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Gale A. Brewer, Borough President

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**Recommendation on ULURP Application C 170040 ZSM – 19 East 70th Street
By NY 70th Street LLC**

NY 70th Street LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the inner courts requirements, the minimum distance between legally required windows and walls or lot lines requirements, and the maximum building height requirements to facilitate the conversion of an existing 6-story building to residential use at 19 East 70th Street, Block 1385, Lot 15 (“Project Site”) located in a C5-1 District within the Special Madison Avenue Preservation District and 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.

PROJECT DESCRIPTION

The applicant proposes three waivers to facilitate the conversion of an existing 6-story building

¹ The LPC issued a report, MOU 17-6491 dated September 11, 2015.

² The LPC issued a Certificate of No Effect (CNE 17-7831) and an associated Amendment 16-6471 on May 16, 2014 and September 10, 2015, respectively. The Certificate of Appropriateness (COFA #17-6483) and Miscellaneous Amendments (#19-0659) were issued on September 11, 2015 and July 18, 2016 respectively.

³ The proposal is for one dwelling unit. This is below the maximum permitted number of dwelling units, 22, set forth in Section 15-111.

to its original use as a single-family residence. The building has existing non-conforming conditions pursuant to zoning requirements for residential uses including: minimum distance to rear lot line for legal windows, minimum inner court dimensions, minimum court area and maximum building height for narrow streets.

Pursuant to the Certificate of Appropriateness issued by LPC, the applicant has been approved for work on the rear façade, the roof southern face, the portico on the southern façade and alterations, restoration and repair of the building exterior. The exterior work would include reconstructing the rear façade, removing copper sheet metal clad bay and brickwork, punched openings at the second through sixth floors, double-hung windows and multi-light doors, two metal balconies at the second floor level and copper spandrel panels and bays at the basement, first, third and fourth floor levels.

The restoration work also includes reconstruction and reconfiguring portions of the penthouse. This includes construction of a new rear façade, enlarged punched openings with multi-light windows, increasing the footprint and reducing the height of the elevator bulkhead, construction of a new exterior stair with a sloping sidewall, new mechanical equipment, metal screens and metal railings on the roofs, removal of double-hung windows at fifth floor level for metal multi-light doors. The storm door will be replaced with a metal gate at the ground floor entrance at the southern façade and new taller metal fencing. 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. The Special Madison Avenue Preservation District (MP) was 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. The project site is also located 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 R10 districts north of the site beginning at East 72nd Street and further east along Park Avenue. R8B contextual districts have a maximum building height of 75 feet and the base height of new buildings before a setback is 55 to 60 feet. The district also requires open areas to be planted between the street wall and street line. 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 predominately residential with single-family townhomes, multifamily buildings, and mixed-use buildings with high-end fashion stores at their base with residential use above along Madison Avenue. The buildings range in height from two to twenty stories with the taller buildings at the corners along the avenues. The project site is also surrounded by educational and religious uses including the Frick Museum immediately west of the project site and St. Jame's Church one block north.

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 two blocks northeast of the site at East 72nd Street and Park Avenue and two blocks south of the site at East 68th Street and Madison Avenue.

Site Description

The Project Site is a landmarked 6-story neo-Italian Renaissance style townhouse located at 19 East 70th Street (Block 1385, Lot 15) in a C5-1 zoning district within the Special Madison Avenue Preservation Historic District and the Upper East Side Historic District. 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 Building was constructed from 1909-1910 by Thornton Chard as a single-family residence for Dave Hennen Morris, a U.S. Ambassador to Belgium. In 1952, the Building was converted to office use and between 1972 and 1977 it was converted to an art gallery for the Knoedler Gallery. From the 1970's until 2012, the building was occupied and operated by Knoelder Gallery as an art gallery space and accessory office use. The applicant purchased the building in 2014 with the intention to convert the building to its original use as their residence. The building is currently vacant.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify bulk controls related to inner court minimum dimensions, minimum distance between legally required windows and walls or lot lines requirements, and the maximum building height requirements to facilitate the conversion of an existing 6-story building to its original 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.

The first waiver is to permit the existing non-complying distance to the rear lot line for legal windows which ranges from 10 to 21 feet, to remain; pursuant to ZR §23-861, the requirement is 30 feet. The second waiver is to allow an inner court in the rear of the building, depth of 10 feet and 300 total square feet which is less than the required 30 foot depth dimension and 1,200 square foot area for inner courts pursuant to ZR §23-851. This waiver would also permit filling

in the air shaft located on the eastern side lot line which would facilitate relocating floor area above the maximum permitted building height of 60 feet pursuant to ZR § 23-692.

As described in the application materials and LPC's Certificate of No Effect, the reconstruction work and redesign of the building is proposed to place it in a sound, first-class condition and the restoration of missing architectural details will reinforce the architectural historic character of the building and district. The restoration program is proposed throughout the building, including in kind window replacement, limestone patching, replacing roof membrane, paving and copper roofing panels, per the LPC report.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on January 11, 2017, Manhattan Community Board 8 ("CB8") recommended approval of this application by a vote of 35 in favor, 1 opposed, 1 abstention, and 1 not voting for cause.

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 70th Street, between Fifth Avenue and Madison Avenue, is a neo-Italian Renaissance style townhouse originally constructed for a U.S Ambassador in 1910 on a residential block. The three requested waivers for minimum distance to rear lot line for legal windows, minimum inner court dimensions, minimum court area and maximum building height for narrow streets are waivers typical of buildings in the neighborhood.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The building has existing non-conforming conditions pursuant to zoning requirements for residential uses. The infill of the air shaft increases the floor area but it does not significantly increase the non-conformance of the building, and as proposed, is minimally visible from adjacent buildings.

The applicant has also proposed a first-class restoration of the building including removal of the CMU block infill, installation of new stamped-patinated copper bay windows, cast stone coping and a new brick façade to match the original. The restoration work will reinforce the historic significance of this building within the Upper East Side Historic District.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 170040 ZSM.



Gale A. Brewer
Manhattan Borough President