



CITY PLANNING COMMISSION

May 6, 2015 / Calendar No. 5

C 150213 ZSM

IN THE MATTER OF an application submitted by Tower Management Holdings LLC 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 inner courts requirements of Section 23-851 and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-861 to facilitate the conversion of an existing 5-story building to residential use, on property located at 20-22 East 71st Street (Block 1385, Lot 57), in a C5-1 District, within the Special Madison Avenue Preservation District, within the Upper East Side Historic District, Borough of Manhattan, Community District 8.

The application for a special permit was filed by Tower Management Holdings LLC on December 30, 2014. The special permit seeks to modify the minimum dimensions of inner courts requirements of Section 23-851, the minimum distance between legally required windows and lot lines of Section 23-861, which will allow the conversion of an existing building to residential use in the Upper East Side neighborhood of Manhattan Community District 8.

BACKGROUND

Twenty East 71st Street is located on the south side of 71st Street, 25 feet west of Madison Avenue, on a zoning lot which has 45 feet of frontage and a depth of 100.42 feet, for a total lot area of 4,518.9 square feet. The building is 5-stories, with a cellar and subcellar, and has a total of 16,738 square feet of zoning floor area with an FAR of 3.7. The building is built to the street line and extends back 78 feet and 9 inches to a 5th floor deck that is 9 feet and 9 inches in depth. The courtyard is at the first floor level and is 11'11" x 45', constituting approximately 536 square feet.

The building was designed by C.P.H. Gilbert as a 5-story townhouse in the neo-Italian

Renaissance style for Julius Forstmann as a single-family residence. Built in 1923, it is a contributing building in the Upper East Side Historic District which was designated by the Landmarks Preservation Commission (“LPC”) in 1981. The original 1923 Certificate of Occupancy describes the building as a “dwelling.” In 1942, heirs to Julius Forstmann sold the building to the Archdiocese of New York who converted the building to a multiple dwelling for the Catholic Center for the Blind which included a kitchen, dining rooms, dormitories, bedrooms, bathrooms and an infirmary. The Archdiocese sold the Building in 1979. From 1923 to 1979, the Building was a either a single-family residence or a multiple dwelling with numerous bedrooms and other living rooms. However, since it was built prior to the adoption of the 1961 Zoning Resolution, the existing building did not comply with the newer regulations regarding distance between buildings and inner court dimensions for residential buildings. The building was sold in 1984 and it appears from newspaper reports that IMG Models occupied the building at this time. A 1986 Certificate of Occupancy lists the Building as being occupied entirely by Use Group 6 commercial offices. Since commercial buildings do not need to comply with the regulations for distance between buildings and inner court dimensions for residential buildings, this conversion to Use Group 6 offices made the non-complying residence into a complying commercial building. In 2004 the building was leased to an art gallery which filed for bankruptcy in 2007 and has been vacant since that time. The applicant bought the building in 2012, intending to restore it and convert it back to its original use as a single family residence.

Original plans and drawings for the building are missing but a description of the building in the Department of Buildings New Building Docket from 1922 indicates that it was 45 feet wide and

88 feet 4 inches deep. The rear wall of the building is original as is the location of the rear windows, but the back of the building has a one-story solarium built in 1985 without permits and extends from the building's rear façade into the inner court area. Other than the solarium, which will be removed, the building has not been expanded or otherwise extended into the rear yard since its original construction in 1923.

The distance from the original rear façade of the building to the rear lot line is 11 feet 11 inches and the area in the rear of the building, the inner court, has a depth of 11 feet 11 inches and a total area of 536 square feet.

The applicant is proposing to convert the building back to a single-family home and the proposed conversion would include the restoration and repair of the exterior of the building, certain interior alterations, and the removal of the solarium: all which have been approved by the Landmarks Preservation Commission. Because the building predates the existing zoning regulations, it contains features that do not conform to the zoning requirements for residential uses, therefore the applicant is seeking three waivers pursuant to Zoning Resolution Section 74-711. First, minimum distance between buildings regulations of Section 23-861 requires a minimum distance of 30 feet to the lot line for legal windows. Second, minimum dimensions of inner courts of Section 23-851 requires a minimum inner court dimension of 30 feet, and, requires a minimum inner court area of 1,200 square feet. No use modifications are being sought. In order to grant the special permit, the Commission must find that the proposed bulk modifications have minimal effects on the near-by structures or open space, in terms of scale,

location and access to light and air.

The building is located in Manhattan Community Board 8 on the Upper East Side in a C5-1 zoning district. C5-1 districts allow residential uses as-of-right. The neighborhood generally consists of a mix of townhouses (typically five-to-six stories) that were built between the 1890s and the 1930s and while some of these townhouses are single-family residences, there are a number of multi-family apartments. Larger apartment buildings from 12-to-20 stories are located along the avenues.

