



LOYOLA SCHOOL

Community Board 8 Full Board Meeting

July 21, 2021

Selected materials from the Application of Loyola School
to the Board of Standards and Appeals ("BSA")
seeking the approval to exceed the permitted lot coverage by approximately 3.4%
to facilitate the construction of a six-story Extension
in the rear yard of the existing Loyola School Building
at 65 East 83rd Street, between Park and Madison Avenues

BSA Cal # 2021-31-BZ CEQR # is 21-BSA-045M

1. May 25, 2020 Community Board 8 Resolution in connection with the Landmarks Preservation Commission ("LPC") Application
2. LPC Certificate of Appropriateness
3. Proposed Site Plan
4. Photos showing the Loyola School Building and the area of proposed construction
5. Axonometric View from Northwest showing Existing, As-of-Right and Proposed conditions
6. Statement of Findings

Alida Camp
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan**

May 25, 2020

Honorable Sarah Carroll, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Center Street, 9th Floor
New York, New York 10007

RE: 63-69 East 83rd Street (NW corner of Park Avenue)-Park Avenue Historic District *Schickel & Ditmars, Architects/Builders* – A Renaissance Revival building originally constructed in 1899-1900, housing the Loyola School. Application is for a 6-story enlargement at the rear yard and for a handicapped accessible ramp at the entrance.

Dear Chair Carroll,

At the Full Board meeting of Community Board 8 Manhattan held on May 20, 2020, the board **APPROVED** the following resolution by a vote of 47 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

WHEREAS the proposed six story enlargement in the rear yard is within a courtyard surrounded by the existing complex of buildings of Loyola School and St. Ignatius Loyola Church;

WHEREAS the Church is an individual landmark on the northern side of the site, extending west from Park Avenue along East 84th Street;

WHEREAS the Parish House on Park Avenue and the School Building on the corner of East 83rd Street and Park Avenue are within the historic district;

WHEREAS the historic district is on the southern side of the site extending from Park Avenue 100 feet to the west, to the juncture of the School Building and the Residence;

WHEREAS the proposed enlargement is within the historic district, within the existing courtyard;

WHEREAS the proposed enlargement is six stories high matching the floor to floor heights of the existing school building;

WHEREAS the enlargement abuts the School Building to the south and the Parish House to the east;

WHEREAS the enlargement is 34'-1" in the north-south direction and 40'-2 1/4" in the east-west direction;

WHEREAS the north face of the proposed enlargement is 44'-0" from the south face of the Church;

WHEREAS there is one story below grade under the enlargement and the courtyard;

WHEREAS the courtyard has a skylight to bring natural light into the floor below;

WHEREAS the enlargement is conceived of as a background building;

WHEREAS the building will be about 77'-8" high from grade to top of roof;

WHEREAS the proposed enlargement will be red brick to match the red brick within the courtyard;

WHEREAS the north face of the enlargement and the east face of the gym, which is on the western edge of the courtyard, will have a stainless steel trellis system with climbing hydrangea;

WHEREAS the masonry window openings will be 13'-4" wide and range in height from 12'-0" at the second floor to 8'-0" at the sixth floor, following the floor to floor reductions in height from the lower to the upper floors;

WHEREAS windows will be combinations of fixed and operable sash;

WHEREAS the fifth and sixth floors will have a cantilever to the west to tie into an existing egress stair in the Residence Building;

WHEREAS the existing cooling tower on the roof of the Residence Building, which is to the west of the School Building, (and which is not in the landmark district) will be removed;

WHEREAS new mechanical equipment will be placed on the roof of the enlargement;

WHEREAS this mechanical equipment will not be visible;

WHEREAS the height of the new elevator penthouse will be slightly higher than the top of the Parish House but lower and smaller than the existing chimney for the boiler plant;

WHEREAS the new elevator and a proposed exterior ramp will provide access for the disabled through the existing school building and the enlargement;

WHEREAS the new ramp will be located at the easterly end of the School Building, along the south face of the building;

WHEREAS the new ramp will be in the areaway behind a decorative cast iron fence along East 83rd Street;

WHEREAS the ramp will be 12 feet long by three feet wide;

WHEREAS the ramp will descend to an entry area with an existing doorway into the School Building;

WHEREAS the ramp will have a 14-foot-long stainless-steel railing, also set behind the decorative fence;

WHEREAS the existing gate at the existing entry will remain and a new gate at the start of the ramp to match the existing gate will be installed;

WHEREAS the proposed enlargement is invisible except for two oblique views of the top of the new elevator shaft;

WHEREAS the proposed enlargement and proposed ramp are contextual within the historic district;

THEREFORE BE IT RESOLVED that this application is **APPROVED** as presented.

Please advise us of any action taken on this matter.

Sincerely,

Alida Camp

Alida Camp
Chair

David Helpern and Jane Parshall

David Helpern and Jane Parshall
Co-Chairs, Landmarks Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District

DESIGN APPROVAL ONLY:

No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 06/16/20	EXPIRATION DATE: 6/9/2026	DOCKET #: LPC-20-09078	COFA COFA-20-09078
ADDRESS: 65 EAST 83RD STREET		BOROUGH: MANHATTAN	BLOCK/LOT: 1495 / 32
Park Avenue Historic District			

Display This Permit While Work Is In Progress

ISSUED TO:

Philip G. Judge, S.J., Assistant for Operations
Trustees of the Religious Property Trust
39 East 83rd Street
New York, NY 10028

NOT ORIGINAL
COMPUTER-GENERATED COPY

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of June 9, 2020, following the Public Hearing of the same date, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in your application completed on May 14, 2020.

