



# East Harlem Preservation

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July 15, 2008

Hon. Meenakshi Srinivasan, Chair  
NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
New York, NY 10006-1705

Re: NYC BSA Application No. 257-07-BZ  
CEQR No. 08BSA033M  
Mt. Sinai Medical Center & School of Medicine  
3 E. 101 St., 11 E. 101 St. and 4-20 E. 102 St., Manhattan  
Block 1607, Lots 3, 5 & 59

Dear Chair Srinivasan & Members of the Board:

East Harlem Preservation is a volunteer advocacy organization founded in 2005 to promote, preserve and protect the neighborhood's rich cultural, architectural and environmental history. We have reviewed the second BSA submission by Mt. Sinai, dated June 17, 2008, as requested at the public hearing of May 6, 2008 by the BSA and continue to oppose the variances requested under section 72-21 of the Zoning Resolution.

While East Harlem Preservation supports the health care services provided by Mt. Sinai to the local East Harlem community, it continues to oppose the institution's request for the three (3) variances under sections 24-11, 25-522 and 24-54, because we feel that Mt. Sinai continues to fail to satisfy the five (5) findings under section 72-21 in order to be granted a variance.

While Mt. Sinai has tried to separate the proposed Center for Science and Medicine (CSM) and the proposed residential building as two separate buildings for variance purposes, we see these two uses as one building since they were filed as one application with the NYC Department of Buildings, the Board of Standards & Appeals, both uses are included in the CEQR assessment and both happen to share mechanical spaces and uses. In fact one cannot be built without the other.

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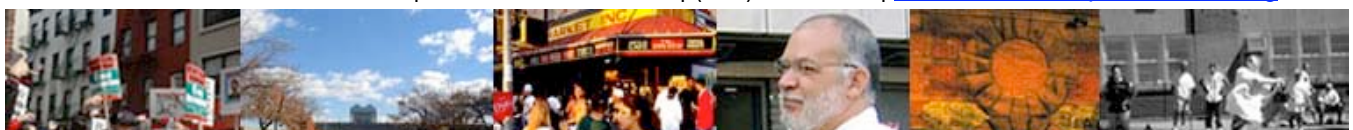
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Although we commend Mt. Sinai for reducing the height of the CSM by 10-feet and the residential portion by 23-feet, although not requested, this has an insignificant impact on the urban design context of the immediate neighborhood.

With respect to the satisfaction of the five (5) required findings under section 72-21, the following is our response:

- a. Unique Physical Condition: we take exception with the applicant that the nurses' residence, that occupies 9% of the lot area and buildable floor area, could be considered a unique physical condition, which according to the zoning resolution is limited to irregularity, narrowness, shallowness of the lot or topographical conditions.
- b. Reasonable Return: Although this finding might not apply to non-profit organizations, in this scenario the applicant is creating their own hardship by selling off part of the zoning lot to a private developer to build a residential building, thereby capitalizing and monetizing the value of the property that permits an FAR 10 community facility floor area.
- c. Alteration of Essential Character of Neighborhood: although the residential building has been lowered by 22-feet or 2-stories, the residential building at 542-feet or equivalent to 54-residential stories and the science building at 187-feet or equivalent to 19-residential stories will definitely have an impact on the neighborhood. At 542-feet in height, the residential building will be the tallest building north of 59th Street, at least 11-stories taller than the tallest Mt. Sinai building, the Annenberg Building. The science building, at 19-stories without the required setbacks, will definitely have an impact on the two narrow 60-foot wide side streets, East 101-102nd Streets.
- d. Self-Created Hardship: by selling off part of its property to a private housing developer to build market-rate housing, the applicant has limited the amount of space left over for the community facility use.
- e. Minimum Variance Necessary: both the science building and the residential building must be seen as one building; were it not for the residential building, the site could accommodate a larger translational research laboratory building. We disagree with the applicant that the residential building is not the cause of the request for the variances.

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We have also reviewed the alternate as-of-right proposals 1-4 submitted as other viable options to the submitted BSA application for a request of variances. The following are our responses to these options:

1. As-of-Right No – No Tower Solution No. 1: presents a viable solution to the translational research facility with larger than requested rectilinear floor plates and the required setbacks and sky exposure planes to comply with the zoning resolution.
2. As-of-Right No – Community Facility Tower Solution No. 2: acceptable solution except for the out of scale residential tower; translational research facility could work.
3. As-of-Right No –Wedding Cake Solution No. 3. Same comments as solution no. 2.
4. As-of-Right No – Community Facility Tower Solution w/o Nurses' Residence No. 4: same comments as solution no. 2, except we do not see the need for the demolition of the nurses' residence because it only occupies 9% of the lot area and allowable floor area.

Therefore, request is again hereby made that the BSA deny this application for three (3) variances since the applicant Mt. Sinai continues to fail to satisfy the five (5) required findings under section 72-21 of the Zoning Resolution.

Sincerely Yours,

Marina Ortiz, Founder & President

cc: Council Member Melissa Mark-Viverito

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