



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

May 27, 2015

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

Hon. Corey Johnson
Council Member
250 Broadway
Suite 1804
New York, New York 10007

Re: Highline Hotel

Dear Borough President Brewer and Council Member Johnson:

This letter conveys Community Board 4's (CB4) deep concern about the Landmarks Preservation Commission's issuance of an Amendment on a staff level to the Highline Hotel for its garden, without public review and contrary to the Board's request. The Amendment markedly expands the scope of work beyond that approved by an earlier permit and effectively legalizes multiple violations of that permit. The Hotel and its garden are within the Chelsea Historic District.

The original Permit of 7/8/13 approved modest changes to the garden between the Hotel, which is part of the General Theological Seminary building complex, and Tenth Avenue. Subsequent construction was clearly out of compliance with this permit, substantially altering the nature of the garden and reducing visibility of the historic Seminary architecture from the public way, among other impacts.

In December of 2014, CB4 wrote a letter to Landmarks Preservation Commission Chair Srinivasan requesting "that all violations be addressed by the Commission and cured by their removal, until the design matches its approved design." The letter further requested "that any proposals the Commission wishes to consider for curing violations by other means be reviewed by CB4 and go before a public hearing of the Commission." The letter took special note of the garden's view-blocking perimeter hedge and its raised planter, which transformed the garden from an open forecourt to the Seminary to a shielded commercial enclave: "We ask specifically that the ground-embedded steel sheeting inside the property line which elevates the hedge by about 16 inches, and does not appear on the approved presentation images, be treated as a violation, and that it be cured by removal of both planter and hedge."

The Commission's Compliance Officer, Katie Rice, responded to the Board's letter on March 9, 2015, noting that "many of the items described in the letter are landscape features that would not be regulated by the Commission," and that "the owner recently received an amendment for the as-built conditions at the front courtyard, including installation of a continuous steel planter box along the interior perimeter . . .

.” Ms. Rice’s letter goes on to cite 32 additional items legalized by the Commission’s Amendment at staff level, with no public review. Even so they do not include all of the deviations from the original Permit cited in the Board’s letter, including a permanent landscape stair which was removed. The letter states that no enforcement action was taken.

CB4 filed a records request and obtained the Amendment referenced by Ms. Rice, dated March 6, 2015. It shows the extensive conditions covered by the Amendment, including an entire façade lighting system never presented for public review. Together, these Amendment items exceed the scope of projects typically required to undergo a public hearing at the Landmarks Preservation Commission.

We take exception to Ms. Rice’s statement that landscape features are not under the jurisdiction of the Commission, especially after they were given so much weight when misleadingly presented to the Board and the Commission, and debated by Landmarks Commissioners in two public hearings which resulted in a revised proposal increasing planted areas. We find nothing in the Commission’s policy indicating that landscape features are not under its jurisdiction. Rather, emphasis is given to any publicly visible element within a historic district. The Hotel’s green space was approved and cited by the original Permit but is now almost completely absent under its Amendment, replaced by hard surfacing to accommodate seating for the Hotel’s restaurant patrons. We also take exception to legalization of such substantial violations at the Commission’s staff level, aside from our specific request that this not be done in the current case.

We are also concerned that the Commission’s sweeping Amendment rewards Permit violation, helping perpetuate a strategy among unscrupulous owners of constructing violations and asking forgiveness – if and when caught - rather than seeking permission beforehand.

We ask that your offices investigate the Commission’s conduct in this matter and institute measures ensuring meaningful community participation in, and transparency of, its actions.

Please see the Board’s attached 2014 letter to Chair Srinivasan for extensive, illustrated background. Also attached is the Commission’s response by Compliance Officer Katie Rice and the Amendment her letter references.

We look forward to your response.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

Enclosure



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CHRISTINE BERTHET
Chair

JESSE BODINE
Acting District Manager

December 10, 2014

Hon. Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
Municipal Building, 9th floor
One Centre Street
New York, NY 10007

Re: Highline Hotel

Dear Chair Srinivasan:

This letter concerns the Commission's Warning Letter WL15-0086 to R. Tyler Morse of Highline Hotel LLC for "Installation of bar in the areaway without permit(s)" and what we believe are many other violations of the Hotel's Permit (COFA 14-5938) for alterations to the areaway.

