

# COMMUNITY BOARD 7 Manhattan

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March 11, 2015

Honorable Bill de Blasio  
Mayor  
City of New York  
City Hall  
New York, NY 10007

Honorable Alicia Glen  
Deputy Mayor for Housing and Economic Development  
City of New York  
City Hall  
New York, NY 10007

Honorable Carl Weisbrod  
Chairman  
City Planning Commission  
22 Reade street  
New York, NY 10007

Honorable Vicki Been  
Commissioner  
Department of Housing, Preservation & Development  
100 Gold Street  
New York, NY 10038

Re: Comments of Community Board 7/Manhattan To Application No. P2013M0272 To the City Planning Commission by The Collegiate School and Hudson Waterfront Associates, L.P., for Riverside South Parcel K-2 (Manhattan Block 1171, Lot 151).

Dear Mayor De Blasio, Deputy Mayor Glen, Chairman Weisbrod, and Commissioner Been,

Community Board 7/Manhattan submits the following comments to the Department of City Planning in connection with the above-referenced application for modification of the previously approved Riverside South Special Permit, subject to the conditions of the 1992 Restrictive Declaration pursuant to C920358ZSM (the "Riverside South Restrictive Declaration").

CB7's comments concern two aspects of the modifications sought in connection with this application:

(1) the relocation of affordable housing required to be included in the Riverside South Special Permit area; and (2) changes in the urban design controls to facilitate the change in proposed use of the site from mixed residential/retail to community facility.

At the outset, CB7 notes that it holds the Collegiate School in high regard. The School has designed a building which, but for the features objected to below, represents a great deal of thoughtful planning. It is our hope that the City Planning Commission will direct the school to address these few remaining issues prior to approval. However, the relocation of required affordable housing presents a significant issue to the community and we strongly oppose the current proposal.

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***(1) Affordable Housing***

**Current Status** - In July, 2014 Collegiate School came before CB7 and proposed a clear and simple plan for how they would relocate the 55 units of affordable housing required at this site under the 1992 Restrictive Declaration. Their original plan, which we approved with minor reservation, was that the affordable units must be found in only one of two ways. First, all effort would have been made to find the 55 units in new construction at Riverside Center. Second, should this avenue of securing the units not succeed then they would purchase already constructed market-rate units throughout Riverside South and convert those to an affordable status.

The presentation made by the applicant's architect, Doug Hoffman from KPF now the designer of the exterior together with the attorney, Ethan Goodman of Fox Rothschild, reported that neither option proved feasible as all negotiations that were initiated on behalf of the Collegiate School had collapsed, two weeks prior to this presentation. The Collegiate School representatives, reported that the only option remaining, that would meet the school move in date at the K-2 site, was to set aside a reserve fund that would be paid to the City of New York and allocated for affordable housing, off site but within the district.

**In-Area Unit Placement** – CB7 feels strongly that keeping these 55 units of affordable housing in the area of Riverside Center is a top priority for the Community. In our support for Collegiate School, we accommodated their original request to expand in-area placement to the entirety of Riverside South. However, expanding further than the immediate environs of Riverside Center strays too far from the original purpose of these affordable units. It is a priority for CB7 that we have economically diverse communities and pushing these units too far northward is counter to that goal.

**Monetization of Units** – Collegiate School now proposes to distribute \$50 million via the City of New York to the Housing Preservation & Development (HPD) to secure the appropriate Building Department permits to start construction in lieu of delivering affordable units for a Certificate of Occupancy. The funds are to be earmarked solely for use for these 55 affordable housing units as a pass-through contract. We have strong concerns about this model.

However, we recognize Collegiate School's timetable is such that further delay may postpone the opening of this building for another school year. If CB7 were to support this monetization strategy proposed by Collegiate we would need strong protections to ensure the fair delivery of affordable units. The provisions that we would require to support monetization include:

- CB7 requires a minimum of 55 units of affordable housing be constructed in accordance with this minor modification.
- We would be amenable to the \$50 million as a form of down payment to start this process. However, the provision of this money is only a first step. Should this money produce 55 or more units of affordable housing then the Collegiate School's obligation would be met. Should more money be required for the delivery of the 55 units then Collegiate must be held responsible for providing the balance of the funding required to

construct the 55 units once the \$50 million is expended and prior to the completion of the affordable units. The appropriate legal instrument must be signed by the Collegiate School requiring them to produce at least the original 55 units.

- Should this \$50 million provide more than 55 units of affordable housing then Collegiate will not be entitled to a reimbursement.
- As a protection against this plan stalling out, we would require a gradual inflationary increase in either the number of units they are required to provide or the deposit of additional funds in the eventual escrow account.
- As a protection against these units moving too far from our desired in-area placement, we would need a corresponding increase in required units (beyond 55) to mitigate impacts of losing the affordable housing from this neighborhood.
- CB7 is to be provided quarterly reports stating status and progress of any affordable housing actions with financial statements, as appropriate.

**Permanent Affordability** - Collegiate School must work with HPD to ensure that the affordable units will be placed into a program that ensures permanent affordability and that these units will in no way be able to leave their affordable status at any future date. These units must be kept permanently affordable despite whatever program(s) may be in place for the other affordable units in the Riverside South Development.

