



## CITY PLANNING COMMISSION

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September 3, 2002/ Calendar No. 5

C 020499 (A) ZSM

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**IN THE MATTER OF** a modified application submitted by The Cooper Union for the Advancement of Science and Art pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to section 2-06(c)(1) of the Uniform Land Use Review procedure for **the grant of special permits pursuant to the following sections of the Zoning Resolution:**

- **Section 74-743(a)(1): to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries; and**
- **Section 74-743(a)(2): to permit the location of buildings without regard for the applicable height and setback regulations of Section 33-432(a);**

to facilitate the development of the two buildings, one a mixed use building on a zoning lot bounded by **Third Avenue, Astor Place, Fourth Avenue, and East 9<sup>th</sup> Street (Block 554, Lot 35)** and the other mixed use building on a zoning lot bounded by **Third Avenue, East 7<sup>th</sup> Street, Taras Shevchenko Place, and east 6<sup>th</sup> Street (Block 462, Lot 1)** within a general large-scale development generally bounded by **East 9<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street, Taras Shevchenko Place, East 6<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street, and Fourth Avenue**, in C6-3\* and C6-1 Districts, Borough of Manhattan, Community District 3.

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The certified application for a special permit was filed by The Cooper Union for the Advancement of Science and Art (Cooper Union) on March 25, 2002, pursuant to Section 74-743 of the Zoning Resolution, to allow the distribution of community facility and commercial floor area without regard to zoning lot and district boundary lines, and modification of height and setback regulations in a General Large-Scale Development, known as the Cooper Union redevelopment plan. This would facilitate a new consolidated academic building on a site located on Third Avenue between East 6<sup>th</sup> and 7<sup>th</sup> streets (the Hewitt Building site), and a commercial building on a site located on Astor Place between Third and Fourth avenues (the Engineering Building site). On July 1, 2002, pursuant to Section 2-06(c)(1) of the ULURP rules, the applicant filed a modification to the certified special permit application, proposing a reduction in the amount of floor area distributed and additional height and setback waivers on the Engineering Building site. The certified application (C 020499 ZSM) was withdrawn by the applicant on

September 3, 2002. The modified application, C 020499 (A) ZSM, is the subject of this report.

## **RELATED ACTIONS**

In addition to the special permit application which is the subject of this report (C 020499 (A) ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**C 020498ZMM:** Amendment to the Zoning Map, Section No. 12b, to rezone an existing C6-1 District to a C6-3 District.

**C 020500PPM:** Modification of a previous disposition of City-owned property to remove a restriction limiting the use of property consisting of the former bed of Stuyvesant Street to educational use.

**C 020501PPM:** Modification of a previous disposition of City-owned property to remove restriction limiting use of property to educational or philanthropic purposes.

## **BACKGROUND**

The applicant is seeking several ULURP approvals in a general large scale development (GLSD), to facilitate the redevelopment of two sites which would include the replacement of the existing Engineering Building with a predominantly commercial building and the replacement of the existing Hewitt Building with a consolidated academic building. The GLSD is located in Community District 3.

The proposed GLSD includes: the Engineering Building site (Block 554, Lot 35) located between Astor Place, East 9<sup>th</sup> Street, Third and Fourth avenues; the Foundation Building (Block 544, Lot 76) located on the south side of Astor Place between Third and Fourth avenues; and the Hewitt Building site (Block 462, Lot 1) located on Third Avenue between East 6<sup>th</sup> and 7<sup>th</sup> streets. The GSLSD comprises approximately 73,000 square feet of lot area and contains Cooper Union's academic facilities.

The Cooper Union for the Advancement of Science and Art (Cooper Union), a private, tuition-free school, was established in 1859. Today there are 950 students and the school offers degrees in architecture, art, and engineering. For 143 years, the school has offered full-tuition scholarships to its students. It also offers continuing education programs, outreach programs to high schools, and training and licensing to immigrants.

The Cooper Union campus is generally bounded by East 9<sup>th</sup> Street, Third Avenue, East 6<sup>th</sup> Street, Taras Shevchenko Place, East 7<sup>th</sup> Street and Fourth Avenue. While Cooper Union owns or leases a total of 13 properties, it primarily occupies three buildings for academic purposes: the Engineering Building which currently houses the Engineering Department; the Foundation Building which houses the Architecture School, the Great Hall and administrative offices; and the Abram S. Hewitt Building which currently houses the Art School. Cooper Union also leases academic space from St. George's Ukrainian Church and 30 Cooper Square. Cooper Union's dormitory is located on the southeast corner of Third Avenue and East 9<sup>th</sup> Street/ Stuyvesant Street. The construction of the Hewitt Building and the Engineering Building are the only two expansions of Cooper Union's facilities since the school's founding.

In the neighborhood surrounding the campus, Cooper Union owns several other properties which are not being used to house their academic facilities. The properties include: a restaurant at 358 Bowery on the corner of Fourth Avenue and East 4<sup>th</sup> Street; 30 Cooper Square; the Astor Place parking lot bounded by Lafayette, Astor Place, and Fourth Ave; the Stuyvesant Fish House; and 25 and 35-39 Third Avenue. Cooper Union also owns the property under the Chrysler Building which is not located near the institution's academic facilities.

Cooper Union's original 1859 New York State Charter stated that the school was not required to pay real estate taxes on its property. In 1969, the Charter was amended to restrict this exemption to property Cooper

Union acquired prior to 1969 including the Foundation Building, 26 Astor Place, and Engineering Site (51 Astor Place). The Hewitt Building site, also included in the General Large-Scale Development, is owned in fee by the City and leased to Cooper Union under a long-term ground lease ending in 2106. This site is not subject to the tax exemption.

In April 2000, Cooper Union began their outreach efforts and met with selected community representatives to discuss their redevelopment plans. Throughout the last two years, Cooper Union has held several meetings with elected officials, local community organization representatives and representatives from city agencies, including the Department of City Planning. In June 2001, a Joint Community Board 2 and Community Board 3 Joint Task Force was formed to discuss concerns related to the redevelopment plan.

### **Existing Zoning and Neighborhood Context**

The project sites are located in a C6-1 zoning district. The C6-1 district allows a maximum residential floor area ratio (FAR) of 3.44, commercial FAR of 6.0 and community facility FAR of 6.5. However, the FAR may be increased to 7.2 in a commercial building and to 7.8 in a community facility building through bonuses available for the provision of an urban plaza. The existing C6-1 district allows for a wide range of commercial uses. The zoning districts immediately surrounding the project sites include C6-1, R7-2 (3.44 FAR residential), C6-2 (3.44 residential FAR, 6.0 Commercial FAR, and 6.5 Community Facility FAR) and M1-5B (5 FAR commercial/manufacturing) zoning designations. These districts are medium density residential or mixed use commercial or manufacturing districts. Union Square is located to the north of GLSD at the intersection of Fourth Avenue and East 14<sup>th</sup> Street is zoned C6-4 (10.0 FAR residential and commercial) and at East 13<sup>th</sup> Street, C6-3X (9.0 FAR residential and community facility; 6.0 FAR commercial). To the south, Houston Street at the Broadway intersection is zoned C6-3 (7.5 FAR residential, 6.0 FAR commercial, and 10.0 FAR community facility).

The Cooper Union campus is located at the juncture of two neighborhoods -- the East Village and NoHo. NoHo, to the south and west, is predominantly characterized five- to twelve-story industrial buildings which were once used for light manufacturing and warehousing. Joint Living-Working Quarters for Artists and ground floor retail are now the predominant use in many of these buildings. The East Village, located to the east, is predominantly four- to six-story residential buildings, although there are a number of taller residential buildings and student dormitories along Third Avenue. Ground floor retail uses are located throughout the area, while a mix of retail and wholesale suppliers are located on the Bowery.

Cooper Union is also situated between two historic districts. To the northeast of the project area is the St. Mark's Historic District. To the south is the NoHo Historic District, designated in 1999. There are several New York City designated landmark buildings in the neighborhood, including the Foundation Building and the Stuyvesant-Fish House, the Yiddish Art Theater, and the Saint Mark's-in-the-Bowery Church. Cooper Union is proximate to several open spaces, including Peter Cooper Park immediately to the south of the Foundation Building and Hecht Gardens on Stuyvesant Street.

The Cooper Union campus is located close to Broadway, Houston Street and 14<sup>th</sup> Street which all serve as important pedestrian and vehicular arteries. Mass transit is accessible across the street from 51 Astor Place at the Astor Place number 6 line subway station, and one block away at Broadway and East 8<sup>th</sup> Street are the N and R subway lines. The area is also served by seven bus routes which provide crosstown and north-south service.

## **PROJECT DESCRIPTION**

The project includes the redevelopment of two sites. The proposed development at 51 Astor Place would

replace the existing Engineering Building built in 1959, with a predominantly commercial building including space for Cooper Union on the first and second floors and below-grade, and retail uses to be located on the ground floor. An approximately 3,950 square-foot open space would be located on a portion of the demapped area of Stuyvesant Street occupying the southeast corner of the site. The proposed development on Third Avenue between East 6<sup>th</sup> and 7<sup>th</sup> streets would replace the existing two-story Hewitt Building, built in 1911, with a consolidated academic facility with ground floor retail. The project would include a total of 439,308 square feet of new floor area including 291,070 square feet of commercial space and 148,238 square feet of academic space for Cooper Union.

Under the original certified application ( C 020499ZSM), Cooper Union's redevelopment plan would have included a total amount of 479,308 square feet of new floor area including approximately 293,670 square feet of commercial space, and approximately 185,638 square feet of academic space for Cooper Union within the GLSD. On July 1, the applicant submitted a modified application to respond to issues raised by the Joint Community Board 2 and 3 Cooper Union Task Force, Community Board 3, and the Borough President. The modified application reflects an overall reduction of 40,000 square feet and is the subject of this report.

Cooper Union has stated that the new academic facility on the Hewitt Building site would be built first within two years after the completion of the ULURP. When the relocation of the academic facilities from the Engineering Building site to the new facility is complete, then the development of the commercial building will commence. The proposed commercial building would provide one of many sources of revenue for the Schools long-term financial plan.

