



IN THE MATTER OF an application submitted by 19 East 72nd Street Corporation 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 to allow a retail use (Use Group 6 uses) on portions of the ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 17-story building on property located at 19 East 72nd Street (Block 1387, Lot 14), in R10 and C5-1 Districts, partially within the Special Madison Avenue Preservation District and the Special Park Improvement District, within the Upper East Side Historic District, Borough of Manhattan, Community District 8.

This application for a special permit was filed by 19 East 72nd Street Corporation on June 8, 2017. The special permit seeks to modify the use regulations of Section 22-10 and the sign regulations of Section 22-30 to allow retail use on portions of the ground floor, and commercial signage, on property located at 19 East 72nd Street (Block 1387, Lot 14) in the Upper East Side neighborhood of Manhattan, Community District 8.

BACKGROUND

19 East 72nd Street is a 36-unit, 17-story mixed-use building located on the north-west corner of Madison Avenue and East 72nd Street, within the Upper East Side Historic District. The building was designed by Rosario Candela and Mott Schmidt, and completed in 1937. The ground floor of the building contains a superintendent's apartment, a vacant doctor's office, and the residential lobby, which all front on East 72nd Street; and a perfume store that fronts on Madison Avenue; and an art gallery at the corner, with its entrance on Madison Avenue. The upper floors of the building are all occupied by residences. The applicant requests a special permit to convert the superintendent's apartment and vacant doctor's office (approximately 1,836 square feet of space) to Use Group 6 commercial retail space.

19 East 72nd Street has 140 feet of frontage on East 72nd Street and 104 feet of frontage on Madison Avenue. The East 72nd Street frontage is divided by a zoning district boundary line with a C5-1 district mapped to a depth of 100 feet along the Madison Avenue frontage; the remaining 40 feet of frontage along East 72nd Street is located within an R10 zoning district. The C5-1 district coincides with the Special Madison Avenue Preservation District (MP), and the R10 district coincides with the Special Park Improvement District (PI).

Commercial use is permitted along the entire Madison Avenue frontage (Use Group MP), while the C5-1 permits Use Groups 1 through 6 and Use Groups 9 through 11 in the portion that does not front on Madison Avenue. Within the portion of the building that is mapped as R10, commercial use is not permitted and thus is the subject of this requested action. The C5-1 zoning district permits a maximum floor area ratio (FAR) of 10.0 for residential and community facility use, a maximum FAR of 4.0 for commercial use, and a maximum FAR of 10.0 for any combination of residential, commercial (not exceeding 4 FAR) and community facility uses. The R10 district permits a maximum FAR of 10.0.

The Upper East Side Historic District was established by the New York City Landmarks Preservation Commission (LPC) in 1981. The historic district is characterized by the mansions, townhouses, large apartment houses, and institutional buildings erected by or for New York City's wealthiest citizens in the first decades of the 20th century. The Upper East Side Historic District is also listed on the New York State and National Registers of Historic Places. The surrounding

area was largely developed in the late 19th century following the construction of Central Park, which is located less than 400 feet to the west of the building. Adjacent to 19 East 72nd Street are two individually designated landmark mansions: the Oliver Gould Jennings Residence and Henry T. Sloan Residence. On the southeast corner of 72nd Street and Madison Avenue is the Gertrude Rhineland Waldo Mansion, which contains a Ralph Lauren men's flagship store on the ground floor. On the southwest corner of the intersection is the recently constructed Ralph Lauren women's flagship store, which is a five-story retail building designed in the Beaux Arts style. Lots further west are primarily improved with five-story, one- and two-family residences on the midblocks and larger multi-unit buildings on the Avenues.

East 72nd Street is a 100-foot-wide major crosstown street that supports four moving traffic lanes and two curbside parking lanes. East 72nd Street is also one of the main entrances to Central Park, leading into Terrace Drive and is one of three locations in all of Central Park that has an Information Kiosk that is staffed seasonally to provide visitors directions, maps and information.

The applicant proposes to convert 1,836 square feet of the ground floor area located in the R10 district to Use Group 6 commercial retail space. The applicant would combine that space with the adjacent 478 square feet located in the C5-1 district, for a total retail space of 2,314 square feet. This portion of the ground floor is currently occupied by a former doctor's office (vacant for three years) and the superintendent's unit. That unit would subsequently be moved away from the street frontage to the back of the building, on the ground floor next to an interior courtyard.

