

## **2.0 LAND USE, ZONING, & PUBLIC POLICY**

### **2.1 Introduction**

This analysis of land use, zoning and public policy characterizes the existing conditions, accounts for and evaluates the changes that are expected independent of the proposed project as a result of other developments, and examines the proposed project's compatibility with development trends in the study area.

The project site is shown on the Department of City Planning land use map 8 and zoning map 9A for the Borough of Manhattan. (see Figures 2-2, 2-3, & 2-4)

The project site occupies Block 1482, Lot 20 and Block 1483, Lots 23 and 33. See Figure 2-5 The planes of air spaces over the public roads in the area were allocated to hospitals in accordance with the Agreement, as amended. The parcels assigned to Hospital for Special Surgery are 3A, 3B and 3C of Block 1482, Lot 9020.

### **2.2 Development History**

Development of the study area dates back to the 1880s, when commercial and industrial uses were built along the riverfront and the construction of elevated railways along Second and Third Avenues began to encourage development on the Upper East Side. However, the area east of First Avenue did not grow in the same way. Although a few large brick buildings had been built along York Avenue, wooden buildings, some with stables attached, were still the dominant form of housing in this area. Commercial and industrial establishments, including numerous coal yards, existed alongside the residences in the area.

In 1901, Rockefeller University was founded on a site east of York Avenue, bringing the first major institutional use to the study area. At the same time, the residential character of the Upper East Side was becoming more pronounced, as the area saw the development of a multitude of 5- to 6-story walkup tenement buildings, interspersed with loft buildings, iron works, ice plants, and bakeries. The area maintained its strong manufacturing base, as the availability of barge access at East 74<sup>th</sup> Street brought two major industrial uses to the study area – a power plant for the elevated railways, and a municipal sanitation yard and dumping platform. The sanitation yard was replaced with an incinerator in 1928. The power plant, now owned by Con Edison, has expanded westward to occupy the entire block between East 74<sup>th</sup> and 75<sup>th</sup> Streets.

In 1927, New York Hospital and the affiliated Cornell University Medical College began construction of the New York Hospital/Cornell Medical Center on a former brewery site at York Avenue and East 68<sup>th</sup> Street. In 1939, institutional uses continued to expand in the study area and the Memorial Sloan Kettering Cancer Center moved to a site donated by John D. Rockefeller, Jr. between First and York Avenues and East 67<sup>th</sup> and 68<sup>th</sup> Streets. In 1954, institutional uses continued to expand in the study area and the Hospital for Special Surgery, then an affiliate of New York Hospital, was constructed. Each of these hospitals has added new buildings over time.

The demolition of the Third Avenue elevated line in 1955 triggered a development boom on the Upper East Side that has continued relatively unabated to this day, as high-rise buildings began to replace tenements and row houses on the avenues. Beginning in the 1960s, two (2) notable actions continued the area's trend toward residential development – the Con Edison power plant's conversion from coal to oil, and the closing of the garbage incinerator in 1972. Many tenements and small commercial buildings were replaced with high-rise luxury apartment houses. Among the largest in the area are the two (2) 36-story buildings (the Somerset, built in 1963, and the Stratford, built in 1968) on the west side of York Avenue between E. 72<sup>nd</sup> and E. 74<sup>th</sup> Streets. At the same time, the area experienced a growing trend toward the upgrading of manufacturing and warehouse space for use as showrooms, offices, or other commercial uses.

From the mid-1970s through the 1980s, there was a significant increase in cooperative and condominium housing ownership. Many of the market-rate high-rises built in the 1960s and 1970s were rentals, but by the mid-1980s had been converted to cooperatives. Recent housing development activity has been mostly market-rate housing, similar to other residential areas in Manhattan. This includes the 42- and 52-story buildings between East 72<sup>nd</sup> and East 73<sup>rd</sup> Streets, east of York Avenue (River Terrace and One East River Place).

## **2.3 Existing Conditions**

### **2.3.1 Land Use**

A portion of the project site is currently used for a community facility by the East Wing portion of its main building and the remainder of the project site is located in the building that occupies a portion of the air space over the FDR Drive and a small portion of the East River Esplanade where the support columns for the platform are placed.

