DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

January 30, 2023

POSITIVE DECLARATION

Project Identification
Lenox Hill Hospital
CEQR No. 23DCP079M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description and Location of Proposal:

Lenox Hill Hospital
The Applicant, Lenox Hill Hospital ("LHH") is seeking the approval of a series of discretionary actions including a zoning map amendment, zoning text amendment, special permits, and a zoning authorization (the "Proposed Actions"). The Proposed Actions would facilitate the enlargement and modernization of the existing LHH complex located on the 1.9-acre block bounded by Park and Lexington Avenues and East 76th and East 77th Streets (Block 1411, Lots 1 and 113; "Projected Development Site 1") in the Upper East Side neighborhood of Manhattan Community District 8. The Proposed Project would include a new approximately 771,000 gross square foot (gsf), 26-story building rising to a height of approximately 436 feet; 56,000 gsf of additions to the existing LHH; renovations to the existing hospital to accommodate connections to the new hospital building; improvements to the new internal loading docks (East 76th Street); off-street parking for ambulances (East 77th Street); and improvements to the Lexington Avenue 77th Street subway station which would provide for 725 sf of new open area at street level. Construction of the Proposed Project would result in a state-of-the-art 1,398,000 gsf (12.5 FAR) hospital complex that would include 475 single-bedded patient rooms, 30 operating suites, and a right-sized emergency department.

The Proposed Actions may facilitate redevelopment of one additional site; therefore, the environmental review considers a future with-action scenario that also includes Projected Development Site 1a, an existing LHH building located at 111-115 East 77th Street (Block 1412, Lots 9, 10, and 11). The future with-action scenario also includes a below grade utility tunnel containing a separate utility and pedestrian/service corridor under 77th Street connecting Projected Development Sites 1 and 1a.

Specifically, the Proposed Actions include:

- **Zoning map amendment** to rezone the Lexington Avenue frontage of Projected Development Site 1 from a C1-8X district to a C1-9 (R10 equivalent) district; and to rezone the midblock of Projected Development Site 1 from an R8B district to a C1-8 (R9 equivalent) district.
- **Zoning text amendment** to the New York City Zoning Resolution (ZR) to:
    - Map a Mandatory Inclusionary Housing (MIH) area over the rezoned portions of the block.
    - Modify ZR Section 66-513 (Additional rules, limitations, conditions, findings, and requirements) to allow a floor area bonus for transit improvements in addition to other floor area bonuses where explicitly permitted by a special permit of the City Planning Commission (CPC).
    - Modify the Special Park Improvement District regulations (ZR Section 92-041) to allow for a community facility bonus pursuant to ZR Section 74-904.
    - Create a new special permit under ZR Section 74-904 to allow:
        - A floor area increase of up to 12.0 FAR for a project with a substantial quantity of the zoning lot's floor area dedicated to community facility uses;
        - A further floor area increase in connection with an authorization or special permit pursuant to ZR Section 66-51; and
        - Modifications of applicable bulk regulations.
- **Special Permits** pursuant to new ZR Section 74-904 to facilitate the proposed redevelopment by:
    - Receiving a floor area bonus of 2.0 FAR for a community facility project;
    - Incorporating a further floor area bonus of 0.5 FAR in connection with an authorization pursuant to ZR Section 66-511; and
    - Modifying street wall, height, and setback and other bulk regulations.
- **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 Proposed Actions also include an additional non-discretionary ministerial action: CPC chairperson certification of a transit easement volume pursuant to ZR Section 66-21. In addition, the Proposed Project would require a Certificate of Need from the New York State Department of Health (DOH) and the Applicant would likely seek tax-exempt financing of project costs to be issued through the Dormitory Authority of the State of New York (DASNY). A coordinated review will be conducted.

Absent the Proposed Actions, the future no-action scenario assumes that the LHH buildings in the affected area generally would remain in their current form. The relocation of certain uses would occur under the no-action scenario, freeing up space to allow for limited improvements and renovations; and smaller renovation projects would occur independent of the Proposed Actions.

The Proposed Actions would result in an incremental increase of 639,300 gsf of hospital use (including mechanical/utility space), and 25 hospital beds. The Proposed Actions would result in a net increase of 339 workers, 17 patients and 45 daily visitors. There would also be an increase of 725 sf of open area on the sidewalk adjacent to hospital at 77th Street and Lexington Avenue.

The Analysis Year for the Proposed Actions is 2036.

