

FILED
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CLERK OF THE CITY
PLANS

**STATEMENT IN SUPPORT
OF CERTAIN VARIANCES
FROM THE PROVISIONS OF
THE NEW YORK CITY ZONING RESOLUTION**

Affected Premises:

**CONGREGATION SHEARITH ISRAEL
6-10 West 70th Street/99-100 Central Park West
Block 1122 Lots 36 & 37
Manhattan**

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situated in the Upper West Side/Central Park West Historic District, only the Synagogue is an individually designated landmark.

The purpose of the New Building is to address several infringements on the mission of CSI as a house of worship, center of Jewish education and culture and provider of community programming open to the public. The Synagogue has severe circulation limitations which interfere with its religious programming. These limitations cannot be addressed through interior alterations. In addition, the physical obsolescence and the ill-configured floorplans of the current Community House compromise CSI's religious, educational and cultural missions. Combined, the configuration of the structures on the zoning lot make it impossible to utilize in a feasible manner any of the lot's unbuilt zoning floor area in order to address any of these programmatic difficulties. As further described throughout the Application, the New Building addresses the programmatic difficulties by providing: (1) new horizontal and vertical circulation systems for the Synagogue to eliminate systemic shortfalls in its construction and design that limit barrier-free access to its sanctuaries and ancillary facilities and that cannot practically be addressed through physical exterior alterations and/or enlargements to the Synagogue itself, (2) a new "Community House" (being the two cellars and the first four floors of the New Building) providing offices and specialized rooms supporting religious, educational and cultural uses that are essential to CSI's mission but either cannot be accommodated within or beneath the Synagogue or can no longer be accommodated in the physically obsolescent and deteriorating existing Community House; and (3) residential use on floors 5 – 8 (plus penthouse) to be developed as a partial source of funding to remedy the programmatic religious, educational and cultural shortfalls on the other portions of the zoning lot. All told, the zoning lot possesses

144,857 sf of development rights. The Synagogue and Parsonage combined use 27,759.20 sf of those rights or 19.2 percent of those available. The Community House currently uses 11,078.8 sf (7.6 percent). When completed, the New Building will increase the zoning floor area for community facility uses by 8,843.56 sf above grade and will add 11,491.72 sf of floor area in two cellars below grade. The residential portion of the New Building will use 23,066.93 sf, out of 144,857 sf of potentially available development rights.

The New Building cannot be constructed in a manner consistent with the Zoning Resolution with regard to its yards, streetwall, lot coverage and height and setback that will overcome the current religious, educational and cultural programmatic difficulties. These zoning issues are described at length below. The need for the waivers requested in this Application stem from (1) the lack of any feasible options to modify the existing structures consistent with the Zoning Resolution that will address these severe programmatic difficulties; (2) the Synagogue's substantial existing zoning noncompliances and (3) the parallel jurisdiction of the Landmarks Preservation Commission, which has approved unanimously both the massing and the design of the New Building, and by so doing has expressed views substantially similar to CSI regarding the need to protect the architectural heritage of the landmarked Synagogue. In sum, while the landmark status of the Synagogue clearly presents hurdles in addressing the programmatic difficulties in a manner compliant with the Zoning Resolution, no claim is made herein for the granting of a variance based on the landmark status of the Synagogue or its location within a historic district. The hardships imposed by attempting to overcome the religious, educational and cultural difficulties facing CSI through a new building that complies with the Zoning

In 1954, CSI converted two adjacent rowhouses into the current Community House. Aside from re-cladding the façade, the scope of the alterations to the rowhouses was minimal, as evidenced by the continued presence of the shared party wall between them in many areas of the building. These original structures now comprising the Community House have reached the end of their useful life and are in need of substantial improvement. The combined buildings house a 1,668 sf multipurpose room/auditorium, which is on the same level as the Synagogue's first floor albeit at a lower level and thus cannot be entered without the use of stairs. This room is used for various meetings and as a play space for a day school which leases the space to run its programs. Approximately 1,028 sf of offices and 2,554 sf of classrooms are located above the auditorium/multipurpose space. The entire CSI administration is housed in these quarters. These include the Rabbis' study and offices, and all of the Synagogue's executive offices. All of CSI's programming for religious services and community services, which are open to public, emanates from these small spaces. CSI's community services programming is extremely active, with a number of affiliate organizations, such as the longstanding Sisterhood providing community outreach to congregants and non-congregants, Hebra Hased Va-Amet, the City's oldest Jewish philanthropic organization, which provides dignified burials for indigents and the 1654 Society dedicated to preserving CSI's historical treasures and fostering a historical awareness of the Jewish American colonial experience. CSI has a rich and detailed history of championing the plight of the poor, homeless and hungry, both globally and within the West Side community. All of those efforts are administered by staff and volunteers from within the Community House.