The predominant land uses within the ¼-mile radius study area are health care and hospital community facility uses, residential uses, and recreational uses (see Figure 2.1). A significant number of the community facility uses are medical and research institutions including New York Presbyterian Hospital, Weill Cornell Medical Center, Rockefeller University, Memorial Sloan Kettering Cancer Center, Gracie Square Hospital, and Mary Manning Walsh Nursing Home. The medical and research institutions are located generally south and west of the project site and range from low-rise to high-rise structures.

There are also some industrial facilities that are restricted to an area north of the project site. The two (2) major industrial uses are the New York City Department of Sanitation facility and the Con Edison Steam facility.

Recreational uses in the surrounding area include the East River Esplanade and John Jay Park and Playground. The East River Esplanade along the waterfront is located east of the project site. A pedestrian bridge connecting East 71<sup>st</sup> Street and the East River Esplanade traverses the FDR Drive. John Jay Park & Pool is located to the north of the project site.

Residential buildings are located north, south and west of the project site and range from low-rise to high-rise structures.

There are few commercial buildings in the area, but, one that is noteworthy is Sotheby's auction house located at 1334 York Avenue to the west of the project site.

### 2.3.2 Zoning

The project site is located in an R-9 zoning district, which is a general residence district found only in Manhattan, allowing residential use and community facility use. The maximum floor area ratio (FAR) for an R9 district is 10.0 for community facility use and 7.52 for residential use, with the ability to increase the maximum FAR of 12.0 through a plaza bonus. The R9 zoning district also allows for a FAR bonus for an arcade. Industrial and commercial uses are prohibited in an R-9 zoning district. The additional building requirements for the R-9 zoning district that the proposed project conforms to include: 65% allowable lot coverage, no side or rear yard requirements, maximum height of front wall allowed is 85 feet or 9-stories and above that the building façade must be set back, with a sky exposure plane of 2.7 to 1, no more than 100 accessory parking spaces for staff, patients and visitors of a hospital with no additional parking spaces required for expansion of a community facility in Community District 8.

The predominant zoning classifications within the ¼-mile radius study area are R8, R8B, R-9, R-10, R10A, C2-8, M1-4 and M3-2 (see Figure 2.2 & 2-3). There are C1-5 commercial overlays along York Avenue and First Avenue to accommodate the local retail services needs of the residential neighborhoods.

The R9 zoning district is located immediately north and mostly south of the project site. The R8B, R-10, R10A and C2-8 zoning districts are located west of the project site. The M1-4 and M3-2 districts are located north of the project site.

In addition the following restrictive declarations were noted on the zoning map in the area to the north of the project site (see Table 2-1).

**Table 2-1. Zoning Restrictions in the Area North of the Project Site.**

<b>Restrictive Declaration</b>	<b>Location</b>	<b>DCP/ULURP No.</b>
D-83	Block 1484, Lots 5, 8, 9, 45, 47 (Corner of York Ave. and E. 71 <sup>st</sup> St.)	C821222ZMM
D-97	Block 1487, Lots 23, 24, 30 (E. 72 <sup>nd</sup> Street between York Ave. and FDR Drive)	C840169ZMM
D-105	Block 1484, Lots 19, 22, 23, 24, part of 16, 26 (FDR Drive between E. 72 <sup>nd</sup> St. and E. 73 <sup>rd</sup> St.)	C840990ZMM
D-106	Block 1484, Lots 19, 22, 23, 24, part of 16, 26 (FDR Drive between E. 72 <sup>nd</sup> St. and E. 73 <sup>rd</sup> St.)	C841102ZSM

### 2.3.3 Public Policy

The proposed project study area falls within the Waterfront Revitalization (Coastal Zone) Area. The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the City's

policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. When a proposed project is located within the coastal zone and it requires a local, State, or Federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward. The proposed project's compliance with the WRP is analyzed in the Waterfront Revitalization Program section of the EIS.

