



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
163 West 125th Street, 5th floor, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

March 17, 2015

**Recommendation on ULURP Application No. C 150213 ZSM – 20-22 East 71st Street
By Tower Management Holdings LLC**

PROPOSED ACTION

Tower Management Holdings LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the inner courts requirements of Section 23-851 and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-861 to facilitate the conversion of an existing five-story building to its original single-family residential use on property located at 20-22 East 71st Street, Block 1385, Lot 57 (“Project Site”) located in a C5-1 District within the Special Madison Avenue Preservation District and Upper East Side Historic District in Community Board 8, Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the bulk regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant bulk modifications, the applicant must first meet the following conditions:

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;¹
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District²;
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.³

Further, in order to grant a special permit, the CPC must find that:

- 1) The 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;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ The LPC issued a report dated November 3, 2014.

² The LPC also issued a Certificate of No Effect (CNE 16-4455) and a Certificate of Appropriateness (COFA 16-4454) on November 3, 2014.

³ The building contains one dwelling unit. This is below the maximum permitted number of dwelling units set forth in Section 15-111.

PROJECT DESCRIPTION

The applicant proposes to convert the building, which has over its history served as a single residence, as multiple dwelling units, an art gallery, and as offices, to a single residence for a 17-person household. As part of this conversion, the applicant proposes to remove an illegal flagpole on the front façade, remove a non-historic greenhouse on the rear façade, and undertake a restoration program per approvals from the LPC. While the building form has not substantially changed over the years, it is the conversion back to a single family use that requires two waivers of bulk requirements as necessary since under today's requirements, the court dimensions and the distance to the lot line from required living windows are considered non-compliant.

The first waiver is to permit a reduction of 18'-1" in the 30 foot minimum distance between required windows for living spaces and the rear lot line. Only 11'-11" is provided. The second waiver is to permit a reduction in the required minimum dimension of an inner court from 30' to 11'-11" and to allow a reduction in the minimum square foot area requirement of 1,200 square feet to 536.25 square feet. The proposed use of the building conforms to zoning and no change in bulk envelope is proposed.

The building is located within the Upper East Side Historic District, which the LPC designated in 1981 and expanded in 2010. The district is known for its collection of townhouses and luxury apartment buildings, a testament to its heyday as the most fashionable residential district in the city. The subject building is a 5-story neo-Italian Renaissance townhouse designed by C.P.H. Gilbert as a single-family residence and constructed in 1922-1923. In the 1981 report, the building's style, scale, materials, and details are noted as contributing to the special architectural and historic character of the Upper East Side Historic District. The special permit pursuant to ZR § 74-711 requires the applicant enter into a Restrictive Declaration with the LPC and establish a continuing maintenance program for the preservation of the building.

Area Context

The project site is located in a C5-1 zoning district in the Special Madison Avenue Preservation District and the Upper East Side Historic District in Community Board 8, Manhattan. To the west directly adjacent to the block is Central Park. The Special Madison Avenue Preservation District (MP) goal is to preserve and insure the commercial retail character of Madison Avenue while balancing the residential character on the mid blocks. The ground floor of buildings on Madison Avenue must be occupied by selected retail uses, while bulk controls such as height and street wall provisions ensure the continuity of the streetscape.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C5-1 District along Madison Avenue and R10 districts along Fifth Avenue and Park Avenue. Further east is an R9X District along Lexington Avenue mapped southward, an R10A District along East 72nd Street, and a C1-8X District along Lexington Avenue to the north of East 72nd Street. The nearest subway station is for the number 6 line at Lexington Avenue and 68th Street.

The project site is also adjacent to a Limited Height District (LH-1A), mapped coincidentally with the R8B districts within the Upper East Side Historic District. This overlay limits the maximum

building height to 60 feet. Along Park Avenue, due east, is the Special Park Improvement District (PI), which limits the heights of new buildings to 210 feet or 9 stories, whichever is less, mandates street wall continuity, and was put in place to preserve the residential character and architectural quality of Fifth and Park avenues in the neighborhood.

