Chapter 2: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter assesses the potential impacts of the proposed Lenox Hill Hospital Redevelopment (LHH) project (the Proposed Project) on land use, zoning, and public policy in the Future with the Proposed Project (the With Action condition) as compared to conditions in the Future Without the Proposed Project (the No Action condition). According to the 2021 *City Environmental Quality Review (CEQR) Technical Manual,* a land use analysis evaluates the uses and development trends in the area that may be affected by a project and determines whether that project is compatible with those conditions or may affect them. The analysis also considers a project's compliance with, and effect on, the area's zoning and other applicable public policies.

As described in Chapter 1, "Project Description," Lenox Hill Hospital (the Applicant) is requesting a series of discretionary actions from the City Planning Commission (CPC) to facilitate the enlargement and modernization of the existing LHH on Block 1411, Lots 1 and 113 (Projected Development Site 1), bounded by Park and Lexington Avenues and East 76th and East 77th Streets in Manhattan. The Proposed Project would include a new building fronting on Lexington Avenue, as well as additions and modifications to portions of the existing hospital complex on Projected Development Site 1 and connections between the new hospital building and the renovated buildings. Two building envelopes are proposed, each of which would accommodate the Proposed Project's program. Envelope 1 would include a new approximately 771,000-gross-square-foot (gsf) building on Lexington Avenue and 56,000 gsf of additions to the existing hospital. Envelope 2 would include a new approximately 867,000-gsf building and 8,000 gsf of additions to the existing hospital. With the existing buildings to remain, the overall gross floor area of the Proposed Project on Projected Development Site 1 would be approximately 1.4 million gsf with either envelope. The program, project population (staff, patients, visitors), site access, zoning actions, and construction duration would be the same for both Envelope 1 and Envelope 2.

This Environmental Impact Statement (EIS) also considers the as-of-right development of a building with hospital support functions at 111-115 East 77th Street between Lexington and Park Avenues (Block 1412, Lots 9, 10, and 11) (Projected Development Site 1a) as part of the Proposed Project. Projected Development Site 1a would be connected to Projected Development Site 1 by a utility tunnel under East 77th Street. In addition, the Applicant proposes to provide improvements to the 77th Street subway station of the Lexington Avenue (No. 6) line, providing Americans with Disabilities Act (ADA) access to the downtown platform and improving sidewalk conditions in the immediate area.

PRINCIPAL CONCLUSIONS

The analysis concludes that the Proposed Project would be compatible with existing land use in the surrounding area and would not result in any significant adverse impacts to land use, zoning, or public policy. The Proposed Project would not result in a substantial change in the land use on the Project Site because it would continue the existing hospital-related uses. It is also located in

an area with numerous public facility and institutional uses. The Proposed Actions, including the proposed discretionary special permits, would modify only the zoning regulations on the Project Site and would not affect zoning regulations applicable to other sites in the study area. The Proposed Project would be consistent with the mix of institutional, residential, and retail uses in the area surrounding LHH, and the proposed bulk would be consistent in scale with other institutions and medical facilities in the area. In addition, the Proposed Project has been designed to be consistent with and supportive of the public policies applicable to the Project Site and the study area. The Proposed Project would contribute to OneNYC's goal for growth in emerging fields, promoting access to healthcare, and modernizing key infrastructure; would further the New York Works' goal of expanding new job opportunities in the life sciences and healthcare industry; and would support the City's LifeSci NYC Vision Plan efforts by redeveloping space for advancing healthcare and meeting the growing needs of New Yorkers.

B. METHODOLOGY

According to the *CEQR Technical Manual*, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. Accordingly, an analysis has been prepared that describes existing and future land use, zoning, and public policy conditions for the 2036 build year. The following analysis examines the overall effect that the Proposed Project, utilizing either Envelope 1 or Envelope 2, would have on these conditions and identifies whether or not the resulting changes could result in any significant adverse impacts on land use, zoning, or public policy.

The study area for this analysis considers land uses within a 400-foot radius of the Project Site, which includes the hospital block (Block 1411, Lots 1 and 113) (Projected Development Site 1) and one ancillary site (Block 1412, Lots 9, 10, and 11) (Projected Development Site 1a), as shown in **Figure 2-1**. According to the *CEQR Technical Manual*, the 400-foot study area is the area within which the Proposed Project could reasonably be expected to have potential effects. The study area is roughly bounded by East 79th Street to the north, East 75th Street to the south, midblock between Park and Madison Avenues to the west, and midblock between Lexington and Third Avenues to the east.

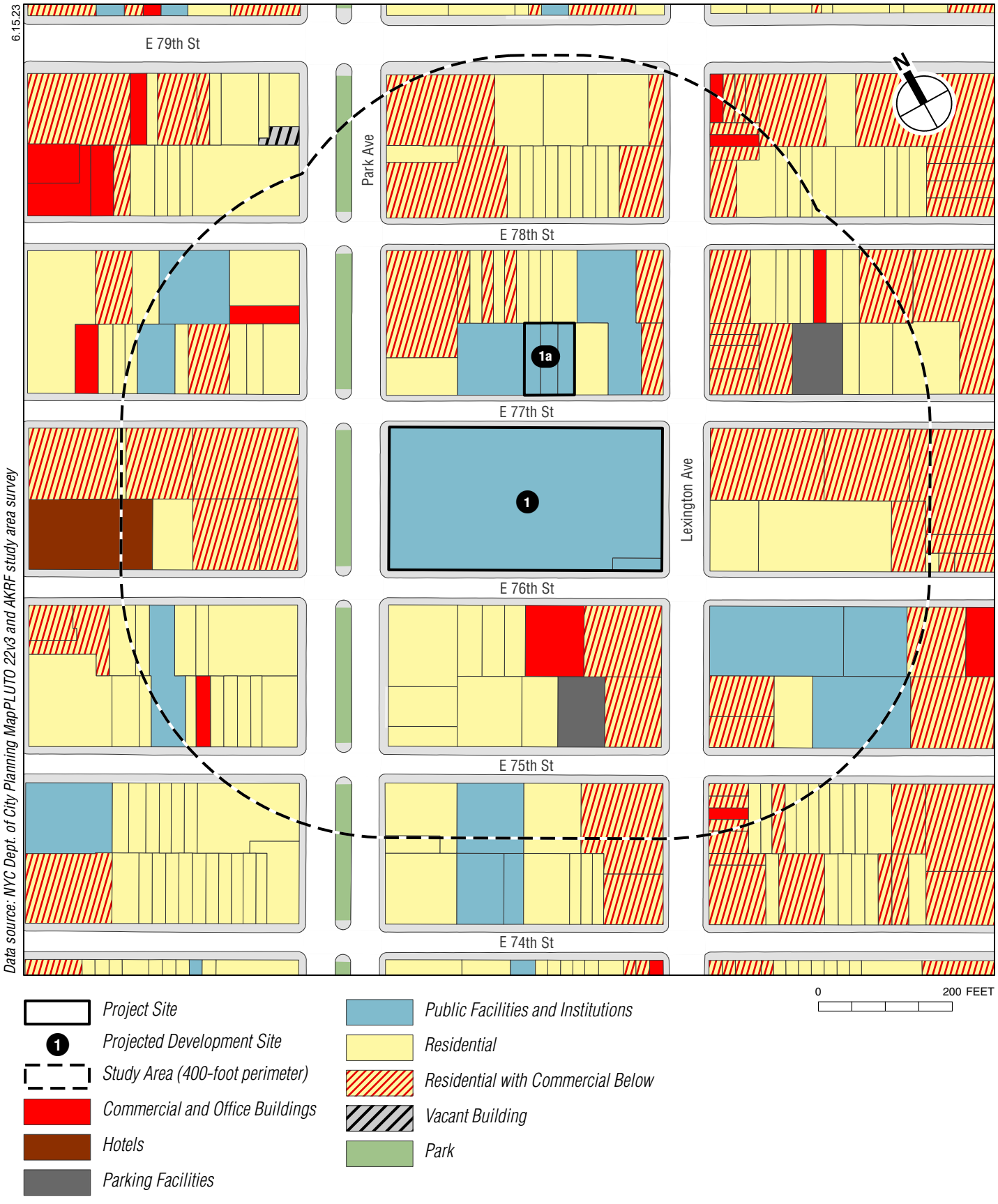
This analysis uses publicly available data provided by the New York City Department of City Planning (DCP) and the New York Department of Buildings (DOB). AKRF verified these data sources by performing field visits in February 2023.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The Project Site includes the approximately 82,760-square-foot hospital block (Block 1411, Lots 1 and 113) (Projected Development Site 1) and one ancillary site (Block 1412, Lots 9, 10, and 11) (Projected Development Site 1a). The area affected by the proposed rezoning and other approvals is limited to Projected Development Site 1. LHH occupies the Project Site, located in the Upper East Side neighborhood of Manhattan, Community District 8.



Existing Land Use

LENOX HILL HOSPITAL REDEVELOPMENT

Figure 2-1

Ten buildings ranging in height from 4 to 14 stories (40 to 200 feet high) and developed separately between the late 1880s and 1972 currently occupy Projected Development Site 1. Except for two rowhouses on the southeast corner of the site, the buildings have been renovated, improved, and interconnected to function, to the extent possible, as a single hospital facility. In total, Projected Development Site 1 contains approximately 781,500 gsf of development and 620,500 zoning square feet (zsf) of floor area, for a floor area ratio (FAR) of approximately 7.5. The hospital complex currently contains 450 beds (about a third of which are in single-bedded rooms), 25 operating rooms (ORs), an emergency department (ED), and other diagnostic treatment facilities. There is one curb cut on East 76th Street that provides service access to the existing hospital.

