



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

June 19, 2008

Recommendation on
ULURP Application Nos. C 060333 ZSM, C 070171 ZSM, C 060440 MMM and
N 070145 ZRM
by The Hospital for Special Surgery

PROPOSED ACTION

The Hospital for Special Surgery (“HSS”) seeks approval of three actions to facilitate the expansion of its campus in Manhattan Community District 8. HSS seeks approval for **two special permits pursuant to ZR §74-682** to enlarge an existing building and to construct a deck and new building in demapped air space over the FDR Drive.¹ The applicant also seeks a **change to the City Map** to demap and convey portions of the FDR Drive and East River Esplanade (“Esplanade”) to HSS for the new deck’s support columns. The applicant has also filed a related application for a **Zoning Text Amendment (N 070145 ZRM)** to modify the findings of ZR §74-682, which would allow the City Planning Commission (“CPC”) to modify off-street loading requirements for enlargements and developments of institutions permitted to build over the FDR Drive by ZR §74-682, thereby waiving a requirement that an additional loading berth be constructed for the new building.

In order for the City Planning Commission (“CPC”) to grant a special permit pursuant to ZR §74-682, the applicant must meet the following findings: (a) the location and distribution of new bulk will result in a “good site plan” in relation to existing buildings on the site and in the area; (b) any building located in demapped air space may use only the unused floor area from the adjoining zoning lot not within demapped air space; and (c) any building located in the demapped air space must comply with the accessory off-street parking and loading requirements of the zoning district.² Further, CPC may impose additional conditions on development that are consistent with a 1973 agreement (“1973 Agreement”) executed among the City of New York,

¹ Pursuant to State legislation enacted in 1971, the City closed, demapped, and conveyed air space above portions of the FDR Drive to non-profit institutions that owned zoning lots adjacent to said air space. A special permit under ZR §74-682 (Development over Streets) allows these non-profit institutions to develop or enlarge buildings in the demapped air space as part of their facility expansion plans. Bulk modifications, except for floor area, related to the development or enlargement of buildings are also allowed under this special permit.

² The applicant is concurrently seeking an amendment to the Zoning Resolution that would allow the City Planning Commission to modify the off-street loading requirements of finding “c” of ZR §74-682.

The Society of New York Hospital, The Hospital for Special Surgery and Rockefeller University in order to improve the quality of development and minimize adverse effects on the character of the surrounding area.

In addition to the aforementioned actions, the applicant requires a number of other approvals from the City Planning Commission and the Director of the Department of City Planning. These approvals are primarily related to obligations and approvals required by the 1973 Agreement (and subsequent amendments), such as review of construction, ventilation and esplanade landscaping plans.

PROJECT DESCRIPTION

The Hospital for Special Surgery is a premier orthopedic and rheumatology hospital located in the Upper East Side. The HSS campus is generally bounded by East 70th Street, East 72nd Street, York Avenue, and FDR Drive. Its facilities consist of the Main Hospital Building (Block 1482, Lot 20) (with an East Wing and West Wing), the Caspary Research Building (Block 1483, Lot 23), and the Belaire Building (Block 1483, Lot 7501). The area surrounding the Hospital for Special Surgery is primarily a mix of hospital and medical facilities, such as New York-Presbyterian Hospital, Rockefeller University and Memorial Sloan-Kettering Cancer Center, and residential uses. The R9 district, within which HSS's proposed development sites are located, allows high-density residential and community facility uses as-of-right. The maximum allowable FAR for community facilities is 10.0 and the maximum allowable FAR for residential uses is 7.52.

In 1971, the State of New York authorized the City to discontinue air space over the FDR Drive from East 62nd to East 72nd streets and over parts of East 63rd, East 70th and East 71st streets between York Avenue and the FDR Drive. The City disposed this air space to three non-profit institutions: The Society of New York Hospital (now know as New York-Presbyterian Hospital); The New York Society for the Relief of the Ruptured and Crippled (also known as the Hospital for Special Surgery); and Rockefeller University. The City and these institutions executed an agreement in 1973, which conveyed property rights to the institutions as described in the 1971 enabling legislation and set forth obligations for certain public improvements along the East River that the institutions would be required to make. The special permit pursuant to ZR §74-682 allows these three institutions to develop in the demapped air space over the FDR Drive.

