



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 21

C 040399 ZSM

IN THE MATTER OF an application submitted by the New York Society Library pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear yard requirements of Section 24-36 (Minimum Required Rear Yards) to allow a 12-foot, 2-inch rear yard at the sixth floor level in connection with a proposed enlargement of an existing 6-story building located at 53 East 79th Street (Block 1491, Lot 25) in an R10 District, within the Special Park Improvement District (PI), Borough of Manhattan, Community District 8.

The application for the special permit was filed by the New York Society Library on April 12, 2004 to allow a modification of the bulk regulations of a 12-foot, 2-inch rear yard on the sixth floor of a community facility enlargement at 53 East 79th Street. The building is a New York City landmark and is located within an R10 zoning district.

BACKGROUND

The New York Society Library (NYSL) is an existing six-story structure built in 1916 as the John and Catherine Roger House. The site (Block 1491, Lot 25), approximately 4,308 square feet, is located on the northerly side of East 79th Street between Madison and Park avenues in an R10 (Park Improvement District) within the Upper East Side. The existing building contains 25,293 square feet of floor area. The premise was converted from a mansion to a library in 1937 and designated as an individual landmark in 1967. The library contains approximately 220,000 volumes of books and operates as a membership organization. Its reference division is open to the general public on a walk-in basis.

The surrounding block contains a mix of apartment buildings including 5-story townhouse and

14-to 25-story apartment buildings on the avenues and several 5-story walk-ups and townhouse on the mid-block between East 79th and 80th streets.

The lot is 42 feet 2 inches wide by 102 feet 2 inches deep. The existing building has a rear yard of 12 feet 2 inches deep which was legal when it was constructed in 1916. The building street wall of 69 feet height, followed by a setback of four feet on the fifth floor and a setback of 26 feet to the penthouse. The existing building height including bulkhead is approximately 90 feet. The existing floor plate typically consists of reading rooms in the front, and 12 tiered stacks in the rear of the building including the cellar and sub-cellar levels that was added in 1937.

The applicant proposes to add 2,442 square feet of floor area to the existing facility. The proposed built floor area would be 27,735 square feet while 43,080 square feet is permitted on the site. The proposal would enlarge portions of the building's sixth floor in the front, and rear which result in 1,704 square feet of new floor area, fill in the light well in the eastern side of the building from the third to fifth floors resulting in 738 square feet of new floor area. A portion of the sixth floor enlargement permeates the rear yard by approximately 17 feet 10 inches deep, leaving only 12 feet 2 inches from the rear of the property line, that is similar to the legal third through fifth floors. This would allow the NYSL to increase stack space and reading room for certain programmatic needs and structural requirements.

The Landmarks Preservation Commission issued a favorable report and permit regarding the landmark NYSL building on March 25, 2004. The report included a program for continuing

maintenance that the bulk modifications would result in the restorative work required for preservative purposes, and a Certificate of Appropriateness that the bulk modifications would relate harmoniously to the subject landmark building. There is no proposed use modification of the building at 53 East 79th Street.

The City Planning Commission may permit modification of the bulk regulations pursuant to Section 74-711 of the Zoning Resolution for a zoning lot containing a landmark designated by the Landmarks Preservation Commission (LPC). The applicant is seeking a special permit to modify the minimum required 30-foot rear yard for a proposed six-story enlargement in an R10 zone (10.0 FAR) pursuant to Section 24-36 of the Zoning Resolution.

ENVIRONMENTAL REVIEW

This application (C 040399 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 040399 ZSM) was certified as complete by the Department of City Planning on January 18, 2005, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on February 16, 2005, and on that date, by a vote of 24 to 5 with 3 abstentions, adopted a resolution recommending approval of the project subject to the condition that the applicant meet with the surrounding neighbors to resolve issues relating to the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 10, 2005.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 11), the City Planning Commission scheduled March 30, 2005, for a public hearing on this application (C 040399 ZSM). The hearing was duly held on March 30, 2005 (Calendar No. 29). There was one speaker in favor of the application and none in opposition.

The representative of the applicant described the zoning action and restorative work required

under the continuing maintenance program for preservation purposes. The representative also indicated that the applicant had met with the president of the adjoining cooperative apartment building located at 39 East 79th Street regarding the location of the cooling tower on the roof of the sixth floor. The cooling tower would remain at the same location but it would be replaced by a new state-of-the-art model.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this the special permit is appropriate.

