FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212-925-4545
FAX 212-925-5199

April 4, 2017

BY CERTIFIED MAIL/Returned Receipt Requested

Hon. James G. Clynes
Chair
Community Board 8
505 Park Avenue, Suite # 620
New York, NY 10022

Re: The Spence School
412 East 90th Street (the "Site")
Block 1569 Lot 35, Manhattan
BSA Cal. # 2017-100-BZ CEQR # 17-BSA-111M

Dear Mr. Clynes:

We are special land use counsel to the Trustees of the Spence School, Inc. (the "School" or, "Spence"), owner of the Site referenced above. We write to advise you that today we filed on the School's behalf an Application with the NYC Board of Standards and Appeals ("BSA") requesting a ZR Sec. 73-19 Special Permit to allow a school use in a C8-4 zoning district and a ZR Sec. 72-21 variance for rear yard waivers to construct a 6-story educational and athletic facility on the site of a former garage in a C8-4 district. The Application will allow the construction on the Site of a new educational and athletic facility for the Spence students (the "Facility"). It will be occupied exclusively by the School. None of the existing Spence buildings, all of which are located in the Carnegie Hill Historic District and two of which are individually designated landmarks, can or should be adapted to the extent necessary for the athletics uses proposed for the Facility.

The 6-story (plus mechanical penthouse) Facility will contain a gymnasium capable of holding competition basketball, volleyball and badminton games, a squash facility, a large multipurpose room primarily for the dance, drama and music programs and a greenhouse and rooftop planting area to support a new "eco-lab" to further the School's evolving programs in global stewardship and sustainability. The Facility will have a maximum height of 98.75 ft and will contain approximately 54,150 sf (FAR 3.60) of community facility floor area. Permitted community facility FAR in C8-4 district is FAR 6.50. The Facility does not comply with rear yard open area requirements of NYC Zoning Resolution Sec. 33-26 and Sec. 33-292.

A complete copy of the Application is enclosed for your review. The School looks forward to the opportunity to discuss the Application with all interested parties. Please contact me should you have any questions or comments about the project.

Very truly yours,

Shelly S. Friedman

Enclosure

FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212-925-4545
FAX 212-925-5199

April 4, 2017

BY HAND

Hon. Margery Perlmutter, R.A., Esq.
Chair
NYC Board of Standards & Appeals
250 Broadway – 29th Floor
New York, NY 10007

Re: The Spence School
412 East 90th Street (the "Site")
Block 1569 Lot 35, Manhattan

BSA Cal. No. CEQR No.

Dear Madam Chair:

We are special land use counsel to the Trustees of the Spence School, Inc. (the "School"), owner of the Site referenced above. The School seeks approval of two actions by the Board: (1) a special permit pursuant to ZR Sec. 32-31 and Sec. 73-19 to permit UG 3 (schools and uses accessory to schools) in a C8 zoning district and (2) a variance pursuant to ZR Sec. 72-21 to waive certain ZR Sec. 33-26 and Sec. 33-292 rear yard regulations necessary to facilitate construction of a new educational and athletic facility for its students. The proposed facility does not provide the 30 ft rear yard open area required in C8 zoning district for zoning lots with a rear lot line coinciding with a residential district boundary. In furtherance of the finding in ZR Sec. 73-19(d), the School respectfully requests that it refer this application to the Department of Transportation for its report on vehicular hazards to the safety of children within the block and in the immediate vicinity of the Site.

Enclosed please find one (1) original and two (2) copies of the following materials in connection with the applications:

1. BZ Application form;
2. Department of Buildings Notice of Comments stamped "DENIED" on March 27, 2017;
3. Affidavit of Ownership;
4. Statement of Facts;
5. Statement of Findings;
6. Certificate of Occupancy;
7. Zoning Map (9a);
8. BSA Zoning Analysis Form;
9. Tax Map;

10. Radius Diagram/Land Use Map;
11. Photographs 1 through 7;
12. Existing Conditions Plans (Drawings EX-DL through EX-512 dated March 31, 2017);
13. Conforming (As-of-Right) Plans (Drawings AOR-DL through AOR-514 dated March 31, 2017);
14. Proposed Conditions Plans (Drawings A-DL through A-514 dated March 31, 2017);
15. List of Affected Property Owners and Tenants;
16. CEQR Application;
17. A copy of Internal Revenue Service 501(c)(3) letter issued to the School.

Also enclosed are:

- A CD containing all materials listed above;
- A check in the amount of $14,990.00 payable to the Board of Standards and Appeals representing the sum of $8,560 Special Permit filing fee and $6,430 variance filing fee based on 54,149.71 sf of zoning floor area of the proposed facility;
- A check in the amount $8,195.00 payable to the Board of Standards and Appeals representing the CEQR application filing fee based on 60,101.38 sf of gross floor area of the proposed facility.

Thank you for your cooperation. If you should have any questions please feel free to call me or Elena Aristova at (212) 925-4545.

Very truly yours,

Shelly S. Friedman

Enclosures

cc: Hon. James G. Clynes, Chair, Manhattan CB 8
Hon. Ben Kallos, City Council Member
Hon. Gail A. Brewer, Manhattan Borough President
Ms. Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Mr. Christopher Holme, Zoning & Urban Design Division, Department of City Planning
Martin Rebholz R.A., Manhattan Borough Commissioner, Department of Buildings

NYC
Board of Standards and Appeals

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

ZONING (BZ) CALENDAR
Application Form

BSA APPLICATION NO. 2017 100 BZ 1
CEQR NO 17-BSA-111M

RECEIVED
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2017 APR -6 P 4:26

CAL. NO.

Section A — Applicant/ Owner

Applicant	Owner of Record
Friedman & Gotbaum LLP by Shelly S. Friedman, Esq.	Trustees of the Spence School, Inc.
NAME OF APPLICANT	OWNER OF RECORD
568 Broadway - Suite 505	22 East 91st Street
ADDRESS	ADDRESS
New York / NY / 10012	New York / NY / 10128
CITY / STATE / ZIP	CITY / STATE / ZIP
212 / 925-4545	
AREA CODE / TELEPHONE	LESSEE / CONTRACT VENDEE
212 / 925-5199	
AREA CODE / FAX	ADDRESS
sfriedman@frigot.com; earistova@frigot.com	
EMAIL	CITY / STATE / ZIP

Section B — Site Data

412 East 90th Street, New York, NY — 10128
STREET ADDRESS (INCLUDE ANY A/K/A) — ZIP CODE

Property is situated on the south side of East 90th Street, 245 feet west of the corner formed by the intersection of East 90th Street and York Avenue
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
1569	35	Manhattan	8M	N/A

CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER
Ben Kallos	C8-4	9a

Section C — Dept of Building Decision

BSA AUTHORIZING SECTION(S) 32-31; 73-19 72-21 for ☑ VARIANCE ☑ SPECIAL PERMIT (Including 11-41)
Section(s) of the Zoning Resolution to be varied 33-26; 33-292
DOB Decision (Objection/ Denial) date: March 27, 2017 Acting on Application No: 121191352

Section D — Description

(LEGALIZATION ☐ YES ☑ NO ☐ IN PART)

The proposed action will (1) permit a use group 3 school use in a C-8 commercial district and (2) facilitate construction of a new educational and athletic facility for Spence School students. The new facility will provide the school with a gymnasium capable of accommodating a regulation-sized courts for team sports and nine squash courts to support training and competitions and additional educational spaces for environmental programs which are essential to its curriculum.

Section E — BSA History and Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS	YES	NO
1. Has the premises been the subject of any previous BSA application(s)? PRIOR BSA APPLICATION NO(S):	☐	☑
2. Are there any applications concerning the premises pending before any other government agency?	☐	☑
3. Is the property the subject of any court action?	☐	☑

Section F — Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Signature of Applicant, Corporate Officer or Other Authorized Representative

SWORN TO ME THIS 31st DAY OF March 2017

Shelly S. Friedman — Print Name
Counsel — Title

NOTARY PUBLIC

ELENA ARISTOVA
Notary Public, State of New York
No. 01AR6050323
Qualified in Kings County
Commission Expires 11/8/2018

NYC Development Hub
Department of Buildings
80 Centre Street
Third Floor
New York, New York 10013
nycdevelopmenthub@buildings.nyc.gov

Notice of Comments

Owner: Elyse Waterhouse

Date: December 21, 2016
Job Application #: 121191352
Application type: NB
Premises Address: 412 East 90th Street Manhattan
Zoning District: C8-4

Applicant: Robert M Rogers, RA
Rogers Partners Architects
100 Read Street, New York, NY 10013

Block: 1569 **Lots:** 35 **Doc(s):** 01

Lead Plan Examiner at NYC Development Hub: Tina Mathew, RA

Examiner's Signature: Tina Mathew

Obj. #	Section of Code	Comments	Date Resolved
1.	ZR 32-31, ZR 73-19	Use Group 3 is not a permitted use in a C8-4 district. BSA Special Permit required.	
2.	ZR 33-292	New building extends into required 30 ft open area contrary to Zoning Resolution. BSA Variance required.	
3.	ZR 33-26	New building extends into 20 ft rear yard contrary to Zoning Resolution. BSA Variance required.	
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REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

DENIED
For Appeal to Board of
Standards And Appeals
Date: 03/27/2017

PER-12 (6/05)

NYC
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Ellanor Brizendine, being duly sworn, deposes and says that (s)he resides at c/o 22 East 91st Street, in the City of New York, in the County of New York, in the State of New York; that The Spence School, Inc. Trustees of 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 1569, Lot(s) 35, Street and House Number 412 East 90th Street; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- [x] Sole property owner of zoning lot
- [ ] Cooperative Building
- [ ] Condominium Building
- [ ] Zoning lot contains more than one tax lot and property owner

Owner's Authorization

The owner identified above hereby authorizes Friedman & Gotbaum, LLP to make the annexed application in her/his behalf.

Signature of Owner

Print Name Ellanor Brizendine

Print Title Head of School, The Spence School

Sworn to before me this 20th day

Of March 2017

MILDRED RUIZ
NOTARY PUBLIC STATE OF NEW YORK
LIC. #01RU6111499
MY COMMISSION EXPIRES 6/14/2020

3/20/17

Revised March 8, 2012

FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212.925.4545
FAX 212.925.5199

BSA Cal. No.

STATEMENT OF FACTS

IN SUPPORT
OF A SPECIAL PERMIT PURSUANT TO SECTION 73-19
AND
CERTAIN VARIANCES PURSUANT TO SECTION 72-21
FROM THE PROVISIONS OF
THE NEW YORK CITY ZONING RESOLUTION

Affected Premises:

The Spence School
412 East 90th Street

Block 1569 Lot 35
Manhattan

Filed: April 4, 2017

Friedman & Gotbaum LLP
568 Broadway - Suite 505
New York, New York 10012
(212) 925-4545
sfriedman@frigot.com
earistova@frigot.com

A. THE APPLICATION

This Statement of Facts is filed in support of the Application by Friedman & Gotbaum LLP on behalf of the Trustees of the Spence School, Inc. ("Spence" or the "School"), a nonprofit private educational institution for young women in continuous operation since 1892. The Application will facilitate construction of a new educational and athletic facility for Spence students (the "Facility") on a site located at 412 East 90th Street in Manhattan Community District 8 and identified as Tax Lot 35 in Block 1569 on the tax maps for the City of New York for the Borough of Manhattan (the "Site").

The School is seeking approval of the following actions by the Board: (1) a special permit pursuant to Sec. 32-31 and 73-19 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") in connection with a change of use from Use Group 6 (parking) to Use Group 3 (schools and uses accessory to schools), a use group that is not permitted as a matter of right in a C8 zoning district pursuant to ZR Sec. 32-10; and (2) a variance pursuant to ZR Sec. 72-21 and Sec. 666 of the New York City Charter to waive certain ZR Sec. 33-26 and 33-292 rear yard regulations.

B. THE ZONING LOT (A/K/A SITE)

1. Zoning Lot Location and Configuration. The Zoning Lot is an interior lot located midblock on the block bounded by East 89th and East 90th Streets and First and York Avenues with a 149 ft frontage along the south side of East 90th Street[1] and a depth of 100.71 ft (see Tax Map, Attachment 9). The Site has a lot area of 15,005 sf and is located entirely within a C8-4 zoning district. Its rear lot line coincides with an R8B residential zoning district (see Zoning Map, Attachment 7, and Radius Diagram/Land Use Map, Attachment 10). C8-4 district bulk controls permit a maximum FAR 5 for commercial uses and a maximum FAR 6.5 for permitted community facility uses.

2. Zoning Lot Improvements. The Zoning Lot is improved with an active two-story (34.0 ft tall) parking garage built around 1925 that contains approximately 29,270 sf (FAR 2.0) of commercial floor area. The existing parking garage is built to the rear lot line (see Photo 7 and Plan EX-02, Existing Site Plan), providing neither a 20 ft rear yard generally

[1] Approximately 3.67 ft of the width of the Zoning Lot at its western lot line is encroached upon by the east-facing wall of the adjacent residential building at 402 West 90th Street (Block 1569 Lot 7501) (see Plan EX-02 and Photos 4 and 5). The School intends to leave that wall in place.

required pursuant to ZR Sec. 33-26, nor a 30 ft rear yard open area required along the adjoining residential R8B district line pursuant to ZR Sec. 33-292.

3. Proposed Development. The Facility is fully described on the Proposed Plans prepared by ROGERS PARTNERS Architects accompanying this Application (Attachment 14). It is a six story (plus a 17.75 ft mechanical penthouse) purpose-built building with a front wall of 81 ft and an overall height including mechanical penthouse of 98.75 ft containing 54,149.71 sf of zoning floor area (FAR 3.6) (60,101.38 gsf). The Facility will be occupied exclusively by the School and has been designed to address the School's current deficiencies in its athletic and certain other educational programs. The Facility will house a gymnasium capable of accommodating a regulation-sized basketball court (with 234 fixed bleacher seating and 210 expandable bleacher seating) or alternatively two regulation-sized volleyball courts with 234 fixed bleacher seating, with visiting team rooms on the first floor; a trainer room, a team room and the continuation of the fixed bleachers on the second floor; nine squash courts with viewing areas and locker rooms on the third and fourth floors; team rooms, coaches' offices and a student study center on the third floor; a multipurpose room on the fifth floor; a greenhouse for the School's Eco-Lab and a south roof terrace with planting areas to serve its environmental stewardship studies on the sixth floor; and a mechanical bulkhead floor (see Proposed Plans A-101 - A-107).

C. VARIANCES REQUESTED AND ZR SECTIONS TO BE WAIVED

The Facility will require (1) a ZR Sec. 73-19 use special permit and (2) a variance from the bulk provisions of the Zoning Resolution pursuant to ZR Sec. 72-21 as follows:

1. ZR Sec. 73-19 Special Permit. Use group 3 schools are not permitted as a matter of right in C8 districts. However, ZR Sec. 32-31 states that school uses "are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in ZR Article VII, Chapter 3". ZR Sec. 73-19 provides findings by which the Board may approve a special permit to allow a school with no residential accommodations. The findings are intended to assure that the quasi-industrial nature of a C8 neighborhood is appropriate for school use.

2. ZR Sec. 33-292. This Section imposes special rules for open areas along rear property lines in cases where a zoning lot's rear lot line is coincident with a zoning district boundary between a commercial and a residential zoning district. The Facility does not provide the required 30 ft rear yard open area.

3. ZR Sec. 33-26. This section provides generally for a 20 ft rear yard in commercial districts. Community facility uses are permitted to build one story in a rear yard as a permitted obstruction.[2]

D. THE DOB OBJECTIONS

The Department of Buildings ("DOB"), acting on Application # 121191352, has issued the following Notice of Comments dated March 27, 2017 with regard to the Zoning Lot:

1. ZR 32-31, ZR 73-19. Use Group 3 is not a permitted use in a C8-4 district. BSA Special Permit required.
2. ZR 33-292. New building extends into required 30 ft open area contrary to Zoning Resolution. BSA Variance required.
3. ZR 33-26. New building extends into 20 ft rear yard contrary to Zoning Resolution. BSA Variance required.

E. THE SURROUNDING NEIGHBORHOOD

Notwithstanding the Site's underlying C8 zoning, the neighborhood in its vicinity is predominantly residential, with a mix of new and old residential and institutional buildings and only a few longstanding commercial uses, primarily garages, on the midblocks and York Avenue, with typical mixed-use residential neighborhood over lower floor retail uses on First Avenue. Within a 400 ft radius of the Site, residential uses are generally found in four- to six-story residential buildings built predominantly in the early 1900s located midblock on East 88th, 89th, 90th and 91st Streets between First and York Avenues. Two eight-story residential buildings developed in the mid-1980s are located across the street from the Site at 417 and 423 East 90th Street. Larger residential towers constructed in late 1900s include a 33-story, approximately 259 units building east of the Site, located at 1725 York Avenue, an 18-story approximately 197 units building southwest of the Site at 401 East 89th Street and a 23-story, approximately 130 units building west of the Site at 400 East 90th Street (see Photos 1 and 4). A 12-story, approximately 82 units building at 402 East 90th Street shares the Site's western lot line, see Footnote 1.

Commercial uses in the 400 ft study area are generally found in mixed-use buildings along First and York Avenues and in sporadic commercial buildings in the midblocks. The

[2] The DOB Objections note non-compliances with both ZR Se. 33-292 rear yard open area requirements and the standard minimum required rear yard regulations in ZR Sec. 33-26, which appear to be inapplicable in a C8 district when a C8/residential district boundary is contiguous with the Zoning Lot's rear lot line. However, since the language of the two sections overlaps and could therefore cause confusion in future processing at DOB, this Application conservatively requests waiver of both provisions.

ground-floor retail uses include a mix of restaurants, convenience goods stores and neighborhood services. There is a gymnastics facility located at 421 East 91st Street and a grocery store located at 431 East 91st Street, both located north of the Site. Parking uses are found along East 91st Street as well as adjacent to the Site on East 90th Street (see Photo 4). Manufacturing uses, including bakery and food processing uses associated with "Eli's Bread," are located along East 91st Street.

There is one open space within the study area: Asphalt Green, which is located northeast of the Site at 555 East 90th Street (see Attachment 10, Radius Diagram/Land Use Map). It is a recreational center with indoor athletic facilities including a swimming pool and large outdoor playing fields open to the public and subject to availability used extensively by public and private schools on the Upper East Side, including Spence. Approval of the Facility will not only provide Spence with its own athletic spaces, it will also alleviate the intense scheduling pressures on Asphalt Green, providing more scheduling opportunities for the general public and other schools.

Three institutional uses exist within the study area: The Association to Benefit Children's Cody Gifford House at 404 East 91st Street, the educational and athletic facility owned by Sacred Heart School at 406 East 91st Street,[3] both located north of the Site, and The Yorkville Community School located south of the Site at 421 East 88th Street (see Attachment 10, Radius Diagram/Land Use Map).

F. THE SPENCE SCHOOL AND HISTORY OF THE SCHOOL CAMPUS

From its founding in 1892, the School has traditionally encouraged its students to meet the highest standards of academic achievement. At a time when many educational institutions for girls were merely finishing schools, the School required Latin and math as part of the curriculum and exhorted its young women to be serious scholars. The School's history thus reflects the changing status of women in this country and the importance of educational institutions in promoting this change. Yet even with its leading role as an educator of young women, it would be open 54 years before it would build its first space, an outdoor playground, addressing the physical development of its students.

The first location of Miss Spence's School for Girls was a leased brownstone at 6 West 48th Street. In 1928, the School built the current 10-story Main Building, designed by

[3] Constructed pursuant to a ZR Sec. 73-19 Special Permit granted by the Board in 2009 (BSA Cal. # 310-08-BZ).

John Russell Pope on a lot at 22 East 91st Street. The lot was sold to the School by Mrs. Andrew Carnegie, who at the time resided in the mansion now occupied by the Cooper-Hewitt. Opened in 1929, the Main Building included boarding facilities and provided educational innovations, at least for girls' schools, including laboratories for chemistry, physics and biology. In 1946, Mrs. Carnegie willed to the School the side yard between the School and her home, on which it constructed its first playground. In 1987, the School obtained a variance from the Board to enlarge the Main Building with the Dorothy Osborne Wing[4] on the site of the playground, which was relocated to the roof of the new Wing. The Wing included an underground gymnasium for its physical education and athletic programs, the School's first indoor facility. This facility can no longer accommodate the breadth and depth of both the physical education and athletics programs and due to the site and existing building constraints, it cannot be expanded or modified to increase capacity or provide regulation-sized venues.

In 2003, the Lower School (grades K – 4) moved out of the Main Building to 56 East 93rd Street, which was also the subject of a variance[5] to permit adaptive re-use of a historic mansion that was in poor physical condition and had stood empty for many years. A second gymnasium was built entirely below this building to serve the needs of the Lower School, requiring excavation to a depth of 28 ft. Due to its fixed position underground, its capacity cannot be increased nor can it be altered to meet the needs of the Middle and Upper Schools' athletics programs.

In 2008, Spence purchased a five-story townhouse at 17 East 90th Street that was converted to Use Group 3 educational use and connected to the Main Building via a connector pursuant to a new variance[6] issued to the expanded zoning lot that also modified the 1987 variance with respect to the Main Building. With this purchase the School completed its current academic campus, located entirely within the Carnegie Hill Historic District. This collection of aged buildings, the Main Building and the two converted residential buildings that also happen to be individually designated New York City Landmarks, offers no reasonable possibilities for expansion to accommodate the athletic and academic spaces proposed within the Facility. All three buildings lack the physical size and

[4] BSA Cal. No. 390-86-BZ adopted on April 7, 1987.

[5] BSA Cal. No. 237-01-BZ adopted on January 8, 2002.

[6] BSA Cal. No. 58-11-BZ adopted on October 25, 2011.

capacity for expansion for these purposes and all would require the type of extensive expansions and aggressive alterations that would run counter to their landmarked status.

In 2011, the School purchased the Site with an intention to develop it as a modern purpose-built athletic and educational center. While Spence has been developing its plans and raising funds necessary for construction of the Facility, the Site has remained an active parking garage operated under short term lease that will terminate in the fall of 2017. It is currently expected that the garage building will be demolished shortly thereafter. Since its 2011 decision to acquire the Site for its athletics program, the School has come to recognize the suitability of the Site to accommodate other programmatic needs. The first is a rooftop greenhouse and planting area, dubbed an "Eco-Lab," that will anchor its evolving environmental stewardship curricula in all grades. The second programmatic need is for a large Multipurpose Room for such activities as dance and body movement.

Today, in its 125th year, there are 747 girls enrolled at Spence, 265 in its Lower School (grades K - 4), 229 in its Middle School (grades 5 - 8) and 253 in its Upper School (grades 9 - 12). The School draws its diverse student body from throughout the New York metropolitan region.

G. THE NEED FOR THE PROPOSED EDUCATIONAL CENTER/ATHLETIC FACILITY

Since its founding, Spence has been focused on the education of the whole child. Building the students' sense of self-confidence, self-esteem, learning to overcome challenges, developing leadership skills, burgeoning a sense of teamwork, embracing the role of being a part of something bigger than themselves and the stoking a sense of community spirit and unity that evolves from interscholastic athletics are all essential to the Spence educational ethos. That said, the promise of its growing athletic program to meet this educational goal has been thwarted by its existing physical plant. The School remains without a regulation-sized court for many of its athletic team programs, *i.e.*, volleyball, basketball and badminton. It also lacks a home for its growing squash program. Within the last two decades, women's squash has risen at the collegiate level into an internationally ranked sport now on parity with men's squash and from Spence's educational perspective promotes all of the developmental goals set forth above.

In both spirit and operation, Spence expects its new Facility to operate similar to the nearby existing facilities of its two sister schools: Convent of the Scared Heart's educational and athletic center at 406 East 91st and Brearley's field house at 343 East 87th Street.

These two facilities have co-existed amicably with their neighbors and nearby communities since their openings. As is the case with Spence, their existing academic sites were too small to accommodate the programs which their athletic facilities are designed to house, and additionally, in the case of Sacred Heart, its two main buildings were also designated landmarks.

1. Athletics Program Overview

Spence is a member of the New York State Association of Independent Schools ("NYSAIS") Athletic Association ("NYSAISAA") and also of the Athletics Association of Independent Schools of New York City ("AAIS"). NYSAISAA and AAIS provide governance structure and tournament opportunities for athletic programs in the Middle and Upper School. The NYSIAS Site Committee evaluates each school venue submitted for site evaluation based on the published requirements of the National Federation of State High School Associations ("NFHS") and, based on the results of such evaluation, places a site on an "approved" or "not approved" list for tournament play. As a member of the NYSAIS, the Spence program begins with age-appropriate instructional program in Middle School Grades 5 and 6, and progresses to increasingly competitive program in Grades 7 and 8. At the Varsity and JV level of competition in the Upper School, athletes strive to compete at their highest level in highly regulated seasonal, post-seasonal and invitational tournament competition while continuing to cultivate the personal skills of leadership, commitment, competitiveness, time management, personal sacrifice and appreciation for the unique talent of each individual.

Middle School (Grades 5 – 8)

After-school athletics are introduced in Grade 5 when students are provided the opportunity to experience a multitude of activities. The age-appropriate focus on skill development and socialization is reflected by the variety of program offerings, and allows coaches to include all interested students as well as to begin to develop competitive team goals and to guide student-athletes to strive for a higher level of ability. The demands of the practice and competition schedule increase as students progress through the Middle School program. The seasons include the opportunity for students to compete in small-sided, in-school and interscholastic games. Whenever possible, each season will culminate with opportunities for interscholastic play.

In Grades 7 and 8, the athletic program is the gateway to the competitive program of the Upper School. The program breadth is reflective of the sport experiences of the Upper School; employing a "no-cut" policy, teams are selected based on ability and include A/B subdivisions when possible. The 7/8 program is designed to foster an increased level of competitiveness, skill development and game strategy in an age-appropriate modeling of the Upper School athletics experience. There is notable emphasis on honoring commitment to the team, accountability to others and developing the time management skills necessary for the heightened expectations of the competitive 7/8 program. Regular attendance by student-athletes at all practices, as well as all games, is expected. Playing time is based upon skill, an understanding and ability to employ team strategy, coachability and sportsmanship.

Upper School (Grades 9 – 12)

Upper School athletics reflect a highly competitive and very selective athletics program. The program strives to prepare participants for the rigors of play in AAIS and NYSAISAA while continuing to cultivate the personal skills and developmental goals begun in the Middle School program. Students are selected to teams based on skill and programs include a Varsity/JV subdivision when possible. In addition to skill, selection is also determined by the demonstrated ability to apply team strategy and concepts, coachability and sportsmanship. Student-athlete attendance at all pre-season and in-season practices, as well as games, is mandatory.

Spence Facilities

These broad and comprehensive programmatic fundamentals rely on on-campus facilities that due to their growing inadequacies Spence now supplements with increasing frequency with off-campus rentals. While the explosive growth of women's athletic programs at all levels is to be cheered, Spence's current athletics facilities cannot keep pace. Over the last 10 years, the interscholastic sports program has grown to include over 210 participation opportunities for students in grades 9 - 12 and 360 participation opportunities for students in grades 5 - 8, more than double the opportunities of 2007. In the last 8 years, Spence added four new varsity teams and six new teams in Middle School in response to expanding interests in physical fitness, the growth of women's sports at every level and the expanding horizons of its student population. The School now leases 20 athletic venues for its current athletics programs, which adds needless complexities and travel times to already complex academic and after-school scheduling. Approval of this

Application will reduce the number of required off-site venues to 11, primarily for the swimming and tennis teams.

The School's current on-campus facilities include the following:

- two non-regulation gymnasiums (one in Main Building and one in the Lower School Building), which are not designed for athletic competition. These gyms are restrictive with respect to court area and height clearances and lack the additional necessary support facilities for team sports. They do not meet NFHS regulations for high school basketball and volleyball courts, including safety perimeters. They do not provide space for bleacher seating. Locker capacity is limited for Spence students and nonexistent for visitors. And finally, storage space for equipment remains insufficient.

- one 300 sf gymnasium used primarily for athletic equipment center (Main Building).
- one 300 sf yoga/cycling room (Main Building) that cannot accommodate any athletic equipment other than bikes.
- one 1,000 sf storage room in the Lower School gym, but this space is shared with PE equipment for the Lower School program -- these are large pieces and tend to occupy most of the space.
- various improvised storage area for athletic program equipment, such in available spaces in the coaches' offices.

This small inventory of space has significant adverse impacts on Spence's athletic programs. For example, Spence cannot accommodate its full schedule of practices for its basketball, volleyball or badminton teams. The School is currently in search of courts for practice and matches to borrow or lease for the 2017-18 season and beyond. Additionally, off-campus space for squash team practice and competition is in such short supply[7] that this past fall the 7/8 grade squash program, the gateway to the Upper School program, was put on hiatus due to lack of available facilities.

The impacts of the failure to provide NFHS-compliant courts for the three team sports cannot be understated. This deficiency is felt by the entire Spence community, as it

[7] Spence's squash program is entirely dependent on outside rentals. The closure of several nearby health clubs (or their conversion of squash courts to other sports) has caused a rapid decline in supply, forcing Spence to rent facilities at increasingly greater distances from the School. Currently, the varsity squash program, established in 2009-2010, is essentially nomadic, utilizing the following private facilities: NYSC Columbus Circle (2009-2010), NYSC 86/Lexington (2011-2015), CityView Racquet Club, Long Island City (2015-2016), Eastern Athletic Club, Brooklyn (2016-2017).

renders Spence ineligible to host inter-school and inter-state tournaments and post-season championship games. Unlike many of its peer schools, the lack of regulation-sized courts means that Spence teams can never play "at home" in post-season and tournament events and always play "away," requiring expenditures of funds for travel and lodging. Aside from expenditures, this failure addresses an important developmental component associated with community building within every school. All athletic events recognize in some way the concept of "home" and "away" events. Many sports actually provide distinct advantages to the home team. The added significance of team or individual competition playing before its community in its "home" arena is a phenomenon known to all forms of competition at all educational and professional levels and contributes to the strengthening of community identity and solidarity, teambuilding and leadership. Indeed, "homecoming weekends" are typically a seasonal highlight on most schools' calendars. They are especially meaningful in the high school, pre-college environment. Many significant developmental, social and emotional milestones are furthered by the strong sense of community that a "home game" can instill. Maintaining and building on these milestones are essential to Spence's educational program for its young girls.

In addition, the lack of regulation-sized courts can be devastating to the individual girl. College sports recruitment for girls, including associated financial aid, while still nowhere near the collegiate sports recruitment programs for boys, is expanding broadly. Scouts and coaches evaluating a collegiate candidate rely on her game-by-game high school statistics. In many cases these statistical records cannot take into account, or significantly discount, games that are not played on the appropriate regulation-sized court. Thus, a Spence candidate vying for a collegiate sports program, or a sports scholarship, can be disadvantaged by the fact that none of her home games, literally half of her high school career, are played on a court that met collegiate standards.

In addition to providing these benefits to Spence girls, Spence also intends to offer summer camp programs available to the community-at-large at the Facility outside of the school year. The School estimates that the summer program would be held from mid-June through July, from 9 am to 3 pm on weekdays. The month of August is set aside for routine Facility maintenance as well as Spence's pre-season athletic team training in late August. These programs would utilize the Facility's gymnasium and squash courts as teaching spaces. Spence is also reaching out to local public schools to explore opportunities for

school year use of the gymnasium during the school day when the athletic programs are not using the Facility.

2. Eco-Lab Greenhouse and Rooftop Planting Areas

Spence believes that excellent educational programing in today's world includes strong environmental stewardship, yielding not only a critical ecological focus, but also a strong study of science, sustainability and citizenship. Of equal importance are the pedagogical gains of conceptual and applied problem solving within the place-based learning of the indoor and outdoor environments. Contemporary brain research highlights experiential and project base learning as pivotal to critical thinking and solving real problems while teaching and modeling sustainable practices fosters high-level, hands-on learning as well as ecological citizenship. This is especially true of a kindergarten-to-high school program in which lasting, developmental programming is a trademark.

Essential to such programming is teaching space. The Facility's sixth floor is devoted to the new Eco-Lab. A new greenhouse (1,345 sf) and planting terrace (2,603 sf) will have ample sun and provide rainwater collection for year-round growing and harvesting activities. Together with the greenhouse and garden/"farm" area, the Eco-Lab facility includes adjacent teaching spaces on the north side; a classroom (576 sf) and a small teaching kitchen (412 sf) (see Dwg A-106). Without a greenhouse and roof terrace planting areas, such critical programming is impossible. The first principle behind such learning is a place in which ecological systems can live and thrive through scholarship and academic engagement: indoor and outdoor meet, and the entire building serves as a framework for learning. Linking rooftop farming, health and the environment necessitates space as well as a committed and sustained program. This is especially true of a city school where such a lab can be a model for many others, essentially changing the way in which we learn about our planet and every citizen's responsibility to it.

3. Multipurpose Space

The Facility includes a 2,129 sf double-height Multipurpose Room on the fifth Floor, which among other programmatic purposes will serve as the new home of the Spence Dance Department, a venue for smaller drama productions and readings and a venue for chamber music recitals, film-screenings and lectures. Current spaces for these functions are improvised at best. The entire north exterior wall of the Multipurpose Room will be insulating patterned glass, allowing diffuse north light to enter the space. The south wall

will have a continuous clerestory window bringing in south light into the room. Both the north window wall and the south clerestory windows will have motorized roller-shades, as well as full-height curtains, to facilitate greater control of the amount of natural light within the space and to control permit control of exterior illumination from the Room while in use. The floor will be a sprung floor, to serve the needs of the dance program. The ceiling will feature a pipe-grid and an array of theatrical lighting. The Spence School as a whole, in addition to the dance, drama, and music departments specifically, will be able to address the current lack of purpose-built educational practice and performance facilities through the addition of this Room.

H. COMMUNITY OUTREACH

The proposed project was introduced to the community at the January 25, 2017 open house for neighbors held at Asphalt Green. An additional presentation was made to the shareholders of 402 East 90th Street, the residential property immediately to the west of the Site, at their annual meeting held on March 22, 2017. Meetings with the owner of the residential property at 417 East 89th Street, directly behind the Site were being scheduled as of the date of filing of this Application.

I. DEVELOPMENT ALTERNATIVE

The alternate as-of-right scenario (the "AOR Scheme") presented in this Application represents the building that Spence would be required to build to strictly conform with Zoning Resolution's rear yard requirements for the Zoning Lot. The resulting eight story building (126.17 ft tall) contains approximately 57,936 sf (62,006 gsf) of floor area. While all of the athletic venues proposed for the Facility are present, *i.e.*, a gymnasium for basketball, volleyball and badminton and nine squash courts, when compared to their counterparts in the Facility they fail to achieve many of the benefits necessary to their educational purposes due to their poor configuration and loss of critical adjacencies with support spaces. The Eco-Lab facilities have also been significantly reduced in the AOR Scheme to the point where many of the proposed educational benefits of its design in the Facility will not be achievable. Thus, assuming that the Special Permit for Use Group 3 school use is granted, strict adherence to the Zoning Resolution with respect to and ZR Sec. 33-26 rear yard and ZR Sec. 33-292 rear yard open area requirements would render the AOR Building inefficient and do little to address the educational deficiencies that the Facility is intended to address.

Overall Description of the AOR Scheme:

First floor. A gymnasium capable of meeting all NYHS regulations is now provided in the east-west rather than north-south orientation. Off-court team benches and a score table can still be provided along the north wall, but the remaining space can only accommodate spectator seating for 36 along the east wall. A modestly-sized entrance lobby giving access to the gymnasium, the public elevator, and the public open stair leading to the second floor is also provided. Public restrooms and complying indoor bike parking are also provided.

Second floor. A balcony with over-look into the double-height gymnasium, a trainer room and the beginning of the northwest convenience stair is provided.

Third floor. Four regulation-sized singles squash courts, two team rooms, team bathrooms, two visiting team locker rooms and restrooms and an office for the facility manager are provided.

Fourth floor. A classroom, additional team rooms, team bathrooms and coaches' locker-rooms are provided.

Fifth floor. Five additional squash courts, faculty offices and restroom facilities are provided. The viewing areas for teammates, spectators and coaches that extends to all nine squash courts in the Facility has been reduced to one court.

Sixth floor. Additional offices and restrooms are provided.

Seventh floor. A double-height multipurpose room, an Eco-Lab classroom, an Eco-Lab kitchen, restrooms and access to the north roof terrace are provided.

Eighth floor. A greenhouse and roof garden, a faculty office, and restrooms are provided.

The AOR Scheme Deficiencies

The AOR Scheme fails to meet the School's programmatic needs in the following ways:

1. <u>Smaller floor plate results in a small gym with inadequate spectator seating</u>

Due to its compliance with the requirement for a 30 ft rear yard open area along the residential district boundary line, the resulting reduction in buildable footprint for the AOR Scheme requires that the gymnasium shift to an east-west orientation. The gym size,

restricted by the reduced building footprint, does not have adequate width to accommodate two regulation-sized volleyball courts cross-wise, making the gym unsuitable for hosting volleyball tournaments. In addition, spectator seating would be reduced to approximately 36 seats. While this gymnasium amenity would still be a valuable addition to the Spence School facilities for internal practices and games, the single volleyball court and the limited spectator seating make the AOR gym unusable for post-season and inter-school tournament competition. (Compare Dwgs A-101 and AOR-101)

2. Smaller floor plate results in a taller building

Due to the narrower north-south building footprint, the AOR Scheme, in comparison to the Facility, requires more stacking of the program vertically, especially with regard to the double-height squash courts. This vertical stacking causes the 126.17 ft building height of the AOR Scheme to be 27.42 ft taller than the 98.75 ft Facility. (Compare Dwgs A-501 and AOR-501)

3. Reduced floor area on each level negatively affects program adjacencies

The limited space adjacent to the gym require relocation of visitor locker rooms for all sports to higher levels, adjacent to the squash courts, pushing all locker facilities to the residual space on the squash levels. This mixing of different sports and events populations in the AOR Building results in challenging operational complexities.

4. Stacked squash courts require additional squash coaching staff

The split-level configuration of the squash courts in the Facility enables viewing of all nine squash courts from one level. Coaching oversight from a single level is not possible in the AOR Scheme. This stacking also reduces from nine to one the number of courts viewable by teammates and spectators. (Compare Dwgs A-513 with AOR-513)

5. A taller building is no longer a "walkable" building

The Facility anticipates that the students and most building users will use the connecting stair to access all of the levels within the Facility. Use of the single, large elevator will be limited to providing universal accessibility, service and occasional use by adults accessing the upper floors. The emphasis on stair use, embodied in the open communicating stair, supports the project program's fitness and sustainability goals as well as having advantages in security design. The AOR Scheme pushes the upper level of squash courts approximately 23 ft higher as compared to the Facility, with the multipurpose room

and roof levels higher still. The "walkable building" concept with a single elevator serving the entire Facility is likely no longer viable. (Compare Dwgs A-513 with AOR-513)

6. Reduced rooftop area for the Eco-Lab program

The AOR Scheme has a significantly smaller roof area available for Spence's Eco-Lab greenhouse and planting areas. As compared to the Facility, the area of the greenhouse is reduced from 1,345 sf to 1,050 sf (a 22 percent reduction) and the exterior planting area is reduced from 2,603 sf to 1,086 sf (a 58 percent reduction). This reduction in the Eco-Lab program area significantly reduces the utility of this teaching facility. Another disadvantage is that the Eco-Lab classroom is no longer on the same level as the Eco-Lab planting areas. (Compare Dwgs A-106 and AOR-108)

7. The AOR Scheme is less efficient and more expensive

The 70.71 ft depth of the AOR Schemes induces an inherently inefficient stacking, resulting in duplicated circulation and less efficient lay-outs. The additional height of 27.42 ft translates into higher construction costs for structural steel, exterior envelope, and MEP material costs, as well as higher operational costs to maintain, light, heat and cool the building.

8. Greater impact on neighborhood and adjacent buildings

The added 27.42 ft in height will also have an impact on the immediate neighbors: (a) the apartment building to the west (402 East 90th Street) would lose 14 lot line windows, as compared to the one window that will be lost upon construction of the Facility and (b) the apartment building to the south (417 East 89th Street) will lose more of its exposure to northern natural sunlight.

In sum, complying with the 20 ft rear yard and 30 ft rear yard open area requirements would create so many programmatic deficiencies as to question its overall utility to Spence. These deficiencies are all overcome through the approval of the waivers requested in this Application.

J. PRIOR BOARD APPLICATIONS

No previous actions by the Board with respect to the Site were sought by the School or its predecessors in title.

K. OPEN DEPARTMENT OF BUILDINGS VIOLATIONS

There are no open DOB violations issued to the Site.

CONCLUSION

Since the purchase of the Site in 2011, Spence has been planning the proposed project, which will permit the School to extend its educational mission by affording its students greater development through a wider range of sports activities than it can presently provide. Approval of this Application will allow the School to construct an educational facility that will provide its expanding athletics program, its global citizenship program and its arts and humanities programs with their first purpose-built program areas, thus providing the Spence students with a more complete educational experience and greater opportunities while at Spence. That these opportunities will be available within a short walking distance of the Spence campus is another important factor for the School. With this Facility nearby, approval of the use special permit and of the modest rear yard waivers requested in this Application will allow the School to enhance the utilization of its existing facilities and strengthen its athletic programs at the middle and upper grade levels and its environmental stewardship studies programs at all grade levels.

On the basis of the foregoing, the Applicant respectfully requests that the Board make the requisite findings in ZR Sec. 73-19 for the grant of the use special permit for a use group 3 school use in a C8-4 district and further make the requisite finding in ZR Sec. 72-21 for the grant of the variance waiving strict compliance with ZR Sec. 33-26 and Sec. 33-292 rear yard requirements.

Respectfully submitted,
FRIEDMAN & GOTBAUM, LLP

By: _____
Shelly S. Friedman, Esq.

New York, New York
April 4, 2017

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BSA Cal. No.

STATEMENT OF FINDINGS
IN SUPPORT
OF A SPECIAL PERMIT PURSUANT TO SECTION 73-19
AND
CERTAIN VARIANCES
FROM THE PROVISIONS OF
THE NEW YORK CITY ZONING RESOLUTION

Affected Premises:

Spence School
412 East 90th Street

Block 1569 Lot 35
Manhattan

Filed: April 4, 2017

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This Statement of Findings is filed in support of the application of Friedman & Gotbaum LLP on behalf of the Trustees of the Spence School, Inc. ("Spence" or the "School"), a nonprofit private educational institution for young women in continuous operation since 1892, for the following actions by the Board: (1) a special permit pursuant to Section 73-19 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") in connection with a change of use from Use Group 6 (parking) to Use Group 3 (schools and uses accessory to schools), which is not permitted in a C8 zoning district pursuant to ZR Sec. 32-10; and (2) a variance pursuant to ZR Sec. 72-21 and Sec. 666 of the New York City Charter to facilitate construction of an athletic and educational facility (the "Facility") on the Site.[1]

A. THE DOB OBJECTIONS

The DOB has issued the following Notice of Comments with regard to the Site:

1. ZR 32-31, ZR 73-19. Use Group 3 is not a permitted use in a C8-4 district. BSA Special Permit required.
2. ZR 33-292. New building extends into required 30 ft open area contrary to Zoning Resolution. BSA Variance required.
3. ZR 33-26. New building extends into 20 ft rear yard contrary to Zoning Resolution. BSA Variance required.[2]

B. REQUIRED FINDINGS APPLICABLE TO ZR SEC. 73-19 SPECIAL PERMIT

1. General Chapter 73 Findings Required in All Cases:

***The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of use, parking, or bulk regulations as specifically provided in this Chapter*, provided in each case:**

(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification

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[1] Subsequent capitalized terms in this Statement of Findings are as defined in the Statement of Facts submitted concurrently herewith.

[2] The DOB Objections note non-compliances with both ZR Sec. 33-292 rear yard open area requirements and the standard minimum required rear yard regulations in ZR Sec. 33-26, which appear to be inapplicable in a C8 district when a C8/residential district boundary is contiguous with the Zoning Lot's rear lot line. However, since the language of the two sections overlaps and could therefore cause confusion in future processing at DOB, this Application conservatively requests waiver of both provisions.

of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

The construction and use of the Facility, a new modern purpose-built structure to serve as an athletic and educational facility by a school that has been a member of and a contributor to its community for 125 years presents no such hazards or disadvantages. In the event the Board determines that such hazards or disadvantages do or may come to exist, or that the approval of the special permit requested in this Application has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board. As explained below with regard to ZR Sec. 73-19(c), the Facility will incorporate design components that will provide an adequate separation from ambient exterior noise, traffic and other potential adverse effects generated by the surrounding non-residential districts. These same components will ensure that the surrounding neighbors will likewise be provided an adequate separation from noise, if any, which may emanate from the Facility.

(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the

Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.

The Board is not required to make a determination relevant to this finding.

(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

This is not an application relating to ZR Secs. 73-243, 73-48 or 73-49.

(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.

ZR Sec. 73-19 does not specify or require a term of years for this use. Accordingly, the Board is not required to make a determination relevant to this finding.

(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

This Application does not seek a renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement or

extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:

(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and

(2) in the case of public utility uses, the Board may waive all such required findings set forth in Sections73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such enlargement or extension shall create a new noncompliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

This Application does not seek the enlargement or extension of an existing use.

2. **Specific ZR Sec. 73-19 Findings:**

In C8 or M1 Districts, the Board of Standards and Appeals may permit schools which have no residential accommodations except accessory accommodations for a caretaker, provided that the following findings are made:

(a) that within the neighborhood to be served by the proposed school there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;

There is a substantial record that Spence exhausted every practical possibility of obtaining a site of adequate size within a zoning district in which a Use Group 3 use would be permitted as a matter of right. Spence began its search for potential sites in 2011. It utilized the real estate brokerage firm Newmark, Knight, Frank firm ("NKF")[3] to conduct a search and advise it on potential site acquisitions. Over the course of its engagement, which included exhaustive market and site evaluations of all available adequately sized sites within a geographic area roughly equivalent to Community Board 8 and the lower half of Community Board 11, NKF identified in May 2011 this Site and four other potentially available sites[4] that could appropriately meet the School's locational and program requirements. Of those four other adequately sized available sites, only three were available at a price within the School's budget. Of those three, two were located in R7-2

[3] As of October 2011, Newmark, Grubb, Knight, Frank ("NGKF").

[4] 10 East 103rd Street (R7-2), 115 East 97th Street (R7-2), 231-243 East 94th Street (C2-8/M1-4) and 434 East 90th Street (C8-4).

districts, which permit Use Group 3 school uses as a matter of right. Severe site constraints eliminated one of those R7-2 sites, but the other, a vacant lot located at 10 East 103rd Street and owned at that time by the New York Academy of Medicine, was well suited to the School's purposes. The School authorized NKF to pursue negotiations for that site but ultimately the Academy accepted an offer from its immediate neighbor, Mount Sinai Medical Center. Precluded from any opportunity in a then rapidly escalating market to acquire a suitably zoned vacant site of sufficient size, the School then instructed NKF to assist it in acquiring the subject Site. The School acquired the Site on September 16, 2011. During the period between losing the East 103rd Street site and acquiring this Site, NKF continued to monitor the real estate market for newly-listed appropriate sites, but none surfaced.

Included in this Application is a letter from Mark Weiss,[5] who at the time was the School's broker at NKF and is now an Executive Vice Chairman at Cushman Wakefield. The letter attests to NKF's efforts throughout its engagement to identify adequately sized available sites for the School that it would be able to use as a matter of right.

(b) that such school is located not more than 400 feet from the boundary of a district wherein such school is permitted as-of-right;

As both the Radius Diagram/Land Use Map (see Attachment 10) and Drawing A-02 illustrate, a C8-4/R8B district boundary line is coincident with the Site's rear lot line. Accordingly, the Site is contiguous to a zoning district boundary wherein Use Group 3 school use is permitted as-of-right.

(c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-Residential Districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and

The Facility's windows and sound-attenuating exterior wall and window construction will provide an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district. An interior noise level of 45 dBA L10(1) or lower is required for classroom uses, in order to satisfy CEQR interior noise level guidelines. Acoustics consultant Jaffe Holden has determined that existing exterior noise levels at the Site range from approximately 58 dBA L10(1) to 67 dBA L10(1). Rogers Partners Architects has designed the Facility to assure that the existing noise levels from outside sources will be adequately filtered out, assuring that the CEQR-required interior noise guidelines will be

[5] See Exhibit A, letter from Mark Weiss to BSA Chair dated January 9, 2017.

satisfied. Among the architectural measures to be taken for adequate noise attenuation is provision of an insulated curtainwall glazing consisting of a layer of laminated glass on each side of a ½ in. air space.

Furthermore, notwithstanding the existing industrial zoning, proximity to actual manufacturing uses in this case will be *de minimus*. The southern half of Block 1569 fronting on East 89th Street is zoned R8B and is entirely improved with three residential buildings. On the East 90th Street portion of the block, there are two multiple dwellings between the Site's west lot line and First Avenue (see Photo 1). One of those buildings is primarily zoned C2-8, which precludes manufacturing uses. The building immediately to the east of the Site is a vacant garage previously used by a national auto rental company and now owned by a developer known for its residential developments (see Photo 4). Further east is a sprawling 225-unit rental building facing York Avenue (see Photos 1, 2 and 3), which is zoned R10 and R8B and therefore also incapable of housing manufacturing uses. On the south side of Block 1570, across the street from the Site, there are 12 tax lots between First and York Avenues. Only the eight midblock lots, four of which are directly facing the Site, are zoned for manufacturing uses (C8-4) and of them six are used for pre-existing residential purposes ranging from 10 to 16 units and two have been developed during the mid-1980s with larger residential buildings with a total of 120 units (see Photos 2 and 5). Two of the small mixed-use buildings closest to First Avenue are zoned C2-8 (see Photos 1 and 2); the large 279-unit residential mixed use building at York Avenue (See Photo 2) and the adjacent vacant building formerly used as a garage for a limousine service are zoned R10 and R8. This is the sum total of the "non-residential" buildings surrounding the Site and none currently generate manufacturing impacts, noise, traffic or other adverse effects.[6] The predominance of low-impact residential and neighborhood retail uses surrounding the Site provides a noise buffer for the Site's midblock location, which will then be fortified by the Facility's own noise attenuation measures as described above.

(d) that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from the school. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site. The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

[6] Impacts attributable to the two small parking garages on the block can hardly be assumed to rise to the level of manufacturing impacts since garages of much larger size are generally allowable in commercial and residential districts.

The signalized crossings nearest to the Site are at the intersections of York Avenue and East 90th Street to the east and First Avenue and East 90st Street to the west. There are crosswalks at these two intersections which connect to the sidewalk along the south side of East 90th Street leading to the Site. Together, these pedestrian safety features are expected to accommodate the majority of foot traffic associated with the Facility. Furthermore, as detailed in the Environmental Assessment Statement ("EAS") prepared by AKRF Inc. ("AKRF") in connection with this Application,[7] a more rigorous safety assessment than required under the 2014 *CEQR Technical Manual* has been applied in evaluating vehicular and pedestrian safety: a total of 14 intersections along East 90th and East 91st Streets between Madison and York Avenues were screened to assess vehicular and School-related pedestrian safety impacts for the proposed project. Potential intersections that would be traversed by pedestrians or Spence School shuttles or other official vehicles traveling between the Spence School Main Building and Facility were screened as potential high crash locations. The EAS identified one intersection, at Third Avenue and East 91st Street, as a high crash location in the 2013 to 2015 period[8] and concluded that "additional safety measures, such as the installation of countdown timers on the west crosswalk, upgrading the standard pedestrian crosswalks to high visibility crosswalks, and the restriping of the designated bike lane can be implemented to improve pedestrian safety at this intersection."

The Applicant respectfully requests that it refer this application to the Department of Transportation for its report on vehicular hazards to the safety of children within the block and in the immediate vicinity of the Site as required to meet this finding.

In conclusion with regard to the findings for a ZR Sec. 73-19 special permit, this Application meets all of the required findings in ZR Sec. 73-19 for a special permit allowing it to build its new athletic and educational facility, a Use Group 3 school use, in a C8-4 district. The School purchased the Site in 2011 for school use after an exhaustive and comprehensive effort to find a site within a reasonably close conforming zoning district, and in fact there exists a record of its prior unsuccessful efforts to acquire a site within an R7-2 district that would have permitted the use as a matter of right. The Site is sufficiently proximate to a residential district. Adverse qualitative impacts associated with C8 permitted manufacturing uses will not arise because the Site is surrounded on three sides by

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[7] See Attachment 16, CEQR Application, Attachment F: Transportation.

[8] Most recent 3-year period data available from the New York State Department of Transportation.

residential uses and it appears that future residential development on the remaining adjoining site to the east is highly likely. Even if that site remains used for garage purposes, a parking use is not a manufacturing use *per se* and should not be expected to generate the types of qualitative conflicts that this ZR Sec. 73-19 Special Permit is intended to address. And finally, the Site is on a predominantly residential block and in a mixed use neighborhood much like most of the blocks in the northeast portion of the Upper East Side, with no undue or unmanageable traffic patterns or safety concerns that could present safety challenges to students.

On the basis of the foregoing statements, the Applicant respectfully requests that the Board make the requisite findings and grant the requested special permit.

C. REQUIRED FINDINGS APPLICABLE TO ZR SEC. 72-21 VARIANCE

The Board's authority to grant variances is described in ZR Sec. 72-21 as follows:

When in the course of enforcement of this Resolution, any officer from whom an appeal may be taken under the provisions of Section 72-11 (General Provisions) has applied or interpreted a provision of this Resolution, and there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such provision, the Board of Standards and Appeals may, in accordance with the requirements set forth in this Section, vary or modify the provision so that the spirit of the law shall be observed, public safety secured, and substantial justice done.

Where it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution in the specific case, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the following findings:

This Application respectfully requests that Board invoke its unique authority based on its finding the following:

ZR Sec. 72-21(a):

> ***[T]hat there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the [zoning] Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located.***

Athletics

Spence faces fundamental hardships in developing the Facility as an educational and athletic center that can meet its programmatic requirements within a complying envelope.

These hardships are uniquely due to the constraints on this particular Site attributable to it proposed use as an athletic facility that must combine under one roof a carefully chosen group of specific school-related athletic spaces whose volumes and requirements (including sports safety requirements for participants and spectators) are mandated by a variety of each sport's governing bodies, interscholastic associations and government codes and regulations. After careful consideration of those sports deemed necessary and compatible with Spence's educational mission, which includes the physical, emotional and social development of its students, Spence wishes to provide the following athletic spaces within the Facility:

- A gymnasium that will provide regulation courts that can accommodate the three indoor team sports, volleyball, basketball and badminton. When combined with appropriately sized accessory areas such as home and visiting lockers, referee offices and spectator seating as designed, the Facility will be able to host post-season games and tournaments, which has important educational implications. The court space must be organized so that two volleyball courts can be used simultaneously for tournament use.

- A facility for nine regulation squash courts, which is the minimum necessary to host team events because such events require multiple simultaneous rounds of competition. Currently Spence leases off-site squash venues for all practices and team events. In a context where there has been a precipitous drop in the past few years in the number of courts within New York City available to rent, Spence has been forced to turn to venues that are increasingly farther from the School than in past years, placing in jeopardy the full spectrum of squash programs by forcing the suspension of the Middle School team due to lack of venues.[9]

A factor common to these sports is that the demand and programmatic need for regulation size venues has increased dramatically, especially for girls' secondary school grades, as collegiate women's sports are now pulling even with men's sports in recruitment and college scholarships. Just as it has always been true in men's collegiate sports, in order for a woman to be considered as a developing athlete worthy of special interest, her high school record will be evaluated by recruiters and coaches based on her success in regulation venues that allow for uniform comparisons with other athletes against which she is

[9] Currently, the varsity squash program, established in 2009-2010, is essentially nomadic, utilizing the following private facilities: NYSC Columbus Circle (2009-2010), NYSC 86/Lexington (2011-2015), CityView Racquet Club, Long Island City (2015-2016), Eastern Athletic Club, Brooklyn (2016-2017).

competing for recruitment and scholarships. This recent development at the upper school level simply mirrors the already well established existing nexus between high school athletic success and college recruitment long enjoyed by young men.

Approval of this Application will also serve the sense of school community. The added significance of team or individual competition playing before its community in its "home" arena is a phenomenon known to all forms of competition at all educational and professional levels and contributes to the strengthening of community identity and solidarity, teambuilding and leadership. Many significant developmental, social and emotional milestones are furthered by the strong sense of community home athletic events can instill. Maintaining and building on these milestones are essential to Spence's educational program for its young girls.

Having identified the programmatic needs for these sports, Spence proposes a Facility that will consolidate their physical requirements into a single six story structure that will require building-wide student and visitor circulation systems, a lobby with security features restricting access beyond its limits, faculty and administrative offices, a study area with limited food services, required additional means of egress, training and fitness rooms, accessory spaces (*e.g.*, equipment storage areas, locker rooms for home and visiting athletes), and a common mechanical plant.

Each of these specialized areas presents its own idiosyncratic spatial and volumetric challenges. The gymnasium clear span length of 97 ft accommodates an 84 ft by 50 ft basketball court with 6.5 ft wide "over-run" safety zone all around and a required clear height of 25 ft that is in compliance with the NFHS regulations.[10] Providing a 6 ft run-off area is critical as it improves Spence's eligibility to be placed by the NYSAIS on the "approved" list for tournament play. With the bleachers retracted, the width of the gym will be 72 ft, large enough and spatially configured to allow for two NFHS-compliant volleyball courts at once, which is required for tournament play. The regulation size of a squash court, governed by the World Squash Federation, which governs collegiate and therefore pre-collegiate play, is 21 ft wide by 32 ft deep by 18.5 ft high. Nine courts is the minimum necessary for team competitions. Visibility into the closed courts for coaches and officials is required and for teammates and spectators essential for tournament play. The size and location of the necessary interstitial mechanical equipment required to properly ventilate, heat and exhaust these spaces varies for each space type.

[10] NFHS Court and Field Program Guide, pages 7-10 (relevant pages attached hereto as Exhibit B).

Eco-Lab

The School proposes to take advantage of the Facility's roof footprint to add a greenhouse and rooftop planting area as part of its new Eco-Lab, which is more fully described on page 11 of the accompanying Statement of Facts. The proposed rooftop greenhouse and accompanying outdoor planting area are critical programmatic elements of the Eco-Lab. The first principle behind the Eco-Lab as a learning environment is a place in which ecological systems can live and thrive through scholarship and academic engagement: indoor and outdoor meet, and the entire building serves as a framework for learning. Linking rooftop farming, health and the environment necessitates space as well as a committed and sustained program. This is especially true of a city school where such a lab can be a model for many others, essentially changing the way in which children learn about our planet and every citizen's responsibility to it.

While no variances are required for its construction, the loss of the waivers requested in this Application significantly diminishes the footprint of the building to the point where the Eco-Lab would be reduced to a classroom and the rooftop planting area reduced by 59% (compare Dwgs AOR-108 and A-106). This in turn would reduce the functionality and usefulness of these features in serving as the schoolwide learning center in the fields of global stewardship, bio-diversity, earth sciences and sustainability.

Multipurpose Room

A Multipurpose Room described in greater detail in the Statement of Facts beginning on page 11 is proposed for the fifth floor that will be purpose-built for the following programs: dance, theater, film and music.

The Unique Difficulties Generating the Need for ZR Sec. 72-21 Variance (Objections Nos. 2 and 3)

In designing the Facility represented by the Proposed Plans submitted with this Application, Rogers Partners Architects has developed a new building which meets the School's necessary educational objectives in a structure that is both efficient and requires only minimal zoning waivers. By placing the gymnasium on the ground floor on a north-south axis, and partially below grade to meet bedrock, the largest volume with the largest component of foot traffic for spectators for team sports will be located closest to egress. Its location and height cannot be provided as proposed without the waiver of the rear yard requirements requested in this Application. As shown in section in Dwg A-513, the location of the gymnasium must partially fall both within the 20 ft rear yard required by ZR Sec. 33-

26 and within the 30 ft rear yard open area required by ZR Sec. 33-292 if it is to be situated on a north-south axis, which is the only axis that will permit the two volleyball courts. Its necessary height requires that the structure in the rear area be built to a height of 29 ft in order to allow the building to rest on bedrock rather than engage in costly rock removal to provide for a lower gymnasium floor.

The stacking and orientation of the remaining sports venues and common spaces on the floors above second are designed to consolidate the accessory and incidental spaces and circulation around the program spaces in a programmatically useful way and to minimize the overall amount of zoning floor area so as to minimize the necessary building envelope and the extent of the requested variances. While they comply with all front wall and height and setback requirements applicable to other community facilities in a C8-4 district, these floors cannot accommodate their programs and the ancillary building spaces and systems necessary to support them without a minimum depth of 80.71 ft, resulting in a rear yard open area of 20 ft rather than the minimum 30 ft required by ZR Sec. 33-292. The extent of the requested waiver is again illustrated in section on Dwg A-512.

Accordingly, no matter how these athletic venues are organized and stacked, the depth of the necessary building footprint in relation to the depth of the lot makes it impossible to respect the extremely rare requirement for a non-residential district that a 30 ft "open area" beginning at grade be provided along the Site's rear lot line in accordance with ZR Sec. 33-292.

ZR Sec. 33-292 requires an "open area" for a depth of 30 ft measured from the rear lot line. This area must begin at grade and remain open above. Since it is not deemed a "rear yard," the permitted rear yard obstructions set forth in ZR Sec. 33-23 do not apply and therefore no development is permitted within 30 ft of the rear lot line. The unambiguous purpose of ZR Sec. 33-292 is to create a larger and more clearly defined buffer zone between commercial bulk and uses at the rear of the zoning lot when that commercial zoning lot borders on a residential district. Thus not only must the commercial bulk recede an additional 10 ft beyond the generic commercial minimum 20 ft required rear yard, but the typical outdoor uses in the 30 ft open area, such as storage or fabrication, are prohibited. Moreover, ZR Sec. 33-292 prohibits, in C8 districts only, the permitted obstructions that are generally permitted throughout the Zoning Resolution anywhere in the open area above grade. This means that the School cannot avail itself of the customary permitted obstruction for a portion of a community facility building to occupy the rear yard up to a height of 23 ft above grade, a condition which would be permitted for any other

zoning lot in commercial districts C1 through C8 not on a residential district boundary and even in districts C1 through C7 when on a residential district boundary, since in such districts the prohibition against permitted obstructions in ZR Sec. 33-292 begins at 23 ft above grade. Clearly the purpose of applying such stringent regulation in rear areas solely to C8 districts was in recognition of the many quasi-manufacturing uses which are permitted solely in C8 districts.

None of the purposes for creating this especially stringent requirement for a rear yard open area are served in this case. The proposed school use is benign and largely replaces the existing garage bulk that already exists on the Site (built to a height of 23.17 ft at the rear property line, see Dwg EX-512). It would be deemed as-of-right in any residential district and all commercial districts except C8, for which the ZR Sec. 73-19 special permit exists, not so much to protect neighboring uses from the negative impacts of a school but rather - just the opposite - to allow the Board to determine that the Site in question is appropriate for school use given the possibility that there may be nearby noxious quasi-manufacturing uses of the type permitted in C8 districts. Moreover, the Application proposes a rear wall condition that, with one exception, would comply with all customary commercial rear yard requirements. The first floor extends into the rear area as any other permitted obstruction, with that one exception being that its height is 29 ft above grade to accommodate two floors rather than 23 ft above grade permitted obstruction that allows only one floor, and the remaining four floors provide the customary 20 ft setback from the rear lot line.

Additionally, there is another factor which defines the uniqueness of this Site and, if granted, the narrow precedent of the Board's action. The requirement to comply with ZR Sec. 33-292 exists only when (a) a zoning district boundary such as in this case the C8-4/R8B zoning district boundary runs lengthwise through the block rather than through the middle of the street and (b) the district boundary is coincident with the rear property lines of two adjoined lots. To explain how rare this condition is whereby a residential/C8 or manufacturing district boundary bisects a block lengthwise rather than bisects a street lengthwise, we can find only two instances on Zoning Map 9A (the current block and one other block, 1556, bounded by East 93rd and 94th Streets and First and Second Avenues) and only one such occurrence on the contiguous Zoning Map 6B (an M1-4/R8 boundary on Block 1540, bounded by East 94th and East 95th Streets and Third and Second Avenues). In the former case, only one building is affected, a two-story industrial building built to the rear lot line. On the ten remaining tax lots along that district boundary line nine are developed with residential buildings built in 1920 that provide a 30 ft yard for residential

purposes and one, lot 40 occupied by Mount Sinai Medical Center, originally constructed in 1930 as a parking garage, does not provide the required rear yard. In the latter case, out of seven lots zoned M1-4 and sharing a rear lot line with the R8 district boundary, only two are developed with parking facilities that would be subject to the 30 ft open area requirement beginning at grade if they were to be redeveloped. On the five remaining tax lots along that that district boundary line, only two of the seven four- and five-story residential, community facility and office buildings built between 1910 and 1924 provide the required 30-ft rear yard. In sum, the rarity of this condition appearing before the Board is clear: on the East Side of Manhattan from Central Park to East River from East 59th to approximately East 110th Street, there are only three instances on the Zoning Map in which a C8/residential or a manufacturing/residential district boundary runs lengthwise through a block and on those 3 blocks there are less than 10 non-residential lots whose rear lot lines are coincident with the residential zoning district boundary and therefore theoretically subject to the provision which the School seeks to waive in this Application.

Turning back to the Site itself, the School has carefully analyzed the suitability of the AOR Scheme to meet the design and programmatic requirements for a modern athletic and educational facility. In this case, the need to provide a 30 ft open area between the Facility's rear lot line and its rear walls, which extends to the rear lot line to a height of 29 ft to accommodate two floors, and in the case of the remaining four floors are set back 20 ft from the rear lot line, unnecessarily creates significant programmatic hardships for the School. The overall imposition on the School of providing a 30 ft rather than a 20 ft rear yard open area (and no permitted obstruction at grade) is to limit the depth of the buildable footprint to 70.71 ft on all floors rather than 80.71 ft with a permitted rear yard obstruction at grade. Converted to lot area, the diminution in buildable area over general commercial rear yard regulations goes from 14,636 sf to 10,276 sf at the first and second floors, a 30 percent reduction, and from 11,730 sf to 10.276 sf on the upper floors, a 13 percent reduction.

Accordingly, the School has concluded that building the AOR Scheme would seriously undermine its mission objectives as educators. The resulting re-design and re-distribution of these educational and athletic spaces caused by the reduction in buildable footprint is at odds with the basic tenets of educational space planning, which strive for large contiguous floorplates for programmatic functionality, program adjacencies as an educational priority, student well-being and safety and staffing efficiencies. Design must therefore comport with basic pedagogical principles as well as athletic requirements. There must be adequate

spaces for student interaction in appropriately designed areas for study, collaboration and socialization.

The AOR Scheme fails to meet these essential educational objectives. The resulting practical difficulties and unnecessary hardships imposed on Spence in constructing and operating the AOR Scheme in lieu of the Facility which meets these objectives are significant. Approval of this Application will address each of the programmatic deficiencies in the AOR Scheme which are described in greater detail in the accompanying Statement of Facts beginning on page 12 and summarized here:

1. Smaller floor plate results in a small gym with inadequate spectator seating (compare Dwgs A-101 and AOR-101).

2. Smaller floor plate results in a 27.42 ft taller building (compare Dwgs A-501 and AOR-501).

3. Reduced floor area on each level negatively affects program adjacencies.

4. Stacked squash courts require additional squash coaching staff (compare Dwgs A-513 and AOR-513).

5. A taller building is no longer a "walkable" building (compare Dwgs A-513 and AOR-513).

6. Reduced rooftop for the Eco-Lab program (compare Dwgs A-106 and AOR-108).

7. The AOR Scheme is less efficient and more expensive.

8. Greater impact on neighborhood and adjacent buildings.

These factors, unique to the Site and to the Schools' particular educational mission in developing the Facility, serve as the basis for the Application's request for a variance to permit the Facility to forego (a) a 20 ft rear yard at the first and second floors and (b) the 30 ft open area along its rear lot line from grade to elevation 81 ft providing in lieu full lot coverage for the first two floors and a 20 ft set back from the rear lot line on floors three through six. The resulting rear yard condition, would be strikingly similar to a building that could be built as a matter of right in any other commercial district for a Use Group 3 school use, in which cases a 20 ft rear yard and a permitted obstruction within it up to 23 ft above grade would be permitted.

Legal Framework and Precedents Regarding The (A) And (C) Findings

The Applicant respectfully requests that the Board recognize and adhere to its customary standard of significant deference to a not-for-profit educational facility's assessments of its programmatic needs in its administration of applications for relief pursuant to ZR Sec. 72-21. Even the most cursory review of the Board's determinations in past similar cases involving educational institutions reveals the substantial weight accorded by the Board to the New York State Court of Appeal's instructions to zoning boards of appeal throughout the State as articulated in its three comprehensive decisions: *Matter of Westchester Reform Temple v. Brown et al., Constituting the Planning Commission of the Village of Scarsdale*, 22 N.Y.2d 488 (1968), *Cornell Univ. v. Bagnardi*, 68 N.Y.2nd 583 (1986), and *In the Matter of Pine Knolls Alliance Church v. Zoning Board of Appeals of the town of Moreau*, 5 N.Y.3rd 407 (2005). For over half a century, this series of cases and its progeny have served as the "Law of the Land" in New York State with regard to variance applications by religious and educational institutions seeking relief from local land use regulations of all stripes. Specifically regarding educational institutions, the concluding statements in the *Pine Knolls* case define the Court's approach in all three cases:

> "In assessing a special permit application, zoning officials are to review the effect of the proposed expansion on the public's health, safety, welfare or morals, concerns grounded in the exercise of police power, 'with primary consideration given to the over-all impact on the public welfare' (*Trustees of Union Coll., 91 N.Y.2d at 166*). Applications may not be denied based on considerations irrelevant to these concerns.
>
> We made clear in *Cornell University* that it is not the role of zoning officials to second-guess the expansion needs of religious and educational institutions." [Emphasis supplied.]

The Court's unambiguous affirmation of its holding in *Cornell Univ*. twenty-five years earlier has been noted by this Board in dozens of decisions pertaining to schools, healthcare institutions that provide significant educational programming and churches, the resolutions of many of which make specific reference to *Cornell Univ*. Attached to this Statement of Findings as Exhibit C is a compendium of selected Board cases from 2005 – 2016 and selected pertinent language from the Board's resolutions which in each case grant the requested variances.

ZR Sec. 72-21(b):

[T]hat because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization.

This finding is not applicable because the School is a non-profit institution and all of the development proposed on the Zoning Lot will be in support of its educational mission.

ZR Sec. 72-21(c):

[T]hat the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

This northeastern quadrant of the Upper East Side has evolved from its industrial origins into a high-density mixed-use residential community due to the large residential towers constructed on First, Second and York Avenues, most with underground public and accessory parking. Many of these high density new developments are constructed deep into their midblocks, leaving extant only a few small multiple dwellings, commercial buildings and corporate garages. Although zoned C8-4, this midblock portion of block 1569 on which the Site is located and block 1570 north of the Site are now predominantly residential, with only three commercial properties, all small corporate parking garages belonging to car rental and limo services that no longer use them for parking. They are surrounded by residential development on all sides.

The proposed Facility, designed by a firm renowned for its educational and civic institutional work, will bring a new, purpose-built school building to the block which breaks from the current, and some say repetitive and unwelcome, development trend toward slender towers. The essential character of this neighborhood -- new tall residential development with sporadic midblock remnants of working class Yorkville -- is a given and the development of this Facility will neither slow nor hasten that trend. In contrast, the design of the Facility, with its strong and active streetwall, is intended to provide a counterpoint to the residential pattern by capturing and transmitting the vibrant activity and playful exuberance of competitive youth sports and education taking place behind its façade. Rather than see the garage simply re-clad and re-purposed into a permitted

commercial or retail building, the Site will be re-imagined entirely as an educational center that will bring new visitors to the neighborhood and new customers to its businesses. Benefits such as these enhance rather than impair the quality of life and have no off-setting detrimental impacts, either to neighboring properties, properties in the immediate vicinity or in the community at large.

And finally, in the broadest sense, recognizing the benefits to society that the courts have already spoken to in *Cornell* and related cases, the general welfare of any community can only be furthered by strengthening the quality of its educational facilities, especially one which has been teaching within the community for 125 years and with this project is again further deepening its roots within the Upper East Side.