In addition, the Community House needs to provide space for CSI's Hebrew School of approximately 40 students and its tenant school, which enrolls 125 children between the ages of

five and seventeen in full time attendance. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Community House. In addition, CSI offers a wide range of youth activities such as monthly Shabbat dinners, “toddler Shabbat” and informal Saturday religious classes. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult congregants, the Community House provides space for educational studies in Mishneh Torah (basic principles in Jewish philosophy, ethics and law); Ladino (Judeo-Spanish language studies); Shabbat; and basic Judaism. These classes have been embraced by Jews throughout the metropolitan region seeking to reach a deeper connection with their heritage.

In addition, the lack of adequate storage space and offices has forced CSI to move off-site its seminal historical archives. It remains a long-held aspiration to have suitable archival facilities on site so that more could be made of this extraordinary collection for the benefit of the congregants and children in its educational programs and scholars.

With the construction of the New Building, the floorplate of the Community House will be increased by 3,259 sf and the overall square footage of community facility use will be increased by 8,843.56 sf above grade. In addition, the demolition and replacement of the Community House will permit excavation to provide two cellar levels for programming where none exist today. The programmatic improvements to functions currently in the Community House made possible through construction of the New Building are as follows:

- New 6,432 sf multi-function room at the subcellar level.
- New babysitting room, storage and office space, dairy and meat kitchens at the cellar level.

- Enlarged barrier-free vestibule and Synagogue lobby at the first floor level.
- Expanded Small Synagogue, new exhibition space and relocated archives at the first floor level.
- New barrier-free elevator dedicated solely to accessing the Synagogue's upper levels.
- Appropriately sized Rabbinical and executive offices on floors one and two.
- Twelve (versus six existing) appropriately sized barrier-free new classrooms on floors two through four.

Without the New Building requested in this Application, CSI's existing programmatic deficiencies will remain and continue to get worse. The continuation of these deficiencies through CSI's inability to construct the New Building would seriously undermine the religious, educational and cultural mission of CSI. Only through the approval of this Application can these deficiencies be eliminated.

THE LANDMARKS APPROVAL PROCESS

A Certificate of Appropriateness for the New Building was unanimously approved by the Landmarks Preservation Commission ("LPC") on March 14, 2006. One Commissioner described the New Building's design and massing as "thoroughly modern...but speak[ing] very eloquently both to the temple adjacent and to the other brick apartment buildings." It was not only an "appropriate addition to [the Upper West Side/Central Park West historic] district, but a very positive addition . . . that will stand on its own as a landmark . . ." The official LPC March 14, 2006 recorded transcript provides the excerpts from statements by various Commissioners preceding the unanimous vote to approve the New Building:

“...this is a fine example of what can happen if[] careful evolution i[s] permitted...we have a contemporary design, finally in complete harmony with the classic building next to it...I think the reduction of height was one of the major things we felt from the beginning was necessary. Also, the redesign of the entrance relating to the old building is now very successful, and they work together beautifully.”

“I think the massing is appropriate. It is a massing that relates to the street and to its proximity to Central Park West. And, overall, I think the building will make a great contribution to the streetscape.”

“I do think [the proposal] is an elegant solution in many ways to what is a difficult and complex problem here, to try to insert this building into the existing synagogue and adjacent property.”

“ ...I think the massing with the removal of the upper penthouse is absolutely in line with the surrounding buildings, specifically, the building adjacent, with the single setback penthouse that is partially visible...Again, I have always felt that the limestone frame that is adjacent to the temple and soars over the main bulk of the building is inspired.”

