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November 21, 2018

Margery Perlmutter, Chair
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board meeting on November 20, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

272 West 10th St. (Between Washington and Greenwich Streets) - BSA Cal. No. 223-00-BZ is an application for an amendment to a previously granted variance to permit a three-story plus cellar and play-yard enlargement of the existing five-story plus cellar (Use Group 3) school located at the premises.

Whereas:

1. The premises subject to the BSA application is a single zoning lot (Block 630, Lots 9 and 12), comprised of two corner lots and an interior lot, that currently contains the Village Community School (VCS): a five-story plus cellar (Use Group 3) school with an outdoor playground. The original school building, which is mid-block on West 10th Street, was constructed in about 1886, and has a total floor area of approximately 25,495sf.
2. On February 6, 2001, the BSA granted VCS a variance to permit a five-story plus cellar enlargement of the original school building on the western corner of the premises, contrary to lot coverage (ZR 24-11) and front street wall height (ZR 24-552) requirements. This enlargement was completed in 2003 with a total floor area of approximately 23,642sf and a non-complying lot coverage of 89.5% The remaining eastern corner of the premises (West 10th and Greenwich Streets) is currently used as an outdoor playground, and includes a separate, one-story building (777sf) used as a woodshop that has a complying lot coverage of about 17.5%
3. The current application is for an amendment to the 2001 variance to permit a three-story plus cellar and play-yard enlargement of approximately 17,364sf—contrary to the maximum permitted lot coverage within the applicable R6 zoning district.
4. The entire school premises became part of the Greenwich Village Historic District Extension when it was designated in 2006.

5. According to the current application, the proposed enlargement would eliminate the Greenwich St. outdoor playground and workshop and would provide a double-height gym in the cellar; a play-yard on the roof of the third floor; space for STEAM curriculum and project work; an expanded library and media center; additional dedicated world language and math classrooms; and expanded science labs.
6. ZR 24-11 permits a maximum corner lot coverage of 70% and a maximum interior lot coverage of 65%. The proposed enlargement requires one waiver to permit corner lot coverage of 92% and another waiver to permit interior lot coverage of 88%. In total, the school, after both enlargements, would have a total complying floor area of 66,501sf and complying FAR of 3.67.
7. The current application to amend the 2001 variance notes that 1886 building was constructed with lot coverage of 85.8%, which became legal, non-complying lot coverage in 1961 when the zoning resolution limited mid-block coverage to 65%. The 2001 variance allowed coverage of 89.5% for the enlargement, exceeding the 70% coverage for corner lots allowed under ZR24-11.
8. VCS could build as-of-right an approximately 14,476sf, 2.5 story plus cellar enlargement, but has asserted that, among other things, as-of-right does not allow for an efficient use of floorplates, especially at the roof play-yard level, or for a seamless, floor-to-ceiling height with the original building at the second floor.
9. CB2, Man., at its full board meeting held on November 16, 2000, recommended approval of the two variances with conditions, including an accommodation for the 35 lot line windows of the adjacent tenement, certain façade design modifications, and limitation of occupancy of the enlarged building to no more than 400, including students and staff. The resolution that came out of that meeting specifically noted that “VCS has indicated that it has no intention of increasing its enrollment as a result of the increased space and, in fact, aims to reduce its enrollment to 300 students, which number will then be its maximum.” The resolution went on to resolve that “Occupancy of the two buildings not exceed 400 (including staff and visitors).”
10. A letter providing “additional response by applicant” was submitted to BSA by the applicant on December 28, 2000, reaffirming that the enlargement “will not result in any increase in student enrollment or staff” and the 2001 variance itself states that VCS agreed to that condition.
11. The application for the 2001 variance stated: “There will be no increase in enrollment as a result of the enlargement; it is, rather, needed to accommodate the current school population. Therefore, the hardship is not self-created.” The fact that VCS has not the maximum student and faculty conditions of the 2001 variance appears to contradict a key finding that the hardship was not self-created.
12. At the presentation to the CB2 Land Use committee public meeting held October 10, 2018, the applicant stated that VCS opened in 1970 with 170 children; that enrollment increased to 265 in 1996 and then 315 in 1998; that the enlargement allowed by the 2001 variance was completed “to accommodate growth.” The applicant stated that the current student population numbers 345-355 and faculty/staff 95-105—that is, 12.5% above the promised limit.
13. No city agency has enforced the 2001 variance’s cap on students and staff.
14. Including the Greenwich St. playground that was acquired in 1896, and another enclosed yard on the west side of the original building as shown in the 1940 tax photos, the actual combined lot coverage of the entire zoning lot in 1961 and at the time of the 2001 variance was much lower than the legal, non-complying lot coverage of just the original school building—probably less than 50%.
15. The application for the 2001 variance noted that the requested lot coverage after the proposed enlargement would be similar to the existing legal, non-complying lot coverage of the original school building. It further noted that with the proposed enlargement, the combined average lot coverage of the entire zoning lot, including the Greenwich St. playground, would increase from 58.3% to 64.5%, “consistent with what is contemplated by zoning.

