



IN THE MATTER OF an application submitted by Kayvan Hakim, Zimak Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height limitations for narrow buildings or enlargements), the inner court requirements of Section 23-85 (Inner Court Regulations), the side yard requirements of Section 35-52 (Modification of Side Yard Requirements), and the street wall recess requirements of Section 99-052 (Recesses, balconies and dormers) to facilitate the enlargement of an existing 6-story and penthouse mixed-use building, on property located at 1290 Madison Avenue (Block 1503, Lot 56), in an R10/C1-5 District, within the Special Madison Avenue Preservation District, within the Expanded Carnegie Hill Historic District, Borough of Manhattan, Community District 8.

The application for a special permit was filed by Zimak Company on February 25, 2016. The special permit seeks to modify the height limit regulations of Section 23-692, the street wall recess regulations of Section 99-052, the side yard requirements of Section 35-52, and the inner court regulations in Section 23-85 in order to facilitate the renovation and enlargement of an existing residential building with ground floor retail located in the Carnegie Hill neighborhood of Manhattan in Community District 8.

BACKGROUND

The applicant is seeking a special permit pursuant to Zoning Resolution Section 74-711 for height and set-back waivers to facilitate the renovation and enlargement of an existing residential building with ground floor retail located at 1290 Madison Avenue (Block 1503, Lot 56), in Manhattan.

The building, 1290 Madison Avenue, is located within the Carnegie Hill neighborhood and the

Special Madison Avenue Preservation District, which was created in 1973 with the goal to preserve and protect the unique character and architectural quality of Madison Avenue. The area is characterized by a mix of residential, commercial, and institutional buildings. The predominantly residential buildings along Madison Avenue include walk-up four- and five-story row houses and multi-story elevator apartment buildings. Ground floor retail and specialty shops are dominant along Madison Avenue offering a variety of goods and services catering to the needs of local residents such as restaurants, groceries, home goods, and banking. The side streets between Madison Avenue, Fifth Avenue and Park Avenue are primarily characterized by four- and five-story row houses, mansions, and elevator apartment buildings. There are a number of prominent educational and cultural institutions located in the blocks between Fifth and Madison Avenues and the surrounding blocks have several individual landmarks.

1290 Madison Avenue is at the southwest corner of Madison Avenue and East 92nd Street. The zoning lot has frontages of 100.71 feet on Madison Avenue and 36.67 feet on East 92nd Street for a total lot area of 3,693 square feet. The building is six stories with a cellar and penthouse for a total of 20,608 square feet of zoning floor area with an FAR of 5.58, 17,358.6 square feet of residential use and 3,248.9 square feet of ground floor retail.

The building was designed by A.B. Ogden & Co. in 1898 in the Renaissance Revival style. It initially contained five stores at the street level and eleven apartments on the upper floors. In its report on the Expanded Carnegie Hill Historic District, the Landmarks Preservation Commission (“LPC”) noted, among other details, the façade’s elaborate window enframements on the third

and fourth stories. The original, prominent cornice was later removed and a one-story penthouse was added in the mid-1980s.

The applicant is proposing to enlarge the footprint of the building by about 375 square feet to accommodate a new code-compliant elevator and stairways along the site's western lot line, and a one-story service corridor along the site's southern lot line. The project would also replace the existing penthouse with a new seventh floor and penthouse. The height of the seventh floor would be approximately 85.41 feet, nearly the same height of the existing penthouse which is at 84 feet. The proposed penthouse would be set back on the seventh floor to accommodate the new elevator while providing access to the common rooftop terrace. The building would total 95.41 feet in height, to the top of the penthouse.

The proposed enlargement would result in increases to floor area and lot coverage. The existing floor area would be increased from 20,608 square feet (5.58 FAR) to 25,567 square feet (6.92 FAR), the lot coverage would be increased from 3,249 square feet (88 percent lot coverage) to 3,624 square feet (98 percent lot coverage), the number of residential units would be decreased from 10 units to 8, the amount of ground floor retail would increase from 3,249 square feet to 3,624 square feet, and the amount of residential floor area would increase from 17,358 square feet to 21,943 square feet.

The east, north and south elevations of the building will be restored to their original historic design, including a restoration of the limestone and terra cotta ornamentation, new windows and

window surrounds, and a restoration of the storefronts including repair to the friezes, cast iron capitals and columns, and removal of the fire escapes on the north and south facades, all which have been approved by the Landmarks Preservation Commission. The applicant also proposes to reinstate the building's original, prominent cornice, which will measure 3 feet in depth and 2.9 feet in height.

The proposed development requires waivers to height limitations for narrow buildings or enlargements (Section 23-692), which limits the height of buildings resulting to a height of 80 feet. The proposed seventh floor would rise to 85.41 feet, and the proposed total building height of 95.41 feet to the top of the penthouse exceeds the maximum permitted building height under 23-692(c).