ENVIRONMENTAL REVIEW

This application (C 150213 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 15DCP012M. The lead is the City Planning Commission.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on January 20, 2015.

UNIFORM LAND USE REVIEW

This application (C 150213 ZSM) was certified as complete by the Department of City Planning on January 17, 2015, 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

Manhattan Community Board 8 held a public hearing on this application at its Land Use meeting on February 11, 2015 and, on that date, approved the application by a vote of 27 in favor, 0 opposed, 1 abstention, and 1 not voting for cause.

Borough President Review

This application was considered by the President of the Borough of Manhattan, who issued a recommendation on March 17, 2015, to approve the application.

City Planning Commission Public Hearing

On March 18, 2015 (Calendar No. 3), the City Planning Commission scheduled an April 1, 2015, public hearing on this application (C 150213 ZSM). The hearing was duly held on April 1, 2015 (Calendar No. 13). There were two speakers in favor of the application and none in opposition.

The applicant's representative provided an overview of the project focusing on facilitating the building back to its original use and on the restoration of the historic building. The Deputy Director of Planning for the Office of the Manhattan Borough President also spoke in favor of the proposal.

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 building at 20 East 71st Street occupies a lot area of 4,519 square feet and is located in a C5-1 zoning district within the Upper East Side Historic District. The building contains a total of 16,738 square feet of zoning floor area with an FAR of 3.7. The requested action would permit the modification of the bulk regulations pursuant to Section 74-711 of the Zoning Resolution on a zoning lot that contains a landmark or is within an Historic District. The applicant is seeking a special permit to modify the requirements for a minimum distance of 30 feet between the lot line and legal windows in the building (Section 23-861), requirements for a minimum inner court dimension of 30 feet and requirements for minimum inner court area of 1,200 square feet (Section 23-851), in order to allow the conversion of the building to a conforming residential use.

The Commission notes that the portion of the building that is subject to the waivers pre-dates the bulk requirements of the 1961 Zoning Resolution and that the building floor area, other than the solarium which will be removed, has not been expanded or otherwise extended into the rear yard since its original construction in 1923.

The Commission also notes that it is in receipt of a letter dated November 3, 2014, from the Landmarks Preservation Commission (LPC) to the Department of City Planning, that the LPC voted in support of the application for the special permit and detailed the restorative work that

will be completed on the building that will reinforce the architectural and historic character of the building, the streetscape, and the Upper East Side Historic District.

The Commission believes that the proposed waivers of the minimum distance between the rear lot line and legal windows in the building, the inner court regulation depth, and the inner court area, which would maintain the same condition which has existed since 1923, 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, 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 Tower Management Holdings LLC for the grant of special permit pursuant to Section 74-711 of the Zoning Resolution to modify the inner court area regulations and the minimum dimension of an inner court of Section 23-851 (Minimum dimensions of inner courts), and to modify the minimum distance between lot lines and legally required windows requirements of Section 23-861 (General provisions), to facilitate the conversion and renovation of a building to a single-family residence located at 20 East 71st Street (Block 1385, Lot 57), in a C5-1 District, within the Upper East Side Historic District, 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 150213 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 Peter Marino Architect, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-001	Zoning Analysis	December 15, 2014
CPC-002	Zoning Lot Site Plan	December 15, 2014
CPC-005	Waiver Plan	December 15, 2015
CPC-006	Waiver Section	December 15, 2015

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. 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.

7. 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 150213 ZSM), duly adopted by the City Planning Commission on May 6, 2015 (Calendar No. 5), 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.

CARL WEISBROD, Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, BOME E JUNG, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, Commissioners

Application #: **C 150213 ZSM**

Project Name: **20 East 71st Street**

CEQR Number: 15DCP012M

Borough(s): **Manhattan**
Community District Number(s): **8**

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, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 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 Tower Management Holdings LLC 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 inner courts requirements of Section 23-851 and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-861 to facilitate the conversion of an existing 5-story building to residential use, on property located at 20-22 East 71st Street (Block 1385, Lot 57), in a C5-1 District, within the Special Madison Avenue Preservation District, within the Upper East Side Historic District, Borough of Manhattan, Community District 8.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

