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

GALE A. BREWER
BOROUGH PRESIDENT

February 12, 2014

Recommendation on
ULURP Application Nos. C 140157 ZSM, M 821257D ZAM,
N 140158 ZMM, N 140159 ZMM, and C 140068(A) MMM
by Rockefeller University

PROPOSED ACTION

Rockefeller University seeks a special permit and related actions to facilitate the development of a two-story laboratory building and conference center within a Large Scale Community Facility Development over the Franklin D. Roosevelt East River Drive ("FDR Drive") in Manhattan Community District 8. The proposed project sits in airspace that was demapped and given to the University pursuant to a 1973 Agreement between the City of New York and Rockefeller University as well as two other Upper East Side medical facilities, the Hospital for Special Surgery and New York-Presbyterian Hospital.[1]

Special Permit

The applicant seeks a **special permit pursuant to Section 74-682** of the New York City Zoning Resolution ("ZR") for development in airspace over a street. ZR § 74-682 allows for such a development in R9 and R10 districts in airspace that is closed and demapped and has been conveyed to a non-profit institution. The special permit allows for development or enlargement of buildings which are an expansion of an existing hospital, university or functionally related facility. The special permit stipulates

[1] New York-Presbyterian Hospital was formed from the merger of Presbyterian Hospital and New York Hospital, which was party to the 1973 Agreement. The Hospital for Special Surgery was previously named the New York Society for the Relief of the Ruptured and Crippled, and is referred to as such in the 1973 Agreement.

that any development in demapped airspace utilize only unused floor area from the adjacent zoning lot. In order to grant the special permit, the City Planning Commission ("CPC") must find that the location and distribution of new bulk shall result in a good site plan and any modifications to off-street parking requirements do not result in a shortage of parking. Additionally, the special permit allows CPC to impose additional conditions and safeguards, consistent with the 1973 Agreement, to improve the quality of the development and minimize adverse effects on the surrounding area.

The special permit allows for modification of bulk requirements, provided that all provisions of the 1973 Agreement are met. In this case, the applicant seeks a waiver of rear yard requirements pursuant to ZR § 24-36, which requires a 30-foot rear yard.

Amendment to the Large Scale Community Facility Development Plan

The change in total floor area and lot coverage from the proposed development on the University's campus requires an **amendment to the Large Scale Community Facility Development Plan** ("LSCFDP") pursuant to ZR § 79-21. The LSCFDP allows for, on community facilities that occupy more than one zoning lot, floor area to be used notwithstanding the boundaries of zoning lots and zoning districts, based on a CPC-approved large-scale plan. The applicant seeks to modify the existing LSCFDP to increase the total floor area to 2,012,811 square feet and the total lot coverage to 42.02 percent.

CPC Chair Certifications

The Applicant seeks two certifications pursuant to the 1973 Agreement. The University first seeks a **certification pursuant to Article 12A,** as amended by Article 13 of the Third Amendment to the 1973 Agreement. Article 12A states that the University may not complete any construction over the FDR Drive that would lie within the vertical plane defined by the eastern edge of the FDR Drive. It does, however, allow that the CPC may approve the placement of necessary support columns, connecting girders, and structural bracing, provided that they do not: (i) substantially interfere with pedestrian use and enjoyment of the FDR Drive Esplanade; (ii) restrict light and air to the Esplanade; (iii) detract from the visual quality of the waterfront area; nor (iv) impede vehicular traffic. The University seeks this certification for the placement of the supporting columns of the proposed building.

The Applicant further seeks a **certification pursuant to Articles 12B and 12C of the 1973 Agreement,** as amended, which require that plans be submitted to the CPC detailing the proposed impacts of the development on the FDR Drive and the Esplanade (12B). If the proposed development will in any way damage the bulkhead along the East River or the FDR Drive, the Applicant will repair that damage (12C).

City Map Change

The Applicant is also seeking an amendment to the City Map. The laboratory building and conference center will be located on a platform over the FDR Drive in airspace that was previously conveyed to the University, but no airspace between this platform and the surface of the FDR Drive belongs to the University. The Applicant thus seeks a change to the City Map to eliminate volumes from the FDR Drive and the Esplanade to accommodate columns and associated below-grade supporting structures. Ownership of these volumes will be conveyed to the University.

