

Alida Camp
Chair

Will Brightbill
District Manager



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

505 Park Avenue
Suite 620
New York, N.Y. 10022
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com Website
info@cb8m.com - E-Mail

January 30, 2020

Honorable Sarah Carroll, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Center Street, 9th Floor
New York, New York 10007

RE: 3 East 89th Street — Expanded Carnegie Hill Historic District. *Jim Herr, Rafael Viñoly Architects; Slater and Beckman, Land Use Attorney; Higgins Quaesbarth, Historic Preservation Consultant.* Application is for restoration of north, south, east and west elevations AND for roof-top, rear-yard and side-yard additions and a modification of use pursuant to an application for a Section 74-711 special permit.

THIS APPLICATION, DIVIDED INTO THREE PARTS, WAS ORIGINALLY HEARD AT THE JANUARY 13TH MEETING OF THE LANDMARKS COMMITTEE. PART A, the required Section 74-711 Restoration and Maintenance Plan, was approved. **PART B**, for the introduction of a new awning at the ground floor of the front elevation and the replacement of the second egress door, was approved. **PART C**, for rear and side yard enlargements and rooftop additions, was disapproved.

Dear Chair Carroll,

DESCRIPTION OF PROPERTY

WHEREAS 3 East 89th Street is a 14,000 SF neo-Renaissance style house commissioned by Archer M. Huntington, designed by Ogden Codman, Jr., and constructed between 1913 and 1915.

WHEREAS 3 East 89th Street was built as a new wing for the existing mansion at 1083 Fifth Avenue and also designed by Ogden Codman, Jr. [1083 Fifth Avenue was purchased by Mr. Huntington in 1902 who, in 1914, commissioned Mr. Codman to redesign the original mansion PLUS add the wing at 3 East 89th Street.]

WHEREAS Mr. Huntington, the stepson of the railroad "Big Four" tycoon, Collis P. Huntington, was the founder of the Hispanic Society and Research Library on Audubon Terrace.

WHEREAS in 1941, Mr. Huntington donated the house along with 1083 Fifth Avenue to the National Academy of Design; 3 East 89th Street became part of a 3-building campus which included 5-7 East 89th Street in addition to 1083 Fifth Avenue.

WHEREAS in 1942 and in 1955 enlargements were made to the house; the original historic doors were replaced as part of the 1942 enlargement.

WHEREAS A rear yard and a side yard addition were added to the house; at the rear the addition extended to the lot line. *[For the original house, the first two floors extended to the width of the house; the two floors above were set back at the east elevation; in 1942, the 5 story fire stair was added to the east elevation using up part of the set back; in 1955, a one story side addition was*

added at the east elevation and a one story addition was added at the rear yard — this combined addition presents as L-shaped.

WHEREAS in 2019, the National Academy of Design, as part of a de-accessioning program for the 3 buildings, sold 3 East 89th Street to Jeanne Greenberg Rohatyn, the owner of Salon 94, to serve as the commercial art gallery's headquarters and exhibition space.

WHEREAS the applicant is requesting a special permit for a zoning waiver, pursuant to Zoning Resolution Section 74-711 to allow for a commercial art gallery; height and rear yard waivers and a cyclical maintenance program.

WHEREAS a zoning waiver is required because 3 East 89th Street is situated on 2 adjacent zoning districts, R8B and R10. *[To clarify, the site is just over 40' wide; about 23' is zoned R10 — part of the Fifth Avenue zoning with no rear yard requirement and about 17' is in an R8B district — with a 30' rear yard requirement and a height limit of 75'.]*

WHEREAS since the site is under 45' wide, a variance from the "Sliver Law" would also be required; this requested variance would also be included as part of the Section 74-711 special permit.

WHEREAS the applicant's intention is to base all restoration work at 3 East 89th Street on the house as it looked when it was gifted to the National Academy of Design in 1941, not on the original historic design *[normally required for 74-711 waivers]*.

WHEREAS the existing front elevation for 3 East 89th Street presents as 4 stories topped by a balustraded parapet — the height increases to 80' 11 1/2" when the parapet is included.

