

**1290 Madison Avenue
June 22, 2016**

Applicant's Discussion of Conditions

74-711

Landmark preservation in all districts

In all districts for zoning lots containing a landmark designated by the Landmarks Preservation Commission, or for zoning lots with existing buildings located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the use and bulk regulation except floor area ratio regulations, provided that:

(a) The following conditions are met:

(1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

This application includes a report from the LPC, dated January 12, 2016 (See Exhibit B) stating that a program has been established for continuing maintenance that will result in the preservation of the subject building, and further that the proposed restorative work required under the continuing maintenance program contributes to a preservation purpose. The continuing maintenance program is contained with a Restrictive Declaration entered into in accordance with the guidelines and specifications of the LPC.

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable;

A copy of Certificate of Appropriateness from the LPC, dated January 12, 2016 (See Exhibit A), is attached hereto stating that proposed plans relate harmoniously to the subject landmark building.

(3) the maximum number of dwelling units shall be as set forth in Section 15-111 (Number of permitted dwelling units).

ZR Section 15-111 references ZR Section 23-20 which establishes a dwelling unit factor of 790 for R10 zoning districts. This would result in a total of 42 permissible dwelling units. The eight proposed dwelling units will therefore be within the requirements of Section 15-111.

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Applicant's Discussion Of Findings

In all districts for zoning lots containing a landmark designated by the Landmarks Preservation Commission, or for zoning lots with existing buildings located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the use and bulk regulations, except floor area ratio regulations, provided that:

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(b): In order to grant a special permit, the City Planning Commission shall find that:

(1) such bulk 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;

The Proposed Project would require a waiver of the maximum height limit of 80 feet (ZR Section 23-692) to permit the construction of a seventh floor with a height of 85.41 feet and a penthouse with a height of 95.41 feet. While taller than 80 feet, the seventh floor would be slightly lower in total height than the existing penthouse it is replacing, which is 89.05 feet in height, and the proposed penthouse would be setback sufficiently from the seventh floor to avoid being visible from the surrounding streets. The Building is also surrounded by other buildings of comparable or taller heights (See Exhibit E). The northwest and northeast corners of Madison Avenue and East 91st are occupied by residential buildings with a height of 142 feet (1274 Madison Avenue) and 128 feet (1273 Madison Avenue), and the northeast corner of Madison Avenue and East 92nd Street is occupied by a hotel with a height of 100 feet (Hotel Wales). The Nightingale Bamford School building located 40 feet to the west of the building on East 92nd Street has a height of 109.5 feet. Therefore, the waiver of maximum height limit of 80 feet to allow a building height of 95.41 feet would not have an adverse effect on the surrounding structures or open space in terms of scale, location and access to light and air. In fact, the height of the Proposed Project would be consistent with the scale of many of the surrounding buildings.

In addition, the design of the seventh floor would represent a significant aesthetic improvement over the existing condition. The existing penthouse was constructed in white stucco, in contrast to the Building's distinctive limestone and brick façade, and it rises without setback from the Building's Madison Avenue elevation. The new seventh floor has also been sensitively designed to respond to the Building's historic façade: new windows have been aligned to continue the fenestration patterns on the lower floors, and the horizontal brick pattern relates to the existing brick pattern on the Building's sixth floor. The Proposed Project also includes the reinstatement of the building's distinctive cornice which, with a depth of three feet and a height of 2.8 feet, would further reduce the visibility from the surrounding streets of the proposed enlargement.

The proposed waiver of the requirement to recess at least 25 percent of the street wall for a depth of at least five feet (ZR Section 99-052(3)) would similarly not have an adverse effect on the surrounding structures or open space in terms of scale, location and access to light and air. In fact, waiving the requirement would ensure that the design of the additional seventh floor is

compatible with the design of the existing Building, which does not contain recesses in the façade. Compliance with the recess requirements would result in an addition that is incompatible with the design of the existing building, and would not be considered appropriate by the LPC.

The proposed waivers to increase the degree of the side yard and inner court non-compliances (ZR Sections 23-85 and 35-52) would also not have an adverse effect on the surrounding structures or open space in the vicinity in terms of scale, location and access to light and air. In order to comply with ZR Section 35-52, the seventh floor would have to be setback at least an additional three feet from the southern wall to provide a minimum side yard of eight feet. Such a setback would undermine the design of the proposed enlargement, which carefully relates to the window and wall alignment of the existing Building. The Site is also bordered to the south by a 16-story residential building, which is located approximately 20 feet from the Site's southern lot line. The extrusion of the Building's south wall for one-story would have a negligible effect on the adjacent property to the south in terms of access to light and air. Similarly, the reduction of open area in the existing, non-complying inner court along the Site's western lot line would not have an adverse effect on the adjacent structures and open space. The Site is bordered to the west by a four-story townhouse that is located along the Site's western lot line and that was recently renovated and incorporated into the Nightingale Bamford School. The townhouse does not have any windows along the lot line. Therefore, the enlargement of the Building to the western lot line, which results in a reduction in the open area of the existing inner court, would not have an adverse effect on the surrounding structures or open space in terms of access to light and air.

(2) such use modification shall have minimal adverse effects on the conforming uses within the building and in the surrounding area;

No use modifications are requested as part of this application.

Conclusion

It is submitted that the instant application meets the criteria of Section 74-711, and it is therefore respectfully requested that the City Planning Commission grant this special permit application requesting a bulk modification allowing for an enlargement and complete restoration of this architecturally distinctive landmarked building.