



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N. Y. 10005

CHARLES M. SMITH, Jr., R. A., Commissioner

December 23, 1985

TO: Borough Superintendents
 FROM: George E. Berger, P.E.
 Assistant Commissioner
 SUBJECT: Interpretation of CLUBS
 USE GROUP 4

GEORGE E. BERGER, P.E.
 Assistant Commissioner
 Building Construction
 Special Projects

Clubs which are Use Group 4 under Section 22-11 Zoning Resolution are to be a non-profit or Philanthropic Organization with no service of any kind carried on as a business. They must be of a community facility type which comply favorably to the three (3) conditions stated in Section 22-14 Zoning Resolution.

The Club's Charter must indicate the use of the activities and facilities of the club to be for members only and not for the general public. Admission to the facility and participation in its activities cannot be available to the general public merely upon application. A bonafide screening and membership process must be followed that may include the payment of an initiation fee to cover basic costs of capital improvements and of on-going services. All other charges must be limited to the actual cost of the additional services or activities that are provided.

All clubs, philanthropic or non-profit institutions in Use Group 3 and Use Group 4 must have tax exempt certification from the New York City Tax Department for real property. Department of Finance for General Corporation Tax or Unincorporated Business Tax or Federal I.R.S. Tax exemption from Sec. 501 (c) (3).

When the bulk or parking regulations are being used in the zoning calculation based on a community facility use, either the premises must be owned and occupied by that community facility or a lease must show that the community facility will be a tenant for that portion of the building prior to approval.

No approval shall be granted until the Club's Charter, the tax exemption or base legal papers are reviewed by the Deputy Borough Superintendent or Borough Superintendent.

George E. Berger

 George E. Berger, P.E.
 Ass't. Commissioner

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