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**Gale A. Brewer, Borough President**

May 18, 2015

**Recommendation on ULURP Application No. C 150248 ZSM  
By Hospital for Special Surgery**

**PROPOSED ACTION**

Hospital for Special Surgery (“the applicant”) seeks a special permit pursuant to Section 74-682 of the Zoning Resolution (“ZR”) to modify the lot coverage requirements of Section 24-11 in connection with a proposed four-story enlargement at 535 East 70<sup>th</sup> Street (Block 1482, Lot 20 and p/o Lot 9020) and approval to allow development in demapped air space above former East 70<sup>th</sup> Street pursuant to a 1973 Agreement between the City of New York, the Hospital for Special Surgery, Rockefeller University and New York Hospital (now, New York Presbyterian Hospital) in the Upper East Side neighborhood of Manhattan Community District 8.

In order for the City Planning Commission (“CPC”) to grant such special permit, the CPC must find that:

1. for development or enlargement 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; and
2. for modification of off-street loading requirements, when such non-profit institution includes more than one building on two or more zoning lots, the CPC 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 shall be:
  - a. adequate to serve the requirements of the institution;
  - b. accessible to all the uses in such institution without the need to cross any street at grade; and
  - c. located so as not to adversely affect the movement of pedestrians or vehicles on the streets within or surrounding such institution.

Exhibit H of the 1973 Agreement provides in pertinent part that:

- a. The City Planning Commission may from time to time, after public notice and hearing, grant a special permit to one or more of the Institutions for the construction of a building or other improvements in (i) the portion of the University Space between the easterly prolongations of the south side of East 63<sup>rd</sup> Street and the north side of East 62<sup>nd</sup> Street, (ii) any portion of the Space over the streets, or (iii) the

Society Space, provided that in each instance the Commission makes the findings required by paragraph e of this Exhibit H:

- d. An application to the Commission for the grant of a special approval shall include a site plan showing the location and proposed use of all buildings or other improvements; the location of all vehicular entrances and exits and off-street parking spaces; and such other information as may be required by the Commission.
- e. The Commission may permit construction of buildings or other improvements in the areas described in paragraph a of this Exhibit H, provided the following findings are made by the commission:
  - i. that such construction will not substantially interfere with the vehicular and pedestrian use of the FDR Drive or the Streets;
  - ii. that with respect to the FDR Drive all requirements imposed by federal and state law shall be complied with; and
  - iii. that such construction shall be in accordance with the provisions of this statement.

## **PROJECT DESCRIPTION**

The applicant seeks a special permit pursuant to ZR § 74-682 to permit the modification of lot coverage requirements and approval under the 1973 Agreement to allow development in demapped air space over former East 70<sup>th</sup> Street. The permit would allow the West Wing of the hospital's main building to be enlarged by 7,930 square feet of floor area for a proposed four story, including a mechanical floor penthouse, with the enlargement beginning at the third floor of the existing building. The third floor expansion would accommodate four office spaces, seven surgical examination rooms, one lounge and bathroom; the 4<sup>th</sup> floor expansion would include three surgical examination rooms; the 5<sup>th</sup> floor expansion would be used for implant and operating room storage; and the 6<sup>th</sup> floor would accommodate the mechanical equipment. The proposed enlargement would result in a total of 404,106 square feet of zoning floor area on the West Wing building site.

The project would extend 22 feet over the East 70<sup>th</sup> Street service ramp and extend for a length of 128 feet. The enlargement would be structurally supported by extending the existing support columns from the service ramp below. A required clearance of 14 feet will be maintained between the enlargement and service ramp in addition to an 8 foot wide side yard.

### **Site Description**

The project site is located at 535 East 70<sup>th</sup> Street and contains one building that is comprised of the West Wing and the East Wing. The West Wing is five to 11 stories and holds the ambulatory surgery unit, critical sterile supply, administrative and physician offices, outpatient clinics, pharmacy, surgical suite, recovery, conference center and support space. The East Wing is a 12 story structure located on the eastern portion of the site above the FDR Drive in demapped air space and houses inpatient bed units, pre-surgery holding, imaging, rehabilitation, administrative and physician offices, staff areas and support space. Along former East 70<sup>th</sup> Street is a 60 foot wide service ramp used by Hospital for Special Surgery and New York Presbyterian Hospital to

connect their easternmost buildings for service and delivery functions. There is also an enclosed pedestrian bridge across the former roadbed that connects the West Wing building at the second floor to NY Presbyterian Hospital.

### **Area Context**

Immediately south of the site is a concentration of medical institutions which are designated large-scale community facility developments for Rockefeller University and NY Presbyterian-Cornell Medical Center and Hospital for Special Surgery. To the west of York Avenue, from East 66<sup>th</sup> to 69<sup>th</sup> Streets is the Memorial Sloane Kettering Cancer Center. The block north of the site, bounded by East 71<sup>st</sup> Street, East 72<sup>nd</sup> Street, York Avenue and FDR Drive includes Sotheby's auction house, gallery and office building, the Hospital for Special Surgery's Caspary Research building, the 43-story Belaire mixed use community facility and residential building, and the 20-story Edgewater residential condominium. Northeast of the site at East 71<sup>st</sup> Street is a pedestrian bridge, maintained by the hospital, which connects to the East River Esplanade. The area is served by the No. 6 subway line, with entrances west of the development site at East 77<sup>th</sup> and East 69<sup>th</sup> Streets along Lexington Avenue. The M31 and M72 buses are along East 72<sup>nd</sup> Street and York Avenue.