STUDY AREA

As shown in **Figure 2-1**, the 400-foot study area surrounding the Project Site is a mix of institutional, residential, and retail uses. Institutional uses include churches (e.g., Eglise St. Jean Baptiste Church at the southeast corner of East 76th Street and Lexington Avenue; Eighth Church of Christ, Scientist on East 77th Street, west of Projected Development Site 1a; and Temple Israel of the City of New York synagogue on the south side of East 75th Street between Park Avenue and Lexington Avenue), schools (Allen-Stevenson School [private day school for boys, grades K-9]; the Ramaz Upper School [Orthodox Jewish day school, grades 9-12] located within the larger Morris and Ida Newman Educational Center along East 78th Street; the Hewitt School [independent girls school, grades K-12]; and St. Jean Baptiste High School (Roman Catholic school for girls, Grades 9-12] along East 75th Street), and LHH and LHH-affiliated medical facilities. In addition, the 400-foot study area also includes Lenox Hill Radiology (not affiliated with the Northwell Health network or LHH), a medical diagnostic imaging center located on East 77th Street. There are also residential uses (including multifamily elevator buildings and townhouses) and mixed-use commercial/community facility buildings in the area.. Within the study area, Park Avenue is characterized by large apartment buildings rising without setback to heights of 120 to 150 feet, with heights above the setback ranging from 160 to 210 feet. Lexington Avenue is characterized by a mix of both older and newer, large 11- to 16-story buildings that have large footprints and wide street frontages, with many buildings occupying wide portions of a single blockfront, and older 2- to 7-story buildings. Many of the larger and taller buildings have a 9- to 12-story base built to the sidewalk, with setbacks above the base. Older buildings with smaller footprints and narrower street frontages are also located on Lexington Avenue among larger buildings. Smaller buildings are generally located between East 77th and East 79th Streets and on the east side of Lexington Avenue. Buildings on Lexington Avenue are built to the sidewalk and faced in masonry; most buildings have ground floor retail. The east-west streets are developed with a variety of brick- and stone-clad buildings, including 7- to 15-story apartment buildings and institutional buildings located among low-rise, 3- to 7-story rowhouses and small apartment buildings, with larger high-rise buildings at the block ends. Most buildings are built to the sidewalk or are slightly recessed from the sidewalk beyond planted and paved yard areas with metal railings.

Public open space in the surrounding area consists of a church yard, the Park Avenue Malls, and Central Park, which is located two blocks west of the Project Site, just outside the study area.

The built character of Lexington Avenue is more varied, including older townhouses and taller, more contemporary apartment buildings. The recently constructed 15-story, approximately 170-foot-tall (approximately 209 feet with permitted obstructions) residential building at 150 East 78th Street occupies the southeast corner of Lexington Avenue, with an approximately 100-foot-wide frontage on Lexington Avenue. The building rises 10 stories and has a series of setbacks before reaching its overall height. It was completed in 2022.

There are many mixed residential and commercial/community facility buildings in the area, predominately along East 77th Street, Park Avenue, and Lexington Avenue. The commercial uses along Lexington Avenue tend to be neighborhood retail focused, including many cafes and restaurants, particularly between East 77th and East 78th Street. Along East 77th Street and Park Avenue, there are several residential buildings with ground floor level community facility uses such as medical offices and laboratories.

The Project Site is immediately adjacent to public transportation, with entrances to the 77th Street subway station (6 train) located at the four corners of the intersection of Lexington Avenue and East 77th Street. The area is also served by local Metropolitan Transportation Authority (MTA) bus lines, such as the M79-SBS running cross-town on East 79th Street, and the M101, M102, and M103 heading south on Lexington Avenue. The area also has a number of Citi Bike docking stations, including at the southwest corner of East 76th Street and Park Avenue, and the northwest corner of East 77th Street and Third Avenue. Just outside of the study area, commuters and visitors to the area can utilize the 72nd Street subway station (N, Q, R trains) on Second Avenue and the East 72nd Street bus (M72).

ZONING

PROJECT SITE AND REZONING AREA

Projected Development Site 1 spans three zoning districts (see **Figure 2-2**). The western portion of the block is in an R10 residential district, the midblock is in an R8B residential district, and the eastern portion is in a C1-8X (R9X equivalent) commercial district. The R10 portion of Projected Development Site 1 is also in the Special Park Improvement (PI) District. Projected Development Site 1a is located in the R8B zoning district.

Six of the existing buildings on Projected Development Site 1, occupying the majority of the Lexington Avenue and East 76th Street frontages, were constructed prior to the enactment of the 1961 Zoning Resolution (ZR). In 1961, Projected Development Site 1 was mapped in three zoning districts: an R10 district with a depth of 125 feet was mapped along Park Avenue; a C1-9 district with a depth of 100 feet was mapped along Lexington Avenue; and an R8 district was mapped at the midblock. The other four existing buildings comprising the current hospital complex were developed over the next decade, with zoning approvals for the last building issued by the New York City Board of Standards and Appeals (BSA) in 1972.

In 1973, the Special Park Improvement (PI) District was mapped over the R10 district along Park Avenue and along Fifth Avenue, which enacted street wall requirements and height limits (300 feet or 25 stories) intended to "maintain the architectural quality and continuity of existing buildings fronting on Fifth and Park Avenues" and created a floor area bonus available through contributions into a fund to improve the Park Avenue medians and Central Park or provision of a plaza, plaza-connected open area, or arcade. In 1982, the CPC approved a text amendment that, among other things, removed the floor area bonus mechanism and reduced the maximum permitted building height to 210 feet or 19 stories.

The zoning districts currently mapped over Projected Development Site 1 are the result of a series of zoning map amendments approved in the early 1980s. In 1983, the depth of the R10 district and Special Park Improvement District from Park Avenue was reduced by 25 feet, and the midblock R8 district was extended by the same amount towards Park Avenue. Under the same action, the Lexington Avenue frontage was rezoned to a C1-8A district, which established a contextual building envelope with mandatory street wall location and height requirements (with no height