WHEREAS behind the parapet is an existing 300 SF "partial floor" ("FIFTH FLOOR") and 2 bulkheads — a stair bulkhead and an elevator bulkhead; most of this existing "5th floor" is uncovered roof.

WHEREAS at the front elevation, significant features include, at the first floor, a rusticated limestone base; at the second floor, a balcony with a wrought-iron railing and round-arched openings with multi-pane windows and the balustraded parapet atop the cornice.

At the Full Board meeting of Community Board 8 Manhattan held on January 22, 2020, the board

APPROVED PART A of the following resolution by a vote of 38 in favor, 0 opposed, 1 abstention, and 0 not voting for cause

PART A: The required Section 74-711 Restoration and Maintenance Plan

WHEREAS at the front or south elevation, the applicant proposes a complete restoration including a) a comprehensive cleaning and patching of limestone, brick and granite b) restoration of the historic Porte Cochere configuration c) removal of non-historic windows to be replaced with historically accurate windows d) restoration of missing cast-iron detailing at the balcony.

WHEREAS at the front or south elevation at the 4th floor the applicant proposes to re-open and restore the now-bricked-in historic window openings and to remove the brick infill at the 4th floor balustrade; the applicant also proposes to restore the door at the center bay.

WHEREAS the applicant proposes a complete restoration of the west elevation and. partial restoration of the east elevation, including repairing all deteriorated masonry, stucco and windows. *[See below with reference to the infill at the east elevation.]*

WHEREAS the west elevation, with blind arches and multi-panes windows, is visible from the public way because of a 10' service alley between 3 East 89th Street and the apartment building on the corner.

WHEREAS the applicant has made a commitment to a comprehensive maintenance program going forward to sustain the integrity of the building.

THEREFORE BE IT RESOLVED THAT PART A of this application be **approved** as presented.

At the Full Board meeting of Community Board 8 Manhattan held on January 22, 2020, the board

APPROVED PART B of the following resolution by a vote of 38 in favor, 0 opposed, 1 abstention, and 0 not voting for cause.

PART B: The three openings and the introduction of a new awning at the ground level at the front elevation

WHEREAS at the front elevation at the entrance, the application proposes to return the existing institutional entrance doors to the historic wooden configuration.

WHEREAS the applicant proposes that the second egress door to the west of the main entrance (east door) now relate to the existing window between the two doors so that there would now be 2 different systems of openings: the wood main door, the window with the grating removed and the new egress door that relates to the existing window.

WHEREAS the applicant is proposing a 2" thick bronze cantilevered awning that would project 4' 11" from the face of the building; there would be a very discrete sign in a bronze finish to the right of the entrance door with a small downlight above.

WHEREAS the window and doors present as in harmony at the street level.

WHEREAS the thin metal awning presents as modern and does not relate to the rest of the historic front elevation, but is a minimal intrusion within the historic district.

THEREFORE BE IT RESOLVED THAT Part B of this application is approved as presented.

At the Full Board meeting of Community Board 8 Manhattan held on January 22, 2020, the board **DISAPPROVED PART C** of the following resolution by a vote of 36 in favor, 2 opposed, 1 abstention, and 0 not voting for cause.

PART C: Rear and side yard enlargements and rooftop additions

WHEREAS the applicant proposes to extend the first two floors of the house to the rear lot line; the existing 13,870 SF of floor area will now increase to 19,910 SF.

WHEREAS at the rear elevation, at the rear yard, there now exists a one-story extension to the rear lot line that presents as L-shaped since the extension wraps around to the east elevation (added in 1955) — the applicant proposes infill or a 10' invasion into the rear yard for the 2nd and 3rd floors only with a two story glass studio box to be placed above the 3rd floor at the 4th and 5th floors.

WHEREAS the proposed infill at the 5th floor and the new 6th floor will increase the height of 3 East 89th Street from 78' 5 1/2" at the top of the existing mansard roof to 89' 5 1/2" to the top of the proposed new 6th floor, not including the two proposed bulkheads.

