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KRAMER LEVIN NAFTALIS & FRANKEL LLP

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CAL. NO.

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October 17, 2012

Via Hand Delivery

Hon. Meenakshi Srinivasan, Chair
New York City Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Re: New York University
730 Broadway (Block 545, Lot 15)
New York, New York (the "Property")

Dear Chair Srinivasan:

Enclosed are one (1) original, nine (9) hard copies, and one (1) CD copy of materials in support of an application on behalf of New York University ("NYU") for a variance to allow the conversion of nine floors of an existing ten-story building located on the Property to a Use Group 3 college and university use. The proposed conversion would allow all but the first story of the building to be used by NYU as academic space, satisfying the University's programmatic need for additional academic space, accommodated on large floor plates and in an appropriate physical environment, and located near existing facilities within and proximate to the NYU's Washington Square Core campus.

Each copy of the application consists of the following:

- Application Form BZ;
- Objections issued by the Department of Buildings, dated October 15, 2012 (Item 1);
- Affidavit of Ownership (Item 2);
- Statement of Facts and Findings (Items 3 and 4), with supporting letters from NYU and EYP Architecture and Engineering (Item 6);
- Certificate of Occupancy (Item 5);

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Hon. Meenakshi Srinivasan, Chair

October 17, 2012

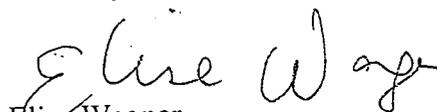
Page 2

- Plans A0PP, A0C-E through A15-E, and A0C-P through A15-P, prepared by EYP Architecture and Engineering, dated May 31, 2012, and September 28, 2012 (Items 13, 14, and 15);
- Zoning Map 12c (Item 8);
- BSA Zoning Analysis Form (Item 9);
- Radius Diagram (Item 11);
- Tax Map (Item 10);
- Photographs (Item 12);
- List of Affected Property Owners within 400 feet of the site (Item 16);
- 501(c)(3) Letter;
- CEQR/Environmental Assessment Statement prepared by AKRF (ten copies and one CD) (Item 17); and
- BZ Checklist.

We have enclosed checks in payment of the filing fees for the variance (\$19,600, as based on a floor area of 280,294 square feet in the converted portion of the building) and for the CEQR review (\$71,415, as based on a gross square footage of 293,739 square feet in the converted portion of the building).

Please feel free to contact me at (212) 715-9189 if you require any additional information regarding this project.

Sincerely,


Elise Wagner

EW:
Enclosures

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1099-79-BZ

APPLICANT—Arthur Guttman for 726-30 Broadway Realty Company, owner.

SUBJECT—Application October 12, 1979—decision of the Borough Superintendent, under Sections 72-21 and 666 of the New York City Charter of the Zoning Resolution, to permit in an M1-5 district, the erection of three additional stories on an existing seven story manufacturing building that creates non-compliance in floor area ratio and creates non-compliance within the sky exposure plane and rear yard equivalent.

PREMISES AFFECTED—726-30 Broadway and 418-26 Lafayette Street, west side, 310.2¼ feet south of Astor Place, Block 545, Lot 15, Borough of Manhattan. Community Board #2M.

APPEARANCES—

For Applicant: Arthur Guttman.
For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—Favorable to the application.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Fossella, Commissioner Carroll, Commissioner Cincotta and Commissioner Wolf 4
Negative: 0
Absent: Vice Chairman Agusta and Commissioner Walsh 2

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on January 15, 1980, after due notice by publication in the Bulletin; laid over to February 5, 1980; and

WHEREAS, the decision of the Borough Superintendent, dated September 17, 1979, acting on Alt. Applic. #705/1979, reads:

- "1. Proposed enlargement of building exceeds maximum floor area permitted as per Section 43-121 Z.R.
- 2. Increasing degree of non-compliance of building by further encroaching on sky exposure plane as per sec. 43-43 ZR (maximum height of front wall and required front setbacks) is contrary to Sec. 54-31 ZR, enlargement of a non-complying building.

3. Increasing degree of non-compliance as of rear yard equivalent required as per sec. 43-01 ZR is contrary to Sec. 54-31 ZR, enlargement of a non-complying building."

and
WHEREAS, the premises and surrounding area had a site and neighborhood evaluation by a committee of the Board consisting of Commissioner Philip P. Agusta, R.A. and Commissioner Stanley M. Wolf, R.A.; and
WHEREAS, Community Board #2M has recommended approval of this application; and

WHEREAS, the Office of Economic Development has requested that this application be approved; and

WHEREAS, this Board is committed to retaining viable manufacturing establishments within the City; and

WHEREAS, this building is fully occupied; and

WHEREAS, the existing elevator and stair enclosures are presently located within the area below the sky exposure plane; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution, and that the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution, limited to the objection cited, and that the application be and it hereby is granted under Section 72-21 of the Zoning Resolution, to permit in an M1-5 district, the erection of three additional stories on an existing seven-story manufacturing building that creates non-compliance within the sky exposure plane and rear yard equivalent on condition that all work shall substantially conform to drawings as they apply to the objection, above noted, filed with this application, marked "Received October 12, 1979", 11 sheets; and on further condition that the existing loading berths 2 and 3 be enlarged to a depth of 50 feet to provide interior off-street loading and unloading; that the enlargement shall be constructed of material to match the existing facade; that all laws, rules and regulations applicable be complied with, and that substantial construction be completed in accordance with Section 72-23 of the Zoning Resolution.

A true copy of resolution adopted by the Board of Standards and Appeals February 5, 1980.
Printed in Bulletin No. 7, Vol. LXV.

Copies Sent

To Applicant 1
Fire Com'r. 1
Borough Supt. 2

FEB 10 1980

Philip P. Agusta
Chairman.

1099-79-BZ

APPLICANT—Arthur Guttman for 726-30 Broadway Realty Company, owner.

SUBJECT—Application October 12, 1979—decision of the Borough Superintendent, under Section 72-21 and 666 of the New York City Charter of the Zoning Resolution, to permit in a M1-5 district, the erection of three additional stories on an existing seven story manufacturing building that creates non-compliance in floor area ratio and creates non-compliance within the sky exposure plane and rear yard equivalent.

PREMISES AFFECTED—726-30 Broadway and 418-26 Lafayette Street, west side, 310.2¼ south of Astor Place, Block 545, Lot 15, Borough of Manhattan, Community Board #2M.

APPEARANCES—

For Applicant: Arthur Guttman, Doris Diether, C.B. #2M. and Nathaniel Zelikow.

For Opposition: Lawrance Nagin.

THE VOTE TO CLOSE HEARING—

Affirmative: Chairman Fossella, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh, Commissioner Cincotta and Commissioner Wolf 6

Negative: 0

ACTION OF BOARD—Laid over to February 5, 1980, at 10 A.M., for decision; hearing closed.

A true copy of resolution adopted by the Board of Standards and Appeals January 24, 1980.
Printed in Bulletin No. 4, Vol. LXV.

Copies Sent
To Applicant
Fire Com'r.
Borough Supt.


Chairman.

298-12-BZ-



CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS
40 Rector Street, 9th Floor
New York, New York 10006-1705
Phone: (212) 788-8500
Fax: (212) 788-8769

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CAL. NO.

AFFIDAVIT OF OWNERSHIP

State of New York
City of New York
County of New York } ss.:

Michael C. Alfano, being duly sworn, deposes and says that (s)he resides at 29 Washington Square West in the City of New York, in the County of New York, in the State of New York; that New York University is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York and known and designated as Block 545, Lot(s) 15, Street and House Number 730 Broadway; that (s)he hereby authorizes Kramer Levin Naftalis & Frankel LLP to make the annexed application in her/his behalf; and that the statements of fact contained in said application are true.

Signature of Owner *M.C. Alfano*
Print Name Michael C. Alfano
Print Title Executive Vice President
(State if Partner, or give Title if Officer of Corporation)

Sworn to before me this 11th day
of July, 2012

Leona S. Chamberlin

(Notary Public)
LEONA S. CHAMBERLIN
Notary Public, State of New York
No. 02CH6067910
Qualified in New York County
Commission Expires **December 23, 2013**

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NEW YORK UNIVERSITY

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CAL. NO.

STATEMENT OF FACTS AND FINDINGS
IN SUPPORT OF AN APPLICATION FOR A VARIANCE

AFFECTED PREMISES:

730 Broadway

(Block 545, Lot 15)

Community District No. 2, Manhattan

Kramer Levin Naftalis & Frankel LLP

1177 Avenue of the Americas

New York, New York 10036

October 16, 2012

I. Introduction

This is an application ("Application") under Section 72-21 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") and Section 666 of the New York City Charter to allow the conversion of nine floors of an existing ten-story building (the "Building") owned by New York University ("NYU" or the "University") to a Use Group 3 college and university use (the "Conversion"). The Building is located at 730 Broadway (Block 545, Lot 15) in Manhattan (the "Zoning Lot"). The Conversion would allow all but the first story of the Building to be used by the University as academic space, primarily for scientific research laboratories and teaching laboratories.

The Conversion would require the modification of applicable use regulations, which do not allow a Use Group 3 college and university use on the Zoning Lot. The Application is necessary because NYU has a programmatic need for additional academic space located near existing facilities within and proximate to the University's "Washington Square Core" campus. The most pressing programmatic need is for scientific research and associated teaching spaces and laboratories accommodated on large floor plates and in an appropriate physical environment. The Building is one of just a few buildings in the area, and the only building in the area owned by NYU, which satisfies these needs.

The Conversion would not require any bulk waivers, as no changes would be made to the Building envelope except for the introduction of new rooftop mechanical equipment in connection with the proposed academic uses.

II. Statement of Facts

A. The Zoning Lot

The Zoning Lot consists of Block 545, Lot 15 in Manhattan, an irregular through lot located on the block bounded by Broadway, Astor Place, Lafayette Street, and East 4th Street. The Zoning Lot has frontages on Broadway and Lafayette Street, which are both wide streets. The lot area of the Zoning Lot is 35,349 square feet. The Zoning Lot is located within an M1-5B zoning district, as well as within the NoHo Historic District and within Manhattan Community District 2.

The Zoning Lot is improved with the ten-story Building. The certificate of occupancy for the Building, dated August 11, 2001 (No. 101380658) (the "CO") permits a Use Group 6 retail store and Use Group 17 shipping on the ground floor and Use Group 6 offices on the second through tenth floors. In accordance with the CO, NYU currently uses the Building as a University bookstore on the ground floor; University administrative services on the second and fifth through eighth floors; the University's Student Health Center on the third and fourth floors; University financial operations on the ninth floor; and offices for the School of Nursing on the tenth floor. The Building is located immediately adjacent to two subway lines: the N, Q, and R trains run directly beneath Broadway, along the Zoning Lot's western frontage, and the 4, 5, and 6 trains run directly beneath Lafayette Street, along the Zoning Lot's eastern frontage. The existing Building has 313,188 square feet of floor area and a height of 157 feet 2 ½ inches.

The Building was constructed in 1917-19 as a seven-story garage, factory, and warehouse for the former Wanamaker's department store, which at the time was located two blocks to the north at 770 Broadway. According to the designation report for the NoHo Historic District, the Building housed various uses which served the department store, including carpenters' and upholsters' shops, a piano repair and tuning workshop, and three levels of storage for deliveries.

In the early 1980's, the Building was enlarged by three stories to its current ten-story height pursuant to a variance from the Board, dated February 5, 1980 (Cal. No. 1099-79-BZ). The variance modified regulations governing floor area, height and setback, and rear yard equivalent regulations (the "Existing Variance"). The Existing Variance was sought so as to allow the existing factory and warehouse use in the Building to remain economically viable, and the application for the variance was supported by the Office of Economic Development. In 1987, the first floor of the Building was converted to a Use Group 6 retail use and the second through tenth floors were converted to a Use Group 6 office use, pursuant to the temporary certificate of occupancy dated December 21, 1987 (No. 91407).

Approximately ten years ago, the University entered into a lease for the third and fourth floors of the building from the former owner for use as the University's Student Health Center. In 2008, the University bought the Building so that it could continue to use the Health Center space, and also to accommodate the University's bookstore on the ground floor and office space within the rest of the Building. In response to the University's request, the Board, in a letter to the Department of Buildings, dated July 14, 2009, stated that the Board had determined that certain changes to the configuration of retail space and loading berths on the Building's ground floor were in substantial compliance with the Existing Variance.

As described in the letter from EYP Architecture and Engineering, submitted with the Application (the "Architect's Letter"), the design and construction of the Building reflect its original use as a factory and warehouse. The Building is characterized by uniquely large floor plates of approximately 32,500 gross square feet, column spacing of approximately 22 feet on center, and relatively high floor-to-floor heights of 14 feet. Only one commercial building within the area bounded by Houston Street, Sixth Avenue, 14th Street, and Second Avenue—the former Wannamaker's department store building, which has an approximately 65,000-gross-square-foot footprint—has a larger footprint and more gross square footage. Consistent with the standards for factory buildings of the period, the steel and concrete construction of the Building is sturdy, and the floor load capacity is higher than that of typical office buildings.

B. The Neighborhood

The neighborhood surrounding the Zoning Lot is characterized by commercial, residential/joint living work quarters for artists, and institutional uses. The area to the north, south, and east of the Zoning Lot contains primarily commercial office buildings and residential/joint living work quarter buildings with ground-floor retail. The commercial office uses are generally located on Broadway, Lafayette Street, and Astor Place. Local retail uses are concentrated on Broadway and East 8th Street and on portions of Waverly Place, Astor Place, and Lafayette Street. Larger retail stores are generally located on Astor Place and Lafayette Street and include a K-Mart store at 22 Astor Place and a Walgreen's drug store at the southwest corner of Lafayette Street and Astor Place. There are also several cultural uses in the neighborhood,

including the Public Theater, located across Lafayette Street from the Zoning Lot, and the Astor Place Theater, located to the north of the Zoning Lot at 434 Lafayette Street.

Residential/joint living work quarter uses in the neighborhood include loft-style residential buildings on the east side of Broadway, as well as a seven-story apartment building at 15 Washington Place, a 31-story residential building at 60 East 8th Street, and a new 21-story condominium building with ground floor retail uses at 22 Astor Place.

The institutional buildings in the neighborhood contain primarily college and university uses. The Hebrew Union College Brookdale Center is located at 1 West 4th Street, to the southwest of the Zoning Lot, and Cooper Union facilities are located on the east side of Cooper Square, to the north of the Zoning Lot.

NYU occupies a number of other buildings in the area. As discussed below and in the letter from NYU submitted with the Application (the "Owner's Letter"), to the immediate west of the Zoning Lot is the "Washington Square Core," which contains the University's major academic facilities. The Washington Square Core generally comprises the area bounded by Waverly Place and West 8th Street to the north, Broadway and Mercer Street to the east, West 3rd Street and Houston Street to the south, and LaGuardia Place and the midblock between MacDougal Street and Avenue of the Americas to the west. See Washington Square Core Map, attached hereto. NYU buildings within the immediate vicinity of the Zoning Lot include the Tisch School of the Arts at 721 Broadway and several facilities on Broadway between West 4th Street and Waverly Place. In addition, there are six NYU science facilities located in the eastern portion of the Washington Square Core and within three blocks of the Zoning Lot. The Center for Genomics and Systems Biology, located at 12-16 Waverly Place, and the Meyer Complex, located on Washington Place between Mercer Street and Broadway, are within two blocks of the Zoning Lot. See Washington Square Core Science Programs Map (the "Science Programs Map"), attached hereto.

C. Zoning Restrictions Applicable to Zoning Lot

The M1-5B zoning district within which the Zoning Lot is located permits doctor's offices, houses of worship, and certain other limited community facilities in Use Groups 3 and 4; commercial uses in Use Groups 5 through 14 and 16, subject to certain limiting criteria; and Use Group 17 manufacturing uses, including, under certain specified circumstances, joint living-work quarters for artists. Residential uses in Use Groups 1 and 2, and other community facility uses, including Use Group 3 college and university uses, are not permitted on the Zoning Lot on an as-of-right basis. ZR § 42-10, *et seq.*

The Zoning Resolution allows a maximum base floor area ratio ("FAR") of 6.5 for community facility uses and 5.00 for commercial and manufacturing uses in the M1-5B zoning district. ZR §§ 43-12, 43-122. For any through lot with a maximum depth from street to street of 110 feet or more, one or more rear yard equivalents with a total depth of 40 feet must be provided in accordance with Section 43-28 of the Zoning Resolution. In the M1-5B zoning district, there is a maximum front wall height of 85 feet or six stories, whichever is less, within an initial setback distance of 20 feet on a narrow street or 15 feet on a wide street. Above such maximum front wall height and beyond the initial setback distance, a building may not penetrate

the sky exposure plane defined by a slope of 2.7 to 1 on a narrow street or 5.6 to 1 on a wide street. ZR § 43-43.

The Existing Variance modified the floor area, rear yard equivalent, and height and setback regulations applicable to the Zoning Lot to allow the Building to be enlarged by three stories to its existing ten-story height. The Conversion would not entail any changes to the Building envelope, except for the introduction of new rooftop mechanical equipment in connection with the proposed Use Group 3 college and university uses, and therefore does not require any bulk waivers.

D. New York University

As discussed in the Owner's Letter, NYU is the largest private university in the United States and a vital and stable economic engine in New York City. The University, which is composed of 18 schools, occupies five major centers in Manhattan. It operates branch campuses and research programs in other parts of the United States and abroad, as well as study abroad programs in more than 25 countries. The University's Manhattan facilities accommodate over 44,000 full- and part-time students and over 7,500 full- and part-time faculty. NYU is also one of the largest employers in New York City, with over 16,000 employees.

The heart of the NYU campus is located in Manhattan Community District 2, around Washington Square Park. This nucleus, known as the "Washington Square Core," comprises the area generally bounded by Waverly Place and West 8th Street to the north, Broadway and Mercer Street to the east, West 3rd Street and Houston Street to the south, and LaGuardia Place and the midblock between MacDougal Street and Avenue of the Americas to the west. See Washington Square Core Map. Throughout the University's physical development in New York City, the Core has served as a central location for its facilities and student life.

NYU was founded in 1831 by a delegation of New Yorkers led by Albert Gallatin, treasury secretary for both Thomas Jefferson and James Madison. The University's founding fathers set out to create a university that would train their sons (and eventually their daughters) for commerce rather than for religious careers, unlike other contemporary universities. NYU was planned as a center of higher learning that would be open to all, regardless of national origin, religious beliefs, or social background. It would be, as Gallatin saw it, a university "in and of the city."

In 1832, NYU held its first classes in a leased building on the corner of Beekman and Nassau Streets, near today's City Hall, as it planned a permanent facility "uptown" in the rapidly developing Washington Square area. In 1835, NYU opened the four-story neo-gothic University Building at the northeast corner of Washington Square Park. Within its first 50 years, NYU grew along with the Washington Square area, opening professional schools of law (1835) and medicine (1841) there and founding a professional school of dentistry (1863) in a leased space farther uptown. By the 1870s, undergraduate students began expressing a desire for a more pastoral collegiate experience. To fulfill these requests, the University opened the Stanford White designed undergraduate campus in the Bronx, known as the Heights Campus.

Meanwhile, the University maintained a strong presence at Washington Square. It established the first graduate school for arts and sciences in the country, and, in 1900, founded a

school of business, which offered evening classes to undergraduates. In 1903, the Collegiate Division (later known as Washington Square College) was opened, marking the return of a significant undergraduate presence downtown. Additional development continued around Washington Square Park with the purchase of the Brown Building (home to the Triangle Shirtwaist Factory Fire in 1911) and the construction of the Education Building on West 4th and Greene Streets. By its centennial in 1931, NYU had approximately 40,000 students, making it one of the largest universities in the country.

In the decades following World War II, NYU's student population grew dramatically, and the University correspondingly increased its property holdings in the area surrounding Washington Square. NYU added to its portfolio two residential complexes on two superblocks: I.M. Pei's Silver Towers on the superblock bounded by Bleecker Street, Mercer Street, West Houston Street, and LaGuardia Place, and Washington Square Village on the superblock bounded by West 3rd Street, Mercer Street, Houston Street, and LaGuardia Place. A third superblock, located to the immediate north of Washington Square Village and adjacent to Washington Square Park, was devoted to educational use. This superblock is now home to five University buildings, including the Elmer Holmes Bobst Library, designed by Philip Johnson in 1972. During this time, depressed real estate values allowed NYU to make other acquisitions, including a loft building east of Washington Square, between Greene Street and Broadway, where it located a new dormitory for the Law School.

In 1973, NYU closed the Heights Campus in the Bronx, both for financial reasons and as a way of re-committing the University to its downtown Core. While the University's physical development has transitioned over the 180 years since its founding, with campus sites and facilities located in Greenwich Village, the financial district, the biomedical corridor on the east side of Manhattan, Museum Mile, and, more recently, downtown Brooklyn—confirming NYU's unique identity as an urban university—the Washington Square Core remains the heart of this Citywide “campus.”

In May 2006, the University announced its NYU 2031 initiative, with the goal of creating a long-term plan for accommodating its physical growth within New York City over the next 25 years. Through this planning effort, the University has developed a series of guidelines and principles that, for the first time, integrate a strategic vision and planning into the University's future development, with an emphasis on strengthening the Washington Square Core for academic and student oriented uses. That planning effort identifies the Building as an ideal location for academic uses, particularly science research and teaching.

E. Programmatic Need

As discussed in the Owner's Letter, NYU has a programmatic need for academic space located near existing facilities within and proximate to the University's Washington Square Core campus. The University has a pressing need for additional scientific research and teaching laboratories, accommodated on large floor plates and in an appropriate physical environment.

1. Core Uses

One of the principal goals of the University's 2031 plan is to locate certain types

of uses within or near the Washington Square Core. These uses include academic space, such as teaching laboratories, classrooms, research facilities and faculty offices, as well as student services and housing. Other facilities, such as administrative offices, are being moved to more distant locations. The University's projections show that it could need as much as 3.5 million square feet of academic space between now and 2031 in order to fulfill the academic growth needs of its schools at or near the Core.

2. Need for Additional Scientific Research Space

In 2004, the University announced the "Partners Plan," which established a fund to increase the size of the Faculty of Arts and Sciences. The implementation of the Partners Plan has included the hiring of 250 faculty members. In support of such hiring efforts, the Partners Plan has also funded major capital expenditures in the sciences, including the renovation of research laboratories for all science departments located in the Washington Square Core. Scientific research laboratories are generally occupied by teams of researchers conducting experiments for the purpose of furthering scientific knowledge or developing new products.

Although such investments have allowed many of the University's departments to rank among the best in the nation, NYU's science facilities remain inadequate when compared to those of competing educational institutions. A campus facilities survey of 284 institutions conducted in 2007 (the "2007 Survey") found that NYU has approximately one-third the mean amount of dedicated research laboratory space among institutions with more than 25,000 students. This is due in large part to NYU's urban setting and, more particularly, to the difficulty in finding sufficiently large spaces for research facilities in or near the Washington Square Core.

The inadequacy of the University's existing science facilities impacts both faculty and students. The lack of space significantly constrains the ability of faculty to conduct research and to compete for funding from federal, institutional, and philanthropic sources. Insufficient research space has also had a deleterious impact on faculty recruitment and retention, with a number of faculty candidates choosing to work for schools with more adequate on-campus facilities. In many departments, including, in particular, the major physical and life science departments, there is simply no space to accommodate new faculty hires.

A 2007 study conducted by NYU projected that the University's science programs will likely grow between 55 and 72 percent over the next ten years. This growth, taken with the inadequacies of the University's existing laboratory space, translates to a need for approximately 275,000 gross square feet of additional space dedicated to science and scientific research. One of the major constraints in accommodating this growth is the lack of adequate space available for science use.

As described in the Architect's Letter, such facilities must be accommodated in buildings with large floor plates, high ceilings, heavy load capacity, and wide column spacing. In particular, industry standards for research and teaching laboratories require sufficient space for 8 to 12 principal investigators, or PIs, which is the "critical mass" needed to facilitate collaborative research in a laboratory setting. Each PI needs approximately 3,000 gross square feet of dedicated research space to operate efficiently, for an optimal floor plate size of approximately 24,000 to 36,000 gross square feet. In addition, structural supports and interior partitions should

be spaced so as to accommodate laboratory modules, which have a typical width of 22 feet. To support an efficient and collaborative research environment, no two laboratory modules on a given floor should be located more than a one-minute walk apart, or the total length of approximately 12 contiguous 22-foot-wide modules.

In the past, NYU has met its needs for scientific research space by connecting existing buildings to form new complexes with sufficiently large floor plates. Recently, the University accommodated its Center for Genomics and Systems Biology by redeveloping the existing building at 12-16 Waverly Place. The creation of approximately 71,000 gross square feet of new laboratory space was achievable only by dislocating approximately 40,000 gross square feet of classrooms from this location and redeveloping the building by retaining the existing façade and adding entirely new floors with appropriate column spacing, floor loads, and building systems. The Center for Genomics and Systems Biology is the University's only new science development in the past 35 years. Even with these projects, scientific research facilities remain one of the most urgent needs of the University.

3. Need for Science Teaching Laboratories

NYU is also experiencing a shortfall of teaching laboratories to accommodate the increased student demand for science courses. A teaching laboratory is a group-learning space in which teams of students replicate experiments for educational purposes under the guidance of a faculty member. The 2007 Survey found that NYU has approximately two-thirds the mean amount of teaching laboratory space among educational institutions with more than 25,000 students. Teaching laboratories are heavily utilized to accommodate the demand for laboratory sections. Additionally, most of the teaching laboratories are decades old and in need of replacement or updating. As a result of the inadequacy of these facilities, the University is forced to limit student enrollment in its science courses and in other programs geared toward STEM (Science, Technology, Engineering, and Mathematics) careers, which utilize such laboratories as part of their required curricula.

4. Location of Facilities

The new scientific research and teaching laboratory space that NYU creates must be located in or near the Washington Square Core, so as to allow efficient functional relationships with existing science and classroom facilities and so as to be physically accessible to the student body. NYU's major academic facilities are located within the Washington Square Core area, and a majority of residence halls are located within a 20-minute walking distance. As described above, there are six science facilities located to the immediate east of Washington Square, between Washington Square East and Broadway. The University's new scientific research and teaching laboratories facilities would most efficiently be located not only within or near the Washington Square Core, but near these facilities. The consolidation of science facilities within this area simplifies access to such facilities for faculty and students who concentrate in the sciences, and allows for the sharing of limited resources.

Further, the physical proximity of facilities to one another is crucial for promoting integration of disciplines and interaction among faculty and students. Such interchange has become especially valuable as research agendas have grown increasingly cross-disciplinary in

character. For example, NYU has shaped its curricula and located its facilities so as to provide platforms for studies that pair neural science with psychology, mathematics with computer science, languages with literature, and economics with politics. Co-locating the needed scientific research and teaching laboratories with existing facilities that serve different science disciplines allows for efficient collaborations among such disciplines and, in turn, fosters a rich learning and research community.

The Student Health Center has occupied the third and fourth floors of the Building for more than ten years. NYU located the Student Health Center in the Building to address its need for medical facilities that can serve its students in a location proximate to the Core and, in particular, to classrooms and dormitories. The third and fourth floors of the Building satisfied that need and continue to satisfy it today.

F. Selection of the Building

The University initially leased space in the Building for the Student Health Center because of its proximity to the Core. Subsequently, the University purchased the Building in 2008 because it satisfied the University's need for an updated bookstore and for office space. More recently the University has determined that the buildings that are located within or near the Core should be prioritized for academic space.

The Building's location, dimensions, and structural qualities are all appropriate for satisfying NYU's programmatic need for additional scientific research laboratories, teaching laboratories, and other science teaching spaces. The Building is located immediately adjacent to the Washington Square Core and within three blocks of the University's existing science facilities to the east of Washington Square Park, representing an opportunity to functionally integrate the proposed scientific research and teaching laboratories with such facilities. See Science Programs Map. Further, the Building is capable of providing approximately 190,000 gross square feet of interconnected space dedicated to academic uses, including science and scientific research. This amount of space is more than any other Arts and Sciences building within the immediate vicinity of the Property, including Warren Weaver Hall at 251 Mercer Street (158,591 gross square feet) and the Center for Genomics and Systems Biology at 12 Waverly Place (75,869 gross square feet).

As described in the Architect's Letter and above, the Building has floor plates of 32,500 gross square feet, high ceilings, relatively high load capacity, and wide column spacing. Few buildings in or near the Washington Square Core, and no others owned by the University, have such large floor plates. These criteria make the building especially suitable for scientific research. The Building's uniquely large floor plates are sufficient for the "critical mass" of 8 to 12 PIs needed to facilitate a collaborative research environment. They are also capable of accommodating laboratory program elements that require significant space, such as research benches, as well as needed adjacencies between such program elements. See Typical Laboratory Floor Plan Diagram, attached to the Architect's Letter. The large floor plates are also capable of accommodating approximately 15 teaching laboratories per floor. See Typical Teaching Laboratory Floor Plan Diagram, attached to the Architect's Letter.

The Building's 22-foot column spacing is ideal for laboratory benches and equipment, as the typical laboratory module has a width of 22 feet, and the Building's overall floor plate dimensions are capable of accommodating multiple modules without creating inefficient walking distances between research stations. See Typical Laboratory Floor Plan Diagram, attached to the Architect's Letter. The Building's relatively high floor-to-floor heights are sufficient for accommodating the extensive ductwork and piping requirements of scientific equipment. More generally, the large floor plates and the Building's height allow for the strategic location of sensitive scientific equipment away from sources of electromagnetic fields, such as the subway and elevators.

The Building's structural capacities and infrastructure are also well suited for scientific research facilities. The high floor load capacity of the Building, designed for the Building's original factory use, is capable of withstanding heavy laboratory equipment. The Building's steel and concrete construction is sufficiently stiff to accommodate the maximum vibration requirements of sensitive scientific equipment. Last, the Building has a robust electrical infrastructure capable of supporting intensive laboratory uses.

As discussed above, NYU located its Student Health Center in the Building more than ten years ago to address a need for medical facilities located proximate to the Washington Square Core and, in particular, to classrooms and dormitories. The third and fourth floors of the Building remain especially suited for addressing this need because of their size and their location in relation to the Core.

G. The Conversion

The proposed Conversion would introduce Use Group 3 college and university uses to the second through tenth floors of the Building, thereby requiring a variance from the Board.

The Conversion would proceed over time, with the eighth and ninth floors being converted to scientific research facilities immediately. In the years following this initial introduction of research space, the fifth through seventh and tenth floors would be converted to scientific research facilities, and the second floor would be converted to teaching laboratories and support spaces for other uses in the Building. The third and fourth floors would continue to be used as the Student Health Center for the foreseeable future. Although the Student Health Center is permitted as Use Group 6 offices, it is more appropriately characterized as a Use Group 3 college and university use because of the University functions and populations that it serves. Over time, the second through tenth floors of the building may be occupied by other academic uses, but they would not be used for dormitories. The ground floor would not be affected by the Conversion.

The Conversion would not entail any changes to the envelope of the Building. However, certain rooftop mechanical equipment is expected to be installed in connection with the introduction of academic uses to the Building. The Landmarks Preservation Commission has approved an application for a master plan which identifies a maximum envelope within which such equipment would be located (LPC 13-3607).

H. Complying Uses

The Application also includes Existing/Complying plans for uses in the Building that would be permitted on an as-of-right basis, i.e. that would not create any non-compliance with the Zoning Resolution and would not require a variance. These plans reflect the Building's existing uses in the Building, as shown on the CO. These uses do not include academic space, such as scientific research or teaching laboratories, and therefore would not satisfy the University's programmatic needs.

I. The Department of Buildings Objection

The Department of Buildings has raised the following objection with respect to the Science Building:

1. **Proposed Use Group 3A university on floors 2 through 10 of existing building is not permitted; contrary to ZR 42-10.**

Under Sections 42-10, et seq., Use Group 3 college and university uses are not permitted in an M1-5B zoning district. NYU has proposed to convert the second through tenth floors of the Building to Use Group 3 college and university uses, as described above, thereby requiring a use waiver from the Board. See Drawings A02-P through A10-P.

III. Statement of Findings

The following is a statement of how this case meets each of the required five findings under Section 72-21 of the Zoning Resolution:

A. There are unique physical conditions or exceptional topographical conditions peculiar to and inherent in the zoning lot which create practical difficulties and unnecessary hardship in complying with the bulk limitations of the Zoning Resolution which are not due to circumstances created generally by the strict application of the provisions of the Zoning Resolution in the neighborhood or district in which the zoning lot is located.

The requested modification is required to meet the programmatic needs of NYU—namely, additional scientific research laboratory and teaching laboratory space, accommodated on large floor plates and in an appropriate physical environment, and located near existing facilities within and proximate to the University's Washington Square Core. Where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it contravenes public health, safety, or welfare. Cornell University v. Bagnardi, 68 N.Y.2d 583 (1986). Because of NYU's status as a non-profit educational institution, these programmatic needs must be considered under finding (a) of Section 72-21 of the Zoning Resolution.

In Cornell University v. Bagnardi, 68 N.Y.2d 583 (1986), the Court of Appeals held that schools have a presumed beneficial effect on the community which may be rebutted only with evidence of "a significant impact on traffic congestion, property values, municipal services and the like." Further, "[t]he imposition of . . . [any] requirement unrelated to the public's health, safety or welfare, is . . . beyond the scope of the municipality's police power. . . ." The fundamental premise of the Cornell decision is that land use authorities must afford special treatment to schools and related uses because they "singularly serve the public's welfare and morals" and because of "their presumed beneficial effect on the community." Id. at 593, 595.

Applications in which your Board has considered school and institutional programmatic needs in connection with the grant of variances include the following: NYU Langone Medical Center 240 East 38th Street (BSA Cal. No. 152-11-BZ) (variance from arcade regulations and from City Planning Commission certification requirement for design changes to existing plazas granted to provide reasonable patient access to building and an appropriate open space environment); NYU Langone Medical Center Kimmel Program, 400-424 East 34th Street (BSA Cal. No. 186-10-BZ) (variance from rear yard, rear yard equivalent, height and setback, rear yard setback, tower coverage, maximum permitted parking, minimum square footage per parking space, and curb cut requirements to accommodate floorplate requirements of hospital and energy buildings and to allow for required connections to existing buildings); NYU Langone Medical Center Emergency Department Expansion, 522-566 & 596-600 First Avenue (BSA Cal. No. 41-10-BZ) (variance from rear yard and signage regulations to accommodate the floorplate requirements of emergency department enlargement and because development site was compromised by irregular dimensions and existing improvements); Weill Cornell Medical College Biomedical Research Building, 411-431 East 69th Street (BSA Cal. No. 170-08-BZ) (variance from floor area, lot coverage, front and rear height and setback, and rear and side yard

regulations granted to accommodate the floor area and floorplate requirements and because of required adjacency of proposed biomedical research building to existing Medical Center campus); Columbia University Northwest Science Building, 3030 Broadway, Manhattan (BSA Cal. No. 113-06-BZ) (variance from lot coverage and height and setback regulations granted to accommodate floorplate requirements of academic research building and because development site was compromised by adjacent existing buildings); Columbia University School for Social Work, 1255-1257 Amsterdam Avenue (BSA Cal. No. 362-01-BZ) (variance from height and setback and minimum distance between buildings and side yard requirements granted to accommodate floorplate requirements of school building); Polytechnic University, 101 Johnson Street, Brooklyn (BSA Cal. No. 164-00-BZ) (variance from sky exposure plane regulations granted on lot with existing buildings because layout of college dormitory to be constructed would otherwise be inefficient); The Nightingale Bamford School, 16-26 East 92nd Street, Manhattan (BSA Cal. No. 207-86-BZ) (school granted variance and special permit to enlarge existing community facility building where the inadequacy of the existing building hampered the school's ability to satisfy educational needs of its students); Actors' Fund of America, 469-475 West 57th Street (B.S.A. Cal No. 116-94-BZ) (variance modifying alternate front setback regulations granted for proposed 30-story community facility where programmatic needs foreclosed removing 10 feet from front of existing church on zoning lot); 142-148 East 57th Street (B.S.A. Cal. No. 74-97-BZ) (variance modifying alternate front setback regulations granted for proposed residential development where removing 10 feet in front of existing MTA substation on zoning lot would have been contrary to MTA's programmatic needs). Copies of the Board's resolutions approving these applications are included with the Application.

The Cornell decision's principles are directly applicable in this case. As discussed above, NYU has a programmatic need for additional academic space, including scientific research and teaching laboratories, accommodated on large floor plates and in an appropriate physical environment. Further, such space must be located near existing facilities within and proximate to the University's Washington Square Core campus. The Conversion would allow the University to accommodate academic space, including scientific research and teaching laboratories, in the Building, the location, dimensions, and structural qualities of which are all particularly suited for such uses. Specifically:

- The Building is located immediately adjacent to the Washington Square Core, which contains the University's principal academic facilities. It is within three blocks of six of the University's existing science facilities, representing an opportunity to functionally integrate the proposed scientific research and teaching laboratories with such facilities. See Science Programs.
- The Building is capable of providing approximately 190,000 gross square feet of interconnected space dedicated to science and scientific research. This amount of space is more than any other University Arts and Sciences building within the immediate vicinity of the Property, including Warren Weaver Hall at 251 Mercer Street (158,591 gross square feet) and the Center for Genomics and Systems Biology at 12 Waverly Place (75,869 gross square feet).
- The Building has uniquely large floor plates of 32,500 gross square feet. Few buildings in or near the Washington Square Core, and no others owned by the University, have

such large floor plates. The large floor plates are sufficient for the "critical mass" of 8 to 12 PIs needed to facilitate a collaborative research environment. They are also capable of accommodating laboratory program elements that require significant space, such as research benches, as well as needed adjacencies between such program elements. See Typical Laboratory Floor Plan Diagram, attached to the Architect's Letter.

- The Building's large floor plates are also capable of accommodating approximately 15 teaching laboratories and support spaces per floor. See Typical Teaching Laboratory Floor Plan Diagram, attached to the Architect's Letter.
- The Building's 22-foot column spacing is ideal for laboratory benches and equipment, as the typical laboratory module has a width of 22 feet, and the Building's overall floor plate dimensions are capable of accommodating multiple modules without creating inefficient walking distances between research stations. See Typical Laboratory Floor Plan Diagram, attached to the Architect's Letter.
- The Building's 14-foot floor-to-floor heights are sufficient for accommodating the extensive ductwork and piping requirements of scientific equipment.
- The large floor plates and the Building's height allow for the strategic location of sensitive scientific equipment away from sources of electromagnetic fields, such as the subway and elevators.
- The high floor load capacity of the Building, designed for the Building's original factory use, is capable of withstanding heavy laboratory equipment.
- The Building's steel and concrete construction, designed for the Building's original factory use, is sufficiently stiff to accommodate the maximum vibration requirements of sensitive scientific equipment.
- The Building has a robust electrical infrastructure capable of supporting intensive laboratory uses.

In addition, the Student Health Center has occupied the third and fourth floors of the Building for more than ten years. NYU located the Student Health Center in the Building to address its need for medical facilities that can serve its students in a location proximate to the Core and, in particular, to classrooms and dormitories. The third and fourth floors of the Building satisfied that need and continue to satisfy it today. Although the Student Health Center is permitted as Use Group 6 offices, it is more appropriately characterized as a Use Group 3 college and university use because of the University functions and populations that it serves.

This Application is consistent with the Cornell decision because the requested variances would not contravene public health, safety or welfare. As discussed in greater detail under finding (c) of this Statement and in the Environmental Assessment Statement (the "EAS"), the Conversion would be consistent with the existing uses and buildings in the surrounding neighborhood and would not result in any significant adverse environmental impacts.

B. Because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of the Zoning Resolution will bring a reasonable return, and the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot, except that this finding shall not be required for the granting of a variance to a non-profit organization.

Since NYU is a non-profit organization, the Section 72-21(b) finding is not required to grant the variance requested by this Application. Rather, the variance requested is necessary to enable the University to utilize the Building to meet its programmatic needs.

C. The variance, if granted, would not alter the essential character of the neighborhood or district in which the zoning lot is located, would not impair the appropriate use and development of adjacent property, and would not be detrimental to the public welfare.

The Conversion would introduce a use to the Building that is in keeping with the existing educational uses in the surrounding neighborhood and would be compatible with other uses in the area. There are several college and university buildings in the surrounding area, such as the Hebrew Union College Brookdale Center, located to the southwest of the Zoning Lot at 1 West 4th Street, and Cooper Union facilities, located to the north of the Zoning Lot adjacent to Cooper Square. NYU's Washington Square Core campus, which contains numerous academic facilities, is located to the immediate west of the Zoning Lot across Broadway, comprising the area generally surrounding Washington Square. The Core contains six science buildings, all located within three blocks of the Zoning Lot, which provide an appropriate setting for the proposed Use Group 3 scientific research and teaching laboratories uses. Further, the proposed uses in the Building would be compatible with the office, retail, and residential uses in the surrounding area.

The Conversion would not impair the use and development of adjacent property, as it would not entail any new development or enlargement on the Zoning Lot or any changes to the existing Building envelope. The only change to the exterior of the Building would be the introduction of new rooftop mechanical equipment in connection with the proposed academic uses, which would not require any bulk waivers. The Conversion would not result in any significant adverse impacts with respect to land use, historic and cultural resources, noise, air quality, traffic or any other impact category. See EAS.

The Conversion would provide a benefit to New York City by supporting the University's research and educational programs with much needed facilities. The increased inventory of appropriately located scientific research and teaching laboratories would, in turn, improve the quality of education offered to students, bolster efforts to recruit talented faculty to the University and the surrounding area, and ensure the University's continued role as a vital and stable economic engine in the City.

In sum, the Conversion would not alter the essential character of the neighborhood or district in which the Zoning Lot is located, would not impair the appropriate use and development of adjacent property, would not be detrimental to the public welfare, and would, in fact, provide a great benefit to the City as a whole.

D. The practical difficulties and unnecessary hardship have not been created by the owner or its predecessor in title.

The unnecessary hardship to which the University is subject have resulted from (i) the programmatic needs of the University, and (iii) the application of the provisions of the Zoning Resolution to the existing Building on this particular Zoning Lot. The practical difficulties and unnecessary hardship have not been created by the University or its predecessor in title.

E. Within the intent and purposes of the Zoning Resolution, the variance, if granted, is the minimum variance necessary to afford relief.

The modification requested is the minimum necessary to afford relief from the application of the Zoning Resolution. NYU requires additional academic space located near existing facilities within and proximate to the University's Washington Square Core. It has a pressing need for laboratory and teaching laboratory space, accommodated on large floor plates and in an appropriate physical environment, and. The Building is one of the very few buildings in the area, and the only one owned by the University, which is capable of satisfying these needs. There would be no new development on the Zoning Lot or enlargement of the Building in connection with the Conversion, and the variance would not include any bulk waivers. In short, the variance requested is the minimum necessary to afford relief.

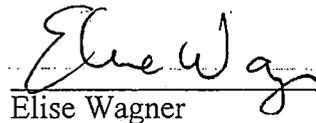
IV. Conclusion

For the foregoing reasons, we respectfully request that the Board approve this Application for a variance.

Respectfully submitted,

Kramer Levin Naftalis & Frankel LLP

By: _____

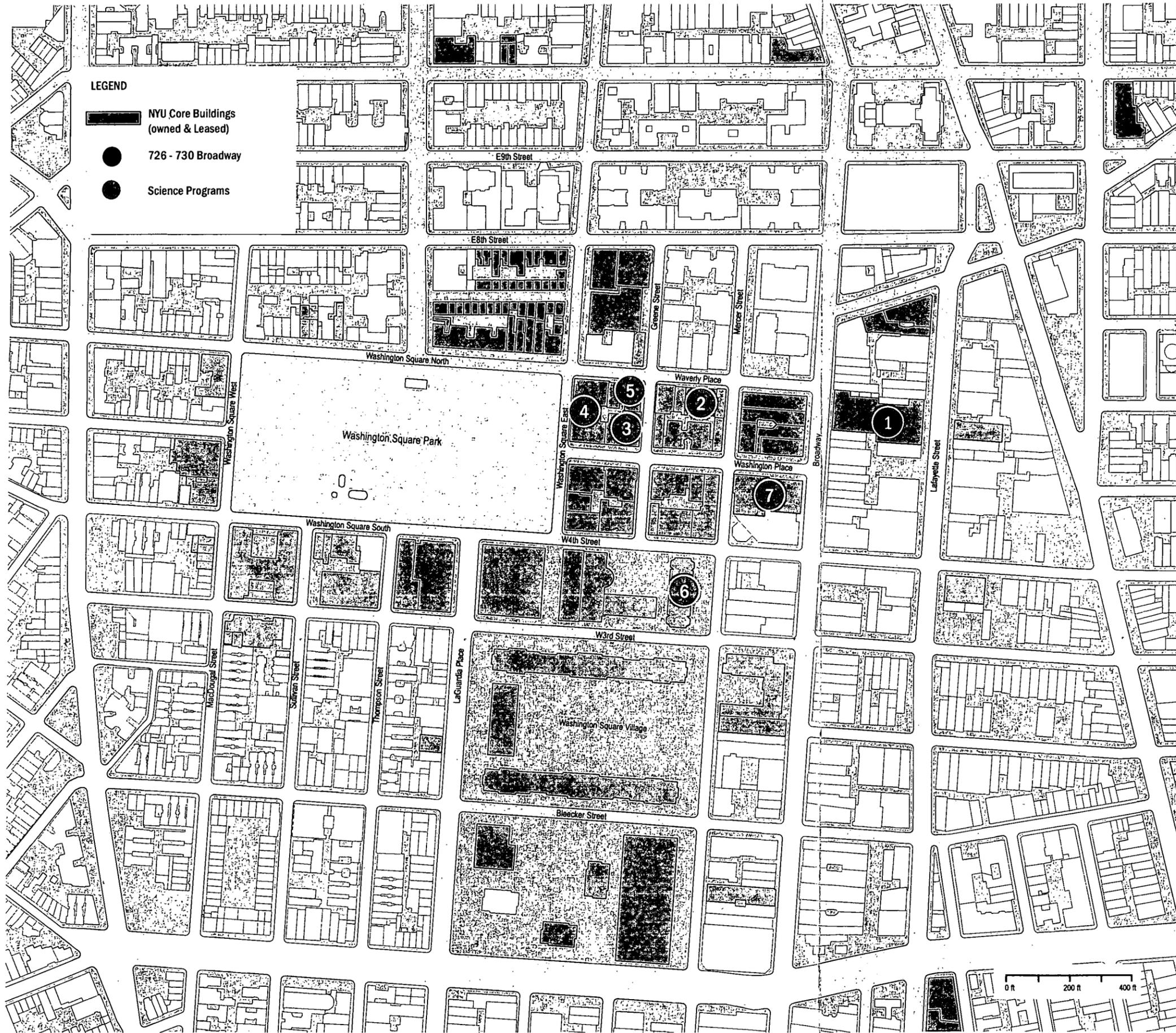

Elise Wagner

New York, New York
October 16, 2012

NEW YORK UNIVERSITY

Washington Square Core Area

Science Programs

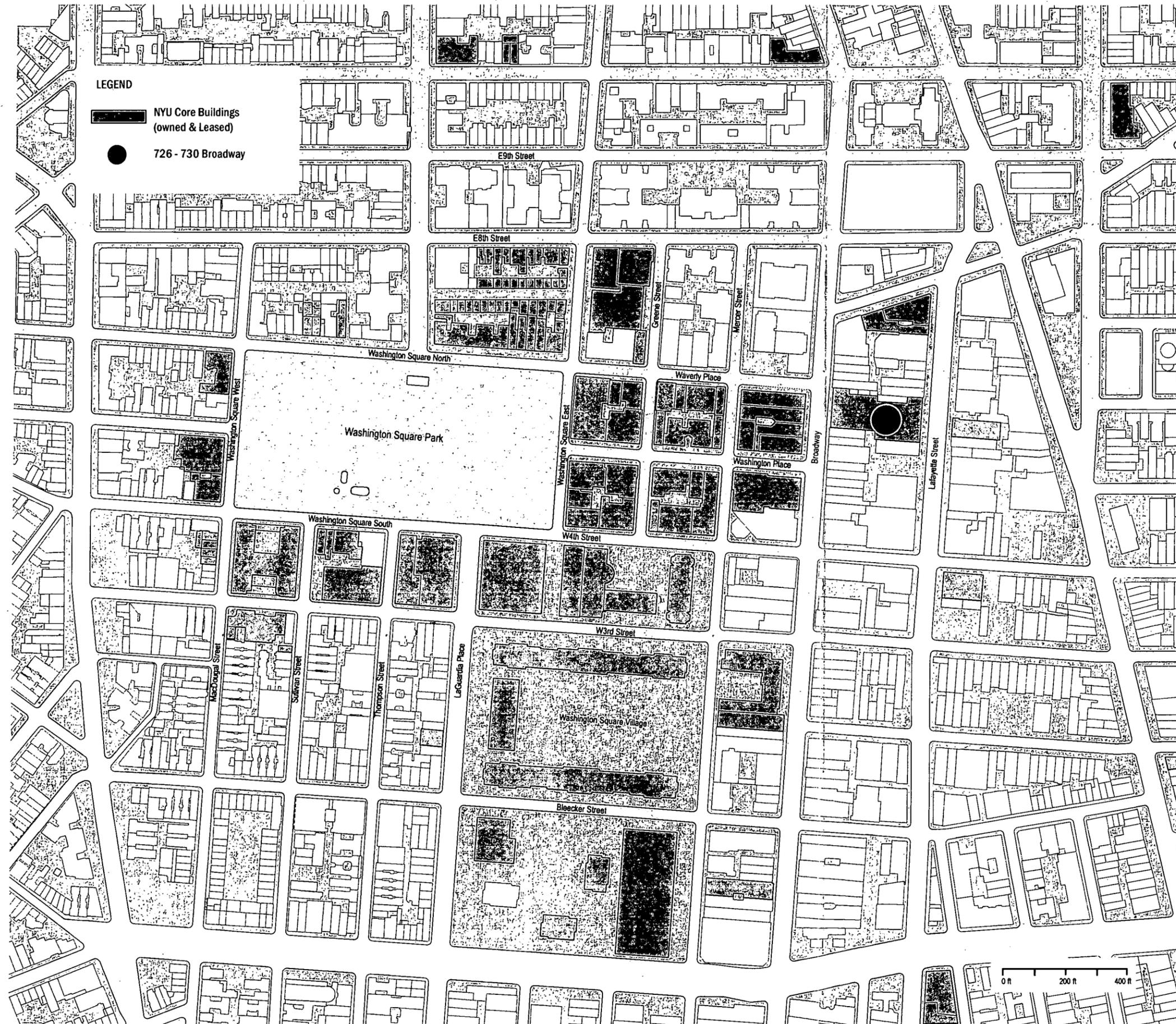


LEGEND

-  NYU Core Buildings (owned & Leased)
-  726 - 730 Broadway
-  Science Programs

Location	Program
① 726-730 Broadway	Project Site
② 12-16 Waverly	Center for Genomics & Systems Biology
③ Brown Building	Chemistry, Biology
④ Silver Building	Chemistry, Biology
⑤ Waverly Building	Chemistry, Biology
⑥ Courant Institute (CIMS)	Mathematics, Computer Science
⑦ Meyer Complex	Psychology, Neural Science, Physics

NEW YORK UNIVERSITY Washington Square Core Area



298 - 12 - B Z -

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2013 OCT 11 10:44 AM
BOARD OF STANDARDS AND APPEALS RESOLUTIONS
CITED IN STATEMENT OF FACTS AND FINDINGS

1. NYU Langone Medical Center 240 East 38th Street (BSA Cal. No. 152-11-BZ)
2. NYU Langone Medical Center Kimmel Program, 400-424 East 34th Street (BSA Cal. No. 186-10-BZ)
3. NYU Langone Medical Center Emergency Department Expansion, 522-566 & 596-600 First Avenue (BSA Cal. No. 41-10-BZ)
4. Weill Cornell Medical College Biomedical Research Building, 411-431 East 69th Street (BSA Cal. No. 170-08-BZ)
5. Columbia University Northwest Science Building, 3030 Broadway, Manhattan (BSA Cal. No. 113-06-BZ)
6. Columbia University School for Social Work, 1255-1257 Amsterdam Avenue (BSA Cal. No. 362-01-BZ)
7. Polytechnic University, 101 Johnson Street, Brooklyn (BSA Cal. No. 164-00-BZ)
8. The Nightingale Bamford School, 16-26 East 92nd Street, Manhattan (BSA Cal. No. 207-86-BZ)
9. Actors' Fund of America, 469-475 West 57th Street (B.S.A. Cal. No. 116-94-BZ)
10. 142-148 East 57th Street (B.S.A. Cal. No. 74-97-BZ)

***CORRECTION**

This resolution adopted on December 13, 2011, under Calendar No. 152-11-BZ and printed in Volume 96, Bulletin No. 51, is hereby corrected to read as follows:

152-11-BZ

CEQR #12-BSA-026M

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 240 East 38th Street Condominium on behalf of New York University, owner.

SUBJECT – Application September 19, 2011 – Variance (§72-21) to allow modifications to the existing plazas and arcades associated with the partial re-use of an existing building for a community facility (*NYU Langone Medical Center*), contrary to §37-625. C1-9 zoning district.

PREMISES AFFECTED – 240 East 38th Street, East 37th Street, Second Avenue, East 38th Street and Tunnel Exit Street, Block 918, Lot 1001-1026, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Elise Wagner.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 16, 2011, acting on Department of Buildings Application No. 120803746, reads, in pertinent part:

1. Certain changes to existing plazas are not in greater accordance with the standards set forth in ZR 37-70, and therefore certification by the Chair of the City Planning Commission cannot be obtained, contrary to the requirements of ZR 37-625.
2. Proposed passenger drop-off and a driveway are located within and within 10 feet of arcade, contrary to ZR 37-80.
3. Proposed planters and seating are located within arcades beneath a height of 12 feet, contrary to ZR 37-80; and

WHEREAS, this is an application under ZR § 72-21, by NYU Langone Medical Center to permit, on a site in a C1-9/C1-9 Transit Land Use District (TA) zoning district, the modification to existing plazas and arcades including the introduction of a driveway and other obstructions, contrary to ZR §§ 37-625 and 37-80; and

WHEREAS, a public hearing was held on this application on November 22, 2011, after due notice by publication in the *City Record*, and then to decision on December 13, 2011; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 6, Manhattan, recommends approval of the application with the recommendation that the Medical Center post signage and paint curbs and the drop-off driveway to make it clear that there is no parking or standing and that the Medical Center employ a concierge to help direct vehicles; and

WHEREAS, this application is brought on behalf of the NYU Langone Medical Center (the “Medical Center”); and

WHEREAS, the site is located on a through lot with frontage on East 38th Street and East 37th Street, between Third Avenue and Second Avenue within a C1-9/C1-9 (TA) zoning district; and

WHEREAS, the site is part of a single zoning lot with the adjacent site at 221 East 37th Street (Block 918, Lot 14) (the “Zoning Lot”); and

WHEREAS, the adjacent site is owned by Verizon New York and is occupied with a nine-story building constructed in 1912 and subsequently enlarged pursuant to a bulk variance (BSA Cal. No. 304-38-BZ), because it exceeds floor area and height regulations; and

WHEREAS, the adjacent building is not proposed to be changed and is not part of the subject application except that it shares the subject Zoning Lot; and

WHEREAS, the Building has a plaza and arcade on East 37th Street (the “South Plaza” and “South Arcade”) and a plaza and arcade on East 38th Street (the “North Plaza” and “North Arcade”); and

WHEREAS, NYU owns a condominium interest in the building (the “Building”) for the benefit of the Medical Center, which will occupy 13 of the 24 non-mechanical floors of the Building for use as an Ambulatory Care Center; and

WHEREAS, Verizon owns a condominium interest in the Building and occupies the portions that are not occupied by the Medical Center; the current certificate of occupancy lists all floors above the first floor as offices and/or mechanical equipment (Use Group 6); and

WHEREAS, the Building was developed in the mid-1960s pursuant to the 1961 Zoning Resolution’s plaza regulations, which allowed bonusable plazas with broad standards about dimensions and openness to the sky; arcades were subject to standards similar to those in effect today, including minimum dimensions and that they be open along their entire length; and

WHEREAS, pursuant to ZR § 37-625, design changes to existing plazas may be made only upon certification by the Chair of the City Planning Commission that such changes would result in a plaza that is in greater accordance with the public plaza standards set forth in ZR § 37-70; and

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WHEREAS, the subject variance is required because some of the proposed design changes to the plazas, including the driveway, canopy, and baffle wall, would result in new non-compliances or increased degrees of non-compliance with the public plaza standards and therefore require a waiver of the ZR § 37-

625 certification requirement and because the proposed driveway, planters, and movable seating do not comply with the arcade standards of ZR § 37-80 and also require waivers; and

WHEREAS, the Department of City Planning (DCP) has reviewed the changes and supports the plan submitted with this application as Drawings A-02.00 through A-026.00 and L-001.00 through L-520.00; and

WHEREAS, by letter dated September 14, 2001, DCP Counsel stated that a certification under ZR § 37-625 is unavailable for the proposed changes and that it would be appropriate to seek a variance from the Board to waive the requirement that the design changes must be in greater accordance with the public plaza standards and that a certification be obtained; and

WHEREAS, the applicant has acknowledged that the proposed passenger drop-off and driveway located within, and within ten feet of, the North Arcade is the Medical Center's primary need which triggers the remainder of the non-compliances (ZR § 37-80); and

WHEREAS, the applicant has identified the following specific non-compliances which necessitate the variance for the North Plaza: (1) the proposed driveway and passenger drop-off are not permitted obstructions (ZR § 37-726(d)); (2) the proposed canopy exceeds the area, projection, and height limitations for permitted obstructions (ZR § 37-726(c)); (3) more than 50 percent of the sidewalk frontage area is obstructed, and no portion of the unobstructed area has a width of at least eight feet (ZR § 37-721(a)); (4) the circulation paths at their narrowest points are five feet in width, less than the minimum eight feet required (ZR § 37-723); and (5) there are fewer than four trees (ZR § 37-742); and

WHEREAS, the applicant has identified the following specific non-compliances which necessitate the variance for the South Plaza: (1) the proposed baffle wall within the South Plaza is not a permitted obstruction and obstructs the visibility of the major portion of the plaza (ZR §§ 37-726 and 37-715); (2) less than 50 percent of the trees are planted flush at grade (ZR § 37-742); (3) the lawns at the west end exceed a height of six inches above the plaza surface (ZR § 37-742); and (4) permitted obstructions including planting beds and walls and expanded seating exceed 40 percent of the plaza area (ZR § 37-726(b)); and

WHEREAS, the Board agrees with DCP that this case, involving the modification of plaza and arcade conditions for a non-profit institution is a rare example of when a variance is an appropriate means of modifying a site under CPC's jurisdiction and there is limited

applicability of such practice; and

WHEREAS, further, the Board notes that the proposed modifications are within the spirit of the plaza and arcade text; and

WHEREAS, the Medical Center proposes to occupy the building with its Ambulatory Care programs including the following: (1) the first floor and mezzanine will be occupied primarily by registration and pre-admission testing; (2) the 11th and 12th floors will be occupied by Dermatology; (3) the 13th floor will be occupied by Dialysis, Nephrology, and Hyperbaric services; (4) the 15th through 17th floors will be occupied by Rusk Home, a rehabilitation program; the 18th and 19th floors will be occupied primarily by the Cancer Center and Infusion; (5) the 20th floor will be occupied by Clinical Services; (6) the 22nd floor will be occupied by Clinical Labs; (7) the 23rd floor will be occupied by Endoscopy; and (8) the 2nd and 24th floors will be occupied by Infrastructure; and

WHEREAS, the applicant states that the following are the programmatic needs of the Medical Center: (1) to provide reasonable access to the building for Ambulatory Care Center patients who are visit the building for out-patient services but who may be frail and have mobility impairment; and (2) to enhance the open space environment for patients and the community; and

WHEREAS, the applicant states the following existing conditions limit the ability of the building to satisfy the Medical Center's programmatic needs: (1) the existing plazas and arcades designed nearly 50 years ago provide minimal amenities and landscaping; (2) both plazas have significant change in grade which impede access (the South Plaza is approximately four feet above the sidewalk, requiring a flight of stairs and a portion of the North Plaza is located 2'-6" below the sidewalk, requiring steps); (3) critical components of the Building's infrastructure and Verizon's facilities are located within the cellar, which precludes a re-grading of the South Plaza; (4) there is a distance of 56 feet between the North Plaza and the main entrance at East 38th Street; and (5) an existing exhaust vent faces the South Plaza and discharges large volumes of hot air from Verizon's generators, negatively affecting its habitability; and

WHEREAS, additionally, the applicant notes that there are unique vehicular traffic conditions adjacent to the site including that a portion of East 38th Street is a heavily used access route to the Queens-Midtown Tunnel and that MTA buses use the lane in front of the buildings; and

WHEREAS, the applicant states that the noted physical constraints preclude the Medical Center from occupying the site in compliance with applicable zoning regulations in a way that would satisfy its primary programmatic needs of providing the Ambulatory Care Center's patients with appropriate and reasonable access to the building and enhancing the plazas and arcades to provide an improved environment for patients and community members; and

152-11-BZ
CEQR #12-BSA-026M

WHEREAS, in order to meet its programmatic needs, the applicant seeks a variance pursuant to ZR § 72-21; and

WHEREAS, the applicant identifies the following insufficiencies of a design that is fully compliant with zoning regulations: (1) the requirement to climb stairs and travel a distance of 56 feet between the main entrance and the East 38th Street curb; (2) the use of the East 38th Street curb lane for patient drop-off/pick-up would exacerbate existing traffic congestion, increase waiting times, and conflict with MTA bus use; and (3) the existing minimal amenities and landscaping is barren and uninviting; and

WHEREAS, the applicant asserts that, in contrast, the proposal will improve the site conditions and allow it to accommodate the Medical Center's programmatic needs; and

WHEREAS, the applicant proposes the following improvements to the plazas and arcades: (1) the North Plaza will include a driveway and canopy to create a convenient all-weather drop-off/pick-up area providing frail, elderly, and/or mobility-impaired patients with appropriate access; (2) an accessible pedestrian ramp in the North Plaza will provide access from the sidewalk to the entrance and an ADA-lift will be installed within the South Plaza to provide access; (3) varied landscaping and seating will be introduced to the plazas to create a more inviting environment for patients and community members, a landscape buffer will separate pedestrians from traffic; (4) the South Plaza will have broad seating terraces and benches and a shaded tree-lined area; (5) a green-screen baffle wall within the South Plaza will protect the adjacent plaza from hot air emitted by the building's exhaust vent, which would improve the environment for landscaping; (6) the plazas will include improved lighting, public information signage, and bicycle racks; (7) the plazas will be resurfaced; and (8) a trellis will be installed in the South Arcade to provide shade and planters and seating will be added; and

WHEREAS, the applicant states that the following conditions which create non-compliances or increase the degree of existing non-compliance are necessitated by the Medical Center's programmatic needs; and

WHEREAS, specifically, the applicant states that the proposed driveway, passenger drop-off, and canopy, which are not permitted plaza obstructions, are needed to provide the Ambulatory Care Center's frail and mobility-impaired patients with immediate, protected access to the building from ambulances and other vehicles; and

WHEREAS, the applicant states that the configuration of the driveway, though designed with the minimum dimensions necessary to accommodate patient vehicles, constrains circulation paths within the plaza to widths of approximately five feet (at least one circulation with a width of eight feet is required) and the presence of

the driveway contributes to the obstruction of the plaza's sidewalk frontage, and it limits the width of the access areas along this frontage to less than eight feet (the sidewalk obstruction is required to be limited to 50 percent of the sidewalk frontage and at least one unobstructed portion is to have a width of at least eight feet); and

WHEREAS, the applicant states that other modifications are necessitated by the goal of providing an appropriate and welcoming entry and departure for patients and of improving the open space experience for the community; and

WHEREAS, towards those goals, the applicant proposes the following: (1) the North Plaza will be planted with low greenery instead of trees to allow maximum access to sunlight (the text requires trees within the plaza); (2) the baffle wall will block hot air emitted from generators (the text prohibits such obstructions and requires visibility of the major portion of the plaza); (3) less than 50 percent of the trees within the South Plaza will be planted flush at grade because of existing below-grade conditions and the lawns would exceed a height of six inches above the plaza to allow a planting berm for trees; (4) new seating and landscape features within the South Plaza, which along with existing permitted obstructions exceed 40 percent of the plaza area, will significantly improve the plaza environment; and (5) the planters and movable seating in the South Arcade will make the area more inviting (the text requires that an arcade be unobstructed to a height of 12 feet); and

WHEREAS, the Board acknowledges that the Medical Center, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Cornell Univ. v. Bagnardi, 68 N.Y.2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, the Board finds that the Medical Center's programmatic needs are legitimate, and agrees that the proposed modifications are necessary to address its needs, given the site's current limitations; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations of the current site, when considered in conjunction with the programmatic needs of the Medical Center, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Medical Center is a nonprofit educational institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

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WHEREAS, the applicant represents that the variance, if granted, will not alter the essential character of the neighborhood; will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant represents that the land uses surrounding the site are characterized by a mix of mid- and high-rise residential and mixed-use buildings, with commercial buildings to the north and medical and other institutional uses to the south and east; and

WHEREAS, the applicant asserts that the proposal will not alter the scale or envelope of the Building; and

WHEREAS, the applicant asserts that the proposal will enhance the open space to the benefit of the community by introducing landscaping, comfortable seating, and art to the plazas and arcades; and

WHEREAS, the applicant asserts that the design changes would transform the plazas and arcades from their current inaccessible and uninviting appearance to lush and diverse public spaces which are comfortable and aesthetically pleasing; and

WHEREAS, the applicant notes that the proposal has been reviewed by DCP to ensure that the plazas and arcades are as consistent as possible with the public policies served by the ZR's current design standards; and

WHEREAS, the applicant states that the proposed driveway within the North Plaza would reduce vehicular traffic congestion in the area around the Zoning Lot by replacing on-street patient drop-off/pick-up and reducing lane-changing maneuvers; and

WHEREAS, the applicant asserts that the driveway will have little effect on pedestrians as pedestrian volumes on the block are relatively low for the area; and

WHEREAS, the applicant has agreed to employ a concierge to help direct vehicles and to keep the site well-lit; and

WHEREAS, the applicant asserts that the proposal will serve the goals of the 197-a Plan for the Eastern Section of Community District 6, including increasing the amount of useful public open space in the district; maintaining the character of the neighborhood while accommodating "specialized non-residential uses such as Bellevue/NYU Hospitals;" and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states that the hardship was not self-created, and that no proposal that would meet the programmatic needs of the Medical Center could occur given the existing conditions; and

WHEREAS, accordingly, the Board finds that the

hardship herein was not created by the owner; and

WHEREAS, as to the minimum variance, the applicant states that it designed the driveway with the minimum dimensions necessary to satisfy the Medical Center's programmatic need for a patient drop-off area and that the curb cuts are of the minimum width to accommodate the turning radii of ambulances and other large medical transport vehicles, and the 22-ft. width of the internal driveway area is the minimum needed for two vehicle lanes – one for patient drop-offs/pick-ups and one for passing; and

WHEREAS, further, the applicant asserts that the dimensions of the canopy relate to those of the driveway and the existing arcade and were calculated to provide an adequate amount of weather protection for patients; and

WHEREAS, the applicant states that the other non-complying modifications to the plazas and arcades are the minimum necessary to enhance the open space environment for patients and community members within the design constraints created by the existing building; and

WHEREAS, the Board finds that the requested relief is the minimum necessary to allow the Medical Center to fulfill its programmatic needs; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Sections 617.6(h) and 617.2(h) of 6NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 12BSA026M, dated September 15, 2011; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative determination, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and

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Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site in a C1-9/C1-9 Transit Land Use District (TA) zoning district, the modification to existing plazas and arcades including the introduction of a driveway and other obstructions, contrary to ZR §§ 37-625 and 37-80, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 18, 2011" – eighteen (18) sheets; and *on further condition*:

THAT any change in control or ownership of the Medical Center's condominium interest be reviewed and approved by the Board;

THAT the Medical Center will provide a full-time concierge who will help direct vehicles in the driveway;

THAT the above-noted conditions be noted on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT construction shall proceed in accordance with ZR § 72-23; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2011.

*The resolution has been revised to amend a *whereas* clause, which read in part: *WHEREAS, the applicant has agreed to comply...* and now reads: *WHEREAS, the applicant has agreed to employ a concierge to help direct vehicles and to keep the site well-lit; and and to removed part of the 2nd condition. Corrected in Bulletin Nos. 1-3, Vol. 97, dated January 18, 2012.*

A true copy of resolution adopted by the Board of Standards and Appeals, December 13, 2011.
Printed in Bulletin No. 51, Vol. 96.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for NYU Hospital Center, owner; New York University, lessee;

SUBJECT - Application September 28, 2010 - Variance (§72-21) to allow for the construction of two community facility buildings (NYU Langone Medical Center), contrary to rear yard (§24-36), rear yard equivalent (§24-382), height and setback (§24-522), rear yard setback (§24-552), tower coverage (§24-54), maximum permitted parking (§13-132), minimum square footage per parking space (§25-62), and curb cut requirements (§13-142). R8 zoning district.

