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Gale A. Brewer, Borough President

August 25, 2017

**Recommendation on ULURP Application C 170452 ZSM – 19 East 72nd Street
By 19 East 72nd Street Corporation**

19 East 72nd Street Corporation (“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 retail use on portions of the ground floor and modify the sign regulations of Section 22-30 to allow accessory commercial signs on the windows of an existing 17-story building located at 19 East 72nd Street (Block 1387, Lot 14) in an R10 and C5-1 District partially within the Special Madison Avenue Preservation District and partially within the Special Park Improvement District, located within the Upper East Side Historic District in 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 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, MOU 19-5996 dated January 18, 2017.

² The LPC issued a Certificate of No Effect (CNE 18-3825) on January 18, 2017. The Certificate of Appropriateness (COFA #03-5794) and Miscellaneous Amendment (#19-5674) were issued on May 7, 2004 and January 18, 2017 respectively.

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 facilitate the development of a single 2,314 square foot retail space in a 17-story residential building by combining 478 square feet of existing floor area permitted as retail use with an adjacent community facility and residential space totaling 1,836 square feet of floor area. Additionally, the applicant seeks to modify the sign regulations to allow accessory commercial signs for the converted retail space.

Pursuant to the Certificate of Appropriateness issued by LPC, the applicant has been approved for restorative work to repair masonry, repoint masonry, reset displaced limestone cladding, replace damaged bricks at the parapets, rear façades and chimneys, replace the cracked limestone sill at the first floor of the north façade, replace deteriorated steel lintels in-kind at the north and west façades, repair the metal railings, resurface and repaint deteriorated stucco at the ground floor interior courtyard, replace the roofing membrane and concrete paving at the roof, repair the deteriorated through-wall louvers on two floors, remove a security camera and repaint the existing metal fence to match the existing color.

The restoration work also includes replacing one-over-one double-hung metal windows on the west and south façades with single-light fixed metal windows, install vinyl signage to the glazing of an existing historic door and on proposed windows, and install a metal post sign to the adjoining yard which would function as additional signage for the retail space. 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 partially within the Special Park Improvement District (PI), partially within the Special Madison Avenue Preservation District (MP), and within the Upper East Side Historic District.

The PI was designated in 1973 and 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 MP was also established in 1973 along Madison Avenue between East 61st Street and East 96th Street. The goal was 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. The floor area ratio (FAR) is 10.0. Additionally, the project site is within the Upper East Side Historic District, which the LPC designated in 1981. The district historically represents the city's wealthiest community and contains a concentration of various architectural styles and building types constructed in the late 19th century and early 20th century designed by some of the nation's most famous and prestigious architects.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C5-1 district along Madison Avenue and a R10 district along Fifth Avenue and further west along Park Avenue.

The area's land use is predominately residential with single-family townhomes, multifamily buildings, and mixed-use buildings with high-end fashion stores at their base and residential use above, particularly along Madison Avenue. . The buildings range in height from two to twenty stories with the taller buildings at the corners of the avenues, including Ralph Lauren Women's and Home Flagship located on the southwest corner of East 72nd Street and Madison Avenue and Ralph Lauren Men's Flagship located on the southeast corner of East 72nd Street and Madison Avenue. The project site is also surrounded by educational and religious uses including the Frick Museum, The Met Breuer and St. James' Church.

The area is served by the No. 6 train located at East 68th Street and Lexington Avenue and the Q train at East 72nd Street and Second Avenue. Access to the M1, M2, M3, M4 and M72 buses is available along Madison Avenue and 5th Avenue. Citibike stations are located one block east of the site at East 72nd Street and Park Avenue and a half-block northwest of the site along Fifth Avenue.