The New Building represents a six-storey reduction from CSI's initial LPC submission in 2003. The reduction was necessitated due to the LPC's concerns that the height of the initial submission was not in keeping with the character of the Historic District.

The reduction in height brought with it a profound change in the nature of the zoning waivers being sought, which is highly pertinent to this Application. As originally proposed, the New Building required the transfer of substantial zoning floor area across the zoning district boundary bisecting the zoning lot, in contravention of the Zoning Resolution. This would have

zoning lot. The remainder of the zoning lot (27 percent of its total) is zoned R8B. The maximum permissible FAR for a community facility in an R10A district is 10 and for a mixed use community facility/residential building in an R8B district is 4. Because the zoning lot has been in existence since prior to December 15, 1961, it is entitled under the provisions of ZRCNY 77-22 to utilize an average FAR across the entire zoning lot. The Applicant has calculated that averaged permissible FAR to be 8.38. Using that FAR, the R10A portion of the zoning lot is permitted 105,273.75 sf of zoning floor area and the R8B portion of the zoning lot is permitted 39,582.93 sf of zoning floor area. Upon completion, the New Building will contain 42,989.39 sf (11,197.09 on the R10A and 31,792.30 on the R8B portions of the zoning lot), which amounts to a total FAR on the zoning lot of 4.09, well under the amounts permitted. In addition, included in the LPC approvals is a determination to promote a distance between the landmark Synagogue and the New Building. This was satisfactorily achieved by employing a "notch" of open space pushing west the east elevation of the New Building. This notch was imposed without regard to zoning considerations, one of which was that it eliminated from full development the only portion of Lot 37 within the R10A district. Thus the notch has the effect of requiring more floor area to be built in the R8B portion of Lot 37, thereby increasing the extent of the bulk waivers requested in this Application.

With regard to the R10A portion of the zoning lot, development of available zoning floor area is complicated by the fact that beyond 100 ft from the avenue, the existing Synagogue and Community House already exceed permitted lot coverage and that, if the Synagogue is going to remain unaltered and the air space above it undeveloped, the further use of the unused zoning floor area must be restricted to the same westernmost portion of the R10A in which the lot

building in very poor condition which long ago ceased to provide CSI with the offices, meeting rooms, archives and classrooms it requires. The allowable zoning floor area on Lot 37 totals 53,900.16 sf (based on an averaged FAR 8.38), but due to the zoning district boundary 26.6 percent of Lot 37 must be developed with R10A Quality Housing bulk regulations and 74.4 percent of Lot 37 must be developed with R8B Quality Housing bulk regulations. While the ZRCNY recognizes that the zoning lot is entitled to average the FAR of the two zoning districts, it does not provide a similar mechanism for providing relief from the R8B height and setback, streetwall and rear yard provisions correlating to the FAR 4 massing established for R8B Quality Housing developments. This alone creates practical difficulties in this case; as it is essential that the New Building's massing accommodate its role in providing circulation space for the Synagogue and appropriately sized floorplates for the Community House, which cannot be achieved within the R8B Quality Housing regulations.

Lot Coverage in R10A and R8B. (Objection 1) ZRCNY Sec. 24-11 imposes a maximum lot coverage of 70 percent for interior lots, or portions of zoning lots that are interior lots. There is no similar requirement for corner lots within 100 ft of a corner. The CSI zoning lot is partially a corner lot, which portion is entirely zoned R10A and fully covered by the Synagogue and Parsonage, and partially an interior lot. The maximum permitted lot coverage is exceeded in the remaining R10A portion located beyond 100 ft from the avenue. Within the R8B portion of the zoning lot, the New Building covers 79.8 percent of the lot measured from above its groundfloor, below which is exempt from the calculation. Without a waiver permitting lot coverage in excess of 70 percent, the New Building cannot provide the floorplans that can address the existing programmatic difficulties in either the Synagogue or the new Community House.

Rear Yard in R10A and R8B. (Objections 2 & 3) ZRCNY Sec. 24-36 requires a rear yard of not less than 30 ft for interior lots or portions of zoning lots which are interior lots in R8B and R10A districts. ZRCNY Sec. 24-33 permits community facilities to build within a required rear yard to an elevation of 23 ft or one storey above grade, whichever height is lower. The New Building does not provide a 30 ft rear yard for its first four floors, those floors constituting the community facility portion of the building to be occupied by the Community House. The first floor is fully built to the rear property line as permitted. Floors 2-4 provide only a 20 ft rear yard because those floors must align properly with the Synagogue and must provide the appropriately sized offices and classrooms. The Application is limited to requesting a waiver from the rear yard requirement for floors 2 through 4 only. Above those floors, the remaining residential floors of the New Building provide a fully compliant rear yard.