Regarding the Warning Letter, we have observed that the bar and its ground-anchored steel superstructure were recently removed, but that plumbing and electrical services for it remain. For months, the bar stood less than six feet in front of the historic building façade, creating a visual barrier twenty feet long by eleven feet tall. The canopy's ten-foot projection and location made it a particular obstruction to both near and distant Seminary views from West 20th Street. We are very concerned that the Hotel may apply to the Commission to legally reinstate the bar by way of an administrative reconsideration. We ask that any approval for its reinstatement be first reviewed by CB4 and then go before a public hearing. We are concerned that the bar has been removed because temperatures have dropped and winter is setting in. We don't want the bar to reappear in the spring.

Regarding further possible violations, we ask that the Commission's enforcement officers visit the site with the approved design submission in hand, to comprehensively review the disparity between the approved design and current conditions. We believe that there are additional violations in several of the following categories.

Landscape Discrepancies:

- The built site plan provides well under half the planted green area shown on the approved landscape plan;
- Hedges bordering the property line are several feet taller than as shown on approved site sections and perspective renderings, and rather than rising to the bottom of their adjacent iron

fences as was shown, they rise to the top of them, critically blocking views of the areaway and Seminary architecture from the street;

- A proposed and approved set of steps balancing the landscape plan's water feature and ramp is missing, and another set of steps is in a different location and of different materials from those proposed. (The Commission's Permit approving the design specifically notes "... that the proposal maintains the location of previously approved ramps and steps and the new ramps and steps will be well integrated into the areaway in terms of materials and finish ...")

Permanently fixed items not in approved proposal:

- steel sheeting driven into the ground, creating raised planting beds for property line hedges;
- surface planking to the north of the water feature;
- Stubbed-up plumbing supply and drain pipes and electrical outlets for the bar.

Large permanently stationed item not in approved proposal:

- a truck retrofitted as a coffee concession, placed on an area of stabilized gravel which was proposed and approved as a planted area.

Exterior lighting equipment not in approved proposal:

- Façade-lighting fixtures;
- Flush up-lighting fixtures built into the ground.

In the two days since the first draft of this letter was made public, the bar and many other items that are not on the approved plans were suddenly removed, including:

- two 6-foot by 13-foot wooden booths, placed on an area of stabilized gravel which was proposed and approved as a planted area;
- five 8-foot long wooden banquettes with 3-foot high backs, concealing façade lighting, speakers and planting;
- Overhead swags of light bulbs;
- Overhead lanterns;
- a host's station just inside the front gate with a sign reading "please wait to be seated";
- 4 ground-anchored umbrellas with canopies approaching ten-feet by ten-feet.

These items had been in place for months. Attached are:

1. Photos of the areaway before alternation and existing condition;
2. Renderings of areaway in LPC-approved proposal and existing condition;
3. Four schematic landscape plans comparing:
 - the original areaway plan; the first proposed plan which was reviewed and commented on by CB4;
 - the revised plan upon which the Commission's Permit is based;
 - a plan showing approximate conditions as of October 24. The latter shows that the 40 chairs shown on the approved plan had been increased to 78, and that the 13 small tables shown on the approved plan had been increased to 41. We are concerned that the items just removed will return in the spring.

Even with the recent removals, the appearance of the Highline Hotel's outdoor space is unrecognizable as the design which the Community Board reviewed and commented on, and

which the Commission approved in its Permit. The modest proposed and approved changes would have retained the space's character as a contemplative green space and open forecourt to the Seminary's historic architecture. This effect would have been in keeping with Clement Clark Moore's intentions for the block when he donated it for use as a seminary campus; that it would serve as a community focus and largely open town square, a role enshrined in the block's historic name, "Chelsea Square." This is consistent with concerns the Commission stated in its Permit, which based approval on the understanding ". . . that the alterations to the areaway . . . will retain substantial green space . . . and will create an open, inviting space . . ." In its February 2013 letter to the Commission regarding the proposed areaway changes, the Board had stated: "To ameliorate the loss of valuable green space, a more modest taking of landscaped areas is recommended." Far less green space is now provided than what was proposed to the Board and to the Commission in either the previously proposed or revised version of the landscape plan approved by the Permit. Rather than the open garden-like space which was approved, the existing effect is of a privet-walled enclosure of almost entirely hard surfacing for maximized customer seating and service.

