



## CITY PLANNING COMMISSION

October 19, 2011 / Calendar No. 17

C 110334 ZSM

**IN THE MATTER OF** an application submitted by Avenues World Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use requirements of Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) and the maximum building height requirements of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights) in connection with the conversion of an existing 10-story building to school use, on property located at 259 Tenth Avenue (Block 697, Lot 31), in a C6-3 District, within the Special West Chelsea District (Sub Area C), Borough of Manhattan, Community District 4.

This application for a special permit pursuant to Section 74-711 of the Zoning Resolution was filed by Avenues World Holdings, LLC on May 12, 2011 to modify the bulk regulations of Zoning Resolution Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) and Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights) to facilitate the conversion of an existing, ten-story former warehouse building to a 1,635-seat, private school serving students in pre-school through high school.

### BACKGROUND

The applicant, Avenues World Holdings, LLC, seeks to convert an existing warehouse building to a private school (Use Group 3) serving students in pre-k through Grade 12. The proposed conversion will entail restoration of the building facade, renovation and modernization of the interior, and raising a portion of the roof to accommodate a gymnasium. To accommodate the gymnasium on the top floor, and the Use Group 3 use on the entire ground floor, the applicant seeks a special permit pursuant to Zoning Resolution Section 74-711 to waive the height regulations of ZR Section 98-25, and use regulations of ZR Section 98-14.

The subject site encompasses the entire western block front of Tenth Avenue between 25<sup>th</sup> and 26<sup>th</sup> Streets in Manhattan, and is approximately 19,750 square feet in size. The High Line Park forms the western boundary of the site. Located within the Special West Chelsea Zoning District, the site is zoned C6-3. The site is also located within the West Chelsea Historic District, which was designated as a historic district by the Landmarks Preservation Commission on July 15, 2008. The site is developed with a 125'-8" high, ten-story, former industrial building designed by Cass Gilbert that was completed in 1928. The building is currently unoccupied, but was previously used as a warehouse (Use Group 16) for the storage of set building materials and props for a television studio.

Located in a C6-3 zoning district in Subarea C of the Special West Chelsea District, the subject site has a maximum permitted base FAR of 5.0, and a maximum permitted building height of 125 feet. In addition to the bulk provisions, the zoning regulations for this site also require that a certain percentage of the ground floor of a building be developed with commercial uses or museums or non-commercial art galleries.

While the underlying zoning regulations permit school use, the Special West Chelsea Zoning District does not permit the proposed Use Group 3 school use to occupy the entire ground floor fronting on Tenth Avenue. Section 98-14 requires a certain percentage of the ground floor of a building to contain commercial, museum or non-commercial art gallery uses. Compliance with these ground floor use regulations would require the school to occupy not more than 40 feet of the 197.5 Tenth Avenue frontage resulting in a loss of approximately 3,937 square feet of ground floor square footage. The proposed ground floor contains two pre-K classrooms. The loss of the 3,937 square feet to a conforming use would impact the pre-K program.

Pursuant to ZR Section 98-423(c), the subject building's maximum height is limited to 125 feet. The existing building height is currently non-complying at a height of 125'-7 3/8" (to top of roof). In order to construct the proposed gymnasium with adequate floor to ceiling height for regulation basketball games, the height of the proposed gymnasium would rise to a height of 144'-3" above grade. The proposed gymnasium extends 18'-7 5/8" above the existing roof, and is setback from the street lines on two sides. The proposed gym has a height of 25'-0" which minimally meets the height requirement for a regulation basketball gymnasium set forth by National Federation of State High School Associations.

The proposed renovation to a private school would create a colonnade along the Tenth Avenue frontage of the existing building, resulting in a wider pedestrian way along Tenth Avenue and space for school purposes. The proposed colonnade would provide circulation space for arriving and departing students. In addition to the colonnade, the Tenth Avenue ground floor façade will be approximately 65% glazed with a continuous floor to ceiling transparent curtain wall, which is the maximum amount of glazing that can be incorporated into the ground floor frontage without removing the historic fabric of the building or violating the terms of the LPC approval. The existing roll-up overhead doors along the Tenth Avenue frontage will be removed and the new glazing one bay back will be continuous for two bays to the south of the existing doors and three bays to the north of the existing doors.

