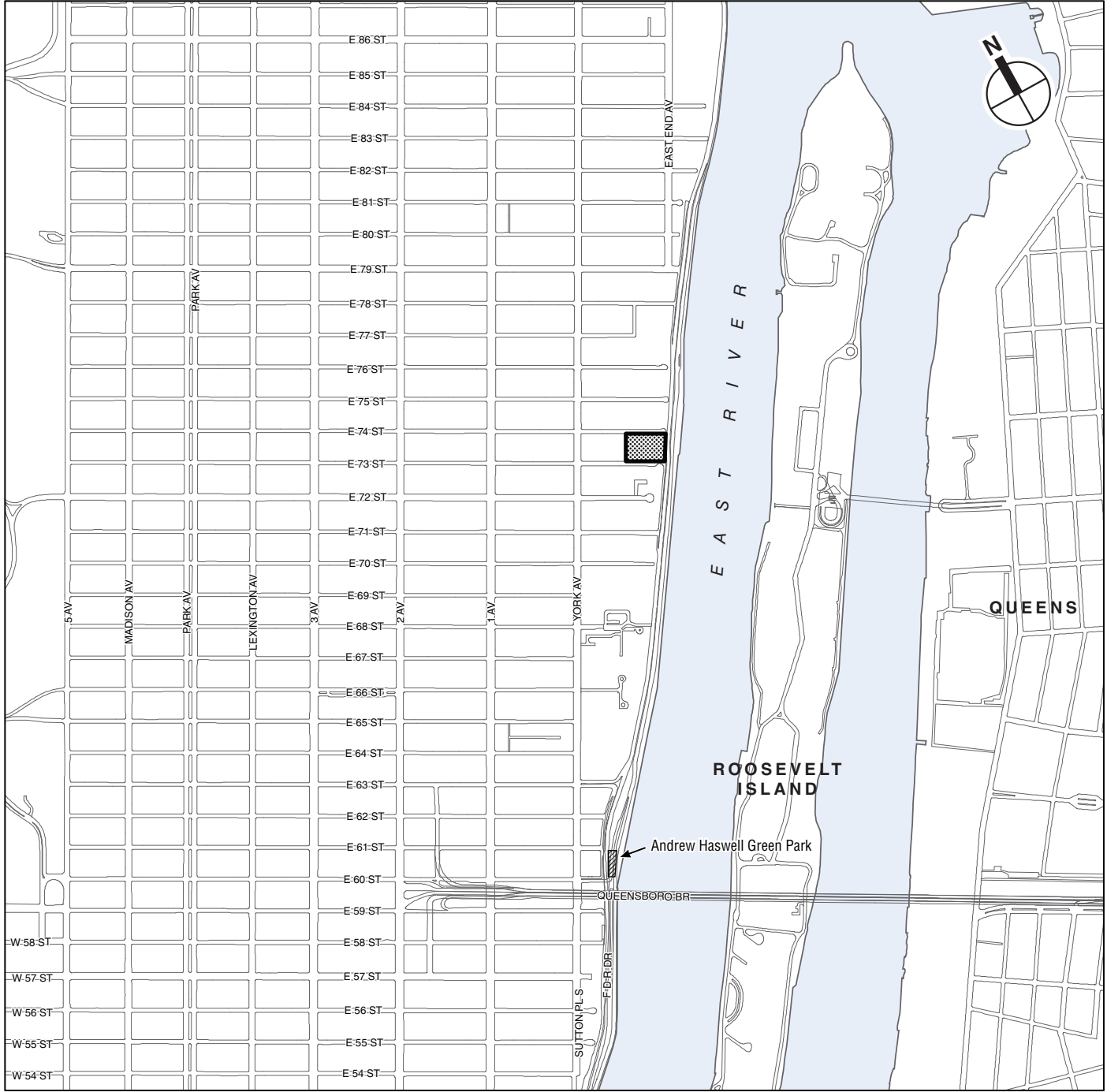


**A. INTRODUCTION**

Memorial Sloan-Kettering Cancer Center (MSK) and The City University of New York (CUNY) are partnering to acquire an approximately 66,111-square-foot (sf), New York City-owned site on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and East 74th Streets (Block 1485, Lot 15) on the Upper East Side of Manhattan (see **Figure 1-1**). MSK proposes to build a new ambulatory care center (MSK ACC), while CUNY proposes to build the Hunter College Science and Health Professions Building (CUNY-Hunter Building).

As described in greater detail below, the land use actions necessary for the proposed project include a disposition of City-owned property; a rezoning of the project site from an M3-2 district (Heavy Manufacturing-low performance) to a C1-9 district (Local Retail); a zoning text amendment; approval to develop the site as a Large Scale General Development (LSGD) that would include special permits to waive bulk, side yard, rear yard equivalent, height and setback regulations, and sign regulations, and to provide for a 2.0 FAR bonus; and a special permit for accessory parking beyond the number of spaces allowed as-of-right. These actions are subject to the Uniform Land Use Review Procedure (ULURP) and require City Environmental Quality Review (CEQR) and Mayoral and Borough Board approval pursuant to New York City Charter Section 384(b)(4). The Board of The City University Construction Fund (CUCF) must approve acquisition of real property. In addition, CUNY has already requested funding from the Dormitory Authority of the State of New York (DASNY) and it is possible that MSK will also request funding from DASNY. For purposes of State Environmental Quality Review (SEQR), DASNY's proposed actions are Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds. The lead agency for the environmental review will be the Office of Deputy Mayor for Economic Development (ODMED). DASNY, CUNY, and CUCF will be involved agencies. A coordinated review will be conducted for this Type I action.

As lead agency, on October 2, 2012, ODMED issued a Positive Declaration that the proposed project could have the potential to result in significant adverse impacts, and directed that an Environmental Impact Statement (EIS) be prepared. The Environmental Assessment Statement and Draft Scope of Work (DSOW) were made available for public comment. The DSOW described the proposed actions, the proposed development plan and its purpose and need, and the environmental review process. It also identified the analysis framework to be used in the EIS and presented the analyses and work items to be undertaken for the EIS. A public meeting to receive comments on the DSOW was held on November 1, 2012 at 6:30 PM at the Kaye Playhouse at Hunter College on East 68th Street between Park and Lexington Avenues, New York, New York. The scoping meeting was continued on December 4, 2012 at 6:30 PM at the Mortimer B. Zuckerman Research Center Auditorium of the Memorial Sloan-Kettering Cancer Center, 415 East 68th Street, New York, New York. The period for the submission of written comments was extended to December 14, 2012. After considering comments received during the



-  Project Site
-  Andrew Haswell Green Park

0 1000 FEET  
SCALE

public comment period, a Final Scope of Work (FSOW) was prepared to direct the content and preparation of the Draft EIS (DEIS).

## **B. BACKGROUND**

In May 2011, the New York City Economic Development Corporation (EDC), on behalf of the New York City Department of Sanitation (DSNY), issued a Request for Proposals (RFP) to redevelop a former DSNY garage site with the creation or expansion of a health care, educational or scientific research facility. MSK and CUNY partnered to respond.

## **C. PROJECT PURPOSE AND NEED**

In addition to the purposes and needs for each institution, which are described below, both institutions believe that there would be significant operational synergies with neighboring healthcare and research institutions; these synergies would benefit the population of New York City as well as enhance the City's position as a center of medical and academic excellence.

### **MSK**

MSK is the world's oldest and largest private cancer treatment center. MSK has devoted more than a century to patient care as well as to innovative research, including the training of future generations of oncologists. It has made significant contributions to new and better therapies for the treatment of cancer.

In recent years, MSK has expanded with new construction and renovations designed to meet the growing needs of its patients and research programs. Aside from its main campus and satellite facilities on Manhattan's Upper East Side, MSK has developed a network of state-of-the-art outpatient cancer treatment facilities that bring expert care closer to patients living throughout the greater New York area.

The MSK ACC would contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; conference rooms; and up to 250 parking spaces on the lower levels of the site for patients and visitors.

This proposed building would support two of the institution's strategic objectives. First, it would provide additional space to accommodate the anticipated growth in the number of outpatients, allowing MSK to continue to maintain a leadership role in the treatment and cure of cancer. Second, it would allow MSK to create an intensive outpatient environment that supports transfer of care from an inpatient venue to a more efficient ambulatory care setting. Keeping the site close to the main campus will allow for the appropriate coordination of care between outpatient clinical services and inpatient treatment, when needed.

Among the most important changes MSK anticipates in health care delivery is the transition to performing bone marrow transplants on an outpatient basis and the increased use of interventional radiology. Interventional radiology involves the treatment of the patient rather than just diagnosis and offers an alternative to the surgery reducing the need for hospitalization. It allows physicians to perform minimally invasive biopsies; deliver localized doses of radiation or chemotherapy; eliminate tumors, including bone metastases, using heat, cold, or electric fields; provide venous access for the delivery of chemotherapy; and offer a variety of palliative procedures to alleviate painful symptoms for patients with advanced disease. In terms of bone

marrow transplants, many hospitals have already moved to outpatient and hotel environments, enabling them to provide care at lower costs. It is unlikely that MSK's inpatient focused transplantation program will continue to be attractive to insurers with its heavy inpatient use and current cost structure.

