



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

May 14, 2020

Sarah Carroll, Chair
Landmarks Preservation Commission
Municipal Building, 9th floor
One Centre Street
New York, NY 10007

Re: 44-54 Ninth Avenue and 351-355 West 14th Street, Certificate of Appropriateness for Proposed Historic Restoration and Construction of New Building

Dear Chair Carroll:

On the recommendation of its Chelsea Land Use Committee, following a duly noticed public hearing at the Committee's meeting on April 20, 2020, Manhattan Community Board 4 (CB4) at its regularly scheduled meeting on May 6, 2020, voted by a vote of 41 in favor, 04 opposed, 01 abstaining, and 01 present but not eligible to vote, to recommend denial of the application for a Landmarks Preservation Certificate of Appropriateness for 44-54 Ninth Avenue and 351-355 West 14th Street unless the following changes are made:

Tower reduced to six-stories

By reducing the height of the proposed commercial tower from nine stories to six stories this new building would maintain consistency with one- to six-story streetscape as per Gansevoort Market Historic District Designation report. The Designation Report emphasizes the uncommon visual prospect of the rowhouse group, describing the District's Ninth Avenue segment as "culminating in the rare, picturesque ensemble of nine rowhouses and townhouses, Nos. 44-60 Ninth Avenue and 351-355 West 14th Street (c. 1841-46), at the wide, angled intersection with Hudson and West 14th Streets."

Lowering the height to six stories would follow precedents set by Landmarks Preservation Commission (LPC) decisions scaling back original proposals at 70-74 Gansevoort Street and 837 Washington Street. Lower new construction is especially called for by the proposal's immediate context of 1840's rowhouses and their domestic scale. Not only would the proposed tower overshadow and diminish them, it would create the incongruous appearance of a modern building rising from their backyards as an addition to existing rowhouses.

13-foot glass parapet reduced to 42”

This extraneous feature effectively adds a full story to the proposal. Reducing it to code-minimum height, and removing three stories, would result in a historically contextual six-story height. It would also relate the building’s top to the lowest masonry portion of the adjacent apartment buildings at 345 West 14th Street and 66 Ninth Avenue, which defers to the rowhouses by stepping down toward them. This will keep the building from breaking through the step-down effect of the block’s street facades.

Side and rear walls of the rowhouses preserved in place

The proposed demolition of all but the rowhouse street facades is not acceptable to CB4. LPC should require the applicant to preserve more of the rowhouses’ exteriors than currently proposed by the applicant, notably the rear walls and visible western side wall of 351-355 West 14th Street. We recommend that LPC disapprove demolition of the rear walls and insist on their preservation. The remaining rear facades should be preserved except for minor alterations to convert existing window openings to passages connecting to the tower. Instead of removal of entire walls, existing windowsills should be lowered for access points to the tower at the second floor to help allude to the rowhouses’ character.

Since the interior ground floor spaces of the rowhouses will be visible from the public way, we urge LPC to require the applicant to preserve remaining common or demising property line walls or extend them at least six feet from the facade to delineate rowhouse divisions as viewed from the public way.

CB4 welcomes the restoration of the front facades of the rowhouses which will provide a sense of their 1840’s Greek Revival Style.

This proposal has generated substantial public opposition. Before the February 18th Chelsea Land Use Committee meeting, CB4 received 13 letters from residents urging that the public hearing on it be extended. Before the April 20th public hearing, CB4 received five letters of opposition. This hearing, for which this proposal was the only agenda item, was attended by approximately 65 members of the public; 30 spoke or submitted statements in opposition. This concerted opposition was primarily focused on the proposed tower.

Two appendices are attached to this letter:

Appendix A provides:

- Description of the proposal
- CB4’s analysis and recommendations.

Appendix B includes a discussion of other issues:

- Preservation Easement for 362-364 West 15th Street
- Rent-Stabilized Housing
- Zoning Challenge
- Additional community concerns
- Applicant's letter with commitments to CB4.

