



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Chair

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District Manager

August 1, 2011

Hon. Amanda M. Burden, Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: ULURP Application 110334ZSM – 259 Tenth Avenue

Dear Chair Burden:

At its regularly scheduled meeting on July 27, 2011, Manhattan Community Board 4, on the recommendation of its Chelsea Preservation and Planning Committee, and following a public hearing, voted to recommend approval of the application of Avenues: The World School for a special permit under Section 74-711 of the New York City Zoning Resolution to modify certain bulk and use regulations for its landmarked building at 259 Tenth Avenue, subject to the conditions that the applicant conduct a traffic study and commit to pursue implementation of mitigation steps identified by the study, and that the applicant formalize commitments it has made to the community regarding community outreach and participation. The vote was 32 yes, 6 No, 0 abstentions, and 1 present but not eligible.

259 Tenth Avenue – Designed by Cass Gilbert and Landmarked

259 Tenth Avenue occupies the entire western block front of Tenth Avenue between West 25th Street and West 26th Street, and extends westward to the High Line elevated park. The building lies entirely within Subarea C of the Special West Chelsea District (SWCD). The applicant intends to open a for-profit pre-K through high school in the building and is seeking modifications to bulk and use regulations to increase the floor area available for classroom use. Renovation of the building has been underway for several months.

ZR 98-423(c) limits the height of the building to 125 feet, while ZR 98-14 limits ground floor uses within 25 feet of the street line to commercial, museum or non-commercial art galleries as listed in Use Group 3. The applicant seeks a special permit under ZR 74-711 to increase the building height to 144' 3" and to use the Tenth Avenue frontage for additional classroom space, thus precluding other, conforming uses. On May 16, 2011 the Landmarks Preservation Commission issued a certificate of appropriateness approving work on 259 Tenth Avenue, including a rooftop addition and alterations to the ground floor.

CB4 has long worked for the sensible preservation of important buildings in our district and welcomes their adaptive reuse. The principal community benefit from the repurposing of 259

Tenth Avenue is the preservation of the Cass Gilbert-designed warehouse, which was in poor condition. While we welcome the preservation of an important building, the applicant has presented the community with a proposal that conflicts with our sense of what is best for the broader community. We believe that a school could be built within the building and conform to the SWCD regulations. The applicant, however, asserts that their specific for-profit school requires the additional students enabled by the requested modification in order to produce a return-on-investment acceptable to their investors.

We believe that the requested bulk modification would have minimal direct adverse impact on structures or open space, that the structure would not be obtrusive when viewed from the street or from the High Line, and that it would not cast objectionable shadows. In contrast, we believe that the requested use modification would have an adverse impact on conforming uses. We also believe that both requested modifications could have significant, indirect adverse impacts on the community by increasing traffic beyond that which would be created by a conforming building.

Findings Under ZR 74-711

In order to grant the special permit requested by the applicant, the City Planning Commission (CPC) must make separate findings on the proposed bulk and use modifications.

ZR 74-711(b)(1) Bulk – CPC must find that the proposed bulk modifications have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.

The applicant seeks a height modification in order to accommodate a new gymnasium on the top floor. Locating the gymnasium on the floor below in order to remain within the height limitation set by the SWCD text would lead to a reduction in floor area for classroom use that the applicant asserts is financially unacceptable. The applicant also asserts that there are significant structural issues with the building that preclude this configuration. The applicant argues that the proposed bulk modification would have minimal adverse effects because the increase in height is less than twenty feet, covers only one third of the roof, would result in a height lower than the existing mechanical equipment of the building and is comparable to the height of other buildings in the area.

As created by ZR 98, the SWCD has thirteen distinct districts and subareas. ZR 98-40 sets out special yard, height and setback regulations, as well as requirements for minimum distance between buildings, for the SWCD as a whole and for its component districts and subareas. ZR 98-423 imposes further height, street wall, setback, tower and other provisions on various collections or subdivisions of these specified districts and subareas. This complexity reflects the care and attention that went into balancing competing interests in drafting the SWCD text.

259 Tenth Avenue lies in Subarea C of the SWCD, which consists of two one hundred foot wide corridors running between W24th and W28th Streets on the west side of Tenth Avenue and the east side of Eleventh Avenue. Subarea C, however, has four different combinations of minimum and maximum base height and maximum building height depending on location within the subarea. During the drafting of the SWCD zoning text, 259 Tenth Avenue was selected as the benchmark for maximum building height for that portion of Subarea C with frontage on Tenth Avenue between W24th and W28th Streets. It was felt that its height of 125 feet complemented

the height of the Elliott Chelsea Houses across Tenth Avenue and would preserve light and air for Chelsea Park just to their north.