In addition to enhancing access to clinical care, opening the MSK ACC would enable innovation, recruit talent, and offer financial sustainability for MSK.

## **HUNTER**

CUNY is the nation's largest urban public university, comprising 24 institutions: 11 senior colleges, seven community colleges, the William E. Macaulay Honors College at CUNY, the Graduate School and University Center, the CUNY School of Law, the CUNY Graduate School of Journalism, the CUNY School of Professional Studies, and the CUNY School of Public Health. Serving more than 271,000 degree-credit students and nearly 270,000 continuing and professional education students, CUNY confers 35,000 degrees each year—more than 1.1 million associate, baccalaureate, masters, and doctoral degrees since 1967. CUNY plays a crucial role in the life and economy of the City and New York State and employs more than 39,000 faculty and staff. As of 2007, 54 percent of undergraduates and 46 percent of all college students in New York City were attending CUNY.

CUNY's history dates to the formation of the Free Academy in 1847 by Townsend Harris. The Free Academy later became the City College of New York, the oldest institution among the CUNY colleges. From this grew a system of senior colleges, community colleges, as well as graduate schools and professional programs. CUNY was established in 1961 as the umbrella institution encompassing the municipal colleges and a new graduate school. Providing first-rate academic opportunities for students of all backgrounds has been CUNY's mission since its founding.

Hunter is the largest college in the CUNY system. Founded in 1870, it is also one of the oldest public colleges in the country. Currently, over 22,000 students attend Hunter, pursuing both undergraduate and graduate degrees in more than 170 different programs of study. Hunter College is famous for the diversity of its student body. For over 140 years, it has provided educational opportunities for women and minorities, and today, students from every walk of life and every corner of the world convene at Hunter.

Hunter is a proud leader in the sciences and medicine. Its professors win research grants in record amounts—more than \$31 million in 2010 alone. Its graduates—largely products of City high schools—go on to careers in health care and scientific research in extraordinary numbers, well above the national average.

To maintain and build on its excellence in science, advanced research, and the health professions, Hunter proposes to build a new Science and Health Professions Building near its main campus on the Upper East Side of Manhattan. Currently, Hunter's basic sciences and health sciences are located at two different campuses. Basic sciences and advanced research are located on Hunter's main campus at East 68th Street and Lexington Avenue in facilities that date to 1939; and health sciences and nursing are located on East 25th Street and First Avenue in a physical plant inherited from Bellevue Hospital in 1967.<sup>1</sup> The proposed CUNY-Hunter Building

---

<sup>1</sup> It is noted that this proposed project – the MSK ACC and CUNY-Hunter Building—is separate and independent from an anticipated proposal by DSNY to redevelop the Brookdale site on East 25th Street and First Avenue with a DSNY garage. According to DSNY, the Positive Declaration and Draft Scope

would allow Hunter to consolidate its related Science and Health Professions programs under one roof in a state-of-the-art facility. It would provide professors and students with the modern classrooms, laboratories, and cutting-edge equipment they need to continue pushing the frontiers of teaching and scientific research. In addition, the facility would allow Hunter scientists and health professionals to maintain close ties with the Upper East Side's world-renowned medical and research institutions.

## **D. PROJECT SITE**

The approximately 66,111-sf project site is largely vacant with standing remnants of the walls of the former garage structure (see **Figures 1-2** and **1-3**). The western portion of the project site is occupied by a surface public parking lot with a capacity of 128 cars.

The site is located on the east end of a block on the east side of York Avenue. East 74th Street, the northern border of the site, dead ends at a wall that divides it from the FDR Drive. Given the presence of the Con Edison East 74th Street Steam Plant (Con Edison Steam Plant) across much of the north side of the street, the lack of active use on the project site, and the lack of linkage to a street network on the east, East 74th Street carries relatively little traffic. East 73rd Street, the southern border of the site, ends in an access lane to the southbound FDR Drive service road. In addition to parking facilities, there are residential buildings on this street and much more traffic than is found on East 74th Street.

Currently zoned M3-2, the site was part of a manufacturing district that included uses similar to the now demolished DSNY garage, the Con Edison Steam Plant to the north and several auto repair businesses closer to the east end of the project block.

## **E. PROJECT DESIGN**

### **INTRODUCTION**

The proposed buildings would be built to an overall FAR of 12.0, which would be 793,332 sf of zoning floor area (zfa), with full lot coverage over the project site. Their gross floor area would total 1,134,159 sf.

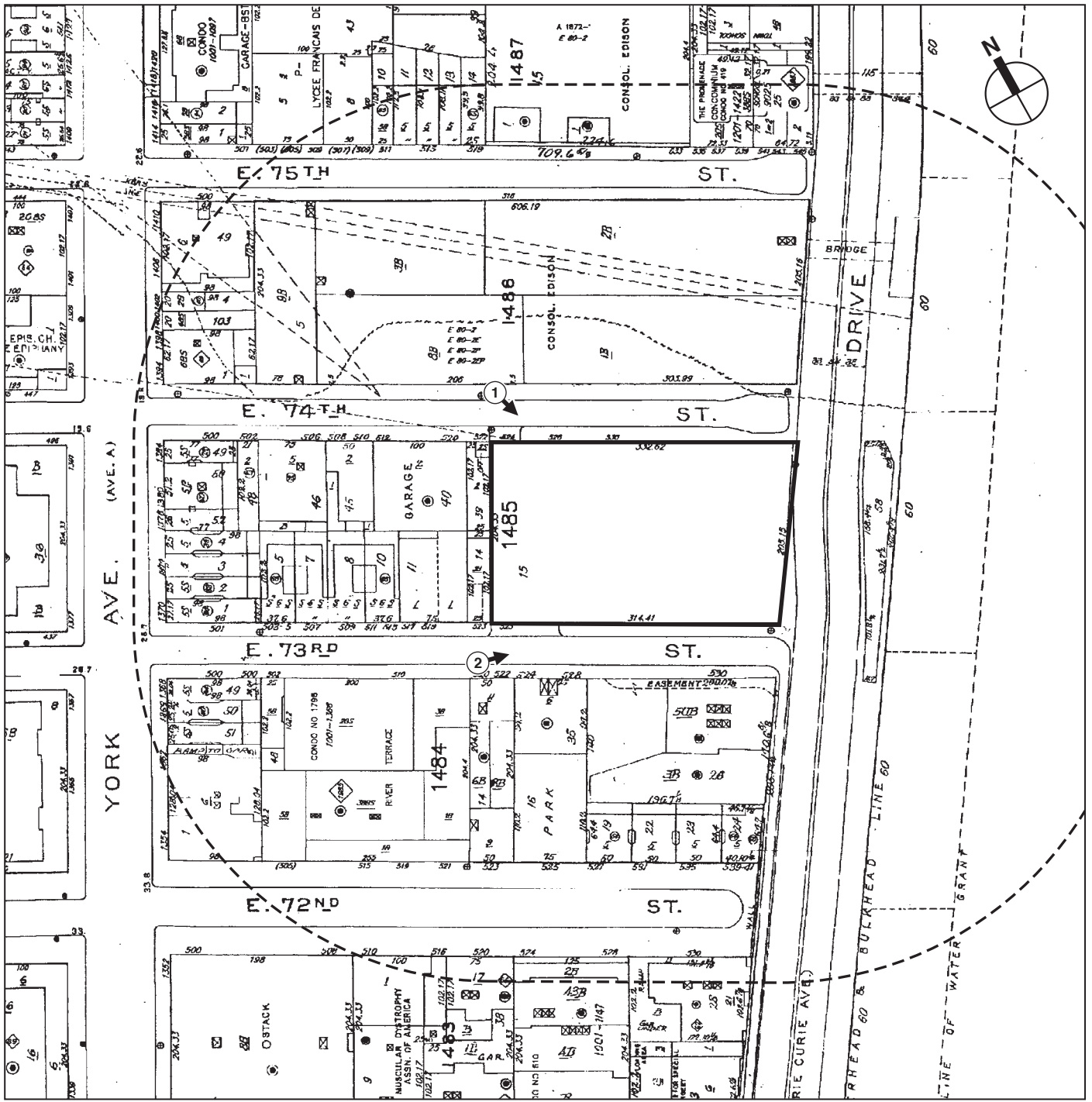
### **SITE PLAN AND CIRCULATION**

The proposed site plan would provide for the MSK ACC to be located through-block on the eastern portion of the site and the CUNY-Hunter Building to be located through block on the western portion of the site (see **Figure 1-4**). The main entrances for both buildings would be on

---

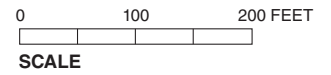
of Work for the DSNY garage project are expected to be published in the first quarter of 2013. As such, each project will be subject to environmental review and a separate EIS will be appropriately prepared for each. There is no common purpose or goal for the two projects, one being a medical treatment building and a research/academic facility with the other being a DSNY garage. Because of this lack of common purpose it is not necessary for them to be completed at or around the same time. The former DSNY garage on East 73rd Street has already been demolished without regard to having a relocation site available. The two projects are approximately 2.5 miles (50 City blocks) apart and, therefore, not geographically near each other. No cumulative or synergistic impacts would be anticipated due to their physical separation and their dissimilarities of function. Each project belongs to a separate entity or entities—MSK and CUNY-Hunter at East 73rd Street and DSNY on East 25th Street. Overall the projects are separate and distinct and the approval of one would not commit the City to approving the other.