CB4 urges the Landmarks Preservation Commission to lower the proposed tower's height to six stories, eliminate the 13-foot parapet, and require the preservation of side and rear walls of the historic rowhouses. We look forward to the applicant carrying out community-friendly commitments.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Betty Mackintosh
Co-Chair
Chelsea Land Use



Paul Devlin
Co-Chair
Chelsea Land Use

Enclosure

CC: Hon. Corey Johnson, Speaker of the City Council
 Hon. Gale A. Brewer, Manhattan Borough President
 Hon. Deborah Glick, New York State Assembly
 Hon. Brad Hoylman, New York State Senate
 Hon. Richard Gottfried, New York State Assembly
 Owners of 44-54 Ninth Avenue and 351-355 West 14th Street
 Save Chelsea

APPENDIX A

REVIEW

This application was initially presented and discussed at the February 18, 2020 Chelsea Land Use Committee meeting. Since there were so many outstanding issues, the Committee chose to continue the public hearing. The subsequent March 16th Committee meeting was cancelled due to the Covid-19 outbreak. Once the Governor's Executive Order gave the approval and ability to hold virtual public meetings, the April 20, 2020 Chelsea Land Use Committee meeting was scheduled and conducted.

DESCRIPTION OF PROPOSAL

The proposal site is at the northeast corner of Ninth Avenue and West 14th Street extending to West 15th Street, on Block 738, Lot 8. The boundary of the Gansevoort Market Historic District, created in 2003, bisects the site. Most of the site is within a C6-2A district which permits both commercial and residential uses; an R8-B district that allows residential uses covers the northern portion of the site facing West 15th Street. The site is subject to a 'light and air easement' along a portion of its eastern property line that abuts 345 West 14th Street.

This application for a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC) has two major components:

1. The exterior restoration of the publicly visible facades of a continuous row of nine 1840's rowhouses that turn the corner from Ninth Avenue onto West 14th Street.
2. The construction of a new nine-story, 120-foot commercial tower behind the historic rowhouses in the interior courtyard of the combined lot, entered through the easternmost rowhouse on West 14th Street.

Historic Rowhouses

The buildings on 44-54 Ninth Avenue and 351-355 West 14th Street are among the oldest existing structures within the Gansevoort Market Historic District. Both sets of buildings are of the historic Greek Revival Style.

Describing the buildings along Ninth Avenue, the Gansevoort Market Historic District Designation Report states that "these six buildings are rare surviving examples of 1840's pitched-roofed rowhouses in Manhattan." It goes on to state that "the peaked roof that extends across the buildings is of a type popular in the 1820's and 1830's." The Designation Report's introductory summary also emphasizes the uncommon visual prospect of the building group, describing its Ninth Avenue segment as "culminating in the rare, picturesque ensemble of nine rowhouses and town houses, Nos. 44-60 Ninth Avenue and 351-355 West 14th Street (c. 1841-46), at the wide, angled intersection with Hudson and West 14th Streets."

Referring to the buildings along West 14th Street, the report explains that "among the notable historic features are the plinths/chimneys at the center front slope of each building. This highly unusual feature suggests that these houses may have been

experimental in plan and architect-designed.” The Historic District includes the original backyard space of all nine rowhouses.

The Ninth Avenue rowhouses had shops on the first floor from the time of their construction. The three 14th Street rowhouses originally had stoops, which were removed in the early 20th century when their first floors were converted to commercial use. The upper floors of all the rowhouses were eventually converted to rooming units or apartments. Market rate tenants in the rowhouses were notified several months ago that their leases would not be renewed and are in the process of moving out.

The rowhouses have substantially intact upper-floor brick street facades. The original finish was red brick which is now painted or coated with stucco. Over the years the interiors have been significantly altered, the ground floors extended into rear yards, and dormers added to the roofs of the Ninth Avenue rowhouses. Most of the interior walls that separate the store spaces are gone; some remain. Rear exterior walls above the ground floor remain largely intact, as do some of the demising walls of the individual houses. The upper-floor rear walls above the Ninth Avenue rowhouses (second- and third floors) and West 14th Street rowhouses (second, third and fourth floors) remain. The ground floor rear walls of all the rowhouses were earlier removed to provide access to rear yard additions. Currently there is a mix of occupied and unoccupied ground floor spaces.

Proposed Rowhouse Restoration Work

Proposed work includes the restoration of the rowhouses’ street façades. The highly-visible west end wall of the West 14th Street row is to be demolished and replaced. New ground floor storefronts would be replaced with large windows. Restored or replicated cast-iron columns would break up the length of the storefronts, a measure which would be historically accurate. Roofs would be demolished and the original roof profile reconstructed with steel framing. The upper rear walls of the rowhouses are to be removed to open their former interior space to that of the tower, with the possible exception of two rowhouse rear facades. The upper rear walls are to be demolished and rebuilt with original brick as much as possible.

