

CEQR #01-BSA-075M

APPLICANT - Rosenman & Colin, LLP, for Columbia University; Congregation Ramath Orah, owners.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223.

PREMISES AFFECTED - 2824-2834 Broadway; 550-560 West 110th Street; 253-259 West 109th Street, westernmost portion of the block bounded by Broadway, 109th and 110th Streets and Amsterdam Avenue, Block 1881, Lots 1, 3, 4, 6 and 56, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Gary R. Tarnoff.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4
Negative:

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 18, 2000, acting on Applic. No. 102916855, reads;

"1. Proposed new building on a zoning lot located in C1-5 and R8 zoning districts (the subject zoning lot") does not comply with the height and setback regulations of the Zoning Resolution Sections 33-431 and 24-522 along Broadway and West 110th Street and rear setback regulations of the Zoning Resolution Section 24-552.

2. Proposed new building increases the degree by which the subject zoning lot does not comply with the lot coverage regulations set forth in the Zoning Resolution Section 24-11.

3. Proposed new building increases the degree by which the subject lot does not comply with the required rear yard equivalent regulations set forth in Zoning Resolution Section 24-382.

4. Proposed new building on the subject zoning lot is occupied by commercial use above first story ceiling and community facility uses on upper stories contrary to the Supplementary Use Regulations of zoning Resolution Section 32-421.

5. Proposed new building on subject zoning lot increases the degree by which existing residential buildings do not comply with the Minimum Distance between Legally required windows and walls or lot lines requirements of Zoning Resolution Section 23-861.

WHEREAS, the proposed building will generally be comprised of commercial uses on the ground floor, the

6. Proposed new building on subject zoning lot will create, with respect to existing residential buildings on subject zoning lot, non-compliance with the required lot area per room requirements set forth in Zoning Resolution Sections 23-223."; and

WHEREAS, a public hearing was held on this application on May 1, 2001 after due notice by publication in the Bulletin and laid over to June 5, 2001; and then to June 19, 2001 for decision; and

WHEREAS, Community Board No. 7 Manhattan recommended approval of this application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice-Chair Paul Bonfilio, R.A.; and

WHEREAS, this is an application to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay and in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223; and

WHEREAS, the subject zoning lot is irregularly shaped, with 171' 10" of frontage on the east side of Broadway (the entire frontage of Broadway between 109th and 110th Streets), 200' of frontage on West 110th Street/Cathedral Parkway, and 125' frontage on West 109th Street; and

WHEREAS, the zoning lot is located in an R8 zoning district; the western 100', along Broadway, is located in a C1-5 overlay district; and

WHEREAS, the site is occupied by a 5 story residential building fronting on West 109th Street (Lot 6), a 5-story mixed building at the corner of Broadway and West 109th Street (Lot 1) a 2-story commercial building on Broadway (Lot 3) and a 2-story synagogue on West 110th Street (Lot 56), all of which would remain on the subject zoning lot; and

WHEREAS, there is also an existing 2-story commercial building at the northwest portion of the zoning lot (Lot 4), with frontage on Broadway and West 110th Street, which will be demolished; and

WHEREAS, altogether, the zoning lot contains a total of 26,798 square feet of lot area and 33,059 square feet of the floor area; and

WHEREAS, the applicant's proposal would require the demolition of one building (Lot 4), a two-story plus cellar building occupied by a commercial use; and

WHEREAS, the proposed building is 12 stories and 149 feet tall containing 141,128 square feet of floor area, with a mechanical bulkhead rising 24' over the roof; and

WHEREAS, the proposed building is 136' 10" wide along Broadway, extending over an existing bank and maintains a continuous street wall up to the 12th floor on Broadway and 10th floor on West 110th Street, and sets back from the rear at a point 37' east of the Broadway street line on the north and south faces; and

school on floors 2-6, and faculty housing on floors 6-12; and

WHEREAS, 7,261 square feet of commercial space on the

ground floor, to be accessed from Broadway and West 110th Street, will provide general retail uses for users and residents of the proposed building and the community at large; and

