



**Greenwich  
Village  
Society for  
Historic  
Preservation**

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April 30, 2013

Hon. Amanda Burden, Director  
Department of City Planning  
22 Reade Street  
New York, NY 10007

Hon. Robert LiMandri  
Commissioner, NYC Department of Buildings  
270 Broadway, 7<sup>th</sup> floor  
New York, NY 10007

Hon. Christine Quinn  
Speaker, New York City Council  
224 West 30th Street, Suite 1206  
New York, NY 10001

Hon. Scott Stringer  
President, Borough of Manhattan  
1 Centre Street, 19<sup>th</sup> floor  
New York, NY 10007

**Re: Legality of Trump SoHo, 246 Spring Street, Manhattan**

Dear Director Burden, Commissioner LiMandri, Speaker Quinn, and Borough President Stringer:

I write regarding the use of the Trump SoHo 'Condo-Hotel,' at 246 Spring Street in Manhattan, in violation New York City zoning regulations.

As you know, the Greenwich Village Society for Historic Preservation argued from the beginning that the planned condo-hotel use at this site did not conform to the legal zoning definition of a "transient hotel," and therefore its construction should not have been permitted. It was our contention that the condo-hotel, in which individuals would own their units and stay in them for extended periods of time, should be correctly categorized under the zoning as a residence, or a residential hotel, both of which were prohibited at this location. In fact, the developer and marketers for the developer consistently referred to the planned development as a "residence," and were exposed on several occasions telling potential buyers that they would be able to live at the Trump SoHo year-round, for as long as they wanted.

In spite of this, each of you asserted that as a condo-hotel, the Trump SoHo did in fact qualify as a "transient hotel" under the zoning, and therefore must be allowed to be built. The City went so far as to defend this assertion against a legal challenge at the Board of Standards and Appeals.

In spite of this, now that it has been built, we have discovered that the City's own records and data consistently categorize the Trump SoHo's use as a "residence". This is how it is categorized on NYCityMap, in the Department of City Planning's "Community Profile" for Community Board #2, and in several Environmental Impact Statements produced and approved by the Department of City Planning (see attached).

Which raises the question: does the City now in fact recognize that the Trump SoHo is a residence, which is illegal under the zoning under which it was built (as well as the new zoning for the area, which would require that an equal amount of 'commercial space' be produced to replace the Trump SoHo if it were to be converted to a residence)? If so, what is being done to finally enforce the law against this illegal development?

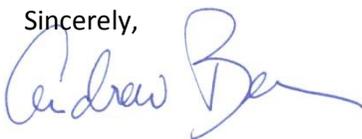
If it is your positions that, in spite of the categorizations of the Trump SoHo as a "residence" in the City's own records and data, it is still in fact merely a "transient hotel," I ask you to explain how that conformance with the zoning is being checked and enforced.

You each asserted at the time that in order to ensure that the Trump SoHo did in fact function solely as a "transient hotel," individual owners would be limited to staying in their units no more than 120 days per year. At the time, we (and many others) argued that a 120-day annual limit on stays by owners was unenforceable, and that even if it was, it did not qualify the development for the zoning text's definition of a "transient hotel."

If it remains your position that a 120-day annual limit on stays by owners is adequate to conform with the zoning definition of a "transient hotel," I ask that you provide information about how this is being verified. I also ask why, if it is your position that the Trump SoHo conforms to the zoning and is a "transient hotel," the City continues to categorize it in so many different data sources and records as a "residence," which would violate the zoning,?

It is most unfortunate that the Trump SoHo was ever allowed to be built, as the communities of Lower Manhattan must live on a daily basis with this garishly oversized and out-of-scale intrusion, and all of the negative impacts it brings. But it is deeply distressing, and adds insult to injury that, while city officials defended the legality of the Trump SoHo and its right to be built, the City now appears to regularly acknowledge its illegal use, while doing nothing to enforce the law against it.