The applicant is seeking an increase in the allowed height by nineteen feet, or 15%. In support of the argument that this increase would not have an adverse effect, the applicant cites the heights of buildings on five nearby lots. Three of these buildings (B697 L23, B697 L8 and B723 L1) are located outside of Subarea C, and thus we believe their heights are irrelevant to a determination of what is appropriate for this portion of the SWCD. One, B696 L32, is a one story gas station and thus is of limited value to the applicant's argument; the adjacent lot, however, B696 L7502, and the fifth one cited, B699 L33, were built in Subarea C without modification to the bulk rules, and thus also are irrelevant to the applicant's argument for a bulk modification.

We acknowledge that the direct impact of the proposed height increase will be minimal, especially after positive changes made by the applicant in response to earlier discussions. As detailed below, however, we believe that the bulk modification could result in significant indirect adverse impact on the community in the form of increased traffic congestion. We therefore recommend approval only if the applicant meets the two conditions detailed below.

ZR 74-711(b)(2) Use – CPC must find that the proposed use modifications have minimal adverse effects on conforming uses within the building and in the surrounding area.

ZR 98-10 sets forth special use regulations for the different districts and subareas of the SWCD. They were crafted with the same care as the bulk regulations in 98-423, seeking to balance competing interests and produce the best possible result for the community. ZR 98-14 requires that ground floor uses of all properties fronting on Tenth Avenue, including 259 Tenth Avenue, be restricted to commercial, museum or non-commercial art galleries as listed in Use Group 3. This excludes school use of the Tenth Avenue ground floor frontage.

The applicant seeks relief from the use requirement in order to locate additional classrooms on the ground floor in place of conforming uses. Conforming to the SWCD use requirement would lead to a reduction in the amount of floor area available for classroom use that the applicant asserts is financially unacceptable. The applicant argues that the proposed use modifications would have minimal adverse effects because proposed large window bays would be more attractive than the current steel roll down gates.

We believe that the requested use modification would have an adverse impact on conforming uses. The SWCD use regulations reflect the desire to activate the ground floor for the benefit of the community and to recognize the arts district that had developed in West Chelsea. The ground floor activation of the western side of Tenth Avenue is especially important between W25th and W30th Streets because the eastern side consists of the Elliott Chelsea Houses, Chelsea Park and two blocks of bleak US Postal Service buildings; there are no opportunities for commercial or art uses along these five blocks.

We agree that the plans we have seen would lead to a more attractive frontage than what is presently there. The retention of the form of the old openings in the new front is especially compelling, but we do not believe they compensate fully for the loss of the intended ground floor use. The proposed modification would effectively eliminate 20% of the ground floor uses

intended for this part of the SWCD. Conforming uses would provide additional gallery or museum space, or perhaps somewhere for the 2,000 students, faculty and staff to purchase their morning drinks and afternoon chips. We would greatly prefer that the building present a front to the street that conforms to that intended and contributes to the needs of the community. We acknowledge, however, that mixing school and non-school uses in the main entrance could be problematic, and that conforming uses, such as retail stores, might conflict with the appearance of the landmarked building.

Because we believe that the proposed use modification would have an adverse impact on conforming uses and could have a significant indirect impact on the community in the form of increased traffic congestion, we recommend approval only if the applicant meets the two conditions detailed below.

Condition One – A Traffic Study and Implementation of Mitigation Steps

Since a school is an as-of-right use for 259 Tenth Avenue, no analysis of the impact of the proposed project on traffic is required. However, we believe it would be irresponsible not to comment on the potential problems we foresee and ask that the applicant be required to address them. We are pleased that as a result of our earlier comments regarding our concerns the applicant has agreed to conduct a traffic study in the fall when traffic conditions will approximate those when the Avenues school is in session. We request that CPC and the City Council condition any approval for the requested special permit on the completion of this study and on the implementation of mitigation steps identified by the study. We caution, however, that actions that simply relocate congestion from 259 Tenth Avenue to other areas of the community will not be acceptable.

Among students, faculty and administration, the new school will bring approximately 2,000 people to the building daily. Given the demographic the founders of the school are targeting, we expect that the great majority of these will arrive and depart by motor vehicle of some type. Depending on one's level of optimism regarding use of public transportation and car-pooling, this potentially would add 500-1,500 vehicle trips to the neighborhood twice a day. In addition, we expect that many of the faculty and staff will prefer to drive and seek parking in the neighborhood. We recommend that the applicant investigate providing bus service for students in order to reduce the number of vehicle trips.

