



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**Delores Rubin**  
Chair

**JESSE R. BODINE**  
District Manager

April 14, 2016

Hon. Margery Perlmutter, Chair  
Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

**Re: Application for Special Permit for 515-519 West 26<sup>th</sup> Street to Permit a School in M1-5 District**

Dear Ms. Perlmutter:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No. 4 (CB4), following a duly noticed public hearing at its regularly scheduled meeting on April 6, 2016, voted, by a vote of 37 in favor, 1 opposed, 0 abstaining and 0 present but not eligible to vote, recommended approval, with one condition, of an application to the Board of Standards and Appeals (BSA) for a special permit to allow the operation of six classrooms for Avenues School on the fourth floor of 519 West 26<sup>th</sup> Street, which is located in an M1-5 zoning district. The Board's condition is that the term of the special permit be limited to two years.

**Background**

Avenues School (the "School") is a for-profit school offering pre-K through high school. It opened in 2012 at 259 Tenth Avenue and occupies the entire western block front of Tenth Avenue between West 25<sup>th</sup> and West 26<sup>th</sup> Streets.

Faced with rapid growth, the School was granted a special permit to locate classrooms in space leased from a new building being constructed at 540 West 26<sup>th</sup> Street, located in an M1-5 zone (BSA CAL No. 61-15 BZ - September 22, 2015). With the current application the School seeks a special permit for temporary classroom space in 519 West 26<sup>th</sup> Street, in the same M1-5 zone, until the new building is ready for occupancy. On March 4, 2016, the Department of Buildings issued an objection to the proposed use stating that the proposed Use Group 3A is not permitted as-of-right in an M1-5 zone per ZR 42-12 and ZR 42-14.

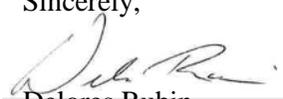
The School has entered into a ten year lease for the fourth floor of 519 West 26<sup>th</sup> Street. It plans to use the space for classrooms until the beginning of the 2017-2018 school year, and for administrative offices thereafter. The office use is as-of-right in an M1-5 zone and does not require a special permit. On the advice of counsel the School is seeking a special permit to allow school use in the M1-5 district for two years rather than for the one year of anticipated need.

## Findings and Recommendations

BSA may grant the special permit if the application meets the general findings of ZR 73-01 and ZR 73-03, and the specific findings of ZR 73-19. The Board has reviewed the application and believes that the applicant has satisfied each of the required findings. In particular, the applicant has presented plans to safeguard students crossing West 26<sup>th</sup> Street at Tenth Avenue as required under ZR 73-19(d), as well as measures to control and monitor access to the building, its elevator and the fourth floor where the classrooms will be located.

While the Board supported the expansion of Avenues School to the new building at 540 West 26<sup>th</sup> Street, we are concerned about the potential site-by-site spread of the School's classrooms throughout West Chelsea's northern M1-5 zone adjacent to the School's main building. We support the School's need for temporary space until its new building is ready, but we do not support its continued use as school space. We therefore recommend approval of the current application on the condition that the special permit for school use at 519 West 26<sup>th</sup> Street be granted for a maximum term of two years.

Sincerely,



Delores Rubin  
MCB4 Chair



John Lee Compton, Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

cc: Hon. Gale A. Brewer  
Hon. Brad Hoylman, State Senate  
Hon. Richard Gottfried, State Assembly  
Hon. Corey Johnson, City Council

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 22, 2015

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>61-15-BZ</b>	<p>Greenberg &amp; Traurig, LLP  <b>540 West 26th Street, Manhattan</b>                      Special Permit (§73-19) to permit the operation of a portion of a school known as Avenues (<i>The School</i>) Use Group 3A, located in a M1-5 zoning district.  <b>Community Board #4M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Granted – 9/22/15</b></p>
<b>2.</b>	<b>72-15-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector, LLP  <b>9029 Flatlands Avenue, Brooklyn</b>                      Special Permit (§73-36) to permit a physical culture establishment (<i>Blink Fitness</i>) within an existing commercial building under alteration. C2-3(R5D+R4-1) zoning district.  <b>Community Board #18BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Granted – 9/22/15</b></p>

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

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April 6, 2016

To Whom It May Concern,

As part of our continued efforts to improve the appearance of the Avenues building and grounds, we have been working closely with the High Line arborist to establish additional plantings around the school. We have also improved the exterior building areas by constructing attractive enclosures around the trees and plantings. A new project we are looking forward to undertaking soon is the staining of all the plant boxes around the building.

If you have any additional questions or suggestions, do not hesitate to contact me.

Regards,

A handwritten signature in black ink that reads "Lauren Bedell". The signature is written in a cursive, flowing style.

Lauren Bedell  
Chief Administrative and Operating Officer