WHEREAS at the rear at 1083 Fifth Avenue, there is a distinctive "drum"-shaped structure clad in brick; the "drum" is now highly visible over the low-in-scale adjacent annex to the Church of the Heavenly Rest;

WHEREAS the applicant proposes that the view of the drum will remain visible because the proposed infill will only extend to the top of the 3rd floor (the infill at the rear will be placed on top of the already existing 1st floor infill which dates from 1955). **HOWEVER**, the only floors that match between the two houses, both designed Ogden Codman at the same time, is at the 2nd floor of each; this is also the floor where the "drum" has 3 identical tall windows; the rear addition at the second floor at 3 East 89th Street is only a few feet distant and 10' deep to the rear lot line and will block the east facing window — the main light source for the "drum".

WHEREAS the applicant proposes glass at the angled front elevation at the 5th floor.

WHEREAS angled glass of the front elevation of the new 5th floor matches exactly the slope of the existing mansard roof.

WHEREAS behind the mansard roof, glass will be inserted at the east and west elevations; the glass will be inserted into the slot in front of the fire stair on the east elevation and in a symmetrical location on the west elevation.

WHEREAS the applicant proposes a new glass studio 23' wide x 8'3" deep x 25' high at the 4th and 5th floor at the rear elevation.

WHEREAS the proposed glass studio will be set back from the north parapet wall by 18".

WHEREAS at the existing north elevation, three existing windows will be infilled to provide for the elevator shaft, including the large paned opening at the 2nd floor that matches exactly the large paned opening on the 2nd floor of the "drum" at 1083 Fifth Avenue.

WHEREAS at the third floor at the east-facing side yard the mechanicals will be slotted into the set back north of the fire stair. *[There will be infill at the 2nd floor and infill at the 4th floor; the existing first floor at the east elevation dates from the 1955 expansion and is part of the "L" that wraps around into the rear yard and extends to the rear lot line.]*

WHEREAS the mechanical equipment is being inserted at the 3rd floor to take advantage of a pre-existing light and air easement carried over from 5-9 East 89th Street with the purchase of 3 East 89th Street.

WHEREAS at the east elevation at the new masonry and stucco 5th and 6th floors, 4 new punched openings will be added - 2 on each floor; both the 4th and 5th floors step back from the existing parapet.

WHEREAS at the west elevation, the new 5th and 6th floors present as 18" from the face of the existing facade.

WHEREAS at the roof, the applicant is proposing to augment/fill-in the partial "5th floor", the infill will measure 36' 10" wide x 44' 1" deep to the existing bulkheads x 12' high; the existing bulkheads will be removed and the 5th floor will be extended.

WHEREAS the existing partial 5th floor will now present as an infilled full floor to be clad in limestone, with an angled glass front elevation.

WHEREAS the proposed new 6th floor will be set back 35' from the front property line at an angle from the front elevation and will measure 36'8" wide x 54'1" deep x 10'6" high.

WHEREAS at the 6th floor roof, there will be a HVAC bulkhead and a stair bulkhead.

WHEREAS the proposed enlargements at the roof, at the rear and at the east-facing side present a substantial expansion of the building; two full floors are being added to the top of a 4-story building — a 1/3 increase in the height — adding 22' of increased height.

WHEREAS the rooftop and rear yard enlargements are highly visible from both East 89th Street and Fifth Avenue

WHEREAS the rooftop, rear yard, and side yard enlargements impinge on the requirement that a 74-711 project have no more than a minimal impact in terms of both scale and light and air;

WHEREAS if the rooftop, rear yard and side yard enlargements were to proceed as proposed, the applicant would receive a gift of free FAR or a public subsidy of a private enterprise with no compensating public benefit; all enlargements made after 1941 were made either by the National Academy of Design, or the National Academy School which resulted in benefits to the public.

WHEREAS the 10' space at the rear yard must be maintained to honor 1083 Fifth Avenue's "drum" and its east-facing rotunda window and to provide breathing room for the neighboring buildings.

WHEREAS both the rooftop addition and the intrusion into the rear yard are inappropriate and out-of-context within the historic district.

THEREFORE BE IT RESOLVED THAT Part C of this application be **disapproved** as presented.

Please advise us of any action taken on this matter.

Sincerely,


Alida Camp
Chair


David Helpen and Jane Parshall
Co-Chairs, Landmarks Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District