The tall hedge now in place just inside the property line amounts to a privet, serving interior privacy and sending a message of exclusion contrary to the Permit's basis in "open, inviting space." This is especially disappointing given the goodwill the Hotel earned by offering to open the areaway to the public. The hedge also blocks views of the Seminary's lower façade from the street. Above the hedge, higher parts of the façade were until recently blocked by the taller fixed umbrellas and bar canopy. We ask specifically that the ground-embedded steel sheeting inside the property line which elevates the hedge by about 16 inches, and does not appear on the approved presentation images, be treated as a violation, and that it be cured by removal of both planter and hedge.

Meeting with Applicant

On November 17th, the CB 4 Chelsea Land Use Committee met with the Highline Hotel's applicant for the areaway modifications, Mr. Tyler Morse, to discuss these issues. Mr. Morse expressed no inclination to alter any elements in the existing areaway to respond to the concerns of the community, and denied discrepancies between the Permit and current conditions. He claimed to have arrived at agreements with the Commission's staff, specifically Tenzing Chadotsang, after the project's two public hearings. The applicant claimed that these agreements resulted in approval of all of the changes now in place. He cited the stamped and sealed construction drawings incidentally referenced in the Permit as overriding the plans, elevations and renderings presented to the Commission and marked "Public Meeting Approved Set" in the Commission's project file. This would be in serious contradiction to the conditions on which the Permit states that it is based and to concerns voiced by the Commissioners, as heard in recordings of the project's two public hearings which we have carefully reviewed. These recordings indicate that the introduction of gravel into the garden was solely intended to invite public use; they make no reference at all to use of the areaway by paying customers of the Hotel or its concessions; and they suggest that concerns stated by several of the Commissioners at the first public hearing led to the increase in green space in the revised plans which were approved in the second public hearing. We understand that staff approval of major post-public-hearing changes is not the Commission's practice. Furthermore, in referencing the construction drawings upon which the applicant stakes his claim, the Permit notes that they show only interior changes.

CB4's Request

We ask that all violations be addressed by the Commission and cured by their removal, until the space matches its approved design. We ask that any proposals the Commission wishes to consider for curing violations by other means be reviewed by CB4 and go before a public hearing of the Commission.

We look forward to your response.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

CC: NY State Liquor Authority

Garden before alteration, and as existing



Views into garden from sidewalk before alteration



Gate as rendered in LPC-approved proposal, and existing



PROPOSED VIEW FROM TENTH AVENUE



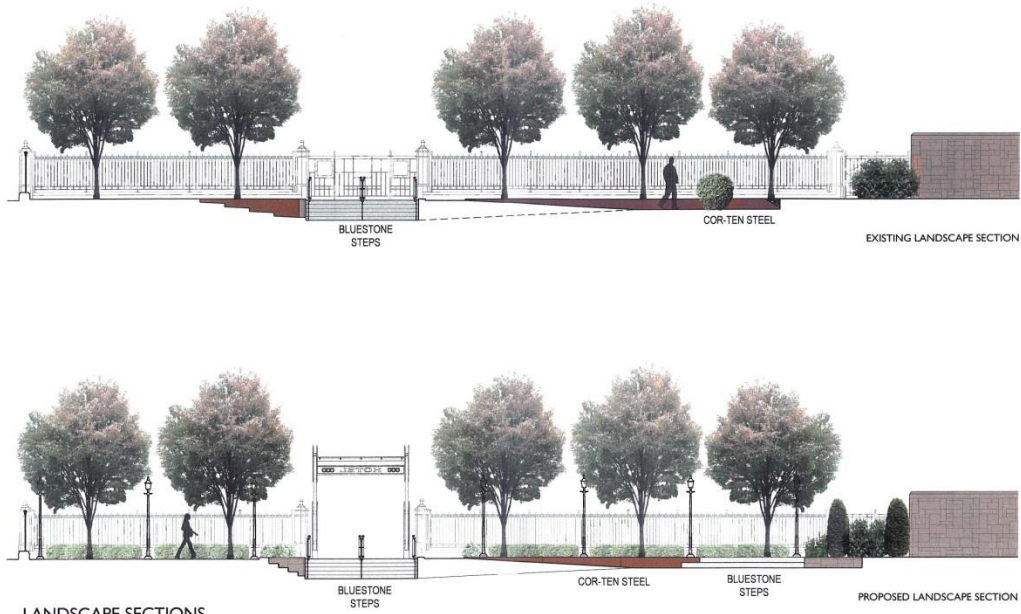
Garden as rendered in LPC-approved proposal, and existing