### **Engineering Building site**

This site is bounded by East 9<sup>th</sup> street on the north, Third Avenue on the east, Astor Place on the south, and

Fourth Avenue on the west. Running diagonally through the site is a previously demapped section of Stuyvesant Street. The site is zoned C6-1 and has a lot area of 36,117 square feet.

The application proposes a 16-story, 240 foot tall, mixed-use, predominantly commercial building with approximately 40,000 square feet of academic space. To the west is the Wanamaker building, a 225-foot tall commercial building with a major retail tenant; the buildings to the east that front Third Avenue are an average of 50 feet tall, except for the New York University and the Cooper Union dormitories, both approximately 100 feet in height. To the north of the proposed building is a 20-story residential building, next to four- and five-story mixed residential and commercial buildings.

The proposed development would have a floor area of 321,170 square feet (8.9 FAR). Of this amount, approximately 281,100 square feet would be for commercial use, including approximately 268,900 square feet of office space which Cooper Union intends to market to architecture, engineering, and bioengineering firms, and 12,270 square feet of retail. There would be 40,000 square feet of academic space. Cooper Union would occupy a portion of the first and second floor with the school's administrative offices, an exhibition space, and a Cooper Union bookstore or gallery. A below-grade auditorium is also proposed which would contain 6,000 square feet of below grade space.

The proposed tower (or taller component) of the proposed commercial development would be located on the western portion of the site towards Fourth Avenue. On Fourth Avenue, the proposed street wall and tower would rise to a height of 240 feet (including mechanicals) without setbacks. The tower would maintain the corner at Fourth Avenue and Astor Place, and extend 50 feet along Astor Place. The portion of the tower

facing Third Avenue would rise above a base to an overall height of 210 feet and angle in the northeast direction. The proposed base (or lower component) of the proposed development would locate along Astor Place and Third Avenue and rise to a height of 88 feet or six stories. The tower component would set back an average of 65 feet from Third Avenue frontage.

The proposed office lobby would be located on Fourth Avenue, while the main entrance for Cooper Union is proposed on Astor Place and a secondary entrance on Third Avenue. Ground floor retail is proposed on both Third and Fourth avenues. A loading dock is proposed on East 9<sup>th</sup> Street towards Fourth Avenue.

On the southeast corner of the Engineering Building site at the intersection of Astor Place, and Third Avenue, the applicant is proposing space that would be used by the school, perhaps a school book store, adjacent to an 3,950 square-foot landscaped publically accessible open space, with seating and tables. The open space would occupy a portion of the area of the previously demapped Stuyvesant Street.

### **Hewitt Building site**

The existing two-story Hewitt building is located on the site bounded by East 7<sup>th</sup> Street, Taras Shevchenko Place, East 6<sup>th</sup> Street, and Third Avenue. The site is zoned C6-1 and has a lot area of 18,175 square feet. The existing Hewitt building is a two-story academic building built in 1911 and 1912. The site is to the west of Peter Cooper Park, and east of St. George's Ukrainian Church and school fronting Taras Shevchenko Place.

The Hewitt Building would be demolished and replaced with a nine-story, 135-foot high, community facility building with ground floor retail. The building would be the same height as the Foundation building,

matching its cornice line. Cooper Union's academic facilities would be consolidated in the new building and the proposed floor plates would provide flexible layouts for laboratories, classrooms, studios, and updated technology and facilities. There would also be space devoted to newly created research departments -- Cooper Union intends to establish four interdisciplinary centers including Biomedical Engineering, Design and Manufacturing, Information Technology and Telecommunications and Urban Infrastructure as a part of its long-term plans.

The approximate floor area of the proposed building is 118,138 square feet (6.5 FAR) which would include 108,238 square feet of academic space and 9,900 square feet of retail to be located along Third Avenue. The proposed building would rise without setback to a height of 135 feet along Third Avenue and East 6<sup>th</sup> Street. Along East 7<sup>th</sup> Street and Taras Shevchenko Place, the proposed building would rise to 105 feet, set back 20 feet on East 7<sup>th</sup> Street and set back 10 feet on Taras Shevchenko Place and then rise to its total height of 135 feet. The top two floors would be occupied by mechanical space. The entrance to the building would be located on Third Avenue and East 7<sup>th</sup> Street and the lobby located in the northern portion of the building. The loading dock is proposed to be located on Taras Shevchenko Place. However, the applicant has committed to apply to the Department of Buildings to request a waiver so that the loading dock would be relocated to East 6<sup>th</sup> Street to ensure that servicing of the new building would not interfere with existing church and school activities on Taras Shevchenko Place.

### **Foundation Building site**

The 135-foot tall Foundation Building is bounded by Astor Place, Fourth Avenue, Third Avenue, and Peter Cooper Park. It is situated to the south of the Engineering Building and is a designated New York City landmark.

The Foundation Building currently houses Cooper Union's Art and Architecture School and is approximately 144,000 square feet. A \$13 million renovation of its exterior was recently completed. Cooper Union plans to spend \$4 million to retrofit the interior to meet the needs of its new academic program.

## **REQUESTED CITY ACTIONS**

### **Proposed Zoning Map Amendment ( C 020498ZMM)**

Cooper Union is seeking approval of a Zoning Map Amendment ( C 020498 ZMM) to rezone the Engineering Building site (51 Astor Place/ Block 554, Lot 35) and the Foundation Building site (8 -17 Third Avenue/ Block 544, Lot 36) from C6-1 to a C6-3 district. The proposed C6-3 boundaries are Fourth Avenue, East 9<sup>th</sup> Street, Third Avenue, and East 7<sup>th</sup> Street. The existing C6-1 district allows 3.44 FAR of residential use, 6.0 of commercial use (7.2 with the plaza bonus) and 6.5 FAR of community facility use (7.8 with plaza bonus). The proposed C6-3 district would allow up to 7.5 FAR of residential use, 6.0 of commercial use (7.2 with the plaza bonus) and 10 FAR for community facility use. The proposed rezoning, in conjunction with the other actions, would facilitate the development of the proposed 16-story commercial building with ground floor retail and community facility use on the Engineering site. A portion of the increase in allowable community facility floor area as a result of the rezoning, would be distributed under the related special permit to the Hewitt Building site. Further, commercial floor area from the Hewitt Building Site would be distributed to the Engineering Building site.

The proposed rezoning would also bring the Foundation Building into compliance. The existing zoning allows for 126,100 square feet of floor area on the site. The building, built between 1853 and 1859, contains 144,000 square of floor area and is overbuilt by 17,900 square feet. The proposed rezoning would allow 145,888 square feet of floor area (7.52 FAR) on the site and render the Foundation Building complying in respect to FAR.

## **Special Permit ( C 020499 (A) ZSM)**

Cooper Union is seeking approval of special permits pursuant to 74-74 of the Zoning Resolution. The following waivers are being requested:

- ***Pursuant to Section 74-743(a)(1): Distribution of commercial and community facility floor area without regard to zoning lot and zoning district boundary lines.***

Two of Cooper Union's development objectives are to consolidate commercial floor area on the Engineering Building site, and to consolidate the community facility floor area for its academic facility on the Hewitt Building site. On the Engineering Building site, the proposal includes 216,702 square feet of commercial floor area that would be generated from the site itself and an additional 64,468 square feet of commercial floor area that would be distributed from the Hewitt site for a total proposed commercial floor area of 281,170 square feet. An additional 40,000 square feet of floor area would be for community facility uses, bringing the total FAR on the Engineering site to 8.9.

Cooper Union's proposal for the new academic facility on the Hewitt Building site also requires distribution of floor area without regard to zoning lot lines. The community facility floor area of 64,648 square feet not being used on the Engineering Building site would be distributed to the Hewitt Building site. An equal amount, 64,648 square feet of commercial floor area, would be distributed to the Engineering Building site from the Hewitt Building site. The Hewitt site, which is retaining its C6-1 zoning designation, would have a total community facility floor area of 108,638 square feet.

- ***Pursuant to Section 74-743(a)(2): Location of buildings without regard for height and set-back regulations.***

On the Engineering Building site, four waivers are being requested. Above a height of 85 feet, the building

cannot penetrate the sky exposure plane. A portion of the building fronting Third Avenue and a portion of Astor Place would rise to 88 feet and then set back 65 feet. The western-most portion of the building, fronting Fourth Avenue, and a portion of the building fronting Astor Place, would rise to 240 feet without setback. On East 9<sup>th</sup> Street, there is a proposed two-foot setback above 33 feet and then the building rises up to 88 feet. A portion of the building, on the northwest corner, ultimately rises to 240 feet. The building facing the narrow streets, Astor Place, East 9th Street, and Fourth Avenue, would penetrate the sky exposure plane. On Third Avenue, a wide street, the building would penetrate the sky exposure plane. The height and setback modifications would facilitate the mass of the building to be placed towards Fourth Avenue and away from Third Avenue, and provide floor plate sizes more suitable for office use.

On the Hewitt Building site, four waivers are being requested. In a C6-1 zoning district development above a height of 85 feet cannot penetrate the sky exposure plane. However, large academic floorplates are required in order to provide flexibility and efficiency for future academic operations. On Third Avenue and East 6<sup>th</sup> Street, the building would rise to 135 feet with no setback. On East 6<sup>th</sup> Street and Taras Shevchenko Place the building would rise to 105 feet, set back 20 feet, and then ultimately rise to 135 feet. The building facing the narrow streets, Taras Shevchenko Street, East 6<sup>th</sup> Street and East 7<sup>th</sup> Street, would penetrate the sky exposure plane. On Third Avenue, a wide street, the building would also penetrate the sky exposure plane.

#### **Modification to Previous City Disposition for the Engineering Building Site (C 020500 PPM )**

In 1959, a portion of Stuyvesant Street between Astor Place and Third Avenue was demapped to facilitate construction of the Engineering Building. The demapped portion was conveyed to Cooper Union with a restriction limiting the use of this roadbed to educational purposes. The elimination of that restriction is needed for the current proposal to allow commercial use above the first floor and retail on the ground floor for the proposed building.

