



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

TECHNICAL REVIEW DIVISION

Carl Weisbrod, Director
Department of City Planning

January 13, 2017

Mr. James G. Clynes, Chairperson
Manhattan Community District 8
505 Park Avenue – Suite 620
New York, NY 10022

RECEIVED

JAN 17 2017

BY COMMUNITY BOARD 8

Re: Applic. No. : N 170166 ZCM
 1366 Madison Avenue
 Block 1507, Lot 56
 R10/C1-5 District
 Special Madison Avenue Preservation District
 Borough of Manhattan
 Community District 08

Dear Chairperson Clynes:

Enclosed is an application (N 170166 ZCM) submitted by Playgarden Associates LLC requesting a certification by the City Planning Commission pursuant to Section 99-032 (Modifications of use regulations for a community facility) of the Zoning Resolution to modify the mandatory use regulations of Section 99-03 to allow a daycare facility at the above referenced location.

This application (N 170166 ZCM) is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require a public hearing by the Community Board or the City Planning Commission. However, if the board has any comments or recommendations on this application (N 170166 ZCM), please send them by March 1, 2017 to:

City Planning Commission
Calendar Information Office
120 Broadway – 31st Floor
New York, NY 10271

If you have any questions about this application, please contact the applicant's representative, Stuart Beckerman at (212) 391-8045.

Sincerely,

Steven Lenard

Steven Lenard, Director
Ken Ramnarine, Deputy Director
120 Broadway – 31st Floor, New York, NY 10271-0001
(212) 720-3226 / Fax (212) 720-3488
www.nyc.gov/planning

N 170166 ZCM – 1366 Madison Avenue
January 13, 2017
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C: J. Harris
J. Merani
H. Marcus
K. Ramnarine
F. Mahjabeen
E. Botsford
S. Johnson
Applicant

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BY COMMUNITY BOARD 8

LR Item 3: Description of Proposal
Project ID No. P2016M0324
December 1, 2016
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**Description of Proposal
1366 Madison Avenue
Block 1507, Lot 56
Manhattan, New York**

Certification to Allow Community Facility Use Pursuant to ZR §99-032

1. Introduction

This is an application by Playgarden Associates LLC (the "Applicant") for certification under Section 99-032 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") to modify the special use regulations of ZR §99-03 to allow a community facility daycare facility (the "Daycare Facility") on the ground floor of the building located at 1366 Madison Avenue (Block 1507, Lot 56) in Community District 8 in the Borough of Manhattan (the "Project Area"). The Project Area consists of a 14,601.50 square foot corner lot improved with a six-story mixed-use building (the "Building") with retail space on the ground floor and multi-family residential on the upper floors.

The entire Project Area is located in an R10 zoning district while the eastern most 100 feet of the Project Area is located in a C1-5 zoning district. The Project Area is located on the southwest corner of Madison Avenue and 96th Street and has 100.7 feet of street frontage on Madison Avenue and 145 feet of street frontage on 96th Street. The Daycare Facility will have 45 feet of frontage on Madison Avenue, beginning 46 feet south of East 96th Street.

2. Background

A. The Special Madison Avenue Preservation District

The easternmost 100 feet of the Project Area is located within the Special Madison Avenue Preservation District, which became effective on December 20, 1973. The Daycare Facility fronts on Madison Avenue and therefore will be located entirely within the Special Madison Avenue Preservation District.

B. The Special Park Improvement District

The remaining 45 feet of the Project Area is located within the Special Park Improvement District, which became effective on April 23, 1973. No portion of the Daycare Facility will be located in the Special Park Improvement District.

C. Expanded Carnegie Hill Historic District.

The Project Area is located within the Expanded Carnegie Hill Historic District, which was designated by the Landmarks Preservation Commission ("LPC") on December 21, 1993.

3. Description of the Surrounding Area

A. Land Use

The surrounding area is characterized predominantly by residential uses, with ground floor commercial uses and several community facility uses.