Site Description

The Project Site is a 17-story Art Deco style luxury apartment building located at 19 East 72nd Street (Block 1387, Lot 14) in an R10 zoning district and C5-1 zoning district partially within the Special Madison Avenue Preservation Historic District, the Special Park Improvement District and the Upper East Side Historic District. R10 zoning districts have the highest residential density in the city with an FAR of 10.0. C5-1 districts are an R10 equivalent and permit a maximum floor area ratio (FAR) of 10.0 for residential use and 4.0 FAR for commercial uses. The permitted uses in a C5-1 zoning district are residential, community facility, local and destination retail, and wholesale uses (Use Groups 1 through 6 and 9 through 11).

The subject building was constructed in 1936-37 by architect, Rosario Candela who is known for large luxury apartment houses on the Upper East Side. According to the 1937 Certificate of Occupancy, the ground floor consisted of four doctor's offices. Currently, the building contains 36 co-op units which are accessed through a residential lobby on East 72nd Street, a Use Group 6 art gallery with frontage on Madison Avenue and East 72nd Street, a perfume boutique, a retail use, with frontage on Madison Avenue, and a vacant former doctor's office on the ground floor along East 72nd Street. This community facility use has been vacant for three years.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the use regulations to permit Use Group 6 retail use and non-illuminated accessory signage on a portion of the ground floor in the northwest corner of an existing 17-story building within an R10 and C5-1 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 conversion of 1,836 square feet of space formerly used as a doctor's office to retail use which would be combined with 478 square feet of permitted retail space within the MP district. The special permit would also allow 40 feet of street frontage in the portion of the site that is within the R10 zoning district, only.

As described in the application materials and LPC's Certificate of No Effect, the restoration work and revenue generated from the retail store is proposed to place the building in a sound, first-class condition that will reinforce the architectural character of the building and historic districts. The restoration program is proposed throughout the building, including repointing masonry with lime rich mortar, resetting limestone cladding, repairing flashing, repairing metal railings, and resurfacing stucco in the interior courtyard wall in-kind, in accordance with the LPC report.

COMMUNITY BOARD RECOMMENDATION

At its July 22, 2016 full board meeting, Manhattan Community Board 8 (CB8) voted unanimously, by a vote of 39 in favor, 0 opposed and 0 abstentions to deny the applicant's Landmarks Preservation Commission Certificate of Appropriateness application. The Board's resolution states that retail use on East 72nd Street would change the residential character of the base of the building and that retail use is not appropriate in historic districts. The resolution further states that doctor's offices are a more appropriate use and any restoration work of the building's façades should be done as required by Local Law 11.

At its Full Board meeting on July 19, 2017, Manhattan Community Board 8 ("CB8") voted to disapprove this special permit application by a vote of 23 in favor, 12 opposed and 3 abstentions.

BOROUGH PRESIDENT'S COMMENTS

The Upper East Side Historic District, particularly along Fifth Avenue, is noted for the distinguished mansions and townhomes built for prestigious clients in the late 19th century which contribute to and enhance the unique architectural and historical significance of the neighborhood. 19 East 72nd Street is an Art Deco style luxury apartment building constructed between 1936 and 1937 by Rosario Candela. The special permit would facilitate 2,314 square feet of ground floor retail space and retail signage by combining a vacant former doctor's office and the building superintendent's apartment which lacks privacy from the street.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The building has existing retail use along Madison Avenue and according to the applicant's commissioned traffic study, the high-end destination tenant they seek will have very low impact on pedestrian and vehicular traffic. The commissioned study was in response to the concerns raised by the Community Board during their review of the landmarks application.

The applicant has also proposed a first-class restoration of the building and has proposed decal

lettering to be applied to the windows and doors instead of affixed to the historic building. The restoration work will reinforce the historic significance of this building within the Upper East Side Historic District. The scope of work was adjusted following the board's resolution requesting changes to the signage amounts, location, and use of awnings. The proposal that LPC ultimately approved as fulfilling the preservation purpose and which accompanies this special permit, reflects those sensitive adjustments.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 170452 ZSM.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President