PROJECT DESCRIPTION

Rockefeller University seeks land use approvals to build a new science research building, an interactive conference center, and a fitness center on its Upper East Side campus. The laboratory building and conference center will be built on a platform over the FDR Drive, in airspace that was granted to the University in 1973. The 1973 Agreement granting the airspace to the University gave development rights from East 63rd to 71st Streets to the University and the two hospitals to its north, and this is the final parcel along this stretch to be developed.

Rockefeller University was founded in 1901 for the purpose of fostering scientific and medical research. The University is comprised of 73 laboratories organized without a departmental structure. Compared to other research institutions, Rockefeller University is rather small—all told there are less than 2,000 personnel including laboratory heads, research scientists, PhD students, postdoctoral students, and other support staff.

Background

In 1973, the University and the two hospitals to its north 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.

The 1973 Agreement and the First Amendment gave the institutions the right to build, but included numerous obligations for the institutions to develop and maintain public space along the river and access points to that public space. Notably, the 1973 Agreement required that the institutions build an elevated pedestrian walkway along the easterly portion of the new buildings to replace the previous at-grade East River Esplanade[2] between East 63rd and 72nd Streets. This provision was part of a larger plan to replace the at-grade Esplanade between East 63rd Street and Gracie Park at East 82nd Street, where the Esplanade was already elevated, with an elevated pedestrian walkway.

At the time that the first building was being planned, the University's Scholars Residence, the City had abandoned the idea of elevating the Esplanade and instead amended the Agreement to include "substituted performance" for this obligation. Rather than building an elevated walkway, the institutions would be required to build various improvements to the Esplanade as well as improved pedestrian access points—improvements of a similar cost to the institutions as the elevated walkway. These substituted performance requirements are laid out in the 1983 and 1993 Amendments. The University has fulfilled this substituted performance obligation by building a bridge over the FDR Drive to provide pedestrian access to the Esplanade at East 63rd Street and by contributing funds to maintain the park established on top of the former waste transfer station on the East River between East 60th and 61st Streets.

[2] This portion of the East River Esplanade is referred to in the 1973 Agreement and subsequent Amendments as the FDR Drive Existing Walkway.

Rockefeller University Campus

The University's campus encompasses Block 1480, Lots 10 and 9010, which is located on the east side of York Avenue between East 63rd Street and the center line of the demapped East 68th Street, and Block 1475, Lots 5 and 9005, which is located directly to the south of Block 1480, from East 62nd to 63rd Streets. Lots 9005 and 9010 are air rights lots running over the FDR Drive at a height of 25 feet, with the easterly border of the pierhead/bulkhead line. Block 1480, Lot 10 has an area of 563,901 square feet and Block 1475, Lot 5 has an area of 41,208 square feet. Neither of the air rights lots can be used in calculation of permitted floor area.

The campus is zoned R10 to a depth of 125 feet from York Avenue and R9 over the remainder of the property. The University is a Use Group 3 community facility, which is permitted in these districts. The campus is subject to a Large Scale Community Facility Development Plan whose boundary is coterminous with the University's property, including the air space over the FDR. The LSCFD designation essentially makes the campus's two blocks a superblock, giving the University greater flexibility in utilizing its development rights, as long as the total Floor Area Ratio ("FAR") of the campus does not exceed 10.0. The maximum permitted floor area in the LSCFD is 6,051,090 square feet. The LSCFDP also stipulates where buildings can be placed on the lot and the maximum lot coverage for the campus.

The University was founded in 1901 at this location and consists of research laboratories, administrative and support facilities and two dormitories, as well as the president's residence. The majority of the buildings on the site are clustered towards the FDR Drive, with only three buildings adjacent to York Avenue. The campus is gated and accessed by an entrance at East 66th Street. The two buildings on Block 1475, the Scholar's Residence and the Faculty House, are connected to the campus by a pedestrian bridge over East 63rd Street that was built in 1998.

The University has previously constructed two buildings in the airspace over the FDR: the Scholar's Residence and the Rockefeller Research Building. The Scholar's Residence, approved by the CPC in 1983 (N 821259 CMM), is a 36-story residential building with 247 units of faculty housing. The Rockefeller Research Building is the newest building on the Rockefeller campus and was built subject to 1989 CPC approval (C 880671 ZSM). The 15-story building contains predominantly laboratory space.