Statement of Significant Effect:
On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required: land use, zoning and public policy; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not have significant adverse impacts related to socioeconomic conditions, natural resources, solid waste and sanitation services, and energy.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the Proposed Actions which finds that:

1. Land Use, Zoning and Public Policy – The Proposed Actions, which include zoning map and text amendments, special permits and authorization, would affect the land use, zoning and public policies with the project area. The Proposed Actions could have the potential to result in significant adverse impacts related to land use, zoning, and public policy.
2. Socioeconomic Conditions – The Proposed Actions would not cause direct or indirect residential displacement, or direct or indirect business displacement, and would not have adverse effects on a specific industry. Therefore, the Proposed Actions would not result in significant adverse impacts related to socioeconomic conditions and no further analysis is warranted.
3. Community Facilities – The Proposed Actions would have direct effects on the existing LIHH complex, a community facility. The Proposed Actions could have the potential to result in a significant adverse impact to community facilities and services.
4. Open Space – The Proposed Actions would not cause an indirect effect on open space through increased population. An assessment of direct effects to open space will be provided if warranted based on the shadows analysis results.
5. Shadows – The Proposed Actions would introduce buildings greater than 50 feet in height in the vicinity of nearby sunlight sensitive resources, which could result in new incremental shadows on a sunlight-sensitive resources. The Proposed Actions could have the potential to result in a significant adverse impact on shadows.
6. Historic and Cultural Resources – The Proposed Actions would result in new construction within close proximity to known architectural resources. The Proposed Actions could have the potential to result in a significant adverse impact on historic and cultural resources.
7. Urban Design and Visual Resources – The Proposed Actions would result in physical changes to Projected Development Site 1 beyond the bulk and form currently permitted as-of-right. These proposed changes could affect a pedestrian's experience of public space. Therefore, the Proposed Actions could result in a significant adverse impact related to urban design and visual resources.
8. Natural Resources – There are no significant natural resources within the project area. Therefore, no thresholds were met for an analysis of natural resources, and the Proposed Actions would not result in significant adverse impacts related to natural resources

9. Hazardous Materials – The Proposed Actions would result in new in-ground disturbance within the project area, with the potential to increase pathways to hazardous materials that may be present. Therefore, the Proposed Actions could result in a significant adverse impact on hazardous materials.
10. Water and Sewer Infrastructure – The Proposed Actions would result in an incremental increase of more than 250,000 sf of community facility space, exceeding the threshold for a sewer system analysis. Therefore, the Proposed Actions could result in a significant adverse impact on wastewater and stormwater infrastructure.
11. Solid Waste and Sanitation Services – The Proposed Actions would not have the potential to generate 50 tons or more of solid waste per week and would not involve a reduction of capacity at a solid waste management facility. Therefore, no significant adverse impacts related to solid waste and sanitation services are anticipated.
12. Energy – The Proposed Actions would not affect the transmission or generation of energy. Although significant adverse energy impacts are not anticipated for the Proposed Actions, the EIS will disclose the projected amount of energy consumption during long-term operation of development in the future with-action scenario.
13. Transportation – The Proposed Actions would generate vehicular and pedestrian traffic and increase demand for parking and transit. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to transportation.
14. Air Quality – The Proposed Actions would have the potential to create new mobile sources of pollutants. Therefore, the Proposed Actions could result in a significant adverse impact on air quality.
15. Greenhouse Gas Emissions and Climate Change – The Proposed Actions could generate greenhouse gas emissions.
16. Noise – The Proposed Actions would introduce new noise-sensitive receptors in an area with existing high ambient noise levels and would generate vehicular traffic. As a result, detailed noise analysis is warranted. Therefore, the Proposed Actions could result in a significant adverse impact on noise.
17. Public Health – The Proposed Actions could result in effects related to air quality, hazardous materials or noise, and consequently public health may be affected.
18. Neighborhood Character – The Proposed Actions could affect land use, community facilities, historic resources, urban design and visual resources, shadows, transportation, and noise; consequently, the affected area's neighborhood character may be affected.
19. Construction – The construction period for the Proposed Actions would be longer than two years, which is considered long term, and would occur in proximity to sensitive receptors. As such, construction activities could affect the surrounding area.

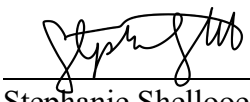
Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, March 2, 2023 at 2:00 PM. In support of the City's efforts to contain the spread of COVID-19, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www1.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 pm, Monday, March 13, 2023.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Stacey Barron, AICP, at sbarron@planning.nyc.gov.



January 30, 2023

Stephanie Shellooe, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

Date