



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

July 30, 2015

Hon. Gale A. Brewer
Manhattan Borough President
1 Centre Street, 19th Floor,
New York, NY 10007

Re: High Line Hotel

Dear Borough President Brewer:

This letter requests your intervention on behalf of Community Board 4 in regard to the Landmarks Preservation Commission's unilateral approval of alterations to the Highline Hotel's forecourt at 180 Tenth Avenue in the Chelsea Historic District. The Commission has acted in a manner dismissive of CB4's formally stated concerns and subverted the public participation on which the Community Board system is based.

Specifically, the Commission recently issued two Permits adversely affecting the historic General Theological Seminary architecture, which is the focus of the Chelsea Historic District.

On May 9, the Commission issued Permit CNE 17-0010 (attached) allowing "a free standing bar with canopy at the southwest corner of the property to be removed by September 30, 2015." This covered bar was first installed without a permit last summer. CB4 objected to it in a letter to LPC Chair Srinivasan last year, resulting in the attached LPC Warning Letter. While the bar was removed for the winter season, it reappeared this spring, legalized by the Commission's Permit, which was granted without presentation to - or opportunity for comment by - CB4. Our greatest concern is that the Permit sets the stage for annual renewal of approval for the bar and its permanent, unsightly presence. It should be noted that the bar is not "free standing" but bolted to a permanent foundation and that it substantially blocks views of the Seminary façade, as shown in the attached photos from Tenth Avenue and West 20th Street.

On June 6, the Commission issued Permit PMW 17-1087 (attached) allowing "two HVAC units and a transformer . . . partially screened by an existing stone wall, with two ducts extending from the units and attaching to the west façade . . . and extending through existing window openings . . ." As seen in the attached photo, this equipment detracts

extraordinarily from the historic Seminary architecture, designed for picturesque effect by notable architect Charles Coolidge Haight. Confronted with community complaints about a similar eyesore in place for much of last summer, a representative of the Hotel then stated that it was a temporary measure pending installation of central air conditioning. This clearly was not the case. As with the LPC Permit for the bar, the stage is set for annual permit renewal and the permanent presence of an HVAC solution that is only “temporary” in being seasonal.

Issuance of these Permits follows on a sweeping staff-level Amendment legalizing several violations in the same forecourt, as documented in our letter to you of _____ (attached). This Amendment allowed about 90% of the forecourt to be paved. The amount of paved area versus green space had been a major subject of discussion by the Community Board and among Landmarks commissioners in the two public hearings held on the issue. The Commission eventually approved increasing the paved area from approximately one-third to about 71% of the total forecourt area, reducing it from the approximately 74% sought by the applicant during the permitting process, significantly less than the 90% allowed by staff. What had been a garden oasis is now a paved commercial venue unrecognizable as the design presented to CB4 or the public in LPC hearings.

It should be noted that none of the Commission’s actions favoring the Hotel can be justified on grounds of practical difficulty or unnecessary hardship. They all benefit the Hotel’s commercial ends, including its use of the historic Seminary refectory as an event venue demanding increased air conditioning. It is also remarkable that the Commission is so willing to accommodate an owner who built so much without regard for the permit process, creating a dangerous, pernicious precedent and making fools of owners who play by the rules.

We ask your help in gaining assurances from the LPC that it will not Renew Permits for the bar and HVAC equipment in the future. We also ask your help in reducing the forecourt’s paved area to the 71% approved by the Commission, and having the surrounding privacy hedge reduced to allow the public to enjoy this historical resource, as presented to and expected by the Commissioners and the community. Such actions would go far toward renewing our faith in the Landmark Preservation Commission and in the public participation promised by the Community Board system.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use
Committee



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

1 CENTRE STREET, 9TH FLOOR NORTH, NEW YORK, NY 10007

TEL: (212) 669-7951 FAX: (212) 669-7960

WARNING LETTER

Docket No. **WL15-0086**

Date: August 5, 2014

To: R. Tyler Morse
Highline Hotel, LLC
152 West 57th Street, 46th Floor
New York, NY, 10019

From: Meenakshi Srinivasan, Chair

Re: **180 10th Avenue
Manhattan, 718/7502**

The Landmarks Law, N.Y. Administrative Code §§ 25-305 and 25-310, requires that the Landmarks Preservation Commission ("Commission") approve all work and issue a permit prior to any person working on a landmarked site or within a landmarked historic district. The law also requires that the property be maintained in compliance with the law. Staff of the Commission believes that the above referenced property is in violation of the Landmarks Law, with respect to the following condition(s):

Installation of bar in the areaway without permit(s).

If you apply or have already applied to the Commission within 20 working days of the date of this letter to cure the violation, the Commission will hold off serving a Notice of Violation for the above condition(s). However, if you do not apply to the Commission within 20 working days and obtain a permit and promptly cure the violation, the Commission may serve a Notice of Violation. Service of a Notice of Violation may make you liable for a civil penalty as high as \$5,000, depending on the violation. See N.Y. Administrative Code §§ 25-317.1.b(2). Service of a second Notice of Violation for this same condition may make you liable for a civil penalty as high as \$250 per day, depending on the violation. In addition, the Landmarks Law authorizes criminal penalties for violations. See N.Y. Administrative Code § 25-317.

I urge you to avoid these penalties by taking advantage of this grace period. Please contact the **Compliance Officer at (212) 669-7951** if you have any questions.

This is the only warning letter you will receive before a Notice of Violation is served.