Neighborhood Context

The Rockefeller University campus is located on the Upper East Side of Manhattan in an area that contains a number of medical institutions. Directly north of the campus is the New York-Presbyterian/Weill Cornell Medical Center and beyond that the Hospital for Special Surgery, both of which have built in airspace above the FDR Drive up to East 71st Street. To the west of York Avenue, from East 66th to 69th Streets is the Memorial Sloane Kettering Cancer Center ("MSKCC"). Directly to the south of the campus is the Animal Medical Center, a 20-story animal hospital.

In addition to these existing medical uses, recent land use actions have facilitated proposed new medical developments in the area. In 2013, New York-Presbyterian was granted a bulk variance to permit the construction of a maternity hospital on the west side of York Avenue between East 69th and 70th Streets. MSKCC was granted a variance in 2012 to build an outpatient surgical center on the west side of York Avenue between East 61st and 62nd Streets. In addition, MSKCC and the City University of New York

plan to construct a 750,000 square foot cancer center and a 336,000 science and health care professionals building on a formerly City-owned lot on East 73rd Street at the FDR Drive.

Residential Uses

There is also a significant residential population in the area surrounding the Rockefeller University campus, on the west side of York Avenue south of East 66th Street. This area consists primarily of apartment buildings ranging from 6 to 18 stories. All of the apartment houses on the block bounded by York and First Avenues between East 64th and 65th Streets are designated as New York City Landmarks. These buildings, the City and Suburban Homes Company First Avenue Estate, are a middle-class tenement development from the late 1800s.

Open Space

The easterly portion of the FDR Drive adjacent to the University's campus contains a landscaped Esplanade for pedestrians and cyclists. The Esplanade runs from East 60th Street to 125th Street. The Esplanade is accessed by a pedestrian bridge at East 63rd Street, adjacent to the Rockefeller campus, and a bridge at East 71st Street. At its southern end, the segment of the Esplanade adjacent to the proposed project is approximately 35 feet wide, but it narrows to approximately 20 feet wide as it approaches the New York Presbyterian Hospital platform. A 13- to 17-foot-wide walkway/bikeway, paved with gray hexagonal asphalt pavers is the predominant element of the Esplanade. To the west of this pathway is a narrow area containing small bushes, grass, 23 trees, lighting, and benches.

The Esplanade widens at East 60th Street, and a new park is planned in this area—Andrew Haswell Green Park. The planned park will incorporate the roof of the former Sanitation garage, atop which an existing pavilion sits that was constructed in the 1990s, with some funding from the University. Across the FDR Drive from this new park sits Twenty-Four Sycamores Park, a one-block park in the shadow of the Queensboro Bridge which contains playgrounds, basketball courts, and handball courts. Also near the campus is St. Catherine's Park, on the west side of First Avenue, between East 67th and 68th Streets. St. Catherine's park includes a soccer field, playgrounds, a basketball court, and a running track.

Proposed Project

The University seeks to build a two-story laboratory building on the eastern edge of its campus in airspace over the FDR Drive. In addition, the proposed actions will facilitate the construction of a conference center on the northeast corner of the campus and a fitness center on the northwest corner of campus, adjacent to York Avenue. The new buildings will add a total of 159,758 square feet of new floor area to the campus. Both the laboratory building and the fitness center will have accessible roofs, so the development will also add 5,537 square feet of landscaped open space to the campus.

Project Purpose

The University is in the midst of an ongoing modernization program. The University recently completed the Rockefeller Research Building, and in 2012 completed the renovation of two existing laboratory buildings that were built in 1917 and 1930. These two buildings were then joined by a structure containing common spaces designed to encourage interaction among researchers. With the addition of this new and newly renovated laboratory space, the University remains competitive with its peers, but all

of these are multistory buildings with small floor plates, which, according to the University, are not conducive to accommodating the wide range of laboratory types needed at a contemporary institution. The University, with the proposed project, seeks to create space that is flexible, that maximizes horizontal connectivity to increase interaction between programs, that has improved climate control and vibration standards to allow for sensitive instrumentation, and that includes informal spaces like lounges and cafes that can encourage the free flow of ideas amongst faculty.

Proposed Development

The University seeks to build a long, low structure along its eastern boundary that would consist of two floors of laboratories, on top of which would be two separate one-story pavilions. The pavilions would contain a dining hall in the southern building and office space in the north. Between and around these two pavilions would be landscaped space that, only slightly higher than the rest of adjacent parts of campus, would be perceived as an extension of the existing landscaping on campus. An amphitheater would be constructed in the middle of the rooftop landscaping, between the two pavilions.