The interiors of the rowhouses are to be gutted. All floors and almost all the remaining interior partitioning would be demolished. A two-story commercial space facing the street will be created behind the Ninth Avenue rowhouse facades where the existing second floor platforms are not to be replaced after their demolition. Beneath the new roof and behind the preserved facades, potentially undivided spaces will be open to the base of the new tower.

During construction all the exterior and interior and back walls will be demolished. All the roofs and chimneys will be taken off. Only the front facades will be maintained. New basements will be created. Retail and restaurant uses are anticipated for the ground floor, and office uses for the upper floors connecting to the new tower.

Proposed New Commercial Tower

The proposed nine-story tower behind the historic rowhouses would be attached to these buildings at the base. This 38,750 square foot tower is an as-of-right proposal within the C6-2A Zoning District and would rise 120 feet above grade with an additional 13 feet for a rooftop parapet. Its entrance would be through the eastern-most side of the West 14th Street rowhouses leading to the office lobby and elevators. A service entry for loading and trash removal would be located on the northern-most part of the Ninth Avenue rowhouses. All mechanicals would be within a building enclosure in a space located on the north side of the tower. This would be an improvement over the current infrastructure space which is uncovered and has noise impacts.

The proposal does not use the maximum permitted Floor Area Ratio (FAR). The zoning for the site allows 86,953 square feet; this project would use 73,339 square feet resulting in 13,614 square feet unused floor area.

Contemporary design of the tower includes floor-to-ceiling glass windows/curtainwall punctuated by vertical black steel elements. The building mass cantilevers midway along the south side of the tower with a balcony. Steel elements rise up to the top of the building. The balcony can be seen just over the roofline of the rowhouses on West 14th Street.

A rooftop deck enclosed with a 13-foot parapet would serve the tower's office occupants. The glass wind screen would be supported by the extension of the metal framing of the building and topped by a horizontal cornice-like element. The roof deck would not be open to the public or available for rental.

ANALYSIS AND RECOMMENDATIONS

This proposal has generated significant opposition from the community and public. At the February 18th Chelsea Land Use Committee meeting, we received 13 letters from residents urging that the public hearing on this item be continued. Before the April 20th public hearing, CB4 received an additional five letters of opposition. The public hearing was attended by approximately 65 members of the public, 30 people spoke or submitted statements in opposition. This concerted opposition was primarily focused on the proposed tower.

Proposed New Commercial Tower Concerns

The community vehemently opposed the proposed tower for several reasons. The primary contention was that the height and bulk of the nine-story tower would overpower the three and four-story row buildings which have a low-rise, domestic scale, and that the tower would destroy a meaningful experience of the smaller scale buildings. The majority of the Chelsea Land Use Committee members agree with this view.

The site is the gateway to the Gansevoort Market Historic District. This key intersection is the widest and most open hub in the area. There is a deep concern the tower would become a dominant feature within the Gansevoort Market District, impairing the historic integrity of the corner and setting a dangerous precedent in the district and elsewhere.

Another objection is that situating the tower in the interior of the block destroys a sense of streetscape. The tower's balcony with no sidewalk below further exacerbates this problem.

The development site is book-ended by the Porter House apartment building at 66 Ninth Avenue, on the corner of Ninth Avenue and West 15th Street, and 345 West 14th Street, another apartment building. Originally built in 1903, the Porter House was a warehouse until it was rebuilt into a luxury condominium in 2003. A four-story, 15,000 square foot offset metal and glass box addition was built atop the renaissance revival style, pre-war, six-story structure creating an 11-story residential building. The addition's overhanging south side extends several feet into the City's Gansevoort Market Historic District.

345 West 14th Street, a 37-unit, 12-story condominium, was developed in 2012. This property falls outside the City's Gansevoort Market Historic District. The owner negotiated with the owners of 351-355 West 14th Street for an easement of 30 feet above the existing rowhouses to allow for legal light and air for 345 West 14th Street. That easement is reflected in the design of the proposed tower.

Condominium owners from both these neighboring buildings almost entirely comprise the opposition to the proposed tower. In addition to the above arguments, these residents claim that the tower would cast deep shadows, particularly in the winter, on their apartments and would block south-facing views. Local groups such as SAVE CHELSEA and the Greenwich Village Society for Historic Preservation (GVSHP) *joined other neighbors to register opposition.*

Neighbors and local preservationists called for implementation of a Preservation Easement for 362-364 West 15th Street. They fear that the applicant could easily demolish this twin rowhouse, a historically sensitive 3¹/₃ story building, and replace it with a new development. It is the only remaining residential component of the applicant's site and proposal.