The proposal, as approved, consists of work at the inner courtyard, which is not visible from any public thoroughfare, including demolishing an existing one-story shed at the northwest corner of the courtyard, attached to the north façade of the school, and constructing a six-story brick addition featuring regularly spaced punched window openings with tripartite window assemblies featuring fixed windows flanked by casements with an applied bronze finish, a stainless steel trellis extending up to the second floor, and a flat

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green roof; installing mechanical units on the roof of the new addition; and constructing a visible brick elevator bulkhead at the southwest corner of the addition; excavating the south half of the existing courtyard (termed “JUG yard” on the plans), and underpinning the northwest corner of the school foundation, expanding the cellar level beneath the courtyard, and installing cast-stone pavers, skylights, and a planted area at the perimeter of the courtyard, as shown in a digital presentation, titled “Loyola School,” dated (as revised on) February 18, 2020 and prepared by Ernest Harris Architects, including 37 slides, consisting of existing and historic photographs, drawings, photomontages, renderings, and product cut sheets, all presented as components of the application at the Public Hearing and Public Meeting.

In reviewing this proposal, the Commission noted that the Park Avenue Historic District Designation Report describes 65 East 83rd Street (aka 63-69 East 83rd Street, 63-71 East 83rd Street, 978 Park Avenue, and The Loyola School) as a Renaissance Revival style school building designed by Schickel & Ditmars and built in 1899-1900; and that the building’s style, scale, materials, and details, are among the features that contribute to the special architectural and historic character of the historic district.

With regard to this proposal, the Commission found that the proposed work will not damage, conceal, or eliminate any significant architectural features; that the school is part of an ecclesiastical complex occupying the majority of the block, and that the rear yard is completely enclosed by this complex; that the simple massing of the addition will be in keeping with utilitarian character of the rear yard, and will feature a reddish brown brick to match the materials at the rear yard secondary facades at the school, parish house, and church, and a stainless steel trellis on which plants will be trained; that the only the brick-clad elevator bulkhead will be visible from public thoroughfares, and that it will be viewed from the northeast on Park Avenue at a distance, from a single oblique angle and in the context of other utilitarian rooftop accretions; that with the exception of the school building adjacent to the proposed elevator, the excavation beneath the courtyard and addition will be designed to avoid underpinning and will be executed in compliance with DOB regulations under the supervision of a licensed professional engineer; and that the work will not detract from the special architectural and historic character of the building or the Park Avenue Historic District.

Based on these findings, the Commission determined the work to be appropriate to the building and the historic district and voted to approve the application.

The Commission notes that the applicant is applying to the Board of Standards and Appeals for certain variances. Any changes to the design required by the Board of Standards and Appeals approval must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: The presentation, which was approved by the Commission, has been marked as “approved” by the Commission. However, this permit is issued contingent upon the Commission’s review and approval of the final Department of Building filing set of drawings. NO WORK MAY BEGIN UNTIL THE FINAL DEPARTMENT OF BUILDINGS FILING DRAWINGS HAVE BEEN APPROVED BY THE COMMISSION. Once the final filing drawings have been received and approved, they will be marked as approved by the Commission. Please submit these drawings to the Commission staff as soon as they become available.

DESIGN APPROVAL ONLY:

No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

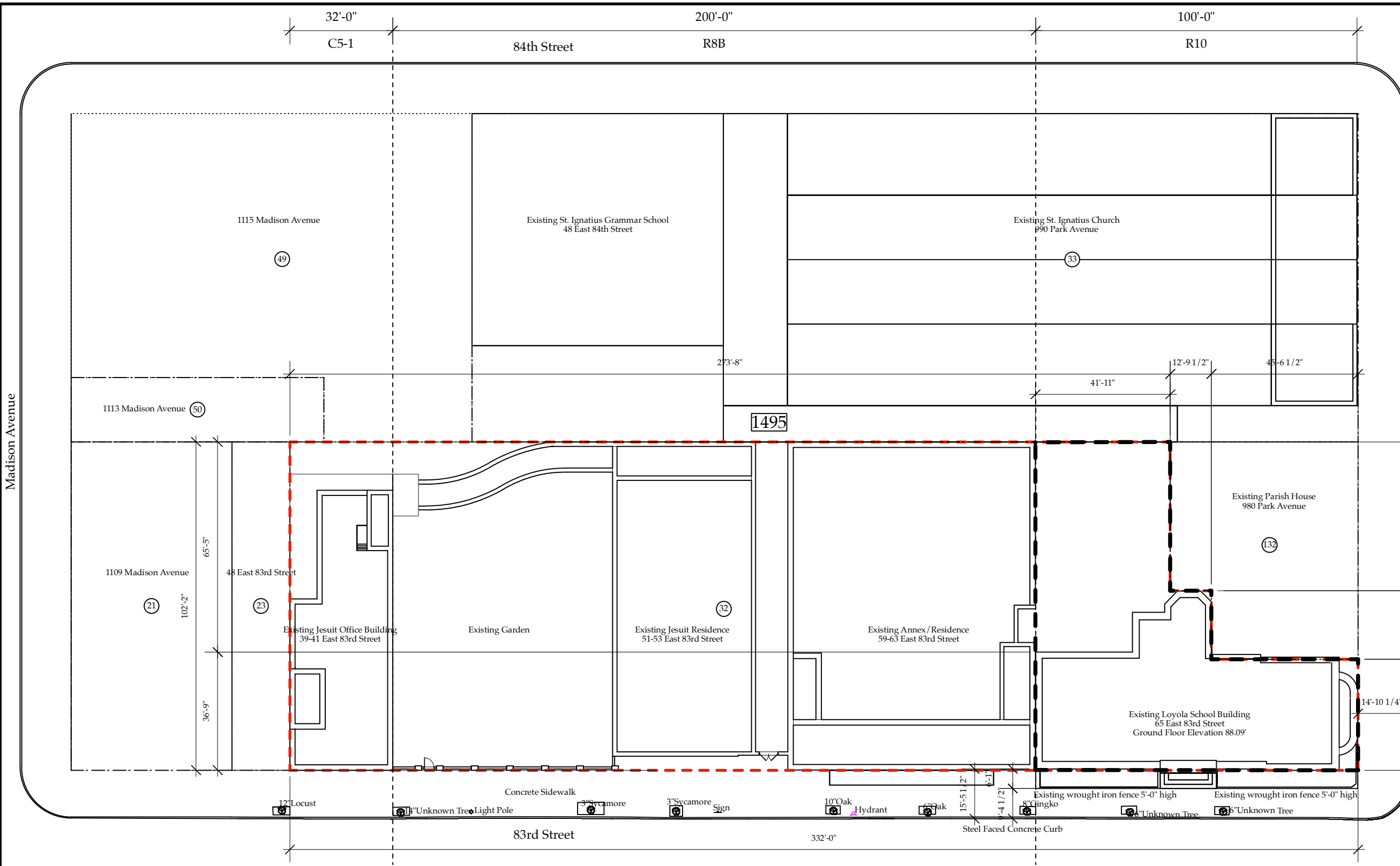
The approved documents, and Department of Buildings filing drawings where applicable, are marked as approved by the Commission, with the date of the approval indicated. The work is limited to what is contained in the approved documents and referenced in the approval. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to James Russiello.