1.28.13



— Project Site Boundary

① → Photograph View Direction and Reference Number



Project Site and Surrounding Blocks  
Figure 1-2

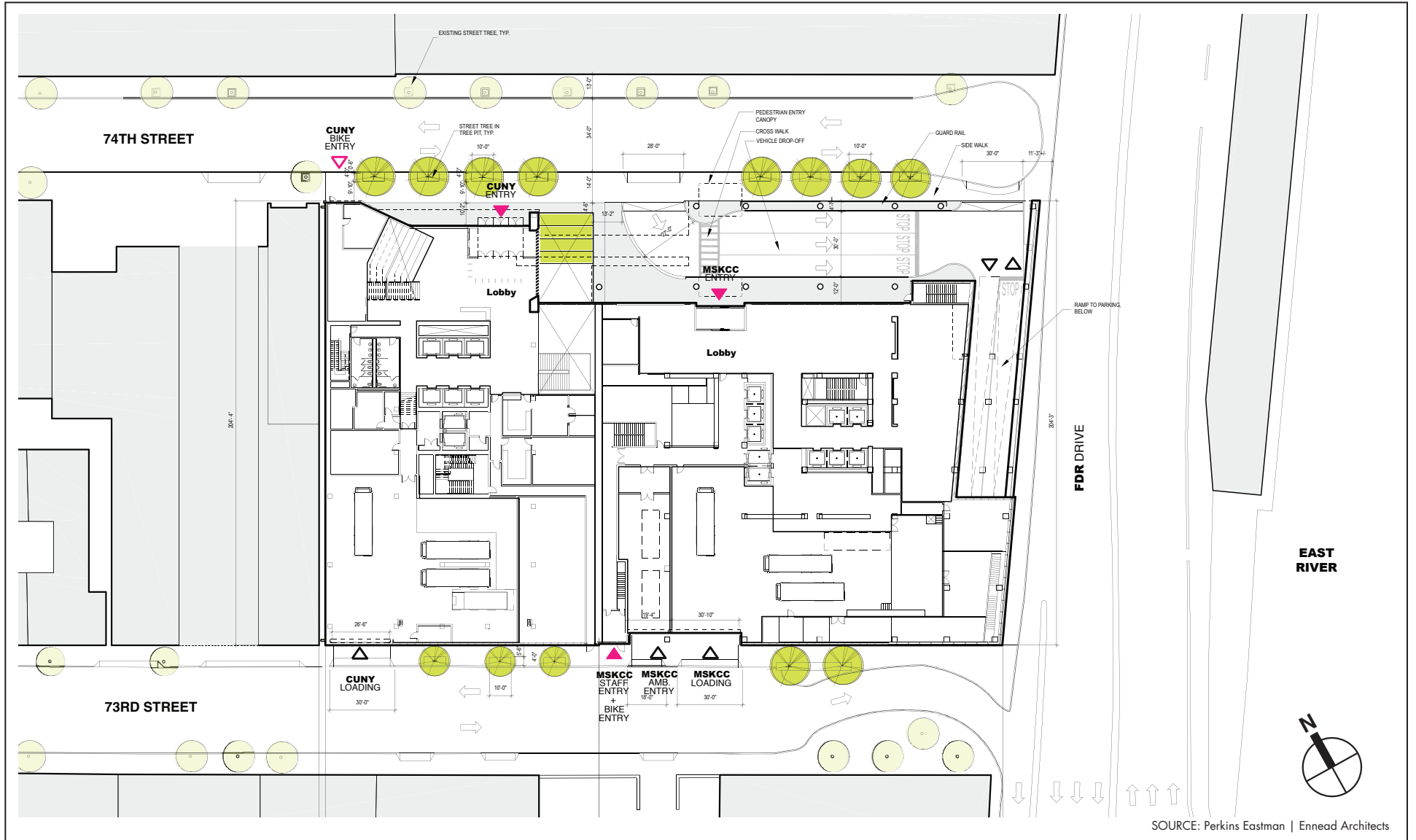




View south of project site from East 74th Street 1



View northeast of project site from East 73rd Street 2



For Illustrative Purposes Only



East 74th Street. In addition to pedestrian entrances for both buildings, MSK would have a lay-by lane where patients could be dropped off; it would also provide valet parking for the on-site accessory garage with up to 250 spaces for MSK patients. CUNY would provide access to bike storage off East 74th Street for its students, faculty, and staff.

The service entrances for both buildings would be on East 73rd Street, and both buildings are designed to allow trucks to maneuver and be docked inside the buildings. In addition, the MSK ACC would have a pedestrian entrance for staff on East 73rd Street as well as a bay for an ambulance should the need arise to transfer a patient to the main hospital on York Avenue and East 68th Street. There would also be access to bike parking for MSK staff off East 73rd Street.

### **MSK ACC**

The MSK ACC would stand 23 stories<sup>2</sup> (453 feet, or approximately 450 feet) tall on a footprint of approximately 39,667 sf. In a gross floor area of 749,357 gsf, it would contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; conference rooms; and up to 250 accessory parking spaces on the lower levels of the site for patients and visitors.

### **CUNY-HUNTER BUILDING**

The CUNY-Hunter Building would stand approximately 16 stories (347 feet, or approximately 350 feet) tall on a footprint of 26,444 sf. In its gross floor area of 402,990 gsf, it would house teaching and research laboratories, class rooms, a learning center, a single 350-seat lecture hall, faculty offices, and a vivarium to house research animals.

### **OVERALL DESIGN APPROACH**

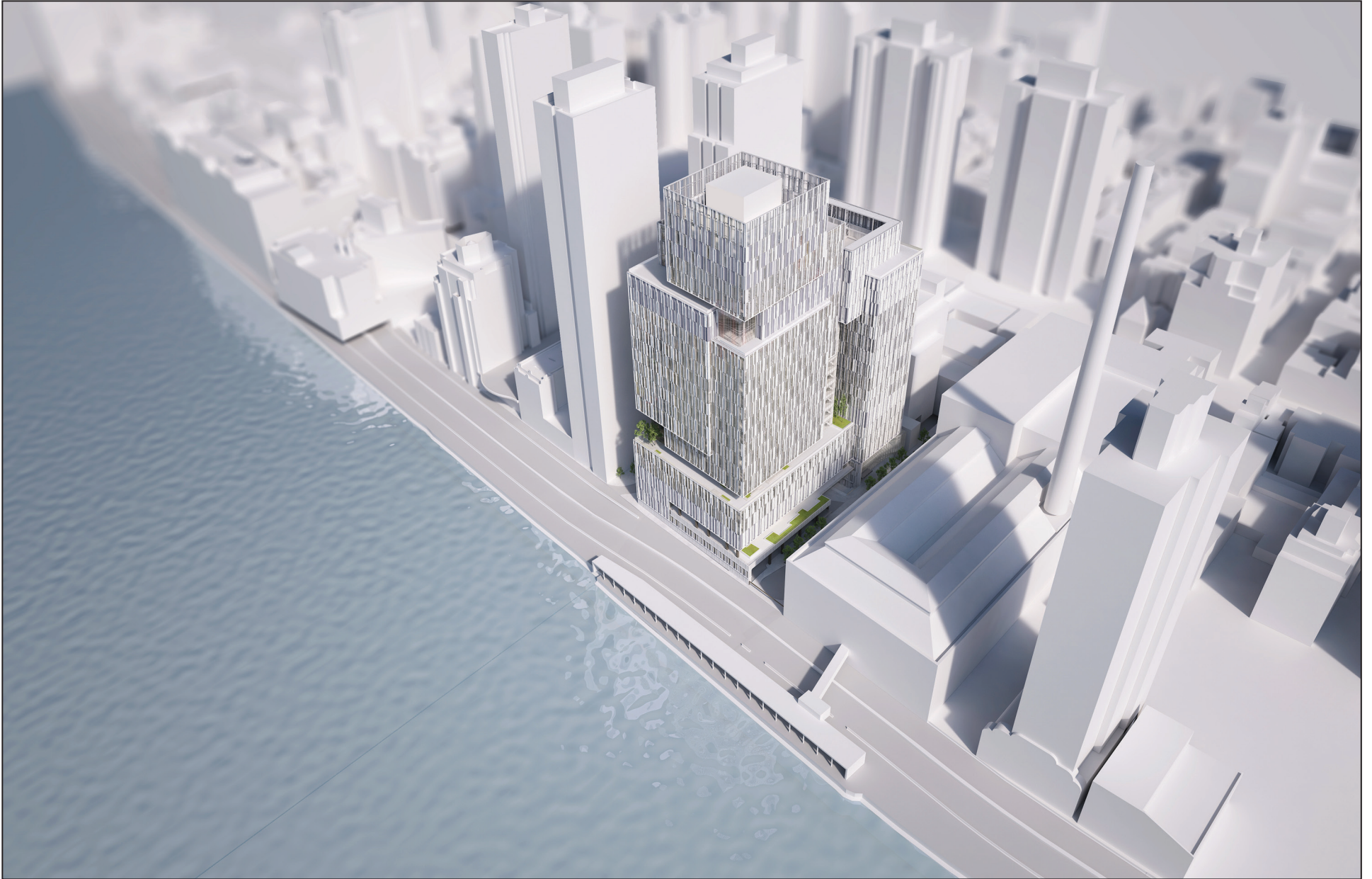
The proposed design contemplates the buildings being constructed immediately adjacent to each other. With the same exterior façade materials applied to both, they would read as a single composition (see **Figure 1-5**). The roof heights would step up as they approach the river with the taller MSK ACC (450 feet) located overlooking the FDR Drive and the CUNY-Hunter Building (350 feet) stepping down to the neighborhood on the west.

