

121-01-BZ

CEQR # 01-BSA-120M

APPLICANT - Paul Hastings, Janofsky and Walker, LLP by Elise Wagner, Esq., for New York University/Mount Sinai Medical Center, owner.

SUBJECT - Application March 20, 2001 - under Z.R. §73-64 and §73-03, to permit in an R8 zoning district, the construction of a new medical research and laboratory building (Use Group 3A), which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §§24-522, 24-51, 24-382 and 24-652.

PREMISES AFFECTED - 550 First Avenue, portion of the block bounded by East 30th Street, First Avenue, East 34th Street and the FDR Drive, Block 962, Lot 8, Borough of Manhattan.

#### COMMUNITY BOARD #6M

#### APPEARANCES -

For Applicant: Elise Wagner.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative: .....0

Absent: Commissioner Caliendo.....1

#### THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated January 29, 2001 and March 14, 2001, acting on Applic. No. 102957052 reads; Proposed objections to be sought from the Department of Buildings in connection with New York University School of Medicine's Research Building:

1. "The proposed building does not comply with the height and setback regulations of Section 24-522 of the Zoning Resolution;
2. The proposed building does not comply with the rear yard regulations of Section 24-382 of the Zoning Resolution; and
3. The proposed building does not comply with the minimum distance regulations of Section 24-652 of the Zoning Resolution.
4. The mechanical equipment on the roof of the proposed building (including, but not limited to, the cooling tower) is not a permitted obstruction because it does not comply with the provisions of Section 24-51 of the Zoning Resolution and is therefore contrary to the height and setback regulations of Section 24-522 of the Zoning Resolution."

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in *The City Record* and laid over to

September 25, 2001, October 16, 2001, November 13, 2001 and then to November 20, 2001 for decision; and WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, and Commissioner Mitchell Korbey; and

WHEREAS, this is an application for a special permit under Z.R. §73-64/73-03, to allow, in an R-8 zoning district, the proposed construction of a new medical research and laboratory building (Use Group 3A) , which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §§24-522, 24-51, 24-382 and 24-652; and

WHEREAS, the record indicates that the height and setback regulations would require that the building have a setback from the FDR Drive Service Road of 15 feet at 85 feet above curb level or nine stories, whichever is less, and remain within a sky exposure plane above the height of the initial setback; and

WHEREAS, the applicant represents that the rear yard regulations would require a 60' yard along most of the frontage facing the FDR Drive, and that this area is already non-complying because portions of it are already occupied by existing buildings; and

WHEREAS, the regulations governing minimum distances between buildings on a single zoning lot would require a 40 foot distance between the Research Building and Rubin Hall, the existing building to the south; and

WHEREAS, the subject premises occupies the entire superblock except for three parcels (the "Out Parcels"), with the Medical School facilities concentrated in the southern part of the block and the Hospital facilities concentrated in the northern part of the block; and

WHEREAS, the subject premises is located within an R8 zoning district, and has not been developed to its permitted floor area and lot coverage and is improved with buildings ranging from 2 to 24 stories including such medical facilities as the Hospital's Tisch and Rusk Rehabilitation Centers and the Medical School's Skirball Research Institute; and

WHEREAS, the record indicates that the medical school buildings house facilities for research laboratories, lecture halls and residences for students and staff; and

WHEREAS, the Research Building Site is located on the eastern edge of the Property, north of Rubin Residence Hall, east of the 8-story Medical Science Building; and

WHEREAS, an outdoor plaza with lawn area, benches and wooded tables and chairs are planned for the space between the Medical Sciences Building and the proposed site of the new building.

WHEREAS, the applicant represents that both the Rusk Institute and Tisch Hospital are outdated and will need to undergo a major modernization at some point in the near future to continue to provide the essential service for the health care needs of the community and keep up with advances in medical technology; and

WHEREAS, however, such a development would not address the needs of the medical school for state-of-the-art research facilities; and

WHEREAS, therefore, the applicant's proposal seeks to erect a new research building to provide state-of-the-art research facilities; and

WHEREAS, the Research Building will result in the addition of a new sixteen-story (including two mechanical penthouses) structure on the subject property; and

WHEREAS, the applicant represents that the site for the Research Building was chosen because it is contiguous to the existing Medical School facilities and will have the least possible detriment on the surrounding neighborhood, the existing Medical School and Hospital facilities; and

WHEREAS, the applicant further represents that the subject site's location away from First Avenue and adjacent to the FDR Drive places it at a location which is the furthest on the Property from existing residential uses located west of First Avenue (other than affiliated Medical School and staff housing on the subject premises); and

WHEREAS, the applicant contends that, the Research Building will not have a material effect upon light, air and views on the nearby zoning lots west of First Avenue, because it will be surrounded on its north by the Tisch Hospital (18 stories), on its south by the Rubin Hall (15 stories) and on its west by both the Skirball Institute (25 stories) and the Health Care Center (15 stories), all of which are of a similar scale and density as the proposed 16 story structure; and

WHEREAS, the Board determines that the applicant's proposal will not interfere with any approved or pending public improvement projects which is approved or pending before the City Council, a City Site Selection Board or the City Planning Commission; and

WHEREAS, while not required under the findings of Z.R. §§ 73-64, 73-641 or 73-03, the Board considered the traffic congestion report that the applicant submitted indicating that there are no adverse affects resulting from the issuance of the subject special permit at the proposed location; and

WHEREAS, the Board finds that without the requested modification there is no reasonable way to design and construct the new buildings or enlargements in satisfactory physical relationships to the existing

buildings which are to remain upon the site, so as to produce an integrated development; and

WHEREAS, the record indicates that the requested modifications are needed to create a building which satisfies the Medical School's need for research laboratories in a location which can be properly integrated with the Medical School's existing facilities; and

WHEREAS, the applicant represents that the Medical School, which provides both scholastic and research facilities to medical practitioners, requires additional research and laboratory facilities to remain competitive; and

WHEREAS, the proposed Research Building will provide the Medical School with a state-of-the-art research and laboratory facility to lead the school and its staff and personnel through the twenty-first century; and

WHEREAS, the Board finds that the subject modification is the "minimum necessary" to permit the development of such an integrated community facility, and thereby creates the least detriment to the character of the neighborhood and the use of nearby zoning lots.

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area, nor create a new degree of non-compliance or increase the degree of non compliance; and

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-03, §73-64 and §73-641.

*Resolved* that the Board of Standards and Appeals on June 6, 2001 issued a conditional negative declaration determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-03 and §73-64 and *grants* a special permit, to permit, in an R8 zoning district, the construction of a new medical research and laboratory building (Use Group 3A), which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §§24-522, 24-51, 24-382 and 24-652 *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, June 11, 2001"-(2) sheets and "July 12, 2001"-(4) sheets; and *on further condition*;

121-01-BZ

CEQR # 01-BSA-120M

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals,  
November 20, 2001.

A true copy of resolution adopted by the Board of Standards and Appeals, November 20, 2001.  
Printed in Bulletin No. 47, Vol. 86.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