ZR Sec. 72-21(d):

[T]hat the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

The programmatic hardships that this Application seeks to address stem entirely from Spence's mission as an educational institution. Like any other educational facility, the design and operation of a building housing an athletic center is derived from objective standards and best practices developed by educational professionals. Those standards speak to a building envelope and an interior organization that must accommodate several large idiosyncratic athletic spaces and an effective system of spatial interconnectivity among them, as well as spaces for educational and artistic pursuits that share similar values for movement, physical development and well-being. The AOR Scheme plainly presents the practical difficulties in configuring a complying building that would meet all of these programmatic requirements. The School purchased the Site recognizing that a Use Group 3 school use was not a permitted use in a C8-4 district but also recognizing that the Board was empowered through applications such as this to allow its use, as well as provide bulk relief if necessary. The plain language of the ZR Sec. 72-21(d) and the ample record of previous applications before the Board make it clear that such recognition does not preclude an application for relief.

ZR Sec. 72-21(e):

[T]hat within the intent and purposes of this resolution the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

The Application analyzes an AOR Scheme to demonstrate that there is no reasonable as-of-right development scheme. Section I ("Development Alternative") of the Statement of Facts analyzes the likely AOR Scheme that provides a 30 ft open area along the rear property line, thus reducing the potential depth of the Site's development footprint to 70.71 ft by 145.33 ft rectangle. The analysis identifies eight critical deficiencies in the design of the AOR Scheme that significantly interfere with the School's programmatic needs. It then compares the AOR Scheme with the Facility demonstrating how those deficiencies are corrected in the Facility by providing at floors three through six a 20 ft rear yard, the customary distance in a C8 district when the rear lot line is not coincident with a residential district boundary, and providing full lot coverage at the ground and second floors to 29 ft above grade, which again, approximates the customarily allowed permitted obstruction for community facilities in C8 districts. This 10 ft difference in the depth of the rear yard and the allowance of a permitted rear yard obstruction for a community facility that is only 6 ft higher than permitted are required to address the programmatic deficiencies in the AOR Scheme and are minor.

CONCLUSION

Spence has a long and rich history in the City of New York as an independent, college-preparatory day school for girls in Kindergarten through Grade 12, with a long-standing reputation for academic excellence and the diversity of its student body. Its students are drawn from the five boroughs of New York City as well as New Jersey, some commuting as long as three hours a day. Spence is committed to high academic standards, integrity, a diverse student body of young women and a purpose larger than oneself. The proposed Facility, an educational and athletic center that will be Spence's first purpose-built building since 1928, will permit the School to extend its educational mission by affording its students greater developmental opportunities through a higher level of training and competition in team sports activities than it can presently provide. The venues for such activities are unusually specific and require volumes of space which are unavailable within the School's properties, within its immediate environs and even within the surrounding favorably zoned neighborhoods. Accordingly, after an exhaustive search for sites in complying districts, the School's Trustees and Administration found it necessary to purchase

the Site in order to recognize programmatically the increasing importance of athletics, and especially the evolving importance of women's athletes.

While the Site is not zoned for school use, it is nonetheless currently surrounded on three sides by residential uses and it appears that residential use on the remaining side is highly likely. Notwithstanding its location in a C8-4 district, the Site should not be expected to generate the types of qualitative conflicts that ZR Sec. 73-19 is intended to protect against. It is an excellent location for a school and an excellent candidate for a ZR Sec. 73-19 special permit.

The bulk variances sought pursuant to ZR Sec. 72-21 are minor in nature. The building as proposed, with full lot coverage at the ground and second floors to a height of 29 ft above grade and a 20 ft rather than 30 ft setback from the rear lot line at floors three through six, bears a striking resemblance to the typical envelope applicable in commercial districts for a school utilizing the standard allowance for a permitted rear yard obstruction. The AOR Scheme clearly demonstrates the programmatic hardships that would accrue in the absence of the waivers requested in this Application.

On the basis of the foregoing, the Applicant respectfully requests that the Board make each of the requisite findings in ZR Sec. 73-19 for the grant of the use special permit for a Use Group 3 school use in a C8-4 district and further make the requisite finding in ZR Sec. 72-21 for the grant of a variance waiving strict compliance with ZR Sec. 33-26 and Sec. 33-292 rear yard requirements.

Respectfully submitted,
FRIEDMAN & GOTBAUM, LLP

By: _____
Shelly S. Friedman, Esq.

New York, New York
April 4, 2017

Exhibit A to Statement of Findings

CUSHMAN & WAKEFIELD

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January 9, 2017

Hon. Margery Perlmutter
Chair. NYC Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

Re: Application of the Spence School
412 East 90th Street
Block 1569 Lot 35
Manhattan

Dear Madam Chair and Commissioners:

I write to supplement the application to the Board on behalf of the Trustees of the Spence School, Inc. From roughly June 2010 until they closed on the purchase of the subject property in September 2011, I served as the School's real estate advisor in connection with its search for a large vacant or under-utilized property which could serve as a home for a new Spence building focused on its commitment to its athletic program. I was chosen by Spence to perform this detailed search because I am regarded as the foremost expert in transacting large sites on the Upper East Side of Manhattan. As well, I have over 33 years of continuous experience doing exactly that sort of work.

Over the course of a 14 month investigation, my team was able to identify five sites which were sufficiently close to the School's main campus and adequately sized to accommodate the School's needs. We recognized at the outset that it would be futile to focus on any property or groups of properties within any of the nearby historic districts, since the larger scale of the proposed facility would be out of context with the most of the properties within these districts. We also concluded that we would have little success with properties fronting on or close to an avenue, as those properties, either individually or as part of an assemblage, would be highly attractive to a private developer as suitable for large scale residential development and therefore would command a price far beyond Spence's (or any other fiscally responsible school's) ability to pay.

These five properties constituted the only reasonable prospects for the School at the time of our inquiries:

1. 412 East 90th Street, the current 15,000 sf site, zoned C8-4.
2. 434 East 90th Street, the garage site immediately next door, with a smaller lot area (14,500 sf) and also similarly zoned but with a less motivated seller.
3. 231-243 East 94th Street, two garage sites being offered together, with a combined footprint of over 18,000 sf and potentially within reach of a larger residential assemblage, with income flowing in from a ground lease. This property was zoned M1-4 which would not permit School

use. Due to its size and proximity to a development site, its asking price/sf was nearly double that of the other sites.

4. 115 East 97th Street, a 15,000 sf highly irregular site zoned R7-2 with a 25 ft frontage on East 97th Street and a 50 ft frontage on East 98th Street. The site presented severe challenges as the site of an athletic facility.
5. 10 East 103rd Street, a 15,000 sf site zoned R7-2. This property was especially well suited to Spence's use because it was within 13 blocks of the School and very favorably situated for easy bus transportation up and down Fifth and Madison Avenues.

The Trustees authorized me to pursue negotiations in May 2011 on the 103rd Street site as its most promising opportunity, with the current site as the back-up. Unfortunately, the 103rd Street site was adjacent to the Mount Sinai Medical Center and Mount Sinai was eager to annex the site into its campus. As is often the case with institutions faced with the availability of adjacent land, they were prepared to pay in excess of the market and did so by entering into contract to obtain the property in June. We then turned our attention to securing the current site in what was becoming a rising seller's market and was able to secure a contract to purchase the site which closed in September.

In my opinion, given the acute shortage of existing "product" and the ever-increasing market values at the time, the Trustees acted wisely in both making every reasonable effort to secure the 103rd Street property and then, after losing it, to quickly secure the subject site.

I would be pleased to provide whatever additional information you might find useful.

Sincerely,

Mark S. Weiss
Executive Vice Chairman

Exhibit B to Statement of Findings

NFHS COURT AND FIELD DIAGRAM GUIDE

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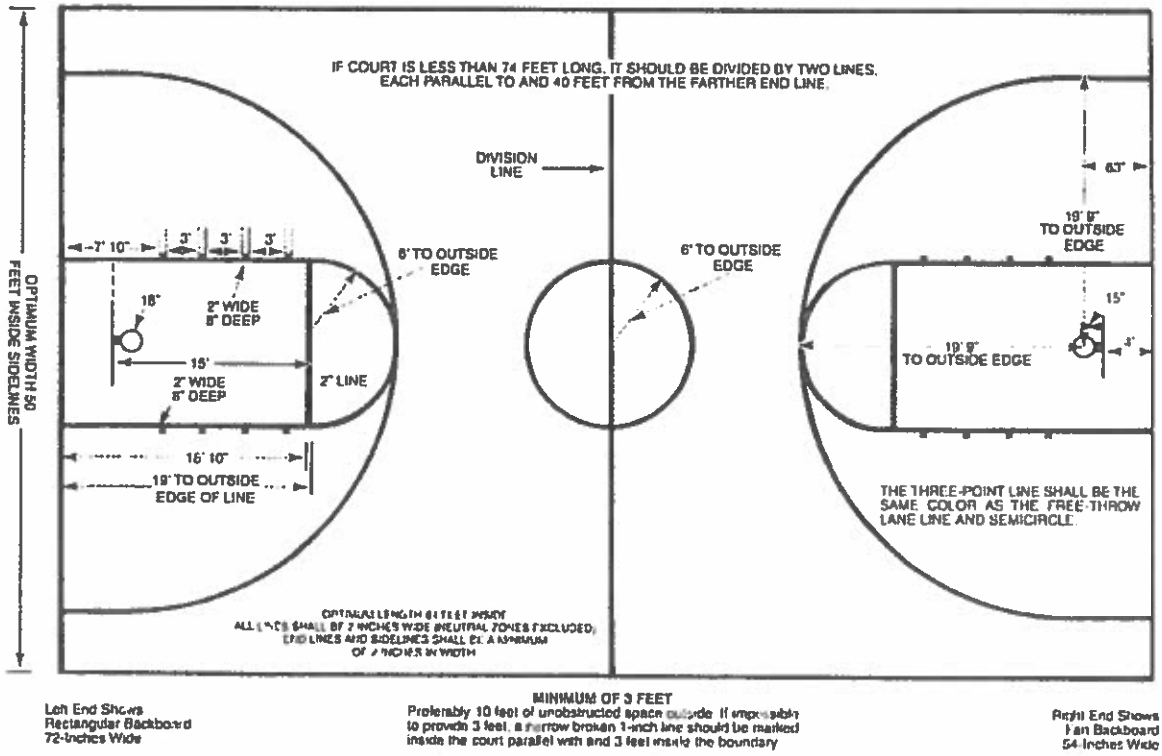
BASKETBALL

BASKETBALL COURT DIAGRAM



SPECIFICATIONS FOR COURT AND BASKET/BACKBOARD

PLAYING COURT DIMENSIONS The playing court shall be a rectangular surface free from obstructions and with dimensions not greater than 94 feet in length by 50 feet in width. **IDEAL MEASUREMENTS ARE:** High School Age - 84 by 50 feet. These are the dimensions for the playing court only. Suggestions about construction and lighting are in the "Supplement to Court Diagram" (page 12).

SIDELINES, END LINES The playing court shall be marked with sidelines, end lines and other lines as shown on the appended court diagram. There shall be at least 3 feet (and preferably 10 feet) of unobstructed space outside boundaries. The sidelines and end lines shall be a minimum of 2 inches in width. If it is desirable to use contrasting colored floor areas instead of the lines, see the "Supplement to Court Diagram" (page 14).

UNOFFICIAL COURT If, on an unofficial court, there is less than 3 feet of unobstructed space outside any sideline or end line, a narrow broken line shall be marked on the court parallel with and 3 feet inside that boundary. This restraining line becomes the boundary line during a throw-in on that side or end, as in 7-6. It continues to be the boundary until the ball crosses the line.

CENTER RESTRAINING CIRCLE A 2-inch wide restraining circle shall be drawn at the center of the court with a radius of 6 feet measured to the outside. The edge of the circle shall be designated with a minimum of a ¼-inch-wide single line but no wider than 2 inches. Spaces for nonjumpers around the restraining circle are 36 inches deep.

DIVISION LINE A division line 2 inches wide shall divide the court into two equal parts. If the court is less than 74 feet long, it should be divided by two lines, each parallel to and 40 feet from the farther end line. NOTE: A solid or shadow-bordered 2-inch wide line is permissible. A shadow line is a line that designates the required 2-inch width by use of border or outline lines at least ¼-inch wide,

which shall lie within the 2-inch width. Border lines that are the natural color of the court are permissible. The area within these lines need not be one color, but the continuous 2-inch wide outline must be clearly visible to the officials. If the floor has a logo in the center of the court, that logo should not distract from the visibility of the division line or center circle.

THREE-POINT LINE A three-point field-goal line, 2 inches wide in the form of a semicircle, shall be drawn at each end of the court as shown on the appended court diagram. The semicircle has a radius of 19 feet 9 inches from a point in the middle of the free-throw lane directly below the center of the basket to the outside edge of the line. The semicircle shall be extended with a 2-inch wide line perpendicular to the end line, the length of which shall be 63 inches from the inside edge of the end line. The three-point field-goal line shall be the same color as the free-throw lane boundary lines and free-throw semicircle.

FREE-THROW LANE A free-throw lane, 12 feet wide measured to the outside of each lane boundary, and the semicircle with the free-throw line as a diameter, shall be marked at each end of the court with dimensions and markings as shown on the appended court diagram. All lines designating the free-throw lane, but not lane-space marks and neutral-zone marks, are part of the lane. The lane-space marks (2 inches by 8 inches) identify areas which extend 36 inches from the outer edge of the lane lines toward the sidelines. There are three lane spaces on each lane boundary line.

FREE-THROW LINE A free-throw line, 2 inches wide, shall be drawn across both circles, which have an outside radius of 6 feet as shown on the appended court diagram. It shall be parallel to the end line and shall have its farthest edge 15 feet from the plane of the face of the backboard.

BACKBOARDS

1. The backboards shall be the same size at both ends of the court. The backboard shall be one of three types: 1) a rectangle 6 feet horizontally and 4 feet vertically; or 2) a rectangle 6 feet horizontally and 3½ feet vertically or 3) a fan-shaped backboard, 54 inches wide and with dimensions as shown on the diagram. NOTE: The 6-foot horizontal and 3½-foot vertical dimensions are recommended for replacement backboards or new installations.

2. Each of the backboards shall be of any rigid material. The front surface shall be flat and, unless it is transparent, it shall be white. Tinted glass backboards are prohibited beginning with those manufactured after January 1, 1995. NOTE: For the fan-shaped backboard in transparent material, the recurved cut-out at the bottom may be filled in and the ring attached to the front of the backboard.

3. If the backboard is transparent, it shall be marked as follows: A rectangle shall be centered behind the ring and marked by a 2-inch white line. The rectangle shall have outside dimensions of 24 inches horizontally and 18 inches vertically. For the rectangular backboard, the top edge of the baseline shall be level with the ring. For the fan-shaped backboard, the baseline shall be omitted, and the two vertical lines shall be extended to the bottom of the backboard. The rectangular target in a bright orange or black color may be used on a nontransparent backboard. The border of the backboard shall be marked with a white line. The border shall be 3 inches or less in width.

4. Either type backboard may be transparent or nontransparent. No logo, marking, lettering, etc., is permitted on the backboard, backboard padding, or basket.

BACKBOARD POSITION Each backboard shall be midway between the sidelines, with the plane of its front face perpendicular to the floor, parallel to the end line, and 4 feet from the end line. The upper edge of the backboard shall be 13 feet above the floor for the rectangular, and 12 feet 8 inches for the fan-shaped. The backboard shall be protected from spectators to a distance of at least 3 feet at each end.

BACKBOARD PADDING, SUPPORT SYSTEMS

1. The bottom and each side of the all-rectangular backboards shall be padded with a poly high-carb vinyl-type material that meets the Bashor resilience test with a range of 20-30. The padding must cover the bottom surface of the board and the side surface to a distance of 15 inches up from the bottom. The front and back surfaces must be covered to a minimum distance of ¾ inch from the bottom of the backboard. The padding shall be 1 inch thick from the front and back surfaces of the backboard. The material shall be 2 inches from the bottom edge of the backboard. It is recommended that the padding be mounted on the backboard by adhesive or material such as Velcro, channel, etc. The padding shall be a single, solid color and shall be the same color on both backboards.

2. Any backboard support behind the backboard and at a height of less than 9 feet above the floor shall be padded on the bottom surface to a distance of 2 feet from the face of the backboard. All portable backstops must have the bases padded to a height of 7 feet on the court-side surface.

3. Clearances — As below and behind backboards, all support systems should be at least 8 feet behind the plane of the backboard face and at a height 7 feet or more above the floor.

4. Any backboard support, all of which is not directly behind the backboard, should be at least 6 inches behind it if the support extends above the top and at least 2 feet behind it if the support extends beyond the side. Any overhead backboard support structure which must be forward-braced due to space limitations, architectural or structural restraints, shall meet the following requirements: a front, diagonal-brace system must be located above a line extending upward and into the playing court at a maximum 45-degree angle from a point on a vertical line located a minimum of 6 inches behind the front side of the backboard at a minimum height of 4 feet 6 inches above the basket ring.

5. Warning on misuse of portable backstops — Manufacturers and administrators should be aware of an "extreme-caution" warning relative to the misuse of portable backstops. A high degree of injury potential and a severe liability problem exists when players or spectators are allowed to hang, sit or stand on the basket ring or backboard. Administrators must see that this practice is eliminated or that the portable units are lowered at the completion of the game. There is a high risk of severe injury, even death, if this practice continues. A recommended warning or inscription such as "Danger — please do not get on the rim/backboard" is desirable.

BASKET SIZE, MATERIAL Each basket shall consist of a single metal ring, 18 inches in inside diameter, its flange and braces, and a white-cord 12-mesh net, 15 to 18 inches in length, suspended from beneath the ring. Each ring shall be not more than ⅝ inch in diameter, with the possible addition of small-gauge loops on the bottom edge for attaching a 12-mesh net. The ring and its attaching flange and braces shall be bright orange in color. The cord of the net shall be not less than 120-thread nor more than 144-thread twine, or plastic material of comparable dimensions with no additional extensions. It shall be constructed so as to momentarily check the ball as it passes through.

BASKET RING

1. Each basket ring shall be securely attached to the backboard/support system with a ring-restraining device. Such a device shall ensure that the basket stays attached even in the event that a glass backboard breaks. Each basket ring shall have its upper edge 10 feet above and parallel to the floor and shall be equidistant from the vertical edges of the backboard. The nearest point of the inside edge of the ring shall be 6 inches from the plane of the face of the backboard.

2. Movable and nonmovable rings are legal. Movable basket rings shall have rebound characteristics similar to those of nonmovable rings. The pressure-release mechanism should ensure these characteristics, as well as protect both the ring and backboard. The design of the ring and its construction should be such as to ensure player safety.

3. For those rings with a lock/release mechanism, the pressure-release mechanism must not disengage until a static load of 230 pounds has been applied to the top of the ring at the most distant point from the backboard. The pressure-release mechanism must be preset by the manufacturer at the required static-load setting and may be sealed or field adjustable. When released, the ring shall not rotate more than 30 degrees below the original horizontal position. After release and with the load no longer applied, the ring shall return automatically and instantaneously to the original position.

BENCH LOCATION The location of each team's bench shall be designated by game management. It is recommended that the benches for team members and coaches of both teams be placed along that side of the court on which the scorer's and timer's table is located. The coaching box shall be outlined outside the side of the court on which the scorer's and timer's table and team benches are located, and bounded by a line drawn 14 feet from the end line toward mid-court. At this point, a line drawn from the sideline toward the team bench becomes the end of the coaching box going toward the end line. From this line go another 14 feet toward mid-court, then a line drawn toward the bench becomes the end of the coaching box closest to mid-court. The coaching box is 14 feet long placed in the middle of the regulation 42-feet-long half court. Located off the court and 2 inches wide. The same directions should be followed for the other side of the scorer's table. **NOTE:** State associations may alter the length and placement of the 14-foot (maximum) coaching box. The timeout area shall

be the area inside an imaginary rectangle formed by the boundaries of the sideline (including the bench), end line, and an imaginary line extended from the free-throw lane line nearest the bench area meeting an imaginary line extended from the coaching-box line.

"X" LOCATES SCORER An "X" 12 inches long and 2 inches wide shall be placed on the floor out of bounds directly in front of the official scorer to help substitutes with the proper location.

SUPPLEMENT TO COURT DIAGRAM

1. If possible, building plans should provide for a court with ideal measurements as stated in Rule 1-1, ample out-of-bounds area and necessary seating space. A long court permits use of two crosswise courts for practice and informal games.
2. It is recommended that the area above the court be clear of any obstructions and be at least 25 feet or higher.
3. Instead of the 2-inch minimum boundaries, it is legal to use contrasting colored floor areas by painting the out-of-bounds area, the center restraining circle, and the restricted parts of the free-throw lanes so that the mathematical line between the two colors is the boundary. If such contrasting colored out-of-bounds belt is used, it should be at least 8 inches wide.
4. It is recommended that a belt 8 inches wide or more in width be used to mark the boundaries on all courts which have at least 10 feet of open space between the boundary lines and the seating. This plan is urged for all new construction and for other similar courts when the boundaries are remarked.
5. It is recommended that there be a 2-inch wide broken line consisting of 12-inch segments, 12 inches apart, of a color different from that of the boundary, at a minimum of 6 feet outside the court extending from sideline to sideline and parallel to the end line.
6. Optional coaching box (tableside) — Bounded by a line drawn 14 feet from the end line toward mid-court. At this point, a line drawn from the sideline toward the team bench becomes the end of the coaching box going toward the end line. From this line, go another 14 feet toward mid-court, then a line drawn toward the bench becomes the end of the coaching box closest to mid-court. The coaching box is 14 feet long placed in the middle of the regulation 42-feet-long half court and is located off the court and 2 inches wide. The same directions should be followed for the other side of the scorer's table. **NOTE:** State associations may, on an individual basis, allow alternative bench locations.
7. The court should be uniformly and adequately lighted. Lighting engineers should be placed in charge of this important factor when planning any new installations. For information on recommended specifications for lighting, you may contact: Illuminating Engineering Society of North America, 120 Wall Street, 17th Floor, New York, New York 10005, Telephone 212-248-5000.

Exhibit C to Statement of Findings

COMPENDIUM OF BOARD CASES FROM 2005 – 2016

AND SELECTED PERTINENT LANGUAGE FROM THEIR RESOLUTIONS[1]

225-15-BZ

Date of Decision: August 16, 2016
Vote to Approve: 5-0
Premises Affected: 126-134 East 78th Street (aka 121-123 East 77th Street)
Block 1412 Lot 58 (Manhattan)
The Allen-Stevenson School

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit an enlargement of The Allen-Stevenson School buildings to provide for, *inter alia,* a regulation size gymnasium, appropriate floor-to-floor height for the visual arts center, ADA access throughout the entire campus, including to the rooftop greenhouse, and necessary program adjacencies, contrary to height and set back regulations of ZR Secs. 23-662(a) and 24-591 of C1-8X and R8-B/LH-1A zoning districts.

70-15-BZ

Date of Decision: December 8, 2015
Vote to Approve: 5-0
Premises Affected: 38-50 Cooper Square
Block 544 Lot 7503 (aka 38) (Manhattan)
Grace Church School (lessee)

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit an enlargement of an existing school building in an M1-5B zoning district to construct a multifunctional Gymnasium with appropriate floor-to-ceiling heights, contrary to rear yard regulations in ZR Sec. 43-26.

59-14-BZ

Date of Decision: November 17, 2015
Vote to Approve: 4-0-1/abstain
Premises Affected: 114-122 Jackson Street
Block 2748 Lot 21 (Brooklyn)
School Settlement Association Inc.

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit, in an R6B zoning district, the construction of a four-story plus penthouse community facility (UG 3) to be occupied by the Applicant that does not comply with the underlying zoning district regulations for street wall location, setback, maximum building height, maximum base height, zoning floor area and lot coverage, contrary to ZR §§ 23-633 and 24-11.

In opposing the application, the opponents articulated concerns that

[1] References to Zoning Resolution sections as they appear in Board's resolutions issued prior to ZQA Text Amendments.

". . . the Applicant is not a school and, therefore, that the Applicant is not entitled to educational deference with respect to the waivers sought herein; that the use of the Proposed Building (defined below) by a public school does not entitle the Applicant to deference under *Cornell Univ. v Bagnardi,* 68 NY2d 583 (1986); that New York City School Construction Authority ("SCA") standards are not applicable to the Applicant; that the Applicant does not meet SCA gymnasium standards with respect to width and, as such, need not provide the proposed gymnasium height; that the plenums proposed throughout the Proposed Building are more than is required; that fitness classes are not needed and are not part of the Applicant's mission; that the plans submitted with the subject application do not show required water source for science labs, cooking or culinary classes consistent with the Applicant's statements; that the proposed rooftop space is not justified by the programmatic needs stated by the Applicant. . . ."

In approving the application, the Board's resolution included the following language:

"WHEREAS, specifically, as held in *Cornell Univ. v Bagnardi,* 68 NY2d 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 . . ."

260-14-BZ

Date of Decision: October 16, 2015
Vote to Approve: 4-0-1/abstain
Premises Affected: 100 East End Avenue aka 106 East End Avenue
Block 1581 Lot 23 (Manhattan)
The Chapin School, Ltd.

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit on a site partially within an R8B zoning district and partially within an R10A zoning district, the enlargement of an existing school building (Use Group 3), which does not comply with zoning regulations for rear yard, height and setback, lot coverage and floor area, contrary to ZR §§ 23-633, 24-11, 24-36, 24-50, 24-522 and 77-22. The approval permitted the school to (1) construct a three-story enlargement above the Main Building which will contain a regulation-sized gymnasium and school-wide assembly space, accessory gymnasium and athletic space, dedicated space for dance and music, and an outdoor play roof; (2) add a structure extending over the Cross-Over and Wing Buildings to provide required egress from the Building.

55-15-BZ

Date of Decision: August 25, 2015
Vote to Approve: 4-0
Premises Affected: 405 West 55th Street
Block 1065 Lot 29 (Manhattan)
Alvin Alley Dance Foundation (lessee)

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit, in an R8/C1-5, C6-2 zoning districts, an enlargement of an existing building to provide additional dance studios, classrooms, and offices, which does not comply with zoning regulations for floor area, lot coverage, building height, and number of office workers, contrary to ZR Secs. 96-101, 96-102, 96-104(c), and 22-14.

1-15-BZ

Date of Decision: July 14, 2015
Vote to Approve: 4-0
Premises Affected: 150 West 85th Street
Block 1215 Lot 53 (Manhattan)
Manhattan Country School (contract vendee)

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit, in an R8B zoning district, an enlargement of an existing building to "provide classroom space sufficient to fulfill the School's curriculum; provide adequate light and air to classrooms; create a communal space necessary to advance the School's mission; and provide for specialized spaces for the School's Science, Technology, Engineering, Art and Math program (the "STEAM program"), which will enable the School to remain with similar institutions," said variances to waive non-compliances for floor area, height and setback and rear yard contrary to ZR §§ 24-11, 24-522, 23-633, and 24-33.

117-14-BZ

Date of Decision: February 24, 2015
Vote to Approve: 4-0
Premises Affected: 101, 121 & 139 West 91st Street and 114-124 West 92nd Street
Block 1222 Lots 17, 29, 40, 9029 (Manhattan)
Trinity Episcopal School Corporation

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit, in an R7-2 and C1-9 zoning districts, an enlargement of an existing school building, including construction of a 2-story building addition with rooftop turf field, contrary to required rear yard equivalents, lot coverage, height and setback, and minimum distances between buildings in ZR Secs. 24-11, 24-382, 24-522, and 23-711.

300-12-BZ

Date of Decision: October 7, 2014
Vote to Approve: 4-0
Premises Affected: 36 West 93rd Street, aka 33 West 92nd Street
Block 1206 Lot 20 (Manhattan)
Columbia Grammar & Preparatory School

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit an enlargement of an existing school building in an R7-2 zoning district, contrary to lot coverage,

permitted obstruction, rear yard equivalent, initial setback distance, height and side yard regulations in ZR Secs. 24-11, 24-33, 24-382, 24-522, 23-692 and 24-35(b).

3-14-BZ

Date of Decision: August 19, 2014
Vote to Approve: 3-0
Premises Affected: 12-22 East 89th Street
Block 1500 Lot 62 (Manhattan)
Saint David's School

With a resolution including a detailed recital of the Board's consideration of the holding in *Cornell Univ. v. Bagnardi,* 68 N.Y.2d 583 (1986), and caselaw thereafter, a variance was granted to permit, on a site partially within an R10/C1-5 zoning district within the Special Madison Avenue Preservation District (MP) and partially within an R8B zoning district, within the Carnegie Hill Historic District, the proposed conversion and enlargement of two existing buildings that does not comply with zoning parameters for rear yard, lot coverage, maximum base height and building height, front and rear setback and floor area, contrary to ZR Secs. 24-11, 24-12, 24-36, 24-552, 23-633, 23-692, 99-051, 99-054, and 54-31. The approval was granted over the objection of adjacent neighbors that programmatic needs cannot be substituted as a basis for the requested waivers.

"WHEREAS, in analyzing the applicant's waiver requests, the Board notes at the outset that the School, as a nonprofit New York State chartered educational institution, may rely on its programmatic needs, which further its mission, 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)); and

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

* * *

WHEREAS, the Board finds that the proposal 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, the Board concurs that the waivers will facilitate construction that will meet the School's articulated needs; and

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

WHEREAS, the Board also acknowledges the hardship associated with the physical constraints of the buildings, which are approximately a century old, and developing the site with historic pre-existing bulk non-compliance; and the interest in preserving and respecting the buildings' historic fabric; and

WHEREAS, the Opposition argues that the applicant has failed to make the finding set forth at ZR § 72-21(a) because: (1) the site does not suffer a unique hardship and programmatic needs cannot be substituted as a basis for the requested waivers; and (2) there are negative impacts to the public welfare which are not outweighed by the proposal's benefits; and

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

WHEREAS, the Opposition also argues that the School is not entitled to the deference accorded educational institutions seeking variances to zoning requirements under *Cornell* because the negative impacts of the proposal outweigh the public benefits; and

WHEREAS, the Board finds that the applicant's submissions, which include statements, plans, and other evidence, provide the required specificity concerning its programmatic space requirements, establish that the requested variances are necessary to satisfy its programmatic needs consistent with Cornell, and that the Opposition has failed to establish that any potential negative impacts either meet the threshold set forth by the courts or outweigh the benefits; and

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

WHEREAS, the Board finds that the Opposition misapplies the guiding case law; and

WHEREAS, as to the guiding case law on educational deference, the Board disagrees with the Opposition and finds that the courts place the burden on opponents of a project to rebut the presumption that an educational institution's proposal is beneficial unless it is established to have an adverse effect upon the health, safety, or welfare of the community; the Board notes that courts specifically state that general concerns about traffic and disruption of the residential character of a neighborhood are insufficient basis for denying a request (see *Westchester Reform Temple v. Brown*, 22 N.Y.2d 488 (1968), *Cornell*, and *Pine Knolls*); and

WHEREAS, the Board also does not find any basis for the Opposition's assertion that the School must adopt an alternative in light of the fact that the Board finds the School's programmatic need for the requested waivers to be credible; 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.3rd 870 (3rd Dep't 2006); *Trustees of Union Col. v. Schenectady City Cnl.*, 91 N.Y.2d 161 (1997)); and

WHEREAS, the Board finds that the Opposition's position is contrary to the decisions of New York State courts and contrary to the Board's many variances for educational institutions which have either been upheld by New York State courts or remain unchallenged; and

WHEREAS, in sum, the Board has reviewed the Opposition's submissions, as well as the applicant's responses, and finds that the Opposition has failed to rebut the applicant's substantiated programmatic need for the proposal or to offer evidence, much less establish, that it will negatively impact the health, safety, or welfare of the surrounding community in the sense the courts envision; and

WHEREAS, accordingly, the Board finds that the applicant has sufficiently established that School's programmatic needs create an unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations . . ."

310-13-BZ

Date of Decision: June 24, 2014
Vote to Approve: 4-0-1/absent
Premises Affected: 459 East 149th Street
Block 2294 Lot 60 (Bronx)
Metropolitan College of New York (lessee)

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit the construction of a two-story mixed commercial (Use Group 6) and community facility (Use Group 3) building in an M1-1/C4-4 zoning district, contrary to ZR § 42-10 use regulations, allowing the college to occupy a small portion of the first story and a portion of the second story, including a portion within the M1-1 portion of the site.

289-13-BZ

Date of Decision: June 17, 2014
Vote to Approve: 5-0
Premises Affected: 473-541 6th Street, aka 502-522 8th Avenue
Block 1084 Lots 25, 26, 28, 39-44, 46, 48 (Brooklyn)
New York Methodist Hospital

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit the development of a new, 304,000 sf ambulatory care facility on the campus of New York Methodist Hospital, contrary to floor area (§§24-11, 24-17 and 77-02), lot coverage (§24-11), rear yard (§24-382), height and setback (§24-522), rear yard setback (§24-552), and sign (§22-321) regulations, in an R6, C1-3/R6, and R6B zoning district.

The Board's resolution, adopted over the objection of opponents citing concerns regarding the sufficiency of the programmatic needs, traffic and other environmental impacts and compatibility with the neighborhood character included the following language:

"WHEREAS, the Board notes that in *Cornell*, the Court of Appeals identified the presumed public benefit of the educational institution and it finds that NYM, whether as a teaching hospital or otherwise, shares the presumed benefit to the community and 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 its variance application, which allows it to further its mission; and

WHEREAS, further, the Board notes, as held in *Cornell*, 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 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, 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 NYM, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations . . ."

360-65-BZ (Amendment)

Date of Decision: January 14, 2014
Vote to Approve: 5-1-0
Premises Affected: 108-114 East 89th Street
Block 1517 Lot 62 (Manhattan)
Dalton School, Inc.

With a resolution including a detailed recital regarding *Cornell Univ. v. Bagnardi*, a 1965 variance was amended to permit, on a site within an R8B zoning district, the proposed construction of a two-story addition to a school building that did not comply with zoning parameters for floor area, building height, base height and front setback regulations, contrary to ZR §§ 24-11, 24-522 and 24-522(b). The approval was granted over the objection of neighbors to the rear of the site citing, *inter alia*, the following concerns: (1) the effect of the expansion on neighboring properties with respect to natural light, ventilation, solar glare, shadows, noise, aesthetics, traffic during construction and long-term property values and (2) the failure of the applicant to examine alternatives.

"WHEREAS, the applicant states that the New York State Court of Appeals has held that in a residential district educational institutions cannot be required to show an affirmative need to expand as a condition precedent to the issuance of a discretionary approval by a zoning board. *See, e.g., Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986); *Lawrence School Corp. v. Lewis*, 578 N.Y.S.2d 627 (N.Y.A.D. 2 Dept., 1992); and

WHEREAS, the applicant adds that the *Cornell* court also held that because 'schools, public, parochial and private, by their very nature, singularly serve the public's welfare and morals,' zoning boards in New York should allow schools to expand into residential areas unless a particular proposed expansion 'would unarguably be contrary to the public's health, safety or welfare.' *Id.* at 593, 595; and

WHEREAS, the applicant asserts that *Cornell* crystallized the Court of Appeals' long-standing presumption in favor of educational and religious uses in residential areas. *See Diocese of Rochester v. Planning Bd. of Town of Brighton*, 1 N.Y.2d 508, 526 (1956) ('schools and accessory uses are, in themselves, clearly in furtherance of the public morals and general welfare'); and

WHEREAS, further, the applicant asserts that under the State's standard, the court has held that, for example, the potential adverse impacts on 'use, enjoyment and value of properties in the surrounding areas' and on 'the prevailing character of the neighborhood' are 'insufficient bas[e]s on which to preclude' the substantial expansion of a religious facility in a residential neighborhood. *Westchester Reform Temple v. Brown*, 22 N.Y.2d 488, 494 (1968);

* * *

WHEREAS, as to the Opposition's claims that the applicant failed to provide an analysis of alternative sites, the applicant states that, following *Cornell*, such a discussion would be inappropriate; the court stated that '[a] requirement of a showing of need to expand, or even more stringently, a need to expand to the particular location chosen, however, has no bearing whatsoever upon the public's health, safety, welfare or morals. The imposition of such a requirement, or any other requirement unrelated to the public's health, safety or welfare, is, therefore, beyond the scope of the municipality's police power, and thus, impermissible' *Cornell* at 597 (citations omitted); and

WHEREAS, the Board also agrees with the applicant that *Cornell* does not allow for a zoning board to require an educational institution to analyze alternate sites and finds that the applicant has sufficiently satisfied its minimum requirements to accommodate its programmatic needs."

325-12-BZ (Amendment)

Date of Decision: June 11, 2013
Vote to Approve: 5-0
Premises Affected: 1273-1285 York Avenue
Block 1463 Lots 21, 31 (Manhattan)
Royal Charter Properties, Inc., for New York Presbyterian Hospital

With a resolution including a detailed recital regarding *Cornell Univ.*, a variance was approved to permit, on a site within R8, R9 and R10 zoning districts, the proposed construction of a new teaching hospital and ambulatory diagnostic treatment care facility that did not comply with zoning parameters for floor area, lot coverage, rear yard, front wall height, sky exposure plane, front and rear setbacks and parking, contrary to ZR §§ 24-11, 24-36, 24-382, 24-522(a) and 13-133.

"WHEREAS, the Board acknowledges that NYPH, 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,"

10-13-BZ/11-13-BZ

Date of Decision: May 21, 2013
Vote to Approve: 5-0
Premises Affected: 175 West 89th St/148 West 90th Streets
Block 1220 Lots 5, 7506 (Manhattan)
Stephen Gaynor School

Related variances were approved to permit, on a site within C1-9 and R7-2, the proposed enlargement of two school buildings, one of them an adaptive re-use, that did not comply with zoning parameters for lot coverage, rear yard, and height and setback, contrary to ZR §§ 24-11, 24-36/33-26 and 24-522.

"WHEREAS, the Board acknowledges that the School, 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,"

58-11-BZ

Date of Decision: October 25, 2011
Vote to Approve: 5-0
Premises Affected: 20-22 East 91st Street
Block 1502 Lots 59 and 12 (Manhattan)
The Trustees of The Spence School, Incorporated

With a resolution including a detailed recital of the Board's consideration of the holding in *Cornell Univ.* and case law thereafter, a variance was granted to permit, on a site partially within an R8B zoning district and partially within an R10 zoning district, the proposed construction of a connection between the rear sides of two school buildings on a through lot that did not comply with zoning parameters for lot coverage and rear yard equivalent, contrary to ZR §§ 24-11, 24-382, and 54-31. The approval was granted over the objection of neighbors on both sides of the of the site citing, *inter alia*, the following concerns: (1) the effect of the expansion on neighboring properties with respect to

natural light, ventilation, noise, aesthetics, construction and long-term property values and (2) the failure of the applicant to examine alternatives.

"WHEREAS, the applicant states that as a nonprofit educational institution, the Board must grant deference to Spence and allow it to rely on its programmatic needs to form the basis for its waiver requests; the applicant cites to the decisions of New York State courts in support of its claim that the school warrants deference; and

WHEREAS, specifically, the applicant cites to *Pine Knolls Alliance Church v. Zoning Board of Appeals of the Town of Moreau*, 6 N.Y.3rd 407 (2005); the *Pine Knolls* court stated as follows:

> 'In assessing a special permit application, zoning officials are to review the effect of the proposed expansion on the public's health, safety, welfare or morals, concerns grounded in the exercise of police power, 'with primary consideration given to the over-all impact on the public welfare' (*Trustees of Union College*, 91 N.Y.2d at 166). Applications may not be denied based on considerations irrelevant to these concerns.
>
> We made clear in *Cornell University* that it is not the role of zoning officials to second-guess expansion needs of religious and educational institutions;' and

WHEREAS, in analyzing the applicant's waiver requests, the Board notes at the outset that Spence, as a nonprofit New York State chartered educational institution, may rely on its programmatic needs, which further its mission, 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)); and

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

* * *

WHEREAS, the Opposition argues that the applicant has failed to make the finding set forth at ZR § 72-21(a) because: (1) the site does not suffer a unique hardship and programmatic needs cannot be substituted as a basis for the requested waivers; and (2) there are negative impacts to the public welfare which are not outweighed by the proposal's benefits; and

* * *

WHEREAS, the Board finds that the applicant's submissions, which include statements, plans, and other evidence, provide the required specificity concerning its programmatic space requirements, establish that the requested variances are necessary to satisfy its programmatic needs consistent with *Cornell*, and that the Opposition has failed to establish that any potential negative impacts either meet the threshold set forth by the courts or outweigh the benefits; and

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

* * *

WHEREAS, as to the guiding case law on educational deference, the Board disagrees with the Opposition and finds that the courts place the burden on opponents of a project to rebut the presumption that an educational institution's proposal is beneficial unless it is established to have an adverse effect upon the health, safety, or welfare of the community; [Emphasis supplied.] the Board notes that courts specifically state that general concerns about traffic and disruption of the residential character of a neighborhood are insufficient basis for denying a request (*see Westchester Reform Temple v. Brown*, 22 N.Y.2d 488 (1968), *Cornell*, and *Pine Knolls*); and

WHEREAS, the Board also does not find any basis for the Opposition's assertion that Spence must adopt an alternative in light of the fact that the Board finds Spence's programmatic need for the requested waivers to be credible; [Emphasis supplied.] 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));"

183-11-BZ

Date of Decision: June 19, 2012
Vote to Approve: 5-0
Premises Affected: 1133 York Avenue
Block 1456 Lot 21 (Manhattan)
S.K.I. Realty, Inc., Memorial Hospital for Cancer and Allied Diseases

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit within C1-9 and C-8-4 zoning districts, the construction of a new teaching ambulatory surgical building that did not comply with zoning regulations for floor area, rear yard, height and setback, and curb cuts, contrary to ZR §§ 33-123, 33-261, 33-432 and 36-682.

"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, accordingly, the Board finds that MSK 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,"

93-10-BZ

Date of Decision: August 17, 2010
Vote to Approve: 5-0
Premise Affected: 198 Varet Street
Block and Lot: 3117 24 (Brooklyn)
Williamsburg Charter School

A variance was granted to convert the ground floor of a school building from parking to School use in an M1-2 zoning district, contrary to floor area regulations (ZR § 43-122).

> "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;"

41-10-BZ

Date of Decision: July 13, 2010
Vote to Approve: 5-0
Premises Affected: 522-566/596-600 First Avenue
Block 962 Lots 80, 108 & 1001-1107 (Manhattan)
NYU Langone Medical Center

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit enlargement of a teaching medical center in an R8 zoning district, contrary to rear yard and signage regulations (ZR §§ 22-321, 22-331, 24-36, 22-342).

328-09-BZ

Date of Decision: March 16, 2010
Vote to Approve: 5-0
Premises Affected: 28-34 West End Avenue
Block 1152 Lots 58 & 61 (Manhattan)
Abraham Joshua Heschel School

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit the construction of a school building in a C6-2/C4-7 zoning district, contrary to height and setback, and rear yard requirements (ZR §§ 33-432, 23-634, 33-432).

187-08-BZ

Date of Decision: March 16, 2010
Vote to Approve: 5-0
Premises Affected: 1247 38th Street (Brooklyn)
Block 5295 Lot 52
Congregation & Yeshiva Machzikei Hadas

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit construction of a six-story educational facility in an M2-1 zoning district, contrary to ZR § 42-00.

> "WHEREAS, the Board acknowledges that the Yeshiva, 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;"

122-10-BZ

Date of Decision: January 14, 2010
Vote to Approve: 5-0
Premises Affected: 163 West 78th Street
Block 1150 Lots 6 (Manhattan)
Rodeph Sholom School

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit the rooftop addition to a school building in an R8B zoning district, contrary to maximum height regulations (ZR § 23-692).

239-09-BZ

Date of Decision: February 9, 2010
Vote to Approve: 5-0
Premises Affected: 238 Thompson Street
Block 538 Lot 27 (Manhattan)
NYU Center for Academic and Spiritual Life

A Special Permit was granted to allow enlargement of an educational facility in a C1-6A/C1-7A zoning district within the required rear yard equivalent, contrary to ZR § 33-283.

176-09-BZ

Date of Decision: October 6, 2009
Vote to Approve: 5-0
Premises Affected: 220-236 West 28th Street
Block 777 Lots 1, 18 & 37 (Manhattan)
Fashion Institute of Technology

A Special Permit was granted to allow an enlargement of an educational facility in a C6-2 zoning district that did not comply with height and setback regulations, contrary to ZR § 33-432.

195-09-BZ

Date of Decision: September 15, 2009
Vote to Approve: 5-0
Premises Affected: 321 Ashland Place
Block 2111 Lot 11 (Brooklyn)
Brooklyn Academy of Music

A variance was granted to permit construction of an education facility building in a C6-1 zoning district which did not comply with rear yard regulations (ZR § 33-26).

304-08-BZ

Date of Decision: May 19, 2009
Vote to Approve: 5-0
Premises Affected: 312-318 East 95th Street
Block 1557 Lot 41 (Manhattan)
Trevor Day School

With a resolution including a recital regarding *Cornell Univ.*, a use special permit under ZR Secs. 73-19 and 73-03 to permit in a C8-4 district a use group 3 school use and a ZR Sec. 72-21 variance were granted to permit construction of a new school building that would accommodate, *inter alia,* an auditorium, music and band rooms, a double height gymnasium and a half-gymnasium, a cafeteria with kitchen, classrooms, specialized science and art classrooms, administrative offices, a dance studio and an outdoor rooftop play area, contrary to floor area, tower lot coverage, maximum aggregate tower area and rear yard regulations of ZR Secs. 33-123, 33-26, 33-454, 33-451 and 33-453.

163-08-BZ

Date of Decision: February 10, 2009
Vote to Approve: 5-0
Premises Affected: 2022 Avenue M
Block 2111 Lot 11 (Brooklyn)
Congregation Kol Torah

A variance was granted to permit the construction of a two-story and attic educational building in an R2 zoning district, contrary to floor area, FAR and lot coverage (front yard), side yards and minimum parking requirements (ZR §§ 24-11, 24-34, 24-35 and 25-30).

46-08-BZ

Date of Decision: January 13, 2009
Vote to Approve: 5-0
Premises Affected: 491 Bedford Avenue
Block 2173 Lot 6 (Brooklyn)
Congregation Adas Yereim (not-for-profit educational entity)

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit the construction of an educational building in an R6 zoning district, contrary to ZR § 24-11 (floor area ratio and lot coverage) and ZR § 24-522 (front wall height, setback, sky exposure plane and number of stories).

257-07-BZ

Date of Decision: October 28, 2008
Vote to Approve: 5-0
Premises Affected: 220-236 West 28th Street
Block 1607 Lots 3, 5 & 59 (Manhattan)
Center for Science & Medicine/Mount Sinai Medical Center

A variance was granted to permit the construction of an eleven-story, approximately 269,000 square foot Center for Science and Medicine Building at the Mount Sinai Medical Center within an R9 zoning district, partially within the Special Park Improvement District. The proposal was contrary to ZR § 24-522 (height, setbacks, and sky exposure plane for community facility), ZR § 24-11 (community facility lot coverage), and ZR § 24-54 (community facility tower coverage).

> "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.3rd 870 (3rd Dep't 2006); *Trustees of Union Col. v. Schenectady City Cnl.*, 91 N.Y.2d 161 (1997));"

74-07-BZ

Date of Decision: August 26, 2008
Vote to Approve: 5-0
Premises Affected: 6-10 West 70th Street / 99-100 Central Park West
Block 1122 Lots 36 & 37 (Manhattan)
Congregation Shearith Israel

A variance was granted to allow construction of a nine-story residential/educational building on a zoning lot located in R8B and R10A zoning districts, contrary to the zoning regulations for lot coverage (ZR § 24-11), rear yard (ZR § 24-36), base height, building height and setback (ZR § 23-633) and rear setback (ZR § 23-663).

> "WHEREAS, the Board acknowledges that the Synagogue, as a religious institution, is entitled to substantial 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 (*see Cornell Univ. v. Bagnardi*, 68 N.Y.2d 583 (1986)); and
>
> WHEREAS, notwithstanding that the applicant has asserted that the site is also burdened with a physical hardship that constrains an as-of-right development, discussed below, the Board notes that the Opposition ignores 50 years of unwavering New York jurisprudence holding that zoning boards must accord religious institutions a presumption of moral, spiritual and educational benefits in evaluations of applications for zoning variances (*see, e.g., Diocese of Rochester v. Planning Bd.*, 1 N.Y.2d 508 (1956) (zoning board cannot wholly deny permit to build church in residential district; because such institutions further the morals and welfare of the community, zoning board must instead seek to accommodate their needs); *see also Westchester Ref. Temple v. Brown,* 22 N.Y.2D 488 (1968); and *Islamic Soc. Of Westchester v. Foley,* 96 A.D.2D 536 (2d Dep't 1983)), and therefore need not demonstrate that the site is encumbered by a physical hardship; 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, as held in *Westchester Reform Temple v. Brown* (22 N.Y.2D 488 (1968)), a religious institution's application is entitled to deference unless significant adverse effects upon the health, safety, or welfare of the community are documented (*see also Jewish Recons. Syn. of No. Shore v. Roslyn Harbor*, 38 N.Y.2D 283 (1975)); and

WHEREAS, as held in *Westchester Ref. Temple v. Brown* (22 N.Y.2D 488 (1968)), a religious institutions application is entitled to deference unless significant adverse effects upon the health, safety, or welfare of the community are documented (*see also Jewish Recons. Syn. of No. Shore v. Roslyn Harbor*, 38 N.Y.2D 283 (1975)); and

WHEREAS, the Board notes again that a zoning board must accommodate a proposal by a religious or educational institution for a project in furtherance of its mission, unless the proposed project is shown to have significant and measurable detrimental impacts on surrounding residents (in *Westchester Ref. Temple v. Brown* (22 N.Y.2D 488 (1968)); *Islamic Soc. of Westchester v. Foley,* 96 A.D.2D 536 (2d Dep't 1983) (*see also Jewish Recons. Syn. of No. Shore v. Roslyn Harbor,* 38 N.Y.2D 283 (1975));"

78-08-BZ

Date of Decision: August 26, 2008
Vote to Approve: 5-0
Premises Affected: 611-617 East 133rd Street
Block 2546 Lot 27 (Bronx)
South Bronx Charter School for International Cultures and the Arts

With a resolution including a recital regarding *Cornell Univ.*, a variance was granted to permit development of a new community facility building located in an MX-1 (M1-2/R6A). The proposal was contrary to ZR § 123-62 (maximum floor area ratio for community facilities), ZR § 24-11 (maximum floor area ratio and percentage of lot coverage) and ZR § 123-662 (b)(4) (as it relates to street wall height for all buildings in Special Mixed-Use Districts with R6, R7, R8 and R10 district designations).

"WHEREAS, the Board acknowledges that the School, 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;"

113-06-BZ

Date of Application: June 6, 2006
Date of Decision: September 19, 2006
Vote to Approve: 3-0
Premises Affected: 3030 Broadway
Block 1973 Lot 1 (Manhattan)
Columbia University

A variance was granted to allow a 13-story academic building to be constructed on an existing university campus in an R8 zoning district. The project required lot coverage and height and setback waivers and was contrary to ZR §§ 24-11 and 24-522.

> "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;"

BUREAU OF BUILDINGS

BOROUGH OF MANHATTAN, CITY OF NEW YORK

GJ CERTIFICATE OF OCCUPANCY No. 5534 192 5

Supersedes Certificate of Occupancy No.

To the owner or owners of the building: New York August 12th 1925

THIS CERTIFIES that the building located on Block 1569 . Lot 5

known as 412-22 East 90th Street
149' front

under a permit, Application No. N. B. 25/25 19 , conforms to the approved plans and specifications accompanying said permit and any approved amendments thereto, and to the requirements of the building code and all other laws and ordinances and to the rules and regulations of the board of standards and appeals, applicable to a building of its class and kind, except that in the case of a building heretofore existing and for which no previous certificate of occupancy has been issued and which has not been altered or converted since March 14, 1916, to a use that changed its classification as defined in the building code, this certificate confirms and continues the existing uses to which the building has been put; and

CERTIFIES FURTHER that the building is of fireproof construction within the meaning of the building code and may be used and occupied as a business building as hereinafter qualified, in a unrestricted district under the building zone resolution, subject to all the privileges, requirements, limitations, and conditions prescribed by law or as hereinafter specified.

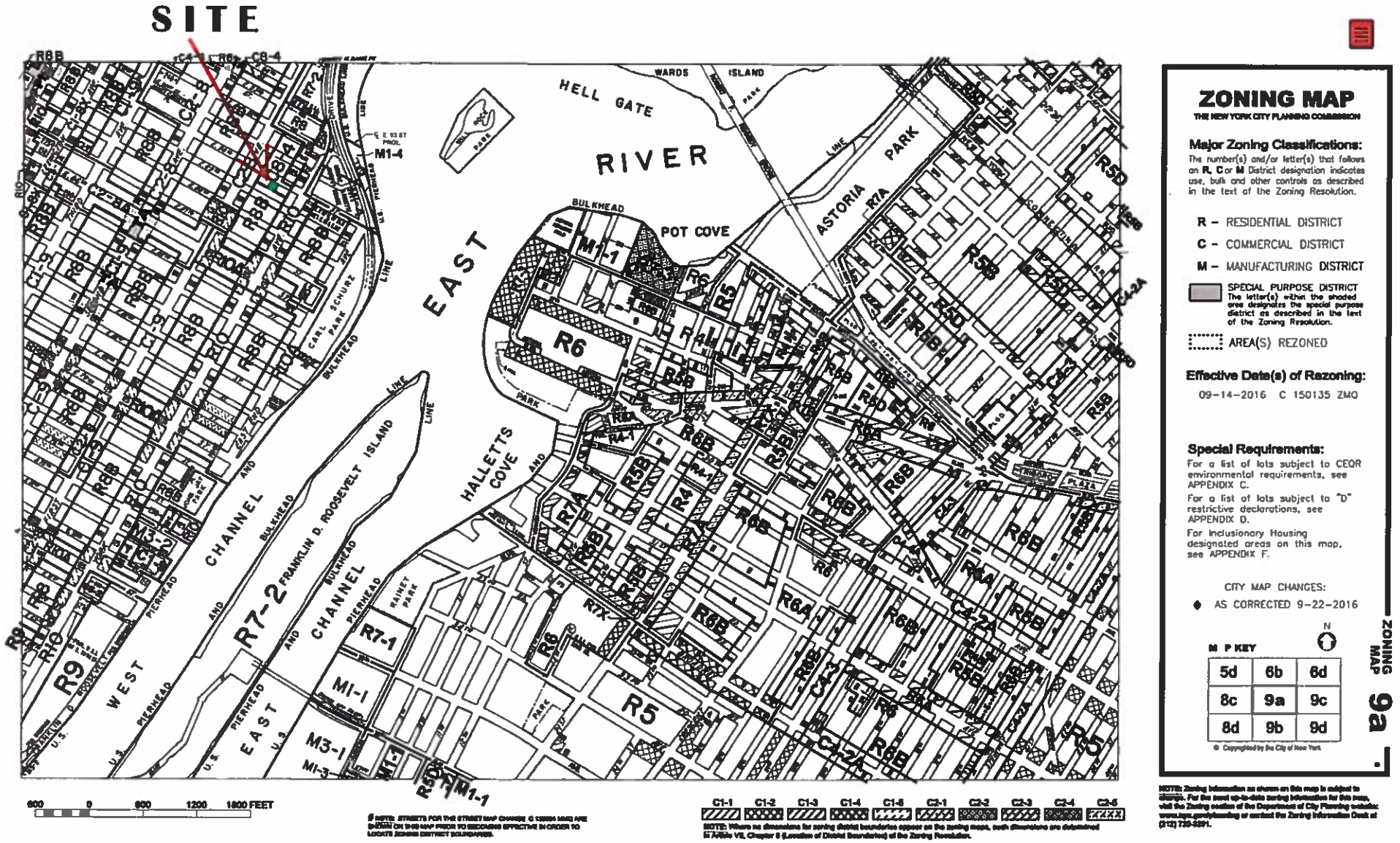
Story	Live Loads Lbs. per sq. ft.	Persons Accommodated			Use
		Male	Female	Total	
Cellar					Boiler Room
1st Story	120			5	Garage for more than 5 autos.
2nd Story	120			5	

CHAPTER 606 OF THE GREATER NEW YORK CHARTER
SECTION 411-A PARAGRAPH 4

A certificate of occupancy issued as provided in subdivisions [illegible] two of this section shall [illegible] be binding on the fire commissioner with [illegible] to any building which shall [illegible] be intended to be used for the storage of [illegible] combustibles or [illegible] or for any trade, purpose or [illegible] which the board of standards and appeals may classify by general [illegible] ing hazardous.

This certificate is issued to Mr. Vincent Valentine,
1361 Findley Avenue, Bronx.
for the owner or owners.

Zoning Map



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

AREA(S) REZONED

Effective Date(s) of Rezoning:

09-14-2016 C 150135 ZMQ

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGES:

◆ AS CORRECTED 9-22-2016

N

INDEX MAP KEY

5d	6b	6d
8c	9a	9c
8d	9b	9d

ZONING MAP 9a

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 8 (Location of District Boundaries) of the Zoning Resolution.

The Spence School. 412 East 90th Street, Manhattan

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____ BLOCK 1569 LOT 35

SUBJECT SITE ADDRESS 412 EAST 90TH STREET, NEW YORK, NY, 10128

APPLICANT THE TRUSTEES OF THE SPENCE SCHOOL, INC.

ZONING DISTRICT C8-4 PRIOR BSA # N/A

SPECIAL/HISTORIC DISTRICT NO

COMMUNITY BOARD 8M

	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA	N/A			N/A	15,005 SF	15,005 SF	N/A
LOT WIDTH	N/A			149'-0"	149'-0"	149'-0"	N/A
USE GROUP (S)	32-10			4-14, 16	6	3/school	N*
FA RESIDENTIAL	N/A	N/A		N/A	N/A	N/A	N/A
FA COMMUNITY FACILITY	33-123	97,533 SF		N/A	0 SF	54,149 SF	Y
FA COMMERCIAL/INDUST.	33-122	75,025 SF		30,010 SF	29,270 SF	0 SF	Y
FLOOR AREA TOTAL		97,533 SF		30,010 SF	29,270 SF	54,149 SF	Y
FAR RESIDENTIAL	N/A	N/A		N/A	N/A	N/A	N/A
FAR COMMUNITY FACILITY	33-123	6.5		N/A	0	3.60	Y
FAR COMMERCIAL/INDUST.	33-122	5.0		2	2	0	Y
FAR TOTAL		6.5		2	2.0	3.60	Y
OPEN SPACE	N/A		N/A	N/A	N/A	N/A	N/A
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A	N/A
LOT COVERAGE (%)	N/A	N/A		N/A	N/A	N/A	N/A
NO. DWELLING UNITS	N/A			0	0	0	N/A
WALL HEIGHT	33-432	85' or 6 stories		85'-0"	34'-0 1/2"	81'-0"	Y
TOTAL HEIGHT	33-432	N/A		270'-2"	34'-0 1/2"	98'-9"	Y
NUMBER OF STORIES				2	2	6+mechanical	Y
FRONT YARD	N/A		N/A	N/A	N/A	N/A	N/A
SIDE YARD	N/A		N/A	N/A	N/A	N/A	N/A
OPEN AREA / YARD	33-292		30'-0"	0'-0"	0'-0"	0'-0"	N**
REAR YARD	33-26		20'-0"	0'-0"	0'-0"	0'-0"	N**
SETBACK (S)	33-432		20'-0"	0'-0"	0'-0"	20'-0"	Y
SKY EXP. PLANE (SLOPE)	33-432	2.7:1		N/A	N/A	N/A	Y
NO. PARKING SPACES	N/A	N/A	N/A	240	240	0	N/A
LOADING BERTH (S)	N/A	N/A	N/A	0	0	0	N/A
OTHER: BICYCLE PARKING	36-711	1 per 2,000 SF	28	15	15	28	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: * ZR Sec. 73-19 Special Permit requested

** ZR Sec. 72-21 Variance requested

3/31/2017

Tax Map

FINANCE NEW • YORK
MARTHA E. STARK
COMMISSIONER

NYC Digital Tax Map

Effective Date : 12-09-2008 12.39 45
End Date : Current

Manhattan Block: 1569

Legend

- Streets
- Miscellaneous Text
- 1 Possession Hooks
- Boundary Lines
- 1 Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Site

The Spence School. 412 East 90th Street, Manhattan

0 15 30 60 90 120 Feet

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME The Spence School Educational and Athletic Facility

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable)	**OTHER REFERENCE NUMBER(S) (if applicable)** (*e.g.*, legislative intro, CAPA)

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY New York City Board of Standards and Appeals			NAME OF APPLICANT Trustees of the Spence School, Inc.		
NAME OF LEAD AGENCY CONTACT PERSON Tracie Behnke, AICP -- Project Manager			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Shelly S. Friedman, Friedman & Gotbaum		
ADDRESS 250 Broadway, 29th Floor			ADDRESS 568 Broadway, Suite 505		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10012
TELEPHONE 212-386-0086	EMAIL tbehnke@bsa.nyc.gov		TELEPHONE 212-925-4545	EMAIL sfriedman@frigot.com	

3. *Action Classification and Type*

SEQRA Classification

☒ UNLISTED ☐ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☒ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description*

The Spence School is proposing to redevelop the existing site that currently contains a parking garage with an approximately 60,100 gsf off-site educational and athletic facility, including a rooftop greenhouse and planting area, containing a gymnasium, squash courts with viewing areas, and a support floor. See page 1a and Figures 1 through 3.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 8	STREET ADDRESS 412 East 90th Street
TAX BLOCK(S) AND LOT(S) Block 1569, Lot 35		ZIP CODE 10128

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bounded by East 90th Street to the north, First Avenue to the west, East 89th Street to the South, and York Avenue to the east.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C8-4	ZONING SECTIONAL MAP NUMBER 9A

5. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☐ YES ☒ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: ☒ YES ☐ NO

☐ VARIANCE (use)

☒ VARIANCE (bulk)

☒ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION ZR Sections 32-31 and 73-19 to allow Use Group 3; ZR Section 33-26 (Rear Yard); ZR Section 33-292 (Yard Along Residential Distric Boundary)

Department of Environmental Protection: ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:

A. PROJECT DESCRIPTION

The Trustees of the Spence School, Inc. (the "Spence School") is seeking zoning variances from the New York City Board of Standards and Approvals (BSA) to facilitate an approximately 60,100 gross-square-foot (gsf) educational and athletic facility, including a rooftop greenhouse and planting area, on the project site at 412 East 90th Street (Manhattan Block 1569, Lot 35) (the "proposed project"). The project site, located in a commercial C8-4 zoning district, is in the middle of the block bounded by East 90th Street to the north, East 89th Street to the south, First Avenue to the west, and York Avenue to the east. The project site is currently occupied by a two-story, approximately 30,000 square foot garage building that is now vacant.

Founded in 1892, The Spence School is an independent, college-preparatory day school for girls in Kindergarten through Grade 12. The Lower School is located at 56 East 93rd Street, and the Middle and Upper Schools are located at 22 East 91st Street, in the Upper East Side neighborhood of Manhattan. The Spence School has a total enrollment of approximately 750 students.

The proposed project would not comply with existing regulations as defined by the New York City Zoning Resolution (ZR). The proposed project requires the following approvals from the BSA:

- A special permit pursuant to ZR Sections 32-31 and 73-19 to allow a Use Group 3A school use in a C8-4 zoning district; and
- A variance pursuant to ZR Sec. 72-21 because the proposed facility does not comply with ZR Sec. 33-26 and ZR Sec. 33-292 requirements with respect to the rear yard and open area contiguous to rear lot line along a residential district boundary.

B. PURPOSE AND NEED

The school remains without a regulation-sized court for many of its athletic team programs, i.e., volleyball, basketball and badminton. The school also lacks a home for its growing squash program. The proposed project is required to fulfill the school's current space needs, including: recreational facilities for physical education classes, as well as facilities for its global stewardship and sustainability programs.

C. FRAMEWORK FOR ANALYSIS

SCOPE OF ENVIRONMENTAL ANALYSIS

This document has been prepared in accordance with the guidelines presented in the 2014 *CEQR Technical Manual*. For each technical area, the analysis includes a description of existing conditions, an assessment of conditions in the future without the proposed project, and an assessment of future conditions with the proposed project.

EXISTING CONDITIONS

The analysis framework begins with an assessment of existing conditions on the project site and in the relevant study area because these can be most directly measured and observed. The assessment of existing conditions does not represent the condition against which the proposed project is measured, but serves as a starting point for the projection of future conditions with and without the proposed project and the analysis of project impacts.

THE FUTURE WITHOUT THE PROPOSED PROJECT

The future without the proposed project (the "No Build" condition) describes a future baseline condition to which the changes that are expected to result from the proposed project are compared. For each technical analysis, approved or designated development projects within the appropriate study area that are likely to be completed by the 2019 analysis year are considered.