Commercial Tower Recommendations

CB4 recommends a scaled-back, six-story version of the proposed tower with the rooftop parapet reduced in height to 42 inches. A building of lower height would minimize the impact on the rowhouses and not overwhelm these important three and four-story buildings.

A smaller scale building would not diminish the sense of this gateway to the Gansevoort Market Historic District. It would not dominate the plaza area at the key intersection of West 14th Street, Ninth Avenue and Hudson Street.

LPC's Gansevoort Market Historic District Designation Report provides a rationale for a six-story building. The report notes that "visual cohesion is provided to the streetscapes by ... the one- to six-story scale" of the district's buildings. There are two recent precedents for scaling back an originally proposed building to a shorter six-story height.

1. The Samsung Building at 837 Washington Street, cited as a precedent in the current applicant's proposal, added four stories to a two-story historic base within the historic district, resulting in a six-story project. In the course of several LPC meetings, the building's proposed height was reduced from 100 to 76 feet.
2. The building at 70-74 Gansevoort Street, part of Gansevoort Row, is no taller than six stories or 81 feet. The original proposal was for a 111-foot building; LPC asked the applicant to decrease the height.

The immediate context for the subject site provides additional rationale for a six-story building height. Adjacent taller new buildings step down to the height of the historic rowhouses to keep them from being visually overshadowed. The residential floor-to-floor heights of abutting buildings' bases nearly correspond to six commercial stories (with higher floor-to-floor heights) in the six-story version of the tower. The slope of 345 West 14th Street's street-front descent is continued as the taller West 14th Street rowhouses step down to the lower Ninth Avenue rowhouses at the corner. Limiting the new tower to six stories would keep the building from breaking through the step-down effect of the block's street facades.

Although the 13-foot roof deck parapet does not count as floor area, it adds unnecessary extra height. The balcony is also a problematic feature. CB4 recommends that neither of these features be included in the final design of the tower.

Concerns with Proposed Changes to Rowhouses

Both the public and committee members generally supported the proposed exterior restoration of the front walls of the rowhouses. The removal of old paint and stucco, and the replacement of bricks where necessary were welcomed.

A major concern however is that the rowhouses will have only their publicly visible facades preserved. They will lose whatever remains of the historic fabric inside. The one-to-one correspondence of individual rowhouse façade to rowhouse-scaled interior would be lost as well as the open space of the rear yards. The view from the public way would give no clue as to what the interior past structure was; it could look like a large empty shell. The potentially open ground-floor space would amplify the absence of the side bearing walls that make visual sense of the individual rowhouses' spaces.

Given LPC's purview over exteriors, Commissioners could require that the applicant to preserve the partially intact rear walls of the rowhouses.

Rowhouse Recommendations

The exterior restoration of the rowhouses' street façades should proceed as proposed. These buildings would be brought back to their original look after the paint and stucco are removed and bricks are replaced as needed. It is suggested that the contractor perform due diligence in researching a source of historic bricks for a match to the original.

The remaining rear facades should be preserved except for minor alterations to convert existing window openings to passages connecting to the tower. Instead of removal of

entire walls, existing windowsills should be lowered for access points to the tower at the second floor to help allude to the rowhouses' character.

Since the interior ground floor spaces of the rowhouses will be visible from the public way, we urge LPC to require the applicant to preserve remaining common or demising property line walls or extend them at least six feet from the facade to delineate rowhouse divisions as viewed from the public way.

APPENDIX B

OTHER ISSUES

Preservation Easement for 362-364 West 15th Street

We strongly urge the applicant to apply for a Preservation Easement for 362-364 West 15th Street. This property is owned by the applicant and is on the northern part of the development site. It is occupied by two Greek Revival rowhouses that appear on maps from the 1850's. Alterations in 1918 reconfigured the two private homes into apartments. A 1920 alteration created a one-story rear yard extension to connect the buildings with 351-353 West 14th Street.

These West 15th Street rowhouses are outside the City's Gansevoort Market Historic District designated by the Landmarks Preservation Commission, but qualify for a Preservation Easement because they fall within the larger boundary of the district defined by the State and National Register of Historic Places. We recognize that LPC does not have the authority to designate a Preservation Easement. However, the State's Gansevoort Market Historic District now only protects these rowhouses from alteration or demolition using public funds. A Preservation Easement on the property would protect these rowhouses from demolition or inappropriate alteration by the applicant or future owner. The applicant is exploring steps to establish a Preservation Easement on this property.