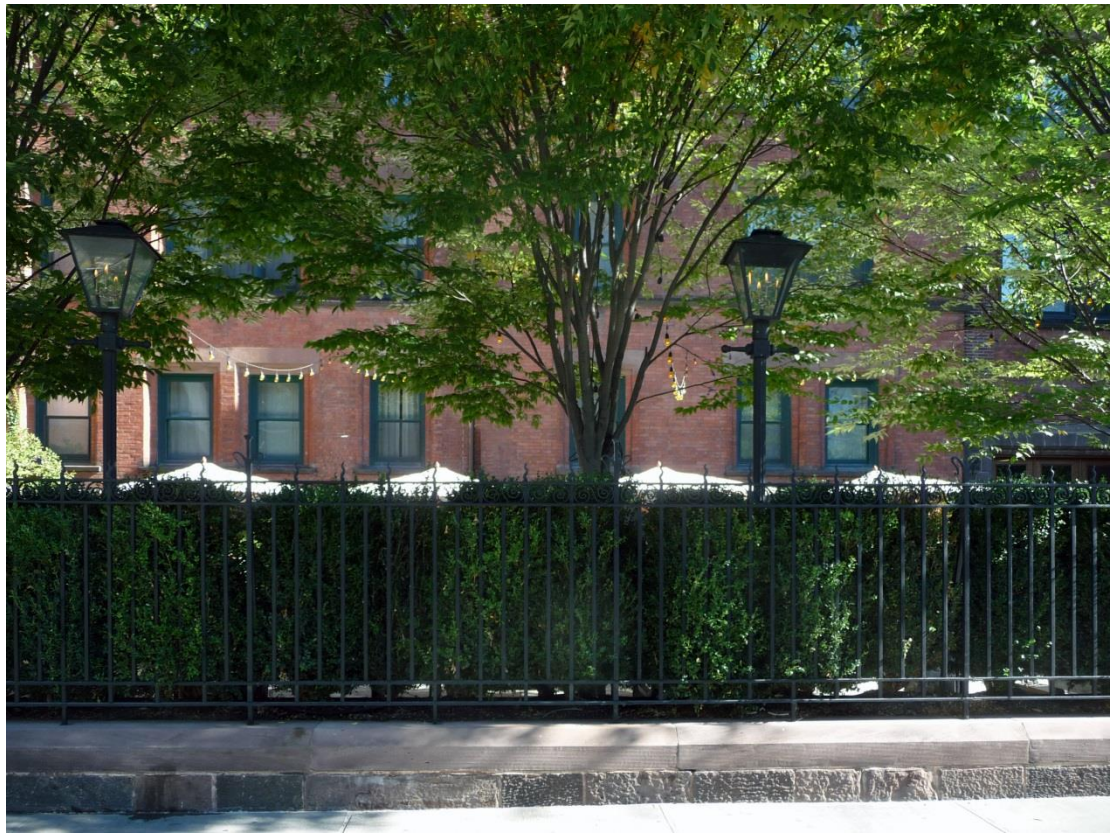
PROPOSED COURTYARD LANDSCAPING



LPC-approved proposal without privet, and existing privet



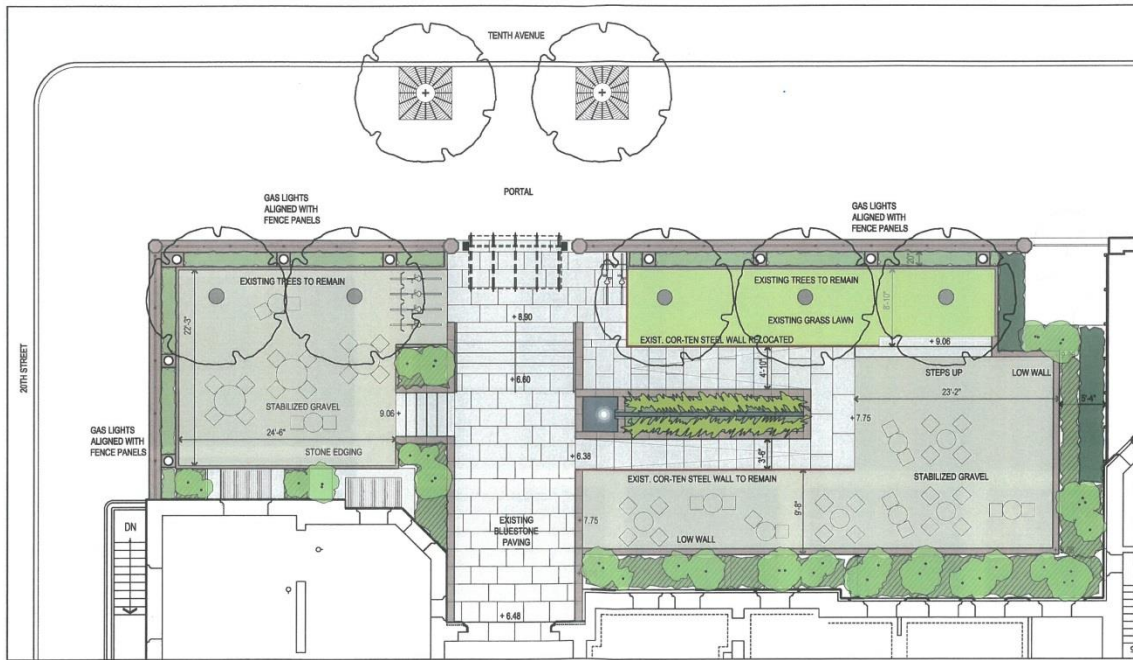
LANDSCAPE SECTIONS



“Please wait to be seated” and “Please enjoy our garden”