The laboratory building would be built on a platform over the FDR Drive that would extend the entire distance from the north end of the University's existing platform at East 63rd Street to the University's LSCFDP boundary at the midpoint of demapped East 68th Street. The laboratory building will extend 750 feet along this platform from East 63rd Street. Support columns would be located on both sides of the FDR Drive, with the eastern columns' side one inch outside of the FDR Drive crash barrier, within the Esplanade. The platform would be supported by eight Y-shaped columns and two oval columns under the North Terrace, described below. The second level of the new building would extend easterly to the edge of the Y-shaped columns, while the lower level would be set back three feet. The first level of the building will extend approximately 50 feet further south than the second level, creating a landscaped terrace at the second level (South Terrace). The side of the platform to the west of the FDR Drive would be supported by twenty columns. This side of the platform would abut an existing retaining wall along the west side of the FDR Drive and the wall would be modified in certain sections so that the new laboratory building could connect to existing campus buildings.

The new building's laboratories would have large, open floor plates that would be adaptable to meet future configuration needs. Laboratories, offices, and shared spaces would occupy the eastern portions of the building, providing access to natural light. The interior spaces of the building would be occupied by support and technical services. The building would connect internally with existing research facilities to the west. As mentioned above, the roof of the laboratory building would be landscaped and could connect with other landscaped campus areas to the west. The roofs of the two one-story pavilions would be separated by an amphitheater.

The laboratory building will include a complex venting system that will direct to two exhaust stacks that would rise adjacent to existing buildings. The proposed exhaust stacks would rise along the Hospital building and the Flexner Hall Extension. Both of these buildings are eligible for the National Register of Historic Places, so the proposed stacks would be clad in brick and designed to fit in with the style of these existing buildings.

At the northern end of the platform over the FDR would be a landscaped terrace (North Terrace), at the level of the platform, which would separate the laboratory building from the one-story conference center built on the platform at the northern edge of the campus. The conference center would rise 15 feet and

contain 3,353 square feet that would be used for conferences, retreats, lectures, and fundraising events. The North Terrace would be 178 feet long and would connect the conference center to the existing president's residence, which contains some public rooms that would be used as part of conferences.

In addition to these two buildings on the platform over the FDR Drive, the applicant seeks to build a one-story fitness center on what is now a surface parking lot on the northwest corner of the campus. The 14,874 square foot fitness center at the corner of York Avenue and East 68th Street would contain a swimming pool and fitness equipment with a tennis court on the roof. The fitness center would displace all but 10 of the existing parking spaces, though all existing spaces would be redistributed to other lots on the campus. Because of the change in grade across the campus, the roof of the fitness center containing the tennis court would be at-grade with much of the rest of the landscaped campus.

Construction Timing

Construction of the proposed project is anticipated to begin in 2015 and be completed by 2019. The first phase of construction to begin in 2015 would be lane shift work on the FDR Drive. Construction of the proposed platform over the FDR would occur between August 2015 and October 2017. Building elements for this phase of construction would be hoisted over the FDR Drive from barges in the East River and would only involve the closure of the FDR Drive on Sunday nights after midnight. The Esplanade would remain open for the entirety of construction, and portions of the East River Esplanade that would be damaged by construction-related activities would be replaced in-kind.

Proposed Improvements to the East River Esplanade

As construction activities will significantly damage the existing Esplanade, and as partial mitigation for shadow impacts discussed in greater detail below, the applicant is proposing to rebuild the bulkhead and park adjacent to the project site. The bulkhead repair and rebuilding would extend the entire length of the area adjacent to the site and would also extend an additional approximately 150 feet south of the project site. This expanded repair area of 1,150 linear feet reflects the portions of the seawall that have been determined by the Parks Department to be deteriorating and in urgent need of repair. The bulkhead repair and rebuilding would begin prior to the start of construction of the laboratory building platform.

Following construction of the laboratory building, the applicant also plans to significantly renovate the portions of the Esplanade adjacent to the site. The University plans to improve an area of 26,803 square feet of the Esplanade. The proposed improvements will introduce 14 major and 64 minor trees, increase the amount of seating from 240 to 744 linear feet, and introduce a five foot tall sound barrier to reduce road noise.[3] Additionally, the redesign will add new planters and greenery and bring a connection to potable water to the Esplanade which will allow irrigation as well as drinking water for park users. Finally, the Applicant will reconfigure the existing bikeway to create a continuous eight foot wide bikeway and four foot wide walkway throughout the improved sections that would connect to bike and pedestrian areas to the north and south.