In order to reduce the visual appearance of bulk, the north, east, and south façades would be broken down into varying zones with set-backs and overhangs as well as changes in the façade materials. There would be recesses for open terraces at the second floor and sixth floor on the CUNY-Hunter Building and on the MSK ACC. The second floor terrace would wrap around the north and east façades to include space overlooking the FDR Drive and the East River. It would provide planters and seating. The sixth level of the MSK ACC would set back on its north, east and south sides for a terrace intended to provide a calming outdoor respite for patients and their families. At the 7th and 8th levels, it would have a setback to open up views to the north and east. These setbacks would also reduce the bulk of the buildings. Setbacks may have planted roof areas but would not be accessible.

There would also be variation in the façade materials. The predominant cladding would be large masonry and glass panels with irregular vertical divisions. On floors where ventilation is

---

<sup>2</sup> Includes rooftop bulkhead.



Source: Perkins Eastman | Ennead Architects

**For Illustrative Purposes Only**

**MSK ACC | CUNY-HUNTER**

Perspective View  
**Figure 1-5**

required for mechanical systems, louvers would be set back from the façade plane. Portions of the buildings would also be clad in a glass curtain wall.

At ground level, the CUNY-Hunter Building would be set back to provide a wide and welcoming entrance for the students, faculty, and staff (See **Figure 1-4**). The MSK entrance, which would be located further east and separated from the college entrance, would provide a covered drop-off area for patients arriving by automobile.

As part of the design process, a number of energy options for various components of the proposed project are being evaluated, with the objective of reducing energy consumption and the ensuing emissions and costs. As a result, the proposed project would potentially include cogeneration, in addition to boiler systems.




## **F. PROPOSED ACTIONS**

### **CITY ACTIONS**

The discretionary approvals being requested for the proposed project include a disposition of City property, a zoning map amendment and zoning text amendment as well as special permits, all of which are subject to City Planning Commission (CPC) and City Council approval.

- Disposition—The City of New York would dispose of the project site to the New York City Land Development Corporation that would then dispose to EDC for subsequent disposal to MSK and CUCF. CUCF is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY.
- The disposition requires Mayoral and Manhattan Borough Board approval pursuant to New York City Charter Section 384(b)(4).
- Rezoning—The project site is currently zoned M3-2 (see **Figure 1-6**), which allows a maximum floor area ratio (FAR) of 2.0 (132,222 sf of zoning floor area) and a maximum base height of 60 feet before setting back. It prohibits all community facilities including ambulatory diagnosis and treatment centers and schools. The project site and an approximately 6 inch wide portion of Block 1485, Lots 14 and 39 immediately west of the project site would be rezoned from M3-2 to C1-9 (see **Figure 1-7**) to permit Use Group 3 and 4 developed to FAR 10 (661,110 sf of zfa) with up to an additional FAR 2 (132,222 sf of zfa) through provision of a qualifying park improvement. Ambulatory diagnostic and treatment centers and schools are permitted as-of-right in C1-9 districts. The existing M1-4 zoning district west of the project site on Block 1485, Lots 14 and 39 would be extended approximately 5 feet east to the C1-9 boundary, which is located approximately 0.5 feet west of the MSK/CUNY lot line, at the request of the Department of City Planning (DCP).
- Zoning Text Amendment—A text amendment would establish a new provision in the Large Scale General Development (LSGD) special permit to allow a predominantly community facility development wholly within a C1-9 district within Community District 8 in Manhattan to obtain a floor area bonus not to exceed 20 percent of the maximum FAR allowed by the underlying district regulations, where in connection with such development an improvement is provided to a public park located within the same community district or within a 1-mile radius of the proposed development. The text of the proposed amendment is provided in **Appendix A**.
- LSGD—Approval to develop the project site as a LSGD pursuant to Zoning Resolution (ZR) Section 74-74 et seq., which would include ZR Section 74-743 special permits to waive bulk, side yard, rear yard equivalent, height and setback regulations, and to provide



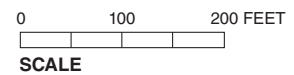
-  Project Site
-  Zoning District Boundary
-  C1-5 Overlay

0 100 200 FEET  
SCALE





-  Project Site
-  Proposed C1-9 Zoning Boundary
-  Zoning District Boundary
-  Proposed M1-4 Zoning Boundary
-  C1-5 Overlay



for a 2.0 FAR bonus, and a ZR Section 74-744 special permit to waive signage regulations as follows:

*ZR 33-25: Minimum Required Side Yards*

Side yards are not required in C1-9 districts. However, if an open area extending along a side lot line is provided at any level, it shall be either (a) at least eight feet wide at every point; or (b) at least five feet wide at every point, with an average width of eight feet in accordance with the remaining provisions of ZR 33-25. The proposed project would provide a side yard along the western side lot line of the zoning lot with a width of 3 feet. The width represents that necessary for a seismic separation from the building to the west, which is approximately 2.5 feet, plus an additional 0.5 feet of open space to permit the resulting gap to be suitably maintained and cleaned.

*ZR 33-283(b): Required Rear Yard Equivalents*

On any through lot with a depth in excess of 110 feet, a rear yard equivalent must be provided that either (a) is an open area with a minimum depth of 40 feet midway between the two street lines upon which such through lot fronts, or (b) is two open areas, each adjoining and extending along the full length of the street line, each with a minimum depth of 20 feet, or (c) is an open area adjoining and extending along the full length of each side lot line, each with a minimum width of 20 feet. As set forth in ZR 33-302, no rear yard equivalent is required for any portion of the zoning lot within 100 feet of the street line along the short dimension of a block where the front lot line of the zoning lot coincides with all of the street line measuring less than 230 feet between two intersecting streets, which in this case is the eastern portion of the zoning lot from the FDR Drive to 100 feet westerly from the FDR Drive.

In addition, ZR 33-23 permits the location of a portion of a nonresidential building to be located within a rear yard equivalent provided that that the height of such building does not exceed one story or 23 feet above curb level, whichever is less. The proposed buildings exceed 23 feet in height within the rear yard equivalent type (b) on the through lot along the street line of East 73rd Street and East 74th Street.

The proposed project would be built full to its street frontages including the FDR Drive. A 3 feet noncomplying side yard is provided along the western lot line. No open space that could qualify as a rear yard equivalent is provided midway between East 73rd or East 74th Streets, along those streets for that portion of the zoning lot deemed a through lot (beyond 100 feet from the FDR) or along the western side lot line. The portions of the buildings located within any part of the zoning lot that might have qualified as a location for a rear yard equivalents exceed the 23 feet height allowed for permitted obstructions for community facility buildings.

*ZR 33-432: Maximum Height of Walls and Required Setbacks*

In C1-9 districts if the front wall or other portion of a building is located at the street line of a narrow street or within the initial setback distance of 15 feet from a wide street line, or 20 feet from a narrow street line, the height of such front wall or portion of a building within the initial setback distance shall not exceed 85 feet above curb level. Above 85 feet and beyond the 15 feet initial setback on a wide street, or the initial 20 feet setback on a narrow street, the building cannot penetrate the sky exposure plane set forth in ZR 33-432. The proposed buildings have front walls that exceed the maximum front wall height, do not provide qualifying initial setbacks and penetrate the sky exposure planes on East 73rd Street (a narrow street) and East 74th Street (a narrow street) and the FDR Drive (a wide street).

*ZR 33-123: Floor Area Regulations*

In C1-9 districts, community facility buildings are permitted to be developed to an FAR of 10.0. The proposed buildings would be developed to an FAR of 12.0.