Sarah Carroll
Chair

PLEASE NOTE: APPROVED DOCUMENTS, DEPARTMENT OF BUILDINGS FILING DRAWINGS WHERE APPLICABLE, AND A COPY OF THIS PERMIT HAVE BEEN PROVIDED TO:

Shelly S. Friedman, Esq., Friedman & Gotbaum, LLP

cc: Caroline Kane Levy, Deputy Director; Shelly S. Friedman, Esq., Friedman & Gotbaum, LLP; John Weiss, LPC Deputy Counsel; Cory Herrala, LPC Director of Preservation; Anthony Oroszlany, President, and Ed Knapp, Vice President for Finance, Loyola School; Ernest Harris, Ernest Harris Architects



Project Site Building Zoning Floor Area (ZFA)			
Floors	Existing (sq. ft.)		
Cellar	0		
Ground	4,104		
1	3,871		
2	3,721		
3	3,704		
4	3,704		
5	3,704		
Total	22,808		

Legend

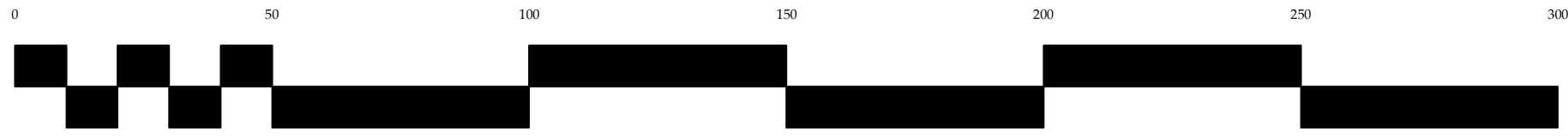
Zoning lot line

Project site

Zoning district boundary

Project Site Data	
Block	1495
Lot	32
Address	65 East 83rd Street
Zoning District	R10 in PI Special District
Lot Area	6,544 square feet

Zoning Lot Data	
Block	1495
Lot	32
Addresses	39 East 83rd Street
	53 East 83rd Street
	61 East 83rd Street
	65 East 83rd Street
Zoning Districts	C5-1
	R8-B
	R10 in PI Special District
Lot Area per District	C5-1 3,269 sq. ft.
	R8-B20,434 sq. ft.
	R10 6,544 sq. ft.
Total Zoning Lot Area	30,247 sq. ft.
Zoning Map	8C



1 Plot Plan/Site Plan
Scale: 1/32" = 1'-0"

REVISION	HISTORY	Loyola School 65 East 83rd Street Extension BSA Cal. No. 2021-31-BZ	
		TITLE	Plot Plan/Site Plan-Existing 1/32"=1'-0"
		Ernest Harris Architects, P.C.	
		ISSUE DATE 5/3/21	SHEET EX-00