PREMISES AFFECTED - 400-424 East 34th Street, aka 522-566 & 596-600 First Avenue, East 34th Street, Franklin D. Roosevelt Drive, East 30th Street, and First Avenue, Block 962, Lot 80, 108 & 1001-1107, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Elise Wagner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Superintendent, dated September 24, 2010, acting on Department of Buildings Application Nos. 120448284, 120448293, and 120448998, reads in pertinent part:

1. No required rear yard and rear yard equivalent are provided contrary to ZR 24-36 and ZR 24-382.
2. Portion of the building within the initial setback distance exceeds maximum permitted height of 85 feet above curb level and penetrates skyexposure plane contrary to ZR 24-522.
3. No required 20-foot rear yard setback is provided above the height of 125 feet as required by ZR 24-552.
4. Proposed tower coverage for aggregate areas exceeds 40% of zoning lot contrary to ZR 24-54.
5. Proposed accessory parking exceeds the maximum permitted 100 accessory parking spaces pursuant to 13-132 and does not provide the minimum 200 SF per accessory parking space pursuant to 25-62.
6. Proposed curb cuts along wide streets (First Avenue and East 34th Street) are contrary to 13-142; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R8 zoning district, the construction of two new community facility buildings on the campus of the New York University Langone Medical Center (the "Medical Center") that do not comply with zoning regulations for rear yard, rear yard equivalents, height and setback, rear yard setback, tower coverage, maximum permitted parking, minimum square footage per parking space, or curb cut requirements, contrary to ZR §§ 24-36, 24-382, 24-522, 24-552, 24-54, 13-132, 25-62, and 13-142; and

WHEREAS, a public hearing was held on this application on January 25, 2011, after due notice by publication in the *City Record*, and then to decision on March 15, 2011; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application, subject to the condition that the applicant consider alternative designs for vehicle ingress and egress which would allow for an increase in the planted area and a decrease in the number of proposed curb cuts; and

WHEREAS, the application is brought on behalf of the Medical Center, a non-profit educational institution and hospital; and

WHEREAS, the subject zoning lot is located on the superblock bounded by East 34th Street to the north, the Franklin D. Roosevelt Drive (the "FDR Drive") to the east, East 30th Street to the south, and First Avenue to the west, within an R8 zoning district; and

WHEREAS, the zoning lot has a lot area of 408,511 sq. ft.; and

WHEREAS, on November 20, 2001, the Board granted a special permit pursuant to ZR § 73-64 to allow the construction of a new medical research and laboratory building (Use Group 3A) on the site, contrary to zoning regulations for height and setback, rear yard, and minimum distance between buildings; and

WHEREAS, most recently, on July 13, 2010, under BSA Cal. No. 41-10-BZ, the Board granted a variance to permit the renovation and enlargement of the existing Emergency Department and the addition of 354 sq. ft. of signage at the entrances and on the facade of the Emergency Department, contrary to zoning regulations for rear yard and signage; and

WHEREAS, the applicant notes that the zoning lot is subject to a 1949 indenture between the City and New York University ("NYU"), pursuant to which portions of East 31st Street, East 32nd Street and East 33rd Street were demapped and their beds conveyed to NYU; the indenture also created a sewer easement and requires that no building on the zoning lot have a height greater than

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25 stories, that lot coverage on the zoning lot not exceed 65 percent, and that at least 235 parking spaces be provided on the zoning lot; and

WHEREAS, the proposed construction would be located on the northeast portion of the zoning lot, bounded by East 34th Street to the north, First Avenue and two Amtrak ventilation towers to the west, the FDR Drive Service Road to the east, and the Medical Center's 21-story Tisch Hospital building ("Tisch Hospital") and four-story Coles Student Labs to the south (the "Development Site"); and

WHEREAS, the Development Site is an irregular parcel which occupies the entire East 34th Street frontage of the superblock, two frontages on First Avenue of approximately 127 feet and 35 feet, and approximately 552 feet of frontage on the FDR Drive Service Road; and

WHEREAS, the Development Site is currently occupied by the ten-story Perelman Building, the nine-story Rusk Institute for Rehabilitative Medicine (including the one-story Auxiliary Pavilion), and the one-story northern service wing; these existing buildings would be demolished to make way for the proposed construction; and

WHEREAS, the applicant proposes to construct: (1) a 22-story major clinical building with a floor area of 687,731 sq. ft., which will be physically linked to, and function with, the existing Tisch Hospital (the "Kimmel Pavilion"); and (2) a six-story building with a floor area of 40,438 sq. ft., which will house both a modern cogeneration facility to serve the entire campus and a radiation oncology facility (the "Energy Building") (collectively, the Kimmel Pavilion and the Energy Building make up the "New Buildings"); and

WHEREAS, the applicant also proposes to relocate the Medical Center's bulk oxygen tank facility to a site at the south end of the zoning lot; and

WHEREAS, the applicant states that the construction of the New Buildings will result in a total floor area for the zoning lot of 2,601,636 sq. ft. (6.37 FAR); the maximum permitted FAR for a community facility in the subject zoning district is 6.5; and

WHEREAS, the proposed construction will create the following non-compliances on the site: a portion of the Kimmel Pavilion is located within a required rear yard and the bulk oxygen tank facility, at the southern end of the zoning lot, is located wholly within a required rear yard (rear yards with minimum depths of 30'-0" are required); the Energy Building fully occupies a required rear yard equivalent (a rear yard equivalent with a minimum depth of 60'-0" is required); the portion of the Kimmel Pavilion located more than 125 feet above the required rear yard provides a rear yard setback of only 5'-0" (a rear yard setback of 20'-0" is required above the height of 125'-0"); a total tower coverage for the zoning

lot of 171,578 sq. ft. (a maximum tower coverage of 163,404 sq. ft. is permitted); the addition of 140 accessory parking spaces (100 accessory parking spaces is the maximum permitted for hospital developments or enlargements in Manhattan Community District 6); a parking garage with 150 sq. ft. per accessory parking space (200 sq. ft. is the minimum required per accessory parking space); and the relocation and enlargement of two existing curb cuts on East 34th Street, a wide street, and the addition of a second curb cut on First Avenue, a wide street (entrances and exits to permitted accessory off-street parking spaces may not be located on a wide street in Manhattan Community District 6); and

WHEREAS, the applicant states that the following are the primary programmatic needs of the Medical Center: (1) a sufficient number of up-to-date operating and procedure rooms, private inpatient rooms, observation units for post-procedure patients, radiation oncology facilities, and attendant spaces to satisfy increased patient volumes and current medical standards; (2) hospital floor plates that are highly flexible and repetitive; (3) providing physical and functional connections among the New Buildings and the existing Tisch Hospital, to create a single integrated hospital system with a single standard of care; (4) an efficient and up-to-date energy system with direct utility connections to all campus buildings; and (5) additional parking spaces and improved access through and around the hospital; and

WHEREAS, the applicant states that each year the Medical Center admits approximately 36,000 inpatients and 600,000 ambulatory visits and performs 25,000 surgeries; and

WHEREAS, the applicant represents that these numbers are expected to increase by approximately 47 percent for procedure volumes and 21 percent for inpatient discharges within the next ten years; and

WHEREAS, accordingly, the applicant represents that the Medical Center requires additional operating and procedure rooms and patient rooms to meet the demand created by current and projected patient volumes; and

WHEREAS, the applicant states that existing operating and procedure rooms are insufficient in number for this demand and insufficient in size for the integration of new technologies and procedures; and

WHEREAS, specifically, the applicant states that there is a projected need for 82 operating and procedure rooms while only 69 such rooms exist, and the optimal size for an operating and procedure room is 600 to 650 sq. ft., while the Medical Center's existing rooms range in size from 310 to 550 sq. ft.; and

WHEREAS, the applicant states that there is also a shortage of recovery rooms and that such rooms are too small in size and clearance, causing a backup in the operating rooms, and as a result, operating suites are

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used inefficiently, with extended wait times for patients; and

WHEREAS, as to the Medical Center's patient rooms, the applicant states that only 12 percent of the Medical Center's inpatient beds are designed for critical care, while national benchmarks for similar facilities require that 40 to 50 percent of inpatient beds be designed for such critical care; and

WHEREAS, the applicant notes that the existing inpatient rooms are designed for multiple beds, and that the Medical Center's goal, based on current medical standards, is that all inpatient beds be located in single-patient rooms, which is important for reducing the spread of infection, and providing privacy for patients and family members; and

WHEREAS, the applicant represents that the Medical Center also has a need for observation areas for patients who do not require hospitalization after a procedure but require observation for a period of less than 24 hours, to accommodate for the increasing number of outpatient procedures; and

WHEREAS, the applicant states that the Medical Center's existing inpatient beds, procedure rooms, and patient care areas are located in three buildings (Tisch Hospital, the Rusk Institute building, and the Schwartz Health Care Center) which are physically and operationally separate, creating inefficiencies and redundancies in equipment, support space, and clinical supply inventories; and

WHEREAS, the applicant represents that the Rusk Institute building, constructed in 1952, is unsuitable for renovation due to its age, condition, column grid and configuration (such as low floor-to-floor heights of 11'-4½" and narrow floor plate dimensions of 50'-0" by 296'-6" above the ground floor), and the Schwartz Health Care Center is undersized for inpatient use and is located near the southern end of the Medical Center campus, remote from the other clinical facilities; and

WHEREAS, the applicant states that Tisch Hospital is limited by existing floor-to-floor heights (typically 11'-4 ½") and floor plate dimensions (typically 343 feet by 134 feet on the lower floors and 278 feet by 80 feet on the upper floors) which cannot be adapted to a state-of-the-art facility for the highest acuity level of care because: (1) there is no expansion space available for emerging clinical practices; (2) existing corridors connecting the entrances and various departments are circuitous and difficult for patients and hospital staff to navigate; and (3) the building lacks adequate swing space to accommodate relocations during the renovation of other hospital buildings, and other buildings on the Medical Center campus lack adequate swing space to accommodate patient beds

during the renovation of Tisch Hospital; and

WHEREAS, the applicant represents that the new facility must be integrated with the existing Tisch Hospital, especially on critical procedure floors, so that patients and staff can move freely between buildings as needed to satisfy patient care and support needs; and

WHEREAS, the applicant further represents that the floor plates must be repetitive so as to create an environment that doctors and nurses can easily learn and efficiently navigate, and must be highly flexible and free of major permanent obstructions so that the building may be adapted for changes in patient care and technology that are likely to occur over the buildings' expected 100-year lifespan; and

WHEREAS, the applicant states that the Kimmel Pavilion will satisfy these programmatic needs because the lower levels of the Kimmel Pavilion will provide large contiguous floor plates, with a concentrated elevator and utility core surrounded by large amounts of space unconstrained by vertical penetrations, which will allow for flexibility in accommodating operating and procedure rooms, and will allow for floor plates that are repetitive and easily navigable; and

WHEREAS, the applicant further states that each procedure floor of the Kimmel Pavilion would support eight to 12 operating and procedure rooms as well as associated pre-operative holding, recovery, and support areas, and procedure rooms would be clustered to allow for efficient staffing and management of patient flow and pre- and post-procedure care; and

WHEREAS, the applicant notes that the Kimmel Pavilion would also be physically linked and function with the existing Tisch Hospital, such that: (1) the entrances and elevators of the two buildings would be physically and visually connected by a public concourse running between the lobby and second floor of the Kimmel Pavilion; (2) the second floor of Tisch Hospital and a service corridor would link the buildings at the first and second floors of the Kimmel Pavilion; and (3) two of the Kimmel Pavilion's procedure levels would align with key procedure floors of the Tisch Hospital building, thereby creating large, contiguous, and flexible clinical areas; and

WHEREAS, as to the programmatic need for the Energy Building, the applicant states that electrical requirements for the existing Medical Center facilities have been rapidly increasing due to new clinical and research technologies, greater intensity of computing, and greater reliance on information technologies for medical care; and

WHEREAS, the applicant further states that the Medical Center's existing electrical facilities are incapable of meeting the growing need and are burdened with a 50-year old campus electrical distribution system, overloaded and outdated electrical transformers, and switchgear that expose the campus to

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the risk of power failure; and

WHEREAS, the applicant states that the proposed Energy Building would supplement and replace the existing facilities with a combined heat and power facility with direct utility connections with all campus buildings, which would provide energy efficiently, reliably, and cost-effectively; and

WHEREAS, the applicant further states that the Energy Building would include a cogeneration facility which would allow the thermal byproducts of electricity generation to be captured to supply heat and hot water on the site, thereby reducing electrical loads, transmission losses that occur when electricity is transmitted over long distances, and operating costs for the Medical Center, and would also reduce regional pollutants and greenhouse gas emissions; and

WHEREAS, the applicant represents that the Medical Center also needs updated radiation oncology treatment facilities, which are currently located in the cellar of Tisch Hospital, a floor primarily used for utility equipment and storage; and

WHEREAS, the applicant notes that the existing treatment vaults for the radiation oncology treatment facility, which serve to buffer the treatment equipment, are more than 20 years old and are not large enough to accommodate state-of-the-art equipment or to expand to satisfy growing demand; and

WHEREAS, the applicant states that because of the vaults' low ceilings, renovations would be difficult and would have a limited effect in improving patient experience, and that the required depth of the vaults makes it difficult to accommodate the facilities within the proposed Kimmel Pavilion; and

WHEREAS, the applicant represents that the most efficient location for the radiation oncology facilities is on the second floor of the Energy Building, where they can be provided with vaults of sufficient depth and where they can be physically and programmatically integrated with the proposed Kimmel Pavilion and Tisch Hospital; and

WHEREAS, the applicant notes that the Medical Center's program also requires the relocation of existing bulk oxygen tanks on the Development Site to a site fronting on former East 30th Street; the tanks will be surrounded by concrete masonry unit and screen walls with a height of approximately 48'-6"; and

WHEREAS, as to the need for 140 parking spaces in the accessory parking garage of the Kimmel Pavilion, the applicant states that there are only 110 existing accessory off-street parking spaces on the zoning lot outside of the Development Site and, as noted above, the 1949 indenture agreement with the City requires that the Medical Center provide at least 235 parking spaces on the zoning lot; therefore, the Medical Center

has a programmatic need for the Development Site to provide more than the 100 accessory parking spaces permitted pursuant to the underlying zoning district regulations; and

WHEREAS, the applicant notes that the proposed parking garage would provide automated parking facilities which would maximize parking capacity by allowing the vehicles to be stacked closely together with no internal driveways, such that the proposed 150 sq. ft. per parking space would be sufficient to accommodate the facility; and

WHEREAS, the applicant states that the programmatic needs of the Medical Center also require an additional curb cut on First Avenue to allow two vehicular access points to the Kimmel Pavilion, thereby providing optimal configuration for accommodating vehicular traffic through and around the hospital; and

WHEREAS, the applicant submitted an engineer's report which states that the additional access point: (1) allows continued access to the hospital in the event that either entrance becomes inaccessible due to traffic congestion, road construction, or other activity; (2) provides an alternative entry point in the event that the City's proposed Select Bus Service (SBS) has a sustained impact on the East 34th Street entry point; (3) provides access from First Avenue separate from that to the Emergency Department, allowing ambulances to access the Emergency Department without interference from general hospital traffic; (4) minimizes traffic volume and delays at the intersection of First Avenue and East 34th Street, as well as conflicts with pedestrians at the intersection's crosswalks; and (5) provides additional vehicular queuing space, which would in turn limit possible "spillback" into the adjacent streets; and

WHEREAS, as noted above, the Community Board requested that the applicant consider alternative designs for vehicle ingress and egress at the site; specifically, the Community Board suggested that the applicant consider an alternative in which: (1) the proposed new curb cut on First Avenue is eliminated; and (2) the existing First Avenue curb cut for ambulance access to the Emergency Department is widened to accommodate both ambulance access to the Emergency Department and vehicular access to the Kimmel Pavilion driveway; and

WHEREAS, in response, the applicant submitted a letter from its engineer stating that the Community Board's proposal would compromise the Medical Center's operations and site plan, since a shared curb cut would increase conflicts between hospital-bound vehicles and Emergency Department ambulances, cause driver confusion, and detract from the pedestrian environment; and

WHEREAS, the applicant submitted plans for an alternative scenario consisting of a complying hospital building, with 24 stories and 707,306 sq. ft. of floor

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area, and an adjacent accessory parking lot; and

WHEREAS, the applicant represents that the aforementioned programmatic needs could not be satisfied through the complying scenario; and

WHEREAS, specifically, the applicant states that the required rear yard and setbacks of the hospital building would significantly compromise the efficiency and flexibility of the building, as they would result in three fewer operating and procedure rooms and less space for associated services on each of the lower floors, a significant reduction in the size of the clinical areas on the fourth, fifth and sixth floors, and a reduction in the width of the corridor connecting the hospital building to Tisch Hospital such that the corridor would not align with the existing corridor in Tisch Hospital, thereby compromising the efficiency of circulation between the buildings; and

WHEREAS, the applicant represents that the rear yard requirements would also preclude the location of the Energy Building south of the hospital building, and the energy facilities and the radiation oncology facilities would therefore have to be located within the hospital building, resulting in a larger mechanical core, a reduced clinical area, less flexible floor plates, and a taller building; and

WHEREAS, the applicant further represents that the inclusion of heat and power facilities within the complying hospital building would also result in poor connectivity to the southern end of the Medical Center campus and would prevent the phasing of construction of the energy facilities, which is critical to maintaining operation of the Medical Center; and

WHEREAS, the applicant notes that the complying scenario also would not provide vehicular access from First Avenue, thereby increasing congestion and vehicle-pedestrian conflicts at the intersection of East 34th Street and First Avenue, creating a risk of "spillback" into the adjacent streets by limiting queuing space, and risking impeded access to the hospital in the event that traffic congestion, road construction, or other activity affects the existing East 34th Street entrance; and

WHEREAS, the applicant states that the complying scenario would have an inefficient internal roadway geometry because of the need to use existing curb cuts on East 34th Street, and there would be less parking for patients and visitors; and

WHEREAS, the applicant represents that the complying scenario would also require that the bulk oxygen tanks be relocated to a site on the north side of former East 30th Street, which would necessitate the removal of existing storage space on the site and the extensive relocation of existing rooftop mechanical equipment; and

WHEREAS, the Board acknowledges that the Medical Center, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Cornell Univ. v. Bagnardi, 68 N.Y.2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, in addition to the programmatic needs of the Medical Center, the applicant states that the variance request is also necessitated by unique conditions of the site that create a hardship, specifically: (1) the sub-grade conditions of the Development Site; and (2) the existing built conditions of the zoning lot; and

WHEREAS, as to the sub-grade conditions on the Development Site, the applicant submitted an engineer's report stating that the site suffers from the following sub-grade constraints: four Amtrak tunnels running beneath the zoning lot, a sewer easement held by the New York City Department of Environmental Protection ("DEP") which spans the zoning lot in an east-west direction, storm sewers, a high water table, and poor soil conditions; and

WHEREAS, the engineer's report submitted by the applicant states that these constraints preclude the construction of cellars, which are commonly used for mechanical space in hospital buildings, and thus require that a greater amount of the buildings' bulk be located above grade, and they limit the location of foundations and elevator and mechanical cores, thereby constraining the configuration and dimensions of the buildings' footprints; and

WHEREAS, as to the surrounding conditions on the zoning lot, the applicant states that the configuration of the Development Site is dictated by the location of existing buildings on the zoning lot which are integral to the Medical Center's mission and cannot be demolished and/or which must be physically connected with the New Buildings so that the Medical Center may continue to operate efficiently; and

WHEREAS, the applicant states that the location of the Development Site is also constrained by the location of two Amtrak ventilation buildings on the northwest portion of the superblock; one of these buildings has frontage on First Avenue, close to the corner of East 34th Street, and the other has no street frontage and is within the Medical Center's zoning lot, immediately adjacent to the north of Tisch Hospital; and

WHEREAS, the applicant states that Tisch

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Hospital is currently the Medical Center's primary inpatient facility and must remain in operation throughout the construction of the New Buildings; and

WHEREAS, Tisch Hospital is located in the center of the Medical Center campus in an east-west direction, and therefore acts as a barrier between buildings to the north and south, such that new clinical facilities must be physically connected with Tisch Hospital in order to create an integrated environment with a single standard of care; and

WHEREAS, the applicant represents that the Development Site is the only location on the zoning lot that allows for the efficient consolidation of clinical facilities, and the construction of a large medical facility elsewhere on the zoning lot would either be impeded by the two Amtrak ventilation buildings, or would require more extensive demolition and displacement of existing, functioning Medical Center facilities; and

WHEREAS, the applicant states that the location of the Energy Building is dictated by the need for a central location to minimize the length of utility connections with other buildings and the inability to route utility connections through Tisch Hospital; and

WHEREAS, specifically, the applicant states that Tisch Hospital is already highly congested with utility connections, and its age and low floor-to-floor heights (typically 11'-4½") make it infeasible to route new utilities through the building; and

WHEREAS, the applicant further states that utilities cannot be routed between the Kimmel Pavilion and Tisch Hospital at the lowest service levels because of the sewer easement on the zoning lot, and they cannot be routed through the building at higher levels because doing so would require the displacement of clinical programs; and

WHEREAS, the applicant further states that, because Tisch Hospital is oriented in an east-west direction in the center of the campus, it precludes the location of the Energy Building further south on the campus; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations and inefficiencies of the site, when considered in conjunction with the programmatic needs of the Medical Center, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Medical Center is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the variance, if granted, will not alter the essential character

of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant states that the proposed buildings would be in keeping with the character of the surrounding neighborhood, which is defined by numerous medical and other institutional uses; and

WHEREAS, specifically, the applicant notes that the New Buildings would be located among a multitude of medical institutions comprising the First Avenue "medical corridor," including other buildings within the Medical Center, the Bellevue Hospital Center, the Veterans Affairs Medical Center, and the Hunter College School of Medical Professions; and

WHEREAS, the applicant further notes that the 197-a Plan for the Eastern Section of Community District 6 recommended that the area including the Medical Center be rezoned from residential to a Special Hospital Use District, indicating that the community recognizes this area as an appropriate location for specialized hospital uses; and

WHEREAS, the applicant states that First Avenue is a wide, heavily-trafficked northbound thoroughfare which divides the major health care facilities on the east side of the avenue from the neighborhood to the west, which has a mix of residential and institutional uses; and

WHEREAS, the applicant further states that the Development Site is located on a superblock largely occupied by the many mid-rise and high-rise buildings of the Medical Center, as well as two unoccupied Amtrak ventilation buildings on the northwest portion of the superblock and the Office of the New York City Medical Examiner on the southwest portion of the superblock; as such, there are no uses adjacent to the Development Site or on the superblock that would be affected by the requested rear yard waiver; and

WHEREAS, the applicant notes that the portion of the Kimmel Pavilion for which waivers are required from rear yard and rear yard setback regulations is located directly to the east of the southernmost Amtrak building on the Development Site, which the applicant represents would not be impacted by the proposed waivers because the Amtrak building contains mechanical equipment, is occupied only as needed by maintenance workers, and does not have windows, and therefore will not be impacted by the proposed variance; and

WHEREAS, the applicant states that the Energy Building, which is located within a required rear yard equivalent and which exceeds the maximum permitted front wall height, fronts on the FDR Drive, and portions of the Kimmel Pavilion for which height and setback waivers are required are similarly adjacent to the FDR Drive, and that the only buildings adjacent to these portions of the New Buildings are Medical Center

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facilities, none of which are residential in character; and

WHEREAS, the applicant further states that the small portion of the Kimmel Pavilion which pierces the East 34th Street sky exposure plane is located across East 34th Street from a 35-story residential complex, and the impact of the waiver for this non-compliance would be negligible given the small volume of the encroachment, the scale of the residential complex, and the distance to the residential complex across the wide street; and

WHEREAS, the applicant further states that the proposed bulk oxygen tank facility, located within a required rear yard to the east of the Office of the Medical Examiner on former East 30th Street, would be only slightly larger than the existing building on the site, would be smaller in scale than the other buildings fronting on East 30th Street, and would help create a continuous street wall with the adjacent properties; and

WHEREAS, the applicant represents that the New Buildings would not obstruct any views to any visual resources and would not detract from the visual quality of the Development Site or the surrounding neighborhood; and

WHEREAS, the applicant asserts that the New Buildings would actually improve the visual quality of the Development Site by replacing aging buildings on the Development Site with buildings of a contemporary design that will be designed to visually connect with other buildings on the Medical Center campus; and

WHEREAS, the applicant further asserts that the New Buildings would provide a benefit to the surrounding neighborhood and the City as a whole by providing a state-of-the-art, patient-centered, and integrated facility for inpatient and procedure-based care, and would further provide an upgraded energy infrastructure to ensure that the entire Medical Center campus is operated efficiently and safely; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Medical Center could occur on the existing site; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the requested waivers are the minimum relief necessary to accommodate the projected programmatic needs; and

WHEREAS, the Board has reviewed the applicant's program needs and assertions as to the

insufficiency of a complying scenario and has determined that the requested relief is the minimum necessary to allow the Medical Center to fulfill its programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") 11BSA029M, dated March 14, 2011; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, DEP's Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials, air quality, and noise impacts; and

WHEREAS, DEP accepted the November 2010 Phase II Workplan for the proposed Kimmel Pavilion and requested that a detailed Phase II Investigation Report be submitted to DEP for review and approval; and

WHEREAS, DEP accepted the November 2010 Remedial Action Plan and Construction Health and Safety Plan for the Energy Building and requested that a professional engineer-certified Remedial Closure Report be submitted to DEP for review and approval upon completion of the proposed project; and

WHEREAS, a Restrictive Declaration was executed on February 24, 2011 and filed for recording on March 2, 2011; and

WHEREAS, DEP reviewed the applicant's stationary and mobile sources air quality analyses and determined that significant impacts due to the proposed project are not anticipated; and

WHEREAS, DEP reviewed the results of noise monitoring, which determined that a range of 28 to 44 dBA of window-wall noise attenuation and central air-conditioning as an alternate means of ventilation are required for the two proposed buildings; and

WHEREAS, based upon the above, the Board finds that no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, accordingly, the Board has determined that the proposed action will not have a significant

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adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and the Board of Standards and Appeals makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, within an R8 zoning district, the construction of two new community facility buildings on the campus of the New York University Langone Medical Center that do not comply with zoning regulations for rear yard, rear yard equivalents, height and setback, rear yard setback, tower coverage, maximum permitted parking, minimum square footage per parking space, or curb cut requirements, contrary to ZR §§ 24-36, 24-382, 24-522, 24-552, 24-54, 13-132, 25-62, and 13-142, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 28, 2010" – twenty (20) sheets, "Received November 22, 2010" – four (4) sheets, and "Received February 4, 2011" – one (1) sheet; and *on further condition*:

THAT the parameters of the proposed buildings shall be in accordance with the approved plans;

THAT prior to the issuance of any building permit that would result in grading, excavation, foundation, alteration, building or other permit respecting the subject site which permits soil disturbance for the proposed project, the applicant or successor shall obtain from DEP a Notice to Proceed;

THAT prior to the issuance by DOB of a temporary or permanent Certificate of Occupancy, the applicant or successor shall obtain from DEP a Notice of Satisfaction;

THAT the window-wall noise attenuation requirements listed on sheet Z-1.02, stamped "Received February 4, 2011," and central air-conditioning as an alternate means of ventilation shall be provided in the New Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT the approved plans shall be considered

approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 15, 2011.

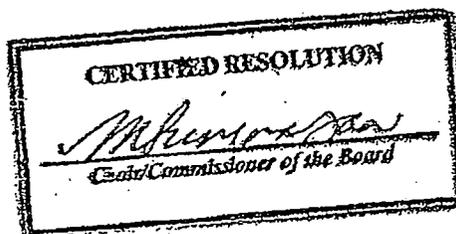
A true copy of resolution adopted by the Board of Standards and Appeals, March 15, 2011.
Printed in Bulletin No. 12, Vol. 96.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



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APPLICANT – Kramer Levin Naftalis & Frankel LLP, for NYU Hospital Center, owner; New York University, lessee.

SUBJECT – Application March 24, 2010 – Variance pursuant (§72-21) to allow for the enlargement of a community facility (NYU Langone Medical Center) contrary to rear yard (§24-36) and signage regulations (§§22-321, 22-331, 22-342). R8 zoning district.

PREMISES AFFECTED – 522-566/596-600. First Avenue aka 400-424 East 34th Street and 423-437 East 30th Street, East 34th Street; Franklin D. Roosevelt; East 30th Street and First Avenue, Block 962, Lot 80, 108 & 1001-1107, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant; Elise Wagner.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Superintendent, dated March 22, 2010, acting on Department of Buildings Application No. 120229519, reads in pertinent part:

“ZR 24-36. Proposed enlargement does not comply with the minimum rear yard requirements of the Zoning Resolution.

ZR 22-331 Proposed signage does not comply with regulations for permitted

ZR 22-342 illuminated accessory signs for hospitals or the height of signs;” and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R8 zoning district, the enlargement of an existing community facility (New York University Langone Medical Center) that does not comply with zoning regulations for rear yard or signage, contrary to ZR §§ 24-36, 22-331 and 22-342; and

WHEREAS, a public hearing was held on this application on May 25, 2010, after due notice by publication in the *City Record*, and then to decision on July 13, 2010; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application, subject to the condition that certain signs (noted as Signs 4, 6, and 13 on the plans) be eliminated, and another sign (Sign 7) be reduced in size; and

WHEREAS, the application is brought on behalf of

the New York University Langone Medical Center (the “Medical Center”), a non-profit educational institution and hospital; and

WHEREAS, the subject zoning lot is located on the superblock bounded by East 34th Street to the north, the Franklin D. Roosevelt Drive (the “FDR Drive”) to the east, East 30th Street to the south, and First Avenue to the west, within an R8 zoning district; and

WHEREAS, the zoning lot has a lot area of 408,511 sq. ft.; and

WHEREAS, the proposed enlargement will be located on an approximately 11,400 sq. ft. vacant parcel on the northwest portion of the zoning lot, bounded by First Avenue to the west, the Medical Center’s Perelman Building to the north, an Amtrak ventilation tower to the east (the “Amtrak Site”) and the Medical Center’s Tisch Hospital to the south (the “Development Site”); and

WHEREAS, the Development Site is an irregular “L”-shaped parcel with approximately 138’-0” of frontage on First Avenue and a depth that varies from 50’-0” to 125’-6”; and

WHEREAS, the Amtrak Site which adjoins the rear lot line of the Development Site is located on a separate zoning lot within the subject superblock, with access to First Avenue by means of an access easement over the northern portion of the Development Site; and

WHEREAS, the applicant states that the Amtrak Site’s building is occupied by a ventilation shaft for, and emergency exit stair from, the LIRR train tunnels which are owned by Amtrak; and

WHEREAS, the Development Site is currently occupied by the existing Emergency Department, a portion of the Tisch Hospital building, an air intake shaft serving the mechanical equipment in the cellar of Tisch Hospital, a paved area for ambulance unloading and pedestrian access, and a portion of the bed of former East 33rd Street (subject to an access easement for Amtrak); and

WHEREAS, the applicant proposes to reconfigure and renovate the existing Emergency Department space, expand it within a portion of the Tisch Hospital building, and construct a 3,780 sq. ft. (12,380 gross sq. ft.) enlargement at the first floor and cellar (the “Proposed Enlargement”) to increase the total floor area on the zoning lot to 2,064,562 sq. ft. (5.1 FAR); and

WHEREAS, the maximum permitted FAR for a community facility in the subject zoning district is 6.5; and

WHEREAS, a portion of the Proposed Enlargement would be located within the required 30’-0” rear yard; and

WHEREAS, the applicant notes that ZR § 24-33 provides a rear yard exemption for a community facility building located within a residence district, allowing the first floor, or up to a height of 23’-0” of the building, to

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encroach into the rear yard as a permitted obstruction; and

WHEREAS, the applicant states that although the portion of the Proposed Enlargement located in the required rear yard is only one story, the rear yard exemption does not apply because the height of the rooftop mechanicals and parapet wall located within the required rear yard exceed 23 feet in height; and

WHEREAS, the applicant also proposes to provide 354 sq. ft. of signage at the entrances and on the façade of the Proposed Enlargement (25 sq. ft. is the maximum signage permitted), with a vertical panel sign integrated into the south façade of the Proposed Enlargement extending above the height of the ground floor ceiling (signs are not permitted to extend above the ground floor ceiling); and

WHEREAS, the applicant represents that the proposed building will not create any new non-compliances or increase any existing non-compliances except for the rear yard and signage requirements; and

WHEREAS, the applicant represents that the variance request is necessitated by unique conditions of the site that create a hardship, specifically: (1) the constraints of the existing site, including the irregular, shallow configuration of the Development Site, and the existing improvements on and surrounding conditions of the zoning lot; and (2) the programmatic needs of the Medical Center; and

WHEREAS, as to the configuration of the Development Site, the applicant states that it is an irregular "L"-shaped site with approximately 138'-0" of frontage on First Avenue and a depth that varies from approximately 50'-0" to 125'-6"; and

WHEREAS, the applicant further states that the northernmost portion of the Development Site on which construction is permitted is made even shallower by an existing air intake shaft located on the eastern portion of the site; and

WHEREAS, the applicant notes that the northern portion of the Development Site, from First Avenue to the Amtrak Site, is subject to an access easement in favor of Amtrak, and permanent obstructions are not permitted within the easement area, thereby preventing the expansion of the Emergency Department into that portion of the Development Site; and

WHEREAS, the applicant states that the Development Site is bounded by the Medical Center's Perelman Building to the north, the Amtrak ventilation tower to the east, and the Tisch Hospital building to the south, and the inability to demolish these existing buildings, which are either necessary to meet the programmatic needs of the Medical Center, or are owned by Amtrak, further constrain the Development Site; and

WHEREAS, the applicant represents that, given

the irregular shape of the Development Site and the surrounding conditions on the zoning lot, the Proposed Enlargement is necessary in order to meet the programmatic needs of the Medical Center, which include: (1) providing a sufficient number of exam/treatment rooms, triage/treatment rooms, and disposition seats to handle current and projected patient volumes; (2) improving patient flow and enhancing visual and acoustic privacy; (3) separating pediatric patients from adult patients, and walk-in patients from ambulance patients; (4) improving staff travel distances and patient waiting times; and (5) providing adequate way-finding and identification signage for visitors approaching the Emergency Department from First Avenue; and

WHEREAS, the applicant represents that the Emergency Department is experiencing increased patient loads, with approximately 39,000 visitors per year; and

WHEREAS, the applicant states that visits to the Emergency Department have increased in recent years by between three and five percent per year, and are projected to continue to increase at such a rate; and

WHEREAS, the applicant further states that patient loads are especially high at the Emergency Department due to the closing of Cabrini Hospital; and

WHEREAS, the applicant represents that the existing Emergency Department is undersized and inefficiently organized, as it contains only approximately 9,250 gross sq. ft., with 18 exam/treatment rooms, one triage/treatment room, and no disposition seats; and

WHEREAS, the applicant states that currently, all patients for the Emergency Department enter at the same location off First Avenue, resulting in an undesirable mixing of walk-in patients with patients arriving by ambulance, as well as pediatric patients with adult patients; and

WHEREAS, the applicant further states that space constraints result in poor patient flow and minimal acoustic and visual privacy; and

WHEREAS, the applicant represents that the existing mechanical and electrical systems serving the Emergency Department are also inadequate; and

WHEREAS, the applicant states that the Proposed Enlargement would provide an Emergency Department with 33,290 gross sq. ft., 29 exam/treatment rooms, three triage/treatment rooms, and an eight-seat disposition lounge; and

WHEREAS, the applicant represents that the increased size and number of rooms, as well as the improved layout of the Proposed Enlargement will improve patient flow, enhance visual and acoustic privacy, and decrease staff travel distances and patient waiting times; and

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WHEREAS, the applicant states that the Proposed Enlargement would provide separation of walk-in patients from ambulance patients by creating a visually distinguishable access point for walk-in patients and a separate entrance corridor for ambulance patients, and would provide separation of pediatrics patients from adult patients by creating a dedicated space for pediatrics; and

WHEREAS, the applicant notes that existing mechanical equipment in the Tisch Hospital building distributes air throughout the west portion of Tisch Hospital through a vertical shaft on that end of the building, which leads to an air handling unit located within the cellar of Tisch Hospital and to the existing air shaft on the Development Site; and

WHEREAS, the applicant states that the programmatic needs of the Medical Center require the elimination of the air intake shaft located on the eastern portion of the Development Site and the air handling unit located in the cellar of the Tisch Hospital building, in order to allow more appropriate dimensions and an improved layout of the proposed Emergency Department; and

WHEREAS, specifically, the applicant states that the removal of the on-site air intake shaft allows for significant increases in plan efficiency by providing a larger floor plate and entrance area; and

WHEREAS, the applicant states that following the removal of the air intake shaft and air handling unit, air handling would be accomplished by two HVAC units located on the roof of the portion of the Proposed Enlargement located within the required rear yard, which would extend above the allowable height of 23 feet; and

WHEREAS, the applicant represents that the new equipment replacing the air handling unit and air shaft must be located as close as possible to the existing vertical shaft within the Tisch Hospital building so that it can continue to serve Tisch Hospital efficiently; and

WHEREAS, the applicant further represents that the roof of the Proposed Enlargement is the only feasible location for the mechanical equipment that is within a reasonable distance of the existing ventilation shaft; and

WHEREAS, the applicant states that the rooftop mechanical equipment, including the equipment encroaching within the required rear yard, would be surrounded by a parapet wall reaching a height of 40'-2" above mean curb level, which serves to screen the mechanical equipment when the building is viewed at street level; and

WHEREAS, the applicant represents that the requested rear yard waiver is necessary in order to provide the necessary floor plates and building layout to satisfy the programmatic needs of the Medical Center,

by locating the proposed mechanical equipment and accompanying parapet wall on the roof of the Proposed Enlargement; and

WHEREAS, as to the requested signage, the applicant states that it is necessary in order to provide adequate way-finding and identification signage for visitors approaching the Emergency Department from First Avenue; and

WHEREAS, the applicant submitted a signage analysis stating that the signage must be visible to northbound traffic on First Avenue, since all vehicles ultimately approach the Emergency Department from this direction; and

WHEREAS, the applicant notes that First Avenue is a five-lane, heavily traveled roadway, and that traffic often backs up at the traffic signal at East 33rd Street, restricting visibility of the Emergency Department; and

WHEREAS, the applicant states that the Emergency Department is one of three emergency departments located along the First Avenue medical corridor, and the close proximity of both the Bellevue Hospital and the Veterans Affairs Hospital emergency departments, and the lack of signage identifying each facility results in confusion for visitors; and

WHEREAS, the applicant further states that there are multiple entrances to the Medical Center campus along First Avenue, and most of them are seen by approaching First Avenue traffic before the Emergency Department; as a result, visitors to the Emergency Department are often drawn instead into the Medical Center's main entrance, which is more visually significant than the other entrances, thereby losing critical time in urgent situations; and

WHEREAS, the applicant represents that the Emergency Department entrances must therefore be clearly identified as part of the Medical Center, rather than other hospitals along First Avenue, and must be clearly distinguished from other Medical Center entrances; and

WHEREAS, the applicant states that the Medical Center has established an emergency drop-off lane separated from First Avenue traffic flow by a temporary curb to allow patients to be safely dropped off at the Emergency Department's walk-in entrance, but notes that traffic congestion often blocks the view of the lane divider for vehicles that are not in the far right lanes; and

WHEREAS, the applicant further states that if vehicles miss the drop-off lane, they must take a long route to loop back around to First Avenue via FDR Drive and East 25th Street; therefore, the Emergency Department signage must be visible and legible to vehicles well before they encounter the emergency drop-off lane; and

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WHEREAS, the applicant represents that facilities within the Medical Center campus have historically been referenced and known by the building name, therefore the building name for the Emergency Department must be located on the exterior façade; and

WHEREAS, the applicant further represents that the confusion caused by the close proximity of the other hospitals and lack of clear signage for the subject Emergency Department is increased in the nighttime hours; therefore, the Emergency Department signage must be sufficiently illuminated in order to ensure legibility after dark; and

WHEREAS, the applicant notes, however, that only one sign (Sign 7 on the plan sheets) is proposed to be illuminated; and

WHEREAS, the signage analysis reflects that in order to improve visibility, signage must be located within the cone of vision for approaching traffic and must account for impediments to visibility; therefore, the signage should be visible from a distance of approximately 650 feet from the south along First Avenue, and should be legible from a distance of 300 feet; and

WHEREAS, the applicant states that signs above street level are primarily viewable from a distance, and signs at street level are primarily viewable within a close range, and therefore signage at the site needs to be located both above street level and at street level; and

WHEREAS, the applicant further states that because much of the heavy traffic on First Avenue consists of buses, which have heights of approximately 11'-0", signage must be located at a height above 12'-0" in order to be viewable over buses and from a distance; thus, duplicate signage must be provided above a height of 12'-0" and at street level in order to be visible for both vehicular and pedestrian traffic; and

WHEREAS, in response to the Community Board's recommendation for the elimination of redundant signage and the reduction in size of certain signage, the applicant explained that all of the requested signage is necessary in order for the entrances of the Emergency Department to be visible for both vehicular and pedestrian traffic, and to identify the Emergency Department as part of the Medical Center and separate from the other emergency departments in close proximity; and

WHEREAS, the applicant represents that the requested waivers related to the height and square footage of the proposed signage are necessary in order to satisfy the Medical Center's programmatic needs of providing adequate way-finding and identification signage for visitors approaching the Emergency Department from First Avenue; and

WHEREAS, the Board finds that the stated programmatic needs are legitimate, and agrees that the

proposed enlargement and signage are necessary to address the Medical Center's programmatic needs, given the limitations of the site; and

WHEREAS, the applicant represents that it is unable to feasibly accommodate the programmatic needs within an as-of-right building envelope, or with complying signage; and

WHEREAS, the applicant submitted building plans for a complying building, which would incorporate the existing air intake shaft that serves the air handlers in the cellar of the Tisch Hospital building, and would provide only two signs on the canopy over the entrance, and a small business address sign over the entrance; and

WHEREAS, the applicant represents that, due to the inability to remove the air intake shaft, (1) the complying development would lose approximately 3,000 gross sq. ft., one exam/treatment room and four disposition seats as compared to the Proposed Enlargement; (2) the footprint and entrance area of the complying development would be limited; (3) plan efficiency would be reduced; (4) there would be no separation of walk-in patients from ambulance patients or pediatrics patients from adult patients; (5) staff travel distances and patient waiting times would be increased; and (6) upgrades to the Emergency Department's mechanical and electrical systems would not be possible; and

WHEREAS, additionally, the minimal signage provided for the complying development would be inadequate to provide sufficient way-finding for pedestrians and drivers approaching the Emergency Department along First Avenue; and

WHEREAS, the Board acknowledges that the Medical Center, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Cornell Univ. v. Bagnardi, 68 N.Y.2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations and inefficiencies of the site, when considered in conjunction with the programmatic needs of the Medical Center, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Medical Center is a non-profit institution and the variance is needed to further its

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non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the variance, if granted, will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant states that the Proposed Enlargement would be in keeping with the character of the surrounding neighborhood, which is defined by numerous medical and other institutional uses; and

WHEREAS, specifically, the applicant notes that the Proposed Enlargement would be located among a multitude of medical institutions comprising the First Avenue "medical corridor," including other buildings within the Medical Center, the Bellevue Hospital Center, the Veterans Affairs Medical Center, and the Hunter College School of Medical Professions; and

WHEREAS, the applicant further notes that the 197-a Plan for the Eastern Section of Community District 6 recommended that the area including the Medical Center be rezoned from residential to a Special Hospital Use District, indicating that the community recognizes this area as an appropriate location for specialized hospital uses; and

WHEREAS, the applicant states that First Avenue is a wide, heavily-trafficked northbound thoroughfare which divides the major health care facilities on the east side of the avenue from the neighborhood to the west, which has a mix of residential and institutional uses; and

WHEREAS, the applicant further states that the Development Site is located on a superblock largely occupied by the many mid-rise and high-rise buildings of the Medical Center, as well as two unoccupied Amtrak ventilation buildings on the northwest portion of the superblock and the Office of the New York City Medical Examiner on the southwest portion of the superblock; as such, there are no uses adjacent to the Development Site or on the superblock that would be affected by the requested rear yard waiver; and

WHEREAS, specifically, the applicant represents that the rear yard waiver would not impact the Amtrak ventilation tower located to the east of the Development Site, because the Amtrak building contains only mechanical equipment, is only occupied as needed by maintenance workers, and does not have windows; and

WHEREAS, the applicant states that the exhaust louvers at the top of the shaft of the Amtrak building extend from a height of 86'-0" to the top of the building at approximately 104'-0", which is well above the top of the Proposed Enlargement's parapet wall, which has a height of 40'-2"; and

WHEREAS, the applicant further states that the

Proposed Enlargement would not limit access to, or egress from, any of the Amtrak building's doors, including the emergency exit on the east side of the building; and

WHEREAS, the applicant represents that the signage associated with the Proposed Enlargement would not obstruct any views to any visual resources and would not detract from the visual quality of the Development Site or the surrounding neighborhood; and

WHEREAS, the applicant represents that the Proposed Enlargement would actually improve the visual quality of the Development Site by replacing a paved parking area, ramp and entryway to the existing Emergency Department with a contemporary steel and glass curtain wall design; and

WHEREAS, the applicant states that the proposed signage would not adversely impact the surrounding neighborhood because First Avenue in the vicinity of the Medical Center campus does not have a residential character, as the closest residential use to the Development Site is located diagonally across First Avenue, at least 150 feet away; and

WHEREAS, additionally, the applicant notes that the Proposed Enlargement complies with all other bulk parameters and the use is permitted as-of-right; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Medical Center could occur on the existing site; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the requested rear yard and signage waivers are the minimum relief necessary to accommodate the projected programmatic needs; and

WHEREAS, the Board has reviewed the applicant's program needs and assertions as to the insufficiency of a complying scenario and has determined that the rear yard and signage relief are the minimum necessary to allow the Medical Center to fulfill its programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board conducted an environmental review of the proposed action and

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documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") 10BSA055M, dated July 7, 2010; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Department of Environmental Protection's ("DEP") Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials impacts; and

WHEREAS the applicant submitted the May 2010 Phase II Sampling Protocol and Health and Safety Plan to DEP for review and approval; and

WHEREAS, in its June 23, 2010 letter, DEP finds the Phase II Sampling Protocol and Health and Safety Plan acceptable and requested Phase II testing; and

WHEREAS, the applicant proposes to test and identify any potential hazardous materials pursuant to the approved Sampling Protocol and, if such hazardous materials are found, to submit a hazardous materials remediation plan, including a health and safety plan, (as approved by DEP, the "Remediation Plan") for approval by DEP prior to the commencement of any construction or demolition activities at the site; and

WHEREAS, prior to the issuance of any building permit by DOB for the proposed project that would result in grading, excavation, foundation, alteration, building or other permit which permits soil disturbance, the applicant proposes to obtain from DEP either: (A) a Notice of No Objection ("Notice of No Objection") upon the occurrence of the following: (i) the applicant has completed the project-specific DEP approved Sampling Protocol to the satisfaction of DEP; and (ii) DEP has determined in writing that the results of such sampling demonstrate that no hazardous materials remediation is required for the proposed project; or (B) a Notice to Proceed ("Notice to Proceed") in the event that DEP has determined in writing that: (i) the project-specific Remediation Plan has been approved by DEP and (ii) the permit(s) for grading, excavation, foundation, alteration, building or other permit which permits soil disturbance or construction of the superstructure for the project facilitate the implementation of the DEP approved Remediation Plan; and

WHEREAS, prior to the issuance of any temporary or permanent Certificate of Occupancy by

DOB, applicant proposes to obtain from DEP either: (A) a Notice of Satisfaction ("Notice of Satisfaction") in the event that DEP determines in writing that the DEP approved project-specific Remediation Plan has been completed to the satisfaction of DEP, or (B) a Notice of No Objection in the event that DEP determines in writing that the work has been completed as set forth in the project-specific DEP approved Sampling Protocol and the results of such sampling demonstrate that no hazardous materials remediation is required for the proposed project; and

WHEREAS, based on the results of noise monitoring, the applicant proposes window-wall noise attenuation of 30 dBA on the west (First Avenue) facade of the subject building; and

WHEREAS, the proposed building design shall include central air-conditioning (as an alternate means of ventilation) to ensure that an interior noise level of 45 dBA is achieved; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and the Board of Standards and Appeals makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, within an R8 zoning district, the enlargement of an existing community facility (New York University Langone Medical Center) that does not comply with zoning regulations for rear yard or signage, contrary to ZR §§ 24-36, 22-331 and 22-342, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 30, 2010" - eleven (11) sheets; and *on further condition:*

THAT the parameters of the Proposed Enlargement and signage shall be in accordance with the approved plans;

THAT prior to the issuance of any building permit by DOB for the proposed project that would result in grading, excavation, foundation, alteration, building or other permit which permits soil disturbance, the applicant or successor shall obtain from DEP, as applicable, either a Notice of No Objection or a Notice to Proceed, and in the event a Notice to Proceed is obtained, a Notice of Satisfaction, and shall comply

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with all DEP requirements to obtain such notices;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or successor until DEP has issued a Notice of No Objection, or Notice of Satisfaction;

THAT 30 dBA of window-wall noise attenuation shall be provided on the west facade of the subject building and central air-conditioning shall be maintained as an alternate means of ventilation;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,
July 13, 2010.

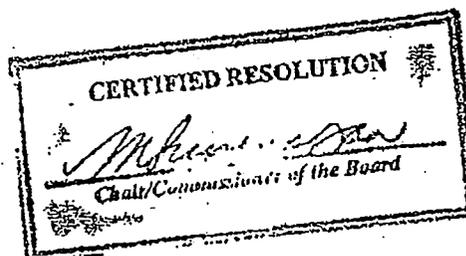
A true copy of resolution adopted by the Board of Standards and Appeals, July 13, 2010.
Printed in Bulletin Nos. 27-29, Vol. 95.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



170-08-BZ

CEQR #08-BSA-100M

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Cornell University, owner.

SUBJECT – Application June 25, 2008 – Variance (§72-21) to permit the construction of a research building (Weill Cornell Medical College) with sixteen occupied stories and two mechanical floors. The proposal is contrary to ZR §24-11 (Floor area and lot coverage), §24-36 (Rear yard), §24-522 (Height and setback), and §24-552 (Rear yard setback). R8 district.

PREMISES AFFECTED – 411-431 East 69th Street, block bounded by East 69th and East 70th Streets and York and First Avenues, Block 1464, Lots 8, 14, 15, 16 p/o 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Gary T. Tarnoff and James Power.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decisions of the Manhattan Borough Commissioner dated June 23, 2008, acting on Department of Buildings Application No. 110098787, reads in pertinent part:

1. ZR 24-11 – The floor area proposed exceeds that permitted for an R8 Zoning District.
2. ZR 24-11 – The lot coverage proposed exceeds that allowed for an R8 Zoning District.
3. ZR 24-36 – The minimum rear yard requirement has not been met.
4. ZR 24-522 – The height and setback proposed for the building does not comply with the requirements.
5. ZR 24-552 – A rear yard setback is required for the proposed building;
6. ZR 24-35 – The open areas provided along the side lot lines, at the mechanical penthouse level, are less than 8'-0”;" and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R8 zoning district, the proposed construction of an 18-story biomedical research building for Weill Cornell Medical College to be occupied by community facility use, that does not comply with zoning parameters for community facility floor area, lot coverage, front and rear height and setbacks, and rear and side yards, contrary to ZR §§ 24-11, 24-36, 24-522, 24-552, and 24-35; and

WHEREAS, the application is brought on behalf of Weill Cornell Medical College (“Weill Cornell”), a non-profit educational institution; and

WHEREAS, a public hearing was held on this application on October 28, 2008, after due notice by publication in the *City Record*, with a continued hearing on December 9, 2008 and then to decision January 13, 2009; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, certain area residents testified in opposition to the application; and

WHEREAS, additionally, the Kingsley Condominium, represented by counsel (hereinafter, the “Opposition”), also appeared at hearing, and made submissions into the record in opposition to the application; the arguments made by the Opposition related to the required findings for a variance, as well as other items, and are addressed below; and

WHEREAS, the subject site consists of tax lots 8, 14, 15, 16, and part of Tax Lot 21, which together comprise a single zoning lot (tentative Tax Lot 8, the “Zoning Lot”); and

WHEREAS, the subject site is occupied by three buildings which are proposed to be demolished; and

WHEREAS, the subject site is located on the north side of East 69th Street between First Avenue and York Avenue within an R8 zoning district; and

WHEREAS, the subject site has a total lot area of 26,116 sq. ft., and

WHEREAS, the subject site is located at the southwestern end of Weill Cornell’s campus, which is primarily located on the subject block and on the east side of York Avenue between East 68th and East 70th Streets; and

WHEREAS, the first and second floors are proposed to be occupied by public lobbies and meeting, educational and building support space; the third through 16th floors will be occupied by research laboratories and related functions (totaling 287,910 sq. ft.); the 17th and 18th floors are proposed to be occupied by mechanical space; and six below-grade levels will be occupied by laboratory support and building support space, which do not contribute to the building’s total floor area; and

WHEREAS, the proposed building would have the following parameters: (1) floor area of 331,945 sq. ft.

(169,754 sq. ft. is the maximum permitted floor area); (2) an FAR of 12.71 (6.5 is the maximum permitted FAR for community facility use); (3) lot coverage of 92 percent (65 percent is the maximum permitted lot coverage); (4) a street wall height of approximately 231 feet and total building height (including mechanicals) of 302'-7" (85'-0" is the maximum height permitted), without a setback (a setback of 20'-0" is required); (5) a rear yard of 15'-0" (30'-0" is required above 23'-0"); with no setback (a setback of 20'-0" is required above 125'-0"); and (6) two side yards of 5'-0" (if provided, two side yards of 8'-0" are required); and ZR § 72-21 (a) – Unique Physical Conditions Finding

WHEREAS, under § 72-21 (a) of the Zoning Resolution, the Board must find that there are unique physical conditions inherent to the Zoning Lot which create practical difficulties or unnecessary hardship in strictly complying with the zoning requirements (the "(a) finding"); and

WHEREAS, the applicant represents that the waivers are sought to enable Weill Cornell to construct a facility that meets its programmatic needs; and

WHEREAS, as to these programmatic needs, the applicant represents that Weill Cornell is a non-profit educational institution, with a mission to develop a state-of-the-art medical science and research facility with floor plates that facilitate interdisciplinary and translational research and laboratories and which are proximate to the Weill Cornell Medical Center; and

WHEREAS, the applicant states that Weill Cornell has adopted a strategic plan focusing on translational and clinical research in metabolic, cardiovascular and neuro-psychiatric disorders, infectious diseases, genetics, nanobiotechnology and stem cell biology and intends to recruit 50 additional tenure-track research faculty, and to enroll an additional 51 graduate students, 101 post-doctoral fellows, 101 technicians, 25 non-tenure track research faculty, and 25 support personnel to conduct this research; and

WHEREAS, the applicant further states that all available research facilities on the campus are being used to capacity and there is no room to expand within Weill Cornell's existing buildings; and

WHEREAS, the applicant represents that Weill Cornell's existing research facilities are inadequate in size and quality, lack floor plates capable of supporting modern research and are largely located in obsolete buildings constructed before 1960; and

WHEREAS, the applicant represents that Weill Cornell cannot fulfill its research mission, remain competitive, and attract and retain highly-skilled physicians, researchers, and medical students without providing modern research laboratories; and

WHEREAS, the applicant further represents that the research space of the proposed research facility has been designed to be modern and competitive with other such facilities and to promote the desired research environment by creating opportunities for collaborations among different scientific disciplines; and

WHEREAS, to achieve this multi-disciplinary collaborative model with efficiency and adaptability, the laboratory floors require large uniform floor plates; and

WHEREAS, the applicant cites spatial analyses reflecting that effective laboratory floor plates for institutions with similar missions to Weill Cornell's range from 20,000 sq. ft. to 35,000 sq. ft.; and

WHEREAS, the studies reflect that a certain sized floor plate is dictated by the optimum number of principal investigators ("P.I.'s") per floor, their space requirements and the additional space necessary for ancillary offices, equipment rooms and conference rooms required by multi-disciplinary teams of scientists; and

WHEREAS, a study cited by the applicant also reflects that 1,400 to 1,700 net sq. ft. is the minimum area required for each lead scientist or P.I., and that eight to ten is the optimum number of P.I.'s to station on each floor; and

WHEREAS, the applicant represents that none of the laboratory floor plates of Weill Cornell's existing facilities is optimally sized and that each active P.I. now occupies an average of only 925 sq. ft.; and

WHEREAS, the applicant represents that the proposed 21,752 sq. ft. floor plate (not including mechanical space) will provide 1,600 sq. ft. of space to each of the proposed 370 P.I.s and is therefore the minimum size required for Weill Cornell's research programs; and

WHEREAS, the applicant also proposes to provide two floors of above-grade mechanical space; and

WHEREAS, the applicant states that above-grade mechanical space is necessary to provide better air quality to laboratories and that placing air and exhaust air streams adjacent to each other at the top of the building allows air-to-air heat exchangers to maximize heat recovery and achieve greater energy efficiency; and

WHEREAS, the applicant represents that the waiver to floor area is sought to provide the square footage necessary to meet Weill Cornell's research and educational programmatic needs, and the waivers to lot coverage, front and rear height and setbacks, and rear and side yards, allow Weill Cornell to achieve research facility floor plates that are efficient and encourage collaboration among research teams; and

WHEREAS, the applicant states that a complying facility would be limited to 169,754 sq. ft. of floor area; and

WHEREAS, based on an extensive review of its facilities and operations, Weill Cornell determined that 280,000 sq. ft. of laboratory and educational programmatic space was needed for development of an academic and medical center building that would reduce overcrowding on its campus, while creating an interdisciplinary and

translational research center consistent with National Institute of Health (NIH) guidelines; and

WHEREAS, the applicant states that Weill Cornell determined that approximately 280,000 sq. ft. of program space was required: 220,000 sq. ft. for laboratory space; and 60,000 sq. ft. of educational program space, consisting of classrooms, lecture halls, conference rooms, and an atrium with garden area; and

WHEREAS the applicant further states that Weill Cornell's demands are also driven by the programmatic need to relocate 54 to 90 faculty members from overcrowded facilities on the east side of the campus, as well as the need to accommodate 50 additional faculty being recruited in response to the NIH strategic plan for interdisciplinary and translational research centers; and

WHEREAS, the applicant represents that recruitment of 50 additional tenure-track research faculty will result in the addition of approximately 51 additional graduate students, 101 post-doctoral fellows, 101 technicians, 25 non-tenure track research faculty, and 25 other support personnel, while the relocated 54 faculty members would result in the addition of 53 graduate students, 107 post-doctoral fellows, 107 technicians, 27 non-tenure track research faculty, and 27 other support personnel; and

WHEREAS, the applicant further represents that a complying building would provide less than half the programmable square footage necessary to meet Weill Cornell's research and educational programmatic need, and that a complying building would further require 11,737-sq. ft. of program space to be located in below grade space where it would not count as floor area; and

WHEREAS; the applicant states that the proposed facility would provide the research laboratory space needed to meet the programmatic need on above-grade floors in space appropriate to that use and without the loss of research support facilities; and

WHEREAS, the applicant states that the rear yard, height and setback waivers are necessary to accommodate the minimum floor plate depth of 85 feet required for an efficient laboratory module; and

WHEREAS, further, the applicant states that the proposed site is the most viable to satisfy its programmatic needs because the nature of clinical research requires that facilities be located proximate to patient care facilities and the subject site is adjacent to the Weill Greenberg Ambulatory Care Center at the corner of East 70th Street and York Avenue; and

WHEREAS, the subject site's location within the Medical Center's campus also facilitates connectivity and allows students to be integrated into research programs and clinical physician faculty to have easy access to both their patients and to research laboratories; and

WHEREAS, in addition to its proximity to the Medical Center's campus, Weill Cornell identified the subject site as the most operationally feasible location for the proposed research facility because: (1) research laboratory uses are currently located on the site; and (2) the existing uses can be relocated elsewhere on the campus or within the proposed building; and

WHEREAS, although the subject site was found to constitute the optimum site for the proposed project from an operational standpoint, Weill Cornell represents that it is unable to accommodate its programmatic needs within a building or a site plan that complies with all relevant R8 zoning district regulations; and

WHEREAS, in its submission, the applicant considered an as-of-right alternative for the proposed development, but determined that - at 12 above-grade stories and 169,754 sq. ft. of floor area - it would provide less than half the floor area of the proposed facility; and

WHEREAS, the applicant further represents that complying with the subject zoning would produce a tiered facility with inefficient non-uniform floor plates that would severely compromise the functionality and efficiency of the laboratory space; and

WHEREAS, the applicant states that the third through sixth floors would be limited by the lot coverage and rear yard regulations to 10,370 programmable square feet per floor; and

WHEREAS, the lot coverage limitations would allow a maximum building depth of 65'-3", necessitating a design that would hinder effective research collaboration and the informal interaction that is the catalyst for scientific discovery; and

WHEREAS, the applicant states that the setback regulations require a 20-foot setback from the street line for floor seven through nine and a setback of approximately 53 feet from the western lot line on floors 10 through 12; and

WHEREAS, the applicant states that the seventh, eight and ninth floors would consequently have floor plates of 7,232 sq. ft. and the 10th, 11th, and 12th floors would have floor plates of 5,168 sq. ft., all with maximum depths of 50'-5"; and

WHEREAS, the applicant further states that floors seven through nine of a complying building would accommodate a maximum of five principal investigators and that the 10th through 12th floors could accommodate only three principal investigators, each with a lab group size of no more than two to three researchers with a layout that would not permit direct relationships and collaborations between lab teams; and

WHEREAS, the applicant further states that the height and setback regulations would also limit the efficiency

of the program and of the mechanical and other building systems, the cost benefits of sharing expensive scientific equipment among an optimum number of researchers, and the economies of the building support systems; and

WHEREAS, the applicant concludes that the floor area, lot coverage, front and rear height and setbacks, and rear and side yard relief is required to meet the programmatic and design imperatives of the proposed research facility; and

WHEREAS, in analyzing the applicant's waiver requests, the Board notes at the outset that Weill Cornell, as a non-profit educational institution, may use its programmatic needs as a basis for the requested waivers; and

WHEREAS, as noted by the applicant, under well-established precedents of the courts and this Board, applications for variances that are needed in order to meet the programmatic needs of non-profit institutions, particularly educational and religious institutions, are entitled to significant deference (see, e.g., *Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986) (hereinafter, "Cornell")); and

WHEREAS, the Board notes that Weill Cornell is a New York State chartered educational institution providing a significant educational program, which will operate the proposed research facility; and

WHEREAS, the Board also notes that the proposed research facility has been designed to be consistent and compatible with adjacent uses and with the scale and character of the surrounding neighborhood and is, therefore, consistent with the standard established by the decision in *Cornell*; and

WHEREAS, accordingly, the Board finds it appropriate to give deference to Weill Cornell's programmatic needs; and

WHEREAS, the Board observes that such deference has been accorded to comparable institutions in numerous other Board decisions, certain of which were cited by the applicant in its submission; and

WHEREAS, here, the waivers will facilitate construction of a building that will meet the specific needs of Weill Cornell; and

WHEREAS, specifically, as set forth above, the applicant represents that the proposed research facility will provide Weill Cornell with 14 laboratory floors, which meet the minimum required floor area for modern translational research programs, and two floors for other educational uses; and

WHEREAS, in sum, the Board concludes that the need for the waivers to accommodate Weill Cornell's programmatic needs has been fully explained and documented by the applicant; and

WHEREAS, the Opposition argues that the applicant has failed to make the (a) finding because: (1) the site is not unique; and (2) the negative impacts of the proposed development outweigh its positive benefits; and

WHEREAS, as to its lack of uniqueness, the Opposition contends that the applicant cannot satisfy the (a) finding under ZR § 72-21 because the Zoning Lot is not subject to a unique physical condition which creates a hardship; and

WHEREAS, the Board finds that the applicant's submissions, which include statements, plans, and other evidence, provide the required specificity concerning its requirements for laboratory space to establish that the requested variances are necessary to satisfy its programmatic needs, consistent with the *Cornell* decision; and

WHEREAS, in *Cornell*, the New York Court of Appeals adopted the presumptive benefit standard that had formerly been applied to proposals of religious institutions, finding that municipalities have an affirmative duty to accommodate the expansion needs of educational institutions; and

WHEREAS, the applicant states that Weill Cornell enrolls 465 MD and MD/Ph.D students as well as 394 candidates for other degrees (Ph.D., M.S. and P.A.) in its graduate biomedical and health sciences degree programs; and

WHEREAS, the applicant further states that the employees at the proposed research facility will include approximately 104 to 182 Medical School faculty, 98 graduate students, 196 post-doctoral fellows and 196 technicians; and

WHEREAS, the applicant represents that the outcomes of research conducted at the proposed research facility will be "translated" into Weill Cornell's clinical care and medical education in furtherance of its mission; and that research facilities such as that proposed are customarily found on the campuses of medical schools; and

WHEREAS, the Opposition argues that Weill Cornell is not entitled to the deference accorded educational institutions seeking variances to zoning requirements under *Cornell* because the negative impacts of the project outweigh the public benefits presented by the proposed project; and

WHEREAS, the Board notes that where a nonprofit organization has established the need to place its program in a particular location, it is not appropriate for a zoning board to second-guess that decision (see *Guggenheim Neighbors v. Bd. of Estimate*, June 10, 1988, N.Y. Sup. Ct., Index No. 29290/87), see also *Jewish Recons. Syn. of No. Shore v. Roslyn Harbor*, 38 N.Y.2d 283 (1975)); and

WHEREAS, furthermore, a zoning board may not wholly reject a request by an educational institution, but must instead seek to accommodate the planned use; (see *Albany Prep. Charter Sch. v. City of Albany*, 31 A.D.3d 870 (3rd Dep't 2006); *Trustees of Union Col. v. Schenectady City Cnl.*, 91 N.Y.2d 161 (1997)); and

WHEREAS, as discussed below, the Opposition has failed to establish that the proposed research facility will

negatively impact the health, safety or welfare of the surrounding community; and

WHEREAS, in sum, the Board has reviewed the submissions made by the Opposition, as well as the applicant's responses, and finds that the Opposition has failed to rebut the applicant's substantiated programmatic need for the proposed research facility; and

WHEREAS, accordingly, the Board finds that the applicant has sufficiently established that unnecessary hardship and practical difficulty exist in developing the site in compliance with the applicable zoning regulations due to the programmatic needs of Weill Cornell; and

ZR § 72-21 (b) – Financial Return Finding

WHEREAS, under ZR § 72-21 (b), the Board must establish that the physical conditions of the site preclude any reasonable possibility that its development in strict conformity with the zoning requirements will yield a reasonable return, and that the grant of a variance is therefore necessary to realize a reasonable return (the "(b) finding"), unless the applicant is a nonprofit organization, in which case the (b) finding is not required for the granting of a variance; and

WHEREAS, since Weill Cornell is a nonprofit institution and each of the required waivers are associated with its community facility use and are sought to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

ZR § 72-21 (c) – Neighborhood Character Finding

WHEREAS, the applicant represents that the waivers of community facility floor area, lot coverage, rear yard, front and rear height and setbacks, and rear and side yards will not alter the essential neighborhood character, impair the use or development of adjacent property, nor be detrimental to the public welfare; and

WHEREAS, the applicant represents that the proposed development is compatible with the medical and research uses that characterize the York Avenue corridor from East 60th Street to East 72nd Street; and

WHEREAS, the applicant states that the campus of Memorial Sloane Kettering Cancer Center ("MSK") is located immediately to the south of the subject site between East 66th and East 69th Streets and First and York Avenues and that a NYPH-Weill Cornell superblock is located one-half block from the subject site on the east side of York Avenue between East 68th and East 71st Streets; and

WHEREAS, the applicant represents that the proposed development is also compatible with the scale and bulk of the surrounding area; and

WHEREAS, the applicant states that the surrounding area consists of higher density, R10, R10A and R10 equivalent districts along the avenues and wide streets, and mid-density districts, primarily R8, R9 and R8B districts on the mid-blocks; and

WHEREAS, maps submitted by the applicant indicate that there are numerous large buildings in the surrounding area, including (i) the adjacent 40-story Kingsley Condominium with a height of 406 feet, and an FAR of 16.94; (ii) the Payson House residence at 435 East 70th Street, with a height of 332 feet; (iii) the Oxford Condominium, at 422 East 72nd Street, with a height of 374 feet; (iv) the 26-story Baker Tower and 36-story Helmsley Medical Tower, to the east of the subject site across York Avenue, with respective heights of 398 feet and 384 feet; and (v) MSK's Zuckerman Research Center, located directly across East 69th Street with a height of 424 feet and FAR of 11.24; and

WHEREAS, the Opposition contends that the development of the proposed building would be inconsistent with the mid-block scale of the surrounding area which is stated to be predominately built of moderate-height residential tenement buildings; and

WHEREAS, the applicant states that the mid-blocks to the south of the subject site, from East 67th Street to the midpoint between East 68th and East 69th Streets, were rezoned from R8 to R9 in 2001; and

WHEREAS, the applicant further states that a 26-story, approximately 420-foot MSK-occupied research building was recently constructed on the mid-block portion of the block bounded by First and York Avenues and East 69th and East 68th Streets across the street from the subject site, and that other tall mid-block buildings in the surrounding area include the MSK Research Building at 430 East 67th Street (16 floors), and residential buildings at 333 East 68th Street (16 floors), 310 East 70th Street (12 floors), 309 East 70th Street (12 floors), 311-19 East 69th Street (13 floors) and 325-339 East 69th Street (13 floors); and

WHEREAS, the applicant represents that the proposed research facility would not impact the development or use of other property, in that all the sites to the north and east are owned and occupied by the Weill Cornell Medical Center and sites to the south are owned and occupied by MSK; and

WHEREAS, further, any impacts on surrounding development would also be limited by the location of the subject site within Weill Cornell's campus and by its proximity to the MSK campus; and

WHEREAS, the applicant represents that the proposed waivers to the required setback and sky exposure plane would not result in a building that is out of context in terms of its height or its location at the streetline, as East 69th Street is characterized by buildings of varied height, massing and material, with some setback configurations that are not in compliance with the bulk regulations of the Zoning Resolution; and

WHEREAS, the applicant further represents that the façade of the proposed building includes decorative

elements that relate to nearby residential buildings as well as to the primary façade of the adjacent Weill Greenberg Center and that the building has been designed to reduce its apparent height from the street; and
WHEREAS, the applicant states that the proposed facility will result in no significant impacts to traffic or

parking in the area; and

WHEREAS, with respect to traffic, the applicant states that the project is expected to generate truck traffic estimated at 15 to 20 vehicles per day and that the projected traffic generated by the proposed facility is below the City's established thresholds for requiring a traffic analysis; and

WHEREAS, the applicant further states that East 69th Street is a one-way street which is not a primary route for emergency vehicles arriving at or departing from New York Presbyterian Hospital, which will generally travel west on 68th Street and north and south on York Avenue; and

WHEREAS, the applicant states that special measures will be implemented with respect to the handling and disposal of biohazardous materials in conformance with all applicable federal, State and City regulations; and

WHEREAS, during the process, the Board raised concerns regarding the loading berths; and

WHEREAS, the Board noted that the loading berths were located on the west side of the proposed facility, adjacent to residential buildings, and asked whether they could be relocated to the east site; and

WHEREAS, the applicant's response states that the west side of the site is four feet higher than the mid-point of the site where the building entrances are proposed and that the placement of the loading docks on the west thereby takes advantage of grade elevation changes across the site to resolve the differences in the floor-to-floor height requirements needed for the loading docks and for the program spaces; and

WHEREAS, the applicant further states that a floor of classroom space can fit within the 14'-0" floor-to-floor height of the proposed facility, but that the loading docks need a height of 24'-0" for truck clearance and structural transfers and MEP systems distributions over the docks, and that locating the loading docks on the higher side of the site, to the west, maximizes the college program space on the east side of the lobby of the proposed facility and provides for a more efficient layout; and

WHEREAS, further, the Board noted that the two proposed waste compactor berths were not fully enclosed and asked whether they could be redesigned to ensure that any loading activities would be less disruptive to the adjacent residential uses; and

WHEREAS, in response, the applicant provided revised plans which can accommodate a 40-foot truck with the loading dock doors in a closed position, so that all removal operations can be fully contained within the proposed facility; and

WHEREAS, the applicant states that the materials handling entrance/loading dock area will therefore be fully enclosed and that all trash loading activities would take place within the building concealed behind a stainless steel art wall when trucks are not entering or leaving the facility; and

WHEREAS, according to shadow studies performed by the applicant, the proposed research facility would result in incremental shadows on five sun-sensitive resources: St. Catherine's Park, two blocks to the southwest; the Church of St. Catherine of Siena across 69th Street, and public plazas at 400 East 70th Street (the Kingsley); 400 East 71st Street (the Windsor), and 422 East 72nd Street, which would be of limited extent and duration during the late spring and summer months; and

WHEREAS, based upon the above, the Board finds that the subject variances will not alter the essential character of the surrounding neighborhood, impair the appropriate use and development of adjacent property or be detrimental to the public welfare; and

ZR § 72-21 (d) - Self Created Hardship Finding

WHEREAS, as pertains to the (d) finding under ZR § 72-21, the Board is required to find that the practical difficulties or unnecessary hardship burdening the site have not been created by the owner or by a predecessor in title; and

WHEREAS, the applicant states that the unnecessary hardship encountered by compliance with the zoning regulations is created by its programmatic needs in connection with the development of a state-of-the-art translational research facility with: (i) at least 280,000 sq. ft. of laboratory and educational programmatic floor area; (ii) floor plates of at least 20,000 sq. ft; (iii) a floor plate configuration that promotes collaborations among laboratory teams; (iv) above-grade mechanical space; and (v) proximity to Weill Cornell's campus; and by the consequential difficulty in accommodating those needs within an as-of-right development; and

WHEREAS, the Opposition contends that Weill Cornell created its hardship by its desire to expand; and

WHEREAS, the Board notes that the need by an educational institution to expand its facilities is not recognized as a self-created hardship under New York law; and

WHEREAS, the applicant concludes, and the Board agrees, that the practical difficulties and unnecessary hardship that necessitate this application have not been created by Weill Cornell or a predecessor in title; and

ZR § 72-21 (e) - Minimum Variance Finding

WHEREAS, as pertains to the (e) finding under ZR § 72-21, the Board is required to find that the variance sought is the minimum necessary to afford relief; and

WHEREAS, the applicant further represents that Weill Cornell, through its consultants, has designed research space that is modern and competitive with other such facilities and which minimizes the degree of waivers sought by meeting certain thresholds for maximum efficiency; and

WHEREAS, the applicant states that the requested waivers of floor area, lot coverage, front and rear height and setbacks, and rear and side yards represent the minimum variance necessary to allow Weill Cornell to meet its programmatic needs; and

WHEREAS, the Opposition argues that the (e) finding cannot be met because an as-of-right research facility could be built on the subject site; and

WHEREAS, as discussed above, the applicant explored an as-of-right scenario for the proposed project, and found that it provided insufficient floor area and lacked floor plates with the same size and functionality as that of the proposed building; and

WHEREAS, the Board asked the applicant to explore the feasibility of a 10 FAR research facility; and

WHEREAS, in response, the applicant prepared plans indicating that development of a 10 FAR facility would result in a loss of four floors of laboratory space, representing a loss of 29 percent of the laboratory space in the proposed facility; and

WHEREAS, the applicant states that the loss of four floors of laboratory space would consequently result in a reduction of between 28 and 40 new and existing faculty intended to be housed in the new research building, and would reduce the number of PIs to between 76 and 100, as compared to the between 104 and 140 PIs that would be accommodated in the proposed facility and that the numbers of PIs and faculty that could be accommodated would be insufficient to meet its programmatic need; and

WHEREAS, the Board therefore finds that the requested waivers of floor area, lot coverage, front and rear height and setbacks, and rear and side yards represent the minimum necessary to allow Weill Cornell to meet its programmatic needs; and

WHEREAS, accordingly, based upon its review of the record and its site visits, the Board finds that the applicant has provided sufficient evidence to support each of the findings required for the requested variances; and

