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**Gale A. Brewer, Borough President**

March 25, 2016

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

**Re: Water Street Upgrades Text Amendment – N 160166 ZRM**

Dear Chair Weisbrod:

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is written in a cursive, somewhat stylized font. The first name "Gale" is written in a larger, more prominent script, while "A. Brewer" follows in a similar but slightly smaller script.

Gale A. Brewer