Annex/
Residence
Building

PROJECT
SITE

East 83rd Street

Park Avenue

Photo # 3

Project Site: 65 East 83rd Street, Manhattan

Date: March 26, 2021



PROJECT SITE

**Loyola School Building
North Elevation**

**School
Annex**

**Area of proposed
Extension**

Photo # 7

↑ N Church of St. Ignatius Loyola

School Annex

Area of proposed Extension

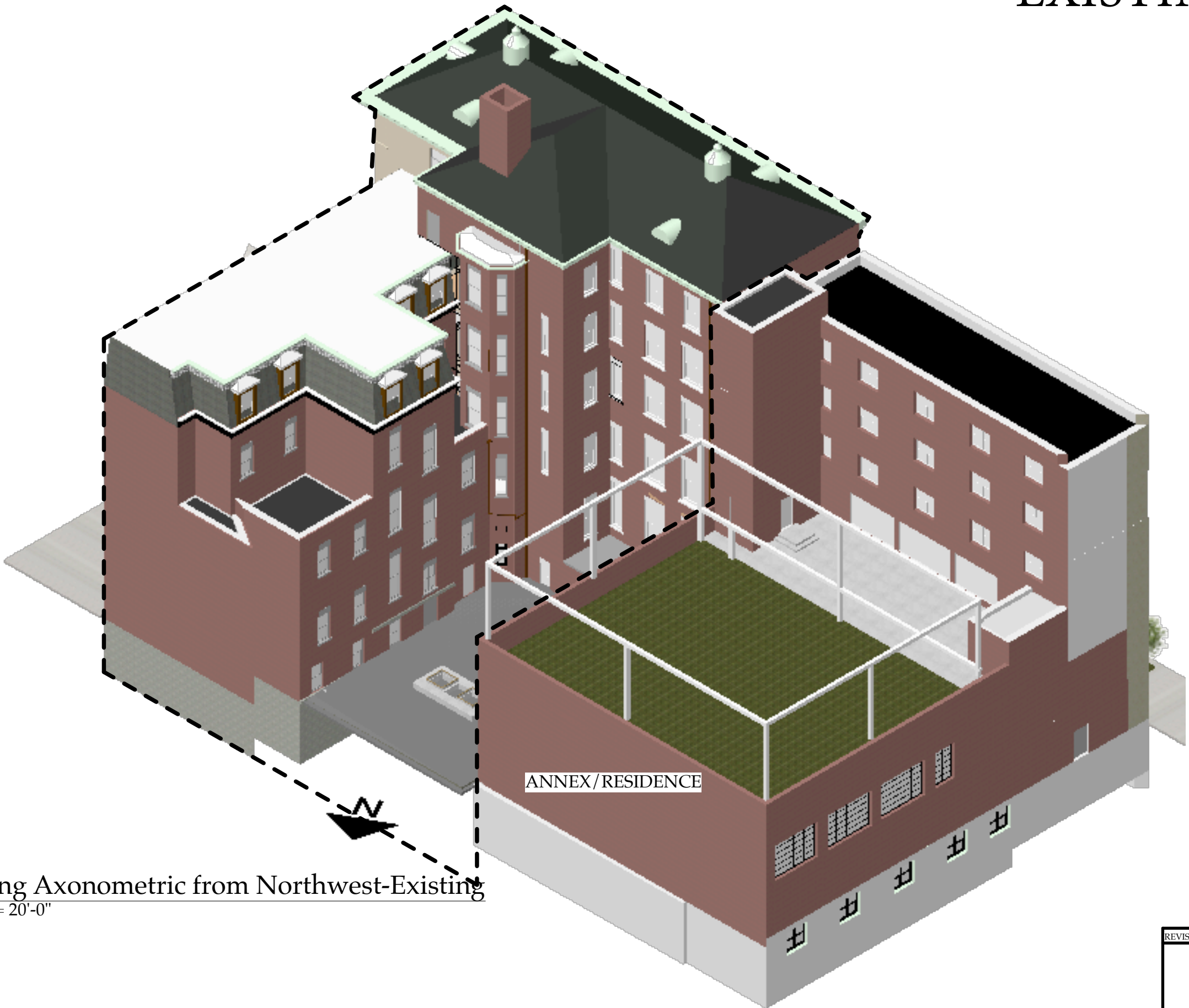
Parish House

PROJECT SITE
Loyola School Building

East 83rd Street

Photo # 8

EXISTING

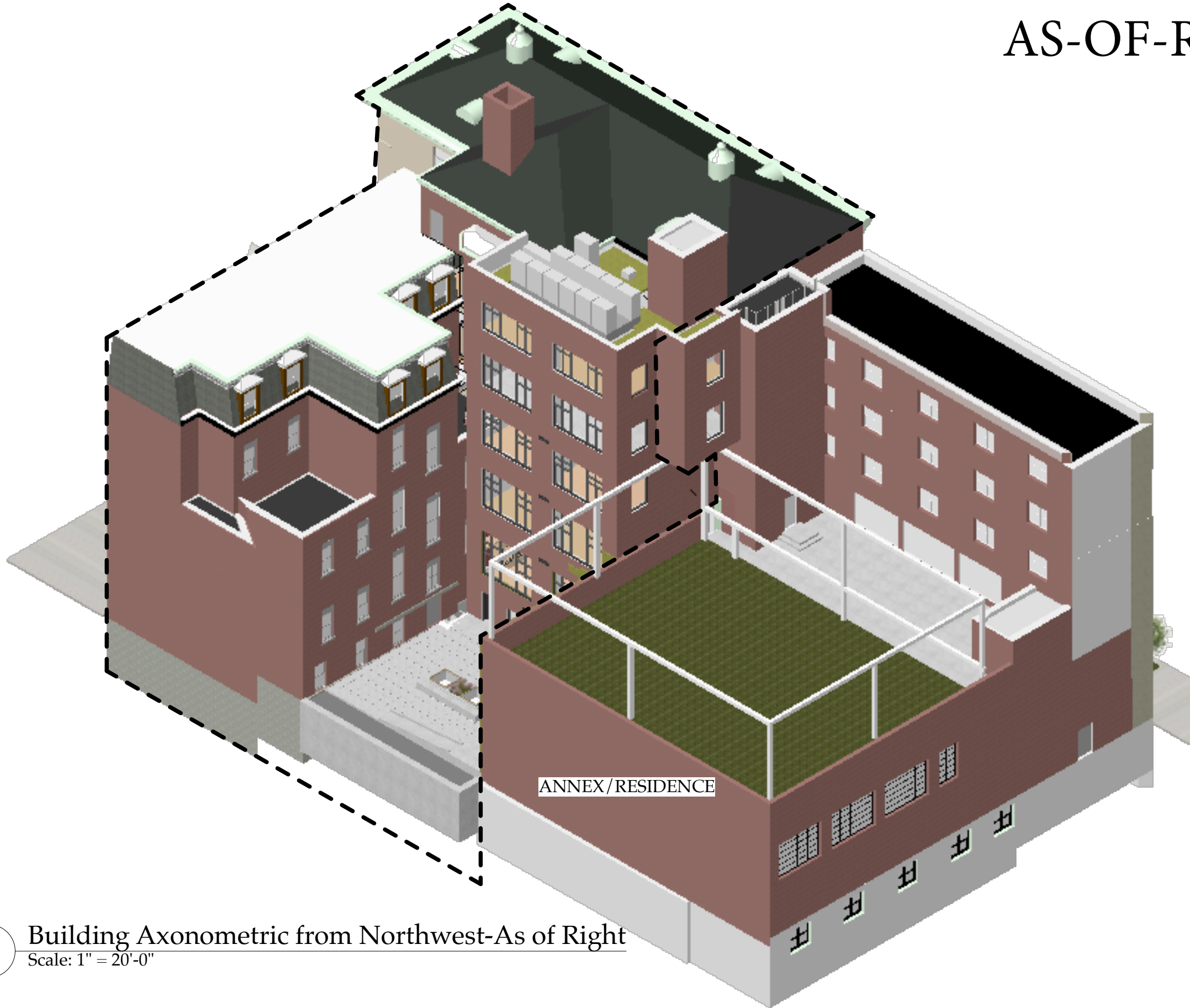


1 Building Axonometric from Northwest-Existing
Scale: 1" = 20'-0"



REVISION HISTORY	Loyola School 65 East 83rd Street Extension	
	BSA Cal. No. 2021-31-BZ	
	TITLE	Building Axonometric-Existing
	1"=20'-0"	
Ernest Harris Architects, P.C.		
ISSUE DATE 5/3/21		SHEET EX-14