Proposed Actions

[3] In discussions with Manhattan Community Board 8, the applicant has agreed to increase the height of this sound barrier to eight feet, which will further reduce road noise and improve air quality to pedestrians.

In order to facilitate the proposed development program, the Applicant seeks first a special permit for development in airspace over a street pursuant to ZR § 74-682. This special permit was specifically designed to give the CPC some amount of oversight over the development of buildings pursuant to the 1973 Agreement. Additionally, the special permit allows the CPC to modify bulk and other controls in order to facilitate appropriate developments that would not be permitted as of right. In this case, the R10 zoning on the site requires a 30-foot rear yard pursuant to ZR § 24-36. As described above, the lot line for this development is the pierhead/bulkhead line. At two locations the proposed building edges closer than 30 feet to this line, thus necessitating a rear yard waiver. The Applicant argues that a rear yard at this location is unnecessary as beyond the lot line is the East River, where no development can occur, thus ensuring light and air to the building regardless of space between the building and the lot line.

In addition to the special permit, the change in total floor area and lot coverage on the campus requires an amendment to the University's LSCFDP, as that plan stipulates the placement of buildings and the distribution of floor area. The 1973 Agreement provides that the platform over the FDR drive may not be counted as lot area for the purpose of computing permitted floor area, but it is counted when computing lot coverage. The proposed new structures would increase the campus's total floor area to 2,012,811 square feet and the lot coverage to 42.02 percent. This is well below the permitted floor area on the site of 6,051,090 square feet and permitted lot coverage of 65 percent, as defined by the R9 and R10 zoning.

Additionally, approvals are needed pursuant to the 1973 Agreement, as amended. The 1973 Agreement did not demap any space for the placement of columns, so the CPC must approve, through certification, the placement of columns and building area outside of the air space already granted to the University. According to the certification, the Chair must find that the placement of the columns is designed in order to minimize impacts to the Esplanade. According to the Applicant, the proposed eight Y-shaped columns would reduce the number of necessary columns and occupy a smaller amount of space at the ground level than 16 single columns. Each of the Y-shaped columns will occupy 24 square feet at the ground level and would be spaced 96 feet apart. The two oval North Terrace columns would occupy 44 square feet at the ground level. The proposed columns would not impede vehicular traffic.

The second Chair certification requires that plans for the proposed development be submitted so that the Chair may evaluate their conformity with the 1973 Agreement with regards to: landscaping; environmental impacts; venting of the covered portion of the FDR Drive; and noise impacts on the Esplanade. As mentioned above, the Applicant proposed significant improvements to the entire area of effected Esplanade, as well as an area stretching 150 feet to the south of the development. According to a study commissioned by the Applicant, mechanical venting will not be necessary on the FDR Drive, as there will be sufficient open space through which fresh air can access the road. Additionally, the Applicant's study claims that the proposed sound barrier between the FDR Drive and the Esplanade will sufficiently reduce noise on the Esplanade.

Anticipated Impacts Under A Reasonable Worst Case Development Scenario

A Draft Environmental Impact Statement ("DEIS") was conducted which found that there will be significant adverse impacts, some of which can be mitigated, from the proposed project.

Shadows: The DEIS found that the proposed laboratory building would cast between approximately

three and five and a half hours of new shadows on portions of the East River Esplanade in the afternoons in the spring, summer, and fall, and 33 minutes on the winter analysis day. These new shadows would eliminate the remaining areas of direct sunlight on the Esplanade adjacent to the project site for between 50 minutes in the early spring and fall and up to two hours and 40 minutes on the summer solstice. As partial mitigation for the shadow impact to the East River Esplanade, Rockefeller University will undertake a substantial upgrade to the portion of the Esplanade adjacent to the project site, as described above. The University plans to spend approximately eight million dollars on this partial mitigation effort.

Historic and Cultural Resources: The DEIS found that the proposed design, as mentioned above, would include two exhaust stacks that would abut landmark-eligible buildings. Through consultation with the Landmarks Preservation Commission ("LPC"), the stacks have been redesigned in terms of their materials and surface articulation to better harmonize with the historic properties. LPC has determined these design changes to be acceptable and serve as partial mitigation for the significant impact. Additionally, the construction of the fitness center would require the removal of the canopy structure and parking area, designed by landscape architect Dan Riley, that are considered contributing elements of the campus's landscape. As partial mitigation for the removal of these landscape elements, a restoration plan for the Philosopher's Garden located immediately south of the Fitness Center Site, would be prepared and implemented prior to construction of the fitness center. The restoration plan would be included in a Restrictive Declaration.