Land uses in the vicinity of the site are characterized by commercial uses, including numerous art galleries to the north, west, and south, in addition to light manufacturing and auto-related uses to the south and adjacent to the site. The High Line Park runs north and south through the midblock, approximately 100 feet west of Tenth Avenue. Residential uses include the New York City Housing Authority Chelsea-Elliott Houses directly east of the site. Other residential uses

include apartment buildings and three- to five-story walk-ups to the east of the site.

Section 74-711 of the Zoning Resolution allows the Commission to modify, by special permit, use and bulk regulations (except floor area) in order to further the preservation of designated landmark buildings or buildings located within historic districts. In order to grant the special permit, the Commission must find that the proposed bulk modifications will have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location, and access to light and air, and that the proposed use modifications will have minimal adverse effects on the conforming uses within the building and in the surrounding area.

As a condition for granting the special permit, Section 74-711 provides that the Landmarks Preservation Commission (LPC) must issue a report stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose. On May 16, 2011, the LPC issued a report finding that the restoration work agreed to by the applicant “will bring the building up to a sound, first-class condition and aid in its long-term preservation.” The LPC report also stated that a five-year cyclical maintenance plan has been established for the subject building and will be required in perpetuity by means of a restrictive declaration to be filed against the property. The LPC issued a Certificate of Appropriateness for the restoration work and the rooftop addition on May 16, 2011.

## **ENVIRONMENTAL REVIEW**

This application (C 110334 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DCP051M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 23, 2011.

## **UNIFORM LAND USE REVIEW**

This application (C 110334 ZSM) was certified as complete by the Department of City Planning on May 23, 2011 and was duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Manhattan Community Board 4 held a public hearing on this application on July 27, 2011 and on that date, by a vote of 32 in favor, six opposed, and zero abstaining, adopted a resolution recommending approval of the application with 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.”

### **Borough President Recommendation**

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on August 31, 2011,

“...provided that the applicant follows through on commitments to:

1. Conduct a traffic study which considers the potential impact of the facility and proposes mitigation including providing bus service and opening a new entrance on West 25<sup>th</sup> Street; and
2. Integrate the institution with the neighboring community by providing jobs, opening up its facilities and providing financial aid to qualified students from the area as agreed to in a letter to Community Board 4.”

### **City Planning Commission Public Hearing**

On August 24, 2011 (Calendar No. 2), the City Planning Commission scheduled September 7, 2011 for a public hearing on this application (C 110334 ZSM). The hearing was duly held on September 7, 2011 (Calendar No. 12). There were seven speakers in favor of the application and none in opposition.

The District Manager of Community Board 4 reiterated the board’s conditional approval of the application, and also said that the applicant committed to the board, in writing, that they would address both conditions listed in the board’s resolution.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President’s conditional approval of the application.

Two representatives of the applicant and the project architect appeared in favor and made themselves available for questions.

The Chief Executive Officer of Avenues School described the school and the project.

The Chief Facilities Officer of Avenues School discussed the various uses that will be located on the ground floor of the building, including a black box theater, a parent lounge, gallery and grand

stair. He explained that the theater space and gallery would be active at night and on the weekends with various student activities, and there would be a visual connection from the street to these spaces when they are not in use.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 110334 ZSM) is appropriate.

The Commission acknowledges that the subject building at 259 Tenth Avenue is a contributing building within the West Chelsea Historic District and is being converted from a warehouse use to a private school use, proposed to serve over 1600 students in grades pre-K through 12. The existing building has a height of 125'-8" to the roofline, and a height of 131'-1" to the top of the parapet wall. The Commission notes that the maximum building height for buildings within Subarea C of the Special West Chelsea District is 125 feet, and that the proposed rooftop addition would rise to a height of 144'-3". The rooftop addition would cover only a portion of the roof, and would facilitate the construction of a regulation-sized gymnasium within the building. The Commission notes that the proposed addition would be set back from the building's street walls by 10 feet from the Tenth Avenue frontage, and 15 feet from the 25<sup>th</sup> Street frontage, and, as determined by the LPC in its approval process, would minimize the visibility of the addition from Tenth Avenue and West 26<sup>th</sup> Street. The Commission believes that the building's proposed height is generally consistent with the heights of other buildings along this block of West 25<sup>th</sup> and West 26<sup>th</sup> streets, which includes a building with a height of 235 feet, and a building with a height of 153 feet. Buildings along Tenth Avenue in the vicinity range in height from 30 feet, to 145 feet and 150 feet.