*ZR 32-641 (Total Surface Area of Signs)*

In C1-9 districts, the total surface area of all permitted signs, including non-illuminated or illuminated signs, are not permitted to exceed 150 sf of total surface area for a through lot of 150 sf on each frontage of a corner lot. Total surface area of all signs proposed in connection with the proposed project amounts to 4,520 sf, which exceeds the permitted total surface area of 1,200 sf by 3,320 sf.

*ZR 32-642: Non-Illuminated Signs*

In C1-9 districts, non-illuminated signs are not permitted to exceed 150 sf of total surface area for a through lot or 150 sf on each frontage of a corner lot. A non-illuminated sign of 125 sf is proposed at the north façade, near the entry of the MSK ACC and a non-illuminated sign of 25 sf is proposed on the north façade, over the entry canopy of the CUNY-Hunter Building (see **Figure 1-8**). These signs are in addition to the allowable 150 sf of total surface area for a through lot and the allowable 150 sf on each frontage of a corner lot.

*ZR 32-643: Illuminated Non-Flashing Signs*

In C1-9 districts, illuminated non-flashing signs are not permitted to exceed 50 sf of total surface area for a through lot on 50 sf on each frontage of a corner lot. Two indirectly illuminated non-flashing signs of 1,290 sf each are proposed on the north and east façades of the MSK ACC and one indirectly illuminated non-flashing sign of 500 sf is proposed on the west façade of the CUNY-Hunter Building (see **Figure 1-9**).

A freestanding illuminated non-flashing sign of 65 sf is also proposed to aid in directional wayfinding at the vehicular drop-off of the MSK ACC. A façade-mounted illuminated non-flashing sign of 25 sf is proposed at the entry to the CUNY-Hunter Building (see **Figure 1-10**).

The above noted illuminated non-flashing signs are in addition to the permitted 50 sf of total surface area for a through lot and the permitted 50 sf on each frontage of a corner lot.

*ZR 32-655: Height of Signs in Other Commercial Districts*

In C1-9 districts, all permitted signs are not permitted to extend more than 25 feet above the curb level. Two signs are proposed at maximum height of 69 feet on the MSK ACC. One sign is proposed at a maximum height of 116 feet on the CUNY-Hunter Building (at the mechanical floor level). These heights are measured from average curb elevation.

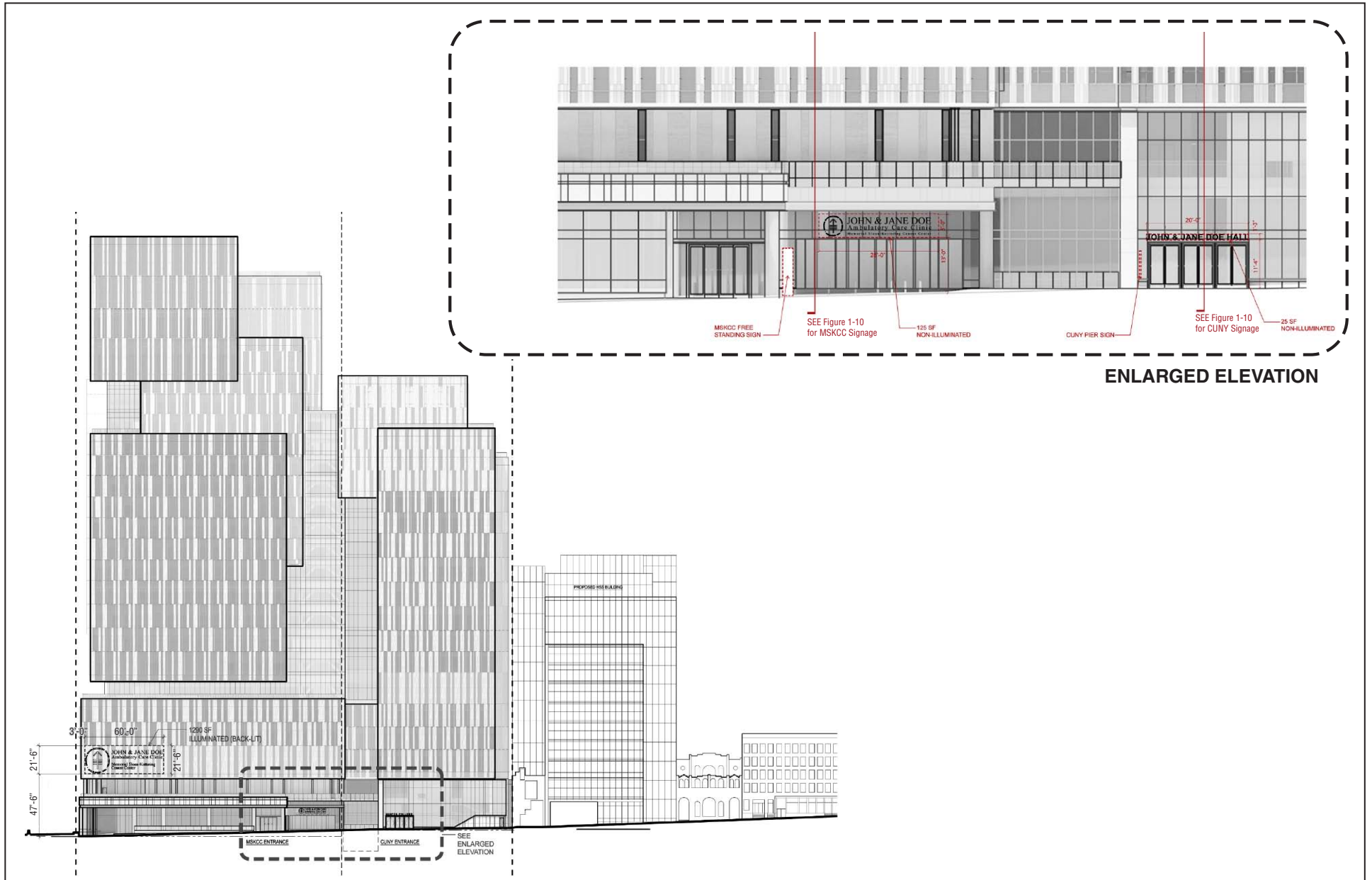
- Special Permit for Parking—Approval of a special permit pursuant to ZR Section 13-562 to increase the number of accessory parking spaces up to 250, which is approximately 84 more than permitted as a matter of right.

**OTHER AGENCY APPROVALS**

*NEW YORK CITY DEPARTMENT OF BUILDINGS*

A certification by the Commissioner of Buildings to permit an entrance and exit to an accessory parking facility to be located within 50 feet of an intersection will be required.