Construction Noise: The DEIS found that there would be a significant adverse impact from construction noise. Rockefeller University plans to implement a noise reduction plan that will use low-noise equipment and various noise barriers, which will be included in the Restrictive Declaration. Even with these measures, however, elevated noise levels are predicted to occur for an extended duration at two sensitive receptor locations immediately adjacent to the project site: the East River Esplanade and New York Presbyterian Hospital.

Other Construction Impacts: The proposed project would also create significant adverse open space impacts during construction to the East River Esplanade. The Applicant would provide a minimum eight-foot-wide pathway through the affected portion of the Esplanade to serve as partial mitigation for this impact.

COMMUNITY BOARD RECOMMENDATION

On January 9, 2014, Community Board 8 (CB8) adopted a resolution recommending **conditional approval** of the application by Rockefeller University by a vote of 25 in favor, 3 opposed, 8 abstentions, and 1 not voting for cause.

The Community Board's approval was based on several commitments made by the Applicant at the Board meeting:

1. Rockefeller University agreed to increase the height of the sound barrier wall between the FDR Drive and the Esplanade from five feet to eight feet, which would still allow for natural ventilation but would further decrease noise on the Esplanade.
2. The University agreed to include representatives of CB8 in an ongoing design process for the Esplanade improvements.

3. The University further agreed to increase its maintenance obligation for the improved landscaping on the Esplanade from two years to four years.
4. Finally, the University agreed to contribute financially for further maintenance of the Esplanade after the expiration of the four-year period.

With these commitments in mind, the Board recommended approval of the application if the Applicant: (1) expands its programs for special events and activities for community residents; (2) tries to open up portions of its campus to community residents for their enjoyment; (3) studies the water pressure and availability to help facilitate the use of water on parts of the Esplanade not a part of the project; (4) commits to making at least an eight foot walkway available on the Esplanade during construction; and (5) commits to hoisting many of the structural elements for construction over the FDR Drive at night.

BOROUGH PRESDENT'S COMMENTS

Rockefeller University has been an important research institution in the city for over a century, bringing medical breakthroughs to the global community and jobs and research funding to our local community. The proposed new laboratory building will add a state-of-the-art research center to the Rockefeller campus without increasing the user population of the University or encroaching on nearby residential uses. The University has a unique educational philosophy that a small institution based around collaboration allows scientists to take on innovative projects. This ethos also serves to make the University a good neighbor. Rather than put forward a plan to develop as much floor area as possible on their site, the University has left open much of its campus, and has concentrated its bulk away from neighbors across York Avenue.

The proposed new buildings come out of the needs identified in the "Rockefeller Strategic Plan 2012-2020," which looked at how the University can remain competitive in the short- and long-term. The University seeks to attract the best possible scientists and produce the highest quality research, and it has determined that its existing buildings cannot be fully retrofitted for these purposes. According to the University, the historic research buildings on its campus have ceiling heights that are too low to accommodate needed mechanical equipment and have floor-plates that are too small to be adapted to contemporary laboratory needs. Because the University plans to maintain its small size and collaborative nature, the vertically-oriented existing buildings are unsuitable to the free-flowing interaction the University seeks to encourage. Additionally, the University competes with other top research institutions for the best scientists, and must therefore provide additional amenities like the proposed fitness center and conference center, which have become standard parts of research institutions.

Special Permit for Development over a Street

The proposed platform and two buildings over the FDR Drive meet the required findings that the proposed developments result in a good site plan in relation to existing buildings and the surrounding area. The proposed laboratory, because of its long, low design, will connect with many of the campus' existing buildings and will appear from the west to be a part of the existing campus landscaping. Because they would be located along the eastern edge of the University's campus, facing the East River, the buildings will have very little visual impact on other properties neighboring the campus. Furthermore, because the new buildings will not increase the number of users of the campus nor reduce the amount of parking, they will not have any effect on services or transportation on the surrounding community. For pedestrians on the Esplanade below, the building will block sun and reduce the existing

feel of openness. The proposed building design, however, is far less harmful than a taller building would be and care has been taken in the choice of building materials and shape of the columns to ensure the smallest possible impact on the enjoyment of the riverfront open space. Therefore, though the building does have an adverse impact on the Esplanade, to be discussed in greater detail below, the care taken to minimize that impact makes it in compliance with the findings of the special permit.