Therefore, the Commission believes that the requested bulk modification will have minimal adverse effects on the structures and open space in the vicinity in terms of scale, location, and access to light and air.

The Commission acknowledges that the Special West Chelsea District zoning requires that at least 50% of the building's frontage along Tenth Avenue be developed with a commercial use permitted by the underlying zoning, or a museum or non-commercial art gallery as listed in Use Group 3. These uses must be located within 25 feet of the street line, at minimum. The Commission believes that the intent of this regulation is to locate active uses at the street line which provide an interesting pedestrian experience on the public sidewalk.

The Commission notes that the existing building was historically used as a warehouse facility where trucks could load and unload goods at loading docks located on the ground floor on all three street frontages. The loading docks are approximately 15 feet deep at curb level, then rise

to a height of approximately 3 feet above curb level for easy loading and unloading of trucks. The Commission acknowledges that this physical attribute of the building is original to the design of the building, and that the New York City Landmarks Preservation Commission has required the applicant to maintain the bi-level ground floor.

The Commission believes that the bi-level ground floor, which is at grade to a depth of 15 feet around the perimeter of the building, and then three feet above grade at the center of the building, makes configuring the first 25 feet of the building for commercial, museum or gallery uses difficult. The applicant proposes developing the entire building, including the full ground floor with school uses. To maintain the existing building form and loading docks, the applicant further proposes that two colonnades will be located on the Tenth Avenue frontage of the building, which will be approximately 15 feet deep and located at grade. The Commission also notes that the ground floor at grade-level will have two entrance lobbies: one for the early childhood program on West 26<sup>th</sup> Street, and one for the remainder of the students, staff and parents on Tenth Avenue, from which building users will either take stairs or elevators up to the portion of the ground floor that is located three feet above grade. On this 3-foot raised level, is proposed to be a flexible, all-purpose room that can be used for lectures, performances, display space, among other school uses. The Commission also notes that the Tenth Avenue frontage will have a parent/teacher café, music classrooms, and early childhood education classrooms, and that loading docks for the school would be located away from Tenth Avenue, on the West 25<sup>th</sup> Street frontage of the building.

The Commission is pleased that the applicant has responded to the many concerns raised by the Commission following the public hearing for this item. In a letter dated September 20, 2011, the applicant described how they would activate the Tenth Avenue frontage of the building, to ensure that the intent of the Special West Chelsea District commercial requirement for Tenth Avenue is met. In the letter, the applicant fully detailed the physical constraints of the ground floor of the building and explained how the bi-level floor condition would make providing the required commercial and/or museum or gallery use difficult. The applicant also committed to the following items to ensure that the uses on the ground floor will be active:

- Performances and exhibitions in the theater, parent café and main lobby gallery space, with many of these performances and exhibitions to occur during evening and/or weekends.
- A minimum of 20 opportunities of community use of the facility for meetings or events in our first year, and a minimum of 50 uses per year in future years. These activities will occur after school and most likely during evenings.
- Continuing education seminars as well as programs associated with service learning activities conducted by upper school students and staff on numerous weekends and evenings throughout the year.

- Creation of a community outreach program, to develop other uses of the space that responds to the needs of the community.
- The staff and parent cafe will be open daily until at least 6 pm and on selective weekends.
- Commitment to a strong afterschool program and a strong and robust summer program offering a wide range of services from Adult Education to music and language instruction to clubs and extra-curricular activities.
- Full time video surveillance of the colonnade area, lit 24 hours per day.

The Commission is also pleased to note that, in a separate letter dated October 3, 2011, the applicant stated that they would be not be installing security gates in the colonnade area.

