



CITY PLANNING COMMISSION

August 11, 2008/Calendar No. 23

C 070171 ZSM

IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow the enlargement of an existing hospital including a three-story addition to a building in demapped air space above the portion of the Franklin D. Roosevelt Drive located between East 71st Street and former East 70th Street and to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and percentage of Lot Coverage), for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of York Avenue, and the center line of East 71st Street (Block 1482, Lots 20 and p/o Lot 9020), within an R9 District, Community District 8, Borough of Manhattan.

This application for a special permit was filed by the Hospital for Special Surgery (HSS) on February 14, 2006, to facilitate the three story enlargement of an existing hospital facility (the East Wing Building), located on a platform in air space above the Franklin D. Roosevelt Drive (FDR Drive) between East 70th Street and East 71st streets in Manhattan Community District 8.

RELATED ACTIONS

In addition to the application for a special permit which is the subject of this report (C 070171 ZSM), 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 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.

N 070145 ZRM: A zoning text amendment to Section 74-682 to allow for the modification of off-street loading requirements.

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 of the 1973 agreement (as amended by paragraph 13 of the 1993 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 (C 070170 ZSM), 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).

UNIFORM LAND USE REVIEW

This application (C 070171 ZSM), in conjunction with the application for related actions (C 060333 ZSM and C 060440 MMM) was certified as complete by the Department of City Planning on April 4, 2008, and was duly referred to Manhattan Community Board 8 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). The application for the related non-ULURP actions (N 070145 ZRM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM), was also referred to Manhattan Community Board 8 and the Manhattan Borough President for information and comment.

Community Board Public Hearing

Community Board 8 held a public hearing on this application (C 070171 ZSM) 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 (C 070171 ZSM) 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. 3), the City Planning Commission scheduled July 2, 2008, for a public hearing on this application (C 070171 ZSM). The hearing was duly held on July 2, 2008 (Calendar No. 35), in conjunction with the hearing on the related applications (C 060333 ZSM, C 060440 MMM, N 070145 ZRM). 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 (C 070171 ZSM) in conjunction with the related applications (C 060333 ZSM, C 060440 MMM, N 070145 ZRM, 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 Special Permit (C 070171 ZSM) 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).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-682 (Development over streets) of the Zoning Resolution;

- (a) For developments 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;

- (b) Not applicable

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 (C 070171 ZSM), 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Hospital for Special Surgery, pursuant to Section 74-682 of the Zoning Resolution to allow the enlargement of an existing hospital including a three-story addition to a building in demapped air space above the portion of the Franklin D. Roosevelt Drive located between East 71st Street and former East 70th Street and to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and percentage of Lot Coverage), for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of York Avenue, and the center line of East 71st Street (Block 1482, Lots 20 and p/o Lot 9020), within an R9 District, Community District 8, Borough of Manhattan, is approved subject to the following conditions:

1. The property that is the subject of this application (C 070170 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cannon Design filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z – 004	Site Plan & Zoning Calculations	8/1/08
Z – 005	Zoning Building Section	3/14/08
Z – 022	Existing East Wing and Proposed East Wing Elevation East Wing	3/14/08

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 05DCP061M) issued on August 1, 2008 (and identified as practicable).
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the related restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification,

cancellation or amendment of the special permit hereby granted or of the related restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

8. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to such documents shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

The above resolution (C 070171 ZSM), duly adopted by the City Planning Commission on August 11, 2008 (Calendar No. 23), 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"