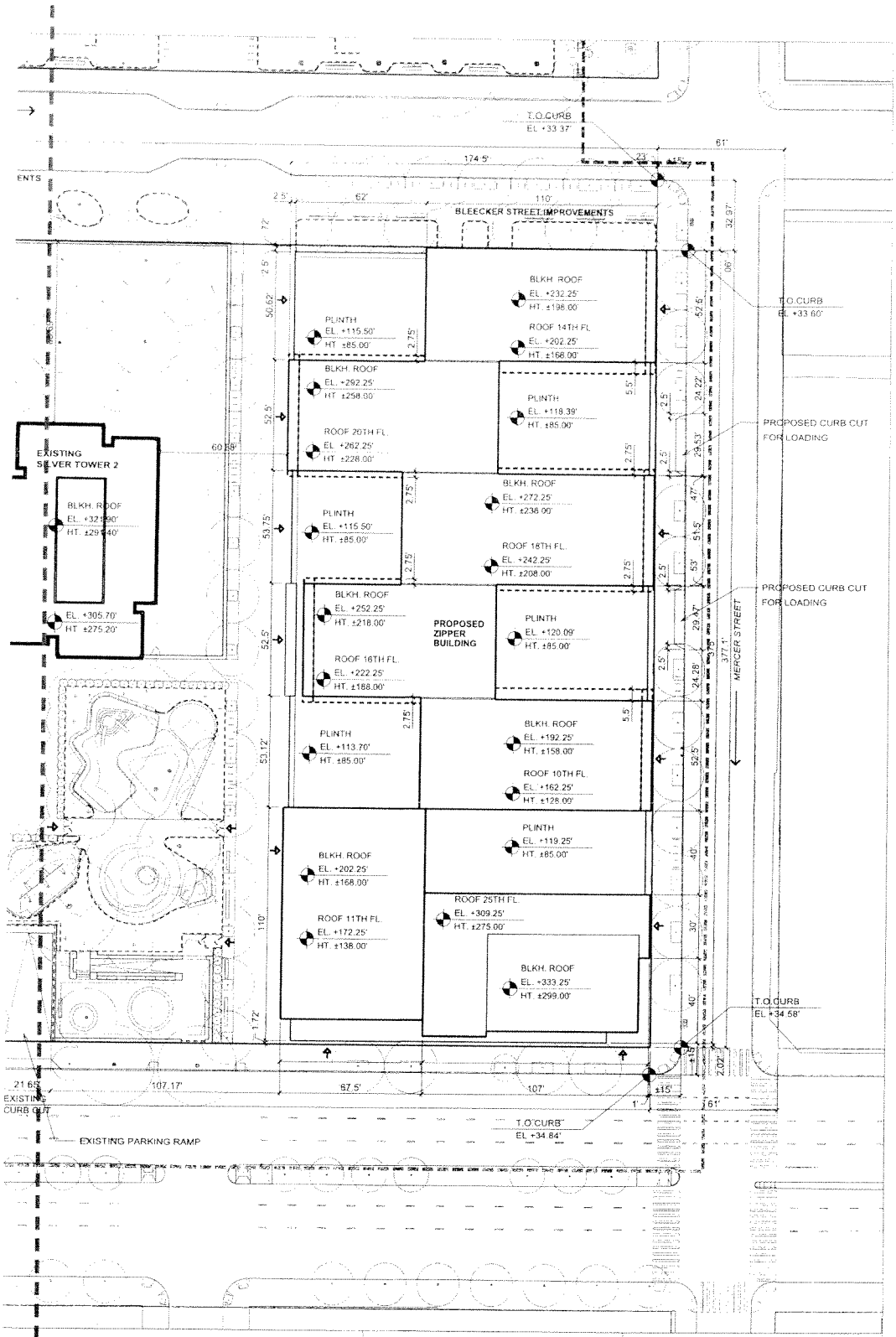
NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

The Temporary landscape design for the City-owned property on LaGuardia Place and Mercer Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include a number of distinct spaces designed to be compatible with and to function together with the Large Scale Plan open space.

Z-203
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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Revisions

1	06/04/12	CPC MODIFICATIONS

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MARK DAVID HUNSER
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STATE OF NEW YORK

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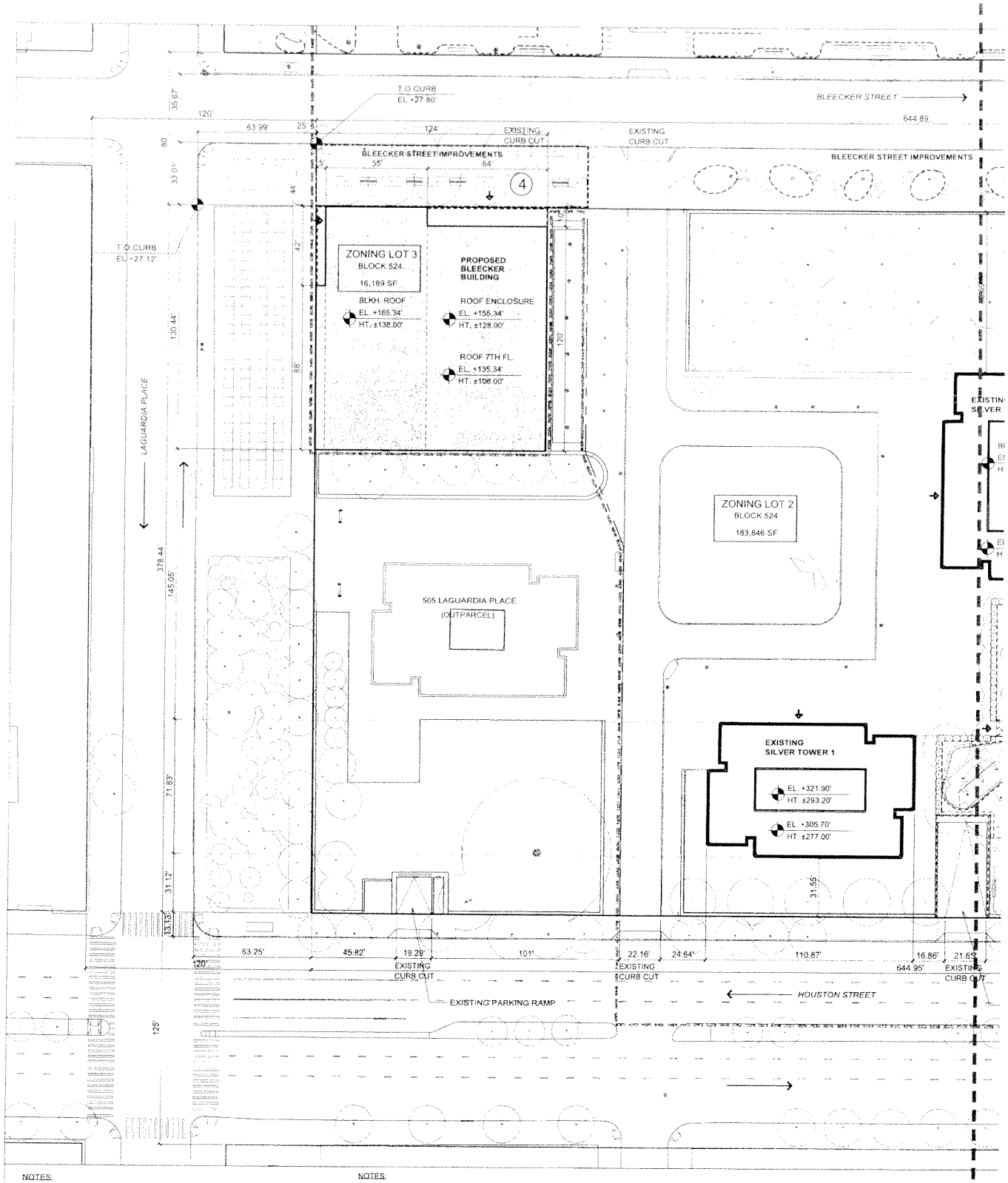
ULURP SUBMISSION

SOUTH BLOCK:
SITE PLAN END OF PHASE 2

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	**Z - 204**
Authorized MH	

Z-204
PART 1 OF 2



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

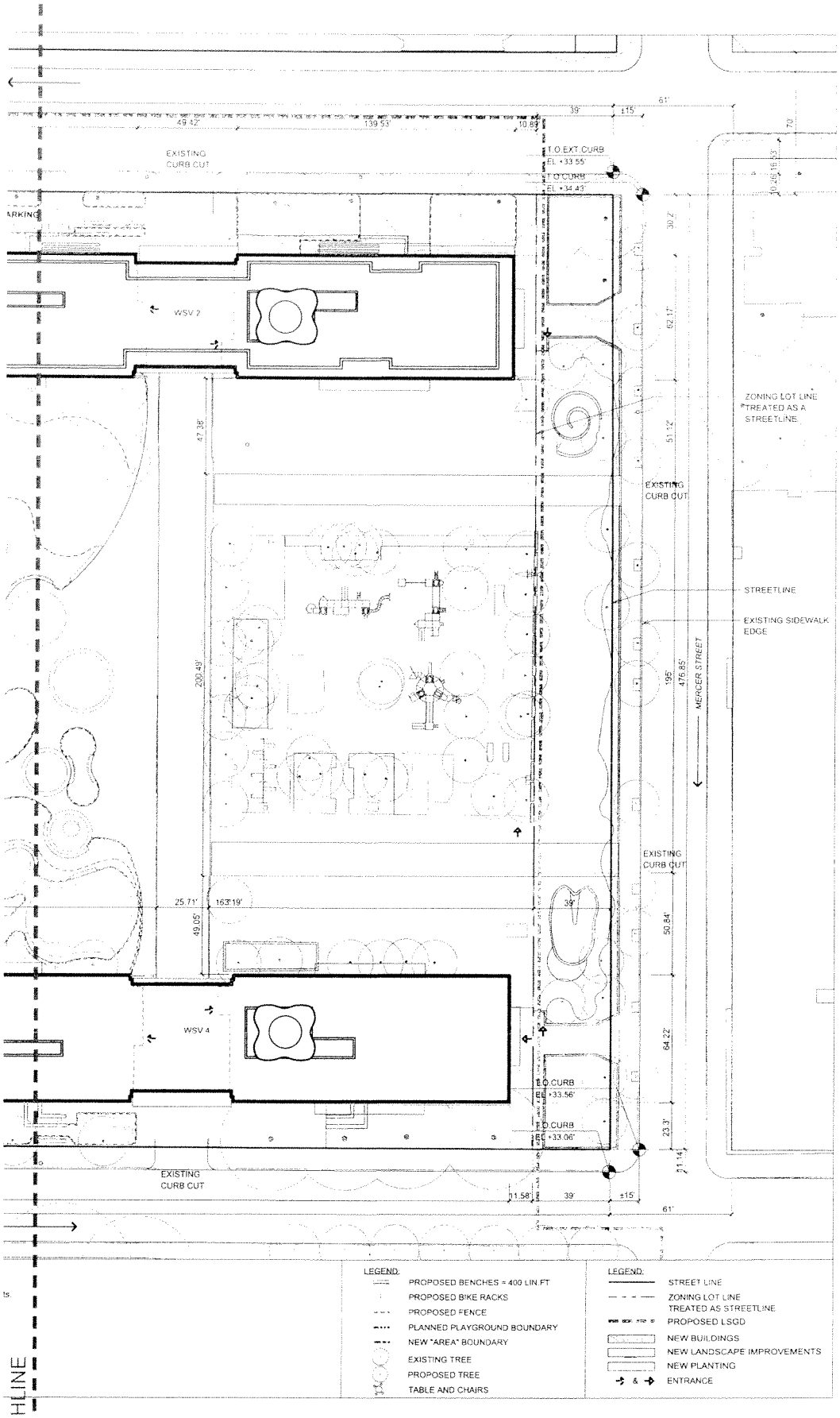
Bleecker Building Phasing: The Bleecker building and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

LPC Coordination: The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Preservation Commission

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include the following characteristics:

- AREA 4 will provide seating, planting, and trees

Z-204
PART 2 OF 2



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Revisions	
1	06/04/12 CPC MODIFICATIONS

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

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ULURP SUBMISSION

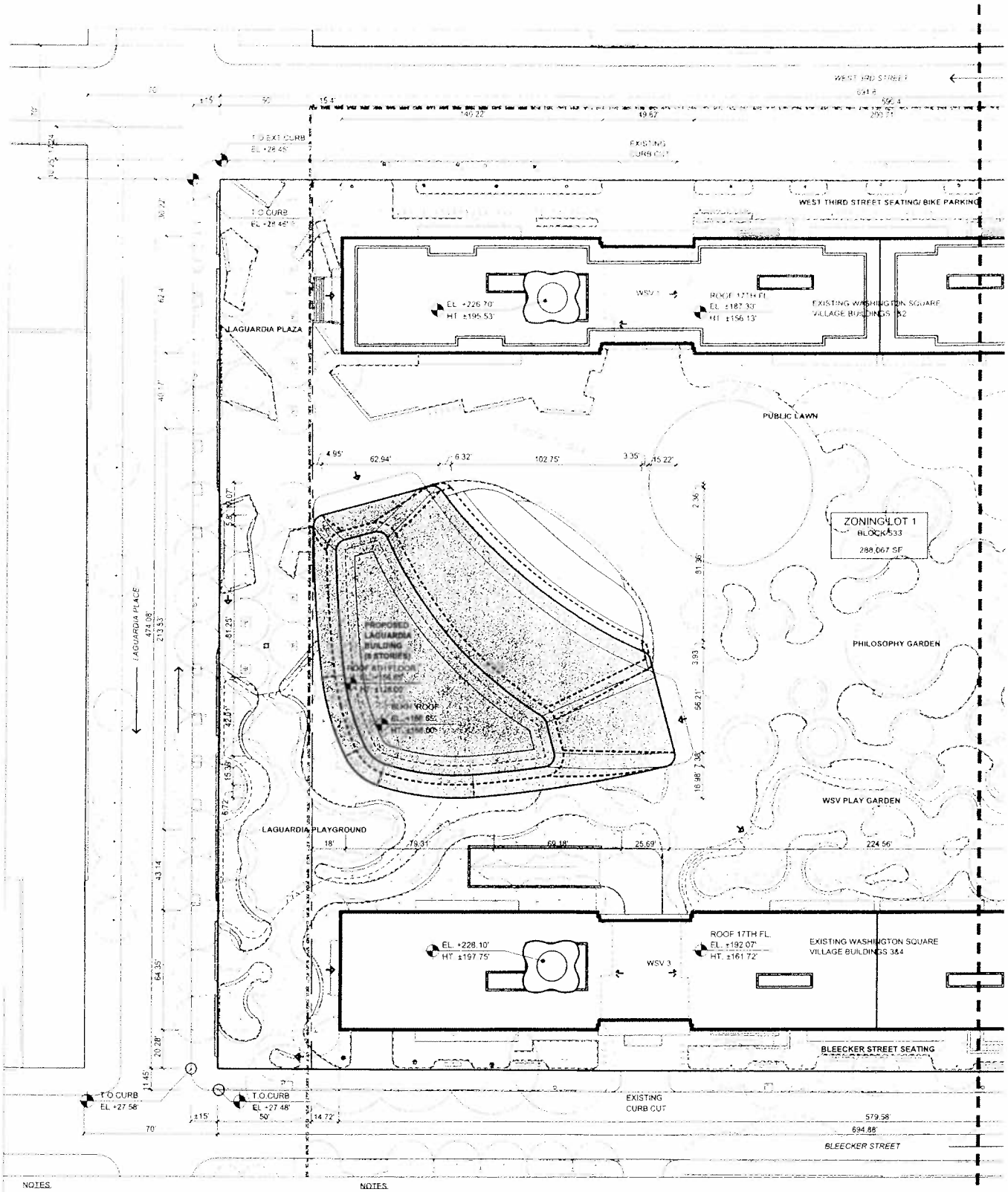
NORTH BLOCK:
SITE PLAN END OF PHASE 3

Date	Scale
12/05/2011	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Approved: MH

Z - 205

Z-205
PART 1 OF 2



NOTES

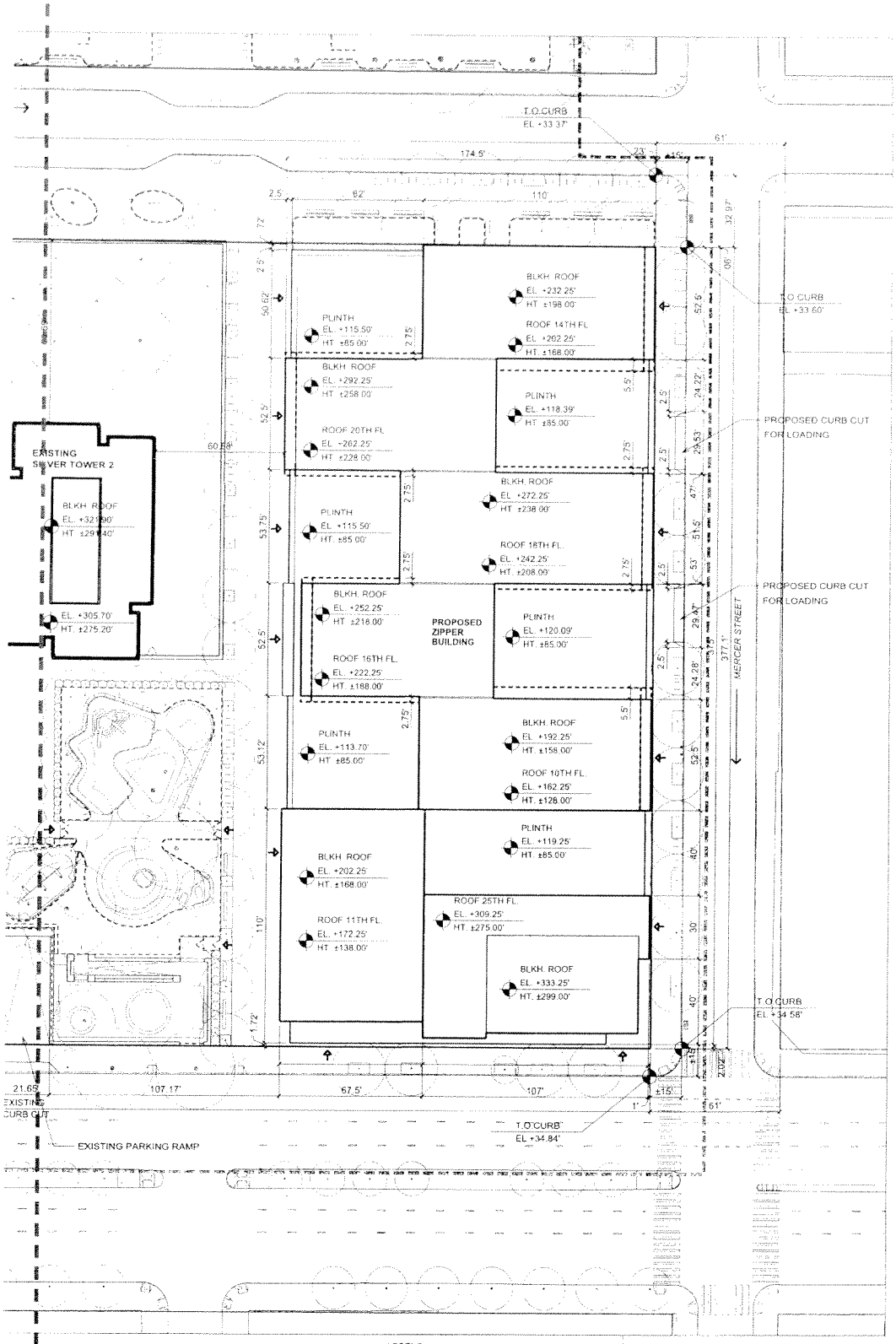
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES

The park design will complement and be integrated with the design for the privately owned publicly accessible spaces, which are part of the approved Large Scale. A final landscape design for the City-owned property is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. The process for revisions will be governed by an MOU between the Department of Parks and Recreation and the Department of City Planning.

MATCHLINE

Z-205
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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Revisions

2 06/04/12 CPC MODIFICATIONS

Seal & Signature

REGISTERED ARCHITECT MARK DAVID RUSSEL 032404 STATE OF NEW YORK

Sheet

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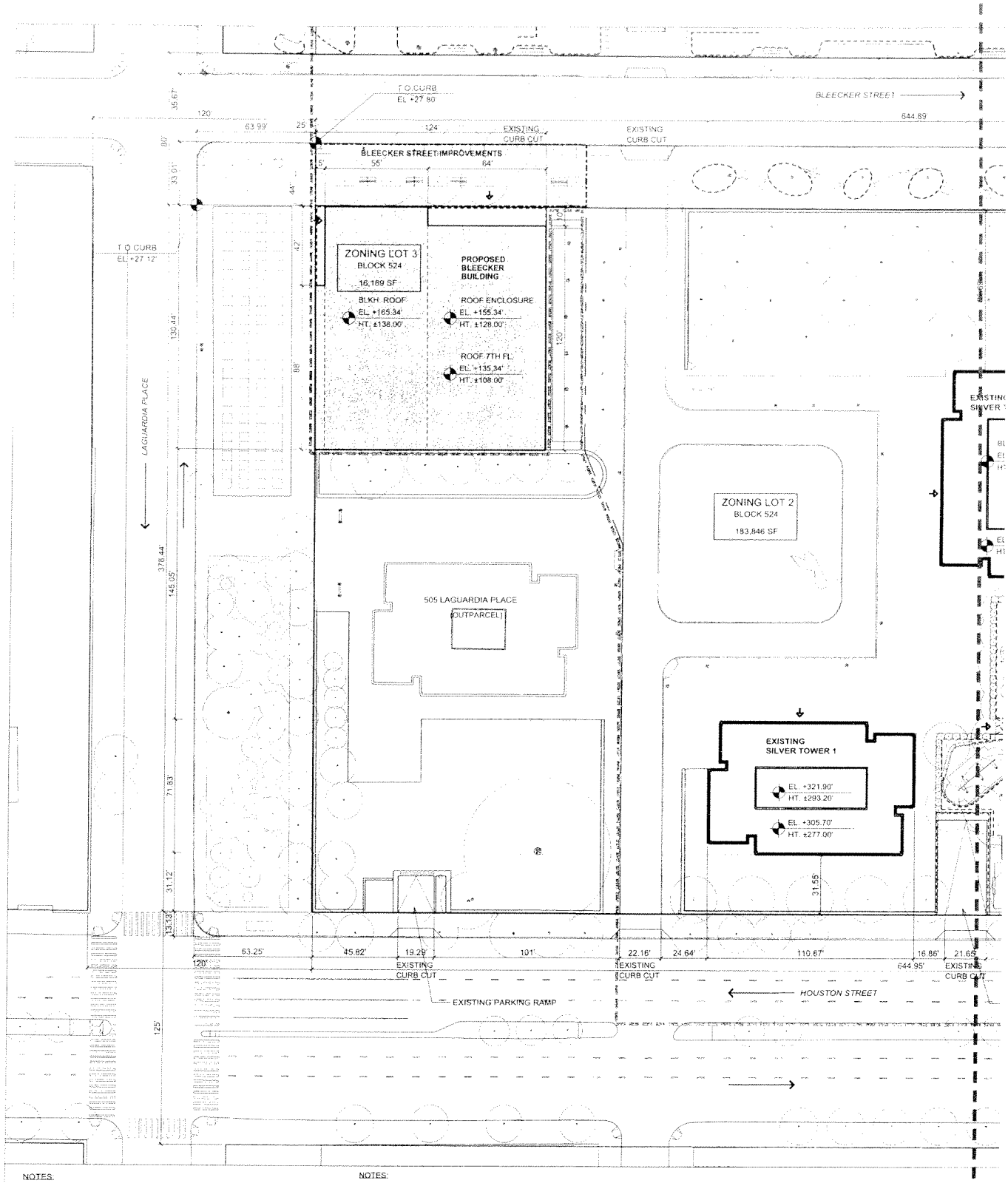
ULURP SUBMISSION

SOUTH BLOCK:
SITE PLAN END OF PHASE 3

Date 12/05/2011	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	Z - 206
Authorized MH	



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

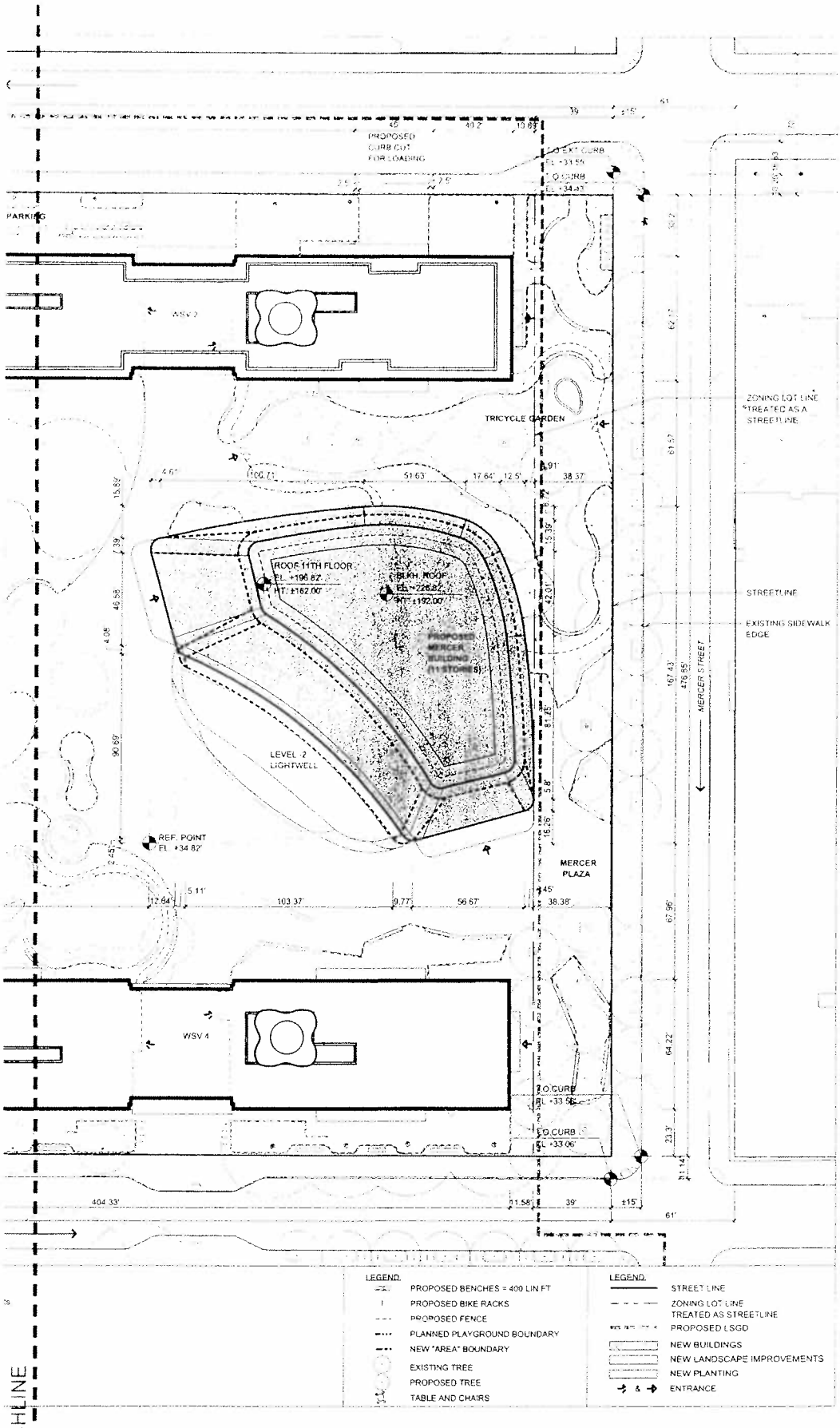
NOTES:

Bleecker Building Phasing: Bleecker building and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phases

LPC Coordination: The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Preservation Commission

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include characteristics as described in Z-202 and Z-204

Z-206
PART 2 OF 2



LEGEND.

- PROPOSED BENCHES = 400 LIN FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND.

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

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06/04/12 CPC MODIFICATIONS

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

SHEET

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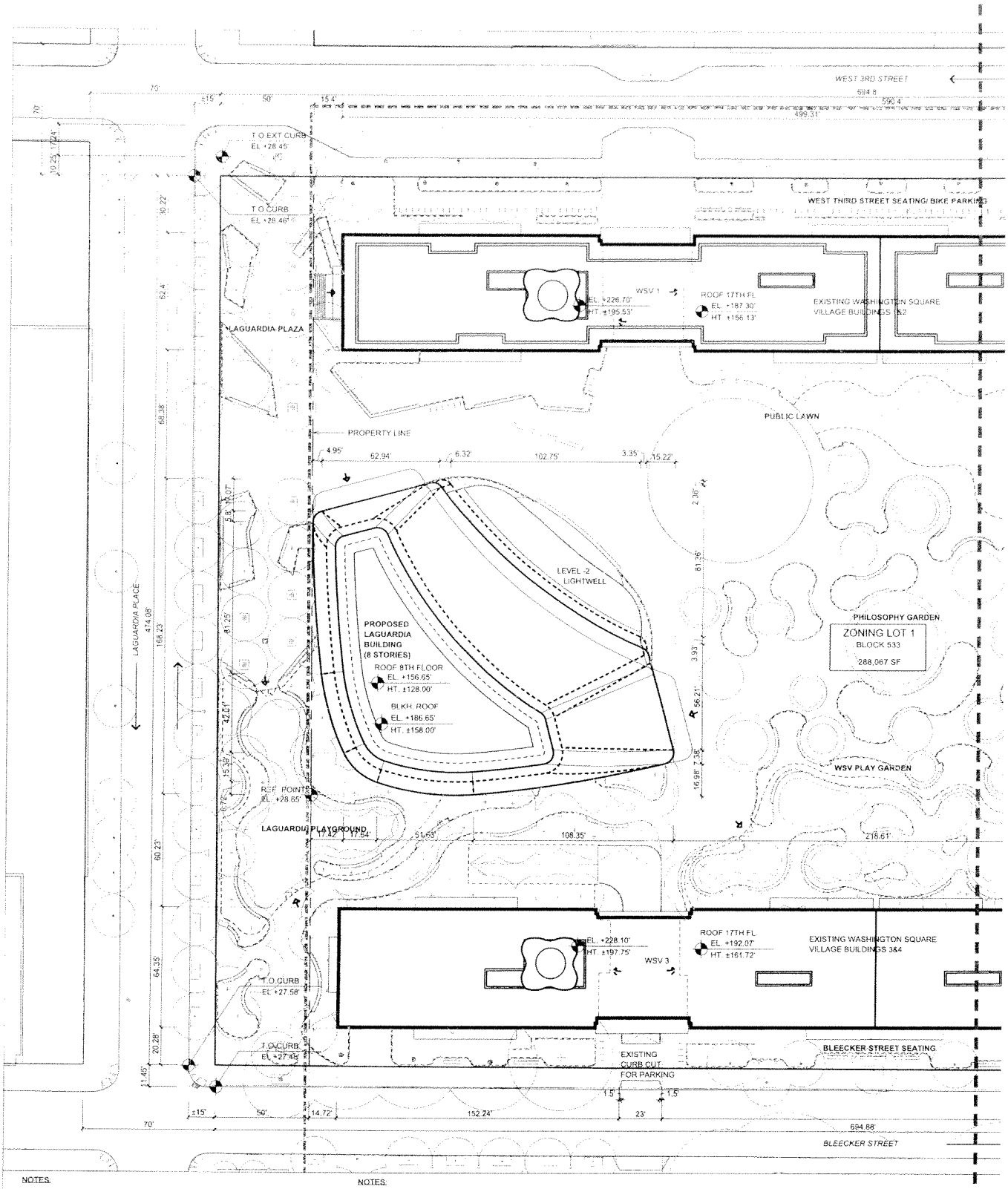
ULURP SUBMISSION

NORTH BLOCK:
SITE PLAN END OF PHASE 4

12/05/2011 1/32" = 1'-0"

GA
NDH
MH

Z - 207



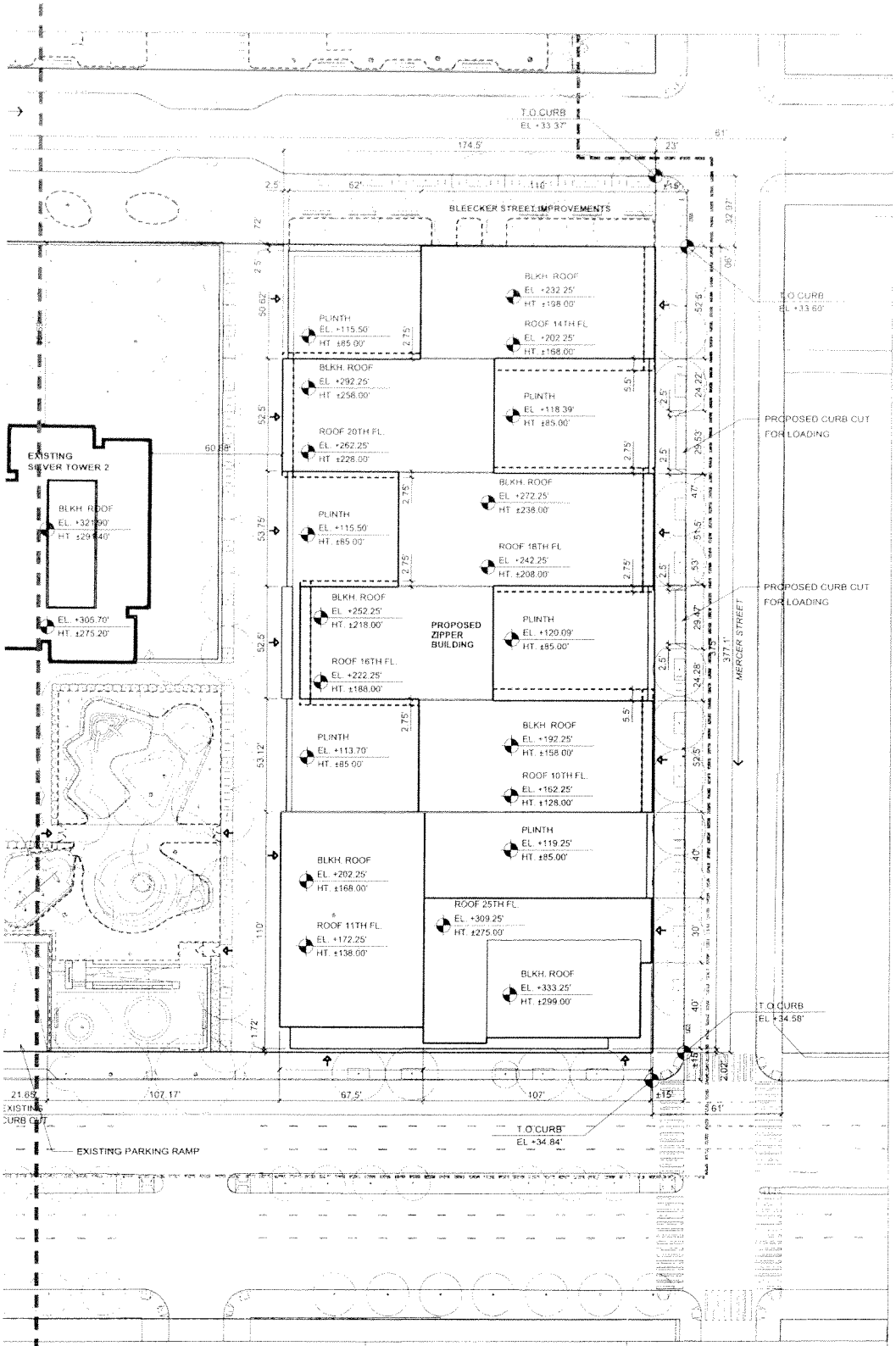
NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

The park design will complement and be integrated with the design for the privately owned publicly accessible spaces, which are part of the approved Large Scale. A final landscape design for the City-owned property is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. The process for revisions will be governed by an MOU between the Department of Parks and Recreation and the Department of City Planning.

Z-207
PART 2 OF 2



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Revisions

1 06/04/12 CPC MODIFICATIONS

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032404
STATE OF NEW YORK

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LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

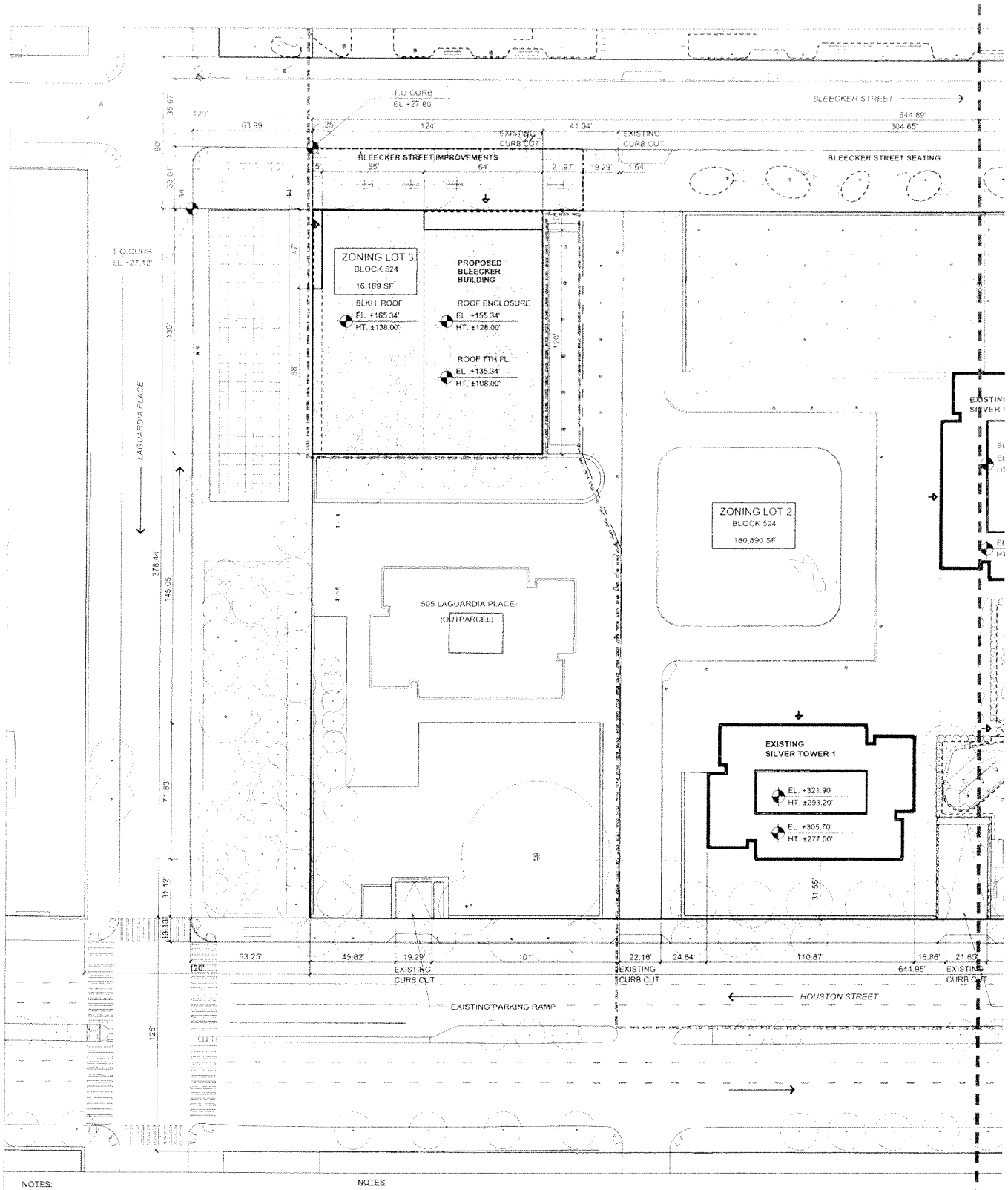
LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- NEW BUILDINGS
- NEW LANDSCAPE IMPROVEMENTS
- NEW PLANTING
- ENTRANCE

ULURP SUBMISSION

SOUTH BLOCK: SITE PLAN END OF PHASE 4

12/05/2011	1/32" = 1'-0"
MS	
NDH	Z - 208
MH	



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

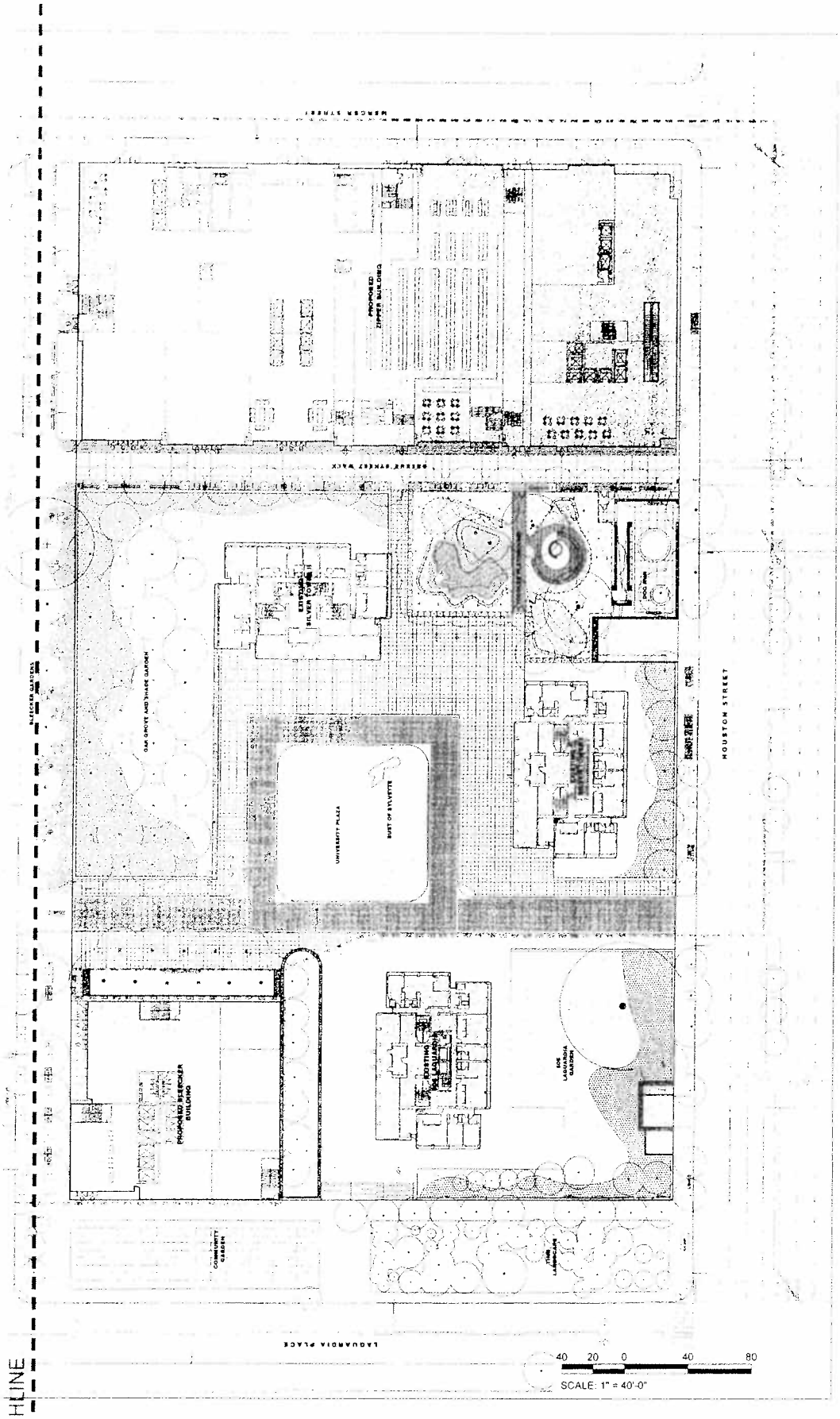
NOTES:

Bleecker Building Phasing: Bleecker building and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

LPC Coordination: The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Preservation Commission

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include characteristics as described in Z-202 and Z-204

Z-208
PART 2 OF 2



MATCHLINE

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1	09.04.12	CPC MODIFICATIONS

REGISTERED LANDSCAPE ARCHITECT
MICHAEL VAN VALKENBURGH
No. 000
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

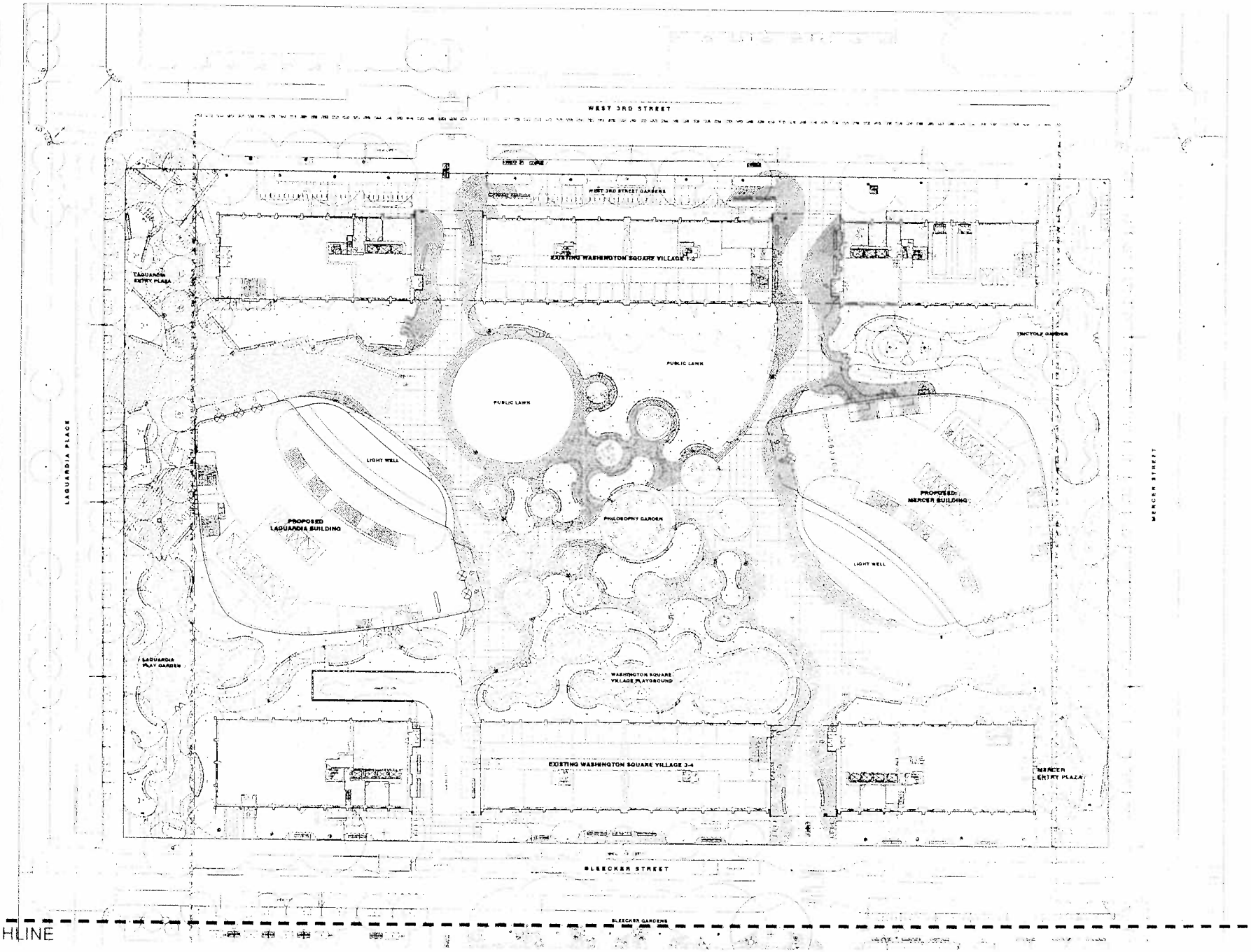
OVERALL OPEN SPACE PLAN

12.05.2011 | 1" = 40' -0"

MVVA
MVVA
MVVA

Z - 300

Z-300
PART 1 OF 2



Z-300
PART 2 OF 2

MATCHLINE

	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible] Tables, 376 Chairs	
[illegible]	[illegible]
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[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

SOUTH BLOCK SITE AMENITIES:

	200 Brevoort Property QTY / [illegible]	City Owned Property QTY / [illegible]	Totals QTY / [illegible]
Seating			
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
Movable Table Chair	8 Tables / 32 Chairs	0	8 Tables / 32 Chairs
Table & Seating	0	10	10
Circular Bench	0	0	0
Wheelchair Seating	0	0	0
Trees			
Proposed	106	0	106
Existing to Remain	37	99	136
Litter Receptacle	8	7	15
Bike Parking	20	35	55
Drinking Fountains	0	0	0
Additional Amenities	0	0	0
Water Feature	1	0	1
Signage			
Entrance	2	0	2
Playground	2	0	2

DESIGN FOR THE PRIVATELY OWNED PUBLICLY ACCESSIBLE SPACES, WHICH ARE PART OF THE
OWNED PROPERTY IS SUBJECT TO APPROVAL BY THE PARKS COMMISSIONER AND OTHER
ECTS. THE PROCESS FOR REVISIONS WILL BE GOVERNED BY AN MEMORANDUM OF
N AND THE DEPARTMENT OF CITY PLANNING.
ARK SITE BOUNDARY WILL BE SUBJECT TO REVIEW BY THE LANDMARK PRESERVATION

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No.	Date	Description
1	06/04/12	CPC MODIFICATIONS

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

OPEN SPACE AMENITIES CALCULATIONS

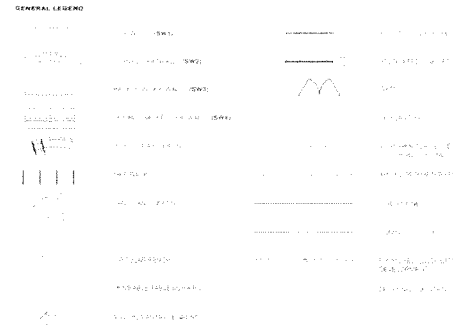
12/05/2011 NA

MVVA
MVVA
MVVA

Z - 301

Z-301
PART 1 OF 2

GENERAL LEGEND



NORTH BLOCK SITE AMENITIES:

	NPU Property	City Owned Property
	QTY UNIT	QTY UNIT
Seating		
Bench-all (SW1)	309.5 LF	330.5 LF
Curved Seatwall (SW2)	101.5 LF	101.5 LF
Backless Seatwall (SW3)	578.25 LF	76.75 LF
Double backed Seatwall (SW4)	0 LF	0 LF
Movable Table/Chair	68 Table - 256 Chair	39 Table - 156 Chair
Table & Seating	8	0
Circular Bench	5	23
Wheelchair Seating	16	3
Trees		
Proposed	291	96
Existing To Remain	22	1
Litter Receptacle	41	22
Bike Parking	102	8
Drinking Fountains	0	2
Additional Amenities		
Art	0	1
Ducking Trough	1	0
Water Feature	0	1
Signage		
Entrance	8	4
Playground	2	3

NOTES:

1. THE PARK DESIGN WILL COMPLEMENT AND BE INTEGRATED WITH THE DESIGN FOR APPROVED LARGE SCALE. A FINAL LANDSCAPE DESIGN FOR THE CITY-OWNED PROP AGENCIES AT A LATER DATE AND MAY THEREFORE VARY IN CERTAIN ASPECTS. THE P UNDERSTANDING BETWEEN THE DEPARTMENT OF PARKS AND RECREATION AN THE
2. THE FINAL DESIGN OF LANDSCAPE IMPROVEMENTS WITHIN THE LANDMARK SITE BO COMMISSION.