Modification of LSCFDP and Certification for Column Placement

The proposed modification to the previously-approved LSCFDP and the first Chair certification, for the placement of supporting columns, are similarly appropriate. After these new developments the University will remain well below the allowed amount of floor area and lot coverage on the site. Since the University is not asking to utilize floor area from a different block or zoning district on this site, this amendment is largely pro forma. The first proposed certification will allow the University to place the columns for the new laboratory and conference buildings in what is currently public land. The proposed columns meet the findings that they do not interfere with pedestrian enjoyment of the Esplanade, restrict light and air, detract from the visual quality of the surrounding area, nor impede traffic. The proposed Y-shaped columns reduce the total number of necessary columns compared with traditional single columns and will taper as they approach the ground, giving them a reduced profile in the visual plane occupied by pedestrians.

Certification Pursuant to Article 12B and 12C of the 1973 Agreement

The second certification requires that the proposed development meet the requirements of Articles 12B and 12C of the 1973 Agreement. Article 12C requires that any damage to the East River bulkhead that occurs during construction be repaired. The University plans to meet this requirement by fully rebuilding the bulkhead prior to construction. Article 12B requires the University to submit plans for landscaping and lighting, environmental impact mitigation, ventilation of the FDR Drive, noise reduction, and phased construction.

Environmental Impact Mitigation

The DEIS identifies a number of significant adverse impacts from the proposed development. The most notable adverse impact is a shadow impact on open space. The area around Rockefeller University's campus is particularly starved for open space. The nearest large park, Central Park, is almost a mile away. The neighborhood has Twenty-Four Sycamores Park and St. Catherine's Park, but both are small and fully programmed with playgrounds and sports fields. For passive recreation, the East River Esplanade is essentially the only available space, and the proposed building will cast shadows for as much as five and a half hours a day in some months.

The University has proposed significant improvements to the Esplanade as well as a repair of the deteriorating sea wall in the area as partial mitigation. Working with the Community Board the Applicant has committed to involving the community in the design of the improved Esplanade and increasing the period of time it will maintain this space from two to four years. Additionally, the University agreed to donate a sum of money to an authorized group for further maintenance of the Esplanade beyond this four year period. These commitments are commendable and go a long way towards remedying the adverse shadow impact. They should be further fleshed out, however, before final approval is given on this application.

The University is negatively impacting one of the only signature open spaces in the area, while significantly improving their own, private open space. The University's campus has beautifully manicured open spaces that are separated from the community by a large fence. Because of the University's academic philosophy of openness and collaboration, all of the buildings on campus are unlocked. This requires the campus to secure its perimeter in order to prevent sensitive materials and equipment from being tampered with. With the need for the University to maintain its fence in mind, however, it should work with the community to find ways to be a good neighbor and allow limited access to the green spaces on the site. The new laboratory building in particular will have a large open area with wide open views of the East River, and the University should find ways to share this space with the surrounding community.

In discussions with the Community Board, the University committed to explore increasing the number of special events hosted on campus that are open to the public. Currently the University does host a number of events that are open to the public for entertainment and educational purposes. For example, the University hosts approximately 40 lunchtime concerts every year that are free and open to the public. The University hosts public lectures and discussion series and has a large youth outreach program that brings high school students to the University to engage in science research. Any expansion of these programs will be a boon to the local community and to the city at large. The University does not, however, allow guests to simply access the calm open spaces on campus. In discussions with the Borough President's office, the University has agreed to open up the campus on Fridays in the spring through the fall so that the public may enjoy lunch in the gardens. The Applicant should continue to explore programs like this so that the general public can enjoy the amenities of the Rockefeller campus. Not all area residents are available on Friday afternoons, so finding another time in addition to this would be a worthy effort.

In addition to opening up the campus during Friday lunchtimes, the University should look at other opportunities to increase the amount of open space available to the public. Along York Avenue and 68th Street there are a number of green spaces with mature trees that are not particularly needed as open space on campus. These spaces are separated from the rest of campus by buildings and parking lots, and are therefore likely unused by staff and scientists. The University should explore moving the perimeter fence in these locations to create places along York Avenue that the community could access as passive open space. The University need not invest in creating signature public spaces here; rather it should look to create any small space that the community can use. In the process of doing this, the University can take whatever steps are necessary to retain the spaces as usable by the University in the future, much like any privately-owned public space in the city.

