



IN THE MATTER OF an application submitted by Advantage Testing Inc. 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 use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2nd story enclosure and heating, ventilation, and air conditioning (HVAC) units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88th Street (Block 1550, Lots 31 and 34), in an R8B District within the Borough of Manhattan, Community District 8.

The application for a special permit was filed by Advantage Testing Inc. on July 21, 2017. The special permit seeks to modify the use regulations of Section 22-10 to allow a for-profit, commercial educational tutoring and test preparation service use (Use Group 6B) in an R8B district, and to modify the rear yard regulations of Section 24-36 to permit the enclosure of the existing rear yard terrace within the required rear yard in the Upper East Side neighborhood of Manhattan Community District 8.

BACKGROUND

350 East 88th Street (Lot 31), known as the Rhinelander Building, is located on the south side of 88th Street, 125 feet west of First Avenue, on the block bounded by East 88th Street, First Avenue, East 87th Street, and Second Avenue. Lot 31 has 50 feet of frontage on East 88th Street and a depth of 100 feet. It is located within the Yorkville neighborhood of the Upper East Side in an R8B zoning district. The applicant, Advantage Testing Inc., is seeking use and bulk waivers to facilitate a for-profit educational use on the site.

The Rhinelander Building was constructed in 1892 and has four floors plus mezzanine, a cellar/basement, a height of 72 feet, and a total gross square footage of approximately 17,993 and 14,614 square feet of zoning floor area. The Rhinelander was built as a manual trades school for children living in tenement housing. Advantage Testing purchased the building in early 2016 from the non-profit Children's Aid Society, which had been using it as a pre-school with more than 400 seats. Advantage Testing is a for-profit educational tutoring and test preparation service that provides private one-on-one tutoring and test preparation. Advantage Testing, which is in 17 cities, purchased the Rhinelander to serve as the headquarters of the organization. The programming at the building will include one-on-one tutoring and test preparation sessions that will likely have a total of no more than 60 people (including 15 administrators and 16 tutors) on the premises during regular business hours.

The Rhinelander has two rear terraces, one on the second floor and one on the fourth floor. The second floor rear terrace is 1,178 square feet in area and is divided into two sections by a 192-square-foot skylight 134 square feet of HVAC equipment is located on the western edge of this terrace, which was most recently used as an exterior play area. The fourth floor rear terrace is 192 square feet in area and it is not located within the required rear yard. The second and fourth floor rear terraces overlook the one-story Brearley School Field House to the south, which has an open sports field on the roof. The building has an existing legal non-compliant rear yard of 4 feet and 8 inches.

The Rectory of the Church of the Holy Trinity is located next to the Rhinelander Building at 332

East 88th Street. The Church of the Holy Trinity is comprised of three landmark buildings: St. Christopher House (Lot 35), Holy Trinity Church (Lot 35), and the Rectory (Lot 34). The Rectory is a three-story structure that was completed in 1897 and was designated as an individual landmark by the Landmarks Preservation Commission (LPC) on February 15, 1967 as “Parsonage of Holy Trinity Church.” Lot 34 is an approximately 1,270-square-foot tax lot with 24 feet of frontage along East 88th Street, a depth of 53 feet, and 3,441 square feet of floor area. Advantage Testing has reached an agreement with the Church of the Holy Trinity to merge the zoning lots of the Rhinelander and the Rectory, which enables the applicant to modify the use and bulk regulations in order to preserve a designated landmark building or buildings within an historic district via the special permit. There are no use or bulk changes proposed for the Rectory.

The block on which the Rhinelander and the Rectory are located between First and Second avenues is predominantly residential with five-story multiple dwellings along the north side of the street. The majority of the block frontage along the south side of East 88th Street consists of the Rhinelander and the larger Church of the Holy Trinity, both of which are community facilities; a 46-story residential condominium tower with ground floor commercial use at the corner of First Avenue; and larger apartment buildings closer to Second Avenue. The midblock R8B zoning district permits a maximum residential floor area ratio (FAR) of 4.0 and a maximum community facility FAR of 5.1. There is an R10 zoning district with a C1-5 commercial overlay mapped to a depth of 125 feet along both sides of First Avenue between East 87th and 88th Streets.