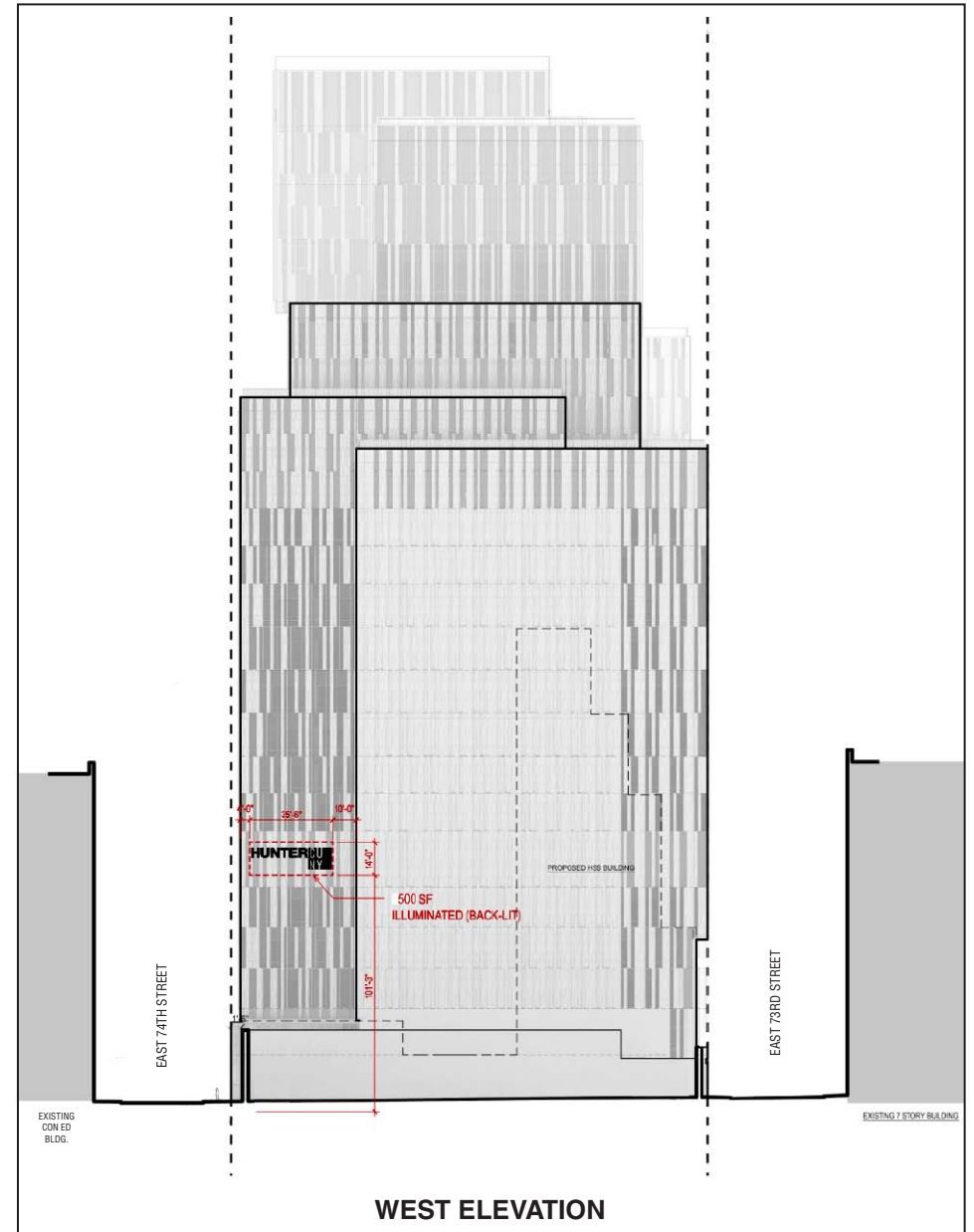
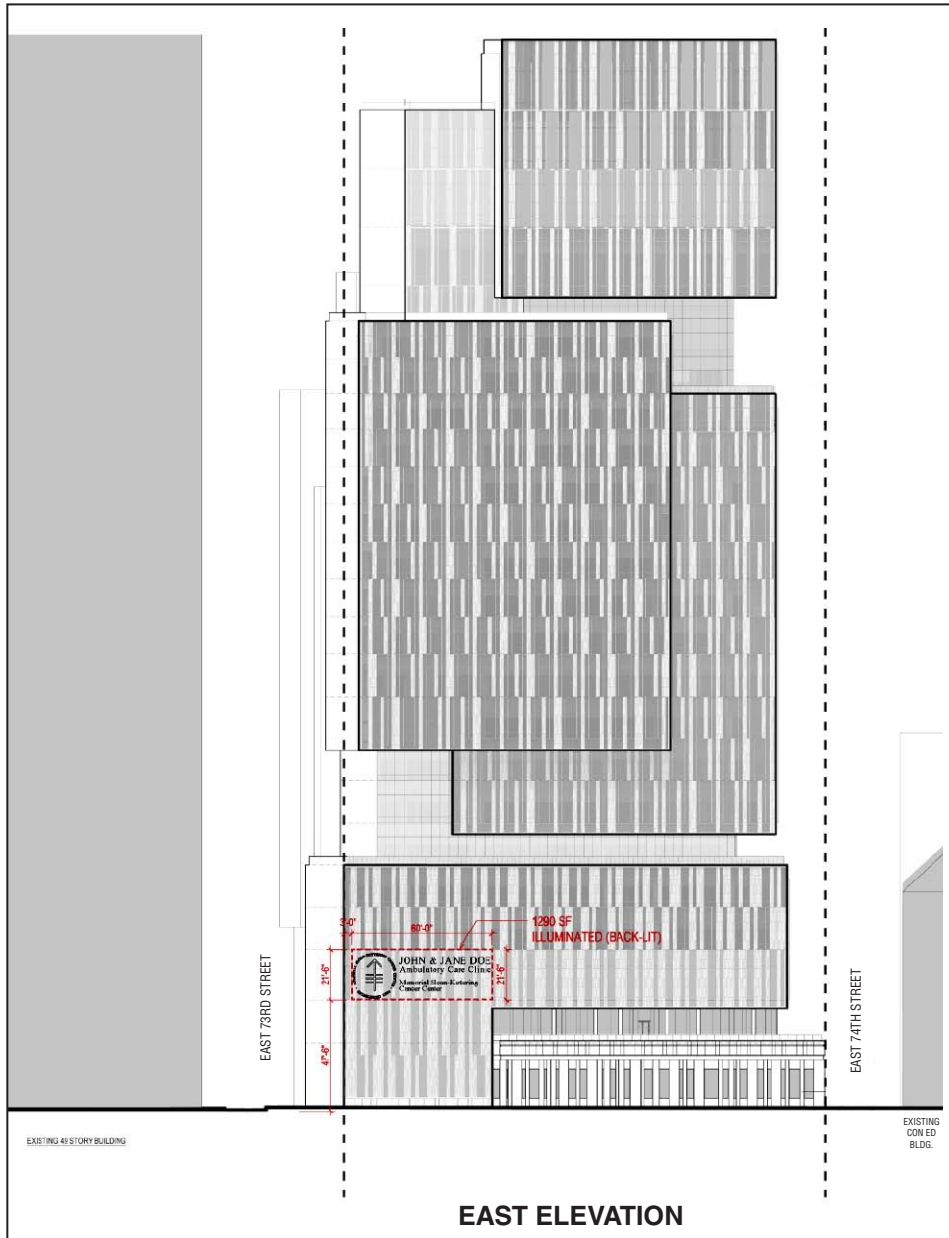


Source: Perkins Eastman | Ennead Architects

**For Illustrative Purposes Only**

**MSK ACC | CUNY-HUNTER**

Signage - North Elevation  
**Figure 1-8**



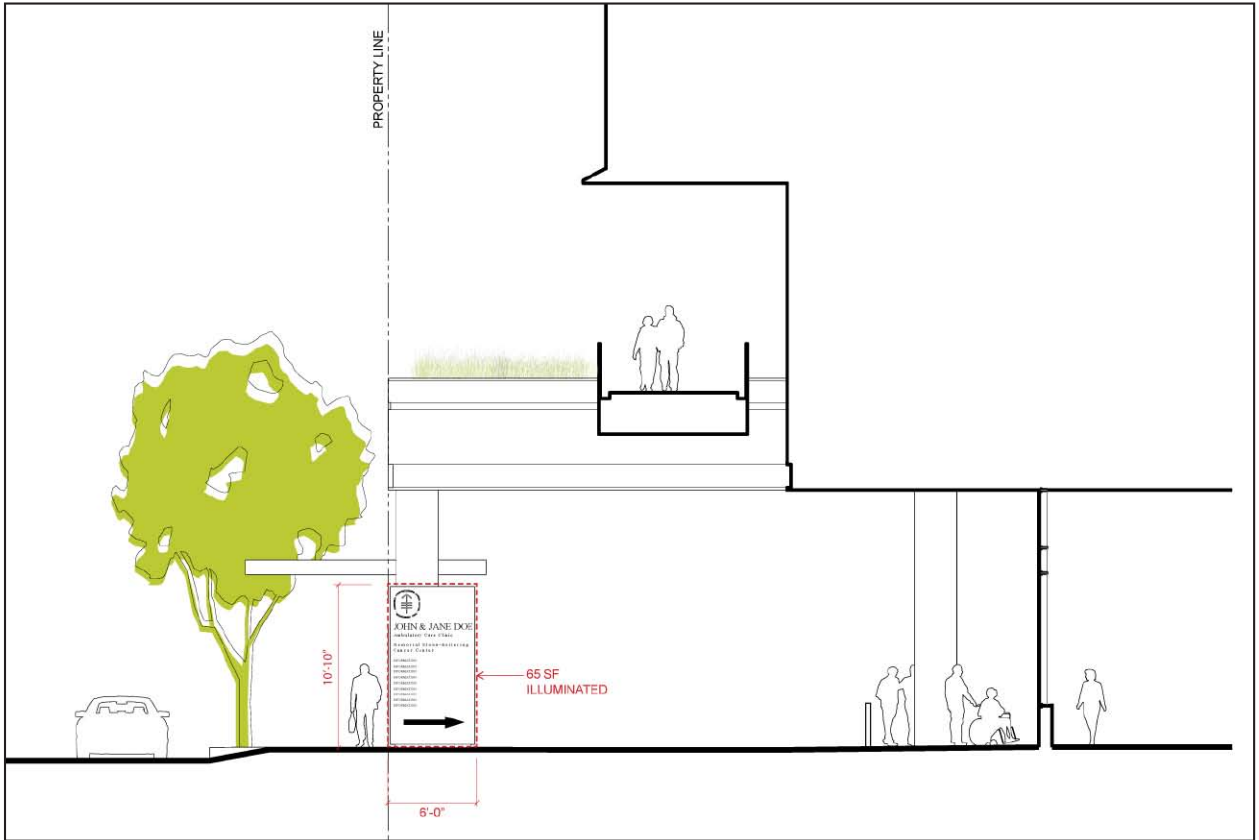
Source: Perkins Eastman | Ennead Architects