MATCHLINE

Z-301
PART 2 OF 2

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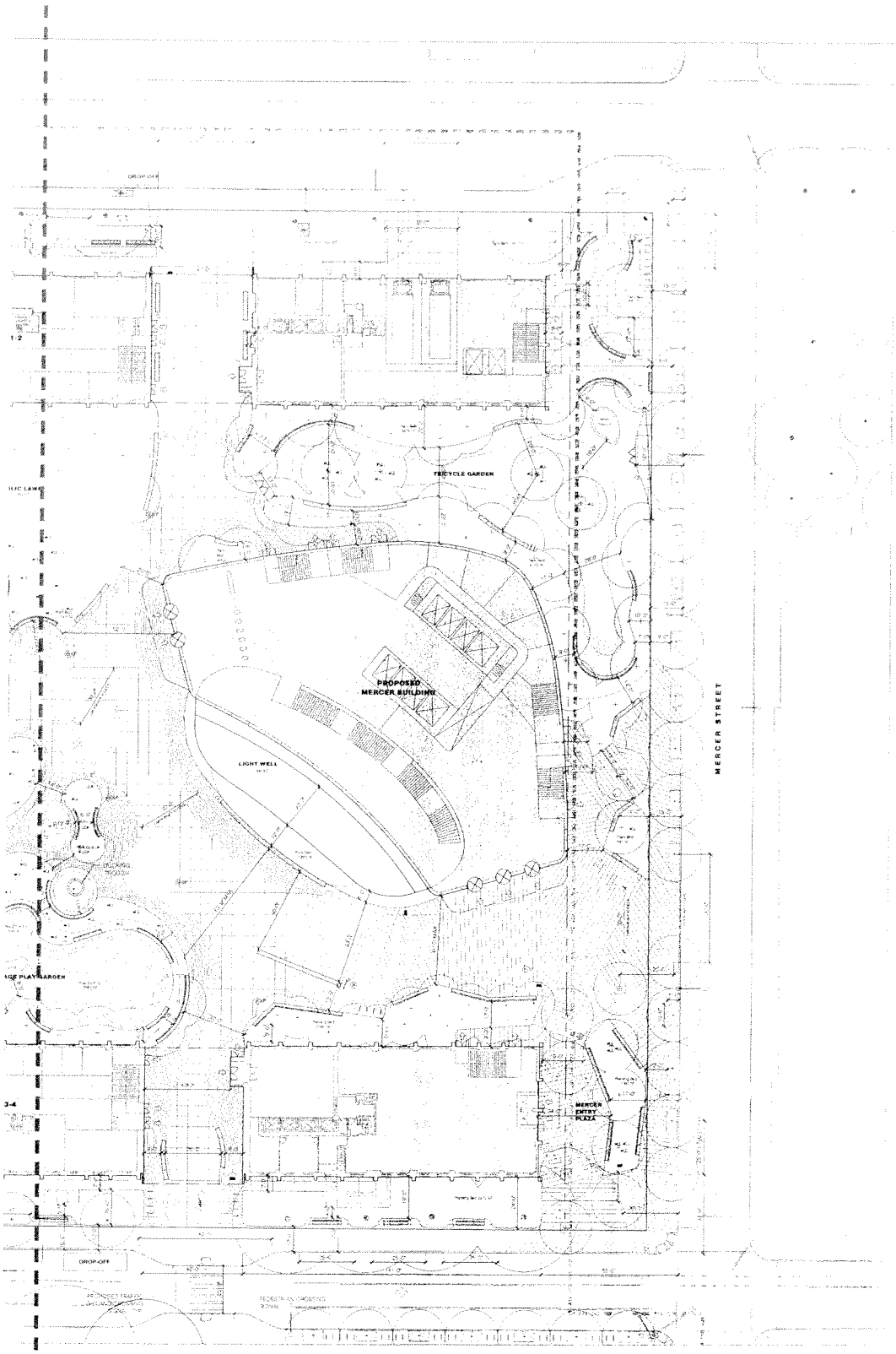

WASHINGTON SQUARE VILLAGE PLAY GARDEN DESIGN GUIDELINES

THE WASHINGTON SQUARE VILLAGE PLAY GARDEN WILL INCLUDE A MIX OF PLAY ZONE COMPRISED OF A MINIMUM OF THREE SEPARATE PLAY ZONE AREAS. FOR THE PURPOSES OF THESE GUIDELINES, THE WASHINGTON SQUARE VILLAGE PLAY GARDEN IS COMPRISED OF THE AREA SHOWN ON THE ATTACHED PLAN (THE "GARDEN").

PLAY ZONE GUIDELINES:
AN ACCESSIBLE AREA THAT CAN ACCOMMODATE EQUIPMENT OR OTHER PLAY ACTIVITY
AREA 5 FT. (EAST) FROM THE EDGE OF ANY SEATING OR SEATING AREA
AREA 15 FT. OF AT LEAST 1,500 SF AND HAS A COMPANION AREA OF AT LEAST 1,500 SF

PLANTED AREAS: A MINIMUM OF 1,500 SF OF AREA IS REQUIRED TO BE PLANTED

ENTRANCES: FOUR (4) ENTRANCES REQUIRED, BUT UP TO TWO ENTRANCES ARE ALLOWED

SEATING: A MINIMUM OF 200 LINEAR FEET OF SEATING IS REQUIRED. 50% OF THIS MUST HAVE BACKS

TREES: A MINIMUM OF 20 TREES PER ACRE

STROLLER PARKING: PARKING AREA FOR A MINIMUM OF 50 STROLLERS TO BE PROVIDED

NOTES:

1. THE PARK DESIGN WILL COMPLIMENT AND BE INTEGRATED WITH THE DESIGN FOR THE PRIVATELY OWNED PUBLICLY ACCESSIBLE SPACES, WHICH ARE PART OF THE APPROVED LARGE SCALE GENERAL DEVELOPMENT. SPECIFICALLY, THE DEVELOPER IS TO WORK WITH THE SUBJECT OPEN SPACE TO ENSURE COMPLIANCE WITH THE LARGE SCALE GENERAL DEVELOPMENT PLAN. THE PARK WILL BE OPEN TO THE PUBLIC AT ALL TIMES, EXCEPT WHEN THE PARK IS CLOSED FOR MAINTENANCE, REPAIR, OR SIMILAR PURPOSES. ANY CONFLICTS BETWEEN THE DEVELOPMENT PLAN AND THE PARK DESIGN WILL BE RESOLVED BY THE DEPARTMENT OF CITY PLANNING.
2. TREES OTHER THAN THOSE NOTED, THAT WILL BE REMOVED.

32 16 0 32 64
SCALE: 1/32" = 1'0"

MATCHLINE

06/04/12 CPC MOD

Seal & Signature

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

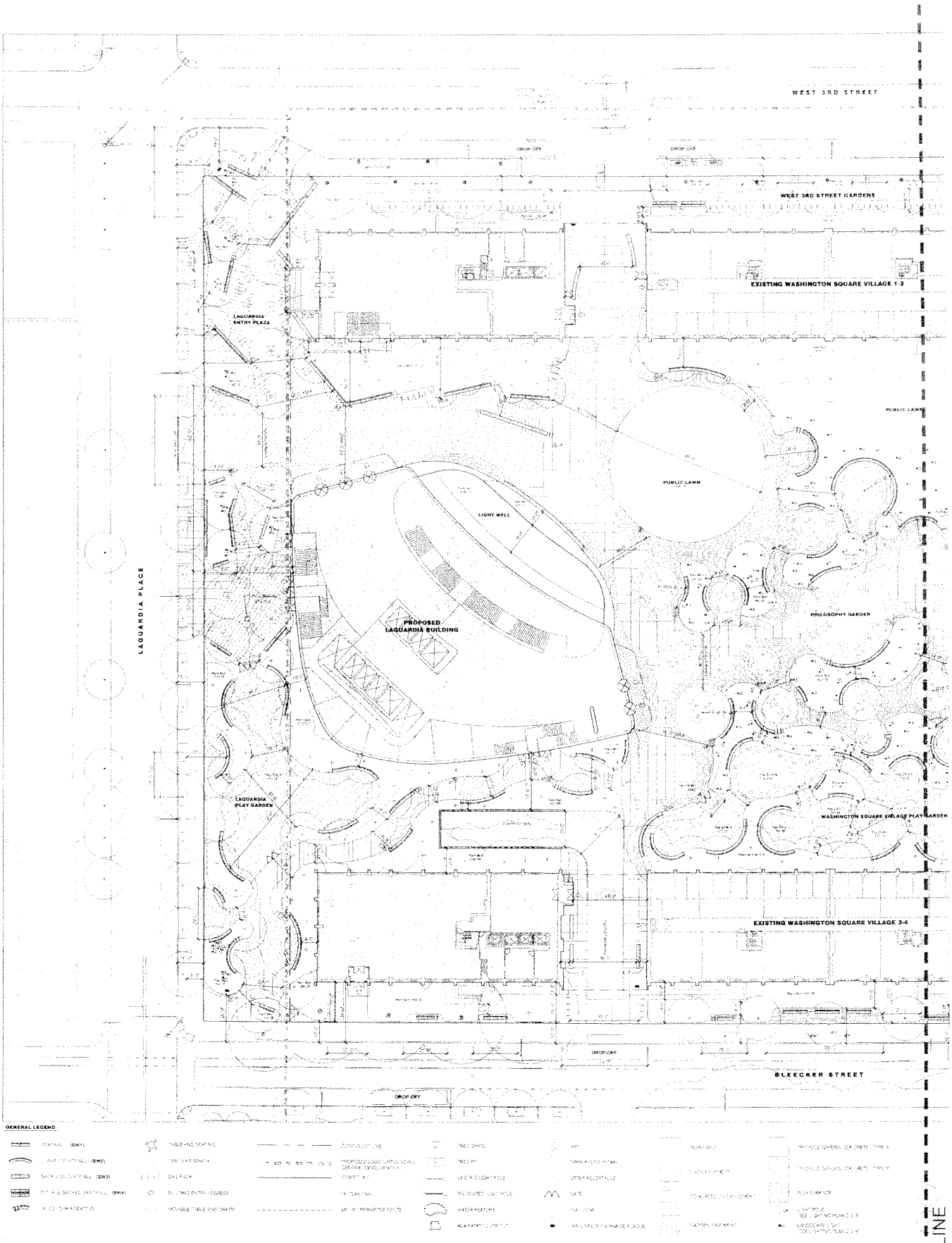
NORTH BLOCK: OPEN SPACE PLAN

12/05/2011 | 1/32" = 1' -0"

MVVA
MVVA
MVVA

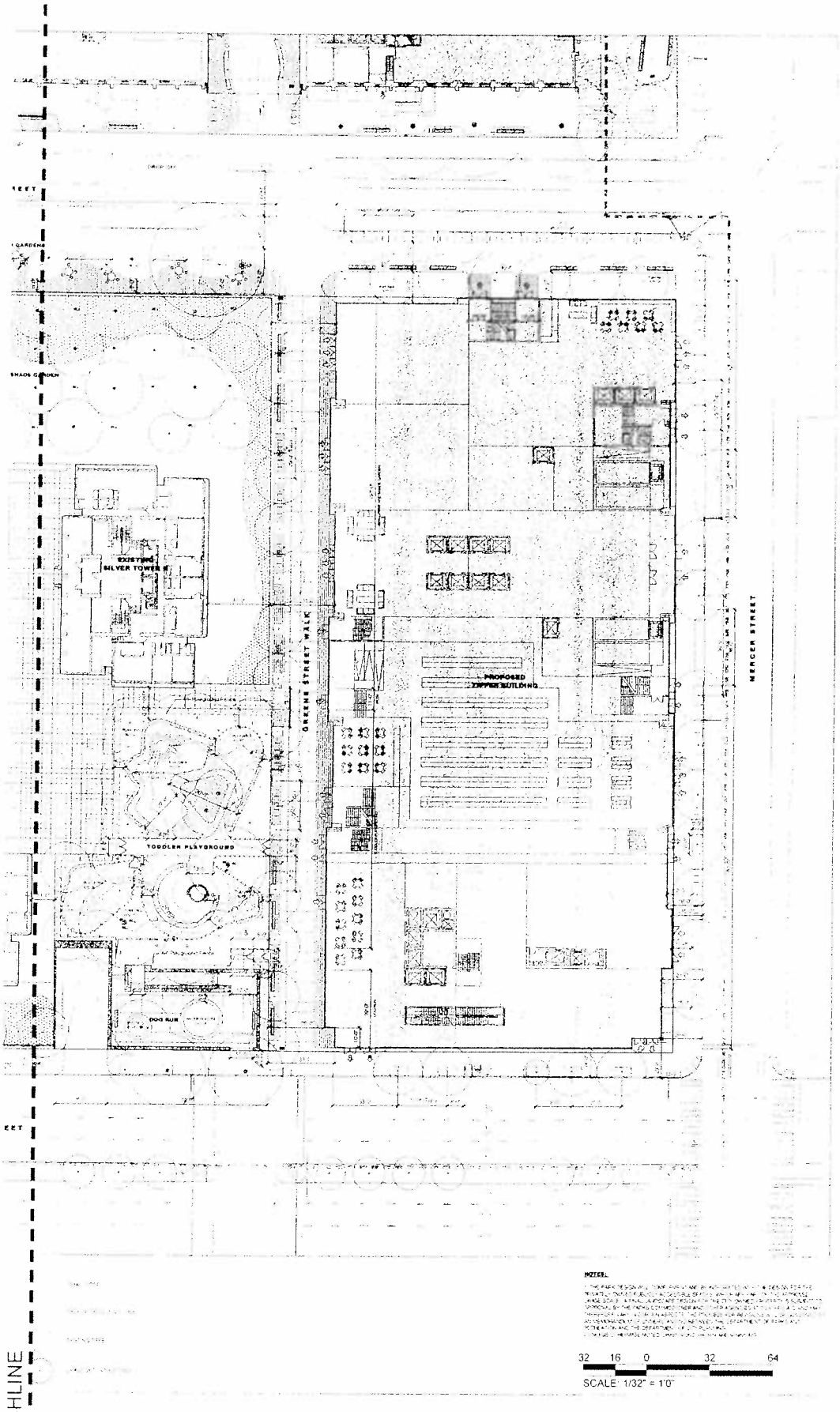
Z - 302

Z-302
PART 1 OF 2



MATCHLINE

Z-302
PART 2 OF 2



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06/04/12 CPC MODIFICATIONS

STATE OF NEW YORK

SHEET SIZE 22"X 34"

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ULURP SUBMISSION

SOUTH BLOCK: OPEN SPACE PLAN

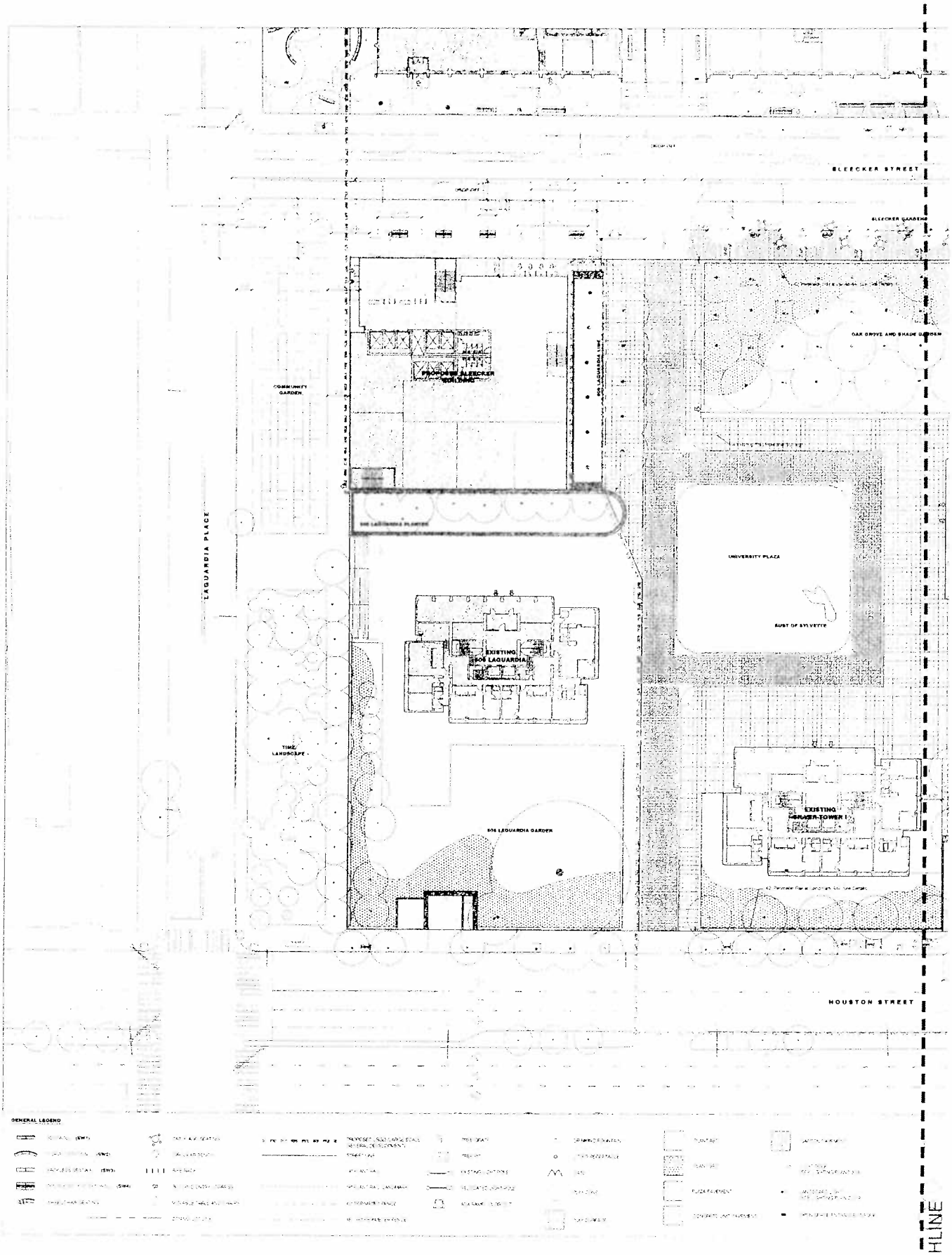
12/05/2011 1/32" = 1' -0"

MVVA
MVVA
MVVA

Z - 303

32 16 0 32 64
SCALE: 1/32" = 1'0"

Z-303
PART 1 OF 2



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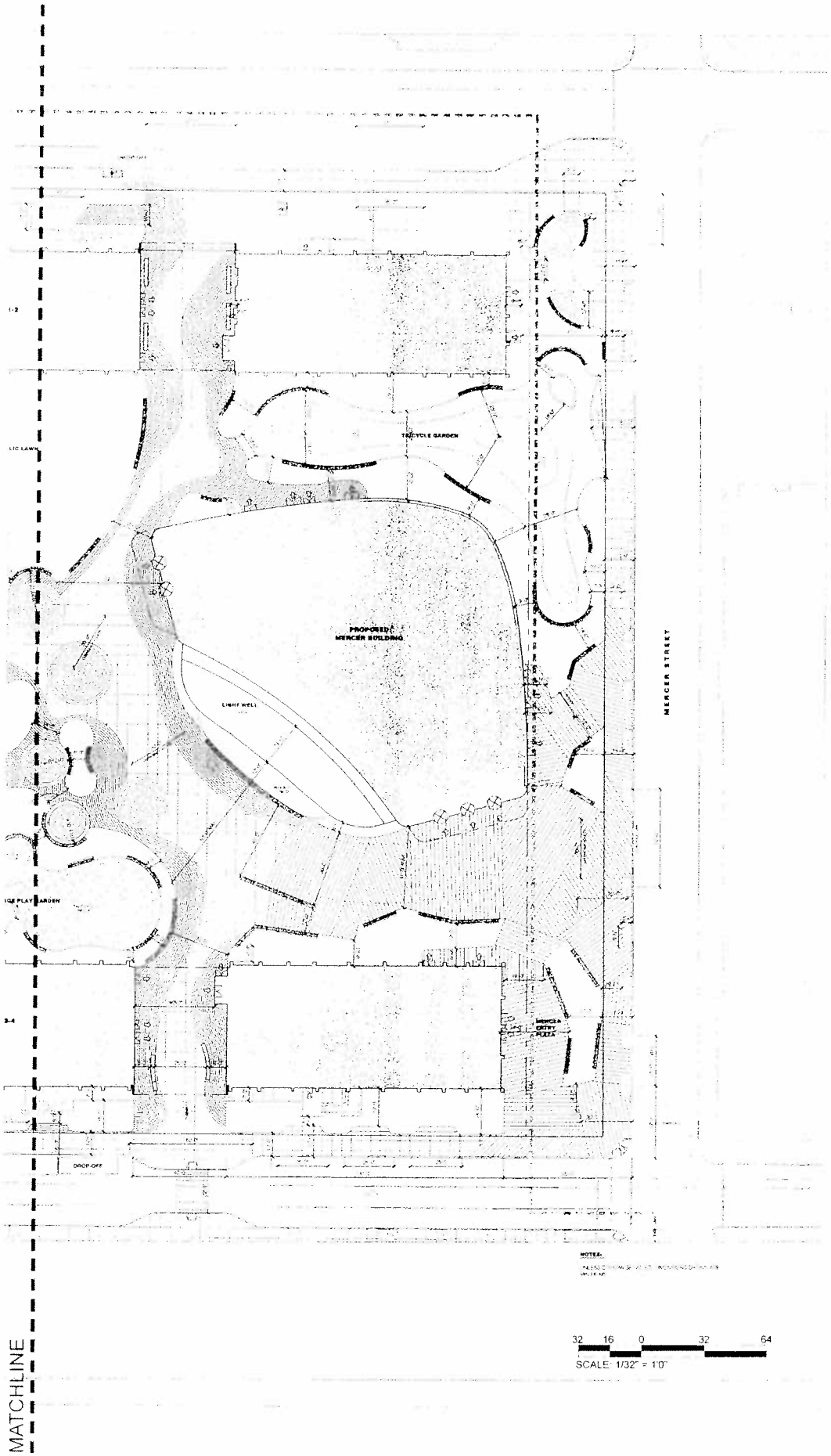

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NORTH BLOCK: MATERIALS PLAN

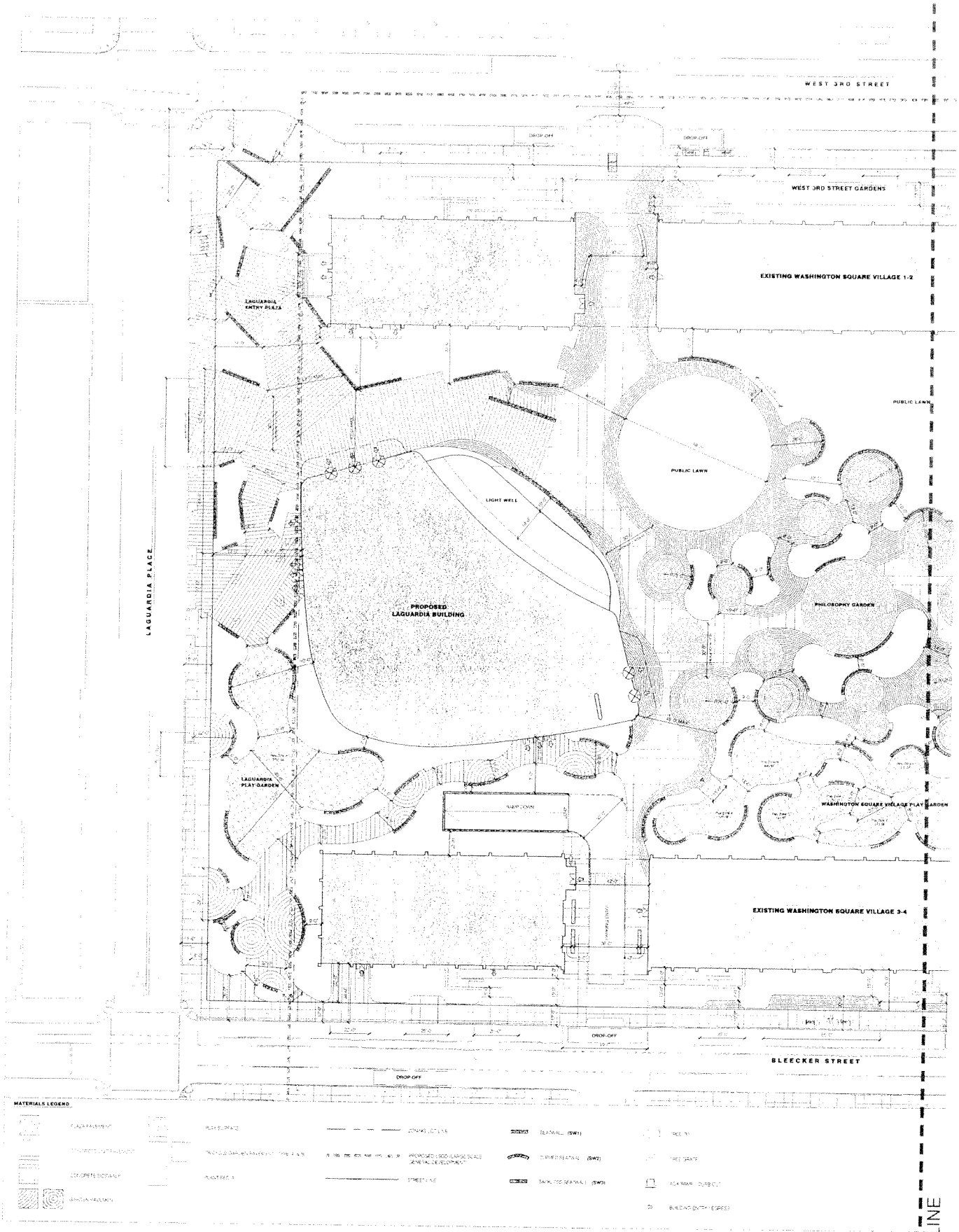
12/05/2011 1/32" = 1'-0"

MVVA
MVVA
MVVA

Z-310

SCALE: 1/32" = 1'0"

Z-310
PART 1 OF 2



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PART 2 OF 2

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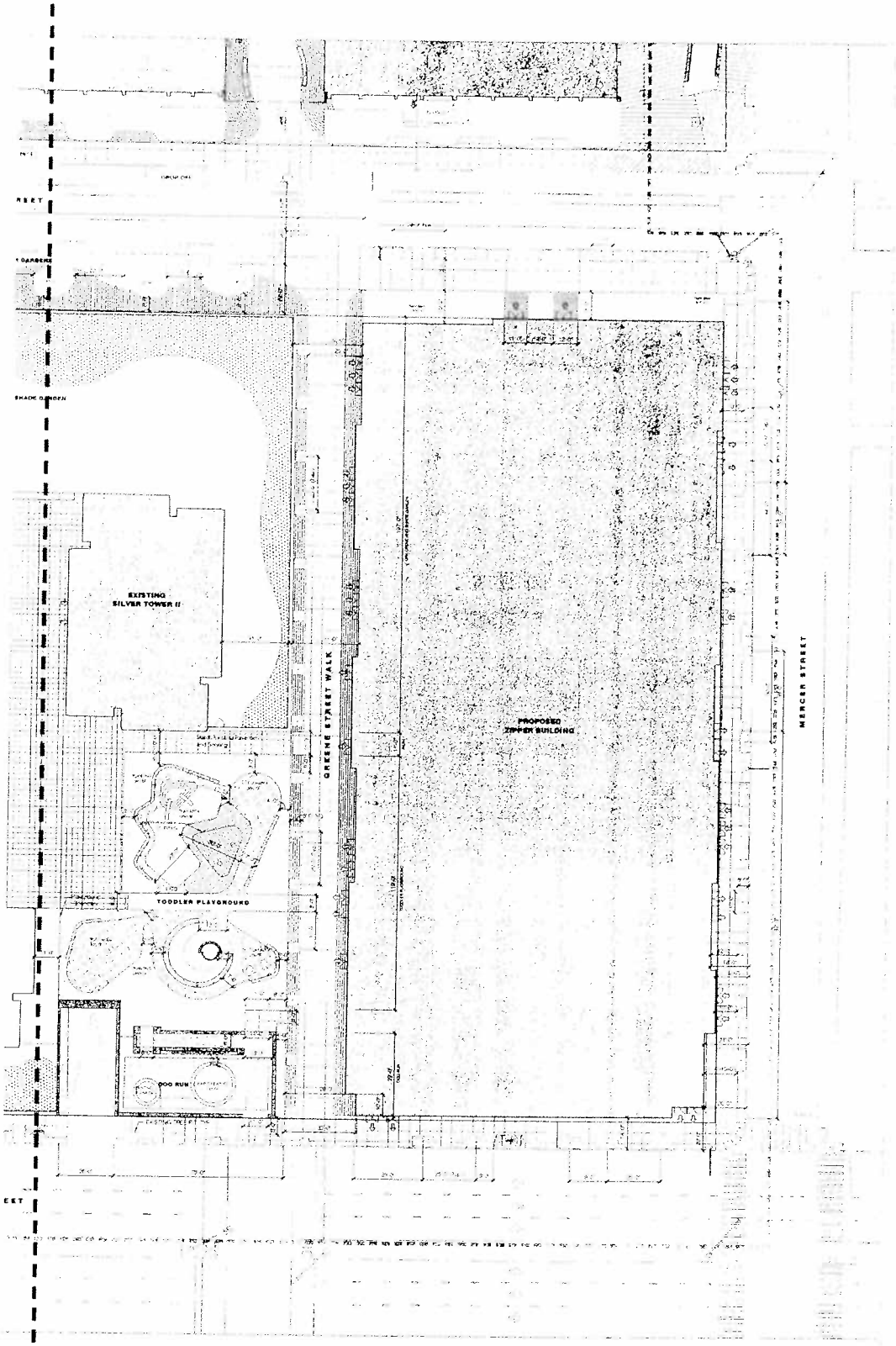

MATCHLINE

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SCALE: 1/32" = 1'0"

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SOUTH BLOCK: MATERIALS PLAN

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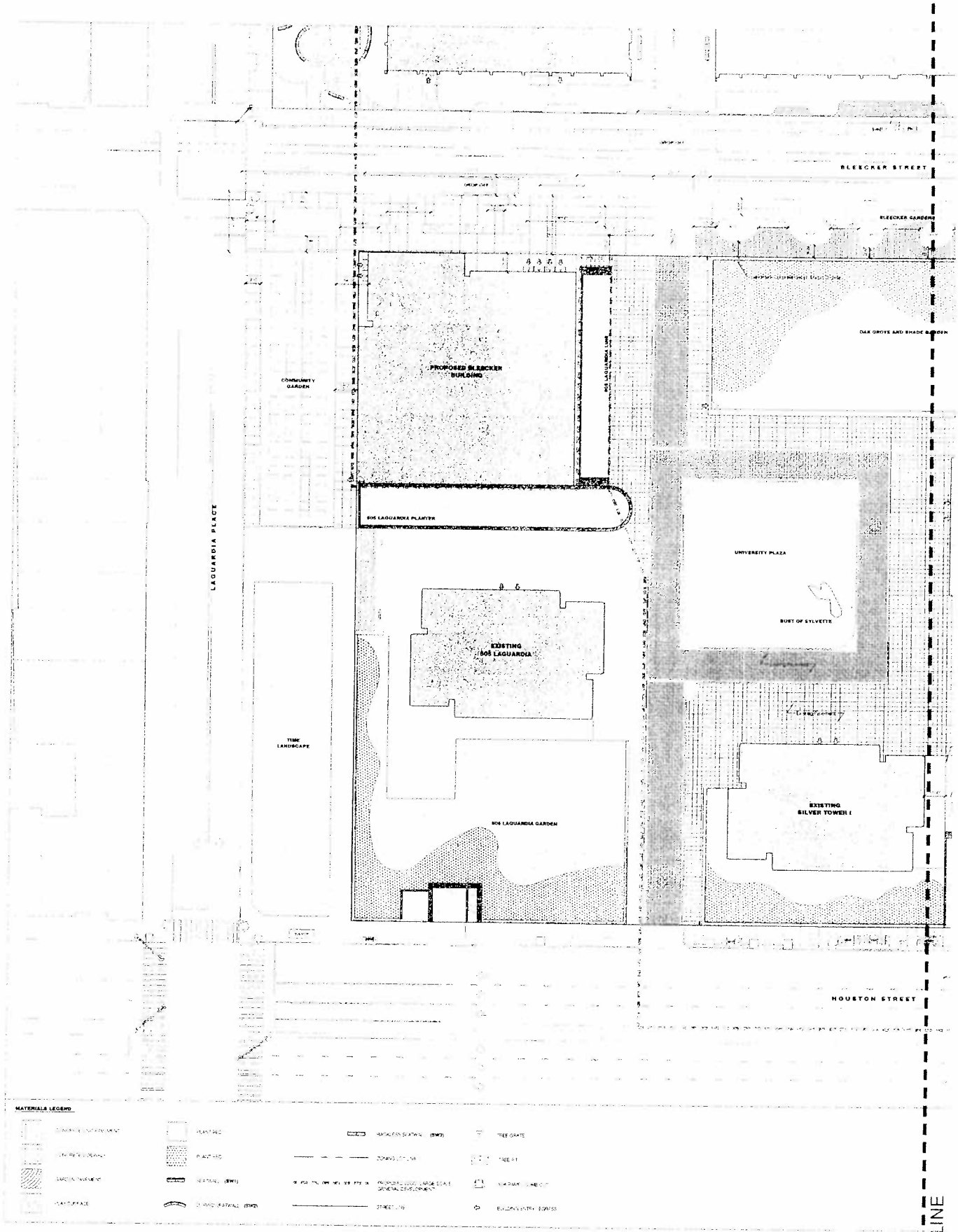
MVVA
MVVA
MVVA

Z - 311

Z-311
PART 1 OF 2



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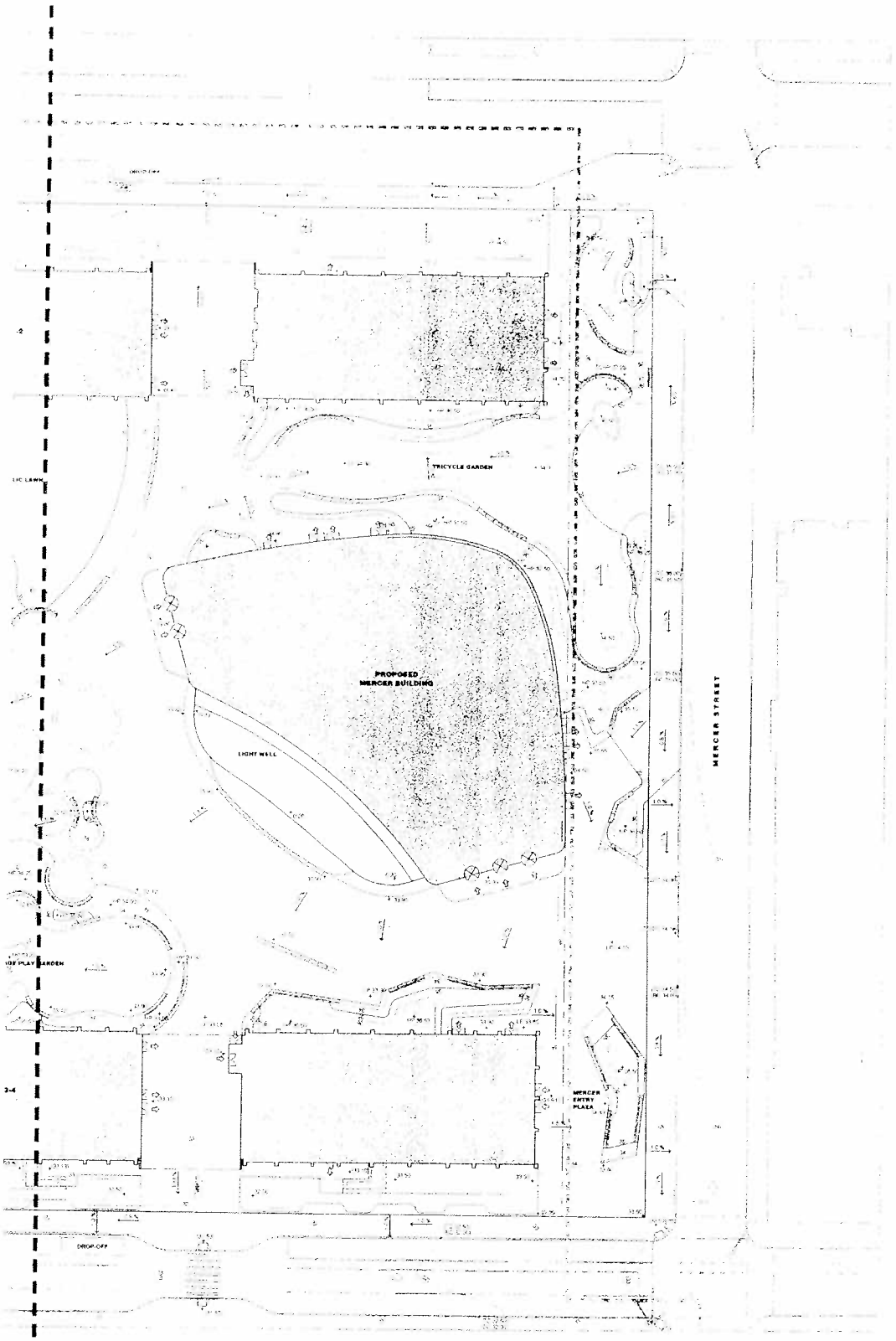

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ULURP SUBMISSION

NORTH BLOCK: GRADING PLAN

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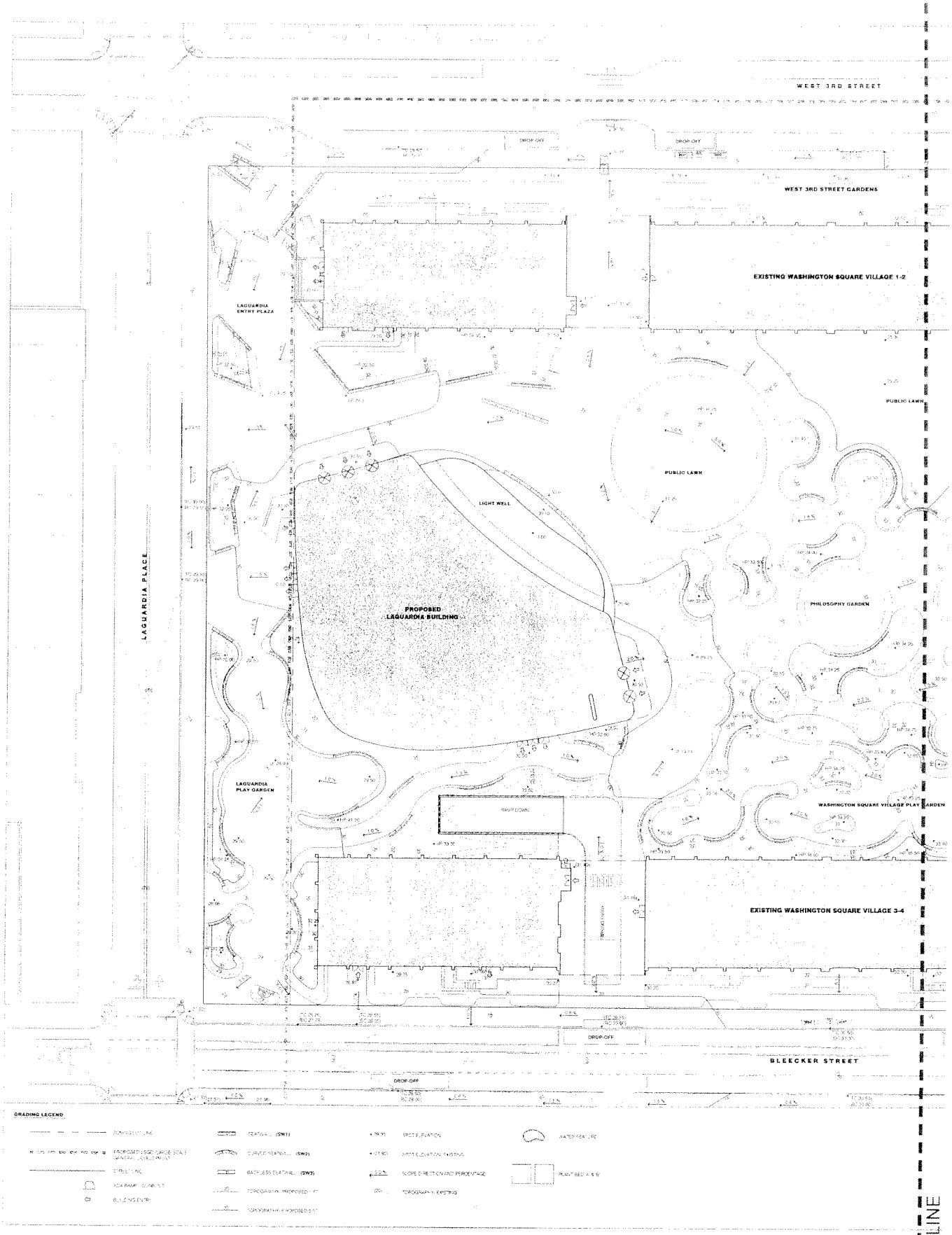
MVVA
MVVA
MVVA

Z - 312

32 16 0 32 64
SCALE: 1/32" = 1'0"

Z-312
PART 1 OF 2



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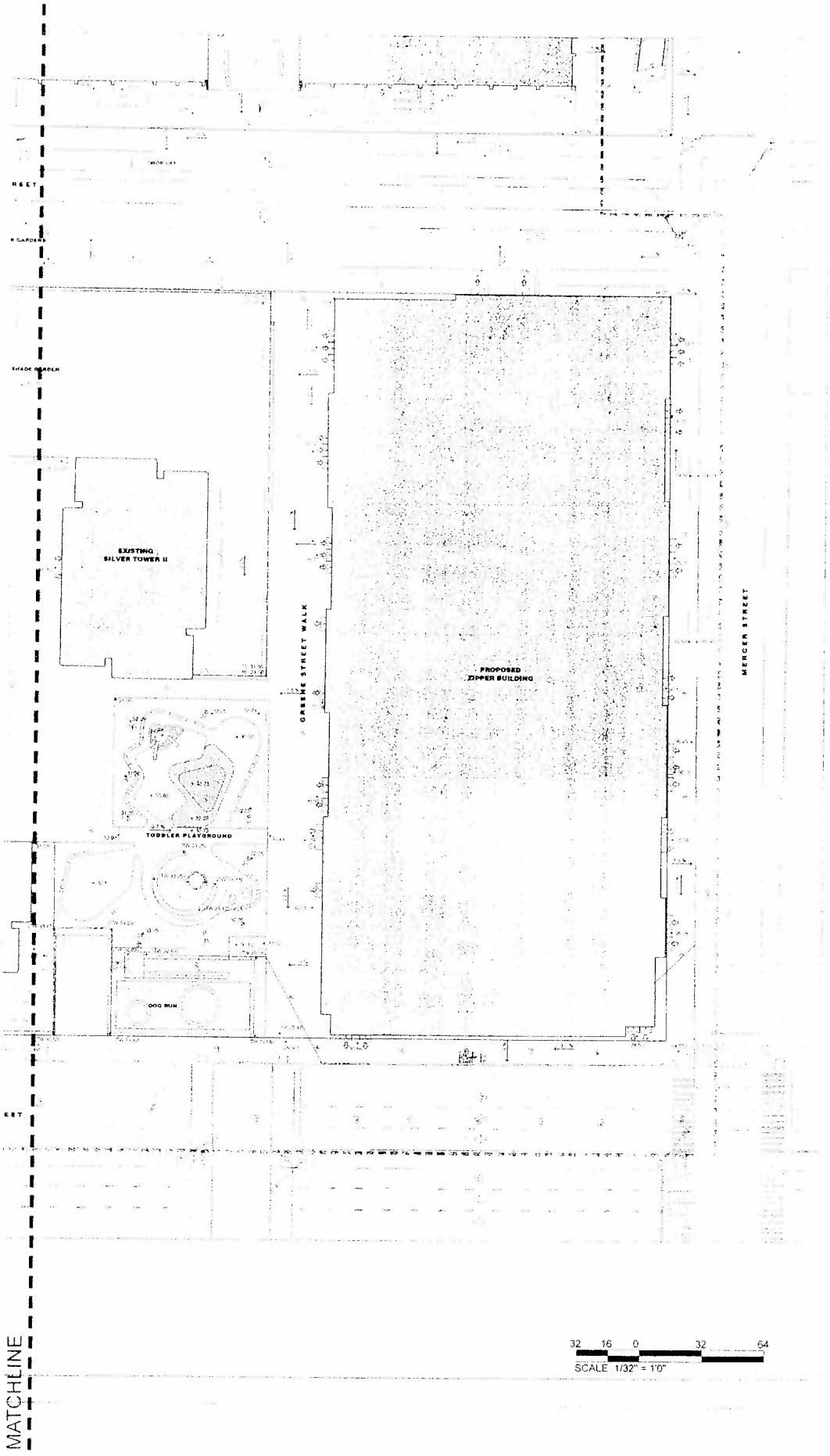

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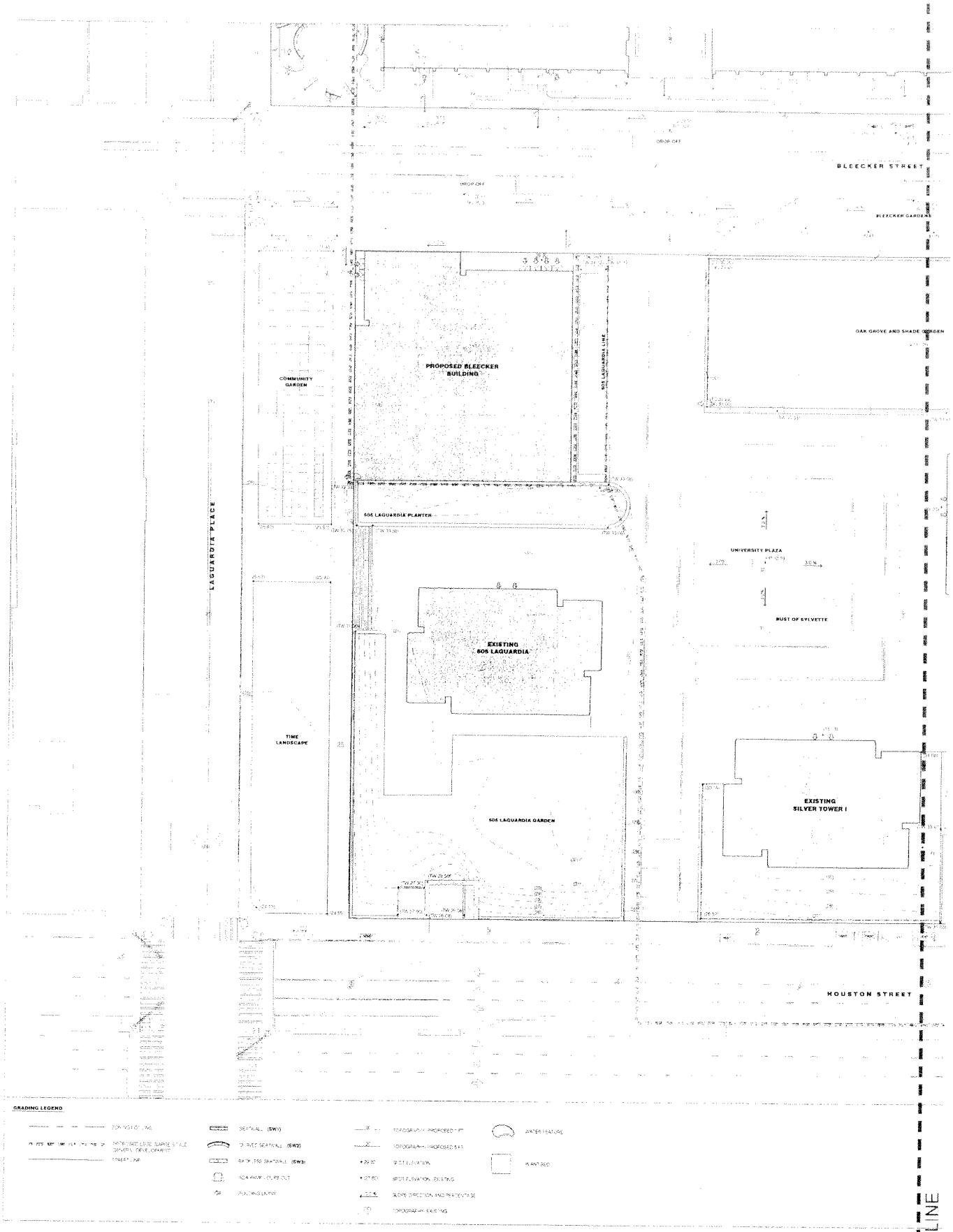
SOUTH BLOCK: GRADING PLAN