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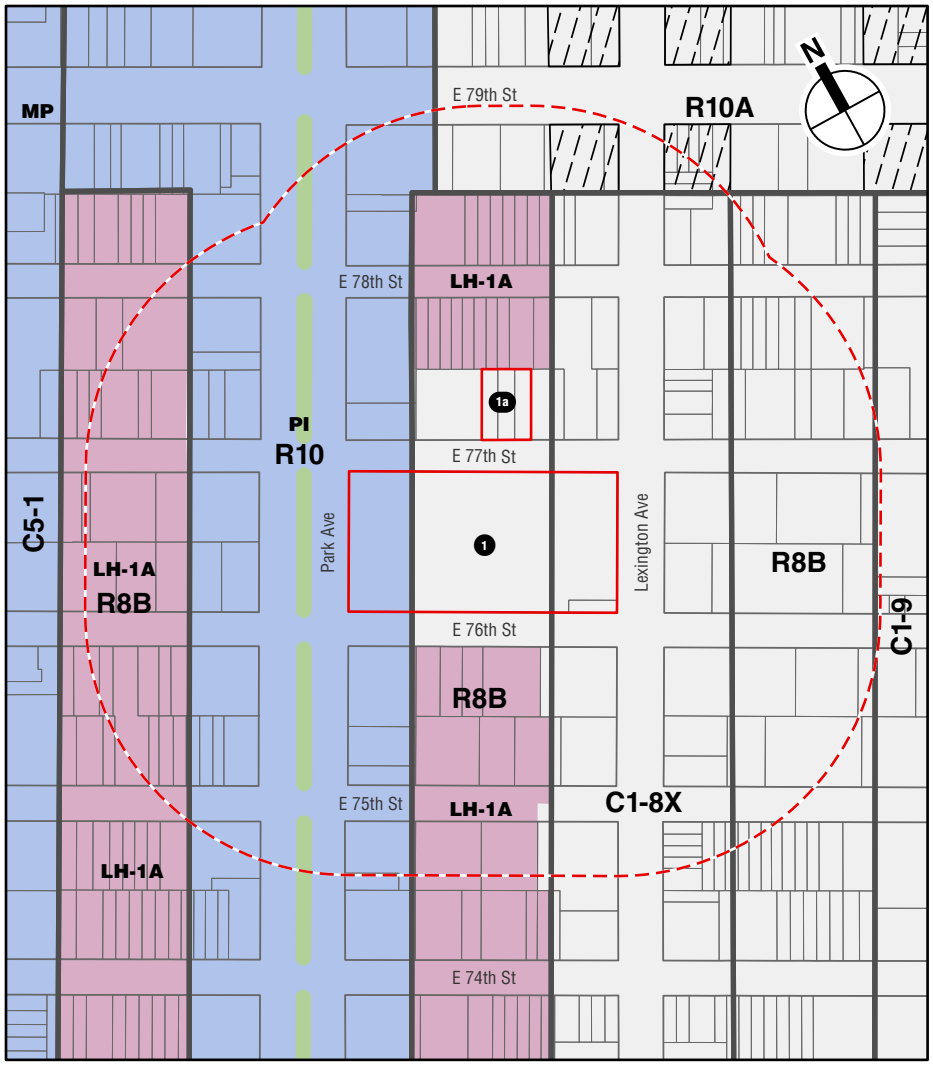
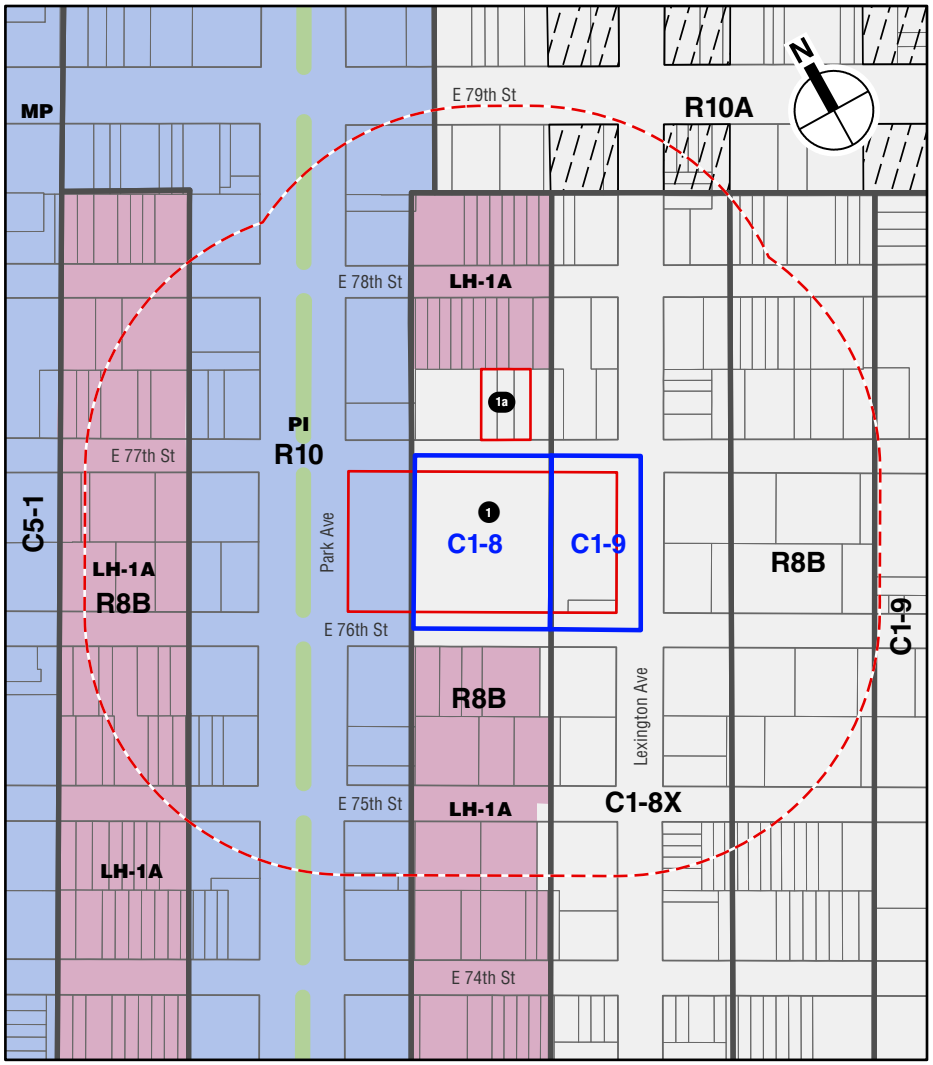




0 400 FEET

Project Site

1 *Projected Development Site*

Study Area (400-foot perimeter)

Zoning District Boundaries

C1-5 Commercial Overlay District

Park Avenue Malls

Limited Height District (LH-1A)

Special Park Improvement District (PI)

Special Madison Avenue Preservation District (MP)

Proposed Zoning

LENOX HILL HOSPITAL REDEVELOPMENT

Existing and Proposed Zoning

Figure 2-2

limitations, but setbacks were required above certain heights); however, in 1984, the C1-8A district was replaced with a newly created C1-8X district, which maintained the contextual building envelope with mandatory street wall location and height requirements and established reduced sky exposure plane regulations (2.0 to 1 ratio above 110 feet in height) limiting building heights for development along Lexington Avenue (N 840235 ZRY and C 840364 ZMM). In 1985, the R8 district initially mapped in 1961 was rezoned to an R8B district (C 850539 ZMM), and in 1986, the CPC approved a zoning text amendment to increase the permitted FAR for community facility uses in R8B districts to 5.1 FAR (N 860470 ZRM). Subsequently, the CPC approved zoning text amendments to modify the contextual building envelope to establish a maximum height limit in contextual and non-contextual zoning districts, including the C1-8X district (maximum height of 170 feet on wide streets) (N 870197(A) ZRY and N 940257 ZRY).

None of the existing buildings on Projected Development Site 1 comply with the current zoning district designations, other than the small four-story rowhouses at the corner of Lexington Avenue and East 76th Street. Three of the existing buildings on Projected Development Site 1 were constructed pursuant to approvals by the BSA. These include the East Building located midblock along East 76th Street, which received a variance in 1929 (Cal. 852-29-BZ) to allow a portion of the building to have a height of 141 feet at the streetline.[1] At the northwest corner of Projected Development Site 1, a 12-story building known as Wollman was constructed pursuant to a 1958 BSA variance (Cal. No. 582-29-II-BZ) allowing the eastern approximately 32 feet of the building's 168-foot-wide street wall on East 77th Street to exceed the maximum height limits allowed at that time by up to 16 feet, so as to provide a uniform street wall height. Also, at the southwest corner of Projected Development Site 1, a 12-story building known as Uris was constructed pursuant to a 1970 variance[2] (Cal. No. 287-70-BZ) to permit community facility lot coverage in excess of 75 percent and a BSA special permit to modify required initial setbacks and sky exposure planes on Park Avenue and East 76th Street under regulations in effect prior to enactment of the Special Park Improvement District controls in 1973 (which resulted in additional non-compliances with street wall requirements).

In June 2022, NYC announced plans to modernize and update the City's zoning regulations to support economic development, housing, and sustainability efforts throughout the City. Over the following two years, three separate initiatives, collectively known as 'City of Yes,' underwent public review and were approved—marking the first comprehensive overhaul of the zoning text since the 1961 Zoning Resolution. The existing zoning districts on the Project Site and in the surrounding area were affected by these initiatives.

STUDY AREA

As shown in **Figure 2-2** and **Table 2-1**, the study area is primarily zoned with high-density districts along the avenues and major cross-town thoroughfares: Park Avenue is in an R10 district within the Special Park Improvement District; Lexington Avenue is in a C1-8X (R9X-equivalent) district; and East 79th Street is in an R10A or R10 district. The midblocks in the area are generally mapped within an R8B district and within the limited height district (LH-1A). Portions of the surrounding area are also located within the Upper East Side Historic District, including portions

[1] The variance also allowed for construction at the same height fronting on East 77th Street; however, the existing building on that frontage (known as Lachman) does not utilize this approval.

[2] With modified plans approved in 1972.

or the entirety of the blocks immediately north, south, and west of the Project Site. The Project Site itself is not within a historic district.

Table 2-1
Zoning Districts Within the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
Commercial Districts		
C1-8X	Residential: residential district equivalent of R9X (9.0 Standard, 10.8 UAP[3]); Commercial: 2.0; Community Facility: 9.0	Commercial districts that are residential in character; mapped along major thoroughfares in medium- and high-density areas. Typical establishments cater to needs of neighborhood such as groceries, restaurants, and drug stores. Commercial uses limited to one or two floors in mixed buildings.
C1-5 (overlay)	Residential: same as underlying residential zone; Commercial: 2.0 in R6-R10 Districts; Community Facility: Same as underlying residential zone	Commercial overlays mapped in residential districts; local retail and service establishments are permitted. Commercial uses limited to one or two floors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services.
Residential Districts		
R8B	Residential: 4.0 Standard, 4.8 UAP[3]; Community Facility: 5.1	Contextual general residence district, incentives for affordable housing.[3]; generally associated with unified blocks of rowhouses with a relatively higher FAR than more typical rowhouse neighborhoods. Use Groups 1–4 are permitted.
R10	Residential: 10.0 Standard, 12.0 UAP Community Facility: 10.0 (Transit Improvement or Plaza for Community Facility Bonus: up to 12.0)	High-density residential district, incentives for affordable housing.[3] Maximum base and building heights increased commensurate with amount of affordable housing provided.
R10A	Residential: 10.0 Standard, 12.0 UAP	High-density residential district with incentives for affordable housing. Maximum base and building heights increased commensurate with amount of affordable housing provided.
Special Purpose Districts		
Special Park Improvement District	10.0 maximum	Contextual general residence district; created to preserve the residential character and architectural quality of Fifth and Park Avenues between East 59th and East 111th Streets. Limits height of new buildings to 215 feet, or 19 stories, whichever is less; mandates street wall continuity and FAR of 10.0 or less.
Limited Height District (LH-1A)	N/A	Maximum permitted building height is 60 feet.