## ***(2) Urban Design Controls.***

**Street level Retail** - Collegiate is seeking to convert a residential site with mandated retail use on Freedom Place into a community facility use with no mandatory retail. At the previous presentation in July of 2014, the design of the building maximized the build-out to the property line to enable the gymnasium and auditorium to be inserted below grade. These double height spaces required by their respective programs, raises the floor level at the street grade. The consequence is a windowless space between five and nine feet at the exterior perimeter of the building, i.e. street wall. Equally problematic is the creation of a private play area that takes the place of the originally intended and required open space, essentially privatizing the public space. These two aspects of the previous design contradict the goals/intentions of the Restrictive Declaration.

**Use of More Glass** - The design presented by the replacement architects, KPF, re-worked the lower two levels to increase the areas of glass and visibility to the majority of the school street frontages – an effort to recall retail storefronts, which almost succeeds. While this does admit a view into the school lobby and cafeteria areas located on an internal mezzanine, the perimeter walls remain at five to nine feet, except at the corner of 62<sup>nd</sup> Street and West End Avenue. Here, the corner of the building has been cut away to create cascading steps, which resolve the wall issue but create a multiple, security concerns and loitering hazards. The cascading steps become a de-facto public space not only during arrivals and departures, but when the school is closed and without supervision. In wet and cold weather, the steps present fall risks. Lastly, this will be difficult to maintain and pose a safety risk to residents at nighttime, as this area will be secluded and unused.

**Privatization of the Open Space** - The 60 foot gap remains in this redesign, but with a different type of retaining wall. Recognizing the need for access, a two-tiered wall system has been designed. The outer wall at the street line conceals steps to one side and an ADA ramp at the opposite side. The taller wall rises on the inside wall to protect the play area, that also has metal fence above constructed with open pickets. The top of each wall is described as a long planter that will serve to enliven an otherwise long masonry wall and serve as sound deadening materials. The flaw in this design is that the wall faces north, with the likelihood that the plantings are not likely to survive, and any sound-absorbing properties would no longer exist. The space between the two walls, although possibly gated at the street wall entrances, invites loiterers, is not visible from the street and creates an unsafe and unsupervised space adjacent to a school. The use of this gap for private use is not currently permitted under the Restrictive Declaration.

**Traffic Control for Designated Drop-Off and Pick-up Areas** - Grades K-8 most often require bus, student transportation services or private car drop-off and pick-up. With The Heschel School across the street fronting West End Avenue, the proposed PS/IS 342 (Pre-K -8<sup>th</sup> Grade) now under construction, and John Jay College two blocks south, this put enormous congestion potential at morning and evening rush-hours on West End Avenue. West End Avenue has already been “re-striped” for left turn designated lanes, both north and south bound. The corner entrance needs to be clearly sign-posted with at a minimum, a Traffic Management Plan prepared by the Collegiate School to assist and manage traffic flow during peak drop-off and pick-up times.

As CB7 stated in our last comments regarding the change of use, we urge the City Planning Commission not to approve this proposed second attempt at a minor modification to insert a school, unless the school can demonstrate the following:

- Eliminate the nine-foot and the five-foot walls at 62<sup>nd</sup> street and West End Avenue frontages, or provide compensating amenities, which enliven the street level appreciation of the building and encourage active street life compatible with an otherwise residential-retail neighborhood.
- Consider the placement of clerestory window.
- Incorporation of perimeter lighting within the wall.
- Eliminating the masonry at the play yard street access and creating the requisite knee walls / guard rails of glass or open ornamental metal railings, all of which might serve to enhance the street-friendliness of the building.
- Redesign the corner entrance to provide a secure plaza.
- Mandatory review of any design proposals for the treatment of the perimeter of the school, as the proposals thus far do not comply with the requirements of the Restrictive Declaration.
- Submittal of any revised design drawings and a set of final design drawings indicating substantial compliance with the major elements at the street wall including but not limited to: wall height and construction materials, fencing, signage, entrances and entrance gates, surveillance measures, street lighting and building lighting when the

school is closed, distinctive pavements and plaza steps or platforms, access and ADA ramps, and landscape treatment of any perimeter area of the school building.

- Preparation of a Traffic Management Plan that is submitted to the Transportation Committee of CB7 for review with a new Task Force to be created that includes representation from all schools within a five-block radius of the Collegiate School. These schools must be notified and invited to attend and submit recommendations. In addition, current residents, within a two block radius are also to be notified, particularly as additional residential buildings will be coming on-line over the next two to three years, increasing the traffic that discharges onto West End Avenue.
- It is anticipated that this Traffic Management Plan will be updated and submitted to CB7 quarterly, stating status and progress of safety measures, changes in drop off and pick-up times (if any), and the times when school safety patrols will be required at all street crossing and the times of day when the safety patrol and their routing takes place.
- The Temporary Certificate of Occupancy (TCO) is to be contingent on the distribution and acceptance of the Traffic Management by the above mentioned stake holders and prior to the issuance of a Final Certificate of Occupancy.

CB7 continues to seek a mutually agreeable design with the Collegiate School. It is our hope that the City Planning Commission will direct the school to address these significant lower level street wall issues prior to approval assuring a design solution that satisfies the needs of the school as well as the immediate neighborhood.

Respectfully submitted,



Elizabeth Caputo  
CB7 Chair



Nick Prigo  
Housing Committee Chair



Richard Asche  
Land Use Committee



Page Cowley  
Land Use Committee Co-Chairs

Cc:

Manhattan Borough President Gale Brewer  
City Council Member Helen Rosenthal  
State Assembly Member Linda Rosenthal  
State Senator Adriano Espaillat  
Congressman Jerrold Nadler