The lots fronting on Madison Avenue, between East 93rd Street and East 97th Street, are characterized by four to nineteen story multi-family residential and mixed-use buildings with ground floor commercial uses, and four to six story commercial buildings. The midblocks between 5th Avenue and Park Avenue, between 93th Street and 97th Street are characterized mainly by multi-family residences ranging from four to seventeen stories. There is one 32-story building in the Project Area (Carnegie Hill Towers) at the southeast corner of Madison Avenue and East 94th Street.

There are also a number of institutions and public facilities located in the Surrounding Area. Hunter College High School, which is partially located in the Special Madison Avenue Preservation District, encompasses an entire block approximately 175 feet southeast of the Building along Madison Avenue. The Diller-Quailie School of Music, which fronts on East 95th Street, is approximately 150 feet south of the Building and is also located in the Special Madison Avenue Preservation District. La Scuola d'Italia Guglielmo Marconi, a private bilingual English/Italian educational institution, fronts on East 96th Street and is located 22 feet west of the Building. In addition, the Recanati/Miller Transplantation Institute encompasses an entire block approximately 600 feet from the Building along Madison Avenue.

B. Transportation

The Building is located two blocks west of the 96th Street station for the 6 train line. In addition, a number of MTA bus lines service the Surrounding Area: the M106 bus line has a stop on the same block as the Building; the M1, M2, M3, and M4 bus lines have stops across Madison Avenue to the east of the Building; and the M96 bus line has a stop near the intersection of Madison Avenue and East 96th Street to the east of the Building.

C. Zoning

The Project Area is located in an R10/C1-5 district which runs south along Madison Avenue from East 96th Street to East 87th Street. R10/C1-5 districts permit a community facility and residential FAR of 10.0, and a commercial FAR of 2.0.

There is an R7-2 district located north of the Project Area starting at the midblock between East 96th Street and East 97th Street, and midblock between Fifth Avenue and Madison Avenue, and continues north and east. R7-2 districts permit a community facility floor area ratio ("FAR") of 6.5 and a residential FAR of 3.44 pursuant to the Quality Housing Program

There is an R8B district to the south of the Project Area starting from the midblock of Block 1507 continuing south through East 86th Street. There is also an R8B district to the east of the Project Area starting from the midblock between East 95th and East 96th Street running south to East 88th Street. R8B districts permit a community facility and residential FAR of 4.0

There is an R9 district to the north of the Project Area beginning midblock between East 96th Street and East 97th Street continuing to East 109th Street. R9 districts permit a community facility FAR of 10 and a residential FAR of 7.52 pursuant to the Quality Housing Program.

There are three R10 districts that run south from the Project Area along 5th Avenue, Madison Avenue, and Park Avenue. R10 districts permit a community facility and residential FAR of 10.0.

D. Parks and Landmarks

The Project Area is located approximately 400 feet east of Central Park. Further, there are a number of individual landmarks located in the Surrounding Area including the Lucy D. Dahlgren House, the Manhattan Country School, the Edith Fabri House, Mrs. Amory S. Carhart House, and the Madison Avenue Front of the Squadron "A" Armory.

4. Description of Proposed Project Area

The Project Area is located at 1366 Madison Avenue (Block 1507, Lot 56) in the Upper East Side of Manhattan in Community District 8. The entire Project Area is located in an R10 zoning district while the eastern most 100 feet is located within a C1-5 commercial overlay. The Project Area is a corner lot with an area of 14,601.50 square feet, and 145 feet of frontage on East 96th Street and 100.7 feet of frontage on Madison Avenue.

The Project Area is improved with a six-story and basement, 69.6 foot tall mixed use building with 38 Use Group 2 co-op apartments located in the basement and upper floors, a Use Group 6 Starbucks located on the ground floor at the corner of East 96th Street and Madison Avenue, and a vacant commercial space located in the basement and ground floor of the Building 46 feet south of such intersection. With a lot area of 14,601.50 square feet and approximately 78,549 square feet of floor area, the Building has an approximate FAR of 5.38. The Building contains 73,049 square feet of residential floor area (5.00 FAR), and 5,500 square feet of commercial floor area (0.38 FAR) which includes 3,915 square feet of vacant commercial space that will be occupied by the Daycare Facility. There are no parking spaces or curb cuts in the Project Area.