LPC-approved plan / green space and lighting hidden behind benches



REVISED LANDSCAPE PLAN

Beyer
Blinder
Belle

Quennell Rothschild & Partners, LLP

THE BRODSKY ORGANIZATION

MCR
DEVELOPMENT

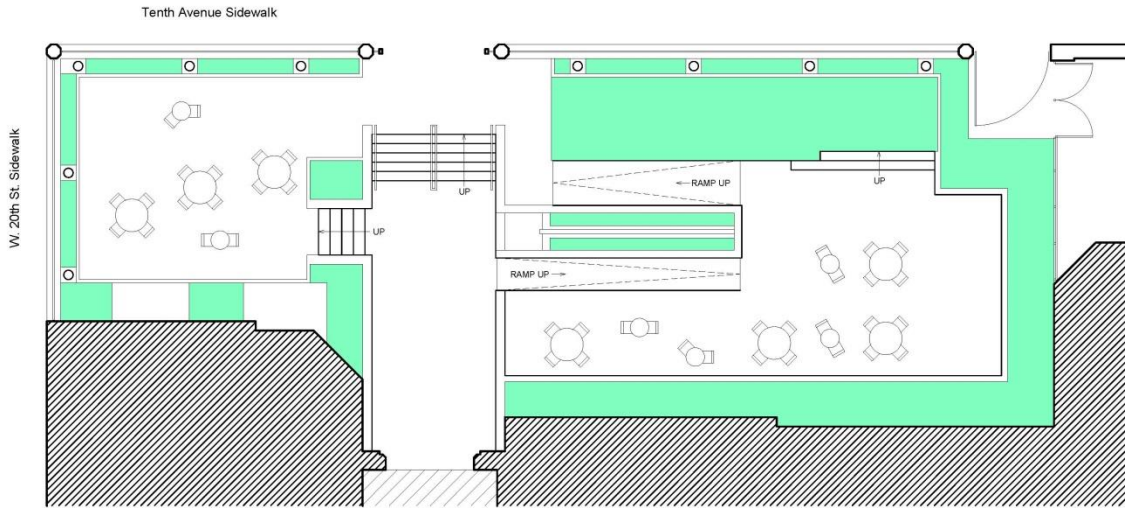
HIGHLINE HOTEL
180 TENTH AVENUE, NEW YORK