Absent the proposed project, the project site would remain in its current state. The Spence School would the benefit of the proposed facility on the project site.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The identification of potential environmental impacts is based upon the comparison of the future without the proposed project to conditions in the future with the proposed project. In certain technical areas such as transportation, this comparison can be quantified and the severity of impact rated in accordance with the *CEQR Technical Manual*. In other technical areas, (e.g., neighborhood character) the analysis is qualitative in nature. The methodology for each analysis is presented at the start of each technical analysis. As summarized in the following attachments, the proposed project would not result in any significant adverse impacts. *

☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

State or Federal Actions/Approvals/Funding: ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

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 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 15, 005 sf
Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 15,005 sf
Other, describe (sq. ft.): 0

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 60,100 sf
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 60,100 gsf
HEIGHT OF EACH BUILDING (ft.): ±99
NUMBER OF STORIES OF EACH BUILDING: 6+mechanical

Does the proposed project involve changes in zoning on one or more sites? ☐ YES ☒ NO
If "yes," specify: The total square feet owned or controlled by the applicant:
The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: ±15,005 sq. ft. (width x length)
VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: ±15,005 sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2019
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 24
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Parking, Institutional

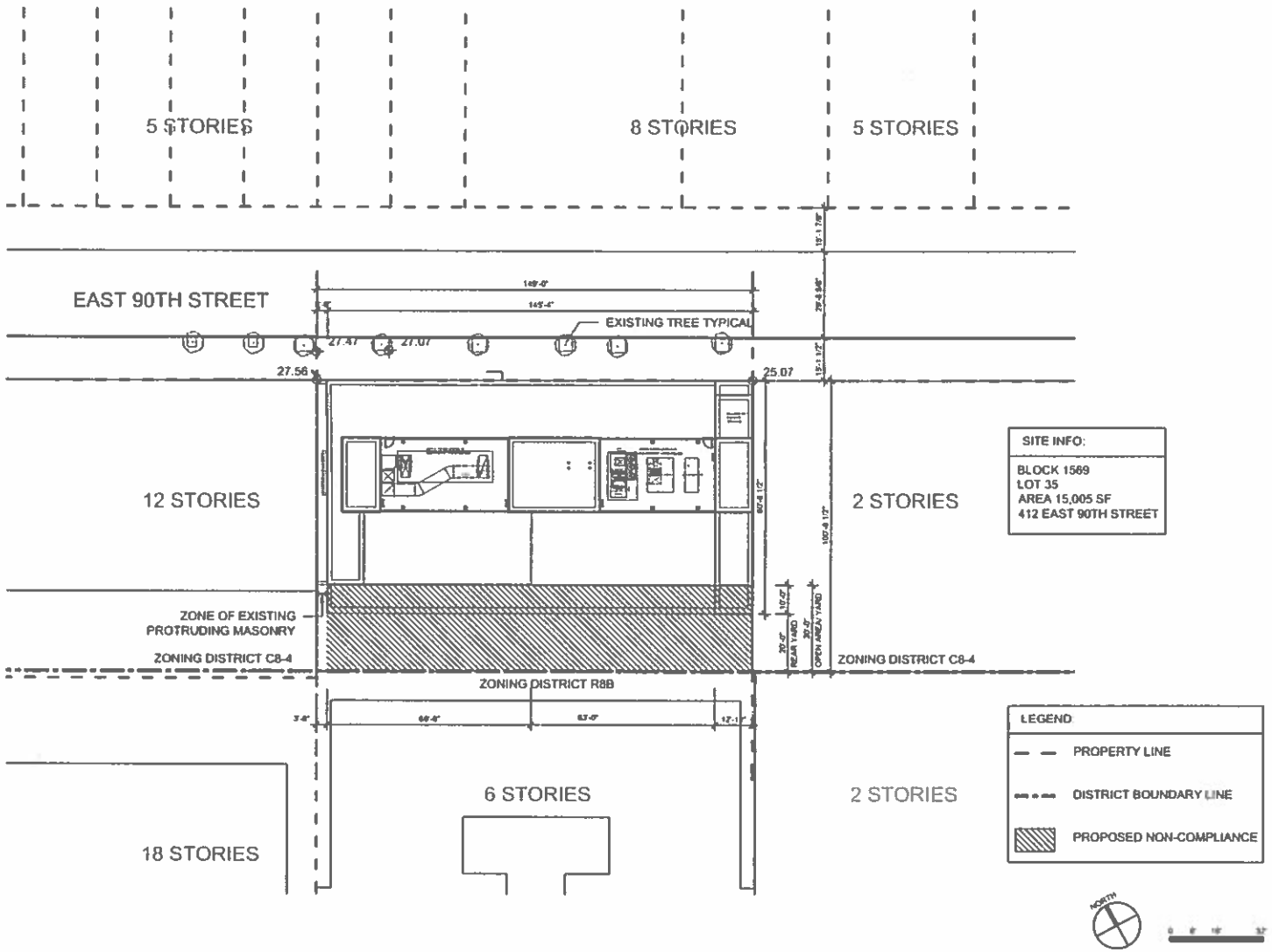
DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

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 ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," describe:	Parking Garage	Parking Garage		
PARKING				
Garages	☒ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces	240	240	0	- 240
No. of accessory spaces				
Operating hours	24 Hours	24 Hours	N/A	N/A
Attended or non-attended	Attended	Attended	N/A	N/A
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. and type	One Parking Garage	One Parking Garage	One School Educational and Athletic Facility	+ One School Educational and Athletic Facility
No. and type of workers by business	+/-3	+/-3	Approximately 11	Approximately 11
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	Worker population based on industry standard rates provided by DCP (1 employee per 50 parking spaces)			
Other (students, visitors, concert-goers, etc.)	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If any, specify type and number:			Spence Students	
Briefly explain how the number was calculated:	Source: The Spence School			
ZONING				
Zoning classification	C8-4	C8-4	C8-4	No change
Maximum amount of floor area that can be developed	97,533 gsf	97,533 gsf	97,533 gsf	No change
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential, Commerical, Institutional, Parking, Manufacturing, Open Space	Residential, Commerical, Institutional, Parking, Manufacturing, Open Space	Residential, Commerical, Institutional, Parking, Manufacturing, Open Space	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

4.3.17

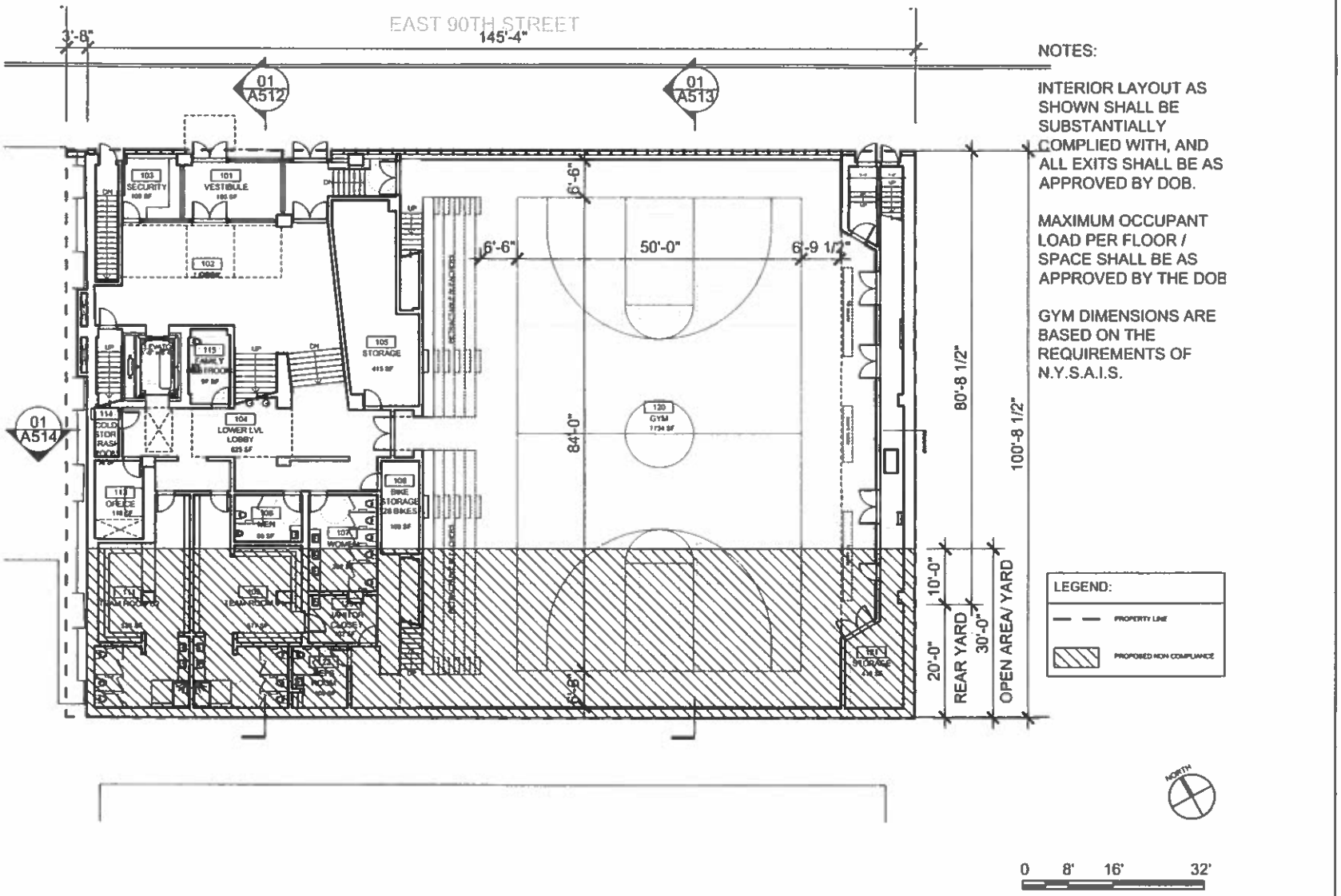


Source: Rogers Partners

Spence School Athletic Facility

Proposed Site Plan
Figure 1

4.3.17



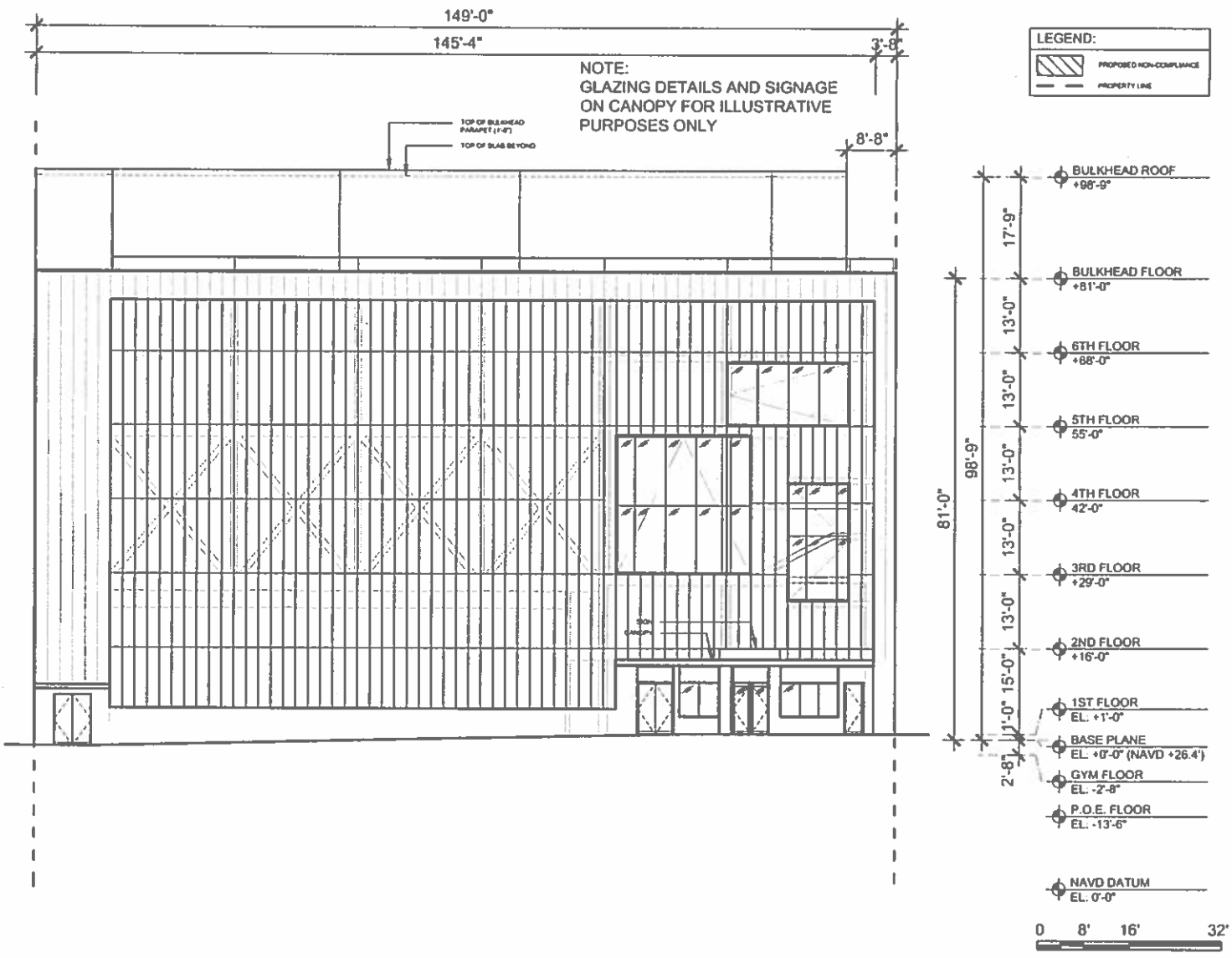
Source: Rogers Partners

First Floor Plan

Figure 2

Spence School Athletic Facility

4.3.17

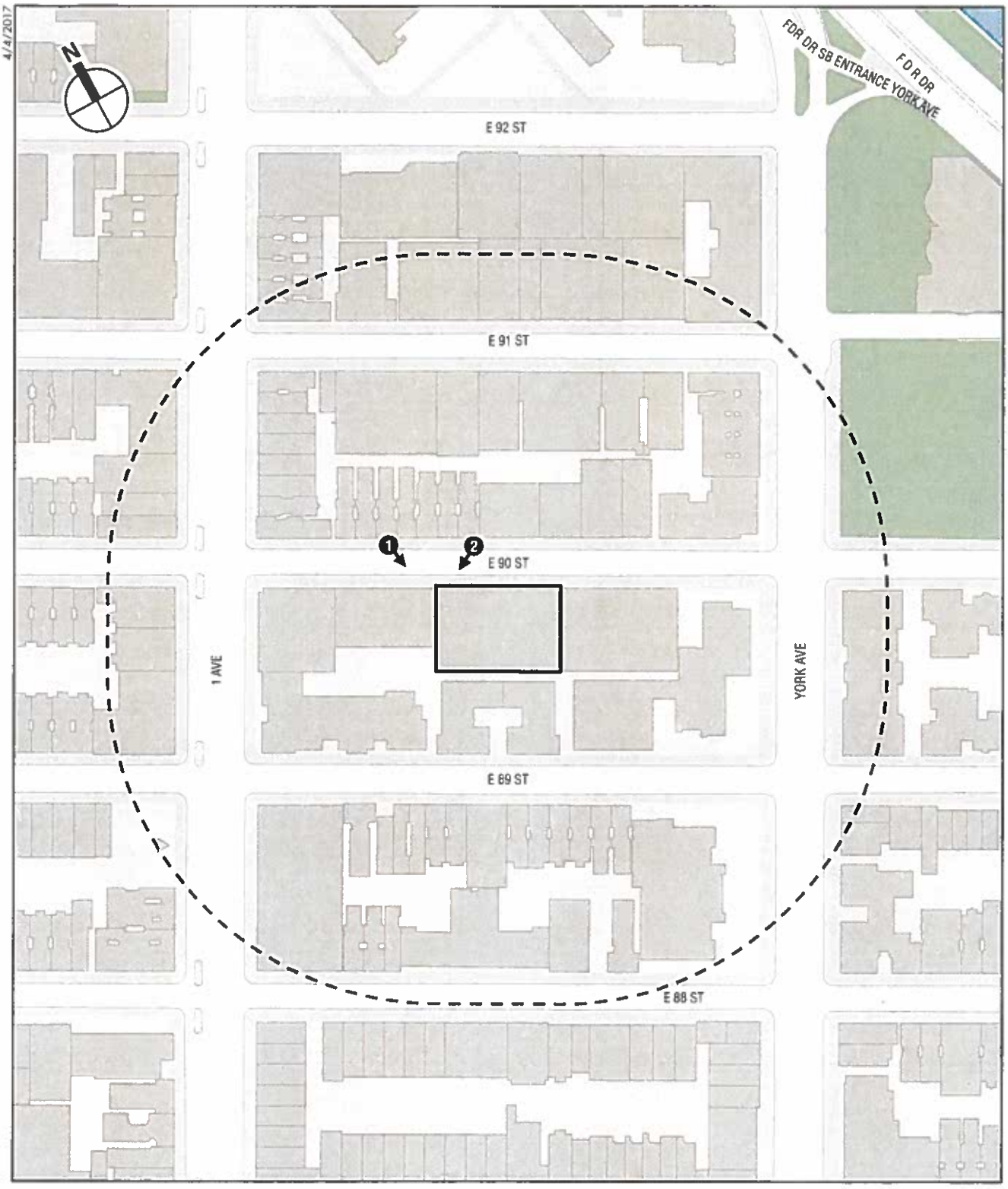


Source: Rogers Partners

North (East 90th Street) Elevation

Figure 3

Spence School Athletic Facility



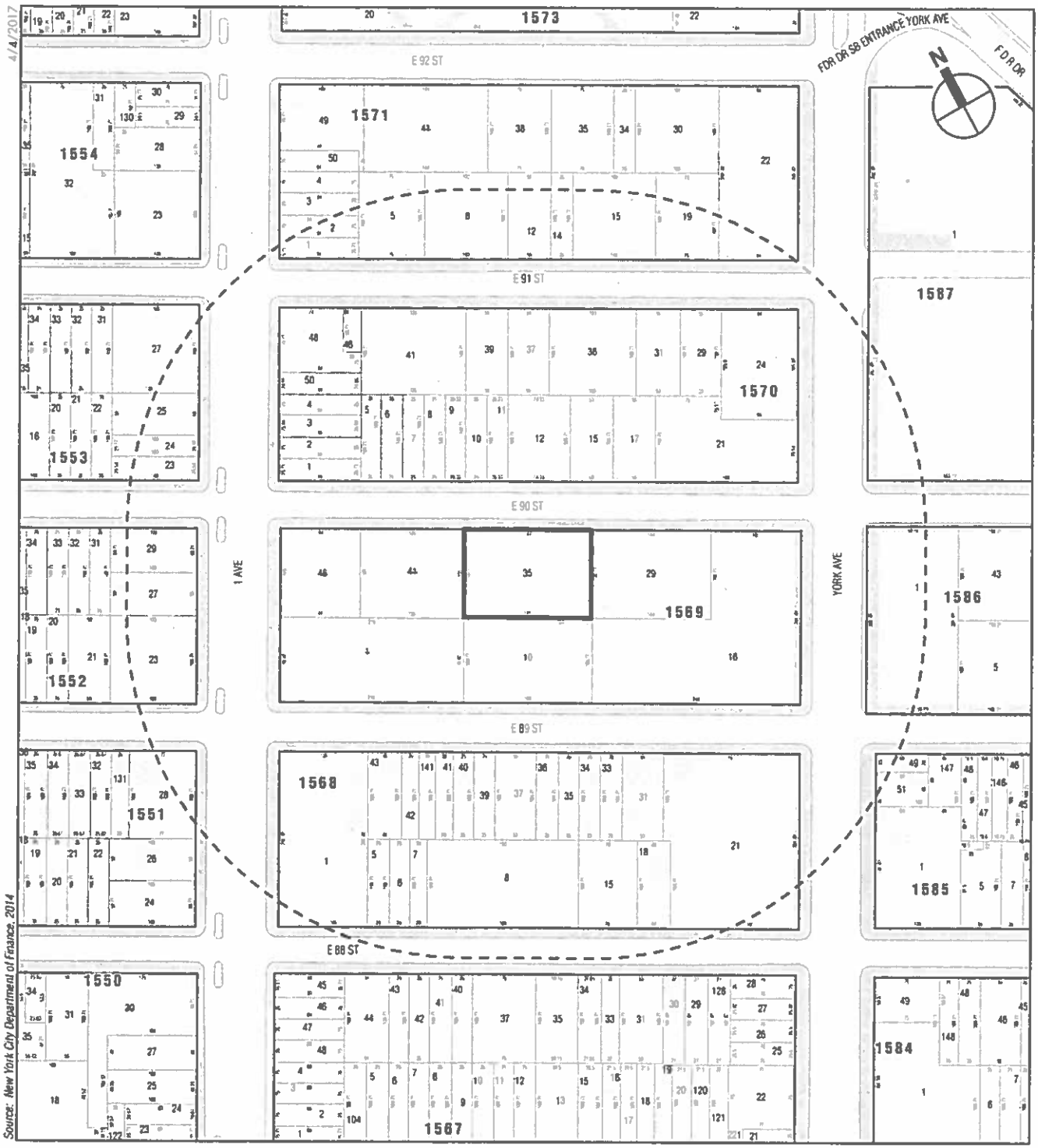
Project Location and Key to Photographs

Spence School Athletic Facility

Figure 4

View southeast of the two-story garage on the project site 1

View southwest of the adjacent condominium building at 402 East 90th Street, which incorporates features of the original St. Joseph's Orphan Asylum Chapel building 2



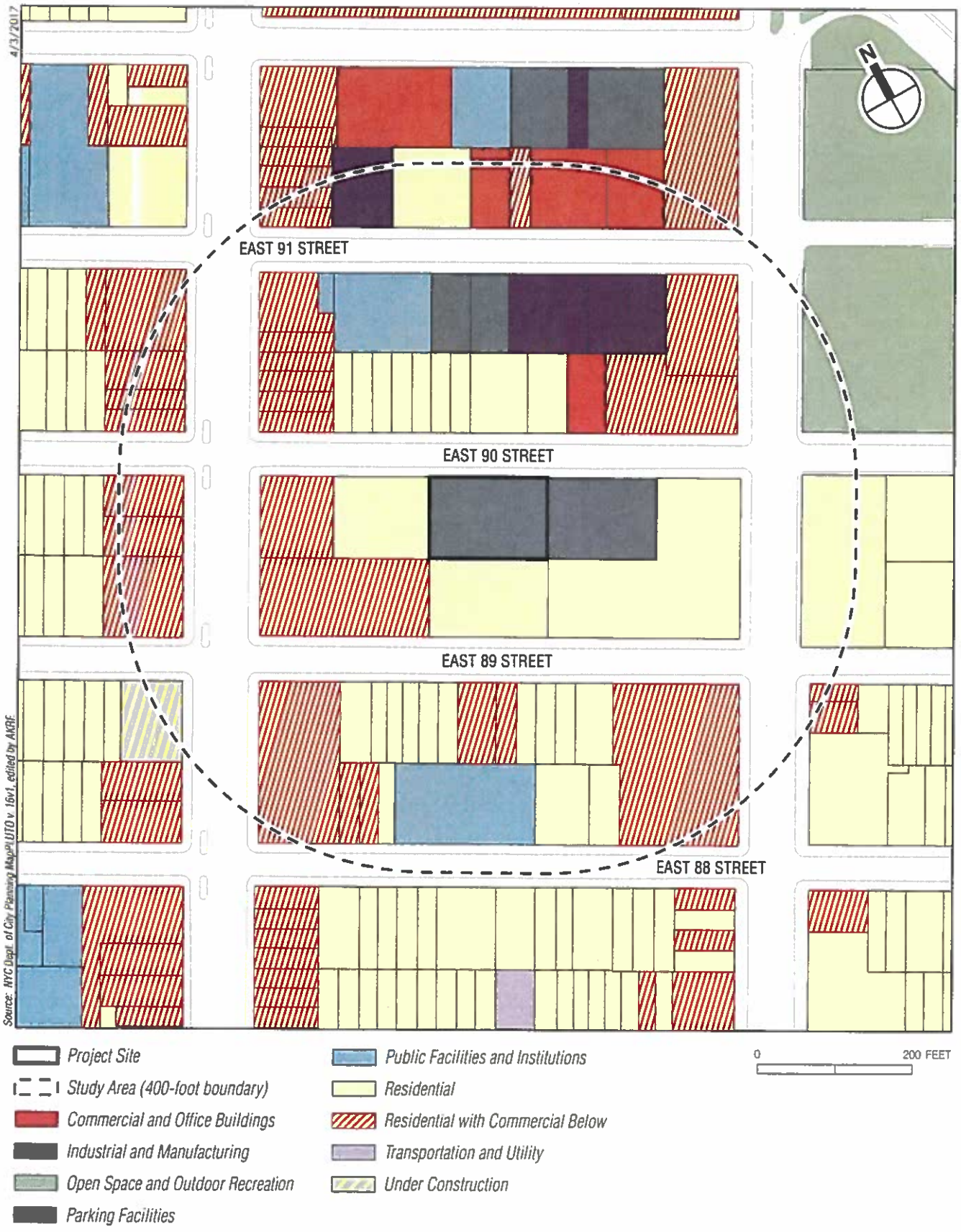
Project Site
Study Area (400-foot boundary)
16124 Tax Block Boundary
Tax Lot Boundary

33 Tax Lot Number
33 Condo Tax Lot Number
C: 40 Condo Flag/Condo Number
Easement Other Tax Boundary
Possession Hooks
206 FT Tax Lot Dimension

0 200 FEET

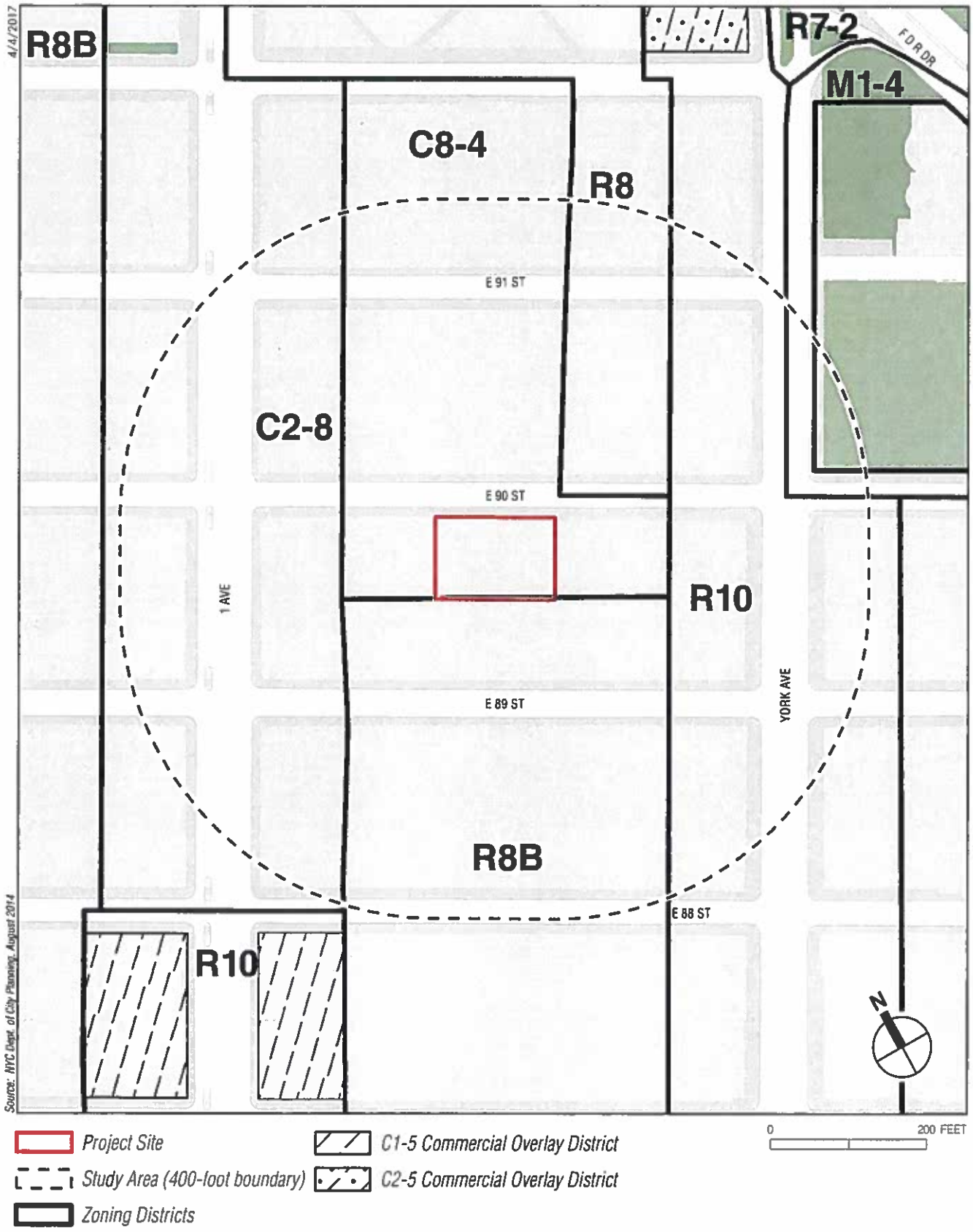
Spence School Athletic Facility

Tax Map
Figure 6



Spence School Athletic Facility

Existing Land Use
Figure 7



Zoning

Spence School Athletic Facility

Figure 8

Part II: TECHNICAL ANALYSIS

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, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to 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
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) 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*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. **Direct Residential Displacement**		
○ If more than 500 residents would be displaced, would these residents 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?	☐	☐
ii. **Indirect Residential Displacement**		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. **Direct Business Displacement**		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. 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		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective 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 or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," 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 100 percent?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the 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 located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(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 would reach any sunlight-sensitive resource at any time of the year.		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(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; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(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?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10.		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) 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 and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses 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) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would 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 of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒

	YES	NO
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project 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, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(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 Wastewater Treatment Plant and/or contribute contaminated stormwater to 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 attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): ±4,500		
○ 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?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): ±15 million		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☒	☐
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ 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 of Chapter 16 for more information.***	☐	☐
○ 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/rail trips per station or line?	☐	☐
○ 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		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (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) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-	☐	☐

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute 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 site 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) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require 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 why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ 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 a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☒	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of 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.		

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 the pertinent books and records and/or after inquiry of persons who have personal knowledge of 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 applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
LISA M. LAU, AICP - AKRF, INC. (Preparer)		April 4, 2017

PLEASE NOTE THAT APPLICANTS 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.

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 or 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 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.

IMPACT CATEGORY	Potentially Significant Adverse Impact 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	☐	☐

2. Are there any aspects of the project relevant to the determination of 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? ☐ YES ☐ NO

   If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration:** 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* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **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 of 6 NYCRR Part 617.

☐ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

NEGATIVE DECLARATION (Use of this form is optional)

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 6 NYCRR, Part 617, State Environmental Quality Review, 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 lead agency 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, which that finds 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	DATE
SIGNATURE	

A. INTRODUCTION

The Spence School is proposing to construct an educational and athletic facility, including a rooftop greenhouse and planting area, on the project site, located at 412 East 90th Street (Manhattan Block 1569, Lot 35). The project site is currently occupied by a parking garage. To facilitate the development of the facility, the Spence School is requesting the following actions by the New York City Board of Standards and Appeals (BSA): a special permit pursuant to Zoning Resolution (ZR) Sections 32-31 and 73-19 to allow a use group 3A school use in the C8-4 zoning district, and a variance pursuant to ZR Section 72-21 because the proposed facility does not comply with ZR Sec. 33-26 and ZR Sec. 33-292 requirements with respect to rear yard and open area contiguous to the rear lot line along a residential district boundary. Absent the proposed approvals, the project site would remain in its existing conditions.

This attachment assesses the potential impacts of the proposed project on the land use, zoning, and public policy for the project site and in the surrounding community as compared with conditions without the proposed project. The assessment concludes that the proposed project would be compatible with existing institutional uses in the surrounding area, and would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

The project site is located on the Upper East Side of Manhattan. This analysis of land use, zoning, and public policy examines the area within 400 feet of the project site—the area in which, according to the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, the proposed project could reasonably be expected to cause potential effects. The land use study area is generally bounded by East 91st Street to the north, East 88th Street to the south, First Avenue to the west, and York Avenue to the east (see **Figure A-1**).

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then projects land use, zoning, and public policy in the future without the proposed project in the 2019 analysis year by identifying developments and potential policy changes expected to occur within that time frame. Probable impacts of the proposed project are then identified by comparing conditions with the proposed project with those conditions predicted without the proposed project.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site is located in the middle of the block bounded by East 90th Street to the north, East 89th Street to the south, First Avenue to the west, and York Avenue to the east. The project site is situated at 412 East 90th Street (Manhattan Block 1569, Lot 35) in Manhattan Community District 8. The project site is currently occupied by a two-story, approximately 30,000 square foot garage building that is now vacant.

STUDY AREA

The 400-foot study area contains a mix of residential, commercial, parking, manufacturing, institutional, and open space uses (see **Figure A-1**).

Land uses in the study area are predominantly residential with ground floor retail along First and York Avenues. Generally, residential uses in the study area are four to six-story residential buildings. Some larger residential towers include a 33-story, approximately 259 unit building east of the project site, located at 1725 York Avenue, an 18-story approximately 197 unit building southwest of the project site at 401 East 89th Street and an 23-story, approximately 130 unit building west of the project site at 400 East 90th Street.

Commercial uses in the study area are generally found in mixed-use buildings along First and York Avenues and in commercial buildings on East 91st Street. The ground-floor retail uses include a mix of restaurants, convenience goods stores, and neighborhood services. There is a gymnastics facility located at 421 East 91st Street and a grocery store located at 431 East 91st Street, both located north of the project site. Parking uses are found along East 91st Street as well as adjacent to the project site on East 90th Street. Manufacturing uses, including those associated with "Eli's Bread," are located along East 91st Street.

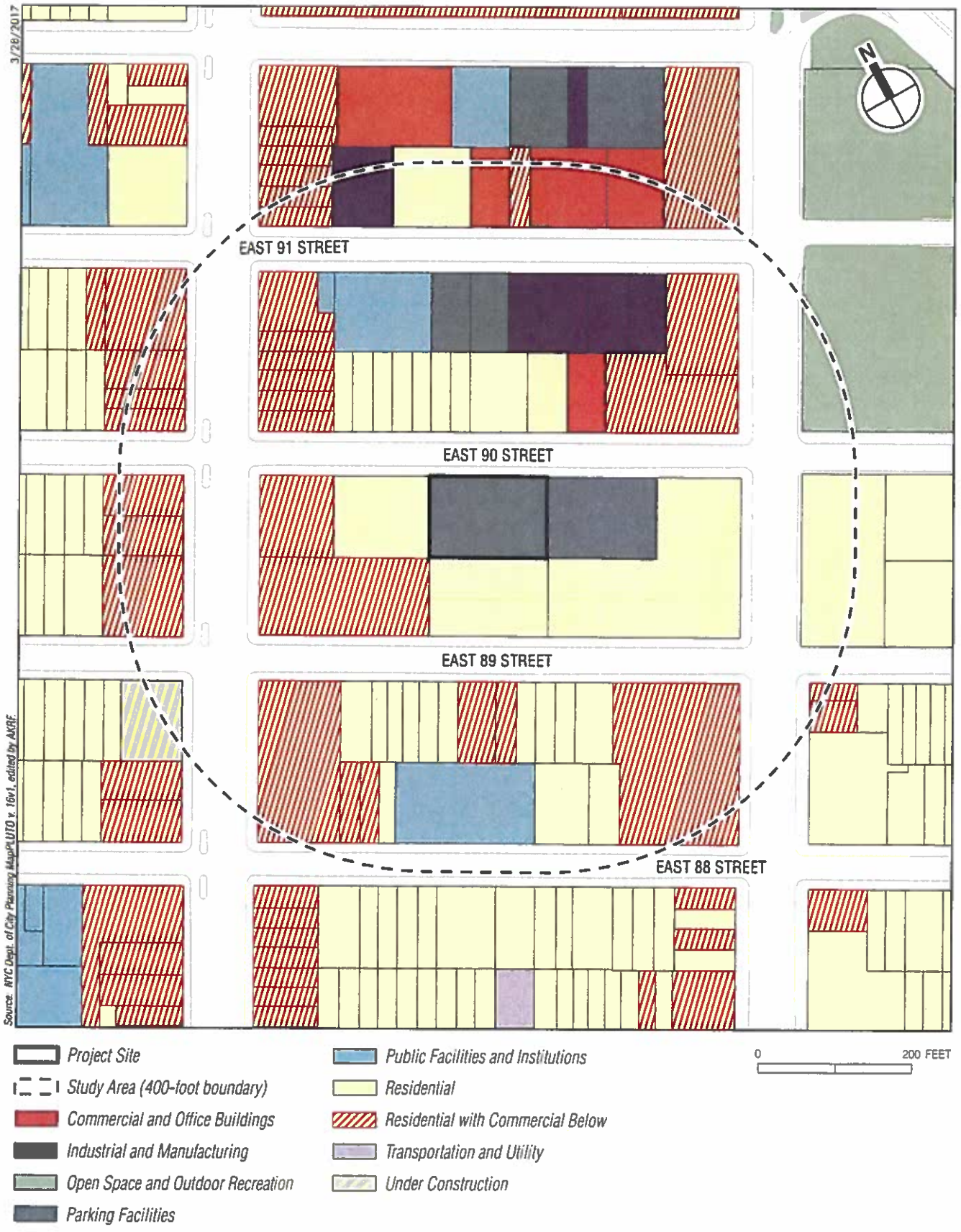
There is one open space within the study area: Asphalt Green is located northeast of the project site at 555 East 90th Street and is open to the public at designated times. It offers amenities such as outdoor fields and basketball courts which are extensively used by many schools, including Spence.

Three institutional uses exist within the study area. The Association to Benefit Children's Cody Gifford House is located at 404 East 91st Street, north of the project site. The Convent of the Sacred Heart School of New York's recently completed Athletics and Wellness Center is located north of the project site at 406 East 91st Street. The Yorkville Community School is located south of the project site at 421 East 88th Street.

ZONING AND PUBLIC POLICY

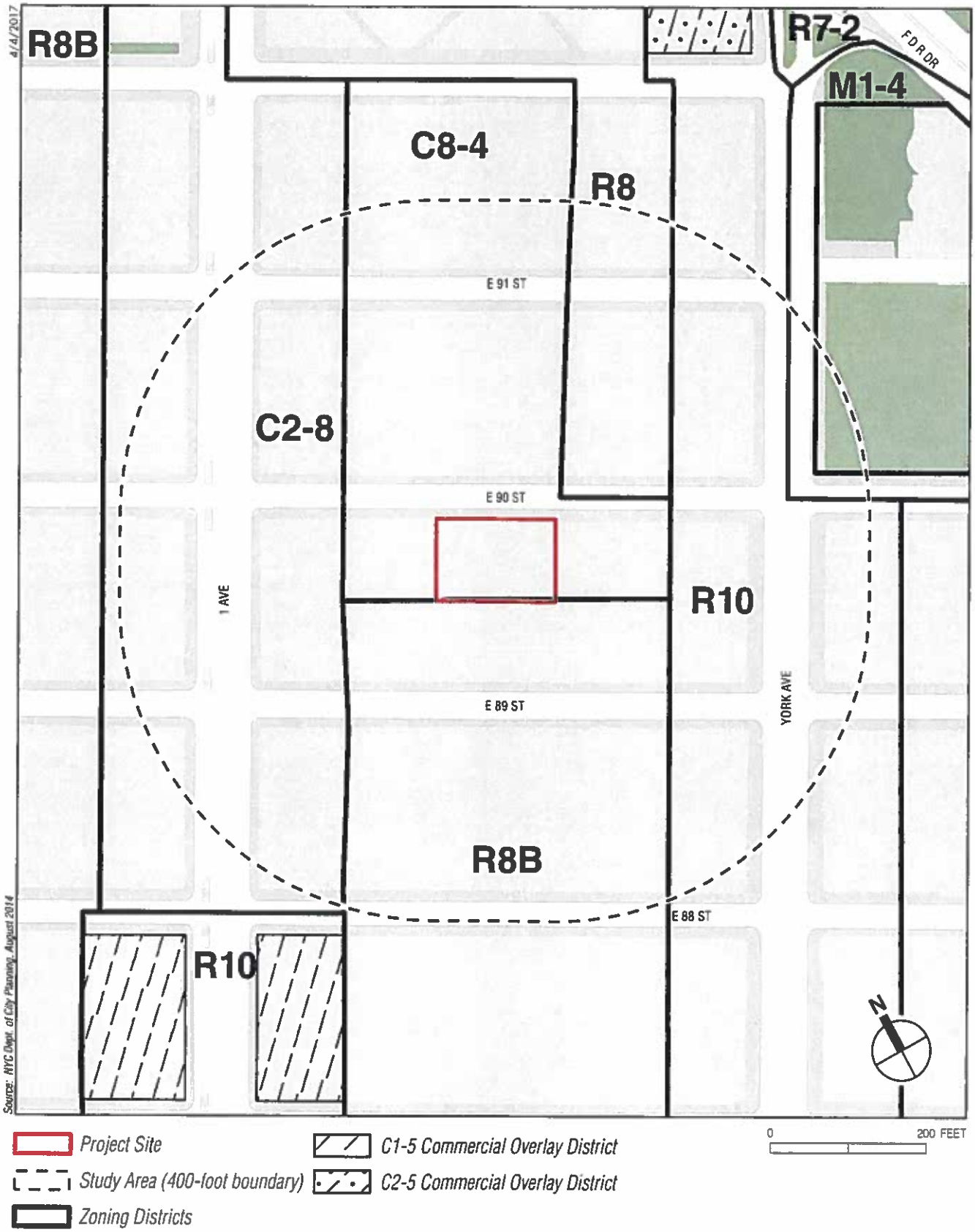
PROJECT SITE

The project site is mapped in a commercial C8-4 zoning district (see **Figure A-2**). C8 districts bridge commercial and manufacturing uses by providing automotive or other heavy commercial land uses, and typically contain automobile showrooms, automobile service facilities and garages. Commercial and certain community facility uses are permitted in C8 districts. The



Spence School Athletic Facility

Existing Land Use
Figure A-1



Spence School Athletic Facility

Zoning
Figure A-2

maximum floor area ratio (FAR)[1] is 5.0 for commercial uses and 6.5 for community facility uses. The C8-4 district extends north of the project site between First Avenue and York Avenue.

STUDY AREA

In addition to the C8-4 zoning district described above, the study area contains an R8 residential district, R8B residential district, R10 residential district, C1-5 commercial overlay district, C2-8 commercial district, and M1-4 light manufacturing district. **Table A-1** lists the zoning districts in the study area and their descriptions.

Table A-1
Zoning Districts in the Study Area

Zoning District	Maximum FAR	Uses/Zone Type
R8	6.02 residential; 6.5 community facility	Medium density contextual residential district that allows community facilities in Use Groups 3 and 4
R8B	4.0 residential; 5.1 community facility[1]	Medium density contextual residential district that allows community facilities in Use Groups 3 and 4.
R10	10.0 residential; 10.0 community facility	High density residential district that allows community facilities in Use Groups 3 and 4.
C2-8	2.0 Commercial; 10.0 residential; 10.0 Community Facility[2]	Low density commercial district that allows community facilities in Use Groups 3 and 4.
C8-4	5.0 commercial; 6.5 community facility	Medium density commercial district that allows community facilities in Use Groups 3 (except schools) and 4.
M1-4	2.0 manufacturing; 6.5 community facility[3]	Light industrial district that allows community facilities in Use Group 4.

Notes: [1] 5.1 FAR for community facility use is only permitted in Community District 8. In all other areas, 4.0 FAR is permitted for community facility use.
[2] Up to 20 percent increase for a public plaza bonus
[3] Only community facilities in Use Group 4 permitted.
Source: *New York City Zoning Resolution.*

An R8 district is located north of the project site between First and York Avenues. R8 districts consist of medium-density apartment houses, which allows for a range of building types from mid-rise (8 to 10 stories) to taller, narrow buildings. The maximum FAR for R8 districts ranges from 0.94 to 6.02.

An R8B district is located immediately to the south of the project site, with the R8B and C8-4 zoning district boundary coincident with project site's rear property line. R8B districts are medium-density contextual residential districts that typically result in unified blocks of brownstones similar to those in R5B and R6B General Residence Districts but with higher allowable FAR. This FAR, along with the mandatory Quality Housing bulk regulations, creates rows of 19th-century houses where new buildings fit in with older brownstones. R8B zoning districts allow a maximum 5.1 FAR for community facility uses in Community District 8. In all other areas, a maximum FAR of 4.0 is allowed for community facility uses. The R8B zoning district is mapped south of the project site and generally extends between First and York Avenues.

[1] FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1.0 has an allowable building area of 10,000 sf. The same lot with an FAR of 10.0 has an allowable building area of 100,000 sf.

An R10 district is mapped to the east of the project site along York Avenue. R10 districts are high-density residential districts that allow community facilities in Use Groups 3 and 4. R10 districts allow the highest FAR for residential areas, and development may follow Quality Housing regulations or tower regulations. R10 districts allow a maximum as-of-right FAR of 10.0 for community facility uses, or up to FAR 12 utilizing as-of-right bonuses.

A C2-8 district is mapped along First Avenue and is typical of commercial districts along avenues in medium or high density areas of Manhattan. C2-8 districts are located in primarily residential areas, and consist of small-scale retail uses located on the ground floor of residential buildings that cater to the local community. C2-8 allows for a maximum FAR of 2.0 for commercial uses, FAR 10 for community facility uses FAR 10.0 for residential uses or up to 12.0 utilizing as-of-right bonuses.

An M1-4 district is mapped east of the project site, east of York Avenue and north of East 90th Street. M1-4 districts allow commercial and light industrial uses pursuant to stringent performance standards. M1-4 districts often serve as buffers between M2 or M3 districts and adjacent commercial or residential uses.

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

LAND USE

PROJECT SITE

Absent the proposed actions, the project site will remain in its existing conditions.

STUDY AREA

There is one planned project expected to be completed within the 400-foot study area by the 2019 build year. At 1711 First Avenue, west of the project site, an approximately 81-unit residential building with ground floor retail is expected to be completed in 2017. Overall, land use and development trends are expected to remain similar to existing conditions.

ZONING AND PUBLIC POLICY

There are no changes to zoning or public policy in the study area that are expected to be implemented by 2019.

E. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

PROJECT SITE

The proposed project would construct an approximately 60,100 gsf six-story facility at 412 East 90th Street for the Spence School. The new facility would include a gymnasium, squash courts, athletic department support spaces, a double-height multi-purpose space, a roof garden, greenhouse, and classrooms. The building would have mechanical space on the bulkhead floor.

STUDY AREA

The proposed project would not change land uses in the study area, but would change the use on the site from parking to a community facility. This would complement other existing community facility uses in the area, located north and south of the project site.

ZONING AND PUBLIC POLICY

The proposed project would not comply with existing regulations as defined by the ZR. The proposed project requires approval of the following actions from the BSA: (1) a special permit pursuant to Zoning Resolution (ZR) Sections 32-31 and 73-19 to allow a use group 3A school use in the C8-4 zoning district, and variances pursuant to ZR Section 33-26 with regard to rear yard requirements and ZR Section 33-292 with regard to yard along residential district boundary.

The proposed actions are specific to the project site and would not apply to any other locations. The actions sought would not change the underlying zoning of the project site. Overall, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy. ✱

Attachment B: Historic and Cultural Resources

A. INTRODUCTION

This section considers the potential of the proposed project to affect historic and cultural resources. Located at 412 East 90th Street, the project site is currently occupied by a parking structure (see **Figure B-1**). The proposed project would develop the site with a new educational and athletic facility for the Spence School.

Historic and cultural resources include both archaeological and architectural resources. The study area for archeological resources is the site itself where disturbance from excavation and construction can be anticipated. In comments dated March 24, 2017, the New York City Landmarks Preservation Commission (LPC) determined that the project site does not possess archaeological significance (see **Appendix 1**). As the project site is not archaeologically sensitive, this attachment focuses on standing structures only.

Study areas for architectural resources are determined based on the area of potential effect for construction period impacts, as well as the larger area in which there may be visual or contextual impacts. The 2014 New York *City Environmental Quality Review* (CEQR) *Technical Manual* sets the guidelines for the study area as being typically within an approximately 400-foot radius of the project site (see **Figure B-1**). Within the study area, architectural resources analyzed include State and National Register (S/NR)-listed or S/NR–eligible properties, New York City Landmarks (NYCLs), New York City Historic Districts (NYCHDs) and properties pending such designation. In addition, a survey of the study area was conducted to identify any previously undesignated properties that appear to meet S/NR or NYCL eligibility criteria ("potential architectural resources").

Impacts on architectural resources can include both direct physical impacts and indirect impacts. Direct impacts include damage 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 architectural resource, as defined in the New York City Department of Buildings' (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88.

Indirect impacts on architectural resources are contextual or visual impacts that could result from project construction or operation. As described in the *CEQR Technical Manual*, indirect impacts could result from blocking significant public views of a resource; isolating a resource from its setting or relationship to the streetscape; altering the setting of a resource; introducing incompatible visual, audible, or atmospheric elements to a resource's setting; or introducing shadows over a historic landscape or an architectural resource with sun-sensitive features that contribute to that resource's significance (e.g., a church with stained-glass windows).

PRINCIPAL CONCLUSIONS

To avoid adverse construction-related physical impacts on historic buildings within 90 feet of project construction, the proposed project would implement a construction protection plan. It is not expected that the project would have adverse physical impacts on other architectural resources in the study area, as they are all located outside the range of potential construction-period impacts. It is not expected that the proposed project would have any adverse visual or contextual impacts on architectural resources. The new facility would be of a height and contemporary design in keeping with that of the more recently constructed buildings located in the study area, and the study area contains a mix of older and more recently built structures. The proposed project would not block views of any resource, negatively alter the setting of any resource, or introduce incompatible visual, audible, or atmospheric elements to a resource's setting. Therefore, the proposed project would not have any significant adverse impacts on architectural resources.

B. EXISTING CONDITIONS

PROJECT SITE

There are no architectural resources on the project site. The site is occupied by a parking garage, a three-story plainly designed brick building built in 1925 (see Photo 1 of Figure C-3, "Urban Design and Visual Resources").

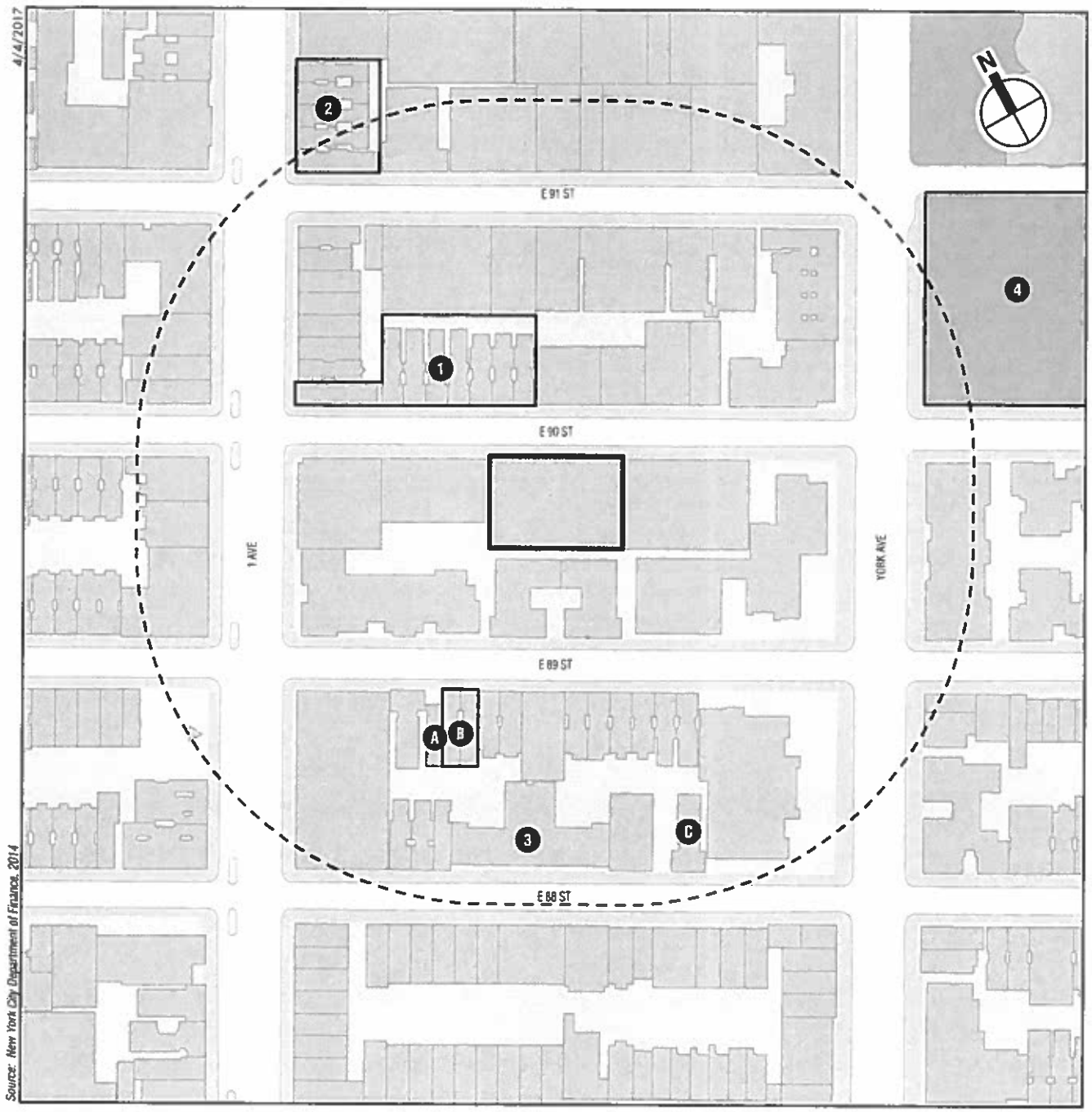
STUDY AREA

KNOWN ARCHITECTURAL RESOURCES

There are four known architectural resources in the study area (see **Figure B-1**).

Across East 90th Street from the project site are **seven tenement buildings at 403-415 East 90th Street** (S/NR-eligible). Also S/NR-eligible is the tenement building at 1740 First Avenue, located adjacent to the seven tenement buildings at the northeast corner of First Avenue and East 90th Street. These represent a small enclave of late-19th or early-20th century residential buildings (see **Figure B-2**). These eight five-story buildings are designed in a variety of Renaissance inspired styles, and they present a variety of decorative features in the form of arched windows, decorative brickwork, window cornices, keystones, and bracketed sheet metal cornices. Most of these buildings' ground floors have been altered. Five of the buildings—407-415 East 90th Street—are within 90 feet of the project site.

On the east side of First Avenue between East 91st and East 92nd Streets are five **five-story tenement structures at 1756-1764 First Avenue** (S/NR-eligible). Built between 1902 and 1905, all five buildings are faced in brick and designed in a Renaissance Revival-style (see Photo 2 of **Figure B-3**). Although consisting of two distinctive stylistic groupings—1756-1758 First Avenue and 1760-1764 First Avenue—they create a cohesive ensemble and are good examples of early 20th-century residential buildings. The three northernmost buildings are more elaborate in ornamentation. Decorative Renaissance-style features include terra cotta pilaster capitals, carved terra cotta panels and swags, brick and terra cotta windows arches, scrolled keystones, and corbelling. The stepped sheet metal cornices on these three buildings have panels with foliate reliefs and decorative brackets and modillions. Although similar in style, the two buildings at 1756 and 1758 First Avenue have less applied ornamentation. They have arched



Project Site

Study Area (400-foot boundary)

0 200 FEET

Known Architectural Resources

1. Tenements at 1740 First Avenue and 403-415 East 90th Street (S/NR-eligible)
2. Tenements at 1756-1764 First Avenue (S/NR-eligible)
3. P.S. 66, 412 East 88th Street (S/NR-eligible)
4. Municipal Asphalt Plant (S/NR, NYCL)

Potential Architectural Resources

- A Rowhouse at 412 East 89th Street
- B Tenements at 414 & 416 East 89th Street
- C Tenement at 443 East 88th Street

Spence School Athletic Facility

Architectural Resources
Figure B-1

11.3.16

Tenement at 1740 First Avenue, view northeast from First Avenue and East 90th Street **1a**

Tenements at 403-415 East 90th Street, view northwest **1b**

Spence School Athletic Facility

Known Architectural Resources
Figure B-2

11.3.16

Tenements at 1756-1764 First Avenue, view northeast from First Avenue and East 91st Street 2

P.S. 66, 412 East 88th Street, view northwest 3

Spence School Athletic Facility

Known Architectural Resources
Figure B-3

window bays with decorative brick arches, brick panels, dogtooth brick courses, stone banding, and sheet metal cornices with modillions and unornamented panels. The ground floors of all five buildings have been altered with modern storefronts, and a sixth building at 1766 First Avenue has been demolished.

At the south end of the study area, **Public School (P.S.) 66** (now the Yorkville Community School) at 421 East 88th Street is a five-story school built in 1906-07. P.S. 66 was designed by C.B.J. Snyder, who served as Superintendent of School Buildings for the New York City Board of Education from 1891 to 1923, in the Renaissance Revival style (S/NR-eligible). The school is clad in brick with stone ornament, with a symmetrical façade, a rusticated stone base, and large windows grouped in threes (see Photo 3 of **Figure B-3**). Snyder is recognized for his innovations in school design, which combined a historic-based architectural language with modern day thinking with respect to children's health, including the need to maximize light and air in school buildings.

The **Municipal Asphalt Plant** is located on the block bounded by York Avenue, the FDR Drive, and East 90th and East 91st Streets (S/NR, NYCL). The entirety of the block is included within the S/NR listing while the Municipal Asphalt Plant structure itself, also an individually designated NYCL, is located outside the study area to the east. The Municipal Asphalt Plant was designed by Kahn & Jacobs in 1941-44 and represents the first successful use of the parabolic arch in concrete in the United States. In 1972, Dr. George E. Murphy and his wife, Annette, founded Asphalt Green, a nonprofit sports, swim and fitness organization, and led the effort to preserve the former asphalt plant. Asphalt Green formally opened on the site of the Municipal Asphalt Plant in 1984, and was renamed the George and Annette Murphy Center. Subsequently, an outdoor turf field was added that fronts along York Avenue; this is the portion of the S/NR listed property that is within the study area (see Photo 4 of **Figure B-4**).

POTENTIAL ARCHITECTURAL RESOURCES

As part of the architectural resources analyses undertaken for the proposed project, a survey of the study area was conducted to identify any previously undesignated properties that appear to meet S/NR or NYCL eligibility criteria ("potential architectural resources").

Adjacent to the project site to the west, the residential building at 402 East 90th Street incorporates elements of the former chapel of the St. Joseph's Orphan Asylum, constructed in 1898. These include the remnants of a Baroque style chapel façade on the east façade of the building, as well as arches on the East 90th Street façade at the fifth story (see **Figure B-5** and Photo 2 of Figure C-3, "Urban Design and Visual Resources"). The St. Joseph's Orphan Asylum occupied much of the block bounded by East 89th and East 90th Streets and First and York Avenues until 1916, when the St. Joseph's Orphan Asylum moved out of New York City and sold off its property. Shortly thereafter, the chapel at 402 East 90th Street was converted to a parking garage and remained in this use for many years. In 1982-83, the building was altered yet again for residential use, with approximately 1/3 of the southern portion of the building removed and additional stories added, resulting in the present 12-story condominium building called River East Plaza. The retention of portions of the original façade is of historic interest, but these are only fragments of what was once a substantial and architecturally imposing structure. As fragments, they would not qualify for New York City landmark designation or for listing on the State/National Registers of Historic Places.

Three potential architectural resources are identified in the study area. A **3 ½-story Federal-style rowhouse** is located at 412 East 89th Street. Constructed circa 1860, the rowhouse is clad

in red brick, with a stoop and an entry portico supported by fluted wood columns (see Photo A of **Figure B-6**). The building is capped by a wood cornice and has six-over-six double hung wood sash windows. It is possible the rowhouse has been altered through the addition of the portico, and a contemporary stuccoed wall has also been constructed along the sidewalk. This potential resource is located over 150 feet from the project site.

Adjacent to the east of the rowhouse at 412 East 89th Street are **two five-story tenements at 414 and 416 East 89th Street**. The buildings, built by 1911, are faced in brownstone and accessed via stoops (see Photo B of **Figure B-6**). The tenements possess substantial architectural integrity, including bracketed cornices, window hoods supported on brackets, decorative carved panels beneath the parlor floor windows, and carved ornament at the entry surrounds including on the pilasters and brackets. In addition, the buildings share decorative wrought iron balconies on each floor, which likely originally served as fire escapes. These resources are located approximately 150 feet south of the project site.

At the south end of the study area, approximately 300 feet from the project site, is a **six-story tenement at 443 East 88th Street** that was constructed in 1903. Designed by George F. Pelham for Jacob Kottowsky and Nathan Cohen, the building is designed with three bays, with the two side bays projecting from the façade at the second through sixth stories as oriel windows (see Photo C of **Figure B-7**). The building has a rusticated stone base with red brick at the upper stories, round and flat arched windows, and is accessed by a shallow stoop. The building has a high level of stone ornament, including keystones and pediments at the window surrounds, corbels that support the oriel windows, and carved ornament at the entry surround. The cornice above the centrally located main entrance serves as a shallow balcony on which there is a wrought iron railing; this balcony is part of the fire escape that extends the height of the building at the central bay, with similarly wrought railings at each floor level. The building is capped by a large modillion cornice.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

PROJECT SITE

In the future without the proposed actions, it is assumed that the project site will remain in its current state.

STUDY AREA

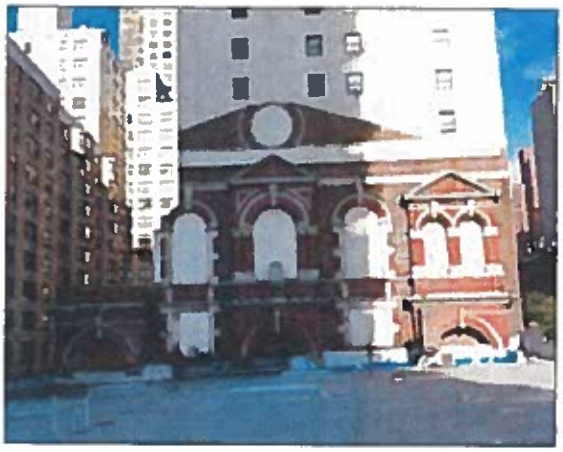
Changes to the architectural resources identified above or to their settings could occur irrespective of the proposed action. Future projects could also affect the settings of architectural resources. It is possible that some architectural resources could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction. In the future, one or more of the S/NR-eligible architectural resources described above could be listed on the Registers.

Historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by federal agencies. Although preservation is not mandated, federal agencies must attempt to avoid adverse effects on such resources through a notice, review, and consultation process. Properties listed on the Registers

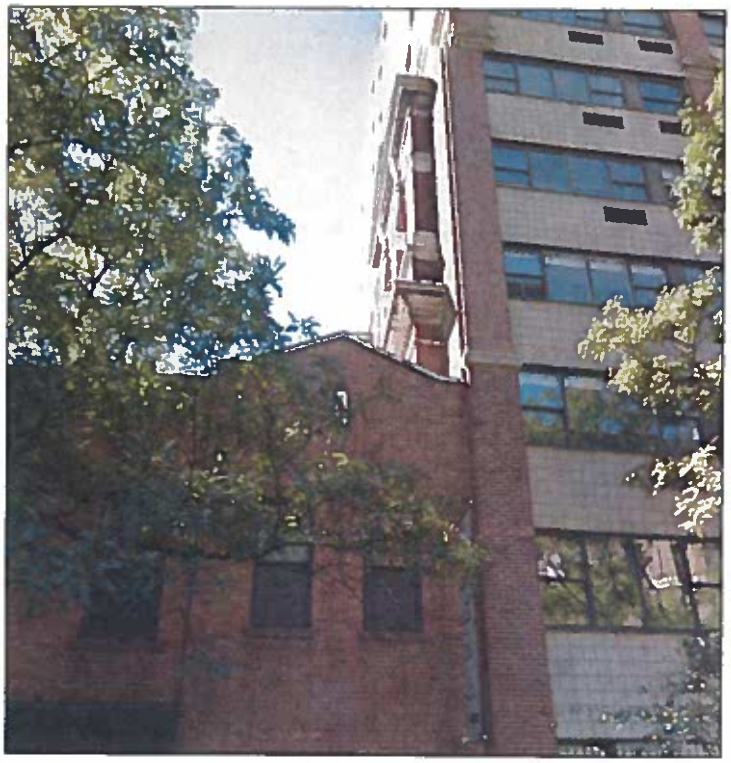
Municipal Asphalt Plant, view east from First Avenue 4

Known Architectural Resource
Figure B-4

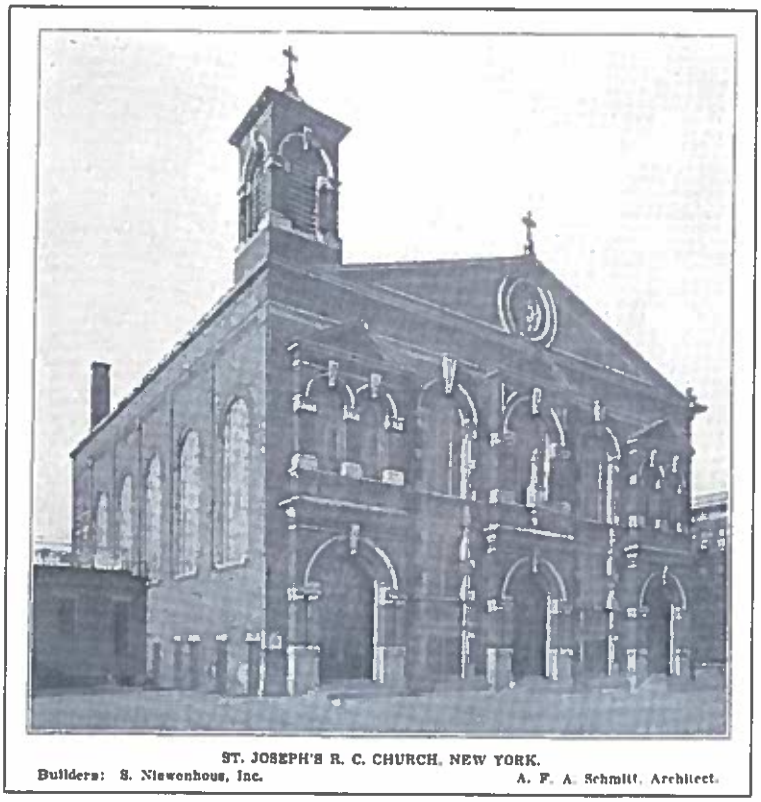
11.3.16



View west of the east façade of
402 East 90th Street, above the existing parking
garage on the project site



View south of the east façade of
402 East 90th Street, showing remnants of the
St. Joseph's Orphan Asylum Chapel



St. Joseph's Orphan Asylum Chapel, circa 1898,
showing the primary east façade of the chapel

11.3.16

Rowhouse at 412 East 89th Street, view south **A**

Tenements at 414 and 416 East 89th Street, view southwest **B**

Spence School Athletic Facility

Potential Architectural Resources
Figure B-6

Tenement at 443 East 88th Street, view north C

Potential Architectural Resource
Figure B-7

are similarly protected against effects resulting from projects sponsored, assisted, or approved by State agencies under SHPA. However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in New York City Historic Districts, or pending designation as NYCLs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition permits can be issued, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review by LPC before the start of a project. However, LPC's role in projects sponsored by other City or State agencies generally is advisory only.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. While these regulations serve to protect all structures adjacent to construction areas, they do not afford special consideration for historic structures.

OTHER FUTURE PROJECTS

As described in Attachment A, "Land Use, Zoning and Public Policy," there is one project planned for completion by 2019 within 400 feet of the project site. This project is an 81-unit residential building with ground floor retail at 1711 First Avenue that is expected to be completed in 2017. This project will not affect any architectural resources located in the study area.

D. THE FUTURE WITH THE PROPOSED ACTIONS

PROJECT SITE

The Spence School is seeking zoning variances from the New York City Board of Standards and Appeals (BSA) to facilitate an approximately 60,100 gross-square-foot (gsf) educational and athletic facility, including a greenhouse and rooftop planning area, on the project site. These include a special permit from the BSA pursuant to ZR Sec. 73-19 to allow a Use Group 3 school use in a C8 zoning district and a variance from the BSA pursuant to ZR Sec. 72-21 because the proposed facility does not comply with ZR Sec. 33-26 and ZR Sec. 33-292 requirements with respect to the rear yard and an open area contiguous with the rear property line along a residential district boundary. The proposed facility would be six stories, and would include a gymnasium, squash courts, athletic department support spaces, a double-height multi-purpose space, greenhouse and associated planting area, and classrooms. The building would also have mechanical space on the roof. The building would have a metal façade along East 90th Street with large glazed windows, and would be approximately 81 feet tall to the top of the sixth story (98'-9" tall to the top of the bulkhead).

As there are no architectural resources on the project site, the proposed project would have no adverse impacts on architectural resources.

STUDY AREA

The proposed project would implement a construction protection plan (CPP) to avoid adverse construction-related impacts on the five historic residential buildings located within 90 feet of

the project site, as defined in TPPN #10/88.[1] A resource could be damaged from vibration (e.g., from construction blasting or pile driving), and damage from adjacent construction that could occur from falling objects, subsidence, collapse, or construction machinery. The five resources to be protected are the residential buildings at 407-415 East 90th Street.

It is not expected that the proposed project would have adverse physical effects on any of the other architectural resources in the study area, as they are all located beyond 90 feet of the project site outside the range of potential construction-period impacts.

It is not expected that the proposed project would have adverse visual or contextual impacts on any of the architectural resources located in the study area. As described above, the height of the proposed building would be approximately 81 feet tall to the top of the sixth floor. This would not result in a structure that is of a substantially different height than other buildings in the study area, including the 12-story condominium building west of the project site at 402 East 90th Street, and taller residential towers along York Avenue. The building would have a contemporary façade, as do other buildings in the study area, including an eight-story residential building across the street from the project site at 423 East 90th that has projecting metal and glass bay windows that extend the height of the building, and the more recently built residential towers on York Avenue. The architectural resources in the study area exist in a mixed context of older and more recently built structures.

Overall, the proposed project would not block views of any resource, negatively alter the setting of any resource, or introduce incompatible visual, audible, or atmospheric elements to a resource's setting. Therefore, the proposed project would not have any significant adverse impacts on architectural resources. ✱

[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.

A. INTRODUCTION

This attachment considers the effects of the proposed project on urban design and visual resources and its potential to affect the pedestrian's experience of the built environment. Based on the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

The project site is occupied by a two-story garage at 412 East 90th Street. The proposed project would result in the removal of the garage and construction of a new educational and athletic facility, including greenhouse and rooftop planting area, for the Spence School near its campus on the Upper East Side of Manhattan. The proposed project would require a special permit pursuant to ZR Sec. 73-19 from the New York City Board of Standards and Appeals (BSA) to allow a Use Group 3 school use in a C8 zoning district and variances from the BSA pursuant to ZR Sec. 72-21 because the proposed facility does not comply with ZR Sec. 33-26 and ZR Sec. 33-292 requirements with respect to the rear yard and open area contiguous to rear lot line along a residential district boundary. Therefore, the proposed project meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

Based on the methodologies of the *CEQR Technical Manual*, the study area for this analysis is defined as 400-feet from the boundary of the project site, consistent with the study area used for the land use, zoning, and public policy analysis (see **Figures C-1 and C-2**). The study area is roughly bounded by East 91st Street to the north, York Avenue to the east, East 88th Street to the south, and First Avenue to the west. The following preliminary assessment addresses urban design and visual resources for existing conditions and the future without and with the proposed project for the year 2019, when the proposed project is expected to be completed.

As described below, this preliminary assessment concludes that the proposed project would not result in any significant adverse impacts to urban design and visual resources from the pedestrian's perspective and no further analysis is warranted.

B. EXISTING CONDITIONS

PROJECT SITE

URBAN DESIGN

The project site contains a two-story brick parking garage built in 1925. The ground floor has a number of large vehicular openings, a glazed pedestrian entrance, and multi-pane windows. The

second floor is designed with one-over-one double hung aluminum windows, grouped either singly or in groups of three (see Photo 1 of **Figure C-3**).

VISUAL RESOURCES

As defined in the *CEQR Technical Manual*, "a visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources (p. 10-1)." As described above, the project site contains a mid-20th century garage building, and there are visual resources located on the project site.

STUDY AREA

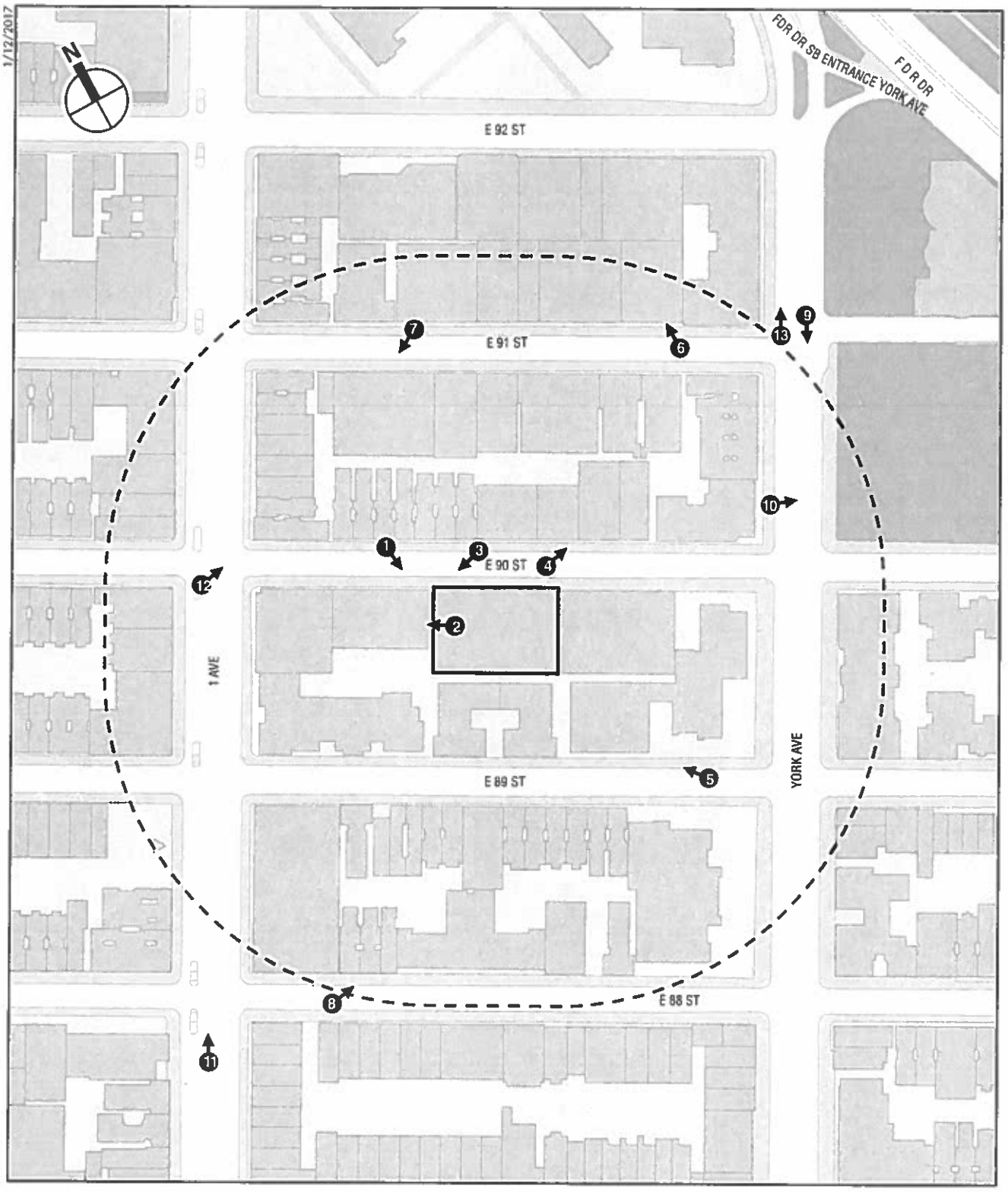
URBAN DESIGN

The urban design of the study area is laid out in the typical Manhattan street grid, with wide north-south avenues and more narrow east-west cross streets. These streets carry one-way traffic with the exception of York Avenue, which carries two-way traffic. First Avenue carries northbound traffic, with four travel lanes and a designated bike lane. York Avenue carries two lanes of traffic in each direction, and terminates at East 92nd Street at ramps to the northbound and southbound Franklin Delano Roosevelt (FDR) Drive. There are a number of street trees in the study area, most prominently on York Avenue and on the narrow east-west streets, with additional landscaped areas and vegetation associated with the large apartment buildings on York Avenue. Street furniture within the study area includes modern street lamps, traffic lights, parking regulation and bus stop signs, fire hydrants, mail boxes, and trash cans.

The topography of the area has a gradual decline from south to north. The blocks in the study area are formed by the rectilinear street grid and are rectangular in shape.

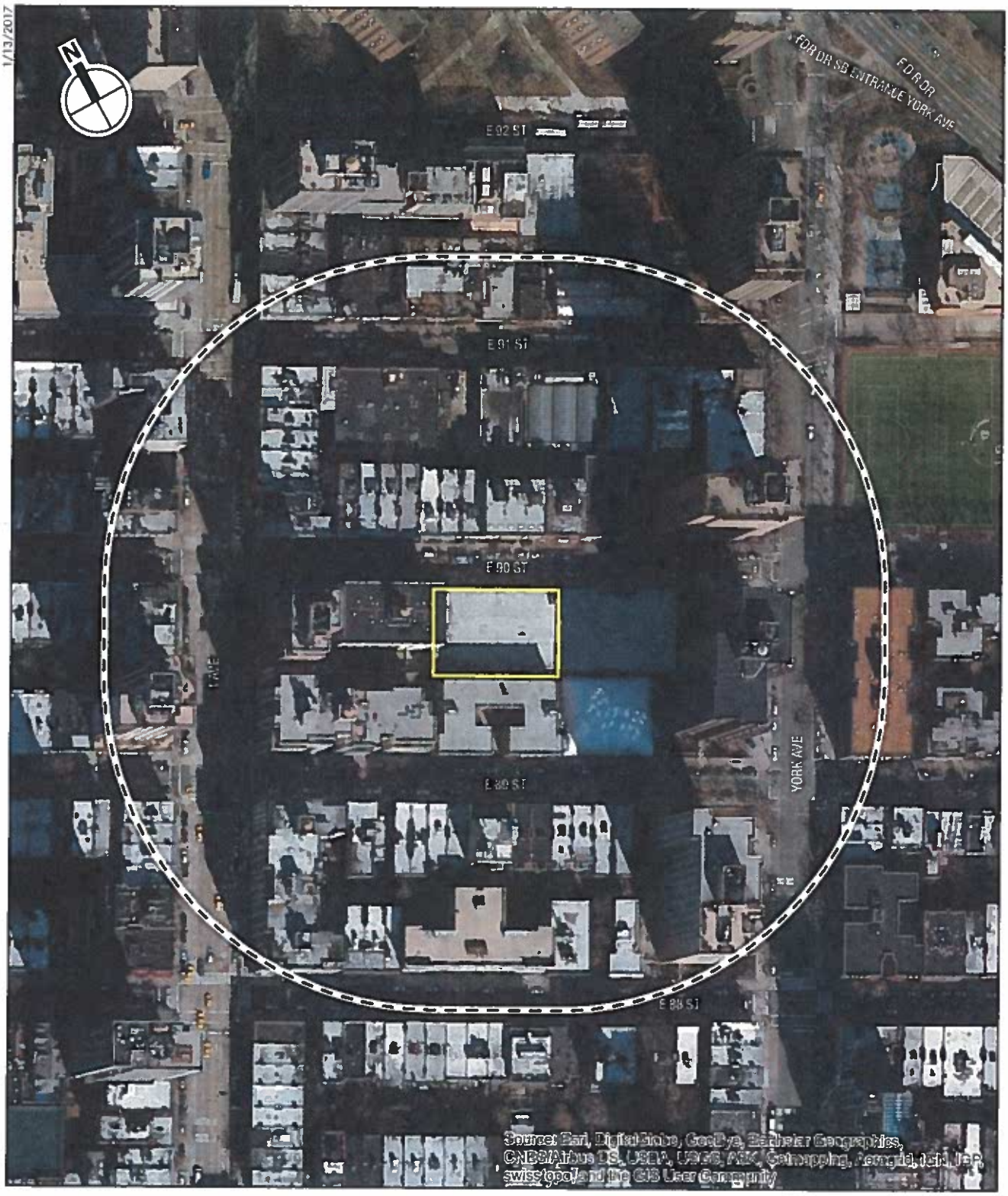
Overall, the urban design character of the study area is characterized primarily by residential and institutional buildings and also includes commercial uses. Buildings are typically clad in masonry, with the majority clad in brick. Buildings typically have punched window openings though there are a number of instances where buildings are clad in curtain walls of glass, metal and stone. Residential buildings include low-rise townhouses and tenements, and larger apartment buildings ranging in height from 8 to 37 stories. The rooflines of many of the older residential structures are defined with cornices, and most of the buildings have flat roofs.

