

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Docket Description: **C 160213 ZSM**

IN THE MATTER OF an application submitted by Kayvan Hakim, Zimak Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height limitations for narrow buildings or enlargements), the inner court requirements of Section 23-85 (Inner Court Regulations), the side yard requirements of Section 35-52 (Modification of Side Yard Requirements), and the street wall recess requirements of Section 99-052 (Recesses, balconies and dormers), to facilitate the enlargement of an existing 6-story and penthouse mixed-use building, on property located at 1290 Madison Avenue (Block 1503, Lot 56), in an R10/C1-5 District, within the Special Madison Avenue Preservation District, within the Expanded Carnegie Hall Historic District.

COMMUNITY BOARD NO: 8

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)
- EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



BOROUGH PRESIDENT

August 22, 2016

DATE



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
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

August 22, 2016

**Recommendation on ULURP Application No. C 160213 ZSM– 1290 Madison Avenue
By Kayvan Hakim, Zimak Company**

PROPOSED ACTION

Kayvan Hakim, Zimak Company (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify height, inner court, side yard, and street wall recess requirements to facilitate the enlargement of an existing 6-story plus penthouse mixed-use building on property located at 1290 Madison Avenue, Block 1503, Lot 56 (“Project Site” or “The Wellington”) located in an R10/C1-5 District within the Special Madison Avenue Preservation District, within the Expanded Carnegie Hill Historic District, in Community Board 8, Borough of 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; and
- 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; and
- 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 January 12, 2016.

² The LPC also issued a Certificate of No Effect (CNE 18-1006) and a Certificate of Appropriateness (COFA 18-1020) on January 12, 2016.

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

PROJECT DESCRIPTION

The applicant proposes four waivers to facilitate the renovation and enlargement of an existing 6-story mixed residential and commercial building. The building also has existing non-conforming conditions pursuant to the Special Madison Avenue District and Extended Carnegie Hill Historic District guidelines, including the building exceeding the maximum permitted building height, required street wall recesses, side yard and inner court dimensions. 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.

The applicant proposes to restore the east, north and south elevations of the Building including restoring the limestone and terra cotta ornamentation, new windows, a comprehensive restoration of the storefronts including repair to the friezes, cast iron capitals and columns. As part of the renovation, the applicant is proposing to enlarge one of the retail spaces on the ground floor and include access to a wine cellar. The building circulation would change with the residential entrance relocated to East 92nd Street and the entrance for the retail space relocated to Madison Avenue and made ADA compliant. The service entrance for the retail would also be accessed from Madison Avenue with the ground floor extension into the rear yard.

The applicant also proposes to remove the existing fire escapes located on the south elevation on the 3rd, 4th and 5th floors and to replace them with metal balconies on the 4th, 5th, and 6th floors extending 8 feet over the alleyway. With the removal of the fire escapes, two interior staircases would be added and a new code-compliant elevator. On the roof, the applicant proposes to recreate the original 3 foot deep and 2.9 foot high cornice and demolish the existing penthouse to build a full one-story, seventh floor penthouse with a setback and provide access to a common rooftop terrace. The residential portion of the building would be reduced from 11 to 8 units.

Area Context

The project site is located in a R10 zoning district with a C1-5 commercial overlay in the Special Madison Avenue Preservation District and the Expanded Carnegie Hill Historic District in Community Board 8, Manhattan. The Special Madison Avenue Preservation District (MP) was established in 1973 and extends from East 61st Street to East 96th Street. The 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. The Building is also located within the Expanded Carnegie Hill, 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.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C1-5 district along Madison Avenue and R10 districts along Fifth Avenue and 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 known for its townhouses, many of which are single-family homes, at the midblock and taller apartment building along the avenues. The townhouses range in height from four to five stories. There are also a substantial number of philanthropic, educational, and religious uses distributed throughout the neighborhood such as the Cooper Hewitt Smithsonian Design Museum and the Solomon R. Guggenheim Museum.

The area is served by the No. 6 train located at East 96th Street and the No. 4, 5, and 6 trains located at East 86th Street. Access to the M1, M2, M3 and M4 buses is available along Madison Avenue and 5th Avenue. Citibike stations are also located one block southeast of the site at East 91st Street at Park Avenue and one block northeast of the site along 5th Avenue.

