

Steven Guterman, Founder
Save the View Now
savetheviewnow@gmail.com
917-679-1928

January 26, 2015

Regina Myer, President
Brooklyn Bridge Park Corporation
334 Furman Street
Brooklyn, NY 11201

Dear Ms. Myer,

We are in receipt of the letter from Belinda Cape dated January 23, 2015. While we are pleased that she states that the BBPC is taking steps to ensure that Toll Brothers has complied with the requirements of SV-1 in connection with the building on Parcel B (“condos”), we are disappointed that she fails to provide any specificity as to how and when compliance will be achieved and that she fails to address many of our other concerns. And, frankly, we are surprised that BBPC seems to have chosen to devote a large part of its letter to addressing our deficiencies rather than providing requested information that could advance a solution to the problems we have raised.

First, we are frustrated that we still have not received answers to the questions set forth in Annex A to both our letter of January 20th and our letter of January 22nd. We request for a third time that you provide us with answers to the questions in Annex A, which we are again attaching. *If you do not intend to provide those answers, please tell us so. If you do intend to provide answers, please tell us when.*

Second, while Ms. Cape states that you have asked Toll Brothers to obtain Department of Buildings (DOB) confirmation that its plans for the condos are in compliance with SV-1, she does not say that you have asked them to obtain confirmation that their plans are in compliance with the 55 foot height limitation as well, nor does she place any timeframe on obtaining an answer from them. As we have previously communicated, time is of the essence since building is proceeding today on the basis of plans or designs

that we believe are in violation of both restrictions. We had the impression at our meeting of January 21 that you would be revising plans to make them compliant, but the letter of January 23 casts doubt on that understanding. All we know is that as of Friday the plans on file with DOB *still* show a building that is approximately 68 BBHD in the area subject to SV-1 (where the view reference line of SV-1 is at 66' BBHD at the point closest to the Promenade) and nearly 75' BBHD in the area that is subject to the 55' height limitation. We believe you should halt construction immediately until the plans are corrected. We have filed our own complaint with the DOB since we do not wish for construction to proceed on the basis of defective plans. *If, in fact, we are incorrect, provide us with a copy of plans that demonstrate compliance immediately.* We have asked for this information previously and it has not been provided.

Third, at our meeting we discussed your relationship with Toll Brothers and you stated that you were unsure what rights you retained in connection with the Pierhouse project, more specifically whether you had the right under any condition to call for a pause in construction. You stated that you would seek clarification of those issues and see if you could provide to us existing contracts between the BBPC and Toll Brothers, as well as other due diligence documentation. You have not followed through on that commitment and ignore it in your January 23 letter. *Please let us know whether we will receive any information, contracts or other documentation relevant to this issue, and, if so, when.*

Fourth, it is our impression from our meeting and correspondence that you do not intend to take any action with respect to the significant harm to views caused by the building on Parcel A ("hotel complex"), despite the fact that you failed to live up to numerous commitments to preserve views made to the community from the inception of this project. We know that others have tried to persuade you to act so that you have had much time to address these failures. *Please inform us by Wednesday, January 28, whether you intend to propose any solutions to reduce the excessive height of the hotel complex. If we do not hear from you by then, we will assume that you do not intend to do so*

Finally, Ms. Cape makes much in her letter of our alleged inaccuracies. We are a community group that formed approximately one month ago. We

are not real estate or land use or environmental experts and our learning curve has been steep. We started out knowing only that something had gone horribly wrong with Pierhouse and then studied public documents to attempt to figure out what. We had and have no intention of providing false information, any mistakes we have made were the result of a lack of knowledge, and we will correct mistakes whenever pointed out. The more answers you provide to our questions, the more accurate we can be.

We would, however, respectfully ask that you refrain from making misleading statements and using misleading photos. For example, your repeated use of the statement that only 15% of the surface area of the roof is covered by bulkheads to somehow demonstrate their insignificance is not only misleading, but rather insulting to the intelligence of our community. You well know that a 30 foot high, 6 inch wide wall on the edge of the Pierhouse roof stretching across its entire width would significantly block views of the Brooklyn Bridge from the Promenade even though it would take up even less than 1% of roof surface area. Similarly, showing photos of the Cold Storage Warehouse taken from the far north end of the Promenade, the place where it was most intrusive, is designed to make it appear that views of the Bridge are no worse now than they were then—something that you know is not true and that belies common sense given that the Pierhouse is significantly higher than the Cold Storage Warehouse.

For your convenience we have italicized all questions and requests. We look forward to hearing from you within the next few days.

