



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

MICHELLE SOLOMON
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April 6, 2006

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

Re: ULURP No. 060336ZAM
511 West 23rd Street, at High Line

Dear Chair Burden:

After a lengthy presentation by the applicant and the architect for the proposed development on property under and adjacent to the High Line at 511-17 West 23rd Street to the Chelsea Preservation and Planning Committee of Manhattan Community Board No. 4 at its regular meeting on March 13, 2006, the Committee recommended to the full Board by a close vote a letter not opposing the project in general concept but expressing serious concerns about the aspects of the design that will negatively affect the environment of the High Line. At the regular meeting of the full Board on April 5 the Board, by a vote of 38 in favor, 2 opposed, none abstaining, and none present but not eligible to vote, adopted this letter supporting granting only in part the proposed City Planning authorization for the many waivers sought by the developer from the requirements for building envelopes for sites adjacent to or under the High Line because of the significant negative impact of some of these waivers on the new park to be created on the High Line.

The Board has no objection to the complex group of waivers requested for the 23rd Street side of the development as well as some other less significant waivers, but cannot accept the major waivers that would directly impact the main bed of the High Line. These waivers would allow:

- **The eastern wall of the building to start close to the main High Line bed and to slant closer to the bed as it rises and with an actual overhang of five feet near the top of the building;**
- **The building to exceed the maximum height of 145 feet prescribed by the zoning.**

The large number of waivers sought for the proposed development is attributed by the applicant to the problems offered by the site. The lot at 511-517 West 23rd Street extends through the block to 504-506 West 24th Street under the High Line and adjacent to it on the west, so that the portion of the lot not occupied by the High Line bed is extremely narrow, particularly on the 24th Street side. At 23rd Street the High Line bed itself widens to the west to include a roughly 20-foot wide stub of a siding that formerly extended through the property and that still projects five feet from the street into the south

side of the site west of the main portion of the bed. These limitations create major difficulties in taking advantage of the floor area theoretically available and especially in providing floorplates adequate for the planned upscale condos.

The proposed solution is a major residential building of conspicuously contemporary design on the 23rd Street portion of the site, located very close to the High Line bed, rising above the 145-foot height limit on the street, and even projecting over the High Line. A low building, anticipated for use by a gallery or similar enterprise, is to be built on the narrow 24th Street frontage close to the High Line, possibly rising one story above the High Line bed. The development rights not used by the proposal have already been sold under the provisions of the West Chelsea Rezoning.

This proposal can be made possible only by City Planning authorization under the newly adopted and recently modified West Chelsea zoning text providing, on lots significantly affected by the High Line, for waivers of a considerable number of requirements for the zoning envelope for new developments. The waivers required here are:

Special High Line requirements:

- setbacks and varying height restrictions on the west side of the High Line (Section 98-52);
- forbidding obstructions over the High Line (Sec. 98-421);

Other more standard requirements:

- streetwall location, minimum and maximum base heights and maximum building heights as required in accordance with the zoning of C6-3A on 23rd Street (Sec. 98-423),
- minimum rear yards or else rear yard equivalents (Secs. 23-47 and 25-533),
- minimum distance between legally required windows and walls or lot lines (Sec. 23-861).

The Board cannot accept the proposed waivers in the eastern portion of the site directly fronting on the main High Line bed. These would allow the eastern wall of the building to rise close to the High Line bed, starting at a distance roughly seven feet from the walkway at the level of the High Line and slanting gradually outwards towards and then even over the High Line to an overhang of five feet close not far below the maximum building height of 153 feet above the street. This is to be made possible by waivers of the following provisions:

- The setback of 15 feet required on the west side of the High Line frontage;
- The prohibition of obstructions over the High Line.

Siting a roughly 130-foot wall close to the main bed of the High Line and slanting over it is clearly inconsistent with the feeling of openness and access to light and air offered by the proposed High Line walkway that are cited so often in the publicity that proclaims its likeness to its model, the Parisian “Promenade Plantee.” Persons passing beneath it and even close to it may well feel uncomfortably closed in under the slant and overhang above them. The existence of two full-block locations to the south where the High Line passes under buildings does not justify further overhangs; instead it strengthens the case against them. In many other places the corridor will be narrow and openness will be rare, as in blocks a little to the north of this site and among the skyscrapers at the southern edge of Hudson Yards, and detailed provisions to minimize these drawbacks are part of the West Chelsea Rezoning text. If the proposed building on 24th Street is extended above the High Line, the sensation of being closed in will be extended even farther along the walkway. Along the main structure of the High Line the waiver of requirements for providing setbacks from the High Line and for prohibiting

obstructions above it is inconsistent with the goal of the Rezoning to support the High Line and its distinctive character.