NYC LANDMARKS PRESERVATION COMMISSION
2 APRIL 2013

9

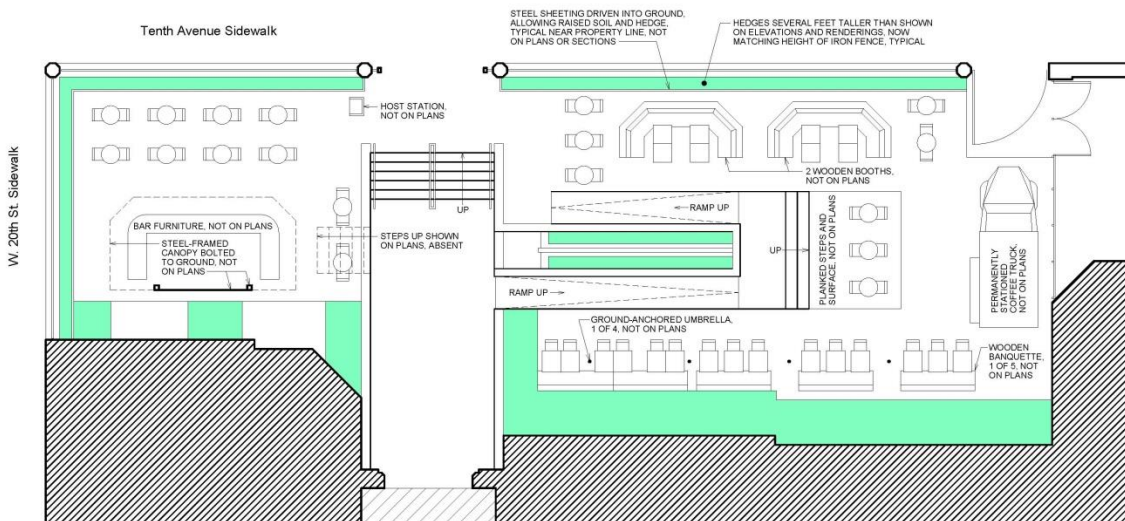
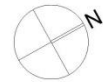


Revised proposal approved by LPC and existing plan



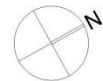
High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Revised Landscape Plan" on 4/2/2013
180 Tenth Avenue, New York, NY

Planted Area

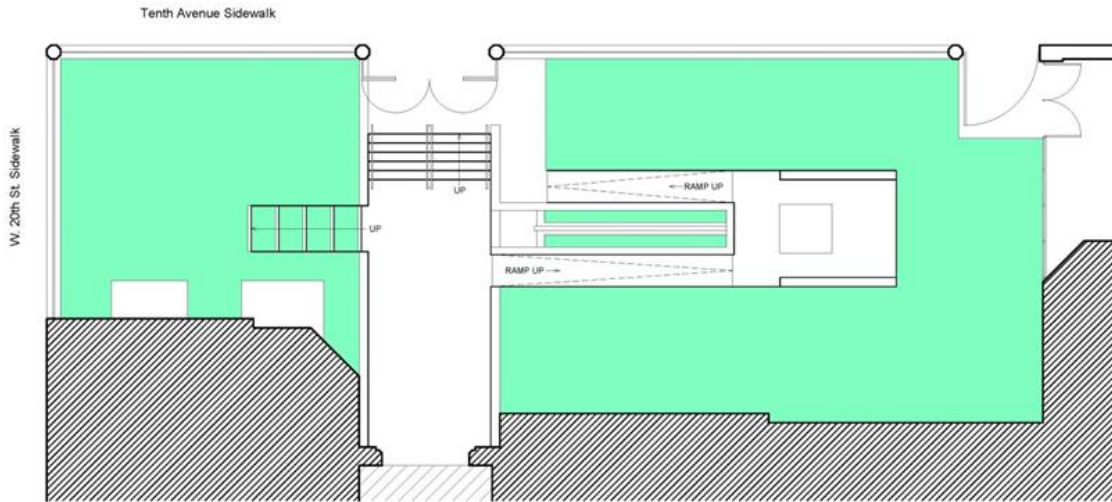


High Line Hotel Schematic Landscape Plan, Approximately as Existing on 10/24/14
180 Tenth Avenue, New York, NY