The applicant also requests waivers to the recesses, balconies and dormers (Section 99-052) requirements, which, for a zoning lot with more than 100 feet of frontage and located within a Historic District, requires recesses above a height of 20 feet, or above the level of the second story, whichever is lower, for a length of 25 percent of the street wall to a depth of at least five feet. The building is therefore required to provide recesses on the new seventh floor enlargement. The applicant is not proposing recesses at the seventh floor.

Side yard waivers are also requested, since Section 35-52 states that no side yard shall be required although, if any open area extending along a side lot line is provided at any level, it shall have a width of not less than eight feet. The existing zoning lot contains an existing side

yard non-compliance with an open area along the entire southern lot line with a width of five feet. The project involves enlarging the first floor and eliminating the open area along the southern lot line up to a height of one story. The non-complying side yard would remain above the first floor on the southern lot line. The proposed addition of the seventh floor involves an extension of the building's existing walls along the southern and western lot lines. As a result, the remaining side yard non-compliance is increased through the increase in height of the building's southern wall from six to seven stories in height.

Waivers of the inner court regulations are also being sought since Section 23-85 requires that the area of an inner court cannot be less than 1,200 SF, and the minimum dimension of the inner court cannot be less than 30 feet. The project would enlarge the building's core along the western lot line and eliminate a portion of the open area in order to accommodate a code-compliant elevator and stairways and result in a further increase to the degree of non-compliance by reducing the size of the inner court.

In order to grant the special permit, the Commission must find that the proposed bulk modifications have minimal effects on the nearby structures or open space, in terms of scale, location and access to light and air.

ENVIRONMENTAL REVIEW

This application (C 160213 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 16DCP187M. The lead is the City Planning Commission.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on July 11, 2016.

UNIFORM LAND USE REVIEW

This application (C 160213 ZSM) was certified as complete by the Department of City Planning on July 11, 2016, 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 July 20, 2016 and, on that date, approved the application by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

Borough President Review

This application was considered by the President of the Borough of Manhattan, who issued a recommendation on August 22, 2016, to approve the application.

City Planning Commission Public Hearing

On August 10, 2016 (Calendar No. 9), the City Planning Commission scheduled an August 24, 2016, public hearing on this application (C 160213 ZSM). The hearing was duly held on August 24, 2016 (Calendar No. 21). 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 the enlargement of the building and the restoration to its original historic design. A representative from 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 1290 Madison Avenue occupies a lot area of 3,693 square feet and is located in a R10 zoning district with a C1-5 commercial overlay in the Special Madison Avenue Preservation District and the Expanded Carnegie Hill Historic District. The 6-story building and penthouse contains a total of 20,608 square feet of zoning floor area with an FAR of 5.58.

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 a Historic District. The applicant is seeking a special permit to modify the requirements for height limit

regulations (Section 23-692), street wall recess regulations (Section 99-052), side yard requirements (Section 35-52), and the inner court regulations (Section 23-85), in order to allow for the enlargement and renovation of the building.

In a letter dated January 12, 2016, to the City Planning Commission, the Landmarks Preservation Commission (LPC) stated 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 Carnegie Hill Historic District.

The Commission believes that 1290 Madison Avenue is consistent with the scale of neighboring buildings of comparable or taller heights; the building's existing façade does not retain any recesses along the Madison Avenue frontage and the seventh floor façade has been specifically designed with LPC approval to replicate the same materials, fenestration, and symmetry as the lower floors; the increase in side yard non-compliance will allow for the seventh floor to be a straight extrusion corresponding with the building's floor plate; and the increase in the inner court non-compliances will accommodate a new, code-compliant ADA accessible elevator and will not have an adverse effect on the adjacent structure which has no windows along the lot line.

The Commission believes that the proposed waivers of height limit regulations, street wall recess regulations, side yard requirements, and the inner court regulations 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) [This finding is not applicable; no use modification is being requested]

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 Kayvan Hakim, Zimak Company for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height requirements of Section 23-692 (Height limitations for narrow buildings or enlargements), the inner court requirements of Section 23-85 (Inner Court Regulations), the side yard requirements of Section 35-52 (Modification of Side Yard Requirements), and the street wall recess requirements of Section 99-052 (Recesses, balconies and dormers), to facilitate the enlargement of an existing 6-story and penthouse mixed-use building, on property located at

1290 Madison Avenue (Block 1503, Lot 56), in an R10/C1-5 District, within the Special Madison Avenue Preservation District, within the Expanded Carnegie Hill 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 160213 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 Page Ayers Cowley Architects, LLC, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
G-100.00	Site Plan	April 21, 2016
Z-100.00	Zoning Analysis	June 16, 2016
A-108.00	Waiver Plan	July 1, 2016
A-300.00	Proposed Building Section	June 16, 2016
A-301.00	Proposed Transverse Building Section	June 16, 2016
A-302.00	Proposed Transverse Building Section	July 1, 2016

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 entered into in connection with this application 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 160213 ZSM), duly adopted by the City Planning Commission on September 21, 2016 (Calendar No. 20), 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
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,
JOSEPH I. DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, 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 21, 2016

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

Re: ULURP Application No. 160213ZSM, 1290 Madison Avenue, Block 1503, Lot 56

Dear Chair Weisbrod:

At its Land Use/Full Board meeting on Wednesday, July 20, 2016 Community Board 8M approved the following resolution by a vote of 37 in favor, 0 opposed 0 abstentions and 0 not voting for cause.