12/05/2011 1/32" = 1' -0"

MVVA
MVVA
MVVA

Z - 313

Z-313
PART 1 OF 2



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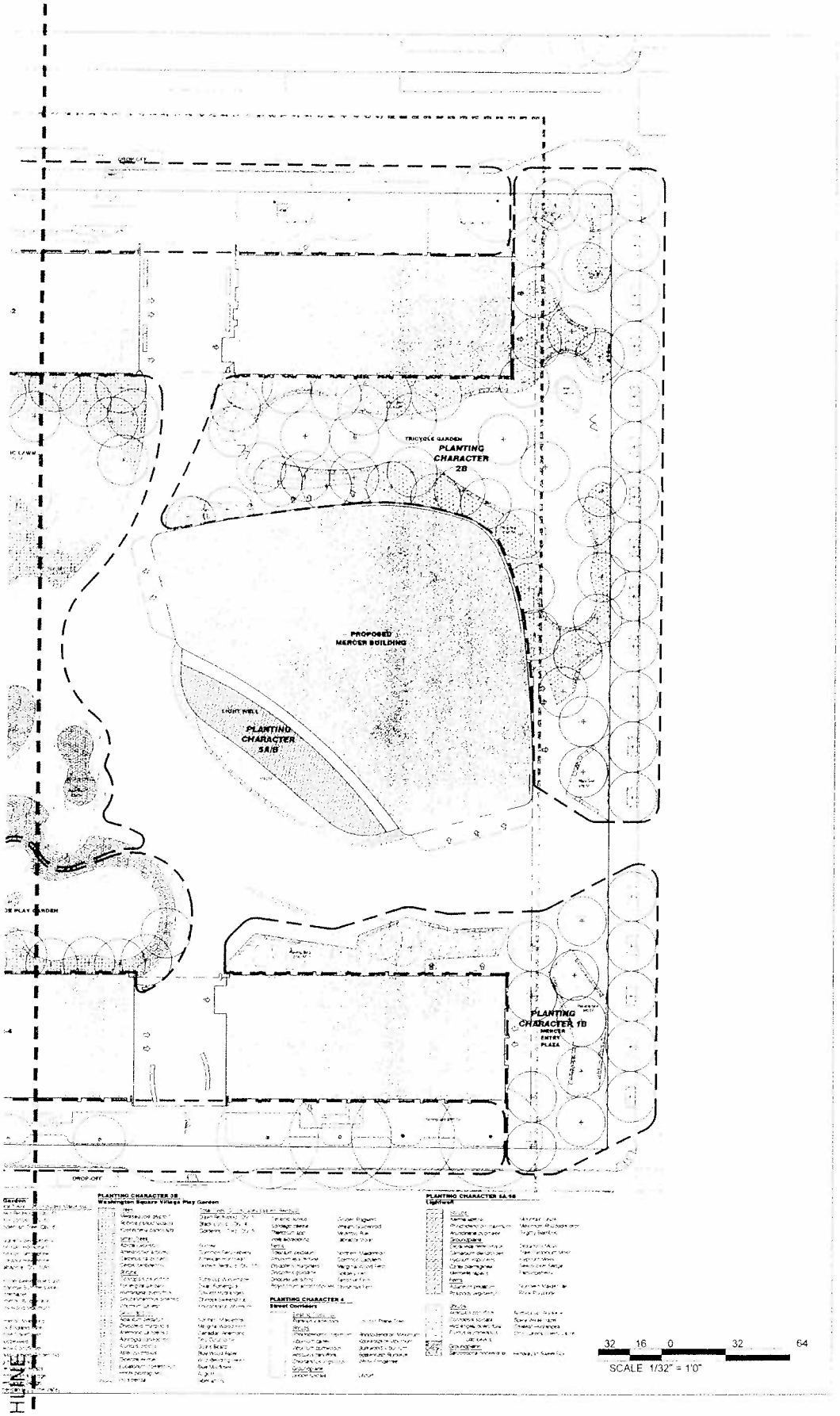

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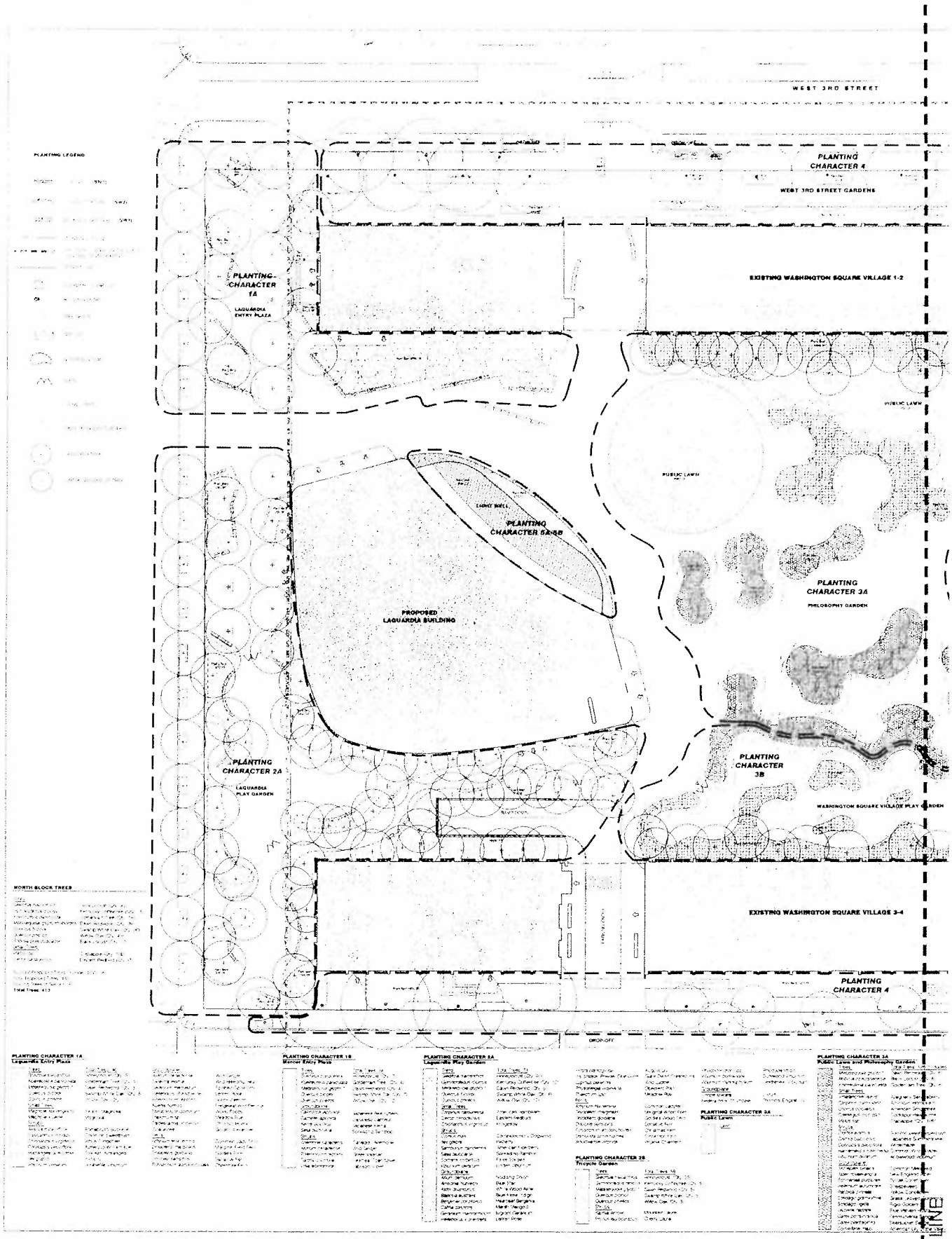
12/05/2011 1/32" = 1' -0"

MVVA
MVVA
MVVA

Z - 314

Z-314
PART 1 OF 2



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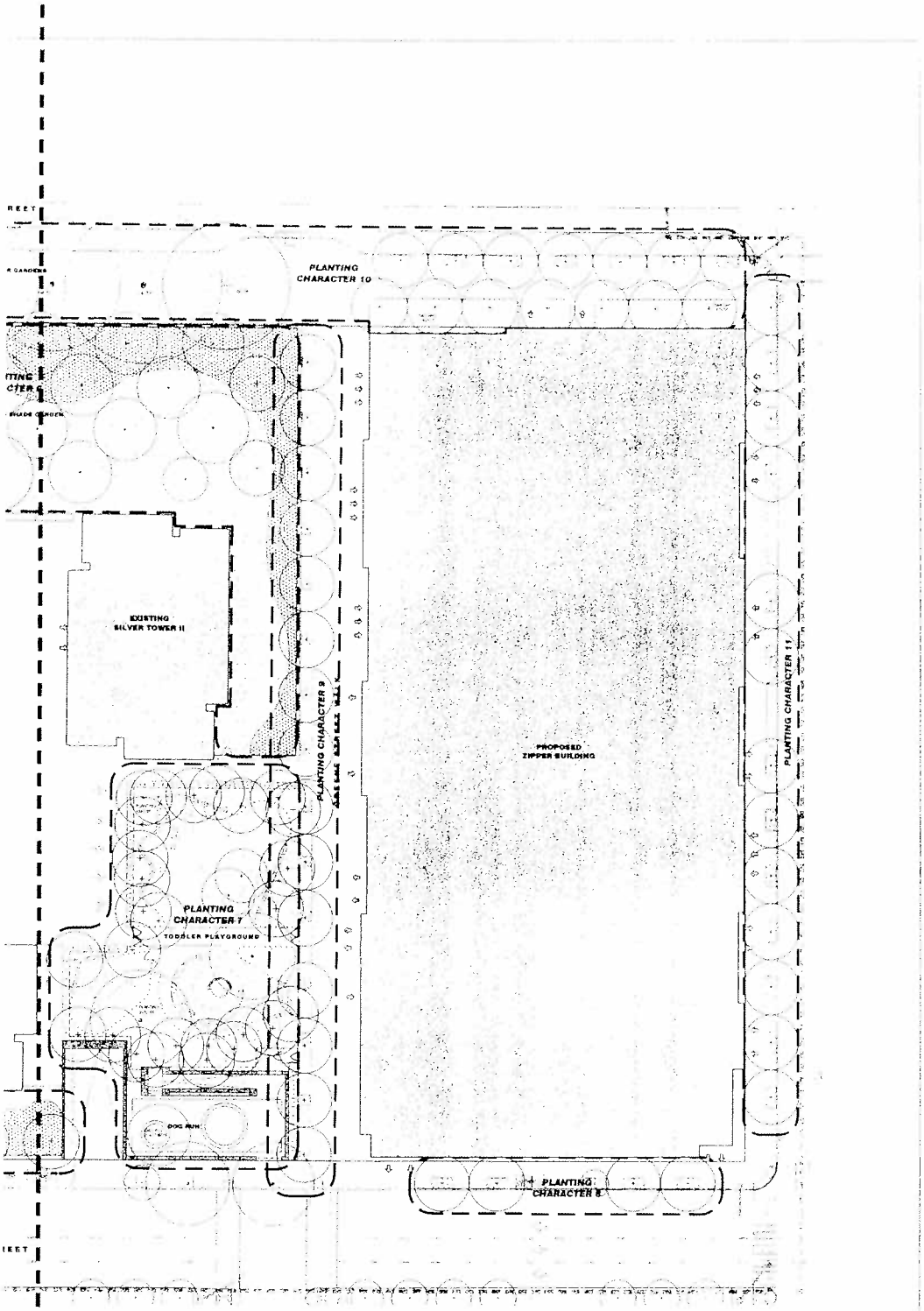

MATCHLINE

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06/04/12	CPC MODIFICATIONS

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

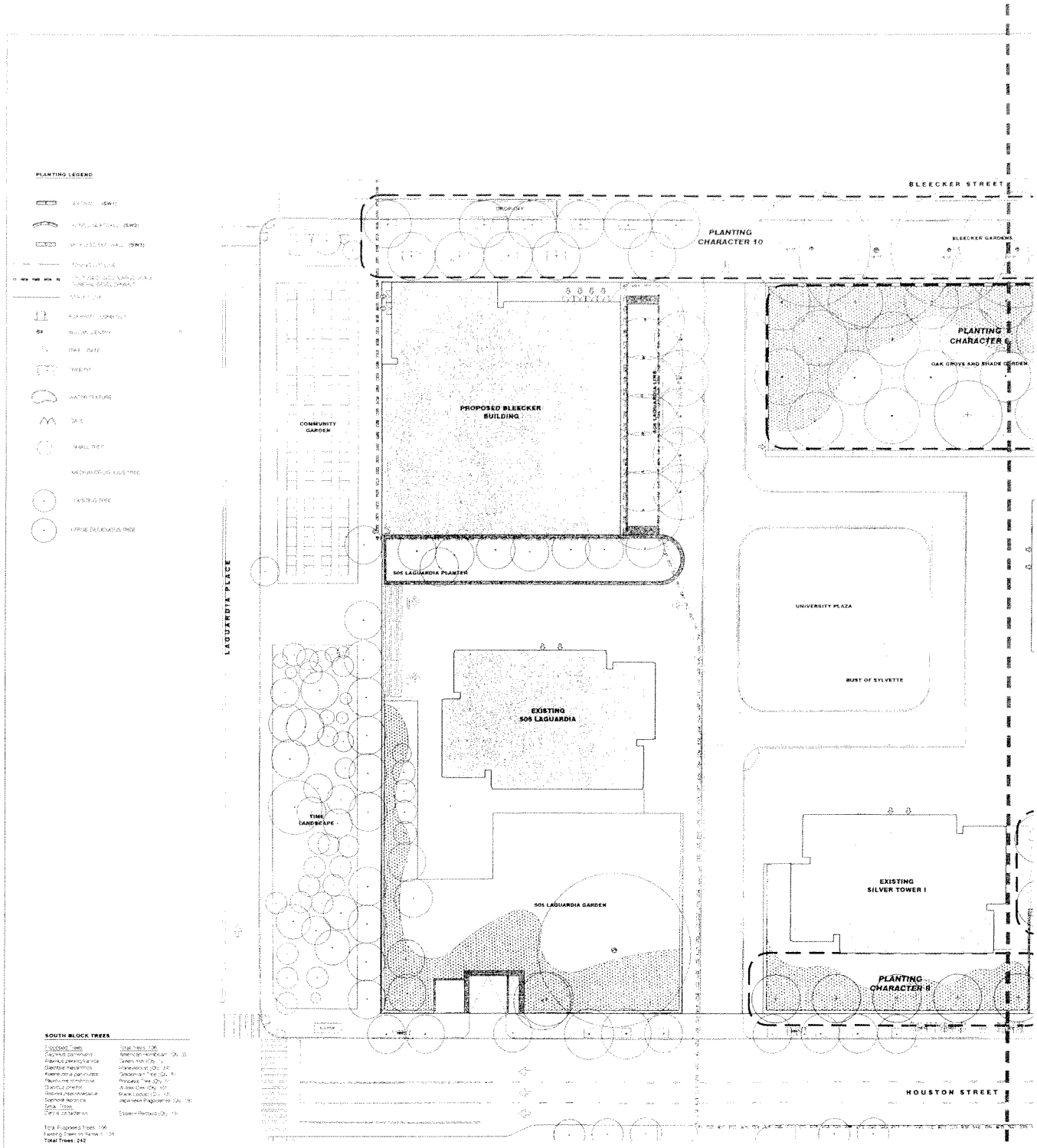
SOUTH BLOCK: PLANTING PLAN

12/05/2011 | 1/32" = 1' -0"

MVVA
MVVA
MVVA

Z - 315

Z-315
PART 1 OF 2



SOUTH BLOCK TREES

Proposed Trees	Total Trees : 106
Dogwood Serviceberry	American Hornbeam (Qty. 3)
Flowering Serviceberry	James Hill (Qty. 1)
Glandular Hackberry	Honeylocust (Qty. 33)
Kentucky Coffeetree	Goldenrain Tree (Qty. 4)
Paulownia Kiri Tree	Princess Tree (Qty. 1)
Quaking Aspen	Quaking Aspen (Qty. 10)
Redbud Texas Redbud	Black Locust (Qty. 13)
Sophora Japonica	Japanese Pagodatree (Qty. 19)
Existing Trees	
Chinese Catalpa	Eastern Redbud (Qty. 13)

Total Proposed Trees : 106
Existing Trees on Parcel : 136
Total Trees : 242

PLANTING CHARACTER 6
Oak Grove and Shade Garden

Proposed Trees	Total Trees : 3
Chinese Chestnut	Willow Oak (Qty. 2)
Existing Trees	
Freeman's Maple Autumn Blaze	Green Ash
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Shrubs	
Aronia melanocarpa	Black Chokeberry
Cornus mas	Cornelian Cherry Dogwood
Fothergilla gardenii	Blue Mist Witch Alder
Viburnum dentatum	Southern Arrowwood
Viburnum lentago	Nannyberry Viburnum
Viburnum prunifolium	Blackhaw Viburnum
Viburnum trilobum	American Cranberrybush Viburnum

PLANTING CHARACTER 7
Toddler Playground

Trees	Total Trees : 41
Carpinus betulus	Hornbeam (Qty. 4)
Prunus serrulata kanzan	Black Cherry (Qty. 3)
Trees / Trees	
Cercis canadensis	Eastern Redbud (Qty. 11)
Shrubs	
Calycanthus floridus	Common Sweetshrub
Cornus mas	Cornelian Cherry Dogwood
Cornus sericea	Redosier Dogwood
Hydrangea paniculata	Buttercup Hydrangea
Ilex glabra	Inkberry
Viburnum prunifolium	Blackhaw Viburnum
Groundcover	
Ajuga reptans	Carpet Bugle
Euonymus fortunei	Wintercreeper
Geranium maculatum	Spotted Geranium
Heuchera villosa	Alum Root
Hosta sieboldiana	Plantain Lily
Liriope muscari	Lilyturf
Ferns	
Polystichum acrostichoides	Christmas Fern
Osmunda cinnamomea cinnamomea	Cinnamon Fern

PLANTING CHARACTER 8
Houston Street Improvements

Trees	Total Trees : 9
Gleditsia triacanthos inermis	Honeylocust (Qty. 6)
Paulownia tomentosa	Princess Tree (Qty. 3)
Groundcover	
Liriope spicata	Lilyturf

PLANTING CHARACTER 9
Greene Street Walk

Small Trees	Total Trees : 15
Sophora japonica	Japanese Pagodatree (Qty. 15)
Groundcover	
Liriope spicata	Lilyturf

PLANTING CHARACTER 10
Bleecker Street

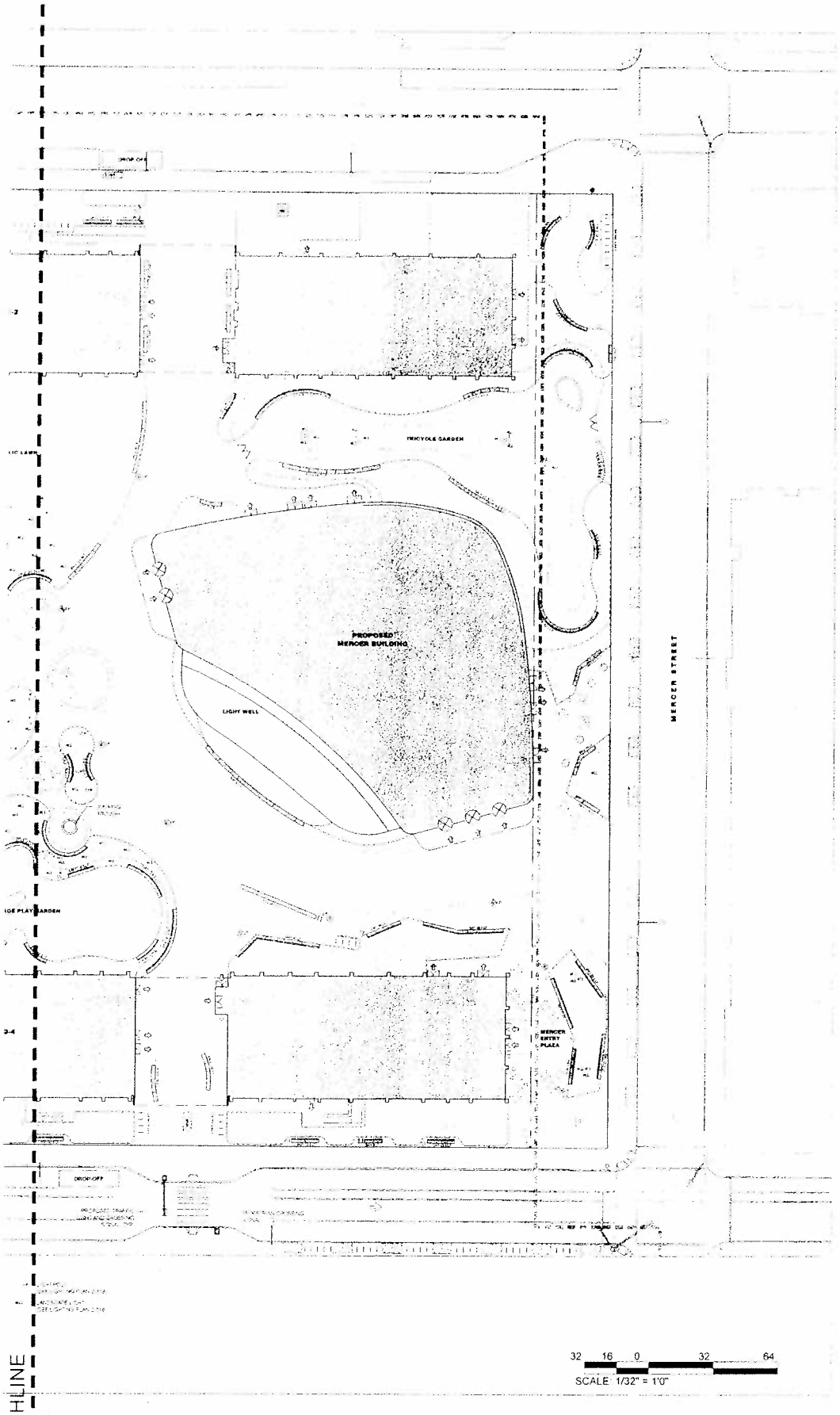
Trees	Total Trees : 26
Carpinus caroliniana	American Hornbeam (Qty. 3)
Fraxinus pennsylvanica	Green Ash (Qty. 1)
Gleditsia triacanthos inermis	Honeylocust (Qty. 14)
Koelreuteria paniculata	Goldenrain Tree (Qty. 8)
Sophora japonica	Japanese Pagodatree (Qty. 4)
Shrubs	
Hydrangea quercifolia	Oakleaf Hydrangea
Groundcover	
Rosa wichuraiana	Memorial Rose
Polygonum cuspidatum	Japanese Knotweed
Hypericum	Japanese Tutsan
Liriope spicata	Lilyturf
Ferns	
Dryopteris marginalis	Marginal Wood Fern

PLANTING CHARACTER 11
Mercer Street

Small Trees	Total Trees : 3
Gleditsia triacanthos inermis	Honeylocust (Qty. 6)
Quercus phellos	Willow Oak (Qty. 2)

Z-315
PART 2 OF 2

MATCHLINE



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06/04/12	CPC MOD

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

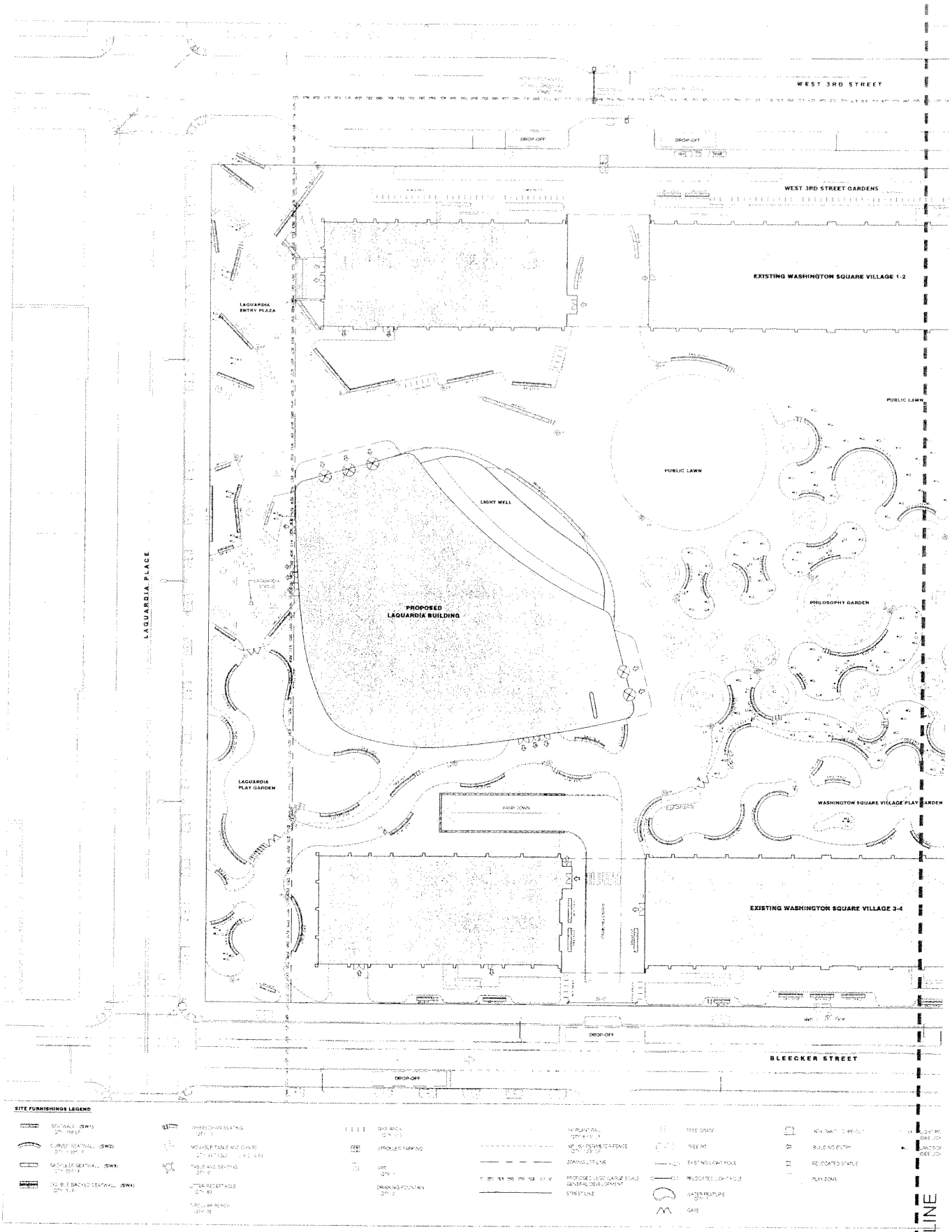
NORTH BLOCK: SITE FURNISHINGS PLAN

12/05/2011 | 1/32" = 1'-0"

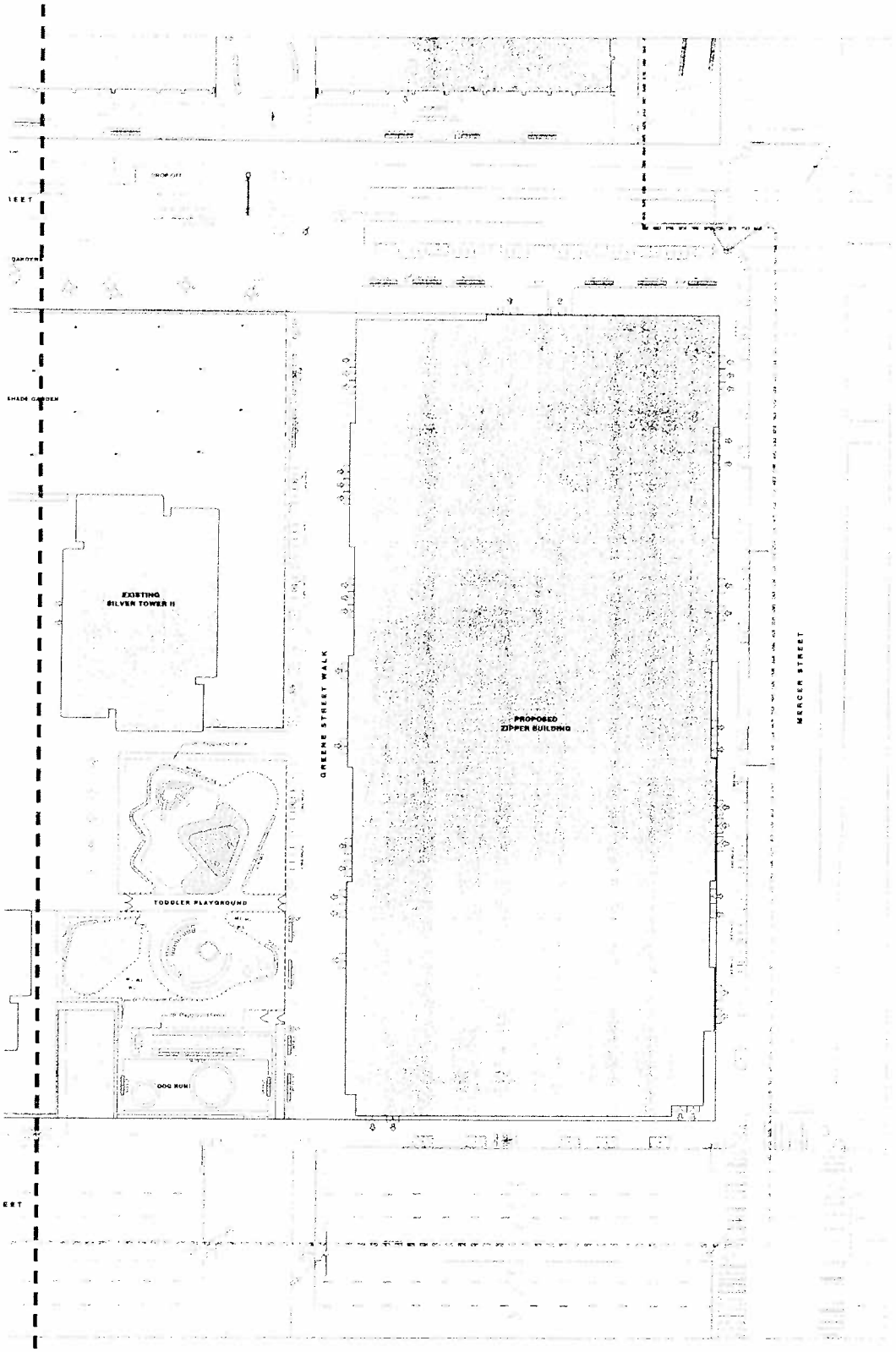
MVVA
MVVA
MVVA

Z - 316

Z-316
PART 1 OF 2



Z-316
PART 2 OF 2



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1 06/04/12 CPC MODIFICATIONS

STATE OF NEW

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ULURP SUBMISSION

SOUTH BLOCK: SITE FURNISHINGS PLAN

12/05/2011 1/32" = 1'-0"

MVVA

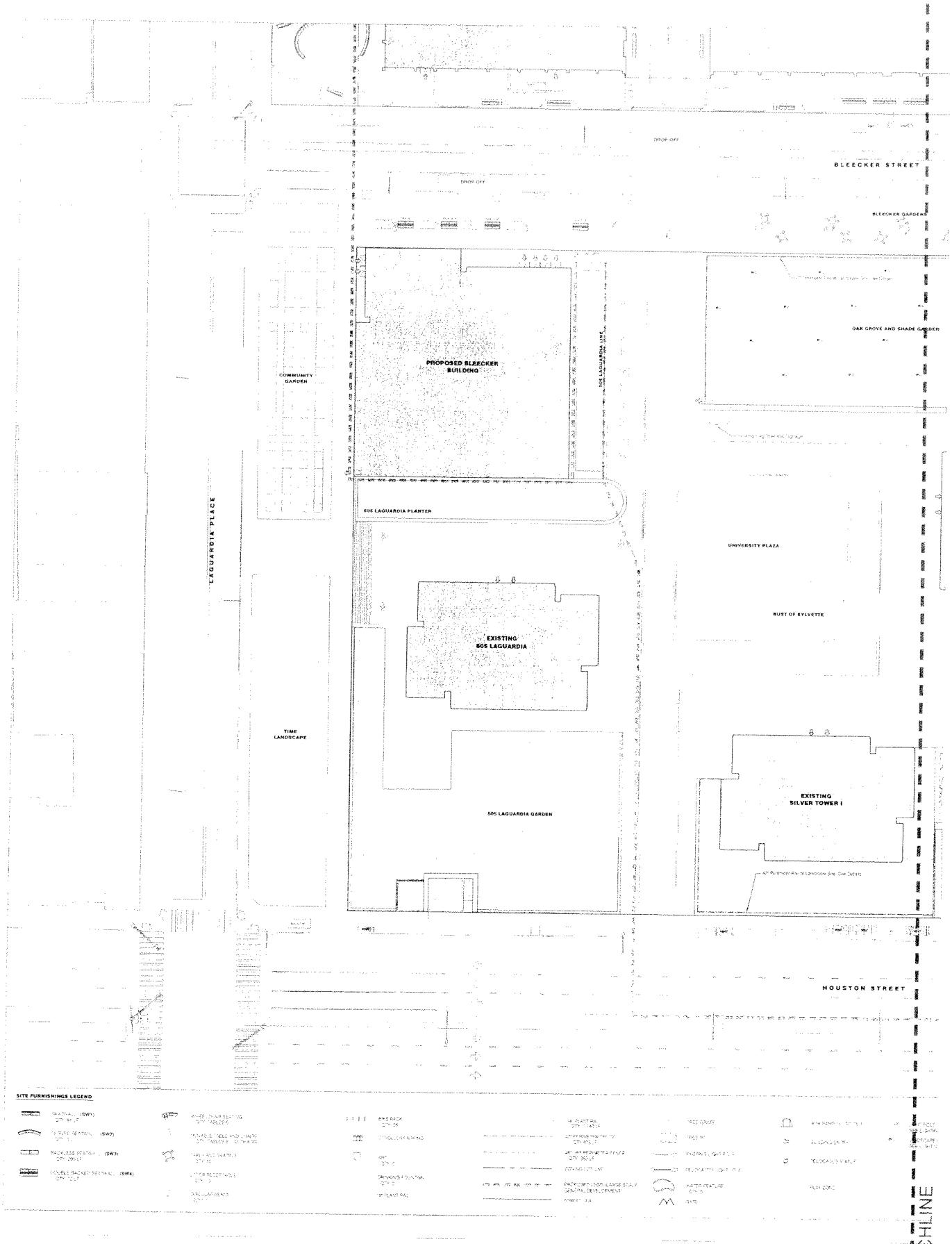
MVVA

MVVA

Z - 317

32 16 0 32 64
SCALE: 1/32" = 1'0"

Z-317
PART 1 OF 2



Z-317
PART 2 OF 2

MATCHLINE

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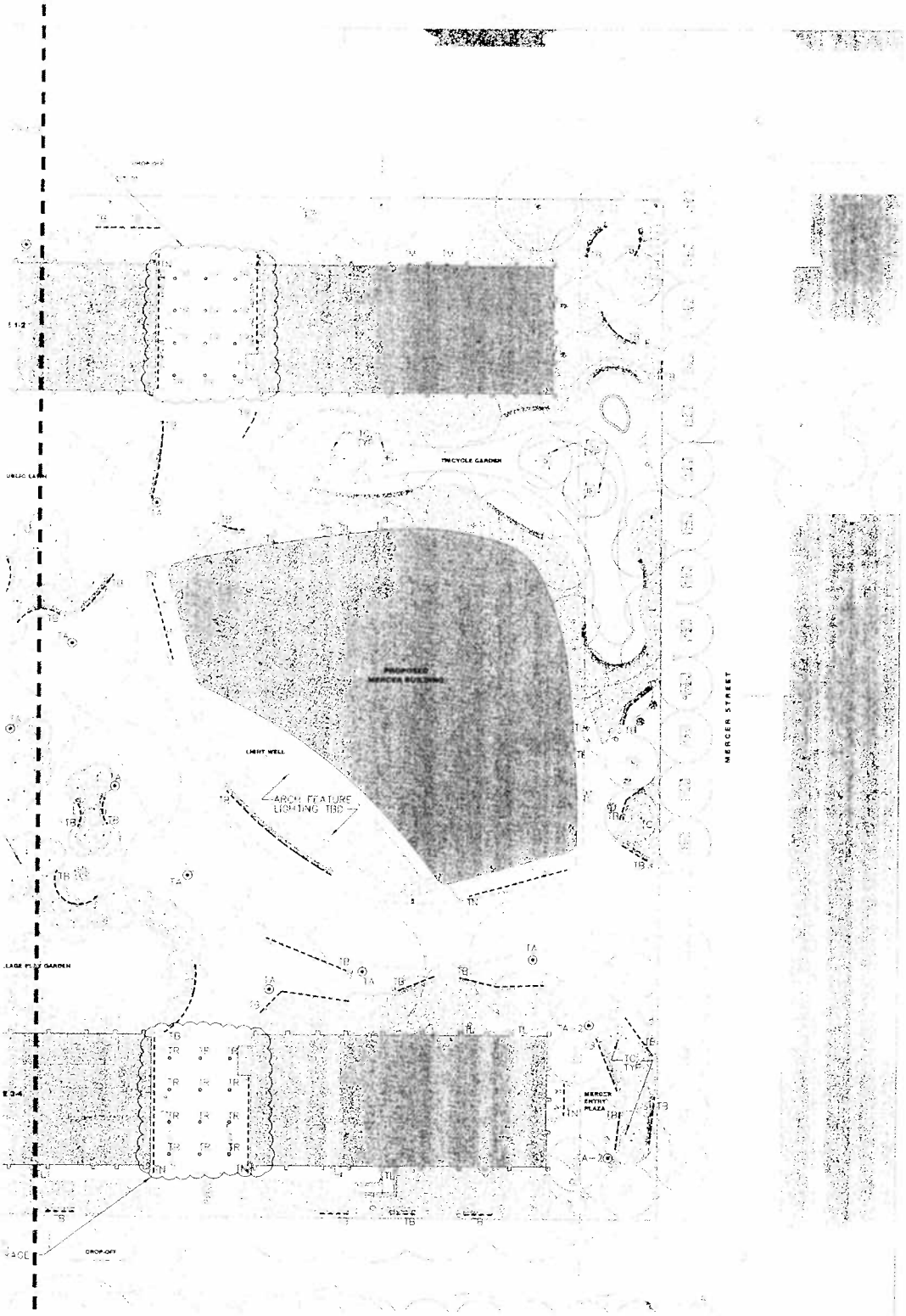

1 06/04/12 CPC MODIFICATIONS

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ULURP SUBMISSION

NORTH BLOCK LIGHTING PLAN

12/05/2011 1/32" = 1'-0"

KL

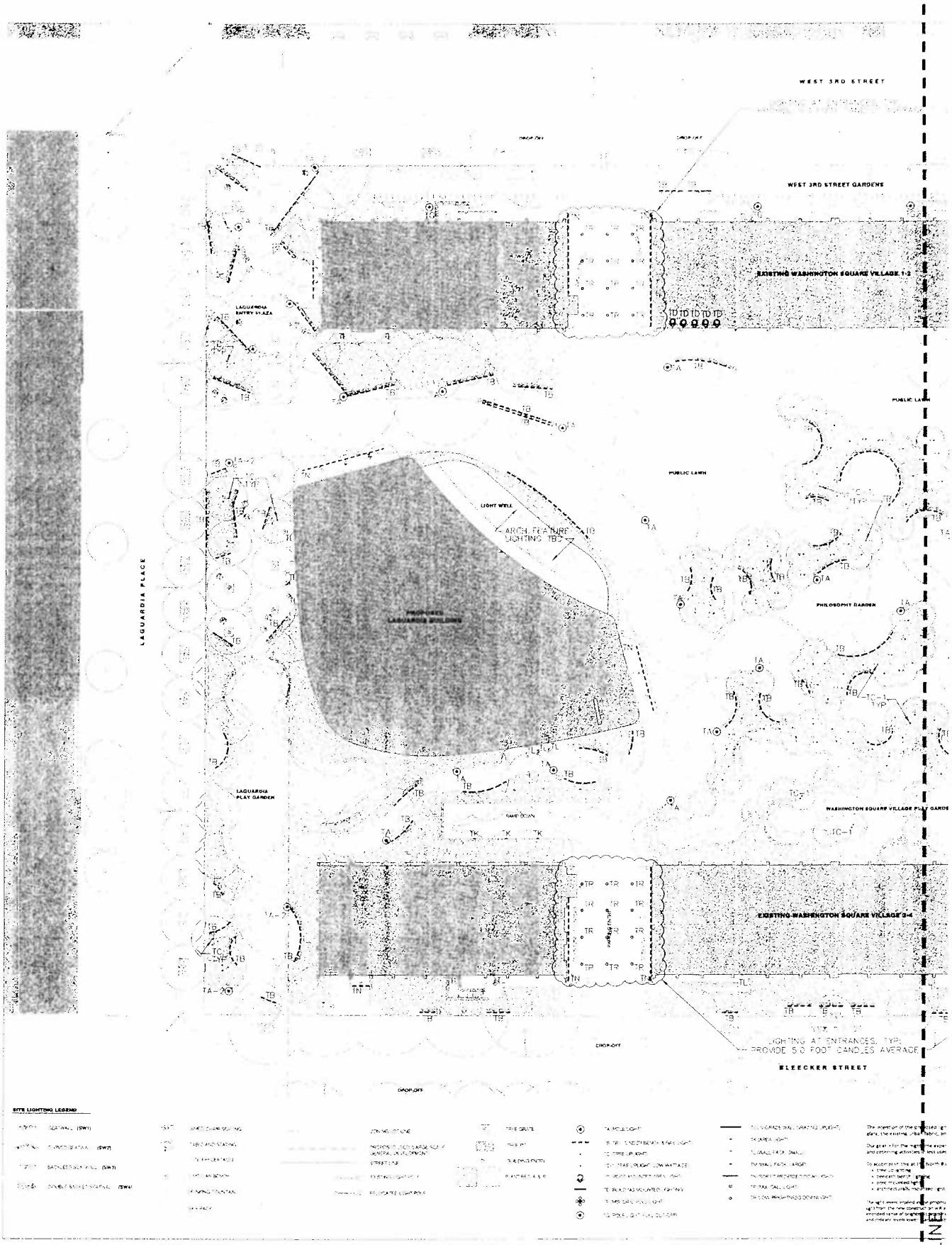
MVVA

MVVA

Z- 318

MATCHLINE

Z-318
PART 1 OF 2



Z-318
PART 2 OF 2

MATCHLINE

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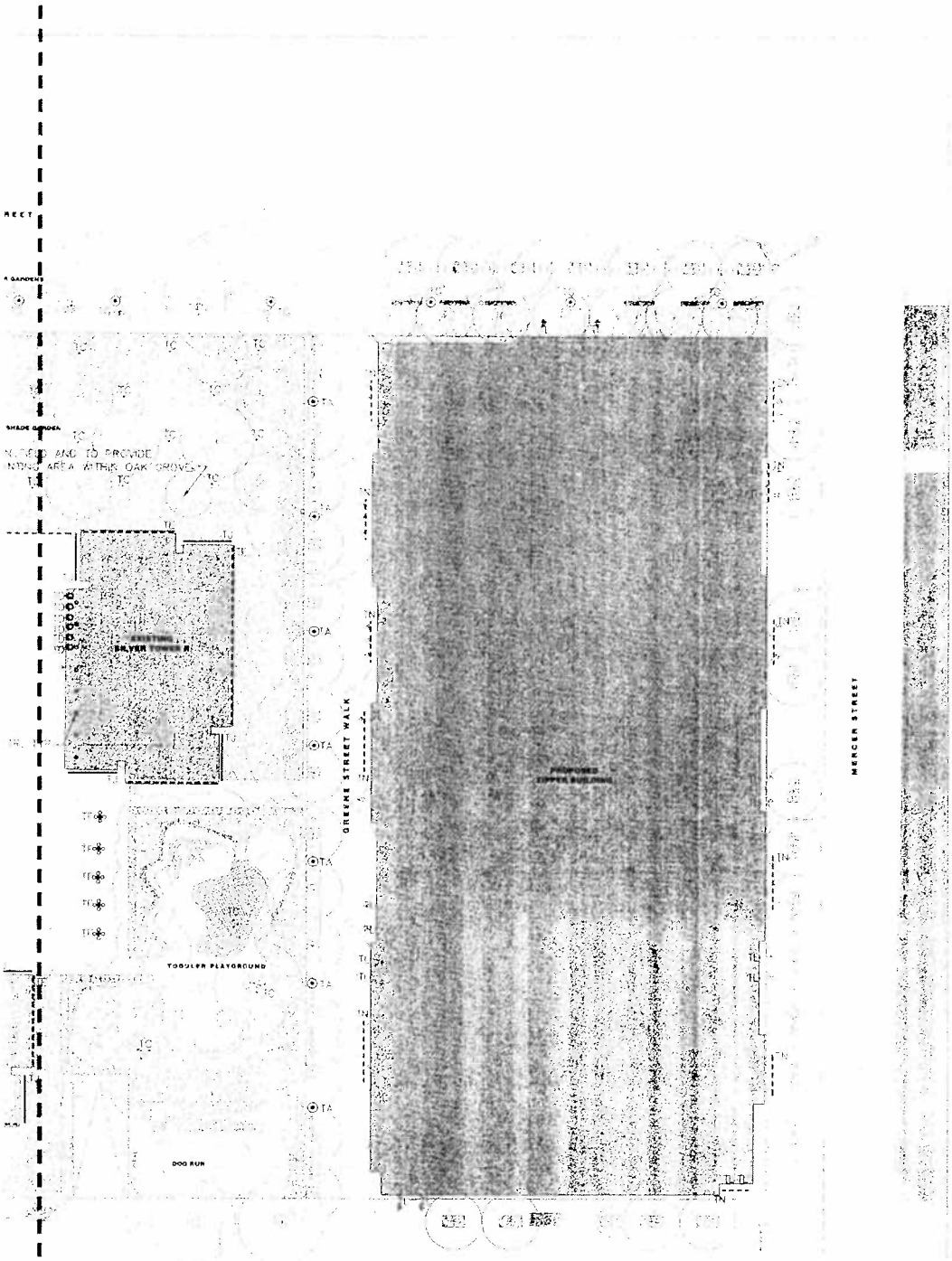

1 06/04/12 CPC MODIFICATIONS

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ULURP SUBMISSION

SOUTH BLOCK LIGHTING PLAN

12/05/2011 | 1/32" = 1'-0"

KL

MVVA

MVVA

Z- 319

The proposed lighting design is to provide for public safety, develop a sense of spatial hierarchy, and reinforce the architectural composition of the block, while being respectful of community concerns, including light pollution and the landmark status of portions of the project.

In general the intent was to create two conditions: in the interior of the site, the lighting is that of a contemplative garden. At the perimeter areas, the lighting evokes a residential street by inviting guests along preferred routes and lighting used areas.