## **2.4 The Future Without The Proposed Project – 2010**

### **2.4.1 Land Use**

Since the proposed actions, if approved, would lead to development taking place in the future, the environmental setting is not the current environment, but the environment as it would exist in the future at the time the proposed actions would become operational. If approved, HSS maintains that the project would be operational by 2010. The future projected environmental setting is known as the "Future without the Proposed Actions - 2010," which characterizes the future baseline conditions most likely to occur if the proposed actions did not take place. In this case, the Future without the Proposed Actions -2010, includes a development scenario for the known and anticipated project sites in the surrounding area that would occur by the year 2010. There are three known projects in the study area (See Figure 2-1, Other Development Projects), which are described below\*:

1. New York Presbyterian Hospital just recently modified its general large scale to build a 4-story 18,219 zoning square foot (ZSF) building (Technology Building); a 13-story, 102,184 ZSF building (the SMART Building), as well as 3,982 ZSF to the adjacent "N" Building, which connects to the SMART Building; a 1-story, 37,282 ZSF enlargement to the existing Greenberg Pavilion; and a 2-story, 174,004 ZSF addition to the YY Building. This site is located between York Avenue and FDR Drive, and between East 68<sup>th</sup> and 70<sup>th</sup> Streets.
2. New York Presbyterian Hospital has an As-of-Right dormitory building at the southeast corner of 72<sup>nd</sup> Street and First Avenue.
3. 125 residential units are planned for 400 East 67<sup>th</sup> Street. This site is located on the southeast corner of First Avenue and East 67<sup>th</sup> Street.

No land use changes are currently planned within the ¼-mile study area. It is expected that the existing community facility, residential and recreational uses in the study area described above would remain largely unchanged.

### **2.4.2 Zoning**

The future No Build condition would not require a change of zoning or special permits. No zoning changes are currently proposed for the area. The existing health care and hospital community facilities, residential, commercial, and manufacturing uses described above in the study area would remain largely unchanged.

\*Based on the Build Year for the proposed project, this section has been updated since the DEIS to only include future development projects that have not yet been completed.

### **2.4.3 Public Policy**

No changes to public policy are currently planned within the ¼-mile study area. It is expected that the existing public policies in the study area described above would remain largely unchanged.

## **2.5 The Future With The Proposed Project - 2010**

### **2.5.1 Land Use**

A portion of the project site is currently used as a community facility by the Hospital for Special Surgery and the remainder of the project site is located in air space over the FDR Drive and a portion of the East River Esplanade where the support columns for the platform would be placed. A land use survey was conducted through visual observations, as well as from resources on available in publications and online databases. The predominant land uses within the ¼-mile radius study area are community facility uses, residential uses, recreational uses, and some commercial uses, as seen in Figure 2-2 Land Use Map. A significant number of the community facility uses are medical and research institutions to the south and west of the project site, including all of the facilities located over the FDR Drive to the south of the Site. The East River Esplanade along the waterfront is located to the east of the project site. It is expected that the existing community facility, residential and recreational uses in the study area described above would remain largely unchanged.