WHEREAS, various university officials demonstrated that because of the extraordinarily competitive environment in higher education and the need to attract and retain top researchers and educators, the University's programmatic needs include an attractive working and living community for scholars; and

WHEREAS, therefore, the proposed building will include faculty housing and a school with grades Kindergarten through eighth for the children of the university's faculty; and

WHEREAS, in addition to serving the children of Columbia faculty and staff it is Columbia's goal that 45% of the students in the school will be selected from the community and will be provided financial aid appropriate to their ability to pay tuition; and

WHEREAS, in addition, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare; and

WHEREAS, the applicant represents that the existing buildings on the Zoning Lot constitute a unique physical condition that creates practical difficulties and unnecessary hardship in designing a new building that meets the programmatic needs of the University and the School; and

WHEREAS, these existing buildings are significantly under built, and they consume a large amount of lot area relative to the floor area that they generate and they significantly reduce the footprint of a new development and the sufficiency of its floorplates for the school and faculty housing use; and

WHEREAS, the record indicates that the school requires floorplates that are large enough for classrooms with proper size, location, and adjacencies, and the faculty housing floors require floorplates that will allow faculty housing units of the proper size and layout; and

WHEREAS, evidence in the record shows that these requirements cannot be met in the Complying Building because of the unique conditions on the Zoning lot; and

WHEREAS, since Columbia is a non-profit organization, a Section 72-21 (b) finding is not required to grant the variance requested by this application but the proposal is necessary to meet its programmatic needs; and

WHEREAS, the erection of the building will be designed so that it blends into the existing character of the neighborhood; and

WHEREAS, in response to community concerns, Columbia University has agreed to preserve, completely renovate and modernize the two apartment buildings on West 109th Street, containing 17 apartments, to be residences for non-Columbia members of the community for at least 30 years, at "affordable rents," and these rents will be defined as affordable to households spending less than 30% of their total household income on rent, with household incomes less than 90% of the Area Median Income (AMI) of NYC as defined by HUD; and

WHEREAS, the applicant has agreed to relocate within the existing building or in a building of similar quality in the

immediate vicinity, all tenants housed at the 253, 259 and West 109th Street buildings whose apartments will be affected by the waiver of the minimum distance requirements; and

WHEREAS, the retail space on Broadway in the building to be constructed shall be leased for use as a food market; and

WHEREAS, therefore, the Board finds that the proposed 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

WHEREAS, a survey of the neighborhood reveals that the size and bulk of the proposed building will be consistent with that of many of the surrounding buildings; and

WHEREAS, all of these existing buildings maintain a continuous streetwall, as does the project, without setback, up to the full height of their facade; and

WHEREAS, many of these buildings are shaped with solid mass along Broadway and then have deep recess or courtyard parallel to Broadway, so that when viewed from the north or south the buildings appear slender and well proportioned; and

WHEREAS, the facades of many of these buildings are detailed with horizontal and vertical banding to maintain a scale along the street; and

WHEREAS, the proposed building incorporates these design principals; and

WHEREAS, the proposed building has a strong rectangular-shaped street presence on Broadway that appears as a thin slab; and

WHEREAS, the continuous street wall of the project is consistent with the size and proportion of the surrounding buildings; and

WHEREAS, the proposed building includes strong horizontal banding to relate to the adjacent cornice lines and vertical details to maintain an overall scale to the building; and

WHEREAS, the existing residential buildings on the zoning lot will have their facades restored as part of a separate project; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the programmatic needs of the university; and

WHEREAS, 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 has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved, that the Board of Standards and Appeals issues the Conditional Negative Declaration dated April 6, 2001 and duly published on April 18, 2001 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental

Quality Review and makes the required findings under Z.R.

§72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit the

proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 7, 2001 - (23) sheets, and "April 6, 2001 -(1) sheet" and on further condition;

THAT the retail space on Broadway in the building to be constructed shall be leased for use as a food market of similar size;

THAT, in accordance with BSA approved plans, all fire safety measures shall be complied with;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

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

Adopted by the Board of Standards and Appeals, June 19, 2001.