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Gale A. Brewer, Borough President

November 20, 2017

**Recommendation on ULURP Application C 180023 ZSM – 350 East 88th Street
By Advantage Testing Inc.**

PROPOSED ACTION

Advantage Testing Inc. (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the use regulations of Section 22-10 to allow a commercial educational use and to modify the rear yard regulations of Section 24-36 to allow a second story enclosure and HVAC units within the required rear yard of the existing four-story Rhineland building located at 350 East 88th Street (Block 1550, Lots 31 and 34) in an R8B district located within the Upper East Side, Community Board 8, Borough of Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use 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 use 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 District;²
- 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 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;
- 2) Such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ The LPC issued a report, MOU 19-3688 dated July 6, 2017.

² The LPC issued a Certificate of No Effect (CNE 19-04446) on July 14, 2017.

³ The proposal does not propose a change to the number of dwelling units in the building.

PROJECT DESCRIPTION

The applicant seeks a special permit to modify use regulations to permit a for-profit educational tutoring and test preparation service (Use Group 6B) and modify rear yard regulations to allow a second story enclosure and HVAC units within the required rear yard of a four-story building. The building would be staffed between the hours of 9am and 6pm Monday through Friday by 15 full-time administrators and 16 full-time tutors for one-on-one tutoring sessions.

The proposed enclosure of the rear terraces with glass would consist of 1,370 square feet of new floor area and would be constructed after removal of the HVAC equipment and replacement of the skylight with a floor. This terrace would encroach into the required rear yard. A new HVAC system would be located atop the new terrace enclosure in the center of the rear yard and fenced on all sides with greenery.

Pursuant to the Certificate of No Effect issued by LPC, the applicant has been approved for restorative work to the Parsonage of Holy Trinity Church, the adjacent Individual Landmark, including: restorative work to all elevations and the roof, removal and replacement of terracotta, brownstone, and brick masonry where needed; removal and replacement of decorative roof copper cresting, copper gutters, leaders, roof flashing, and cast-iron vent and drainage pipes, and slate roof tiles; repairing internal leaders; cutting and repointing of chimneys, and terra cotta and brick masonry; and patching cracked and damaged masonry.

The proposed restoration work is an effort to protect the structure from further water infiltration and preserve the building in perpetuity. The special permit pursuant to ZR § 74-711 requires the applicant to enter into a Restrictive Declaration with the LPC to establish a continuing maintenance program for the preservation of the landmark building in perpetuity.

Area Context

The project site is located within the Yorkville neighborhood of the Upper East Side in an R8B zoning district. The R8B zoning district is the underlying zoning district on the most of the midblocks between East 86th Street and extending north. Immediately east of the project site along First Avenue is an R10 zoning district with C1-5 overlay between East 88th Street and East 87th Street. North of this is a C2-8 zoning district. To the west is a C2-8 zoning district along Second Avenue and a C2-8A zoning district beginning midblock between East 87th Street and East 86th Street extending south to East 85th Street.

The street's land use is predominately residential with 5-story one and two family residences on the north side of East 88th Street and mixed residential and commercial buildings along the avenues ranging in height from five to 46 stories. The project site occupies much of the south side of the street frontage along with the Church of the Holy Trinity, a one-story building for the Brearley School, a 7-story multi-family residential building, and a six-story mixed used building. The area is served by the Q subway line located south of the project site at East 86th Street and Second Avenue and the No. 4/5/6 train line located two blocks east of the site at East 86th Street and Lexington Avenue. The project site is also served by the M86 crosstown bus line and the M15 bus line which provides access throughout the borough. A Citibike station is located immediately north of the project site at East 88th Street and First Avenue.

Site Description

The Project Site is comprised of two zoning lots on Block 1550: Lot 31 which consists of the Rhinelander Building and Lot 34, The Parsonage of Holy Trinity Church (“the Rectory”), a designated City of New York Individual Landmark. The project site is located within an R8B zoning district which permits a maximum residential floor area ratio (FAR) of 4.0 and a maximum FAR of 5.1 for community facility use.

The Rhinelander Building was constructed in 1892 and is approximately 17,993 gross square feet and consists of four floors including a mezzanine and cellar; the cellar, first floor, and a portion of each of the additional floors are located within the required rear yard. The building is 71 feet 1-5/8” in height and is not setback from the street. The building was constructed for use as a school for children living in tenement buildings to educate them on trades. The building was later used as the Rhinelander Children’s Center, a pre-school operated by the Children’s Aid Society. In 2016, Advantage Testing purchased the building with the intent of using it as its headquarters. The building is currently vacant.

The Rectory was constructed in 1897 and was designated as an individual landmark in 1967 by the LPC. The building consists of three floors which equal approximately 3,441 gross square feet of floor area. There are no use or bulk changes proposed for the Rectory.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the use regulations to permit Use Group 6B, commercial educational use, and a modification to the rear yard requirements to permit the enclosure of the second floor rear terrace and HVAC system on an existing four-story building within an R8B zoning district. 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.

The waivers would facilitate the use of the Rhinelander Building for commercial educational use by Advantage Testing. The special permit would also allow the applicant to enclose the two rear terraces to create an interior tutoring space in the building; this would create 1,370 square feet of additional floor area by replacing the skylight with a floor. A small storage mezzanine of 61 square feet would be added to the fourth floor for record storage and accessed by a staircase. The existing fourth floor mezzanine would be demolished and the floor of the basement would be lowered to line up with the basement. These alterations would reduce the building’s zoning floor area by 359 square feet.

As described in the application materials and LPC’s Certificate of No Effect, the restoration work is proposed to place the Rectory building, known as the Parsonage of the Holy Trinity Church in the landmark designation report, in a sound condition that will reinforce the architectural character of the building and will return the building closer to its historic appearance. The restoration program is proposed at all elevations and the roof; including: replacement of existing copper gutters and leaders, repairing internal leaders, replacing selective roof slates, replacing selective terra cotta, repointing chimneys, terra cotta and brick, patching

damaged masonry, replacing cast iron vent pipes and drainage pipes, and replacing missing decorative cresting. The restorative work will also address long-standing water infiltration issues and aid in the building's long term preservation.

COMMUNITY BOARD RECOMMENDATION

At its October 19, 2017 full board meeting, Manhattan Community Board 8 (CB8) voted to approve the application, by a vote of 35 in favor, 1 opposed and 0 abstention.

BOROUGH PRESIDENT'S COMMENTS

The Rhinelander building has been used for an educational use since 1891, and the proposed use, although not permitted as of right, is in-line with the historical uses of this building. Advantage Testing was founded in Manhattan Community Board 8 and has expanded its services throughout the nation and wants to maintain its headquarters in the neighborhood. In addition, it is appreciated that this conversion will allow a building with obvious architectural merit to remain.

The tutoring center will trigger less vehicular and pedestrian traffic on this residential street than the previous preschool. Advantage Center is also committed to maintaining a working relationship with the Rectory's programs and services, working with CB8 and our office to provide tutoring services to local in-need students. Moreover, this use relates harmoniously to the adjacent uses at the church, and to the residential and institutional nature of the surrounding blocks.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The restoration work will reinforce the historic significance and ensure long-term preservation of the Rectory Building. Further, the applicant has committed to remove the rear terrace enclosure if they sell the property in the future so that it cannot be converted to residential use as of right.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 180023 ZSM.



Gale A. Brewer
Manhattan Borough President