The applicant seeks two special permits pursuant to ZR §74-682. First, the applicant seeks to enlarge the existing East Wing building, located over the FDR Drive between East 70th and East 71st Streets, by three floors and to increase the building's lot coverage with the addition of a pedestrian bridge connecting the East Wing with proposed new building. The resulting building would be 11 stories with a rooftop mechanical equipment room. The building will rise to a height of approximately 161 feet at 11 stories above the FDR Drive with an additional partial floor for the mechanical room; however, the base of the building does not begin until 22 feet above the FDR Drive roadway.³ The new East Wing floors will house, among other services, patient beds and an adult and pediatric physical therapy spaces.

³ The East Wing is on top of an existing deck built over the FDR Drive.

Second, the applicant seeks to construct a deck and new 12-story building (“River Building”) over the FDR Drive (between East 71st and the midblock point between East 71st and East 72nd streets). The building, built on a platform 20 feet above the FDR Drive, will rise to approximately 169 feet at 12 stories (measured from the FDR Drive) with an additional partial floor for the mechanical room and elevator overrun. The north side of the River Building will have a 20-foot setback at the sixth floor. The River Building will be accessible above the street-level through the Caspary Research Building and the Main Hospital Building. HSS will consolidate its out-patient services, such as doctors’ offices, examination rooms and rehabilitation spaces, in the River Building. The proposed campus modernization and expansion project, through both the enlargement and new building, would add approximately 137,869 SF of zoning floor area; 50,988 SF would be added to the East Wing, and the River Building would contain 86,869 SF. The proposed expansion of HSS facilities would result in 28 additional patient beds, six new inpatient operating rooms, and three new ambulatory surgery operating rooms.

In order for HSS to construct the new River Building, it must first construct a new deck spanning the FDR Drive. The foundation for the deck will require that four V-shaped support columns be placed in between the two parts of the switchback ramp that exists along the East River Esplanade that connects to the pedestrian bridge over the FDR Drive and five vertical columns be placed parallel to the existing Caspary Research Building along the western side of FDR Drive. The proposed actions require that certain portions of the FDR Drive and East River Esplanade and volumes of air space above such portions are demapped and conveyed to HSS for the support columns needed for the River Building.

The applicant also proposes an amendment to the Zoning Resolution, which would modify the loading berth requirements of the special permit pursuant to ZR §74-682. The River Building is being constructed in air space over an active road and is part of a zoning lot that is fully built out; consequently, there are significant practical obstacles to locating a new off-street loading berth in the new building. This modification of loading berth requirements would apply only to the institutions that are eligible for a special permit pursuant to ZR §74-682. With the text change, the City Planning Commission can determine that, for non-profit institutions that have more than one building on two or more zoning lots, the required number of loading berths as if such non-profit institutions were located on a single zoning lot and the loading berth can be located regardless of zoning lot boundaries. An applicant seeking modification of loading berth requirements would need to demonstrate that the loading berths are:

1. adequate to serve the requirements of the institutions;
2. accessible to all the uses without needing to cross any street; and
3. located to not adversely affect pedestrian or vehicular movement on streets within or surrounding such institution.

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on May 14, 2008, Manhattan Community Board 8 recommended approval of the application by a vote of 31 in favor, 3 opposed, and 2 abstentions.

CONSTITUENT COMMENTS

Residents of a neighboring co-op building have expressed concern about potential negative effects that may arise from the project and from the construction of the proposed River Building in particular. These concerns relate to, among other things, construction, noise, air quality, traffic congestion, and open space.

