



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

**POSITIVE DECLARATION**

**NOTICE OF INTENT TO PREPARE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

<b>PROJECT:</b> Memorial Sloan-Kettering Ambulatory Care Center; CUNY-Hunter College—Science and Health Professions Building Block 1485, Lot 15 Borough of Manhattan CEQR Number: 13DME003M	<b>LEAD AGENCY:</b> Office of the Deputy Mayor for Economic Development 100 Gold Street, 2nd Floor New York, New York 10038
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**DATE ISSUED:** October 2, 2012

**TYPE OF ACTION:** Type I

**NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:**

Memorial Sloan-Kettering Ambulatory Care Center; CUNY-Hunter College—Science and Health Professions Building

Community District 8, Borough of Manhattan

In May 2011, the New York City Economic Development Corporation (EDC), on behalf of the New York City Department of Sanitation (DSNY), issued an RFP for the redevelopment of a former DSNY garage site with the creation or expansion of a health care, education or scientific research facility. In response to that RFP, Memorial Sloan-Kettering Cancer Center (MSK) and the City University of New York (CUNY) are partnering to acquire the 66,111-square-foot City-owned site on the east end of a 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. 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). The proposed buildings would be built to an overall FAR of 12.0 which would be 793,332 square feet of zoning floor area, with full lot coverage over the project site. The site, now the project site, is largely vacant with standing remnants of the walls of the former garage structure. The western portion is occupied by a surface public parking lot with a capacity of 128 cars.

The MSK ACC Building would stand approximately 23 stories (approximately 450 feet) tall on a footprint of 39,667 square feet. In a gross floor area of 730,133 square feet, it would contain

state-of-the-art ambulatory care facilities, including clinics for dermatological, breast, and prostate cancers; consultation rooms; infusion rooms; medical/surgical clinic; interventional radiology clinic; bone marrow transplant clinic; academic offices; a pharmacy; and conference rooms as well as 200 to 225 accessory parking spaces on the lower levels of the site for patients and visitors.

The MSK ACC would be expected to treat approximately 1,335 patients daily.

The CUNY-Hunter Building would stand approximately 18 stories (approximately 340 feet) tall on a footprint of 26,444 square feet. In its gross floor area of 336,210 square feet, it would house teaching and research laboratories, class rooms, a learning center, a 350-seat lecture hall, faculty offices, and a vivarium. Approximately 1,130 undergraduates and 1,219 graduate students would come to classes and laboratories in this building. In addition students from the main Hunter College campus at Lexington Avenue and East 68th Street would attend lectures in the lecture hall.

East 74th Street would serve as the main entrance for both buildings. 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, MSK would have two ambulance bays as well as a staff entrance (pedestrian) on East 73rd Street.

#### **DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA:**

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 and City Council approval. These actions are subject to the Uniform Land Use Review Procedure (ULURP) which requires City Environmental Quality Review (CEQR). 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. The lead agency for the environmental review is the Office of Deputy Mayor for Economic Development (ODMED), and DASNY will be an involved agency. A coordinated review of this Type I action will be conducted. The potential discretionary actions that would be required for the proposed project include:

- 1) Disposition—The City of New York would dispose of the project site to Memorial and the City University Construction Fund (CUCF). CUCF is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY.
- 2) Approval by the Mayor and the Manhattan Borough Board pursuant to Section 384(b)(4) of the New York City Charter;
- 3) Rezoning—The project site is presently zoned M3-2 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 would be rezoned from M3-2 to C1-9 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 plaza. Ambulatory diagnostic and treatment centers and schools are permitted as a matter of

right in C1-9 districts. MSK would provide 200 to 225 as-of-right accessory parking spaces in its building.

- 4) Zoning text amendment—A text amendment would establish a new special permit that would allow up to an additional 2.0 FAR for support of off-site public improvements.
- 5) Special permit—Approval of the special permit established by the zoning text amendment for use on the project site would allow development of the project site to 12.0 FAR.
- 6) Large Scale General Development (LSGD)—Approval to designate the project site as an LSGD pursuant to the Zoning Resolution of the City of New York (ZR) Sec. 74-74 et seq., which would include special permits to waive yard, court, and height and setback regulations.

#### *New York State Department of Health*

A Certificate of Need (CON) is required from the New York State Department of Health for the proposed MSK ACC. Pursuant to New York State's Public Health Law Section 2802, New York's CON process governs establishment, construction, renovation, and major medical equipment acquisitions of hospitals.

#### *Dormitory Authority of the State of New York*

MSK may seek funding through DASNY. CUNY expects to use funding through DASNY. Therefore, DASNY would be an involved agency. 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.

#### **STATEMENT OF SIGNIFICANT EFFECT:**

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement (EIS) is required to evaluate and disclose the extent to which impacts may occur.

Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use, zoning, and public policy;
- 2) The potential for substantial open space impacts;
- 3) The potential for substantial impacts as a result of shadows;
- 4) The potential for substantial impacts related to historic and cultural resources;
- 5) The potential for substantial urban design/visual resource impacts;
- 6) The potential for substantial impacts related to hazardous materials;
- 7) The potential for substantial impacts related to the water and sewer infrastructure;
- 8) The potential for substantial impacts related to transportation;
- 9) The potential for substantial impacts related to air quality;
- 10) The potential for substantial greenhouse gas emissions;
- 11) The potential for substantial impacts related to noise;
- 12) The potential for substantial impacts related to public health;
- 13) The potential for substantial impacts related to neighborhood character; and

- 14) The potential for substantial construction impacts.

**Statement in Support of Determination:**

The above determination is based on the finding that:

- 1) The project would require several actions, including a disposition of City-owned property, a rezoning of the project site, a zoning text amendment, and special permits. The proposed actions would directly affect the land use on the project site, which is located within the City's coastal zone. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) The project would exceed CEQR thresholds for a detailed open space analysis. Therefore, a detailed open space analysis will be conducted.
- 3) The proposed project would result in new buildings that would be greater than 50 feet in height. Therefore, a shadows assessment will be performed to determine how project-generated shadow would affect sunlight sensitive resources.
- 4) An analysis of the project's potential effects on historic and cultural resources will be performed.
- 5) Development of the proposed project would result in new buildings on the project site requiring land use approvals relating to bulk, setbacks, lot coverage and yards that would result in physical differences to what would be allowed under existing zoning. Those differences could be observed by a pedestrian from street level; therefore, a preliminary assessment of urban design and visual resources will be undertaken.
- 6) Because the proposed project would result in soil disturbance activities, and because site assessments have indicated that certain measures should be implemented during project construction, an analysis of hazardous materials will be provided.
- 7) The proposed project would exceed the CEQR thresholds for wastewater and stormwater analysis. Therefore, an analysis of potential effects of the proposed project on wastewater and stormwater infrastructure will be provided.
- 8) The proposed project would exceed the thresholds in Table 16-1 of the *CEQR Technical Manual*, and consequently could have significant traffic, parking, pedestrian, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be provided.
- 9) The proposed project would result in new stationary and mobile sources of pollutant emissions. The stationary source air quality impact analysis will address the effects of emissions from combustion sources of emissions on pollutant levels; it will also include analysis of potential fume hood spills because of laboratories in each of the proposed buildings. Mobile sources would include increased traffic. Therefore, an analysis of the potential air quality impacts of the proposed project is warranted and will be provided.
- 10) The proposed project would exceed the CEQR analysis threshold of 350,000 gross square feet of development requiring an assessment of greenhouse gas (GHG) emissions. Therefore, a GHG consistency assessment will be provided.
- 11) The proposed project would introduce new uses to the project site; therefore, the noise analysis will examine the effects of ambient noise sources on the proposed uses. In addition, the noise analysis will examine the potential for traffic to result in noise impacts along East 74th Street.

- 12) According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 13) Neighborhood character is determined by a number of factors, including: land use, zoning, and public policy; open space; historic and cultural resources; urban design and visual resources; transportation; and noise. As the project represents a substantial change that could affect the character of the surrounding area, an assessment of neighborhood character will be provided.
- 14) Construction of the project would occur over a period of approximately 55 months, and could effect: transportation systems; air quality; noise; hazardous materials; and other technical areas. Therefore, an analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Economic Development directs that a Draft Environmental Impact Statement be prepared in accordance with Title 6 of the New York Code, Rules and Regulations (NYCRR) § 617.9 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

### **Public Scoping:**

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft EIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft EIS.

A public meeting has been scheduled for Thursday November 1, 2012 to provide a forum for public comments on the Draft Scope of Work. The public meeting will be held at the Kaye Playhouse at Hunter College (located on the north side of East 68th Street, just west of Lexington Avenue). The scoping meeting will commence 6:30 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Wednesday, November 14, 2012.

Copies of the Environmental Assessment Statement (EAS), Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination  
100 Gold Street, 2nd Floor  
New York, New York 10038  
Telephone: (212) 788-9956

These documents are also available on the website of the Mayor's Office of Environmental Coordination.

Requests for additional information may be directed to:

New York City Economic Development Corporation  
Art Aguilar, Assistant Vice President  
110 William Street, 3rd Floor  
New York, NY 10038  
(212) 618-5763

Written comments will be accepted until 5:00 P.M. on Wednesday November 14, 2012, and may be submitted at the public scoping meeting or to Robert Kulikowski at the Mayor's Office of Environmental Coordination (see above address).

The Positive Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.



Robert R. Kulikowski, Ph.D.  
Assistant to the Mayor

October 2, 2012  
Date