

A. INTRODUCTION

Under the 2012 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action and determines whether that proposed action is compatible with those conditions or otherwise may affect them. The analysis also considers the action's compliance with, and effect on, the area's zoning and other applicable public policies.

As described in Chapter 1, "Project Description," Memorial Sloan-Kettering Cancer Center (MSK) is proposing to construct a new ambulatory care center (MSK ACC) and The City University of New York (CUNY) is proposing to build a new home for the Hunter College Science and Health Professions program (CUNY-Hunter Building) on the project site on the east end of the block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 74th Streets (Block 1485, Lot 15) on the Upper East Side of Manhattan. 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 an M3-2 Heavy Manufacturing District (Low Performance) to a C1-9 Local Retail District to allow the two proposed uses and a floor area ratio (FAR) of 10.0.¹ The existing M1-4 zoning district to the west on Block 1485, Lots 14 and 39, would be extended east by approximately five (5) feet to the boundary of the C1-9 zoning district. The proposed project also requires the disposition of City property; a zoning text amendment to 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 by providing a public park improvement within the same community district or within a 1-mile radius of the proposed project; approval to develop the site as a LSGD that would include special permits to waive bulk, side yard, rear yard equivalent, height and setback regulations, and signage 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. The proposed project would also require certification by the Commissioner of Buildings to permit an entrance/exit to an accessory parking facility to be located within 50 feet of an intersection.

This analysis identifies anticipated changes in land use, zoning, and public policy that are expected to occur independently of the proposed project (the "No Build" condition) by the 2019

¹ Floor area ratio (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 square feet (sf) with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf.

analysis year,² and then assesses any potential impacts on land use, zoning, and public policy associated with the proposed project (the “Build” condition).

PRINCIPAL CONCLUSIONS

As described in detail in this chapter, the proposed project would not result in any significant adverse impacts on land use, zoning, or public policy. The proposed project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the proposed project generate land uses that would be incompatible with land uses, zoning, or public policy in the study area. The proposed project would not create land uses or structures that would be incompatible with the underlying zoning, nor would the proposed project cause any existing structures to become non-conforming. The proposed project would not result in land uses that conflict with public policies applicable to the study area.

The proposed project would result in the construction of a new ambulatory care center and a new science and health professions building, which would complement the existing and planned health- and education-related institutional uses in the study area. The proposed project would be compatible with the residential and commercial uses in the study area, many of which cater to the faculty, staff, and student populations of the institutions. While the development of the two buildings on the project site would represent a change from the No Build condition in which the site would remain largely vacant, this change would add active ground floor uses and would be consistent with (or shorter than) other existing structures in the study area. The setbacks and overhangs of the proposed buildings would contribute to creating a visually dynamic waterfront and become part of the dense surrounding development.

The discretionary approvals being requested for the proposed project include a disposition of City property; a zoning map amendment to rezone the project site and an approximately 6 inch wide portion of Block 1485, Lots 14 and 39 immediately west of the project site from M3-2 to C1-9 and to extend the existing M1-4 zoning district (on Block 1485, Lots 14 and 39, to the west) east to the boundary of the proposed C1-9 district; a zoning text amendment to establish a new provision in the 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 of up to 20 percent by providing a public park improvement within the same community district or within a 1-mile radius of the proposed project; 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. The proposed project would also require certification by the Commissioner of Buildings to permit an entrance/exit to an accessory parking facility to be located within 50 feet of an intersection.

The proposed special permits would be specific to the project site and would not apply to any other areas. The proposed text amendment would allow an FAR bonus since MSK would make a substantial contribution to the New York City Department of Parks and Recreation (DPR) for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City, under the jurisdiction of DPR and located roughly between East 59th Street and East 63rd Street along the East River Esplanade, as described in Chapter 3, “Open Space.” Improvement to this park would allow 1.1 acres of the open space to be opened to the public,

² Construction schedule of the CUNY-Hunter Building is subject to funding.

and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

The proposed project would be consistent with and supportive of PlaNYC's policies and goals, the ten criteria of the New York State Smart Growth Public Infrastructure Policy Act, and the Coastal Zone policies and the City's Waterfront Revitalization Program (WRP).

B. METHODOLOGY

The project site is located adjacent to the FDR Drive at the eastern end of the block between East 73rd and East 74th Streets that is bounded by York Avenue at the western end. According to the *CEQR Technical Manual*, an analysis of land use, zoning, and public policy should examine the area within 400 feet of the project site, as this distance defines the area in which the proposed action could reasonably be expected to cause potential effects. Therefore, the study area for this analysis is generally bounded by East 75th and East 72nd Streets to the north and south, and the FDR Drive and York Avenue to the east and west. Within this study area, this analysis assesses the proposed project's compatibility with surrounding land use, and consistency with zoning and public policy, and determines whether it would alter land use patterns to such an extent that it would result in significant adverse impacts.

The analysis begins with the existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then projects future land use, zoning, and public policy conditions in the future without the proposed project in the 2019 analysis year by identifying expected development and other relevant changes expected to occur within this time frame. Finally, land use, zoning, and public policy conditions are projected in the future with the proposed project, in order to evaluate the potential for significant adverse impacts due to the proposed project.

