



CITY PLANNING COMMISSION

March 2, 2005 | Calendar No.18

C 050096 ZSM

IN THE MATTER OF an application submitted by 713 Group 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 22-00 (GENERAL PROVISIONS) to allow office use (Use Group 6 uses) in the cellar and on the first through the fifth floors of an existing five-story building on property located at 713 Park Avenue (Block 1404, Lot 71) in R10 and R8B Districts, partially within the Special Park Improvement District (PI) and partially within a Limited Height District (LH-1A), within the Upper East Side Historic District, Community District 8, Borough of Manhattan.

The application was filed by 713 Group Inc. on September 15, 2004, for a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use provisions of Section 22-00 to allow office use (Use Group 6) and an accessory use in a 5-story building located in residential districts and within the Upper East Side Historic District at Park Avenue between East 69th and East 70th streets.

BACKGROUND

The 2,100 square foot project site is located at 713 Park Avenue between East 69th and East 70th streets. The site is predominantly located, up to a depth of 100 feet, within an R10 district and the Special Park Improvement District (PI), and the remaining portion is within a R8B district and the Limited Height District 1A (LH-1A). The site is also located within the Upper East Side Historic District. Both of these zoning districts permit only residential and community facility uses, and office uses are not allowed. The site is currently occupied by a five-story building constructed in 1919. Although originally built as a residence, the building was not used for residential use since the early 1950s. Between 1954 and 1999, the building was occupied by office and accessory uses for a philanthropic organization. The building's current Certificate of Occupancy, dated January 1955,

allows office uses for up to 23 persons.

The surrounding neighborhood contains high-density residential buildings, many with ground-floor private medical offices. There is also a strong institutional presence near the site, including the Union Club on Park Avenue between East 69th and East 70th streets; Hunter College on Park Avenue between East 68th and East 69th streets; the Americas Society and Spanish Institute on Park Avenue between East 68th and East 69th streets; and Asia Society on Park Avenue between East 70th and East 71st streets. Commercial uses in the area are concentrated along Madison and Lexington avenues.

713 Park Avenue has been vacant and on the market for over three years until the applicant purchased it last year. The applicant proposes office uses in the cellar and first through fifth floors, together with a caretaker's apartment on the fifth floor. The proposed office uses would accommodate a maximum of 23 employees. The offices and caretaker's apartment would share the main entrance to the building on Park Avenue, as well as the internal elevator and staircase. The caretaker's apartment would be accessed through a separate door at the rear of the reception area on the fifth floor of the building.

In accordance with the provisions of Section 74-711, the applicant is eligible for a special permit in that the property is located in the Upper East Side Historic District and the owner has entered into a program of continuing maintenance for the preservation of the building. The Landmarks Preservation Commission issued a report and Notice of Compliance to this effect,

which binds the applicant to a restoration program that will bring the building up to a sound first-class condition and aid in its long-term preservation.

ENVIRONMENTAL REVIEW

This application (C 050096 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 05DCP015M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 1, 2004

UNIFORM LAND USE REVIEW

This application (C 050096 ZSM) was certified as complete by the Department of City Planning on November 1, 2004, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on December 15, 2004, and on that date, by a vote of 20 to 7 with 3 abstentions, adopted a resolution recommending approval of the

application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on December 12, 2004.

City Planning Commission Public Hearing

On January 19, 2004 (Calendar No. 6), the City Planning Commission scheduled February 2, 2004, for a public hearing on this application (C 050096 ZSM). The hearing was duly held on February 2, 2004 (Calendar No. 15). There was one speaker in favor of the application and no speakers in opposition.

The representative of the applicant was present to speak in favor. There was no other speaker and the hearing was closed.

CONSIDERATION

The Commission believes that the application for a special permit (C 050096 ZSM) is appropriate.

The Commission notes that the building has been vacant for over three years. Prior to that, it was used as an office space for a philanthropic institution. The Commission believes that the proposed office use would have minimal adverse effect on the existing land use pattern in the area. The

Commission notes that the proposed office use would be used as an architect's office with a maximum 23 persons, which is the same number of persons allowed under the current certificate of occupancy. There would be a caretaker's residence on a portion of the fifth floor. The office would be open during business hours and visitors would be received on an appointment basis only. The proposed use change would not involve addition of any new floor area.

The Commission notes that the surrounding area contains a mix of residential and institutional uses. The visitors to the proposed office would be lower than the institutional uses located in the immediate vicinity. Furthermore, the hours and method of operation would be comparable to the previous use. The proposed use would not affect traffic circulation and parking in the area.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-711 of the Zoning Resolution:

- 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 impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the 713 Group 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 22-00 (GENERAL PROVISIONS) to allow office use (Use Group 6 uses) in the cellar and on the first through the fifth floors of an existing five-story building on property located at 713 Park Avenue (Block 1404, Lot 71) in R10 and R8B Districts, partially within the Special Park Improvement District (PI) and partially within a Limited Height District (LH-1A), within the Upper East Side Historic District, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050096 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 Schuman Lichtenstein Claman Efron Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-2	Zoning Calculations	8/5/04
A-1	Proposed Alteration –Cellar and Ground Floor	8/5/04
A-2	Proposed Alteration –Second and Third Floor	8/5/04
A-3	Proposed Alteration –Fourth and Fifth Floor	8/5/04

- 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) 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.
- 5) 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 and the attached restrictive declaration whose provisions 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 as stated above, or any alteration in the development that is the subject of

this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

- 6) 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 failure to act in accordance with the provisions of this special permit.

The above resolution (C 050096 ZSM), duly adopted by the City Planning Commission on March 2, 2005 (Calendar No. 18), 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.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chair

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