### **Modification to Previous City Disposition for the Hewitt Building Site (C 020501 PPM)**

On the Hewitt site, under the existing lease with the City, the site must be used solely for educational purposes. The modification would allow ground floor retail use. In addition, because approximately 64,400 square feet of commercial floor area allowed under the existing C6-1 zoning would be transferred to the Engineering Site, the Hewitt lease would be modified to reflect use of this commercial floor area. The Department of Citywide Administrative Services is the applicant for both disposition applications.

### **ENVIRONMENTAL REVIEW**

The certified application (C 020499ZSM) and the modified application (C 020499(A)ZSM), in conjunction with the applications for the related actions (C 020498ZMM, C 020500PPM, and C 020501PPM), were 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 01DCP061M. The lead agency is the City Planning Commission.

It was determined that the proposed actions as set forth in the certified application may have a significant effect on the environment and that an environmental impact statement would be required. A Positive Declaration was issued on August 17, 2001, and the applicant was asked to prepare or to have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on October 31, 2001, and the Final Scope of Work for the DEIS was issued on March 29, 2002.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on March 29, 2002. On

July 24, 2002, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes.

On July 1, 2002, subsequent to the issuance of the DEIS, the applicant submitted the modified ULURP application ( C 020499(A)ZSM) together with a Technical Memorandum which assessed the potential effects of the modified ULURP application relative to the effects of the certified application. The Technical Memorandum concluded that the modified application would not result in significant adverse impacts substantially different from or greater than those disclosed in the DEIS. The analyses and conclusions presented in the Technical Memorandum were incorporated into the Final Environmental Impact Statement (FEIS).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on August 23, 2002. The Notice of Completion for the FEIS identified the following significant, adverse impacts to pedestrian circulation and proposed the following mitigation measures:

## **IMPACTS**

Both the original application and the modified application would result in significant adverse pedestrian circulation impacts at two crosswalk locations: the north crosswalks at the intersections of Lafayette Street with East 8th Street and Fourth Avenue with East 8th Street/Astor Place. The impacts would occur during both the AM and PM peak hours.

## **MITIGATION**

To mitigate the significant, adverse impacts, the north crosswalk at the intersection of Lafayette Street and East 8th Street would require a widening of 1 foot. The north crosswalk at the intersection of Fourth Avenue and East 8th Street/Astor Place would require a widening of 2 feet. With the proposed mitigation measures

in place, the significant, adverse impacts would be fully mitigated. These measures would be subject to review and approval by NYCDOT.

### **Modified 7.5 FAR proposal**

The modified 7.5 FAR program adopted by the Commission, as described on pages 28 - 30, and reflected in the drawings dated September 3, 2002 was assessed in a Technical Memorandum dated August 30, 2002. The Technical Memorandum concluded that the modified 7.5 FAR program would result in significant, adverse pedestrian impacts at the Lafayette Street/East 8th Street north crosswalk during the AM peak hour and at the Fourth Avenue/East 8th Street north crosswalk during the PM peak hour, whereas, the original and modified applications analyzed in the FEIS would result in impacts during both the AM and PM Peak hours at these locations. The mitigation measures that were recommended for the pedestrian impacts under both the original and modified programs in the FEIS would also fully mitigate the pedestrian impacts that would result from the modified 7.5 FAR program.

### **UNIFORM LAND USE REVIEW**

The original application ( C 020499 ZSM), in conjunction with the applications for the related actions ( C 020499 ZSM, C 020498 ZMM, C 020500 PPM, C 020501 PPM ) was certified as complete by the Department of City Planning on April 1, 2002, and was duly referred to Manhattan Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules. The modified application, ( C 020499 (A) ZSM ) was referred to the community board on July 10, 2002 pursuant to Section 2-06(c)(1) of the ULURP rules.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on the original applications ( C 020499 ZSM, C 020498 ZMM,

C 020500 PPM, C 020501 PPM ) on May 9, 2002 and on May 28, 2002 by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the original applications with the following comments:

- 1) The principal site for any major commercial development proposed by CU must be the Astor Place parking lot not on the Engineering Site. The Parking Lot site must be rezoned to no more than C6-3A permitting a community facility FAR of 7.5. The Parking lot site may be included in the General Large Scale Development Plan
- 2) The zoning must not be changed on the Engineering Site (retained at C6-1) and any development on that site must be set back to at least to the original roadbed of Stuyvestant Street
- 3) A restrictive covenant must be included in the approval of the General Large Scale Development Plan prohibiting the redevelopment or sale of air rights using the unused FAR from Foundation Building
- 4) There must be no change in the current lease restriction at the Hewitt Site thereby prohibiting the proposed retail use on the 3<sup>rd</sup> Avenue frontage

#### **Borough President Recommendation**

The original applications ( C 020499 ZSM, C 020498 ZMM, C 020500 PPM, C 020501 PPM ) were considered by the Borough President, who issued a recommendation on July 5, 2002 approving the applications with the following conditions:

- 1) Applicant will modify certified building design to include the latest revisions and will coordinate 40,000 sq ft reduction in community facility space with DCAS
- 2) Applicant will continue to work to reduce FAR to 7.5 in order to retain the historic East Village character
- 3) Applicant will minimize retail in the Hewitt Building and make best efforts to acquire neighborhood type stores
- 4) Applicant will sign restrictive covenant prohibiting the development or sale of air rights of the unused FAR from the Foundation Building
- 5) Applicant agrees to relocate loading dock from Taras Shevchenko Place to East 6<sup>th</sup> Street

### **City Planning Commission Public Hearing**

On July 10, 2002 (Calendar Nos. 4 and 5), the City Planning Commission scheduled July 24, 2002 for a public hearing on the original and modified application. The hearing was duly held on July 24, 2002 (Calendar Nos. 7 and 8) in conjunction with the public hearing on the related applications (C 020498 ZMM, C 020500 PPM, C 020501 PPM). There were 25 speakers in favor of the application and 35 in opposition. Several written testimonies were received, both in support and opposition of the applications.

Those who spoke in favor of the applications included Cooper Union's president, deans, department directors, alumnae and current students, and Cooper Union tenants.

The president of Cooper Union stressed the necessity of the redevelopment plan to the long term future and continued success of the institution. He stated that the proposed academic facility on the Hewitt Site would be essential to maintain Cooper Union's prominent status as an educational institution that offers interdisciplinary collaboration and leading-edge technology. He emphasized that the plan would not increase the size of the existing 950-student body nor increase the overall amount of academic space. Rather, the purpose of the plan would be consolidate and modernize academic space into a new state-of-the-art facility and to accommodate a new, innovative research department. Further, the proposed commercial development on the Engineering Site would generate revenue for the tuition-free school and help fund the academic facility improvements. In addition, Cooper Union anticipates that the office space tenants would provide research and employment opportunities for students. The president added that the proposed commercial development is one of several revenue generating projects that comprise their long-term financial plan.

Cooper Union staff spoke about the school's current financial crisis, the need to remedy the situation by making use of its real estate holdings. They further clarified that the school could not solve its financial

problems like other educational institutions and that increasing the student body or charging tuition were not viable options. They clarified that Cooper Union is committed to providing education to those who may not otherwise be able to afford it at comparable top-ranking institutions. They discussed the student body demographics, including that most students come from New York City or New York State and that school is extremely proud of the percentage of minorities and women entering the Engineering program and the talented alumnae it produces.

Cooper Union alumnae and current students described the existing, out-dated engineering and architectural studios, laboratories and equipment, and the need for open floor space plans to accommodate changing programmatic demands and provide flexibility to adapt to technological changes. They emphasized the need for improved space so that institutional goals may be achieved.

Cooper Union's development, environmental, and architectural consultants, and land use counsel also spoke in favor of the applications and described the actions and proposed buildings. The development consultant and project architect reiterated Cooper Union's two development objectives: to create innovative and flexible academic space and to utilize its real estate resources to provide revenue for the school. They further discussed the General Large-Scale Development's boundaries and rationale, neighborhood context, the urban design framework of the proposed buildings and the massing differences between the building envelopes under the existing zoning, and the certified and modified applications. In addition, they stated that the modified application attempted to address concerns of the Community Board and the Borough President.

The consultants also emphasized Cooper Union's historical importance, the benefit of Cooper Union to the community, and the institution's role as an educational resource. Existing local economic development benefits were discussed as well as additional benefits from the proposed retail and new population of office

workers that would strengthen existing businesses in the area.

Speakers testifying in opposition of the applications included representatives of civic and community organizations such as Community Board 2, Community Board 3, the Joint Community Board 2 and Community Board 3 Cooper Union Task Force, the Coalition to Save the East Village, the Historic District Council, the Society for the Architecture of the City, the St. Marks Historic District, representatives of several neighborhood block associations, and representatives of local residential buildings such as 115 East 9<sup>th</sup> Street and Cooper Square housing. Several representatives of Ukrainian community organizations, such as the Ukrainian Coordinating Council, also spoke in opposition.

Elected officials including the State Senator from the 27<sup>th</sup> District and the Councilmember from the Second District and the representatives of the US Representative of the 8<sup>th</sup> Congressional District and the State Senator from the 25<sup>th</sup> District, testified against the proposal and reiterated community concerns. Several noted that Cooper Union should continue its outreach efforts and be sensitive to nearby landmarks and districts. Most reiterated concerns raised by community members about the requested actions and the proposed buildings. They also stated their concern about Cooper Union's request to modify previous deed and lease arrangements with the City.

Most of those who spoke in opposition acknowledged the importance of Cooper Union as a prominent educational institution and neighborhood resource, but expressed many concerns related to the school's redevelopment plan and requested actions. Speakers raised issues related to the zoning map amendment application, specifically the increase in bulk and density. Concerns were raised regarding the potential negative impacts of the proposed commercial building on the character of the East Village. Further, several speakers argued that the proposed C6-3 district would set a precedent for others to rezone properties on Third

Avenue. Several speakers against the project stated that the zoning change, in conjunction with proposed bulk modifications under the special permit, would produce commercial development that would be out of scale with the prevailing character. In addition, speakers stated that the proposed commercial use would conflict with the existing residential nature of the surrounding area.