Sincerely,

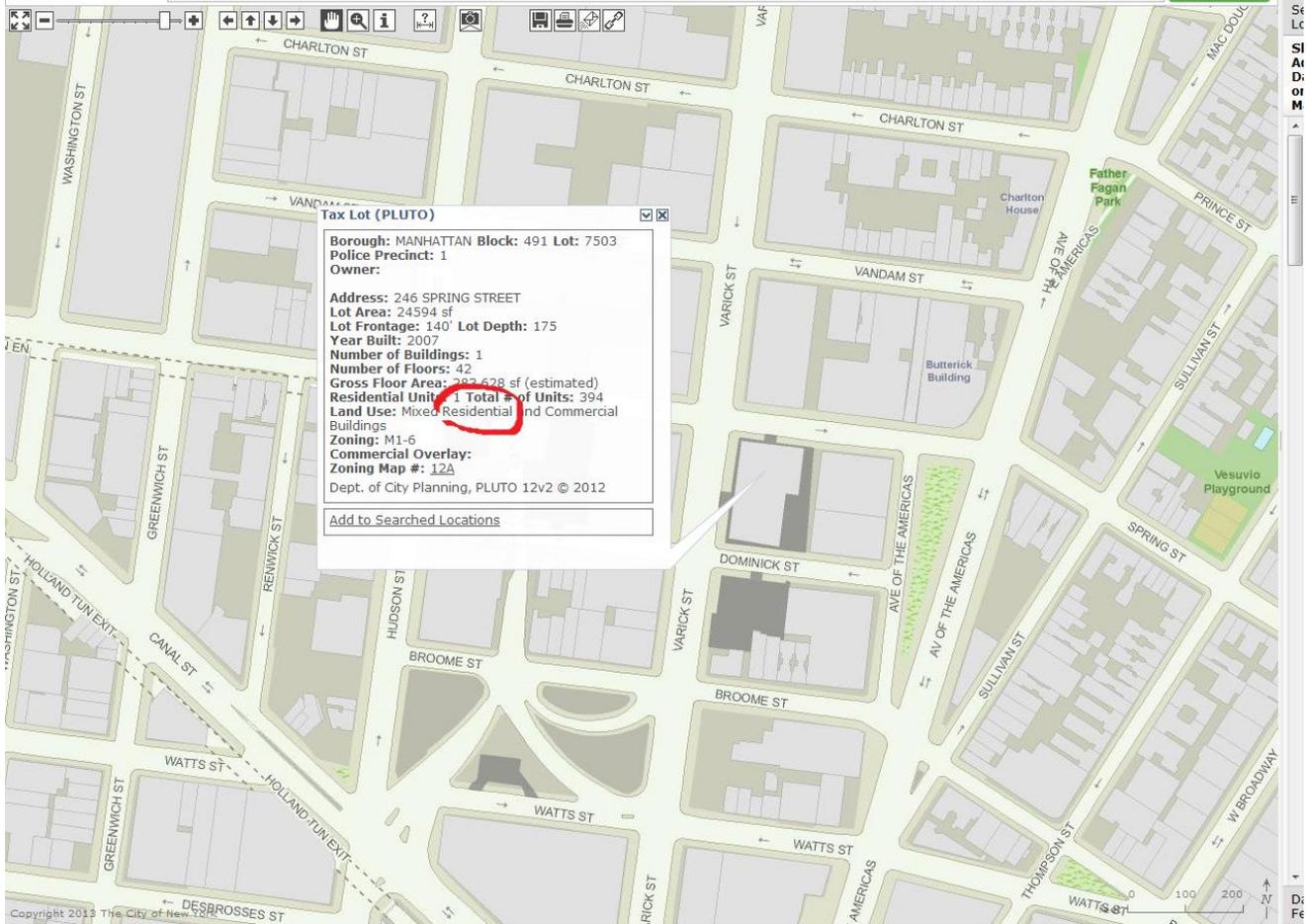


Andrew Berman  
Executive Director

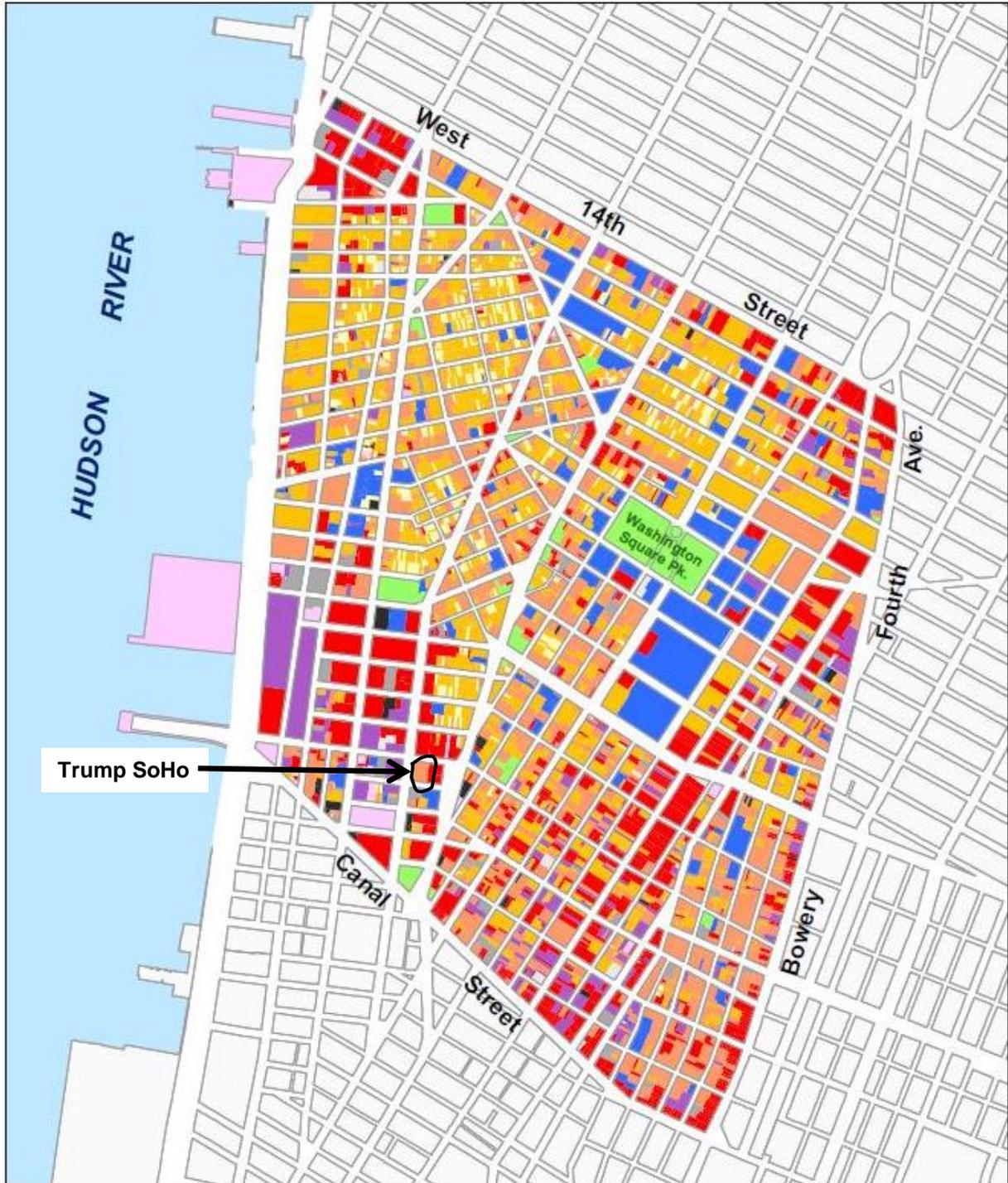
Cc: Assemblymember Deborah Glick  
Community Board #2, Manhattan  
SoHo Alliance

Search for a location: Enter an address, intersection, community district, ZIP code, etc...

Search



# Manhattan Community District 2



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 NYC Department of City Planning

Source: MapPLUTO™ Release 11v1

- Residential Land Uses**
- One & Two Family Buildings
  - Multi-Family Buildings
  - Mixed Residential and Commercial Buildings

- Non-Residential Land Uses**
- Commercial / Office Buildings
  - Industrial / Manufacturing
  - Open Space and Outdoor Recreation
  - Public Facilities and Institutions
  - Transportation and Utility
  - Parking Facilities
  - Vacant Land
  - All Others or No Data