

1290 Madison Avenue**June 22, 2016****1. Introduction**

This statement is made on behalf of Zimak Company (the “Applicant”) in support of an application to the City Planning Commission (“CPC” or “Commission”) for a special permit pursuant to Section 74-711 of the New York City Zoning Resolution (the “Zoning Resolution” or “ZR”). The Applicant seeks to modify (i) the height limit regulations of Section 23-692, (ii) the street wall recess regulations of Section 99-052, (iii) the side yard requirements of Section 35-52, and (iv) the inner court regulations in Section 23-85 in order to facilitate the renovation and enlargement (“Proposed Project”) of an existing six story plus penthouse residential building (the “Building”) with ground floor retail located at 1290 Madison Avenue (Block 1503, Lot 56) in Manhattan (the “Site”). The Site is located within a C1-5/R10 zoning district, the Special Madison Avenue Preservation District and the expanded Carnegie Hill Historic District in Community Board 8/Manhattan.

2. Background

The Site is located at the southwest corner of Madison Avenue and East 92nd Street, with frontages of 100.8 feet on Madison Avenue and 36.8 feet on East 92nd Street. The Site has a lot area of approximately 3,691 square feet.

The Landmarks Preservation Commission (“LPC”) approved on January 12, 2016 a Certificate of Appropriateness that states that the proposed plans for restoration and enlargement relate harmoniously to the subject landmark building (see [Exhibit A](#)). The LPC also approved on January 12, 2016 a report (see [Exhibit B](#)) to the City Planning Commission pursuant to ZR Section 74-711 stating that a program has been established for continuing maintenance that will result in the preservation of the Building, and further that the proposed restorative work required under the continuing maintenance program contributes to a preservation purpose.

Recent actions within a 600 foot radius of the Site include the approval by the Board of Standards and Appeals (“BSA”) on July 16, 2013 of an amendment to a previously approved variance to allow for an expansion of the Nightingale-Bamford School located at 20, 28 & 30 East 92nd Street, immediately east of the Site (BSA Cal #207-86-BZ). The BSA also approved on October 25, 2011 a zoning variance to allow the expansion of The Spence School, located at 20-22 East 91st Street (BSA Cal #58-11-BZ). Both expansion projects have been constructed.

2. Description of the Surrounding Area

The Site is governed by an R10 zoning district with a C1-5 commercial overlay. R10 districts permit residential and community facility uses, and C1-5 commercial districts permit retail establishments that typically service local shopping needs. The other avenues in Carnegie Hill (Fifth, Park and Lexington) are also mapped with R10 districts, while the midblocks are mapped with the lower density, contextual R8B districts. The Site is also located within the Special Madison Avenue Preservation District (“Special District”). The Special District was created in

1973 with the goal to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area; to preserve and enhance street life by promoting specialty shops at street level; and to introduce amenities relating to the residential character of the area. To achieve these goals, the Special District regulates the use and bulk of developments and enlargements. Ground floor commercial uses are required on buildings with frontage on Madison Avenue, and the Special District further identifies the permitted commercial uses. The maximum permitted FAR is limited to 10.0, and additional streetwall, recess, and maximum height regulations along Madison Avenue and the side streets are imposed.

The Site is located within the Carnegie Hill neighborhood, which 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 is a dominant feature in the buildings along Madison Avenue, and includes a variety of services catering to the needs of local residents such as restaurants, groceries, home goods, and banking. The side streets between Madison Avenue, Fifth and Park Avenue are primarily characterized by four and five story row houses, mansions, and elevator apartment buildings. Several prominent educational and cultural institutional are located in the blocks between Fifth and Madison Avenues, including the Nightingale-Bamford School immediately to the west of the Site on East 92nd Street, the Jewish Museum at Fifth Avenue and East 92nd Street, Spence School on East 91st Street, the Cooper-Hewitt National Design Museum at Fifth Avenue and East 91st Street, and the Guggenheim Museum at Fifth Avenue and East 89th Street. The surrounding blocks are also home to several individual landmarks, including the Felix and Frieda S. Warburg House (now the Jewish Museum), four limestone mansions along the northside of East 91st Street, and the Andrew and Louise Carnegie House (now the Cooper-Hewitt Design Museum). Central Park to the west of the Site is a dominant open space resource in the study area.

The Site is also located within the Carnegie Hill Historic District (“Historic District”), established in 1974 and expanded in 1993, extends along Fifth Avenue from East 86th Street to East 98th Street and eastward to Madison Avenue and Lexington Avenue (see [Exhibit C](#)). The district encompasses a residential community largely built up over a period of some 55 years between the late 1870s and the early 1930s. Within its boundaries are many examples of development patterns – rows of brick and brownstone-fronted houses from the late 1970s through the 1890s, large freestanding townhouses and mansions from the early years of the 20th century through the early 1930s, apartment buildings and hotels from the turn of the 20th century, and rowhouses and apartment buildings in the years follow World War I into the 1930s.