The New York Society Library was built in 1916 -1917 as a limestone Italian Renaissance residence and one of the most impressive of the four landmark townhouses on the north side of East 79 Street between Madison and Park avenues. The subject building is situated between a 14-story apartment building (167 feet tall) at the corner of Madison Avenue and East 79th Street, one of five-story townhouses (varying from 60 to 62 feet tall) within the midblock as well as 13-story, and 28-story apartment buildings (respectively 160 feet and 262 feet tall) at the corner of Park Avenue and East 79th Street (a.k.a. 900 Park Avenue). There is a 25-story full lot coverage apartment building (221 feet tall) at the corner of Madison Avenue and East 80th Street (a.k.a. 1047 Madison Avenue), a Manhattan Church of Christ (70 feet tall), four- to five-story rowhouses (varying from 56 to 58 feet tall), six-story apartment building (60 feet tall), and a 14-story apartment building (150 feet tall) at the corner of Park Avenue and East 80th Street (a.k.a.

910 Park Avenue). Aside from the two corner buildings, there are four, five-story walk-up apartments (56 feet tall) at 1039 to 1045 Madison Avenue.

The proposed bulk modification would facilitate the enlargement of the sixth floor and preservation of the entire building at 53 East 79th Street. The Commission notes that the buildings that exist at 1045 and 1043 Madison Avenue are built to the rear lot line against 48 East 80th Street. The buildings located at 1041 and 1039 Madison Avenue are also built to the rear lot line. The subject building has an existing encroachment on the westerly side of the sixth floor that extends to the rear of the existing building at 48 East 80th Street. Accordingly, the addition to the easterly portion of the sixth floor would not have any effect on other buildings to the west of the site and limited, if any, effect on surrounding buildings. As the encroachment would occur at a high level, it would have limited, if any, effect on nearby or adjacent properties.

The subject property extends thirty (30) feet beyond the adjacent building to the west (1033-37 Madison Avenue a.k.a. 39 East 79th Street). It is only one-story taller than the adjacent building to the east (59 East 79th Street), which extends beyond the subject premises in the rear by two feet. The subject building is shorter than the 14-story building immediately to the west and also to the 13-story and 28-story building at 79 East 79th Street and 81 East 79th Street (a.k.a. 900 Park Avenue) but taller than the five-story buildings at 59, 63, and 79 East 79th Street. The height of the subject building is not being increased. The buildings at 48, 50, 52, 54, 56, 60, 62 and 66 East 80th Street encroach in the rear yard with a remaining depth of less than ten feet, and in some cases, no rear yard (i.e. 48 and 52 East 80th Street). The encroachment would occur on the

sixth floor of the subject property and will have minimal impact on the structures, open space in the vicinity in terms of scale, location and access to light and air.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all district) of the Zoning Resolution:

- (1) such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air; and
- (2) Not Applicable.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the New York Society Library for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear yard requirements of Section 24-36 (Minimum Required Rear Yards) to allow a 12-foot, 2-inch rear yard at the sixth floor level in connection with a proposed enlargement of an existing 6-story building located at 53 East 79th Street (Block 1491, Lot 25) in an R10 District, within the special Park Improvement District (PI), Borough of Manhattan, Community District 8, is approved

subject to the following terms and conditions:

1. The property that is the subject of this application (C 040399 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by James Vincent Czajka, Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
001	Cover Sheet	December 10, 2004
003	Proposed Section	December 10, 2004
004	East 79 th Street Existing & Proposed Facade	December 10, 2004
005	Rear Elevation Existing & Proposed	December 10, 2004
008	Stack Levels 7, 8.& 9 Existing and Proposed	December 10, 2004
009	Stack Levels 10, 11 & 12 Existing & Proposed	December 10, 2004
010	Stack Levels 13, 14 & Roof	December 10, 2004

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for such condominium, homeowners' or cooperative offering plan and, if the Attorney General so direct, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated April 20, 2005, executed by New York Society Library, Inc., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent

of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 040399 ZSM), duly adopted by the City Planning Commission on April 27, 2005 (Calendar No. 21), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, Chair
KENNETH J. KNUCKLES, Vice-Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLA, III, RICHARD W. EADDY, LISA A. GOMEZ,
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Commissioners