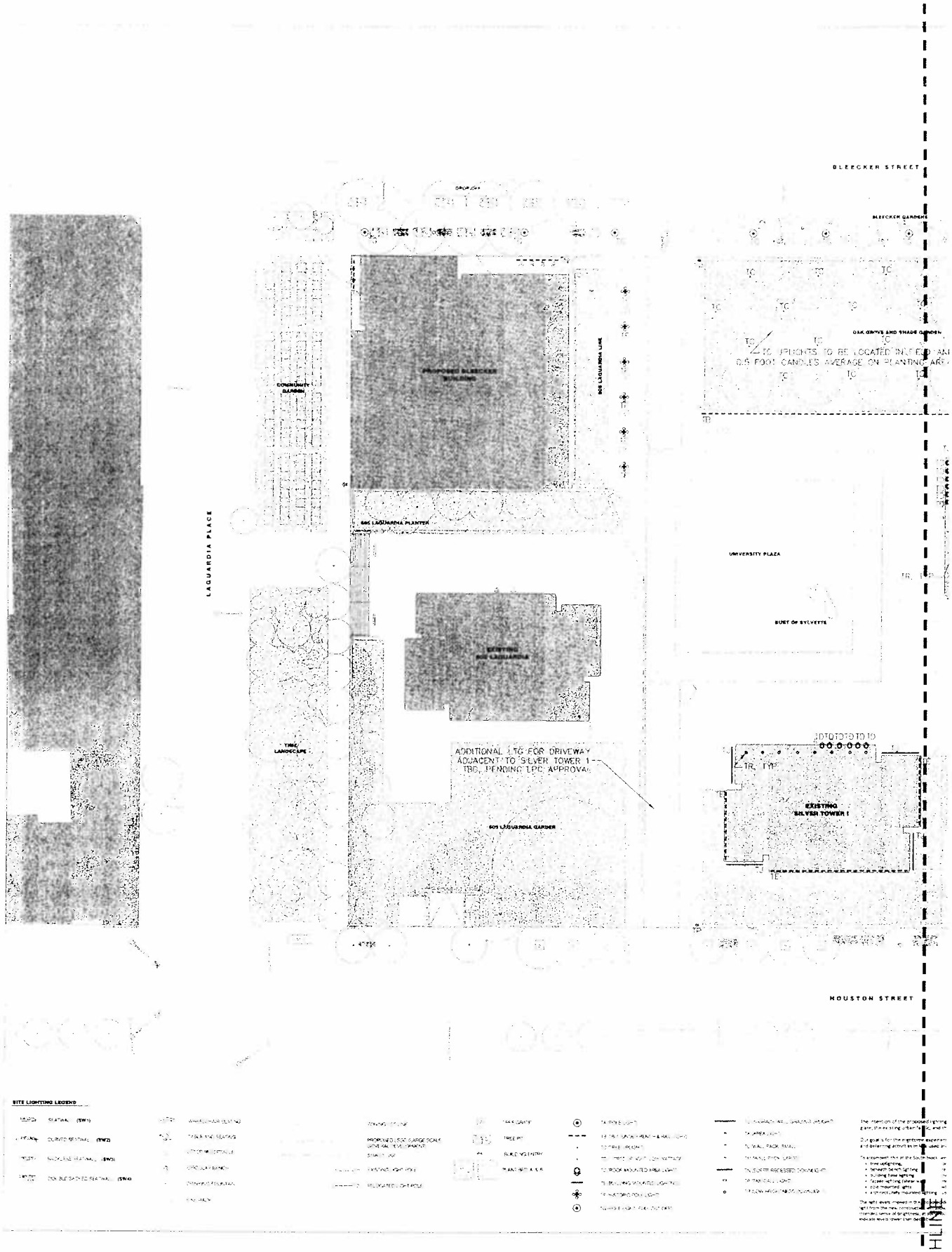
[illegible] we are proposing a language that consists of:

- [illegible] improves the perceived sense of the lighting. Does not overlighting, increase the actual ambient light levels
- reinforces the intimate scale of walking a site, helps define the garden experience as a series of environmental "rooms"
- increases the perceived sense of brightness by eliminating dark areas with an introduction of neutral contrast
- increases the perceived sense of brightness by providing illuminated vertical surfaces
- where functional, provides visual cues for the intended path of travel and adequate light to discourage wandering
- [illegible] consistent throughout as appropriate

[illegible] proposed design and the methods as per [illegible] consistent with our design intent. However, upon further analysis, may deviate from the further development of the design. For example, we may determine that additional [illegible] is advisable to decrease the amount of landscape light necessary or emerging technology will make a [illegible] method more advisable and therefore desirable. Additionally, the light levels are not always representative of the [illegible] the Toddler's Garden and Oak Grove, [illegible] provides a high degree of vertical illumination while the actual measured light levels on the ground will not reflect the perceived brightness and [illegible]

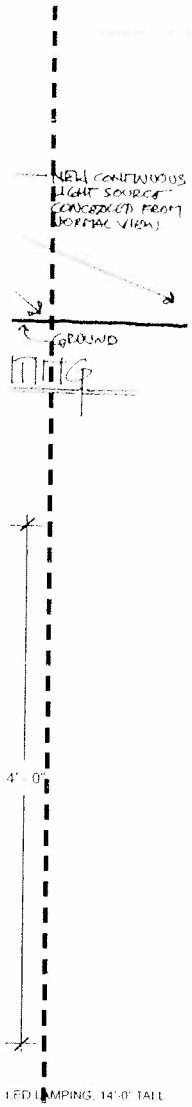
MATCHLINE

Z-319
PART 1 OF 2



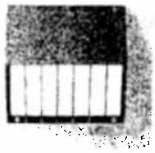
Z-319
PART 2 OF 2

MATCHLINE



TJ - IN-GRADE UPLIGHT

IN GRADE METAL HALIDE OR LED UPLIGHT WASHING BUILDING FACADES



TK - AREA LIGHT

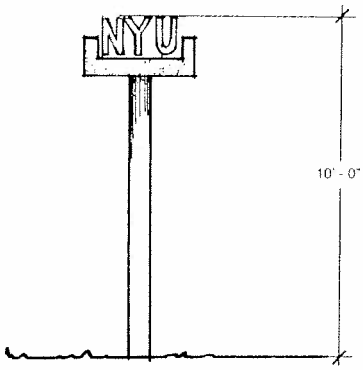
WALL-MOUNTED METAL HALIDE OR LED UPLIGHT AREA LIGHT, 12" x 24" x 9" PROJECTION

TL, TM - AREA LIGHT

SIMILAR TO TYPE "TK"

TN - CANOPY LIGHT

ARCHITECTURAL LIGHTING AT CANOPIES



TP - TAXI CALL LIGHT

TEXT TBD

TR - DOWNLIGHT

TO BE REFURBISHED AT EXISTING LOCATIONS OR NEW AS REQUIRED

MATCHLINE

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ULURP SUBMISSION

SITE LIGHTING DETAILS

12/05/2011 N.T.S.

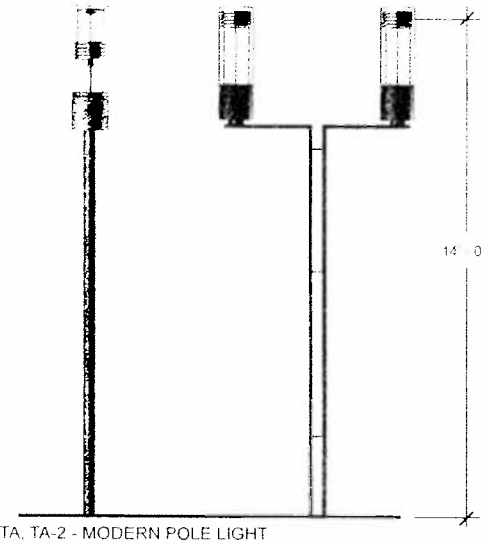
KL

MVVA

MVVA

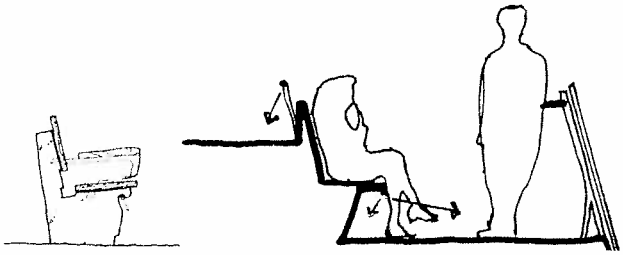
Z- 320

Z-320
PART 1 OF 2



TA, TA-2 - MODERN POLE LIGHT

METAL HALIDE OR LED POLE LIGHT WITH ONE (TA) OR TWO (TA-2) HEADS, LAMPING TO BE 14'-0" ABOVE GROUND

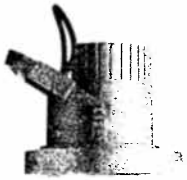


TB, TB-1 - UNDER BENCH LIGHT

FLEXIBLE EXTERIOR-RATED LED STRIP SURFACE MOUNTED UNDER BENCH

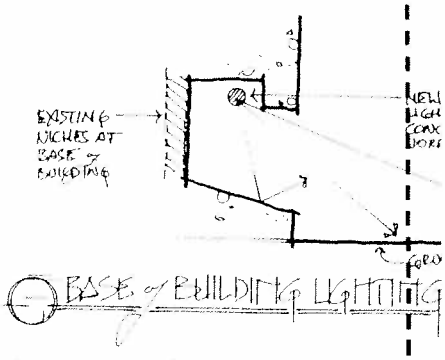
TC, TC-1 - BULLET UPLIGHTS

STAKE-MOUNTED METAL HALIDE OR LED UPLIGHT. FIXTURE TO BE WELL-SHEILDED AND LOCATED IN FIELD. TC-1 IS LOW BRIGHTNESS



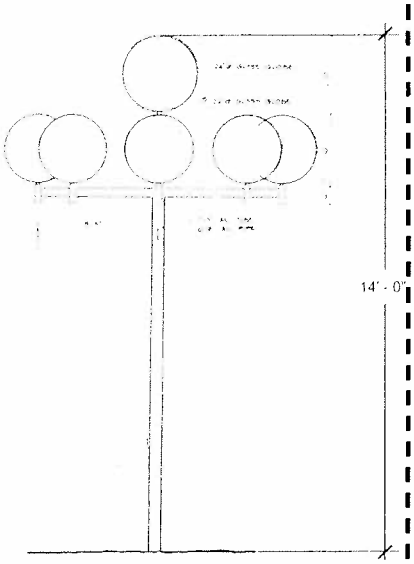
TD - MOONLIGHTING

METAL HALIDE OR LED AREA LIGHT LOCATED AT TOP OF BUILDINGS



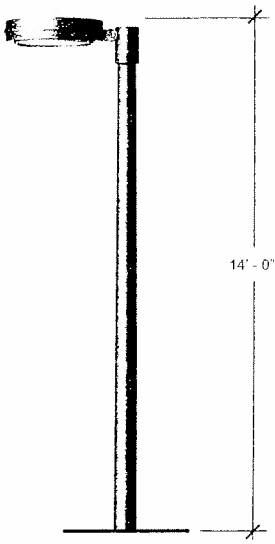
TE- UNDER BUILDING

METAL HALIDE OR LED LIGHT MOUNTED UNDER BUILDINGS



TF - HISTORIC POLE

HISTORIC PEI POLE LIGHT WITH UPDATED METAL HALIDE OR LED LAMPIN

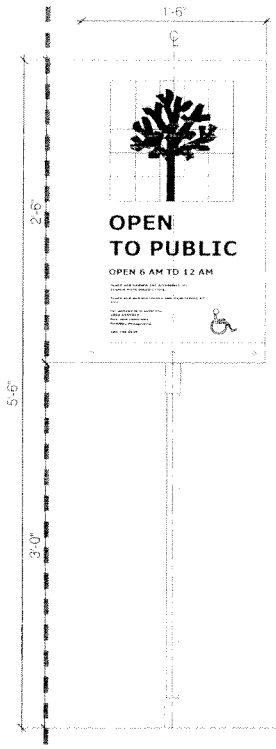


TG - MODERN POLE LIGHT

METAL HALIDE OR LED POLE LIGHT, 14'-0" TALL

MATCHLINE

Z-320
PART 2 OF 2



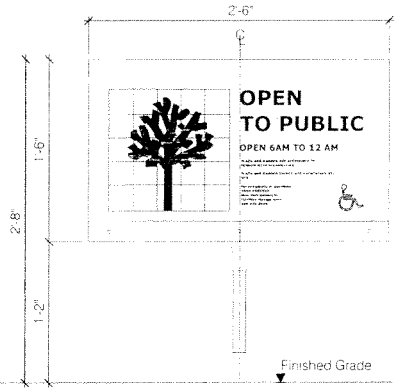
NOTES:

PLAYGROUND ENTRANCE SIGNAGE WITHIN NYU PROPERTY TO BE DEVELOPED AND SHALL COMPLY WITH NYUS PLAYGROUND SIGNAGE

2. PLAYGROUND SIGNAGE WITHIN CITY OWNED PROPERTY TO BE DEVELOPED SHALL COMPLY WITH NYC PARKS STANDARD SIGNAGE, TYPICAL
3. TYPICAL PARK SIGNAGE SHOULD COMPLY WITH NYC PARKS STANDARD SIGNAGE

DESIGN REGULATIONS:

1. ALL TEXT TO BE AT LEAST 3/4" IN HT., AND IN A BOLD, NON NARROW, AND SANS SERIF FONT
2. POPS LOGO REQUIRED TO BE GREEN OR BLACK IN COLOR
3. MUST BE CONSTRUCTED OF HIGHLY DURABLE MATERIALS SUCH AS METAL OR STONE THAT ARE FULLY OPAQUE AND REFLECTIVE
4. POST PLAQUE MUST CONTAIN THE TEXT "OPEN TO THE PUBLIC", THE INTERNATIONAL SYMBOL FOR ACCESS, AND THE APPROVED HOURS OF ACCESS
5. FREESTANDING ELEMENTS MAXIMUM HT. OF 6 FT., WIDTH AND DEPTH OF 16 IN



Open Space Entrance Plaque
Scale: 1-1/2" = 1-0"

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No.	Date	Description
1	06/04/12	CPC MODIFICATIONS

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MICHAEL VAN VALKENBURGH
No. 001345
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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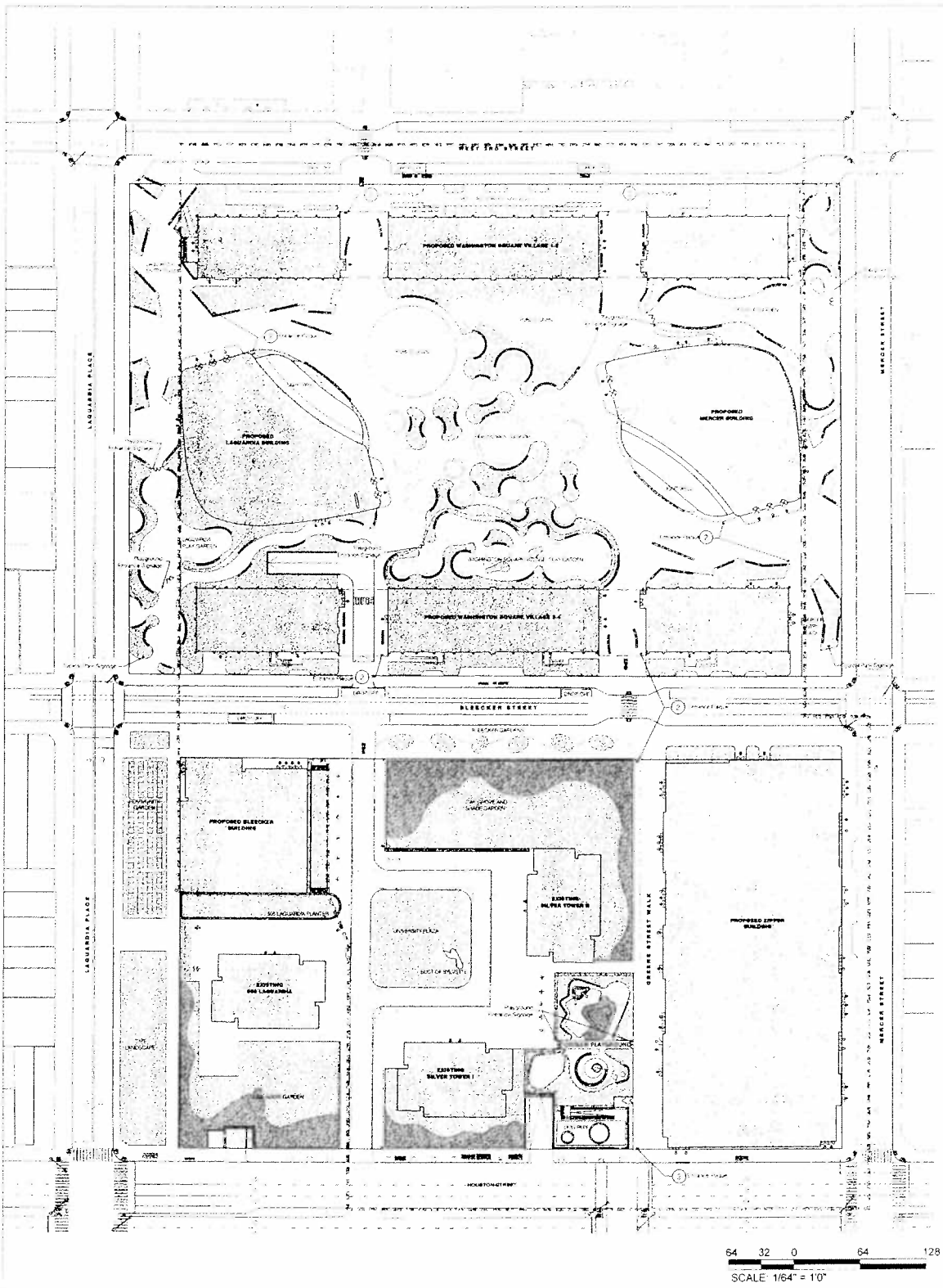
ULURP SUBMISSION

PUBLIC SPACE SIGNAGE PLAN

Date: 12/05/2011	Scale: AS NOTED
Drawn: MVVA	
Checked: MVVA	Z - 321
Project Manager: MVVA	

Z-321
PART 1 OF 2



1 Public Space Signage Plan
Scale: 1/64" = 1'-0"

2 Ope
Scale

MATCHLINE

Z-321
PART 2 OF 2

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1	06/04/12	CPC MODIFICATIONS

Seal & Signature

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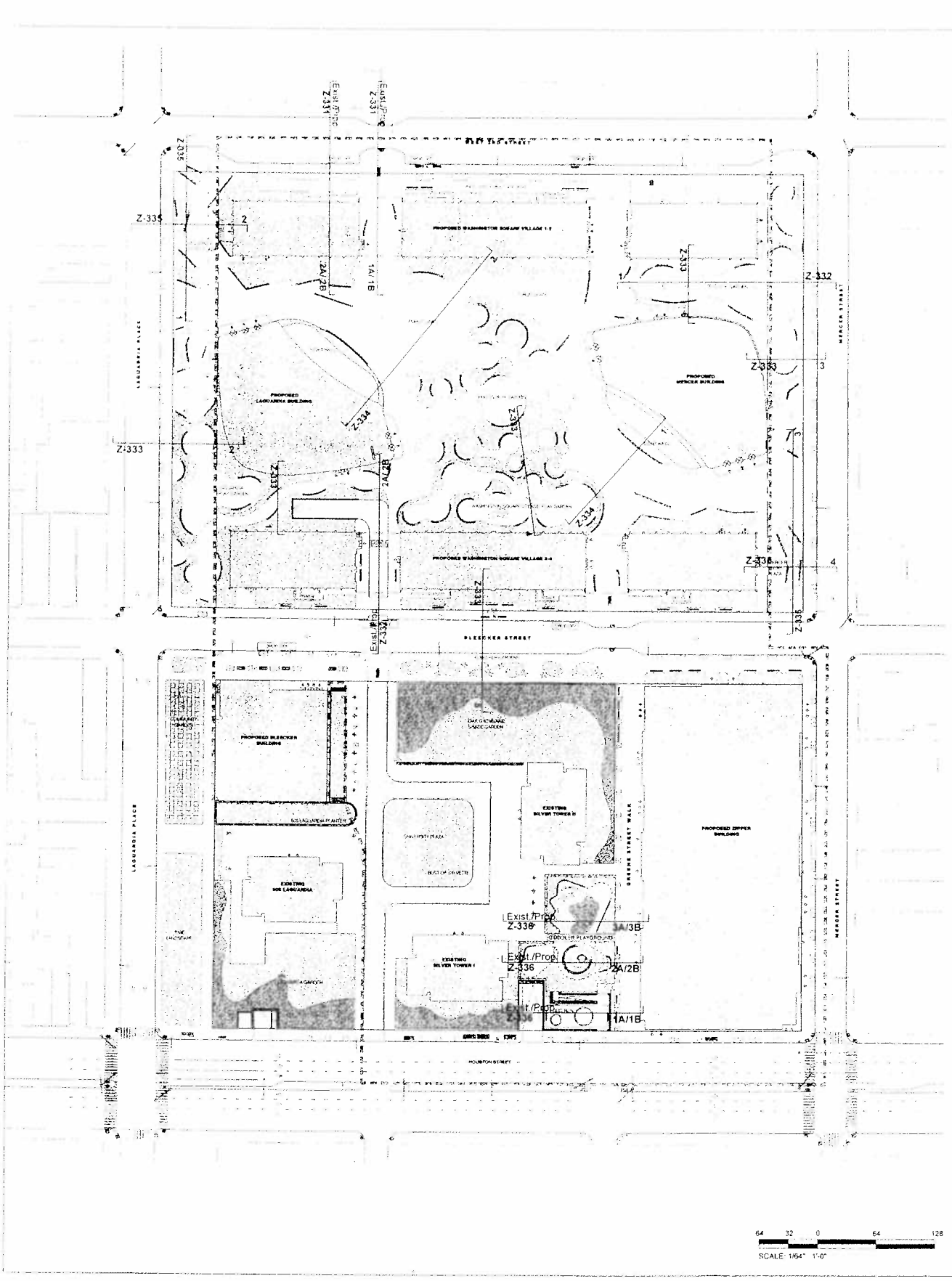
ULURP SUBMISSION

OVERALL SECTION KEY

Date: 12/05/2011	Scale: 1/64" = 1' -0"
Drawn: MVVA	
Checked: MVVA	Z - 330
Approved: MVVA	

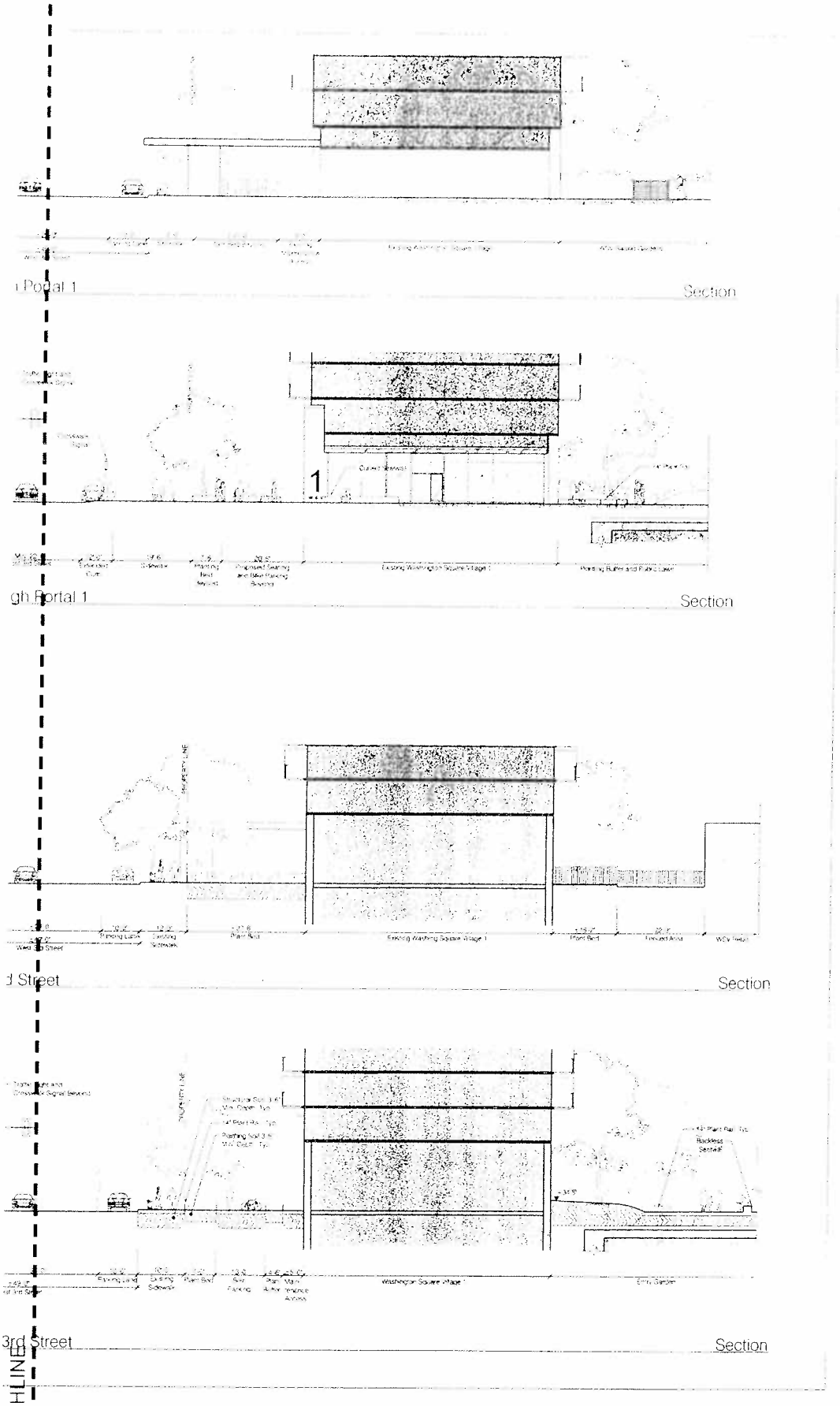
MATCHLINE 128

Z-330
PART 1 OF 2



MATCHLINE

Z-330
PART 2 OF 2



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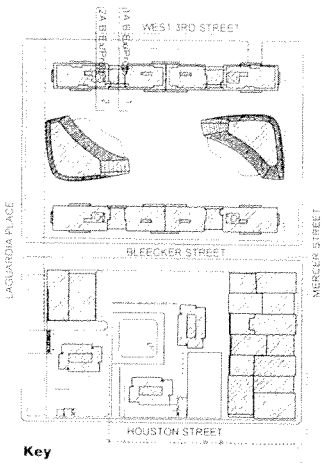
ULURP SUBMISSION

NORTH BLOCK SECTIONS

12/05 2011	1/16" = 1' -0"
MVVA	
MVVA	Z - 331
MVVA	

Z-331
PART 1 OF 2



Key

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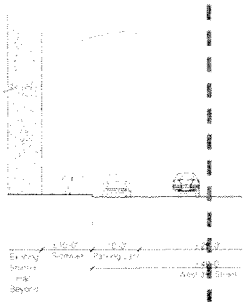
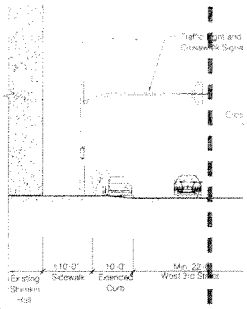
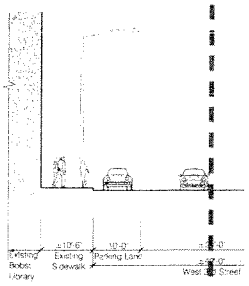


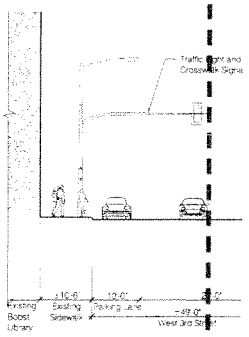
1A Existing Through Portal
Scale: 1/16" = 1'-0"



1B Proposed Through Portal
Scale: 1/16" = 1'-0"



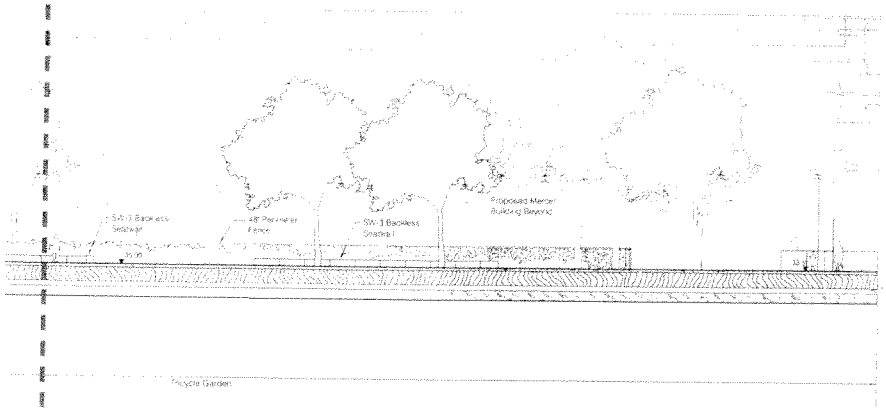
2A Existing West 3rd Street
Scale: 1/16" = 1'-0"



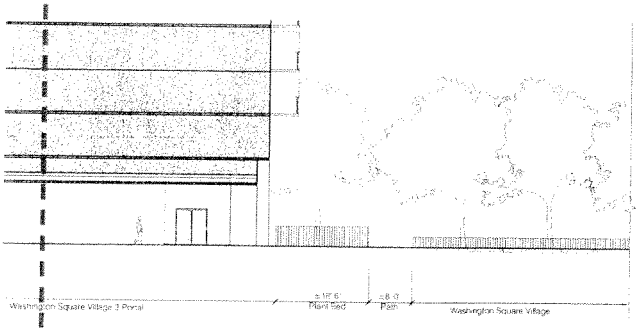
2B Proposed West 3rd Street
Scale: 1/16" = 1'-0"

MATCHLINE

Z-331
PART 2 OF 2



Section



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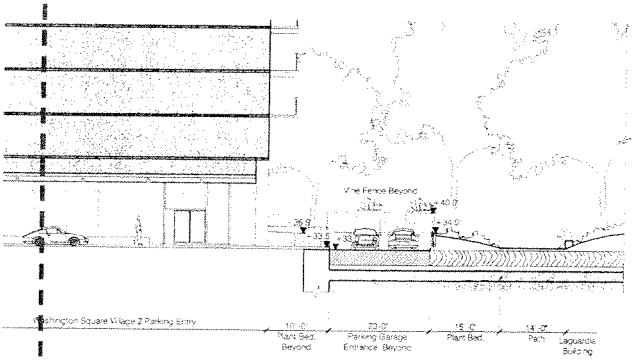

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No.	Date	Description
1	06/04/12	CPC MODIFICATIONS

Seal & Signature

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No. 001345
STATE OF NEW YORK

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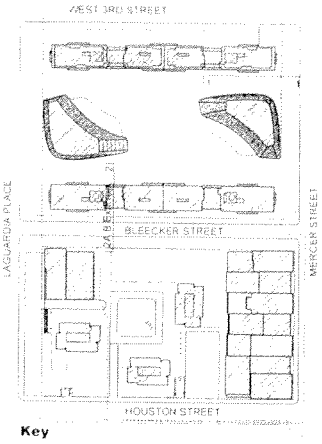
ULURP SUBMISSION

NORTH BLOCK SECTIONS

12/05/2011	1/16" = 1' -0"
MVVA	
MVVA	Z - 332
MVVA	

Z-332
PART 1 OF 2



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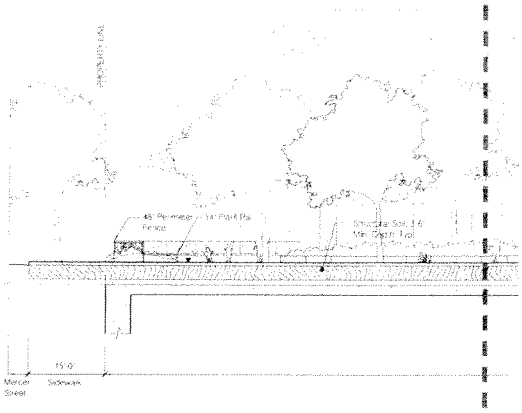
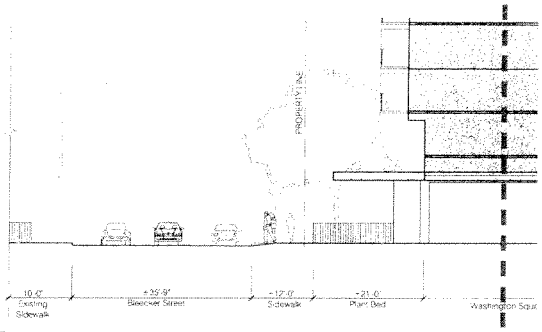
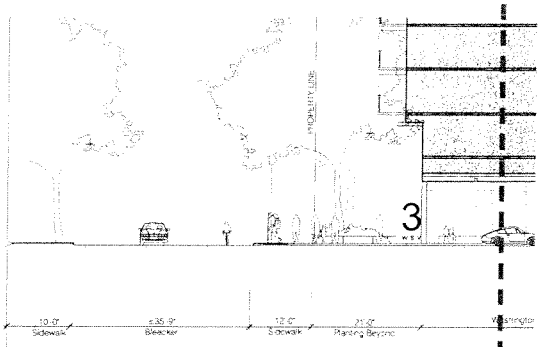


1 Proposed Through Garage Access Ramp
Scale: 1/16" = 1'-0"



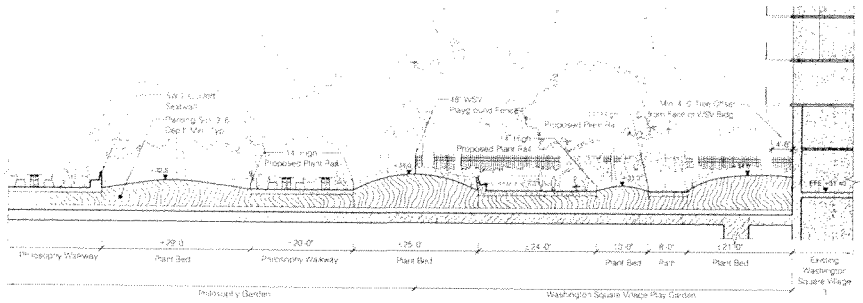
2A Existing Through Portal 3
Scale: 1/16" = 1'-0"



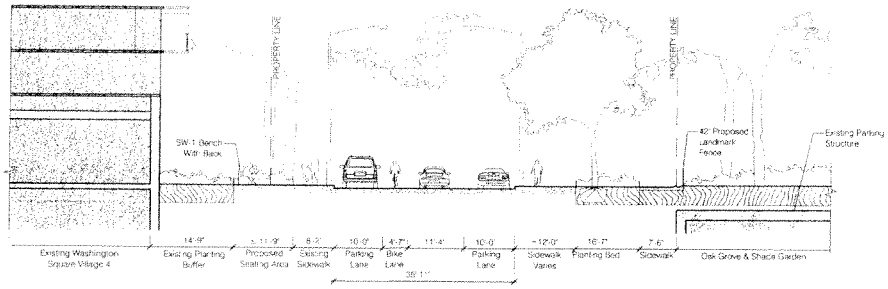
2B Proposed Through Portal 3
Scale: 1/16" = 1'-0"

MATCHLINE

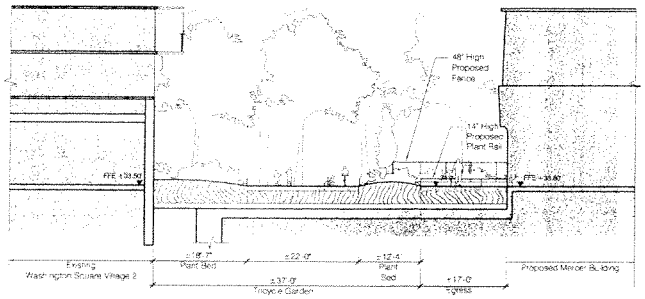
Z-332
PART 2 OF 2



4 Proposed WSV Play Garden — Section
Scale: 1/16" = 1'-0"



5 Proposed Bleecker Street — Section
Scale: 1/16" = 1'-0"



6 Proposed Tricycle Garden — Section
Scale: 1/16" = 1'-0"

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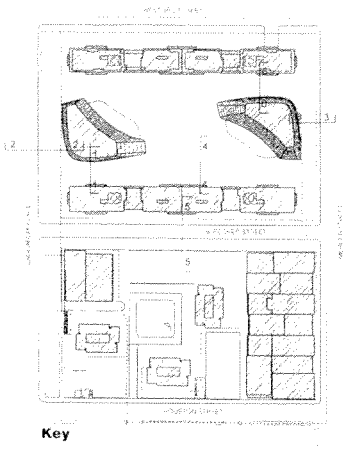
ULURP SUBMISSION

NORTH BLOCK SECTIONS

12/05/2011	1/16" = 1' -0"
MVVA	
MVVA	Z - 333
MVVA	

Z-333
PART 1 OF 2



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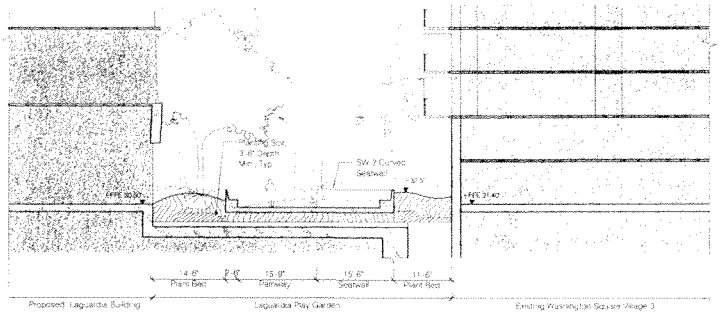
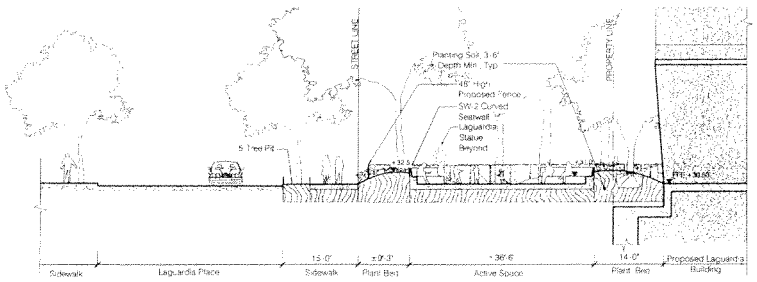
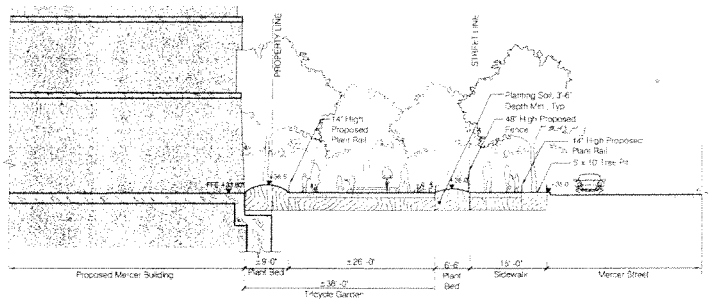


1 Proposed Laguardia Play Garden — Section
Scale: 1/16" = 1'-0"



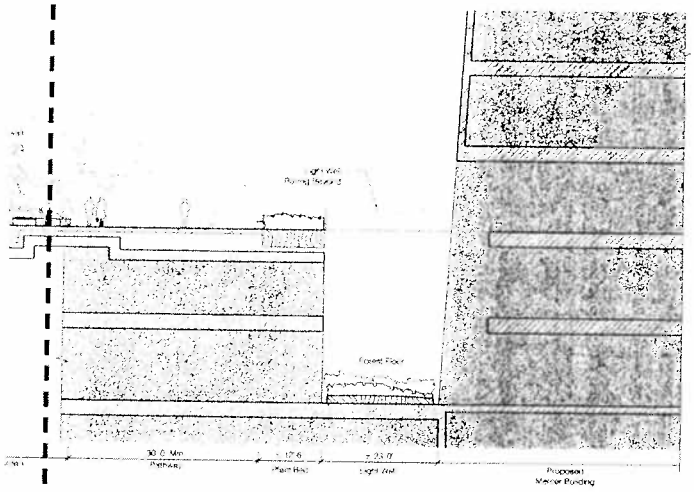
2 Proposed Laguardia Play Garden — Section
Scale: 1/16" = 1'-0"



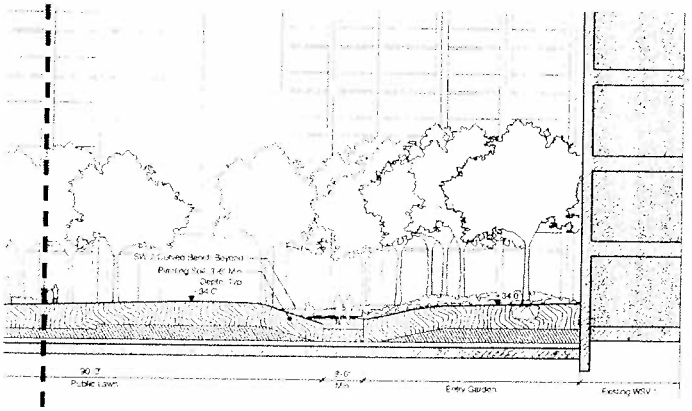
3 Proposed Tricycle Garden — Section
Scale: 1/16" = 1'-0"

MATCHLINE

Z-333
PART 2 OF 2



Light Garden



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Section

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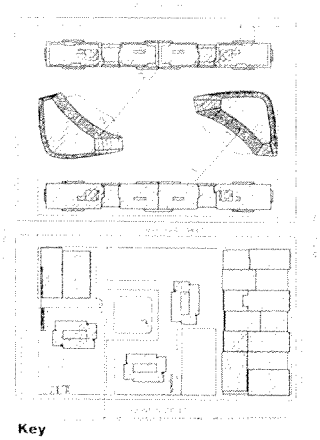
ULURP SUBMISSION

NORTH BLOCK SECTIONS

12/05/2011	1/16" = 1' -0"
MVVA	
MVVA	Z - 334
MVVA	

Z-334
PART 1 OF 2



Key

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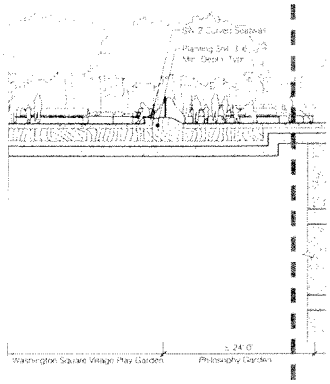
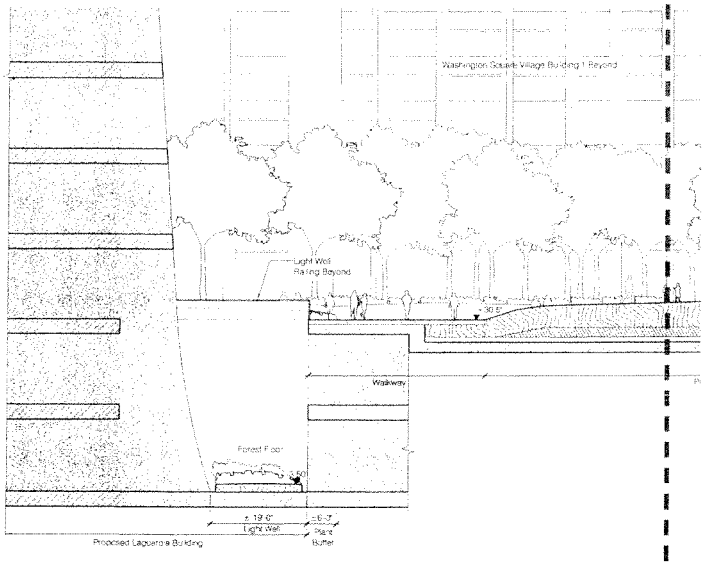


1 Proposed Mercer Building Light Ga
Scale: 1/16" = 1'-0"



2 Proposed Laguardia Building Light Well and Public Lawn
Scale: 1/16" = 1'-0"

MATCHLINE

Z-334
PART 2 OF 2

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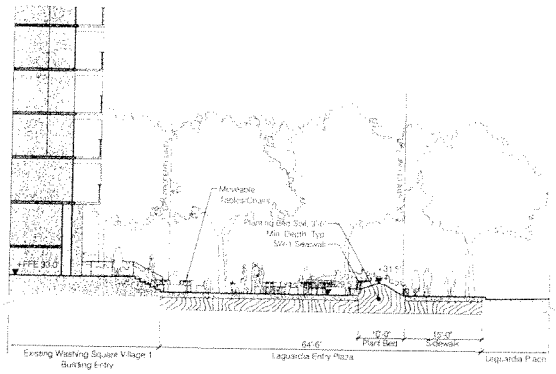
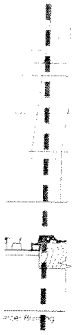
Section



2 Laguardia Entry Plaza East-West
Scale: 1/16" = 1'-0"

Section



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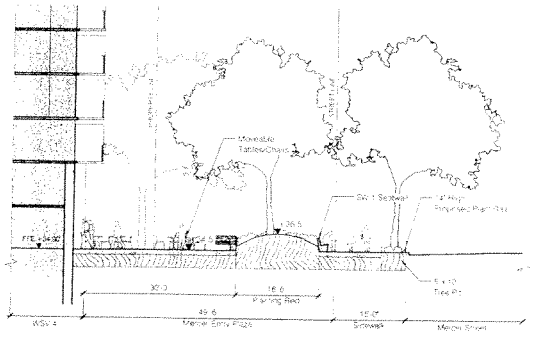

4 Mercer Entry Plaza East-West
Scale: 1/16" = 1'-0"

Section

MATCHLINE

1	06/04/12 CPC MODIFICATIONS

Seal / Signature

ARCHITECT LANDSCAPE ARCHITECT MICHAEL VAN VALKENBURGH No. 001345 STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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Do not scale
All dimensions to be checked on site

ULURP SUBMISSION

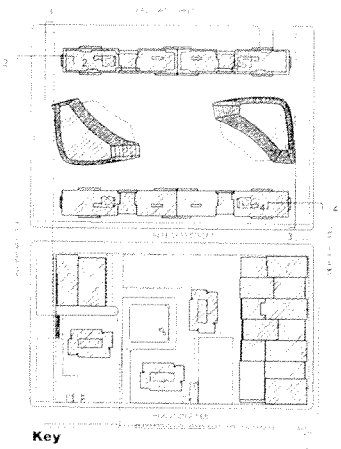
NORTH BLOCK SECTION

12/05/2011 | 1/16" = 1' -0"

MVVA
MVVA
MVVA

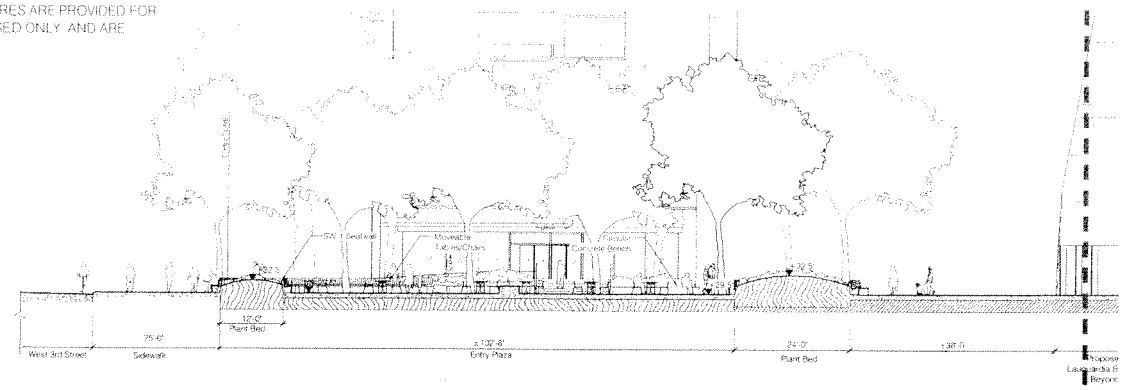
Z - 335

Z-335
PART 1 OF 2

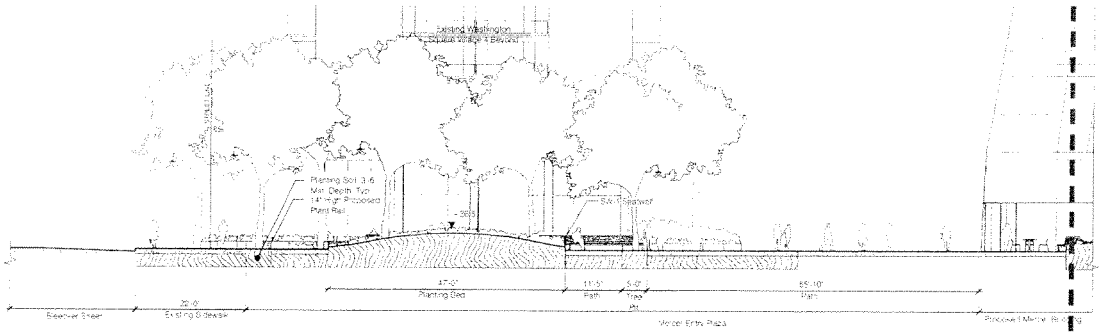


Key

NOTE:
BELOW GRADE STRUCTURES ARE PROVIDED FOR INFORMATIONAL PURPOSED ONLY AND ARE SUBJECT TO CHANGE



1 Laguardia Entry Plaza North-South
Scale: 1/16" = 1'-0"

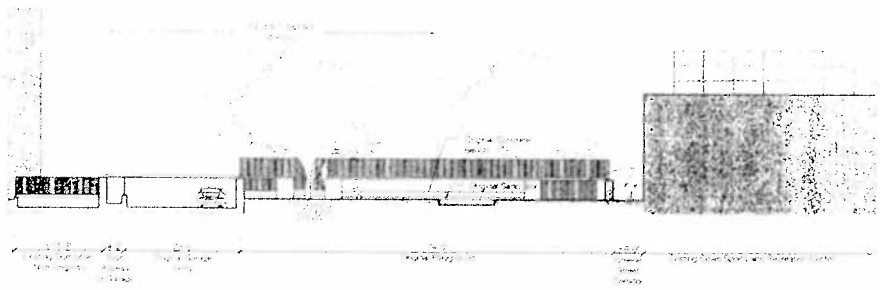


3 Mercer Entry Plaza North-South
Scale: 1/16" = 1'-0"

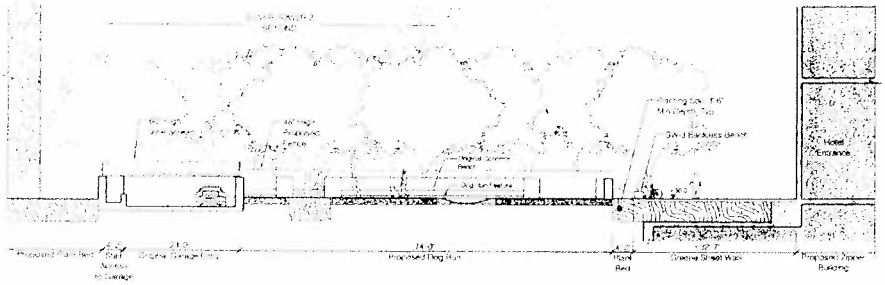
Section

MATCHLINE

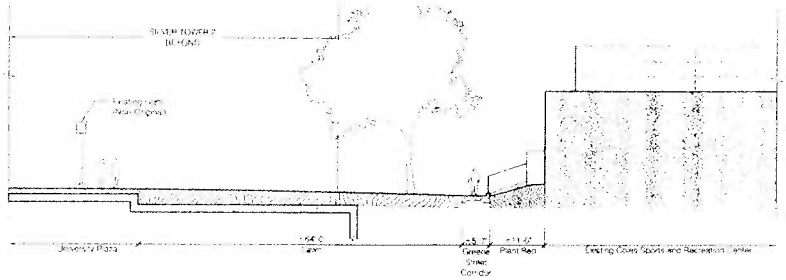
Z-335
PART 2 OF 2



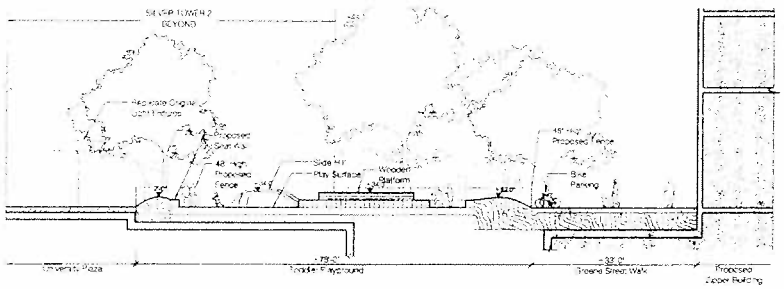
1A South Block - Existing Silver Towers Playground — Section
Scale: 1/16" = 1'-0"