Note:
[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 an 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] The Quality Housing Program includes height, setback, and bulk regulations designed to produce a building form that is consistent with the existing characteristic of the neighborhood. The Quality Housing Program permits a slightly denser development in exchange for height limits and consistent streetwalls.
[3] The Universal Affordability Preference (UAP) provides floor area incentives for creation or preservation of affordable housing, on or off-site, predominately for low- to moderate-income households.
Source: *New York City Zoning Resolution.*

R10 districts are high-density districts that permit an FAR of 10.0 and are commonly found along wide streets in Manhattan that are non-commercial in nature. Higher maximum FAR and heights are available for qualifying affordable housing buildings, and a 2.0 FAR bonus (not to exceed a maximum total FAR of 12.0) is available for sites providing a plaza or an arcade for buildings containing community facility uses. A bonus that permits an increase in the maximum permitted FAR by up to a maximum of 20 percent is available for sites adjacent to mass transit stations that provide transit improvements in accordance with the Zoning for Accessibility text. For buildings providing affordable housing, the transit improvement bonus allows for the total maximum FAR to exceed 12.0. Along wide streets, R10 districts have a maximum base height of 155 feet and a maximum building height of 215 feet, which can be increased to 235 feet for qualifying affordable housing developments. However, the R10 in the study area is within the Special Park Improvement

District, which has special height and setback rules. There is a street wall requirement on and within 50 to 70 feet of Park Avenue with a minimum height of 125 feet (or the height of the building, if lower) and maximum height of 150 feet. The maximum building height is 215. Beyond 50 to 70 feet from Park Avenue, a street wall is not required at the street line, and a sky exposure plane is applied above a height of 85 feet with a ratio of 2.7-to-1 on narrow street frontages.

R8B districts are contextual residential districts. Residential buildings developed in R8B districts are usually found on the narrow side streets of the Upper West Side and Upper East Side in Manhattan. They generally encompass the midblock of a street and are designed to preserve the character and scale of taller rowhouse neighborhoods. The bulk regulations encourage new six-story apartment buildings, with a setback at the top story. The base height of a new building before a setback is up to 65 feet, with the maximum building height totaling 75 feet. Maximum base and building heights can be increased by 20 feet, or 85 feet and 95 feet, respectively, for qualifying affordable housing buildings. A 15-foot setback is required on narrow street frontages. Outside of the Project Site, the midblocks between Madison Avenue and Park Avenue and between Park Avenue and Lexington Avenue are also mapped as a limited height district (LH-1A), within which the maximum permitted building height is 60 feet. New buildings must match the depth of the street wall of adjacent buildings to maintain the traditional streetscape. Residential buildings are permitted to an FAR of 4.0, which can be increased up to a maximum of 4.8 FAR for qualifying affordable housing buildings. Mixed residential and community facility buildings are permitted to an FAR of 4.8 (affordable housing is required for residential use in excess of 4.0 FAR). Community facility buildings without any residential use are permitted to an FAR of 5.1.

C1-8X commercial districts are found on the Upper East Side along Lexington Avenue between 61st and 98th Streets and typically contain predominately residences or community facilities. The residential equivalent is R9X, which is typically mapped along major thoroughfares in medium- and higher-density areas of the city, such as Second and Lexington Avenues on the Upper East Side. Typical retail uses include grocery stores, dry cleaners, drug stores, restaurants, and local clothing stores that serve the daily needs of the community. In mixed use buildings, commercial uses are limited to one or two floors and can be located on the same floor or below residential uses. Commercial uses have a maximum permitted FAR of 2.0. Residential uses are allowed at a maximum FAR of 9.0, which can be increased to 10.8 with qualifying affordable housing. Community facility uses are allowed at a maximum FAR of 9.0. A bonus FAR of up to 2.0 (not to exceed a maximum total FAR of 12.0) is available for sites providing a plaza or an arcade for a community facility building or a building containing both commercial and community facility uses, or for sites adjacent to mass transit stations that provide transit improvements. Along wide streets, the standard maximum base height is 125 feet and the standard maximum building height is 175 feet. Maximum base and building heights can be increased by 30 feet, or 155 feet and 215 feet, respectively, for qualifying affordable housing buildings.

An R10A district is located along East 79th Street. R10A districts are high-density districts and are commonly found along wide streets in Manhattan. Residential uses are allowed at a standard FAR of 10.0 or up to 12.0 with qualifying affordable housing. Along wide streets, R10A districts have a maximum base height of 155 feet and a maximum building height of 215 feet, which can be increased to 235 feet with qualifying affordable housing.

A C1-9 (R10-equivalent) district is mapped along Third Avenue. C1-9 districts are high-density districts and are commonly found along wide streets in Manhattan. Residential uses are allowed at a standard FAR of 10.0 or up to 12.0 with qualifying affordable housing. Community facility

uses are permitted up to 10.0 FAR and commercial uses permitted up to 2.0 FAR. Along wide streets, C1-9 districts have a maximum base height of 155 feet and a maximum building height of 215 feet, which can be increased to 235 feet with qualifying affordable housing.

There are also two C1-5 commercial overlays mapped within residential district R10A along East 79th Street. These overlays are typically mapped along streets that serve local retail needs; they are found extensively throughout the city's medium, and high-density residential districts, including in the study area. When commercial overlays are mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

The Special Park Improvement District runs along Park Avenue between East 59th Street and East 111th Street. The Special Park Improvement District was created to preserve the residential and architectural character of Fifth and Park Avenues in the Upper East Side of Manhattan and limits the height of new buildings to 215 feet; however, the maximum base and building height may be increased by 30 feet with qualifying affordable housing. It also requires a continuous street wall. The maximum FAR is 10.0 and may be increased through a qualifying mass transit station improvement; no other bonuses are allowed. Most of the study area west of Lexington Avenue is within the Upper East Side Historic District, while the southeast corner is in the Upper East Side Historic District Expansion (see Chapter 6, "Historic and Cultural Resources").

LHH is one of several world-class institutional uses located on Manhattan's Upper East Side, including Mount Sinai Hospital, Memorial Sloan Kettering Cancer Center, the Rockefeller University, New York-Presbyterian Hospital/Weill Cornell Medical Center, the Hospital for Special Surgery, and the Manhattan Eye, Ear, and Throat Hospital. Healthcare institutions occupy prominent sites throughout the area, from "superblock" sites occupied by Mount Sinai Hospital at the northern portion of the neighborhood on Fifth and Madison Avenues to the concentration of institutions southeast of the Project Site, between First Avenue and the East River. As healthcare standards and medical technology have evolved since enactment of the Zoning Resolution in 1961, the City has facilitated the modernization and expansion of these facilities through zoning map amendments and other discretionary zoning approvals, in recognition of the importance of these institutions within the neighborhood and to the City as a whole.

In 1962, shortly after the enactment of the Zoning Resolution, the CPC approved a zoning map amendment that rezoned an R7-2 district to an R9 district to facilitate the expansion of Mount Sinai Hospital's facilities on property along Madison Avenue between East 98th Street and East 102nd Street. This rezoning allowed Mount Sinai Hospital to place all of its hospital property in a district permitting up to 10.0 FAR for community facility uses (up to 12.0 FAR if a public plaza or arcade area was provided). In 1972, the CPC approved a City Map amendment to facilitate the eastward expansion of these hospital institutions southeast of the Project Site within volumes of space above the FDR Drive, stating in its report that "[t]he question is not whether the institutions should expand, but where." Subsequently, the CPC has issued numerous approvals to allow construction of new hospital buildings within these volumes, as well as expansion on the blocks west of the FDR Drive, including zoning map amendments and special permits. Where necessary to facilitate the upgrade and modernization of medical institutions, the CPC has approved significant midblock expansions for existing institutions, including, in 2001, a midblock upzoning between East 67th and East 69th Streets between York and First Avenues from an R8 district to an R9 district (10.0 FAR for community facility uses) to facilitate expansion of the Memorial Sloan Kettering Cancer Center campus, including a new research facility and hospital buildings. In addition, in 2021, the CPC approved a series of actions to facilitate development of a new headquarters for the New York Blood Center with a commercial life science hub, including a

midblock upzoning on the block bounded by East 66th and East 67th Streets and First and Second Avenues from an R8B to a C2-7 (R9 equivalent) district.

Large healthcare facilities, including LHH, have long been a prominent element of the Upper East Side neighborhood fabric, and there is a consistent pattern of expansion to accommodate evolving healthcare standards and new medical technologies. As has been the case with its peer institutions in this area of the city, LHH requires significant upgrades to account for contemporary medical space standards and the incorporation of new technologies; however, current zoning controls applicable to the Project Site do not allow for further expansion within the existing footprint.

PUBLIC POLICY

ONENYC

In April 2007, the Mayor's Office of Long-Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York (PlaNYC*). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, *One New York: The Plan for a Strong and Just City* (*OneNYC*) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. *OneNYC* builds upon the sustainability goals established by *PlaNYC* and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to inclusive economies (growing and diversifying the economy), healthy lives (reducing inequities in health outcomes), and encouraging modern infrastructure (investing in reliable infrastructure that meets the needs of a 21st century city).