WHEREAS, the project is classified as a Type I action pursuant to Section 617.4(b) (6) (v) of 6 NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has identified and considered relevant areas of environmental concern about the project documented in the Final Environmental Assessment Statement (EAS) CEQR No. 08BSA100M, dated January 6, 2009; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Department of Environmental Protection ("DEP") Office of Environmental Planning and Assessment has evaluated the following submissions from the Applicant: (1) a June 2008 EAS; (2) a May 2008 Phase I Environmental Site Assessment report; (3) a October 2008 Revised Phase II Workplan and; (4) a Health and Safety Plan (HASP); and

WHEREAS, the applicant has agreed to implement any hazardous materials remediation, pursuant to a Restrictive Declaration executed on January 5, 2009 and recorded against the subject property on January 6, 2009; and

WHEREAS, a passenger car equivalent screening analysis was performed which determined that the proposed project would not generate sufficient traffic to have the potential to cause a significant noise impact from mobile noise sources; and

WHEREAS, based on noise measurements performed at two locations adjacent to the subject site, the proposed project would require a window/wall attenuation of 30 dBA in order to maintain an interior noise level of 45 dBA; and

WHEREAS, the EAS stated that this attenuation would be achieved through the use of double-glazed windows which would provide a window/wall attenuation of 30 dBA; and

WHEREAS, the proposed building would also include central air-conditioning which is an acceptable alternate means of ventilation to maintain a closed window condition; and

WHEREAS, the Board finds that the proposed action will not have a significant adverse impact on stationary source noise; and

WHEREAS, as discussed above, the EAS found that the proposed facility would result in incremental shadows on five sun-sensitive resources: St. Catherine's Park; two blocks to the southwest, the Church of St. Catherine of Siena across 69th Street, and public plazas at 400 East 70th Street (the Kingsley), 400 East 71st Street (the Windsor), and 422 East 72nd Street, but that these shadows would be of limited extent and duration and would not result in a significant adverse impact; and

WHEREAS, DEP also evaluated air quality analysis submissions to examine the potential air quality impacts of the proposed action; and

WHEREAS, with respect to air quality, the DEP evaluated submissions dated October 27, 2008 and January 5, 2009 and determined that the maximum hourly incremental traffic from the proposed project was less than the mobile

source air quality screening threshold of 100 peak hour trips set forth in the CEQR Technical Manual and therefore the project is not expected to create significant adverse impacts from mobile source air emissions; and

WHEREAS, the applicant states that laboratories will be equipped with a fume hood exhaust system to prevent any hazardous airborne chemical released within the laboratory from escaping into other areas of the building, or through windows to the outside; and

WHEREAS, the EAS analyzes potential emissions from the proposed facility's fume hood exhaust system in the event of an accidental spill of the chemicals with the greatest potential health hazard; and

WHEREAS, the analysis indicates that the maximum concentrations emitted as a result of a chemical spill would be lower than the corresponding short term exposure limits ("STELs") or ceiling values set by the Occupational Safety and Health Administration or the National Institute for Occupational Safety and Health for each of the chemicals analyzed; and

WHEREAS, accordingly, the EAS concludes that there would be no significant impacts from a chemical spill from fume hood emissions due to recirculation back into the building's air intakes or on other nearby buildings in the surrounding community; and

WHEREAS, the applicant additionally states that there is no potential for significant adverse impacts arising from emissions from a spill of materials in laboratories due to special exhaust features which remove 99.97 percent of all airborne matter 0.3 microns in diameter and larger, and cannon fans that further dilute emissions; and

WHEREAS, a stationary source screening analysis was performed to evaluate the potential for significant air quality impacts on the proposed project from the New York Presbyterian Hospital's boilers/cogeneration operation and the proposed new boilers/cogeneration plant which would be ducted to an existing common stack located above the Annex building between East 70th and 71st Streets east of York Avenue; and

WHEREAS, based on the screening analysis, emissions from the New York Presbyterian Hospital's boilers/cogeneration operation and the proposed new boilers/cogeneration plant are not anticipated to result in significant adverse stationary source air quality impacts; and

WHEREAS, the applicant states that no significant effects that would require an environmental impact statement are foreseeable; and

WHEREAS, the Opposition contends that the preparation of an environmental impact statement is required by SEQRA because the proposed research facility has the potential to create a health hazard in a densely populated residential neighborhood; and

WHEREAS, the Opposition argues that the building will be a biomedical research facility with a biosafety classification of "Level 3" that may endanger the surrounding community; and

WHEREAS, the applicant states that biohazards are classified by the Public Health Service Centers for Disease Control ("CDC") according to the degree of containment required, from BSL-1, which requires the lowest level of containment, to BSL-4 which requires the highest level of containment; and

WHEREAS, the applicant states the proposed facility will have many different laboratories and that the current plans for the building include one BSL-3 ("Level 3") laboratory on a portion of one floor of the building, with the other laboratories to be a mix of BSL-1 and BSL-2; no BSL-4 laboratories are planned; and

WHEREAS, the Opposition asserts that the siting of a BSL-3 laboratory in a "high traffic area," is discouraged by "Biosafety in Microbiological and Biomedical Laboratories" (the "BMBL"), published by the US Department of Health and Human Services, CDC and National Institute of Health ("NIH"); and

WHEREAS, the applicant states that the BMBL sets forth guidelines to prevent personal, laboratory and environmental exposure to potentially infectious agents or biohazards and that there is no potential for significant environmental or health risk associated with medical research if the laboratories are operated by trained professionals in compliance with such guidelines; and

WHEREAS, the applicant asserts that Weill Cornell's proposed operations are consistent with the BMBL guidelines; and

WHEREAS, the applicant further points out that numerous BSL-3 laboratories currently operate in densely populated New York City neighborhoods; and

WHEREAS, the applicant further states that the Opposition has misconstrued a recommendation from an outdated edition of the BMBL concerning the siting of a BSL-3 laboratories within a high traffic area of a research facility, not an urban neighborhood; and

WHEREAS, the applicant represents that the distinction is clear in the most recent edition of the BMBL which does not contain the phrase "high traffic areas," but states that BSL-3 laboratories are to be "separated from areas which are open to unrestricted traffic flow *within the building* (emphasis added)," and which continues, "[p]assage through two sets of self-closing doors is the basic requirement for entry into the [BSL-3] laboratory from access corridors or other contiguous areas;" and

WHEREAS, the applicant states that Weill Cornell has many years of experience operating BSL-3 laboratories and currently conducts medical research with hazardous materials, including chemicals and biological agents in the

existing buildings on the subject site, and in other locations throughout its campus, and

WHEREAS, represents that the proposed facility will not contain any uses that are not already allowed as-of-right on the site, and that are not already conducted safely throughout the Weill Cornell campus and New York City; and

WHEREAS, the applicant further represents that, if the instant application is not approved, Weill Cornell may construct a smaller biomedical research building on the subject site in which could operate a new BSL-3 laboratory as-of-right; and

WHEREAS, the Opposition also asserts that the EAS was deficient in its analysis of potential significant adverse impacts by failing to consider the potential risks associated with: (i) malfunction of containment systems; (ii) infection of staff; (iii) failure of the exhaust system; (iv) release of infectious materials during transportation; (v) unauthorized removal of pathogens; and (vi) bioterrorism; and

WHEREAS, the applicant states that the potential for an accident is speculative, and neither SEQRA nor CEQR require the analysis of speculative impacts (see, e.g., *Ind. Liaison Comm. v. Williams*, 72 N.Y.2d 137, 146 (1988); *Real Estate Bd. of New York, Inc. v. City of New York*, 157 A.D.2d 361, 364 (1st Dep't 1990); and

WHEREAS, the Board agrees that the mere theoretical possibility of an accident, whether affecting a lab worker or the community, is not enough to support a finding that the proposed research facility has the potential for a significant adverse environmental impact; and

WHEREAS, the applicant states that all medical research activities involving the use of chemicals, biological materials, and radiological materials that would be conducted in the proposed facility are strictly regulated at the federal, State and local level; and

WHEREAS, the applicant further states that the CDC and the NIH have established guidelines specifying appropriate containment procedures for research activities involving recombinant DNA, pathogenic agents, and other biohazards which are mandatory for federally-funded institutions such as Weill Cornell and that all activities at the building would be conducted in compliance with all applicable regulatory requirements and research guidelines; and

WHEREAS, laboratories also are subject to New York City Fire Department rules relating to flammable and explosive materials and the certification of certain laboratory personnel; and

WHEREAS, the applicant represents that Weill Cornell laboratories involving the use of biological materials have special safety features including security check points, visual and audio surveillance, double-locking doors, intruder alarms, and locked and extra-strength storage cabinets and that BSL-3 laboratories in particular have special design measures that comply with the CDC/NIH guidelines to further ensure the safety of lab personnel and the community; and

WHEREAS, the applicant further represents that Weill Cornell implements security policies and practices to meet the requirements of the USA PATRIOT Act and subsequent bioterrorism legislation, including the performance of background checks of persons with access to hazardous agents, and that the location and quantities of these materials are frequently checked and inventoried; and

WHEREAS, all chemical, biological and radioactive wastes from the laboratories of the proposed facility would be containerized, labeled and stored prior to off-site disposal in appropriate storage areas; waste would be removed by appropriately licensed contractors; and

WHEREAS, the EAS states that the building will have diesel emergency generators which would be used in the event of a sudden loss of power from the electrical grid to provide life safety and other functions to protect both the occupants of the building and the surrounding community against the effects of any power outages on the exhaust systems of the proposed facility; and

WHEREAS, the Opposition argues that decisions in *Save the Audubon Coalition v. City of New York* 180 A.D. 2d 348 (1st Dept. 1992); *Allen v. Boston Redevelopment Authority*, 877 N.E. 2d 907 (2007); and *Tri-Valley Cares v Department of Energy* 203 Fed. Appx. 105, 2006 WSL 2971651 (9th Cir. 2006) support its position that preparation of an EIS is required to analyze the potential environmental impacts of the proposed facility; and

WHEREAS, the Board notes that the cases cited by the Opposition each concern environmental review of a facility in which biohazardous or radioactive materials will be present, but that none support the Opposition's position that an EIS is required to evaluate potential environmental impacts associated with the proposed development of such a facility; and

WHEREAS, for example, the petitioners in *Audubon* argued that the EIS analyzing the potential impacts of a biological research complex proposed to be located at 165th Street and Broadway did not sufficiently study public health and safety issues related to the expected use and possible release of hazardous chemicals, radioactive material and biohazardous materials at a research facility located in a populated area; and

WHEREAS, the Court rejected the petitioner's claim, finding that the environmental review had identified the relevant areas of environmental concern, taken the required "hard look" at them, and made a "reasoned elaboration" of the basis for its determination, as required by SEQRA; and

WHEREAS, both *Allen v. Boston Redevelopment Authority* (877 N.E. 2d 907 (2007)) and *Tri-Valley Cares v. Department of Energy* (203 Fed. Appx. 105, 2006 WSL 2971651 (9th Cir. 2006)) cited by the Opposition similarly concern the adequacy of environmental review, not the requirement that an EIS be prepared; and

WHEREAS, in Allen, which involved a challenge to a BSL-4 biomedical research complex brought under the Massachusetts Environmental Policy Act, the court found that the environmental review was inadequate because it had failed to analyze the likelihood of damage to the environment caused by the release of a contagious pathogen; and

WHEREAS, in Tri-Valley Cares, the Ninth Circuit found that environmental review of the proposed construction of a federal biological weapons research laboratory was inadequate because it had failed to consider the effects of a terrorist attack; and

WHEREAS, each of the three cited cases stand for the proposition that a lead agency must conduct a detailed review of the potential impacts of biohazardous materials, radioactive materials and chemical agents, but none hold that that review can only take the form of an EIS, as the Opposition asserts; and

WHEREAS, the Board notes that the environmental review for the instant application included a detailed examination of the potential health and safety impacts of the chemical and biological agents that may be present at the proposed facility, and describes a comprehensive system of regulations and physical protections designed to contain potential hazards and protect the residents of the surrounding community, as well as the workers at the facility; and

WHEREAS, Board finds that, based on the implementation of the requirements of the applicable statutes and regulations, compliance with the CDC/NIH guidelines, the design features of the building, and waste management practices; the proposed facility would have no significant adverse impacts related to hazardous materials; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R8 zoning district, the proposed construction of an 18-story biomedical research facility building to be occupied for community facility use by the Weill Cornell Medical College, that does not comply with zoning parameters for floor area, lot coverage, front and rear height and setbacks, and rear and side yards, contrary to ZR §§ 24-11, 24-36, 24-522, 24-552, and 24-35; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 25, 2008" - (9) sheets, "September 29, 2008" - (7) sheets and "November 12, 2008" - (1) sheet; and *on further condition*:

THAT the proposed building shall have the following parameters: (1) floor area of 331,945 sq. ft.; (2) an FAR of 12.71; (3) a lot coverage of 92 percent; (4) street wall height of approximately 231 feet and a total building height (including mechanicals) of 302'-7" without setbacks; (5) a rear yard of 15'-0" without a setback; and (6) two side yards of 5'-0"; and

THAT all requirements as set forth in the Restrictive Declaration shall be fully complied with;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT mechanical space calculations shall be subject to DOB review and approval;

THAT construction will be substantially completed in accordance with the requirements of ZR § 72-23; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 13, 2009.

A true copy of resolution adopted by the Board of Standards and Appeals, January 13, 2009.
Printed in Bulletin Nos. 1-3, Vol. 94.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

113-06-BZ

CEQR #BSA-096M

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Columbia University in the City of New York, lessee.

SUBJECT – Application June 6, 2006 – Zoning variance pursuant to Z.R. Section 72-21 to allow a proposed 13-story academic building to be constructed on an existing university campus (Columbia University). The project requires lot coverage and height and setback waivers and is contrary to Z.R. Sections 24-11 and 24-522.

PREMISES AFFECTED – 3030 Broadway, Broadway, Amsterdam Avenue, West 116th and West 120th Streets, Block 1973, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: James Power.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 12, 2006, acting on Department of Buildings Application No. 104424650, reads, in pertinent part:

“Expansion of Science Studies Tower. Proposed lot coverage is exceeded, and is contrary to ZR 24-11. Proposed [street wall] height and setback is exceeded, and is contrary to ZR 24-522.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a portion of a site within an R8 zoning district, the proposed construction of a 229’-6” high, 14-story, 163,052 sq. ft. Use Group 3 building, serving as the science facility of Columbia University, which does not comply with applicable zoning requirements concerning lot coverage, front height, and setback, contrary to ZR §§ 24-11 and 24-522; and

WHEREAS, a public hearing was held on this application on August 22, 2006 after due notice by publication in the *City Record*, and then to decision on September 12, 2006; on this date the decision was deferred to September 19, 2006; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins; and

WHEREAS, Community Board 9, Manhattan, states that it has no objections to the proposed variances, but indicated that it was not satisfied with the current architectural renderings of the proposed building (the “Building”); and

WHEREAS, the Morningside Heights Historic District Committee 9”MHDC”) and certain neighbors also appeared in opposition to this application; and

WHEREAS, the concerns of the Community Board, MHDC and the neighbors are discussed below; and

WHEREAS, this application was brought on behalf of Columbia University, a not for profit education institution; and

WHEREAS, the subject zoning lot is comprised of the large block bounded by Broadway, Amsterdam Avenue, and West 114th and 120th Streets; this block and an adjacent block serve as Columbia’s primary campus; and

WHEREAS, the specific portion of lot to be developed is located at the northwest corner of Broadway and West 120th Street (the “Development Site”); and

WHEREAS, the applicant states that the northern portion of the Development Site is vacant to a depth of approximately 68 feet from West 120th Street, while the southern 146 ft. of the site is improved upon with a portion Columbia’s gymnasium; and

WHEREAS, the Development Site is bounded to the east by Columbia’s physics building, and the south by the chemistry building; the Building will be connected to these two buildings at various levels; and

WHEREAS, the Development Site, while part of a larger zoning lot, is considered a separate lot by the Department of Buildings for application of certain bulk requirements; and

WHEREAS, specifically, the Development Site is considered both a through lot (the portion located beyond 100 ft. of West 120th Street) and a corner lot (the remainder of the site); and

WHEREAS, the Building complies as to lot coverage for the through lot portion; and

WHEREAS, however, the Building is non-compliant as to lot coverage on the corner lot portion; the proposed coverage is 95% (75% is the maximum permitted); and

WHEREAS, additionally, while no variance is required for the overall height, no setbacks will be provided, except an 11'-6" setback at the first floor on West 120th Street (on wide streets such as Broadway and West 120th Street, a setback of 15 ft. is required at 85 ft. or nine stories, whichever is less); and

WHEREAS, the program of the Building is as follows: cellar and sub-cellar – mechanicals; floors two and three – cafeteria; floor four – library and entrance; floor five – classrooms and conference rooms; floor six and mezzanine – library, lecture room; floor seven through 13 – labs; and floor 14 – air handling and mechanicals; and CEQR #BSA-096M

WHEREAS, a total of 28 labs would be provided (four on a floor), and twelve of these would connect to the physics and chemistry buildings; and

WHEREAS, each lab floor would have mezzanine levels, providing additional office, meeting, and work space; and

WHEREAS, the average floor plate size would be between 16,257 and 20,249 sq. ft.; and

WHEREAS, the floor to ceiling heights would be approximately 19 ft. high to accommodate needed mechanicals at each level, as well as tall scientific equipment and the mezzanines; and

WHEREAS, the applicant argues that the waivers are necessary to create a building with floor plates and floor to floor heights that will meet the programmatic needs of Columbia; and

WHEREAS, the applicant states that Columbia does not currently have a world-class research facility similar to those of other large universities elsewhere in the country, and that one is needed in order to stay competitive; and

WHEREAS, the applicant cites to a 2005 programming study, in which consultants hired by Columbia concluded that 28 new laboratories were needed and that they should be arranged within the Building in a manner that would encourage interdisciplinary research and maximize interaction among the sciences as well as with the campus at large; and

WHEREAS, the study recommended that the labs be 2,000 to 3,500 sq. ft., that different disciplines be represented on each floor, that each floor have communal research and support facilities, as well as lecture halls, and that the Building be connected to other science buildings to the extent possible; and

WHEREAS, other identified needs include a new library devoted to science and engineering disciplines, and a cafeteria faculty, staff and students; and

WHEREAS, the applicant contends that a complying building would not meet the stated programmatic needs of Columbia; and

WHEREAS, the applicant notes that a complying building would rise to an overall height of 317'-6", and the northern wall would be 23'-3" from West 120th Street; and

WHEREAS, a complying building would have a 10 ft. setback above the sixth floor along Broadway, in order to comply with 40 percent tower requirements, as per ZR § 24-54; and

WHEREAS, the applicant states this would result in floor plates of 9,051 to 10,451 sq. ft. each on the upper floors, and labs would be reduced in size to 1,300 to 2,00 sq. ft.; and

WHEREAS, this would limit the flexibility and functionality of the labs, and certain science disciplines would not have sufficient space to conduct necessary research; and

WHEREAS, further, a complying building would not provide the same degree of integration with the adjacent physics and chemistry buildings, with only eight out of a proposed 26 labs having direct access; and

WHEREAS, the applicant also notes that certain features of the lower floors would be compromised by the limited footprint; specifically, the large lecture hall would be eliminated and replaced by two smaller ones, the entrance area would be smaller such that the escalators would be eliminated and replaced by a traditional stairwell core, and the cafeteria would be reduced in size; and

WHEREAS, the Board credits the applicant's statements as to Columbia's programmatic needs and the limitations of a complying building; and

WHEREAS, the Board also acknowledges that Columbia, as an educational institution, is entitled to significant deference under the case law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, in addition to these programmatic needs, the applicant notes that the Development Site is compromised by its adjacency to existing buildings, which effectively constricts the area available for the

Building's floor plates, when lot coverage and setback regulations are applied; and

WHEREAS, the applicant states that even above the height of the gymnasium, the existing buildings restrict the buildable area to 88 ft. in the east-west direction and 214 ft. in the north-south direction; and

WHEREAS, the applicant notes that if the existing buildings were not on the zoning lot, Columbia could easily design a building that would meet its programmatic needs and still comply with lot coverage and setback requirements; and

WHEREAS, based upon the above, the Board finds that the adjacency to the Development Site of the existing buildings constitutes a unique physical condition, which, when considered in conjunction with the programmatic need of Columbia to create a state of the art science facility, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since Columbia is a not-for-profit organization and the proposed development will be in furtherance of its educational mission; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the CEQR #BSA-096M appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant notes that the variances will allow a taller street wall (230 ft. as opposed to 85 ft.), but that this is consistent with the higher street wall context along Broadway and 120th Street; and

WHEREAS, the applicant also notes that the majority of buildings in the immediate area maintain facades at the street line without setback, including the chemistry and physics building, and other Columbia buildings; and

WHEREAS, the Board observes that the Building as proposed is more contextual with the surrounding built conditions than an as of right building, which would provide an 85 ft. street wall, set back, and then rise to a height of over 300 ft.; and

WHEREAS, the Board notes that Broadway is a wide avenue that can accommodate the additional street wall height without any significant impact on light and air to the street, as opposed to the impact that an as of right building would likely have; and

WHEREAS, as to total height, the applicant cites to buildings in the surrounding area that rise to heights that vary from 210 ft. to 237 ft.; and

WHEREAS, finally, the Board observes that any impact of the lot coverage waiver is mitigated by the provision of open space adjacent to the corner lot portion of the Development Site; and

WHEREAS, the applicant also notes that the submitted Environmental Assessment Statement ("EAS") concludes that the proposed building will be compatible with the neighborhood and is not expected to create any adverse impacts; and

WHEREAS, the Board agrees that the requested waivers will not change the character of the neighborhood or impact adjacent uses; and

WHEREAS, the Board also notes that the building will serve a vital function to Columbia, an important educational institution within New York City; in this regard, the Board concludes that the variances will enhance public welfare rather than detract from it; and

WHEREAS, finally, the Board notes that the applicant submitted a letter from its design consultant, which establishes that the master plan for the Columbia campus contemplate a building at this location, with a footprint and a configuration similar, though not identical in all respects, to the proposal; and

WHEREAS, the design consultant also represents that the proposal is consistent with the master plan; and

WHEREAS, the MHDC contested these representations, and submitted a letter regarding them on September 11, 2006; and

WHEREAS, in a further letter dated September 15, 2006, the design consultant reiterates the above and suggests that the proposal is more in keeping with the building contemplated by the master plan than an as of right building; and

WHEREAS, in the same letter, the consultant also represents that the building contemplated in the master plan would require the same waivers as the proposed building; and

WHEREAS, the Board notes, however, that its determination that the instant application meets the finding set forth at ZR § 72-21(c) does not depend on a finding that there is absolute consistency between the master plan and the proposal; rather it is predicated on an assessment of the existing context of the neighborhood and the buildings immediately adjacent to the Development Site;

WHEREAS, in addition to MHDC's concerns, certain individuals expressed concern about the design of the building, alleging that façade was not contextual with the remainder of the Columbia campus; and

WHEREAS, the Board understands the concerns of the opposition in this regard, and notes that the applicant indicated it would continue to engage in a dialogue with the community about architectural design details; and

WHEREAS, however, the Board finds that such concerns do not relate to the requested waivers or application; and

WHEREAS, those opposed to this application also suggested that the street wall height be lowered and that an as of right building might be better, as it would be less bulky and view corridors from within the Columbia campus would be less likely to be blocked; and

WHEREAS, the applicant responds by noting that a lower building would not meet the programmatic needs of Columbia; and

WHEREAS, the applicant also notes that the City's Landmarks Preservation Commission reviewed the EAS and determined that there is no effect on view corridors; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is the result of the existing buildings on the zoning lot and the programmatic needs of Columbia; and WHEREAS, additionally, the Board finds that this proposal is the minimum necessary to afford the owner relief, since the Building is designed to address Columbia's present programmatic needs; and CEQR #BSA-096M

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 06BSA096M dated August 15, 2006 and in an EAS addendum for Historic Resources dated September 15, 2006; and

WHEREAS, the EAS and the subsequent addendum for historic resources documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a portion of a site within an R8 zoning district, the proposed construction of a 229'-6" high, 14-story, 163,052 sq. ft. Use Group 3 building, serving as the science facility of Columbia University, which does not comply with applicable zoning requirements concerning lot coverage,

front height, and setback, contrary to ZR §§ 24-11 and 24-522; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 5, 2006"- twelve (12) sheets; and on further condition:

THAT lot coverage, height and setback shall be as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 19, 2006.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130 Morningside Drive, Borough of Manhattan.

362-01-BZ

CEQR # 02-BSA-070M

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: James P. Power.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Applic. No. 102020328 reads:

1. Proposed new building on a zoning lot located in C1-4 overlay and R8 zoning districts (the "subject Zoning Lot") does not comply with the height and setback regulations of the Zoning Resolution section 33-431 along Amsterdam Ave. and Morningside Drive.
2. Proposed new building on the subject Zoning Lot does not provide the minimum distance between a residential building and any other building on the same Zoning Lot required by Zoning Resolution section 23-711.
3. Open area provided along a portion of the subject Zoning Lot's southern side lot line does not have the minimum width required by Zoning Resolution section 33-25."

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record* and laid over to March 19, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of

open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; and

WHEREAS, the applicant seeks to construct an 11-story, 121,982 square foot building with 8,410 square feet of retail use in a portion of the first floor and 113,345 square feet of school use on the first through eleventh floors; and

WHEREAS, the applicant states that the Zoning Lot lies partially within an R8 zoning district and partially in a C1-4 overlay district, and is located on the southeast corner of the intersection of Amsterdam Avenue and Morningside Drive, on a block bounded by Amsterdam, Morningside and West 121st Street; and

WHEREAS, the Zoning Lot is comprised of Lots 56 and 61 on Block 1963 and has a total lot area of 24,652 square feet; and

WHEREAS, the applicant represents that the Zoning Lot is irregularly shaped, with 155 feet 8 inches of frontage on the east side of Amsterdam Avenue and 200 feet of frontage on Morningside Drive; and

WHEREAS, evidence in the record indicates that the Lot 61 portion of the Zoning Lot is currently occupied by a 54-space parking lot used by affiliates of the school; and

WHEREAS, the applicants states that the Lot 56 portion of the Zoning Lot is currently occupied by a 6-story residential building, also owned by the university, which is currently under renovation and will contain 50 residential units upon completion used mainly for student housing; and

WHEREAS, the applicant contends that the existing building is underbuilt, and 20,840 square feet of unused development rights from Lot 56 would be incorporated into the Proposed Building; and

WHEREAS, the proposed building is 11 stories and 152 feet 8 inches tall with mechanical bulkheads rising 20 feet above the roof; and

WHEREAS, the applicant states that the proposed building maintains a continuous streetwall up to the 10th floor on Amsterdam Avenue and Morningside Drive, except for 32 feet 4 inches along the eastern end of the Morningside frontage, where the Proposed Building rises only 4 stories, and 30 feet along the southern end of the Amsterdam frontage, where the Proposed Building rises only 5 stories; and

WHEREAS, the applicant represents that the proposed building sets back 8 feet away from the Existing Building to the east along Morningside Drive and sets back 8 feet on the interior of the lot from the adjacent residential building to the south, 431 West 121st Street; and

WHEREAS, the applicant contends that the 8-foot distance from the existing Building, the 4-story height at the eastern end of the Morningside frontage, the interior lot setback from 431 West 121st Street, and the 5 story height at the southern end of Amsterdam frontage are all provided to ensure sufficient light and air for tenants of the two residential buildings; and

WHEREAS, the applicant has stated that although there are as yet no firm plans for the retail space, it is the school's policy to use ground floor retail space in its buildings to provide needed neighborhood services; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant denotes a steep downward slope on the site - 9 feet from the south to the north along Amsterdam Avenue and 4.5 feet from east to west on Morningside Drive that equates to the loss of one full floor that could have been built below the required setback; and

WHEREAS, the applicant's proposal would require to provide a reasonable height for the proposed building's lobby at the south end of the site and to provide a constant level for the second floor, 6 feet of additional height has been included at the 1st floor level; and

WHEREAS, the applicant represents that the existing building is significantly underbuilt, consumes a large amount of lot area relative to the floor area that it generates, and significantly reduces the footprint of a new development and the sufficiency of the floorplates for school use; and

WHEREAS, the applicant contends that the school requires floorplates large enough for classrooms, offices, and research space and with the proper size, location and adjacencies and these requirements cannot be met in the complying building because of the unique conditions of the zoning lot; and

WHEREAS, the applicant contends that if the existing building was not on the zoning lot, the school would have a very large footprint to work with, and could easily design a building that complies with the height, setback and minimum distance requirements; and

WHEREAS, the applicant represents that these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, unique topographic conditions and the steep slope of the lot, there are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the applicant states that the proposed building is required to meet the school's programmatic needs the front height and setback variance is needed to provide the required floor area and adjacencies for the offices and research space; and

WHEREAS, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it inarguably contravenes public health, safety or welfare or creates a detriment to the character of the neighborhood; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building because of the unique conditions on the Zoning lot; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant states that the neighborhood is primarily comprised of residential buildings, many of which have ground floor retail uses on the avenues as well as a large number of institutional buildings; and

WHEREAS, the applicant represents that the Proposed Building is contextual, as most buildings along Amsterdam Avenue between 118th and 122nd Streets rise to between 7 and 11 stories with uninterrupted streetwalls, without setback, up to the full height of their facades; and

WHEREAS, evidence in the record indicates that the surrounding buildings in the area are often organized into a number of blocks separated by narrow courtyards for light and ventilation, and are detailed with strong horizontal and vertical banding to provide a scale along the street; and

WHEREAS, the applicant maintains that the proposed project would not alter the neighborhood character, since the proposed project would be similar to those in the vicinity of the Zoning Lot; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, will not be visible or obstruct views from many cross street locations, will not alter the essential character of the neighborhood, that the addition is modest in size, the existing building is taller than the adjacent properties, and that the subject proposal will not adversely affect the nature of the area residence district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, March 12, 2002"-(28) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted; and

THAT a new certificate of occupancy be obtained within four years from the date of this resolution.
Adopted by the Board of Standards and Appeals, March 19, 2002.

MINUTES

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to re-establish the use of a special permit which permitted the parking and storage of motor vehicles (Use Group 8) previously granted under Calendar Number 387-57-BZ, in an R8 zoning district, and the rearrangement of the subject lot to reduce the number of approved parking spaces from 41 to 32 automobiles; and

WHEREAS, in 1968, under Calendar Number 387-57-BZ, the Board permitted the parking of motor vehicles in a residential district for a term of ten years; and

WHEREAS, the 1958 resolution permitted the demolition of two existing buildings on the site, which subsequently was amended to one building; and

WHEREAS, the most recent term of the grant expired on January 31, 1988; and

WHEREAS, evidence in the record indicates that the parking use has continued since the last Board approval; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects;

Therefore, it is Resolved that the Board of Standards and Appeals issues a negative declaration under NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review, and makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to permit the reestablishment of a special permit which permitted the parking and storage of motor vehicles (Use Group 8) previously granted under Calendar Number 387-57-BZ, in an R8 zoning district, and the rearrangement of the subject lot to reduce the number of approved parking spaces from 41 to 32 automobiles, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received July 13, 2000" (1) subject and on further conditions:

THAT the term of the variance shall be limited to ten years expiring on October 17, 2010;

THAT signage shall be provided in accordance with approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with

BSA-approved plans and shall be positioned down and away from the residential uses;

THAT the above conditions shall appear on the certificate of occupancy;

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

THAT a new certificate of occupancy be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, October 17, 2000.

164-00-BZ
APPLICANT: Friedman & Goubanoff LLP by Irving J. Goubanoff, Esq. for NYC Department of Citywide Administrative Services, owner.

SUBJECT: Application June 20, 2000 under Z.R. §11-21, to permit a C6-1 zoning district, the proposed construction of an 18-story dormitory (Use Group 3), which will violate the sky exposure plane at the 17th and 18th stories, contrary to Z.R.S. §11-21.4, at the intersection of Johnson Street and Bridge Street, Block 134, Lot Part of Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #216

APPEARANCES: For Applicant Lori Gulsmit, For Administration Battalion Chief Robert J. Sica and John Scifano Fire Department

ACTION OF THE BOARD: Application granted on condition

THE VOTE TO CLOSE HEARING

Affirmative: Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo 3

Negative: 0

Abstaining: Chairman Chin 1

THE VOTE TO GRANT

Affirmative: Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo 3

Negative: 0

Abstaining: Chairman Chin 1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner dated June 12, 2000, acting on N.B. Applic. No. 301037090 reads:

"PROPOSED CONSTRUCTION DOES NOT COMPLY WITH ALTERNATE FRONT SETBACK PROVISIONS OF Z.R. SECTION 33-44 BECAUSE A PORTION OF THE BUILDING WILL PIERCE THE ALTERNATIVE SKY

MINUTES

EXPOSURE PLANE.”;

and

WHEREAS, Community Board 2, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 3, 2000 after due notice by publication in the *City Record* and laid over to October 17, 2000. On October 17, 2000 the record was closed and a decision rendered; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C6-1 zoning district, the proposed construction of an 18 story dormitory, Use Group 3, which will violate the sky exposure plane at the 17th and 18th stories, contrary to Z.R. §33-44; and

WHEREAS, the subject zoning lot is the entire block bounded by Tillary Street, Bridge Street, Johnson Street (Tech Place) and Jay Street and is currently partially improved with high school and college buildings; and

WHEREAS, the applicant proposes to construct the 18 story college dormitory on a portion of the zoning lot which is located in the mid-block, along Johnson Street and is currently unimproved; and

WHEREAS, the applicant contends that there are unique physical conditions which create practical difficulties and unnecessary hardships in developing in accordance with the underlying zoning regulations; and

WHEREAS, in constructing the dormitory, the applicant needs to provide adequate living and study space conducive to the current needs of college students; and

WHEREAS, the applicant has shown that an as-of-right building of comparable square footage does not provide an efficient layout for a college dormitory; and

WHEREAS, the inadequacy of the zoning lot in meeting the programmatic needs of the school in meeting its housing needs causes an unnecessary hardship in utilizing the site in conformity with the current zoning; and

WHEREAS, the applicant need not address Z.R. § 72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the proposed building is located in a commercial area of Brooklyn which contains several buildings which are significantly taller than the proposed structure; and; and

WHEREAS, the dormitory use is permitted in this district and will be part of the college which has maintained a strong positive presence in the area for many years; and

WHEREAS, many of the properties in the immediate vicinity of the development site are improved with either high school or college facilities; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C6-1 zoning district, the proposed construction of an 18 story dormitory, Use Group 3, which will violate the sky exposure plane at the 17th and 18th stories, contrary to Z.R. § 33-44, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 20, 2000"-(17) sheets and "September 14, 2000"-(1) sheet; and on further condition;

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

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, October 17, 2000.

MINUTES

PREMISES AFFECTED—367 Flamingo Lane, south side; 212 98' east of Robin Road, Block 3124, Lot 451, Borough of Staten Island.

APPEARANCES—
For Applicant: Joseph P. Morsellino.

ACTION OF BOARD—Laid over to February 28, 1989, at 10 A.M. for continued hearing.

1083-88-A
APPLICANT—McGee and Morsellino, Esquires, for Paradise Development Corporation, owner.

SUBJECT—Application August 11, 1988—appeal of a decision of the Borough Superintendent, re: proposed use of dry wells for the disposal of storm water (Local Law #7).

PREMISES AFFECTED—38 Flamingo Lane, south side, 237' east of Robin Road, Block 3124, Lot 450, Borough of Staten Island.

APPEARANCES—
For Applicant: Joseph P. Morsellino.

ACTION OF BOARD—Laid over to February 28, 1989, at 10 A.M. for continued hearing.

1231-88-A
APPLICANT—Jerome L. Grushkin, R.A., for Mazal Homes, Incorporated, owner.

SUBJECT—Application September 20, 1988—appeal of a decision of the Borough Superintendent, re: proposed use of dry wells for the disposal of storm water (Local Law #7).

PREMISES AFFECTED—109 Elm Street, east side, 575.17' north of Henderson Avenue, Block 157, Lot 199, West Brighton, Borough of Staten Island.

APPEARANCES—
For Applicant: Adele P. Rosenkranz.

THE VOTE TO CLOSE HEARING—
Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe..... 6
Negative:..... 0

ACTION OF BOARD—Laid over to March 7, 1989, at 10 A.M. for decision; hearing closed.

1139-88-A
APPLICANT—Jerome L. Grushkin, R.A., for Mazal Homes, Incorporated, owner.

SUBJECT—Application September 20, 1988—appeal of a decision of the Borough Superintendent, re: proposed use of dry wells for the disposal of storm water (Local Law #7).

PREMISES AFFECTED—111 Elm Street, northeast corner of Henderson Avenue, Block 157, Lot 197, West Brighton, Borough of Staten Island.

APPEARANCES—
For Applicant: Adele P. Rosenkranz.

THE VOTE TO CLOSE HEARING—
Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe..... 6
Negative:..... 0

ACTION OF BOARD—Laid over to March 7, 1989, at 10 A.M. for decision; hearing closed.

1124-88-A
APPLICANT—Jerome L. Grushkin, R.A., for Mazal Homes, Incorporated, owner.

SUBJECT—Application September 20, 1988—appeal of a decision of the Borough Superintendent, re: proposed use of dry wells for the disposal of storm water (Local Law #7).

PREMISES AFFECTED—115 Elm Street, east side, 525.17' north of Henderson Avenue, Block 157, Lot 196, West Brighton, Borough of Staten Island.

APPEARANCES—
For Applicant: Adele P. Rosenkranz.

THE VOTE TO CLOSE HEARING—
Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe..... 6
Negative:..... 0

ACTION OF BOARD—Laid over to March 7, 1989, at 10 A.M., for decision, hearing closed.

1241-88-A
APPLICANT—Jerome L. Grushkin, R.A., for Mazal Homes, Incorporated, owner.

SUBJECT—Application September 20, 1988—appeal of a decision of the Borough Superintendent, re: proposed use of dry wells for the disposal of storm water (Local Law #7).

PREMISES AFFECTED—119 Elm Street, east side, 500' north of Henderson Avenue, Block 157, Lot 195, West Brighton, Borough of Staten Island.

APPEARANCES—
For Applicant: Adele P. Rosenkranz.

THE VOTE TO CLOSE HEARING—
Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe..... 6
Negative:..... 0

ACTION OF BOARD—Laid over to March 7, 1989, at 10 A.M., for decision, hearing closed.

Adjourned: 2:49 P.M.

KATHLEEN A. CARNEY, Executive Director.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 7, 1989, AT 2 P.M.

Present: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe.

207-86-BZ 217/89
APPLICANT—Howard Alan Zipser for Nightingale—Bamford School, owner.

SUBJECT—Application March 4, 1986—decision of the Borough Superintendent, under Z.R. §72-21 and §73-641, to permit in an R8B and C1-5 (R10/M.P.) district, the enlargement of an existing community facility from six (6) stories to seven (7) stories which exceeds the permitted lot coverage, encroaches into the required rear yard and the initial setback required by the Special District, and requires a special permit to penetrate the sky exposure plane.

PREMISES AFFECTED—16/26 East 92nd Street, south side, 77'4" west of Madison Avenue, Block 1503, Lots 59, 63 and 163, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—
For Applicant: Samuel H. Lindenbaum, Joane McMenamin and Francis R. Angelino.

RECOMMENDATION OF COMMUNITY BOARD—
Favorable to the Application.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—
Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamm and Commissioner Lawrie..... 5
Negative: Commissioner O'Keefe..... 1

MINUTES

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 10, 1987, after due notice by publication in the *Bulletin*, laid over to April 7, 1987, then to May 19, 1987, then to June 23, 1987, then to July 8, 1987, then to October 13, 1987, then to November 4, 1987, then to December 8, 1987, then to February 2, 1988, then to March 22, 1988, then to May 10, 1988, then to June 14, 1988, then to July 12, 1988, then to September 27, 1988, then to November 1, 1988, then to December 20, 1988, then to January 10, 1989, then to February 7, 1989; and

WHEREAS, the decision of the Manhattan Borough Superintendent of the Department of Buildings, dated February 28, 1986, updated on February 1, 1989, acting on Alt. Applic. #130/84 reads:

1. Proposed lot coverage exceeds that allowed under §24-11 Z.R.
2. Proposed rear yard does not comply with §24-36 with the R8B Zoning District.
3. Proposed front and rear wall pierces the front and rear sky exposure planes and initial setback as per §24-523 and 99-052.
4. Proposed two stories in rear yard does not comply with Section 24-33 re: Permitted obstructions in rear yard.

WHEREAS, the premises and surrounding area had a site and neighborhood examination by the full Board; and

WHEREAS, Community Board #8, Manhattan, has recommended approval of the school's expansion plan; and

WHEREAS, the Board has adopted the Final Supplement to the Environmental Impact Statement ("FEIS"), as modified on January 27, 1989; and

WHEREAS, the zoning lot is developed with a legal pre-existing non-complying cellar and six (6) story school completed in 1929 with an enlargement constructed in 1968, and the westerly portion of the site, formerly occupied by two (2) rowhouses, is vacant; and

WHEREAS, the zoning lot is split between two different zoning districts C1-5(R10/MP) and R8B; and

WHEREAS, the application proposes to replace the existing sixth floor with a new sixth floor, which will contain classrooms, construct a new seventh floor to contain a gymnasium, lockers and shower rooms, set back 12'2" from the street line; erect an enlargement onto the vacant western portion of the lot; and erect an enlargement to accommodate a new cafeteria at the rear of the second floor, which will cover the entire rear portion of the lot up to a height of 32'; and

WHEREAS, a special permit is sought pursuant to Z.R. §73-641 to allow the proposed enlargement to pierce the front and rear sky exposure planes in the portion of the lot in the R8B district; and

WHEREAS, a variance is sought pursuant to Z.R. §72-21 to permit the proposed construction to exceed the permitted lot coverage, encroach into the required rear yard, and allow the street wall to exceed the height and initial setback requirements of the Special Madison Avenue Preservation District; and

WHEREAS, the existing school building has inadequate facilities and it has been found necessary to remedy this condition; and

WHEREAS, in accordance with the required findings of Z.R. §73-641, the Board has determined that the proposed modification of the sky exposure plane requirements is necessary to enable the subject community facility to provide an essential service to the community; and

WHEREAS, the inadequacy and obsolescence of the existing building hamper the school's ability to satisfy the educational needs of its students; and

WHEREAS, evidence in the record demonstrates that, without the requested modification, an enlargement cannot be constructed in satisfactory physical relationship to the existing building so as to produce an integrated environment; and

WHEREAS, the proposed enlargement was shown to be necessary to enable the school to meet its programmatic needs

and to integrate such needs functionally with the existing building; and

WHEREAS, further, the proposed modification of the sky exposure plane regulations is the minimum necessary to permit the development of an integrated school building and thereby creates the least detriment to the character of the neighborhood and the use of nearby zoning lots; and

WHEREAS, in accordance with the required findings of Z.R. §72-21, evidence in the record documents that the site developed with a school building which has become inadequate to meet the school's programmatic needs and that such physical condition creates a practical difficulty in constructing a complying enlargement that would meet such programmatic needs; and

WHEREAS, during the course of the hearing, various enlargement proposals were presented for the Board's consideration which entailed development of greater bulk on the site than the instant proposal; and

WHEREAS, the proposed enlargement represents a careful balance between satisfying the school's programmatic requirements and respecting the physical character of the immediate neighborhood; and

WHEREAS, by setting back the seventh floor and locating the cafeteria in the rear yard, the proposal will neither alter the essential character of the neighborhood nor substantially impact the appropriate use and development of adjacent property; and

WHEREAS, the practical difficulty arising from the existing building was not created by actions of the owner, rather, it was caused by changing educational requirements which render the building obsolete; and

WHEREAS, the variance, now being requested, represents the minimum necessary to relieve the practical difficulty on the site; and

WHEREAS, the proposal underwent environmental review of a variety of different alternatives which identified the potential significant impacts of this midblock development on adjacent low rise buildings; and

WHEREAS, the various Locational Alternatives discussed in the FEIS included the relocation of the school from the site, expansion of the present school building underground, and the location of the proposed gymnasium and/or the lower school off-site; and

WHEREAS, a No-Build Alternative entailing no expansion of the institution was reviewed as well as a total demolition and reconstruction scenario; and

WHEREAS, the As-Of-Right Alternative analyzed maximum development of the site without a variance or special permit with 38,467 square feet of additional floor area and the development of a fourteen (14) story tower in the C1-5(R10/MP) portion of the site and a new six (6) story building on the western portion of the site in the R8B district; and

WHEREAS, the FEIS noted that the presence of an independent foundation and structural engineer to monitor the construction project will mitigate any potential damage to adjacent properties; and

WHEREAS, the evidence in the record demonstrates that alternatives are either impractical, or fail to meet the programmatic needs of the institution or the interests of the community in preserving its character; specifically, the alternative would be uneconomic and not in furtherance of programmatic needs; underground development would be practically difficult in that it would entail inordinate expense, require closure of the school during construction and potentially jeopardize the structural integrity of the existing and adjacent buildings; an as-of-right fourteen (14) story tower in the C1-5(R10/MP) portion of the site was viewed as less desirable than the proposed development in terms of neighborhood character and would not effectively accomplish the school's programmatic needs; and

WHEREAS, while the demolition of the two (2) rowhouses which formerly occupied the vacant portion of the site was identified as an unmitigable potentially significant impact on historic resources, such buildings were not de-

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landmarks and demolition was lawful and proceeded under permits issued by the City; and

WHEREAS, having considered the FEIS and all other relevant information received, the Board hereby determines that, consistent with social, economic and other essential considerations:

1) from among reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental effects to the maximum extent practicable; and

2) the adverse environmental impact revealed in the environmental impact statement process will be minimized or avoided to the maximum extent by incorporation as conditions to the decision those mitigative measures that were identified as practicable;

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-641 and §72-21 and 6 NYCRR Part 617 (the State Environmental Quality Review Regulations), and that the applicant is therefore entitled to a special permit and relief on the grounds of practical difficulty and/or unnecessary hardship;

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a special permit and variation in the application of the Zoning Resolution, limited to the objections cited, and that the application be and it hereby is granted under Z.R. §73-641 and §72-21 to permit on the site within an R8B and C1-5(R10/MP) district, the enlargement of an existing community facility from six (6) stories to seven (7) stories which exceeds the permitted lot coverage, encroaches into the required rear yard and the initial setback required by the Special District and requires a special permit to penetrate the sky exposure plane on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 4, 1986" one (1) sheet, "May 16, 1986" twelve (12) sheets, and "December 20, 1988" twenty-seven (27) sheets; and on further condition;

THAT the Department of Buildings issue no permits for a period of thirty-one (31) days from the date of this resolution;

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

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, February 7, 1989.

824-87-BZ

APPLICANT—Philip P. Agusta, R.A., M.U.P. for Apelco, Incorporated, owner.

SUBJECT—Application October 6, 1987—decision of the Borough Superintendent, under Z.R. §73-44, to permit, in a M1-3 district, the change in use from storage to offices (Use Group 6) in a three (3) story office building which does not provide the minimum required parking and requires a special permit.

PREMISES AFFECTED—24-11 41st Avenue, north side, 75 2/3' west of Crescent Street, Block 407, Lot 4, Long Island City, Borough of Queens.

COMMUNITY BOARD #2Q.

APPEARANCES—

For Applicant: Philip P. Agusta.

RECOMMENDATION OF COMMUNITY BOARD—

Favorable to the Application.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Vice-Chairperson Bockman, Commissioner Irrera, Commissioner Tamim, Commissioner Lawrie and Commissioner O'Keefe. . . . 6

Negative: 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on October 25, 1988, after due notice by publication in the *Bulletin*, laid over to November 22, 1988, then to January 10, 1989, then to February 7, 1989; and

WHEREAS, the decision of the Borough Superintendent, dated September 18, 1987 acting on NB Applic. #940/86 reads:

1. Proposed change of occupancy from storage to office use is contrary to the parking requirement of Section 44-21 Z.R.

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice-Chairperson Miriam L. Bockman and Commissioner Raymond J. Irrera; R.A.

WHEREAS, Community Board #1, Queens, has recommended conditional approval of this application; and

WHEREAS, the Board has adopted a Conditional Negative Declaration pursuant to 6 NYCRR Part 617; and

WHEREAS, the site is developed with a three (3) story building which the applicant proposes to use as offices (Use Group 6); and

WHEREAS, a special permit is sought pursuant to Zoning Resolution ("Z.R.") §73-44 to reduce the number of required accessory off-street parking spaces from twenty four (24) to twelve (12); and

WHEREAS, the application proposes to locate the required parking spaces on other zoning lots nearby, in accordance with Z.R. §44-32; and

WHEREAS, evidence in the record demonstrates that the neighborhood is well served by parking facilities and public transportation; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-44, and that the applicant is therefore entitled to a special permit;

Resolved, that the Board of Standards and Appeals does hereby make the required findings and grants a special permit under Z.R. §73-44 to permit, in an M1-3 district, the change in use from storage to offices (Use Group 6) in a three (3) story office building which does not provide the minimum required parking on condition that all work shall substantially conform to drawings as they apply to the objection above noted filed with this application marked "Received October 6, 1987"—twelve (12) sheets and "January 24, 1989"—two (2) sheets; and on further condition;

THAT, in accordance with the Conditional Negative Declaration, a closed-window condition with a minimum of 30 dB (A) windows-wall attenuation be provided and, therefore, an alternate means of ventilation is required; and further that air intake and exhaust units, as stationary noise sources, be directed away from the abutting residential dwelling units;

THAT twelve (12) accessory parking spaces be provided on Lots 9, 10, 11 and 38 of Block 406;

THAT in the event of a change of use, no certificate of occupancy be issued if the use is changed to a use listed in parking category B, unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius;

THAT these conditions appear on the certificate of occupancy;

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

THAT substantial construction be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, February 7, 1989.

6/13/95

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REGULAR MEETING
TUESDAY AFTERNOON, JUNE 13, 1995
2:00 P.M.

Present: Chairman Silva, Vice-Chair Flahive,
Commissioner Palladino, Commissioner Joseph, and
Commissioner Chen.

201-94-ALC

APPLICANT-Alfred Y. Wen, for Leonard Franzblau, owner.
SUBJECT-Application December 16, 1994-decision of the
Borough Commissioner, under Z.R. §15-50, to permit the
conversion of 12,020 square feet of floor area in a six story
building, which is subject to the payment of a conversion
contribution.

PREMISES AFFECTED-79 Second Avenue, Block 446, Lot
1, located in a zoning district designated as C6-1, Borough
of Manhattan.

APPEARANCES-

For Applicant: Alfred Wen.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Silva, Vice-Chair Flahive,
Commissioner Palladino, Commissioner Chen and
Commissioner Joseph 5

Negative: 0

ACTION OF THE BOARD-Laid over to June 27, 1995, at 2
P.M., for decision, hearing closed.

116-94-BZ

APPLICANT-Jesse Masyr, Esquire for Album Realty, owner;
The Actors Fund of America, Contract Vendee.

SUBJECT-Application June 21, 1994-under Z.R. §72-21, to
permit in a C2-7 district, the proposed development on a
merged zoning lot containing a thirty story community
facility with sleeping accommodations (Use Group 3), a two
story cellar church building (Use Group 4) and a five story
and cellar residential building, all with commercial uses on
the ground floor which violates the initial 10' setback on the
church portion of the zoning lot.

PREMISES AFFECTED-469/475 West 57th Street, 882/884
Tenth Avenue, north east corner of the intersection formed
by West 57th Street and Tenth Avenue, Block 1067, Lots
1001-1003, 64 and 4, Borough of Manhattan.

APPEARANCES-

For Applicant: Jesse Masyr.

ACTION OF THE BOARD-Application granted on condi-
tion.

THE VOTE TO GRANT-

Affirmative: Chairman Silva, Vice-Chair Flahive,
Commissioner Chen and Commissioner Joseph 4

Negative: 0

Absent: Commissioner Palladino 1

THE RESOLUTION-

WHEREAS, the premises and surrounding area had a site and
neighborhood examination by a committee of the Board con-
sisting of Chairman Gaston Silva, R.A., Vice-Chair Robert E.
Flahive, P.E. and Commissioner Wellington Z. Chen; and

WHEREAS, Community Board #4, Manhattan, has recom-
mended conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit
in a C2-7 and R8 district the proposed development on a
merged zoning lot containing a thirty story community facility
with sleeping accommodations (Use Group 3), a two story and
cellar church building (Use Group 4) and a five story and cel-
lar residential building (Use Group 2), all with commercial
uses on the ground floor (Use Group 6), which development
violates the initial 10 foot setback on the church portion of the
zoning lot; and

WHEREAS, the subject lot is a large corner lot consisting of
three tax lots located mostly within in a C2-7 and partially in
an R8 district within the Special Clinton District; and

WHEREAS, these lots were originally developed pursuant to a
zoning lot merger which provided for a transfer of develop-
ment rights from tax lots 64 (882 Tenth Avenue) and 4 (469
W. 57th Street) to tax lots 1001-1003 (475 W. 57th Street) to
permit the construction of a thirty story residential building on
that lot with additional floor area and commercial uses on the
first and second floors; and

WHEREAS, to comply with Z.R. §23-64 (Alternate Front
Setbacks) which requires an open area to be provided along
the full length of the lot line, the zoning lot merger provided
that the existing two story church building on tax lot 64 which
is built to the full front lot line would be set back the required
10'; and

WHEREAS, subsequently, the owner failed to meet its finan-
cial obligations under the agreement resulting in a judgement
of foreclosure, as well as a court ordered rescission of the zon-
ing lot merger which, if filed, would have caused the thirty
story building to become non-complying with respect to zon-
ing; and

WHEREAS, it is now proposed to convert the existing vacant
thirty story residential building into a not-for-profit communi-
ty facility with sleeping accommodations to provide housing
for the elderly, low income tenants and residents diagnosed
with HIV/AIDS; and

WHEREAS, to effectuate this conversion, the contract vendee
and applicant, the Actors Fund of America, has entered into a
new zoning lot merger agreement with the other owners on the
zoning lot, including the adjacent church owned by Mission
Evangelical Pentecostal, Incorporated; and

WHEREAS, to legalize the existing non-complying condition
of the building, the applicant seeks a variance from the alter-
nate ten foot setback requirement pertaining to the church that
will be located on the merged zoning lot; and

WHEREAS, the programmatic needs of the church create a
practical difficulty in removing 10' from the front of the exist-
ing church building, and the applicant has demonstrated that a

MINUTES

complying reconfiguration of the building would not adequately accommodate the Church's programs and needs; and

WHEREAS, the Actors Fund of America, a not-for-profit organization, intends to use the premises in furtherance of its purposes, and thus an inability to earn a reasonable return from the property under Z.R. §72-21(b) need not be demonstrated; and

WHEREAS, the proposal merely seeks a variance of the initial setback to convert the existing vacant thirty story building into a community facility needed to service the population of the surrounding neighborhood and will not alter the character of the surrounding mixed use neighborhood nor impair development of adjacent properties on the block facing Tenth Avenue, several of which have also been built out to the front lot line without setback; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(h) of the rules of procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in a C2-7 and R8 district the proposed development on a merged zoning lot containing a thirty story community facility with sleeping accommodations (Use Group 3), a two story and cellar church building (Use Group 4) and a five story and cellar residential building (Use Group 2); all with commercial uses on the ground floor (Use Group 6), which development violates the initial 10 foot-setback on the church portion of the zoning lot on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 21, 1994"-(19) sheets, "June 2, 1995"-(3) sheets and "June 8, 1995"-(1) sheet; and on further condition;

THAT street trees shall be planted and replaced, if necessary, in accordance with BSA approved plans;

THAT the above conditions shall appear on the certificate of occupancy;

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

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, June 13, 1995.

184-94-BZ

APPLICANT-Fredrick A. Becker, Esquire for KMH Realty, owner; Renanim Pre-School, lessee.

SUBJECT-Application November 23, 1994-under Z.R. §73-19, to permit in a C8-4 district, the legalization of a nursery school (Use Group 3) on the ground floor of a five story and cellar mixed use building which requires a special permit.

PREMISES AFFECTED-336 East 61st Street, south side 147' west of the intersection of East 61st Street and 1st Avenue, Block 1435, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #8 M

APPEARANCES-

For Applicant: Fredrick Becker.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD-Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Silva, Vice-Chair Flahive, Commissioner Chen and Commissioner Joseph 4

Negative: 0

Absent: Commissioner Palladino 1

THE RESOLUTION-

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman Gaston Silva, R.A., Vice-Chair Robert E. Flahive, P.E., Commissioner Wellington Z. Chen, Commissioner Rosemary F. Palladino, J.D. and Commissioner Cecil P. Joseph; and

WHEREAS, Community Board #8, Manhattan, has recommended approval of this application; and

WHEREAS, this is an application under Z.R. §73-19 to permit in a C8-4 district, the legalization of a nursery school (Use Group 3) on the ground floor of a five story and cellar mixed use building which requires a special permit; and

WHEREAS, the subject lot is a narrow, very deep lot developed with a five story mixed use building with a nursery school on the first floor, an office use on the second floor and residential uses on the upper three floors; and

WHEREAS, it is proposed to legalize the operation of the nursery school on the first floor of the premises; and

WHEREAS, the applicant has submitted evidence that within the neighborhood to be served by the proposed school, there is no practical possibility of obtaining a site of adequate size on the ground floor with sufficient outdoor recreational space in a district where it is permitted as of right because any appropriate sites were already occupied by substantial improvements; and

WHEREAS, the nursery school is located not more than 400' from the boundary of a C2-5 district where it is permitted as-of-right; and

WHEREAS, the windows of the nursery school have been double glazed and insulated to ensure adequate separation from noise, traffic and any other adverse effects of the surrounding commercial district; and

WHEREAS, the playground in the rear yard is surrounded on two sides by a concrete block wall approximately 8' high; and

V

D. S. H.

Fax: 212/672828

Jun 23 '97 16:26

P.02/01

MEETING OF: June 24, 1995
CALENDAR NO.: 74-97-BZ

PREMISES: 142-148 East 57th Street,
150-154 East 57th Street and
141 East 56th Street, Manhattan

ACTION OF BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino,
Commissioner Bonfilio and Commissioner Joseph.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino,
Commissioner Bonfilio and Commissioner Joseph.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated February 28, 1997,
acting on N.B. Applic. No. 10143620, reads:

"Proposed plan is contrary to alternate front set back regulation set forth in
Sections 23-64 and 33-44 Z.R. in that 10'-0" deep open area along full length of
the front lot line is not provided."

WHEREAS, Community Board No. 6, Manhattan, has recommended conditional
approval of this application; and

WHEREAS, a public hearing was held on this application on June 10, 1997 after
due notice by publication in the Bulletin, laid over to June 24, 1997 at which time the
hearing was closed and a decision rendered; and

WHEREAS, the premises and surrounding area had a site and neighborhood
examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair
Robert E. Flahive, P.E., and Commissioner Paul Bonfilio, R.A.; and

WHEREAS, this is an application under Z.R. §72-21 to permit, partially in a C5-
2, partially in a C5-2A and partially in a C6-6 (MID) zoning district, the proposed
development of a 32-story primarily residential building containing commercial space on
the first floor (Use Group 6) on a an 8,883.8 square foot development site within a merged
zoning lot containing 28,662 square feet of lot area developed with an existing twelve-story
residential building, a one-story Metropolitan Transportation Authority Substation ("MTA
Substation"), and three vacant two- to four- story buildings to be demolished as part of this
development plan, which plan, with respect to the portion of the zoning lot's front lot line
occupied by the MTA Substation, violates the ten-foot alternate front setback requirement
of Z.R. §§23-64 and 33-44, and therefore requires a variance; and

WHEREAS, the subject lot is a large, irregular mid block through lot consisting
of five tax lots; and

Cal. No.: 74-97-BZ

-2-

WHEREAS, the proposal is being developed pursuant to zoning lot mergers which provide for the transfer of development rights from tax lots 28 (141 East 56th Street) and 44 (150-154 East 57th Street - the MTA Substation) to tax lots 45, 46 and 48 (142-148 East 57th Street) (the "development site") to permit the proposed construction of a thirty-two-story residential building on the development site; and

WHEREAS, Z.R. §23-64 (Alternate Front Setbacks) requires a ten-foot open area to be provided along the full length of the front lot line of the zoning lot; and

WHEREAS, the site is encumbered by an existing one-story MTA Substation on tax lot 44 which is built full to the front line on East 57th Street; and

WHEREAS, evidence in the record, demonstrates that alteration of the MTA Substation to create a ten-foot area along the front lot line would severely compromise the functioning of the substation and jeopardize the reliability of the affected subway lines; and

WHEREAS, therefore, the programmatic needs of the Metropolitan Transportation Authority which operates this MTA substation, create practical difficulties in complying with the alternate front setback requirements of Z.R. 23-64; and

WHEREAS, in addition, evidence in the record, including a feasibility study, demonstrates that a development providing a complying 15-foot initial setback along the street wall of the proposed new building would be a lower coverage, taller structure and, would not earn a reasonable return; and

WHEREAS, East 57th Street is a major two-way Manhattan cross-street characterized by high-rise office and apartment towers, thus, the development is in context with the surrounding area and existing developments; and

WHEREAS, in connection with the construction of the proposed new building the owners of the development site have agreed to clean the facade of the MTA Substation on East 57th Street; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the future use or development of adjacent properties, nor will it be detrimental to public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution; and

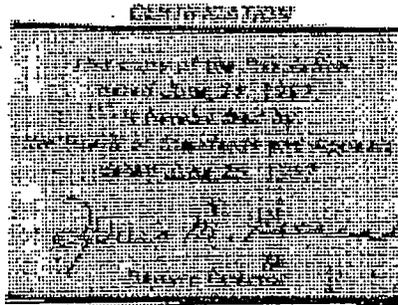
Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, partially in a C5-2, partially in a C5-2A and partially in a C6-6 (Mid) zoning district, the proposed development of a 32 story primarily residential building containing commercial space on the first floor (Use Group 6) on a an 8,883.8 square foot development site within a merged zoning lot containing 28,662 square feet of lot area developed with an existing twelve-story residential building, a one-story Metropolitan Transportation Authority Substation ("MTA Substation"), and three vacant two- to four- story buildings to be demolished as part of this development plan, which plan, with respect to the portion of the zoning lot's front lot line occupied by the MTA Substation, violates the ten-foot alternate front setback requirement of Z.R. §§23-64 and 33-44, and therefore requires a variance, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 13, 1997"-(31) sheets, "May 1, 1997"-(2) sheets and "June 24, 1997"-(1) sheet"; and on further condition;

THAT in accordance with the BSA approved plans, such plans shall be subject to the owner obtaining a waiver from the New York City Planning Commission, of the requirement of Z.R. §37-015 that a minimum of fifty percent of the front building wall shall be occupied by commercial uses;

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

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, June 24, 1997.



298-12-BZ

B Form 54 (rev. 8/85)



THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
CERTIFICATE OF OCCUPANCY

RECEIVED
ED. STANDARDS AND APPEALS
2013 OCT 11 P 4 13

BOROUGH Manhattan

DATE: AUG 31 2001 NO. 101380658

This certificate supersedes C.O. No T 122125

ZONING DISTRICT M1-5B

THIS CERTIFIES that the XXX-altered-XXXXXXXXXX building-premises located at
726 Broadway

Block 545 Lot 15

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	O.G.						BOILER ROOM, MACHINE ROOM
1ST FLOOR	100	5			17		SHIPPING
	100	300			6	C	STORE
2ND FLOOR	100	150			6	E	OFFICE
3RD FLOOR	100	244			6	E	OFFICES
4TH FLOOR	100	231			6	E	OFFICES
5TH-7TH FLOORS	100	90			6	E	OFFICES EACH FLOOR
	ea.	ea.					
8TH-10TH FLOORS	100	250			6	E	OFFICES EACH FLOOR
	ea.	ea.					
							COMMERCIAL OLD CODE

JW 11-30-01

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT OF BUILDINGS PROMULGATED MARCH 31ST, 1967.

OPEN SPACE USES

(SPECIFY PARKING SPACES, LOADING HEIGHTS, OTHER USES, NONE)

NO CHANGE OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE.

Paul Spindler Jr.
BOROUGH COMMISSIONER

John W. Bellamy R.A.
M-8
Acting Commissioner
COMMISSIONER

ORIGINAL

OFFICE COPY - DEPARTMENT OF BUILDINGS

COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at point on the EAST side of BROADWAY
 distant 347'-10 1/2" N (not from the corner formed by the interaction of
 EAST FOURTH STREET and BROADWAY
 running thence EAST 137'-7 3/4" (feet) thence SOUTH 25'-4 3/8" (feet)
 thence EAST 137'-7 3/4" (feet) thence NORTH 135'-10" (feet)
 thence WEST 137'-7 3/4" (feet) thence NORTH 10'-5 1/8" (feet)
 thence WEST 137'-7 3/4" (feet) thence SOUTH 120'-11 1/4" (feet)
 to the point or place of beginning

XXXX ALT. No. 101380658 DATE OF COMPLETION 7/31/01 CONSTRUCTION CLASSIFICATION 1
 BUILDING OCCUPANCY GROUP CLASSIFICATION HEIGHT 10 STORIES, 150' FEET

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM	X		AUTOMATIC SPRINKLER SYSTEM	X	
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM	X				

STORM DRAINAGE DISCHARGES INTO:
 A) STORM SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

SANITARY DRAINAGE DISCHARGES INTO:
 A) SANITARY SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

LIMITATIONS OR RESTRICTIONS:
 BOARD OF STANDARDS AND APPEALS CAL. NO. _____
 CITY PLANNING COMMISSION CAL. NO. _____
 OTHERS: _____

11-30-01

JW



New York University

A private university in the public service

70 Washington Square South – Room 1203
New York, NY 10012
Telephone (212) 992-8282
E-Mail: martin.dorph@nyu.edu

Martin S. Dorph
Executive Vice President, Finance and Information Technology

RECEIVED
BO. STANDARDS AND APPEALS
2012 OCT 17 P 4 13
CAL. NO.

298-12-BZ-

October 15, 2012

Via Hand Delivery

Hon. Meenakshi Srinivasan, Chair
New York City Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Re: New York University
Variance Application
730 Broadway
Block 545, Lot 15

Dear Chair Srinivasan and Commissioners:

I am writing this letter in connection with an application on behalf of New York University for a variance to facilitate the proposed conversion of a portion of the existing ten-story building (the "Building") on the property located at 730 Broadway (Block 545, Lot 15) in Manhattan (the "Property") to a Use Group 3 college and university use (the "Conversion"). The Conversion would allow most of the Building to be used as an academic facility, primarily for scientific research laboratories and teaching laboratories, thereby addressing New York University's need for academic space proximate to its "Washington Square Core", and in particular, its need for additional laboratory and teaching laboratory space located near its existing science facilities.

New York University – Background and History

New York University ("NYU" or the "University") is the largest private university in the United States and a vital and stable economic engine in New York City. The University, which is composed of 18 schools, occupies five major centers in Manhattan. It operates branch campuses and research programs in other parts of the United States and abroad, as well as study abroad programs in more than 25 countries. The University's Manhattan facilities accommodate over 44,000 full- and part-time students and over 7,500 full- and part-time faculty. NYU is also one of the largest employers in New York City, with over 16,000 employees.

The heart of the NYU campus is located in Manhattan Community District 2, around Washington Square Park. This nucleus, known as the "Washington Square Core," comprises the area generally bounded by Waverly Place and West 8th Street to the north, Broadway and Mercer Street to the east, West 3rd Street and Houston Street to the south, and LaGuardia Place and the midblock between MacDougal Street and Avenue of the Americas to the west. *See Washington Square Core Map, attached hereto.* Throughout the University's physical development in New York City, the Core has served as a central location for its facilities and student life.

NYU was founded in 1831 by a delegation of New Yorkers led by Albert Gallatin, treasury secretary for both Thomas Jefferson and James Madison. The University's founding fathers set out to create a university that would train their sons (and eventually their daughters) for commerce rather than for religious careers, unlike other contemporary universities. NYU was planned as a center of higher learning that would be open to all, regardless of national origin, religious beliefs, or social background. It would be, as Gallatin saw it, a university "in and of the city."

In 1832, NYU held its first classes in a leased building on the corner of Beekman and Nassau Streets, near today's City Hall, as it planned a permanent facility "uptown" in the rapidly developing Washington Square area. In 1835, NYU opened the four-story neo-gothic University Building at the northeast corner of Washington Square Park. Within its first 50 years, NYU grew along with the Washington Square area, opening professional schools of law (1835) and medicine (1841) there and founding a professional school of dentistry (1863) in a leased space farther uptown. By the 1870s, undergraduate students began expressing a desire for a more pastoral collegiate experience. To fulfill these requests, the University opened the Stanford White designed undergraduate campus in the Bronx, known as the Heights Campus.

Meanwhile, the University maintained a strong presence at Washington Square. It established the first graduate school for arts and sciences in the country, and, in 1900, founded a school of business, which offered evening classes to undergraduates. In 1903, the Collegiate Division (later known as Washington Square College) was opened, marking the return of a significant undergraduate presence downtown. Additional development continued around Washington Square Park with the purchase of the Brown Building (home to the Triangle Shirtwaist Factory Fire in 1911) and the construction of the Education Building on West 4th and Greene Streets. By its centennial in 1931, NYU had approximately 40,000 students, making it one of the largest universities in the country.

In the decades following World War II, NYU's student population grew dramatically, and the University correspondingly increased its property holdings in the area surrounding Washington Square. NYU added to its portfolio two residential complexes on two superblocks: I.M. Pei's Silver Towers on the superblock bounded by Bleecker Street, Mercer Street, West Houston Street, and LaGuardia Place, and Washington Square Village on the superblock bounded by West 3rd Street, Mercer Street, Houston Street, and LaGuardia Place. A third superblock, located to the immediate north of Washington Square Village and adjacent to

Washington Square Park, was devoted to educational use. This superblock is now home to five University buildings, including the Elmer Holmes Bobst Library, designed by Philip Johnson in 1972. During this time, depressed real estate values allowed NYU to make other acquisitions, including a loft building east of Washington Square, between Greene Street and Broadway, where it located a new dormitory for the Law School.

In 1973, NYU closed the Heights Campus in the Bronx, both for financial reasons and as a way of re-committing the University to its downtown Core. While the University's physical development has transitioned over the 180 years since its founding, with campus sites and facilities located in Greenwich Village, the financial district, the biomedical corridor on the east side of Manhattan, Museum Mile, and, more recently, downtown Brooklyn—confirming NYU's unique identity as an urban university—the Washington Square Core remains the heart of this Citywide “campus.”

In May 2006, the University announced its NYU 2031 initiative, with the goal of creating a long-term plan for accommodating its physical growth within New York City over the next 25 years. Through this planning effort, the University has developed a series of guidelines and principles that, for the first time, integrate a strategic vision and planning into the University's future development, with an emphasis on strengthening the Washington Square Core for academic and student-oriented uses. That vision identifies the Building as an ideal location for academic uses, particularly science research and teaching.

Programmatic Need

NYU has a programmatic need for academic space located proximate to the Washington Square Core, and has a pressing need for additional scientific research and teaching laboratory space located near existing science facilities.

Need for Additional Academic Space in the Washington Square Core

Core Uses

One of the principal goals of the University's 2031 plan is to locate certain types of uses within or near the Washington Square Core. These uses include academic space, such as classrooms, research facilities and faculty offices, as well as student services and housing. Other facilities, such as administrative offices, are being moved to more distant locations. The University's projections show that it could need as much as 3.5 million square feet of academic space between now and 2031 in order to fulfill the academic growth needs of its schools at or near the Core.

Need for Additional Scientific Research and Teaching Laboratory Space

In 2004, the University announced the “Partners Plan,” which established a fund to increase the size of the Faculty of Arts and Sciences. The implementation of the Partners Plan has included the hiring of 250 faculty members. In support of such hiring efforts, the Partners Plan has also funded major capital expenditures in the sciences, including the renovation of research

laboratories for all science departments located in the Washington Square Core. Scientific research laboratories are generally comprised of teams of researchers conducting experiments for the purpose of furthering scientific knowledge or developing new products.

Although such investments have allowed many of the University's departments to rank among the best in the nation, NYU's science facilities remain inadequate when compared to those of competing educational institutions. A campus facilities survey of 284 institutions conducted in 2007 (the "2007 Survey") found that NYU has approximately one-third the mean amount of dedicated research laboratory space among institutions with more than 25,000 students. This is due in large part to NYU's urban setting and, more particularly, to the difficulty in finding sufficiently large spaces for research facilities in or near the Washington Square Core.

In the last 35 years the University has built only one new science building, the 71,000-gross-square-foot Center for Genomics and Systems Biology on Waverly Place. The creation of new scientific research laboratory space was achievable only by dislocating 40,000 gross square feet of classrooms from this location, and redeveloping the building by retaining the existing façade and adding entirely new floors with appropriate column spacing, floor loads, and building systems. Scientific research facilities are one of the most urgent needs of the University.