Between York and First Avenues, the south side of East 90th Street includes a two-story brick garage east of the project site that houses a car rental business similar in character to the garage on the project site, and a 12-story brick condominium building west of the project site. The condominium building, East River Plaza at 402 East 90th Street, incorporates elements of a former late 19th century chapel associated with of the St. Joseph's Orphan Asylum, which previously occupied the property. These include the remnants of the Baroque style chapel façade on the east façade of the building, which is visible above the two-story garage on the project site, as well as arches on the East 90th Street façade at the fifth story (see Photo 2 of **Figure C-3** and Photo 3 of **Figure C-4**). The north side of East 90th Street is developed with a number of five-story tenement buildings dating to the late 19th/early 20th century, typically with stone-clad first floors, and five- and eight-story brick apartment buildings. The eight-story residential building at 423 East 90th Street is of a contemporary design, with projecting metal and glass bay windows that extend the height of the building (see Photo 4 of **Figure C-4**). The adjacent five-story building to the east houses an automotive repair business and has two large vehicular entrances



Urban Design and Visual Resources
Photo Key Location Map
Figure C-1

Spence School Athletic Facility

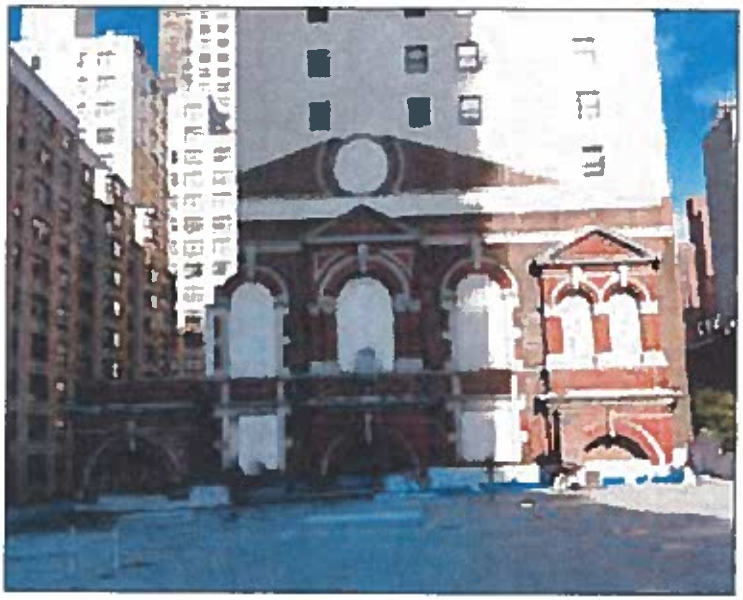


Urban Design and Visual Resources
Aerial View of Project Site and Study Area
Figure C-2

Spence School Athletic Facility

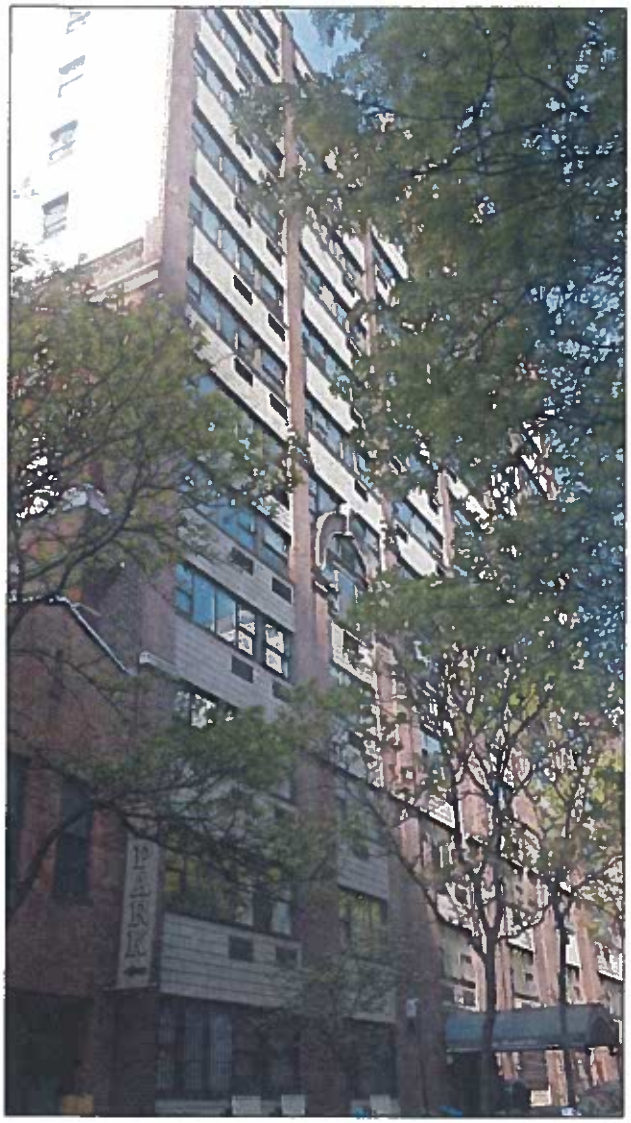
4317

View southeast of the two-story garage on the project site 1



View west of the east façade of 402 East 90th Street, above the existing parking garage on the project site 2

Urban Design and Visual Resources
Project Site and Study Area
Figure C-3



View southwest of the adjacent condominium building at 402 East 90th Street, which incorporates features of the original St. Joseph's Orphan Asylum Chapel building 3

View of the north side of East 90th Street, including an eight-story residential building with projecting metal and glass bay windows at 423 East 90th Street and the 37-story mixed use building at 435 East 90th Street 4

Urban Design and Visual Resources Study Area
Figure C-4

Spence School Athletic Facility

at ground level. At the corner with York Avenue at 435 East 90th Street is a 37-story brick building with large window openings built in 1986 (see Photo 4 of **Figure C-4**).

The other narrow east-west streets in the study area—East 89th, East 91st, and East 88th Streets —contain buildings ranging in height from 1 to 12 stories that contain residential, commercial and institutional uses. The north side of East 89th contains a parking garage with a fabric air dome, associated with the residential building at 1725 York Avenue, built in 1971, that fronts along the west side of York Avenue between East 89th and East 90th Streets (see Photo 5 of **Figure C-5**). East 89th Street between York and First Avenues is primarily lined with five-story brick and stone-clad tenements and six-and seven-story brick apartment buildings. A 12-story section of a taller 18-story building is at the northeast corner of First Avenue and East 89th Street (401 East 89th Street).

East 91st Street contains primarily commercial uses, including moving & storage facilities and parking garages housed in older one-to-six-story brick buildings on the south side of the street. The Vinegar Factory, a gourmet food store, and a gymnastics studio housed in two-story brick buildings with a greenhouse structure on the roof are on the north side of the street (see Photo 6 of **Figure C-5**). A six-to-eight story brick building that constitutes a recent conversion of a 1930s parking garage to an athletic and wellness facility associated with the Convent of the Sacred Heart is also located on the south side of the street at 406 East 91st Street, near First Avenue. This building presents a largely windowless façade above the second story, with lettering at the fifth floor level that reads "Faith", "Intellect," "Service," "Community," "Wise," and "Freedom" (see Photo 7 of **Figure C-6**). The north side of East 88th Street is largely occupied by the Yorkville Community School (formerly Public School 66) at 421 East 88th Street, a five-story brick and stone school built at the turn of the 20th century, as well as other tenement and smaller apartment buildings (see Photo 8 of **Figure C-6**).

York and First Avenues include some older, primarily five and six-story tenement buildings, as well as much larger and taller apartment buildings. On York Avenue, a grouping of five-story brick tenements is at the southwest corner of York Avenue and East 91st Street. Otherwise, the west side of York Avenue is lined with 33- to 37-story apartment buildings typically set back from the sidewalk with landscaped areas; a number have driveways in front of the buildings. The buildings are clad in brick and are of a contemporary design, articulated with projecting balconies and bay windows (see Photo 9 of **Figure C-7**). The east side of York Avenue includes a 10-story brick apartment building built to the sidewalk between East 89th and East 90th Streets, and four-story tenement buildings at the southeast corner of York Avenue and East 88th Street. The block to the north contains the Asphalt Green, a non-profit recreational organization. Fronting on York Avenue in the study area is Asphalt Green's turf field, which is bordered at the sidewalk by an iron picket fence, with a taller interior chain link fence enclosing the turf field (see Photo 10 of **Figure C-7**). The former Municipal Asphalt Plant, a parabolic arched concrete structure, is set back behind the field. Some of the smaller buildings on York Avenue contain ground floor retail uses, including restaurants as does the tall residential building at 435 East 90th Street.

First Avenue is also lined with a mixture of older tenement buildings and larger and taller apartment buildings of more recent construction (see Photo 11 of **Figure C-8**). Within the study area, the east side of First Avenue north of East 90th Street is lined with five-and six-story brick tenements (see Photo 12 of **Figure C-8**). South of East 90th Street, 16- to 21-story apartment buildings occupy the eastern block frontages. The west side of First Avenue also contains a mixture of older tenements are more recently constructed buildings, including a 31-story

residential building at the northwest corner of First Avenue and East 89th Street and a 21-story apartment building at the southwest corner of First Avenue and East 91st Street. Both the older and newer buildings are typically built to the sidewalk; a number of the tall apartment buildings are set on bases built to the sidewalk, with the towers setting back from the street. The buildings on First Avenue almost all exclusively contain ground floor neighborhood stores including pharmacies and delis, as well as restaurants.

VISUAL RESOURCES

Visual resources in the study area include historic buildings—the Municipal Asphalt Plant (Asphalt Green) and former P.S. 66 (Yorkville Community School)—and views of the East River and waterfront from York Avenue. The Municipal Asphalt Plant, though located outside of the study area on the block bounded by First Avenue, the FDR Drive and East 90th and East 91st Streets, is visible from York Avenue, with the parabolic arch structure constituting a visual landmark in the area (see Photo 10 of **Figure C-7**). The Yorkville Community School at 421 East 88th Street (originally P.S. 66), is an attractive brick and stone trimmed building designed in the Renaissance Revival Style (see Photo 8 of **Figure C-6**). Please also see Attachment B, "Historic and Cultural Resources," for a detailed description of the historic resources described above.

View north on York Avenue terminate at the East River, and include scenic views of the river itself, Randall's Island, and the narrow pedestrian bridge that spans between Manhattan and Randall's Island (the 103rd Street Footbridge, see Photo 13 of **Figure C-9**)

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

In the future without the proposed project, the project site will not be altered and will retain its existing urban design and visual character. As described in Attachment A, "Land Use, Zoning and Public Policy," there is one project planned for completion by 2019 within 400 feet of the project site. This project is an 81-unit residential building with ground floor retail at 1711 First Avenue that is expected to be completed in 2017.

D. THE FUTURE WITH THE PROPOSED PROJECT

PROJECT SITE

URBAN DESIGN

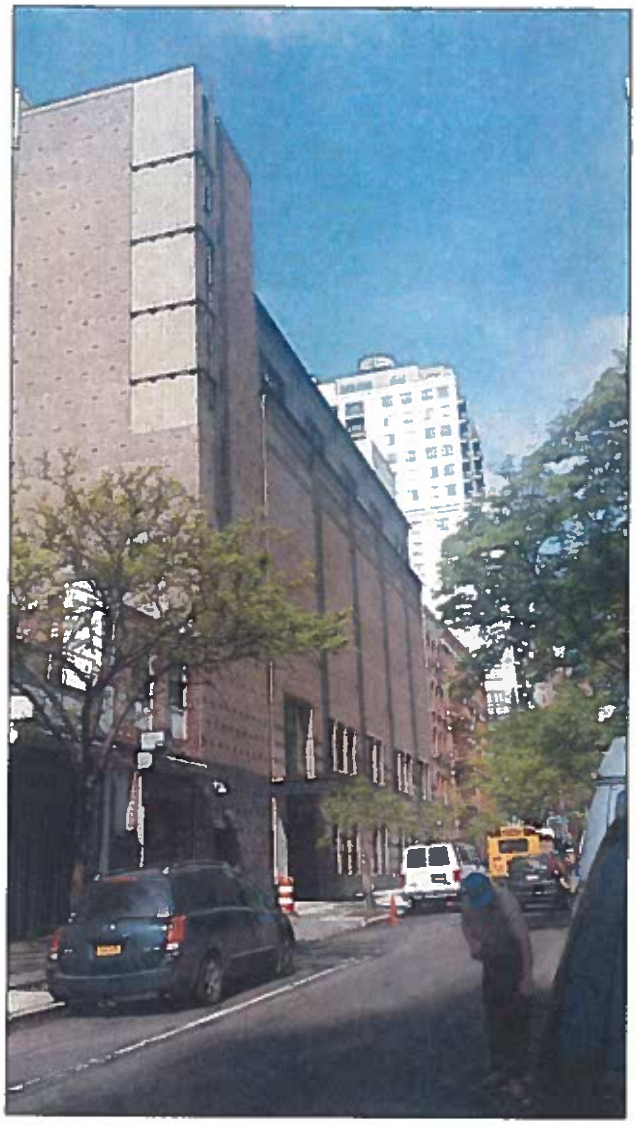
As described above, the Spence School is seeking zoning variances from the BSA to facilitate construction of an approximately 60,100 gross-square-foot (gsf) educational and athletic facility, including a rooftop greenhouse and planting area, on the project site. These include a special permit to allow a Use Group 3 school use in a C8 zoning district and a variance because the proposed facility does not comply with certain zoning requirements with respect to the rear yard and open area contiguous to the rear lot line along a residential district boundary. The proposed facility would be six stories (plus mechanical penthouse), and would include a gymnasium, squash courts, athletic department support spaces, a double-height multi-purpose space, a greenhouse and associated planting area, and classrooms. The building would also have mechanical penthouse on the roof. The building would have a metal façade along East 90th Street with large glazed windows, and would be approximately 81 feet tall to the top of the sixth floor and 98'-9" tall to the top of the bulkhead (see **Figures C-10 through C-13**).

4.3.17

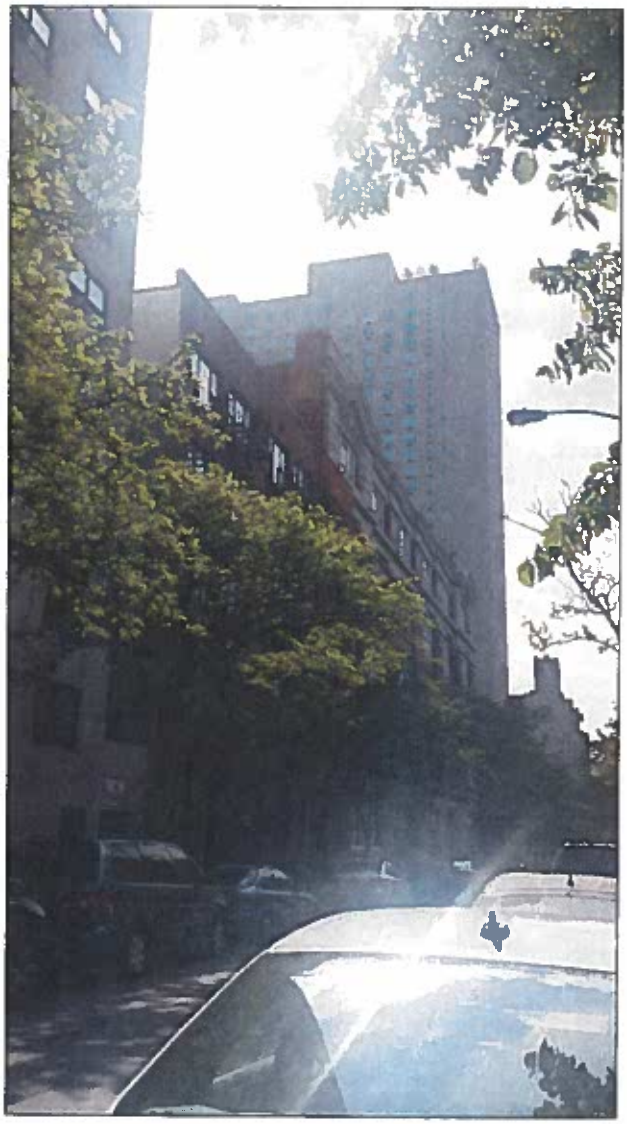
North side of East 89th Street west of York Avenue, including a parking garage with a fabric air dome associated with the adjacent residential building at 1725 York Avenue to the east 5

North side of East 9st Street west of York Avenue, including the Vinegar Factory, a gourmet food store 6

Urban Design and Visual Resources
Study Area
Figure C-5



South side of East 91st Street near First Avenue, including the athletic and wellness facility recently constructed by the Convent of the Sacred Heart at 406 East 91st Street 7



View of the north side of East 88th Street, including the Yorkville Community School 8

Urban Design and Visual Resources Study Area
Figure C-6

View south on York Avenue from East 91st Street, including the tall residential buildings located along the west side of the avenue. **9**

View east on York Avenue to Asphalt Green and its athletic fields on the east side of the avenue. **10**

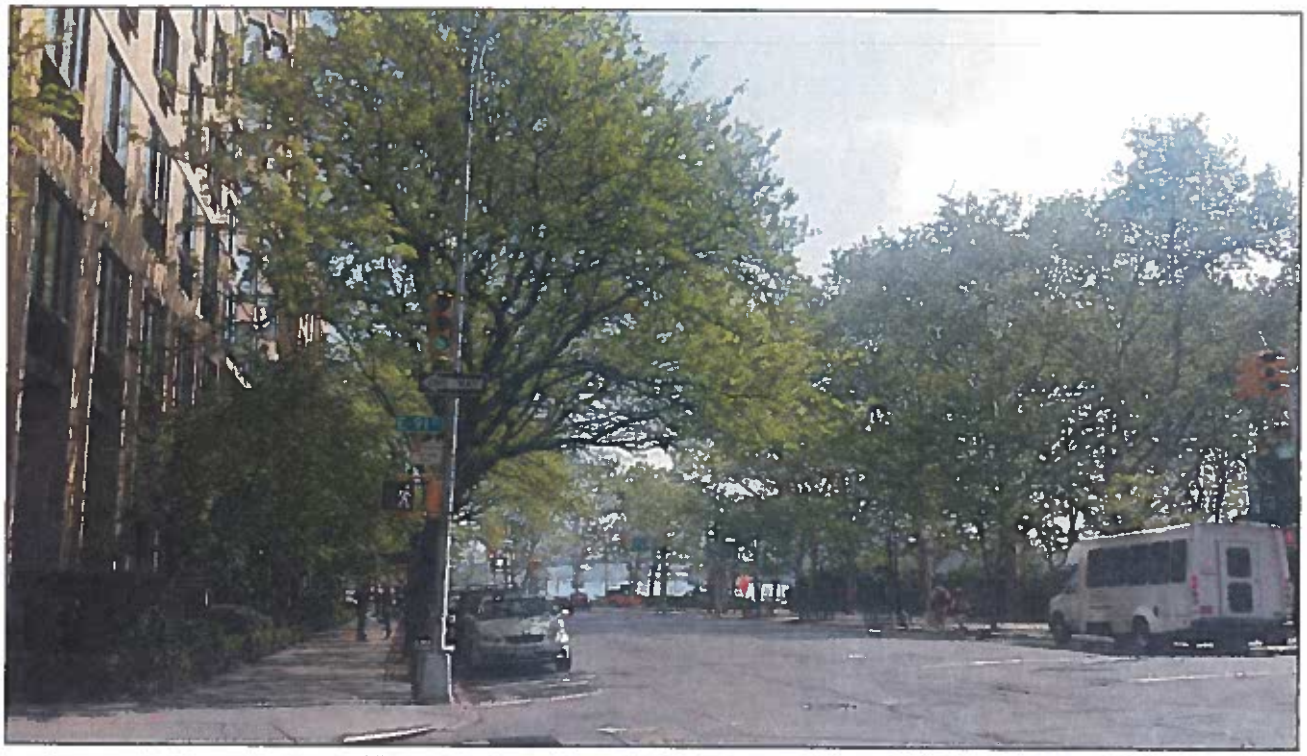
Urban Design and Visual Resources Study Area
Figure C-7

View north on First Avenue from East 88th Street, including the mix of older tenement buildings and more recently construction taller apartment buildings. **11**

View north east on First Avenue at East 90th Street, including the blockfronts of five-and six-story tenement buildings on the east side of First Avenue between East 90th and East 92nd Streets. **12**

Urban Design and Visual Resources Study Area
Figure C-8

43.17



View north on York Avenue from East 91st Street, including views of the East River, Randall's Island, and the 103rd Street Footbridge connecting Manhattan and Randall's Island. 13

Urban Design and Visual Resources
Study Area
Figure C-9

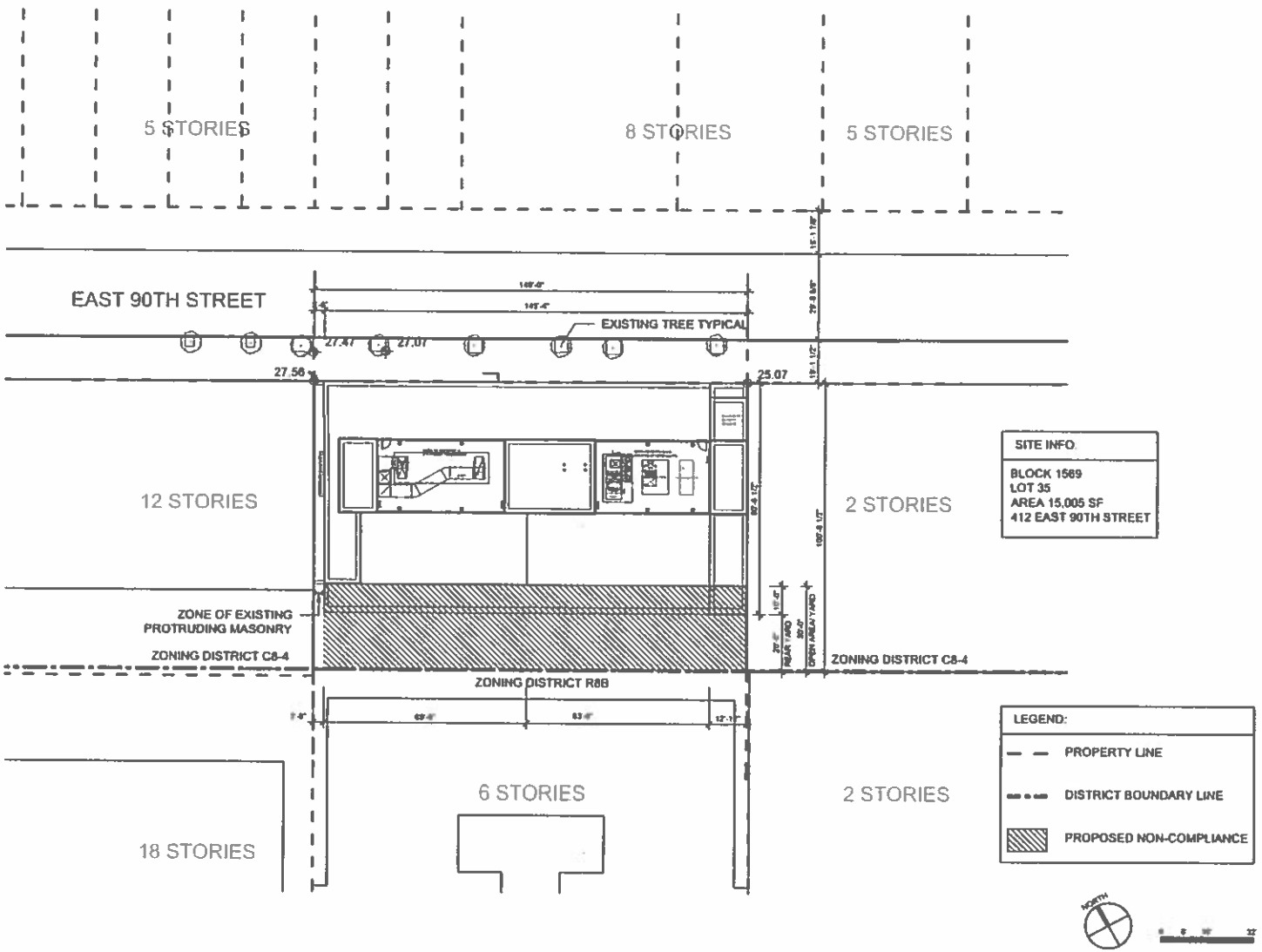
Existing/No Action Condition

Illustrative Rendering, Proposed Project

Comparison of Views looking Southeast on East 90th Street

Figure C-10

4.3.17

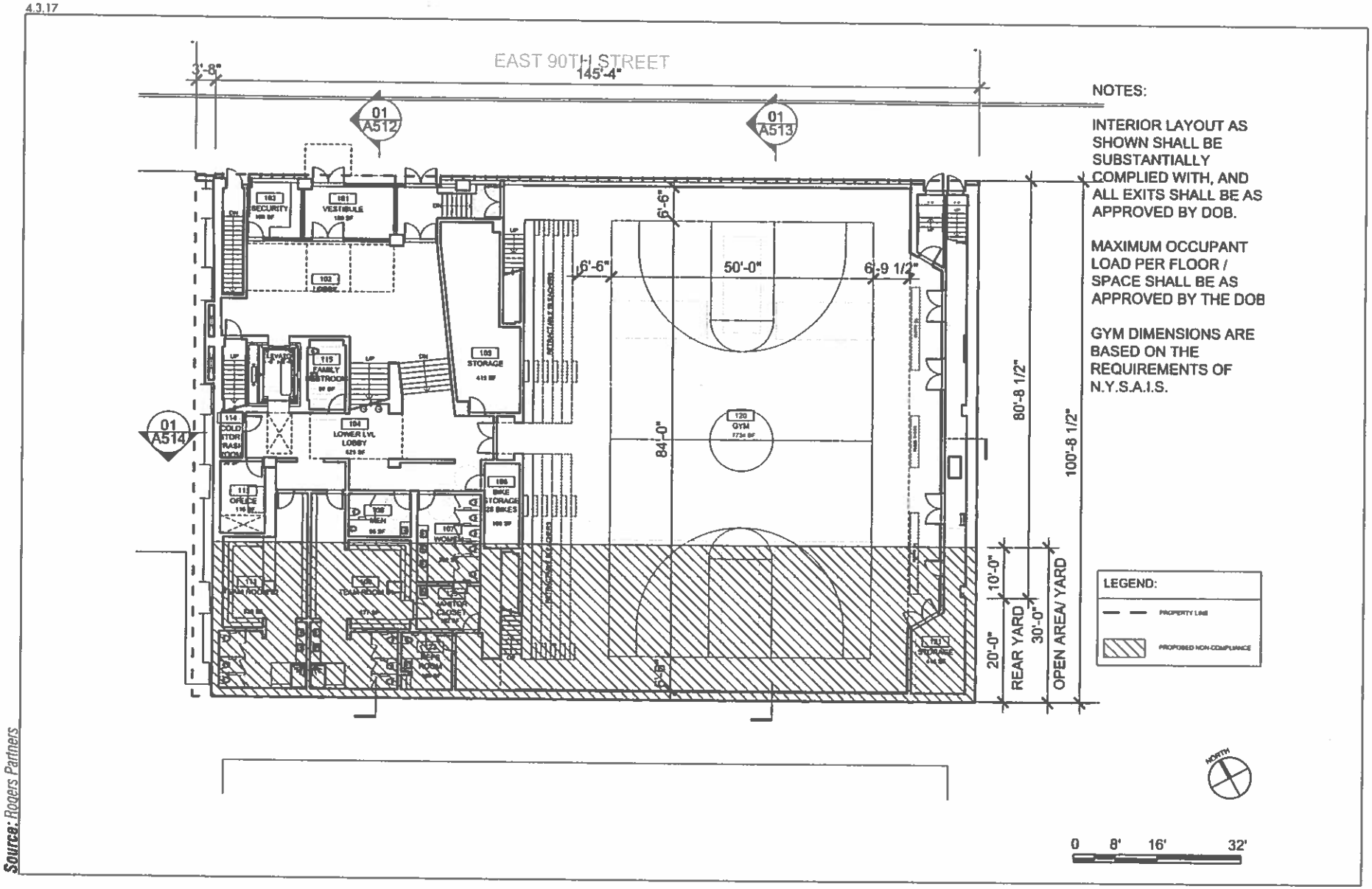


Source: Rogers Partners

Spence School Athletic Facility

Proposed Site Plan
Figure C-11

4.3.17

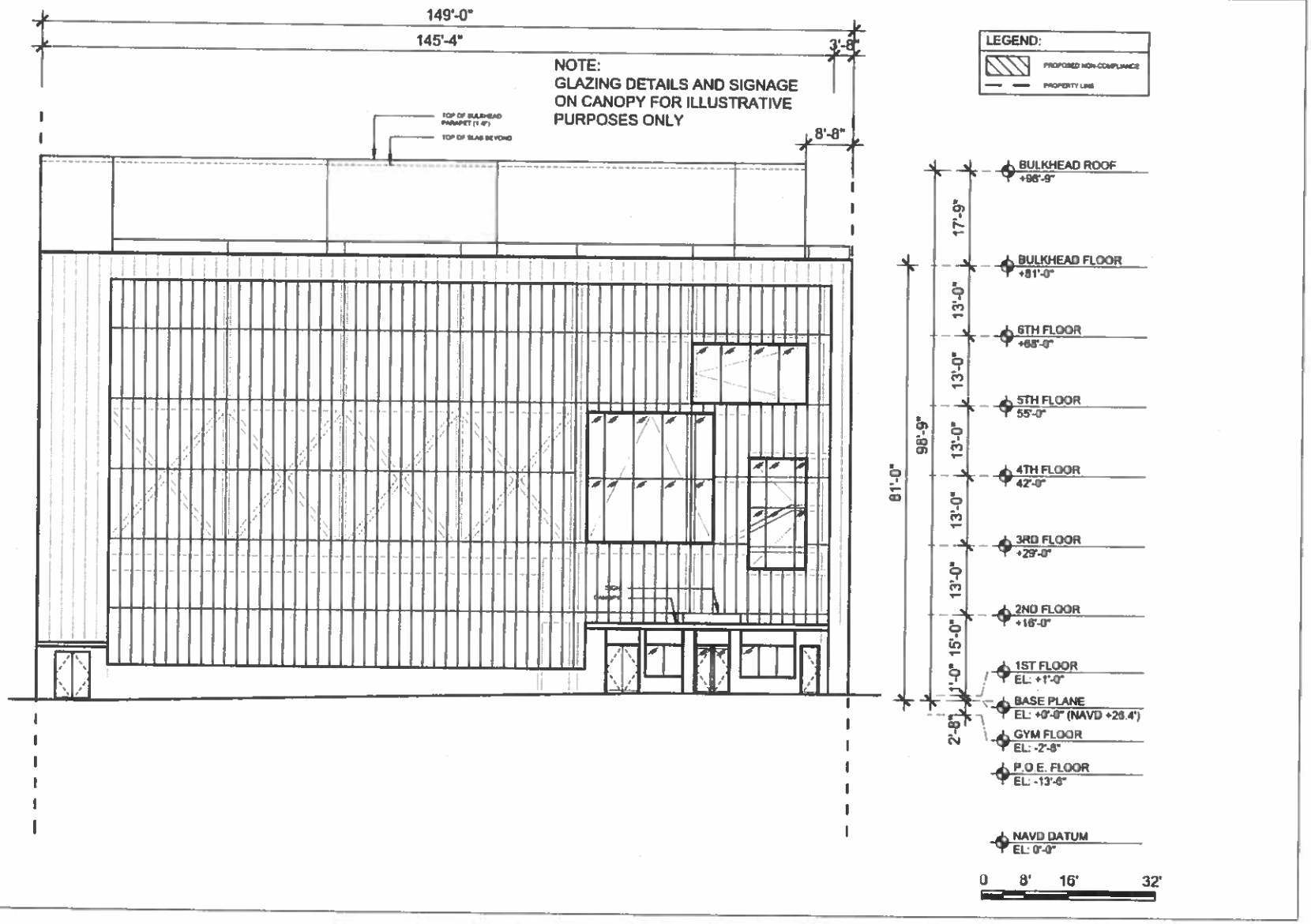


Source: Rogers Partners

Spence School Athletic Facility

First Floor Plan
Figure C-12

4.3.17



Source: Rogers Partners

Spence School Athletic Facility

North (East 90th Street) Elevation

Figure C-13

VISUAL RESOURCES AND VIEW CORRIDORS

As there are no visual resources on the project site there would be no adverse impacts on visual resources in the future with the proposed project.

STUDY AREA

URBAN DESIGN

The proposed facility would be constructed within an existing block and, as such, would not alter street orientation, street patterns, block shapes, or natural resources in the study area.

Though the proposed project would require a special permit to allow for a school use in the C8 commercial district, the study area contains a mix of uses including residential, commercial and institutional uses including an athletic and wellness facility associated with the Convent of the Sacred Heart at 406 East 91st Street and the Yorkville Community School at 421 East 88th Street. The study area also contains a mix of buildings, including older and shorter masonry buildings and more recently constructed residential towers with contemporary facades of glass, metal, and brick. The buildings in the study area also vary in height, with the height of the buildings on East 90th Street ranging from 2 to 37 stories.

Although the proposed project would not conform with requirements with respect to the rear yard and open area contiguous to the rear lot line along a residential district boundary, the proposed nonconformance would not be visible or perceptible by the pedestrian. The proposed facility would be built to the sidewalk as are existing buildings on East 90th Street and most of the buildings that line the side streets between York and First Avenue. The proposed facility would also rise without setbacks, which is also consistent with the urban design of East 90th Street and many of the buildings in the study area. Therefore, the proposed facility would be consistent with the urban design character of the study area.

VISUAL RESOURCES AND VIEW CORRIDORS

The proposed project, consisting of a six-story facility, would not alter important view corridors or obscure visual resources from public view in the study area. Views of visual resources in the study area, including the Municipal Asphalt Plant (Asphalt Green) and former P.S. 66 (Yorkville Community School) and views of the East River and waterfront from York Avenue, would remain unaltered in the future with the proposed project. Therefore, the proposed project would not have adverse impacts on visual resources and important visual corridors in the study area.

Overall, although the proposed project would result in a physical alteration beyond that allowed by existing zoning, it would not result in any significant adverse impacts to urban design and visual resources, or the pedestrian's experience of the urban design character of the area. Therefore, no further analysis is warranted. ✱

A. INTRODUCTION

The 2014 *City Environmental Quality Review (CEQR) Technical Manual* requires a shadow study for any new structures greater than 50 feet in incremental height, or of any height if located adjacent to a sunlight-sensitive resource. Sunlight-sensitive resources of concern include publicly accessible open space, sunlight-dependent features of historic architectural resources, and natural resources that depend on sunlight.

The proposed building would reach approximately 99 feet in height (including mechanical). Therefore, a shadows assessment was conducted to determine whether its shadows could reach any nearby sunlight-sensitive resources. This analysis has been prepared in accordance with CEQR procedures and follows the guidelines of the *CEQR Technical Manual*.

B. PRELIMINARY SCREENING ASSESSMENT

A base map was developed using Geographic Information Systems (GIS)[1] showing the location of the proposed project and the surrounding street layout (see **Figure D-1**). In coordination with the open space, historic and cultural resources, and natural resources assessments presented in other chapters of this EAS, potential sunlight-sensitive resources were identified and shown on the map.

TIER 1 SCREENING ASSESSMENT

For the Tier 1 assessment, the longest shadow that the proposed building could cast is calculated, and, using this length as the radius, a perimeter is drawn around the project site. Anything outside this perimeter representing the longest possible shadow could never be affected by project generated shadow, while anything inside the perimeter requires the next tier of assessment.

According to the *CEQR Technical Manual*, the longest shadow that a structure can cast at the latitude of New York City occurs on December 21, the winter solstice. At the start of the analysis day at 8:51 AM, the longest shadow is equal to 4.3 times the height of the structure.

Therefore, at a maximum height of approximately 99 feet above curb level, the proposed building could cast a shadow up to approximately 426 feet in length. Using this length as the radius, a perimeter was drawn around the project site (see **Figure D-1**).

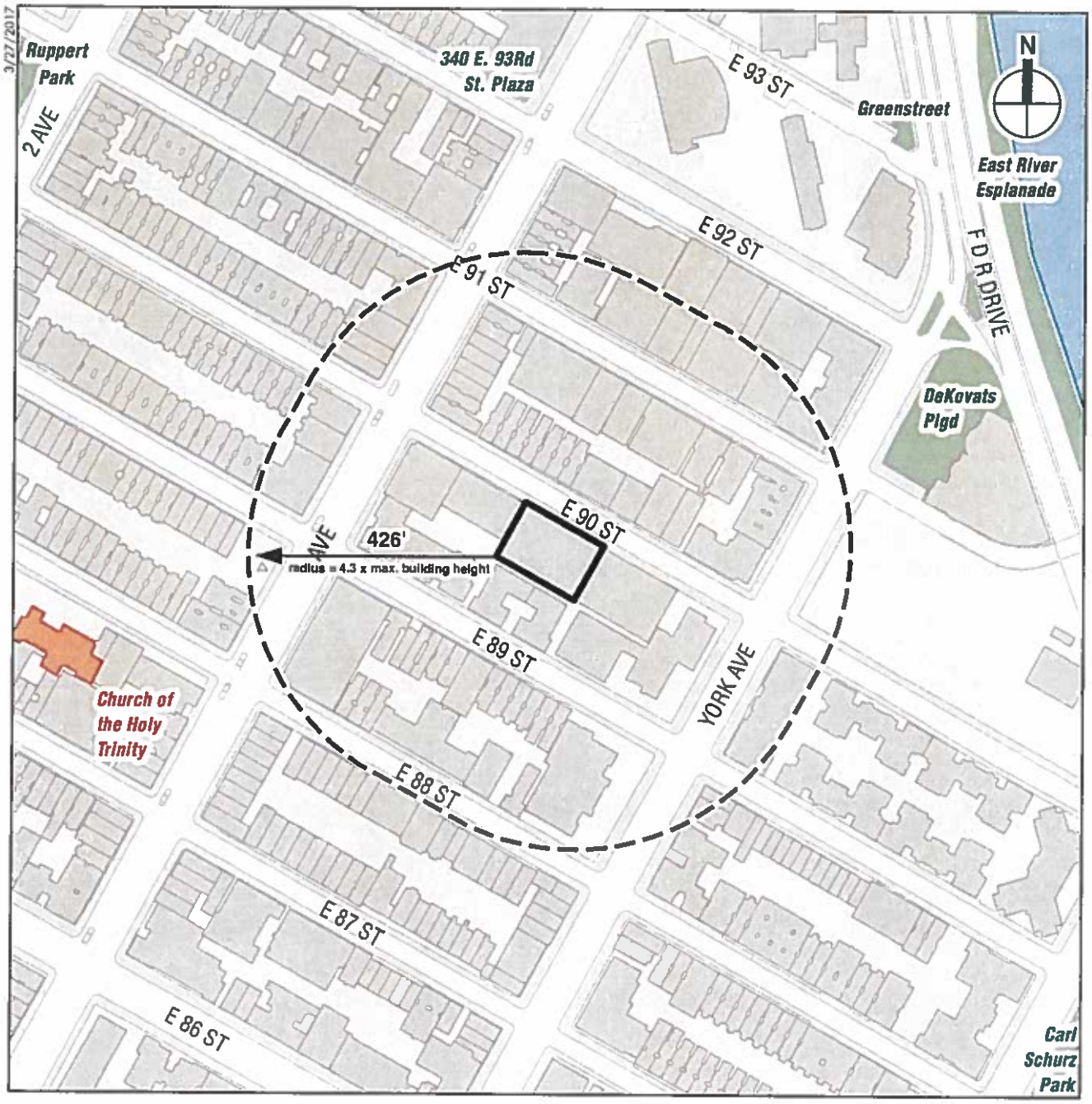
[1] Software: Esri ArcGIS 10.3; Data: New York City Department of Information Technology and Telecommunications (DoITT) and other City agencies, and AKRF site visits.

No sunlight-sensitive resources were located in the longest shadow study area[1], and therefore no further assessment was required.

CONCLUSION

The assessment concluded that the proposed project would not cause any adverse shadow impacts. ✱

[1] A small portion of the Asphalt Green turf soccer field north of East 90th Street and east of York Avenue is located in the longest shadow study area. Asphalt Green is privately managed sports and fitness organization and its athletic fields and courts are fenced and generally not publicly accessible. Therefore these athletic fields were not included in this analysis. DeKovats Playground, located adjacent to the Asphalt Green recreation complex north of East 91st Street, is publicly accessible and was therefore included.



Asphalt Green is a privately-managed sports and fitness organization and its athletic fields located on the block bounded by York Avenue, FDR Drive, and East 90th and 91st Streets are fenced and generally not publicly accessible. DeKovats Playgorund, located adjacent to the Asphalt Green recreation complex, is publicly accessible.

Spence School Athletic Facility

Tier 1 Assessment
Figure D-1

A. INTRODUCTION

This attachment addresses the potential for the presence of hazardous materials resulting from previous and existing uses both on-site and in the surrounding area, and potential risks related to the proposed project with respect to any such hazardous materials. The project site is currently entirely occupied by a two-story garage building with a partial basement in the northwestern portion of the building. The proposed development would entail the demolition of existing structure and soil excavation for the construction of the new multi-story recreational center for the Spence School with a cellar level.

This assessment is based on a June 2011 *Phase I Environmental Site Assessment (ESA)* and a June 2015 *Phase II (Subsurface) Investigation Report* completed by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan). The 2011 Phase I ESA included the findings of a reconnaissance of the proposed project site, an evaluation of readily available historical information, and selected environmental databases and electronic records in accordance with American Society for Testing and Materials (ASTM) E1527-05. The Phase II investigation comprised a geophysical investigation to search for potential buried tanks and the collection and laboratory analysis of soil, soil vapor, and groundwater samples.

PRINCIPAL CONCLUSIONS

The hazardous materials assessment identified various potential sources of contamination on, or in close proximity to, the proposed project site. Potential sources identified included: historic on-site spill ("closed" status), unknown historic fill at the site, former and current underground storage tanks (UST) at the site and at the adjoining properties, past and current commercial/automotive repair/maintenance uses at the site, a known tetrachloroethylene (PCE or "perc") contamination in groundwater in the area, and historic gas stations and dry cleaning facilities in the surrounding area. Subsequent subsurface testing identified concentrations of semi-volatile organic compounds and metals in soil consistent with the present of urban fill; no evidence of a significant release was detected. Groundwater testing analytical results detected concentrations of certain petroleum-related compounds in the area of the former gasoline tank that was removed in 2011. Elevated concentrations of chlorinated-solvents were detected in soil vapor, attributable to past off-site dry cleaning operations and the known PCE-contaminated groundwater in the area.

To reduce the potential for adverse impacts associated with new construction, a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) will be prepared for the proposed project. The RAP and CHASP would be submitted to and approved by New York City Department of Environmental Protection (DEP). The RAP would include procedures for managing wastes, including excavated soil. This would include procedures for soil management, stockpiling and disposal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The CHASP would include measures to protect

workers, the public, and the environment, including detailed procedures, such as monitoring, for managing both known contamination issues and any unexpectedly encountered contamination.

Based on the age of the existing building there is a potential for hazardous materials in existing buildings (such as asbestos-containing materials [ACM], lead-based paint [LBP], and polychlorinated biphenyl [PCB]-containing equipment and lighting fixtures). Regulatory requirements for management and disposal of such materials prior to or during demolition would continue to be followed.

With the implementation of the measures, the proposed project would not result in any significant adverse impacts with respect to hazardous materials.

B. EXISTING CONDITIONS

SUBSURFACE CONDITIONS

The proposed project site is approximately 25 feet above sea level. The Phase II borings encountered historic fill, sand with gravel, concrete and rock fragments, underlain by weathered bedrock. No field evidence of potential contamination was detected during the investigation.

Groundwater was encountered at approximately four feet below grade and is assumed to flow in an easterly direction towards the East River, approximately 1,000-feet to the east. However, actual groundwater depth and flow direction may be influenced by other factors beyond the scope of the studies. Groundwater in Manhattan is not used as a source of potable water.

PHASE I ESA

The 2011 ESA identified evidence of "Recognized Environmental Conditions" (RECs), including a spill reported for the site in 2005 (closed in 2015), presence, or likely presence, of petroleum contamination to soil and groundwater from the known USTs and vehicle maintenance work conducted at the site, historic backfilling from unknown sources, and the potential release of chlorinated solvents from past dry cleaning operations in the surrounding area and the known PCE-contaminated groundwater in the area. Historical Sanborn maps identified nearby commercial/automotive uses, manufacturing facilities, gas stations, and drycleaners.

PHASE II INVESTIGATIONS

A Phase II investigation was conducted in 2015 by Langan. During the investigation, six soil and three groundwater samples were collected for laboratory analysis of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), PCBs, and target analyte list (TAL) metals. Additionally, four soil vapor samples were also collected and analyzed for VOCs. The soil sample results were compared to the Unrestricted-Use Soil Cleanup Objectives (UUSCOs). The groundwater sample results were compared to the Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS). The soil vapor samples were evaluated per the New York State Department of Health (NYSDOH) *Soil Vapor Intrusion Guideline,* which presents a comparison to the sub-slab and indoor air data for certain VOCs, based on the relationship between concentrations and provides recommendation for soil vapor mitigation. Certain VOCs, SVOCs and metals were detected above the UUSCOs in the soil samples. PCBs were not detected in the soil samples. However, the levels detected were consistent with the presence of historic fill and were not necessarily indicative of a release or

spill. Certain petroleum-related VOCs and metals were detected above the Class GA standards in the groundwater samples; however, the concentrations were typical of regional groundwater quality in industrial areas of NYC. Furthermore, groundwater is not used as a source of potable water in Manhattan. Elevated concentrations of chlorinated solvents tetrachloroethylene (PCE) was detected in one of the soil vapor sample.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

In the No Action condition, the development site would remain a parking garage; no specific hazardous materials conditions requiring action would be anticipated.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS (WITH ACTION CONDITION)

The proposed project would entail demolition of existing building structure and excavation for the new construction. Although this could increase pathways for human exposure, impacts would be avoided by performing the following:

- The Phase I ESA and Phase II investigation reports by Langan will be submitted to the DEP for review and approval. A RAP and a CHASP will be prepared based on the results of Langan's Phase I ESA and Phase II investigation for implementation during any proposed soil disturbance associated with construction. The RAP and CHASP would be submitted to and approved by the DEP. The RAP would provide protocols for managing wastes, including excavated soil. This would include procedures for soil management, stockpiling and disposal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The CHASP would include measures to protect workers, the public, and the environment, including detailed procedures, such as monitoring, for managing both known contamination issues and any unexpectedly encountered contamination.
- Based on the age of the building, lead-based paint may be present in the building structure. Any activities with the potential to disturb lead-based paint must be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62—Lead Exposure in Construction).
- Based on the age of the building, ACM may be present. Prior to any renovation or demolition activities with the potential to disturb suspect ACM, an asbestos survey of the areas to be disturbed should be conducted and any ACM that would be disturbed should be removed and disposed of in accordance with local, state, and federal requirements.
- Suspected PCB-containing equipment (such as transformers and other electrical equipment, including fluorescent light ballasts) if present that would be disturbed during building demolition would be evaluated prior to disturbance. Unless labelling or test data indicate that the suspected PCB-containing equipment does not contain PCBs, it would be assumed to contain PCBs and removed and disposed of at properly licensed facilities in accordance with all applicable regulatory requirements.

With these measures, the proposed development would not result in significant adverse impacts related to hazardous materials. ✱

A. INTRODUCTION

This attachment examines the potential effects of the proposed project on the study area's transportation systems. Specifically, it compares conditions in the future with the proposed project against conditions in the future without the proposed project in order to determine the potential for significant adverse transportation-related impacts. The analyses consider the 2019 project completion year to identify potential impacts, and if warranted, determine project improvement measures that would be appropriate to address those impacts. The travel demand projections, trip assignments, and capacity analysis presented in this attachment were conducted pursuant to the methodologies outlined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual.*

PRINCIPAL CONCLUSIONS

The proposed project's incremental vehicle, bus, and subway trips during the weekday AM, midday, PM, and Saturday peak hours would be below the *CEQR Technical Manual* analysis thresholds of 50 peak hour vehicle trips, 50 peak hour bus riders in a single direction of travel, and 200 peak hour subway trips, respectively. Therefore, detailed traffic, bus line haul, and subway analyses are not warranted and the proposed project is not expected to result in any significant adverse traffic or transit impacts. The Saturday peak hour would be below the threshold of 200 peak hour pedestrian trips. However, it would generate greater than 200 peak hour pedestrian trips in at least one weekday peak hour.

Based on a detailed assignment of project-generated pedestrian trips during the highest peak period of the project for pedestrian trips, one sidewalk was identified as warranting detailed analysis for the weekday PM event condition peak hour (6-7 PM), which would experience approximately 370 pedestrian trips. The southeast corner reservoir area of First Avenue and East 90th Street would also experience more than 200 pedestrian trips, but more than 200 pedestrians would not be dwelling in the corner at any one time, since 63 trips would be going around the corner onto First Avenue, 165 trips would be crossing First Avenue, and 99 trips would be crossing East 90th Street. Therefore, that pedestrian element is not recommended for analysis because it is not anticipated to experience significant adverse pedestrian impacts. Furthermore, an analysis of crash data summarized below concluded that the intersections on either side of the block (First Avenue and York Avenue at East 90th Street) are not high crash locations for vehicles or pedestrians according to the most recent available crash data. Pedestrian sidewalk capacity analysis performed for the sidewalk element that would experience approximately 370 pedestrian trips showed that the proposed project would not result in a deterioration in the future level of service from favorable LOS B conditions, nor would it result in any significant adverse pedestrian impacts.

Crash data for the study area intersections were obtained from the New York State Department of Transportation (NYSDOT) for the time period between January 1, 2013 and December 31,

2015, the most recent three-year period available. The data obtained quantify the total number of reportable crashes (involving fatality, injury, or more than $1,000 in property damage), fatalities, and injuries during the study period, as well as a yearly breakdown of vehicular crashes with pedestrians and bicycles at each location.

During the January 1, 2013 and December 31, 2015 three-year period, a total of 108 reportable and non-reportable crashes, zero fatalities, 72 injuries, and 30 pedestrian/bicyclist-related crashes occurred at the 14 intersections at which safety assessments were performed. A rolling total of crash data identifies one study area intersection, Third Avenue and East 91st Street, as a high crash location in the 2013 to 2015 period because it had four pedestrian crashes and one bicycle crash during a consecutive 12 month period. A summary of the identified high crash location, prevailing trends, project-specific effects, and recommended safety measures is provided below in Section E: "Vehicular and Pedestrian Safety Evaluation."

The *CEQR Technical Manual* states that if a quantified traffic analysis is not required, it is likely that a parking assessment is also not warranted. Per conclusions made above for traffic, an on- and off-street parking analysis is not required and the proposed project is not expected to result in any significant adverse parking impacts.

B. PRELIMINARY ANALYSIS METHODOLOGY AND SCREENING ASSESSMENT

The *CEQR Technical Manual* recommends a two-tier screening procedure for the preparation of a "preliminary analysis" to determine if quantified analyses of transportation conditions are warranted. As discussed below, the preliminary analysis begins with a trip generation analysis (Level 1) to estimate the volume of person and vehicle trips attributable to the proposed project. If the proposed project is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (Level 2) are performed to estimate the incremental trips at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that the proposed project would result in 50 or more peak hour vehicle trips at an intersection, 200 or more peak hour subway trips at a station, 50 or more peak hour bus trips in one direction along a bus route, or 200 or more peak hour pedestrian trips traversing a pedestrian element, then further quantified analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety.

BACKGROUND

For the purposes of this analysis, trip estimates are based on the program shown in **Table F-1**. In the future with the proposed actions (the "With Action" condition), the project site, which currently contains a parking garage, would be redeveloped with an approximately 60,100 gross-square-foot (gsf) educational and athletic facility, including a rooftop greenhouse and planting area, containing a gymnasium, squash courts with viewing areas, and a support floor. There would also be a multi-purpose room and rooftop greenhouse. Absent the proposed actions, in the future without the proposed actions (the "No Action" condition), no development is anticipated to occur on the project site.

Table F-1
Future With Action Development Program Assumptions

Components	Future No Action	Future With Action	Increment
Educational and Athletic Facility (gsf)	0	60,100	60,100

The proposed uses would result in incremental trip generation, as detailed below. The proposed building would have pedestrian access on the south side of East 90th Street between First Avenue and York Avenue.

LEVEL 1 SCREENING ASSESSMENT

A Level 1 trip generation screening assessment was conducted to estimate the numbers of person and vehicle trips by mode expected to be generated by the proposed project during the weekday AM, midday, PM, and Saturday peak hours. These estimates were then compared to the *CEQR Technical Manual* thresholds to determine if a Level 2 screening and/or quantified operational analyses would be warranted.

TRANSPORTATION PLANNING ASSUMPTIONS

Trip generation factors for the proposed project were developed based on information from the Spence School, the 2013 *Kingsbridge National Ice Center FEIS*, and U.S. Census Data, as summarized in **Table F-2**. Of the fall, winter, and spring sports schedules at the Spence School, the winter season would incur the highest usage with potential simultaneous basketball and squash games on some weekdays. Therefore, to be conservative, the weekday travel demand assumptions for the use of the facility are based on a typical weekday during the winter event season when there could be simultaneous, non-tournament basketball and squash games with spectators, and with all courts in use. The Saturday travel demand assumptions are based on a typical Saturday, when there would be squash games coinciding with basketball practices. On weekdays when there would not be simultaneous games, there could be practices, which would generate fewer trips than those shown in **Table F-2**. On weekdays when there would be tournament games, there could be higher spectator person trips than those shown in **Table F-2**, but these would be non-recurring special events. It is anticipated that there could be one to two tournaments per year at this facility, should the Spence School team make the post-season. Although the Spence School would be able to hold school assemblies at the proposed facility, it is unlikely that they would choose to, since they currently rent space nearby the main school for this purpose, and it would be impractical for the entire school to walk the nearly 3/4-miles to the facility.

Table F-2
Travel Demand Assumptions

Use	Spence School – Athletes and Team Personnel (Squash & Basketball)				Opposing School – Athletes and Team Personnel (Squash & Basketball)				Game Personnel (Squash & Basketball)				Facility Staff			
Total Daily Person Trip	(1) Weekday 122 Trips			(1) Saturday 90 Trips	(1) Weekday 122 Trips			(1) Saturday 24 Trips	(1) Weekday 46 Trips			(1) Saturday 16 Trips	(1) Weekday 20 Trips			(1) Saturday 4 Trips
Trip Linkage	0%			0%	0%			0%	0%			0%	0%			0%
Net Daily Person trip	Weekday 122 Trips			Saturday 90 Trips	Weekday 122 Trips			Saturday 24 Trips	Weekday 46 Trips			Saturday 16 Trips	Weekday 20 Trips			Saturday 4 Trips
	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT
Temporal	(1)				(1)				(1)				(1)			
	0%	0%	50%	50%	0%	0%	50%	50%	0%	0%	50%	50%	0%	0%	0%	0%
Direction	(1)				(1)				(1)				(1)			
In	50%	50%	0%	0%	50%	50%	0%	0%	50%	50%	0%	0%	50%	50%	50%	50%
Out	50%	50%	100%	100%	50%	50%	100%	100%	50%	50%	100%	100%	50%	50%	50%	50%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Modal Split	(1)				(1)				(2)				(2)			
	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday
Auto	0.0%			0.0%	0.0%			0.0%	25.0%			25.0%	25.0%			25.0%
Taxi	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%
Subway	0.0%			0.0%	33.0%			33.0%	50.0%			50.0%	50.0%			50.0%
City Bus	0.0%			0.0%	33.0%			33.0%	15.0%			15.0%	15.0%			15.0%
Shuttle Bus	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%
Walk	100.0%			100.0%	34.0%			34.0%	10.0%			10.0%	10.0%			10.0%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Vehicle Occupancy	Weekday			Saturday	Weekday			Saturday	(2) Weekday			(2) Saturday	(2) Weekday			(2) Saturday
Auto	N/A			N/A	N/A			N/A	1.14			1.14	1.14			1.14
Shuttle Bus	N/A			N/A	N/A			N/A	N/A			N/A	N/A			N/A
Taxi	N/A			N/A	N/A			N/A	N/A			N/A	N/A			N/A

Use	Spence School – Student Spectators(Squash & Basketball)				Opposing School – Student Spectators (Squash)				Opposing School – Student Spectator(Basketball)				Parent / Relative Spectators (Squash & Basketball)			
Total Daily Person Trip	(1) Weekday 338 Trips			(1) Saturday 46 Trips	(1) Weekday 38 Trips			(1) Saturday 16 Trips	(1) Weekday 74 Trips			(1) Saturday 0 Trips	(1) Weekday 0 Trips			(1) Saturday 90 Trips
Trip Linkage	0%			0%	0%			0%	0%			0%	0%			0%
Net Daily Person trip	Weekday 338 Trips			Saturday 46 Trips	Weekday 38 Trips			Saturday 16 Trips	Weekday 74 Trips			Saturday 0 Trips	Weekday 0 Trips			Saturday 90 Trips
	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT
Temporal	(1)				(1)				(1)				(1)			
	0%	0%	50%	50%	0%	0%	50%	50%	0%	0%	50%	0%	0%	0%	0%	50%
Direction	(1)				(1)				(1)				(1)			
In	50%	50%	0%	0%	50%	50%	0%	0%	50%	50%	0%	50%	50%	50%	50%	0%
Out	50%	50%	100%	100%	50%	50%	100%	100%	50%	50%	100%	50%	50%	50%	50%	100%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Modal Split	(1)				(1)				(1)				(1)			
	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday
Auto	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	30.0%			30.0%
Taxi	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	20.0%			20.0%
Subway	0.0%			0.0%	20.0%			20.0%	33.0%			33.0%	25.0%			25.0%
City Bus	0.0%			0.0%	30.0%			30.0%	33.0%			33.0%	10.0%			10.0%
Shuttle Bus	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%
Walk	100.0%			100.0%	50.0%			50.0%	34.0%			34.0%	15.0%			15.0%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Vehicle Occupancy	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday	(3) Weekday			(3) Saturday
Auto	N/A			N/A	N/A			N/A	N/A			N/A	1.92			1.92
Shuttle Bus	N/A			N/A	N/A			N/A	N/A			N/A	N/A			N/A
Taxi	N/A			N/A	N/A			N/A	N/A			N/A	1.40			1.40

NOTES:
(1) Spence School projections
(2) 2006-10 American Community Survey RJTW (modal split rounded to nearest 5%) for New York County Census Tracts 144.02, 146.02, 152, 154, 156.01, 156.02, 162
(3) *Kingsbridge National Ice Center FEIS* (2013)

Table F-2 (cont'd)
Travel Demand Assumptions

Use	General Public Squash / Gym Users				Greenhouse Lower School Student Users				Greenhouse / Multi-purpose Room After School Users				Greenhouse Weekend & Community Outreach Users			
Total Daily Person Trip	(1) Weekday 468 Trips			(1) Saturday 144 Trips	(1) Weekday 90 Trips			(1) Saturday 0 Trips	(1) Weekday 150 Trips			(1) Saturday 0 Trips	(1) Weekday 0 Trips			(1) Saturday 40 Trips
Trip Linkage	0%			0%	0%			0%	0%			0%	0%			0%
Net Daily Person trip	Weekday 468 Trips			Saturday 144 Trips	Weekday 90 Trips			Saturday 0 Trips	Weekday 150 Trips			Saturday 0 Trips	Weekday 0 Trips			Saturday 40 Trips
	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT	AM	MD	PM	SAT
Temporal	(1)				(1)				(1)				(1)			
	12%	12%	0%	0%	17%	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Direction	(1)				(1)				(1)				(1)			
In	67%	67%	50%	50%	100%	100%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Out	33%	33%	50%	50%	0%	0%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Modal Split	(1)				(1)				(1)				(1)			
	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday	Weekday			Saturday
Auto	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%
Taxi	5.0%			5.0%	0.0%			0.0%	0.0%			0.0%	0.0%			0.0%
Subway	30.0%			30.0%	0.0%			0.0%	0.0%			0.0%	33.0%			33.0%
City Bus	15.0%			15.0%	0.0%			0.0%	0.0%			0.0%	33.0%			33.0%
Shuttle Bus	0.0%			0.0%	100.0%			100.0%	0.0%			0.0%	0.0%			0.0%
Walk	50.0%			50.0%	0.0%			0.0%	100.0%			100.0%	34.0%			34.0%
Total	100%			100%	100%			100%	100%			100%	100%			100%
Vehicle Occupancy	(2) Weekday			(2) Saturday	(1) Weekday			(1) Saturday	Weekday			Saturday	Weekday			Saturday
Auto	N/A			N/A	N/A			N/A	N/A			N/A	N/A			N/A
Shuttle Bus	N/A			N/A	17.0			17.0	N/A			N/A	N/A			N/A
Taxi	1.40			1.40	N/A			N/A	N/A			N/A	N/A			N/A

NOTES:
(1) Spence School projections
(2) *Kingsbridge National Ice Center FEIS* (2013)

TRAVEL DEMAND PROJECTION SUMMARY

As summarized in **Table F-3,** the proposed project would generate a maximum total of 370 incremental person trips during the weekday PM event condition peak hour (6-7 PM). Two other peak hours would incur more than 200 incremental person trips: 2-3 PM and 3-4 PM. A comparison of existing pedestrian volumes on the south sidewalk of East 90th Street between First and York Avenues was performed for the 2-3 PM, 3-4 PM, and 6-7 PM hours. The 2-3 PM period had 79 pedestrians per hour, the 3-4 PM period had 87 pedestrians per hour, and the 6-7 PM period had 120 pedestrians per hour. Therefore, the 6-7 PM peak hour was used as the analysis peak hour in order to provide the most conservative analysis since it has the highest combination of existing pedestrian volumes and incremental person trips. There would be a maximum of 141 incremental person trips and 23 incremental vehicle trips during the Saturday peak hour, so that period has been screened out of further analysis for traffic, transit, pedestrians, and parking.

Table F-4 summarizes the event condition peak hour incremental person trips and vehicle trips by mode.

During other daytime hours of a typical weekday, there would be up to seven auto trips, four taxi trips, and two shuttle bus trips generated by the facility in any hour. The most vehicle trips for any typical weekday peak hour would be during the 2-3 PM period when nine inbound and four outbound vehicle trips would be generated.

Table F-3
Hourly Incremental Person Trips

HOUR	TOTAL PERSON TRIPS (WEEKDAY)		
	IN	OUT	Total
6-7 AM	21	0	21
7-8 AM	0	19	19
8-9 AM	21	0	21
9-10 AM	51	18	69
10-11 AM	18	51	69
11 AM-12 PM	51	18	69
12-1 PM	18	51	69
1-2 PM	51	18	69
2-3 PM	166	54	220
3-4 PM	300	18	318
4-5 PM	0	3	3
5-6 PM	0	75	75
6-7 PM	0	370	370
7-8 PM	18	0	18
8-9 PM	0	18	18
9-10 PM	18	0	18
10-11 PM	0	21	21
11 PM - 12 AM	1	0	1

Table F-4
Trip Generation Summary: Event Condition Peak Hour Incremental Trips

		Person Trips							Vehicle Trips				
Peak Hour	In/Out	Auto	Taxi	Subway	City Bus	Shuttle Bus	Walk	Total	In/Out	Auto	Taxi	Delivery	Total
6-7 PM	In	0	0	0	0	0	0	0	In	0	0	0	0
	Out	6	0	49	34	0	281	370	Out	5	0	0	5
	Total	6	0	49	34	0	281	370	Total	5	0	0	5

LEVEL 1 SCREENING

TRAFFIC

As shown in **Table F-4**, the proposed project would generate five incremental vehicle trips during the weekday 6-7 PM event condition peak hour. At most, up to nine inbound and four outbound incremental vehicle trips would be generated in the 2-3 PM period. Because this number of peak hour incremental vehicle trips is below the *CEQR Technical Manual* analysis threshold of 50 peak hour vehicle trips, a detailed traffic analysis is not warranted and the proposed project is not expected to result in any significant adverse traffic impacts.

TRANSIT

As detailed in **Table F-4**, the proposed project would generate 49 incremental person trips by subway during the weekday 6-7 PM event condition peak hour. Because these peak hour incremental trips would not result in trip-making exceeding the *CEQR Technical Manual* analysis threshold of 200 peak hour trips at any single subway station/line, a detailed analysis of subway facilities is not warranted and the proposed project is not expected to result in any significant adverse subway impacts. Similarly, the incremental bus trips generated by the proposed project—34 person trips during the weekday PM event condition peak hour—would

not result in trip-making exceeding the *CEQR Technical Manual* analysis threshold of 50 peak hour bus riders for any bus route in a single direction. Therefore, a detailed bus line-haul analysis is also not warranted and the proposed project is not expected to result in any significant adverse bus line-haul impacts.

PEDESTRIANS

All person trips generated by the proposed project would traverse the pedestrian elements (i.e., sidewalks, corners, and crosswalks) surrounding the project site. As shown in **Table F-4**, the net incremental pedestrian trips would be greater than 200 during the PM event condition peak hour. A Level 2 screening assessment (presented in the section below) was conducted to determine if there is a need for additional quantified pedestrian analyses.

LEVEL 2 SCREENING ASSESSMENT

As part of the Level 2 screening assessment, project-generated trips were assigned to specific intersections and pedestrian elements near the project site. As previously stated, further quantified analyses to assess the potential impacts of the proposed project on the transportation system would be warranted if the trip assignments were to identify key pedestrian elements incurring 200 or more peak hour pedestrian-trips.

SITE ACCESS AND EGRESS

The proposed building would have pedestrian access along the south sidewalk of East 90th Street between First and York Avenues.

PEDESTRIANS

As shown in **Table F-4**, the projected peak hour pedestrian trips would exceed the CEQR analysis threshold of 200 pedestrians during the 6-7 PM weekday event condition peak hour. Level 2 pedestrian trip assignments were individually developed for all the proposed development components and are shown in **Figure F-1** and discussed below.

- Auto Trips—Motorists would park at parking facilities in the study area.
- Taxi Trips—Taxi patrons would get dropped off and picked up along East 90th Street between First and York Avenues.
- City Bus Trips—City bus riders would use buses along First Avenue, Second Avenue, and York Avenue, and would get on/off at bus stops nearest to the project site.
- Subway Trips—Subway riders were assigned to the 86th Street/Lexington Avenue Station (Nos. 4, 5, and 6 lines) and to the 86th Street/Second Avenue Station (Q line).
- Walk-Only Trips—Pedestrian walk-only trips were developed by distributing project-generated person trips to surrounding pedestrian facilities (i.e., sidewalks, corner reservoirs, and crosswalks) based on the walking routes to and from the Spence School main building.

Based on the detailed assignment of pedestrian trips, one sidewalk and was selected for detailed analysis for the weekday PM event condition peak hour, as shown in **Table F-5**. The southeast corner reservoir area of First Avenue and East 90th Street would also experience more than 200 pedestrian trips, but more than 200 pedestrians would not be dwelling in the corner at any one time, since 63 trips would be going around the corner onto First Avenue, 165 trips would be crossing First Avenue, and 99 trips would be crossing East 90th Street. Therefore, that

pedestrian element is not recommended for analysis because it is not anticipated to experience significant adverse pedestrian impacts.

Table F-5

Pedestrian Level 2 Screening Analysis Results—Selected Analysis Locations

Location	Weekday	Selected Analysis Location
	PM (6-7 PM)	
First Avenue and East 90th Street		
East Sidewalk along First Avenue between East 90th Street and East 91st Street	42	
West Sidewalk along First Avenue between East 90th Street and East 91st Street	42	
North Sidewalk along East 90th Street between First Avenue and York Avenue	0	
South Sidewalk along East 90th Street between First Avenue and York Avenue	370	✓
East Sidewalk along First Avenue between East 90th Street and East 89th Street	63	
West Sidewalk along First Avenue between East 90th Street and East 89th Street	54	
North Sidewalk along East 90th Street between First Avenue and Second Avenue	67	
South Sidewalk along East 90th Street between First Avenue and Second Avenue	59	
East Crosswalk	99	
West Crosswalk	52	
North Crosswalk	57	
South Crosswalk	165	

Notes: ✓ denotes pedestrian elements selected for detailed analysis.

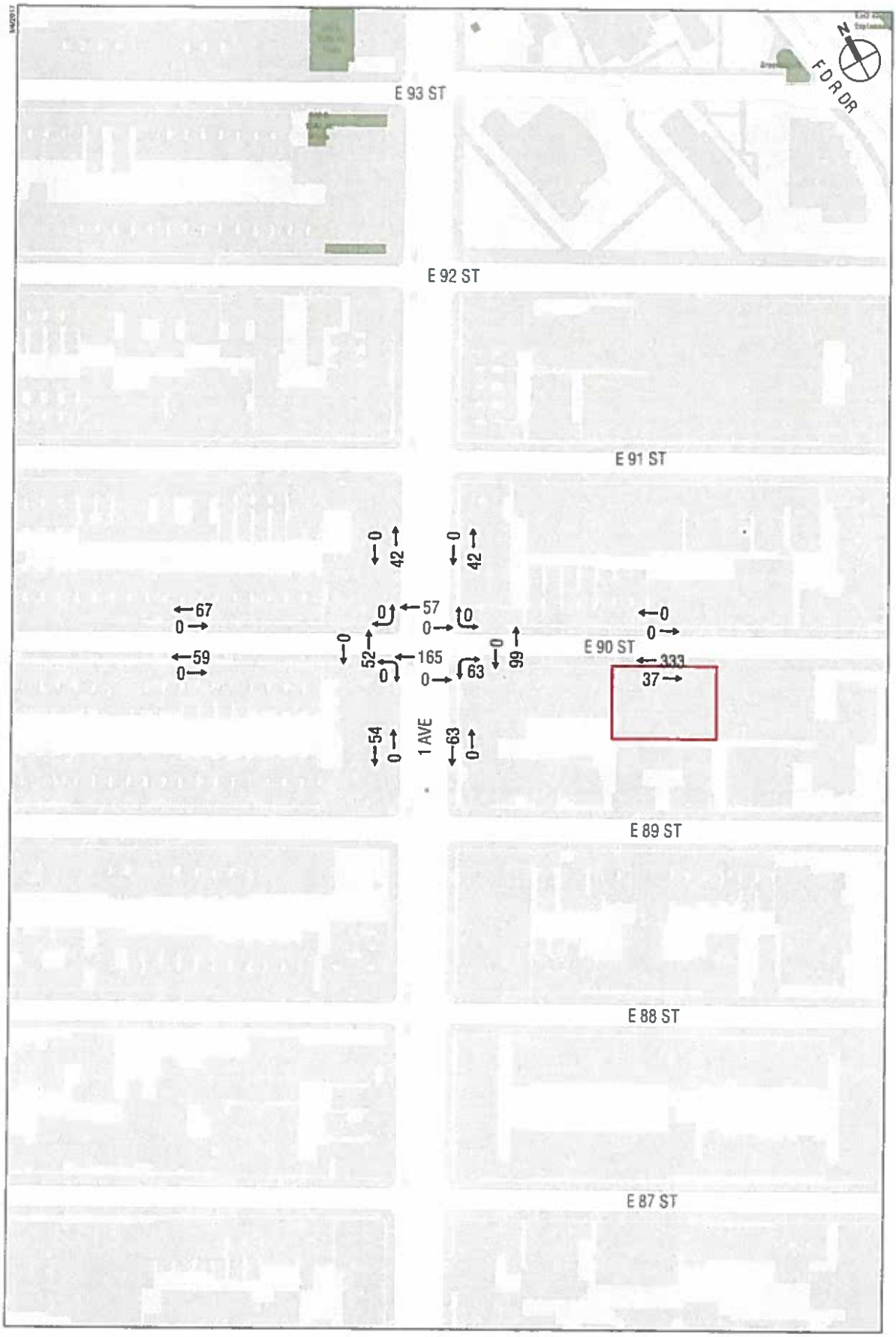
C. TRANSPORTATION ANALYSIS METHODOLOGIES

PEDESTRIAN OPERATIONS

The adequacy of the study area's sidewalk capacities in relation to the demand imposed on them is evaluated based on the methodologies presented in the 2010 *HCM*, pursuant to procedures detailed in the *CEQR Technical Manual.*

The primary performance measure for sidewalks and walkways is pedestrian space, expressed as square feet per pedestrian (SFP), which is an indicator of the quality of pedestrian movement and comfort. The calculation of the sidewalk SFP is based on the pedestrian volumes by direction, the effective sidewalk or walkway width, and average walking speed. The SFP forms the basis for a sidewalk Level of Service (LOS) analysis. The determination of sidewalk LOS is also dependent on whether the pedestrian flow being analyzed is best described as "non-platoon" or "platoon." Non-platoon flow occurs when pedestrian volume within the peak 15-minute period is relatively uniform, whereas, platoon flow occurs when pedestrian volumes vary significantly with the peak 15-minute period. Such variation typically occurs near bus stops, subway stations, and/or where adjacent crosswalks account for much of the walkway's pedestrian volume.