While retail use is permitted in the adjacent 478 square feet located in the C5-1 district, there is no door to access that space. The only access to this space, which currently allows commercial uses, is the existing door located in the R10 zoning district. Deliveries to the proposed retail space would occur through this existing door during non-peak shopping hours.

In conjunction with the proposed commercial use, a minimal amount of non-illuminated, accessory signage is proposed. The proposed signage in the R10 district would consist of non-illuminated decals on two windows (1.875 square feet each) and on one door (2.5 square feet), and one freestanding post sign (1.042 square feet) that would have a total surface area of 7.29 square feet. There would also be decals on two windows (1.875 square feet each) in the C5-1 district, which are as-of-right.

In order to grant a special permit, the City Planning Commission must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 170452 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 17DCP192M. The lead is the City Planning Commission.

On June 9, 2017, the application (C 170452 ZSM) was determined to be a Type II action pursuant to 6 NYCRR 617.5(7) “Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or use variance, and consistent with local land use controls, but not radio communication or microwave transmission facilities.” As the ground floor conversion would comprise 1,836 square feet, which is below the 4,000 square feet threshold established in NYCRR 617.5(7), this application is Type II and no further review is needed.

UNIFORM LAND USE REVIEW

This application (C 170452 ZSM) was certified as complete by the Department of City Planning on June 19, 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 Wednesday, July 19, 2017 and, on that date, disapproved the application by a vote of 23 in favor, 12 opposed, and with three abstentions.

Borough President Review

This application was considered by the Manhattan Borough President, who issued a

recommendation approving the application on August 25, 2017.

City Planning Commission Public Hearing

On August 23, 2017 (Calendar No. 5), the City Planning Commission scheduled a September 6, 2017 public hearing on this application (C 170452 ZSM). The hearing was duly held on September 6, 2017 (Calendar No. 38). There were six speakers in favor of the application and none in opposition.

A team comprised of the applicant's land use attorney and the project architect described the proposed development and the type of retail use the applicant is seeking at the location, and the restoration work on the building. A representative of the firm that completed a transportation study for the project stated that the impact of the proposed retail store would be less than the impact of an as-of-right community facility. Two members of the building's co-op board spoke in favor of the project. A representative of 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, 19 East 72nd Street, is located on the northwest corner of 72nd Street and Madison Avenue within the Upper East Side Historic District. The building has 104 feet of frontage on Madison Avenue and 140 feet of frontage on East 72nd Street. The lot is split by a zoning district boundary line, with a C5-1 zoning district mapped to a depth of 100 feet along Madison Avenue and an R10 zoning district, which begins 100 feet west of Madison Avenue. The requested action would permit a use modification pursuant to Section 74-711 of the Zoning Resolution in order to allow Use Group 6 retail and service establishments in a residential district on a portion of the ground floor of the building. The special permit would allow 1,836 square feet of retail use and accessory signage. In response to concerns expressed during the public review process, the applicant filed revisions to the application removing eating and drinking establishments from the list of permitted Use Group 6 uses.

The Commission is in receipt of a letter dated January 18, 2017, from the Landmarks Preservation Commission (LPC) to the Department of City Planning stating that the LPC voted in support of the application for the special permit. The letter also detailed the restorative work that would be completed on the designated building, which will reinforce its architectural and historic character, and stated that the applicant has agreed to a continuing maintenance program.

The Commission believes that the use change and conversion of a portion of the ground floor would have minimal effects on the conforming residential and retail uses in the building and in the surrounding area. East 72nd Street is a busy, crosstown, wide street with four moving lanes and two parking lanes. The applicant is seeking a retail use similar to the specialty shops and high-

end fashion stores that Madison Avenue is famous for, and they provided a transportation study that showed a travel demand forecast to have very low impacts associated with the proposed action.

The Commission believes that the LPC-approved 7.29 square feet of accessory signage to be located in the R10 district is discreet and suitable for the location. The signs would be non-illuminated, which would benefit the residents in the area, and would consist of one post sign and decals affixed to two windows and one door. The signage for the existing retail in the building, a 900-square-foot perfume store and a 2,500-square-foot art gallery, is also modest and emblematic of the applicant's intentions for the proposed retail location.