The inadequacy of the University's existing science facilities impacts both faculty and students. The lack of space significantly constrains the ability of faculty to conduct research and to compete for funding from federal, institutional, and philanthropic sources. Insufficient research space has also had a deleterious impact on faculty recruitment and retention, with a number of faculty candidates choosing to work for schools with more adequate on-campus facilities. In many departments, including, in particular, the major physical and life science departments, there is simply no space to accommodate new faculty hires.

Similarly, teaching laboratories at NYU are crowded and outdated. A teaching laboratory is a group-learning space in which teams of students replicate experiments for educational purposes. The 2007 Survey found that NYU has approximately two-thirds the mean amount of teaching laboratory space among educational institutions with more than 25,000 students. Teaching laboratories are heavily utilized to accommodate the demand for laboratory sections. Additionally, most of the teaching laboratories are decades old and in need of replacement or updating. As a result of the inadequacy of these facilities, the University is forced to limit student enrollment in its science courses and in other programs geared toward STEM (Science, Technology, Engineering, and Mathematics) careers, which utilize such laboratories as part of their required curricula.

A 2007 study conducted by NYU projected that the University's science programs will likely grow between 55 and 72 percent over the next ten years. This growth, taken with the inadequacies of the University's existing laboratory space, translates to a need for approximately 275,000 gross square feet of additional space dedicated to science and scientific research. One of the major constraints in accommodating this growth is the lack of adequate space available for science use. As described in the letter from EYP Architecture and Engineering, submitted with

this application (the "Architect's Letter"), such facilities must be accommodated in buildings with large floor plates, high ceilings, heavy load capacity, and wide column spacing.

Location of Facilities

The new scientific research and teaching laboratory space that NYU creates must be located in or near the Washington Square Core, so as to allow efficient functional relationships with existing science and classroom facilities and so as to be physically accessible to the student body. NYU's major academic facilities are located within the Washington Square Core area, and a majority of residence halls are located within a 20-minute walking distance. As shown in the attached Washington Square Core Science Programs Map (the "Science Programs Map"), there are six science facilities located in the area to the immediate east of Washington Square Park, between Washington Square East and Broadway. The consolidation of science facilities within this area provides efficient access to such facilities for faculty and students who concentrate in the sciences, and allows for the sharing of limited resources.

Further, the physical proximity of facilities to one another is crucial for promoting integration of disciplines and interaction among faculty and students. Such interchange has become especially valuable as research agendas have grown increasingly cross-disciplinary in character. For example, NYU has shaped its curricula and located its facilities so as to provide platforms for studies that pair neural science with psychology, mathematics with computer science, languages with literature, and economics with politics. Co-locating the needed scientific research and teaching laboratory space with existing facilities that serve different science disciplines allows for efficient collaborations among such disciplines and, in turn, fosters a rich learning and research community.

Selection of the Building

The need to locate science facilities in or near the Core, in buildings with sufficiently large floor plates, high ceilings, heavy load capacity, and wide column spacing, is difficult to satisfy. These science facilities will not be accommodated as part of the University's recent "NYU Core" initiative, as the buildings are either mixed-use in nature or better suited to meet other pressing needs such as classrooms, departmental offices, and student-oriented study spaces.

NYU has in the past met its needs by connecting existing buildings to form new complexes with sufficiently large floor plates. Most recently, the University accommodated its Center for Genomics and Systems Biology by redeveloping the existing building at 12-16 Waverly Place, which redevelopment retained the building's façade while adding entirely new floors with appropriate modern space. Even with these recent projects, the University has a growing need for additional science facilities, with the opportunities for satisfying such need within the Washington Square Core remaining severely limited.

The Building's location, dimensions, and structural qualities are all appropriate for satisfying NYU's programmatic need for additional scientific research and teaching laboratory space. The Building is located immediately adjacent to the Washington Square Core and within

one to three blocks of the University's existing science facilities to the east of Washington Square Park. See Science Programs Map. As described in the Architect's Letter, the Building has floor plates of 32,500 gross square feet, high ceilings, sufficient load capacity, and wide column spacing. Few buildings in or near the Core, and no others owned by the University, have such large floor plates. Further, the Building would provide approximately 190,000 gross square feet of interconnected space dedicated to academic uses, including science and scientific research. This amount of space is more than any other Arts and Sciences building within the immediate vicinity of the Property, including Warren Weaver Hall at 251 Mercer Street (158,591 gross square feet) and the Center for Genomics and Systems Biology at 12 Waverly Place (75,869 gross square feet).

The Student Health Center has occupied the third and fourth floors of the Building for more than ten years. NYU located the Student Health Center in the Building to address its need for medical facilities that can serve its students in a location proximate to the Core and, in particular, to classrooms and dormitories. The third and fourth floors of the Building satisfied that need, and continue to satisfy it today.

The Conversion

The Building is currently occupied by the NYU bookstore on the ground floor and University administrative and health service offices on the second through tenth floors. Specifically, University administrative services are located on the second and fifth through eighth floors; student health services are located on the third and fourth floors; University financial operations are located on the ninth floor; and offices for the School of Nursing are located on the tenth floor.

The Conversion would introduce Use Group 3 college and university uses to the second through tenth floors of the Building. The Conversion would proceed over time, with the eighth and ninth floors being converted to scientific research facilities immediately. In the years following this initial introduction of research space, the fifth through seventh and tenth floors would be converted to scientific research facilities, and the second floor would be converted to teaching laboratories and support spaces for other uses in the Building. The third and fourth floors would continue to be used as student health service offices for the foreseeable future. Although the student health service offices are permitted as Use Group 6 offices, they are more appropriately characterized as a Use Group 3 college and university use because of the University functions and populations that they serve. Over time, the second through tenth floors of the building may be occupied by other academic uses, but would not be used for dormitories. The ground floor would not be affected by the Conversion.

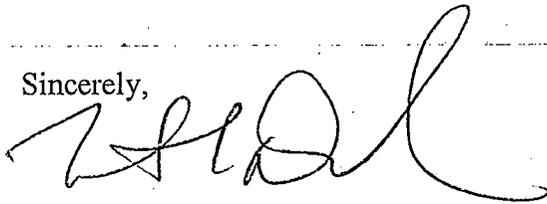
Conclusion

The Conversion of the Building would satisfy NYU's programmatic need for additional academic space proximate to the Washington Square Core, and in particular for science laboratory and teaching laboratory space, accommodated on large floor plates and in an appropriate physical environment, and located near existing science facilities. It would also continue to satisfy the University's need for a proximate and appropriately sized Student Health

Center. In satisfying these programmatic needs, the Conversion would mark a significant step toward improving the University's scientific research and teaching laboratory inventory, bolstering its faculty recruiting efforts to remain competitive with other universities, and supporting its science and cross-disciplinary programs.

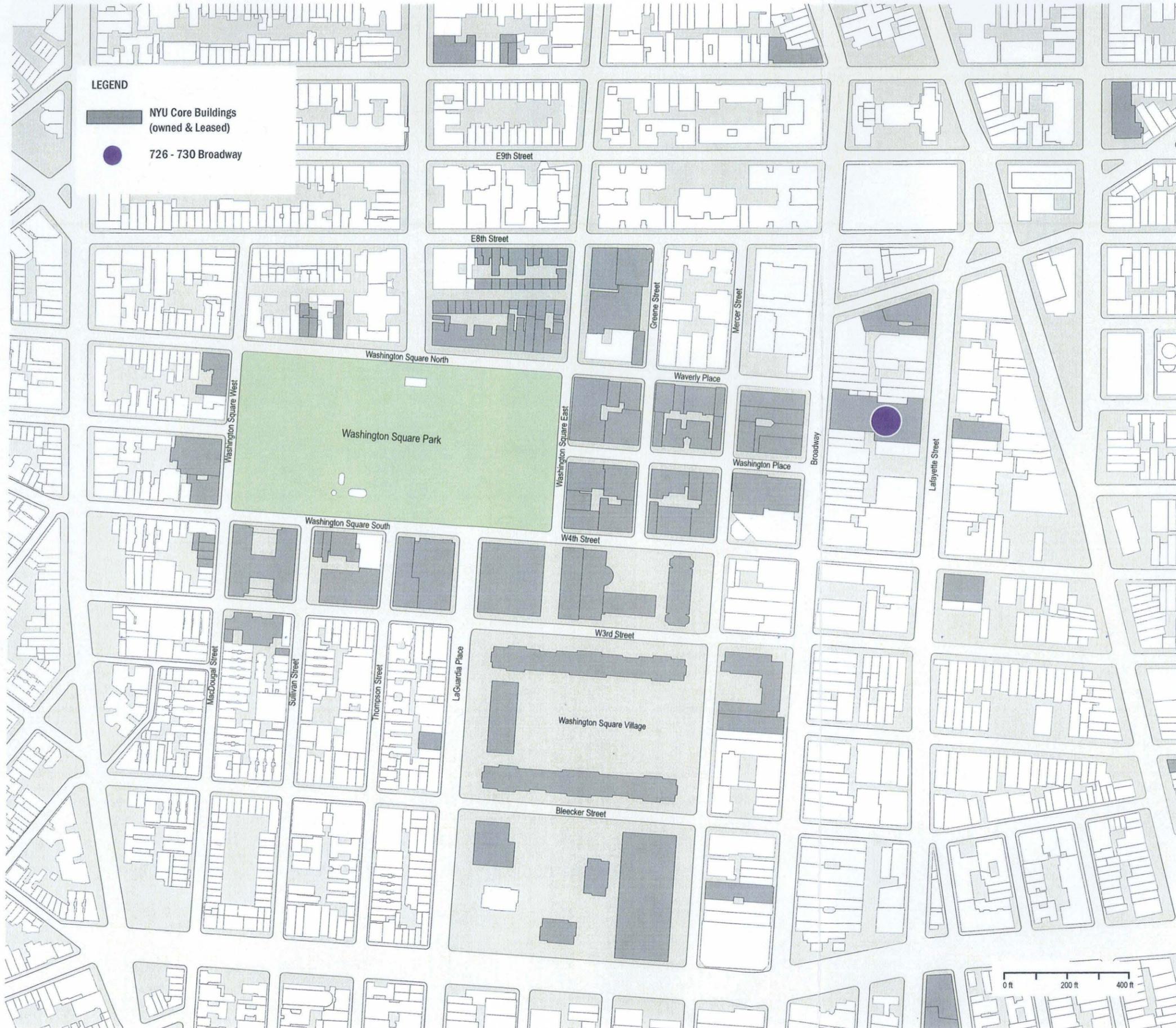
I would be pleased to provide the Board with any additional information needed to process the application for the requested variance. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Dorph", written in a cursive style.

Martin S. Dorph

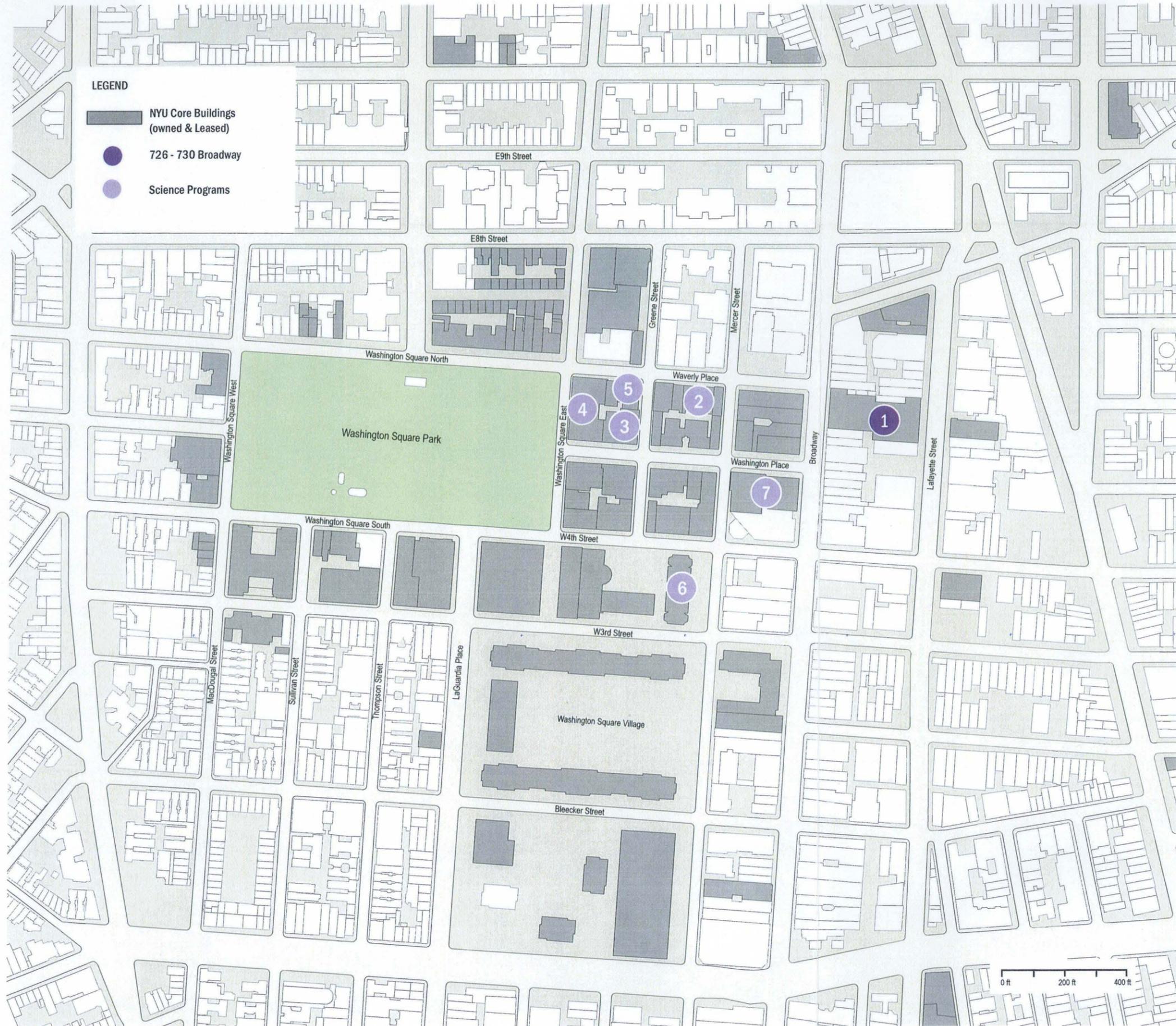
NEW YORK UNIVERSITY Washington Square Core Area



NEW YORK UNIVERSITY

Washington Square Core Area

Science Programs



Location	Program
1 726-730 Broadway	Project Site
2 12-16 Waverly	Center for Genomics & Systems Biology
3 Brown Building	Chemistry, Biology
4 Silver Building	Chemistry, Biology
5 Wavery Building	Chemistry, Biology
6 Courant Institute (CIMS)	Mathematics, Computer Science
7 Meyer Complex	Psychology, Neural Science, Physics

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2012 OCT 17 P 4:13

CAL. NO.

EYP

15 October 2012

Hon. Meenakshi Srinivasan
New York City Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Reference: **New York University**
730 Broadway
Block 545, Lot 15

Subject: **Variance Application**

Dear Chair Srinivasan and Commissioners:

We are submitting this letter in support of an application on behalf of New York University ("NYU") for a variance to allow the conversion of all but the first floor of the existing ten-story building (the "Building") on the property located at 730 Broadway (Block 545, Lot 15) in Manhattan (the "Property") to Use Group 3 college and university use (the "Conversion"). Most of the Building is intended to be occupied as academic space, primarily for scientific research and teaching laboratories. This letter describes the Building and its particular suitability for accommodating the laboratory facilities that NYU needs.

The Building

The Building was constructed in 1917-19 as a seven-story garage, factory, and warehouse for John Wanamaker, who owned Wanamaker's department store located two blocks north on Broadway. According to the Landmarks Preservation Commission's designation report for the NoHo Historic District, within which the Building is located, the Building housed various uses which served the department store, including carpenters' and upholsterers' shops, a piano repair and tuning workshop, and three levels of storage for deliveries. On February 5, 1980, the Board approved a variance to enlarge the Building by three stories to its current ten-story height (Cal. No. 1099-79-BZ).

The design and construction of the Building reflect its original use as a factory and warehouse. The Building is characterized by uniquely large floor plates of approximately 32,500 gross square feet, wide column spacing of approximately 22 feet on center, and relatively high floor-to-floor heights of 14 feet. According to data from the Department of City Planning's Zoning and Land Use Application (ZoLA), only one commercial building within the area bounded by Houston Street, Sixth Avenue, 14th Street, and Second Avenue—the former Wannamaker's department store building, which has an approximately 65,000-gross-square-foot footprint—has a larger footprint and more gross square footage. Consistent with standards for factory buildings of its period, the steel and concrete construction of the Building is sturdy, and the floor load capacity is robust enough to support heavier loads than typical office buildings.

The Building is located immediately adjacent to two subway lines. The N, Q, and R trains run directly beneath Broadway, along the Property's western frontage, and the 4, 5, and 6 trains run directly beneath Lafayette Street, along the Property's eastern frontage.

Suitability for Scientific Research Laboratory Space

Scientific research laboratories are comprised of teams of researchers conducting experiments for the purpose of furthering scientific knowledge or developing new products. Each laboratory module accommodates a team of researchers, working at individual fume hood spaces or benches, and contains a secondary lab support space used for storage or various other research-specific functions. The research teams are led by principal investigators, or PIs.

Leading consultants on laboratory design have established parameters for the optimal floor plate for accommodating research space. There is a "critical mass" of 8 to 12 PIs for facilitating collaborative research in a laboratory setting, and each PI needs approximately 3,000 gross square feet of dedicated research space to operate efficiently. The optimal floor plate size for scientific research laboratory space is therefore approximately 24,000 to 36,000 gross square feet. In addition, structural supports and interior partitions should be spaced so as to accommodate laboratory modules, which have a typical width of 22 feet. To support an efficient and collaborative research environment, no two laboratory modules on a given floor should be located more than a one-minute walk apart, or the total length of approximately 12 contiguous 22-foot-wide modules. See Jacobs Consultancy, *Right-Sizing Lab Floors* (2007).

The size and dimensions of the Building are consistent with these standards and therefore are well suited for accommodating the scientific research laboratory facilities that NYU needs. The Building's uniquely large floor plates are within the optimal range of 24,000 to 36,000 gross square feet for accommodating 8 to 12 PIs. They are capable of accommodating laboratory program elements that require significant space, such as research benches, as well as needed adjacencies between such program elements. The 22-foot column spacing is ideal for the 22-foot width of the typical laboratory module, and the Building's overall floor plate dimensions are capable of accommodating multiple modules without creating inefficient walking distances between research stations. See Typical Laboratory Floor Plan Diagram, attached hereto. The Building's relatively high floor-to-floor heights are sufficient for accommodating the extensive ductwork and piping requirements of scientific equipment. More generally, the large floor plates and the Building's height allow for the strategic location of sensitive scientific equipment away from sources of electromagnetic fields, such as the subway and elevators.

The Building's structural capacities and infrastructure are also well suited for scientific research facilities. The high floor load capacity of the Building, designed for the Building's original factory use, is capable of withstanding heavy laboratory equipment. The Building's steel and concrete construction is sufficiently stiff to accommodate the maximum vibration requirements of sensitive scientific equipment. Last, the Building has a robust electrical infrastructure capable of supporting intensive laboratory uses.

Suitability for Teaching Laboratories and Health Center

As discussed in the letter from NYU, submitted with this application, the University has been working to improve its academic spaces and to address the limitations of teaching laboratory spaces over the past several years. A teaching laboratory is a group learning space in which teams of students replicate experiments for educational purposes. These spaces are enclosed rooms composed of a series of lab benches, typically shared by 4 to 5 students, and arranged around an instructor's bench. At NYU, a typical teaching laboratory will accommodate approximately 20 students. Teaching labs may contain fume hoods, but they are usually few in number and remain separate from the lab benches. Supplies for the laboratories are often stored in an adjoining supply room, or simply held in locked cabinets along the wall.

The Building is a suitable location for the teaching laboratories that NYU needs. It is proximate to NYU's other science and classroom buildings and in effect is an extension of the Core academic area. Its floor plates are large enough to accommodate approximately 15 teaching laboratories per floor. See Typical Teaching Laboratory Floor Plan Diagram, attached hereto.

In addition, the Building is an appropriate location for the Health Center because it is proximate to both students and faculty who are using the academic core. The Health Center, currently located on the third and fourth floors of the Building, represents an important student service which requires a significant investment of space, equipment, and capital. Given the required size of the facility, the need for it to be located close to its clients, and the lack of other available large floor plates in the area, this is an appropriate location for the Health Center.

Conclusion

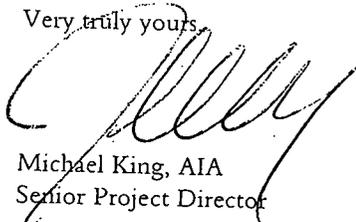
In short, the dimensions and the structural and infrastructural qualities of the Building, originally designed for a factory and warehouse use, make for an environment that is easily adaptable for accommodating academic uses, including scientific research facilities. These qualities, and in particular the Building's large floor plates, are unique for the Washington Square area

Hon. Meenakshi Srinivasan
15 October 2012
Page 3

and represent a rare opportunity to accommodate NYU's need for scientific research and teaching laboratory space in an existing building that the University owns. The size of the floors is well suited to provide either a critical mass of researchers or teaching laboratories and support space. The third and fourth floors are also appropriate for the University Health Center due to its central location to users and the existing investment in medical facilities.

I would be pleased to provide the Board with any additional documentation that it would find helpful in making its determination.

Very truly yours,

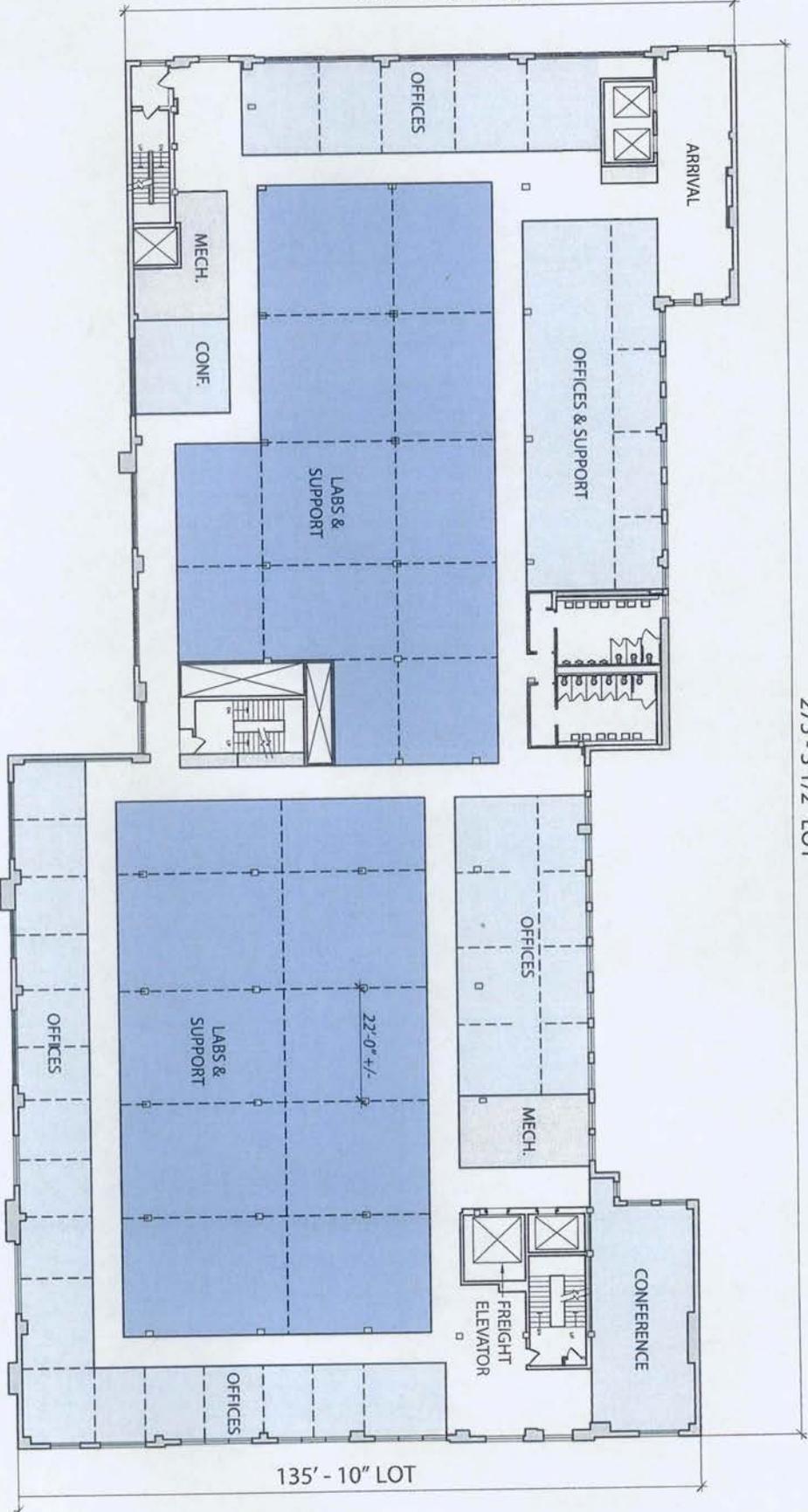


Michael King, AIA
Senior Project Director
Att.

275'- 3 1/2" LOT

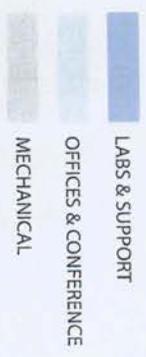
120'- 11 1/4" LOT

135'- 10" LOT



Suitability of Building for laboratory space:

- Floor plate of ~32,500 gsf is ideal for laboratory space.
- Within range of 24,000 - 36,000 gsf needed to accommodate "critical mass" of 8 - 12 principal investigators (PIs) for collaborative research environment.
- Width and depth dimensions allow accommodation of laboratory modules in arrangement that ensures no two modules are more than 1-minute walking distance apart (distance of approximately 12 22-foot-wide modules).
- 22'-0" column spacing optimal for typical 22'-0" laboratory module.



Note:
~32,500 gsf floor plate capable of accommodating 15 teaching laboratories

- TEACHING LABORATORIES
- OFFICES/COMPUTER STATIONS/SEATING
- MECHANICAL



BSA CALENDAR NO.

BLOCK 545

LOT 15

SUBJECT SITE ADDRESS 267-30 Broadway, aka 418-426 Lafayette

APPLICANT Krane Levin Naftalis & Frankel LLP

COMPLIANT: "Y"

ZONING DISTRICT M1-5B

PRIOR BSA # 1099-79-BZ

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT YES

COMMUNITY BOARD CB 2

INDICATE AMT

LOT AREA

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

LOADING BERTH (S)

OTHER:

ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	INDICATE AMT OVER/UNDER
N/A		N/A	N/A	35,349	35,349	Y
N/A		N/A	N/A	135'-10"	135'-10"	Y
42-00	4-14,16,17		N/A	6,17	3,6,17	N
N/A	N/A		N/A	N/A	0	N/A
43-122	229,768		N/A	N/A	294,739	N +64,971*
43-12, 43-121	176,745/26		313,188	313,188	27,517	Y
43-12, 43-121	265,118		313,188	313,188	313,188	Y
N/A	N/A		N/A	N/A	0	N/A
43-122	6.5		N/A	N/A	8.14	N +1.64*
43-12, 43-121	5.0/7.5		8.86	8.86	.72	Y
43-12, 43-121	7.5		8.86	8.86	8.86	Y
N/A		N/A	N/A	N/A	N/A	Y
N/A		N/A	N/A	N/A	N/A	Y
N/A	N/A		N/A	N/A	N/A	Y
N/A	N/A		N/A	N/A	N/A	Y
43-43	85'		157' - 2 1/2"	157' - 2 1/2"	157' - 2 1/2"	Y
N/A	N/A		157' - 2 1/2"	157' - 2 1/2"	157' - 2 1/2"	Y
			10	10	10	Y
N/A		N/A	N/A	N/A	N/A	Y
43-25		0'	N/A	0'	0'	Y
43-25		0'	N/A	0'	0'	Y
43-28		40'	0'	0'	0'	Y
43-43		15'	0'	0'	0'	Y
43-43	5.6/1		Waiver	Encroachment	No change	Y
44-112, 44-21	150	0	0	0	0	Y
44-52	N/A	2	2	2	2	Y

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:

Existing floor area permitted pursuant to prior BSA variance (1099-79-BZ). Proposed college or university use of existing floor area is not a permitted use in the M1-5B zoning district.

298-12-BZ-

ZONING MAP 12C



ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows an R, C or M district designation indicates use, bulk and other controls as described in the text of the zoning resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
- no letter(s) within the special purpose district as described in the text of the zoning resolution.

ARPA(S) REVISED

Effective Date(s) of Rezoning:
03-28-2012 & 12003 ZMR

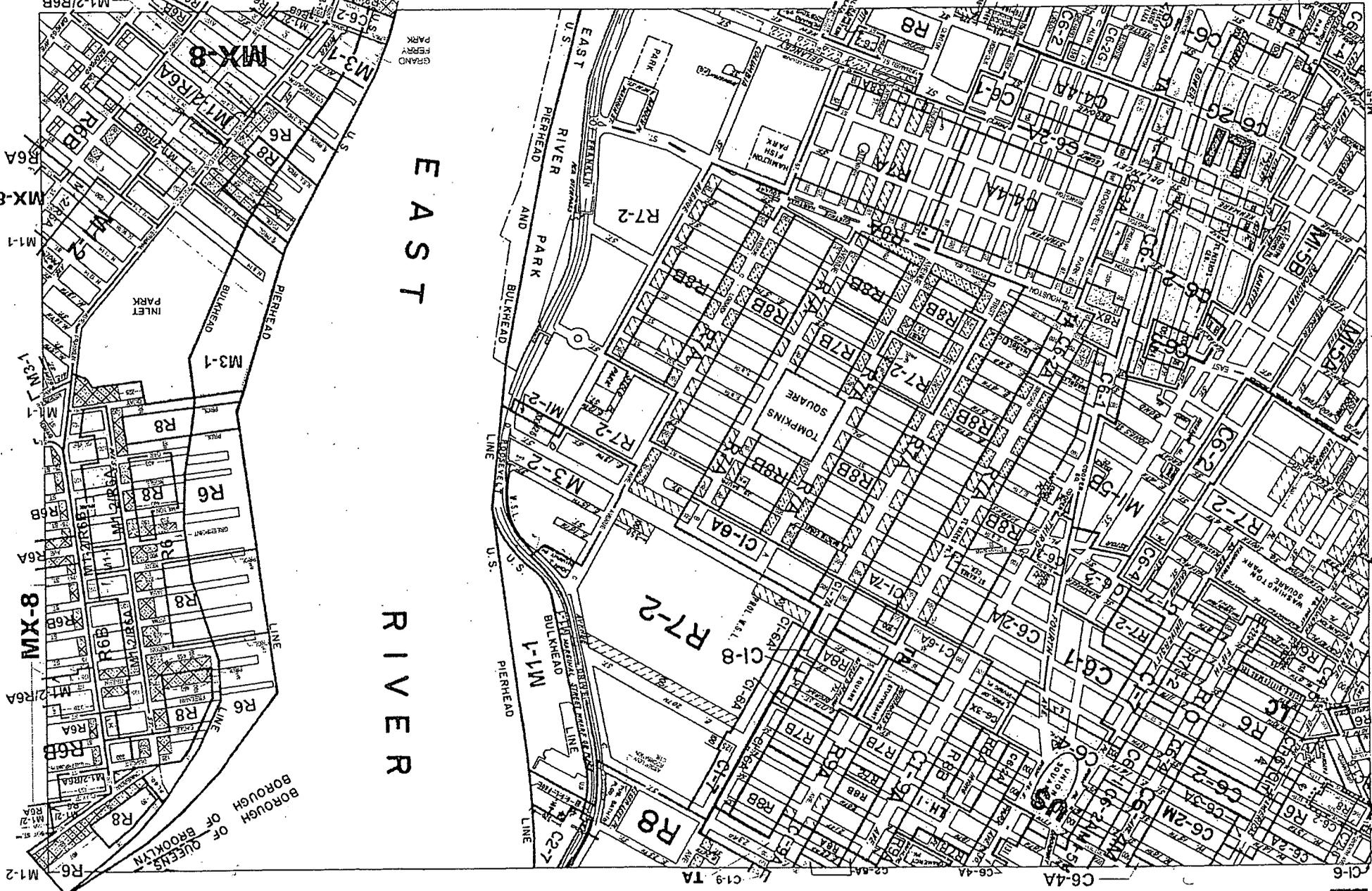
Special Requirements:
For a list of lots subject to environmental requirements, see APPENDIX C.
For a list of lots subject to restrictive declarations, see APPENDIX D.
For information on lots that have requested a change in their zoning classification, see APPENDIX E.

RECEIVED
APPEALS
RECEIVED
03-28-2012
12003 ZMR

MAP KEY

12b	12a	8b	8d	9b
12d	12c	13a	13b	

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, use the Zoning section of the Department of City Planning website: www.nyc.gov/dcp or contact the Zoning Information Desk at (212) 720-3291.





NYC Digital Tax Map

Effective Date : 12-09-2008 13:27:43

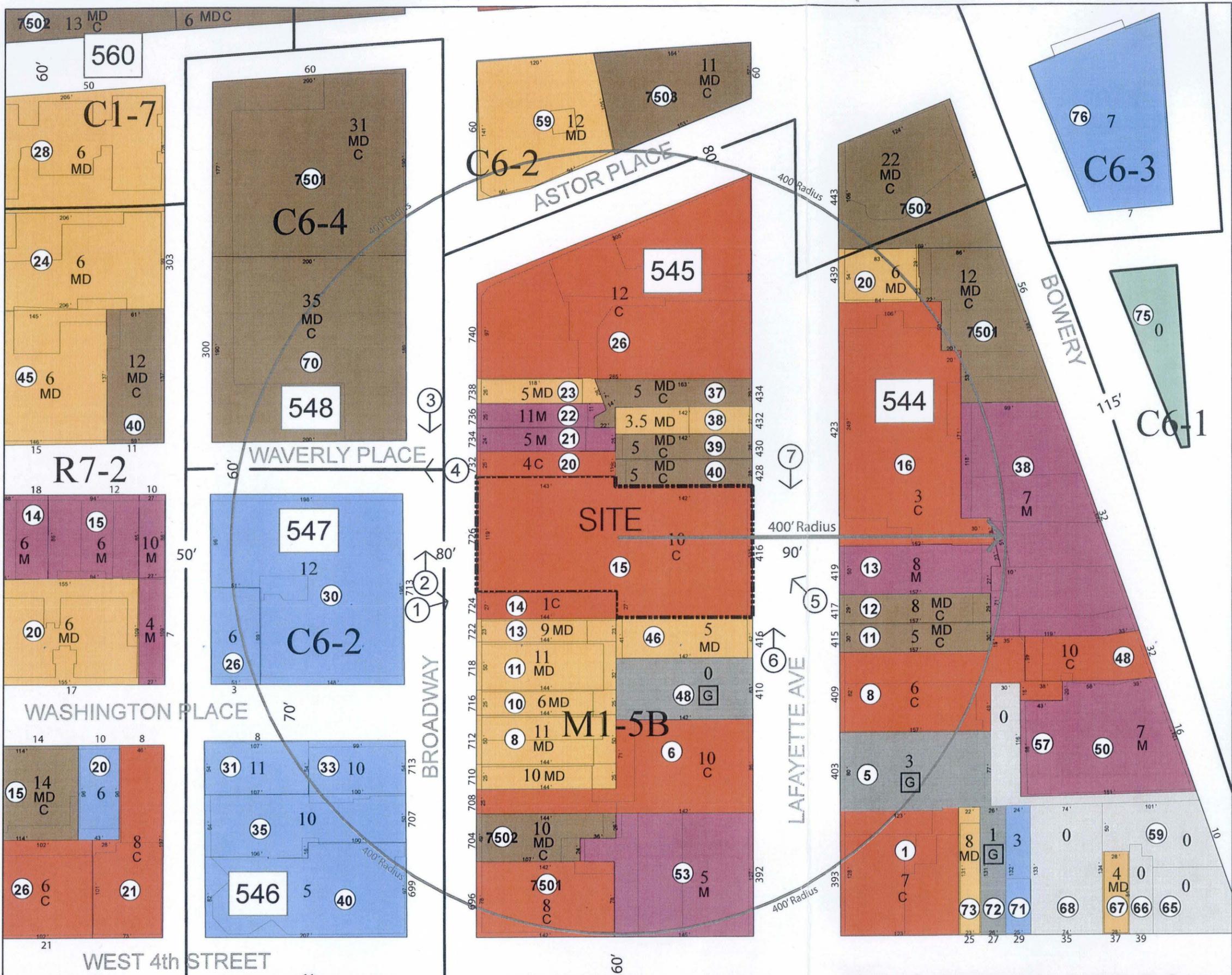
End Date : Current

Manhattan Block: 545

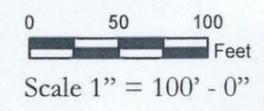
Legend

- Streets
- Miscellaneous Text
- ┆ Possession Hooks
- Boundary Lines
- ┆ Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon





- LEGEND**
- Property Boundary
 - Zoning Boundary
 - Lot Line
 - Block Line
 - Existing Zoning
 - Block Number
 - Lot Number
 - Number of Stories
 - Indicates Dimension
 - Dwelling
 - Multiple Dwelling
 - Commercial
 - Manufacturing
 - Vacant
 - Garage
 - One & Two Family Buildings
 - Multiple Dwelling
 - Mixed Residential/Commercial
 - Commercial & Office
 - Industrial & Manufacturing
 - Parking/Automobile/Utility
 - Institutional/Community Facility
 - Open Space/Park Land
 - Vacant/Open Lot
 - Camera Position



400' RADIUS LAND USE MAP

726-730 BROADWAY
(aka 411 LAFAYETTE STREET)

BLOCK: 545 LOT: 15
NEW YORK, NEW YORK

DRAWN BY/DATE

SA/ rev. 7-24-12

298-12-BZ-

NYU 730 Broadway
List of Owners and Tenants
As of October 9, 2012

RECEIVED
BD. STANDARDS AND APPEALS

2013 OCT 17 P 4:14

CAL. NO.

Surrounding Property Owners:

No.	BLOCK	LOT	OWNER	ADDRESS
1	545	26	Lafayette-Astor Associates	Lafayette-Astor Associates 740 Broadway New York, NY 10003
2	545	23	The Broadway Mckenna	The Broadway Mckenna 404 5th Avenue New York, NY 10018
3	545	37	Matthew Goldman	Matthew Goldman Ru Management A/A/F 599 Broadway, FL 6 New York, NY 10012
4	545	22	734-6 Broadway LLC	734-6 Broadway LLC 805 3rd Avenue, FL 7 New York, NY 10022
5	545	38	Goldman, A/K/A Matt Wink A/K/A Chris	Matthew Goldman 432 Lafayette Street New York, NY 10003
6	545	21	734-6 Broadway LLC	734-6 Broadway LLC 805 3rd Avenue, FL 7 New York, NY 10022
7	545	39	Robinson Callen, As Trustee	Robinson Callen, As Trustee Casper R Callen Trust PO Box 8747 Savannah, GA 31412
8	545	20	HarmoNY Realty Co., LLC	HarmoNY Realty Co., LLC 732 Broadway New York, NY 10003
9	545	40	Robinson Callen, As Trustee	Robinson Callen, As Trustee Casper R Callen Trust PO Box 8747 Savannah, GA 31412
10	545	10	Washington Place Apt Corp	Washington Place Apt Corp Mack Edge Management 12 Desbrosses Street New York, NY 10013
11	545	13	722 Owners Corp	722 Owners Corp ABC Realty, Managing Agent 152 W. 57th Street, FL 12 New York, NY 10019

No.	BLOCK	LOT	OWNER	ADDRESS
12	545	46	416 Management LLC	416 Management LLC 50 Bank Street New York, NY 10014
13	545	14	Mcdonalds Usa LLC	Mcdonalds Usa LLC 724 Broadway New York, NY 10003
14	545	11	718 Apts Inc	718 Apts Inc 555 Madison Avenue New York, NY 10022
15	545	48	410-414 Lafayette St.	410-414 Lafayette St. Plaza Circle Enterprises 640 5th Avenue New York, NY 10019
16	545	8	712 Broadway Corp	712 Broadway Corp Andrews Building Corporation 666 Broadway, RM 1201 New York, NY 10012
17	545	6	708 Broadway Del LLC	708 Broadway Del LLC c/o Chetrit Group 404 5th Avenue New York, NY 10018
18	545	1101	704 Broadway Realty	704 Broadway Realty 60 Cutter Mill Road, Suite 303 Great Neck, NY 11021
19	545	1102	Dino Fusco	Dino Fusco 704 Broadway, FL 2 New York, NY 10003
20	545	1103	Babacan Broadway Inc.	Babacan Broadway Inc. 767 Third Avenue, 35 th FL New York, NY 10022
21	545	1104	Geoffrey John Isles	Geoffrey John Isles 704 Broadway, 4 th FL New York, NY 10003
22	545	1105	Bayer Trez	Bayer Trez 704 Broadway, 5 th FL New York, NY 10003
23	545	1106	Robert Detiger	Robert Detiger 704 Broadway, #6 New York, NY 10003
24	545	1107	Monique Muri	Monique Muri 704 Broadway New York, NY 10003
25	545	1108	Macaulay Culkin	Macaulay Culkin 200 Park Avenue S, 8 th FL New York, NY 10003

No.	BLOCK	LOT	OWNER	ADDRESS
26	545	1109	Richard Winter	Richard Winter 704 Broadway New York, NY 10003
27	545	1110	RNYA, LLC	RNYA, LLC 9130 W. Sunset Blvd Los Angeles, CA 90069
28	545	1111	RNYA, LLC	RNYA, LLC Naoma Nicholls 9130 W. Sunset Blvd. Los Angeles CA 90069
29	545	1001	700 Broadway 1891 LLC	700 Broadway 1891 LLC Robert Schoenhaut 700 Broadway New York, NY 10003
30	545	1002	700 Broadway 1891 LLC	700 Broadway 1891 LLC R. Schoenhaut (Weitz) 700 Broadway New York, NY 10003
31	545	53	Sand Associates, L.P.	Sand Associates, L.P. 392 Lafayette Street New York, NY 10003
32	545	59	Amdar Company, LLC	Amdar Company, LLC Manocherian Brothers 150 E. 58th Street, FL 28 New York, NY 10155
33	545	1301	21 Astor Place Condominium	21 Astor Place Condominium c/o The El-Ad Group, Ltd. 400 Kelby Street, 9 th FL Fort Lee, NJ 07024
34	545	1302	Milton Hsu	Milton Hsu 21 Astor Place, #2A New York, NY 10003
35	545	1303	Defne Kent, As Trustee	Defne Kent, As Trustee c/o Muhtar Kent 2660 Peachtree Road, #5B Atlanta, GA 30305
36	545	1304	Christopher Berry	Christopher Berry 21 Astor Place, Unit 4A New York, NY 10003
37	545	1305	Susan Ping Lee	Susan Ping Lee 21 Astor Place, Unit 5A New York, NY 10003
38	545	1306	Kristine Sorbie	Kristine Sorbie 21 Astor Place, Unit 6A New York, NY 10003

No.	BLOCK	LOT	OWNER	ADDRESS
39	545	1307	Wayne Cutler	Wayne Cutler 21 Astor Place, Unit 7A New York, NY 10003
40	545	1308	Chaur-Ming Chou	Chaur-Ming Chou 21 Astor Place, Unit 9A New York, NY 10003
41	545	1309	Can Bakir	Can Bakir 21 Astor Place, Unit 10A New York, NY 10003
42	545	1310	Hilary Rhoda	Hilary Rhoda 21 Astor Place, Unit 2B New York, NY 10003
43	545	1311	Diego Sanguinetti	Diego Sanguinetti 68 W. 87th Street New York, NY 10024
44	545	1312	Bulent Kozlu	Bulent Kozlu 21 Astor Place, Unit 5B New York, NY 10003
45	545	1313	Alvin Brian Loshak	Alvin Brian Loshak 21 Astor Place, Unit 6B New York, NY 10003
46	545	1314	Michelle Stuhl	Michelle Stuhl 21 Astor Place, Unit 7B New York, NY 10003
47	545	1315	Claire Basescu	Claire Basescu 21 Astor Place, Unit 9B New York, NY 10003
48	545	1316	Karl Sprules	Karl Sprules 21 Astor Place, Unit 10B New York, NY 10003
49	545	1317	Jayapratap R. Chenna	Jayapratap R. Chenna 21 Astor Place, Unit 2C New York, NY 10003
50	545	1318	Alina Fisch	Alina Fisch 21 Astor Place, Unit 4C New York, NY 10003
51	545	1319	Donald Rankin	Donald Rankin 50 Gillespie Avenue Fair Haven, NJ 07704
52	545	1320	Jonny Buckland	Jonny Buckland 21 Astor Place, Unit 6C New York, NY 10003
53	545	1321	Sung J. Pahng	Sung J. Pahng 21 Astor Place, Unit 7C New York, NY 10003

No.	BLOCK	LOT	OWNER	ADDRESS
54	545	1322	Clara Markowicz	Clara Markowicz c/o Martin Jaffe 124 E. 55th Street New York, NY 10022
55	545	1323	Robert Weinstein	Robert Weinstein 211 Central Park West New York, NY 10024
56	545	1324	Jay Rosenberg	Jay Rosenberg 21 Astor Place, Unit 2D New York, NY 10003
57	545	1325	Oliver Schupp	Oliver Schupp 21 Astor Place, Unit 3D New York, NY 10003
58	545	1326	Andrew Zarnett	Andrew Zarnett 21 Astor Place, Unit 4D New York, NY 10003
59	545	1327	Hede Mahnert-Lueg	Hede Mahnert-Lueg Kaiserstrasse 42 80801 Munich Germany
60	545	1328	Charles de Viel Castel	Charles de Viel Castel 21 Astor Place, Unit 6D New York, NY 10003
61	545	1329	Astor Place, LLC	Astor Place, LLC Loeb, Block & Partners LLP 505 Park Avenue, FL 8 New York, NY 10022
62	545	1330	James S. Wiener	James S. Wiener 21 Astor Place, Unit 9D New York, NY 10003
63	545	1331	Cori Thune	21 Astor Place, Unit 10D New York, NY 10003
64	545	1332	Jane Oster	Jane Oster 200 S. Woodland Street Englewood, NJ 07631
65	545	1333	Oliver Schupp	Oliver Schupp 21 Astor Place, Unit 3E New York, NY 10003
66	545	1334	Igal R. Zakuto	Igal R. Zakuto 21 Astor Place, Unit 4E New York, NY 10003
67	545	1335	Andrew Campbell	Andrew Campbell 14 Polo Drive South Barrington, IL 60010

No.	BLOCK	LOT	OWNER	ADDRESS
68	545	1336	Avi Oster	Avi Oster 429 Sylvan Avenue Englewood Cliffs, NJ 07632
69	545	1337	The Anne R. Macaulay 2007 Trust	The Anne R. Macaulay 2007 Trust 21 Astor Place, Unit 7E New York, NY 10003
70	545	1338	Farley International Investments Limited	Farley International Investments Limited 21 Astor Place, Unit 9E New York, NY 10003
71	545	1339	Jeffrey R. Cohen	Jeffrey R. Cohen 21 Astor Place, Unit 10E New York, NY 10003
72	545	1340	David White	David White 21 Astor Place, Unit 2F New York, NY 10003
73	545	1341	4F Astor Place LLC	4F Astor Place LLC c/o Richard C. Hamlin, Esq., 928 Broadway, Suite 100 New York, NY 10010
74	545	1342	Gerald I. Swartz	Gerald I. Swartz 21 Astor Place, Unit 5F New York, NY 10003
75	545	1343	Avi Oster	Avi Oster 21 Astor Place, Unit 6E New York, NY 10003
76	545	1344	George Miller Luxury Real Estate LLC	George Miller Luxury Real Estate LLC 21 Astor Place, Unit 7F New York, NY 10003
77	545	1345	Myra Lipman	PO Box 2353 Westport, CT 06880
78	545	1346	Kimberley Thacker	Kimberley Thacker 21 Astor Place, Unit 7G New York, NY 10003
79	545	1347	Cathryn E. Bales	Cathryn E. Bales 21 Astor Place, Unit 2H New York, NY 10003
80	545	1348	Munsun Park	Munsun Park 21 Astor Place, Unit 3H New York, NY 10003
81	545	1349	Stefan Beckman	Stefan Beckman Frederic Kantor & Associates 1212 Avenue Of The Americas New York, NY 10036
82	545	1350	Astor Place 8H Realty, LLC	Astor Place 8H Realty, LLC 21 Astor Place, Unit 8H New York, NY 10003

No.	BLOCK	LOT	OWNER	ADDRESS
83	545	1351	Robert Pilles, Jr.	Robert Pilles, Jr. 21 Astor Place, PH-A New York, NY 10003
84	545	1352	AN.DV., LLC	AN.DV., LLC Deva, Inc. 450 W. 15th Street New York, NY 10011
85	545	1353	Thomas Tryforos	Thomas Tryforos 21 Astor Place, PH-C New York, NY 10003
86	548	70	Hilary Gardens Company LLC	Hilary Gardens Company LLC c/o Algin Management Company 64-35 Yellowstone Boulevard, Suite L1 Forest Hills, NY 11375
87	548	1001	Aspenly Co., LLC	Aspenly Co., LLC c/o Rose Associates, Inc. 200 Madison Avenue New York, NY 10016
88	548	1002	Aspenly Co., LLC	Aspenly Co., LLC c/o Rose Associates, Inc. 200 Madison Avenue New York, NY 10016
89	548	1003	Georgetown Plaza Owners Corp.	Georgetown Plaza Owners Corp. c/o Rose Associates, Inc. 200 Madison Avenue New York, NY 10016
90	547	26	New York University	New York University 70 Washington Square South New York, NY 10012
91	547	30	New York University	New York University 70 Washington Square South New York, NY 10012
92	546	31	New York University	New York University 70 Washington Square South New York, NY 10012
93	546	33	New York University	New York University 70 Washington Square South New York, NY 10012
94	546	35	Hebrew Union College – Jewish Institute of Religion	Hebrew Union College – Jewish Institute of Religion 40 West 68 th Street New York, NY 10023
95	546	40	Hebrew Union College – Jewish Institute of Religion	Hebrew Union College – Jewish Institute of Religion 40 West 68 th Street New York, NY 10023

No.	BLOCK	LOT	OWNER	ADDRESS
96	544	1101	The Cooper Union for the Advancement of Science and Art	The Cooper Union for the Advancement of Science and Art 30 Cooper Square New York, NY 10003
97	544	1102	The Cooper Union for the Advancement of Science and Art	The Cooper Union for the Advancement of Science and Art 30 Cooper Square New York, NY 10003
98	544	20	Lafayette Lofts Inc.	Lafayette Lofts Inc. 439 Lafayette Street, Unit 6 New York, NY 10003
99	544	1001	52/54 CSQ Realty LLC	52/54 CSQ Realty LLC c/o SNR Denton US LLP Attn: Gary A. Goodman, Esq. 2 World Financial Center 225 Liberty Street New York, NY 10281
100	544	1002	Venu V. Angara	Venu V. Angara 52 Cooper Square, Unit 2-T New York, NY 10003
101	544	1003	Irene M. Albright	Irene M. Albright 62 Cooper Square, Unit 2A-T New York, NY 10003
102	544	1004	James Phillip Steindecker	James Phillip Steindecker 56 Cooper Square, Unit 3 New York, NY 10003
103	544	1005	Alexander Roy	Alexander Roy 56 Cooper Square, Unit 3A New York, NY 10003
104	544	1006	Scott Kaufman	Scott Kaufman 62 Cooper Square, Unit 3B New York, NY 10003
105	544	1007	Cherie Miche Hinson	Cherie Miche Hinson 62 Cooper Square, Unit 3C New York, NY 10003
106	544	1008	Evelyn Real Estate, Inc.	Evelyn Real Estate, Inc. 62 Cooper Square, Unit 4A New York, NY 10003
107	544	1009	Gregory R. Miller	Gregory R. Miller 62 Cooper Square, Unit 4B New York, NY 10003
108	544	1010	Martin Silver NY Property Holdings LLC	Martin Silver NY Property Holdings LLC 125 Seminole Avenue Palm Beach, FL 33480

No.	BLOCK	LOT	OWNER	ADDRESS
109	544	1011	Ronda Kornfeld	Ronda Kornfeld 56 Cooper Square, Unit 5A New York, NY 10003
110	544	1012	Adam Duritz	Adam Duritz 56 Cooper Square, Unit 5B New York, NY 10003
111	544	1013	Cesar Gaviria	Cesar Gaviria 56 Cooper Square, Unit 6A New York, NY 10003
112	544	1014	Richard J. Sandler	Richard J. Sandler 56 Cooper Square, Unit 6B New York, NY 10003
113	544	1015	Lester Y. Saito	Lester Y. Saito 56 Cooper Square, Unit 6C New York, NY 10003
114	544	1016	Ann M. Hatch	Ann M. Hatch 32 Julius Street San Francisco, CA 94133
115	544	1017	Randall Yuen	Randall Yuen 62 Cooper Square, Unit 7B New York, NY 10003
116	544	1018	Norah Jones	Norah Jones 1212 Avenue of the Americas, 14 th FL New York, NY 10036
117	544	1019	Daniel Dulitz	Daniel Dulitz 3995 Page Mill Road Los Altos Hills, CA 94022
118	544	1020	James S. Courier	James S. Courier 56 Cooper Square, Unit 9B New York, NY 10003
119	544	1021	Peconic Bay Capital Holdings LLC	Peconic Bay Capital Holdings LLC 56 Cooper Square, Unit 9C New York, NY 10003
120	544	1022	Patrick de Saint-Aignan	Patrick de Saint-Aignan 13 Seneca Trail Harrison, NY 10528
121	544	1023	Blue Water Advisors Inc.	Blue Water Advisors Inc. c/o Rosabianca & Associates 40 Wall Street, 31 st FL New York, NY 10005
122	544	1024	Stillpoint Meadows 11A, LLC	Stillpoint Meadows 11A, LLC 56 Cooper Square, Unit 11A New York, NY 10003
123	544	1025	52-62 Cooper Square, LLC	52-62 Cooper Square, LLC 1114 Avenue Of The Americas, 48 th FL New York, NY 10036

No.	BLOCK	LOT	OWNER	ADDRESS
124	544	1026	Stillpoint Meadows PH-62, LLC	Stillpoint Meadows PH-62, LLC. 56 Cooper Square, PH-62 New York, NY 10003
125	544	1027	Stefano Natella	Stefano Natella 56 Cooper Square, Unit 8B New York, NY 10003
126	544	1028	West 12 th Street Owners Inc.	West 12 th Street Owners Inc. c/o Pan Am Equities, Inc. 18 E. 50th Street, 10 th FL New York, NY 10022
127	544	16	Cultural Affairs	Cultural Affairs 330 W. 42nd Street New York, NY 10036
128	544	38	Cooper Square Associates	Cooper Square Associates c/o Hartz Mountain Industries, Inc. 700 South Fourth Street Harrison, NJ 07029
129	544	13	Michael Baum	Michael Baum 419 Lafayette Street New York, NY 10003
130	544	12	Poe Kim	Poe Kim 417 Lafayette Street New York, NY 10003
131	544	11	Only Properties, LLC	Only Properties, LLC 70 Lafayette Street, 5 th FL New York, NY 10013
132	544	8	Aredlo Realty Co.	Aredlo Realty Co. 14 Propect Park West Brooklyn, NY 11215
133	544	5	Kalodop Park Corp.	Kalodop Park Corp. 250 West 26th Street New York, NY 10001
134	544	1	Fisher Realty Corp.	Fisher Realty Corp. 401 Lafayette Street New York, NY 10003

The above list of owners was obtained from records maintained by the Office of the City Collector within the New York City Department of Finance.

Carolyn Makczynsk

Sworn to before me this 16th day of
October, 2012

Anita Rose

Notary Public

ANITA ROSE
NOTARY PUBLIC, State of New York
No. 03RO4755325
Qualified in Dutchess County
Commission Expires April 30, 2014

298-12-BZ-

4-91 2:49PM NYU PRESIDENT 212 468 7900 # 4/4

RECEIVED
ED. STANDARDS AND APPEALS

2013 OCT 17 P 4:18

CAL. NO.

District Director
Internal Revenue Service

Date: May 28, 1971 In reply refer to: AU:F:610:SR



New York University
Washington Square
New York, New York 10003

Gentlemen:

On the basis of your statement and the information recently submitted regarding the admissions policy of your institution, and the publicizing thereof, and with the understanding that such policies will remain in effect, we confirm the exempt status of your institution under Internal Revenue Code, Section 501(a), as an organization described in Section 501(c)(3).

This confirmation does not preclude a reevaluation of your admissions policy at a later date. It also does not preclude an examination of the operations of your institution to determine if the policy as described in your statement is being implemented.

Very truly yours,

Acting District Director

*Original to Merrill Hughes
Copy to W.C. Powell Hughes
Copy to file*

Internal Revenue Service

Department of the Treasury

P.O. Box 1880, GPO Brooklyn, NY 11202

District
Director

Date: JUL 23 1990

New York University
Controllers Division
22 Waverly Place
Room 500
New York, N.Y. 10003

Person to Contact:
Mr. Jerome Goldstein
(212) 264-3038
Refer Reply to:
Forms 990 and 990-T
Period Ended:
August 31, 1987
Exemption under section
501(c)(3) of the Internal
Revenue Code

Dear Taxpayer:

Our recent examination of the above information returns disclosed that your organization continues to qualify for exemption from Federal income tax. We also determined that there is no change in your liability for the tax on unrelated business income provided for under section 511 through 515 of the Internal Revenue Code. Accordingly, the returns are accepted as filed.

Thank you for your cooperation.

Sincerely yours,

Eugene D. Alfano
District Director



S
I
T
E

BROADWAY

N

730 BROADWAY
NEW YORK, NY

VIEW - 1

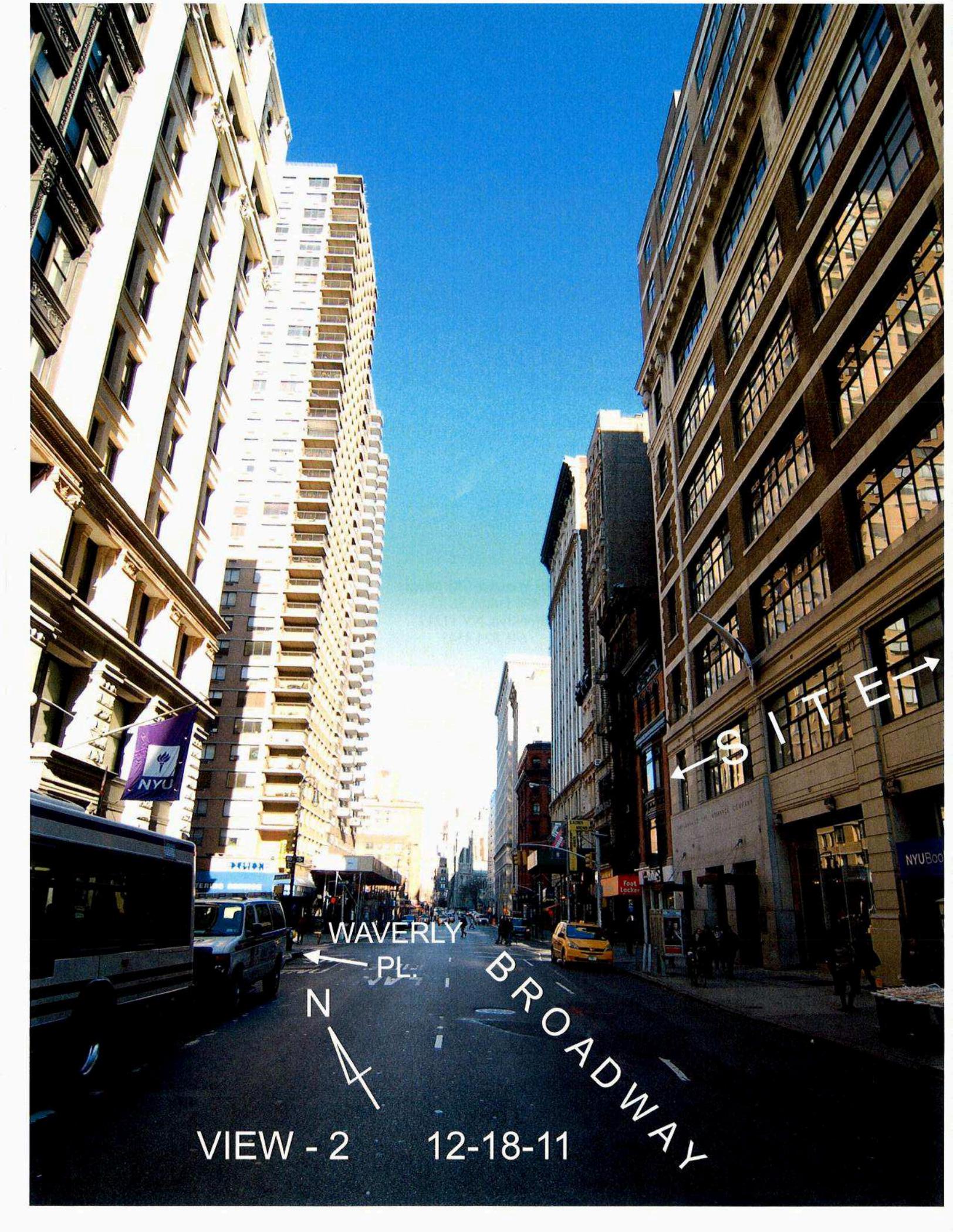
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MADISONVILLE LIFE INSURANCE COMPANY

UBookstore

McDonald's



NYU

WAVELY

PL.

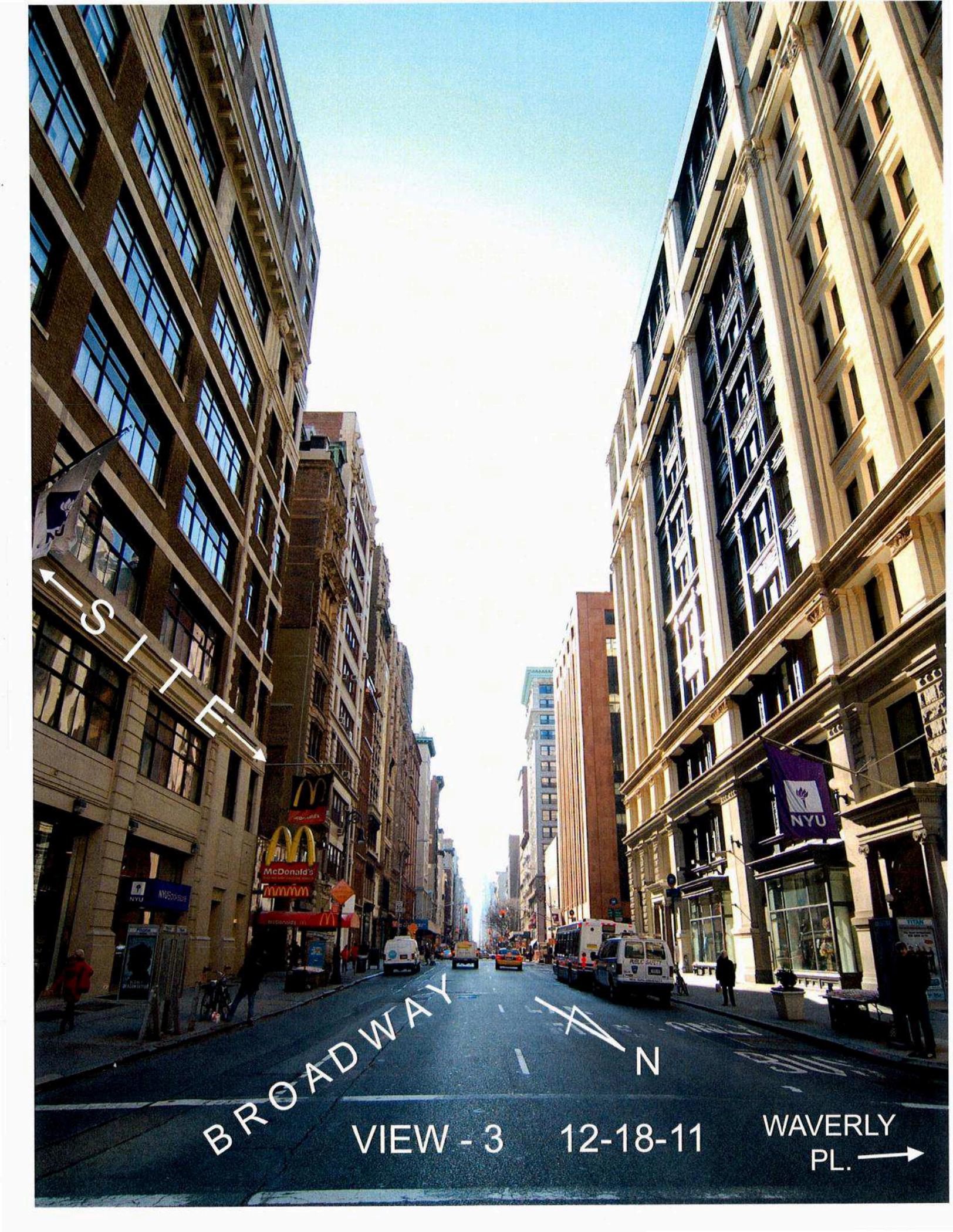
N

BROADWAY

← SITE →

VIEW - 2

12-18-11



S I T E

BROADWAY

N

VIEW - 3

12-18-11

WAVERLY PL. →



N



SITE



WAVERLY PL.