C. EXISTING CONDITIONS

LAND USE

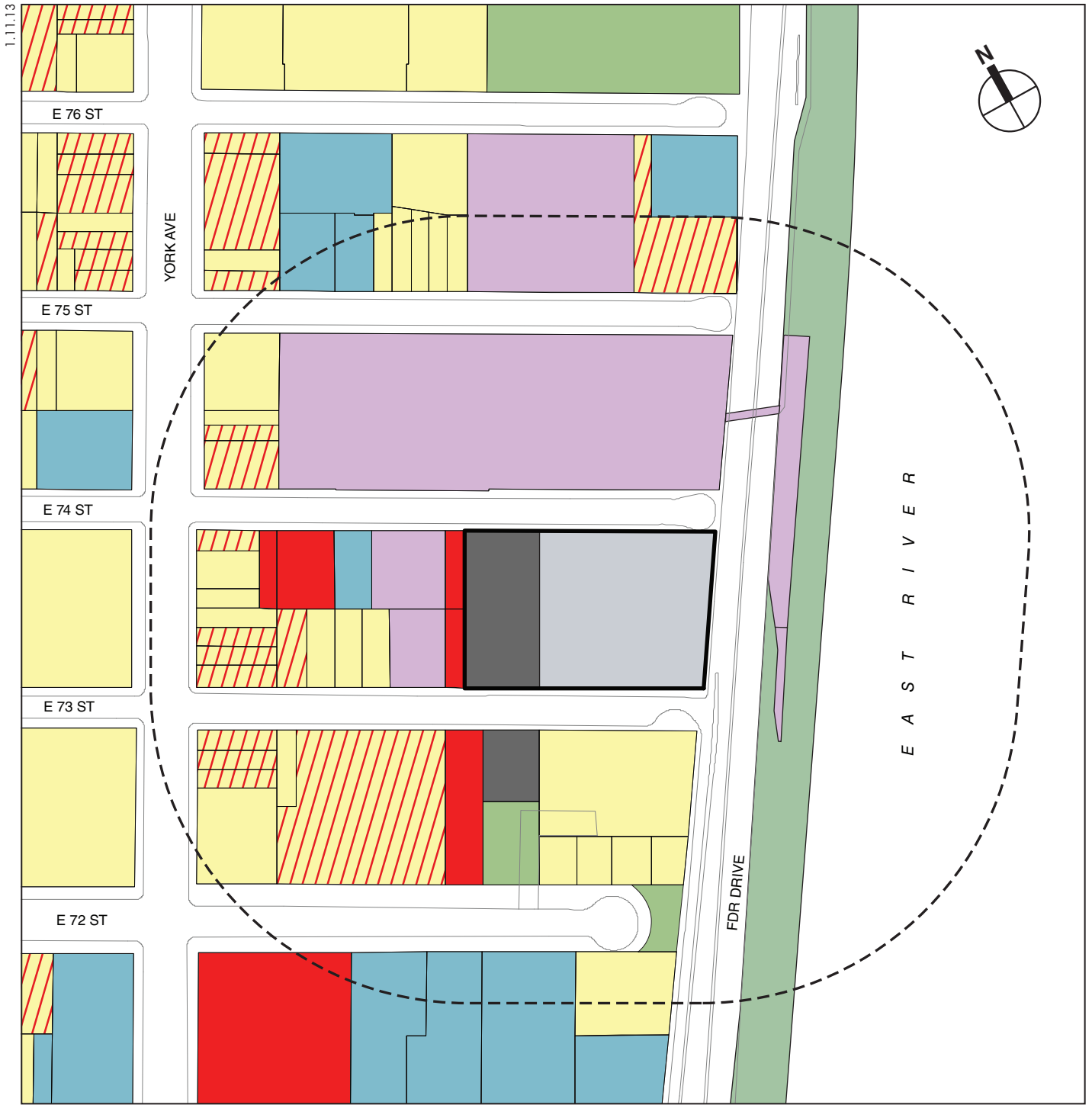
PROJECT SITE

The 66,111-sf project site is largely vacant with standing remnants of the walls of the former garage structure. The western portion of the project site is occupied by a surface public parking lot with a capacity of 128 cars.

PROJECT BLOCK AND STUDY AREA

East 74th Street, the northern border of the site, dead ends at a wall that divides it from the FDR Drive. East 73rd Street, the southern boundary of the project site, ends with an entrance to a service road to the southbound FDR Drive. The study area contains a mix of residential, commercial, and institutional uses, as well as utilities and some open space (See **Figure 2-1**). Transportation and utility uses are concentrated north of the project site, while the portions in the south and the west of the study area are primarily residential and commercial, with some office and public facility and institutional uses.

Residential uses are concentrated in the western portion of the study area, along York Avenue, on the block south of the project site, and along the north side of East 75th Street in the northern portion of the study area. Five- and six-story residential buildings, some with ground floor retail



Project Site Boundary
 Study Area Boundary (400-Foot Perimeter)

0 200 400 FEET
 SCALE

- | | |
|--|--|
| Residential | Public Facilities and Institutions |
| Residential with Commercial Below | Open Space and Outdoor Recreation |
| Commercial and Office Buildings | Parking Facilities |
| Transportation and Utility | Vacant Land |

MSK/CUNY-Hunter Project at 74th Street

uses, line the east side of York Avenue and the north side of East 73rd Street, west of the project site. Residential row houses are also found in the northern portion of the study area in the middle of the block on East 75th Street as well as on the north side of East 72nd Street. There is a seven-story apartment building on the corner of East 72nd Street and York Avenue. Two large residential towers are in the southern portion of the study area, along the waterfront: a 50-story building on East 73rd Street and a 20-story building on East 72nd Street.

Commercial uses in the study area are generally found in mixed-use buildings along the east side of York Avenue and in buildings on both East 73rd and East 74th Streets. These consist primarily of neighborhood goods, services, and restaurants. There is a furniture gallery located at 506 East 74th Street and an art conservator office adjacent to this building. Directly adjacent to the project site to the west are a catering business at 522 East 74th Street and an orthopedic rehabilitation device company at 525 East 73rd Street. West of these businesses there is a one-story auto repair business located at 517 East 73rd Street and a two-story auto repair business at 512 East 74th Street. There is a six-story parking garage at 521 East 72nd Street, directly south of the project site. The largest commercial use located in the southwest corner of the study area at 1334 York Avenue is a ten-story modern office building that houses the New York headquarters of Sotheby's auction house.

There are several institutional uses in the study area, including three schools. The Epiphany Community Nursery School and 74th Street Magic, a gymnastics facility for children, are located at 510 East 74th Street. The Lycée Français de New York, is located at 505-07 East 75th Street in the northwestern portion of the study area, and the Town School, located at 540 East 76th Street, is in the northeastern portion of the study area.

Other institutional uses include a concentration of medical facilities in the southern portion of the study area. Four buildings in the study area are part of the campus of the Hospital for Special Surgery (HSS). River Terrace at 519 East 72nd Street, the East River Professional Building at 523 East 72nd Street, Dana Center at 510 East 73rd Street, and East River Place at 525 East 72nd Street occupy most of the block just south of the project site. The Belaire Building and Guest Facility at 525 East 71st Street and the Human Resources/Education Division/Occupational Health offices at 517 East 71st Street both front East 72nd Street in the study area. In addition to the existing community facility presence within the study area, on December 11, 2012, the Hospital for Special Surgery received variances for rear yard equivalent, use, height and setback, floor area, and parking that would allow the development of an ambulatory surgery center on a site immediately adjacent to the project site to the west. This is discussed in Section D, "The Future Without the Proposed Project."

The study area also contains a number of utility uses. Con Edison operates a steam generation plant (Con Edison Steam Plant) that occupies most of the block bounded by East 75th and East 74th Streets to the north and south, and York Avenue and the FDR Drive to the east and west and is directly north of the project site. Con Edison also operates a substation on the north side of East 75th Street, across from the steam generation plant. Directly east of the Con Edison Steam Plant and the project site across the FDR Drive is a wharf used by Con Edison for receiving fuel oil by barge. The two structures are connected by a utility bridge over the FDR Drive north of East 74th Street.