The Board cannot accept the proposed waiver of the 145-foot height limit prescribed by the C6-3A zoning of this block of 23rd Street. A penthouse tower of 153 feet, eight feet above this height limit, would increase the already excessive impact of the structure on the High Line itself and would be inconsistent with the goal of keeping the Tenth Avenue corridor near the High Line as low as feasible. Limiting height in this corridor was intended not only to preserve maximum openness along the High Line but also to reduce the cumulative impacts on the felt unity of the Chelsea community from the new buildings along the High Line. The proposed height will be conspicuously inconsistent with that of buildings along the High Line to the south, both present and likely to be proposed, in a section from which the proposed building will be visible. At 153 feet it is explicitly inconsistent with the limit of 145 feet, already proving undesirably high, that governs buildings in this block of 23rd Street.

The rationale offered in its favor is further disturbing. It is claimed that normally allowed rooftop obstructions could legally occupy an even larger envelope, and so approving a smaller structure for residential use is not really significant. To take permitted rooftop obstructions as justification for allowing residential penthouses to exceed specific height limits is a dangerous slope that could lead to serious impacts, and the Board cannot approve entering on it.

On the other hand, the waivers not significantly affecting the major portion of the High Line bed have little negative impact, and the Board has no objection to them. On the 23rd Street side the proposed waivers of requirements for streetwalls and setbacks and for non-obstruction over the High Line that allow the proposed irregular form of the streetwall work reasonably well. The varied form of the building streetwall will break up the monotony of the 120-foot high streetwall of new buildings along this block that has been created by the pre-existing mapping of a rigid contextual form in a location where no real context existed. The cutaway shape enfolding the stub of the High Line siding here actually expresses and responds to the presence of this historic feature and has no significant negative impact on the main bed of the High Line that it is the principal function of the prohibition to protect. Rather the cutaway form at this point allows light and air onto the main bed.

The Board strongly recommends mitigating any feeling of being uncomfortably closed in from above where overhangs are planned at such points as the end of the stub by using structural materials such as steel that suggest strength in a way than is visually lighter than the weightier-appearing concrete.

Waivers of requirements for depth of rear yards and required distances of windows from walls or lot lines should be studied for their effect on the High Line but seem reasonable in the view of the need for acceptable floorplates. They are likely to diminish the attractiveness of the apartments they allow much more than they will affect the public's experience of the High Line.

The final design of this building must be restudied, at the very least along the lines we have recommended, to minimize and mitigate the impact of shadows cast by this building. The EAS shows a significant increase in shadows on the High Line from this proposal. Significant shadows cast even by the as-of-right building would last over four hours from early May to mid-August, and would increase by 40 minutes and more during this period of heavy use of the High Line if the building were to be constructed as proposed. This impact reinforces our previously stated concerns about the reduction in light and air to the High Line caused by this proposal. The EAS attempts to minimize this impact by claiming that the High Line "is not generally sunlight sensitive," ignoring the fact that,


although the High Line may be paved to some degree, the widely-shown designs contain frequent and diverse plantings that will reflect its model in the "Promenade Plantee." The High Line is a park for passive walking and sitting use at all seasons. Sunlight will be important, and shadows will at best be a significant problem in planning for the final walkway everywhere.

For the various reasons listed in this letter, and especially because of the effects on the High Line, the Board can only accept this proposal if it is revised to minimize these effects. The waiver of setbacks next to the main High Line bed must be reduced and the wall overhanging the bed set back well beyond the western railing. The height limit of 145 feet should be maintained.

Striking architecture in appropriate locations forms a significant value, but not at the expense of such a resource as the High Line, which is to be a major amenity in the city and is after all the prime goal of the elaborate rezoning that will allow a major building on this site. In view of the sustained demand for upscale residential property in Chelsea, we believe it can be possible to reconcile the goals of appropriate development near the High Line and the preservation of openness and views at the completed High Line Park. Only if this development is significantly modified can it fit into the goals of the West Chelsea Rezoning.

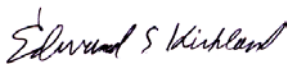
The Board must further note that it is disappointed that there has been no attempt to make the building sustainable. The Board notes as well that evaluation of this complicated application was made difficult by the failure of delivery to the Board of most of the application documents until well after the scheduled committee review and that at the committee meeting such materials as renderings of the proposed structure and of its environment, especially the High Line, were not available. Even the photographs of the current environment of the proposed structure incorporated in the belatedly delivered application papers did not include views of the site at High Line level and of the environment directly to the north, where tall structures are located close to the High Line. The current prohibition of public access to the High Line makes full visual documentation of the proposal and its effect on the surroundings essential. The Board urges that adequate materials be made available at later levels of review and reports that the materials available at the full Board meeting were more satisfactory in many respects.

Sincerely,



J. Lee Compton
Chair

Manhattan Community Board No. 4



Edward S. Kirkland
Co-Chair

Chelsea Preservation & Planning Committee



Walter Mankoff
Co-Chair

Chelsea Preservation & Planning Committee

cc: Elected Officials
Applicant