BROADWAY

VIEW - 4

12-18-11



VIEW - 5 12-18-11

LAFAYETTE ST



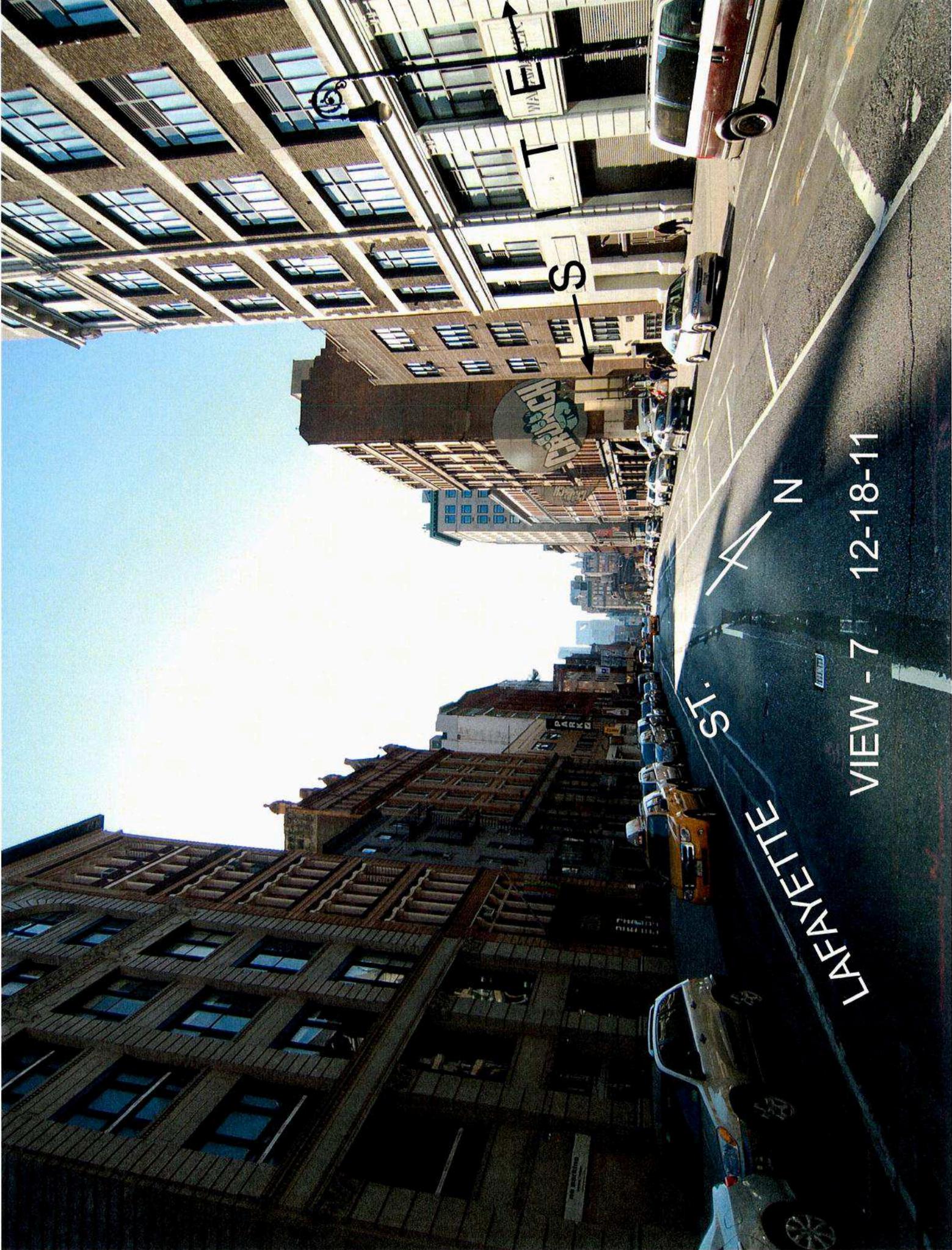
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LAFAYETTE

S

N

VIEW - 6 12-18-11



LAFAYETTE ST. N
VIEW - 7 12-18-11

Einhorn Yaffee Prescott
 Architecture & Engineering P.C.
 225 Varick Street, 2nd Floor
 New York, NY 10014
 Telephone 917 981 6000
 Fax 917 981 6100
 eypae.com

EYP/

OWNER/CLIENT:

 **NYU**

New York University

726 Broadway
 New York, New York
 10003



DRAWING LIST

DATE: **05/31/12**

SCALE: **N.T.S.**

EYP PROJECT NO.:
1011056.02

DESIGNED BY: **MRK**

DRAWN BY: **MK**

CHECKED BY: **MRK**

DRAWING NO.:

G001

Sheet #	Sheet Name
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G001	DRAWING LIST
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A0PP	ZONING DATA
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A0C-E	CELLAR PLAN - EXISTING
A01-E	FLOOR PLAN - LEVEL 1 EXISTING
A02-E	FLOOR PLAN - LEVEL 2 EXISTING
A03-E	FLOOR PLAN - LEVEL 3 EXISTING
A04-E	FLOOR PLAN - LEVEL 4 EXISTING
A05-E	FLOOR PLAN - LEVEL 5 EXISTING
A06-E	FLOOR PLAN - LEVEL 6 EXISTING
A07-E	FLOOR PLAN - LEVEL 7 EXISTING
A08-E	FLOOR PLAN - LEVEL 8 EXISTING
A09-E	FLOOR PLAN - LEVEL 9 EXISTING
A10-E	FLOOR PLAN - LEVEL 10 EXISTING
A12-E	WEST, EAST ELEVATIONS EXISTING
A13-E	SOUTH ELEVATION EXISTING
A14-E	NORTH ELEVATION EXISTING
A15-E	BUILDING SECTION DIAGRAMMATIC - EXISTING

Sheet #	Sheet Name
---------	------------

A0C-P	CELLAR PLAN - PROPOSED
A01-P	FLOOR PLAN - LEVEL 1 PROPOSED
A02-P	FLOOR PLAN - LEVEL 2 PROPOSED
A03-P	FLOOR PLAN - LEVEL 3 PROPOSED
A04-P	FLOOR PLAN - LEVEL 4 PROPOSED
A05-P	FLOOR PLAN - LEVEL 5 PROPOSED
A06-P	FLOOR PLAN - LEVEL 6 PROPOSED
A07-P	FLOOR PLAN - LEVEL 7 PROPOSED
A08-P	FLOOR PLAN - LEVEL 8 PROPOSED
A09-P	FLOOR PLAN - LEVEL 9 PROPOSED
A10-P	FLOOR PLAN - LEVEL 10 PROPOSED
A12-P	WEST, EAST ELEVATIONS PROPOSED
A13-P	SOUTH ELEVATION PROPOSED
A14-P	NORTH ELEVATION PROPOSED
A15-P	BUILDING SECTION DIAGRAMMATIC - PROPOSED

Einhorn Yaffee Prescott
 Architecture & Engineering P.C.
 225 Varick Street, 2nd Floor
 New York, NY 10014
 Telephone 917 981 6000
 Fax 917 981 6100
 eypae.com

EYP/

OWNER/CLIENT:

NYU

New York University

726 Broadway
 New York, New York
 10003



ZONING DATA

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

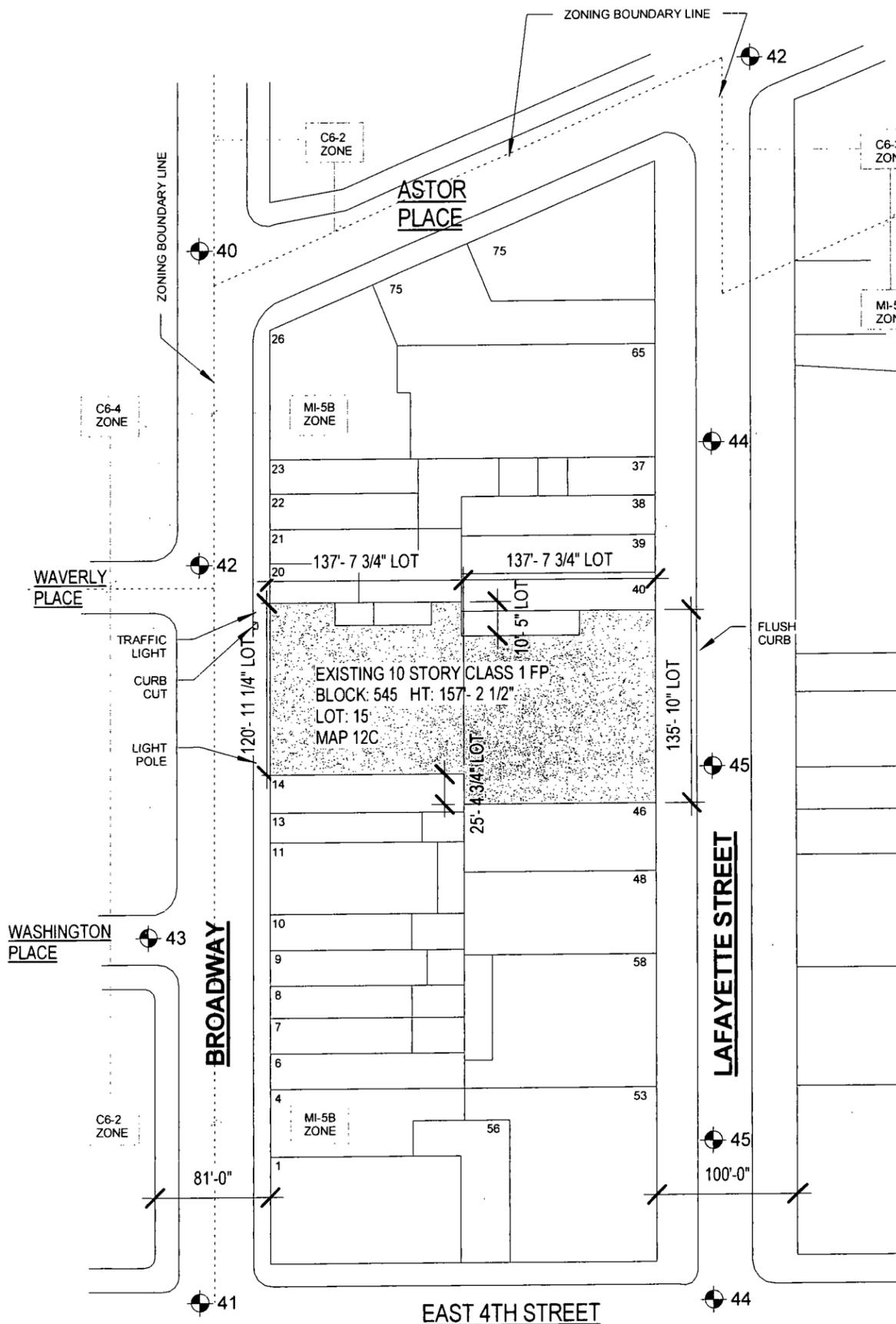
DESIGNED BY: **MK**

DRAWN BY: **DR**

CHECKED BY: **MK**

DRAWING NO.:

AOPP



FLOOR AREA CALCULATION PER BSA
 CAL #1099-79BZ - APPROVED 7-14-2009

Floor	Zoning Floor Area
Cellar	
Ground	32,894
2	31,894
3	31,200
4	31,446
5	31,648
6	31,414
7	31,497
8	30,379
9	30,154
10	30,692
Total	313,188

PLOT PLAN

1" = 100'-0"

1

Einhorn Yaffee Prescott
 Architecture & Engineering P.C.
 225 Varick Street, 2nd Floor
 New York, NY 10014
 Telephone 917 981 6000
 Fax 917 981 6100
 eypae.com

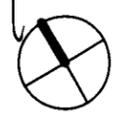
EYP/

OWNER/CLIENT:



New York University

726 Broadway
 New York, New York
 10003



NORTH

**CELLAR PLAN -
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

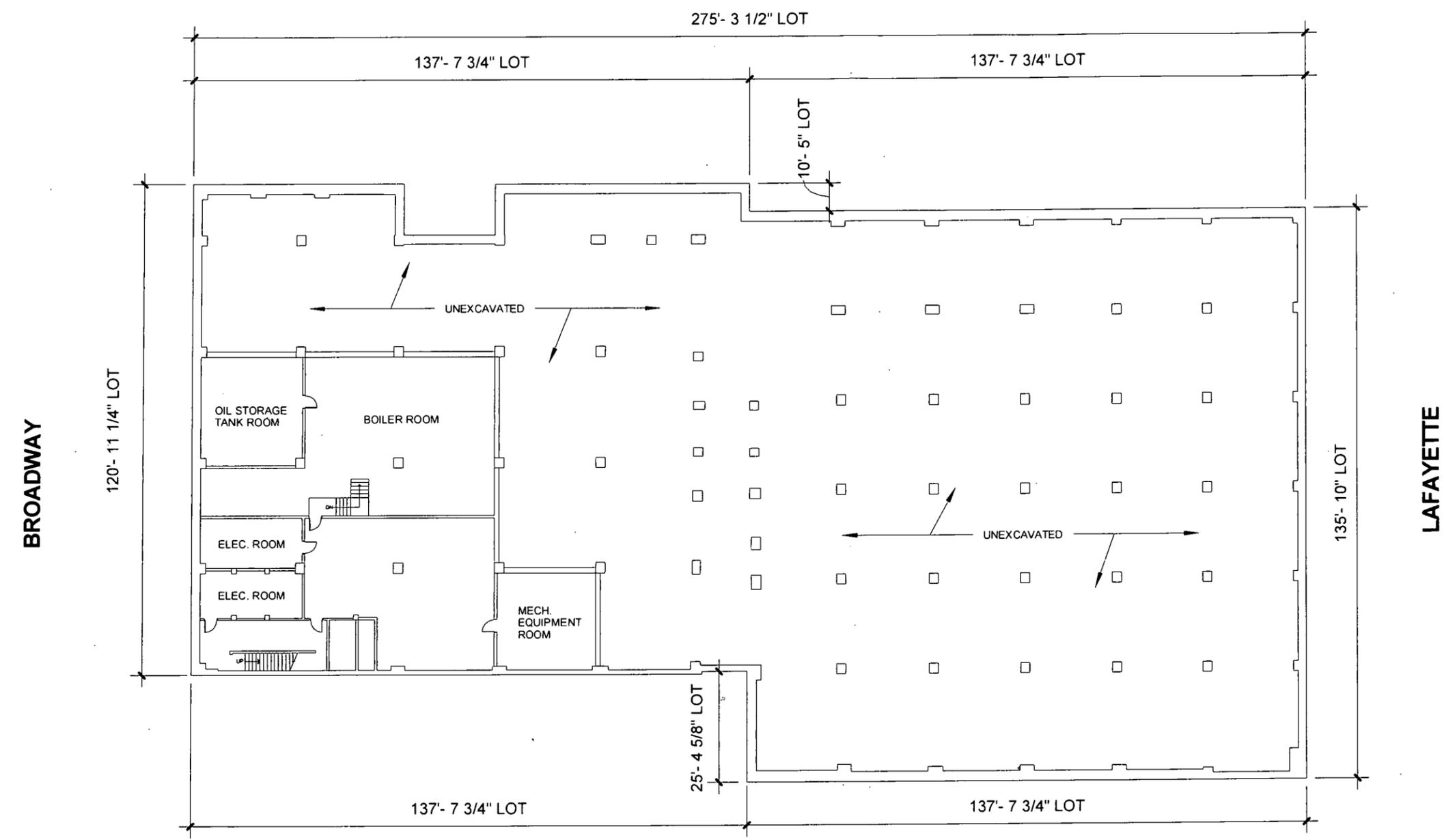
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

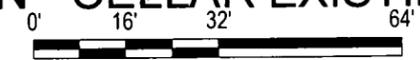
DRAWING NO.:

A0C-E



EXISTING ZONING USE GROUP UG-6 COMMERCIAL.

FLOOR PLAN - CELLAR EXISTING/COMPLYING



1/32" = 1'-0"

1

Einhorn Yaffee Prescott
 Architecture & Engineering P.C.
 225 Varick Street, 2nd Floor
 New York, NY 10014
 Telephone 917 981 6000
 Fax 917 981 6100
 eypae.com

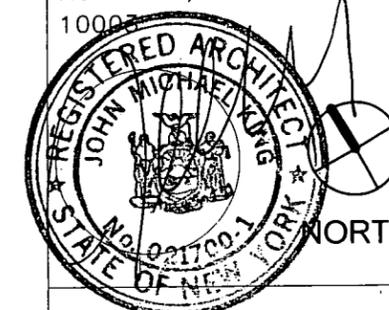
EYP/

OWNER/CLIENT:

[Signature]
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 10007



**FLOOR PLAN - LEVEL 1
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

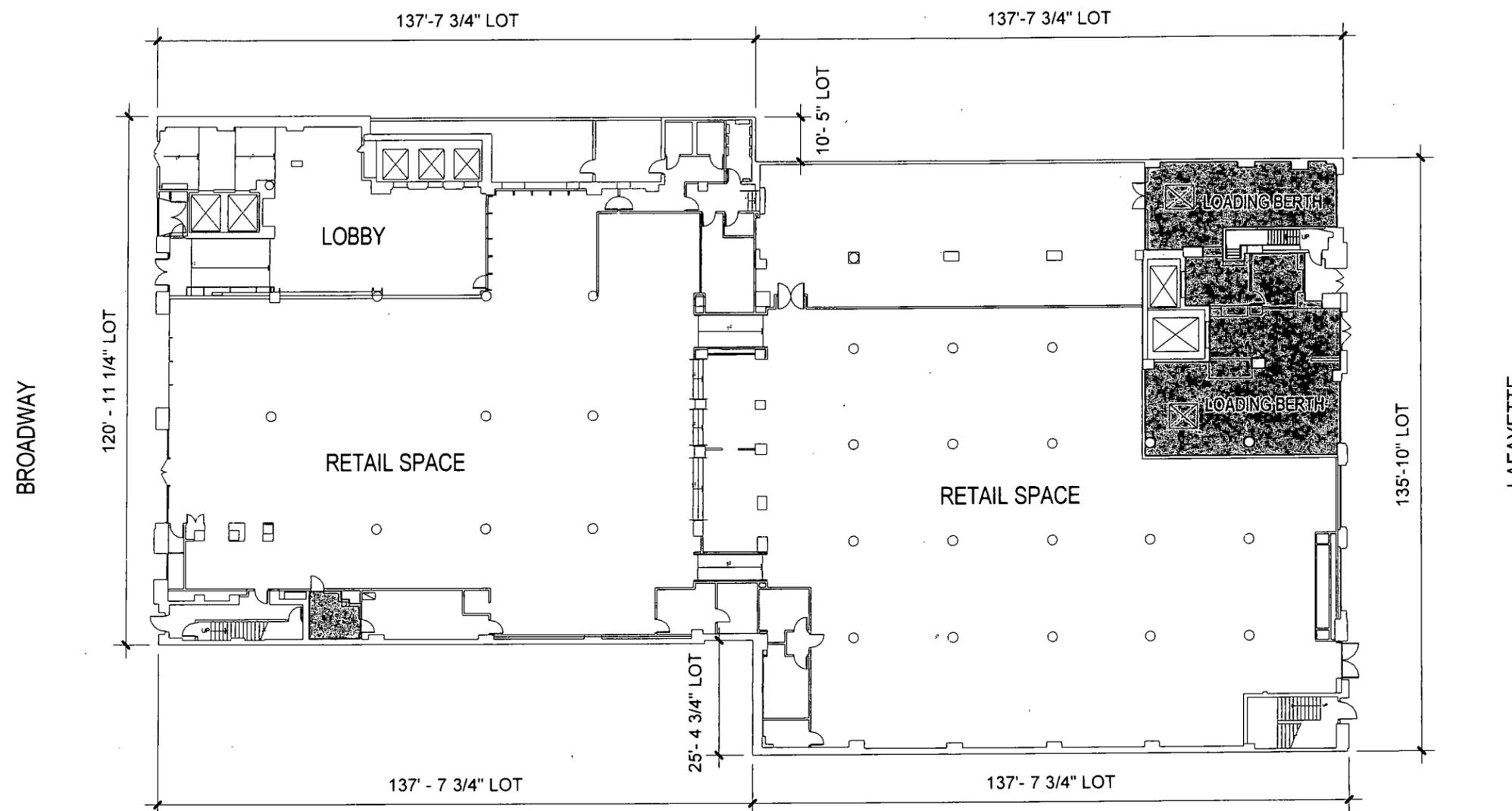
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DRAWN BY: **MRK**

CHECKED BY: **MK**

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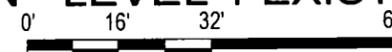
A01-E



	GROSS:	34578 SF
	MECHANICAL SPACE/LOADING BERTH	1684 SF
	ZONING FLOOR AREA	32894 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 1 EXISTING/COMPLYING



1/32" = 1'-0"

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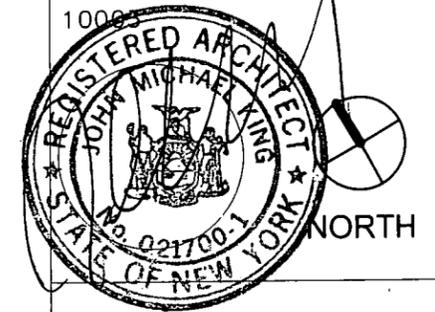
EYP/

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**FLOOR PLAN - LEVEL 2
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

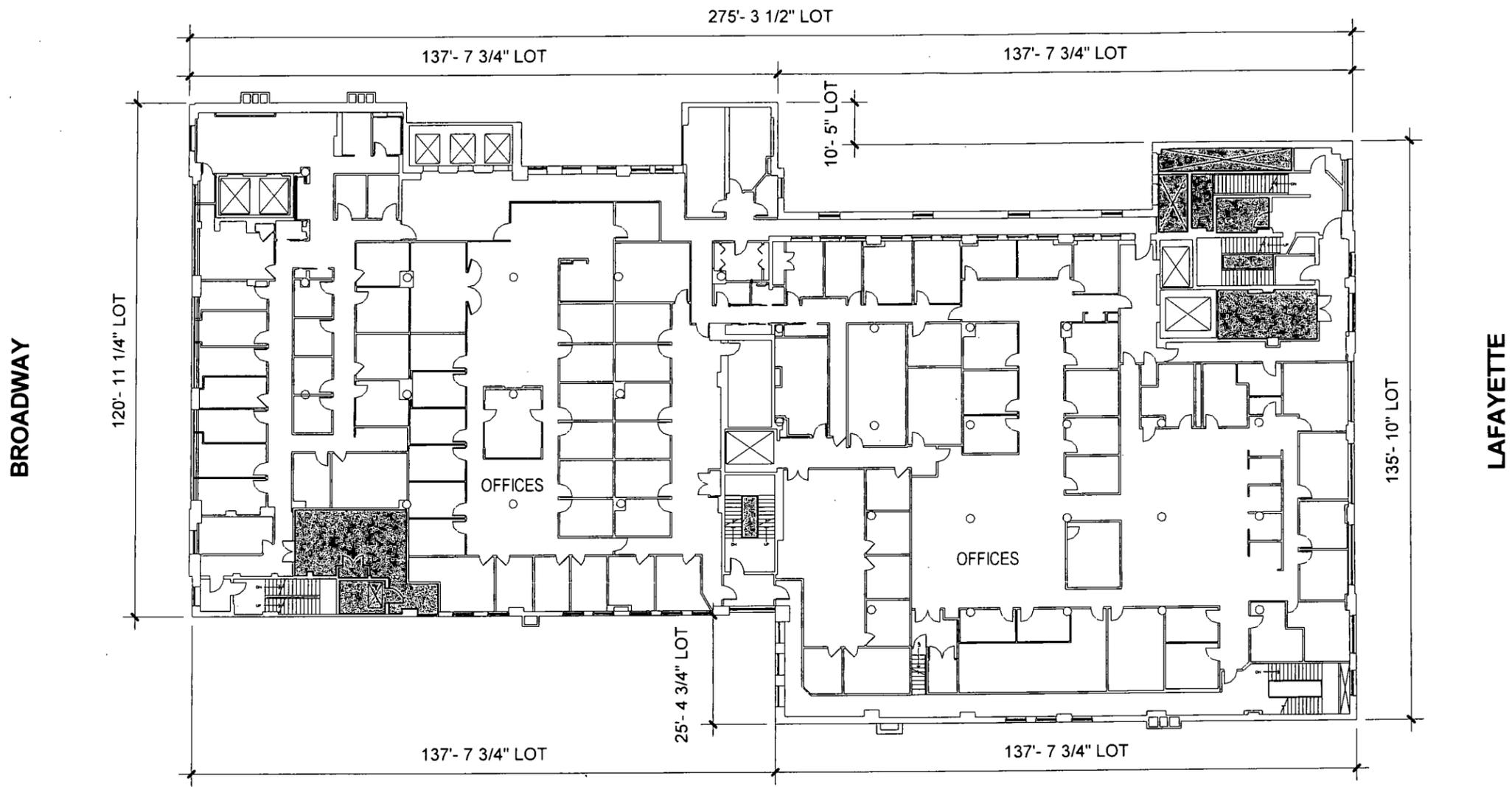
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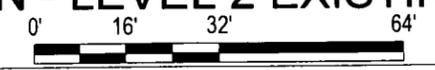
A02-E



	GROSS:	33192 SF
	MECHANICAL SPACE	1328 SF
	ZONING FLOOR AREA	31864 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 2 EXISTING/COMPLYING



1/32" = 1'-0"

1

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**FLOOR PLAN - LEVEL 3
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

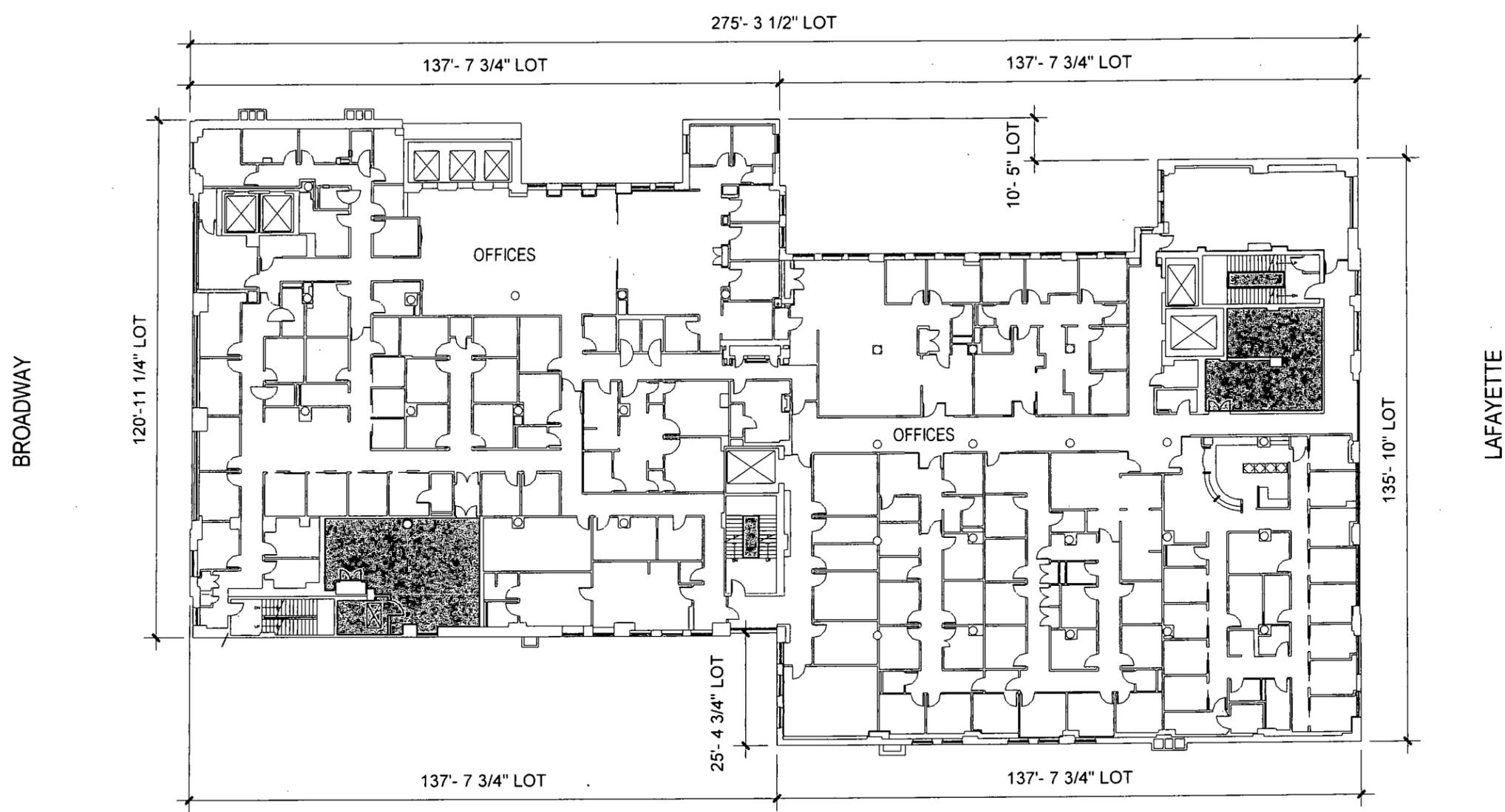
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DRAWN BY: **MRK**

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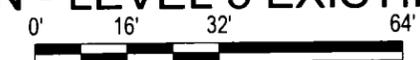
A03-E



	GROSS:	32796 SF
	MECHANICAL SPACE	1596 SF
	ZONING FLOOR AREA	31200 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 3 EXISTING/COMPLYING



1/32" = 1'-0"

1

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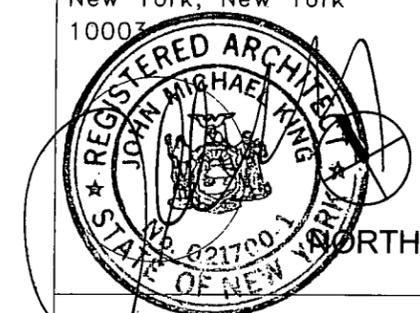
EYP/

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**FLOOR PLAN - LEVEL 4
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

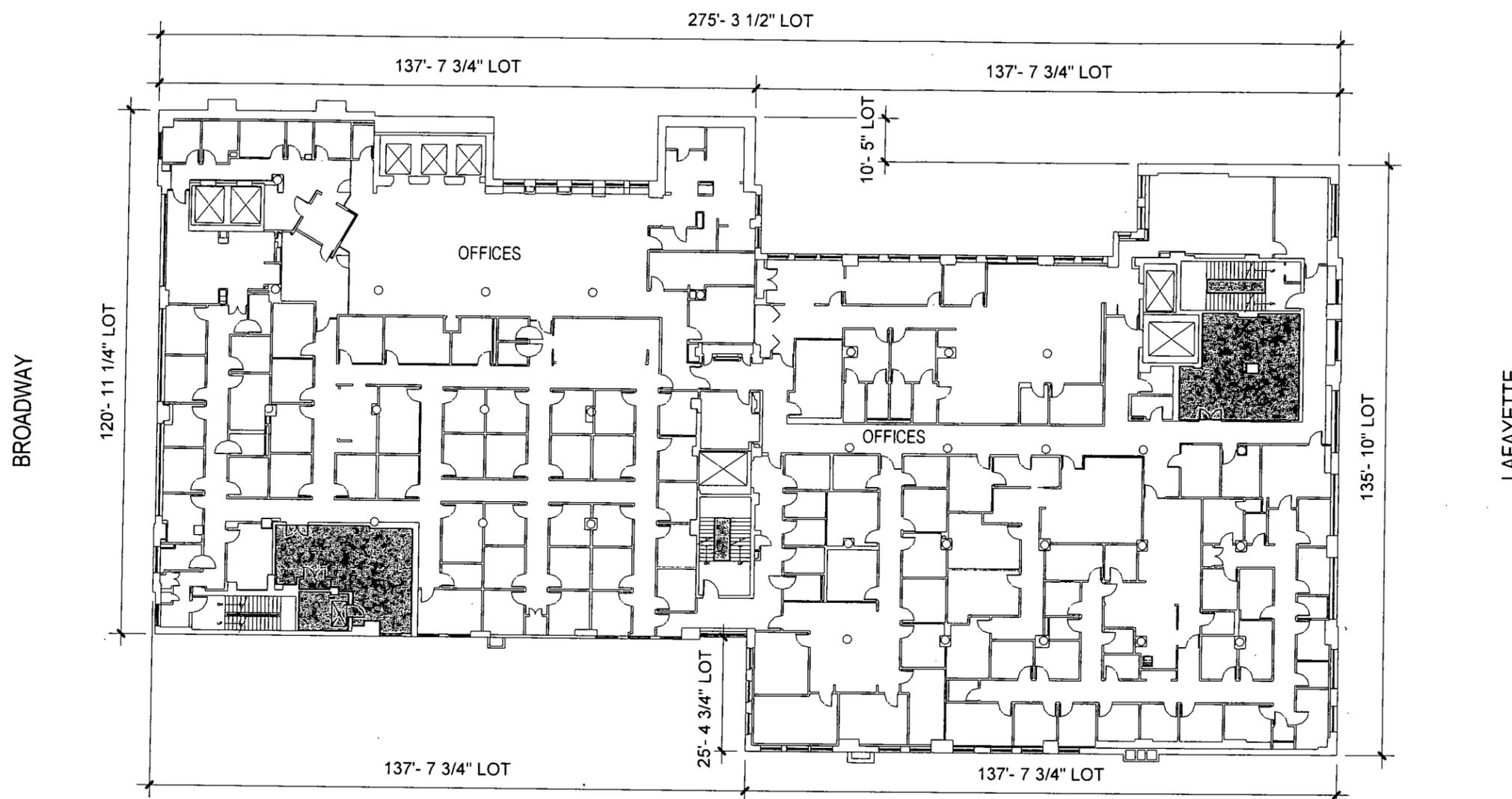
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A04-E



	GROSS:	32796 SF
	MECHANICAL SPACE	1350 SF
	ZONING FLOOR AREA	31446 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 4 EXISTING/COMPLYING

0' 16' 32' 64'

1/32" = 1'-0"

1

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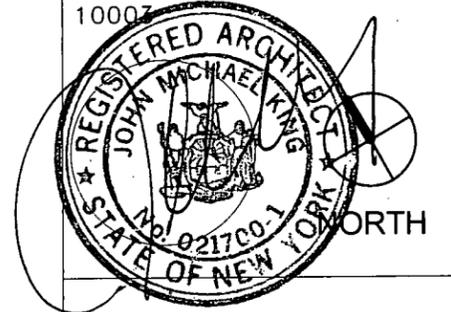
EYP/

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 New York, New York
 10007



**FLOOR PLAN - LEVEL 5
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

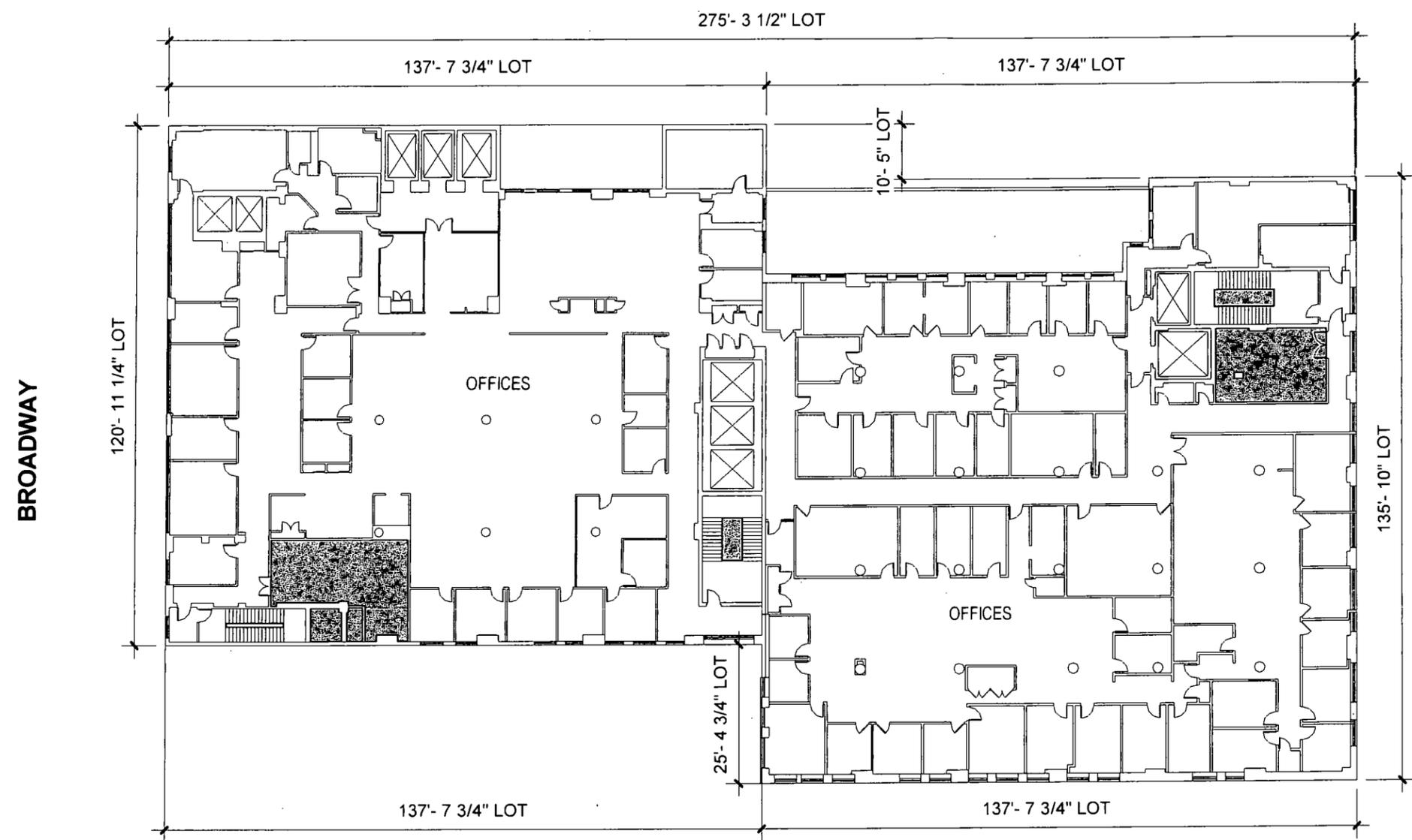
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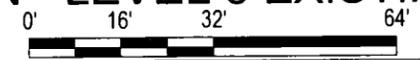
A05-E



	GROSS:	32796 SF
	MECHANICAL SPACE	1148 SF
	ZONING FLOOR AREA	31648 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 5 EXISTING/COMPLYING



1/32" = 1'-0"

1

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**FLOOR PLAN - LEVEL 6
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

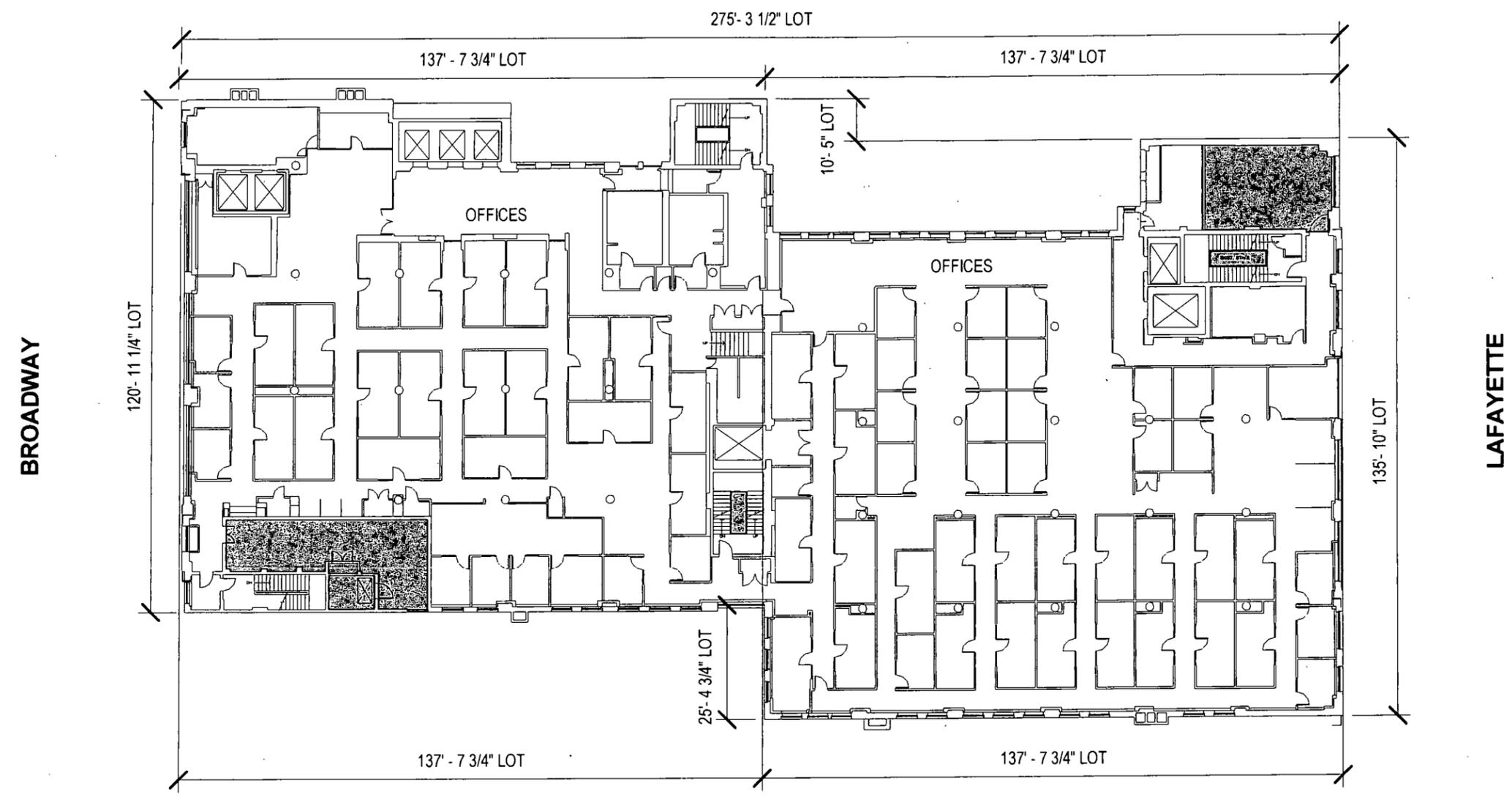
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A06-E



	GROSS:	32796 SF
	MECHANICAL SPACE	1382 SF
	ZONING FLOOR AREA	31414 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 6 EXISTING/COMPLYING



1/32" = 1'-0"

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**FLOOR PLAN - LEVEL 7
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

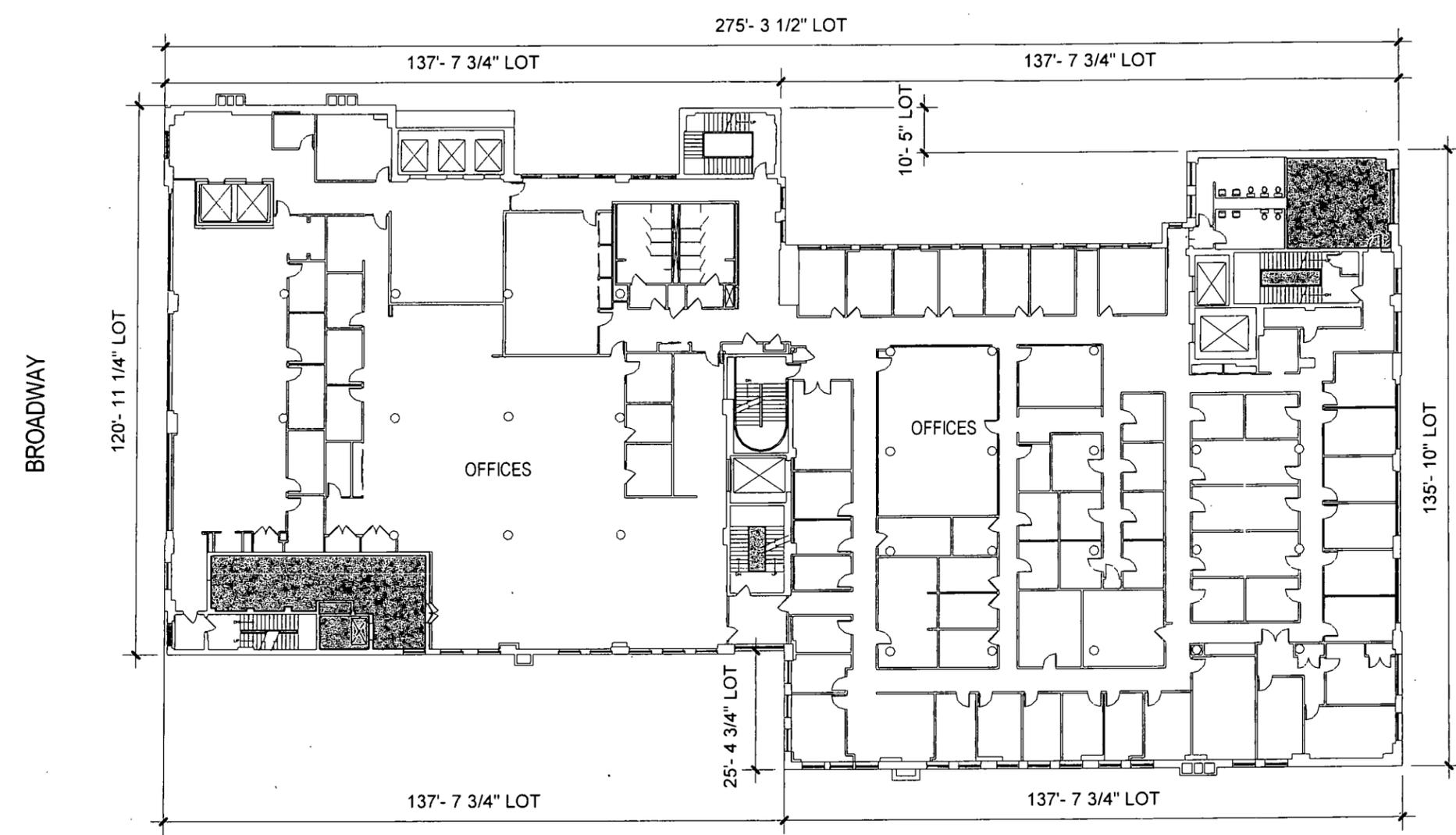
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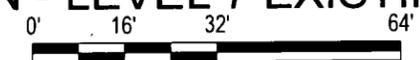
A07-E



	GROSS:	32796 SF
	MECHANICAL SPACE	1299 SF
	ZONING FLOOR AREA	31497 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 7 EXISTING/COMPLYING



1/32" = 1'-0"

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**FLOOR PLAN - LEVEL 8
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

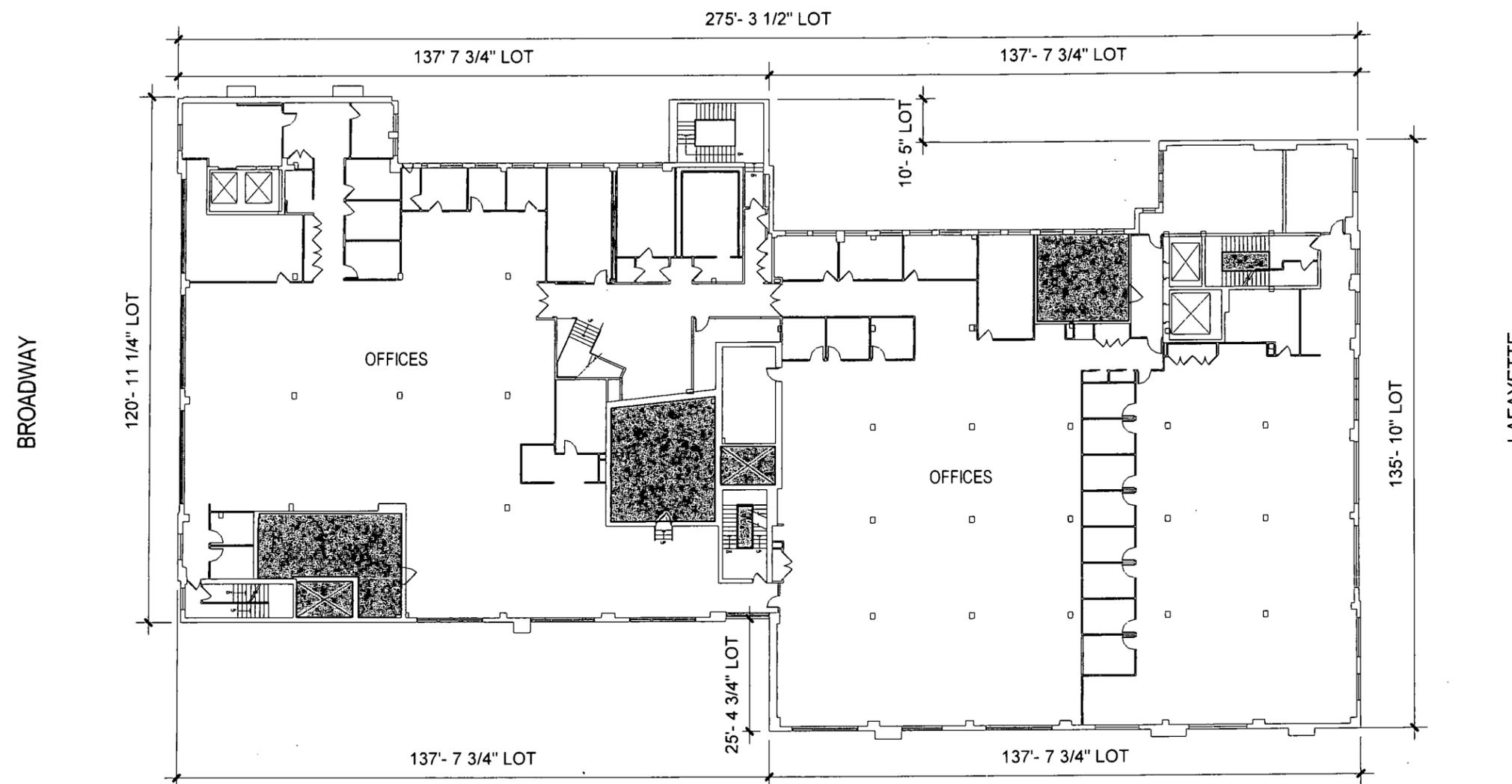
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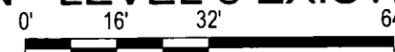
A08-E



	GROSS:	32419 SF
	MECHANICAL SPACE	2040 SF
	ZONING FLOOR AREA	30379 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 8 EXISTING/COMPLYING



1/32" = 1'-0"

1

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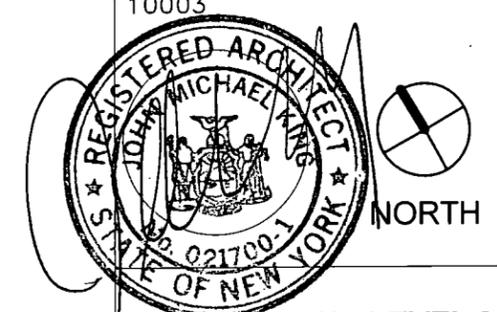
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**FLOOR PLAN - LEVEL 9
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

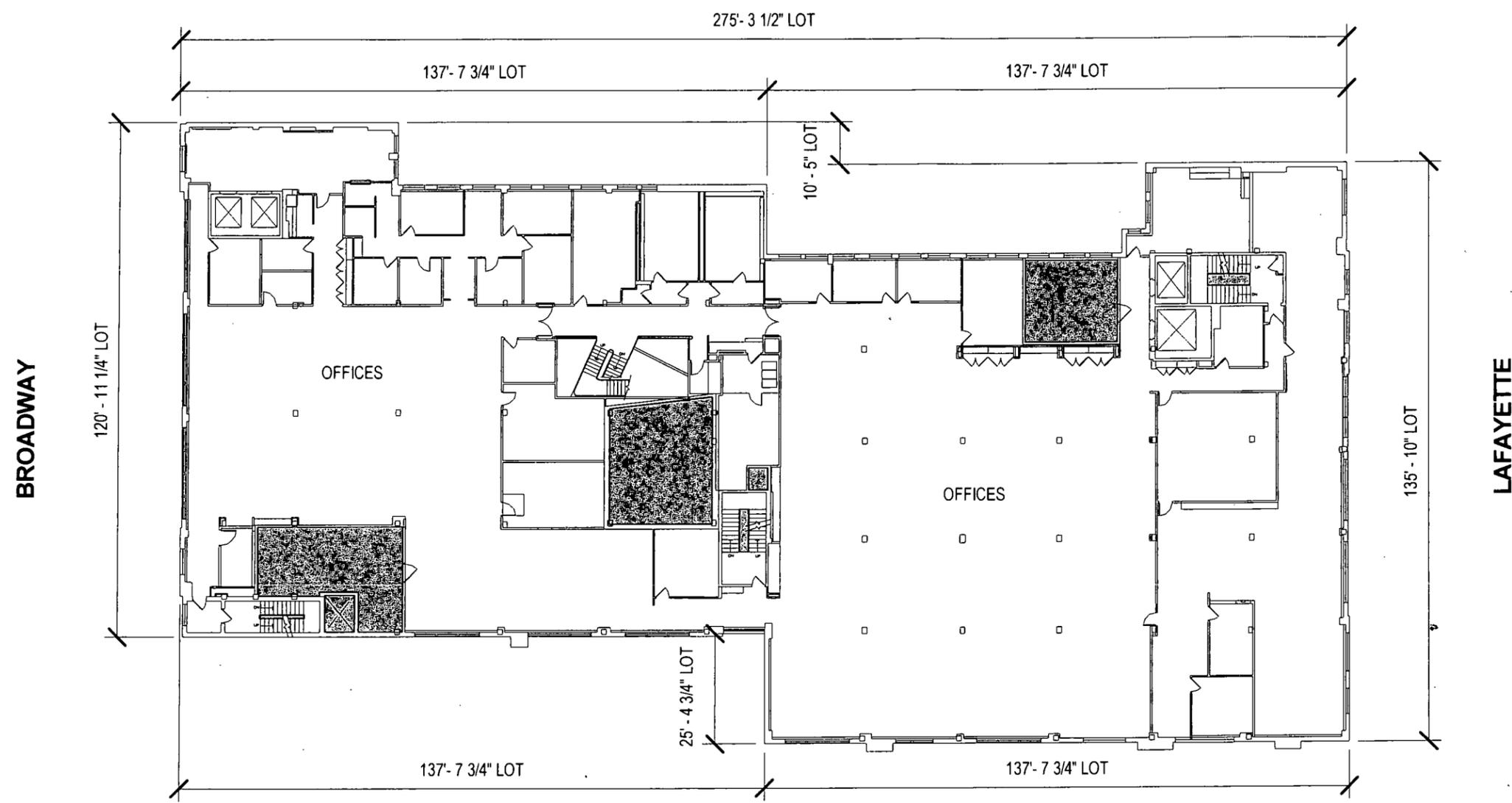
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A09-E



	GROSS:	32074 SF
	MECHANICAL SPACE	1920 SF
	ZONING FLOOR AREA	30154 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 9 EXISTING/COMPLYING



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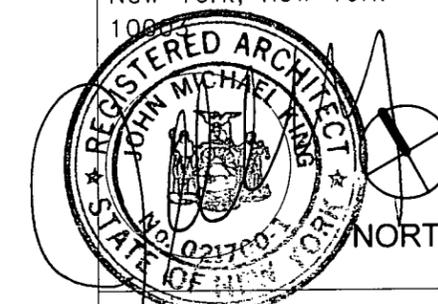
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**FLOOR PLAN - LEVEL
 10
 EXISTING/COMPLYING**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

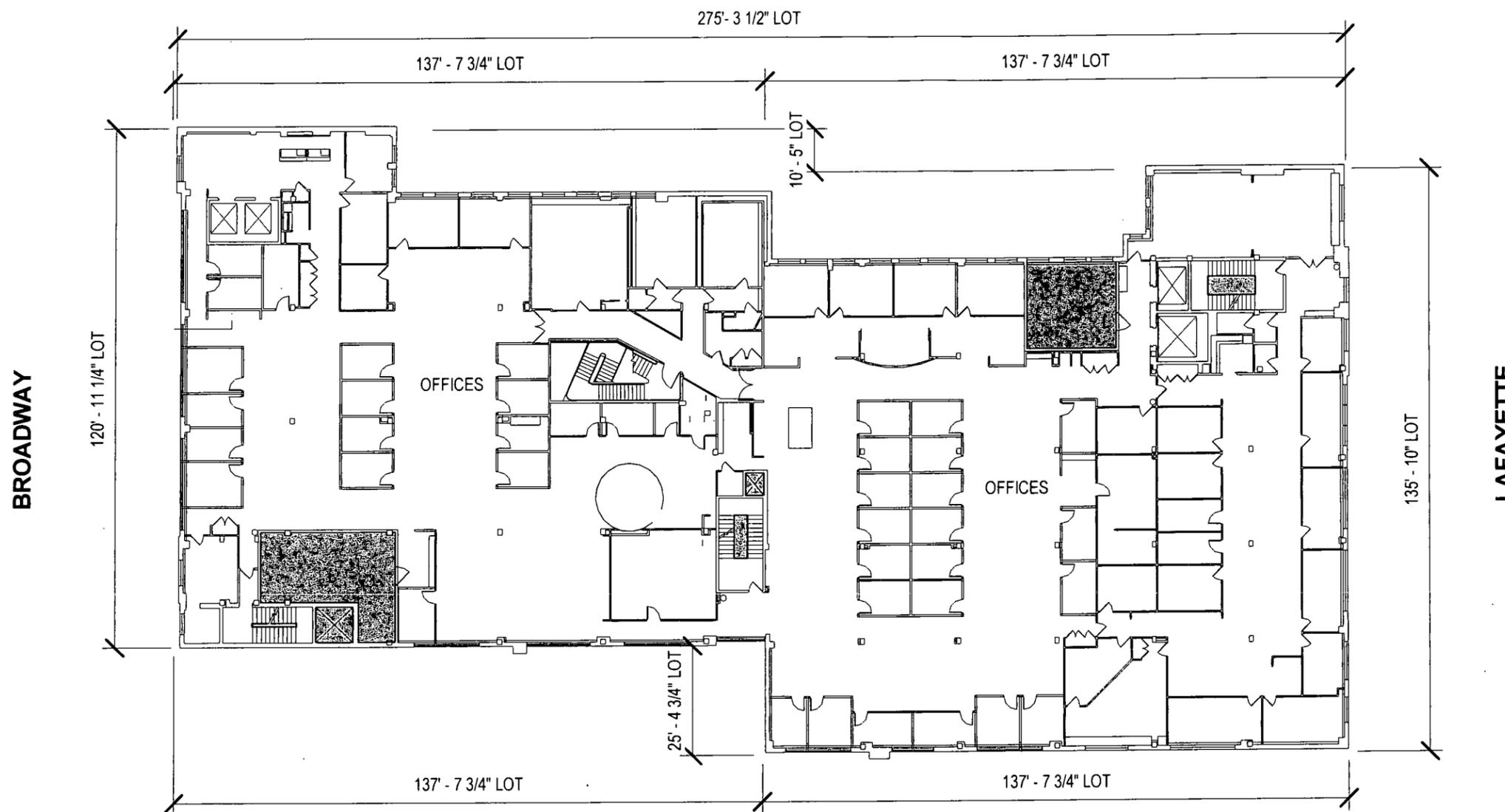
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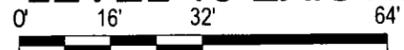
A10-E



	GROSS:	32074 SF
	MECHANICAL SPACE	1382 SF
	ZONING FLOOR AREA	30692 SF

EXISTING ZONING USE GROUP UG 6 - COMMERCIAL.

FLOOR PLAN - LEVEL 10 EXISTING/COMPLYING



1/32" = 1'-0"

1

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DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
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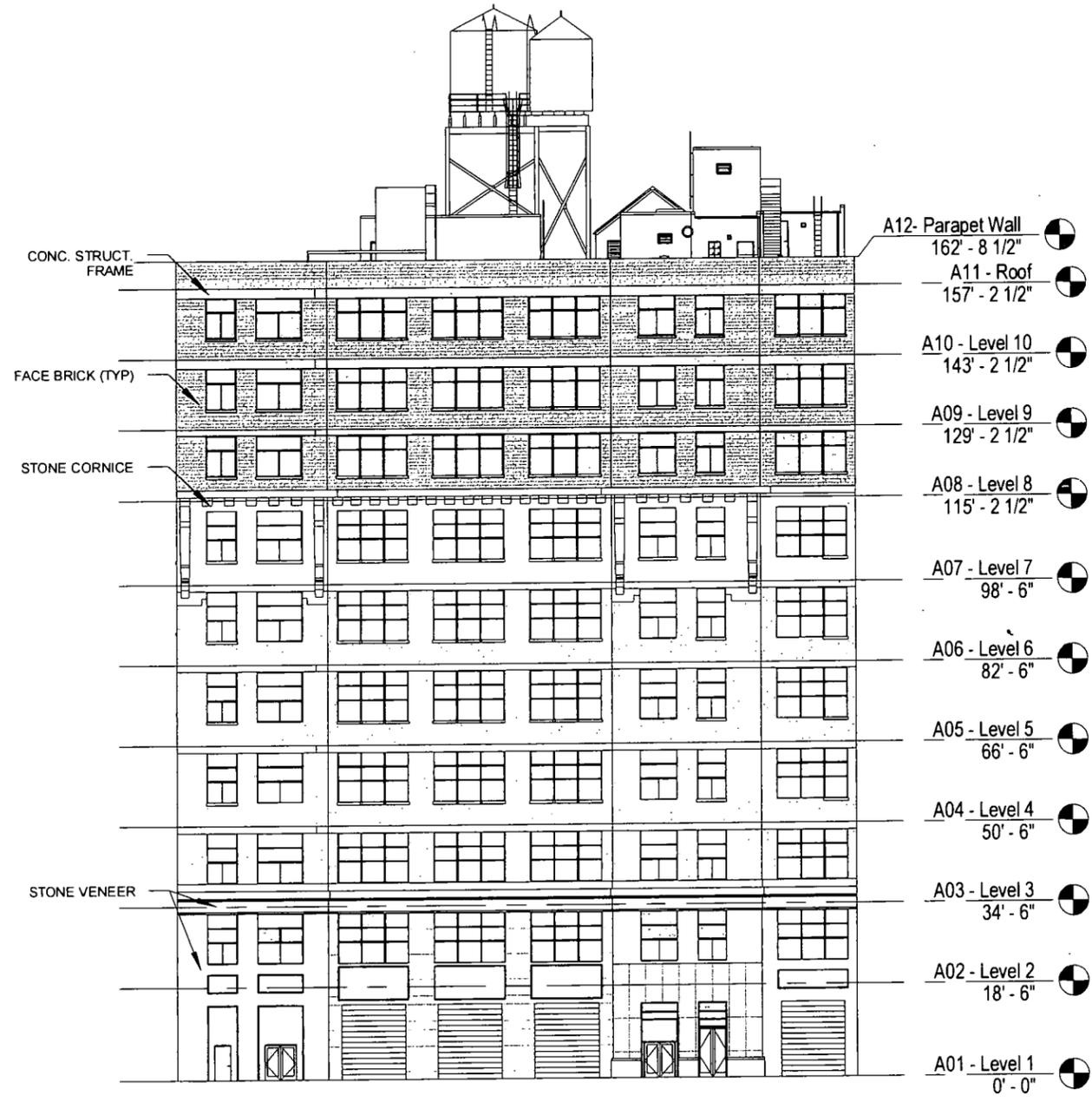
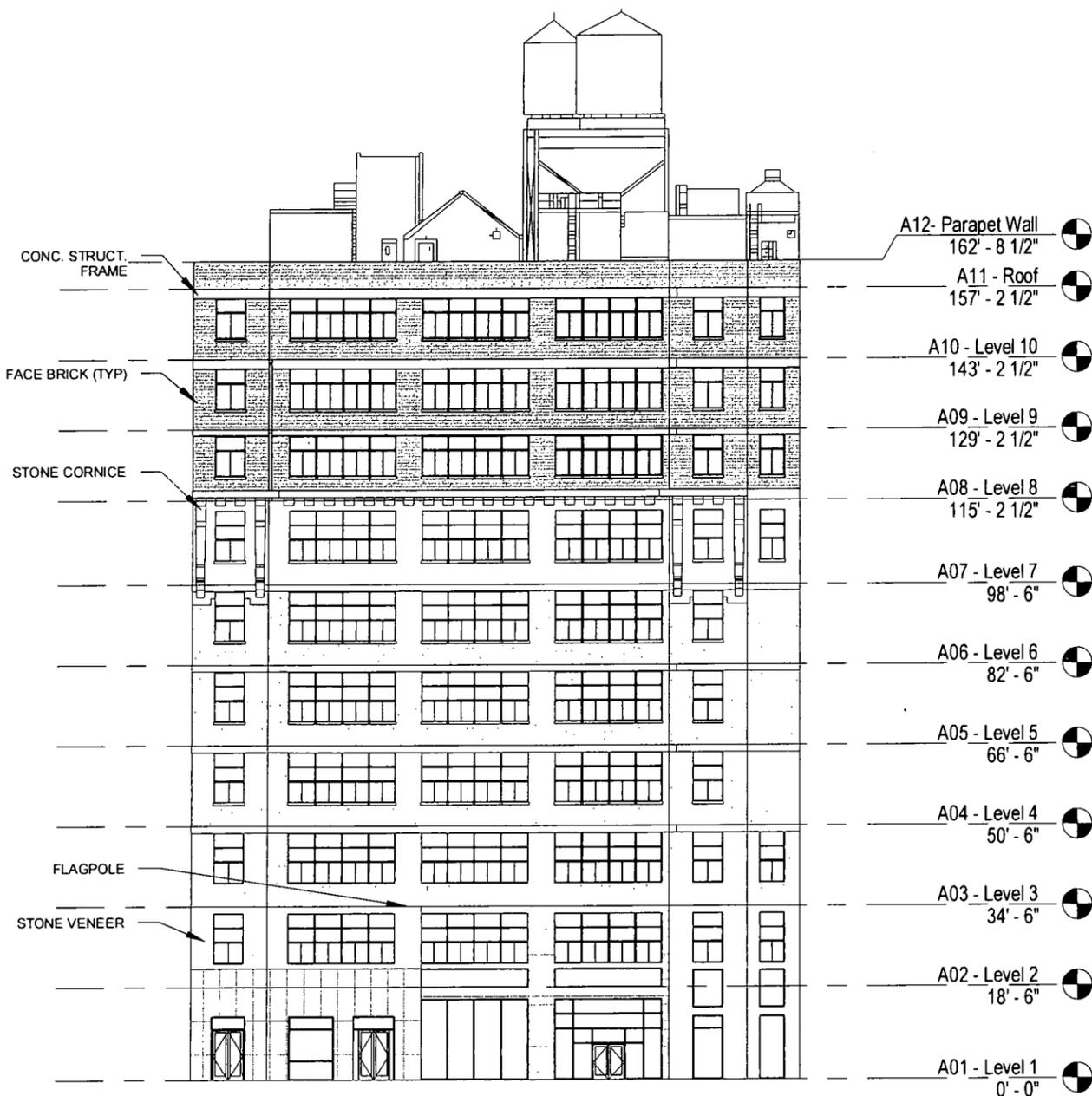
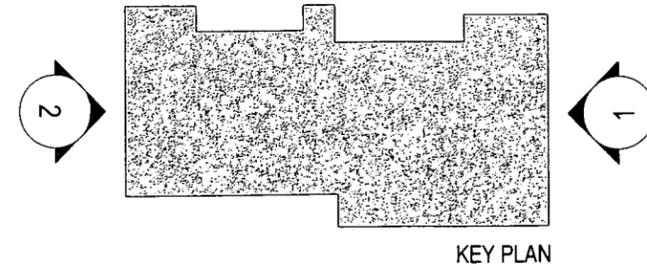
DESIGNED BY: **MK**

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A12-E



1980 Addition (3 Floors)

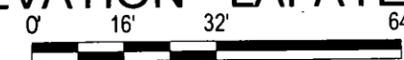
WEST ELEVATION - BROADWAY EXISTING



1/32" = 1'-0" @ 11X17"

2

EAST ELEVATION - LAFAYETTE EXISTING



1/32" = 1'-0" @ 11X17"

1

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SOUTH ELEVATION - EXISTING

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

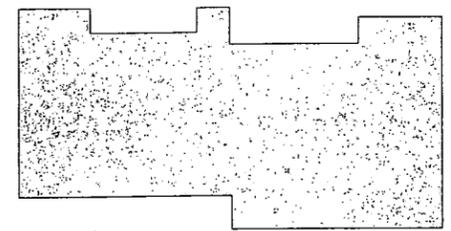
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DRAWN BY: **OH**

CHECKED BY: **MK**

DRAWING NO.:

A13-E

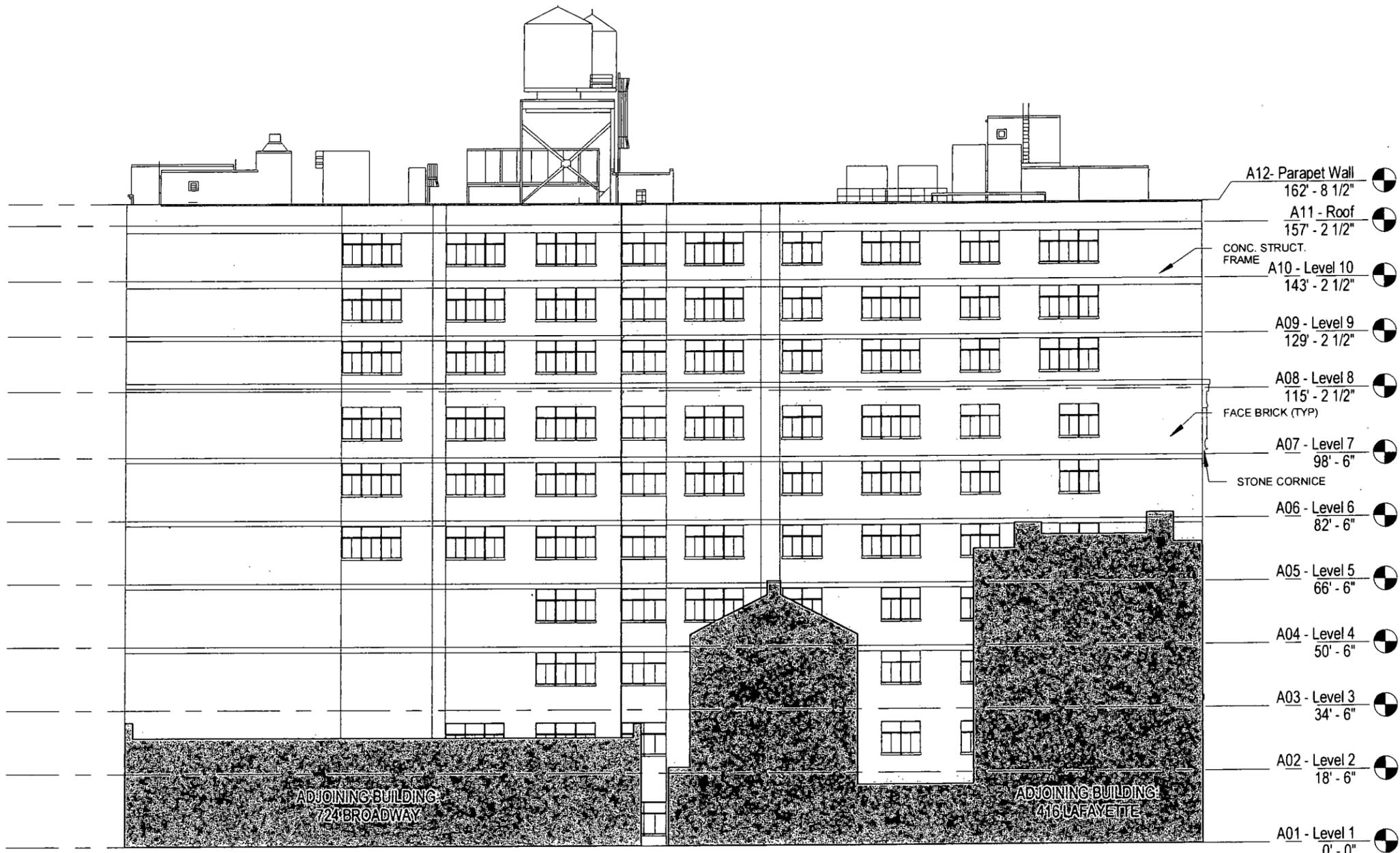


KEY PLAN

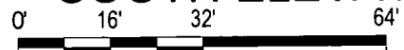


BROADWAY

LAFAYETTE



SOUTH ELEVATION - EXISTING



1/32" = 1'-0" @ 11X17"

1

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NORTH ELEVATION - EXISTING

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

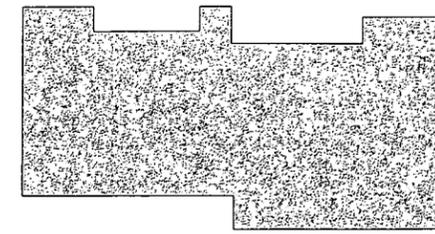
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DRAWN BY: **OH**

CHECKED BY: **MK**

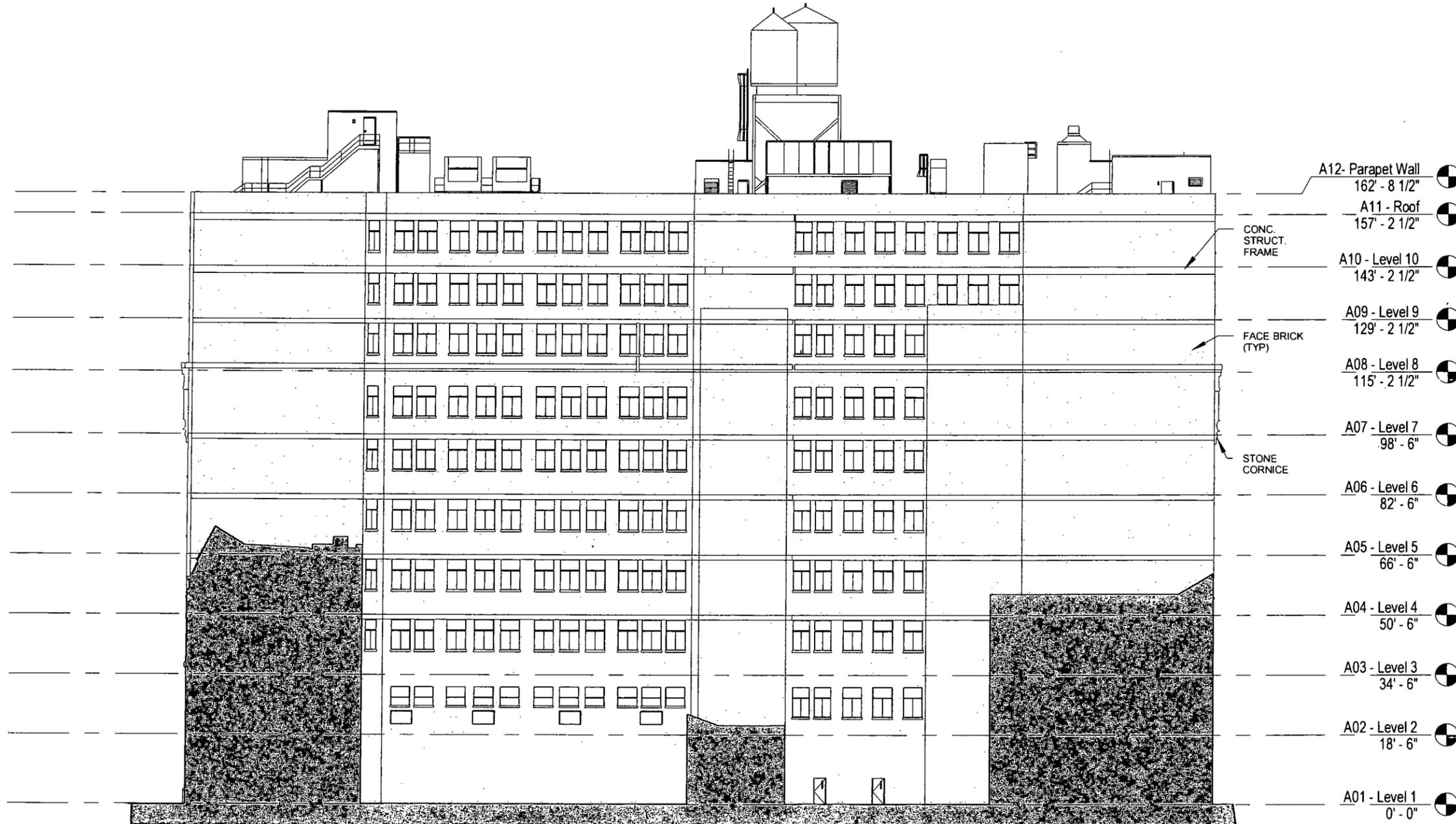
DRAWING NO.:

A14-E



KEY PLAN

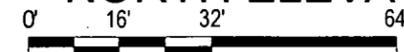
LAFAYETTE



- A12- Parapet Wall 162' - 8 1/2"
- A11- Roof 157' - 2 1/2"
- CONC. STRUCT. FRAME
- A10 - Level 10 143' - 2 1/2"
- A09 - Level 9 129' - 2 1/2"
- FACE BRICK (TYP)
- A08 - Level 8 115' - 2 1/2"
- STONE CORNICE
- A07 - Level 7 98' - 6"
- A06 - Level 6 82' - 6"
- A05 - Level 5 66' - 6"
- A04 - Level 4 50' - 6"
- A03 - Level 3 34' - 6"
- A02 - Level 2 18' - 6"
- A01 - Level 1 0' - 0"

BROADWAY

NORTH ELEVATION - EXISTING



1/32" = 1'-0" @ 11X17"

1

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**BUILDING SECTION
 DIAGRAMMATIC -
 EXISTING**