16. If the requested amendment to the 2001 variance is approved, with the loss of the playground, the average lot coverage of the entire zoning lot for the original school building and both enlargements will be approximately 90%--clearly inconsistent with what is contemplated by the applicable R-6 zoning.
17. The application for the 2001 variance included the openness of the Greenwich St. playground as an important component of the Uniqueness finding, stating that “without increasing the height of the existing building *or building in the playground*, the only area that is available for new construction is the westerly portion of the site”—in effect, asking for a variance to allow the substantial over-coverage of the Washington Street corner based on the need to preserve the unbuilt playground on the Greenwich Street corner.
18. According to the Board of Education report for 1896, “Lots Nos. 268 and 276 West Tenth Street and No. 694 Greenwich street, adjoining P.S. No. 7” were among sites acquired in 1896 for “Sanitary Improvements, Light, Ventilation and Playgrounds.” The openness provided by the playground on the Greenwich Street corner has been an important feature in a densely built neighborhood for over 120 years and is unique in the area west of Hudson Street between Canal Street and 14th Street, which is otherwise largely devoid of open areas and areas used for recreation. Much open space in the neighborhood has also been lost to new residential buildings such as the condominium on St. Luke’s property at 100 Barrow St.
19. The proposed enlargement will have a highly detrimental impact on the 35 lot line windows at the adjacent residential building at 692 Greenwich St.
20. Many neighborhood residents spoke at the CB2, Man. Land Use committee meeting on October 10. Parents at the school focused on concerns about the safety of children playing in the street level playground and traveling to and from Pier 40 for sports; competition with other schools and teams for the use of Pier 40; overcrowding in the school, and the lack of dedicated classrooms for specialized instruction; neighbors not associated with the school expressed concern about the importance of the open space provided by the playground and the loss of all the lot line windows at 692 Greenwich St.
21. The design of the proposed enlargement on the Greenwich Street and West 10th Street corner overwhelms the modest, humble and historic buildings directly across from VCS on West 10 Street and the three story 25’ wide entirely glass “connector” between the original school building and this enlargement is not in keeping with the neighborhood context.
22. The applicant has not presented building alternatives that might substantially achieve programmatic needs with less intrusion. For example, there is an opportunity for a more efficient addition by following the geometry of West 10th Street and not Greenwich, which would create rooms with square corners and a smaller footprint.
23. The applicant has not responded to specific requests from the CB2, Man. Land Use committee:
 - a. To explain why the school enrollment expanded in light of the representations by VCS made in connection with, and the conditions set forth in, the 2001 variance, the stated purpose of which were not to allow increased enrollment or staff.
 - b. To explain why, if VCS once again has insufficient space to meet programmatic needs and increased enrollment, the expansion is not a self-created hardship.
 - c. To explain why, once a new gym is built, the current gym cannot be re-purposed to meet other needs.
 - d. To explain the programmatic need for much of the additional space, including a separate auditorium lobby and substantial additional circulation space.
 - e. To provide plan alternatives that reduces the impact of an enlargement on neighborhood character of the 100% loss of both the playground and the lot line windows at 692 Washington St.
 - f. To explain why children cannot be safeguarded in the current, street level playground and why safe means of travel to Pier 40 cannot be provided.
 - g. To show how the current proposal represents a minimum variance.

24. The evidence submitted by VCS does not support three findings required to be made by ZR 72-21, including the findings that the hardship claimed by VCS was not self-created; that the granting of the amendment to the 2001 variance will not alter the essential character of the surrounding neighborhood; and that the proposed enlargement is the minimum necessary to afford VCS relief.
25. At the November 14, 2018 CB2 Land Use meeting, neighbors, parents and the applicant showed a willingness to work together to resolve mutual issues, which CB2 encourages them to continue.

Therefore, be it resolved that CB2, Man. recommends **denial** of the application for amendment of the 2001 variance unless the extent of the proposed lot coverage is reduced such that:

1. The Greenwich St. playground is substantially retained to keep the overall site coverage consistent with the applicable R-6 zoning, which supports the site uniqueness finding and preserves an open space that is a long-standing and important feature of the neighborhood.
2. Alternative project plans for the enlargement are submitted by the applicant with greatly reduced lot coverage and more sensitivity to neighborhood context.
3. The lot line windows at 692 Greenwich St. are retained.
4. There is a deeded commitment that no additional stories or additional floor area will be added to VCS at any time in the future; and

Be it further resolved, that CB2, Man. recommends **denial unless** as one of the conditions of receiving a variance, the number of students and faculty/staff is capped at the current number (345-355 students and 95-105 faculty and staff).

Vote: Passed, with 30 Board members in favor, 6 in opposition (S. Aaron, R. Caccappolo, R. Chatree, D. Gruber, R. Sanz, S. Sartiano), and 1 abstention (K. Bordonaro).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



Anita Brandt, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan



Frederica Sigel, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold Nadler, Congressman
Hon. Brad Hoylman, State Senator
Hon. Deborah Glick, Assemblymember
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council Speaker