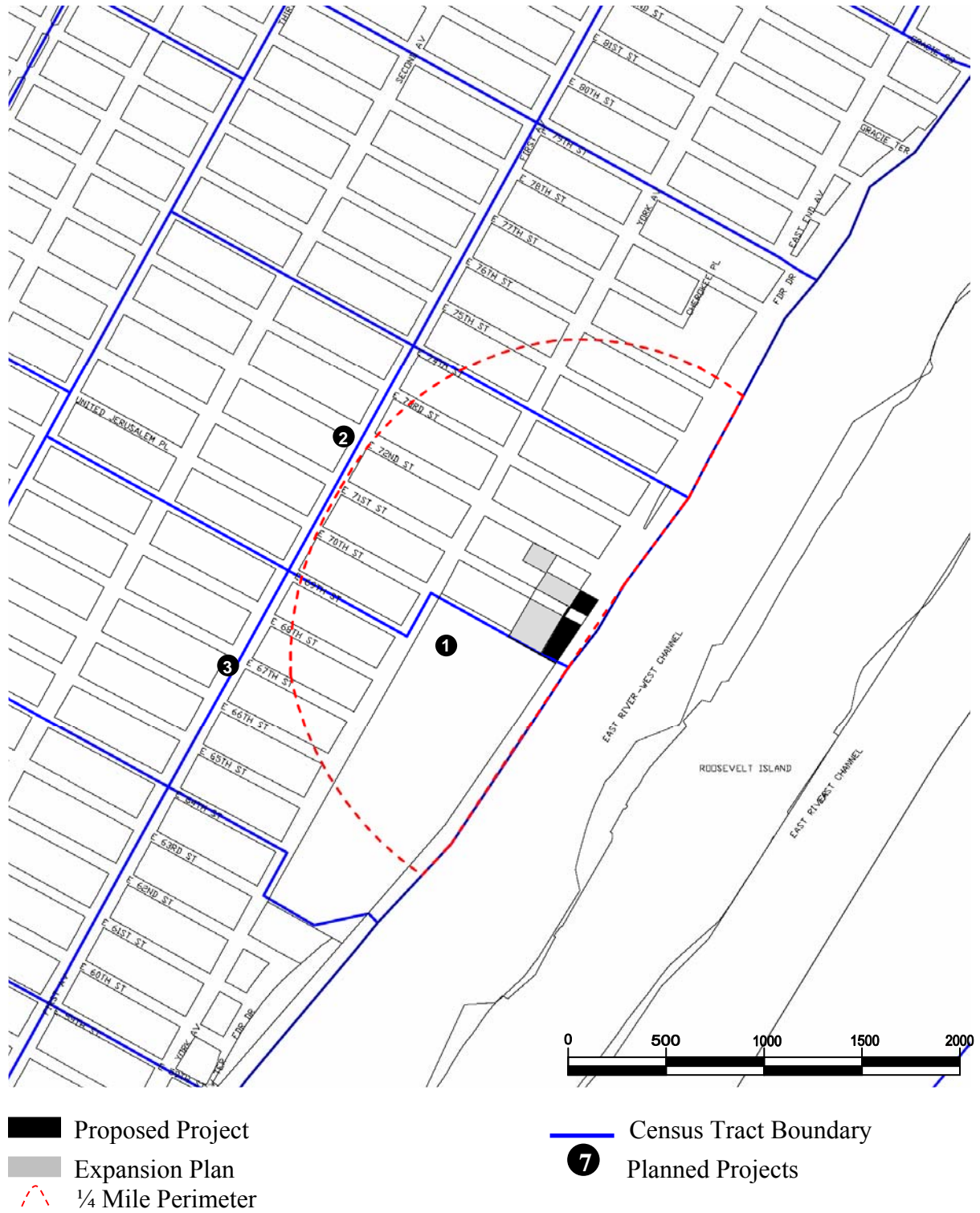
### **2.5.2 Zoning**

The proposed project would not require a change of zoning, but would require a text amendment to ZR Section 74-682 to allow for modification of loading requirements. It would require a Special Permit to construct the new River Building in air space over the FDR Drive and to modify loading requirements as well as a modification, of a previously approved Special Permit (C910485 ZSM), approved February 24, 1992 to allow three (3) additional stories on the East Wing in the air space over the FDR Drive. The proposed project is consistent with underlying zoning, as seen in and its location is contemplated by existing zoning and would not result in any significant adverse impact to zoning, as seen in Figure 2-3 Zoning Map & Figure 2-4 Zoning Map of Surrounding Area. The floor area associated with the enlargement and new addition is 137,869 SF of zoning floor area. It is expected that the existing residential, commercial, and manufacturing zones in the study area described above would remain unchanged.

### **2.5.3 Public Policy**

The expansion and modernization of the hospital would be consistent with existing land uses, as well as with the 1973 Agreement, as amended, which set forth a procedure for the City's approval of the expansion and modernization of medical and research institutions in the surrounding area. The proposed project would not include creation or modification of Urban Renewal plans.

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. The goals of the Waterfront policies are met with the proposed project.