NEW YORK WORKS

In June 2017, the New York City Office of the Deputy Mayor for Housing and Economic Development released *New York Works*, an economic development plan focused on supporting growing industries and employment opportunities through City investments and direct actions, with the goal of creating 100,000 new quality jobs. The plan focuses on key sectors that have the potential to support well-paid jobs, such as technology, life sciences and healthcare, industrial and manufacturing, and the creative and cultural sectors, along with revitalization of the traditional commercial office sector. The plan also outlines several strategies for public support, including modernizing and repurposing City-owned properties for commercial or manufacturing uses, providing financing and tax incentives, and investing in infrastructure.

LIFESCI NYC VISION PLAN

In January 2021, the New York City Economic Development Corporation (EDC) issued its *LifeSci NYC Vision Plan,* designed to foster New York City (NYC) as a major center of life sciences innovation. The plan acknowledges that NYC is home to a deep and diverse talent pool, premier academic and medical institutions, and the widest and most varied healthcare-delivery infrastructure of any place in the world. It cites these as key ingredients in positioning NYC to take a leading role in advancing the fundamental understanding of disease, developing cures, and delivering treatment—from discovery to patient care. The plan expresses the City's commitment to nurture the development of a thriving life sciences industry by investing in over three million square feet of additional life sciences space, including specialized facilities and 100 new startup companies that will drive the development of small molecules, biologics, vaccines, gene therapies, and cell therapies, which will lead to the creation of thousands of new jobs in an industry where

50 percent of jobs do not require a bachelor's degree, and the creation, production, and delivery of dozens of new cures and treatments to keep New Yorkers safe and healthy. The *LifeSci NYC Vision Plan* notes that the Upper East Side is home to a dense concentration of patient care facilities and some of the world's leading academic medical centers, presenting an opportunity to support programs that advance basic research and startup formation. LHH is within the *LifeSci NYC Vision Plan's* Upper East Side Life Sci Cluster, which the Plan considers part of its Citywide Life Sciences network.

LHH participates in numerous programs supporting the development of life sciences in NYC. In 2017, LHH adopted the Medical Scholars Pipeline Program and began hosting students on-site as part of their regular curriculum. At Northwell/Hofstra's Zucker School of Medicine, the Office of the Pipeline Program supports the Medical Scholars Pipeline Program, the SOM College Pipeline Program, the Medical Science Youth Program for middle and high school students, and the Healthy Living Long Island Program for third graders. The Office supports these programs by organizing learning sessions, experiences, and events for those students at the Zucker School of Medicine and in the community. LHH offers numerous residency programs accredited by the Accreditation Council for Graduate Medical Education (ACGME) for over 120 physician trainees, in addition to a variety of prestigious fellowship training programs.

In June 2023, LHH honored 65 high school students who had completed the inaugural FutureReadyNYC healthcare internship program, a collaboration between Northwell and NYC Public Schools. During the intensive seven-week program, interns from various high schools took part in 80-hour internships, which included hospital tours, skills-based workshops, mentorships, and hands-on demonstrations at LHH, Lenox Health Greenwich Village, and Long Island Jewish Forest Hills.

CITY OF YES

In June 2022, NYC announced its plan to modernize and update the City's zoning regulations to support small businesses, create affordable housing, and promote sustainability. Over the following two years, three separate initiatives, collectively known as 'City of Yes,' underwent public review and were approved—marking the first comprehensive overhaul of the zoning text since the 1961 zoning resolution. The three initiatives of *City of Yes* include the following:

- The *City of Yes for Carbon Neutrality* modernized the City's zoning regulations to support climate goals. In order to reduce greenhouse gas emissions by 2050, the City's goals included transforming the energy grid, retrofitting existing buildings, and shifting to electric vehicles, transit, and other modes such as biking and walking. DCP, DOB, the New York City Fire Department (FDNY), and the Mayor's Office of Climate and Environmental Justice worked together on the proposal to clear the way for necessary green investments. The City of Yes for Carbon Neutrality also included support for a renewable energy grid by making it easier for building owners to add rooftop solar panels; removing obstacles to clean, efficient building construction and renovation methods; providing allowances for more electrical vehicle charging stations on City streets; and reducing carbon emissions by minimizing landfill waste and stormwater processing. The *City of Yes for Carbon Neutrality* proposal was adopted by the City Council on December 6, 2023.
- The *City of Yes for Economic Opportunity* modernized the City's zoning regulations to support small businesses, create thriving commercial corridors, and bolster NYC's economic recovery. The *City of Yes for Economic Opportunity* removed outdated limitations on

businesses to support vibrant local retail streets and commercial centers across the City. This initiative was adopted by the City Council on June 6, 2024. .

- The *City of Yes Housing Opportunity* was part of an inclusive, citywide approach to expanding and diversifying the housing supply, in which every neighborhood does its part to help meet housing needs and provide equitable access to opportunity for New Yorkers. The proposal aimed to help meet New Yorkers' housing needs with small changes citywide—including the highest density areas as well as low-density areas. This initiative aimed to advance key recommendations for fair housing and equity in the *Where We Live NYC Plan*.[3] The *Where We Live NYC Plan* identified goals, strategies, and actions to expand housing opportunities for everyone. This initiative was adopted by City Council on December 5, 2024

D. THE FUTURE WITHOUT THE PROPOSED PROJECT (NO ACTION CONDITION)

LAND USE

PROJECT SITE

Absent the Proposed Project, the main hospital complex on Projected Development Site 1 will remain in its current form, with most ambulatory uses relocating to other facilities (including Projected Development Site 1a). The relocation of these uses will make available approximately 13,500 square feet (sf) within the hospital to convert a limited number of double-bedded rooms to single-bedded rooms without any effect on the total number of beds, and will allow for reconfiguration of certain suboptimal spaces.

Under the No Action condition, the Applicant may redevelop Projected Development Site 1a with one or more buildings of a similar height and density to that being proposed as part of the Proposed Project. However, as described in Chapter 1, "Project Description," the No Action condition conservatively assumes that it will continue to be used as-is, other than the above-mentioned relocations from the main hospital complex on Projected Development Site 1.

STUDY AREA

Within the 400-foot study area, there are no projects expected to be completed by the 2036 analysis year.. Just outside the study area, a vacant lot occupying the entire blockfront on the east side of Third Avenue between East 76th and East 77th Streets is being developed as-of-right by LHH with a new outpatient building (the Northwell Medical Pavilion) up to 210 feet tall. The Pavilion is expected to open in Fall 2025.

ZONING

While no changes to zoning on the Project Site or within the 400-foot study area are currently proposed, it is possible that changes may be proposed before the Proposed Project's 2036 build year, especially because the Project Site and study area are within the *LifeSci NYC Vision Plan's* Upper East Side Life Sci Cluster, which the Plan considers part of its Citywide Life Sciences network, as described above in "Existing Conditions.".

[3] https://wherewelive.cityofnewyork.us/

PUBLIC POLICY

No new public policies or modifications to current public policies applicable to the Projected Development Sites and the study area are expected in the No Action condition. However, it is anticipated that NYC will continue to advance its existing plans and policies throughout the City, including *OneNYC, New York Works, LifeSci NYC Vision Plan*, and the *City of Yes*.

E. THE FUTURE WITH THE PROPOSED PROJECT (WITH ACTION CONDITION)

LAND USE

PROJECT SITE

In the With Action condition, the Proposed Project would redevelop LHH's existing campus, occupying Projected Development Site 1 and Projected Development Site 1a in the area bounded by Park and Lexington Avenues and East 76th and East 78th Streets in Manhattan. Two building envelopes are proposed, each of which would accommodate the Proposed Project's program. Envelope 1 would include a new approximately 771,000-gsf building on Lexington Avenue and 56,000 gsf of additions to the existing hospital. Envelope 2 would include a new approximately 867,000-gsf building and 8,000 gsf of additions to the existing hospital. With the existing buildings to remain, the overall gross floor area of the Proposed Project on Projected Development Site 1 would be approximately 1.4 million gsf with either envelope. The program, project population (staff, patients, visitors), site access, zoning actions, and construction duration would be the same for both Envelope 1 and Envelope 2.

Under either envelope, the Proposed Project would include an ED, operating suites, and patient rooms. The Proposed Project would include modifications to portions of the existing hospital complex to accommodate connections to the new hospital building's podium, and would provide new truck docks inside the building and off-street parking for up to six ambulances to alleviate sidewalk and street congestion along East 76th and East 77th Streets. Overall, the hospital complex would have a zoning floor area of 1,034,471 sf for an FAR of 12.5 under both Envelope 1 and Envelope 2.

Projected Development Site 1a, directly across East 77th Street, would be redeveloped with an approximately 46,000-gsf, 75-foot-tall building, including support space for LHH. There would also be a utility tunnel under East 77th Street connecting to the main hospital. This related project may occur independent of the Proposed Project to support overall LHH growth; however, for a conservative analysis, it is being analyzed as part of the Proposed Project.

STUDY AREA

The Proposed Actions would only result in changes to land use on the Project Site and would not directly affect land use on other sites within the study area. Overall, the Proposed Project would be a complying use under the proposed zoning and would be compatible with the residential, community facility, and commercial uses in the study area. Therefore, the Proposed Actions would not result in any significant adverse land use impacts in the study area.