There are three open spaces in the study area. There is a small, bricked courtyard with trees and seating located adjacent to the East River Professional Building on East 72nd Street. At the eastern end of East 72nd Street there is a plaza with trees and seating that provides views of the waterfront and Roosevelt Island. In addition, the East River Esplanade extends along the

waterfront in the study area, and includes running, biking, and walking paths, as well as seating and landscaping. The nearest access to the East River Esplanade is provided at two locations outside of the study area. There is a footbridge over the FDR Drive that connects the Esplanade to the sidewalk on the north side of East 71st Street. There is another footbridge between the Esplanade and the south side of East 78th Street.

ZONING

PROJECT SITE

The project site is located in an M3-2 Heavy Manufacturing District (Low Performance). M3-2 districts are designated for heavy industries and are subject to minimum performance standards. M3-2 districts tend to be located near the waterfront and separated from residential uses.

STUDY AREA

The study area includes residential R8B, R9, and R10 General Residence Districts, a commercial C1-5 Local Retail District, a C5-2 Restricted Central Commercial District, a M1-4 Light Manufacturing District (High Performance), and a M3-2 Heavy Manufacturing District (Low Performance) (see **Table 2-1** and **Figure 2-2**).

**Table 2-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR	Uses/Zone Type
R8B	4.0 residential; 5.1 community facility ¹	Medium density contextual residential district that allows community facilities in Use Groups 3 and 4.
R9	0.99-7.52 ² residential; 10.0 community facility	High density residential district mapped along major thoroughfares that allows community facilities in Use Groups 3 and 4. Most new height factor buildings are for institutional use.
R10	10.0 residential; 10.0 community facility	High density residential district that allows community facilities in Use Groups 3 and 4.
C1-5	2.0 commercial; 10.0 residential; 10.0 community facility	Commercial overlay district in a residential district that allows commercial uses in Use Groups 5 and 6.
C5-2	10.0 commercial ³ ; 10.0 residential ² ; 10.0 community facility ³	Medium density commercial district that allows community facilities in Use Groups 3 and 4.
M1-4	2.0 manufacturing; 6.5 community facility ⁴	Light industrial district that allows community facilities in Use Group 4.
M3-2	2.0 manufacturing	Heavy industrial district.
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 Increased FAR with Inclusionary Housing designated area bonus. ³ FAR bonus is 20 percent for a public plaza. ⁴ Only community facilities in Use Group 4 permitted.	
Source:	<i>New York City Zoning Resolution</i>	

A small portion of the study area in the north containing several row houses and the Lycée Français de New York is mapped in a R8B district. 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.



-  Project Site
-  Study Area Boundary (400-Foot Perimeter)
-  Zoning District Boundary
-  C1-5 Overlay

0 100 200 FEET
SCALE

There is an R9 district in the southeast portion of the study area that includes institutional buildings and a residential tower at the end of East 72nd Street. R9 districts are high density residential districts that are mapped along major thoroughfares in Manhattan. New buildings in R9 districts can be developed under height factor regulations or optional Quality Housing regulations. R9 districts permit residential development up to FAR 7.2 and community facility development up to FAR 10.0. In R9 residential districts and R9 equivalent commercial districts, most buildings developed under height factor regulations are for institutional uses, primarily hospitals.

Most of the western and southern portions of the study area are mapped in a R10 residential district. R10 districts allow the highest FAR for residential areas and may be developed according to Quality Housing regulations or tower regulations.

A C1-5 commercial overlay district is located along the east side of York Street between East 73rd Street and East 74th Street. C1-5 overlays allows commercial uses, such as grocery stores, dry cleaners, drug stores, and restaurants that cater to the daily needs of the immediate neighborhood, of up to 2.0 FAR in the R10 residential district.

Sotheby's office building is located in a C5-2 district in the southwest corner of the study area. C5-2 districts are intended for offices and retail buildings that serve the metropolitan region. These districts usually include mixed-use buildings, department stores, and large office buildings and provide continuous retail frontage.

An M1-4 district is mapped in the center of the study area, encompassing a retail business, office building, residential buildings, and the nursery school.³ 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. There is also an M1-4 district in the northern portion of the study area that encompasses the Con Edison substation.

Similar to the project site, the Con Edison Steam Plant, the waterfront, and the 5.7 feet immediately west of the project site are located in an M3-2 district. As described above, M3-2 districts are designated for heavy industries and are subject to minimum performance standards. M3-2 districts tend to be located near the waterfront and separated from residential uses.

PUBLIC POLICY

PLANYC

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York. An update to PlaNYC in April 2011 built upon the goals set forth in 2007. PlaNYC represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the city faces over the next 20 years: (1) population growth; (2) aging infrastructure; and (3) global climate change. In the 2011 update, elements of the plan are organized into 10 categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each

³ The nursery school was granted a special permit in 1997 under BSA calendar 86-96-BZ.

category. An assessment of the consistency of the proposed project with PlaNYC’s sustainability goals is provided in Section E, “Probable Impacts of the Proposed Project.”

NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

In 2010, New York State enacted the State Smart Growth Public Infrastructure Policy Act. The purpose of this act is to maximize the social, economic, and environmental benefits from public infrastructure development through minimizing unnecessary costs of sprawl development. The act mandates that all State agencies shall not approve, undertake, support, or finance a public infrastructure project unless that project is—to the extent practicable—consistent with 10 smart growth criteria, which are:

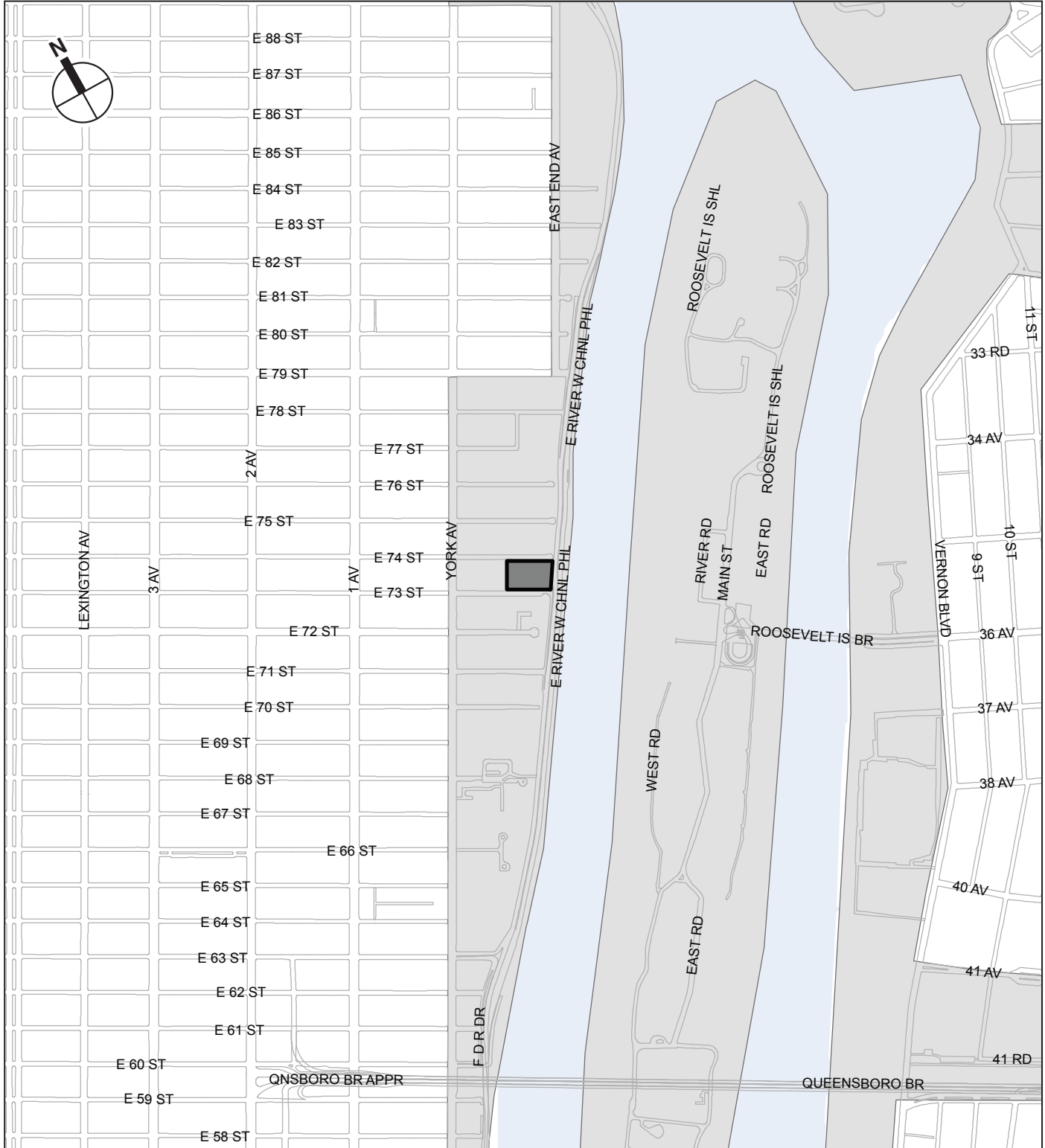
1. To advance projects for the use, maintenance or improvement of existing infrastructure;
2. To advance projects located in municipal centers;
3. To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan;
4. To protect, preserve, and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources;
5. To foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development, and the integration of all income and age groups;
6. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency;
7. To coordinate between state and local government and inter-municipal and regional planning;
8. To participate in community-based planning and collaboration;
9. To ensure predictability in building and land use codes; and
10. To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation.

Because the proposed project would require approvals from the Dormitory Authority of the State of New York (DASNY), a consistency assessment with the State Smart Growth Public Infrastructure Policy Act is warranted. The Smart Growth Impact Statement Assessment Form is included in **Appendix B**.

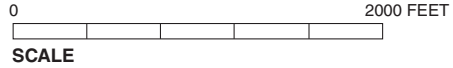
WATERFRONT REVITALIZATION PROGRAM

The project site is located entirely within the Coastal Zone designated by New York State and City (see **Figure 2-3**). For this reason, the project is subject to a review for compliance with the City’s

1.8.12



-  Project Site
-  Coastal Zone Boundary



Coastal Zone management policies. This section provides a description of existing Coastal Zone policies and the City's WRP.

The Federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and federal concerns about the deterioration and inappropriate use of the waterfront. The CZMA emphasizes the primacy of State decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The WRP is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (DOS) for inclusion in the New York State Coastal Management Program. The WRP establishes the City's policies for the development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. The City's WRP was amended in 1999 to include 10 consolidated policies; this amendment was adopted by the City Council in October 1999. In May 2002, DOS approved the City's amended WRP, and the United States Department of Commerce concurred in August 2002. The New York City Department of City Planning (DCP) proposed revisions to the WRP that were referred for public review by CPC in March 2012. The proposed revisions aim to advance the long-term goals laid out in *Vision 2020: The New York City Comprehensive Waterfront Plan*, released in 2011. The revisions are undergoing the approvals process, which requires public review following the 197-a process for community input and adoption, and approval from DOS and the U.S. Department of Commerce. Completion of the approvals process is anticipated in mid-2013. This chapter reviews the current 10 New York City Coastal Zone policies and assesses the consistency of the proposed project with the policies. A discussion of the proposed project's consistency with those policies is included below in the "Probable Impacts of the Proposed Project" section. The WRP Coastal Assessment Form is included in **Appendix B**.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

In the future without the proposed project, the project site is expected to remain largely vacant with the existing parking lot as 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.

STUDY AREA

There is one planned development in the study area that is expected to be completed by the 2019 analysis year. West of the project site (Manhattan Block 1485, Lots 11, 14, and 40), HSS plans to develop a new, 13-story, approximately 213,775-gross-square-foot (gsf) Ambulatory Surgery Center. The project was subject to review pursuant to CEQR (CEQR Number 12BSA126M) by the Board of Standards and Appeals (BSA), which issued a Negative Declaration and approved the required variance(s) for the project on December 11, 2012.

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. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

PROJECT SITE

The proposed actions would allow for the development of the project site with the proposed MSK ACC and CUNY-Hunter Building. The 749,357-gsf, 23-story MSK ACC would be located through-block on the eastern portion of the site and the 402,990-gsf, 16-story CUNY-Hunter Building would be located through block on the western portion of the site, as described in Chapter 1, "Project Description." The main entrances for both buildings would be on East 74th Street. In addition to pedestrian entrances for both buildings, the MSK ACC 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. The service entrances for both buildings would be on East 73rd Street, and both buildings would be designed to allow trucks to maneuver 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. 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 accessory parking. The CUNY-Hunter Building would house teaching and research laboratories, class rooms, a learning center, a 350-seat lecture hall, faculty offices, and a vivarium to house research animals.