**Figure 2-1. Location of Projects Expected to Be Completed by 2010.**

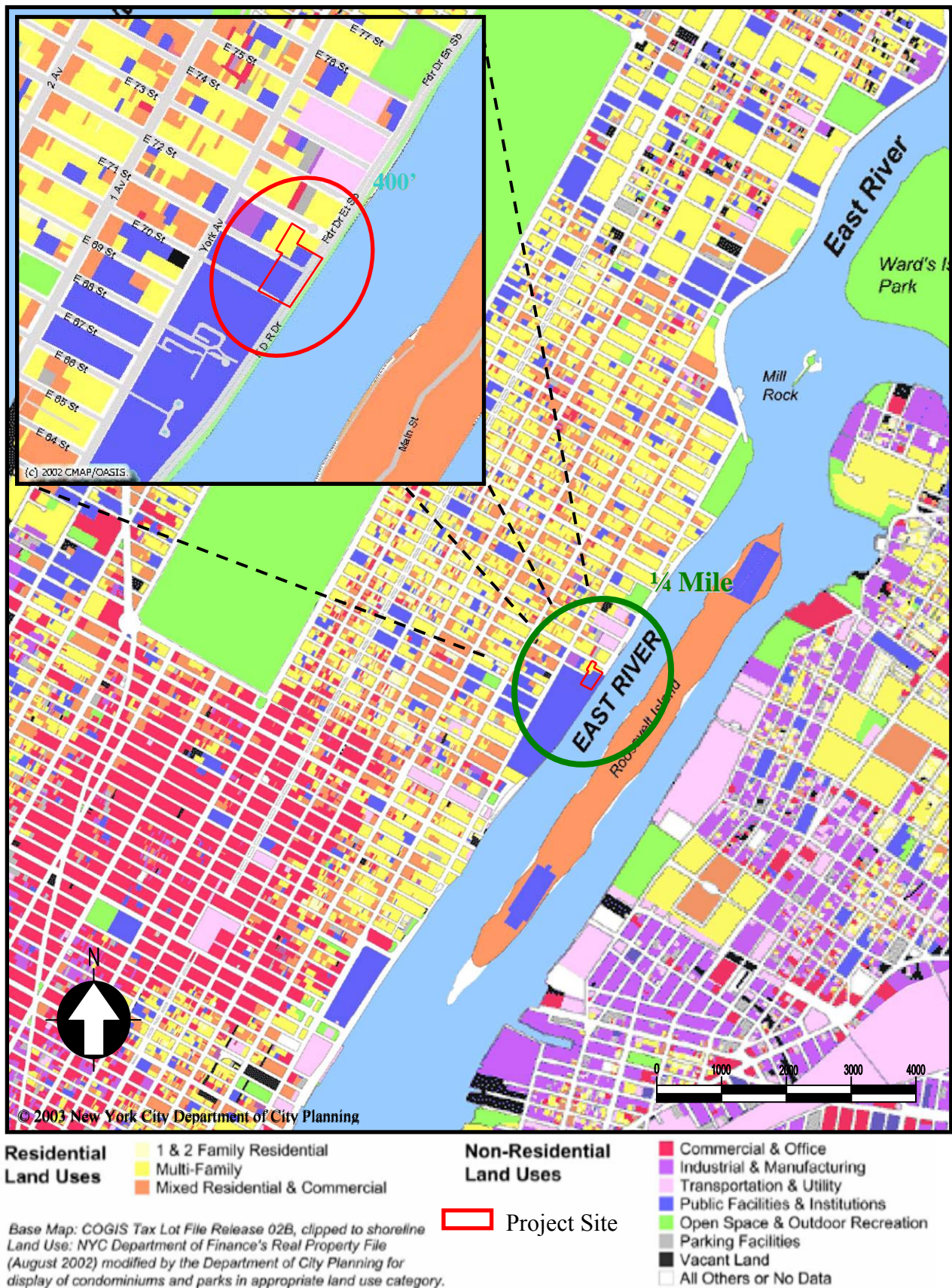
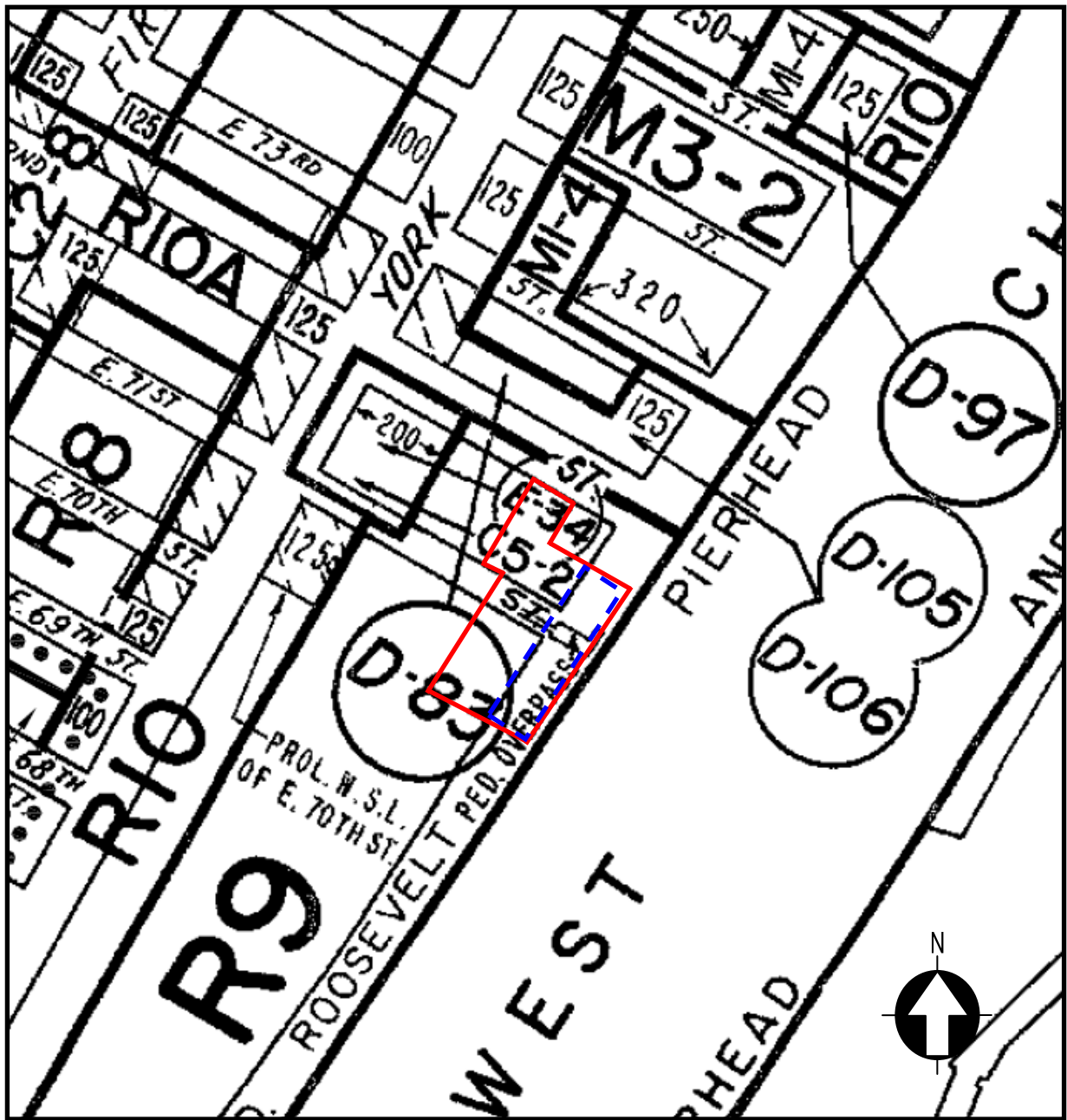