The LOS standards for sidewalks are summarized in **Table F-6**. The *CEQR Technical Manual* specifies acceptable LOS as mid-LOS D or better (minimum of 31.5 SFP platoon flows for sidewalks) in Central Business District (CBD) settings, which include the project study area.



Project Site

0 300 FEET

Project Generated Pedestrian Trips
Weekday Evening Peak Hour (6 PM-7 PM)

Spence School Athletic Facility

Figure F-1

Table F-6
Level of Service Criteria for Pedestrian Elements

LOS	Sidewalks	
	Non-Platoon Flow	Platoon Flow
A	> 60 SFP	> 530 SFP
B	> 40 and ≤ 60 SFP	> 90 and ≤ 530 SFP
C	> 24 and ≤ 40 SFP	> 40 and ≤ 90 SFP
D	> 15 and ≤ 24 SFP	> 23 and ≤ 40 SFP
E	> 8 and ≤ 15 SFP	> 11 and ≤ 23 SFP
F	≤ 8 SFP	≤ 11 SFP

Notes: SFP = square feet per pedestrian.
Source: New York City Mayor's Office of Environmental Coordination, *CEQR Technical Manual.*

SIGNIFICANT IMPACT CRITERIA

The determination of significant pedestrian impacts considers the level of predicted decrease in pedestrian space between the No Action and With Action conditions. For different pedestrian elements, flow conditions, and area types, the CEQR procedure for impact determination corresponds with various sliding-scale formulas, as further detailed below.

Sidewalks

There are two sliding-scale formulas for determining significant sidewalk impacts. For non-platoon flow, the determination of significant sidewalk impacts is based on the sliding scale using the following formula: $Y \geq X/9.0 - 0.31$, where Y is the decrease in pedestrian space in SFP and X is the No Action pedestrian space in SFP. For platoon flow, the sliding-scale formula is $Y \geq X/(9.5 - 0.321)$. Since a decrease in pedestrian space within acceptable levels would not constitute a significant impact, these formulas would apply only if the With Action pedestrian space falls short of LOS C in non-CBD areas or mid-LOS D in CBD areas. **Table F-7** summarizes the sliding scale guidance provided by the *CEQR Technical Manual* for determining potential significant sidewalk impacts.

Table F-7
Significant Impact Guidance for Sidewalks

Non-Platoon Flow				Platoon Flow			
Sliding Scale Formula: $Y \geq X/9.0 - 0.31$				Sliding Scale Formula: $Y \geq X/(9.5 - 0.321)$			
Non-CBD Areas		CBD Areas		Non-CBD Areas		CBD Areas	
No Action Ped. Space (X, SFP)	With Action Ped. Space Reduc. (Y, SFP)	No Action Ped. Space (X, SFP)	With Action Ped. Space Reduc. (Y, SFP)	No Action Ped. Space (X, SFP)	With Action Ped. Space Reduc. (Y, SFP)	No Action Ped. Space (X, SFP)	With Action Ped. Space Reduc. (Y, SFP)
–	–	–	–	43.5 to 44.3	≥ 4.3	–	–
–	–	–	–	42.5 to 43.4	≥ 4.2	–	–
–	–	–	–	41.6 to 42.4	≥ 4.1	–	–
–	–	–	–	40.6 to 41.5	≥ 4.0	–	–
–	–	–	–	39.7 to 40.5	≥ 3.9	–	–
–	–	–	–	38.7 to 39.6	≥ 3.8	38.7 to 39.2	≥ 3.8
–	–	–	–	37.8 to 38.6	≥ 3.7	37.8 to 38.6	≥ 3.7
–	–	–	–	36.8 to 37.7	≥ 3.6	36.8 to 37.7	≥ 3.6
–	–	–	–	35.9 to 36.7	≥ 3.5	35.9 to 36.7	≥ 3.5
–	–	–	–	34.9 to 35.8	≥ 3.4	34.9 to 35.8	≥ 3.4
–	–	–	–	34.0 to 34.8	≥ 3.3	34.0 to 34.8	≥ 3.3
–	–	–	–	33.0 to 33.9	≥ 3.2	33.0 to 33.9	≥ 3.2
–	–	–	–	32.1 to 32.9	≥ 3.1	32.1 to 32.9	≥ 3.1
–	–	–	–	31.1 to 32.0	≥ 3.0	31.1 to 32.0	≥ 3.0
–	–	–	–	30.2 to 31.0	≥ 2.9	30.2 to 31.0	≥ 2.9
–	–	–	–	29.2 to 30.1	≥ 2.8	29.2 to 30.1	≥ 2.8
25.8 to 26.6	≥ 2.6	–	–	28.3 to 29.1	≥ 2.7	28.3 to 29.1	≥ 2.7
24.9 to 25.7	≥ 2.5	–	–	27.3 to 28.2	≥ 2.6	27.3 to 28.2	≥ 2.6
24.0 to 24.8	≥ 2.4	–	–	26.4 to 27.2	≥ 2.5	26.4 to 27.2	≥ 2.5
23.1 to 23.9	≥ 2.3	–	–	25.4 to 26.3	≥ 2.4	25.4 to 26.3	≥ 2.4
22.2 to 23.0	≥ 2.2	–	–	24.5 to 25.3	≥ 2.3	24.5 to 25.3	≥ 2.3
21.3 to 22.1	≥ 2.1	21.3 to 21.5	≥ 2.1	23.5 to 24.4	≥ 2.2	23.5 to 24.4	≥ 2.2
20.4 to 21.2	≥ 2.0	20.4 to 21.2	≥ 2.0	22.6 to 23.4	≥ 2.1	22.6 to 23.4	≥ 2.1
19.5 to 20.3	≥ 1.9	19.5 to 20.3	≥ 1.9	21.6 to 22.5	≥ 2.0	21.6 to 22.5	≥ 2.0
18.6 to 19.4	≥ 1.8	18.6 to 19.4	≥ 1.8	20.7 to 21.5	≥ 1.9	20.7 to 21.5	≥ 1.9
17.7 to 18.5	≥ 1.7	17.7 to 18.5	≥ 1.7	19.7 to 20.6	≥ 1.8	19.7 to 20.6	≥ 1.8
16.8 to 17.6	≥ 1.6	16.8 to 17.6	≥ 1.6	18.8 to 19.6	≥ 1.7	18.8 to 19.6	≥ 1.7
15.9 to 16.7	≥ 1.5	15.9 to 16.7	≥ 1.5	17.8 to 18.7	≥ 1.6	17.8 to 18.7	≥ 1.6
15.0 to 15.8	≥ 1.4	15.0 to 15.8	≥ 1.4	16.9 to 17.7	≥ 1.5	16.9 to 17.7	≥ 1.5
14.1 to 14.9	≥ 1.3	14.1 to 14.9	≥ 1.3	15.9 to 16.8	≥ 1.4	15.9 to 16.8	≥ 1.4
13.2 to 14.0	≥ 1.2	13.2 to 14.0	≥ 1.2	15.0 to 15.8	≥ 1.3	15.0 to 15.8	≥ 1.3
12.3 to 13.1	≥ 1.1	12.3 to 13.1	≥ 1.1	14.0 to 14.9	≥ 1.2	14.0 to 14.9	≥ 1.2
11.4 to 12.2	≥ 1.0	11.4 to 12.2	≥ 1.0	13.1 to 13.9	≥ 1.1	13.1 to 13.9	≥ 1.1
10.5 to 11.3	≥ 0.9	10.5 to 11.3	≥ 0.9	12.1 to 13.0	≥ 1.0	12.1 to 13.0	≥ 1.0
9.6 to 10.4	≥ 0.8	9.6 to 10.4	≥ 0.8	11.2 to 12.0	≥ 0.9	11.2 to 12.0	≥ 0.9
8.7 to 9.5	≥ 0.7	8.7 to 9.5	≥ 0.7	10.2 to 11.1	≥ 0.8	10.2 to 11.1	≥ 0.8
7.8 to 8.6	≥ 0.6	7.8 to 8.6	≥ 0.6	9.3 to 10.1	≥ 0.7	9.3 to 10.1	≥ 0.7
6.9 to 7.7	≥ 0.5	6.9 to 7.7	≥ 0.5	8.3 to 9.2	≥ 0.6	8.3 to 9.2	≥ 0.6
6.0 to 6.8	≥ 0.4	6.0 to 6.8	≥ 0.4	7.4 to 8.2	≥ 0.5	7.4 to 8.2	≥ 0.5
5.1 to 5.9	≥ 0.3	5.1 to 5.9	≥ 0.3	6.4 to 7.3	≥ 0.4	6.4 to 7.3	≥ 0.4
< 5.1	≥ 0.2	< 5.1	≥ 0.2	< 6.4	≥ 0.3	< 6.4	≥ 0.3

Notes: SFP = square feet per pedestrian; Y = decrease in pedestrian space in SFP; X = No Action pedestrian space in SFP.
Sources: New York City Mayor's Office of Environmental Coordination, *CEQR Technical Manual.*

D. DETAILED PEDESTRIAN ANALYSIS

As described above in Section B, "Preliminary Analysis Methodology and Screening Assessment," Level 1 and Level 2 screening analyses were prepared to identify whether the pedestrian elements warranted a detailed analysis. Based on the assignment of pedestrian trips, one sidewalk was selected for analysis for the weekday 6-7 PM event condition peak hour.

2016 EXISTING CONDITIONS

Pedestrian data were collected in June 2016 in accordance with procedures outlined in the *CEQR Technical Manual* during the weekday hours of 2:00 PM to 8:00 PM. The peak hour was determined by comparing the existing hourly data with the projected peak hours of the proposed project. When comparing the project-generated peak hours of 2-3 PM, 3-4 PM, and 6-7 PM, the 6-7 PM period was found to have the highest existing pedestrian volume and projected person-trip increments. The existing peak hour pedestrian volumes are shown in **Figure F-2**. As shown in **Table F-8**, the sidewalk analysis location currently operates at favorable LOS B.

Table F-8
2016 Existing Conditions: Sidewalk Analysis

Location	Effective Width (ft)	Two-way Peak Hour Volume	PHF	SFP	Platoon LOS
Weekday PM Peak Hour					
South Sidewalk along East 90th Street between First and York Avenues	3.5	120	0.81	374.45	B

Note: SFP = square feet per pedestrian.

THE FUTURE WITHOUT THE PROPOSED ACTIONS

In the No Action condition, no new development would take place on the project site. No Action condition pedestrian volumes were estimated by increasing existing pedestrian levels to reflect expected growth in overall travel through and within the study area. As per *CEQR* guidelines, an annual background growth rate of 0.25 percent was assumed for the years 2016 to 2019. A total of six development projects expected to occur in the No Action condition (No Build projects) were identified as being planned for the 1/4-mile study area (see **Figure F-3**). However, five of these planned projects are modest in size and would be very modest traffic generators. In addition, one of the No Build project's pedestrian trips would gravitate away from the selected analysis locations and not yield any incremental pedestrian trips there. After reviewing the development programs for each of the planned projects, it was determined that background growth will address the increase in pedestrian levels on East 90th Street between First and York Avenues for five of the projects in the study area, and one of the projects, a proposed warehouse at 428 East 92nd Street, would have no pedestrian trip overlay with the selected analysis locations. **Table F-9** and **Figure F-3** summarize the projects that were accounted for in this future 2019 baseline, which were considered as part of the study area background growth. No Action condition pedestrian volumes are shown in **Figure F-4**.

Table F-9
No Build Projects Expected to be Complete by 2019

Map Ref. No.[1]	Project Name/ Address	Development Program	Transportation Assumptions	Status/ Build Year
Development Projects Within 1/4-Mile				
1	441 East 87th Street	5 residential units	Included in background growth	2019
2	1647 First Avenue	Mixed-use commercial and residential building with 38 residential units and 1,950 gsf of retail	Included in background growth	2019
3	1768 Second Avenue	Mixed-use commercial and residential building with 5 residential units and 1,913 gsf of retail	Included in background growth	2019
4	1766 Second Avenue	Mixed-use commercial and residential building with 20 residential units and 1,763 gsf of retail	Included in background growth	2019
5	1639 First Avenue	27 residential units	Included in background growth	2019
6	428 East 92nd Street	35,790 gsf warehouse	No pedestrian trips through study area	2019

Notes:
[1] See Figure F-3.

STREET-LEVEL PEDESTRIAN OPERATIONS

As shown in **Table F-10**, in the No Action condition, the sidewalk analysis location will continue to operate at favorable LOS B.

Table F-10
2019 No Action Condition: Sidewalk Analysis

Location	Effective Width (ft)	Two-way Peak Hour Volume	PHF	SFP	Platoon LOS
Weekday PM Peak Hour					
South Sidewalk along East 90th Street between First Avenue and York Avenue	3.5	121	0.81	371.35	B

Note: SFP = square feet per pedestrian.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

Project-generated pedestrian volumes were assigned to the pedestrian network considering walking routes to and from the Spence School main building, available transit services, and surrounding pedestrian facilities. The hourly incremental pedestrian volumes presented above in Section B, "Level 2 Screening Assessment," were added to the projected 2019 No Action volumes to generate the 2019 With Action pedestrian volumes for analysis (see **Figure F-5**).

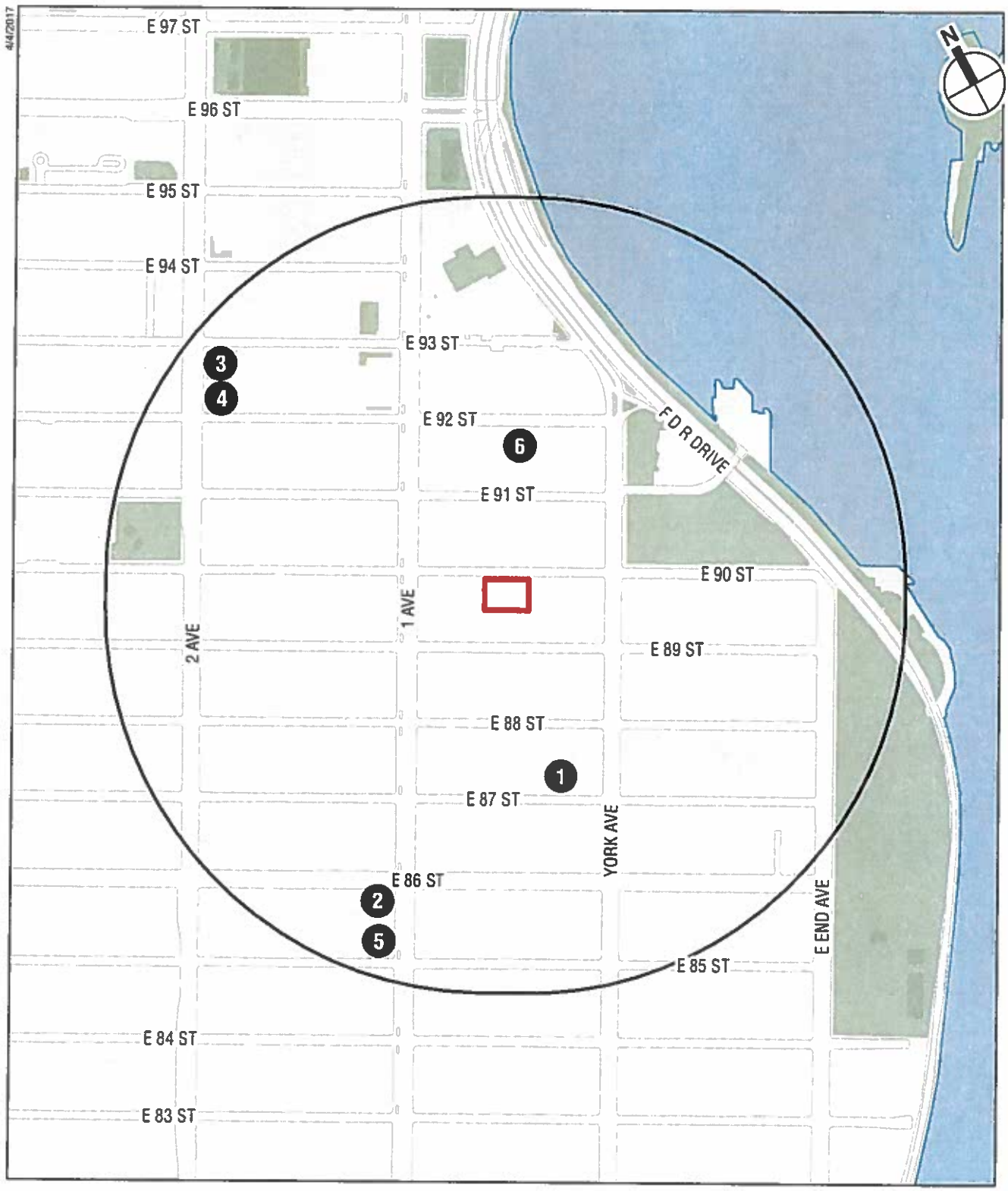
STREET-LEVEL PEDESTRIAN OPERATIONS

As shown in **Table F-11**, the sidewalk analysis location would continue to operate at favorable LOS B. Based on the *CEQR Technical Manual* sliding scale impact thresholds, no significant

2016 Existing Pedestrian Volumes
Weekday Evening Peak Hour (6 PM-7 PM)

Spence School Athletic Facility

Figure F-2



Spence School Athletic Facility

2019 No Build Projects
Figure F-3

2019 No Action Pedestrian Volumes
Weekday Evening Peak Hour (6 PM-7 PM)

Spence School Athletic Facility

Figure F-4

2019 With Action Pedestrian Volumes
Weekday Evening Peak Hour (6 PM-7 PM)

Spence School Athletic Facility

Figure F-5

adverse pedestrian impacts were identified for the sidewalk analysis location during the 6-7 PM event condition peak hour.

Table F-11
2019 With Action Condition: Sidewalk Analysis

Location	Effective Width (ft)	Two-way Peak Hour Volume	PHF	SFP	Platoon LOS
Weekday PM Peak Hour					
South Sidewalk along East 90th Street between First Avenue and York Avenue	3.5	491	0.81	90.96	B
Note: SFP = square feet per pedestrian.					

E. VEHICULAR AND PEDESTRIAN SAFETY EVALUATION

METHODOLOGY

An evaluation of vehicular and pedestrian safety is necessary for locations within the traffic and pedestrian study areas that have been identified as high crash locations, where 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes occurred in any consecutive 12 months of the most recent 3-year period for which data are available. For these locations, crash trends are identified to determine whether projected vehicular and pedestrian traffic would further impact safety at these locations. The determination of potential significant safety impacts depends on the type of area where the project site is located, traffic volumes, crash types and severity, and other contributing factors. Where appropriate, measures to improve traffic and pedestrian safety are identified and coordinated with the New York City Department of Transportation (NYCDOT).

Typically, the vehicular and pedestrian study locations for the safety assessment coincide with the intersections identified for study in the traffic or pedestrian analysis sections. However, for this sensitive land use, and because no intersections have been recommended for vehicular or pedestrian analysis (only one sidewalk), a more rigorous safety assessment has been applied. To assess vehicular and pedestrian safety impacts for the proposed project, potential intersections that would be traversed by pedestrians, or Spence School shuttles or other official vehicles traveling between the Spence School main building and athletic center were screened for being potential high crash locations. This consisted of screening East 90th Street and East 91st Street between Madison and York Avenues, a total of 14 intersections.

CRASH DATA

Crash data for the study area intersections were obtained from the NYSDOT for the time period between January 1, 2013 and December 31, 2015. The data obtained quantify the total number of reportable crashes (involving fatality, injury, or more than $1,000 in property damage), fatalities, and injuries during the study period, as well as a yearly breakdown of vehicular crashes with pedestrians and bicycles at each location.

During the January 1, 2013 and December 31, 2015 three-year period, a total of 108 reportable and non-reportable crashes, zero fatalities, 72 injuries, and 30 pedestrian/bicyclist-related crashes occurred at the 14 study intersections. A rolling total of crash data identifies one study area intersection, Third Avenue and East 91st Street, as a high crash location in the 2013 to 2015 period because it had four pedestrian crashes and one bicycle crash during a consecutive 12

month period. **Table F-12** depicts total crash characteristics by intersection during the study period, as well as a breakdown of pedestrian and bicycle crashes by year and location.

Table F-12
Crash Data

Intersection		Study Period					Crashes by Year					
North-South Roadway	East-West Roadway	All Crashes by Year			Total Fatalities	Total Injuries	Pedestrian			Bicycle		
		2013	2014	2015			2013	2014	2015	2013	2014	2015
Madison Avenue	E 90th Street	0	2	2	0	2	0	1	0	0	0	0
Madison Avenue	E 91st Street	1	1	1	0	2	0	0	0	0	0	0
Park Avenue	E 90th Street	4	0	1	0	9	1	0	0	0	0	0
Park Avenue	E 91st Street	4	1	2	0	4	0	1	0	0	0	1
Lexington Avenue	E 90th Street	1	1	1	0	1	0	1	0	0	0	0
Lexington Avenue	E 91st Street	0	2	1	0	3	0	1	0	0	0	0
Third Avenue	E 90th Street	2	1	5	0	6	0	1	3	0	0	0
Third Avenue	**E 91st Street**	5	2	3	0	8	4	0	1	0	1	0
Second Avenue	E 90th Street	7	2	4	0	7	0	0	0	1	1	0
Second Avenue	E 91st Street	3	4	3	0	7	2	0	0	0	1	0
First Avenue	E 90th Street	6	2	6	0	8	0	0	0	0	0	0
First Avenue	E 91st Street	1	2	3	0	7	1	1	1	0	0	0
York Avenue	E 90th Street	4	2	7	0	4	2	0	0	0	0	2
York Avenue	E 91st Street	3	5	1	0	4	1	0	0	0	1	0

Source: NYSDOT January 1, 2013 to December 31, 2015 crash data.
Bold intersections are high pedestrian crash locations.

Table F-13 shows a detailed description of each pedestrian/bicyclist-related crash at the high crash location listed above during the three year period.

Table F-13
Vehicle and Pedestrian Crash Details

Intersection	Year	Date	Time	Crash Class		Action of Vehicle	Action of Pedestrian	Cause of Crash			
				Injured	Killed			Left / Right Turns	Pedestrian Error/ Confusion	Driver Inattention	Other
Third Avenue and East 91st Street	2013	7/7	12:45 PM	X		Making left turn – West	Crossing with signal	X		X	Failure to yield R.o.W.
		9/16	21:05 PM	X		Unknown	Crossing with signal			X	
		12/3	14:00 PM	X		Going straight – North	Crossing with signal		X		
		12/31	17:50 PM	X		Making left turn – North	Crossing with signal	X		X	Failure to yield R.o.W.
	2014	2/2	18:50 PM	X		Slowed or stopping – North	Along highway with traffic			X	
	2015	2/3	18:00 PM	X		Making right turn – Northwest	Crossing with signal	X			Failure to yield R.o.W.

E. THIRD AVENUE AND EAST 91ST STREET

Based on the review of the crash history at the intersection of Third Avenue and East 91st Street, no prevailing trends with regard to geometric deficiencies were identified as the primary causes of recorded crashes. With respect to geometric deficiencies that could potentially cause safety hazards, the intersection of Third Avenue and East 91st Street is signalized and provides three standard pedestrian crosswalks. The east leg of the intersection crosses a "pedestrianized" street and does not require a crosswalk since vehicular traffic is not permitted on East 91st Street between Third and Second Avenues. In addition, a designated bike lane runs west along East 91st Street and pedestrian countdown timers are present on the north and south crosswalks; a normal pedestrian signal is present on the west crosswalk, the shortest crossing of the

intersection. In terms of project-generated activity, this intersection could experience a maximum of approximately 165 weekday pedestrian trips during the 6-7 PM event condition peak hour. Additional safety measures, such as the installation of countdown timers on the west crosswalk, upgrading the standard pedestrian crosswalks to high visibility crosswalks, and the restriping of the designated bike lane can be implemented to improve pedestrian safety at this intersection. *

A. INTRODUCTION

The potential for air quality impacts associated with the proposed educational and athletic facility on the project site at 412 East 90th Street (Block 1569, Lot 35) in Manhattan are assessed in this attachment. The proposed project is not expected to significantly alter traffic conditions. The maximum hourly increase in traffic volume due to the proposed project would not exceed the 2014 *City Environmental Quality Review (CEQR) Technical Manual* carbon monoxide screening threshold of 170 auto trips for peak hour trips at nearby intersections in the study area, nor would it exceed the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, no mobile source analysis is required.

The proposed project includes the development of an educational and indoor athletic facility located at 412 East 90th Street (Block 1569, Lot 35) in Manhattan. Since the proposed project would include natural gas-fired heat and hot water systems, a stationary source analysis was conducted to evaluate the potential impact from these sources on air quality. As discussed in detail below, the proposed project would not result in any significant adverse impacts on air quality.

B. METHODOLOGY

OVERVIEW AND APPROACH

Stationary source analyses were conducted using the methodology described in the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed project's heat and hot water systems. The primary pollutant of concern when burning natural gas is nitrogen dioxide (NO_2). An analysis was prepared using the EPA approved AERMOD model to evaluate potential 1-hour average NO_2 and PM smaller than 2.5 micrometers in diameter ($PM_{2.5}$) 24-hour and annual average impacts. Potential 1-hour average NO_2 concentrations, added to representative background concentrations in the area, were compared with the National Ambient Air Quality Standards (NAAQS). Potential increases in 24-hour and annual average concentrations of $PM_{2.5}$ were compared with the $PM_{2.5}$ guidance thresholds defined in the *CEQR Technical Manual:*

- Predicted increase of more than half the difference between the background concentration and the 24-hour standard;
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.1 $\mu g/m^3$ 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

- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.3 $\mu g/m^3$ at a discrete location (elevated or ground level).

DISPERSION MODEL SELECTION

Potential impacts on air quality from the proposed project's heat and hot water systems' emissions were evaluated using the EPA/AMS AERMOD refined dispersion model. 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 and includes updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and handling of interactions 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 of calculating 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 exhaust stacks was performed 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 Plume Rise Model Enhancements (PRIME) downwash algorithm, which is designed to predict concentrations 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 module (BPIPRM) was used to determine the projected building dimensions modeling with the building downwash algorithm enabled. The modeling of downwash from sources accounts for all obstructions within a radius equal to five obstruction heights of the stack.

The analysis was performed both with and without downwash in order to assess potential impacts at both ground level and elevated receptors.

METEOROLOGICAL DATA

The meteorological data set consists of five consecutive years of meteorological data: surface data collected at LaGuardia Airport (2012–2016), 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 elevations over the five-year period. These data sets 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 surface meteorological station was classified using categories defined in digital United States Geological Survey (USGS) maps to determine surface parameters used by the AERMET program.

EMISSION RATES AND STACK PARAMETERS

Short-term emissions rates for the heating and hot water system were calculated based on the maximum operating capacity of the system (1.5 million British thermal units per hour), and applying

$PM_{2.5}$ emissions factors for natural gas-fired boilers,[1] including both the filterable and condensable fractions. The annual emission rates were calculated by scaling the short-term emissions to account for a 100-day heating season. The exhaust from the heating and hot water systems would be designed to be vented through a single stack at a minimum height of 101.75 feet above grade (3 feet above the highest structure of the roof) in order to avoid the potential for adverse air quality impact at receptors along the façade of the building directly to the west.

The exhaust velocity was calculated based on the exhaust flowrate for the specified boiler capacity, exhaust temperature and EPA's fuel factors.[2] Assumptions for stack diameter for the proposed systems were obtained from a survey of boiler exhaust data prepared and provided by New York City Department of Environmental Protection (NYCDEP), and were used to calculate the exhaust velocity.

The emission rates and exhaust stack parameters used in the modeling analyses are presented in **Table G-1**.

Table G-1
Exhaust Stack Parameters and Emission Rates

Parameter	Value
Stack Height (feet)	101.75
Stack Diameter (feet) [1]	1.00
Exhaust Velocity (meters/second)	3.30
Exhaust Temperature (degrees Fahrenheit)	300
Emission Rate (grams/second)	
NO_2 (1-hour average)	0.0185
NO_2 (Annual average)	0.00508
$PM_{2.5}$ (24-hour average)	0.00141
$PM_{2.5}$ (Annual average)	0.00039

Source:
EPA. Compilations of Air Pollutant Emission Factors AP-42. Fifth Edition, Volume I, Chapter 1, Section 3. September, 1998.
Note:
1. Stack parameters are based on boiler specifications from DEP Boiler Permit Database.

NO_2 CONCENTRATIONS

Annual NO_2 concentrations from the heating and hot water system are estimated using a NO_2 to NO_x ratio of 0.75 per EPA guidance.[3]

1-Hour average NO_2 concentration increments from the boiler systems are estimated using the AERMOD model's Plume Volume Molar Ratio Method (PVMRM) module to analyze chemical transformation within the model. The PVMRM module incorporates hourly background ozone concentrations to estimate NO_x transformation within the source plume. Ozone concentrations were obtained from the DEC Queens College monitoring station that is the most representative

[1] EPA. *Compilations of Air Pollutant Emission Factors AP-42*. Fifth Edition, Volume I, Chapter 1, Section 3. September, 1998

[2] EPA. *Standards of Performance for New Stationary Sources*. 40 CFR Chapter I Subchapter C Part 60. Appendix A-7, Table 19-2. 2013.

[3] EPA. *Guideline on Air Quality Models*. 40 CFR, Part 51, Appendix W, Section 5.2.4. November 2005.

ozone monitoring station that has complete five years of hourly data available. An initial NO_2 to NO_x ratio of 10 percent at the source exhaust stack was assumed.[1]

The potential NO_2 1-hour concentrations represent the five-year average of the annual 98th percentile of the maximum daily 1-hour average, added to background concentrations (see "Background Concentrations" section below for a discussion of this analysis).

BACKGROUND CONCENTRATIONS

To estimate the maximum projected total annual average NO_2 concentration at a given receptor, the projected concentration increment from the source was added to a corresponding background concentration of 39.1 $\mu g/m^3$. This background level represents the maximum annual average value measured over the five year period (2012-2016). Hourly seasonal background monitored concentrations from Queens College were used instead of a single background concentration.

The 1-hour NO_2 design concentrations for comparison with the NAAQS were calculated following EPA and City guidance,[2] by adding the monitored background to modeled concentrations, as follows:

1. Hourly modeled concentrations from sources were first added to the seasonal hourly background monitored concentrations producing total concentrations;
2. The highest 1-hour total NO_2 concentration was then determined at each receptor location for each day of the year;
3. The 98th percentile daily 1-hour maximum concentration for each modeled year was calculated within the AERMOD model; and
4. The 98th percentile concentrations were averaged over the latest five years.

$PM_{2.5}$ impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria. The $PM_{2.5}$ 24-hour average background concentration of 23.0 $\mu g/m^3$ (based on the 98th percentile concentration, averaged over 2014–2016) from the JHS 45 ambient monitoring station was used to establish the *de minimis* value of 6.00 $\mu g/m^3$.

RECEPTOR LOCATIONS

Receptors (locations within the model at which concentrations are projected) were placed in the model at elevated operable windows, balconies, air intakes, and publicly accessible ground-level locations. Rows of receptors at spaced intervals on the modeled buildings were analyzed at multiple elevations.

C. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

The results of the AERMOD analysis for 1-hour and annual average NO_2 and 24-hour and annual average $PM_{2.5}$ are presented in **Table G-2**. The maximum predicted NO_2 concentrations were added to the maximum ambient background concentrations and compared with the NAAQS, while 24-hour average $PM_{2.5}$ concentration was compared with the $PM_{2.5}$ *de minimis* criteria. The proposed project's heating and hot water system would not result in any significant

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[1] NO_2 boiler emissions generally range from 1 to 5 percent of total NO_x. EPA. *NO_2/NO_x In-Stack Ratio (ISR) Database*. http://www3.epa.gov/scram001/no2_isr_database.html

[2] EPA. *Memorandum: Clarification on the use of AERMOD Dispersion Modeling for Demonstrating Compliance with the NO_2 National Ambient Air Quality Standard*. September 30, 2014.

adverse air quality impacts. Since NO_2 and $PM_{2.5}$ are the critical pollutants in this analysis, impacts would also not be expected for the SO_2, PM_{10}, and CO standards.

Table G-2
Maximum Modeled Pollutant Concentrations from the North Building (µg/m³)

Pollutant	Averaging Period	Maximum Modeled Impact	Background	Total Concentration	Criterion
NO_2	1-hour	NA [1]	NA [1]	175.3 [1]	188 [2]
	Annual	0.4	39.1	39.5	100 [2]
$PM_{2.5}$	24-hour	1.5	N/A	NA	6.00 [3]
	Annual	0.03	N/A	NA	0.3 [4]

Notes:
N/A – Not Applicable
[1] 1-hour average NO_2 total concentrations were modeled using hourly seasonal background concentrations instead of a single concentration.
[2] 1-hour and annual average NO_2 NAAQS.
[3] $PM_{2.5}$ *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m³.
[4] $PM_{2.5}$ *de minimis* criteria—annual (discrete receptor).

Attachment H: Noise

The proposed project's mechanical system (i.e., heating, ventilation, and air conditioning systems) would be required 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) as enforced by the NYCDEP and NYCDOB, respectively. Compliance with these regulations, which are more stringent than the CEQR noise impact criteria, would ensure that the proposed building's mechanical systems would not have the potential to result in a significant increase in noise levels (i.e., a 3 to 5 dBA noise level increase) at any nearby noise receptors. The number of vehicle trips generated by the proposed project would be lower than the threshold that would require any detailed analysis. Consequently, it is not expected that the proposed project would generate sufficient traffic to have the potential to cause significant increases in noise levels (i.e., doubling of noise passenger-car-equivalents [Noise PCEs]). The project would also not introduce a new noise receptor, and consequently does not require an evaluation of noise exposure. Therefore, the proposed project would not have the potential to result in any significant adverse noise impacts. *

Appendix 1

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ARCHAEOLOGY

Project number: BOARD OF STANDARDS AND APPEALS / LA-CEQR-M
Project: SPENCE SCHOOL ATHLETIC FACILITY
Address: 412 EAST 90 STREET, **BBL:** 1015690035
Date Received: 3/23/2017

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

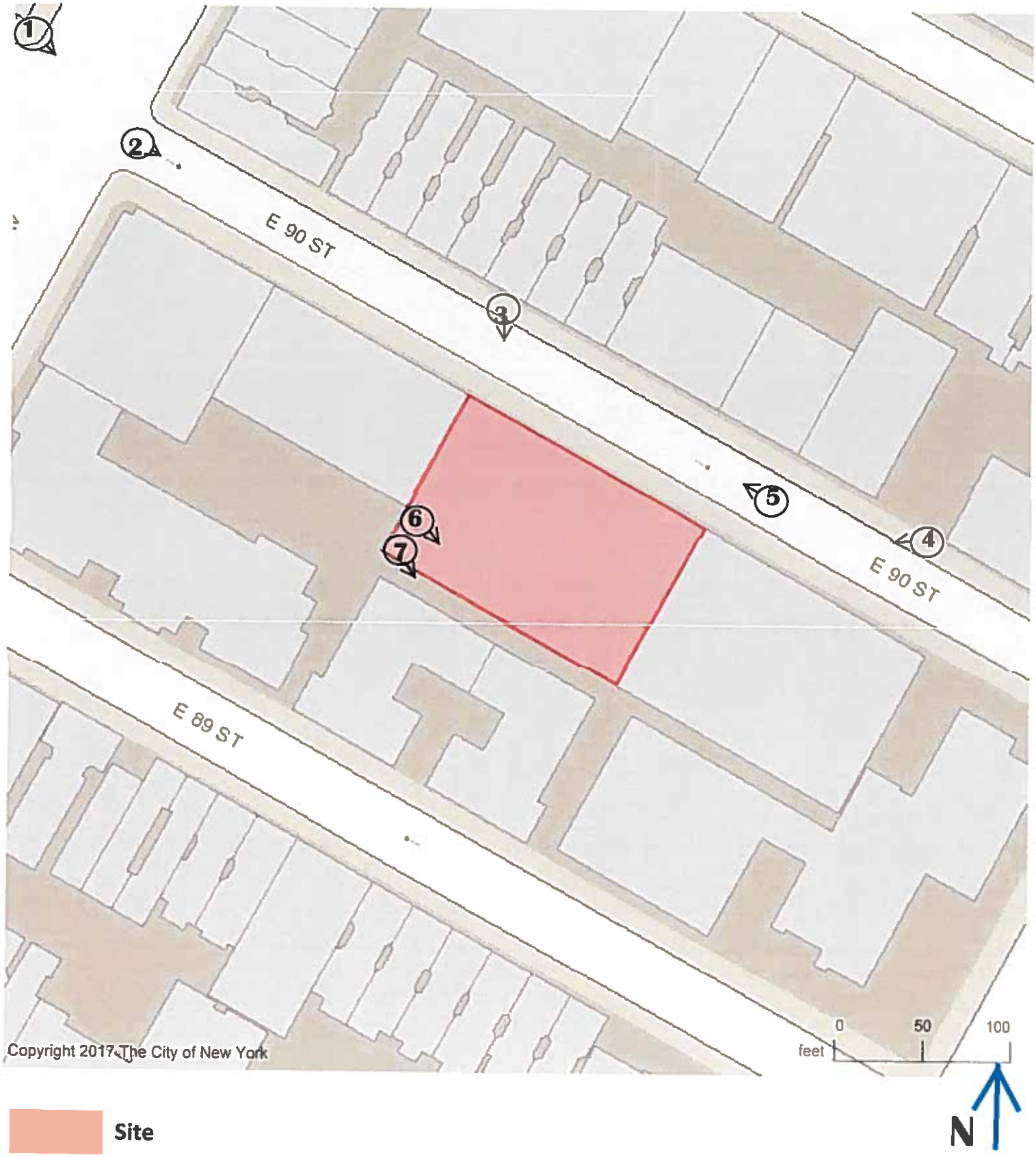
[X] No archaeological significance

3/24/2017

SIGNATURE DATE
Amanda Sutphin, Director of Archaeology

File Name: 32270_FSO_GS_03242017.doc

412 East 90th Street, Manhattan



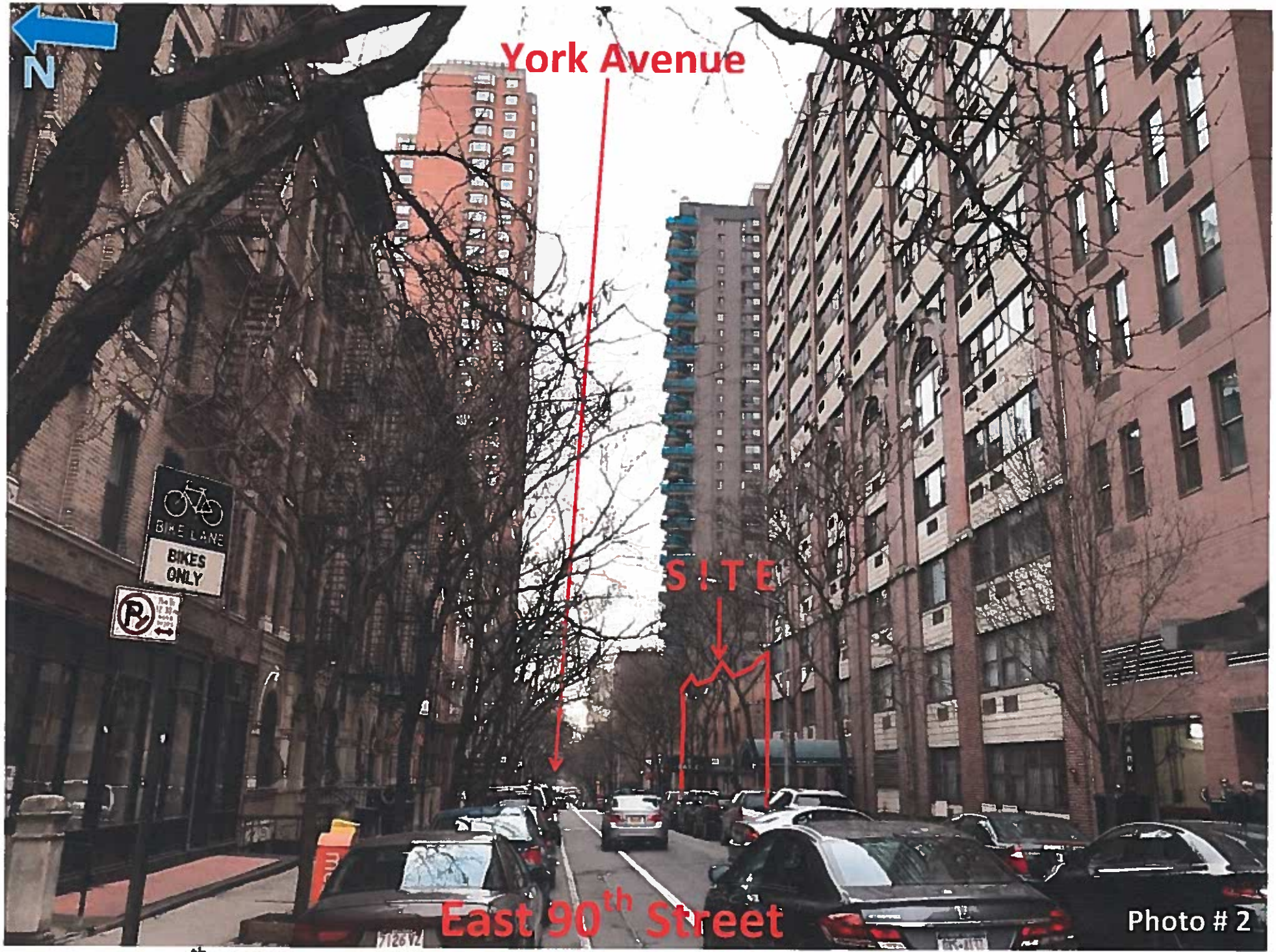
Site

Camera Position

Photo Key Map

Site: 412 East 90th Street, Manhattan

Date: December 21, 2016



Site: 412 East 90th Street, Manhattan

Date: December 21, 2016

Site: 412 East 90th Street, Manhattan

Date: December 21, 2016

Site: 412 East 90th Street, Manhattan

Date: December 21, 2016

Site: 412 East 90th Street, Manhattan

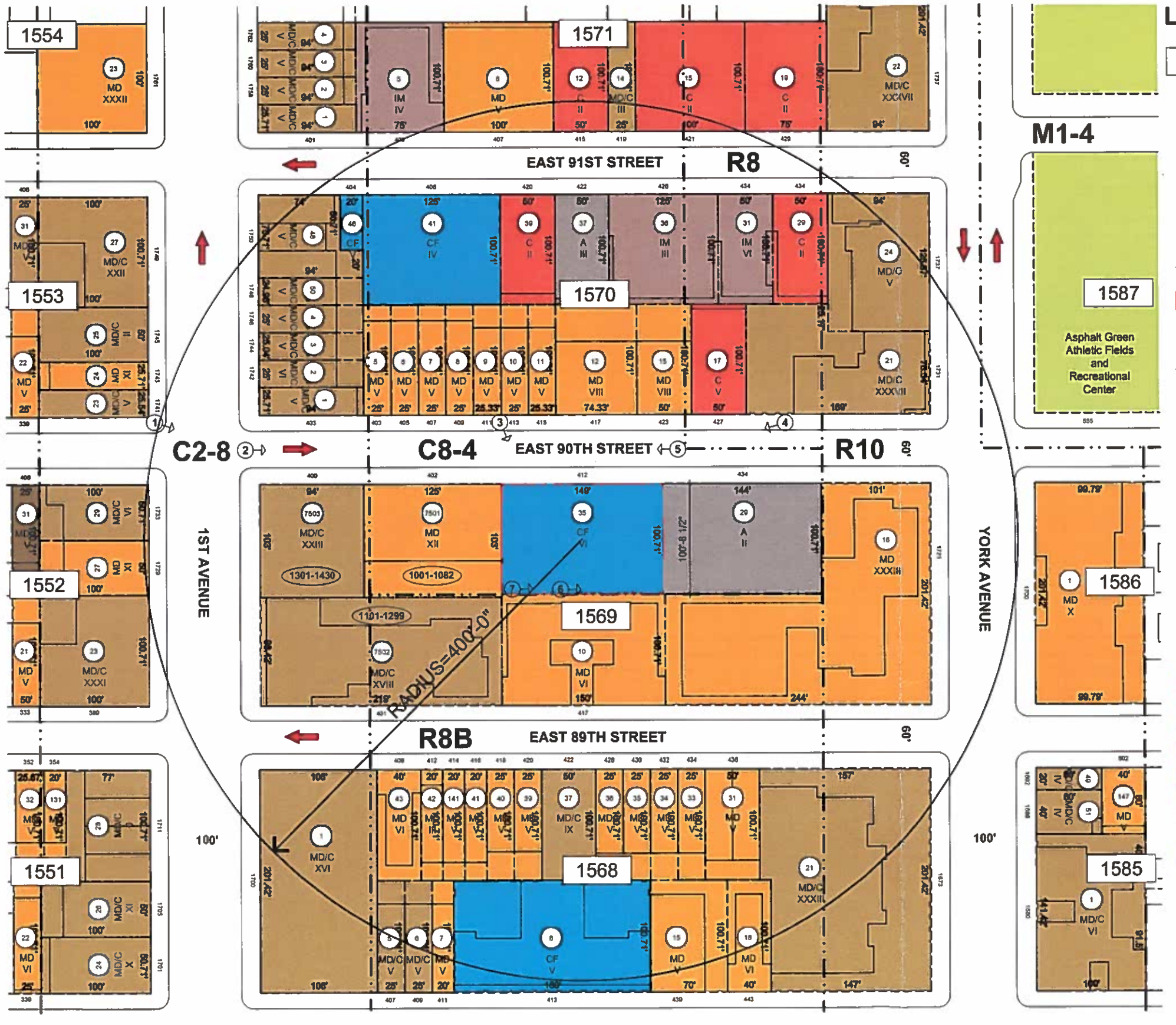
Date: December 21, 2016

Site: 412 East 90th Street, Manhattan

Date: December 21, 2016

Site: 412 East 90th Street, Manhattan

Date: December 21, 2016



01 PROPOSED RADIUS DIAGRAM / LAND-USE MAP
SCALE: 1"=100'

LEGEND

- 1571 — Tax Block Number
- (22) — Lot Number
- 50' — Lot Dimension
- 434 — Building Number
- 60' — Street Width
- VI — Number of Stories
- 400' Radius
- Project Site
- Building Footprints
- Zoning District Lines
- R10 — Zoning District
- Street Traffic Direction
- (1) — Camera Position

Key to Land Use Codes

MD	Multiple Dwelling
C	Commercial
MD/C	Mixed Residential & Commercial
CF	Community Facilities & Institutions
IM	Industrial and Manufacturing
A	Auto

- Multiple Dwelling
- Commercial
- Mixed Residential & Commercial
- Community Facilities & Institutions
- Auto
- Parkland / Open Space

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

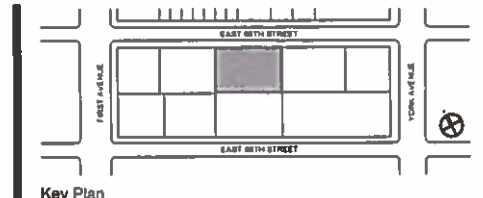
CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
www.rogersarchitects.com

STRUCTURAL ENGINEER:
Thornton Tomasetti
51 Madison Avenue
New York, NY 10010
917.661.7840
www.thorntontomasetti.com

BUILDING SYSTEMS ENGINEER:
ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

No Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED RADIUS DIAGRAM / LAND USE MAP
Scale: 1" = 100'-0"
Proj No: 1513
Date: 31 MARCH 2017

R-01

BSA Cal. No.

NAMES AND ADDRESSES OF AFFECTED PROPERTY OWNERS

Compiled from the records of City Collector's Office of Manhattan

(As of April 3, 2017)

Premises: 412 East 90th Street, Manhattan (Block 1569 Lot 35)

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1552	23	MF 389 EAST 89 LLC 594 BROADWAY STE 101 NEW YORK NY 10012
1552	27	PASADENA REALTY LLC 109 SPENCER PLACE MAMARONECK NY 10543
1552	29	EAST 90 NF LLC C/O STERLING EQUJITIES 111 GREAT NECK ROAD – SUITE 408 GREAT NECK NY 11021
1568	1	1700 FIRST AVENUE LLC C/O GOLDMAN INVESTMENTS 1185 AVENUE OF THE AMERICAS – 10TH FL. NEW YORK, NY 10036
1568	5, 6	407/409 B 12 REALTY LLC 109 SPENCER PLACE MAMARONECK NY 10543
1568	7	ZIHUATANEJO REALTY CORP. ZIHUATANEJO REALTY CORP. 411 EAST 88TH STREET – APT 1A NEW YORK NY 10128
1568	8	DCAS/DEPARTMENT OF EDUCATION 52 CHAMBERS STREET – LBBY 1 NEW YORK NY 10007
1568	15	439 EAST 88 OWNERS CORP 438 EAST 88TH STREET NEW YORK NY 10128
1568	18	4G -88TH STREET FAMILY LLC 6 TORY LANE SCARSDALE NY 10583 FAIRMONT AND ROSE LLC LEM LEE 88TH LIMITED PARTNERSHIP 3135 ELLICOTT STREET N.W. WASHNGTON DC 20008
1568	21	88TH STREET REALTY LP 1200 UNION TPKE NEW HYDE PARK NY 11040
1568	31	436-438 EAST 89 REALY LLC C/O SW MANAGEMENT LLC 145 HUGUENOT STREET – SUITE 503 NEW ROCHELLE NY 10801

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1568	33, 34	H.S.REALTY ASSOCIATE INC. C/O MAUTNER-GLICK CORP. 1345 THIRD AVENUE NEW YORK NY 10075 H S REALTY ASSOCIATE INC 3 NEW YORK PLZ NEW YORK NY 10004
1568	35, 36	RSL 430 EAST 89TH LLC C/O ROBERT ACQUISITION LLC 317 EAST 84TH STREET NEW YORK NY 10028
1568	37	422 EAST 89TH STREET REALTY LLC C/O SHALIMAR MANAGEMENT LLC 422 EAST 89TH STREET NEW YORK NY 10128
1568	39	ALEXANDROS ENTERPRISES LTD C/O ALEXANDROS RAFTOPOULOS 9 CEDAR HILL ROAD BEDFORD NY 10506
1568	40	CORAL PEARL LLC 28 COBBLER LANE SETAUKET NY 11733
1568	41, 141	414 ASSOCIATES LLC C/O EXCELLENT PRODUCTS 10 CUTTER MILL ROAD – SUITE 300 GREAT NECK NY 11021
1568	42	271 WEST 11IH STREET LLC C/O ALICIA CASTROLEAL HARPER 412 EAST 89TH STREET NEW YORK NY 10128
1568	43	410 EAST 89 REALTY LLC C/O SW MANAGEMENT LLC 145 HUGUENOT STREET NEW ROCHELLE NY 10801
1569	10	417 EAST 89TH STREET ASSOCIATES, LLC 417 EAST 89TH STREET NEW YORK NY 10128
1569	16	1725 YORK OWNERS CORP c/o ROSE ASSOCIATES INC. 1725 YORK AVENUE NEW YORK NY 10128
1569	29	PARKLAND 90 LLC 100 WEST 18TH STRET NEW YORK NY 10011
1569	1001	FAY H RIM 402 EAST 90TH STREET – #1A NEW YORK NY 10128
1569	1002	SHELDON SACHS, TRUSTEE 402 EAST 90TH STREET – APT. 1C NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1003	EDWARD F. DICARLO 402 EAST 90TH STREET – APT. 1D NEW YORK NY 10128
1569	1004	ANDREW H. EICHENFIELD 402 EAST 90TH STREET NEW YORK NY 10128
1569	1005	SHINICHI TSUJIMURA 402 EAST 90TH STREET NEW YORK NY 10128
1569	1006	NEIL ROSENTHAL 402 EAST 90TH STREET – APT. 2A NEW YORK NY 10128
1569	1007	VALLI G. SINGH 2807 BALFORN TOWER W WINTER GARD FL 34787
1569	1008	LOUIS CORTESE 45 DEFOREST RD MONTAUK NY 11954
1569	1009	ERIK C. CHU 402 EAST 90TH STREET – APT. 2D NEW YORK NY 10128
1569	1010	DONNA LOUIE 402 EAST 90TH STREET – APT. 2E NEW YORK NY 10128
1569	1011	MELISSA LEE JENNINGS 402 EAST 90TH STREET – APT. 2F NEW YORK NY 10128
1569	1012	MATTHEW HAINES 402 EAST 90TH STREET – APT. 2G NEW YORK NY 10128
1569	1013	PAUL COLLINS 402 EAST 90TH STREET – APT. 3A NEW YORK NY 10128
1569	1014	SUSAN GOOBERMAN 402 EAST 90TH STREET – APT. 3B NEW YORK NY 10128
1569	1015, 1022	ARJUN RAMAPRASAD 402 EAST 90TH STREET – APT. 3C/4C NEW YORK NY 10128
1569	1016	HAHNA BOSUN KIM 2015 CATHARINE STREET PHILADLPHIA PA 19146
1569	1017	DRAGINJA CVETKOVIC 402 EAST 90TH STREET – APT. 3E NEW YORK NY 10128
1569	1018	DEBORAH K. TOBIAS 45 COBBLERS LN ARMONK NY 10504
1569	1019	MARINA SEGAL 402 EAST 90TH STREET – APT. 3G NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1020	TSERENNADMID ERDENEBILEG 402 EAST 90TH STREET – APT. 4A NEW YORK NY 10128
1569	1021	GRAIG NISNEWITZ 402 EAST 90TH STREET – APT. 4B NEW YORK NY 10128
1569	1023, 1057	TOBY WEISS 53 DOMINGO AVE BERKELEY CA 94705
1569	1024	MARGARET RHEE-KARN 402 EAST 90TH STREET – APT. 4E NEW YORK NY 10128
1569	1025	ROBERT P. ROTHMAN 402 EAST 90TH STREET – APT. 4F NEW YORK NY 10128
1569	1026	RAYMOND MOOREHEAD 402 EAST 90TH STREET – APT. 4G NEW YORK NY 10128
1569	1027	VERLON S. MOORE 402 EAST 90TH STREET – APT. 5A NEW YORK NY 10128
1569	1028	HENRY E. GOMEZ 402 EAST 90TH STREET – APT. 5B NEW YORK NY 10128
1569	1029	GONZALO CORDOVA 402 EAST 90TH STREET – APT. 5C NEW YORK NY 10128
1569	1030	JOHN K. PARK 820 HARRISTOWN RD GLEN ROCK NJ 07452
1569	1031	PARBATI DAS GUPTA 78 HARMON AVE PELHAM NY 10803
1569	1032	RUBIN SLATER LLC 21 FAIRWAY CLOSE FOREST HILLS NY 11375
1569	1033, 1060	ARLYNE ZINN AND STANLEY ZINN 402 EAST 90TH STREET – APT. 9F NEW YORK NY 10128
1569	1034	NANCY F. CINCOTTA 402 EAST 90TH STREET – APT. 6A NEW YORK NY 10128
1569	1035	RHONDA K. YANTISS 402 EAST 90TH STREET - APT. 6B NEW YORK NY 10128
1569	1036	ELI SLAVKIN 402 EAST 90TH STREET - APT. 6C NEW YORK NY 10128
1569	1037	RAJIV GOSWAMI 402 EAST 90TH STREET - APT. 6D NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1038	DONALD J. MULLER AND LINDA S. MULLER, TRUSTEES UNDER THE MULLER LIVING TRUST 33 SPARTINA POINT DR HILTON HEAD SC 29926
1569	1039	SVETLANA SHAKNESS 402 EAST 90TH STREET – APT. 6F NEW YORK NY 10128
1569	1040	SHIU-CHUAN CHANG 9386 BLUE OAK DR ORANGEVALE CA 95662
1569	1041	DARA HUNT 402 EAST 90TH STREET – APT. 7A NEW YORK NY 10128
1569	1042	ANNA GRIGOROVICH 402 EAST 90TH STREET – APT. 7B NEW YORK NY 10128
1569	1043	JOSEPH BENJUYA 402 EAST 90TH STREET – APT. 7C NEW YORK NY 10128
1569	1044	ROBIN GOLDBERG 402 EAST 90TH STREET – APT. 7D NEW YORK NY 10128
1569	1045	FREDERICK F. CARRIERE 402 EAST 90TH STREET – APT. 7E NEW YORK NY 10128
1569	1046	GERARDA LUCENA-ANG 402 EAST 90TH STREET – APT. 7F NEW YORK NY 10128
1569	1047	STEPHANIE SO 402 EAST 90TH STREET – APT. 7G NEW YORK NY 10128
1569	1048	GIL, BETTY & DORIS 402 EAST 90TH STREET – APT. 8A NEW YORK NY 10128
1569	1049	JOSEPH J. MOREA 402 EAST 90TH STREET – APT. 8B NEW YORK NY 10128
1569	1050	SUSAN SHERMAN 402 EAST 90TH STREET – APT. 8C NEW YORK NY 10128
1569	1051	CAROL BERKLEY, TRUSTEE UNDER CAROL BERKLEY LIVING TRUST 22D CROSS HWY WESTPORT CT 06880
1569	1052	DAVID J. NAKUSHIAN 425 PINKSTER LN SLINGERLAND NY 12159
1569	1053	AMANDA ROCCO 402 EAST 90TH STREET – APT. 8F NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1054	KAYE WEISS 402 EAST 90TH STREET – APT. 8G NEW YORK NY 10128
1569	1055	CARL DOWELL 402 EAST 90TH STREET – 9A NEW YORK NY 10128
1569	1056	LEGEND PROPERTIES NEW YORK LLC 209 WILSON DR CRESSKILL NJ 07626
1569	1058	MICHAEL RAWLINGS 402 EAST 90TH STREET – APT.9C NEW YORK NY 10128
1569	1059	WALTER C. PIEN 402 EAST 90TH STREET – APT. 9E NEW YORK NY 10128
1569	1061	LAHIRI SUPRATIC, AS TRUSTEE 6532 CHICORY CT DALLAS TX 75214
1569	1062	JANE ZIMMY 402 EAST 90TH STREET – APT. 10A NEW YORK NY 10128
1569	1063	ANNA MALLITAS HATZIGIANNIS 402 EAST 90TH STREET – APT. 10B NEW YORK NY 10128
1569	1064, 1065	CHRIS M. SMITH 402 EAST 90TH STREET – APT. 10C NEW YORK NY 10128
1569	1066	CHRIS M. SMITH 402 EAST 90TH STREET – APT. 10E NEW YORK NY 10128
1569	1067	JOSEPH ORLANDI 430 WEST 34TH STREET – APT. 10F NEW YORK, NY 10001
1569	1068	BENJAMIN BUKHOLTZ 402 EAST 90TH STREET – APT. 10G NEW YORK NY 10128
1569	1069	ELISE I. STRAUSS 180 EAST END AVE – APT. 18E NEW YORK NY 10128
1569	1070, 1077	ZARRAR SEHGAL 402 EAST 90TH STREET – APT. 11B/12B NEW YORK NY 10128
1569	1071	ISA T. MAACK 402 EAST 90TH STREET – APT. 11C NEW YORK NY 10128
1569	1072	ANNE SIMONE AUDREY SERRET 402 EAST 90TH STREET – APT. 11D NEW YORK NY 10128
1569	1073	WEI-ER LU 22 GEORGE ST TENAFLY NJ 07670

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1074	XINMIN ZHANG 402 EAST 90TH STREET – APT. 11F NEW YORK NY 10128
1569	1075	THE AHMED 402 E 90TH ST APRT 11G TRUST 2015 WASHTENAW AVENUE ANN ARBOR MI 48104
1569	1076	DAVID A. BOLLING 402 EAST 90TH STREET – APT. 12A NEW YORK NY 10128
1569	1078	JEAN WALL 402 EAST 90TH STREET – APT. 12C NEW YORK NY 10128
1569	1079	DANIELE PITTE 402 EAST 90TH STREET – APT. 12D NEW YORK NY 10128
1569	1080	CHRISTOPHER MARTIN 200 EAST 28TH STREET – APT 6H NEW YORK NY 10016
1569	1081	QING CAO 402 EAST 90TH STREET – APT. 12F NEW YORK NY 10128
1569	1082	SUZANNE R. FIUR 402 EAST 90TH STREET – APT. 12G NEW YORK NY 10128
1569	1101	GRACIE MANOR LLC C/O HALSTEAD MANAGEMENT COMPANY 401 EAST 89TH STREET NEW YORK NY 10128
1569	1102	1718 FIRST AVENUE MANAGEMENT CORP. 11 EAST BROADWAY – STE 14E NEW YORK NY 10038
1569	1103-1109, 1112, 1115, 1116, 1118-1120, 1123, 1125-1130, 1134-1139, 1142, 1143, 1145, 1148, 1151-1153, 1156-1158, 1160, 1162, 1164-1167, 1169, 1170, 1172, 1174, 1175, 1177, 1180-1183, 1185, 1187, 1189-1191, 1193- 1195, 1197, 1199, 1200, 1202-1205, 1207-1209, 1213, 1214, 1217, 1218, 1222, 1223, 1226-1228, 1234-1240, 1242, 1244, 1245, 1248-1254, 1257- 1262, 1265, 1266, 1268-1274, 1276, 1277, 1280-1282, 1286-1288, 1290, 1293, 1295, 1299	401 EAST 89TH STREET OWNERS CORP., INC. C/O BROWN HARRIS STEVENS 770 LEXINGTON AVENUE - RM 301 NEW YORK NY 10065
1569	1110, 1113, 1114, 1121, 1122, 1128, 1132, 1140, 1141, 1144, 1147, 1149, 1154, 1155, 1159, 1161, 1163, 1171, 1173, 1176-1178, 1184, 1188, 1192, 1196, 1201, 1206, 1210, 1211, 1215, 1216, 1219, 1220, 1224, 1225, 1229, 1231, 1232, 1243, 1255, 1256, 1264, 1267, 1275, 1278, 1279, 1285, 1296, 1298	S.K.I. REALTY, INC. HOUSING DEPARTMENT 307 EAST 63RD STREET – 3RD FLOOR NEW YORK NY 10065
1569	1111	JOEL G. BURRIS & PAMELA R. ESTERMAN 1641 THIRD AVENUE, APT 26A NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1117	VIKRAM SONI 401 EAST 89TH STREET – APT. 2F NEW YORK NY 10128
1569	1124	CARL AARON & DINA STEINFURTH 401 EAST 89TH STREET – UNIT 2N NEW YORK NY 10128
1569	1133	SIAT NG 401 EAST 89TH STREET – APT 3H NEW YORK NY 10128
1569	1146	MARK GARFINKEL 401 EAST 89TH STREET – APT. 4G NEW YORK NY 10128
1569	1168	CYNTHIA HIPP PERTHUIS 401 EAST 89TH STREET – APT. 6A NEW YORK NY 10128
1569	1179	VINOD A. SAXENA 401 EAST 89TH STREET – APT. 6M NEW YORK NY 10128
1569	1186	ALFRED E. SMITH 401 EAST 89TH STREET – APT. 7E NEW YORK NY 10128
1569	1198	BRYCE. E.A. MACDONALD 401 EAST 89TH STREET, APT 8C NEW YORK NY 10128
1569	1212	RICHARD E. KOBRIN 1095 PARK AVENUE, UNIT 15B NEW YORK NY 10128
1569	1221	FREDERICK ALLARDT C/O BROWN HARRIS STEVENS 770 LEXINGTON AVENUE - RM 301 NEW YORK NY 10065
1569	1230	KIRSI JARVINEN, 401 EAST 89TH STREET, APT 10G NEW YORK NY 10128
1569	1233	NENA K. SANTIAGO 401 EAST 89TH STREET – APT 10 K NEW YORK NY 10128
1569	1241	ELIZABETH CSORDAS 1646 1ST AVENUE APT. 2J NEW YORK NY 10128
1569	1246, 1247	CONGREGATION KEHILATH JESHURUN 125 EAST 85TH STREET NEW YORK NY 10128
1569	1263	BETH ROSE & STEVEN ALAN ZAGORIA 401 EAST 89TH STREET – APT. 12M NEW YORK NY 10128
1569	1283	DANIELLE & JASON SCHECHNER 401 EAST 89TH STREET – APT. 16F NEW YORK NY 10128
1569	1284	JOSEPH TUTTLE 401 EAST 89TH STREET – APT. 17A NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1289	PIN XHIAN XU 401 EAST 89TH STREET – APT. 17F NEW YORK NY 10128
1569	1291	AREN L. GOTTLIEB 401 EAST 89TH STREET – APT. 18B NEW YORK NY 10128
1569	1292	SUZANNE L. WEINERT 401 EAST 89TH STREET – APT. 18C NEW YORK NY 10128
1569	1294	NATASHA M. LABOVITZ 401 EAST 89TH STREET – APT. 18E NEW YORK NY 10128
1569	1297	MASSIMO LUSSARDI 19C 401 EAST 89TH STREET – APT. 19C NEW YORK NY 10128
1569	1301, 1321	BOARD OF MANAGERS OF THE CENTURY TOWER CONDOMINIUM C/O JORDAN COOPER & ASSOCIATES, INC. 440 9TH AVENUE – 15TH FLOOR NEW YORK NY 10001
1569	1302	R&F CENTURY RETAIL LLC 400 EAST 90TH STREET RETAIL NEW YORK NY 10128
1569	1303	JESSICA RUTH MEDNICK 400 EAST 90TH STREET – APT. 2B NEW YORK NY 10128
1569	1304	YOUNGJOO KAHNG 400 EAST 90TH STREET – APT. 2C NEW YORK NY 10128
1569	1305	DIANA OSORIO 400 EAST 90TH STREET – APT. 2D NEW YORK NY 10128
1569	1306, 1420	ARI J. ANASTASI 400 EAST 90TH STREET – APT. 21B NEW YORK NY 10128
1569	1307	MARYELLEN ROMANO 400 EAST 90TH STREET – APT. 2F NEW YORK NY 10128
1569	1308	KING MOY, ANNA YIN 84 WALPOLE ST – APT. 7G CANTON MA 02021
1569	1309	MATTHEW L. LEMER 400 EAST 90TH STREET – APT. 3B NEW YORK NY 10128
1569	1310	FLOR DE MARIA EILETS 400 EAST 90TH STREET – APT. 3C NEW YORK NY 10128
1569	1311	JOHN S. LEE 400 EAST 90TH STREET – APT. 3D NEW YORK NY 10128
1569	1312	ALLISON CHRISTIN VAN DUSEN 400 EAST 90TH STREET – APT. 3E NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1313	DASTOOR RUSTOM 400 EAST 90TH STREET – APT. 3F NEW YORK NY 10128
1569	1314	MEREDITH STOLL 400 EAST 90TH STREET – APT. 3G NEW YORK NY 10128
1569	1315	JONNA MERCADO 400 EAST 90TH STREET – APT. 3H NEW YORK NY 10128
1569	1316	WINNIE FENG 400 EAST 90TH STREET – APT. 3I NEW YORK NY 10128
1569	1317	FUMIKO HAGIWARA 400 EAST 90TH STREET – APT. 4A NEW YORK NY 10128
1569	1318	ANTHONY MICHAEL JULIANO 400 EAST 90TH STREET – APT. 4B NEW YORK NY 10128
1569	1319	GEORGINA HADEN 400 EAST 90TH STREET – APT. 4C NEW YORK NY 10128
1569	1320	SUSANNA-JO BROCKSTEDT 400 EAST 90TH STREET – APT. 4D NEW YORK NY 10128
1569	1322	JOHN M. WALSH 400 EAST 90TH STREET – APT. 4F NEW YORK NY 10128
1569	1323	ILANA SEROR 400 EAST 90TH STREET – APT. 4G NEW YORK NY 10128
1569	1324	ZFN USA LLC 400 EAST 90TH STREET – APT. 4H NEW YORK NY 10128
1569	1325	LIZA K. CHAU 400 EAST 90TH STREET – APT. 4I NEW YORK NY 10128
1569	1326	AMY NADIM 400 EAST 90TH STREET – APT. 5A NEW YORK NY 10128
1569	1327	400 EAST LLC 400 EAST 90TH STREET – APT. 5B NEW YORK NY 10128
1569	1328	AMIR Z. REZVANI 400 EAST 90TH STREET – APT. 5C NEW YORK NY 10128
1569	1329	YEEMEI KANG 400 EAST 90TH STREET – APT. 5D NEW YORK NY 10128
1569	1330	STEPHANIE RUBIN 400 EAST 90TH STREET – APT. 5E NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1331	DANIEL RUBIN 400 EAST 90TH STREET – APT. 5F NEW YORK NY 10128
1569	1332	NASIR KHAN 400 EAST 90TH STREET – APT. 5G NEW YORK NY 10128
1569	1333	JUAN PABLO PALAZZO 400 EAST 90TH STREET – APT. 5H NEW YORK NY 10128
1569	1334	SYAD ALI N. ZAIDI 400 EAST 90TH STREET – APT. 5J NEW YORK NY 10128
1569	1335	VICTOR STEINBERG 400 EAST 90TH STREET – APT. 6A NEW YORK NY 10128
1569	1336	JASON FLYNN 400 EAST 90TH STREET – APT. 6B NEW YORK NY 10128
1569	1337	AVISHAY OZ 400 EAST 90TH STREET – APT. 6C NEW YORK NY 10128
1569	1338	MIRIAM YAMADA 400 EAST 90TH STREET – APT. 6D NEW YORK NY 10128
1569	1339	ERIC F. HERNANDEZ 400 EAST 90TH STREET – APT. 6E NEW YORK NY 10128
1569	1340	IRA SOLOMON COHEN 400 EAST 90TH STREET – APT. 6F NEW YORK NY 10128
1569	1341	CHETAN MALHOTRA 12 OAKWOOD DR LLOYD HARBOR NY 11743
1569	1342	KRISTOFF S. LINN 400 EAST 90TH STREET – APT. 7B NEW YORK NY 10128
1569	1343	ALLISON MOORE 400 EAST 90TH STREET – APT. 7C NEW YORK NY 10128
1569	1344	SARDAR SHERAZ IFTIKHAR 400 EAST 90TH STREET – APT. 7D NEW YORK NY 10128
1569	1345	CARLA M. GERACE 400 EAST 90TH STREET – APT. 7E NEW YORK NY 10128
1569	1346	ZUZANA HURYCH 400 EAST 90TH STREET – APT. 7F NEW YORK NY 10128
1569	1347	ELENA ROMANELLI 400 EAST 90TH STREET – APT. 8A NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1348	RICHARD MASTERS 400 EAST 90TH STREET – APT. 8B NEW YORK NY 10128
1569	1349	DENISE SEREBRISKY 400 EAST 90TH STREET – APT. 8C NEW YORK NY 10128
1569	1350	BERNARDO ROJAS 400 EAST 90TH STREET – APT. 8D NEW YORK NY 10128
1569	1351	ALEX DARDAC 400 EAST 90TH STREET – APT. 8E NEW YORK NY 10128
1569	1352	LINDA V. PHILLIPS 400 EAST 90TH STREET – APT. 8F NEW YORK NY 10128
1569	1353	LUCIEN SEBEO 400 EAST 90TH STREET – APT. 9A NEW YORK NY 10128
1569	1354	KFN HOLDINGS, LLC C/O SEXTER AND WARMFLASH, PC 115 BROADWAY – ROOM 1505 NEW YORK NY 10006
1569	1355	YIXIN ZHOU 400 EAST 90TH STREET – APT. 9C NEW YORK NY 10128
1569	1356	HARISH NEELAKANDAN 12602 BELMONT RIDGE REISTERSTOW MD 21136
1569	1357	SCOTT E. KOREN 400 EAST 90TH STREET – APT. 9E NEW YORK NY 10128
1569	1358	TRANG-THU TRAN 400 EAST 90TH STREET – APT. 9F NEW YORK NY 10128
1569	1359	SEEMA D'SOUZA 400 EAST 90TH STREET – APT. 10A NEW YORK NY 10128
1569	1360	DAVINEW, LLC 400 EAST 90TH STREET – APT. 10B NEW YORK NY 10128
1569	1361	BETTY WU 224 EAST 28TH STREET – APT. 12A NEW YORK NY 10016
1569	1362	VLADIMIR RUDNEV 400 EAST 90TH STREET – APT. 10D NEW YORK NY 10128
1569	1363	PATRICK F. CONROY 46 MILBROOK CIR NORWOOD NJ 07648
1569	1364, 1396	ROXTON ENTERPRISES, INC. 1122 CONEY ISLAND AV – STE 203 BROOKLYN NY 11230