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

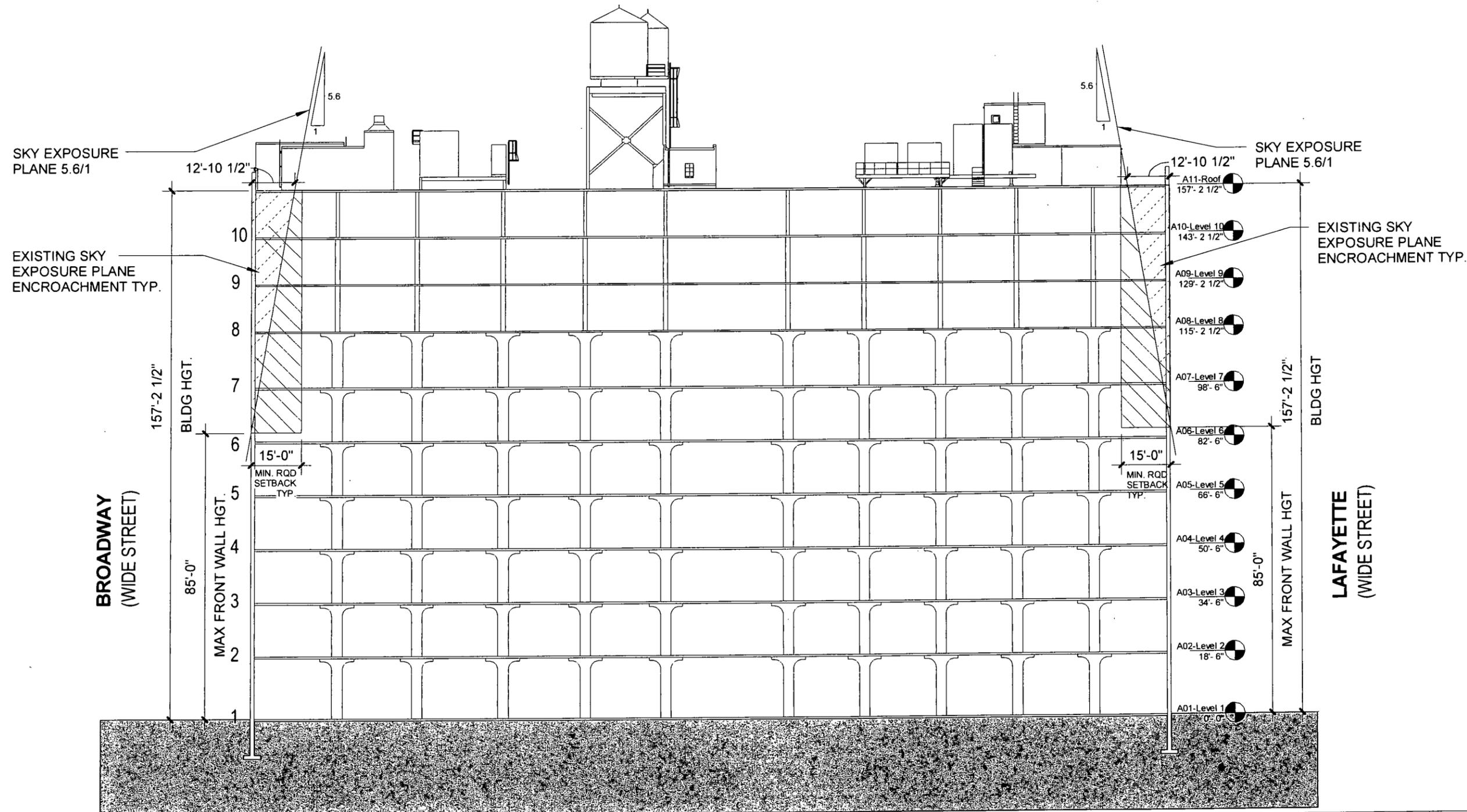
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DRAWN BY: **OH**

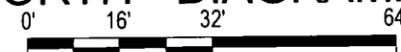
CHECKED BY: **MK**

DRAWING NO.:

A15-E



BUILDING SECTION LOOKING NORTH - DIAGRAMMATIC EXISTING



1/32" = 1' - 0"

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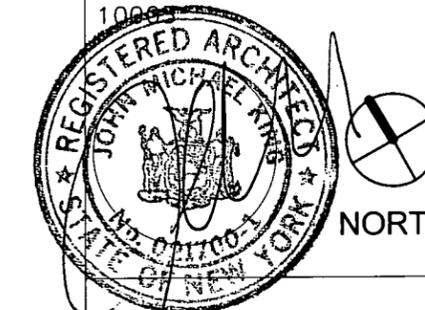
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CELLAR PLAN - PROPOSED

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

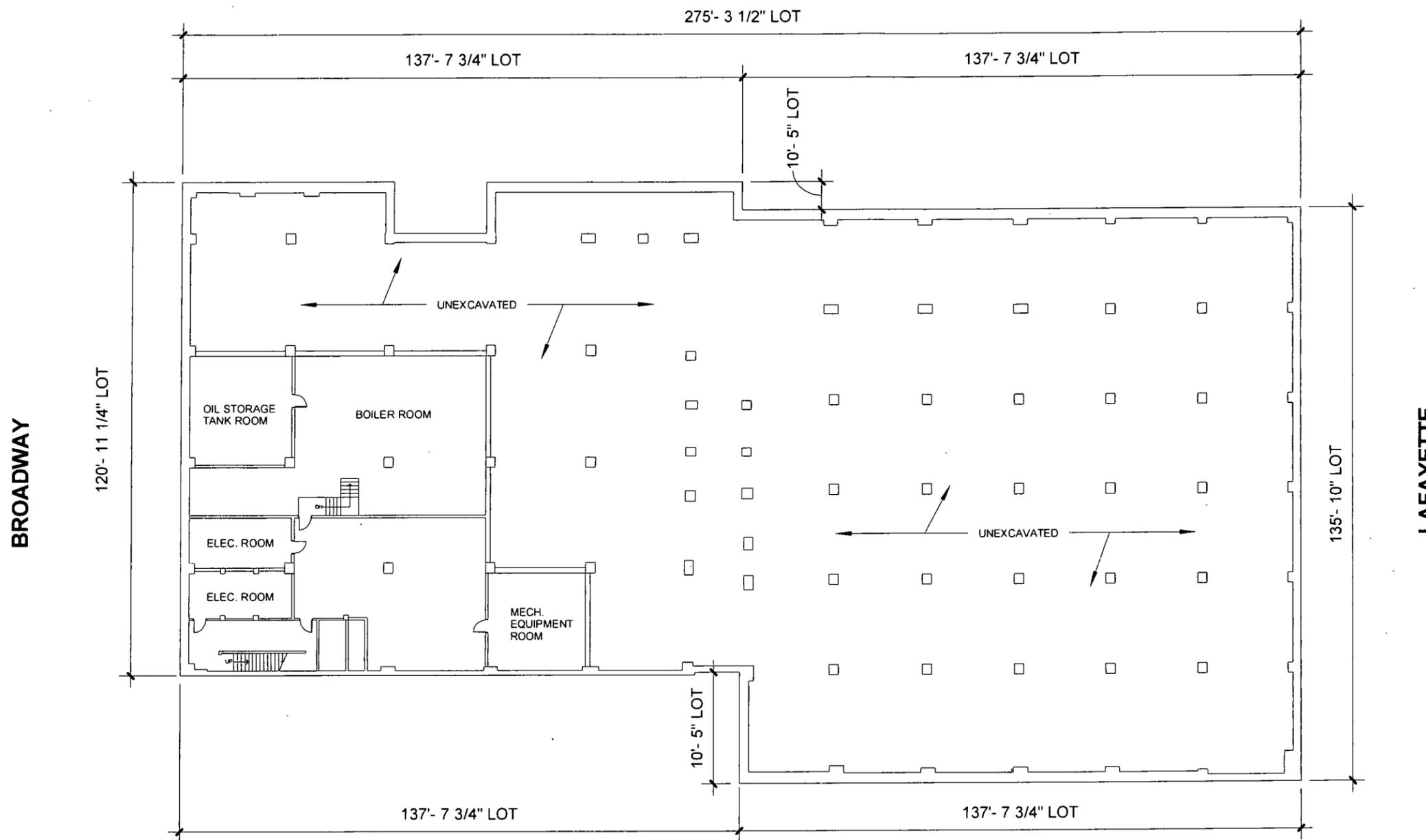
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

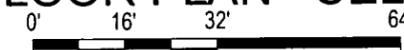
A0C-P



NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - CELLAR PROPOSED



1/32" = 1'-0"

1

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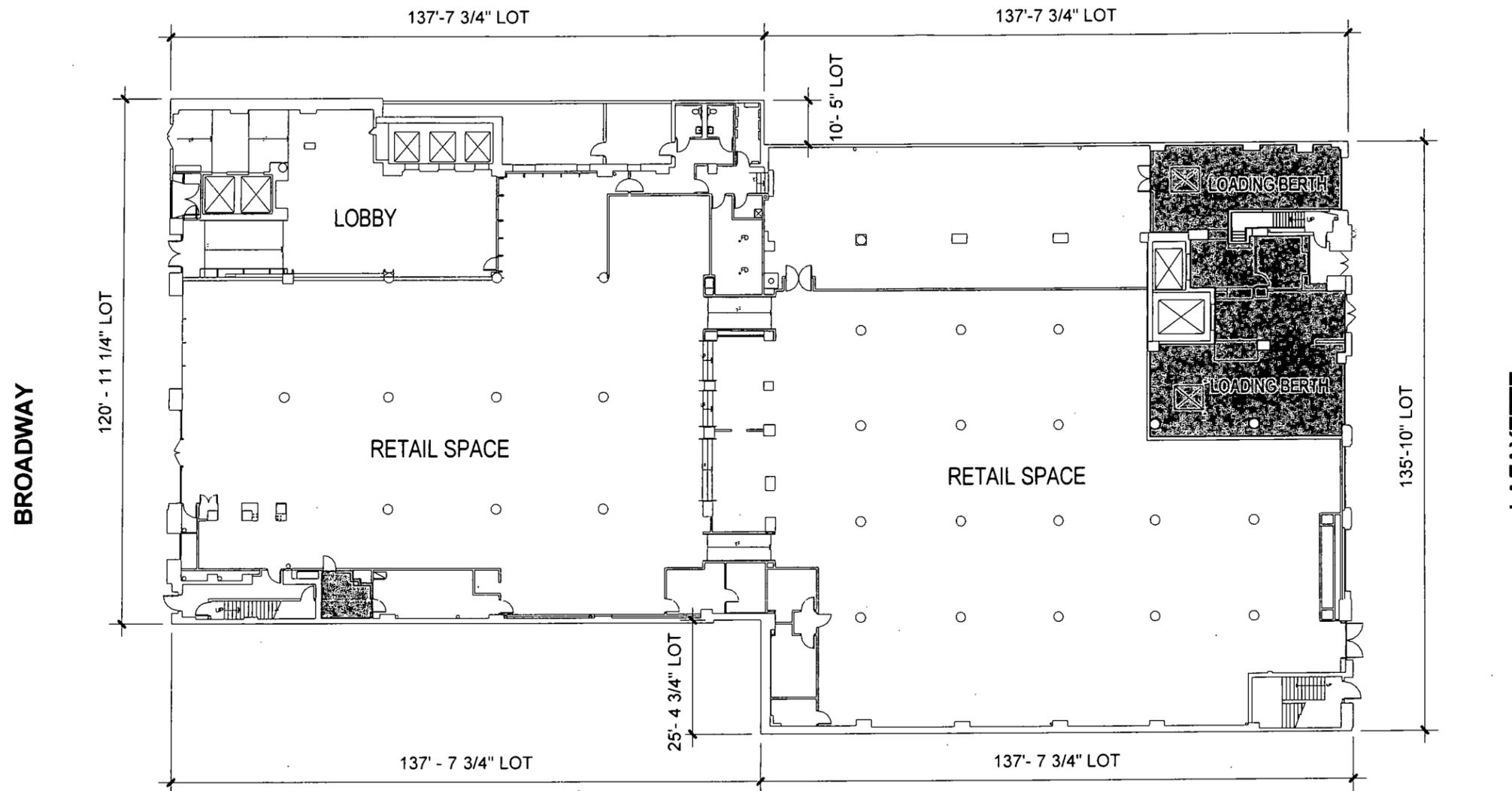
NYU

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NORTH



	GROSS:	34578 SF
	MECHANICAL SPACE/LOADING BERTH	1684 SF
	ZONING FLOOR AREA	32894 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

**FLOOR PLAN - LEVEL 1
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

DESIGNED BY: **MK**

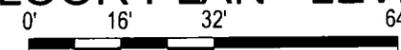
DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A01-P

FLOOR PLAN - LEVEL 1 PROPOSED



1/32" = 1'-0"

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EYP/

OWNER/CLIENT:

NYU

New York University

726 Broadway
 New York, New York
 10003



**FLOOR PLAN - LEVEL 2
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

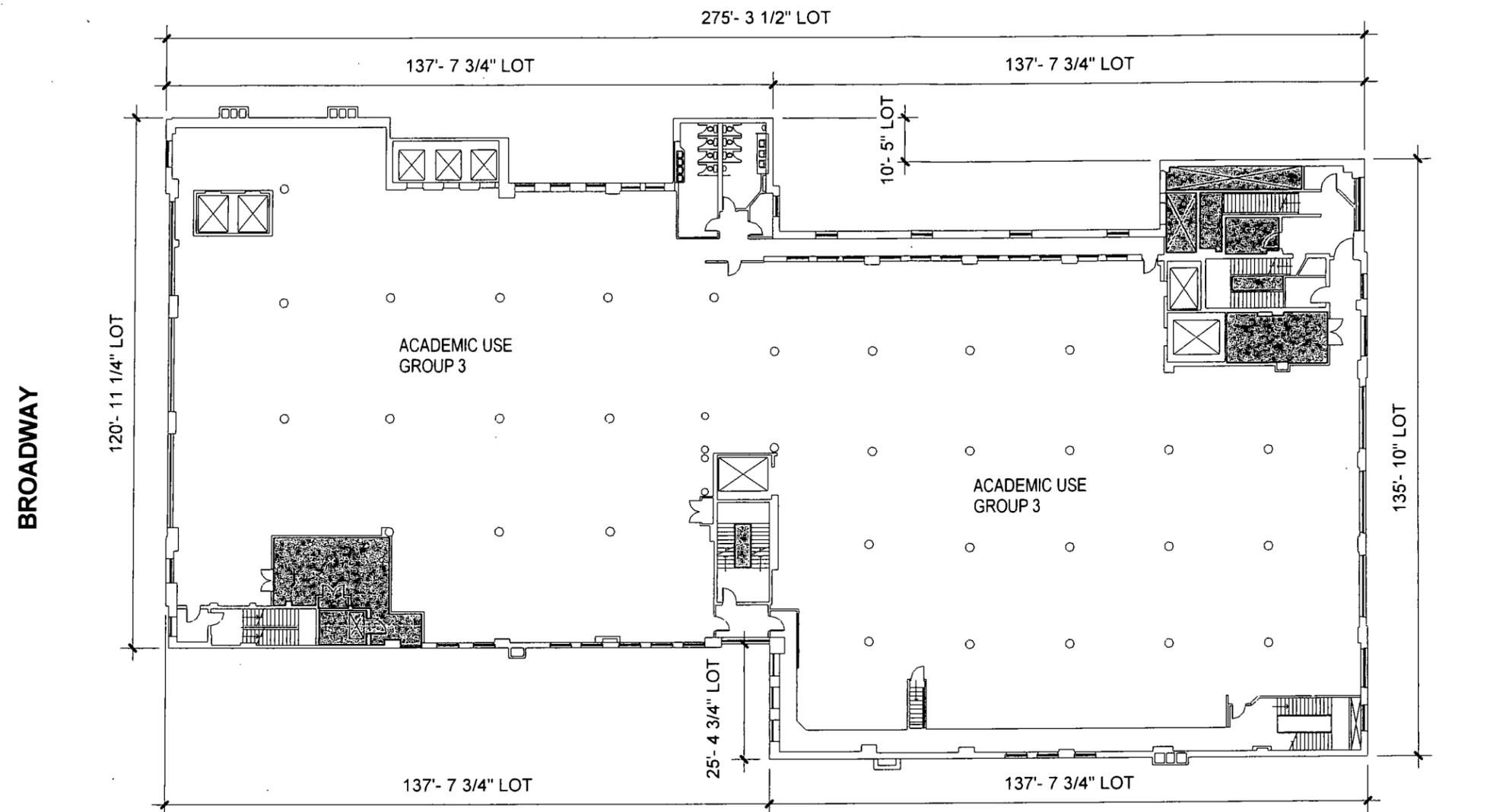
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A02-P

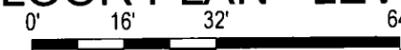


	GROSS:	33192 SF
	MECHANICAL SPACE	1328 SF
	ZONING FLOOR AREA	31864 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 2 PROPOSED



1/32" = 1'-0"

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EYP/

OWNER/CLIENT:

[Signature]
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New York University

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 New York, New York
 10003



**FLOOR PLAN - LEVEL 3
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

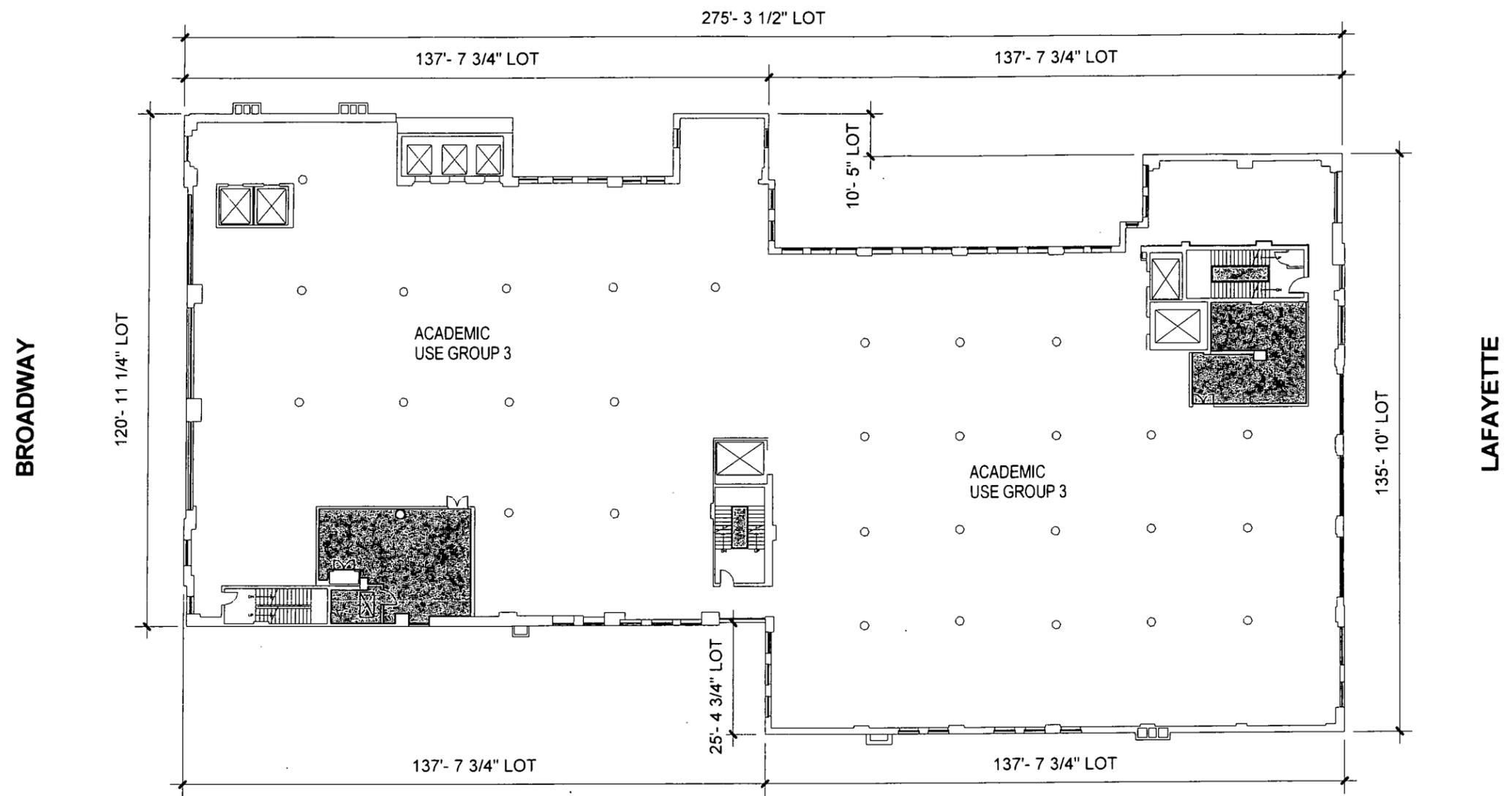
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A03-P



	GROSS:	32796 SF
	MECHANICAL SPACE	1596 SF
	ZONING FLOOR AREA	31200 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 3 PROPOSED



1/32" = 1'-0"

1

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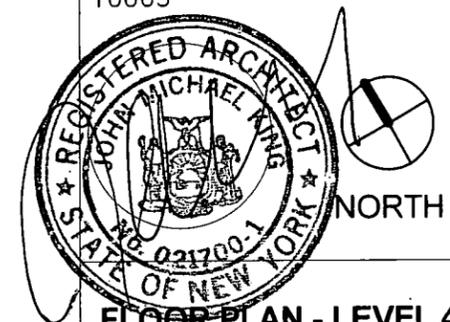
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OWNER/CLIENT:

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 10003



FLOOR PLAN - LEVEL 4 PROPOSED

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

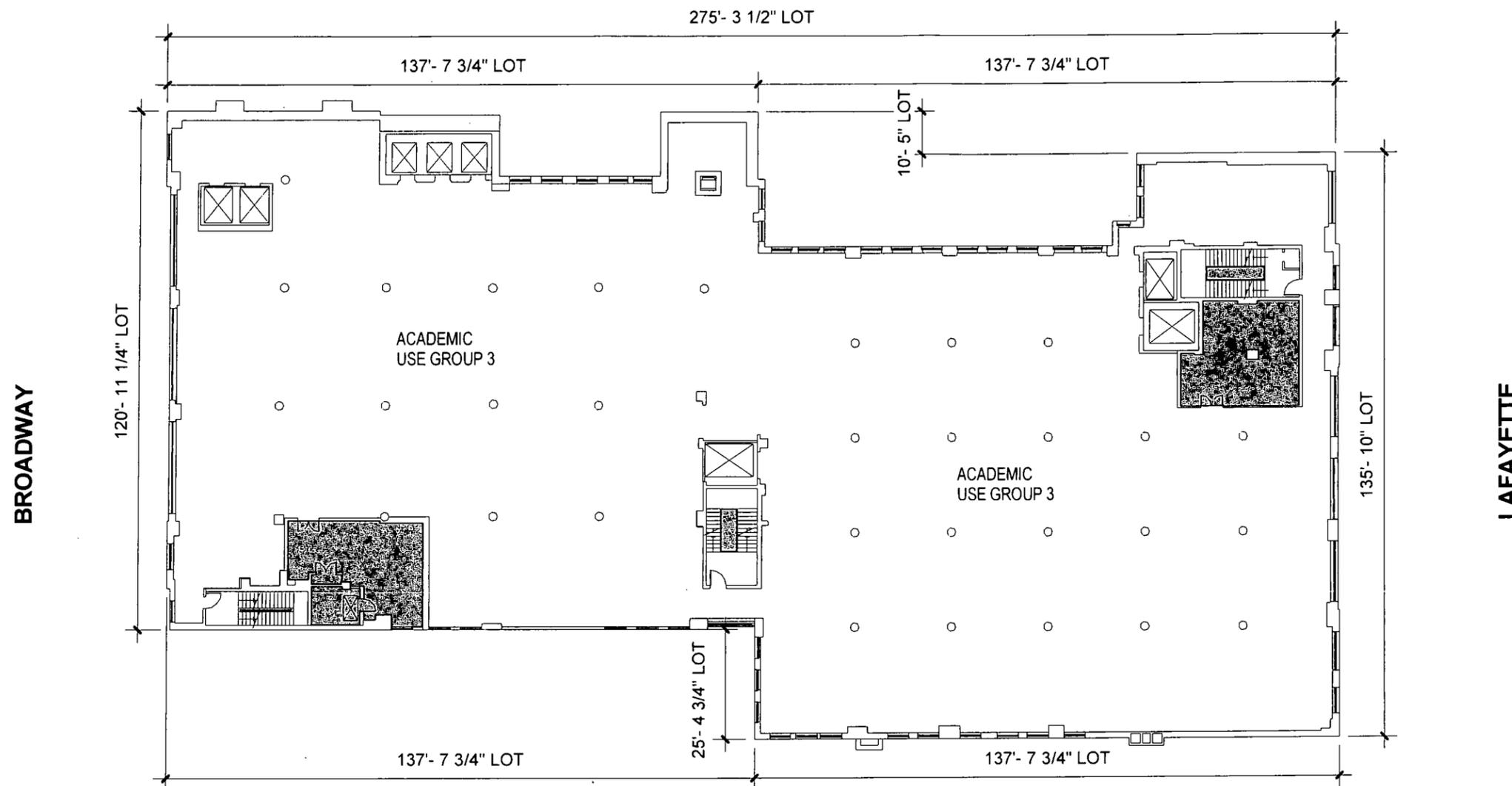
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A04-P

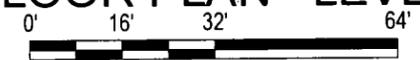


	GROSS:	32796 SF
	MECHANICAL SPACE	1350 SF
	ZONING FLOOR AREA	31446 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 4 PROPOSED



1/32" = 1'-0"

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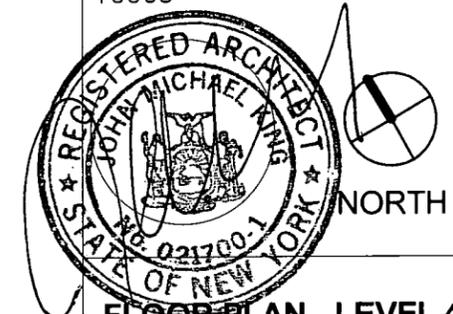
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OWNER/CLIENT:

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New York University

726 Broadway
 New York, New York
 10003



**FLOOR PLAN - LEVEL 4
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

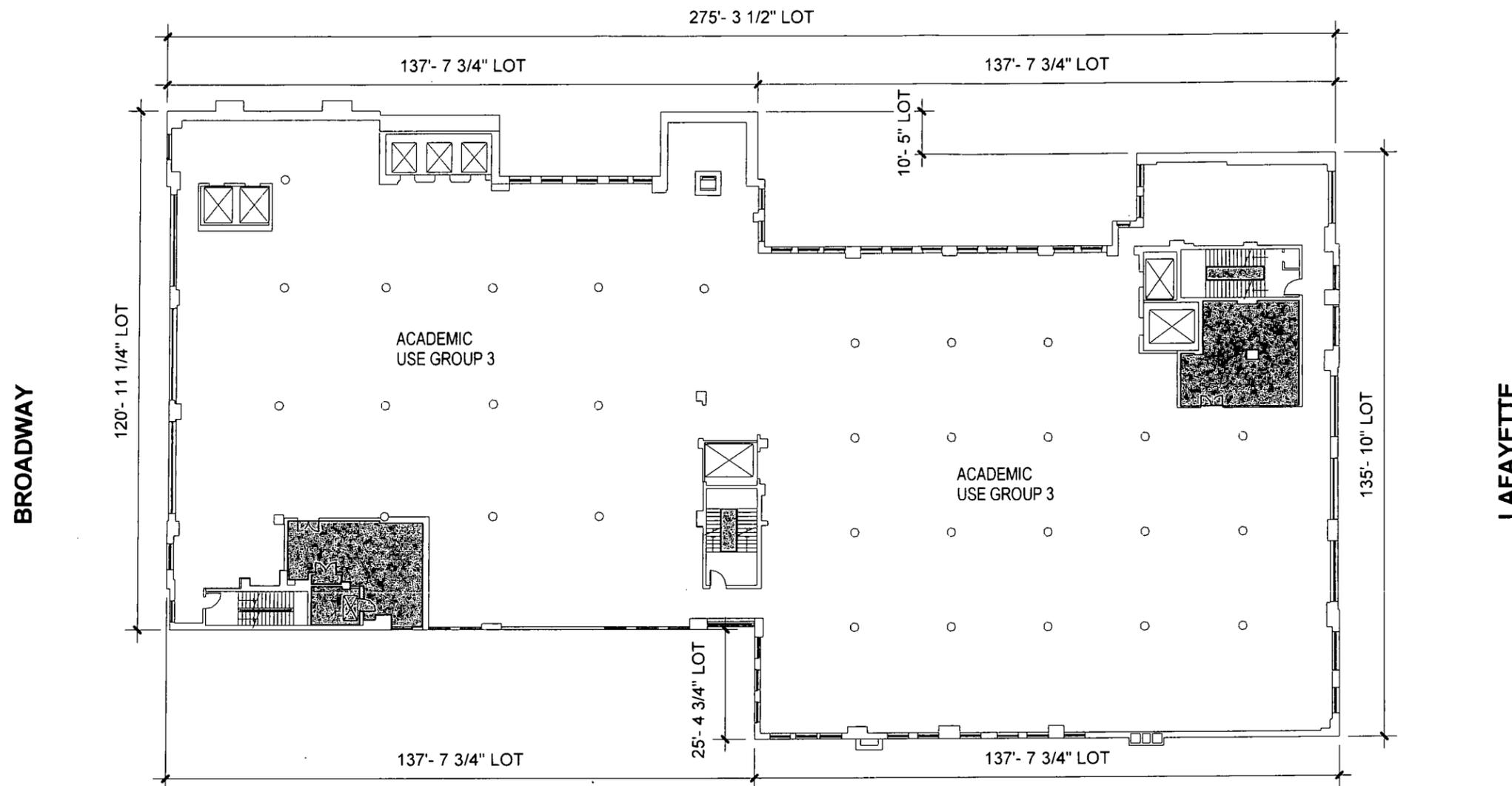
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A04-P



	GROSS:	32796 SF
	MECHANICAL SPACE	1350 SF
	ZONING FLOOR AREA	31446 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 4 PROPOSED

0' 16' 32' 64'

1/32" = 1'-0"

1

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**FLOOR PLAN - LEVEL 5
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

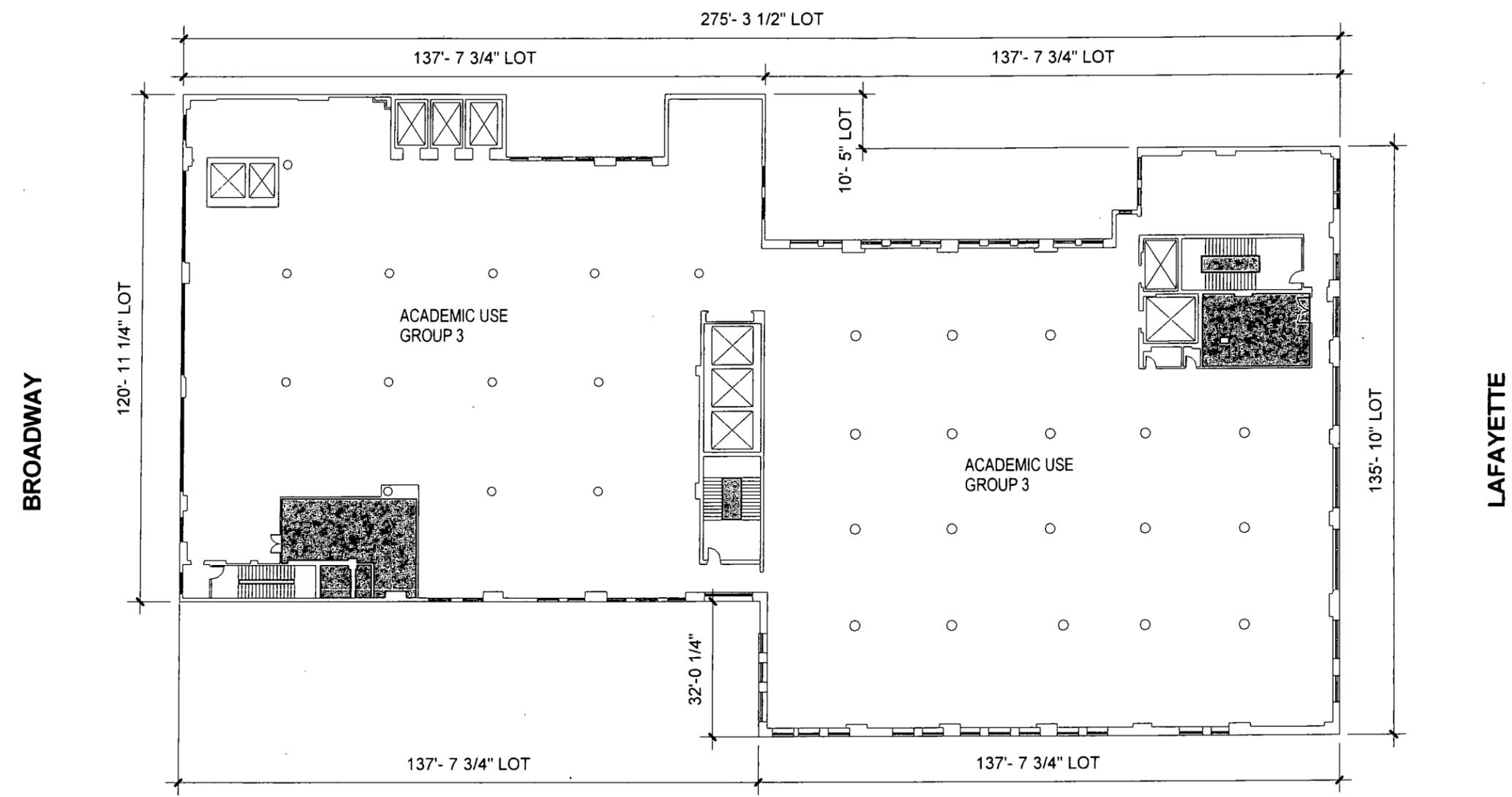
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A05-P

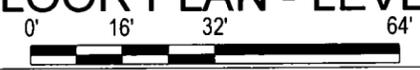


	GROSS:	32796 SF
	MECHANICAL SPACE	1148 SF
	ZONING FLOOR AREA	31648 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 5 PROPOSED



1/32" = 1'-0"

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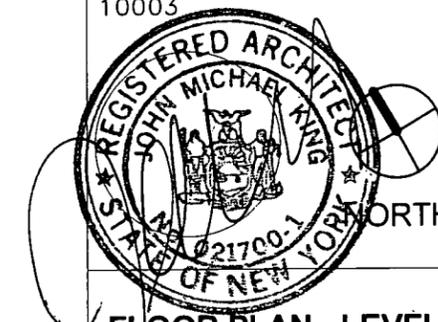
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OWNER/CLIENT:

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**FLOOR PLAN - LEVEL 6
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

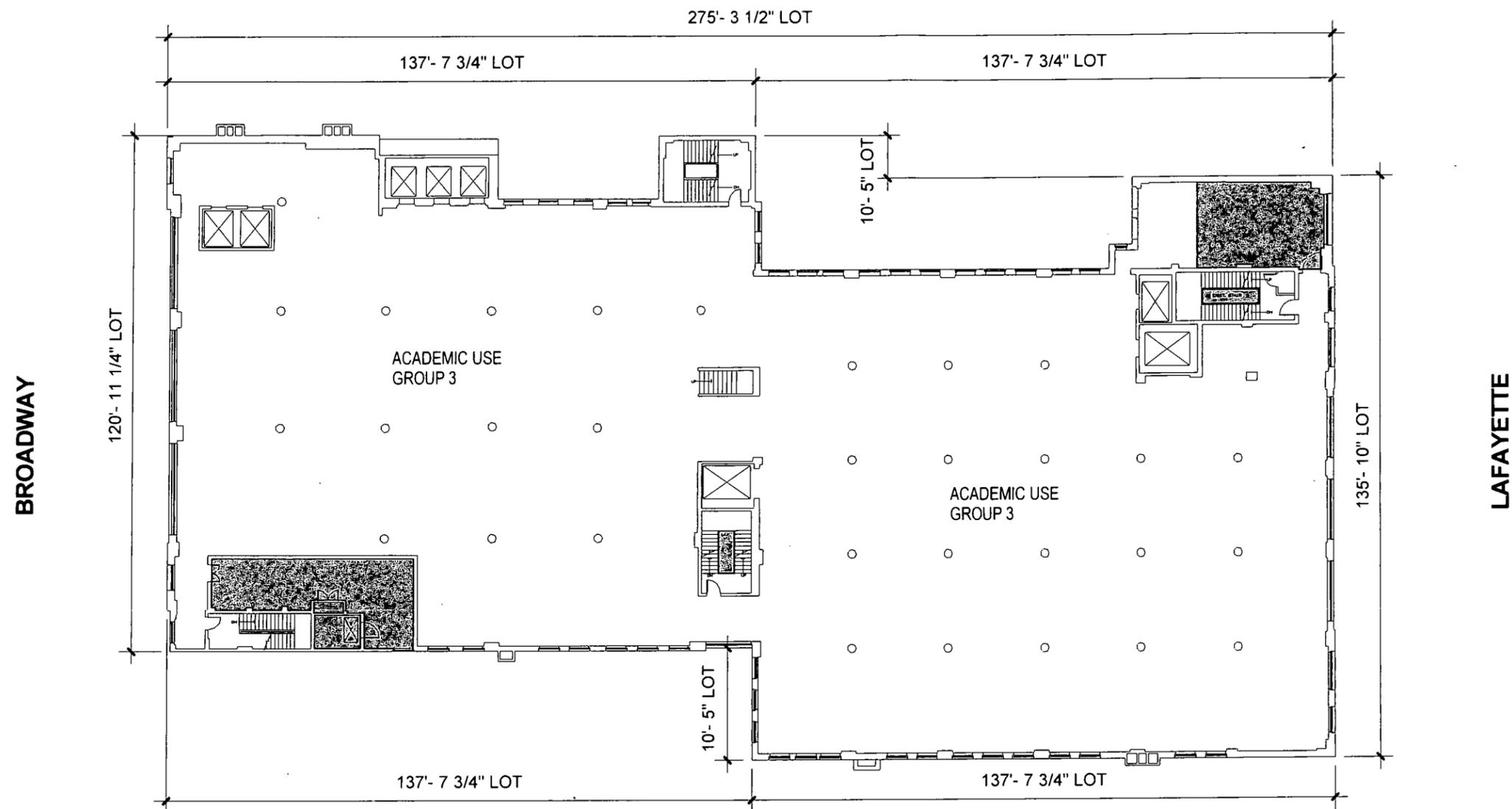
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A06-P



	GROSS:	32796 SF
	MECHANICAL SPACE	1382 SF
	ZONING FLOOR AREA	31414 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 6 PROPOSED

0' 16' 32' 64'

1/32" = 1'-0"

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**FLOOR PLAN - LEVEL 7
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

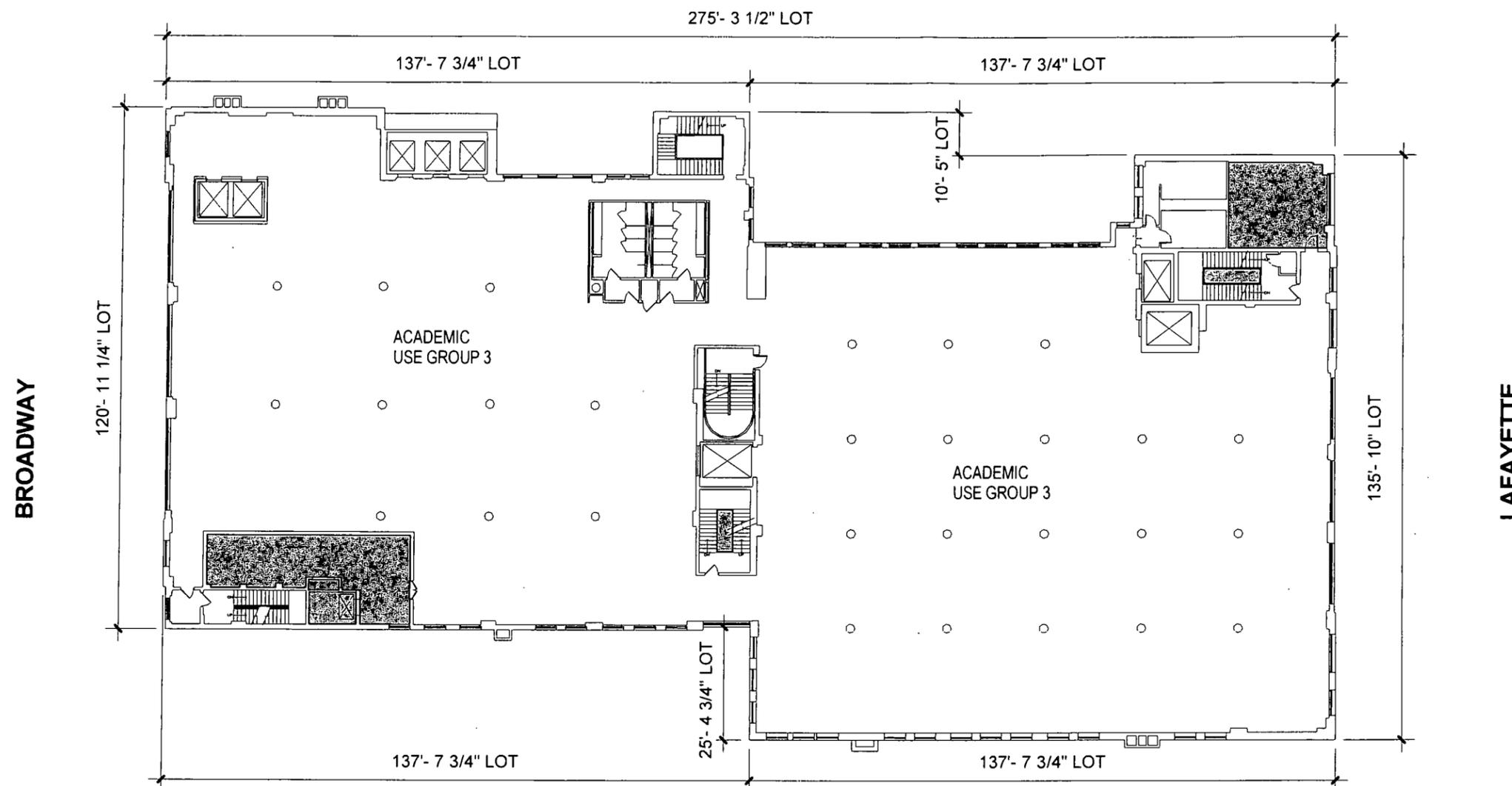
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A07-P

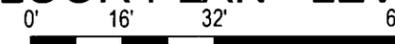


	GROSS:	32796 SF
	MECHANICAL SPACE	1299 SF
	ZONING FLOOR AREA	31497 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 7 PROPOSED



1/32" = 1'-0"

1

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**FLOOR PLAN - LEVEL 8
 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

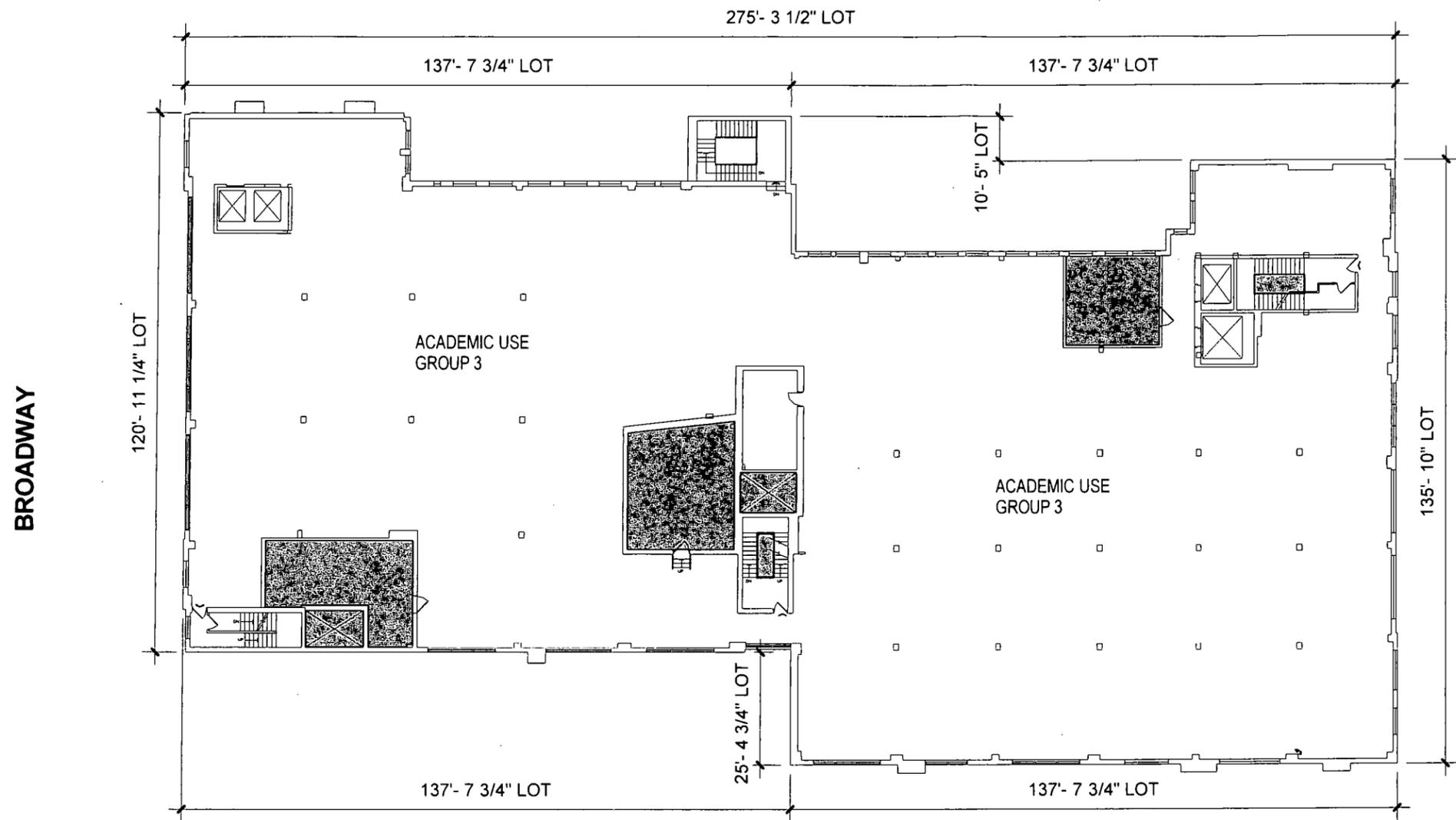
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A08-P



	GROSS:	32419 SF
	MECHANICAL SPACE	2040 SF
	ZONING FLOOR AREA	30379 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 8 PROPOSED



1/32" = 1'-0"

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FLOOR PLAN - LEVEL 9 PROPOSED

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

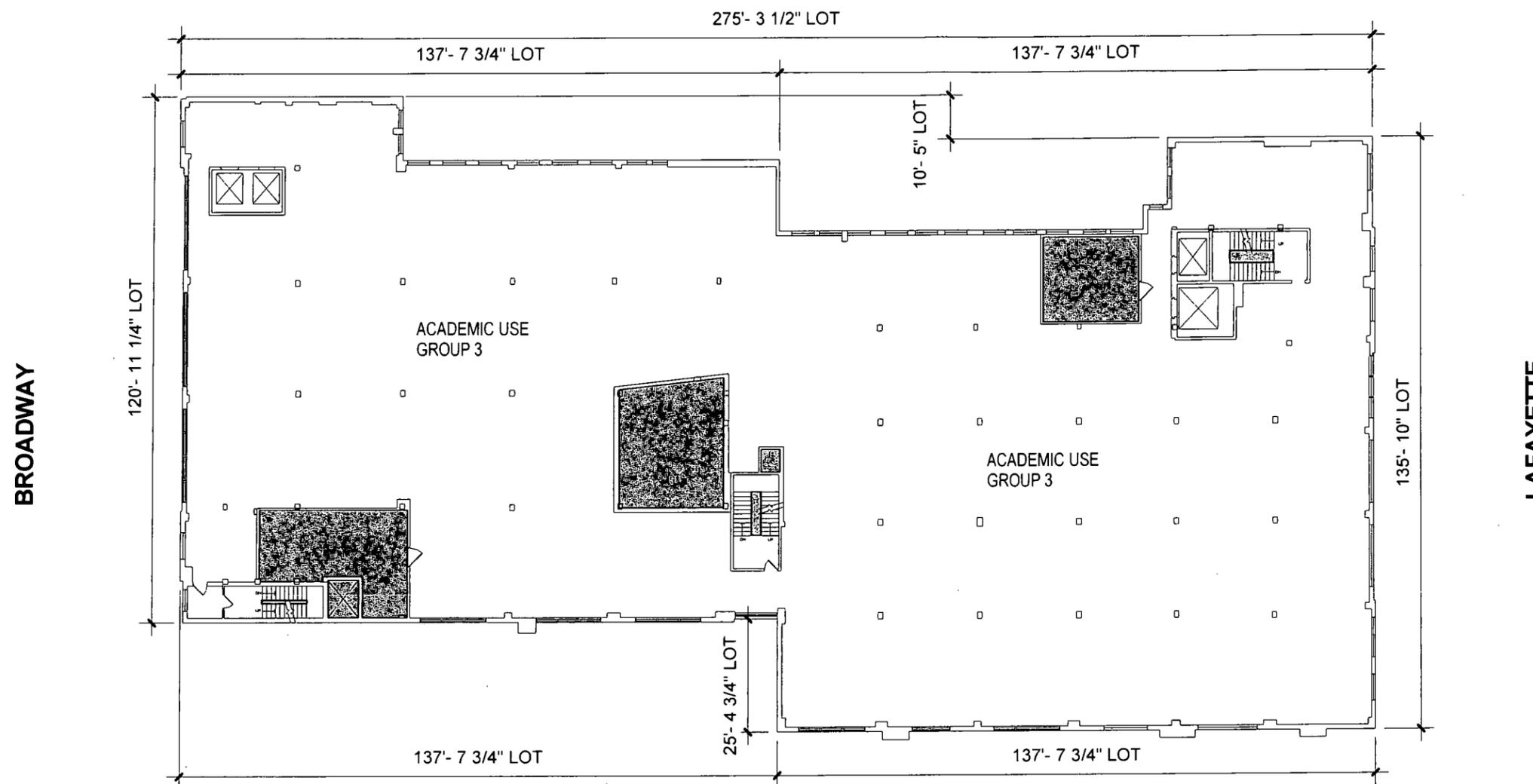
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A09-P



	GROSS:	32074 SF
	MECHANICAL SPACE	1920 SF
	ZONING FLOOR AREA	30154 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 9 PROPOSED

0' 16' 32' 64'

1/32" = 1'-0"

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**FLOOR PLAN - LEVEL
 10 PROPOSED**

DATE: **05/31/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

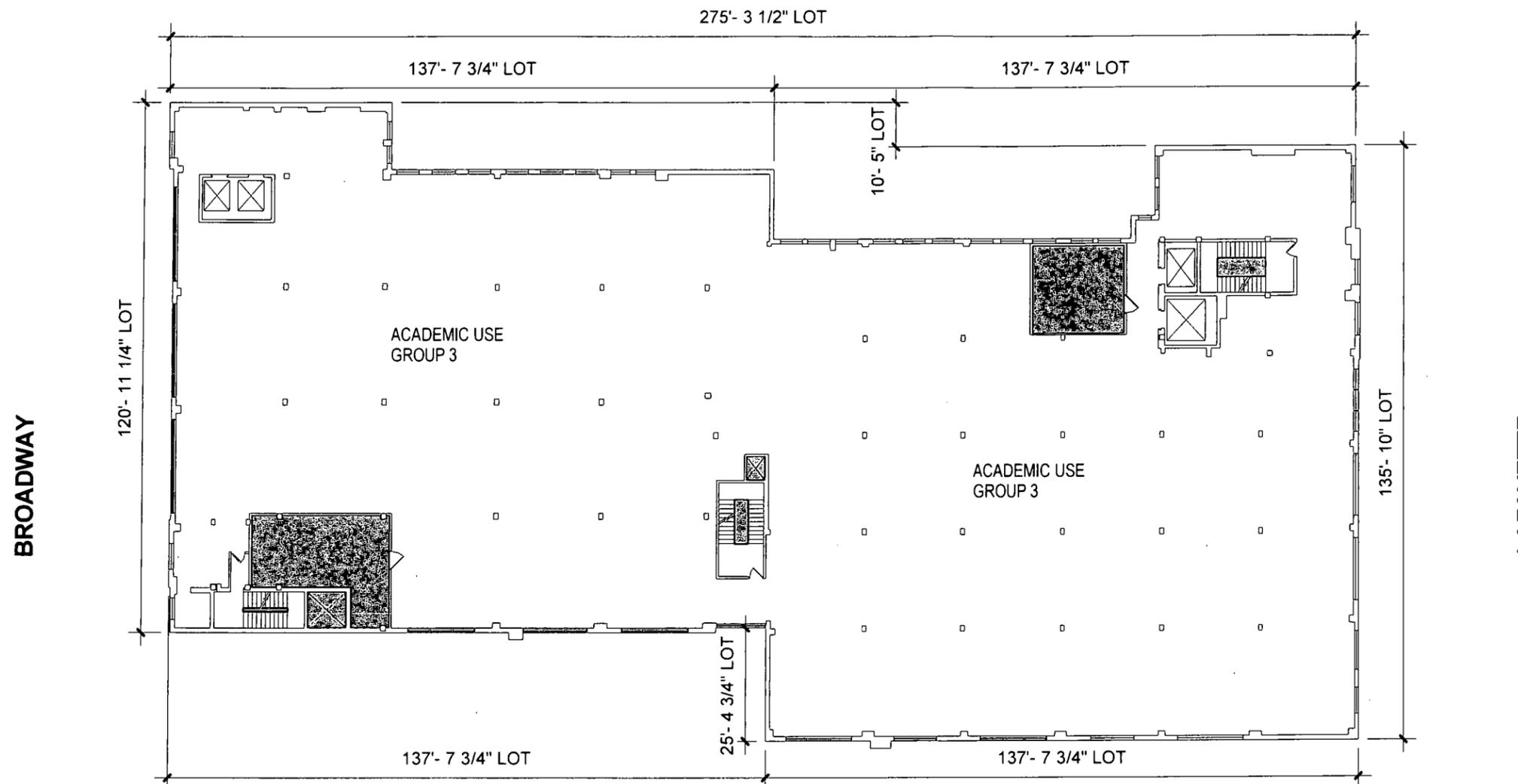
DESIGNED BY: **MK**

DRAWN BY: **MRK**

CHECKED BY: **MK**

DRAWING NO.:

A10-P

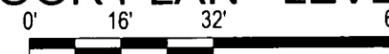


	GROSS:	32074 SF
	MECHANICAL SPACE	1382 SF
	ZONING FLOOR AREA	30692 SF

NOTE: INTERIOR LAYOUT MAY VARY BASED ON OCCUPANT REQUIREMENTS AND ALL EXITS SHALL BE AS APPROVED BY DOB.
 MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.

EXISTING OLD CODE: COMMERCIAL BLDG. OG: E,C
 PROPOSED: MIXED USE BLDG. OG: B,M
 FULLY SPRINKLERED
 MAX TRAVEL = 300' FOR OG: B

FLOOR PLAN - LEVEL 10 PROPOSED



1/32" = 1'-0"

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**EAST & WEST
 ELEVATIONS
 PROPOSED**

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

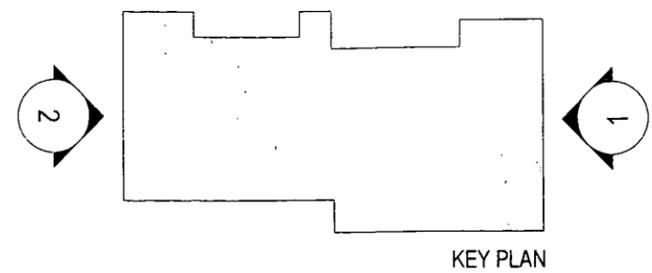
DESIGNED BY: **MK**

DRAWN BY: **OH**

CHECKED BY: **MK**

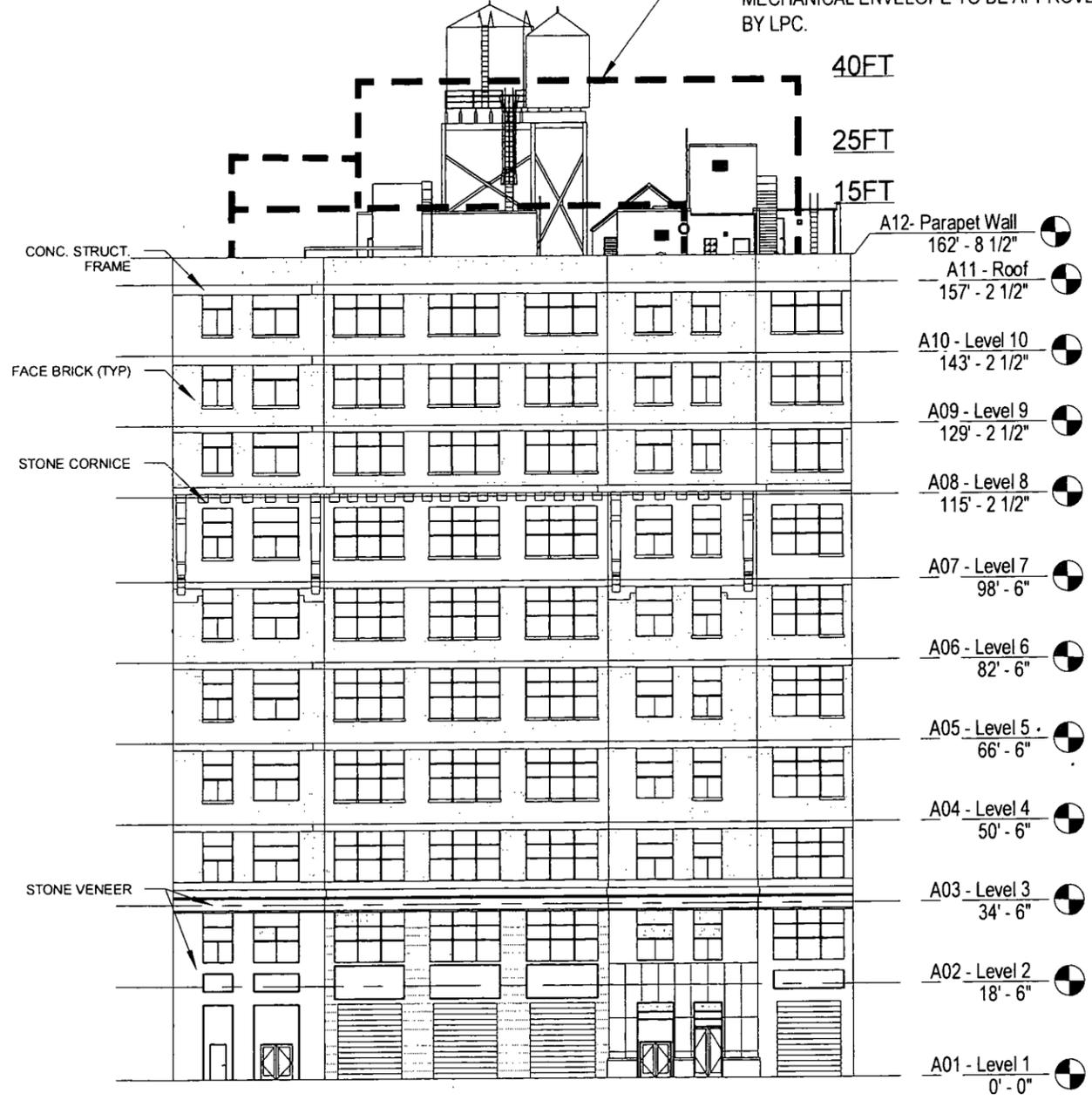
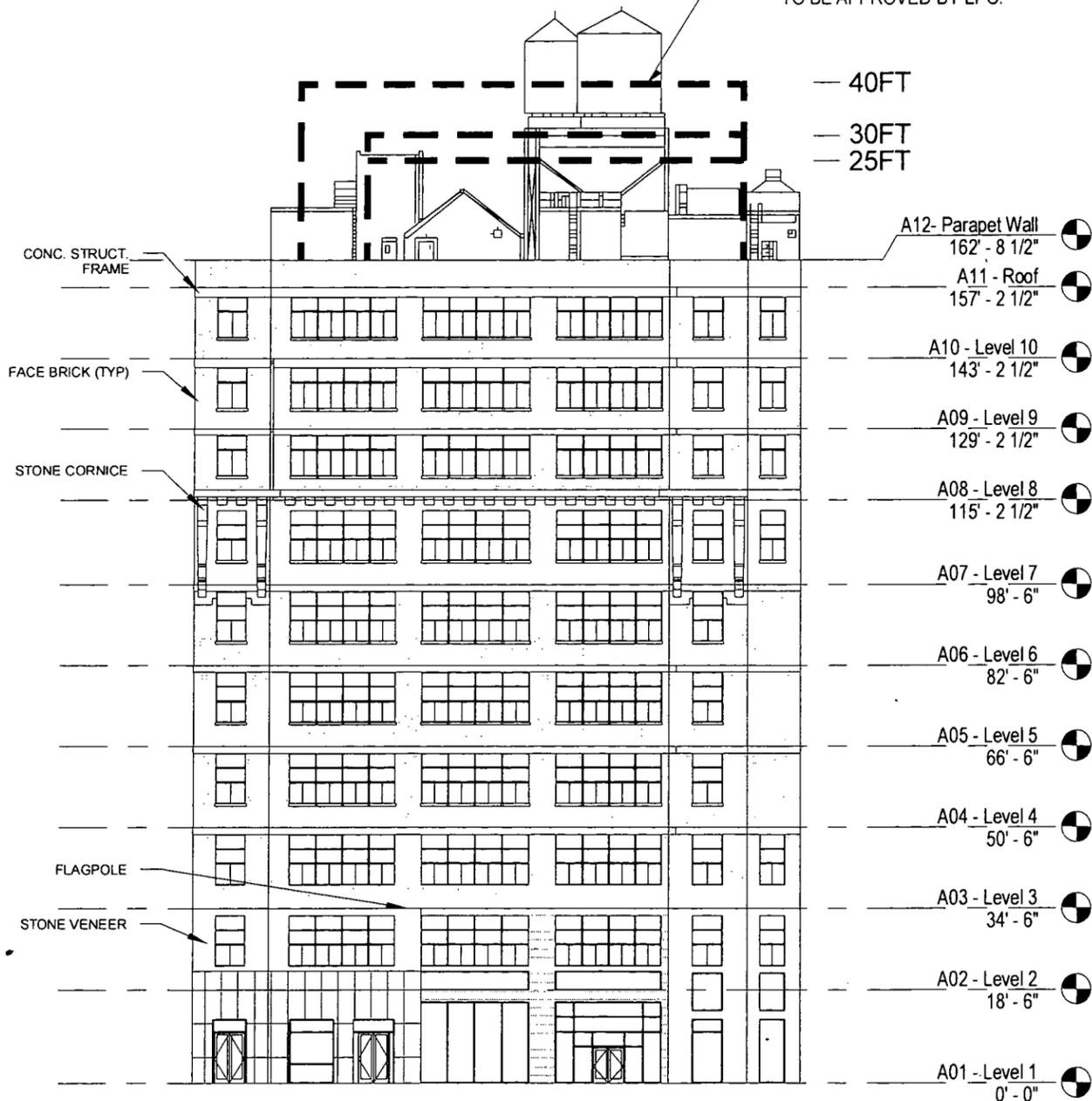
DRAWING NO.:

A12-P



NEW OR REPLACEMENT MECHANICAL EQUIPMENT SHALL BE LOCATED WITHIN PROPOSED MECHANICAL ENVELOPE. MECHANICAL ENVELOPE TO BE APPROVED BY LPC.

NEW OR REPLACEMENT MECHANICAL EQUIPMENT SHALL BE LOCATED WITHIN PROPOSED MECHANICAL ENVELOPE. MECHANICAL ENVELOPE TO BE APPROVED BY LPC.



WEST ELEVATION - BROADWAY PROPOSED

0' 16' 32' 64'

1/32" = 1'-0" @ 11X17"

2

EAST ELEVATION - LAFAYETTE PROPOSED

0' 16' 32' 64'

1/32" = 1'-0" @ 11X17"

1

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 Fax 917 981 6100
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EYP/

OWNER/CLIENT:

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New York University

726 Broadway
 New York, New York



SOUTH ELEVATION - PROPOSED

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

DESIGNED BY: **MK**

DRAWN BY: **OH**

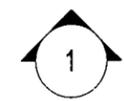
CHECKED BY: **MK**

DRAWING NO.:

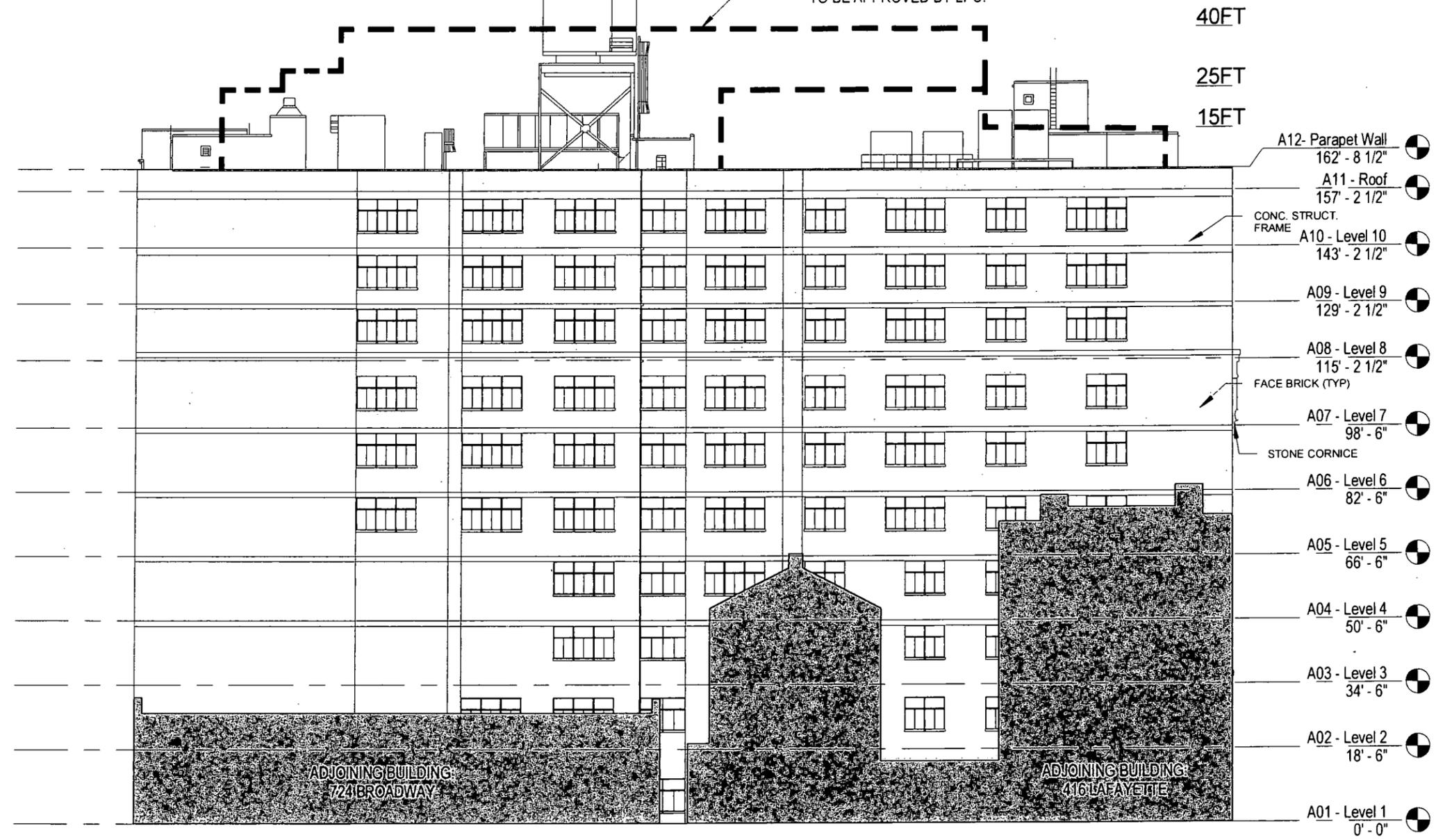
A13-P



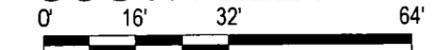
KEY PLAN



NEW OR REPLACEMENT MECHANICAL EQUIPMENT SHALL BE LOCATED WITHIN PROPOSED MECHANICAL ENVELOPE. MECHANICAL ENVELOPE TO BE APPROVED BY LPC.



SOUTH ELEVATION - PROPOSED



1/32" = 1'-0" @ 11X17"

1

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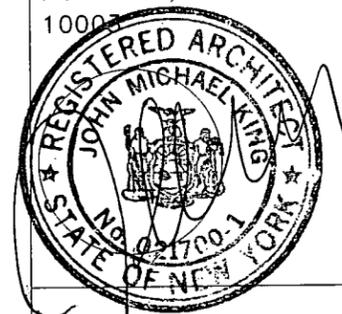
EYP/

OWNER/CLIENT:

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NORTH ELEVATION - PROPOSED

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

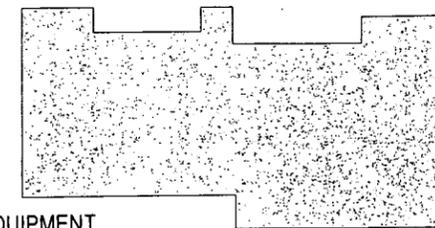
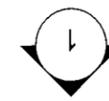
DESIGNED BY: **MK**

DRAWN BY: **OH**

CHECKED BY: **MK**

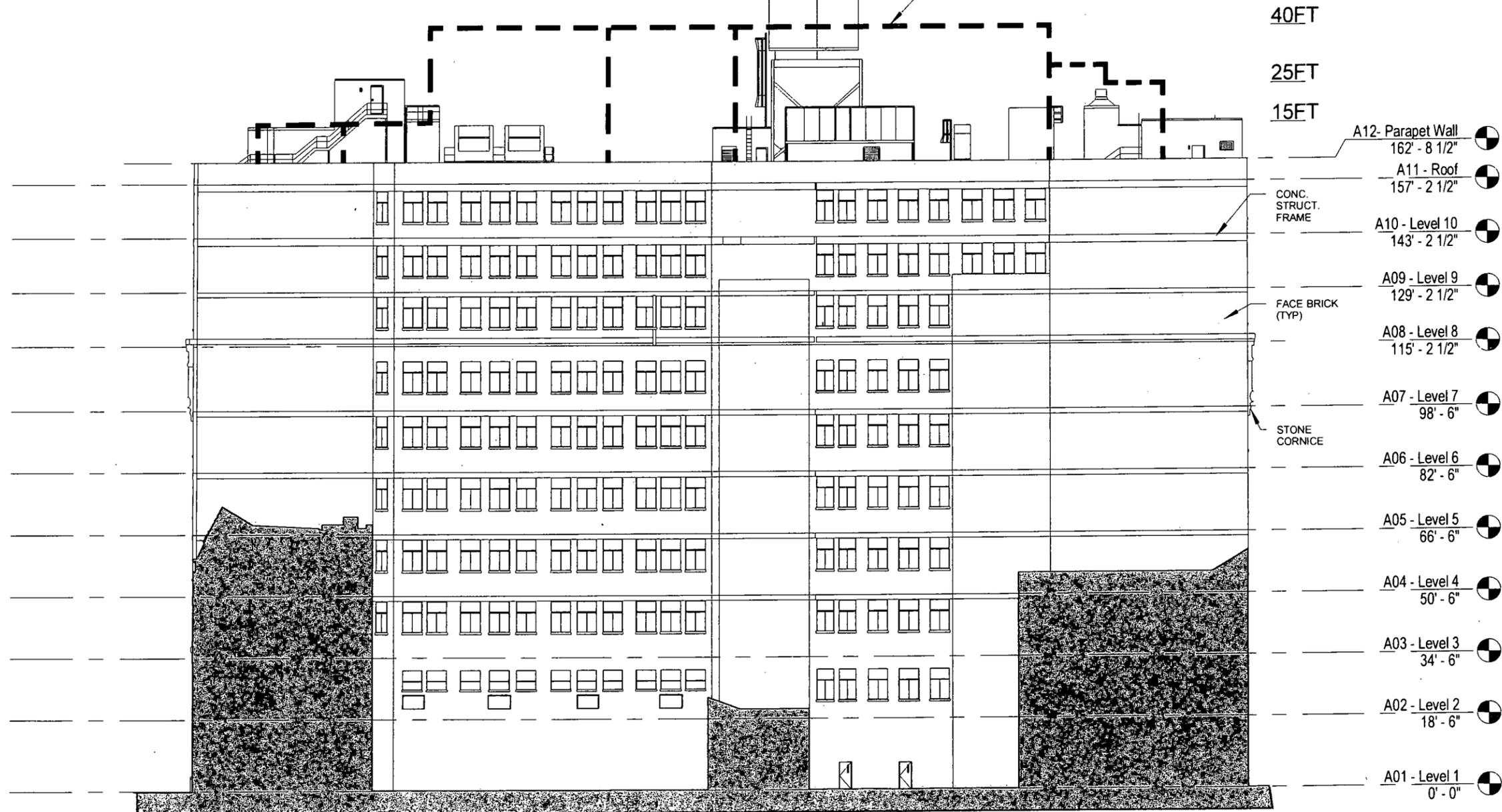
DRAWING NO.:

A14-P



KEY PLAN

NEW OR REPLACEMENT MECHANICAL EQUIPMENT SHALL BE LOCATED WITHIN PROPOSED MECHANICAL ENVELOPE. MECHANICAL ENVELOPE TO BE APPROVED BY LPC.