STUDY AREA

The proposed MSK ACC and CUNY-Hunter Building would complement the health-related and education-related institutional uses in the study area. The proposed buildings would also be in keeping with the planned HSS Ambulatory Surgery Center, and would reinforce the predominance of institutional uses in the study area. The project would be compatible with the residential and commercial uses in the study area, many of which cater to the faculty, staff, and student populations of the institutions. Overall, the proposed project would not result in any significant adverse impacts on land use in the study area.

ZONING

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 the 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 in Chapter 1, “Project Description”), 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 in Chapter 1, “Project Description”) 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 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 foot 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 square feet of total surface area for a through lot of 150 square feet on each frontage of a corner lot. Total surface area of all signs proposed in connection with the proposed project amounts to 4,520 square feet, which exceeds the permitted total surface area of 1,200 square feet by 3,320 square feet.

ZR 32-642: Non-Illuminated Signs

In C1-9 districts, non-illuminated signs are not permitted to exceed 150 square feet of total surface area for a through lot or 150 square feet on each frontage of a corner lot. A non-illuminated sign of 125 square feet is proposed at the north façade, near the entry of the MSK ACC and a non-illuminated sign of 25 square feet 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 square feet of total surface area for a through lot and the allowable 150 square feet 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 square feet of total surface area for a through lot or 50 square feet on each frontage of a corner lot. Two indirectly illuminated non-flashing signs of 1,290 square feet each are proposed on the north and east façades of the MSK ACC and one indirectly illuminated non-flashing sign of 500 square feet is proposed on the west façade of the CUNY-Hunter Building (see Figure 1-9).

A freestanding illuminated non-flashing sign of 65 square feet 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 square feet 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 square feet of total surface area for a through lot and the permitted 50 square feet 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.

In addition, 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.

As described above, the rezoning of the project site would allow for the construction of a new ambulatory care center and a new science and health professions building, which would complement the existing health- and education-related institutional uses in the study area. While the development of the two buildings on the project site would represent a change from the No Build condition in which the site would remain largely vacant, this change would add active ground floor uses and would be consistent with (or shorter than) other existing structures in the study area. The setbacks and overhangs of the proposed buildings would contribute to creating a visually dynamic waterfront and become part of the dense surrounding development.

The proposed text amendment would allow an FAR bonus since MSK would make a substantial contribution to DPR for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City and under the jurisdiction of DPR. Andrew Haswell Green Park is located roughly between East 59th Street and East 63rd Street along the East River Esplanade as described in Chapter 3, “Open Space.” Improvement to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial

contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

Overall, the proposed actions would not result in any significant adverse impacts on zoning.

PUBLIC POLICY

PLANYC

PlaNYC's initiatives relate to several technical areas that are included in a CEQR assessment, including Open Space, Natural Resources, Infrastructure, Energy, Construction, Transportation, Greenhouse Gas Emissions, and Air Quality. Below is an assessment of the consistency of the proposed MSK/CUNY-Hunter project with PlaNYC's sustainability goals.

Air Quality

PlaNYC's air quality goal is to attain compliance with federal standards for PM_{2.5} and ozone, and also to achieve the cleanest air quality of any city in the country. To fulfill this goal, PlaNYC establishes policy initiatives that aim to reduce road vehicle and other transportation emissions, reduce emissions from buildings, and to pursue natural solutions to improve air quality.

According to the *CEQR Technical Manual*, a project undergoing a CEQR review would generally be consistent with PlaNYC's air quality initiatives if it maximizes its use of one or more of the following elements: the promotion of mass transit; the use of alternative fuel vehicles; the installation of anti-idling technology; the use of retrofitted diesel trucks; the use of biodiesel in vehicles and in heating oil; the use of ultra-low sulfur diesel and retrofitted construction vehicles; the use of low sulfur heating fuels; and the planting of street trees and other vegetation.

The proposed project would support PlaNYC's air quality goals by providing transit-oriented development. The project site is located in an area well served by existing transit services, including the No. 6 and Q subway lines, the future T line at Second Avenue, and the M15, M31, M66, and M72 bus lines. Construction would include a diesel emissions reduction program that would include the minimization in use of diesel engines (i.e., use of electric engines to the extent practicable) and would also include diesel particulate filters for large construction engines and other measures (see Chapter 15, "Construction" and Chapter 11, "Greenhouse Gas Emissions").

Energy

PlaNYC's primary energy goal is to provide cleaner and more reliable power for the city. PlaNYC outlines energy policy initiatives that intend to improve energy planning, reduce the city's energy consumption, expand the city's clean power supply, and modernize the electricity delivery infrastructure.

According to the *CEQR Technical Manual*, a project undergoing a CEQR review would generally be consistent with PlaNYC's energy initiatives if it maximizes its use of one or more of the following elements: exceeding the energy code; using energy efficient appliances, fixtures, and building systems; participating in peak load management systems, including smart metering; repowering and constructing power plants and dedicated transmission lines; building distributed generation power units; expanding the natural gas infrastructure; using renewable

energy; using natural gas; installing solar panels; using digester gas from sewage treatment plants; using energy from solid waste; and reinforcing the energy grid.

Water Quality

PlaNYC's water initiatives focus on the city's water network and water quality, with an objective of opening 90 percent of the city's waterways to recreation by preserving natural areas and reducing pollution. PlaNYC's water quality initiatives aim to continue implementation of infrastructure upgrades; prevent storm water from entering the system; and expand, track, and analyze new best management practices (BMPs) on a broad scale. The nine water network initiatives are intended to ensure the quality of the city's drinking water, create redundancy for aqueducts, and modernize water distribution.

According to the *CEQR Technical Manual*, a project would generally be consistent with PlaNYC's water quality initiatives if it includes one or more of the following elements: expanding and improving wastewater treatment plants; building high level storm sewers; expanding the amount of green, permeable surfaces across the city; expanding the Bluebelt system; incorporating green infrastructure, low impact development, or best management practices concepts and initiatives; being consistent with the Sustainable Storm water Management Plan; building systems for on-site management of storm water runoff; incorporating planting and storm water management within parking lots; building green roofs; protecting wetlands; using water-efficient fixtures; or adopting a water conservation project.

As discussed in Chapter 8, "Water and Sewer Infrastructure," measures would be implemented to manage storm water at the project site, including detention tanks and limited use of green roofs. With the incorporation of these BMPs, the overall volume of storm water runoff and the peak storm water runoff rate would be reduced. The proposed project would support PlaNYC's water quality goals.

