



February 28, 2022

Melanie La Rocca
Commissioner, New York City Department of Buildings
280 Broadway
New York, NY, 10007

Subject: Zoning and Use Changes at 181 Mercer Street

Dear Commissioner La Rocca,

We write to you to express deep concern regarding the changes in use of a building currently being constructed at 181 Mercer Street by New York University (“NYU”). Known as the Zipper Building, this site is part of the NYU Core special permit application dated June 6, 2012 (ULURP No. C120124ZSM), which facilitated an expansion of the NYU campus within two superblocks in the Washington Square area.

After the 2012 approval of the application by the City Planning Commission (“CPC”), the Department of Buildings (“DOB”) approved a new building application on October 24, 2018 (Job No. 121191174), and the building has been in construction since. However, there are significant changes in zoned use within the building between what was approved in 2012 by CPC and what was approved in 2018 by DOB, prompting concern from the community as well as elected officials as to the level of zoning enforcement at this site and the precedent this will set for other developments.

As is consistent with every CPC decision, the approval of this application is based on the condition that “the property that is the subject of this application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated” on all plans filed with the application (CPC Report, page 69). According to one of these plans, the ground floor of the proposed Zipper Building would mostly consist of retail uses, specifically 29,000 square feet (CPC Report, page 257).

However, in the zoning diagram approved by DOB and consistent with what was filed in 2018, the entirety of the building will consist of community facility uses, most likely for academic purposes. As retail is a commercial use under zoning, this constitutes a significant departure from what was approved in 2012, and should not have been approved in 2018.

Given this violation, it is imperative that a stop work order be placed at 181 Mercer Street until these zoning changes are corrected and NYU complies with the retail uses it proposed in 2012. This kind of change can set a dangerous precedent for future developments wishing to exaggerate the terms of special permit approval by CPC. As the enforcement agency in this case, it is the responsibility of DOB to ensure that work is halted, zoning plans are resubmitted, and that retail is committed to the ground floor of the new Zipper Building.

Thank you for your attention to this matter, and we look forward to working with you. You may reach out to any of us to discuss, or contact Conor Allerton in the office of Council Member Christopher Marte at callerton@council.nyc.gov.

Sincerely,



Christopher Marte
New York City Council Member



Mark Levine
Manhattan Borough President



Deborah J. Glick
New York State Assemblymember



Brad Hoylman
New York State Senator



Brian Kavanagh
New York State Senator



Jerrold Nadler
United States Congressman