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**Gale A. Brewer, Borough President**

**November 20, 2017**

**Recommendation on ULURP Application C 180066 ZSM – 172-174 East 73<sup>rd</sup> Street  
By 172-174 East LLC**

**PROPOSED ACTION**

172-174 East LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify rear yard requirements of Section 23-47 and the minimum distance between legally required windows and lot lines of Section 23-86 to facilitate a two-story penthouse enlargement of an exist three-story mixed used landmarked building located at 172-174 East 73<sup>rd</sup> Street (Block 1407, Lot 44) in an R8B District located within Community Board 8, Borough of Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use and 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 use or 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;<sup>1</sup>
- 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 or buildings in the Historic District, as applicable;<sup>2</sup>
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.<sup>3</sup>

Further, in order to grant a special permit, the CPC must find that “such 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.”<sup>4</sup>

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<sup>1</sup> The LPC issued a report, MOU 19-5293 (LPC 192454) dated November 18, 2016

<sup>2</sup> The LPC issued a Certificate of No Effect (CNE19-5291) on November 11, 2016. The Certificate of Appropriateness (COFA #19-5298) was issued on November 18, 2016.

<sup>3</sup> The applicant proposes two dwelling units for the building which is below the total maximum number (15) dwelling units permitted under ZR § 15-111.

<sup>4</sup> The second finding related to use modifications is not applicable to this proposal as residential use is permitted as of right in this district.

## **PROJECT DESCRIPTION**

The applicant seeks a special permit to modify bulk regulations to facilitate the development of an additional 5,115 square feet to a three-story building by enlarging the third floor, construction of a fourth-story addition with a bulkhead, and excavation below the ground floor to construct a new cellar to use the building as a two-family residence. The applicant also proposes alternations to the building's front façade, and reconstruction of the building's roof and rear façade. The applicant's proposal would also remove a one-story portion of the structure covering approximately 50 square feet, in the rear yard of the building.

The existing building has non-complying bulk features for residential use, including: a first floor addition that encroaches in the rear yard, which will be partially removed, and rear windows on the second floor that are six feet from the rear lot line. The applicant proposes a third-story enlargement that will be 16 feet from the rear lot line and a fourth-story addition that will be 21 feet from the rear lot line; the enlargement and addition will have rear windows that encroach on the rear yard.

Pursuant to the Certificate of Appropriateness issued by the LPC, the applicant has been approved for alteration, restoration and repair of the interior and exterior of the building. The approved work to the building's front façade includes alterations, cleaning and removing paint from masonry, repointing masonry with lime rich mortar, removal of the flagpole, resurfacing sandstone, repairing granite, replacing the modern one-over-one double-hung windows, replacing a pair of modern wood and glass doors, scraping and repainting the cornice, and installing a hose bib, fire alarm bell, and water meter at the base of the façade. On the rear façade, work was approved to clean and repoint the masonry, reconstruct the parapet and replace brickwork, repair bluestone sills, replace one-over-one double-hung windows, and replace the modern wood fencing at the rear yard. The approved work also includes demolishing the roof and rear façade of the third floor, construction of a two-story brick-clad rooftop addition with a metal and glass clad bulkhead with railings at the roof of the new addition.

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 building in perpetuity.

### **Area Context**

The project site is located on a predominately multi-family residential street which contains various types of private carriage houses constructed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, in the neo-Renaissance, Neo-Grec, and Queen Anne styles and conveniently located to the mansions on the east side. The street also consists of two-family townhouses and larger multi-family buildings. The taller mixed residential and commercial buildings are at the corners of the avenues and contain clothing boutiques and dining establishments on the lower floors. The project site is also surrounded by educational and religious uses including the Buckley School, The Marymount Manhattan School, and St John the Martyr Rectory.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C1-8X district along Lexington Avenue, an R10A district along East 72<sup>nd</sup> Street. Beginning

midblock between East 73<sup>rd</sup> and East 72<sup>nd</sup> Street on Third Avenue is a C1- 9 zoning district which also continues south of East 72<sup>nd</sup> Street. On Lexington Avenue, midblock between East 73<sup>rd</sup> and East 72<sup>nd</sup> Street is a C1-8X zoning district.