Several speakers stated their dissatisfaction with the boundaries and rationale of the General Large-Scale Development Plan. Speakers were particularly concerned that the large-scale development plan excluded several Cooper Union properties in the area, including the Astor Place parking lot. Speakers questioned the public benefit of the large-scale development plan and the positive impacts on the neighborhood.

Speakers also raised specific concerns related to the individual proposed buildings. In regard to the commercial development at the former Engineering site, some speakers in opposition reiterated statements put forth in the Community Board 3's resolution, and the Borough President's recommendation that Cooper Union reduce the bulk of the building to 7.5 FAR. While some were encouraged by Cooper Union's reduction from 10 FAR to 8.9 FAR in the modified application, they stated that such reduction was insufficient. Speakers also expressed concerns regarding building within the former Stuyvesant Street roadbed and the need to preserve the historic view corridor at this site. Some speakers also stated that the design of the commercial building should respect the East 9<sup>th</sup> Street residential community and expressed concerns about the proposed location of the loading dock on East 9<sup>th</sup> Street.

Concerning the proposed Hewitt Building, several residents and representatives from neighborhood organizations described the history of the Ukrainian presence in the East Village, the importance of St. George's Ukrainian Church and of Taras Shevchenko Place, a street adjacent to the church and Cooper Union's proposed academic facility. Issues raised included the potential impacts of the proposed building

setbacks to facilitate open views of the church dome, and the adjacent street. Some speakers also stated that they were opposed to the application to remove restrictions on commercial floor area which would allow the proposed ground floor retail along Third Avenue.

Community residents and representatives from historic preservation organizations raised concerns about the effect of the proposed rezoning on the Foundation Building site, the potential use of the excess development rights on the Foundation Building site resulting from the zoning change; and the rationale for the building's inclusion in the General Large Scale Development plan.

A number of speakers expressed concerns regarding the existing infrastructure's capacity to serve the proposed amount of new development and potential 1,400 new employees in the area. Many raised issues related to socioeconomic conditions, specifically gentrification and the potential secondary displacement of local retail and businesses. Several speakers requested the need for different massing and lower-rise alternatives, and a more comprehensive development analysis of the neighborhood development projects.

Several speakers questioned Cooper Union's financial plan and the policy to increase development potential to address the institution's financial needs. Some speakers questioned the need to keep Cooper Union tuition-free while other universities charge nominal fees. Speakers also requested full disclosure of the institution's finances and further clarification of its business plan. Some community residents expressed concerns regarding the institution's long-term goals and the possibility of future modifications to the plan to address its potential future financial difficulties.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the modified special permit (C020499 (A) ZSM), in conjunction with the related applications for a zoning map amendment (C 020498ZMM), and modifications to previous dispositions (C 020500PPM) (C 020501PPM) are appropriate as further modified herein. The Commission believes that approval of these actions would facilitate the development of a state-of-the-art academic facility for Cooper Union and a commercial building, both of which would provide long-term resources for a significant New York City Institution.

The Cooper Union for the Advancement of Science and Art is one of the City's premier educational and cultural institutions that has historically provided tuition-free education. The school has evolved into one of the most selective institutions of higher education in the country with three distinguished departments. The Commission recognizes that Cooper Union provides a springboard for upward mobility to many immigrants and minorities, and that the students and faculty contribute approximately \$11,000,000 to the economy of the institution's neighborhood. Moreover, it supports the institution's long-term plan to enhance its academic experience and provide innovative research opportunities. The Commission recognizes that the proposed actions would help provide a superior education to a diverse population and further Cooper Union's mission as an educational and cultural resource in the City. The Commission recognizes in particular that consolidated state-of-the-art facilities, are crucial to Cooper Union's continued long-term success, and that Cooper Union's programs and facilities continue to attract talented students and faculty from around the world.

The Commission notes that, as certified, the Engineering Site proposal was for a 361,170 square foot predominantly commercial building at 10 FAR, that rose to 255 feet in height. In response to community and Borough President concerns, as well as concerns expressed by the Commission at certification, Cooper

Union submitted a modified special permit application which reduced the overall height of the proposed Engineering Building to 240 feet, and reduced the FAR to 8.9. The Commission has carefully considered both the use and bulk issues involved, including the building's size and form, and its effect on the surrounding area. The Commission concurs with the Community Board and the Borough President that the modified application did not sufficiently respond to the character of the surrounding neighborhood. Therefore, the Commission is approving a building with a reduced FAR of 7.5 and a reduced maximum height of 212 feet. In particular, the Commission believes that a building with an overall height of 212 feet, at 7.5 FAR, along with design controls prescribing the envelope and site plan, would result in a building that would be more compatible with the existing neighborhood.

The Commission has carefully considered issues that were raised during the public review including the concerns of the Community Board, the Task Force, the Borough President, elected officials, representatives of civic organizations and local residents. The Commission received testimony related to the rezoning, special permit, and the modifications to the disposition applications. Significant testimony was also received regarding the use, bulk, and density of the individual proposed buildings. The Commission also notes that the testimony also reflected that concerns related to other Cooper Union-owned properties and its long-term business plan. The Commission believes that many of the concerns raised in the public review process are addressed by modifications to the development being made by the Commission as a part of its approval of the special permit, and by additional materials submitted by Cooper Union.

#### **Zoning Map Amendment ( C 020498 ZMM)**

The Commission believes that the zoning map amendment from a C6-1 district to a C6-3 district on the Engineering Building site and Foundation Building site is appropriate. The proposed C6-3 zoning permits 7.52 FAR for residential use, 6 FAR for commercial use, and 10 FAR for community facility use. The

Commission notes that the proposed rezoning, in conjunction with the special permit, as modified, would facilitate the construction of a predominantly commercial building on the Engineering Building site which is in scale with its surroundings. The Commission further notes that the rezoning would also bring the overbuilt Foundation Building into compliance with the FAR regulations under the proposed C6-3 district.

The Commission believes that the commercial use and higher density is compatible with the existing character of the neighborhoods immediately surrounding the Cooper Union campus. The Engineering Building site is uniquely situated on a discrete block at the juncture of two markedly different neighborhoods. It is also surrounded by wide streets including Fourth Avenue, Third Avenue and Astor Place, and is proximate to open space. The Commission notes that the Engineering site has excellent access to mass transit: it is at a crossroads served by two subway lines and several bus routes. The site of the proposed building is one in a series of important junctures as one moves along the Bowery to Fourth Avenue and up to Union Square.

To the west of the Cooper Union campus is a predominantly commercial neighborhood. Most of the buildings surrounding the Astor Place intersection and along Broadway and Lafayette Street are characterized by high lot coverage buildings ranging from 7 to 15 FAR, and ranging from six to 12 stories in height. These buildings were originally used for light manufacturing and warehousing and many are now commercial. A variety of long-standing and more recent commercial tenants occupy the upper-floors of the buildings while many retail stores occupy the ground floor spaces. The Commission notes that while the neighborhood to the east of Cooper Union has predominantly low-rise, medium density residential buildings, there are 12 - 20 story buildings, such as dormitories and community facility buildings, along Third Avenue.

The Commission believes that the existing dynamic commercial presence along Fourth Avenue and other nearby streets to the west in conjunction with the Engineering Site's distinct location between two different, mixed-use areas establishes an appropriate location for additional commercial use. The Commission notes that the proposed rezoning, which would allow a modest increase in commercial FAR, in conjunction with the special permit, as approved, would facilitate a building envelope that responds to the two distinct neighborhoods and reflects the respective high- and low-rise characteristics of each.

The Commission also believes that commercial use would be beneficial to Cooper Union's long-term educational objectives: the school intends to market the building to bioengineering, communications, technology, and design-related firms that will promote a synergy between the students, faculty and the new firms. The Commission notes that commercial use could potentially generate research and professional opportunities. The Commission is encouraged by Cooper Union's goal to foster this synergistic relationship between the academic community and the private sector.

In its consideration of the appropriate density, the Commission recognizes that significant density already exists at the Astor Place intersection. The Commission makes special note that in the immediate vicinity of the Engineering Building site and the Foundation Building site, at the Astor Place intersection, there are high-density buildings including the residential Carl Fischer Building with an FAR of approximately 11, a commercial building at 13 Astor Place with an FAR of approximately 10, the commercial Wanamaker Building with an FAR of 14, and the Stewart House, a residential building with an approximate FAR of 12.

The Commission notes that although the certified application proposed a 10 FAR building on the Engineering site, the modified special permit application includes an 8.9 FAR building on the Engineering Site. The Commission believes a 7.5 FAR building, and reduced envelope, is more appropriate for this site. At 7.5

FAR, Cooper Union could realize a commercial program consistent with its objectives, a result difficult to achieve at a lower density. At 7.5 Cooper Union would also provide a scale of development more consistent with the surrounding neighborhood. The Commission notes that under the existing C6-1 zoning, commercial development is encouraged through densities that allow up to 7.8 FAR with an urban plaza, which is a higher density than that permitted under the Commission's modification to 7.5 FAR. The Commission also recognizes that the Foundation building immediately to the south, which is the keystone of the Cooper Union campus, has an FAR of 7.5 and thus provides a compatible reference for the proposed commercial building. The Commission therefore modifies the proposal in conjunction with the general large-scale special permit to allow 7.5 FAR on the Engineering Building site. In addition, the Commission would require a restrictive declaration that would limit the FAR on the site to 7.5.

In regard to the Foundation Building, the Commission notes that the proposed rezoning to C6-3 would make the floor area of the existing Foundation Building complying. The Commission notes that previously under the existing C6-1 zoning it was overbuilt by 17,575 square feet while under this proposed rezoning the Foundation Building would be underbuilt by 1,888 square feet. The Commission recognizes that Community Board 3 and the Borough President questioned the rationale for rezoning the Foundation Building site and, since the building is a NYC landmark, raised concerns related to the transfer of excess floor area to potential receiving sites. The Commission believes that the Foundation Building site is more consistent with the proposed C6-3 zoning district, and notes that in its approval, Cooper Union has committed to not transfer excess floor area under the terms of the restrictive declaration.