1B South Block - Proposed Dog Run — Section
Scale: 1/16" = 1'-0"



3A South Block - Existing Concrete Seating — Section
Scale: 1/16" = 1'-0"



3B South Block - Proposed Toddler Playground — Section
Scale: 1/16" = 1'-0"

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2 06/04/12 CPC MODIFICATIONS

STATE OF NEW

SHEET SIZE: 22 x 34

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ULURP SUBMISSION

SOUTH BLOCK SECTION

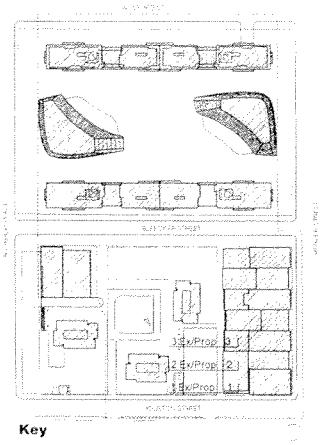
12/05/2011 | 1/16" = 1' -0"

MVVA
MVVA
MVVA

Z - 336

MATCHLINE

Z-336
PART 1 OF 2



NOTE:
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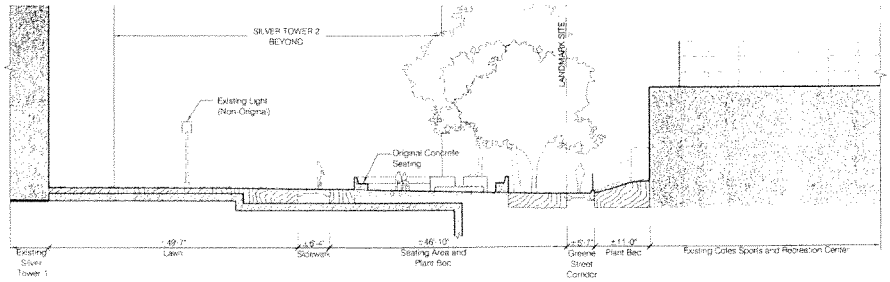
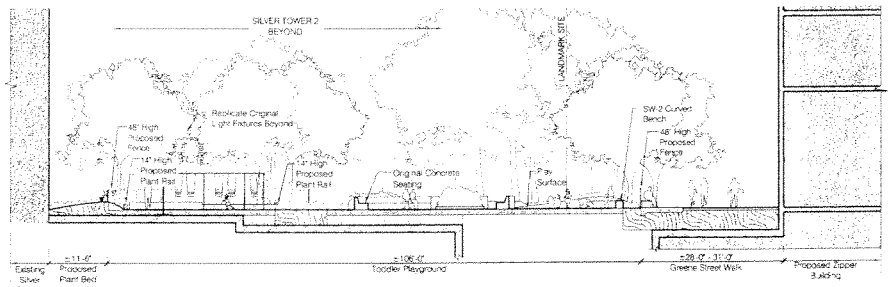


2A South Block - Existing Planted Area Section
Scale: 1/16" = 1'-0"



2B South Block - Proposed Toddler Playground Section
Scale: 1/16" = 1'-0"

1A

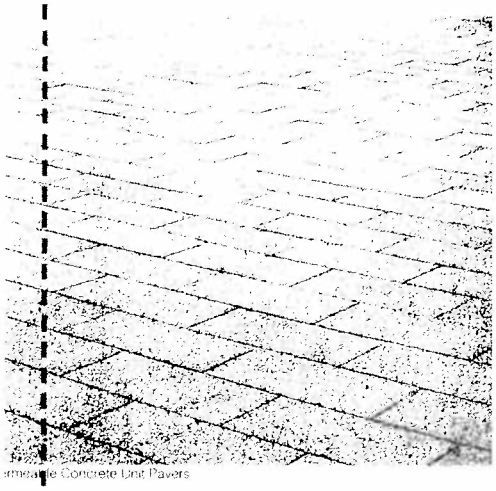
1B

3A

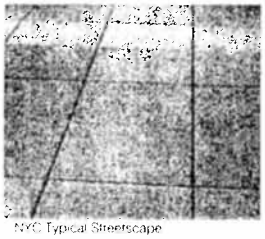
3B

MATCHLINE

Z-336
PART 2 OF 2



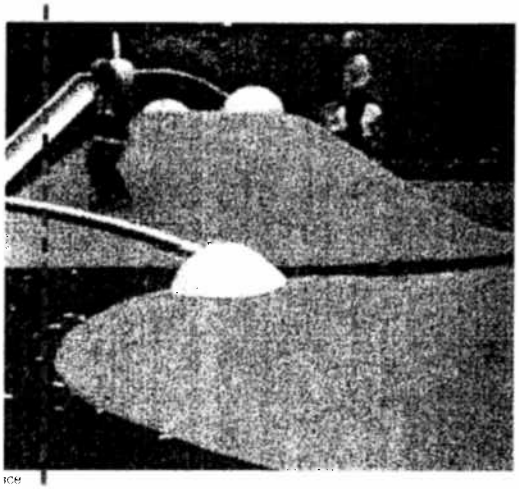
rmeable Concrete Unit Pavers



NYC Typical Streetscape

Concrete Unit Pavers

Photographs

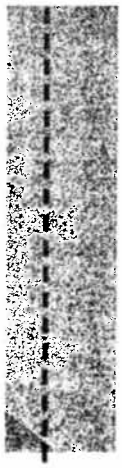


ice

Safety Surface: Engineered Wood Fibers

Surfaces

Photographs



Photographs

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A 06/04/12 CPC M

SHEET SIZE: 22"X 34"

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ULURP SUBMISSION

PAVEMENT DETAILS

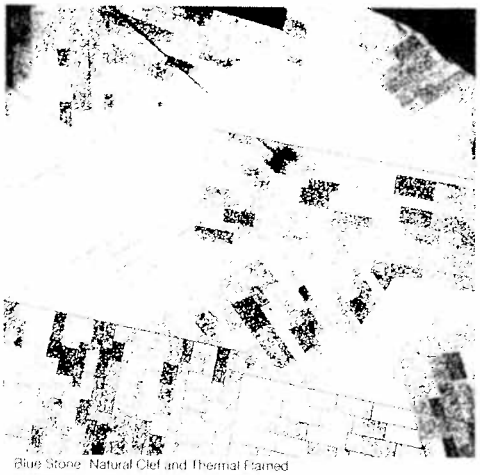
12/05/2011 N/A

MVVA

MVVA

MVVA

Z - 340



Blue Stone, Natural Clef and Thermal Flamed

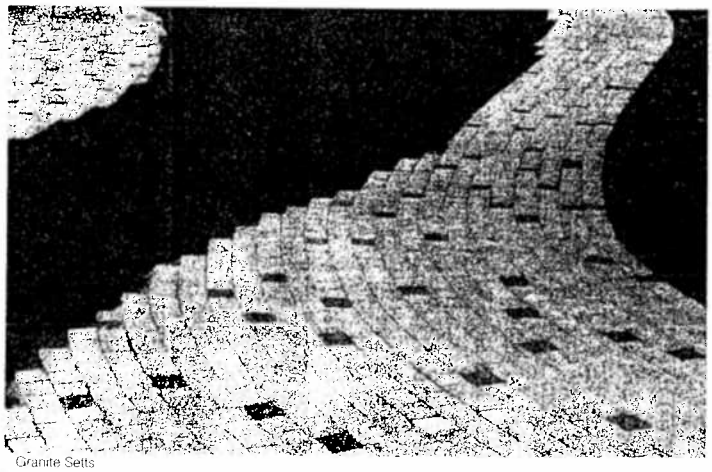
Asphalt Hex Pavement

1 Plaza Pavement

Photographs

Permeable Co

2 Conc



Granite Setts

Permeable Pavers

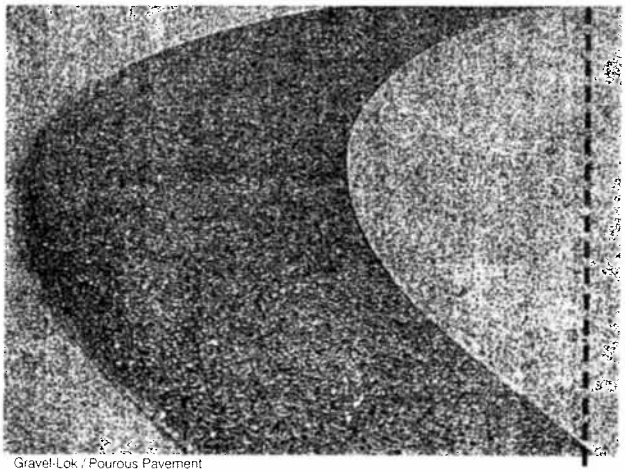
3 Garden Pavement

Photographs

Safety Surface

4 Play Surface

Printed Pavement Over Permeable Asphalt



Gravel-Lok / Pourous Pavement

5 Tricycle Garden Concrete

Photogr

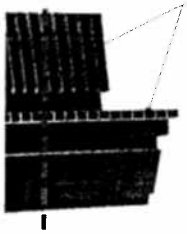
MATCHLINE

Z-340
PART 2 OF 2

3"W x 1/4"H Galvanized
Metal Attachment Strip

wall (SW1) Backless Seatwall (SW3) and Double Backed
(SW4) Locations. See Site Furnishings Plan
lanks Shall Ease At All Edges To Provided Comfort of Seating

Plan



Hardwood Slat

3D Render

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1	06/04/12 CPC MODIFICATIONS

REGISTERED LANDSCAPE ARCHITECT
MICHAEL VAN VALKENBURGH
No. 001345
STATE OF NEW YORK

SHEET SIZE 22"X 34"

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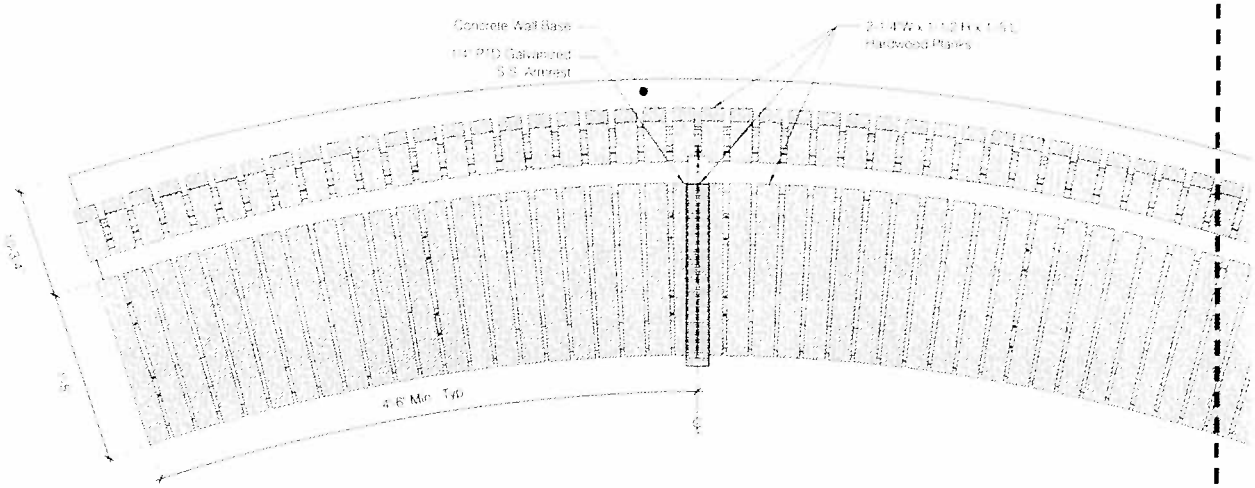
ULURP SUBMISSION

SEAT WALL DETAIL

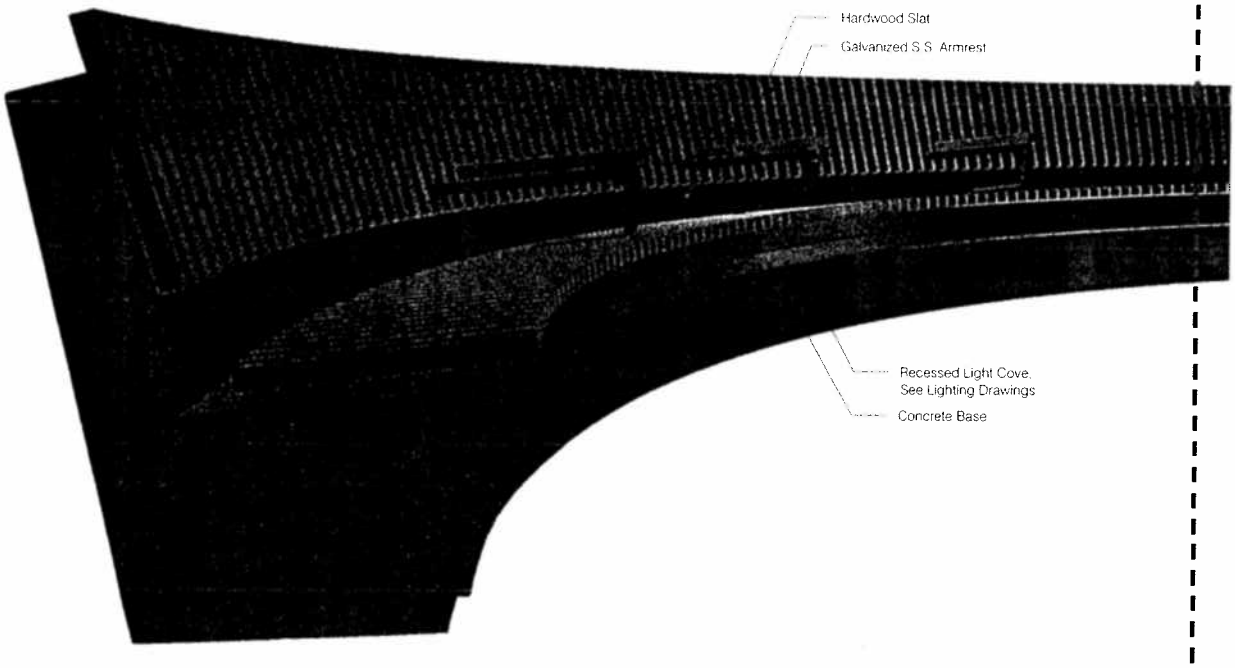
12/05/2011	1-1/2" = 1' -0"
MVVA	
MVVA	Z - 341
MVVA	

Z-341
PART 1 OF 2



NOTES
1 For Seatwall (SW1) t
Seatwall (SW4) Loca
2 Wood Planks Shall b

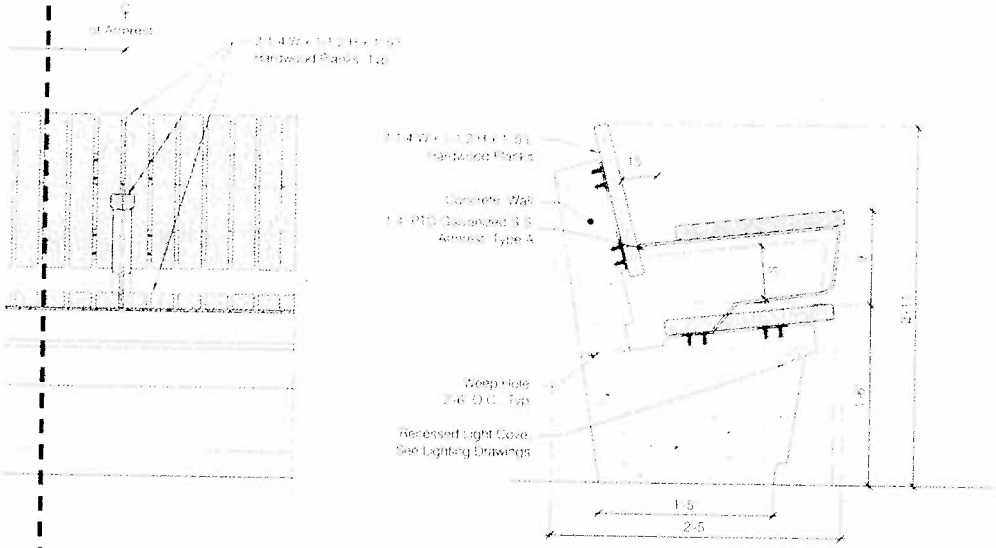
1 Curved Seatwall (SW2)
Scale: 1-1/2" = 1



2 Curved Seatwall (SW2)
Scale: N/A

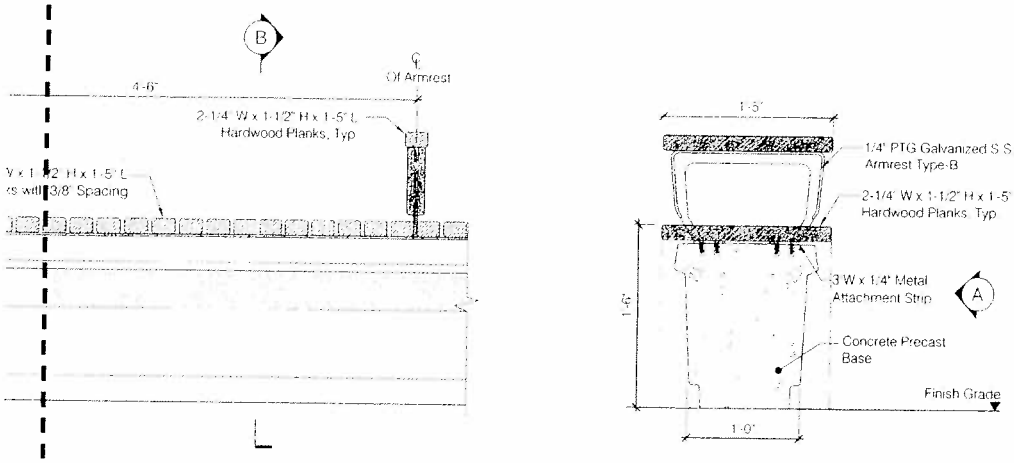
MATCHLINE

Z-341
PART 2 OF 2



Elevation

2 Seatwall (SW1) Curved Seatwall (SW2) Section
Scale: 1" 1 1/2" = 1'



Elevation

B Section

3) Curved Backless Seatwall (SW4)

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1 06/04/12 CPC MODIFICATIONS

SHEET SIZE: 22" X 34"

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ULURP SUBMISSION

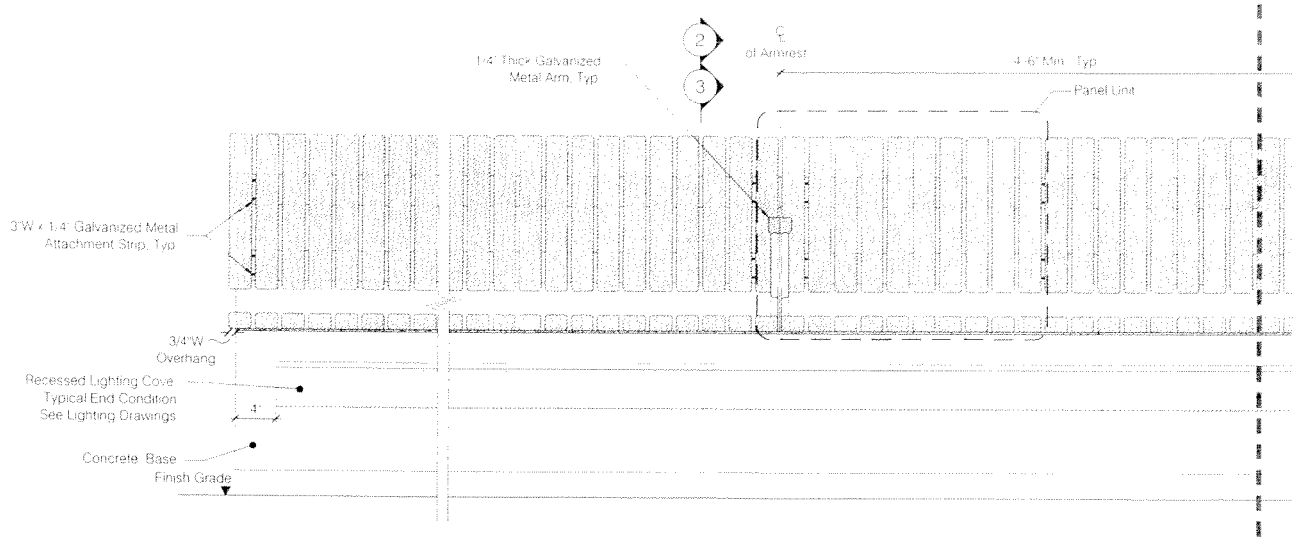
SEAT WALL DETAIL

12/05/2011 | 1-1/2" = 1' -0"

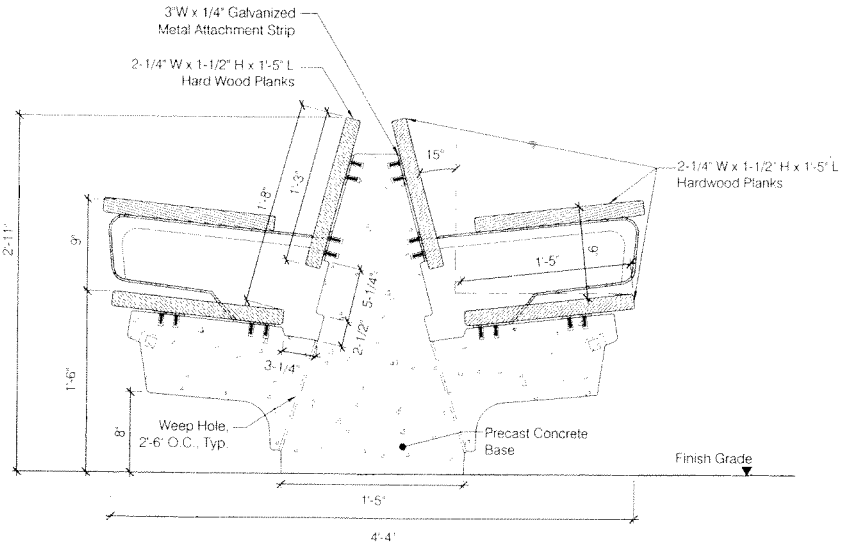
MVVA
MVVA
MVVA

Z - 342

Z-342
PART 1 OF 2

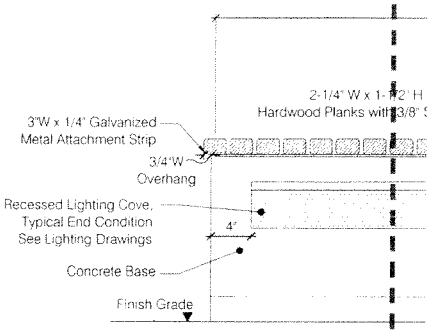


1 Seatwall (SW1) Curved Seatwall (SW2) Double Backed Seatwall (SW5)
Scale: 1- 1/2" = 1'



3 Double Backed Seatwall (SW5)
Scale: 1- 1/2" = 1'

Section

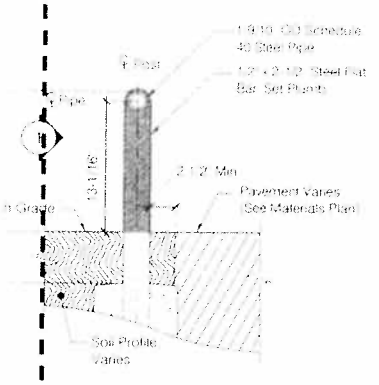


A

4 Backless Seatwall (SW3) Curve
Scale: 1- 1/2" = 1'

MATCHLINE

Z-342
PART 2 OF 2



14" Plant Rail at Post — Section

Scale: 1 1/2" = 1'

MATCHLINE

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No.	Date	Description
1	06/04/12	CPC MODIFICATION

SHEET SIZE: 22"X 34"

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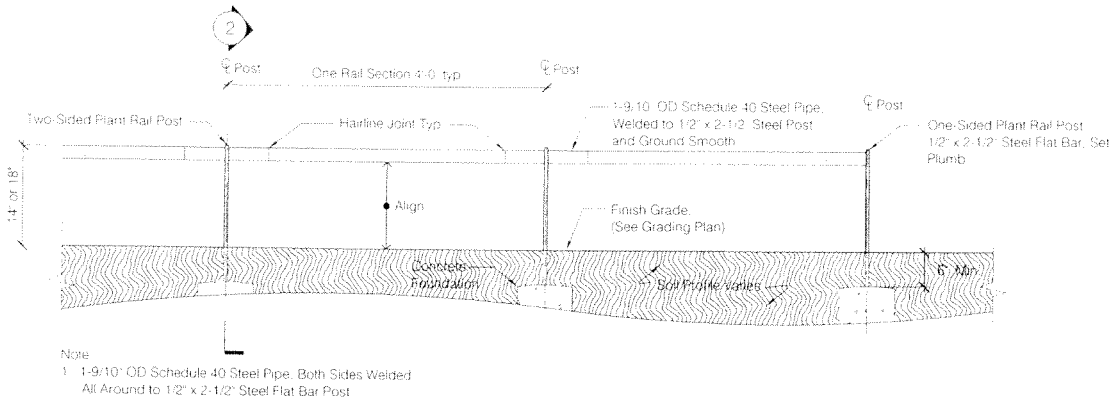
ULURP SUBMISSION

RAILING DETAILS

12/05/2011	AS NOTED
MVVA	
MVVA	Z - 343
MVVA	

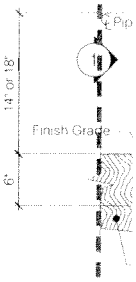
Z-343
PART 1 OF 2



Note
1. 1-9/10" OD Schedule 40 Steel Pipe, Both Sides Welded All Around to 1/2" x 2-1/2" Steel Flat Bar Post

1 14" Plant Rail
Scale: 1" = 1'

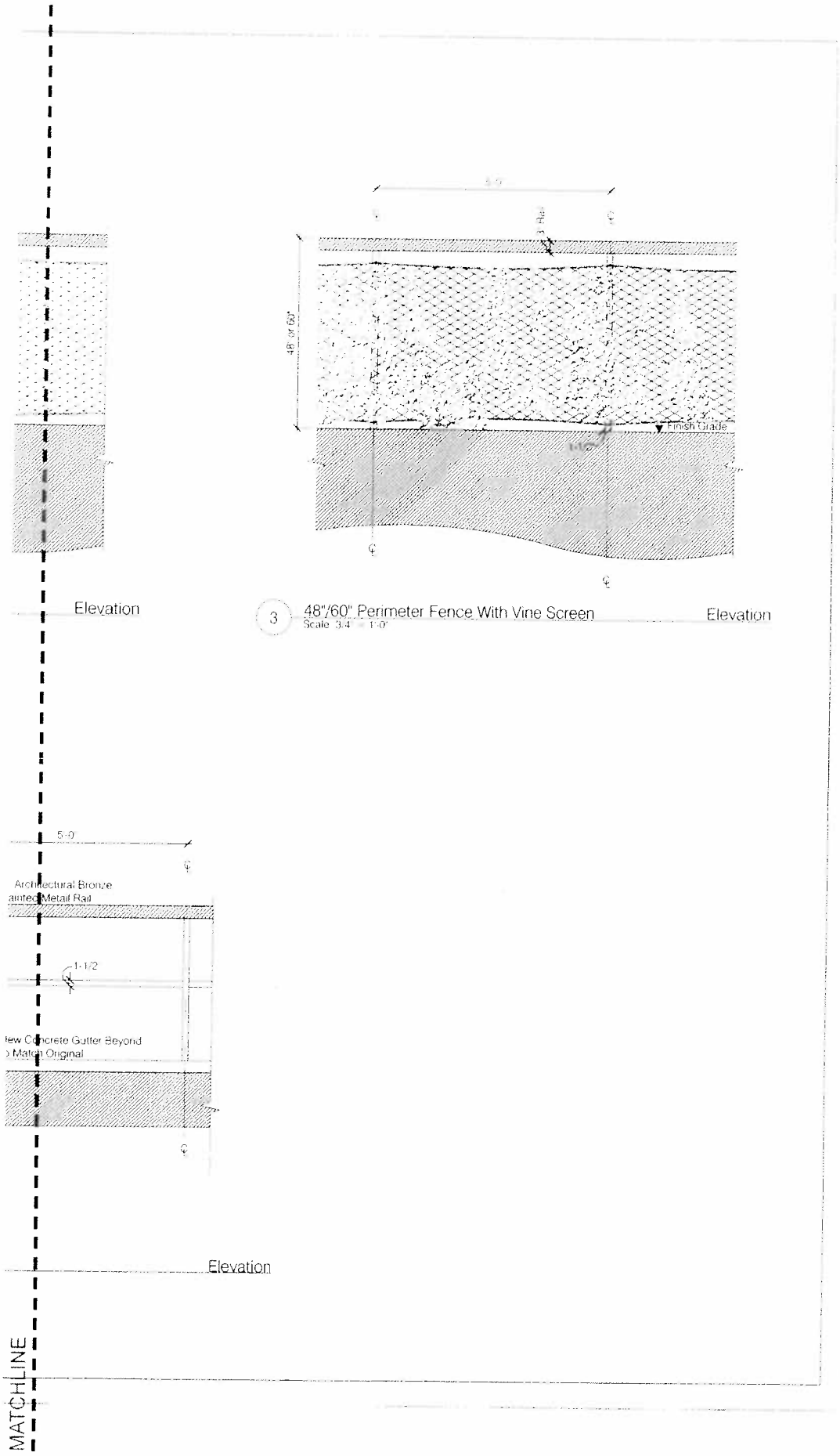
Elevation



2 14" Pla
Scale 1-1/

MATCHLINE

Z-343
PART 2 OF 2



3 48"/60" Perimeter Fence With Vine Screen
Scale: 3/4" = 1'-0"

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1	06/04/12 CPC MODIFICATIONS

SHEET SIZE: 22"X 34"

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Do not scale
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ULURP SUBMISSION

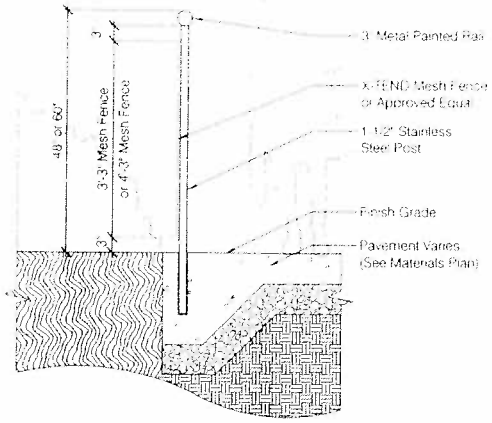
FENCING DETAILS

12/05/2011 | 3/4" = 1'-0"

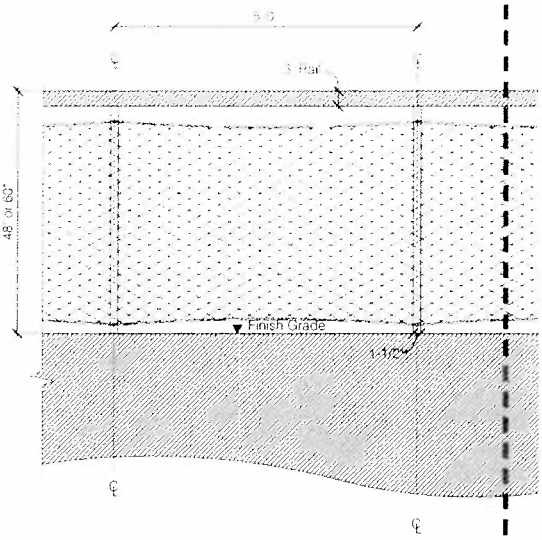
MVVA
MVVA
MVVA

Z - 344

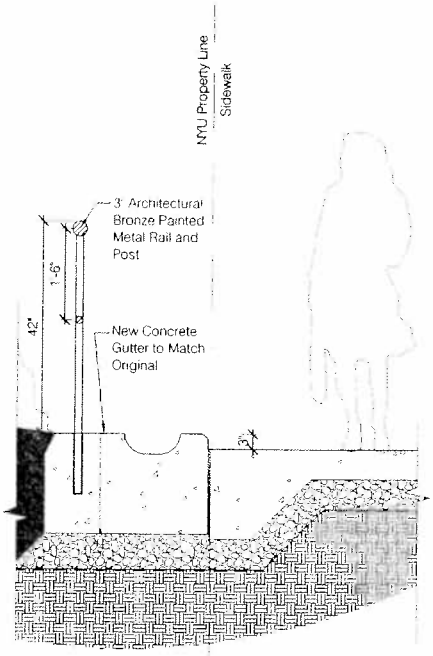
Z-344
PART 1 OF 2



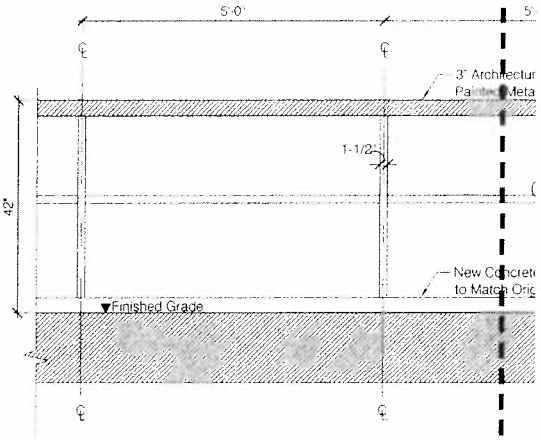
1 48"/60" Perimeter Fence at Playground Section
Scale: 3/4" = 1'-0"



2 48"/60" Perimeter Fence
Scale: 3/4" = 1'-0"



4 42" Perimeter Rail at Landmark Site Section
Scale: 3/4" = 1'-0



5 42" Perimeter Rail at Landmark Site
Scale: 3/4" = 1'-0"

MATCHLINE

Z-344
PART 2 OF 2

Photograph / Product Data

MATCHLINE

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No.	Date	Description
3	06/04/12	CPC MODIFICATIONS

REGISTERED LANDSCAPE ARCHITECT
MICHAEL VAN VALKENBURGH
No. 001545
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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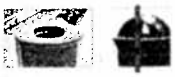
ULURP SUBMISSION

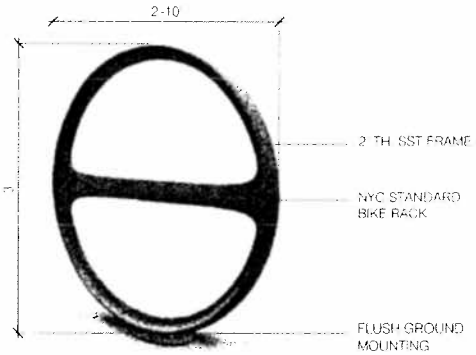
TRASH RECEPTACLE AND BIKE RACK DETAIL

12/05/2011	AS NOTED
MVVA	
MVVA	Z - 345
MVVA	

Z-345
PART 1 OF 2

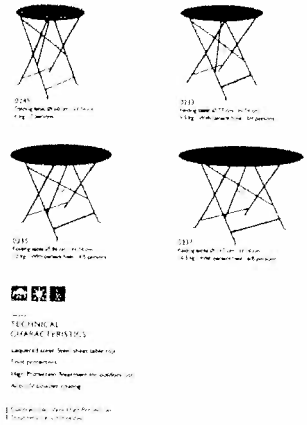


1 Trash Receptacle Options



2 Bike Rack: NYC Standard Photograph

MATCHLINE



Photograph / Product Data

Dimensions
Diameter 48
Height 24

Product Data

4 Concrete Circular Bench

Photograph / Product Data

MATCHLINE

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No.	Date	Description
1	06/04/12	CPC MODIFICATIONS

SHEET SIZE 22"X 34"

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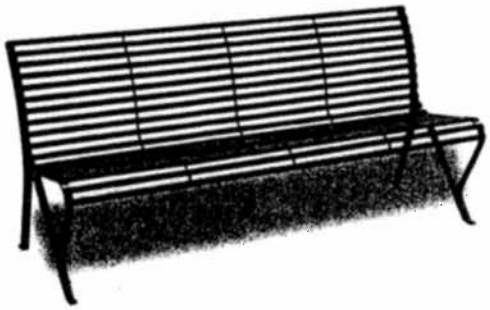
ULURP SUBMISSION

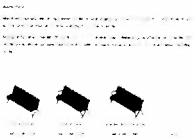
FURNITURE DETAILS

12/05/2011 | N/A

MVVA
MVVA
MVVA

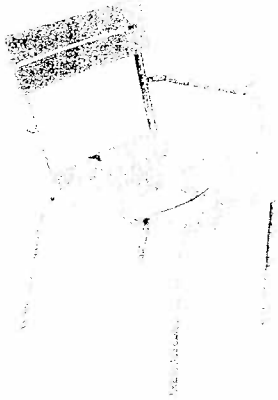
Z - 346

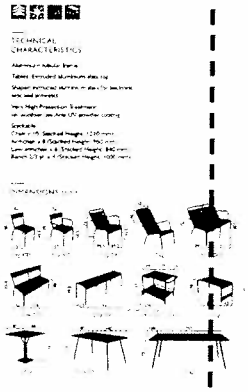




1 Temporary Bench Options — Photograph / Product Data

2 Movable Table / Chairs





3 Movable Table / Chairs — Photograph / Product

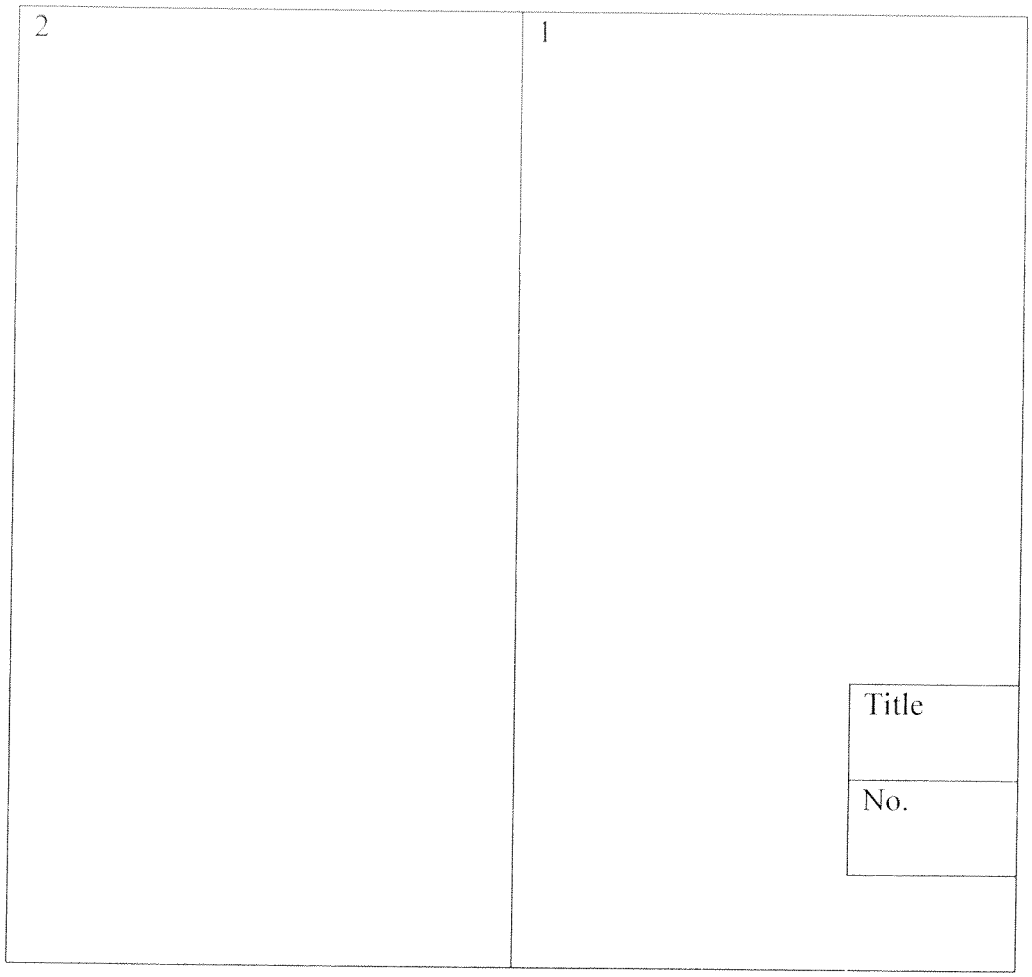
MATCHLINE

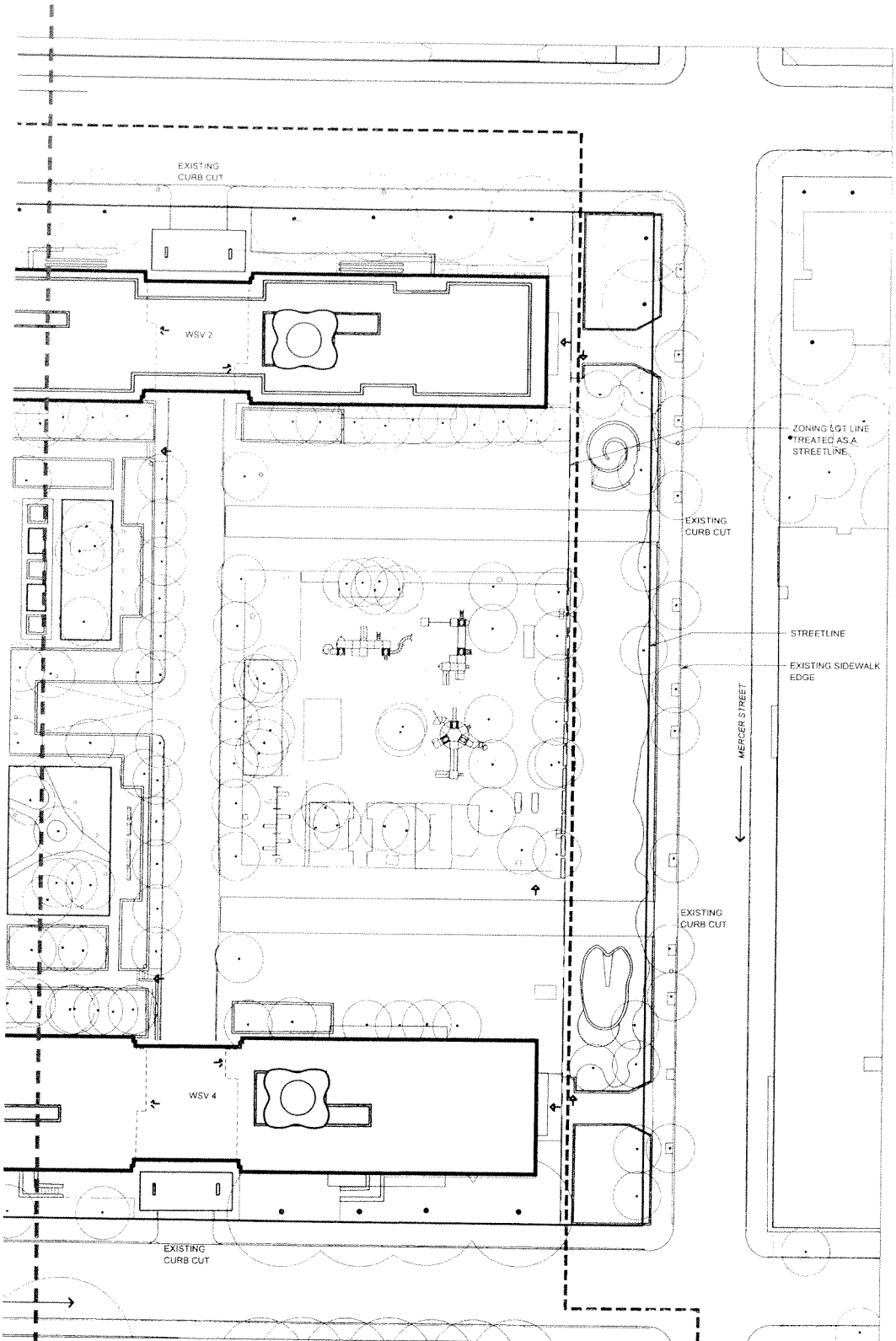
Z-346
PART 2 OF 2

EXHIBIT D

Construction Phasing Plans

Order of Drawing Segments:





lia Place and Mercer Street is subject to approval by the Parks Commissioner
ts. It is anticipated that City-owned property will include a number of distinct
arge Scale Plan open space, with the following characteristics:

LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

MATCHLINE

Project Title

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Revisions

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUNTER 032404 STATE OF NEW YORK

North

SHEET SIZE: 22"X 34"

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Do not scale
All dimensions to be checked on site

CONSTRUCTION PHASING

Title

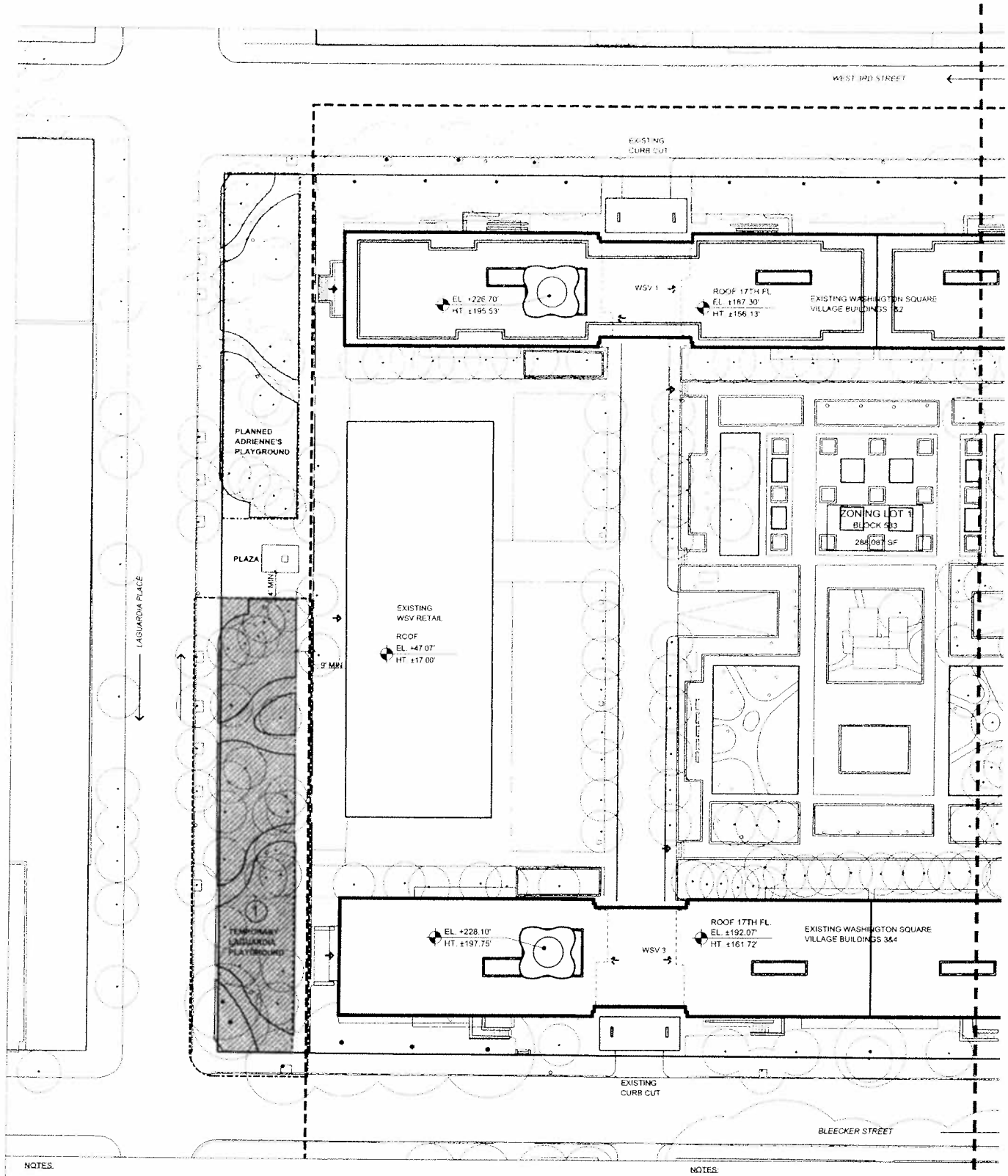
N.B.: CONSTRUCTION TEMP PLAYGROUND (1A)

Date	Scale
06/04/2012	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Authorized: MH

C - 201A

C-201A
PART 1 OF 2



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'
- EXTENTS OF CONSTRUCTION SITE MAY VARY BY ±5'. U.O.N.
- EXTENTS OF CONSTRUCTION SITE ON PUBLIC OWNED PROPERTY ARE SUBJECT TO DOB/DOT/DPR PROCESS AND APPROVAL
- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

- IMPROVEMENTS PLANNED FOR THE GROUND FLOOR FACADES OF THE W.S.V. BUILDINGS TO OCCUR CONCURRENTLY WITH PHASES

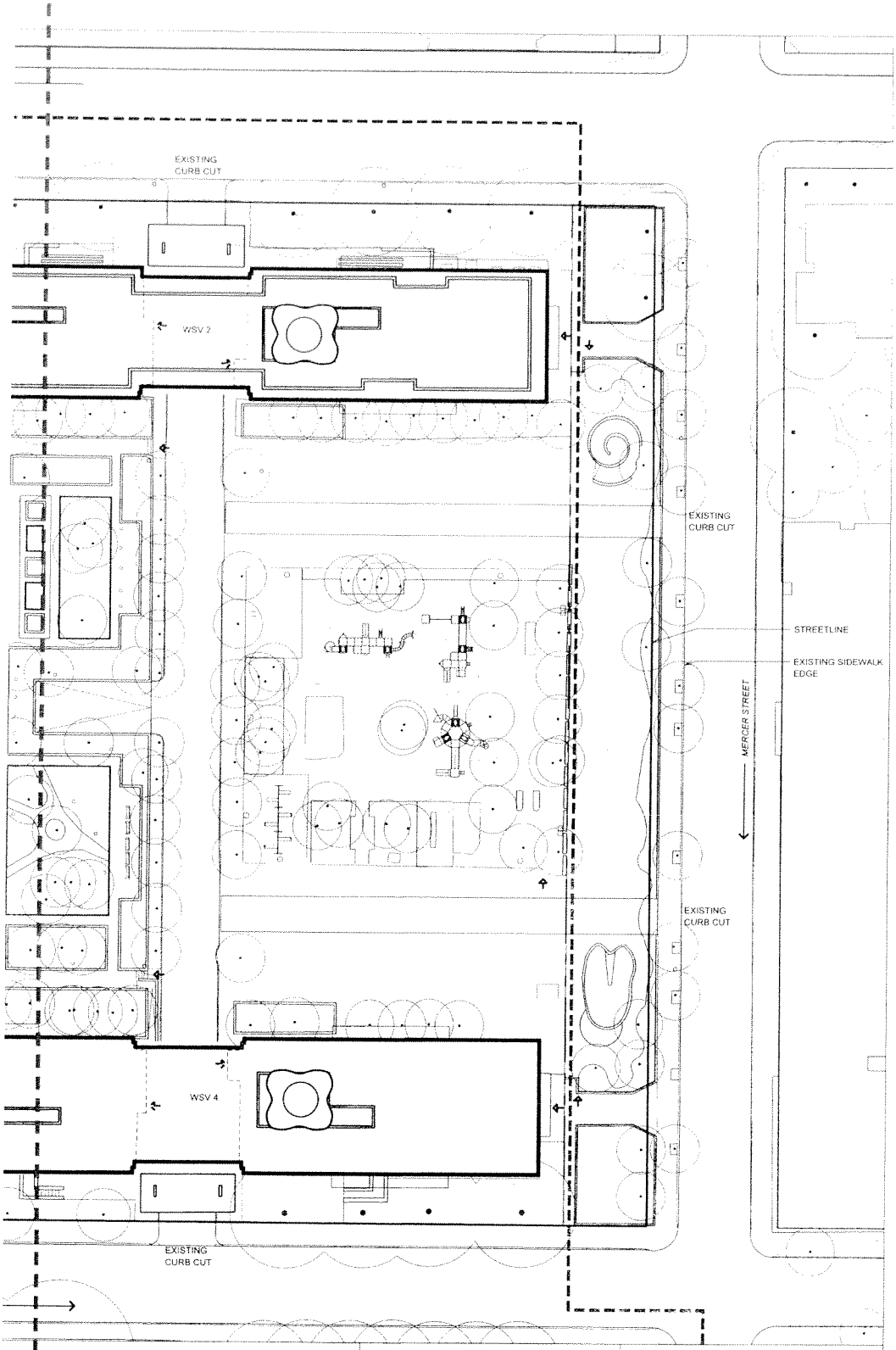
NOTES:

The Temporary landscape design for the City-owned property on LaGuardia Place and M
and other agencies at a later date and may therefore vary in certain aspects. It is anticipat
spaces designed to be compatible with and to function together with the Large Scale Plan

- AREA 1 will provide active recreation space

MATCHLINE

C-201A
PART 2 OF 2



ce and Mercer Street is subject to approval by the Parks Commissioner
anticipated that City-owned property will include a number of distinct
cale Plaza open space.