AS-OF-RIGHT

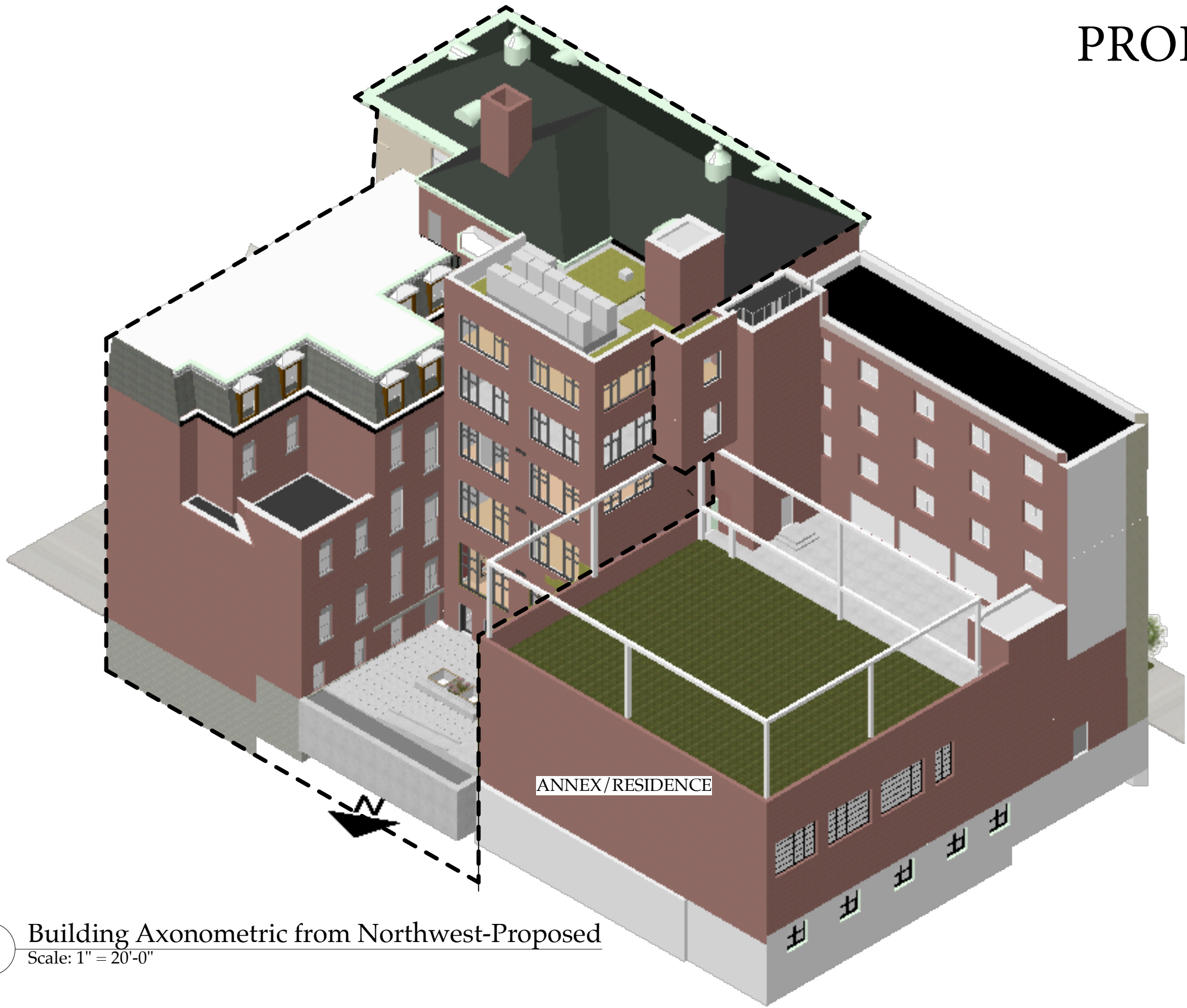


1 Building Axonometric from Northwest-As of Right
Scale: 1" = 20'-0"



REVISION	HISTORY	Loyola School 65 East 83rd Street Extension BSA Cal. No. 2021-31-BZ
		TITLE Building Axonometric-As of Right 1"=20'-0"
		Ernest Harris Architects, P.C.
		ISSUE DATE 5/3/21 SHEET AOR-14

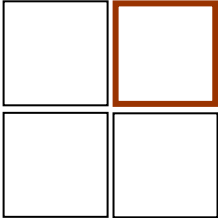
PROPOSED



1 Building Axonometric from Northwest-Proposed
Scale: 1" = 20'-0"



REVISION HISTORY	Loyola School 65 East 83rd Street Extension BSA Cal. No. 2021-31-BZ
TITLE	Building Axonometric-Proposed 1"=20'-0"
Ernest Harris Architects, P.C.	
ISSUE DATE 5/3/21	SHEET P-14



F R I E D M A N & G O T B A U M L L P

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NEW YORK NY 10012
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FAX 212.925.5199

BSA Cal. # 2021-31-BZ

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

Affected Premises:

Loyola School
65 East 83rd Street

Block 1495 Lot 32 (part of)
Manhattan

Filed: May 13, 2021

Friedman & Gotbaum LLP
568 Broadway Suite 505
New York, New York 10012
(212) 925-4545
sfriedman@frigot.com

May 2021

This Statement of Findings is submitted in support of the application of Friedman & Gotbaum LLP on behalf of the Applicant Loyola School ("Loyola" or the "School"), a non-profit independent coeducational Jesuit day school for grades 9 through 12 in continuous operation on the Project Site¹ since 1900, for a variance pursuant to ZR Section 72-21 and Section 666 of the New York City Charter to waive certain lot coverage requirements of ZR Sections 24-11 and 77-24 to facilitate construction of a six-story 6,618-sf Extension of the School Building located at 65 East 83rd Street in Manhattan. In all other respects, utilizing the FAR and height and setback regulations applicable to community facilities permitted in an R10 district, the Extension can be built as a matter of right.

A. THE DOB OBJECTIONS

The DOB has issued the following Notice of Objections with regard to the Project Site:

1. ZR 77-24: Proposed lot coverage 78% is larger than what is permitted. BSA Variance required.

B. REQUIRED FINDINGS APPLICABLE TO ZR SEC. 72-21 VARIANCE

The Board's authority to grant variances is described in ZR Sec. 72-21 as follows:

When in the course of enforcement of this Resolution, any officer from whom an appeal may be taken under the provisions of Section 72-11 (General Provisions) has applied or interpreted a provision of this Resolution, and there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such provision, the Board of Standards and Appeals may, in accordance with the requirements set forth in this Section, vary or modify the provision so that the spirit of the law shall be observed, public safety secured, and substantial justice done.

Where it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution in the specific case, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the following findings:

This Application respectfully requests that Board invoke its unique authority based on its finding the following:

ZR Sec. 72-21(a):

that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the

¹ Subsequent capitalized terms in this Statement of Findings are as defined in the Statement of Facts submitted concurrently herewith.

[zoning] Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located.

This irregularly shaped Zoning Lot, which has been improved with several buildings between the late 1890's and 1954, prior to the adoption of the 1961 Zoning Resolution, is now split over three zoning districts and is subject to both corner and interior lot regulations and is further subject to special purpose district regulations with conflicting bulk restrictions. Its pre-1961 development history has produced massing and lot coverage which do not comply with the current Zoning Resolution. However, the Project Site and the School Building (representing the oldest of the Zoning Lot's buildings) are located in the R10(PI) district, which is the most generous of the three districts, and thus the building is fully compliant with the current Zoning Resolution. As discussed in Section B ("The Zoning Lot and the Project Site") of the accompanying Statement of Facts, the Project Site occupies only 65% of the 100 ft by 100 ft area treated as a corner lot for the purposes of the Zoning Resolution and its eastern boundary, which runs along the party-wall that the School Building shares with the adjacent Parish House, changes its course three times before it reaches its 34.54 ft Park Avenue frontage. The Zoning Lot-wide calculations with regard to lot coverage over the remainder of the Zoning Lot,² encompassing the buildings that are not under the School's control, show that its C5-1/MP portion is currently non-compliant with regard to ZR Sec. 33-123 and ZR Sec. 77-24 lot coverage regulations. The proposed Expansion that is the subject of this Application will exceed the permitted lot coverage in R10/PI portion of the Zoning Lot by 220 sf, thereby creating a new non-compliance in this portion of the Zoning Lot.

After careful consideration by the Project Architect and the School's leadership to examine whether the narrow range of feasible alterations within an as-of-right envelope could accomplish the School's educational goals, the School has determined that it has no alternative but to pursue the Project with the proposed Extension as the only available means of achieving its program objectives, with the least intervention on the landmarked School Building and with the least increase in the Building's lot coverage in the R10/PI portion of the Zoning Lot. The Extension will house critically needed upgrades to the School's academic facilities, including STEM lab, music and dance studio and other multi-functional classrooms; an expanded library that will include a

² Pursuant to ZR Sec. 77-24, lot coverage for the corner lot portion of the Zoning Lot (entire Project Site, located in R10/PI zoning district) and the remainder of the Zoning Lot (interior lot, located partially in R8B and partially in C5-1/MP zoning districts) are computed and applied separately to such corner portion and to such interior portion of the Zoning Lot, as though each were a separate zoning lot.

student resource center; additional and improved student gathering and collaboration spaces and additional faculty, pre-college and counseling facilities.

A. Constructing the Extension in the rear of the School Building is the only location on the Zoning Lot that is both legally within the School's lease and capable of accommodating the School's educational objectives. With the exceptions of the School Building, the Courtyard and the School Annex, Loyola has no control over any other land or buildings on the Zoning Lot. Expanding onto the School Annex, even assuming that the existing structure could support the load of three additional floors, would (i) require considerable capital expenditure, (ii) not address the dysfunctionality of the existing classrooms facing the Courtyard, (iii) result in an unduly elongated campus, (iv) require a temporary loss of necessary educational space during construction, (v) deprive the School of the required adjacencies in its core academic area and (vi) compromise the use of the recently renovated open area above the gymnasium used for tennis, soccer and baseball practices. The proposed Extension, the significant portion of which can be constructed while the majority of the School Building and the entire School Annex can remain in use, will ultimately connect at each existing floor of the School Building, thus providing the proximities and adjacencies that best serve the School's educational programming. Thus, the only programmatically feasible location for the proposed Extension is achieved by extending the School Building north into the Courtyard.

B. The School Building cannot be suitably enlarged without an increase in lot coverage. The sole façade that can be moved to increase the perimeter of the Building faces the paved Courtyard. The other façades either face the street or adjoin the adjacent buildings. Fortunately, the building façade facing the paved Courtyard is the one façade that is totally out of public view. Approval of this Application will allow the School Building rear façade to be re-located approximately 34 ft to the north. The AOR Scheme will reduce that relocation to approximately 29 ft.