Sincerely,

Steven Guterman

Annex A

General question:

1. What is BBPC's review process to ensure that any design change does not invalidate any portion or analysis of the Brooklyn Bridge Park Plan, the GPP, or the FEIS?

The hotel complex:

1. It appears that after the Project Plan and FEIS was presented to the community in 2005 the 100' southern wall of the hotel complex moved from a point north of Squibb Park to a position significantly closer to the Promenade. In fact, you state in your November 7 letter to the BHA that the southern wall of the hotel is now 55 feet south of the southern wall of the Cold Storage Warehouse (CSW). When did this change occur? Did you calculate at the time of the change what its impact would be on the views of the Brooklyn Bridge and Manhattan Skyline from the Promenade and Fruit Street Sitting area and what the impact the change has on the views from Squibb Park? If so, what did you find? What disclosure of this change did you make to the public?
2. In your November 7 letter to the BHA you present an analysis of the height of Pierhouse based on BBHD data. You state that you used the measurement of the sidewalk on Furman Street next to the CSW to determine the BBHD reference point for the height of the CSW. Applying those measures, you reach the conclusion that the height of the CSW wall that was used as a reference point for the height agreement was 107.75 BBHD. Yet, you admit that the roof slab for Pierhouse is actually 113.75 high using BBHD standards, six feet higher than the CSW roofline. Did you calculate at any time what the impact of a six foot higher roof slab would be on views from the Promenade? If so, what did you find and what disclosure of this change did you make to the public?
3. Exactly how high and wide is each structure placed on the roof? Please describe everything that is in each of them and provide a view from above showing us where they are placed. What calculations did you do to determine the impact of these structures on the view of the Brooklyn Bridge from the Promenade, what were the results, and when was the public informed of these results? What steps did you take in 2011 to respond to the question as to whether developers could place mechanicals on the roof? Did you speak to anyone who had been involved in developing the 100 foot total height limitation, whether in the community, on your Board, at Michael Van Valkenburgh's office or within your own organization or those working with you, as to whether there had been any prior discussions of this question ?
4. Was any consideration given at any time during the design process to filing a supplemental EIS? If so, please tell us the substance of those discussions and why you reached the conclusion not to do so?
5. Are there any other changes that have occurred or will occur that will further block the views or increase the height of the hotel complex?

The condo complex:

6. Do BBPC, Toll Brothers, and Starwoods intend to fully comply with the SV-1 regulation as written without any exception? Has a special permit for relief of any aspect of SV-1 been applied for or is any contemplated?

7. The SV-1 regulation states that “no portion of any #building or other structure#shall penetrate a #view plane#”. The condo portion of the Pierhouse, the building on Parcel B, is in the Brooklyn Heights Promenade View Plane. The following table shows the maximum height relative to BBHD of any portion of a structure based on the distance from point A as depicted from page 11 of the SV-1 regulation.

Distance From Point A in SV-1 Regulation (ft)	Maximum Elevation relative to mean sea level (ft)	Maximum Elevation relative to BBHD (ft)
0	63.5	66.0
100	60.7	63.2
200	58.0	60.5
300	55.2	57.7
400	52.5	55.0
500	49.7	52.2
600	46.9	49.4
700	44.2	46.7
800	41.4	43.9
900	38.7	41.2
1000	35.9	38.4
1100	33.1	35.6
1200	30.4	32.9
1300	27.6	30.1
1400	24.8	27.3
1500	22.1	24.6
1600	19.3	21.8
1700	16.6	19.1
1800	13.8	16.3
1900	11.0	13.5
2000	8.3	10.8
2100	5.5	8.0
2200	2.8	5.3
2300	0.0	2.5

The elevation drawing on file with the NYC Department of Buildings for the condo portion of the Pierhouse, 130 Furman Street, show a base elevation of 11.55’ above BBHD, a building height to the roofline of 48’3” , and additional structures on the roof

that do not contain dimensions, but if they are to scale are approximately 8'. This would give a total building height of approximately 68' BBHD for the portion directly in the SV-1 view plan. This is much higher than all points on the above table and would place large parts of the building in the SV-1 view plane. Can you explain this discrepancy?

8. The 2005 Plan and the 2011 Pier 1 Hotel and Residential Development Presentation of Proposals that are available on the BBPC website all state the entire condo building will have a maximum height of 55'. The model in the Pierhouse sales office shows an extra floor on one portion of this building. Did you calculate what the impact of the addition 10' feet of structure would be on views from Squibb Park or the Fruit Street Sitting Area? If so, what did you find and what disclosure of this change did you make to the public?