Given the physical constraints of the ground floor of the building, and the commitments made by the applicant to provide active uses at the Tenth Avenue frontage, the Commission believes that the requested use modification will have minimal adverse effects on the conforming uses with the building and in the surrounding area.

The Commission notes the conditions raised by the community board and the Borough President. However, the Commission understands that the school use proposed in this application (Use Group 3) is a permissible use as-of-right in the C6-3 zoning district in Subarea C of the Special West Chelsea District, and did not need to be studied under the New York State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR) rules. The Commission urges the applicant to continue to communicate with the community regarding student arrival and dismissal practices.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 of the Zoning Resolution:

- 1) That the proposed bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location, and access to light and air; and
- 2) That the proposed use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Avenues World Holdings LLC,

pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use requirements of Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) and the maximum building height requirements of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights) in connection with the conversion of an existing 10-story building to school use, on property located at 259 Tenth Avenue (Block 697, Lot 31), in a C6-3 District, within the Special West Chelsea District (Sub Area C), Borough of Manhattan, Community District 4, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 110334 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u>                        | <u>Last Date Revised</u> |
|--------------------|-------------------------------------|--------------------------|
| CP-001.00          | Proposed Site Plan                  | May 11, 2011             |
| CP-002.00          | Zoning Calculations                 | May 11, 2011             |
| CP-003.00          | Proposed 1 <sup>st</sup> Floor Plan | May 11, 2011             |
| CP-005.00          | Zoning Resolution – Sections        | May 11, 2011             |

- 2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, dated as of October 17, 2011, executed by Avenues New York, LLC and Ten-Twenty-Six Investors LP, the terms of which shall be deemed incorporated herein as a condition of this resolution, shall have been recorded and filed in the Office of the City Register of the City of New York, County of New York.
- 5) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
- 6) Upon the failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal



representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted.

- 7) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 110334 ZSM), duly adopted by the City Planning Commission on October 19, 2011 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**RICHARD W. EADDY, Vice Chair**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN C. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,**

**SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
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 25<sup>th</sup> Street and West 26<sup>th</sup> 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 W24<sup>th</sup> and W28<sup>th</sup> 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 W24<sup>th</sup> and W28<sup>th</sup> 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 W25<sup>th</sup> and W30<sup>th</sup> 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 W26<sup>th</sup> Street; there will be no entrance on W25<sup>th</sup> 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 W30<sup>th</sup> Street to below W23<sup>rd</sup> Street because of traffic from the Twelfth Avenue exits onto W26<sup>th</sup> and W30<sup>th</sup> Streets, and the entrance to the Lincoln Tunnel just north of W30<sup>th</sup> Street. W26<sup>th</sup> 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 W26<sup>th</sup> 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 W26<sup>th</sup> and W28<sup>th</sup> Streets during the years when West Chelsea nightlife was at its most vibrant. Similarly, vehicles stopping to drop students off on W26<sup>th</sup> 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 W25<sup>th</sup> Street either in addition to or as an alternative to the W26<sup>th</sup> 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 W26<sup>th</sup> or W28<sup>th</sup> Streets and then back to Tenth Avenue along W25<sup>th</sup> Street; but W25<sup>th</sup> 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 W26<sup>th</sup> Street entrance is even longer and more circuitous, involving Eighth Avenue, W29<sup>th</sup> Street and Eleventh Avenue.

We believe that school traffic will exacerbate already difficult congestion on Tenth Avenue and on W26<sup>th</sup> 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.