The area's land use is known for its townhouses, many of which are single-family homes, at the midblock and taller apartment building along the avenues. This built character is for the most part consistent with the applicable zoning. The townhouses range in height from four to five stories. There is also a substantial number of philanthropic, educational, and religious uses distributed throughout the neighborhood. The area is generally within the Upper East Side Historic District and there are a number of individual landmarks nearby, and on the project site block five town homes are listed as individual city landmarks, including the Frick Collection building.

Site Description

The Project Site is a five-story building dating back to 1923 located at 20-22 East 71st Street (Block 1385, Lot 57) in a C5-1 District within the Special Madison Avenue Preservation District. C5-1 Districts permit a maximum floor area ratio (FAR) of 10.0 for residential and community facility uses and 4.0 FAR for commercial uses. Generally, the height is limited to 170 feet. Since the lot is considered a narrow lot, the maximum height of the building is instead subject to the Sliver Law under the height requirements of the special district. The lot also fronts on a narrow street; per the requirements of ZR §23-692(d), the height of this building would be limited to the lower of the heights of its adjacent neighbors, or 60'-2".

The Project Site was originally constructed in 1922-1923 as a single family residence town house in the neo-Italian Renaissance style for Julius Forstmann, a wealthy woolens manufacturer. Forstmann lived in the building until his death in 1938, and in 1942 his heirs sold the building to the Archdiocese of New York which used the building as a dormitory for the Catholic Center for the Blind. In 1979, the building was again sold after which it changed ownership a number of times along with use, going from a non-profit institution with sleeping accommodations to offices. In 2004, the building changed hands and use again, becoming gallery space. By 2007, the building was vacant. The applicant purchased the property in 2012 with the intent of converting the building back to residential use.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify bulk controls related to inner court minimum dimensions and area requirements and the required minimum distance between legally required windows and lot line order to facilitate the conversion of an existing five-story building to residential use. A restrictive declaration will be recorded which sets forth a continuing maintenance plan for the building to ensure the preservation of the building and the fulfillment of the preservation purpose as a condition of approval for this special permit.

As described in the application materials, Certificate of No Effect, Certificate of Appropriateness and the November 3, 2014 LPC report, the reconstruction and restoration of the building is

proposed to place it in a sound, first-class condition. The restoration program includes the removal of an illegal flagpole and the removal of an inappropriate greenhouse addition. The restoration program, per the LPC report, includes, “cleaning and repairs to limestone and brick masonry, cleaning and refinishing of decorative metalwork and ironwork, repointing, window replacement, and repairs to the copper mansard roof and other sheet-metal elements.”

COMMUNITY BOARD RECOMMENDATION

At its Land Use Committee, a committee of the whole, on February 11, 2015 Manhattan Community Board 8 (CB8) recommended approval of this application. The vote was 27 in favor, 0 opposed, and 1 abstention. The recommendation was submitted to the Department of City Planning on February 17, 2015.

BOROUGH PRESIDENT’S COMMENTS

A unique attribute of Manhattan’s blocks is, in general, a consistent street wall along the perimeter of all four sides of the block. We do not have a road system that includes alleys; instead, we have “donuts.” These donuts on the Upper East Side were historically formed by the rear yards of townhouses built both speculatively by developers and for the wealthiest citizens of New York City. Today, it is the City of New York’s Zoning Resolution through its requirements for open space, minimum yards, and distance between buildings that maintains and ensures these open areas will remain in perpetuity to provide light and air.

The waiver requested as part of this application does not impact this historic donut. The subject building is within 100 feet of the intersection of East 71st Street and Madison Avenue, a wide thoroughfare, and if built today as a commercial use would not require a rear yard. In addition, if this building had remained commercial in use after the original conversion from residential, the waivers in question would have remained as legal non-compliances. Lastly, the portion of building that is subject to the waivers requested today pre-date the requirements of the 1961 Zoning Resolution. As such, it is believed that this individual waiver does not adversely impact scale and the light and air of structures or open space in the vicinity.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The requested waivers do not significantly impact light and air and the removal of the non-historic greenhouse will restore the view of the rear façade from Madison Avenue. The applicant has also proposed a first-class restoration of the building.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 150213 ZSM.



Gale A. Brewer
Manhattan Borough President