The Commission notes that the applicant has been responsive to community concerns by adjusting the scope of the restoration of the building, removing proposed awnings for the proposed site, completing the transportation study, and removing eating and drinking establishments and their accompanying odors, noise, and crowds, from the permitted Use Group 6 uses at the site.

The Commission believes that moving the superintendent's apartment from a street-facing dwelling unit on an active, wide street to the back of the building, next to an internal courtyard, would be a more suitable location with more privacy for the occupants. Furthermore, moving the superintendent's unit would facilitate a larger, 2,314-square-foot retail store (combining the 1,836 square feet and the existing 478 square feet located in the C5-1 district), which would improve the store's commercial viability. The rental income would be used to bring the Rosario Candela building into first-class condition and preserve the historically significant features of the building.

The Commission believes that the proposed use change and accessory signage shall have minimal adverse effects on the conforming uses within the building and the surrounding area 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 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 19 East 72nd Street Corporation for the grant of special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow a retail use (Use Group 6 uses) except for eating and drinking establishments on portions of the ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 17-story building on property located at 19 East 72nd

Street (Block 1387, Lot 14), in R10 and C5-1 Districts, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 170452 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 Samuel O. White, R.A., of PBDW Architects, LLP, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
01	Zoning Analysis	June 6, 2017
02	Zoning Lot Site Plan	June 6, 2017
03	Proposed Ground Floor Plan	June 6, 2017
04	Proposed Elevations & Signage	September 6, 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. 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 170452 ZSM), duly adopted by the City Planning Commission on October 4, 2017 (Calendar No. 11), 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 R. DE LA UZ,

RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARÍN, LARISA ORTIZ, *Commissioners*

James G. Clynes
Chairman

Latha Thompson
District Manager



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

July 20, 2017

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

Re: ULURP Application C 170452ZSM, 19 East 72nd Street, Block 1387, Lot 14

Dear Chair Lago:

At its Land Use/Full Board meeting on Wednesday, July 19, 2017 Community Board 8M **disapproved** the following resolution by a vote of 23 in favor, 12 opposed 3 abstentions and 0 not voting for cause.

WHEREAS, this application was submitted by 19 East 72nd Street Corporation pursuant to Sections 197-c and 201 of the NYC Charter for the grant of a special permit pursuant to Section 74-711 of the ZR to modify the use regulations of Section 22-10 to allow a retail use (Use Group 6 uses) on portions of the ground floor and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 17-story building located at 19 East 72nd Street in R10 and C1-5 Districts, partially within the Special Madison Avenue Preservation District and the Special Park Improvement District within the Upper East Side Historic District., therefore

BE IT RESOLVED that Community Board 8 disapproves the ULURP application for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution for 19 East 72nd Street.

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

Sincerely,

A handwritten signature of James G. Clynes, consisting of a stylized 'e' followed by the name '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
Judith Gallent, Esq.

Application #: **C 170452 ZSM**

Project Name: **19 East 72nd Street**

CEQR Number: 17DCP192M

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 19 East 72nd Street Corporation 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 to allow a retail use (Use Group 6 uses) on portions of the ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 17-story building on property located at 19 East 72nd Street (Block 1387, Lot 14), in R10 and C5-1 Districts, partially within the Special Madison Avenue Preservation District and the Special Park Improvement 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 at 120 Broadway, 31st Floor, New York, N.Y. 10271.

Applicant(s): 19 East 72nd Street Corporation 19 East 72nd Street New York, New York 10021		Applicant's Representative: Judith M. Gallent, Esq. Bryan Cave LLP 1290 Avenue of the Americas New York, New York 10104-3300	
Recommendation submitted by: Manhattan Community Board 8			
Date of public hearing: 7/19/17		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: 7/19/17		Location: NY Blood Center 310 E. 67th St, Auditorium	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	

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.

