

294-03-BZ

CEQR #04-BSA-045M

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six story community facility that does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Sybil Pollet.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....

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Negative:.....

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Abstain: Chair Srinivasan.....

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Absent: Commissioner Chin.....

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 21, 2003, acting on Department of Buildings Alteration Application No. 103495004, reads:

1. The proposed enlargement in an R10-H zoning district exceeds the permitted lot coverage, pursuant to §24-11 of the Zoning Resolution.
2. The proposed enlargement in a C5-1 zoning district does not satisfy the rear yard requirements, pursuant to §33-26 of the zoning resolution.
3. The proposed enlargement in an R10-H zoning district does not satisfy rear yard requirements pursuant to §24-36 of the zoning resolution.
4. The proposed enlargement increases the degree of non-compliance pursuant to §54-31 of the zoning resolution.
5. The proposed enlargement does not comply with §92-042(c), limits on recesses in front walls in the special park improvement district.”; and

WHEREAS, a public hearing was held on this application on January 6, 2004 after due notice by publication in *The City Record*, and then laid over to January 27, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice-Chair Satish Babbar, Commissioner James Chin, Commissioner

Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six-story community facility that does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c); and

WHEREAS, the Board notes that the N.Y.C. Landmarks Preservation Commission has granted a Certificate of Appropriateness for the proposed work on November 14, 1997, renewed December 5, 2002, and that said approval and renewal are in the record; and

WHEREAS, the subject zoning lot is a 100'5" by 225' lot, with a total lot area of 22,593.75 sq. ft; and

WHEREAS, the zoning lot is divided by R10-H and C5-1 district boundaries, and that portion of the zoning lot from Fifth Avenue to 125' east of Fifth Avenue lies within the Special Park Improvement District; and

WHEREAS, the subject lot is occupied by a non-complying landmarked six-story building designed by McKim, Mead and White, which currently houses the Metropolitan Club (the “Club”), a not for profit corporation; and

WHEREAS, the applicant states that the Club was formerly for the exclusive use of men, who were served by an all male staff; and

WHEREAS, the applicant further states that the original design of the building contemplated 250 members; and

WHEREAS, the applicant represents that the Club now has approximately 1560 male and female members, and that the staff also consists of both men and women; and

WHEREAS, the Club would like to ensure safe entrance and egress for its predominantly elderly members, provide adequate elevators for disabled members, and provide sufficient handicapped-accessible bathrooms for both men and women; and

WHEREAS, in light of the above stated goals, the Club proposes to install new fire-rated, fully enclosed egress staircases from each floor to the street; to install an elevator accessible to the disabled, in compliance with both the Americans with Disabilities Act and Local Law 58/87; and to install bathrooms for male and female members in compliance with Local Law 58/87 and Building Code Reference Standard 16; and

WHEREAS, the applicant states that the following are unique physical conditions that create practical difficulties and unnecessary hardships in constructing the proposed improvements to the building in conformity with underlying district regulations: lack of available open space on the lot, the landmarked status of the building and its courtyard, the lack of space in the interior of the building for the necessary improvements, the need to preserve the architecturally

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significant interior space, the irregular rear yard, and the division of the lot by district boundaries and inclusion of part of the lot within the Special Park Improvement District; and

WHEREAS, the applicant states that the Club explored as-of-right alternatives and subsequently determined that no such alternative was feasible, thus necessitating the need for a variance; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate as to this particular building and in conjunction with the stated programmatic need of creating a handicapped-accessible facility, with amenities for both men and women, create practical difficulties in developing the site in strict conformity with current zoning; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant states that the proposed work would increase the lot coverage of the building by only 1.84% and not diminish the light and air to the Club or to legal windows in the adjacent building; and

WHEREAS, the proposal will result in the removal of exterior open metal stairs in the rear yard; and

WHEREAS, the applicant claims that of the improvements would be recessed from Fifth Avenue, thereby reducing the view of the improvements from the street; and

WHEREAS, based on the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and that, in fact, the proposal will be of benefit to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that

**A true copy of resolution adopted by the Board of Standards and Appeals, January 27, 2004.
Printed in Bulletin Nos. 5-6, Vol. 89.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

would require the preparation of an Environmental Impact Statement.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six story community facility that does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c); *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 10, 2003"- (16) sheets, and *on further condition*:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 27, 2004.