Site Description

The Project Site is a 6-story building located at 1290 Madison Avenue (Block 1503, Lot 56) in a R10 district with a C1-5 overlay within the Special Madison Avenue Preservation District and Extended Carnegie Hill Historic District. R10 districts permit a maximum floor area ratio (FAR) of 10.0 for residential and community facility uses and 2.0 FAR for commercial uses. The base height is 60 feet to 125 feet and the building height is limited to 185 feet on a narrow street.

The Building was originally constructed in 1898 by A.B Ogden & Co. in the Renaissance Revival style as a 6-story building with five stores at the ground level and apartments for eleven families on the upper floors. The current owner's family purchased the building approximately 40 years ago and in the mid-1980s the existing one-story penthouse was added. The building is currently vacant on the upper floors and the ground floor commercial spaces have continuously been occupied including long-term tenant, Yura on Madison.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify bulk controls related to inner court minimum dimensions, building height limits on narrow streets, street wall recesses for buildings within an historic district, and side yard requirements in order to facilitate the renovation and enlargement of an existing 6-story residential building plus penthouse with ground floor retail 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 a total building height of 95.41 feet which exceeds the permitted building height of 80 feet pursuant to ZR § 23-692(c). The second waiver is to allow the seventh floor enlargement, approved by LPC to replicate the lower floors of the existing building which does not have any recesses on the Madison Avenue façade, to rise without any recesses. This would require a modification of the rule pursuant to ZR § 99-052 of the Special Madison Avenue Preservation District rules which requires façade recesses above a height of 20 feet in a historic

district. The third waiver is to permit the waiver of the side yard rules pursuant to ZR § 35-52 to permit a non-complying side yard on the southern lot line ranging from six to seven stories in height. This waiver will also eliminate the open area on the first floor to accommodate an enlarged first floor which is necessary to allow the seventh floor to be a straight extrusion of the Building's floor plate.

As described in the application materials, Certificate of Appropriateness and the January 12, 2016 LPC report, the reconstruction and restoration of the building is proposed to place it in a sound, first-class condition and the restoration work will reinforce the architectural and historic character of the building, streetscape and district. The restoration program, per the LPC report, includes, "façade cleaning, the removal of non-historic façade cladding, the return of the cornice and the installation of the historic storefront configuration will...aid in its long term preservation."

The Certificate of No Effect states the restoration work will include, "the removal of biological overgrowth, graffiti removal and façade cleaning as required; repointing, limestone patching and crack repair, and in-kind terra cotta replacement as required; the removal of non-historic granite cladding at the piers, and the replacement with limestone or light granite to match the historic limestone; at the secondary south elevation, brick replacement and repointing as required; at the East 92nd Street façade, the removal of biological overgrowth and façade cleaning as required; brick replacement, repointing, and limestone crack repair as required; restoration of the sheet metal cornice to the historic depth and featuring bracket detailing with a gray finish; and installation of one-over-one wood double-hung windows."

COMMUNITY BOARD RECOMMENDATION

At its Land Use/Full Board meeting on July 20, 2016 Manhattan Community Board 8 (CB8) recommended approval of this application. The vote was 37 in favor, 0 opposed, and 0 abstentions. The recommendation was submitted to the Department of City Planning on July 21, 2016.

BOROUGH PRESIDENT'S COMMENTS

Standard to the Upper East Side and its mid-blocks, one finds what is fondly referred to as the "historic donut;" the agglomeration of the rear yards from the brownstones that typify this area. However, as a corner building with its predominant frontage on Madison Avenue, 1290 Madison and the requested waivers for side yards and inner courts are consistent with what is also typical for the area - corner buildings with extensive lot coverage and few to no side yards. What is also consistent with the neighborhood are handsome buildings along Madison that rise without recess and above the height limitations put forth in the Special Madison Avenue Preservation District.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. It was more important to maintain the building form for such a visible corner structure than to adhere to the permitted maximum height, which the building today

already exceeds. While the vertical enlargement and infill in the existing non-conforming rear yard increase the degree of non-conformance for the existing building, it does not do so in a manner that will significantly impact light and air for the adjacent buildings or neighborhood.

In addition, the applicant has also proposed a first-class restoration of the building. The proposed cornice reconstruction and other significant façade work and window restoration will ensure this visible building remains a contributing structure to the historic district. The inclusion of a historically appropriate cornice will improve the building and will further reduce the presence of the addition. The only item in the proposal that gives pause is, given the age of the building and number of units at certification, whether at any point such units were under rent regulation. Research into this matter was inconclusive.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 160213 ZSM.

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Gale A. Brewer
Manhattan Borough President