WHEREAS, this application for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution. Applicant seeks to modify (1) the height limit regulations of 23-692 (2) the street wall recess regulations of Section 99-052 (3) the side yard requirements of Section 35-52 (4) the inner court regulations in Section 23-85 to facilitate the renovation and enlargement of an existing six story plus penthouse residential building with ground floor retail space. The site is located within a C1-5/R10 zoning district, the Special Madison Avenue Preservation District and the Carnegie Hill Historic 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 for 1290 Madison Avenue.

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

Sincerely,

A handwritten signature in black ink that reads "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
Jeff Mulligan, Esq.

Borough President Recommendation

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

INSTRUCTIONS

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

Docket Description: **C 160213 ZSM**

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

COMMUNITY BOARD NO: 8

BOROUGH: Manhattan

RECOMMENDATION

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

See Attached



BOROUGH PRESIDENT

August 22, 2016

DATE



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

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Gale A. Brewer, Borough President

August 22, 2016

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

PROPOSED ACTION

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

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

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;¹
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District²; and
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.³

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

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

¹ The LPC issued a report dated January 12, 2016.

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

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

PROJECT DESCRIPTION

The applicant proposes four waivers to facilitate the renovation and enlargement of an existing 6-story mixed residential and commercial building. The building also has existing non-conforming conditions pursuant to the Special Madison Avenue District and Extended Carnegie Hill Historic District guidelines, including the building exceeding the maximum permitted building height, required street wall recesses, side yard and inner court dimensions. The special permit pursuant to ZR § 74-711 requires the applicant enter into a Restrictive Declaration with the LPC and establish a continuing maintenance program for the preservation of the building.

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

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

Area Context

The project site is located in a R10 zoning district with a C1-5 commercial overlay in the Special Madison Avenue Preservation District and the Expanded Carnegie Hill Historic District in Community Board 8, Manhattan. The Special Madison Avenue Preservation District (MP) was established in 1973 and extends from East 61st Street to East 96th Street. The goal is to preserve and insure the commercial retail character of Madison Avenue while balancing the residential character on the mid blocks. The ground floor of buildings on Madison Avenue must be occupied by selected retail uses, while bulk controls such as height and street wall provisions ensure the continuity of the streetscape. The Building is also located within the Expanded Carnegie Hill, which the LPC designated in 1981 and expanded in 2010. The district is known for its collection of townhouses and luxury apartment buildings, a testament to its heyday as the most fashionable residential district in the city.

Most of the surrounding area has R8B as the underlying zoning district on the midblock, with a C1-5 district along Madison Avenue and R10 districts along Fifth Avenue and Park Avenue. R8B contextual districts have a maximum building height of 75 feet and the base height of new buildings before a setback is 55 to 60 feet. The district also requires open areas to be planted between the street wall and street line. Along Park Avenue, due east, is the Special Park

Improvement District (PI), which limits the heights of new buildings to 210 feet or 9 stories, whichever is less, mandates street wall continuity, and was put in place to preserve the residential character and architectural quality of Fifth and Park avenues in the neighborhood.

The area's land use is known for its townhouses, many of which are single-family homes, at the midblock and taller apartment building along the avenues. The townhouses range in height from four to five stories. There are also a substantial number of philanthropic, educational, and religious uses distributed throughout the neighborhood such as the Cooper Hewitt Smithsonian Design Museum and the Solomon R. Guggenheim Museum.

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

Site Description

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

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

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify bulk controls related to inner court minimum dimensions, building height limits on narrow streets, street wall recesses for buildings within an historic district, and side yard requirements in order to facilitate the renovation and enlargement of an existing 6-story residential building plus penthouse with ground floor retail use. A restrictive declaration will be recorded which sets forth a continuing maintenance plan for the building to ensure the preservation of the building and the fulfillment of the preservation purpose as a condition of approval for this special permit.

The first waiver is to permit a total building height of 95.41 feet which exceeds the permitted building height of 80 feet pursuant to ZR § 23-692(c). The second waiver is to allow the seventh floor enlargement, approved by LPC to replicate the lower floors of the existing building which does not have any recesses on the Madison Avenue façade, to rise without any recesses. This would require a modification of the rule pursuant to ZR § 99-052 of the Special Madison Avenue Preservation District rules which requires façade recesses above a height of 20 feet in a historic

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

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

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

COMMUNITY BOARD RECOMMENDATION

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

BOROUGH PRESIDENT'S COMMENTS

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

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

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

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

BOROUGH PRESIDENT'S RECOMMENDATION

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

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

Gale A. Brewer
Manhattan Borough President