Rent-Stabilized Housing

The applicant has preserved rent stabilized apartments by consolidating 15 residents from the rowhouses on Ninth Avenue, West 14th Street and West 15th Street into larger apartments at 362-364 West 15th Street. Under the current law, if a household leaves one of these rent-stabilized apartments, that unit continues to be rent-stabilized; but this is subject to change if the law is revised in future. The applicant has agreed that these units will remain rent stabilized in accordance with the applicable law.

Given the growing and ever-present issue of protecting affordable housing units throughout Community District 4, these 15 apartments must be permanently protected as affordable, rent stabilized units. Any future changes in laws or movement of these households should not reduce the number of affordable housing units at this location.

Zoning Challenge

A law firm representing the 345 West 14th Street condominium has filed a Zoning Challenge with the New York City Department of Buildings (DOB) claiming that the proposed office building is not compliant with existing zoning regulations. LPC requires an applicant obtain DOB zoning compliance approval for a Certificate of Appropriateness. That DOB approval was given on March 20th. DOB will evaluate the challenge and render a decision after May 4th. If DOB finds that the proposal is not compliant with the zoning regulations, no building permits for the project would be issued. We defer to the Department of Buildings on this matter.

Additional Community Concerns

The applicant has responded well to many issues that have a direct impact on our local residents, businesses and visitors. (See attached letter.) We look forward to continuing cooperation with the development team and future tenants.

- Construction noise, dust, and traffic can heavily impact this busy neighborhood. The developer, Tavros Holdings, has committed to sending lookahead emails at least at two-week intervals to report on upcoming work. Contact information will be provided so neighbors can report any quality of life issues such as traffic, noise and/or dust that arise during construction.
- Trash and recycling removal from larger buildings is a challenge given the limited sidewalk space in this neighborhood and the heavy pedestrian flow. We appreciate the applicant's willingness to create a separate maintenance access point on Ninth Avenue rather than on West 14th Street which has heavier pedestrian use.
- CB4 has had issues with bars and restaurants that do not comply with stipulations in State Liquor Authority regulations the CB4 district. Problems may also arise from loud music and unruly patrons outside, disturbing residents in the middle of the night. The applicant has indicated that any tenants requiring liquor licenses are to abide by all the regulations and will be advised of the CB4 business Licenses and Permits Committee's policies. This issue is particularly relevant because neighbors have filed noise complaints about one of the businesses on West 14th Street. This problem must not continue in the future.
- The local work force is continually in need of new positions. The applicant has indicated a willingness to hire local workers throughout the construction of the site as well as offering permanent positions once construction is complete. The applicant should post positions on the CB4 website and other local websites. We look forward to working with the applicant in reaching out to local workers.

Tavros Development Partners
27 West 24th Street, Suite 702
New York, NY 10010

M E M O R A N D U M

TO: Betty Mackintosh and Paul Devlin
Co-Chairs Chelsea Land Use Committee
Community Board 4 / Manhattan
330 West 42nd Street, 26th Floor
New York, New York 10036

FROM: Tavros Development Partners
27 West 24th Street, Suite 702
New York, NY 10010

DATE: April 27, 2020

RE: Supplemental Information for the 44-54 Ninth Avenue and 351-355 West 14th Street
Application to the New York City Landmarks Preservation Commission for a Certificate of
Appropriateness

The below information is being submitted at the request of the Manhattan Community Board 4 Chelsea Land Use Committee in response to a number of their questions/statements (in bold below) which are beyond the scope of the Certificate of Appropriateness application.

- **Statement that rent-stabilized apartments in 362-364 W. 15th Street are permanently affordable**
The owner agrees that the rent stabilized units in 362-364 West 15th Street will remain subject to rent stabilization in accordance with the law.
- **Statement that bars in stores must abide by liquor license regulations**
Any tenants seeking to serve liquor to the public will apply to the Community Board as part of the licensing process and will be advised of the Business Licenses & Permits Committee's policies.
- **Garbage removal plan**
Garbage from the office building will be removed via the 9th Avenue service entrance for pick up at the appropriate time, as coordinated with the contracted carting company.
- **Statement that developer and contractor provide weekly or bimonthly reports about any demolition and construction work being done on site, and an email and phone contact to report quality of life issues such as noise and/or dust during construction.**
The developer, Tavros Holdings, confirms that they will send lookahead emails at at least 2 week intervals to report on the various upcoming scopes of work. They will provide contact information so that concerns about quality of life issues such as noise and/or dust during construction can be reported directly.