The Commission believes that the proposed zoning map amendment would not be precedent setting for other C6-3 rezoning requests in the area. The Commission notes that C6-1 is mapped along Second and Third avenues, two wide streets near to the Cooper Union campus and C6-2 is mapped west of Fourth Avenue and

Astor Place. However, the Commission believes that the Engineering and Foundation Building sites possess distinct characteristics which make them unique. They are located on full-block sites at major intersections. The Commission notes that higher density zoning exists at other such locations as these, and is appropriate in this location. Such similar sites are to be found at Union Square which is also a prominent intersection adjacent to open space and convergence of several wide streets, and is zoned C6-4 and at the Bowery/Lafayette Street corridor along Houston Street, which is zoned C6-3. Furthermore, the Commission notes that rezoning applications are evaluated on a case-by-case basis, and their consideration is based the merits of each application.

The Commission notes that other zoning districts, including C6-2, would increase the permitted residential FAR compared to the existing C6-1 zoning. The Commission notes that the C6-2 zone has the same commercial FAR of 6.0 as the current C6-1 zone. However, the Commission believes that the additional commercial FAR allowed by the C6-3 zone is appropriate in this location.

#### **Special Permit (C 020499(A) ZSM)**

The Commission believes that the special permit is appropriate with the changes approved by the Commission. The Commission finds that the distribution of floor area and the requested waivers produce a better site plan, and provide superior relationships among the buildings within the GLSD, and between the buildings in the GLSD and the surrounding area.

The Commission notes that the approved waivers fulfill Cooper Union's development objectives and result in a superior site plan and facilities. These objectives include providing modernized, consolidated academic facilities on the Hewitt Building site, and providing a commercial building on the Engineering Building site which would accommodate businesses that can provide a synergistic relationship with Cooper Union's

academic programs, and provide a funding stream with which to continue their full-tuition scholarships and continuing education programs. The Commission notes that while a predominantly commercial development is proposed for the Engineering Site, Cooper Union would occupy a portion of the building and have a strong presence on the ground floor.

The Commission notes that the Cooper Union campus located between East 9<sup>th</sup> Street and East 6<sup>th</sup> Street and between 4<sup>th</sup> Avenue and 3<sup>rd</sup> Avenue and Taras Shevchenko Place qualifies as a General Large-Scale plan development, and includes multiple, contiguous zoning lots, comprising over 1.5 acres. The zoning lots are contiguous but for their separation by Astor Place and Third Avenue and the blocks are occupied by academic facilities. The Commission notes that Cooper Union is the owner of the Engineering Site and Foundation Site and is deemed to own the Hewitt Building site through its long-term lease with the City. The City included a renewal provision for the property; the renewal term will commence on February 1, 2007 and terminate on January 31, 2106. The Commission notes that for the purpose of creating a GLSD plan, Cooper Union is deemed "owner" of the Hewitt Site consistent with prior practice.

#### Engineering Building Site

As certified, Cooper Union proposed a 255-foot high, 17-story building at 10 FAR, with a 30-foot high pavilion on the southwest corner of the site. In the modified application by Cooper Union, the FAR was reduced to 8.9, the overall height was reduced to 240 feet (16 stories) and the new building envelope shifted the bulk to Fourth Avenue; the pavilion was eliminated. The Commission's approval reduces the FAR to 7.5, and reduces the total height to 212 feet, the midblock portion to 182 feet, and the base height along Third Avenue to 74 feet. The Commission believes that these further modifications result in a massing which strengthens the transition between the higher density commercial character of Fourth Avenue and the lower scale of the East Village. The Special Permit and the Restrictive Declaration would limit the FAR to 7.5,

and incorporate design controls which mandate this bulk envelope.

The Commission notes that by reducing the FAR to 7.5, the amount of floor area to be distributed from the Hewitt site to the Engineering site is being reduced from 64,468 square feet of commercial floor area to 14,175 square feet. This distribution would effectively increase the Engineering site's commercial floor area available for development from 216,702 square feet to 230,877 square feet. The Commission believes that such a distribution is appropriate. Moreover, the Commission believes that the distribution of floor area will not unduly increase the bulk of the proposed building or unduly obstruct access of light and air to users of the buildings in the nearby blocks or the public streets.

The Commission notes that, pursuant to the proposed C6-3 rezoning, an as-of-right development would be required to setback 20 feet from the street line along a narrow street above the vertical height of 85 feet and be within the permitted sky exposure plane of 2.7 to 1. On a wide street the development would be required to set back a distance of 15 feet above 85 feet and the building must be within a sky exposure plane of 5.6 to 1. The Commission notes that, under the modified application, the proposed commercial development would rise above the maximum permitted front wall height of 85 feet height to 240 feet on Fourth Avenue, and 210 feet in the midblock and penetrate the sky exposure plane. The Commission recognizes that the primary objective of the commercial development is to provide revenue to Cooper Union to fund its mission. Under the current regulations, the permitted envelope on this site would result in inefficient floor plates on the upper floors. Moreover, the Commission believes the requested height and setback waivers allow for a better building envelope more responsive to this uniquely situated site.

The Commission believes that Cooper Union's modified application does not sufficiently respond to the surrounding context. The Commission believes the built environment of the immediate east and west

neighborhoods is very different and the massing of the building must mediate between these varying scales. The Commission notes that the adjacent building, the Wanamaker Building, is 225 feet in height. The Commission's approved envelope reduces the height to 212 feet along Fourth Avenue, whereas the applicant's modified building, at 240 feet, rose higher than the Wanamaker Building. The base height along Third Avenue in the Commission's approved envelope is 74 feet, which is closer in height to the adjacent 6-story buildings and the base heights of taller more recently constructed buildings along Third Avenue. The Commission approval includes design controls as a part of the special permit, and referenced in the restrictive declaration that will ensure a building envelope which appropriately reflects the distinct characters of the neighborhoods to the east and the west.

#### Hewitt Building Site

As certified, Cooper Union proposed a 135-foot tall, nine-story, 6.5 FAR building on the Hewitt Site. Cooper Union's modified application did not change the building's envelope but the building design included facade articulation that reflected a multiple building character which better related to the scale of buildings in the immediate neighborhood. The building would rise to 105 feet, set back 20 feet on East 7<sup>th</sup> Street and 10 feet on Taras Shevchenko Place, and then ultimately rise to a maximum height of 135 feet. The Commission notes that there is no request to change the existing C6-1 zoning district and the amount of floor area for the proposed academic facility could occur as-of-right. The C6-1 allows for 118,000 square feet of development, of which 108,000 square feet is proposed for academic space. The building also includes 9,900 square feet of retail space.

The Commission notes that the distribution of 14,175 square feet of community facility floor area from the Engineering Building site allows Cooper Union to consolidate its academic facilities on this one site, and that such distribution is therefore appropriate. The Commission notes that the Hewitt Site is better suited

for community facility space than commercial space, and is more compatible with the surrounding uses. The site is adjacent to a low-rise neighborhood with a mix of residential buildings with ground floor retail interspersed with small-scale community facilities. The Commission notes that the site fronts Third Avenue and has excellent access to open space. The Commission believes the proposed site plan and the resulting distribution of floor area would enable Cooper Union to create a consolidated academic facility at the Hewitt site.

The Commission believes that the height and setback modifications proposed for the Hewitt Building would create a lower building than if it fully complied with existing zoning regulations and did not penetrate the sky exposure plane above 85 feet. The Commission also notes that the site is surrounded by three narrow streets and shares Taras Shevchenko Place with a church and school. During the public review process, the Commission received significant testimony advocating a different building form that was lower in scale and maintained visual access from Third Avenue to St. George's Ukrainian Church. The Commission believes that the height and setback waivers and the design controls set forth in the Special Permit and referenced in the restrictive declaration ensure an appropriate building for the neighborhood and results in a building that would facilitate a first-class academic facility for Cooper Union. The Commission believes that this would also result in a building that provides a better envelope for Cooper Union's proposed academic program. The Commission believes that the larger floors above 85 feet that would be permitted by the requested waivers would allow for a more efficient facility for collaborative academic relationships which are essential to the nature of a 21st century curriculum. The Commission notes that the proposed floorplates encourage transitions between laboratories, classrooms and faculty offices and promote interactions between the various engineering disciplines and between faculty and students.

The Commission recognizes the importance of Taras Shevchenko Place and the significance of St George's

Church located on this street. The Commission notes the street, the church, the school and the neighborhood are significant symbols to the regional, and national Ukrainian community and to community residents. The Commission believes that the proposed building would not reduce the amount of light and air to the Church and Taras Schevchenko Place as compared to the as-of-right building. An as-of-right building would contain the same amount of floor area but would be taller due to the mandated setbacks above 85 feet. The building envelope, in conjunction with the design controls, will reinforce a multiple building character and break up the massing along Third Avenue, and will allow sufficient light and air to reach the Church and Taras Shevchenko Place. The design controls would also include transparency requirements on the ground floor, generous entrances, and a modest amount of retail on Third Avenue which will make the building more welcoming to the street.

#### Site Plan

The Commission believes that the distribution of bulk, location of use, entrances, service areas, retail, and open space create a better site plan than if the sites were developed as-of-right, and result in superior urban design relationships. The Commission believes that the design controls as required by the special permit will ensure buildings that respond better to the surrounding neighborhoods. The controls would also be referenced in the restrictive declaration.

The uses would be distributed appropriately with the commercial use to the north, on the Engineering Building site, and the community facility use to the south, on the Hewitt Building site. The building entrances between the sites would have a relationship to each other, and to the surrounding neighborhood. The proposed Engineering Building site plan locates the commercial entrance on Fourth Avenue. The entrance is appropriately placed nearby the predominantly commercial neighborhood to the west and across the street from the Astor Place subway entrance. Retail entrances are also proposed on the streets with significant

pedestrian traffic- Astor Place and Third and Fourth avenues. The entrances to the Cooper Union space are located on Astor Place to connect to other academic facilities to the south, the Foundation and Hewitt buildings.

The design controls would establish an envelope consistent with the Commission's 7.5 FAR approval. They would establish a maximum Third Avenue streetwall height of 74 feet and setback of at least 60 feet to ensure location of tower away from Third Avenue. The maximum overall height of the building, including mechanical space, fronting Fourth Avenue, would be 212 feet. The mid-block portion of the building would be limited to 182 feet.