ZONING

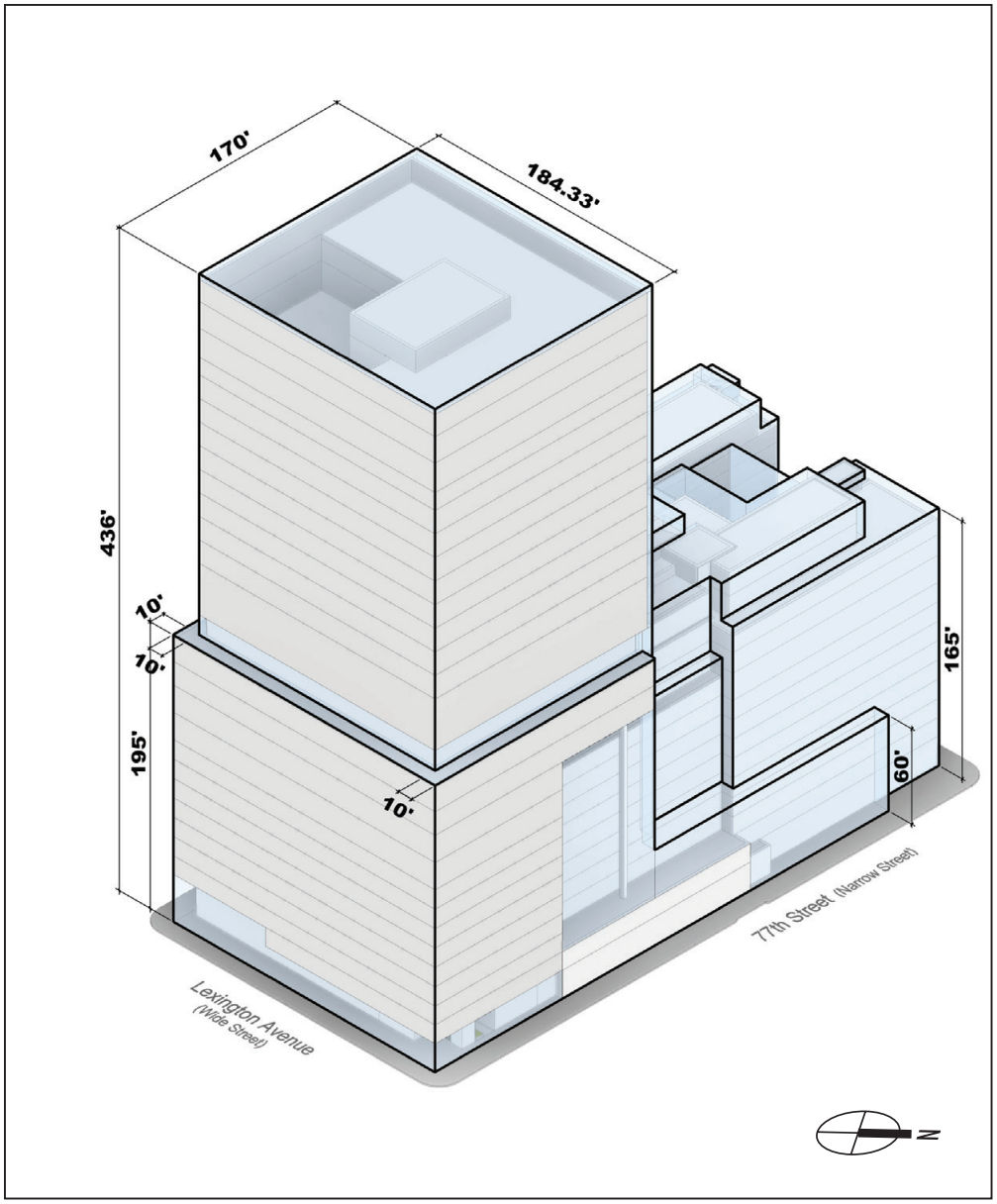
PROJECT SITE

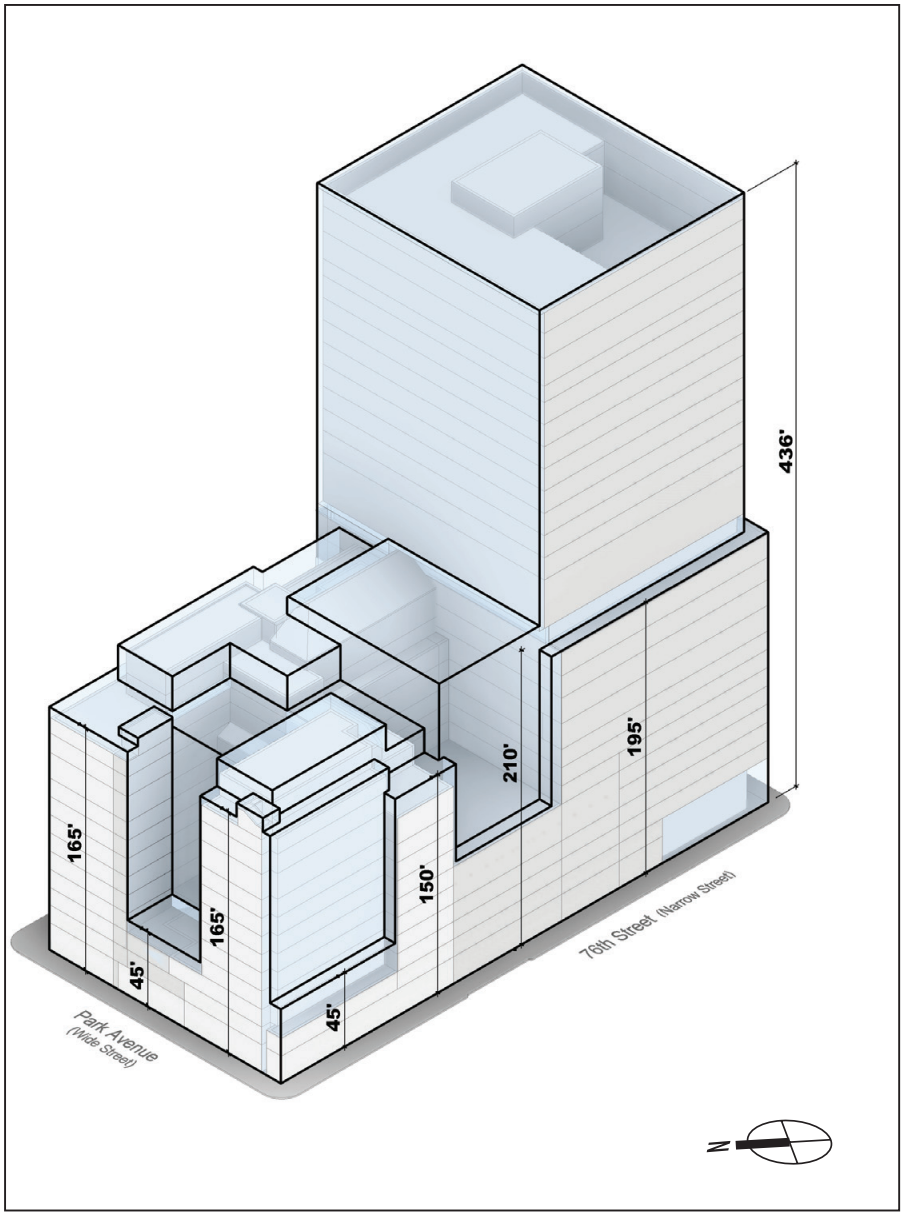
In order to accomplish the project, the Applicant is requesting the following zoning actions, which would be required for either Envelope 1 or Envelope 2 (see **Figure 2-2**):

1. **Zoning Map Amendments**
   a. Rezone the Lexington Avenue frontage of Projected Development Site 1 from a C1-8X district to a C1-9 (R10 equivalent) district; and
   b. Rezone the midblock portion of Projected Development Site 1 from an R8B district to a C1-8 (R9 equivalent) district.
2. **Zoning Text Amendments**
   a. Map a Mandatory Inclusionary Housing area over the rezoned portions of Projected Development Site 1;
   b. Modify ZR Section 66-513(a)(2) to allow a floor area bonus for transit improvements in combination with other floor area bonuses where explicitly permitted by a CPC special permit.
   c. Modify the Special Park Improvement District regulations (ZR Section 92-21) to allow a floor area bonus by special permit pursuant to ZR Section 74-904.
   d. Create a new special permit under ZR Section 74-904 to allow:
      i. A floor area increase of up to 12.0 FAR for a project predominantly dedicated to Use Group III(B) hospital use;
      ii. A further floor area increase in connection with an authorization or special permit pursuant to ZR Section 66-51 for transit improvements, provided that the amount of floor area within the Special Park Improvement District not exceed 10.0 FAR; and
      iii. Modifications of applicable bulk regulations.
3. **Special Permits**
   Obtain a special permit pursuant to new ZR Section 74-904 to facilitate the proposed redevelopment by:
   a. Receiving a floor area bonus of 2.0 FAR for a community facility project;
   b. Incorporating a further floor area bonus of 0.5 FAR in connection with an authorization pursuant to ZR Section 66-511 for transit improvements; and
   c. Modifying street wall, height, and setback and other bulk regulations.
4. **Authorization**
   Obtain an authorization pursuant to ZR Section 66-511 to allow a floor area bonus of 0.5 FAR in connection with a major improvement to a mass transit station.

The maximum zoning envelopes allowed by these discretionary actions are shown in **Figure 2-3** (Envelope 1) and **Figure 2-4** (Envelope 2).