### **BACKGROUND**

The Hospital for Special Surgery is an orthopedic and rheumatologic research and care facility located over and adjacent to the FDR Drive between East 70<sup>th</sup> and 72<sup>nd</sup> Street. The Hospital for Special Surgery's main building was constructed in the 1950s and the hospital campus includes the West and East Wings (as part of the main hospital building), the Caspary Research Building and the Belaire Building. Over the years, the Hospital for Special Surgery has received special permits, City Map amendments, disposition approvals, and special approvals to enable expansion of the hospital campus over adjacent streets.

In 1973, the Hospital for Special Surgery (former name Society for the Relief of the Ruptured and Crippled), New York Presbyterian Hospital (former name, New York Hospital) and Rockefeller University entered into an agreement with the City allowing them to develop buildings in the airspace over the FDR Drive adjacent to their campuses, subject to approval by the City based on the terms of the agreement. This 1973 Agreement was enabled by state legislation in 1971 which allowed the City to convey the airspace to the three institutions. This 1973 Agreement has subsequently been amended three times, once at adoption by the Board of Estimate in 1973, and then in 1983 and 1993.

In 1981, the portion of East 70<sup>th</sup> Street 20 feet above-grade was eliminated from the City Map and conveyed to the New York Presbyterian Hospital, to construct the Starr Pavilion which extends over the former street bed. In 1992, volumes above the FDR Drive between East 71<sup>st</sup> and East 70<sup>th</sup> were demapped and conveyed to HSS which allowed for the construction of the East Wing. In 2008, the CPC granted a second special permit pursuant to ZR § 74-682 to expand the East Wing by three stories and a special permit pursuant to ZR § 74-682 to allow the construction

of the River Building, connected to the East Wing in the demapped air space above the portion of the FDR Drive on the north side of East 71<sup>st</sup> Street.

Within the project site vicinity are projects and actions that would have an effect on this project. In 2013, the Memorial Sloan-Kettering Cancer Center and The City University of New York-Hunter College were approved for the disposition of City owned property for a large-scale general development, a zoning text amendment to increase floor area, and special permits to modify sign regulations and add an accessory parking facility. In 2014, Rockefeller University was approved for a special permit pursuant to ZR § 74-682 to allow construction in air space over the FDR Drive for the University's New River Building and Fitness Center, an amendment to the City Map for construction of columns and footings in the East River Esplanade for the proposed laboratory building, and a modification to their Large-Scale Community Facility Development.

### **Proposed Actions**

The applicant seeks a special permit pursuant to ZR § 74-682 to increase the lot coverage of the West Wing by 7,930 square feet, approximately two percent, and approval to develop in demapped airspace above the former East 70<sup>th</sup> Street. In accordance with the 1973 Agreement, the CPC may grant a permit to construct the proposal over the former East 70<sup>th</sup> Street between FDR Drive and York Avenue. The applicant has submitted a site plan showing the location and use of buildings, vehicular entrances and exits. The statement of findings indicates the location and distribution of bulk shall result in a good site plan in relation to the existing building on site and in the surrounding area and will not substantially interfere with vehicular and pedestrian use of the streets.

### **COMMUNITY BOARD RECOMMENDATION**

At its Full Board meeting on April 15, 2015 Manhattan Community Board 8 recommended approval of this application. The vote was 33 in favor, 0 opposed, 0 abstentions and 1 not voting for cause. The recommendation was submitted to the Department of City Planning on April 16, 2015.

### **BOROUGH PRESIDENT'S COMMENTS**

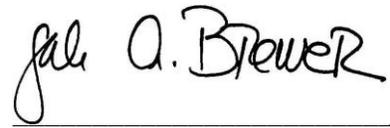
The Hospital for Special Surgery West Wing expansion will allow the hospital to significantly increase inpatient surgeries and respond to orthopedic demands.

Pursuant to the findings, the expansion of the West Wing will result in a good site plan in relation to the existing building on site and in the area. The special permit requested is for a relatively small increase of the building footprint and the view of this expansion will be blocked from the west by the enclosed pedestrian overpass and 12-story Starr building extending over the former East 70<sup>th</sup> Street. The demapped street is designated for hospital operations and the applicant has stated the construction will be phased with security and a traffic controller with no effect on the operations and use of the space by New York Presbyterian Hospital's and Hospital for Special Surgery's ambulances.

There are several large projects that will be under construction for the next few years all in the immediate vicinity of the project area. Without careful coordination, this concentration of development could snarl traffic and reduce quality of live in the neighborhood. Considering this, the Hospital for Special Surgery should coordinate its construction efforts with Rockefeller University, Memorial Sloan-Kettering Cancer Center and The City University of New York-Hunter. The institutions should jointly coordinate and communicate with the Community Board to minimize potential construction impacts on the community.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 150248 ZSM.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive style with a large initial "G".

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Gale A. Brewer  
Manhattan Borough President