The Special Permit also requires the placement of a 3,950 square foot public space over the previously demapped Stuyvesant Street. It will be a resource for the neighborhood and the Cooper Union community and is appropriately located adjacent to the low-rise component of the building and the predominantly residential neighborhood. The open space expands the local open space network which includes a park and several public squares. The Commission notes that design controls have been established for the open space. These controls include the provision of seating, lighting, landscaping, signage, and, hours of operation. Prior to the issuance of a Building Permit, the applicant must receive a certification from the City Planning Commission Chair to assure compliance with the controls.

The site plan for the proposed academic building on the Hewitt site provides a wide entrance to the facility on East 7<sup>th</sup> Street, which relates well to the entrance to the Foundation building located immediately to the northwest. The Commission believes the site plan reinforces the campus plan and circulation between the park and the Hewitt, Foundation and Engineering buildings. Transparency requirements and retail along Third Avenue ensure this academic building will relate to the surrounding neighborhood. The Commission

notes that these design controls would provide light and a visual connection to Taras Shevchenko Place, reinforce the multiple-building character and break up the massing along the Third Avenue frontage. The Commission also believes the ground floor activity will complement nearby uses on Third Avenue. The Commission notes that Cooper Union would be required to apply for a Department of Buildings waiver to locate the loading dock on to East 6<sup>th</sup> Street and away from Taras Shevchenko Place where there are existing church and school activities.

The Commission notes that the special permit finding related to public facilities is not applicable to Cooper Union's redevelopment proposal. The Commission recognizes that Cooper Union is not expanding its student body or faculty and, as determined by the Final Environmental Impact Statement analysis, the addition of approximately 610 employees to the area will not have a significant impact on the existing public facilities. The Commission believes that no new schools are needed since the proposal does not include residential development.

During the public review process, the Commission received a significant amount of testimony regarding the boundaries of the GLSD and that 26 Astor Place, a parking lot, should have been included within these boundaries. The Commission notes that other properties were not included in the GLSD because Cooper Union views them solely as income-producing. Further, it recognizes that Cooper Union intends to develop other properties independently and potentially as-of-right. The Commission understands that Cooper Union anticipates as-of-right development on 26 Astor Place and has, for the past three years, pursued active negotiations with developers for the site. While the Commission would have preferred that the parking lot be included in the GLSD, it recognizes that the boundaries, as defined in this application meet the requirements of the zoning resolution and would further the school's academic mission. The GLSD boundaries result in a site plan which fosters a superior relationship amongst these properties. It notes that

expanding the boundaries would be beyond the scope of this application. It also notes that the FEIS assumed development on the parking lot site.

**Modification to previous city disposition for the Engineering Building site (C 020500 PPM)**

Cooper Union requires, with the Department of Citywide Administrative Services as applicant, modification of the restriction limiting use of the former Stuyvesant Street roadbed to educational use. The Commission notes that in 1995 the City allowed a commercial use to be located on a portion of demapped Stuyvesant Street since income generated from the use would fund academic scholarships and tuition for Cooper Union students.

The Commission received public testimony advocating that the former street bed be kept clear and the angle of the east-west street, originally laid in 1759, be retained. The Commission believes Stuyvesant Street is an important historic reference and the portion of the roadbed, although separated by Third Avenue, remains a significant reminder of the development of the neighborhood. The Commission also notes that while development will encroach upon a portion of the demapped street there will be open space provided and the street will be referenced. The Commission was concerned that the certified application proposed development over the entire demapped portion and blocked the view corridor on Stuyvesant Street. With the revised proposal, a 3,950 square foot open space will be created on the 8,000 square foot portion of the roadbed. The Commission finds, therefore, that such modification to the deed restriction is appropriate.

**Modification to previous city disposition for the Hewitt Site (C 0020501 PPM)**

Cooper Union requires, with the Department of Citywide Administrative Services as applicant, to remove the educational use restriction for this site. Currently, the site is restricted to educational use. Cooper Union is proposing approximately 9,900 square feet of ground floor retail use.

The Commission recognizes that the Joint Community Board 2 and 3 Cooper Union Task Force, Community Board 3, and some community residents expressed opposition to the proposed retail. The Commission also recognizes that the Borough President expressed the need for neighborhood retail. The Commission notes that the applicant has stated it would attempt to provide neighborhood-oriented retail uses. The Commission believes that the proposal for ground floor retail on the Third Avenue frontage is appropriate. The existing C6-1 zoning along Third Avenue allows a wide variety of retail, and many shops and restaurants exist on Third Avenue and nearby side streets. The Commission believes that this proposed retail would complement the academic space proposed for the building and activate Third Avenue.

### **Related Issues**

The Commission notes that testimony was received which argued that the requested land use actions were being driven by Cooper Union's economic needs, and lacked any land use rationale. However, the Commission believes that the requested zoning map amendment and related actions are supported by a strong planning rationale, as described previously. The Commission notes that hospitals, universities and schools, such as St. Luke's Roosevelt Hospital Center, Lincoln Center for the Performing Arts, and Polytechnic University have from time to time been the beneficiaries of changes in zoning or other land use controls, in connection with development plans designed to generate revenues support their charitable or not-for-profit mission. The Commission also notes that questions were raised about the economic feasibility of an office development on the Engineering site. The Commission focused its consideration on the land use and planning issues and believes that it need not make a determination on the economic feasibility.

At the public hearings, concerns were raised regarding residential displacement and potential secondary displacement of neighborhood businesses. The Commission notes that the FEIS analyzed socioeconomic impacts and found that the Cooper Union development will not create significant adverse impacts.

The Commission also heard testimony expressing concerns regarding the need for a more comprehensive plan including the parks and streets. The Commission notes that Cooper Union has comprehensively analyzed the area around its buildings and has generated streetscape and circulation design preferences and options. The suggested improvements, such as the narrowing of Fourth Avenue and the enlargement of Peter Cooper Park, would need to be approved and implemented by the Department of Transportation and the Department of Parks. The Commission notes that neither agency has signed off on any of Cooper Union's plans. The Commission appreciates Cooper Union's objective of developing a comprehensive plan, but recognizes that this would require the coordination and consent of City agencies. The Commission encourages relevant city agencies to work with the Community Board and other community organizations to formulate such a plan for the neighborhood.

The Commission realizes Cooper Union's historic role in the community and the City, and supports its scientific and creative pursuits. The Commission also supports Cooper Union and its plans to provide innovative programs and first-class facilities. The Commission believes that the approved application addresses many of the concerns raised during the public hearing. The Commission believes that the proposed project would be compatible with the land uses of this surrounding communities, would promote academic and professional opportunities and provide public amenities which would contribute to the overall stability and growth of the this community.

## **FINDINGS**

The City Planning Commission hereby makes the findings pursuant to Section 74-743:

- (1) the distribution of floor area will result in a better site plan and a better relationship among buildings and open area to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large scale development, the neighborhood, and the City as a whole;
- (2) the distribution of floor area and location of buildings will not unduly increase the bulk of the buildings in any one block or unduly obstruct access of light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not applicable;
- (4) considering the size of the proposed general large scale development the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
- (5) Not applicable; and
- (6) a declaration with regard to ownership requirement in paragraph (b) of the general large-scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 23, 2002, with respect to this application (C 020499(A) ZSM) which addresses the modifications to such application reflected herein, and the Technical Memorandum dated August 30, 2002, 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 identified in the FEIS and Technical Memorandum dated August 30, 2002, 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; and
3. The development shall include the mitigation measures identified as practicable in the FEIS, issued on August 23, 2002, for the modified application and applicable to the application as modified herein pursuant to the Technical Memorandum dated August 30, 2002, unless (a) DOT or other agency of relevant jurisdiction has allowed further study to determine whether such mitigation is necessary or determines at a later date, based upon further study or investigation, that a mitigation is not warranted either in whole or in part; and (b) the Commission is advised in writing of such determination.

The report of the City Planning Commission, together with the FEIS and supplemental Technical Memorandum date August 30, 2002, 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 be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the Cooper Union for the Advancement of Science and Art pursuant to Sections 197c and 201 of the New York City Charter for the grant of a special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(1) to allow the distribution of floor area without regard for zoning lot lines or district boundaries;
2. Section 74-743(a)(2) to allow the location of buildings without regard for the applicable height and setback regulations;

to facilitate the development of the two buildings, one a mixed use building on a zoning lot bounded by Third Avenue, Astor Place, Fourth Avenue, and East 9<sup>th</sup> Street (Block 554, Lot 35) and the other mixed use building on a zoning lot bounded by Third Avenue, East 7<sup>th</sup> Street, Taras Shevchenko Place, and East 6<sup>th</sup> Street (Block 462, Lot 1) within a general large-scale development generally bounded by East 9<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street, Taras Shevchenko Place, East 6<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street, and Fourth Avenue, in C6-3\* and C6-1 Districts, Borough of Manhattan, Community District 3, is approved subject to the following conditions (Implementation of this proposal also requires a related amendment of the Zoning Map, Section No. 12c ( C 020498 ZMM):

1. The properties that are the subject of this application C 020499 (A) 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 the architecture firm of Ehrenkrantz Eckstut & Kuhn Architects, and filed with this application and incorporated in this resolution:

Z-1	Area Plan	September 3, 2002
Z-2	Site Plan/ Proposed Building	September 3, 2002
Z-3	Existing and Proposed Zoning Information	September 3, 2002
Z-4	Survey: 51 Astor Place Site Block 554 Lot 35	September 3, 2002
Z-5	Survey Hewitt Building Site Block 462 Lot 1	September 3, 2002
Z-6	Zoning Calculations/ Average Curb Level	September 3, 2002
Z-7	51 Astor Place Site Building Plans	September 3, 2002
Z-8	Height and Setback 51 Astor Place Building Sections	September 3, 2002
Z-9	51 Astor Place/ Ground level Plan	September 3, 2002
Z-10	Height and Setback Hewitt Site Building Plans and Sections	September 3, 2002
Z-11	Hewitt Building/ Ground Level Plan	September 3, 2002
Z-12	51 Astor Place Design Guidelines Bulk Diagrams	September 3, 2002
Z-13	Hewitt building Design Guidelines Bulk Diagrams	September 3, 2002

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

5. All leases, subleases, or other agreement for use of occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

6. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration, dated September 3, 2002, and executed by The Cooper Union for the Advancement of Science & Art, the terms of which are hereby incorporated in this report, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

7. 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 whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other part, revoke any portion of or all of said special permit. Such power of the revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or 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.