Application: C 170452 ZSM

Docket Description:

IN THE MATTER OF an application submitted by 19 East 72nd Street Corporation pursuant to Sections 197c 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 to allow a retail use (Use Group 6) on portions of the ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 17-story building on property located at 19 East 72nd Street (Block 1387, Lot 14), in an R10 and C5-1 Districts, partially within the Special Madison Avenue Preservation District and the Special Park Improvement 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


BOROUGH PRESIDENT

August 25, 2017

DATE



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

August 25, 2017

**Recommendation on ULURP Application C 170452 ZSM – 19 East 72nd Street
By 19 East 72nd Street Corporation**

19 East 72nd Street Corporation (“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 retail use on portions of the ground floor and modify the sign regulations of Section 22-30 to allow accessory commercial signs on the windows of an existing 17-story building located at 19 East 72nd Street (Block 1387, Lot 14) in an R10 and C5-1 District partially within the Special Madison Avenue Preservation District and partially within the Special Park Improvement District, located within the Upper East Side Historic District in Community Board 8, Borough of Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the applicant must first meet the following conditions:

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;¹
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District;²
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.³

Further, in order to grant a special permit, the CPC must find that:

- 1) The modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ The LPC issued a report, MOU 19-5996 dated January 18, 2017.

² The LPC issued a Certificate of No Effect (CNE 18-3825) on January 18, 2017. The Certificate of Appropriateness (COFA #03-5794) and Miscellaneous Amendment (#19-5674) were issued on May 7, 2004 and January 18, 2017 respectively.

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 facilitate the development of a single 2,314 square foot retail space in a 17-story residential building by combining 478 square feet of existing floor area permitted as retail use with an adjacent community facility and residential space totaling 1,836 square feet of floor area. Additionally, the applicant seeks to modify the sign regulations to allow accessory commercial signs for the converted retail space.

Pursuant to the Certificate of Appropriateness issued by LPC, the applicant has been approved for restorative work to repair masonry, repoint masonry, reset displaced limestone cladding, replace damaged bricks at the parapets, rear façades and chimneys, replace the cracked limestone sill at the first floor of the north façade, replace deteriorated steel lintels in-kind at the north and west façades, repair the metal railings, resurface and repaint deteriorated stucco at the ground floor interior courtyard, replace the roofing membrane and concrete paving at the roof, repair the deteriorated through-wall louvers on two floors, remove a security camera and repaint the existing metal fence to match the existing color.

The restoration work also includes replacing one-over-one double-hung metal windows on the west and south façades with single-light fixed metal windows, install vinyl signage to the glazing of an existing historic door and on proposed windows, and install a metal post sign to the adjoining yard which would function as additional signage for the retail space. 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 building in perpetuity.

Area Context

The project site is partially within the Special Park Improvement District (PI), partially within the Special Madison Avenue Preservation District (MP), and within the Upper East Side Historic District.

The PI was designated in 1973 and 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 MP was also established in 1973 along Madison Avenue between East 61st Street and East 96th Street. The goal was to preserve and insure the commercial retail character of Madison Avenue while balancing the residential character on the mid blocks. The ground floor of buildings on Madison Avenue must be occupied by selected retail uses, while bulk controls such as height and street wall provisions ensure the continuity of the streetscape. The floor area ratio (FAR) is 10.0. Additionally, the project site is within the Upper East Side Historic District, which the LPC designated in 1981. The district historically represents the city's wealthiest community and contains a concentration of various architectural styles and building types constructed in the late 19th century and early 20th century designed by some of the nation's most famous and prestigious architects.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C5-1 district along Madison Avenue and a R10 district along Fifth Avenue and further west along Park Avenue.

The area's land use is predominately residential with single-family townhomes, multifamily buildings, and mixed-use buildings with high-end fashion stores at their base and residential use above, particularly along Madison Avenue. . The buildings range in height from two to twenty stories with the taller buildings at the corners of the avenues, including Ralph Lauren Women's and Home Flagship located on the southwest corner of East 72nd Street and Madison Avenue and Ralph Lauren Men's Flagship located on the southeast corner of East 72nd Street and Madison Avenue. The project site is also surrounded by educational and religious uses including the Frick Museum, The Met Breuer and St. James' Church.

The area is served by the No. 6 train located at East 68th Street and Lexington Avenue and the Q train at East 72nd Street and Second Avenue. Access to the M1, M2, M3, M4 and M72 buses is available along Madison Avenue and 5th Avenue. Citibike stations are located one block east of the site at East 72nd Street and Park Avenue and a half-block northwest of the site along Fifth Avenue.