8.9.24





Source: Ennead Architects

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

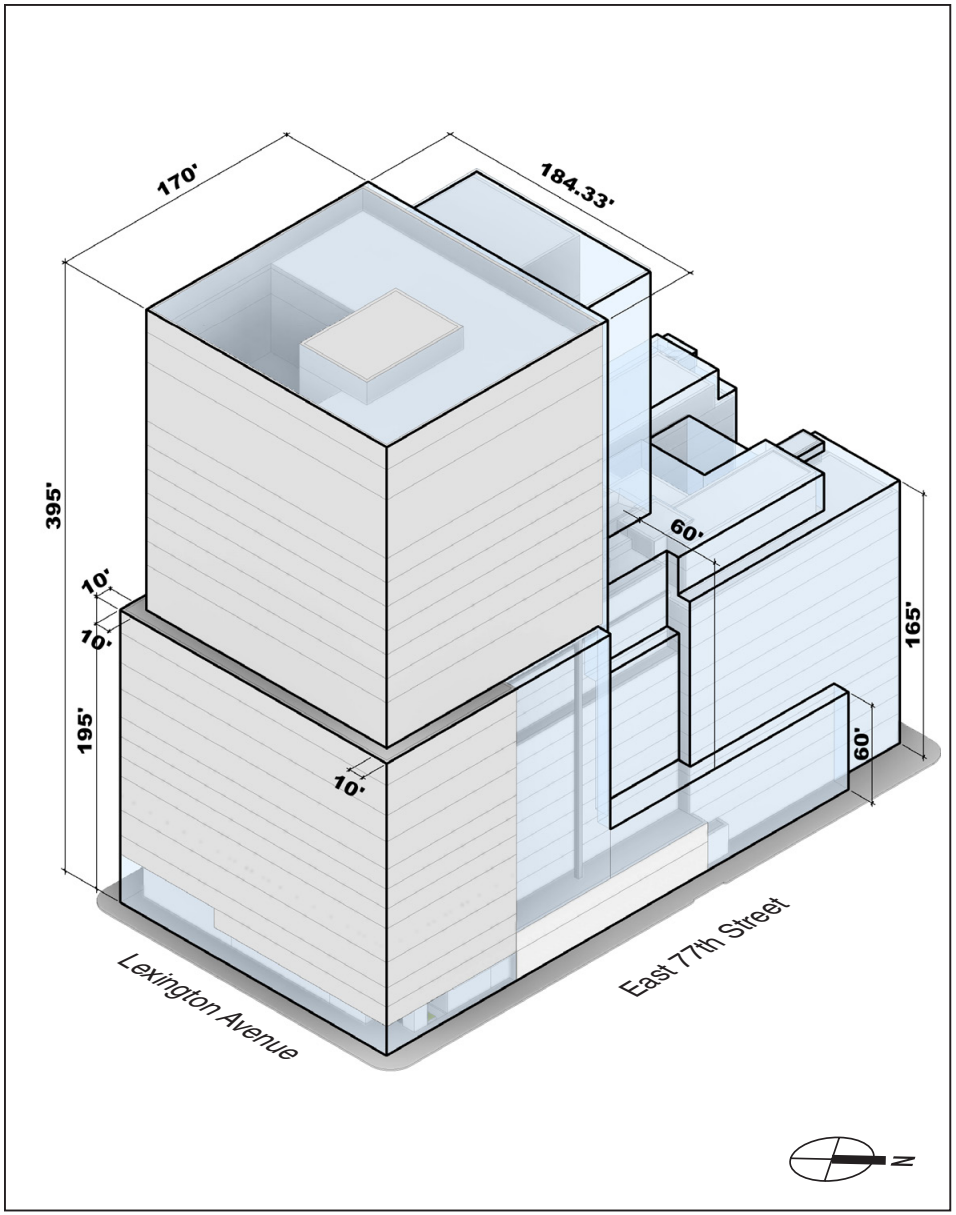
Maximum Zoning Envelope

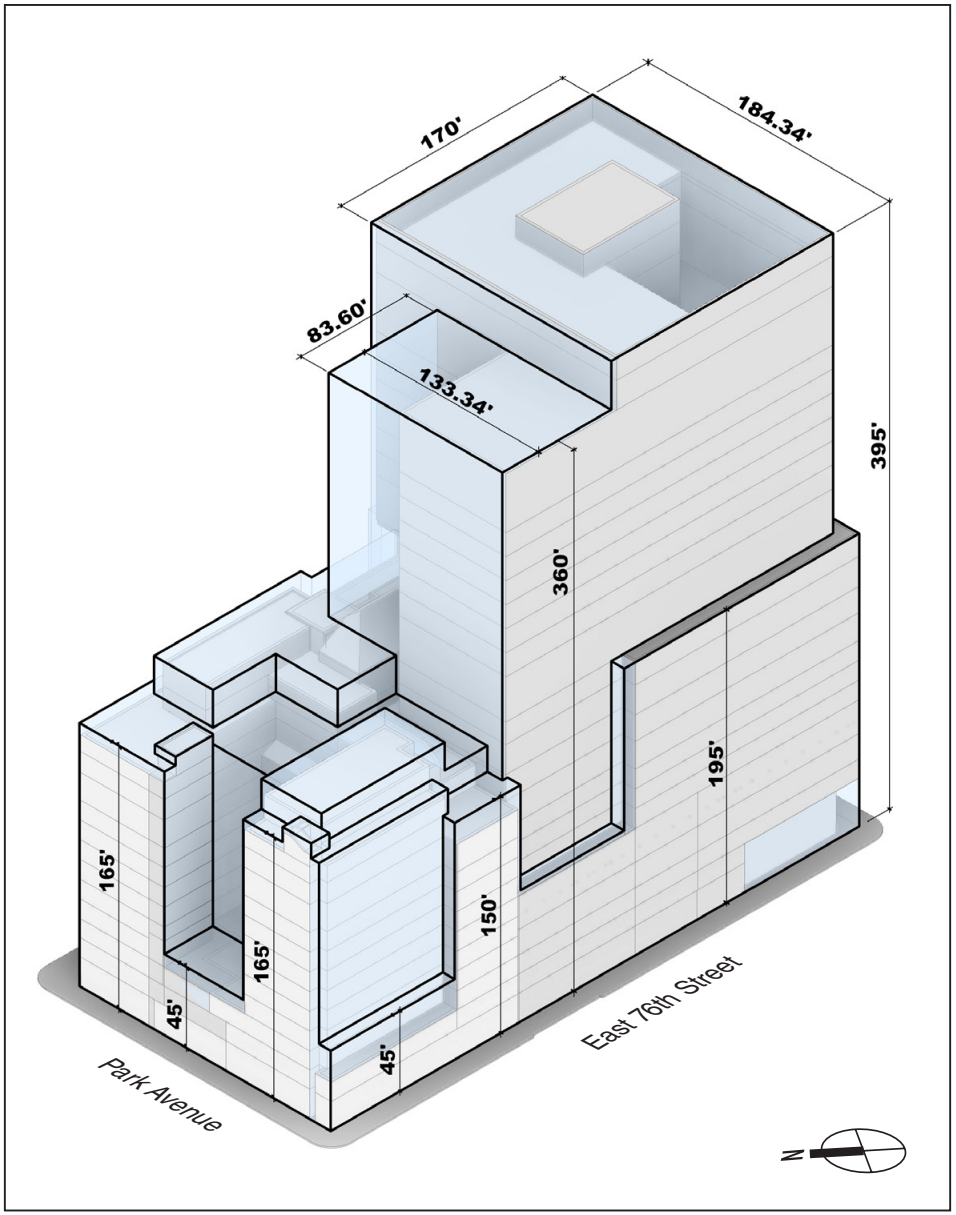
Proposed Maximum Zoning Envelope 1

LENOX HILL HOSPITAL REDEVELOPMENT

Figure 2-3

8.9.24





Source: Ennead Architects

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

Maximum Zoning Envelope

Proposed Maximum Zoning Envelope 2

In addition, the Applicant would seek a Chairperson's certification of a transit easement volume pursuant to ZR Section 66-21, a non-discretionary, ministerial action through the CPC. The Applicant would request a revocable consent from the New York City Department of Transportation (DOT) and any other permits required for the proposed tunnel under East 77th Street. The Applicant would also seek a Certificate of Need from the New York State Department of Health (NYSDOH) and may seek tax-exempt financing of project costs through the Dormitory Authority of the State of New York.

The zoning actions would be limited to the Project Site and would not affect the existing zoning on any other sites within the study area. As discussed further below, the Proposed Actions would allow for the necessary floor area within the Project Site to facilitate the Proposed Project under either Envelope 1 or Envelope 2.

Rezoning to C1-9 and C1-8

The proposed rezoning—modifying the Lexington Avenue frontage of the Project Site from a C1-8X district to a C1-9 (R10 equivalent) district and modifying the midblock from an R8B district to a C1-8 (R9 equivalent) district—would result in a basic[4] maximum floor area ratio of 10.0 FAR for community facility use across the full Project Site. This increase in the permitted FAR (which under the existing condition is limited to 9.0 FAR in the C1-8X district and up to 5.1 FAR in the R8B district) is necessary for the Proposed Project. The existing R10 district and Special Park Improvement District on the Park Avenue frontage of Projected Development Site 1 would not be changed. In addition, the proposed rezoning to C1-8 and C1-9 districts would be an appropriate reflection of the historical development and ongoing use of Projected Development Site 1 as a single non-profit hospital, and would allow for the application of uniform height and setback controls on these portions of the block while maintaining a lower-scale midblock zoning, consistent with the surrounding area.