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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  
Scott Stringer, Manhattan Borough President  
Jerrold Nadler, Member of United States Congress  
Tom Duane, New York State Senator  
Richard N. Gottfried, Member, New York State Assembly  
Edith Hsu-Chen, Erika Sellke – DCP  
Raymond C. Bordwell, AIA, LEED – Avenues: The World School  
Howard Zipser, Jessica Loeser - Akerman Senterfitt LLP



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT STRINGER**  
BOROUGH PRESIDENT

August 31, 2011

**Recommendation on**  
**ULURP Application No. C 110334 ZSM – Avenues- The World School**  
**by Avenues World Holding LLC**

**PROPOSED ACTION**

Avenues World Holdings LLC<sup>1</sup> **seeks a special permit** pursuant to Zoning Resolution (ZR) § 74-711 to modify ZR §§ 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) and 98-423 (Street wall location, minimum and maximum base heights and maximum building heights) to facilitate the conversion of the an existing ten-story industrial building to a Use Group 3 1,635-student, pre-kindergarten to 12th grade private school. The property is located at 259 Tenth Avenue in a C6-3 District, within the Special West Chelsea District (Sub Area C) and the West Chelsea Historic District, in Community District 4.

Pursuant to ZR § 74-711, applicants may request special permits to modify use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant a use modification, the applicant must first meet the following conditions: 1) LPC has issued a report that states the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;<sup>2</sup> and 2) the maximum number of permitted dwelling units is as set forth in ZR § 15-111.<sup>3</sup> The CPC must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area. Further, CPC must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area and that the proposed bulk modifications shall have minimal adverse effects on structures or open space in the vicinity in terms of scale, location and access to light and air.

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<sup>1</sup> Avenues World Holdings LLC’s Chief Executive Officer is Christopher Whittle

<sup>2</sup> The LPC issued such a report on May 16, 2011. A Certificate of Appropriateness was also granted on May 16, 2011.

<sup>3</sup> Since the applicant does not propose dwelling units, this finding is not applicable.



## PROJECT DESCRIPTION

The applicant seek a bulk and use modification to facilitate the conversion of an existing industrial building to a 1,635-student, pre-kindergarten to 12th grade private school. The site fronts Tenth Avenue between 25<sup>th</sup> and 26<sup>th</sup> Streets. The building is located in the West Chelsea Historic District and the Special West Chelsea District. The building, known as the R.C. Williams Building, was designed by famed architect Cass Gilbert and built between 1927 and 1928 as headquarters for an international wholesale grocery company. The building is 10 stories (approximately 125 feet 8 inches) with a floor area of 214,780 SF.

The special permit is intended to facilitate a new flagship school known as the Avenues World School. The private school will be one of several campuses built in major cities worldwide. The school will include a global curriculum including “world courses,” foreign language fluency, and higher education prep.

The applicant proposes to occupy the entire building as a Use Group 3 private school. However, ZR § 98-14 requires that uses on the ground floor level, “shall be limited to commercial uses permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3.” To conform to the use requirements, 3,937 SF of the ground floor must be used for commercial or gallery space. The applicant seeks the special permit to allocate the entire ground floor as a school.

Additionally, the applicant proposes to modify the building by converting a portion of the top floor to a gymnasium. The gymnasium needs to be a minimum of 25 feet tall to meet the requirements for a regulation basketball court. To accommodate the gym, the applicant proposes to extend the portion of the roof above the gymnasium by 18 feet. The applicant proposes to raise approximately 5,500 SF of the roof to a height of 144 feet above the curb. Pursuant to ZR § 98-423, the maximum building height is 125 feet. The special permit is, therefore, necessary to allow the extension of the roof to accommodate the proposed gymnasium.

The building is currently vacant but was most recently used for television prop and scenery storage. As part of the conversion, the applicant will restore and modernize the building’s interior. The proposed conversion will result in a floor area reduction to approximately 208,000 SF.

The site is surrounded by a mix of uses and building forms, ranging from single-story garages to over 7-story historic warehouses converted for office and residential occupancy. Ground-level art galleries and commercial spaces dominate 25th and 26th Streets between 10th and 11th Avenues. Significantly, the High Line abuts the western boundary of the site. Tenth Avenue includes a mix of ground-floor commercial and car repair businesses. Adjacent residential uses are concentrated east of 10th Avenue and include the New York City Housing Authority Chelsea-Eliot Houses between 25th and 27th Streets and low-rise tenements to the south. There are two new, high-rise residential buildings in the vicinity of the site.