Site Description

The Project Site is a 17-story Art Deco style luxury apartment building located at 19 East 72nd Street (Block 1387, Lot 14) in an R10 zoning district and C5-1 zoning district partially within the Special Madison Avenue Preservation Historic District, the Special Park Improvement District and the Upper East Side Historic District. R10 zoning districts have the highest residential density in the city with an FAR of 10.0. C5-1 districts are an R10 equivalent and permit a maximum floor area ratio (FAR) of 10.0 for residential use and 4.0 FAR for commercial uses. The permitted uses in a C5-1 zoning district are residential, community facility, local and destination retail, and wholesale uses (Use Groups 1 through 6 and 9 through 11).

The subject building was constructed in 1936-37 by architect, Rosario Candela who is known for large luxury apartment houses on the Upper East Side. According to the 1937 Certificate of Occupancy, the ground floor consisted of four doctor's offices. Currently, the building contains 36 co-op units which are accessed through a residential lobby on East 72nd Street, a Use Group 6 art gallery with frontage on Madison Avenue and East 72nd Street, a perfume boutique, a retail use, with frontage on Madison Avenue, and a vacant former doctor's office on the ground floor along East 72nd Street. This community facility use has been vacant for three years.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the use regulations to permit Use Group 6 retail use and non-illuminated accessory signage on a portion of the ground floor in the northwest corner of an existing 17-story building within an R10 and C5-1 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 conversion of 1,836 square feet of space formerly used as a doctor's office to retail use which would be combined with 478 square feet of permitted retail space within the MP district. The special permit would also allow 40 feet of street frontage in the portion of the site that is within the R10 zoning district, only.

As described in the application materials and LPC's Certificate of No Effect, the restoration work and revenue generated from the retail store is proposed to place the building in a sound, first-class condition that will reinforce the architectural character of the building and historic districts. The restoration program is proposed throughout the building, including repointing masonry with lime rich mortar, resetting limestone cladding, repairing flashing, repairing metal railings, and resurfacing stucco in the interior courtyard wall in-kind, in accordance with the LPC report.

COMMUNITY BOARD RECOMMENDATION

At its July 22, 2016 full board meeting, Manhattan Community Board 8 (CB8) voted unanimously, by a vote of 39 in favor, 0 opposed and 0 abstentions to deny the applicant's Landmarks Preservation Commission Certificate of Appropriateness application. The Board's resolution states that retail use on East 72nd Street would change the residential character of the base of the building and that retail use is not appropriate in historic districts. The resolution further states that doctor's offices are a more appropriate use and any restoration work of the building's façades should be done as required by Local Law 11.

At its Full Board meeting on July 19, 2017, Manhattan Community Board 8 ("CB8") voted to disapprove this special permit application by a vote of 23 in favor, 12 opposed and 3 abstentions.

BOROUGH PRESIDENT'S COMMENTS

The Upper East Side Historic District, particularly along Fifth Avenue, is noted for the distinguished mansions and townhomes built for prestigious clients in the late 19th century which contribute to and enhance the unique architectural and historical significance of the neighborhood. 19 East 72nd Street is an Art Deco style luxury apartment building constructed between 1936 and 1937 by Rosario Candela. The special permit would facilitate 2,314 square feet of ground floor retail space and retail signage by combining a vacant former doctor's office and the building superintendent's apartment which lacks privacy from the street.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The building has existing retail use along Madison Avenue and according to the applicant's commissioned traffic study, the high-end destination tenant they seek will have very low impact on pedestrian and vehicular traffic. The commissioned study was in response to the concerns raised by the Community Board during their review of the landmarks application.

The applicant has also proposed a first-class restoration of the building and has proposed decal

lettering to be applied to the windows and doors instead of affixed to the historic building. The restoration work will reinforce the historic significance of this building within the Upper East Side Historic District. The scope of work was adjusted following the board's resolution requesting changes to the signage amounts, location, and use of awnings. The proposal that LPC ultimately approved as fulfilling the preservation purpose and which accompanies this special permit, reflects those sensitive adjustments.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 170452 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