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1365	STRATIS N. FRANGOS 400 EAST 90TH STREET – APT. 11A NEW YORK NY 10128
1569	1366	MADHU KATTA 400 EAST 90TH STREET – APT. 11B NEW YORK NY 10128
1569	1367	JARETT LIBUONO 400 EAST 90TH STREET – APT. 11C NEW YORK NY 10128
1569	1368	CT 11D LLC C/O EXTELL DEVELOPMENT 805 THIRD AVENUE – 7TH FLOOR NEW YORK NY 10022
1569	1369	STEPHANIE ERRICO 400 EAST 90TH STREET – APT. 11E NEW YORK NY 10128
1569	1370	GILBERT M. GOLDMAN 12 AGNEW FARM RD ARMONK NY 10504
1569	1371	FERNANDO RIVADENEIRA 400 EAST 90TH STREET – APT. 12A NEW YORK NY 10128
1569	1372	MAHSA HOSSEINI 8008 NARROWS AVENUE BROOKLYN NY 11209
1569	1373	ASEL MUKHAMEJAROVA 400 EAST 90TH STREET – APT. 12C NEW YORK NY 10128
1569	1374	JOHN ALEXANDER KONTOYANNIS 400 EAST 90TH STREET – APT. 12D NEW YORK NY 10128
1569	1375	JULIE C. LEE 328 EAST 34TH STREET – APT. A4 NEW YORK NY 10128
1569	1376	DANIEL SANTANA DE JESUS 278 WESTVILLE AVENUE WEST CALDWE NJ 07006
1569	1377	MANISH NAYAR 400 EAST 90TH STREET – APT. 14A NEW YORK NY 10128
1569	1378	MAX LUMELSKIY 400 EAST 90TH STREET – APT. 14B NEW YORK NY 10128
1569	1379	WILLIAM SCOTT BAUGHMAN 400 EAST 90TH STREET – APT. 14C NEW YORK NY 10128
1569	1380	JOHN G. PIAZZA 400 EAST 90TH STREET – APT. 14D NEW YORK NY 10128
1569	1381	FELICE ELLEN FISHER 400 EAST 90TH STREET – APT. 14E NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1382	EVA SHI 400 EAST 90TH STREET – APT. 14F NEW YORK NY 10128
1569	1383	LYDIA M. TSE 400 EAST 90TH STREET – APT. 15A NEW YORK NY 10128
1569	1384	YEW YOUNG LOO 400 EAST 90TH STREET – APT. 15B NEW YORK NY 10128
1569	1385	RAYMOND CHIM, AS TRUSTEE OF THE 2008 RYLC LIVING TRUST 400 EAST 90TH STREET – APT. 15C NEW YORK NY 10128
1569	1386	MARIA F. ACCONCIA-PAGANINI 400 EAST 90TH STREET – APT. 15D NEW YORK NY 10128
1569	1387	NEHA JAIN 400 EAST 90TH STREET – APT. 15E NEW YORK NY 10128
1569	1388	NASRIN S. MESBAN 48 HARBOR RD OYSTER BAY NY 11771
1569	1389	HANNAH HUANG 400 EAST 90TH STREET – APT. 16A NEW YORK NY 10128
1569	1390	ANJEN REALTY ASSOCIATES LLC 400 EAST 90TH STREET – APT. 16B NEW YORK NY 10128
1569	1391	LI LI HUANG 5815 219TH STREET BAYSIDE HILL NY 11364
1569	1392	JAMES MULHOLLAND 400 EAST 90TH STREET – APT. 16D NEW YORK NY 10128
1569	1393	SUMITA YADAV 400 EAST 90TH STREET – APT. 16E NEW YORK NY 10128
1569	1394	KLEBER BEAUVILLAIN / NGUYEN-TUYET MAI 5061 RICHMOND TER NORTH PORT FL 34287
1569	1395	PATRICIA M. TSAI 1122 CONEY ISLAND AVE BROOKLYN NY 11230
1569	1397	MAYA ALLAN 400 EAST 90TH STREET – APT. 17C NEW YORK NY 10128
1569	1398, 1399	MAX KONRAD 400 EAST 90TH STREET – APT. 17D/E NEW YORK NY 10128
1569	1400	OFRA BEIGEL 400 EAST 90TH STREET – APT. 17F NEW YORK NY 10128

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1401	DIANA SZILARD 400 EAST 90TH STREET – APT. 18A NEW YORK NY 10128
1569	1402	ELISABETH H. SAMUELS 400 EAST 90TH STREET – APT. 18B NEW YORK NY 10128
1569	1403	LIDIA CAPENEAR 2191 ELLERY AVE FORT LEE NJ 07024
1569	1404	YILING KING LLC 39 WILLIAM PENN RD WARREN NJ 07059
1569	1405	VLADIMIR VINOGRADSKY 24 LUCIANNA RD EAST HANOVER NJ 07936
1569	1406	YUNG H. CHEN 225 BRINLEY DR PENNINGTON NJ 08534
1569	1407	DOV INBAR 400 EAST 90TH STREET – APT. 19A NEW YORK NY 10128
1569	1408	LORRAINE VENTURA 789 REGENCY RESERVE APT. 4601 NAPLES FL 34119
1569	1409	KENNETH KNEELAND 400 EAST 90TH STREET – APT. 19C NEW YORK NY 10128
1569	1410	EON WOO CHO 35 WEST 33RD STREET – APT. 34D NEW YORK NY 10001
1569	1411	ABRAHAM J. POLAK 400 EAST 90TH STREET – APT. 19E NEW YORK NY 10128
1569	1412	SANJAY KOCHAR 2012 IRREVOCABLE TRUST C/O MAMTA KOCHAR 425 EAST 58TH STREET – APT. 10E NEW YORK NY 10022
1569	1413	KUOK HENG MA AND YOLANDA HEUNG YING YEUN 400 EAST 90TH STREET – APT. 20A NEW YORK NY 10128
1569	1414	I-LING HSIEN 400 EAST 90TH STREET – APT. 20B NEW YORK NY 10128
1569	1415	ANURADHA GUPTA 400 EAST 90TH STREET – APT. 20C NEW YORK NY 10128
1569	1416	YITZHAK COREN 400 EAST 90TH STREET – APT. 20D NEW YORK NY 10128
1569	1417	BEATRICE H. L. TANG 5479 NE 61ST ST SEATTLE WA 98115

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1569	1418	LAWRENCE M. MODEL 400 EAST 90TH STREET – APT. 20F NEW YORK NY 10128
1569	1419	GEORGE A. MILANI, JR. 400 EAST 90TH STREET – APT. 21A NEW YORK NY 10128
1569	1421	JANINE HEYMAN 68 MADISON STREET FRANKLIN SQUARE NY 11010
1569	1422	LISA ASHLEEY ELLIOT 400 EAST 90TH STREET – APT. 22A NEW YORK NY 10128
1569	1423	JAIME HYMAN 400 EAST 90TH STREET – APT. 22B NEW YORK NY 10128
1569	1424	RITVIK PUROHIT 400 EAST 90TH STREET – APT. 22C NEW YORK NY 10128
1569	1425	TERENCE LI 400 EAST 90TH STREET – APT. 23A NEW YORK NY 10128
1569	1426	LISSET GARZA AS TRUSTEE OF THE MANUEL J. JIMENEZ 2012 IRREVOCABLE TRUST 215 SOUTH LAGOON ROAD SILVER BEACH NJ 08739
1569	1427	MIKYUNG LEE 400 EAST 90TH STREET – APT. 23C NEW YORK NY 10128
1569	1428	BRIAN L. JOHNSON 400 EAST 90TH STREET – APT. PH-A NEW YORK NY 10128
1569	1429	400 EAST ERRIGAL LLC 400 EAST 90TH STREET – APT. PH-B NEW YORK NY 10128
1569	1430	VUPPN LLC 400 EAST 90TH STREET – APT. PH-C NEW YORK NY 10128
1570	1	401 EAST 90TH STREET LLC 3 WEST 57TH STREET – 7TH FLOOR NEW YORK NY 10019
1570	2	1742 FIRST LLC C/O DROMOS CORP., ATTN. JOHN PARAVALOS 105 CLAY STREET BROOKLYN NY 11222
1570	3	KAMRAN HAKIM C/O KERMAN COMPAN 3 WEST 57TH STREET – 7TH FLOOR NEW YORK NY 10019

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1570	4	EL KIM REALTY CO 3 WEST 57TH STREET – 7TH FLOOR NEW YORK NY 10019
1570	5	403 EAST 90TH STREET OWNERS CORP C/O SANDBERG MANAGEMENT CORP 345 7TH AVENUE – 8TH FLOOR NEW YORK NY 10001
1570	6	TRIPLE Y GROUP LLC C/O PRECISION RE 1632 FIRST AVENUE – SUITE 227 NEW YORK NY 10028
1570	7, 8	407-409 REALTY CO LLC 16 EAST 79TH STREET NEW YORK NY 10075
1570	9	MCCARTHY 411 LLC 208 EAST 83RD STREET NEW YORK NY 10028
1570	10	MCCARTHY 413 LLC C/O DENNIS OR TIMOTHY MCCARTHY 208 EAST 83RD STREET NEW YORK NY 10028
1570	11	415 EAST 90TH STREET REALTY, LLC C/O SHALIMAR MANAGEMENT 422 EAST 89TH STREET NEW YORK NY 10128
1570	12	417 EAST 90TH STREET OWNERS CORP. C/O ABC REALTY 152 WEST 57TH STREET – 12TH FLOOR NEW YORK NY 10019
1570	15	SGRC 432 LLC C/O BETTINA EQUITIES 230 85TH STREET NEW YORK NY 10028
1570	17	427 E 90 OWNER LLC 540 MADISON AVENUE, SUITE 16B NEW YORK NY 10022
1570	21	YORK 1735 LLC C/O BONJOUR CAPITAL 499 7TH AVENUE, 11TH FLOOR NEW YORK, NY 10098 YORK 1735 LLC C/O PROSPECT MANAGEMENT 199 LEE AVE BROOKLYN, NY 11211
1570	24	1737 YORK REALTY LLC 1200 UNION TPKE NEW HYDE PARK NY 11040
1570	29	THE METROPOLITAN MUSEUM OF ART 1000 FIFTH AVENUE NEW YORK NY 10028

BLOCK	LOT	OWNER'S/LESSEE'S NAME AND ADDRESS
1570	31	NINETY-FIRST STREET (434) REALTY LLC 11 LABRIOLA COURT ARMONK NY 10504
1570	36	ELI AND SONDRA ZABAR, TRUSTEES DEVON FREDERICKS 2012 FAMILY TRUST 52 EAST 92ND STREET NEW YORK NY 10128
1570	37, 39	ELI'S BREAD (ELI ZABAR) INC. 1064 MADISON AVENUE NEW YORK NY 10028
1570	41	THE CONVENT OF THE SACRED HEART SCHOOL 1 EAST 91ST STREET NEW YORK NY 10128
1570	46	ABC-MERRICAT'S CASTLE INC. ASSOCIATION TO BENEFIT CHILDREN 316 EAST 88TH STREET NEW YORK, NY 10128
1570	48, 50	EL-KAM REALTY COMPANY 3 WEST 57TH STREET – 7TH FLOOR NEW YORK NY 10019
1571	5	BAKE 403 LLC 403 E. 91ST STREET NEW YORK, NY 10128-6800
1571	8	407-413 OWNERS CORPORATION VERITAS PROPERTY MANAGEMENT LLC 1995 BROADWAY STE 1201 NEW YORK NY 10023
1571	12	AMER SOC FOR PUBLIC ADMIN CHIEF FINANCIAL OFFICER 424 EAST 92ND STREET NEW YORK NY 10128
1571	14	SPRUYT E LEE 419 E 91ST STREET NEW YORK NY 10128
1571	15, 19	ELI ZABAR, TRUSTEE DEVON FREDERICKS 201 52 EAST 92ND STREET NEW YORK NY 10128
1569	SITE 35	TRUSTEES OF THE SPENCE SCHOOL INC. 2 EAST 91ST STREET NEW YORK NY 10128

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Elena Aristova, being duly sworn, deposes and says:

(1) I reside at 8020 4TH Avenue, Brooklyn NY 11209.

(2) I am affiliated with Friedman & Gotbaum, LLP, special land use counsel to The Trustees of the Spence School (the "School").

(3) In connection with School's variance application, the attached is a true and complete list of Affected Property Owners within the radius shown on Radius Diagram R-01, updated according to the information in the City Collector's Office and New York City Register, as of April 3, 2017.

Elena Aristova

Sworn to before me
this 4th day of April 2017

Notary Public

BONNIE SCHWARTZ-SHAPIRO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01-SC5062889
Qualified in New York County
My Commission Expires August 04, 2017

EX-DL	DRAWING LIST
EX-01	EXISTING ZONING CALCULATIONS
EX-02	EXISTING SITE PLAN
EX-101	EXISTING FIRST FLOOR PLAN
EX-102	EXISTING SECOND FLOOR PLAN
EX-103	EXISTING ROOF PLAN
EX-501	EXISTING BUILDING ELEVATION NORTH
EX-503	EXISTING BUILDING ELEVATION SOUTH
EX-512	EXISTING TRANSVERSE SECTION

PROJECT:

THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:

ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
www.rogersarchitects.com

STRUCTURAL ENGINEER:
Thornton Tomasetti
51 Madison Avenue
New York, NY 10010
917.661.7840
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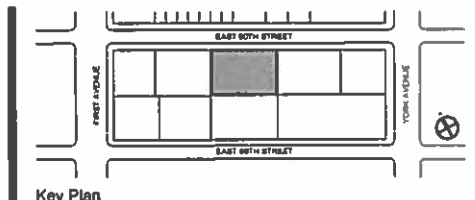

Key Plan

EXISTING CONDITIONS

No.	Date	Description

BSA CALENDAR #:

Title: DRAWING LIST
Scale: NONE
Proj No: 1513
Date: 31 MARCH 2017

EX-DL

SITE DATA		
Address	412 East 90th Street	
	New York, NY 10128	
Block and Lot	Block 1569	
	Lot 35	
Zoning Map	9a	
Zoning District	C8-4	
Landmark District	No	
Community District	Manhattan CD-8	
Wide Streets	None	
Narrow Streets	90th Street	
EXISTING CONDITIONS		
Existing Zoning District	C8-4	
Existing Use	Commercial	
Existing Zoning Floor Area	29,270.0	Sq. Ft.
Existing FAR	2.0	
LOT AREA		
Lot Area	15,005.0	Sq. Ft.
Overall Lot Dimensions	149'-0" x 100'-8 1/2"	
PERMITTED USES		
Zoning District	C8-4	
Use Group	4-14, 16	

Existing Zoning Analysis				
ZR Section Reference		**Required/Permitted**	**Existing**	**Compliant**
Permitted Use	32-10	UG 4-14, 16	6.0	COMPLIES
Floor Area Regulations				
Floor Area Ratio	33-122	Commercial (C8-4)	Commercial (C8-4)	COMPLIES
		5.0	2.0	COMPLIES
	33-123	Community Facility (C8-4)		
		6.5		
Zoning Floor Area	33-122	Commercial (FAR 5.0)	29,270 sf	COMPLIES
		15,005 x 5.0 = 75,025 sf		
	33-123	Community Facility (FAR 6.5)		
		15,005 x 6.5 = 97,533 sf		
Yards				
Rear Yard	33-26	20'-0"	0'-0"	DOES NOT COMPLY
Yard Along Residential District Boundary	33-292	30'-0"	0'-0"	DOES NOT COMPLY
Height and Set Backs				
Front Setback - Narrow Street	33-432	20'-0"	N/A	COMPLIES
Base Height - Narrow Street	33-432	85'-0"	34'-0 1/2"	COMPLIES
Sky Exposure Plane - Narrow Street	33-432	2.7 to 1	N/A	COMPLIES
Parking & Loading				
Bike Parking	36-711	24 (1 per 10 parking spaces)	15	COMPLIES*
Accessory Off-Street Parking	36-21	None Required	0	COMPLIES

*Existing Building pre-dates ZR

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412 BUILDING

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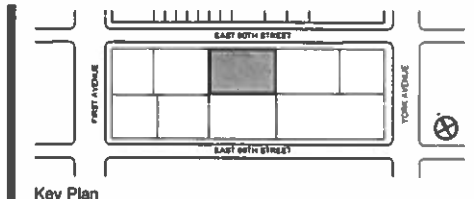


Key Plan

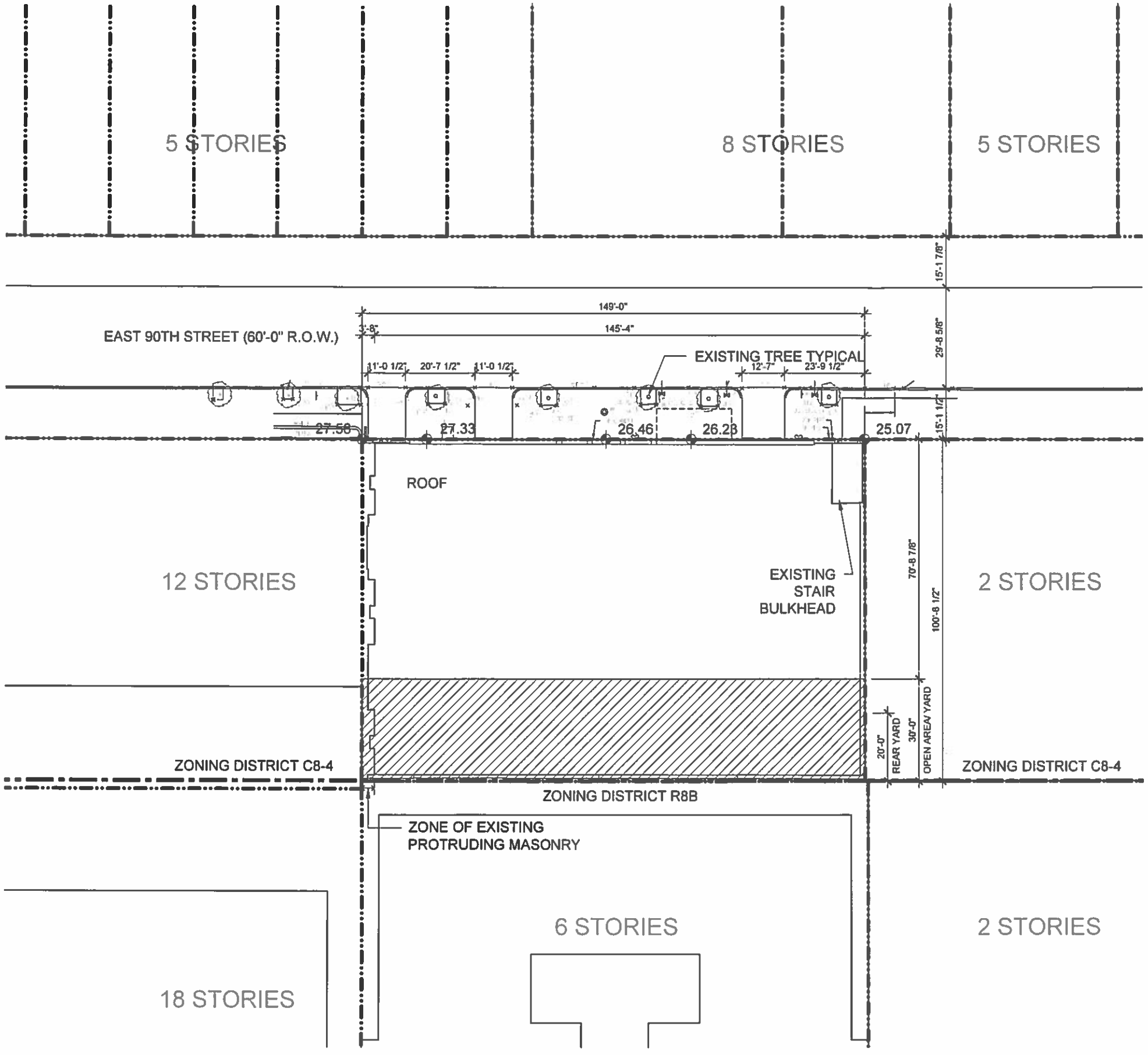
EXISTING CONDITIONS

No.	Date	Description

BSA CALENDAR #:

Title: ZONING CALCULATIONS
Scale: NO SCALE
Proj No: 1513
Date: 31 MARCH 2017

EX-01



01 EXISTING CONDITIONS SITE PLAN
SCALE: 1/32"=1'-0"

SITE INFO:
BLOCK 1569 LOT 35 AREA 15,005 SF 412 EAST 90TH STREET

LEGEND:

- PROPERTY LINE
- DISTRICT BOUNDARY LINE
- EXISTING NON-COMPLIANCE

NORTH

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
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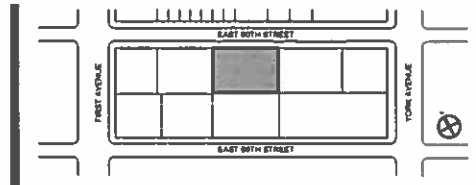


Key Plan

EXISTING CONDITIONS

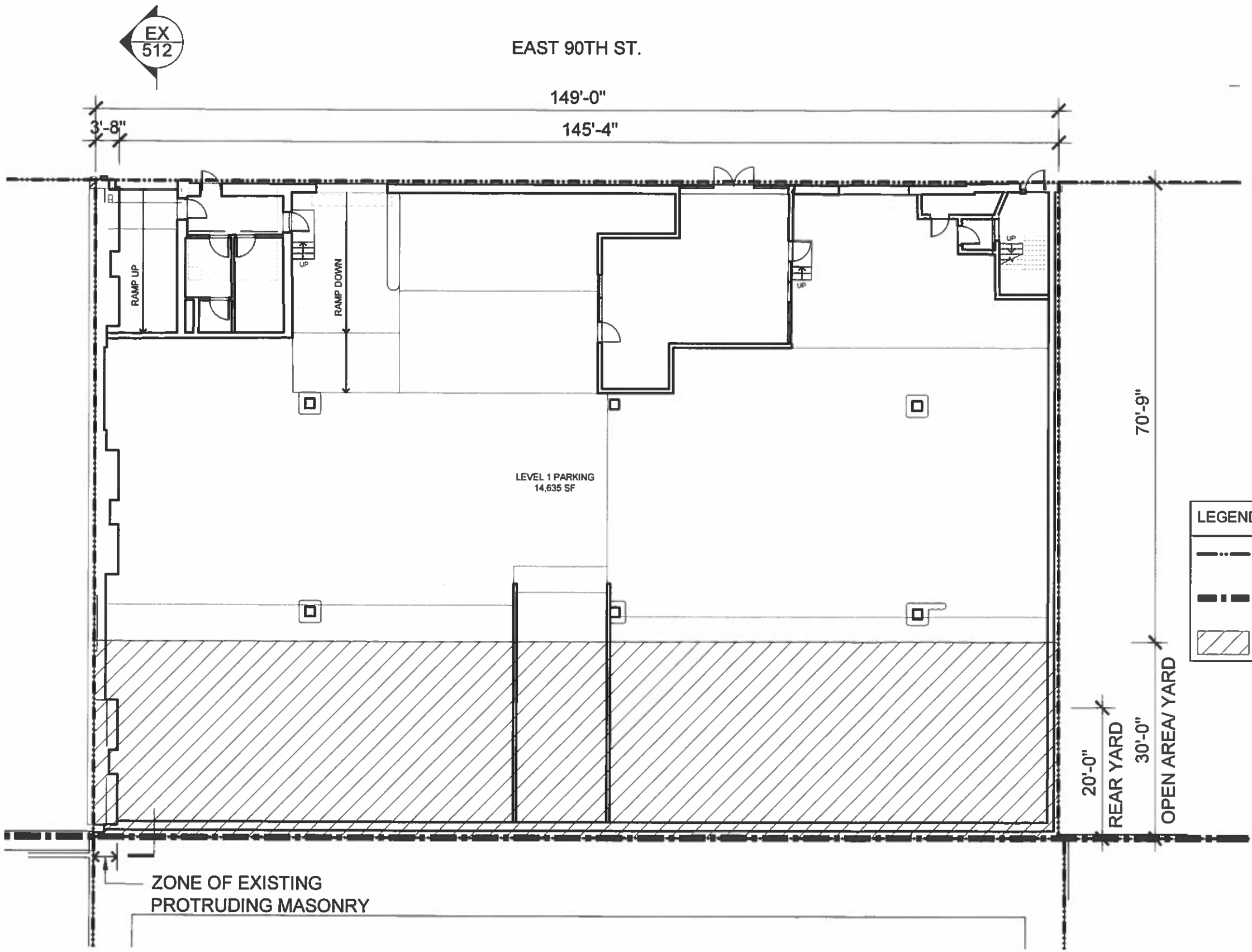
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: EXISTING CONDITIONS: SITE PLAN
Scale: 1/32" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

EX-02



01 FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"

LEGEND:

- PROPERTY LINE
- DISTRICT BOUNDARY LINE
- EXISTING NON-COMPLIANCE

NORTH

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:
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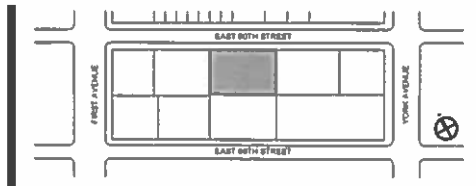


Key Plan

EXISTING CONDITIONS

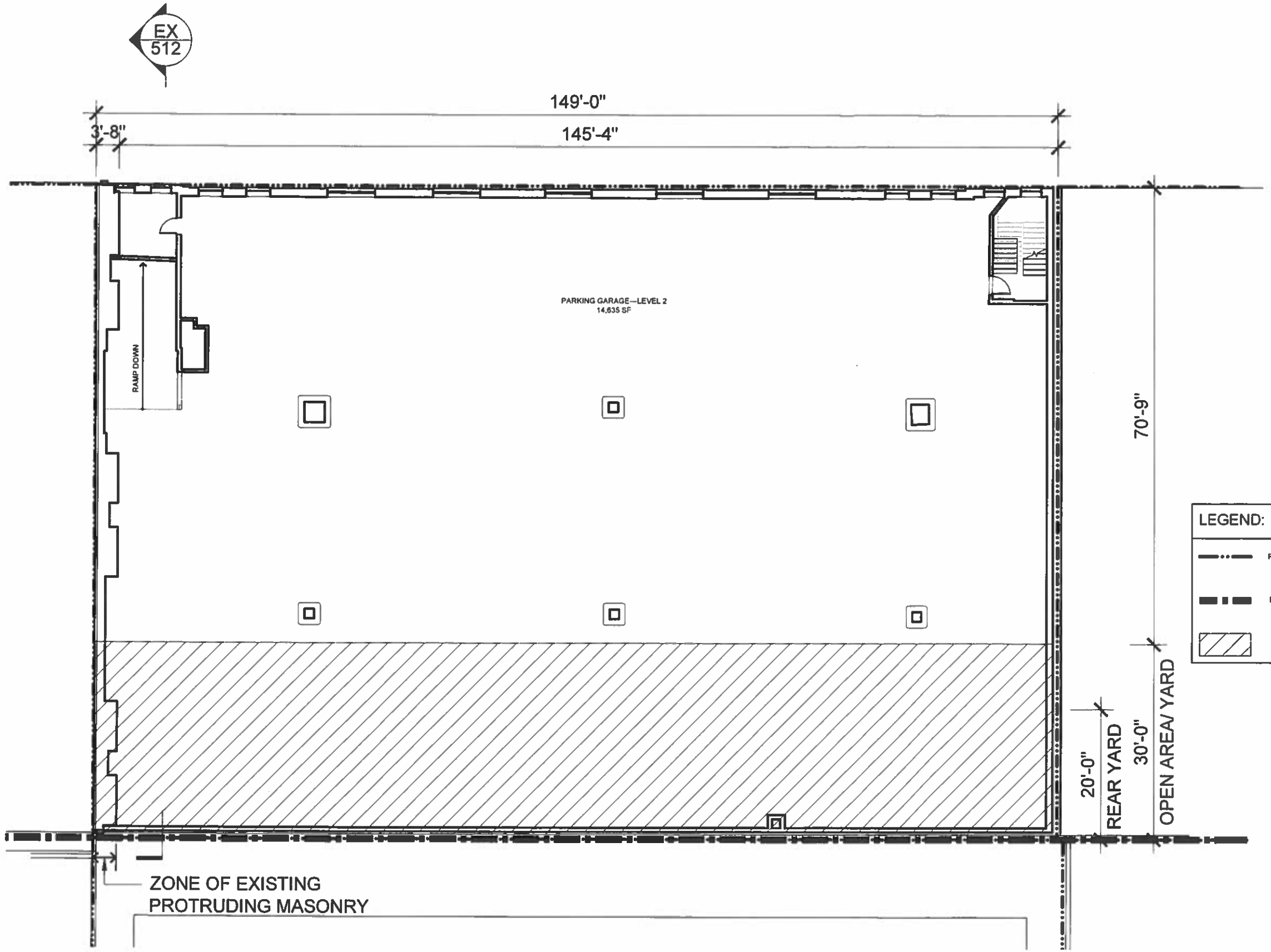
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: EXISTING CONDITONS: FIRST FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

EX-101



01 SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

LEGEND:

- PROPERTY LINE
- DISTRICT BOUNDARY LINE
- EXISTING NON-COMPLIANCE

NORTH

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
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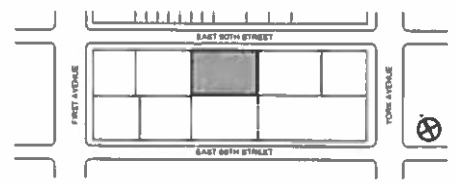


Key Plan

EXISTING CONDITIONS

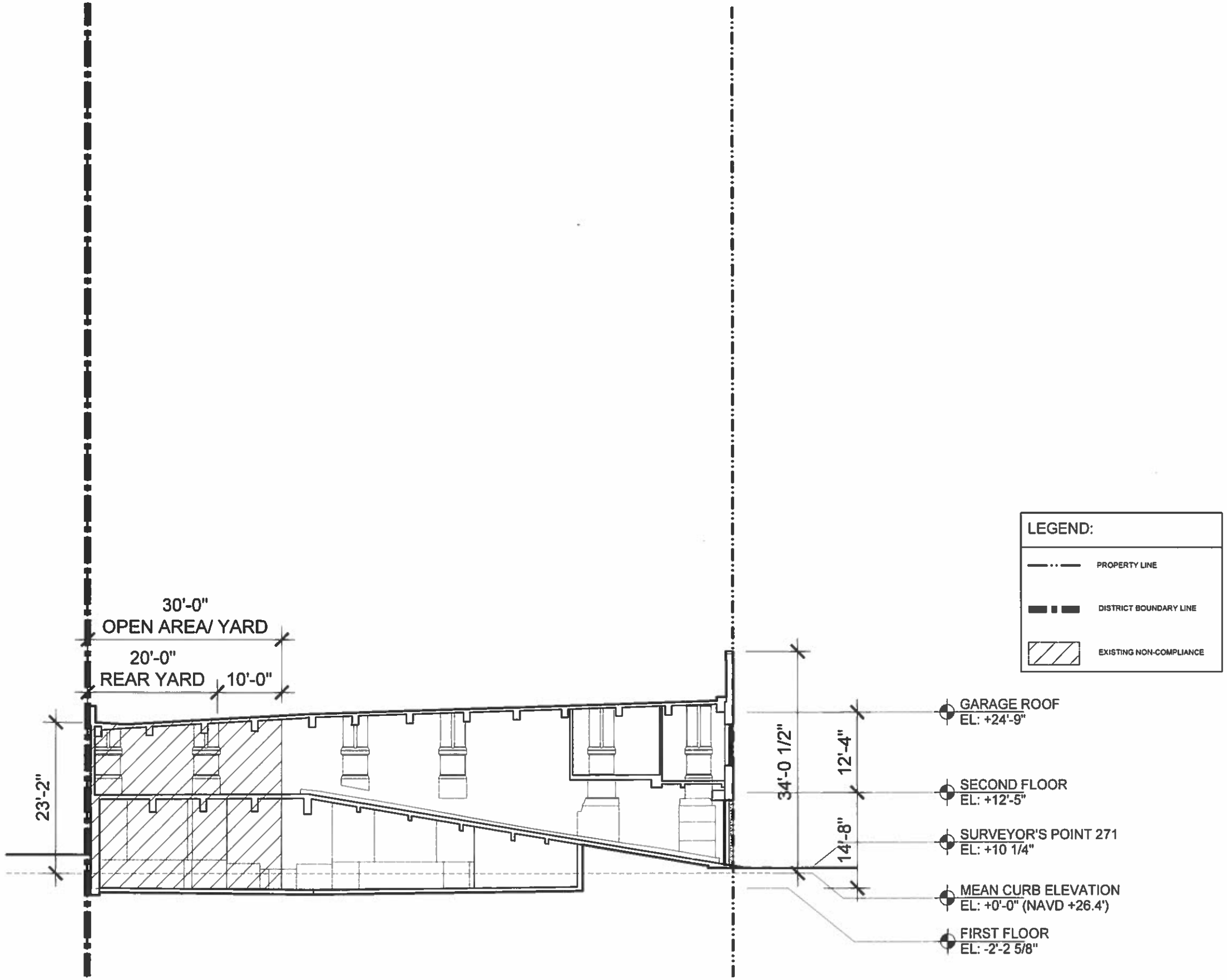
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: EXISTING CONDITIONS: SECOND FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

EX-102



01 TRANSVERSE SECTION
SCALE: 1/16"=1'-0"

LEGEND:

- PROPERTY LINE
- DISTRICT BOUNDARY LINE
- EXISTING NON-COMPLIANCE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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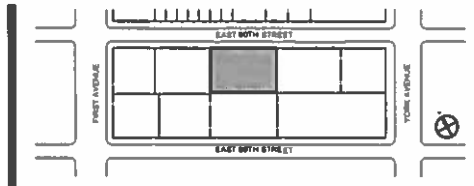

Key Plan

EXISTING CONDITIONS

No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: EXISTING CONDITIONS: TRANSVERSE SECTION
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

EX-512

PROJECT:

THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:

The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:

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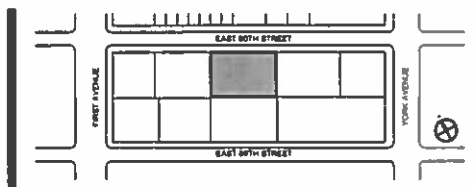

Key Plan

AS-OF-RIGHT PROJECT

No.	Date	Description

BSA CALENDAR #:

Title: DRAWING LIST
Scale: NONE
Proj No: 1513
Date: 31 MARCH 2017

AOR-DL

Floor Area Schedule					
	Floor	Program	TOTAL ZFA		
			Gross FA	Deductions	Zoning FA
PROPOSED*	Bulkhead	MEP Penthouse, Roof Garden, Greenhouse	5,574.00	1,146.00	4,428.00
	7	Multi-Purpose Space, Classroom, Kitchenette	6,713.00	90.00	6,623.00
	6	MEP / Support Spaces	6,152.00	75.00	6,077.00
	5	Squash Courts, Offices	9,930.00	206.00	9,724.00
	4	Exhibition Squash Court, Team Rms, Coachs' Offices	7,205.00	89.00	7,116.00
	3	Visiting Team Locker Room, Team Rms, Squash Courts	10,454.00	96.00	10,358.00
	2	Trainer Room	3,639.00	412.00	3,227.00
	1	Lobby, Gym, Restrooms	10,428.00	45.00	10,383.00
	Cellar	P.O.E.	1,911.00	1,911.00	0.00
		TOTAL	62,006.00	4,070.00	57,936.00

SITE DATA		
Address	412 East 90th Street	
	New York, NY 10128	
Block and Lot	Block 1569	
	Lot 35	
Zoning Map	9a	
Zoning District	C8-4	
Landmark District	No	
Community District	Manhattan CD-8	
Wide Streets	None	
Narrow Streets	90th Street	
EXISTING CONDITIONS		
Existing Zoning District	C8-4	
Existing Use	Commercial	
Existing Zoning Floor Area	29,270.0	Sq. Ft.
Existing FAR	2.0	
LOT AREA		
Lot Area	15,005.0	Sq. Ft.
Overall Lot Dimensions	149'-0" x 100'-8 1/2"	
PERMITTED USES		
Use District	C8-4	
Use Group	4-14, 16	
PROPOSED USES		
Zoning District	C8-4	
Use Group	3 (32-31, 73-19)	

As-of-Right Zoning Analysis					
ZR Section Reference		Required/Permitted	Existing	Proposed	Compliant
Permitted Use	32-10, 32-31, 73-19	UG 4-14, 16	6	UG 3	COMPLIES*
Floor Area Regulations					
Floor Area Ratio	33-122	Commercial (C8-4)	Commercial (C8-4)	Community Facility (C8-4)	COMPLIES
		5.0	2.0	3.9	COMPLIES
	33-123	Community Facility (C8-4)			
		6.5			
Zoning Floor Area	33-122	Commercial (FAR 5.0)			
		15,005 x 5.0 = 75,025 sf			
	33-123	Community Facility (FAR 6.5)	29,270 sf	57,936 sf	COMPLIES
		15,005 x 6.5 = 97,533 sf			
Yards					
Rear Yard	33-26	20'-0"	0'-0"	30'-0"	COMPLIES
Yard Along Residential District Boundary	33-292	30'-0"	0'-0"	30'-0"	COMPLIES
Height and Set Backs					
Front Setback - Narrow Street	33-432	20'-0"	N/A	25'-8 1/2"	COMPLIES
Base Height - Narrow Street	33-432	85'-0" or 6 Stories	34'-0 1/2"	84'-10"	COMPLIES
Sky Exposure Plane - Narrow Street	33-432	2.7 to 1	N/A	N/A	COMPLIES
Parking & Loading					
Bike Parking	36-711	30 (1 per 2,000sf)	15	30	COMPLIES
Automobile Spaces	36-21	0	0	0	COMPLIES

*Subject to ZR Sec. 73-19 Special Permit approval

PROJECT:

THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:

The Spence School
22 East 91st Street
New York, New York, 10128

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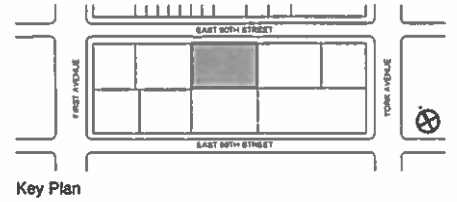


Key Plan

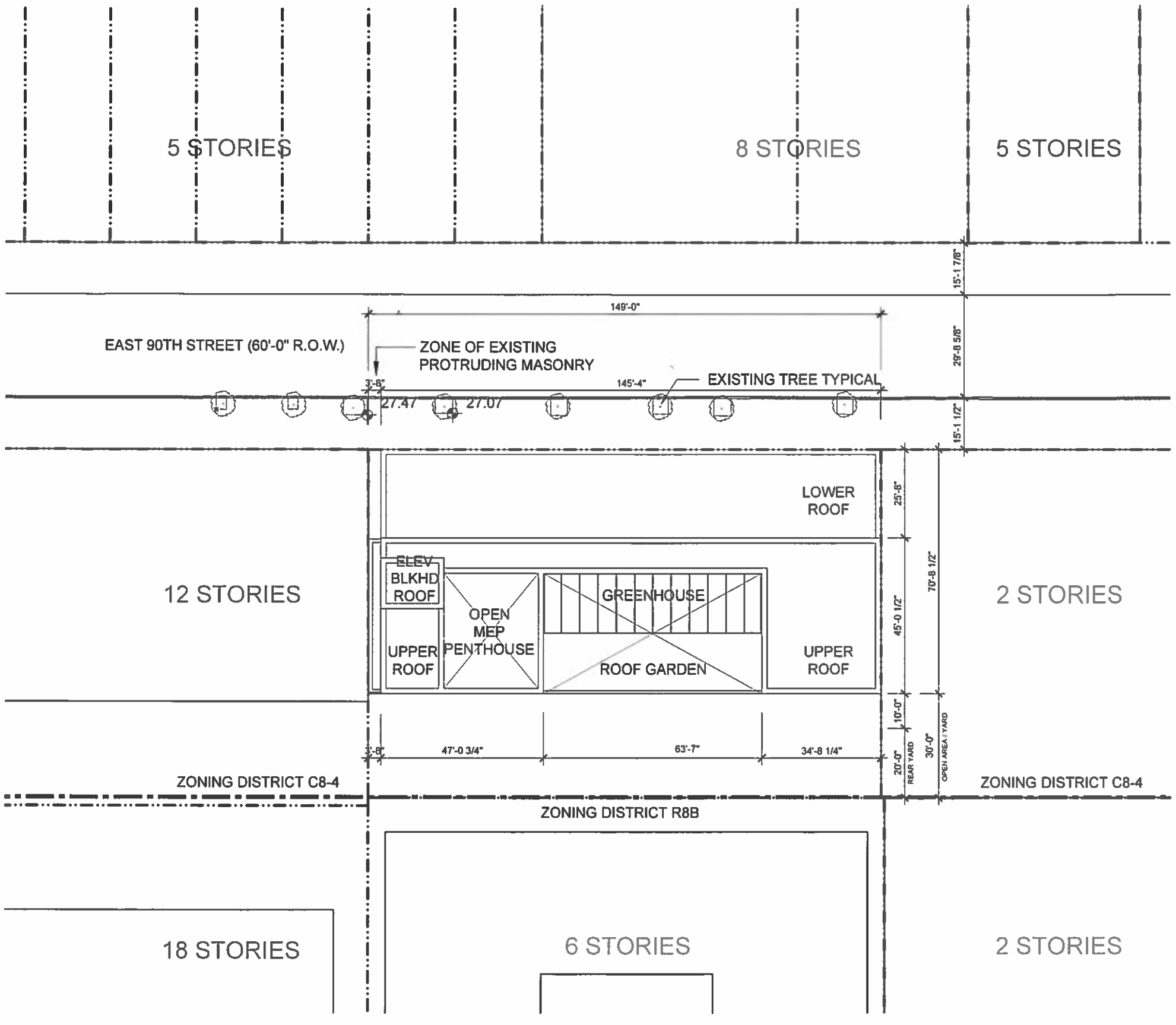
AS-OF-RIGHT PROJECT

No. Date Description

BSA CALENDAR #:

Title: ZONING CALCULATIONS
Scale: NO SCALE
Proj No: 1513
Date: 31 MARCH 2017

AOR-01



01 SITE PLAN---AS-OF-RIGHT SCHEME
SCALE: 1/32"=1'-0"

SITE INFO:

BLOCK 1569
LOT 35
AREA 15,005 SF
412 EAST 90TH STREET

LEGEND:

PROPERTY LINE

DISTRICT BOUNDARY LINE

NORTH

0 16' 32' 64'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

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Key Plan

AS-OF-RIGHT PROJECT

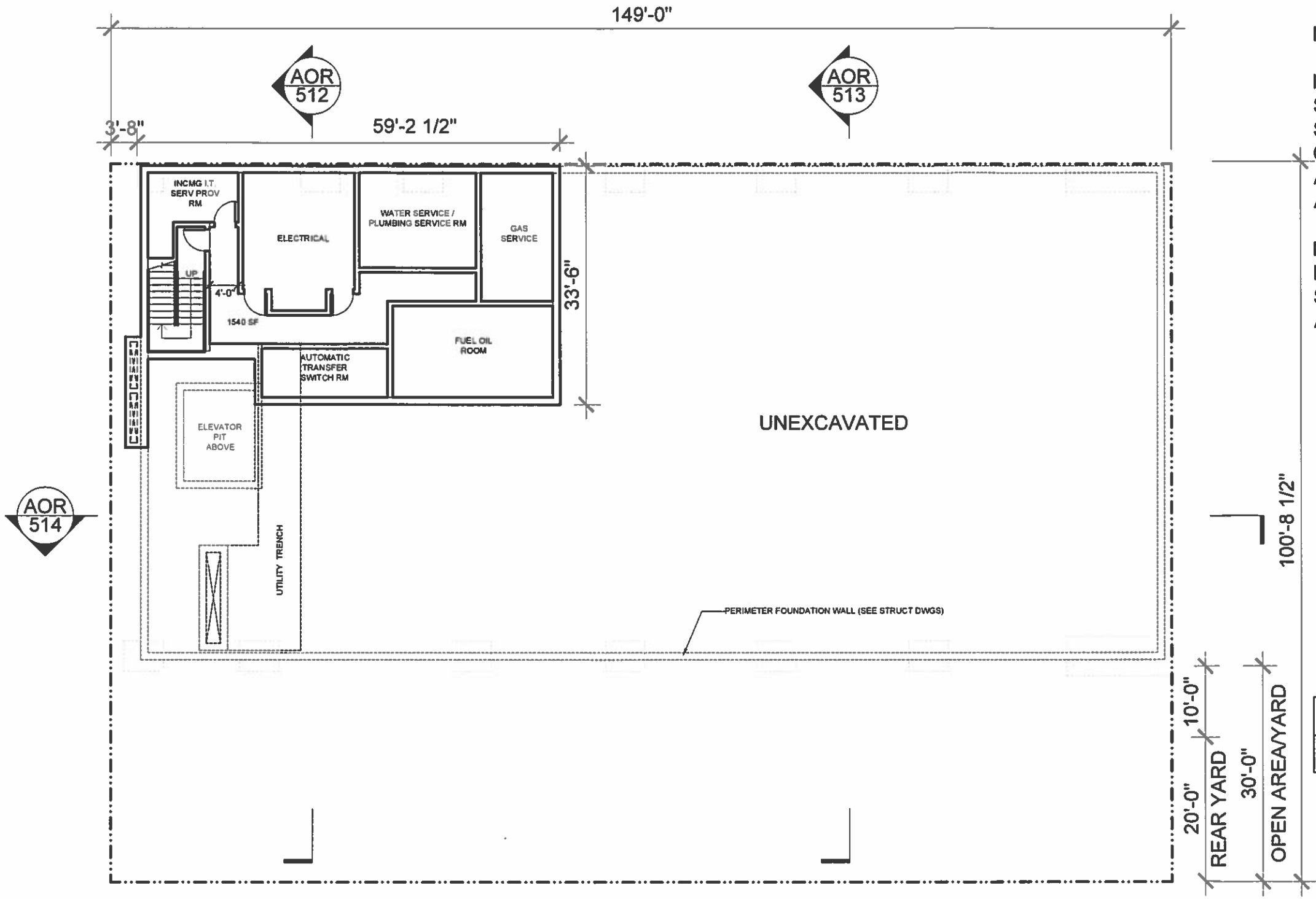
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT SITE PLAN
Scale: 1/32" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-02



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB

LEGEND:

PROPERTY LINE

01 BASEMENT PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

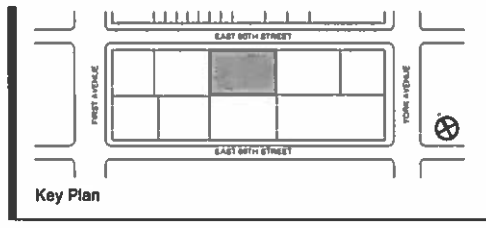
CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
www.rogersarchitects.com

STRUCTURAL ENGINEER: Thornton Tomasetti
51 Madison Avenue
New York, NY 10010
917.661.7840
www.thorntontomasetti.com

BUILDING SYSTEMS ENGINEER: ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

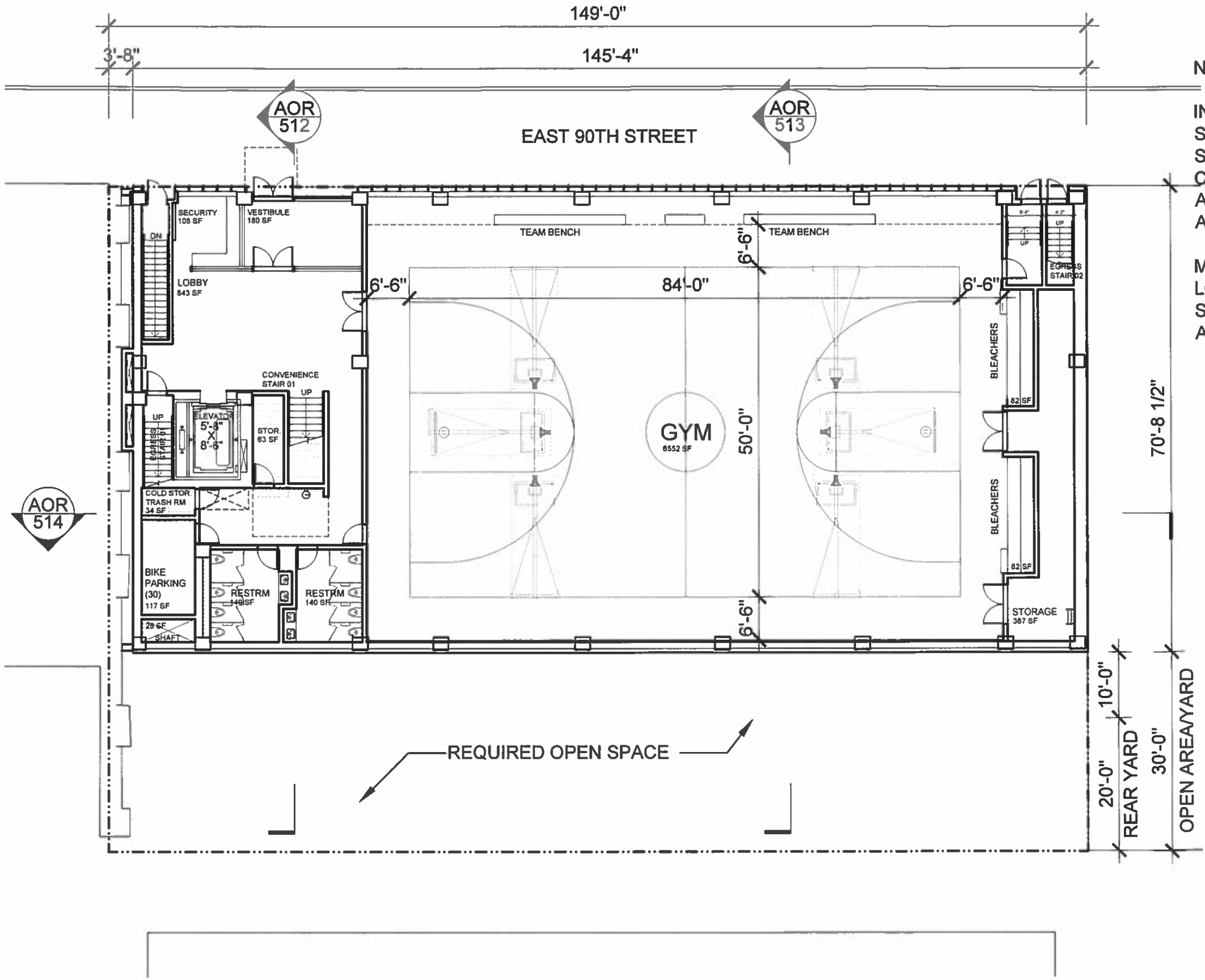
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT CELLAR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-100



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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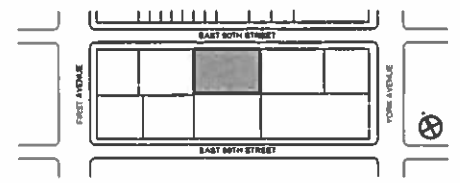


Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

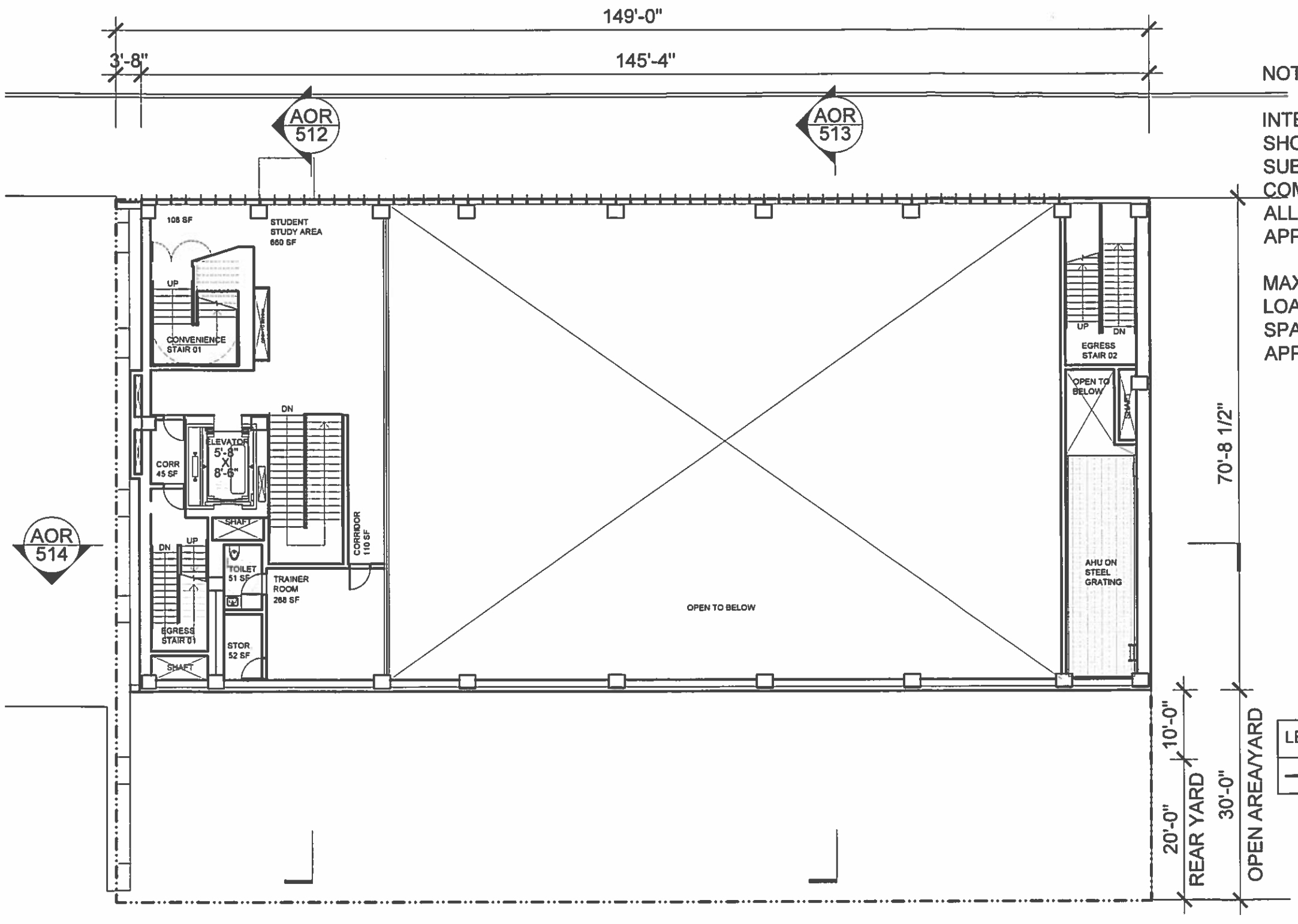
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT FIRST FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-101



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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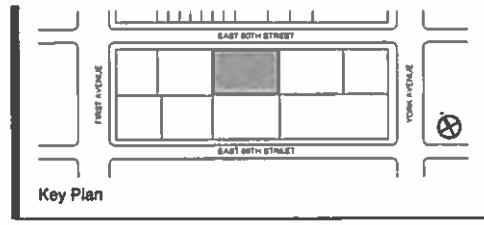


Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

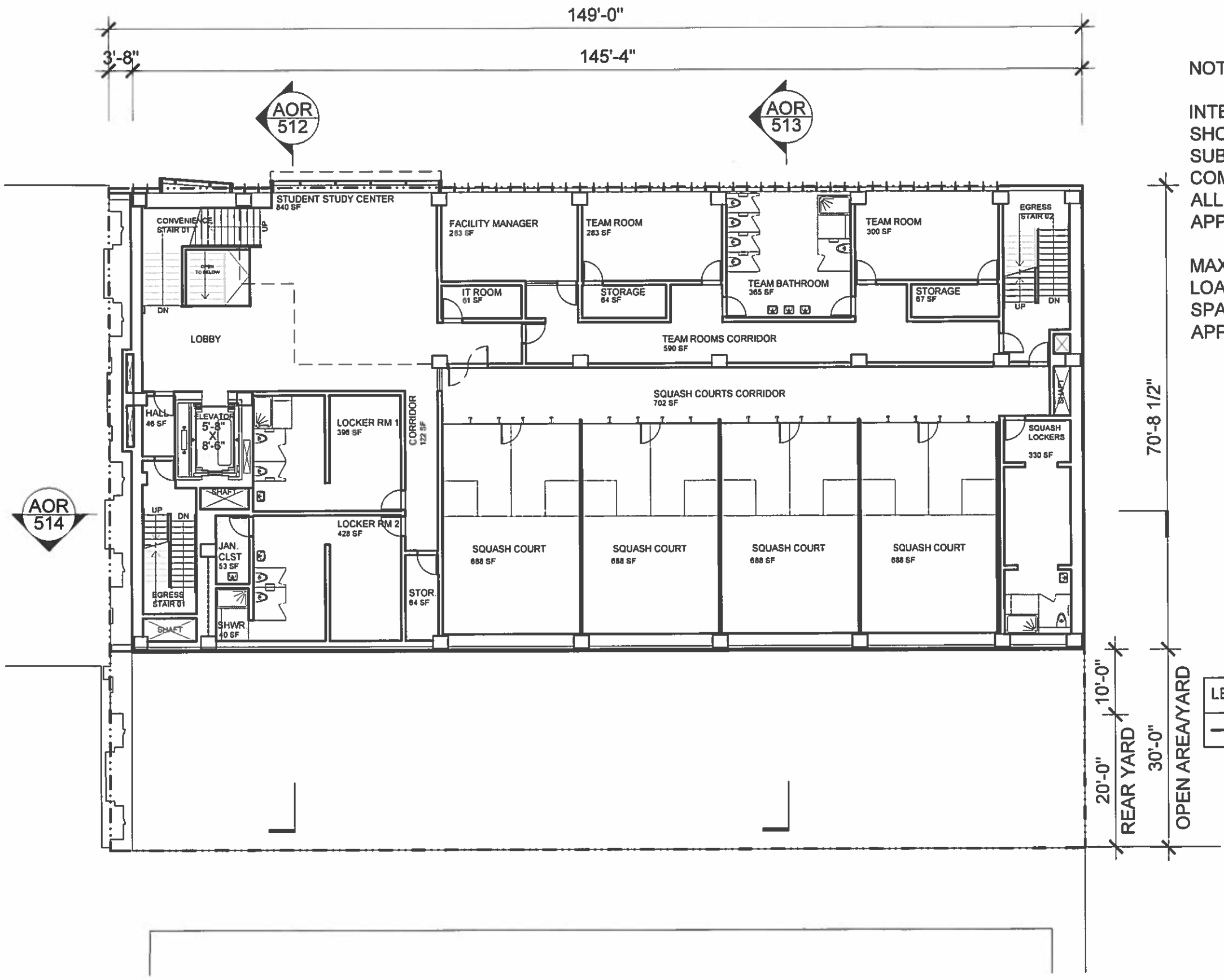
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT SECOND FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-102



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 THIRD FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

NORTH

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

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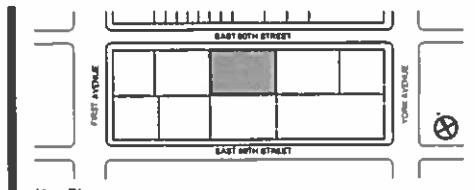


Key Plan

AS-OF-RIGHT PROJECT

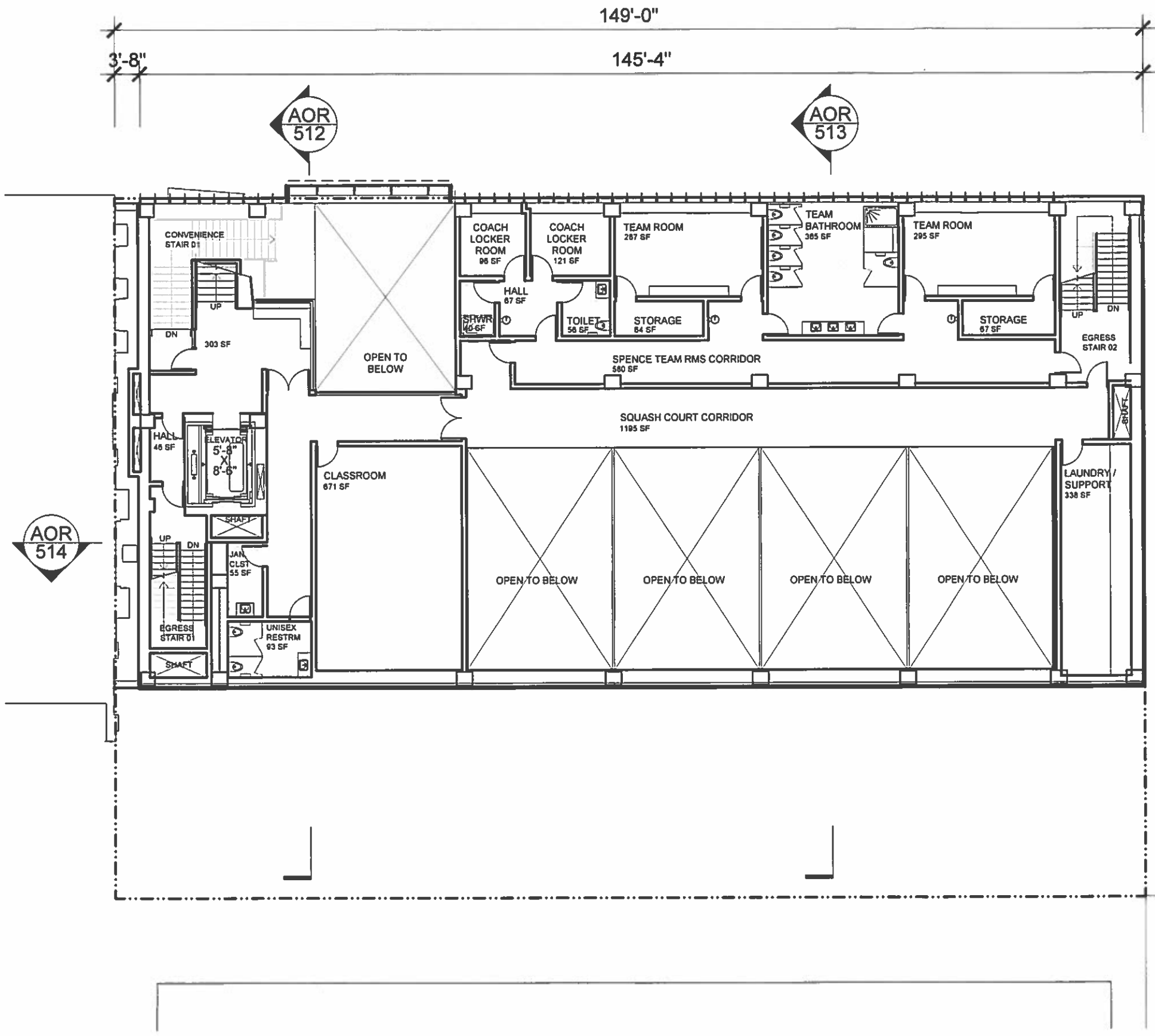
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT THIRD FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-103



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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 FOURTH FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

NORTH

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

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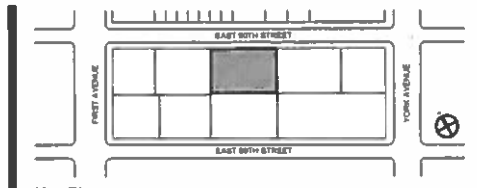


Key Plan

AS-OF-RIGHT PROJECT

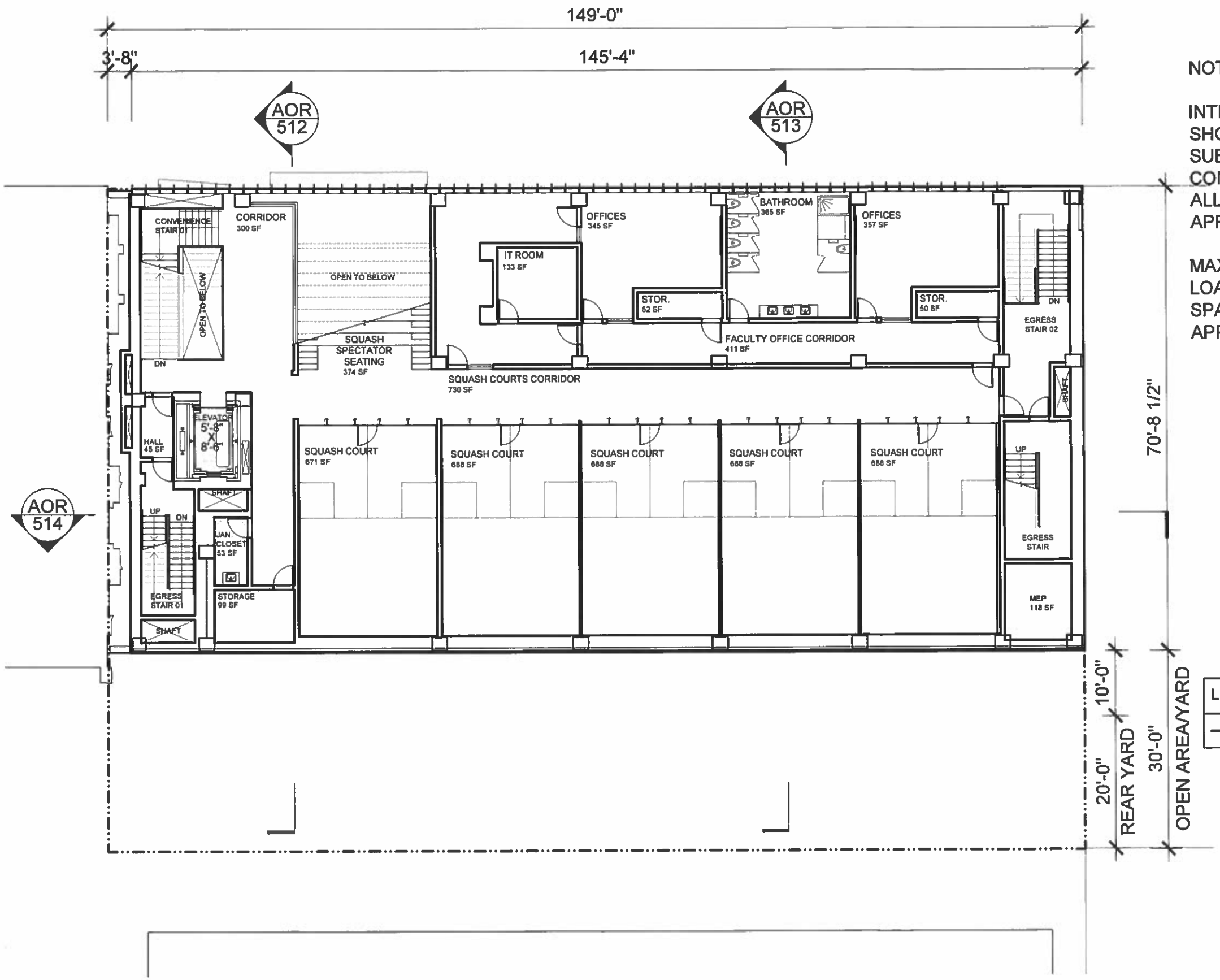
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT FOURTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-104



NOTES:

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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

NORTH

0 8' 16' 32'

01 FIFTH FLOOR PLAN
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

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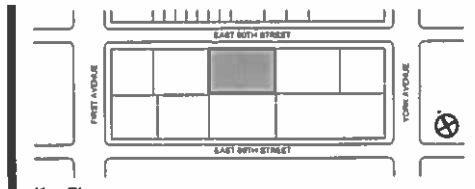


Key Plan

AS-OF-RIGHT PROJECT

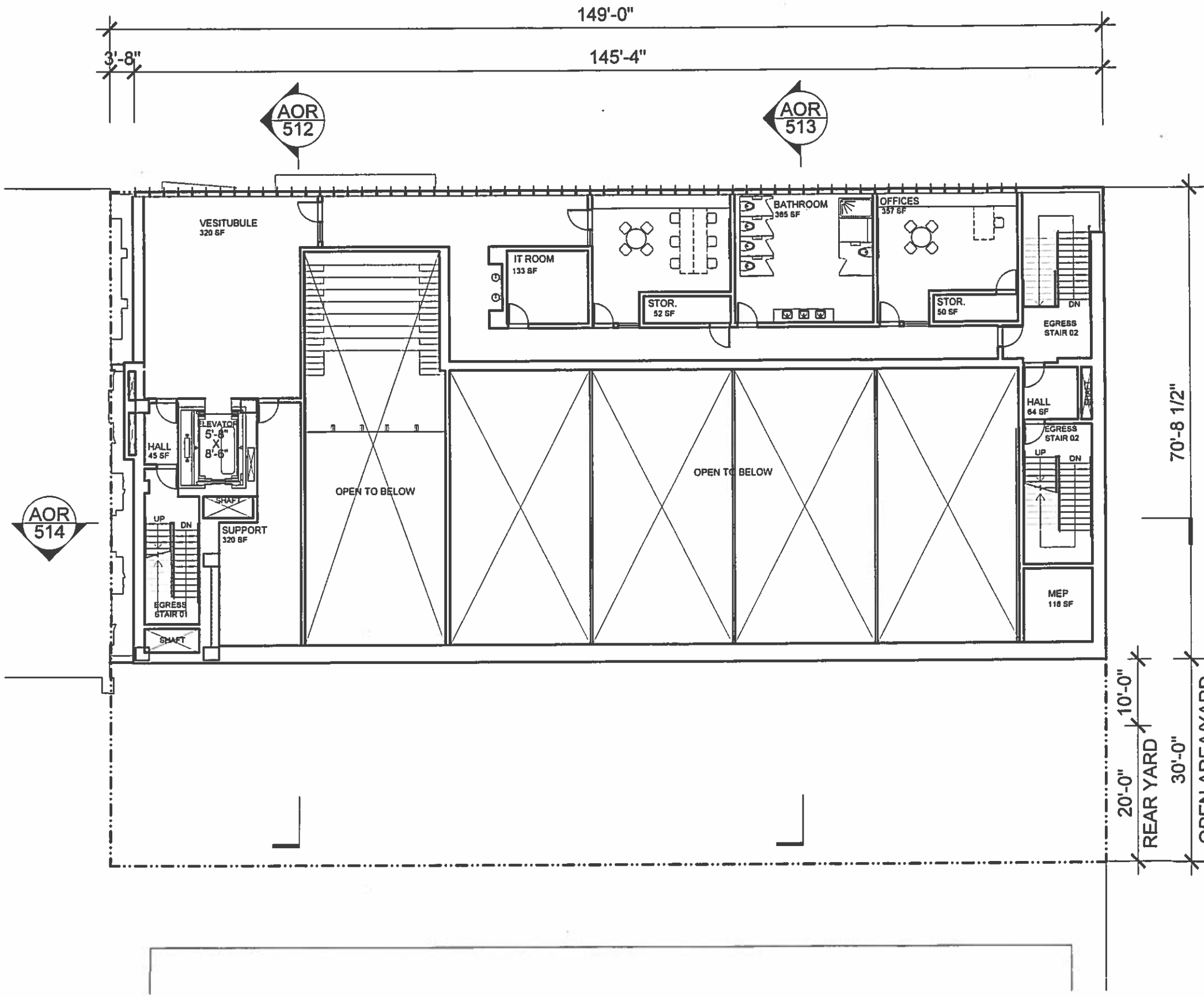
No.	Date	Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT FIFTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-105