As part of the special permit application, the applicants entered into a restoration and maintenance plan for the subject building. The restorative work, which includes patching and recoating the concrete façade, replacing steel windows and removing the roll down steel doors

will bring the building into a “sound, first-class condition.” Furthermore, the plan will be set forth in a restrictive declaration against the property to ensure that a continuing maintenance program for the building will be maintained in perpetuity.

### **COMMUNITY BOARD’S RECOMMENDATION**

At a Full Board meeting on August 1, 2011, Manhattan Community Board 4 recommended conditional approval of the application by a vote of 32 in favor, 6 opposed and 1 present but not eligible provide that the applicant:

1. conduct a traffic study which investigates the potential impact of the facility and proposes mitigation including investigating providing bus service and opening a new entrance on West 25<sup>th</sup> Street;
2. provide scholarships for qualified students living in the area;
3. hold a job fair to fill staff positions with neighborhood residents;
4. open its facilities to community groups on nights and weekends when the facilities are not in use;
5. establish a community liaison who will meet and report to community organizations as needed;
6. focus its student community service activities within Community District 4 as practicable;
7. provide \$250,000 a year to the High Line Park for the length of the 48 year lease; and
8. achieve a high level of sustainability including meeting or exceeding LEED standards.

### **BOROUGH PRESIDENT’S COMMENTS**

The special permit pursuant to ZR § 74-711 is a powerful tool which can be used to modify many sections of the Zoning Resolution in order to make owning and maintaining historic structures less burdensome and more desirable. In return for waivers, applicants must ensure that the subject property is properly rehabilitated and maintained in perpetuity. In this case, the LPC has found that the proposed restoration of the building will contribute to a preservation purpose worthy of allowing the applicants to request these use and bulk waivers from the CPC.

The proposed bulk modification will extend a portion of the roof by 18 feet. This extension is partially blocked by a five foot parapet surrounding the roof and is set back from the street line. Further, the proposed rooftop extension is lower then the existing mechanicals by 17 feet. As such, the bulk change will result in a maximum shadow increase of only three linear feet on the high line for a total of 15 minutes. The proposed addition will therefore have minimal adverse effect on structures or open space in the vicinity. Therefore, the proposed bulk modification meets the required findings for a bulk waiver pursuant to ZR § 74-711.

Additionally, the special permit will allow approximately 4,000 SF of the ground floor to be converted from museum or gallery to a private school. As the proposed use is allowed as-of-right in the building aside from a portion of the ground floor, it would be unlikely to create new conflicts within the building or in the neighborhood. Therefore the proposed use modification meets the required findings for the use waiver pursuant to ZR §74-711.

While the proposed development meets the findings, the introduction of a large institution can create unintended consequences. The proposed school will introduce a new population of over 2,000 people a day to the area. The resulting potential impact on vehicular and pedestrian traffic warrants further study.

Avenues World Holdings LLC has committed to meet the community board's conditions including performing a traffic study, integrating the school with the surrounding community by opening its facilities, and providing financial aid to qualified students. By meeting these conditions, the applicant ensures the proposed new facility will benefit the larger community and its smooth integration with the neighborhood.

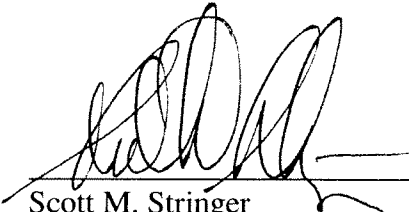
In addition, in applying for the special permit, the building's owners are undertaking extensive work to bring the historic building to a sound, first-class condition and are ensuring continued maintenance to keep the building in this state in perpetuity.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

The application meets the relevant conditions and findings for a special permit regarding a bulk and use modification pursuant to ZR § 74-711. Further, the applicant has made several commitments to ensure a smooth integration of the school with the surrounding neighborhood.

**Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 090253 ZSM provided the applicant follows through on commitments to:**

- 1. conduct a traffic study which considers the potential impact of the facility and proposes mitigation including providing bus service and opening a new entrance on West 25<sup>th</sup> Street; and**
- 2. integrate the institution with the neighboring community by providing jobs, opening up its facilities and providing financial aid to qualified students from the area as agreed to in a letter to Community Board 4.**



Scott M. Stringer  
Manhattan Borough President