Land Use

Regarding land use, PlaNYC sets forth the goals of creating homes for approximately one million residents, while making housing more sustainable and affordable. These goals are to be achieved by PlaNYC initiatives that encourage publicly initiated rezonings, creation of new housing on public land, expanding targeted affordability programs, and exploration of additional areas of opportunity.

According to the *CEQR Technical Manual*, a project would generally be consistent with PlaNYC's land use initiatives if it includes one or more of the following elements: pursuing transit-oriented development; reclamation of underutilized waterfronts; adaptation of outdated buildings to new uses; development of underutilized areas to knit neighborhoods together; decking over rail yards, rail lines, and highways; extension of the Inclusionary Housing program in a manner consistent with such policy; preservation of existing affordable housing; or redevelopment of brownfields.

The proposed project would support PlaNYC's land use goals by fostering transit-oriented development and developing a vacant site that formerly was occupied by a garage. The proposed project would result in the MSK ACC, which would contain state-of-the-art ambulatory care facilities, and the CUNY-Hunter Building, which would contain state-of-the-art facilities for Hunter's Science and Health Professions program. Together, the two institutions would create 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.

Open Space

As outlined in PlaNYC, the city has a goal of ensuring that all New Yorkers live within a 10-minute walk of a park. PlaNYC's seven open space goals approach this aim by making existing resources available to more New Yorkers, expanding hours at existing resources, and re-imagining the public realm to create or enhance public spaces in the cityscape.

According to the *CEQR Technical Manual*, a project is generally consistent with PlaNYC's open space initiatives if it includes one or more of the following elements: completion of underdeveloped destination parks; provision of multi-purpose fields; installation of new lighting at fields; creation or enhancement of public plazas; or planting of trees and other vegetation.

As discussed in Chapter 3, "Open Space," the proposed project would result in a significant adverse impact on open space ratios in the study area. However, the project would support PlaNYC's open space goals: MSK would make a substantial contribution to the New York City Department of Parks and Recreation (DPR) for the repair of and improvements to Andrew Haswell Green Park, a 1.98-acre open space along the East River Esplanade. As discussed above, the nearest access to the East River Esplanade is provided by two pedestrian footbridges over the FDR Drive outside of the study area, at East 71st Street and East 78th Street. While it is currently anticipated that the money would fund repair to the structure beneath this park, the money would be used at the discretion of DPR. Improvement to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

Natural Resources

Effective conservation of the city's natural resources is a key objective of PlaNYC. According to the *CEQR Technical Manual*, a project is generally consistent with PlaNYC's natural resources initiatives if it includes one or more of the following elements: planting street trees and other vegetation; protection of new wetlands; creation of open space; minimizing or capturing storm water runoff; or redevelopment of brownfields.

The proposed project would support PlaNYC's natural resources goals by redeveloping a former garage site with new uses. In addition, the project would include measures to minimize and capture storm water runoff, including detention tanks and limited green roofs.

Transportation

PlaNYC's two transportation goals are to add transit capacity for 1 million more residents, visitors, and workers, and to reach a full state of good repair on the city's roads, subways, and rails. PlaNYC identifies 16 transportation initiatives, which are intended to build and expand transit infrastructure, improve transit service on existing infrastructure, promote other sustainable transportation modes, reduce congestion, achieve the state of good repair, and develop new funding sources for regional transit financing.

According to the *CEQR Technical Manual*, a project is generally consistent with PlaNYC's transportation initiatives if it includes one or more of the following elements: transit-oriented development; promoting cycling and other sustainable modes of transportation; managing roads more efficiently; facilitating freight movements; increasing the capacity of mass transit;

MSK/CUNY-Hunter Project at 74th Street

providing new commuter rail access to Manhattan; improving and expanding bus service; improving local commuter rail service; improving access to existing transit; or expanding water-based transportation services.

The proposed project would support PlaNYC's transportation goals by fostering transit-oriented development. In addition, both CUNY and MSK would promote bicycle use by providing bike storage for staff, students, and faculty. The project would also implement roadway improvements to improve traffic flow; and implement traffic signalization and coordination to improve traffic flow and support pedestrian and bicycle safety.

Conclusion

Overall, the proposed project would be supportive of PlaNYC's policies and goals, as it would be situated on a site that is served by existing mass transit; would result in the redevelopment of a former garage site containing contaminated materials that would be remediated as part of project development; would provide bike storage for faculty, staff, and students; and would result in state-of-the-art ambulatory care facilities and facilities for Hunter's Science and Health Professions program. Together, the two institutions would create 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.

NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

The proposed project would be consistent with and fully supportive of the New York State Smart Growth Public Infrastructure Policy Act, as described below. The compatibility of the proposed project with the ten criteria of the Act is detailed below.

1. To advance projects for the use, maintenance or improvement of existing infrastructure:

The proposed project would result in development that would utilize existing transportation, water, sewer, and energy infrastructure. No major new infrastructure would need to be constructed to serve the proposed project. Therefore, the proposed project would be supportive of this criterion.

2. To advance projects located in municipal centers: The proposed project would result in development of a largely vacant site in a dense urban setting with a mixture of uses and proximity to multiple subway and bus lines. Therefore, the proposed project would be supportive of this criterion.

3. To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan: The proposed project would result in development on a largely vacant site in a developed area (see Section C, "Existing Conditions"). In addition, as described above, the project site is located entirely within the Coastal Zone designated by New York State and City, which is managed by DCP's Waterfront Revitalization Program (WRP). The WRP establishes the City's policies for the development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. Therefore, the proposed project would be supportive of this criterion.

4. To protect, preserve, and enhance the State's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources: As described in the October 2012 EAS for

the proposed project, the project block is located in a fully developed area of Manhattan. There are no natural resources located on or near the project site, and the proposed actions would not have the potential to disturb natural resources. Therefore, the proposed actions would not result in any significant adverse impacts on natural resources. The potential effects of the proposed project on air quality, open space, and historic and archaeological resources are analyzed in this EIS. The EIS finds that the proposed project would result in a significant adverse impact on passive open space, but would not have any significant adverse impacts on air quality or historic or archaeological resources.

5. To foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development, and the integration of all income and age groups: The proposed project would result in a development that would incorporate academic and institutional uses, and would include outdoor terrace spaces with planters and seating for the buildings' staff, faculty, and students. Therefore, the proposed project would be supportive of this criterion.

6. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency: The proposed project would result in transit-oriented development, as the proposed uses would be located near existing subway and bus lines and the majority of workers and students would use subway, bus, or walking to access the site (see Chapter 9, "Transportation"). In addition, CUNY would provide access to bike storage off East 74th Street for its students, faculty, and staff, and there would be access to bike parking for MSK staff off East 73rd Street. Therefore, the proposed project would be supportive of this criterion.