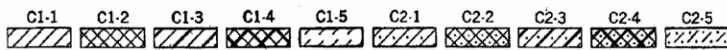
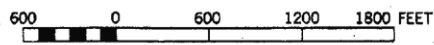
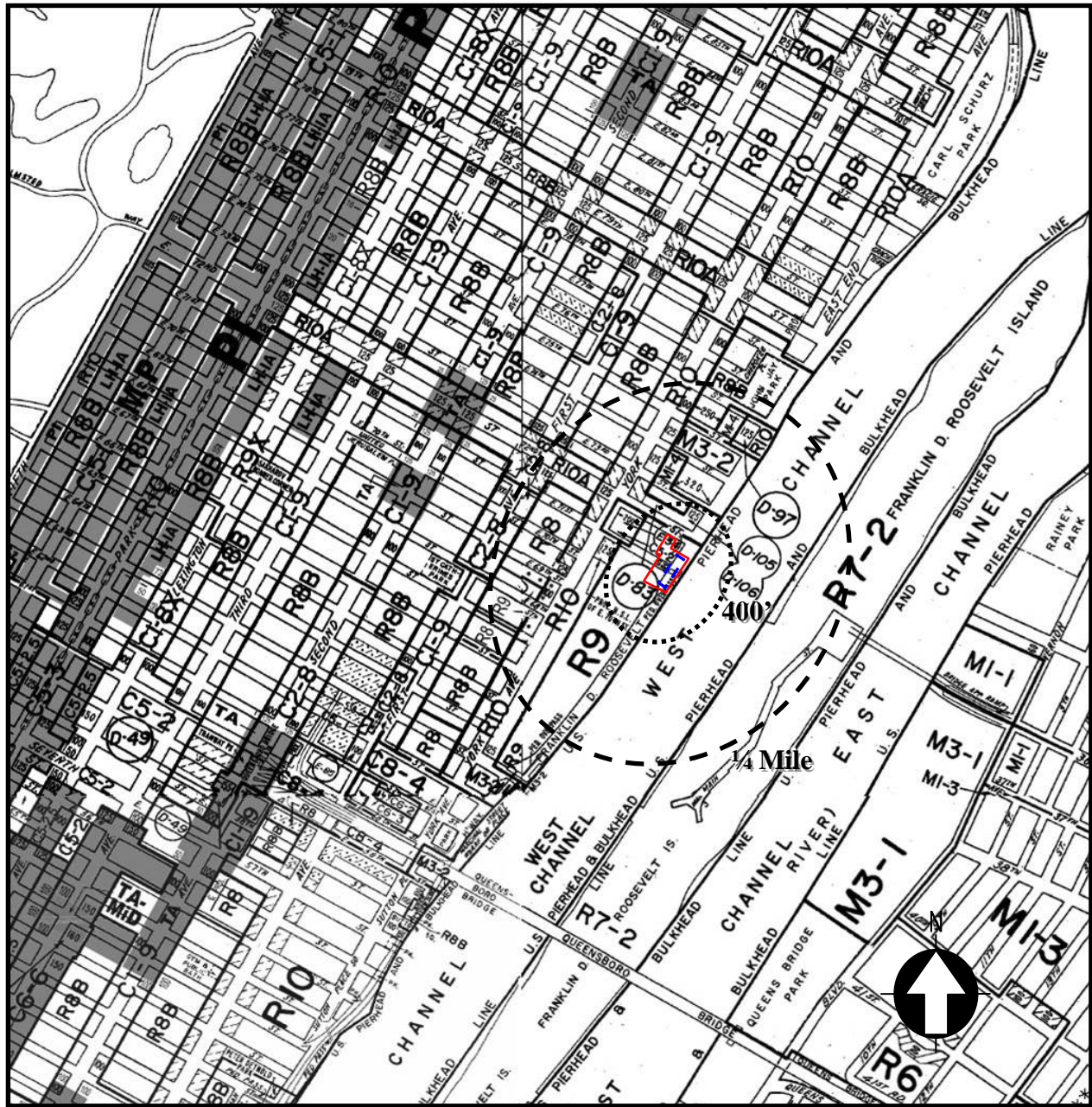
Figure 2-2. Land Use Map.