3. Description of the Proposed Project Area

The Site is improved with the six story and penthouse Building, which was built in 1898 and is known as the “Wellington”. Designed by the local firm of A. B. Ogden & Co. in the Renaissance Revival style, the Building is faced in brick with a limestone base and limestone and terra-cotta trim. In its report on the Carnegie Hill Historic District, the Landmarks Preservation Commission (“LPC”) noted, among other details, the façade’s elaborate window enframements. The Building was originally constructed with five stores at the street level and apartments for eleven families on the upper floors. The Building’s original, prominent cornice was later removed and a one-story penthouse was added in the mid-1980s.

The Building contains a total floor area of 20,607.5 sf, with 17,358.6 sf of residential use (10 units plus a ground floor residential lobby), and 3,248.9 sf of Use Group 6 ground floor retail use, and an FAR of 5.6. The roof of the Building's sixth floor is 73.79 feet in height, and the top of the penthouse is 89.05 feet in height. The existing building is vacant with the exception of the ground floor retail and associated storage space at the cellar level.

4. Description of the Proposed Development

The Proposed Project would enlarge the footprint of the Building to accommodate 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 Proposed Project would also replace the existing penthouse with a new, full seventh floor and penthouse. At 85.41 feet, the height of the seventh floor would be approximately the same height of the existing penthouse. The proposed penthouse would accommodate the new elevator and provide access to the common rooftop terrace. The proposed penthouse would be setback sufficiently from the seventh floor to avoid being visible from the surrounding streets. Measuring to the top of the penthouse, the building would total 95.41 feet in height. 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 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 eight units, the amount of ground floor retail would increase from 3,249 sf to 3,624 sf, and the amount of residential floor area would increase from 17,358 sf to 21,943 sf.

The Applicant also proposes an extensive restoration of the east, north and south elevations of the Building to its original historic design, including restored limestone and terra cotta ornamentation, new windows and window surrounds, and a comprehensive 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. Based on the current proposal, the LPC voted on June 24, 2014 to approve a request to issue a report to the CPC for a modification of bulk pursuant to ZR Section 74-711 (see [Exhibit D](#)).

5. Action(s) Necessary to Facilitate the Project

This Application requests a special permit pursuant to ZR Section 74-711 to waive the following sections of the Zoning Resolution to allow for the enlargement of the Building:

- ZR Section 23-692 (Height limitations for narrow buildings or enlargements) limits the height of buildings with frontage of less than 45 feet. With frontage on East 92nd Street of 36.8 feet, the Site is regulated by Section 23-692. In addition, per Section 23-692(c), for corner lots bounded by at least one wide street, the building's height shall be equal to the width of the widest street which it fronts, or 100 feet, whichever is less. Madison Avenue, at a width of 80 feet, is the wider of the two streets and qualifies per Section 12-10 as a "wide street". As a result, Section 23-692 limits the height of the Building to 80 feet. The proposed seventh floor at 85.41 feet, and the proposed total building height of 95.41 feet to the top of the penthouse exceed the maximum permitted building height of 23-692(c). However, the height of the seventh

floor would be approximately the same height as the Building's existing penthouse, and the proposed penthouse would be set back and would not be visible from surrounding streets.

- ZR Section 99-052(3) (Recesses, balconies and dormers) requires that a zoning lot with more than 100 feet of frontage and located within a Historic District provide 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. With frontage on Madison Avenue of 100.8 feet, the Site is required to provide recesses on the new seventh floor enlargement. However, the Building's existing façade does not retain any recesses along the Madison Avenue frontage, and because the seventh floor façade has been specifically designed and approved by LPC to replicate the same materials, fenestration, and symmetry as the lower floors, waiving the required façade recesses allows for a more sympathetic and compatible addition to the Building.
- ZR Section 35-52 (Modification of Side Yard Requirements) establishes 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 open area along the entire southern lot line with a width of five feet, which represents an existing side yard non-compliance since it is less than eight feet in width. The Proposed Project also 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. The increase in side yard non-compliance is necessary in order to allow for the seventh floor to be a straight extrusion of the Building's floor plate. If the new seventh floor were setback from the southern lot line to provide an eight foot wide open area, the enlargement would result in an addition that is not symmetrical with the floors below.
- ZR Section 23-85 (Inner Court Regulations) requires that the area of an inner court cannot be less than 1,200 square feet, and the minimum dimension of the inner court cannot be less than 30 feet. The open area along the western lot line is bounded on three sides by walls and, therefore, is considered an inner court. However, because the open area contains less than 1,200 square feet and has a width that varies between 2.5 to five feet, it is considered a non-complying inner court. The Proposed 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. As a result, the Proposed Project would further increase the degree of non-compliance by further reducing the size of the inner court. However, the impact on the adjacent property to the west is negligible as the building is built to the lot line and does not contain any lot line windows.

6. Conclusion

The Proposed Project would replace a penthouse addition that is discordant with the overall design of the Building with a new, more appropriate seventh floor and penthouse, upgrade the building's internal circulation by providing a code compliant elevator and new stairwells, and provide a complete restoration of the building's distinctive historic design. The requested waivers of zoning regulations relating to maximum height, required façade recesses, and side yard and inner court dimensions are necessary to facilitate the Proposed Project.