The applicant proposes to occupy the vacant Rhinelander Building for a commercial educational

use that is not listed in the Zoning Resolution and does not meet the requirements as a Use Group 3 school, which is defined as an institution that provides full-time instruction and a course of study that meets the requirements of the New York State Education Law. The commercial use, which is a for-profit test preparation and tutoring service similar to a Use Group 6B office use, is not permitted in an R8B district.

The applicant also proposes to enclose the second floor terrace with a glass structure that will create new interior space for tutoring. This involves the removal of the HVAC equipment and replacement of the skylight area with a floor. Once enclosed, this portion of the building will constitute 1,370 square feet of new floor area. The overall total floor area of the building will be reduced by 359 square feet (from 14,614 to 14,255 square feet) due to the reconfiguration of a fourth floor mezzanine, the basement, and minor alterations to the mechanical system. The existing rear yard is 4 feet and 8 inches. A 951 square-foot portion of the second floor terrace enclosure would be located within the required rear yard. The HVAC equipment in the western portion of the second floor rear terrace would be removed and new HVAC equipment would be located atop the new second story terrace enclosure within the center of the rear yard. The relocated HVAC equipment would be screened on all sides as required by the Zoning Resolution. The existing 14,614 square feet of zoning floor area in the Rhineland Building and the 3,441 zoning floor area of the Rectory calculate to an FAR of 2.86. The proposal would reduce the FAR of the merged zoning lots to 2.8.

In order to grant the special permit, the Commission must find that the proposed bulk modifications

shall have minimal effects on the structures or open space in the vicinity in terms of scale, location and access to light and air. The Commission must also find that the proposed use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

Pursuant to the special permit requirements, the LPC must also approve the restoration work on the landmark building. The LPC-approved restoration work consists of a comprehensive plan to protect the Rectory from water penetration and includes the repair and replacement of copper flashing, gutters, terra cotta, cresting, roof slate, dormers, vent pipes, brickwork, and chimneys. The Restrictive Declaration sets forth specific obligations and commitments, including a continuing maintenance program for the Rectory.

ENVIRONMENTAL REVIEW

This application (C 180023 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP008M. The lead is the City Planning Commission.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on September 5, 2017.

UNIFORM LAND USE REVIEW

This application (C 180023 ZSM) was certified as complete by the Department of City Planning on August 5, 2017, and was duly referred to Community Board 8 and the Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 8 held a public hearing on this application on October 11, 2017 and, on that date, approved the application by a vote of 35 in favor and one opposed.

Borough President Review

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on November 20, 2017.

City Planning Commission Public Hearing

On November 29, 2017 (Calendar No. 4), the City Planning Commission scheduled a December 13, 2017 public hearing on this application (C 180023 ZSM). The hearing was duly held on December 13, 2017 (Calendar No. 24). One speaker testified in favor of the application.

The applicant's land use lawyer provided an overview of the project, including a discussion of the commercial education use in the residential district, the enclosure of the second floor terrace, and the work on the Rectory.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The existing Rhinelander building at 350 East 88th Street occupies an interior lot area of 5,035 square feet and is located in an R8B zoning district in the Upper East Side. The building contains a total of 14,614 square feet of zoning floor area. The Rectory, also located in an R8B zoning district contains 3,441 square feet of floor area and together they have an FAR of 2.86. The requested actions would permit the modification of the use and bulk regulations to the Rhinelander building pursuant to Section 74-711 of the Zoning Resolution. The bulk modification will modify the rear yard requirements to allow the enclosure of the second floor rear terrace, which will increase the amount of non-compliant floor area by 951 square feet, and the placement and screening of the HVAC equipment on top of the new enclosure. The requested action would also permit a use modification to allow a commercial education use (Use Group 6B) in the R8B district.

The Commission notes that the Church of the Holy Trinity abuts the property to the west, the Brearley School Field House is to the south and consists of a playing field on top of a one-story structure, and a newer 46-story mixed use building is directly to the east. The Commission believes that the impacts on permitted residential uses in the vicinity will be minimal. Furthermore, the rear yard “donut hole” is already limited by the existing structures of the landmarked Church, the Rhinelander, and the playing field. The Commission appreciates that there are similar conditions

in other locations on the Upper East Side with older buildings presenting rear yard non-compliances: the Rhinelander (built in 1897) is no exception with a 4-foot, 8-inch rear yard and significant portions of each floor built within the 30-foot required rear yard.