- HSS Campus
- ▭ Proposed Project Site

Figure 2-3. Zoning Map.



• HSS Campus

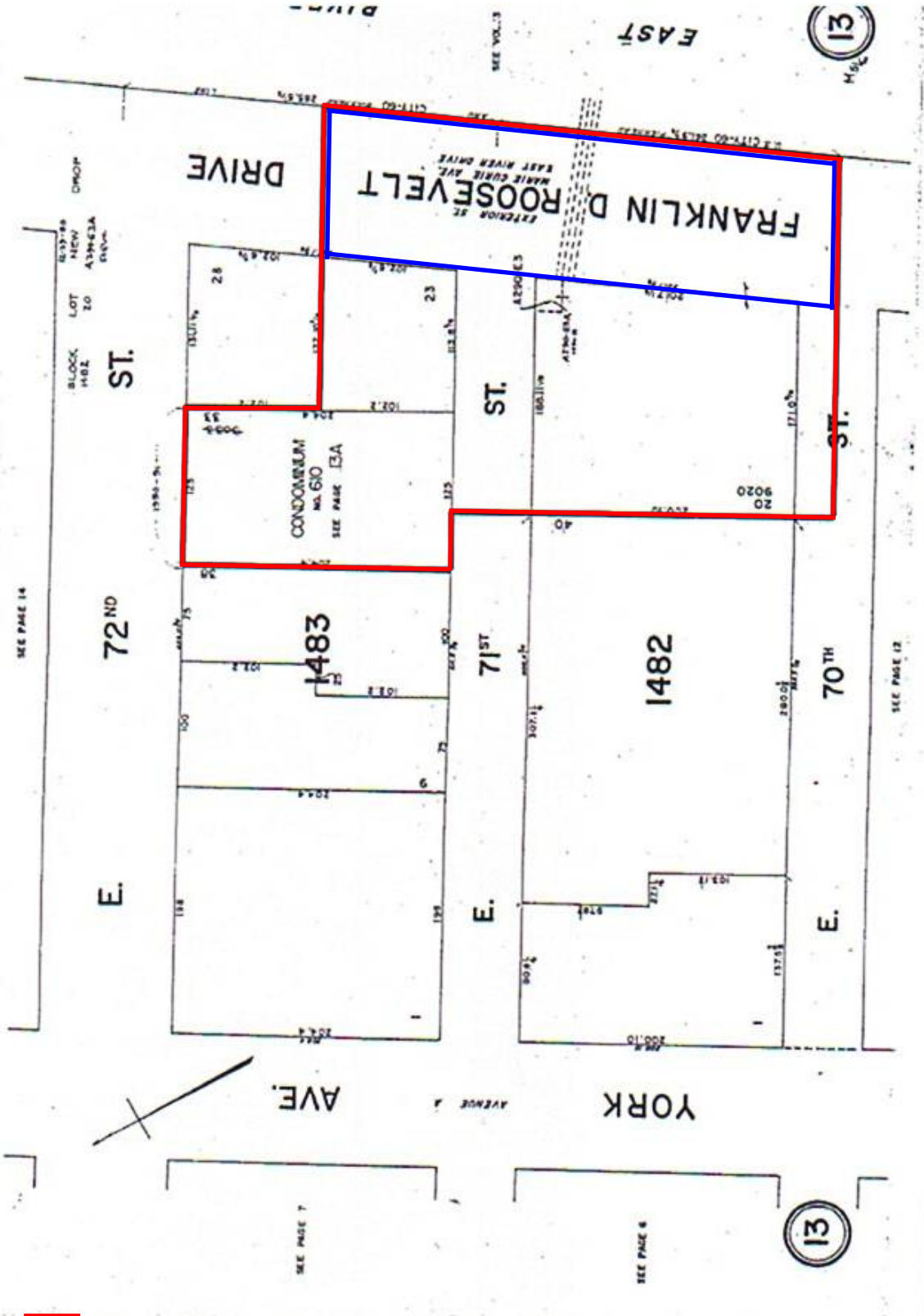
■ Proposed Project Site

■ SPECIAL PURPOSE DISTRICT  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

○ D - RESTRICTIVE DECLARATION

○ E - CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

Figure 2-4. Zoning Map of Surrounding Area.





-  HSS Campus
-  Proposed Project Site

Figure 2-5. Tax Map.