Planted Area

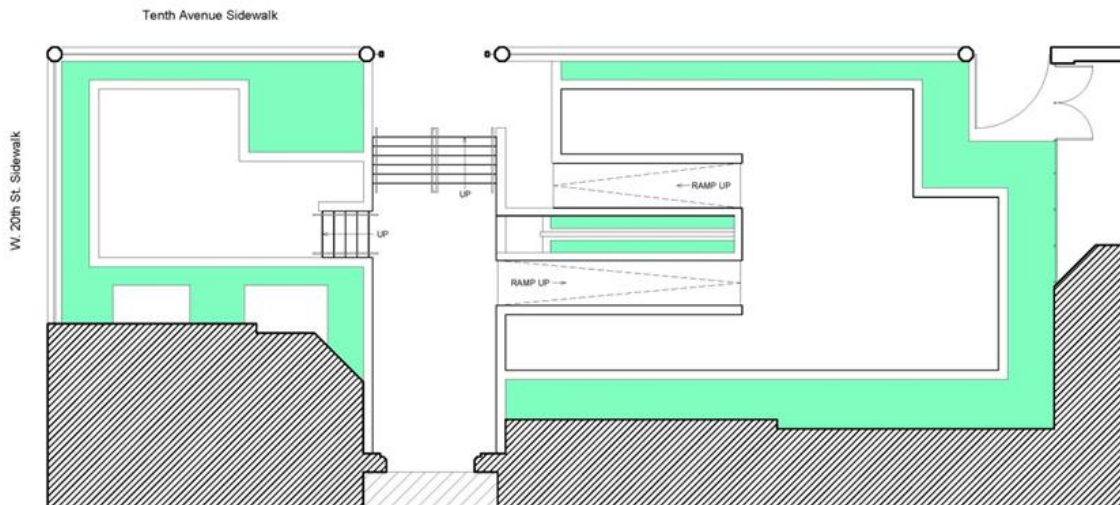


Original garden and initially proposed alteration plans



High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Existing" on 4/2/2013
180 Tenth Avenue, New York, NY

Planted Area



High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Previously Proposed" on 4/2/2013
180 Tenth Avenue, New York, NY

Planted Area





Landmarks Preservation
Commission

Meenakshi Srinivasan
Chair

Katie Rice
Compliance Officer
krice@lpc.nyc.gov

1 Centre Street
9th Floor North
New York, NY 10007

212 669-7951 tel
212 669-7960 fax

March 9, 2015

Christine Berthet
Manhattan Community Board Four
330 West 42nd Street, 26th Floor
New York, NY 10036

Re: 180 10th Avenue ("The Highline Hotel")
MN: 718/7502

Dear Ms. Berthet:

Thank you for your recent letter to Chair Srinivasan regarding 180 10th Avenue ("The Highline Hotel"). The letter was referred to the Enforcement Department for investigation.

Staff conducted a site visit and reviewed the approved plans, and found that many of the items described in the letter are landscape features that would not be regulated by the Commission. In addition, the owner recently received an amendment for the as-built conditions at the front courtyard, including installation of a continuous steel planter box along the interior perimeter of the low stone walls and iron fencing on the corner of 10th Avenue and West 20th Street, a wood composite deck and step at the sunken bluestone areaway to align with the level of the gravel courtyard, ten new flush mounted floor light fixtures at the gravel courtyard, nineteen new surface mounted floor light fixtures at the gravel strip along the primary east façade, and two new spot light fixtures at the gravel strip near the east entrance door. Due to many of the landscape features not being under the jurisdiction of the Commission, and the amendment for the as-built conditions, no enforcement action was taken. You may submit a records request to review the recent amendment (LPC 16-6904).

Please call or email me if you have any questions or concerns at (212) 669-7951 or krice@lpc.nyc.gov.

Sincerely,

Katie Rice