This proposed loss of lot coverage in the paved Courtyard is suffered only by the School, and only nominally at most. The Church of St. Ignatius Loyola on the northern boundary of the Courtyard has significant ornamental windows facing the Courtyard, but those windows are set back from the property line by 12 ft 5 in at the side aisle and by 35 ft 5 in at the nave; and set back from the north elevation of the proposed Extension by 43.5 ft at the side aisle and 66.5 ft at the nave. The Expansion has been carefully designed so as to avoid impacts on light or

shadows on these windows,³ as well as on the Parish House windows to the east and the Annex windows to the west. There will be no loss of utility to any of the parties, who will continue to enjoy recreational and educational opportunities in the slightly reduced Courtyard, which will be re-paved and transformed from a blacktop area to a pleasant outdoor socializing and learning environment. There will be no disruption to the longstanding cloister-like private interconnections currently available to those working and residing in the buildings facing the Courtyard.

The height of the School Building, for the obvious reasons of its historic designation, cannot be increased.

C. The AOR Scheme will not meet the School's educational objectives. The School has carefully analyzed the utility of an AOR expansion that requires that the depth of the Extension be reduced from approximately 34 ft as proposed to approximately 29 ft in order not to create the non-compliance. The resulting educational rooms, as depicted on Plans AOR-04 through AOR-07, do not provide adequate dimensions and sizes to meet the School's educational objectives, resulting in a collection of spaces as inadequate as the existing spaces. In addition, the new educational spaces to be created by the Project, such as the critically needed STEM Lab, two additional classrooms and improved faculty and student guidance space, cannot be built at all and the music and dance studio, reduced by 19 percent, will be significantly compromised. Accordingly, the School has concluded that the AOR Scheme offers no meaningful improvements in the delivery of education and would fail to permit it to re-organize the School Building as required to meet its mission objectives as educators. The cumulative impacts attributable to limiting the Extension's depth to approximately 29 ft as required in the AOR Scheme, which will reduce its total floor area of new program space over six floors by 1,158 sf⁴ (or by 18 percent), are at odds with the basic tenets of educational space planning, which calls for flexible spaces to accommodate the modern matrix of classrooms and breakout spaces as proposed in this Application. The proposed Extension, while hardly optimal given the age and historic nature of the School Building and the size and configuration of the Project Site, will nonetheless (1) result in minimally suitable contiguous floorplates for programmatic functionality, (2) improve program adjacencies as an educational priority, (3) promote student well-being and safety, (4) improve

³ In analyzing the potential shadows impact from the proposed Extension, the EAS accompanying this Application concluded that the extent of any new shadows on the Church would be limited (See EAS, page B-7). These conditions have been discussed at length with the supervising Priests at the Church, whose support for this Application has been expressed internally.

⁴ 220 sf on each of floors one through five and 58 sf at the ground floor.

staffing efficiencies and (5) provide adequate spaces for monitored student interaction in appropriately designed areas for study, collaboration and socialization.

The AOR Scheme fails to meet these essential educational objectives. The resulting practical difficulties and unnecessary hardships imposed on Loyola in constructing and operating the AOR Extension in lieu of the proposed Extension which meets these objectives are significant. Approval of this Application will address each of the programmatic deficiencies in the AOR Scheme described in Section H ("Development Alternative") of the accompanying Statement of Facts and summarized below:

1. Smaller floorplates result in either (a) retaining the existing number of classrooms in their current configuration or (b) reducing the number of classrooms in order to alter floorplates to accommodate modern classroom sizes and dimensions.

2. Alterations within the AOR floorplates adversely affect program adjacencies.

3. The AOR Scheme yields no gains in efficiency of educational programming. The School has determined that under no circumstances could it pursue the AOR Scheme because the marginally incremental programmatic benefits it would yield would not justify the capital expenditure required to execute it.

4. The AOR footprint will not accommodate program spaces now considered essential to the modern curriculum, such as the proposed STEM Lab, nor accommodate additional classrooms, and will significantly compromise the music and dance studio and faculty and student gathering space.

These factors, unique to the Project Site and to the School's particular educational mission, serve as the basis for the Application's request for a variance to increase the permitted lot coverage on the Project Site by 220 sf (or 3.4 percent) in order to permit expansion of the School Building's footprint in its paved Courtyard by approximately 5.5 ft further than permitted as-of-right. The resulting reduction in Courtyard will have no impact on the public, the historicity of the School Building as determined by the LPC, or the light, air or views of the closest residential neighbors, none of whom are located on the same block.

Legal Framework and Precedents Regarding The (A) And (C) Findings

The Applicant respectfully requests that the Board recognize and adhere to its customary standard of significant deference to a not-for-profit educational facility's assessments of its programmatic needs in its administration of applications for relief pursuant to ZR Sec. 72-21. Even the most cursory review of the Board's determinations in past similar cases involving

educational institutions reveals the substantial weight accorded by the Board to the New York State Court of Appeal's instructions to zoning boards of appeal throughout the State as articulated in its three comprehensive decisions: *Matter of Westchester Reform Temple v. Brown et al.*, *Constituting the Planning Commission of the Village of Scarsdale*, 22 N.Y.2d 488 (1968), *Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986), and *In the Matter of Pine Knolls Alliance Church v. Zoning Board of Appeals of the town of Moreau*, 5 N.Y.3d 407 (2005). For over half a century, this series of cases and its progeny have served as the "Law of the Land" in New York State with regard to variance applications by religious and educational institutions seeking relief from local land use regulations of all stripes. Specifically regarding educational institutions, the concluding statements in the *Pine Knolls* case define the Court's approach in all three cases:

"In assessing a special permit application, zoning officials are to review the effect of the proposed expansion on the public's health, safety, welfare or morals, concerns grounded in the exercise of police power, 'with primary consideration given to the over-all impact on the public welfare' (*Trustees of Union Coll.*, 91 N.Y.2d at 166). Applications may not be denied based on considerations irrelevant to these concerns.