BOROUGH PRESIDENT'S COMMENTS

This project is an important element of the Hospital for Special Surgery's admirable efforts to serve the health care needs of the local community and the City as a whole. The hospital is extremely important part of the Upper East Side community, and fills a unique, and uniquely important, role in the City's health care infrastructure. The proposed development meets a high level of design excellence, and the applicant has considered community concerns throughout the design process. Through the land use process, this project can meet the needs of the institution and the many New Yorkers who depend upon it for care, while still respecting community planning and neighborhood goals.

Text Amendment

Off-street loading berths serve an important role in maintaining the efficient functioning of a city. They serve to reduce or eliminate interruption of pedestrian and vehicular traffic flow, and it is sound planning policy to protect the free flow of traffic. Therefore, any waiver of loading berth requirements should be given careful consideration.

This project faces unique challenges in complying with the loading berth requirements for the River Building because this building will be placed over an actively used road. Currently, the overall hospital facility exceeds the required minimum number of loading docks.⁴ Even if the added floor area from the enlargement and new building were considered, HSS would still meet, and would be in excess of, the number of loading berths that would ordinarily be required for a single building of the same size and use. Moreover, the applicant would be able to address the loading needs of its expanded facilities without negatively impacting pedestrian and vehicular circulation because Main Hospital Building, Caspary Research Building, and River Building will all be interconnected above grade. Subsequently, the proposed HSS development would still be adequately served by existing loading berths.

If HSS, including its proposed expansion, were located on a single zoning lot, it would have sufficient loading docks to meet its needs. Therefore, waiving the loading dock requirement in this very limited circumstance would be unlikely to have any negative impact on traffic and loading in the area. Therefore, it seems appropriate for the CPC to have the ability to consider modifying the off-street loading requirements for the certain institutions, such as HSS, that are

⁴ The HSS facilities are divided among two separate zoning lots. According to its DEIS, HSS currently has 3 loading berths on East 71st Street and one on East 70th Street. HSS would be required, under ZR §25-72, to provide one additional loading berth for the River Building.

eligible for a ZR §74-682 special permit and face the unique challenge of building over the FDR Drive. This waiver would be of extremely limited applicability because it would be available only for applicants for special permits to build over the FDR Drive.

Special Permits

To be granted a ZR §74-682 special permit as it is proposed to be amended, the applicant must meet the following findings: (a) the location and distribution of new bulk, from development or enlargement in demapped air space and bulk modifications, will result in a “good site plan” in relation to existing buildings on the site and in the area; and (as stated above, in more depth) (b) for modification of off-street loading requirements, CPC may determine the number and location of loading berths as if the institution were a single zoning lot and regardless of zoning lot lines if the loading berths are adequate to serve the institutions, accessible to all institution uses without needing to cross any street at grade, and located to not adversely affect pedestrian or vehicular movement on streets surrounding the institution.⁵ The application meets the findings of a ZR §74-682 special permit for the proposed enlargement and new building.

The applicant’s proposal for enlargement of an existing building and construction of new building in order to facilitate HSS’s campus expansion represents many characteristics of good site planning. The Upper East Side has experienced growing development pressure from institutions seeking significant expansion of their facilities and campuses. A key planning policy for this area has been to encourage institutional expansion away from heavily residential neighborhoods, as evidenced by the 1973 Agreement which allowed institutions to build eastward over the FDR Drive. Since HSS is using only unused floor area from its zoning lots west of the FDR Drive, it is redistributing some of the bulk that could have been used to enlarge its existing buildings to develop over the FDR Drive. The applicant has also designed a 20-foot setback at the sixth floor of the River Building’s north side, which is not required under zoning, to provide as much light and air to the lot line windows of an adjacent residential building as possible. Further, the proposed expanded facilities will allow HSS to reorganize its services within its campus to maximize efficiency. For example, all outpatient treatment will be consolidated within the River Building instead of scattered throughout multiple buildings.