8. 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 employees or agent's failure to act in accordance with the provisions of this special permit.

The above resolution ( C 020499 (A) ZSM ), duly adopted by the City Planning Commission on September 3, 2002 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development , in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**RICHARD W. EADDY, ALEXANDER GARVIN,**  
**JANE D. GOL, JOHN MEROLO, Commissioners**

**WILLIAM J. GRINKER, KAREN A. PHILLIPS,**  
**JOSEPH B. ROSE, Commissioners, voted No**

**ANGELA R. CAVALUZZI, R.A, Commissioner, recused**



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 EAST 4TH STREET - NEW YORK, N.Y. 10003  
PHONE: (212) 533-5300 - FAX: (212) 533-3659  
WEBSITE: [HTTP://HOME.EARTHLINK.NET/~CB3NYCM/](http://HOME.EARTHLINK.NET/~CB3NYCM/)

LISA KAPLAN, BOARD CHAIR

MARTHA DANZIGER, DISTRICT MANAGER

May 30, 2002

## RECEIVED

Hon. Amanda M. Burden, Chairperson  
City Planning Commission  
22 Reade Street  
New York, New York 10007

JUN 5 2002

MANHATTAN OFFICE

Dear Chairperson Burden:

At its May 2002 monthly meeting, Community Board #3 passed the following resolution:

To reject the current Cooper Union Large Scale Development Plan (ULURP items 020498ZMM, 020499ZSM, 020500PPM, and 020501PPM) as presently proposed.

CB #3 takes this action with the intention of entering into serious good faith negotiations, through the Cooper Union Joint Task Force of Community Board #2 and #3, to find a scheme that is in keeping with the findings of the Task Force that were adopted by CB #3 and CB#2 via its participation in the joint CB#2 and CB#3 Cooper Union Task Force in February 2002. (see below) We expect that these negotiations will continue throughout the several months of the full ULURP process. We have been assured and we expect that all parties will give full weight to the Community Board's input even though the results of the negotiations will be determined after our official review period which ends June 1, 2002.

We would support Cooper Union withdrawing the ULURP at this time in order for the Task Force to enter into these negotiations without the pressure of the ongoing ULURP.

Position Adopted by CB#3 and CB#2 in February 2002:

1. The principal site for any major commercial development proposed by Cooper Union must be the Astor Place Parking Lot Site not the Engineering Site. The Parking Lot Site must be rezoned to no more than a C 6-3A permitting a community facility FAR of 7.5. The Parking Lot Site may be included in the General Large Scale Development Plan.

2. The zoning must not be changed on the Engineering Site (retained at C 6-1) and any development on that site must be set back at least to the original roadbed of Stuyvesant Street.

3. A restrictive covenant must be included in the approval of the General Large Scale Development Plan prohibiting the development or sale of air rights using the unused FAR from the Foundation Building.

4. There must be no change in the current lease restriction at the Hewitt Site, thereby prohibiting the proposed retail use on the 3rd Avenue frontage.

We would further contact Speaker of Council, Manhattan Borough President and Mayor to urge Cooper Union to withdraw ULURP application before City Planning.

If you have any questions, please do not hesitate to call.

Sincerely,



LISA KAPLAN, CHAIR, COMMUNITY BOARD #3

cc: Applicant

Community/Borough Board  
RecommendationCITY PLANNING COMMISSION  
22 Faade Street, New York, NY 10007  
FAX # (212) 726-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Docketing/Intake Office, City Planning Commission, Post 26 at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Application, the copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 020498 ZMM

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by The Cooper Union for the Advancement of Science and Art pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, changing from a 16-1 District to a 16-3 District property bounded by East 9th Street, Third Avenue, East 11th Street and Fourth Avenue, Borough of Manhattan, Community District 3, as shown on diagram (for illustrative purposes only) dated April 1, 2002.

COMMUNITY BOARD NO. 2  
BOROUGH Manhattan

BOROUGH BOARD \_\_\_\_\_

DATE OF PUBLIC HEARING 5/19/02LOCATION 333 BOWERYWAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

LOCATION 166 ESSER STREET

## RECOMMENDATION

- APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS  
 DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

see attached

## VOTING

IN FAVOR 36 AGAINST — ABSTAINING \_\_\_\_\_TOTAL MEMBERS APPOINTED TO BOARD 50

Muriel Danziger

COMMUNITY/BOROUGH BOARD OFFICER

DATE 6/01/02

District Manager

TITLE

1-91

Community/Borough Board  
Recommendation22 Reade  
St.

## INSTRUCTIONS

1. Return this completed form with all attachments to the General Information Office, City Planning Commission, Room 22 of the above address.
2. *Notice of Public Hearing Recommendation* is Notice of Committee, Borough President, Borough Board, and City Planning Commission.

APPLICATION # C 020492-10M

020499

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by The Cooper Union for the Amendment of Science and Art pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- Section 197-21, to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries, and
  - Section 197-24-24, to permit the location of buildings without regard for the applicable height and setback regulations of Section 19-412-a.
- to facilitate the development of two buildings. One a mixed use 10-story building approximately 151.50 feet high, on a corner lot bounded by Third Avenue, Astor Place, Fourth Avenue, and East 29th Street, Block 334, Lot 351 and the other a mixed use 5-story building (approximately 101.50 feet high) of a zoning lot bounded by Third Avenue, East 29th Street, Times Shevchenko Place, and East 6th Street (Block 442, Lot 1) within a general large-scale development generally bounded by East 29th Street, Third Avenue, East 10th Street, Times Shevchenko Place, East 6th Street, Third Avenue, East 29th Street, and Fourth Avenue, in C5-3 and C7-3 Districts Community Board 3, Borough of Manhattan.
- \* Note: A T-3 District is proposed under related concurrent application for an amendment of the Zoning Map C 020492-10M.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 2N, 22 Reade Street, New York, NY 10007.

COMMUNITY BOARD NO. \_\_\_\_\_

BOROUGH BOARD \_\_\_\_\_

BOROUGH Manhattan

DATE OF PUBLIC HEARING 5/19/02

LOCATION 333 BOWERY

WAS QUORUM PRESENT?  YES  NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

LOCATION 166 ESSER STREET

DATE 5/18/02

## RECOMMENDATION

- APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS  
 DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See attached

## VOTING

IN FAVOR 36 AGAINST 1 ABSTAINING \_\_\_\_\_

TOTAL MEMBERS APPOINTED TO BOARD 50

M. J. Danner

COMMUNITY/BOROUGH BOARD OFFICER

6/1/02

District Manager

DATE

TITLE

1/92

Community/Borough Board  
RecommendationCITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Community Information Office, City Planning Commission, Room 202, 22 Reade Street.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 020500 PFM

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for removal of the restriction limiting use of property consisting of the former bed of Stuyvesant Street located between Astor Place and Third Avenue (Block 554, Lot 35) to educational use.

COMMUNITY BOARD NO. 7

BOROUGH Manhattan

BOROUGH BOARD \_\_\_\_\_

DATE OF PUBLIC HEARING 5/09/02LOCATION 333 BROADWAYWAS QUORUM PRESENT?  YES  NO At public hearing, required a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven board members.

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 5/18/02 LOCATION 164 ESSEX STREET

## RECOMMENDATION

- APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS  
 DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

see attached

## VOTING

IN FAVOR 36 AGAINST 1 ABSTAINING \_\_\_\_\_TOTAL MEMBERS APPOINTED TO BOARD 50

Community/Borough Board Officer

DATE 6/01/02

District Manager

TITLE \_\_\_\_\_

Community/Borough Board  
RecommendationCITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3350

## INSTRUCTIONS

1. Return this completed form with any attachments to the Citywide Liaison Office, City Planning Commission, Room 26 at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C C2C501 PPM

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the removal of the restriction limiting use to educational or philanthropic purposes for property located at 43-55 Third Avenue (Block 462, Lot 1).

COMMUNITY BOARD NO. 3

BOROUGH MEETINGS

BOROUGH BOARD

DATE OF PUBLIC HEARING

5/09/02LOCATION 333 BOWERYWAS QUORUM PRESENT?  YES

NO A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 5/28/02LOCATION 164 ESSEX STREET

## RECOMMENDATION

 APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

see attached letter

## VOTING

IN FAVOR 36 AGAINST — ABSTAINING —TOTAL MEMBERS APPOINTED TO BOARD 50Markie Danziger  
COMMUNITY/BOROUGH BOARD OFFICERDATE 5/01/02District Manager  
TITLE



NY/2002/1

CITY PLANNING COMMISSION

2002 JUL -5 PM 1:52

DEPT. OF CITY PLANNING

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

C. VIRGINIA FIELDS  
BOROUGH PRESIDENT

July 5, 2002

ULURP NO: C 020498 ZMM  
C 020499 ZSM  
C 020500PPM  
C 020501 PPM

RECEIVED  
Jul 9 - 2002  
MANHATTAN OFFICE

APPLICANT: The Cooper Union for the Advancement of Science and Art  
30 Cooper Square  
New York, NY 10003

REQUEST:

IN THE MATTER OF an application submitted by The Cooper Union for the Advancement of Science and Art (Cooper Union) pursuant to Sections 197-c and 201 of the New York City Charter:

• ***C 020498 ZMM***

for an amendment of the Zoning Map, Section No. 12c, changing from a C6-1 District to a C6-3 District property bounded by East 9<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street and Fourth Avenue, Borough of Manhattan, Community District 3.