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 SIXTH FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
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485C Route 1 South
Iselin, NJ 08830
917.272.3300
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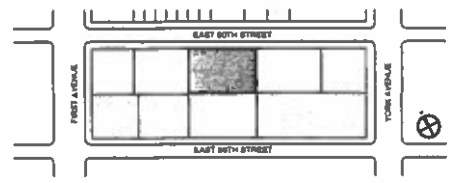


Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

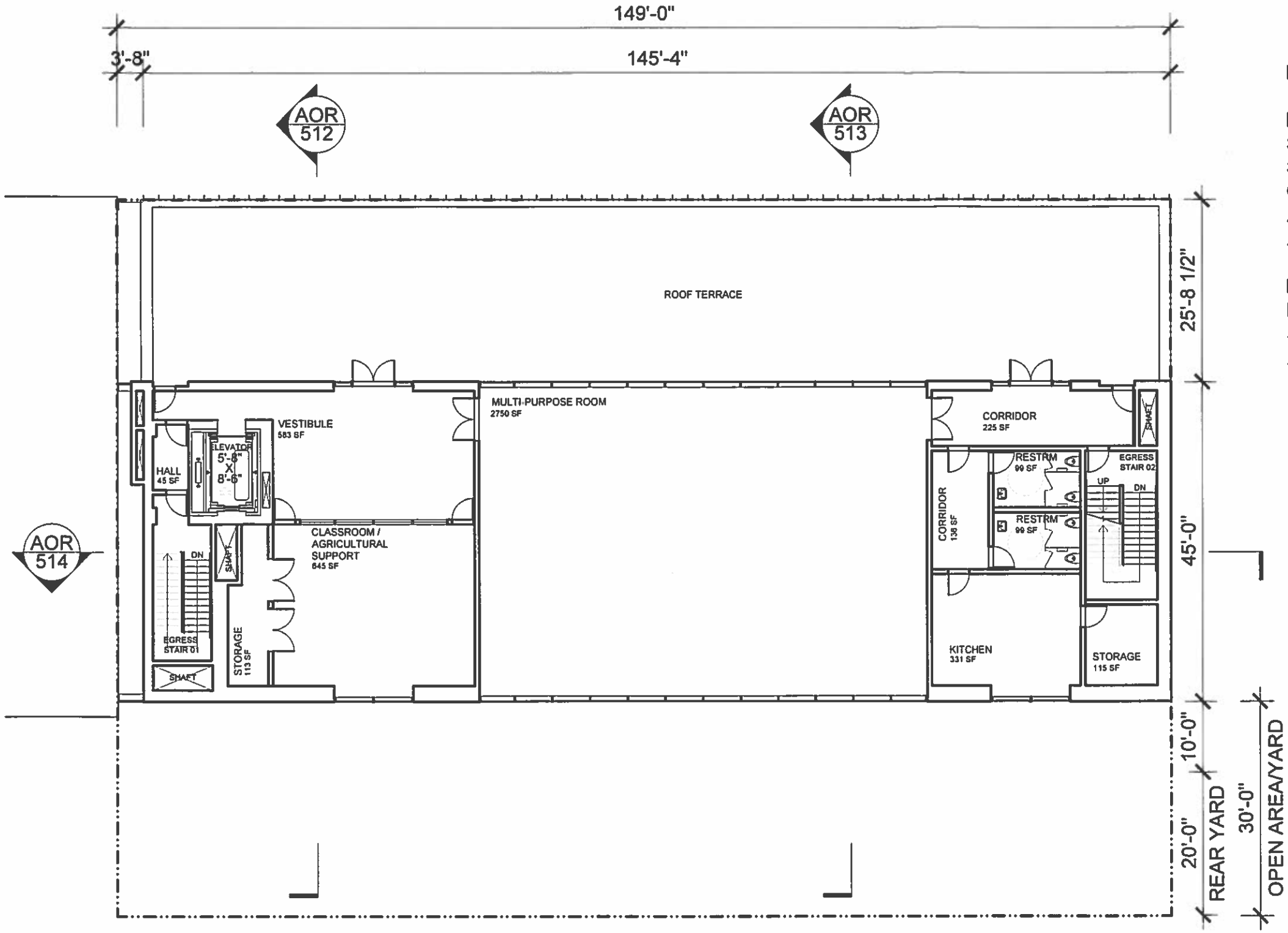
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT SIXTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-106



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 SEVENTH FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
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STRUCTURAL ENGINEER: Thornton Tomasetti
51 Madison Avenue
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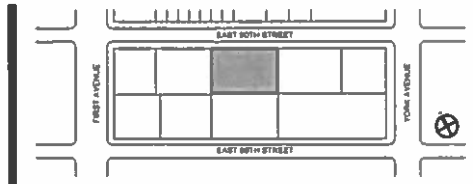
BUILDING SYSTEMS ENGINEER: ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

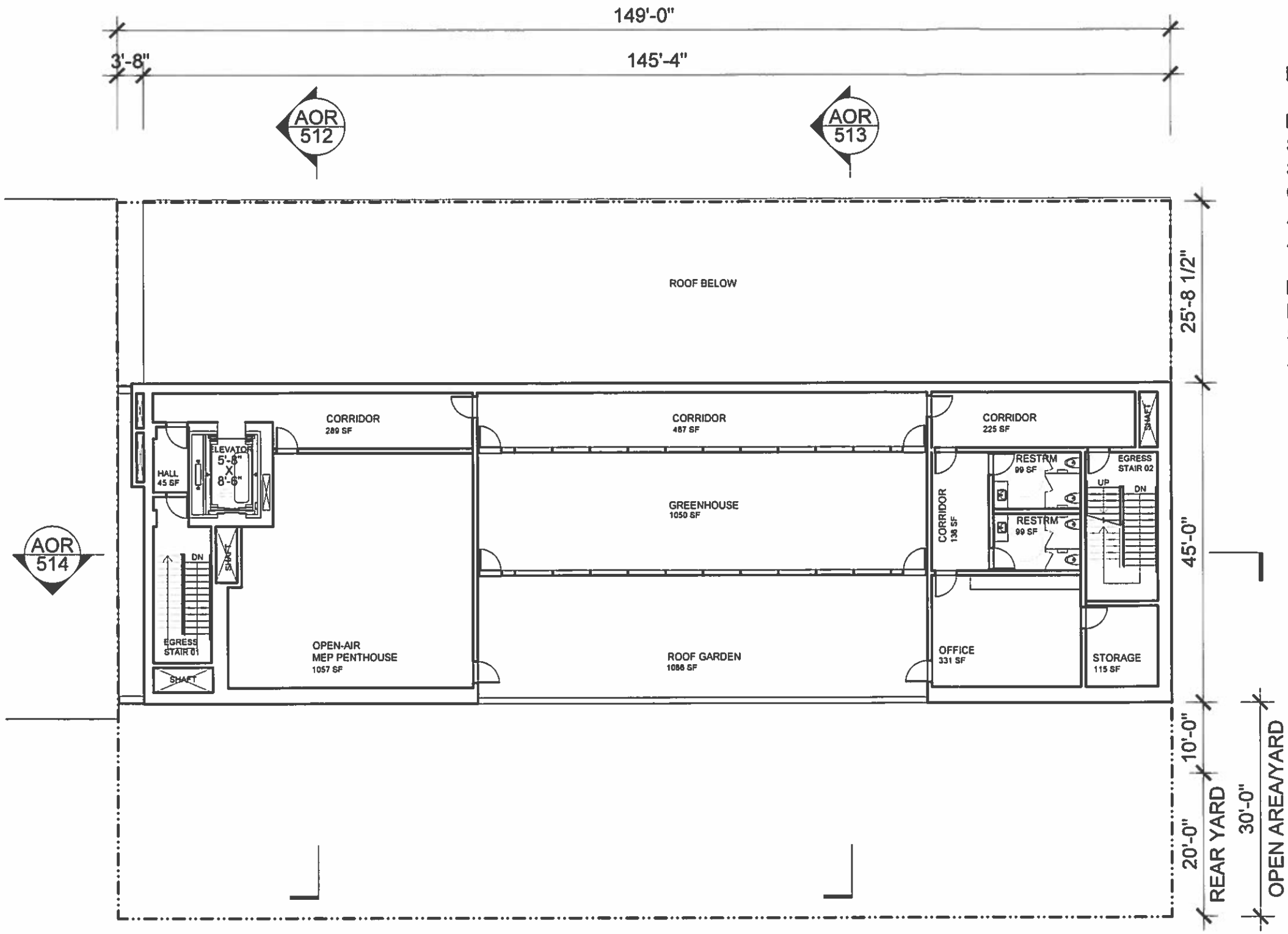
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT SEVENTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-107



NOTES:

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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

01 EIGHTH FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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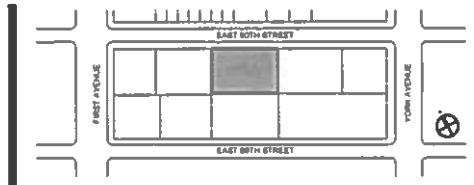


Key Plan

AS-OF-RIGHT PROJECT

No. Date Description

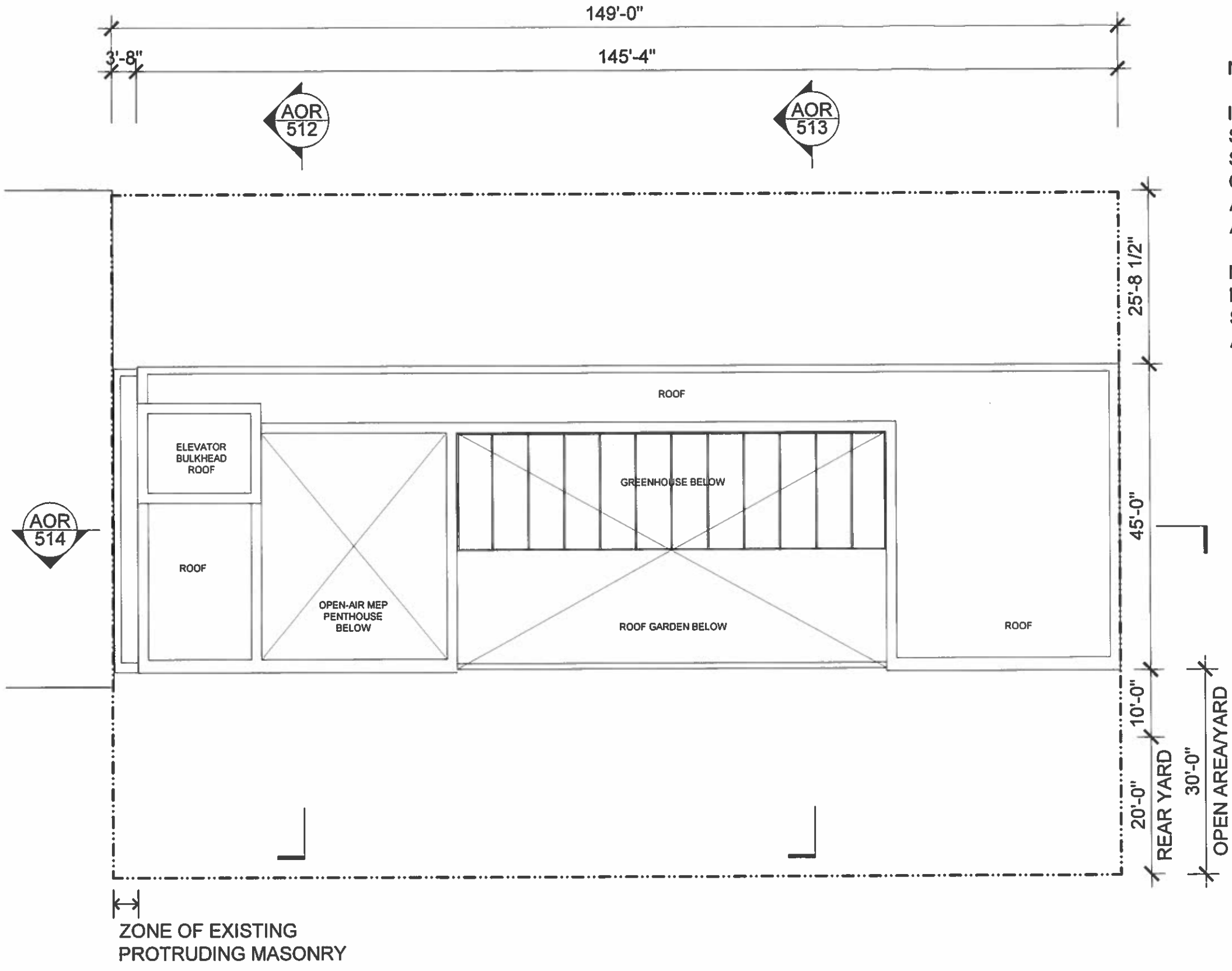
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: AS-OF-RIGHT EIGHTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-108



01 ROOF PLAN
SCALE: 1/16"=1'-0"

NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

NORTH

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
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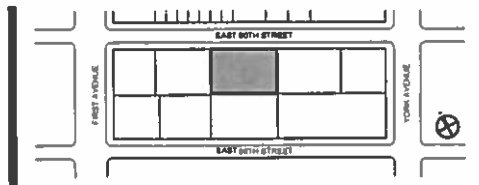


Key Plan

AS-OF-RIGHT PROJECT

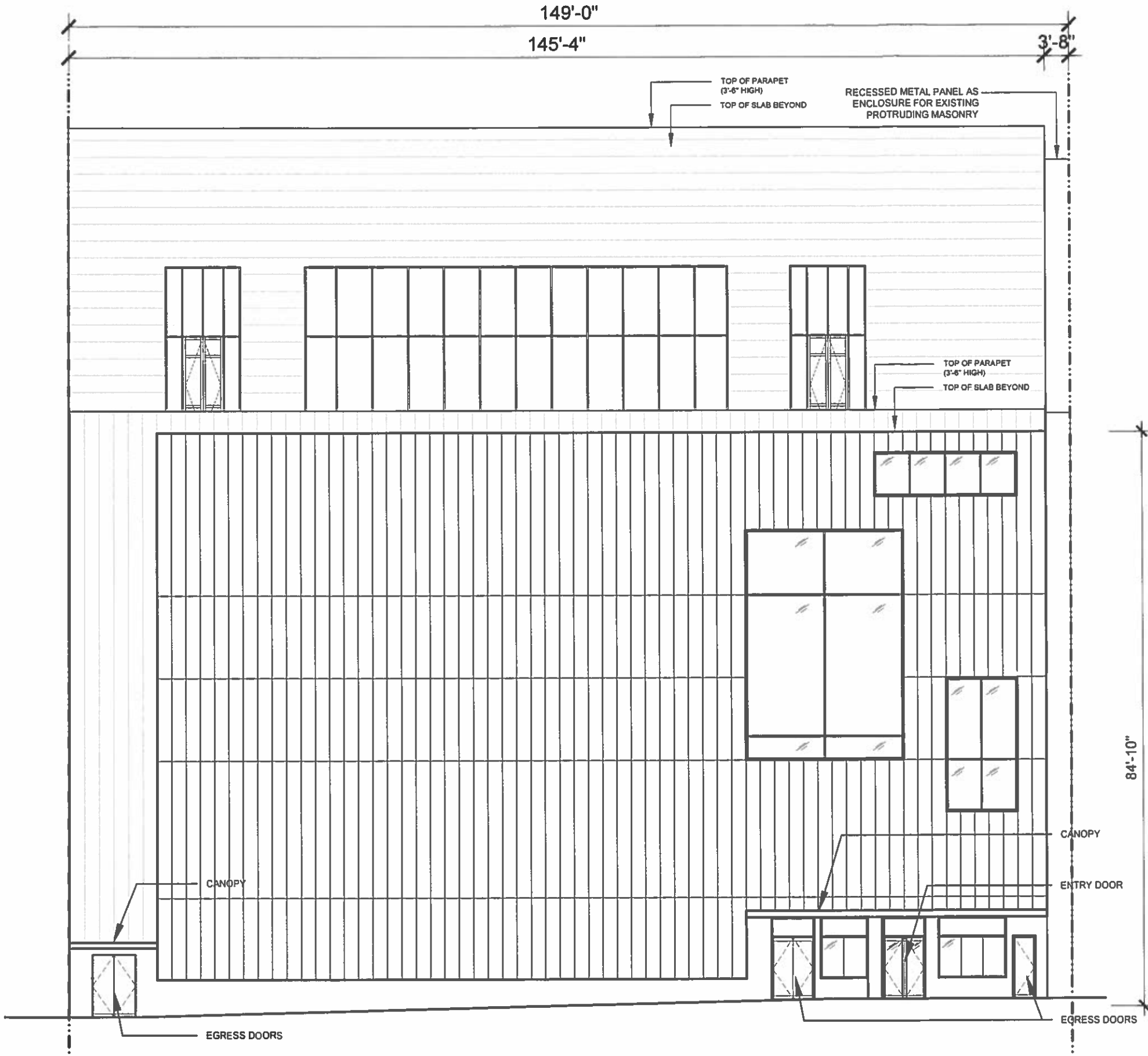
No. Date Description

BSA CALENDAR #:

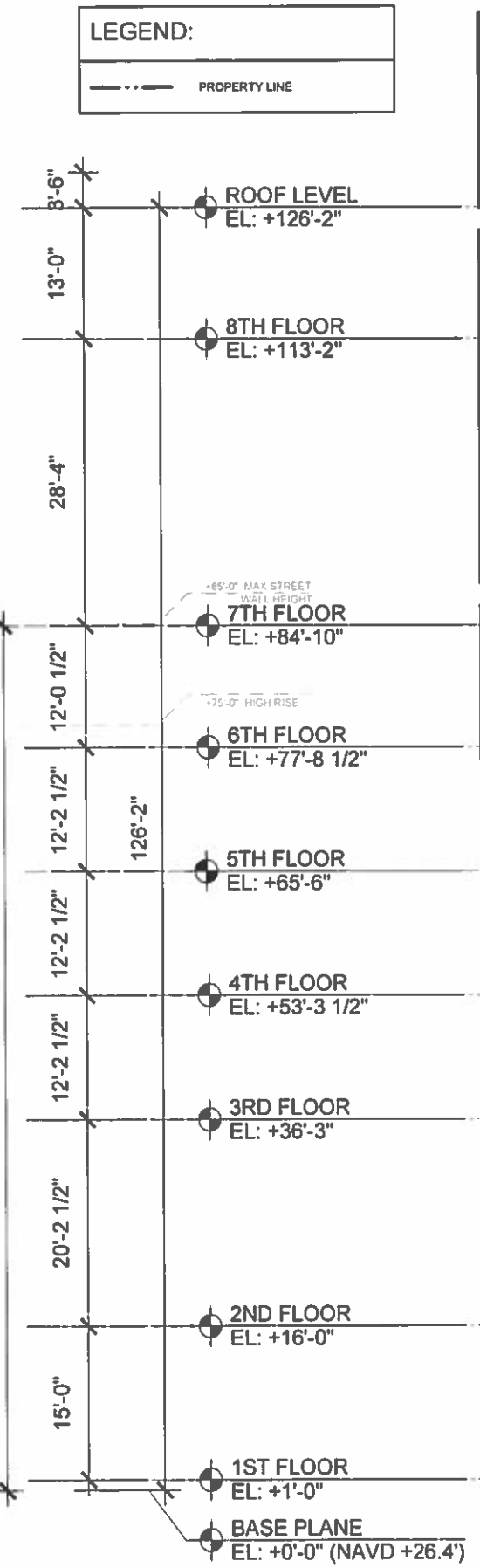
REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT ROOF PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-109



01 NORTH ELEVATION
SCALE: 1/16"=1'-0"



LEGEND:

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
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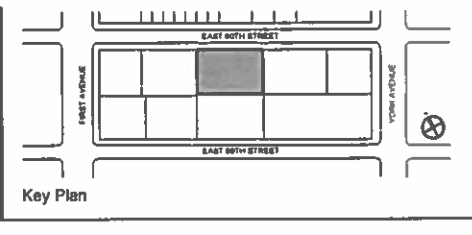


Key Plan

AS-OF-RIGHT PROJECT

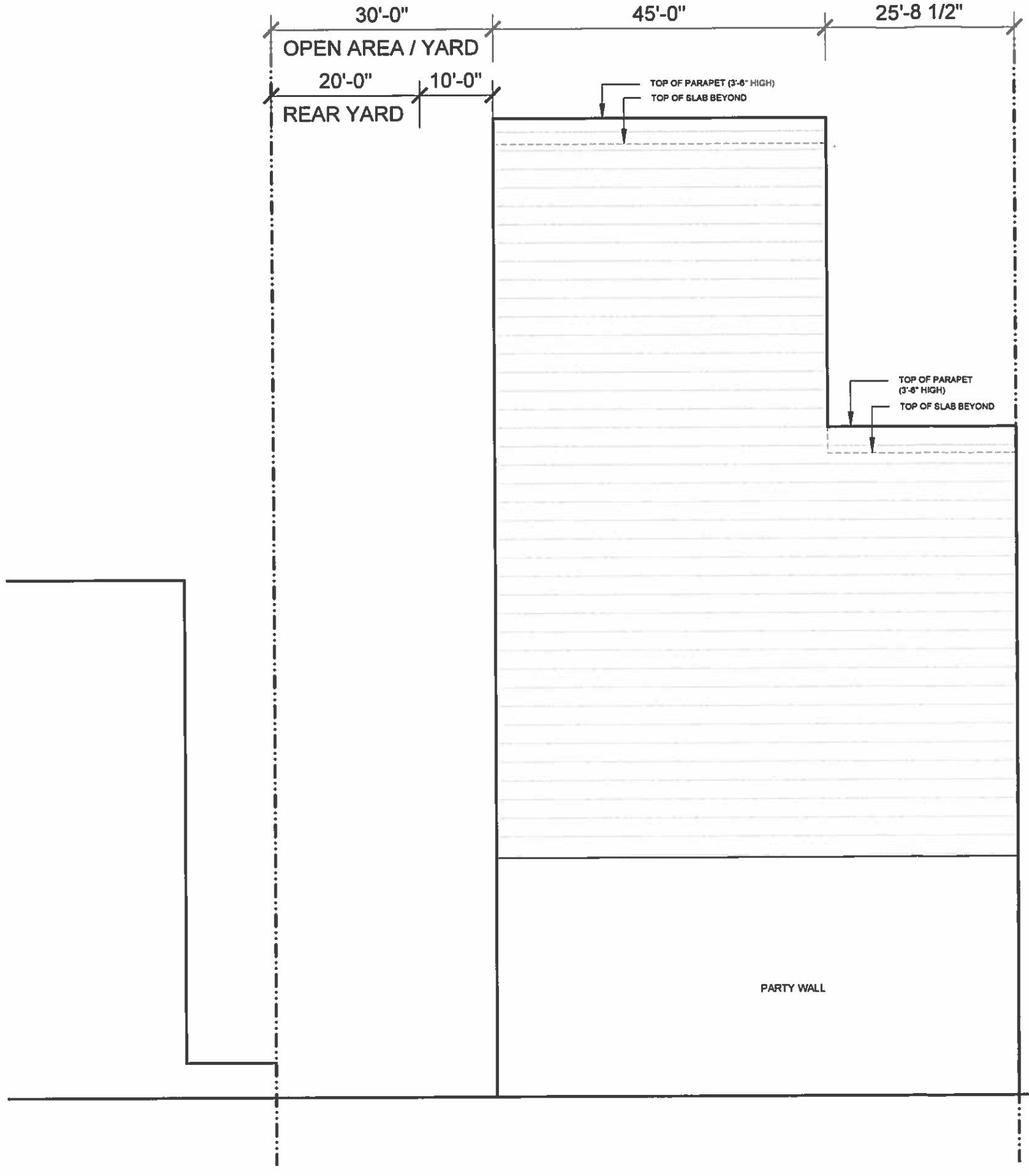
No. Date Description

BSA CALENDAR #:

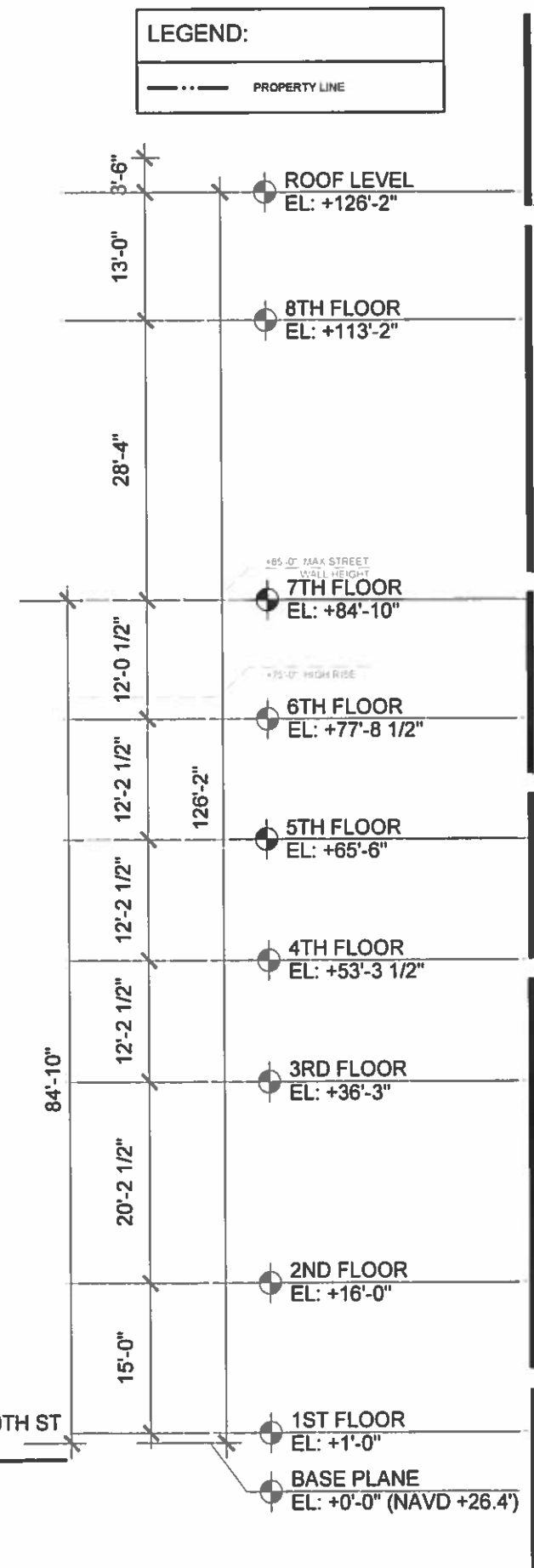
REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT BUILDING ELEVATION NORTH
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-501



01 WEST ELEVATION
SCALE: 1/16"=1'-0"



LEGEND:

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
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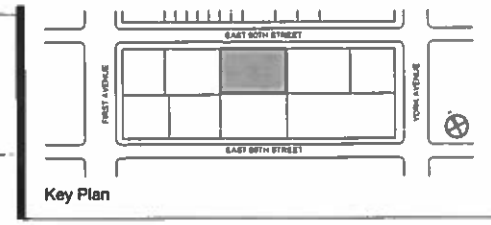


Key Plan

AS-OF-RIGHT PROJECT

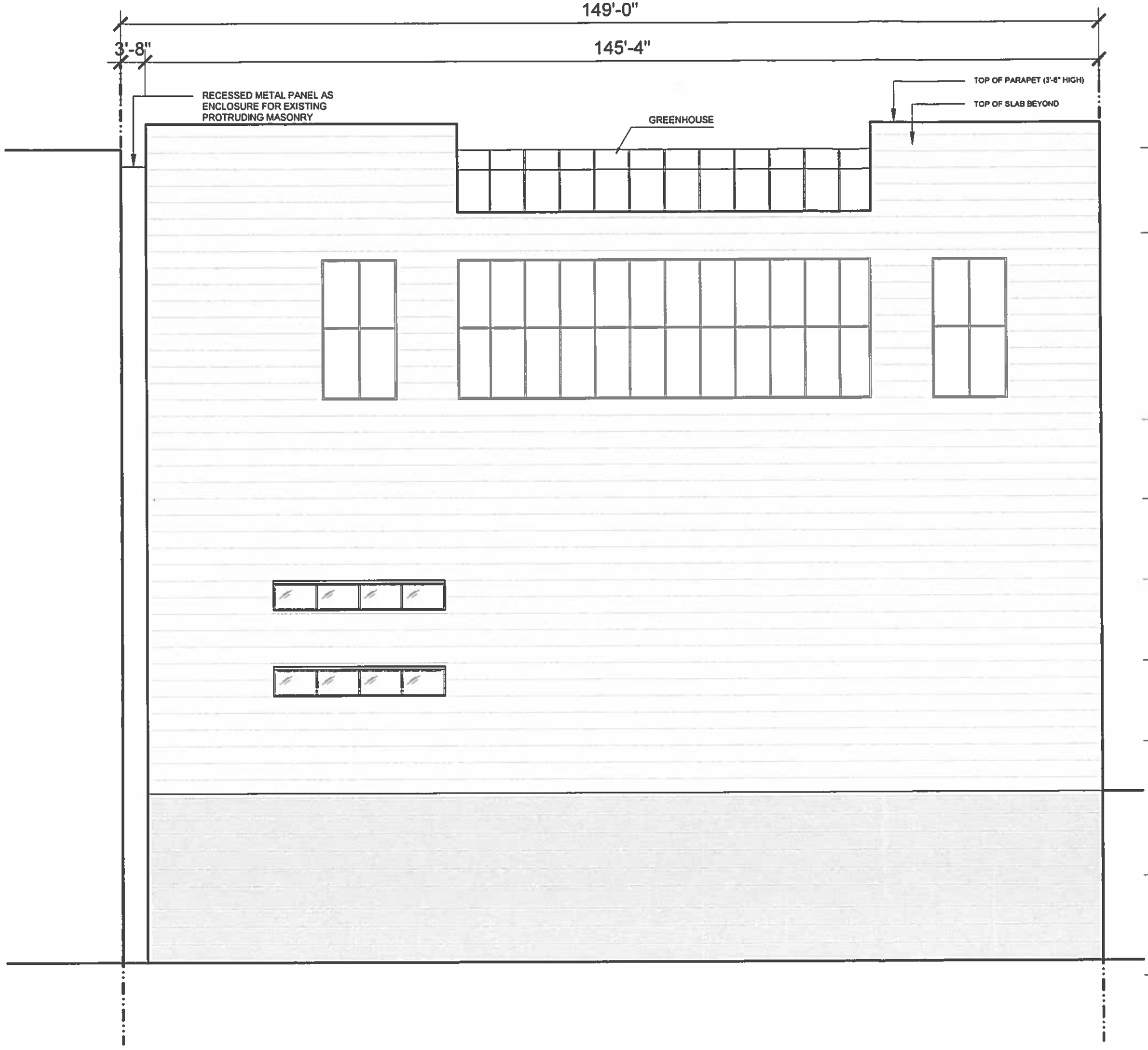
No. Date Description

BSA CALENDAR #:

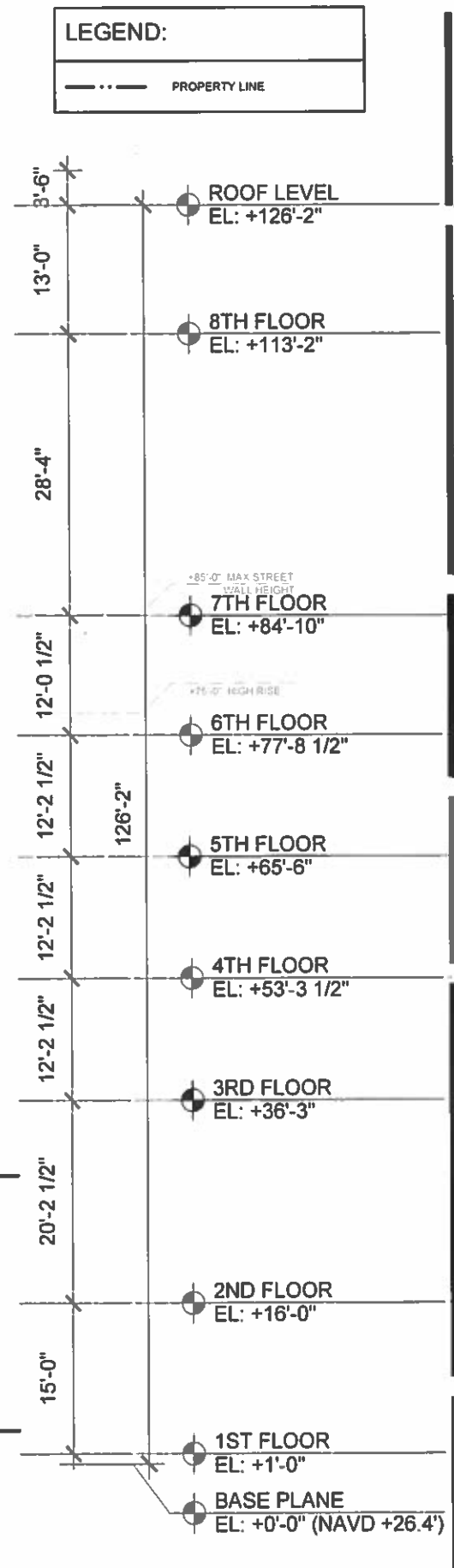
REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT BUILDING ELEVATION EAST
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-502



01 SOUTH ELEVATION
SCALE: 1/16"=1'-0"



LEGEND:

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

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New York, New York 10013
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51 Madison Avenue
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Iselin, NJ 08830
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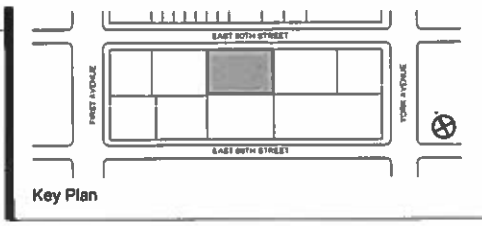


Key Plan

AS-OF-RIGHT PROJECT

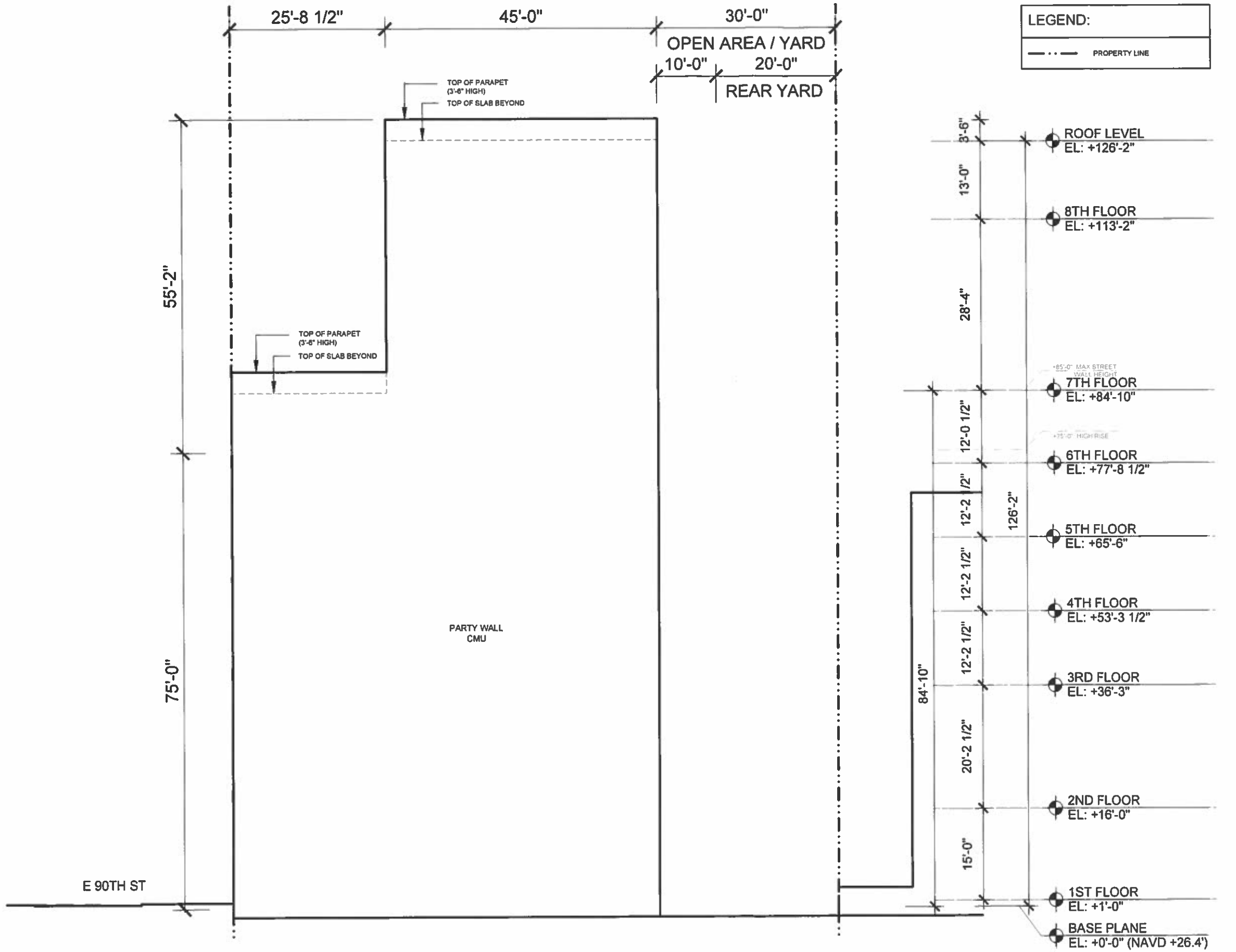
No.	Date	Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT BUILDING ELEVATION SOUTH
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-503



01 WEST ELEVATION
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:
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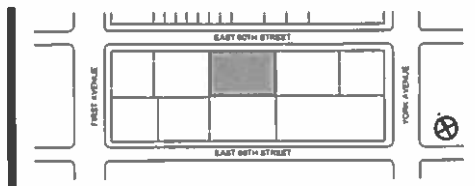


Key Plan

AS-OF-RIGHT PROJECT

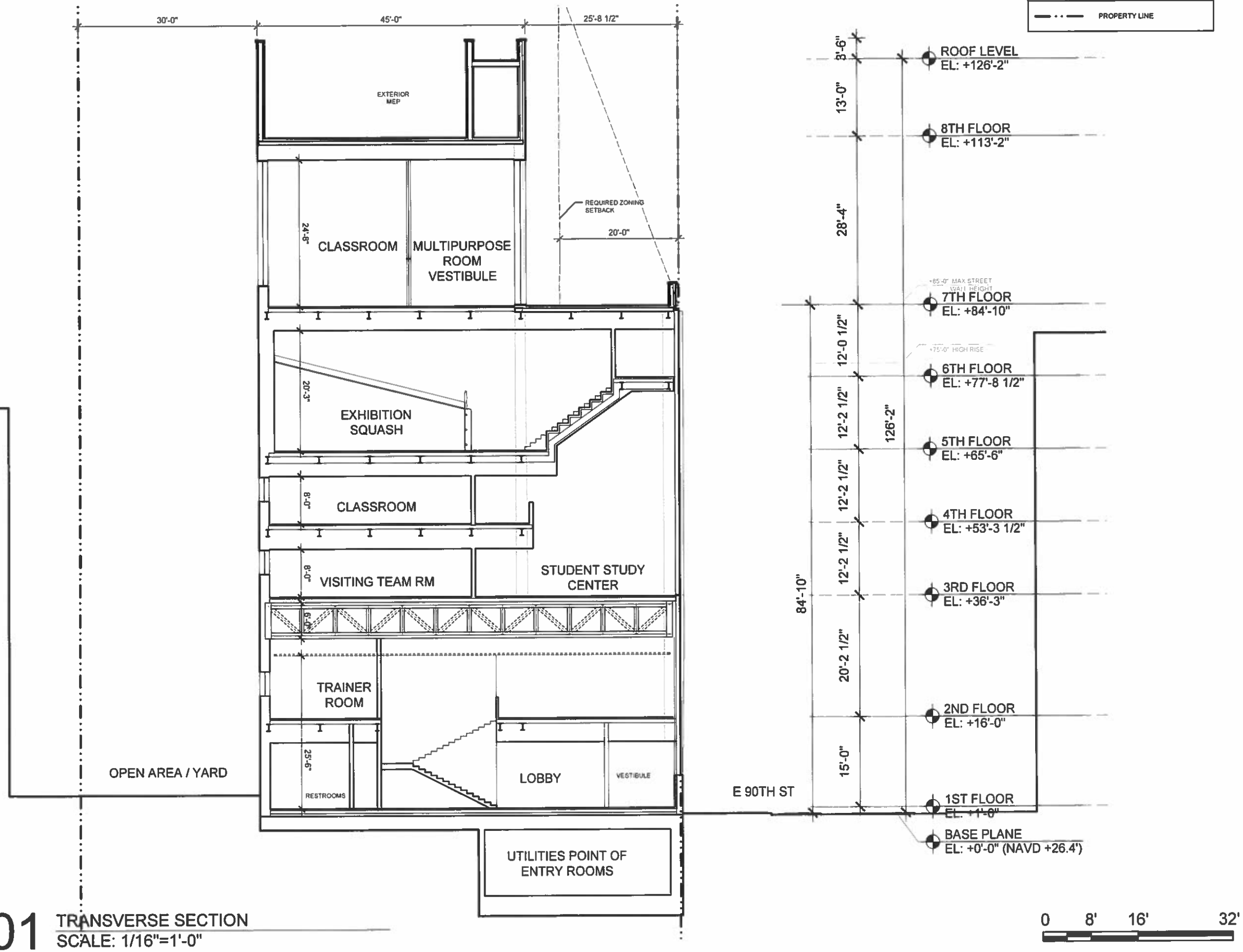
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT BUILDING ELEVATION WEST
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-504



LEGEND:

PROPERTY LINE

0 8' 16' 32'

01 TRANSVERSE SECTION
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

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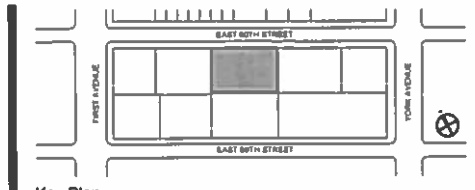


Key Plan

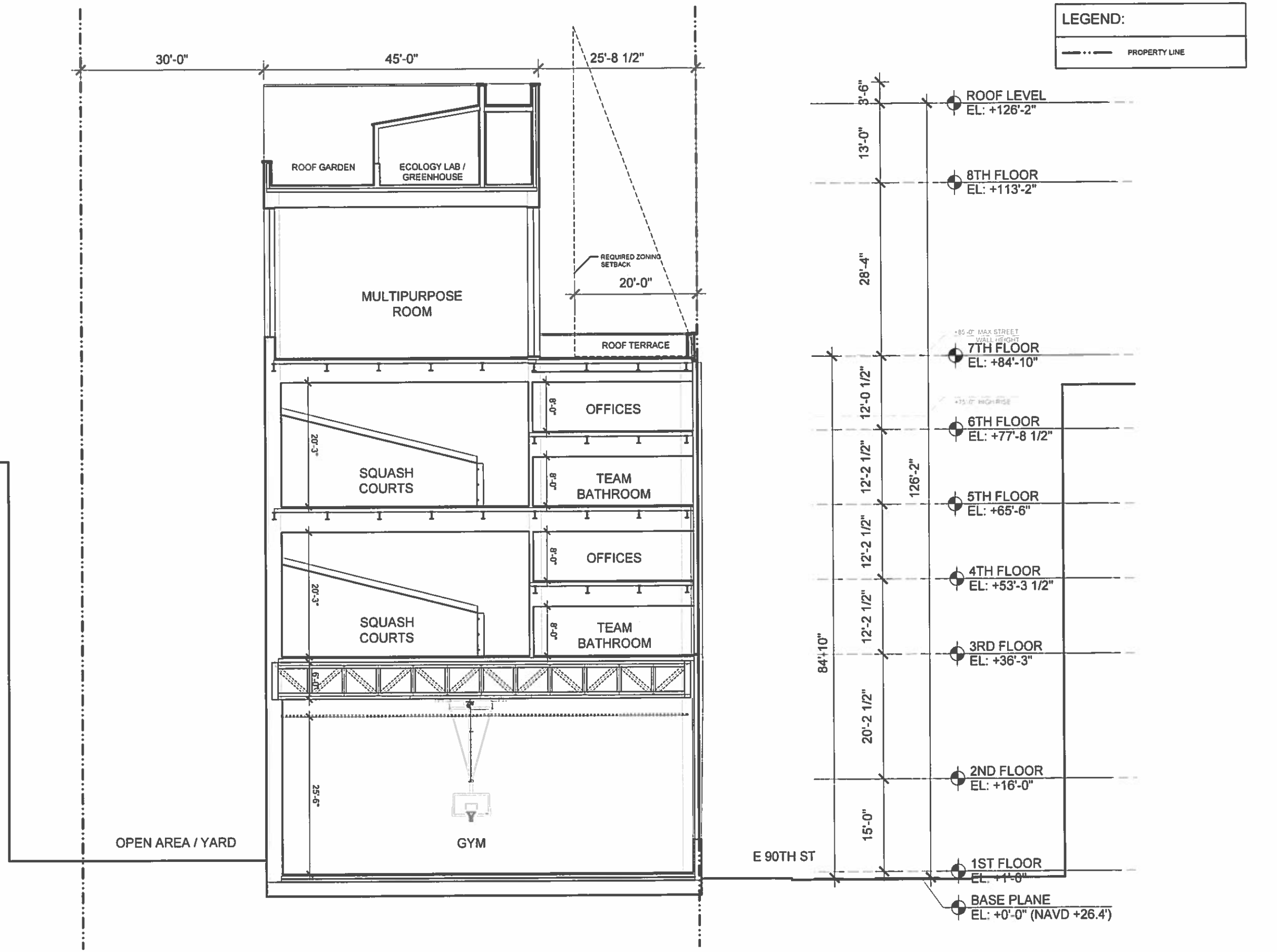
AS-OF-RIGHT PROJECT

No. Date Description

BSA CALENDAR #:

Title: AS-OF-RIGHT TRANSVERSE SECTION
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-512



LEGEND:

PROPERTY LINE

01 TRANSVERSE SECTION
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
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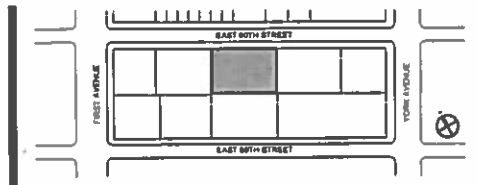


Key Plan

AS-OF-RIGHT PROJECT

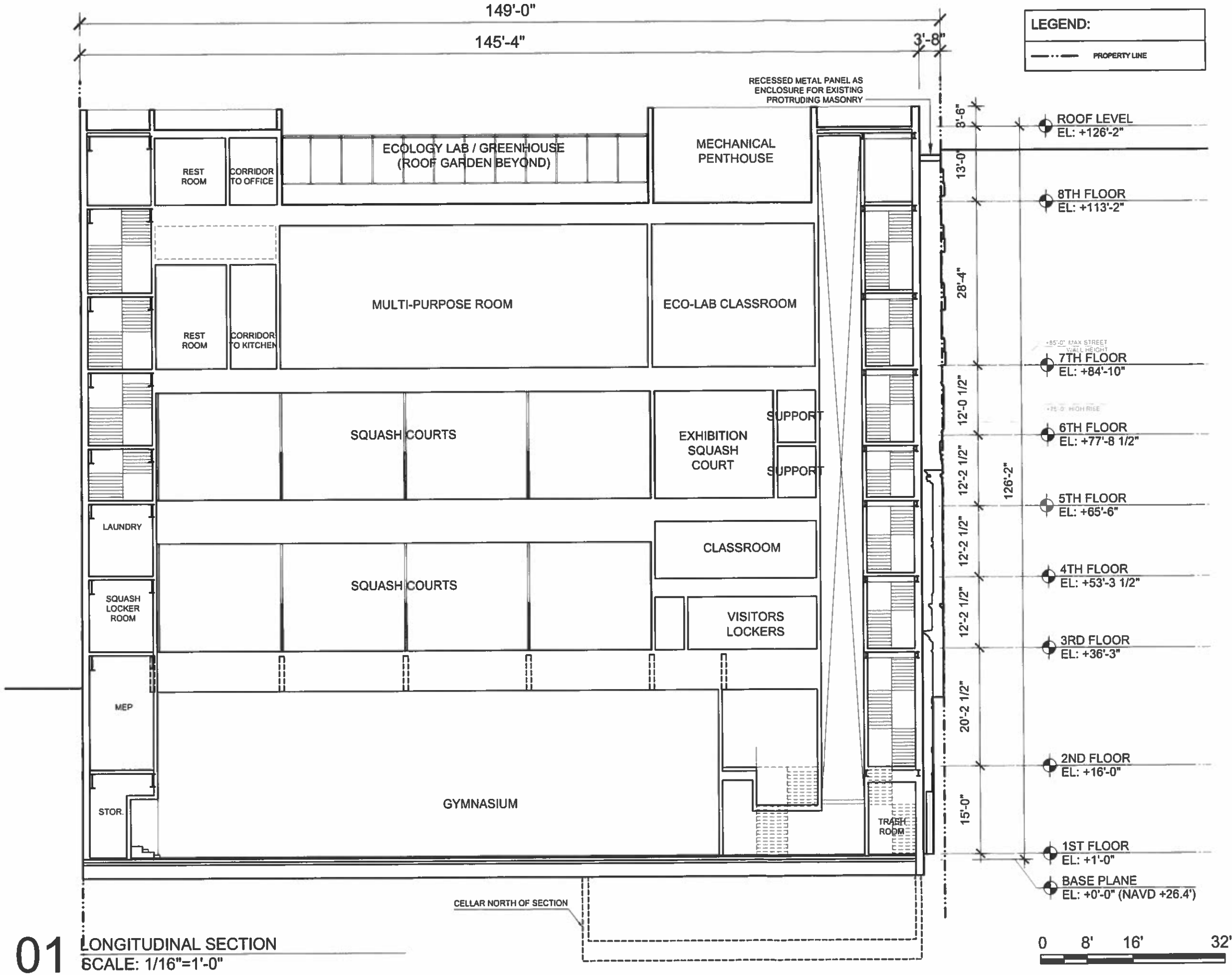
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT TRANSVERSE SECTION
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-513



01 LONGITUDINAL SECTION
SCALE: 1/16"=1'-0"

LEGEND:

PROPERTY LINE

PROJECT:
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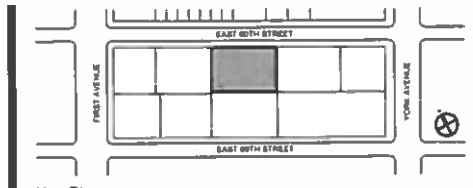

Key Plan

AS-OF-RIGHT PROJECT

No	Date	Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: AS-OF-RIGHT LONGITUDINAL SECTION
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

AOR-514

A-DL	DRAWING LIST
A-01	PROPOSED ZONING CALCULATIONS
A-02	PROPOSED SITE PLAN
A-100	PROPOSED CELLAR PLAN
A-101	PROPOSED FIRST FLOOR PLAN
A-102	PROPOSED SECOND FLOOR PLAN
A-103	PROPOSED THIRD FLOOR PLAN
A-104	PROPOSED FOURTH FLOOR PLAN
A-105	PROPOSED FIFTH FLOOR PLAN
A-106	PROPOSED SIXTH FLOOR PLAN
A-107	PROPOSED BULKHEAD PLAN
A-108	PROPOSED ROOF PLAN
A-501	PROPOSED BUILDING ELEVATION - NORTH
A-502	PROPOSED BUILDING ELEVATION - EAST
A-503	PROPOSED BUILDING ELEVATION - SOUTH
A-504	PROPOSED BUILDING ELEVATION - WEST
A-512	PROPOSED TRANSVERSE SECTION 01
A-513	PROPOSED TRANSVERSE SECTION 02
A-514	PROPOSED LONGITUDINAL SECTION

PROJECT:

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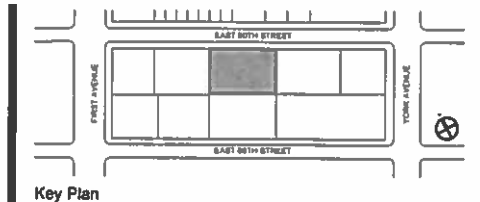

Key Plan

PROPOSED PROJECT

No.	Date	Description

BSA CALENDAR #:

Title: DRAWING LIST
Scale: NONE
Proj No: 1513
Date: 31 MARCH 2017

A-DL

Floor Area Schedule					
	Floor	Program	TOTAL ZFA		
			Gross FA	Deductions	Zoning FA
	Bulkhead	Mechanical / Staircase Penthouse	2,698.13	2,698.13	0.00
	6	Garden, Greenhouse, Classroom, Study Kitchen, Restroom	6,206.92	419.94	5,786.98
	5	Multi-Purpose Space, Kitchenette	7,355.51	284.17	7,071.34
	4	Squash Courts, Team Rooms, Restrooms	8,425.50	98.36	8,327.14
	3	Team Room, Squash Courts, Restrooms, Office, Study Center	11,676.02	102.04	11,573.98
	2	Trainer Room, Team Room, Restroom, Spectator Seating	6,871.00	395.62	6,475.38
	1	Lobby, Gym, Team Rms, Restrooms	14,956.89	42.00	14,914.89
	Cellar	P.O.E.	1,911.41	1,911.41	0.00
		TOTAL	60,101.38	5,951.67	54,149.71

SITE DATA		
Address	412 East 90th Street	
	New York, NY 10128	
Block and Lot	Block 1569	
	Lot 35	
Zoning Map	9a	
Zoning District	C8-4	
Landmark District	No	
Community District	Manhattan CD-8	
Wide Streets	None	
Narrow Streets	90th Street	
EXISTING CONDITIONS		
Existing Zoning District	C8-4	
Existing Use	Commercial	
Existing Zoning Floor Area	29,270.0	Sq. Ft.
Existing FAR	2.0	
LOT AREA		
Lot Area	15,005.0	Sq. Ft.
Overall Lot Dimensions	149'-0" x 100'-8 1/2"	
PERMITTED USES		
Use District	C8-4	
Use Group	4-14, 16	
PROPOSED USES		
Zoning District	C8-4	
Use Group	3 (32-31)	

Proposed Zoning Analysis					
ZR Section Reference		Required/Permitted	Existing	Proposed	Compliant
Permitted Use	32-10, 32-31	UG 4-14, 16	6.0	UG 3 (32-31)	NO, ZR Sec.73-19 SPECIAL PERMIT REQUESTED
Floor Area Regulations					
Floor Area Ratio	33-122	Commercial (C8-4)	Commercial (C8-4)	Community Facility (C8-4)	COMPLIES
		5.0	2.0	3.6	COMPLIES
	33-123	Community Facility (C8-4)			
		6.5			
Zoning Floor Area	33-122	Commercial (FAR 5.0)			
		15,005 x 5.0 = 75,025 sf			
	33-123	Community Facility (FAR 6.5)	29,270 sf	54,149.71 sf	COMPLIES
		15,005 x 6.5 = 97,533 sf			
Yards					
Rear Yard	33-26	20'-0"	0'-0"	0'-0"	NO, VARIANCE REQUESTED
Yard Along Residential District Boundary	33-292	30'-0"	0'-0"	0'-0"	NO, VARIANCE REQUESTED
Height and Set Backs					
Front Setback - Narrow Street	33-432	20'-0"	N/A	20'-0"	COMPLIES
Base Height - Narrow Street	33-432	85'-0" or 6 Stories	34'-0 1/2"	81'-0"	COMPLIES
Sky Exposure Plane - Narrow Street	33-432	2.7 to 1	N/A	N/A	COMPLIES
Parking & Loading					
Bike Parking	36-711	28 (1 per 2,000sf)	15	28	COMPLIES
Accessory Off-Street Parking	36-21	None Required	0	0	COMPLIES

*Existing Bulding pre-dates ZR

PROJECT:
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412 BUILDING

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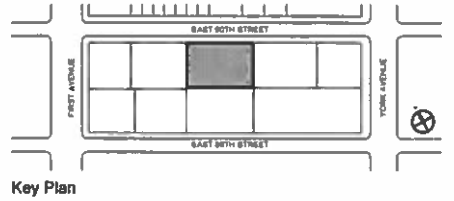


Key Plan

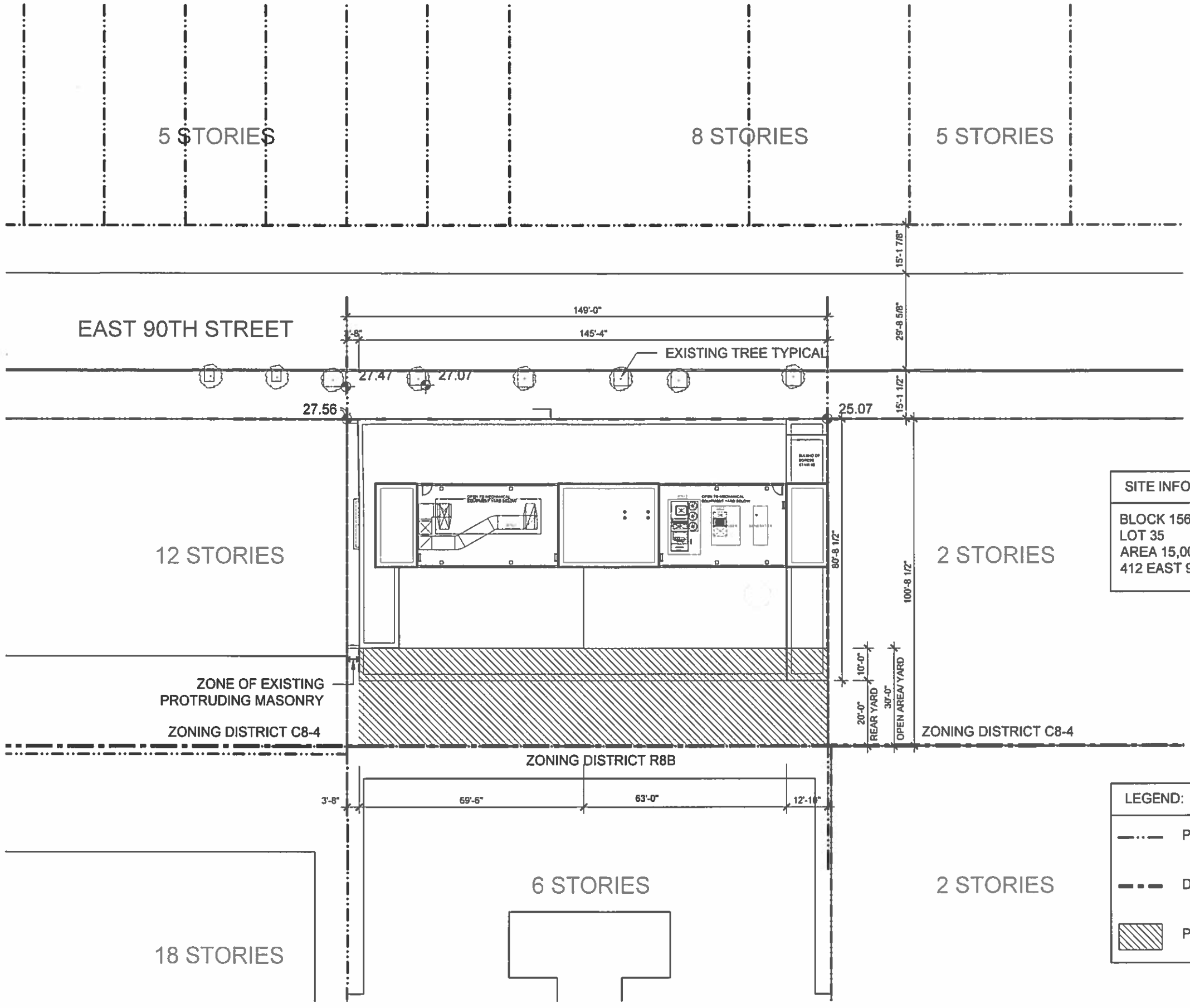
PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

Title: PROPOSED ZONING CALCULATIONS
Scale: NO SCALE
Proj No: 1513
Date: 31 MARCH 2017

A-01



01 SITE PLAN---PROPOSED SCHEME
SCALE: 1/32"=1'-0"

SITE INFO:

BLOCK 1569
LOT 35
AREA 15,005 SF
412 EAST 90TH STREET

LEGEND:

- PROPERTY LINE
- DISTRICT BOUNDARY LINE
- PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

PROJECT:
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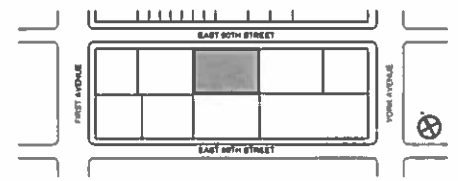

Key Plan

PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED SITE PLAN
Scale: 1/32" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-02

NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

PROPOSED NON-COMPLIANCE

PROJECT:
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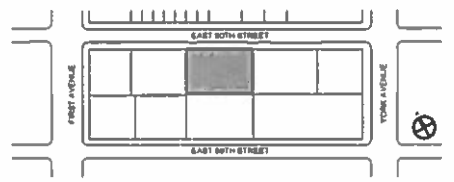


Key Plan

PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

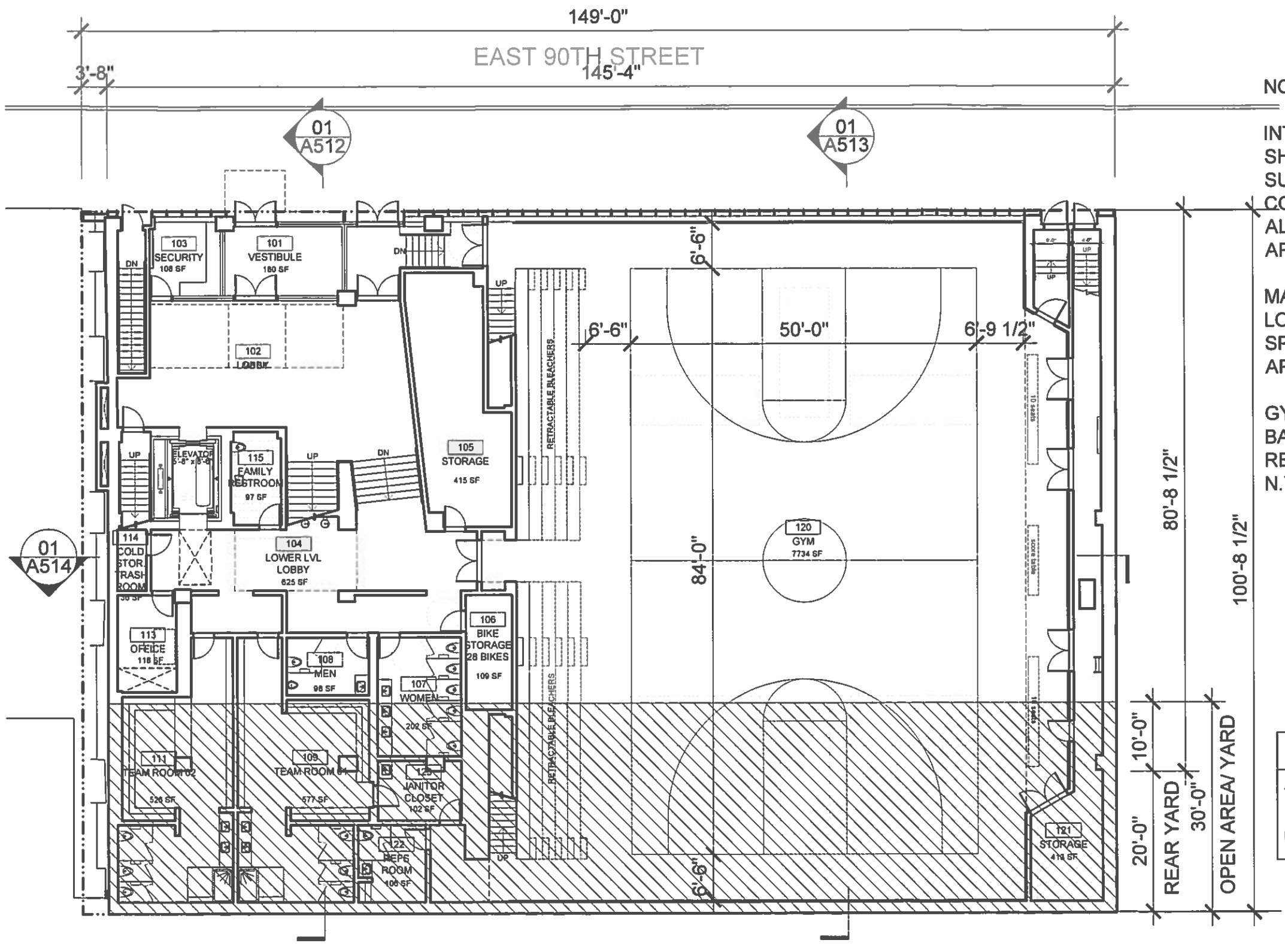
NORTH

Title: PROPOSED CELLAR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-100

01 CELLAR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'



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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

GYM DIMENSIONS ARE BASED ON THE REQUIREMENTS OF N.Y.S.A.I.S.