The area is served by the Q subway train at East 72<sup>nd</sup> Street and Second Avenue and the No. 6 train located at East 68<sup>th</sup> Street and Lexington Avenue. Access to the M101, M102, M103, and M72 buses is available along both Third and Lexington avenues. There are several Citibike stations located in the vicinity of the site, with the closest just southeast of the site at East 72<sup>nd</sup> Street and Third Avenue.

### **Site Description**

The Project Site consists of a three-story Romanesque Revival style with neo-Grec details carriage house located at 172-174 East 73<sup>rd</sup> Street (Block 1407, Lot 44) in an R8B zoning district. The existing building is built to a floor area ratio (FAR) of 2.19 and R8B zoning districts permit a maximum FAR of 4.0. The lot coverage maximum for interior lots is 70 percent. The maximum base height is 60 feet and the maximum building height is 75 feet. The permitted uses in an R8B zoning district are residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4).

The subject building was constructed in 1889 and designed by architect, Frank Wennemer and was constructed for Frank P. Perkins. The Landmarks Preservation Commission designated this building as an individual landmark in 1980 and the designation report identifies it as a fine example of late 19<sup>th</sup> century carriage houses and states that it is a reminder of an elegant lifestyle. By the 20<sup>th</sup>-century, the building was converted to a residence and according to the 1963 Certificate of Occupancy, the building was used as a photography studio and two residences. The building is currently vacant.

### **Proposed Actions**

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the minimum distance requirement of 30 feet from the lot line for legal windows and the minimum rear yard depth requirement of 30 feet for an interior lot. These bulk waivers would facilitate the enlargement of the third-story of the building, the construction of a new fourth-story addition with bulkhead, reconstruction of the building's roof and rear façade, and excavation of the ground floor to create a cellar floor. These modifications would increase the building's floor area to 10,720 square feet and increase the zoning floor area of the building to 3.45 FAR.

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 and LPC's Certificate of Appropriateness and Certificate of No Effect, the restoration work and change in size is consistent with the historic evolution of the adaptive reuse of this building type, the addition will not overwhelm the scale of landmark or adjacent landmarks, will not obscure or eliminate any significant architectural features of this building and will place the building in a sound, first-class condition.

## COMMUNITY BOARD RECOMMENDATION

At its October 11, 2017 full board meeting, Manhattan Community Board 8 (CB8) voted by a vote of 30 in favor, 9 opposed, 0 abstentions, and 1 not voting for cause to approve the application.

## BOROUGH PRESIDENT'S COMMENTS

Carriage houses were constructed on the Upper East Side in areas adjacent to the distinguished mansions and townhomes built for prestigious clients in the late 19<sup>th</sup> century. 172-174 East 73<sup>rd</sup> Street is a Romanesque Revival style with neo-Grec detail carriage house that was built in 1889 by Frank Wennemer and designated by LPC as an individual landmark in 1980 “as a major component to the unusual group of carriage houses and stables that give East 73<sup>rd</sup> Street between Lexington and Third Avenues its singular character.”

The applicant seeks two waivers: 1) to modify the minimum distance requirement of 30 feet from the lot line for legal windows, and; 2) the minimum rear yard depth requirement of 30 feet for an interior lot. The portion of the building that is subject to the waivers requested today predates the requirements of the 1961 Zoning Resolution. This building, and the adjacent buildings, do not meet the minimum rear yard requirements under the zoning resolution and have never contributed to the historic donut, which this office seeks to protect. In its Certificate of Appropriateness, dated November 18, 2016, the LPC stated that the enlargement will not be visible from the street nor diminish the scale and character of this or the surrounding buildings. As such, it is believed that these waivers do 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 as the proposal does not significantly impact light and air and the removal of a portion of the ground floor building will reduce the degree of non-compliance in the rear yard. 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 180066 ZSM.**



Gale A. Brewer

Manhattan Borough President