Send all new applications to "New Applications-Preservation Department."

NOTE: All work at or on this premises must stop immediately!



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT CERTIFICATE OF NO EFFECT

ISSUE DATE: 04/09/15	EXPIRATION DATE: 4/9/2019	DOCKET #: 162107	CNE #: CNE 17-0010
ADDRESS: 180 10TH AVENUE <u>HISTORIC DISTRICT</u> CHELSEA		BOROUGH: MANHATTAN	BLOCK/LOT: 718 / 7502

Display This Permit While Work Is In Progress

ISSUED TO:

R. Tyler Morse
180 10th Avenue
New York, NY 10011

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on April 08, 2015.

The approved work consists of the temporary installation of a free standing bar with canopy at the southwest corner of the property to be removed by September 30, 2015; as shown in existing condition photographs and drawings 1 through 5, dated March 25, 2015, prepared by SP Wong and submitted as components of this application.

In reviewing this proposal, the Commission notes that the Chelsea Historic District designation report describes 175 9th Avenue as an ensemble of English Collegiate Gothic style buildings built largely between 1883-1902 and designed primarily by Charles Coolidge Haight.

With regard to the proposal, the Commission finds, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-18, that the duration of the temporary installation of the bar will be for a single period not to exceed one (1) calendar year or less; that the installation will cause no damage to protected architectural features of the property; that an acceptable plan and time schedule for the dismantling of the property has been submitted to the commission as a component of the application, along with specifications for any repair work that might be required after dismantling of the property; and that an escrow agreement or other adequate assurance acceptable to the commission is provided to establish that a

mechanism is available for the removal of the installation upon expiration of the permit should the applicant fail to remove the installation one (1) calendar year or less.

This permit is being issued in reliance upon the owner's demonstrated intention to perform work to dismantle the temporary artwork within six months of its installation as evidenced by the escrow agreement dated 4/8/15, between the Highline Hotel, LLC and Apperson Crump PLC as escrow agent.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Sandy Chung.

Meenakshi Srinivasan (sc)

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

cc: Caroline Kane Levy, Deputy Director of Preservation, LPC



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT FOR MINOR WORK

ISSUE DATE: 05/05/15	EXPIRATION DATE: 5/6/2019	DOCKET #: 170439	PMW #: PMW 17-1087
ADDRESS: 180 10TH AVENUE HISTORIC DISTRICT CHELSEA		BOROUGH: MANHATTAN	BLOCK/LOT: 718 / 7502

Display This Permit While Work Is In Progress

ISSUED TO:

R. Tyler Morse
Tenth Avenue Conference Management, LLC
152 West 57th Street
New York, NY 10019

Pursuant to Section 25-310 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on May 05, 2015.

The approved work consists of temporarily installing HVAC equipment, including two HVAC units and a transformer at the concrete-paved courtyard at the west (10th Avenue) facade, partially screened by an existing stone wall, with two ducts extending from the units and attaching to the west facade by steel bars with compression pads, with attachments through the mortar joints, and extending through existing window openings at the west facade by opening the existing operable stained glass windows, beneath the larger fixed stained glass windows, to be in place from May to October 2015, as well as the removal of the entire installation, and patching all holes in the mortar joints with type N mortar, as described and shown in an e-mail, dated May 5, 2015 from Tyler Morse describing a timetable for the installation and removal of the installation; an escrow agreement dated April 29, 2015 between the Tenth Avenue Conference Management LLC, as owner, and Apperson Crump PLC, as agent; and a presentation booklet including drawings and photographs, labeled LP-1 through 8 by the Commission staff, dated (revised) April 29, 2015 and prepared by SP Wong Architect, all submitted as components of the application.

In reviewing this proposal, the Commission notes that the Chelsea Historic District Designation Report describes 180 10th Avenue as part of the Episcopal General Theological Seminary, a complex of English Collegiate Gothic style buildings built largely between 1883-1902, designed primarily by Charles Coolidge

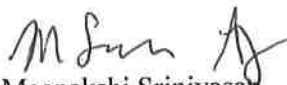
Haight; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the historic district.

With regard to the proposal, the Commission finds, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-18, that the duration of the temporary installation of HVAC equipment will be for a single period not to exceed one (1) calendar year or less; that the temporary installation will not cause damage to protected architectural features of the property; that an acceptable plan for dismantling, storing and reinstalling any significant features that had to be removed to perform such work has been submitted to the Commission; that an escrow agreement has been provided to establish that a mechanism is available for the removal of the installation upon expiration of the permit should the applicant fail to remove the installation; and that the proposed patching mortar will be compatible with the masonry in terms of composition and match the historic mortar in terms of color, texture and tooling. Based on these findings, the proposed work is determined to be appropriate to the site and the Chelsea Historic District. The work, therefore, is approved.

PLEASE NOTE: This permit is contingent upon the Commission's review and approval of the samples of patching mortar prior to the commencement of any related masonry repair needed after the removal of the installation. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit digital photographs of all samples to ajennings@lpc.nyc.gov for review. This permit is also contingent on the understanding that the mortar joint repairs will be performed when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Anne Jennings.


Meenakshi Srinivasan
Chair

PLEASE NOTE: A COPY OF THIS PERMIT HAVE BEEN SENT TO:

cc: B. Artus, Deputy Director of Preservation, LPC



ONE WAY
10 AV
DO NOT ENTER
ALL TRAFFIC

Polari Group