Finally, the University needs to more fully flesh out its financial commitment to Esplanade maintenance after the four year direct maintenance obligation, and this financial commitment needs to be included in the Restrictive Declaration. There are significant challenges to determining what the scope of this commitment should be, as it will not be necessary for nearly a decade and it is difficult to predict conditions on that type of time frame. The commitment should equal the amount needed to maintain this portion of the Esplanade at a high level of quality, including seasonal plantings. The University and the Department of City Planning can work with the Parks Department to figure out what a reasonable sum would be. The City Planning Commission should also determine what an appropriate number of years' worth of maintenance is appropriate.

The timing of this payment needs to be resolved as well. If the payment is made at a later date, the

amount paid should be adjusted based on the Consumer Price Index. A payment made today would be simpler and easier to track, but such funds have, in the past, been difficult to access after sitting idle for many years. Another issue to be addressed is to whom this payment will be made. Any group that is approved to receive these funds must be well enough established to ensure its existence more than a decade from now and needs to be authorized by the Parks Department to do work on the Esplanade. At this time, no such group has been identified. As such, the Parks Department itself would be a reasonable beneficiary of this financial commitment, as long as the University is given reasonable assurance that the money will be used in this location. If these issues cannot be resolved it would also be appropriate for the University to directly maintain the Esplanade for an additional number of years.

In addition to the shadow impacts on open space, the DEIS identified significant adverse impacts on historic resources and significant construction noise impacts on sensitive receptors. The University has put together careful plans for partial mitigation of these impacts, plans which fit within the requirements of Article 12B.

Noise Reduction Plans

Article 12B additionally requires that the University submit a noise quality plan to ensure that the noise levels on the Esplanade will not be detrimental to the enjoyment of that space. The University had initially proposed a five-foot sound barrier, but in discussions with the Community Board it has agreed to increase the height of this wall to eight feet. This increased height will vastly improve the experience of pedestrians on the Esplanade not just by reducing noise, but by improving air quality at the pedestrian level. Any additional height of this wall would further improve conditions on the Esplanade, but would have the side effect of reducing air quality on the FDR Drive.

The University's current plan for air quality on the FDR Drive is based around natural, rather than mechanical, venting of the space. This makes the proposed development more environmentally friendly by eliminating the need for mechanical ventilation, which requires electricity. To determine the ideal height of the noise barrier between the FDR Drive and the Esplanade, the University commissioned a study by Hughes Associates, which found that at eight feet, the proposed wall would significantly reduce noise along the Esplanade without increasing levels of carbon monoxide on the roadway.

Final Considerations

If the University more fully addresses the environmental impacts of the proposed project the development will meet all of the findings of the proposed actions. The University has put forward a carefully crafted plan for the future of its campus that will, overall, be of benefit to the city. The community around the project is exceptionally lacking in high quality open space, however, and this problem is only exacerbated by the proposed development. This proposed development underscores a citywide issue surrounding the relationship between universities and the local community. While universities are important to the economic and civic life of our city, every effort must be made to integrate the local community into university development plans, rather than foster plans that isolate neighbors. In this case, the Applicant has already put forward many praiseworthy efforts to mitigate the particular adverse impacts of this development. Despite these efforts, the plan needs to be further developed before approval. In addition to creating concrete financial commitments to Esplanade maintenance, the University should carefully examine how it can increase the amount of open space available to the general public.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 140157 ZSM, M 821257D ZAM, N 140158 ZMM, N 140159 ZMM, and C 140068(A) MMM provided that the Applicant:

1. **follow through on all commitments made to Community Board 8 with regard to increasing the height of the FDR Drive sound barrier, directly maintaining the Esplanade for four years, and increasing the number of public campus events;**
2. **undertake a community design process for Esplanade improvements prior to City Council approval of this application;**
3. **work with the Department of City Planning and the Department of Parks and Recreation to establish an amount and mechanism for continued financial support of the improved Esplanade after the four year direct maintenance period;**
4. **create and thoroughly advertise a program to open campus to the general public from noon to 3:00 PM on Fridays during the spring, summer and fall, and find a time other than Friday for a similar program; and**
5. **develop a plan to create publicly accessible open spaces by moving the perimeter fence along York Avenue and East 68th Street or by other methods.**

Gale A. Brewer
Manhattan Borough President