The Commission believes that a tutoring and test preparation service is a similar use to a school community facility use. In this case, the previous use on the site was a permitted 400-seat preschool community facility operated by the Children's Aid Society. Advantage Testing focuses their sessions on one-on-one tutoring which will likely have a result of less than 60 people on the premises (including staff) during regular business hours. The Commission believes that the proposed use will likely have less traffic and transportation impacts within the building and surrounding area than the previous permitted use.

The Commission is in receipt of a letter dated July 6, 2017, from the LPC to the City Planning Commission stating that the LPC voted in support of the application for the special permit and detailed the restorative work that will be completed on the Rectory (aka the Parsonage) building to reinforce its architectural and historic character, and that the applicant has agreed to a continuing maintenance program for the building.

The Commission believes that the proposed enclosure of the second floor terrace within the required rear yard will 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 that any impacts of the proposed use

within the building or the surrounding area will be minimal; and therefore, believes that the grant of a special permit is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all districts) of the Zoning Resolution:

- (1) such bulk modifications shall have minimal 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.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment, and

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Advantage Testing, Inc. for the grant of special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2nd story enclosure and HVAC units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks

Preservation Commission located at 350 East 88th Street (Block 1550, Lots 31 and 34), in an R8B District within the Borough of Manhattan, Community District 8, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 180023 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Martin Joseph Finio of Christoff : Finio Architecture, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z001.00	Zoning Lot Site Plan	July 21, 2017
Z002.00	Zoning Analysis	August 1, 2017
Z003.00	Waiver Plan	August 1, 2017
Z004.00	Waiver Sections	August 9, 2017
Z110.00	Floor 0 Cellar - Proposed	August 1, 2017
Z111.00	Floor 1 Parlor - Proposed	August 1, 2017
Z112.00	Floor 2 – Proposed	August 1, 2017
Z113.00	Floor 3 – Proposed	August 1, 2017
Z114.00	Floor 4 – Proposed	August 1, 2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of

the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 180023 ZSM), duly adopted by the City Planning Commission on January 3, 2018 (Calendar No. 6), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

RAYANN BESSER, ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application # **C 180023 ZSM**

Project Name **350 East 88th Street**

CEQR Number **18DCP008M**

Borough(s) **Manhattan**

Community District Number(s) **08**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description

IN THE MATTER OF an application submitted by Advantage Testing Inc. 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 use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and
- to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2nd story enclosure and HVAC units within the required rear yard;

of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88th Street (Block 1550, Lots 31 and 34), in an R8B District, Borough of Manhattan, Community District 8.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271.

Applicant(s): Advantage Testing Inc. 210 East 88th Street, Suite 601 New York, NY 10028		Applicant's Representative: Jay A. Segal Greenberg Traurig LLP 200 Park Avenue New York, NY 10166	
Recommendation submitted by: Manhattan Community Board 8			
Date of public hearing: 10/11/17		Location: NY Blood Center 310 E 67th St, Auditorium	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 10/11/17		Location:	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 35		# Against: 1	
# Abstaining: 0		Total members appointed to the board: 30	
Name of CB/BB officer completing this form Latha Thompson		Title District Mgr	Date 10/19/17

James G. Clynes
Chairman

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

October 19, 2017

Hon. Marisa Lago
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: ULURP Application No. C 180023 ZSM, CEQR No. 18DCP008M, 350 East 88th Street

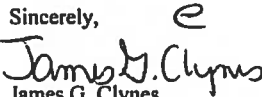
Dear Chair Lago:

At its Land Use meeting on Wednesday, October 11, 2017 Community Board 8M approved the following resolution by a vote of 35 in favor, 1 opposed 0 abstentions and 0 not voting for cause.

WHEREAS, the application submitted by Advantage Testing Inc., pursuant to Section 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 use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses) and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2nd story enclosure and HVAC units within the required rear yard; of an existing 4-story building on a zoning lot containing a landmark designated by Landmarks Preservation Commission located at 350 East 88th Street (Block 1550, Lots 31 and 34) in an R8B District, therefore

BE IT RESOLVED that Community Board 8 approves the ULURP application for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational Uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2nd story enclosure and HVAC units within the required rear yard for 350 East 88th Street.

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely, 
James G. Clynes
Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Gail Brewer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District

Honorable Rebecca Seawright, NYS Assembly Member, 76th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Jay Segal, Esq.



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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 Rhinelander 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 terra-cotta, 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.

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