LEGEND:

- PROPOSED BENCHES = 400 LIN FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
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- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

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- ZONING LOT LINE TREATED AS STREETLINE
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- ENTRANCE
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MATCHLINE

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Seal & Signature

REGISTERED ARCHITECT
MARK DAVID HUSER
032404
STATE OF NEW YORK

SHEET SIZE 22"X 34"

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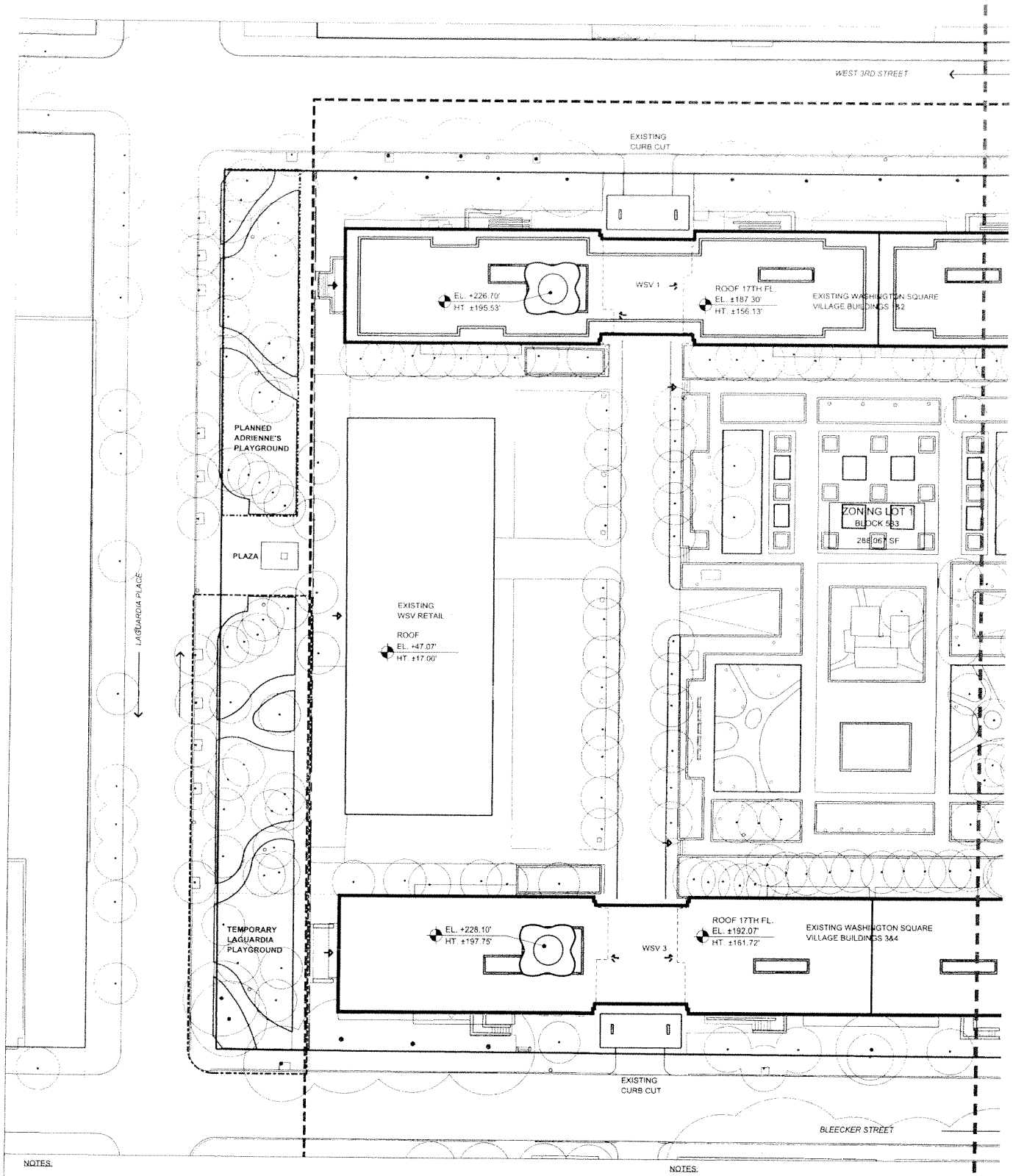
CONSTRUCTION PHASING

N.B.: NO CONSTRUCTION (1B)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	C - 201B
Checked NDH	
Authorized MH	



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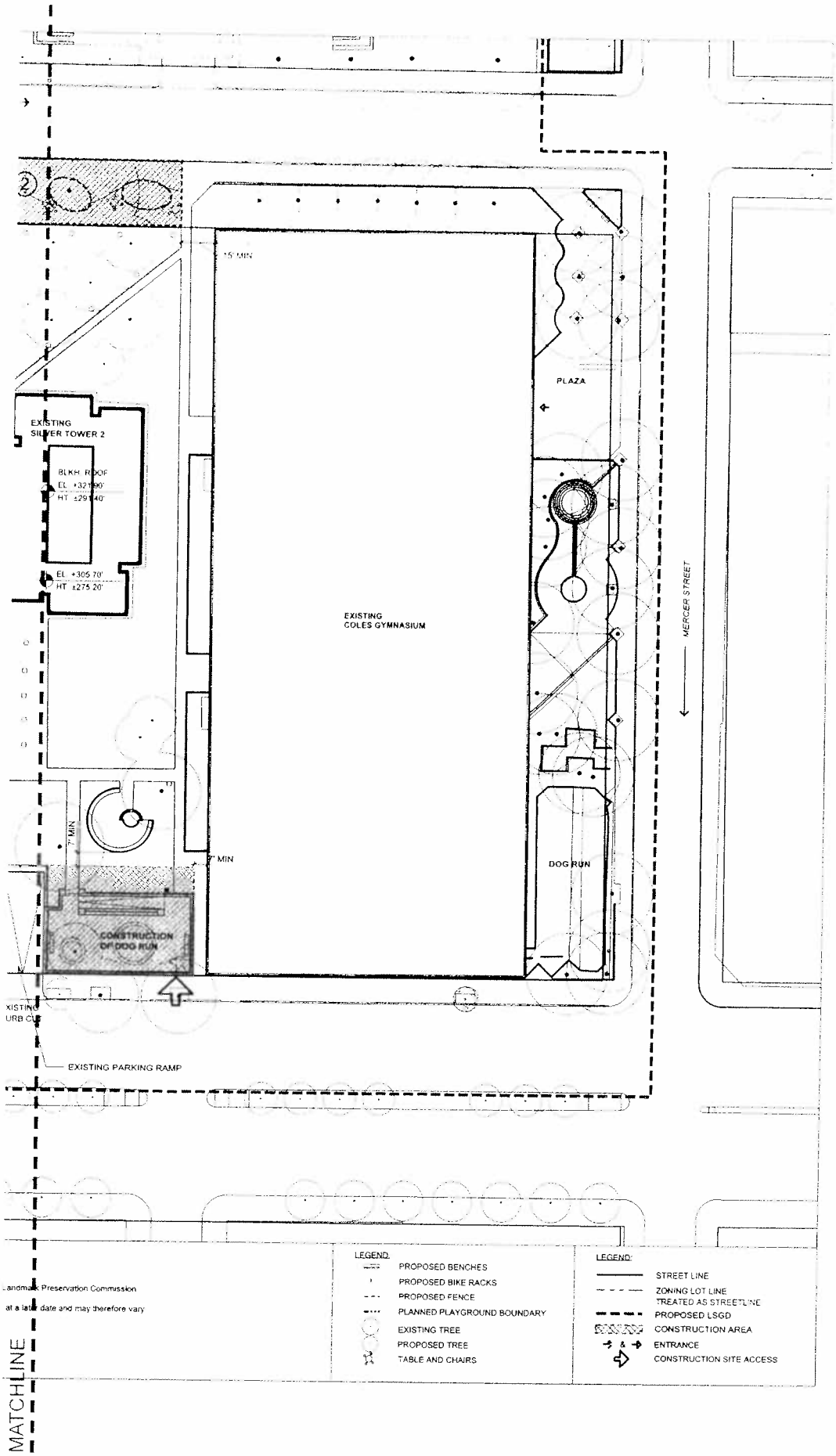
NOTES:

The Temporary landscape design for the City-owned property on LaGuardia Place and Mercer S and other agencies at a later date and may therefore vary in certain aspects. It is anticipated the spaces designed to be compatible with and to function together with the Large Scale Pla open

MATCHLINE

C-201B
PART 2 OF 2



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Revisions

Seal & Signature

REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

SHEET SIZE: 22" X 34"

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CONSTRUCTION PHASING

S.B. : CONSTRUCTION
DOG RUN & BLCKR ST (1A)

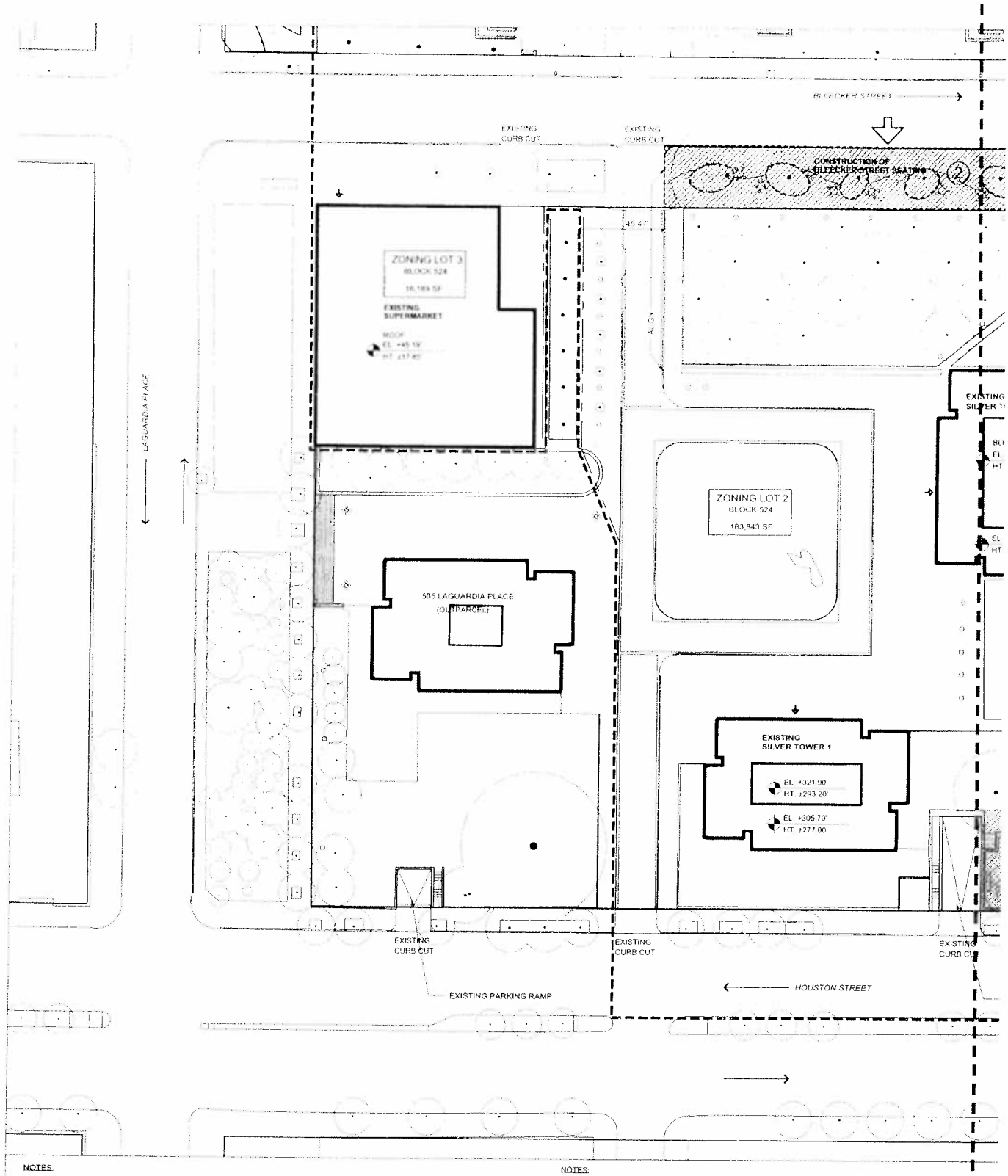
Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	C - 202A
Authorized MH	

LEGEND:
- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:
- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

Landmark Preservation Commission
at a later date and may therefore vary

C-202A
PART 1 OF 2



NOTES:

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- EXTENTS OF CONSTRUCTION SITE MAY VARY BY ±5', U.O.N.
- EXTENTS OF CONSTRUCTION SITE ON PUBLIC OWNED PROPERTY ARE SUBJECT TO DOB/DOT/DPR PROCESS AND APPROVAL
- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

NOTES:

The school and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Pres

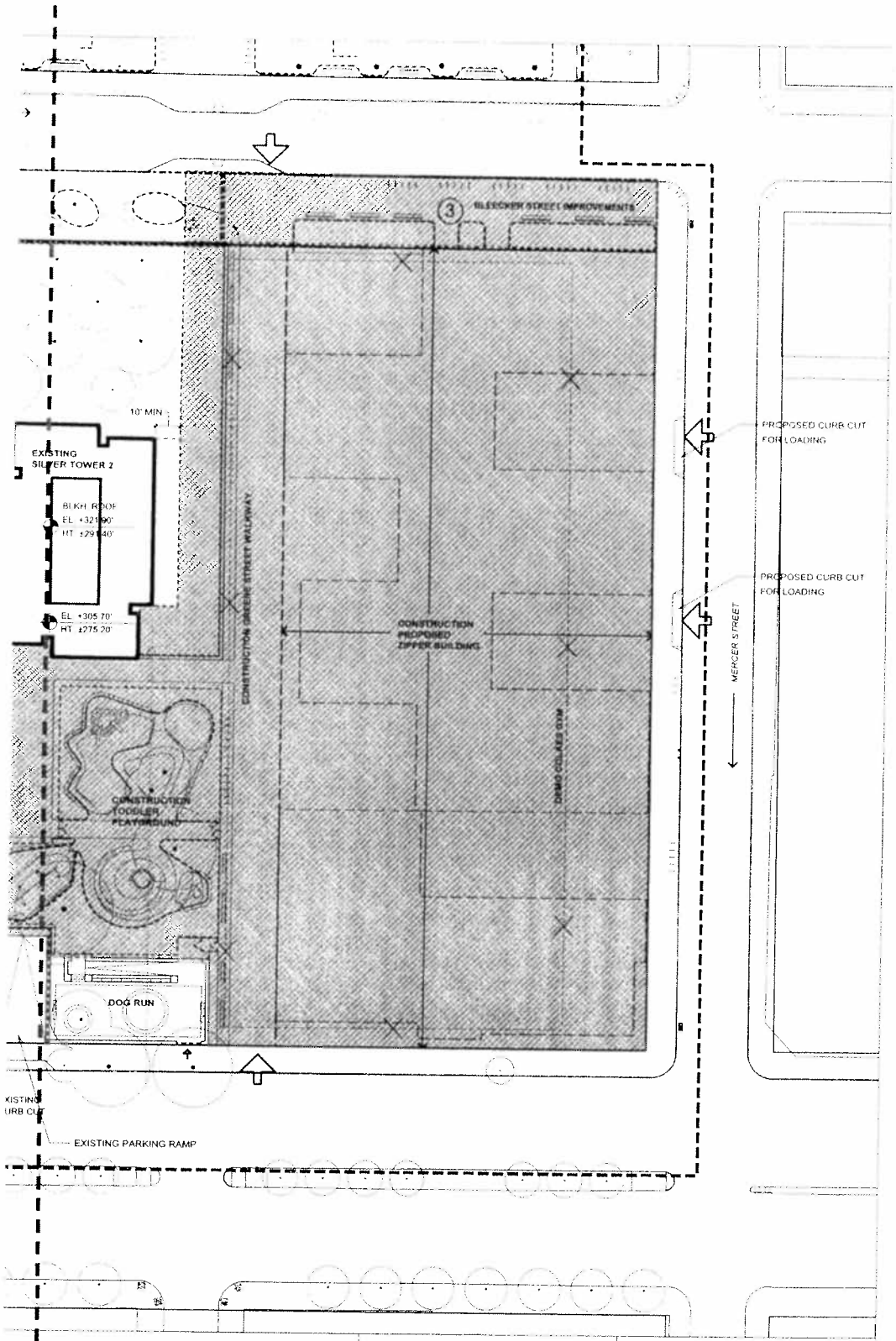
The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date in certain aspects. It is anticipated that City-owned property will include the following characteristics:

- AREA 2 will provide seating, planting, and trees

Construction of dog run is not linked to any phase

MATCHLINE

C-202A
PART 2 OF 2



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Tel: 212.541.2000

PARKING CONSULTANT
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STRUCTURAL AND MEP ENGINEER
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Tel: 212.675.7760

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New York, NY 10016
Tel: 800.899.2573

REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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Do not scale
All dimensions to be checked on site

CONSTRUCTION PHASING

S.B.:CONSTR. ZIPPER BLDG DOG RUN & GREENE ST. WALK (1B)

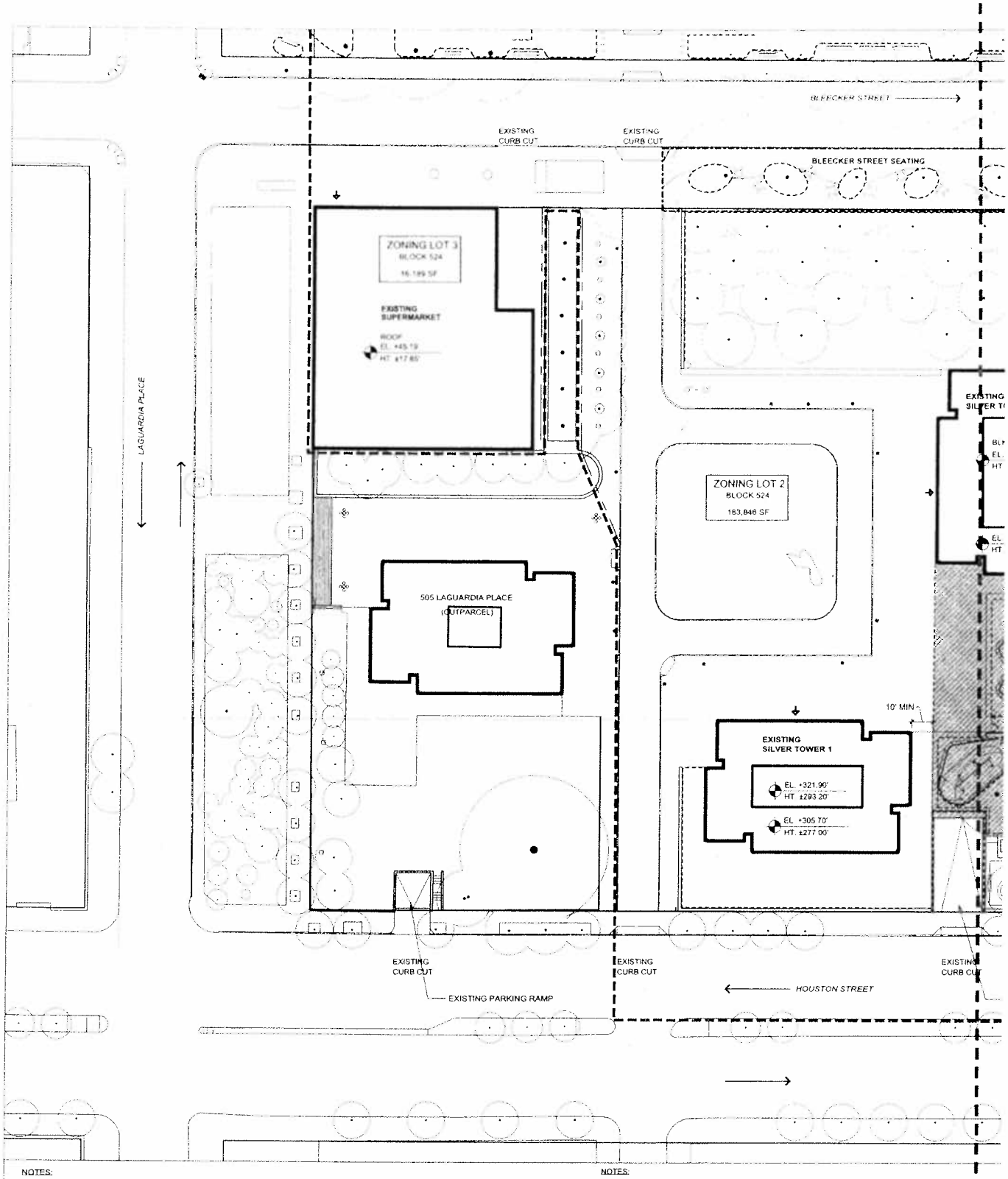
Date: 06/04/2012	Scale: 1/32" = 1'-0"
Drawn: MS	C - 202B
Checked: NDH	
Approved: MH	

thereafter
ew by the Landmark Preservation Commission
K agencies at a later date and may therefore vary

LEGEND:
- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:
- STREET LINE
- ZONING LOT LINE TREATED AS STREET LINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

MATCHLINE



NOTES:
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- EXTENTS OF CONSTRUCTION SITE ON PUBLIC OWNED PROPERTY ARE SUBJECT TO DOB/DOT/DPR PROCESS AND APPROVAL
- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

NOTES:

The school and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

The final design of Landscape improvements within the landmark site boundary will be subject to review by the Land

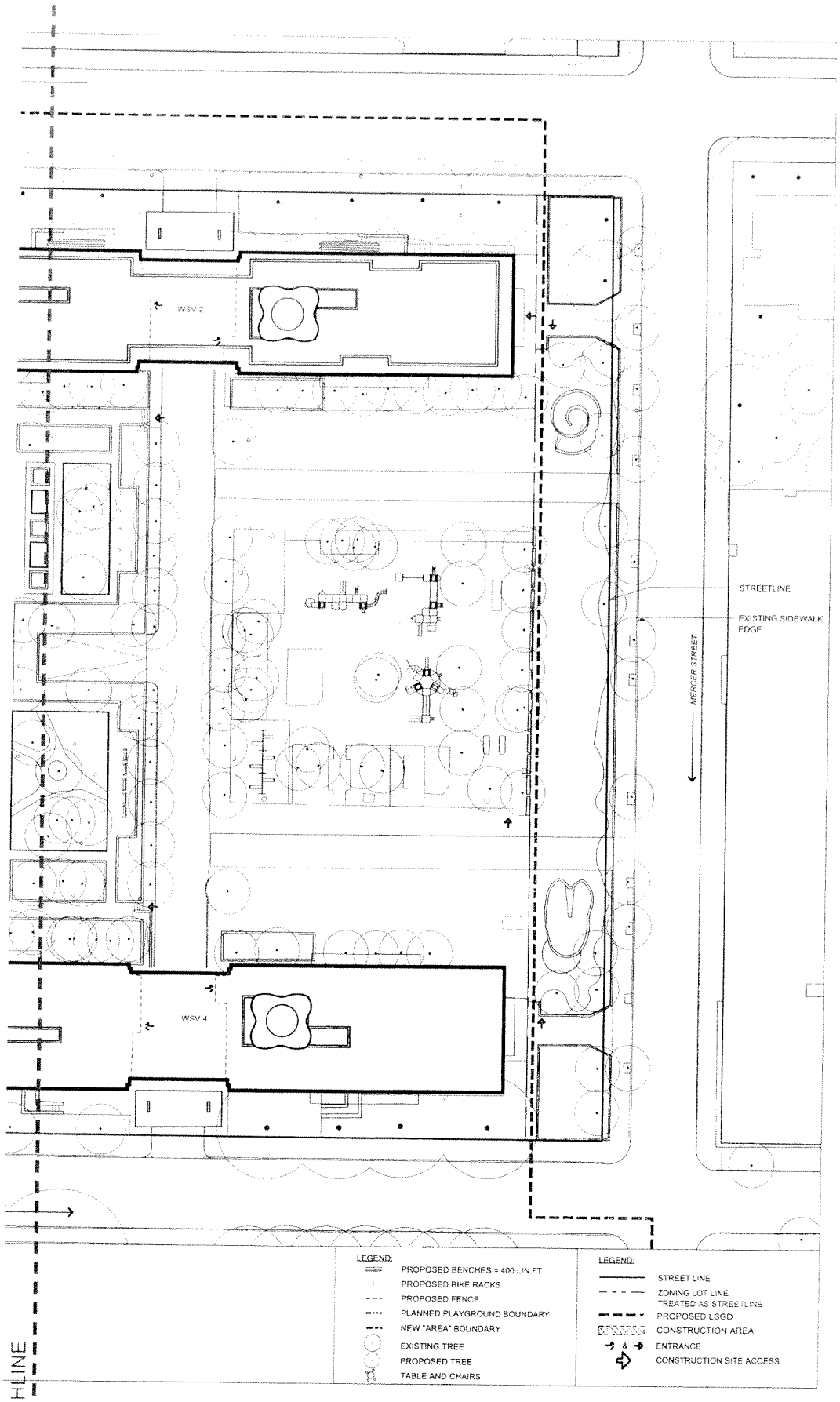
The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a in certain aspects. It is anticipated that City-owned property will include the following characteristics:

- AREA 3 will provide seating, planting, and trees

Construction of dog run is not linked to any phase

MATCHLINE

C-202B
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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www.grimshaw-architects.com

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REGISTERED ARCHITECT
MARK DAVID HUSSEY
032404
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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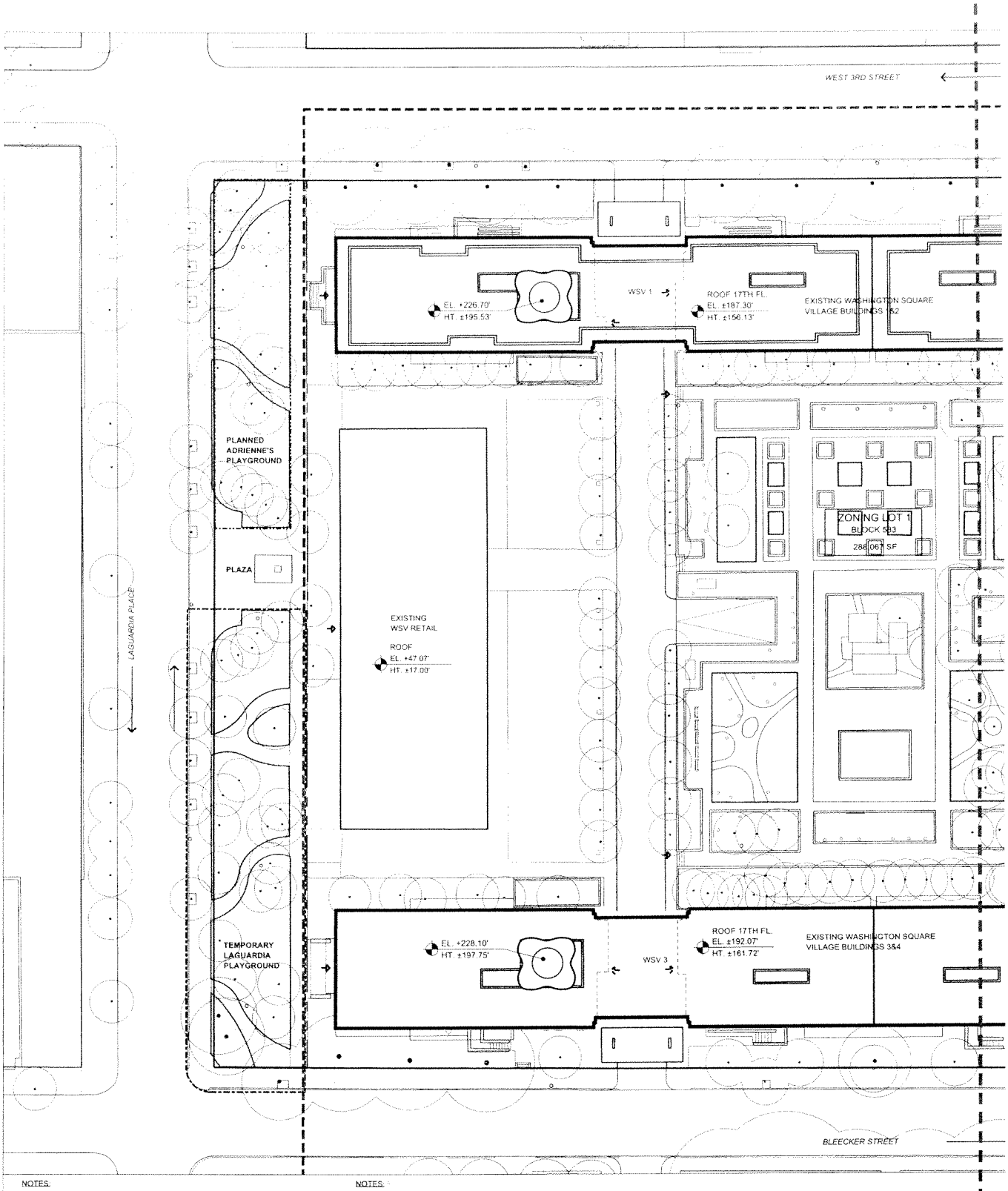
CONSTRUCTION PHASING

N.B.: NO CONSTRUCTION (2A)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	C - 203A
Authorised MH	

C-203A
PART 1 OF 2



NOTES:

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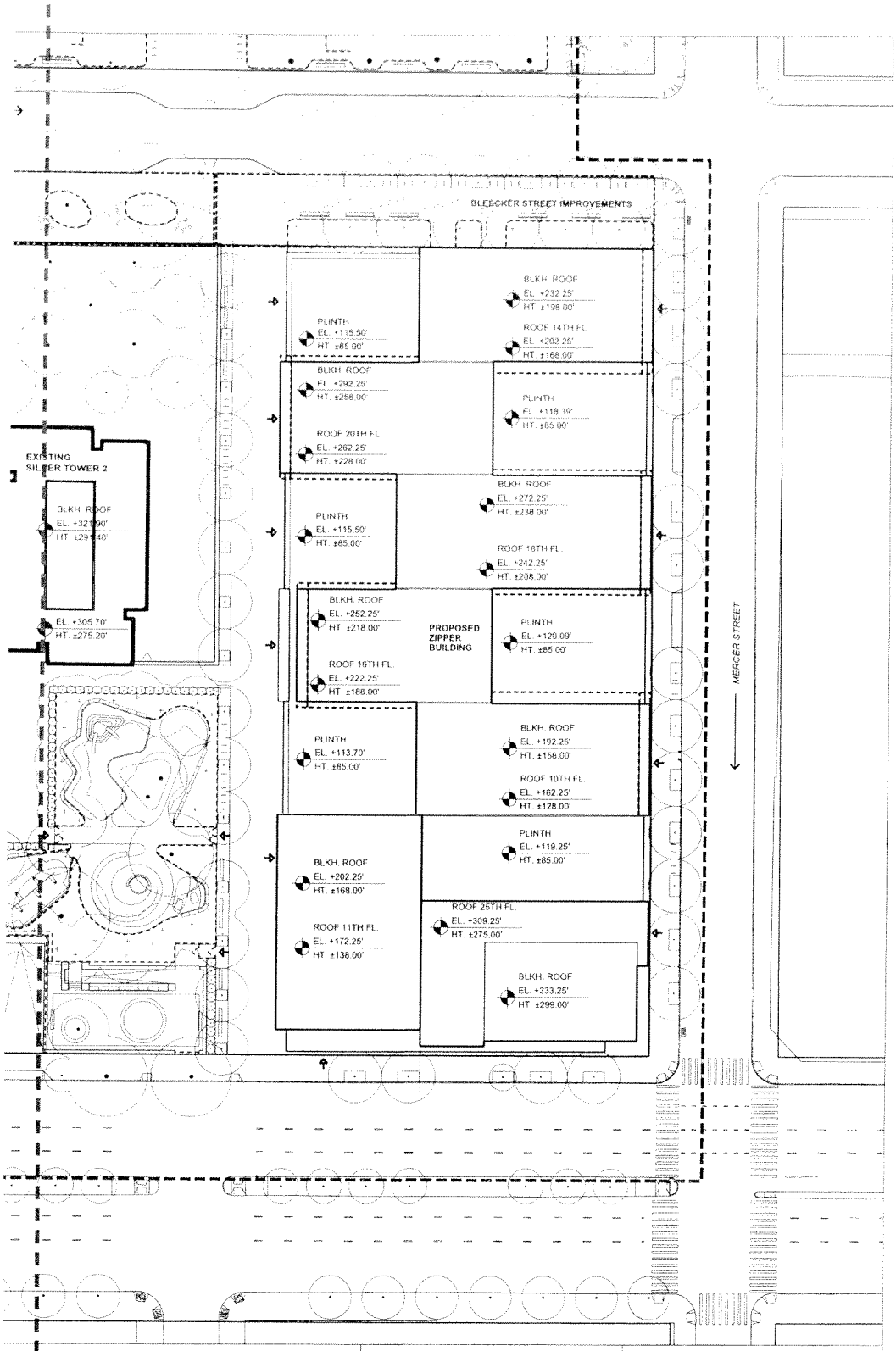
NOTES:

The Temporary landscape design for the City-owned property on LaGuardia Place and Mercer Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include a number of distinct spaces designed to be compatible with and to function together with the Large Scale Plan open space.

MATCHLINE

C-203A
PART 2 OF 2



eafter

Landmark Preservation Commission

at a later date and may therefore vary

MATCHLINE

LEGEND:

- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
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- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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Revisions

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

North

SHEET SIZE: 22"X 34"

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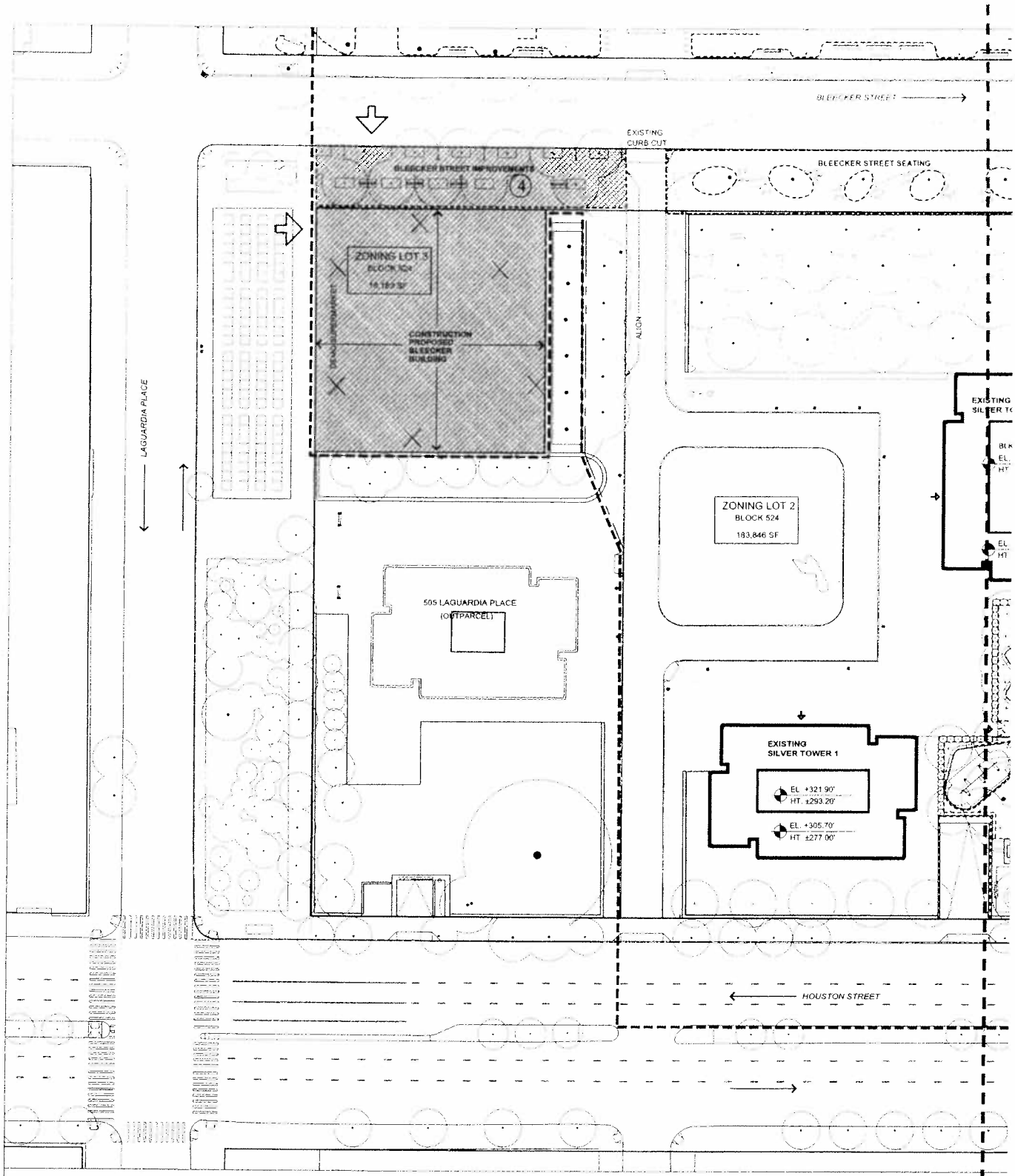
CONSTRUCTION PHASING

S.B. : CONSTRUCTION BLEECKER BLDG (2A)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	C - 204A
Authorized MH	



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Bleecker Building and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

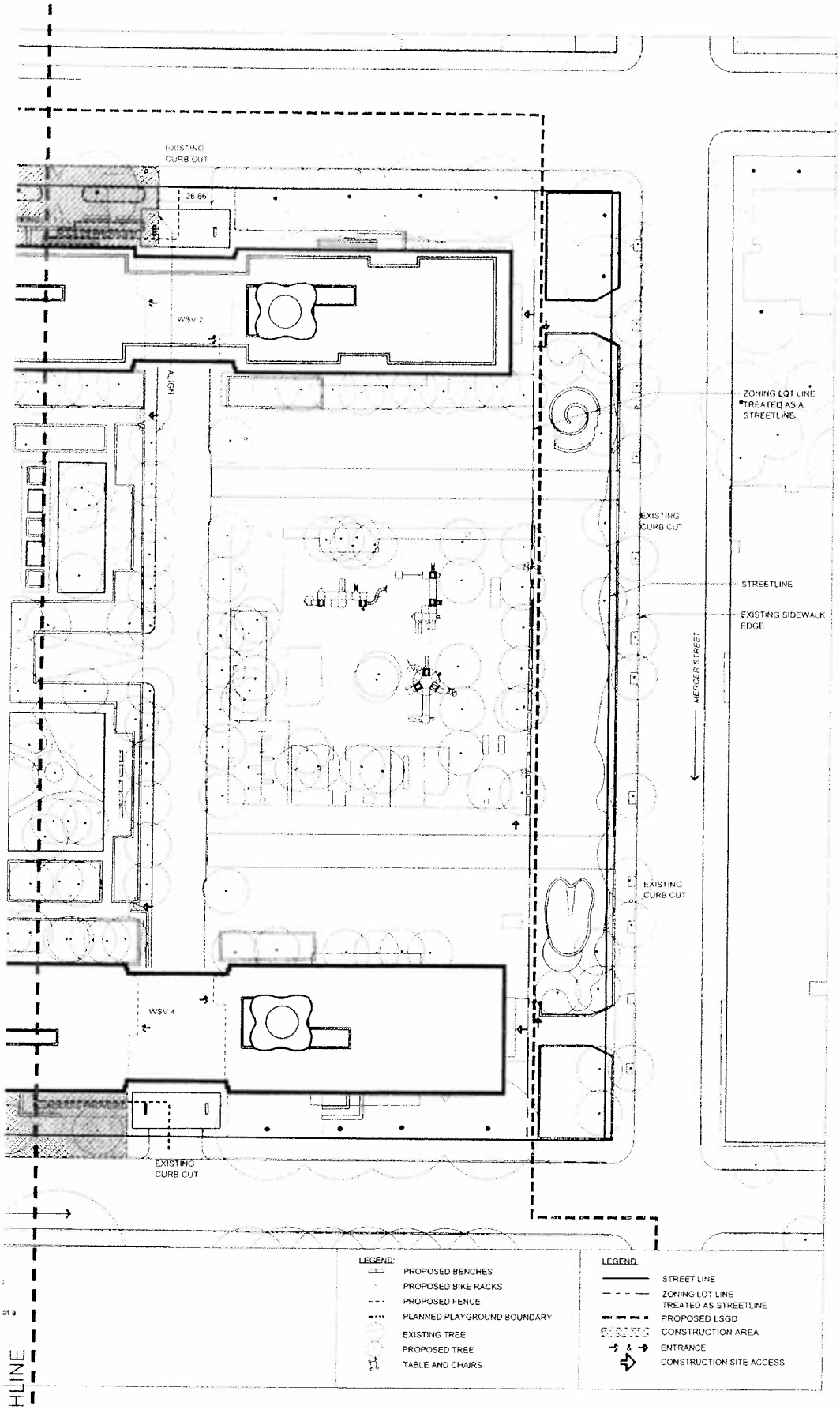
The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Pres

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date in certain aspects. It is anticipated that City-owned property will include the following characteristics:

- AREA 4 will provide seating, planting, and trees

MATCHLINE

C-204A
PART 2 OF 2



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Revisions

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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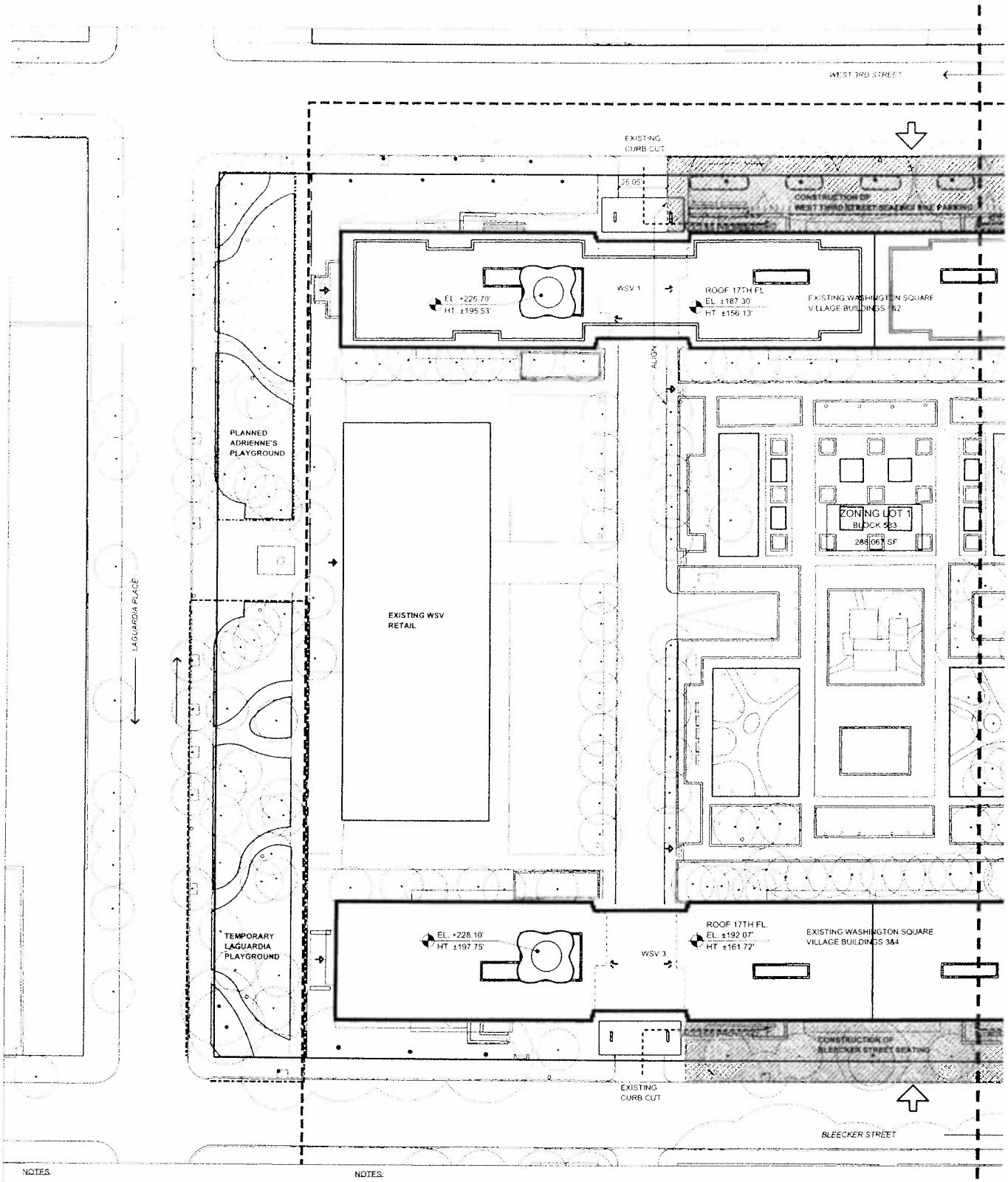
CONSTRUCTION PHASING

N.B. : CONSTR. W3RD AND BLEECKER SEATING (3A)

Date: 06/04/2012	Scale: 1/32" = 1'-0"
Drawn: MS	
Checked: NDH	C - 205A
Authorized: MH	

MATCHLINE



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- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

- IMPROVEMENTS PLANNED FOR THE GROUND FLOOR FACADES OF THE W.S.V. BUILDINGS TO OCCUR CONCURRENTLY WITH PHASES

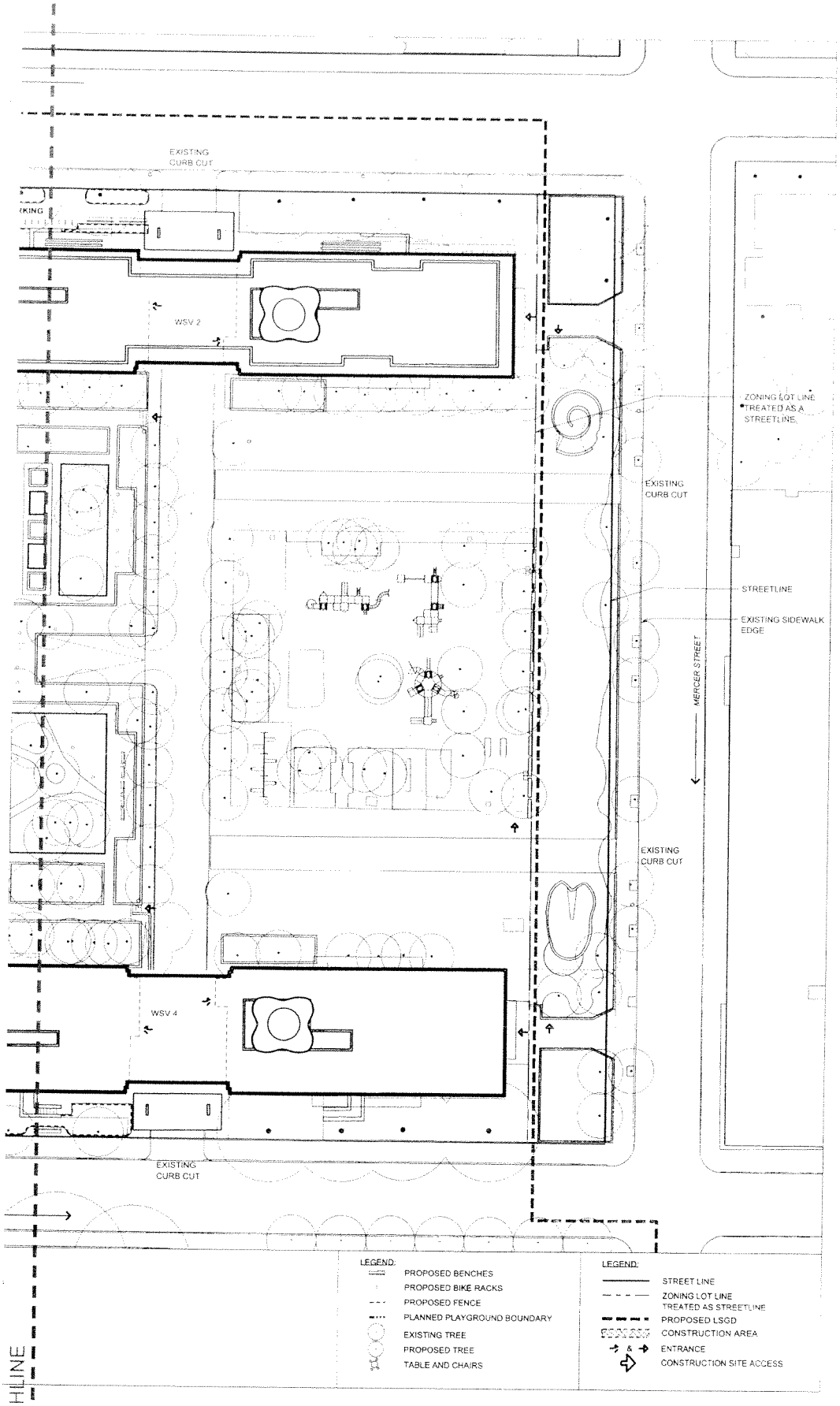
NOTES:

The park design will complement and be integrated with the design for the privately owned publicly accessible spaces, which are part of the approved Large Scale. A final landscape design for the City-owned property is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. The process for revisions will be governed by an MOU between the Department of Parks and Recreation and the Department of City Planning.