NORTH ELEVATION - PROPOSED

0' 16' 32' 64'

1/32" = 1'-0" @ 11X17"

1

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OWNER/CLIENT:

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 10003



**BUILDING SECTION
 DIAGRAMMATIC -
 PROPOSED**

DATE: **09/28/12**

SCALE: **As Indicated**

EYP PROJECT NO.:
1011056.02

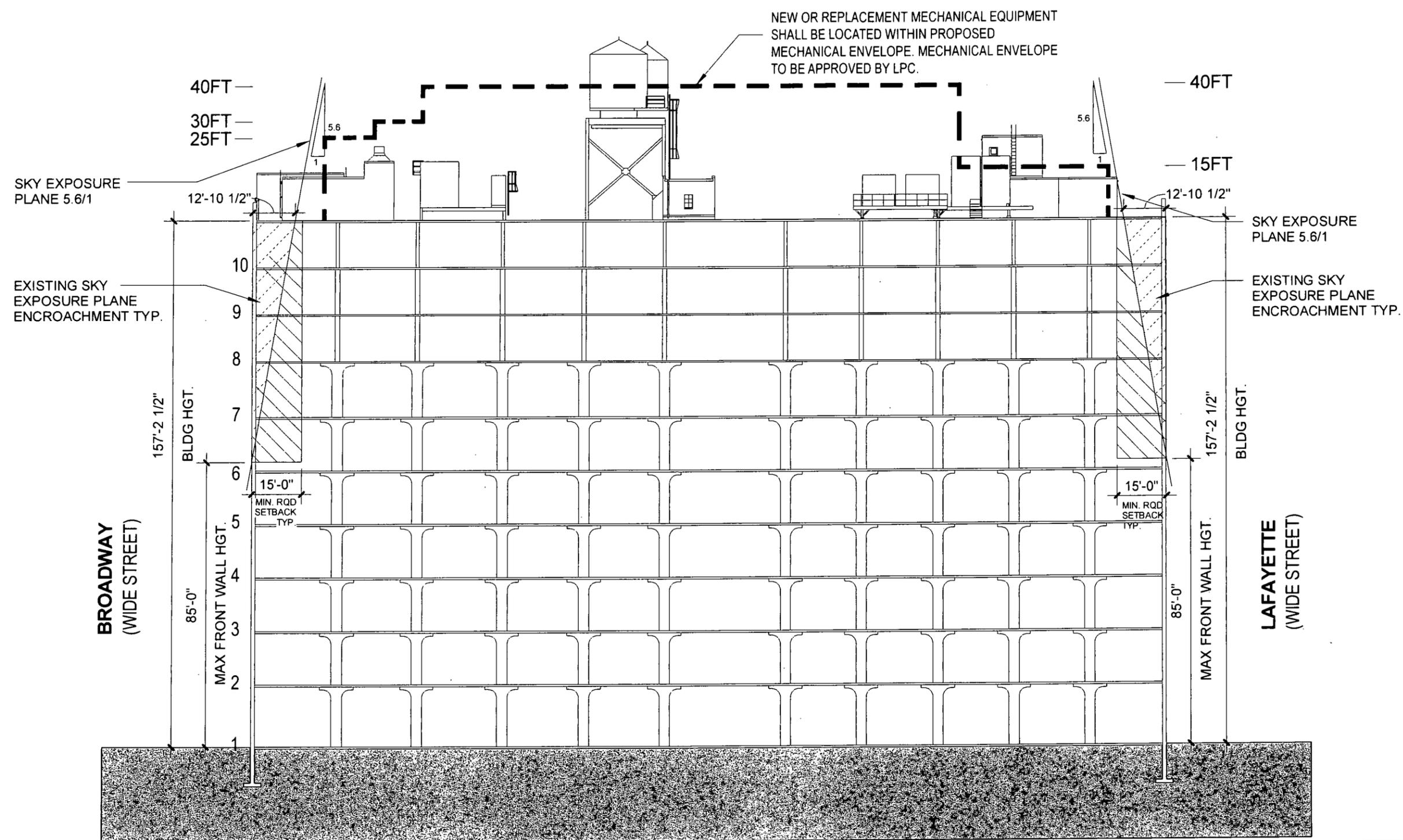
DESIGNED BY: **MK**

DRAWN BY: **OH**

CHECKED BY: **MK**

DRAWING NO.:

A15-P



BUILDING SECTION LOOKING NORTH - DIAGRAMMATIC PROPOSED





PART I: GENERAL INFORMATION											
PROJECT NAME 730 Broadway EAS											
1. Reference Numbers											
CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)					BSA REFERENCE NUMBER (If Applicable)						
					[TO COME]						
ULURP REFERENCE NUMBER (If Applicable)					OTHER REFERENCE NUMBER(S) (If Applicable) (e.g., Legislative Intro, CAPA, etc.)						
2a. Lead Agency Information					2b. Applicant Information						
NAME OF LEAD AGENCY					NAME OF APPLICANT						
Board of Standards and Appeals					Kramer Levin Naftalis & Frankel LLP						
NAME OF LEAD AGENCY CONTACT PERSON					NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON						
Jeff Mulligan, Executive Director					Elise Wagner, Partner						
ADDRESS					ADDRESS						
40 Rector Street					1177 Avenue of the Americas						
CITY		STATE		ZIP		CITY		STATE		ZIP	
New York		NY		10006		New York		NY		10036	
TELEPHONE			FAX			TELEPHONE			FAX		
212-788-8605			212-788-8769			212-715-9189			212-715-8208		
EMAIL ADDRESS					EMAIL ADDRESS						
jmulligan@bsa.nyc.gov					EWagner@KRAMERLEVIN.com						
3. Action Classification and Type											
SEQRA Classification											
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> TYPE I; SPECIFY CATEGORY (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(9) substantially contiguous to property listed on the S/NR (La Grange Terrace/Colonnade Row at 428-434 Lafayette Street)											
Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)											
<input checked="" type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC <input type="checkbox"/> LOCALIZED ACTION, SMALL AREA <input type="checkbox"/> GENERIC ACTION											
4. Project Description:											
See Page 1a.											
4a. Project Location: Single Site (for a project at a single site, complete all the information below)											
ADDRESS					NEIGHBORHOOD NAME						
726-730 Broadway/418-426 Lafayette Street					NoHo						
TAX BLOCK AND LOT					BOROUGH		COMMUNITY DISTRICT				
Block 545, Lot 15					Manhattan		CB2				
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS											
Through-block building between East 4th Street and Astor Place, with the primary façade on Broadway and secondary façade on Lafayette Street.											
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY					ZONING SECTIONAL MAP NO:						
M1-5B					12c						
4b. Project Location: Multiple Sites (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)											
N/A											
5. REQUIRED ACTIONS OR APPROVALS (check all that apply)											
City Planning Commission:					Board of Standards and Appeals:						
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>						
<input type="checkbox"/> CITY MAP AMENDMENT		<input type="checkbox"/> ZONING CERTIFICATION			<input type="checkbox"/> SPECIAL PERMIT		EXPIRATION DATE MONTH DAY YEAR				
<input type="checkbox"/> ZONING MAP AMENDMENT		<input type="checkbox"/> ZONING AUTHORIZATION			<input type="checkbox"/> VARIANCE (USE)						
<input type="checkbox"/> ZONING TEXT AMENDMENT		<input type="checkbox"/> HOUSING PLAN & PROJECT			<input type="checkbox"/> VARIANCE (BULK)						
<input type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)		<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY			SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION See page 1a						
<input type="checkbox"/> CONCESSION		<input type="checkbox"/> FRANCHISE									
<input type="checkbox"/> UDAAP		<input type="checkbox"/> DISPOSITION—REAL PROPERTY									
<input type="checkbox"/> REVOCABLE CONSENT											
ZONING SPECIAL PERMIT, SPECIFY TYPE											
<input type="checkbox"/> MODIFICATION OF											
<input type="checkbox"/> RENEWAL OF											
<input type="checkbox"/> OTHER											

A. PROJECT DESCRIPTION

New York University (NYU) proposes to convert floors two through ten of the ten-story building at 726-730 Broadway/418-426 Lafayette Street (“730 Broadway”), which is owned by the university, from its current office uses (Use Group 6) to college or university uses (Use Group 3). NYU expects to convert the fifth through tenth floors to academic space, including scientific research facilities and the second floor would also be converted to academic space, including teaching laboratories and support spaces for other uses in the building. NYU expects to retain the student health service offices on the third and fourth floors. Though the existing office use of floors two through ten of the building is permitted as Use Group 6 offices, it would more appropriately be characterized as a Use Group 3 college or university use because of the university functions and populations that are served. In the future, NYU may use the building’s second through tenth floors for other academic uses (not including dormitories). The building’s ground floor would continue to be used as for a Use Group 6 retail store and Use Group 17 shipping. The proposed project would result in the elimination of office uses (Use Group 6) on the project site, and replacement with college or university uses, specifically scientific research facilities, possibly including wet labs. The conversion of portions of the existing building to accommodate academic space, including scientific research facilities, would require additional mechanical systems and new rooftop mechanical equipment.

BACKGROUND

The project site is a through-block lot (Block 545, Lot 15) at 730 Broadway. It is located within an M1-5B light manufacturing, high performance zoning district. Permitted uses within the M1-5B zoning district include doctor’s offices, houses of worship, and several other community facility uses in Use Groups 3 and 4, commercial uses in Use Groups 5 through 14 and 16, also subject to certain limiting criteria; and Use Group 17 manufacturing uses, including, under certain specified circumstances, joint living-work quarters for artists (JLWQA). Use Group 3 college or university uses are not permitted on the project site on an as-of-right basis.

The building’s Certificate of Occupancy (CofO), dated August 11, 2011, permits the existing uses on the project site, including a Use Group 6 retail store and Use Group 17 shipping on the ground floor and Use Group 6 offices on the second through tenth floors. The building’s ground floor is currently used by NYU as a bookstore; the second through tenth floors are occupied by administrative spaces on the second and fifth through eighth floors, student health services on the third and fourth floors, NYU financial services on the ninth floor, and offices for the School of Nursing on the tenth floor.

Prior to NYU’s ownership, the project site was the subject of a February 5, 1980 Board of Standards and Appeals (BSA) variance which waived certain bulk regulations to allow a three-story enlargement to the existing manufacturing building. During the 1980s, the building was converted to office use (other than the ground floor). NYU purchased the building in 2008. In 2009, BSA issued a letter of substantial compliance approving revised plans reflecting Use Group 6 retail use on the ground floor and Use Group 6 office use on floors two through ten, as well as a consolidation of the loading berths and related spaces.

The project site is also within the boundaries of the NoHo Historic District, a New York City Historic District (NYCHD). New York City Landmarks Preservation Commission (LPC) approval is required for exterior alterations to buildings within the historic district.

B. PURPOSE AND NEED

The conversion of the 730 Broadway building's second through tenth floors to Use Group 3 college or university uses would provide NYU with needed academic space, in particular additional scientific research laboratory space, in close proximity to NYU's existing science facilities at the university's main campus near Washington Square.

NYU was founded in 1831 and is currently the largest private university in the United States. It is also a vital and stable economic source in New York City. NYU comprises 14 schools, colleges, and divisions, with five major centers in Manhattan and branch campuses and research programs elsewhere in the United States and abroad. The center of NYU's campus is in Greenwich Village, in the area around Washington Square, the "Washington Square Core."

One of NYU's goals is to locate facilities for its undergraduate and certain professional schools in the Washington Square Core area, which is the area generally bounded by Waverly Place and West 8th Street to the north, Broadway and Mercer Street to the east, West 3rd and Houston Streets to the south, and LaGuardia Place and the midblock between MacDougal Street and Avenue of the Americas to the west.

Over the past decade, NYU has invested heavily by way of its "Partners Plan" in its Faculty of Arts and Science. Although such investments have allowed many of NYU's departments to rank among the best in the nation, NYU's science facilities have not similarly kept pace with those of competing educational institutions. This is due in large part to NYU's urban setting and, more specifically, to the difficulty in finding sufficiently large spaces for research facilities in or near the Washington Square Core. Regardless of this limitation, NYU is committed to improving the amount and quality of its science research facilities.

A 2007 study conducted by NYU projected that the University's science programs will grow by between 55 and 72 percent over the next ten years. This growth translates to a need for approximately 275,000 gross square feet (gsf) of additional space dedicated to science and scientific research. Current standards for science facilities include locating facilities in buildings with large floorplates, high ceilings, heavy load capacity, and wide column spacing.

Further, science facilities must be located in or near the Washington Square Core to allow for physical proximity to, and functional connections with, the university's existing science facilities, including the Center for Brain Imaging, Center for Soft Matter Research, and The Molecular Design Institute. NYU's objective is to locate core and cross-disciplinary science programs that serve or allow collaboration with the undergraduate population in or near the Core. The consolidation of science facilities in the Core area would support efficient collaboration among disciplines, the sharing of limited resources, and improved opportunities for networking.

In the past, NYU has been able to meet its physical needs by connecting existing buildings to form new complexes with sufficiently large floorplates. Recently NYU accommodated its Center for Genomics (the University's largest investment in science over the past six years) by redeveloping the existing buildings at 12-16 Waverly Place by retaining the buildings' facades while adding an entirely new structure with floors that accommodate modern uses and spatial needs. Even with these recent projects, the University continues to have a growing need for additional science facilities, with the opportunities to satisfy this need within the Washington Square Core remaining extremely limited.

THE 730 BROADWAY BUILDING

NYU selected the 730 Broadway building for the proposed academic space because of its location, physical dimensions, and structural qualities. The building is located immediately adjacent to the Washington Square Core—in effect representing an extension of the Core—and within close

proximity to the university's existing classrooms and science facilities. The 730 Broadway building has large floorplates of 32,000 gsf and has high ceilings, substantial load capacity, and wide column spacing. Few buildings in or near the project site, and no others owned by the university, have such large floorplates. The proposed project would provide approximately 190,000 gsf of interconnected space dedicated to academic space, primarily for science and scientific research. This amount of square footage is more than what is available in any other Arts and Sciences building in the immediate vicinity of the project site, including the Warren Weaver Building at 251 Mercer Street (158,591 gsf) and the Center for Genomics at 12 Waverly Place (75,869 gsf).

PROPOSED PROJECT

The proposed project requires a BSA variance to facilitate the conversion of 730 Broadway's second through tenth floors to a Use Group 3 college or university use, a use which is not permitted as-of-right in M1-5B zoning districts. With the proposed variance, NYU expects to convert the fifth through tenth floors to academic space, including scientific research facilities, and to convert the second floor to academic space, including teaching laboratories and support spaces for other uses in the building. The university expects to retain the student health services offices on the third and fourth floors. Though this office use is permitted as Use Group 6 offices, it would more appropriately be characterized as a Use Group 3 college or university use because of the university functions and populations that it serves. The 730 Broadway building's ground floor, which would not be directly affected by the proposed project, would continue to be used as a Use Group 6 retail store and Use Group 17 shipping.

The employee and user population changes anticipated with the proposed action, as shown in **Table 1**, would result in a decrease in population as compared to the existing and no action conditions. In the existing and no action conditions, the population includes employees (i.e., office workers), faculty, graduate students, researchers, and undergraduate students comprised of both part-time and full-time users. The population also includes visitors to the student health services center on the third and fourth floors; the population on the third and fourth floors would not change with the proposed project. For the purposes of this analysis and to account for a reasonable worst case scenario, although some employees are part-time, it is assumed that the overall user population is full-time. With the proposed project, the user population would decrease since the number of employees and faculty to be relocated to other NYU properties would exceed the number of new researchers and students.

Table 1
Population

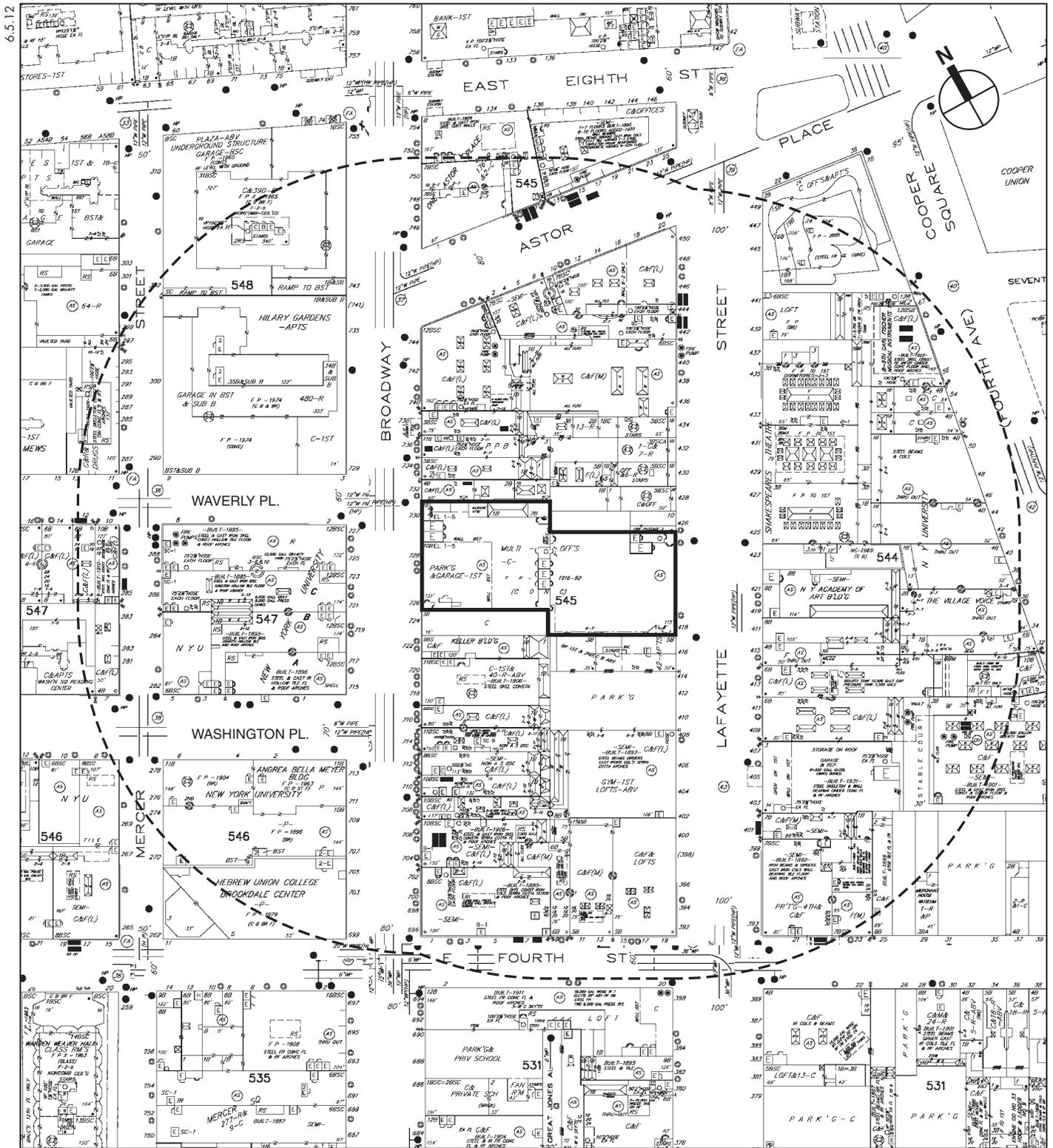
Type	Existing	No Action	Proposed	Net Increment
Employees ¹	1,010	1,010	224 ²	-786
Faculty	493	493	120	-373
Graduate Students	21	21	300	279
Researchers	123	123	180	57
Undergraduate Students	0	0	90	90
Total	1,647	1,647	914	-733
Notes:				
¹ Employee population counts do not include the ground floor because it would not be directly affected by the proposed project.				
² Existing population to remain (third and fourth floor population).				
Source: Existing and proposed user and employee populations were provided by NYU.				

Because the project site is within the NoHo Historic District, the proposed rooftop mechanical equipment is subject to LPC's review and approval.

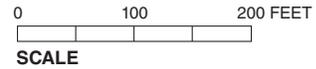
Absent the proposed action, the 730 Broadway building will continue to be used for conforming Use Group 6 office uses that support the university.

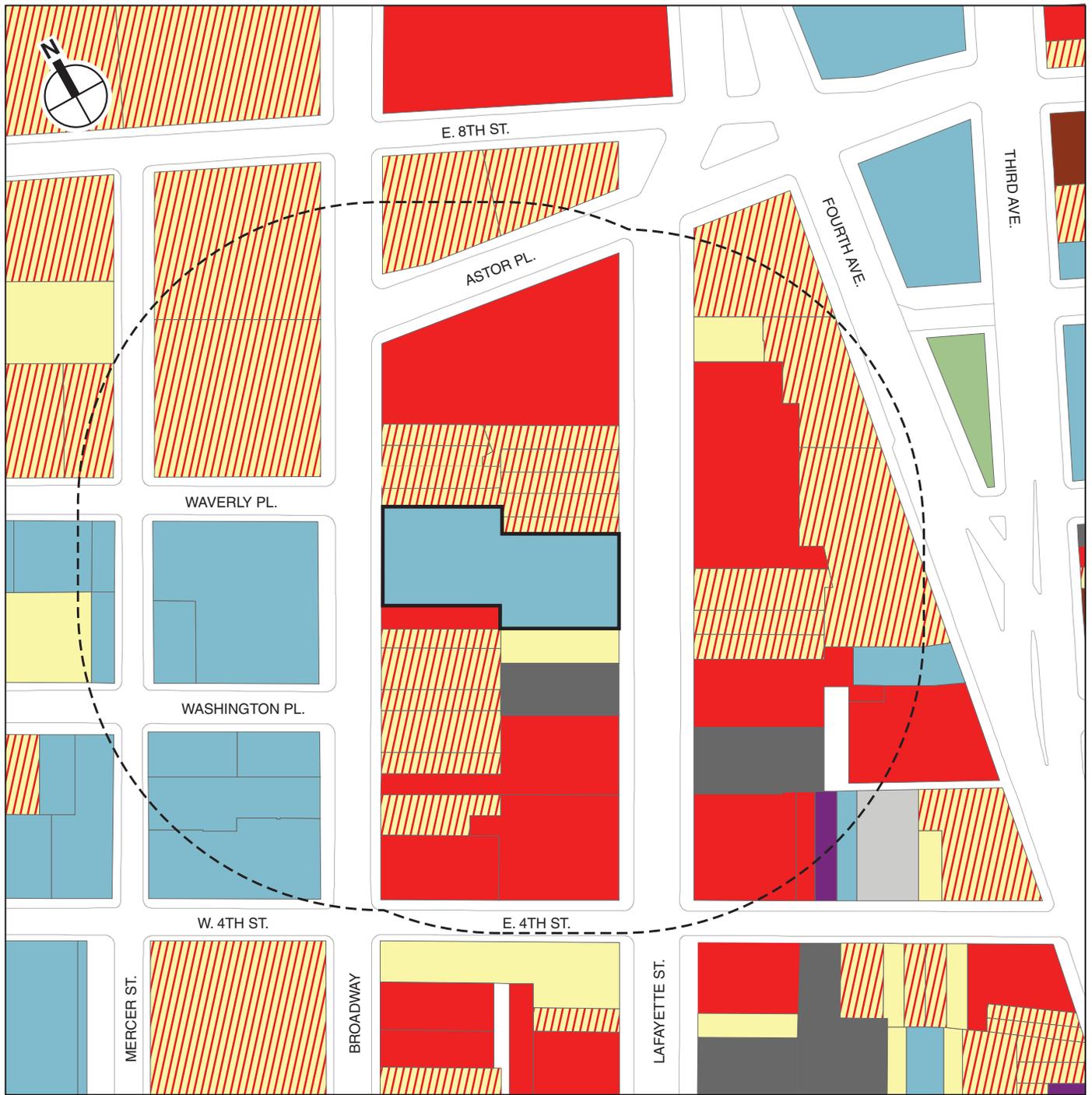
Department of Environmental Protection:		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Other City Approvals:		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION; SPECIFY	<input type="checkbox"/> POLICY OR PLAN; SPECIFY	<input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)
<input type="checkbox"/> 384(B)(4) APPROVAL	<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD) (not subject to CEQR)	<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES
		<input type="checkbox"/> FUNDING OR PROGRAMS; SPECIFY	<input type="checkbox"/> PERMITS; SPECIFY
		<input type="checkbox"/> OTHER; EXPLAIN	
6. State or Federal Actions/Approvals/Funding:		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> IF "YES," IDENTIFY
7. Site Description: Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.			
GRAPHICS The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas, and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5x11 inches for submission.			
<input checked="" type="checkbox"/> Site location map	<input checked="" type="checkbox"/> Zoning map	<input checked="" type="checkbox"/> Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map	
<input checked="" type="checkbox"/> Sanborn or other land use map	<input checked="" type="checkbox"/> Tax map	<input type="checkbox"/> For large areas or multiple sites, a GIS shape file that defines the project sites	
See EAS Figures 1 through 4.			
PHYSICAL SETTING (both developed and undeveloped areas)			
Total directly affected area (sq. ft.):	Type of waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.):	
±35,140 gsf	N/A	N/A	
Other, describe (sq. ft.): 34,578 gsf (ground floor—not part of the directly affected area)			
8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development below facilitated by the action)			
Size of project to be developed:		(gross sq. ft.)	
±293,739 gsf*			
*Floors 2-10 of the 730 Broadway building			
Does the proposed project involve changes in zoning on one or more sites?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If 'Yes,' identify the total square feet owned or controlled by the applicant:		Total square feet of non-applicant owned development:	
Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):			
Area:	sq. ft. (width x length)	Volume:	cubic feet (width x length x depth)
N/A		N/A	
Does the proposed project increase the population of residents and/or on-site workers?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Provide a brief explanation of how these numbers were determined:		Number of additional residents?	Number of additional workers?
It is assumed that the user and employee populations on the third and fourth floors would remain in the With Action condition. The user and employee population in the ground floor bookstore and café are not accounted for as the ground floor is not part of the directly affected area of the project site.		N/A	-733
Does the project create new open space?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If Yes:		N/A	(sq. ft)
Using Table 14-1, estimate the project's projected operation solid waste generation, if applicable:		2,912¹	(pounds per week)
Using energy modeling or Table 15-1, estimate the project's projected energy use:		82,309 million¹	(annual BTUs)
9. Analysis Year CEQR Technical Manual, Chapter 2			
ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL):		ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:	
2013*		12 months	
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
		IF MULTIPLE PHASES, HOW MANY PHASES:	
* By 2013, the Certificate of Occupancy (CofO) would be changed to Use Group 3 college or university use and 2 floors would be occupied by teaching laboratories and laboratory support space.			
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:			
10. What is the Predominant Land Use in Vicinity of Project? (Check all that apply)			
<input checked="" type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> MANUFACTURING*	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE
			<input checked="" type="checkbox"/> OTHER, Describe: Institutional/ College and University
*Joint Living-Work Quarters for Artists (JLWQ),			

¹ For informational purposes, the With-Action solid waste and energy generation figures are provided. As the proposed project would result in an incremental decrease in population on the project site, and no overall change in floor area, the incremental solid waste and energy generation associated with the proposed project would be negative and zero, respectively.

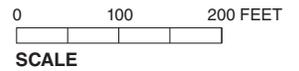


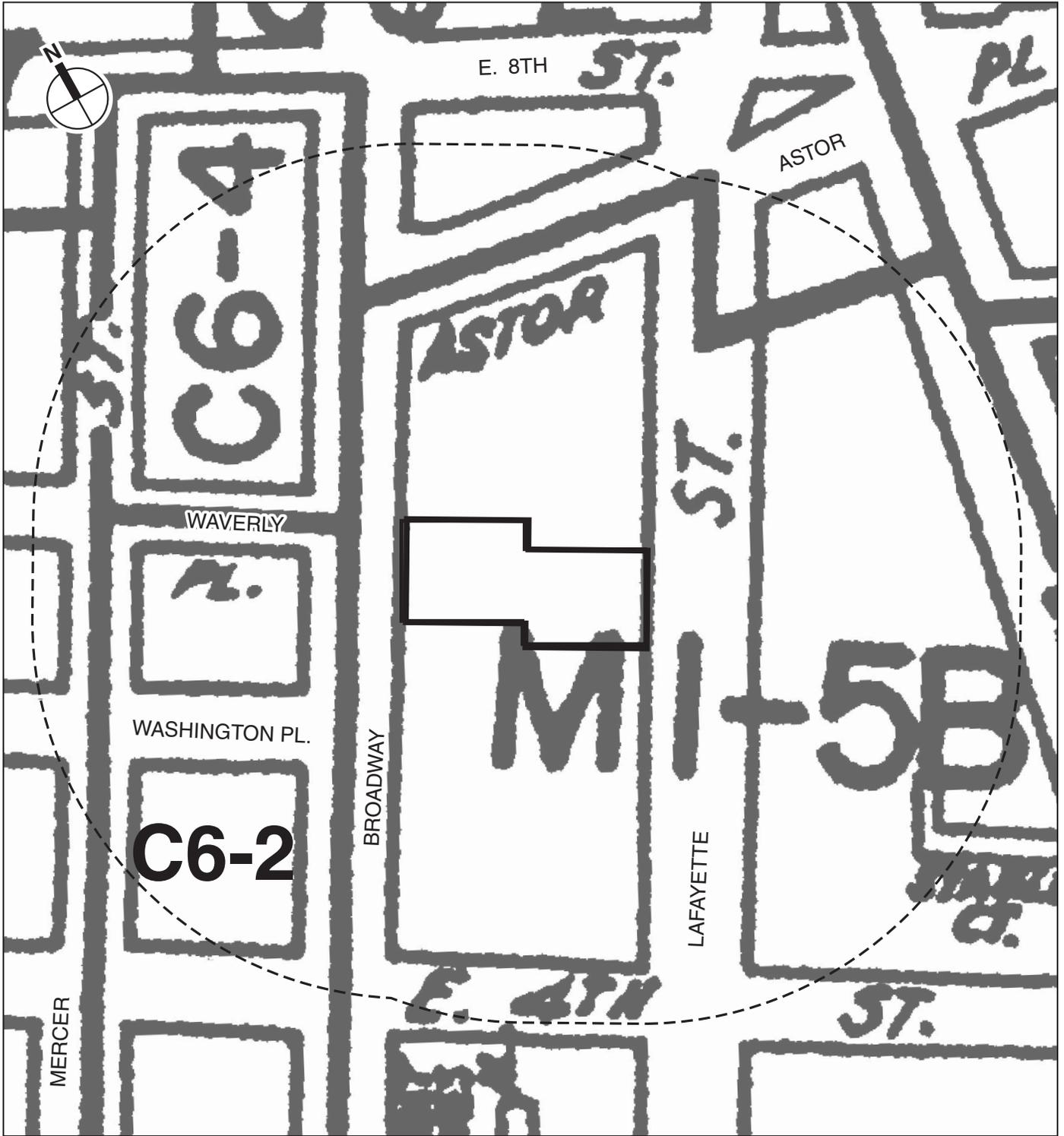
- Project Site Boundary
- Study Area Boundary (400-Foot Perimeter)



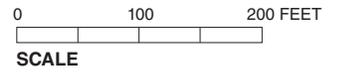


- Project Site
- 400-Foot Study Area
- Residential/JLWQ
- Residential/JLWQ with Commercial Below
- Hotels
- Commercial and Office Buildings
- Industrial and Manufacturing
- Public Facilities and Institutions
- Open Space and Outdoor Recreation
- Parking Facilities
- Vacant Land
- Vacant Building
- Transportation and Utility





-  Project Site Boundary
-  Study Area Boundary (400-Foot Perimeter)
-  Zoning District Boundary

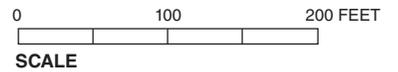




Project Site Boundary

543 Block Number

46 Lot Number



DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of dwelling units				
No. of low- to moderate-income units				
No. of stories				
Gross Floor Area (sq. ft.)				
Describe Type of Residential Structures				
Commercial	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> **	
If yes, specify the following:				
Describe type (retail, office, other)	University-affiliated office uses*	No change	**Converted to community facility college or university uses. See below.	
No. of bldgs	1 building	No change	No change	No change
GFA of each bldg (sq. ft.)	328,317 gsf	No change	No change	No change
*The ground floor is not part of directly affected area; no changes would occur on the ground floor.				
Manufacturing/Industrial	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
Type of use				
No. of bldgs				
GFA of each bldg (sq. ft.)				
No. of stories of each bldg.				
Height of each bldg				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following:				
Type			College or university uses*	
No. of bldgs			1—No change	No change
GFA of each bldg (sq. ft.)			328,317 gsf—No change	No change
No. of stories of each bldg			10 stories—No change	No change
Height of each bldg			±157'—No change	No change
*The ground floor is not part of directly affected area; no changes would occur on the ground floor.				
Vacant Land	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Publicly Accessible Open Space	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
Other Land Use	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Parking				
Garages	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Parking (continued)				
Lots	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Storage Tanks				
Storage Tanks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following:				
Gas/Service stations:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Oil storage facility:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Other; identify:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes to any of the above, describe:				
Number of tanks	1	No change	No change	N/A
Size of tanks	10,000-gallon	No change	No change	N/A
Location of tanks	Ground floor vault	No change	No change	N/A
Depth of tanks	N/A	N/A	N/A	N/A
Most recent FDNY inspection date	2011			
Population				
Residents	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If any, specify number				
Briefly explain how the number of residents was calculated				
Businesses	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If any, specify the following:				
No. and type	1*—University-affiliated	No change	No change	No change
No. and type of workers by business	1,010	No change	224**	-733
No. and type of non-residents who are not workers	637	No change	690	53
Briefly explain how the number of businesses was calculated	*The ground floor is not part of the directly affected area. It contains a university-affiliated bookstore and café. **Existing third and fourth floor worker population to remain.			
Zoning*				
Zoning classification	M1-5B	No change	No change	No change
Maximum amount of floor area that can be developed (in terms of bulk)	±35,140 x 5.0 (commercial and manufacturing) = ±175,700 zoning square feet (zsf); ±35,140 x 6.5 (community facilities) = ±228,410 zsf	No change	No change	No change
Predominant land use and zoning classification within a 0.25-radius of proposed project	Land uses include: commercial and office buildings, residential with ground floor commercial, institutional (educational), joint living/work quarters for artists, and parking facilities. Zoning classifications include: M1-5B, C6-1, C6-2, C6-3, C6-4, and R7-2.	No change	No change	No change
Attach any additional information as may be needed to describe the project.				
If your project involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include the total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

*This section should be completed for all projects, except for such projects that would apply to the entire city or to areas that are so extensive that site-specific zoning information is not appropriate or practicable.

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the *CEQR Technical Manual*. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
- For each 'Yes' response, answer the subsequent questions for that technical area and consult the relevant chapter of the *CEQR Technical Manual* for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether the potential for significant impacts exists. Please note that a 'Yes' answer does not mean that EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response.

YES	NO
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1.	LAND USE, ZONING AND PUBLIC POLICY: <i>CEQR Technical Manual, Chapter 4</i> See Attachment A, "Land Use, Zoning, and Public Policy."		
(a)	Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If 'Yes,' complete a preliminary assessment and attach.		✓
(b)	Is the project a large, publicly sponsored project? If 'Yes,' complete a PlaNYC assessment and attach.		✓
(c)	Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If 'Yes,' complete the Consistency Assessment Form.		✓
2.	SOCIOECONOMIC CONDITIONS: <i>CEQR Technical Manual, Chapter 5</i> See EAS "Socioeconomic Conditions" screening analysis.		
(a)	Would the proposed project:		
	<ul style="list-style-type: none"> • Generate a net increase of 200 or more residential units? 		✓
	<ul style="list-style-type: none"> • Generate a net increase of 200,000 or more square feet of commercial space? 		✓
	<ul style="list-style-type: none"> • Directly displace more than 500 residents? 		✓
	<ul style="list-style-type: none"> • Directly displace more than 100 employees? *733 existing employees would be relocated to other buildings controlled by NYU. 		✓*
	<ul style="list-style-type: none"> • Affect conditions in a specific industry? 		✓
(b)	If 'Yes' to any of the above, attach supporting information to answer the following questions, as appropriate. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered.		
(1)	Direct Residential Displacement		
	If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population?		
	If 'Yes,' is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
(2)	Indirect Residential Displacement		
	Would the expected average incomes of the new population exceed the average incomes of the study area populations?		
	If 'Yes,' would the population increase represent more than 5% of the primary study area population or otherwise potentially affect real estate market conditions?		
	If 'Yes,' would the study area have a significant number of unprotected rental units?		
	Would more than 10 percent of all the housing units be renter-occupied and unprotected?		
	Or, would more than 5 percent of all the housing units be renter-occupied and unprotected where no readily observable trend toward increasing rents and new market rate development exists within the study area?		

		YES	NO
(3) Direct Business Displacement			
Do any of the displaced businesses provide goods or service that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?			
Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?			
Or is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?			
(4) Indirect Business Displacement			
Would the project potentially introduce trends that make it difficult for businesses to remain in the area?			
Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potential resulting in vacancies and disinvestment on neighborhood commercial streets?			
(5) Effects on Industry			
Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?			
Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?			
3. COMMUNITY FACILITIES: CEQR Technical Manual, Chapter 6 See EAS "Community Facilities" screening analysis.			
(a) Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?			✓
(b) Would the project exceed any of the thresholds outlines in Table 6-1 in Chapter 6?			✓
(c) If 'No' was checked above, the remaining questions in this technical area do not need to be answered. If 'Yes' was checked, attach supporting information to answer the following, if applicable.			
(1) Child Care Centers			
Would the project result in a collected utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?			
If 'Yes,' would the project increase the collective utilization rate by 5 percent from the No-Action scenario?			
(2) Libraries			
Would the project increase the study area population by 5 percent from the No-Action levels?			
If 'Yes,' would the additional population impair the delivery of library services in the study area?			
(3) Public Schools			
Would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 105 percent?			
If 'Yes,' would the project increase this collective utilization rate by 5 percent from the No-Action scenario?			
(4) Health Care Facilities			
Would the project affect the operation of health care facilities in the area?			
(5) Fire and Police Protection			
Would the project affect the operation of fire or police protection in the area?			
4. OPEN SPACE: CEQR Technical Manual, Chapter 7 See EAS "Open Space" screening analysis.			
(a) Would the project change or eliminate existing open space?			✓
(b) Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?		✓	
(c) If 'Yes,' would the proposed project generate more than 50 additional residents or 125 additional employees?			✓
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?			✓
(e) If 'Yes,' would the project generate more than 350 additional residents or 750 additional employees?			
(f) If the project is not located within an underserved or well-served area, would it generate more than 200 additional residents or 500 additional employees?			
(g) If 'Yes' to any of the above questions, attach supporting information to answer the following:			
• Does the project result in a decrease in the open space ratio of more than 5%?			✓
• If the project site is within an underserved area, is the decrease in open space between 1% and 5%?			✓
• If 'Yes,' are there qualitative considerations, such as the quality of open space, that need to be considered?			

		YES	NO
5. SHADOWS: CEQR Technical Manual, Chapter 8. See EAS "Shadows" screening analysis.			
(a)	Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b)	Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		✓
(c)	If 'Yes' to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual, Chapter 9 See Attachment B, "Historic and Cultural Resources."			
(a)	Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.	✓	
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual, Chapter 10 See EAS "Urban Design and Visual Resources" screening analysis.			
(a)	Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	✓*	
*The new, approximately 35-foot-tall mechanical equipment that would be added to the building's roof would be subject to review and approval by LPC.			
(b)	Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
(c)	If "Yes" to either of the questions above, please provide the information requested in Chapter 10.		
8. NATURAL RESOURCES: CEQR Technical Manual, Chapter 11 See EAS "Natural Resources" screening analysis.			
(a)	Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b)	Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11? If "Yes," list the resources: Attach supporting information on whether the proposed project would affect any of these resources.		✓
9. HAZARDOUS MATERIALS: CEQR Technical Manual, Chapter 12 See EAS "Hazardous Materials" screening analysis.			
(a)	Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b)	Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c)	Does the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d)	Does the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material or unknown origin?		✓
(e)	Does the project result in development where underground and/or aboveground storage tanks (e.g., gas stations) are or were on or near the site?		✓
(f)	Does the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint? Asbestos, PCBs, and/or lead-based paint may be present in project site building.	✓	
(g)	Does the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way? Has a Phase I Environmental Site Assessment been performed for the site?		✓
(h)	If 'Yes,' were RECs identified? Briefly identify: Identified RECs include: historic building uses (a garage, auto repair, and carpet cleaning); historic gasoline and fuel oil storage; and an existing 10,000-gallon No. 2 fuel oil aboveground storage tank.	✓	
(i)	Based on a Phase I Assessment, is a Phase II Assessment needed?		✓
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual, Chapter 13 See EAS "Water and Sewer Infrastructure" screening analysis.			
(a)	Would the project result in water demand of more than one million gallons per day?		✓
(b)	Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c)	Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 in Chapter 13?		✓
(d)	Does the proposed project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e)	Would the proposed project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f)	Would the proposed project be located in an area that is partially sewered or currently unsewered?		✓
(g)	Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h)	Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
(i)	If "Yes" to any of the above, conduct the appropriate preliminary analyses and attached supporting documentation.		

	YES	NO
11. SOLID WASTE AND SANITATION: CEQR Technical Manual, Chapter 14 See EAS "Solid Waste and Sanitation" screening analysis.		
(a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓
12. ENERGY: CEQR Technical Manual, Chapter 15 See EAS "Energy" screening analysis.		
(a) Would the proposed project affect the transmission or generation of energy?		✓
13. TRANSPORTATION: CEQR Technical Manual, Chapter 16 See EAS "Transportation" screening analysis.		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 in Chapter 16 for more information.		✓
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		✓
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		✓
14. AIR QUALITY: CEQR Technical Manual, Chapter 17 See Attachment C, "Air Quality."		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17? <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?		✓
(b) If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed)	✓	
(c) Does the proposed project involve multiple buildings on the project site?		✓
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
(f) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual, Chapter 18 See EAS "Greenhouse Gas Emissions" screening analysis.		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		
(c) If "Yes," attach supporting documentation to answer the following; Would the project be consistent with the City's GHG reduction goal?		
16. NOISE: CEQR Technical Manual, Chapter 19 See Attachment D, "Noise."		
(a) Would the proposed project generate or reroute the vehicular traffic?		✓
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line?	✓	
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	✓	
(d) Does the proposed project site have existing institutional controls (e.g., E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
(e) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: CEQR Technical Manual, Chapter 20 See EAS "Public Health" screening analysis.		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual, Chapter 21 See EAS "Neighborhood Character" screening analysis.		
(a) Based upon the analyses conducted for the following technical areas, check 'Yes' if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise.	✓	
(b) If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		

	YES	NO
19. CONSTRUCTION IMPACTS: CEQR Technical Manual, Chapter 22 See EAS "Construction Impacts" screening analysis. Would the project's construction activities involve (check all that apply):		
• Construction activities lasting longer than two years;		✓
• Construction activities within a Central Business District or along an arterial or major thoroughfare;	✓	
• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
• Closure of community facilities or disruption in its service;		✓
• Activities within 400 feet of a historic or cultural resource; or	✓	
• Disturbance of a site containing natural resources.		✓
<p>If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent or any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.</p> <p>See "Construction Impacts" section of the screening analyses.</p>		

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge or such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the

Elise Wagner of Kramer Levin Naftalis & Frankel LLP on behalf of New York University
APPLICANT/SPONSOR NAME OF THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: APPLICANT/REPRESENTATIVE or LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Elise Wagner of Kramer Levin Naftalis & Frankel LLP
APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:

Elise Wagner
SIGNATURE:

10/16/12
DATE:

PLEASE NOTE THAT APPLICANT MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Additional Technical Information for EAS Part II

All analyses have been prepared in accordance with the *City Environmental Quality Review (CEQR) Technical Manual* guidelines. A brief project description is provided on page 1a of the EAS form.

A. LAND USE, ZONING, AND PUBLIC POLICY

See Attachment A.

B. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may reasonably be expected to create substantial socioeconomic changes within the area affected by the project that would not occur in the absence of the project. Projects that would trigger a CEQR analysis include the following:

- Direct displacement of a residential population so that the socioeconomic profile of the neighborhood would be substantially altered. Displacement of less than 500 residents would not typically be expected to affect socioeconomic conditions in a neighborhood.
- Direct displacement of more than 100 employees; or the direct displacement of a business or institution that is unusually important as follows: it has a critical social or economic role in the community, it would have unusual difficulty in relocating successfully, it is of a type or in a location that makes it the subject of other regulations or publicly adopted plans aimed at its preservation, it serves a population uniquely dependent on its services in its present location, or it is particularly important to neighborhood character.
- Introduction of substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Such an action could lead to indirect displacement. Residential development of 200 units or fewer or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts.
- Projects that are expected to affect conditions within a specific industry, such as a citywide regulatory change that could adversely impact the economic and operational conditions of certain type of businesses.

The proposed action would allow the use of floors two through ten of NYU's 730 Broadway building for college or university uses. NYU expects to convert the fifth through tenth floors to academic space, including scientific research facilities, and to convert the second floor to academic space, teaching laboratories, and support spaces for other uses in the building. NYU expects to retain the student health services office on the third and fourth floors. In the future, NYU may use the building's second through tenth floors for other academic uses (not including dormitories). The proposed action would not displace any residents. It would relocate certain existing NYU-affiliated office uses to other NYU properties. The proposed project would not introduce any residents or result in any commercial development. Therefore, the proposed action does not meet the threshold for further analysis and would not result in any significant adverse impacts on socioeconomic conditions.

C. COMMUNITY FACILITIES

The *CEQR Technical Manual* states that a community facilities assessment is appropriate if an action would have a direct effect on a community facility, or if it would have an indirect effect by introducing new populations that would overburden existing facilities.

As explained below, the proposed action would not result in significant indirect effects on community facilities and services, such as public schools, libraries, hospitals, child care centers, or police and fire protection.

- **Schools:** The *CEQR Technical Manual* specifies that if a proposed action introduces more than 50 elementary and/or intermediate school students or 150 or more high school students who are expected to attend public schools, there may be a significant impact to educational facilities. The proposed action would not generate any residential units. Therefore, no further analysis is warranted.
- **Libraries:** The *CEQR Technical Manual* recommends an analysis of potential impacts to libraries if an action would increase the service population by more than 5 percent. The proposed action would result in a lower population than in the No Action condition, and would not generate any new residents. Therefore, further analysis is not necessary, and it is expected that there would be no significant adverse impacts to libraries.
- **Health Care Facilities:** The *CEQR Technical Manual* recommends an analysis of potential indirect impacts to public health care facilities if an action would introduce a sizeable new neighborhood. The proposed action would not generate any new residents. Therefore, further analysis is not necessary, and the proposed action would not result in significant adverse impacts to health care facilities.
- **Child Care Facilities:** The *CEQR Technical Manual* recommends an analysis of potential impacts to publicly funded group child care and Head Start centers if an action would generate more than 20 eligible children under age 6 and living in low/moderate-income residential units. As noted above, the proposed action would not generate any new low- or moderate-income residential units, and therefore further analysis is not necessary.
- **Police and Fire Protection:** The proposed action would not result in the direct displacement of a police or fire station, nor would it introduce a sizeable new neighborhood. Therefore, no further analysis is necessary.

The proposed action would have a direct effect on the uses in the 730 Broadway building, an NYU property already tenanted by NYU uses. However, with the proposed action, the use of floors two through ten would be Use Group 3 college or university uses. The proposed Use Group change would be consistent with other existing college and university uses already located in the study area. Therefore, although the proposed action would change some of the uses in the 730 Broadway building, it would not result in a significant adverse impact, and no further analysis is necessary.

D. OPEN SPACE

The *CEQR Technical Manual* requires an analysis of potential impacts on open space when a project would have a direct effect on open space, or when it would have an indirect effect by generating: more than 50 residents or 125 workers in an area identified as underserved for open space resources; more than 350 residents or 750 workers in an area identified as well-served; or more than 200 residents or 500 employees in an area not identified as either underserved or well-served for open space resources.

The project site for the proposed action does not contain any open space, and therefore, the proposed action would not have a direct effect on open space. The proposed action is located in an area of Manhattan Community District 2 that is considered underserved by existing open space resources. The proposed action would result in a lower population than in the No Action condition. Therefore, the proposed action does not warrant further analysis and would not result in any significant adverse open space impacts.

E. SHADOWS

According to the *CEQR Technical Manual*, a shadows assessment is warranted if a project would either result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more or be located adjacent to, or across the street from, a sunlight-sensitive resource. Sunlight-sensitive resources include publicly accessible open spaces, historic landscapes, historic resources with sunlight dependent features, and important natural features. There are no such resources that could be affected by the proposed project. Further, the proposed project would not result in a new structure of 50 feet or more. The tallest of the proposed rooftop mechanical equipment would be approximately 35 feet tall. In addition, because the 730 Broadway building is within the NoHo Historic District, the proposed rooftop mechanical equipment has been developed, and would be located, to limit its visibility from nearby vantage points so as to not adversely affect architectural resources. The proposed rooftop mechanical equipment is subject to the review and approval of the New York City Landmarks Preservation Commission (LPC) and would therefore, not adversely affect historic architectural resources. Therefore, the proposed project would not result in adverse shadows impacts and no further analysis is necessary.

F. HISTORIC AND CULTURAL RESOURCES

See Attachment B.

G. URBAN DESIGN AND VISUAL RESOURCES

As defined in the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open space, natural features, and wind and sunlight conditions. An urban design and visual resources analysis is required if a project requires actions that would result in physical changes to the project site beyond those allowable by existing zoning and which could be observed by a pedestrian from street level. The proposed action would allow the use of the 730 Broadway building's second through tenth floors for college and university uses. It would also involve the addition of new rooftop mechanical equipment. The proposed project would not obstruct publicly accessible views to visual resources. The use of floors two through ten with college or university uses would not result in any physical changes that could be observed by a pedestrian from street level or that would adversely affect the streetscape. Further, the proposed rooftop mechanical equipment would be of a height and at locations that would limit its visibility from the surrounding area as the equipment would have a maximum height of approximately 35 feet and would be located approximately 20 feet from the Broadway façade and approximately 16.5 feet from the Lafayette Street façade. In addition, because the project site is in a historic district, the proposed rooftop mechanical equipment is subject to LPC's review and approval. Therefore, the proposed project would not adversely affect urban design and visual resources and no further assessment is necessary.

H. NATURAL RESOURCES

A natural resources assessment is conducted when a natural resource is present on or near a development site and the proposed project may involve the direct or indirect disturbance of that resource. The *CEQR Technical Manual* defines natural resources as water resources, including surface water bodies and groundwater; wetlands, including freshwater and tidal wetlands; terrestrial resources, such as grasslands and thickets; shoreline resources, such as beaches, dunes, and bluffs; gardens and other ornamental landscaping; and natural resources that may be associated with built resources, such as old piers and other waterfront structures.

As described above, the project site is entirely occupied by a ten-story through-block building. As there are no natural resources on or near the project site, the proposed project would not result in a significant adverse natural resource impact. Therefore, no further analysis of natural resources is required.

I. HAZARDOUS MATERIALS

Asbestos investigations for previous renovation projects within the building identified the presence of asbestos in a variety of materials, e.g., vinyl floor tile and associated mastic. Some of these materials were subsequently removed (abated) whereas others remain and are managed in accordance with NYU's university wide *Asbestos Management Plan*. To the extent that the proposed project requires disturbance of areas not previously investigated/abated, new investigations would be required followed by pre-construction abatement of identified asbestos containing materials (ACM). Both the investigations and the abatement would be performed in accordance with applicable federal, state, and City regulatory requirements which serve to prevent workers' and the public's exposure to asbestos, including the use of proper personal protective equipment by the workers, isolation of the abatement area, applying water to control dust, and third-party air monitoring to ensure that no asbestos escapes the work area.

J. WATER AND SEWER INFRASTRUCTURE

A CEQR water and sewer infrastructure assessment analyzes whether a project may adversely affect the City's water distribution or sewer system and, if so, assess the effects of such projects to determine whether their impact is significant, and present potential mitigation strategies and alternatives. According to the *CEQR Technical Manual*, only projects that increase density or change drainage conditions on a large site require a water and sewer infrastructure analysis.

A water supply assessment would be required for projects with an exceptionally large demand for water (over 1 million gallons per day) or for projects located in an area that experiences low water pressure (such as Coney Island and the Rockaway Peninsula). In addition, a wastewater and storm water conveyance and treatment analysis would be necessary if the project:

- Is located in a combined sewer area and would result in over 1,000 residential units or 250,000 sf of commercial use in Manhattan, or 400 residential units or 150,000 sf of commercial use in all other boroughs;
- Is located in a separately sewered area and would exceed: 25 residential units or 50,000 sf of commercial use in R1, R2, or R3 districts; 50 residential units or 100,000 sf of commercial use in R4 or R5 districts; 100 residential units or 100,000 sf of commercial use in all other zoning districts;
- Is located in an area that is partially sewered or currently unsewered;
- Involves development on a site 5 acres or larger where the amount of impervious surface would increase;

- Would involve development on a site 1 acre or larger where the amount of impervious surface would increase and is located in the Jamaica Bay watershed or specific drainage areas (Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchison River, Newtown Creek, Westchester Creek); or
- Would involve construction of a new storm water outfall that requires federal and/or state permits.

The development of the proposed action would be well below the 1 million gpd water consumption threshold set forth in *CEQR*. Further, the proposed action is located in a combined sewer area of Manhattan and would be below the commercial use threshold set forth for wastewater and storm water analysis in *CEQR* (although the proposed development is for community facility, not commercial, use). As the project site is currently developed and the proposed action would be limited to a change in Use Group of an existing building, the proposed action would not result in development of a site 5 acres or larger where the amount of impervious surface would increase. The proposed action would also not require the construction of a new storm water outfall. Therefore, the proposed action would not result in any significant impacts on water and sewer infrastructure, and no further analysis is necessary.

K. SOLID WASTE AND SANITATION SERVICES

The solid waste generated by the proposed change in Use Group affecting floors two through ten of the 730 Broadway building would not substantially increase the demand for solid waste and sanitation services.

L. ENERGY

As described in the *CEQR Technical Manual*, all new structures requiring heating and cooling are subject to the New York City Energy Conservation Code. Therefore, the need for a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. The proposed project would not significantly affect the transmission or generation of energy as the proposed action would result in a Use Group change within an existing building.

M. TRANSPORTATION

As described in the project description on page 1a, the proposed project would result in a decrease in population on the project site as compared to the No Action condition (see **Table 1** on page 1c of the project description). Since the lower population would result in lesser overall trip-making, the proposed action would generate fewer than 50 incremental vehicle trips and fewer than 200 incremental transit or pedestrian trips, the *CEQR Technical Manual* thresholds requiring additional transportation-related analyses. In addition, the majority of the students would already be in the NYU vicinity and would not generate new trips to the study area. Therefore, no further detailed analyses of transportation conditions are warranted and the proposed action would not result in any significant adverse transportation impacts.

N. AIR QUALITY

See Attachment C.

O. GREENHOUSE GAS EMISSIONS

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in

temperature, and changes in precipitation levels. According to the *CEQR Technical Manual*, GHG assessments are appropriate for projects with the greatest potential to produce GHG emissions that may result in inconsistencies with the City's GHG reduction goal to a degree considered significant. In addition, actions that fundamentally change the City's waste management system, such as city capital projects, power generation projects, and regulations, may also need to be analyzed. The proposed action would not be expected to produce GHG emissions of a level inconsistent with the City's GHG reduction goal, nor would it change the City's waste management system. Furthermore, a GHG emissions assessment is not warranted for projects that do not require preparation of an Environmental Impact Statement (EIS), such as the proposed action. Therefore, no further analysis is warranted, and the proposed action would not result in any significant adverse impacts related to GHG emissions.

P. NOISE

See Attachment D.

Q. PUBLIC HEALTH

According to the *CEQR Technical Manual*, public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Public health may be jeopardized by poor air quality resulting from traffic or stationary sources, hazardous materials in soil or groundwater used for drinking water, significant adverse impacts related to noise or odors, solid waste management practices that attract vermin and pest populations. Detailed public health analysis is warranted for projects with identified unmitigated adverse impacts in air quality, water quality, hazardous materials, or noise.

The proposed action is not expected to result in any significant adverse impacts to air quality, water quality, hazardous materials, or noise. No exceedance of federal, state, or city standards would occur as a result of the proposed action. Therefore, the proposed action would not result in any significant adverse impacts to public health, and no further analysis is warranted.

R. NEIGHBORHOOD CHARACTER

As defined in the *CEQR Technical Manual*, neighborhood character is considered to be an amalgam of the various elements that define a neighborhood's distinct personality. These elements may include a neighborhood's land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. An assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in any of the technical areas listed above, or when the project may have moderate effects on several of the elements that define a neighborhood's character. As shown in Attachment A, "Land Use, Zoning, and Public Policy," Attachment B, "Historic and Cultural Resources," Attachment C, "Air Quality," and Attachment D, "Noise," and in the screening analyses for Urban Design and Visual Resources, Socioeconomic Conditions, and Transportation, the proposed project would not have significant adverse impacts or result in any moderate effects in these technical areas or other areas related to neighborhood character. Therefore, the proposed project would not result in any significant adverse neighborhood character impacts and a detailed neighborhood character analysis of is not warranted.

S. CONSTRUCTION IMPACTS

According to the *CEQR Technical Manual*, construction impacts may occur when a proposed project's construction is of a long-term duration (two years or more) or directly impacts the socioeconomic conditions of an area, community facilities, land use, neighborhood character, or

infrastructure. Construction-related traffic impacts may also occur when a project site is located in a Central Business District or along an arterial or major thoroughfare. The construction of the proposed project would occur for approximately 12 months, to be completed in 2013. Construction activities associated with the proposed project would result in occasional localized increases in noise and dust during the construction period. Although the project site is in a Central Business District with the building's primary façade on Broadway, the project's limited construction activities would primarily be limited to interior spaces on floors two through ten and on the building's rooftop. Construction staging would be located on the building's Lafayette Street side. Construction activities would likely include the use of sidewalk sheds and protective netting, along with the temporary closure of sidewalks and curb lanes along the project site's Lafayette Street frontage. Such activities are typical of any construction or renovation project, and these effects would not be considered significant. Given that construction would be limited and the duration of such construction activities would be temporary, no significant adverse impacts are expected. Moreover, all appropriate fugitive dust control measures would be employed to reduce the generation and spread of dust. Overall, the effects of construction activities would be limited and short term and would not be considered significant.

Construction noise is regulated by the New York City Noise Control Code and by the U.S. Environmental Protection Agency (EPA) noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards. Except under exceptional circumstances, construction activities must be limited to weekdays between the hours of 7 AM and 6 PM. Construction materials would be handled and transported in such a manner as to not create any unnecessary noise. Compliance with those noise control measures would be ensured by including them in the contract documents as materials specification and by directives to the construction contractors.

As described in Attachment B, "Historic and Cultural Resources," the proposed project would involve direct physical alterations to the interior and rooftop of the 730 Broadway building, an architectural resource located within the NoHo Historic District, resulting in construction-period impacts on this architectural resource. Therefore, the client, in coordination with a professional engineer, would develop and implement a Construction Protection Plan (CPP) for the 730 Broadway building to avoid inadvertent adverse construction-period impacts, such as falling debris and damage from heavy machinery. The CPP would be developed in consultation with LPC and would be implemented prior to the proposed rooftop construction activities on the 730 Broadway building. The CPP would follow the guidelines established in Section 523 of the *CEQR Technical Manual* including conforming with LPC's *Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. The CPP would also adhere to the requirements set forth in the Department of Building's TPPN #10/88 concerning procedures for the avoidance of damage to architectural resources from nearby construction.

Therefore, the proposed project would not be expected to result in any significant adverse construction-period impacts and no further analysis of construction impacts is warranted in the EAS.

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS:

In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude

**Potential
Significant
Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy		
Socioeconomic Conditions		
Community Facilities and Services		
Open Space		
Shadows		
Historic and Cultural Resources		
Urban Design/Visual Resources		
Natural Resources		
Hazardous Materials		
Water and Sewer Infrastructure		
Solid Waste and Sanitation Services		
Energy		
Transportation		
Air Quality		
Greenhouse Gas Emissions		
Noise		
Public Health		
Neighborhood Character		
Construction Impacts		

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.

3. LEAD AGENCY'S CERTIFICATION

_____ TITLE

_____ LEAD AGENCY

_____ NAME

_____ SIGNATURE

- Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.**
- Issue *Conditional Negative Declaration***
 A ***Conditional Negative Declaration*** (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR Part 617.
- Issue *Positive Declaration* and proceed to a draft scope of work for the Environmental Impact Statement.**
 If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a Positive Declaration.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the [] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

_____ TITLE

_____ LEAD AGENCY

_____ NAME

_____ SIGNATURE

A. INTRODUCTION

The applicant, New York University (NYU), proposes to convert floors two through ten of the project site, the ten-story building at 726-730 Broadway/418-426 Lafayette Street (“730 Broadway”), which is owned by the university, from its current office use (Use Group UG 6) to college or university uses (Use Group 3). To facilitate the development of the proposed project, NYU is requesting a New York City Board of Standards and Appeals (BSA) use variance to allow Use Group 3 college or university uses on floors two through ten of the project site.

This section assesses the potential impacts of the proposed action on land use, zoning, and public policy for the project site and for the surrounding 400-foot study area (see **Figure A-1**). The analysis compares the probable impacts of the proposed action to the impacts of the No Action scenario, which assumes the project site will continue to be occupied by conforming university-related Use Group 6 uses. The analysis concludes that the proposed project would be compatible with the uses in the surrounding study area, and would not result in any significant adverse impacts to land use, zoning, or public policy.

B. EXISTING CONDITIONS

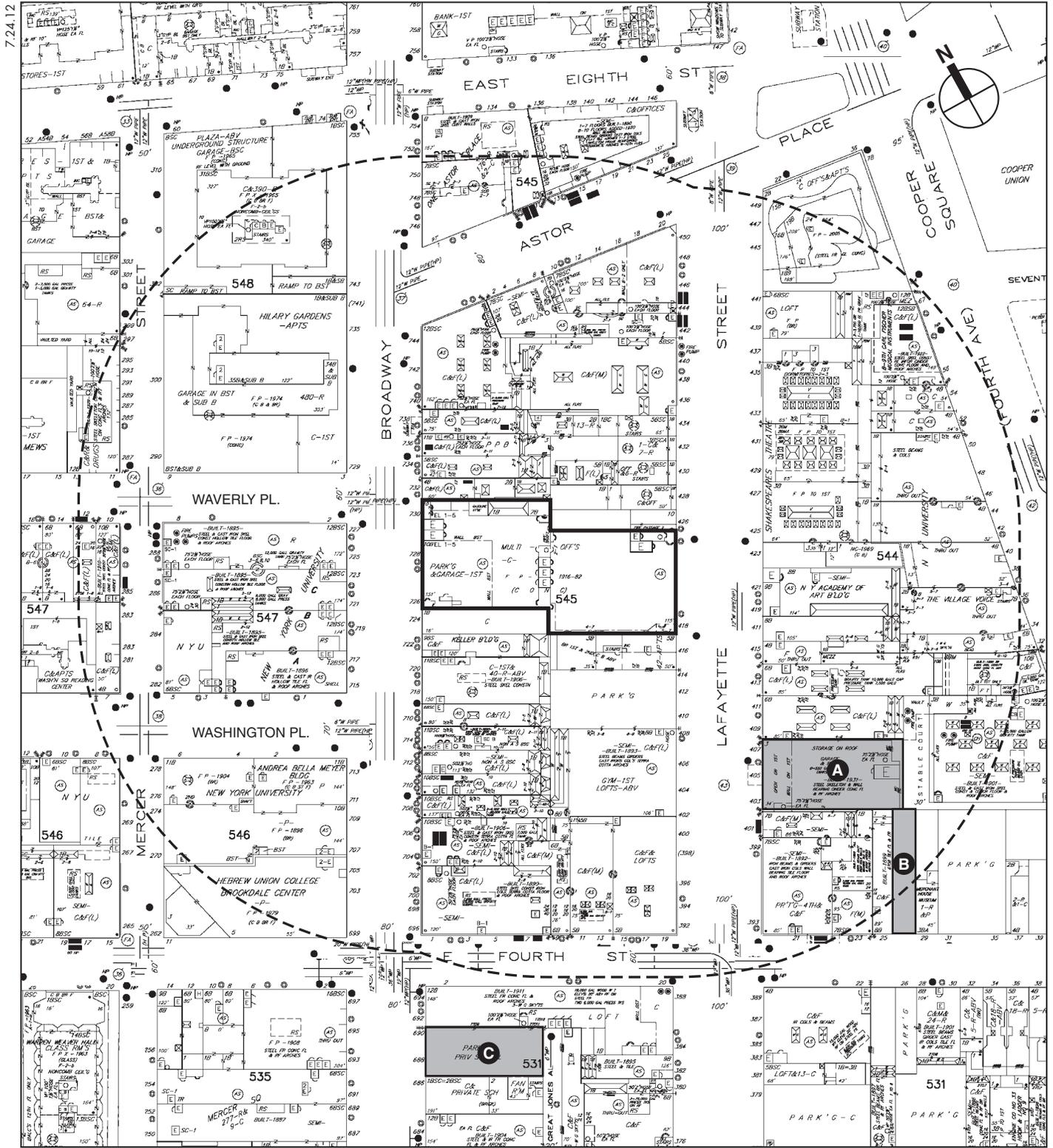
LAND USE

PROJECT SITE

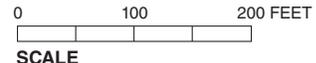
The project site is currently occupied by a through-block ten-story building, and is located in the middle of the block bounded by Astor Place to the north, East 4th Street to the south, Lafayette Street to the east, and Broadway to the west. Existing uses in the building include the NYU Bookstore with a café on the ground floor and, on the second through tenth floors, a University health service offices, administrative offices, and academic departmental office space.

STUDY AREA

The study area contains a mix of commercial, institutional, and residential uses (see **Figure A-2**). Many study area buildings have commercial uses on the ground floor. Retail uses include chain stores, delis, restaurants, and clothing boutiques. Local retail uses are concentrated on Broadway and East 8th Street, and portions of Waverley Place, Astor Place, and Lafayette Street. There are large retail stores on Astor Place and Lafayette Street, including the K-mart at 22 Astor Place and the Walgreens drug store at the southwest corner of Lafayette Street and Astor Place. Commercial office uses are generally located in the upper floors of buildings on Broadway, Lafayette Street, and Astor Place. There are also several entertainment uses in the study area. The Public Theater, located across Lafayette Street from the project site, contains five theater performance spaces of different sizes, each seating between 50 to 200 people. The



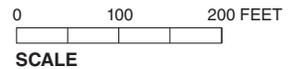
-  Project Site Boundary
-  Study Area Boundary (400-Foot Perimeter)
-  No Build Project





- Project Site
- 400-Foot Study Area
- Residential/JLWQ
- Residential/JLWQ with Commercial Below
- Hotels
- Commercial and Office Buildings
- Industrial and Manufacturing

- Transportation and Utility
- Public Facilities and Institutions
- Open Space and Outdoor Recreation
- Parking Facilities
- Vacant Land
- Vacant Building



Blue Man Group performs at the Astor Place Theater, located north of the project site at 434 Lafayette Street.

A number of institutional buildings are also in the study area, most of which are occupied by NYU. NYU uses include: the Tisch School of the Arts at 721 Broadway; the buildings on the blocks bounded by Waverly Place, West 4th Street, Mercer Street, and Broadway in the western part of the study area. Other institutional buildings include the Hebrew Union College's Brookdale Center at 1 West 4th Street and, located just outside the study area, the Cooper Union on the east side of Cooper Square.

Residential uses in the study area include: loft-style residential units in buildings east of Broadway; a seven-story apartment building at 15 Washington Place; a 31-story residential building at 60 East 8th Street that dates from 1965; and a 21-story condominium building with ground floor retail uses at 22 Astor Place that was built in 2005.

ZONING AND PUBLIC POLICY

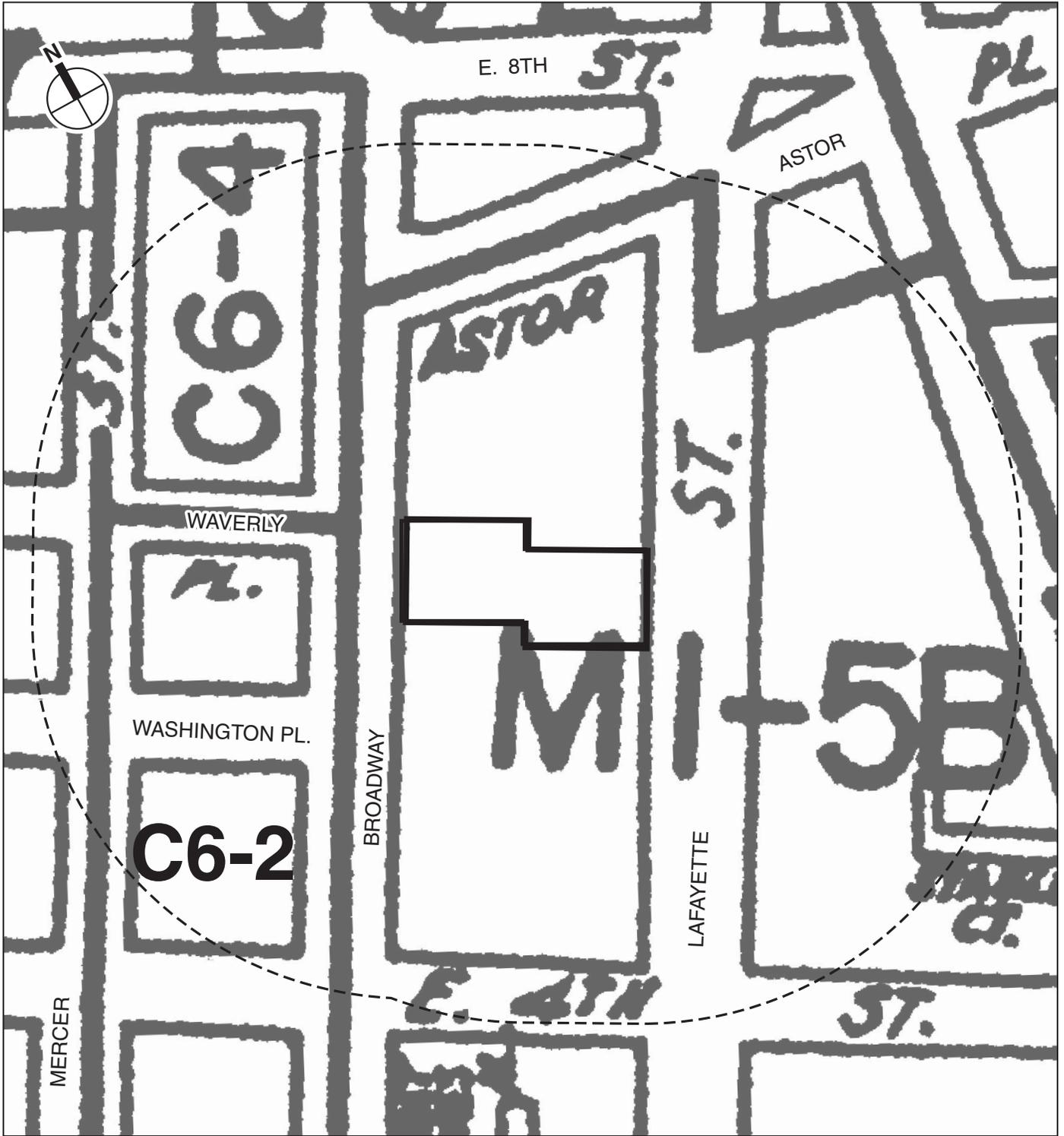
PROJECT SITE

The project site is located within a M1-5B zoning district (see **Figure A-3**). M1-5B districts are light manufacturing, high-performance districts that serve as a buffer to adjacent residential and commercial districts. In addition to manufacturing uses, certain commercial uses are also permitted in this district. The maximum floor area ratio (FAR) for commercial and manufacturing uses is 5.0. Most community facilities uses are allowed in M1-5B districts only by special permit from the New York City Planning Commission (CPC) or BSA. The maximum FAR for the limited types of community facilities permitted in M1-5 districts is 6.5.