RECEIVED

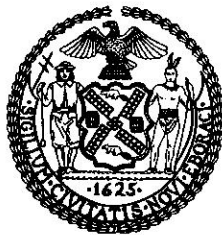
JAN 29 2015

BY COMMUNITY BOARD 8

Applicant(s): Tower Management Holdings LLC 2450 Broadway Boulevard, 6th Floor Santa Monica, CA 90404		Applicant's Representative: Valerie G. Campbell, Esq. Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036	
Recommendation submitted by:			
Date of public hearing: 2/11/15		Location: Ramuz School, 125 E 85th Street Auditorium	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: 2/11/15		Location: Ramuz School 125 E 85th Street Auditorium	
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: 27 # Against: 0 # Abstaining: 1 Total members appointed to the board: 43			
Name of CB/BB officer completing this form Latha Thompson		Title District manager	Date 2/18/15

James G. Clynes
Chairman

Latha Thompson
District Manager



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The City of New York Manhattan Community Board 8

February 17, 2015

Hon. Carl Weisbrod
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: ULURP 150213ZSM, 20-22 East 71st Street, Block 1385, Lot 57

Dear Chair Weisbrod:

At its Land Use meeting on Wednesday, February 11, 2015 Community Board 8M **approved** the following resolution by a vote of 27 in favor, 0 opposed 1 abstention and 1 not voting for cause.

WHEREAS, the application for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to facilitate the renovation of an existing five-story building and conversion to its original single-family residential use. The project area is located within a C1-5 zoning district and within the Special Madison Avenue Preservation District and the Upper East Side Historic District. The building is a contributing building to the historic district. As part of the ZR 74-711 special permit, the applicant is requesting waivers of the provisions of (i) ZR 23-851 requiring a minimum inner court dimension of 30 feet (ii) ZR 23-851 requiring a minimum inner court area of 1,200 square feet and (iii) ZR 23-86 requiring a minimum distance of 30 feet to the lot line for legal windows, therefore

BE IT RESOLVED that Community Board 8 approves the ULURP application for a special permit to facilitate the renovation of an existing five-story building and conversion to its original single-family residential use at 20-22 East 71st Street.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Clynes".

James G. Clynes
James G. Clynes
Chairman

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

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 150213 ZSM - IN THE MATTER OF an application submitted by Tower Management Holdings LLC 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 inner court requirements of Section 23-851 and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-861 to facilitate the conversion of an existing 5-story building to residential use, on property located at 20-22 East 71st Street (Block 1385, Lot 57), in a C5-1 District, within the Special Madison Avenue Preservation District, within the Upper East Side Historic District, Borough of Manhattan, Community District 8.

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

John A. Brewer

March 17, 2015

BOROUGH PRESIDENT

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
163 West 125th Street, 5th floor, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

March 17, 2015

**Recommendation on ULURP Application No. C 150213 ZSM – 20-22 East 71st Street
By Tower Management Holdings LLC**

PROPOSED ACTION

Tower Management Holdings LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the inner courts requirements of Section 23-851 and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-861 to facilitate the conversion of an existing five-story building to its original single-family residential use on property located at 20-22 East 71st Street, Block 1385, Lot 57 (“Project Site”) located in a C5-1 District within the Special Madison Avenue Preservation District and Upper East Side Historic District in Community Board 8, 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;
- 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 dated November 3, 2014.

² The LPC also issued a Certificate of No Effect (CNE 16-4455) and a Certificate of Appropriateness (COFA 16-4454) on November 3, 2014.

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

PROJECT DESCRIPTION

The applicant proposes to convert the building, which has over its history served as a single residence, as multiple dwelling units, an art gallery, and as offices, to a single residence for a 17-person household. As part of this conversion, the applicant proposes to remove an illegal flagpole on the front façade, remove a non-historic greenhouse on the rear façade, and undertake a restoration program per approvals from the LPC. While the building form has not substantially changed over the years, it is the conversion back to a single family use that requires two waivers of bulk requirements as necessary since under today's requirements, the court dimensions and the distance to the lot line from required living windows are considered non-compliant.

The first waiver is to permit a reduction of 18'-1" in the 30 foot minimum distance between required windows for living spaces and the rear lot line. Only 11'-11" is provided. The second waiver is to permit a reduction in the required minimum dimension of an inner court from 30' to 11'-11" and to allow a reduction in the minimum square foot area requirement of 1,200 square feet to 536.25 square feet. The proposed use of the building conforms to zoning and no change in bulk envelope is proposed.

The building is located within the Upper East Side Historic District, 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. The subject building is a 5-story neo-Italian Renaissance townhouse designed by C.P.H. Gilbert as a single-family residence and constructed in 1922-1923. In the 1981 report, the building's style, scale, materials, and details are noted as contributing to the special architectural and historic character of the Upper East Side Historic District. 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 in Community Board 8, Manhattan. To the west directly adjacent to the block is Central Park. The Special Madison Avenue Preservation District (MP) 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.