**For Illustrative Purposes Only**

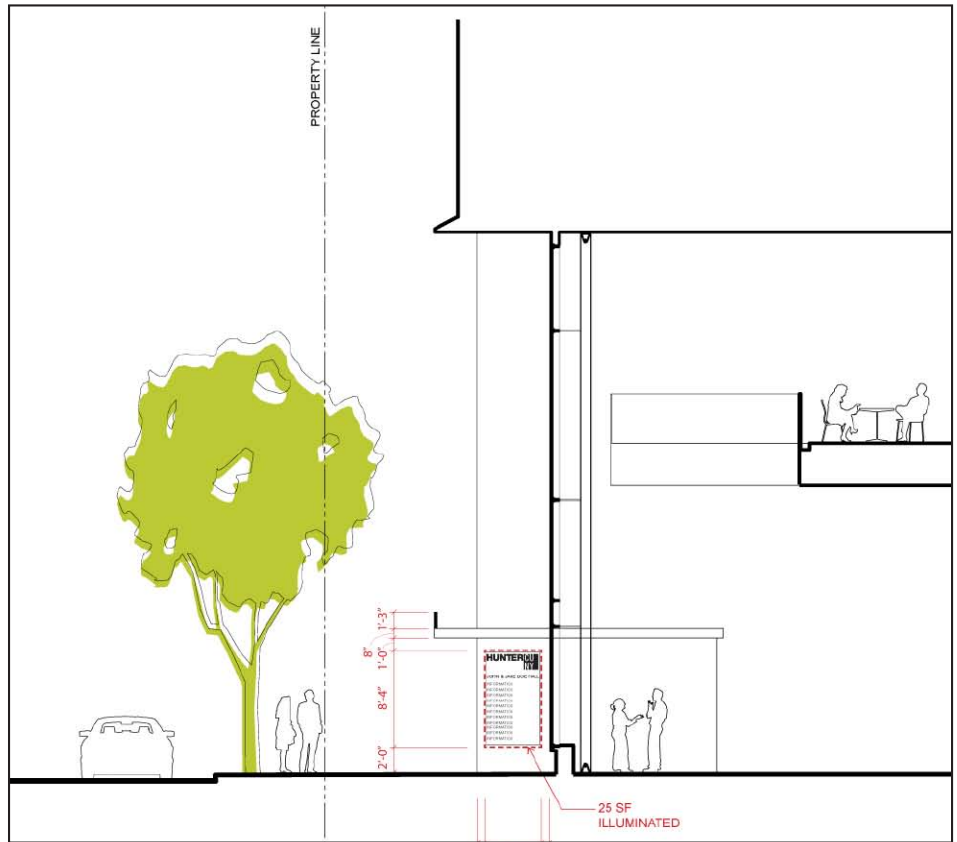
**MSK ACC | CUNY-HUNTER**

Signage - East and West Elevations

**Figure 1-9**



**MSKCC Signage**



Source: Perkins Eastman | Ennead Architects

**CUNY Signage**

**For Illustrative Purposes Only**

Signage - Wayfinding Signage  
**Figure 1-10**

*NEW YORK STATE DEPARTMENT OF HEALTH*

A Certificate of Need is required from the New York State Department of Health for the proposed MSK ACC.

*DORMITORY AUTHORITY OF THE STATE OF NEW YORK*

Both CUNY and MSK anticipate using DASNY funding. For purposes of SEQR, DASNY’s proposed actions are Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds. Therefore, DASNY would be an involved agency.

*CUNY BOARD*

The CUNY Board must approve, undertake, and fund the CUNY-Hunter Building. For purposes of SEQR/CEQR, CUNY’s proposed action is the Final Approval of the undertaking and funding of the proposed project. Therefore, CUNY would be an involved agency.

*CUCF APPROVAL*

CUCF must also approve acquisition of the real property. For purposes of SEQR/CEQR, CUCF’s proposed action is the Final Approval of the acquisition of real property. Therefore, CUCF would be an involved agency.

**G. PROJECT POPULATION**

**MSK ACC**

With the proposed project it is anticipated that approximately 1,620 staff would work at the MSK ACC, with an estimated 1,335 patients and 2,670 visitors per day.

| <b>MSK Building</b> | <b>Population (persons)</b> |
|---------------------|-----------------------------|
| Staff               | 1,620                       |
| Patients            | 1,335                       |
| Visitors and Family | 2,670                       |
| Total               | 5,625                       |

MSK estimates that 95 percent of the staff would be in the building daily. With 1,539 staff coming to the building each day, the total population over the course of the day would reach 5,544. However, since patients would arrive based on the time of their appointments and depart based on the length of their tests, treatments or procedures, the entire daily population would not be on the site at once. In addition, staff schedules would be staggered throughout the day to meet patient demand.

**CUNY-HUNTER BUILDING**

With the proposed project it is anticipated that approximately 1,130 undergraduate students, 1,219 graduate students, 547 faculty and staff, and 48 visitors would come to the CUNY-Hunter Building. The faculty and staff are divided into 153 faculty, 114 adjunct faculty, 209 research staff, and 71 support staff.

| <b>CUNY-Hunter Building</b> | <b>Population (persons)</b> |
|-----------------------------|-----------------------------|
| Undergraduate Students      | 1,130                       |
| Graduate Students           | 1,219                       |
| Faculty                     | 267                         |
| Staff                       | 280                         |
| Visitors                    | 48                          |
| Total                       | 2,944                       |

In addition, Hunter College expects that the single, 350-seat auditorium in the building would be used by students from the main Hunter College campus at Lexington Avenue and East 68th Street. When the auditorium is in use, the population of the building could reach 3,294. However, it is unlikely that all the students and staff would be on the campus at the same time given differing class and work schedules.

## **H. ANALYTICAL FRAMEWORK**

### **ENVIRONMENTAL REVIEW PROCESS**

Most state, county, and local government agencies in New York State, except the State Legislature and the courts, must comply with the State Environmental Quality Review Act (SEQRA; Article 8 of the New York State Environmental Conservation Law) when undertaking or approving discretionary actions that could affect the environment. New York City has promulgated CEQR procedures to implement SEQRA for such actions involving City agencies.

To understand the environmental consequences of their decision-making, and to afford the public an opportunity to participate in identifying such consequences, all discretionary decisions of an agency to approve, fund, or directly undertake an action are subject to review under CEQR, unless explicitly excluded or exempted under the regulations. Discretionary decisions involve choices to be made by the decision-makers that determine whether and how an action is to be taken. Non-discretionary or ministerial decisions for which the only determination of an action's approval is verification of compliance with specific and pre-determined criteria (e.g., issuance of a building permit) are not subject to CEQR.

### **LEGISLATIVE APPLICABILITY**

This document has been prepared pursuant to the SEQRA, Article 8 of the New York State Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617) and CEQR requirements as established in Executive Order No. 91 of 1977, as amended, and in Title 62 of the Rules of the City of New York, Chapter 5.

### **PROCESS OVERVIEW**

The following section provides a summary of the procedural framework utilized to comply with environmental review regulations.

#### *ESTABLISHING A LEAD AGENCY*

Under SEQR and CEQR, the "lead agency" is the public entity responsible for conducting the environmental review of a proposed action. Other agencies can also participate in the review process as involved or interested agencies. Involved agencies are those with discretionary decisions to make regarding some aspect of the proposed project. Interested agencies are agencies without jurisdiction to fund, approve, or undertake an action, but that wish to comment during the review process. ODMED in the Office of the Mayor is the lead agency for the preparation of this DEIS.

#### *DETERMINATION OF SIGNIFICANCE*

The lead agency's first decision is to determine whether a proposed action may have a significant adverse impact on the environment. This is based on an EAS, which includes information about the existing environmental setting of the proposed action, as well as a screening analysis to determine its potential to have significant adverse impacts. On reviewing the EAS prepared for the proposed project, ODMED determined that it could have a significant

adverse effect on the environment, requiring that an EIS be prepared. ODMED issued a Positive Declaration for the proposed project on October 2, 2012.

### *SCOPING*

Once a lead agency issues a Positive Declaration, the scope of the environmental studies to be undertaken as part of the EIS is established and shared with interested and involved agencies and the public. “Scoping” is the process of focusing the environmental impact analyses on the key issues that are to be studied and creating an opportunity for the public to comment on the intended effort. The lead agency provides a DSOW to all involved agencies, makes it publicly available, and to anyone who has expressed interest in the project. Although SEQR does not mandate public scoping, CEQR does require a public scoping meeting. Under CEQR, governmental agencies and the public are given the opportunity to provide comments on the DSOW. After considering such comments, the lead agency prepares and issues an FSOW.

For the proposed project, the DSOW was issued by ODMED on October 2, 2012. A public scoping meeting was held on November 1, 2011 in the Kaye Theater at Hunter College, on East 68th Street between Park and Lexington Avenues, New York, New York. The scoping meeting was continued on December 4, 2012, at the Mortimer B. Zuckerman Research Center Auditorium of the Memorial Sloan-Kettering Cancer Center, 415 East 68th Street, New York, New York, and the period for the submission of written comments was extended to December 14, 2012. After considering comments received during the public comment period, an FSOW was prepared to direct the content and preparation of the DEIS.

The FSOW was issued on March 12, 2013.