7. To coordinate between state and local government and inter-municipal and regional planning: The planning for, and approval of, the proposed project would require coordination between multiple City and State agencies. Office of Deputy Mayor for Economic Development (ODMED), acting as lead agency, is conducting a coordinated review of the proposed project in accordance with New York's State Environmental Quality Review Act (SEQRA) and CEQR. Other involved and interested agencies include, but are not limited to, the CPC, the City Council, DASNY, CUNY, MSK, CUCF, DCP, New York City Department of Environmental Protection (DEP), New York City Department of Transportation (NYCDOT), Manhattan Borough President, and Manhattan Community Board 8. Because the proposed project would include a rezoning, a zoning text amendment, and special permits, it is subject to the Uniform Land Use Review Procedure (ULURP). Therefore, the proposed project would be supportive of this criterion.

8. To participate in community-based planning and collaboration: The EAS was made available for public comment, and public meetings to receive comments on the Draft Scope of Work were held on November 1, 2012 and again on December 4, 2012. The period for the submission of written comments was extended to December 14, 2012. On October 9, 2012, the proposed project was presented to the Community Board 8 CUNY-MSK Task Force. In accordance with SEQRA, CEQR, and ULURP guidelines, additional public consultations will be held as the proposed project progresses. Therefore, the proposed project would be supportive of this criterion.

9. To ensure predictability in building and land use codes: 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 that would ensure predictability in building and land use codes.

10. To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation: As described in Chapter 11, “Greenhouse Gas and Climate Change,” the proposed project would be consistent with the greenhouse gas reduction goals of the City of New York as defined by PlaNYC. The proposed project would include energy and water efficient buildings and systems, utilize low-carbon fuel, locate in a transit-supported area, and incorporate building materials with low carbon intensity. These efforts will far exceed the legal requirements. As such, the proposed project would be fully supportive of this criterion.

The Smart Growth Impact Statement Assessment Form is included in **Appendix B**.

WATERFRONT REVITALIZATION PROGRAM

New York City’s WRP includes 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. This section provides additional information for each of the policies that have been checked “yes” in the WRP Coastal Assessment Form included in **Appendix B**.

Policy 1: *Support and facilitate commercial and residential redevelopment in areas well-suited to such development.*

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The project site is located within manufacturing zoning districts, in which commercial development is appropriate but residential development is not permitted. The area contains a mix of residential, commercial, and institutional uses, as well as utilities and some open space. Transportation and utility uses are concentrated north of the project site, while the portions in the south and the west of the study area are primarily residential and commercial, with some office and public facility and institutional uses. The proposed project’s intended uses would serve residents of these adjacent neighborhoods, as well as create additional jobs within the area. The proposed project is in character with the surrounding land uses, and will produce a beneficial redevelopment of an underutilized and vacant property. Therefore, the proposed project would be consistent with Policy 1.1.

Policy 1.2: Encourage non-industrial development that enliven the waterfront and attract the public.

As described in Chapter 6, “Urban Design and Visual Resources,” the designs of the proposed MSK ACC and CUNY-Hunter Building contemplate structures with the same exterior façade materials in order to read as a single composition. It would not detract from the waterfront, and would provide a substantial upgrade in the usefulness of the largely vacant property. Therefore, the proposed project would be consistent with Policy 1.2.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

The proposed project would redevelop a largely vacant site with state-of-the-art facilities for MSK and CUNY-Hunter. Together, the two institutions would create 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. Therefore, the proposed project would be consistent with Policy 1.3.

Policy 2: *Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.*

Policy 2.1: Promote water-dependent and industrial uses in SMIA's.

The project site is not located on the waterfront, and is not within a Significant Maritime and Industrial Area (SMIA). Therefore, Policy 2.1 is not applicable to this project.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

The project site is not located on the waterfront, and is not within an SMIA or Ecologically Sensitive Maritime Industrial Area. Therefore, Policy 2.2 is not applicable to this project.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

The project site is not located on the waterfront. Therefore, Policy 2.3 is not applicable to this project.

Policy 3: *Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.*

Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

The project site is not located on the waterfront or within a maritime center. Therefore, Policy 3.1 is not applicable to this project.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

The project site is not located on the waterfront. Therefore, Policy 3.2 is not applicable to this project.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

The project site is not located on the waterfront. Therefore, Policy 3.3 is not applicable to this project.

Policy 4: *Protect and restore the quality and function of ecological systems within the New York City coastal area.*

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats.

The proposed project is not located within any Special Natural Waterfront Areas, Recognized Ecological Complexes, or Significant Coastal Fish and Wildlife Habitats, and would not have any adverse impacts on these areas. Therefore, Policy 4.1 is not applicable to this project.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

The project site does not contain any New York State Department of Conservation (DEC) or U.S. Army Corps of Engineers (USACE) regulated wetlands. Therefore on, Policy 4.2 is not applicable to this project.

Policy 4.3: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

The proposed project is located on a previously disturbed, non-waterfront parcel of low ecological value within a highly developed region of Manhattan. Although the entire area neighborhood is listed for Generalized Rare Plants and Animals, a DEC Nature Explorer search did not reveal any record of rare plants or animals on the project site. Therefore, Policy 4.3 is not applicable to this project.

Policy 4.4: Maintain and protect living aquatic resources.

The proposed project would not result in any in-water construction activities. Implementation of erosion and sediment control measures would minimize the potential for storm water discharged from the project site during construction to adversely impact water quality and aquatic resources of the East River. Implementation of storm water management measures would improve the quality of the storm water discharged to the East River from the project site, minimizing the potential for operation of the project to adversely affect aquatic resources. Therefore, the proposed project would be consistent with this policy.

Policy 5: *Protect and improve water quality in the New York City coastal area.*

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The proposed project would not result in any direct discharges to the East River. During operation of the project, the project would implement a storm water BMP plan, which would improve the quality of the storm water runoff discharged to the East River from the project site (see Policy 5.2, below). Therefore, the proposed project would be consistent with this policy.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

The proposed project would not result in the introduction of nonpoint source pollution to the East River. As discussed in Chapter 8, "Water and Sewer Infrastructure," the project site's runoff coefficient would increase with the proposed project, resulting in an increase in total combined sewer discharge to the combined sewer system in the area surrounding the project.