Height and Setbacks in R8B only. (Objections 4, 5 & 6) ZRCNY Sec. 23-633 governs height and setback requirements for buildings in contextual zoning districts such as R10A and R8B. The regulations establish a base height, require a setback above the base height and establish building height. The portion of the New Building within the R10A is fully compliant. In an R8B district, the permitted base height can range between 55 and 60 ft above curb, at which point the front elevation must set back 15 ft. The overall building height cannot exceed 75 ft. The New Building has a base height of 94.8 ft, a setback of 12 ft and a building height of 105.8 ft. The unique aspects of the zoning lot, including the footprint of the Synagogue, the presence of the zoning district boundary in the only portion of the zoning lot capable of development, combined with the interests of the LPC in providing a front elevation harmonious

with both the designated landmark and the historic district render it impossible to provide any useful development in accordance with the applicable provisions of ZRCNY Sec. 23-633.

With regard to LPC's consideration of the location and height of the streetwall, the Commission took note of all of the surrounding buildings in approving the New Building, none of which comply. The 9-storey building to the west, 18 West 70th, located entirely within the R8B district, has a base height of approximately 100 ft, with no setback. With an FAR of 7.23, it is almost twice its permitted bulk. The buildings directly to the north and south, 101 CPW and 91 CPW respectively, each of 15- and 13-stories, also exceed these zoning requirements in the R8B portion of their zoning lots to an extent much greater than the New Building. The FAR of 101 CPW is 13.92 and the FAR of 91 CPW is 13.03. In reducing the New Building from the 14-storey initial application to the approved 8-storey plus penthouse New Building, the Commission worked closely with CSI's architects to gauge the precise elevations for the New Building's base, its setbacks and its height so as to strike a balance with the monumental architecture of the Synagogue to its east and the considerably noncompliant streetwalls to its west and north.

Rear Yard Setback. (Objection 7) ZRCNY Sec. 663(b) requires that in both R10A and R8B districts no part of a building that exceeds the maximum building height established in ZRCNY 633 can be located within 10 ft of the rear lot line. The New Building's height complies with the maximum height provisions applicable in an R10A district. The New Building exceeds the maximum building height provisions applicable in an R8B district, thus triggering the requirements of ZRCNY Sec. 663(b). Because the ground floor of the New Building is built full to the rear property line, an objection was issued. As discussed, the ground floor of the New Building, which is permitted to be built full because its use will be an eligible community facility

use group, must spatially align with the Synagogue to provide the necessary circulation space and to provide for the expansion of the Little Synagogue.

Building Separation. (Objection 8) ZRCNY Sec. 23-711 imposes a 40 ft separation between the facing walls of the Synagogue and New Building. Inasmuch as the Synagogue and the New Building are connected for the full height of the Synagogue, there is no separation between the two buildings, thus generating the objection. Given the remaining depth of the zoning lot beyond the Synagogue's footprint is only 64 ft, providing a complying 40 ft setback for the height of the Synagogue's sloped roof would leave a developable footprint of 24 ft, which is wholly impractical.

Because of the physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot. ZRCNY Sec 72-21(b)

CSI's status as a not-for-profit religious organization renders this finding unnecessary. At the Board's request, however, due to the fact that the Application presents a situation in which Use Group 2 floor area is being created for sale to third parties as a component of the CSI's financial strategy for producing the New Building, CSI has retained the services of Freeman Frazier Associates to provide a Feasibility Study analyzing potential mixed use development on Lot 37. This analysis compared the rate of return that could be expected from the New Building containing 16,242 sf of residential floor area with a hypothetical as-of-right building that would provide 5,022 sf of residential floor area. It concluded that due to existing physical conditions on the zoning lot, including the need to address the Synagogue's circulation problems and the need to replace and enlarge the functions in the Community House, there is no reasonable possibility