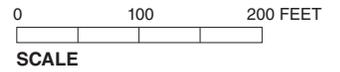
M1-5B zoning districts mapped in NoHo also contain special provisions allowing conversion of some manufacturing buildings to artists' quarters. M1-5B district lofts cannot be converted to solely residential use, but may be occupied as Joint Live-Work Quarters for Artists (JLWQAs) by artists certified by the City's Department of Cultural Affairs. Conversions of these loft spaces from manufacturing to other uses, both on the ground floors and upper stories, generally require a special permit or authorization from the City Planning Commission (CPC). There are also restrictions on retail and other commercial uses below the second story. Uses such as high-performance manufacturing and non-commercial art galleries are permitted, but heavy manufacturing is prohibited.

Prior to NYU's ownership of the building, the project site was the subject of a February 5, 1980 BSA variance which waived certain bulk regulations to allow a three-story enlargement to the existing manufacturing building. During the 1980s, the building was converted to office use (other than the ground floor). NYU purchased the building in 2008. In 2009, BSA issued a letter of substantial compliance approving revised plans reflecting Use Group 6 retail use on the ground floor and Use Group 6 office use on floors two through ten, as well as a consolidation of the loading berths and related spaces.

The project site is also within the boundaries of the NoHo Historic District, a New York City historic district (NYCL). New York City Landmarks Preservation Commission (LPC) approval is required for exterior alterations to buildings within the historic district.



-  Project Site Boundary
-  Study Area Boundary (400-Foot Perimeter)
-  Zoning District Boundary



STUDY AREA

While most of the study area is zoned M1-5B, other zoning districts in the study area are C6-2, C6-4, and R7-2 (see **Figure A-3**). These districts are summarized in Table A-1, and described below.

C6 zoning districts are high-density commercial districts generally well served by mass transit. C6-2 districts allow a maximum commercial FAR of 6.0, a community facility FAR of 6.5, and a residential FAR of 6.0. There is a C6-2 district north of Astor Place, and an additional C6-2 district located south of Waverly Place, west of Broadway, and east of Mercer Street. C6-4 districts allow a maximum FAR of 10.0 for commercial, residential and community facility uses. There is a C6-4 district in the study area that is bounded by East 8th Street, Waverly Place, Broadway, and Mercer Street.

R7-2 districts are medium density residential districts that allow residential uses at a maximum FAR of 3.44, and community facility uses at a maximum FAR of 6.5. There is a R7-2 district located to the west of Mercer Street.

**Table A-1
Zoning Districts in the 400-foot Study Area**

Zoning District	Maximum FAR¹	Uses/Zone Type
M1-5B	5.0 commercial or manufacturing; 6.5 community facility (use group 4 only) ²	Medium-density light industrial uses (high performance), commercial, and certain community facilities (for loft areas). Limited residential use allowed as Joint Living-Work Quarters for Artists and by special permit.
C6-2	6.0 (7.2 with plaza bonus) commercial; 0.94-6.02 residential; 6.5 (7.2 with plaza bonus) community facility	Medium-density general central commercial district; residential and community facility allowed
C6-4	6.0 (7.2 with plaza bonus) commercial; 0.99-7.52 residential; 10.0 (12.0 with plaza bonus) community facility	High-density general central commercial district; residential and community facility allowed
R7-2	0.87 to 3.44 residential; 6.5 community facility	General residence district. Medium density residential, community facility.
Notes:	¹ Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet. ² Use group 4A by Special Permit only.	
Sources:	<i>New York City Zoning Resolution.</i>	

C. FUTURE WITHOUT THE PROPOSED ACTION

PROJECT SITE

LAND USE

In the absence of the proposed BSA variance, the 730 Broadway building will continue to be used by conforming Use Group 6 university-related uses.

ZONING AND PUBLIC POLICY

No changes to zoning or public policy on the project site are expected in the Future Without the Proposed Action by 2013.

STUDY AREA

LAND USE

Three development projects are expected to be built within, or adjacent to, the study area by the 2013 analysis year (see **Table A-2** and **Figure A-1**). A new residential building containing 40 units will be developed east of the project site at 403 Lafayette Street. Located southeast of the project site at 27 East 4th Street is the site of a planned new nine-story hotel building. The NYU Core expansion project is not included in this No Build list as it will be developed after the 2013 analysis year, and is largely not within the 400-foot study area. Just outside the study area south of the project site, a mixed-use development containing residential and commercial uses will be developed at 688 Broadway.

Table A-2
Planned Projects Within or Near the 400-foot Study Area by 2013

Ref. No.	Project Location	Program/Uses	Build Year
A	403 Lafayette Street	New residential development containing 40 units	By 2013
B	27 East 4th Street	New nine-story hotel	TBD
C	688 Broadway	Mixed-use development with 31,000 sf residential uses and 5,000 sf commercial uses	By 2013

Sources: AKRF field surveys; NYU; New York City Department of Buildings (DOB).

ZONING AND PUBLIC POLICY

No changes to zoning or public policy within the 400-foot study area are anticipated in the Future Without the Proposed Action by 2013.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

LAND USE

PROJECT SITE

With the proposed action, NYU would convert the 730 Broadway building’s second through tenth floors from the current office uses (Use Group 6) to college or university uses (Use Group 3). NYU expects to convert the fifth through tenth floors to academic space, including scientific research facilities, and the second floor would be converted to academic space, including teaching laboratories and support spaces for other uses in the building. The scientific research facilities on the fifth through tenth floors could include wet labs. NYU expects to retain the student health service offices on the third and fourth floors. Though this office use is permitted as Use Group 6 offices, it would more appropriately be characterized as a Use Group 3 college or university use because of the university functions and populations that it serves. In the future, NYU may use the building’s second through tenth floors for other academic uses (not including dormitories). The building’s ground floor would continue to be used as for a Use Group 6 retail store and Use Group 17 shipping. The proposed project would result in a reduction in office uses

(Use Group 6) on the project site, and an increase in college or university uses, specifically scientific research facilities, possibly including wet labs. The conversion of portions of the existing building to accommodate scientific research facilities would require additional mechanical systems and new rooftop mechanical equipment which would be subject to the approval of the Landmarks Preservation Commission (LPC).

STUDY AREA

The proposed project would not result in an adverse land use impact in the study area. The proposed Use Group 3 uses would be compatible with existing land uses in the study area, which include a mix of commercial, institutional, and residential uses. Although the project site does not currently include Use Group 3 college or university uses, the study area contains a large number of such uses, including NYU college and university uses on the west side of Broadway, and college and university uses affiliated with Cooper Union on both sides of Fourth Avenue, including some such uses just outside the study area on the east side of Cooper Square. The modification in use in a portion of the existing 730 Broadway building would have a minimal effect on existing land use conditions in the study area.

The proposed project would retain and reuse the existing building on the project site, and therefore, would not result in development that would be physically incompatible with the study area. The proposed mechanical equipment that would be added to the building's rooftop would not substantially alter the physical appearance of the project site building. Overall, the proposed action would not adversely affect the land use character of the study area and would not result in any significant adverse land use impacts.

ZONING AND PUBLIC POLICY

The proposed project would not result in any façade changes to the project site building. Further, because the 730 Broadway building is within the NoHo Historic District, NYU would obtain LPC's approval regarding the proposed changes to the building's rooftop mechanical equipment, in accordance with public policy.

The proposed Use Group 3 uses would not change any public policies applicable to the project site or study area.

Overall, the proposed project would not result in significant adverse impacts to zoning or public policy. *

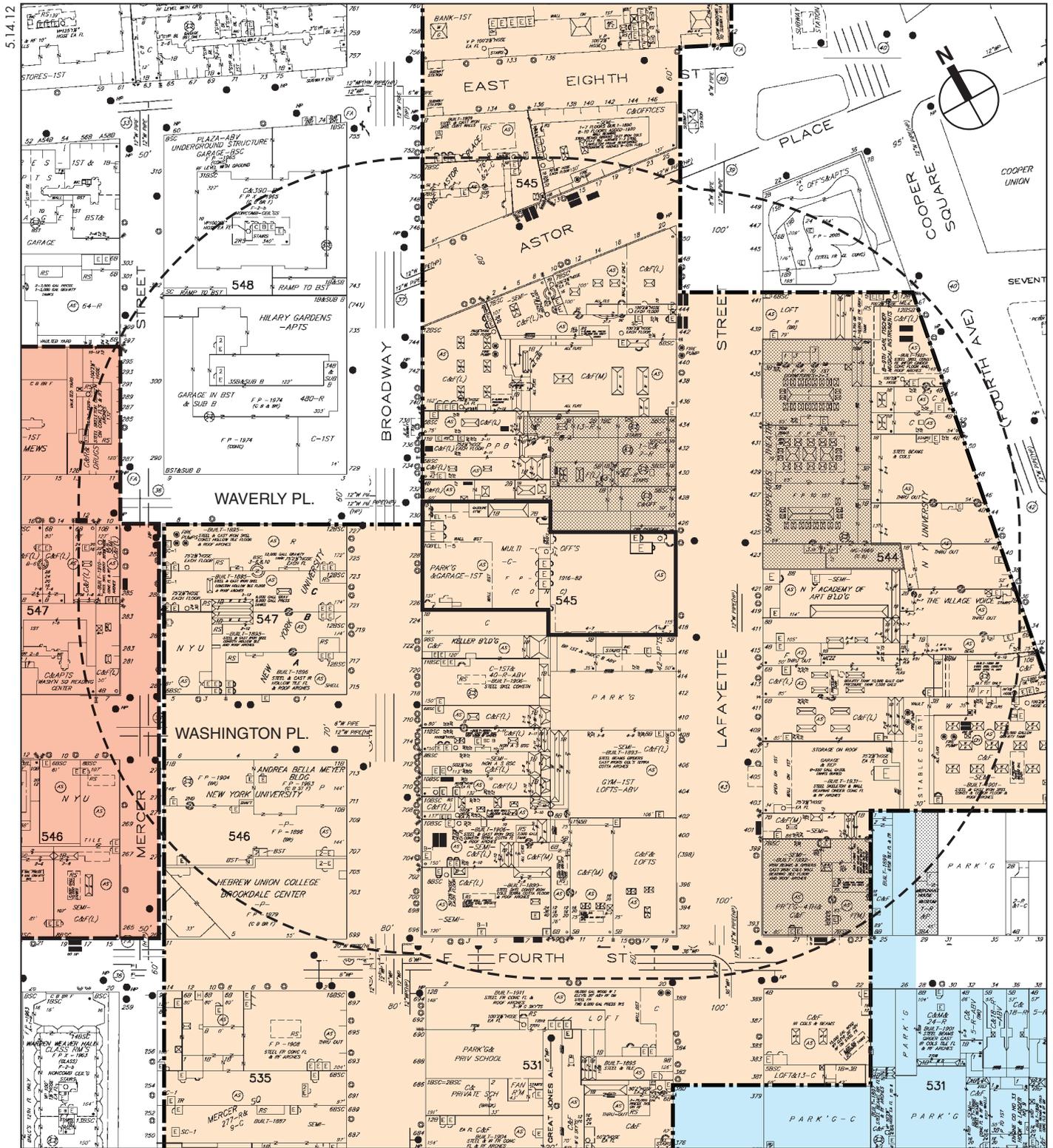
A. INTRODUCTION

This section assesses the potential for the proposed project to affect historic and cultural resources which include archaeological and architectural resources. The project site is occupied by the ten-story through-block building at 726-730 Broadway/418-426 Lafayette Street (“730 Broadway”), a contributing building within the NoHo (North of Houston) Historic District (State/National Register-eligible [S/NR-eligible], New York City Landmark [NYCL]), described below (see **Figure B-1**).

Because the proposed project would not involve any in-ground disturbance, there are no archaeological concerns for the project site. Therefore, this historic and cultural resources analysis focuses on standing structures only.

In general potential impacts to architectural resources can include both direct physical effects and indirect, contextual effects. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource could also be damaged from vibration (i.e., from construction blasting or pile driving) and additional damage from adjacent construction that could occur from falling objects, subsidence, collapse, or damage from construction machinery. Adjacent construction is defined as any construction activity that would occur within 90 feet of an historic resource, as defined in the New York City Department of Building (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88.¹ Contextual impacts can include the isolation of a property from its surrounding environment, or the introduction of audible, or atmospheric elements that are out of character with a property of that alter its setting. For this project, the architectural resources study area has been defined following the guidelines of the *City Environmental Quality Review (CEQR) Technical Manual*, as being within 400 feet of the project site (see **Figure B-1**). Within the study area, architectural resources that were analyzed include properties listed on the State/National Registers of Historic Places (S/NR) or properties determined eligible for such listing (S/NR-eligible), NYCLs and Historic Districts (NYCHDs), and properties determined eligible for landmark status (“known architectural resources”). Additionally, a survey was conducted to identify any previously undesignated properties that appeared to meet S/NR or NYCL eligibility (“potential architectural resources”), though no such resources were identified.

¹ TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.



— Project Site Boundary

- - - Study Area Boundary (400-Foot Perimeter)

➔ Photograph View Direction and Reference Number

▭ NoHo Historic District (S/NR-Eligible, NYCL)

▭ NoHo Historic District Extension (NYCL)

▭ Potential NoHo Historic District Expansion Boundary (S/NR-Eligible)

▭ Individually Designated Architectural Resource

0 100 200 FEET
SCALE

Project Location Map
Figure B-1

B. EXISTING CONDITIONS

PROJECT SITE

The ten-story, Neo-Classical-style through-block building occupies the entire project site and is a contributing building within the NoHo Historic District, described below. This building was designed by Philadelphia-based architects William Steele & Sons and was constructed in 1917-1919 for John Wanamaker as part of the Wanamaker department store, described below. The building was built as a seven-story garage, factory, and warehouse for the Wanamaker department store (see **Figures B-2 and B-3**) which had its two main retail buildings two blocks north, also on Broadway. The 730 Broadway building was used for the storage of Wanamaker's delivery trucks on the building's first through third floors, with carpenters' and upholsterers' shops, and workshops for repairing and tuning pianos on the upper floors.

John Wanamaker founded the Wanamaker department store in Philadelphia in 1869. The company expanded to New York City in 1896, occupying the former A.T. Stewart store on Broadway between East 9th and 10th Streets, which has since been demolished. In 1905-1907 Wanamaker built a 14-story emporium as an annex to the former A.T. Stewart store. This new building, located at 756-770 Broadway—currently occupied by Kmart, other retail, and offices—is also a contributing building within the NoHo Historic District. The Wanamaker department store closed in 1955; the company's north building was destroyed by a fire later that same year.

In 1955 the 730 Broadway building's second and third floor garage was converted to office space. The ground floor continued to be used as a garage with a gas service station. By the mid-20th century Wanamaker's was leasing the building's garage levels to the United Parcel Service (UPS). The building was significantly altered in the early 1980s when three floors were added to the building, enlarging the building from seven to ten floors. Later in the 1980s, the building was converted to office space, with retail and shipping on the ground floor.

The 730 Broadway building's Broadway façade has six bays. The two-story terra cotta and granite-faced base has rusticated piers and non-historic storefront infill. The building is faced in brown brick with projecting piers with quoins and terra cotta lintels that form continuous bands across the street façades at each floor. The building has decorative terra cotta elements and a bracketed roof cornice at the seventh floor (the building's original top floor). Floors eight through ten were added to the building in 1982 and are faced in brown brick with concrete lintels that form continuous bands. These floors have few decorative elements. The building's Lafayette Street façade has eight bays and also has a two-story base with rusticated piers. It has three freight entrances at the south bays, a freight entrance at the north bay, and non-historic lobby entrances with granite cladding at two of its center bays. The upper floors are similar in design to the Broadway façade. The building's windows are aluminum and date to the building's 1982 renovation and rooftop addition (see **Figures B-2 and B-3**).

STUDY AREA

Most of the study area is within the boundaries of the **NoHo Historic District**, which is roughly bounded by East 9th and 7th Streets on the north, Cooper Square and Lafayette Street on the east, East Houston Street on the south, and Mercer Street on the west (see **Figure B-1**). The historic district is characterized by varied streetscapes, with most buildings dating from the 1820s through the 1910s that reflect a broad range of materials and architectural styles. Although



730 Broadway/418-426 Lafayette Street—Broadway Façade
(1939 Tax Photo) 1



730 Broadway/418-426 Lafayette Street—Broadway Façade
(Current View) 2



730 Broadway/418-426 Lafayette Street—Lafayette Street Façade (Current View) 3

the historic district includes smaller residential buildings, most buildings in the historic district, particularly along Broadway and Lafayette Street, are store and loft buildings or warehouses built between 1850 and 1910 (see Views 4 and 5 of **Figure B-4**). Three properties within the historic district are also individually-designated architectural resources—La Grange Terrace/Colonnade Row, the former Astor Library, and the De Vinne Press Building, which are described below.

The four Greek Revival buildings at 428-434 Lafayette Street are known as **La Grange Terrace/Colonnade Row** (NYCL). These three- to five-story buildings were built in 1832-1833 for Seth Greer, the original owner who is also attributed with their design. A two-story Corinthian colonnade above the first-story unifies the four houses (see View 6 of **Figure B-5**). These four houses remain from a row of nine Greek Revival marble-faced residences that were among the grandest dwellings in New York at the time of their completion.

The three- and four-story former **Astor Library** (S/NR, NYCL) is located at 423-437 Lafayette Street (see View 7 of **Figure B-5**). The building's south wing dates from 1849-1853 (architect Alexander Saeltzer); the center section from 1856-1859 (architect Griffith Thomas); and the north wing from 1879-1881 (architect Thomas Stent). This early Romanesque Revival-style red brick and brownstone building has 15 bays arranged in three similar horizontal sections with a rusticated brownstone base and a brick upper façade with brownstone panels. The building's windows are arched. The fourth floor rises above the central section with an open parapet topped by finials. This building, built with a bequest from John Jacob Astor, was New York's first public library broadly accessible to the public.

The seven-story Romanesque Revival-style **De Vinne Press Building** (S/NR, NYCL) at 393-399 Lafayette Street was designed by architects Babb, Cook, and Willard. This orange brick building with terra cotta detailing was built in 1885-1886 and has an 1890-1891 addition (see View 8 of **Figure B-6**). It was built as a printing house where magazines—including *The Century* and *Scribner's Monthly*—were printed. The building has recessed window openings, with prominent multi-story arched windows on both its Lafayette Street and East 4th Street façades.

Two buildings in the study area are located within the boundaries of the **NoHo Historic District Extension** (NYCL). The buildings in this historic district were developed between the early 19th and early 20th centuries. The historic district is characterized by mid-rise store-and-loft buildings. The two study area buildings in this historic district are located at 25 and 29 East 4th Street. The eight-story loft building at 25 East 4th Street was built in 1899. It has three window bays and is faced in buff-colored brick and terra cotta (see View 8 of **Figure B-6**). The **Old Merchant's House** (S/NR, NYCL—exterior and interior) at 29 East 4th Street—also known as the Seabury Tredwell House—is located within the NoHo Historic District Extension. The house was built on speculation as part of a row of six identical dwellings (see View 9 of **Figure B-6**). This Federal style three-and-a-half-story row house has a sloping roof with dormers.

The study area west of Mercer Street is within the **Potential NoHo Historic District Expansion** (S/NR-eligible). In 2007 as part of an environmental review for a separate project, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) determined that the Potential NoHo Historic District Expansion meets National Register Criterion A for its association with the area's commercial history and Criterion C for architectural design. In making its determination, OPRHP noted that the district “represents the period in NYC's commercial history from the mid-nineteenth century to the early 1900s when this part of the city prospered as a major retail and wholesale dry goods center” (see Views 10 and 11 of **Figure B-7**).



NoHo Historic District—View southeast on Lafayette Street 4



NoHo Historic District—View southwest on Broadway 5



LaGrange Terrace/Colonnade Row—428-434 Lafayette Street 6



Former Astor Library—423-437 Lafayette Street 7



De Vinne Press Building—393-399 Lafayette Street 8



Old Merchant's House/Seabury Tredwell House—
29 East 4th Street 9



Potential NoHo Historic District Expansion—View northwest on Mercer Street 10



Potential NoHo Historic District Expansion—
View southwest on Mercer Street 11

C. THE FUTURE WITHOUT THE PROPOSED ACTION

PROJECT SITE

In the future without the proposed action, the No Action scenario assumes the project site will continue to be occupied by conforming university-related Use Group 6 uses. Since the project site building is located in the NoHo Historic District, should any changes be made to the exterior of the building, any such changes will be subject to LPC's review and approval for appropriateness.

STUDY AREA

A new residential building containing 40 units will be developed at 403 Lafayette Street, replacing a three-story garage building. In addition, a nine-story hotel building is planned for construction at 27 East 4th Street, replacing a one-story garage building. Because these two sites are located within the NoHo Historic District, the buildings' designs are subject to LPC's review and approval. It is possible that other architectural resources located within the NoHo Historic District within 90 feet of these development sites could be adversely affected through construction-related activities. DOB's *TPPN #10/88* would provide protection measures for these structures.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

PROJECT SITE

The proposed variance would allow NYU to use the 730 Broadway building's second through tenth floors for college and university uses. The change in use would not adversely affect this architectural resource as the proposed project would not result in alterations to the building's facades. The proposed changes to the building's rooftop mechanical equipment would be visible from certain vantage points in the study area, however, these changes to the building's rooftop would not be substantially alter the building. Further, because 730 Broadway is a contributing building within the NoHo Historic District, the proposed changes to the building's rooftop mechanical equipment would be reviewed by the New York City Landmarks Preservation Commission (LPC) ensuring that the proposed work would be appropriate to the historic character of the building. With LPC's review and approval, the proposed actions would not result in any adverse impacts to this architectural resource.

To avoid the potential for inadvertent adverse physical impacts to the 730 Broadway building during construction of the proposed rooftop mechanicals—such as falling debris and damage from heavy machinery—NYU, in coordination with a professional engineer, would develop and implement a CPP in consultation with LPC prior to construction. The CPP would follow the requirements established in the DOB's *TPPN #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction. The CPP would also follow the guidelines set forth in Section 523 of the *CEQR Technical Manual*, including conformance with LPC's *Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*.

STUDY AREA

As described above, most of the study area is within the NoHo Historic District and a small portion of the study area is within the NoHo Historic District Extension. Because the proposed project would be largely limited to interior alterations and modifications to the building's rooftop mechanicals, the proposed project would not be expected to adversely affect nearby historic architectural resources. Further, all buildings are provided some protection from accidental damage through DOB controls that govern the protection of adjacent properties from construction activities under Building Code Section BC 3309: Protection of Adjoining Property. For all construction work, Building Code Section BC 3309 serves to protect all adjacent properties from excavation, filling, and foundation operations and from construction above the roof of the adjacent properties by requiring certain inspection and protection measures. Because the proposed project would involve limited construction-related activities, these DOB controls would be expected to provide sufficient protection for architectural resources adjacent to the project site.

The proposed changes to the building's rooftop mechanical equipment would be visible from certain vantage points in the study area, however, these changes to the building's rooftop would not be substantially alter the 730 Broadway building. Further, since the proposed changes to the rooftop mechanical structures on the 730 Broadway building must be reviewed and approved by LPC, LPC's review would ensure that any alterations to this architectural resource would be appropriate and would not result in any physical changes to the building that would adversely affect the surrounding NoHo Historic District buildings. Therefore, the proposed project would not have an adverse impact on the context of the architectural resources in the study area. Overall, the proposed project would not result in adverse impacts to architectural resources. *

A. INTRODUCTION

The potential for air quality impacts from the proposed project is examined in this attachment. The proposed project is not expected to significantly alter traffic conditions. The maximum hourly incremental traffic from the proposed project would not exceed the *CEQR Technical Manual* carbon monoxide screening threshold of 170 peak hour trips at nearby intersections in the study area, nor would it exceed the fine particulate matter (PM_{2.5}) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the 2012 *CEQR Technical Manual*. Therefore, a quantified assessment of emissions from project-generated traffic is not warranted.

The project site is occupied by the ten-story through-block building at 726-730 Broadway/418-426 Lafayette Street (“730 Broadway”). The proposed project would include oil burning heating and hot water systems. Therefore, a stationary source analysis was conducted, using detailed dispersion modeling, to evaluate potential future pollutant concentrations with the proposed heating and hot water systems.

The project site is located in an area zoned for manufacturing. Based on recent site surveys and a search of the New York State Department of Environmental Conservation (NYSDEC) and Envirofacts¹ databases, it was determined that there are no businesses within 400 feet of the project site that could have the potential for air quality impacts on the proposed uses. Therefore, an analysis of industrial source emissions was not necessary.

The *CEQR Technical Manual* requires an assessment of any actions that could result in the location of sensitive uses within 1,000 feet of a “large” emission source. Facilities that warrant consideration typically operate pursuant to NYSDEC’s Title V program or the State Facility permit program. The project site is in the vicinity of the New York University (NYU) Central Plant, which operates pursuant to the Title V program. Based on the distance from the project site to the main NYU Central Plant stack (630 feet) and the height difference between the 730 Broadway building and the stack (the NYU plant stack is more than 60 feet taller), it was determined that there would be no potential for significant adverse impacts on air quality from this large emission source.

This attachment also describes the expected use of potentially hazardous materials in the proposed scientific research and teaching laboratories and evaluates the proposed project’s potential for significant adverse air quality impacts.

Based on the air quality assessment performed, there would be no potential for significant adverse air quality impacts from the project heating and hot water systems or from the proposed scientific research and teaching laboratories. Therefore, there would be no potential for significant adverse impacts on air quality with the proposed project.

¹ EPA, Envirofacts Data Warehouse, http://oaspub.epa.gov/enviro/ef_home2.air, 2/4/2012

B. POLLUTANTS FOR ANALYSIS

Ambient air quality is affected by air pollutants produced by both motor vehicles and stationary sources. Emissions from motor vehicles are referred to as mobile source emissions, while emissions from fixed facilities are referred to as stationary source emissions. Ambient concentrations of carbon monoxide (CO) are predominantly influenced by mobile source emissions. Particulate matter (PM), volatile organic compounds (VOCs), and nitrogen oxides (nitric oxide, NO, and nitrogen dioxide, NO₂, collectively referred to as NO_x) are emitted from both mobile and stationary sources. Fine PM is also formed when emissions of NO_x, sulfur oxides (SO_x), ammonia, organic compounds, and other gases react or condense in the atmosphere. Emissions of sulfur dioxide (SO₂) are associated mainly with stationary sources, and sources utilizing non-road diesel such as diesel trains, marine engines, and non-road vehicles (e.g., construction engines). On-road diesel vehicles currently contribute very little to SO₂ emissions since the sulfur content of on-road diesel fuel, which is federally regulated, is extremely low. Ozone is formed in the atmosphere by complex photochemical processes that include NO_x and VOCs. These pollutants are regulated by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act, and are referred to as “criteria pollutants.”

CARBON MONOXIDE

CO, a colorless and odorless gas, is produced in the urban environment primarily by the incomplete combustion of gasoline and other fossil fuels. In urban areas, approximately 80 to 90 percent of CO emissions are from motor vehicles. Since CO is a reactive gas which does not persist in the atmosphere, CO concentrations can vary greatly over relatively short distances; elevated concentrations are usually limited to locations near crowded intersections, heavily traveled and congested roadways, parking lots, and garages. Consequently, CO concentrations must be predicted on a local, or microscale, basis.

The proposed project is not expected to significantly alter traffic conditions. Since the proposed project would result in fewer new peak hour vehicle trips than the *CEQR Technical Manual* screening threshold of 140 trips at nearby intersections in the study area, a quantified assessment of on-street CO emissions is not warranted.

NITROGEN OXIDES, VOCS, AND OZONE

NO_x are of principal concern because of their role, together with VOCs, as precursors in the formation of ozone. Ozone is formed through a series of reactions that take place in the atmosphere in the presence of sunlight. Because the reactions are slow, and occur as the pollutants are advected downwind, elevated ozone levels are often found many miles from sources of the precursor pollutants. The effects of NO_x and VOC emissions from all sources are therefore generally examined on a regional basis. The contribution of any action or project to regional emissions of these pollutants would include any added stationary or mobile source emissions. The proposed project would not have a significant effect on the overall volume of vehicular travel in the metropolitan area; therefore, no measurable impact on regional NO_x emissions or on ozone levels is predicted. An analysis of proposed project-related emissions of these pollutants from mobile sources was therefore not warranted.

In addition to being a precursor to the formation of ozone, NO₂ (one component of NO_x) is also a regulated pollutant. Since NO₂ is mostly formed from the transformation of NO in the atmosphere, it has mostly been of concern further downwind from large stationary point sources,

and not a local concern from mobile sources. (NO_x emissions from fuel combustion consist of approximately 90 percent NO and 10 percent NO_2 at the source.) However, with the promulgation of the 2010 1-hour average standard for NO_2 , local sources such as vehicular emissions may become of greater concern for this pollutant. Potential impacts on local NO_2 concentrations from the fuel combustion (No. 2 fuel oil) for the proposed project heating and hot water systems were evaluated.

LEAD

Airborne lead emissions are currently associated principally with industrial sources. Lead in gasoline has been banned under the Clean Air Act. No significant sources of lead are associated with the proposed project and, therefore, analysis was not warranted.

RESPIRABLE PARTICULATE MATTER— PM_{10} AND $\text{PM}_{2.5}$

PM is a broad class of air pollutants that includes discrete particles of a wide range of sizes and chemical compositions, as either liquid droplets (aerosols) or solids suspended in the atmosphere. The constituents of PM are both numerous and varied, and they are emitted from a wide variety of sources (both natural and anthropogenic). Natural sources include the condensed and reacted forms of naturally occurring VOC; salt particles resulting from the evaporation of sea spray; wind-borne pollen, fungi, molds, algae, yeasts, rusts, bacteria, and material from live and decaying plant and animal life; particles eroded from beaches, soil, and rock; and particles emitted from volcanic and geothermal eruptions and from forest fires. Naturally occurring PM is generally greater than 2.5 micrometers in diameter. Major anthropogenic sources include the combustion of fossil fuels (e.g., vehicular exhaust, power generation, boilers, engines, and home heating), chemical and manufacturing processes, all types of construction, agricultural activities, as well as wood-burning stoves and fireplaces. PM also acts as a substrate for the adsorption (accumulation of gases, liquids, or solutes on the surface of a solid or liquid) of other pollutants, often toxic and some likely carcinogenic compounds.

As described below, PM is regulated in two size categories: particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($\text{PM}_{2.5}$), and particles with an aerodynamic diameter of less than or equal to 10 micrometers (PM_{10} , which includes $\text{PM}_{2.5}$). $\text{PM}_{2.5}$ has the ability to reach the lower regions of the respiratory tract, delivering with it other compounds that adsorb to the surfaces of the particles, and is also extremely persistent in the atmosphere. $\text{PM}_{2.5}$ is mainly derived from combustion material that has volatilized and then condensed to form primary PM (often soon after the release from a source exhaust) or from precursor gases reacting in the atmosphere to form secondary PM.

Diesel-powered vehicles, especially heavy duty trucks and buses, are a significant source of respirable PM, most of which is $\text{PM}_{2.5}$; PM concentrations may, consequently, be locally elevated near roadways with high volumes of heavy diesel powered vehicles. The proposed project would not result in any significant increases in truck traffic near the project site or in the region, or other potentially significant increases in $\text{PM}_{2.5}$ vehicle emissions as defined in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, an analysis of potential impacts from PM was not warranted. The heating and hot water systems for the proposed project would run on fuel oil. Therefore, an analysis the potential for impact on air quality from heating and hot water systems $\text{PM}_{2.5}$ emissions was performed.

SULFUR DIOXIDE

SO₂ emissions are primarily associated with the combustion of sulfur-containing fuels (oil and coal). Monitored SO₂ concentrations in New York City do not exceed national standards. SO₂ is also of concern as a precursor to PM_{2.5} and is regulated as a PM_{2.5} precursor under the New Source Review permitting program for large sources. Due to the federal restrictions on the sulfur content in diesel fuel for on-road and non-road vehicles, no significant quantities are emitted from vehicular sources. Vehicular sources of SO₂ are not significant and therefore, analysis of SO₂ from mobile and non-road sources was not warranted. The SO₂ emissions from the heating and hot water systems were included in the analysis, accounting for New York State regulations that would lower the sulfur content of fuel oil.

NONCRITERIA POLLUTANTS

In addition to the criteria pollutants discussed above, non-criteria pollutants may be of concern. Non-criteria pollutants are emitted by a wide range of man-made and naturally occurring sources. These pollutants are sometimes referred to as hazardous air pollutants (HAP) and when emitted from mobile sources, as Mobile Source Air Toxics (MSATs). Emissions of non-criteria pollutants from industries are regulated by EPA. The potential for impacts of non-criteria pollutant emissions from the fume hoods in the event of an accidental chemical spill in the proposed laboratories was examined.

C. AIR QUALITY REGULATIONS, STANDARDS, AND BENCHMARKS

As required by the CAA, primary and secondary National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants: CO, NO₂, ozone, respirable PM (both PM_{2.5} and PM₁₀), SO₂, and lead. The primary standards represent levels that are requisite to protect the public health, allowing an adequate margin of safety. The secondary standards are intended to protect the nation's welfare, and account for air pollutant effects on soil, water, visibility, materials, vegetation, and other aspects of the environment. The primary and secondary standards are the same for NO₂ (annual), ozone, lead, and PM, and there is no secondary standard for CO and the 1-hour NO₂ standard. The NAAQS are presented in **Table C-1**. The NAAQS for CO, annual NO₂, and 3-hour SO₂ have also been adopted as the ambient air quality standards for New York State, but are defined on a running 12-month basis rather than for calendar years only. New York State also has standards for total suspended particulate matter (TSP), settleable particles, non-methane hydrocarbons (NMHC), 24-hour and annual SO₂, and ozone, which correspond to federal standards that have since been revoked or replaced, and for the noncriteria pollutants beryllium, fluoride, and hydrogen sulfide (H₂S).

EPA revised the 8-hour ozone standard, lowering it from 0.08 to 0.075 parts per million (ppm), effective as of May 2008.

EPA strengthened the primary and secondary standards for lead to 0.15 µg/m³, effective January 12, 2009. EPA revised the averaging time to a rolling 3-month average and the form of the standard to not-to-exceed across a 3-year span.

EPA established a 1-hour average NO₂ standard of 0.100 ppm, effective April 12, 2010, in addition to the annual standard. The statistical form is the 3-year average of the 98th percentile of daily maximum 1-hour average concentration in a year.

Table C-1
National Ambient Air Quality Standards (NAAQS)

Pollutant	Primary		Secondary	
	ppm	µg/m ³	ppm	µg/m ³
Carbon Monoxide (CO)				
8-Hour Average ⁽¹⁾	9	10,000	None	
1-Hour Average ⁽¹⁾	35	40,000		
Lead				
Rolling 3-Month Average ⁽²⁾	NA	0.15	NA	0.15
Nitrogen Dioxide (NO₂)				
1-Hour Average ⁽³⁾	0.100	188	None	
Annual Average	0.053	100	0.053	100
Ozone (O₃)				
8-Hour Average ⁽⁴⁾	0.075	150	0.075	150
Respirable Particulate Matter (PM₁₀)				
24-Hour Average ⁽¹⁾	NA	150	NA	150
Fine Respirable Particulate Matter (PM_{2.5})				
Annual Mean	NA	15	NA	15
24-Hour Average ⁽⁵⁾	NA	35	NA	35
Sulfur Dioxide (SO₂) ⁽⁶⁾				
1-Hour Average ⁽⁷⁾	0.075	197	NA	NA
Maximum 3-Hour Average ⁽¹⁾	NA	NA	0.50	1,300
<p>Notes: Ppm—parts per million (unit of measure for gases only) µg/m³—micrograms per cubic meter (unit of measure for gases and particles, including lead) NA—not applicable All annual periods refer to calendar year. Standards are defined in ppm. Approximately equivalent concentrations in µg/m³ are presented.</p> <p>⁽¹⁾ Not to be exceeded more than once a year. ⁽²⁾ EPA has lowered the NAAQS down from 1.5 µg/m³, effective January 12, 2009. ⁽³⁾ 3-year average of the annual 98th percentile daily maximum 1-hr average concentration. Effective April 12, 2010. ⁽⁴⁾ 3-year average of the annual fourth highest daily maximum 8-hr average concentration. ⁽⁵⁾ Not to be exceeded by the annual 98th percentile when averaged over 3 years. ⁽⁶⁾ EPA revoked the 24-hour and annual primary standards, replacing them with a 1-hour average standard. Effective August 23, 2010. ⁽⁷⁾ 3-year average of the annual 99th percentile daily maximum 1-hr average concentration.</p> <p>Source: 40 CFR Part 50: National Primary and Secondary Ambient Air Quality Standards.</p>				

EPA established a 1-hour average SO₂ standard of 0.075 ppm, replacing the 24-hour and annual primary standards, effective August 23, 2010. The statistical form is the 3-year average of the 99th percentile of the annual distribution of daily maximum 1-hour concentrations.

Federal ambient air quality standards do not exist for noncriteria pollutants; however, NYSDEC has issued standards for three noncriteria compounds. NYSDEC has also developed a guidance

document DAR-1 (October 2010), which contains a compilation of annual and short term (1-hour) guideline concentrations for numerous other noncriteria compounds. The NYSDEC guidance thresholds represent ambient levels that are considered safe for public exposure.

NAAQS ATTAINMENT STATUS AND STATE IMPLEMENTATION PLANS

The CAA, as amended in 1990, defines non-attainment areas (NAAs) as geographic regions that have been designated as not meeting one or more of the NAAQS. When an area is designated as non-attainment by EPA, the state is required to develop and implement a State Implementation Plan (SIP), which delineates how a state plans to achieve air quality that meets the NAAQS under the deadlines established by the Clean Air Act.

In 2002, EPA re-designated New York City as in attainment for CO. The Clean Air Act requires that a maintenance plan ensure continued compliance with the CO NAAQS for former NAAs. New York City is also committed to implementing site-specific control measures throughout the city to reduce CO levels, should unanticipated localized growth result in elevated CO levels during the maintenance period.

Manhattan has been designated as a moderate NAA for PM₁₀. On December 17, 2004, EPA took final action designating the five New York City counties and Nassau, Suffolk, Rockland, Westchester, and Orange Counties as a PM_{2.5} NAA under the Clean Air Act due to exceedance of the annual average standard. Based on recent monitoring data (2007-2010), annual average concentrations of PM_{2.5} in New York City no longer exceed the annual standard. EPA has determined that the area has attained the 1997 PM_{2.5} NAAQS, effective December 15, 2010.

In October 2009 EPA finalized the designation of the New York Metropolitan Area (NYMA) as nonattainment with the 2006 24-hour PM_{2.5} NAAQS, effective in November 2009. The nonattainment area includes the same 10-county area originally designated as nonattainment with the 1997 annual PM_{2.5} NAAQS. Based on recent monitoring data (2008-2010), 24-hour average concentrations of PM_{2.5} in this area no longer exceed the annual standard. New York has submitted a "Clean Data" request to the EPA. Any requirement to submit a SIP is stayed until EPA acts on New York's request.

The five New York City counties, Nassau, Rockland, Suffolk, Westchester, and Lower Orange County Metropolitan Area (LOCMA) counties had been designated as a severe NAA for ozone (1-hour average standard). In November 1998, New York State submitted its *Phase II Alternative Attainment Demonstration for Ozone*, which was finalized and approved by EPA effective March 6, 2002, addressing attainment of the 1-hour ozone NAAQS by 2007. On January 25, 2012, EPA proposed to determine that NYMA has attained the standard. Although this is not yet a redesignation to attainment status, this determination would remove further requirements under the 1-hour standard.

On April 15, 2004, EPA designated these same counties as moderate non-attainment for the 1997 8-hour average ozone standard. On February 8, 2008, NYSDEC submitted final revisions to the SIP to EPA to address the 1997 8-hour ozone standard. On January 25, 2012, EPA proposed to determine that the NYMA has attained the 1997 8-hour ozone NAAQS (0.08 ppm).

In March 2008 EPA strengthened the 8-hour ozone standards. SIPs will be due three years after the final designations are made. On March 12, 2009, NYSDEC recommended that the counties of Suffolk, Nassau, Bronx, Kings, New York, Queens, Richmond, Rockland, and Westchester be designated as a NAA for the 2008 ozone NAAQS (NY portion of the New York-Northern New

Jersey–Long Island, NY-NJ-CT NAA). EPA has agreed, under consent decree, to promulgate area designations for the 2008 ground-level ozone NAAQS no later than May 31, 2012.

New York City is currently in attainment of the annual-average NO₂ standard. EPA has designated the entire state of New York as “unclassifiable/attainment” in January 2012. Since additional monitoring is required for the 1-hour standard, areas will be reclassified once three years of monitoring data are available (2016 or 2017).

EPA has established a 1-hour SO₂ standard, replacing the former 24-hour and annual standards, effective August 23, 2010. Based on the available monitoring data, all New York State counties currently meet the 1-hour standard. Additional monitoring will be required. EPA plans to make final attainment designations in June 2012, based on 2008 to 2010 monitoring data and refined modeling. SIPs for nonattainment areas will be due by June 2014.

DETERMINING THE SIGNIFICANCE OF AIR QUALITY IMPACTS

The State Environmental Quality Review Act (SEQRA) regulations and the *CEQR Technical Manual* state that the significance of a predicted consequence of a project (i.e., whether it is material, substantial, large or important) should be assessed in connection with its setting (e.g., urban or rural), its probability of occurrence, its duration, its irreversibility, its geographic scope, its magnitude, and the number of people affected.¹ In terms of the magnitude of air quality impacts, any action predicted to increase the concentration of a criteria air pollutant to a level that would exceed the concentrations defined by the NAAQS (see **Table C-1**) would be deemed to have a potential significant adverse impact. Similarly, for non-criteria pollutants, a predicted exceedance of guideline concentrations would be considered a potential significant adverse impact.

In addition, in order to maintain concentrations lower than the NAAQS in attainment areas, or to ensure that concentrations will not be significantly increased in NAAs, threshold levels have been defined for certain pollutants; any action predicted to increase the concentrations of these pollutants above the thresholds would be deemed to have a potential significant adverse impact, even in cases where violations of the NAAQS are not predicted.

DE MINIMIS CRITERIA REGARDING CO IMPACTS

New York City has developed *de minimis* criteria to assess the significance of the increase in CO concentrations that would result from the impact of proposed projects or actions on mobile sources, as set forth in the *CEQR Technical Manual*. These criteria set the minimum change in CO concentration that defines a significant environmental impact. Significant increases of CO concentrations in New York City are defined as: (1) an increase of 0.5 ppm or more in the maximum 8-hour average CO concentration at a location where the predicted No Action 8-hour concentration is equal to or between 8 and 9 ppm; or (2) an increase of more than half the difference between baseline (i.e., No Action) concentrations and the 8-hour standard, when No Action concentrations are below 8.0 ppm.

¹ *CEQR Technical Manual*, Chapter 17, section 400, January 2012; and State Environmental Quality Review Regulations, 6 NYCRR § 617.7

PM_{2.5} INTERIM GUIDANCE CRITERIA

NYSDEC has published a policy to provide interim direction for evaluating PM_{2.5} impacts.¹ This policy applies only to facilities applying for permits or major permit modifications under SEQRA that emit 15 tons of PM₁₀ or more annually. The policy states that such a project will be deemed to have a potentially significant adverse impact if the project's maximum impacts are predicted to increase PM_{2.5} concentrations by more than 0.3 µg/m³ averaged annually or more than 5 µg/m³ on a 24-hour basis. Projects that exceed either the annual or 24-hour threshold will be required to prepare an Environmental Impact Statement (EIS) to assess the severity of the impacts, to evaluate alternatives, and to employ reasonable and necessary mitigation measures to minimize the PM_{2.5} impacts of the source to the maximum extent practicable.

In addition, New York City uses interim guidance criteria for evaluating the potential PM_{2.5} impacts for projects subject to CEQR. The interim guidance criteria currently employed to determine the potential significant adverse PM_{2.5} impacts under CEQR are as follows:

- 24-hour average PM_{2.5} concentration increments which are predicted to be greater than 5 µg/m³ at a discrete receptor location would be considered a significant adverse impact on air quality under operational conditions (i.e., a permanent condition predicted to exist for many years regardless of the frequency of occurrence);
- 24-hour average PM_{2.5} concentration increments which are predicted to be greater than 2 µg/m³ but no greater than 5 µg/m³ would be considered a significant adverse impact on air quality based on the magnitude, frequency, duration, location, and size of the area of the predicted concentrations;
- Annual average PM_{2.5} concentration increments which are predicted to be greater than 0.1 µg/m³ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Annual average PM_{2.5} concentration increments which are predicted to be greater than 0.3 µg/m³ at a discrete receptor location (elevated or ground level).

Actions under CEQR predicted to increase PM_{2.5} concentrations by more than the above interim guidance criteria will be considered to have a potential significant adverse impact.

The annual emissions of PM₁₀ associated with the proposed project are estimated to be well below the 15-ton-per-year threshold under NYSDEC's PM_{2.5} policy guidance. The above CEQR interim guidance criteria were used to evaluate the significance of predicted impacts of the proposed project on PM_{2.5} concentrations and determine the need to minimize particulate matter emissions from the proposed project.

¹ CP33/Assessing and Mitigating Impacts of Fine Particulate Emissions, NYSDEC 12/29/2003.

D. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

HEATING AND HOT WATER SYSTEMS

The proposed project would include heating and hot water systems that would use No. 2 fuel oil. Due to the proximity of buildings of a greater or similar height to the 730 Broadway building, the *CEQR Technical Manual* screening analysis indicated the need for detailed dispersion modeling to further assess the potential for impacts on air quality. The analysis was conducted to determine concentrations of NO₂, SO₂, and concentration increments of PM_{2.5} at building locations close to the project site, following *CEQR Technical Manual* guidance.

DISPERSION MODELING

Potential impacts from the heating and hot water systems were determined using the EPA/AMS AERMOD dispersion model¹. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatment of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of the interaction between the plume and terrain.

The AERMOD model calculates pollutant concentrations from one or more points (e.g., exhaust stacks) based on hourly meteorological data, and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures. The analyses of potential impacts from the exhaust stacks were made assuming stack tip downwash, urban dispersion and surface roughness length, with and without building downwash, and elimination of calms.

The AERMOD model also incorporates the algorithms from the PRIME model, which is designed to predict impacts in the “cavity region” (i.e., the area around a structure which under certain conditions may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). The Building Profile Input Program (BPIP) program for the PRIME model (BPIPRM) was used to determine the projected building dimensions for modeling with the building downwash algorithm enabled. The modeling of plume downwash accounts for all obstructions within a radius equal to five obstruction heights of the stack.

Meteorological Data

The meteorological data set consisted of five consecutive years of meteorological data: surface data collected at LaGuardia Airport (2006–2010) and concurrent upper air data collected at Brookhaven, New York. The meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevation over the five-year period. These data were processed using the EPA AERMET program to develop data in a format which can be readily processed by the AERMOD model. The land uses around the site where meteorological

¹ EPA, AERMOD: Description Of Model Formulation, 454/R-03-004, September 2004; and EPA, User’s Guide for the AMS/EPA Regulatory Model AERMOD, 454/B-03-001, September 2004 and Addendum December 2006.

surface data were available were classified using categories defined in digital United States Geological Survey (USGS) maps to determine surface parameters used by the AERMET program.

Receptor Placement

Discrete receptors (i.e., locations at which concentrations are calculated) were modeled along the facades of nearby buildings to represent operable window locations, intake vents, and otherwise accessible locations such as terraces. Rows of receptors were placed in the model at spaced intervals on the nearby buildings of similar or greater size at multiple elevations.

Emission Estimates and Stack Parameters

The project site has an existing heating and hot water system that may be modified to serve the proposed uses. A project-specific heat and hot water system design is not available at this time, but the use of No. 2 fuel oil is planned. Emission rates for the heating and hot water systems were projected using the proposed project size (square feet), fuel consumption rates provided in the *CEQR Technical Manual*, and EPA’s *Compilation of Air Pollutant Emission Factors (AP-42)*¹ for combustion of No. 2 fuel oil. To develop the 24-hour average emission rates, a 100-day heating season was assumed, and to assess the 1-hour average NO₂ and the 1-hour and 3-hour average SO₂ concentrations, 8 hours of heating per day during the season were assumed. To calculate SO₂ emissions, a sulfur content of 15 ppm was assumed. Typical stack parameters for exhaust velocity, diameter, and temperature were determined based on expected heat and hot water systems ratings associated with the calculated fuel usage rates. Emission rates and stack parameters are provided in **Table C-2**.

**Table C-2
Stack Parameters and Emission Rates**

Stack Parameter	730 Broadway
Exhaust Height (m)	48.8
Inside Diameter (m)	0.61
Exit Velocity (m/s)	19.5
Exit Temperature (F)	307.8
Emission Rates (g/s)	
NO _x (1-hour)	2.17 x 10 ⁻²
NO _x (annual)	1.98 x 10 ⁻²
PM ₁₀ (24-hour)	8.61 x 10 ⁻³
PM _{2.5} (24-hour)	7.71 x 10 ⁻³
PM _{2.5} (annual)	2.11 x 10 ⁻³
SO ₂ (1-hour, 3-hour)	2.31 x 10 ⁻³
Notes:	
(1) Annual fuel consumption rate was calculated using annual fuel consumption factors provided in the <i>CEQR Technical Manual</i> . Short-term fuel consumption was calculated assuming a 100-day heating season, and 8 hours of heating per day. Emission rates shown are based on AP-42 factors for No. 2 fuel oil, with 15 ppm sulfur content.	
(2) Stack parameters are based on the combustion boiler database.	

¹ EPA, *Compilation of Air Pollutant Emission Factors AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources*, <http://www.epa.gov/ttn/chief/ap42>

Background Concentrations

To estimate the maximum expected pollutant concentration at a given receptor, the predicted impacts must be added to a background value that accounts for existing pollutant concentrations from other sources that are not directly accounted for in the model (see **Table C-3**). To develop background levels, concentrations measured at the nearest NYSDEC ambient monitoring station over the latest available 5-year period (2006-2010) were used for annual average NO₂ background and 3-hour average SO₂ background, while the latest available 3-year period was used for PM₁₀ and the 1-hour average NO₂ and SO₂ background concentrations. The background concentrations were developed in accordance with the *CEQR Technical Manual* methodology. Note that the background for the 1-hour standard represents the concentration that is consistent with the format of the NAAQS. For example, in the case of NO₂, the concentration shown in **Table C-3** is the 3-year average of the annual 98th percentile daily maximum 1-hour average concentration.

Table C-3
Background Pollutant Concentrations

Pollutant	Average Period	Location	Concentration (µg/m ³)	NAAQS (µg/m ³)
NO ₂	1-hour	Queens College 2, Queens	129.8	188
	Annual		67.7	100
SO ₂	1-hour	Queens College 2, Queens	78.2	196
	3 hour		102.3	1,300
PM ₁₀	24 Hour	Division Street, Manhattan	52	150

Sources: New York State Air Quality Report Ambient Air Monitoring System, NYSDEC, 2006-2010.

CHEMICAL SPILL ANALYSIS

All proposed scientific research and teaching laboratories that would use hazardous chemicals would be equipped with fume hoods. Fume hoods are enclosures that are maintained under negative pressure and continuously vented to the outside. Their function is to protect scientific research and teaching laboratory staff and students from potentially harmful fumes. By providing a continuous exhaust from laboratory rooms, they also prevent any fumes released within the laboratory from escaping into other areas of the building, or through windows to the outside.

A quantitative analysis employing mathematical modeling was performed to assess the potential effects of an accidental chemical spill in one of the proposed laboratory fume hoods. The chemical spill analysis followed the procedures and methodologies contained in the *CEQR Technical Manual* and examined the potential impacts on nearby buildings and places of public access and potential impacts due to recirculation into air intake systems or windows of the proposed building. Maximum predicted concentrations were compared to the short-term exposure levels (STELs) or ceiling levels recommended by the U.S. Occupational Safety and Health Administration (OSHA) for the chemicals examined.

Detailed design information for the proposed scientific research and teaching laboratory ventilation systems is not yet available. Therefore, available conceptual information and design information for similar scientific research and teaching laboratories was used to develop assumptions for the analysis of the potential for impacts from a chemical spill in one of the proposed laboratories.

It is expected that there would be six separate fume hood exhaust fans—one for each floor dedicated to academic space. It was assumed that the scientific research and teaching laboratory exhaust fans would be located at the rooftop, and exhaust at a height of at least 177 feet. The fans were assumed to have a diameter of 4.5 feet, and the exhaust flowrate was assumed to be 60,000 cubic feet per minute.

PLANNED OPERATIONS

An inventory of the types and quantities of chemicals that are likely to be used in the proposed scientific research and teaching laboratories was developed by NYU. Common buffers, salts, enzymes, nucleotides, peptides, and other biochemicals were not considered in the analysis since they are not typically categorized as air pollutants. Chemicals were identified for further examination based on their toxicity and vapor pressure. Vapor pressure is a measure of the material's volatility—its tendency to evaporate, or to form vapors, which is a critical parameter in determining potential impacts from chemical spills. Nonvolatile chemicals (a vapor pressure of less than 10 mm mercury [Hg]) were excluded. The exposure standards (OSHA permissible exposure limit [PEL], National Institute for Occupational Safety and Health [NIOSH], immediately dangerous to life or health [IDLH], and OSHA and/or NIOSH STEL and ceiling values) are measures of the material's toxicity—more toxic substances have lower exposure standards.

Based on relative exposure thresholds and the vapor pressures of the chemicals provided, a subset of the chemicals with the greatest potential hazard was selected for the worst-case spill analysis (see **Table C-4**). Chemicals with high vapor pressures are most likely to have high evaporation rates. Since the chemicals selected for detailed analysis are most likely to have the highest emissions rates and the lowest exposure standards, if the analysis of these chemicals resulted in no significant impacts, it would indicate that the other chemicals would also not present a potential for significant impacts.

The chemical spill analysis was performed for each of the chemicals shown in **Table C-4**.

Table C-4
Chemicals Analyzed

Chemical	Vapor Pressure (mm Hg)	STEL/OSHA (ppm)	Ceiling (ppm)
1,2-Dichloroethane	66	2	100
Acetone	183	750	-
Diethyl Ether	443	500	-
Ethyl Acetate	72	400	-
Glutaraldehyde	16	-	0.2
Hexamethyldisilazane	20	35	-
Hydrochloric Acid	399	5	5
Hydrofluoric Acid	110	3	6
Methanol	98	250	0.3
Methylene Chloride	398	125	-
n-Butylamine	83	5	5
Nitric Acid	48	2	-
Tetrahydrofuran	143	250	-
Triethylamine	54	25	-
Vinyl Acetate	83	-	4

Notes:

STEL—short-term exposure limit is a 15-minute TWA exposure that should not be exceeded at any time during a workday.

Ceiling—Level set by OSHA not to be exceeded in any work place based on up to 15 minutes exposure. Where a hyphen (-) appears there is no recommended corresponding guideline value.

ESTIMATES OF WORST-CASE EMISSION RATES

The dispersion of chemicals from a spill within the proposed scientific research and teaching laboratories was analyzed to assess the potential for exposure of the general public and of staff within the building to hazardous fumes in the event of an accident. Evaporation rates for volatile chemicals expected to be used in the proposed scientific research and teaching laboratories were estimated using the model developed by the Shell Development Company¹.

The Shell model, which was developed specifically to assess air quality impacts from chemical spills, calculates evaporation rates based on physical properties of the material, temperature, and rate of air flow over the spill surface. Room temperature conditions (20° C) and an air-flow rate of 0.5 meters/second were assumed for calculating evaporation rates.

The analysis conservatively assumes that a full container of the chemical would be spilled in a fume hood. For a spill area of approximately 1.11 square meters, the emission rates were determined using the evaporation rates. For modeling purposes, the emission rates shown in **Table C-5** are calculated for a 15-minute time period. The vapor from the spill would be drawn into the fume hood exhaust system and released into the atmosphere via the roof exhaust fans. The high volume of air drawn through this system provides a high degree of dilution for hazardous fumes before they are released above the roof of the building.

Table C-5
Estimated Emissions from a Spill in a Fume Hood

Chemical	Quantity (liters)	Evaporation Rate (gram/meter ² /sec)	Emission Rate* (gram/sec)
1,2-Dichloroethane	1	0.41	0.45
Acetone	8	0.83	0.92
Diethyl Ether	1	2.43	2.67
Ethyl Acetate	1	0.38	0.41
Glutaraldehyde	0.025	0.01	0.01
Hexamethyldisilazane	0.025	0.24	0.26
Hydrochloric Acid	2.5	1.06	1.17
Hydrofluoric Acid	0.5	0.27	0.30
Methanol	4	0.28	0.31
Methylene Chloride	1	2.50	2.75
n-Butylamine	0.25	0.37	0.41
Nitric Acid	0.5	0.27	0.29
Tetrahydrofuran	16.5	0.76	0.84
Triethylamine	0.1	0.35	0.39
Vinyl Acetate	1	0.53	0.58
Note: * Average emission rate			

¹ Fleischer, M.T. *An Evaporation/Air Dispersion Model for Chemical Spills on Land*, Shell Development Company, December 1980.

Recirculation Modeling

The potential for recirculation of the fume hood emissions back into the building air intakes was assessed using the Wilson method.¹ This empirical procedure, which has been verified by both wind-tunnel and full-scale testing, is a refinement of the 1981 ASHRAE Handbook procedure, and takes into account such factors as plume momentum, stack-tip downwash, and cavity recirculation effects. The procedure determines the worst-case, absolute minimum dilution between exhaust vent and air intake. Three separate effects determine the eventual dilution: internal system dilution, obtained by combining exhaust streams (i.e., mixing in plenum chambers of multiple exhaust streams, introduction of fresh air supplied from roof intakes); wind dilution, dependent on the distance from vent to intake and the exit velocity; and dilution from the stack, caused by stack height and plume rise from vertical exhaust velocity. The critical wind speed for worst-case dilution is dependent on the exit velocity, the distance from vent to intake, and the cross-sectional area of the exhaust stack.

Dispersion Modeling

The study performed also considered the impact of an accidental spill on nearby receptors, such as open windows on nearby buildings. Maximum concentrations at elevated receptors downwind of the fume exhausts were estimated using the EPA INPUFF model, version 2.0.² This EPA model is designed to estimate impacts from short-term releases and was used to develop the EPA guidelines.³ INPUFF assumes a Gaussian dispersion of a pollutant “puff” (a brief release, as opposed to a continuous one) as it is transported downwind of a release point. Stable atmospheric conditions and a 1-meter/second wind speed were assumed.

Receptors were modeled at multiple heights and distances from the fume hood exhausts to represent windows and air intake locations at nearby buildings of a similar or greater height to the 730 Broadway building. Since the emissions resulting from chemical spills are short-term releases, a worst-case assumption of the wind blowing the exhaust directly to the window or air intake receptors was made for modeling purposes.

EXISTING CONDITIONS

Representative criteria pollutant concentrations measured in recent years at NYSDEC air quality monitoring stations nearest to the project site are presented in **Table C-6**. The values presented are consistent with the NAAQS format. For example, the 8-hour ozone concentration shown is the 3-year average of the 4th highest daily maximum 8-hour average concentrations. The concentrations were obtained from the 2010 New York State Ambient Air Quality Report, the most recent report available. As shown in **Table C-6**, the recently monitored levels did not exceed the NAAQS.

¹ D.J. Wilson. A Design Procedure for Estimating Air Intake Contamination from Nearby Exhaust Vents, ASHRAE TRAS 89, Part 2A, pp. 136-152, 1983.

² Peterson, W.B. A Multiple Source Gaussian Puff Dispersion Algorithm—Users Guide, EPA, 600/8-86-024, August 1986.

³ EPA, Chemical Emergency Preparedness Program, Interim Guidance, November 1985.

Table C-6
Representative Monitored Ambient Air Quality Data

Pollutant	Location	Units	Averaging Period	Concentration	NAAQS
CO	Queens College 2, Queens	ppm	8-hour	1.7	9
			1-hour	3.4	35
SO ₂	Queens College 2, Queens ¹	µg/m ³	3-hour	65	1,300
			1-hour	78.2	196
PM ₁₀	Division Street, Manhattan	µg/m ³	24-hour	43	150
PM _{2.5}	Division Street, Manhattan	µg/m ³	Annual	10.9	15
			24-hour	28	35
NO ₂	Queens College 2, Queens ²	µg/m ³	Annual	67.7	100
			1-hour	129.8	188
Lead	J.H.S. 126, Brooklyn	µg/m ³	3-month	0.019	0.15
Ozone	Queens College 2, Queens	ppm	8-hour	0.074	0.075

Notes:
⁽¹⁾ The 1-hour value is based on a three-year average (2008-2010) of the 99th percentile of daily maximum 1-hour average concentrations.
⁽²⁾ The 1-hour value is based on a three-year average (2008-2010) of the 98th percentile of daily maximum 1-hour average concentrations.
Source: NYSDEC, New York State Ambient Air Quality Report (2008-2010).

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

HEATING AND HOT WATER SYSTEMS

The maximum predicted concentrations from the proposed project's fuel-fired heating and hot water systems were added to the ambient background concentrations and compared to the NAAQS. The concentrations of NO₂, PM₁₀, and SO₂ are presented in **Table C-7**. As shown, the total concentrations with the proposed project would be below the NAAQS.

Table C-7
Maximum Modeled Pollutant Concentration (in µg/m³)

Pollutant	Averaging Period	Maximum Modeled Impact	Background	Total Concentration	NAAQS
NO ₂ ⁽¹⁾	1-hour	51.5	129.8	181.3	188
	Annual	0.28	67.7	68.0	100
SO ₂	1-hour	0.55	78.2	78.7	196
	3-hour	0.33	102.2	102.5	1,300
PM ₁₀	24-hour	0.40	52.0	52.4	150

Note: ⁽¹⁾ NO₂ concentrations were conservatively estimated assuming all of NO_x is NO₂.

Incremental changes in PM_{2.5} concentrations were compared to the CEQR interim guidance criteria for PM_{2.5}. The maximum predicted 24-hour and annual average incremental PM_{2.5} concentrations are presented in **Table C-8**. As shown, the maximum 24-hour concentration increments from the proposed project would be below the interim guidance criteria. Therefore, there would be no potential for a significant adverse impact on air quality from the project's heating and hot water systems.

Table C-8
Maximum Predicted PM_{2.5} Increments (in µg/m³)

Pollutant	Averaging Period	Maximum Concentration	Interim Guidance Threshold
PM _{2.5}	24-hour	0.36	2 to 5 ⁽¹⁾
	Annual (discrete)	0.03	0.3
	Annual (neighborhood scale)	< 0.03	0.1

Note:⁽¹⁾ 24-hour PM_{2.5} interim guidance criterion, > 2 µg/m³ (5 µg/m³ not-to-exceed value), depending on the magnitude, frequency, duration, location, and size of the area of the predicted concentrations.

CHEMICAL SPILL ANALYSIS

RECIRCULATION ANALYSIS

The recirculation analysis indicates that the minimum potential dilution factor between the fan exhausts and the nearest air intake is approximately 595 (i.e., pollutant concentrations at the nearest intake to the exhaust fan would be 595 times less than the concentration at the fan). Thus, for example, a nitric acid spill in a fume hood as described above would produce a maximum concentration at the nearest intake location of approximately 6.8×10^{-3} parts per million (ppm), well below the allowable values for the chemical.

The results of the recirculation analysis are presented in **Table C-9**. The results indicate that a spill in a fume hood as described above would produce a maximum concentration at the nearest intake location below the corresponding STELs or ceiling values set by OSHA and/or NIOSH for each of the chemicals analyzed. Consequently, it can be concluded that no significant adverse impacts would be expected due to recirculation of fume hood emissions back into the 730 Broadway building's air intakes in the event of a chemical spill.

Table C-9
Fume Hood Recirculation Analysis
Maximum Predicted Concentrations (ppm)

Chemical	15-Minute Average	STEL/OSHA/Ceiling
1,2-Dichloroethane	6.6×10^{-3}	2
Acetone	2.3×10^{-2}	750
Diethyl Ether	5.2×10^{-2}	500
Ethyl Acetate	6.8×10^{-3}	400
Glutaraldehyde	5.2×10^{-4}	0.2
Hexamethyldisilazane	2.4×10^{-3}	35
Hydrochloric Acid	4.7×10^{-2}	5
Hydrofluoric Acid	2.2×10^{-2}	3
Methanol	1.4×10^{-2}	0.3
Methylene Chloride	4.7×10^{-2}	125
n-Butylamine	8.1×10^{-3}	5
Nitric Acid	6.8×10^{-3}	2
Tetrahydrofuran	1.7×10^{-2}	250
Triethylamine	5.5×10^{-3}	25
Vinyl Acetate	9.8×10^{-3}	4

POTENTIAL IMPACTS ON OTHER BUILDINGS

The results of the analysis of potential emissions from the 730 Broadway building's proposed fume hood exhaust system onto other buildings are shown below in **Table C-10**. The maximum concentrations at receptors downwind of the fume exhausts were estimated using the

methodology previously described, and were determined to be negligible and well below the STEL levels. Thus, there would be no significant adverse air quality impacts from the proposed scientific research and teaching laboratory exhaust system on the 730 Broadway building or on nearby buildings in the surrounding community.

Table C-10
Maximum Predicted Concentrations (ppm)

Chemical	15-Minute Average	STEL/OSHA/Ceiling
1,2-Dichloroethane	1.4×10^{-7}	2
Acetone	4.7×10^{-7}	750
Diethyl Ether	1.1×10^{-6}	500
Ethyl Acetate	1.4×10^{-7}	400
Glutaraldehyde	2.2×10^{-9}	0.2
Hexamethyldisilazane	4.9×10^{-8}	35
Hydrochloric Acid	9.7×10^{-7}	5
Hydrofluoric Acid	4.4×10^{-7}	3
Methanol	2.9×10^{-7}	0.3
Methylene Chloride	9.7×10^{-7}	125
n-Butylamine	1.7×10^{-7}	5
Nitric Acid	1.4×10^{-7}	4
Tetrahydrofuran	3.5×10^{-7}	250
Triethylamine	1.1×10^{-7}	25
Vinyl Acetate	2.0×10^{-7}	4

*

A. INTRODUCTION

The proposed project would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of Noise Passenger Car Equivalents [Noise PCEs] which would be necessary to cause a 3 dBA increase in noise levels). However, ambient noise levels within the project building must be considered in order to address New York City Environmental Quality Review (CEQR) noise exposure guidelines for the building. This potential is assessed below.

B. ACOUSTICAL FUNDAMENTALS

Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called “decibels” (“dB”). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or “frequency,” at which the air pressure fluctuates, or “oscillates.” Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz (“Hz”). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

A-WEIGHTED SOUND LEVEL (DBA)

In order to establish a uniform noise measurement that simulates people’s perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or “dBA,” and it is the descriptor of noise levels most often used for community noise. As shown in **Table D-1**, the threshold of human hearing is defined as 0 dBA; very quiet conditions (as in a library, for example) are approximately 40 dBA; levels between 50 dBA and 70 dBA define the range of noise levels generated by normal daily activity; levels above 70 dBA would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dBA.

In considering these values, it is important to note that the dBA scale is logarithmic, meaning that each increase of 10 dBA describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dBA, is perceived as twice as loud as a library at 40 dBA. For most people to perceive an increase in noise, it must be at least 3 dBA. At 5 dBA, the change will be readily noticeable.

It is also important to understand that combinations of different sources are added logarithmically due to the dBA scale’s nature. For example, two noise sources—a vacuum cleaner operating at approximately 72 dBA and a telephone ringing at approximately 58 dBA—do not combine to create a noise level of 130 dBA, the equivalent of a jet airplane or air raid siren (see **Table D-1**). In fact, the noise produced by the telephone ringing would be largely masked by the noise of the vacuum cleaner, and the combination of these two noise sources would yield a noise level of 72.2 dBA.

**Table D-1
Common Noise Levels**

Sound Source	dBA
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Train horn at 30 meters	90
Busy city street, loud shout	80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Background noise in an office	50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0
<p>Note: A 10 dBA increase in level appears to double the loudness, and a 10 dBA decrease halves the apparent loudness.</p> <p>Sources: Cowan, James P. <i>Handbook of Environmental Acoustics</i>, Van Nostrand Reinhold, New York, 1994. Egan, M. David, <i>Architectural Acoustics</i>. McGraw-Hill Book Company, 1988.</p>	

EFFECTS OF DISTANCE ON SOUND

Sound varies with distance. For example, highway traffic 50 feet away from a receptor (such as a person listening to the noise) typically produces sound levels of approximately 70 dBA. The same highway noise measures 66 dBA at a distance of 100 feet, assuming soft ground conditions. This decrease is known as “drop-off.” The outdoor drop-off rate for line sources, such as traffic, is a decrease of approximately 4.5 dBA (for soft ground) for every doubling of distance between the noise source and receiver (for hard ground the outdoor drop-off rate is 3 dBA for line sources). Assuming soft ground, for point sources, such as amplified rock music, the outdoor drop-off rate is a decrease of approximately 7.5 dBA for every doubling of distance between the noise source and receiver (for hard ground the outdoor drop-off rate is 6 dBA for point sources).

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and very few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the “equivalent sound level,” L_{eq} , can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1 , L_{10} , L_{50} , L_{90} , and L_x , are used to indicate noise levels that are exceeded 1, 10, 50, 90 and x percent of the time, respectively. Discrete event peak levels are given as L_1 levels.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates very little, L_{eq} will approximate L_{50} or the median level. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise.

In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50} .

For purposes of the Proposed Project, the maximum 1-hour L_{10} sound level has been selected as the noise descriptor to be used in this noise analysis. The 1-hour L_{10} is the noise descriptor used in the *CEQR Technical Manual* noise exposure guidelines for City environmental impact review classification.

C. NOISE STANDARDS AND CRITERIA

CEQR NOISE STANDARDS

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise level (see **Table D-2**, “Required Attenuation Values to Achieve Acceptable Interior Noise Levels”). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 50 dBA or lower for academic research or office uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table D-2
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Acceptable				Clearly Unacceptable
Noise Level With Proposed Action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$L_{10} < 80$
Attenuation*	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)^B$ dB(A)
Notes:	^A The above composite window-wall attenuation values are for residential dwellings. Commercial office spaces, academic research spaces, and meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation. ^B Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.				
Source:	New York City Department of Environmental Protection				

D. EXISTING NOISE LEVELS

Existing noise levels were measured for 20-minute periods during the three weekday peak periods—AM (7:00– 9:00 AM), midday (MD) (12:00 – 2:00 PM), and PM (4:00 – 6:00 PM) on February 2, 2012 at two receptor sites within the project building. Site 1 was located along the Broadway façade of the building, and Site 2 was located along the Lafayette Street façade of the building (see **Figure D-1**).

Measurements were performed using a Brüel & Kjær Sound Level Meter (SLM) Type 2260 (S/N 2375602), a Brüel & Kjær ½-inch microphone Type 4189 (S/N 2378182), and a Brüel & Kjær Sound Level Calibrator Type 4231 (S/N 2412436). The Brüel & Kjær SLM is a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The SLM has a laboratory calibration date of August 3, 2011 which is valid through July of 2012. The microphone was mounted at a height of five feet above the ground surface on a tripod and at least six feet away from any large sound-reflecting surface to avoid major interference with sound propagation. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements at each location were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq} , L_1 , L_{10} , L_{50} , and



Project Site Boundary

1 Noise Receptor Location

545 Block Number

46 Lot Number

0 100 200 FEET
SCALE

Noise Receptor Locations
Figure D-1

L₉₀. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005.

The results of the measurements of existing noise levels are summarized in **Table D-3**.

Table D-3
Existing Noise Levels at Sites 1 and 2 (in dBA)

Site	Measurement Location	Time	L _{eq}	L ₁	L ₁₀	L ₅₀	L ₉₀
1	730 Broadway, West Façade	AM	46.1	55.8	49.0	43.6	38.6
		MD	44.1	50.1	45.6	42.6	39.8
		PM	46.9	56.6	48.5	43.3	39.6
2	730 Broadway, East Façade	AM	43.2	48.5	45.7	42.2	39.8
		MD	42.0	46.7	44.6	41.1	38.6
		PM	42.1	47.3	44.5	41.4	38.2

Note: Field measurements were performed on February 2, 2012.

At all monitoring sites, vehicular traffic noise from outside the building entering through the building façade was the dominant noise source. Measured noise levels are moderate and reflect the level of vehicular activity on the adjacent streets.

E. INTERIOR NOISE EXPOSURE

As shown in **Table D-2**, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior L₁₀₍₁₎ noise levels in order to maintain interior noise levels of 50 dBA or lower for academic research or office uses. The maximum interior noise levels are summarized in **Table D-4**.

Table D-4
Building Attenuation Requirements

Building Façade Locations	Maximum Measured Interior L ₁₀₍₁₎ (in dBA)
West Façade	49.0
East Façade	45.7

Based upon the L₁₀₍₁₎ values measured within the project building (shown in **Table D-3**), noise levels within the project building are within the range specified by the CEQR interior noise level requirements.

In addition, the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. *