Specifically, the proposed rezoning of the Lexington Avenue frontage to a C1-9 (R10 equivalent) district would increase the permitted floor area for community facility use from 9.0 FAR to a basic maximum of 10.0 FAR, without an increase to the permitted commercial floor area. This would be consistent with the permitted floor area for community facility use on other avenue frontages in the study area, including Park Avenue, which is mapped in an R10 district, and Third Avenue, which is mapped in a C1-9 (R10 equivalent) district, as well as with the original zoning of this frontage of the hospital block under the 1961 Zoning Resolution. The C1-9 district would also allow development of community facility buildings under sky exposure plane or tower regulations up to heights greater than the currently permitted 170 feet, but consistent with the varied built character within and immediately outside of the 400-foot study area, which includes several high-rise buildings, such as the Carlyle Hotel to the west and several residential towers to the east. A higher density and height on the Lexington Avenue frontage of Projected Development Site 1 would be appropriate within the context of the study area and would allow for the enlargement and modernization of LHH to ensure that the hospital can meet the needs of the next generation of care in the location it has occupied for more than 150 years.

[4] The "basic" maximum FAR represents a zoning lot's FAR limit before any applicable bonuses or increases are applied.

The proposed C1-8 (R9 equivalent) district would reduce the degree of non-compliances with existing height and setback controls on the midblock of Projected Development Site 1,[5] and would allow basic maximum community floor area ratio of 10.0 FAR, eliminating existing non-compliance with floor area limitations in the R8B district. The proposed C1-8 district, rather than a C1-9 district, at the midblock would provide a lower potential residential floor area, consistent with the treatment of midblocks throughout the study area. The proposed midblock R9 equivalent zoning is consistent with prior zoning map amendments approved by the CPC[6] to allow the modernization and upgrade of healthcare and life science facilities on the Upper East Side. The proposed rezoning would allow for the Proposed Project, with a zoning district and density typical for and consistent with other hospital uses on the Upper East Side.

Community Facility Special Permit

The proposed text amendment to create a new special permit pursuant to ZR Section 74-904 would facilitate the floor area bonuses necessary for the Proposed Project, as outlined below. This new special permit reflects the need and desire to provide for an appropriately sized ED and healthcare industry-standard patient rooms and operating suites on-site with relatively minor increases in the intensity of use on the Project Site.

In addition, the special permit would allow for the proposed new building on the eastern portion of the Project Site to be constructed with large, efficient floor plates from the ground floor up to a podium height of approximately 195 feet, except for an approximately 84-foot-wide portion of the midblock frontage on East 76th Street, which would provide a 10-foot setback at a height of 85 feet. Above the podium, under Envelope 1, the portion of the proposed new building within 180 feet of Lexington Avenue would rise to a maximum height of 436 feet (inclusive of mechanical bulkheads) after 10-foot setbacks from each street frontage, and under Envelope 2, this portion would rise to a lower maximum height of 395 feet (inclusive of mechanical bulkheads) after 10-foot setbacks from each street frontage, with the addition of an approximately 84-foot-wide midblock wing up to a height of 360 feet. Both Envelope 1 and Envelope 2 require modification of the maximum front wall height, minimum required setback, and sky exposure plane regulations for community facility buildings in C1-9 and C1-8 districts. Additional waivers would be required to maintain existing non-compliances for the western part of the building for either envelope.

Mass Transit Floor Area Bonus Limitations Modification

The proposed text amendment to modify ZR Section 66-513—allowing for a project subject to a special permit under Section 74-904 to utilize a further floor area bonus[7] generated by improvements to the mass transit station—would incentivize the Proposed Project's

[5] The R8B district mapped at the midblock of Projected Development Site 1 in 1985 was not reflective of the built condition of the zoning lot and resulted in numerous non-compliances with the R8B bulk regulation, including permitted floor area and maximum street wall and building heights.

[6] Mount Sinai Hospital on Madison Avenue between East 98th Street and East 102nd Street was rezoned from an R7-2 to an R9 district in 1962, and Memorial Sloan Kettering Cancer Center was rezoned to C1-8 (R9 equivalent) in 2001.

[7] A zoning lot can receive a FAR bonus of up to 20% above its maximum FAR for qualifying transit improvements. Projects seeking bonuses of 200,000 sf or less require authorization, while those exceeding 200,000 sf must obtain a special permit.

improvements to the 77th Street subway station of the Lexington Avenue (No. 6) line (discussed below).

Special Park Improvement District Floor Area Modification

The proposed text amendment to modify ZR Section 92-041—allowing for floor area bonuses to be granted for a zoning lot within the Special Park Improvement District by the new special permit under ZR Section 74-904 (discussed below)—is necessary to allow the lot area for the portion of the Project Site that is within the Special Park Improvement District to contribute towards the calculation of permitted floor area bonuses under the new ZR Section 74-904 special permit. Because the special permit would cap the relative density of a project utilizing the bonuses within the Special Park Improvement District at 10.0 FAR, the text would be consistent with the Special Park Improvement District's goal of maintaining the character of Park Avenue in this location.

Zoning Text Amendment to Appendix F

In connection with the proposed rezoning, the Proposed Actions include a zoning text amendment to Appendix F to designate the Project Site as a Mandatory Inclusionary Housing area, consistent with the policy goals of the City's *Housing New York: A Five Borough, Ten-Year Plan*. However, the Proposed Project would not include residential use.

Station Improvements Authorization

The proposed authorization pursuant to ZR Section 66-511 would allow for the floor area bonus of 0.5 FAR in connection with the proposed improvements to the 77th Street subway station. These proposed improvements would increase the capacity of the stairway entrance on the southwest corner of Lexington Avenue and East 77th Street by roughly 50 percent; provide access via multiple elevators to the southbound mezzanine and platform of the station, which does not currently provide ADA access; and improve pedestrian circulation by providing a covered open area adjacent to the new stairway and street elevator beneath portions of the Proposed Project.

STUDY AREA

The zoning actions would apply only to Projected Development Site 1 and would have no effect on zoning in the study area, where existing zoning controls would continue to be in force. As discussed above, the proposed rezoning, text amendments, special permit, and authorization would allow for the Proposed Project to include the floor area needed to achieve the Applicant's goal of creating an enlarged and modernized healthcare facility. The overall density facilitated by the Proposed Actions would be compatible with the high-density zoning districts that are located in the study area along the avenues and major cross-town thoroughfares, including the R10 district within the Special Park Improvement District along Park Avenue and the C1-8X district along Lexington Avenue. Further, community facilities seeking the special permit to allow an increase in the maximum community facility FAR pursuant to ZR Section 74-904 would require additional discretionary approvals from the CPC. Therefore, the Proposed Actions would not result in a significant adverse impact to zoning in the study area.

PUBLIC POLICY

The Proposed Project would be compatible and consistent with the public policies that currently apply to the Project Site and the surrounding study area and would not alter them.

ONENYC

The mission of *OneNYC* is a plan for growth, sustainability, resiliency, and equity. The Proposed Project would create an enlarged and modernized healthcare facility that would enable LHH to continue providing top-tier care to all of its patients. Therefore, the Proposed Project would contribute to *OneNYC*'s goal for growth in emerging fields, promoting healthy lives, and modernizing infrastructure.

NEW YORK WORKS

The Proposed Project would further the New York Works' goal of expanding the life sciences and healthcare industry, providing new job opportunities with an enlarged and modernized facility.

LIFESCI NYC VISION PLAN

The Proposed Project would be consistent with the City's efforts to support the life sciences industry. The Proposed Project would allow LHH to continue its participation in the plan's many programs supporting the development of life sciences in NYC, including the Medical Scholars Pipeline and FutureReadyNYC programs.

CITY OF YES

In June 2022, NYC announced its plan to modernize and update the City's zoning regulations to support small businesses, create affordable housing, and promote sustainability. Over the following two years, three separate initiatives, collectively known as "City of Yes," underwent public review and were approved—marking the first comprehensive overhaul of the zoning text since the 1961 Zoning Resolution. The three initiatives of *City of Yes* included *City of Yes for Carbon Neutrality,* which modernized the City's zoning regulations to support climate goals; *City of Yes for Economic Opportunity,* which modernized the City's zoning regulations to support small businesses, create thriving commercial corridors, and bolster NYC's economic recovery; and *City of Yes Housing Opportunity,* which modernized zoning regulations to help meet housing needs and provide equitable access to opportunity for New Yorkers.

The Proposed Project is consistent with the *City of Yes* initiatives. The redevelopment of an aging hospital facility into a modern healthcare campus would not hinder nor be inconsistent with the three *City of Yes* initiatives. The Proposed Project would promote sustainability through energy-efficient building systems and more resilient infrastructure that older buildings cannot accommodate. The Proposed Project would support economic opportunity by maintaining and expanding a major institutional anchor that supports surrounding businesses and creates jobs across skill levels. The proposed modernization would also allow for expansion of medical services in an existing neighborhood location, maximizing use of transit infrastructure. Furthermore, the Proposed Project would also provide essential community healthcare services, which are critical to support the City's goals around gently increasing housing opportunity in all neighborhoods. ✴