LEGEND:

- PROPERTY LINE
- PROPOSED NON-COMPLIANCE

01 FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
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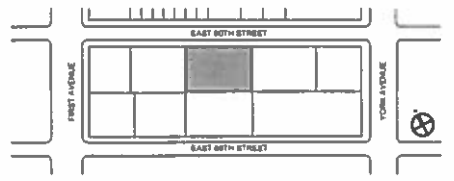


Key Plan

PROPOSED PROJECT

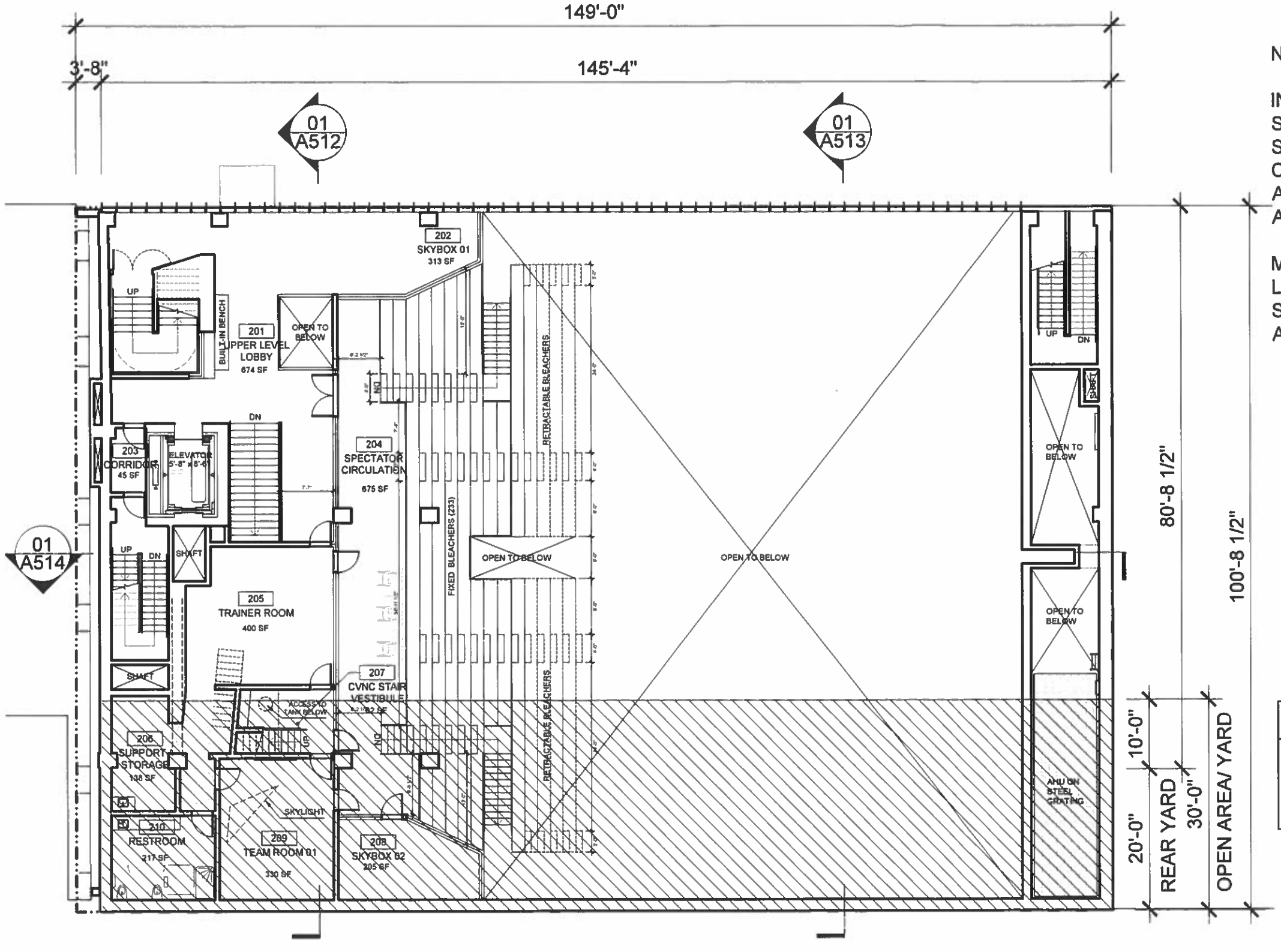
No. Date Description

BSA CALENDAR #:

NORTH

Title: PROPOSED FIRST FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-101



01 SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

NOTES:

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LEGEND:

- PROPERTY LINE
- PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

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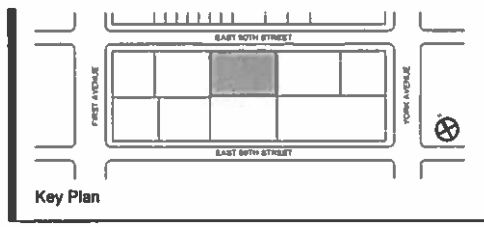
BUILDING SYSTEMS ENGINEER:
ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

PROPOSED PROJECT

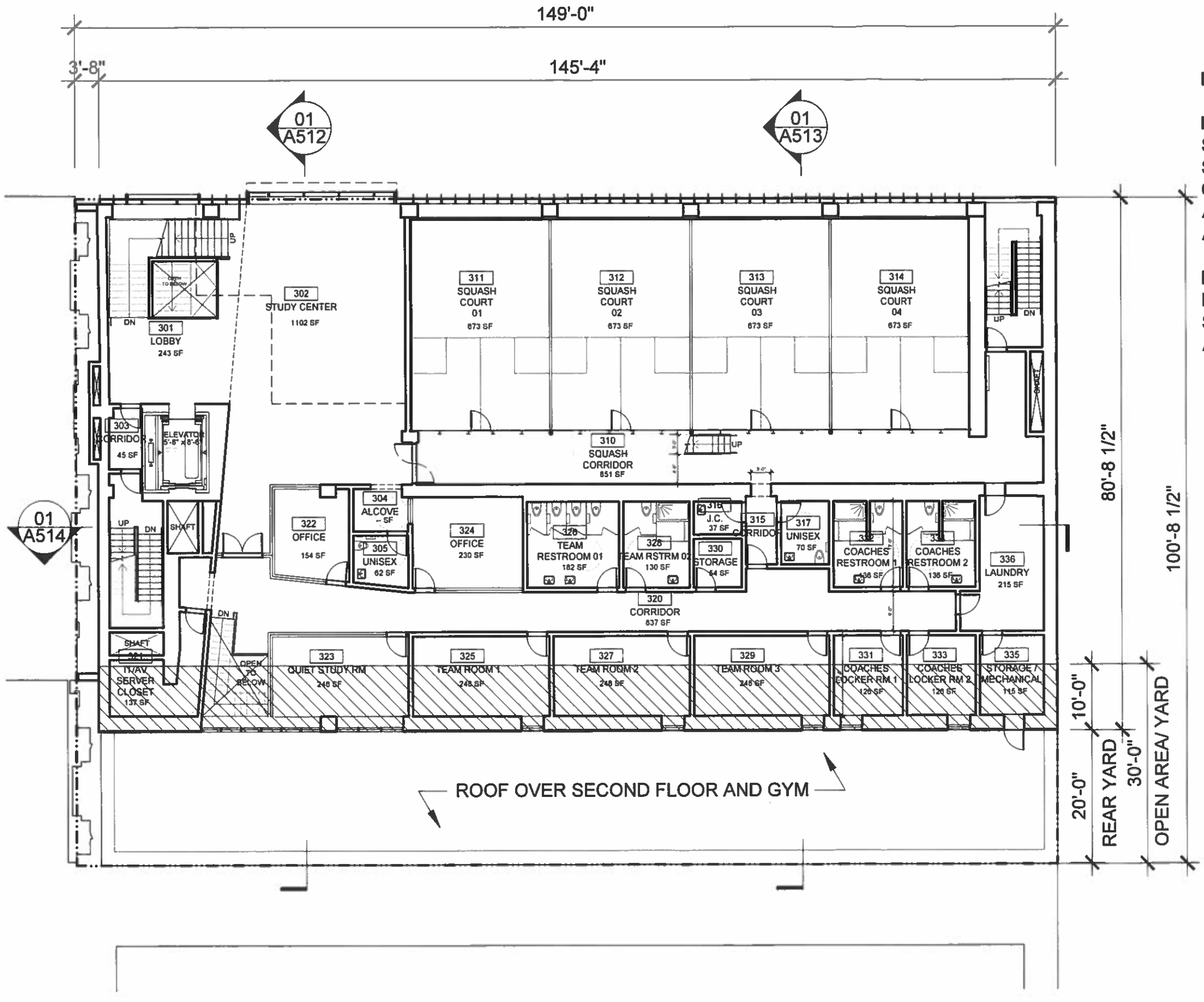
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED SECOND FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-102



01 THIRD FLOOR PLAN
SCALE: 1/16"=1'-0"

NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.308.7570
www.rogersarchitects.com

STRUCTURAL ENGINEER: Thornton Tomasetti
51 Madison Avenue
New York, NY 10010
917.661.7840
www.thorntontomasetti.com

BUILDING SYSTEMS ENGINEER: ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
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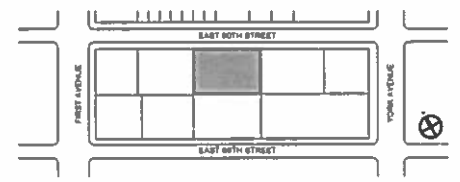


Key Plan

PROPOSED PROJECT

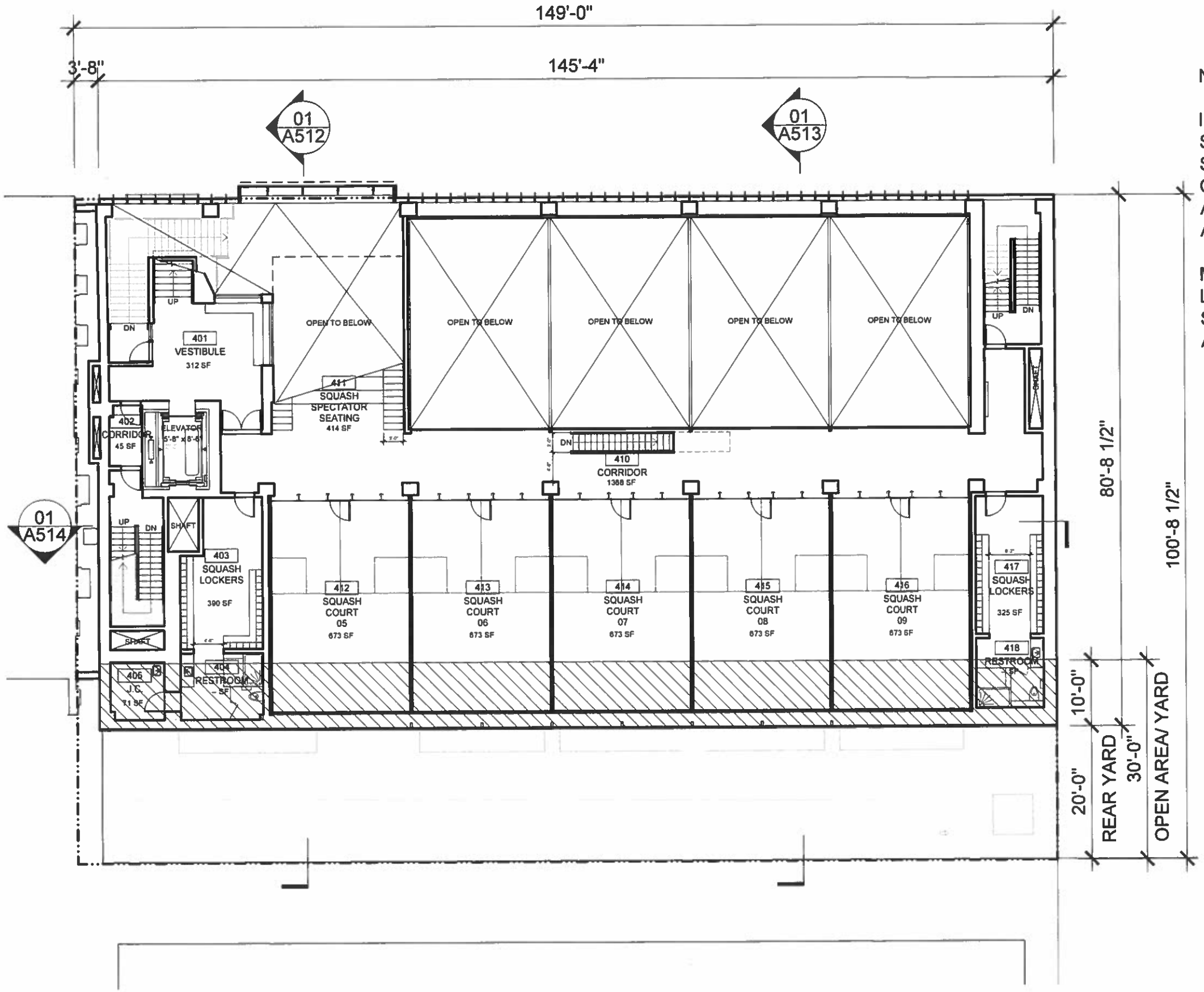
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED THIRD FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-103



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

01 FOURTH FLOOR PLAN
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
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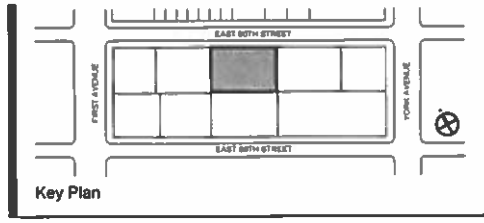


Key Plan

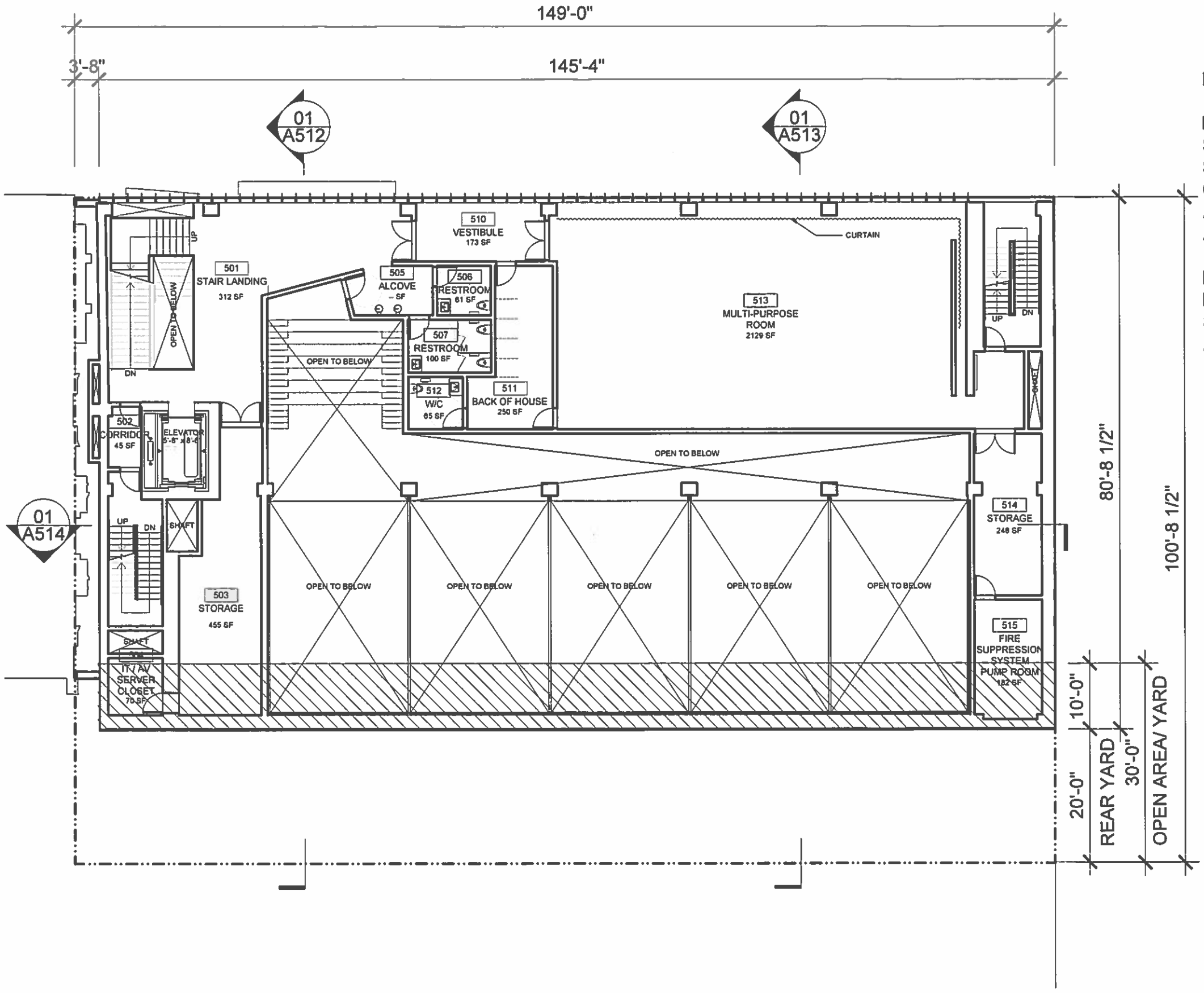
PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

Title: PROPOSED FOURTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-104



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

- PROPERTY LINE
- PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

01 FIFTH FLOOR PLAN
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS
Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
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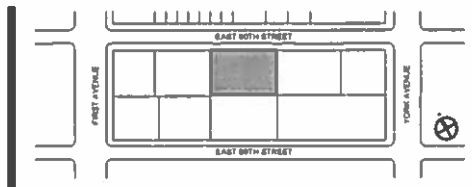


Key Plan

PROPOSED PROJECT

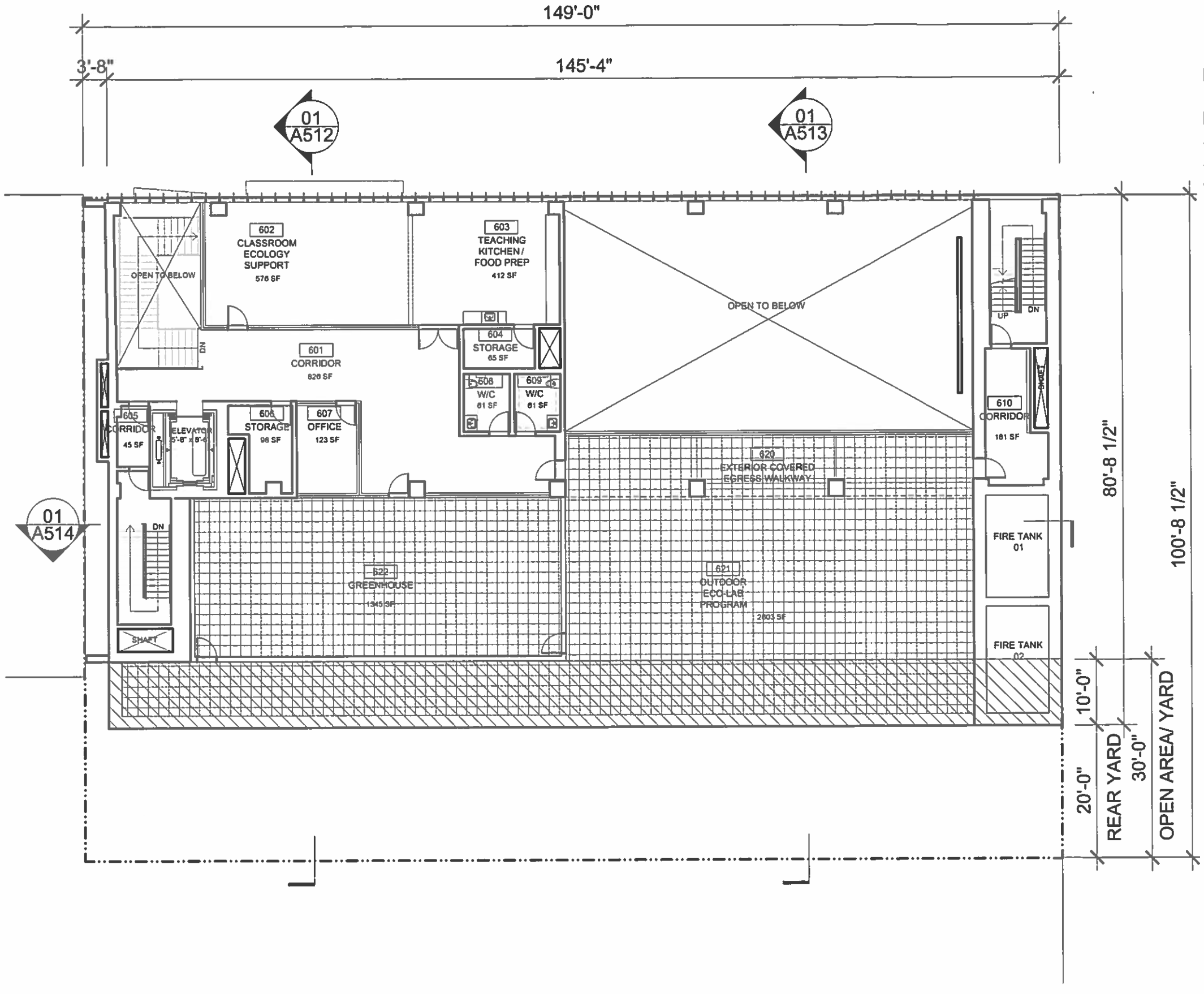
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED FIFTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-105



NOTES:

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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

- PROPERTY LINE
- PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

01 SIXTH FLOOR PLAN
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
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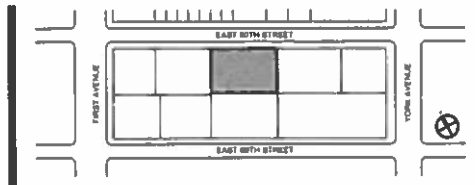


Key Plan

PROPOSED PROJECT

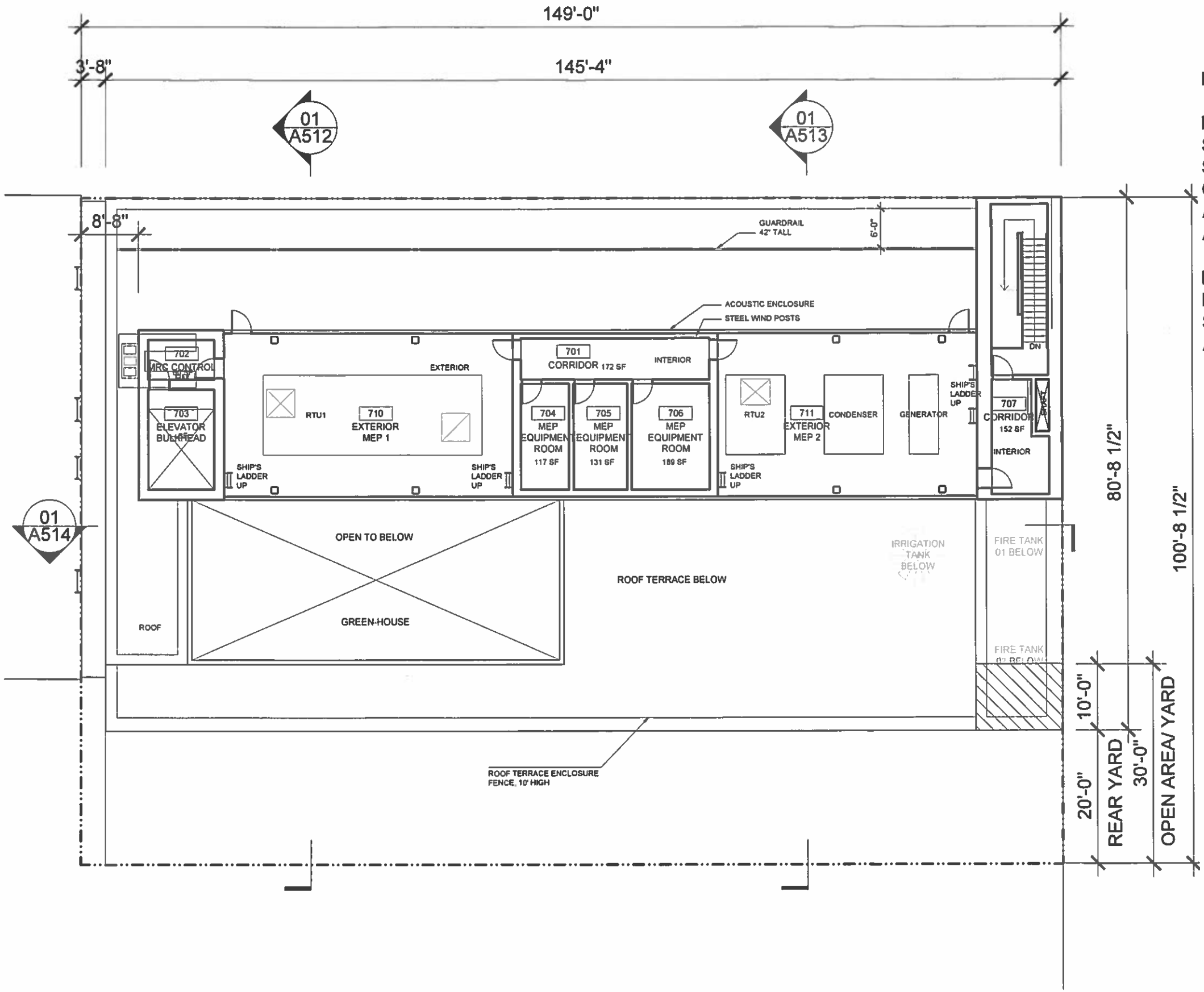
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED SIXTH FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-106



NOTES:

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB.

MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

- PROPERTY LINE
- PROPOSED NON-COMPLIANCE

01 BULKHEAD FLOOR PLAN
SCALE: 1/16"=1'-0"

0 8' 16' 32'

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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Architects+Urban Designers
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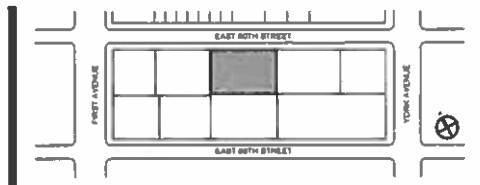


Key Plan

PROPOSED PROJECT

No. Date Description

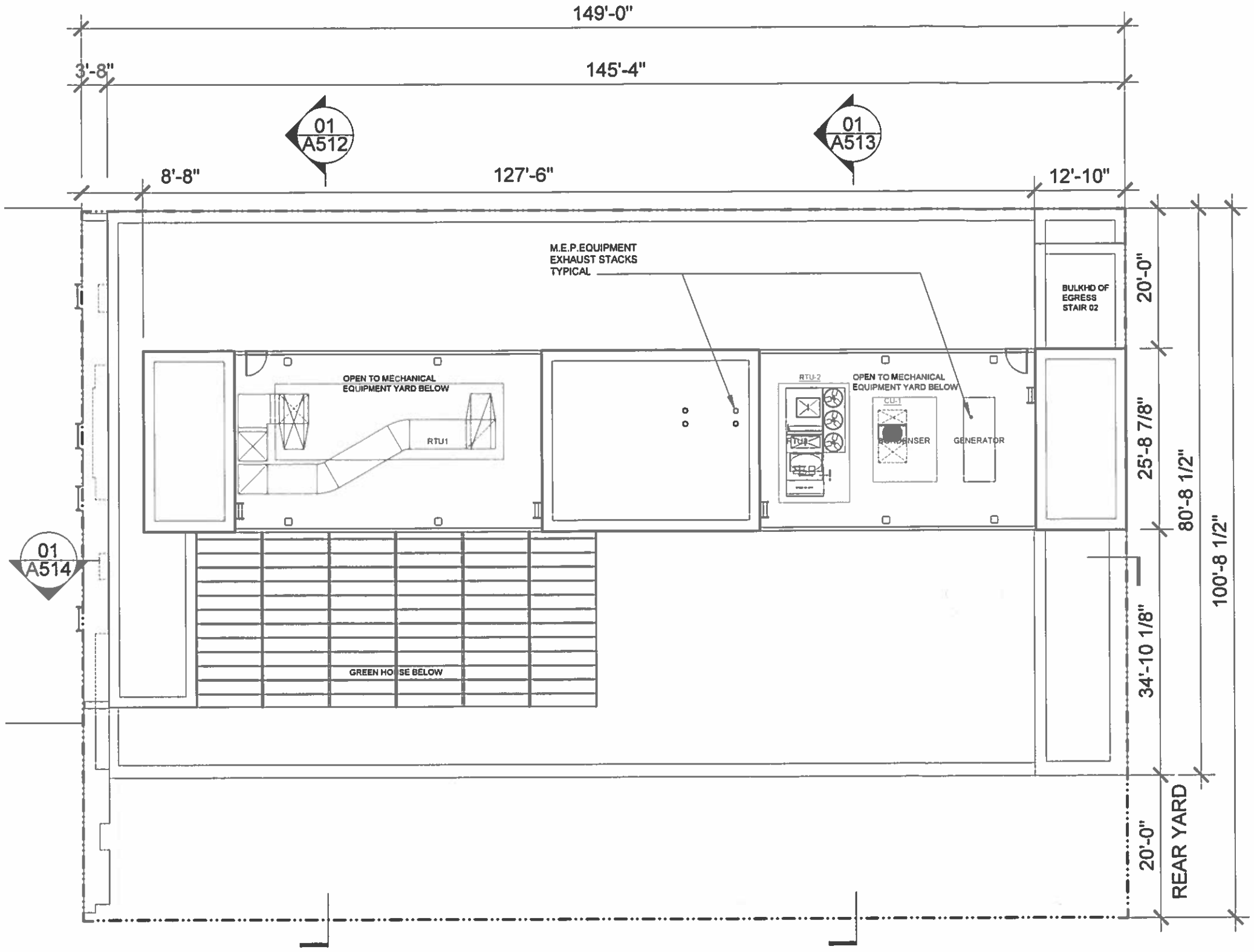
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

NORTH

Title: PROPOSED BULKHEAD FLOOR PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-107



NOTES:

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MAXIMUM OCCUPANT LOAD PER FLOOR / SPACE SHALL BE AS APPROVED BY THE DOB.

LEGEND:

PROPERTY LINE

PROPOSED NON-COMPLIANCE

NORTH

0 8' 16' 32'

01 ROOF PLAN
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
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Iselin, NJ 08830
917.272.3300
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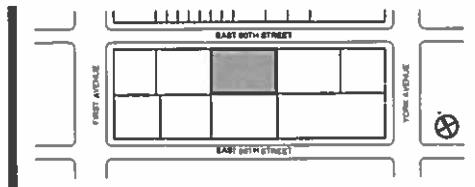


Key Plan

PROPOSED PROJECT

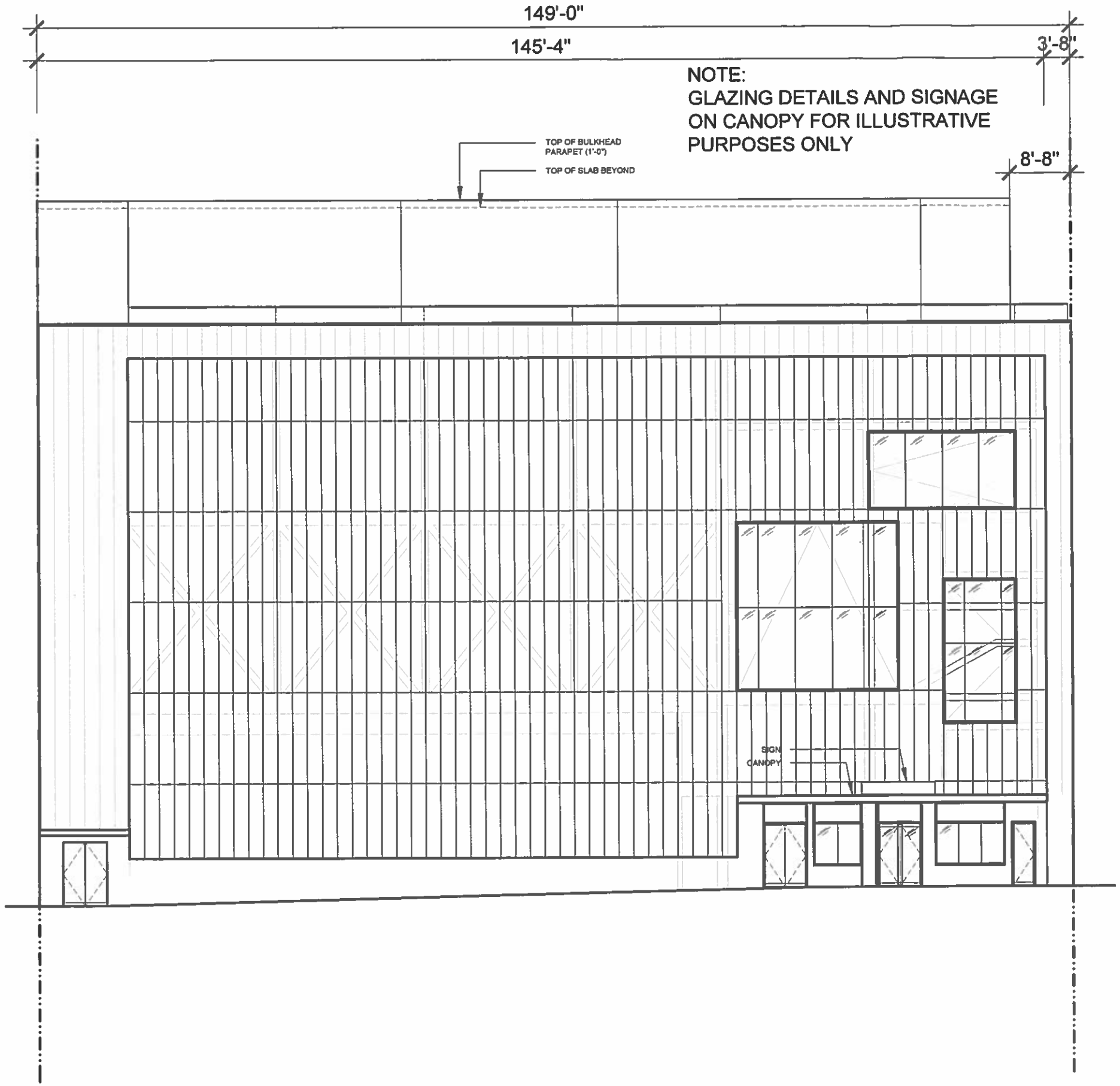
No. Date Description

BSA CALENDAR #:

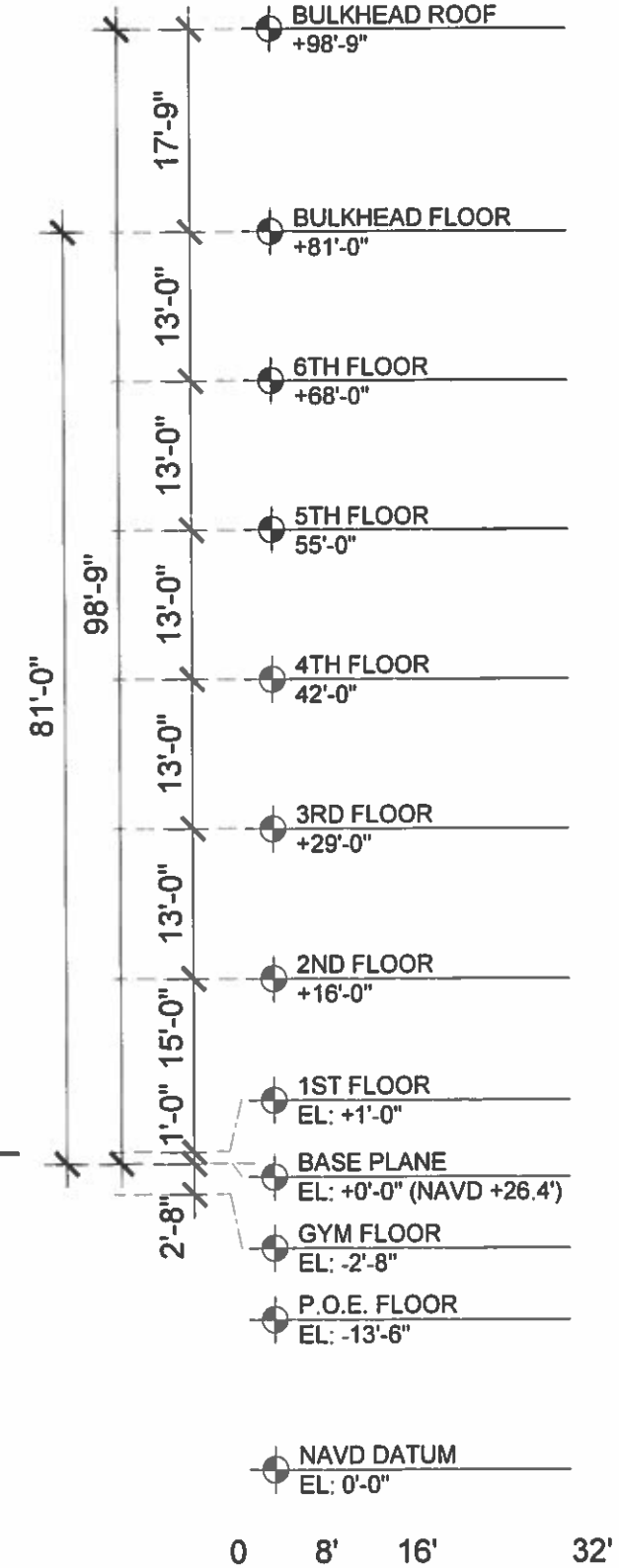
REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED ROOF PLAN
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-108



01 NORTH ELEVATION
SCALE: 1/16"=1'-0"



LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS
Architects+Urban Designers
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STRUCTURAL ENGINEER:
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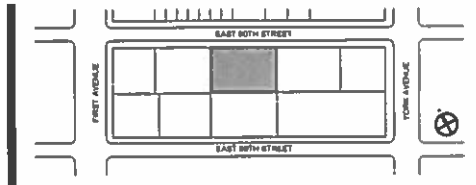
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

PROPOSED PROJECT

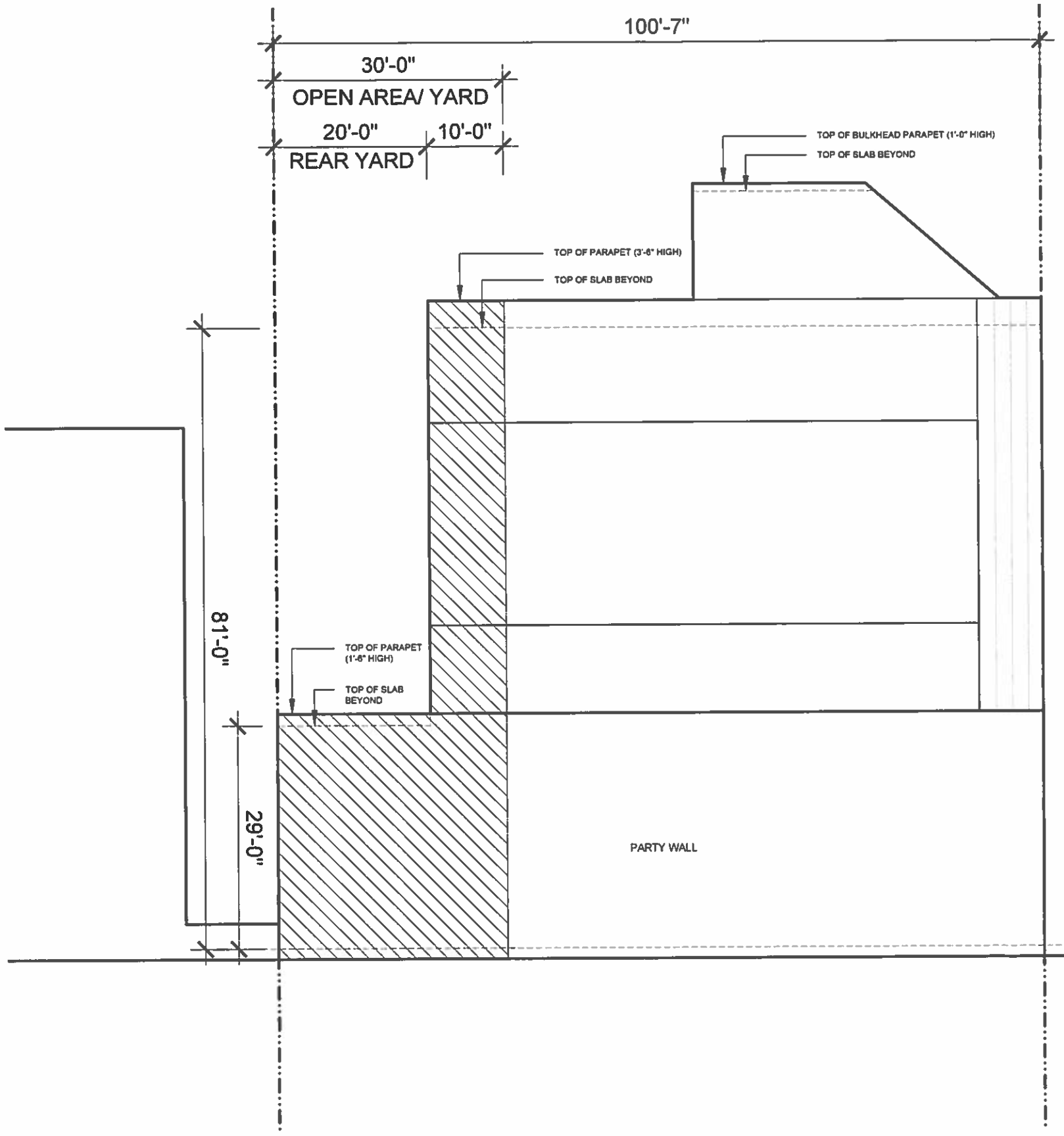
No. Date Description

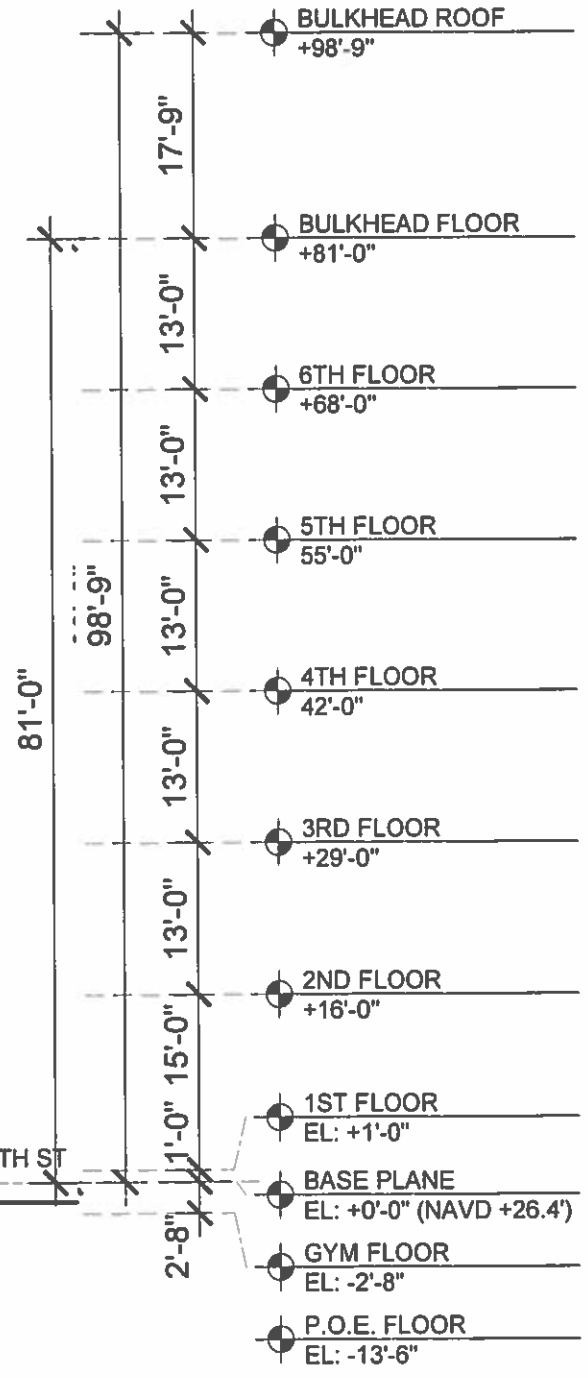
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED BUILDING ELEVATION NORTH
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-501





LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT:
The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
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Iselin, NJ 08830
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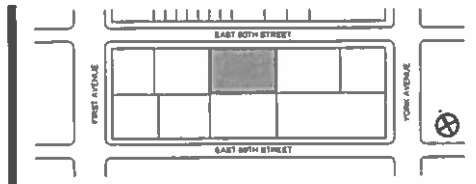


Key Plan

PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

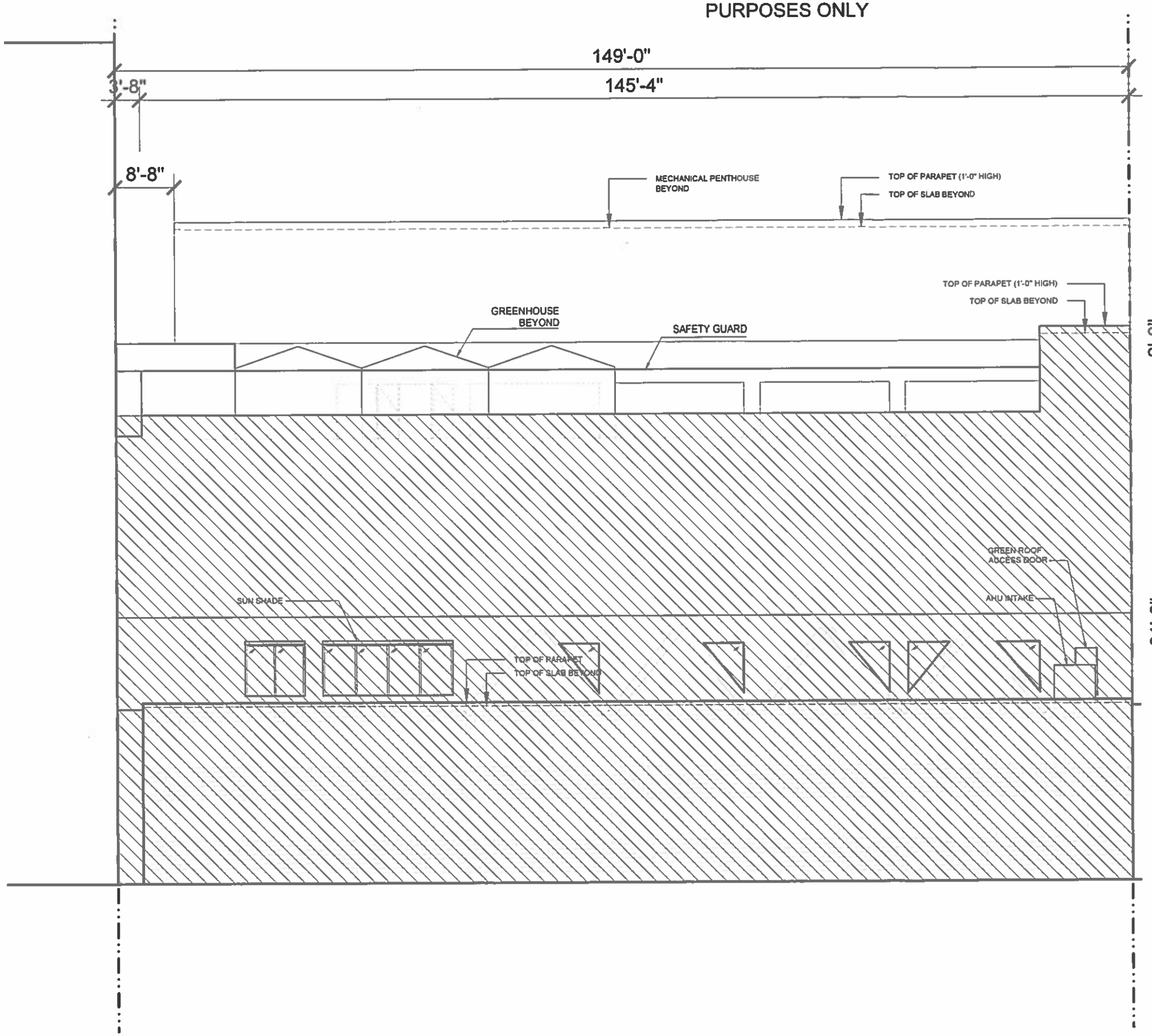
Title: PROPOSED BUILDING ELEVATION EAST
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-502

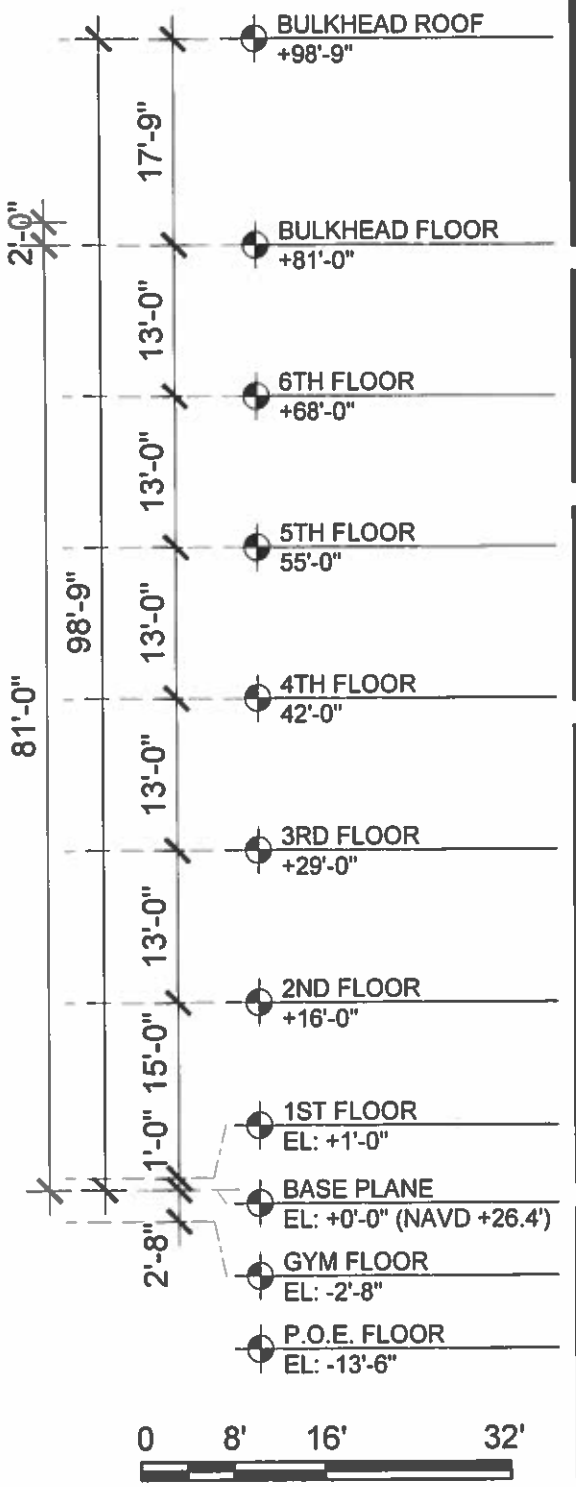
01 EAST ELEVATION
SCALE: 1/16"=1'-0"

0 8' 16' 32'

NOTE:
GLAZING DETAILS FOR ILLUSTRATIVE PURPOSES ONLY



01 SOUTH ELEVATION
SCALE: 1/16"=1'-0"



LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING
412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10126

ARCHITECT:
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Architects+Urban Designers
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New York, New York 10013
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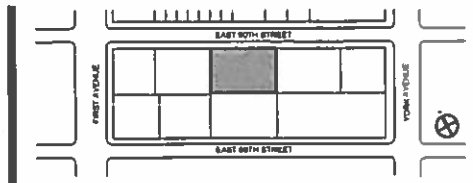


Key Plan

PROPOSED PROJECT

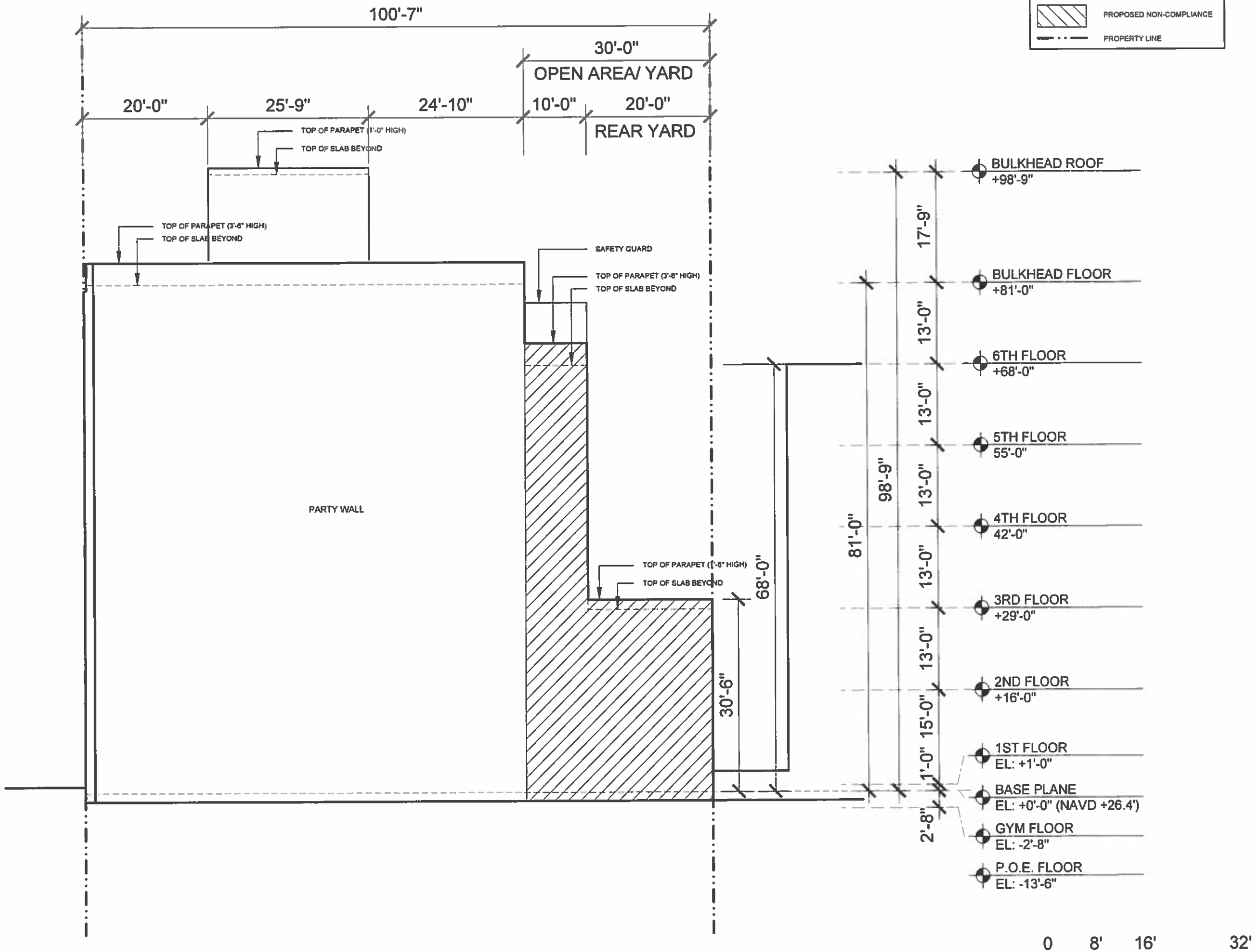
No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED BUILDING ELEVATION SOUTH
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-503



01 WEST ELEVATION
SCALE: 1/16"=1'-0"

LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
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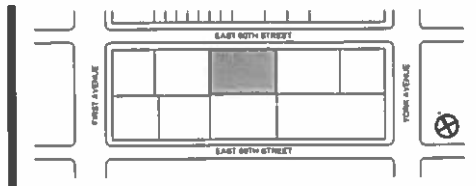


Key Plan

PROPOSED PROJECT

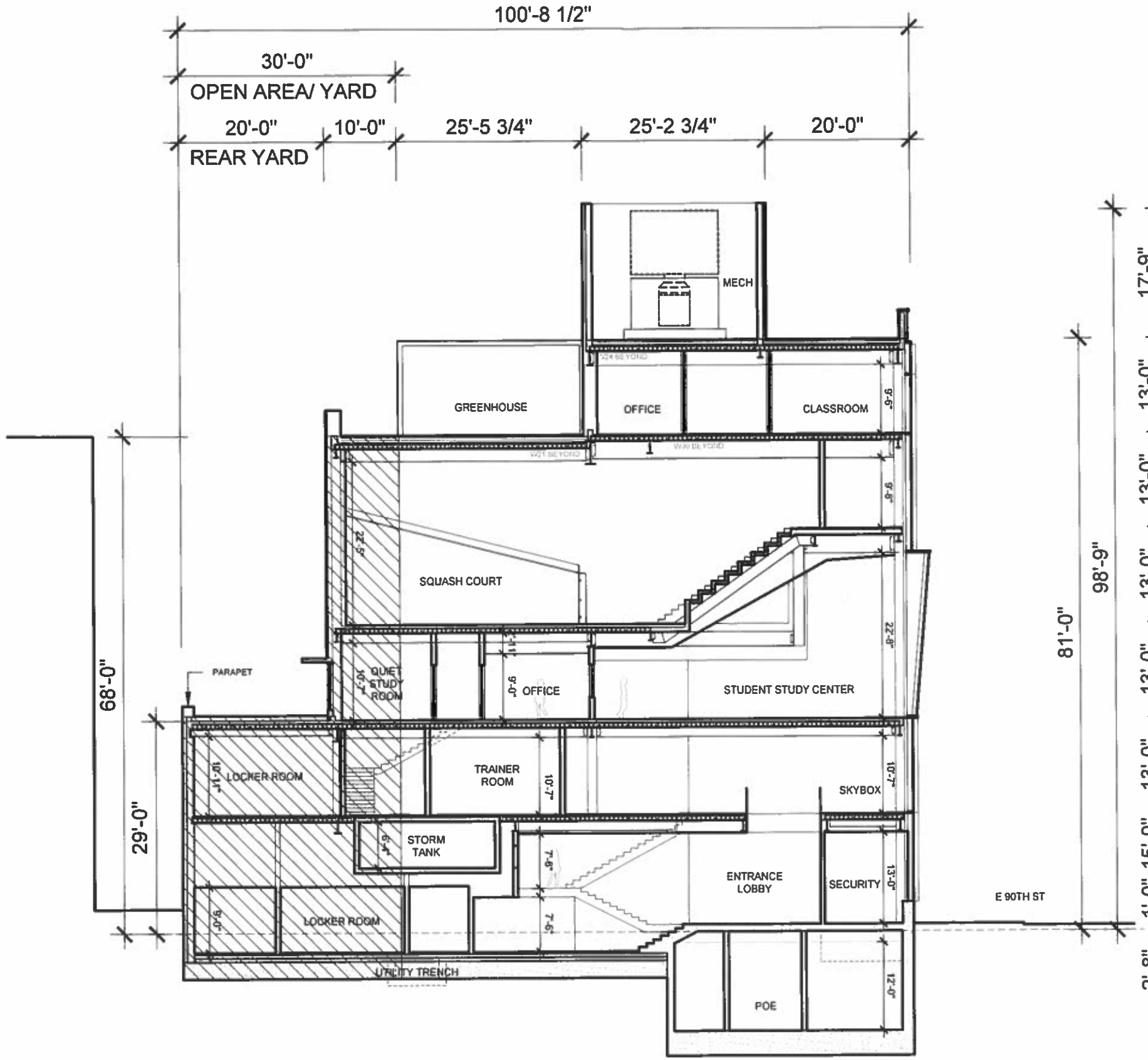
No. Date Description

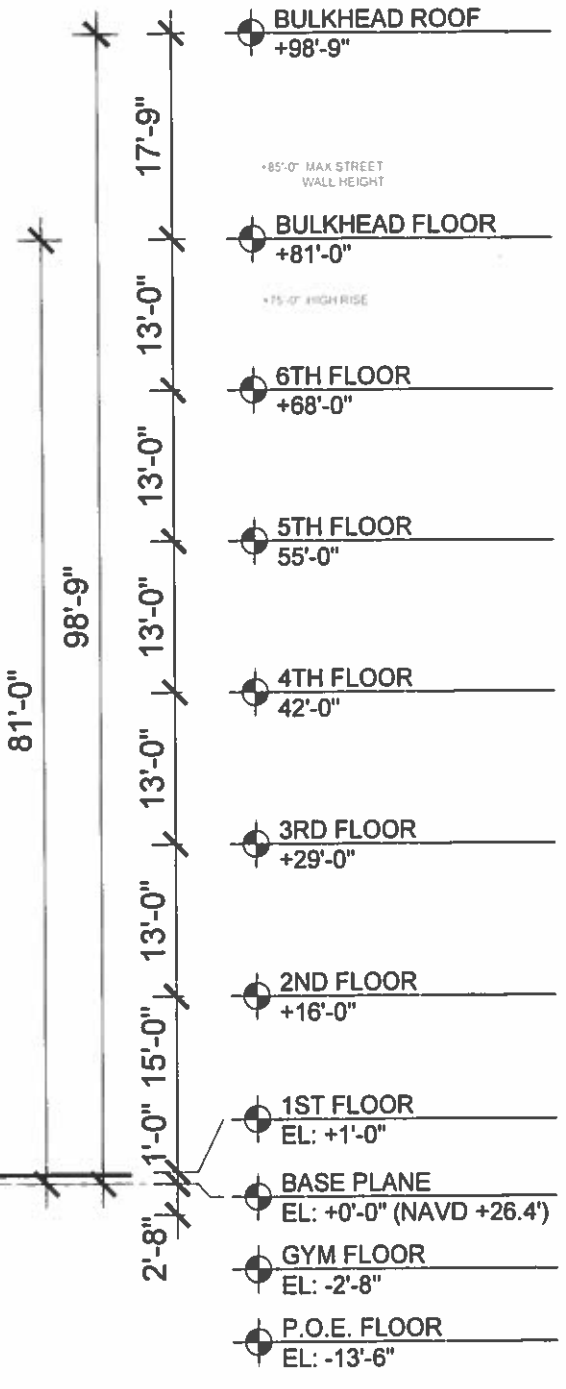
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED BUILDING ELEVATION WEST
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-504





01 TRANSVERSE SECTION
SCALE: 1/16"=1'-0"

LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
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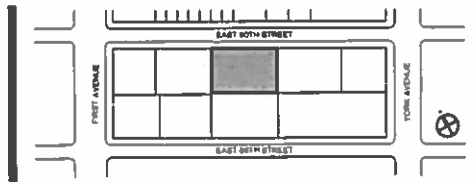
917.272.3300
www.icorassociates.com



Key Plan

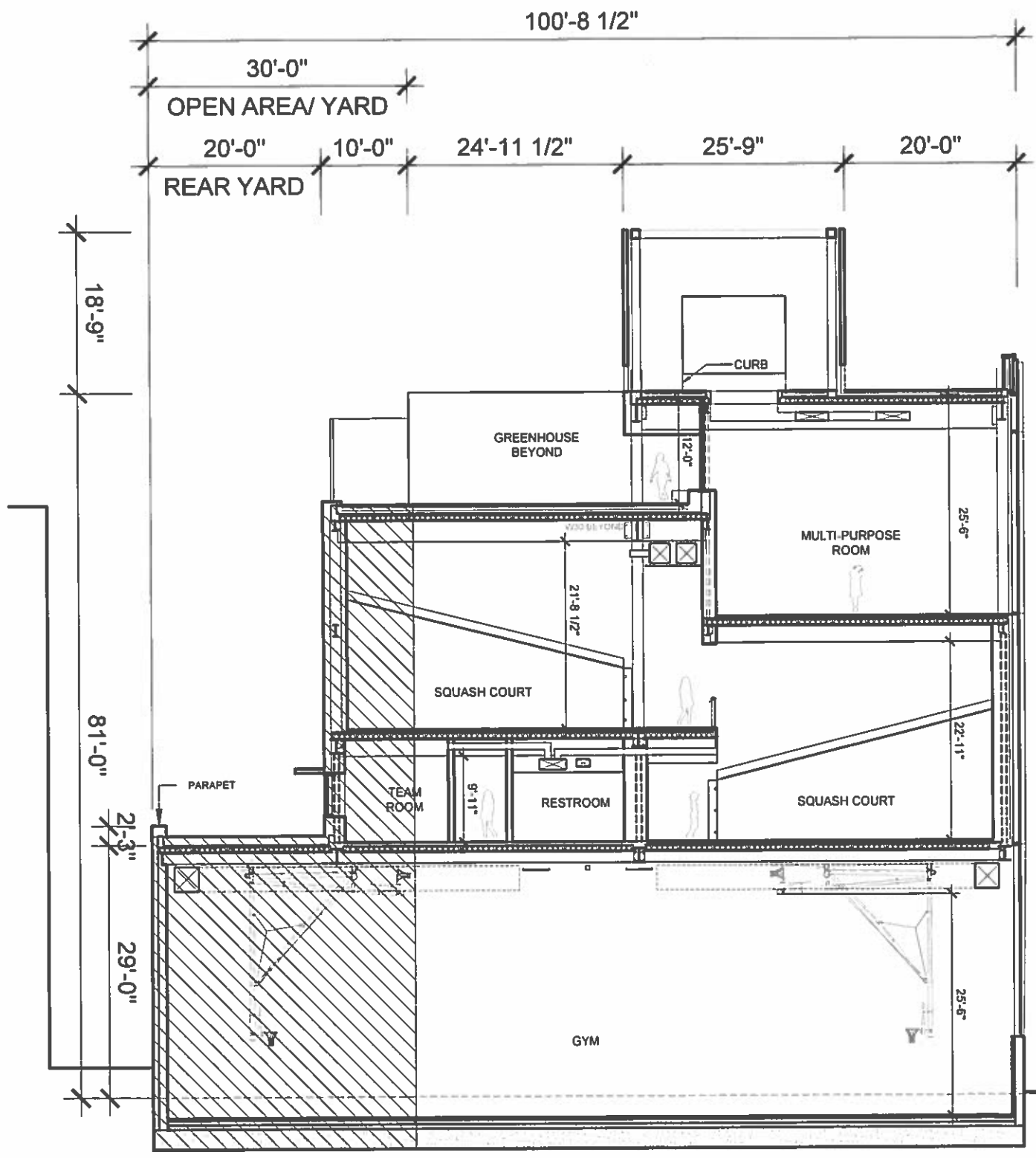
PROPOSED PROJECT

No. Date Description

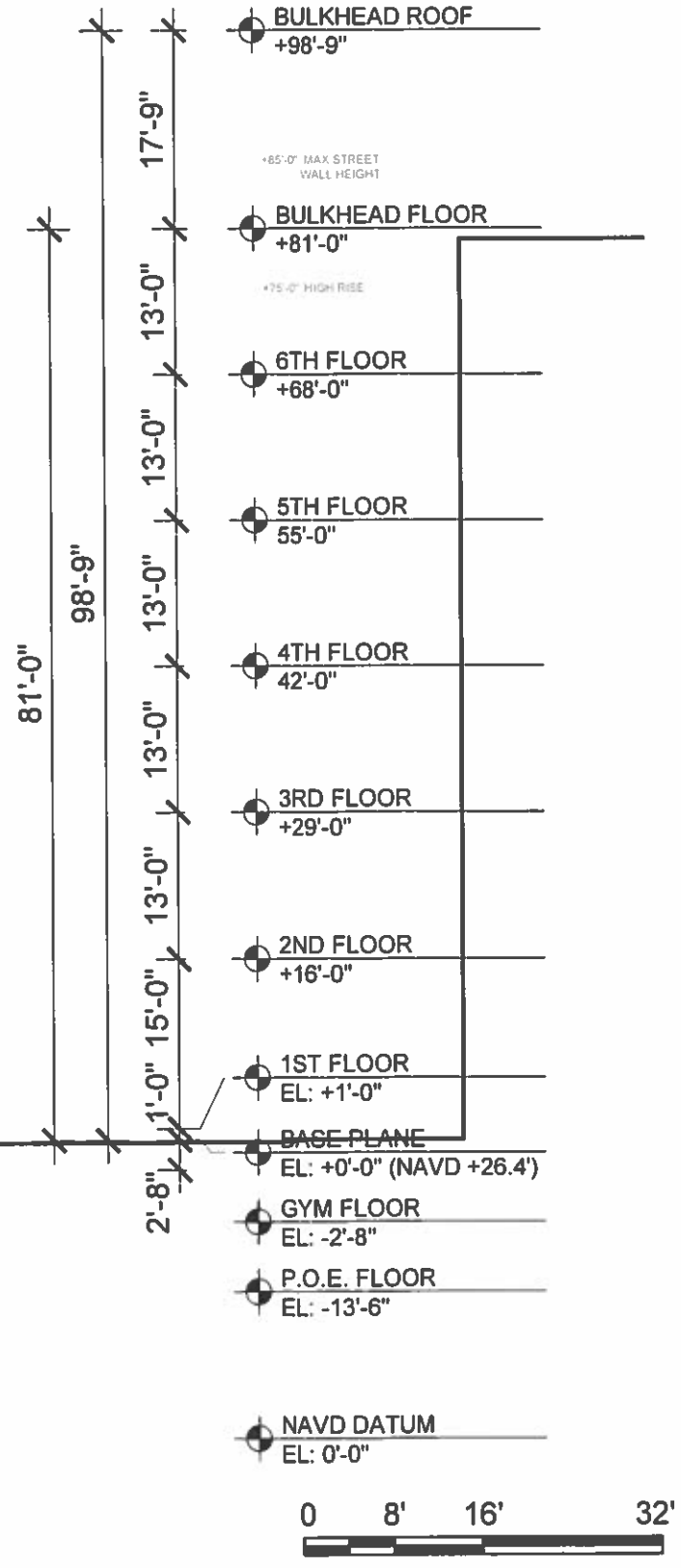
BSA CALENDAR #:

Title: PROPOSED TRANSVERSE SECTION 01
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-512



01 TRANSVERSE SECTION
SCALE: 1/16"=1'-0"



LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

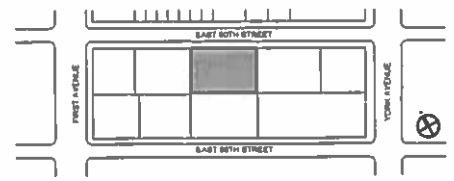
CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
www.rogersarchitects.com

STRUCTURAL ENGINEER: Thornton Tomasetti
51 Madison Avenue
New York, NY 10010
917.661 7840
www.thorntontomasetti.com

BUILDING SYSTEMS ENGINEER: ICOR Consulting Engineers
485C Route 1 South
Iselin, NJ 08830
917.272.3300
www.icorassociates.com



Key Plan

PROPOSED PROJECT

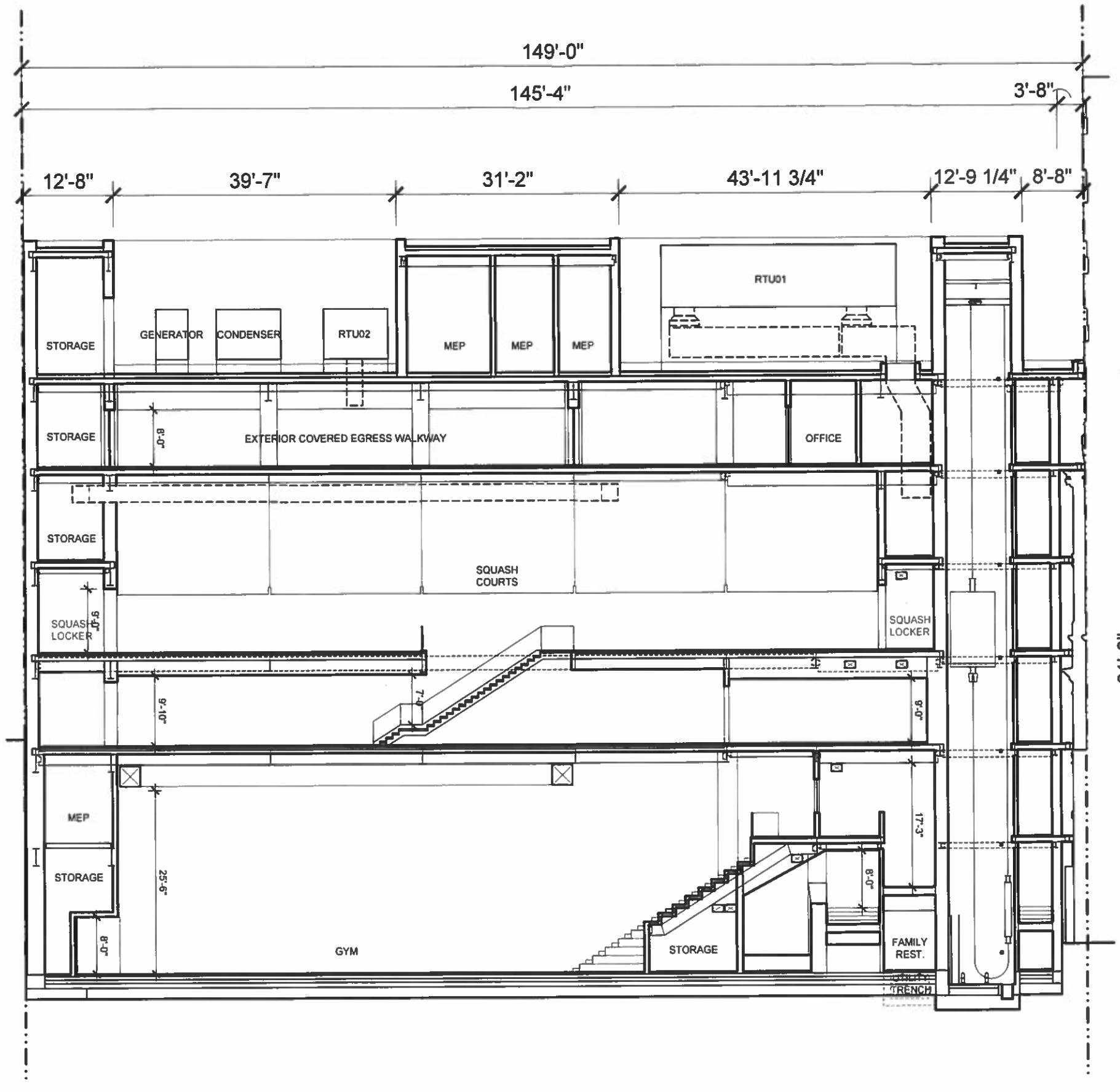
No. Date Description

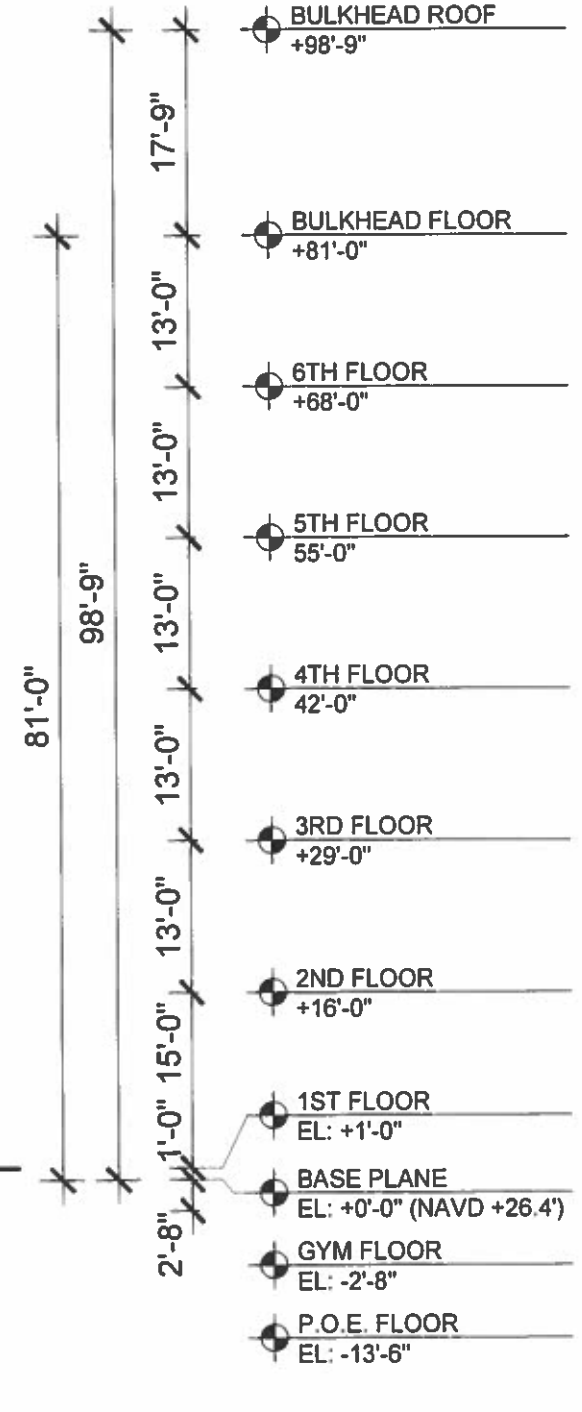
BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED TRANSVERSE SECTION 02
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-513





LEGEND:

PROPOSED NON-COMPLIANCE

PROPERTY LINE

0 8' 16' 32'

01 LONGITUDINAL SECTION
SCALE: 1/16"=1'-0"

PROJECT:
THE SPENCE SCHOOL
412 BUILDING

412 East 90th Street
New York, New York, 10128

CLIENT: The Spence School
22 East 91st Street
New York, New York, 10128

ARCHITECT:
ROGERSPARTNERS

Architects+Urban Designers
100 Reade Street
New York, New York 10013
212.309.7570
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STRUCTURAL ENGINEER: Thornton Tomasetti
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New York, NY 10010
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485C Route 1 South
Iselin, NJ 08830
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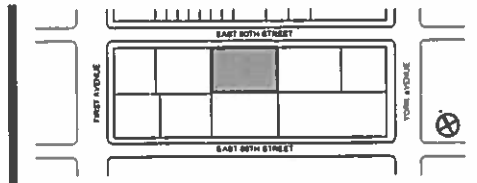

Key Plan

PROPOSED PROJECT

No. Date Description

BSA CALENDAR #:

REGISTERED ARCHITECT
ROBERT M. ROGERS
017814
STATE OF NEW YORK

Title: PROPOSED LONGITUDINAL SECTION
Scale: 1/16" = 1'-0"
Proj No: 1513
Date: 31 MARCH 2017

A-514