The school will have two entrances, the main entrance on Tenth Avenue and a second one on W26th Street; there will be no entrance on W25th Street. Tenth Avenue has four northbound travel lanes, but as we have noted several times before in letters and presentations to you on other matters, this portion of Tenth Avenue frequently backs up from W30th Street to below W23rd Street because of traffic from the Twelfth Avenue exits onto W26th and W30th Streets, and the entrance to the Lincoln Tunnel just north of W30th Street. W26th Street is a narrow, heavily trafficked street with two eastbound travel lanes that usually are reduced to a single lane. It is one of the principal conduits of vehicles from Twelfth Avenue into Chelsea and is highly congested. We note in particular that the Raymond Naftali Center is located immediately to the west of the W26th Street entrance, and that there is a vehicle repair facility directly across from the same entrance and that both sides of the street frequently are lined with trucks carrying damaged vehicles.

The morning school drop-off period will coincide with peak morning rush hour traffic. We are concerned that the morning drop-off will shut down one or more traffic lanes in front of the Tenth Avenue entrance with double-parked vehicles, just as arriving limousines and taxis did between W26th and W28th Streets during the years when West Chelsea nightlife was at its most vibrant. Similarly, vehicles stopping to drop students off on W26th Street are likely to reduce that street to a single travel lane and perhaps to block it entirely. We are especially concerned that for younger students, cars will block traffic for extended periods as a parent or nanny escorts the child from the car to the entrance. We recommend that the applicant consider an entrance on W25th Street either in addition to or as an alternative to the W26th Street entrance.

In the morning, congestion will be caused by multiple vehicles seeking to get as close as possible to a school entrance before dropping off their students, or escorting them to the entrance. In contrast, afternoon pickup will have vehicles that arrive and then wait for students, blocking both school and non-school traffic. A parent or nanny early enough to secure a waiting spot directly opposite an entrance will wait for their child to appear even though by doing so they block other vehicles from picking up students already waiting on the sidewalk. If the parent or nanny is forced to move on, they will circle the block, increasing neighborhood traffic far beyond 259 Tenth Avenue. In that case, the most direct route back to the main entrance will involve crossing to Ninth Avenue by way of W26th or W28th Streets and then back to Tenth Avenue along W25th Street; but W25th Street between Ninth and Tenth Avenues frequently is backed up beyond Ninth Avenue by the Tenth Avenue/Lincoln Tunnel traffic mentioned above. The return to the W26th Street entrance is even longer and more circuitous, involving Eighth Avenue, W29th Street and Eleventh Avenue.

We believe that school traffic will exacerbate already difficult congestion on Tenth Avenue and on W26th Street, and likely will increase neighborhood traffic significantly on other blocks in the community as well. We also believe that there likely will not be sufficient parking to accommodate demand from faculty and staff. Because of the unique traffic conditions created by Twelfth Avenue and the Lincoln Tunnel, we believe that the addition of school traffic will be much more detrimental to traffic conditions at and near to 259 Tenth Avenue than it is at other comparable private schools in the city.

We note that the proposed modifications would serve to increase the student body, and presumably increase the number of faculty as well, exacerbating the traffic problems created by the school. Since we believe it is important to know how the school intends to mitigate this congestion, both with and without the proposed modifications, our recommendation for approval of the special permit is conditioned on the completion of a traffic study and a commitment by the applicant to seek mitigations identified by the study. CB4 will work with the applicant and support mitigations it believes are in the best interests of the community as a whole.

Condition Two - Community Outreach and Participation

The principal community benefit being offered is the preservation of the Cass Gilbert-designed building, which we welcome. In addition, the applicant has stated that it wishes to become a part of, and be actively involved in, the community. The applicant is preparing a Memorandum of Understanding (MOU) based on their informal commitments made at earlier meetings with us. These commitments include scholarships for qualified students living in Chelsea and Community District 4 (CD4), a job fair to fill staff positions with neighborhood residents, the possible use of

school facilities by community groups at night and on weekends where school staffing and calendars permit, a community liaison to meet with and report to community organizations as needed, and a focus of its student community service activities within CD4, as practical. The applicant also has indicated it will contribute \$250,000 per year for support of the High Line Park over the course of their 48 year lease, and is seeking to identify other worthy organizations that serve the Chelsea community.

CB4 recommends that in addition to the traffic study discussed above, the special permit be approved only on the formalization of the applicant's commitment to the community as detailed in their MOU.

Avenues, the World School will be a major addition to the West Chelsea Community. CB4 looks forward to its becoming an active participant in the community and to working with them to improve the community.

Sincerely,



Corey Johnson
Chair
Manhattan CB4



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning



Bret Firfer, Co-Chair
Chelsea Preservation and Planning

cc: Christine Quinn, Speaker, New York City Council
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