• ***C 020499 ZSM***

for the grant of special permits pursuant the following sections of the Zoning Resolution:

- Section 74-743 (a)(1): to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries; and
- Section 74-743 (a)(2): to permit the location of buildings without regard for the applicable height and setback regulations of Section 33-432(a);

to facilitate the development of two buildings, one a mixed use 17-story building (approximately 251.50 feet high) on a zoning lot bounded by Third Avenue, Astor Place, Fourth Avenue, and East 9<sup>th</sup> Street; and the other a mixed use 9-story building (approximately 131.50) feet high) on a zoning lot bounded by Third Avenue, East 7<sup>th</sup> Street, Taras Schevchenko Place and East 6<sup>th</sup> Street, within a general large-scale development bounded by East 9<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street, Taras Schevchenko Place, East 6<sup>th</sup> Street, Third Avenue, East 7<sup>th</sup> Street and Fourth Avenue, in C6-3 and C6-1 Districts.

MUNICIPAL BUILDING • 1 CENTRE STREET • NEW YORK, NY 10007

PHONE (212) 669-8300 FAX (212) 669-4305

[www.CVFIELDSMBP.ORG](http://www.CVFIELDSMBP.ORG)

- ***C 020500PPM***

for removal of the restriction limiting use of property consisting of the former bed of Stuyvesant Street located between Astor Place and Third Avenue to educational use.

- ***C 020501 PPM***

for the removal of the restriction limiting use to educational or philanthropic purposes for property located at 43-55 Third Avenue.

**PROJECT BACKGROUND/DESCRIPTION:**

The three sites that comprise the General Large Scale Plan are the Engineering, Foundation, and Hewitt Buildings. The proposed development will replace the Engineering Building with an over 300,000 square foot, 16-story (240 feet), predominantly commercial building with 80,000 square feet of Cooper Union academic space, a 5,200 square foot Cooper Union gallery and a lobby to the below-grade auditorium. It will replace the Hewitt Building with a 9-story (146 feet), 118,138 square foot Cooper Union academic facility with ground floor retail. The proposed Hewitt Building will be the same height as the cornice work on the Foundation building across the street, which will remain untouched. Cooper Union's academic facilities would be consolidated in the new Hewitt Building.

Cooper Union has stated it would like to develop the Hewitt and Engineering Building sites to create a more efficient and effective academic space and develop revenue generating commercial space. Cooper Union would target the biomedical engineering, technology, and design industries as tenants for the commercial office. The applicant is proposing approximately 480,000 square feet of new construction, but does not expect to enlarge the current academic facility or increase its student body.

Cooper Union has comprehensively analyzed the area around its buildings and has generated streetscape and circulation design preferences and options. The suggested improvements, such as the narrowing of 4<sup>th</sup> Avenue and the enlargement of the Peter Cooper Park, would need to be approved and executed by the Department of Transportation and Department of Parks. Neither agency has signed off on any of Cooper Union's plans.

Situated between two historic districts, the General Large Scale Development sites are located in a C6-1 zoning district, which permits a FAR of 6.5 for community facility use. The proposed zoning change to a C6-3 will allow a FAR of 10. The Foundation Building is a designated New York City landmark with the ability to transfer development rights. With the proposed rezoning from C6-1 to C6-3, the Foundation Building would have approximately 50,000 square feet to transfer and nine potential receiving sites. Cooper Union has stated they would like to restrict their right to transfer floor area and that they have no development plans for the excess floor area.

A special permit for a General Large Scale Development provides the flexibility in placing uses and bulk on sites. Two of Cooper Union's development objectives are to consolidate commercial floor area on the Engineering Site and to consolidate the community facility floor area, for its academic facility, on the Hewitt Site.

Modification to the deed of the Engineering site is needed to allow commercial uses on the portion of the site previously occupied by the Stuyvesant Street roadbed. A portion of the Stuyvesant Street roadbed is subject to a deed restriction that only permits educational use. In 1959, the City deeded the area of the demapped Stuyvesant Street to Cooper Union and the deed restricted the use of this roadbed area to

educational purposes. The modification is needed for the current proposal to allow commercial use above the first floor and retail on the ground floor. Since the current design violates the restricted lot area, Cooper Union has committed to relocating an equal percentage of floor area be dedicated to academic space, which can be located throughout the building.

Under the existing lease with the city, the Hewitt site must be used solely for educational purposes; therefore, Cooper Union requests a modification of the lease to allow ground floor retail use.

**SUMMARY OF COMMUNITY BOARD ACTION:**

At a regularly scheduled board meeting on May 28, 2002, CB #1 recommended disapproval of Cooper Union's Large Scale Development Plan by a vote of 36 in favor, 0 opposed, and 0 abstaining.

The community board adopted the following position:

1. The principal site for any major commercial development proposed by Cooper Union must be the Astor Place Parking Lot Site not the Engineering Site. The Parking Lot Site must be rezoned to no more than a C 6-3A permitting a community facility FAR of 7.5. The Parking Lot Site may be included in the General Large Scale Development Plan.
2. The zoning must not be changed on the Engineering Site (retained at C6-1) and any development on that site must be set back at least to the original roadbed of Stuyvesant Street.
3. A restrictive covenant must be included in the approval of the General Large Scale Development Plan prohibiting the development or sale of air rights using the unused FAR from the Foundation Building.
4. There must be no change in the current lease restriction at the Hewitt Site, thereby prohibiting the proposed retail use on the 3<sup>rd</sup> Avenue frontage.

**BOROUGH PRESIDENT ACTION:**

The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

The Manhattan Borough President recommends approval, subject to the conditions detailed below.

The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described

**COMMENTS:**

The Cooper Union for the Advancement of Science and Art was created to offer a free education to students studying architecture, engineering or the arts. The Borough President recognizes Cooper Union's esteemed reputation for a superior education and applauds the institution's ability to continue to thrive while maintaining their unique tuition-free policy.

Cooper Union states that the Engineering and Hewitt buildings are old, out-dated, and need to be replaced by newer, more modern buildings with facilities equipped for the latest technology. Cooper Union is rated highly on a national basis for the Engineering, Architecture, and Arts Programs – they

believe that their buildings should aesthetically and pragmatically reflect their academic specialties and achievements. Furthermore, by consolidating their academic programs in the Hewitt building, they aim to remove inefficiencies currently generated by dividing their programs between the two buildings.

While Cooper Union is a major institution situated in a residential community, it is home to thousands of residents who wish to maintain the quality of life in their neighborhood. The Borough President acknowledges the community concerns that the proposed rezoning and large scale plan will bring changes to the East Village; that size and bulk of the proposed buildings will not be in character with the neighborhood; and that Cooper Union needs to work more closely with the community to further diminish impacts of the proposed development.

In response to these needs and concerns, the Office of the Borough President has tracked the issue very closely over the past year, and has worked to explore opportunities to address concerns on both sides, including: 1) attended most Cooper Union Task Force meetings, 2) conducted meetings with stakeholders on the different sides of the issue, and 3) mediated discussions between Cooper Union and the Task Force. As a result of the mediation meetings held at the Manhattan Borough President's Office, our office was able to coordinate a plan with the Department of Citywide Administrative Services (DCAS) that enables the applicant to avoid an excessive, but mandated, community facility-zoned floor area in the Engineering Building reducing it by 40,000 square feet.

Further, the applicant has revised its plans in response to the community's comments, including lowering the height of the Engineering Building on Third Avenue, designing the mechanical equipment away from their residential neighbors on East 7<sup>th</sup> Street, and providing first floor windows on Taras Schevchenko Place to avoid the current desolation on the tiny block. Additionally, the applicant reduced retail space in the Hewitt Building by 2,000 square feet by incorporating an all-glass hallway into its design. Such innovation will permit natural light to filter into the stained glass window of its neighbor, St. George Church. Moreover, Cooper Union worked to reduce the FAR to just fewer than 9. The Borough President views this collaboration between Cooper Union and its committed neighbors as a positive step in the right direction to meet the institution's needs while mitigating residents' concerns.

Other specific comments, on the application, are as follows:

General Large Scale Development Plan: With the designation of a General Large Scale Development Plan, the transfer of use between the academic building and the predominantly commercial building will streamline services and maximize efficiency and revenue generation on the Engineering Building. The Borough President fully expects the applicant to hold to its commitment to not transfer excess floor area generated on the Foundation Building due to the upzoning of the area.

Stuyvesant Street: The Borough President approves of Cooper Union's latest design revision that will maintain the view corridor of Stuyvesant Street and provide public open space.

Rezoning: While the Borough President appreciates the applicant's efforts to reduce the FAR to 8.9, should the area be upzoned she encourages the Department of City Planning to further reduce the FAR to 7.5, as a C6-3A (or C6-1 Urban Plaza) would allow. This would reflect a zoning that is more amenable to the low-rise character of the neighborhood.

Retail in Hewitt Building: Regarding retail creation, the current two-story Hewitt Building has afforded the area the tranquility community residents greatly appreciate. However, with all students, faculty and staff based in the Hewitt Building, some retail may help Cooper Union to generate revenue and offer services to building occupants. Therefore, the Borough President can only support removal of the deed restriction if the applicant further minimizes retail area and takes effective action to rent to neighborhood-type stores that will serve building occupants. This will provide an amenity to occupants while keeping foot traffic in the area to a minimum. It is the request of the Borough President that the applicant maintain the smaller retail units reflected in their revised design in order to coincide with the context of the immediate area.

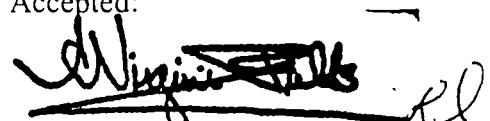
Cooper Union should explore more ways to improve their relationship with community institutions and residents in order to demonstrate their commitment to the neighborhood and its residents. This would help promote a better understanding and foster future support.

**The Manhattan Borough President therefore recommends approval of this application subject to the following conditions:**

1. Applicant will modify certified building design to include the latest revisions and will coordinate 40,000 square foot reduction in community facility space with DCAS.
2. Applicant will continue to work to reduce the FAR to 7.5 in order to retain the historic East Village character.
3. Applicant will minimize retail in the Hewitt Building and make best efforts to acquire neighborhood-type stores.
4. Applicant will sign restrictive covenant prohibiting the development or sale of air rights of the unused FAR from the Foundation Building.
5. Applicant agrees to relocate loading dock from Taras Shevchenko Place to East 6<sup>th</sup> Street.

Report and Recommendation

Accepted:



C. Virginia Fields  
Manhattan Borough President