With regard to loading berth requirements, HSS should have enough off-street loading capacity to serve the anticipated expanded uses. Since the East Wing, River Building and Caspary Research Building will be connected above the street level through corridors and pedestrian bridges, the new portions of the HSS campus will be able to access a common loading dock without impairing pedestrian and vehicular traffic. The application meets the required findings proposed for the special permit.

City Map Change

⁵ ZR §74-682 was amended so that any building located in the demapped air space shall utilize only unused floor area from the portion of the adjoining zoning lot not within the demapped air space.

The River Building will provide much needed additional capacity for the Hospital for Special Surgery services. The use of V-shaped columns and the placement of support columns in between the existing switchback ramp on the East River Esplanade, in particular, will minimize the area required to be demapped and conveyed to applicant. Further, these eastern columns will be aligned with the existing ramp and will not decrease the useable width of the Esplanade.

Other Comments

The applicant's Draft Environmental Impact Statement ("DEIS") indicates that there may be a potential significant adverse impact on air quality due to mobile sources relating to carbon monoxide emissions. The emissions are within the National Ambient Air Quality ("NAAQS") standards, but do exceed the City's *de minimis* impact criteria. HSS should work with DEP to work on a ventilation plan that appropriately addresses the potential adverse impact from carbon emissions.

HSS's expansion plans pose complicated construction and implementation issues because most of the work will occur over or adjacent to the FDR Drive and near residential buildings. Many institutional developments are under construction or have been recently completed in this neighborhood, and the applicant should be sensitive to any potential negative construction impacts. According to the DEIS, there could be a potential temporary negative adverse impact on open space due to the length of construction period. Portions of the Esplanade (between approximately East 70th Street to just past the midblock point between East 71st Street and East 72nd Street) and the existing pedestrian ramp would be closed temporarily during construction and installation of columns. The applicant proposed to remove portions of the existing pedestrian ramp while the new deck columns are being installed, provide a temporary southbound ramp, and eventually re-install the northbound ramp. HSS expects that this closure of the esplanade will last between four and six months, but would remain open on weekends when possible. The applicant has proposed to work with the Department of Parks and Recreation to provide mitigation measures during this period, such as construction phasing, and for the period beyond six months. Installation of the deck will also require partial and/or full closure of the FDR Drive at that location. The applicant should work with neighborhood stakeholders and Community Board 8 to ensure that the community is well informed about the construction process and schedule, and to address any negative construction-related impacts, by developing a construction mitigation plan that plans construction and street closings in as expeditious and efficient a way as possible, and provide adequate notice to residents.

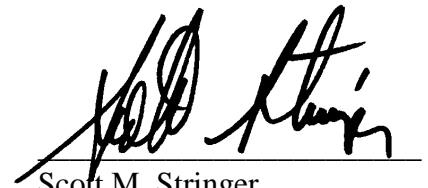
Because of the lot's immediate proximity to neighboring lots, the applicant should be extremely sensitive to the concerns of nearby residents. As previously mentioned, the applicant proposes to voluntarily set the building further back than would ordinarily be required, in order to provide additional light and air to neighboring buildings. The applicant should continue to work with affected neighbors and community stakeholders to consider design and programmatic changes that will minimize impacts.

BOROUGH PRESIDENT'S RECOMMENDATION

The application furthers public policy goals, meets the applicable standards for the requested

actions, has the support of the local Community Board, and will allow an important not-for-profit health care institution to continue their work serving community and Citywide needs. As with all major construction projects, care should be taken to work with the community and affected residents to minimize and mitigate construction impacts.

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 060333 ZSM, C 070171 ZSM, C 060440 MMM, and N 070145 ZRM, provided that the applicant work with affected neighbors, community stakeholders, and Community Board 8: to consider design and programmatic changes that minimize project impacts; to develop a construction mitigation plan that plans construction and street closings in as expeditious a way as possible and provides adequate notice to neighboring residents; to address any negative construction-related impacts, and work with DEP on a ventilation plan that addresses the potential adverse impact from carbon emissions.



Scott M. Stringer
Manhattan Borough President