The Temporary landscape design for the City-owned property on LaGuardia Place and Mercer Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include a number of distinct spaces designed to be compatible with and to function together with the Large Scale Plan open space.

MATCHLINE

C-205A
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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Revisions

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSSEY 032404 STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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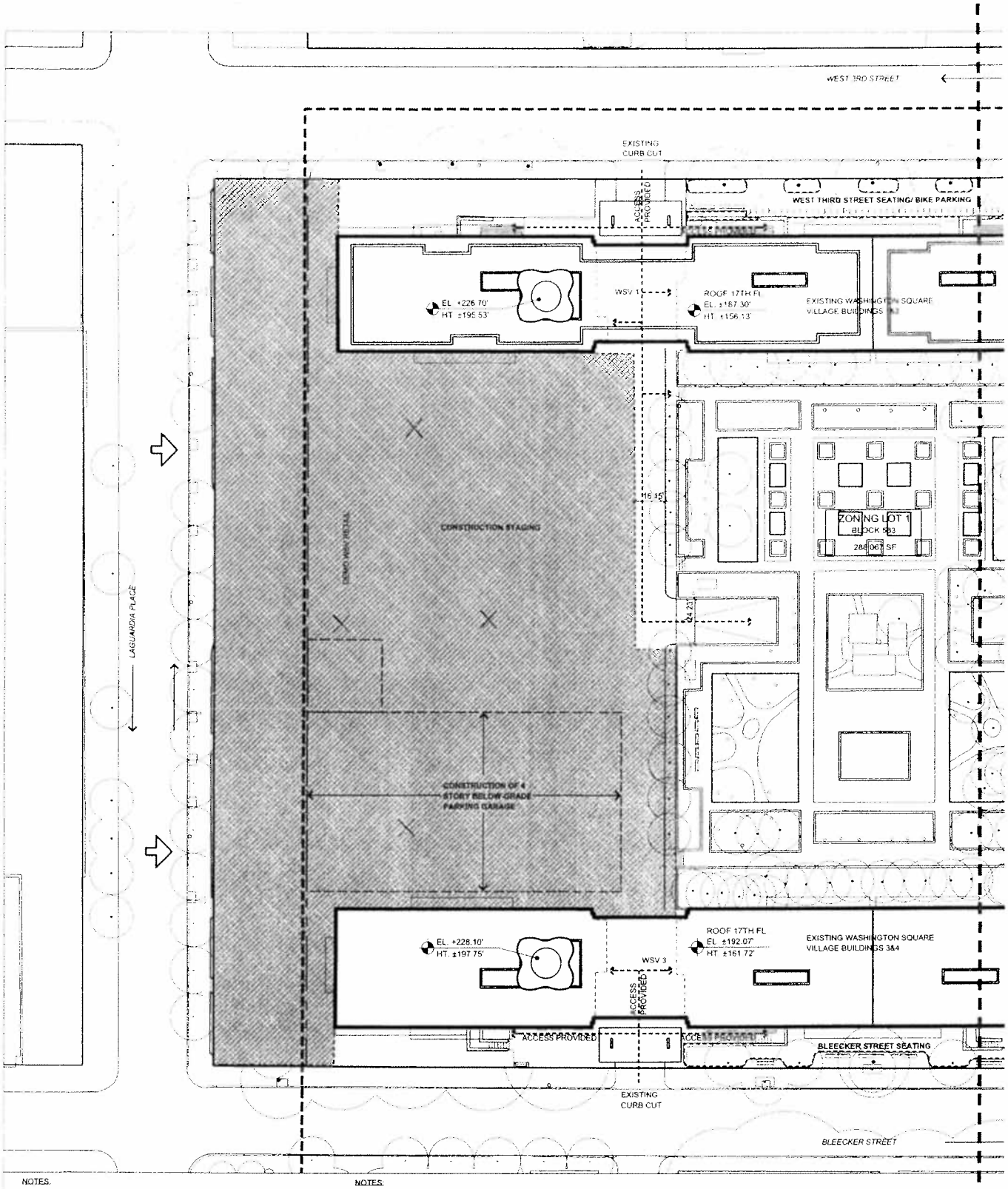
CONSTRUCTION PHASING

N.B. : CONSTR. PARKING GARAGE (3B)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	C - 205B
Checked NDH	
Approved MH	

C-205B
PART 1 OF 2



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NOTES:

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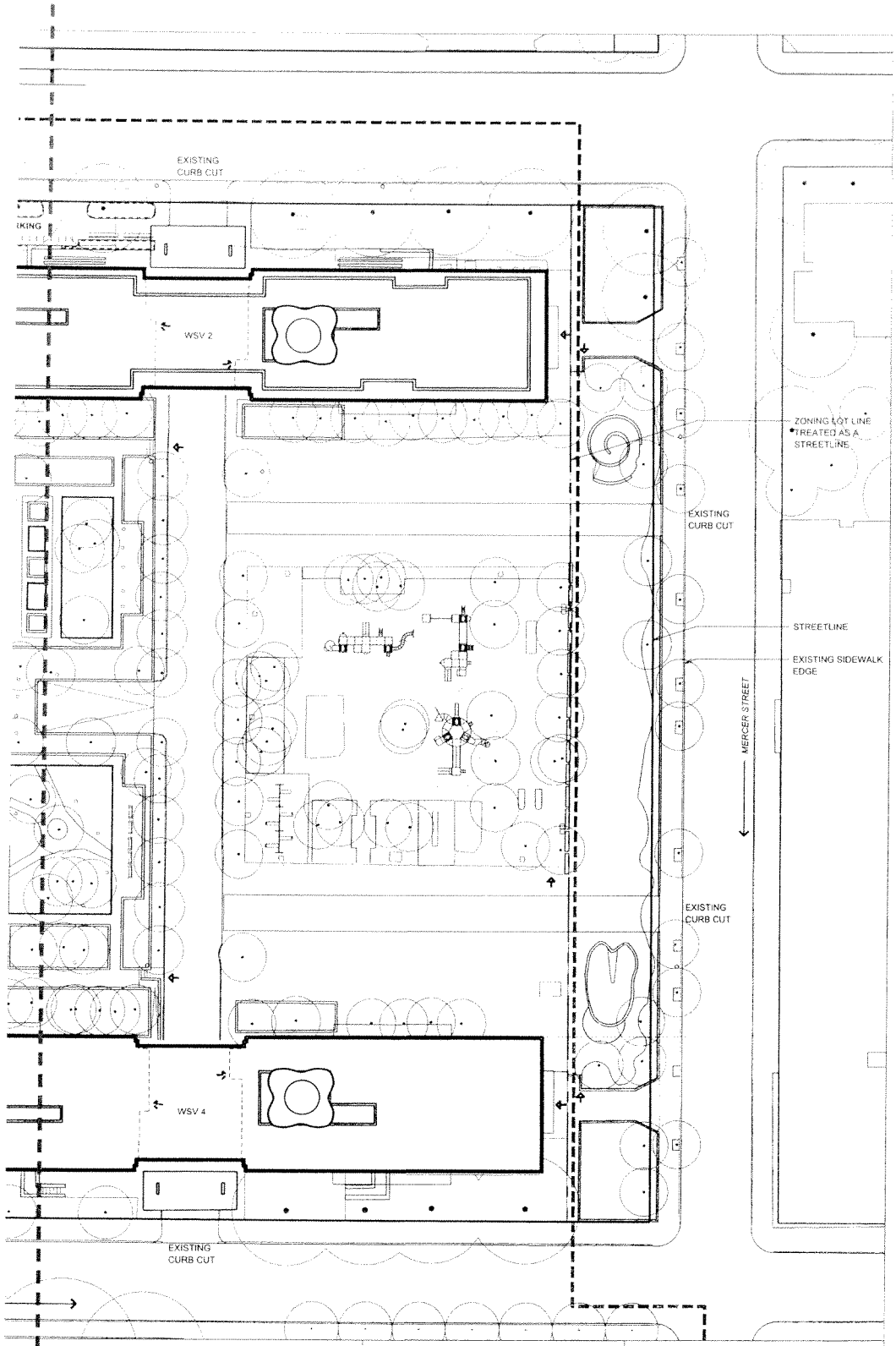
C-205B
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

MATCHLINE

Project Title

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Revisions

Seal & Signature

REGISTERED ARCHITECT
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032404
STATE OF NEW YORK

Notes

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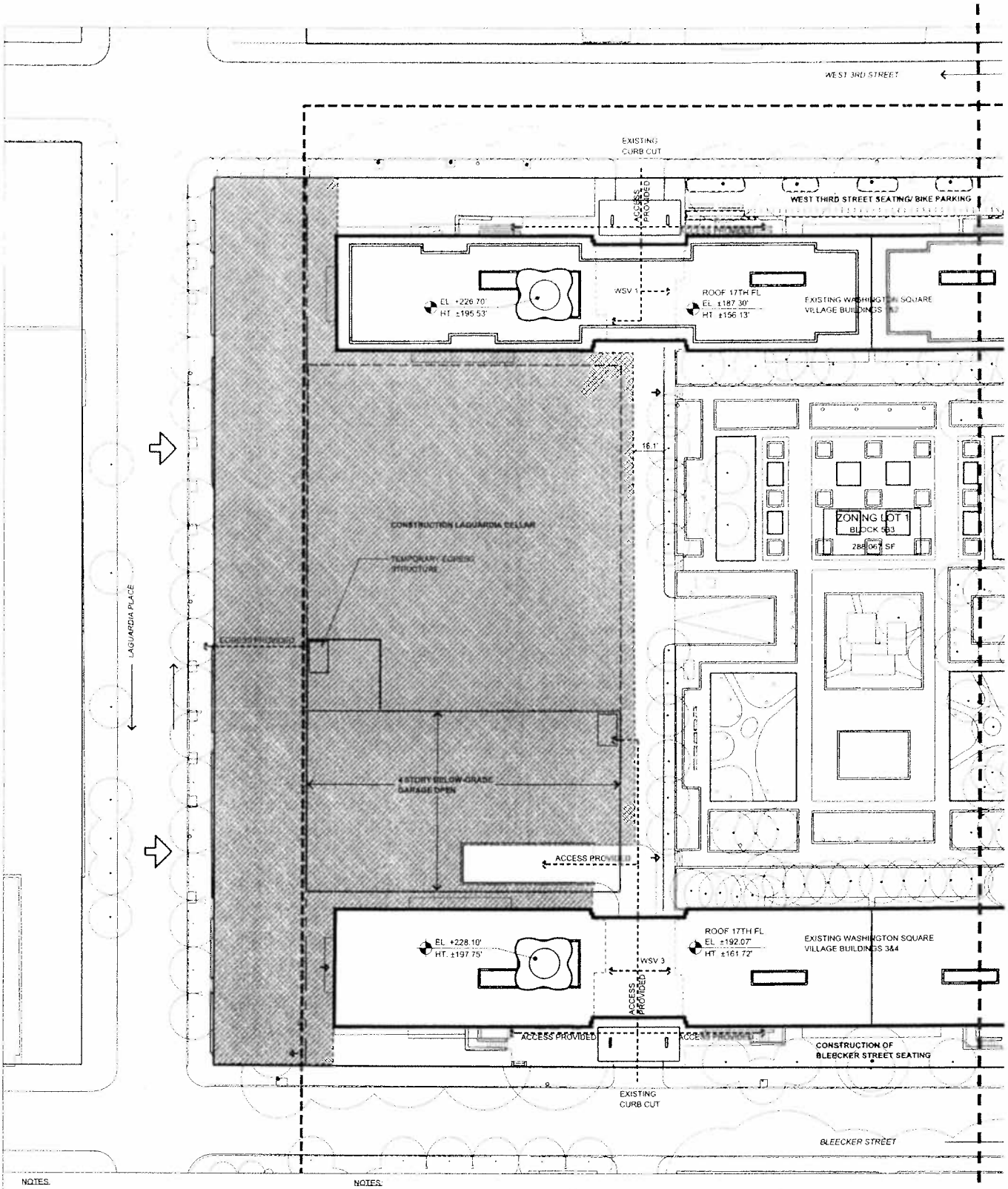
CONSTRUCTION PHASING

Title

N.B. : CONSTR. LGA CELLAR OPEN PARKING GARAGE(3C)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	C - 205C
Checked NDH	
Appr'd Chkd MH	



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NOTES:

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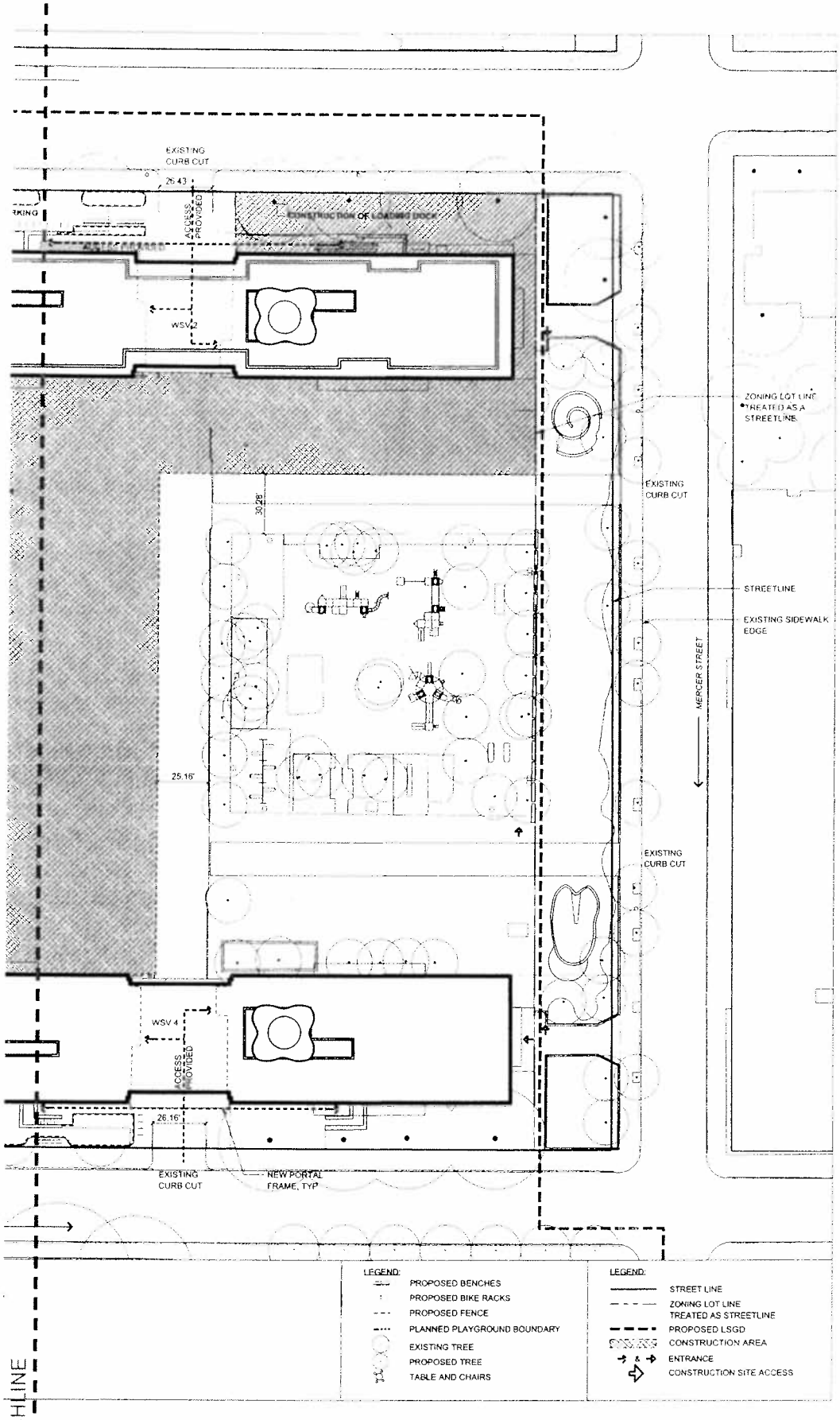
MATCHLINE

C-205C
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

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- ZONING LOT LINE TREATED AS STREETLINE
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- CONSTRUCTION SITE ACCESS

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Revisions

Seal & Signature

REGISTERED ARCHITECT
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032404
STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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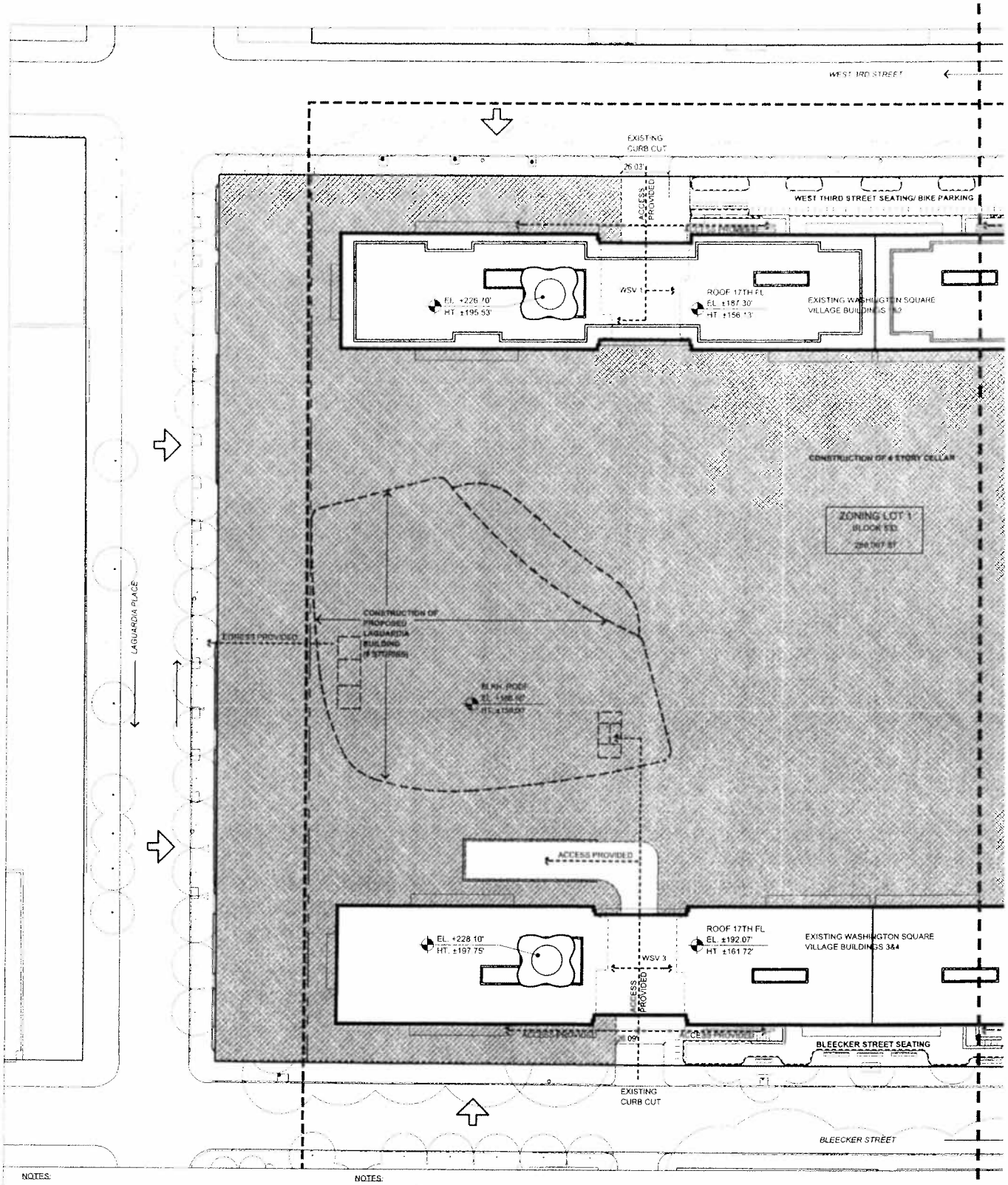
CONSTRUCTION PHASING

N.B. : CONSTRUCTION
LGA BLDG & CELLAR (3D)

Date: 06/04/2012	Scale: 1/32" = 1'-0"
Drawn: MS	
Checked: NDH	C - 205D
Approved: MH	



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- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

- IMPROVEMENTS PLANNED FOR THE GROUND FLOOR FACADES OF THE W.S.V. BUILDINGS TO OCCUR CONCURRENTLY WITH PHASES

NOTES:

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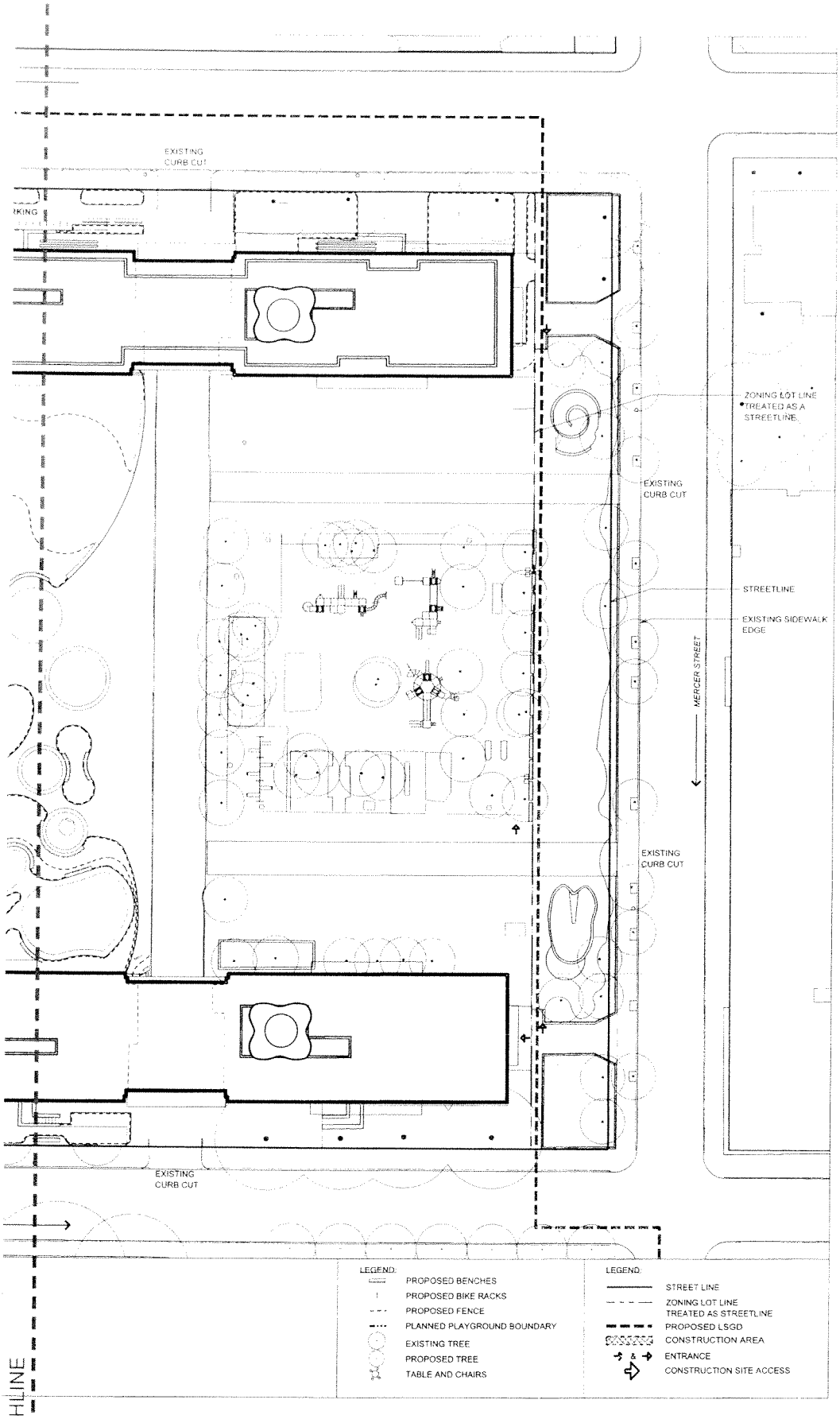
MATCHLINE

C-205D
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSER 032404 STATE OF NEW YORK

SHEET SIZE: 22"X 34"

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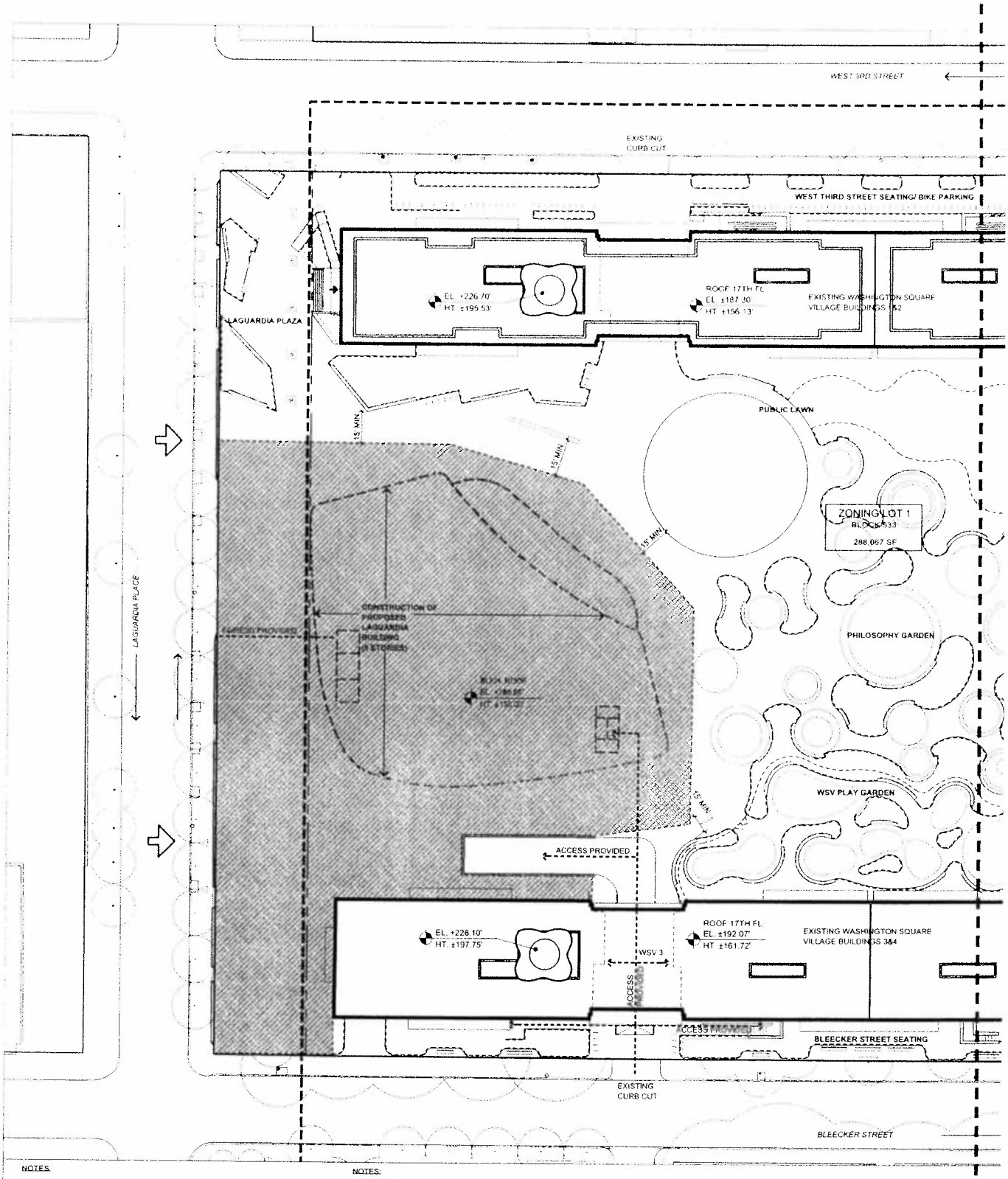
CONSTRUCTION PHASING

N.B. : CONSTRUCTION LAGUARDIA BLDG (3E)

06/04/2012 — 1/32" = 1'-0"

Drawn: MS
Checked: NDH
Authorized: MH

C - 205E



NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'
- EXTENTS OF CONSTRUCTION SITE MAY VARY BY ±5', U.O.N.
- EXTENTS OF CONSTRUCTION SITE ON PUBLIC OWNED PROPERTY ARE SUBJECT TO DOB/DOT/DPR PROCESS AND APPROVAL
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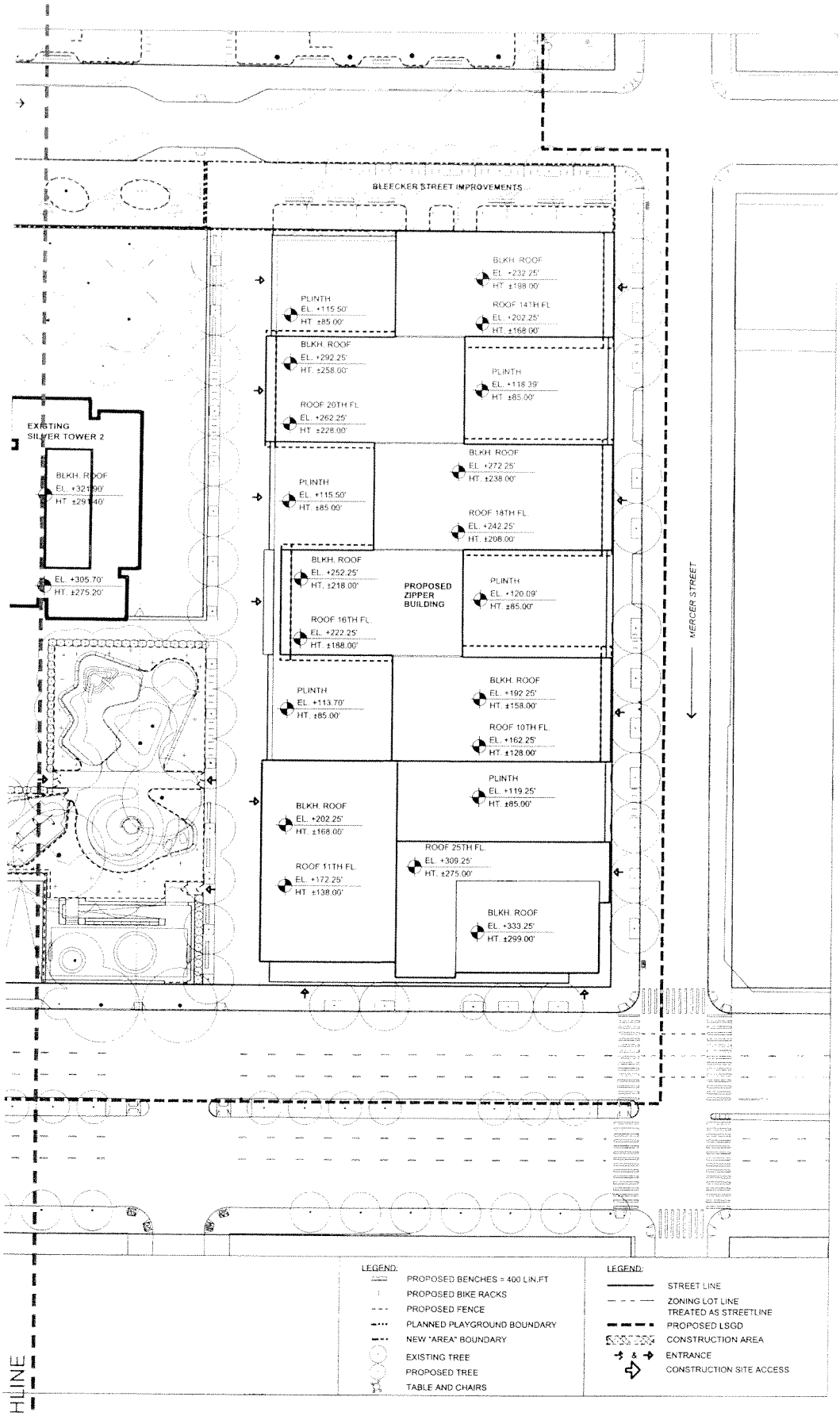
C-205E
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
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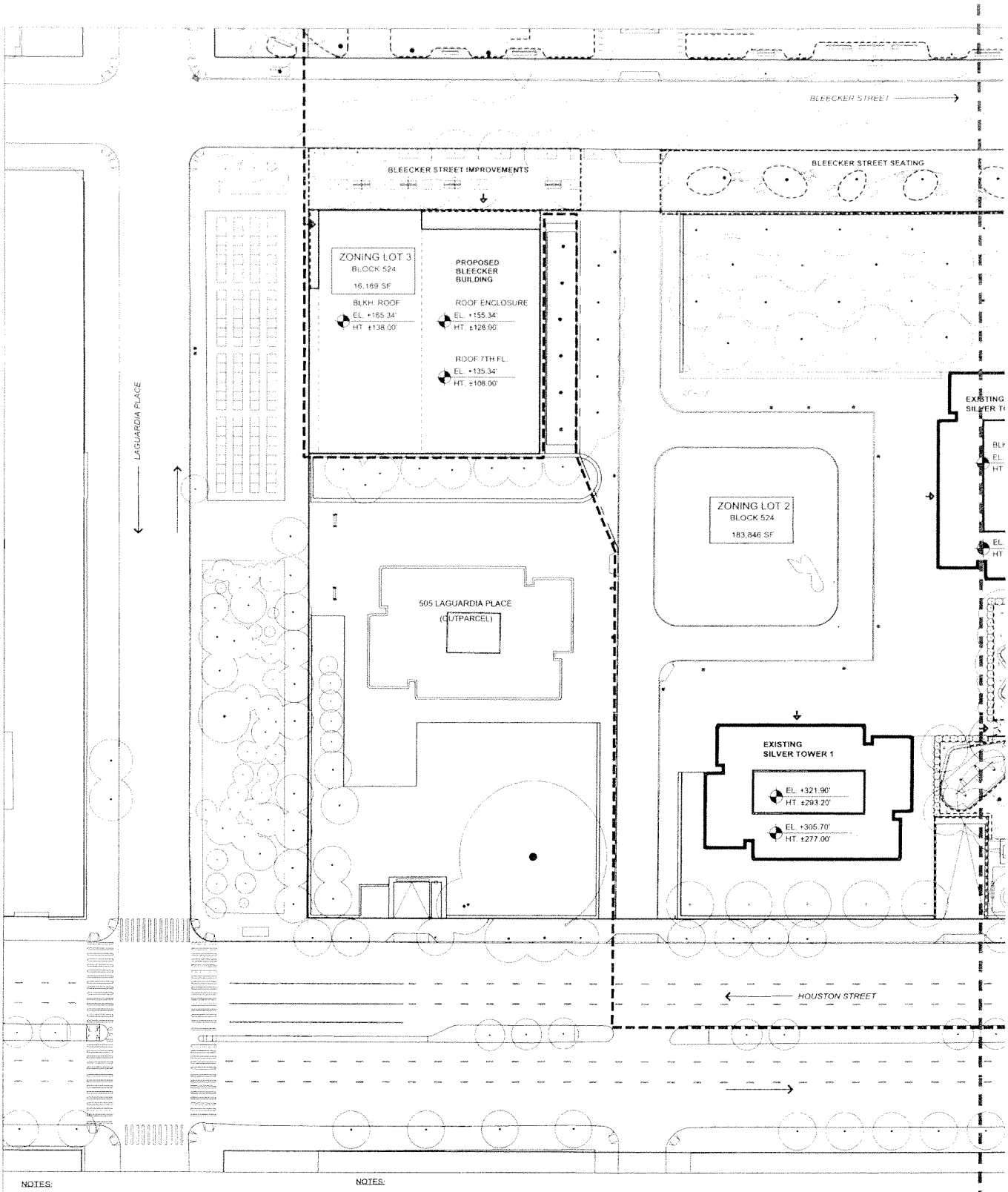
CONSTRUCTION PHASING

S.B.: NO CONSTRUCTION (3A)

Date: 06/04/2012	Scale: 1/32" = 1'-0"
Drawn: MS	
Checked: NDH	C - 206A
Authorized: MH	

C-206A
PART 1 OF 2



NOTES:
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NOTES:

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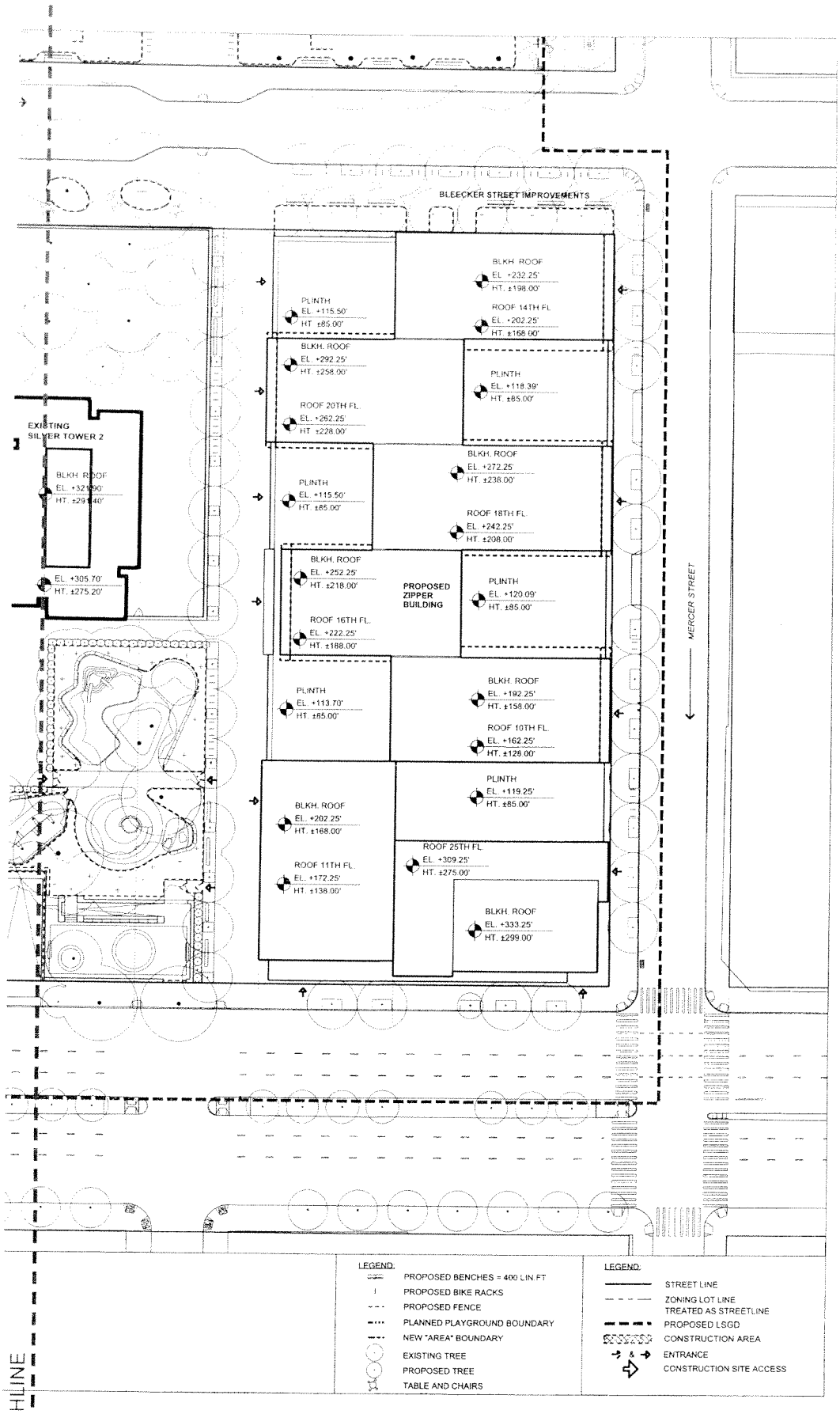
MATCHLINE

C-206A
PART 2 OF 2



LEGEND.

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND.