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 along Fifth Avenue and Park Avenue. Further east is an R9X District along Lexington Avenue mapped southward, an R10A District along East 72nd Street, and a C1-8X District along Lexington Avenue to the north of East 72nd Street. The nearest subway station is for the number 6 line at Lexington Avenue and 68th Street.

The project site is also adjacent to a Limited Height District (LH-1A), mapped coincidentally with the R8B districts within the Upper East Side Historic District. This overlay limits the maximum

building height to 60 feet. 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. This built character is for the most part consistent with the applicable zoning. The townhouses range in height from four to five stories. There is also a substantial number of philanthropic, educational, and religious uses distributed throughout the neighborhood. The area is generally within the Upper East Side Historic District and there are a number of individual landmarks nearby, and on the project site block five town homes are listed as individual city landmarks, including the Frick Collection building.

Site Description

The Project Site is a five-story building dating back to 1923 located at 20-22 East 71st Street (Block 1385, Lot 57) in a C5-1 District within the Special Madison Avenue Preservation District. C5-1 Districts permit a maximum floor area ratio (FAR) of 10.0 for residential and community facility uses and 4.0 FAR for commercial uses. Generally, the height is limited to 170 feet. Since the lot is considered a narrow lot, the maximum height of the building is instead subject to the Sliver Law under the height requirements of the special district. The lot also fronts on a narrow street; per the requirements of ZR §23-692(d), the height of this building would be limited to the lower of the heights of its adjacent neighbors, or 60'-2".

The Project Site was originally constructed in 1922-1923 as a single family residence town house in the neo-Italian Renaissance style for Julius Forstmann, a wealthy woolens manufacturer. Forstmann lived in the building until his death in 1938, and in 1942 his heirs sold the building to the Archdiocese of New York which used the building as a dormitory for the Catholic Center for the Blind. In 1979, the building was again sold after which it changed ownership a number of times along with use, going from a non-profit institution with sleeping accommodations to offices. In 2004, the building changed hands and use again, becoming gallery space. By 2007, the building was vacant. The applicant purchased the property in 2012 with the intent of converting the building back to residential use.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify bulk controls related to inner court minimum dimensions and area requirements and the required minimum distance between legally required windows and lot line order to facilitate the conversion of an existing five-story building to 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.

As described in the application materials, Certificate of No Effect, Certificate of Appropriateness and the November 3, 2014 LPC report, the reconstruction and restoration of the building is

proposed to place it in a sound, first-class condition. The restoration program includes the removal of an illegal flagpole and the removal of an inappropriate greenhouse addition. The restoration program, per the LPC report, includes, "cleaning and repairs to limestone and brick masonry, cleaning and refinishing of decorative metalwork and ironwork, repointing, window replacement, and repairs to the copper mansard roof and other sheet-metal elements."

COMMUNITY BOARD RECOMMENDATION

At its Land Use Committee, a committee of the whole, on February 11, 2015 Manhattan Community Board 8 (CB8) recommended approval of this application. The vote was 27 in favor, 0 opposed, and 1 abstention. The recommendation was submitted to the Department of City Planning on February 17, 2015.

BOROUGH PRESIDENT'S COMMENTS

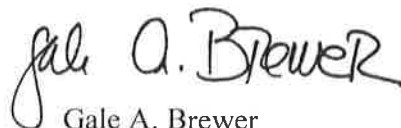
A unique attribute of Manhattan's blocks is, in general, a consistent street wall along the perimeter of all four sides of the block. We do not have a road system that includes alleys; instead, we have "donuts." These donuts on the Upper East Side were historically formed by the rear yards of townhouses built both speculatively by developers and for the wealthiest citizens of New York City. Today, it is the City of New York's Zoning Resolution through its requirements for open space, minimum yards, and distance between buildings that maintains and ensures these open areas will remain in perpetuity to provide light and air.

The waiver requested as part of this application does not impact this historic donut. The subject building is within 100 feet of the intersection of East 71st Street and Madison Avenue, a wide thoroughfare, and if built today as a commercial use would not require a rear yard. In addition, if this building had remained commercial in use after the original conversion from residential, the waivers in question would have remained as legal non-compliances. Lastly, the portion of building that is subject to the waivers requested today pre-date the requirements of the 1961 Zoning Resolution. As such, it is believed that this individual waiver does not adversely impact scale and the light and air of structures or open space in the vicinity.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The requested waivers do not significantly impact light and air and the removal of the non-historic greenhouse will restore the view of the rear façade from Madison Avenue. The applicant has also proposed a first-class restoration of the building.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 150213 ZSM.



Gale A. Brewer
Manhattan Borough President