5. Description of the Proposed Development

The Applicant seeks to convert the former liquor store, which vacated the Building on August 6, 2014, and occupied 2,753 square feet on the ground floor and 1,162 square feet in the basement, to a Use Group 3 daycare facility. The Daycare Facility will offer daycare services as well as early childhood classes and education for children up to five years old. The Daycare Facility will contain

3,915 square feet of floor area and will be located 46 feet south from the corner of East 96th Street and Madison Avenue.

Pursuant to a Certificate of No Effect, which was issued by the Landmarks Preservation Commission on October 20, 2016, the Building's façade will be slightly altered in the following ways: 1) the "non-historic" double door entrance to the Day Care Facility, on Madison Avenue, will be replaced with a single-door entrance; 2) the entrance door and interior face of the storefront glass will contain removable vinyl signage for the Daycare Facility that reads "Playgarden Prep"; and 3) the bottom half of the interior storefront glass will contain opaque screening in order to provide privacy for the preschool use. These minor changes will preserve the commercial character and street life on Madison Avenue.

The Daycare Facility will not increase the amount of floor area or height of the Building. The Daycare Facility storefront will contain 266 square feet of glazing, 176 square feet of which will be transparent (66%).

6. Actions Necessary to Facilitate the Project

This is an application for certification from the City Planning Commission pursuant to ZR §99-032 of the Zoning Resolution to modify the special use regulations of ZR §99-03 to allow a community facility daycare facility with 45 feet of frontage on Madison Avenue, distant 46 feet south from the southwest corner of East 96th Street and Madison Avenue.

The proposed Daycare Facility will be consistent with the existing residential and retail character of the area. The Daycare Facility will complement residential uses in the Surrounding Area by providing daycare services to the predominant residential neighborhood. In addition, the Daycare Facility will preserve the street life along Madison Avenue and be compatible with the commercial character of the Surrounding Area.

Conclusion

This application requests certification, pursuant to ZR §99-032, to allow a community facility Daycare Facility. The Daycare Facility will complement the largely residential character of the Surrounding Area. As the Building façade and most of the existing storefront will remain the same, the Daycare Facility will preserve the street life and commercial character along Madison Avenue.

Applicant's Discussion of Findings
1366 Madison Avenue
Block 1507, Lot 56
Manhattan, New York
Certification Pursuant to ZR §99-032

99-03

Special Use Regulations

In order to retain the existing residential and retail character of the area, commercial uses shall occupy at least the first story that has a floor level within five feet of curb level. Such commercial uses shall be limited to uses listed in Section 99-031 (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, non-conforming uses may only be changed to uses listed in Section 99-031. Such commercial uses shall occupy a minimum linear frontage of 75 percent of the frontage of a zoning lot on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a commercial frontage of less than 75 percent in order to provide a maximum 25 foot wide entrance to the residential portion of the building.

The mandatory use regulations of this Section may be modified for a community facility, pursuant to the certification provisions of Section 99-032 (Modifications of use regulations for a community facility).

99-032

Modifications of use regulations for a community facility

The mandatory use regulations of Section 99-03 (Special Use Regulations) may be modified for a community facility provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

The proposed daycare facility will be located in a vacant commercial space (the "Vacant Space") in the basement and ground floor of the existing six-story building at 1366 Madison Avenue (Block 1507, Lot 56), Borough of Manhattan. The existing building contains 145 feet of frontage on East 96th Street, 91 feet of frontage on Madison Avenue, and a 9.7 foot wide service alley along Madison Avenue at the south end of the zoning lot. The existing building contains 73,049 square feet of residential floor area (93%) and 5,500 square feet of commercial floor area (7%). Of the 5,500 square feet of commercial space, 3,195 square feet (5%) is vacant and will be converted to the daycare facility.