We made clear in *Cornell University* that it is not the role of zoning officials to second-guess the expansion needs of religious and educational institutions."
[Emphasis supplied.]

The Court's unambiguous affirmation of its holding in *Cornell University v. Bagnardi* thirty-five years earlier has been noted by this Board in dozens of decisions pertaining to schools situated similarly to Loyola with regard to their outdated facilities, some of which are only blocks away. The most recent cases in which the Board recognized its obligations under *Cornell* for applications raising similar issues of programmatic dysfunction within their existing buildings in the vicinity of Loyola include:

- Marymount (BSA Cal. 275-15-BZ);
- Spence (BSA Cal. 58-11-BZ);
- Saint David's (BSA Cal. 3-14-BZ);
- Allen-Stevenson (BSA Cal. 225-15-BZ);
- Chapin (BSA Cal. 260-14-BZ);
- Dalton (360-65-BZII).

Note that, as is the case with this Application, those schools focused specifically on adapting and modernizing their existing late 19th and early 20th Century buildings that after years of internal alterations could no longer be adapted for modern educational purposes.

ZR Sec. 72-21(b):

that because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on 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; this finding shall not be required for the granting of a variance to a non-profit organization.

This finding is not applicable because the School is a non-profit institution and all of the development proposed on the Project Site will be in support of its educational mission.

ZR Sec. 72-21(c):

[T]hat the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

The Project Site is but one component of a group of buildings that first established itself in the late 19th Century as a center of Roman Catholic faith and teaching. The complex was expanded almost 70 years ago to increase its educational opportunities, serve as a regional headquarters for the Jesuits, and provide living quarters for its Priests. This complex of faith and learning, anchored by the significant Church of St. Ignatius Loyola, has been a constant and consistent cornerstone of its neighborhood in specific and the Upper East Side in general. Developed to just a fraction of its allowable FAR on both the midblock and avenue zoning districts in which it is located, it is an oasis of low density massing and an overwhelmingly important contributor to the character of the Park Avenue Historic District in which three of the complex's buildings are situated.

The proposed Extension, designed by the Project Architect that has worked with the School for several years to optimize its 1900's Building, has been designed to remain invisible to the public at large. The minimal viewability of the Extension's roof from a remote vantage point to the northeast of the Project Site has been deemed appropriate, and indeed lauded, by the LPC. Neighboring tall residential buildings with a current view of the Courtyard from their upper floors will see the Extension, but those buildings are all located on other blocks. The Project will not result in new entrances or otherwise modify arrival and departure from the School Building's current entrances. The Project will not support any increase to the School's population.

And finally, in the broadest sense of public welfare, recognizing the benefits to society that the courts have already spoken to in *Cornell University v. Bagnardi* and related cases, the

general welfare of any community can only be furthered by strengthening the quality of its educational facilities, especially one which has been teaching within the community for over 120 years and with this project is again further deepening its roots within the Upper East Side.

ZR Sec. 72-21(d):

that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship

The programmatic hardships that this Application seeks to address stem entirely from Loyola's mission as an educational institution. Like many of the other school applications before the Board in recent years, Loyola is struggling to maintain its educational excellence in an antiquated building. The hardships are not self-created, but rather created by the hands of time. Not only does the School Building pre-date the adoption of the 1916 Zoning Resolution, but the site acquisition, design and construction of the current building occurred so long ago that they share a timeline with both the electrification of Lower Manhattan and Manhattan's first commercial telephone exchange. The AOR Scheme plainly presents the practical difficulties in providing further alterations to the 19th Century School Building aimed at creating a 21st Century educational environment in a manner that would neither create a new non-compliance nor increase the extent of a current non-compliance on the Zoning Lot.

ZR Sec. 72-21(e):

[T]hat within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

The Application analyzes an AOR Scheme to demonstrate that there is no reasonable as-of-right development scheme. The AOR Plans depict and Section H of the accompanying Statement of Facts analyzes the likely AOR Scheme that provides a compliant lot coverage, thus reducing the depth of the proposed Extension by approximately 5.5 ft. The analysis identifies critical deficiencies in the design of the AOR Scheme that would occur on floors one through five of the AOR Extension that significantly interfere with the School's programmatic needs. Those deficiencies are corrected in the proposed Extension at the expense of an approximately 5.5 ft deep by 40 ft wide encroachment into the paved Courtyard. This 5.5 ft increase in the depth of the AOR Extension as proposed in this Application is necessary to overcome the programmatic deficiencies in the AOR Scheme and is minor.

CONCLUSION

Loyola has a rich history in the City of New York as a Jesuit educational institution, with a long-standing reputation for its academic excellence and its diverse student body. Its students are drawn from the five boroughs of New York City as well as from Long Island, New Jersey and Westchester. Loyola is committed to high academic standards, integrity, a diverse student body of young men and women and a purpose larger than oneself. The proposed Extension, the first major expansion since the development of the School Annex in 1954, will permit the School to create a 21st Century learning environment with critical new programmatic facilities and educational support space for its students and faculty.

The lot coverage variance requested herein sought pursuant to ZR Sec. 72-21 is minor in nature and in any event all but invisible to the public eye. The AOR Scheme clearly demonstrates the programmatic hardships that would accrue in the absence of the Board's approval of this Application.

The School's Application meets all four of the pertinent findings in ZR Sec. 72-21 required for its approval. On the basis of the foregoing, the Applicant respectfully requests that the Board make each of the four findings in ZR Sec. 72-21 for the grant of a variance waiving strict compliance with ZR Sec. 24-11 and Sec. 77-24 lot coverage regulations.

Respectfully submitted,
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By: _____
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