### *PREPARATION OF THE DEIS*

The DEIS is a comprehensive document used to consider systematically the probable environmental effects of a proposed action, evaluate reasonable alternatives, and identify feasible mitigation measures that, to the maximum extent practicable, can address any potentially significant adverse environmental impacts of a proposed action. The lead agency reviews all aspects of the document to determine its adequacy and adherence to the work effort outlined in the FSOW. Once the lead agency is satisfied that the DEIS is complete for purposes of public review, it issues a Notice of Completion and circulates the DEIS for public review.

### *PUBLIC REVIEW*

Publication of the DEIS and issuance of the Notice of Completion starts public review, which must include a public hearing and a public comment period that must extend for at least 30 days and must remain open for at least 10 days after the close of the hearing. The lead agency must publish a notice of the hearing at least 14 days before it takes place. All substantive comments become part of the CEQR record and must be summarized and responded to in the Final EIS (FEIS).

### *PREPARATION AND COMPLETION OF THE FEIS*

After the close of the public comment period, the lead agency prepares the FEIS. The FEIS must include a summary of the substantive comments received and the lead agency’s responses to the comments. When the lead agency has reviewed the FEIS and determines it is a complete and adequate document, a Notice of Completion of the FEIS is issued. The completed FEIS is available to agencies and the public for a minimum of 10 days before the lead agency and the involved agencies can make their respective findings as to the expected environmental impacts

of the proposed project, after which such agencies are in a position to make their respective decisions on the proposed project.

*STATEMENT OF FINDINGS*

The lead agency and each involved agency must adopt a formal set of written findings based on the FEIS, reflecting its conclusions about the potential significant adverse environmental impacts of the proposed project, potential alternatives, and potential mitigation measures. The Statement of Findings may not be adopted until 10 days after the Notice of Completion for the FEIS has been issued.

In accordance with 6 NYCRR Part 617.11(d), a SEQR Findings Statement issued in connection with a project approval must (i) consider the relevant environmental impacts, facts, and conclusions disclosed in the FEIS; (ii) weigh and balance environmental impacts with relevant social, economic, and other considerations; (iii) provide the rationale for the agency's decision; (iv) certify that the requirements of 6 NYCRR Part 617.11(d) were met; and (v) certify that consistent with social, economic, and other essential considerations, and considering the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable while still accomplishing the goals and objectives of the project, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures identified as practicable.

Once the findings are adopted, the SEQR/CEQR process is completed, and the lead agency and involved agencies may approve and implement the proposed action.

**COORDINATION WITH WATERFRONT REVITALIZATION PROCESS**

The City has adopted the Local Waterfront Revitalization Program (LWRP) pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Discretionary actions subject to CEQR and occurring within the program's boundaries are to be reviewed by the lead agency for consistency with the program's policies. Since the project is located within the designated Coastal Zone of New York City, the LWRP consistency assessment is incorporated into this EIS. In accordance with 6 NYCRR Part 617.11(e), for actions located in coastal areas, written findings must first be issued that that action is consistent to the maximum extent practicable with the local waterfront revitalization program before any agency can make a final decision.

**I. FRAMEWORK FOR ENVIRONMENTAL ANALYSIS**

**SCOPE OF ENVIRONMENTAL ANALYSIS**

As set forth in the Positive Declaration, the lead agency has determined that the proposed project may result in one or more significant adverse environmental impacts and, thus, has required preparation of an EIS. This document applies methodologies and follows the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are consistent with SEQR and generally considered to be the most appropriate technical analysis methods and guidelines for the environmental impact assessment of projects in the City.

For each technical analysis in the EIS, the assessment includes a description of (1) existing conditions, (2) an assessment of conditions in the future without the proposed project, and (3) an assessment of conditions in the future with the proposed project. Identification and evaluation of impacts of the proposed project are based on a comparison between conditions in the future



without the proposed project and conditions in the future with the proposed project. Where significant adverse environmental impacts are identified, potential mitigation measures are proposed and analyzed. An important element of the EIS is the analysis of alternatives that reduce or eliminate the significant adverse effects disclosed in the technical analyses; such alternatives also include a “No Action Alternative,” as described at the end of this chapter.

### **ANALYSIS YEAR**

An EIS analyzes the effects of a proposed action on its environmental setting. Since a proposed action, if approved, would take place in the future, the action’s environmental setting is not the current environment but the environment as it would exist at project completion. Therefore, future conditions must be projected. This prediction is made for a particular year, referred to in this EIS as the “analysis year,” when the action would be substantially operational. As described above, the two buildings are expected to be completed and operational by 2019.

It is possible that completion of the interiors for the laboratories in the CUNY-Hunter Building would take place at a later date if funding is not immediately available for those facilities. As it is more conservative to analyze the impacts of the full construction effort and the full project, those assumptions have been the basis for the analyses in this document.

### **DEFINITION OF STUDY AREAS**

For each technical area in which impacts may occur, a study area is defined for analysis. This is the geographic area likely to be affected by the proposed project for a given technical area, or the area in which impacts of that type could occur. Appropriate study areas differ depending on the type of impact being analyzed and are identified in each section of the EIS.

### **DEFINING BASELINE CONDITIONS**

#### *EXISTING CONDITIONS*

For each technical area assessed in the EIS, the current conditions are first described. The assessment of existing conditions establishes a baseline—not against which the conditions with the proposed project are measured, but from which future conditions are projected. The projection of future conditions begins with an assessment of existing conditions because these can be measured and observed. Existing conditions are generally studied, where relevant, during the time periods that reasonable worst-case conditions would be expected with the proposed project. For example, the time periods when the greatest number of new vehicular, pedestrian, and transit trips to and from the buildings would occur are measured for the transportation analysis. The project impacts are then assessed for those same transportation peak periods. The description of existing conditions for the EIS relies on the most current information and available data regarding the surrounding study areas.

#### *DEFINITION OF FUTURE WITHOUT THE PROPOSED PROJECT*

The future without the proposed project condition (also referred to as the “No Build” condition) provides a baseline condition that is evaluated and compared with the incremental changes due to the proposed project. Conditions in the future without the proposed project are assessed for the same analysis year as the future with the proposed project—i.e., 2019.

The No Build condition uses existing conditions as a baseline and adds to it changes known or expected to be in place at various times in the future. In the future without the proposed project, the project site is expected to remain largely vacant with a single parking lot of 128 spaces being the only active use. It is possible that abatement, demolition, and remediation would start prior to full project approval. A workplan for any additional testing would have to be submitted and

approved, as would the Construction Protection Plan, Remedial Action Plan, and Construction Health and Safety Plan. However, no new development would take place, and the site would be completely vacant.

For many technical areas, the future without the proposed project incorporates known development projects in the study area that are likely to be built by the analysis year. This includes projects currently under construction or development that can be reasonably expected to occur due to the current level of planning and public approvals. Relevant future development projects that have been announced, are in an approval process, or are under construction, and proposals for rezoning and public policy initiatives likely to be built or implemented by are considered in the EIS analyses, as appropriate.

The future without the proposed project analyses for some technical areas, such as transportation, also use a background growth factor to account for a general increase expected in the future. Such growth factors may also be used in the absence of known development projects. The future without the proposed project analyses must also consider other future changes that will affect the environmental setting. These could include technology changes, such as advances in vehicle pollution control and roadway improvements, and changes to City policies, such as zoning regulations.

### **DEFINING THE ACTION FOR ENVIRONMENTAL ANALYSIS**

The proposed buildings are described above and projections of the populations coming to the two buildings are projected. These represent the reasonable worst-case development for analysis as this is a specific project that is being proposed.

### **MITIGATION**

CEQR requires that any significant adverse impacts identified in the EIS be minimized or avoided to the fullest extent practicable, given costs, and other factors. In the DEIS, options for mitigation can be presented for public review and discussion, without the lead agency having selected those for implementation. Where no practicable mitigation is available, the EIS must disclose the potential for unmitigated significant adverse impacts (see Chapter 18, “Unavoidable Adverse Impacts”).

Where significant adverse impacts from the proposed project have been identified in this DEIS, potential mitigation measures to minimize or eliminate the expected impacts have been examined in Chapter 17, “Mitigation.” Where necessary, measures to further mitigate adverse impacts will be refined and evaluated between the DEIS and FEIS, and the FEIS may therefore include more complete information and commitments on all practicable mitigation measures that may need to be implemented with the proposed project.

### **ALTERNATIVES**

Chapter 16, “Alternatives,” assesses alternatives to the proposed project. CEQR and SEQRA require that a description and evaluation of the range of reasonable alternatives to an action be included in the EIS at a level of detail sufficient to allow a comparative assessment of the significant environmental impacts of these alternatives. If the environmental assessment and consideration of alternatives identify a feasible alternative that eliminates or minimizes adverse impacts while substantially meeting the project goals and objectives, the lead agency considers whether to adopt that alternative. CEQR and SEQRA require consideration of a “No Action Alternative,” which compares environmental conditions that are likely to occur in the future without the proposed project with conditions that would occur in the future with the proposed project. \*