The treatment of the façade will preserve street life on Madison Avenue. The Vacant Space, which is 46 feet south of the southwest corner of 96th Street and Madison Avenue, has 45 feet of frontage on Madison Avenue and contains large vertical windows along its commercial storefront. The Landmarks Preservation Commission, in a Certificate of No Effect dated October 20, 2016,

approved the following minor alterations to the existing storefront: 1) the non-historic double door entrance will be replaced with a single door; 2) removable vinyl signage will be installed on the interior face of the entrance door and storefront glass; and 3) the bottom half of the interior storefront glass will contain opaque screening. The existing and altered portions of the daycare facility storefront will be similar to other commercial storefronts and compatible with the character of the surrounding area.

In addition, the daycare facility will enhance street life along Madison Avenue. The surrounding area is largely residential in character with four to nineteen story multi-family residences. The use of the Vacant Space for a daycare facility will create a greater feeling of community for families in the area and therefore enhance street life on Madison Avenue.

OWNER'S AUTHORIZATION

16 East 96th Apartment Corp.
352 Seventh Avenue, Suite 211
New York, New York 10001

Chair and Commissioners
New York City Planning Commission
120 Broadway
New York, NY 10271

Dear Members of the Commission:

16 East 96th Apartment Corp. is the fee owner of the building located at 1366 Madison Avenue, Block 1507, Lot 56, Borough of Manhattan (the "Premises"). I am an authorized signatory of 16 East 96th Apartment Corp. and am fully authorized to act on its behalf.

Slater & Beckerman, P.C. is authorized to file an application on behalf of Playgarden Associates LLC for Certification pursuant to ZR §99-032, to modify ZR §99-03, to allow the use of a Community Facility daycare at the Premises, which is located within the Special Madison Avenue Preservation District.

16 East 96th Apartment Corp.

By:



Name: Richard Mathews
Title: Authorized Managing Agent

Sworn to before me this

1st day of November 2016



Notary Public

STEVEN T. COLAVITO
Notary Public, State of New York
No. 01CO6083870
Qualified In Nassau County
Commission expires November 25, 20 17



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET, 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 569-7780 FAX: 212 569-7780



PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE: 10/20/16	EXPIRATION DATE: 10/20/2020	DOCKET #: 193451	CNE #: CNE 19-4441
ADDRESS: 1366 MADISON AVENUE <u>HISTORIC DISTRICT</u> EXPANDED CARNEGIE HILL		BOROUGH: MANHATTAN	BLOCK/LOT: 1507 / 56

Display This Permit While Work Is In Progress

ISSUED TO:

Stephen Morgan
 16 East 96th Apartment Corp. c/o William Colavito
 352 Seventh Avenue
 Suite 21
 New York, NY 10001

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on September 28, 2016.

The approved work consists of exterior alterations at the front facade, at the ground floor, including the removal and replacement of non-historic double doors with a single door; the application of removable vinyl signage to the interior face of the storefront glass; and the application of a removable decorative privacy screen to the bottom half of the storefront glass, at the interior face; as shown in existing conditions photographs and on drawings A-201.01 and A-202.00, dated September 27, 2016 and prepared by Amelie Rives Rennolds, RA, all submitted as components of the application.

In reviewing this proposal, the Commission notes that the Expanded Carnegie Hill Historic District Designation Report describes 1366 Madison Avenue as a Neo-Renaissance style apartment building designed by Harry B. Mulliken and built in 1900-1901; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the Expanded Carnegie Hill Historic District.

With regard to this proposal the Commission finds, that the work will not result in damage to or loss of any significant historic fabric; that the vinyl signage is removable, and that the work will not detract from the special architectural or historic character of the building or district. The work, therefore, is approved.



The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Meredith Leep.

Meenakshi Srinivasan

Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Amanda Vierheller, Playground Associates, LLC**

cc: Caroline Kane Levy, Deputy Director of Preservation/LPC