As discussed in Chapter 8, the DEP Flow Volume calculations do not account for the project's storm water BMP plan. BMPs for the project include storm water detention tanks for each building and limited green roofs. These BMPs would be designed to achieve an overall release rate of 0.25 cubic feet per second (cfs) or 10 percent of the allowable flow rate (whichever is greater) calculated in Chapter 8. This general citywide threshold is determined by DEP to help avoid exacerbation of existing combined sewer overflows (CSOs) discharged to the East River. Therefore, the proposed project is consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

The proposed project would not result in the excavation or placement of fill in the East River. Therefore, Policy 5.3 is not applicable to this project.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

As discussed in Chapter 7, "Hazardous Materials," groundwater beneath the project site may be present in discontinuous areas, perched on the variable bedrock surface; groundwater was reported to flow in an easterly direction toward the East River. Analytical results of groundwater samples collected within the project site indicated elevated concentrations of gasoline/petroleum-related volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) above DEC Glass GA Ambient Water Quality Standards (drinking water standards), elevated concentrations of some metals (attributed to the sediment in the fill materials and/or from naturally occurring metals in brackish water). With the implementation of a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), construction of the proposed project would not result in significant adverse impacts on groundwater quality within the project site. Therefore, the proposed project would be consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected, and the surrounding area.

The proposed project is not located on the waterfront and is not susceptible to erosion. Therefore, it has not been designed with flood prevention or erosion control structures. As discussed in Chapter 11, "Greenhouse Gas Emissions," the project would be designed to minimize loss from flooding due to the potential effects of climate change and sea level rise and would be designed in accordance with applicable Advisory Base Flood Elevations (ABFEs), issued as drafts in February 2013, as determined by the Federal Emergency Management Agency (FEMA). Because a portion of the proposed project site is located within the existing 100-year floodplain, the design of project elements such as critical infrastructure, residential living areas, and siting of hazardous material storage have been adapted to withstand projected flooding events. These adaptations include the location of these elements above the projected flood elevation, waterproofing, or plans to relocate hazardous materials in the event of a flood. Therefore, the proposed project would be consistent with this policy.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

The proposed project does not seek funding for flood prevention or erosion control measures. Therefore, Policy 6.2 is not applicable to this project.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

The project site is not on the waterfront and does not have a beach. Therefore, Policy 6.3 is not applicable to this project.

Policy 7: Minimize environmental degradation from solid waste, and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.

The applicant would follow all applicable guidelines for the management of hazardous materials. Therefore, the proposed actions would be consistent with Policy 7.1 (see Chapter 7, “Hazardous Materials.”)

Policy 7.2: Prevent and remediate discharge of petroleum products.

As described in Chapter 7, “Hazardous Materials,” the project site may be contaminated with petroleum. Appropriate measures would be taken with the proposed actions to ensure that no exposures or significant adverse impacts with regard to hazardous materials would occur. The applicant would follow all applicable guidelines for the management of hazardous materials. Therefore, the proposed actions would be consistent with Policy 7.2.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

Any hazardous materials uncovered during construction would be disposed of or remediated in conformance with all applicable laws, rules, and regulations, thus minimizing the potential for adverse impacts on coastal resources. The proposed actions would not entail the siting of solid or hazardous waste facilities. Therefore, the proposed actions would be consistent with Policy 7.3.

Policy 8: Provide public access to and along New York City's coastal waters.

Policy 8.1: Preserve, protect and maintain existing physical, visual and recreational access to the waterfront.

The proposed project is not located on the waterfront, and will not prevent physical, visual, or recreational access to the waterfront. Therefore, Policy 8.1 is not applicable to this project.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

The proposed project is not located on the waterfront, or any waterfront access points. Therefore, Policy 8.2 is not applicable to this project.

Policy 8.3: Provide visual access to coastal lands, waters and open space where physically practical.

The proposed project would not block visual access to coastal lands, waters, and open space along the existing visual corridors of East 73rd or East 74th Streets. Therefore, the proposed project would be consistent with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

The proposed project is not located on the waterfront. Therefore, Policy 8.4 is not applicable to this project. However, it should be noted that as described above and in Chapter 3, “Open Space,” MSK would make a substantial contribution to DPR for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City and under the jurisdiction of DPR. Andrew Haswell Green Park is located roughly between East 59th Street and East 63rd Street along the East River Esplanade. Improvement to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the state and city.

The proposed project would not deleteriously impact public interest in and use of lands and waters held in public trust by the state as it is not located on or adjacent to any of these resources or their access points. The closest waterfront lands held in the public trust, is the East River Promenade, which is separated from the project site by FDR Drive, and would not be impacted by the proposed project or associated activities. Therefore, Policy 8.5 is not applicable to this project.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

As detailed in Chapter 6, “Urban Design and Visual Resources,” development of the proposed buildings would substantially improve the existing, largely vacant property. In addition, the proposed project is not located along the waterfront. Therefore, Policy 9.1 is not applicable for this project.

Policy 9.2: Protect scenic values associated with natural resources.

The proposed project is not located within any Special Natural Area Districts, Special Natural Waterfront Areas, or Recognized Ecological Complexes. Therefore, Policy 9.2 is not applicable to this project.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

The proposed project would not have any significant adverse impacts on historic and cultural resources on the project site and study area, as discussed in Chapter 5, “Historic and

Cultural Resources.” There are no historic resources or cultural resources on the project site, but two known architectural resources (the Con Edison Steam Plant and a garage at 524 East 73rd Street) and one potential architectural resource (a late-19th century carriage house) are located within 400 feet of the project site. The two known architectural resources are located within 90 feet of the project site. To avoid inadvertent construction-related impacts on these two known architectural resources, a Construction Protection Plan (CPP) would be prepared and implemented. The proposed project also would not obstruct significant public views of potential architectural resources. Although views of the Con Edison Steam Plant would be eliminated from East 73rd Street, unobstructed views of the plant from the immediately surrounding streets and from Roosevelt Island, the East River, and the East River Esplanade would remain. Similarly, although views of the garage at 524 East 73rd Street would be obstructed from East 74th Street by the proposed project, views of the garage from East 73rd Street would remain. In addition, views of the late-19th century carriage house would not be obstructed by the proposed project. Therefore, the proposed project would not have any significant adverse contextual or visual impacts on architectural resources in the study area and would be consistent with Policy 10.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The New York City Landmarks Preservation Commission (LPC) determined that the project site is not sensitive for archaeological resources in a letter dated March 16, 2012. In a letter dated January 18, 2013, the New York Office of Parks, Recreation, and Historic Preservation (OPRHP) also determined that the project site is not sensitive for archaeological resources (see **Appendix C**). Therefore, this policy does not apply.

CONCLUSIONS

Overall, the proposed project would not result in any significant adverse impacts on land use, zoning, or public policy. *