



## CITY PLANNING COMMISSION

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August 11, 2008/Calendar No. 24

N 070145 ZRM

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**IN THE MATTER OF** an application submitted by the Hospital for Special Surgery pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission), Community District 8, Borough of Manhattan.

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This application for an amendment to the Zoning Resolution was filed by the Hospital for Special Surgery (HSS) on February 14, 2006, to facilitate the construction of a new 12 story hospital facility (the River Building) to be located on a platform in air space above the Franklin D. Roosevelt Drive (FDR Drive) between East 71<sup>st</sup> Street and the midblock line between East 71<sup>st</sup> and East 72<sup>nd</sup> streets in Manhattan Community District 8.

### RELATED ACTIONS

In addition to the application for amendments to the Zoning Resolution which is the subject of this report (N 070145 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

**C 060333 ZSM:** A special permit pursuant to Section 74-682 (Development over streets) for the construction of the proposed River Building.

**C 070171 ZSM:** A special permit pursuant to Section 74-682 (Development over streets) for the enlargement of HSS's existing East Wing Building.

**C 060440 MMM:** A city map amendment to eliminate, discontinue and close portions of the FDR Drive and related volumes (located on the East River Esplanade and southbound FDR Drive service road) for the construction of structural columns for the River Building.

The following actions represent required non-ULURP approvals for construction by HSS pursuant to the amended 1973 agreement between HSS, New York Presbyterian Hospital, and Rockefeller University:

**N 070146 CMM:** A City Planning Commission certification pursuant to Article 15 of the 1973 agreement for the enlargement of the East Wing Building, to be located in demapped air space over the FDR Drive.

**N 070169 CMM:** A City Planning Commission certification pursuant to Articles 15 and 12A (as amended by paragraph 13 of the 1993 amendment) of the 1973 Agreement for the construction of the River Building and its structural support columns, to be located in demapped air space above the FDR Drive and East River Esplanade.

**N 070168 CMM:** A City Planning Director certification pursuant to Article 12B of the 1973 agreement in order to demonstrate conformance to the standards and provisions of the agreement with respect to the East Wing Building.

**N 070170 CMM:** A City Planning Director certification pursuant to Article 12B of the 1973 agreement in order to demonstrate conformance to the standards and provisions of the Agreement with respect to the River Building.

## **BACKGROUND**

A full background discussion and project description appears in the report on the related special permit application (C 060333 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (N 070145 ZRM), in conjunction with the application for the related actions (C 070171 ZSM, C 060440 MMM, N 070145 ZRM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM) 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 05DCP061M. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related special permit application (C 060333 ZSM).

## **PUBLIC REVIEW**

This application (N 070145 ZRM) was referred to Manhattan Community Boards 8 and the Manhattan Borough President for information and review on April 4, 2008, along with the related applications (C 060333 ZSM, C 070171 ZSM, and C 060440 MMM), which were certified as complete in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Review**

Community Board 8 held a public hearing on this application (N 070145 ZRM) on May 14, 2008. A full discussion of the Community Board 8 resolution appears in the report on the related special permit application (C 060333 ZSM).

### **Borough President Recommendation**

This application (N 070145 ZRM) was considered by the Borough President. A full discussion of the Borough President resolution appears in the report on the related special permit application (C 060333 ZSM).

### **City Planning Commission Public Hearing**

On June 18, 2008 (Calendar No. 4), the City Planning Commission scheduled July 2, 2008, for a public hearing on this application (N 070145 ZRM). The hearing was duly held on July 2, 2008 (Calendar No. 36), in conjunction with the hearing on the related applications (C 060333 ZSM, C 070171 ZSM, C 060440 MMM). There were several speakers, as described in the report on the related special permit application (C 060333 ZSM), and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

The application (N 070145 ZRM) in conjunction with the related applications (C 060333 ZSM, C 070171 ZSM, C 060440 MMM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 06-029.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that this application for amendments to the Zoning Resolution (N 070145 ZRM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related special permit application (C 060333 ZSM).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 1, 2008, with respect to this application (N 070145 ZRM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic, and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with this FEIS, constitute the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and it be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as amended subsequently, is further amended as follows:

Matter in underline is new, to be added

Matter in strikethrough is text to be deleted;

Matter in # # is defined in Section 12-10 (Definitions);

\* \* \* indicates where unchanged text appears in the Zoning Resolution

Article VII

Administration

Chapter 4

Special Permits by the City Planning Commission

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~~12/7/89~~

## Development over streets

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air-space, ~~considered as part of the adjoining #zoning lot#,~~ the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that, ~~In addition to~~ the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery, and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit the Commission shall find that:

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on site and in the area, ~~the location and distribution of new #bulk# result in a good site plan; and~~
- (b) ~~any #building# located in demapped air space utilizes only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space; and~~
- (c) ~~any #building# located in the demapped air space shall comply with the #accessory# off-street parking and loading requirements of the applicable district.~~
- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the City Planning Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere

within such institution without regard for #zoning lot lines#, provided that such loading berths will be:

- (1) adequate to serve the requirements of the institution;
- (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
- (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback

The above resolution (N 070145 ZRM), duly adopted by the City Planning Commission on August 11, 2008 (Calendar No. 24), 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.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH KNUCKLES, Esq., Vice Chair**  
**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, AIA,**  
**ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, SHIRLEY A. MCRAE, Commissioners**

**IRWIN G. CANTOR, PE, KAREN A. PHILLIPS, Commissioners, Voting “No”**