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
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North

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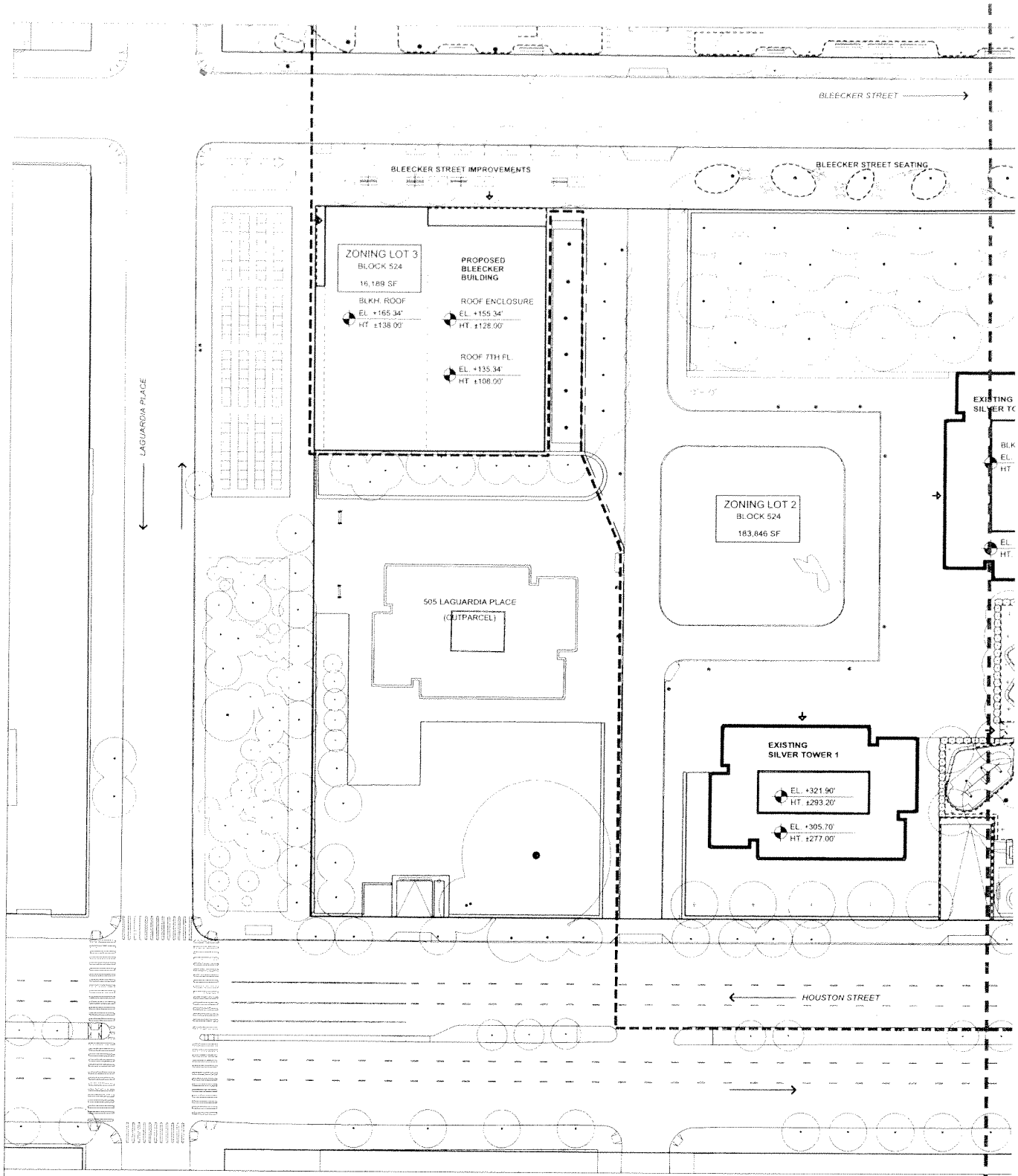
CONSTRUCTION PHASING

Title

S.B.: NO CONSTRUCTION (3B)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	
Checked NDH	C - 206B
Authorized MH	



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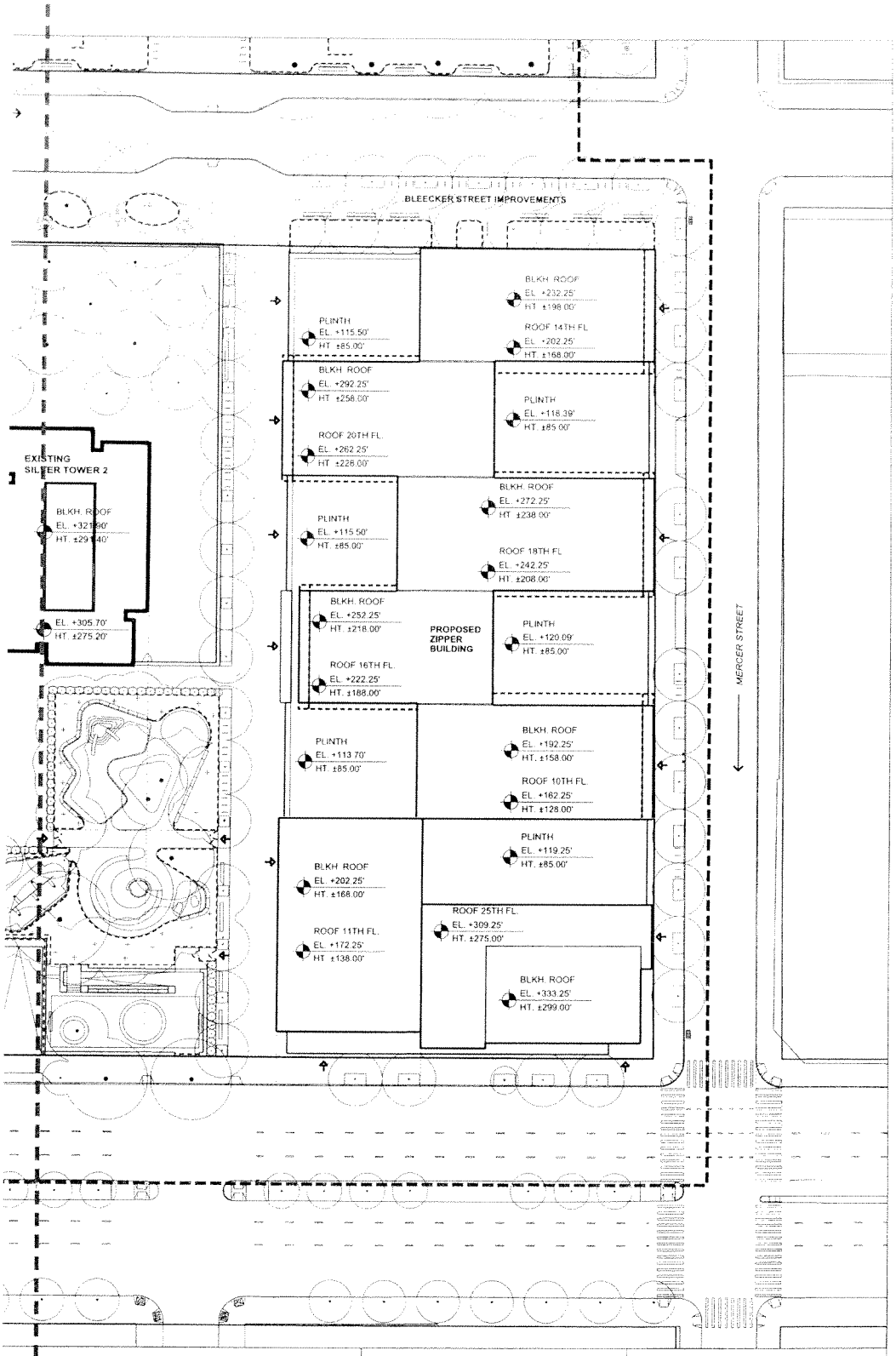
MATCHLINE

C-206B
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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Revisions

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North

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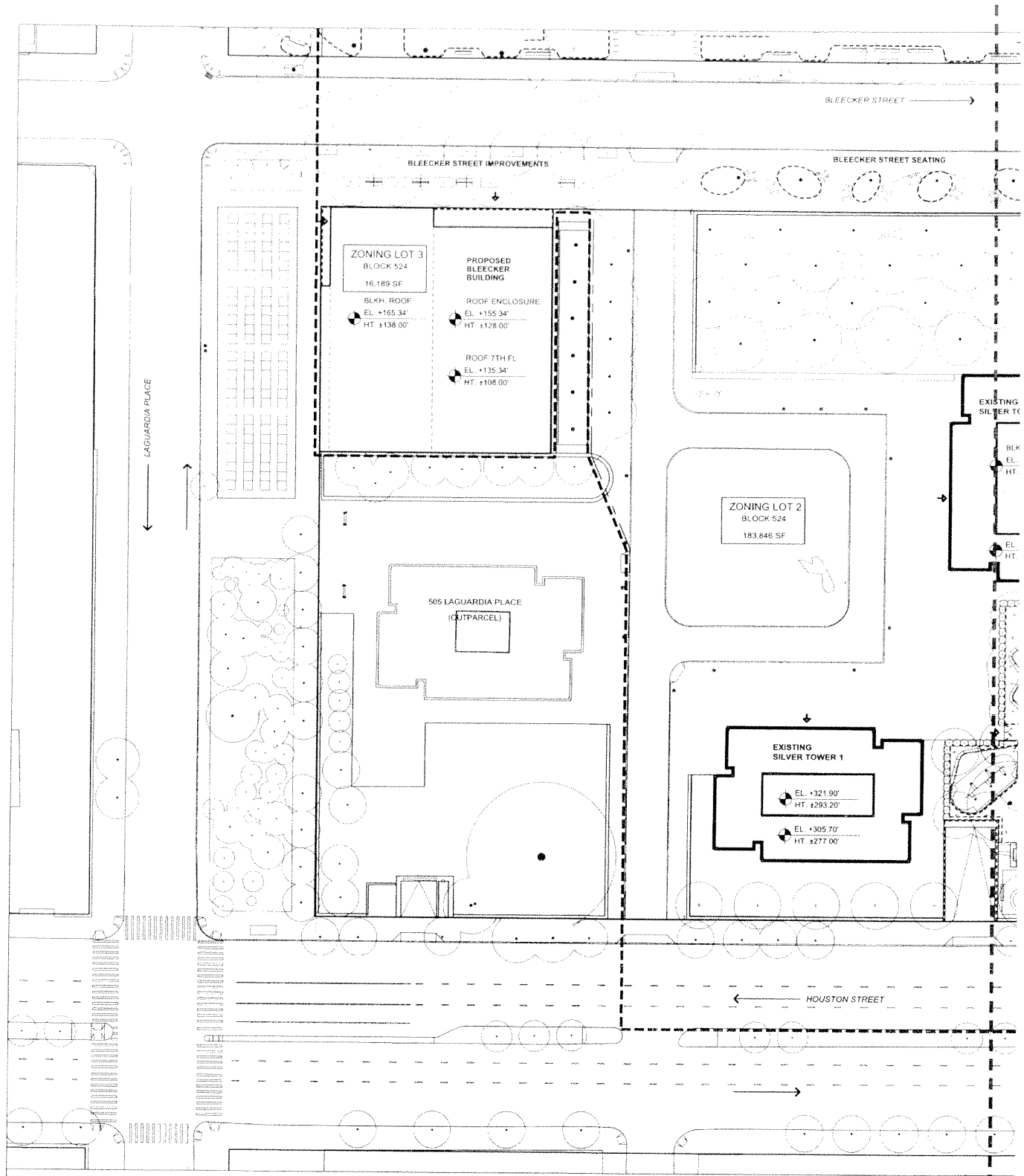
CONSTRUCTION PHASING

Title

S.B.: NO CONSTRUCTION (3C)

Date 06/04/2012	Scale 1/32" = 1'-0"
Drawn MS	C - 206C
Checked NDH	
Authorised MH	

C-206C
PART 1 OF 2



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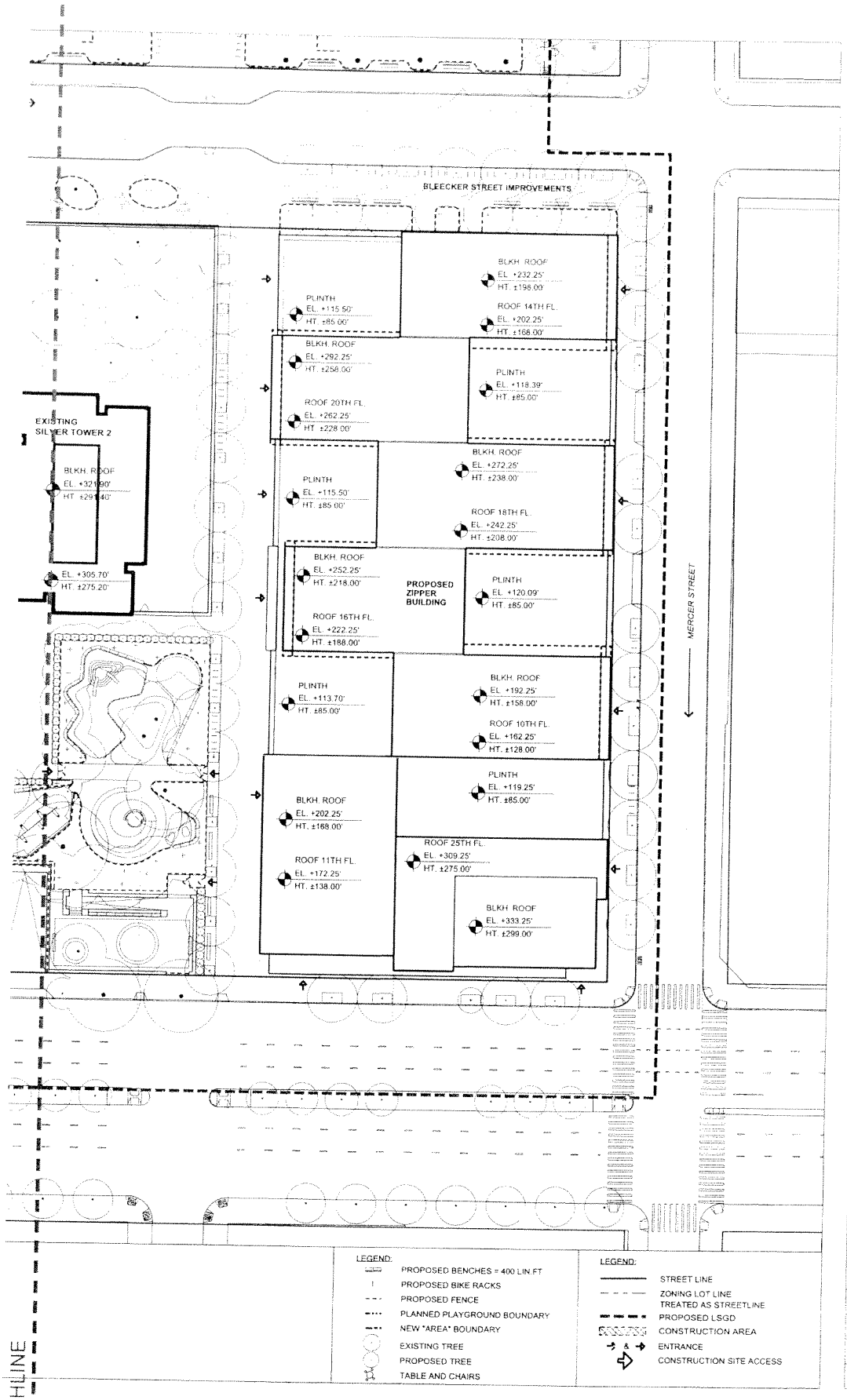
MATCHLINE

C-206C
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
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- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

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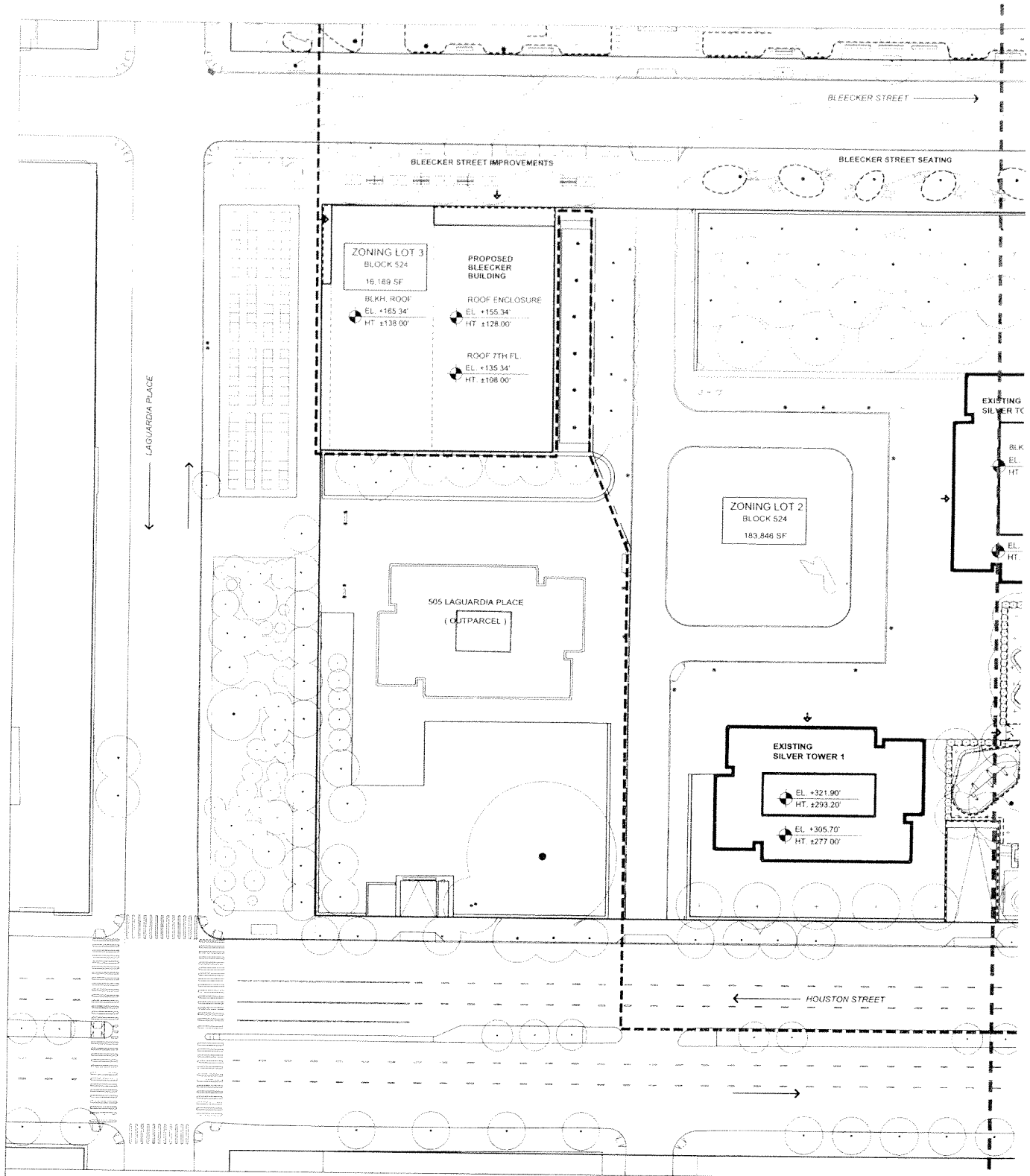
Title: S.B.: NO CONSTRUCTION (3D)

Date: 06/04/2012 | Scale: 1/32" = 1'-0"

Drawn: MS
Checked: NDH
Approved: MH

C - 206D

C-206D
PART 1 OF 2



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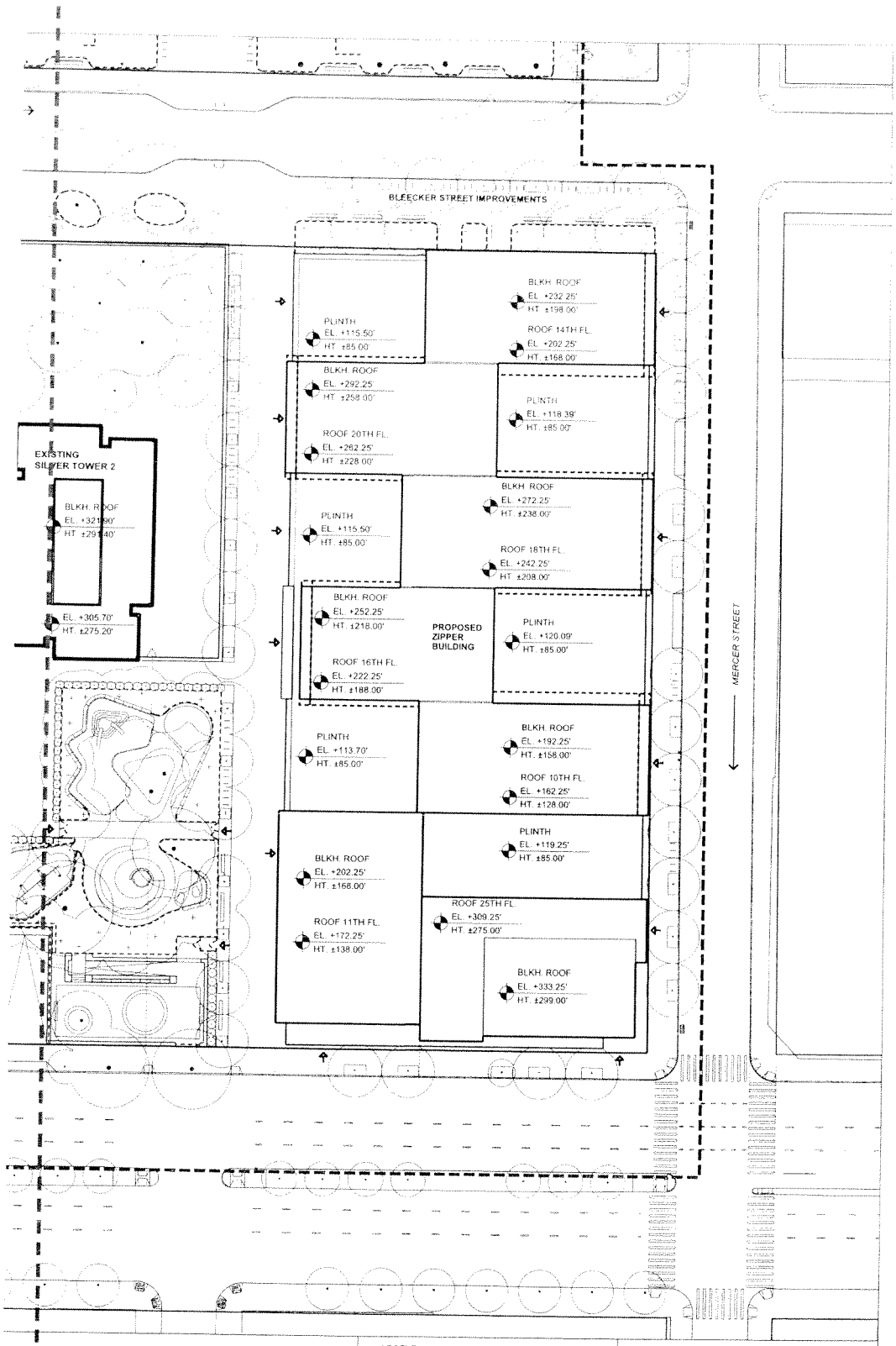
MATCHLINE

C-206D
PART 2 OF 2



LEGEND:

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LEGEND:

- STREET LINE
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SHEET SIZE: 22"X 34"

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CONSTRUCTION PHASING

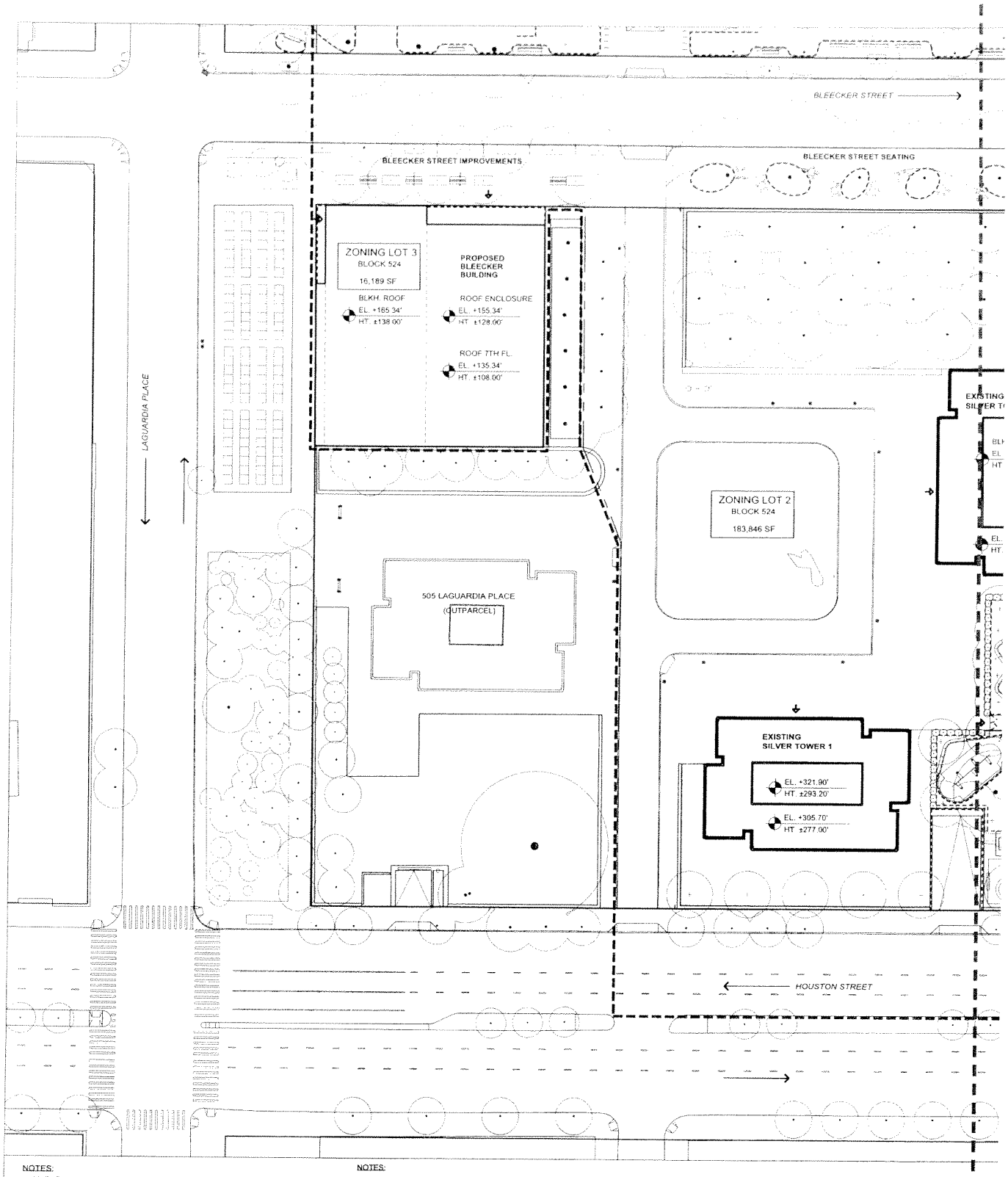
Title: S.B.: NO CONSTRUCTION (3E)

Date	Scale
06/04/2012	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Approved: MH

C - 206E

C-206E
PART 1 OF 2



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MATCHLINE

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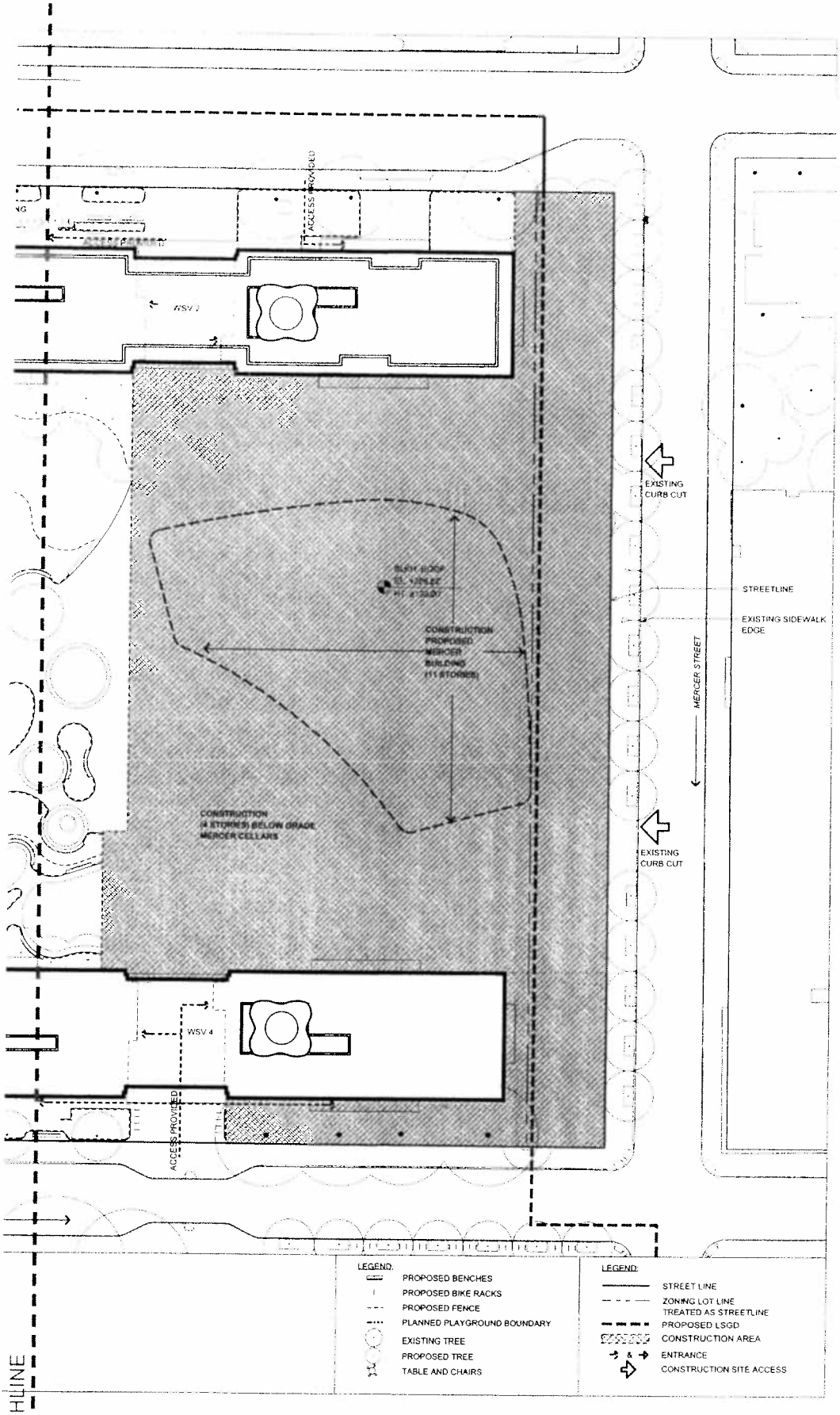
PART 2 OF 2



LEGEND:

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LEGEND:

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032404
STATE OF NEW YORK

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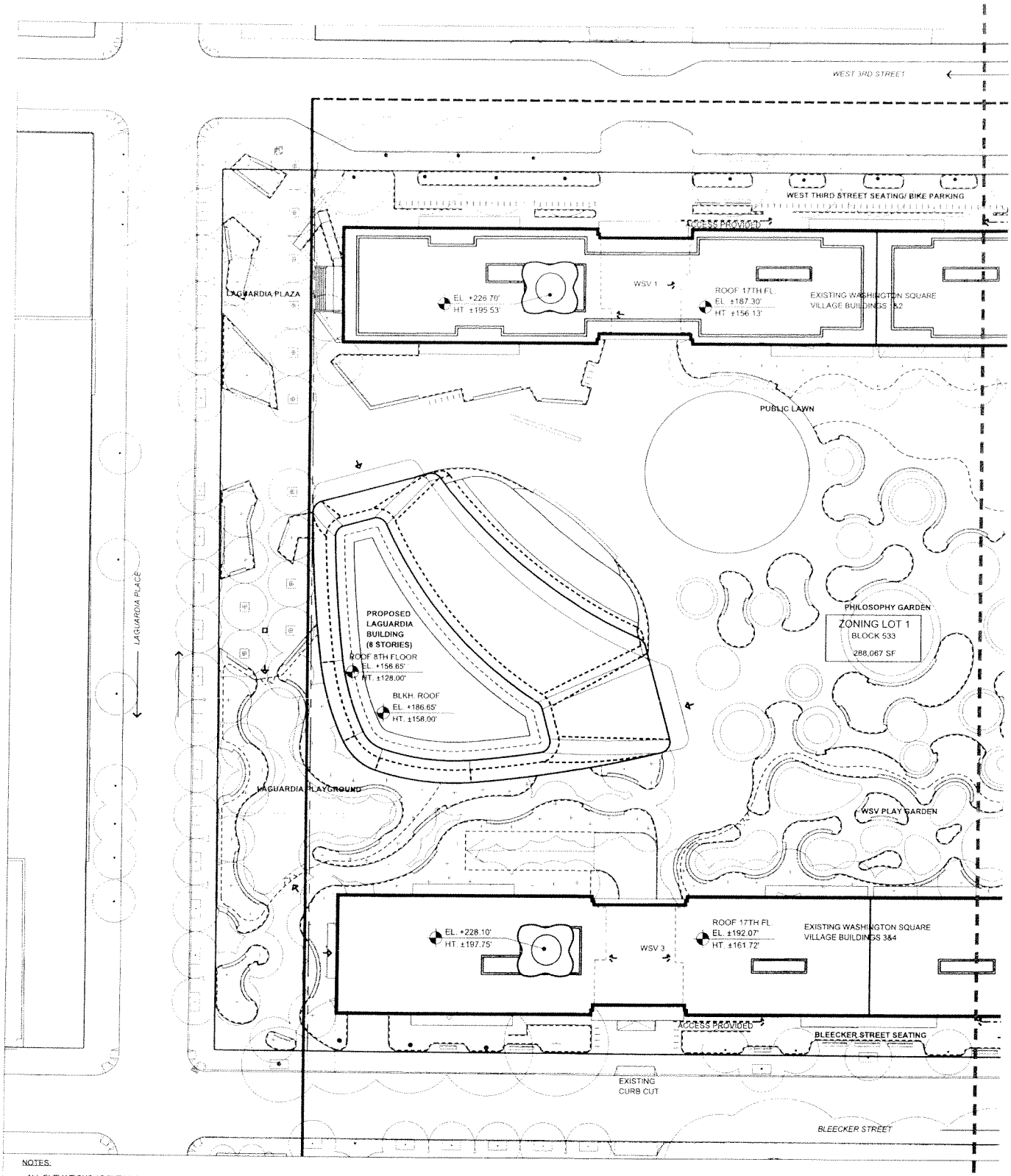
Checked: NDH	**C - 207A**
Approved: MH	

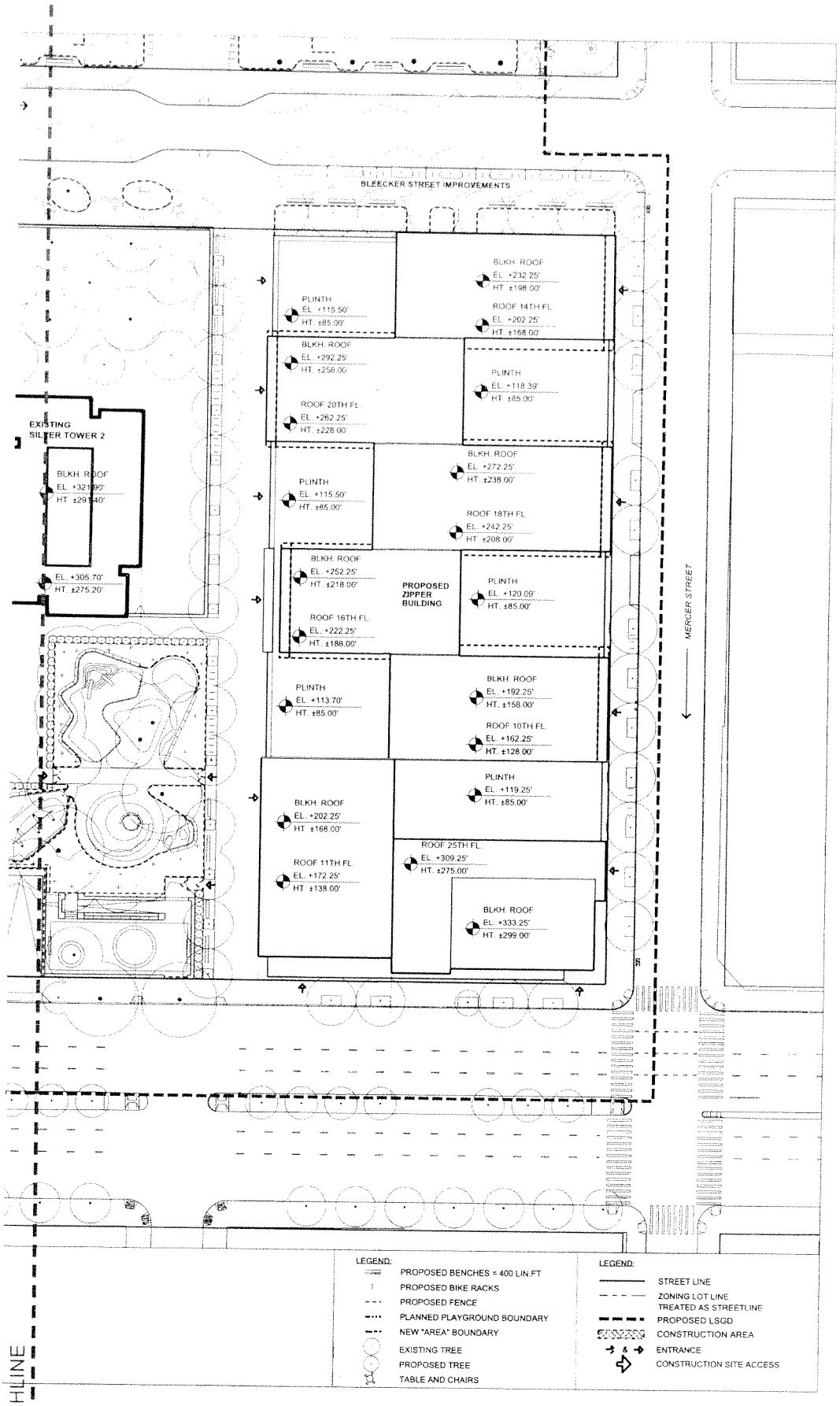


NOTES:

- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'
- EXTENTS OF CONSTRUCTION SITE MAY VARY BY ±5', U.O.N.
- EXTENTS OF CONSTRUCTION SITE ON PUBLIC OWNED PROPERTY ARE SUBJECT TO DOB/DOT/DPR PROCESS AND APPROVAL
- SIDEWALK AND ROAD CLOSURES ARE NOT SHOWN

- IMPROVEMENTS PLANNED FOR THE GROUND FLOOR FACADES OF THE W.S.V. BUILDINGS TO OCCUR CONCURRENTLY WITH PHASES

C-207A
PART 2 OF 2



LEGEND:

- PROPOSED BENCHES = 400 LIN.FT
- PROPOSED BIKE RACKS
- PROPOSED FENCE
- PLANNED PLAYGROUND BOUNDARY
- NEW "AREA" BOUNDARY
- EXISTING TREE
- PROPOSED TREE
- TABLE AND CHAIRS

LEGEND:

- STREET LINE
- ZONING LOT LINE TREATED AS STREETLINE
- PROPOSED LSGD
- CONSTRUCTION AREA
- ENTRANCE
- CONSTRUCTION SITE ACCESS

MATCHLINE

NYU CORE

NEW YORK UNIVERSITY

New York University
70 Washington Square South
New York, NY 10012
Tel: 212 998 4090

ARCHITECT
GRIMSHAW
617 W27th Street, 9th Floor
New York, NY 10001
Tel: 646 293 3600
www.grimshaw-architects.com

LANDSCAPE ARCHITECT
MICHAEL VAN VALKENBURGH ASSOCIATES
16 Court Street, 11th Floor
Brooklyn, NY 11241
Tel: 718 243 2044

DESIGN CONSULTANT
TOSHIKO MORI ARCHITECT
199 Lafayette Street, Suite 5A
New York, NY 10012
Tel: 212 337 9644

LEGAL CONSULTANT
BRYAN CAVE
1290 Avenue of the Americas
New York, NY 10104
Tel: 212 541 2000

PARKING CONSULTANT
PHILIP HABIB & ASSOCIATES
102 Madison Avenue, 11th Floor
New York, NY 10016
Tel: 212 929 5656

STRUCTURAL AND MEP ENGINEER
ARUP
155 Avenue of the Americas
New York, NY 10013
Tel: 212 229 2669

LAND SURVEYOR
LANGAN ENGINEERING & ENVIRONMENTAL SERVICES
River Drive Center 1, 619 River Drive
Elmwood Park, NJ 07407
Tel: 201 794 6900

LIGHTING DESIGNER
TILLOTSON DESIGN ASSOCIATES
40 Worth Street, Suite 703
New York, NY 10013
Tel: 212 675 7760

ENVIRONMENTAL & PLANNING CONSULTANT
AKRF
440 Park Avenue South, 7th Floor
New York, NY 10016
Tel: 800 899 2573

Seal & Signature

REGISTERED ARCHITECT MARK DAVID HUSSEY STATE OF NEW YORK

SHEET SIZE: 22" X 34"

© copyright GRIMSHAW

Do not scale
All dimensions to be checked on site

CONSTRUCTION PHASING

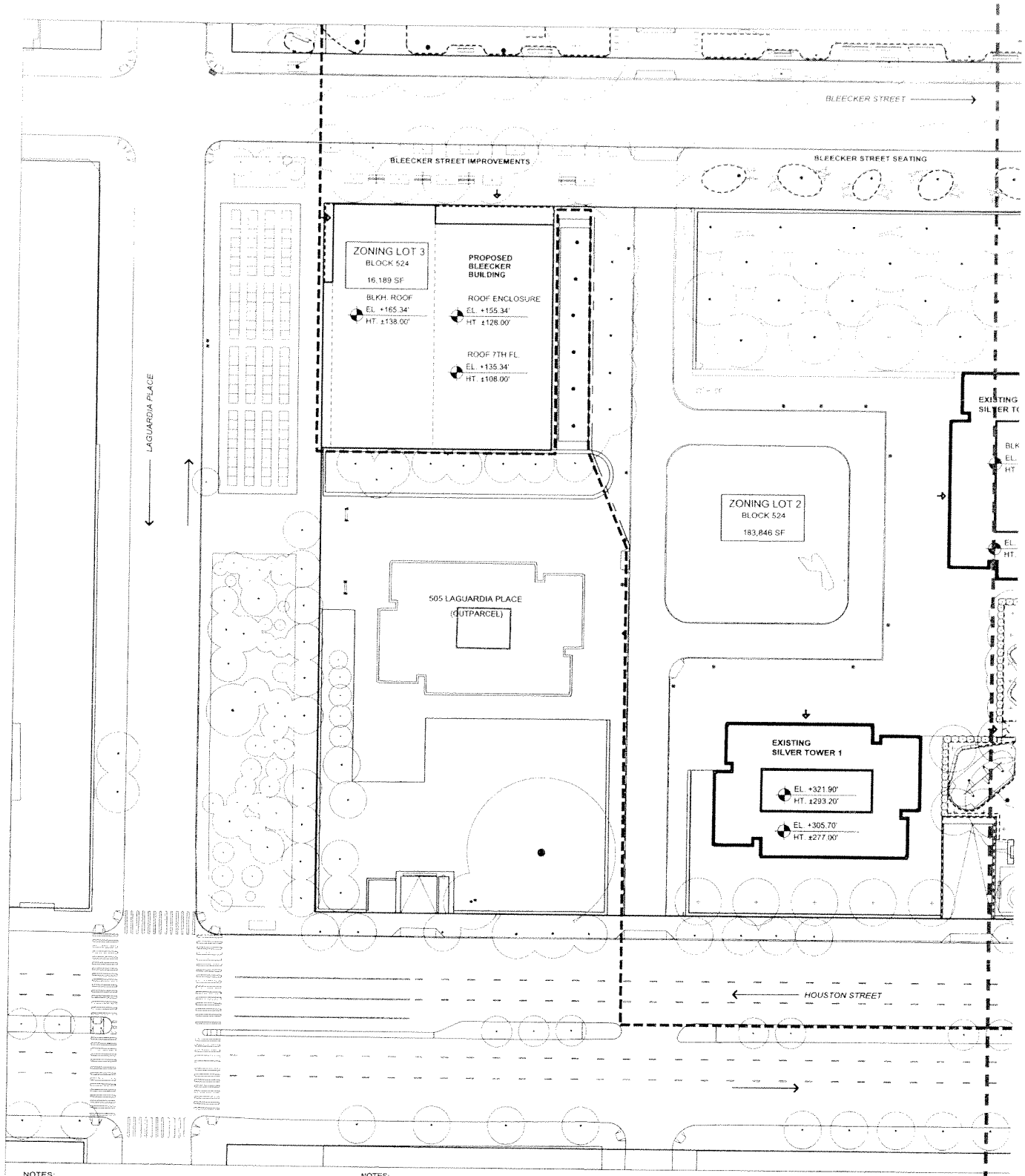
Title: S.B.: NO CONSTRUCTION (4A)

Date	Scale
06/04/2012	1/32" = 1'-0"

Drawn: MS
Checked: NDH
Approved: MH

C - 208A

C-208A
PART 1 OF 2



NOTES:
- ALL ELEVATIONS ABOVE MANHATTAN DATUM = ±00.00'

NOTES:

Bleecker Building Phasing: Bleecker building and adjacent landscaping may be built in Phase 2 or any preceding or subsequent phase thereafter

LPC Coordination: The final design of Landscape improvements within the landmark site boundary will be subject to review by the Landmark Preservation Commission

The landscape design for Bleecker Street is subject to approval by the Parks Commissioner and other agencies at a later date and may therefore vary in certain aspects. It is anticipated that City-owned property will include characteristics as described in Z-202

MATCHLINE

C-208A
PART 2 OF 2

EXHIBIT E

Letter of Resolution

LETTER OF RESOLUTION
AMONG
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION,
THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK,
AND
NEW YORK UNIVERSITY

WHEREAS, New York University ("NYU") seeks to undertake a project (the "Proposed Project") in what is known as the "North Block". The North Block is bounded by LaGuardia Place to the west, Mercer Street to the east, Bleecker Street to the south and West Third Street to the North and is largely occupied by Washington Square Village, a complex comprised of two 17-story residential apartment buildings, an elevated landscaped plaza, an underground garage and a commercial building along LaGuardia Place; and

WHEREAS, NYU proposes to modify the North Block by adding two new academic buildings, below-grade academic space, street level publicly-accessible open space and below-grade parking, as described in the Introduction of the *NYU Core Project Alternatives Analysis, Washington Square Village Site—North Block*, dated November 18, 201 and updated April 10, 2012; and

WHEREAS, NYU consulted with the Dormitory Authority of the State of New York ("DASNY") with respect to the Proposed Project;

WHEREAS, DASNY consulted with the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") with respect to the Proposed Project under Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law to assess the impact of this undertaking on historic resources, and as part of that consultation, OPRHP determined that Washington Square Village is eligible for listing on the State and National Registers of Historic Places; and

WHEREAS, DASNY, NYU, and OPRHP agree that the Proposed Project will result in an Adverse Impact to Washington Square Village and that all prudent and feasible alternatives have been fully explored to avoid such Adverse Impact and, pursuant to the

commitments memorialized below, to mitigate such Adverse Impact to the fullest extent practicable, and

WHEREAS, DASNY, NYU, and OPRHP agree that intact archaeological features may be present in certain areas of the North Block, and that if such features are present, they will be impacted by the Proposed Project; and

WHEREAS, the purpose of this Letter of Resolution ("LOR") is to ensure that appropriate mitigation measures are undertaken in conjunction with the Proposed Project; and

WHEREAS, this LOR does not address related proposed NYU improvements to the South Block (the superblock immediately south of the North Block) because OPRHP's review and conclusions with respect to those improvements were addressed by OPRHP in its letter to the New York City Department of City Planning dated December 29, 2011; and

NOW, THEREFORE, in accordance with Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law, DASNY, NYU and OPRHP agree that the Proposed Project may proceed subject to the Stipulations set forth below:

STIPULATIONS

1. Prior to the commencement of the construction of the Proposed Project within the Proposed Development Area, NYU will undertake a Phase 1B archeological investigation at locations that have been identified as both archaeologically sensitive and where proposed construction would occur to determine the presence or absence of archaeological resources such as domestic shaft features (i.e., privies, cisterns, or wells) dating to the early- to mid- 19th century. In advance of testing, an archaeological testing protocol would be prepared in consultation with the NYC Landmarks Preservation Commission ("LPC") and OPRHP. The Phase 1B archeological investigation may be phased so that the investigation of individual areas within the Proposed Development Area are sequenced at different times such that the investigation in an individual area need not occur until such time as construction is to begin in such area. Should archaeological resources be identified, OPRHP and LPC would make determinations of significance and any mitigation measures would be developed by DASNY, after consultation among NYU, OPRHP, LPC, and DASNY, and would be based on the characteristics and significance of the resource. Any mitigation measures would be conducted pursuant to the *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State*, prepared by the New York Archaeological Council and adopted by OPRHP (1994) and pursuant to *Guidelines for Archaeological Work in New York City* established by LPC (April 12, 2002).

2. Prior to the commencement of construction of the Proposed Project, NYU will undertake the preparation of Historic American Buildings Survey ("HABS") Level II documentation of Washington Square Village including photographic documentation, historic plans, and an accompanying historical narrative. Additionally, prior to the commencement of construction of the Proposed Project, NYU will provide a scaled landscaping plan documenting the existing Sasaki Garden, located south of Washington Square Village Building's 1 and 2, and north of Washington Square Village Building's 3 and 4, and bound to the east by the Greene Street parking lot access roadway and to the west of the Wooster Street parking lot access roadway. The scaled landscaping plan shall include the existing flora species and their locations, as well as the existing walking paths and original garden features. To the extent available, the original landscaping plans, or information about those plans, will be documented as well. This documentation will be conducted by a recognized professional credentialed for preparing such reports. Copies of the documentation will be provided to the New York City Public Library, the NYU Library, the Museum of the City of New York and two copies to OPRHP (one for its files and one to be forwarded to the New York State Archives).

2. NYU will consult with OPRHP with respect to the redevelopment of the residential buildings at Washington Square Village that occurs as part of the Proposed Project. At a minimum, plans must be submitted at the preliminary and pre-final stages of such redevelopment. If OPRHP has significant concerns at the pre-final review, they may request review of the final plans.

3. NYU will consult with OPRHP regarding the proposed new construction of two new academic buildings, below-grade academic space, street level publicly-accessible open space and below-grade parking. At a minimum, plans must be submitted at the preliminary and pre-final stages of development. If OPRHP has significant concerns at the pre-final review, it may request review of the final plans

4. Prior to the commencement of construction of the Proposed Project, in consultation with LPC and OPRHP, NYU will develop and implement Construction Protection Plans (CPPs) for:
   a. Washington Square Village,
   b. University Village (100 and 110 Bleecker Street and 505 LaGuardia Place),
   c. Shimkin Hall (50 West 4th Street).

   The CPPs will be prepared in coordination with a licensed professional engineer and would follow the guidelines set forth in Section 523 of the *CEQR Technical Manual*, including conforming to LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings.* The CPPs will also comply with the

procedures set forth in the New York City Department of Buildings *Technical Policy and Procedure Notice* (TPPN) #10/88. Submission of the CPPs may be phased so that a CPP is not required for a particular building until construction will occur at or proximate to that building.

5. Upon completion of the Proposed Project, the establishment of new open space would also replace the existing, non-historic private playground with two new publicly accessible playgrounds on the North Block, as specified in the City Planning Commission's approvals.

6. NYU will include one or more plaques or historic markers providing a historical interpretation of the Sasaki Garden and Washington Square Village in its modifications to the North Block. The use of historic plaques or markers shall illustrate the history of the superblock development and the significance of the Sasaki Garden. Design for the interpretive materials shall be submitted to OPRHP at the preliminary and pre-final stages of development for OPRHP comment.

Any amendment to this LOR must be agreed upon in writing by all parties to this agreement. This LOR shall not be effective unless and until the City Planning Commission, the lead agency for the Proposed Project under the State Environmental Quality Review Act ("SEQRA"), and DASNY make their findings under SEQRA consistent with the determinations described above.

Execution of this LOR and implementation of its Stipulation evidences that NYU and DASNY have offered OPRHP the opportunity to comment on this undertaking and considered its impacts pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980.

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

BY: Ruth L. Pierpont DATE: 5/22/12

NAME: Ruth L. Pierpont
TITLE: Deputy Commissioner for Historic Preservation

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

BY: Jack D. Homkow DATE: 05/22/12

NAME: Jack D. Homkow
TITLE: Director, Office of Environmental Affairs

NEW YORK UNIVERSITY

BY: DATE: 05/22/12

NAME: Martin S. Dorph
TITLE: Executive Vice President, Finance and Information Technology

EXHIBIT F

Operating Rules for Public Access Areas

The Public Access Areas are privately-owned spaces required to be open for use and enjoyment by the general public for recreation. NYU shall not impose or apply any rules or restrictions upon public use of the Public Access Areas which vary from or are more restrictive than those set forth below, except as authorized pursuant to a modification to this Exhibit F made pursuant to Section 7.4.

General Guidelines

- All Public Access Area users should be respectful of others and mindful of how activity and noise affects other garden users and residents in immediately adjacent apartment buildings.
- All Public Access Area users are to heed directions or requests made by authorized building management or NYU Public Safety personnel.
- New York City laws and ordinances are in full force and effect at all times.

General Prohibitions

For the safety and enjoyment of everyone, the following types of behavior are prohibited in the Public Access Areas:

- Sleeping, loitering, or disorderly conduct.
- Smoking, drinking of alcoholic beverages
- Open flames or barbequing.
- Shopping carts, obstructions or unattended packages.
- Loud music including musical instruments, radios, stereos, or use of amplification equipment.
- Camping or the erection of tents or other structures; sleeping bags, tarps, or other covering on the property.
- Lying down on the ground, walkways, or benches; storage or placement of personal property in areas that unreasonably interfere with the use of benches and walkways by others.
- Panhandling or entertaining for the purposes of solicitation and/or publicity.

- Large assemblies or group gatherings except by prior permit.
- Defacement of property and littering.
- Securing bikes to objects other than bike racks.
- Ball playing against building walls, public artwork or landscape features; no tree climbing.

In addition:

- Pets must be kept on a leash at all times and are not permitted on the grass. Owners are expected to clean up after their pets.
- Skateboards, bikes, rollerblades, and roller skates are permitted in designated areas only.

Playground Prohibitions

- Adults who are not accompanied by or supervising children are prohibited.

EXHIBIT G

Form Of Notice Of Substantial Completion

[Letterhead of the Commissioner of Parks & Recreation
Or Letterhead of the Chairperson of the City Planning Commission, (whichever is applicable)]

[Date]

NOTICE OF SUBSTANTIAL COMPLETION

Re: Block _, Lot _, Manhattan, New York, New York

Dear _____:

This letter constitutes the Notice of Substantial Completion of the New Landscape Improvement(s) titled _____ pursuant to Section 6___ of the Restrictive Declaration of Large Scale General Development made by NYU, dated as of June _____, 2012 (the "LSGD Declaration").

By this notice, the undersigned, for the [Department of Parks and Recreation/Chairperson of the City Planning Commission], confirms that the New Landscape Improvement titled _____ (as defined in the LSGD Declaration) has been Substantially Completed (as defined in the LSGD Declaration) in accordance with all requirements of the LSGD Declaration.

Yours very truly,

_____

[THIS LETTER SHALL BE MODIFIED AS APPROPRIATE TO THE CERTIFICATION BEING ISSUED]

EXHIBIT H

Form Of Notice Of Final Completion

[Letterhead of the Commissioner of Parks & Recreation
Or Letterhead of the Chairperson of the City Planning Commission, (whichever is applicable)]

[Date]

NOTICE OF FINAL COMPLETION

Re: Block _, Lot _, Manhattan, New York, New York

Dear _____:

This letter constitutes the Notice of Final Completion of the New Landscape Improvement(s) titled _____ pursuant to Section 6___ of the Restrictive Declaration of Large Scale General Development made by NYU, dated as of June _____, 2012 (the "LSGD Declaration").

By this notice, the undersigned, for the [Department of Parks and Recreation/Chairperson of the City Planning Commission], confirms that New Landscape Improvement titled _____ (as defined in the LSGD Declaration) has been Finally Completed (as defined in the LSGD Declaration) in accordance with all requirements of the LSGD Declaration.

Yours very truly,

_____

[THIS LETTER SHALL BE MODIFIED AS APPROPRIATE TO THE CERTIFICATION BEING ISSUED]